



General Assembly

February Session, 2008

Raised Bill No. 697

LCO No. 3341

03341_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING JUDICIAL DEPARTMENT PERSONNEL AND
THE APPOINTMENT OF FAMILY SUPPORT MAGISTRATES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2008*) (a) On and after July 1, 2008,
2 any temporary employee of the Judicial Department who has
3 completed six months of continuous temporary employment shall be
4 eligible for full-time permanent employment under the same terms
5 and conditions as are applicable to full-time permanent employees of
6 the Judicial Department. Such temporary employees include, but are
7 not limited to, court monitors, court clerks, court interpreters, family
8 relations staff, juvenile detention staff and clerical and support staff,
9 who are not members of an employee organization, as defined in
10 section 5-270 of the general statutes, or covered by a collective
11 bargaining agreement. For the purposes of this section, "continuous
12 temporary employment" means that time of temporary employment
13 during which the temporary employee is employed without a break in
14 employment greater than two weeks in duration.

15 (b) No temporary employee of the Judicial Department may be
16 prohibited from applying for a position within the Judicial Department

17 or taking an examination for a position within the Judicial Department,
18 or be deemed disqualified for a position within the Judicial
19 Department, solely due to the employee's lack of permanent status
20 within the Judicial Department, except as required by any applicable
21 collective bargaining agreement.

22 Sec. 2. Subsection (b) of section 46b-233a of the general statutes is
23 repealed and the following is substituted in lieu thereof (*Effective*
24 *October 1, 2008*):

25 (b) For purposes of determining both the retirement salary of
26 family support magistrates and the allowance payable to their
27 surviving spouses under subsection (b) of section 51-51, "salary" shall
28 be composed of the total of the following amounts: The annual salary
29 payable at the time of retirement or death, fixed in accordance with
30 subsection (h) of section 46b-231 of the 2008 supplement to the general
31 statutes; and for family support magistrates to whom a longevity
32 payment has been made or is due and payable, in each case under
33 section 51-51 (1) one and one-half per cent of the annual salary the
34 family support magistrate was receiving at the time of retirement or
35 death, for those who have completed ten or more but less than fifteen
36 years of service as a family support magistrate, or other state service or
37 service as an elected officer of the state, or any combination of such
38 service, (2) three per cent of the annual salary the family support
39 magistrate was receiving at the time of retirement or death, for those
40 who have completed fifteen or more but less than twenty years of
41 service as a family support magistrate, or other state service or service
42 as an elected officer of the state, or any combination of such service, (3)
43 four and one-half per cent of the annual salary the family support
44 magistrate was receiving at the time of retirement or death, for those
45 who have completed twenty or more but less than twenty-five years of
46 service as a family support magistrate, or other state service or service
47 as an elected officer of the state, or any combination of such service,
48 and (4) six per cent of the annual salary the family support magistrate
49 was receiving at the time of retirement or death, for those who have

50 completed twenty-five or more years of service as a family support
51 magistrate, or other state service or service as an elected officer of the
52 state, or any combination of such service.

53 Sec. 3. Subsection (f) of section 46b-231 of the 2008 supplement to
54 the general statutes is repealed and the following is substituted in lieu
55 thereof (*Effective from passage*):

56 (f) (1) The Family Support Magistrate Division shall include nine
57 family support magistrates who shall, on and after the effective date of
58 this section, be [appointed] nominated by the Governor and appointed
59 by the General Assembly to serve in that capacity for a term of three
60 years. A family support magistrate may be [reappointed] nominated
61 by the Governor for reappointment upon completion of [his] such
62 family support magistrate's term of office, [by the Governor.] To be
63 eligible for [appointment,] nomination as a family support magistrate,
64 a person must have engaged in the practice of law for five years prior
65 to [his appointment] his or her nomination and [shall] be experienced
66 in the field of family law. [He] A family support magistrate shall
67 devote full time to his or her duties as a family support magistrate and
68 shall not engage in the private practice of law.

