

## HUMAN RESOURCES MANAGEMENT

### INTRODUCTION: What This Core Competency Is and Why It Is Important

Courts need good people, people who are competent, up-to-date, professional, ethical, and committed. High-performing courts get the very best from their judges and employees no matter what their particular assignment or job. As courts carry out recruitment, selection, employee relations, job analysis, job evaluation, and position classification; the administration of pay and benefits; and performance management, they demonstrate what the court believes in, its values, and its standards. The aim is not good Human Resources Management in an otherwise mediocre court. It is a high-performance court.

Court leaders set the right tone for Human Resources when their management of the court is cohesive and strategic. The connection between caseload management; education, training, and development; budgeting and finance; information technology; and human resources is seamless.

Like almost every other private and public sector organization, courts dedicate most of their budget to salaries and benefits. But the services their judges and employees provide -- on the telephone, at the counter and the bar of the court, and from the bench -- differ from other organizations. The courts' business is equal justice under law, due process, equal access, and independent and impartial treatment and decisions.

Because impartiality and independence are core court values, Human Resources Management must be fair and objective. The right people are hired, developed, and promoted. When mistakes are made they are corrected. Human Resources staff is professional, accountable, and recognized as vital to the court's mission.

Judicial independence rightly drives court Human Resources Management philosophy, structure, and decisions. In the words of Alexander Hamilton in *Federalist 78*: "... there is no liberty if the power of judging be not separated from the legislative and executive powers." While courts, either independently (primarily locally funded), or as a state funded system, seek and obtain resources from the other branches, court Human Resources must be under court control and independent in philosophy, form, and practice.

Achieving independence is not easy. Most courts are small employers relative to employers generally and other governmental units in particular. Many trial courts employ fewer than 20 people. Excluding large metropolitan areas, courts typically employ 100 or fewer people with most having no more than 300 employees.

Due to their small size, court human resources staff are often co-located with other units of government and even included in other's budgets. This can cause others to view courts as "just another department" with court human resources staff, policies, procedures, and practices that should be the same as "other departments." Undue deference to the executive branch personnel system can have negative consequences. For example, court staff must both support and appear to support independent and impartial processes and decision making. The court must have flexibility to adjust work schedules of courtroom personnel who sometimes must work outside normal working hours due to trials or other court events, without incurring unnecessary overtime or compensatory time obligations. Whatever the arrangement designed to recruit, select and hire, evaluate, pay, reward, develop, and manage judicial staff, the judiciary must lead and, to a significant extent, control its Human Resources function or risk its independence, image, and effectiveness.

Changing environmental factors and a changing labor pool likewise challenge courts and their leaders. Current trends include an aging labor force, younger workers with different values and expectations, more women, more racial and ethnic "minorities," more immigrants, and more diverse life styles. Challenging issues include telecommuting, benefits, work rules, work schedules, competing with other employers, both public and private, and leadership practices. Environmental factors, a changing labor force, and public demands for accountability challenge courts and their leaders and mandate a sense of urgency about court Human Resources practices. But the court culture is usually quite conservative. The top court professionals, judges, speak and dress in ways that are staid, mannered, and unmistakably traditional, but the issues they address are complex, dynamic, and challenging. Who gets custody? How

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do we balance public safety against the presumption of innocence and reasonable doubt? A rightly conservative culture need not produce unresponsive judicial decisions or tired court management and human resources practices. Waiting for difficult environmental and workforce issues to go away was never appropriate; now it is untenable.

Court Human Resources Management must be dignified but not stodgy, proper but also energetic, and correct but also creative. The highest quality service providers, whether they are in the private sector (current examples include Nordstrom and Wal-Mart) or in the public sector, set the standard by which court services ought to be measured. Recruitment; selection; education, training, and development; and fairness must be equal to or better than all other employers, both public and private. The court should be a model employer.

Effective Human Resources Management not only enables performance but also increases morale, employee perceptions of fairness, and self-worth. People who work in the courts are special. Their jobs and the work of the courts are not too small for the human spirit. With proper leadership, court Human Resources Management contributes to meaning and pride over and beyond the reward of a paycheck. It reflects the enduring purposes and responsibilities of courts.

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### **CURRICULUM GUIDELINES SUMMARY**

#### **What Court Leaders Need To Know and Be Able To Do**

The Human Resources Management competency includes four areas, which encompass personal characteristics as well as acquired knowledge, skills, and abilities (KSAs):

- Vision and Purpose
- HR Fundamentals
- Context and Fairness
- Management and Supervision

#### **Vision and Purpose**

Vision-focused, purposeful, ethical, and legally defensible management of the court's human resources supports judicial independence, impartiality, and accountability. Since alignment of Human Resources with the court's core purposes and responsibilities and its vision and strategic objectives is essential, the court must have a strategic vision. Some do not. Effective leaders establish a direction for the court. Human Resources and other court functions reflect this direction. When this is true, Human Resources supports an independent and impartial judiciary, one pillar on which a free and ordered society depends and upon which the entire justice system rests.

