

From: [Streit-Kefalas, Beverly](#)
To: [Magistrali, Michael](#)
Cc: [Wright, Philip](#); [Anthony, Fred](#)
Subject: Torrington Region Staffing
Date: Thursday, May 21, 2020 4:25:00 PM

Judge Magistrali:

I hear your frustration in having two staff members retire nearly simultaneously. However, the hiring freeze was imposed due to continued declining probate fee revenue while ensuring during these difficult times that the staff was fiscally protected by not losing compensation for working less than their regularly scheduled hours.

In addition to declining Probate Court fee revenue, as you know, the State budget is in serious deficit, which began well before the public health emergency. The current pandemic has more significantly compromised the State's budget situation which also compromises the Probate Courts' General Fund appropriation, request to suspend the sweep of the Probate Court Administration Fund, and may cause the Governor to issue rescissions of General Fund allocations in this or the coming fiscal year.

In your emails, you raise a number of challenges regarding the authority of the Probate Court Administrator to issue the hiring freeze and whether PCA authorization is required for you to hire temporary staffing despite this freeze. In response to your series of emails, please know that:

1. Due to the declining revenue and full emergency compensation to all staff, as Administrator, I issued the hiring freeze. The Budget Committee is charged with establishing compensation plans and benefits, staffing levels and the office budget of each Probate Court. It is not charged with the duty to manage the Probate Court Administration Fund.
2. Setting aside for a moment the hiring freeze, your Request for Temporary Staffing presented on 5/15/2020 does not comply with Policy 202. Specifically, you propose hiring two temporary staff members at 34 [32] hours each at an hourly rate of \$15.51. At 34 [32] hours per week, by state statute, such a hire – whether for a temporary duration or not – would be eligible for benefits. Additionally, you propose an hourly rate greater than the hourly rate authorized for temporary staff (typically \$12-14/hour).
3. Pursuant to Policy 301 New Hires, a hiring freeze supersedes authorized staffing levels.
4. The hiring freeze is applicable to all new hires including a judge's authority to hire temporary staffing under Policy 202. As noted above, Policy 301 provides that a hiring freeze supersedes authorized staffing levels.

When we spoke last week, you shared that you have at least one employee prior to the most recent Budget Committee Emergency Compensation Plan (approved on May 13, 2020) who was not working any of her regularly scheduled hours. You also shared that your Chief Clerk was working 125% of her regularly scheduled hours. The establishment of the hours to work by your staff is in your discretion. Overall, you reported that all staff was working in the court at 60% of benchmark hours.

Your analysis of gross pay does not incorporate the cost of benefits nor does it reflect that staff are being compensated at this time for hours they are not working. I am certainly open to revisiting your request to hire temporary staffing to meet the needs of the Torrington Region Court once all current staff is working 100% of their regularly scheduled hours. There is no justification to expending additional funds on compensation for temporary staff when there are hours available to work with your current staff of 3 individuals.

With warm regards,

Beverly

Hon. Beverly K. Streit-Kefalas
Probate Court Administrator
186 Newington Road
West Hartford, CT 06110
Tel. (860)231-2442
Fax. (860)231-1055
Cell. (860)508-0955

Milford-Orange Probate Court
Probate District No. 40
70 West River St., Milford, CT 06460
(203)783-3205

This message, together with any documents, is intended only for the use of the individual or entity to which it is addressed. It may contain information that is confidential and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination or copying of this message or any referenced document is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message and its contents, from your computer. Thank you.

From: [Anthony, Fred](#)
To: [Streit-Kefalas, Beverly](#)
Cc: [Wright, Phillip](#)
Date: Tuesday, May 26, 2020 2:31:21 PM

Judge Streit-Kefalas,

I am in receipt of your email dated May 21, 2020 4:25 p.m. As I was out of the office on May 22, 2020, I apologize for the delay in my response.

It is my understanding that the issue raised by Judge Magistrali has been resolved after discussion with Judge Streit-Kefalas. I have reviewed the rationale of that matter and I concur with the result.

However, in your email you state "I issued the hiring freeze." Although we had a brief opportunity to discuss this issue, I believe it is necessary to respond in furtherance of our discussion.

Please note that I do not disagree with the need to consider measures to address potential budget shortfalls and threatened funding. Such measures may include changes to the staffing levels of the courts. However, in reviewing PCA policy 301, Probate Regulation 28, C.G.S. section 45a-77 and C.G.S. section 45a-85, I note no authority for the Administrator to take unilateral action.

