

NEW MEXICO JUDICIAL BRANCH PERSONNEL RULES
PART I
FOR EMPLOYEES

SECTION 4. RECRUITMENT, SELECTION AND APPOINTMENT

4.01 PURPOSE

To establish a system for the *recruitment*, selection and *appointment* to a *permanent* or *term* position in the *Judicial Branch*.

4.02 EQUAL EMPLOYMENT OPPORTUNITY

- A. Advertisements and *job postings* of employment opportunities shall contain a statement that the *Judicial Branch* is an Equal Employment Opportunity Employer.
- B. All decisions and procedures regarding *recruitment*, selection, *promotion* and other terms and conditions of employment shall be made without *discrimination* on the basis of race, religion, sex, age, national origin, ancestry, disability or medical condition, sexual orientation, socioeconomic status or political affiliation, and shall be in compliance with equal employment laws, the Americans with Disabilities Act, and all other applicable federal and state laws.

4.03 RECRUITMENT OF PERSONNEL

- A. *Recruitment* for *permanent* and *term* positions shall be open. Open recruitment efforts may be city, state or nationwide. (Amended 08/01/10)
- B. *Recruitment* for a position may begin upon receipt of the *employee's resignation* or the date the position is vacated, whichever occurs first.
- C. At a minimum, *job postings* shall be:
 - (1) for five (5) *business days*;
 - (2) on the New Mexico *Judicial Branch* web page; (Amended 08/01/10)
 - (3) in at least one (1) public place within the recruiting judicial facility.
- D. Applications for employment received from a previous *recruitment* may be used for other positions with the same *classification*, *position status* and geographical location for up to 90 days from the date the previous *recruitment* ended. (Amended 08/01/10)

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4.04 APPLICATION PROCESS

- A. An applicant shall, within the time specified in the *job posting*:
- (1) submit a completed *Judicial Branch* Application for Employment form to the person specified on the *job posting*; and
 - (2) include copies of licenses, registrations, certifications or other information as required in the *job posting*.
- B. An application shall be rejected if:
- (1) the application is not on the required form or is incomplete;
 - (2) the application does not include copies of all information requested in the *job posting*;
 - (3) the application is not submitted timely;
 - (4) the applicant does not meet the minimum qualifications;
 - (5) the applicant has provided false statements or documentation; or
 - (6) the applicant is in violation of the Criminal Offender Employment Act (NMSA 1978, Section 28-2-1 to 28-2-6).
- C. Voluntary information on gender, ethnicity, and age of an applicant shall be utilized only for affirmative action and other nondiscriminatory purposes.

4.05 INTERVIEW PROCESS

Interviews for selected applicants shall be conducted in accordance with the Interview Policy.

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4.06 NEPOTISM (Amended 08/01/10)

- A. No person shall be appointed, transferred or promoted to a position and no *employee* shall hold a position in a *judicial entity* if that person or *employee* will be within the chain of supervision of a *family member*, *household member* or *domestic partner*.
- B. No person shall be appointed to a position and no *employee* shall hold a position in a *judicial entity* in which a *family member*, *household member* or *domestic partner* is an elected or appointed Judge or Justice.
- C. No person shall be appointed to a position or hold a position in the Supreme Court, AOC, Compilation Commission, Building Commission or Law Library when a *family member*, *household member* or *domestic partner* is a Supreme Court Justice.
- D. If an employee is in one of the above prohibited positions, every effort will be made by the *Administrative Authority* to transfer the affected *employee* to a comparable position for which they qualify within the *Judicial Branch*. If a like position is not available, then the affected *employee* shall resign or be terminated.

4.07 RECOMMENDATION FOR APPOINTMENT

- A. An *employee* shall be selected on the basis of ability, experience, knowledge and skill levels best matched to the position.
- B. **Appointment Recommendation**
 - (1) The *Appointing Authority* shall make an *appointment* recommendation to the *Administrative Authority*.
 - (2) The *Administrative Authority* may:
 - a. request additional information before making a final decision;
 - b. accept the recommendation;
 - c. reject the recommendation and request additional interviews be made from the current group of candidates;
 - d. request a new *recruitment* be initiated.
- C. Before an offer of employment is extended, reference checks shall be completed and documented on the selected applicant.

