ARKANSAS STATE TRIAL COURT EMPLOYEE MANUAL

Published by:
Administrative Office of the Courts
625 Marshall Street
Justice Building
Little Rock, AR 72201
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EMPLOYMENT GENERALLY

Title VII of the Civil Rights Act of 1964 protects persons against employment discrimination because of their gender, race, religion, or national origin, and the Arkansas Civil Rights Act of 1993 states that a qualified individual has "the right to obtain and hold employment without discrimination." Ark. Code Ann. § 16-123-107(a)(1).

A state court employee is hired by and is subject to direct supervision by the trial judge(s) for whom the employee performs services. While there are statutes and regulations which determine compensation, leave, and benefits, the employee's job description and duties are determined by the judge who also evaluates the employee's performance. Ark. Code Ann. § 16-10-133 and Ark. Code Ann. § 16-13-503.

TIME AND COMPENSATION

Hours of Work

Pursuant to state regulation, "All State offices shall be open for business between 8:00 a.m. and 4:30 p.m. However, department directors shall have flexibility to establish other working hours for their departmental personnel so long as all employees work an 8-hour day." State court employees pursuant to Ark. Code Ann. § 16-13-503, and Ark. Code Ann. § 16-10-133, are subject to the hours established by the trial judge/judges for whom they work, and these hours may vary depending on the court's trial scheduling. Pursuant to Ark. Code Ann. § 16-10-114, courts can conduct business on Saturday but not on Sunday except to receive a verdict or to discharge a jury.

Official State Holidays

Pursuant to Ark. Code Ann. § 1-5-101, the following are regularly scheduled legal holidays:

New Year's Day	January 1
Dr. Martin Luther King, Jr./ Robert E. Lee Birthdays	3rd Monday in January
George Washington's Birthday/ Daisy G. Bates Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Christmas Eve	December 24
Christmas Day	December 25
Employee's Birthday	Day of employee's choice

Holidays that fall on a Saturday are observed the preceding Friday. Holidays that fall on a Sunday are observed the following Monday.

There are times, however, that the court may be in session even though it is a designated state holiday. If required to work on one of the above listed dates, the employee is entitled to equivalent time off at a later date. Ark. Code Ann § 1-5-102.

The Governor may issue an Executive Proclamation and proclaim additional days as holidays in observance of special events or for other reasons. Ark. Code Ann. § 1-5-103. The most commonly issued Proclamation closes state offices the Friday following the Thanksgiving holiday. Such a proclamation is not binding on the court if the judge deems it necessary to conduct business in this situation.

AOC Revised: 10/07

Salary

State employed court staff are paid in 24 equal semi-monthly installments. Ark. Code Ann. § 21-5-108. Staff may choose to receive a check or have pay deposited directly into the employee's bank account. Employees, who do not elect direct deposit, will have their checks mailed from the Auditor of State's Office. Questions regarding payroll should be directed to the Auditor of State. *See* Appendix.

Court Reporters: Pursuant to Ark. Code Ann. § 16-13-504, official court reporters' salaries are determined according to Grade 19 of Uniform Classification and Compensation Plan. There are numbered levels for Grade 19, and a newly employed court reporter will enter at Level I unless the Arkansas Legislative Council approves a judge's written request for a higher initial salary, not to exceed Level IV of Grade 19.

Trial Court Administrative Assistants: Pursuant to Ark. Code Ann. § 16-10-133, which authorizes the payment of state funds for court staff other than the official court reporter, the entry level salary for trial court administrative assistants is equal to that established for Grade 16 of the Uniform Classification and Compensation Plan. Those counties that supplemented the salaries of trial court administrative assistants as of July 1, 1996, must continue to do so as long as that person remains employed in that position in that court. Ark. Code Ann. § 16-10-133(d).

Pay Increases

There are three ways by which a court employee on state payroll may receive an increase in pay: (1) Percentage pay raises appropriated for state employees by the legislature; (2) Increases given to state employees by a declaration of the governor; and (3) Pay adjustments granted by the Personnel Subcommittee.

Raise in Salary Request: To request a salary increase for a court employee, a judge, not the employee, must write a letter to the Personnel/Pay Plan Subcommittee of the Joint Budget Committee of the Arkansas General Assembly detailing the special circumstance justifying an increase in pay. Special circumstances may include length of employment, special skills, and extensive duties. The correspondence should be addressed to the co-chairs of the subcommittee. *See* Appendix.

If the subcommittee approves the pay increase, it will notify the Auditor of State, and the employee's pay will be increased accordingly. The salary increase, which is not retroactive, will be reflected on the compensation that the employee will received during the pay period following the approval of the request by the full Legislative Council.

Career Service Recognition: In addition to the compensation described above, pursuant to Ark. Code Ann. § 21-5-106, state employees become eligible for annual career service recognition

payments upon completion of ten or more years of state service in a regular full-time position as set out below:

10-14 years of state service	$600
15-19 years of state service	$700
20-24 years of state service	$800
25 or more years of state service	$900.

Service time accrued during previous employment with an Arkansas state agency may be applied toward the service requirement for the career recognition payments. To receive credit for prior service, the employee must obtain a certificate of prior service from the state agency with whom he or she was previously employed and the certificate must be sent to the Auditor of State. *See* Appendix.

Merit Pay: Court personnel, who satisfy performance evaluation-based criteria, may be eligible to receive merit increase pay. Ark. Code Ann. § 21-5-1101. To be eligible for merit increase pay, the employee must maintain continuous employment with the State in a regular full-time position for twelve months or if the employee is a part-time employee, he or she must maintain a regular salary position with the State and complete two thousand and eighty hours of employment. The amount of the merit increase will depend upon the employee's performance evaluation. The merit increases are as follows:

> Employees who receive an overall satisfactory rating under an approved performance evaluation system shall be eligible for a one and five-tenths percent (1.5%) merit increase;
>
> Employees who receive an overall above average rating under an approved performance evaluation system shall be eligible for a three percent (3.0%) merit increase; and
>
> Employees who receive an overall exceeds standards rating under an approved performance evaluation system shall be eligible for a four and five-tenths percent (4.5%) merit increase.

