

Memorandum 2021-9

**Statutes Made Obsolete by Trial Court Restructuring (Part 8):
Judicial Benefits (Discussion of Issues)**

Last November, the Commission began reexamining the statutes on judicial benefits that it set aside for further study after circulating its voluminous 2001 tentative recommendation on *Statutes Made Obsolete by Trial Court Restructuring*.¹ The staff memorandum reintroducing this topic (Memorandum 2020-63) summarized the pertinent history relating to judicial benefits.²

The introductory memorandum also grouped the judicial benefits statutes from the 2001 tentative recommendation into six different categories (Categories I to VI)³ and analyzed the statutes in the first four categories (Categories I, II, III, and IV).⁴ At the November meeting, the Commission decided how to handle the statutes in Categories I, II, III, and IV for purposes of a new tentative recommendation.⁵

This memorandum analyzes the statutes in the remaining categories, which are:

Category V: County-specific statutes relating solely to superior court personnel (applicable where county population exceeds 2,000,000).

Category VI: Statewide statutes relating to court personnel, including municipal and superior court judges.

1. Tentative Recommendation on *Statutes Made Obsolete by Trial Court Restructuring* (Nov. 2001) (hereafter, the “2001 tentative recommendation”), available at <http://www.clrc.ca.gov/pub/Misc-Report/TR-TrialCtRestruct.pdf>.

Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. See Memorandum 2020-63, pp. 1-11.

3. See *id.* at 11 & Exhibit pp. 1-11.

4. See *id.* at 11-16.

5. See Minutes (Nov. 2020), pp. 4-5.

As before, **the Commission will need to decide how to handle these judicial benefits statutes for purposes of a tentative recommendation.**

The following materials are attached for the Commission’s consideration, as explained in more detail in the course of this memorandum:

Exhibit p.

- Hon. James Bascue, Presiding Judge, Superior Court of Los Angeles County (2/14/02) 1
- Judicial Council of California, *Travel Expense Reimbursement for Trial Court Judges and Employees – Policy Number: Fin 8.03* (June 2020)..... 5
- Excerpts from the TCEPGA 37
- Excerpts from the Trial Court Funding Act 53
- California Rule of Court 10.810..... 55

Unless otherwise indicated, all further statutory references are to the Government Code.

INTRODUCTION

Before turning to the statutes in Categories V and VI, it may be helpful to reiterate some guidelines about the scope of this study. In particular, the Commission does not have unlimited authority to review the merits of statutes relating to judicial benefits.

Rather, Section 71674 directs the Commission to “determine whether any provisions of law are *obsolete as a result of the enactment of [the Trial Court Employment Protection and Governance Act], the enactment of the Lockyer-Isenberg Trial Court Funding Act of 1997 ..., or the implementation of trial court unification,* and ... recommend to the Legislature any amendments to remove those obsolete provisions.”⁶ In other words, the Commission is only authorized to recommend removal of material that became obsolete due to one or more of the trial court restructuring reforms.

With regard to judicial compensation, that means:

- This study relates solely to compensation of trial court judges. The trial court restructuring reforms did not affect compensation of appellate court justices.

6. Emphasis added.

- This study focuses on judicial benefits, not judicial salaries. Since early 2001, all state trial court judges have received the same state salary.⁷
- There are two different retirement programs for trial court judges (Judges Retirement System I and Judges Retirement System II), with membership depending on when a judge joined the bench.⁸ There is no need for the Commission to explore the disparities between those retirement programs, nor differences in contribution requirements stemming from the enactment of the Public Employees’ Pension Reform Act (“PEPRA”).⁹ Such disparities do not relate to trial court restructuring.
- There was a lawsuit in which a class of 3,400 active and retired California judges sought backpay and interest because the State Controller refused to increase their salaries pursuant to a statute during a fiscal crisis.¹⁰ That lawsuit has nothing to do with trial court restructuring and thus is not relevant to this study.
- There has been extensive litigation, as well as legislation, relating to supplemental judicial benefits (i.e., locally-provided benefits that trial court judges in some counties receive in addition to their state-provided compensation).¹¹ The Commission is not authorized to assess the policy merits of providing supplemental judicial benefits. That is the Legislature’s nondelegable, constitutional duty.¹²

COUNTY-SPECIFIC STATUTES RELATING SOLELY TO SUPERIOR COURT PERSONNEL
(APPLICABLE WHERE COUNTY POPULATION EXCEEDS 2,000,000)

Category V consists of county-specific judicial benefits statutes that relate solely to superior court personnel (no municipal court personnel). There are two statutes from the 2001 tentative recommendation in this category: Sections 69894.3 and 69894.4. These statutes expressly apply “in each county having a population of over 2,000,000.”

The number of California counties with a population over 2,000,000 has changed over time:

7. Judicial Council of California, Historical Analysis of Disparities in Judicial Benefits (Dec. 2009), p. 7.

8. See *id.* at 14-15.

9. 2012 Cal. Stat. ch. 296.

10. See *Mallano v. Chiang*, 2018 Westlaw 3121536 (June 26, 2018); *Mallano v. Chiang*, 2017 Westlaw 1247811 (April 5, 2017).

11. See Memorandum 2020-63, pp. 4-10.

12. See *id.* & authorities cited therein.

- When these statutes were first added to the codes in 1959,¹³ Los Angeles County was the only county in the state with a population over 2,000,000.¹⁴
- When the Law Revision Commission examined these statutes in 2001-2002, three counties had a population of over 2,000,000: Los Angeles, Orange, and San Diego.¹⁵
- Based on the 2010 federal census, five counties had a population of over 2,000,000: Los Angeles, Orange, San Diego, Riverside, and San Bernardino.¹⁶
- Based on 2019 population estimates from the U.S. Census Bureau, five counties have a population of over 2,000,000 (Los Angeles, Orange, San Diego, Riverside, and San Bernardino) and Santa Clara County is close, with a population estimate of 1,927, 852.¹⁷
- Data from the 2020 federal census is not yet available.

Unlike some statutes,¹⁸ Sections 69894.3 and 69894.4 do not specify which census to use in determining the county population.

The staff has not yet found any relevant legislative history on this issue, largely because California legislative materials from before 1993 are generally not available online. At some point, it might be helpful to seek such information from the State Archives.

For now, **the Commission should just bear this ambiguity in mind in initially examining Sections 69894.3 and 69894.4.** When updating these sections to remove material made obsolete by trial court restructuring, it may be necessary to specify more clearly the county or counties in question.

Each section is discussed individually below. Section 69894.3 is complicated, so the analysis begins with Section 69894.4 instead.

Section 69894.4. Expense Allowances

Section 69894.4 relates to travel expenses of certain court personnel. It provides:

13. See 1959 Cal. Stat. ch.1834, §§ 10 (adding Section 69894.3), 11 (adding Section 69894.4).

14. See <https://www2.census.gov/library/publications/decennial/1950/pc-08/pc-8-04.pdf> (“1950 Census of Population”).

15. See Table 4 in <https://www.census.gov/prod/cen2010/cph-2-6.pdf> (county-by-county figures from 1970 to 2010).

16. See *id.*

17. See <https://www.census.gov/content/census/en/search-results.html?stateGeo=none&q=california%20population%20ca&searchtype=web&page=1> (2019 CA county-by-county population estimates from US Census Bureau).

18. See, e.g., Bus. & Prof. Code § 23777 (referring to 1940 federal census); Gov’t Code § 51911 (referring to “the last federal census”); Health & Safety Code § 124840 (referring to 1980 federal census).

69894.4. *All of the employees provided for in Section 69894.1 and judges of the superior court in each county having a population of over 2,000,000 shall be allowed actual traveling and necessary expenses incurred while engaged in the duties of their office, which shall be the same as allowed to officers and employees of such county. Any expenses for travel outside of the county shall require the prior approval of the board of supervisors.*

Whenever, because of the nature of the duties of any judge or officer of the court, the board of supervisors determines that the best interest of the county and the court would be served, it may assign an automobile in lieu of allowing travel expenses.

The salaries provided for in said Section 69894.1 shall be paid by the county out of such fund as other salary demands against the county are paid. The expenses provided for in this section shall be paid in monthly installments out of the general fund. Salaries and expenses shall be audited in the same manner as the law requires for other demands against the county.¹⁹

As shown in italics, this section applies to two different groups: (1) “All of the employees provided for in Section 69894.1,” and (2) “judges of the superior court in each county having a population of over 2,000,000.” Former Section 69894.1 expressly related to superior court officers and employees in Los Angeles County.²⁰ It was repealed on the Commission’s recommendation in 2002, having been superseded by the enactment of the Trial Court Employment Protection and Governance Act (“TCEPGA”).²¹ Consequently, the cross-references to “Section 69894.1” in Section 69894.4 are obsolete. **At a minimum, the Commission should clean up those obsolete cross-references.**

However, it may instead be possible to repeal Section 69894.4. That is what the Commission proposed in its 2001 tentative recommendation on trial court restructuring, saying that the section was obsolete due to the enactment of the TCEPGA, the enactment of the Lockyer-Isenberg Trial Court Funding Act, and the enactment of Section 69505 (a then-new provision on business-related travel expenses of trial court judges and employees).²²

At the time, Los Angeles County Superior Court (“LASC”) objected to the proposed repeal. The court acknowledged that Section 69894.4 mostly “appears to be supplanted by recently enacted Government Code § 69505 which requires Judicial Council-approved policies and reimbursement schedules and which

19. Emphasis added.

20. See *Statutes Made Obsolete by Trial Court Restructuring: Part 1*, 32 Cal. L. Revision Comm’n Reports 1, 279-80 (2002) (hereafter, “TCR: Part 1”).

21. See 2002 Cal. Stat. ch. 784, § 310 see also TCR: Part 1, *supra* note 20, at 279-80.

22. See 2001 tentative recommendation, *supra* note 1, at 236-37.

requires each court to adopt a conforming reimbursement system.”²³ LASC pointed out, however, that “whereas section 69894.4 authorizes the Board of Supervisors to assign an automobile to any judge or officer of the court, section 69505 makes no allowance for assignment of an automobile.”²⁴ LASC therefore concluded that “[t]he portion of section 69894.4 pertaining to assignment of an automobile should be retained, substituting the Court as the entity determining whether an automobile in lieu of reimbursement would better serve the interests of the court.”²⁵

In analyzing LASC’s comments for the Commission, the staff wrote:

Government Code Section 69505 (2001 Cal. Stat. ch. 824, § 21) provides that the Administrative Director of the Courts must annually recommend policies and schedules for the reimbursement of travel expenses of judges and court employees and procedures for processing these requests, which are to be approved by the Judicial Council and followed by the trial courts. Each court is to adopt a conforming system. The language of Section 69505 speaks only to “reimbursement” of travel expenses. *It is not clear whether the reimbursement policies to be adopted by the Judicial Council will include provisions for the assignment of automobiles in lieu of reimbursement.*²⁶

The staff attempted to obtain further clarification from the Judicial Council about assignment of automobiles, but such clarification was not forthcoming before the Commission met to finalize its first report on trial court restructuring.

Thus, the Commission decided to withdraw Section 69894.4 from that proposal and revisit it later:

Comments to the proposed repeal of Section 69894.4 indicate that the provision relating to use of an automobile in lieu of reimbursement is an unsettled issue and not ripe for repeal. The Commission decided to defer work on this section until the interested parties have resolved this issue — the entire section should be removed from the recommendation.²⁷

Since then, the Judicial Council has developed a detailed set of rules entitled “Travel Expense Reimbursement for Trial Court Judges and Employees — Policy

23. See Memorandum 2001-14, Exhibit p. 57 (comments of LASC).

24. *Id.*

25. *Id.*

26. Memorandum 2002-17, p. 27 (emphasis added).

27. Minutes (March 2002), pp. 13-14.

Number: Fin 8.03.”²⁸ These rules address assignment of trial court automobiles, not just reimbursement of travel expenses. For example, Rule 6.1.3 says:

[U]nless it is a condition of employment, employees are not required to use their personal vehicle for business purposes. Requests for the use of trial court-owned vehicles should be submitted immediately after approval of a travel request requiring a vehicle.²⁹

Given the adoption of these Judicial Council rules, Section 69894.4 appears to be entirely obsolete. **For purposes of a tentative recommendation, would the Commission like to propose to repeal Section 69894.4?**

Section 69894.3. Court Personnel in Counties Over 2,000,000

Section 69894.3 is another statute that the Commission proposed to repeal in its 2001 tentative recommendation on trial court restructuring.³⁰ The accompanying Comment indicated that the provision was obsolete due to the enactments of the TCEPGA and the Lockyer-Isenberg Trial Court Funding Act.³¹ The Commission included a Note soliciting input on whether any aspect of the provision remained useful, particularly the parts of it relating to judicial benefits, juror benefits, and transfer rights.

Judge James Bascue, the presiding judge of LASC, submitted a letter objecting to the proposed repeal.³² LASC echoed Judge Bascue’s concerns in its own submission, relying on his letter.³³ In response to these comments, the Commission removed Section 69894.3 from its first proposal on trial court restructuring, to give the staff “more time to determine which of the numerous provisions in this section everyone agrees are obsolete and which require further work and negotiation among the interested parties.”³⁴

28. See Exhibit pp. 5-36.

29. Exhibit p. 8.

30. See 2001 tentative recommendation, *supra* note 1, at 235-36.

31. See *id.* at 236.

32. See Memorandum 2002-14, Exhibit pp. 39-42. AFSCME District Council 36 had expressed concerns about repealing Section 69894.3 earlier in the Commission’s study, but did not make such comments in response to the 2001 tentative recommendation. When the Commission considered the comments on the tentative recommendation, it was not clear whether AFSCME was “standing by its previous comment or ha[d] withdrawn its objection.” See *id.* at 28.

33. LASC’s submission is entitled “Trial Court Restructuring Proposals: Comments on Proposed Changes.” It says that Section 69894.3 “[s]hould not be repealed” and “is the subject of separate comments submitted by Judge Bascue.” See Memorandum 2002-14, Exhibit pp. 43, 56.

34. *Id.* at 29; Minutes (March 2002), p. 11.

For convenient reference, the letter that Judge Bascue submitted in 2002 is attached as Exhibit pages 1-4. It is discussed in greater detail below, as we analyze Section 69894.3.

Section 69894.3 covers a lot of ground. It provides:

69894.3. Employees of the superior court in each county having a population of over 2,000,000 shall be entitled to step advancement, vacation, sick leave, holiday benefits and other leaves of absence and other benefits as may be directed by rules of the court. Where statutes require implementation by local ordinances for the extension of benefits to local officers and employees, these may be made applicable by rule to court personnel, including but not limited to jurors, and judges.

These benefits shall also include the same lump sum payments for sick leave and vacation for the superior court employees when they are separated from the service as are made to county employees of the county; except that lump-sum payments to court commissioners when separated from the service of the superior court shall be limited to accrued vacation if any, as is provided by local rule of court, exclusive of accrued sick leave.

Court employees under this section shall have the right to transfer to other departments in the county government, subject to the approval of the board of supervisors, the county charter, and other usual conditions that may be placed upon the transfer, including, but not limited to, a requirement that the transferee successfully complete an appropriate civil service examination. The right of transfer shall not give any employee any additional rights by reason of his employment with the court, other than those to which he would have been entitled if the employment had been with a different department of the county government.

Employment by the court shall be deemed to be employment by the county, if approved by rule of court, for the purpose of determining a court employee's rights with respect to a county's ordinances providing for salary step advancements and other employee benefits and rights, including, but not limited to, amount of compensation, vacations, sick leave, and accumulated sick leave.

In any such county attachés may be voluntarily transferred from a position in one judicial district to a position in another within the county and promoted or voluntarily demoted from a position in one judicial district to a position in another within the county in substantially the same manner as transfers, demotions and promotions are authorized generally in county departments or between departments of the county.

Rules of the court may include other matters pertaining to the general administration of the court, including conditions of employment of court personnel, including but not limited to jurors and judges. When rules are adopted by a majority of the judges and

filed with the Judicial Council they shall have the same status as other rules of court adopted pursuant to Section 68070.

When requested to do so by the court the county shall through the county civil service commission furnish to the court services as may be required in connection with the recruitment and employment of court officers and employees.

This wide-ranging section is best approached by separately analyzing different aspects of it. In particular, the following main aspects are discussed in order below:

- Judicial benefits.
- Juror benefits.
- Benefits of superior court employees.
- Transfer rights.

Once the Commission decides in concept how to handle these main aspects, it will be better-positioned to evaluate which language in Section 69894.3 to retain and which language requires revisions. In all likelihood, the proper treatment of the whole section will not become clear until the Commission receives input from LASC and others on the current status of the various matters that the statute addresses.

Judicial Benefits

Section 69894.3 relates in part to judicial benefits, providing the statutory basis for the supplemental judicial benefits that LASC judges receive from the County of Los Angeles.³⁵ As discussed in Memorandum 2020-63, a taxpayer challenged those benefits in the *Sturgeon* line of cases.³⁶

In *Sturgeon I*, the court of appeal held that the Legislature has a nondelegable constitutional duty to *prescribe* judicial compensation, including any benefits.³⁷

35. The supplemental judicial benefits in Los Angeles County are also based on a local rule implementing Section 69894.3. See L.A. Superior Ct. Local R. 1.13 (“In accordance with Government Code sections 68220, 69894.3, and the memorandum of understanding entered into with the County pursuant to Government Code section 71627(e)(2)(B), all County benefits extended to employees and local officers by local ordinance are applicable to the court’s trial court jurors, employees, and judges.”); see also former L.A. Superior Ct. Local R. 1.12 (“In accordance with Government Code section 69894.3 all County of Los Angeles benefits extended to employees and local officers by local ordinance are applicable to Superior Court of California, County of Los Angeles, personnel, jurors and judges.”).

36. See *Sturgeon v. County of Los Angeles*, 167 Cal. App. 4th 630, 843 Cal. Rptr. 3d 242 (2008) (hereafter, “*Sturgeon I*”); *Sturgeon v. County of Los Angeles*, 191 Cal. App. 4th 344, 119 Cal. Rptr. 3d 332 (2010) (hereafter, “*Sturgeon II*”); *Sturgeon v. County of Los Angeles*, 242 Cal. App. 4th 1437, 195 Cal. Rptr. 3d 909 (2015) (hereafter, “*Sturgeon III*”).

37. See *Sturgeon I*, 167 Cal. App. 4th at 642-52.

The court of appeal further held that neither Section 69894.3 nor any other statute satisfied that duty.³⁸

The court explained that although the Legislature may “permit other bodies to take action based on a general principle,” to fulfill its constitutional duty the Legislature must at least provide “either standards or safeguards which assure that the Legislature’s fundamental policy is effectively carried out.”³⁹ Section 69894.3 failed that test by giving too much control over judicial benefits to the county:

[Section 69894.3 does] not require the payment of benefits, let alone set any standard or safeguard which regulate[s] the size or the conditions under which they should be paid. In giving ... *the option* of providing the benefits, and no limitation on the kind and amount of those benefits, [Section 69894.3] in no sense set[s] a fundamental policy with respect to benefits, provide[s] any standard for applying such a policy, or contain[s] any safeguards which would insure that benefits are consistent with the Legislature’s adopted policy. Indeed, without violating section 69894.3, ... the county could, in any given year, deprive its judges of MegaFlex benefits and continue to provide them to other employees.⁴⁰

After *Sturgeon I*, the Legislature quickly fixed the constitutional problem by enacting Senate Bill X2 11 (Steinberg).⁴¹ That bill added Section 68220 to the Government Code, which mandates that judges of any court (not just LASC) whose judges received supplemental judicial benefits from the court or county, or both, as of July 1, 2008, “shall continue to receive supplemental benefits from the county or court then paying the benefits on the same terms and conditions as were in effect on that date.”⁴² Section 68220 also provides a procedure for terminating the payment of such benefits.⁴³ The constitutionality of this approach was upheld in *Sturgeon II*⁴⁴ and again in *Sturgeon III*.⁴⁵

38. *Id.* at 654 (“We have been unable to identify any enactment of the Legislature which prescribes the judicial benefits the county pays its judges.”).

