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The Virginia Circuit Court
Personnel System Study

Executive Summary

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Ernest H. Short
& Associates, Inc.

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THE VIRGINIA CIRCUIT COURT
PERSONNEL SYSTEM STUDY

Project Coordinator: Catherine Wiedemer
Director of Personnel
Office of Executive Secretary

Robert N. Baldwin
Executive Secretary of the
Supreme Court

Project Staff

Ernest H. Short Project Director
Dan M. McDaniel Project Manager
Charles F. Doolittle Senior Research
Associate
Christina P. Clark Research Assistant
Fiona Humphrey Research Assistant

Consultants:

H.R. Ackerman
David Island, Ph.D.

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National Institute of Justice

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PREFACE

The Virginia Circuit Court Personnel System Study addressed several areas pertinent to the development of personnel administration in the Circuit Court system. The primary product emerging from this study effort is the Final Report: A Proposed Personnel System for the Virginia Circuit Courts. Other products of the study are:

- Conceptual Design for A System of Circuit Administrators in Virginia
- Personnel Manager's Handbook: A Self Directed Course on Interpersonal Skills as a Supervisor with an Introduction to Basic Elements of Courts Personnel Administration
- Records Management System Specifications (for the Office of the Executive Secretary Personnel Division)

The Study also produced memoranda to the Personnel Division of the Office of the Executive Secretary reviewing the District Courts personnel policies manual and operations of the Personnel Division office. As part of the Final Report the project also developed staffing decision criteria and implementation legislation for a Circuit Court personnel system.

Initiated by the Virginia Supreme Court, the Virginia Circuit Court Personnel System Study was supported by the Law Enforcement Assistance Administration of the U.S. Department of Justice and conducted in conjunction with Ernest H. Short and Associates, Inc. This Executive Summary is a synopsis of the findings and recommendations contained in the Final Report. It is intended primarily to acquaint the reader with the major aspects of the proposed personnel system--the classification plan, and compensation plan. These plans represent a major proposal for advancing personnel administration in Virginia's Circuit Court system and, if implemented, should provide numerous benefits to both the members of the Circuit Court system and the people of Virginia.

I. INTRODUCTION

The Virginia Circuit Court Personnel System Study was initiated by the Supreme Court and the Office of the Executive Secretary to address a priority item on the agenda of Virginia court system organizational development. The study's primary objective was to research numerous aspects of Circuit Court personnel administration and generate detailed recommendations for system improvement.

This executive summary speaks to the major issues associated with the creation of a personnel system linking the Circuit Court Clerk's Offices directly to statewide administration of the Virginia judicial system. A classification system and associated compensation plan comprise the cornerstones of the personnel system proposed in the final report of the personnel system study: A Proposed Personnel System for the Virginia Circuit Courts. The implementation of these plans would complete the process of initiating a statewide administrative mechanism for all levels of the Virginia court system, the ultimate purpose of which is to enhance the delivery of judicial services to the people of Virginia.

The products of the Virginia Circuit Court Personnel System Study resulted from an intense field effort during which 80 Circuit Court Clerk's Offices were visited in person, with the remaining offices asked to participate by mail survey. Of the 80 offices visited, twelve were designated as "intensive site visits" in which interviews were conducted with representatives of all distinguishable position types in the office. The project operated under the guidance of a Circuit Court Clerk's Advisory

Committee, which contributed directly to the criteria used in developing the proposed classification system.

The Focus of Present Personnel System Proposals

The final report of the study presents a design for a classification and compensation plan for the Virginia Circuit Courts. Although ultimately the system design should encompass positions outside Circuit Clerk's Offices (such as court reporters) and positions now non-existent or extremely rare (such as data processing positions), the system presented focuses on Circuit Court Clerk's Office staff, which constitutes virtually all non-judicial personnel in the system. The primary purpose of the system is to offer the Circuit Courts a personnel administration tool to promote equitable, uniform management of the system's most valuable resource--people.

One premise common to reform efforts and endorsed here is that court systems ought to be self administering and independent from undue influence exercised by other branches of government. For this reason, it is recommended that a statewide classification and compensation plan be adopted for the Circuit Courts to link these courts with the rest of the system. This administrative link will bring the entire court system together for the first time in the State's history, creating an opportunity for unified advancement of judicial system goals. Compensation worthy of the complex and important tasks performed by clerk's office personnel may be realized by the proposed system. Once operational, the system would allow state level staff to play a more constructive service role in personnel administration. Under the new system, localities would retain a high degree of decision-making control while participating in the advantages of a more cohesive statewide system.

Consistent with the premise of fostering an independent self-administering judicial branch in Virginia, it is the position of this report that significant personnel administration responsibilities not be held by agencies outside the judicial system. Therefore, it is recommended that state level personnel administration responsibilities for Virginia Circuit Court Clerk's Offices be removed from the Virginia Compensation Board and placed with the Judicial Council. The Board's authority is statutorily derived; the Virginia Code should be amended to transfer authority to the Judicial Council which would have the statutory authority to administer the system.

One of the major recommendations of the Virginia Court Organization Study pertaining to Circuit Courts is the elimination of the fee system of personnel compensation. This system, whereby Clerks and their staff are paid out of specified fees and commissions (with a statutory maximum for Clerks and a Virginia Compensation Board authorized maximum for staff--plus local supplements) is entirely foreign to modern precepts of public personnel administration. An inherent danger in this type of system is for funding sources--the VCB and the counties--to tie expenditures decision making to revenue levels, thereby simulating within the Circuit Courts a private profit making model of personnel administration. Were it not for the land records, traffic cases, and other fee-generating workload (not commonly handled by courts of general jurisdiction in other states) the Circuit Courts would generate only a fraction of their operating cost by fee revenues. As it is, the system in most counties "pays for itself", perpetuating this unhealthy connection between revenues and expenditures. A major attribute of the personnel system herein proposed is the elimination of the fee system of compensation. Clerks and their staff should be paid by salary out of the State general fund. Appropriations for personnel expenditures should be based solely on the staffing needs of each office.

The system envisioned by this study represents an upgrading in the State's commitment to Circuit Court administrative support. When compared to the District Court compensation plan, to similar positions in other states, and to comparable positions in state and local government in Virginia, it is clear that Clerk's employees are underpaid. Whatever the reason for the all too common inadequacy of pay, the salary levels recommended in this report represent a significant increase for many Circuit Court Clerk's Office positions. The increases are seen as absolutely necessary to the successful recruitment and retention of qualified staff, as well as to the establishment of a salary plan conforming to the worth of duties performed by Circuit Court Clerk's Office personnel.

The remainder of this Executive Summary presents a synopsis of the elements of the proposed classification and compensation system design, a discussion of financial implications of the proposed systems, and a summary of implementation considerations. The attributes of the proposed system conform with the major premises outlined above and represent a cohesive plan for improvement in the Virginia Circuit Courts personnel administration.