BENEFITS

Retirement

The Arkansas Public Employees Retirement System (APERS) provides for the retirement of state, county, municipal, college and university employees. New state employees are sent an APERS handbook at the end of their first quarter of state employment. APERS also publishes a bulletin, *APERSpective*, which state employees receive periodically. *See* Appendix.

Pursuant to Ark. Code Ann. § 24-4-401, state employees, who are contributory members of the Arkansas Public Employees Retirement System after July 1, 2005, are required to contribute five percent (5%) of their annual compensation to APERS, which will be held in trust for the exclusive benefit of the member.

Insurance

Health: Employees may choose from any of the insurance plans offered to state employees. New employees must enroll in a state insurance plan within thirty days of their hire date to be eligible for health coverage. Insurance coverage will become effective the first day of the month following thirty days of continuous employment. New employees are not subject to pre-existing conditions if pre-existing conditions have been met under their current insurance plan. State employees are responsible for payment of a portion of their health insurance premium.

An open enrollment period is held each year during which employees may change insurance carriers for the upcoming calendar year. The enrollment period is usually scheduled for the month of October and all plan changes will go into effect the following January.

Questions regarding specific insurance plans should be directed to the insurance provider. If there are problems with the provider, employees should contact Employee Benefits Division (EBD). For changes to coverage due to a family status change (marriage, birth, divorce, job termination, etc.) the employee should contact his or her insurance representative at the Auditor of State's Office. *See* Appendix.

Life: Basic life insurance coverage ($10,000) is available at no cost to all state employees who complete and submit the insurance enrollment application within the first thirty days of hire. Additional life and dependent life insurance is also available. Those applying for additional life and dependent life insurance are subject to approval by the insurance provider. State employees are responsible for payment of additional and dependent life insurance premiums.

Dental and miscellaneous: Dental insurance is not offered as separate coverage by the state. However, some of the available health insurance plans include some coverage for preventative dental care, such as cleanings or x-rays.

Dental insurance is available through the Arkansas State Employees Association, but employees must be members of the Association to qualify for enrollment in the dental plan. The Association also offers vision, burial, cancer, life, disability, homeowners, and automobile insurance coverage for its members. *See* Appendix.

Cafeteria Plan

The Arkansas Cafeteria Plan (ARCAP) allows participants to pay their state employees' group health and life insurance premiums, dependent and elder care expenses, and certain out-of-pocket medical expenses tax-free. Participants can also pay eligible payroll deducted cancer and disability plans through ARCAP. Health insurance premiums are automatically sheltered from tax by ARCAP unless an employee signs a waiver of the benefit. New employees may enroll immediately in the dependent day care flexible spending account. Employees may enroll in medical expense flexible spending account during the 30 days following their one-year anniversary. Questions regarding the plan should be directed to the plan administrator.

Deferred Compensation

State employees may participate in a deferred compensation plan. Employees may defer a portion of their income until retirement, and that portion of income or earnings will not be subject to federal or state income tax until received at retirement.

Worker's Compensation

An employee who incurs an occupational injury or illness should notify the judge immediately. For information regarding Worker's Compensation benefits and/or application forms, contact the Public Employee Claims Division of the Arkansas Insurance Department. *See* Appendix.

LEAVE PROVISIONS

Leave with Pay

State employees are subject to the Uniform Attendance and Leave Policy Act codified at Ark. Code Ann. § 21-4-201 *et. seq*. Each trial judge administers the leave policy. Ark. Code Ann. § 16-13-503 (court reporters) and § 16-10-133 (trial court administrative assistants). By statute, there are nine types of leave with pay: annual leave, which is used for vacation and/or personal business (Ark. Code Ann. § 21-4-204); sick leave, which includes personal or immediate family illness (Ark. Code Ann. § 21-4-206); maternity leave (Ark. Code Ann. § 21-4-209); military leave for members of the National Guard or reserve branches of military service (Ark. Code Ann. § 21-4-212); educational leave (Ark. Code Ann. § 21-4-211); court/jury service leave (Ark. Code Ann. § 21-4-213); catastrophic leave (Ark. Code Ann. § 21-4-215); leave to participate in children's educational activities (Ark. Code Ann. § 21-4-216); and leave for bone marrow or organ donation (Ark. Code Ann. § 21-4-215).

Arkansas Code Annotated § 21-4-204 sets out the provisions for annual leave as follows:

Years of Employment	Monthly	Annually
Through 3 years	1 day	12 days
3-5 years	1 day 2 hours	15 days
5-12 years	1 day 4 hours	18 days
12-20 years	1 day 6 hours	21 days
over 20 years	1 day 7 hours	22.5 days.

No employee can accumulate annual leave in excess of 30 days at the end of each calendar year. Annual leave is transferable between state agencies. Pursuant to Ark. Code Ann. § 21-4-205, upon termination of employment, a lump sum payment, not to exceed 30 working days, shall be made payable to the former employee. Arkansas Code Annotated § 21-4-404 states that if an employee dies, payment for up to 60 days for accumulated annual leave and holidays shall be made to the estate or a designated person.

Arkansas Code Annotated § 21-4-207 provides that sick leave is accumulated at 1 day each month regardless of years of service. No employee can accumulate sick leave in excess of 120 days at the end of each calendar year. Sick leave is transferable between state agencies. The judge may require a certificate from the treating physician for absences in excess of 5 consecutive days or upon the judge's request if it has such a policy. For extended illness, other than maternity leave, the employee must first use all sick leave, next annual leave, then catastrophic leave, if authorized, and last, leave without pay, if authorized.

Pursuant to Ark. Code Ann. § 21-4-501, upon retirement or death, a state employee or beneficiary can be compensated for unused sick leave according to a formula applied to the number of unused days and the employee's salary. Compensation under this section cannot exceed

$7,500.00.