39. *Id.* at 653.

40. *Id.* at 656 (emphasis in original).

41. 2009 Cal. Stat. ch. 9.

42. Section 68220(a).

43. See Section 68220(b).

44. See *Sturgeon II*, 191 Cal. App. 4th at 355 (SBX2 11 “meets the requirements of the Constitution and is wholly sensible in the circumstances.”).

45. See *Sturgeon III*, 242 Cal. App. 4th at 1441 (“Counties ... have no discretion under section 68220 to fix compensation — it has *already* been fixed by the Legislature. As so construed, the statute complies with article VI, section 19 of the California Constitution.”).

In light of the *Sturgeon* decisions, it is clear that the parts of Section 68984.3 relating to judicial benefits are not obsolete. Together with the local rule implementing that section,⁴⁶ they specify how to continue to provide supplemental judicial benefits in Los Angeles County on the “same terms and conditions” as of July 1, 2008. In other words, the parts of Section 69894.3 relating to judicial benefits *provide the basis for applying the policy of newly enacted Section 68220 in Los Angeles County.*

For that reason, and additional reasons that Judge Bascue and the staff articulated in 2002 (which do not seem necessary to get into here),⁴⁷ **the Commission should leave intact the parts of Section 69894.3 that relate to judicial benefits.** Those parts are beyond its purview; the Commission is only authorized to propose revisions to remove material made obsolete by trial court restructuring.

Juror Benefits

Section 69894.3 also relates in part to juror benefits. In particular, it says that “[w]here statutes require implementation by local ordinances for the extension of benefits to local officers and employees, these may be made applicable by rule to court personnel, *including but not limited to jurors*”⁴⁸ Similarly, the section says that “[r]ules of the court may include other matters pertaining to the general administration of the court, including conditions of employment of court personnel, *including but not limited to jurors*”⁴⁹

In 2002, Judge Bascue explained that Section 69894.3 and the local rule implementing it are “the legal means by which jurors are covered by county workers compensation plans in Los Angeles County.”⁵⁰ He further explained that the TCEPGA “does not affect juror benefits as jurors are not ‘court employees’ under the Act.”⁵¹ He thus concluded that Section 69894.3 “should be retained with respect to ... jurors”⁵²

46. See *supra* note 35.

47. See Exhibit pp. 1-4 (comments of Judge Bascue); Memorandum 2002-14, p. 28 (“Judge Bascue argues, rightly so, that the provisions in Section 69894.3 relating to judicial benefits should be retained for several reasons, including the fact that judges are not ‘trial court employees’ under the Trial Court Employment Protection and Governance Act, the unification provisions do not reference or affect judicial benefits, and locally provided judicial benefits are recognized in Government Code Section 77201.”).

48. Emphasis added.

49. Emphasis added.

50. Exhibit p. 3.

51. *Id.*, citing Section 71601(m).

52. Exhibit p. 3.

The staff concurred in that assessment in 2002⁵³ and continues to agree with Judge Bascue on this point. The provision defining “trial court employee” for purposes of the TCEPGA expressly states that the phrase does not include jurors.⁵⁴ Because the TCEPGA does not cover jurors, it does not supersede the parts of Section 69894.3 that relate to jurors. Thus, those parts of Section 69894.3 are not obsolete and they should be retained.

Does the Commission agree that the parts of Section 69894.3 relating to jurors should be retained?

Benefits of Superior Court Employees

Section 69894.3 also relates to benefits of superior court employees. Of particular note, it says:

69894.3. *Employees of the superior court in each county having a population of over 2,000,000 shall be entitled to step advancement, vacation, sick leave, holiday benefits and other leaves of absence and other benefits as may be directed by rules of the court. Where statutes require implementation by local ordinances for the extension of benefits to local officers and employees, these may be made applicable by rule to court personnel*

These benefits shall also include the same lump sum payments for sick leave and vacation for the superior court employees when they are separated from the service as are made to county employees of the county; except that lump-sum payments to court commissioners when separated from the service of the superior court shall be limited to accrued vacation if any, as is provided by local rule of court, exclusive of accrued sick leave.

....

Employment by the court shall be deemed to be employment by the county, if approved by rule of court, for the purpose of determining a court employee’s rights with respect to a county’s ordinances providing for salary step advancements and other employee benefits and rights, including, but not limited to, amount of compensation, vacations, sick leave, and accumulated sick leave.

....

Rules of the court may include other matters pertaining to the general administration of the court, including conditions of employment of court personnel When rules are adopted by a majority of the judges and filed with the Judicial Council they shall have the same status as other rules of court adopted pursuant to Section 68070.

When requested to do so by the court the county shall through the county civil service commission furnish to the court services as

53. Memorandum 2002-14, p. 28.

54. See Section 71601(m).

may be required in connection with the recruitment and employment of court officers and employees.⁵⁵

In the 2001 tentative recommendation on trial court restructuring, the Comment to the proposed repeal of Section 69894.3 referred to the following provisions in the TCEPGA, which seemed to render the section obsolete:

- Section 71615(c)(1) (preservation of employees' job classifications).
- Section 71620 (trial court personnel).
- Section 71622 (subordinate judicial officers).
- Section 71623 (salaries).
- Section 71624 (retirement plans).
- Section 71625 (accrued leave benefits).
- Section 71628 (deferred compensation plan benefits).
- Section 71629 (trial court employment benefits not affected).
- Sections 71640-71645 (employment selection and advancement).
- Sections 71650-71658 (employment protection system).
- Section 71673 (authority of court).⁵⁶

Those provisions are reproduced in Exhibit pages 37-51 for convenient reference.⁵⁷

As the above provisions reflect, the TCEPGA "changed the status of trial court employees from employees of their respective counties to employees of the trial court, ... and provided a new personnel system for trial court employees that governs their hiring, classification, compensation, retirement, and labor relations."⁵⁸ Put differently, the Act implemented "the unanimous recommendations of the Task Force on Trial Court Employees for establishing a uniform employment status scheme for court personnel regarding labor relations, employment protection and benefits, and administrative procedures."⁵⁹

Judge Bascue nonetheless urged the Commission to retain Section 69894.3 with respect to court employees, not just judges and jurors (who do not fall

55. Emphasis added.

56. See 2001 tentative recommendation, *supra* note 1, at 236.

57. The Comment also referred to two provisions in the Trial Court Funding Act: Sections 77001 (local trial court management) and 77003 ("court operations," defined), as well as a court rule further defining "court operations" (Cal. R. Ct. 810, since renumbered as Cal. R. Ct. 10.810).

58. Orange County Employees Ass'n, Inc. v. Superior Court, 120 Cal. App. 4th 287, 293, 15 Cal. Rptr. 3d 201 (2004).

59. Assembly Committee on Appropriations Analysis of SB 2140 (Aug. 9, 2000), p. 1. Court interpreters are specifically addressed in the Trial Court Interpreter Employment and Labor Relations Act. See 2002 Cal. Stat. ch. 1047, § 2; see generally Sections 71800-71829.

within TCEPGA's definition of "trial court employee").⁶⁰ His 2002 letter says that the section "provides the *historical and statutory authority* for court personnel to participate in County of Los Angeles benefit plans and *simply provides a mechanism* for effectuating agreements between the Court and its represented employees made pursuant to Article 3 of the [TCEPGA]."⁶¹

When the Commission withdrew Section 69894.3 from its 2002 proposal and deferred consideration of that section, it did not take a stance on Judge Bascue's comments about application of the section to court employees. That was long ago, before the end of the transitional periods specified in the TCEPGA.⁶² Regardless of the merits of Judge Bascue's comments at that time, the situation might have changed since then.

The staff does not know how LASC currently handles benefits for trial court employees. Without such information, it is difficult to assess whether the parts of Section 69894.3 relating to court employees have become obsolete due to the TCEPGA. **Comments from LASC and others familiar with the employment situation in LASC would be extremely helpful.**

Because Section 69894.3 refers to superior court employees in "each county having a population of over 2,000,000," and the section fails to specify which census figures to use in determining county population, **it would also be helpful to hear from persons knowledgeable about trial court employment in the other superior courts that might be governed by Section 69894.3 — i.e., the superior courts for the counties of Orange, San Diego, Riverside, San Bernardino, and Santa Clara.** Given broad scope of the TCEPGA, are any of the rules stated in Section 69894.3 relevant to trial court employees or anyone else in those counties? If so, how? If not, should the statute be amended to expressly apply only in Los Angeles County?

Transfer Rights

Section 69894.3 specifically addresses transfer rights of court employees:

69894.3....

Court employees under this section shall have *the right to transfer to other departments in the county government*, subject to the

60. See Section 71601(m) ("The phrase "trial court employee" does not include ... jurors, ... temporary judges, and judges whether elected or appointed.").

61. Exhibit p. 3 (emphasis added).

62. See, e.g., Section 71615(a) ("Except as provided in subdivision (b), the effective date of this section [on implementation of the TCEPGA] shall be January 1, 2004.").

approval of the board of supervisors, the county charter, and other usual conditions that may be placed upon the transfer, including, but not limited to, a requirement that the transferee successfully complete an appropriate civil service examination. The right of transfer shall not give any employee any additional rights by reason of his employment with the court, other than those to which he would have been entitled if the employment had been with a different department of the county government.

....

In any such county attachés may be *voluntarily transferred from a position in one judicial district to a position in another within the county and promoted or voluntarily demoted from a position in one judicial district to a position in another within the county* in substantially the same manner as transfers, demotions and promotions are authorized generally in county departments or between departments of the county.

....⁶³

In 2002, Judge Bascue wrote that although the TCEPGA (particularly Section 71615(c)(4)) “provides for employee transfer rights in certain contexts, it does not make [Section 69894.3] obsolete.”⁶⁴ He explained:

Section 69894.3 was originally enacted to provide for the transferability of Superior Court employees in Los Angeles County upon approval of the Board of Supervisors because the court and county were considered separate employers. Section 71615(c)(4) similarly recognizes that the counties and the court are separate employers under the [TCEPGA]. It provides statutory authorization for negotiating transferability and provides a mechanism for employees to obtain transferability rights. With respect to Los Angeles County, court employees have already been provided such rights through enactment of section 69894.3.

Repeal of the transferability provisions in section 69894.3 would force the court and its employees to negotiate for transferability rights that have been in place for many years. This exercise would not serve the policies reflected in the [TCEPGA]. One of the basic tenets of the [TCEPGA] is to avoid reducing court employee benefits as a result of the passage of the Act. The elimination of transferability rights that court employees have long enjoyed runs counter to this tenet. In addition, the uncertainty prompted by the repeal of these provisions would have a destabilizing influence in Los Angeles County for both court and county employees without furthering any state interest.

Section 69894.3 is consistent with the [TCEPGA] and its preservation is essential to the continued existence of transferability rights in Los Angeles County.⁶⁵

63. Emphasis added.

64. Exhibit p. 3.

In 2002, the staff found these comments “more troubling” than Judge Bascue’s comments on the parts of Section 69894.3 relating to benefits of judges and jurors.⁶⁶ The staff pointed out:

Section 71615(c)(4) provides that transfer policies that are in place as of the implementation date of the act shall be continued while an existing memorandum of understanding remains in effect or for two years, whichever is longer (subject to county agreement). With regard to transfer rights beyond this time period, the section states:

[A]ny further rights of trial court employees to transfer between the trial court and the county shall be subject to the obligation to meet and confer in good faith at the local level between representatives of the trial court and representatives of recognized employee organizations and local negotiation between the trial court and the county.

The act clearly contemplates and requires renegotiation of such rights following a transitional period. On the other hand, Section 71615(c)(4) refers to transfer “policies” — is a statutory provision the equivalent of a transfer policy? *It is not clear.*⁶⁷

The staff thus refrained from taking a firm position on whether the parts of Section 69894.3 relating to transfer rights were obsolete.⁶⁸ Similarly, the Commission avoided the issue by deferring consideration of Section 69894.3 altogether.

Whatever the situation may have been in 2002, the Commission now needs to decide whether the parts of Section 69894.3 relating to transfer rights remain useful at present, or have been supplanted by the TCEPGA or other trial court restructuring reforms. Here again, the staff lacks information about the current practices in LASC and the other courts potentially governed by Section 69894.3. How are transfer rights of court personnel currently being handled in those courts? Is Section 69894.3 still of any significance with regard to such rights?

Comments on those points would be much appreciated.

Summary on Section 69894.3

To summarize,

- The parts of Section 69894.3 relating to judicial benefits and juror benefits do not appear to be obsolete due to trial court

65. Exhibit pp. 3-4 (emphasis added).

66. Memorandum 2002-14, p. 28.

67. *Id.* at 28-29 (emphasis added).

68. See *id.* at 29.

restructuring. The staff recommends leaving those parts of the section alone.

- It is less clear whether the parts of Section 69894.3 relating to transfer rights and other benefits of trial court employees are obsolete due to trial court restructuring, particularly the enactment and implementation of the TCEPGA. To resolve this matter, the Commission needs information on current practices in LASC and the other superior courts that might be governed by Section 69894.3.

The staff will attempt to obtain further information from LASC and other knowledgeable sources before the upcoming meeting. We will update the Commission as we learn more.

When the Commission has sufficient information to decide how to handle Section 69894.3 for purposes of a tentative recommendation, it should consider the possibility of clarifying the application of the section. For example, the section could be amended to expressly state which county or counties it governs, or to specify which census to use in determining whether a county has “a population of over 2,000,000.”

STATEWIDE STATUTES RELATING TO COURT PERSONNEL, INCLUDING MUNICIPAL AND SUPERIOR COURT JUDGES

The last category of judicial benefits statutes left over from the 2001 tentative recommendation (Category VI) consists of two statewide statutes relating to court personnel, including municipal and superior court judges. Those statutes, Sections 53200.3 and 53214.5, are discussed in order below.

Section 53200.3. County Group Insurance

Section 53200.3 is in an article entitled “County Group Insurance,” which authorizes local agencies to arrange for their officers and employees to receive group health and welfare benefits.⁶⁹ Section 53200.3 extends that authority further:

53200.3. For the limited purpose of the application of this article, judges of the superior and municipal courts and the officers and attachés of said courts whose salaries are paid either in whole or in part from the salary fund of the county are county employees and shall be subject to the same or similar obligations and be granted the same or similar employee benefits as are now required or granted to employees of

69. See Sections 53200-53210.

the county in which the court of said judge, officer, or attaché is located.⁷⁰

In its 2001 tentative recommendation on trial court restructuring, the Commission proposed to repeal Section 53200.3.⁷¹ The proposed Comment said:

Comment. Section 53200.3 is repealed to reflect enactment of the Trial Court Employment Protection and Governance Act. See Section 71629 (trial court employment benefits not affected).⁷²

An accompanying Note solicited input on “whether the provisions regarding judicial benefits should be preserved pending further study and review by interested parties, including the Judicial Council’s Task Force on Judicial Service.”

Judge Bascue expressed concerns about the proposed repeal,⁷³ which LASC seconded.⁷⁴ In particular, Judge Bascue said that Section 53200.3 is “a primary authority for *county-provided benefits to judges* in the Los Angeles Superior Court,” which “is not made obsolete by the [TCEPGA], the Funding Act nor court unification provisions.”⁷⁵ He explained:

Locally provided judicial benefits are expressly recognized in Government Code section 77201, which provides for payment of such benefits by the County in the context of adjusting a county’s trial court funding “maintenance of effort” payment to the State. (See also CRC Rule 810(d) identifying “judicial-benefits county-paid” as part of “court operations”). The [TCEPGA] does not pertain to judicial benefits, as judges are not included in the definition of “court employee” (Government Code section 71601(m)). Finally, nothing in the unification-related provisions impacts local judicial benefits.⁷⁶

In addition to urging the Commission to preserve the parts of Section 53200.3 relating to judicial benefits, Judge Bascue said the language relating to court employees should also be left in place:

As to court employees, section 53200.3 authorizes the current arrangement by which the court provides benefits on a par with county employees. This arrangement is not only consistent with the

70. Emphasis added.

71. 2001 tentative recommendation, *supra* note 1, at 191.

72. *Id.* For the text of Section 71629, see Exhibit pages 42-44.

73. See Exhibit pp. 1-2.

74. See Memorandum 2002-14, Exhibit p. 55 (LASC asserting that Section 53200.3 “[s]hould not be repealed” and “is the subject of separate comments submitted by Judge Bascue.”).

75. Exhibit p. 2 (emphasis added).

76. *Id.*

[TCEPGA], it effectuates what has been agreed to in labor negotiations undertaken pursuant to the Act and adopted by court rule. As such, this section is not obsolete. Nor is it inconsistent with the Act, since its application is subject to the overriding provision in Government Code section 71627 that “notwithstanding any other provision of law” the level of benefits may be changed. *In other words, section 53200.3 is applicable to court employees only to the extent its provisions are consistent with action taken and labor agreements reached pursuant to the [TCEPGA].*⁷⁷

In a memorandum presenting Judge Bascue’s comments and other comments on the 2001 tentative recommendation, the staff “question[ed] the continuing application of [Section 53200.3] to court employees” in light of the TCEPGA, but nonetheless recommended that the section be retained in its entirety “for now.”⁷⁸ The Commission followed that advice, removing the provision from its proposal, with the intent to study it further.⁷⁹

Since then, the *Sturgeon* line of cases and the enactment of SB X2 11 have confirmed that the trial court restructuring reforms did not foreclose supplemental judicial benefits. Due to trial court unification, however, there no longer are any municipal court judges (only former municipal court judges). **At a minimum, the Commission should consider revising Section 53200.3 to reflect as much.**

Additional revisions of Section 53200.3 might be warranted with regard to court personnel other than judges. The section does not apply to all officers and attachés of superior and municipal courts, but only to “the officers and attachés of said courts *whose salaries are paid either in whole or in part from the salary fund of the county.*”⁸⁰

It is not clear to the staff whether there still are any court personnel, other than judges, who receive compensation for court-related services that is “paid either in whole or in part from the salary fund of the county.” Under the Lockyer-Isenberg Trial Court Funding Act, the *state* is “responsible for the cost of *court operations* incurred by the trial courts in the 1997-98 fiscal year and

77. Emphasis added.

78. Memorandum 2002-14, p. 26.

79. Minutes (March 2002), p. 11.

80. Emphasis added. One could argue that the same limitation applies to judges — i.e., Section 56200.3 only applies to “judges of the superior and municipal courts ... whose salaries are paid either in whole or in part from the salary fund of the county” *See generally, Sturgeon I*, 167 Cal. App. 4th at 655 n. 12 (mentioning but not deciding the issue). The statutory language is unclear on this point and the staff has not seen a definitive interpretation in our research thus far. Further research on the matter might be necessary.

subsequent fiscal years.”⁸¹ The term “court operations” is defined to include salaries, benefits, and public agency retirement contributions for court personnel.⁸²

Counties are still required to make remittances to the state, which are “based on an amount expended by the respective county for court operations during the 1994-95 fiscal year.”⁸³ As previously discussed, some counties also continue to pay for supplemental judicial benefits; “Lockyer-Isenberg does not prevent payment of judicial benefits beyond the compensation set by the Legislature but, under any fair reading of the act, authorizes them.”⁸⁴ However, the staff is not aware of any county-paid benefits for court personnel other than judges.

