

Montana Judicial Branch Personnel Policies & Procedures

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1.0 POLICY

The Judicial Branch shall recruit, appoint, assign and promote employees on the basis of merit and job-related qualifications without regard to race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, pregnancy, child birth or medical conditions related to pregnancy or child birth, culture, ancestry, social origin or condition, genetic information, military service or veteran status, gender identity or expression, sexual orientation, or political beliefs. This policy details the procedures to be used to allow for the selection of employees based on job-related qualifications.

The Supreme Court Justices, the Supreme Court Administrator, District Court Judges, the Chief Water Judge, and the State Law Librarian have the overall authority to plan, develop and monitor employee selection procedures. Each of these authorities may delegate, to supervisory personnel, the authority to hire, promote or transfer. Each Supreme Court Justice, District Court Judge, and the Chief Judge of the Water Court have the inherent power to select and appoint the Judge's own necessary assistants and employees and to direct the assignment of their duties in accordance with Judicial Branch policies.

The Judicial Branch is committed to providing reasonable accommodation for any known disability that may interfere with an applicant's ability to compete in the selection process or an employee's ability to perform the duties of the job, except where an accommodation would create an undue burden.

2.0 DEFINITIONS

"Hiring Authority" is any management or supervisory employee who has been delegated the authority to manage an individual selection process. Delegation of this authority rests with the Supreme Court Justices, the Supreme Court Administrator, the Chief Water Judge, each District Court Judge, or the State Law Librarian depending on the location of the job vacancy.

"Familial Relationship" is a relationship established through blood, marriage, or adoption and includes spouse, domestic partner, child, stepchild, grandchild, parent, grandparent, aunt, uncle, nephew, niece, brother, sister, in-laws, or other person with whom an employee maintains a close familial relationship.

3.0 PROCEDURES

Announcing Vacancies:

- a. The recruitment and selection process begins when the hiring authority notifies the Human Resources Office of a vacancy.
- b. A current position description accurately describing the essential job functions shall be on file with the Human Resources Office.
- c. A vacancy announcement will contain a description of the essential duties and the minimum standards for education, experience and any physical requirements that are necessary. The hiring authority shall develop these standards with assistance from Human Resources Office.

Vacancy Announcements: All internal and external vacancy announcements will be prepared by the Human Resources Office and printed on the Judicial Branch vacancy announcement form. This form will contain:

- a. Internal or External Designation;
- b. Job title - either working or classified;
- c. Workplace location;
- d. Position number;
- e. A description of essential duties to define job functions in a sufficiently detailed manner;
- f. A description of the qualifications or knowledge and competencies required to perform the essential duties of the job, including physical requirements;
- g. Work hours and assigned days off;
- h. Special requirements such as licenses, travel, and unusual working conditions;
- i. Entrance salary and grade level;
- j. Closing date;
- k. A list of all required application materials and forms;
- l. Duration of the position: permanent, full or part time, temporary or seasonal;
- m. Information on the probationary period;
- n. An ADA statement such as: Reasonable Accommodations: Under federal and state law qualified applicants with disabilities are entitled to reasonable accommodations. Modifications or adjustments may be provided to assist applicants in the recruitment and selection process, to perform the essential duties of the job or to enjoy equal benefits and privileges of employment available to other employees. Alternative Accessible formats of this document will be provided upon request. An applicant must request an accommodation when needed. If you need any such accommodation contact the Human Resources Office, at (406) 841-2965. TDD users may use the Relay Services by dialing 1-800-253-4091;
- o. A statement on the criminal background check process;
- p. A mailing address or locations where applications will be accepted; and
- q. If applicable, an application supplement, which provides applicants with a formal, written avenue for describing specific knowledge, skills and abilities (or competencies) related to the position. Application supplements may be used as a screening tool and/or as part of the hiring decision.

3.1 VACANCY POSTING REQUIREMENTS/OPTIONS

Several options exist for posting positions. Hiring authorities should confer with the Human Resources Office for additional information.

