

# Montana Judicial Branch Personnel Policies & Procedures

<b>Subject: Employee Code of Conduct</b>	<b>Policy No.: Section 210</b>
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<b>Section: Employee Relations</b>	<b>Revision Date: November 11, 2019</b>
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## 1.0 POLICY

A judiciary that upholds high standards of integrity, impartiality and independence is indispensable to our system of justice. The conduct of Judicial Branch employees reflects upon and influences the level of public trust placed in the judicial system. As such, employees of the Judicial Branch are expected to uphold high standards of integrity through appropriate conduct. This policy provides guidance to employees but does not cover every possible situation. Employees are encouraged to confer with management if faced with an ethical dilemma.

## 2.0 DEFINITIONS

"Judicial Branch Employees" are employees of the Supreme Court, including employees in the Court Administrator's Office and the Law Library, employees of the District Courts including employees of the Youth Courts, and employees of the Water Court.

"Management Authority" is the employee's supervisor, other supervisors in a direct line of authority above the employee's supervisor, the supervising Supreme Court Justice, the supervising District Court Judge, the Chief Water Judge, the Supreme Court Administrator, and the State Law Librarian. As defined in the Applicability and Purpose Policy (Section 1/100), each District Court Judge and Water Court Judge maintains the authority to direct the performance of employees in accordance with Judicial Branch Policies.

## 3.0 PERFORMANCE OF DUTIES

Employees should perform their official duties diligently during working hours, serve the public courteously, and treat all persons with dignity and respect.

- a. Equal access to justice is a fundamental right in a democratic society. Employees should perform their duties without bias or prejudice, expressed in words or conduct;
- b. Employees should not be influenced by kinship, position, partisanship, public clamor or fear of criticism or reprisal in the performance of work duties; and,
- c. Employees should avoid activities that provide the impression that they may be improperly influenced in the performance of work duties.

Employees shall not alter, falsify, destroy, mutilate or delete required entries of any official record within their control. Employees may alter documents or records only when such alterations are appropriate and necessary to perform their respective duties and approved by a supervisor.

Employees shall not provide the public or any individual with legal advice unless providing such advice is inherent in their official position.

Employees should uphold the United States and Montana Constitutions, laws, court rules, and other administrative regulations. Employees should support and protect judicial independence, the public's interest, and justice for all persons.

Employees shall refrain from making public comments as an employee on proceedings pending before the Montana Supreme Court, a Judicial Branch board or commission, a District Court, or the Water Court.

Due to the access Judicial Branch employees have to court documents and procedures, any employee who is arrested or given a citation to appear before a judge for a non-traffic offense must notify his/her supervisor within two working days of the arrest or citation. Furthermore, any Judicial Branch employee who is convicted of a crime, including pleas of "no contest," even if the conviction is deferred, must notify his/her supervisor within two working days of the conviction. Employees who fail to make proper notification to her/his supervisor of an arrest or conviction will be subject to discipline up to and including termination of her/his employment.

### **3.1 CONFIDENTIALITY**

Judicial Branch employees may handle court-related, employee-related or other information that is confidential. This information may include materials or client information maintained in electronic systems managed by other branches of government. Management is expected to educate employees about confidential information. Employees shall abide by any policies and/or statutes that govern confidential information.

### **3.2 POLITICAL ACTIVITY**

The Judicial Branch seeks to maintain neutrality concerning political matters to the extent possible. Employees have the right to hold and express personal opinions about political candidates and issues. While conducting work business or acting as an agent of the Judicial Branch, however, employees should maintain neutrality except when an employee's position requires political advocacy on behalf of the Judicial Branch.

Judicial Branch employees may not:

- a. Use public time, facilities, equipment, supplies, or funds to solicit support for or opposition to any political committee, the nomination or election of a person to public office, or the support to or opposition of passage of a ballot issue unless authorized by law;
- b. Use an official employment title in relation to a political activity;
- c. Solicit funds or support during working hours or while using an official work title;
- d. Lobby on behalf of an organization of which the employee is a member while performing work duties or receiving compensation as an employee;
- e. Base employment decisions on or comment about a coworker's or subordinate's political beliefs;
- f. Display political or campaign information in a public office; or
- g. Coerce others to engage in a political activity or vote in a certain manner.

