

MINUTES OF THE SENATE WAYS & MEANS COMMITTEE.

The meeting was called to order by Chairperson Dave Kerr at 11:00 a.m. on January 24, 2000 in Room 123-S of the Capitol.

All members were present except:

Committee staff present:

Michael Corrigan, Asst. Revisor of Statutes  
Rae Anne Davis, KS Legislative Research Department  
Debra Hollon, KS Legislative Research Department  
Judy Bromich, Administrative Assistant to the Chairman  
Ronda Miller, Committee Secretary

Conferees appearing before the committee:

Judge John White, Iola, Kansas - Nonjudicial Salary Initiative Chair  
Judge Larry McClain, Olathe, Kansas - Nonjudicial Salary Initiative Member  
Bobbi Mariani, Department of Administration, Division of Personnel Services  
Jerry Sloan, Budget & Fiscal officer, Office of Judicial Administration  
Kathy Porter, Assistant to the Judicial Administrator, Office of Judicial Administration

Others attending: See attached list

Judge John White appeared before the Committee and reviewed his written testimony. (Attachment 1) He provided background information regarding the Nonjudicial Salary Initiative and its membership and charge. He focused his attention on problems the Judicial Branch has with high turnover rates and the hiring and retention of applicants. The Judge told Committee members that the Judicial Branch has difficulty keeping new employees and noted that the problem is greater in urban areas.

Judge White reviewed the state pay matrix and pointed out that the greatest barrier in hiring is the starting salary for new employees. He reiterated the information in his written testimony (Attachment 1-8), noting that "assuming our starting salaries were competitive in 1988, the starting salary has fallen 26.48% below that offered in private industry." He stated that without a COLA, starting salaries lag behind and that negatively impacts the agency's ability to attract new employees.

Judge White called attention to the pay plan for nonsupervisory employees devised by the NJSI, noting that it collapses the state's 15 step pay plan to 5 steps. He stated that Phase I of the proposal for the pay plan is included in the Supreme Court's budget and requires \$2.6 million to fund; Phase II involves the development of a pay for performance matrix for managers and supervisors; and Phase III is implementation of the pay plan. He told members that the Judicial Branch would like this plan to become a pilot project.

There was some discussion regarding the evaluation procedure. Judge White stated that only managerial and supervisory positions would be included in the pay for performance plan. In answer to question, he stated that he did not know of any instance in which the Judicial Branch has used merit pay.

In answer to a question, Judge White stated that beginning salaries for clerks of the court were upgraded as authorized by the 1999 Legislature.

The Chairman introduced Judge Larry McClain and publicly praised the efforts that he and Judge White had made to resolve foster care issues in the preceding year.

## CONTINUATION SHEET

### SENATE WAYS & MEANS COMMITTEE MINUTES

Judge McClain testified that the rate of turnover for court service officers and clerks of the district court in his county is 35%. He stated that the costs associated with training a new employee is 2/3 of an annual FTE. He, too, commented that the erosion of the state pay plan has occurred at the entry level positions. Judge McClain told members that low unemployment rates in urban areas have compounded the problem of attracting employees to entry level positions.

Ms. Bobbi Mariani, Department of Administration, Division of Personnel Services, appeared before the Committee in support of the proposal for the Judicial Branch pay plan. She stated that the Department of Administration had been involved in the program and that the NJSI had considered employee input. She told members that a pilot program would provide an opportunity to observe a different pay plan in a small setting and that the Department of Administration would be involved in the review process. She encouraged the Committee to support the pilot program .

Jerry Sloan, budget & fiscal officer for the Office of Judicial Administration, appeared before the Committee in support of the pay plan for nonjudicial employees and reviewed the agency's recommendation to increase certain docket fees to fund it. (Attachment 2) He told members that the proposed increases in docket fees would provide funding for Phase I and the COLA and added that a change in docket fees requires a change in statute.

There was some discussion regarding the proposed docket fees in comparison to the national average. Mr. Sloan stated that had the regular action and domestic relations docket fees increased at the same rate as traffic docket fees since the establishment of uniform docket fees in 1984, they would now be \$101. (Attachment 2-3) He told the Committee that most of the monies are collected from limited action cases (debt collection, repossessions, landlord-tenant disputes, etc.).

Kathy Porter, Assistant to the Judicial Administrator, appeared before the Committee and reviewed a proposed bill to address the recommendations of the NJSI. (Attachment 3) She explained that new section 1 creates a new nonjudicial salary initiative fund into which the increased docket fees would be deposited and that sections 2-9 implement the proposed docket fee increases. She emphasized the last sentence of section 1 by stating that the proposed plan would be for nonjudicial employees only.

In answer to a question, Ms. Porter stated that in many limited action cases the collection attorney would pay the docket fee.

The Chairman noted that step increases have not worked as they were intended in the state pay plan and thanked the conferees for having presented an opportunity for the Legislature to evaluate an alternative in an isolated way. He expressed some hesitancy on behalf of the Legislature to adopt one portion of a pay plan (Phase I) before the merit half (Phase II) has been designed. Chairman Kerr stated that the Committee would introduce the proposal in bill draft form if the agency so desired.

The meeting was adjourned at 12:15 p.m. The next meeting will be January 25, 2000.