

Stuck on stagnant pay, court employees are on a pay raise campaign

BY ROXIE HAMMILL Special to The Star

It didn't happen during the Great Recession, of course, and it didn't happen last year. But the 125 clerks, assistants, mediators, probation officers and other judicial staff in Johnson County have high hopes that 2017 may be the year – finally – that they get a pay raise.

Court personnel are on a pay raise campaign this year, buoyed by a pay study and the fact that judicial salary increases weren't immediately written out of the budget Gov. Sam Brownback submitted to the legislature.

They are asking for \$22.2 million in 2018 to increase pay at all levels statewide. If they are successful, it won't put Johnson County judicial staff ahead of the market in this area, says Court Administrator Katherine Stocks, but it may help those on the lower end of the pay scale who haven't had any cost-of-living increases for nine years and are having trouble making ends meet.

Stagnant pay has been a continuing morale problem in the court system, say those who oversee the court services. Lower-level court staff, who have the most contact with the public, are usually making less than their counterparts who are paid by the county. But because the pay system for court services personnel is complicated and separate from the county, they have gone unnoticed as pay in other branches has increased.

This year the judicial branch is pitching the Kansas Legislature hard for that to change. The efforts are driven in part by a study of the judicial branch that shows pay lagging because health insurance, retirement contributions and the cost of living have increased while no raises have been given. In fact, nine job classes covering more than 500 employees in the state have a starting salary below the 2016 federal poverty guideline of \$24,300 for a four-person household, the study says.

As part of their effort to get the word out, Johnson County judicial representatives met with The Kansas City Star recently to explain the issue. In the meeting were District Court Administrator Katherine Stocks, Director of Juvenile Court Services Laura Brewer, Clerk of Court Sandy McCurdy and District Court Judge Thomas Kelly Ryan.

Pay for court employees has been below the radar of most people, who assume clerks, assistants and probation officers are paid by the county and are getting regular cost-of-living increases, said Brewer. They also may believe that employees can negotiate raises the same way people in the private sector do.

None of those assumptions is true, the officials said.

Although the courthouse building and operating expenses are paid from the county budget, salaries come out of state coffers and are set by lawmakers. And those salaries are on a grade and step scale with a fairly rigid set of rules.

A beginning trial court clerk, for instance, would start at \$11.52 an hour at Grade 13. With time and experience, that pay would increase in steps. But it can sometimes take two or three years before that clerk would be allowed to go up to the next step. Even at that, the clerk would top out with a maximum \$14.68 per hour at the fifth step, with the only hope for a raise after that being a different job classification with a higher grade. The pay increase proposal would move that starting pay to \$14.50.

By comparison, the county pay scale for a clerk for the District Attorney's office ranges from starting at \$17.42 an hour to a maximum of \$23.57 per hour.

The results of this disparity are in a lack of candidates and a high turnover rate. McCurdy said clerks in her office are typically in their first jobs. Turnover is continual, she said. "Over half the staff has been in here less than a year."

The court system has mostly entry level employees, or in a few cases, people who have been loyal and stayed despite the pay, Stocks said. But most offices lack the mid-level experienced employee that can be found in non-judicial offices, she said.

Turnover can become a public safety problem when it comes to probation offices, Brewer said. A job vacancy in the adult unit means that 100 to 130 cases that were handled by the departed probation officer have to be distributed to others until it's filled, she said.

"You're talking about people on probation in the community getting less supervision because you've got case loads out of proportion," she said.

When something bad happens because of that lack of supervision, Brewer said, "nobody's going to care what your caseload was."

Judicial employees have had an uphill battle the past few years because of the state's budget crisis and because of political differences between the two branches of government. Some Kansas lawmakers and Gov. Sam Brownback have been unhappy with high court opinions, especially those affecting school finance rules.

The judicial budget proposed by the Kansas Supreme Court is supposed to be a "pass through" item, which means the governor passes it along for the lawmakers to debate. But rather than pass it through unchanged, Brownback suggested cuts in previous years. Court employees have taken heart from the fact that this year, it was passed through, said Judge Ryan.

Meanwhile, executive branch employees have received raises. Brewer paraphrased State Supreme Court Chief Justice Lawton Nuss's argument that state spending reflects priorities. The judicial branch is only a small part of the state budget, she said. "To be ignored for this long speaks volumes to the priority toward this branch of government."

The issue also has been tangled because some in the legislature don't like the idea of including judges pay in the increase. Judges are not on the civil service step and grade plan, but receive a flat salary. The pay for Kansas district court judges ranks 50th among the states.

Ryan said he and most judges can bear the lack of pay increases easier than the lower-level staff. "The 23 judges here all at the very least enjoy if not really love their job," he said, adding that most wouldn't walk away from it for lack of higher pay.

Although judges generally get less sympathy for their pay, Stocks said it makes sense for all the pay levels to be considered together. "We are an entire branch of government. We all succeed together or fail together," she said. "I truly believe this is going to help."

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