69 (2) Each nomination made by the Governor to the General
70 Assembly for a family support magistrate shall be referred, without
71 debate, to the committee on the judiciary, which shall report thereon
72 within thirty legislative days from the time of reference, but no later
73 than seven legislative days before the adjourning of the General
74 Assembly.

75 (3) Each appointment of a family support magistrate shall be by
76 concurrent resolution. The action on the passage of each such
77 resolution in the House of Representatives and in the Senate shall be
78 by vote taken on the electrical roll-call device. No resolution shall
79 contain the name of more than one nominee. The Governor shall,
80 within five days after he or she has notice that any family support
81 magistrate nomination has failed to be approved by the affirmative

82 concurrent action of both houses of the General Assembly, make
83 another nomination to such office.

84 (4) Notwithstanding the provisions of section 4-19, no vacancy in
85 the position of a family support magistrate shall be filled by the
86 Governor when the General Assembly is not in session unless, prior to
87 such filling, the Governor submits the name of the proposed vacancy
88 appointee to the committee on the judiciary. Within forty-five days, the
89 committee on the judiciary may, upon the call of either chairperson,
90 hold a special meeting for the purpose of approving or disapproving
91 such proposed vacancy appointee by majority vote. The Governor
92 shall not administer the oath of office to such proposed vacancy
93 appointee until the committee has approved such proposed vacancy
94 appointee. If the committee determines that it cannot complete its
95 investigation and act on such proposed vacancy appointee within such
96 forty-five-day period, it may extend such period by an additional
97 fifteen days. The committee shall notify the Governor in writing of any
98 such extension. Failure of the committee to act on such proposed
99 vacancy appointee within such forty-five-day period or any fifteen-day
100 extension period shall be deemed to be an approval.

101 (5) Prior to a public hearing on a family support magistrate, the
102 committee on the judiciary may employ a person to investigate, at the
103 request of the chairpersons of said committee, any family support
104 magistrate nominee with respect to the suitability of such nominee for
105 magisterial office. Such investigator shall report his or her findings to
106 said committee and any such report shall be confidential and shall not
107 be subject to public disclosure. Such person shall receive such
108 compensation as may be fixed by the Joint Committee on Legislative
109 Management for each day such person is engaged in his or her duties
110 as an investigator.

111 (6) A family support magistrate may be removed from office by the
112 Governor for cause and is subject to admonishment, censure,
113 suspension and removal from office as provided in chapter 872a.

114 Sec. 4. Subsection (h) of section 46b-231 of the 2008 supplement to
115 the general statutes is repealed and the following is substituted in lieu
116 thereof (*Effective July 1, 2008*):

117 (h) (1) On and after April 1, 2002, the Chief Family Support
118 Magistrate shall receive a salary of one hundred eight thousand eight
119 hundred twenty-one dollars, and other family support magistrates
120 shall receive an annual salary of one hundred three thousand five
121 hundred sixty-nine dollars.

122 (2) On and after January 1, 2005, the Chief Family Support
123 Magistrate shall receive a salary of one hundred fourteen thousand
124 eight hundred six dollars, and other family support magistrates shall
125 receive an annual salary of one hundred nine thousand two hundred
126 sixty-five dollars.

127 (3) On and after January 1, 2006, the Chief Family Support
128 Magistrate shall receive a salary of one hundred twenty-one thousand
129 one hundred twenty dollars, and other family support magistrates
130 shall receive an annual salary of one hundred fifteen thousand two
131 hundred seventy-five dollars.

132 (4) On and after January 1, 2007, the Chief Family Support
133 Magistrate shall receive a salary of one hundred twenty-seven
134 thousand seven hundred eighty-two dollars, and other family support
135 magistrates shall receive an annual salary of one hundred twenty-one
136 thousand six hundred fifteen dollars.

