

Probate Court Budget Committee

Meeting Minutes

March 5, 2014

5:00 p.m.

Library at the Office of the Probate Court Administrator
186 Newington Road, West Hartford, CT

The meeting was convened at 5:02 p.m.

In attendance: Judge Paul Knierim, Probate Court Administrator and Chair and Judge Joseph Marino. Judge Fred Anthony participated by telephone.

Public Comment and Correspondence

The committee received the following correspondence:

Letter from Judge Gerald Fox, Stamford Probate Court

Letter from Chief Clerk Mary MacGregor, Glastonbury-Hebron Probate Court

Letter from Chief Clerk Cecelia Hann, Berlin Probate Court

Those offering remarks:

Chief Clerk Pat Saviano, Danbury Probate Court and President of CAPC

Judge Steve Zelman, Administrative Judge, Hartford Regional Children's Probate Court

Lead PCO Tamara Egan, New Haven Regional Children's Probate Court

Ass't. Clerk Martha Gothers, Hartford Probate Court

Remarks by the Chair

Judge Knierim gave an update on RB 5488, An Act Concerning Health Insurance Coverage for Probate Court Personnel, which will equalize premiums that Probate Court employees pay for health insurance for dependents with the premiums that state employees pay. He expressed his appreciation to all the judges and staff working on the project and especially the working group that has been developing the strategy to gain passage of the bill. In addition to Judge Knierim, the members of the group are President-Judge Beverly Streit-Kefalas, Judge Brian Mahon, as chair of the legislative committee, Pat Saviano, President of CAPC, Evan Brunetti, Vice President of CAPC, Tamara Egan, New Haven Lead PCO, and legislative liaisons Pete Smith and Vin Russo. The group has met with Lt. Governor Nancy Wyman and Comptroller Kevin Lembo. Both offered their support and assistance. Judge Knierim and Vin have met with numerous legislative leaders and have received favorable responses.

The bill will likely have a public hearing during the week of March 17th. Judge Knierim encouraged judges and employees to submit testimony or contact their legislators by email, mail or phone to urge support.

Financial Impact of the 2014 COLA

Alyce Cariseo reported on the January 2014 COLA. The 3% COLA was implemented with the January 9, 2014 payroll and applied to the pay period that began on December 23, 2013. The annual cost is \$345,000. Fifteen employees whose pay is above maximum were ineligible. The number of grandfathered employees is down considerably from January 2011, at which time 38 employees were grandfathered. The reduction is due to retirements and promotions, and the number of grandfathered employees is expected to continue to decline as future COLAs increase the pay ranges.

FY 2013-14 Office Budget Adjustment

The Waterbury Regional Children's Probate Court is seeking a \$5,085 increase to its FY 2013-14 office budget for rent and taxes, postage and legal notices. Judge Knierim remarked that these are necessary court costs and should be approved.

Judge Marino made a motion to approve the increase. Judge Anthony seconded the motion. Judge Knierim called for a vote and the motion passed unanimously.

FY 2014-15 Office Budgets

Alyce Cariseo gave an overview of the proposed court office budgets for FY 2014-15. The recommended amounts are based on the committee's guidelines for each category of expense and are consistent with the past three years.

Judge Marino made a motion to approve the proposed FY 2014-15 court office budgets. Judge Anthony seconded the motion. Judge Knierim called for a vote and the motion passed unanimously.

RFP on Compensation Study

Judge Knierim explained the process currently underway to select a new compensation consultant to review the pay ranges for all court staff positions. A request for proposals was published to invite consultants to submit proposals with a deadline of February 21, 2014. PCA received four proposals, all of which comply with state contract requirements. The four firms that submitted proposals are: National Center for State Courts, Segal Waters Consulting, Johanson Consulting (DB Squared) and Owen-Pottier, Inc.

Judge Knierim invited CAPC to designate a member to assist with the process of reviewing the proposals. Each firm will be rated on a series of criteria related to experience, knowledge of public sector, proposed labor market comparisons, ability to

communicate with court staff and overall cost. PCA staff and the CAPC representative will make a recommendation to the committee at its April 9, 2014 meeting.

The project deadline is November 1, 2014, with preliminary recommendations due from the consultant on September 1. The schedule will enable PCA to seek funding for any recommended adjustments during the 2015 legislative session, with the goal of implementing adjustments on July 1, 2015.

