

6.000 STATUS CHANGES

6.100 Reclassification Procedure

Position classification issues can be addressed in two ways. First, a Department Head can request that a position authorized to the office be reclassified to an existing position title in a different level or to a new title at a level to be determined by the Human Resources Department or can request that a new position be added (with either an existing title or a new title). Second, an employee may request a review of the employee's position classification. Prior to submitting a reclassification request, the employee should discuss the appropriateness of the position classification with the Department Head. The procedures for submitting these types of requests are as follows:

A. Department Head Requests

1. Complete the Request for New Position Form (Appendix C, Form F13).
2. Prepare a proposed job description if the position requested is not currently authorized within the Plan.
3. Prepare a current organizational chart of the entire office (i.e., Clerk's office, Register's office, Probation office, Judge's lobby, Law Libraries, etc.). Please include the names of the work units, employee names with position titles, where the new position will be assigned, and an identification of vacant positions.
4. Forward the above material to the Human Resources Department, and provide a copy of this material to the First Justice of the Division and the Departmental Administrative Office (to the Chief Justice and the Deputy Court Administrator).
5. In the case of professional bargaining unit positions, a copy of the above material must be forwarded to the Department Head's immediate supervisor.
6. Upon receipt of this material, the Human Resources Department will evaluate the request based upon the standard criteria established for the classification of all positions. The Human Resources Department may request additional information and/or may schedule an on-site visit to the court in order to properly evaluate the request. The

Department Head, Departmental Chief Justice, and Deputy Court Administrator, where appropriate, will be notified in writing of the decision on the request within 45 workdays of the receipt of the request.

B. Employee Requests for Review of Classification

1. The employee must complete the Request for Review of Classification Form (Appendix C, Form F14) and forward the completed form to the Department Head.
2. The Department Head must complete the Department Head Comments Form (Appendix C, Form F15) and prepare a current organizational chart of the entire office (i.e., Clerk's office, Register's office, Probation office, Judge's lobby, Law Libraries, etc.). The organizational chart should include the names of the work units, employee names and their position titles, and an identification of vacant positions.
3. The Department Head must forward the above material to the Human Resources Department within 20 workdays of receipt of the completed form from the employee, and provide a copy of this material to the First Justice of the Division, where applicable, and the Departmental Administrative Office (the Departmental Chief Justice and Deputy Court Administrator). The Department Head must also provide the employee with a copy of the completed Form F15.

In the case of professional bargaining unit employees, a copy of this material must be forwarded to the Department Head's immediate supervisor.

4. The Human Resources Department will evaluate the request and determine an appropriate position classification. In making this determination the Human Resources Department will take into consideration the following factors:
 - a. whether the employee is actually performing the duties of the position the employee is seeking through reclassification; and
 - b. the need for the position the employee is seeking through reclassification. The Human Resources Department may request additional information and/or may schedule an on-site visit to the court in order to properly evaluate the request. The Department Head

will be notified in writing of the decision on the request within 45 work days of receipt of the request, with a copy to the employee.

C. Appeal Procedure for Employees Represented by OPEIU, Local 6

1. Each employee covered by a collective bargaining agreement with the Office and Professional Employees International Union, Local 6, who files a reclassification request has the right to appeal the determination by the Human Resources Department.
2. To file such an appeal, the employee must complete the employee portion of the Classification Appeal Form (Appendix C, Form F15A) and forward it to the Department Head within 20 workdays of receipt of the written notification of the decision on the request for review of classification from the Human Resources Department.
3. The Department Head must complete the Department Head's portion of the Classification Appeal Form and return it to the employee within 10 workdays of receipt of the employee's portion of the form.
4. The employee must submit the completed Classification Appeal Form to the Human Resources Department within 30 workdays of receipt of the written notification of the decision on the request for review of classification from the Human Resources Department.
5. A joint labor/management committee will review all classification appeals. For employees of the clerical and staff bargaining unit, the committee shall consist of 3 (three) members designated by the Office and Professional Employees International Union, Local 6, and 3 (three) members designated by the Court Administrator. For employees of the professional bargaining unit, the committee shall consist of an equal number of members from the union and management.