Is any county still using its salary fund to pay for benefits of court personnel other than judges? **To decide how to handle Section 53200.3, the Commission needs input on this point from courts, counties, or other knowledgeable sources.**

It would also be helpful to have input on some subsidiary questions:

- If one or more counties are still using a county salary fund to pay for benefits of court personnel other than judges, are such payments based in whole or in part on Section 53200.3? In other words, are the references to trial court officers and attachés in Section 53200.3 necessary for that purpose? If so, why? How is that consistent with the TCEPGA?
- If no county is using a county salary fund to pay for benefits of court personnel other than judges, are the references to trial court officers and attachés in Section 53200.3 obsolete? Should the section be revised to delete those references altogether?

Alternatively, should the section be revised to refer to “the officers and attachés of superior courts,” instead of “the officers and attachés of said courts whose salaries are paid either in whole or in part from the salary fund of the county”? If so, why? How would that be consistent with the TCEPGA?

The staff will make efforts to obtain such input before the Commission meets.

81. Section 77200(b) (emphasis added). For the full text of this section, see Exhibit p. 54.

82. Section 77003(a)(1)-(2), (8); Cal. R. Ct. 10.810 (*passim*). For convenient reference, Section 77003 and Rule 10.810 are reproduced at Exhibit pp. 55-63.

83. Section 77201.3.

84. *Sturgeon I*, 167 Cal. App. 4th at 642; see also Sections 77201(c)(1), 77201.1(b)(4); Cal. R. Ct. 10.810(d), Functions 1 (judicial officers), 10 (all other court operations, including “judicial benefits, county-paid”).

Section 53214.5. County Deferred Compensation Plans

The last judicial benefits provision that the Commission flagged for future study is Section 53214.5, which provides:

53214.5. A county or city and county which pays the salaries, either in whole or in part, of judges of the superior and municipal courts and the officers and attachés of those courts may allow the judges, officers, and attachés to participate in any deferred compensation plan established pursuant to this article. Any county or city and county is hereby authorized to enter into a written agreement with the judges, officers, and attachés providing for deferral of a portion of their wages. The judges, officers, and attachés may authorize deductions to be made from their wages for the purpose of participating in the deferred compensation plan.

The Commission proposed to repeal this section in its 2001 tentative recommendation.⁸⁵ The accompanying Comment cited Section 71628, a TCEPGA provision that addresses deferred benefit compensation plans at length.⁸⁶ For convenient reference, Section 71628 is shown at Exhibit pages 40-42.

Judge Bascue⁸⁷ and LASC⁸⁸ objected to the proposed repeal, maintaining that Section 53214.5 should be left alone. With regard to deferred benefit compensation plans for judges, Judge Bascue relied on the same reasoning as for Section 53200.3, concluding that preservation of Section 53214.5 “is essential to maintaining such benefits for judges.”⁸⁹

Turning to court employees, Judge Bascue wrote:

This section should also be retained in its entirety with respect to court employees. Section 71628 ... provides that the implementation of the [TCEPGA] “shall not be a cause for the modification of the level of deferred county compensation plan benefits provided to a trial court.” Section 71628 further provides that “[i]f the county administers deferred compensation plan benefits to trial court employees ... a trial court employee shall be eligible to participate in deferred compensation plan benefits.”

Section 53214.5 authorizes a county to administer deferred compensation benefits for court employees and judges by permitting their participation in county plans. Together with section 71628, section 53214.5 establishes the basis for participation of court employees in county deferred compensation plans in Los

85. 2001 tentative recommendation, *supra* note 1, at 191.

86. *Id.*

87. See Exhibit pp. 1-3.

88. See Memorandum 2002-14, Exhibit p. 55 (LASC asserting that Section 53214.5 “[s]hould not be repealed” and “is the subject of separate comments submitted by Judge Bascue.”).

89. See Exhibit p. 2.

Angeles County. Some of these plans, such as the County's 401K plan, are not plans that successor employers can establish under Federal law. Continued participation in these plans by judges and court employees as county employees for the purpose of the plans is dependent upon the continuing authority conferred by section 53214.5.

.... Repealing the legal authority that enables court personnel to participate in county-sponsored deferred compensation programs may even undermine the negotiated agreements between the Court and its represented employees that provide for such benefits. *Section 53214.5 continues to be relevant and necessary because it provides the specific mechanism and authority by which the county can permit court employees to participate in county plans.*⁹⁰

Once more, the current factual situation is not clear to the staff. Now that the TCEPGA has been fully implemented and the transitional period is long past, is Section 53214.5 still of any importance? What specifically does it add that is not already covered in Section 71628?

We much encourage knowledgeable sources to comment on these points. At a minimum, the Commission should consider updating Section 53214.5 to reflect the elimination of the municipal courts.

OTHER JUDICIAL BENEFITS STATUTES

The staff is still looking into whether any other statutes relating to judicial benefits require revisions to reflect trial court restructuring. **Comments about this would be helpful, particularly with regard to the following provisions: Sections 75092, 75097, 75103, 75103.3, 75103.5, 75109.7, 75602, 75605, and 75612.**

Respectfully submitted,

Barbara Gaal
Chief Deputy Director

90. See Exhibit pp. 2-3 (emphasis added).



The Superior Court

LOS ANGELES, CALIFORNIA 90012

CHAMBERS OF

JAMES A. BASCUE

PRESIDING JUDGE

February 14, 2002

TELEPHONE
(213) 974-5600

California Law Revision Commission
4000 Middlefield Road, Room D-1
Palo Alto, California 94303-4739

Dear Commission Members:

In its Tentative Recommendation regarding statutes made obsolete by Trial Court Restructuring, the Commission specifically requested input on the preservation of three statutes — Government Code sections 53200.3, 53214.5, and 69894.3. For the reasons noted, these sections are not made obsolete by trial court restructuring and should be preserved as discussed below.

SUMMARY

These sections pertain to benefits provided to judges and court employees. With respect to judges, these sections provide the basis for county-provided benefits and are in no way made obsolete by trial court restructuring. Neither the Trial Court Employment Protection and Governance Act (Employment Act) nor court unification provisions make reference to judicial benefits or otherwise affect their status.

The Brown-Presley Trial Court Funding Act (Funding Act) specifically recognizes locally provided judicial benefits and provides procedures for their payment in the context of state funding (Government Code section 77201). Preservation of these provisions with respect to judicial benefits is essential to avoid substantive changes in the law that would far exceed the Commission's charge to identify statutes made obsolete by trial court restructuring. As the Commission noted in its request for comment, the issue of judicial benefits is the subject of a separate study and review by the Judicial Council Task Force on Judicial Service and others. Pertinent statutes should be preserved pending the completion of that endeavor.

With respect to court employees, these statutes also remain viable and are essential to maintaining the current benefit structure for court employees. As discussed below, these statutes provide the authority, mechanism and procedure for providing benefits to court employees within parameters established by the Employment Act. As such, these statutes are complementary to the Employment Act, and their repeal would adversely affect employee benefits in a manner neither required nor anticipated by the Employment Act and other provisions relating to trial court restructuring.

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DISCUSSION**Section 53200.3**

In part, this section is a primary authority for county-provided benefits to judges in the Los Angeles Superior Court. Section 53200.3 is not made obsolete by the Employment Act, the Funding Act nor court unification provisions. Locally provided judicial benefits are expressly recognized in Government Code section 77201, which provides for payment of such benefits by the County in the context of adjusting a county's trial court funding "maintenance of effort" payment to the State. (See also CRC Rule 810 (d) identifying "judicial-benefits, county-paid" as part of "court operations"). The Employment Act does not pertain to judicial benefits, as judges are not included in the definition of "court employee." (Government Code section 71601[m]). Finally, nothing in the unification-related provisions impacts local judicial benefits.

As to court employees, section 53200.3 authorizes the current arrangement by which the court provides benefits on a par with county employees. This arrangement is not only consistent with the Employment Act, it effectuates what has been agreed to in labor negotiations undertaken pursuant to the Act and adopted by court rule. As such, this section is not obsolete. Nor is it inconsistent with the Act, since its application is subject to the overriding provision in Government Code section 71627 that "notwithstanding any other provision of law" the level of benefits may be changed. In other words, section 53200.3 is applicable to court employees only to the extent its provisions are consistent with action taken and labor agreements reached pursuant to the Employment Act.

Section 53214.5

As with section 53200.3, this section pertains to locally provided judicial benefits which are not affected by the Employment Act or by provisions relating to trial court funding or court unification. Preservation of this section is essential to maintaining such benefits for judges. There is no basis for recommending repeal of these provisions as obsolete.

This section should also be retained in its entirety with respect to court employees. Section 71628 of the Government Code provides that the implementation of the Employment Act "shall not be a cause for the modification of the level of deferred county compensation plan benefits provided to a trial court." Section 71628 further provides that "[i]f the county administers deferred compensation plan benefits to trial court employees . . . a trial court employee shall be eligible to participate in deferred compensation plan benefits."

Section 53214.5 authorizes a county to administer deferred compensation benefits for court employees and judges by permitting their participation in county plans. Together with section 71628, section 53214.5 establishes the basis for participation of court employees

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in county deferred compensation plans in Los Angeles County. Some of these plans, such as the County's 401K plan, are not plans that successor employers can establish under Federal law. Continued participation in these plans by judges and court employees as county employees for the purpose of the plans is dependent upon the continuing authority conferred by section 53214.5.

This provision should be retained in its entirety. Repealing the legal authority that enables court personnel to participate in county-sponsored deferred compensation programs may even undermine the negotiated agreements between the Court and its represented employees that provide for such benefits. Section 53214.5 continues to be relevant and necessary because it provides the specific mechanism and authority by which the county can permit court employees to participate in county plans.

Section 69894.3

Government Code section 69894.3 allows trial courts by local rule to provide that trial court personnel, including judges and jurors, be treated as county employees for benefits purposes. To the extent that this provision applies to judicial benefits, it should be retained for the reasons outlined above regarding the retention of sections 53200.3 and 53214.5 as they relate to judicial benefits.

This section should be retained with respect to court employees and jurors as well. Section 69894.3 provides the historical and statutory authority for court personnel to participate in County of Los Angeles benefit plans and simply provides a mechanism for effectuating agreements between the Court and its represented employees made pursuant to Article 3 of the Employment Act.

In addition, this section and the local rule implementing it, are also the legal means by which jurors are covered by county workers compensation plans in Los Angeles County. The Employment Act does not affect juror benefits as jurors are not "court employees" under the Act. (Government Code section 71601[m]).

Finally, the Commission has requested comment on the continued usefulness of provisions in section 69894.3 relating to the transferability of court employees in Los Angeles County. While the Employment Act, (section 71615(c)(4)), provides for employee transfer rights in certain contexts, it does not make this section obsolete.

Section 69894.3 was originally enacted to provide for the transferability of Superior Court employees in Los Angeles County upon approval of the Board of Supervisors because the court and county were considered separate employers. Section 71615(c)(4) similarly recognizes that the counties and the court are separate employers under the Employment Act. It provides statutory authorization for negotiating transferability and provides a

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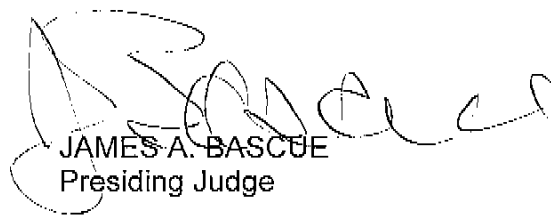
mechanism for employees to obtain transferability rights. With respect to Los Angeles County, court employees have already been provided such rights through enactment of section 69894.3.

Repeal of the transferability provisions in section 69894.3 would force the court and its employees to negotiate for transferability rights that have been in place for many years. This exercise would not serve the policies reflected in the Employment Act. One of the basic tenets of the Employment Protection and Governance Act is to avoid reducing court employee benefits as a result of the passage of the Act. The elimination of transferability rights that court employees have long enjoyed runs counter to this tenet. In addition, the uncertainty prompted by the repeal of these provisions would have a destabilizing influence in Los Angeles County for both court and county employees without furthering any state interest.

Section 69894.3 is consistent with the Employment Act and its preservation is essential to the continued existence of transferability rights in Los Angeles County.

Thank you for the opportunity to provide input on these important issues.

Sincerely,



JAMES A. BASCUE
Presiding Judge

JAB:bs

c: Honorable Robert A. Dukes, Assistant Presiding Judge
John A. Clarke, Executive Officer/Clerk



Judicial Council of California

Trial Court Financial Policies and Procedures

TRAVEL EXPENSE REIMBURSEMENT FOR TRIAL COURT JUDGES AND EMPLOYEES

POLICY NUMBER: FIN 8.03

Revised June 2020

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Travel Expense Reimbursement for Trial Court Judges and Employees

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2.0 Purpose

The purpose of this policy and the procedures that follow is to define the rules and limits that must be observed when arranging, engaging in, or claiming reimbursement for travel on court business.

3.0 Policy Statement

1. Trial court judges and employees may be required to travel in the course of performing their official duties. The trial court should reimburse its judges and employees for reasonable and necessary travel expenses incurred while traveling on court business within the limits of the trial court's maximum reimbursement guidelines. Under Government Code section 69505, the Administrative Director shall recommend policies and procedures for reimbursement of travel expenses, which shall be approved by the Judicial Council and shall be followed by the trial courts. Reimbursement rates are outlined in Finance Memos, guidelines, and forms located on the Judicial Resources Network at <http://jrn.courts.ca.gov/programs/bap/>. All

exceptions to the reimbursement rates or guidelines outlined on the Judicial Resources Network, including any terms of an executed memorandum of understanding agreement by and between a recognized employee organization and a trial court, must be submitted in writing and have prior approval in accordance with alternative procedures guidelines established in Policy No. FIN 1.01, section 6.4, paragraph 4.

2. On an annual basis, the Administrative Director shall recommend policies and schedules for reimbursing travel expenses and procedures for processing reimbursement requests.³⁰ These policies, schedules and procedures shall be approved by the Judicial Council of California and followed by the trial court.

4.0 Application

This policy applies to all trial court judges, officials, and employees for all in-state, out-of-state, and international travel on court business.

5.0 Definitions

Refer to the Glossary for the following key terms used in this policy.

Headquarters

Receipt

Travel Expense Claim (TEC) Form

Tax Home

6.0 Text

6.1 Approval to Travel

The trial court is responsible for developing and implementing a system for the submittal and approval of travel expense claims that is impartial and appropriate, and that complies with the policies, schedules and procedures approved by the Judicial Council of California.³¹ The minimum standards for travel expense reimbursement are provided below.

1. All travel required for trial court business shall be approved by the traveler's appropriate approval level before making travel arrangements.
2. Trial courts may decide to allow judges and employees to make their own travel arrangements, provided they are to the economic or other benefit of the trial court. This procedure must be documented at the individual courts that make this decision.

³⁰ Gov. Code, § 69505(a).

³¹ Gov. Code, § 69505(b).

6.1.1 Arranging for Travel

Judges and employees who need to travel on court business shall, depending on internal court policies, either obtain written approval from their appropriate approving authority or notify them. Travel costs incurred without written travel request approval may be subject to rejection when reimbursement is requested. Out-of-state or international travel requires the approval of the presiding judge or written designee. Judicial Council policy prohibits judicial branch–funded or judicial branch–sponsored travel to a state that after June 26, 2015, has enacted a discriminatory law.³² The California Attorney General’s website lists those states at <https://oag.ca.gov/ab1887>.

6.1.2 Travel Reservations

Trial court judges and employees may travel by plane, train, bus, private or trial court–owned vehicles, rented car, taxi, or other means, whichever most economically and advantageously suits the needs of the trial court. Travel reservations should be made through a travel planner designated by the trial court. Arrangements for business travel involving airfare and car rentals should be made through the court-designated travel planner. Judges and employees may elect to make their own hotel reservations or may use the court travel planner.

6.1.3 Use of Trial Court and Personal Vehicles

1. Anyone who operates a vehicle on court business must hold a valid California driver’s license, a good driving record, and have an approved annual Certification for Driving on Official Court Business on file. Additional information regarding the Certification for Driving on Official Court Business is provided in subsection 6.2.7 of this policy. The traveler’s appropriate approval level determines the most economical method of transportation. Before authorizing the use of a personal vehicle, the approver will ensure personal liability insurance requirements have been satisfied. However, unless it is a condition of employment, employees are not required to use their personal vehicle for business purposes. Requests for the use of trial court-owned vehicles should be submitted immediately after approval of a travel request requiring a vehicle.
 - a. Fines and Tickets—Travelers are personally responsible for any fines incurred as a result of toll, traffic, or parking violations while driving on court business. Furthermore, no traveler is permitted, under any circumstances to operate a rental car or court owned vehicle when any impairment causes the traveler to not be able to drive safely. Note: This policy applies as well to judges and subordinate judicial officers.

³² On January 20, 2017, the Judicial Council approved a policy affirming the judicial branch’s intent to follow the restrictions outlined in Government Code section 11139.8.

2. To determine if a driver has a valid license and a good driving record, courts should request drivers' records from the Department of Motor Vehicles (DMV) at time of hire for employees who are expected to travel on court business and regular intervals thereafter (e.g., annually).
3. Information about the DMV Employer Pull Notice program is available online at www.dmv.ca.gov. Questions about this program may be directed to the DMV Information Services' Account Processing Unit at 1-916-657-5564.
4. The Department of General Services, Office of Risk and Insurance Management (ORIM) recommends frequent drivers attend and successfully complete an approved defensive driver training course at least once every four years.
5. Information about the State of California's Defensive Driver Training courses is available online at www.orim.dgs.ca.gov. Questions on this program may be directed to the Office of Risk and Insurance Management at 1-916-376-5311 or ddt@dgs.ca.gov.

6.1.4 Commercial Vehicle Rental Policy

1. The State of California contracts with commercial vehicle rental companies that participate in the Citibank Travel Payment System (TPS). To locate the current state car rental contract providers and the Citibank TPS account contact, visit www.dgs.ca.gov/travel (click on the Car Rentals option). The state contracts include \$300,000 automobile liability insurance and full collision waivers for rented vehicles.
2. It is essential that court officers and employees receive authorization from the appropriate approval level before traveling. Trial court policy is to use one of the commercial vehicle contractors whenever vehicle rental is authorized, unless circumstances as outlined within these procedures prevent it.
 - a. Judges, employees, or agents (pro bono consultants, committee members, or volunteers) of the court who are 21 years of age or older may rent and operate vehicles under the commercial vehicle rental contractor agreements when on official court business with approval by the traveler's appropriate approval level.
 - b. Business-related travel by a contractor or agency temporary help for vehicle usage must be addressed in a written agreement between the contractors or agency and the trial court (refer to subsection 6.1.8). Contractors or temporary agency employees must not drive court owned, leased, or rented vehicles.
3. Upon authorization of commercial vehicle rental, travelers are required to use the primary commercial vehicle contractors first. Should the primary contractor be unable to provide service, travelers are required to use the secondary commercial contractor.

