

# SUPREME COURT & CIRCUIT COURT



## EMPLOYEE INFORMATION AT-WILL EMPLOYEES

**JULY 2002**

(As amended 01/01/03; 05/25/04; 01/01/05; 07/01/06; 03/18/11; 7/1/14)

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**DISCLAIMER**

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**ANY INDIVIDUAL MAY VOLUNTARILY LEAVE EMPLOYMENT OR MAY BE DISMISSED BY HIS/HER EMPLOYER AT ANY TIME FOR ANY REASON. ANY ORAL OR WRITTEN STATEMENTS OR PROMISES THAT ARE CONTRARY TO EMPLOYMENT AT-WILL ARE HEREBY EXPRESSLY DISAVOWED AND SHOULD NOT BE RELIED UPON BY ANY PROSPECTIVE OR EXISTING EMPLOYEE.**

**THIS EMPLOYEE INFORMATION IS SUBJECT TO CHANGE AT ANY TIME AT THE SOLE DISCRETION OF THE BOARD OF JUDICIAL POLICY AND ADMINISTRATION. THE BOARD OF JUDICIAL POLICY AND ADMINISTRATION EXPLICITLY RESERVES THE RIGHT TO MODIFY, CHANGE, ADD OR DELETE ANY PROVISIONS HEREIN AT ANY TIME.**

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**AT-WILL EMPLOYMENT**

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You have been hired as an at-will employee. That means you can be terminated at any time for no given cause. No information contained in this document gives you any right to continued employment or to any progressive discipline. You may be terminated with or without cause, without any notice.

Before you begin your employment, you must sign the acknowledgment below indicating your understanding of your employment status.

I UNDERSTAND THAT I AM AN AT-WILL EMPLOYEE WHICH MEANS MY EMPLOYMENT CAN BE TERMINATED AT ANY TIME FOR NO GIVEN CAUSE OR REASON. I UNDERSTAND THAT MY SUPERVISOR HAS THE RIGHT TO TERMINATE MY EMPLOYMENT AT ANY TIME WHETHER OR NOT I HAVE VIOLATED ANY RULE.

(SIGNED ORIGINAL IS IN PERSONNEL FILE AT THE COURT SERVICES OFFICE.)

SIGNATURE \_\_\_\_\_

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

WITNESSED BY \_\_\_\_\_ DATE \_\_\_\_\_

PAGES \_\_\_\_\_

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## I. WORK CONDITIONS, PAYROLL, AND HOURS

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### A. **COMPENSATION/LONGEVITY PAY**

Supreme Court and Circuit Court employees are paid monthly on the last working day of the month. Newly hired employees may experience some delay if complete information is not received by the payroll clerk or if the day of hire is after submission of the payroll for a given month. Employees are encouraged to use direct deposit. Any employee who receives a check, rather than using direct deposit, may experience some minor delay in the receipt of the check. Temporary employees will be paid promptly in accordance with policies established for submission of vouchers or other billings.

Employees are eligible for longevity pay in accordance with procedures established by the State of Wyoming. Wyo. Stat. Ann. § 9-2-1022(c)(v) (LexisNexis 2001).

### B. **WORK SCHEDULES**

Supervisors will advise employees of each employee's work schedule. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be worked each day and week.

### C. **REIMBURSEMENT FOR TRAVEL TO AND FROM WORK**

If an employee is required to travel away from his/her normal work area, such employee will be reimbursed for mileage regarding such travel. However, an employee will not be reimbursed for mileage for travel to and from work.

### D. **OUT-OF-STATE TRAVEL POLICY**

1. Reimbursement for out -of-state travel shall comply with Wyo. Stat. Ann. §§ 9-3-102 and 9-3-103.
2. Advanced written approval is required as follows for out-of-state travel:
  - a. By the Chief Justice for the Senior Staff Attorney, the Court Administrator, and the Supreme Court Clerk and his or her employees;
  - b. By the Justice for employees within his or her own chambers;
  - c. By the Court Administrator for administrative office, court technology, law library, and Circuit Court employees.
3. Staff attorneys at the Supreme Court may annually attend either the Wyoming State Bar Meeting or another continuing education program. The travel cost for attending a program other than the Wyoming Sate Bar Meeting shall not exceed the cost of attending the Wyoming State Bar Meeting. During any year that the Wyoming State Bar Meeting is held in

Cheyenne, no travel costs will be allowed for attending an alternative program.

4. Out-of-state travel is limited to individuals who are in positions that would derive job-related benefit from such travel, and the particular program must be directly related to and benefit that position.
5. Exceptions to these policies must be approved in writing by the Chief Justice.

**E. COMPENSATION UPON TERMINATION**

1. Vacation leave. A separated employee or the beneficiary of a deceased employee shall receive payment for the current balance of unused vacation leave. Such payments shall be computed using the employee's hourly compensation rate.
2. Sick leave. A separated employee or the beneficiary of a deceased employee shall receive payment for one-half of the current balance of unused sick leave not to exceed 480 hours. Such payments shall be computed using the employee's hourly compensation rate.
3. Compensatory time. A separated employee or the beneficiary of a deceased employee shall receive payment for the current balance of unused compensatory time not to exceed 240 hours. Such payments shall be computed using the employee's hourly compensation rate.
4. Restrictions. A separated employee who has been paid for accumulated vacation and/or sick leave, and who is rehired by the State of Wyoming within 31 days of the separation, shall reimburse the State for all sick or vacation leave payments within 31 days after being rehired. Accumulated balances of sick or vacation leave at the time of separation shall be restored to the employee. Any employee failing to reimburse the State for such payments may be subject to termination.

**F. EQUAL OPPORTUNITY**

All employees shall be recruited, selected, trained, promoted, retained, and terminated without regard to race, national origin, religious creed, age, gender or disability, unless such is related to a bona fide occupational qualification.

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## II. BENEFITS

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### A. **WORKER'S COMPENSATION**

Supreme Court and Circuit Court employees are covered by workers' compensation. Any on-the-job injury that an employee suffers should be immediately reported to a supervisor, and the supervisor shall assist the employee in submitting any required workers' compensation claim. The supervisor to whom an on the job injury is reported will then report that matter to the Court Services Office for payroll purposes. A booklet providing information and guidance on filing a workers' compensation claim is available from the Workers' Compensation Division.

### B. **AMERICANS WITH DISABILITIES ACT**

The Supreme Court and Circuit Courts fully comply with the Americans With Disabilities Act (ADA).

### C. **FAMILY MEDICAL LEAVE ACT**

An employee who has at least 1,250 hours of service during the previous 12 month period shall be entitled to a total of 12 weeks of unpaid leave during the 12-month period commencing when any leave is first used for one or more of the following reasons:

1. Because of the birth of a child of the employee and in order to care for such child;
2. Because of the placement of a child with the employee for adoption or foster care;
3. In order to care for the spouse, or a child, or parent of the employee, if such spouse, child, or parent has a serious health/medical condition;
4. Because of a serious health/medical condition that makes the employee unable to perform the functions of the position of the employee;
5. For certain qualifying exigencies when an employee's spouse, child, or parent is on covered active duty or call to covered active duty in the Armed Forces, including the National Guard or Reserves; or
6. In certain situations, to care for a current service member or veteran of the employee's family with a serious injury or illness.

