

Court of Common Pleas
Lackawanna County, Pennsylvania
45th Judicial District



Personnel Policy Manual

Effective January 1, 2009
(as amended July, 2009)

Contents

Message from the Lackawanna County Court Judges
Page 3

Introduction - Scope and Objectives
Page 4

Hiring Policies
Page 6

Standards of Conduct/Disciplinary Policies
Page 9

Attendance/Leave Policies
Page 16

Medical Insurance/Benefits
Page 20

Miscellaneous Policies
Page 21

Harassment and Sexual Harassment Policy
Page 24

Verification of Receipt
Page 27

Message from the Lackawanna County Court Judges

To All Employees:

We are pleased to have you as a member of the 45th Judicial District of Pennsylvania. As the judicial branch of government, we are responsible for the swift and effective delivery of justice to all citizens. To meet this responsibility, the Court relies on each employee to perform their job efficiently and with respect for the public we serve. In return, we offer challenging work, competitive salaries, and a generous fringe benefit package.

The Court Administrator's Office, with the assistance of Lackawanna County Office of Human Resources, has developed this manual as a reference guide for the future. We urge you to read this manual thoroughly and feel free to ask questions.

Public service is a vital and honorable vocation. We hope that you take pride in your work and enjoy your service with the 45th Judicial District.

INTRODUCTION

Personnel Policy Manual Lackawanna County Court of Common Pleas

The Scope of These Personnel Policies

The policies outlined in this document are intended to apply to all staff employees of Lackawanna County Court of Common Pleas, 45th Judicial District of Pennsylvania. The employees for which these policies are defined include:

- Employees of Common Pleas Judges.
- Employees of Court Administration, including Family Court and Specialty Treatment Courts.
- Employees of Magisterial District Judges (MDJ) including Central Court.
- Employees of Adult Probation and Parole, Juvenile Probation, Domestic Relations, and the Law Library.
- Other employees/departments that fall under the jurisdiction of the President Judge and the Court Administrator not defined above.

Under Section 1620 of the Pennsylvania County Code, the President Judge has the authority to hire, dismiss and supervise Court-appointed employees. Employees are, under the President Judge's Section 1620 authority, appointed at will to 45th Judicial District positions.

Human Resources Policy Objectives

- To establish and maintain personnel policies and procedures that are necessary to allow for the coordinated, efficient, and effective utilization of human resources.
- To recruit and hire employees on the basis of their relative knowledge, experience, skills, and abilities in

an open and competitive manner without regard to political affiliation, race, color, age, national origin, sex, sexual orientation, ancestry, religious creed, disability, or other non-merit facts or considerations.

- To provide fair, equitable, and adequate compensation.
- To establish and maintain high standards of employee performance and to provide employees with the resources necessary to assist them in meeting performance standards.
- To retain employees on the basis of their performance; to assist employees in attaining promotions, and correcting inadequate performance, and, when necessary, to fairly and appropriately terminate the services of employees whose inadequate performance cannot be corrected.

Reservation of Rights

While this document is intended to articulate the personnel policies and procedures of Lackawanna County Court of Common Pleas, these policies are not intended to constitute a contract or agreement between Lackawanna County and the Court and its employees.

Furthermore, Lackawanna County Court of Common Pleas reserves the absolute right to revise, amend, or otherwise update any and all policies which are outlined in this document, at any time and without prior notice.

Section 1

Hiring Policies

A. Hiring Objectives

It is the policy and objective of Lackawanna County Courts to employ the most qualified job applicants through an open and competitive hiring process which allows for a full, complete, and unbiased assessment of each applicant's knowledge, experience, skills, and abilities.

B. Equal Opportunity

The Court of Common Pleas of Lackawanna County is an Equal Opportunity Employer. It is the continuing policy of the Court to prohibit discrimination and to provide equal employment to all employees and applicants, without regard to race, creed, color, sex, sexual orientation, age, national origin, religion, or disability or any other status or condition protected by applicable state or federal laws and regulations, except where a bona fide occupational qualification exists.

