

Office of the Marshall Islands Clerk of Courts

Personnel Guide

March 2014

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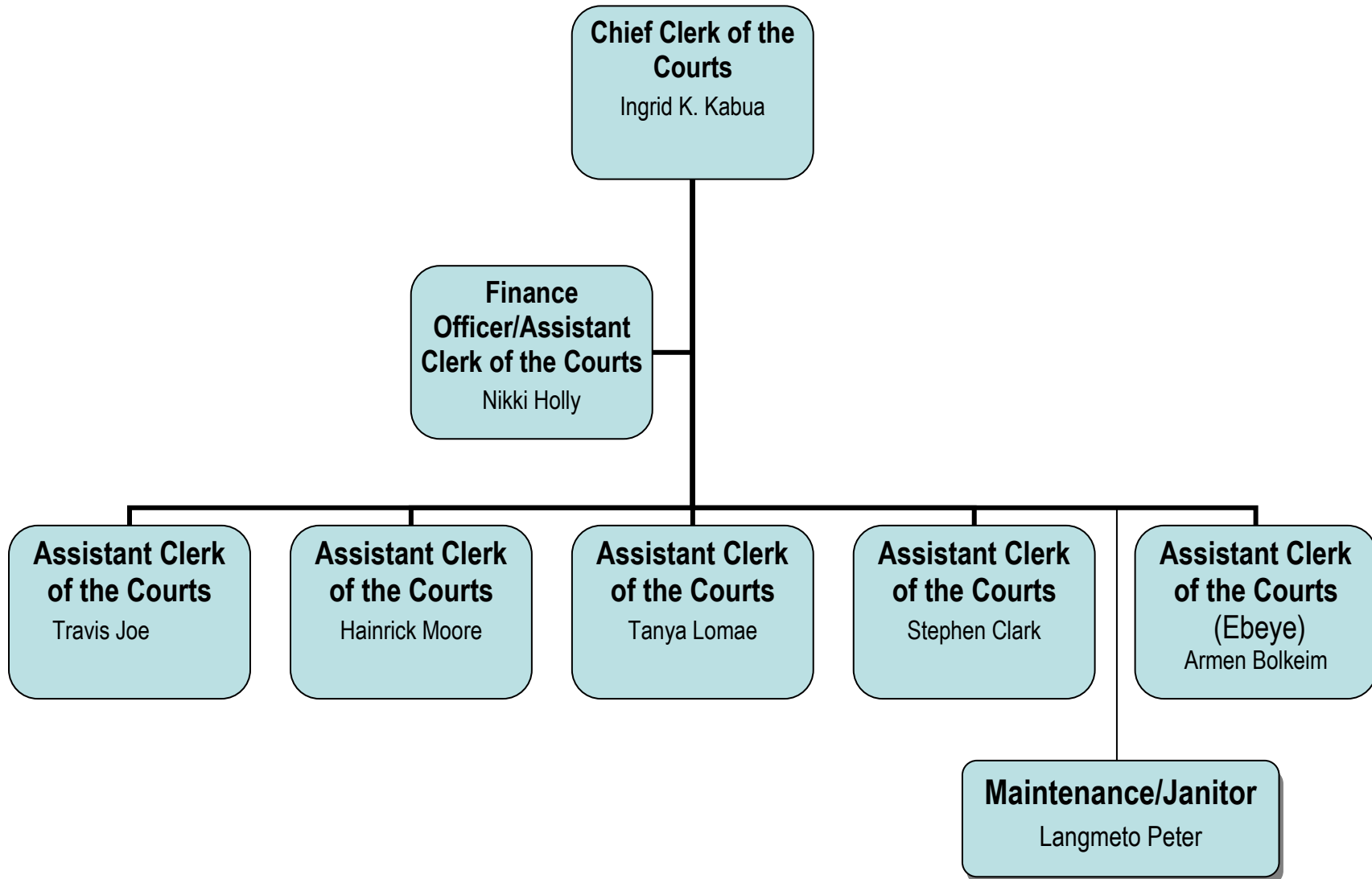
1. INTRODUCTION

The following manual sets out the personnel practices and procedures that are to apply to the Office of the Marshall Islands Clerk of the Courts. The guide will be maintained by the Chief Clerk of the Courts and updated as required.

The guide should be read in conjunction with the *Republic of the Marshall Islands Office of the Public Service Commission Public Service Regulations, September 2008*. While not bound by these Regulations, where practicable the regulations will be incorporated into the personnel procedures of the Marshall Islands Courts.

Personnel covered by these guidelines: Non-judicial employees of the Judiciary.

2. ORGANIZATIONAL STRUCTURE: AS OF JANUARY 2014



3. RECRUITMENT PROCEDURES

3.1. Overview

This chapter covers the policies and procedures for the recruitment, examination and placement of employees within the Marshall Islands Judiciary. This chapter consists of the following sections:

- Overview of Chapter
- Roles and responsibilities
- Filling vacancies by non-competitive appointment
- Open competitive examination process
- Certified list of eligibles
- Voluntary transfers and demotions
- Medical and suitability evaluations
- General information to applicants

It is the policy of the Judiciary to provide employees with the opportunity of promotion, to secure the best personnel based on merit and fitness, and to ensure and promote equal employment opportunities. To guarantee the provision of promotional opportunities to eligible Judiciary employees, all vacancies shall be announced internally.

3.2. Roles and responsibilities

The Chief Justice of the High Court is responsible for the overall recruitment and examination program for the Judiciary, as well as ensuring the Judiciary recruits the best and most appropriately qualified applicants available. It is the role of the Chief Justice of the High Court and the Chief Clerk of the Courts to develop and implement policies and procedures for recruitment, examination and placement matters, based on education, training, experience, suitability, physical and mental fitness, testing, and other requirements applicants must meet in order to be rated in examinations. The Chief Justice of the High Court and/or designee and the Chief Clerk of the Courts develop, prepare and disseminate employment information and job announcements, review job applications and determine if applicants meet the minimum qualification requirements. They also develop, administer and score job-related tests, as well as rank and rate applicants based on factors including test scores, qualifications, education, interviews, suitability, and other job-related factors, in order to establish and maintain a list of eligible applicants.

Personnel Action: It is the duty of the Chief Clerk of the Courts and Deputy Chief Clerk to prepare personnel actions for filling vacancies, extensions of appointments/positions, temporary assignments, leave without pay and classification. The personnel actions must be reviewed and approved by the Chief Justice of the High Court or his designee. The actual time required to process a personnel action will vary depending on the type of personnel action required.

It must be determined if there are sufficient funds to undertake any personnel action. If required, complete the personnel action quadruplicate including the justification and explanation for the action. Forms should be signed and sent to the Ministry of Finance. Copies should also be sent to the employee and court file, once it has been received back from Finance.

Responsibilities of the Chief Clerk of the Courts:

- Ensure that Judiciary personnel management policies and procedures are implemented within the court and followed by all court employees.
- Review all personnel requests and approve or disapprove them.
- Serve as the first level for the review and settlement of grievances.
- Implement personnel policies and procedures and ensure that subordinates follow these policies and procedures.
- Develop appropriate training programs for court employees.
- Develop criteria for evaluating the work performance of court employees.
- Ensure employees comply with policies and procedures.
- Develop and maintain programs to ensure safe working conditions for court employees.

3.3. Filling Vacancies by Non-Competitive Appointment

Purpose: The purpose of this section is to establish procedures to provide employees with the opportunity of promotion.