Courts must adhere to federal and state human resources legal mandates concerning, among many issues, the hiring and supervision of court staff and their work environment. But these mandates must always also respect judicial independence, the inherent powers doctrine, and supporting case law. The court's mission, values, and strategic vision should be consistent with the court's enduring purposes and responsibilities.

If the court lacks strategic vision, the Human Resources function will drift along with the rest of the court from crisis to crisis. In this circumstance, Human Resources staff, together with judicial branch educators, with direction from court leaders, should take the lead in helping the court affirm its core values, articulate a strategic vision, and align Human Resources and other functions with the court's strategic vision.

#### **Human Resource Fundamentals**

For court leaders to oversee Human Resources, they must understand the fundamentals. Job analysis is critical. When court leaders understand what their employees do, they can oversee the evaluation of actual against desired performance. This will help the court structure jobs, departments, and workflow; develop job descriptions; design recruitment and selection procedures; evaluate positions to ensure equitable compensation; and organize performance management systems.

Like other organizations, courts need effective and legally defensible recruitment and selection processes -- identifying and attracting applicants, narrowing the pool, and selecting candidates whose qualifications best fit the specific job and the court's values and culture. After employees are selected, they must learn the court's culture and be prepared for the specifics of their job. Compensation includes both extrinsic (e.g. pay, benefits) and intrinsic (e.g. satisfaction for a job well done) rewards. Establishing internal and external equity in the compensation system through job analysis, job evaluation, and compensation surveys are important fundamentals as is employee relations. Performance management helps employees perform by defining responsibilities, setting expectations, providing necessary resources, giving ongoing feedback, periodically appraising performance, and utilizing the resulting information for decision making, problem solving, and development. Performance appraisal is but one aspect of performance management.

Understanding labor relations, the legal environment of people management, and changing labor force demographics is essential, as is what motivates the behavior and priorities of court employees.

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### **Context and Fairness**

Establishing and enforcing fair policies and rules, dealing with employee performance and behavior issues, and responding to employee complaints and grievances, is accomplished in differing contexts. In many courts, employees are unionized. Trial courts can be state or locally funded, affecting Human Resource policies. Do all or some enjoy merit system protections? Are they employees of a state-funded trial court system, or is there local variability with respect to Human Resource issues? Professionals understand the political and organizational environment of their court and the impacts of the many variations on court Human Resources Management. They also know that whatever the context and constraints, fairness -- both actual and perceived -- is the standard of a court that is a model employer. Employees should perceive that Human Resources can be trusted to make fair and independent recommendations to court leadership.

### **Management and Supervision**

Effective court leaders ensure that the parts of the court, including Human Resources, are a productive whole. Organizational cohesion is possible when court leaders have the will and skill to pull the organization together so that the whole is greater than the sum of the parts. Human Resources Management is central to this integrating task. Human Resources sets a tone that permeates the court from the moment employees are recruited and hired, as they are developed and promoted, through to their departure. When the court's leadership is effective, court staff are empowered. They understand and are committed to the courts' mission and vision. They know their job is important and how it fits in the whole. Recognition of Human Resources staff as a key department and function is a strong message to judges and staff that court employees are important and make valuable contributions to justice and public trust and confidence.

Court leaders establish standards and maintain the court's direction and operations. They balance the need to maintain routines with the need to make changes. Human Resource Management is not an end in itself. Rather it supports court workflow, internal and external interdependencies, and the change process. While Human Resources monitors and enforces compliance with legal mandates, it is primarily a service function. Human Resources services and supports court leaders, court departments, and staff who do the work. Leadership ensures that staff assigned to Human Resources and Training, Education, and Development staffs are on the same page.

Through their management of Human Resources and other departments, court leaders model the behavior they wish to see throughout the court. When the leaders are successful in modeling the behavior they want to see and in setting high standards with Human Resource staff, Human Resource is invaluable in creating and maintaining a high performance culture.