The office of each circuit judge should have in place a system of documenting leave accrual and balances (for both annual and sick leave) for the trial court assistant and the official court reporter. Each judge may use a system that works best for his or her particular office, but it is suggested that any such system should have weekly, or at least monthly, tabulation of leave accrued, leave used, and a running balance for both annual and sick leave for the trial court assistant and the official court reporter. A "balance of leave" form must be filed by each circuit judge by the end of each fiscal year (June 30) with the Auditor of State's Office. The balance of leave form indicates the balances of accrued annual and sick leave of the trial court assistant and the official court reporter as of June 30 of each year. In addition, if a court reporter or trial court assistant ceases employment or retires with balances of leave for which he or she may be eligible for compensation, the Auditor of State's Office may require documentation supporting those claimed balances prior to payment for any unused leave.

Military Leave: Arkansas Code Annotated § 21-4-212 provides that military leave with pay, in addition to annual leave, shall be granted to members of the National Guard or any reserve branch of the armed services at the rate of 15 days per year plus necessary travel time. The employee must furnish a copy of his or her orders when requesting military leave. Unused days may be accumulated up to 30 days in any one calendar or fiscal year.

Court/Jury Leave: Any employee serving as a witness (other than as a paid expert witness or as a party to the matter) or serving as a juror is granted time off with full compensation in addition to any fees paid for such services. The time off will not be counted as annual leave. Ark. Code Ann. § 21-4-213.

Leave for Bone Marrow or Organ Donation: An employee may take up to seven days of leave to serve as a bone marrow donor and up to thirty days of leave to serve as a organ donor. In order to qualify for leave, the employee must: (1) request the leave in writing; (2) provide the judge with written verification from the physician performing the transplantation that the employee is to serve as a human organ or bone marrow donor; and (3) provide the judge written verification from the physician performing the transplantation that the employee did serve as a human organ or bone marrow donor. The employee may use this leave without loss or reduction in pay, leave, or credit for time of service. Ark. Code Ann. § 21-4-215.

Leave to Participate in Children's Educational Activities : Arkansas Code Annotated § 21-4-216 authorizes state employees to take up to eight hours of leave during any one calendar year for the purpose of attending or assisting with the educational activities of a child. The child must be enrolled in prekindergarten through twelfth grade and must be related to the employee as a: (1) natural child; (2) adopted child; (3) stepchild; (4) foster child; (5) grandchild; (6) ward by virtue of the state employee having been appointed the child's legal guardian or custodian; or (7) any other legal capacity in which the employee is acting as a parent for the child. Activities that are covered by this statute include: participation in parent-teacher conferences, school sponsored tutoring, and

school-sponsored volunteer, assisting with field trips, classroom programs, school committees, academic competitions, athletic, music, and theater programs. Unused leave may not be carried over to the next calendar year and this leave is not compensable to the employee at the time of retirement.

Catastrophic Leave: A trial judge may approve the establishment of a catastrophic leave bank for his or her employees that will be administered by the Office of Personnel Management of the Division of Management Services of the Department of Finance and Administration. An employee's accrued annual and sick leave may be donated to the catastrophic bank. Catastrophic leave with pay will be granted to an employee when the employee is unable to perform his or her duties due to a catastrophic illness. To be eligible for catastrophic leave, the employee must: (1) be employed by the state for more than two years; (2) have had at least eighty hours of combined sick and annual leave at the onset of the illness or injury, which was exhausted; (3) have an acceptable medical certificate from a physician supporting the continued absence; and (4) establish that he or she has not been disciplined for any leave during the past two years. Ark. Code Ann. § 21-4-214.

Leave Without Pay

Pursuant to Ark. Code Ann. § 21-4-210, a state employee may apply in writing to be placed on leave without pay for a period of time not to exceed 6 months, or the judge may place the employee on leave without pay for disciplinary reasons in accordance with established personnel policy.

Except for military and maternity leave, all annual leave must be used before an employee is eligible to request leave without pay. If the leave of absence is due to illness, all accumulated sick leave must be used.

Persons on maternity leave may elect to use all sick and annual leave before requesting leave without pay. However, a person on maternity leave may instead elect to take leave without pay in place of using accumulated sick and annual leave. Ark. Code Ann. §§ 21-4-209; 21-4-210.

An employee on leave without pay shall not accumulate leave time, participate in agency group insurance programs to which the state contributes, or receive pay for any legal holidays. However, an employee may pay the total cost of the group insurance during such leave and be reinstated on returning to work. Ark. Code Ann. § 21-4-210(d).

Family and Medical Leave: The Family and Medical Leave Act (FMLA) entitles eligible employees to take up to twelve (12) weeks unpaid leave each year for specified family and medical reasons. 29 USC § 2601 *et seq*.

To be eligible for leave under this policy an employee must have been employed by the state for at least twelve months and must have worked at least 1250 hours during the twelve-month period preceding the commencement of the leave. 29 USC § 2611. The Family and Medical Leave Act entitles "eligible" employees to a total of twelve work weeks of leave during any twelve-month

period for one of the following reasons:

A. The birth of the employee's child and the care of the newborn child;

B. The placement with the employee of a child for adoption or foster care;

C. The care of the employee's spouse, son, daughter, or parent with a serious health condition; and

D. A serious health condition that makes the employee unable to perform the functions of the employee's job. 29 USC § 2612.

In the case of birth or adoption, this eligibility shall expire at the end of the twelve-month period beginning on the date of a child's birth or placement. If the leave is foreseeable, the employee must provide 30 days advance notice. 29 USC § 2612. In situations "C" and "D" above, written medical certification may be required. 29 USC § 2613.

Family leave is without pay. However, an eligible employee may elect, or an agency or institution may require the employee, to substitute paid leave for any part of the twelve-week period. 29 USC § 2612. Paid leave to handle personal and family medical needs is currently available under existing sick and annual leave policies, as set out above.