As stated above, I agree with the conclusions of the Probate Court Administrator as applied to the issue at hand. The matter was never raised before the budget committee. However, I must state that I am unaware of any authority for the Probate Court Administrator to issue a "hiring freeze."

I would be happy to discuss further if you wish.

Fred J Anthony

Hon. Fred J. Anthony

Judge of Probate
State of Connecticut
District of Shelton #42
40 White Street
P.O. 127
Shelton, CT 06484

From: [Magistrali, Michael](#)
To: [Streit-Kefalas, Beverly](#)
Cc: [Anthony, Fred](#); [Wright, Philip](#)
Subject: RE: staffing
Date: Friday, June 5, 2020 10:40:09 AM

I continue to be distressed and baffled by your intransigence with regard to the staffing needs of this court. Your statement that "...the workload needs of the court may be readily met by increasing the hours worked in the court up to their regularly scheduled hours" is a fantasy. If that were true, then I fear that when all this is over, you will take the position that the Court does not, in fact, even require staffing at its former benchmark level. Let me tell you what is not getting done as a result of the loss of staff: 1. Reminder letters on all one-year and three-year reviews are not being sent out; 2. Files are not being culled and destroyed; 3. Where previously the time for processing and scheduling newly filed matters was no more than 10 days, now it is between three and four weeks. What you also fail to consider is that other administrative tasks that were performed by the retired staff now must be performed by the remaining staff, such as CMS roles relative to billing and accounts receivable under Policy 401. Also, as you might expect, telephone calls to the Court have dramatically increased. With fewer staff to field those calls, the remaining staff are often pulled away from other tasks. Increasing the hours worked by the existing staff will not remedy these issues. In addition, prior to the retirements my staff would sit in on hearings taking notes and would prepare all decrees. Now, I conduct hearings alone and I'm preparing the decrees. That extra work that I've had to take on interferes with my ability perform my normal functions. It is taking me longer to complete matters, issue decrees, et cet. With the retirements, this Court lost 64 hours of staff time per week. Even if the remaining staff returns to work 100% of their regularly scheduled hours, the loss is still 64 hours per week. Increasing the hours of the remaining staff will not change that. It is simply untrue to state that the workload needs of the court may be readily met by increasing existing staff hours. We are functioning. We are functioning at a high level of efficiency, but are nowhere close to meeting the all the workload needs of the court. And what happens if someone is out sick? Or needs a personal day? Or takes a well-deserved vacation? Am I to direct that no one can take a vacation?

You persist in arguing that it is unacceptable to increase staff hours unless they are working 100% of those hours since they will, in effect, be paid for not working 40% of their regularly scheduled time since they are at 60%. First, that is demeaning to them since they are already going above and beyond the 50% requirement imposed by you. Second, a practical solution, then, is to allow me to hire temporary staff. Temporary staff are paid only for hours actually worked. In addition, they receive no benefits whatsoever, such as paid vacation time (Policy 103); paid sick time (Policy 104); paid personal time (Policy 105); paid holidays (Policy 106); paid leave for jury service (Policy 107); paid military leave (Policy 108); family and medical leave (Policy 109); flexible spending and qualified transportation accounts (Policy 117). It would be a great benefit to this Court to be permitted to hire temporary staff, even a temporary court assistant, until such time as I am permitted to replace the retired staff. The budget committee has approved a budget that includes funding for staffing in this Court. I am certainly mindful of the decline in revenue, but you have indicated that there are sufficient funds available in the probate administration fund to cover any shortfall for at least the next year. The hiring of temporary staff will not negatively impact the budget or the probate administration fund any more than if the retired staff had not retired. In fact, as I pointed out in a

previous email, there will be a net gain to the budget in terms of what would have been expended absent the retirees and what would be expended hiring temporary staff.

I am also mindful of your directive on April 29, 2020 imposing a freeze on filling vacancies and the hiring of permanent and temporary staff. However, this is an extraordinary circumstance. Certainly there must be some flexibility to address it. What would be the outcome if another of my staff chose to retire or leave for another job?

Finally, I am asking for some assistance here as opposed to the blanket denial of all my requests. Perhaps you, Lisa Hansen, and the budget committee can brainstorm some way to help this Court. Thank you.

