

MINUTES OF THE HOUSE KANSAS 2000 SELECT COMMITTEE.

The meeting was called to order by Chairperson Kenny Wilk at 1:30 p.m. on March 4, 1999 in Room 526-S of the Capitol.

All members were present except: Representative Richard Alldritt - excused  
Representative Larry Campbell - excused  
Representative Tim Carmody - excused  
Representative David Gregory - excused  
Representative Nancy Kirk - excused

Committee staff present: Leah Robinson, Legislative Research Department  
Jim Wilson, Revisor of Statutes  
Janet Mosser, Committee Secretary

Conferees appearing before the committee: Judge Michael Malone, Seventh Judicial District (Douglas County)  
Paul Wilson, Executive Director, Kansas Association of Public Employees (KAPE)

Others attending: See attached list

Chairperson Wilk continued the hearing on **HB 2522 on performance-based compensation plan for state agencies.**

Judge Michael Malone, Seventh Judicial District, proponent, was recognized by Chairperson Wilk. As a follow up to his previous testimony on problems with the pay scale of court clerks, Judge Malone expressed his support of the bill and particularly for the new Section 7. He provided copies of letters from Administrative Judges around that State as further indication of problems with the compensation plan (**Attachment 1**). Judge Malone indicated that while money would correct some of the problem, there is an additional need for Administrative Judges to have flexibility in determining how that money is spent. While money is required to attract good people, discretion is required to keep good people. Chairperson Wilk recognized Kathy Porter, Office of Judicial Administration, to assist in answering questions.

Chairperson Wilk recognized Paul Wilson, Executive Director, Kansas Association of Public Employees (KAPE), opponent, who explained to the Committee that KAPE does not oppose any pay plan which recognizes and rewards the efforts of employees. While a pay for performance plan may do that if well conceived, designed, and implemented, KAPE does not believe the plan contained in the bill is at that stage of development. KAPE recommends that the bill not be passed and, as an alternative, be referred to an interim committee for further deliberation, development, and clarification. Mr. Wilson provided a number of amendments and suggestions on various sections of the bill for the Committee's consideration. He also provided the document "Elements of a State Employee Pay Plan" which KAPE has adopted as its own (**Attachment 2**).

Chairperson Wilk recessed the hearing on **HB 2522.**

Minutes for February 15, 16, and 17 were distributed. Representative Lane moved to approve the minutes. The motion was seconded by Representative Sharp. The motion carried.

Chairperson Wilk adjourned the meeting at 2:15 p.m.

The next meeting is scheduled for March 8, 1999.

## KANSAS 2000 SELECT COMMITTEE GUEST LIST

DATE: 3-4-99

| NAME                    | TITLE                      | REPRESENTING       |
|-------------------------|----------------------------|--------------------|
| Van Jossferado          | Liaison                    | KU                 |
| Louis Chalkwa           |                            | Div. of the Budget |
| SHARON McDoeman         |                            | STATE EMPLOYEE     |
| Ed Gray                 | Research Analyst.          | JJA                |
| Donna Clark             | HR Professional            | KDO Aging          |
| Paul Wilson             | Exec Dir.                  | KADE               |
| Christy Cramer          | Intern                     | Rep. Lane          |
| Tina Lewent             | Intern                     |                    |
| Judy Peterson           | H.R.                       | DOC                |
| Spencer Robinson        | HR                         | SRS                |
| Liz W                   | office support             | SRS                |
| Ronald C. Luber         | Assistant to Secretary     | Do Admin           |
| S. Keith Meyer          | Assistant to the Secretary | Dept of Admin.     |
| Craig Peterson          | HR Manager                 | KDHE               |
| ERROL V. WILLIAMS       | HR Manager                 | KDOC & H.          |
| Anne Pount              |                            | KDOT               |
| Kay Jones-Ray           |                            | Ka. Hist Soc.      |
| Dick Koerth             |                            | KDHP               |
| Kathy Porter            |                            | Judicial Branch    |
| Hon. Mike Malone        | District Judge             | Douglas County     |
| Linda Hooster-Vogelsohn | Court Administrator        | Douglas County     |
| B. Narvani              | Asst. Dir. DPS             | Dept of Adm.       |
| Karen Watson            | Office of Director         | Dept of Admin.     |



MAR 3 10 47 AM '99

DISTRICT COURT OF KANSAS  
TENTH JUDICIAL DISTRICT  
JOHNSON COUNTY COURTHOUSE  
OLATHE, KANSAS  
66061



SANDRA KING  
ADMINISTRATIVE ASSISTANT  
(913) 764-8484 EXT. 5463  
FAX (913) 791-8954

CHAMBERS OF:  
LARRY McCLAIN  
DISTRICT JUDGE  
COURT NO. 10

February 23, 1999

Honorable Kay McFarland, Chief Justice  
Supreme Court of the State of Kansas  
301 S.W. Tenth Street  
Topeka, Kansas 66612-1507

Re: Non-Judicial Pay

Dear Chief Justice McFarland:

I am not going to take the time to detail the extent of the problems existing in Johnson County. They certainly are and have been, for the last several years, equal to or greater than problems existing anywhere in the State due to a number of economic and demographic facts existing here.

The problem that exists State wide is obviously one which must have attention. I believe the problem must be approached in a very systematic manner and I am sure the fix is going to be extremely complicated and difficult. I recently discovered how, at least part of, the problem was created. For at least the last decade, when employees receive a salary increase it is a combination of a step increase and a COLA. The COLA has typically been 1%, although in some years it has been greater than 1%. When this raise occurs, the impact on the State Pay Matrix is, the pay matrix is moved up by the COLA, but not by the step increase. The result has been to create significant inequities within our pay matrix. For example, an employee who has been t a particular grade for the last ten years is likely to be earning a reasonably competitive wage, however, if that employee is promoted, the employee is promoted to a higher grade, but to a beginning level on the matrix which has been slipping against the consumer price index or any other standard you want to use at about 2% or 3% per year. The same is true for entry level positions. Ten years ago, most of us were able to attract people at the entry level salaries, although they may not be the highest quality people we would like. The entry level salaries have slipped because of the failure to maintain the overall pay matrix at the same rate as other competition entities.

As you know, KDJA has committed to forming a Committee for making some proposed solutions to the Supreme Court no later than August of this year. I do not believe we can go to the Legislature this year and simply say we need money to fix a problem. There are also other initiatives at the moment including the Kansas Select Committee which is looking at staff pay. House Appropriations has also introduced HB No. 2522. I believe KAPE will oppose this legislation and the chanced of success this year, in my opinion, are slim.

Kansas 2000 Select Committee

Meeting Date 3-4-99

Attachment 1

Chief Justice McFarland

February 23, 1999

Page Two

In order to create a positive change, our approach to the Legislature must be organized and supported with the proper factual information to sell the program to the Legislature. I would suggest the following steps:

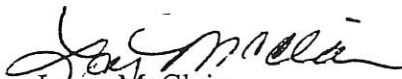
1. Determine staff turn over rates by districts or areas.
2. Determine whether there are regional differences which need to be addressed.
3. Identify a plan for addressing the existing inequities in our pay matrix system and move the matrix upward.
4. Compute the cost for repairing the system which, in all likelihood, will need to be phased in over a period of time. This means some of the changes need to be prioritized.

I believe it is extremely important the fix that is implemented must have equity. If it does not, we are going to have chaos among our staff employees. I believe we have built some legislative support for our initiative to address this problem, however, I do not believe the problem can be fixed during this legislative session. There may be a few band-aids that could be applied, but they are certainly not a fix of the system.

Lastly, I believe, if we are going to attempt to fix the system, next year we need to back off requests for new personnel. Frankly, I feel we are guessing about our personnel needs because our turnover rate is so high. We could evaluate our real needs if we had an acceptable turnover rate in the 10% to 15% area. I suspect other districts are in the same posture. I personally believe the most aggravated circumstance to getting the work done among staff has been turnover. For the last decade we have addressed needs by adding personnel which has not addressed the real problem, but, in some instances, may have actually aggravated the problem by creating more turnover.

The situation with staff salaries is, in my opinion, the number one problem presently facing the Judiciary. I would urge the Supreme Court to take a strong leadership position in resolving this problem.

Respectfully,

  
Larry McClain  
Administrative Judge

LMc/s

cc - all Administrative Judges in the State of Kansas  
Dr. Howard Schwartz, Judicial Administrator  
Pat Henshall, Office of Judicial Administration



DISTRICT COURT  
SEVENTH JUDICIAL DISTRICT  
JUDICIAL CENTER  
LAWRENCE, KANSAS 66044

913-841-7700, EXT. 124

MICHAEL J. MALONE  
Administrative Judge

KAREN S. JOHNSON  
Administrative Assistant

February 2, 1999

The Hon. Kay McFarland  
Chief Justice of the Supreme Court  
Kansas Judicial Center  
301 SW 10<sup>th</sup> Avenue  
Topeka KS 66612

Dear Justice McFarland:

Judge Bullock's letter reminded me of the movie scene where, after the hero speaks to the city council about the problems in town, members of the audience have the gumption to stand up to speak out. Well, as a member of the audience I am standing up to support the comments of the hero.

On November 13, 1997, in Lecompton, Kansas, I spoke at one of the Kansas Justice Initiative hearings about the problems in attracting and keeping qualified employees in the Seventh Judicial District. I explained how Douglas County and the City of Lawrence pay their employees (who have similar or fewer responsibilities) more than our State pays its judicial employees. I am enclosing an updated District Court/Douglas County salary comparison that I handed out at the meeting. I have lost two clerks to the City of Lawrence Municipal Court! The reason for each resignation was that the City paid better and the work wasn't as stressful.