General Description: Filling a position internally is the first step in trying to fill a vacant position. All notices to fill authorized vacancies should therefore be advertised through internal vacancy announcements. As a general rule, vacancies should be filled from qualified personnel within the Judiciary. This plan does not preclude the right of management to select the best qualified persons via the open competitive recruitment and examination procedure, when such action is deemed to be in the best interest of the Judiciary. The Chief Justice of the High Court and the Chief Clerk of the Courts may require a person seeking a non-competitive movement to qualify on an examination if the position to which the employee is seeking requires new or additional knowledge, skills, and abilities. All non-competitive actions must receive prior approval from the Chief Justice of the High Court before any action can be finalized. If an examination is required, the Chief Clerk of the Courts shall arrange for appropriate testing.

Specific Procedure:

1. Announcement of Vacancy

- a) Verify that the position is appropriately classified.
- b) Prepare the notice of vacancy and the minimum qualification requirement, which shall contain, as a minimum, the following information:
 - Title and grade of position
 - Location of position
 - Minimum qualification requirements for the position
 - Application instructions and procedures
 - The closing date for receiving applications
- c) Distribute copies of Notice of Vacancy and Minimum Qualification Requirements to staff and post on appropriate bulletin boards. The opening and closing dates of internal (non-competitive)

recruitments shall meet the minimum notification periods to employees as decided by the Chief Justice of the High Court. Vacancy notices shall be posted on bulletin boards or circulated to employees for at least 10 days, excluding weekends, prior to the closing date for applications.

- d) Apply for an announced vacancy by submitting an application form directly to the Chief Clerk of Courts. Note that no late applications will be accepted.

2. Evaluation and Selection

- a) Evaluate the qualifications of all applicants to determine whether they meet the minimum qualifications for the position and are eligible for consideration.
- b) Prepare and administer qualifying tests to applicants if required.
- c) Send notification of eligibility to all applicants by written notice or by radio announcements.
- d) Prepare a listing of all applicants who are considered eligible for selection.
- e) Establish the criteria to be used in the selection of the candidate. Contact and interview the applicants.
- f) Send a notice of selection or non-selection to all qualified eligibles referred for consideration.

3. Releasing Employees for Non-competitive Appointments

Negotiate a mutually satisfactory release date. A period of two weeks after selection should provide reasonable advance notice.

4. Non-Selection of Employees:

If no selection is made from the non-competitive applicants, provide in writing the reasons for non-selection. Review the reasons and determine further steps to be taken to fill the vacancy (e.g., re-announce internal recruitment, open-competitive recruitment).

3.4. Open-Competitive Examination Process

Purpose: The purpose of this section is to establish the policy and procedures for the announcement of vacancies under the open competitive process.

General Description: Filling a vacant position competitively is permitted only if the position cannot be filled internally subject to the best interest of the Judiciary. The process of determining whether a person meets the specified qualifications for a position shall be made by the Chief Justice of the High Court or designee. This decision will be made following a review of the person's academic credentials, work experience, examination results, if required, and any other relevant information. Written, oral and or performance examinations may be required to determine whether the qualifications for a position have been met by an applicant or appointee.

Special Procedures:

1. Announce the Open-Competitive examination.
2. Prepare the advertisement for the vacancy.
3. Publicly advertise all open-competitive vacancies. Provide written public notice and make every reasonable effort to attract qualified persons to compete in the selection process.
4. Open the recruitment period for at least 30 days or as determined by the Chief Justice of the High Court.

5. Submit application for employment on designated Judiciary forms. Applications submitted by mail must be postmarked by midnight of the last day to file applications and received within 14 days of the last filing date.
6. Contact all the individuals on the list. If it is not possible to contact individuals by phone, a letter should be sent to the applicant including a special date to respond.
7. Interview those who are most qualified.
8. Send written notification of selection/non-selection to all interested or interviewed eligibles.
9. If an extension of the expiration date is required, a public announcement should be made.
10. Indicate the disposition of each candidate on the application of employment. If a selection is made, a suggested start date should be provided for the applicant.
11. If no selection is made, determine future steps necessary for filling vacancy.
12. If selection is made, notify the selected applicant.
13. Confirm the start date with the new employee. Prior to the employee commencing their employment, process the personnel action and other personnel forms (e.g. life insurance, health insurance, etc.).
14. Conduct pre-employment orientation and provide the employee, with a copy of the employee guide.
15. Give regular informal performance feedback through the probationary period.
16. Following the completion of the employee's probationary period, undertake a performance appraisal.

3.5 Voluntary Demotions and Transfers

Purpose: The purpose of this section is to establish the policy for the voluntary demotion or transfer of employees.

General Description: Employees may be allowed voluntary demotions or transfers for good cause in cases where the appointment will meet a major program need which cannot be met through an appointment not involving voluntary demotion or transfer. Good cause includes, but is not limited to:

- Avoidance of reduction-in-force or employee lay-off,
- Accommodation of the employee to fit into a new structure provided in a reorganization affecting the employee's job,
- For the welfare of the Judiciary.

3.6. Medical and Suitability Evaluations

Policy: It is the policy of the Judiciary to ensure that all placements within the Judiciary are made by persons who are mentally and physically qualified for the position.

Authority and Purpose: The purpose of this section is to establish the policies and procedures which provide that persons selected for employment shall take medical examination.

General Description: All persons seeking permanent employment with the Judiciary should be informed that a full physical examination is required following their successful selection for employment and that it is the responsibility of the applicant to pay for the medical examination.

The physician or applicant may submit in a sealed envelope the results of the examination directly to the Chief Clerk of the Courts. Medical examinations are waived for some temporary appointments, appointed positions, and as decided by the Chief Justice of the High Court.

Determination of Qualifications following medical examination: Following the medical examination, the Chief Clerk of the Courts and the Chief Justice of the High Court, in consultation with the examining physician, shall determine whether each applicant is qualified for the position. In making a determination, the Chief Clerk of the Courts and the Chief Justice of the High Court shall consider:

- The physical demands of the position as identified or required by the type of work; and
- The applicant's medical history and health status as indicated by the medical examination.

The employees may be required to undergo a re-examination at any time prior to their original appointment, during their probationary period, or at the time of permanent employment.

Review of Medical Findings: An applicant who has failed to meet the physical requirements of a position shall be entitled to present new or additional medical evidence related to the case while the applicant's name is still on an active eligible list.

An applicant from an open-competitive recruitment who has been disqualified due to failure to meet the physical requirements of the job, may within 10 days after notification of disqualification, request a review of the case upon presentation of written medical reports or other medical evidence.

Partially or fully incapacitated employees: If, upon medical re-evaluation, an employee who has previously qualified is found to be unable to perform the duties satisfactorily due to a medical incapacity of a continuing nature, the employee may submit a request to the Chief Justice of the High Court for reassignment, voluntary demotion, or transfer to a position for which he/she has the appropriate qualifications.

The Judiciary may require an employee to report for a medical examination:

- When the employee, on his/her own initiative, furnishes evidence that he/she has a health impairment that will affect their performance on the job.
- When the Judiciary has reasons to believe that because of a health impairment, the employee's presence on the job poses a clear and immediate danger to the employee, their co-workers, the public, or government property.
- For other reasons deemed appropriate.

When the Judiciary requires an employee to report for a medical examination, it should inform the employee in writing, or orally in the event of an emergency, of the reasons for the examination. Refusal to report for the examination may be a cause for disciplinary action including, but not limited to, termination by the Judiciary.

3.7. General Information to applicants

- Applications for competitive recruitments should be submitted on the designated Judiciary form and should only be accepted during the period specified in the recruitment announcement. Applications submitted by mail must be post-marked by midnight of the last day to file applications and received by the 14th days following the last day to file.

- Before applicants may be considered for employment in the Judiciary, they must meet the minimum qualifications for the position, as well as other employment requirements and qualify on a competitive examination if applicable. Applicants meeting the qualifications for the position will be notified by mail, hand delivery, phone, or radio.
- When a vacancy arises, the names of the top qualified applicants on the eligible list will be considered.

