

University Inn, you are responsible for the difference between the amount charged by the University Inn for your room and meals and the accommodations you select. Please note that the University Inn includes five (5) breakfast meals and three (3) dinner meals per week in their customary charge, and that luncheons are served at the National Judicial College. Therefore, if you are not staying at the University Inn, you may submit a travel voucher for meals and accommodations up to the amount that would have been paid to the University Inn.

Direct any questions concerning why deductions were made from your pay check or how they were calculated, to the Director of Court Services.

- G. **Smoking.** Smoking in any state owned judicial building or facility is prohibited. This policy applies equally to all employees and members of the public.

FOR STATE COURT

VIII. Employee Conduct

EMPLOYEE

The Idaho Code of Judicial Conduct guides the conduct of judges and judicial officers. All other employees must follow the Code of Conduct for Non-Judicial Employees, which has been adopted by the Idaho Supreme Court and is set forth in VIII N. Attorneys employed by the Judicial Branch must also conform their conduct to the Model Rules of Professional Conduct for Attorneys. In addition, the following guidelines should be observed by all Judicial Branch officers and employees.

- A. **Political Activity.** Political activity on the part of Supreme Court justices, Court of Appeals judges, district court judges, and magistrate judges is governed by the Code of Judicial Conduct, as approved by the Idaho Supreme Court, and any such additional canons or codes that may be adopted or may be amended from time to time by the Idaho Supreme Court. Political activity of all other judicial employees shall be governed by the Code of Conduct for Non-Judicial Employees.
- B. **Personal Use of Work Time.** Personal use of work time is discouraged and may result in discipline or termination of the employee.
- C. **Personal Conduct.** Employees of the Judicial Branch are to remember that, at all times, their actions will reflect upon the Judicial Branch. They shall avoid impropriety and the appearance of impropriety in their work and personal lives. Employees shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity of the judiciary.
- D. **Attendance and Punctuality.** To maintain an efficient work environment, the Judicial Branch expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the Judicial Branch. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.
- E. **Conflicts of Interest.** Conflicts of interest on the part of Supreme Court justices, Court of Appeal judges, district court judges, and magistrate judges are governed by the Code of Judicial Conduct and additional canons and codes as may be adopted by the Supreme Court. Conflicts of interest of all other judicial employees are governed by the Code of Conduct for Non-Judicial Employees (see Section VIII, N.). Attorneys employed by the Judicial Branch are also governed by the Model Rules of Professional Conduct for Attorneys.

- F. **Drug and Alcohol Use.** It is the Judicial Branch's desire and intent to provide a drug and alcohol-free, healthful, and safe workplace. To promote this goal, judicial employees are required to report to work in an appropriate mental and physical condition to perform their job in a satisfactory manner.

While on court premises, no judicial employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair a judicial employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger fulfilling their judicial responsibilities or other individuals in the workplace.

Violations of this policy may lead to disciplinary action up to and including immediate termination of employment and/or required participation in a substance abuse, rehabilitation, or treatment program. Such violations may also have other legal consequences.

Judicial employees with questions or concerns about substance abuse or dependency are encouraged to discuss these matters with their supervisor or the Administrative Director of the Courts to receive assistance or referral to appropriate resources in the community. Employees with drug or alcohol problems that have not resulted in and are not the immediate subject of disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program. Leave may be granted if the judicial employee agrees to abstain from use of the problem substance, abides by all judicial policies, rules, and prohibitions relating to conduct in the workplace, and if granting the leave will not cause the Judicial Branch any undue hardship.