II. A PROPOSED CLASSIFICATION AND COMPENSATION PLAN

A. Purpose of Classification and Compensation Plan

The analysis of Circuit Court personnel administration conducted in the final report identifies three major apparent problems: 1) the lack of an administrative link among Clerk's offices and with the rest of the judicial system; 2) the fee method of compensation, and 3) low salaries of clerk's employees. The Circuit Court Personnel System Study focuses on a classification and compensation plan for the Circuit Court system because these administrative tools are the most effective mechanism possible by which to rectify apparent problems. The proposed plans emerge from and are designed for the Circuit Clerk's offices. At the same time, they are similar in nature to the District Courts plans and would be administered by the Office of the Executive Secretary (as ex-officio secretary to the Judicial Council) as are those plans. A primary feature of the proposal is the placement of all Circuit Clerks and their employees on a salary system, eliminating fee based compensation. The recommended salary levels for clerk's employees are substantially higher than existing levels and are in better conformance with salaries of comparable positions in other job markets.

A primary purpose of any classification and compensation plan is to ensure equal pay for equal work, a principal that pervades public personnel administration. The Circuit Court proposed plans institute comparability with similar positions outside the system as well as equitability within the system. Equitability within the system is achieved by objective rating of the work performed--task complexity, required education and experience, broadness of duties, relative structure of operating

instructions, supervisory responsibility, and impact on office operations. The rating process results in an ascribed amount of classification points, which in turn are tied to a salary plan with a minimum and maximum for each point level. Equitability with comparable positions outside the system is achieved by assigning job classes to appropriate levels in the salary plan.

As explained in the body of the report, the proposed system contains a high degree of flexibility in the classification process and is not intended to prescribe position organization in individual offices or otherwise encroach upon local management discretion. There are many different kinds of position descriptions which fit any job class, and in fact, a position may be classified as a combination of available job classes (e.g. Deputy Clerk/Account Clerk). The compensation plan recognizes regional cost of living differences. Overall, the proposed plans constitute a flexible and systematic administrative tool designed specifically for the Circuit Court system.

Classification is often described as the "building block" of any personnel system. Besides its role in balancing salary levels, a classification system provides management information for numerous purposes. Under uniform classification, the system as a whole may be described in consistent fashion, and other elements of personnel administration may evolve using the classification system--recruitment, performance evaluation, systems analysis, training, and resource planning. Enhanced personnel administrative practices will become more available to all localities once the system is in place, just as those localities now using a classification system are able to enhance personnel administration in their offices as a result of the system.

B. Designing the Classification System

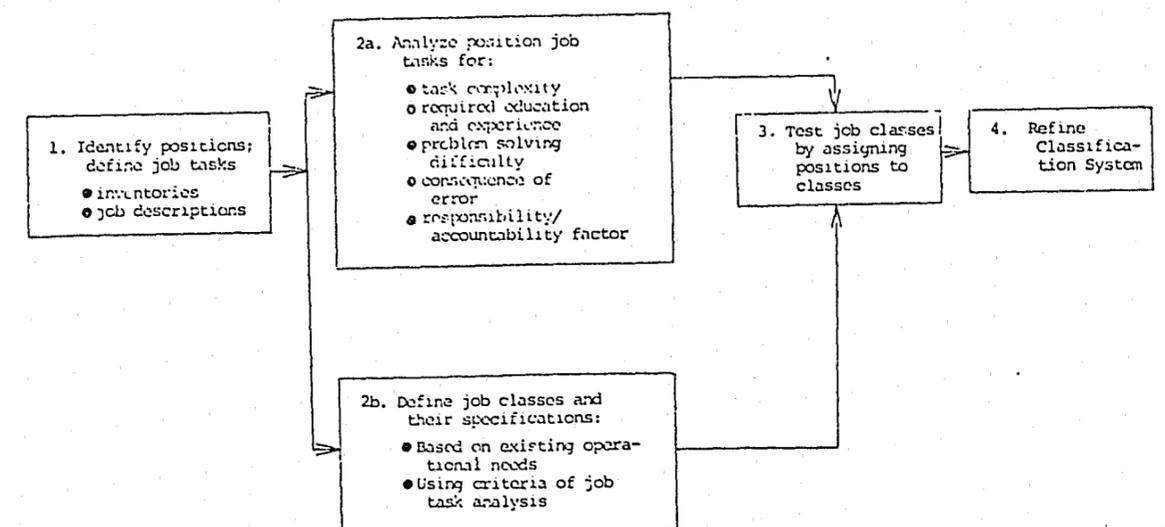
The objective in designing a classification system is to establish a set of classes into which individual positions of varying composition but equal "worth" may be placed. Positions

are measured by a review of their numerous dimensions--task complexity, supervisory responsibility, and others. The specifications of the established classes are based upon the patterns of position types within the existing system. In this manner, the classes and class series in the plan emerge from and are in turn applicable to the types of positions presently and potentially in the system.

As depicted in Figure 1, the first step in designing the classification system is to identify existing positions and job tasks upon which tentative classes may be drafted. Job class definition is based upon knowledge derived from extensive research on position organization during project data collection. In twelve of the approximately eighty courts visited, project staff interviewed each distinguishable position type, and about sixty offices provided position description data useful for the purpose of establishing tentative job classes.

FIGURE 1

CLASSIFICATION SYSTEM DEVELOPMENT: GENERAL MODEL



For the remaining clerk's offices, position description data was limited to an inventory list on Compensation Board personnel authorization letters.

Conducted simultaneously to definition of tentative job classes is the development of an approach to critiquing individual positions for classification purposes. The approach used in this system is a class dimension point system. This approach uses a three factor rating system, each factor derived from two job dimensions set on a matrix. A KNOWLEDGE FACTOR is derived from a chart measuring Broadness of Duties and Required Education and Experience. A KNOWLEDGE APPLICATION FACTOR is derived from a chart measuring Task Complexity and Available Solutions. An ACCOUNTABILITY FACTOR is derived from a chart measuring Supervisory Responsibility and Impact on Operations. For each of the six job dimensions, clearly articulated criteria are established to guide determination of each position's points earned on the rating scale. The three rating factors or points are added together to obtain a classification point rating for any given position. For reference purposes, the rating charts and criteria also are reproduced here in Figures 2A, B, and C.

The process described above results in use of established tentative job classes, with immediate refinement of the system resulting from this application process. In testing and refining the system by initial classification of employees, one other reference aid is required--guidelines for evaluating positions and rating them according to the dimensions defined in the system. These guidelines were obtained from the Clerk's Advisory Committee for the personnel study. To supplement the knowledge obtained during the site visit data collection, the members of the committee were asked to evaluate a comprehensive list of procedures performed in Clerk's offices.