On October 14, 1998, I gave welcoming remarks to the Clerks of the District Court who were holding their annual meeting in Lawrence. During those remarks I made mention of the need for better staffed and better paid positions in our Clerks' offices. After the speech, OJA told me that if I was going to make those kinds of emotional remarks, I needed a plan to increase their salaries. Although there is nothing more I would like than to implement a local plan for salary improvements, I respectfully suggest that the expertise for state wide staffing concerns needs to come from the department with the expertise—OJA—and not from an administrative judge. I am earning my extra salary by just keeping Douglas County District Court afloat with an understaffed and underpaid Clerk's office.

We lost our Clerk of the District Court, Sherlyn Sampson, to a comparable judicial district in Colorado for almost twice the pay, but according to Sherlyn, with similar

responsibilities. To replace Sherlyn, we hired an administrative assistant to one of our judges. After three months, she resigned as Clerk of our Court to return to her secretarial duties for her judge. The reason was that she would be paid only 2 1/2% less, but would go from supervising 14 people to supervising no one. We then hired a person with a degree but with no experience. The lawyers of this county have asked me, Why did you hire someone with no experience? My answer, For \$27,000 a year, it is impossible to hire anyone who knows better.

The judicial branch's hiring, pay, staffing, and promotion systems are all out of whack and need a drastic overhaul. To say our pay system is tied in with executive branch salaries does create a mindset of helplessness, but it doesn't have to be.

The University of Kansas has local authority to manage the salaries of its employees on the Lawrence campus. At the request of the Department Heads, they hire people above the entry level. They are not limited in evaluating the employee and the employee's job responsibilities and can increase the salary based on either performance or responsibilities. This is an ongoing process that allows each department to keep valuable employees. What a delightful management incentive!

Locally, we cannot compete with KU, Lawrence, or Douglas County, not to mention the private sector. We continue to lose employees to better paying and better staffed jobs. To add to Judge Bullock's words, we need help of five kinds:

1. Increased salaries for those who are toiling for the Courts;
2. Increased entry level salaries;
3. More positions in Districts with high caseloads;
4. Discretionary compensation authority to compete with local market conditions; and,
5. Some local control to award and keep valuable employees.

Thank you for listening to a member of the audience.

Respectfully,



Michael J. Malone  
Administrative Judge.

cc: Justices of the Supreme Court  
Hon. Terry L. Bullock

Enc.

## 7<sup>th</sup> Judicial District Court and Douglas County Salary Comparison 1999

### Clerk of the District Court and County Clerk

| Position:                              | Salary Range:              |
|--|----------------------------|
| Trial Court Clerk I (DC)*              | \$15,059 – \$21,174        |
| <u>Recording Clerk I (CO)**</u>        | <u>\$16,786 – \$24,731</u> |
| Trial Court Clerk II (DC)              | \$16,598 - \$23,358        |
| <u>Recording Clerk II (CO)</u>         | <u>\$20,342 - \$29,910</u> |
| Trial Court Clerk III (DC)             | \$18,325 - \$25,771        |
| <u>Registration/Tax Clerk III (CO)</u> | <u>\$21,341 - \$31,325</u> |
| Trial Court Clerk IV (DC)              | \$21,174 - \$29,806        |
| <u>Deputy Treasurer (CO)</u>           | <u>\$28,330 - \$41,621</u> |
| Records Clerk II (DC)                  | \$15,059 - \$21,174        |
| <u>Recording Clerk II (CO)</u>         | <u>\$20,342 - \$29,910</u> |
| Account Technician (DC)                | \$18,325 - \$25,771        |
| <u>Account Clerk III (CO)</u>          | <u>\$23,462 - \$34,445</u> |
| Clerk of the Court III (DC)            | \$27,040 - \$38,043        |
| <u>County Clerk (CO)</u>               | <u>\$42,411 - \$62,067</u> |
| Administrative Assistant (DC)          | \$20,176 - \$28,413        |
| <u>Administrative Secretary (CO)</u>   | <u>\$21,341 - \$31,325</u> |

### Court Services and Community Corrections

| Position:  | Salary Range:              |
|--|----------------------------|
| Court Services Officer (CSO) 1 (DC)                | \$24,523 - \$34,507        |
| <u>Intensive Supervised Probation (ISP) 1 (CO)</u> | <u>\$28,330 - \$41,621</u> |
| CSO II (DC)  | \$27,040 - \$38,043        |
| <u>ISP II (CO)</u>                                 | <u>\$31,179 - \$45,718</u> |
| Chief CSO (DC)                                     | \$29,806 - \$41,954        |
| <u>Director of Community Corrections (CO)</u>      | <u>\$46,779 - \$68,453</u> |

\* (DC) – District Court

\*\* (CO)- County

## Seventh Judicial District/Douglas County Supervisors' Breakdown

| <u>Office</u>                                    | <u>Employees Supervised</u> |                  |
|--|-----------------------------|------------------|
|  | <u>Full Time</u>            | <u>Part Time</u> |
| <b>District Court and County Offices:</b>        |                             |                  |
| Clerk of the District Court                      | 13                          | 1                |
| County Treasurer                                 | 17                          | 2                |
| County Clerk                                     | 6                           | 4                |
| Register of Deeds                                | 4                           | 2                |
| <b>Community Corrections and Court Services:</b> |                             |                  |
| Community Corrections                            | 8                           | 0                |
| Court Services                                   | 7                           | 1                |





**DISTRICT COURT OF KANSAS**  
TWELFTH JUDICIAL DISTRICT  
Cloud, Jewell, Lincoln, Mitchell, Republic and Washington

COPY

Cloud County Courthouse  
Post Office Box 423  
Concordia, Kansas 66901  
Facsimile 913-243-8188

**THOMAS M. TUGGLE**  
District Judge  
913-243-8125

**JO ANNE RICE**  
Administrative Assistant  
913-243-8131

**BECKY L. HOESLI, C.S.R.**  
Official Court Reporter  
913-243-8193

February 8, 1999

Hon. Kay McFarland  
Chief Justice  
Kansas Supreme Court  
Kansas Judicial Center  
301 S.W. 10<sup>th</sup> Avenue  
Topeka, KS 66612-1507

Re: Non-judicial staff compensation.

Dear Chief:

Judge Terry Bullock wrote you urging the court to take up the cudgel for increased non-judicial staff funding, more positions in courts with high case loads and discretionary authority to pay competitive wages for hard to obtain specialists, such as computer specialists.

The concerns Judge Bullock states are correct, in my view, especially in the urban areas. The Supreme Court should, and I hope will, take an active leadership position to solve these problems.

Sincerely,

Thomas M. Tuggle

TMT/jr

cc: Hon. Terry L. Bullock

Tug  
2/22/99

Miko -

I support this effort; the KDTA  
executive committee has ~~is~~  
managing on this - we must have  
a plan to submit to the legislature  
I am sure it is good to talk to



SHAWNEE COUNTY  
COURT  
JAN 27 10 45 AM '99

## KANSAS DISTRICT COURT

Chambers of  
**TERRY L. BULLOCK**  
Administrative Judge

Shawnee County Courthouse  
Division No. Six  
Topeka, Kansas 66603-3922  
(785) 233-8200 Ext. 4375  
Fax (785) 291-4917

Officers:  
**JOSEPH MARTINEZ**  
Official Court Reporter  
(785) 233-8200 Ext. 4376  
**MARY BETH HOLLAND**  
Administrative Assistant  
(785) 233-8200 Ext. 4375

January 26, 1999

The Justices of the Supreme Court  
Kansas Judicial Center  
301 SW 10th Avenue  
Topeka, Kansas 66612

Your Supreme Honors:

The Kansas Court System is unraveling:

- Last year, Sedgwick County had a turnover of 46% of its non-judicial work force.
- Shawnee County suffered a 50% turnover in its Clerk's office last year.
- Johnson County had a 36% turnover - but that does not take into account the 19 more or less permanent vacancies with which it suffers.
- In Douglas County, as in all large urban Districts, the County pays their employees substantially better than State employees in the same building.
- In Shawnee County, the work load has nearly tripled while the staff has remained essentially the same.

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- The Clerk in Anderson County has resigned for health reasons. No one in the office wants to move up to the job because the pay is only 2.5% better and not adequate compensation for all the extra responsibility.
- In the 14th District an internally promoted clerk resigned to go back to her former job as the small pay was not worth the extra headaches.
- Also in the 14th District, a CSO promoted to Court Administrator recently resigned because the pay wasn't worth the worry.
- It is now possible for the District Attorney to be paid more than the judges before whom he or she appears.
- Many municipal court and governmental employees are paid better than their state court counterparts.
- In Wyandotte County the administrator reported several weeks ago that he had three women on the counter in the clerk's office and their combined experience was two weeks.
- In Districts near casinos, when advertisements for employees are placed, no one responds at all.
- In Shawnee County, at our last clerk opening four applications were received: two from convicted felons, one from an unrecovered alcoholic and the last from a person who had taken other employment by the time the application was received.
- My Administrative Aid has resigned. I now find persons with her credentials are receiving \$10,000 more than the highest step which I can pay, even with the extraordinary permission of the Chief Justice of Kansas.
- In Douglas County, the Clerk has resigned and taken a similar job in Colorado at more than double her pay in Kansas.

January 26, 1999

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- Even the State itself now has a bonus plan for computer personnel which the Court does not have and which will result in the loss of court technicians.
- Recent developments in Kansas generally and in Topeka in particular, detailed in the attached clipping and memo, show these problems are about to worsen!

This list can and will be augmented by more and similar data soon.

Can you imagine the impact of the foregoing upon the trial courts of Kansas? Our staff is broken, demoralized, dispirited and leaving in overwhelming numbers. Accuracy is gone. We do nothing but train. The employees with 20 and 30 years of tenure (on which the System has relied forever) are no more. In my own District there is a complaint against me for delay in a case arising out of a decision I made which was apparently lost and never filed.