Judge Michael F. Magistrali
Torrington Area Probate Court
140 Main Street
Torrington, CT 06790
District No. 23
Tel: 860-489-2215

From: Streit-Kefalas, Beverly
Sent: Thursday, June 04, 2020 9:02 AM
To: Magistrali, Michael
Cc: Pellegren, Gale; Hansen, Lisa
Subject: RE: staffing

Hello Mike

To confirm our conversation yesterday, you shared that due to the retirements of 2 staff members, you are in desperate need of increased staffing hours. You reported that although your Chief Clerk is working in the Court all of her regularly scheduled hours, that the remaining 2 staff members are working only 60% of their regularly scheduled hours. As such, under the current Emergency Compensation Plan, they are being paid not only for the hours worked but also for the remaining 40% of their regularly scheduled even though they are not working.

As we discussed, the Emergency Compensation Plans were approved by the Budget Committee for essentially two purposes: to protect each employee's physical health when social distancing measures could not be achieved in the Court and to protect each employee's fiscal health by ensuring that they would not suffer a loss in income due to these health measures. It is my understanding that there are no health concerns in having your staff working more hours to meet the workload needs of the Court.

Under the current Emergency Compensation Plan, if there was an increase in the regularly scheduled hours as requested and the percentage of hours actually worked did not increase, in essence your request would result in increased compensation to the staff member for *not* working. As you are aware, the probate fee revenue has significantly declined during this public health emergency and cost-saving measures remain of paramount concern. Given all of these circumstances, it appears that the workload needs of the court may be readily met by increasing the hours worked in the court up to their regularly scheduled hours. Accordingly, your request to increase the regularly scheduled hours of Michelle Considine from 37.5 hours per week to 40 hours per week and Yuberkis Batista from 34.5 hours per week to 40 hours per week is deferred. Your request may be reconsidered when all regularly scheduled hours of your staff are hours worked in the Probate Court and the workload needs of the Court remain unmet.

Thank you.

With warm regards,

Beverly

Hon. Beverly K. Streit-Kefalas
Probate Court Administrator
186 Newington Road
West Hartford, CT 06110
Tel. (860)231-2442
Fax. (860)231-1055
Cell. (860)508-0955

Milford-Orange Probate Court
Probate District No. 40
70 West River St., Milford, CT 06460
(203)783-3205

This message, together with any documents, is intended only for the use of the individual or entity to which it is addressed. It may contain information that is confidential and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination or copying of this message or any referenced document is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message and its contents, from your computer. Thank you.

From: Magistrali, Michael
Sent: Monday, June 1, 2020 10:17 AM
To: Streit-Kefalas, Beverly
Cc: Pellegren, Gale; Hansen, Lisa
Subject: staffing

Judge Beverly: I am writing to request authority to increase the hours of Michelle Considine from 37.5 hours per week to 40 hours per week and Yuberkis Batista from 34.5 hours per week to 40 hours per week. As you are well aware, the Court recently lost an assistant clerk and a clerk to retirement. You had suggested increasing the hours of the remaining staff. With this change the Torrington Court will still be within its staffing benchmark. I am requesting that this change take effect immediately. Thank you.

Judge Michael F. Magistrali
Torrington Area Probate Court
140 Main Street
Torrington, CT 06790
District No. 23
Tel: 860-489-2215

From: [Streit-Kefalas, Beverly](#)
To: [Anthony, Fred](#); [Wright, Philip](#)
Subject: RE: Correspondence sent 05/26/2020
Date: Monday, June 8, 2020 3:16:00 PM

Dear Probate Court Budget Committee members:

This email is in response to the correspondence to the committee by Judge Anthony sent May 26, 2020 at 2:30 p.m. in which he raises the issue whether the Probate Court Administrator is authorized to unilaterally issue a hiring freeze. An analysis of the relevant statutes, regulations and policies affirms the Administrator's authority to manage the Probate Court Administration Fund and take the necessary action to preserve and protect the financial viability of the Probate Court system.

In 1967, the legislature established the Office of the Probate Court Administrator, empowering the administrator to "attend to any and all matters which he deems necessary for the efficient operation of the courts and for the expeditious dispatch and proper conduct of the business of the Courts". C.G.S. section 45a-77(a). At the same time, the legislature established the Probate Court Administration Fund. While the state treasurer holds and invests the fund, the administrator was given authority to approve payments from the fund. C.G.S. section 45a-82(c).

