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SECTION I

1. SCOPE OF INTERNAL RULES

Pursuant to its inherent powers and the provisions of RCW 2.04.180, the Supreme Court may, from time to time, adopt rules to govern the internal workings of the Supreme Court. These rules are meant to be consistent with and supplementary to the Supreme Court Administrative Rules (SAR) and are to be liberally construed by the court to promote the efficient and harmonious operation of the court and the administration of justice.

Adopted: 3/5/98

2. ADOPTION AND AMENDMENT OF RULES

An internal rule may be adopted, amended, or rescinded at any regular or special business meeting of the entire court. Any Justice proposing the adoption of a new internal rule, or the amendment or rescission of an existing internal rule, should distribute a draft of the proposed rule or rule change to the court at least five days prior to the meeting of the court at which the approval of the proposal is sought. The proposal should cite to any Supreme Court Administrative Rule (SAR) which might be affected by the proposal. In the event the requisite notice is not given, the proposal shall be taken up at the next regular or special business meeting of the court, unless a majority of the court approves waiver of the notice requirement.

Adopted: 3/5/98

3. CLERK OF THE SUPREME COURT AS REPOSITORY OF INTERNAL RULES

The Clerk of the Supreme Court shall be responsible for maintaining the court's internal rules in an internal procedures manual. It will be the Clerk's responsibility to provide the Chief Justice and each Justice of the court with one set of the manual, and to provide the members of the court with copies of additional or amended rules, as they are adopted, for insertion in the manual.

Adopted: 3/5/98

4. SELECTION OF CHIEF JUSTICE AND ASSOCIATE CHIEF JUSTICE

A. Quadrennial Nomination and Election of Chief Justice

Commencing in November 1996 and continuing every four years thereafter, the Supreme Court shall select from among its membership a Chief Justice who will serve a four-year term. The term of the person so elected shall commence on the second Monday in January next succeeding the election. All members of the court at the time of the election, except those Justices who it is known will not be members of the court on the second Monday in January next, shall be eligible for election to the position, including the incumbent Chief Justice and Justices who have less than four years to serve on their current term of office.

Nominations for the position of Chief Justice shall be made orally at the meeting of the court at which the election is conducted. All Justices on the court at the time the election is held are eligible to vote. The vote shall be by secret ballot and the Justice receiving a majority of the votes of the full court shall be deemed elected to the position.

B. Resignation of a Chief Justice and Election of a Successor

The Chief Justice may resign at any time from that position without resigning from the court. In that event or in the event of the death, resignation, or removal of the Chief Justice, the remaining Justices of the court shall elect a successor to the position of Chief Justice in the same manner as the quadrennial election of a Chief Justice. The

Justice so elected shall serve the remainder of the term of the Chief Justice that Justice replaces.

C. Associate Chief Justice

The position of Associate Chief Justice shall be held by the senior Justice of the court, other than the Chief Justice. In the event the senior Justice declines to serve in that position, the next most senior Justice shall be designated as Associate Chief Justice.

Adopted: 3/5/98

5. DUTIES OF CHIEF JUSTICE

The Chief Justice shall be the executive officer of the court and shall preside at all sessions of the Supreme Court and shall do and perform those duties required of the Chief Justice by the constitution and laws of the state of Washington and the rules of this court.

Adopted: 5/6/99

6. DUTIES OF ASSOCIATE CHIEF JUSTICE

The Associate Chief Justice shall perform the duties and exercise the powers of the Chief Justice during the absence or inability of the Chief Justice to act. In the absence of both the Chief Justice and the Associate Chief Justice, the senior Justice present at the state capitol shall act as Chief Justice.

Adopted: 3/5/98

7. BUSINESS MEETINGS OF THE COURT SECRETARY

At the direction of the Chief Justice, regular and special meetings of the entire court will be held for the purpose of conducting the business of the court. Absent extraordinary circumstances, Justices shall personally attend all such meetings. When a Justice is unable to be present, he or she may not vote on agenda issues. A Justice may, however, participate in a meeting by telephone and render votes, provided arrangements to do so have been approved in advance by the Chief Justice. In the event the absence of a Justice or Justices shall result in the failure of the court to obtain a majority vote for or against an issue before the court, the matter shall be set over to the court's next regularly scheduled meeting.

The junior Justice in terms of service on the court shall act as secretary at all business meetings of the court and shall record in a book to be maintained by that Justice the minutes of these meetings.

Adopted: 3/5/98
Revised: 2/5/09

8. AGENDA

The Chief Justice, with the advice of the Administrative Committee, shall prepare the agenda for regular business meetings of the court and shall circulate the same to the members of the court at least five days prior to the meeting. Any Justice may, however, request that an item of business be placed on the agenda provided that the request is made more than seven days prior to the date of the meeting. The agenda of regular meetings of the court shall regularly include a report by the Justice appointed by the Chief Justice to monitor the circulation of opinions and any matters that were considered by a department of the court and failed to achieve a unanimous vote.

Adopted: 3/5/98

9. SENIORITY OF JUSTICES

Seniority among the Justices shall be established in order of the Justices' relative continuous service on the court.

Adopted: 3/5/98

10. DEPARTMENTS (RESERVED)

JUSTICE PRO TEMPORE LIST

Active	Retired
MARLIN S. APPELWICK	ANNE L. ELLINGTON
MARY KAY BECKER	J. ROBIN HUNT
THOMAS BJORGEN	MARYWAVE VAN DEREN
RONALD E. COX	
STEPHEN DWYER	
GEORGE FEARING	
JILL JOHANSON	
KEVIN KORSMO	
LINDA LAU	
ROBERT LAWRENCE-BERREY	
ROBERT LEACH	
LINDA LEE	
BRADLEY MAXA	
RICH MELNICK	
ANN SCHINDLER	
LAUREL SIDDOWAY	
MICHAEL SPEARMAN	
LISA SUTTON	
MICHAEL TRICKEY	
JAMES VERELLEN	
LISA R. WORSWICK	

Amended: 2/1/07
Amended: 5/29/08
Amended: 12/2/2010
Amended: 1/26/2015
Amended: 3/8/2016

SECTION II

1. JUSTICES PRO TEMPORE

A. Generally.

If one or more Justice recuse on a case which reduces the court to an even number, a pro tempore justice shall be appointed by the Chief Justice when available unless a majority of the court may direct otherwise. In all other cases of recusal, the Chief Justice shall notify the other Justices, in writing, of the recusal as soon as the fact of recusal becomes known to the Chief Justice, and the majority shall direct whether a pro tempore justice should be appointed when available.