- a. Hiring authorities may post positions internally to all permanent Judicial Branch employees. Internal applicants may submit completed application materials or a resumé by the job-posting deadline. Internal announcements must be open for a minimum of seven calendar days. The Human Resources Office will distribute the announcements to all offices. Hiring authorities are not required to hire from an internal posting.
- b. Positions that are posted externally solicit applications from the general public. Vacancy announcements will be sent to the job service and all Judicial Branch offices. External job announcements will be open for a minimum of 14 calendar days. Positions that are difficult to fill or, where there are recurring vacancies, may be open continuously. Identical positions in the same geographic location that open within 90 days of the initial posting closing date may be filled with the same recruitment.
- c. Positions filled by participants for an on-the-job training, work experience or other programs conducted under federally authorized employment or training programs are not required to be posted.
- d. External positions may be advertised in newspapers, trade journals, professional organizations, or any other medium selected by the hiring authority. The Human Resources Office will coordinate the advertising as requested by the hiring authority.

3.2 SCREENING AND SELECTION ACTIVITIES

The Human Resources Office is responsible for the following:

- a. Receiving application materials from applicants/job service;
- b. Verifying preferences and notifying the hiring authority of all applicants claiming any statutory preference;
- c. At the request of the hiring authority, the Human Resources Office may provide additional assistance by:
 - 1. Screening the applications according to the minimum requirements as stated on the vacancy announcement;
 - 2. Evaluating the applications based on criteria developed by the hiring authority, and ranking the candidates to be interviewed (only in cases where the hiring authority chooses not to interview all of the applicants that meet the minimum requirements);
 - 3. Providing a list of all applicants, indicating which applicants meet the minimum requirements and the application materials, for the applicants that meet the minimum requirements to the hiring authority; and
 - 4. Assisting with the interview process.

The hiring authority is responsible for the following:

- a. Reviewing the material provided by the applicants and the Human Resources Office. The hiring authority may interview all applicants who meet the minimum requirements or narrow the number of candidates to be interviewed by establishing a cutoff point.
- b. The hiring authority may reconsider the ranking and screening decisions that are provided by Human Resources.

Interview Set-up:

- a. Applicants who are selected for an interview should be contacted by telephone by the hiring authority to set an interview date, time and location. If the hiring authority is

unsuccessful in reaching an applicant by telephone an email should be sent to the applicant with the interview date, time and location. Applicants who do not appear at the appointed time and place, or applicants who withdraw from the interview process may be removed from the applicant pool. The Human Resources Office should be contacted if the hiring authority wishes to exclude a candidate for any other reason.

- b. Internal Judicial Branch candidates will be granted administrative leave time, including travel time, for interviews. Any travel expenses (fuel, meals, and motel) related to an interview are the responsibility of the applicant.

3.3 SELECTION DEVICES

The Judicial Branch recognizes many selection devices including:

- a. Interview questions and suggested answers;
- b. Reference checks and previous performance appraisals;
- c. Applicable job-related performance tests;
- d. Relevant education and experience;
- e. Supplemental questions;
- f. Writing samples; and,
- g. Written interview questions.

3.4 INTERVIEWS AND TESTING

Interviews are a reliable method of determining more about the capabilities of minimally qualified candidates. Although interviews are important, other selection criteria can be considered.

Interviews should be done with a set of questions and suggested responses that are scored or ranked by the hiring authority/interview committee. Answers should be recorded on the Oral Interview Forms available from the Human Resources Office and scores/rankings should be arrived at by consensus. Applicants may be more comfortable if they are allowed to review the structured questions for a set time before the actual interview. Interview committees are encouraged to ask candidates additional job-related questions as follow-up to applicant answers or in relation to an applicant's application.

A hiring authority may give, and use the results of, a job-related test. Structured tests are useful for assessing job-related qualifications in many positions. Technical skills can often be more readily demonstrated through structured tests. If a test is used the following items must be in place:

- a. Identical instructions, in writing, must be given to each applicant;
- b. The amount of time given to each applicant to complete the test must be identical;
- c. Testing facilities and equipment must be same for each applicant (court reporter opening may deviate from this practice);
- d. A minimum score should be established prior to testing;
- e. Tests, like other materials, must have suggested answers or goals, that must be retained with other materials; and
- f. Upon request from an applicant with a disability, reasonable accommodation for testing should be made.

3.5 SELECTING THE TOP CANDIDATE

The hiring authority should review all relevant information, including interview scores, test results and other materials to determine the top candidate(s). The selection of the top candidate(s) should consider all relevant tools used in the selection process. The top candidate(s) is subject to additional screening devices as follows.

Reference Checks: The top candidate(s') former employers are the appropriate contacts for references. Hiring authorities are responsible for completing reference checks. All questions must be job-related. A standard reference check form is available from the Human Resources Office. The questions and comments received from references must be recorded for inclusion in the recruitment packet. Personal references are not appropriate unless the employee has had limited experience in the job market. Unusual reference check problems should be referred to the Human Resources Office.