FIGURE 2 A

POSITION CLASSIFICATION RATING CHART 1: KNOWLEDGE FACTOR				
<u>Breadness of Duties (Across Functional Areas)</u>				
	Limited	Related	Diverse	Comprehensive
Min. Educ. Min. Exp.	20	40	60	80
Min. Educ. Mod. Exp. OR Mod. Educ. Min. Exp.	40	60	80	100
Mod. Educ. Mod. Exp. OR Min. Educ. Subst. Exp. OR Subst. Educ. Min. Exp.	60	80	100	120
Mod. Educ. Subst. Exp. OR Subst. Educ. Mod. Exp.	80	100	120	140
Subst. Educ. Subst. Exp.	100	120	140	160

FIGURE 2A Cont'd.

KNOWLEDGE FACTOR: DIMENSION DEFINITIONS

Breadness of Duties

- Limited: Works primarily in one functional area within the Circuit Clerk's Office with occasional duties in a limited number of other areas, usually as a back-up or substitute.
- Related: Works primarily in one or a few functional areas with regular but limited duties in other areas.
- Diverse: Has primary responsibility in more than one functional area with regular, substantive duties in other areas as well. Responsible for limited managerial duties.
- Comprehensive: Has primary operational or managerial responsibilities in several functional areas; works at least occasionally in virtually all areas. Has responsibility for substantial managerial duties.

Education and Experience

- Minimal Education: High School diploma or less.
- Moderate Education: Two to four years of post-secondary education.
- Substantial Education: At least four years of post-secondary education with subsequent supplemental educational activity, or graduate level education.
- Minimal Experience: 0-2 years experience related to job tasks, or 0-4 of generally applicable experience indirectly related to job tasks.
- Moderate Experience: 2-4 years experience related to job tasks, or 4-6 years of generally applicable experience indirectly related to job tasks.
- Substantial Experience: Over 4 years related experience or Over 6 years of generally applicable experience indirectly related to job tasks.

FIGURE 2B

POSITION CLASSIFICATION RATING CHART 2:

KNOWLEDGE APPLICATION FACTOR

Task Complexity

	Repetitive	Patterned	Variable	Intricate	Creative
Strict Routine	20	40	60	80	100
Semi-Routine	40	60	80	100	120
Standardized	60	80	100	120	140
Clearly Defined	80	100	120	140	160
Broadly Defined	100	120	140	160	180
Abstractly Defined	120	140	160	180	200

Available Solutions

FIGURE 2B Cont'd.

KNOWLEDGE APPLICATION FACTOR: DIMENSION DEFINITIONS

Task Complexity

- Repetitive: Job tasks are relatively simple and identical in nature yielding few problem solving challenges.
- Patterned: Job tasks are relatively simple, moderately varied in nature, and present a limited number of problem solving challenges, many of which are on a recurring basis.
- Variable: Job tasks are of differing degrees of complexity presenting a variety of problem solving challenges, only some of which are on a recurring basis.
- Intricate: Job tasks are consistently complex in nature, presenting a wide variety of problem solving challenges, few of which are on a recurring basis.
- Creative: Job tasks are highly diverse and consistently complex presenting a wide variety of problem solving challenges many of which are non-recurring.

Available Solutions

- Strict routine: Task completion and problem solving entail simple rules and defined instructions for action.
- Semi-routine: Task completion and problem solving entail somewhat diversified procedures and readily applicable precedents to action.
- Standardized: Task completion and problem solving entail diversified procedures and specified general standards for action.
- Clearly Defined: Task completion and problem solving entail undefined procedures and precedents but specifically delineated policies and principles for action.
- Broadly Defined: Task completion and problem solving entail generally specified policies and principles for action.
- Abstractly Defined: Task completion and problem solving entail generally undefined policies and principles for action, creativity in devising solution approaches and skilled research to determine appropriate alternatives.

FIGURE 2C

POSITION CLASSIFICATION RATING CHART 3:

ACCOUNTABILITY FACTOR

Supervisory Responsibility

	None	Minimal	Moderate	Substantial	Maximal
Minimal	20	40	60	80	100
Moderate	40	60	80	100	120
Substantial	60	80	100	120	140
Maximal	80	100	120	140	160

Impact on Operations
(Consequence of Error)

FIGURE 2C Cont'd.

ACCOUNTABILITY FACTOR: DIMENSION DEFINITIONS

Supervisory Responsibility

- None: No supervisory responsibilities.
- Minimal: No formal supervisory responsibility but substantial guidance to subordinate positions. Performed under direction of supervisor.
- Moderate: Formal supervisory responsibility for 1-5 positions. May work under direction of higher level supervisor.
- Substantial: Formal supervisory responsibility for 6-12 positions. May work under direction of higher level supervisor.
- Maximal: Formal supervisory responsibility for more than 12 positions. Generally is highest supervisory position.

Impact on Operations

- Minimal: Low consequence of error, much review of work output by supervisor or others.
- Moderate: Some consequence of error with little review of work output, or substantial consequence of error with much review of work output by supervisor or others.
- Substantial: Considerable consequence of error, generally with some review of work output by supervisor or others.
- Maximal: Great consequence of error with little or no review of work output by supervisor or others.

A multitude of procedures in nine different areas of clerk's office operations were submitted to the committee for analysis. The clerks rated each procedure for degree of difficulty; consequence of error; required knowledge, ability, and skill; and whether the procedure is preferably performed by an entry level, mid-level, or experienced clerk. The ratings of the clerks may then be quantitatively connected with the rating system using pre-determined criteria. For example, a 0-2 clerk's rating for a particular procedure's task complexity (degree of difficulty) is a guideline to rate procedures of this nature in the "Repetitive" zone of the task complexity dimension in the KNOWLEDGE APPLICATION rating chart. The committee's feedback was invaluable in offering a structured appraisal of position duties and responsibilities.

C. Class Specifications for Circuit Court Support Staff

The process of developing and refining the classification methodology produced a refined set of job classes for all support staff positions. The classes viewed as needed for the Circuit Court system are as follows (support personnel only). The classification of job classes below does not refer to the Court Clerks. A separate classification system for them will follow later in the proposal.

<u>Class</u>	<u>Class Code</u>
Chief Deputy Clerk I	CDI
Chief Deputy Clerk II	CDII
Deputy Clerk I	DCI
Deputy Clerk II	DCII
Deputy Clerk III	DCIII
Cashier	Csh.
Account Clerk I	ACI
Account Clerk II	ACII
Accountant	Acct.

