

State of Connecticut



**COMMISSION ON COMPENSATION
OF
ELECTED STATE OFFICERS AND
JUDGES**

REPORT TO THE GENERAL ASSEMBLY

February 2011

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To: Members of the Connecticut General Assembly

On behalf of the Commission on Compensation of Elected State Officers and Judges, established by Section 2-9a of the Connecticut General Statutes, I hereby offer the commission's 30th report to the members of the 2011 session of the Connecticut General Assembly for your consideration.

As you are aware, the Commission is charged with recommending to the General Assembly legislative proposals for salary, expenses, pension, workers' compensation, and any other benefits to be paid to the governor, other state constitutional officers, members of the General Assembly, and judges of the courts of the state, except judges of probate (CGS § 2-9a(b)).

Commission members are pleased to serve the State of Connecticut in this capacity. We are ready to provide any information and assistance the General Assembly may require in its deliberations on legislation and any other necessary action.

Sincerely,

Lewis B. Rome
Chairman

**COMMISSION ON COMPENSATION
OF ELECTED STATE OFFICERS AND JUDGES**

MEMBERS

Appointed by the Governor

Susan W. Ahrens of Simsbury
John Miller of Wethersfield
Lewis B. Rome of Bloomfield, Commission Chairman

Appointed by the Senate President Pro Tempore

Sheila B. Amdur of West Hartford
Biagio “Billy” Ciotto of Wethersfield

Appointed by the Speaker of the House of Representatives

Richard Balducci of Deep River
Daniel J. Fox of Stamford

Appointed by the Senate Minority Leader

Vincent M. Marino of Orange
Justin Bernier of Plainville

Appointed by the House Minority Leader

Richard Eriksen of Durham
Paul S. McNamara of Ridgefield

OBJECTIVES

For many years, the work of independent bipartisan compensation commissions has been guided by seven objectives:

1. to recommend compensation levels that will assure that state service can attract competent and effective people;
2. to recommend levels that will make public service possible for every eligible citizen, not just those whose financial status enables them to serve;
3. to recommend levels that will compensate elected officials and judges adequately for the time required and the experience necessary to perform the duties of their offices;
4. to recommend compensation appropriate for the officials of a state that is economically and socially diverse and highly developed industrially;
5. to recommend levels that compare favorably with those set for elected Executive Branch officials and judges in states of similar complexity and size;
6. to recognize changes in cost of living indices for the state, region, or both; and
7. to recommend compensation levels appropriate to the state's financial resources.

Commission members believe firmly that their purpose is to help attract able people from all walks of life to the service of the State of Connecticut. Great public servants often draw from their private careers the experience, wisdom, and understanding of people's lives, needs, and aspirations that superior state service requires.

SUMMARY OF RECOMMENDATIONS

Judges

Salaries for judges and family support magistrates and the per diem rates paid to family support magistrate referees, senior judges, and judge trial referees should automatically increase based on the average salary increases (excluding longevity payments) for executive branch managers. The recommendation foresees that when executive branch managers receive a raise, judges would receive the same average percentage raise in the following fiscal year.

Given the severe budget crisis the state continues to face, the commission acknowledges that such raises are not likely in the immediate future. Nonetheless, the commission believes the General Assembly should enact legislation creating the link between executive branch managers and judges (and related judicial positions mentioned above) so judges, like other state employees, will have a real expectation of future salary increases. It has been four years since the last salary increase for judges.

Constitutional Officers and Members of the General Assembly

This year the commission does not put forth a recommendation regarding salaries for constitutional officers and members of the General Assembly. But this report includes a minority report regarding salaries for these officials (please see page 8).

Judicial Findings

The commission holds that a reasonably compensated judiciary is essential to Connecticut continuing to have a high quality criminal and civil justice system. Connecticut's judges' salaries are set in statute and change only when the legislature takes specific action. Currently, no pay increase is scheduled for judges, whose pay has not increased since 2007. On the other hand, in years when the state budget and economy are in good condition, most state employees can expect some type of regular pay increase.