B. Court of Appeals Judges.

If a pro tempore justice is to be selected, the proposed appointment shall be made by the Chief Justice, or at the Chief Justice's option by the Clerk of the Court, from a list of active and retired court of appeals judges. The list shall be approved on an annual basis by a majority of the Court.

All retired appellate judges will be included on the list, *except* those who prefer not to be on the list or who are (1) incapacitated, (2) litigants whose cases have been in this court or will likely come to this court, (3) over 75 years of age (the mandatory judicial retirement age in this state), or (4) practicing law as a sole practitioner, member of or of counsel to a law firm, or as legal counsel for any private, nonprofit, or government entity.

When a pro tempore justice is to serve in a case, the names on the pro tem list will be put on separate slips and drawn from a container by the Clerk to ensure that selection is random. A pro tempore justice so selected who agrees to serve will serve on all the cases, where a pro tempore justice is needed, on a given court day. A separate drawing will be held for each day.

C. Former Justices.

In the case of a former justice, the court shall authorize pay and all benefits compensation to such a justice in accordance with RCW 2.04.240(2) and RCW 2.04.250(b)(4).

Adopted: 5/20/98
Amended: 4/29/2010

2. RECUSAL FOLLOWING ORAL ARGUMENT

Whenever a Justice shall discover, during the course of oral argument, a reason for that Justice to recuse from further participation in the case, the Justice shall upon retiring to the court's conference room immediately notify the other Justices of that Justice's intention to recuse. From that point the recused Justice shall have no further participation in the case. In such a circumstance, the Chief Justice shall advise the Clerk of the court to notify counsel for all parties of the Justice's recusal and inform them that the recused Justice will have no further connection with the case.

Adopted: 3/5/98

3. SICKNESS OR DISABILITY OF A JUSTICE

If a Justice is unable to attend oral argument due to an illness or disability, the court may appoint a justice pro tempore in accordance with these rules and SAR 21. In the event that a long term illness or disability renders a Justice incapable of writing an opinion assigned to that Justice, the case may be reassigned by the Chief Justice to the next Justice in conference rotation whose vote corresponded to that of the ill or disabled Justice. If illness or disability prevents a Justice from acting on an opinion, the opinion may be filed without that Justice's signature provided, however, that if the vote is 4-4 as a consequence of a Justice's illness or disability, a majority of the court may decide to rehear the argument with a justice pro tempore or to publish the opinion as signed.

If a Justice dies or becomes incapacitated after having signed an opinion or after having circulated a separate opinion, his or her signature or opinion shall not be withdrawn unless a majority of the court determines the case had not been sufficiently processed or vetted at the time the Justice acted to be confident he or she would have hewn to his or her opinion or signature.

Adopted: 3/5/98
Revised: 12/11/2013

4. REPORTING AND ASSIGNMENT OF OPINIONS

When possible, cases including the same or similar issues will be designated as companion cases and will be assigned to one Justice for purposes of reporting.

If the Justice assigned to report on a case at conference garners a majority of the votes of the Justices for the position advanced by that judge, the reporting Justice shall be assigned the responsibility to write the majority opinion for the court. The first Justice speaking in opposition to the position advanced by the Justice assigned to write the majority opinion shall be assigned the responsibility to write a dissent.

Whenever a Justice receives a majority writing assignment at the initial conference and later indicates in writing that he or she does not favor the result reached by the court at the conference and, instead, favors another result, the Chief Justice will schedule the case for reconference.

4(a). SUPPLEMENTING THE RECORD OR TAKING ADDITIONAL EVIDENCE ON REVIEW AFTER A CASE IS ASSIGNED TO A JUSTICE TO REPORT

The following procedures may be used after a case is assigned to a justice to report.

Before oral argument, the Chief Justice, upon the recommendation of the assignment justice, may make the decision regarding whether or not to supplement the record, pursuant to RAP 9.10. If a party seeks reconsideration of the decision to supplement the record, the entire court will consider the issue at the same time the court considers the merits of the case.

After oral argument, a decision regarding whether or not to supplement the record, pursuant to RAP 9.10, should be made by the justices that heard oral argument.

Any decision to direct the taking of additional evidence not in the record on review, pursuant to RAP 9.11, should be made by the justices that will hear or did hear oral argument.

Adopted: 7/13/00
Amended: 10/6/10

4(b). DIRECTING OR AUTHORIZING THE FILING OF SUPPLEMENTAL BRIEFING PURSUANT TO RAP 10.1(h)

The following procedures may be used after a case is assigned to a justice to report:

Before oral argument, the assignment justice may call for supplemental briefing on an issue or issues and/or grant or deny a motion of a party pursuant to RAP 10.1(h) seeking permission to file supplemental briefing. If a party seeks reconsideration of the decision of a motion seeking permission to file supplemental briefing pursuant to RAP 10.1(h), the entire court will consider the issue.

During or after oral argument, a decision regarding whether or not to authorize or direct supplemental briefing pursuant to RAP 10.1(h), should be made by the justices that heard oral argument.

Adopted: 2/8/2012

5. CIRCULATION RULES

A. MAJORITY OPINIONS

1. General Information.

Whenever an assigned majority opinion is not placed in circulation within 75 days from the date the writing assignment is made, the Chief Justice may request a written statement from the Justice who is assigned to write the opinion as to the estimated time within which the opinion will be circulated.

Whenever an assigned majority opinion is uncirculated for 100 days or more, the Chief Justice shall place the matter on the agenda for discussion at the court's next regular administrative conference. In the event a majority of the Justices at such conference vote to reassign the opinion to another Justice, the Chief Justice shall make the reassignment accordingly.

Whenever the majority, as written, reaches a different result (reverse or affirm) than was agreed to when the majority was assigned, the author shall prepare a memo informing the court of the change and the reasons therefore. The Chief Justice will set the matter for reconferencing at the next court conference date or next scheduled En Banc Administrative Conference.

Whenever a majority opinion is reassigned, that opinion shall be placed into circulation no later than 50 days from the reassignment notification. Any opinion which remains uncirculated after 50 days shall be placed on the En Banc Administrative Conference for discussion. See paragraph B below concerning time limit for separate opinions in reassigned cases.

2. **Fast Track.**

When a case receives a unanimous vote at conference, the court may designate that particular case for circulation on a "fast track" with a circulation deadline of 50 days. If following conference in a case that was previously determined as a "fast track" case a Justice gives notice of intent to write a concurrence to the majority opinion, that Justice shall complete and place the opinion into circulation within 20 days of the majority opinion being circulated. If a Justice gives notice that he or she intends to dissent to a previously determined fast track case, the case will no longer be considered a fast track case. All other aspects of the circulation process pertain to fast track cases.

