

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 jobs~~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

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

34 | (3)(B)(iv) fair treatment in all aspects of human resources
35 | administration without regard to sex, gender, age, ancestry, national
36 | origin, race, color, religious creed, mental or physical disability or
37 | medical condition, sexual orientation, gender identity or expression,
38 | marital status, military or veteran status, genetic information, or any
39 | other category protected by federal, state or applicable local law~~to race,~~
40 | ~~color, religion, sex, national origin, age, creed, disability, political~~
41 | ~~affiliation, sexual orientation, gender identity, or other non-merit factors~~
42 | ~~and proper regard for employees' constitutional and statutory rights as~~
43 | ~~citizens; and~~

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

46 | (4) The state court level administrator shall be responsible for the day-to-day administration of
47 | the human resources system within that court level. A director of human resources, appointed
48 | by the State Court Administrator, shall be responsible for effective governance~~directing and~~
49 | ~~coordinating the human resources activities~~ of the human resources department system and will
50 | assist the state level administrators, and court executives and other managers with human
51 | resources related matters.

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

55 | (5)(A) There is established a Hhuman Rresources Ppolicy and procedure Rreview
56 | eCommittee responsible for making and reviewing proposals for ~~repealing human~~
57 | ~~resources policy amendments~~policies and procedures and promulgating new and
58 | ~~amended human resources policies and procedures.~~ The committee shall review
59 | human resource policies at least every three years. The committee shall consist of
60 | the following voting members, which, where indicated, must be selected by majority
61 | vote of the entire body of the specified group:

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

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

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

67 | (5)(A)(iv) a chief probation officer from the juvenile court, selected by
68 | 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.