

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. The hiring process outlined in this section does not apply to the selection of elected Trial Court Officials or the selection of Trial Court Officials appointed by the Governor.

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 race, color, national origin, ancestry, sex, gender identity, age (40 or over), sexual orientation, gender identity, religion, disability (including mental illness), active military or veteran status, genetics, or any other classification protected by law. 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 (1978 Mass. Acts 478, § 328), 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.
- 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. the applicant was discharged for cause, except when such discharge resulted from exhaustion of leave benefits as a result of a long-term illness or disability;
 - 2. the applicant was convicted of a felony; or
 - 3. the applicant was convicted of a misdemeanor resulting in incarceration, and the end date of such incarceration is within the 5 (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. To be considered for any appointment, an applicant must meet the minimum qualifications established for the specific position. 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 the circumstances would present a conflict of interest. If a conflict of interest is determined, the applicant would not be eligible for appointment as long as the applicant 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.

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 the final candidate approval. The application, selection, and appointment process will be conducted through an online applicant tracking system (ATS). The recruitment and referral process identified in 4.000 Appointment Policies and Procedures will be conducted in accordance with timelines consistent with published Service Level Agreement(s).

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 must be requested through the ATS and go through the appropriate approval process.

The approval process will include the review of the budget impact of the position, the need for the position, the scope of the publication of the employment opportunity, and equal opportunity compliance, consistent with authorized positions as established by the Court Administrator or their designee. The job posting request must indicate the requested posting method: Internal (open to employees within the Office/Division), Department wide (open to employees within a Court Department), Trial Court wide (open to all Trial Court employees), or External (open to all Trial Court employees and the general public). Internal postings must be posted on the ATS for a minimum period of 5 (five) business days. Department-wide, Trial Court-wide, and external postings must be posted on the ATS for a

minimum period of 10 (ten) business days. Once the request is approved, the Human Resources Department will finalize the job posting and initiate the recruitment process with the Appointing Authority or their designee.

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 as well as any preferred job-related criteria;
6. the educational and relevant experience required, including any specialized training and/or licensing prerequisites for the position; as well as any additional job-related criteria requested by the Appointing Authority or designee and approved by the Human Resources Department;
7. the starting salary, including the job grade; or the union/management designation, as 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, or the Trial Court Intranet Job Opportunities page on the Trial Court Courtyard; and
10. the statement "AFFIRMATIVE ACTION/EQUAL OPPORTUNITY EMPLOYER".

C. Standard Posting Requirements

1. All Job Opportunities will be posted through the ATS and published on the Trial Court Internet and Intranet Job Opportunities pages.

2. The Appointing Authority should distribute a copy of the Job Opportunity to their employees within their Office/Division where the vacancy exists, when possible. However, this does not relieve employees of their responsibility to monitor the Trial Court Internet and Intranet Job Opportunities pages.
3. The Human Resources Department will notify the Departmental Administrative Office that the Job Opportunity has been posted.
4. The Human Resources Department will make available the Job Opportunity to the appropriate union (if applicable).

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 strategies will be developed by the Human Resources Department in consultation with the relevant Appointing Authority and the Office of Workplace Rights and Compliance. These strategies will be designed to attract the best possible candidates as well as to increase the diversity of the applicant pool.

E. Media and Advertising

1. The Human Resources Department will seek to use online cost-effective websites prior to pursuing paid advertisements. Examples include electronic bulletin boards and employment networking sites such as LinkedIn.
2. All Appointing Authorities seeking to place a paid advertisement must coordinate with the Human Resources Department and the Fiscal Affairs Department prior to placing any advertisement. All advertisements must include the position title, position location, posting closing date, how to apply, and the statement "AFFIRMATIVE ACTION/EQUAL OPPORTUNITY EMPLOYER".

- 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 and the Office of Workplace Rights and Compliance, when applicable.
- 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.

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 through the ATS within the posting period. Appointing Authorities shall not accept resumes or applications for employment directly from applicants.
- B. The Human Resources Department will objectively screen applicants based on the minimum qualifications, and any approved preferred job-related criteria for the position as outlined in the Job Opportunity Posting. The purpose of the screening is to provide the Appointing Authority with a qualified pool of applicants to be considered for the position.
- C. References and letters of recommendation will be maintained in the ATS by the Human Resources Department and will not be shared with Appointing Authorities until such time as the candidate becomes a finalist. Pursuant to G.L. c. 66, sec. 3A, recommendations for employment submitted in support of candidates who have been 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 by email via the ATS that their application has been received and that they will be notified if selected for an interview.