Note: Qualified applicant means a person who successfully qualified on examination for a particular position.

4. EMPLOYMENT & CONDITIONS

4.1. Introduction and Overview of Chapter

This chapter describes the policies and procedures for employment within the Judiciary. It consists of the following sections:

- Overview of Chapter
- Definitions
- Criminal History Record Clearance
- Probationary Periods
- Temporary Assignments
- Emergency Appointments
- Employment of Relatives
- Student Employment

The Chief Justice of the High Court is responsible for the overall employment of employees by the Judiciary. The Chief Clerk of the Courts, with the approval of the High Court Chief Justice, shall provide, develop, and implement the policies and procedures to administer the Judiciary's action plan and will ensure that all positions follow the policies and procedures for employment. The Chief Clerk of the Courts shall also evaluate the work of employees on probation, determine the need for temporary assignments, and determine the need for student hires.

4.2. Definitions

The types of appointments within the Judiciary are based on the following definitions:

Permanent Appointment

A permanent appointment is granted under the following conditions:

- The employee has successfully completed a probationary period in the position.

- The employee has moved to a vacant regular position in the same class and is not required to serve a new probationary period.

Probationary Appointment

A probationary appointment is utilized to determine the fitness of the employee for the position. It is an appointment which is made under 3.4 to fill a permanent position.

Emergency Appointment

An emergency appointment is granted when a position must be filled without delay. Initial emergency appointments shall not exceed the number of days set by the Chief Justice of the High Court and shall only be utilized to prevent the stoppage of essential public business.

4.3. Criminal History Record Clearance

The Chief Clerk of Courts will review reports to determine the suitability of an applicant based on the following standards:

1. Conviction for a felony.
2. A continuous record of misdemeanor violations within the past 10 years.
3. Violations other than 1 or 2 described above, which lead the Judiciary to believe that the employee does not meet the suitability standards for Judiciary employment.

4.4. Probationary Periods

Purpose: The purpose of this section is to establish the procedure for administering an employee's probationary period.

General Description: The probationary period shall be utilized as fully as possible to determine the fitness of the employee for the position. For purposes of this policy, the following definitions apply:

Probationary Period: A period of not less than 90 days which serves as the final test of an employee's qualifications for the position in which they are employed.

An initial probationary period shall be required when an individual is appointed to a permanent position.

If at any time during the probationary period an employee's performance is found to be at a level below 'satisfactory', the Chief Clerk of the Courts shall inform the employee in writing of their substandard performance and provide the employee with every opportunity to improve their performance. The employee shall also be notified in the notice and from time to time thereafter as may be necessary, of the manner in which their performance is substandard. Continued substandard performance after the written notice may be used as basis for termination of appointment or other appropriate action.

Procedures:

1. Initial Probation

- a) Explain the purpose of probation, how it works and the performance evaluation process with the employee when the employee starts work.

- b) 45 days after the employee starts work complete an interim probation report. [Proforma report is at Annex 1.] Provide a copy of the report to the staff member and forward it to the Chief Justice with a recommendation that:
- The probation continue for a further 45 days; or
 - The employment be terminated; or
 - Another appropriate recommendation.
- c) At end of the probationary period, evaluate the employee's performance to determine if the employee will be converted to regular/permanent status and complete a final probation report using the proforma at Annex 1. Provide a copy of the report to the employee and the Chief Justice with a recommendation that :
- The employee be converted to permanent status; or
 - The employee be terminated; or
 - The probation be extended further.

2. Terminating the employee

- a) When it is necessary to terminate the employee, notify the employee prior to the completion of the probationary period, including the effective date of termination.
- b) Process Personnel Action for termination.
- c) Submit evaluation to Chief Justice of the High Court

3. Converting employees to regular status

- a) If the employee is to be converted to regular status they should be informed of the conversion and the date specified.
- b) Remove the employee from probationary status and place the employee on regular status using the Judiciary Personnel Action form

4. Extending the probationary period

- a) If the probationary period is to be extended beyond its initial duration, the employee shall be informed in writing that the period is to be extended, the reason for extension and the length of the new probationary period.

4.5. Emergency Appointments

Policy: It is the policy of the Judiciary to prevent the stoppage of essential public business by filling vacancies under specific conditions and situations through emergency appointments upon availability of funds.

Authority and Purpose: The purpose of this section is to establish the conditions under which emergency appointments are allowed and the associated procedures.

General Description:

Emergency appointments shall be for a period to be decided by the Chief Justice of the High Court. They shall not be utilized to avoid the personnel rules and regulations in the filling of vacancies.

Before an emergency appointment will be granted, the Judiciary must make every effort to use alternate methods to staff positions and provide essential services to the public. If the anticipated need for additional staffing will extend beyond thirty calendar days, the Judiciary must consider all options to fill the position or initiate plans to fill the position with a longer-term appointment.

Emergency appointments are allowed when:

- The work of the position affects the public health, welfare, safety or other essential public business.
- There is a pressing need and/or unforeseen circumstance that requires immediate services of an employee.

Other factors to be considered prior to making emergency appointments are:

- The Judiciary must make every effort to use alternate methods (other than emergency) to staff positions and provide essential services to the public.
- Hiring an emergency appointee to provide normal services during a scheduled absence of a few hours is prohibited unless the lack of such services during that short period would present an imminent or immediate danger to the health and safety of the public or others.
- The emergency appointee shall be hired and compensated at the level of work performance: a) sufficient to provide essential service; and b) that the appointee is capable of performing.
- Emergency appointees must be well informed of their benefits and conditions of their employment, e.g., non-regular status, no vacation benefits, etc.

4.6. Employment of Relatives

Policy: It is the policy of the Judiciary to comply with standards of conduct with respect to the employment of relatives.

Authority and Purpose: The purpose of this section is to establish a policy to prevent preferential treatment of job applicants and/or subordinate employees due to bloodline or marriage relationships.

General Description: Employment of relatives within the Judiciary is permitted with the following restrictions:

- Supervisors shall not use preferential treatment in their dealings with job applicants and/or subordinate employees. In this instance the term "supervisor" refers to anyone who by law, regulation, or delegation has appointment or promotion authority within the Judiciary, or authority to conduct employee evaluations, approve or disapprove leave requests, and recommend personnel actions such as employee appointment, promotion, transfers, and disciplinary actions.
- Supervisors are also employees.
- The term "immediate family member" refers to anyone with direct bloodline relationships, such as parents, children and siblings, and marriage relationship, such as in-laws. This term also refers to adopted children.
- Employment or recommendations for personnel actions by reason of bloodline or marriage relationships, rather than merit, is prohibited.

4.7. Student Employment

Policy: It is the policy of the Judiciary to provide part-time temporary employment to students upon availability of funds.

Purpose: The purpose of the Student Employment Program is to provide gainful employment for students, assist staff with temporary help, and acquaint the students with the Judiciary.

General Description: Students (persons pursuing a course of study at an educational institution) hired by the Judiciary must meet the following qualifications:

- Student workers must be registered full-time students in good standing who have successfully completed or are currently enrolled in at least their third year of college or are graduate school students.
- Students may be employed for part-time work during the school year. Such part-time employment shall not exceed more than 19 hours per week.
- Students applying for summer employment must have been accepted as a full-time student by an educational institution for the next academic year, and must certify their intent to attend that school.

General policies which apply to student employment are as follows:

- Student helpers are not entitled to coverage under the Health Fund and the Retirement System, and to vacation benefits.
- Student helpers who cease to meet any of the specified requirements must be terminated from their student helper positions.
- Student helper positions shall not be used on a permanent basis to replace or displace permanent employees.
- The hiring of a family member is allowed as long as the family member is capable, well-trained and qualified to apply for the job and there is no supervisor/subordinate relationship.