C. Probationary Period

All employees of the Lackawanna County Courts and Court Related Departments will initially be appointed to service in a probationary employment status for a period of six months. Employees who are on a probationary employment status are eligible to receive all rights, service credit, pay, and benefits that would otherwise be available to an employee on regular employment status in a comparable position. Employees who are on probationary status will, however, have their performance formally evaluated in writing at the end of 2 months, four months and six months. Employees transferring from one court department to another or from a non-court county department will have a 90 day probationary period and will have their performance formally evaluated at the end of 30 and 90 days.

D. Accommodations for Disabilities

Lackawanna County provides reasonable accommodations to applicants and employees who request such accommodations to ensure that qualified individuals with disabilities are given a fair

and equal opportunity to compete for employment opportunities and participate in employment activities.

E. Notice of Vacancies and Position Availability

The policy of Lackawanna County Court of Common Pleas is to fill new and vacant positions in a manner which provides fair and reasonable access to all individuals who may wish to seek employment. Department Heads or supervisors are encouraged: (1) to promote current employees to fill new or vacant positions when appropriate; (2) to post notice of new and existing job vacancies to the extent that it is deemed appropriate and reasonable; (3) to notify the Lackawanna County Office of Human Resources when a new position or vacancy occurs and filing a Request for Approval to Hire form.

F. Job Transfer

In order to achieve maximum utilization of personnel, transfers are provided to move Judicial Employees into different positions in the same salary grade involving comparable skills and responsibilities.

The Court may transfer personnel as needed or desired for a variety of reasons, such as:

1. Relocation of a Judicial Employee into a position more suitable to the individual's talents;
2. Elimination or restructuring of the Judicial Employee's position;
3. To comply when practical with a request by a supervisor, department head or Judicial Employee;
4. To satisfy a staffing need as determined by the District Court Administrator; or
5. Judicial Employees may request consideration for a lateral transfer.

G. Promotion

To encourage the development of Judicial Employees, the Court provides opportunities for individuals to accept greater

responsibility through advancement to positions of increased skill, authority, and salary.

Decisions on promotions in the Court will be based on merit without regard to any circumstance other than the Judicial Employee's qualifications, work habits, and experience.

Promotional positions will be announced internally for application purposes within the office and other court departments. Judicial Employees who believe they are qualified are encouraged to apply for promotional opportunities.

The Department Head or supervisor where the vacancy exists, will recommend the promotion of the Judicial Employee selected by submitting a letter with appropriate authorization to the President Judge and the District Court Administrator.

H. Resignation

Judicial Employees who intend to resign shall submit their resignation in writing to the President Judge, with copies to the District Court Administrator and Department Head. The resignation shall be signed and dated setting forth the effective date of resignation.

Resignations shall be submitted with at least two (2) weeks notice prior to the effective date, unless emergency situations dictate to the contrary.

Department heads and supervisors shall submit resignation letters with at least four (4) weeks notice.

Section 2

Standards of Conduct/Disciplinary Policies

A. Standards of Conduct

Employees of Lackawanna County Courts will be expected to comply with all state and federal laws and all rules and regulations governing their employment, including the enclosed Personnel Policies.

Judicial employees are required to conduct themselves in a professional, courteous manner at all times. Unprofessional conduct will not be condoned; such conduct will result in disciplinary action or dismissal.

Employees must wear appropriate business attire during normal working hours and must adhere to generally accepted business practices as they apply to other related appearance standards.

B. Outside Employment

All employees must discuss with their Judge/Department Head the matter of accepting outside employment. While there is no objection to outside employment, it is important that no employee accept outside employment which might prove embarrassing to the Court or conflict in any manner with Court employment.

Employees participating in outside employment shall not be permitted to use court supplies, equipment, or utilities in the completion of said employment.

An employee shall not engage in outside employment during his/her regularly scheduled Court hours. Employment with the Court shall take preference over any outside employment.

