

Montana Judicial Branch Personnel Policies & Procedures

Subject: Pay Plan	Policy No.: 401
Chapter: 3-1-130, MCA	Pages: 5
Section: Classification and Pay	Revision Date: November 11, 2019; July 1, 2021
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1.0 POLICY

The Judicial Branch, as required by 3-13-130, MCA, establishes the following policy to implement the branch's compensation policy and practices.

2.0 DEFINITIONS

"Base Salary" is the salary paid to the employee not including benefits, longevity pay, overtime, and any other additional monies.

"Break in Service" is a period in excess of five working days when the person is not employed by the State of Montana. The break could result from termination, a resignation, or failure to show for work for more than five days without an approved leave of absence.

"Class Title" is the title assigned to a class specification. The class title is used to manage the position in the payroll system and for reporting purposes. Employees may use different working titles as needed.

"Demotion" is an assignment to a lower grade position either voluntarily or through the employer's action.

"Entry-Level Salary" is the lowest salary assigned to a grade on the pay matrix. New employees are hired at entry-level unless a pay exception is approved pursuant to this policy.

"Grade" is the number assigned to the position based on the assigned classification. Each grade has a corresponding salary range.

"Leave of Absence" is an approved absence from the work place for reasons such as sick leave, military leave, or jury duty.

"Longevity" is a salary increase of 1.5% or 2.0% times the base salary for every five years of uninterrupted state service. For District Court employees assumed on July 1, 2002, future longevity payments will be calculated based on the employees last uninterrupted date of hire with the county. A full description of the longevity system is in Section 3.1

"Maximum Salary" is the highest base salary paid in each grade on the salary matrix.

"New Hire" is an employee outside of state government newly hired into the judicial branch.

“Promotion” is the assignment of an employee to a higher pay grade.

“Reclassification” is a change in the classification of an individual or group of positions. Reclassification may result in a grade increase, a grade decrease, or no change at all.

“Short-term worker” is a person hired for less than 90 days of work in a year.

3.0 NEW HIRE PAY RATES

- a. Employees from outside state government newly hired by the Judicial Branch are hired at the entry-level rate for the assigned pay grade. Exceptions to this policy are allowed as detailed in the pay exception section. Employees rehired into a Judicial Branch employment after a five day or more break in service are considered new hires subject to the entry-level rate.
- b. Current state government employees in another branch hired into a Judicial Branch position may be hired at a rate above entry-level. The employee’s years of service, the type of position, and the salaries of other similar employees will be considered in the pay decision.
- c. Employees hired for a short-term worker position may be hired above the entry-level rate for the assigned job. The hiring authority must consider factors such as the person’s level of expertise, the type of assigned work, and the salaries of other employees.
- d. The Court Services Director, after consultation with the appropriate budget analyst, may approve pay rates above the entry-level.

3.1 LONGEVITY PAY

Judicial Branch employees receive longevity pay for every five-year increment of uninterrupted service.

- a. Employees receive a 1.5 percent increment at the first, and at the sixth or subsequent five-year period of uninterrupted service.
- b. Employees receive a 2 percent increment at the second, third, fourth, and fifth five-year period of uninterrupted service.
- c. Service with the state is considered uninterrupted by an authorized leave of absence.
- d. A break in service of more than five days nullifies all longevity increments.
- e. Contiguous employment with another branch of state government counts toward the five- year longevity periods with the branch.
- f. Employees who have reached a fifth longevity increment or 25 years of uninterrupted service or more as of July 1, 2021, will have their longevity pay increased by 0.5 percent to match legislation passed in the 67th Legislative Session, which provided the 0.5 percent longevity increase to the 25-year anniversary of uninterrupted service. The 0.5 percent increase will be effective July 1, 2021 and shall not be retroactive.

District Court employees assumed by the state on July 1, 2002 receive longevity within the following parameters:

- a. The employee’s last date of hire with the county is the effective date for state longevity increments attained after July 1, 2002. Employees will not be credited with

any longevity increments based on years of service accrued prior to July 1, 2002. Employees will receive the next longevity increment for the total years of service.

- i. For example, a District Court employee with 14 years of county service and one year of state service would receive a 15-year longevity increment worth 2.0%.
- b. Employees eligible for a longevity increment between July 2002 and July 2003 will receive the longevity increment on July 1, 2003. The increment pay will not be retroactive to the original anniversary date.
- c. Longevity pay is granted on the first day of the period including the employee's anniversary date.

Longevity pay is calculated by taking the base salary, multiplying the earned longevity percentage, and adding that amount to the base salary. An employee's placement on the pay matrix does not affect longevity pay.

3.2 TRANSFERS

When an employee transfers to a position in the same grade classification, the employee's pay will remain the same. A transfer to a like position will not result in a pay decrease or pay increase.

