

Probate Court Budget Committee
Frequently Asked Questions
[Updated February 24, 2010](#)

1. I worked in one probate court for 5 years and, since then, have worked for another court for 10 years. If my current court merges and I work for the newly constituted court, will I receive credit for my prior service?

Yes. Under the new system, court staff will receive credit for all prior service in the probate system, regardless of which court they work in. In your case, your benefits at the newly constituted court, or at any other probate court, would be based on 15 years of service.

2. Court restructuring may result in new responsibilities and duties for probate court staff. Will the budget committee take these changes into consideration in determining the compensation plan for court staff and staffing levels for the courts?

Yes. With assistance from staff at the Judicial Branch, the budget committee has undertaken an objective job evaluation process to document the duties associated with various roles in the courts. The committee has established a chief clerk position at each court. Another change is the establishment of a position of clerk, which creates a career progression beyond the assistant clerk position. The job classifications and job descriptions are posted on the probate administration website.

The budget committee has also authorized updates to the 2008 compensation study. In the first phase, our consultant contacted the employers from which comparable pay data was collected to determine what adjustments have been made to their pay ranges since the original report was completed. In the second phase, the compensation ranges were updated in light of the changes to the job classifications and job descriptions.

[3. When will the budget committee decide on the compensation ranges?](#)

[The budget committee formally adopted the revised job classifications and descriptions at its meeting on February 17, 2010. The compensation consultant has updated the pay ranges in light of revised job classifications. The committee expects to review the consultant's work at its meeting planned for March 3. The consultant's report will be posted on the web page in advance of that meeting.](#)

4. If I am the clerk of the court at one location now and become a clerk or assistant clerk of the merged court, will my salary be cut if my

compensation is higher than the salary study dictates for my new position?

No. Regulation § 28 provides that an employee's compensation will not be reduced from the hourly rate reported on the December 31, 2008 verification of employees form, regardless of any change in title. If an increase in an employee's compensation was approved by probate administration under the policies set forth in the administrator's December 2008 and 2009 compensation memos, the higher rate would prevail.

5. Who decides which clerks to hire and which clerk will serve as chief clerk?

The elected judge determines who to hire for all staff positions at the judge's court.

6. Will the budget committee consider annual cost of living adjustments similar to those provided to state employees?

While no decisions have been finalized, the committee will be considering annual cost of living adjustments and merit pay increases as part of the new compensation and benefits plan. The committee will likely address the amount of any such adjustments on an annual basis.

7. Will courts be required to adopt a 40-hour work week for court staff?

No. While PA 09-114 does require that courts be open to the public for 40 hours each week, judges are free to determine the working hours for the employees of the courts, and may also make use of part-time arrangements.

8. What does the term Full-Time Equivalent (FTE) mean?

The term Full-Time Equivalent (FTE) is used to indicate the authorized staffing level of a court. Each unit of FTE authorizes 40 hours of work per week. For example, a court with an authorized staffing level of 3.5 can implement staffing equal to 140 hours per work.

How the total number of authorized work hours is implemented is up to each court. For a court with a 40 hour work week, a 3.5 FTE staffing authorization would mean that the court could have 3 full-time staff (120 hours per week) and one part-time staff member working 20 hours. To take another example, a court with a 35 hour work week might employ 4 full-time employees (35 hours x 4 = 140). In either case, the court might also opt for some other combination of full and part-time employees that is suitable for court staff and the needs of the court. A court can stagger work schedules to ensure compliance with the statutory requirement that courts be open to the public 40 hours per week.

9. The budget committee recently voted on policies for paid vacation, sick time, holidays, and personal days. Are those policies final?

No. The budget committee is working on a tight schedule, and has voted on policies in an effort to keep the process moving forward. The committee has received a great deal of helpful input from court staff, CAPC, and judges. The committee plans to consider refinements to the policies before they are finalized.

Notably, the regulations governing the budget committee clearly indicate that the committee may make modifications at any time. This flexibility is necessary to address unforeseen situations, particularly during the first year of the new system.

10. How do the paid time off policies adopted by the budget committee differ from those applicable to state employees?

The paid time off policies adopted by the budget committee are modeled after the policies that apply to state employees, but the committee made some changes to the vacation policy to create a better fit for the probate system. While state employees receive a maximum of 4 weeks of vacation per year, the budget committee opted for a more generous plan for probate employees with more than 25 years of service, who will receive 5 weeks of vacation time annually. Probate employees with 5 or less years of service would receive 2 weeks of vacation time per year, while state employees receive 3 weeks. Sick time and personal time would be identical for probate and state employees.

The chart below provides a comparison of vacation, sick, and personal time as between probate and state employees.

Years in Service	Budget Committee Plan		State Employees		Difference
	Accrual	Days/Year	Accrual	Days/Year	Days/Year
<i>Vacation</i>					
0-5	6.67	10	10.0	15	-5
6-15	10.0	15	10.0*	15	0*
16-25	13.33	20	13.33	20	0
25+	16.67	25	13.33	20	+5
<i>Sick</i>					
All employees	10.00	15	10.00	15	0
<i>Personal</i>					
All employees	-	3	-	3	0

* State employee accrual rate increases incrementally from years 10 to 15.

State employees are paid for twelve holidays. The holidays and dates of observance are specified by the state. Under the budget committee plan,

probate employees would also receive 12 paid holidays, but the committee chose a more flexible schedule under which each judge determines when the 12 annual holidays would be observed. This would, for example, permit a court to be closed on the day after Thanksgiving but open on Columbus Day.

11. How are vacation and sick time accrued?

Under the budget committee plan, vacation and sick time would accrue monthly, using the same system that applies to state employees. All employees would accrue sick time at the rate of 10 hours per month, or 3 weeks per year. For vacation time, the accrual rate depends upon years of service. For example, an employee with 10 years of service would accrue vacation time at the rate of 10 hours per month, for a total of 120 hours (3 weeks) per year. Vacation and sick time are both accrued on the first day of each month.