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**HUMAN CURRICULUM GUIDELINES**

**REQUIRED KNOWLEDGE, SKILL, AND ABILITY**

VISION AND PURPOSE

FUNDAMENTALS

CONTEXT AND FAIRNESS

MANAGEMENT AND SUPERVISION

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### VISION AND PURPOSE

Courts that are managed effectively have a strategic vision that reflects enduring court purposes and responsibilities. The court's strategic vision should resonate in Human Resources Management and all other court functions and processes. Courts should be model employers with policies and practices that comply with state and federal employment laws and regulations and relevant ethical codes. But legal requirements imposed by others must be integrated with judicial independence and the inherent powers doctrine. A competent judiciary is independent in philosophy, form, and practice. It delivers justice from the bench but also on the phone, at the counter, and the bar of the court. When Human Resources reflects court purposes and is aligned with the courts strategic vision, it supports all other core competencies, particularly Leadership; Visioning and Strategic Planning; and Education, Training, and Development.

- Knowledge of the Purposes and Responsibilities of Courts Curriculum Guidelines and their application to Human Resources Management;
- Knowledge of how Human Resources supports all other Core Competencies;
- Knowledge of how judicial independence, the rule of law, and inherent powers doctrine and supporting case law guide Human Resources policy and practices;
- Knowledge of the mission, vision, and values of the court and how to operate Human Resources in support of the vision;
- Ability to develop a strategic vision for the court, if it is missing, and to apply it to Human Resource Management;
- Ability to articulate how ethical standards, including the **NACM Model Code of Conduct**, the **ABA Canons of Judicial Conduct**, and relevant state and federal ethical codes apply to Human Resource policies, procedures, and practices;
- Skill in controlling and taking responsibility for Human Resources and ensuring that the court is a model employer;
- Knowledge of how well-managed Human Resources contributes to a healthy work environment and productive and committed court employees;
- Ability to articulate with respect, when necessary, to judges involved in Human Resources that judicial immunity does not extend to personnel policies, practices, and decisions;
- Ability to ensure that court Human Resources is independent in philosophy, form, and practice.

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### FUNDAMENTALS

For court leaders to manage and improve Human Resources, they must understand the fundamentals. The fundamentals begin with job analysis to understand court jobs and duties, required competencies, and specific job environments. Identifying, attracting and recruiting, and selecting good applicants for court positions, and compensating, developing, and retaining them are critical Human Resources fundamentals. Compensation refers, at a minimum, to the many forms of financial rewards and other benefits. Compensation flows from performance management, which includes but is more than performance appraisal. Employee relations and legal requirements are crucial. Are court employees representative of the community? Human Resources fundamentals are known to and skillfully managed by effective judicial leadership teams.

- Ability to attract, develop, motivate, and retain competent court employees;
- Ability to develop and to update Human Resources policies and regulations for the judicial branch;
- Knowledge of Title VII of the Civil Rights Act of 1964; applicable affirmative action obligations; Fair Labor Standards Act; Family and Medical Leave Act; workplace injury and Workers Compensation laws, rules, and regulations; and other laws, rules, and regulations covering medical absences, other federal and state employment laws, sexual harassment, workplace privacy, grievances, discipline, at-will employment, and civil service legal issues;
- Knowledge of American with Disabilities Act and needed accommodations for court employees and the public;
- Skill in Human Resources planning that comprehends community demographics and trends and anticipates future needs;
- Knowledge of job analyses, the drafting of job descriptions, and skill in overseeing their use;
- Ability to analyze the labor market, i.e. the area from which court employees can reasonably be recruited, and how to recruit and hire staff that are reflective of the community;
- Ability to oversee recruitment and to manage the recruitment process, including yield ratios;
- Ability to utilize appropriate selection methods, including interviews and assessment centers;
- Skill in overseeing orientation processes for newly hired employees, including the purposes and responsibilities of courts, specific court values, and court structure;
- Ability to oversee position classification and compensation through job evaluation that ensures internal equity;
- Ability to oversee data gathering about compensation of employees outside the court that ensures external equity;
- Knowledge of direct pay methods and trends, including base pay, merit pay, incentives, and cost-of-living adjustments;
- Knowledge of indirect compensation components, including protection programs (e.g. pensions, health insurance, life insurance, disability insurance), pay for time not worked on the job (e.g.

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breaks, meal time), pay for time not worked off the job (e.g. vacations, holidays, leaves), and perquisites (e.g. on-site day care, attractive work place);

- Knowledge of alternative workplace arrangements such as telecommuting and flex scheduling and their use in courts;
- Knowledge of employee performance appraisal and performance management methods;
- Knowledge of how to define jobs, set performance expectations, and relate them to court and departmental goals and objectives;
- Skill in overseeing performance monitoring and evaluation to identify organizational problems and to develop solutions to those problems;
- Skill in overseeing evaluation of individual performance, reviews, and feedback;
- Knowledge of the principles and methods for documenting performance and behavior problems and personnel actions;
- Knowledge of how and when to counsel, discipline, transfer, and terminate problem court employees;
- Skill in overseeing succession planning;
- Skill in overseeing, when necessary, court workforce reduction using proper processes;
- Knowledge of principles of labor relations, including management rights, past practices, discipline in a unionized environment, and contract administration;
- Skill in negotiating contracts;
- Knowledge of alternative ways of resolving "impasses" in labor negotiations;
- Knowledge of the purposes of employee wellness programs and how to oversee the creation and implementation of these programs in court settings;
- Knowledge of private sector Human Resource products that relate to all of the above including testing, other software, and outsourcing Human Resource services.