3. **Dependency and Termination Cases**

Dependency and termination cases will be expedited. The majority opinion shall be completed and placed into circulation within 50 days of oral argument. Any separate opinion will be completed and placed into circulation within 20 days of the majority being circulated. Justices will have 10 days to note dependency and termination cases.

B. SEPARATE OPINIONS

(Concurrences, Dissents, Concurrences/Dissents)

A separate opinion shall be assigned to a justice in two situations. First, following oral notice at the initial case conference by any Justice of that Justice's intention to write a separate opinion. Second, after the majority opinion or any other opinion is put in circulation and written notice of intent to write a separate opinion is given by any Justice.

Upon receipt of the original circulation of a majority opinion, any Justice who indicated his/her intent to write a separate opinion at conference shall complete and place into circulation any such separate opinion within 50 days of the majority being circulated. If post-conference, a Justice gives notice of intent to write a separate

opinion and no other separate opinions have been put into circulation, that Justice shall complete and place his/her opinion into circulation within 50 days of the majority being circulated. If, however, other separate opinions have been circulated, that justice shall complete and place his/her separate opinion into circulation within 20 days of the indicated intent to write a separate opinion. If a justice revises an opinion, both the intent to revise and the revision shall be placed into circulation no later than 20 days after the opinion to which the revisions respond was placed into circulation. With regard to a reassigned case, a Justice shall, within 20 days of the date the reassigned majority is put into circulation, write and put their separate opinion into circulation. Upon receipt of any other circulation notice requiring action, Justices shall, within 20 days, sign, await, write, or revise. If the time for writing a separate opinion has elapsed and the separate opinion has not been placed into circulation and the majority opinion has eight signatures, the majority opinion shall be filed unless a majority of the court votes to suspend this rule.

C. EXTENSIONS OF TIME

Any request for delay in circulating a separate opinion beyond the time authorized by these rules shall be addressed to the Chief Justice in writing, and shall contain an indication of the date by which the opinion will be circulated. Granting or denying additional time for completion of an opinion shall be at the discretion of the Chief Justice or the court.

D. FAILURE TO OBSERVE TIME LIMITS

If a separate opinion remains unwritten for more than the applicable period, or such greater period granted by the Chief Justice or the court, the Chief Justice shall

notify the writer of such opinion in writing that the Justice is precluded from placing any majority opinions in circulation until such time as the unwritten separate opinion is placed in circulation. This rule may be waived by the court for good cause shown.

E. REASSIGNMENT

When a circulated dissent garners the votes of a majority of the court, the Chief Justice shall reassign the majority opinion to the dissenting Justice. A majority author's intent to revise shall not preclude a reassignment of the case from occurring. Furthermore, whenever a concurrence that accords with the majority opinion on a specific holding, but for different reasons, receives the votes of a majority of the Justices sitting on the case, the Chief Justice shall reassign the responsibility for writing the majority opinion to the writer of the separate opinion, unless within two days after the separate opinion receives a majority of signatures the authors of the majority opinion and the separate opinion agree otherwise and notify the Chief Justice in writing of their agreement and the date on which revisions to the majority opinion will be completed. Absent a timely agreement, the reassignment shall be made even if the writer of the majority opinion notes an intention to revise. See paragraphs 5.A. and B. above concerning time limits for writing reassigned opinions.

F. REVISIONS TO OPINIONS IN CIRCULATION

No changes, other than editorial changes recommended by the Reporter of Decisions, may be made to an opinion that is in circulation or in any stage of headnoting, unless the author of the opinion to be revised gives written notice to all Justices.

Whenever an opinion is in circulation or in the Reporter's Office for filing, a proposed revision shall set out the text as originally circulated and the proposed revised text. The deleted language shall be set forth but stricken by lines and the new text shall be underlined. A copy shall be submitted to the judicial assistant for circulation in the Chief Justice's office.

The judicial assistant for circulation shall notify via electronic mail Justices and administrative assistants of any change in the status of signatures in a particular case.

G. MOTIONS FOR RECONSIDERATION

When a motion for reconsideration or clarification is filed in the Clerk's office, e-mail notice shall go to each Justice's chambers as well as to the judicial assistant for circulation and the Reporter of Decisions. The motion will be placed on the T drive in the "RECONSIDERATIONS" file under the specific case cause number. Any additional granted/requested pleadings, e.g., an answer, reply, brief of amicus, and/or additional authorities, will also be placed on the T drive under the specific case cause number. An e-mail will be sent to each Justice's chambers any time a new pleading is filed/accepted and placed on the T drive. Any action by a Justice, e.g., memo, vote, change order, shall be posted to the T drive. This allows each chamber to track the status of all reconsideration matters.

The author of an opinion for which reconsideration or clarification is sought shall act within 14 days after the motion is filed, and will complete an "action sheet," which will be returned to the judicial assistant for circulation. The judicial assistant for circulation will then distribute copies of the action sheet to the other Justices. Any other Justice shall make a written response on the action sheet within 7 days after receipt.

Any Justice may request an answer to the motion only after conferring with the

author of the opinion for which reconsideration or clarification is sought, if the author of that opinion has deemed an answer not necessary. If an answer is called for and received, the procedure above shall be repeated with regard to the answer.

If any Justice other than the author of the majority opinion recommends that reconsideration or clarification be granted, the motion shall be returned to the author of the opinion before it is circulated further. That Justice will have 7 days to respond.

Any motion for reconsideration of a nonmajority opinion will be treated as a motion for clarification.

If the author of any opinion proposes a change to the author's opinion, either *sua sponte* or in response to a motion for clarification, a change order shall be attached to the action sheet for circulation. An order changing a filed opinion must be approved by every Justice who has signed the opinion to be changed. If an opinion is to be changed because every Justice who signed it has approved it, but the court's decision is not unanimous, then the matter will be put on En Banc for discussion of whether any changes to other opinions are necessary.

Upon receiving a response to the action sheet from all chambers, the judicial assistant for circulation will forward all responses to the Chief Justice who will decide on the next step, which could be denial, a change order amending the opinion, or setting the matter on the En Banc Conference agenda.

H. POST-OPINION CONFERENCES

The Chief Justice, in coordination with the circulation chair, shall schedule cases for post-opinion conference on the En Banc Administrative Conference agenda. A Justice may request that any case be placed on the En Banc agenda for post-opinion conferencing provided the request is made 5 days in advance of the En Banc

Administrative Conference. Such request shall be made to the Chief Justice or circulation chair.