General Policies and Procedures which apply to Student Summer Employment are as follows:

- The Student Summer Program is designed for full-time employment of a temporary nature. There may be cases where the Judiciary will require only part-time employment of a temporary nature for the summer where there is insufficient funding for a full-time temporary position.

Terminology:

- "Student" is a person pursuing a course of study at an educational institution.
- "Educational institution" is an organization or institution which was established for the purpose of educating persons. Examples are colleges and law schools.
- "Full time" means the number of courses taken or number of "credit hours" which the educational institution requires as a minimum of its full-time students. Attendance is continuous and on a regular, daily, or several days a week basis.
- "Course of study" is an educational program which provides knowledge and needed skills leading to a degree, diploma, or other such certificate of achievement. Such program is normally arranged by terms, semesters, quarters, or school years.

- Examples of degrees or diplomas are bachelor's degree and master's degree or other post graduate degrees.

4.8 Permanent Staff

- The permanent staff shall consist of every officer and every probationer.
- No person shall be appointed to the permanent staff if his/her age is less than 15 years, or retained on the permanent staff if his/her age is more than 60 years.
- The Judiciary may, for the efficiency of the Service and the need, enter into a contract of service for a term not exceeding 3 years with any person who has attained the age of 60 years but less than 63 years:

Provided that the contract will be deemed to contain a provision that the contract may be terminated at any time by the Judiciary on account of serious misconduct of the employee but that the period of employment shall be governed in all other respects by the terms of the contract.

Provided also that the provisions of these Regulations shall apply to contract employees under this clause of in the same manner as they apply to other employees, except to the extent that they are inconsistent with this clause or with the express terms of the contract of service.

- A person over 64 years shall not be retained on contract unless the High Court Chief Justice determines that:
 - a) This is necessary for the efficiency of the Service;
 - b) It is in the public interest to do so; and
 - c) The person consents to the continued employment.

Any extension of service under this provision shall be reviewed by the Chief Justice.

5. SALARIES

PAY LEVELS (Per annum)

Chief Clerk of the Courts: 14/1 – 14/3, \$31,000 - \$35,000

Deputy Chief Clerk of the Courts: 13/1 – 13/3, \$27,000 - \$30,000

Assistant Clerk of the Courts III: 10/1 – 10/3, \$18,000 - \$20,000

Assistant Clerk of the Courts II: 9/1 – 9/4, \$13,045 - \$15,925

Assistant I: 8/1 – 8/4, \$10,025 - \$12,220

6. WORK HOURS

6.1. Hours of attendance

Hours of duty are from 8am to 5pm Monday to Friday with a one hour lunch break. If the employee is going to be late or absent, the employee must inform the Chief Clerk before 8:30 am.

6.2. Additional hours of duty

Any employee who is called upon by the Chief Clerk of the Courts to work additional hours shall work during such additional hours as the Chief Clerk of the Courts requires. The employee shall receive compensatory time for the additional hours as scheduled by the Chief Clerk.

6.3. Records of attendance

Attendance books, time cards, or other records of attendance shall be kept within the Court and maintained by the Chief Clerk or designee.

6.4. Absence from place of employment

No employee shall leave their place of employment during the prescribed hours of attendance, except on official business or with the permission of the Chief Clerk of the Courts.

7. LEAVE

7.1. Annual leave

Annual leave should be administered as follows:

- Every Court employee shall be entitled to annual leave at the rate of eight hours for every pay period subject to calculations by the Ministry of Finance.
- The maximum amount of leave that can be accumulated at the end of the leave year, 31st December, is 208 hours.
- Annual leave to the credit of an employee, in excess of the limit of 208 hours at the end of the leave year will be forfeited.
- 90 calendar days continuous service in a full-time position with regularly scheduled hours is required before annual leave can be taken.
- Every employee shall submit an application to the Chief Clerk of the Courts for taking their accumulated leave. The Chief Clerk of the Courts shall submit an application to the Chief Justice.
- Court employees on annual leave shall be paid full salary.
- In case of a Court employee leaving or resigning from their services in any manner, they shall be paid salary for accumulated leave up to a maximum of 208 hours.
- Annual leave must be requested at least two weeks in advance, except in cases of emergency.
- Advanced leave may be granted for up to two weeks with the approval of the Chief Clerk of the Courts.

7.2. Leave Without Pay

In certain circumstances special leave may be granted with or without pay, for a period not exceeding three months. The following terms and conditions for special leave shall be followed:

- No Court employee shall be granted leave if the ground for requesting such leave is medically related and the employee's physician indicates that the employee will be permanently unable to return to their duties at the end of the period of leave.
- No Court employee shall ordinarily be granted leave unless they have completed one year of continuous service.
- No leave shall accrue during the period when employees are on leave without pay.

7.3. Maternity leave

Female employees may be granted maternity leave for such periods and subject to such conditions as the Public Service Commission from time to time prescribes. The following conditions for maternity leave shall be followed:

- The employee shall be entitled to 20 work days of maternity leave. This leave can be taken before and / or after delivery.
- The employee on maternity leave shall be paid full salary.
- Maternity leave shall only be granted for four deliveries. If a female employee requires maternity leave for more than four deliveries or requests for more leave due to unfitness to return to duty station, 20 working days maternity leave shall be granted chargeable to her accumulated annual or sick leave.

7.4. Compassionate leave

Permanent and contract employees may be granted compassionate leave with pay of no more than five working days in cases of death or imminent death, in the immediate family of the employee's mother, father, spouse, natural or adopted children, brother or sister, and grandfather or grandmother. The Chief Clerk of the Courts shall be responsible for approving requests for compassionate leave.

7.5. Administrative leave

Administrative leave is authorized under emergency conditions beyond the control of the Court, for participation in civic activities in the interest of the court, or employment connected examinations. Absence from duty under authorized administrative leave is excused absence without loss of pay and without charge to leave. The Chief Justice of the High Court shall be responsible for approving administrative leave.

7.6. Payment for leave on death of employee

On the death of an employee, the Chief Clerk may approve payment to his or her spouse or other beneficiaries of a cash grant equal to the salary or wages that may have been granted to them for any period of leave if they had retired on the date of their death.

7.7. Sick leave

- Employees may be granted sick leave, on account of sickness or accident.
- No employee shall absent themselves from duty under a false plea of sickness or accident.
- Every Court employee shall be entitled to sick leave at the rate of four (4) hours per pay period subject to calculations by the Ministry of Finance. There is no limit to the amount of sick leave that can be accumulated.
- Any Court employee who requests leave for illnesses of more than three (3) days duration shall be required to submit a certificate from a qualified Medical Officer providing detail of the illness and the treatment being administered.
- Court employees on sick leave shall be paid full salary.
- No payment shall be paid for accumulated or unused sick leave credits. Sick leave balances, however, will be reserved and credited to the employee if reemployed within three years following the employee's last resignation or termination.

- In case the accrued sick leave is not sufficient for an employee, the employee may request to use annual leave or leave without pay.

7.8. Medical examination

An employee, if so required by the Chief Clerk of Courts, shall for the purpose of ascertaining their fitness to perform their duties, submit themselves to examination by a Medical Officer at such time and place as may be directed by the Chief Clerk of the Courts, and subject to such conditions in respect of the costs of the examinations as the Chief Clerk from time to time prescribes.

7.9. Holidays

Statutory holidays prescribed by any Act of Nitijela shall be observed in the Court. The Public Service Commission may, subject to the approval of Cabinet, prescribe additional holidays to be observed in the Public Service as 'Commission Holidays'.