We need help of three kinds:

1. Salary enhancements generally;
2. More positions in Courts with high caseloads (especially technical and computer specialists);
3. Some discretionary compensation authority to meet market conditions in localities with special employment conditions.

We have repeatedly brought these matters to you "through channels" in the past. Nothing of any consequence has happened.

When the District Judges Association recently made this its next number one priority, Judge Luckert reported that all it got from OJA was an "icy stare." There was a further comment that the "OJA position" was that executive branch salaries presented an "insurmountable hurdle." We can no longer live with this attitude.



January 26, 1999

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The "Big Four" (a coalition of large-volume Districts) has now likewise made this its prime priority. But we can't do it alone. We need not only the tacet approval of the High Court, but we need you in front -- carrying the flag -- in a real position of leadership and support.

Our remaining tired and frazzled employees deserve it. The litigants and bar deserve it. Your trial judges deserve it and most importantly, the people of Kansas deserve it.

To date, all we have received from the High Court is a proposal to raise the salaries of the Clerk (one person per District) and the judges and justices (the best paid people in the system). Of course, clerk and judicial salaries are too low, but by comparison to our staff who can't buy food or day care, the entire proposition is, speaking only for myself, simply embarrassing.

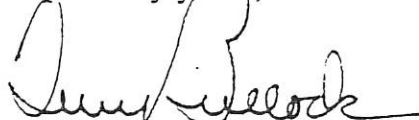
Please rise up and give the moral encouragement and true leadership in the correction of these critical problems which is so desperately needed and which only you can give. It may even be time to stop meekly submitting our budget to the governor, like an ordinary state agency. (As you know, we are the only branch of government to do so.)

The KDJA and the Big 4 will help with the research and the leg work. We will help with the politics. We will write. Testify. Rally the troops. But we must have your help and we must have OJA in a genuine supporting role working for the entire court system. (You should know parenthetically, that Kathy Porter is very helpful and seems to do all she can within the limits of her instructions.)

The time to act is truly very short. I am not exaggerating.

Finally, I hope you will receive this letter in the same sincere spirit with which it is written.

Respectfully yours,



Terry L. Bullock  
Administrative Judge

TLB/mbh

January 26, 1999

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Enclosures (Article, Memo)

cc: Hon. Philip Sieve  
Hon. Larry McClain  
Hon. Paul Buchanan  
~~Hon. John White~~  
~~Hon. Michael Malone~~  
Hon. Marla Luckert



## KANSAS DISTRICT COURT


CHAMBERS OF  
JAMES P. BUCHELE  
DISTRICT JUDGE

SHAWNEE COUNTY COURTHOUSE  
DIVISION TWELVE  
200 S.E. 7TH, SUITE 400  
TOPEKA, KANSAS 66603-3922  
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jbuchele@shawneecourt.org

OFFICERS:  
JOANN RODGERS  
ADMINISTRATIVE ASSISTANT  
ESTHER THOMPSON, CSR, RPR  
OFFICIAL COURT REPORTER

### MEMO

TO: Judge Terry Bullock

FROM: Judge James Buchele 

DATED: January 25, 1999

You asked for input to assist in articulating problem with hiring people in the Clerk of the Court office. First, we must keep in mind the entry level salary for a trial court clerk I is \$7.24 per hour and an administrative assistant starts at \$9.70 per hour. I would suggest the following two factors impact upon the market in addition to the relatively low salary.

1. Several months ago Teletch announced that they were locating a facility in Topeka, Kansas which would eventually employ 700 people. The lowest level positions are payroll, scheduling and data entry clerks which I feel are people at the level we would like to have in our clerk's office. The advertised salary for these people is \$11.50 per hour. In other words, all 700 employees once hired will be earning more than we can pay anyone in the clerk's office.

2. About one year ago the Veteran's Administration announced location of its "shared service center" on the Veteran's Administration Hospital grounds in Topeka. This service center will eventually contain all personnel records for the Veteran's Administration nationwide. When fully operational (in about 2 years) the service center will employ between 300 and 350 people. Between 20 and 25 percent of the service center staff will be clerical employees classified at the GS4 level which at Step A pays \$9.33 per hour. The other 75 to 80 percent of staff will be earning at a higher level.

These two employers are presently hiring and will continue to be hiring for the next two years. We will not only have difficulty attracting good quality applicants but retaining what we have.

It might be in our interest to see if we can quantify the amount of staff time spent training and giving additional supervision to new employees. I suspect that due to the high rate of turnover an inordinate amount of time is taken from our experienced staff in instructing them, correcting mistakes, etc.

An additional thought is that surely human resources staff with the Department of Administration also feel the tightening of the market at this level and see the implications over the next two years. Since I'm sure the argument will be made that the judicial branch should not "go it alone" maybe we need to stir the pot in the executive branch of government to see what their plans are for attracting and retaining decent clerical staff.



# BUSINESS

Morgan Chilson, Business Editor, 295-1287; e-mail biz@cjonline.com

THE TOPEKA

CAPITAL-JOURNAL

www.cj

## Jobless rate hits 19-year low

By ROGER MYERS  
The Capital-Journal

The statewide unemployment rate in December was the lowest of any month since November 1979 and was the lowest for the month of December since 1978, the State Department of Human Resources reported Monday.

KDHR Secretary Wayne L. Franklin said the unemployment rate in Kansas for December was 3.2 percent.

"I continue to be amazed at the phenomenal prosperity we are experiencing with our state's work force," Franklin said. "The Kansas worker is definitely the winner when the unemployment rate is as

Kansas' unemployment rate in December was 3.2 percent.

low as it is."

KDHR's Labor Market Information Services said there were 1,378,881 Kansans working in December.

The December jobless rate of 3.2 percent compared with an unemployment level of 3.6 percent in November and 3.4 percent in December 1997.

The annual average unemployment rate statewide last year was 3.6 percent, which was the lowest annual average jobless rate since 1979. The annual average unem-

ployment rate nationally last year was 4.5 percent.

The trade sector posted the largest gain of workers because of the holidays, KDHR said in its monthly unemployment report. Warmer than usual temperatures also kept more people in the workforce.

On the downside, there was a drop in the number of construction workers during December. The number of jobs held by temporary election workers and by those employed at state universities also

declined.

The unemployment rate in Topeka dropped to 3.6 percent in December from a jobless rate of 4.3 percent in November.

The manufacturing, finance, insurance, real estate and service sectors posted gains in Topeka. Construction and trade sectors experienced declines.

KDHR said there were 86,889 people working in the Topeka area during December, while 3,247 workers were unemployed.

In the Wichita area, the unemployment rate in December was 3.1 percent, down from 3.4 percent in November.

In Lawrence, the jobless rate was 3.2 percent in December, down from 3.8 percent in November.

**Paul Buchanan**  
DISTRICT JUDGE

ADMINISTRATIVE JUDGE



**DISTRICT COURT**  
**EIGHTEENTH JUDICIAL DISTRICT**  
SEDGWICK COUNTY COURTHOUSE  
525 N. MAIN - 11<sup>TH</sup> FLOOR  
WICHITA, KANSAS  
67203

(316) 383-8128  
FAX: (316) 383-7560  
pbuchana@distcr18.state.ks.us

February 18, 1999

The Honorable Kay McFarland  
Chief Justice Kansas Supreme Court  
Kansas Judicial Center  
301 SW 10<sup>th</sup> Ave  
Topeka, KS 66612-1507

My Dear Chief Justice:

I would like to call attention to some of the personnel problems existing in the Eighteenth Judicial District.

The district has 216.5 non-judicial full time equivalent positions which are broken down as follows:

|   |      |
|---|------|
| Clerks  | 97.5 |
| Administrative Assistants to Judges                 | 20   |
| Court Reporters                                     | 24   |
| Probation Officers and support                      | 61   |
| Administration which includes Computer & Accounting | 14   |

During calendar year 1998, the district had 65 vacancies, which does not include promotions in house broken down as follows:

|                                 |    |
|---------------------------------|----|
| Clerks                          | 49 |
| Court Reporters                 | 6  |
| Probation Officers              | 2  |
| Computer Personnel              | 3  |
| Administrative Aide Secretaries | 5  |

The percentages of vacancies to total positions during the last three calendar years are:

|      |               |     |
|------|---------------|-----|
| 1998 | 65 vacancies  | 30% |
| 1997 | 103 vacancies | 47% |
| 1996 | 55 vacancies  | 25% |

(The percentages are rounded to the nearest whole number.)

While there are advantages to being employed in the state system, e.g. no layoffs, the lack of and lower than adequate pay scales result in entry level employees seeking employment where both pay scales and fringe benefits are greater.

It is hard to know when the costs of fringe benefits are stated to know that comparisons are equal. In the early 1980's, Sedgwick County figured the cost of fringe benefits to be in excess of thirty per cent of payroll and the costs for vacation were not included. Boeing in the early 1990's figured fringe benefits as being in excess of fifty per cent of salary.

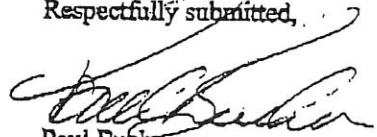
We are having problems when we compare our salary scales with Sedgwick County. Trial Court Clerk II pays \$7.24 per hour. Similar county positions pay \$9.48 per hour. Twenty years ago, Boeing's minimum was \$9.00 per hour, and here in 1999 we are going at \$7.24 per hour for a Trial Court Clerk II.

We are able to obtain applicants for positions as they are posted and we are able to hold some of our people but we do have the problem of constant turnover. We hire people, they become able to do their duties and then they are gone.

Please encourage the legislature to cause a complete revision of the state pay scale. Not too many years ago, the state pay scale was comparable to the county and industry. I know, the State had some hard years when it could not raise taxes and salaries. As a volunteer, I made my decision, but when it comes to hourly help they go where the wage is.