General Clerk	GC
Clerk Typist I	CTI
Clerk Typist II	CTII
Clerk Typist III	CTIII
Legal Secretary	LS
Executive Secretary	ES
Administrative Assistant	AA
Management Analyst	MA
Microfilm Technician I	MTI
Microfilm Technician II	MTII

To allow maximum flexibility, the system is designed with three levels of Deputy Clerks and two levels of Chief Deputy Clerks. This is not similar to the District Court system, which does not have Chief Deputy Clerk positions. However, by creating the additional positions, the plan allows for future growth of the Clerks offices. Many Circuit Courts may not now require the Chief Deputy positions. As a court grows, and more individuals are needed to assume positions of high level administrative responsibility, the Chief Deputy positions will be needed. The system, then, plans for the future. It does not mean that each court must use any or all of the established classes if positions in that class are not necessary.

Full class specifications for these classes are presented in the final report. Each contains three parts--a definition of the class in terms of job dimensions, examples of work performed, and qualification standards, including required knowledge, abilities, and skills as well as minimally acceptable education and experience levels. Also in the final report is a discussion of how the proposed qualification standards comply with federal Equal Employment Opportunity Standards. In defining job classes in terms of the classification rating process, job classes are directly linked to an objective means of classifying positions and determining the appropriate assignment of salary ranges to classes.

The existing positions in Circuit Court Clerk's Offices should fit into these classifications. Although there are a few positions outside the clerk's office not covered in the above list (e.g. law clerk), these positions could easily be integrated into the system by defining a new class and rating the dimensions of included positions. Many of the positions outside the Clerk's offices, such as judges' secretaries, can be classified into the system as presently designed. As new positions develop (such as data processing staff) these too can be included in the system by simply defining a new job class and rating positions.

A defining feature of each job class is its assignment to a classification point level as shown in Figure 3. These point level assignments are determined by subjecting a hypothetical, typical position of each job type (class) to the classification process to determine the proper classification point worth of the standard or average position in that class.

To illustrate this process, consider the example of General Clerk, which is assigned to a standard of 60 points. Using the rating charts in Figures 2 A, B, and C, the typical position in the General Clerk class would be rated as follows:

Minimum Education, Minimum Experience/ Limited Broadness of Duties	20 points
Repetitive Task Complexity/ Strict Routine re Available Solutions	20 points
No Supervisory Responsibility/ Minimal Impact on Operations	20 points
TOTAL:	60 points

This process was repeated for each job class in the system, resulting in the point level assignments in Figure 3.

FIGURE 3

Assignment of Classes to Classification Points

Classification Points	Deputy Clerk Classes	Financial Positions Class	General Clerical Classes	Management Staff Classes	Specialist Classes
60			GC		
80					MTI
100		Csh			MTII
120			CTI		
140			CTII		
160	DCI		CTIII		
180					
200		ACI	ES		
220					
240					
260	DCII	ACII		AAI	
280					
300				MA	
320		Acct			
340	DCIII				
360					
380					
400	CDI				
420					
440					
460	CDII				
480					
500					
520					

For most of the job classes contained in the system, the rating process appropriately yields a single point value for a typical position. However, for the Deputy Clerk and Chief Deputy Clerk class series, positions within the class possess a highly variable result in the rating process, necessitating a range for each class, the midpoint of which is used as the standard for the class.

D. The Classification Process

After presenting the basic features of the classification system and class specifications, the Virginia Circuit Courts Personnel System final report illustrates their applications. This process has been viewed from two perspectives: 1) initial classification of employees i.e., bringing existing personnel into the system, and 2) ongoing use of the system after full implementation. The decision process addressed stresses objectivity and the need for mutual judgments from both state and local authorities. A detailed example has been included in the main text of the final report to illustrate the step by step approach to the classification process.

E. Compensation Plan for Circuit Clerk's Office Support Staff (Excluding Circuit Clerks)

The classification system recommended for Virginia's Circuit Courts uses points which are tied to salary ranges in a salary plan, thereby directly linking the classification rating process to position salary levels. (For detailed explanation, see Section III E of the final report.) The proposed salary schedule contains a 2.5% increment between steps and 13 steps per range, resulting in a 34.5% difference between the first and thirteenth steps. The 2.5% increment is built into the system to permit maximum flexibility in management discretion regarding salary increases since it is recommended that an employee's progression within the range be based solely on

merit, as opposed to traditional government plans that provide an automatic step increase yearly (usually 5%).

The report also recommends that cost-of-living increases, longevity increases, and regional cost of living differentials be handled separately from the annual merit reviews which decide salary step increases.

Assignment of Classification Points to Ranges

After describing the basic features of the compensation plan and its administration, the final report describes how the classification system is linked to the salary plan. The classification process is a means of evaluating positions and placing them in classes which may be described relative to one another based upon value. Value is expressed as a classification point standard and obviously, the higher the point standard, the higher the assigned range should be.

The classification point system is linked to the salary plan in Figure 4. To determine where on the salary schedule a given point standard (which represents a class or classes) should fall, it is necessary to consider salary levels associated with comparable positions and comparable job markets. The groundwork for this comparative process was laid in Section II of the final report which compares existing salary levels of Circuit Clerk's Office employees to comparable positions in the District Courts, the private sector in Virginia, the executive branch of Virginia's public sector, to court positions in other states having economic indicators similar to Virginia and the federal government court positions.

FIGURE 4

Assignment of Classes to Salary Ranges

Class Points	Range	Salary Range Min.	Salary Range Max.	Deputy Clerk Classes	General Clerical	Finance Classes	Spec. Classes
60	3	7,321	9,846				
80	5	7,692	10,344				MTI
100	7	8,081	10,868			Csh	MTII
120	9	8,490	11,419		CTI		
140	11	8,920	11,997		CTII		
160	13	9,372	12,604	DCI	CTIII		
180	15	9,846	13,242				
200	17	10,344	13,912		ES	ACI	
220	19	10,868	14,617				
240	21	11,419	15,357				
260	23	11,997	16,135	DCII		ACII	AAI
280	25	12,604	16,951				
300	27	13,242	17,809				MA
320	29	13,912	18,710			Acct	
340	31	14,617	19,650	DCIII			
360	34	15,741	21,168				
380	37	16,951	22,795				
400	40	18,254	24,548	CDI			
420	43	19,651	26,436				
440	46	21,168	28,468				
460	49	22,795	30,658	CDII			
480	52	24,548	33,015				
500	55	26,436	35,553				
520	58	28,468	38,287				

Generally, the approach to determining class assignment to salary levels involved determination of appropriate levels for the core class series in the system--Deputy Clerks--and gauging the appropriate placement of other classes according to the relationship of the point standards to deputy clerk point standards. Simultaneously, generic job classes can be compared to comparable positions outside the Circuit Court system to check and adjust the appropriateness of point standard relativity.