Law Clerks employed by Judges of Lackawanna County Court shall follow The Supreme Court Order # 267 Judicial Administration Docket No. 1 (copy of this order is attached). Lackawanna County does not have official divisions or sections approved by The Supreme Court of Pennsylvania.

C. Personal Telephone Calls/Visitors

Personal use of office telephones is discouraged. If such use is necessary, it should be kept to a minimum, and preferably done during the lunch hour. This also includes use of cell phones and text messaging.

Long distance call usage by Court employees is at the discretion of the Judge/Director/department head. Personal long distance calls will not be permitted. Failure to comply will result in disciplinary action.

Visitors to the workplace are discouraged, but not prohibited. If the situation becomes overwhelming and/or disruptive, the Judge/Director/department head may use their discretion. To prevent disruption of Court business and for safety reasons, children are prohibited from attending the work place.

D. Use of County Property and Public Resources

Using county or state resources for personal convenience or profit is a misuse of taxpayer dollars. The use of county property is limited to the conduct of official business. All other use is prohibited. County property includes, but is not limited to county vehicles, supplies, facilities (such as buildings, conference rooms, etc.), and equipment (computers, telephones, copy and fax machines, network systems, internet access, email. Unauthorized use of the above will result in disciplinary action or dismissal.

E. Confidentiality/Disclosure

Court employees may be in a position to receive or have access to confidential information during the performance of their duties. Employees shall never misuse or repeat information obtained confidentially and shall respect the privacy interests of individuals. Violation of this confidentiality requirement may be grounds for disciplinary action, including dismissal.

All Court personnel are prohibited from disclosing any information relating to pending or on-going court cases that are not part of the public record, unless authorized by the Court. This precludes disclosure of any information whether acquired at a formal or informal proceeding. Court employees should abstain from public comment about a pending or on-going proceeding in any court.

Tipstaves and other Court employees shall not engage in discussions with jurors or any other individuals, concerning the merits or participants (attorneys, parties, or witnesses) of any pending or on-going court case.

F. Political Activity

By order of The Supreme Court of Pennsylvania, (see attached order) political activity by Court-appointed employees is prohibited. Court employees shall not be involved in any form of partisan political activity.

Court-appointed employees shall include all employees appointed to, and who are employed by, the Lackawanna County Court system at the County level, including Judges' staff, the District Court Administrator and staff assistants; Domestic Relations employees; Probation and Parole employees (Juvenile and Adult); Magisterial District Judge employees; paid and unpaid interns, and any other persons serving the judiciary and the President Judge.

Partisan political activity includes, but is not limited to, running for public office, serving as a party committee-person, working at a polling place on Election Day, performing volunteer work in a political campaign, and soliciting contributions or attending fund raising events for a candidate, political action committee or organization.

A Court-appointed employee who chooses to become a candidate for any office shall be terminated, effective the close of business on the day prior to circulating petitions for an office.

The President Judge and District Court Administrator shall be responsible for the implementation of the political activity policy. All Court-appointed employees and part-time special masters are required to consult with the President Judge or District Court Administrator prior to engaging in any partisan political activity beyond actual voting on an election day. Any questions should be submitted in advance to the District Court Administrator in writing, who, in turn will discuss the question with the President Judge. It is better to seek guidance on this issue before hand rather than having disciplinary action be the result after the fact. This prohibition does not apply to Court appointed, full-time special masters and members of the Board of View.

All Court employees must acknowledge in writing that they have read and fully understand the political activity policy, and that they are not engaged in partisan political activities.