Adopted: 1/9/03
Amended: 2/5/04
Amended: 10/12/06 - Section II-5(A)
Amended: 3/8/07 - Section II-5(A)(2)
Amended: 7/10/08 – Section II-5(G)
Amended: 4/1/10 – Section II-5(A-1)
Amended: 9/27/11 – Section II-5(G)
Amended: 11/6/2013 – Section II-5(G)
Adopted: 4/28/2016 – Section II-5(A)(3)

6. OPINION FILING

Completed opinions are those which have signatures by all Justices who heard the case and which have been proofread by the Reporter of Decisions Office. Opinions shall be deemed complete not later than 21 days following their referral to the Reporter's Office unless a written request for an extension of time is approved by the Chief Justice. Such completed opinions shall routinely be filed by the Chief Justice at the next regular filing day after completion. No completed opinion shall be withheld from filing for more than one regular filing day after it is ready for filing, without approval of the court.

The Reporter's Office shall inform the Chief Justice and the Circulation Chair of any opinions that have been referred to the Reporter's Office for review that cite to opinions currently in circulation. The Chief Justice and the Circulation Chair shall put these opinions on the en banc agenda for discussion. Upon approval of a majority of the court, the citation to the circulating opinions shall be removed from the otherwise-completed opinion to permit filing

It shall be the responsibility of the Chief Justice to determine if there are at least five (5) unqualified signatures agreeing to at least one of the major issues determined by the case. A result only signature shall not be an unqualified signature.

An opinion lacking five (5) unqualified signatures shall be set by the Chief Justice for a post-opinion conference as soon as possible. Before the post-opinion conference, the "result-only" signer(s) shall provide the other Justices a written explanation of the reason for such signature.

It is the intent of this rule to discourage "result-only" signatures, to encourage resolution of whatever portion of the opinion necessitating such signature and to avoid, if at all possible, filing an opinion which does not bear the signatures of a majority on at least one of the major issues considered by the opinion.

If agreement cannot be reached for 5 unqualified signatures, the opinion shall be filed. *See* Art. 4, § 2.

Adopted: 3/5/98
Amended: 10/10/2012

7. ORDERS

All orders of the court may be signed by the Chief Justice for and on behalf of the court. In instances where the vote in favor of an order of the court was not unanimous, the order entered by the Chief Justice should reflect that only a majority of the court favored entry of the order. Any Justice may indicate that he or she dissents from any order of the court by so indicating on the order, and that Justice may, in addition, file a formal dissenting opinion following the filing of the order. In such event, the clerk will provide a courtesy copy of the dissent to each justice.

Unless a majority of the court determines otherwise, the full text of orders of the court and dissents thereto will not be published in the official Washington Reports or the advance sheets of such reports.

Adopted: 5/6/99

8. PER CURIAM PROCEDURES

Possible per curiam opinions from a Department will automatically be discussed by the whole court at the En Banc Conference normally scheduled two days after Department. The Clerk's Office will distribute the prehearing memorandum from the Commissioner's Office for use at En Banc. The assignment judge shall contact the Clerk's Office if additional information needs to be included with the prehearing memorandum.

If it is decided a per curiam will be written after En Banc discussion, the matter will be continued to the next month's En Banc to review a proposed per curiam opinion. The assignment judge shall either draft a proposed per curiam or request that the Commissioner's Office do so. The assignment judge shall deliver a proposed per curiam opinion to the Clerk's Office to distribute for consideration at the next month's En Banc Conference.

Upon approval of the proposed per curiam at the En Banc Conference, the Clerk's Office and the Judicial Assistant shall see that an original opinion is delivered to the Reporter's Office for the normal checking procedure and the per curiam will be filed on a normal Thursday filing day.

Per curiam opinions will be unanimous and will not include separate dissents or concurrences.

Adopted: 3/5/98

9. PROCEDURES FOR RECALL CASES

The schedule for appellate review need not comply with the accelerated schedule for recall cases set forth in RCW 29A.56.270, as that statute has been superseded by RAP 18.22. The court shall nonetheless consider, when setting a schedule, the legislature's treatment of recall cases as "urgent and deserving of accelerated procedure." *In re Recall of West*, 156 Wn.2d 244, 251 n.2 (2006).

When a recall appeal is received, the case should be docketed and assigned within two working days to the next Justice on the recall rotation assignment list maintained by the Clerk's Office. The Chief Justice will be left off the rotation.

The Clerk's Office will advise both the Chief Justice and the assignment Justice of the filing of the notice of appeal. The Clerk's Office will work with the assignment Justice to determine dates for perfecting the record and filing of briefs.

After the Appellant's opening brief is filed, the Clerk's Office will provide a copy of the brief to the assignment Justice. At that time, the Clerk's Office will work with both the assignment Justice and the Chief Justice to determine a date for consideration of the case on the Court's En Banc Conference. Counsel for the parties will then be advised by letter of the date of the En Banc Conference when the case will be considered by the Court. The court shall consider recall election cases an emergency matter of public concern to be heard and determined within 30 days of the filing of the assignment or as soon as practicable.

Per curiam opinions on recall petitions will be handled as set forth in II-8 herein.

Adopted: 3/5/98
Amended: 6/8/2011
Amended: 6/5/2013

10. SAVED FOR FUTURE USE

11. SPECIAL PROCEDURES PRIOR TO A SCHEDULED EXECUTION

In order to rapidly respond to any "last minute" request for a stay of a scheduled execution, the court will employ special procedures prior to the date of the scheduled execution. Because executions at the state penitentiary in Walla Walla are currently scheduled to take place one minute after midnight on the date of execution, the following personnel will remain at the Temple of Justice on the evening prior to such scheduled execution and be prepared to expeditiously consider any last minute request for a stay:

- ASSIGNMENT JUSTICE
- NECESSARY CLERK'S STAFF
- NECESSARY COMMISSIONER'S STAFF
- BAILIFF-SECURITY OFFICER

The clerk will be prepared to communicate by phone, fax or email with all the justices and all affected courts and parties. If a request for stay is received, the clerk will immediately provide the assignment justice and the commissioner with copies of the request. The clerk will also provide copies to any justices who are present at the Temple of Justice and will fax copies to any justices who have fax capabilities. When the assignment justice is ready to report to the court, the clerk will initiate a prearranged telephone conference between the justices present at the Temple of Justice and all justices who can be reached by telephone. The court's decision will be reduced to an order, which will be signed by the assignment justice on behalf of the court. The signed order will be immediately transmitted by the clerk to the appropriate parties and agencies.

Adopted: 1/7/99

12. NOTICES IN OFFICIAL REPORTS OF ORDERS, PROPOSED COURT RULES, AND OTHER MATTERS

Notices of dispositions of petitions for review and court rules will be published in the official advance sheets and official Washington Reports. Proposed court rules, notices of orders relating to attorney discipline and disability as well as orders granting reconsideration or rehearing shall be published in the official advance sheets only.

