

#### 4.000 APPOINTMENT POLICIES AND PROCEDURES

The successful operation of the Trial Court depends directly on the abilities and contributions of each employee in the organization. Therefore, the objective of the hiring process is to select the most qualified individuals who can carry out their responsibilities in a competent and professional manner consistent with the Trial Court's mission. To accomplish this objective, the Trial Court has established a transparent, merit based hiring process. All appointing authorities are responsible for ensuring compliance with this hiring process.

It is also the Trial Court's goal and intent to ensure that all candidates for appointment and promotion are provided with equal employment opportunity based upon their qualifications for the position without regard to minority classification (race, color, or national origin), sex, gender identity, age (over forty), sexual orientation, marital status, religion, disability, or Vietnam era veteran status. To achieve this goal, the Trial Court is committed to following fair and equal employment practices.

#### 4.100 General Requirements

- A. Consistent with state law (Ch. 478, s. 328 of the Acts of 1978), only persons who are residents of the Commonwealth of Massachusetts may serve as officers in or as employees of the Judicial branch. This provision does not apply to those persons serving as officers in or employees of the Judicial branch prior to July 1, 1978, the effective date of Ch. 478, s. 328 of the Acts of 1978.

- B. An applicant, including a former employee of the Trial Court, shall not be eligible for appointment or reinstatement within the Trial Court if:
1. he/she was discharged for cause, except when such discharge resulted from exhaustion of all leave benefits as a result of a long-term illness or disability;
  2. he/she was convicted of a felony, or convicted of a misdemeanor resulting in incarceration, and the end date of such incarceration is within the five year period immediately preceding the date of application for employment, unless the appointing authority requests and receives a waiver from the Court Administrator. Such requests shall be submitted to the Human Resources Department.
- C. Positions posted in accordance with this section are open to the general public and Trial Court employees. To be considered for any appointment, an applicant must meet the minimum qualifications established for the position to which he/she applied. The requirements for temporary employment are outlined in section 4.700.
- D. If an applicant holds or is a candidate for any Federal, State, County, or Municipal elective office, the appointing authority should immediately contact the Human Resources Department to determine whether or not the circumstances would present a conflict of interest. If a conflict of interest is determined, the applicant would not be eligible for appointment so long as he/she holds or is a candidate for that elective office.

- E. The hiring policies and procedures of this section may be subject to other requirements as set forth from time to time by the Court Administrator.
  
- F. The Human Resources Department is responsible for administering the appointment policies and procedures, including the tracking of all applications from the time positions are posted through final candidate approval.

**4.200 Recruitment and Referral**

**4.201 Job Posting**

- A. In order for a position to be filled on a permanent basis, a Job Posting Request Form (F3) must be submitted by the appointing authority to the Office of Court Management (OCM). For Probation positions, the Commissioner of Probation shall consult with the First Justice, where applicable, prior to submitting the Job Posting Request Form. The Commissioner will submit all Request Forms for Probation positions.

The Request Form will be reviewed by the Director of Human Resources, Chief Financial Officer, and Court Administrator, or their designees. The Job Posting Request Form must indicate the requested posting method: Internal, Department wide, Trial Court wide, or External. Internal postings must be posted for a period of five (5) business days. Department wide, Trial Court wide, and external postings must be posted for a period of ten (10) business days. If the Job Posting Request is approved by OCM, a Job

Opportunity Posting will be prepared by the Human Resources Department.

- B. A Job Opportunity Posting consists of a job description that includes:
1. the opening and closing date of the posting period;
  2. the job title, including the working location(s) of the position;
  3. a mission statement for the department;
  4. the major duties and responsibilities of the position;
  5. the competencies for the position that will be required of any successful candidate filling the vacancy;
  6. the educational and relevant experience required, including any specialized training and/or licensing prerequisites for the position;
  7. the starting salary, including the job grade and/or job series; or the management designation, if applicable;
  8. a statement informing applicants that in order to be considered for the position, they must apply during the posting period indicated on the Job Opportunity posting.
  9. a statement advising applicants that they must complete the application process online at the Trial Court Internet Job

Opportunities page at [www.mass.gov/courts/jobs](http://www.mass.gov/courts/jobs), or the Trial Court intranet Job Opportunities page at <http://trialcourtweb.jud.state.ma.us/jobs>.

10. the statement "AFFIRMATIVE ACTION/EQUAL OPPORTUNITY EMPLOYER".

C. Standard Posting Requirements

1. a copy of the job opportunity will be posted by the appointing authority in a public place(s) in the court division/department which has the vacancy;
2. a copy of the job opportunity will be forwarded to the Departmental Administrative Office by the Human Resources Department;
3. a copy of the job opportunity will be forwarded to the appropriate union (if applicable) by the Human Resources Department;
4. a copy of the job opportunity will be posted at the Office of Court Management by the Human Resources Department; and
5. the job opportunity will be posted on the Trial Court intranet Job Opportunities page, and at [www.mass.gov/courts/jobs](http://www.mass.gov/courts/jobs).