Background Check: Judicial Branch employees should check the background of applicants for certain positions in the following ways. The Background Check Policy (#205) provides a thorough overview of this requirement. The Human Resources Office maintains a list of positions subject to each type of background check.

- a. **Criminal Background Check:** The Judicial Branch has the right and obligation to thoroughly investigate conviction records. Any records that relate to the duties of the position may be used to disqualify a potential applicant. The final decision on disqualifications for convictions will rest with the hiring authority and the Human Resources Office. The criminal records background check release form needed to conduct the background check is available from the Human Resources Office.
- b. **Professional License or Certificate:** If a position requires the possession of a valid license or professional certificate, a copy of this must be requested, and received, from the applicant.
- c. **Child Protective Services Background Checks:** Positions with direct client contact are subject to a child protective services background check. These checks are conducted through the CAPS computer system. Any information which may be considered job related may be used to disqualify a job applicant. These decisions are made on a case-by-case basis.

3.6 HIRING PREFERENCES

Prior to hiring the selected candidate, the hiring authority must review the various employment preferences which place additional obligations on the Judicial Branch. Assistance is available from the Human Resources Office. Additional information about these preferences may be requested from the Human Resources Office.

- a. **Public Employees Disability Retirement:** A recipient whose disability retirement allowance is canceled by PERS must be reinstated to the position held immediately before the person's retirement or to a position in the same classification with duties within the person's capacity. 19-3-1015, MCA.
- b. **Individual With a Disability Employment Preference:** The Judicial Branch shall provide preference in employment to eligible persons with disabilities and certain spouses, when they are substantially equal in qualification to others applying for initial appointments to

positions in compliance with 39-30-201 through 207, MCA as defined in the State of Montana Personnel Policy 3-0171. This preference will be applied for externally advertised positions only.

- c. Veterans' Employment Preference: The Judicial Branch shall provide preference to eligible veterans, disabled veterans and certain eligible relatives in compliance with 39-29-101 through 112, MCA as defined in State of Montana Personnel Policy 3-0172. An applicant who is eligible for preference under this law receives additional points once the numerical score for the screening process and the interview process has been completed. Eligible veterans will receive five additional percentage points and disabled veterans or eligible relatives may receive ten additional percentage points. Eligible veterans also receive preference in a non-scored procedure. The Human Resources Office will assist hiring authorities in applying this preference. Veterans' preference will be applied to temporary and permanent externally advertised positions only.
- d. Indian Preference: The Judicial Branch shall provide preference to Indian applicants for externally advertised positions where the primary office location is on a reservation pursuant to the terms and conditions of 2-18-111, MCA.
- e. Applicants claiming hiring preference are entitled to request and receive information, in writing, explaining why they were not selected for a position. Careful documentation of the selection process will assist the Human Resources Office in responding to these inquiries.

3.7 FAMILIAL RELATIONSHIPS

In situations where the hiring authority has a familial relationship with a job applicant, he/she shall disclose the information to Human Resources prior to conducting job interviews. Human Resources will review the applications and interview materials for all candidates to ensure no improper preferences were given to the family member during the hiring process.

Prior to extending a job offer, Human Resources and the hiring authority must develop an acceptable procedure for supervision of the applicant which should include, when at all possible, the delegation of supervisory responsibilities to another supervisor who does not have familial relationships with the applicant. An appropriate procedure for supervision of the applicant must include, at a minimum, the following supervisory responsibilities:

- a. Approval of timecards;
- b. Approval of business expenses including office supplies;
- c. Approval for travel expenses;
- d. Approval for training requests;
- e. Approval of leave requests;
- f. Performance evaluations;
- g. Discipline actions;
- h. Promotions;
- i. Terminations;
- j. Pay increases; and,
- k. Oversight for cash transactions.

A supervisor who is going to hire or who has hired a family member shall not delegate supervisory responsibility to another employee over whom the supervisor has authority. Delegation of supervision can only be given to another supervisor and must be approved by Human Resources.