Adopted: 3/5/98

13. PROCEDURE FOR DEALING WITH REQUESTS TO REVIEW WSBA DISMISSALS OF GRIEVANCES AGAINST LAWYERS

The following procedure will be used when the Supreme Court receives a request for further review from a person whose grievance against a lawyer has been dismissed by the Washington State Bar Association (WSBA).

This court's Enforcement of Lawyer Conduct Rules (ELC) grant authority to Disciplinary Counsel to dismiss grievances against lawyers if due investigation and consideration disclose that the grievance is groundless or unprovable. Disciplinary Counsel's decision to dismiss is subject to review within the WSBA.[1] There is no provision in the ELC rules for further review by this Court.

Even though the Supreme Court has exclusive responsibility for the administration of the lawyer discipline system and has inherent power to dispose of individual cases of lawyer discipline, due deference is given to a decision to dismiss by the WSBA, if this court's rules have been followed. The Supreme Court will not, therefore, substitute its judgment for that of the WSBA, unless there are extraordinary circumstances, clear error, or substantial injustice.[2]

Any request for review by this court of a grievance dismissal by the WSBA will be referred to the Chief Justice to determine if it should be denied or if it should be referred to the entire court. If the Chief Justice's review discloses that the ELC's have <u>not</u> been followed, or that there are extraordinary circumstances, clear error, or substantial

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[1] Disciplinary counsel has authority, pursuant to ELC 5.6(a) to dismiss allegations of misconduct and does dismiss hundreds of complaints annually. A grievant may dispute such dismissal, in which case disciplinary counsel may either reopen the matter for investigation, or may refer the case to a review committee for reconsideration of the dismissal. The review committee will reconsider the dismissal by disciplinary counsel ("reconsideration" as used in the rule means de novo review) ELC 5.6(d) & (b). The rules make no provision for further review.

2 See In re Discipline of Felice, 112 Wn. 2d 520 (1989); Discipline of Curran, 115 Wn. 2d 747 (1990) and In re Stroh, 97 Wn. 2d 289 (1982).

injustice, the matter may be referred to the entire court. On the other hand, if the WSBA's actions were conducted according to this court's rules, and there is no indication of extraordinary circumstances, clear error or substantial injustice, the request will be denied. In such case, the Chief Justice will notify the grievant by letter that there is no basis for further review.

The Chief Justice may direct the Clerk to obtain the WSBA's file if it is deemed necessary to consider the request. If directed by the Chief Justice, the Clerk will review the request and provide a memorandum summarizing the request and any information provided by the WSBA.

II-I3 (continued)

Adopted: 6/3/99 – updated to reflect ELC's on 2/24/05

14. Procedure for Federal Certified Questions

The following procedure will be used when the Clerk receives an order from a Federal court certifying a matter for consideration by the Supreme Court.

Upon receipt of a Federal court order certifying a matter, the Clerk will set a briefing schedule pursuant to RAP 16.16(e)(1) and notify the parties of the same. The Clerk will forward a copy of the order to the Commissioner for review. The Commissioner will evaluate the certified question(s) to determine whether there is existing useful authority and whether there is a case pending that would answer the question(s). If the Commissioner believes the court should decline to consider the question(s) the Commissioner will refer the matter to the Chief Justice. If the Chief Justice agrees that the court should decline to review, the Chief will refer the matter to the Commissioner to prepare a memorandum with a recommendation for consideration by the court en banc.

Adopted: 6/8/2011

SECTION III

1. COMMITTEES

Standing Committees shall be (1) the Administrative Committee, (2) the Rules Committee, (3) the Budget Committee, and (4) the Personnel Committee. The chairs of these committees will be appointed by the Chief Justice. Members of those committees shall also be appointed by the Chief Justice, in such number as the Chief Justice determines. In addition, the Chief Justice shall appoint the chair of the Judicial Information System (JIS) Committee formed pursuant to RCW 2.68.

Upon approval by the court, the Chief Justice may create such other standing or special committees or task forces for purposes approved by the court, and shall appoint the chairs of those committees and all committee members.

The Chief Justice shall appoint one Justice who shall be responsible for monitoring circulation of opinions and rendering reports, at least monthly to the entire court.

The Administrative Committee is expected to meet at least monthly and the Rules Committee shall meet at the call of the chairperson.

Unless specifically authorized by the court, committees, regular or special, shall not undertake action on behalf of the court.

Adopted: 3/5/98

2. BOARD FOR JUDICIAL ADMINISTRATION

The Board for Judicial Administration (BJA) is created to provide effective leadership to the state courts and to develop policy to enhance the administration of this state's courts. The purpose of the BJA, its composition and manner of operation are set forth in Board for Judicial Administration Rules (BJAR). The BJA is established to adopt policies and provide strategic leadership for the courts at large, enabling the judiciary to speak with one voice.

Consistent with that purpose, the Chief Justice and a Justice selected by the Chief Justice shall be the Supreme Court's representatives on the BJA.

The Chief Justice shall regularly and timely report to the entire Supreme Court about matters that have come before the BJA or which are proposed by the Supreme Court representatives to be presented to the BJA.

Adopted: 3/5/98
Amended: 3/4/04

3. PERSONNEL

Initial responsibility for personnel matters other than those relating to Administrative Assistants and Law Clerks, rests with the Personnel Committee and the Chief Justice. The committee is encouraged to keep an active liaison with department heads concerning personnel matters and to advise the court regularly of personnel policies and problems which require a policy decision by the court.

Questions regarding salary levels of any employee of the court and requests by a department head or a group of employees for salary increases shall be referred to the Personnel Committee for study and a recommendation to the court.

Department heads who wish to reclassify a position or to request a general increase in salary levels shall present the request to the Personnel Committee. Generally such requests shall be done at such time as will coordinate with preparation of the budget.

Any action taken by the Personnel Committee is subject to approval by the full court.

Adopted: 3/5/98
Amended: 12/1/2010

4. LAW CLERKS

Each Justice is authorized to employ two (2) law clerks on an annual basis at salaries that are within the salary range for law clerks approved by the court

The hiring and supervision of law clerks is completely the prerogative of the individual Justice, as is the decision whether to hire the same clerk for more than one year. If a clerk is retained beyond one year or more, the supervising Justice shall notify the budget chairperson when that decision is made. During a law clerk's tenure at the court, his or her salary will not be elevated above the level specified in the court's Law Clerk Salary Schedule.

Justices may authorize the payment of CLE tuition for a law clerk but only for subjects which are of particular relevance to the work of the court.

Adopted: 9/30/99
Amended: 9/6/07
Corrected on 8/9/2012 to show the correct name of the salary schedule*

5. BUDGET

The "budget" refers to the combined budgets of the Supreme Court, the Law Library, and the Office of the Administrator for the Courts (OAC).