The commission heard testimony from Judge Barbara M. Quinn, the chief court administrator, who for the third year in a row made it clear the Judicial Department is fully aware of the state budget crisis and was not asking for an immediate pay raise for judges (see Attachment 1 for her full statement). But she requested the commission consider recommending linking judges' raises to those for executive branch managers. She noted the Judicial Branch has made this suggestion, and the commission has recommended it, in 2007, 2008, and 2009 (the commission did not issue a report in 2010).

"As you know, linking judges' salaries to the increases that executive branch managers receive will not result in a salary increase for judges, as executive branch managers will not see an increase in their salary for the foreseeable future," she stated.

"The benefit of this mechanism is that linking increases in judges' compensation to the annual percentage that executive branch managers receive would ensure that the judges receive the same equitable pay arrangement as others in state government," Judge Quinn stated.

The commission also heard testimony from Judge Theodore R. Tyma, president of the Connecticut Judges Association (see Attachment 2 for his full statement). Judge Tyma stated that while the judges are not seeking a raise in the current budgetary crisis, they are also asking the commission to again endorse linking judicial raises to executive branch managerial raises.

"Under this proposal, judicial compensation would be increased only when state managers received an increase during the previous fiscal year," Judge Tyma said. "For example, if the managers received a cost of living adjustment on July 1 during a given year, the judges would receive an equal increase in their compensation on July 1 of the following year."

He added that considering state managers have not had a raise in two years, if the legislature had adopted this proposal last year it would not have resulted in a raise this year. But the proposal would still have been helpful.

“It would be beneficial in that sitting and prospective judges would know that they would be treated equally whenever the economy was strong enough to support raises,” he said.

In addition to the testimony, the commission reviewed a survey comparing Connecticut judges’ salaries with those in other states (see web address below). Although, a 2010 National Center for State Courts survey found Connecticut general jurisdiction trial court judges’ pay ranked 12th nationally, that ranking drops to 38rd when the salary is adjusted for the cost of living.

The commissioners believe that reliable, regular increases for judges will help Connecticut attract and retain talented and dedicated men and women to serve in our judiciary.

Judicial Recommendation

Salaries for judges and family support magistrates and the per diem rates paid to family support magistrate referees, senior judges, and judge trial referees should automatically increase based on the average salary increases (excluding longevity payments) for state managers. Given the severe budget crisis the state faces, the commission acknowledges that such raises are not likely in the timeframe of this commission’s responsibility.

Nonetheless, the commission believes the General Assembly should enact legislation creating the link between executive branch managers and judges (and related judicial positions mentioned above) so judges, like other state employees, will have a real expectation of a future salary increase (the last increase for judges was January 1, 2007).

All 10 commission members present at the January 13, 2011 meeting unanimously approved this recommendation.

Attachments

1. Testimony of Judge Barbara M. Quinn, chief court administrator
2. Testimony of Judge Theodore R. Tyma, President of the Connecticut Judges Association

Links

“Survey of Judicial Salaries” (2010), conducted by the National Center for State Courts: <http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/judicial&CISOPTR=317>, also see NCSC main webpage: www.ncsc.org.

MINORITY REPORT REGARDING LEGISLATIVE PAY

At the January 13, 2011 meeting Commission member Justin Bernier suggested the Commission consider a motion recommending the legislature vote to reduce its own pay and that of all other state elected officials by 10%. The suggestion was not endorsed by the other members but Chairman Rome agreed that Commissioner Bernier could submit a minority report to be included in the Commission's report to the legislature.

Submitted by Justin Bernier

The Commission on Compensation of Elected State Officers and Judges recommends no change in the compensation of Connecticut officials in its 2011 report.

I diverge from this recommendation and instead propose a 10% reduction in pay for all elected state officers.