F. Classification of Circuit Clerks

Circuit Clerks as a position in the system are categorically distinct from all other positions. They are elected into office and are a prominent component of local government. Each Clerk has the ultimate responsibility for all office functions, most of which are directly prescribed by legislation. The office demands a vast knowledge of Virginia law as well as high management skills. Placing the Circuit Clerk position within the system requires an approach different than used for support personnel.

One way to classify Circuit Clerk positions is to classify the office as a whole, using basic management data such as total fees received, number of supervised staff, caseload, and population of the jurisdiction served. Combining these indicators into a single rating point value permits grouping of clerks offices by rank order. This exercise may be carried out using the chart in Appendix G of the final report. For each office, a relative point value for each indicator is assigned according to its percentage of the total of all offices. The point values are added to derive the office point total. The primary purpose of creating classification groupings for Circuit Clerks Offices is the logical, equitable placement of Clerks in a salary range.

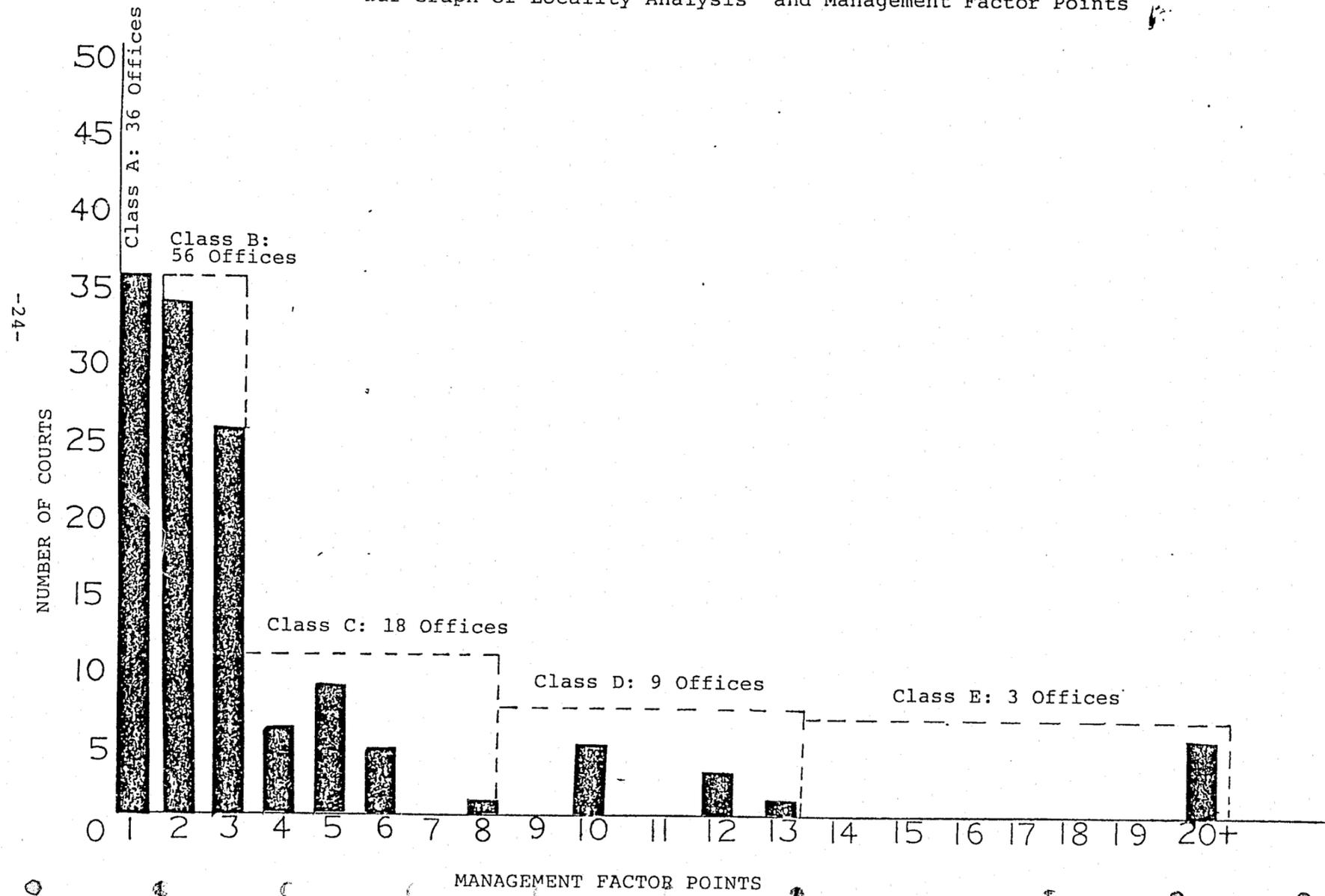
Multiple factors are used to balance biases that may be inherent in a single factor. The measure of fees and commissions received is a comprehensive indicator of workload, reflecting numerous work input units--deeds, marriage licenses, etc. Staff size is an obvious indicator of office size, but because the ratio of present staff size to workload indicators varies within the system, it should not be used alone to determine the categorical placement of the office. Caseload is a valid and necessary indicator of office size and workload demand although it too is imperfect if used alone. Apparently, cases require considerably greater staff time per unit than do workload units measured only by fees, and using only caseload as a categorical indicator would skew results because the ratio of fees to cases varies greatly among the counties. Finally, population is used as a factor because it indicates the size of the "clientele" being served by the Circuit Court Clerk's Office and is related to workload demand in terms of fees, cases, and general service demands such as telephone inquiry response.

Upon computing the management factor points for each office, it is possible to create a bar graph showing the number of offices falling into each point total as done in Figure 5. For example, 36 offices have a management factor point total of 0-1.0, 18 have a total of 1-2.0 and so on. Subsequently, groupings or categories of size may be delineated which logically distributes the resulting ratings.

Five classes were created to account for the wide range of management factor points that exist in the system. While the vast majority of clerks offices have a management factor point range between 0-8.0, 12 Clerks Offices have points in a range from 8.01 to 50.0. To allow for this extremely wide range, five groupings were established. Three groupings divide the large cluster of offices between 0 and 8 management factor points and two groupings divide the 12 larger offices. The five categories are denominated A, B, C, D, and E, from smallest to largest.

FIGURE 5

Bar Graph of Locality Analysis and Management Factor Points



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G. Circuit Court Clerk Compensation Plan

Just as the method of "classifying" Circuit Court Clerks necessarily differs from the support staff classification process, so must the Clerk's compensation plan differ. Clerk's Offices have been categorized into five groupings based upon key management factors. It is logical that these groupings be used as the basis for the compensation plan for Clerks by associating the categories with ascending levels of salary ranges.

