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Honorable Members of the Labor and Public Employees Committee

From: Paul J. Knierim
Probate Court Administrator

Re: RB 6417 An Act Concerning Probate Court Employees

Date: February 26, 2013

The Office of the Probate Court Administrator opposes RB 6417, An Act Concerning Probate Court Employees.

The bill would deem Probate Court staff to be state employees, reversing the longstanding statutory framework under which court staff are employed by individual courts. The current arrangement reflects the role of probate judges as elected officials who are accountable to the voters for the performance of their courts. Because court employees interact with the public on behalf of the court, judges, like legislators, have traditionally had sole authority to select and supervise their immediate staff.

RB 6417 would disrupt this employment relationship in ways that are not entirely clear. The bill leaves intact existing language providing that employment at Probate Courts is at will. At the same time, the bill permits court employees to collectively bargain. Absent a statutory provision that excludes conditions of employment from the scope of collective bargaining, the two concepts are directly at odds. We were unable to find any precedent for such a structure among state employees. There are state employees who are employed on an at-will basis, but those employees are also excluded from collectively bargaining, as in the case of legislative branch employees.

It is critically important to keep in mind that the General Assembly recently required the Probate Court system to establish a system-wide compensation and benefits plan for court staff as a key part of court restructuring. The new pay and benefits plan, adopted in January 2011 in accordance with section 45a-85, is a dramatic improvement over the varied arrangements that characterized the system before restructuring. It includes uniform pay ranges for each position based on current market data and numerous additional employee benefits modeled on those afforded to Judicial Branch employees. A recently completed internal pay equity study, scheduled for implementation in July, will ensure that each employee's pay reflects his or her length of service in the system. While the state's budget crisis has precluded full implementation of the plan, annual merit pay increases, calculated using a performance evaluation system designed specifically for the Probate Courts, as well as annual cost of living adjustments, will begin next fiscal year.

The current structure fits the unique circumstances of the Probate Courts. It ensures that all employees are compensated in accordance with cohesive, uniform and equitable criteria, while maintaining appropriate local control over employee selection and supervision. RB 6417 would upset the balance of this structure. While the bill fails to specify the entity or entities with which a union representing Probate Court staff would bargain, separate negotiations with each judge would inevitably yield 54 separate contracts with varied provisions for wages and benefits, in direct conflict with C.G.S. section 45a-85. If, on the other hand, negotiations would be conducted with Probate Court Administration, the bill would effectively make this office responsible for many decisions that are presently handled by the judges as part of the management of their courts. Negotiations over conditions of employment, for example, would necessarily include processes for deciding employees' location assignments and work schedules, both of which are now handled on a court-by-court basis.

RB 6417 would also reverse much of the progress that the Probate Court system has achieved in reducing operational costs by restructuring. The system now saves $3.7 million annually due to court consolidation and the establishment of a more efficient central financial structure. The money saved is a direct benefit to the general fund. While the bill lacks sufficient detail to calculate the costs of implementation with specificity, it is clear that implementation would require additional staff at this office. Combined with application of state employee benefits to court employees, increased expenditures would likely be in the millions of dollars annually.

The Probate Court system is strongly committed to fair and competitive compensation and benefits for court staff. Given the excellent progress of the system towards that goal, and given also the important role of probate judges as locally elected officials, we respectfully request that the committee reject this proposal.