4. Should the primary and secondary commercial vehicle contractors be unable to provide service, travelers may use a noncontracted commercial vehicle contractor. The use of a noncontracted vendor must be preapproved in writing by the traveler's appropriate approval level and requires written justification attached to the travel expense claim if necessary.
5. In the event that a traveler finds a rate less than that offered through the state contract, the state contract and state rate must still be used since the lesser rate will not include the \$300,000 automobile liability insurance, or automatic collision waivers provided under the terms of the state contract.
6. Substantiation for Upgrade
 - a. A traveler must rent a compact vehicle unless there is a reason for a larger vehicle—such as four or more travelers commuting together, or a need for extra luggage space to transport equipment, conference materials, or the like. In such a case, an upgrade for another type or size of vehicle (such as an intermediate-size car, minivan, or a cargo van) may be utilized, with prior approval of the traveler's appropriate approval level.
 - b. If a larger or upgraded vehicle is necessary, written substantiation for the rental must be attached to the traveler's request for reimbursement.
7. The contractor provided automobile liability insurance and automatic collision waivers will not be activated unless one of these acceptable methods of payment is used:
 - a. A Citibank Business TPS; or
 - b. A Citibank Government Card clearly marked "State of California."
8. When renting a vehicle from any of the state commercial vehicle rental companies, it is unnecessary for travelers to sign up for collision insurance (Collision Damage Waiver (CDW)), Loss Damage Waiver (LDW), or medical insurance (called "personal accident insurance").
9. On those rare occasions when it is necessary to rent a vehicle from a noncontracted vendor (i.e., when no car is available or the type or the size of vehicle needed is unavailable from the vehicle rental company with the state contract), the traveler must not sign up for automobile liability insurance, but depending on the court's ability to pay for physical damage to the rented vehicle, he or she may want to accept the collision waiver option. The state's Motor Vehicle Liability Program provides automobile liability insurance coverage to court employees on official court business. In the event of an accident, the commercial vehicle rental company and/or the state's Motor Vehicle Liability Program will cover any costs arising from an accident in the rented vehicle so long as it is being operated by a court employee working within the

- scope of employment. However, the state's Motor Vehicle Liability Program will **not cover** damage to the rented vehicle and such costs will be the responsibility of the traveler's court. If the rented vehicle is being operated by a nonemployee working within the scope of service to the court the limitations regarding nonsalaried drivers in section 6.2, State of California Motor Vehicle Liability Program Coverage will apply. If the process as detailed in subsection 6.1.4 is not followed, the automobile liability insurance is not applicable and any accident related expenses will be the responsibility of the traveler's court.
10. All out-of-state and international travel requires preapproval in writing from the presiding judge or his or her designee. ORIM recommends buying liability insurance coverage for international travel and will assist in obtaining it in accordance with the laws of the foreign country.
 11. Contract rental vehicles are to be used only for conducting official court business. A traveler who wishes to extend the rental of a vehicle for personal use must arrange it with the commercial vehicle rental contractor when making reservations and before picking up the vehicle.
 - a. At the end of court business, the traveler must close out the court contract rental agreement (either at the original vendor location or another mutually agreed on location) and have a new rental agreement drawn for the term of personal travel.
 - b. The rate charged by the vendor for the term of personal travel is between the traveler and the commercial vehicle rental company, does not include the insurance benefit identified above, and must be completely separate and apart from the court contract.
 - c. If personal travel is interrupted by official court business, the traveler may be reimbursed for the court business mileage at the authorized personal vehicle mileage rate or have a new rental agreement drawn for the term of the official court business (whichever is less costly).
 12. Vehicle rental contractors charge for vehicles returned with less than full gas tanks. Travelers should refuel vehicles before returning them to the vendor, since the vendor's refueling charge is usually higher than regular gas station rates. Travelers may submit the refueling cost for reimbursement on their TEC, with receipt attached. If it becomes necessary to use the vehicle rental company for refueling, resulting in a rate higher than at a regular gas station, the traveler must submit a written explanation with the TEC as to why the vehicle was not refueled before its return. In the absence of a satisfactory explanation, the amount involved will be disallowed and will be considered a nonreimbursable personal expense.

6.1.5 Discount Airfares for Official Business

1. The State of California contracts for city pairs with domestic airlines. These contracts provide discounted airfares, referred to as YCAL and VCAL fares, for travel between various California city pairs and numerous out-of-state destinations. Cost savings may be achieved through these contracted fares as they are unrestricted and not subject to limited seating.
2. Discounted fares are available to trial court employees traveling on official court business when ordering directly from an airline or from an authorized travel agent. Acceptable methods of payment include:
 - a. A Citibank TPS; and
 - b. A Citibank Government Card clearly marked “State of California.”
3. The YCAL and VCAL fares are available online at www.travel.dgs.ca.gov/Airlines/default.htm (click on State-Contracted Air Fares).

6.1.6 Exception Request for Lodging

1. A request for a lodging exception is allowed for business travel when lodging above the maximum rate is the only lodging available, or when it is cost-effective.
2. An Exception Request for Lodging form and supporting documentation must be submitted in advance of travel and must be approved by the appointing power designee (presiding judge or designee). Under no circumstances may an appointing power designee approve his or her own Exception Request for Lodging form.
 - a. In-state travel and out-of-state travel. Because employees do not have control over where non-state-sponsored business is conducted, reimbursement of actual expenses, supported by receipts is authorized, without the approval of an Exception Request for Lodging form if the participant stays at the conference, convention, or meeting site. In all instances, the traveler must attach substantiating documentation (such as a registration form or an agenda) to the TEC.
3. Exception Request Criteria. The following criteria have been established for use in the consideration of exception requests:
 - a. Alternative lodging. The judicial branch requires a good faith effort to locate establishments within the identified maximum rates. Attach a list of at least three moderately priced establishments contacted, the dates of the contacts, phone numbers, contact persons, rates available, and any other results of the contacts.
 - b. Transportation to and from alternative lodging. Either the cost or the loss of productive time required by travel between the work location and a less expensive

lodging establishment can justify exceeding the rate difference (explain efforts to obtain transportation and provide a cost comparison analysis).

- c. State business conducted at a designated lodging establishment (attach an agenda and supporting documentation). Address the availability of alternative lodging, as identified above.
 - d. Required attendance. An exception can be authorized when attendance is required at a state conference, convention, business meeting, or training where the contracted facility exceeds the maximum daily lodging allowance (provide specific facts, including confirmation related to this criterion).
 - e. Attendance at a non-state-sponsored function. An exception can be authorized when a participant in a non-state-sponsored function cannot stay at the designated function site. Explain the circumstances; provide specific facts that prevent on-site lodging. Please note that an exception will not be authorized solely for the convenience of the traveler.
4. Request an exception in advance of travel for lodging expenses that exceed the following maximum rates:
- a. In-state. The rate of \$110, excluding tax and surcharges, for lodging during regular statewide travel in counties other than Alameda, San Francisco, San Mateo, Santa Clara, Monterey, San Diego, Los Angeles, Orange and Ventura (includes state-sponsored and co-sponsored functions such as conferences, conventions, business meetings, and training classes).
 - b. In-state. The rate of \$120, excluding tax and surcharges, for lodging in the counties of Los Angeles, Orange and Ventura (includes state-sponsored or co-sponsored functions such as conferences, conventions, business meetings, and training classes).
 - c. In-state. The rate of \$125, excluding tax and surcharges, for lodging in the counties of Monterey and San Diego (includes state-sponsored or co-sponsored functions such as conferences, conventions, business meetings, and training classes).
 - d. In-state. The rate of \$140, excluding tax and surcharges, for lodging in the counties of Alameda, San Mateo, and Santa Clara (includes state-sponsored or co-sponsored functions such as conferences, conventions, business meetings, and training classes).
 - e. In-state. The rate of \$250, excluding tax and surcharges, for lodging in the county of San Francisco (includes state-sponsored or co-sponsored functions such as conferences, conventions, business meetings, and training classes).

- f. In-state. The rates of \$110, \$120, \$125, \$140, or \$250, whichever is applicable, excluding tax and surcharges, for non-state-sponsored functions (conferences, conventions, business meetings, and training classes) if the participant does not stay at the conference, convention, or meeting site. An exception request for such an alternative site is rare and shall be authorized only in instances justified as a result of official state business (i.e., schedule conflicts due to multiple meetings at various sites, no room available, and so forth). Business meetings authorized under this section are meetings with formal agendas requested by outside entities at locations over which the employee has no control.
 - g. Out-of-state. The actual incurred costs up to the federal lodging rate, plus tax and surcharges, when substantiated by receipts. The federal lodging rates are available at www.gsa.gov/travel/plan-book/per-diem-rates (select chosen state).
5. It is the responsibility of the appropriate approval level to ensure reasonableness and completeness of the Exception Request for Lodging form. An incomplete form or a form with inadequate justification shall be returned unprocessed. If advance approval is not obtained, the traveler shall be reimbursed only for the specified maximum rate plus tax and surcharges.
 6. A copy of the Exception Request for Lodging documentation must be attached to the respective Travel Expense Claim on file in Accounting. See Policy No. FIN 12.01 Record Retention for the length of time documentation must be maintained.

6.1.7 Hotel/Motel Transient Occupancy Tax Waiver

1. Trial court employees qualify for the State of California Transient Occupancy Tax exemption. The Transient Occupancy Tax is a tax imposed by cities and counties on hotel and motel lodging rates within the state of California. This tax may be waived if proof is provided that the traveler is a representative or employee of the state judicial branch on official business.
2. Trial court employees should attempt to have the Transient Occupancy Tax waived for all hotel/motel rooms they stay in while on state business. It is recommended that you inquire about this discount when making reservations. The Hotel/Motel Transient Occupancy Tax Waiver (Standard Form 236) must be completed in order to qualify for the discount. A copy of the Hotel/Motel Transient Occupancy Tax Waiver (Standard Form 236) is provided in 7.0, Associated Documents. However, the waiver of the tax is strictly voluntary at the option of the lodging establishment.

6.1.8 Business-Related Travel by a Contractor

Business-related travel by a contractor for items such as air transportation, lodging, meals, personal vehicle usage, rental vehicle usage, insurance requirements (including workers' compensation insurance), etc. must be addressed in a written agreement between the contractor and the trial court, in accordance with the procurement and

contracting guidelines in the [Judicial Branch Contracting Manual](#), Chapter 9, Disbursements and Payment Programs. The contractor or temporary agency employee must go through his or her own travel agent for air and rental car reservations if those expenses are specified in his or her contract with the court. Contractors or temporary agency employees must not drive court owned, leased, or rented vehicles. The reimbursement rates outlined in Finance Memos and guidelines located on the Judicial Resources Network at <http://jrn.courts.ca.gov/programs/bap/> provide specific information regarding the current limitations that apply to allowable travel expenses. The policy and limits that are in effect at the time the agreement is signed must be the upper limits applied to trial court agreements for services involving business-related travel by a contractor. It is recommended that the court incorporate the negotiated travel guidelines and attach a copy of the guidelines to the agreement. Contractor, vendor, or temporary agency staff business travel must be billed to the court on a company invoice in accordance with the guidelines noted in the company's contract with the court.

6.2 State of California Motor Vehicle Liability Program Coverage

The state's Motor Vehicle Liability Program is a self-insurance program administered by the Office of Risk and Insurance Management. The program is not commercial insurance. There is no policy or policy limit for state and/or court employees. When a driver who is not a state or court employee, such as a pro bono consultant or volunteer, is involved in a motor vehicle accident while on court business, the self-insurance coverage will be limited to \$1 million per accident, regardless of ownership of the vehicle. The nonstate or noncourt employee driver's assigned court will be financially responsible for the payment of any claims, settlements, judgments or verdicts in excess of \$1 million. The program is funded through assessments charged to government entities, including courts that own vehicles and specified mobile equipment.

For the state's Motor Vehicle Liability Program to be in effect, courts must complete and submit an Annual Mobile Equipment Inventory form to the Department of General Services (DGS), Office of Risk and Insurance Management (ORIM) under ORIM instructions. Trial courts that own vehicles or mobile equipment will pay an annual assessment to DGS based on the information provided by the court on the Annual Equipment Inventory form.

1. **Court-Owned Vehicles.** First-dollar liability coverage is provided for judicial officers and court employees authorized to drive court-owned vehicles in the course and scope of employment. That is, if a judicial officer or court employee is authorized to drive a court-owned vehicle in the course and scope of their employment at the time of an accident, the state Motor Vehicle Liability Program provides full protection against third-party claims arising out of that accident. The program does not cover damage to the court vehicle. Repairs for damage to court vehicles are arranged and paid for directly by the court. If a court-owned vehicle is damaged as a result of negligence by a third party, ORIM will initiate action to recover from that party the cost to repair or replace the damaged vehicle. A court can also obtain automobile physical damage insurance from ORIM at additional cost from that paid for the Motor Vehicle Liability Program.

2. **State Vehicles.** The Department of General Services, Office of Fleet and Asset Management (OFAM), operates the Sacramento State Garage, where courts may obtain state vehicles on a month-to-month basis.

First-dollar liability coverage is provided for judicial officers and court employees authorized to drive state vehicles in the course and scope of their employment. In addition to insurance, OFAM rates include fuel, oil, maintenance, vehicle repair costs, and roadside assistance. At no additional cost, a fuel card is also provided for each vehicle. The court should be aware that it may be billed for damage to the vehicle caused by operator misuse, abuse, failure to perform maintenance (for month-to-month leases), negligence, or damage caused to the vehicle while operated by a person other than a court employee.

3. **State Commercial Vehicle Contractors.** To obtain the benefit of \$300,000 liability coverage and automatic collision waivers when driving on court business, travelers should rent vehicles for short-term use only from the state-contracted companies, unless circumstances as outlined within this policy prevent it. In addition, the liability insurance will not be activated unless the traveler uses the state negotiated rental car rate and one of the recognized methods of payment. For recognized methods of payment, see subsection 6.1.4, Commercial Vehicle Rental Policy.
4. **Noncontract Commercial Vehicle Company.** If the use of a noncontract company is justified, the liability insurance offered through the state's Motor Vehicle Liability Program will provide automobile liability coverage for court travelers on official business. However, the program does not cover damage to the rental vehicle. Repairs for such damage are paid for directly by the court. If the accident is a result of negligence on the part of a third party, ORIM will initiate action to recover from that party the cost to repair or replace the damaged vehicle. If the use of the vendor is not justified, however, the state's Motor Vehicle Liability Program is not applicable and all expenses will be charged to the traveler's court. Should any liability claim arising from the operations of a rented vehicle not be covered by ORIM, the full particulars of the accident and the claim should be sent to Judicial Council of California's Office of the General Counsel, which will work with the court to resolve the claim.
5. **Privately Owned Vehicles.** Judicial officers and court employees authorized to drive their own vehicle in the course and scope of employment should be aware that, in case of an accident, their own personal vehicle liability insurance provides the primary protection up to the policy limit. Should a settlement or judgment arising out of that accident exhaust the personal vehicle policy limit, then the state's Motor Vehicle Liability Program provides unlimited excess coverage. In the event of an accident, the employee should pay his or her deductible. The deductible is part of the cost of insurance covered by the vehicle mileage reimbursement rate.
6. **Out-of-State and International Vehicle Coverage.** The state's Motor Vehicle Liability Program provides coverage as referenced above for court employees renting vehicles from state commercial vehicle contractors or an approved noncontract commercial

vehicle company, whichever is applicable. ORIM recommends buying liability insurance coverage for international travel and will assist in obtaining it in accordance with the laws of the foreign country.

7. Annual Certification for Driving on Official Court Business. The court determines which judicial officers and court employees are authorized to drive in the scope and course of their duties. Each judicial officer and employee authorized to drive any vehicle must complete an annual Certification for Driving on Official Court Business. The Certification for Driving on Official Court Business serves the following purposes:
 - a. It provides the conditions under which judicial officers or court employees are authorized to drive any vehicle on official court business;
 - b. It provides the proper procedure for reporting accidents while using any vehicle on official court business;
 - c. Acknowledgment of insurance coverage limitations for nonjudiciary passengers.
 - d. It is the employee's responsibility to inform his or her individual supervisor of any personal automobile liability coverage changes during the year.
 - e. The mechanism to request approval to use a privately owned vehicle on official court business, verifying that the judicial officer or court employee has personal automobile liability coverage in force on the personal vehicle, with a minimum protection of \$15,000 per person and \$30,000 for all persons.

The Annual Certification for Driving on Official Court Business will be verified and signed by each authorized judicial officer and employee, and his or her appropriate approval level. The approver must retain the original form on file. A new certification is required to be submitted during the year if the judicial officer or court employee will be driving a different privately owned vehicle on official court business. Unless it is a condition of employment, employees are not required to use their personal vehicle for business purposes.

It is the employee's responsibility to immediately inform his or her supervisor in writing if he or she receives a moving violation, has his or her driving license suspended or revoked, or fails to carry the minimum personal liability insurance coverage on the personal vehicle. When warranted, it is the approver's responsibility to suspend or revoke the permission of a judicial officer or court employee to drive in the scope and course of his or her duties.

8. Coverage for Judicial Officers and Court Employees. The state's Motor Vehicle Liability Program does not provide coverage for medical costs resulting from an injury to a judicial officer, employee, or occupants of a court-operated vehicle. In the event of an accident, an injury to a judicial officer or an employee of the court is handled through workers' compensation.

9. Insurance Coverage Limitations for Passengers. Transporting any persons other than those directly involved in official court business is prohibited unless written permission has been obtained in advance for each trip by the employee's appropriate approval level. In those limited situations when advance approval has been obtained, neither the state's Motor Vehicle Liability Program nor the workers' compensation system will pay for any loss or expense, including medical expenses, of a nonjudiciary passenger, including a family member, resulting from any injury or accident in a court-operated vehicle. The nonjudiciary passenger or family member is responsible for all such costs and expenses. Typically, the nonjudiciary passenger or family member's health insurance provider would cover these expenses.
10. Motor Vehicle Accidents and Reporting. All motor vehicle accidents involving any vehicle being used on court business must be reported within 48 hours to:

Office of Risk and Insurance Management
707 Third Street, First Floor
West Sacramento, CA 95605

To accomplish this, travelers must complete a Vehicle Accident Report, Standard Form 270, as soon as possible and forward it to their supervisor.

- a. The supervisor will:
 - i. Review the form,
 - ii. Investigate the circumstances surrounding the accident,
 - iii. Verify that the employee was on official court business, and
 - iv. Complete the Supervisor's Review of Motor Vehicle Accident, Standard Form 274 then mail or fax both forms to:

Trial Court Vehicle Accident Report
c/o Procurement
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688
Telephone: 415-865-7988
Fax: 415-865-4326

- b. Judicial Council of California Branch Accounting and Procurement will:
 - i. Review the form for consistency;
 - ii. Acquire clarifying information, if necessary, and
 - iii. Send the forms to ORIM.

- c. If the accident resulted in bodily injury or significant property damage to a noncourt party, the accident must be reported directly to ORIM by telephone during normal working hours at 1-916-376-5302 or by a preliminary copy of the Standard Form 270, sent by fax to 1-916-376-5277. This preliminary report by telephone or fax does not replace the requirement of sending or faxing the Standard Form 270 to the Judicial Council of California's Branch Accounting and Procurement Unit as soon as possible.
- d. At the accident scene, do not admit fault or make any promises that the court will pay for damages. ORIM handles all decisions on accident claims. If a claimant contacts you, refer the claimant directly to ORIM at 1-916-322-0459 to expedite the handling of the claim.
- e. A Vehicle Accident Report (Standard Form 270) and an Accident Identification Card must be placed in the glove compartment of all court-owned or -leased vehicles. The Accident Identification Card serves as evidence of financial responsibility and states: "This vehicle is owned or leased by a superior court of the State of California, a public entity, and operated by judicial officers or employees of the court. California Vehicle Code sections 16000, 16200, 16021 et seq. state that ownership or lease of a vehicle by a public entity establishes evidence of financial responsibility." This card should be completed at the scene of an accident and provided to the other driver.
- f. Copies of the Vehicle Accident Report (Standard Form 270), may be acquired online from the ORIM website at www.orim.dgs.ca.gov.

11. State of California Smog Check Program

The Bureau of Automotive Repair administers the Smog Check Program in California. The goal of the program is to reduce air pollution produced by vehicles. Trial courts that own and operate vehicles are required to obtain a smog check with the same frequency as is required for vehicles subject to annual renewal of registration. However, a smog check is not required on all vehicles. Some vehicles only need a smog check when they are being sold or registered in California after previously being registered in another state. The type of vehicle, model year, and area in which the vehicle is registered determines whether a smog check is required.

