

## I. PURPOSE

Arizona Superior Court in Pima County considers remote work to be a viable, flexible work option when Court Administration has determined both the employee and the position are suited for such an arrangement, and the Remote Work is advantageous to the Court.

## II. POLICY STATEMENT

Application for and approval of Remote Work is to be considered a privilege, not a right. Under the Remote Work Program, employees may remote work up to five days per week, based on necessity, staffing levels, and business needs as determined by the Court Administrator. All approvals will be made on a case-by-case basis in accordance with this procedure. Approval for the Remote Work Program does not change the employee's conditions of employment with the Court. It is intended that the remote work location will be the employee's home, unless an alternate location is approved through the Remote Work Program application process. Remote work can be informal, such as working from home for a short-term project, inclement weather or a formal, set schedule of working away from the Court described below. Either an employee or a supervisor can suggest remote work as a possible work arrangement.

## III. DEFINITIONS

**Confidential Information:** The hard copy or electronic document or information which may contain sensitive information about an individual, group, process, or content belonging to the Court. This information includes, but is not limited to, Federal Tax Information (FTI), Protected Health Information (PHI), Personal Identifiable Information and other information that is statutorily confidential under Federal and State law.

**Post of Duty:** The officially approved worksite provided by the Court. This is the usual and customary physical work address.

**Remote Work Address:** The officially approved worksite specifically designated as the physical location where the employee will work for remote work. The physical location will be deemed to be the employee's home address, unless otherwise waived by the Division Director.

**Remote Worker:** The Court employee approved to work from their remote work address for a specific amount of time during a work week or pay period.

**Remote Work:** A voluntary work arrangement provided to a Court employee allowing the employee to work from the remote work address during one or more days during the work week to enhance productivity and services of the Court. Remote work cannot be used to assist any employee in meeting the essential duties and expectations of their position.

**Remote Work Agreement:** The approved written agreement between a Court employee and the Court regarding the expectations of remote work activities and schedule.

#### IV. Eligibility

A. Employees eligible for remote work must meet established criteria. Requests for remote work will be determined on a case-by-case basis based upon the needs of the Court. Judicial Officers and their immediate staff are not eligible for the Remote Work Program; however, they may be eligible for alternative work schedules (See Policy #602). The Court Administrator (or designee) may authorize remote work for Court employees who meet the following criteria:

1. Employees must not be on a probationary status, either initial or promotional.
2. The employee must have a satisfactory performance record.
3. The employee must perform duties that can be performed at a remote work address without additional costs to the Court;
4. The employee's supervisor and the employee must agree the employee is self-motivated and requires little supervision while performing their job duties; and,
5. Employee must complete the Remote Work Agreement.

Work characteristics appropriate for remote work include, but are not limited to:

1. A high amount of time spent communicating via telephone and/or personal computer.
2. A high degree of independence and control of scheduled work assignments
3. Limited need for in-office reference material or individuals.
4. Limited need for physical security of data.
5. Job duties that are measured quantitatively.
6. Clear objectives for each work product.

Work characteristics that are not appropriate for remote work include:

1. Need to supervise the work of others.
2. Compromised efficiency when the employee is not present at the official work location.
3. Frequent supervision, direction or input required from others who are at the official work location.

## **V. PROCEDURE**

### **A. Remote Work Program Agreement**

1. The employee must complete and submit a Remote Work Program Agreement to their supervisor for approval for remote work. If approved by the supervisor, the Remote Work Program Agreement must be provided to the Division Director for preliminary approval, and to the Court Administrator for final approval.
2. The employee must adhere to all the terms and conditions of the Remote Work Program Agreement.
3. The Remote Work Program Agreement must be evaluated after the first initial three (3) month period and renewed annually by calendar year thereafter to determine if remote work continues to be in the best interest of the Court and is suitable for the employee's position. All renewals must be approved by the Court Administrator.
4. Court Administration may rescind the remote work arrangement at their discretion based upon current work conditions without right of appeal or grievance. Every effort will be made to provide 14 days' notice of such change to accommodate commuting, and other issues that may arise from the termination of a remote work arrangement. There may be instances, however, when no notice is possible. Remote work is not designed to be a replacement for appropriate childcare.
5. Court Administration may require the employee to complete a new Remote Work Program Agreement in the event there is a change in the Agreement.
6. The denial of an employee's remote work program request is neither grievable nor appealable.

