

February 14, 2015

TO: Members of the Labor and Public Employees Committee  
RE: H.B. No. 5860, AN ACT RECOGNIZING PROBATE COURT EMPLOYEES AS STATE EMPLOYEES

Dear Committee Members:

My name is Michelle Gunn and I have been a Probate Court clerk for 20 years. I am writing in support of H.B. 5680 and the changes it proposes. The language in the current law, C.G.S 45a- 21 in which a clerk "...works at the pleasure of the judge" is outdated and no longer serves the current structure of the Probate Court system.

Since the consolidation of the Probate Court system in 2011, many positive changes have occurred which have greatly improved the ways in which court clerks are compensated. We now have job tiers and pay ranges associated with each tier, as well as job descriptions to better identify our new roles. These changes, when added to already existing policy regarding continuing education requirements, brought forth a uniform system of educated court staff. However, while these changes have created a more professional work environment, they do nothing to ensure that court staff will continue to enjoy their positions regardless of how qualified or experienced they are. In short, there is no job security. In fact, despite any policies created by Probate Administration which seek to maintain professionalism in its staff on an unbiased system-wide level, without challenging the language of 45a- 21 Probate Court Judges ultimately maintain control over hiring and firing their staff thus *recreating* the very same inequality Probate Administration has been trying to change.

My recent experience is a case in point. In January of this year, a new judge took office in my Court and brought in her personal secretary from her law practice to replace me in my position as Full Time Clerk. I was not granted an interview with this judge to discuss my valuable experience and qualifications nor to defend myself against being terminated. I was given less than two weeks notice that I was being terminated without cause. To avoid unemployment and maintain my benefits, I took a lesser position in a neighboring court which pays nearly 20% less per hour than my previous position and is only part-time. My accrued sick and vacation time was transferred to my new position, however, its value is now payable at my new lower rate instead of the higher rate at which it was acquired. Although the staff at Probate Administration assisted me in handling the details of my imminent unemployment and eventual transfer, they are not there to provide any assistance in coping with being unfairly terminated after 20 years of service. There was also no assistance given to the Assistant Clerk in our court who was not only overlooked for the coveted full time position that I vacated, but also denied the promotion to Clerk which she was qualified for after nine years in the court system. The probate court system does not have a human resources division so there is no one to call to bring forth any complaints.

In addition, despite Probate Administration's policy which clearly outlines minimum job requirements, a new employee's qualifications can be quite suggestive. To be hired as a Clerk, a qualified candidate must have a "minimum of 4 years in a Probate related field". (Probate Court Policy Manual Policy 201) This can be broadly interpreted to mean as little as preparing wills for an attorney's office that practiced estate planning. This in no way would qualify a person to be hired as a Clerk in a Probate Court and yet it is a possibility. It is difficult to adequately adhere to a policy set by Probate Administration when 45a-21 ultimately gives the elected judge of each individual court the final decision of who to employ thus making job qualifications a mute point.

CGS 45a- 21 in its current state represents a glaring hole in an evolving system and one which has the potential to cause a turnover in court staff every four years based on personal or political favor of the incoming judge. This could result in the systematic elimination of seasoned experienced clerks in favor of new inexperienced staff. This is counterproductive to the system as a whole not to mention an egregious injustice to the public which it serves as well as all probate court employees who have adhered to the policies set by Probate Administration to no avail.

I therefore support **H.B. 5680** proposed changes that would give court employees the opportunity to decide if they want to work for a system that offers no job security or to work towards one that prevents them from being unfairly treated or terminated.

I thank you for your consideration,  
Michelle R. Gunn  
Assistant Clerk  
Windham-Colchester Probate Court