

NEW MEXICO JUDICIAL BRANCH

GENERAL POLICY & PROCEDURE

Reference NMJBPR & NMJBPRWE Section 5.02

INCLEMENT WEATHER POLICY

1. PURPOSE

The purpose of this policy is to establish the procedure regarding schedule abbreviations and closures of a judicial entity when inclement weather causes hazardous road/travel conditions. If no notice of abbreviation or closure is issued, the judicial entity is open.

2. POLICY CONSIDERATIONS

Serving the public is a priority for the Judiciary, as are safety and consideration of employees and jurors. When there is inclement weather, the courts will to the extent possible remain open and accessible to the public during normal business hours. When inclement weather causes hazardous road/travel conditions, the persons authorized in Section 6 herein (Closure Authority) are delegated the authority to abbreviate the work schedule or close the operations of the judicial entity.

3. DEFINITIONS

- A. **Inclement Weather Causing Hazardous Road/Travel Conditions** - Weather and road conditions in the immediate area where the work site is located that result in making travel dangerous to and from the office of the judicial entity.
- B. **Essential Employee** - An employee who performs duties determined to be required to assure that necessary services will be provided.

4. ADMINISTRATIVE LEAVE

When the Closure Authority determines that the work schedule should be abbreviated or the judicial entity should be closed because of inclement weather causing hazardous road/travel conditions, nonessential employees not required to report to work shall be granted administrative leave.

5. CLOSURE/ABBREVIATION CONSIDERATIONS

The Closure Authority may choose to follow, when school is in session, the local school district's announcement of delayed opening or complete closure due to inclement weather. When the Closure Authority chooses not to follow the school announcement, or when school is not in session, the Closure Authority shall consider the following when deciding to

Inclement Weather Policy

Inquiries: Administrative Office of the Courts, Human Resources Division

827-4937 or 827-4810

Distribution: All employees of the New Mexico Judicial Branch

Retain Until Superseded

abbreviate the work schedule or close the operations of the judicial entity (reference Inclement Weather Checklist for further guidance):

- A. local weather reports and conditions;
- B. local school district and other public office delays or closures;
- C. information from the Department of Transportation and/or local law enforcement regarding road/travel conditions;
- D. coordination with county personnel (if necessary) for building safety issues.

6. **AUTHORITY TO ABBREVIATE OR CLOSE JUDICIAL ENTITIES**

- A. **In Santa Fe** - The Chief Justice or designee shall determine abbreviation or closure for the following judicial entities in Santa Fe: Supreme Court, Supreme Court Building Commission, Court of Appeals, Law Library, Administrative Office of the Courts and Compilation Commission.
- B. **Court of Appeals in Albuquerque** - The Court of Appeals Chief Judge or designee shall determine abbreviation or closure for the Albuquerque office of the Court of Appeals.
- C. **District Courts** - The Administrative Authority or designee of a District Court shall determine abbreviation or closure for each office within the Judicial District.
- D. **Bernalillo County Metropolitan Court** - The Chief Judge or designee shall determine abbreviation or closure for the court.
- E. **Magistrate Courts** - The Presiding Judge or the sole judge of a Magistrate Court shall determine abbreviation or closure for that court.
- F. **Coordination** - When the Closure Authority is not the Administrative Authority or designee of a judicial entity, the Closure Authority shall coordinate with the Administrative Authority or designee in implementing this policy.

7. **COMMUNICATION OF ABBREVIATED SCHEDULE OR CLOSURE**

- A. The Closure Authority must immediately notify the Director of abbreviation or closure.
- B. The Closure Authority of a judicial entity in the same geographical location as other judicial entities shall coordinate to the extent possible the abbreviation and closures with neighboring Closure Authorities.

Inclement Weather Policy

Inquiries: Administrative Office of the Courts, Human Resources Division

827-4937 or 827-4810

Distribution: All employees of the New Mexico Judicial Branch

Retain Until Superseded

- C. Prompt and proper notification of any abbreviation or closure shall be made by the Closure Authority to the affected court personnel, general public, relevant public agencies, and the local area media.
- (1) If the Closure Authority has chosen to follow the local school district's announcement, the school district's announcement shall be sufficient notice to the court employees.
 - (2) If the Closure Authority has chosen not to follow the school district's announcement, or if school is not in session, the following prompt notification is required. At a minimum, the central telephone lines shall have a message regarding abbreviation or closure, and the following shall be directly notified: the three (3) top local television stations, common local radio stations, and relevant public agencies.
- D. Information Network - Each judicial entity shall establish and publish an internal policy regarding how notice of abbreviation or closure will be disseminated. By September 30 of each calendar year, the judicial entity shall notify its employees of the policy regarding notice of abbreviation or closure. If the policy is changed during the year, prompt notice to employees of the revised policy shall be given.