### **B. Work Schedule**

1. The employee may not use remote work program for caregiving purposes unless approved by the Court Administrator.
2. The employee may not remote work while traveling or being transported to and from destinations, e.g., driving, flying, etc. However, driving to work-related meetings and appointments that would normally be considered as part of the employee's workday when not remote working is considered work time.
3. The employee will work their scheduled hours and follow any Division procedures related to notification of need to use any accrued annual leave, sick leave, or compensatory time.

4. In the case of a Fair Labor Standards Act (FLSA) non-exempt (hourly) employee, the employee will only work during their regularly scheduled hours and will not perform any work activities outside of those regularly scheduled hours. FLSA non-exempt employees must receive prior approval to work any overtime.
5. The employee must record all time worked, including the use of overtime (pre-approval required).
6. The employee must be available via computer and/or telephone during their work hours.
7. The employee must obtain supervisor approval before making any changes in their Remote Work Program Agreement.
8. The Division Director may change or terminate an employee's Remote Work Program status at any time. This is neither grievable nor appealable.

### **C. Workspace and Equipment**

1. The Court employee must not use Court equipment for personal purposes.
2. The Court employee is responsible for providing a safe and ergonomically-sound work area for remote work.
3. The Court employee is responsible for providing an appropriate workspace free from distraction.
4. The Court employee must provide adequate utilities and Internet service at their own expense and maintain the Court-provided equipment in good working order during remote work. Should any connectivity issues arise at the employee's remote work address, the Division Director may require the employee to return to work at their post of duty until such issues have been remediated and full connectivity achieved at the remote work address.
5. The employee is responsible for providing work/office equipment such as, but not limited to, a computer monitor, printer/scanner, desk, and chair. The equipment is expected to be safe and ergonomically sound.
6. The Division Director or their designee retains the right to make on-site visits to the remote work workspace for safety and other reason(s).
7. The Court employee is responsible for forwarding their work telephone to their personal telephone or other appropriate number when performing remote work.

8. Office supplies will be provided by the Court as needed.
9. A Division-issued laptop configured by the Information Technology Services Division for remote access is required for any employee working remotely. Any other tools/equipment necessary to perform duties such as computer software require the Division Director and Information Technology Services Division approval. The use of equipment, software, and data supplies, when provided by the Division, are limited to authorized individuals and for Pima County Superior Court business purposes only. If Court-issued equipment is faulty, the employee is required to bring the Court-issued equipment to the Information Technology Services Division for repair. If no other Court equipment is available for use, the employee will be required to work onsite. The employee is responsible for maintenance and repair of their personally owned equipment. The Information Technology Services Division cannot troubleshoot personal equipment or Internet access issues.
10. The Court employee is required to take appropriate action to protect equipment from damage or theft. Damage, loss, or theft of equipment must immediately be reported to the supervisor/manager per the Court Issued Equipment policy.

#### **D. Computer and Information Security**

1. The Court employee must safeguard all passwords used in connection with Court files or programs to ensure sensitive information is protected.
2. Any Court information possessed by the employee must not be shared with or made available to any other individuals.
3. The Court employee must ensure that official records and information are secure and maintained in a way that would make them inaccessible to any other individuals.
4. The Court employee is responsible for adhering to all State, Court, and Divisional policies, procedures and standards concerning use of computer equipment and the security of data information while performing remote work.
5. Unauthorized access to or disclosure of official information or systems must be immediately reported to the employee's supervisor/manager. Such unauthorized access or disclosure, including the release of confidential information or personally identifiable information, which occurred due to the employee's neglect, will be addressed through administrative channels which may include disciplinary action up to and including termination of employment.

