DEPARTMENT OF HUMAN RESOURCES

2.7 POLICY ON RECRUITMENT, EXAMINATION, SELECTION, AND PROBATION

(a) Purpose and Scope

(1) Purpose. The purpose is to establish a uniform policy to promote fair and consistent application of recruitment, examination, and selection practices for filling vacant positions in the Maryland Judiciary. The policy also addresses the employment probationary period.

(2) Scope
(A) This policy applies to:
(i) employees who are paid through the Central Payroll Bureau of the Comptroller; and
(ii) employees of the State Board of Law Examiners, the Thurgood Marshall State Law Library, the Commission on Judicial Disabilities, and the Maryland Court of Appeals Standing Committee on Rules of Practice and Procedure.
(B) This policy does not apply to:
(i) locally funded employees in the Circuit Courts;
(ii) the employees of the Register of Wills or the Orphans’ Court;
(iii) the employees of the Attorney Grievance Commission and the Client Protection Fund; and
(iv) judges, magistrates, law clerks, appointed positions, and elected officials.

(b) Definitions

(1) Administrative Head:
(A) For the Appellate Courts, the Clerk of the Court for all employees under the Clerk’s supervision, and the Chief Judge for all other employees, in the appellate court where the employee works;
(B) For the Circuit Courts, the Clerk of the Court for all employees under the Clerk’s supervision, and the County Administrative Judge for all state employees under his or her supervision;
(C) For the District Court, the Chief Judge of the District Court, the Chief Clerk, the Administrative Clerk, or the Administrative Commissioner for all employees under his or her supervision;
(D) For the Administrative Office of the Courts (AOC), the State Court Administrator;
(E) For any units, the head of the unit where the employee works; or,
(F) Any person who serves as the authorized designee, by express written designation, of any of the foregoing persons.

(2) Closing Date – Last date to submit resumes/applications.

(3) Contractual Employee – Any person whose conditions of employment and compensation are specified in a personal services contract.

(4) Job Announcement – Official notice of a job opportunity within the Maryland Judiciary.
(5) **Judiciary Human Resources Department (JHRD)** – The department within the AOC that is responsible for, but not limited to, the following functions for State employees in the Maryland Judiciary: human resources policy development, administration, and interpretation; recruitment; employment and orientation services; employee benefits; position classification and salary administration; and employer-employee relations.

(6) **Position Identification Number (PIN)** – A unique number that identifies a position.

(7) **Position** – An employment assignment of duties and responsibilities that requires the full-time employment of one individual or less than full-time employment of one or more individuals.

(8) **Probationary Period** – A trial work period, at the beginning of a regular employee’s tenure in a position, when the employer and employee have an opportunity to determine whether the employment relationship is a good fit for each party. The employee’s performance, work habits, conduct, attendance, and relationships with coworkers and supervisors are evaluated to determine whether the employee is a good fit for the position and the organization.

(9) **Promotion** – An action by which an employee moves from one position to another position that has a higher pay range.

(10) **Recruitment** – The process of finding qualified applicants to fill a vacant Judiciary position.
   (A) **External Recruitment** – Open to all qualified applicants.
   (B) **Internal Recruitment** – Open to qualified current state of Maryland employees. An internal recruitment may be:
      (i) Restricted to current employees of the Judiciary, by jurisdiction, department, or Judiciary wide; or,
      (ii) Open to all current employees of Maryland State government.

(11) **Regular Employee** (for the purpose of this policy) – Any person holding a Maryland Judicial Branch of Government budgeted position paid through the Central Payroll Bureau of the Comptroller, not including appointed positions, elected officials, employees of a Register of Wills Office, contractual and temporary positions, and those held by judges, magistrates, and law clerks.

(12) **Temporary Employee** – An employee whose condition of employment is not governed by a personal services contract, whose position is not specifically budgeted, and whose period of employment shall not exceed one year from the date of hire.

(13) **Unit** – The State Board of Law Examiners, the Thurgood Marshall State Law Library, the Commission on Judicial Disabilities, and the Maryland Court of Appeals Standing Committee on Rules of Practice and Procedure.

(14) **Vacancy** – An approved position that is not occupied.
(c) Policy Statement

The recruitment, selection, and appointment of an employee must be in accordance with the policies, standards, and procedures of the State Court Administrator.

The JHRD is the State Court Administrator’s designee in these matters.

(d) Recruitment

(1) Employment Requisition Form
   (A) For every position that is to be filled, an Employment Requisition Form, which can found in the Judiciary Human Resources’ information system, shall be completed by the administrative head.

   (B) Prior to taking any action to recruit for and fill a vacancy, each Employment Requisition Form and subsequent amendment(s) must be approved by the JHRD.

(2) Job Announcements. The administrative head may, in consultation with the JHRD, choose to recruit externally or internally. All job announcements must be approved by the JHRD.

(e) Application, Testing, and Rating of Applicants

(1) Receipt of Application. To be considered an applicant for a position, a candidate’s application must be received during the open recruitment period and meet the minimum qualifications as stated on the job announcement.