The State of Connecticut's elected officers have a unique opportunity to lead by example during this budget crisis. By accepting a reduction in pay, these officials can take a step toward passing a sustainable budget for Connecticut while demonstrating shared sacrifice with its citizens.

The Commission is guided by seven main objectives. My recommendation of a 10% pay-cut for elected officers is primarily based on objective seven, which calls on the Commission to recommend compensation levels appropriate to the state's financial resources. Other objectives would also support a reduction in compensation for these officials.

The State of Connecticut's budget deficit is the largest in the country on a per capita basis. The governor has stated that Connecticut's annual budget deficit is \$3.5 billion for 2011. He expects the 2012 budget deficit to be even larger. There is no easy solution to the deficit.

Cutting the salaries of elected state officers by 10% would lower the budget deficit by a modest but important amount. This would help Connecticut's officials pursue deficit reduction with more credibility and perhaps greater support from a public that is experiencing falling income.

The U.S. Government reports that Connecticut is dead last in income growth among all 50 states. Connecticut's personal income growth -- the amount all residents earned -- fell more than twice as fast as the nation as a whole in the third quarter of 2010. According to the U.S. Department of Commerce, this was the worst performance in the nation.¹ Falling income growth will likely reduce Connecticut's tax revenue and deepen the budget deficit.

Connecticut faces a historic budget deficit that will require significant spending reductions, tax increases, or a combination of the two. Connecticut's citizens will bear the brunt of these decisions.

A pay-cut of 10% is reasonable for Connecticut's elected officers. By reducing their compensation levels, Connecticut's elected officers could take a step toward passing a sustainable budget for the state while demonstrating shared sacrifice with the citizens.

¹ U.S. Department of Commerce, Bureau of Economic Analysis, 17 December 2010, <http://www.bea.gov/newsreleases/regional/spi/2010/pdf/spi1210.pdf>.

BACKGROUND

Judicial Salaries

The current salaries for judges were established in Public Act 04-2, May Special Session. The act increased salaries of judges and family support magistrates by 5.5% on each of the following dates: January 1, 2005, January 1, 2006, and January 1, 2007. The chart below displays the effect of these increases.

<i>Position</i>	<i>Prior Law</i>	<i>Under Public Act 04-2, MSS</i>		
	<i>As of 4/1/02</i>	<i>As of 1/1/05</i>	<i>As of 1/1/06</i>	<i>As of 1/1/07</i>
	\$149,582	\$157,809	\$166,489	\$175,645
Chief Court Administrator*	143,738	151,644	159,984	168,783
Supreme Court Associate Justice	138,404	146,016	154,047	162,520
Appellate Court Chief Judge	136,873	144,401	152,343	160,722
Appellate Court Judge	129,988	137,137	144,680	152,637
Deputy Chief Court Administrator**	127,617	134,636	142,041	149,853
Superior Court Judge	125,000	131,875	139,128	146,780
Chief Family Support Magistrate	108,821	114,806	121,120	127,782
Family Support Magistrate	103,569	109,265	115,275	121,615

* The chief court administrator earns this salary if he or she is a judge of the Supreme, Appellate, or Superior Court.

** The deputy chief court administrator earns this salary if he or she is a Superior Court judge.

The law's provisions result in salary increases for other officials whose salaries are tied to those of judges. The salaries of workers' compensation commissioners vary depending on experience and are tied to those of Superior Court judges. The salaries of probate court judges are capped at 75% of a Superior Court judge's salary.

PA 04-2, May Special Session also increased the per diem fees paid to judge trial referees from \$200 to \$211 and to family support referees from \$180 to \$190.

JM:ts

2011-R-0100



Attachment 1

STATE OF CONNECTICUT
JUDICIAL BRANCH

CHAMBERS OF
BARBARA M. QUINN, JUDGE
CHIEF COURT ADMINISTRATOR

231 CAPITOL AVENUE
HARTFORD, CT 06106

**Commission on Compensation of Elected Officials
and Judges**

*Remarks of the Honorable Barbara M. Quinn
Chief Court Administrator
January 13, 2011*

Good afternoon. Thank you for the opportunity to address you today about the process by which judges' compensation is determined.