Examples of partisan political activity in which court-appointed employees may not engage include, but are not be limited to, the following:

1. Running as a candidate for public office
2. Serving as a party committee-person
3. Working at a polling place on a Primary or General Election day
4. Performing volunteer work in a political campaign
5. Soliciting contributions or attending a fundraising event for any political campaign, political action committee or other politically engaged organizations
6. Signing or soliciting the signing by others, of a candidates election petition
7. Posting a yard sign on property owned or partially owned by a court-appointed employee
8. Sitting for a family photograph to be used in campaign advertizing where a member of the family is running for elective office

Examples of approved political activity are as follows:

1. With the approval of the President Judge, employees may attend a victory dinner or celebration once an election is completed
2. Employees may attend a formal debate if more than one candidate is present and participating in the debate

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE:
PROHIBITED POLITICAL
ACTIVITY BY COURT-APPOINTED
EMPLOYEES

No. 201 Judicial Administration
Docket No. 1

ORDER

PER CURIAM

AND NOW, this 24th day of November, 1998, the prohibition against political activity by court-appointed employees is hereby reaffirmed, and the attached guidelines, as amended this date, are intended to clarify the policy which was previously approved by this Court. These guidelines, as amended, shall be effective immediately.

Mr. Justice Castille files a dissenting statement which is joined by Mr. Justice Nigro and Madame Justice Newman.

Note:

New material is bolded. Bracketed material is deleted.

GUIDELINES REGARDING POLITICAL
ACTIVITY BY COURT-APPOINTED EMPLOYEES
AS AMENDED THIS 24th DAY OF NOVEMBER 1998.

1. Definitions.

- (a) The term "partisan political activity" shall include, but is not limited to, running for public office, serving as a party committee-person, working at a polling place on Election Day, performing volunteer work in a political campaign, soliciting contributions for political campaigns, and soliciting contributions for a political action committee or organization, but shall not include involvement in non-partisan or public community organizations or professional groups.
- (b) The term "court-appointed employees" shall include, but is not limited to, all employees appointed to and who are employed in the court system, statewide and at the county level, employees of the Administrative Office of Pennsylvania Courts, Court Administrators and their employees and assistants, court clerks, secretaries, data processors, probation officers, and such other persons serving the judiciary.

2. Prohibition of Partisan Political Activity.

- (a) Court-appointed employees shall not be involved in any form of partisan political activity.
- (b) This prohibition shall not apply to court-appointed employees who are duly sworn Court-appointed full-time masters and members of Board of Viewers, who are attorneys in good standing admitted to the practice of law in this Commonwealth, who may become candidates for higher judicial office. Said employees shall, during such candidacy, be subject to the provisions of the Code of Judicial Conduct and, particularly, Canon 7, which governs judicial campaigns. Termination of Employment.**

Except as provided in paragraph 2(b), above, h[H]enceforth, a court-appointed employee engaging in partisan political activity shall cease such partisan political activity at once or shall be

terminated from his or her position. In the event an employee chooses to become a candidate for any office, such employee shall be terminated, effective the close of business on the first day of circulating petitions for said office. President Judge.

The President Judge of each appellate court or county court of common pleas shall be responsible for the implementation of these guidelines and shall be subject to the review of the Judicial Inquiry and Review Board for failure to enforce.

G. Civic and Charitable Activity Policy

Court-appointed employees should not use or permit the use of their office for religious, fraternal, charitable or civic organizations.

H. Grounds for Disciplinary Action include:

Failure to comply with the Standards of Conduct, Section 2, part A.

Harassment, sexual harassment, insubordination, or neglect of duty.

Falsification of official documents or records.

Abuse of sick time or habitually being late for work or failing to call in when not available for work; not completing or filing leave request forms on a timely basis.

Theft, intentional destruction of court property, or other criminal conduct.

Being under the influence of, or using, intoxicants or illegal drugs while on duty.

Refusal to comply with a lawful instruction, unless such order would be injurious to the health or safety of themselves, other employees, or the general public.

Other grounds as deemed appropriate by the President Judge, District Court Administrator, or their designees.

I. Types of Disciplinary Actions

1. Verbal Warning
2. Written Reprimand
3. Three (3) Day Suspension
4. Five (5) Day Suspension
5. Termination

While these actions are listed in order of severity, disciplinary actions are not required to be progressive in nature.

Verbal warnings may be initiated at the sole discretion of an employee's immediate supervisor. Authority to execute written reprimands is granted to each employee's immediate supervisor, subject to review by that supervisor's next higher authority.