D. Recruiting and Outreach Activities

1. The Trial Court encourages the professional development of current staff for the filling of promotional opportunities from within when appropriate. In the instance of all new hires, the Trial Court promotes a rigorous multi-channeled approach of candidate outreach.
2. Outreach activities will include a recruitment plan developed by the Human Resources Department consistent with the Trial Court Affirmative Action/Equal and Fair Employment Plan. The recruitment plan will be developed in consultation with the relevant appointing authority.
3. The recruitment plan is designed to attract the best possible candidates as well as to increase the diversity of the applicant pool.

Examples of recruitment and outreach sources:

- Commonwealth Employment Opportunities Website (CEO);
- National Center for State Courts;
- local bar associations, chambers of commerce, women's groups, veterans' organizations, and disability advocate organizations;
- local universities, community colleges, technical schools, and trade organizations;

- resource lists obtained from the Diversity Officer;
- bulletin boards at community centers and local libraries;
- vendors who conduct business with the Trial Court and  
outplacement offices of businesses in the surrounding  
communities where the opening exists; and
- referrals from current employees.

E. Media and Advertising

1. The Human Resources Department will seek to use online cost-effective websites prior to pursuing paid advertisement. Examples include electronic bulletin boards and employment networking sites such as LinkedIn.
2. All appointing authorities seeking to place a paid advertisement must contact the Fiscal Affairs Department to ensure the availability of sufficient funds prior to placing any advertisement. Appointing authorities must also consult with and receive approval from the Human Resources Department prior to placing any advertisement.
3. All advertisements must include:
  - a. the specific requirements of the position;

- b. the salary range for the position;
  - c. the closing date for the receipt of applications;
  - d. a statement advising applicants that they must complete the application process online at the Trial Court Internet Job Opportunities page at [www.mass.gov/courts/jobs](http://www.mass.gov/courts/jobs), or the Trial Court intranet Job page at <http://trialcourtweb.jud.state.ma.us/jobs>
  - e. the statement "AFFIRMATIVE ACTION/EQUAL OPPORTUNITY EMPLOYER"; and
- F. All job descriptions are developed and approved by the Human Resources Department for use in all Trial Court job postings. An appointing authority may request a change to a job description to reflect a special requirement or circumstance for a job posting. Requested changes are subject to approval by the Human Resources Department.
- G. When a position becomes vacant which has the same position title as one previously posted in the same court division or office, the new vacancy need not be re-posted if the effective date of appointment to the new position will be within one calendar year of the closing date of the previous posting. The appointing authority may consider the applicants who were listed on the Applicant Interview and Hiring Record Form (F4) from the previous posting and must comply with Section 4.400.

4.300 Screening of Applicants

4.301 Initial Review of Applicants

- A. All applications for a posted Job Opportunity must be submitted to the Human Resources Department at the Office of Court Management through the online application process within the posting period. Appointing authorities shall not accept applications for employment.
- B. The Human Resources Department will objectively screen applicants based on the minimum qualifications for the position as outlined in the Job Opportunity Posting. The purpose of the screening is to provide the appointing authority with an applicant pool that meets the minimum qualifications for the position. All applicants will be screened by the Human Resources Department using the same criteria.
- C. The Human Resources Department will remove any lists of references and any letters of recommendation submitted with the job application and will keep them in a separate file for review by the appointing authority once a final candidate(s) has been selected. Pursuant to G.L. c. 66, sec. 3A, recommendations for employment submitted in support of candidates that are hired shall be considered public records. Any letters of recommendation received by the appointing authority must be forwarded to the Human Resources Department.
- D. The Human Resources Department will notify all applicants that their application has been received and that they will be notified if selected for an interview by the appointing authority.

- E. The Human Resources Department will forward all applications to the appointing authority with its assessments as to whether the applicants meet or do not meet the minimum qualifications.
  
- F. All applicants meeting the minimum qualifications for a position must be interviewed, except as outlined below.
  - 1. If the appointing authority determines that interviewing all the applicants who meet the minimum qualifications would be unduly burdensome, the appointing authority must contact the Human Resources Department. The Human Resources Department will work with the appointing authority to develop job-related, non-discriminatory criteria that can be consistently applied to determine the applicants who will be interviewed.
  
  - 2. Pursuant to the Trial Court's Plan for Affirmative Action/Equal and Fair Employment, all identifiable minority candidates meeting the minimum qualifications for the position must be interviewed, unless the Diversity Officer determines that a lesser number may be interviewed.

**4.302 Interviews, Exams, Assessments of Applicants**

- A. Interviewing of Applicants
  - 1. Applicants who have met the minimum requirements of the position, as determined by the Human Resources Department,

including passing a written examination if applicable, shall be interviewed, except as described in Section 4.301F above.