137 (5) On and after July 1, 2008, the Chief Family Support Magistrate
138 shall receive an annual salary of one hundred twenty-seven thousand
139 seven hundred eighty-two dollars, and other family support
140 magistrates shall receive an annual salary of one hundred twenty-one
141 thousand six hundred fifteen dollars, except that on July 15, 2008, and
142 annually thereafter, the salary for the Chief Family Support Magistrate
143 and other family support magistrates shall be increased by a
144 percentage, rounded up to the nearest one-hundredth, equal to the

145 average increase in the annualized salaries of managerial employees in
146 classified service, as those terms are defined in section 5-196, for that
147 fiscal year. For the purposes of this subdivision, the average increase in
148 the annualized salaries of managerial employees includes all increases
149 in salary, including merit increases and any other increase reflected in
150 the managerial employees' regular paychecks, except longevity
151 payments and any lump sum payments made pursuant to section 5-
152 210.

153 Sec. 5. Subsection (b) of section 46b-236 of the general statutes is
154 repealed and the following is substituted in lieu thereof (*Effective July*
155 *1, 2008*):

156 (b) Each family support referee shall receive, for acting as a family
157 support referee, in addition to the retirement salary, the sum of one
158 hundred ninety dollars and expenses, including mileage, for each day
159 a family support referee is so engaged, except that on July 15, 2008,
160 and annually thereafter, the sum for each day a family support referee
161 is so engaged shall be increased by a percentage, rounded up to the
162 nearest one-hundredth, equal to the average increase in the annualized
163 salaries of managerial employees in classified service, as those terms
164 are defined in section 5-196, for that fiscal year. For the purposes of this
165 subsection, the average increase in the annualized salaries of
166 managerial employees includes all increases in salary, including merit
167 increases and any other increase reflected in the managerial
168 employees' regular paychecks, except longevity payments and any
169 lump sum payments made pursuant to section 5-210.

170 Sec. 6. Subsection (a) of section 51-47 of the general statutes is
171 repealed and the following is substituted in lieu thereof (*Effective July*
172 *1, 2008*):

173 (a) The judges of the Superior Court, judges of the Appellate Court
174 and judges of the Supreme Court shall receive annually salaries as
175 follows:

176 (1) On and after April 1, 2002, (A) the Chief Justice of the Supreme
177 Court, one hundred forty-nine thousand five hundred eighty-two
178 dollars; (B) the Chief Court Administrator if a judge of the Supreme
179 Court, Appellate Court or Superior Court, one hundred forty-three
180 thousand seven hundred thirty-eight dollars; (C) each associate judge
181 of the Supreme Court, one hundred thirty-eight thousand four
182 hundred four dollars; (D) the Chief Judge of the Appellate Court, one
183 hundred thirty-six thousand eight hundred seventy-three dollars; (E)
184 each judge of the Appellate Court, one hundred twenty-nine thousand
185 nine hundred eighty-eight dollars; (F) the Deputy Chief Court
186 Administrator if a judge of the Superior Court, one hundred twenty-
187 seven thousand six hundred seventeen dollars; (G) each judge of the
188 Superior Court, one hundred twenty-five thousand dollars.

189 (2) On and after January 1, 2005, (A) the Chief Justice of the
190 Supreme Court, one hundred fifty-seven thousand eight hundred nine
191 dollars; (B) the Chief Court Administrator if a judge of the Supreme
192 Court, Appellate Court or Superior Court, one hundred fifty-one
193 thousand six hundred forty-four dollars; (C) each associate judge of
194 the Supreme Court, one hundred forty-six thousand sixteen dollars;
195 (D) the Chief Judge of the Appellate Court, one hundred forty-four
196 thousand four hundred one dollars; (E) each judge of the Appellate
197 Court, one hundred thirty-seven thousand one hundred thirty-seven
198 dollars; (F) the Deputy Chief Court Administrator if a judge of the
199 Superior Court, one hundred thirty-four thousand six hundred thirty-
200 six dollars; (G) each judge of the Superior Court, one hundred thirty-
201 one thousand eight hundred seventy-five dollars.