The employee shall give 30 days' notice of a request for leave under subparagraphs 1 and 2 above, or reasonable notice if 30 days is impracticable, and shall provide proof of entitlement to leave. That notice must be in writing, stating the reasons for the leave, the starting date, and the planned date for return to work, and be delivered to the employee's supervisor, who will then report that matter to the Court Services Office for payroll purposes. The entitlement to leave under subparagraphs 1 and 2 shall expire at the end of the 12 months beginning on the date of the birth or placement. Leave under paragraphs 1 and 2, above, shall not be taken intermittently or on a reduced

leave schedule unless the employee and his/her supervisor agree or unless it is medically necessary.

Unless also receiving workers' compensation benefits, employees are required to use all accrued sick leave and annual leave or any donated sick leave allowed concurrently with any FMLA leave. An employee may also request to use compensatory time during this twelve-week period. All terms of this section shall be interpreted in accordance with the Family and Medical Leave Act of 1993 (FMLA) of the United States.

During a period of family or medical leave, an employee will be retained on the State's health plan under the same conditions that applied before the leave commenced. To continue health coverage, the employee must continue to make any contributions that he/she made to the plan before taking leave. Failure of the employee to pay the required share of the health insurance premium may result in loss of coverage.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the State of Wyoming for payment of health insurance premiums during the family leave, unless the reason the employee fails to return is the existence of a serious health/medical condition which prevents the employee from performing the employee's job or other exigent circumstances beyond the employee's control.

Time elapsed while an employee is on Family and Medical Leave shall be considered hours worked. However, during any unpaid leave, an employee is NOT entitled to the continued accrual of any seniority or employment benefits that would have accrued if the employee had not taken unpaid leave. An employee who takes family or medical leave will not lose any seniority or employment benefits that accrued before the date the leave began. An FMLA leave period will not be counted as a break in service for purposes of vesting or eligibility to participate in benefit programs.

When required by law, an employee eligible for family and medical leave will be restored to the employee's old position or to a position with equivalent pay, benefits, and other terms and conditions of employment.

If an employee wishes to return to work prior to the expiration of a family or medical leave of absence, notification must be given to the employee's supervisor at least five working days prior to the employee's planned return.

The failure of an employee to return to work upon the expiration of a family or medical leave of absence may result in the termination of employment. An employee who requests an extension of family or medical leave due to the continuation, recurrence or onset of the employee's own serious health condition, or of a serious health/medical condition of the employee's spouse,

child or parent, must submit a request for an extension, in writing, to the employee's supervisor, who will report that matter to the Court Services Office for payroll purposes. This written request should be made as soon as the employee realizes that he/she will not be able to return at the expiration of the leave period.

If circumstances arise concerning FMLA, which are not specifically addressed by this policy statement, the employee should consult with his/her supervisor or the Court Services Office for clarification. Please review the Employee Rights and Responsibilities Notice for further information. A copy is attached as Appendix A.

**D. INSURANCE COVERAGE**

Eligible Supreme Court and Circuit Court employees may participate in term life insurance, retirement plans, and group health and accident insurance in accordance with the established State policies for employees. Optional dental insurance, optional vision insurance, optional short-term or long-term disability insurance, and optional additional life insurance are also available. Employees may opt for pre-tax payment of premiums, and may establish a pre-tax medical expense and/or child care account.

**E. OVERTIME**

The Supreme Court and Circuit Courts fully comply with the minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA). Judicial Officers and the administrative employees (Court Administrator, Deputy Court Administrator, Clerk of Court, Chief Fiscal Officer, Chief Information Officer, Senior Staff Attorney, Law Librarian, Law Clerks, Chief Clerks of the Circuit Courts, and Judicial Assistants of the Supreme Court) are deemed exempt from the overtime provisions of the FLSA as executives, administrators, or professionals. All employees of the Circuit Courts, excluding the Judges and Chief Clerks, are not exempt from the FLSA. Employees of the Supreme Court and Circuit Courts who are not exempt from the overtime provisions of the FLSA are entitled to be compensated for overtime work in excess of 40 hours per workweek at a rate of one and one-half times his/her regular hourly salary. 29 U.S.C. 201 et. seq. All overtime work in the Supreme Court and Circuit Courts must be approved in advance and in writing by the Chief Fiscal Officer (See Appendix B). Overtime by employees covered by the FLSA may be compensated by time off under some circumstances (compensatory leave).

For purposes of calculating overtime, the workweek begins at 12:01 a.m. Saturday, continues through seven consecutive days (168 hours) and shall end at 12:00 midnight on Friday. The Court Administrator shall approve exceptions to this workweek. The normal hours of business are Monday through Friday, 8:00 a.m. to 5:00 p.m. An employee will receive compensation at a rate of time and one-half for any hours worked over 40 hours in one workweek, providing that the employee did not take time off as

sick leave, annual leave, administrative leave, an inclement weather day, or time off without pay. The employee must have actually worked 40 hours.

If an employee worked on Sunday or Saturday and then used sick leave, annual leave, administrative leave, an inclement weather day or leave without pay within that same workweek, the employee will receive compensation at the regular hourly rate. However, if an employee must work on a Saturday or Sunday within a week that has a holiday, the employee will be paid time and one-half for any hours actually worked, providing: the employee did not take time off as sick leave, annual leave, administrative leave, an inclement weather day, or leave without pay. If an employee worked on Saturday or Sunday, received a day off for a holiday and then used sick leave, annual leave, administrative leave, an inclement weather day, or leave without pay, within that same workweek, the employee will receive compensation at their regular hourly rate.

If circumstances arise concerning overtime compensation, which are not specifically addressed by this policy statement, the employee should consult with his/her supervisor or the Chief Fiscal Officer for clarification. See 29 U.S.C. 201 et seq. (it may also be prudent to consult with the Wyoming Department of Employment, Division of Labor Standards for the most recent applicable standards).

**F. COBRA (CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT)**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the State's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours, or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements. Under COBRA, the employee or beneficiary pays the full cost of coverage at the State's group rates plus an administration fee. The Supreme Court and Circuit Courts provide each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the State's health insurance plan. The notice contains important information about the employee's rights and obligations.

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### III. VACATION/LEAVE

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All employees using leave in any category must submit requests for leave on forms approved by the Board of Judicial Policy and Administration (See Appendices C and D). Employees should request leave in writing, to their supervisor, as early as possible. There is no assurance that any particular dates for leave or vacation will be granted. The employee's supervisor will then forward a copy of approved leave forms to the Court Services Office for payroll purposes.

#### A. VACATION LEAVE

1. Accrual. Vacation leave accrual rates are determined by the length of completed continuous service as follows:

a. Zero months through 48 months	10 hours per month
b. 49 months through 108 months	12 hours per month
c. 109 months through 168 months	14 hours per month
d. 169 months or more	16 hours per month

2. Service Credits to Rehired Employees. Service credits for non-continuous service shall be immediately granted to a rehired employee claiming prior Executive, Judicial or Legislative Branch service followed by a separation in service. Prior service shall be on record with the Wyoming Retirement System or may be otherwise verified by the employing department. Service credits shall be given for any calendar month during which work was actually performed. (Amendment effective 1/01/03)

3. Monthly Accrual Rates. Employees accrue vacation leave according to the number of hours worked in the month, as follows:

a. 160 or more hours	100% of base
b. 120-159 hours	75% of base
c. 80-119 hours	50% of base
d. 40-79 hours	25% of base
e. 39 or less hours	0% of base

Time elapsed while an employee is on any authorized leave, except a leave without pay, suspension, or educational leave, shall be considered hours worked for purposes of this section.

