

DIVISION OF HUMAN RESOURCES

2.7 POLICY ON TALENT ACQUISITION, 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 talent acquisition strategies, 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 Supreme Court of Maryland Standing Committee on Rules of Practice and Procedure.

(B) This policy does not apply to:

- (iii) locally funded employees in the circuit courts;
- (iv) the employees of the Register of Wills or the Orphans' Court;
- (v) the employees of the Attorney Grievance Commission and the Client Protection Fund; and
- (vi) Justices, judges, magistrates, limited-term law clerks, appointed positions, and elected officials.

(b) Definitions

(3) Administrative Head:

- (A) For the Supreme Court of Maryland, the Clerk of the Court for all employees under the Clerk's supervision, and the Chief Justice for all other employees of that Court;
- (B) For the Appellate Court of Maryland, the Clerk of Court for all employees under the Clerk's supervision and the Chief Judge for all other employees of that Court;
- (C) 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 their supervision;
- (D) 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 their supervision;
- (E) For the Administrative Office of the Courts (AOC), the State Court Administrator;
- (F) For any units, the head of the unit where the employee works; or,
- (G) Any person who serves as the authorized designee, by express written designation, of any of the foregoing persons.

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

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

(6) **Job Announcement** – Official notice of a job opportunity within the Maryland Judiciary.

(7) **Judiciary Human Resources Division (JHRD)** – The division 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; talent acquisition; employment and orientation services; employee benefits; position classification and salary administration; and employer-employee relations.

- (8) Position Identification Number (PIN)** – A unique number that identifies a position.
- (9) 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.
- (10) 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.
- (11) Promotion** – An action by which an employee moves from one position to another position that has a higher pay range.
- (12) 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.
- (13) 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 justices, judges, magistrates, and limited-term law clerks.
- (14) Talent Acquisition** – The process of finding, attracting, or otherwise acquiring talented people to work for the Maryland Judiciary. Although “recruitment” (filling a vacant position) is a prominent component, talent acquisition also includes, among other things, organizational branding and strategies that focus on finding the right people who can grow within the organization, talent matching, and talent retention.
- (15) 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.
- (16) Unit** – The State Board of Law Examiners, the Thurgood Marshall State Law Library, the Commission on Judicial Disabilities, and the Supreme Court of Maryland Standing Committee on Rules of Practice and Procedure.
- (17) Vacancy** – An approved position that is not occupied.

(c) Policy Statement

Talent Acquisition includes but not be limited to, the attraction, recruitment, selection, and appointment of an employee, 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) PDQ Review and Job Opening Creation

- (A) For every vacancy that is to be filled, each Position Description Questionnaire (PDQ) should be up to date and any changes must be submitted through the Judiciary Human Resources Information System to the Classification and Compensation for a classification review. If the PDQ was reviewed within the past 60 days, prior to the vacancy, and there are no changes to the duties, the recruitment process may begin immediately.
- (B) Once Classification and Compensation has completed its review of the PDQ, a job opening must be created in the Judiciary Human Resources Information System. The job opening is created using the PIN associated with the vacant position.

(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, an individual'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.
- (4) **Talent Matching.** When rating an applicant for a position, the JHRD may consider whether the applicant's knowledge, skills, and abilities may be well suited or better suited for other vacant Judiciary positions. If so, the applicant may be contacted and encouraged to apply to those positions.

(f) Background and Reference Checks

- (1) A background check will be conducted after a contingent offer of employment has been extended for new employees and includes a reference check for the selected candidate.
- (2) A promotion, transfer, or voluntary demotion may require a reference check. If the employee has been reclassified, reassigned, or is serving in a temporary acting capacity, a reference check is not required.

(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 Assistant State Court Administrator JHRD, the start date must be the beginning of a pay period.
- (3) 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 paragraph (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 demoted, 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 at any time, with or without cause.

(2) Probationary Period Resulting from a Promotion. An employee who is promoted, and who has completed the initial probationary period, shall serve a six-month promotion probationary period in the new position.

(3) Probationary Period Resulting from a Demotion, Transfer, Reassignment, Reinstatement, or Reclassification

- (A) An employee who is demoted, transferred, or reinstated into a classification, and who has completed an initial probationary period, shall serve a six-month transfer/ reinstatement probationary period in that classification.
- (B) An employee who has completed an initial probationary period and transfers to or is reassigned to a court or office that is different from the one in which the employee worked prior to the transfer or reassignment or is reinstated into a classification in a different court or office from the one in which the employee worked when they left employment, shall serve a six-month probationary period in that court or office.
- (C) If an employee's classification is reclassified prior to the employee completing a probationary period in the previous 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 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 their 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 it 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 sufficient circumstances as determined by the JHRD for a period 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 voluntary demotion, promotion, transfer, reinstatement may be placed in the employee's previous position or classification or a comparable position or classification for which the employee meets the minimum qualifications, if either is available, whether it is at the employee's previous or current job location. However, the placement may occur only with the consent and approval of the Administrative Head of that position or classification. If no such position or classification is available or the Administrative Head does not consent to the employee being placed in the position or classification, then 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. In accordance with the *Policy on Grievances*, Section (b)(8)(B)(v), personnel decisions involving probationary employees are not subject to a grievance action.
- (D) If the Administrative Head fails to determine a result prior to the conclusion of the probationary period, then the employee remains on the probationary period until a determination is made. 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.

(6) Leave Usage While Serving a Probationary Period

- (A) A Maryland Judicial Branch employee new to state service, or who transfers from another unit of state government or from a locally funded Judiciary position, may be eligible to use annual leave during the initial six months of service if approved by the Administrative Head and in accordance with the *Policy on Leave*.
 - (i) In accordance with the *Policy on Leave*, other types of leave may also be used during the first six months of service and the initial probationary period (if one is required), including any extension of the initial probationary period.

(B) A Maryland Judicial Branch employee who is serving a probationary period as a result of a promotion, transfer, reassignment, reinstatement, or reclassification may use annual leave if the employee properly requests such leave in accordance with the *Policy on Leave*.

(i) Exceptions

The Chief Justice of the Supreme Court of Maryland 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.