Under Health and Safety Code section 44019(a), trial courts affected by Smog Check Program requirements will smog test vehicles in accordance with an established schedule and report the results to the Bureau of Automotive Repair. Each trial court affected by the Smog Check Program is required to complete a Government Fleet Smog Check Program Letter of Response (Form 79-19) and submit it to the Bureau of Automotive Repair. A revised Government Fleet Smog Check Program Letter of Response form should be submitted for any changes in vehicle inventory, responsible managing employee, phone numbers, addresses or status of ownership. In addition, trial courts affected by the Smog Check Program are required to report vehicle smog-testing results to the Bureau of Automotive Repair on the Government Fleet Smog Check Program Annual Reporting Transmittal (Form 79-21). Additional information regarding the Smog Check Program

may be acquired online from the Bureau of Automotive Repair's website at www.smogcheck.ca.gov.

6.3 Travel Procedures

1. It is necessary to document business travel expenses with receipts showing the actual amounts spent on lodging, transportation and other miscellaneous items. In limited circumstances, a receipt not on preprinted bill head may be acceptable. Receipts not on preprinted bill head must be signed by the vendor or person furnishing the goods or services. Every receipt must be properly itemized. Receipts are required to claim reimbursement for:
 - a. Airfare for ticketless travel. The airfare itinerary is a valid receipt.
 - b. Rental cars.
 - c. Other forms of transportation including buses, trains, taxis, etc. of \$3.50 or more. (Receipts for bridge and road tolls need not be submitted to the court.)
 - d. Parking of \$10 or more.
 - e. Seminar registration.
 - f. Hotel lodging. Receipts for hotel lodging charges must be on a preprinted bill head with a zero-balance shown. The hotel express checkout or receipts from a third-party provider for lodging booked via the Internet are not valid receipts. In some instances, a hotel may decline to issue a receipt on their preprinted billing head for lodging booked via the Internet.
 - g. Meals. (Receipts for meals need not be submitted to the court. However, meal receipts should be retained by the traveler for IRS documentation purposes.)
 - h. Incidentals. (Receipts for incidentals need not be submitted to the court. However, receipts for incidental expenses should be retained by the traveler for IRS documentation purposes.)
 - i. Conferences and training classes. In addition to the receipt, a proof of attendance or certification of completion must be submitted with the claim. Agenda materials distributed at the conference will suffice as proof of attendance.
 - j. Telephone or fax charges of \$2.50 or more. All telephone or fax expenses claimed must be related to court business and show the date, place, and party called.

In cases where receipts cannot be obtained or have been lost, a written explanation to that effect and the reason provided must be noted on the Travel Expense Claim. Lodging, airfare, and car rental receipts cannot be certified as lost or waived and will not be reimbursed without the submission of a valid receipt.

6.3.1 Trial Court Vehicle Use

For travel in trial court-owned vehicles, receipts documenting expenses for gasoline, oil, parking, and any other necessary costs are required for reimbursement.

6.3.2 Personal Vehicle Mileage

1. When the use of a personal vehicle is approved for trial court business, a Travel Expense Claim (TEC) form must be completed for reimbursement. The TEC must contain a description of the trip including the date of travel, destination, and total miles driven for business purposes.
2. Trial court judges and employees submitting claims for reimbursement for personal vehicle use should note the following:
 - a. Travel between home and a judge's or employee's regular place of work is not reimbursable.
 - b. When travel commences from home, and the traveler is authorized to use his or her personal vehicle to travel to a business destination other than the traveler's regular place of work, reimbursed mileage will be calculated from the traveler's designated headquarters or home, whichever results in the lesser distance, to the business destination. If the traveler departs from the last business destination directly to the traveler's home, mileage reimbursement will be calculated from the last business destination to the traveler's designated headquarters or home, whichever results in the lesser distance. If the first or last business destination is closer to home than the regular place of work, no mileage reimbursement will be allowed.
 - c. Travel between court locations is reimbursable.
 - d. If the traveler is driven to a common carrier, he or she can claim double the rate authorized for a one-way trip to and from the common carrier, if no parking is claimed. If the traveler departs or returns to a common carrier on his or her day off or one hour before or one hour after the normal workday, actual miles driven may be claimed.
3. Before authorizing the use of a personal vehicle, the approver will ensure personal liability insurance requirements have been satisfied. However, unless it is a condition of employment, employees are not required to use their personal vehicle for business purposes. It is the employee's responsibility to inform his or her appropriate approval level of any personal automobile liability coverage changes during the year.

6.4 Travel Expense Reimbursement

1. Reimbursable travel expenses are limited to the authorized, actual, and necessary costs of conducting the official business of the trial court and the limits established in published Finance Memos located on the Judicial Resources Network at <http://jrn.courts.ca.gov/programs/bap/>. Trial court Travel Expense Claim forms shall be processed and paid at least monthly.
2. Travel expense reimbursements shall be paid from the Trial Court Operations Fund.³³

6.4.1 Submittal of Travel Expense Claim (TEC)

1. Judges and employees who incur reimbursable business travel costs must submit a completed TEC form, which:
 - a. Is approved and signed by the judge's or employee's appropriate approval level.
 - b. Includes only allowable expenses paid by the judge or employee.
 - c. Is supported by receipts for airline tickets, lodging, car rentals, and any other expenses (refer to section 6.3, Travel Procedures, for additional information). Receipts should be arranged in chronological order, taped onto an 8½ × 11 inch sheet of paper, and attached to the TEC. Each receipt must be itemized on a preprinted bill head showing the date, quantity, cost, and nature of expense. Receipts not on preprinted bill head must be signed by the vendor or person furnishing the goods or services.
 - d. Provides written justification for any unusual expenses.
 - e. Notes the business purpose of the trip.
 - f. The Judicial Council of California has developed an electronic TEC form that may be used to provide a simple and convenient means of documenting travel expenses for reimbursement purposes. Use of the electronic form is recommended and it is included in the Associated Documents at the end of this procedure. Courts may wish to modify the sample TEC form to exclude the Financial Information for California (FI\$Cal) reporting structure.
2. Court staff seeking reimbursement for travel on behalf of the Judicial Council of California, or to events where travel expenses are reimbursed by the Judicial Council of California, shall use the Judicial Council of California Travel Expense Claim. All expense reimbursements shall comply with the reimbursement rates outlined in Finance Memos and guidelines located on the Judicial Resources Network at

³³ Gov. Code, § 69505(c).

<http://jrn.courts.ca.gov/programs/bap/> and associated Judicial Council of California expense claim procedures.

6.4.2 Allowable Expenses

1. To be eligible for lodging and per diem reimbursement, travel expenses must be incurred while traveling to/from a destination at least 50 miles from an individual's "tax home" or must be preauthorized with significant business justification. Preauthorized travel expenses incurred while traveling to/from destinations less than 50 miles from an individual's "tax home" are considered fringe benefits and subject to taxes and withholding.
2. The following types of expenses are allowable and reimbursable for trial court business travel:
 - a. Airfare. Air travel should be obtained at the lowest convenient airfare. Only the cost of coach class air travel is allowable.
 - b. Surface Transportation. The cost of surface transportation by train, bus, taxi, and rented vehicle, private or trial court-owned vehicle is allowable. If surface transportation is chosen in lieu of available commercial air travel, the total reimbursement cannot exceed the total cost for travel had the services of a commercial airline been used. A cost comparison should be prepared calculating the amounts for both modes of transportation and related expenses before approving surface travel so the traveler knows in advance the estimated amount eligible for reimbursement.
 - c. Mileage. Personal vehicle mileage is reimbursable at the current federal mileage reimbursement rate established by the Internal Revenue Service that corresponds to the dates of travel. Parking and toll charges are also reimbursable.
 - d. Lodging. Actual costs incurred for overnight lodging are allowable up to the maximum rate established by the reimbursement rates outlined in Finance Memos and guidelines located on the Judicial Resources Network at <http://jrn.courts.ca.gov/programs/bap/> or approved lodging exception request rate.
 - e. Meals. Trial court judges and employees may be reimbursed for meals consumed during business travel. Meals to be reimbursed should be itemized as breakfast, lunch or dinner. The maximum allowable reimbursement for each meal is established by the reimbursement rates outlined in Finance Memos and guidelines located on the Judicial Resources Network at <http://jrn.courts.ca.gov/programs/bap/>. Meals provided by a sponsoring organization will not be reimbursed if the traveler chooses to forego the provided meals. It is the traveler's responsibility to communicate any dietary restrictions to a sponsoring organization.

According to the Internal Revenue Code, meal costs for same-day travel, even if reimbursed by the employer, are a personal expense, not a “business expense,” which means meal costs for same-day travel are subject to taxation, except as noted below:

Meal reimbursements for travel less than 24 hours are nontaxable and nonreportable when:

- i. Travel includes an overnight stay
 - ii. Meals provided to attendees are included as part of a conference curriculum or business meeting and must be documented with date, duration, place, attendees’ names and purpose of the meeting.
- f. Personal Services Charges; Incidentals. Incidental expenses including fees and tips for persons providing services, such as luggage handlers, parking attendants, and hotel housekeeping, and transportation costs to get to meals. Actual amounts paid as incidentals for services are allowable up to the not-to-exceed maximum costs established by the reimbursement rates outlined in Finance Memos and guidelines located on the Judicial Resources Network at <http://jrn.courts.ca.gov/programs/bap/>.
- g. Expenses of Other Judges and Employees. Trial court judges and employees may be reimbursed for business expenses incurred for other judges and employees provided the specific business reason for the expense is indicated along with the names and affiliations of the others involved. This is intended for common business travel situations where it is practical for one individual to pay for an expense rather than divide it among several individuals (e.g., a restaurant bill for a group of judges and/or employees traveling together).

6.4.3 Unallowable Expenses

1. Expenses incurred for the sole benefit of a trial court judge or employee shall not be allowed as reimbursable travel expenses. Examples of unallowable expenses include any type of insurance, travel loan finance charges, personal credit card fees or dues, newspapers, magazines, and other like charges.
 - a. Alcoholic Beverages. The purchase of alcoholic beverages is not allowed as a reimbursable travel expense.
 - b. Personal Telephone Charges. Personal telephone charges that are not court business related are not allowed as reimbursable travel expense.
 - c. Surface Transportation in Lieu of Air Travel. The excess costs of meals, lodging, or other travel expenses incurred as a result of choosing surface transportation instead of air travel are not allowable. As stated above in subsection 6.4.2,

Paragraph 1, Item b, the total travel costs reimbursed must not exceed the amount had the services of a commercial airline been used if available.

- d. Meal Provided at Meeting/Conference. If a business meal (at a meeting/conference, etc.) is provided and paid for on the traveler's behalf, reimbursement must not be processed for the same meal if claimed by the traveler on a TEC, regardless of whether the traveler chose to forgo the provided meal and eat at another venue.

6.5 Travel Expense Restrictions

To protect the resources allocated to components of the judicial branch that support the basic constitutionally and statutorily required operations of the branch, all judges, subordinate judicial officers, and those trial court employees who are not represented by a recognized employee organization and who earn more than \$125,000 per year will not be reimbursed for professional association dues. This restriction does not affect reimbursement of the costs of licenses that are a requirement of the position (e.g., State Bar licenses).

6.6 Travel Expense Reimbursement of Non-Superior Court Employees (Pro Bono Consultants)

Pro bono consultants are individuals serving as experts in specialized areas who receive no salary. Since their expertise is needed for limited periods a written contract may not be required. Headquarters should be established, listed on each TEC, and kept on file by the appropriate approval level. Pro bono consultants are eligible for reimbursement of actual travel expenses supported by a receipt up to the maximum rates identified in the reimbursement rates outlined in Finance Memos and guidelines located on the Judicial Resources Network at <http://jrn.courts.ca.gov/programs/bap/>.

7.0 Associated Documents

State of California Travel Expense Claim (TEC) form and instructions

Hotel/Motel Transient Occupancy Tax Waiver

State of California Certification for Driving on Official Court Business to Use Privately Owned Vehicles

Exception Request for Lodging Form

Out-of-State Travel Request Form

STATE OF CALIFORNIA

TRAVEL EXPENSE CLAIM

See Instructions and Privacy Statement* in Tab 2 and 3

Page 1 of

(JCC Electronic) Revised 08/2019

CLAIMANT'S NAME			SSN* (Only if no Fiscal Supplier/Claimant# below)			DIVISION							
POSITION/TITLE			UNIT/OFFICE OR DISTRICT (as applicable)			E-MAIL ADDRESS							
RESIDENCE ADDRESS			HEADQUARTERS ADDRESS			TELEPHONE NUMBER							
CITY		STATE	ZIP CODE		CITY	STATE	ZIP CODE						
(1) MONTH/YEAR	(2)	(3) LOCATION WHERE EXPENSES WERE INCURRED	(4) LODGING	(5) MEALS BREAK-FAST LUNCH DINNER			(6) INCIDENTALS	(7) TRANSPORTATION (A) COST OF TRANS. (B) TYPE USED (C) CARFARE TOLLS PARKING (D) PRIVATE CAR USE MILES AMOUNT			(8) BUSINESS EXPENSE	(9) TOTAL EXPENSES FOR DAY	
DATE	TIME												
(10) SUBTOTALS													
COLUMN CODE (ACCTG USE ONLY)			5320220	5320230		5320470	5320490	5320440					
CLAIM TOTAL													
(11) PURPOSE OF TRIP, REMARKS, AND DETAILS (Attach receipts/vouchers when required)						(12) FISCAL REPORTING STRUCTURE							
						Required Fields if activity is charged to a project							
						GL/Bus Unit							
						Appro Ref							
						Fund		FISCAL CLAIMANT*					
						ENY							
						Program		ACCOUNTING OFFICE USE ONLY					
						Project ID		INVOICE DATE					
						Activity ID		INVOICE AMOUNT					
						Spec Type							
						Rept Struc							
(13) NORMAL WORK HOURS			(14) PRIVATE VEHICLE LICENSE NO.			(15) MILEAGE RATE CLAIMED			PAID BY REVOLVING FUND CHECK #				
						0.575							
(16) I HEREBY CERTIFY that the above statement is a true statement of the travel expenses incurred by me in accordance with the State of California travel reimbursement policy and guidelines as adopted by the Judicial Council of California.													
CLAIMANT'S SIGNATURE				DATE	(17) SIGNATURE, OFFICER APPROVING TRAVEL AND PAYMENT				DATE				

STATE OF CALIFORNIA

TRAVEL EXPENSE CLAIM (TEC) FORM**GENERAL TEC INSTRUCTIONS**

All TECs must be completed in ink (other than black), unless electronically printed. Completion of the upper portion of the form in its entirety is required. "Tax Home" is defined as an individual's principal place of business. Submit only the signed original with supporting documentation within 30 days of travel. **Receipts** should be arranged in chronological order and taped onto an 8½ x 11 inch sheet of paper.

1. **MONTH/YEAR**—Enter numerical designation of calendar month and four-digit year which expenses were incurred. Example: 8–2002 (August 2002).
2. **DATE & TIME**—Enter numeric day of the month. **Time of departure and return must be entered using a 24-hour clock, example: 1700 = 5:00 p.m.** If departure and return are same date, enter departure time above and return time below on the same line. Otherwise, use two lines to enter activity.
3. **LOCATION**—Enter the location where the expenses were incurred. To be eligible for lodging and/or meal reimbursement, expenses must be incurred in excess of 50 miles from an individual's tax home or must be preauthorized with significant business justification.
4. **LODGING**—Enter the actual cost of lodging not to exceed the maximum authorized rate, plus tax per day. Each day of lodging must be listed separately on the form. **An itemized receipt is mandatory.**
5. **MEALS**—**Actual amounts** not to exceed **\$8 for breakfast, \$12 for lunch, and \$20 for dinner.** One day trips: breakfast may be claimed for actual cost up to \$8 if travel begins one hour before normal work hours; dinner may be claimed for actual cost up to \$20 if travel ends one hour after normal work hours; lunch may not be claimed or reimbursed. Note: all meal reimbursement for one day trips are taxable and reportable income unless the travel included an overnight stay.
6. **INCIDENTALS**—**Actual amount up to \$6** for each full 24-hour period. Incidentals may not be claimed or reimbursed for travel of less than 24 hours or fractional days.
7. **TRANSPORTATION**—The most efficient and least costly mode of transportation shall be reimbursed.
 - Enter the cost of transportation. Enter "BSA" for billed to state (court), "C" for cash, "CC" for credit card, and "SCC" for state (court) credit card.
 - Enter the method of transportation used. Enter "A" for commercial airlines, "B" for bus, airport shuttle, light rail or BART, "PC" for privately owned vehicle, "R" for railway, "RA" for rental aircraft, "RC" for rental vehicle, "SC" for state vehicle, and "T" for taxi.
 - Enter carfare, bridge tolls, and parking charges. Enter "C" for carfare, "P" for parking, and "T" for tolls.

Receipts are mandatory for all taxi fares, shuttle fares, public ground transportation, and parking fees of more than \$10. In cases where receipts cannot be obtained or have been lost, a statement to that effect shall be made in the expense account and the reason given. A statement as to a lost receipt will not be accepted for lodging, airfare, rental car, and/or business expenses. For a ticketless flight, submit the itinerary. The itinerary includes the same information that would be found on a ticket.

Also, the airfare itinerary and the car rental agreement must be attached to the TEC even when these items are booked and paid through the court.

8. **BUSINESS EXPENSE—Receipts** are mandatory for all business expenses, except telephone charges of \$2.50 or less. However, all telephone calls must include a statement of the party called, place, and business purpose of the call. Record business meals/business lodging in this column.
9. **TOTAL EXPENSES FOR DAY**—Daily total must be entered.
10. **SUBTOTALS/TOTAL**—Enter column totals (claim should be in balance).
11. **PURPOSE OF TRIP, REMARKS AND DETAILS**—Explain the need (purpose) for travel and any unusual expenses. Enter details or explanation of items included in above columns. The budgetary account code is mandatory and must be included on the form.
12. **NORMAL WORK HOURS**—Mandatory for meal reimbursement.
13. **PRIVATE VEHICLE LICENSE NUMBER**—Mandatory for mileage reimbursement.
14. **MILEAGE RATE CLAIMED**—Mandatory for personal car mileage reimbursement.
15. **CLAIMANT’S CERTIFICATION, SIGNATURE AND DATE**—Mandatory.
16. **SIGNATURE AND DATE OF APPROVING OFFICER**—Mandatory. (Each employee must have a legitimate and reasonable need to travel before the appropriate approval level gives his or her approval. It is inappropriate for an employee to travel without this approval. The most reasonable mode of transportation and/or lodging must be acquired when traveling. It is the approving officers’ responsibility to ascertain the accuracy, necessity and reasonableness of the expenses for which reimbursement is claimed.) Print and sign the form and forward the required number of copies to the approving authority.

On the Judicial Resources Network, under Travel Guidelines & Forms, there is a TEC form for your convenience, at <http://jrn.courts.ca.gov/programs/bap/>.

PRIVACY STATEMENT

The information Practices Act of 1977 (Civil Code Section 1798.17) and the Federal Privacy Act (Public Law 93-579) require that the following notice be provided when collecting personal information from individuals.

AGENCY NAME: Appointing powers, the Administrative Office of the Courts, and Superior Courts of California.

UNITS RESPONSIBLE FOR REVIEW: The accounting office within each appointing power and the Internal Audit Unit of the Administrative Office of the Courts.