4. Authorized use. With prior approval, vacation leave may be used by an employee for any purpose, and the supervisor who approves vacation leave shall take into account the needs of the employee and staffing requirements in approving vacation leave. Vacation leave must be used in not less than increments of .5 hours.

5. Carry over from Executive or Legislative Branch. An employee transferring to the Supreme Court or Circuit Courts from the Executive or Legislative Branches may transfer any unused or unpaid vacation leave. Supreme Court or Circuit Court employees transferring to the Executive or Legislative Branches shall be allowed to transfer unused vacation leave.
6. Maximum Accrual of Annual Leave. On December 31st of each year, accrued unused vacation leave in excess of the carry-over maximum shall be reduced to this maximum and the employee shall forfeit the right to use this excess leave. The carry-over maximum, which depends upon completed State service is as follows:
 

a. Zero through 108 months	240 hours (30 days)
b. 109 through 168 months	288 hours (36 days)
c. 169 through 228 months	336 hours (42 days)
d. 229 or more months	384 hours (48 days)

**B. SICK LEAVE**

1. Accrual. Employees accrue sick leave according to the number of hours worked in the month, as follows:
 

a. 160 hours or more	8 hours per month
b. 120-159 hours	6 hours per month
c. 80-119 hours	4 hours per month
d. 40-79 hours	2 hours per month
e. 39 or less hours	no accrual

Time elapsed while an employee is on any authorized leave, except for a leave without pay, suspension, or educational leave, shall be considered hours worked for purposes of this section.

Sick leave may be accrued without limit.

2. Authorized use. Sick leave is available for the employee's medical, dental or optical exams, where the employee is needed to assist a spouse, child or parent in obtaining such exams, actual illness or disability or to care for a spouse, child or parent suffering an illness or disability. Sick leave may also be used in connection with Family Medical Leave. Sick leave must be used in not less than increments of .5 hours.
3. Notification. An employee shall notify a supervisor as soon as possible when using sick leave.
4. Approval. Requests for sick leave must be approved by the employee's supervisor. A supervisor with authority to approve sick leave may at any time require verification of the basis for the leave.

5. Donation of Sick Leave. Any Supreme Court or Circuit Court employee who has accrued a minimum of 80 hours of sick leave may donate up to 16 hours accrued sick leave per calendar year to an employee of another entity participating in the State health insurance program if the entity has adopted a reciprocal personnel policy authorizing the donation of sick leave. Immediate family members may donate an unlimited amount of sick leave (Amendment effective 07/01/06).
6. Advance sick leave. An employee who has used all accrued sick leave, compensatory time, and vacation time, and who has an immediate and reasonable need for sick leave, may be, at the discretion of the employee's supervisor, advanced sick leave not to exceed eight hours for each year of continuous service with the State up to 15 years, and 12 hours for each year beyond 15 years continuous service. Any advanced sick leave shall be repaid by the employee upon return to work at the rate of the employee's monthly vacation and sick leave accrual rates.
7. Carry over from Executive or Legislative Branch. An employee appointed without a separation from the State Executive or Legislative Branch shall be allowed to transfer unused sick leave. The employee shall accrue sick leave according to established policies. Supreme Court and Circuit Court employees transferring to another branch of State government shall be allowed to transfer unused sick leave.

**C. COMPENSATORY LEAVE**

Employees eligible to accrue overtime under the FLSA may take compensatory time in lieu of overtime compensation. Compensatory time may not be used for a length of time that would unduly disrupt the operations of the employee's court. All compensatory time must be approved and scheduled by the employee's supervisor and the State Court Administrator. Any compensatory time which is unused at the time of termination of employment will be compensated through monetary payment in accordance with 29 U.S.C. 207(o)(4). No employee may accrue more than 80 hours of compensatory time. Compensatory time shall be used before taking any vacation leave.

Compensatory time must be used in not less than increments of .5 hours.

**D. LEAVES OF ABSENCE/LEAVES WITHOUT PAY/EDUCATIONAL LEAVE**

Leaves of absence, leaves without pay or educational leave may be granted upon such terms as are approved by the employee's supervisor and the State Court Administrator.

**E. HOLIDAY LEAVE**

Only employees who are eligible to earn vacation leave shall receive holiday leave with pay. The following are holidays recognized by the Supreme Court and Circuit Courts:

1. New Year's Day (January 1)
2. Martin Luther King, Jr./Wyoming Equality Day (third Monday in January)
3. President's Day (third Monday in February)
4. Memorial Day (last Monday in May)
5. Independence Day (July 4)
6. Labor Day (first Monday in September)
7. Veteran's Day (November 11)
8. Thanksgiving Day (fourth Thursday in November)
9. Christmas Day (December 25)
10. Upon declaration of the Chief Justice of the Wyoming Supreme Court, any date declared by the President of the United States as an occasion of national mourning, rejoicing, or observance or national emergency.
11. Such other days as the Chief Justice of the Wyoming Supreme Court may declare to be paid court holidays.

Whenever one of the holidays enumerated in numbers 1-9 above falls on a Saturday, the preceding Friday shall be a holiday, and whenever one of the holidays enumerated in numbers 1-9 above falls on a Sunday, the following Monday shall be a holiday.

**F. JURY/WITNESS DUTY**

An employee subpoenaed as a witness or summoned for jury duty shall be considered to be on administrative leave with pay. Each supervisor shall require appropriate documentation. The employee may retain any witness or juror fees received. Employees are expected to report for work whenever the court schedule permits.

**G. MILITARY LEAVE**

The Supreme Court and Circuit Courts conform to the leave and other requirements set out by WYO. STAT. § 19-11-106, 19-11-107, and 19-11-108 (1999).

**H. BEREAVEMENT LEAVE**

Employees receive up to 32 hours of bereavement leave upon being notified of the death of an immediate family member as defined on page 21, or other person upon approval of the employee's supervisor.

**I. INCLEMENT WEATHER LEAVE**

If the Chief Justice or other Judicial Officer declares that inclement weather, or any other unanticipated work interruption, requires the closure of a court or courts, the employees' time away from work is treated as time worked rather

than as leave in any of the above leave categories. Only employees who are eligible to earn vacation leave receive inclement weather leave with pay, except that any employee who has actually reported for work and then is sent home due to application of inclement weather leave shall be paid for the entire workday for that employee (e.g., eight hours for full-time; lesser hours as applicable for part-time employees).

**J. VOTING LEAVE**

Each employee is allowed one hour away from work to vote in any statewide or local election.