- G. **Return of Property.** Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must return all Judicial Branch or state property immediately upon request or upon termination of employment. Where permitted by applicable laws, the Judicial Branch may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The Judicial Branch may also take all action deemed appropriate to recover or protect state property.
- H. **Confidentiality/Nondisclosure.** Judicial Branch employees shall not communicate any confidential information about matters before the courts to any person or entity unless the recipient of the information is a Judicial Branch employee and disclosure of the information is necessary for the performance of one's employment duties. Please also refer to the Code of Judicial Conduct, Model Rules of Professional Conduct for Attorneys, and Code of Conduct for Non-Judicial Employees, as applicable.
- I. **Personal Appearance.** Judicial Branch employees shall observe common norms of business attire and grooming while carrying out their duties, and shall refrain from immodest, inappropriate, or outrageous dress or grooming. Judicial employees, when authorized and approved by their supervisor, may dress in a casual manner when their attire will not disrupt or reflect poorly upon the Judicial Branch.
- J. **Security/Inspections.** All persons and their belongings which enter a courthouse, law library, or other Judicial Branch facility are subject to warrantless search at any time for the security of all Judicial Branch employees. All threats or perceived threats to the safety or security of any person or any Judicial Branch property shall be immediately reported to the employee's supervisor and the Administrative Director of the Courts.

- K. **Solicitation.** Solicitation regarding any non-court business directed toward any Judicial Branch employee is forbidden during working hours and on state or county property.
- L. **Visitors in the Work Place.** To provide for the safety and security of employees and the facilities of the Judicial Branch, only authorized visitors are allowed in the workplace. Employees are responsible for the conduct and safety of their visitors. If an unauthorized individual is observed on Judicial Branch's premises, employees should immediately notify their supervisor.
- M. **Use of Judicial Branch Equipment.** Telephones, computers, computer files, the Internet, the E-mail system, and software furnished to employees are state or county property intended for business use. However, this equipment and property may be used for personal use consistent with the Judicial Branch's equipment policy, outlined in this section. Employees should not use a password, access a file, or retrieve any stored information without authorization. To ensure compliance with this policy, computer and E-mail usage may be monitored.

The Judicial Branch strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the Judicial Branch prohibits the use of computers, the E-mail system, or its equipment in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others. Inappropriate use of Judicial Branch equipment or property can result in an employee's discipline.

The policy of the Idaho Supreme Court for the use of office telephones, fax equipment, the Internet, e-mail, computers and copiers outlined below is designed to guide effective and appropriate use of these resources.

1. **Telephone Communications:** Employees are allowed to use office phones for personal, non-commercial, non-political communications on their personal time, as long as such use does not involve any additional cost to the state or interfere with other office business. Local calls of a personal nature may be made, but any long distance calls must be made collect or made with the use of calling or credit cards.
2. **Faxes:** Like telephones, office fax equipment may be used for personal, non-commercial, non-political communications by employees on their own personal time, as long as such use does not involve any additional cost to the State or interfere with other office business. Local call faxes may be sent from office fax machines. Office fax machines may be used to send long distance faxes when the user reimburses the State through the Court Services Office at twenty-five (25) cents per page. Personal, non-commercial, non-political faxes may be received on office fax machines, as long as they do not consume unreasonable office resources or cause congestion or disruption of office operations.
3. **Internet and Electronic Mail (E-mail):** Personnel of the Idaho Supreme Court are encouraged to use the Internet to its fullest potential to:
 - Further the operation of the judiciary
 - Provide effective service to the public
 - Identify innovative and creative methods to utilize resources and improve service
 - Promote professional development

Personnel may use the Internet to conduct official business. Additionally, the Internet may be used for personal, non-commercial, non-political purposes on personal time. Because a flat fee is paid by the State for all Internet access, no additional costs are incurred through personal use of the Internet. Conversely, personal use of the Internet offers staff an opportunity to develop skills and identify valuable Internet resources. The public and the judiciary benefit by permitting personnel to use their own time to enhance these skills.

4. **General Guidelines for Internet Usage:** The following guidelines are provided to assist personnel in the appropriate use of the Internet and e-mail. Disregard for these guidelines or other improper use of these resources may result in the removal of these resources from a workstation or other appropriate corrective action.

- Users have an obligation to utilize the Internet and communicate via e-mail in a professional and responsible manner, conforming to network etiquette, general office courtesies and behaviors.
- Each user is individually responsible for the content of any communication sent via e-mail or placed on the Internet.
- Users are not allowed to download onto State-owned computers executable files or application software (including, but not limited to, utility software, freeware, and shareware) without obtaining prior authorization from the Director of Information Systems. If authorization for a download is approved, the download must be made to diskette to allow for the checking of the file for viruses.
- Users shall respect applicable copyright and software licensing agreement.