202 (3) On and after January 1, 2006, (A) the Chief Justice of the
203 Supreme Court, one hundred sixty-six thousand four hundred eighty-
204 nine dollars; (B) the Chief Court Administrator if a judge of the
205 Supreme Court, Appellate Court or Superior Court, one hundred fifty-
206 nine thousand nine hundred eighty-four dollars; (C) each associate
207 judge of the Supreme Court, one hundred fifty-four thousand forty-
208 seven dollars; (D) the Chief Judge of the Appellate Court, one hundred

209 fifty-two thousand three hundred forty-three dollars; (E) each judge of
210 the Appellate Court, one hundred forty-four thousand six hundred
211 eighty dollars; (F) the Deputy Chief Court Administrator if a judge of
212 the Superior Court, one hundred forty-two thousand forty-one dollars;
213 (G) each judge of the Superior Court, one hundred thirty-nine
214 thousand one hundred twenty-eight dollars.

215 (4) On and after January 1, 2007, (A) the Chief Justice of the
216 Supreme Court, one hundred seventy-five thousand six hundred forty-
217 five dollars; (B) the Chief Court Administrator if a judge of the
218 Supreme Court, Appellate Court or Superior Court, one hundred sixty-
219 eight thousand seven hundred eighty-three dollars; (C) each associate
220 judge of the Supreme Court, one hundred sixty-two thousand five
221 hundred twenty dollars; (D) the Chief Judge of the Appellate Court,
222 one hundred sixty thousand seven hundred twenty-two dollars; (E)
223 each judge of the Appellate Court, one hundred fifty-two thousand six
224 hundred thirty-seven dollars; (F) the Deputy Chief Court
225 Administrator if a judge of the Superior Court, one hundred forty-nine
226 thousand eight hundred fifty-three dollars; (G) each judge of the
227 Superior Court, one hundred forty-six thousand seven hundred eighty
228 dollars.

229 (5) On and after July 1, 2008:

230 (A) The Chief Justice of the Supreme Court, one hundred seventy-
231 five thousand six hundred forty-five dollars, except that on July 15,
232 2008, and annually thereafter, such amount shall be increased by a
233 percentage, rounded up to the nearest one-hundredth, equal to the
234 average increase in the annualized salaries of managerial employees in
235 classified service, as those terms are defined in section 5-196, for that
236 fiscal year. For the purposes of this subparagraph, the average increase
237 in the annualized salaries of managerial employees includes all
238 increases in salary, including merit increases and any other increase
239 reflected in the managerial employees' regular paychecks, except
240 longevity payments and any lump sum payments made pursuant to

241 section 5-210;

242 (B) The Chief Court Administrator if a judge of the Supreme Court,
243 Appellate Court or Superior Court, one hundred sixty-eight thousand
244 seven hundred eighty-three dollars, except that on July 15, 2008, and
245 annually thereafter, such amount shall be increased by the percentage
246 set forth in subparagraph (A) of this subdivision, rounded up to the
247 nearest one-hundredth;

248 (C) Each associate judge of the Supreme Court, one hundred sixty-
249 two thousand five hundred twenty dollars, except that on July 15,
250 2008, and annually thereafter, such amount shall be increased by the
251 percentage set forth in subparagraph (A) of this subdivision, rounded
252 up to the nearest one-hundredth;

253 (D) The Chief Judge of the Appellate Court, one hundred sixty
254 thousand seven hundred twenty-two dollars, except that on July 15,
255 2008, and annually thereafter, such amount shall be increased by the
256 percentage set forth in subparagraph (A) of this subdivision, rounded
257 up to the nearest one-hundredth;

258 (E) Each judge of the Appellate Court, one hundred fifty-two
259 thousand six hundred thirty-seven dollars, except that on July 15, 2008,
260 and annually thereafter, such amount shall be increased by the
261 percentage set forth in subparagraph (A) of this subdivision, rounded
262 up to the nearest one-hundredth;

263 (F) The Deputy Chief Court Administrator if a judge of the Superior
264 Court, one hundred forty-nine thousand eight hundred fifty-three
265 dollars, except that on July 15, 2008, and annually thereafter, such
266 amount shall be increased by the percentage set forth in subparagraph
267 (A) of this subdivision, rounded up to the nearest one-hundredth; and

268 (G) Each judge of the Superior Court, one hundred forty-six
269 thousand seven hundred eighty dollars, except that on July 15, 2008,
270 and annually thereafter, such amount shall be increased by the

271 percentage set forth in subparagraph (A) of this subdivision, rounded
272 up to the nearest one-hundredth.