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#### **IV. CONDUCT OF JUDICIAL EMPLOYEES**

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It is essential to the proper functioning of the State that all employees of the Judicial Branch observe high standards of conduct to maintain professionalism in the workplace and public confidence in the integrity and independence of the judicial system. Judicial Branch employees must discharge their duties in a manner that creates confidence ensuring the judicial system is fair and impartial; court decisions, rules, and policies are made through established procedures; and Judicial Branch employees will not misuse their positions to obtain unauthorized benefits. It also is important that Judicial Branch employees foster respect and credibility within the Judicial Branch and within the communities in which they work by adhering to high standards of conduct in the areas of customer service, job performance, personal integrity, professional responsibility, and by avoiding not only impropriety but the appearance of impropriety.

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## V. GENERAL GUIDELINES FOR CONDUCT

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### A. SEXUAL HARASSMENT

The Supreme Court and Circuit Courts strongly disapprove of and do not tolerate sexual harassment. It is the policy of the Board of Judicial Policy and Administration:

- (i) To provide employees with a working environment free from sexual harassment;
- (ii) To communicate the sexual harassment policy and reporting procedures to employees, supervisors and judicial officers; and
- (iii) To recognize the unique nature of complaints of sexual harassment, to encourage early reporting by employees, and to resolve complaints promptly, confidentially, and at the lowest management level possible.

Sexual harassment means unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment, (2) submission to or rejection of such conduct is used as a basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonable interference with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

In determining whether alleged conduct constitutes sexual harassment or whether an intimidating, hostile, or offensive working environment exists, it is necessary to look at the record as a whole and at the totality of the circumstances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case-by-case basis.

For reporting of complaints, see the Anti-discrimination policy that was adopted by Order of the Supreme Court on May 25, 2004. A copy is attached as Appendix E (Amendment Effective 05/25/04).

### B. SUBSTANCE ABUSE

The Supreme Court and Circuit Courts seek to maintain a workplace free of substance abuse:

Reporting to work or performing work of the Supreme Court and Circuit Courts while impaired by or under the influence of drugs or alcohol is prohibited. Further, use of illegal drugs or alcohol while on any premises used or approved for use by the Supreme Court or Circuit Courts is prohibited.

**C. CONFLICT OF INTEREST**

Every employee shall avoid conflicts of interest. Even though misuse or abuse of office is not involved, such a conflict of interest can 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 appropriate judicial authority and ending them when they arise.

A conflict of interest exists when the employee's objective ability or independence of judgment in the performance of the employee's duties is impaired or may reasonably appear to be impaired, or when an employee, or the employee's immediate family or business interest would derive financial gain as a result of the employee's position within the court system.

Employees shall not enter into any financial or other relationship with another entity of State government, private business, or other organization, which would constitute a conflict of interest with Supreme Court or Circuit Court employment. Employees shall not permit themselves to be placed under any personal or other obligation, which could lead any person, group or organization to expect official favors.

**D. CONFIDENTIALITY**

No employee shall disclose to any unauthorized person, for any purpose, confidential information acquired in the course of employment, or through the unauthorized disclosure by another. Confidential information includes, but is not limited to, information on pending cases that is not already a matter of public record, as well as information concerning the work product of any judge, law clerk, staff attorney or other employee. However, in assuring the integrity of the judicial system, employees are not prohibited from reporting confidential information to the appropriate authority when the employee reasonably believes that the information is or may be evidence of a violation of law or of unethical conduct.

**E. USE OF STATE PROPERTY**

Employees shall protect and conserve State property, equipment, and supplies entrusted or issued to them. Employees are allowed to use office telephones 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 (e.g., long-distance charges) or interfere in any way with 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 the employee's personal calling cards or credit cards. This same policy applies to the personal use of fax machines. Fax machines may be used to send local call faxes, but may not be used to send long distance faxes.

Employees shall adhere to the policies of the Board of Judicial Policy and Administration, including the Policy Statement for the Use of Computers, Electronic Mail, and Internet (Amendment effective 1/6/2011; See Appendix F for further information) and the Policy Statement on the Use of Social Media (Amendment effective 7/1/14; See Appendix H for further information).

**F. NEPOTISM**

No applicant may be appointed or remain in a position in the Supreme Court or Circuit Courts if a member of the applicant's immediate family is employed with that court.<sup>1</sup>

**G. COURTESY AND CIVILITY**

Employees shall at all times be courteous, civil, considerate and impartial in dealing with one another, as well as with the public and users of the court system. Behavior that violates this guideline is detrimental to morale, as well as harmful to a safe and stable work environment free of hostility and animosity.

**H. PROFESSIONAL APPEARANCE**

Employees of the Supreme Court and circuit courts are expected to dress appropriately in business casual attire. Business casual attire includes suits, pants, jackets, shirts, skirts and dresses that, while not formal, are appropriate for a business environment. Maintaining well-kept hair, good personal hygiene, and general neat grooming is expected.

**I. LEGAL ADVICE**

In their official capacity, employees are not authorized to give legal advice or recommend the names of private attorneys.

**J. POLITICAL ACTIVITY**

Each employee retains the right to vote as the employee chooses and is free to participate 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 the employee's position or title within the court system in connection with such political activities.

Employees shall not use official authority or influence to interfere with or influence the result of an election or nomination for office; directly or

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<sup>1</sup> This requirement shall become effective as of July 1, 2002, and shall not govern any such relationship between court employees that exist prior to such date.

indirectly coerce a State officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or conduct any political activity on State time.

An employee may be a candidate for partisan or non-partisan elective offices or may be appointed or elected to a partisan or non-partisan office without separating from employment, provided that the employee complies with the requirements in these rules concerning performance of duties, conflicts of interest, etc.

An employee serving as a member of a partisan or non-partisan, elected or appointed office shall be required to take leave without pay for the performance of all such duties. Again, however, an employee's participation as a member of a partisan or non-partisan elected or appointed office shall not conflict or reasonably give the appearance of conflicting with the interests of the Supreme Court or Circuit Court, and satisfactory job performance must be maintained by such employee.

Discrimination against any person in recruitment, examination, appointment, retention, discipline or any other aspect of personnel administration because of political opinion or affiliation is prohibited. No questions shall be asked on any application, examination or interview which would directly or indirectly require the disclosure of a person's political affiliation, preferences or opinions. Applicants and employees are prohibited from using political influence as an advantage in securing or making appointments or for other personal benefit for themselves or others in personnel matters.

**K. OUTSIDE EMPLOYMENT**

Each full-time employee's position with the Supreme Court or Circuit Court must be the employee's primary employment. Outside employment is permissible only if it can be accomplished outside of the normal working hours, does not require the practice of law, does not conflict or reasonably give the appearance of conflicting with interests of the Supreme Court or Circuit Court, satisfactory job performance is maintained, and has been approved in writing by the supervisor.

**L. WEAPONS IN THE WYOMING SUPREME COURT AND CIRCUIT COURTS**

No dangerous weapons may be carried on the Wyoming Supreme Court's premises. Exceptions to the policy may be granted on an individual basis by the Court Security Officer, with the prior concurrence of the Court. A copy of the policy is attached as Appendix G (Order effective 12/30/2008). In addition, Wyo. Stat. Ann. § 6-5-209(b) prohibits carrying a deadly weapon into any Wyoming courtroom, except as authorized by the presiding judge.