AOC Revised: 10/07

ETHICS

Canon 3 of the Arkansas Code of Judicial Conduct requires that a judge perform the duties of his or her office impartially and diligently, without bias or prejudice. Section B (5) states, "[A] judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, or national origin, *and shall not permit staff, court officials and others subject to the judge's direction and control to do so.*" (Emphasis added). Section C (2) states: "A judge shall require staff, court officials, and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties."

Arkansas Code Annotated § 21-8-304 precludes a state employee from using his or her position to secure special privileges or exemption for the employee or family within the first degree of relationship or for others with whom he or she has a substantial financial relationship. The statute further precludes a state employee from accepting employment or engaging in a public or professional activity that would reasonably be expected to require or induce the employee to disclose confidential information acquired through the employee's official position. Finally, the statute prohibits a state employee from disclosing confidential information or using it for the employee's personal gain or benefit.

Arkansas Code Annotated § 21-8-801 precludes a public employee from receiving a gift or compensation other than income and benefits from the State to which the employee is entitled for the performance of his or her duties. The statute also prohibits a state employee from intentionally using or disclosing confidential information gained through employment to obtain anything of material value for the employee or the employee's family.

Disclosure of Additional Income

Arkansas Code Annotated § 21-8-203 requires all state employees, who are employed on a regular basis, "to disclose each source of income in excess of five hundred dollars earned during any calendar year from sources other than their regular salary." This information must be reported by January 31 of each year to the Secretary of State's Office. The reporting forms are available on the Secretary of State's website. *See* Appendix.

Political Activity

Canon 5 (A)(3)(b) of the Code of Judicial Conduct states, "A candidate for a judicial office shall prohibit employees and officials who serve at the pleasure of the candidate, and shall discourage other employees and officials subject to the candidate's direction and control from doing on the candidate's behalf what the candidate is prohibited from doing under the Sections of this Canon."

Arkansas Code Annotated § 21-1-207 states, "No employee of the state, a county, a municipality, a school district, or any other political subdivision of this state shall be deprived of his or her right to run as a candidate for an elective office or to express his or her opinion as a citizen on political subjects, unless as necessary to meet the requirements of federal law as pertains to employees."

The judiciary seeks to maintain neutrality concerning political matters to the extent possible. While employees have the right to entertain and express personal opinions about political candidates and issues, when performing their duties on behalf of the judicial branch (during regular working hours), employees should endeavor to maintain neutrality in action and appearance. The following is offered as guidance, subject to directives of the trial judge regarding appropriate political activity for other candidates seeking public office.

Each employee retains the right to vote as the employee chooses and is free to participate actively in political campaigns during non-working hours. Such activities include, but are not limited to, membership and holding office in a political party, campaigning for a candidate in a partisan election by making speeches and making contributions of time and money to individual candidates, political parties, or other groups engaged in political activity. An employee, who chooses to participate in political activity during off-duty hours, should not use his or her position or title within the court system in connection with such political activities.

Employees should not engage in any "political activity" during scheduled work hours, or when using government vehicles or equipment, or on state property. "Political activity" includes, but is not limited to: (a) displaying literature, badges, stickers, signs, or other items of political advertising on behalf of any other party, committee, agency, candidate for political office, or political issues sought to be placed on the ballot; (b) using official authority or position directly or indirectly to influence or attempt to influence any other employee in the court system to become a member of any political organization or to take part in any political activity; (c) soliciting signatures for political candidacy or for the purpose of placing an issue on the ballot; and (d) soliciting or receiving funds for political purposes.

TRIAL COURT ASSISTANT PROVISIONS

Case Reporting Requirements

Pursuant to Ark. Code Ann. § 16-10-101 and Amendment 80 to the Arkansas Constitution, the Supreme Court of Arkansas has general superintending control of the Arkansas trial courts. Pursuant to Ark. Code Ann. § 16-10-102, under the Supreme Court's supervision, the AOC conducts the nonjudicial business of the courts. This includes collecting and analyzing case data from each trial court. In some counties, the court clerk reports this information. In those counties, where the trial judge employs a trial court assistant, who uses the Case Management System provided by the AOC, the case data is normally provided to the AOC by the trial court assistant.

Administrative Order No. 8 requires the reporting of data to the AOC on a weekly basis. This data is now collected through cover sheets that are required in all cases in circuit courts. Counties that report electronically should not send copies of the paper forms unless the AOC has specifically requested that they do so.

Appeals from District Court: Written Notice Required Before Trial

Arkansas Code Annotated § 16-17-801 requires that before a hearing or trial can be held regarding an appeal to circuit court from district court, the court clerk or trial court assistant must send 10 days' written notice to the parties, defendant, or to the attorneys of record.

Court Interpreter Services for the Hearing or Visually Impaired

The Administrative Office of the Courts furnishes a certified court interpreter for parties, witnesses, or jurors, who are hearing impaired. Services are also provided for visually-impaired jurors. Ark. Code Ann. § 16-31-108. Although attorneys and/or court clerks may request assistance directly from the Administrative Office of the Courts, if the court is advised of a need for an interpreter, the trial court assistant should immediately contact the Administrative Office of the Courts.

Court Interpreter Services–Foreign Language

The Administrative Office of the Courts' Foreign Language Interpreting Program (FLIP) is charged with the certification process for all language interpreters in the courts of Arkansas. Arkansas law requires all interpreters in any court proceeding to be certified or have undergone language testing, courtroom protocol training, and be approved by FLIP. Ark. Code Ann.§ 16-10-127.

Courts should not use an interpreter in the courtroom unless the interpreter's name appears on the current Registry of Foreign Language Interpreters. A copy of the Registry of Foreign Language Interpreters, is available on the Arkansas Supreme Court's website or by contacting the

Administrative Office of the Courts. The Registry has two sections: (1) the certified interpreters, who have met all the criteria required by law, and who may interpret in any type of case, and (2) the conditionally approved candidates for certification, who are working toward their certification. The candidates are typically assigned to interpret in misdemeanor cases. However, if a candidate possesses advanced skills, he or she may be approved by FLIP for interpretation in other cases.

