

## **181 – FILLING CLASSIFIED POSITION VACANCIES**

### **A. Internal Posting**

1. To encourage career mobility prior notice will be given to Court System employees by opening non-exempt, classified positions to internal application prior to external application, unless prior approval is obtained from the State Court Administrator. Veterans' preference does not apply to internal postings.
2. The Human Resource Director will assist the appointing authority or designee in providing internal notice. The notice must allow 10-30 days for applications. The appointing authority or designee is not required to make a determination about the qualifications of internal candidates prior to opening the position externally. After reaching the deadline for internal applications, the appointing authority or designee may:
  - a. Determine that a wider pool of candidates is needed and open the position externally. Internal applications will be considered with any external applications received.
  - b. Interview the internal candidates and fill the vacancy or open the position externally.

### **B. External Posting**

When a position is opened to external applications, the Human Resource Director, after consultation with the appointing authority or designee, will advertise the position and receive the applications.

1. The hiring authority may seek approval from the Deputy State Court Administrator to underfill a position if they are unable to find qualified candidates who meet the minimum qualifications of the position.
2. An employee hired as an underfill must be able to meet the minimum qualifications for the classification within 24 months of hire.
3. The length of the introductory period and the training wage of an employee hired as an underfill will be determined by how closely the employee's qualifications match the minimum qualifications of the position. The initial training wage for an underfilled position will be one or two steps below the regular starting salary as determined by the Director of Human Resources.

### **C. Candidate Screening**

1. The Human Resource Director will work with the appointing authority or designee to establish a rating system for the vacant position based on required and preferred qualifications and skills.
2. Candidates will be rated based on the contents of the applications received. If a candidate meets the minimum qualifications of the position and has provided the appropriate documentation showing qualifications for veterans' preference:

- a. Five points will be added to the rating if the candidate is a veteran or a veteran's spouse.
  - b. Ten points will be added to the rating if the candidate is a disabled veteran.
- 3. The Human Resource Director will forward the Referral List listed from highest score down to the appointing authority or designee.
- 4. The appointing authority or designee will consider the Referral List from the top down. However, any person on the Referral List may be selected for an interview and offer.
- 5. The appointing authority or designee may not inquire into or consider the criminal record or criminal history of an applicant for employment until the applicant has been selected for an interview.

#### D. Veterans' Preference

- 1. When filling classified position vacancies, preference will be given to qualified veterans or veterans' spouses in the manner prescribed in this policy, unless the position is exempted.
  - a. Classified positions exempt from veterans' preference requirement:
    - (1) Chief Deputy Supreme Court Clerk; and
    - (2) Administrative Assistant who serves as a private assistant to a judge or justice.
  - b. Promotions, transfers, or reclassifications are exempt from veterans' preference. If the position has been opened to external applicants, current employees are entitled to the same preference as non-employees.
- 2. Veteran means a person who is currently serving in the military or who was discharged or released from the military for other than dishonorable conditions.
- 3. Disabled Veteran means a veteran who is found to be entitled to a service-connected disability rating as determined by the United States veterans' administration.
- 4. Veteran's Spouse means the un-remarried spouse of a veteran who died while in service, or later died from a service-connected cause; or the spouse of a veteran who has a one hundred percent service-connected disability as determined by the department of veterans' affairs, or who has an extra-schedular rating to include individual unemployability that brings the veteran's total disability rating to one hundred percent as determined by the department of veterans' affairs and due to the disability is unable to exercise the disabled veteran's right to preference.

#### E. Veterans' Preference Appeals

- 1. Any candidate applying for veterans' preference may appeal a determination made by the Human Resource Director or the appointing authority or designee.

2. The Human Resource Director will notify candidates applying for veterans' preference of a determination by certified mail for through the applicant tracking system that the candidate did not qualify for veterans' preference.
3. The veteran may appeal the decision in writing by certified mail or email to the State Court Administrator within 15 calendar days of when the notice was mailed or emailed through the applicant tracking system. If the State Court Administrator is the appointing authority the Chief Justice will designate the person to receive the appeal.

Approved by the Supreme Court 4/1/12; amended 3/6/13; amended 9/27/17; amended 10/2/19 effective 10/1/19; amended 8/26/20; amended 8/4/21; amended 9/11/24 effective 10/1/24