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## **VI. SEPARATION AND REDUCTION IN FORCE**

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### **A. RESIGNATION**

An employee intending to voluntarily separate from Supreme Court or Circuit Court service shall submit written notification to the employee's supervisor specifying the effective date of the intended resignation. Notification shall be provided to an immediate supervisor as far in advance as possible but not less than 14 days prior to the date of intended resignation. A copy of any notice of resignation immediately shall be forwarded to the Court Services Office. An employee who has provided a resignation notice and wishes to change the effective date or rescind the notification may be allowed to do so with the written approval of the department supervisor. An employee who fails to provide advance notification without valid reason(s) shall not be considered to have separated in good standing. Such failure shall be documented in the employee's personnel record.

### **B. RETIREMENT**

Employees separating from Supreme Court or Circuit Court service due to retirement shall follow procedures established by the Wyoming Retirement System and shall give at least 14 days written notice of the intent to retire to an immediate supervisor who immediately shall forward a copy of that notice to the Court Services Office.

### **C. REDUCTION IN FORCE**

#### **1. Definition.**

A reduction in force is an involuntary termination of an employee from state service due to a legislative mandate, shortage of funds, lack of work, organizational changes, or other reasons of business necessity which require a reduction in staff. Separation by reduction in force shall not be used to discipline an employee for unsatisfactory work performance or undesirable conduct.

## 2. Procedures.

- a. If a reduction in force is deemed necessary, the Supreme Court shall determine the court where reductions will be made and notify the supervisor. The supervisor in the Supreme Court shall be the chief justice and in the circuit courts the administrative circuit judge. The supervisor shall identify the location within the court where the reduction shall occur. The supervisor shall determine who is to be separated within the class, within the court affected and in the geographical area. The order of separation for employee status categories shall be as follows:
  - (1) Non-permanent; and
  - (2) Permanent.
- b. The State Court Administrator shall notify, in writing, the supervisor and the affected employee at least thirty (30) days in advance of the separation date.

## 3. Rehiring of Employees Separated through a Reduction in Force.

If an employee, who was separated due to a reduction in force, is rehired within twelve (12) months by the court from which the employee was originally separated, the employee shall retain rights to employee status, anniversary date, leave accrual rates, longevity benefits, and continuous service credits held at the time of separation.

## **D. COMPENSATION UPON TERMINATION**

For information regarding compensation upon termination, see Section II, Benefits.

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## VII. DEFINITIONS

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- A. Judicial Officer:** When the term “judicial officer” is used, it means a Justice of the Wyoming Supreme Court or a Circuit Judge. It does not mean a Magistrate.
- B. Immediate Family Members:** “Immediate family members” are individuals related by blood, marriage or adoption constituting the relationship of spouse; child; brother; sister; parent; grandparent; grandchildren; grandparent-in-law; father-in-law; mother-in-law; son-in-law; daughter-in-law; sister-in-law; brother-in-law; stepfather; stepmother; stepson; stepdaughter; stepbrother; stepsister; half-brother; half-sister; aunt; uncle; niece; or nephew.
- C. Employee:** When the term "employee" is used, it means an employee of the Supreme Court or the Circuit Court.
- D. Court Services Officer:** When the term “Court Services Officer” is used, it means or refers to the Chief Fiscal Officer.

## EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

### Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

### Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

### Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

### Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

### Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

### Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.**



For additional information:  
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627  
**WWW.WAGEHOUR.DOL.GOV**



U.S. Wage and Hour Division

Supreme Court and Circuit Court  
ADVANCED OVERTIME APPROVAL

Name \_\_\_\_\_

Court \_\_\_\_\_

I hereby request permission to work overtime for the period from:

\_\_\_\_\_ .M on \_\_\_\_\_ , 20\_\_\_\_ to

\_\_\_\_\_ .M on \_\_\_\_\_ , 20\_\_\_\_

Purpose of overtime: \_\_\_\_\_

\_\_\_\_\_  
Employee Signature Date

APPROVED:

\_\_\_\_\_  
Supervisor Signature Date State Court Administrator (Date)

**ACTUAL OVERTIME WORKED**

I certify that my overtime hours actually worked (in accordance with the advance approval obtained above) were:

DATES	HOURS	MINUTES
_____	_____	_____
_____	_____	_____
_____	_____	_____

The overtime is to be: \_\_\_\_\_ PAID \_\_\_\_\_ COMPENSATED BY TIME OFF

\*As defined in the Personnel rules

\_\_\_\_\_  
Employee Signature Date

APPROVED:

\_\_\_\_\_  
Supervisor Signature Date State Court Administrator (Date)

**NOTE:** This form must be turned in to the Court Services Office no later than the 5<sup>th</sup> day of the month following the month for which this Certification applies.

Supreme Court, District Courts and Circuit Courts

LEAVE REQUEST

(Form can be found at courts.state.wy.us/Forms/LeaveRequestForm.pdf)

Name \_\_\_\_\_

Court \_\_\_\_\_

Types of Leave	Dates of Leave	Type	Number of Hours and Minutes the Employee will be on Leave	
			Hours	Minutes
A - Annual				
S - Sick				
C - Comp				
B - Bereavement				
L - Leave without pay				

TOTAL                     

Comments: \_\_\_\_\_

\_\_\_\_\_  
Employee's Signature (Date)

\_\_\_\_\_  
Supervisor's Approval (Date)

**NOTE:**

A Leave Request form shall be filled out in advance for all annual leave to be taken. When possible, this should be done at least ten (10) working days before the leave is to be actually taken. An employee requesting sick leave in advance should also provide ten days advance notice. If advance notice cannot be obtained – which is often the case with sick leave – the employee must notify his supervisor by phone as soon as possible and immediately fill out a Leave Request form upon his return to work. Leave forms shall be given to the person responsible for keeping track of leave as soon as they have been signed by the supervisor.

When an employee returns to work, if the actual leave taken differs from the original leave requested, the employee must submit a corrected form and ask for the return of the original request. For leave days planned or taken in different months, a separate Leave Request must be submitted for each month.

**Certain types of leave may be covered by the Family and Medical Leave Act. You may be contacted by the Court Services Office to determine whether the FMLA applies to your leave. You can request a copy of the Family and Medical Leave Act policy from the Court Services Office, and contact the office if you have any questions about whether your leave qualifies under the FMLA.**

Sick leave which exceeds the earned balance will be charged as annual; annual leave which exceeds the earned balance will be charged as leave-without-pay; and compensatory leave must be used prior to annual leave. Compensatory time must also be used no later than the second month following the month in which it was worked.

Supreme Court, District Courts and Circuit Courts  
CERTIFICATION OF LEAVE TIME TAKEN

Name \_\_\_\_\_

Court \_\_\_\_\_

I certify that during the month of \_\_\_\_\_, 20\_\_\_\_\_:

(Choose one)

I took no chargeable leave time: \_\_\_\_\_

or

I turned in Leave Request forms for all leave time taken: \_\_\_\_\_

(Please show total hours taken for each type of leave):

Annual Leave	_____	Hours	_____	Minutes
Sick Leave	_____	Hours	_____	Minutes
Comp Leave	_____	Hours	_____	Minutes
Bereavement Leave	_____	Hours	_____	Minutes
Leave without pay	_____	Hours	_____	Minutes

I certify under penalty of perjury that the foregoing claim is true and correct based on leave time for which I am legally entitled.