All other disciplinary actions taken relative to employees must be reviewed by the District Court Administrator and forwarded to the President Judge.

J. Grievance Procedures

As it is the policy of the Court to treat all employees equitably and fairly in matters affecting their employment, each employee will be provided an opportunity to understand and resolve matters affecting his/her employment if the employee believes he/she is being treated unjustly.

Any Court employee having an employment-related problem or grievance shall first discuss the problem with employee's immediate supervisor. If the problem is not settled to the employee's satisfaction, the employee has the right to then present the grievance in accordance with the following procedures:

A grievance shall be handled in the following manner:

Step 1 – The employee shall, within three (3) working days of the date of the occurrence giving rise to a grievance or of the date the employee could reasonably be expected to have knowledge of the grievance, present the grievance in writing to the employee's immediate supervisor and/or department head. The supervisor or department head shall respond in writing within three (3) working days.

Step 2 – If the grievance is not resolved at Step 1, the employee may, within three (3) working days of the supervisor's or department head's response, request a review by the District Court Administrator. The request for review shall be in writing and shall set forth the reasons the affected employee is seeking review. The District Court Administrator shall render a final decision within five (5) working days after submission. The decision of the District Court Administrator shall be final and binding.

Failure to submit a grievance within the time period stated above shall constitute a bar to further action therein.

Most Court employees are not represented by a labor union and therefore will adhere to this policy. Those employees represented by a labor union will adhere to procedures outlined in their union contract.

Section 3

Attendance/Leave Policies

A. Attendance

Court employees are required to work the regularly scheduled hours determined by the Court for each court office or department. However, your assigned work schedule will be determined by your supervisor and be subject to change based on the needs of your department.

Court employees are required to notify their supervisor when they will be late or absent from work. Notice must be given as early as possible, but no later than the employee's scheduled start time. Failure to comply will result in disciplinary action.

Employees are considered to be late if they arrive after the beginning of the scheduled workday. Repeated tardiness and absenteeism may result in disciplinary action; and if continued, may result in dismissal.

Absence for three (3) or more consecutive working days without a permission slip from, and proper notification to, the employee's supervisor shall be considered a voluntary resignation from employment and the employee may be terminated.

Lunch periods are intended to provide employees with a break during the course of a workday. Therefore, employees may not routinely work through their lunch period to secure an early workday release, or as a means of avoiding the use of vacation, sick, or personal leave.

Employees are expected to use vacation, personal, or sick leave as appropriate when absent from their designated work site, except for lunch periods or when otherwise assigned by the supervisor.

Time clocks may be installed in your county work location. Employees must make use of those devices when starting the day's work and just before leaving for the day. No employee may "punch in" or "punch out" for another employee. Any person doing so, will face disciplinary action.

B. Vacation Leave

The Court offers paid vacation to all eligible employees based upon years on continuous full-time employment with the court system and/or the county. The following schedule for annual vacation is determined by the Union Contract that is negotiated by the Lackawanna County Commissioners.

The Court reserves discretion to interpret or change this policy as it deems appropriate. Contact the Court Administrator’s Office if you have any questions or for possible updates to this policy.

Years of Service	Vacation Days
After 6 months to One (1) year	5 days
After One (1) year	10 days
Five (5) to ten (10) years	15 days
Ten (10) to fifteen (15) years	20 days
Sixteen (16) years	21 days
Seventeen (17) years	22 days
Eighteen (18) years	23 days
Nineteen (19) years	24 days
Twenty (20) years and over	25 days

Vacation Time must be taken in the calendar year it was earned. An employee may not carry over unused vacation days from one calendar year to the next.

Use of vacation time must be scheduled and requested in advance with approval of your supervisor. Supervisors are responsible for managing vacation schedules to ensure that employees utilize their vacation days consistent with the provisions of this policy.

Supervisors shall establish and maintain a review policy for resolving vacation conflicts within their departments. While every attempt will be made to accommodate employee requests, the Court reserves the right to grant or deny final approval of any vacation request.