As financial obligations of the system steadily outpaced revenue, the Probate Court Administration Fund declined dramatically and by 2009 the Probate Court system was faced with impending insolvency. The legislature enacted sweeping reform of the Probate Court system to address the financial challenges confronting the system by centralizing the finances under the Probate Court Administrator and establishing a budget committee to ensure uniformity and improve efficiencies.

Under C.G.S. section 45a-85, the Budget Committee is charged with establishing, in accordance with regulations under C.G.S. section 45a-77, (1) A compensation plan, which plan shall include employee benefits for the employees of the Probate Court, (2) staffing levels for each Probate Court and (3) an office budget for each Probate Court. The compensation plan, staffing levels and office budget must be established within expenditures and anticipated available funds.

The authority of the Budget Committee is expressly provided by C.G.S. section 45a-85. Section 45a-85 does not grant authority to the Budget Committee to issue a hiring freeze nor otherwise manage the funds in the Probate Court Administration Fund.

PCA Regulation 28 identifies the elements of the compensation and employee benefit plan to include: job titles, descriptions and minimum qualifications, compensation ranges, permitted periodic adjustments within the ranges and an employee benefit plan. Authorized staffing levels may include job titles, number of staff positions within the job title, and temporary and contract positions. Regulation 28 does not expand the scope of the Budget Committee's authority.

PCA Policy 301 specifically contemplates the Administrator's authority to issue a hiring freeze. The policy provides that "[a] hiring freeze supersedes staffing levels". This language makes clear that the staffing levels in the purview of the Budget Committee would be superseded or replaced by a hiring freeze. Such language would be superfluous if the Budget Committee had both the authority

to freeze new hires concomitant with the authority to set staffing levels.

While the Budget Committee has the authority to establish a comprehensive compensation and benefits plan for the court employees, the Probate Court Administrator has the duty and authority to administer the plan within the available funds. A hiring freeze does not change staffing levels set by the Budget Committee but enables the Probate Court Administrator to manage the Fund by curtailing expenses in exigent circumstances.

The exercise of the Administrator's authority was demonstrated in June of 2015, when the Probate Court system was once again confronted with a budget shortfall. The Probate Court Administrator informed the committee that PCA required advance approval before a court could fill any staff vacancy. The administrator also notified the Budget Committee that temporary staffing authorization would be limited to emergency and urgent needs. The actions of the Probate Court Administrator were necessary for the efficient operation of the courts and to maintain fiscal viability of the Probate Court system.

On April 29, 2020, as Administrator, I sent an email to all judges and chief clerks notifying them of a hiring freeze. I determined that this action, while extraordinary, is necessary in these extraordinary times given the severe impact of the current pandemic and declaration of a public health emergency on the fiscal health of the Probate Court system. Hiring additional staff under an emergency compensation plan, which provides for full compensation and benefits for all court employees despite limited hours worked, is not fiscally prudent and cannot be justified, given the dramatic decline in Probate Court revenues and the uncertainty of the state budget for the next fiscal year. The management of the Probate Court Administration Fund, including the administration of the compensation and benefits plan within available funds, is the paramount responsibility and duty of the Probate Court Administrator to ensure the fiscal health and future of our Probate Court system.

Beverly K. Streit-Kefalas

Hon. Beverly K. Streit-Kefalas
Probate Court Administrator
186 Newington Road
West Hartford, CT 06110
Tel. (860)231-2442
Fax. (860)231-1055
Cell. (860)508-0955

From: Anthony, Fred
Sent: Tuesday, May 26, 2020 2:31 PM
To: Streit-Kefalas, Beverly
Cc: Wright, Philip
Subject:

Judge Streit-Kefalas,

I am in receipt of your email dated May 21, 2020 4:25 p.m. As I was out of the office on May 22, 2020, I apologize for the delay in my response.

It is my understanding that the issue raised by Judge Magistrali has been resolved after discussion with Judge Streit-Kefalas. I have reviewed the rationale of that matter and I concur with the result.

However, in your email you state "I issued the hiring freeze." Although we had a brief opportunity to discuss this issue, I believe it is necessary to respond in furtherance of our discussion.

