	CLERK OF THE COURT INTERNAL POLICY	
	Area: Human Resources Document Number: POL-HR-1008 Subject: Reporting Conflicts of Interest	Effective Date: 11/10/93
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PURPOSE:

The purpose of this policy to provide guidance for employees to report conflicts of interest and offer a mechanism to request to participate in outside employment. In addition, this policy provides guidance on the implementation of provisions set forth in the Arizona Code of Conduct for Judicial Employees and the Maricopa County Code of Conduct and Secondary Employment Policies with respect to reporting possible conflicts of interest. The intent of this policy is to protect the integrity of the Court, the Clerk of the Superior Court (COSC), and the individual employee.

POLICY:

Employees must comply with the Arizona Code of Conduct for Judicial Employees, Maricopa County Policy HR2416 Code of Conduct, Maricopa County Policy HR2422 on Secondary Employment, and shall not engage in any prohibited conflict of interest. Employees must disclose any conflicts of interest, or potential conflicts of interest to HR through their supervisors.

Employees shall not use COSC resources or their official positions to contact Judicial Officers directly regarding pending personal litigation involving themselves, their relatives, friends, or a controlled business.

DETAILS:

- I. Employees must submit a completed Conflict of Interest Form to his/her supervisor, as soon as the potential conflict is known, and when any of the following exist:
 1. The employee has an interest in or is a party to a legal action (open [active or inactive] or closed);
 2. The relative of an employee has an interest in or is a party to a legal action filed in any court in Maricopa County (open [active or inactive] or closed);
 3. The employee has or anticipates having any employment in addition to his/her employment with the COSC (including self-employment):
 - A. COSC follows the Maricopa County Secondary Employment Policy. Please refer to HR2422, Secondary Employment for additional information.
 - B. Secondary Employment must not interfere with County employment, create a conflict of interest, or create an appearance of impropriety.



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4. The employee receives or anticipates receiving an appointment to a Community or Civic Board/Advisory Committee.
 - A. Conflict of Interest must be reviewed by HR and COSC General Counsel before the employee accepts any appointment.
 5. Other situations where the employee's private interests may conflict, or have a perception of conflict, with the employee's public obligations or position within the court system. (e.g., buy/sell/lease agreements between employee and supervisor or judicial officer, etc.).
- II. HR will review all submitted COI forms to determine the extent of the conflict. If needed, HR will consult with General Counsel or Court Administration.
- III. In accordance with Administrative Order No. 2013-165: In the Matter of Court Security in the Trial Courts of Maricopa County, security by-pass privileges may be suspended by Court Administration for employees with an open and active matter in one or more of the following areas in any court in Maricopa County:
1. Criminal Court
 2. Family Court
 - A. Family Court cases that are closed, inactive, or have no on-going dispute (for example, child support or parenting time orders with NO pending enforcement actions) need to report a conflict of interest, but will not result in by-pass suspension.
 - B. A new Conflict of Interest Form must be completed and a loss of by-pass privileges will result if at any time an employee's Family Court case is scheduled for court intervention to resolve a dispute (for example, Family Court Conference Center conference, child support or parenting time enforcement or modification hearing, etc.).
 3. Orders of Protection
 4. Injunctions Against Harassment
 5. Eviction Hearings
 6. Pending pre-disciplinary or disciplinary actions against an employee

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- IV. Security by-pass privileges may be suspended for employees whose relatives have an OPEN and ACTIVE matter in one or more of the areas listed above in any court in Maricopa County.

APPLICABILITY:


This Policy applies to all Classified, Contract, Temporary, or Unclassified COSC employees). Failure to adhere to the provisions of this policy may result in suspension of bypass privileges or disciplinary action up to and including dismissal.

POLICIES / RELATED DOCUMENTS:

- Maricopa County Policy HR2422 Secondary Employment
- Maricopa County Policy HR2416 Code of Conduct
- Clerk of the Superior Court (COSC) Conflict of Interest Form
- Arizona Code of Conduct for Judicial Employees

DEFINITIONS:

- I. **Active Case:** A case is active when action is being taken on the case or where action may be taken in the near future based on rules of procedure or law. A case that has a hearing(s) scheduled is active.
- II. **Closed Case:** A case is closed when the matter is dismissed in its entirety, with or without prejudice, or when the underlying case reaches the specified requirements for closure, such as an absolute discharge from probation. A case is also closed upon order of the court closing the case.
- III. **Conflict of Interest:** A conflict of interest exists when an employee, relative of the employee or their business, would derive benefit or financial gain, or the appearance of a conflict between the private interests of the employee and the employee's public obligations would exist as a result of the employee's position within the court system.
- IV. **Inactive Case:** A case is inactive when the case is open, but no hearings are scheduled, the case meets the court's requirements for amount of time passed with no action being taken, or a person is incarcerated pursuant to a sentencing order.


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- V. **Open Case:** A case is open once initiating documents are filed with the Clerk. A case remains open until the case is dismissed, with or without prejudice, or until the case reaches its final conclusion.

- VI. **Relative:** A relative is defined as an employee's spouse, domestic partner, mother, father, sister, brother, son, daughter, in-laws, aunts, uncles, grandparents, grandchildren, a custodial person (e.g., a court-ordered guardian), or other person with whom the employee maintains a close familial relationship, including any person residing in the employee's household.

- VII. **Security By-Pass Privileges:** Refers to an employee's ability to use his/her employee identification badge on the Employee Express Entrance Towers instead of having to be screened by security personnel when entering court buildings. The loss of these privileges will not affect an employee's ability to park in a parking facility; enter work areas, or computer access.

- VIII. **Secondary Employment:** Work which occurs outside of an employee's COSC employment. This includes self-employment.


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REVISION HISTORY:

Revision Number	Issuing Authority	Summary of Changes	Approval Date
-	N/A	Document Origination	11/10/1993
A	N/A	Remove 'Judicial' from Merit Rules	2/18/97
B	N/A	Change 'personnel file' to 'appropriate conflict of interest file', change Clerk of Court name	1/29/98
C	N/A	Prohibit contacting Judicial Officers on personal litigation per A.O. #99-060	12/1/00
D	N/A	Numerous revisions	3/26/07
E	N/A	Security by-pass information added and various clarifications	4/11/07
F	N/A	Revised	1/21/09
G	Lois Rees	Revised	4/3/15
H	Christine Kelly	Updated to Controlled Document Index	6/29/15
I	Lori Fiscus	Updated format and language; Removed Procedures	12/23/20

AUTHORIZED SIGNATURES:

Issuing Authority:



 12/30/2020
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Mike Nimitz
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