2. As specified in section 4.301F, where the number of applicants who have met the minimum requirements of the position is such that interviewing all applicants would be unduly burdensome, the following standards shall apply:
  - a. Pursuant to the Trial Court's Plan for Affirmative Action/Equal and Fair Employment, all identifiable minority candidates must be interviewed unless the Human Resources Department, in consultation with the Diversity Officer, determines that a lesser number may be interviewed.
  - b. Job-related criteria must be utilized to determine the individuals who will not be selected for an interview.
3. Structured interviews must include behaviorally based questions and must be objectively tailored to measure the applicant's ability to perform the position for which they applied. Behaviorally based interview questions are designed to evaluate applicants based on the premise that past performance and behavior on the job is the best indicator of future performance. Such questions, designed to address the competencies identified in the position job description, ask applicants to describe how they have handled a situation in the past. Over the course of the interview, each applicant must be asked the same questions, but follow-up questions to

inquire more deeply into an applicant's answers are permissible and may be necessary. For example, if attention to detail is a competency for the position, you might ask "Can you tell me about a situation in your previous job that required you to be attentive to details?" "What things did you do to minimize errors?" Other than behaviorally based interview questions, applicants may be asked other questions to elicit information about their knowledge, training, skill and ability, their education, and other job-relevant factors.

4. Appointing authorities must convene panels to conduct interviews. Panel members must review the applications of the individuals to be interviewed. Panel members should meet the following criteria:
  - a. they should be well-informed of the position requirements, including the competencies necessary for the position;
  - b. they should reflect diversity: minorities and women should be included on the panel to the extent possible; and
  - c. they should understand the interview process and be able to evaluate the responses of applicants.
5. Applicants who have not met the position requirements, as determined by the Human Resources Department, may not be

interviewed unless the appointing authority seeks and receives written permission from the Human Resources Department.

**B. Exams and Candidate Assessment**

An eligible applicant for the position of court officer or probation officer shall pass a written exam established by the Court Administrator.

An eligible court officer or probation officer seeking promotion shall pass a written exam established by the Court Administrator.

For all other positions, an appointing authority may utilize other types of candidate assessment tools, such as data entry exercises, case study evaluations, presentation exercises, writing samples, or other knowledge-based tests specifically related to the position. Appointing authorities should contact the Human Resources Department for guidance to assess the appropriateness of the assessment tool. These tools may be utilized at various stages of the selection process, depending on the position being filled.

**4.303 Recommendations and References**

A. Appointing authorities shall not be informed of recommendations or list of references provided by a candidate until a candidate(s) becomes a finalist.

B. Reference checks should be conducted either verbally or in writing on the final candidate(s). Educational reference checks may be

conducted at the appointing authority's discretion and need only be conducted when an educational degree or specialized training is a requirement for the position and is specified in the position description. Appointing authorities must document the results of any reference check.

- C. Candidates must receive prior notice that reference checks may be conducted.
- D. Questions asked during a reference check should be limited to inquiries which are job-related and relevant to a determination of the candidate's skills and abilities for the position under consideration.
- E. Recommendations that are not based on personal knowledge of a candidate's work performance or education shall not be given any weight.
- F. The source and accuracy of the information reported by a reference must be considered before it is used in making decisions about the candidate. Any basis for disqualification must be applied uniformly to all candidates.
- G. All recommendations for employment submitted on behalf of the final candidate(s) are public record under G.L. c. 66, sec. 3A.

**4.304 Nepotism (REV 8/13/15)**

- A. It is the policy of the Trial Court that all appointments be made solely on the basis of merit. The practice of hiring or promoting based on nepotism is prohibited and the appearance of nepotism in the

hiring/promoting process is to be avoided. In cases where the Human Resources Department determines there is an appearance of nepotism, the Human Resources Department shall review the hire/promotion and make a recommendation to approve or disapprove the hire/promotion to the Court Administrator, who shall make the final decision.

- B. Pursuant to G.L. c. 268A, § 6B, “each candidate for employment as a state employee shall be required by the hiring authority as part of the application process to disclose, in writing, the names of any state employee who is related to the candidate as: spouse, parent, child or sibling, or the spouse of the candidate’s parent, child or sibling.” The Human Resources Department will use this information internally in reviewing any appointment for compliance with this Section. However, under G.L. c. 66, § 10, “the name and home address and telephone number of a family member of any [judicial] personnel shall not be public records...and shall not be disclosed.”
  
- C. The following specific rules shall apply to nepotism:
  - 1. No otherwise qualified person may be hired within the Trial Court if he/she is an immediate family member of the Court Administrator or the Chief Justice of the Trial Court.
  
  - 2. No otherwise qualified person may be hired in or transferred to a Trial Court Department if he/she is an immediate family member of the Deputy Court Administrator or the Chief Justice of that Trial Court Department.