Please note that I do not disagree with the need to consider measures to address potential budget shortfalls and threatened funding. Such measures may include changes to the staffing levels of the courts. However, in reviewing PCA policy 301, Probate Regulation 28, C.G.S. section 45a-77 and C.G.S. section 45a-85, I note no authority for the Administrator to take unilateral action.

As stated above, I agree with the conclusions of the Probate Court Administrator as applied to the issue at hand. The matter was never raised before the budget committee. However, I must state that I am unaware of any authority for the Probate Court Administrator to issue a "hiring freeze."

I would be happy to discuss further if you wish.

Fred J. Anthony

Hon. Fred J. Anthony

Judge of Probate

State of Connecticut

District of Shelton #42

40 White Street

P.O. 127

Shelton, CT 06484

From: [Anthony, Fred](#)
To: [Streit-Kefalas, Beverly](#)
Cc: [Wright, Phillip](#)
Subject: Budget Committee June 10, 2020
Date: Wednesday, June 10, 2020 9:44:38 AM

Judge Streit-Kefalas

I feel it is appropriate that I provide additional information regarding my previous email. I appreciate you taking the time to review statute and policy to address the issue of a “ hiring freeze.” As stated in my prior email, I do not disagree with the need to consider measures to address potential budget shortfalls. I have received no specific financial reports or projections which specifically delineate the same, but appreciate the concern. As an elected member of the budget committee, I would welcome the opportunity to review the same. Hopefully, we will experience “ delayed” income rather than lost income.

The specific issue which I believe is in question, is who may properly make such decisions which impact the individual courts and their employees. I have reviewed several of the policies that have been referenced in prior emails and include pertinent portions of the same. I have added emphasis in certain provisions.

Probate Courts are courts of limited jurisdiction, commonly referred to as statutory courts. CGS 45a-77(a) established the Probate Administrator position and the Probate Court Administration fund in 1967. At that time, and for a considerable period of time prior (and after) each court retained the authority to provide for staffing and compensation in their respective courts. These expenditures were made from the individual courts, not from the Probate Administration fund. Certainly the grant of authority in 1967 did not provide for or contemplate for the Probate Administrator to have authority over employment issues, those were reserved to the individual judges.

Subsequently, CGS. 45a-85 established the Probate Court Budget Committee and vested it with authority for compensation, staffing, and office budgets. Authority for those matters were specifically delegated to a committee, not any one individual. The committee was to be comprised of the Administrator and two elected judges.

Section 28 Probate Court Regulations

Probate Court regulations are adopted pursuant to a process which incorporates the approval of the Executive Committee of the Probate Assembly and the Judiciary Committee. Section 28 is entitled “ Probate Court Budget Committee and the Budget Process” .

Probate Court Regulation 28.9 states in pertinent part:

- (a) Subject to the provisions of CGS section 45a-84, the *Probate Court Budget Committee* shall

establish:

- (1) A compensation and employee benefits plan for employees of the Probate Courts,
 - (2) A staffing level for each Probate Court, and,
 - (3) An annual office budget for each Probate Court.
- (b) The *Probate Court Budget Committee* may establish guidelines to implement its responsibilities under this section.
- (c) At any time, The *Probate Budget Committee* may modify the compensation and employee benefits plan, the staffing level for any Probate Court, or the office budget for any Probate Court.**

Section 28 of the Regulations does provide certain specific authority for the Administrator, including;

- Establish the Budget Committee – 28.2
- Prepare an agenda for each meeting – 28.5
- Give notice of the meeting, post notice of the meeting and send a copy to each court - 28.6
- Post notices of meetings and minutes of meetings on the website of the Probate Court Admin - 28.8
- Prepare a budget for the next succeeding year - 28.15
- Submit a proposed budget by April 1 to the Executive Committee - 28.15
- Transmit the proposed final budget to the Chief Court Admin - 28.16

I note that 28.16 specifically states that

- (a) **“ Each probate judge shall administer the activities of the court to which judge is elected and execute the office budget and, compensation and benefits plan, and staffing level established by the Probate Court Budget Committee for the court. Each judge shall be responsible for hiring and supervising employees of the court in accordance with the compensation and benefits plan and staffing level.”**

POLICY 201

PCA Policy manual section 201 “Staffing Levels and Position Classifications” states

“ *The Probate Court Budget Committee* establishes staffing levels for each court, including the allocation of staff amongst position classification. Staffing levels are established within the anticipated available funds in the annual budget.”