Help!

Respectfully submitted,



Paul Buchanan  
Administrative Judge

PB/tp

cc: Hon. Tyler C. Lockett  
Hon. Donald L. Allegrucci  
Hon. Fred N. Six  
Hon. Bob Abbott  
Hon. Robert E. Davis  
Hon. Edward Larson

Hon. Terry L. Bullock  
Hon. Larry McClain  
Hon. Philip L. Sieve  
Howard Schwartz



DISTRICT COURT  
*Twenty-Fifth Judicial District*  
STATE OF KANSAS  
P.O. BOX 798  
GARDEN CITY, KANSAS 67846-0798

J. STEPHEN NYSWONGER  
District Judge, Div. 1  
(316) 271-6103

MICHAEL QUINT  
District Judge, Div. 2  
(316) 271-6105

PHILIP C. VIEUX  
District Judge, Div. 3  
(316) 271-6100

THOMAS F. RICHARDSON  
District Judge, Div. 4  
(316) 271-6107

February 18, 1999

The Honorable Kay McFarland  
Chief Justice of the Supreme Court  
Kansas Judicial Center  
301 SW 10<sup>th</sup> Avenue  
Topeka, Kansas 66612

Re: Non-judicial personnel neglect

Dear Justice McFarland:

It was with mixed emotions, great interest, and a sense of "here we go again" that I read copies of Judge Bullock and Judge Malone regarding the severe lack of attention given to the non-judicial personnel of our various district courts. After years of struggling with the same issues and being told over and over again that basically there was nothing that could be done I had almost given up. In fact, I had begun to think of the problems we were experiencing as being something that was just endemic to this district. Something akin to a jackalope, a creature that exists only in the most hackneyed of old western museums. I now find out that the problem is not some mythical jackalope that we out here make up to wow the tourists, but rather a pack of coursing hounds snapping at all our fleeing hind sides and devouring our workforce left unattended in the night.

The problems that we have in the Twenty-Fifth are not new and are not unknown to the powers that budget in Topeka. We have constantly and for years made these matters known. **We cannot compete for the available workforce.**

The last unemployment rate for the state as a whole is 3.2%. In Finney County the unemployment rate is 2.9% and has been as low as 2.5% in recent years. Unless you steal from another employer, the business and government agencies of Finney County are down to the totally inexperienced, untested, half of mind or lame of heart as a pool from which to draw. We have had to struggle greatly to obtain the satisfactory work force that we now have, except that we know they are not happy and they will be moving on.



Many times those who have left us have not even had to seek a new job. The jobs have sought them out. Attorneys make no bones about picking out a qualified court clerk to hire out from under us after we have provided the initial office training. The municipal court or regional hospital steals nearly every one of our bilingual employees as soon as they demonstrate the ability to cope with the situation. Our court service officers seemingly are lined up to work for community corrections. Eight of our 25.5 Finney County District Court employees are working a second job with some of them actually holding three jobs. It's an old and not very funny joke in Finney County that we cannot hire a court reporter unless the prospect is in some dire personal or family situation and then you hope that by the time they get here they are too impoverished to move on even when a better job is offered.

During the calendar year of 1998 in our court we had 13 position hires against a background of a 50% turnover rate. Resignations during that year ranged in tenure from two days (hired on Friday - did not show up for work on Monday) to over twelve years. One position had three hires within three months. As for reasons of resignation: Salary is number one and stress is closing fast.

It is very difficult to equate court positions with those in other government agencies, however, there are some similarities. Below are a few of the starting we are competing with.

|                       | State \$/hr | Finney Co. \$/hr | Garden City \$/hr | Health Benefits                                    |
|-----------------------|-------------|------------------|-------------------|--|
| Trial Court Clerk I   | \$7.24      |                  |                   | Single plan  |
| Office Deputy         |             | \$7.89           |                   | Family Plan  |
| Court Clerk/Secretary |             |                  | \$7.88            | Single Plan, sell back of unused annual sick leave |
| Trial Ct. Clerk II    | \$7.98      |                  |                   | Single Plan  |
| Senior Office Dep.    |             | \$8.17           |                   | Family Plan  |
| Senior Ct. Clerk      |             |                  | \$8.27            | Single Plan, sell back of unused annual sick leave |
| Admin. Assistant      | \$9.70      |                  |                   | Single Plan  |
| Legal Sec. Super.     |             | \$9.15           |                   | Family Plan  |
| Exec. Assistant       |             |                  | \$11.90           | Single Plan, sell back of unused annual sick leave |

In the case of Finney County employees the difference in the health benefit plan amounts to an increase of \$131.32 every two week pay period. A City of Garden City employee has the opportunity to sell back to the city up to twelve unused sick days a year. That's a potentially nice \$1,142.00 bonus at the end of the year. When your salary is at subsistence level these figures are astronomical.

The work load and stress, also, cannot be ignored. This district, the Twenty-Fifth, has the highest case load per nonjudicial personnel of any district in Kansas. I have pounded that drum for so long that all I get are smiles and knowing nods from the powers that budget. The next closest district to our case load per nonjudicial personnel has 100 cases less per person than the Twenty-Fifth. Our court service officers supervise between 100 and 110 clients. By way of comparison an intensive supervision officer working for the Twenty-Fifth Judicial District Community Corrections supervises a MAXIMUM of 30 clients. Community Corrections officers are brought under the county pay plan although community corrections is actually funded by a state agency, the Department of Corrections. And, while their hourly rate is very close Finney County provides full family coverage for health insurance. As indicated above this amounts to an increase of \$131.32 every two weeks over and above what the state would pay for similar work. It does not take an agrascientist or a nuclear physicist to understand that a court service officer would rather work for Community Corrections for an extra \$3,414.32 per year supervising a third of their otherwise caseload as a court service officer. And a community corrections officer has surveillance officer for the night work and all kinds of inhouse counselors for the drudge work.

On the clerical side it cannot be overlooked that a city court clerk does not have to wait long hours into the night for a jury to come in. We are told that we can hire bailiffs to do the waiting with our temporary hours, but, we desperately need those hours elsewhere. That brings up the next and final thorn to be exhibited in this tome: temporary hours.

We have several long time positions filled with temporary hours. We must come as supplicants every year for such hours and then are granted so many of them by way of special letter. Temporary hours are nothing more than an rather transparent attempt to foil the fair employment laws of the State and the United States. We have people working temporary hours all day and every day. And, they receive absolutely no benefits. We could not survive without those positions being filled. There is not one ounce of difference between the work being plowed through on the desk of a temporary hourly worker and a permanent position worker.

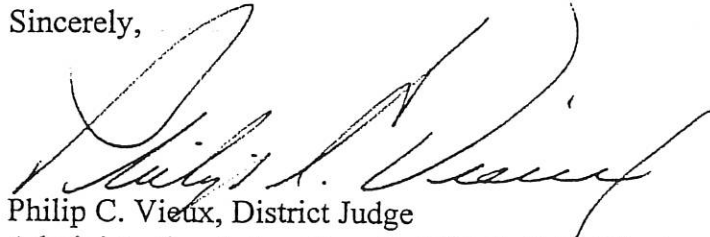
Temporary hours are akin to the disturbing and increasingly popular theory of "government by grant." Essential mandatory governmental functions are funded by grant money given if we are deemed worthy. The court system itself has fallen victim to that scheme when it was placed in a situation of taking grant money from SRS to handle juvenile matters. We also cannot overlook the positions in our clerks' offices which are funded by grant money from the federal government. In the simplest terms "grant money" is money used by the executive branch of government to guide and control other branches of government in ways that would otherwise be absolutely illegal. As it stands now this district is in a position of having to seek "grant money" for temporary positions from the judicial branch of government to fill absolutely necessary positions.

The whole personnel system and pay plan of the judicial branch is out of whack and has no rational relationship to the world that now exists. Even college towns which historically have

had people crawling the streets looking for work are short on numbers and quality to pick from. I was in Hays a few weeks ago and noted that a local computer service company was part of a massive job fair being held in that city trying to attract workers to work part time. Can you imagine a college town short on people acquainted with computers? From my experience a Kansas college town has more computer wizards per square inch than Silicone Valley. And, when was the last time even a part time job went begging in any college town?

We simply have to pull this thing out of the mire. The court system cannot survive on its present course. I am aware that sending a man to the moon may have been easier and I do not envy you your task. Absolutely anything that you can do to help us will be greatly and everlastingly appreciated.

Sincerely,



Philip C. Vietux, District Judge  
Administrative Judge, Twenty-Fifth Judicial District

PCV:mp

cc: The Hon. Tyler C. Lockett  
The Hon. Donald L. Allegrucci  
The Hon. Fred N. Six  
The Hon. Bob Abbott  
The Hon. Robert E. Davis  
The Hon. Edward Larson

LYON COUNTY  
COURTHOUSE

# Fifth Judicial District Court

## State of Kansas

MERLIN G. WHEELER  
ADMINISTRATIVE DISTRICT JUDGE

LYON COUNTY COURTHOUSE  
402 COMMERCIAL  
EMPORIA, KS 66801  
(316) 341-3296 OFFICE  
(316) 342-8005 FAX

March 2, 1999

Dr. Howard Schwartz  
Judicial Administrator  
Office of Judicial Administration  
301 W. 10<sup>th</sup> Room 337  
Topeka KS 66612

Re: House Bill No. 2522

Dear Howard:

I just completed review of House Bill No. 2522 and the testimony provided by Patricia Henshall to the House Kansas 2000 Select Committee on that bill.

My initial reaction to the testimony was that I was appalled at the position taken by the Office of Judicial Administration. After several hours of reflection I find that my impression has not changed. I will use the balance of this letter to explain my reasoning.