6. Any suspected data breach containing sensitive data must immediately be reported to the employee's supervisor/manager and the employee must provide their supervisor with any required documentation regarding the suspected breach prior to the end of the employee's normal work hours on the day the suspected data breach is discovered.
7. The Court employee must protect, and safeguard files, documents, equipment, and other materials transported back and forth between the post of duty (or other Court site) and the remote work address. Employees shall protect official records and documents from unauthorized disclosure or damage and comply with all established policies and procedures regarding such matters.
8. Employees must also take the following precautions:
  - a. Only take confidential information from their post of duty when authorized by the supervisor/manager.
  - b. Do not transmit confidential information from work email to personal email addresses or text messaging services (e.g., Gmail, Yahoo).
  - c. Securely store all hard copy documents or office media so that others cannot access or view it.
  - d. Do not communicate confidential information within hearing range of others can listen.
  - e. Handle records requiring preservation or destruction according to the records management guidelines established by the Arizona Office of the Courts (AOC).
9. Under no circumstance shall official data or information be transferred to or stored on any personal devices. Under no circumstances shall the employee allow Court-issued equipment to be used by another individual(s). Employees must log off and secure any computer being utilized to conduct official Court business when not in use.

## **VI. RESPONSIBILITY AND ACCOUNTABILITY**

### **A. Employee Responsibilities include:**

1. Employees must comply with all Federal, State, and local laws and Court rules, policies and procedures required at the official work site when performing remote work. All employees must sign an agreement identifying the terms and conditions for participation in the program. Any violation of the terms of the agreement or of the

policies/procedures governing remote work may result in termination of the Remote Work Program Agreement.

2. Employees must treat remote workdays as regular workdays and are expected to maintain a regular work schedule as specified in the Remote Work Agreement. Employees will work their entire approved shift (including overtime when applicable and previously authorized). Employees must request time off in advance and submit leave requests as currently required under Court policy and Division directives. Employees are expected to maintain professional work attire while remoting from home.

3. Employees may be required to report to their post of duty, upon Court Administration's request, at any time. When employees are required to report to their post of duty on a scheduled remote workday, there is no expectation that the employee will be granted an additional remote workday in return. If an employee is required to report to their post of duty, they will not be reimbursed for travel or parking fees.

4. Employees must be available via all required methods of communication throughout the workday. Should an employee not be available through official channels, management will contact the employee via their personal contact information. Non-responsiveness of the employee during the workday may result in designation of absent without leave (AWOL) and revocation of remote work program approval. Employees must forward their official post of duty phone number to the phone that will be used while performing remote work.

5. Employees must have their webcam on and be in view during all scheduled meetings, trainings and conferences while Remote Working. When a supervisor requests, an employee must be readily available for an in-person video meeting and have any filters off at the request of the supervisor.


6. In-person meetings at the employee's remote work address are prohibited. This restriction does not preclude an employee from participating in phone or web-based meetings from their remote work address.

7. Unless otherwise directed, remote workers must continue working when there is an order for workers at the post of duty to vacate the premises. Conversely, if an emergency occurs at the remote worker's remote work address which prevents the remote worker from conducting business during their regularly scheduled hours, the supervisor/manager may direct the remote worker to report to the post of duty.

B. Division Responsibilities Include:

1. Court Administration will determine positions within the Divisions suitable for the Remote Work Program.
2. The Division Director shall provide the original Remote Work Program Agreement to the Human Resources Division once it has been approved.
3. The Division Director shall maintain a copy of the approved Remote Work Program Agreement and revisit when appropriate.
4. The Division Director shall notify Human Resources in the event of a change, update, or revocation of the Remote Work Program Agreement for the remote worker.

DATED this 4<sup>th</sup> day of August, 2022

  
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Honorable Jeffrey T. Bergin  
Presiding Judge