There are four stages involving the budget: (1) Preparation for submission to the Office of Financial Management (OFM) and then the Legislature; (2) Presentation to the Legislature and its staff; (3) Allotment of appropriated funds to the various categories of expenditure for each department budget, and (4) Monitoring expenditures and requests for expenditures during the biennium.

The biennial budget shall be prepared under the supervision of the Budget Committee chairperson. Department heads shall submit budget requests to the chairperson and OAC. Requests shall include: (1) anticipated expenditures to maintain existing programs, and (2) separately identified requests for new or expanded programs with a narrative explanation. It is expected that the chairperson and department heads shall begin this preparation sufficiently in advance of preparation of the formal budget request so that the above-mentioned documents may be in summary form. These summary proposals shall be presented to the en banc conference for approval, modification or rejection.

The approved budget requests shall be put in a form that meets the Courts' requirements and then submitted by OAC to the court for review, modification and approval. The OAC shall submit the approved budget to the Office of Financial Management for inclusion without modification in the Governor's budget request to the legislature. Presentation of the budget to the Legislature and its staff shall be the

responsibility of OAC under direction of the Chief Justice. Because the approved budget represents a policy decision and statement by the entire court, no changes in the budget request shall be made without approval of the court.

The Office of the Administrator for the Courts shall furnish, routinely and at requested periods of time, to department heads a budget status report showing appropriations and expenditures to date. Authorization of expenditures within a department's budget shall be the responsibility of the department head. No significant variations for expenditures shall be made from that appropriated without approval by the court.

Adopted: 3/5/98
Amended: 5/29/03

6. TRAVEL

All travel expenses shall be paid from chamber budget funds. Expenses for travel may be claimed for functions that relate to the duties the Justices perform for their chambers. Chamber staff travel expenses may be claimed for functions that relate to the duties they perform for their chambers, and shall be paid from individual chamber budget funds for that particular staff member.

Out-of-state travel by the Chief Justice is a necessary function of that office. The chamber budget for the Chief Justice shall be funded at a level greater than the other Justices to cover out-of-state travel on behalf of the court.

Each Justice shall adhere to accounting policies of the Office of Financial Management (OFM) relating to travel, which policies are set forth in the State Administrative and Accounting Manual (SAAM). Expenditures that exceed the published per diem rate and for out-of-state travel, must be authorized by the Chief Justice in writing prior to the expenditure being incurred.

Air travel services as provided by Department of General Administration travel contract shall be used except under the following conditions:

A. Contractor does not travel to the desired destination or does not do so within the time constraints required by agency program requirements; or

B. When transportation is offered to the general public at a published fare which is less than the State contract fare.

Adopted: 10/10/02
Amended: 10/6/10

7. PURCHASING

Expenditures for items including but not limited to letterhead, fax machines, cellular phones and related charges, subscriptions, membership dues, and office furnishings to be used by an individual chamber shall be paid from chamber funds and shall be processed by the Office of the Administrator for the Courts (OAC) Management Services Division.

The Director of the OAC Management Services Division, shall refer to the Chief Justice and the Budget Committee chairperson any requests which he/she determines to be beyond the appropriated funds for such purposes or which he/she considers to be not contemplated by the budget as appropriated. If both the Chief Justice and the Budget Committee chairperson approve in writing the purchase, it may be made; otherwise the matter shall be referred to the court. All purchasing procedures shall comply with applicable state law relating thereto.

Adopted: 3/5/98

8. LAWSUITS

Whenever any member of the court receives a document which appears to be a complaint naming the Supreme Court or any member of the Court as a defendant, a copy of the document should immediately be provided to the Chief Justice. The Chief Justice shall then determine if the matter should be referred to the Attorney General to represent the court. In the event the Chief Justice determines that the court or a member of the court should be represented by the Attorney General, the Chief Justice may direct the Clerk to forward the documents to the Attorney General with a request that the Attorney General represent the Supreme Court or the member or members of the court that are named in the lawsuit. The Clerk will ask the Attorney General to confirm that representation will be provided as per the request and to keep the court advised regarding the progress of the lawsuit. The Clerk will inform the court that the referral to the Attorney General has been made and will keep the entire court advised, not less than quarterly, as to the progress of the lawsuit as it is reported to the Clerk by the Attorney General.

Adopted: 3/5/98

9. ANNUAL JUDICIAL CONFERENCE

The Chief Justice shall annually designate, by order, the dates on which the annual conference of judges of this state's courts of record and limited jurisdiction should be held. The Justices of the Supreme Court should, whenever practicable, attend and participate in this conference, as well as the annual conference of this state's appellate judges.

Adopted: 3/5/98

10. CHAMBER BUDGET

The Chief Justice and each Justice may expend his or her chamber budget as the Justice sees fit, subject to the condition that such expenditures must be allowable under state law and are limited to the following: travel, supplies, office equipment and furniture, books and periodicals, professional dues, continuing education and seminars, phone/postage/fax services, purchased services, repairs and maintenance, artwork, and employee recognition awards. No amount may be charged to a chamber budget for salary or benefits or for enhancement of same.

Adopted: 1/6/00

11. MISCELLANEOUS EXPENDITURES

(A.) Coffee and Light Refreshments

The Chief Justice may approve the serving of coffee and light refreshments in the conduct of official state business at meetings sponsored by the Supreme Court. This authority is not intended for use with the normal daily business of employees or officials, but rather for special situations or occasions, as determined by the Chief Justice, where:

* The purpose of the meeting is to conduct Supreme Court business, provide formal training sessions that benefit the state, or recognize Supreme Court or employee accomplishments; and
* The meeting involves elective or appointive officials, state employees, or others that the Supreme Court is legally authorized to reimburse; and
* The coffee and/or light refreshments are an integral part of the meeting; and
* A receipt for the actual costs of the coffee and/or light refreshments is obtained; and
* The approval for serving coffee and/or light refreshments is obtained prior to the event.

The Supreme Court may not make expenditures for coffee and/or light refreshments for anniversaries of agencies; receptions for a new, existing, and/or retiring employee or official, and elections celebrations.

The request and approval for expenditures for coffee and/or light refreshments must be documented. The documentation must include the names of the state organizations or persons attending the meeting, conference, convention, or training session and the purpose of the meeting or expenditure.

Adopted: 12/2/99

(B.) Recognition Awards

All judges and judicial branch agencies shall have the authority to recognize employees, elected officials, and committee members for accomplishments including outstanding achievements, safety performance, and longevity. Recognition awards may not exceed $200 per award unless prior approval is received from the Chief Justice. Award costs shall be paid by the agency giving the award.