7.10. Unauthorized absence

An employee who absents themselves from duty, or fails to return to duty, and in either case continues to be absent without permission for a period of not less than 4 working days shall be deemed to have forfeited their position.

If the employee subsequently satisfies the Court that there was a valid reason for their absence and their failure to inform the Court earlier of that reason, the Court may reinstate the employee. In such case, the employee shall be deemed not to have forfeited, but to have been on leave without pay from the Court during the period of absence.

7.11. Administration of leave

Leave shall be administered as follows:

- Leave is not a matter of right but a privilege to Court employees. Court employees shall not claim leave as their right. The Chief Justice of the High Court shall have the authority to approve or disapprove leave of absence at any time depending upon the needs of the Court.
- For the purpose of obtaining leave under these regulations, a court employee shall duly submit an application to the Chief Clerk of the Courts indicating the period of leave sought and the reasons for such leave. The Chief Clerk of the Courts shall inform or give a notice in writing to such employees indicating where the leave has been sanctioned or not.
- The Chief Clerk of the Courts and the employee concerned shall schedule the leave in such a way that the work is not affected as well as accumulated leave is not forfeited.

8. DRESS CODE

8.1. Introduction

The purpose of this dress code is to inform court employees of the standard of dress and appearance required of them while they are at work, or representing the Court. Its main aim is to ensure that all court employees maintain a neat and tidy appearance, so as to establish and promote the professional image of the court.

8.2. General guidelines for employee dress and appearance

- Employees shall present a professional appearance suitable for a professional legal environment and maintain the highest level of personal grooming and hygiene at all times.
- Employees shall refrain from wearing clothing that detracts from the Court's mission and public image.
- Employees shall dress in a manner that is typically acceptable in conservative business environments and avoid wearing clothing and accessories that would detract from the professional image of the court.
- Employees are expected to project a professional and dignified image to the public, and should err on the side of being more formal than not.
- Employees are personally responsible for ensuring they meet the Court's guidelines and should speak with the Chief Clerk of Courts or Deputy Chief Clerk if they are unsure of any aspect relating to their dress and personal appearance.

8.3 Inappropriate attire

- Skirts / dresses shorter than 3" above the knee
- T-shirts and tank tops (muscle tops)
- Shorts
- Thin strapped or backless dresses, blouses, or shirts
- Denim jeans, jumpsuits, and overalls
- Leggings or sweat pants / shirts and jogging suits
- Hats
- Revealing or low cut blouses
- Collarless shirts (men)
- Shirts with inappropriate insignias
- Sports sandals or "flip-flop" thongs
- Wrinkled or "dishevelled" apparel

- Visible undergarments / lingerie
- Pants without belts, unless beltless style (men)
- High Skirt slits inappropriate to work environment
- Spandex fabric
- Beachwear
- Military apparel (camouflage)
- Bare midriffs (front and back)
- Excessive visible tattoos
- Excessive visible body piercing, with the exception of the ears
- Any clothing that has words, terms, or pictures that may be offensive to other employees is unacceptable

Casual dress is acceptable during government clean up days and on weekends and evenings when the courts are not in session. Otherwise, casual attire worn for medical reason(s) is acceptable, eg., flip-flops worn by those with feet problems.

8.4. Appropriate attire

- Casual dresses and skirts, and skirts that are split at or below the knee
- Cotton trousers/slacks
- Dress and skirt length should be at a length at which you can sit comfortably in public.
- Casual shirts with a collar
- golf-type (polo) shirts
- Jacket / neat cardigan
- Aloha shirts

9. PERFORMANCE MANAGEMENT PRACTICES

9.1. Introduction

The Court's Performance and Development program:

- promotes improved work performance,
- provides staff with recognition, feedback and development,
- fosters teamwork and cooperation across the Court,

9.2. The Performance Management System

The first step in implementing the performance development system is for the Chief Clerk and Deputy Chief Clerk to develop a performance agreement with each Assistant Clerk. The performance agreement should cover the following components:

1. Performance results: these are the major outcomes the staff member is expected to produce over the next 12-month period
2. Learning and development plan: this specifies how the staff member will develop the skills required to achieve the performance results and to advance their personal career
3. Performance evaluation: the rating that represents the extent to which the staff member has achieved their performance results

A pro forma for the performance agreement is at Annex 2. Information about developing and reviewing performance agreements is at section 9.3.

When a new staff member is appointed a performance agreement should be developed in consultation with them within 2 weeks of their appointment.

9.2.1 Informal appraisal

Approximately six months after the performance agreement has been developed the Chief Clerk should sit down with the staff member to informally discuss how they have been going against the performance agreement. This discussion should recognize any areas where the performance is of high standard but is also an opportunity to talk about any areas where there might be concerns about performance and the measures that might need to be put in place to improve the performance (such as additional training and support or the person committing to some improvements to their work).

Documentation:

It will not usually be necessary to formally document the outcomes of the informal appraisal. However, if particular issues are discussed and commitments made by either the staff member or the Chief Clerk then a record should be made of these and signed by both people.

An example of a brief record of discussion is:

The issue of consistently being late for work was discussed with [insert name of person]. They stated their child carer on a Wednesday was not available until 8.30am but that they should be able to arrive at work on time the other 4 days of the week.

It was agreed that:

- [insert name] could be half an hour late for work every Wednesday morning and would make up the time by working back for half an hour on Wednesdays.
- [insert name] would improve their attendance record on the other days of the week.
- These arrangements will be reviewed in one month to ensure they are working satisfactorily.

The note should be signed and attached to the person's performance appraisal. If anything is to be followed up, the Chief Clerk must ensure this is done.

9.2.2 Formal appraisal

Twelve months after the performance agreement has been put in place the Chief Clerk or Deputy should meet individually with the Assistant Clerk to:

- Review and appraise work performance over the past year
- Review the effectiveness of training and development undertaken
- Identify training and development needs
- Develop a **new** performance and development agreement for the next year.

The existing performance agreement form should be completed and a performance rating assigned. If the rating is likely to be a 1 or 2 (Refer to section 9.3.3) then the Chief Clerk should discuss this in advance with the Chief Justice.

9.3. Developing and reviewing performance and development agreements

Performance and Development Agreements are developed in the yearly formal review. Changes can be made at any time during the cycle, as appropriate.

For ease of reference, the process of developing and reviewing agreements has been broken up into before, during and after the meeting.

9.3.1 Before the meeting

Additional sources of information

While performance and development agreements/reviews are based primarily on feedback from the person's immediate manager/supervisor, other sources should be used where relevant.

Before meeting, the Chief Clerk or Deputy are encouraged to seek feedback from other sources such as the Chief Justice, other judges, colleagues and clients – whoever can comment meaningfully on the work of the person being appraised - to bring a range of relevant information and feedback to the process. Work data, where available, is another useful reference point.

Involving the team

As the Office of the Clerk of Courts is a team environment, the Chief Clerk or Deputy should involve the whole team in discussing team objectives, standards, projects, change initiatives and team development needs before developing individual performance agreements.

This helps ensure individual agreements mesh with the team's collective understanding of its role and priorities. Obviously, individual agreements should not be discussed among staff.

Team meetings on performance and development plans should:

- Discuss how business plan objectives apply within the office.
- Agree on team training or development for the year.
- Agree on tasks, objectives, priorities and projects for the year.
- Discuss standards, expectations and, where appropriate, performance measures.
- Discuss work-flow and work allocation issues.
- Agree, where appropriate, on job and task rotation strategies.
- Discuss qualities or achievements that might attract a rating of 5.

The Chief Clerk or Deputy should remember that they, not staff, have the ultimate say on these issues. Their role may sometimes mean taking the final decision where agreement cannot be reached among team members.