- E. Once candidates in a job posting have been reviewed by the Human Resources Department, the Appointing Authority will have access to view all candidates in the ATS with the Human Resources Department's assessment as to whether the applicants meet or do not meet the minimum qualifications and preferred job-related criteria as outlined in the job posting.
- F. The Human Resources Department will work with the Appointing Authority to apply job-related, non-discriminatory criteria to develop an applicant pool for interview as appropriate. The final candidate pool for interview, the interview panel, and interview questions will be reviewed and approved by the Office of Workplace Rights and Compliance prior to interviews being conducted.

4.302 Interviews, Exams, Assessments of Applicants

- A. Interviewing of Applicants
 - 1. The Appointing Authority, or designee, will schedule and conduct interviews on the final candidate pool as defined in section 4.301 above.
 - 2. 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. Interview guides will be developed by the Human Resources Department along with input from the Appointing Authority and reviewed by the Office of Workplace Rights and Compliance. 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 and must be noted in the interview guide. Other than behaviorally based interview questions, applicants may be asked other questions to elicit information about their knowledge, training, skill and ability, education, and other job-relevant factors.

Interview guides must be completed by each panel member during the interview. Completed guides must be kept on file for 7 (seven) years by the Appointing Authority and must be provided promptly to the Human Resources Department upon request.

3. Appointing Authorities must convene panels to conduct interviews. Panel members must review the applications of the individuals to be interviewed.

Panel members must be approved by the Office of Workplace Rights and Compliance and should meet the following criteria:

- a. be well-informed of the position requirements, including the competencies necessary for the position;
- b. reflect diversity in gender and race or national origin to the extent possible; and
- c. understand the interview process through training or guidance from the Human Resources Department, and be able to evaluate the responses of applicants.

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 validated 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 must 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 lists of references provided by a candidate until a candidate becomes a finalist.
- B. The final candidate's professional reference checks should be conducted either verbally or in writing. Appointing Authorities must document the results of all reference checks.

- C. Candidates should receive prior notice that reference checks may be conducted or that current or past employers not listed as references will be contacted.
- 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 and Favoritism

- A. 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.
- B. 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/promotion 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.

- C. Definitions – For the purposes of this Section, the following definitions shall apply:

Trial Court Complex - a Trial Court Complex is a location that contains multiple courts. The Human Resources Department will maintain a list of recognized Complexes.

Trial Court Department – one of the seven departments of the Trial Court which are as follows: the Boston Municipal Court Department, District Court Department, Housing Court Department, Juvenile Court Department, Land Court Department, Probate and Family Court Department, and Superior Court Department.

Trial Court Division – a principal place within a Trial Court Department for the holding of court (e.g., the Lynn Division of the District Court Department).

District Court Region – a District Court Region, for the purposes of this policy, are those groupings of District Court Department Divisions that are included as an appendix to this policy.

Immediate Family Member – the employee's spouse and the parents, children, brothers and sisters of the employee and their spouse.

- D. The following rules shall apply to new hires for all positions:

1. No otherwise qualified person may be hired in the Trial Court if they are 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 a Trial Court Department if they are 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 a Probation office from a Trial Court position outside the Probation Department if they are 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 the Office of the Jury Commissioner from a Trial Court position outside of the Office of the Jury Commissioner if they are an immediate family member of the Jury Commissioner.

5. No otherwise qualified person may be hired in 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 they are 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 they are an immediate family member of that Director.
6. No otherwise qualified person may be hired in a Trial Court Division or an Administrative Office if they are 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).
7. No otherwise qualified person may be hired in a Trial Court Department (excluding the District Court Department) or a Trial Court Complex (see limited exception below) if they are 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 Trial Court Complex. Because of the size of the District Court, this provision applies to the District Court Department by Region only (or, in Region 6, by county only) and does not prohibit the hiring of an otherwise qualified person within the District Court, merely because an immediate family member holds one of the above listed positions within the District Court provided that the otherwise qualified person shall not be assigned to work in the same Region (or, in Region 6, by county only) to which the immediate family member is regularly assigned. This provision does not prohibit the hiring 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 person shall not be assigned to work in such complex.

Upon the written request of the Appointing Authority, and after consultation with the Advisory Committee on Personnel Standards, the Court Administrator may approve the hiring of an employee to a position in a complex that would otherwise be prohibited by this provision. The Court Administrator will take into consideration the operational needs of the court to which the employee would be assigned as well as the qualifications of the employee and the impartiality of the selection process.