This association is carried out in Figure 6. The five classes of Circuit Clerks are each assigned to a range of the salary schedule proposed for the Circuit Court Personnel System. The criteria for selection of an appropriate range included the present income levels of the Clerks and the relationships of the Circuit Clerks position to all other positions in the office.

Obviously, the Circuit Clerk position carries greater responsibility than any other position in the office. Therefore, the salary range located one above the salary range associated with the maximum point total in the classification system for support staff (520 points--one above is Range 56) was selected for the A class Clerks. The maximum of this salary range also approximates the maximum income level of most clerks presently. The highest class Clerks group (Class E) corresponds to the present income of the highest income clerks in the system (\$52,779)--Range 71. The classes in-between are distributed evenly among the available ranges.

Clearly, a merit system step plan for Circuit Clerks would not be functional because the Clerks have no supervisor to evaluate their job performance and allocate step raises accordingly. Consequently the assumption is made that Clerks will improve their job performance over time and should be given step raises at regular intervals, perhaps annually. It is suggested that

FIGURE 6

CIRCUIT COURT CLERK SALARY RANGES

	<u>Number of Offices in Class</u>	<u>Management Factor Points</u>	<u>Salary Range</u>	<u>Min.</u>	<u>Max.</u>
Class A	36	0 - 1.0	59	\$ 29,180	\$39,244
Class B	56	1.01 - 3.0	62	31,424	42,262
Class C	18	3.01 - 8.0	65	33,840	45,512
Class D	9	8.01 - 13.0	68	36,442	49,011
Class E	3	13.01 - 50.0	71	39,244	52,779

FOUR STEP SALARY PLAN FOR CIRCUIT COURT CLERKS

	<u>Range</u>	<u>1</u>	<u>4</u>	<u>8</u>	<u>13</u>
Class A	59	29,180	31,424	34,686	39,244
Class B	62	31,424	33,840	37,353	42,262
Class C	65	33,840	36,442	40,224	45,512
Class D	68	36,442	39,244	43,319	49,011
Class E	71	39,244	42,262	46,650	52,779

newly-elected Clerks receive the Step 1 level in their class. After one year, an increase to step 4 should be given; after an additional time period (one-two years) an increase to step 8 should be given; and after one or two more years, the Clerk would receive the top step in the class.

II. Application of Support Staff Classification and Compensation Plans to Present Personnel

The application of the proposed classification system to current personnel (Clerks and extra help staff not included) is shown in Figure 7. The number of full-time equivalents (FTE's) in each class is broken out in five groupings by size of office. These groupings are the same ones used to categorize offices for the purpose of classifying Clerks and is based upon the key management factor system using fees, caseload, present FTE's and population as grouping factors.

Clearly, most support staff in Circuit Court Clerk's Offices fall somewhere in the Deputy Clerk class series. This reflects the fact that even the many positions in the system having a more generic job title, such as "clerk-typist", are performing deputy clerk type work, even though they are not deputized. More specialized positions are found in the larger offices, as expected. The large number of Deputy Clerks in the system speaks to the fact that the majority of offices are small to medium in size, requiring that all positions in these offices be Deputy Clerks able to perform a wide variety of office functions.

Applying the proposed classification and compensation plans entailed not only classifying positions based upon available data, but also placing individuals in a step of the salary range associated with the resultant class. In this process, and in the ultimate classification process conducted for system implementation, placement of employees in steps will require a delicate balancing of numerous factors. The step placement

FIGURE 7

Application of Proposed Classification System to Current Personnel
(In Full-Time Equivalents)

Number of Offices	A	B	C	D	E	Total
	Very Small	Small	Medium	Large	Very Large	
Chief Deputy Clerk II	--	--	2	7	5	14
Chief Deputy Clerk I	1	3	9	10	8	43½
Deputy Clerk III	11	40	22	31	22	166
Deputy Clerk II	26	84	60	59	26	233
Deputy Clerk I	19	51½	33	46	55	149
Accountant	--	--	½	2	2	3½
Account Clerk II	--	--	--	2	4	6
Account Clerk I	1	--	1	1	6	10½
Deputy Clerk/Accountant	--	3	4	1	--	5
Deputy Clerk/Account Clerk	1	1	1	1	--	8
Management Analyst	--	--	--	--	2	2
Administrative Assistant I	--	--	--	1	1	1
Clerk Typist III	--	½	7	4	4	6
Clerk Typist II	1	2	4	5	1	16
Clerk Typist I	1	5	2	5	2	7½
Other Classes	3	4	1	8	--	24½
TOTAL	46½	122½	199½	126	213	707½

conducted for the initial application of the proposed personnel system attempted to approximate the decision process which likely would ensue during actual system implementation. This exercise was carried out to obtain financial projection information which is as accurate as possible. The step placement took into account the following factors: present salary levels, length of service, and relationships of salary to other positions in the same office.

With respect to the Circuit Clerks themselves, it is advisable to "grandfather" the Clerks into the system based upon their present salary levels. Because existing levels of Clerk's income are adequate and in almost no case would an existing salary be lower than the minimum of the appropriate Clerk's class (A, B, C, D, or E), the grandfathering approach seems most appropriate. In those few instances in which an existing Clerk's salary is lower than the minimum of the appropriate Clerk's class, the Clerk should receive at least the minimum of the new range and possibly step 4 or 8 to reflect length of service.

III. FINANCIAL ANALYSIS

A. Introduction

The implementation of a statewide personnel system for the Circuit Courts inevitably incurs notable implications for financial administration of the system. These implications are of two discernable types: 1) change to the structure of the financial system, i.e. the fund flows and administrative procedures; and 2) change in the ratio of revenues to expenditures. This section examines both these areas.

Financial analyses of system change commonly take the approach of comparing costs to benefits. In costs/benefits analysis, the objective is to establish a quantitative ratio whereby decision makers can gauge the relative merit of proceeding with the proposed change. The difficulty of conducting costs/benefits analysis in areas of public policy and administration is that both benefits and costs are qualitative as well as quantitative. Although quantitative cost benefits can be measured by comparing the revenues/expenditures ratio of existing and proposed systems, qualitative costs and benefits resulting from system change can only be compared in subjective terms.

On the quantitative side, it will be seen that the proposed personnel system will have little effect on the amount of revenues, but a substantial effect on revenues fund flow. Furthermore, there will be changes in the expenditures area both in amount and fund flow structure. Support personnel salary cost will increase (by about \$.89 million--see below) and the method of payment will change as the system changes from a local to state administration.

Under the proposed system, all excess fees (fees collected by each clerk's office after personnel and office expense costs) which are currently divided between the state and locality will be retained by the state. As a result, the revenue to the state general fund will increase (approximately \$3.4 million was allocated to the counties in 1979) while the revenues to those counties now receiving "excess fees" will be reduced. Mitigating this loss to the counties is the fact that those localities that are now supplementing their clerk's offices will no longer have to do so (\$360,367 in 1979). These jurisdictions will no longer be required to expend such monies since the state will now assume all personnel costs. On the benefits side, this state assumption of costs will equalize the salaries of employees between the District Court and the Circuit Court and between the various offices within the Circuit Court System.