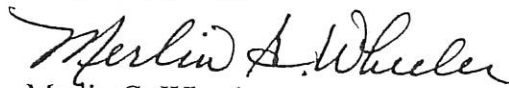
The district judges in Kansas have spent a considerable amount of time and energy over the last months convincing our legislators of the need to develop a flexible pay plan system which meets our needs and is not necessarily bound by the constrictions of the legislative or executive branch plans. In recognition of these efforts, House Bill 2522 extended the opportunity to the judiciary to develop a compensation system which met its unique needs. For the first time since I can remember this seems to me to be a recognition by the legislature that the judiciary is in fact a separate and independent branch of our government. This response from OJA, in my opinion, has the potential of destroying all of the efforts we have made to separate ourselves from Legislative micro-management. It also has immediate negative impact on our credibility with our legislators.

Whenever the legislature has posed a problem to the judiciary, we have always had a strong "can-do" response. I would have had no problem whatsoever with testimony which acknowledged our willingness to engage in the development of a new pay system but informed the legislature of the cost of doing so. This response, however, is a far cry from that position. I am very much afraid that the legislators may seize upon this little nugget of negativism and

constantly throw it back at us as an example of our unwillingness to be a part of the solution to the problems we take to them.

I strongly urge the Office of Judicial Administration to rethink its position on this legislation and communicate that change to the legislature in the most positive manner at the earliest opportunity. I am willing to discuss this with you in greater detail should you so desire.

Very truly yours,

A handwritten signature in cursive script that reads "Merlin G. Wheeler".

Merlin G. Wheeler  
Administrative District Judge

MGW:kl

cc: File; Honorable Fred Six, Justice of the Supreme Court

**NELSON E. TOBUREN**  
**ADMINISTRATIVE JUDGE**  
Eleventh Judicial District of Kansas

STATE OF KANSAS  
CRAWFORD COUNTY  
DISTRICT COURT

P.O. Box 1348  
120 W. Fourth Street  
Pittsburg, Kansas 66762

MAR 3 3 46 PM '99

316-231-3570  
FAX - 316-231-0316

Clinton L. Hurt, Court Administrator 316-231-0310  
Mary Ann Forsythe, Administrative Assistant 316-231-3570

March 2, 1999

Honorable Kay McFarland, Chief Justice  
Supreme Court of the State of Kansas  
301 S.W. Tenth Street  
Topeka, Kansas 66612-1507

Re: Non-Judicial Personnel Issues


Dear Chief Justice McFarland:

Please know that we in the Eleventh Judicial District generally agree that the non-judicial employee issues about which you have been receiving so much correspondence, must be addressed. I find Judge McLain's suggestions for creating a positive change to be of particular merit.

Because I thought the perspective of a district court clerk might be of benefit to both of us, I asked the Clerk of the Crawford County District Court for her comments. A copy of her letter is enclosed.

Thank you for giving this critical issue your attention. Please be assured that we are ready to assist in what ever manner we can.

Very truly yours,

  
Nelson E. Toburen  
Administrative Judge

c: All Administrative Judges in the State of Kansas  
All Eleventh Judicial District Judges



JUDGES OF THE DISTRICT COURT

John C. Gariglietti, Division 5, 316-231-3570  
Donald R. Noland, Division 4, 316-724-6213  
Nelson E. Toburen, Division 1, 316-231-3570  
FAX 316-231-0316

February 23, 1999

COURT ADMINISTRATION

Clinton L. Hurt, Court Administrator, 316-232-2460  
FAX 316-232-5646  
Michael R. Wilson, Chief Court Services Officer, 316-232-2460  
FAX 316-232-5646  
Pamela Hicks, Clerk of Court, 316-231-0380  
FAX 316-231-0316

Honorable Nelson Toburen  
Honorable John Gariglietti  
Honorable Donald Noland

Subject: Personnel crisis in the Courts

Your Honors:

I am writing you today in the hopes of adding my comments to the already growing list of people who are genuinely concerned about the Court's personnel crisis. Although I can only speak from my own experiences I am sure they echo the experiences of others in my field. I am growing increasingly unsure of the direction of our courts due to the personnel crisis we are now facing.

When I began employment with the Court in 1986 I felt its position in the job market was comparable to others of similar description. I felt the benefits, retirement and leave policy were generous. Since that time I have been appointed Clerk of the Court for Crawford County and I feel a change in the wind has occurred. The benefits the state offers are no longer unique. Most corporations now address sick/vacation leave and have generous 401K and profit sharing plans to attract and retain a competent workforce.

I have the unfortunate luck to also be in a university town and now find myself in a position to have to defend our pay scale because "all state employees are not paid the same". I've been told that our current situation of disparity in pay between agencies, for the same type of work, is a professional union organizers dream, and they wondered if I had been contacted by anyone.

I have a staff of 7 (excluding myself) and have recently lost a trial court clerk who started with the court when she was 18 years old to the "better paying University". She applied for and got an entry level position there making over \$10.00 per hour which unfortunately is where she ended with the court after being with us for 20 years! She was also allowed to transfer all of her leave to this new position, so why should she stay! She will have 20 more years before she "caps out" on merit increases. When I asked what she would be doing in her new job she



replied "the nice thing is that it is almost exactly the same type of work I've been doing all along so I should be able to start right in". I cannot understand why entry level positions there are valued at a higher grade than ours. Trial court clerks begin at \$7.24 per hour. A lot of our industry in town are willing to pay above that and our county government is paying a lot more than that. There is, I believe, a request from our President to raise minimum wage by \$1.00 per hour and if we are not careful we may be in a situation where our beginning step is close to that minimum wage figure. We are just not keeping up.

Two weeks prior to the above clerk leaving I lost a 10 year employee to the private sector. It seems that now our small town attorneys have learned from the big city guys that trial court clerks make good secretaries. This one was hired away for \$2000.00 more a year with a \$1000.00 Christmas bonus. It makes our merit system of 2.5% seem very unrewarding. COLA until recently was either not given at all or awarded for only part of the fiscal year.

So you say 2 employees, so what! Well, it is one quarter of my total staff and in my small court every clerk has to practically know every area well enough to shift as needed. The knowledge that walked out the door when I lost those two employees will take me years to replace, if the two new employees I've hired do not become disenchanted and leave. Recruitment and training take an enormous amount of time. When I became Clerk of Court in 1990, I had a position open up due to retirement. When I put an ad in the paper I literally got 80 applications for the one position! My last vacancy in October of last year yielded 12 applicants. I interviewed a few that really did not have the most basic skills required because the pool was so small. The Court is no longer viewed as a competitive employer.

I am also increasingly concerned about the workload. The paper and money flowing through my office is like none I have ever seen before. In my dreams I never thought I would ever see, in my small court, over 1200 cases filed in one area, but my civil limited filings surpassed that last year. Our caseload has increased for over 90% since 1990 with no additional staff being allowed, or pay adjustment made for the increased workload. The clerk's office is the hub of the court. Without us, accurate, reliable, important information on peoples lives would be impossible to obtain.

The clerk's office is being relied upon for the ever increasing pro se litigant. The public at large comes to us for all its needs and feels that we should be able to help them more. Small claims is even getting so complicated that it is impossible for the public to do it without help.

More and more they have to file executions and contempt citations rather than the simple garnishments that used to be done once judgment was awarded. And they are unsure of these things and look to my staff for all the help. Being told to NOW go and get a lawyer is like a slap in the face when they could proceed this far without one.

I feel that we live in a volatile, sometimes hostile, world. The amount of angry people we come across is growing. We are increasingly stressed by a public that is being forced to come to court, through criminal matters, children issues, divorces, etc. We are the first people they see and their anger and frustration are vented on us, and they are becoming more aggressive. Security is a big issue today, and I just hope it will be there when we need it most.

But the thing I find hardest to deal with is MORALE. I have dedicated, hardworking people who have been with and stuck by this system for a long time (remember the furlough scare in the early 1990's). I have very little to reward them with but have all kinds of disciplinary actions I can take for poor behavior. There is very little incentive to go the extra mile for the court because we do not have the discretion to reward accordingly. It's just a matter of time before the few I have that are struggling financially are forced to go outside our system and find adequate pay. I know they are looking. Having "jean day" and bringing a snack on Friday to try to boost morale will only go so far.

And last but not least I must ask for caution on a graduated pay increase of one group this year and a promise of another group the next. How could I possibly face any of my staff if they know that I received a pay increase and they did not. I couldn't do it! We are all in the same boat, but I'm the one with the voice. They are relying on me to help them with their situation. Their livelihood is a pretty important thing and we should not take this lightly or promise something that may be taken away next year in an unsure political climate.

We are asking for your help and hope that you feel this cause is worthy. The future of the Court is at stake and it will disintegrate before our eyes if we are not careful. The state is more sound now fiscally than it has been in the last decade. If not now, when?

Sincerely,

*Pamela Hicks*

Pamela Hicks

Clerk of the District Court

Crawford County Kansas

THEODORE B. ICE

District Court Judge  
Harvey County Courthouse  
P.O. Box 665  
Newton, Kansas 67114

JUDGES OF THE NINTH JUDICIAL DISTRICT  
Harvey and McPherson Counties

ADMINISTRATIVE JUDGE  
THEODORE B. ICE

DISTRICT JUDGES  
THEODORE B. ICE, Division I  
RICHARD B. WALKER, Division II  
CARL B ANDERSON, JR., Division III

TELEPHONE  
(316) 284-6898  
FAX Number  
(316) 283-4601

February 8, 1999

Kansas Supreme Court Justices  
Kansas Judicial Center  
301 S.W. 10th Ave.  
Topeka, KS 66612

Dear Justices:

I am writing in support of Judge Bullock's letter of February 2, 1999, relative to the payment of court personnel in the State of Kansas.

While the Ninth Judicial District has been extremely fortunate in attracting well qualified and stable persons to serve in these final capacities, I am aware that most of them could obtain more lucrative positions in industry.