Supervisors shall establish guidelines to assure the needs of the department and the public are maintained at all times when approving vacation requests.

It is understood that there are occasions when an employee cannot schedule a day off in advance due to an emergency. When this occurs, the employee MUST report off directly to the supervisor or manager (if the supervisor is unavailable) and inform him/her of the reason for the absence. Employees are expected to keep such requests to a minimum.

C. Personal Leave

The use of Personal Leave is subject to the same terms and conditions applicable to the use of vacation leave.

Court employees, based on the contract negotiated by the Lackawanna County Commissioners, are entitled to 4 personal days per year. Personal leave cannot be carried over from one year to another.

D. Sick Leave

Sick leave is a benefit offered to eligible full-time court employees as protection against lost of income during an employee's illness.

Under the contract agreement negotiated by the Lackawanna County Commissioners, all full-time employees are entitled to twenty (20) working days of sick leave per year or at a rate of 1 2/3 days per month.

Unused sick leave shall be cumulative and available for future use and should not exceed one hundred seventy (170) days.

Sick leave shall be granted when an employee is required to be absent from work for the following reasons:

1. Illness of the employee or immediate family member,
2. Contact with or exposure to a contagious disease rendering the employee a threat to the health of other employees and the public;
3. Necessary medical attention for the employee or immediate family member that cannot be scheduled during non-working hours.

Except in an emergency, requests for use of sick time for medical appointments should be submitted to a supervisor at least 3 days in advance.

Proof of illness in the form of a physician's medical certificate will be required if an employee is absent for 3 consecutive work days. The certificate is due upon the employee's return to work.

Any court employee who is abusing their sick leave entitlement, as determined by the Supervisor and Court Administrator, shall be required to submit a medical certificate for any absence of one day or more.

Court employees are prohibited from using sick leave before or after holidays. If an emergency situation does occur, the employee shall be required to submit a medical certificate.

Non-compliance with these attendance/leave policies will subject an employee to disciplinary action, which may include termination of employment.

E. Bereavement Leave/Funeral Leave

In the event of a death in the immediate family, an employee, upon request, will receive leave not to exceed four (4) consecutive scheduled working days. Immediate family shall include father, mother, grandmother, grandfather, brother, sister, spouse, child, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandchild, step-child, and domestic partner. In exceptional circumstances, the leave may be extended by the approval of the Court Administrator. However such leave shall be extended without pay.

F. Jury Duty Leave

Court employees shall be granted leaves of absence in the event they are summoned to appear for jury duty or are subpoenaed to Court.

County employees shall be compensated at their regular rate of pay without loss of tenure or benefits during said jury duty. Any pay received for jury duty or witness fees shall be submitted to the County Treasurer's office. Pay for all expenses (i.e. mileage) may be retained by the employee. Any court employee on a jury pool, acting as a witness, serving on a sworn jury panel or a grand jury panel who finishes their duties with the court before 4:00 P.M., must return to work for the balance of the work day.

G. Other Leave

County employees are entitled to other leave such as Family and Medical Leave (FMLA), military, fire fighting, and civil defense leave. In these instances, employees will follow the current contract that is negotiated by Lackawanna County Commissioners.

Section 4

Medical Insurance/Benefits

All full-time employees and qualified dependants are eligible for full medical coverage which includes medical plans, dental, vision, and prescription plans.

Most Court employees are not represented by a labor union and therefore, receive their benefits and follow the Lackawanna County Service Employees International Union Local 668 contract.

Certain job classifications in Lackawanna County are represented by labor organizations. If your position is covered by such an agreement, your medical benefit coverage will be administered by the union contract. You should receive information regarding your benefits from your labor union.

The County agrees to deduct employee contributions towards medical plans in pre-taxed dollars.

In the event that Federal or State legislation takes affect that could financially impact the County's medical plans, the County and Union will meet to discuss the best ways to revise the current contract to comply with such laws and at the same time, minimize any cost increases for the County and changes to basic benefits.

