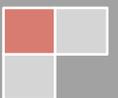


2016

**State of Kansas**

**Judicial Branch**

**APPELLATE AND DISTRICT COURT  
CLASSIFICATION AND COMPENSATION  
STUDY  
FINAL**





Trusted Leadership.  
Proven Solutions.  
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*Prepared for*

## **State of Kansas Judicial Branch**

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# OVERVIEW

The National Center for State Courts (NCSC) was contracted by the State of Kansas Judicial Branch to prepare recommendations for a comprehensive review of their classification and compensation plan. The State Justice Institute provided grant funding to assist with costs associated with the completion of this project. The goals of the project were to:

- Review and analyze the job duties of all positions.
- Recommend modifications to existing classifications and job titles and create new classifications for any that were needed.
- Develop an easy-to-implement classification structure that incorporates both internal and external equity.
- Propose appropriate compensation schedules that reflect comparisons to the market and the local business environment.
- Recommend modifications to existing classifications.
- Assess the relative market with respect to pay including regional, state and local external labor market data and analysis.
- Conduct market analysis for district magistrate judges is provided under separate cover.

# I. PROCESS

The process used for this project included obtaining feedback from all staff, meeting in person with a group of court services officers, and meeting in person with the management team to discuss the project, gathering and analyzing data and providing classification and compensation recommendations.

To accomplish the objectives of this project, the NCSC solicited feedback from all affected staff on their current job descriptions using an electronic survey. Incumbents were asked to review their current job descriptions and suggest modifications. Updated job descriptions were used to assist in determining appropriate salaries.

Nearly every employee responded to the survey.

# II. CLASSIFICATION PLAN

Based upon the information collected and analyzed, consultants from the NCSC made recommendations. Job descriptions were modified and new classifications were created based upon information received by incumbents and in comparison to staffing patterns of similar state courts. The classification plan and proposed draft job descriptions consist of a set of class titles and job specifications for each class.

Class specifications were developed with a new general format that included the summary of job functions, accountabilities, knowledge and requirements. The job descriptions represent a general definition of each classification; they are not intended to include all possible duties or necessary elements, or to preclude any duties or necessary elements.

# III. JOB EVALUATIONS

To achieve the objective of providing equitable pay recommendations, the NCSC used the “Position Benchmark Method” to determine the relative worth of different classes of work.

## **Position Benchmark Method**

The Position Benchmark Method is a factor comparison method of job evaluation. In factor comparison, the importance of jobs is analyzed through a series of defined factors. Jobs of a different nature or in different organizational units are evaluated against all other jobs by comparing similar jobs to factor definitions, not by comparing jobs to jobs. When properly applied, the Position Benchmark Method facilitates the equitable, objective analysis and evaluation of all separate and distinct classes of work.

The consultants evaluated each class by determining the degree of definition for each job factor that best fits the duties and responsibilities of work to that of the external market. Values for all factors were evaluated to assess relative internal worth of a class and determine if the classification was a match to the external benchmarks.

Five factors were used for the evaluation of all classes. These include:

- Functional responsibilities
- Scope and effect of decisions and action
- Supervision exercised/scope of responsibility
- Problem solving and complexity of job duties
- Minimum entry requirements for the position

It should be emphasized that job evaluation is a process or technique designed to assist management in establishing equitable pay relationships between classes of positions. The results of job evaluation must be viewed as guiding and should be balanced with any other legal, institutional and organizational goals and concerns in arriving at decisions on pay.

Using the Position Benchmark Method, all classes of work were fit into distinguishable levels of job duties and responsibilities. Logical breaks were used in the continuum of total points to determine these levels of compensation.

# IV. PAY DATA

The second major component of the project was to develop a compensation structure, which incorporates the recommended classification changes and is capable of maintaining competitive pay rates. The NCSC did so with three fundamental principles in mind: 1) provide an equal compensation structure for work of a similar nature; 2) provide the means for compensating employees for continued service; and 3) establish rates of compensation that will aid in the recruitment and retention of qualified personnel. This section of the report describes the methodology used to develop the recommended pay plan as well as a description of the pay survey data.

In the appraisal and use of pay data, the following considerations deserve emphasis:

- Pay data is at best a general guide as to the appropriate rates of pay for jobs. Consideration should be given to complexity, internal equity, cultural norms or labor shortages.
- Exact comparisons among organizations as to duties and working conditions of positions are difficult to make. Job descriptions are a close match to similar positions based on industry job descriptions.
- Pay survey data should be analyzed and considered as a measure of tendency in the labor market and must be applied with regard to past pay practices of the court and organizational hierarchy.
- A key consideration in establishing compensation for non-benchmarked positions was to compare them to positions in the Judicial Branch, which are similar in terms of complexity and reporting relationships.