The unemployment rate in this area is 3.2% according to the last figures. I am a member of the Past Presidents Council of the Newton Chamber of Commerce and at our regular monthly meetings I repeatedly hear cries from industry as to the lack of qualified personnel to fill positions that they have available. In fact, industrial recruitment in this area has been hampered because of the low unemployment rate.

While, as stated above, we have had a stable clerks staff, we will be replacing the Chief Clerk next year. I am already concerned about filling that position because the responsibilities, and the number of personnel supervised by the Chief Clerk are commensurate with higher paying positions that are available in the immediate area.

For too long, the judicial branch of government has been underfunded by the State.

An example of what I am discussing is not only the low pay of clerks, but the fact that in this district we have paid over \$18,000.00 out of our two court budgets to hire pro tems to help cover the case load. In addition to that the Court Trustee handles most of the hearings involving unpaid support, I have established Citizen Review Boards to help with the child in need of care cases, and eight attorneys in McPherson County are volunteering a half day a month to hear motions, grant default divorces, and perform other functions.

Kansas Supreme Court Justices  
Page 2  
February 8, 1999

The fact that we have had to employ and obtain so many pro tems, reflects the amount of paperwork flowing through the respective clerks offices. This district now has the third highest case load per judge in the State!

I do believe the time has come for a strong voice to be presented to the legislature deploring the situation that has been presented.

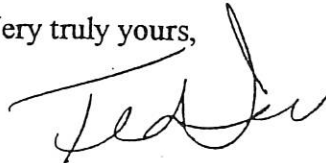
I have been in constant contact with our local representatives in an attempt to try to help them understand what is happening to the judicial branch of government.

Any help that can be elicited certainly is needed. I certainly would ordinarily volunteer to appear to testify before any committees; however, my docket is now solidly set well past the adjournment date of this years legislature.

Since I have been on the bench for going on twelve years, the case load has increased significantly but the staff has not. The increase in case load reflects additional work for the clerks as well as the judges. I have observed that every time the legislature meets, they add additional responsibilities for the Courts and supporting staff with no significant increase in salaries or personnel.

I would comment, however, on the positive side, that the Office of Judicial Administration has been most cooperative with me in assigning senior status judges; however, we don't have a program of senior status clerks and all of the paperwork eventually ends up in the same place, i.e. the Clerk's Office.

Very truly yours,



Theodore B. Ice  
District Judge

TBI/jr

cc: The Honorable Terry L. Bullock

DR. L. HEBERT  
District Judge  
(785) 826-6624

JEROME P. HELLMER  
District Judge  
(785) 826-6630

GEORGE R. ROBERTSON  
District Judge  
(785) 826-6627

DAN D. BOYER  
District Judge  
(785) 826-6633

ADRIAN A. LAPKA  
District Magistrate Judge  
(785) 392-2815



STATE OF KANSAS  
28th Judicial District

City-County Building  
P.O. Box 1760 / 300 West Ash  
Salina, Kansas 67402-1760

RECEIVED  
CITY-County Building  
FEB 20 11 15 AM '99

DOUGLAS P. SMITH  
Court Administrator  
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TERESA LUETH  
Clerk of the Court  
(785) 826-6617

NANCY L. TRAHAN  
Director of Court Services  
(785) 826-6636

FAX (785) 826-7319

sadc@midusa.net

February 18, 1999

Hon. Kay McFarland  
Chief Justice of the Kansas Supreme Court  
Kansas Judicial Center  
301 SW 10th Avenue  
Topeka, KS 66612-1507

Dear Chief Justice McFarland:

After receiving a copy of letters which Judges Bullock and Malone recently sent to the Supreme Court regarding staffing and salary problems of our non-judicial employees, I directed our Court Administrator to do some research regarding the 28th Judicial District (Saline and Ottawa Counties). Since our District is neither "urban" nor "rural", I believe that our findings would support the position that the problems outlined by Judges Bullock and Malone are not confined to the more populous Districts, but are, in fact, being experienced throughout the Unified Judicial System.

Our information indicates that starting salaries offered by the City of Salina and Saline County are higher for positions comparable to our clerical staff and that the salary range caps at a significantly higher level. The problem is not isolated to entry level positions - a comparison of the salary ranges of the Clerk of the District Court (\$20,176 - \$28,413) and the Supervisor of the Salina Municipal Court (\$27,093 - \$36,338) is obviously unfavorable; when the disparities of stress level, multiple duties and supervisory responsibility are factored in, there simply is no comparison. When the long-time Clerk of the Saline County District Court retired last year, we interviewed only 3 applicants - all from within the local staff, all with less than ideal experience, training and "people" skills. The only out-of-District applicant withdrew prior to the interview process due to other employment opportunity. The situation in Ottawa County was similar - one applicant of marginal qualification from within the District and

Hon. Kay McFarland  
February 18, 1999  
Page 2

one from the local legal community with no courthouse experience. These situations require our Court Administrator to undertake additional training and supervisory responsibilities, distracting him from his numerous other responsibilities.

In the recent past, an experienced clerical employee transferred to the Executive Branch as a Driver's License Examiner - at a substantial pay increase; another long time, very competent clerical employee transferred to the Salina Municipal Court - at a substantial pay increase; another took a job with the County Health Department; at least two others took employment in the private sector. The loss of their experience and the cost of training their replacements represents a substantial deficit to our District.

Another disturbing trend is also developing. A number of our full-time employees have been requesting permission to take on regular or seasonal part-time work to supplement their income just to make ends meet. This obviously limits their time for family and personal needs, increasing stress levels and draining energy. A fairly compensated employee should not have to do this.

We have had Court Service Officers transfer to smaller Districts where the pay was the same but the caseload lighter and less stressful. Another Court Service Officer is exploring employment opportunity in the private sector. This constant turnover requires the Chief Court Service Officer to invest an inordinate amount of time in training and supervision and greatly increases the potential for procedural and substantive error. Supervision Officers and other comparable staff of Saline County Community Corrections receive greater compensation for comparable or lighter supervisory case loads, without the additional responsibilities of preparing Pre-Sentence Reports and other Court Service Office functions.

In the not so recent past, we had numerous applicants for any advertised position - generally more mature persons with work experience who were seeking upward mobility and a long-term prestigious career. Now, we receive fewer applications, generally from persons just entering or re-entering the work force, who are looking to pad their resumes with job experience before moving onward and upward. The "security" of a government position simply is not as enticing as the financial reward elsewhere.



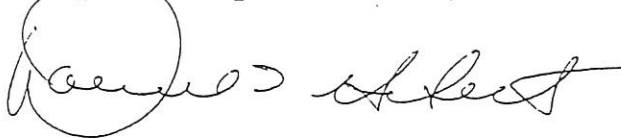
Hon. Kay McFarland  
February 18, 1999  
Page 3

An additional frustration are the grants to other agencies upon whom our workload depends - the Police Departments, the Drug Task Force, and the County Attorney. While they receive funds and personnel, we are asked to do more with less.

I echo Judge Malone's concerns: It would not seem to be the province of one Administrative Judge from an isolated District to come up with a plan to solve a state-wide problem. The expertise and guidance must come from OJA. As Judge Bullock suggests, most of us would be willing to help with the leg work and research, but we have neither staff nor time nor expertise to devote to the larger solution - for this we must again rely on OJA.

Thank you for your attention and interest.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel L. Hebert", written over a circular stamp or mark.

DANIEL L. HEBERT  
ADMINISTRATIVE JUDGE  
28TH JUDICIAL DISTRICT

DLH:bs

Attachment: Comparison of City of Salina and  
Saline County salaries



III. COMPARISON OF SALARIES:

|    |                                 |             |             |
|----|---------------------------------|-------------|-------------|
| A. | City Employees:                 | START       | END         |
|    | Court Clerk                     | \$17,950.00 | \$23,421.00 |
|    | Senior Court Clerk              | 19,802.00   | 25,813.00   |
|    | Court Supervisor                | 27,893.00   | 36,338.00   |
|    | Court Service Officer           | 20,779.00   | 27,144.00   |
| B. | Court Employees:                | START       | END         |
|    | Records Clerk I                 | \$13,645.00 | \$19,219.00 |
|    | Trial Court Clerk I             | 15,059.00   | 21,174.00   |
|    | Clerk of the Court              | 20,176.00   | 28,413.00   |
|    | Secretary I                     | 16,598.00   | 23,358.00   |
|    | Secretary II                    | 18,325.00   | 25,771.00   |
|    | CSO I                           | 24,523.00   | 34,507.00   |
|    | CSO II                          | 27,040.00   | 38,043.00   |
| C. | County Employees:               | START       | END         |
|    | Register Deeds Clerk            | \$16,598.40 | \$25,771.20 |
|    | Tax Clerk                       | 17,534.40   | 27,164.80   |
|    | Records Clerk - SO              | 17,534.40   | 27,164.80   |
|    | Secretary                       | 16,598.40   | 25,771.20   |
| D. | Community Corrections:          | START       | END         |
|    | Secretary                       | \$16,598.40 | \$25,771.20 |
|    | Dept. Secretary                 | 17,534.40   | 27,164.80   |
|    | Case Manager I                  | 25,022.40   | 38,833.60   |
|    | Case Manager II                 | 26,894.40   | 41,766.40   |
|    | Senior Juvenile Case<br>Manager | 25,958.40   | 40,289.60   |

To:

P.O. Box 228  
Kinsley, Kansas 67547-0228  
316-659-2333

P.O. Box 270  
Larned, Kansas 67550-0270  
316-285-2188



# THE STATE OF KANSAS

Twenty-fourth Judicial District

Serving

EDWARDS, HODGEMAN, LANE, NESS, PAWNEE and RUSH COUNTIES

**J. Byron Meeks, Administrative District Judge**

February 19, 1999

The Honorable Kay McFarland  
Chief Justice of the Supreme Court  
Kansas Judicial Center  
301 S.W. 10th Avenue  
Topeka, Ks. 66612

RE: Non-Judicial Personnel

Dear Chief:

I am sure that you have received several letters setting forth the same problems that I am going to present you with.

