

	<p align="center"><b>THIRD CIRCUIT COURT POLICY</b>  <b>COURT OFFICER INDEPENDENT CONTRACTOR POLICY</b></p> <p>Prepared By: Dolores Aguilera, Edna Clark, Frank Hardester, Erin Lincoln  Kimberly Wilson, &amp; Fran Yturri</p>	<p><b>SECTION:</b>  Administrative  <b>NUMBER:</b> 3CC-P02-0001</p> <p><b>Supersedes:</b>  n/a</p>
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#### REFERENCES:

- [MCR 2.103\(D\)](#)
- [MCR 3.106](#)
- [MCL 600.2555](#)
- [MCL 600.2559](#)
- [Fair Credit Reporting Act](#)
- [SCAO Court Officer/Independent Contractor Appointment Procedures](#)

#### DEFINITIONS AND ABBREVIATIONS:

- HR – Human Resources
- SCAO – State Court Administrative Office

#### BACKGROUND:

This policy was developed to provide procedural guidance and consistency with the appointment of court officers. Third Circuit Court uses non-employee independent contractors that are appointed as court officers. This policy complies with the requirements outlined in MCR 3.106 and State Court Administrative Office (SCAO) recommendations.

#### POLICY STATEMENT:

##### A. Assigned Designees

For the purposes of this policy, the following agents within the court are acting as the chief judge's designee:

- Application / Reference Checks / Records: General Counsel
- Background Check & Drug Screen / Court Officer ID: HR
- Software Access: FOC

##### B. Court Officer List

Based upon volume of work, the Court will maintain a list of a minimum of 8 and maximum of 20 Court Officers. Notice for re-application will be issued in July every 2 years (odd years) for appointment beginning October 1 of that year, however, anyone can request appointment during the 2-year cycle for the remainder of that time frame. Information regarding Court Officers can be found on our website at <https://www.3rdcc.org/divisions/general-information/court-officers>.

##### C. Request for Appointment

All individuals requesting appointment as an independent contractor are required to complete and sign the Application for Appointment as Court Officer Form (3CC-AD-7009). Resumes should not be substituted for a completed appointment form but may be attached to the appointment form as a supplement. Applications will be considered in the order received. Applications must be submitted to the Court's General Counsel's Office at: 2 Woodward Avenue, Suite 742, Detroit, MI 48226 or via email at [ogc@3rdcc.org](mailto:ogc@3rdcc.org).

#### D. Reference Checks

1. Professional reference checks must be conducted before offering appointment as an independent contractor. The Reference Check Form (3CC-AD-7001) must be completed for each reference check conducted.
2. Where possible, at least two former employers/contractors should be contacted. For an individual who has recently completed some phase of an educational or certification process, instructors, professors, or certification officials should be contacted.

#### E. Record Check

A criminal record / fingerprint check must be conducted after the applicant completes the Criminal History/Fingerprint/Credit Check Consent Form (3CC-AD-7002). Criminal history information may be obtained directly from the court's LEIN access or from Michigan State Police/Sheriff's Department. A drug screening will be included with every background check.

#### F. Credit Reports

1. A Credit Check is usually required to obtain a Surety Bond. Due to the nature of the work that court officers perform, an additional credit report may be required on applicants for appointment and current contractual court officers. The Fair Credit Reporting Act (FCRA) requires that specific procedures be followed when requesting credit reports which are noted in this policy.
2. Courts must comply with the following steps when requesting the credit report of any applicant or when using any non-court employee to screen, interview, perform background checks or otherwise investigate a current or prospective independent contractor:
  - a. Obtain written permission from the applicant before ordering a credit report.
    - i. Before obtaining a credit report (even if voluntarily provided by an applicant), the court must notify the consumer that it may ask for a report and get his or her written permission. A Criminal History/Fingerprint/Credit Check Authorization Form (3CC-AD-7002) must be completed.
    - ii. Additional requirements must be met when/if the court uses a third party; such as a private investigator or a firm that conducts employee background checks, to conduct a background investigation that will involve, even in a small part, information about the consumer's "character, general reputation, personal characteristics, or mode of living...obtained through personal interviews with neighbors, friends, or associates." Because such an investigation fits into the definition of an "investigative consumer report," courts must, in addition to the steps outlined above, give the consumer (i) written advance notice that an investigative consumer report may be obtained; (ii) a copy of the [Federal Trade Commission's summary of his or her rights as a consumer](#); and (iii) notification that he or she may request "a complete and accurate disclosure of the nature and scope of the investigation requested." Such notice must be made in a written statement that is mailed, or otherwise delivered, to the consumer no later than 5 days after the date on which the request was received from the consumer or the report was first requested, whichever is later.
  - b. Notice requirement before taking adverse action on the basis of a report.
    - i. At least five days before taking adverse action (such as denying someone a job, a promotion or a reassignment) based in whole or in part on a credit report (or an investigative credit report), the court must: (i) notify the consumer of the action it plans to take; (ii) give the consumer a copy of the [FTC's summary of rights](#).