Requesting a Sign Language or Foreign Language Interpreter

One of FLIP's functions is to coordinate the court and the interpreter by matching the type of case with the skill and qualifications of each interpreter. Ark. Code Ann. § 16-10-102. Once the trial court assistant is notified that a non-English speaking or hearing-impaired defendant, witness, or victim will be appearing in any proceeding, a foreign language or sign language interpreter should be requested.

The request for interpreters can be made on-line at: **http://ssl.interpreterlink.net/Courts_Arkansas/intranet.cfm** *See* Appendix. Upon request, FLIP will assign each trial court assistant his or her unique pass code. The on-line requests are constantly monitored by FLIP and the interpreters. Once the assignment has been accepted by the interpreter, the name of the interpreter appears in the proper box on the form. The trial court assistant can review his or her request on-line at any time to verify information, make changes to the request, look at the name of the interpreter assigned, or cancel the request.

If the trial court assistant does not have access to the internet or is unable to request an interpreter on-line, he or she may use the Fax Form Request. *See* Appendix. The form should be filled out and faxed to the Administrative Office of the Courts at the number indicated on the form. FLIP will make the arrangements for the interpreter services. Once the interpreter has been assigned, FLIP will fax the form to the court with the name of the interpreter. The faxed form serves as both a confirmation and a reminder to the court that an interpreter has been requested. If any changes in the court setting occurs, FLIP should be notified immediately.

All interpreters will have a Reimbursement Form for the judge to sign. The interpreter will mail this form to the FLIP office for payment. *See* Appendix.

If an interpreter demonstrates unprofessional or unethical behavior such as: arriving late, failing to show-up for a court assignment, being disrespectful to any court personnel, or not adhering to Administrative Order No. 11, it should be reported to the FLIP Program Director.

Request for Assignment of a Special Judge

Arkansas Supreme Court Administrative Order No. 16 sets out procedures for the assignment of special judges under three circumstances: (1) when all judges in a circuit are disqualified from a case (and "recuse") pursuant to the Arkansas Code of Judicial Conduct; (2) when a judge is temporarily unable to serve (e.g., illness, surgery, emergency, etc.); or (3) when the Chief Justice of the Supreme Court determines that some other need for assignment exists.

Disqualification is the most common reason for assignments. If all circuit judges in a district recuse in a matter, or if the only judge in a one-judge district recuses, a judge can request in a letter to the Chief Justice that another circuit judge from outside the district or a retired judge be assigned to the case. The letter requesting an assignment must state that all judges in the district have disqualified, and should include the following information: the style of the case; the type of case involved; the facts or law in dispute; whether a temporary hearing is scheduled or is necessary; and the estimated time to hear the matter. The letter should also give the names of the attorneys or whether the parties are pro se.

The second category of assignment is when a judge is absent because of temporary inability to serve. In this situation, another sitting circuit judge from outside the district or a retired judge may be assigned for the necessary period of time. A letter requesting assignment of a special judge in this situation should include the dates a special judge is needed and what kinds of matters are scheduled for those dates, such as, civil, criminal, domestic relations, probate, or juvenile.

The third category of assignment–when the Chief Justice determines that some other need exists–covers special situations. For example, if a circuit has a serious backlog of cases and needs help, the Chief Justice can assign a circuit judge from another district or a retired judge to go in for a day or a period of time to help relieve overcrowded dockets. Such situations require the advance approval of the Chief Justice. Judges in a district should agree to request such an assignment, and the Administrative Judge should write the letter of request.

To expedite requests for assigned judges, letters should be addressed to the attention of Donna L. Gay at the AOC. *See* Appendix for a sample letter.

Once the Chief Justice has made an assignment, a copy of the Order will be mailed to the requesting judge and to the court clerk to be filed in the case file. Unless a different arrangement has been made with the court clerk, the requesting judge's trial court assistant should notify the attorneys or pro se litigants of the assignment so that the litigation can proceed in a timely fashion. To the extent possible, a recusing judge's staff should accommodate an assigned judge regarding facilities and staff, when necessary, to carry out the assignment.

Service as a Substitute Court Reporter

A trial court assistant, who is also a certified court reporter, and who acts temporarily as a substitute for the official court reporter, "shall be entitled to reimbursement for actual expenses incurred for meals, lodging, and transportation costs when attending court away from his or her official station . . . [.]" Ark. Code Ann. § 16-13-509. No additional salary will be paid.

Substitute Trial Court Assistant

Pursuant to Ark. Code Ann. § 16-10-801 *et seq.*, the judge may employ a substitute trial court assistant, and that person will be paid from a separate state appropriation solely for that purpose.

Each judge is granted a maximum of 80 days each fiscal year (July 1 through June 30) for the use of this fund unless the judge, by written request, obtains an order signed by the Chief Justice of the Supreme Court of Arkansas to employ a substitute trial court assistant for additional days at state expense. Ark. Code Ann. § 16-10-804. In lieu of this procedure, the judge can ask the county(ies) within his or her judicial circuit to pay all or part of the expense. Ark. Code Ann. § 16-10-805.

The substitute trial court assistant is paid at the rate of $125 per day. Ark. Code Ann. § 16-10-803. The official trial court assistant continues to receive his or her salary during this time if his or her accumulated annual and sick leave has not been exhausted. The judge must inform the Auditor of State that he or she is employing temporary help. Ark. Code Ann. § 16-10-802.

Extensions for payment beyond the 80 day limit should only be sought when absolutely necessary. This fund is not intended to supplement a trial court assistant's annual leave or sick leave. If the trial court assistant exceeds the number of accumulated days of leave, he or she should be placed on leave without pay.