On the qualitative side, it cannot be argued that a consensus exists that all effects of the proposed changes are positive. The Circuit Court Personnel System Study has tried to recognize the viewpoints of those who see disadvantages in a state personnel system, and to the extent possible, has structured the proposed system to eliminate these concerns. To reiterate the analysis found in Section II of the final report, implementation of a statewide personnel system would have numerous qualitative benefits.

Advantages

- Increased morale and productivity. When visiting the various courts in Virginia, EHS&A found that the most common complaint for Circuit Court employees involved the inequities between the salary levels for Circuit Court and District Court employees. The increased salary levels will reduce this widespread dissatisfaction and should increase morale, thereby increasing productivity;
- A rational statewide program of establishing equal pay for equal work;

- Elimination of a fee system of compensation which taints clerk's office operations as "profit-making" entities;
- Uniformity in the benefits package for clerk's office employees statewide;
- The ability to enhance personnel administration through statewide promulgation of practices meeting local needs;
- Less intrusion by the executive branch in administrative control of judicial branch employees; and
- Better capability to promote modern management practices through training, technical assistance, and other administrative activities built upon a basic personnel system.

Disadvantages

Obviously, it is not possible to put a price tag on these benefits. One may attempt to assess the qualitative trade-offs of implementing the proposed system, such as the danger of more structured procedures becoming overly burdensome, but such assessment is ultimately a subjective exercise, and it is the opinion of this report that the benefits of the proposed system far out-weigh the tradeoffs.

B. Structure of Financial System Administration

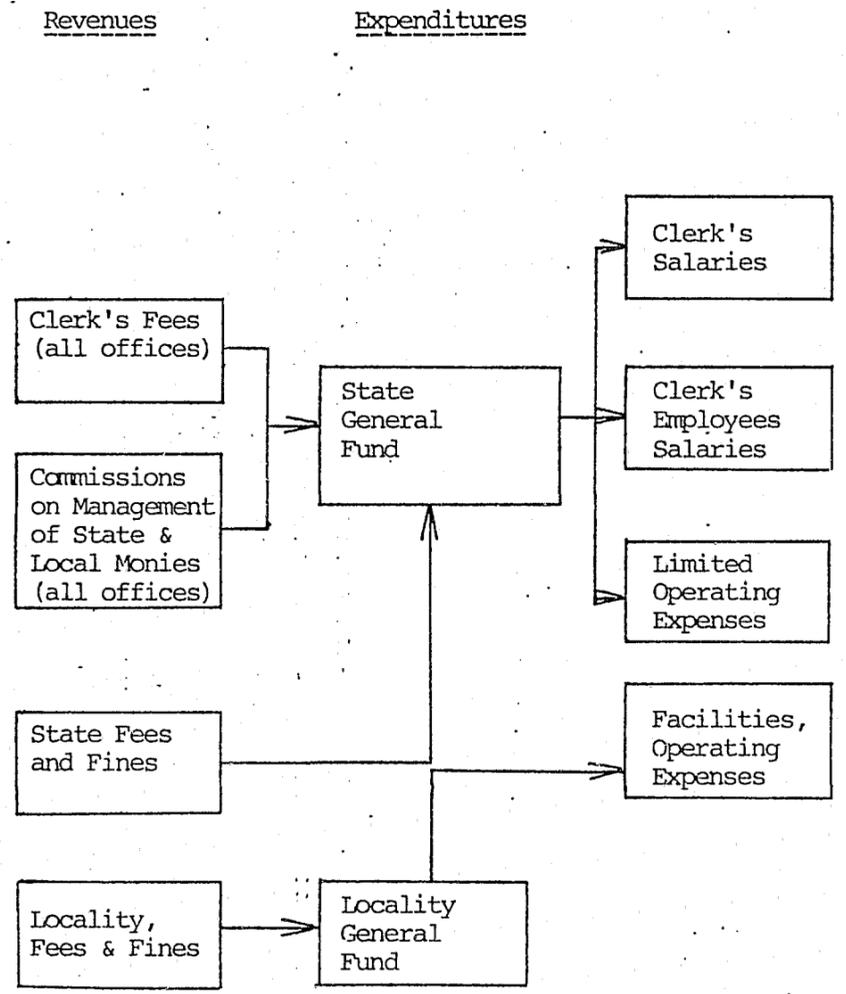
To eliminate the fee system of personnel compensation, it is necessary to re-define the flow and control of revenues and expenditures through the Circuit Clerk's office. This redefinition is required also by the transfer of state level personnel administration responsibilities from the Virginia Compensation Board to the Judicial Council. By re-structuring fund flows, it is possible to accomplish the replacement of the fee compensation method with a salary system and to effectuate placement of clerk's office employees in a salary plan which fairly recognizes the worth of their duties.

The existing flow of funds for personnel compensation has been charted in Section II of the final report. Clerk's fees and commissions are kept in a Clerk's account throughout the calendar year. Personnel (including the Clerk) are paid from this account up to specified maximums (plus county supplements). The difference between the authorized maximums and fees and commissions collected is denominated "excess fees". Two-thirds of this amount accrues to the county (or city) and one-third to the state.

The accounting transaction in the present system is conducted on an individual locality basis. There is no mechanism allowing localities having abundant excess fees to supplement personnel compensation in localities producing no excess fees which perhaps are having difficulty adequately supporting required personnel resources. The proposed changes to these fund flows, charted in Figure 8 offers a mechanism for assisting localities in deficit fees by placing the system on a statewide salary plan. On a monthly basis throughout the year, the Circuit Clerks would deposit their fees and commissions in a statewide account tied to the State general fund. Personnel, including the Clerks, would be paid a salary out of state general funds an amount dictated by the personnel system and not related to fees and commissions collected. This approach to structuring a salary system does alter existing financial procedures but creates a compensation system based on well-accepted principles of public personnel administration. Obviously, those localities receiving "excess fees" will suffer a reduction in revenues, however, this must be balanced against the benefits to those localities not in "excess fees", which will experience a reduction in expenditures since the state will now assume personnel costs.

FIGURE 8

Fund Flow for Proposed Circuit Court Personnel Expenditures:
Salary Method of Compensation



C. Costs of the New System

Figure 9 compares the projected 1981 personnel compensation costs of the existing system with the proposed statewide personnel system. (Refer to Appendix A of the main report for figures referred to in the footnotes explaining from whence the figures were derived.) In the existing system, compensation is projected at \$13.18 million. The proposed system's salary costs is \$14.06 million, an \$.89 million difference.