When I first took the bench in 1989, it was not uncommon for good county employees to move up to the Court system. We enjoyed a status of professionalism, better pay, and benefits. That situation has now evaporated. Any position that comes open in our Judicial District has to be advertised two or three times and the applicants are either unqualified or can find better paying jobs with the county or with local business. A recent opening in Pawnee County was advertised twice, because we had few applicants and the ones that did apply were totally unqualified. Finally, a former employee who informed us up front that she was going back to school in a year applied and we jumped at the opportunity to get her back on the payroll even though we know that she will be a short term employee.

Also, in Hodgeman County we recently had a half time position open up, again we had few qualified applicants, and finally I had to ask the Clerk of the Court to personally get the word out among her friends and acquaintances even though we published notice for the opening in the local papers as well as the Dodge City paper. We finally hired a lady who had been out of the work force for a number of years but decided that she wanted something to do part-time.

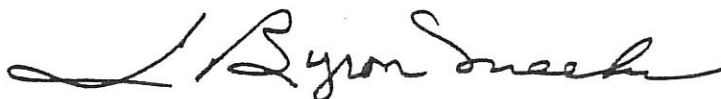
We have had county employees look into positions with the Court system, but upon learning the starting pay and benefits, they have declined. We have lost several qualified, experienced people who would have made excellent employees.

We are not going to regain the status the Court system once enjoyed, nor are we going to attract qualified employees until our payscale and benefits equal or exceed those of local governmental units and businesses.

I request your assistance, and the assistance of other members of the Supreme Court, and OJA staff, in presenting our problem to the Legislature in an effort to get our pay system overhauled and competitive with local governmental units and businesses.

If I can be of further assistance, please let me know.

Very truly yours,

A handwritten signature in cursive script that reads "J. Byron Meeks". The signature is written in dark ink and is centered on the page.

J. Byron Meeks  
Administrative District Judge

JBM:laa

cc: Justices of the Supreme Court



The Kansas Association of Public Employees  
1300 SW Topeka Blvd., Topeka, KS 66612  
(785) 235-0262 or (800) 232-KAPE / Fax (785) 2353920  
FPE / AFT / AFLCIO

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Testimony of Paul K. Wilson, Executive Director  
Kansas Association of Public Employees (KAPE)  
In regard to House Bill 2522  
Before  
The Select Committee on Kansas Performance 2000

Delivered March 4, 1999

Good afternoon Chairman Wilk and members of the committee. As you know, my name is Paul Wilson and I am the Executive Director of the Kansas Association of Public Employees. I am here to speak to you in opposition to House Bill 2522 as it is currently proposed.

I have attended all but one meeting of this committee and, like you, have listened to the testimony of the many conferees who have spoken on the provisions of House Bill 2522. In my own view I would summarize those comments as hopeful that the state pay plan becomes more responsive to employer and employee needs, yet fearful of the procedures through which these changes will take place. KAPE commends the committee for your patience and the amount of time you have taken to insure that those who wanted to be heard on this issue had that chance. I'm certain there were some people who wanted to speak on this issue who didn't appear, but in light of the days and days devoted to this issue, that was not the fault of the committee.

Naturally, on an issue of this consequence, it is extremely important to move with caution and consideration of all the implications such a change will bring. This bill proposes a dramatic change in the pay and personnel system utilized by the State of Kansas as an employer, and that change will have a dramatic impact on your work force and the programs they administer. I know we all want that to be a positive change, but under the current bill, many of the questions regarding the exact nature of those changes are left unanswered. Many sections of the bill leave the design and implementation of the plan to the discretion of the Secretary of Administration.

While I mean no disrespect for Secretary Stanley, I have had discussions with him in which he isn't sure of just what those particulars might look like. For example, the three step plan which he presented to this committee several weeks ago wasn't well defined then and seems even less so now. He indicated that the plan could have three steps, and now says it might be five or possibly even seven steps. He is uncertain if all of the monetary difference between the mid-point and the maximum will be one time bonus money or if some portion of it may be base building. He knows that supervisors, as well as other employees, need extensive training to implement such a sweeping change but doesn't currently have the resources or materials to insure that training is provided. These are serious issues in the development of a pay plan and are in need of serious attention if the plan is to achieve its intended goals.



Please don't take my comments regarding Secretary Stanley as criticisms. They are not. They are made to underline the huge task and monumental responsibilities which the current bill, and its specific timelines, will place squarely on his back. And please remember, Secretary Stanley has had this issue, and the Fox, Lawson study on his plate for over a year. Yet today he is no closer to the "right answers" on some of these difficult issues than he was a year ago. Again, this is not criticism, it is a request that the details of this monumental change not be hurried to implementation or left in the hands of any one person to decide. That they be more clearly defined by the legislature in concert with the Secretary, the employees, the agencies, and the administrators who will be impacted and required to make it work.

There are still a great many issues in need of resolution before Kansas moves to discard our current pay and personnel system in favor of the system outlined in the bill. Issues such as: will there be any limitation on the number or percentage of agency positions which must remain classified? How do we reward jobs in which performance can not be better than perfect? Does a step system work better for some jobs than others and should we consider a combination pay plan which includes both? How do we insure that performance and not personalities is being measured? How do we prevent an agency head from creating new unclassified jobs, abolishing classified jobs, and thereby nullifying the current employee's right to refuse to be moved into the unclassified service? How do we administer a system of evaluations and evaluation appeals which has no quantifiable performance standards? How do we measure customer satisfaction among a clientele we regulate and who would often rather that we didn't exist? How do we objectively measure professional performance when the professionals themselves don't necessarily agree? And finally, how do we insure that this plan will be adequately funded with the millions of dollars it will take to properly implement? Will the surcharges applied by the agencies be legal, or will they represent a new form of taxation assessed by the administrative branch of government?

We have also heard from employees who express a fear that this bill will do away with the civil service system as we know it. Those comments are a result of the draft language which gives the agency head the ability to declassify any job within the agency, and the fact that civil service protections are only available to classified employees. The bill goes on to give the incumbent in the job the perceived protection of being able to reject the change from classified to unclassified status. The employees know, however, that nothing within the bill prevents the agency head from creating a completely new unclassified job and abolishing the equivalent classified job. Even now, long term employees in some of your agencies are being required to reapply for the newly created jobs that they have been performing satisfactorily under a different title for years. They have seen similar actions take place, and with the latitude contained in the new bill, they fear the worst. In response to a question, one conferee said they didn't expect to see all jobs declassified immediately but it could happen in time. This is another issue which must be addressed fairly if employees are to adopt the cultural change necessary to make the system work.

From the very beginning of these hearings, KAPE has stated that we are not opposed to pay for performance. Production quotas, and bonuses for exceeding those quotas exist in many labor agreements. KAPE simply wants to make absolutely sure that the system which is ultimately developed is fair, just and equitable. In KAPE's opinion, we

are not yet at that point, and don't want to see haste make waste of this idea. We believe that additional study, discussions, and clear direction are necessary in order to formulate a replacement plan which is better than the current one.

I have attached a number of amendments and suggestions regarding various sections of House Bill 2522 for the consideration of the committee. I have also attached a document titled "Elements of a State Employee Pay Plan" which KAPE has adopted as its own. I won't go through each of those documents with you at this time, but I would be happy to provide additional information on either of those items at the committee's pleasure.

In summary, KAPE does not oppose any pay plan which recognizes and rewards the efforts of your employees. A pay for performance plan may do just that if well conceived, designed and implemented. We simply do not believe we are at that stage in the development of this plan as contained in House Bill 2522. KAPE, therefore, respectfully recommends that House Bill 2522 not be passed, and in the alternative, be referred to an interim study committee for further deliberation, development and clarification.

Thank you for providing me this opportunity to address you. Thank you again for the hours and hours you have spent on this issue, and I will be happy to answer any questions.

Attachments



PROPOSED AMENDMENTS TO HOUSE BILL 2522  
PRESENTED BY  
THE KANSAS ASSOCIATION OF PUBLIC EMPLOYEES  
TO

THE HOUSE SELECT COMMITTEE ON KANSAS PERFORMANCE 2000

New Section 1 (b) (2) and (3) Add the words "measurable and quantifiable" in section (b)(2), page 1, line 31, between the words "expected" and "levels", and in section (b)(3), line 34, between the words "set" and "objectives".

New Section 3 (a) and (b) Add the words "measurable and quantifiable" in section (a), page 2, line 42, between the words "a" and "performance-based", and page 3, line 1, between the words "a" and "performance-based". Add the words "measurable and quantifiable" in section (b), page 3, line 7, between the words "a" and "performance-based", and page 3, lines 11 and 12, between the words "a" and "performance-based". GENERAL: From the beginning, KAPE has favored measurable and quantifiable standards of performance if a "pay for performance" system of compensation is adopted. Not only would such standards be verifiable, they would remove the concern voiced by committee members about who conducts the evaluation. If standards can be accurately measured, employees can not contest the results, and it matters not who did the counting. For those jobs, which do not lend themselves well to quantifiable standards of performance, peer evaluations, or at least peer review of evaluations, are essential. Measurable standards should, nonetheless, be used for even those jobs to the greatest extent possible.

New Section 4 (a)(b) and (c) The current pay plan should be maintained unless and until it can be shown that a suitable replacement has been designed, and that the necessary training and education on performance based pay has been provided to supervisors and employees. To abolish the current pay plan without a workable replacement plan to take its place would work a terrible hardship on everyone involved and would lead to chaos in the workplace. The select committee should be satisfied that a comprehensive plan and the training necessary to implement that plan is in place before discarding the system which has served state government well for over half a century.