AUTHORITY: The reimbursement of travel expenses is governed by the Victim Compensation & Government Claims Board. The Victim Compensation & Government Claims Board is authorized to adopt the rules and regulations that define the amount, time, and place that expenses and allowances may be paid to State judicial branch officers and employees while on State business per Government Code Section 13920.

PURPOSE: The information you furnish will allow the above-named agencies to reimburse you for expenses you incur while on official State business.

OTHER INFORMATION: While your social security number (SSN) and home address are voluntary information under Civil Code Section 1798.17, the absence of this information may cause payment of your claim to be delayed or rejected. You should contact your department's Accounting Office to determine the necessity for this information. Please note: Your social security number is required for reportable, taxable benefits (i.e., meal reimbursement when no overnight lodging occurs, relocation reimbursement, etc.).

ELECTRONIC WORKBOOK INSTRUCTIONS

1. This Excel workbook is modeled after the STD. 262 on the website of the Office of State Publishing.
2. Excel has a feature called AutoComplete in which Excel anticipates cell data entry based on the first few characters typed, and then imposes a suggested completion for the finished cell entry. Some users find this feature disruptive to smooth data entry. To disable AutoComplete, click on the Tools menu, select Options, select the Edit tab, and unselect "Enable AutoComplete."
3. Yellow help screens will appear with many cells in the money data entry section of the worksheet. If these help screens get in the way of data entry, they can be easily moved out of the way. Simply move the mouse pointer onto the offending help screen, hold down the mouse left click, and drag the help screen out of the way.
4. Concerning header information in rows 7 through 13 (claimant's name, SSN, position, residence address, etc.) the user completes this information in its entirety. If more than one page is needed, retain header information and change page number.
5. Cells in column 7(A) [COST OF TRANS] and in column 8 [BUSINESS EXPENSE] are split vertically to allow a brief description in the upper half and the claim amount in the lower half.
6. Cells in column 7(C) [CARFARE, TOLLS, PARKING] are split both vertically and horizontally to allow two pairs of entries, with a letter code on the left and the amount on the immediate right.
7. Certain cells contain Excel drop lists to assist the data entry. These cells are the MONTH/YEAR, 7(A) COST OF TRANS, 7(B) [TYPE USED], and 7(C) [CARFARE, TOLLS, PARKING].
8. All money amount data entry cells are validated to assure that amounts entered do not carry more than two decimal places (i.e. fractions of a cent).
9. The worksheets are protected worksheets. The user has access only to data entry cells. Cells that contain headings and formulas (such as row totals and column totals) are protected.
10. Cells are color coded per: informational data entry = indigo; number of miles data entry = teal; money amount data entry = red; locked cells (headings and formulas) = black.
11. Use of the code "SC" (State Car) in column (7)(B) for any line will prevent any mileage entered on that line from yielding a dollar claim amount. Mileage on State Cars is not reimbursable.

The DATE portion of box (2) provides a drop list which allows entry of the numeric day of the month, or entry of the month names. For RT claims (i.e. mass transit incentives programs), use the month names from the drop list, and indicate the starting month in box (1) MONTH/YEAR.

12. Do NOT use the Excel COPY/PASTE sequence to replicate data entry. Unfortunately, even in a protected worksheet, the COPY/PASTE sequence can damage cell formats and validations.

HOTEL/MOTEL TRANSIENT OCCUPANCY TAX WAIVER

(EXEMPTION CERTIFICATE FOR STATE AGENCIES) STD. 236 (NEW 9-91)

HOTEL/MOTEL OPERATOR:
RETAIN THIS WAIVER FOR YOUR FILES TO SUBSTANTIATE YOUR REPORTS.
PARTICIPATION BY OPERATORS IS STRICTLY VOLUNTARY

Date Executed:

HOTEL/MOTEL NAME:

TO:

HOTEL/MOTEL ADDRESS (Number, Street, City, State, ZIP Code)

This is to certify that I, the undersigned traveler, am a representative or employee of the State agency indicated below; that the charges for the occupancy at the above establishment on the dates set forth below have been, or will be paid for by the State of California; and that such charges are incurred in the performance of my official duties as a representative or employee of the State of California:

OCCUPANCY DATE(S)

AMOUNT PAID

\$

STATE AGENCY NAME:

JUDICIAL BRANCH

HEADQUARTERS ADDRESS

TRAVELER'S NAME (Printed or Typed)

I hereby declare under the penalty of perjury that the foregoing statements are true and correct.

EXECUTED AT: (City)

TRAVELER'S SIGNATURE

DATE SIGNED

, CALIFORNIA

Clear

Print

STATE OF CALIFORNIA

**HOTEL/MOTEL TRANSIENT OCCUPANCY TAX WAIVER
(EXEMPTION CERTIFICATE FOR STATE AGENCIES)**

STD. 238 (NEW 9-91)

**HOTEL/MOTEL OPERATOR: RETAIN THIS WAIVER FOR YOUR FILES TO SUBSTANTIATE YOUR REPORTS.
PARTICIPATION BY OPERATORS IS STRICTLY VOLUNTARY**

DATE EXECUTED

HOTEL / MOTEL NAME

TO:

HOTEL / MOTEL ADDRESS (Number, Street, City, State, ZIP Code)

This is to certify that I, the undersigned traveler, am a representative or employee of the State agency indicated below; that the charges for the occupancy at the above establishment on the dates set forth below have been, or will be paid for by the State of California; and that such charges are incurred in the performance of my official duties as a representative or employee of the State of California.

OCCUPANCY DATE(S)

AMOUNT PAID

\$

STATE AGENCY NAME

HEADQUARTERS ADDRESS

TRAVELER'S NAME (Printed or Typed)

I hereby declare under the penalty of perjury that the foregoing statements are true and correct.

EXECUTED AT: (City)

TRAVELER'S SIGNATURE

DATE SIGNED

, CALIFORNIA

STATE OF CALIFORNIA

CERTIFICATION FOR DRIVING ON OFFICIAL COURT BUSINESS

Supervisor: Retain Original Copy

Section I. CERTIFICATION TO DRIVE ANY VEHICLE ON OFFICIAL COURT BUSINESS

I hereby certify that, whenever I drive any vehicle on official court business, I will have a valid driver's license in my possession, a good driving record, and have an approved, up-to-date Certification for Driving on Official Court Business on file. Vehicle Code Section 16020 (effective July 1, 1985) requires all motorists to carry evidence of current automobile liability insurance in their vehicles. The Accident Identification Card placed in the glove compartment of all court-owned or leased vehicles serves as evidence of financial responsibility.

I further certify that, while using any vehicle on official court business, all accidents will be reported to the Office of Risk and Insurance Management within 48 hours. To accomplish this, judicial officers or employees of the court must complete a Vehicle Accident Report, Standard Form 270 as soon as possible and forward it to their supervisor. The supervisor will: (1) review the form,

(2) investigate the circumstances surrounding the accident, (3) verify that the judicial officer or employee was on official court business, (4) complete the Supervisor's Review of Motor Vehicle Accident, Standard Form 274 and send or fax both forms to: Trial Court Vehicle Accident Report, c/o Branch Accounting and Procurement Office, Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, FAX 415-865-4326.

I understand that permission to use a vehicle on court business is a privilege, which may be suspended or revoked at any time. I further understand that I must inform my supervisor in writing immediately if my driver's license is suspended or revoked, or if I receive a moving violation.

Section II. ACKNOWLEDGMENT OF INSURANCE COVERAGE LIMITATIONS FOR NONJUDICIARY PASSENGERS

I understand transporting any persons other than those directly involved in official court business is prohibited unless I have obtained advance approval from my supervisor for the specific trip. In those limited situations when advance approval has been obtained, I understand neither the State's Motor Vehicle Liability Program nor the workers' compensation system will pay for any loss or expense, including medical expenses, of a passenger who is not a judicial officer or judicial branch employee (a "nonjudiciary passenger"), including a family member, resulting from any injury or accident in a court-operated vehicle. The nonjudiciary passenger is responsible for all such costs and expenses. Furthermore, I acknowledge and agree to inform all nonjudiciary passengers that there is no medical coverage under the State program for nonjudiciary passengers in the event of any injury or accident.

Section III. CERTIFICATION TO USE PRIVATELY OWNED VEHICLE ON OFFICIAL COURT BUSINESS

In accordance with State Policy, approval is requested to use a privately owned vehicle to conduct official court business. (Note: If judicial officer/employee will not be using privately owned vehicle on court business indicate N/A in Section IV below.)

I hereby certify that, whenever I drive a privately owned vehicle on official court business, I will have a valid driver's license and proof of liability insurance in my possession, a good driving record, an approved, up-to-date Certification for Driving on Official Court Business on file, and the vehicle must always be:

1. Covered by liability insurance for the minimum amount prescribed by State Law (\$15,000 for personal injury to, or death of, one person; \$30,000 for injury to, or death of, two or more persons in one accident; \$5,000 property damage). Vehicle Code Section 16020 (effective July 1, 1985) requires all motorists to carry evidence of current automobile liability insurance in their vehicles;
2. Adequate for the work to be performed;
3. Equipped with safety belts in operating condition; and
4. To the best of my knowledge, in safe mechanical condition as required by law.

I understand that the mileage rate I receive is full reimbursement for the cost of operating the vehicle on official court business including fuel, maintenance, repairs, and both liability and comprehensive insurance. If an accident occurs, I understand that my personal vehicle liability insurance provides the primary protection up to the policy limit. Should a settlement or judgment arising out of that accident exceed the policy limit, the State's Motor Vehicle Liability Program provides excess coverage. I further understand

that I must notify my supervisor in writing immediately if I no longer have at least the minimum required liability insurance and that I must complete a new Certification for Driving on Official Court Business if I will be driving a different privately owned vehicle or will no longer use my own vehicle(s) on official court business.

Section IV. By signing below, I certify that I understand and will comply with the conditions set forth in Sections I, II, and, if applicable, III.

DRIVER'S LICENSE NUMBER	STATE	EXPIRATION DATE
LICENSE NUMBER OF PRIVATELY OWNED VEHICLE(S) (Indicate N/A if privately owned vehicle(s) will not be used on official court business)		
JUDICIAL OFFICER/EMPLOYEE SIGNATURE	PRINT NAME	DATE SIGNED

Section V. APPROVAL

Use of a privately owned vehicle on Court business is approved.

APPROVING AUTHORITY SIGNATURE	TITLE	DATE APPROVED
-------------------------------	-------	---------------

Section VI. SUSPENDED OR REVOKED PRIVILEGE TO USE VEHICLE ON OFFICIAL COURT BUSINESS

DATE: SUSPENDED _____
REVOKED _____

REASON:

STATE OF CALIFORNIA REQUEST FOR EXCEPTION TO MAXIMUM LODGING RATES (REV. 8/14)		JUDICIAL COUNCIL OF CALIFORNIA	
INSTRUCTIONS: Prior approval in advance of travel is required for amounts that exceed the maximum lodging rates, excluding tax and surcharges. Submit APPROVED request with Travel Expense Claim ACCT 282. Please print or type all information.			
<input type="checkbox"/> Actual Lodging cost per night up to: \$250 San Francisco County, \$140 Alameda, San Mateo, and Santa Clara Counties \$125 Monterey and San Diego Counties \$120 Los Angeles, Orange and Ventura Counties \$110 All other Counties plus tax and surcharges (Attach documentation).		<input type="checkbox"/> <u>Non-State Sponsored Conference/Convention</u> did not stay at function site (Attach documentation)	
		<input type="checkbox"/> Out-of-State travel (Attach documentation)	
CLAIMANT'S NAME	WORK PHONE NUMBER	HEADQUARTERS/CITY	
CLAIMANT'S PRIMARY RESIDENCE STREET ADDRESS (Include city, state & zip code)			
DEPARTMENT	DIVISION/COURT		
TRAVEL DATE FROM (month/day/year)	TRAVEL DATE TO (month/day/year)		
POINT OF ORIGIN	DESTINATION		
REASON FOR TRIP			
LODGING ESTABLISHMENT NAME	ROOM RATE \$		
STREET ADDRESS (Include city, state & zip code)			
REASON FOR HIGHER LODGING RATE (check which apply)			
<input type="checkbox"/> Alternate lodging not available		<input type="checkbox"/> Required to stay at contracted lodging site	
<input type="checkbox"/> Cost of alternate lodging and/or transportation equal to or greater than amount requested (include cost comparison)		<input type="checkbox"/> Attendance at a non-State sponsored function, but participant will not stay at the designated function site.	
<input type="checkbox"/> State business will be conducted at designated lodging establishment (attach agenda and supporting documentation)		<input type="checkbox"/> Other (specify below)	
EXPLAIN WHY THE ABOVE REASON(S) APPLY—LIST HOTELS SURVEYED (minimum of 3) AND RESULTS (Attach additional page(s) if necessary).			
(Attach copies of agenda, lodging requirements, registration, cost comparison analysis, comparable bids, etc.)			
APPROVAL			
CLAIMANT'S SIGNATURE	TITLE	DATE SIGNED	
CONTACT/ <u>LIAISON</u> (PRINT OR TYPE)	TITLE	CONTACT PHONE NO.	
SUPERVISOR/PROJECT MANAGER AUTHORIZATION (SIGNATURE)	TITLE	DATE SIGNED	
APPOINTING POWER DESIGNEE APPROVAL (SIGNATURE)	TITLE	DATE SIGNED	

EXCERPTS FROM THE TCEPGA

Gov't Code § 71615(c). Preservation of employees' job classifications

71615....

(c) As of the implementation date of this chapter, all of the following shall apply:

(1) All persons who meet the definition of trial court employee shall become trial court employees at their existing or equivalent classifications.

....

Gov't Code § 71620. Trial court personnel

71620. (a) Each trial court may establish such job classifications and may appoint such trial court officers, deputies, assistants, and employees as are deemed necessary for the performance of the duties and the exercise of the powers conferred by law upon the trial court and its members.

(b) Each trial court may appoint an executive or administrative officer who shall hold office at the pleasure of the trial court and shall exercise such administrative powers and perform such other duties as may be required by the trial court. The executive or administrative officer has the authority of a clerk of the trial court. The trial court shall fix the qualifications of the executive or administrative officer and may delegate to him or her any administrative powers and duties required to be exercised by the trial court.

Gov't Code § 71622. Subordinate judicial officers

71622. (a) Each trial court may establish and may appoint any subordinate judicial officers that are deemed necessary for the performance of subordinate judicial duties, as authorized by law to be performed by subordinate judicial officers. However, the number and type of subordinate judicial officers in a trial court shall be subject to approval by the Judicial Council. Subordinate judicial officers shall serve at the pleasure of the trial court.

(b) The appointment or termination of a subordinate judicial officer shall be made by order of the presiding judge or another judge or a committee to whom appointment or termination authority is delegated by the court, and shall be entered in the minutes of the court.

(c) The Judicial Council shall promulgate rules establishing the minimum qualifications and training requirements for subordinate judicial officers.

(d) The presiding judge of a superior court may cross-assign one type of subordinate judicial officer to exercise all the powers and perform all the duties authorized by law to be performed by another type of subordinate judicial officer, but only if the person cross-assigned satisfies the minimum qualifications and training requirements for the new assignment established by the Judicial Council pursuant to subdivision (c).

(e) The superior courts of two or more counties may appoint the same person as court commissioner.

(f) As of the implementation date of this chapter, all persons who were authorized to serve as subordinate judicial officers pursuant to other provisions of law shall be authorized by this section to serve as subordinate judicial officers at their existing salary rate, which may be a percentage of the salary of a judicial officer.

(g) A subordinate judicial officer who has been duly appointed and has thereafter retired from service may be assigned by a presiding judge to perform subordinate judicial duties consistent with subdivision (a). The retired subordinate judicial officer shall be subject to the limits, if any, on postretirement service prescribed by the Public Employees' Retirement System, the county defined-benefit retirement system, as defined in subdivision (f) of Section 71624, or any other defined-benefit retirement plan from which the retired officer is receiving benefits. The retired subordinate judicial officer shall be compensated by the assigning court at a rate not to exceed 85 percent of the compensation of a retired judge assigned to a superior court.

Gov't Code § 71623. Salaries

71623. (a) Each trial court may establish a salary range for each of its employee classifications. Considerations shall include, but are not limited to, local market conditions and other local compensation-related issues such as difficulty of recruitment or retention.

(b) All persons who are trial court employees as defined in Section 71601, as of the implementation date of this chapter shall become trial court employees at their existing salary rate. For employees who are represented by a recognized employee organization, salary ranges may be subject to modification pursuant to the terms of a memorandum of understanding or agreement, or upon expiration of an existing memorandum of understanding or agreement subject to meet and confer in good faith. For employees who are not represented by a recognized employee organization, salary ranges may be revised by the trial court. However, as provided in Section 71612, the implementation of this chapter shall not be a cause for the modification of salary ranges by a trial court.

Gov't Code § 71624. Retirement plans

71624. (a) A county that contracts with the Board of Administration of the Public Employees' Retirement System as of the implementation date of this chapter and the trial court located within that county shall establish a joint contract with the county under Section 20460.1 and subdivision (b) of Section 20469.1 in accordance with the pertinent provisions of the Public Employees' Retirement Law (Part 3 (commencing with Section 20000) of Division 5 of Title 2) and any other applicable rules of the retirement system. Eligibility to participate in the Public Employees' Retirement System shall be determined in accordance with the

pertinent provisions of the Public Employees' Retirement Law and any other applicable rules of the retirement system. For all other counties and their corresponding county defined-benefit retirement system, a trial court employee shall be eligible to participate as a member in the existing county defined-benefit retirement system in the county in which the court is located.

(b) If a trial court employee participates as a member in a county defined-benefit retirement system, his or her participation shall be subject to the applicable statutes, rules, regulations, policies, and plan and contract terms of the retirement system as is any other member of the system. In accordance with these provisions, the trial court employee who is a member of a county defined-benefit retirement system shall have the right to receive the same defined-benefit retirement plan benefits as county employees without the opportunity to meet and confer with the county as to those benefits. For all county defined-benefit systems other than the Public Employees' Retirement System, the trial court shall pay to the county retirement system at the same rate of contribution for trial court employees as is required of the county for county employees under the county retirement system for the same benefit level. Provided that a county and a trial court are parties to a joint contract with CalPERS for the provision of retirement benefits under Sections 20460.1 and 20469.1, the county defined-benefit retirement system contribution rates for the trial court shall be the same as the contribution rates for the county for the same benefit levels.

(c) Unless otherwise required by law, as provided in Section 71612, the implementation of this chapter shall not be a cause for the modification of the trial court employee's contractual coverage under, or exclusion from, social security.

(d) To facilitate trial court employee participation in county defined-benefit retirement plans, the trial court and county may mutually agree that the county shall administer the payroll for trial court employees.

(e) Nothing in this section precludes a trial court from offering a different defined-benefit retirement plan for trial court employees that is separate from the county defined-benefit retirement plan, subject to the terms of a memorandum of understanding or agreement for represented employees, or the terms of trial court policies, procedures, or plans, for unrepresented employees. The mechanism for implementation of these plans shall be created by statute.

(f) For purposes of this section, "county defined-benefit retirement system" means a defined-benefit retirement system administered by the county or applicable governing body, including systems established pursuant to the Public Employees Retirement Law (Part 3 (commencing with Section 20000) of Division 5 of Title 2), the County Employees' Retirement Law of 1937 (Chapter 3 (commencing with Section 31450) of Part 3 of Division 3 of Title 3), or an independent retirement system or plan.

(g) On the date this chapter is implemented, a trial court employee who is a member of any county defined-benefit retirement system shall continue to be

eligible to receive the same level of benefits that the member was eligible to receive prior to implementation of this chapter.