(2) Testing. A candidate may be required to take a test prior to beginning employment with the Judiciary.

(3) Rating Qualified Applicants. An administrative head, in consultation with the JHRD, may use any job-related process that is consistently applied to rate qualified applicants, which may or may not include an interview. JHRD will provide additional guidance as necessary.

(f) Background Checks. A background check will be conducted prior to an offer of employment.

(g) Selection

(1) The administrative head will follow the selection process in the Judiciary Human Resources’ information system for JHRD’s review and approval prior to extending an offer of employment.

(2) Without the express approval of the Director of the JHRD, the start date must be the beginning of a pay period.
To ensure adequate processing time, selection confirmations should be forwarded to the JHRD at least two weeks prior to the employee’s start date.

(h) Probationary Period

With the exception of Subsection (4) of this Section, regular employees are to serve probationary periods as follows:

(1) Initial Probationary Period
   (A) Employees shall serve a six month initial probationary period when first beginning employment with the Judiciary, including those who transfer from other units of State government.
   (B) Employees who are promoted, transferred, or reassigned and who have not completed their initial probationary period, shall begin a new six-month initial probationary period.
   (C) An employee serving an initial probationary period is an “at-will” employee, and may be terminated for any reason.

(2) Probationary Period Resulting from a Promotion. Employees who are promoted shall serve a six-month probationary period in the new position.

(3) Probationary Period Resulting from a Transfer, Reassignment, Reinstatement, or Reclassification
   (A) An employee who is transferred, reassigned, or reinstated into a classification shall serve a six-month probationary period in that classification.
   (B) An employee who transfers, or is reassigned to a court or office that is different from the one in which the employee worked prior to the reassignment, or is reinstated to a classification in a different court or office from the one in which the employee worked when he or she left employment, shall serve a six-month probationary period at that location.
   (C) If an employee’s classification is reclassified prior to the employee completing a probationary period in the classification, then the employee will serve the remainder of the probationary period in the new classification.

(4) Employees Not Subject to a Probationary Period
   (A) Except for paragraph (1) above, an employee who is an at-will employee, as defined in the Policy on At-Will Employment, will not serve a probationary period.
   (B) An employee who has successfully completed a probationary period in his or her classification and that classification is reclassified will not serve a probationary period in the new classification.
   (C) An employee who is demoted into a classification in which the employee successfully completed a probationary period is not subject to another probationary period in that classification, unless
the position in the new classification is in another court or office. However, the employee may be required to meet certain contingencies in order to retain employment.

(5) **Results of the Probationary Period.** The administrative head, after consulting with the JHRD, shall make one of the following determinations as to the result of the probationary period, prior to its completion:

(A) **Satisfactory completion of the probationary period:** If the employee is performing at a satisfactory level at the conclusion of the probationary period, as determined by the administrative head, then the employee has successfully completed the probationary period.

(B) **Extension of the probationary period:** At any time prior to the completion of the probationary period, the administrative head, in consultation with JHRD, may extend a probationary period only once under extenuating circumstances as determined by the JHRD for a period of time not to exceed six months.

(C) **Rejection on probation:** At any time during the probationary period, the administrative head, in consultation with JHRD, may reject on probation an employee who is not satisfactorily performing the job duties or exhibiting satisfactory work habits and conduct.

(i) The administrative head shall provide the employee written notice of the rejection on probation, and the effective date of the rejection.

(ii) An employee rejected while serving an initial probationary period or as a result of a reinstatement is terminated from employment.

(iii) An employee rejected on probation while serving a probationary period as a result of a promotion, transfer, reassignment, or reclassification shall be returned to the employee’s previous position or classification, if vacant. If the previous position is not vacant, the administrative head, at his or her discretion, may place the employee in any vacancy in the previous classification or comparable classification for which the employee meets the minimum qualifications, if available. If such a position is not available, the employee’s employment will be terminated.

(iv) An employee serving a probationary period also may be terminated from employment under the Judiciary’s Policy on Disciplinary Actions.

(v) After obtaining JHRD’s approval, the administrative head shall inform the employee of the determination and any appeal rights the employee may have.

(D) If the administrative head fails to make a determination prior to the conclusion of the probationary period, then the employee remains on the probationary period until such time the administrative head makes a determination. Failure to make a timely determination could have an unintended negative impact on the employee, such as, it could impact the employee’s eligibility to use annual leave, and to enroll in the Judiciary Leave Bank. Therefore, it is required that the administrative head make the determination in a timely manner.

(i) **Exceptions:** The Chief Judge of the Court of Appeals or the State Court Administrator may make exceptions to any provision of this policy at any time.
(j) **Interpretive Authority**: The JHRD is responsible for the interpretation of this policy.

(k) **Not a Contract**: This policy does not constitute or create an express or implied contract. It is not intended to, and does not, create contractual obligations with respect to any matter it covers.