AOC Revised: 10/07

OFFICIAL COURT REPORTER PROVISIONS

Practice

Because official court reporters are state employees, their salaries, transcript fees, and leave provisions are set by statutes enacted by the legislature. While a few other statutes relate to the duties of the official court reporter, pursuant to Ark. Code Ann. § 16-13-503, the practice of court reporting is primarily the responsibility of the Supreme Court, who is in part assisted by the Board of Certified Court Reporter Examiners, which administers the certification and discipline of court reporters, and advises the Supreme Court on other matters. The official website of the Board of Certified Court Reporter Examiners has specific rules and regulations relating to the practice of official court reporting. *See* Appendix.

Payment for Transcripts

Pursuant to Ark. Code Ann. § 16-13-506, the rate of compensation for preparation of a transcript is $4.10 per page for the original and two copies and $.50 per page for each additional copy. Photocopied evidence is compensated at the rate of $1.50 per page for the original and two copies and $.50 per page for each additional copy. Payment is made by the party(s) ordering the transcript, and the reporter can require payment of up to 50% of the estimated cost of the transcript before beginning preparation. Ark. Code Ann. § 16-13-510.

Rule 2 of the Arkansas Rules of Appellate Procedure - Criminal, states that the notice of appeal must contain a certificate stating that a transcript has been ordered, and, except for good cause stating the reasons for the inability to do so, the financial arrangements have been made with the court reporter pursuant to Ark. Code Ann. § 16-13-510. In the alternative, the notice shall include a petition to proceed as a pauper. A copy of the notice of appeal must be mailed to the court reporter.

Rule 3(e) of the Arkansas Rules of Appellate Procedure - Civil, states that the notice of appeal must contain a statement that the appellant has ordered the transcript, or specific portions, and has made the necessary financial arrangements required by the court reporter pursuant to Ark. Code Ann. § 16-13-510.

If the judge finds that the party ordering the transcript is indigent, the court reporter is paid by the Auditor of State after the trial judge certifies entitlement to payment. However, the court reporter is only compensated for the original and two copies. Ark. Code Ann. § 16-13-506(b) (1) (B).

Questions regarding transcript preparation should be addressed to the Clerk of the Supreme Court. *See* Appendix.

Substitute Court Reporters

Pursuant to Ark. Code Ann. § 16-13-509, the judge may employ a substitute certified court

reporter, and that person will be paid from a separate state appropriation solely for that purpose. Each judge is granted a maximum of 20 days each fiscal year (July 1 through June 30) for the use of this fund unless the judge, by written request, obtains an Order signed by the Chief Justice of the Supreme Court of Arkansas to employ a substitute reporter for additional days at state expense. Extensions for payment beyond the 20 day limit should only be sought when absolutely necessary. In lieu of this procedure, the judge can ask the county(ies) within his or her judicial circuit to pay all or part of the expense.

The substitute court reporter is paid at the daily rate of $175. The official court reporter continues to receive his or her salary during the time that a substitute is employed, provided that the official court reporter has a balance of accumulated annual or sick leave. The substitute court reporter fund is not intended to supplement a court reporter's annual and sick leave. If the court reporter exceeds the number of accumulated days of leave, he or she should be placed on leave without pay.

The 20 days per year allotted to each judge for employing a substitute court reporter should not be confused with the official court reporter's accumulated sick and annual leave, which is accrued and available for use as set forth in the section of this publication entitled "Leave Provisions." The 20 days are allotted to the judge, and not the official court reporter.

Expenses

Pursuant to Ark. Code Ann. § 16-13-505, official court reporters are entitled to reimbursement for actual expenses incurred for meals, lodging, and transportation while performing official duties away from the reporter's "official station." Overnight travel is not a prerequisite for reimbursement of a court reporter's expenses. *See* Op. Att'y Gen. # 95-276. The court reporter must submit expense claims on a monthly basis to the Auditor of State on forms prescribed for that purpose, and those claimed expenses must be certified by the circuit judge for whom the court reporter works.

According to Department of Finance and Administration State Travel Regulations, the travel administrator (employing judge) determines the employee's official station. Official station for the official court reporter is the courthouse/county where the court reporter maintains his or her primary office or another location designated by the employing judge. This means that if the reporter lives in a town other than the town where the official station is located, the reporter cannot claim mileage for commuting to and from the reporter's residence. Further, the reporter cannot claim reimbursement for meals or lodging in the town of the reporter's official station.

When an official court reporter must drive the reporter's personal vehicle to another courthouse within the reporter's judicial circuit or to a courthouse outside the reporter's judicial circuit because the judge is assigned a case outside his or her judicial circuit, mileage driven is figured to and from the official court reporter's official station or from the reporter's residence, whichever distance is shorter. Whichever location is chosen, mileage is reimbursed according to the

most direct route by a major highway. If the official court reporter must attend court at more than one location, mileage should be claimed to and from the courthouse located the farthest from the official station or residence.

Vicinity mileage is not a reimbursable expense to an official court reporter unless the reporter must travel back and forth between two courthouses other than the official station while on duty. Vicinity miles must be listed separately from "To and From" mileage on the reporting form.

The court reporter is not required to submit receipts for meals to the Auditor. However, the court reporter must submit receipts for hotel bills, parking receipts, and other incidentals with his or her expense claim. Expenses for entertainment, i.e. in-room movies, flowers, valet service, laundry, alcoholic beverages, cleaning, printing items, etc. are not reimbursable.

Overtime Parking

Pursuant to Ark. Code Ann. § 16-10-131, official court reporters and judges are exempt from fines or other penalties incurred as a result of overtime parking while on duty, i.e. parked at or near the courthouse where they are performing their official duties.

Compliance with Fair Labor Standards Act (FLSA)

Pursuant to Supreme Court Administrative Order No. 9, to ensure statewide compliance with the Fair Labor Standards Act of 1938 (FLSA), each official court reporter shall complete all sections of the Compensatory Time Record for Arkansas Official Court Reporters Form, sign the time record to certify that it correctly reports all hours worked in excess of the 40 hour work week that are not excluded by 29 U.S.C. §207 (o), and monthly submit the record to his or her appointing judge for approval. *See* Appendix.