3. No otherwise qualified person may be hired in or transferred to a Probation office from a Trial Court position outside the Probation Department if he/she is an immediate family member of the Commissioner of Probation, the First Deputy Commissioner of Probation or a Deputy Commissioner of Probation.
4. No otherwise qualified person may be hired in or transferred to the Office of the Jury Commissioner from a Trial Court position outside of the Office of the Jury Commissioner if he/she is an immediate family member of the Jury Commissioner.
5. No otherwise qualified person may be hired in or transferred to the Executive Office of the Trial Court (including the Office of Court Management and the Office of the Chief Justice of the Trial Court) if he/she is an immediate family member of a Director or comparable position as determined by the Court Administrator. Where the Court Administrator is the appointing authority and delegates hiring and/or recommendations for hiring to a Director in the Office of Court Management, no otherwise qualified person may be hired in or transferred to the Department headed by such Director if he/she is an immediate family member of that Director.
6. No otherwise qualified person may be hired in or transferred to a Trial Court Department or Complex if he/she is an immediate family member of any judge, elected Clerk of Courts, Register of Probate, appointed Clerk-Magistrate, Recorder of the Land Court, Chief Probation Officer, Chief

Court Officer or Chief Housing Specialist within that same Trial Court Department or Complex. A "Complex" is a location that contains multiple courts. The Human Resources Department will maintain a list of recognized Complexes. This provision does not prohibit the hiring or transfer of an otherwise qualified person by an Administrative Office of a Court Department merely because such Department sits in a complex in which an immediate family member of such person holds a position, provided that the hired person shall not be assigned to work in such complex.

7. No otherwise qualified person may be hired as an employee in or transferred to a Trial Court Division or an Administrative Office if he/she is an immediate family member of any employee within the same Trial Court Division or Administrative Office (including the administrative offices of the Commissioner of Probation and the Jury Commissioner).
8. The supervision of an immediate family member, which includes promotion, reappointment, reclassification, demotion, discipline, job performance review, salary determination and day-to-day supervision, violates the State Conflict of Interest Law, G.L. c. 268A. The supervision of a member of an employee's household creates the appearance of conflict and is subject to review by the Human Resources Department and approval/disapproval by the Court Administrator.
9. Employees are required to disclose in writing changes in their personal circumstances that may alter their status under this

Nepotism policy. Such disclosure must be made to the employee's department head and shall be forwarded for review to the Human Resources Department.

- D. The appearance of favoritism in the hiring/promoting process is also to be avoided. For purposes of this Section, favoritism is defined as invidious preference and selection based on factors other than merit. In cases where the Human Resources Department determines there is an appearance of favoritism, the Human Resources Department shall review the hire/promotion and make a recommendation to approve or disapprove the hire/promotion to the Court Administrator, who shall make the final decision.

#### 4.305 Verification of Eligibility to Work in the United States

- A. The Immigration Reform and Control Act of 1986 (IRCA) prohibits the hiring of persons not eligible to work in the United States by imposing verification requirements on every employee hired after November 6, 1986. This verification is accomplished through the completion of an Employment Eligibility Verification Form (F16) for every newly hired employee.
- B. At the time the appointing authority selects a candidate to propose to the Court Administrator for hire, the appointing authority must verify employment eligibility as follows:
  - 1. Have the candidate complete Section I of the F16. If the candidate cannot complete the form on his/her own, or if he/she needs the form translated, someone may assist

him/her, provided the person assisting completes the Preparer/Translator Certification section in Section I.

2. Once Section I is completed, the appointing authority must review for authenticity the original document or documents provided by the candidate establishing both identity and employment eligibility. Some documents establish both identity and employment eligibility. These documents appear in List A on the F16. Other documents establish identity alone (List B) or employment eligibility alone (List C). If the candidate does not provide a document from List A, he/she must produce a document from both Lists B and C. A complete list of acceptable documents can be found in Appendix C behind the F16. A candidate has three days to supply the documents of his/her choice.
3. Applicants must produce the original of each document. The applicant has the choice of what documents to produce from the list of acceptable documents. The appointing authority may not insist on seeing particular documents.
4. Documents should reasonably appear on their face to be genuine. If a candidate produces documentation that appears questionable, is expired, or if the candidate is unable to produce the required documents, the appointing authority should contact the Human Resources Department.
5. Once the required documents are produced, the appointing authority must complete the bottom portion of the F16

(including the signature of the appointing authority) and send the completed F16 along with copies of the documents produced by the employee to the Human Resources Department with the appointment documentation required under Section 4.400 of this Manual.

- C. The following employees are exempt from completing a Form I-9:
1. employees who have been selected for promotion or transfer; or
  2. employees who return to work following the expiration of an approved sick, personal, or workers' compensation leave of absence, paid or unpaid.
- D. IRCA prohibits discrimination in employment on the basis of an applicant's citizenship status or national origin. In light of the fact that documents produced for verification may indicate citizenship, national origin and age, appointing authorities should do the following to avoid claims of discrimination:
1. Require completion of Form I-9 and supporting documentation only after the applicant has been offered a position. Do not request such documentation at the interview stage.
  2. Notify the applicant that the job offer is made conditional upon his/her completing Form I-9 and providing appropriate documentation.

- E. No appointment will be approved by the Court Administrator until such time as the completed Form I-9 and the supporting documentation has been received by the Human Resources Department.