Of particular note, this policy specifically indicates that it is the Budget Committee which is to consider available funds and staffing levels. This policy provides no specific authority for the Probate Court Administrator to take action.

This policy also addresses adjustments which may arise

“ The budget committee is authorized to consider adjustments to staffing levels during the course of the year to address unforeseen circumstances.”

This policy provision specifically provides the Probate Budget Committee the authority to address “adjustments” due to “unforeseen circumstances.” This would certainly appear to include an “adjustment” such as a “hiring freeze”, during an “unforeseen” circumstance such as a health crisis.

POLICY 301

PCA Policy Manual section 301 states

“ A judge may, in consultation with PCA, hire a new employee to fill a vacant position that is authorized under the court’s benchmark staffing level.

Later that same policy states “ The authority to fill a vacant position may be suspended by a hiring freeze. A hiring freeze supersedes authorized staffing levels. “

There is no indication that the Probate Court Administrator is authorized to implement such a “ hiring freeze”. I see no language in this policy that authorizes any specific action by the Probate Court Administrator in Policy 301. I would certainly take the position that it is the budget committee who has the power to supersede previously adopted staffing levels as Policy 301 reserves the right to make adjustments to the Budget Committee.

This section also specifically empowers the individual judges to take measures to properly staff their court.

Under the heading “General Information” it states;

“ A judge has the authority to hire new employees to fill vacant positions. Before initiating the process to fill a vacancy, the judge shall contact PCA to review applicable policies and procedures and determine the most cost effective use of available hours. Judges should fill vacancies with full-time employees whenever possible. The following budget committee policies govern the authority to fill a vacancy.

Note the five paragraphs which follow indicate the policies set forth by the budget committee must be followed, including staffing levels, qualifications, compensation and work schedule. The only further mention of “PCA” is that a judge may, “after consultation with PCA” hire an individual who previously worked for a Probate Court at a prior rate of pay. There is no requirement for approval. The policy states that it is the policies of the budget committee which govern implementation.

Policy 202

PCA Policy Manual section 202 “Temporary Staffing” states

The Probate Court Budget Committee authorizes staffing levels for each court. *Courts may hire temporary staff without approval if the courts benchmark staffing level is not exceeded.* The budget committee must give advance approval for a temporary need exceeding authorized benchmark staffing levels. I am unaware of any provision in this section which grants the

Administrator or Probate Administration the ability to approve or “ veto” such action by a judge. Such policy states, approval is only necessary if the request exceeds benchmark staffing

In closing, I have personally witnessed increased modernization, professionalism and efficiency in the probate courts over the past 26 years. Such advancements have been accomplished through significant effort, cooperation and collaboration of the Judges and the Administrator’s office. I look forward to continuing those efforts in the future.

Fred J Anthony

Hon. Fred J. Anthony

Judge of Probate

State of Connecticut

District of Shelton #42

40 White Street

P.O. 127

Shelton, CT 06484

**EMERGENCY COMPENSATION PLAN
FOR PAY PERIOD ENDING JUNE 26, 2020**

Due to the declarations of public health and civil preparedness emergencies, the Probate Court Budget Committee authorizes an Emergency Compensation Plan for the pay period ending June 26, 2020. After this pay period, there shall no longer be an emergency compensation plan and court staff members shall receive compensation as set forth under the PCA Policy Manual Staff Compensation and Benefits provisions.

GENERAL INFORMATION

Court staff members, other than temporary employees and rehired retirees, who work in the Probate Court at least seventy-five (75%) percent of their regularly scheduled hours during the pay period will be compensated for the balance of their regularly scheduled hours under the C19 Facility compensation code.

Court staff members, other than temporary employees and rehired retirees, who do not work in the Probate Court at least seventy-five (75%) percent of their regularly scheduled hours during the pay period are not eligible for the C19 Facility compensation. Such court staff members will be compensated for actual time worked in the Probate Court and may use available personal time and vacation time for the balance of their regularly scheduled hours, with the advance approval of the judge. COVID-19 Personal Time cannot be used during this pay period.

Court staff will continue to have uninterrupted health insurance coverage.

Court staff members may be eligible for leave as provided in Policy 903 and/or under the Families First Coronavirus Response Act (FFCRA).

Temporary employees and rehired retirees will be paid for actual hours worked in the Probate Court.

