

Rule 1:33-4 (e) Appointments

Directive #8-87
Issued by:

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Administrative Director

As provided in *R. 1:33-4(e)*, this directive establishes minimum standards and conditions for the appointment power of unclassified trial court positions. The main purpose of this directive is to clarify recruitment and selection policies for the unclassified judicial service. It is designed to foster fair and effective personnel administration in the unclassified service, to promote career growth, and to improve the Judiciary's ability to manage the support units within the trial court system.

SECTION 1 - CATEGORIES OF *R. 1:33* APPOINTMENTS

Appointments to the Judiciary unclassified service pursuant to Court Rule 1:33-4(e) are limited to the following categories:

- a. Management and administrative trial court staff responsible for overall operation and management of the court system

This category encompasses management personnel who have significant administrative responsibilities. Key managers and heads of major programs are included to establish administrative accountability and managerial direction of the court support units. This category includes members of the Trial Court Administrator's office staff performing vicinage-wide administrative functions. Each vicinage retains the option to include functional team leaders within this category, provided that within each vicinage a uniform method of appointment of team leaders is followed.

- b. Direct and confidential support employees to judges

Employees who enjoy a confidential relationship with judges must be selected through a process which makes them directly accountable for their performance to the Judiciary. This category includes courtroom staff such as court aides and court clerks and other confidential staff to judges, excluding secretaries and law clerks whose positions are established by statute.

- c. Positions of a highly technical or specialized nature

Experience has shown that certain technical or highly specialized positions do not lend themselves readily to a selection process involving testing and evaluation as used in the classified service. This category includes court interpreters, specialists in data processing and similar positions of a technical nature.

SECTION 2 - TITLES OF POSITIONS

Lists of titles within the unclassified service shall be promulgated and updated periodically. To meet interim needs or exceptional circumstances unique to a particular vicinage, the Administrative Director, upon request of an Assignment Judge and with approval of the Chief Justice, may certify additional titles for inclusion in the *R. 1:33* service.

SECTION 3 - IMPLEMENTATION OF CATEGORIES

- a. Existing *R. 1:33-4(e)* appointments not conforming to this directive shall be returned to the classified service through attrition. Thereafter, these positions shall be filled pursuant to Department of Personnel procedures. Similarly, vacancies in positions now classified but belonging to the

unclassified service as herein defined, shall be filled by appointment under *R. 1:33*.

- b. The Administrative Office of the Courts, in consultation with vicinage managers, shall prepare standard job specifications with uniform minimum qualifications and recommended salary ranges for all approved *R. 1:33* titles.
- c. Job specifications for new *R. 1:33* positions shall be developed by the Administrative Office of the Courts and approved by the Chief Justice.

SECTION 4 - APPOINTMENT PROCEDURE

The following pre-appointment and appointment procedure shall be followed:

- a. Pre-appointment
 - 1. Appointments under *R. 1:33* shall be made pursuant to the open recruitment process established in vicinage EEO/AA plans.
 - 2. To attract a sufficient pool of qualified applicants, particularly those underrepresented in the court's workforce, the Trial Court Administrator shall assure wide distribution of Notices of Vacancies. Statewide recruitment efforts shall be undertaken upon request of the Assignment Judge.
 - 3. Selections for employment and promotion under *R. 1:33-4(e)* shall be made without discrimination because of race, religion, color, national origin, sex, sexual orientation, marital status, language, socioeconomic status, age, or handicap.
 - 4. Current employees of the courts shall be encouraged to apply for unclassified positions under *R. 1:33-4(e)*. If analysis of the court's workforce reveals minority underrepresentation, the Assignment Judge shall recruit both within and without the Judiciary to obtain qualified applicants.
 - 5. The Assignment Judge should utilize unclassified appointments to meet EEO/AA goals. Where its minimum EEO goals are not met, the Assignment Judge shall make affirmative use of the *R. 1:33* appointment power.
- b. Appointment
 - 1. Equitable and fair personnel practices based upon principles of merit and fitness shall be followed in making appointments pursuant to *R. 1:33-4(e)*.
 - 2. Appointments to *R. 1:33* positions shall be made by the Assignment Judge who shall certify as to compliance with the provisions of this directive. Appointment forms shall be forwarded to the Administrative Director for review, approval, and filing for an initial six month period. Thereafter, appointment forms are to be sent to the Administrative Director for information and filing purposes only.

SECTION 5 - LEAVE OF ABSENCE

At the discretion of the Assignment Judge, court staff appointed pursuant to *R. 1:33-4(e)* who are approved after the date of this directive may take leaves of absence from the classified service for periods of time not to exceed a total of 18 months.

- a. The classified positions from which appointees take leave may be filled by others.
- b. If during the time the appointee has a valid leave of absence, either the employee leaves the unclassified service or the Assignment Judge terminates the *R. 1:33* appointment, the employee may return to his or her classified position consistent with New Jersey Department of Personnel rules and regulations.

EDITOR'S NOTE

The source for this directive is *R. 1:33-4(e)* which provides for the Administrative Director to promulgate uniform minimum standards and conditions for the appointment and discharge of judicial support personnel within the vicinage.

This directive was promulgated in response to the Trial Court Personnel Committee's recommendations in its initial report on *R. 1:33-4(e)*. In addition, the Trial Court Administrators have prepared vicinage impact reports on implementation of this directive on *R. 1:33* appointments, especially the impact of those positions deemed not to meet the appointment criteria in the directive.

The nondiscrimination language in Section 4a.3 of the directive has been amended to conform it to the nondiscrimination provision adopted by the Supreme Court in its August 23, 1993, Code of Conduct for Judiciary Employees. Deleted from the original language of the nondiscrimination clause was the phrase "political affiliation," and added were the categories "sexual orientation," "marital status," "language," and "socioeconomic status."