c. Notice requirements after taking adverse action on the basis of a report.

- i. Within a reasonable time after making an adverse employment or appointment decision on the basis of a credit report, the court must (i) give the credit applicant notice of the adverse decision; (ii) provide the name, address and phone number of the credit reporting agency that provided the report the court relied upon, in whole or in part; (iii) provide a statement explaining that the consumer reporting agency simply provided the report and that it is not the one that made the adverse decision; (iv) explain that he or she can get a free copy of the report from the consumer reporting agency within sixty days; and (v) explain to the consumer that he or she has a right to dispute the accuracy or completeness of the report with the consumer reporting agency.

#### G. Independent Contractor Appointment

1. Following reference checks, a criminal record and a credit report, applicants whose experience and other qualifications meet the court's criteria are eligible for appointment as an independent contractor. Court officers may be appointed for a term not to exceed two (2) years (MCR 3.106 (C)), court officers must reapply every two years if they wish to continue as a court officer. The court may terminate an appointment at any time.
2. Individuals or businesses shall sign the Independent Contractor Agreement for Court Officers (3CC-AD-7000) before performing court officer services.
3. Courts shall confirm the appointment of a Court Officer as an independent contractor with an Order (3CC-AD-7004). For those Court Officer applicants that are not approved, the court will notify the applicant with a letter (3CC-AD-7003).
4. The newly appointed court officer will be provided an identification badge/card from the court. The card must be requested from the Court's HR Department. Standard format on the card should mimic Court Officer Badge Template (3CC-AD-7005).
5. The court will post all authorized court officers on the court's website and with SCAO. Current approved court officers will be listed on the Independent Court Officer List (3CC-AD-7007).

#### H. Arrest Authorization

Pursuant to MCR 2.103(D), the Court elects to NOT authorize arrest powers for Court Officers appointed under this policy.

#### I. Appointment Records and Record Retention

1. The application for appointment, independent contractor agreement, and other general appointment related information will be kept in an appointment record file maintained by the chief judge or his/her designee. The results of criminal record checks, credit reports, reference checks and other confidential information should be kept in a confidential records file.
2. Appointment records for current independent contractors must be kept while under contract with the court, and for 10 years following termination of the contractual relationship. Applications for appointment and other records related to the appointment process must be retained for 3 years.
3. Access to confidential information will be limited to the chief judge, or his/ her designee.

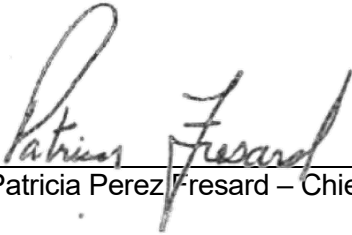
FORMS:

- 3CC-AD-7000 Independent Contractor Agreement for Court Officer
- 3CC-AD-7001 Telephone Reference Check Form
- 3CC-AD-7002 Criminal History/Fingerprint/Credit Check Consent Form
- 3CC-AD-7003 Notice RE Court Officer Application
- 3CC-AD-7004 Order of Appointment-Independent Contractor
- 3CC-AD-7005 Court Officer Badge Template
- 3CC-AD-7006 Court Officer Application Packet
- 3CC-AD-7007 Approved Court Officer List
- 3CC-AD-7008 Court Officer Checklist
- 3CC-AD-7009 Application for Appointment as Court Officer Form

APPROVAL:

8/4/2025

Date



Patricia Perez Fresard – Chief Judge