\_\_\_\_\_  
Employee Signature Date

APPROVED:

\_\_\_\_\_  
Supervisors Signature Date

**NOTE:** This form must be turned in to the Court Services Office no later than the 5<sup>th</sup> day of the month following the month for which this Certification applies.

**IN THE SUPREME COURT, STATE OF WYOMING**

*April Term, A.D. 2004*

*In the Matter of the* )  
*Supplementation of the* )  
*General Guidelines for* )  
*Conduct of Employees of the* )  
*Supreme Court and* )  
*Circuit Courts* )

IN THE SUPREME COURT  
 STATE OF WYOMING  
 FILED

MAY 25 2004

*Judy Pacheco*  
 JUDY PACHECO, CLERK

**ORDER ADOPTING ANTI-DISCRIMINATION POLICY**

This matter came before the Court upon its own motion following a review of its personnel policies. The Court, having carefully reviewed the July 2002 "Employee Information" booklets for At-Will as well as For-Cause employees, finds that the "General Guidelines for Conduct" section of each booklet, specifically Section IV(a) of each booklet, should be supplemented to include an Anti-Discrimination policy. It is, therefore,

**ORDERED** that Section IV(a) of the July 2002 "Employee Information At-Will Employees" should be, and hereby is, supplemented with the Anti-Discrimination policies that are attached hereto; and it is further

**ORDERED** that Section IV(a) of the July 2002 "Employee Information For-Cause Employees" should be, and hereby is, supplemented with the Anti-Discrimination policies that are attached hereto.

**DATED** this 25<sup>TH</sup> day of May, 2004.

**BY THE COURT:**

*William U. Hill*  
 WILLIAM U. HILL  
 Chief Justice

## **ANTI-DISCRIMINATION POLICY – WYOMING SUPREME COURT**

**The Supreme Court strongly disapproves of and does not tolerate discrimination as defined in this policy. Any form of discrimination or harassment that violates applicable state or federal law, including, but not limited to, discrimination or harassment related to an individual's race, religion, color, sex, national origin, age or disability is a violation of this policy and is grounds for discipline, up to and including dismissal. All reported or suspected occurrences of discrimination or harassment shall be promptly and thoroughly investigated. If discrimination or harassment has occurred in violation of this policy, appropriate corrective action shall be taken, including discipline of the offending employee.**

### **1. This anti-discrimination policy prohibits the following conduct:**

- a. Sexual Harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual or gender-based nature when: (1) submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment; (2) submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual; (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment.**

**Examples of inappropriate conduct include, but are not limited to: threatening or taking adverse employment action if sexual favors are not granted; demands for sexual favors in exchange for favorable or preferential treatment; unwelcome and repeated flirtations, propositions, or advances; unwelcome physical touching; whistling, leering, improper gestures, or offensive remarks; unwelcome comments about appearance; sexual jokes, or the use of sexually explicit, derogatory, or otherwise offensive language; the display of sexually explicit pictures, greeting cards, articles, books, magazines, photos or cartoons; and any of the above with the use of an employee's access to a state computer, or the state's Internet or e-mail access.**

- b. Ethnic slurs, racial and religious jokes or derogatory comments based on an individual's race, religion, or ethnic background and any other verbal or physical conduct relating to an individual's race, religion, sex, national origin, age, or disability.**
- c. Failure to provide reasonable accommodation to an employee who is a qualified handicapped person as set out in Wyo. Stat. § 27-9-105.**

- d. **Basing decisions affecting an individual's employment or any term or condition of the individual's employment on the individual's race, color, national origin, creed, sex, age or because the person is a qualified handicapped person.**
  - e. **Any other conduct that violates applicable anti-discrimination law.**
  - f. **This policy prohibits retaliation against any employee who opposes a practice prohibited by this policy or who has filed a charge, testified, assisted or participated in any manner in an investigation under this policy.**
- 2. The procedure for reporting complaints is as follows: Any employee who believes he or she has been discriminated against or harassed by anyone, including a supervisor, co-worker or visitor, in violation of this policy, should report the conduct immediately. An employee may report the conduct to any of the following:**
- a. **the employee's immediate supervisor;**
  - b. **the Court Services Officer of the Wyoming Supreme Court;**
  - c. **the State Court Administrator or**
  - d. **the Chief Justice of the Wyoming Supreme Court.**
  - e. **Before, or in addition, to reporting the discrimination or harassment, an employee may, if he or she desires, notify the alleged harasser of the unwelcome conduct and request that the conduct stop immediately.**
  - f. **Any supervisor or justice receiving such a complaint should report it to the Court Administrator or the Chief Justice.**
  - g. **The Chief Justice or the State Court Administrator should contact an Attorney General's Office personnel section attorney upon receipt of a complaint.**
- 3. The Investigation procedure is as follows:**
- a. **All complaints of discrimination or harassment prohibited by this policy shall be investigated by the Chief Justice and/or the State Court Administrator as soon as possible.**



## **ANTI-DISCRIMINATION POLICY – WYOMING CIRCUIT COURTS**

**The Supreme Court and Circuit Courts of the judicial branch strongly disapprove of and do not tolerate discrimination as defined in this policy. Any form of discrimination or harassment that violates applicable state or federal law, including, but not limited to, discrimination or harassment related to an individual's race, religion, color, sex, national origin, age or disability is a violation of this policy and is grounds for discipline, up to and including dismissal. All reported or suspected occurrences of discrimination or harassment shall be promptly and thoroughly investigated. If discrimination or harassment has occurred in violation of this policy, appropriate corrective action shall be taken, including discipline of the offending employee.**

**1. This anti-discrimination policy prohibits the following conduct:**

- a. Sexual Harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual or gender-based nature when: (1) submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment; (2) submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual; (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment.**

**Examples of inappropriate conduct include, but are not limited to: threatening or taking adverse employment action if sexual favors are not granted; demands for sexual favors in exchange for favorable or preferential treatment; unwelcome and repeated flirtations, propositions, or advances; unwelcome physical touchings; whistling, leering, improper gestures, or offensive remarks; unwelcome comments about appearance; sexual jokes, or the use of sexually explicit, derogatory, or otherwise offensive language; the display of sexually explicit pictures, greeting cards, articles, books, magazines, photos or cartoons; and any of the above with the use of an employee's access to a state computer, or the state's Internet or e-mail access.**

- b. Ethnic slurs, racial and religious jokes or derogatory comments based on an individual's race, religion, or ethnic background and any other verbal or physical conduct relating to an individual's race, religion, sex, national origin, age, or disability.**
- c. Failure to provide reasonable accommodation to an employee who is a qualified handicapped person as set out in Wyo. Stat. § 27-9-105.**