New Section 5 (a) (1)(2)(3) and (4) Clearly specify which positions are intended to be covered in each subgroup. Some state jobs could fit into more than one category. We might try to develop more than four broad categories; perhaps six or eight would be more responsive to recruitment and retention goals. The more groupings, the less expansive each would need to be, and presumably, the less potential for huge disparities between the wages paid to different employees for the same or similar work.



New Section 5 (b)(c)(d) and (e) Surveys should be done on the same intervals for all categories of employees. To do some more frequently than others sends the message that the work of all employees is not valued equally. This message is counterproductive toward fostering teamwork in the work place. Surveys should be conducted at least once every three years to insure that no salaries are allowed to get far out of kilter from actual market rates.

New Section 6 (d) This entire section allows far too much freedom for agency heads in the establishment of pay rates for individual employees. There are no limiting conditions under which this authority may be exercised, and the statutory criteria relied upon to set individual pay rates is so nebulous so as to be useless. While subsection (d) could be useful in addressing some recruitment and retention problems, again there are no guidelines or safeguards to insure that those expenditures will only be utilized when absolutely necessary. One solution might be to establish geographical areas where the 15% regional differential would apply. The current state pay plan with a 15% recruitment and retention incentive for specific jobs under specific conditions should resolve most of those problems. No recruitment incentive should be allowed if there are qualified applicants for the position to be filled. True market surveys, conducted in a timely fashion, and applied to the pay rates of state employees would help to eliminate most recruitment and retention problems. If the state were paying the true market rate, employees would gain no personal financial improvement by leaving state service. The wages they would be gravitating to would be the same as those paid by the state, as demonstrated by the timely survey. Once employed, step movement would help in retaining those employees.

New Section 10 The evaluation system proposed under this section is not unlike the current evaluation system, and appears to be workable. Especially helpful are the peer evaluation and the agency head evaluation components. While evaluations for regular classified employees should, in KAPE's opinion, be measurable and quantifiable, the evaluation of the agency head should judge that person's motivational and/or leadership qualities. Employees may or may not like or agree with the philosophy of their elected leaders or their appointed agency head. The agency head's job, however, is to move the agency programs forward, and that is what they should be evaluated on in spite of the fact that those are subjective judgements. The unclassified service, appointive posts and at will employment are perfectly, and appropriately suited to subjective judgements.

New Section 11 Language should be added which provides that evaluations conducted under this section should occur not less than 60 days or more than 180 days apart. Employees should be given the opportunity to remedy their correctable shortcomings and the addition of this language would give them at least 60 days to do so. Without this language, an employee could be evaluated as unsatisfactory on two consecutive days, and terminated. The inclusion of peer evaluations in this section should aid in removing personalities from the evaluation process.

New Section 15 An oversight committee is an absolute necessity but should have more authority to override the Secretary of Administration if the elements of the "plan" don't meet the expectations of the legislature. In addition, no statutory language should be passed until such time as the Secretary of Administration has developed the "plan" and the oversight committee has approved it. The same holds true for the training component of this bill, and no changes to the current pay plan should be permitted to occur until such time as the mandated training has been accomplished. Only then should a bill be passed out of the select committee and acted upon by the full legislature. To do otherwise leaves too much to blind faith in the Secretary who has already submitted a plan which the committee has indicated is not to their liking. Finally, the oversight committee should not be abolished in the foreseeable future. It should remain in place to insure that legislative intent continues to be fulfilled.

New Section 16 (2)(3) and (5) There is no reason to allow any agency head the authority to change the status of any position in state government from classified to unclassified. This is an assault on civil service in particular and good governmental policy in general. Even with the "alleged protections" for incumbent classified employees included in section (2) and (5), nothing in the bill would prevent the agency head from the sham of creating new unclassified positions and abolishing previous classified positions to "declassify" the agency or an individual. Such an act would make those employees "at will" employees in direct opposition to the very intent of civil service. While it may not be the intent of this section to eliminate the existence of classified state employment, the language definitely permits that possibility and should be amended. Finally, the language of section (3) should be stricken in its entirety as it establishes a category of employees as second class citizens not afforded the protections of civil service. And the only apparent reason for that denial is their seeming lack of value to the employer.



New Section 17 The majority of this section remains unchanged from current statute. And as KAPE has contended from the beginning, the current pay plan is workable but has been allowed to deteriorate over the past 15 years. In KAPE's opinion, that deterioration was caused by the state's failure to conduct market surveys, and their reluctance to accept the results of surveys that were conducted by others and provided to them. Placing blame is useful only to the extent that it may help us avoid making the same errors of omission in the future.

Passage of this bill will still mandate periodic salary surveys from which market rates may be determined. But unless those mandates are adhered to, the same recruitment and retention problems will resurface in the future. And while surveys are called for every year under current law, surveys conducted every three or four years will be a vast improvement to current practice. Once market rates have been established, they need to be adjusted annually through inflation fighting Cost Of Living Adjustments (COLA's). The very purpose of COLA adjustments is to maintain the purchasing power of the dollars contained in a pay plan. COLA's are not intended to be pay increases. Unless COLA's are applied, the new matrix will deteriorate between the times market surveys are conducted, and recruitment and retention will suffer again. In addition, the adjustments which will need to be made to the matrix every four years will be much larger than those made every year. Much like caring for a vehicle, you can provide less costly periodic maintenance, or you can ignore repairs until the vehicle is in need of many repairs which you pay for all at once. The advantage of periodic maintenance of the pay plan, as well as the vehicle, is that both serve your purposes more dependably if they are maintained periodically.

The pay plan should also include some base building career growth component. If steps are to be eliminated, the plan must speak to the portion of performance increases which will be base building, and the portion which will be a one time, non-recurring bonus. In KAPE's opinion, the non-recurring bonus should never exceed 5% of the employee's total pay. Perhaps a plan can be devised which still contains steps that average employees can move through slowly and outstanding employees can fly through several steps at a time based on measurable performance. The element of the bill which allows employees at the top of their range to progress through career paths will give high achievers the upward mobility they seek but will give those stable, consistent employees the security which motivates them.

New Section 18 KAPE believes the longevity bonus program is one of the few acknowledgements of long term service to the state and as such should be retained. The longevity bonus program provides

KAPE AMENDMENTS TO HB2522

very little money to individual employees but is often the only raise seen by those who have reached the top of their pay range. Again, the upward mobility provided to those who have reached the top of their range is a wonderful opportunity, but some employees doubt their own abilities, fear change, or are simply satisfied with their ability to provide good service in their current job. Those employees provide a worthwhile service to the state but longevity is at times the only true pay increase they experience.

New Section 19 (d) The shared leave plan contained in this section seems to be very workable. The only subsection which needs amendment is (d). That subsection places the appointing authority in the position of making decisions regarding the granting of shared leave. That is not a problem except to the extent that those decisions are based at times on the requesting employee's prior use of sick leave. Such inquiries and determinations, by individuals other than trained medical professionals, could violate the employee's rights under the provisions of the Americans with Disabilities Act.

New Section 20 The establishment of a cafeteria benefits plan is a plus for state employees. The only potential problem anticipated by KAPE would be in regard to required participation rates for benefits such as health insurance. KAPE would not want to see those benefits jeopardized, or rates increased, as a result of low participation rates.

General: The amendments and suggestions listed above would, if implemented, make the initial transition to a pay for performance salary plan less dramatic and threatening to classified employees. In addition, the recommended timing of the implementation contained above would serve to reduce the confusion, uncertainty, and potential for abuse surrounding any such transition. It would also leave intact a pay system to be utilized if the proposed system is not finished or refined enough to use by the deadlines currently appearing in HB 2522. Finally, the suggestions proposed above contain compromises which will address the recruitment and retention concerns of the state while rewarding top achievers, and providing a degree of income security to the average steady workers of the state who comprise the backbone of most state programs.



**ELEMENTS OF A STATE EMPLOYEE PAY PLAN  
AS PROPOSED BY THE  
KANSAS ASSOCIATION OF PUBLIC EMPLOYEES (KAPE)**

Entry Level Wages The entry level on the pay plan should reflect the average amount paid for the work in the labor market (market rate), less 10%.

Hire Rate The hire rate could fall anywhere between the entry (minimum rate) and the market rate, depending on the particular and specialized qualifications of the applicant.

Market Rate Wages The market rate would be the average paid in the open market for the work being accomplished. It would be established by market surveys. Employees would move from the entry level to the market level at the successful completion of their first year of employment.

Market Surveys Market surveys must be completed frequently to insure the proper alignment of wages with current market conditions. Market adjustments must be applied upon receipt of the market survey information or the plan will cease to be competitive in attracting and/or retaining a well qualified work force. Under no case should any classification be surveyed less than once every 4 years. Special care must be devoted to insuring that all classifications are being properly compared with matching like positions among survey respondents.

COLA Adjustments COLA adjustments must address the real purchasing power of the wages paid as they are affected by inflation. CPI minus 1% is a reasonable adjustment.

Individual Employee Raises Annual individual employee raises should be based on performance evaluations. Evaluations must be based on measurable, objective criteria, and the criteria must be communicated to the employee at the beginning of the rating period. Standard evaluations should bring about a 2.5% "career growth" pay increase, outstanding evaluations a 5% improvement, and exceptional evaluations a raise of 7.5%. Any evaluation of less than satisfactory would result in no increase. Raises of 2.5% should be built into the employee's base rate, and raises above 2.5% should be "one time" bonuses. There should be no "cap" on the plan/.

Current Employee Wages All current employees should retain their current wages regardless of where they fit within the plan.

Longevity Bonuses Longevity bonuses should continue to be paid, but at the rate of \$50 for each year of state service.