5. **Inappropriate Conduct or Use of Internet and E-Mail**

- Use of the Internet or e-mail that violates United States or Idaho laws.
- Use of the Internet or e-mail to transmit or obtain threatening, obscene, harassing or malicious materials.
- Use of abusive or objectionable language in either public or private messages.
- Misrepresentation of oneself or the Idaho Supreme Court.
- Activities or uses that may cause congestion or disruption of networks or systems including, but not limited to, such activities as the distribution of chain letters or unsolicited advertising.
- Use of the Internet or e-mail for commercial or political purposes.

To ensure compliance with these policies, a department supervisor may request that the Director of Information Services monitor Internet and e-mail usage of staff suspected of abusing these resources.

6. **Personal Computers or Network Workstations:** Personal computers, network workstations, and their attendant software provided to personnel of the Idaho Supreme Court are state property. Personnel may use their personal computers or workstations for personal, non-commercial, non-

political purposes on their personal time. Such use offers personnel the opportunity to develop skills and familiarity with software that ultimately benefits the operation of the judiciary.

7. **General Guidelines:**

- Only approved software may be used on personal computers. The installation of other software, including screen savers and entertainment software, on a personal computer is

- allowed only if prior approval is obtained from the Director of Information Services
 - Personnel recognize that all files stored on their personal computers or network servers are not private and may be examined.
 - Personnel are prohibited from duplicating software and related documentation provided on State-owned computers or workstations.
8. **Copiers**: Personnel may use office copiers for personal, non-commercial, non-political purposes on their personal time as long as such use does not cause a disruption to office operations. Users must keep track of the number of copies made and reimburse the State through the Court Services Office at five (5) cents a copy.
9. **Color Printer**: A color printer is available in the Supreme Court building. Due to its special configuration, all requests for printing color copies should be directed to the Court Services Office, for scheduling and reimbursement costs.
10. **Distance Learning Equipment**: Distance learning equipment is available in the Supreme Court building. All requests for use of the distance-learning equipment should be directed to the Court Services Office, for scheduling and for reimbursement costs.

N. **Code of Conduct for Non-Judicial Employees**

1. **Abuse of Position**

- a. No employee shall use or attempt to use his or her official position to secure unwarranted privileges or exemptions for the employee or others.
- b. No employee shall accept, solicit, or agree to accept any gift, favor or anything of value based upon any understanding, either explicit or implicit, that the official actions, decisions or judgment of any employee would be influenced thereby. Gifts that do not violate this prohibition against abuse of position are further regulated in Section Three, Subsection B.6.
- c. No employee shall discriminate by dispensing special favors to anyone, whether or not for remuneration, nor shall any employee so act that the employee is unduly affected or appears to be affected by kinship, rank, position or influence of any party or person.
- d. No employee shall request or accept any fee or compensation, beyond that received by the employee in his or her official capacity, for advice or assistance given in the course of his or her public employment.
- e. Each employee shall use the resources, property and funds under the employee's official control judiciously and solely in accordance with prescribed statutory and regulatory procedures.
- f. Each employee shall immediately report to the appropriate authority any attempt to induce him or her to violate any of the standards set out above.

2. **Confidentiality**

- a. No employee shall disclose to any unauthorized person for any purpose any confidential information acquired in the course of employment, or acquired through unauthorized disclosure by another.

- b. Confidential information includes, but is not limited to, information on pending cases that is not already a matter of public record and information concerning the work product of any judge, law clerk, staff attorney or other employee including, but not limited to, notes, papers, discussions and memoranda.
- c. Confidential information that is available to specific individuals by reason of statute, court rule or administrative policy shall be provided only by persons authorized to do so.
- d. Every employee shall report confidential information to the appropriate authority when the employee reasonably believes this information is or may be evidence of a violation of law or of unethical conduct. No employee shall be disciplined for disclosing such confidential information to an appropriate authority.
- e. Supervisors should educate employees about what information is confidential and, where appropriate, should designate materials as confidential.
- f. Employees are not precluded from responding to inquires concerning court procedures, but an employee shall not give legal advice. Standard court procedures, such as the method for filing an appeal or starting a small claims action, should be summarized in writing and made available to litigants. All media requests for information should be referred to the employee designated for that purpose.
- g. No employee shall either initiate or repeat ex parte communications from litigants, witnesses or attorneys to judges, jury members or any other person.
- h. A former employee should not disclose confidential information when disclosure by a current employee would be a breach of confidentiality.

