

1 **Rule 3-402. Human resources administration.**

2 **Intent:**

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

4 **Applicability:**

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

6 **Statement of the Rule:**

7 (1) A department of human resources is established within the Administrative Office to
8 guide ~~direct and coordinate~~ the human resources activities of the judiciary.

9 (2) The department of human resources shall provide the necessary human resources
10 services to the judiciary in compliance with the state constitution, state statute, and this Code.
11 The department of human resources shall provide ~~keep~~ all state employees in the judicial
12 branch information regarding ~~informed of~~ benefits, compensation, retirement, and other human
13 resources related matters.

14 (3) The human resources policies ~~and procedures~~ for non-judicial officer employees:

15 (3)(A) shall include classification of career service exempt (at-will) and non-exempt
16 jobs, designation of FLSA exempt and non-exempt job positions, guidelines
17 governing recruitment, selection, classification, compensation, working conditions,
18 grievances and other areas deemed necessary; and

19 (3)(B) shall be based upon the following merit principles:

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

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

28 (3)(B)(iii) employee retention on the basis of ~~adequate~~ performance
29 that enhances and/or advances the mission of the judiciary—where
30 appropriate, provision will be made for correcting ~~inadequate~~
31 performance and separating employees whose performance or

~~misconduct interferes with or fails to advance the mission of the judiciary; inadequate performance cannot be corrected;~~

(3)(B)(iv) 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~~to race, color, religion, sex, national origin, age, creed, disability, political affiliation, sexual orientation, gender identity, or other non-merit factors and proper regard for employees' constitutional and statutory rights as citizens~~; and

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

(4) The state court level administrator shall 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 State Court Administrator, shall be responsible for ~~effective governance directing and coordinating the human resources activities~~ of the human resources ~~department system~~ and will assist the state level administrators, ~~and~~ court executives ~~and other managers~~ with human resources related matters.

(5) Human resources policies ~~and procedures, including and~~ a Code of Ethics for non-judicial ~~officer~~ employees, shall be adopted by the Council in accordance with the rulemaking provisions of this Code ~~and shall be reviewed every three years~~.

(5)(A) There is established a ~~H~~human ~~R~~resources ~~P~~policy ~~and procedure R~~review ~~e~~Committee responsible for making and reviewing proposals for ~~repealing~~ human resources ~~policy amendments policies and procedures and promulgating new and amended human resources policies and procedures~~. The committee shall review human resource policies at least every three years. The committee shall consist of the following voting members, which, where indicated, must be selected by majority vote of the entire body of the specified group:

(5)(A)(i) the director of human resources;

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

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

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

69 (5)(A)(v) a case manager, selected by the clerks of court.

70 (5)(B) The chair of the committee shall be designated by the state court
71 administrator. Other members of the committee shall be appointed in a manner
72 consistent with Rule 1-205. The department of human resources shall provide
73 necessary support to the committee. Other non-voting members may be assigned
74 by the Policy and Planning Committee, as necessary to assist the committee.

75 (5)(C) Pursuant to Rule 1-204, new and amended policies ~~and procedures~~, or
76 repeals, recommended by the committee shall be reviewed by the Policy and
77 Planning Committee prior to being submitted by the Policy and Planning Committee
78 to the Judicial Council.

79 (6) A grievance review panel is established within the grievance process to sit as a quasi-
80 judicial body and review any action taken under the authority of the judiciary's human resources
81 ~~policies~~~~procedures~~ and which pertains to decisions regarding employee promotions, dismissals,
82 demotions, suspensions, reductions in force, wages/salary if an employee is not placed within
83 the salary range of the employee's current position,~~salary~~, violations of human resources
84 policies~~rules~~, and the equitable administration of insurance, retirement, or leave benefits;
85 ~~reductions in force and disciplinary actions.~~

86 (7) An official human resources file for each employee shall be maintained in the
87 Administrative Office and shall include the following records: ~~leave records, education records,~~
88 biographical information, ~~performance plans and appraisals,~~ records of official human resources
89 action, standards of performance expectations, corrective actions, records of official disciplinary
90 action and supporting documentation, ~~letters of commendation,~~ job applications, and payroll and
91 benefits information.

92 *Effective November 1, 2020*