
STATE OF MICHIGAN
7TH JUDICIAL CIRCUIT
GENESEE COUNTY PROBATE
COURT

In Re:
**Severe Inclement Weather
and Other Unforeseen
Circumstance or
Emergency**

LOCAL ADMINISTRATIVE
ORDER 2014-05J
2014-04J

7th Judicial Circuit Court, 900 S. Saginaw St., Flint, MI 48502 (810) 424-4355

**POLICY FOR CLOSURE
GENESEE COUNTY CIRCUIT AND PROBATE COURTS**

**SEVERE INCLEMENT WEATHER AND
OTHER UNFORESEEN CIRCUMSTANCE OR EMERGENCY**

The Chief Judge recognizes that the Circuit and Probate Courts (Courts) have a vested interest in the safety and well-being of its employees. At the same time, the Chief Judge recognizes the importance and responsibility to provide access to court services. Concurrently, there are also significant costs that occur as a result of closing the Courts. For these reasons, it is the general policy that the Courts will not close during severe inclement weather or other unforeseen circumstance.

This document will outline the policies and procedures governing the determination of whether the Courts will close in a particular instance, and the effect of such closure.

I. Definitions

For the purposes of this policy, the following terms have the meanings prescribed in this Section. Examples are provided for demonstrative purposes and are not intended to be an exhaustive list.

- a. "Unforeseen circumstance" means the existence of conditions at a Court or court offices making it impossible or unreasonably difficult for court business to be performed at that facility. Examples of circumstances beyond the Court's control are the extended loss of essential utilities such as electricity or water, the failure of essential building systems or structures, or a situation qualifying as an "other emergency" as defined by this Policy.
- b. "Severe Inclement Weather" means weather conditions resulting from rain, ice, snow, flood, or other storm that limit travel by County residents and employees, or pose a widespread risk of injury to persons or property. Examples of severe inclement weather include tornadoes and floods, as well as severe thunderstorms, blizzards, or ice storms that make travel dangerous.
- c. "Other Emergency" means a situation posing a widespread risk of injury to persons or property. Examples of other emergencies include fire,

explosion, the release of hazardous materials, bomb threats, terrorist attack, or mass shooting.

II. Application

This policy applies to the Genesee County Circuit and Probate Courts and court offices.

The Chief Judge may consult with the Presiding Judges, Judges, Genesee County Board Chairperson and the Sheriff as the County's appointed Emergency Manager, although the same is not required to exercise the authority of the Chief Judge relative to court operations.

III. Court Employees Expected to Report if Able

Unless excused from work by action of the Chief Judge as described below, Court employees are expected to make every reasonable effort to maintain regular work schedules.

- a. When severe inclement weather exists and the Chief Judge has not excused court employees from work, employees are expected to plan ahead, where possible, and to allow for extra travel time so as to allow them to arrive promptly and safely at work. Supervisors are authorized to exercise discretion regarding employee punctuality.
- b. During severe inclement weather, employees are expected to use their own reasonable judgment as to whether it is safe to travel to work. Employees shall be permitted to use banked Personal Time, Vacation Time, Comp Time, or to take unpaid time in the event they have determined that conditions are too severe for travel. Any such absence shall be considered an excused absence under any applicable attendance policy or collective bargaining agreement.

IV. Criteria to be Considered for Closure

The Chief Judge has authority to close one or more Courts or court offices to the public due to severe inclement weather or other circumstance. The Chief Judge is further authorized to excuse, with pay, employees from their regularly scheduled work shifts where necessary in such severe inclement weather or other circumstance.

In the absence or unavailability of the Chief Judge, the Chief Judge Pro Tem, is authorized to act in his/her absence.

When considering whether to close any Court or court office, the Chief Judge shall consider the following:

- a. Public safety;
- b. The safety of County employees;

- c. The public need for the service provided by that facility or office;
- d. The operational needs of the County; and
- e. The expense of a closure.

In addition, the Chief Judge may consult with the Board Chairperson and the Sheriff as the County's designated Emergency Manager prior to issuing any decision regarding closure.