The appointing judge shall approve and sign each monthly record certifying that, to the best of his or her knowledge, the time record reflects a true and accurate record of compensatory time earned for all hours worked in excess of the 40 hour work week, as defined by the FLSA. The appointing judge shall grant the court reporter compensatory time at the rate of one and one-half times the number of hours worked in excess of the 40 hour work week pursuant to this policy.

For the purpose of determining the 40 hour FLSA work week, the established work week shall begin on Saturday at 12:01 a.m. and continue through Friday at 12:00 midnight. Any time excluded by 29 U.S.C, §207 (o) and any time taken off for holidays, compensatory time leave, sick leave, annual leave or any other purpose during the week shall not be counted in determining whether the employee has worked 40 hours.

The appointing judge shall be responsible for maintaining the approved time record and shall forward copies of the previous three months records within the first fifteen days of every calendar quarter (i.e., January 15, April 15, July 15 and October 15) to the Administrative Office of the Courts

("AOC"). The time records shall be retained by the AOC for three years or until completion of an audit by the State Auditor's Office of the AOC, whichever is longer.

Court reporters shall be permitted to use accrued compensatory time as soon as possible when the court is not in session and without unduly disrupting the operations of the court. The appointing judge shall approve use of compensatory time. Compensatory time may be used in lieu of sick leave or annual leave.

Under no circumstances shall the outstanding balance of compensatory time exceed 90 hours. The appointing judges are responsible for ensuring that court reporters do not exceed this maximum balance of compensatory time.

Accrued compensatory time should be used prior to the employee's termination of employment. If accrued compensatory time is not used prior to the employee's termination of employment, the appointing judge shall hold the official court reporter position vacant for a period equivalent to the period for which accrued compensatory time is paid. The payment for compensatory time shall be at the ending rate of pay for the employee.

The compensatory time records for official reporters is not intended for use by substitute court reporters. Substitute court reporters shall be governed by the provisions of Ark. Code Ann. § 16-13-509 as described in this manual.

The failure of court reporters to comply with the requirements of this Order shall constitute grounds for discipline under the provisions of Section 19 (c) of the Regulations of the Board of Certified Court Reporter Examiners and Section 7 of the Rule Providing for Certification of Court Reporters.

The failure of appointing judges to comply with the requirements of this Order shall constitute grounds for discipline under the provisions of Canon 3 (c) of the Arkansas Code of Judicial Conduct.

APPENDIX

Helpful Addresses and Phone Numbers

Administrative Office of the Courts (AOC)
625 Marshall Street, Justice Building
Little Rock, AR 72201-1020
(501) 682-9400; 1-800-950-8221; FAX (501) 682-9410
website: www.courts.state.ar.us

Arkansas Insurance Department, Public Employee Claims Division
1200 West Third Street, Suite 201
Little Rock, AR 72201-1904
(501) 371-2700; 1-866-278-8066; fax (501) 371-2733
website: www.insurance.arkansas.gov

Arkansas Legislative Council
Personnel/Pay Plan Subcommittee
Joint Budget Committee
State Capitol, Room 058
501 Woodlane
Little Rock, AR 72201
(501) 682-1937; fax (501) 682-1936; ATTN: Andrew Bass
website: www.arkleg.state.ar.us

Arkansas Public Employees Retirement System
124 West Capitol Avenue, Suite 400
Little Rock, AR 72201-3704
(501) 682-7800; 1-800-682-7377; fax (501) 682-7840
website: www.apers.org

Arkansas State Employees Association
P. O. Box 1588
Little Rock, AR 72203
(501) 378-0187; fax (501) 378-0113
website: www.aseaar.org

Employee Benefits Division
P. O. Box 15610
Little Rock, AR 72231
(501) 682-1479; 1-877-815-1017; fax(501) 682-1168
website: www.arbenefits.org

Auditor of State
230 State Capitol
Little Rock, AR 72201-1096
(501) 682-6000; fax (501) 682-6005; ATTN: Pat Stuart
website: www.arkansas.gov/auditor

Board of Certified Court Reporter Examiners
Office of the Clerk of the Supreme Court
625 Marshall Street, Justice Building
Little Rock, AR 72201-1020
(501) 682-6850; fax (501) 682-6877; ATTN: Renee Herndon
website: www.arcrb.com

Clerk of the Supreme Court of Arkansas
625 Marshall Street, Justice Building
Little Rock, AR 72201-1020
(501) 682-6849; fax (501) 682-6877
website: www.courts.state.ar.us

Arkansas Secretary of State
State Capitol, Room 256
Little Rock, AR 72201-1094
(501) 682-1010; fax (501) 682-3510
website: www.sos.arkansas.gov

AOC Revised: 10/07

COMPENSATORY TIME RECORD
FOR ARKANSAS OFFICIAL COURT REPORTERS

Name of Reporter	Judicial District
Appointing Judge	Pay Period/Month

COMPENSATORY TIME			
Prior Month Balance	Earned	Used	Current Month Balance

FAIR LABOR STANDARDS ACT (FLSA)

Court reporters earn compensatory time at the rate of one and one-half the number of FLSA hours worked in excess of 40 hours per work week. Holidays and other time off are not counted in the 40 hour FLSA work week.

Hours worked for FLSA purposes are those in which the court reporter performs official work for the court or hours in which the judge requires the court reporter's attendance. Any hours worked in transcript preparation not required by the judge or not performed during hours the court reporter's attendance is required are not considered FLSA hours and should not be counted as hours worked for FLSA purposes.

To ensure compliance with the FLSA, complete this record. The record must be signed by the court reporter and the appointing judge. It is required that these records be maintained by the appointing judge and forwarded quarterly to the Administrative Office of the Courts.