Judicial Branch employees may:

- a. Participate actively in political and election activities during non-work hours. Such activity includes, but is not limited to, holding membership and office in a political party, campaigning for a candidate(s), or making contributions of time or money to political causes or candidates;
- b. Run for non-partisan offices. Employees running for office must not conduct campaign activities during work hours or use work equipment or facilities for this purpose;
- c. Run for partisan office unless the employee's position is funded in part by federal dollars. Employees supported by federal dollars should contact the Human Resources Office as federal Hatch Act provisions may place additional restrictions on the employee; and,
- d. Be elected to public office and request a leave of absence to serve in public office. Requests will be considered in compliance with 2-18-620, MCA. Employees in a position funded by federal money and thus covered by the Hatch Act may be limited from running for and holding a partisan office if employed by the Judicial Branch.

### **3.3 BUSINESS AND OUTSIDE EMPLOYMENT ACTIVITIES**

Employees have the right to seek out and hold other jobs or business interests. The Judicial Branch considers employment with the Judicial Branch to be the primary employment.

Judicial Branch employees may not:

- a. Use public time, facilities, equipment, supplies, or funds for private business or employment purposes;
- b. Engage in a substantial financial transaction for a private business with a person whom the employee inspects or supervises in the course of official business;
- c. Solicit business or employment from a person or business whom the employee inspects or supervises in the course of official business;
- d. Solicit clients to participate in a private business. This would include referring clients to services such as counseling services operated on a private basis by an employee;
- e. Perform an official act directly affecting or economically benefiting a business or other undertaking in which the employee has substantial financial interest or is engaged as counsel, consultant, representative, or agent;
- f. Neglect or fail in the performance of work duties due to a private business or outside employment; or
- g. Accept concurrent employment with another branch of state government without approval as this could result in overtime obligations for the Judicial Branch.

Employees with questions about whether a business or outside employment issue creates a conflict should discuss the issue with a supervisor. The Human Resources Office can provide assistance in determining if a conflict exists.

### **3.4 CONFLICT OF INTEREST**

Judicial Branch employees have an obligation to diligently identify, disclose, and avoid or manage conflicts of interest. A conflict of interest can seriously undermine the public's view of the Judicial Branch and its employees. Employees are expected to actively avoid conflicts of

interest and report conflicts when one may exist. Every potential conflict cannot be identified in a policy. The following provide examples and guidance to staff:

- a. Employees should not accept gifts, loans, gratuities, services, discounts, or other compensation if it could be inferred that the gift could influence a decision or outcome related to the employee's work;
- b. Employees may accept food or refreshment of insignificant value when attending conferences, meetings, or other activities;
- c. The relationship between the public and members of the Judicial Branch creates a need to limit financial transactions. Employees are prohibited from bartering with, trading with, or employing people with whom they are involved through the judicial system;
- d. Employees involved in selecting a provider or contractor through a competitive bid process are required to abide by procurement procedures adopted by the Judicial Branch;
- e. Employees should report in advance any personal conflicts or relationships which could cause the employee's official actions to be questioned; and,
- f. Occupations within the Judicial Branch may have specific conflict of interest requirements, which are not identified in detail in this policy. Employees shall abide by standards established through licensing requirements or other professional codes of conduct unless the standards conflict with this policy.

### **3.5 REPORTING REQUIREMENTS**

Employees should not receive and accept gifts as described in 3.4 A. If declining to accept a gift would be insensitive or the gift is an award for public service, the gift may be accepted under the following conditions:

- a. Employees must report any gifts with a value of more than \$25 to the appropriate management authority in his/her chain of command;
- b. The management authority will determine whether it is appropriate to accept the gift, donate it to a charitable organization, or returned to the giver. The management authority may contact the Supreme Court Administrator for advice regarding a gift; and,
- c. A gift of cash, stocks, or similar items cannot be accepted and must be donated or returned to the giver.

### **3.6 FRAUD REPORTING**

Any person having information concerning potential fraud or violations of this policy are strongly encouraged to contact the Court Administrator or the Court Services Director at (406) 841-2965 to report the information. Reports of potential fraud can also be made to the Legislative Audit Division by calling the Fraud Hotline at (800) 222-4446.