The committee shall have access to all information on file concerning an employee's request for review of classification and may request additional information in order to properly evaluate the appeal. Each employee who files an appeal shall also have the right to appear before the committee. The committee shall make a written recommendation on each

appeal to the Court Administrator within 45 workdays of receipt of the appeal. In order to recommend overturning the decision by the Human Resources Department, the committee must agree on an appropriate classification by at least a majority vote.

6. If the Court Administrator accepts the committee's recommendation, the Court Administrator will take the necessary steps to implement that recommendation within 30 workdays of receipt of the recommendation. If the Court Administrator disputes the committee's recommendation, the Court Administrator will return the appeal with comments to the committee within 30 workdays of receipt of the recommendation for further review by the committee.
7. If an appeal is returned to the committee, the committee will reevaluate the appeal based upon the comments received from the Court Administrator and may resubmit a recommendation within 30 workdays of receipt of the comments from the Court Administrator.
8. If the Court Administrator accepts the committee's resubmitted recommendation, the Court Administrator will take the necessary steps to implement that recommendation within 30 workdays of receipt of the recommendation.

If the Court Administrator continues to dispute the committee's recommendation, the Court Administrator shall deny the appeal and such action shall be considered final.

D. Appeal Procedure for Certain Managerial Employees

1. Managerial employees whose salaries are paid pursuant to the Management Classification and Wage Compensation Plan have the right to appeal their salary placement on that Plan. This excludes any managerial employee whose salary is set by statute (e.g., Judges, Clerks, Registers, the Recorder, Assistant Clerks, etc.).
2. As a prerequisite to filing an appeal, the managerial employee must have submitted a completed Job Description Questionnaire (JDQ) to the Human Resources Department that included input from the employee's supervising manager, which then resulted in a classification determination made by the Human Resources Department.

3. To file an appeal, the managerial employee must complete the employee portion of the Classification Appeal Form (F-15B) and forward it to the supervising manager within 20 workdays of receipt of the written notification of the classification determination from the Human Resources Department. The supervising manager must complete the manager's portion of the Classification Appeal Form and return it to the employee within 10 workdays of receipt of the employee's portion of the form.
4. The managerial employee must then submit the completed Classification Appeal Form to the Human Resources Department within 30 workdays of receipt of the written notification of the determination on the completed JDQ from the Human Resources Department.
5. The appeal will be reviewed by a Management Classification Appeals Committee, which shall make a written recommendation on each appeal to the Chief Human Resources Officer (CHRO) within 45 workdays of receipt of the appeal. Such time period may be extended for good cause. In order to recommend overturning an initial decision by the Human Resources Department on the classification of the employee, the committee must agree on an appropriate classification by at least a majority vote.
6. The Management Classification Appeals Committee will consist of a standing committee of 3 (three) upper-level managerial employees designated by the Human Resources Department with the approval of the Court Administrator. A member of the Committee may be replaced for a specific appeal in the event of a conflict of interest. The Committee shall have access to all information on file concerning a managerial employee's request for review of classification and may request additional information in order to properly evaluate the appeal. Each employee who files an appeal shall also have the right to appear before the Committee. The Human Resources Manager for the Compensation and Classification Unit shall serve as the moderator during the appeal and will provide information about the Human Resources Department's determination on the classification of the appealing managerial employee.
7. If the Chief Human Resources Officer, in consultation with the Court Administrator, accepts the Committee's recommendation to overturn the original classification, the

Human Resources Department will take the necessary steps to implement that recommendation within 30 workdays of receipt of the Committee's recommendation. All such decisions are final.

6.200 Temporary Assignment of Employees

6.201 Temporary Service in a Higher Grade

Temporary service in a higher grade is designed to replace an employee on a leave of absence without pay or to fill a vacancy for a short period while the position is being posted to be filled permanently. In extraordinary circumstances, managers may request an employee be temporarily assigned to perform duties of a higher-level position when the employee holding that position is out of work on paid leave. Short term temporary service, up to 12 weeks, may be accomplished without posting the assignment. Longer temporary service assignments may require a posting of the job opportunity and compliance with the appointment procedures outlined in Section 4.000, in consultation with the Departmental Administrative Office and the Human Resources Department.

