

Rule 3-402. Human resources administration.**Intent:**

To establish guidelines for the administration of a human resources system for the judiciary.

Applicability:

This rule ~~shall apply~~applies to all non-judicial officer employees in the judicial branch.

Statement of the Rule:

(1) **Department of Human Resources.** A department of human resources is established within the Administrative Office to guide the human resources activities of the judiciary.

(2) **Services.** The department of human resources ~~shall will~~ provide the necessary human resources services to the judiciary in compliance with the state constitution, state statute, and this Code. The department of human resources ~~shall will~~ provide all state employees in the judicial branch information regarding benefits, compensation, retirement, and other human resources related matters.

(3) **Human resources policies.**

(3)(A) Policies generally. Human resources policies, including a code of ethics for non-judicial officer employees, will be adopted by the Council in accordance with the rulemaking provisions of this Code.

(3)(B) Non-judicial officer employees. The human resources policies for non-judicial officer employees:

(3)(B)(i) ~~shall will~~ include classification of career service exempt (at-will) and non-exempt jobs, designation of FLSA exempt and non-exempt jobs, guidelines governing recruitment, selection, classification, compensation, working conditions, grievances and other areas deemed necessary; and

(3)(B)(ii) ~~shall will~~ be based upon the following merit principles:

(3)(B)(i)(a) the recruitment, selection and promotion of employees based upon relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment;

(3)(B)(ii)(b) a salary schedule which provides for equitable and adequate compensation based upon current job market data gathered at least every three years including salary levels of comparable positions in both the public and private sector, local labor market information and trends, other relevant data, and available funds;

(3)(B)(iii)(c) employee retention on the basis of performance that enhances and/or advances the mission of the judiciary—where appropriate, provision will be made for correcting performance and separating employees whose performance or misconduct interferes with or fails to advance the mission of the judiciary;

(3)(B)(iv)(d) fair treatment in all aspects of human resources administration without regard to sex, gender, age, ancestry, national

origin, race, color, religious creed, mental or physical disability or medical condition, sexual orientation, gender identity or expression, marital status, military or veteran status, genetic information, or any other category protected by federal, state or applicable local law; and

(3)(B)(~~iv~~)(e) notification to employees and an explanation of their political rights and prohibited employment practices.

(4) **Human resources director – court level administrators.** ~~The state c~~Court level administrators ~~shall will~~ be responsible for the day-to-day administration of the human resources system within that court level. A director of human resources, appointed by the ~~s~~State ~~c~~Court ~~a~~Administrator, ~~shall will~~ be responsible for effective governance of the human resources department and will assist the ~~state court~~ level administrators, court executives, and other managers with human resources related matters.

(5) **Human Resources Policy Review Committee.** ~~Human resources policies, including a Code of Ethics for non-judicial officer employees, shall be adopted by the Council in accordance with the rulemaking provisions of this Code.~~

(5)(A) **Duties.** There is established a Human Resources Policy Review Committee responsible for making and reviewing proposals for human resources policy amendments. The committee ~~shall will~~ review human resource policies at least every three years.

(5)(B) **Members.** The committee ~~shall will~~ consist of the following voting members, which, where indicated, must be selected by majority vote of the entire body of the specified group:

(5)(~~BA~~)(i) the director of human resources;

(5)(~~BA~~)(ii) two trial court executives, selected by the trial court executives;

(5)(~~BA~~)(iii) three clerks of court (one juvenile, one district, and one appellate), selected by the clerks of court;

(5)(~~BA~~)(iv) a chief probation officer from the juvenile court, selected by the chief probation officers; and

(5)(~~BA~~)(v) a case manager, selected by the clerks of court.

(5)(~~CB~~) **Chair.** The chair of the committee ~~shall will~~ be designated by the state court administrator. ~~Other members of the committee shall be appointed in a manner consistent with Rule 1-205.~~

(5)(D) **Support.** The department of human resources ~~shall will~~ provide necessary support to the committee. ~~Other non-voting members may be assigned by the Policy and Planning Committee, as necessary to assist the committee.~~

(5)(~~EG~~) **Policy amendment process.** Pursuant to Rule 1-204, new and amended policies, or repeals, recommended by the committee ~~shall will~~ be reviewed by the Policy, ~~Planning, and Technology and Planning~~ Committee prior to being submitted ~~by the Policy and Planning Committee~~ to the ~~Judicial~~ Council.

(6) **Grievance review panel.**

(6)(A) Quasi-judicial body. A grievance review panel is established within the grievance process outlined in the judiciary's human resources policies to sit as a quasi-judicial body and review adverse employment ~~any actions~~ taken ~~under the authority of in~~ accordance with the judiciary's human resources policies.

(6)(B) Career service employees. ~~and which pertains to~~ Only career service employees may submit a grievance to the Grievance Review Panel, after following the procedures outlined in human resources policies.

(6)(C) Management. The Grievance Review Panel may not review a matter that management has not had an opportunity to address.

(6)(D) Authority. The Grievance Review Panel has the authority to review management decisions regarding the following adverse employment actions:

~~employee promotions;~~

(6)(D)(i) dismissals;

(6)(D)(ii) demotions;

(6)(D)(iii) suspensions;

(6)(D)(iv) reductions in force;

(6)(D)(v) disputes concerning abandonment of position;

(6)(D)(vi) wages/salary grievances if an employee is not placed within the salary range of the employee's current position; and

~~violations of human resources policies;~~ and

(6)(D)(vii) the equitable administration of insurance, retirement, or leave benefits.

(7) Files. An official human resources file for each employee ~~shall will~~ be maintained in the Administrative Office and ~~shall will~~ include the following records:

(7)(A) biographical information;

(7)(B) records of official human resources action;

(7)(C) standards of performance expectations;

(7)(D) corrective actions;

(7)(E) records of official disciplinary action and supporting documentation;

(7)(F) job applications; and

(7)(G) payroll and benefits information.

Effective: ~~11/1/2020~~ November July 1, 2025