The County shall provide group life insurance coverage for regular full-time employees in the amounts set by the current contract.

Section 5

Miscellaneous Policies

A. Adverse Weather/Emergency Closing

Only the President Judge, in coordination with the Lackawanna County Commissioners, has the authority to close the Court offices and to excuse or dismiss employees early.

During periods of hazardous road and/or weather conditions, supervisors are authorized and encouraged – when operationally possible- to allow liberal use of vacation, personal, or compensatory leave by those individuals who indicate that they do not wish to report to work or want to leave early because of existing hazardous conditions.

Department Heads/Supervisors may determine appropriate staffing levels during inclement weather, as long as all essential operations are functioning properly.

Employees choosing to use leave to avoid hazardous road and/or weather conditions will have leave charged against their vacation, personal, compensatory time only. (No sick time can be used)

B. Security I.D. Badges

To provide immediate recognition of employees and to provide a safe and secure work environment, Court employees are provided a picture identification (I.D.) badge upon hiring and completion of a clear criminal check.

Court employees are required to wear their I.D. badge during working hours and when on County premises in the conduct of Court business.

Lost badges will require a fee set by the Lackawanna County Sheriff's Department for a replacement badge.

If through normal use and no fault of the employee, the security scanning equipment is unable to “read” an employee's badge, it will be replaced free of charge.

Employees must adhere to whatever policies are in effect within individual departments regarding the scanning of badges in the employee entrance

systems and/or time clock systems. No employee may enter any building under the scan of another employee, nor may any employee permit another individual to enter under his or her door scan. Violation of this policy will result in disciplinary action or dismissal. Employees may not “loan” their ID badge to someone else in order to gain entrance to a secure location.

C. Internet Access and Use

Court Departments will use internet access for business purposes only, with the exception of incidental and occasional personal use that does not interfere with official responsibilities.

All internet access shall comply with applicable laws and policies. Intentional misuse may subject the user to termination of access rights and disciplinary action.

Each user will maintain password confidentially. Users will neither share any password for any computer or network facility with any unauthorized person, nor obtain any other user’s password by unauthorized means.

Court users will not access inappropriate web sites, unless pursuant to a court-approved investigation.

All e-mail messages produced by Court employees on Court, County, or State provided systems are respectively, the property of Lackawanna County or the Commonwealth. E-mail should only be used for county/state business purposes only, with the exception of incidental and occasional personal use that does not interfere with official responsibilities.

Any misuse of the internet/email as determined by employee’s immediate supervisor and/or department head will be subject to disciplinary actions.

D. Drug-and Alcohol Free Workplace

Lackawanna County is a drug-free workplace on County premises or while conducting County business, whether on or off premises. The Court recognizes that the misuse of drugs and alcohol is a serious problem with legal, physical, and social implications for the entire community. As such, the Court is concerned about problems that may be caused from drug and alcohol use by employees. Therefore, as a condition of employment, Court employees shall abide by the terms of this policy.

A drug and alcohol-free workplace shall be defined as the site for performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession of, or use of a controlled substance or alcoholic beverage. For the purpose of this policy, drugs shall be

defined as those outlined in the Controlled Substance, Drug, Device, and Cosmetic Act.

In all circumstances, the President Judge and District Court Administrator must be contacted immediately if there is suspected drug and/or alcohol use by a Court appointed employee or special master.

Conviction shall be defined as finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with responsibility to determine violations of any federal or state criminal drug statute. Court employees convicted of such a violation may be required to participate in an approved rehabilitation plan and may be subject to disciplinary action, up to, and including termination of employment. It is mandatory for the employee to notify the District Court Administrator in writing of any criminal statute conviction for any violation no later than five (5) workdays after such conviction.

It is also preferred that the District Court Administrator be notified at the time of any citation or arrest.