#### 4.306 Court Activity Record Information (CORI) CHECK

##### A. General Requirements

1. The Human Resources Department will conduct a criminal record check on the final candidate(s) for appointment as a new hire to any Trial Court position. An appointing authority may not conduct a criminal record check. As authorized by the Department of Criminal Justice Information Services (DCJIS), only the Human Resources Department and the Office of the Commissioner of Probation are authorized to conduct Court Activity Record Information (CORI) checks.
2. The final candidate(s) will complete the Consent to Criminal Record Check form (F23).
3. Trial Court Policy (Section 4.100) prohibits the employment of individuals with a felony conviction or a misdemeanor conviction resulting in incarceration if the end date of such incarceration is within the five-year period immediately preceding the date of application of employment. A CORI check involving other offenses will not automatically disqualify the final candidate(s). Determinations of suitability based on CORI checks will be made consistent with this policy and any applicable law or regulations.

4. All CORI obtained from the DCJIS is confidential, and access shall be limited to those individuals who have a “need to know”. This may include, but not be limited to, appointing authorities, staff submitting the CORI requests and Human Resources staff charged with processing job applications. All individuals authorized to conduct CORI checks and/or review CORI information will review and be thoroughly familiar with the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS. The Human Resources Department shall maintain and keep a current list of each individual authorized to view or have access to CORI to be updated every six months.
  
5. The following procedures shall apply if a candidate has a criminal record:
  - a. The Human Resources Department will closely compare the record provided by DCJIS with the information on the Consent to Criminal Record Check form (F23) and any other identifying information provided by the final candidate(s) to ensure the record relates to the candidate(s). If the information in the CORI record does not exactly match the identification information provided by the candidate(s), a determination will be made based on a comparison of the CORI record and documents provided by the candidate(s).

- b. The Human Resources Department will share and discuss the results of the CORI check with the appointing authority. Before a candidate is asked any questions about his/her record, the appointing authority must also consult with the Human Resources Department and provide the candidate(s) with a copy of the CORI record.
  - c. Prior to making an adverse decision based on the results of the CORI check, the appointing authority must consult with the Human Resources Department and notify the candidate(s) immediately of his/her decision. The candidate(s) shall be provided a copy of the record and the Trial Court CORI policy, advised of the part(s) of the record that make him/her unsuitable for the position, and given the opportunity to dispute the accuracy and relevance of the CORI record.
  - d. Candidate(s) who challenge the accuracy of the CORI record shall be provided a copy of the DCJIS' "Information Concerning the Process in Correcting a Criminal Record." Any additional documentation provided by the candidate(s) and/or DCJIS will be reviewed prior to making a determination of suitability for the position.
6. If a determination is made, based on the information as provided in Section 5A of this policy, that the criminal record belongs to the candidate(s) and the candidate(s) does not

dispute the record's accuracy, then the determination of suitability for the position will be made. Factors considered in determining suitability may include, but not be limited to the following:

- a. relevance of the record to the duties and qualifications of the position sought;
- b. date of the offense;
- c. time since conviction;
- d. age of the candidate at the time of the offense;
- e. seriousness and specific circumstances of the offense, including sentence imposed and length of any period of incarceration;
- f. number of offenses;
- g. whether the candidate has pending charges;
- h. any relevant evidence of rehabilitation or lack thereof;  
and
- i. any other relevant information, including information submitted by the candidate or requested by the appointing authority.

7. The appointing authority will notify the candidate(s) of the decision and the basis for it in a timely manner.

**B. Record Keeping Requirements**

1. The Human Resources Department will keep CORI check results separate from other personnel files. Paper copies of CORI check results must be secured in a locked file cabinet. Electronic copies must be kept in a secure folder; only authorized individuals shall have access to the folder.
2. CORI check results and CORI request forms shall be kept for the duration of employment and no more than seven years from the last date of employment.
3. Only one copy of an individual's CORI check results will be kept on file, either electronically or in paper form, at any time in the Human Resources Department.
4. CORI data shall be completely destroyed when no longer needed. Paper copies of CORI check results must be shredded. Electronic copies must be deleted from the folder in which they are kept, any "recycle" mechanism utilized by the computer's operating system, or any backup medium.

4.400 Approval Process

4.401 Appointment Package

A. Upon selecting a final candidate to fill a position on a permanent basis, the appointing authority must certify compliance with the personnel standards of this section and must submit the following completed Appointment Package material to the Human Resources Department:

1. Appointment Documentation Form (Appendix C, Form F5);
2. Applicant Interview and Hiring Record Form (Appendix C, Form F4);
3. Employment Eligibility Verification Form I-9 (Appendix C, Form F16) and supporting documentation (new hires only);
4. Consent to Criminal Record Check Form (Appendix C, Form F23) (new hires only);
5. SSA-1945 Statement Concerning Employment in a Job not Covered by Social Security (Appendix C, Form F30) (new hires only); and
6. Application for Allied Service Credit Form (Appendix C, Form F26) (Probation Officer appointments only).

B. The following will be compiled by the Human Resources Department and combined into the Appointment Package received from the appointing authority:

1. Applicant Flow Record Form (Appendix C, Form F17);

2. a copy of the Job Opportunity Posting;
3. a copy of the application of the final candidate and the applications of all who were interviewed and if required, their resumes; and
4. the recruitment plan used to attract a qualified applicant pool.