12. How much vacation time can I accumulate from year to year? What about sick time?

Employees can accumulate unused vacation time up to a maximum of four months. Sick time can be accumulated without limitation.

Accrued vacation and sick time can be used in any subsequent year, subject to the judge's prior approval of a vacation schedule. Accrued time is also transferable between probate courts.

Upon separation from service, an employee is eligible to be paid for up to 120 days of accrued vacation time. Upon retirement, an employee is eligible to receive one quarter of any accrued sick time up to 60 days.

13. Do I get paid for accrued vacation and sick time at my pay rate when I retire or at the rate applicable when I accrued the time?

Payments for accrued vacation and sick time are made at the rate of pay applicable at the time of separation, not at the rate when the time was originally earned. This is a significant financial benefit, because the rate of pay at the time of retirement is generally higher.

14. I have worked in the probate system for 10 years. When the new paid time off policies become effective in 2011, will I be able to take a vacation in January?

Under the accrual system, you would have 10 hours (1.25 days) of vacation time and 24 hours (3 days) of personal leave as of January 1, 2011. You would be able to use this time immediately. This time could be taken in conjunction with court holidays, such as Martin Luther King Day, making a full week of paid vacation feasible.

The budget committee recognizes that the transition to an accrual system may present difficulties for some members of court staff. Based upon feedback received regarding the proposed policies, the committee is evaluating several options to smooth this transition and afford employees greater flexibility to use vacation time earlier in 2011.

Because vacation time can be rolled over from year to year, employees would have no difficulty taking vacations in the winter months in future years.

15. How is the accrual of vacation and sick time determined for employees who work less than 40 hours per week?

Employees working less than 40 hours per week accrue vacation, sick and personal time on a prorated basis. For example, an employee who works 35 hours per week would calculate accruals by multiplying the standard monthly amount by 0.875 (35 divided by 40). If that employee has 10 years of service, vacation would be calculated as follows: 10 hours per month x .875 = 8.75 hours per month, or 105 hours per year. For an employee who works 7 hours per day, this works out to 15 vacation days per year. The same process is used to determine vacation, sick, and personal time.

16. Will part-time employees receive benefits under the new plan?

An employee must work 20 hours per week to receive benefits. The proration of vacation, sick, and personal time works the same for part-time employees as it does for other employees who work less than 40 hours per week. For example, an employee who works 20 hours per week who has worked in the system for 10 years would be entitled to 60 hours of paid vacation per year, one-half the number of hours that a 40 hour employee receives.

The purpose of proration is to make sure that an employee is paid the same amount for vacation and other time off as the employee is paid when working. In the example of the part-time employee working 20 hours per week, the employee can take three weeks of vacation (the same number of weeks as an employee who works 40 hours per week), and would receive 20 hours vacation pay for each of those three weeks.

17. Will the budget committee be considering any other employee benefits, other than vacation, sick, personal, and holiday pay?

The committee will have the opportunity to evaluate additional employee benefits for probate court employees. Out of necessity, the committee has prioritized its work in light of the magnitude of the tasks that the committee must accomplish in a very short period of time. Thus far, the committee has focused its work on the following essential components: reviewing job classifications and job descriptions, updating pay ranges, establishing paid time off policies, determining staffing levels for each court, and setting office budgets for the courts. It should

be kept in mind that retirement and medical insurance benefits are prescribed by statute, and are therefore beyond the authority of the budget committee.

It is also important to note that the budget committee is obligated by law to seek ways to reduce costs and improve the efficiency of the probate system. It must submit a report on these efforts to the governor and legislature each year. The probate system now relies on critical funding from the state budget, which requires the approval of the governor and legislature each year. Our budget must also be approved by the chief court administrator.

The committee has not sought to cut costs in the area of employee compensation and benefits; to the contrary, all of the employee compensation and benefit policies that the committee has considered thus far will increase costs. At the same time, it is essential that the committee's decisions stand the test of public scrutiny. The committee's policies must be reasonable to garner the necessary support of the executive, legislative, and judicial branches, particularly considering the severity of the state's budget crisis. Future adjustments can always be made as the state's financial situation improves.

18. What is the role of the budget committee after the first year?

Although much of the preliminary work will be done in the first year, the budget committee will have continuing oversight over the compensation and benefits plan, staffing levels, and court budgets. The committee will be able to monitor all of these areas and will be able to make changes and improvements as needed.

19. Will the staff of the children's courts receive the same benefits as employees of the other courts?

Yes. The budget committee intends to establish a system-wide uniform benefits policy that will apply to all court employees at all locations.

20. How will employees enter their time and attendance information in the new system?

Under the new payroll system, time and attendance information will be tracked using a computerized system. Employees will self-report their attendance at their desks and judges will be responsible for ensuring the accuracy of the reports. The information will be submitted to a central database from which payroll will be processed. Payroll checks will contain running tallies of available vacation and sick time and personal days.

Vacation, sick, and personal time is charged in 15 minute increments.

21. Can I take time off if a family member dies?

Yes. Under the proposal, accrued sick time may be used for bereavement. In the event of the death of a spouse, civil union partner, child, parent, sibling or a

member of the employee's household, the employee may take up to 5 paid days off. Employees are entitled to 1 day in connection with the death of extended family members, including in-laws. Accrued vacation or personal time may also be used in addition to these amounts.

22. Can I take time off when my child or other family member is ill? How are doctors' appointments charged?

An employee may use accrued sick time to care for a sick relative. Accrued vacation or personal time may also be used if needed. Time off for doctors' appointments is charged to sick time.