273 Sec. 7. Subsection (f) of section 52-434 of the general statutes is
274 repealed and the following is substituted in lieu thereof (*Effective July*
275 *1, 2008*):

276 (f) Each judge trial referee shall receive, for acting as a referee or as a
277 single auditor or committee of any court or for performing duties
278 assigned by the Chief Court Administrator with the approval of the
279 Chief Justice, for each day the judge trial referee is so engaged, in
280 addition to the retirement salary: (1) (A) On and after January 1, 2006,
281 and before January 1, 2007, the sum of two hundred fifteen dollars,
282 and (B) on and after January 1, 2007, the sum of two hundred twenty
283 dollars, except that on July 15, 2008, and annually thereafter, the sum
284 for each day the judge trial referee is so engaged shall be increased by
285 a percentage, rounded up to the nearest one-hundredth, equal to the
286 average increase in the annualized salaries of managerial employees in
287 classified service, as those terms are defined in section 5-196, for that
288 fiscal year; and (2) expenses, including mileage. Such amounts shall be
289 taxed by the court making the reference in the same manner as other
290 court expenses. For the purposes of this subsection, the average
291 increase in the annualized salaries of managerial employees includes
292 all increases in salary, including merit increases and any other increase
293 reflected in the managerial employees' regular paychecks, except
294 longevity payments and any lump sum payment made pursuant to
295 section 5-210.

296 Sec. 8. (*Effective July 1, 2008*) On July 1, 2008, the Judicial Department
297 shall, within available appropriations, increase the hourly or per diem
298 rate of compensation for temporary employees of the Judicial
299 Department, including, but not limited to, court monitors, court clerks,
300 court interpreters, family relations staff, juvenile detention staff and
301 clerical and support staff, who are not members of an employee
302 organization, as defined in section 5-270 of the general statutes, or

303 covered by a collective bargaining agreement. Such increase shall be at
 304 least five per cent.

305 Sec. 9. (*Effective July 1, 2008*) The sum of five million dollars is
 306 appropriated to the Judicial Department, from the General Fund, for
 307 the fiscal year ending June 30, 2009, for the purpose of increasing the
 308 hourly or per diem rate of compensation for temporary employees as
 309 provided in section 2 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	New section
Sec. 2	<i>October 1, 2008</i>	46b-233a(b)
Sec. 3	<i>from passage</i>	46b-231(f)
Sec. 4	<i>July 1, 2008</i>	46b-231(h)
Sec. 5	<i>July 1, 2008</i>	46b-236(b)
Sec. 6	<i>July 1, 2008</i>	51-47(a)
Sec. 7	<i>July 1, 2008</i>	52-434(f)
Sec. 8	<i>July 1, 2008</i>	New section
Sec. 9	<i>July 1, 2008</i>	New section

Statement of Purpose:

To: (1) Provide that temporary employees of the Judicial Department who are not subject to collective bargaining shall (A) receive an increase in hourly or per diem compensation of at least five per cent, (B) be eligible for full-time employment after six months of continuous service, and (C) be permitted to apply for permanent positions within the Judicial Department; (2) provide that family support magistrates be nominated by the Governor and appointed by the General Assembly; (3) provide for an annual increase of the salaries of the judges of the Supreme Court, Appellate Court and Superior Court and the family support magistrates and an annual increase of the per diem rates paid to family support referees, senior judges and judge trial referees, based on the average percentage increase in the annual salaries of managerial employees in classified service; and (4) grant family support magistrates retirement credit for prior state service and service as an elected officer of the state.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]