Certification

I certify that the reported information is correct:

Employee Signature _____ Date _____

Approved:

Appointing Judge Signature _____ Date _____

SAMPLE LETTER OF DISQUALIFICATION

Judge's Letterhead

January 4, 2007

Donna L. Gay
Administrative Office of the Courts
Justice Building
625 Marshall Street
Little Rock, Arkansas 72201

Re: *John Doe, et al. v. Allied Widget Company*
Washington County Circuit Court, No. CIV 2007-05-II

Dear Donna:

This letter is to request that the Chief Justice assign a special judge to hear the above-styled products liability case in which the plaintiffs allege that defendant's widget burst into flames, destroyed their home and its contents, and injured family members. Plaintiffs seek compensatory and punitive damages of five million dollars, and request a jury trial. Plaintiff's attorney is Mary Smith, from Fayetteville, and defendant's attorneys are James Brown from Fayetteville and Mark Davis from Fort Smith. I estimate the trial will take one week.

[I am authorized to state that every judge in this circuit is disqualified.] or [I am the only judge in this judicial circuit.]

Thank you.

Sincerely,

Circuit Judge

INSTRUCTIONS FOR ENTERING REQUESTS FOR AN INTERPRETER

****SIGN LANGUAGE requests must be faxed. Communication Plus is not online.****

Choose a language from the PULL DOWN MENU at the top right hand corner.

Click on the 'New Order' box.

APPOINTMENT DATE: Enter Appt. Date using one of the following formats (040907, 01092007. 01/09/07, or 04/09/2007).

APPOINTMENT TIME: Enter Appt. Time using one of the following formats (0900am, 0900AM, 0900- [minus=AM] or 0530pm, 0530PM, 0530+ [plus=PM] Military Time not allowed).

ESTIMATED TIME: Enter estimated length of assignment.

SERVICE NAME: Enter name of Defendant, witnesses, victims or people needing interpreter. Please do not enter the court in this box.

SERVICE PHONE: **PLEASE LEAVE THIS BOX EMPTY.**

REQUESTED BY: Enter contact name for the court (Trial Court Assistant, Court Clerk, etc.).

PHONE: Enter contact phone number for the court.

EMAIL: Enter email address for contact person for the court.

BILL CODE: Enter Case Number in this box.

APPOINTMENT ADDRESS: This should automatically be entered. However, please check to make sure this is the court address where the assignment will take place.

LOCATION INFO: If there is additional information that needs to be given to the interpreter regarding the location of the assignment please enter it in this box.

JOB TYPE: Choose option that best matches the case type in the pull down menu. (Phone is at the bottom of the list. We are not familiar with many of the abbreviations so if you choose an abbreviated case type, please enter it in the comments box as well.

GENDER: **PLEASE DO NOT SELECT A GENDER.** This is for the gender of the interpreter.

REQUESTED INTERPETER: **PLEASE LEAVE THIS BOX EMPTY.**

COMMENTS: Enter the charges involved in the case. It is important that we know what the charges are involved in the case.

BLOCK APPOINTMENT: Change this only if case specifically requires a Certified Interpreter.

ADMINISTRATIVE OFFICE OF THE COURTS
FOREIGN LANGUAGE INTERPRETER
FAX REQUEST FORM
FAX 501/682-7495

(NO COVER SHEET NECESSARY WHEN USING THIS FORM)

ALL FAXED REQUESTS MUST MEET A 72 HR. MINIMUM PRIOR TO DATE INTERPRETER IS REQUIRED - IF LESS THAN 72 HRS. PLEASE CALL 501/682-9400 OR 800/950-8221

COUNTY _____ CITY _____

CIRCUIT COURT ☐ DISTRICT COURT ☐ NAME OF JUDGE _____

TELEPHONE NUMBER ____/_____ FAX NUMBER ____/_____

NAME OF PERSON REQUESTING INTERPRETER _____

DATE INTERPRETER NEEDED _____

TIME INTERPRETER NEEDED _____
(One Form For Each Date Needed)

TELEPHONE INTERPRETING ☐
(Please check box if requesting remote interpreting)

NAME OF DEFENDANT (S)

_____
_____
_____

CASE NUMBER (S)

_____
_____
_____

CHARGE (S)

_____
_____
_____

TYPE OF CASE (example: Jury Trial, Hearing, etc.)

_____

LANGUAGE REQUESTED

_____

OTHER INFORMATION

_____
_____

REMINDER:
CALL OR FAX-IN ANY CHANGES OR CANCELLATIONS AS SOON AS YOU ARE AWARE OF THEM.

FOR AOC USE ONLY

Date entered into computer _____

Date Interpreter assigned _____

Interpreter's name assigned to case

_____

Confirmed by _____

Cancellation received _____

Change of date received _____

Time change received _____

CHANGES TO REQUESTS

CANCEL REQUEST _____

CHANGE DATE TO _____

CHANGE TIME TO _____

REQUEST FOR REIMBURSEMENT FOR FOREIGN LANGUAGE INTERPRETER SERVICES

To Be Completed By Interpreter

Interpreter Name and Address

☐ Certified Interpreter ☐ Candidate for Certification

LANGUAGE: _____

INVOICE # _____

_____

_____

Services Provided to Court:

_____

City _____

Telephone _____

Judge _____

☐ Circuit ☐ District

TOTAL NUMBER OF PEOPLE WHO RECEIVED INTERPRETING SERVICE(S) _____

Date Services Provided

_____ day of _____, _____

Arrival Time _____ Departure Time _____ Total Time in Court _____

Total Court Fee $ _____

**Travel Time _____ @ $20.00 an hour (CERTIFIED ONLY) Total Travel Fee $ _____

From _____ to _____

Total Miles _____ (Round Trip) Total Mileage Fee (@ .43/mile) $ _____

TOTAL FEE REQUESTED FOR SERVICES $ _____

I hereby certify that I am eligible for payment for my services as indicated above and that the information provided is correct to the best of my knowledge.

Submitted this _____ day of _____, _____

SSN _____ Signature of Interpreter _____

To Be Completed By Judge

I hereby certify that interpreter services were provided to my court as indicated above and that the interpreter is eligible for reimbursement from the Administrative Office of the Courts.

Signature of Judge _____

AOC USE ONLY

Approved By: _____

(See Coversheet for Approved Fee Breakdown)