9.3.2 During the individual session

Points to cover

The meeting should be away from the work area and free from interruption. Relevant background documents such as the existing agreement, job description, business plan, etc, should be used as reference material and a basis for discussion. The meeting should include:

- A frank and constructive discussion on performance against the Job Description including objectives and measures.
- A review of the effectiveness of any development undertaken and agreement on future development needs (as outlined below).
- A review of any feedback and data from other sources.
- Agreement on any changes to performance objectives and measures in the future.
- Discussion of how the person might improve their rating, even if already fully effective.
- Amendment of the job description, where necessary.

9.3.3 Performance Assessment

The formal review includes a performance assessment by the Chief Clerk or Deputy. The performance assessment entails a review of the previously agreed objectives and key accountabilities. Staff members may be assessed as:

Level	Evaluation
1	<p><i>Performance is below the requirements of the position</i> This rating will be awarded when most performance results have not been achieved and there are no extenuating circumstances.</p> <p>Staff rated at Level 1 may have their next salary advancement deferred or not recommended. If the salary advancement is deferred, a review should occur within a stipulated time period (e.g. four months).</p>
2	<p><i>Performance is effective in some, but not all areas</i> This rating is awarded when some performance results have not been achieved and there are no extenuating circumstances.</p> <p>Staff rated at Level 2 may have their next salary advancement deferred or not recommended. If the salary advancement is deferred, a review should occur within a stipulated time period (e.g. four months).</p>
3	<p><i>Performance meets all requirements</i> This rating will be awarded when the staff member has achieved all their performance results.</p> <p>Staff rated at Level 3 should be entitled to their next salary advancement.</p>
4	<p><i>Performance consistently meets and sometimes exceeds requirements</i> This rating will be awarded when the staff member has achieved all their performance results and has gone beyond this in some cases.</p> <p>Staff rated at Level 4 should be entitled to their next salary advancement.</p>
5	<p><i>Performance consistently exceeds all requirements</i> This rating is awarded to the most outstanding staff. They have by far exceeded all of their performance results and are exemplary role models to all other staff not only in what they achieve but also in the way they achieve it.</p> <p>Staff rated at Level 5 should be entitled to their next salary advancement.</p>

9.3.4 Recognizing outstanding performance and innovation

Where staff receive a rating of 5 the Chief Clerk will discuss this with the Chief Justice and arrange an appropriate form of recognition (eg. a letter of congratulation or similar).

9.3.5 Marginal and unsatisfactory performance

Depending on the circumstances, staff who are rated as 1 or 2 are not eligible for incremental salary advancement until they reach the required standard. Staff who are rated 1 may be subject to formal performance management proceedings.

9.4 The development review

An important part of the performance management process is the creation of development plans. Development plans can be used to:

- Help bridge any gap between current and desired performance, eg. through on and off-the-job training, performance coaching, etc.
- Expand the skills and knowledge of staff who are already performing well. Options for doing this might include job or task rotation, project involvement, mentoring by a senior staff member, training and development programs, etc.

Reviews of development plans should address:

- Whether the training and development activities were undertaken
- Whether the plan met the person's needs
- Lessons learned for the next development plan

9.5 After the review

9.5.1 Documentation

Following the review, the performance agreement and development plan should be agreed and signed by the manager and staff member.

A new performance agreement and development plan should be written and put in place for the coming year.

9.5.2 Ongoing Feedback

The Chief Clerk and Deputy are expected to provide regular feedback to staff answering to them. Formal review sessions should build on this feedback. Casual feedback is used to:

- maintain open and frank communication
- discuss and agree changes in priorities, milestones, targets or measures
- review progress to date
- recognize good performance, and
- initiate development or other action to improve performance where necessary.

There is no requirement to document casual feedback sessions, although where work performance is below the required standard, a record should be retained by the supervisor, eg. a diary note, and copied to, and acknowledged by, the staff member for follow-up during the annual performance review.

9.5.3 Keeping records

Performance and development plans and assessments should be retained by the Chief Clerk or Deputy in a secure cabinet for two years, after which they should be shredded. Access to agreements and appraisals is limited to those with a legitimate 'need to know'.

9.6 Staff Attorney

A similar performance review process will apply to the Staff Attorney. However, it will be carried out by the Chief Justice or Associate Judge.

9.7 Casual employees

As far as possible, arrangements for casual employees will be as outlined in this policy. However, timing will be consistent with the commencement and cessation of the person's contract. Key parts of the process are an initial meeting to discuss key accountabilities and a subsequent review of how the person is performing (the timing of which should be agreed at the first meeting). Typically, there would be less focus on the development of these employees, given they are employed to undertake specific tasks over a finite period.

9.8 Disputes and disagreements

Disputes, grievances and disagreements over the program should ideally be resolved informally with the Chief Clerk or Deputy Chief Clerk.

Formal procedures for resolving disputes can be found in section 10 of the personnel guide.

9.9 Managing Underperformance

The following procedures do not apply to employees during the probation period. The Court's Performance management program will be suspended until any action under these procedures is complete.

After a reasonable period of feedback and counselling, an employee whose work performance appears to be unsatisfactory will be issued with a formal warning setting out:

- Details of the relevant standards for the employee's duties and how the employee has failed to meet those standards.
- Details of how the employee's performance will be assessed.
- Possible consequences if the employee does not attain and sustain an appropriate standard by the end of a three month assessment period.

The Chief Clerk or another person nominated by the Chief Justice or Chief Clerk will review the employee's performance over a three month period. The employee will be provided with regular written feedback on their performance during this period. The Chief Clerk or person nominated to undertake the assessment will provide a report to the decision maker (as nominated by the Chief Justice) at the end of the three-month period. Where the nominated decision maker finds that the employee has not met the required standard, they will advise the employee in writing of the finding, including a copy of the assessment report, and the action proposed, which may include:

- Termination of employment.
- Reduction in classification.
- Reassignment of duties.
- Some other appropriate action.

The employee will be given at least 14 days to respond to this proposal and the work assessment report. The decision maker will make his or her decision taking into account the work assessment report, any response by the employee and any other relevant issues and advise the employee in writing of their decision.

The impact of any medical condition which may affect the employee's performance will be thoroughly investigated and taken into account before a final decision is made. Subject to any medical advice, consideration will be given to whether invalidity or medical redeployment action might be more appropriate.

9.10. Absence without Approval

Employees who are absent from duty without approval will receive no pay or other benefits. Absence without approval may also give rise to misconduct proceedings, and/or proceedings in accordance with the following clause.

9.11. Non Performance of Duties – Extended Absence without Approval & Frequent Short Absences

An employee who absents himself from duty, or who fails to return to duty, and in either case continues to be absent without permission for a period of not less than 4 days, shall be deemed to have forfeited office.

If the employee subsequently satisfies the Chief Justice that there was a valid reason for his absence and for his failure to inform the Chief Justice earlier of that reason, the Chief Justice may reinstate the employee. In such case the employee shall be deemed not to have forfeited office, but to have been on leave from the Court during the period of absence.

Where there is a pattern of frequent short periods of a day or more of unauthorized absence the Chief Clerk may:

- Seek an explanation from the employee.
- Where that explanation is not considered satisfactory, issue a written warning to the employee that their employment will be terminated if there are further absences without satisfactory explanation.
- Recommend that the Chief Justice terminate the person's employment where there is a further absence or absences without satisfactory explanation.