8. ESSENTIAL EMPLOYEES

- A. By September 30 of each calendar year, the Administrative Authority or designee shall:
- (1) determine essential services to be provided to the judicial branch notwithstanding any abbreviation or closure under this policy;
 - (2) identify by name and job title which employees provide those essential services, and who are therefore considered essential employees,
 - (3) notify all essential employees of their status and inform them that they will be required to report for work as provided in this policy.
- B. Each essential employee shall report to work notwithstanding any closure or scheduled abbreviation unless the particular employee:
- (1) has decided that there is an unreasonable risk of harm involved in reporting to work as provided in Section C of this policy; or
 - (2) has otherwise been notified by the Administrative Authority, or

Inclement Weather Policy

Inquiries: Administrative Office of the Courts, Human Resources Division

827-4937 or 827-4810

Distribution: All employees of the New Mexico Judicial Branch

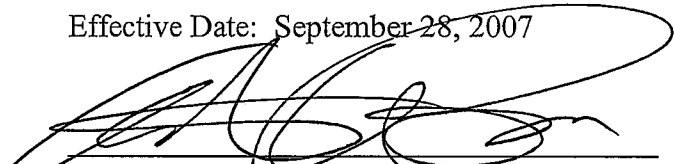
Retain Until Superseded

- C. When there is a closure or scheduled abbreviation of the work schedule, an essential employee must decide whether it is possible to report to work without creating an unreasonable risk of harm by traveling during inclement weather. If the essential employee is unable to report to work, the essential employee shall make a diligent effort to immediately inform the Administrative Authority or designee who may require the essential employee to:
 - (1) report to a pre-designated alternative work site; or,
 - (2) to work from home.

- D. An essential employee who reports to work during inclement weather shall be awarded administrative compensatory time, on an hour for hour basis for work performed during the closure or abbreviation.

- F. Employees who have not been designated in advance as essential employees will not be awarded administrative compensatory time for hours worked during a closure or abbreviation of the work schedule.

Effective Date: September 28, 2007



 Arthur W. Pepin, Director
 Administrative Office of the Courts

_____ 10/2/2007 _____
 Date

This policy replaces all previous existing Judicial Branch weather policies and associated Supreme Court Orders. To include but is not limited to: AOC General Personnel Policy - Administrative Closing and Essential Employees, dated November 10, 1997; Order 01-8500 dated January 3, 2001 (Amendment of the Policy for Closure of State Courts and Judicial Agencies due to Inclement Weather); Order 01-8500 dated May 14, 2003, (Amendment of Policy for Closure of State Courts and Judicial Agencies Due to Inclement Weather); and Order 07-8500 dated January 31, 2007 (AOC Essential Employees).
 Dev: 9/26/07

NEW MEXICO JUDICIAL BRANCH

INCLEMENT WEATHER (ABBREVIATION OR CLOSURE)

To be used when a judicial entity is not using the local school districts announcement regarding closure due to inclement weather.

SUGGESTED CHECK LIST

Once the decision has been made by the Closure Authority or designee the following Check List may be applied pursuant to this General Policy and Procedure and the judicial entity internal policy.

Contacts Regarding Decision to Abbreviate or Close a Judicial Entity	
State Police and Highway & Transportation Road Conditions Reports	
Local News Weather Reports	
Neighboring Judicial Entities	
Neighboring State of NM Agencies	
Local School Districts	
Building Management if housed with other organizations, (Such as a County owned building.)	

Communications With Others	
AOC Director and Judicial Entity Administrative Authority	
All Judicial Entity Employees	
Neighboring Judicial Entities	
News Media (Radio and Television)	
Jurors	
Relevant Public Agencies (Public Defenders, District Attorneys Office, Police)	
Building management (if other than Judicially owned buildings.)	

Inclement Weather Policy

Inquiries: Administrative Office of the Courts, Human Resources Division

827-4937 or 827-4810

Distribution: All employees of the New Mexico Judicial Branch

Retain Until Superseded

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 07-8500

SUPREME COURT OF NEW MEXICO

FILED

IN THE MATTER OF THE RECISSION OF EXISTING
SUPREME COURT INCLEMENT WEATHER POLICIES

SEP 28 2007

Richard C. Bosson

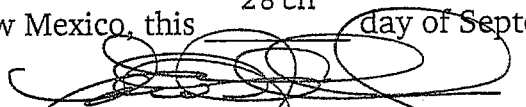
ORDER

WHEREAS, this matter came before the Court upon request from the Administrative Office of the Courts to rescind all existing Supreme Court inclement weather policies in order for the Director of the Administrative Office of the Courts to exercise his authority to adopt an amended inclement weather policy for the Judicial Branch of Government, and the Court having considered said request and being sufficiently advised, Chief Justice Edward L. Chávez, Justice Patricio M. Serna, Justice Petra Jimenez Maes, and Justice Richard C. Bosson concurring;

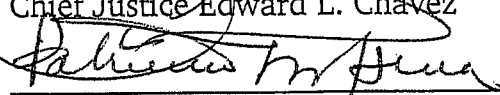
NOW, THEREFORE, IT IS ORDERED that the request hereby is GRANTED and all existing inclement weather policies previously issued by this Court on January 31, 2007, May 14, 2003, January 3, 2001, and March 7, 1990 hereby are RESCINDED in favor of the amended inclement weather policy for the Judicial Branch of Government issued by the Director of the Administrative Office of the Courts.

IT IS SO ORDERED.


DONE at Santa Fe, New Mexico, this 28th day of September, 2007.



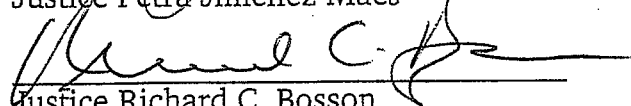
Chief Justice Edward L. Chávez



Justice Patricio M. Serna



Justice Petra Jimenez Maes



Justice Richard C. Bosson