Awards to elected officials, including judges and committee members, may not have an obvious market value and must represent a primarily symbolic expression of gratitude for past services rendered. Such awards may include, but not be limited to, such items such as plaques, pins, and framed certificates.

Awards to judicial branch employees may have an obvious market value. Such awards may include, but not limited to, cash or such items as pen and desk sets, plaques, pins, framed certificates, clocks, and calculators.

Adopted: 9/2/99

Amended: 5/29/03

12. CHIEF JUSTICE'S RECEPTION ROOM/TEMPLE FACILITIES

Protocol for Use

The Temple of Justice and its facilities should be used for court functions and to advance the administration of justice. The use of the Chief Justice's Reception Room and Temple facilities shall be limited by the sound discretion of the Chief Justice of the Supreme Court. In determining whether or not the reception room/facilities may be used for a specific function, the Chief Justice may consider the following criteria.

1. Whether the proposed use is a law related activity.

2. Whether the proposed use is related to the administration of justice.

3. Whether the proposed use has an educational value that will promote a better understanding of our civil justice system.

4. Whether the proposed use is a civil ceremony of marriage to be performed by one of the Justices of the court.

5. Whether there is precedent of prior use of court facilities for the proposed use.

6. The adequacy of the security for the proposed use.

7. The impact on court staff and the day-to-day functions of the court.

Any requests for the use of the Chief Justice's Reception Room/Temple facilities may, in the discretion of the Chief Justice, be referred to the court's executive committee or the court en banc.

Procedures for Use

Request

Any request by a group or an organization for use of the Chief Justice's Reception Room and/or Temple facilities will be in writing or by electronic mail; shall be directed to the Chief Justice of the Supreme Court; shall describe the nature and purpose of the activity; and shall provide a plan for security, setup and cleanup.

Security

Security will be approved on a case-by-case basis by the Chief Justice after consultation with the bailiff. When the bailiff or other court employee is to provide security for an after-hours or weekend event, the employee shall receive compensation in accordance with the particular chamber's or Department's policy or practice. Compensation may be paid from the court budget for events that are court-sponsored, law-related, educational, or other activities that promote the administration of justice. In the case of civil ceremonies of marriage, a member of the court staff – excluding Department heads and deputies - may accept a gift of up to $50 consistent with RCW 42.52 (Ethics and Public Service). In all other cases, reimbursement of expenses shall be the responsibility of the group using the Temple's facilities.

Setup and Cleanup

The plan for setup and cleanup will be approved by the Chief Justice after consultation with the bailiff or designated court staff member. Cleanup shall be the responsibility of the group using the facility unless waived by the Chief Justice. If court staff is to provide setup or cleanup services for a weekend or after hours event, the user group will be billed at a rate of $25 per hour, unless waived by the Chief Justice. The minimum amount billed shall be $25. Following a weekend or after hours event, court staff shall determine whether professional cleaning is required. If so, the cost of such cleaning shall be paid by the group using the reception room or other facility. The court staff person(s) involved with the event shall provide AOC financial services with the information necessary to bill the group using the facility.

Adopted September 6, 2001
Amended: 9/27/11

13. SUPREME COURT BUILDING SECURITY PROCEDURES

The Supreme Court has implemented several security procedures that are designed to ensure the safety of the public while visiting the Temple of Justice and creating a safe work environment for the employees of the court.

The Temple of Justice is open to the public between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding designated state holidays. There are four (4) exterior metal doors that are opened at approximately 7:00 a.m. and closed at approximately 6:00 p.m. on normal work days by General Administration (GA) employees. If an employee of the Supreme Court needs to depart or enter the building before or after the outer metal doors are closed they should utilize the "Library Services" door on the lower level on the north side of the Temple of Justice.

If any court employee is sponsoring an event that requires that the doors be opened or closed at times other than the normal hours listed above, please notify the support services specialist, or in his absence, the bailiff/chief of security, so that arrangements can be made to secure the doors.

The Temple of Justice has both "public" areas and "private" areas of the building. Examples of the "public" areas are the main entrance foyer, main level law library, clerk's office reception area, lower level law library, lower level hallway, and upper level foyer viewing area. The courtroom is open to viewing by the public but entry is limited to scheduled courtroom days, court events, guided tour groups, and tours by

employees of the Supreme Court. The "private" areas in the Temple of Justice are those locations that are marked "private" or where the doors are normally locked during business hours. Members of the public should not be allowed in any of the private areas without being escorted or directed by an employee of the Supreme Court. GA employees conducting cleaning and maintenance are considered employees.

Employee Protocol

Employees of the Supreme Court will be issued a keypad PIN (personal identification number) that will allow them access to the designated "private" work areas. Employees will also be issued a key that will open the exterior doors to the building and various doors within the Temple of Justice depending on the employee's job responsibility. Employees should contact the support services specialist for issuance of a key and assignment of a keypad PIN code. Employees should not lend their keys or keypad PIN code to any other employee or visitor. Any lost keys should be reported to the support services specialist immediately.

Extern Protocol

Externs on temporary assignment to the Supreme Court, for training purposes, will be issued a keypad PIN code and will have limited accessibility to the "private" work areas of the Temple of Justice, related specifically to their work assignment. Externs will not be issued any keys for the building. The Supreme Court bailiff will maintain a record of all current and former externs, indicating name, chambers or office to which the extern is assigned, and dates of service.

Visitor Protocol

Visitors to the Temple of Justice who enter the "private" or locked areas of the building should be escorted by an employee. Exceptions can be granted for delivery personnel or contracted employees under the direction of GA or the support services specialist.

Exceptions to any of the listed protocols can be granted by the Chief Justice

Adopted: 2/11/2010
Revised: 12/2/2015

14. VISITOR PARKING AT THE TEMPLE OF JUSTICE

Protocol for Use

The Supreme Court has three parking spaces on the north side of the building designated for pro tem judges and visiting judicial guests. The visitor spaces are managed by the Clerk's Office support services specialist and office manager. These parking spaces should only be used by invited guest of the Supreme Court having court-related business or meeting with a justice or employee of the Supreme Court. Spaces are to be used on a first come, first serve basis with priority to pro tem judges. All other visitors should be directed to the visitor parking lots around the capitol campus which can be found at General Administration's web page www.ga.wa.gov under the parking services section. Pro tem judges or court visitors will be asked for a license number and vehicle type so they can be reported to parking services.

Adopted 2/11/2010

15. SUPREME COURT VEHICLES

Protocol for Use

There are two Supreme Court vehicles available for employees' court-related use with priority given to the justices. They can be checked out by contacting the bailiff/chief of security, or in his absence the support services specialist. The available vehicles are a 2008 Ford Escape Hybrid and a 1999 Ford Taurus. These vehicles are available to be reserved on a first come, first serve basis, but may not be reserved more than one month in advance of the date requested.