3. Conflict of Interest

- a. Every employee shall avoid conflicts of interest, as defined below, in the performance of professional duties. Even though no misuse of office is involved, such a conflict of interest involving an employee can seriously undermine the community's confidence and trust in the court system. Therefore, every employee is required to exercise diligence in becoming aware of conflicts of interest, disclosing conflicts to the designated authority and ending them when they arise.
 - (1) A conflict of interest exists when the employee's objective ability or independence of judgment in the performance of his or her job is impaired or may reasonably appear to be impaired or when the employee, or the employee's immediate family, as defined below, or business would derive financial gain as a result of the employee's position within the court system.
 - (2) No conflict of interest exists if any benefit or detriment accrues to the employee as a member of a profession, business or group to the same extent as any other member of the profession, business or group who does not hold a position within the court system.
 - (3) For the purposes of this Code, "immediate family" shall include the following, whether related by marriage, blood or adoption: spouse; dependent children; brother; sister; parent; grandparent; grandchildren; father-in-law, mother-in-law; son-in-law, daughter-in-

law; stepfather, stepmother; stepson, stepdaughter; step-brother, stepsister; half-brother, half-sister.

b. Prohibited Activities:

- (1) No employee shall enter into any contract with the court system for services, supplies, equipment, leases or realty, apart from the employment contract relating to the employee's position, nor use that position to assist any member of his or her immediate family in securing a contract with the court system in a manner not available to any other interested party.
- (2) No employee shall receive tips or other compensation for representing, assisting or consulting with parties engaged in transactions or involved in proceedings with the court system.
- (3) No employee shall participate in any business decision involving a party with whom either the employee or any member of the employee's immediate family is negotiating for future employment.
- (4) No former employee shall engage in transactions or represent others in transactions or proceedings with the court system for one (1) year after termination of employment in any matter in which the former employee was substantially involved or in any dealings with offices or positions that the former employee once held.
- (5) No employee shall knowingly employ, advocate or recommend for employment any member of his or her immediate family within the judicial branch.
- (6) No employee shall solicit, accept or agree to accept any gifts, loans, gratuities, discounts, favors, hospitality or services under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the employee in the performance of official duties.
 - (a) Nothing in this section shall prohibit an employee from accepting a public award presented in recognition of public service.
 - (b) Nothing in this section shall prohibit an employee from receiving a commercially reasonable loan made as part of the ordinary transaction of the lender's business.

- (c) Nothing in this section shall prohibit any person from donating a gift to a group of employees, e.g. all the employees of an office or unit of the court system, provided that the value and circumstances of the gift are such that it could not be reasonably inferred that the gift would influence the employees in the performance of their official duties or that such influence was the purpose of the donor, and provided that any employee accepting such a gift promptly reports the gift to the supervisor, who shall be responsible for its proper distribution. Gifts received with the understanding that they will influence employees' official actions, decisions or judgments are prohibited as abuse of office in Section One, Subsection B.
 - (d) Nothing in this section shall prohibit any person or group from donating a gift of historical or other significant value that is given for the benefit of the court system, provided that such a gift is received on behalf of the court system by the appropriate designated authority.
 - c. Each full-time employee's position with the court system must be the employee's primary employment. Outside employment is permissible only if it complies with all the following criteria:
 - (1) The outside employment is not with an entity that regularly appears in court or conducts business with the court system, and it does not require the employee to have frequent contact with attorneys who regularly appear in the court system; and
 - (2) The outside employment is capable of being fulfilled outside of normal working hours and is not incompatible with the performance of the employee's duties and responsibilities; and
 - (3) The outside employment does not require the practice of law; and
 - (4) The outside employment does not require or induce the employee to disclose confidential information acquired in the course of and by reason of official duties; and
 - (5) The outside employment shall not be within the judicial, executive or legislative branch of government without written consent of both employers; and
 - (6) Where a conflict of interest exists or may reasonably appear to exist or where the outside employment may reflect adversely on the integrity of the court, the employee shall inform the appropriate designated authority prior to accepting the other employment.