Performance Evaluations

Alyce Cariseo presented information about the annual performance evaluation process. The review period is from April 1, 2013 to March 31, 2014. The online performance evaluation system is now available and the deadline for completion of evaluations is May 31, 2014. Merit increases cannot be calculated for a court until the judge has completed evaluations for all staff members (excluding temporary employees and retired rehires).

July 2014 Merit Pay Adjustments

The committee discussed the planned 2014 merit pay increases and concluded that the adjustments should be calculated using the same parameters as last year. The proposed plan is as follows:

- Implementation planned for the first payroll in July
 - July 10, 2014 pay date
 - Pay period June 21, 2014 – July 4, 2014
- Eligibility
 - All court staff except temporary employees and rehired retirees
- Merit pool
 - Each court allocated a merit pool based on the compensation of eligible employees
 - Each court will have its own rating curve
- Formula considerations
 - 2.5% allocated based on overall rating from performance evaluation
 - 0.5% allocated at discretion of judge
 - No increase for scores of 1 or 2 (unacceptable or needs improvement)
 - An employee with an overall rating of 3.0 (meets expectations) will receive a minimum increase of 2%
 - Employees can receive a maximum increase of 6%
- Employees at or above max
 - Amount capped at 2%
 - Merit pay calculated as an hourly amount but not added to base pay for purpose of calculating COLA's and future merit increases

Judge Anthony made a motion to adopt the parameters for the 2014 merit pay adjustment as outlined above. Judge Marino seconded the motion. Judge Knierim called for a vote. The motion passed unanimously.

January 2015 COLA

Judge Marino made a motion to adopt a 3% COLA increase for 2015, with an expected implementation in the pay period beginning on December 20, 2014 pay cycle. Judge Anthony seconded the motion. Judge Knierim called for a vote. The motion passed unanimously.

Proposed Staffing Level Adjustment

The Westport Probate Court requests an increase in benchmark staffing from 1.9 FTE to 2.7 FTE. Judge Knierim indicated that he had reviewed the court's needs with Judge Wexler. He recommends the increase in light of the court's weighted workload and the fact that district has a very busy psychiatric facility that is one of the only private hospitals in the state that accepts patients on Title XIX.

Judge Anthony made a motion to approve the staff increase. Judge Marino seconded the motion. Judge Knierim called for a vote and the motion passed unanimously.

Other Business

Cash in lieu of benefits

Judge McGrath inquired at the December 2013 meeting whether the committee might consider a cash in lieu of benefits option for employees who elect not to accept a benefit such as health insurance. Alyce Cariseo reviewed various issues and challenges associated with such a program. Judge Knierim indicated that he recommends against pursuing it. He noted that small employers may make such individual arrangements when negotiating compensation with an employee but that it is not a good fit for a large employer with a uniform compensation and benefits plan. He noted also that such a program would represent an added expense, since the Probate Court Administration fund would incur payroll taxes (approximately 7.5%) and pension costs (approximately 11%) on any cash payments. The committee reached consensus not to pursue this proposal.

FSA "use it or lose it" rules

The IRS recently modified the FSA rules to give employers an additional option for how year-end FSA balances are handled. Under existing law, FSA plans may permit employees to use the full amount of any carry over balances during a grace period that expires on March 15 following the year in which the contributions are made. Under the new second option, an FSA plans can permit employees to carry over a maximum of \$500 for the entire succeeding calendar year. An FSA plan can use only one of the two options. Our plan currently uses the first option. The committee concluded that we

should retain the existing provision but will periodically revisit the issue if employees express interest in changing to the \$500 carryover option.

Commuter tax benefit

Martha Gothers, Assistant Clerk at the Hartford Probate Court, provided material about CT Rides, an organization that assists commuters in finding public transit options for their trips to work. She also suggested that the committee add a benefit that is allowed under the Internal Revenue Code under which employees can pay up to \$130 in bus fares and \$250 in parking expenses on a pre-tax basis. PCA will disseminate information on CT Rides through the website and will explore the commuter tax benefit program.

Schedule Next Meeting

The committee will meet on April 9, 2014 at 5:00 p.m. The primary purpose of the meeting will be to select a compensation consultant.

Adjournment

The meeting adjourned at 6:28 PM.