PROCEDURES

For this pay period, both non-work hours and actual hours worked in the Probate Court (equivalent to regularly scheduled hours) must be entered in the payroll time and attendance reporting system for both non-exempt and exempt employees. Non-exempt and exempt employees are defined in Policy 102. Note that this is a change in the usual procedure for exempt employees.

From: [Magistrali, Michael](#)
To: [Streit-Kefalas, Beverly](#)
Cc: [Anthony, Fred](#); [Wright, Philip](#)
Subject: RE: staffing
Date: Friday, June 5, 2020 10:40:12 AM

By this email I am requesting that the Budget Committee, at its next meeting, consider a motion to direct the Probate Court Administrator to permit the hiring of temporary staff for the Torrington Probate Court. As I believe the committee is aware from previous emails to the Administrator that were cc'd to the other members of the budget committee, a clerk and an assistant clerk of the Torrington Area Probate Court recently retired, leaving the Court short-staffed. The court is in need of temporary staffing in order to continue to operate efficiently. I also request permission to address this request at the budget committee meeting. Thank you.

Judge Michael F. Magistrali
Torrington Area Probate Court
140 Main Street
Torrington, CT 06790
District No. 23
Tel: 860-489-2215

From: Streit-Kefalas, Beverly
Sent: Thursday, June 04, 2020 9:02 AM
To: Magistrali, Michael
Cc: Pellegren, Gale; Hansen, Lisa
Subject: RE: staffing

Hello Mike

To confirm our conversation yesterday, you shared that due to the retirements of 2 staff members, you are in desperate need of increased staffing hours. You reported that although your Chief Clerk is working in the Court all of her regularly scheduled hours, that the remaining 2 staff members are working only 60% of their regularly scheduled hours. As such, under the current Emergency Compensation Plan, they are being paid not only for the hours worked but also for the remaining 40% of their regularly scheduled even though they are not working.

As we discussed, the Emergency Compensation Plans were approved by the Budget Committee for essentially two purposes: to protect each employee's physical health when social distancing measures could not be achieved in the Court and to protect each employee's fiscal health by ensuring that they would not suffer a loss in income due to these health measures. It is my understanding that there are no health concerns in having your staff working more hours to meet the workload needs of the Court.

Under the current Emergency Compensation Plan, if there was an increase in the regularly scheduled hours as requested and the percentage of hours actually worked did not increase, in essence your request would result in increased compensation to the staff member for *not* working. As you are aware, the probate fee revenue has significantly declined during this public health emergency and cost-saving measures remain of paramount concern. Given all of these circumstances, it appears that the workload needs of the court may be readily met by increasing the hours worked in the court up to their regularly scheduled hours. Accordingly, your request to increase the regularly scheduled hours of Michelle Considine from 37.5 hours

per week to 40 hours per week and Yuberkis Batista from 34.5 hours per week to 40 hours per week is deferred. Your request may be reconsidered when all regularly scheduled hours of your staff are hours worked in the Probate Court and the workload needs of the Court remain unmet.

Thank you.

With warm regards,

Beverly

Hon. Beverly K. Streit-Kefalas
Probate Court Administrator
186 Newington Road
West Hartford, CT 06110
Tel. (860)231-2442
Fax. (860)231-1055
Cell. (860)508-0955

Milford-Orange Probate Court
Probate District No. 40
70 West River St., Milford, CT 06460
(203)783-3205

This message, together with any documents, is intended only for the use of the individual or entity to which it is addressed. It may contain information that is confidential and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination or copying of this message or any referenced document is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message and its contents, from your computer. Thank you.

From: Magistrali, Michael
Sent: Monday, June 1, 2020 10:17 AM
To: Streit-Kefalas, Beverly
Cc: Pellegren, Gale; Hansen, Lisa
Subject: staffing

Judge Beverly: I am writing to request authority to increase the hours of Michelle Considine from 37.5 hours per week to 40 hours per week and Yuberkis Batista from 34.5 hours per week to 40 hours per week. As you are well aware, the Court recently lost an assistant clerk and a clerk to retirement. You had suggested increasing the hours of the remaining staff. With this change the Torrington Court will still be within its staffing benchmark. I am requesting that this change take effect immediately. Thank you.

Judge Michael F. Magistrali
Torrington Area Probate Court
140 Main Street
Torrington, CT 06790
District No. 23
Tel: 860-489-2215