4. Political Activity

- a. Each employee retains the right to vote as the employee chooses and is free to participate actively in political campaigns during non-working hours. Such activity includes, but is not limited to, membership and holding office in a political party, campaigning for a candidate in a partisan election by making speeches and making contributions of time or money to individual candidates, political parties or other groups engaged in political activity. An employee who chooses to participate in political activity during off-duty hours shall not use his or her position or title within the court system in connection with such political activities.
- b. With the exception of officers of the court who obtain their position by means of election, no employee shall be a candidate for or hold partisan elective office. With the same exception, an

employee who declares an intention to run for partisan elective office shall take an unpaid leave of absence upon the filing of nomination papers. If elected, he or she shall resign. An employee may be a candidate for non-partisan elective office or may be appointed to a non-partisan office without separating from employment, provided that the employee complies with the requirements in this Code concerning performance of duties, conflicts of interest, etc.

- c. No employee shall engage in any political activity during scheduled work hours, or when using government vehicles or equipment, or on court property. Political activity includes, but is not limited to:
 - (1) Displaying campaign literature, badges, stickers or vehicle bumper stickers, signs or other items of political advertising on behalf of any party, committee, agency or candidate for political office;
 - (2) Using official authority or position, directly or indirectly, to influence or attempt to influence any other employee in the court system to become a member of any political organization or to take part in any political activity;
 - (3) Soliciting signatures for political candidacy or political issues;
 - (4) Soliciting or receiving funds for political purposes.
- d. No employee shall discriminate in favor of or against any employee or applicant for employment on account of political contributions or permitted political activities.

5. Performance of Duties

- a. Every employee shall endeavor at all times to perform official duties properly and with diligence. Every employee shall apply full-time energy to the business and responsibilities of the employee's office during working hours.
- b. Every employee shall carry out responsibilities as a servant of the public in as courteous a manner as possible.
- c. Every employee shall maintain or obtain current licenses or certificates as a condition of employment as required by law or court rule.
- d. No employee shall alter, falsify, destroy, mutilate, backdate or fail to make required entries on any records within the employee's control. This provision does not prohibit alteration or expungement of records or documents pursuant to a court order.
- e. No employee shall discriminate on the basis of nor manifest, by words or conduct, bias or prejudice based on race, religion, national origin, gender, sexual orientation or political affiliation in the conduct of service to the court.
- f. No employee shall give legal advice or recommend the names of private attorneys.
- g. No employee shall refuse to enforce or otherwise carry out any properly issued rule or order of court, nor shall employees exceed that authority. No employee shall be required to perform any duties outside the scope of the assigned job description.

- h. Every employee shall immediately report violations of this Code to the appropriate designated authority.
- i. Employees who are law students, attorneys or members of other professional groups are also bound by the appropriate professional duties of those roles.

6. Supervisors

- a. Supervisors regularly shall update their education.
 - b. Supervisors shall require employees subject to their direction and control to observe the ethical standards set out in this Code.
 - c. Supervisors shall diligently discharge their administrative responsibilities, maintain professional competence in judicial administration and facilitate the performance of other court employees.
 - d. Supervisors shall take action regarding any unethical conduct of which they may become aware, initiating appropriate disciplinary measures against an employee for any such conduct and reporting to appropriate authorities evidence of any unethical conduct by judges or lawyers.
 - e. Supervisors shall not act as leaders in or hold office in any political organization, make speeches for any political organization or publicly endorse a candidate for political office.
- O. Safety. Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the department supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the appropriate supervisor and Court Services Director. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

IX. Employee Discipline

- A. Some Grounds for Discipline or Termination. To ensure orderly operations, superior performance of duties, and provide the best possible work environment, the Judicial Branch expects its employees to follow rules of conduct that will advance and protect the interests and safety of all employees of the Judicial Branch.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of conduct that is deemed unacceptable:

1. Theft or inappropriate removal or possession of property.
2. Falsification of timekeeping or other employee records.
3. Working under the influence of alcohol or illegal drugs, or testing positive for alcohol or illegal