- d. **Basing decisions affecting an individual's employment or any term or condition of the individual's employment on the individual's race, color, national origin, creed, sex, age or because the person is a qualified handicapped person.**
  - e. **Any other conduct that violates applicable anti-discrimination law.**
  - f. **This policy prohibits retaliation against any employee who opposes a practice prohibited by this policy or who has filed a charge, testified, assisted or participated in any manner in an investigation under this policy.**
2. **The procedure for reporting complaints are as follows: Any employee who believes he or she has been discriminated against or harassed by anyone, including a supervisor, co-worker or visitor, in violation of this policy, should report the conduct immediately. An employee may report the conduct to any of the following:**
- a. **the employee's immediate supervisor;**
  - b. **any other judge in the employee's district;**
  - c. **the Court Services Officer of the Wyoming Supreme Court; or**
  - d. **the State Court Administrator.**
  - e. **Before or in addition to reporting the discrimination or harassment, an employee may, if he or she desires, notify the alleged harasser of the unwelcome conduct and request that the conduct stop immediately.**
  - f. **Any judge or chief clerk who receives a report of or who suspects harassment or discrimination must immediately report the conduct to the State Court Administrator.**
  - g. **The State Court Administrator should contact an Attorney General's Office personnel section attorney upon receipt of a complaint.**
3. **The Investigation procedure is as follows:**
- a. **A three-member panel shall be established for the purpose of investigating complaints. The panel shall consist of the Chief Justice, State Court Administrator and a circuit court judge who is appointed by the Chief Justice. The panel is responsible for investigating all complaints of discrimination or harassment.**

- b. The employee alleging, the employee accused of, and any employee witnessing harassment or discrimination shall cooperate with the panel in its investigation of the alleged harassment or discrimination.**
  - c. To the extent practicable, all complaints of harassment or discrimination shall remain confidential. It may be necessary, however, to disclose the nature or origin of the complaint to investigate it properly or to take corrective action.**
- 4. The corrective action prescribed by this policy is as follows:**
- a. If it is determined that discrimination or harassment prohibited by this policy has occurred, the panel should immediately recommend action to reasonably ensure that the discrimination or harassment is stopped and does not recur.**
  - b. When appropriate, the panel may report the behavior to the Commission on Judicial Conduct and Ethics.**

**Board of Judicial Policy and Administration**  
**Policy Statement for the Use of Computers, Electronic Mail, and Internet**  
**Replacing Policy Issued September 10, 2001**

The policy of the Board of Judicial Policy and Administration for the use of computers, Internet, and electronic mail is designed to guide effective and appropriate use of those resources. The policy applies to judicial branch employees who are a user or subscriber of Internet access or other electronic resources through the Judicial Network administered by the Wyoming Supreme Court Technology Office. The use of computers, Internet, and electronic mail is encouraged in order to fulfill the following requirements:

1. Further the operations of the Judiciary.
2. Provide effective and responsive service to the public.
3. All electronic resources, including the Internet, are provided for court business. Electronic communications and use of the Internet for activities relevant to an employee's personal life or family are permitted to the extent they do not distract from the dignity of the judiciary or interfere with the performance of the employee's normal work duties or equipment.
4. Internet access is offered as a courtesy, and is therefore subject to the local usage discretion of each judge or supervisor concerning their specific staff or location and restrictions which go beyond this policy.
5. All electronic communications with, and content stored on, court equipment is not to be considered private or personal to any individual employee, contractor, volunteer, or third party.
6. Data on the Supreme Court's network will be protected from unlawful disclosure. It is important for each user, however, to understand that all information on the Judicial Network housed in the Supreme Court and on court computer assets belong to the Judicial Branch.
7. Authorized users shall not allow or facilitate another employee, contractor, volunteer, or the public to access internal court resources using their authorized account or personally assigned credentials, such as a username or password. This includes email, case management, data warehouse (SCIS) resources, etc.
8. No user shall intentionally or negligently damage or interfere with the operation of, or prohibit authorized access to, court information or other technology-related resources.
9. No user shall store or distribute copyrighted material utilizing state owned assets or networks.
10. The Court Technology Office (CTO) may periodically audit, inspect, and monitor any user's network activity, and all data stored on state issued equipment. This includes, but is not limited to monitoring sites visited by employees on the Internet, chat groups, newsgroups, blogs, and reviewing material downloaded from or uploaded to the Internet from personal equipment. In addition, the CTO may limit or block access to specific online resources not required for conducting court business, such as streaming audio or video. Monitoring, auditing, or investigating specific employee access to, or use of electronic resources by the technology office must be explicitly requested and approved by a local judge or supervisor. If evidence of abuse is identified by the CTO, it shall be furnished to the Court Administrator.

Inappropriate Conduct or use of Internet and Electronic Mail

Any of the following activities will be considered a violation of this policy:

1. Use of Internet or electronic mail that violates federal or state laws.
2. Use of Internet or electronic mail to transmit or obtain threatening, obscene, harassing, or malicious materials.
3. Use of abusive or objectionable language either in public or private messages.
4. Misrepresentation of oneself or the Judicial Branch.
5. 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 for unsolicited advertising.
6. Using the court's electronic services for the downloading of personal software, screensavers, or third party software that puts any court resource or information at risk or system malfunction.
7. Downloading, copying, distributing, or storing movies, music, software, books, etc. in violation of copyright laws.
8. Using the court's resources for viewing or distributing content which is considered violent, offensive, graphic, or sexually explicit.
9. Using the court's resources to post or transmit any message or material which is libelous, defamatory, or which discloses private, confidential, or personal matters concerning any person, case, or group.
10. Using the court Internet for running a private business, operating a personal web site, or actions to avoid or side-step violations of this policy.
11. Usage of court provided Internet to participate in partisan political activities.

Exceptions

Requests for exceptions to this policy must be submitted to the CTO in writing for review. The request must specifically state the scope of the exception along with justification for granting the exception, potential impact, or risk. The CTO will review requests, confer with the requesting judge, and Court Administrator if necessary.

Violation of this policy constitutes grounds for sanctions by the Board of Judicial Policy and Administration and subjects the employee to appropriate disciplinary action. Non-employees who violate this policy may be subject to termination of contractual agreement, denial of access, and any other applicable penalties.

Dated this 6<sup>th</sup> day of January, 2011.

Board of Judicial Policy and Administration



By:

\_\_\_\_\_  
Chief Justice Marilyn S. Kite

**IN THE SUPREME COURT, STATE OF WYOMING**

**October Term, A.D. 2008**

**IN THE MATTER OF THE ADOPTION OF  
A POLICY REGARDING WEAPONS IN  
THE WYOMING SUPREME COURT**

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)

IN THE SUPREME COURT  
STATE OF WYOMING  
FILED

**DEC 30 2008**

JUDY PACHECO, CLERK

*Judy Pacheco*  
by CHIEF DEPUTY

**ORDER ESTABLISHING POLICY REGARDING WEAPONS  
IN THE WYOMING SUPREME COURT**

**This matter** came before the Court upon its own motion. This Court finds it should adopt a policy regarding dangerous weapons on the Wyoming Supreme Court’s premises. Therefore, effective immediately, this Court adopts the following weapons policy:

1. No dangerous weapon may be carried on the Wyoming Supreme Court’s premises, except as provided in this order. Wyoming Supreme Court Security Officers and Wyoming Highway Patrol Troopers, when acting as Supreme Court Security Officers, are authorized to request that any persons carrying a dangerous weapon on the Supreme Court’s premises relinquish the weapon. The weapon will be secured at the Court Security Office then returned to the person when he/she leaves the Supreme Court’s premises, unless the Court Security Officer or Trooper to whom the weapon was relinquished determines that other law enforcement personnel should be involved. If a person carrying a dangerous weapon refuses to relinquish the weapon, he/she shall be denied access to the Supreme Court premises.