9.12. Managing Misconduct

Whenever it is alleged that any employee, other than a probationer, is guilty of:

- Habitual irregularity in time of his arrival at or departure from his office at the Court; or
- Absenting himself from the court or from his official duties without leave or without any other valid excuse, during the prescribed hours of his attendance; or
- Disobeying, disregarding, or making wilful default in carrying out any lawful order or instructions given by any person having authority to give the order or instructions; or
- Breaching the Marshall Islands Courts Code of Conduct (see section 11);or
- Using intoxicating liquor or drugs to excess, or in such a manner as to affect adversely the performance of his duties; or
- Behaving in an insulting or threatening manner; or

- Behaving in a manner calculated to cause inconvenience or unreasonable distress to other employees, or to affect adversely the performance of their duties; or
- Disgraceful or improper conduct in their official capacity, or any other improper conduct that adversely affects the performance of their duties, or brings the service into disrepute.

This will be classified as misconduct and the action outlined below will be undertaken.

Where misconduct may have occurred the following action will be taken:

- The Chief Clerk will consider whether the behavior, if proven, could amount to misconduct.
- If the Chief Clerk believes the behavior could amount to misconduct, the Chief Justice or his delegate will advise the employee in writing, within a reasonable time, providing details of the allegation and the penalties that may be imposed under section 9.13 of these guidelines.
- The Chief Justice will appoint a person to investigate the allegation of misconduct (the Investigator) against terms of reference to be specified by the Chief Justice. The terms of reference will specify the person authorised to determine the matter (the Decision Maker). This may be the Investigator, the Chief Justice, the Chief Justice's delegate or another person. The Decision Maker and the Investigator will be unbiased.
- The employee will be advised of the appointment of the Investigator and provided with details of the terms of reference of the investigation. During the investigation, the employee will be given the opportunity to admit or deny the allegation and to make a written and/or oral statement to the Investigator about the allegation.
- On the conclusion of the investigation, a decision will be made whether there has been a breach of the Code of Conduct.
- The employee will be provided with a copy of the report and, where a breach of the Code of Conduct has been found, details of penalties or other action which may be taken. The employee will be given seven, or if agreed more, days to provide comments before a final decision is made.
- At the expiry of the relevant period, the Decision Maker will consider any additional comments and determine a penalty.

9.13 Penalties for misconduct

If the Chief Justice is satisfied a complaint is established under section 9.12 of these guidelines against an employee, the Chief Justice may impose upon him one or more of the following penalties:

- dismissal with such notice as the Chief Justice specifies
- transfer to other duties in the Office of the Clerk of Courts
- reduction of the rate of salary of the employee (with or without a consequent reduction in grading)
- Suspension without pay, not to exceed 1 month gross entitlement
- placing on probation for a period not exceeding one year
- reprimand and warning

10. MANAGING DISPUTES

10.1 Informal review of workplace decisions

The Court acknowledges the need for fairness and transparency in decision making. It also acknowledges the need for staff to have informal avenues of review available where they believe they may be adversely affected by a decision, or would like a decision that affects them reviewed for some other reason.

In general, this would usually entail the employee raising the issue with the Chief Clerk in the first instance. The employee will be offered the right to have a support person or representative in any meeting that may take place to discuss the issue.

As far as practicable an attempt will be made to ensure the matter is resolved to the staff member's satisfaction while recognizing this may not always be possible. The formal review and dispute mechanisms as set out in section 10.2 are available should the staff member believe the matter has not been satisfactorily resolved.

10.2 Formal review of workplace decisions

Every officer shall have a right of appeal to an Appeals Committee against any determination of the Chief Justice of the High Court and the Chief Clerk of the Courts. The Appeals Committee panel shall consist of the Associate Judge of the High Court, Chief Judge of the Traditional Rights Court, and Presiding Judge of the District Court. If any of the three are unable to hear the appeal, the Chief Justice High Court will appoint a substitute. Notice of appeals must be submitted to the Clerk of the Courts in writing within 7 days after the notification of the decision appealed against has been issued. The Clerk of the Court shall forward the appeal and relevant documentation to the Appeals Committee as soon as practical. The Appeals Committee shall meet and decide appeal without undue delay.

11. CODE OF CONDUCT

11.1. Introduction

The Marshall Islands Courts recognize the importance of ethical conduct by their employees in the administration of justice. Court employees hold highly visible positions of public trust and should be committed to the highest standard of conduct. Court employees shall observe these standards of conduct to preserve the integrity and independence of the judiciary. This Code embodies the dedication of the Marshall Islands judiciary to upholding and increasing the public's confidence in the judicial branch of government, and also reflects its commitment to promoting integrity among its employees.

This Code shall apply to all employees of the Marshall Islands Courts. It does not apply to judges who are required to adhere to the standards of the Marshall Islands Code of Judicial Conduct.

11.2. Article I. Confidentiality

A. Court staff shall not disclose confidential information to any unauthorized person.

11.3. Article II. Performance of Duties

A. Court staff should carry out their responsibilities to the public in a timely, impartial, diligent, and courteous manner, strictly adhering to the principles embodied in this code.

B. Court staff shall not discriminate on the basis of, nor display by words or conduct, a bias or prejudice based upon race, color, religion, national origin, gender, or other groups protected by law, in the conduct of service to the court and public.

C. Court staff shall ensure that their conduct, both professional and personal, maintains and enhances the confidence of the public in the integrity and impartiality of the court.

D. Court staff shall enforce or otherwise carry out any properly issued rule or order of court.

E. Court staff shall not give legal advice unless specifically required to do so as part of their official position.

F. Court staff shall promote ethical conduct and report any improper conduct and violations of this Code of Conduct by any persons to the Chief Clerk or Chief Justice of the High Court.

G. Court staff shall actively pursue continuing education opportunities, including on the job training, to improve their work skills and thereby provide higher quality service to the courts and the public.

H. Court staff shall avoid any activity that would reflect adversely on their position or court.

I. Court staff who obtain knowledge of misconduct by other employees within the court should take appropriate action. Minor matters may require a simple discussion with the offending party. In more serious matters, appropriate action may include referral to the Chief Clerk of the Courts or the Chief Justice of the High Court.

11.4. Article III. Abuse of Position and Conflict of Interest

A. Court staff shall not use or attempt to use their official positions to secure unwarranted privileges or exemptions for themselves or any other person.

- B. Court staff and members of their family shall neither ask for, nor accept any gift, bequest, loan, or favor in relation to any action or inaction in relation to their official duties.
- C. Court staff are permitted to receive customary and traditional gifts, token gifts, awards, or benefits as appropriate to the occasion on which it is made provided that such gifts, awards, or benefits might not reasonably be perceived as intended to influence the performance of their official duties.
- D. Court staff should notify their supervisor if they receive any gifts or tokens of courtesy according to local custom.
- E. Court staff shall act so that they are not unduly affected or appear to be affected by kinship, position, or influence of any party or person.
- F. With the exception of preparation, in their own time, of transcripts or depositions, Court staff shall not request or accept any compensation or fee beyond that received from their employer for work done in the course of their public employment. Court staff may engage in outside employment as long as it does not conflict with the performance of their official responsibilities or violate this code.
- G. Court Staff shall not use for any private purpose other than for the discharge of their official duties, any information gained by or conveyed to them as an employee of the Court.
- H. Court staff shall use the resources, property, and funds under their control judiciously and solely in accordance with prescribed legal procedures.
- I. Court staff shall avoid conflicts of interest, or the appearance of conflicts, in the performance of their official duties.

11.5. Article IV. Political Activity

- A. Court staff are free to participate in political campaigns/organizations during nonworking hours if such activity does not use, or appear to use, the person's official position or Court in connection with such activities.
- B. Court staff who run for political office shall take leave of absence.