V. Effects of Closure

When the Chief Judge determines that circumstances warrant closure of the Courts, he or she shall determine whether the Courts are closed to the public but otherwise remain in operation, or whether the employees at the courts will be excused from their regularly scheduled work shifts.

- a. *Courts Closed to the Public.* If the Courts are to be closed to the public pursuant to this policy, employees are expected to report for their regularly scheduled shift unless excused from work by action of the Chief Judge. The Chief Judge shall ensure that appropriate public notice of the closure is provided by methods that shall include, but are not limited to, local television and radio stations and the web page for the Courts.
- b. *Employees Responsible for Their Own Safety.* During severe inclement weather conditions, employees are expected to use their own reasonable judgment as to whether it is safe to travel to work. Employees shall be permitted to use banked Personal Time, Vacation Time, Comp Time, or to take unpaid time to account for their absence in the event they have determined that conditions are too severe to travel.
- c. *Excused Absences to Care for Family.* In the event of severe inclement weather or other emergency, employees shall be permitted to leave work to ensure the safety of their families or property. Employees shall be permitted to use banked Personal Time, Vacation Time, Comp Time, or to take unpaid time to account for their absence in the event they do so. Any such absence shall be excused under any applicable attendance policy or collective bargaining agreement. Court employees must notify their supervisors prior to leaving work pursuant to this policy.
- d. *Employees Excused from Work.* If the Chief Judge determines that employees are excused from their regularly scheduled work shifts pursuant to this policy:
 - i. Employees subject to a collective bargaining agreement shall be treated in accordance with the terms of the applicable collective bargaining agreement.

- ii. Other employees shall be paid for the straight time hours that they were scheduled to work. Employees who were not scheduled to be at work because of approved Personal, Vacation, or Comp time will be paid in accordance with that approved time off, and their Personal, Vacation, or Comp time bank shall be reduced accordingly.

VI. Jury Trials in Progress

Court Closed to Public

If a jury trial is in progress, when the inclement weather, other unforeseen circumstance or emergency requires the courts to close to the public, the trial is delayed until the next court business day that the court is open.

If the next business day of the court is the regularly scheduled motion day [Monday], the trial will reconvene the following day at the same time *unless* jurors are contacted by court staff and provided other direction.

Court Not Closed to Public

For jurors seated on a case, with a trial in progress: If the University of Michigan – Flint is closed because of inclement weather, seated jurors should not report to the court for jury duty. They should call the jury hotline, after 6:00 P.M. to receive information about when next to report.

For new jurors, reporting for the first day of jury service: If the University of Michigan – Flint is closed because of inclement weather, no new jurors should report for jury duty. They should call the jury hotline, after 6:00 p.m. to receive information about when next to report.

VII. Non-Jury Trials, Hearings and Other Court Proceedings

For all non-jury trials, hearings and other court proceedings, if the court is closed to the public because of inclement weather, other unforeseen circumstance or emergency, the office of the assigned judge or referee will re-schedule the matter upon a finding of good cause, i.e. the court was closed to the public on the day of the court event.

If the court is not closed, but inclement weather, other unforeseen circumstance or emergency is present, the assigned judge will make decisions relative to adjournments and re-scheduling. Judges are encouraged to take into consideration the individual circumstances of the litigants, witnesses and attorneys, specifically any travel that is adversely affected by the weather or other circumstance.

VIII. Staffing Levels Effecting Court Operations

If the court is not closed, but inclement weather, other unforeseen circumstance or emergency creates supervisory concern about the ability to provide a serviceable staffing level for courtroom operations or other public points of filing for the court, the Chief Judge and/or the Court Administrator will consult with supervisory staff to determine a plan of action.

This review of staffing levels includes the Office of the Circuit Court Clerk, a Division of the Genesee County Clerk-Register.

Adopted Criminal/Civil Division Judges: July 23, 2014

Adopted Family Division Judges: August 13, 2014

Adopted upon review: Judge Jennie E. Barkey, Presiding Judge Probate Court, August 13, 2014

/S/

Judge Richard B. Yuille, Chief Judge
Genesee County Courts

8/26/14
Date