Pay grade recommendations were derived from several sources of data. The salary ranges for job classifications similar to those found from the following entities were given significant consideration when establishing grade recommendations:

- Bureau of Labor Statistics
- City of Kansas City
- City of Lawrence
- City of Olathe
- City of Overland Park
- State of Colorado Judiciary
- State of Iowa
- State of Missouri

Bank Rate, a third party economic equalizer, was used to adjust compensation where the State of Kansas economy is higher or lower in comparison to other states' economies. Therefore, data from other sources was adjusted to account for the differences in economy in comparison to the State of Kansas.

The following considerations were used in an attempt to create continuity in the pay plan:

- Midranges were matched to market data for benchmarked positions.
- Non-benchmarked positions were linked to benchmarked jobs to ensure internal consistency.
- Internal equity was considered in establishing pay for non-benchmarked positions.

# V. IMPLEMENTATION BASED ON LONGEVITY

The following recommendations provide guidance on the implementation of the recommended compensation increases.

The following guidelines are recommended for implementing pay increases for existing staff. To ensure equity when using an objective measure, it is recommended that increases be provided based on longevity **in current position**. However, under no circumstances should an employee's salary be reduced to accommodate these recommendations. For purposes of this study, longevity was an objective method for determining implementation. But in the future, the Judicial Branch should consider performance as a factor for employee movement between pay steps. Implementation strategy may vary based on budget availability and other factors:

<b>Recommended Guidelines for Implementing Pay Increases for Existing Staff</b>	
Years in current classification	Proposed Step Level
20+	E
10 - 19.99	D
5.0 – 9.99	C
3.0 – 4.99	B
0 – 2.99	A

Entry-level salary may be set above minimum of the salary range and should be commensurate with education and experience.

# VI. SPECIAL CONSIDERATIONS

## **SPECIAL CONSIDERATION REGARDING BUDGET CONSTRAINTS**

The Judicial Branch has not received budget increases for staff salary increases for approximately eight years; except for a 2% COLA that was eroded by increases in employee contributions to benefits. If recommendations cannot be implemented in full due to lack of resources, it is recommended that incremental effort toward implementing the study results be made as funding becomes available that attempts to treat all similarly situated employees equitably.

Delaying the implementation of these recommendations in full or in part will result in outdated data and some positions risk becoming further out of alignment with market comparisons.

## **TURNOVER**

Turnover should be taken into consideration when implementing pay increases. Where turnover in a job class exceeds 10% in a one-year period, priority for implementing these recommendations should be given to that job class. **Trial court clerk II's and court services officer I's** currently experience high turnover rates at approximately 20% and 13%, respectively and make up almost 50% of turnover for the branch. Of significance is the low salary associated with the trial court clerk II with a starting wage lower than poverty level for a four-person household. Priority for pay increases should be considered for the trial court clerks and court services officers in order to be considered a competitive employer for entry-level staff.

## **LOW INCOME JOB CLASSES**

Nine job classes, which encompass over 500 positions, have a current starting salary below the "2016 four person per household Federal Poverty Guideline" of \$24,300. The Federal Poverty Guidelines should be reviewed annually in order for

management to evaluate the starting salaries for lower income positions and ensure they do not fall below these guidelines. It is recommended that job classes that fall below the federal poverty guidelines should be considered as a priority in implementing the recommendations.

## OUTSIDE EMPLOYMENT

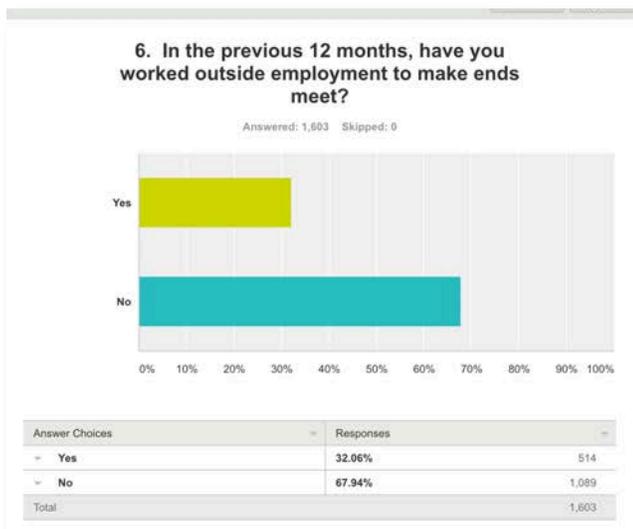
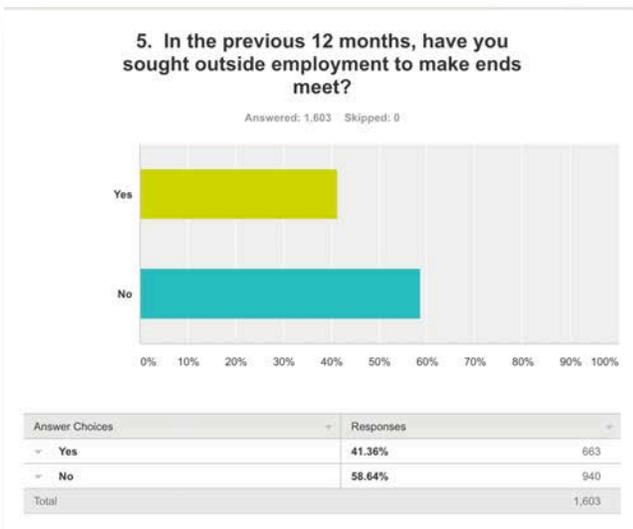
As part of the survey process, the National Center for State Courts asked employees if they were either seeking or working outside employment. The purpose of the question