The proposed system projected costs are based on placement of classified employees at various points within the salary ranges associated with the assigned classes. Some would be placed low in the range, some in the middle, and some high in the range, the average being a mid-point. This approach permits recognition of the variables associated with decision-making in step placement--e.g. length of service and meritorious service. (High performance employees with much experience would be placed higher in the range than relatively inexperienced employees.) An alternative approach is to place all positions in the system at the minimum level of the range or slightly above their present level, whichever is higher. This would result in a lessening of the total cost increase of the new system, but would likely cause internal friction by failing to recognize differences in experience and merit. If a lessening of the cost increase is desired, it is recommended that the approach suggested here be followed with the added condition that it be phased-in over time until the recommended levels are fully attained.

Most Circuit Court Clerk's Office staff participate in the Virginia State Retirement System and most are covered by health and life insurance. While implementation of a state personnel system will likely result in some transfer of costs for these benefits from locality to state, the overall cost of benefits will change insignificantly.

FIGURE 9

Comparison of Projected Personnel Expenditures for
Existing and Proposed Systems

Existing System:		Proposed System:	
Clerks Net Compensation:	\$4,685,306 ¹	Clerk's Salaries:	\$ 4,685,306 ²
Clerk's Employees Salaries:	8,057,695 ³	Clerk's Employees Salaries:	9,378,995 ⁴
Compensation from Locality (supplement)	434,836 ⁵		
	<hr/>		<hr/>
	\$13,177,837		\$14,064,301
		Difference:	\$886,464

¹Based on 1980 authorized clerks net retainable compensation plus 10% projected annual increase, less \$200,000 for estimated compensation less than authorized maximum.

²Proposed system anticipates "grandfathering" clerks into system at salary comparable to compensation in existing system.

³Based on 1980 VCB authorized maximums plus 10% annual increase.

⁴Based on classification and salary step placement of current personnel as described in Section III, plus allotment for "extra help".

⁵Based on 1979 actual supplement plus 20% for two annual increases.

Costs for administering the present Circuit Court personnel system are incurred by the Virginia Compensation Board as well as by the Clerk's offices. The responsibilities of the Board under the new system would be transferred to the Judicial Council. This transfer will result in attention devoted to administering the system. The Executive Secretary's Office, which would assume administrative responsibilities as secretariat to the Judicial Council, now performs similar tasks for the District Court personnel system, and this preparedness will greatly diminish ultimate administrative overhead by taking advantage of economies of scale. To assume the administrative burden, the personnel office will need to employ approximately three additional persons--a management analyst, an accountant and an executive secretary. All three positions should be filled immediately after legislative passage to allow the new employees to assist in the implementation of the system, prior to the actual assumption of administrative duties.

IV. IMPLEMENTATION PLAN

This section of the final report initiates the planning process that must be completed to actually implement the proposed Virginia Circuit Courts Personnel System. A total chronological "picture" of the implementation process has been devised, to allow the Judicial Council to begin implementation prior to actual assumption of administrative duties. It is anticipated that legislative enactment will be secured during the 1982 meeting of the General Assembly with full assumption of administrative duties occurring in July 1983. The time period subsequent to legislative passage and prior to actual implementation should be utilized by the Judicial Council to formulate personnel policies, benefits guidelines, grievance procedures and salary administration. All of these areas will provide the basic guidelines under which the system will operate.

Additionally, this time period must be used to finalize numerous tasks that will insure a smooth and orderly transition. A close working relationship between the Judicial Council and the Clerks cannot be overemphasized. The following outline specifies each implementation step and estimates a time/staff commitment for completion.

TASKS FOR IMPLEMENTATION AND ESTIMATED TIME COMMITMENT

1. Preparation, Introduction, and Passage of Legislation

The staff of the O.E.S. personnel office should be closely involved with all legislative efforts to secure passage of the necessary statutes. One person in the O.E.S. should be thoroughly familiar with the entire system and be available as an expert. The actual time required would, of course, depend on the needs of the General Assembly, but a minimum of 15 days would probably be necessitated.

2. Regional Meetings

The regional meetings should be very detailed, answering all questions posed by the Clerks. A full one-day meeting should suffice. It is anticipated that approximately four regional meetings will be held to maintain a manageable number of attendees. Staff requirements will vary, but a minimum of three persons will probably be necessary to conduct the four meetings, with an additional five-seven days for preparation of the agenda, visual aids, etc.

3. Desk Audits/Classification

The amount of time required at this task will be directly dependent on the number of persons conducting the desk audits. Four persons working full-time will probably require approximately twelve weeks to complete the task. It should be emphasized that a knowledge of the Virginia Court System is a pre-requisite to successful completion.

4. Final Classification of All Employees

This task is obviously very critical to the reception of the system by the employees to be affected. It should be handled very delicately and slowly. Two full-time staff persons should be able to complete the task in approximately three weeks. A longer period may be required if data is insufficient for certain offices.

5. Notification of Clerks Regarding Classification

This process should take one person no longer than two weeks, assuming the utilization of an automatic typewriter and an efficient copying machine. Addressing of labels, development of forms, etc. should however, begin much earlier to facilitate the process and will require approximately two weeks (full-time) for one person.

6. Appeal and Reclassification of Positions

Four weeks have been allowed for completion of this task and two persons should be able to easily handle all of the required work. This, of course, will actually depend on the number of appeals involved, and the actual time commitment could range from one-fourth time to full time during this period.

7. Coordination with Compensation Board

Three months have been allotted for completion of the budgetary task. At least one person, (full-time) who will be handling the budgets subsequent to implementation should be committed. This work will probably need to be done outside the O.E.S. to take advantage of the VCB's experience in this area.

8&9. Judicial Council Assumes Administrative Responsibility for System

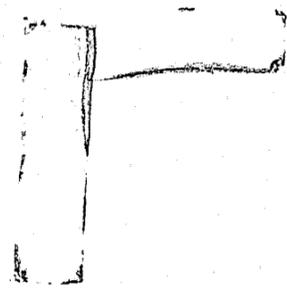
Again, budgetary analysis and review will encompass the major time commitment during this task. The same person that worked with the VCB should be available to the General Assembly during its evaluation. While the actual time requirements will depend, for the most part, on the needs of the legislature, four weeks of full-time work would not be an unreasonable estimate.

10. Regional Meetings

The second set of regional meetings should be structured much like the previous group, with at least four being held. Three persons should be able to handle the meetings with an additional five to seven days preparation time.

11.&12. Final Preparations

The entire time between the regional meetings and the beginning of the new fiscal year should be allotted to dealing with any unforeseen problems that arise prior to implementation of the new budget. An estimate of a time commitment is virtually impossible, although the entire personnel staff will probably be involved on an almost full-time basis.



END