Appointments to the position of Chief Probation Officer shall be made pursuant to the provisions of Administrative Order No. 4, as amended. The full text of Administrative Order No. 4 is contained in Appendix D.

- C. The Human Resources Department will review the appointment package to ensure that it is complete and that the appointing authority has made a merit based selection and will provide the Court Administrator with a written recommendation of approval or disapproval. No appointment shall be made by an appointing authority and no candidate for any position may commence employment without the written approval of the Court Administrator.
- D. The Human Resources Department will periodically audit the hiring process for compliance with Section 4.000 of the Manual.

#### 4.402 New Hires

- A. A newly-hired employee appointed to a position covered by a collective bargaining agreement will be paid at the step one rate of

the level in which the position is classified under the Classification and Wage Compensation Plan or the applicable collective bargaining agreement unless such collective bargaining agreement permits newly-hired employees to be paid at a higher step.

- B. All newly-hired employees to managerial positions will be paid at the step one rate of the level in which the position is classified or the salary established for the position by statute.

A newly-hired employee appointed to a managerial position may be paid at a rate higher than step one provided the employee has served satisfactorily in a comparable position prior to his/her hire in the Trial Court. In no event shall such rate exceed the maximum step of the level in which the managerial position is classified.

#### 4.403 Promotions

- A. A promotion shall refer to the advancement of a person currently employed by the Trial Court to an open, funded permanent position having a higher level and salary range as classified in the Classification Plan or a collective bargaining agreement than the level and salary range in which the employee is classified or to a position having a higher statutory salary.
- B. To be considered for a promotion, an applicant must be permanently employed in the Trial Court and meet all the requirements for the position being filled.

- C. The appointing authority may consider the results of performance reviews conducted pursuant to Section 28.000.
- D. When an employee is promoted to a position in a higher level in the Classification Plan or collective bargaining agreement, the employee will be placed at the step in the level of the new position which has a salary equal to or greater than the salary of the next step of the present position.

**4.404 Employees Appointed by Another Department, Division, or Administrative Office of the Trial Court**

- A. An employee who is appointed to a vacant, permanent position in another Department, Division, or Administrative Office of the Trial Court in a higher level in the Classification Plan or collective bargaining agreement will be placed at the step in the level of the new position which has a salary equal to or greater than the salary of the next step of the present position.
- B. To be considered for appointment to a position in another Department, Division, or Administrative Office, an applicant must be permanently employed in the Trial Court and meet all the requirements for the position being filled.
- C. No employee hired in another Department, Division, or Administrative Office will retain an employee level which is greater than the level of the position to which he/she is newly appointed.

1. If the position being appointed to is classified at the same level as the employee's current classification, the employee will retain his/her current step placement and salary.
2. If the position being appointed to is classified at a lower level than the employee's current classification, the employee will be placed at the step and salary closest to, but less than his/her current salary.

**4.405 Final Approval**

- A. No candidate for any position may commence employment or begin a new position until such time as a written Approval Letter from the Court Administrator is received by the appointing authority.
- B. The Court Administrator will notify the appointing authority in writing of the approval or disapproval after receipt of all required documentation and review by the Human Resources Department.
- C. For all new hires, approval letters will be sent to the appointing authority along with additional forms to be completed. The appointing authority is required to return the completed forms to the Human Resources Department within the first five days of employment.
  1. The appointing authority will have the new hire read and complete the Trial Court Policy Acknowledgement Form (F31) acknowledging notice of the following which can be found on the Human Resources Intranet page:

- a. Information Technology Policy;
  - b. Sexual and Gender Harassment Policy;
  - c. State Ethics Commission - Summary of Conflict of Interest Law;
  - d. Summary of Your Benefits in the Trial Court;
  - e. Section 16.000 of the Manual, Standards of Employee Conduct;
  - f. Order of the SJC, pursuant to c. 93H concerning the protection of personal information;
  - g. Statement of Non-Disclosure of MassCourts Identity Information (if applicable);
  - h. Union Contract, if applicable;
  - i. Outside Employment and Business Activities;
  - j. Fiscal Integrity Protocols; and
  - k. The Plan for Fair and Equal Employment.
2. Specific court departments or offices may require the completion of additional acknowledgment forms.

3. The appointing authority will complete the New Hire Form (F32) indicating the actual date the employee commences employment in the position (new hires, promotions, or transfers) along with information to input the new hire into HR/CMS.

D. Trial Court Access and Additional Requirements

1. Security Access to Trial Court facilities (including a Trial Court ID) will be issued and controlled by the Security Department in the Office of Court Management.
2. Any access to MassCourts and other Trial Court Information Systems and resources (including email and/or internet) if approved, will be issued and controlled by the TCIS Department in the Office of Court Management.

**4.500 Record Retention**

A. Records Specific to Successful Candidate

Upon receipt of the written approval to appoint from the Court Administrator, the appointing authority must retain as a package the following information in the individual's personnel file:

1. the approval letter from the Court Administrator; and
2. the material submitted pursuant to Section 4.400, except the applications of unsuccessful candidates (see below).

