

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 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 direct
8 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
11 Code. The department of human resources shall keep all state employees in the judicial
12 branch informed of benefits, compensation, retirement, and other human resources
13 related matters.

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

15 (3)(A) shall include classification of exempt and non-exempt positions, guidelines
16 governing recruitment, selection, classification, compensation, working
17 conditions, grievances and other areas deemed necessary; and

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

19 (3)(B)(i) The recruitment, selection and promotion of employees ~~is~~-based upon
20 relative ability, knowledge and skills, including open consideration of
21 qualified applicants for initial appointment.

22 (3)(B)(ii) A salary schedule which provides for equitable and adequate
23 compensation based upon studies conducted every three years of the
24 salary levels of comparable positions in both the public and private
25 sector and available funds.

26 (3)(B)(iii) Employee retention on the basis of adequate performance. Where
27 appropriate, provision will be made for correcting inadequate
28 performance and separating employees whose inadequate
29 performance cannot be corrected.

30 (3)(B)(iv) Fair treatment in all aspects of human resources administration
31 without regard to race, color, religion, sex, national origin, age, creed,

32 disability, political affiliation or other non-merit factors and proper
 33 regard for employees' constitutional and statutory rights as citizens.

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

36 (4) The state court level administrator shall be responsible for the day-to-day administration of
 37 the human resources system within that court level. A director of human resources,
 38 appointed by the State Court Administrator, shall be responsible for directing and
 39 coordinating the human resources activities of the human resources system and will assist
 40 the state level administrators and court executives with human resources related matters.

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

44 (5)(A) There is established a human resources policy and procedure review committee
 45 responsible for making and reviewing proposals for repealing human resources
 46 policies and procedures and promulgating new and amended human resources
 47 policies and procedures. The committee shall consist of the following voting
 48 members, which, where indicated, must be selected by majority vote of the entire
 49 body of the specified group:

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

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

52 ~~(5)(A)(iii) a district court clerk of court;~~

53 ~~(5)(A)(iv)(5)(A)(iii) a juvenile court clerk of court;~~ three clerks of court (one
 54 juvenile, one district, and one appellate), selected by the clerks of
 55 court;

56 ~~(5)(A)(v)(5)(A)(iv)~~ a probation supervisor from the juvenile court, selected by
 57 the probation supervisors; and

58 ~~(5)(A)(vi)(5)(A)(v)~~ an assistant clerk of court from the district court or circuit
 59 courts a case manager, selected by the clerks of court.

60 (5)(B) The chair of the committee shall be designated by the ~~director in consultation~~
 61 ~~with the~~ state court administrator. Other members of the committee shall be
 62 appointed in a manner consistent with Rule 1-205. The department of human
 63 resources shall provide necessary support to the committee. Other non-voting
 64 members may be assigned by the Policy and Planning Committee, as necessary
 65 to assist the committee.

- 66 (5)(C) Pursuant to Rule 1-204, New and amended policies and procedures, or repeals,
67 recommended by the committee shall be reviewed ~~by the court executives~~by the
68 Policy and Planning Committee prior to being submitted by the Policy and
69 Planning Committee to the Judicial Council. ~~The Court Executives may endorse~~
70 ~~or amend the draft policies and procedures or return the draft policies and~~
71 ~~procedures to the committee for further consideration.~~
- 72 (6) A grievance review panel is established within the grievance process to sit as a quasi-
73 judicial body and review any action taken under the authority of the judiciary's human
74 resources procedures and which pertains to employee promotions, dismissals, demotions,
75 wages, salary, violations of human resources rules, benefits, reductions in force and
76 disciplinary actions.
- 77 (7) An official human resources file for each employee shall be maintained in the
78 Administrative Office and shall include the following records: leave records, education
79 records, biographical information, performance plans and appraisals, records of official
80 human resources action, records of official disciplinary action and supporting
81 documentation, letters of commendation, job applications and payroll and benefits
82 information.

83 *Effective May/November 1, 20__*