

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	Administrative Order
JUDICIAL ADMINISTRATION)	No. 2013 - <u>88</u>
§ 6-106: PERSONNEL PRACTICES)	(Affecting Administrative
)	Order No. 2009-41)
)	

An amendment to the above-captioned section of the Arizona Code of Judicial Administration came before the Arizona Judicial Council on October 17, 2013. The purpose of this amendment was to conform the language of this section to statutory changes in A.R.S. § 38-1109 which are effective October 31, 2013. This amendment was approved and recommended for adoption.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration § 6-106 is amended as indicated on the attached document. All other provisions of § 6-106, as originally adopted, remain unchanged and in effect.

Dated this 30th day of October, 2013.

REBECCA WHITE BERCH
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 6: Probation

Chapter 1: General Administration

Section 6-106: Personnel Practices

A. – I. [No change.]

J. Continuing Employment Requirements.

1. [No change.]

2. Each probation department may, for good cause, require an employee to undergo an evaluation to determine the employee's emotional, psychological or physical ability to safely perform the employee's assigned duties.

a. The department shall choose a licensed or certified professional to complete the evaluation.

b. The department shall pay for the cost of the evaluation.

c. Based on the evaluation, the chief probation officer or director of juvenile court services shall review the assignment of an employee to determine whether the employee can perform the assigned job duties consistent with the safety of the employee, other employees and the public.

d. The chief probation officer or director of juvenile court services may reassign the employee or take other appropriate action when it is determined that an employee can no longer perform the assigned job duties consistent with the safety of the employee, other employees or the public.

e. For physical examinations, departments shall comply with the additional requirements of A.R.S. § 38-1109.

(1.) Pursuant to A.R.S. §38-1109(A), a department may order a probation officer to submit to a physical examination:

[O]nly if . . . the probation officer has acted or failed to act in an observable manner that indicates that there is a physical condition materially limiting the . . . probation officer's ability to perform the essential functions of the probation officer's job within the . . . probation officer's job description. The order shall state all of the specific objective facts on which the order for the physical exam is based except that the order may omit the specific names of individuals who reported the . . . probation officer's conduct to the supervisor.

(2.) Each department shall adopt policies and procedures that comply with the substantive and procedural requirements set forth in A.R.S. § 38-1109.

3. [No change.]

K. – M. [No change.]