B. Other Records

In a separate file, the appointing authority must retain as a package the following documentation for a period of seven years following receipt of the letter from the Court Administrator approving an appointment:

1. letters of recommendations and list of references submitted for final candidate(s) as provided by the Human Resources Department;
2. notes of reference checks conducted on the final candidate(s);
3. all the applications from individuals who were not granted an interview and any documentation which explains why they were not interviewed;
4. all the applications from individuals who were granted an interview and any documentation which explains why the final candidate was selected for appointment and why the other candidates who were interviewed were not selected for appointment;
5. interview questions, candidates' responses, interview notes, interview scores/grades and exam and test results, if any;
6. letters informing applicants that they were not selected for an interview; and

7. letters informing applicants who were interviewed that they were not selected for appointment.

C. Audit

The Human Resources Department shall conduct periodic audits to ensure compliance with the requirements of this section.

**4.600 Classification and Wage Compensation System**

A. Methodology

The Office of Court Management has a Trial Court-wide position Classification and Wage Compensation System (System), in which positions have corresponding job descriptions and often job families that are evaluated and classified with consistent and objective criteria that serve as a basis for a weighted factor point methodology that establishes classifications within the System. The criteria for the evaluation of positions is on the basis of duties and responsibilities, scope of the position, core competencies, and all other job requirements and qualifications for each position. Once evaluated, positions are then classified into an appropriate salary plan with compensation levels and corresponding salary ranges.

The System and its methodology are flexible and can respond to the operational needs of the Trial Court. Within this framework, job descriptions and classification levels can be added or adjusted as needed. The Classification and Wage Compensation System is

designed to establish job descriptions with high standards for employment, accountabilities, and expected outcomes in all job descriptions as well as job classifications which strive to maintain equity with regard to compensation within the Trial Court.

**B. Responsibilities**

Department heads are responsible for maintaining the correct classification of their employees at all times. Department heads are encouraged to contact the Human Resources Department before changing an employee's duties and responsibilities to see if an adjustment in position classification is appropriate. Following promotions, department heads are responsible for ensuring that the duties and responsibilities of the promoted employee are consistent with the employee's new position title and job description.

The Human Resources Department has the ultimate responsibility for the administration of the System consistent with the policies established by the Office of Court Management.

**C. Job Descriptions**

Job Descriptions must reflect both Trial Court and departmental mission statements, a job title and position summary, the major duties associated with the position, the job related core competencies that a candidate must possess in order to successfully perform the duties of the position, supervision received, as well as any other requirements of the position, including level of education and work experience.

1. Job Title and Position Summary

A job description will begin with a job title and position summary that outlines the general duties and responsibilities of the position, the assignment location of the position, any job family information, if applicable, and any supervisory responsibilities that may be considered a primary function in the position.

2. Major Duties

Each job description must have a detailed and accurate description of the major duties of the position that also provide an indication of the high standards for job performance, accountabilities, and expected outcomes.

3. Core Competencies

All job descriptions will include a listing and definition of the job related core competencies that define the key skills and behaviors that are necessary to perform in the specific position or job family.

a. Skill: The ability to do something well, arising from talent, training, or practice; expertness; special competence in performance.

b. Behavior: The manner of conducting oneself; observable activity.

4. Supervision and Judgment

Job descriptions will include the supervision received in the position, including the supervising position to whom the individual reports. Also indicated will be the level of independent judgment required to perform the position.

5. Job Requirements and Qualifications

Each job description will detail the minimum job requirements and qualifications, including any specific knowledge, abilities, educational degree requirements, work experience, licenses, or any other requirement that may be specific to that position. At the request of an appointing authority, the Human Resources Department may approve the addition of a special job requirement to a job description when appropriate.

**4.700 Temporary Employment**

The phrase "Temporary Employment" as used in this section refers to all paid employment which is not permanent, including summer employment, college or university programs, and employment which serves to temporarily replace an employee who is on a leave of absence without pay. This section excludes Trial Court temporary employees working under agreement with the Massachusetts Department of Revenue. Temporary employees may only be appointed for a limited period of time, not to exceed 12 weeks, unless the Office of Court Management grants an extension.

A. Procedure

1. Temporary employment must be approved in advance by the Office of Court Management. To request approval, department heads must submit a written request to the Human Resources Department of the Office of Court Management with the following:
  - a. a detailed explanation of the reasons why a temporary employee is needed. If temporarily replacing an employee who is absent without pay, the name and title of the absent employee, the reason for absence, and the anticipated date of return;
  - b. the requested title of the temporary employee. Only entry level job titles are covered under the temporary employment policy;
  - c. a starting date and an ending date for the temporary appointment with a term not to exceed 12 weeks;
  - d. a statement of whether the temporary employment will be full-time or less than full-time. If employment will be less than full-time, the days and/or hours of the temporary employee's work schedule;
  - e. the Appointment Documentation Form (F5) certifying that the appointment complies with the following sections of this Manual:

- i. Section 4.100 (General Requirements);
    - ii. Section 4.304 (Policy Against Nepotism);
    - iii. Section 4.305 (Form F-16 Eligibility of Employee To Work In The United States); and
    - iv. Section 4.306 (Form F-23 Criminal Record Check);
  - f. certification that the appointee meets the minimum requirements for the position. The application and resume (if available) of the appointee must be included; and
2. The Human Resources Department will review the request for compliance with Section 4.405 of the Manual and to ensure the availability of sufficient funding. Once a decision has been reached on the request, the department head will be notified in writing. No temporary employee may commence employment prior to the department head's receipt of written approval by the Court Administrator.
  3. After receipt of written approval of a temporary appointment, the department head must also comply with Sections 4.405(C) and 4.405(D) through the completion of Forms F31 and F32 and return them to the Human Resources Department within the first five days of employment.