Gov't Code § 71625. Accrued leave benefits

71625. (a) Trial court policies related to accrued leave benefits, including the type and accrual rate of accrued leave benefits, in effect on the implementation date of this chapter shall remain in effect unless modified pursuant to subdivision (c).

(b) The implementation of this chapter shall not cause a termination of employment and rehire for purposes of accrued leave benefits and shall not result in either the trial court or the county cashing out trial court employees' accrued leave balances. A trial court employee shall retain his or her accrued leave balances upon implementation of this chapter. A trial court employee shall not cash out his or her accrued leave balances solely as a result of implementation of this chapter.

(c) For employees who are represented by a recognized employee organization, the type and accrual rate of, and policies relating to, accrued leave benefits are subject to modification pursuant to the terms of a memorandum of understanding or agreement, or upon expiration of an existing memorandum of understanding or agreement, or upon revision to personnel, policies, procedures and plans, subject to meet and confer in good faith. For employees who are not represented by a recognized employee organization, the type and accrual rate of, and policies relating to, accrued leave benefits may be revised by the trial court. However, as provided in Section 71612, the implementation of this chapter shall not be a cause for the modification of the type and accrual rate of, and policies relating to, accrued leave benefits.

Gov't Code § 71628. Deferred compensation plan benefits

71628. Notwithstanding any other provision of law:

(a) As provided in Section 71612, the implementation of this chapter shall not be a cause for the modification of the level of deferred compensation plan benefits provided to a trial court employee.

If the same deferred compensation plan benefits are not permitted by law or the plan vendor, the trial court shall provide other deferred compensation plan benefits at the same level, subject to the provisions of subdivision (b). The level of deferred compensation plan benefits provided to a trial court employee as of the implementation date of this chapter shall remain in effect unless modified pursuant to subdivision (b).

(b)(1) For employees who are represented by a recognized employee organization, (A) the level of deferred compensation plan benefits accruing to a trial court employee pursuant to the terms of a memorandum of understanding or agreement is subject to modification only pursuant to the terms of that memorandum of understanding or agreement, and upon expiration of that

memorandum of understanding or agreement, those deferred compensation plan benefits may not be modified except pursuant to a subsequent memorandum of understanding or agreement; and (B) the level of deferred compensation plan benefits accruing to a trial court employee pursuant only to personnel, policies, procedures, and plans may be modified by the trial court, subject to meet and confer in good faith.

(2) For employees who are not represented by a recognized employee organization, the level of deferred compensation plan benefits may be modified by the trial court.

(c) If the county administers deferred compensation plan benefits to trial court employees, or if the trial court contracts with the county to administer deferred compensation plan benefits to trial court employees, a trial court employee shall be eligible to participate in deferred compensation plan benefits subject to deferred compensation plan regulations, policies, terms and conditions, and subject to both of the following:

(1) A trial court employee shall have the right to receive the same level of deferred compensation plan benefits as county employees in similar classifications, as designated by the trial court subject to the obligation to meet and confer in good faith, without the opportunity to meet and confer with the county as to those benefits.

(2) The level of deferred compensation plan benefits accruing to a trial court employee is subject to modification by the county if the county changes the level of deferred compensation plan benefits of county employees in classifications that have been designated as similar classifications pursuant to paragraph (1).

(d) If the implementation of this chapter causes a change in deferred compensation plans and requires the transfer of trial court employees' plan balances to the trial court's deferred compensation plan, trial court employees shall not suffer a financial loss due to transfer-related penalties, such as deferred sales charges, and any financial loss due to transfer-related penalties shall be borne by the trial court.

(e) Trial court employees shall continue to be eligible to receive deferred compensation plan benefits from the county or the trial court. For purposes of deferred compensation plans established under Section 401(k) or 457 of the Internal Revenue Code, one of the following shall apply:

(1) If permitted by federal law and deferred compensation plan vendors, trial court employees shall continue to receive federal 401(k) or 457 deferred compensation plan benefits through county plans unless the trial court modifies its plan benefits pursuant to personnel rules, subject to meet and confer in good faith.

(2) If not permitted by federal law or deferred compensation plan vendors, the trial court shall provide deferred compensation plan benefits at the same level subject to meet and confer in good faith, in which case upon transition to the new deferred compensation plan, (A) to provide the trial court time to investigate plan options, negotiate plan contracts, and establish plans, there shall be a transition

period of at least six months, during which trial court employees shall continue to receive deferred compensation plan benefits from the county; and (B) a county may require that trial court employees leave their plan balances in the county's deferred compensation plan or may transfer trial court employees' plan balances to the trial court's deferred compensation plan.

(f) To facilitate trial court employee participation in county deferred compensation plans, the trial court and county may mutually agree that the county shall administer the payroll for trial court employees.

(g) The trial court shall reimburse the county for the cost of any coverage of trial court employees in county deferred compensation plans.

(h) A county is authorized to amend the documents of a deferred compensation plan established under Section 401(k) or 457 of the Internal Revenue Code as necessary to achieve the objectives of this section.

(i) Nothing in this section precludes the possibility that a trial court employee may have a future option of participating in other deferred compensation plans that may be developed subject to the obligation to meet and confer in good faith.

Gov't Code § 71629. Trial court employment benefits not affected

71629. Except as provided in Sections 71624, 71625, 71626, 71626.5, 71627, and 71628, and notwithstanding any other provision of law:

(a) As provided in Section 71612, the implementation of this chapter shall not be a cause for the modification of the level of trial court employment benefits. If the same trial court employment benefits are not permitted by law or the plan vendor, the trial court shall provide other trial court employment benefits at the same level subject to the provisions of subdivision (b). The level of trial court employment benefits provided to a trial court employee as of the implementation date of this chapter shall remain in effect unless modified pursuant to subdivision (b).

(b) For employees who are represented by a recognized employee organization, the level of trial court employment benefits provided to a trial court employee may not be modified until after the expiration of an existing memorandum of understanding or agreement or a period of 24 months, whichever is longer, unless the trial court and recognized employee organization mutually agree to a modification. For employees who are not represented by a recognized employee organization, the level of trial court employment benefits may be revised by the trial court.

(c) The trial court shall reimburse the county for the cost of coverage of trial court employees in trial court employment benefit plans. If the county administers trial court employment benefits to trial court employees, or if the trial court contracts with the county to administer trial court employment benefits to trial court employees, a trial court employee shall be eligible to participate in trial court employment benefits subject to trial court employment benefit regulations, policies, terms and conditions, and subject to both of the following:

(1) A trial court employee shall have the right to receive the same level of trial court employment benefits as county employees in similar classifications, as designated by the trial court subject to the obligation to meet and confer in good faith, without the opportunity to meet and confer with the county as to those benefits.

(2) The level of trial court employment benefits accruing to a trial court employee is subject to modification by the county if the county changes the level of the same employment benefits accruing to county employees in classifications that have been designated as similar classification pursuant to paragraph (1).

(d) As of the implementation date of this chapter:

(1) If the trial court administers trial court employment benefits to trial court employees separately from the county, the trial court shall continue to administer these benefits as provided under existing personnel policies, procedures, plans, or trial court employee memoranda of understanding or agreements.

(2) If the county administers trial court employment benefits to trial court employees or if the trial court contracts with the county to administer trial court employment benefits to trial court employees, the county may continue to administer trial court employment benefits to trial court employees pursuant to subdivision (e) or the trial court may administer trial court employment benefits to trial court employees pursuant to the following transition process:

(A) While an existing memorandum of understanding or agreement remains in effect or for a transition period of 24 months, whichever is longer, the county shall administer trial court employment benefits for represented trial court employees as provided in the applicable memorandum of understanding or agreement, unless the county is notified by the trial court pursuant to subparagraph (D) that the trial court no longer needs the county to administer specified benefits, or the trial court and the county mutually agree that the county will no longer administer specified benefits.

(B) For a transition period of up to 24 months after the implementation date of this chapter, the county shall administer trial court employment benefits for unrepresented trial court employees, unless notified by the trial court pursuant to subparagraph (D) that the trial court no longer needs the county to administer specified benefits, or the trial court and the county mutually agree that the county will no longer administer specified benefits. During the transition period, if the county intends to change unrepresented trial court employees' trial court employment benefits, the county shall provide the trial court with at least 60 days' notice, or a mutually agreed to amount of notice, before any change in benefits is implemented so the trial court can decide whether to accept the county's change or consider alternatives and arrange to provide benefits on its own.

(C) If, during the transition period, the trial court decides to offer particular trial court employment benefits that are different from what the county is administering, the trial court shall be responsible for administering those particular benefits.

(D) If the trial court decides that it no longer needs the county to administer specified trial court employment benefits to trial court employees, the trial court shall provide the county with at least 60 days' notice, or a mutually agreed to amount of notice.

(e) To facilitate trial court employee participation in county trial court employment benefit plans, the trial court and county may mutually agree that the county shall administer the payroll for trial court employees.

(f) A county shall have authority to provide trial court employment benefits to trial court employees if those benefits are requested by the trial court and subject to county concurrence to providing those benefits. A county's agreement to provide those benefits shall not be construed to create a meet and confer obligation between the county and any recognized employee organization.

(g) Nothing in this section shall prevent the trial court from arranging for trial court employees other trial court employment benefits plans subject to the obligation to meet and confer in good faith.

Gov't Code §§ 71640-71645. Employment selection and advancement

71640. (a) As of the implementation date of this chapter, each trial court shall establish a trial court employment selection and advancement system which shall become the minimum selection and advancement system for all trial court employees and shall become part of the sole trial court employee personnel system. The trial court employment selection and advancement system shall replace any county employment selection and advancement systems applying to trial court employees prior to the implementation date as provided in this article, except as otherwise specified in this article. This article establishes minimum standards, and each trial court employment selection and advancement system shall, at a minimum, conform to the requirements of this article.

(b) Until such time as a trial court establishes a trial court employment selection and advancement system as provided in this article, the minimum standards required pursuant to this article shall be the trial court employment selection and advancement system.

71641. Each trial court shall develop personnel rules regarding hiring, promotion, transfer, and classification. Trial courts shall meet and confer in good faith with representatives of the recognized employee organizations on those rules that cover matters within the scope of representation. However, nothing in this article is intended to expand the definition of matters within the scope of representation, as defined in Section 71634.

71642. Hiring and promotion within a trial court shall be done in a nondiscriminatory manner based on job-related factors. Trial court personnel rules shall meet the following minimum standards:

(a) Recruiting, selecting, transferring, and advancing employees shall be on the basis of their relative ability, knowledge, and skills. Initial appointment shall be through an open, competitive process. Preference shall be given to internal candidates.

(b) Formal job-related selection processes are required when filling positions.

(c) Each trial court shall have an equal employment opportunity policy applying to all applicants and employees in accordance with applicable state and federal law.

71643. (a) The following positions are excluded from the competitive selection and promotion processes required by Section 71642:

(1) Subordinate judicial officers.

(2) Managerial, confidential, temporary, and limited-term positions in accordance with a trial court's personnel policies, procedures, or plans, subject to meet and confer in good faith.

(b) If managerial, confidential, temporary, and limited-term positions are defined for the purposes of competitive selection and promotion processes within a trial court as of the implementation date of this chapter, then that definition shall be maintained for those purposes until changed subject to meet and confer in good faith. If managerial, confidential, temporary, and limited-term positions are not defined for the purposes of competitive selection and promotion processes within a trial court as of the implementation date of this chapter, then the adoption of any such definition by the trial court shall be subject to meet and confer in good faith.

(c) The exclusion of managerial, confidential, temporary, and limited term positions from required competitive selection and promotion processes shall not affect the employees' right to representation.

(d) Permanent or regular employees who assume limited term appointments or assignments to other positions or classes shall retain their permanent or regular status during and upon expiration of the limited term appointment or assignment.

71644. Disputes between a trial court and its employees regarding the alleged misapplication, misinterpretation, or violation of the trial court's rules enacted pursuant to Sections 71641 and 71642 governing hiring, promotion, transfer, and classification shall be resolved by binding arbitration.

71645. (a) On and after the implementation date of this chapter, this article shall become the employment, selection, and advancement system for all trial court employees within a trial court and shall become part of the sole trial court employee system, replacing any aspects of county employment, selection, and advancement systems applying to trial court employees prior to the implementation date of this chapter.

(b) Except as provided in subdivision (c), the implementation date of this chapter for each trial court shall be the effective date of this chapter.

(c) The representatives of the trial court and representatives of recognized employee organizations may mutually agree to a different implementation date.

If the provisions in this article are governed by an existing memorandum of understanding or agreement covering trial court employees, as to such provisions, the implementation date shall be either the date a successor memorandum of understanding or agreement is effective or, if no agreement for a successor memorandum of understanding or agreement is reached, 90 days from the date of the expiration of the predecessor memorandum of understanding or agreement, unless representatives of the trial court and representatives of recognized employee organizations mutually agree otherwise.

Gov't Code §§ 71650-71658. Employment protection system

71650. (a) As of the implementation date of this article, as provided in Section 71658, each trial court shall establish a trial court employment protection system that shall become the minimum employment protection system for all trial court employees and shall become part of the sole trial court employee personnel system. The trial court employment protection system shall replace any county employment protection systems applying to trial court employees prior to the implementation date provided in Section 71658, except as otherwise specified in this article. This article establishes minimum standards, and each trial court employment protection system shall, at a minimum, conform to the requirements of this article.

(b) Nothing in this article shall preclude the establishment of enhanced employment protection systems pursuant to trial court personnel policies, procedures, or plans subject to meet and confer in good faith.

(c) Nothing in this article shall be construed to provide, either explicitly or implicitly, a civil cause of action for breach of contract either express or implied arising out of a termination of employment.

(d) Except as specified in subdivisions (b) and (c), this article shall not apply to either of the following categories of trial court employees:

(1) Subordinate judicial officers.

(2) Managerial, confidential, temporary, limited term, and probationary employees, unless included within the trial court employment protection system in accordance with trial court personnel policies, procedures, or plans subject to meet and confer in good faith.

71651. (a) The trial court employment protection system in each trial court shall include progressive discipline, as defined by each trial court's personnel policies, procedures, or plans, subject to meet and confer in good faith. Except for layoffs for organizational necessity as provided for in Section 71652, discipline, up to and including termination of employment, shall be for cause.

(b) For purposes of this section, “for cause” means a fair and honest cause or reason, regulated by good faith on the part of the party exercising the power.

71652. (a) A trial court employee may be laid off based on the organizational necessity of the court. Each trial court shall develop, subject to meet and confer in good faith, personnel rules regarding procedures for layoffs for organizational necessity. Employees shall be laid off on the basis of seniority of the employees in the class of layoff, in the absence of a mutual agreement between the trial court and a recognized employee organization providing for a different order of layoff.

(b) For purposes of this section, a “layoff for organizational necessity” means a termination based on the needs or resources of the court, including, but not limited to, a reorganization or reduction in force or lack of funds.

71653. Subject to meet and confer in good faith, each trial court shall establish in its personnel rules a process for conducting an evidentiary due process hearing to review disciplinary decisions that by law require an evidentiary due process hearing, which shall include, at a minimum, all of the following elements:

(a) A procedure for appointment of an impartial hearing officer who shall not be a trial court employee or judge of the employing court.

(b) The hearing shall result in an appropriate record with a written report that has findings of fact and conclusions that reference the evidence.

(c) The employee and trial court shall have the right to call witnesses and present evidence. The trial court shall be required to release trial court employees to testify at the hearing.

(d) The hearing officer shall have the authority to issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, documents, and other evidence as provided in Section 1282.6 of the Code of Civil Procedure.

(e) The employee shall have the right to representation, including legal counsel, if provided by the employee.

(f) If the hearing officer disagrees with the trial court’s disciplinary decision, the trial court shall furnish a certified copy of the record of proceedings before the hearing officer to the employee or, if the employee is represented by a recognized employee organization or counsel, to that representative, without cost.

71654. Subject to meet and confer in good faith, each trial court shall establish in its personnel rules a process for the trial court to review a hearing officer’s report and recommendation made pursuant to Section 71653 that provides, at a minimum, that the decision of the hearing officer shall be subject to review, as follows:

(a) A trial court shall have 30 calendar days from receipt of the hearing officer’s report or receipt of the record of the hearing, whichever is later, to issue a written decision accepting, rejecting or modifying the hearing officer’s report or

recommendation unless the trial court and employee mutually agree to a different timeframe.

(b) In making its decision under subdivision (a), the trial court shall be bound by the factual findings of the hearing officer, except factual findings that are not supported by substantial evidence, and the trial court shall give substantial deference to the recommended disposition of the hearing officer.

(c) If the trial court rejects or modifies the hearing officer's recommendation, the trial court shall specify the reason or reasons why the recommended disposition is rejected in a written statement which shall have direct reference to the facts found and shall specify whether the material factual findings are supported by substantial evidence. The trial court may reject or modify the recommendation of the hearing officer only if the material factual findings are not supported by substantial evidence, or for any of the following reasons or reasons of substantially similar gravity or significance:

(1) The recommendation places an employee or the public at an unacceptable risk of physical harm from an objective point of view.

(2) The recommendation requires an act contrary to law.

(3) The recommendation obstructs the court from performing its constitutional or statutory function from an objective point of view.

(4) The recommendation disagrees with the trial court's penalty determination, but the hearing officer has not identified material, substantial evidence in the record that provides the basis for that disagreement.

(5) The recommendation is contrary to past practices in similar situations presented to the hearing officer that the hearing officer has failed to consider or distinguish.

(6) From an objective point of view, and applied by the trial court in a good faith manner, the recommendation exposes the trial court to present or future legal liability other than the financial liability of the actual remedy proposed by the hearing officer.

(d) If a trial court's review results in rejection or substantial modification of the hearing officer's recommendation, then the final review shall be conducted by an individual other than the disciplining officer. If the disciplining officer is a judge of the trial court, the review shall be made by another judge of the court, a judicial committee, an individual, or panel as specified in the trial court's personnel rules. However, in a trial court with two or fewer judges, if the trial court has no other judge than the disciplining judge or judges, the judge or judges may conduct the review; and, as a minimum requirement, in a trial court with 10 or more judges, the review shall be by a panel of three judges, whose decision shall be by a majority vote, which shall be selected as follows:

(1) One judge shall be selected by the presiding judge or his or her designee.

(2) One judge shall be selected by the employee or, if the employee is represented, by his or her bargaining representative.

(3) The two appointed judges shall select a third judge.

On panels in a trial court with 10 or more judges, no judge may be selected to serve without his or her consent; the term of office of the panel shall be defined by local personnel policies, procedures, or plans subject to the obligation to meet and confer in good faith; and no judge shall serve on the panel in a case in which he or she has imposed discipline.

71655. (a) An employee may challenge the decision of the disciplining trial court, made pursuant to Section 71654, rejecting or modifying the hearing officer's recommendation by filing a writ of mandamus pursuant to Section 1094.5 of the Code of Civil Procedure in the appropriate court, and such review by that court shall be based on the entire record. If required by the writ procedure and if not previously provided to the disciplined employee, the disciplining court shall furnish a certified copy of the record of the proceeding before the hearing officer to the disciplined employee or, if the employee is represented, to the bargaining representative without charge. In reviewing the disciplining trial court's rejection or modification of the hearing officer's recommendation, the reviewing court shall be bound by the hearing officer's material factual findings that are supported by substantial evidence.

(b) The denial of due process or the imposition of a disciplinary decision that by law requires a due process hearing without holding the required hearing may be challenged by a petition for a writ of mandate.

71656. Notwithstanding any other provision of this article, in a county of the first class as defined in Section 28022 as of January 1, 2001:

(a) As of the implementation date provided in Section 71658, a trial court employee who was a member of a county civil service system shall remain in that system for the sole purposes of evidentiary due process hearings before the county civil service commission as an alternative to the due process hearings provided for in Sections 71653, 71654, and 71655, unless the employee elects, pursuant to subdivision (c), to be subject to the trial court employment protection system provided in this article.