Car Books. Each vehicle has a car book that contains the vehicle keys. Employees are required to fill out the date, destination, and starting and ending mileages. If you have any problems with the vehicle please notify the bailiff/chief of security or the support services specialist upon return of the vehicle. Also found in the book are:

- Comdata Gas Card. Use this gas credit card for fuel purchases. Most fuel locations will also ask for the vehicle odometer reading.
- Vehicle Accident Report Form. This is the form that is filled out after a collision in addition to the investigation officer's report and can be done on-line.
- Department of Licensing Registration Certificate. Required by law to be carried in the vehicle.

If all agency vehicles are in use, a State Motor Pool vehicle can be checked out. You can utilize the electronic rental car system and reserve a vehicle on-line at: https//fortress.wa.gov/ga/apps/mpreservations/fareservationsportal/reservationlogin.aspx. In order to reserve a vehicle you must provide your HRMS (personnel employee

number). You can also call the State Motor Pool directly at (360) 438-8570 during normal business hours. You can request assistance with State Motor Pool reservations from the bailiff/chief of security or the support services specialist.

Vehicles reserved from the State Motor Pool by employees will incur daily use charges and will be charged to the Supreme Court budget. Vehicles reserved by the justices will be charged to the individual justice's chambers budget.

The Supreme Court vehicles are owned by the Supreme Court and are ***the most cost effective*** way of providing transportation for our employees.

Although not binding on the judicial branch, please refer to RCW 42.52.160 as a guideline for personal usage.

Adopted: 2/11/2010

16. EXCESS ANNUAL LEAVE

Effective January 1, 2011, employees of the Washington Supreme Court shall comply with the provisions below relating to the accrual of annual leave, and the deferral and disposition of excess annual leave.

Annual leave is accrued to a maximum of 240 hours. There are two methods that allow vacation leave to be accumulated above the maximum.

1. An employee may accumulate annual leave in excess of 240 hours as long as the employee uses the excess prior to his/her next anniversary date. If the excess leave is not used by the anniversary date, it is forfeited.

2. If an employee is denied the use of annual leave, or is unable to use annual leave due to workload and as a consequence will lose excess leave at the anniversary date, the employee may submit a statement of necessity to defer the use of the annual leave, for review and approval by the employee's department head and by the Chief Justice.

   A statement of necessity will include all of the following:

- Reason for the need to defer the annual leave (whether the request to use has been denied, or the description of the workload issue that requires deferral).
- Specific number of hours of excess annual leave.
- Date by which excess annual leave must be used (typically the next anniversary date).

Annual leave accrued during this period of approved deferral **must** be taken by the employee's next anniversary date or it will be forfeited. There is no option to defer this leave. Any annual leave in excess of 240 hours at the employee's next anniversary date will be automatically lost.

Employees who currently have more than 240 hours of accrued annual leave will be required to dispose of all excess annual leave (over 240 hours) as follows:

Employees who currently have annual leave in excess of 240 hours must create a plan, subject to approval by their department head and the Chief Justice, for the annual disposition of the excess leave in order to meet the guidelines listed below. The following framework is created to assist those employees and avoid the need to forfeit excess leave:

Employees with 1-50 hours over 240 have one year from their next employment anniversary date to use excess annual leave, along with annual leave that will be accrued in the interim in order to have no more than 240 hours by the second anniversary date.

Annual leave not used in accordance with this policy and the individual employee plan by the second anniversary date will be deemed lost and considered to have never existed.

Employees with 51-100 hours over 240 have two years from their next anniversary date to use excess annual leave, along with annual leave that will be accrued in the interim in order to have no more than 240 hours by the third anniversary date.

Annual leave not used in accordance with this policy and the individual employee plan by the third anniversary date will be deemed lost and considered to have never existed.

Employees with 101-150 hours over 240 have three years from their next anniversary date to use excess annual leave, along with annual leave that will be accrued in the interim in order to have no more than 240 hours by the fourth anniversary date.

Annual leave not used in accordance with this policy and the individual employee plan by the fourth anniversary date will be deemed lost and considered to have never existed.

Employees with 151-200 hours over 240 have four years from their next anniversary date to use excess annual leave, along with annual leave that will be accrued in the interim in order to have no more than 240 hours by the fifth anniversary date.

Annual leave not used in accordance with this policy and the individual employee plan by the fifth anniversary date will be deemed lost and considered to have never existed.

Employees with 201-240 hours over 240 have five years from their next anniversary date to use excess annual leave, along with annual leave that will be accrued in the interim in order to have no more than 240 hours by the sixth anniversary date.

Annual leave not used in accordance with this policy and the individual employee plan by the sixth anniversary date will be deemed lost and considered to have never existed.

Employees with annual leave in excess of 241 hours or more have six years from their next anniversary date to use excess annual leave, along with annual leave that will be accrued in the interim in order to have no more than 240 hours by the seventh anniversary date.

Annual leave not used in accordance with this policy and the individual employee plan by the seventh anniversary date will be deemed lost and considered to have never existed.

Plans will include the specific amount of excess annual leave to be used each year in addition to using the leave accrued during that year. If the accrued leave and designated excess leave are not used by the next anniversary date, in accordance with the plan, that leave will be deemed lost and considered to have never existed.

Examples:

On January 1, 2011, Jane has a total of 280 hours of annual leave (40 hours in excess of the 240 maximum) – her anniversary date is July 1. Since she accrues 10 hours of annual leave each month, she will accrue 60 additional hours before her next anniversary date (July 1, 2011), and 120 more hours before the second anniversary date (July 1, 2012). She must make a plan to use at least 220 hours (almost six weeks) of annual leave during the next eighteen months in order to have no more than 240 hours by her 2012 anniversary date (40 current excess hours, plus 180 hours that she will accrue).

That plan could be to take two weeks during the next six months and four weeks in the subsequent year.

On January 1, 2011, Ramsey has a total of 500 hours of annual leave (260 hours in excess of the 240 maximum) – his anniversary date is July 1. Since he accrues 15 hours of annual leave each month, he will accrue 75 additional hours before his next anniversary date (July 1, 2011), and 1,080 more hours before the seventh anniversary date (July 1, 2017). He must make a plan to use at least 1,415 hours (approximately thirty-five weeks) of annual leave during the next six and a half years in order to have no more than 240 hours by his 2017 anniversary date (260 current excess hours, plus 1,155 hours that he will accrue).

That plan could be to take two weeks during the next six months, then five to six weeks each year for the next six years.

Adopted: 12/2/2010
Revised: 3/6/2013