- E. The following rules shall apply to promotions:
1. The rules identified in Section 4.304(D) (1-6) shall apply to promotions to all positions.
 2. The rule identified in Section 4.304(D)(7) is amended for promotions as follows:
 - a. Management and non-union positions – No otherwise qualified person may be promoted to a management or non-union position, or transferred to a management or non-union position in a Trial Court Department (excluding the District Court Department) or a Trial Court Complex (see limited exception below) if they are 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 Trial Court Complex. Because of the size of the District Court, this provision applies to the District Court Department by Region only (or in Region 6, by county only) and does not prohibit the promotion or transfer of an otherwise qualified person within the District Court merely because an immediate family member holds one of the above listed positions within the District Court, provided that the otherwise qualified person shall not be assigned to work in the same Region (or, in Region 6, by county only) to which the immediate family member is regularly assigned. This provision does not prohibit the promotion 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 person shall not be assigned to work in such complex.

Upon the written request of the Appointing Authority, and after consultation with the Advisory Committee on Personnel Standards, the Court Administrator may approve the promotion of an employee to a position in a complex that would otherwise be prohibited by this provision. The Court Administrator will take into consideration the operational needs of the court to which the promoted employee would be assigned as well as the qualifications of the employee and the impartiality of the selection process.

- b. Union Positions - No otherwise qualified person may be promoted to a union position or transferred to a union position in a county of the Commonwealth if they are 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 county. This provision does not prohibit the promotion or transfer of an otherwise qualified person by an Administrative Office of a Court Department merely because such Department sits in the county in which an immediate family member of such person holds a position, provided that the person shall not be assigned to work in the same county.
- F. 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.
- G. 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.

- H. 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, or transfer 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, Form I-9 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 Form I-9. If the candidate cannot complete the form without assistance or needs the form translated, anyone who assists must complete the Preparer/Translator Certification section in Section I.
 - 2. Once Section I is completed, the Appointing Authority, or designee, must follow the instructions on the form regarding the review of documents before completing Section 2 and sending the completed form, with copies of the necessary documents, to the Human Resources Department with the other appointment documentation required under Section 4.400 of this Manual. 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. 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.

- C. The Immigration Reform and Control Act 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 their completing Form I-9 and providing appropriate documentation.
- D. New hires must complete a federal Form I-9 and provide supporting documentation as specified on the form's instructions within the timeframe specified on the form's instructions. Continued employment at the Trial Court is contingent upon the employee continuing to meet state and federal employment eligibility requirements.

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.
- 3. Trial Court Policy (Section 4.100) prohibits the employment of individuals with a felony conviction or individuals with 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 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 their 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 their 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 the candidate 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 by completing documents and information in the ATS. This documentation will include a statement indicating why the final candidate is being selected and certifying that the process was conducted in compliance with the Manual.

Once the final candidate has been submitted for final approval, if a new hire, the candidate will be subject to a background check, including but not limited to, a criminal record check and education verification. Candidates will be asked to sign the appropriate consent forms.

If the final candidate is not a current Trial Court employee, the following forms must also be submitted to the Human Resources Department upon selection:

1. Employment Eligibility Verification Form I-9 and supporting documentation (new hires only);
2. Consent to Criminal Record Check Form (new hires only);
3. SSA-1945 Statement Concerning Employment in a Job Not

Covered by Social Security (Form F30, available on the Trial Court Intranet) (new hires only); and

4. Application for Allied Service Credit Form (Form F26) (Probation Officer appointments only).

- B. Appointments to the positions of Probation Officer, Assistant Chief Probation Officer, First Assistant Chief Probation Officer, and Chief Probation Officer must be made consistent with Executive Office Transmittal 20-6.
- C. Throughout the selection process the Human Resources Department will review the process to ensure that it is in compliance with the Manual and that the Appointing Authority has made a merit-based selection. The Human Resources Department will provide the Court Administrator, or their designee, 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 prior to final review by the Human Resources Department.
- D. The Human Resources Department and/or the Office of Workplace Rights and Compliance will periodically audit the hiring process for compliance with Section 4.000 of the Manual.

4.402 Salary Determination Upon Appointment

- A. New Hires

The following provisions apply to persons who are appointed to a position in the Trial Court.

1. Union and Confidential Employees

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 or other labor agreement permits newly hired employees to be paid at a higher step.

2. Management Employees

The Human Resources Department will conduct a credential review to determine the starting salary of a newly hired employee into a non-statutorily paid management position. A credential review includes the review and analysis of the applicants training, education, relevant certifications, licenses and/or other credentials and experience to determine their appropriate salary level.