3.8 PROMOTIONS INVOLVING FAMILIAL RELATIONSHIPS

In situations where the promotion of an employee will result in that employee supervising another employee with whom they have a familial relationship, the hiring authority must, in all cases, notify Human Resources and disclose the familial relationship prior to interviewing the candidate and making a job offer. Human Resources and the hiring authority must develop an acceptable procedure for supervision of the family member which should include, when at all possible, the delegation of supervisory responsibilities to another supervisor who does not have a familial relationship with the employee. An appropriate procedure for supervision of the employee must include, at a minimum, the supervisory responsibilities listed in Section 3.7.

3.9 EMPLOYMENT OFFER

Upon completion of the selection process, the checking of references, the background check, and the review of the various employment preferences, the hiring authority must submit the Certification for Hiring Form (attachment) to the Human Resources Office. The authority should document why the selected applicant is the best candidate. The Human Resources Office will notify the hiring supervisor when the materials are received and a “new hire” packet will be sent electronically for the new employee.

The Americans with Disabilities Act prohibits preemployment inquiries about a disability to assure that qualified candidates are not screened out because of a disability. After making a conditional offer of employment, additional information about medical or physical conditions may be gathered. The information must be necessary for job reasons and must be requested from all applicants in the same pool. Medical exams or testing can only be done after a conditional offer of employment is made.

A person selected for a position should receive a written confirmation from the hiring supervisor with the following minimum information:

- a. Date of hire;
- b. Initial work schedule and office location;
- c. Classification, grade and base salary;
- d. Probationary period information;
- e. The duration and hours per week of the position;
- f. Name of the immediate supervisor;
- g. Statements regarding the transfer of leave credit if applicable;
- h. A signature block for the employee; and
- i. Statement that the letter is not a contract and that conditions of employment are subject to change.

A copy of the letter must be forwarded to the Human Resources Office for inclusion in the employee's personnel file. A form letter is available from the Human Resources Office.

The Human Resources Office will notify unsuccessful applicants in writing. Applicants claiming hiring preference under the Montana Veterans' Employment Act and the Disabled Persons' Employment Preference Act shall be notified of the hiring decision in accordance with statute.

The Human Resources Office will maintain the following materials in files for each selection for a period of three years from the date of the selection:

- a. The position description;
- b. A copy of the vacancy announcement;
- c. A copy of the advertisement;
- d. All applications, supplements, questionnaires and other application materials;
- e. A copy of selection devices and any other selection criteria;
- f. A copy of screening information;
- g. Correspondence with applicants;
- h. Certificate of Hire form; and,
- i. Any other selection information.

4.0 ACCESS TO MATERIALS

Application materials are considered public information absent an asserted privacy right which will be evaluated on a case by case basis. Selection materials are confidential and will be released only to persons involved in administering the hiring process. Hiring authorities or the Human Resources Office may discuss, upon request from an applicant, the selection process and scores related to that individual.

MONTANA JUDICIAL BRANCH VACANCY REQUEST FORM

Position Information:

CLASSIFICATION TITLE: _____

LOCATION: _____

Please fill or check boxes where applicable:

Position No. _____ Permanent _____ Temporary _____
Grade _____ Full-Time _____ Part-Time _____

Resume Required _____ Transcripts Required _____
Criminal Background Check _____

Employee Vacating Position: _____
Effective Date: _____

Hiring Supervisor Signature: _____ Date: _____ Phone Number: _____
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Advertising Information:

Judicial Branch Only _____ Statewide _____

Newspaper Advertising _____

Please check all that apply:

Great Falls _____ Helena _____ Billings _____
Butte _____ Missoula _____ Kalispell _____
Bozeman _____
Please list other _____

Position Requirements:

General Summary of Duties (Please limit to one or two paragraphs):

Required education and experience (Please include any required licenses or certification):

List any supplemental questions:

Any other special information (i.e. – travel required, unusual hours, etc.):

Please send, fax or e-mail this form to Human Resources Office.

**Human Resources Office
Court Administrator's Office
P.O. Box 203002
Helena, MT 59604
Fax: (406) 444-0834**

MONTANA JUDICIAL BRANCH Certification of Hire Form

Please submit this form to the Human Resources Office with your selection materials.

Position Title: _____

Position Location: _____

Position Classification and Pay Status: _____

Supervisor's Name and Phone Number: _____

Successful Applicant: _____

Starting Date: _____

Check which box applies:

_____ New to State Government

_____ Current State Employee; if so, which agency _____

Reason for Selecting Applicant:

If there is a familial relationship between the supervisor and applicant, please detail information here:

Hiring Authority Signature:

For Human Resources Office:

Date New Employee Packet Sent : _____