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- D. After the offer is extended, background and credit checks may be conducted at the discretion of the *Administrative Authority*.

4.08 APPOINTMENT

- A. Once an applicant is selected, the *Appointing Authority* shall contact the selected applicant to determine if the applicant is interested in the *job* and the applicants availability for employment. Any *job* offer shall be subject to the terms specified in the offer letter.
- B. If the selected applicant indicates an interest in the position, the *Appointing Authority* shall make an offer of employment by a standard form letter provided by the *AOC HRD* or *judicial entity*.
- C. Within a reasonable length of time, the *Appointing Authority* shall notify the remaining applicants that the position has been filled.

4.09 RIGHTS AND STATUS OF NEW MEXICO JUDICIAL BRANCH EMPLOYEES (Amended 08/01/10)

- A. An *employee* appointed to a *permanent position* shall have all the rights and benefits for that *position* as indicated on the Rights and Status of New Mexico Judicial Branch Employee Chart.
- B. An *employee* appointed to a *term position* shall have all the rights and benefits for that *position* as indicated on the Rights and Status of New Mexico Judicial Branch Employee Chart except:
- (1) when limited by funding source;
 - (2) when the *appointment* expires due to a reduction or loss of funding; or
 - (3) when the special project ends, with at least 14 calendar days written notice, in which case, the *term employee* shall have no rights under NMJBPR 10, Grievance.

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**C. Rights and Status of New Mexico Judicial Branch Employee Chart
(Amended 08/01/10)**

Position	*Employee Status	Probationary Period		Recruitment	Performance Evaluation	PERA, Annual Leave, Holidays, Sick Leave	May file a Complaint	May file a Grievance associated with a grievable disciplinary action.	
Permanent	Probationary	1 Year		YES	YES	YES	YES	NO	
	After completion of probation	N/A		N/A	YES	YES	YES	YES**	
Term	Probationary	1 Year		YES	YES	YES	YES	NO	
	After completion of probation	N/A		N/A	YES	YES	YES	YES**	

*A person who holds a permanent or term position within the Judicial Branch excluding a justice, judge or at-will employee.

** Reference NMJBPR 4.09B and Section 14 in regard to furlough or layoff actions.

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4.10 PROBATION

- A.** A probationary period of one (1) year is required of an *employee* appointed to a *permanent* or *term* position. The one (1) year probationary period may not be extended, except as provided in 4.10C below. (Amended 08/01/10)
- B.** Calculation of the probationary period shall include all continuous employment in a *permanent* or *term position*, (Amended 08/01/10) regardless of *job* classification within the *Judicial Branch*. (Amended 08/01/10)
- C.** Except for military leave or leave taken under the FMLA continuous leave with or without pay in excess of 30 calendar days shall not be counted as time worked in calculating probationary time (Amended 08/01/10)
- D.** During the probationary period, the *employee* may be terminated without advance notice and shall have no rights to grieve the *termination*. (Amended 08/01/10)
- E.** There shall be no additional probationary period upon transfer or *promotion* from one *judicial entity* to another. (Added 08/01/10)
- F.** Any time worked as an *at-will employee* shall not be counted towards calculating the probationary period. (Added 08/01/10)

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4.11 POST OF DUTY (Added 08/01/10) (Ref: Supreme Court Order 05-8200)

- A. An *employee's* assigned post of duty shall be indicated in the employment offer letter.

- A. When it is in the best interest of the *judicial entity*, the *Administrative Authority* may transfer an *employee* from one physical location to another;
 - (1) when a willingness to accept a change in geographic location was made a condition of employment; or
 - (2) without the consent of the *employee*, if the location is within thirty-five (35) miles from the original assigned post of duty; or
 - (3) only with the written consent of the *employee*, if the location is more than 35 miles from the original assigned post of duty.