3.3 PAY EXCEPTIONS

Newly hired employees will be hired at the entry-level pay rate for the assigned pay rate. In some cases, this may not be possible based on the special needs of the position, limited ability to recruit, and other circumstances. The following process is used when filling a position above the entry-level rate:

- Request must be submitted to the Court Services Director with the rationale for the requested pay exception. The rationale should include a description of any recruitment problems including problems based on specialized qualifications, geographical recruitment difficulties, or other issues.
- Pay exceptions will generally not exceed twenty-five percent of the entry-level salary.
- Pay exception requests cannot exceed the maximum salary for the assigned grade.
- The Court Services Director will work with the hiring authority to establish an appropriate rate if a pay exception is necessary.
- The budgeted amount for the position must be adequate to fund any pay exception. Pay exceptions may only be granted when there is sufficient budget authority to do so.

Existing employees will generally not be granted pay increases or pay exceptions beyond those offered to all employees. However, in specific cases it may be desirable to offer a pay increase to a current employee. A specific case may include a particularly valuable employee with unique skills who has received another job offer. The following process will apply in evaluating pay exceptions for existing staff:

- Request must be submitted to the Court Services Director with the rationale for the requested pay exception. Specific rationale about the need for the pay exception must accompany the request.
- Pay exceptions will generally not exceed twenty-five percent of the entry-level salary.
- Pay exception requests may not exceed the maximum salary for the assigned grade.
- The Court Services Director will work with the supervisor making the request to establish an appropriate rate if a pay exception is necessary. The Supreme Court Administrator must approve any pay exceptions for existing staff.
- The budgeted amount for the position must be adequate to fund any pay exception. Pay exceptions not covered by existing budget dollars will be denied.

3.4 BASE SALARY INCREASES

Salary increases are based on legislative funding and the budget. Each June following a regular legislative session, the Supreme Court will determine what funding was allocated by the Legislature for salary increases. If funding was allocated for salary increases, the Court will determine how funding will be allocated for pay increases. The Supreme Court may make this determination for both years of the biennium following the legislative session. The Supreme Court may consider these priorities in making salary allocations:

- a. Cost of living increases for all employees below maximum on the pay matrix;
- b. Recruitment or retention issues in particular job classifications; and
- c. Any special salary needs for particular job classifications.

Employees will be notified by the July following the legislative session if any salary increases will be granted during the biennium and how those increases will be granted to employees. Employees with base salaries higher than the assigned maximum salary on the pay matrix will not receive a base salary increase.

3.5 PAY MATRIX

The Supreme Court determines the pay rates on the pay matrix. Each June following a regular legislative session, the Supreme Court will determine what funding was allocated by the Legislature for salary increases. If funding was allocated for salary increases, the Court will determine if the funding will be used to increase the overall pay matrix. The Supreme Court may make this determination for both years of the biennium following the legislative session. The Supreme Court will consider these priorities in setting the pay matrix:

- a. The need to offer competitive entry-level salaries, thus allowing the branch to recruit qualified candidates; and
- b. Any special salary needs at particular grade levels.

A new Judicial Branch pay matrix will be published and distributed each July following a regular legislative session. The new pay matrix will be used in determining which employees exceed the maximum salaries and are not entitled to a general pay increase.

3.6 TEMPORARY PROMOTIONS

A supervisor may assign an employee to a temporary placement in a higher-level job if needed. In general, for periods of less than 30 days, the employee will not receive additional compensation for performing the additional duties. In cases where the temporary promotion will exceed 30 days the supervisor may assign a pay differential to compensate for the additional job duties. Pay differentials may not exceed 10 percent of the employee's current base salary and should only be granted for 30 days. Extensions may be requested if the higher-level duties are continuing beyond the 30 day period.

3.7 PROMOTIONS

An employee promoted to a higher grade position either through a classification change or through a competitive hiring process will receive a base salary adjustment based on the following:

- a. The employee's salary at the lower grade level should be evaluated as a percentage above entry level for the current grade. That percentage may be applied to the higher grade to determine a new base rate.
- b. The Human Resources Office will work with the employee's supervisor to determine the appropriate salary. Factors to determine the appropriate salary will include experience with the Branch, other relevant work experience, special skills and training, salary of other employees in similar positions, and overall complexity of the position.
- c. A promotional pay increase must not result in a budget deficit.

3.8 DEMOTIONS

An employee demoted to a lower grade position either voluntarily or through a management action may receive a base salary adjustment based on the following:

- a. The employee's salary at the higher-grade level should be evaluated as a percentage above entry level for the current grade. That percentage may be applied to the lower grade to determine a new base rate.
- b. The Human Resources Office will work with the employee's supervisor to determine the appropriate salary. Factors to determine the appropriate salary will include experience with the Branch, other relevant work experience, special skills and training, salary of other employees in similar positions, and overall complexity of the position.
- c. A pay rate change must not result in a budget deficit.