4. Extension of Temporary Employment

a. Any extension will be contingent on available funding and the posting and filling of the position in accordance with Section 4.200 through 4.400 of the Manual. Extension requests accompanied by a request to post should be submitted at least 15 days prior to the scheduled termination date of an approved temporary appointment.

b. Once a decision has been made to post the position, the Court Administrator will notify the department head in writing of any extension of the temporary appointment until the position is filled in accordance with Section 4.000 of the Manual. In no instance will a temporary appointment be extended for any additional period of time without the prior written approval of the Court Administrator.

B. Qualifications, Salary and Benefits of All Temporary Appointees

1. must possess the minimum qualifications for the entry level position as identified in the position description, regardless of the nature of the temporary employment;

2. will receive a salary at time of hire not to exceed step one of the salary level for the position to which they are appointed as

provided in the applicable salary schedule in effect at the time of appointment;

3. are eligible for step increases only in the event that the appointment remains temporary after the job is posted and filled due to the circumstances of the original vacancy.
4. are eligible to receive all benefits applicable to permanent employees in accordance with the rules and regulations governing such benefits with the following exceptions:
  - a. temporary employees may or may not be eligible for health insurance benefits or retirement benefits, in accordance with the rules and regulations as promulgated by the Group Insurance Commission and the State Board of Retirement, respectively;
  - b. temporary employees may or may not be covered by a collective bargaining agreement (department heads should refer to Article I of the applicable collective bargaining agreement, or contact the Human Resources Department regarding the union or nonunion status of a position). If covered by a collective bargaining agreement, temporary employees are eligible to apply for promotional opportunities posted pursuant to section 4.200 of this Manual and to be temporarily assigned to higher level positions. If not covered by a collective bargaining agreement, temporary employees are not

eligible to apply for promotional opportunities or to be temporarily assigned to a higher level position; and

- c. the determination of whether a temporary employee is covered by a collective bargaining agreement shall be made by the Human Resources Department.
5. who are hired on less than a full-time basis shall have their benefits and salary prorated;
  6. who are hired as permanent employees with no break in service shall be given credit for their temporary service in determining eligibility for benefits such as vacation, and their anniversary date for the purpose of earning step increases shall be their original date of hire as a temporary employee if permanently appointed into the same position level;
  7. who are rehired as temporary or permanent employees following a break in service shall not receive any credit for prior service for purposes of determining salary level, step increases, or any other benefits, and shall be treated as a new hire, except such service may count for purposes of determining vacation entitlement under the relevant collective bargaining agreement or this Manual.

#### 4.701 Unpaid Volunteers and Interns

The use of volunteers and unpaid interns accomplishes several goals. The use of volunteers utilizes an untapped community resource that provides

assistance to understaffed offices, and establishes links between the courts and the communities they serve. The use of unpaid interns similarly provides assistance to understaffed courts, while also providing valuable experience and educational opportunities to students so they may better understand how the Trial Court operates.

A. Procedure

1. Department heads must submit the following forms; available in this Manual and/or on the Trial Court intranet homepage:
  - a. completed Volunteer or Unpaid Intern Notification Form (Appendix C, Form F6);
  - b. Consent to Criminal Record Check (Appendix C, Form F23); and
  - c. Employment Eligibility Verification Form (Appendix C, Form F16).
  
2. The department head will have the volunteer/intern read and complete the Trial Court Policy Acknowledgement Form (F31) acknowledging notice of the following which can be found on the Human Resources Intranet page:
  - a. Information Technology Policy;
  - b. Sexual and Gender Harassment Policy;

- c. State Ethics Commission - Summary of Conflict of Interest Law;
  - d. Section 16.000 of the Manual, Standards of Employee Conduct;
  - e. Statement of Non-Disclosure of MassCourts Identity Information (if applicable); and
  - f. Order of the SJC, pursuant to c. 93H concerning the protection of personal information.
3. Specific court departments or offices may require the completion of additional acknowledgment forms.

B. Trial Court Access and Additional Requirements

1. Security Access to Trial Court facilities (including a Trial Court ID) will be issued and controlled by the Security Department in the Office of Court Management.
2. Any access to MassCourts and other Trial Court Information Systems and resources (including email and/or internet), if approved, will be issued and controlled by the TCIS Department in the Office of Court Management.
3. All volunteers and interns are required to establish a standard schedule with the department head prior to beginning their service with the Trial Court.