A. Procedure

1. All temporary assignments must be approved in advance by the Court Administrator. To request approval, Department Heads must submit a written request to the Human Resources Department of the Office of Court Management and the Departmental Administrative Office (the Departmental Chief Justice and Deputy Court Administrator) where applicable, with the following:
 - a. a detailed explanation of the reasons why a temporary assignment is needed, the name and title of the absent employee, the reason for absence, and the anticipated date of return;
 - b. the name and current position title of the employee who is to be temporarily assigned, and the requested title of the temporary assignment;
 - c. a starting date and an ending date for the temporary assignment, with a term not to exceed 12 weeks;
 - d. the appointing authority must certify:

- i. that the employee being temporarily assigned meets the minimum requirements for the position. The application and/or resume of the employee must be included; and
 - ii. that the employee is a permanent employee or is covered by a collective bargaining agreement.
2. The Human Resources Department will review the request for compliance with this section of the Manual. Once a decision has been reached on the request, the Department Head and Departmental Administrative Office (the Departmental Chief Justice and Deputy Court Administrator), if applicable, will be notified in writing.

No temporary assignment may commence prior to the Department Head's receipt of written approval of the Court Administrator.

3. Extension of Temporary Assignment:
 - a. any extension will be contingent on available funding, and if beyond 12 weeks, the posting of the position in accordance with Section 4.200 of the Manual. In certain circumstances an extension may be granted beyond 12 weeks, without a posting, but the Department Head must provide a written justification to the Human Resources Department for review. Extension requests should be submitted at least 15 days prior to the scheduled termination date of an approved temporary assignment; and
 - b. once a decision has been made to post the position, the Department Head may request an extension of the temporary assignment until the position is filled. The Department Head will be notified in writing by the Court Administrator of any extension of the temporary assignment until the position is filled in accordance with Section 4.000 of the Manual. In no instance will a temporary assignment be extended for any additional period of time without the prior written approval of the Court Administrator.

B. Salary and Benefits of All Temporary Assignments

Temporarily assigned employees:

1. An employee temporarily assigned to perform the duties of a higher-level will receive the salary of the higher-level position after 14 days of service;
2. The salary amount due to the employee temporarily assigned will be determined in accordance with the rules and regulations governing promotions;
3. Employees temporarily assigned are eligible for step increases in the unusual event that the assignment exceeds 12 months;
4. Employees who have been temporarily assigned to a higher-level position without being promoted through a posting will be eligible to receive a step increase in their permanent position as if they had never been temporarily assigned; and
5. Such employees will receive benefits in accordance with the rules and regulations governing the position to which they are temporarily assigned.

6.202 Temporary Service in a Lower Grade

A. Procedure

Department Heads must submit a written notification to the Court Administrator of the assignment explaining the reasons why a temporary assignment has been made, along with the name and present position title of the employee who is temporarily assigned, the assignment date, and the title and name of the previous incumbent of the lower-level position.

B. Employees Temporarily Assigned to a Lower-Level Position:

1. must be permanent employees; and
2. will receive salary and benefits in accordance with the rules and regulations governing their permanent position.

6.300 Transfer

The Court Administrator may transfer an employee in accordance with the provisions of G.L. c. 211B.

6.400 Statutory Designations

Upon selecting an employee for a statutory designation (such as a Deputy Assistant Register pursuant to various provisions of G.L. c. 217), an appointing authority must submit a letter identifying the employee selected and the reasons for the employee's selection, including an explanation of the employee's training, education, and professional experience and how those factors compared with other employees who were considered. Such letters are to be submitted to the Departmental Administrative Office (Departmental Chief Justice and Deputy Court Administrator) with a copy to the Court Administrator.

6.500 HR/CMS Status Changes

All status changes must be reported by the Department Head to the Human Resources Department for entering in HR/CMS. Status changes include Name and Address changes, as well as Leaves of Absence, Returns from Leave, Suspensions, Changes in Standard Hours, Promotions, Transfers, and Terminations.