(b) One year after the implementation date provided in Section 71658, a trial court employee who was a member of a county civil service system shall be deemed to have elected, pursuant to subdivision (c), to be subject to the trial court employment protection system provided in this article unless the employee has, during that year, submitted to the trial court a signed writing expressly electing the county civil service commission solely for the purposes of evidentiary due process hearings in lieu of the hearings provided for in Sections 71653, 71654, and 71656. However, no election may be made after receiving notice of intended discipline until after the disciplinary action has been finally resolved and the employee has exhausted all remedies related to that action. The one-year period in which to elect the county civil service commission shall be tolled during the period of time when a trial court employee is disabled from making an election because of pending disciplinary action or proceedings.

(c) A trial court employee who is subject to the county civil service system may elect at any time to be subject to the trial court employment protection system provided in this article, except that no election may be made after receiving notice of intended discipline until after the disciplinary action has been finally resolved and the employee has exhausted all remedies related to that action. An election to be subject to the trial court employment protection system may not be revoked.

(d) A trial court employee who elects to remain in the county civil service system and who later is promoted or transferred into a position that is comparable to a position that is classified as exempt from the county civil service system shall be subject to the trial court employment protection system for all purposes.

(e) Trial court employees in a county of the first class eligible for making an election pursuant to subdivisions (a) and (b) shall be deemed county employees for purposes of remaining eligible for evidentiary due process hearings before the county civil service commission.

(f) A trial court shall adopt procedures, subject to meet and confer in good faith, that establish a process for election pursuant to this section.

71657. (a) Disciplinary action served on a trial court employee prior to the implementation date of this chapter shall remain in effect in accordance with the procedures established under the trial court's predecessor personnel system.

(b) Appeals of disciplinary action served on a trial court employee prior to the implementation date of this chapter shall be made in accordance with the procedures established under the trial court's predecessor personnel system. Appeals of disciplinary action served on a trial court employee after the implementation date of this chapter shall be made in accordance with the procedures established pursuant to this article. The consequences of past discipline under the trial court's new employment protection system pursuant to this article shall be subject to meet and confer in good faith.

71658. (a) Except as provided in subdivision (b), the implementation date of this article is the effective date of this chapter.

(b) Representatives of a trial court and representatives of recognized employee organizations may mutually agree to an implementation date of this article different from that specified in subdivision (a). However, if any provisions of this chapter are governed by an existing memorandum of understanding or agreement covering trial court employees, as to those provisions, the implementation date shall be either the date a successor memorandum of understanding or agreement is effective or, if no agreement for a successor memorandum of understanding or agreement is reached, 90 days from the date of the expiration of the predecessor memorandum of understanding or agreement unless representatives of the trial court and representatives of recognized employee organizations mutually agree otherwise.

Gov't Code § 71673. Authority of court

71673. Notwithstanding any other provision of law, the trial court may exercise the authority and power granted to it pursuant to Article 2 (commencing with Section 71620) of this chapter, including, but not limited to, the authority and power to establish job classifications, to appoint such employees as are necessary, to establish salaries for trial court employees, and to arrange for the provision of benefits for trial court employees, without securing the approval or consent of the county or the board of supervisors, and without requiring any further legislative action, except as otherwise provided by this chapter.

EXCERPTS FROM THE TRIAL COURT FUNDING ACT

Gov't Code § 77003. "Court operations"

77003. (a) As used in this chapter, "court operations" means all of the following:

(1) Salaries, benefits, and public agency retirement contributions for superior court judges and for subordinate judicial officers. For purposes of this paragraph, "subordinate judicial officers" includes all commissioner or referee positions created prior to July 1, 1997, including positions created in the municipal court prior to July 1, 1997, which thereafter became positions in the superior court as a result of unification of the municipal and superior courts in a county, and including those commissioner positions created pursuant to former Sections 69904, 70141, 70141.9, 70142.11, 72607, 73794, 74841.5, and 74908; and includes any staff who provide direct support to commissioners; but does not include commissioners or staff who provide direct support to the commissioners whose positions were created after July 1, 1997, unless approved by the Judicial Council, subject to availability of funding.

(2) The salary, benefits, and public agency retirement contributions for other court staff.

(3) Court security, but only to the extent consistent with court responsibilities under Article 8.5 (commencing with Section 69920) of Chapter 5.

(4) Court-appointed counsel in juvenile court dependency proceedings and counsel appointed by the court to represent a minor pursuant to Chapter 10 (commencing with Section 3150) of Part 2 of Division 8 of the Family Code.

(5) Services and supplies relating to court operations.

(6) Collective bargaining under Sections 71630 and 71639.3 with respect to court employees.

(7) Subject to paragraph (1) of subdivision (d) of Section 77212, actual indirect costs for county and city and county general services attributable to court operations, but specifically excluding, but not limited to, law library operations conducted by a trust pursuant to statute; courthouse construction; district attorney services; probation services; indigent criminal defense; grand jury expenses and operations; and pretrial release services.

(8) Except as provided in subdivision (b), and subject to Article 8.5 (commencing with Section 69920) of Chapter 5, other matters listed as court operations in Rule 10.810 of the California Rules of Court as it read on January 1, 2007.

(b) However, "court operations" does not include collection enhancements as defined in Rule 10.810 of the California Rules of Court as it read on January 1, 2007.

Gov't Code § 77200. State funding of trial court operations

77200. On and after July 1, 1997, the state shall assume sole responsibility for the funding of court operations, as defined in Section 77003 and Rule 10.810 of the California Rules of Court as it read on January 1, 2007. In meeting this responsibility, the state shall do all of the following:

(a) Deposit in the Trial Court Trust Fund, for subsequent allocation to or for the trial courts, all county funds remitted to the state pursuant to Section 77201 until June 30, 1998, pursuant to Section 77201.1 from July 1, 1998, until June 30, 2006, inclusive, and pursuant to Section 77201.3, thereafter.

(b) Be responsible for the cost of court operations incurred by the trial courts in the 1997–98 fiscal year and subsequent fiscal years.

(c) Allocate funds to the individual trial courts pursuant to an allocation schedule adopted by the Judicial Council, but in no case shall the amount allocated to the trial court in a county be less than the amount remitted to the state by the county in which that court is located pursuant to paragraphs (1) and (2) of subdivision (b) of Section 77201 until June 30, 1998, pursuant to paragraphs (1) and (2) of subdivision (b) of Section 77201.1 from July 1, 1998, until June 30, 2006, inclusive, and pursuant to paragraphs (1) and (2) of subdivision (a) of Section 77201.3, thereafter.

(d) The Judicial Council shall submit its allocation schedule to the Controller at least five days before the due date of any allocation.

CALIFORNIA RULE OF COURT 10.810:
“COURT OPERATIONS”

(a) Definition

Except as provided in subdivision (b) and subject to the requirements of subdivisions (c) and (d), “court operations” as defined in Government Code section 77003 includes the following costs:

(1) (*judicial salaries and benefits*) salaries, benefits, and public agency retirement contributions for superior and municipal court judges and for subordinate judicial officers;

(2) (*nonjudicial salaries and benefits*) salaries, benefits, and public agency retirement contributions for superior and municipal court staff whether permanent, temporary, full- or part-time, contract or per diem, including but not limited to all municipal court staff positions specifically prescribed by statute and county clerk positions directly supporting the superior courts;

(3) salaries and benefits for those sheriff, marshal, and constable employees as the court deems necessary for court operations in superior and municipal courts and the supervisors of those sheriff, marshal, and constable employees who directly supervise the court security function;

(4) court-appointed counsel in juvenile dependency proceedings, and counsel appointed by the court to represent a minor as specified in Government Code section 77003;

(5) (*services and supplies*) operating expenses in support of judicial officers and court operations;

(6) (*collective bargaining*) collective bargaining with respect to court employees; and

(7) (*indirect costs*) a share of county general services as defined in subdivision (d), Function 11, and used by the superior and municipal courts.

(b) Exclusions

Excluded from the definition of “court operations” are the following:

(1) law library operations conducted by a trust pursuant to statute;

(2) courthouse construction and site acquisition, including space rental (for other than court records storage), alterations/remodeling, or relocating court facilities;

(3) district attorney services;

(4) probation services;

(5) indigent criminal and juvenile delinquency defense;

(6) civil and criminal grand jury expenses and operations (except for selection);

(7) pretrial release services;

(8) equipment and supplies for use by official reporters of the courts to prepare transcripts as specified by statute; and

(9) county costs as provided in subdivision (d) as unallowable.

(c) Budget appropriations

Costs for court operations specified in subdivision (a) shall be appropriated in county budgets for superior and municipal courts, including contract services with county agencies or private providers except for the following:

(1) salaries, benefits, services, and supplies for sheriff, marshal, and constable employees as the court deems necessary for court operations in superior and municipal courts;

(2) salaries, benefits, services, and supplies for county clerk activities directly supporting the superior court; and

(3) costs for court-appointed counsel specified in Government Code section 77003.

Except as provided in this subdivision, costs not appropriated in the budgets of the courts are unallowable.

(d) Functional budget categories

Trial court budgets and financial reports shall identify all allowable court operations in the following eleven (11) functional budget categories. Costs for salary, wages, and benefits of court employees are to be shown in the appropriate functions provided the individual staff member works at least 25 percent time in that function. Individual staff members whose time spent in a function is less than 25 percent are reported in Function 10, All Other Court Operations. The functions and their respective costs are as follows:

Function 1. Judicial Officers

Costs reported in this function are

Salaries and state benefits of

Judges

Full- or part-time court commissioners

Full- or part-time court referees

Assigned judges' in-county travel expenses

Costs not reported in this function include

County benefits of judicial officers (Function 10)

Juvenile traffic hearing officers (Function 10)

Mental health hearing officers (Function 10)

Pro tem hearing officers (Function 10)

Commissioner and referee positions specifically excluded by statute from state trial court funding (unallowable)

Related data processing (Function 9)

Any other related services, supplies, and equipment (Function 10)

Function 2. Jury Services

Costs reported in this function are

Juror expenses of per diem fees and mileage

Meals and lodging for sequestered jurors

Salaries, wages, and benefits of jury commissioner and jury services staff (including selection of grand jury)

Contractual jury services

Jury-related office expenses (other than information technology)

Jury-related communications, including “on call” services

Costs not reported in this function include

Juror parking (unallowable)

Civil and criminal grand jury costs (unallowable)

Jury-related information systems (Function 9)

Function 3. Verbatim Reporting

Costs reported in this function are

Salaries, wages, and benefits of court reporters who are court employees

Salaries, wages, and benefits of electronic monitors and support staff

Salaries, wages, and benefits of verbatim reporting coordinators and clerical support staff

Contractual court reporters and monitors

Transcripts for use by appellate or trial courts, or as otherwise required by law

Related office expenses and equipment (purchased, leased, or rented) used to record court proceedings, except as specified in Government Code § 68073, e.g., notepaper, pens, and pencils ER equipment and supplies

Costs not reported in this function include

Office expenses and equipment for use by reporters to prepare transcripts (unallowable)

Expenses specified in Government Code § 69073 (unallowable)

Space use charges for court reporters (unallowable)

Function 4. Court Interpreters

Costs reported in this function are

Salaries, wages, and benefits of courtroom interpreters and interpreter coordinators

Per diem and contractual courtroom interpreters, including contractual transportation and travel allowances

Costs not reported in this function include

Related data processing (Function 9)

Any other related services, supplies, and equipment (Function 10)

Function 5. Collections Enhancement

Collections performed in the enforcement of court orders for fees, fines, forfeitures, restitutions, penalties, and assessments (beginning with the establishment of the accounts receivable record)

Costs reported in this function are

Salaries, wages, and benefits of collection employees of the court, e.g., financial hearing officers evaluation officers collection staff

Contract collections costs

County charges for collection services provided to the court by county agencies

Related services, supplies, and equipment (except data processing, Function 9)

Costs not reported in this function include

Staff whose principal involvement is in collecting “forthwith” payments, e.g., counter clerks (Function 10) cashiers (Function 10)

Function 6. Dispute Resolution Programs

Costs reported in this function are

Arbitrators’ fees in mandatory judicial arbitration programs

Salaries, wages, and benefits of court staff providing child custody and visitation mediation and related investigation services, e.g., Director of Family Court Services mediators conciliators investigators clerical support staff

Contract mediators providing child custody and visitation mediation services

Salaries, wages, benefits, fees, and contract costs for other arbitration and mediation programs (programs not mandated by statute), e.g., arbitration administrators clerical support staff arbitrators’ fees and expenses

Costs not reported in this function include

Related data processing (Function 9)

Any other related services, supplies, and equipment (Function 10)

Function 7. Court-Appointed Counsel (Noncriminal)

Costs reported in this function are

Expenses for court-appointed counsel as specified in Government Code § 77003

Function 8. Court Security

Court security services as deemed necessary by the court. Includes only the duties of (a) courtroom bailiff, (b) perimeter security (i.e., outside the courtroom but inside the court facility), and (c) at least .25 FTE dedicated supervisors of these activities.

Costs reported in this function are

Salary, wages, and benefits (including overtime) of sheriff, marshal, and constable employees who perform the court’s security, i.e., bailiffs weapons-screening personnel

Salary, wages, and benefits (including overtime) of court staff performing court security, e.g., court attendants

Contractual security services

Salary, wages, and benefits of supervisors of sheriff, marshal, and constable employees whose duties are greater than .25 FTE dedicated to this function

Sheriff, marshal, and constable employee training

Purchase of security equipment

Maintenance of security equipment

Costs not reported in this function include

Other sheriff, marshal, or constable employees (unallowable)

Court attendant training (Function 10)

Overhead costs attributable to the operation of the sheriff and marshal offices (unallowable)

Costs associated with the transportation and housing of detainees from the jail to the courthouse (unallowable)

Service of process in civil cases (unallowable)

Services and supplies, including data processing, not specified above as allowable

Supervisors of bailiffs and perimeter security personnel of the sheriff, marshal, or constable office who supervise these duties less than .25 FTE time (unallowable)

Function 9. Information Technology

Costs reported in this function are

Salaries, wages, and benefits of court employees who plan, implement, and maintain court data processing and information technologies, e.g., programmers analysts

Contract and consulting services associated with court information/data processing needs and systems

County Information Systems/Data Processing Department charges made to court for court systems, e.g., jury-related systems court and case management, including courts' share of a criminal justice information system accounts receivable/collections systems

Related services, supplies, and equipment, e.g., software purchases and leases maintenance of automation equipment training associated with data processing systems' development

Costs not reported in this function include

Information technology services not provided directly to the courts (i.e., services used by other budget units)

Data processing for county general services, e.g., payroll, accounts payable (Function 11)

Function 10. All Other Court Operations

Costs reported in this function are

Salaries, wages, and benefits (including any pay differentials and overtime) of court staff (a) not reported in Functions 2-9, or (b) whose time cannot be allocated to Functions 2-9 in increments of at least 25 percent time (.25 FTE);

Judicial benefits, county-paid

Allowable costs not reported in Functions 2-9.

(Nonjudicial staff) Cost items may include, for example, juvenile traffic hearing officer mental health hearing officer court-appointed hearing officer (pro tem) executive officer court administrator clerk of the court administrative assistant personnel staff legal research personnel; staff attorney; planning and research staff secretary courtroom clerk clerical support staff calendar clerk deputy clerk accountant cashier counter clerk microfilming staff management analyst probate conservatorship and guardianship investigators probate examiner training staff employed by the court

Personnel costs not reported in this function:

Any of the above not employed by the court

(Services and supplies) Cost items may include, for example, office supplies printing postage communications publications and legal notices, by the court miscellaneous departmental expenses books, publications, training fees, and

materials for court personnel (judicial and nonjudicial) travel and transportation (judicial and nonjudicial) professional dues memberships and subscriptions statutory multidistrict judges' association expenses research, planning, and program coordination expenses small claims advisor program costs court-appointed expert witness fees (for the court's needs) court-ordered forensic evaluations and other professional services (for the court's own use) pro tem judges' expenses micrographics expenses public information services vehicle use, including automobile insurance equipment (leased, rented, or purchased) and furnishings, including interior painting, replacement/maintenance of flooring, and furniture repair maintenance of office equipment janitorial services legal services for allowable court operations (County Counsel and contractual) fidelity and faithful performance insurance (bonding and personal liability insurance on judges and court employees) insurance on cash money and securities (hold-up and burglary) general liability/comprehensive insurance for other than faulty maintenance or design of facility (e.g., "slip and fall," other injury, theft and damage of court equipment, slander, discrimination) risk management services related to allowable insurance space rental for court records county records retention/destruction services county messenger/mail service court audits mandated under Government Code § 71383

Service and supply costs not reported in this function include Civic association dues (unallowable) Facility damages insurance (unallowable) County central service department charges not appropriated in the court budget (unallowable)

Function 11. County General Services ("Indirect Costs")

General county services are defined as all eligible accounting, payroll, budgeting, personnel, purchasing, and county administrator costs rendered in support of court operations. Costs for included services are allowable to the extent the service is provided to the court. The following costs, regardless of how characterized by the county or by which county department they are performed, are reported in this function only and are subject to the statutory maximum for indirect costs as specified in Government Code § 77003. To the extent costs are allowable under this rule, a county's approved Cost Plan may be used to determine the specific cost although the cost categories, or functions, may differ.

Cost items within the meaning of rule 10.810(a)(7) and the county departments often performing the service may include, for example, County Administrator budget development and administration interdepartmental budget unit administration and operations personnel (labor) relations and administration Auditor-Controller payroll financial audits warrant processing fixed asset accounting departmental accounting for courts, e.g., fines, fees, forfeitures, restitutions, penalties, and assessments; accounting for the Trial Court Special Revenue Fund accounts payable grant

accounting management reporting banking Personnel recruitment and examination of applicants maintenance and certification of eligible lists position classification salary surveys leave accounting employment physicals handling of appeals Treasurer/Tax Collector warrant processing bank reconciliation retirement system administration receiving, safeguarding, investing, and disbursing court funds Purchasing Agent process departmental requisitions issue and analyze bids make contracts and agreements for the purchase or rental of personal property store surplus property and facilitate public auctions

Unallowable costs Unallowable court-related costs are those (a) in support of county operations, (b) expressly prohibited by statute, (c) facility-related, or (d) exceptions of the nature referenced in Functions 1-11.

Unallowable cost items, including any related data processing costs, are not reported in Functions 1-11 and may include, for example, Communications central communication control and maintenance for county emergency and general government radio equipment Central Collections processing accounts receivable for county departments (not courts) County Administrator legislative analysis and activities preparation and operation of general directives and operating procedures responses to questions from the Board, outside agencies, and the public executive functions: Board of Supervisors county advisory councils Treasurer/Tax Collector property tax determination, collection, etc. General Services rental and utilities support coordinate county's emergency services Property Management negotiations for the acquisition, sale, or lease of property, except for space rented for storage of court records making appraisals negotiating utility relocations assisting County Counsel in condemnation actions preparing deeds, leases, licenses, easements collecting rents building lease management services (except for storage of court records) Facility-related construction services right-of-way and easement services purchase of land and buildings construction depreciation of buildings/use allowance space rental/building rent (except for storage of court records) building maintenance and repairs (except interior painting and to replace/repair flooring) purchase, installation, and maintenance of H/V/A/C equipment maintenance and repair of utilities utility use charges (e.g., heat, light, water) elevator purchase and maintenance alterations/remodeling landscaping and grounds maintenance services exterior lighting and security insurance on building damages (e.g., fire, earthquake, flood, boiler and machinery) grounds' liability insurance parking lot or facility maintenance juror parking