ANNEX 1 - MARSHAL ISLANDS HIGH COURT PROBATION REPORT

<h2 style="margin: 0;">MARSHALL ISLANDS HIGH COURT PROBATION REPORT</h2>	<p>Name.....</p> <p>Date commenced/..../.... Confirmation due ./..../.</p>
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This form is to be completed by the Chief Clerk of Courts or Deputy Chief Clerk 3 and 6 months after the employee's commencement. The form assesses a probationer's progress against the agreed job description, gives feedback on job performance and identifies any training needs. An assessment should be given against each of the Key Outcome Areas in the job description.

Before completing this form you will need a copy of the employee's job description, which you may use to cut and paste the relevant areas into this document. You may complete this form with the employee if you wish; in any case, the employee must be given the completed form and provided with the opportunity to provide comments.

This is the ... month probation report (enter 3 or 6 as appropriate) Attached is a copy of the current job description YES NO (circle one)

1. Complete the form, providing an assessment against each of the Key Outcome Areas
2. Discuss report with employee and give employee an opportunity to respond if necessary
3. Forward recommendation to the Chief Justice of the High Court
4. Place the completed report on the employee's personnel file

JOB TITLE:		DATE:
REPORTS TO:	ROLES REPORTING TO THIS ONE (where applicable):	NAME OF JOB DESCRIPTION AUTHOR:

Chief Clerk of Courts or Deputy Chief Clerk to complete this section, based on job description

PRIMARY OBJECTIVES:
KEY CHALLENGES:
KEY RELATIONSHIPS/INTERACTIONS:
FREEDOM TO ACT:
KNOWLEDGE/EXPERIENCE REQUIREMENTS:

KEY OUTCOME AREA (KOA)	MANAGER'S ASSESSMENT	
1.	Satisfies or exceeds requirements of KOA	<input type="checkbox"/>
	Some improvement required	<input type="checkbox"/>
	
	
	Substantial improvement required/unsatisfactory	<input type="checkbox"/>
	
	
2.	Satisfies or exceeds requirements of KOA	<input type="checkbox"/>
	Some improvement required	<input type="checkbox"/>
	
	
	Substantial improvement required/unsatisfactory	<input type="checkbox"/>
	
	
3.	Satisfies or exceeds requirements of KOA	<input type="checkbox"/>
	Some improvement required	<input type="checkbox"/>
	
	
	Substantial improvement required/unsatisfactory	<input type="checkbox"/>
	
	

<p>4.</p>	<p>Satisfies or exceeds requirements of KOA <input type="checkbox"/></p> <p>Some improvement required <input type="checkbox"/></p> <p>.....</p> <p>.....</p> <p>Substantial improvement required/unsatisfactory <input type="checkbox"/></p> <p>.....</p> <p>.....</p>
<p>ADHERENCE TO THE MARSHALL ISLANDS HIGH COURT CODE OF CONDUCT</p>	<p>Satisfies the requirements of the Code of Conduct <input type="checkbox"/></p> <p>Some improvement required <input type="checkbox"/></p> <p>.....</p> <p>.....</p> <p>Substantial improvement required/unsatisfactory <input type="checkbox"/></p> <p>.....</p> <p>.....</p>

Completed by

Name..... Signature..... Date / /

Probationer comments: (attach sheet if insufficient space)

.....
.....
.....
.....

Probationer – I confirm that I have had the opportunity to discuss and comment on this probation report.

Name..... Signature..... Date / /

RECOMMENDATION TO CHIEF JUSTICE

After 3 months

- Continue probation
- Terminate employment (attach comments)
- Other (please specify)

After 6 months

- Confirm ongoing employment
- Continue probation to further assess effectiveness (provide details)
- Terminate employment (attach comments)

APPROVAL BY CHIEF JUSTICE

- The report is noted and the probation may continue until the end of the first 6 months
- The engagement is confirmed
- The appointment is terminated
- The probationary period is extended until ... / ... / ...

Chief Justice (Name).....Signature.....Date / /

ANNEX 2 - MARSHALL ISLANDS OFFICE OF CLERK OF COURTS PERFORMANCE AND DEVELOPMENT AGREEMENT

SECTION 1: PROFESSIONALISM AND APPROACH TO WORK:

Dependability: Reports to work on time and adheres to work schedule (including lunch breaks); conscientious regarding use of leave; consideration of co-workers when scheduling leave. Provides advance notice to Chief Clerk of requested leave time and schedules work accordingly.

Interpersonal relationships: Treats others, including co-workers and the public, with courteousness and respect. Keeps emotions and moods in check and does not inappropriately display anger, frustration etc. Adapts to change in a positive manner.

Appearance and Demeanour: Dresses in accordance with the Court's dress code and presents self in a professional manner.

Initiative: Works with minimal supervision, without exceeding the boundaries of job responsibilities. Does not need to be told of each task that needs to be done, but rather "takes ownership" of the job and sees tasks through to completion.

Teamwork: Pitches in to help out when needed, even with tasks that might not be as desirable as others.

Timeliness/Meets deadlines: Organizes work efficiently and sets priorities to consistently meet deadlines and complete work in a timely manner.

SECTION 2: CORE JOB ELEMENTS

KEY ACCOUNTABILITIES (PERFORMANCE AGREEMENT)

The main accountabilities as set out in the job description should be listed here

KEY OUTCOME AREA	MAJOR ACTIVITIES	EXPECTED PERFORMANCE RESULTS
5.	•	•
6.	•	•

7.	•	•
8.	•	•

...../...../.....
Chief Clerk of Courts

...../...../.....
Staff member

PERFORMANCE APPRAISAL (TICK APPROPRIATE RATING)

The appraisal should cover all elements of the staff members work, both their professionalism and approach to work and the core job elements.

Level	Evaluation	Comments
1	<p><i>Performance is below the requirements of the position</i> This rating will be awarded when most performance results have not been achieved and there are no extenuating circumstances.</p> <p>Staff rated at Level 1 may have their next salary advancement deferred or not recommended. If the salary advancement is deferred, a review should occur within a stipulated time period (e.g. four months).</p>	
2	<p><i>Performance is effective in some, but not all areas</i> This rating is awarded when some performance results have not been achieved and there are no extenuating circumstances.</p> <p>Staff rated at Level 2 may have their next salary advancement deferred or not recommended. If the salary advancement is deferred, a review should occur within a stipulated time period (e.g. four months).</p>	
3	<p><i>Performance meets all requirements</i> This rating will be awarded when the staff member has achieved all their performance results.</p> <p>Staff rated at Level 3 should be entitled to their next salary advancement.</p>	
4	<p><i>Performance consistently meets and sometimes exceeds requirements</i> This rating will be awarded when the staff member has achieved all their performance results and has gone beyond this in some cases.</p> <p>Staff rated at Level 4 should be entitled to their next salary advancement.</p>	
5	<p><i>Performance consistently exceeds all requirements</i> This rating is awarded to the most outstanding staff. They have by far exceeded all of their performance results and are exemplary role models to all other staff not only in what they achieve but also in the way they achieve it.</p> <p>Staff rated at Level 5 should be entitled to their next salary advancement.</p>	

Signatures

Staff member..... Chief Clerk

Dated/...../.....

...../...../.....

ANNEX 3 - DEVELOPMENT PLAN

Personal development plan

Identify gaps (if any) between current and desired levels of performance, as expressed in the Job Description/Performance Agreement

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Identify how these will be addressed (eg, courses, on-the-job training, rotation, mentoring, etc)

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Identify new skills and capabilities which might help staff to meet emerging needs of the Court or personal / career objectives of the staff member

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Identify how these will be met

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Possible ways if meeting development needs include - combinations of on-the-job and off-the-job training, professional development programs, seminars, training courses, performance coaching, project involvement, job or task rotation, etc.

...../...../.....
Staff member

...../...../.....
Chief Clerk

Staff Member Comments on any aspect of performance and development plan:

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