Let me begin by stating clearly that I am not here to ask you to recommend an increase in the salaries for our state judges. I am certainly aware of the significant economic downturn with which our state and the nation are confronted. In fact, the Judicial Branch's budget was reduced last fiscal year, requiring us to make difficult cuts. Although we were concerned about the impact on families and residents of this state, in order to stay within our budgetary allocation we found it necessary to close the Norwalk Juvenile Court and three law libraries. We expect the upcoming fiscal year to be even worse, with more significant cuts being required. In this climate, I would not even think of asking you to recommend raises for our state judges.

I do think, however, that this is a good time to discuss the process by which the compensation for judges is determined. As you know, a statutory change is necessary each and every time an increase in compensation is granted for judges, and such a change has not occurred since 2004.

In 2007, 2008, and again in 2009, the Judicial Branch proposed that the process by which judges' compensation is determined be changed. Specifically,

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we suggested a mechanism by which judges would receive an increase in their compensation, if, and only if, Executive Branch managers had received an increase during the previous fiscal year. The amount of the increase would be the same percentage increase as that received by the managers. As you know, the Commission recommended this linking mechanism for adjusting judges' salaries in its February 2007, March 2008 and February 2009 reports. We were and continue to be appreciative of the Commission's support of this recommendation.

We would again ask that you consider recommending this mechanism. As you know, linking judges' salaries to the increases that Executive Branch managers receive will not result in a salary increase for judges, as Executive Branch managers will not see an increase in their salary for the foreseeable future.

As we have discussed in the past, the benefit of this mechanism is that linking increases in judges' compensation to the annual percentage that Executive Branch managers receive would ensure that the judges receive the same equitable pay arrangement as others in state government.

We were very gratified that this Commission chose to support this recommendation in its last three reports, and ask that you support it again this year. It would address the structural shortcomings of the current system for awarding compensation, while not actually granting a pay raise. Again, thank you for the opportunity to provide these comments.

Attachment 2

**TESTIMONY OF THEODORE R. TYMA
SUPERIOR COURT JUDGE AND PRESIDENT OF
CONNECTICUT JUDGES ASSOCIATION
BEFORE COMMISSION ON COMPENSATION OF ELECTED STATE
OFFICIALS AND JUDGES
THURSDAY, JANUARY 13, 2011 AT 1:00 P.M.**

Good afternoon. I am Ted Tyma, and I address you as the President of the Connecticut Judges Association. Our membership consists of more than two hundred judges, senior judges and judge trial referees. Thank you for the opportunity to discuss judicial compensation.

The Association does not believe that it is appropriate to seek a raise in judicial salaries in this economic climate. The same was true last year. We do not come before this Commission seeking a raise in judicial salaries this year, and we did not seek one last year. As a point of information, judges have not received a raise since January 2007 and the last time the General Assembly approved raises for judges was in 2004.

Today, we request your continued support of a proposal that the General Assembly enact legislation that would link increases in judicial compensation to the average salary increase of state managers. Under this proposal, judicial compensation would be increased only when state managers received an increase during the previous fiscal year. For example, if the managers received a cost of living adjustment on July 1 during a given year, the judges would receive an equal increase in their compensation on July 1 of the following year. The legislation that your Commission proposed during the past two sessions, if it had passed the General Assembly, would not have resulted in judicial raises. In view of the significant budget issues, state managers will not realize an increase in their salaries for some time and, under the proposal, judges also will not obtain any increase.

The proposal linking any future increases to state managers is a responsible one in today's tough times and promotes desirable results. It would be beneficial in that sitting and prospective judges would know that they would be treated equally whenever the economy was strong enough to support raises.

Thank you for the opportunity to present the Association's position. We greatly appreciate your support during the past few years and respectfully ask again for your support this year.