If the selected candidate only meets the basic minimum entrance requirements, the candidate will be placed in Step One of the salary band for the assigned grade. However, if the selected candidate has relevant credentials that exceed the minimum entrance requirements (MERs), then for every 2 years of credited credentials above the MER's, Human Resources will approve 1 additional step in the salary pay band up to and including the maximum step.

B. Promotions

A promotion refers 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.

1. Union and Confidential Employees

When a Union employee is promoted to a position in a higher pay level in the collective bargaining agreement, the employee will be placed at the step in the level of the new position that has a salary equal to or greater than the salary of the next step of the present position consistent with the applicable Collective Bargaining Agreement or other labor agreement. However, if an employee's salary is at step 8 at the time of their promotion, then the increment between Step 7 and Step 8 shall be added to the employee's present salary to determine salary in the new position.

2. Management Employees

The Human Resources Department will conduct a credential review of current Trial Court employees who are promoted to a higher-level position. A credential review includes review and analysis of the employee's training, education, and

experience to determine their appropriate salary level. In recognition of the value of the applicant's Trial Court experience and service, as reasonably related to the new position, the employee shall receive a minimum of a 5% increase from their current salary when promoted.

- C. New Positions for Trial Court Employees at an Equal or Lower Salary
 - 1. If a current Trial Court employee applies for and is appointed to a new position that is classified at the same level as the employee's current classification (salary), the employee will retain their current step placement, salary, and step entry date, if applicable.
 - 2. If a current Trial Court employee applies for and is appointed to a new position that is classified at the lower (classification or) salary level than the employee's current classification, the employee will be placed at the step and salary closest to, but less than their current salary.

4.403 Final Approval

- A. Upon certification of compliance with the standards in this section, the Court Administrator, or designee, will notify the Appointing Authority in writing of the approval or disapproval of any appointment after receipt of all required documentation and final review by the Human Resources Department. No candidate may begin in a position prior to final review and approval.
- B. Upon final review and approval, the Human Resources Department will communicate the final offer to the candidate via the ATS with a copy to the Appointing Authority.
- C. Upon acceptance of the final offer by the candidate, the Appointing Authority or designee will work with the new hire to return the required completed forms, available on the Trial Court Intranet to the Human Resources Department within the first five days of employment, including:
 - 1. The Trial Court Policy Acknowledgement Form (F31) acknowledging notice of important Trial Court policies and

trainings, which can be found on the Human Resources Intranet page;

2. The New Hire Form (F32) indicating the official date the employee commences employment in the position (new hires, promotions, or transfers) along with information to input the new hire into HR/CMS.
3. The Paid Family and Medical Leave Law, Notice and Acknowledgement Form (F33).
4. Specific court departments or offices may require the completion of additional acknowledgement forms.

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 Judicial Information Services Department (JISD) 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, or designee, the Appointing Authority must retain as a package the following information in the individual's personnel file:

1. the approval from the Court Administrator, or designee; and
2. the material submitted pursuant to Section 4.400.

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 approval of an appointment from the Court

Administrator, or designee: all documentation related to the selection of the final candidate, including but not limited to:

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. any documentation which explains why a candidate was not interviewed;
4. 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;

The Human Resources Department will maintain the following information for a period of seven (7) years:

1. all 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;
2. all applications from individuals who were not granted an interview and any documentation which explains why they were not interviewed;
3. notices informing applicants they were not selected for an interview; and
4. 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 must contact the Human Resources Department before materially changing an employee's duties and responsibilities to see if an adjustment in position classification is appropriate. An employee who disagrees with a material change in job duties may contact the Human Resources Department for a review of the circumstances, including the employee's appropriate classification. The Human Resources Department may require the employee and the Department Head to provide information to assist with the review. 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 Judgement

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 judgement 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 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 (Employment Eligibility Verification Form I-9); and
 - iv. Section 4.306 (Consent to Criminal Record Check Form);
 - f. certification that the appointee meets the minimum requirements for the position. The application and resume (if available) of the appointee must be included.
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 the Trial Court Policy Acknowledgement Form (F31) and the New Hire Form (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

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:
 - a. Volunteer or Unpaid Intern Notification Form (Form F6);
 - b. Consent to Criminal Record Check Form; and
 - c. Employment Eligibility Verification Form I-9.

2. The Department Head will have the volunteer/intern read and complete the Trial Court Policy Acknowledgement Form (F31V) acknowledging notice of important Trial Court policies and trainings;
3. Specific court departments or offices may require the completion of additional acknowledgement 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 JISD 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.