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<h3>CONTEXT AND FAIRNESS</h3>
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Fairness in court Human Resources ensures that the actions of court employees, particularly supervisors, are acceptable. Concerning fairness, the court must be a model employer, which serves the court's mission, and protects court stakeholders. Among those stakeholders are court employees. Court structure and organization, civil service rules, merit procedures, and collective bargaining agreements define the organizational context in which fair court Human Resource Management is situated. Whatever the context, court Human Resource Management should be fair and impartial.

- Ability to convey to every court employee the court's commitment to fair treatment of everyone that works in and comes to court, whatever the court's structure or funding;
- Knowledge of the governmental and organizational structure in which the court operates, the legal authority of court and other governmental leaders, and their implications for Human Resources;
- Ability to apply federal and state affirmative action laws, cross cultural, ethnic, racial, religious, diverse life styles, and gender issues to Human Resources policies and practices;
- Skill in recruiting and developing employees who are reflective of the community, particularly groups that are disadvantaged by income and other factors;
- Knowledge of due process, fairness, equity, and consistency in managing Human Resources;
- Ability to engender a court culture that is sensitive to and willing to report bias in the court, both between employees and court employees and the public;
- Knowledge of effective complaint or grievance procedures and disciplinary investigations that balance the rights of accusers and those accused of bias and other misconduct affecting actual and perceived fairness;
- Skill in responding to and properly resolving employee concerns, complaints, and grievances, including charges of sexual harassment;
- Ability to convey to every court employee the courts' commitment to fair treatment of everyone that works in and comes to court, whatever the courts' structure or funding;
- Knowledge of the governmental and organizational structure in which the court operates, the legal authority of court and other governmental leaders, and their implications for Human Resources.

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### MANAGEMENT AND SUPERVISION

Skillful management and supervision is crucial to Human Resource Management in any organization, including courts. The Human Resources Management competency includes not only functions traditionally associated with “personnel,” but also knowledge, skills and abilities associated with leading, supervising, and managing a cohesive court. It is axiomatic that leadership and management underpin Human Resource Management. There is obvious overlap between this and the NACM Leadership Core Competency. Court leaders who oversee Human Resources must be skilled managers and supervisors. Through their practices and conduct they model the values, attitudes, and behaviors that define a high performance court. They understand the importance of consistency across the court. Human Resources is critical to creating a cohesive court and maintaining a high performance court culture.

- Skill in establishing value-added Human Resource policies, procedures, and work rules that are aligned with the courts’ purposes and strategic vision;
- Ability to keep Human Resource Management, Education, Training, and Development, and other court departments on the same page;
- Skill in balancing the need for rules, structure, and consistency against the need for organizational cohesion and flexibility in dealing with court staff and Human Resource issues;
- Skill in ensuring that Human Resource staff provide uniform and consistent service and support to other court departments, supervisors, and staff that do the work;
- Skill in overseeing Human Resource staff and other court managers as they plan, work with, and for, court employees;
- Skill in effective written and oral communication with employees about Human Resources and its fit in the court and the court’s strategic vision;
- Ability to organize work and to assign it to the right employees;
- Skill in delegating work to Human Resources and other court departments and staff;
- Ability to oversee the recruitment, training, and management of volunteers;
- Skill in modeling how to encourage, mentor, coach, counsel, and resolve employee problems;
- Effective supervision skills, particularly providing necessary guidance and support without “micro-managing”;
- Skill in developing, energizing, and managing effective court teams;
- Skill in providing timely and constructive feedback to individuals and court departments;
- Skill in recognizing high performing individual and court departments.;
- Skill in motivating individuals and court departments to improve their performance including recognition, praise, and other rewards including financial compensation;
- Ability to listen and collaborate with subordinates and to ensure that others in the court family do likewise;

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- Ability to anticipate new challenges and to lead and manage change of the court and its Human Resources Management;
- Skill in setting and maintaining the court's governance structure and the role of Human Resources in that structure;
- Ability to convey to court employees and other stakeholders that the court is an independent and accountable employer.