was to ascertain not only employees' ability to earn a livable wage while working for the courts, but also the ability for an employee to focus work life exclusively on the mission of the courts.

The results of that inquiry were startling: Approximately 42%, almost one half of the workforce, is seeking outside employment to make ends meet.

Survey participants were *also asked* if they were currently *working* outside employment "in order to make ends meet." Approximately one third, or 32% of employees answered "yes."

To understand the significance of that percentage, it should be compared against the employment circumstances of the nation as a whole.



According to a recent USA TODAY article<sup>1</sup>, 5% of American workers work more than one job to make ends meet; the State of Kansas ranks 4<sup>th</sup> in the nation for the highest percentage of workers who must do so with 8.2% of Kansas' residents working multiple jobs to make ends meet. The State of Kansas Judicial Branch exceeds the state average by a stunning 24%.

American Workers with Multiple Jobs*	5%
Kansas Workers with Multiple Jobs*	8.2%
State of Kansas Judicial Branch Workers with Multiple Jobs	32%

\*Data from USA Today article.

Compensation for Kansas Judicial Branch employees is a significant concern compared to other Kansas residents. The pay stagnation must be remedied in order to ensure employees are able to focus on the mission of the courts.

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<sup>1</sup> Sauter, Michael B., Alexander E.M. Hess, and Thomas C. Frohlich. "[States Where the Most People Work Two Jobs.](#)" 24/7 Wall St., USA TODAY, January 21, 2014.

# VII. FUTURE COMPENSATION ANALYSIS RECOMMENDATIONS

The primary purpose of this study was to review each classification in comparison to market. It is recommended the State of Kansas Judicial Branch conduct a similar study to the study completed herein once every two to three years to keep up with the market and ensure internal equity is reviewed consistently.

Cost of living increases assist employers by remaining competitive with nearby employers. Cost of living increases should be considered annually. Therefore, it is recommended the Human Resources Division conduct a simple survey each year of nearby employers to determine salary movement on an aggregate level. Cost of living increases would be applied to all grades and steps in the compensation plan.

Anniversary and Performance increases assist employers with rewarding performance and longevity and encourage pay separation between long term employees and new hires by utilizing steps within the compensation range. Therefore, it is recommended the Human Resources Division conduct a simple survey each year of nearby employers to determine whether the court remains competitive with the market and if employee salary increases are warranted.

# VIII. FINAL CONSIDERATION

The State of Kansas Judicial Branch and Legislature are highly encouraged to fund and implement the recommendations contained within this report. Low pay, the cost of turnover, the divided attention of Judicial Branch employees working outside employment and the cost of training new hires have destructive effects on court operations, and therefore threaten community safety and the peaceful resolution of cases within the state.

Compensation is a commonly cited reason for turnover. On average, salaries for the Kansas Judicial Branch are 14-15% below market. Given that approximately 42% of staff are seeking outside employment to make ends meet and 32% of staff are actually working outside employment to make ends meet, compensation is an important consideration for Kansas Judicial Branch staff in job satisfaction and turnover prevention.

Turnover costs are estimated to be 30% of a departing employee's annual salary in a recent study conducted by the consultants of this report. Turnover costs such as the loss of resources due to the time and hourly rate of employees responsible for advertising the position, conducting interviews, selection procedures, new hire paperwork and onboarding of the new hire must all be taken into consideration.

According to the Bureau of Labor Statistics, the current average turnover rate nationally is 3.2%, which includes quits, layoffs, separations and discharges(<http://www.bls.gov/news.release/pdf/jolts.pdf>). On average, the Kansas Judicial Branch experiences 15% turnover. The average salary of positions that have experienced turnover in the last year is \$36,251. Multiplying the average salary times 30% (the cost of turnover) times the number of vacated positions yields the hidden cost of underpaying employees: \$2,566,500.

Average salary of positions that turned over in the previous 12 months	\$36,251
Average turnover cost %	X .30
Average cost per employee who resigns	\$10,875
Number of positions turned over in previous 12 months	X 236
Average annual cost of turnover	\$2,566,500

Considering the cost of turnover and the importance of the courts' work in the community, implementation of these recommendations is critical.