2. As used in this policy, “dangerous weapon” means a firearm, explosive, incendiary material, or any other implement or device capable of being used as a deadly weapon, where such implement or device has no reasonable use related to the conduct of government business. Ordinary pocket knives, not exceeding six inches in overall length when open, are not considered a dangerous weapon under this rule.

3. Nothing in this policy prohibits the carrying of weapons on the Supreme Court premises by Peace Officers, as defined and authorized by Wyoming Statutes, who are acting in an official capacity and who are not

parties to a case currently before the Court. Peace Officers entering the Supreme Court Building shall disclose to Court Security Officers or Troopers acting as Court Security Officers, that they are carrying a weapon or weapons into the facility.

4. Exceptions to this policy may be granted on an individual basis by the Court Security Officer, with the prior concurrence of the Court.

**DATED** this 30th day of December, 2008.

**BY THE COURT:**

A handwritten signature in blue ink, appearing to read "Barton R. Voigt", with a long horizontal flourish extending to the right.

**BARTON R. VOIGT**  
**Chief Justice**

**Board of Judicial Policy and Administration  
Policy Statement on the Use of Social Media**

**PURPOSE**

The purpose of this policy is to:

- I. Recognize the growing use of social media by Judicial Branch employees;
- II. Address the risks of social media activity and the need to adhere to the Wyoming Judicial Branch policies when using social media in order to preserve public confidence in the integrity, propriety and impartiality of the judiciary; and
- III. Avoid loss of productivity and distraction from employees' job performance.

**SCOPE**

For purposes of this policy, the term "social media" will be given broad interpretation and includes without limitation:

- I. Electronic, web-based technologies that allow instant, widespread and interactive communication; and
- II. Activities on the internet that involve posting by the employee, examples include, but are not limited to: blogging; podcasting; hosting or updating any form of website; posting comments, photos, other graphics, documents, links, status updates, or multimedia materials to a third-party hosted website; saving website bookmarks to a public site; filling out surveys; or sharing or participating in any other way on a social networking site such as Facebook, LinkedIn, or a micro blogging site such as Twitter; developing or contributing to a wiki such as Wikipedia or a virtual world like Second Life, etc.

**APPLICABILITY**

This policy applies to judicial branch employees who are users or subscribers of Internet access or other electronic resources through the Judicial Network administered by the Wyoming Supreme Court Technology Office.

**RISKS OF SOCIAL MEDIA ACTIVITY**

Online communications may be perceived by court customers, vendors and the public generally as a representation of the communicator's character, judgment and values and could have an adverse effect on the confidence of the public in the integrity, propriety and impartiality of the judiciary regardless of intent.

- I. Social media posts should be presumed public and permanent. Social media posts can be copied, forwarded or subpoenaed. Such posts are easily reproduced, can be difficult to eradicate, and may be seen by wide and unintended audiences.

- II. Once posted, there is little to no control over a post's dissemination or ultimate use. Posting some types of information on social media may be misleading (even though it is not so intended) and may jeopardize the person's professional image or reputation and, by extension, the Wyoming Judicial Branch. Employees should be especially careful when posting or sharing photographs and personal information, and be similarly cautious when sharing political, religious or social opinions.
- III. Employees are personally responsible for comments posted on social media, and can expose themselves to personal liability for comments that are defamatory, obscene, discriminatory or otherwise offensive or unlawful.
- IV. Employees must be careful to comply with all copyright laws and reference or cite sources appropriately as laws against plagiarism can apply to online postings.

### **COMPLIANCE WITH OTHER POLICIES**

Social media shall never be used in a way that violates the constitution and laws of the United States and the State of Wyoming, court rules, or any Judicial Branch state-wide or local policy, including the Anti-Discrimination Policies, the Policy Statement for the Use of Computers, Electronic Mail, and Internet, and applicable personnel rules.

### **PERSONAL USE OF SOCIAL MEDIA ON PERSONAL TIME**

- I. The Wyoming Judicial Branch respects the right of employees to use social media as a vehicle for self-expression and public conversation. However, employees are required to comply with the following restrictions when using social media on personal time both at work and while off duty: When posting on a social media network an employee may identify her/himself as an employee of the court generally, but may not post information or express opinions regarding employees, managers, judges, cases, policies or procedures of the Judicial Branch.
- II. Employees shall be responsible for regularly reviewing the social media and websites that they create or host and promptly remove third-party posts that (1) compromise court security or the safety of judges or employees; (2) reveal non-public court records or other confidential judicial information or (3) contain information that the employee could not have posted personally under this policy.
- III. Employees must obey the law and the rules of the website or social network site in which they participate. Further, even if not explicitly directed by this policy, they should obey other applicable legal and ethical rules.

### **PROHIBITED ACTIVITIES**

Notwithstanding any other provision of this policy, employees are prohibited from engaging in the following social media activities, whether the activity is done on or off duty and whether the activity is using personal or Wyoming Judicial Branch technology resources and regardless of whether Wyoming Judicial Branch employment is identified:

- I. **Confidential or Non-Public Court or Probation Information:** Disclosure of sensitive, confidential or non-public court information, to include photos, for any purpose not connected with official duties, including disclosure of information relating to a pending case that is not a matter of public record is prohibited.
- II. **Comment about Public Information:** Posting personal opinions about a case or matter before the courts; making statements which create, or give the appearance of, a conflict of interest; and making statements which negatively reflect on the professionalism of the courts or which otherwise have an adverse effect on the confidence of the public in the integrity, propriety and impartiality of the judicial system are prohibited.
- III. **Political Activities:** Making statements on social media which violate the Judicial Branch's restrictions on political activities is prohibited.
- IV. **Seal and Logos:** The seal, logos, trademarks or service marks of the Wyoming courts collectively, and any individual court or judicial department or committee, may not be used in any manner without express permission from the administrative authority.
- V. **Judicial Process:** Employees must refrain from discussing any of the Court's internal processes and procedures, whether they are of a non-confidential or confidential nature, including scans, photos, or reproductions of emails or text messages.
- VI. **Dishonest Communications:** Employees must avoid deceptive behavior and misrepresentations online, including false and defamatory statements and communicating electronically or creating websites or accounts while employing a misleading alias or suggesting that the employee is someone else. This provision does not apply to the routine and accepted practice on the Internet of employing a nickname or other opaque user name to create an account or make a posting, provided the user name is not misleading or deceptive in the context used or would not otherwise violate any provision of this policy had the employee's true identity been disclosed.

### **MONITORING EMPLOYEES' USE OF SOCIAL MEDIA**

The Wyoming Judicial Branch reserves the right to visit and monitor public social media sites to ensure that employees are not violating this or other Judicial Branch policies.

As a condition of continued employment, the Wyoming Judicial Branch may request employees to cooperate in any investigation regarding an alleged violation of this policy.

### **VIOLATIONS**

Violation of this policy constitutes grounds for sanctions by the Board of Judicial Policy and Administration and subjects the employee to appropriate disciplinary action. Non-employees who violate this policy may be subject to termination of contractual agreement, denial of access, and any other applicable penalties.