



5066

STATE OF CONNECTICUT

OFFICE OF THE
PROBATE COURT ADMINISTRATOR

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House Co-Chair Peter Tercyak
Senate Ranking Member Joe Markley
House Ranking Member Richard Smith
Honorable Members of the Labor and Public Employees Committee

From: Paul J. Knierim
Probate Court Administrator

Re: RB 5066 An Act Concerning Certain Workers' Rights to Collectively Bargain

Date: February 18, 2014

The Office of the Probate Court Administrator opposes sections 2 and 3 of RB 5066, An Act Concerning Certain Workers' Rights to Collectively Bargain.

Under current law, Probate Court employees work for their individual courts. The system is made up of 54 Probate Courts and six Regional Children's Probate Courts, for a total of 60 separate courts. Hiring decisions are made at the local level by the elected judge of each court.

Compensation and benefits, on the other hand, are determined under a uniform state-wide plan that was first put in place in 2011 as an important part of Probate Court restructuring. The Probate Court Budget Committee, which is the statutory body that establishes the compensation and benefits plan, works closely with judges and court staff to ensure that the plan is fair and competitive. Key accomplishments in the past three years include establishment of uniform pay ranges for each position based on current market data, completion of an internal pay equity study, implementation of benefits modeled on those afforded to Judicial Branch employees, a system-wide performance evaluation system, and annual COLA and merit pay adjustments.

Sections 2 and 3 of RB 5066 are flawed in two significant ways. First, the bill makes Probate Court employees subject to the State Employee Relations Act but maintains the employment relationship at the individual court level. Under this framework, negotiations conducted on a court-by-court basis would inevitably yield a patchwork of inconsistent employment arrangements. This lack of uniformity, and the unfairness that it creates, is precisely the problem that the General Assembly sought to rectify when it established the Probate Court Budget Committee and required that it set up a system-wide uniform compensation and benefits plan. Passage of this bill would eviscerate the enormous progress that the Probate Court system has made since 2011 in bringing about uniformity and fairness for Probate Court staff. It would also be in direct conflict with C.G.S. section 45a-85, which gives the Probate Court Budget Committee sole authority over pay and benefits for court employees.

Second, the bill repeals at-will employment for Probate Court employees without establishing an alternative framework. The current arrangement permits each judge to select and supervise the employees who interact with the public on his or her behalf. Like legislators, whose employees also serve at will, probate judges are directly accountable to the voters. In this context, the ability to hire their immediate staff – a responsibility that judges exercise with the utmost prudence – is critically important.

The fiscal consequences of RB 5066 are likely to be large. While court consolidation and numerous cost-cutting measures save the state \$4 million annually, the Probate Courts currently have no staff with the necessary expertise to handle collective bargaining negotiations. We anticipate that a significant increase in staffing levels would be necessary given the prospect of separate negotiations at as many as 60 different court locations.

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. Given our excellent progress in implementing a fair and competitive compensation and benefits plan for court staff and given also the important role of probate judges as locally elected officials, we respectfully request that the committee reject this proposal.