Section 6

Harassment and Sexual Harassment Policy

It is the policy of Lackawanna County to provide a workplace that is free of all forms of harassment by supervisors, other employees, or non-employees present in the workplace, including current and prospective clients or customers, consultants, vendors and other outside parties conducting business with the county. This is a “Zero Tolerance” Policy: harassment because of sex, sexual preference, race, national origin, handicap, or any other reason will not be tolerated. Harassment is considered a serious act of misconduct and may subject an individual to disciplinary action up to and including termination. Harassment includes physical, verbal, and non-verbal abuse, intimidation, and threats.

Physical harassment includes hitting, pushing, kissing, touching, scratching, biting or any physical contact that has the effect of harming an employee. Verbal harassment may take the form of intimidation, propositions, suggestive comments, or threats to commit acts such as those described above. Verbal harassment includes derogatory or vulgar comments or jokes with reference to sex, sexual preference, race, ethnic heritage, national origin, physical appearance, handicap or religion. Non-Verbal harassment and sexual harassment includes the display or distribution of objects or written or graphic materials (including via county email) that are suggestive, offensive, or degrading. Staring, leering, and other suggestive gestures are also a form of non-verbal harassment.

Sexual harassment is an unlawful employment practice under Title VII of the Civil Rights Act of 1964, as amended. According to the Sexual Discrimination Guidelines promulgated by the Equal Employment Opportunity Commission (EEOC), sexual harassment is a form of sex discrimination. The guidelines define sexual harassment as follows:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment.
2. Submission to, or rejection of, such conduct by an individual is used as the basis for employment affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or creating an intimidating, hostile or offensive working environment.

It is the policy of the Lackawanna County Court of Common Pleas to maintain a working environment free from all forms of harassment. Additional policy information from the AOPC is provided on this topic as part of this policy manual and should be read, understood and acknowledged in writing by each employee.

The Court expressly prohibits retaliatory action to be taken in response to the filing of a complaint of sexual harassment.

The District Court Administrator will ensure that any complaint of sexual harassment is investigated in compliance with the law.

A. Reporting Procedure

If an employee feels he/she has been harassed, he/she has a responsibility to bring this matter to the immediate attention of his/her direct supervisor. If the employee feels uncomfortable in discussing the matter with the supervisor, he/she should contact the department head and/or District Court Administrator. The District Court Administrator, or his/her designee, will respond to a verbal or written report or complaint by initiating an investigation within three (3) workdays of the complaint.

For non-employees, (i.e. attorneys, litigants, members of the jury, outside vendors, the public), if you believe you have been harassed or discriminated against by any personnel of the Pennsylvania Unified Judicial System, you should report this harassment to the District Court Administrator by telephone, in writing or via email. There are forms available for this purpose in the Courthouse, Family Court Center, and at the locations of all court related departments.

B. Investigation

The supervisor who conducts the investigation will keep the employee's report and the result of the investigation confidential to the fullest extent possible.

The procedures followed in the investigation may vary according to the circumstances of each case but can be expected to include, at a minimum, the following steps:

1. A personal interview with the individual filing the complaint to obtain details of the incident. A copy of the complaint will be forwarded to the County Solicitor for review.
2. An evaluation of the complaint to determine whether alleged actions violate the Court's sexual harassment policy.

3. Interview the alleged harasser – advising him or her of the charges filed and providing an opportunity for response.
4. Interview witnesses identified by either party.

C. Findings

The supervisor who conducts the investigation will submit a written report to the President Judge and District Court Administrator who will determine whether:

1. Further investigation is warranted, or
2. A violation of the Court’s sexual harassment policy has occurred.

In the event additional investigation is deemed necessary, the President Judge or District Court Administrator will specify what further steps will be taken.

If it is determined that an employee has engaged in a violation of this policy, the employee will be subject to disciplinary action, up to and including termination of employment with the Court. Any disciplinary action will be taken in concert with the President Judge, District Court Administrator, and County Solicitor. If no determination is possible, the parties will be advised accordingly.

The Court reserves discretion to interpret or change this policy as it deems appropriate. Please contact the District Court Administrator’s Office if you have any questions or for possible updates to this policy.