JUDICIAL FINANCE COMMISSION

STATE OF MISSOURI

In re Circuit Court Budget of the 31st Judicial Circuit of the State of Missouri

Greene County Commission, et al., Petitioners,	)	
vs.	)	Cause No. 91-0042
Thirty-First Judicial Circuit, et al., Respondents.	)	

DECISION

This matter appears before the Judicial Finance Commission upon a petition filed on December 3, 1991, by Greene County. Petitioner herein, seeks a determination that the County is not legally obligated to provide any of the disputed budget items requested by the Circuit Court as detailed below.

In its petition for review the County objected to the following items that were included in the budgetary submission for the 31st Judicial Circuit: (1) funding for temporary salaries to cover vacations and sick leave, ($60,000); (2) salary increases for all county paid circuit court personnel, ($56,813); (3) funding for a new employee to pick up and deliver mail, ($14,102); and (4) a capital improvement request for equipment, ($90,000). Members of the County Commission and

Circuit Court met several times in an effort to resolve this dispute, but they were unsuccessful.

Pursuant to §50.640, RSMo 1986, a settlement conference was held on January 27, 1992, at the Greene County Courthouse, Springfield, Missouri, with Judicial Finance Commission members, Honorable John Yeaman and Honorable Marshall Pile, in attendance. At this conference, the Court withdrew some of its requests, however, the parties were unable to reach an agreement regarding the remaining issues, which dealt primarily with salary increases. A pre-hearing conference was held on June 12, 1992.

Following written notice to the parties, a formal hearing was held before the Judicial Finance Commission on August 7, 1992, at the Supreme Court Building, Jefferson City, Missouri. Prior to the hearing, the Circuit Court withdrew its request for a jury selection upgrade, ($5,000), and the addition of temporary probate salaries, ($5,000). The only remaining unresolved issue involves the inclusion in the Thirty-First Judicial Circuit Court Budget of the salary increases for bailiffs and juvenile court employees.

The County objects to the inclusion in the Circuit Court's budget of the salary increases, maintaining that they are not reasonably necessary for the functioning of the Court. The clearest illustration of a lack of need, the County argues, is the fact that Greene County spends a higher percentage of its

1992 General Revenue Budget on the juvenile division than Franklin, Boone, Buchanan, Clay and St. Charles Counties - all of which are first-class, non-charter counties.

The County asserts that there were no across-the-board pay increases for other county employees and that there must be comparable pay for comparable county positions. The core issue, the County submits, is that "we don't want the juvenile court, year after year after year, saying you're going to give us another raise, and other county employees aren't getting another raise."[1] Additionally, the County finds the Circuit Court's request for salary increases to be unreasonable in light of the present financial condition of Greene County.

Section 50.640, RSMo 1986, provides that if a petition for review is filed with the Commission "the Circuit Court shall have the burden of convincing the Judicial Finance Commission that the amount estimated by [the court]...is reasonable." Case law has delineated those expenditures that can be considered "lawful" or reasonable:

1. Those the General Assembly has fixed by statute or absolutely reposed in the Court's discretion.
2. Those the local government unit...which is required to provide the funds to meet such expenditures, may have authorized previously with or without request
3. Those reasonably necessary for the Court to carry out its functions.

[1] p. 175 official transcript

In re 1984 Budget for Circuit Court, 687 SW2d 896, 899 (Mo. banc 1985).

In establishing the legitimacy of the Court's request for salary increases, we must examine the reasonableness, based on necessity, in fact, for the request. State ex rel. Baty, 601 SW 2d 263 (Mo. banc 1980). While Greene County does spend a higher percentage of its 1992 General Revenue Budget on the juvenile division than other first class, non-charter counties, evidence shows that it also operates a juvenile detention center and has the highest number of juvenile referrals. Obviously, a greater number of referrals will necessitate more expenditures. The Circuit Court contends that there are no other Greene County employees who have similar duties, length of service and educational qualifications to compare with juvenile division and juvenile detention employees. When compared with what other first-class counties are paying their juvenile workers, however, Greene County's juvenile workers' salaries are somewhere "in the middle."[2] In addition, the Circuit Court points out that the new larger juvenile detention center in Greene County has increased responsibilities for these employees.

We find that the Circuit Court has carried its burden of proof as to the reasonableness of the salary increases for the

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[2] Stipulated to by parties, Exhibit F

Chief Juvenile Officer, Administrative Assistant/Chief Deputy Juvenile Officer, Court Social Worker, Chief Deputy Juvenile Officer, Deputy Juvenile Officer/Probation Officer, Deputy Juvenile Officer/Field Supervisor, and fifteen (15) Deputy Juvenile Officers. These salary increases are reasonable and necessary to retain experienced and qualified personnel and to ensure efficient operation of the Juvenile Division of the 31st Judicial Circuit. Furthermore, the salaries are comparable to those of similarly qualified juvenile court employees in other first class, non-charter counties.

The Circuit Court failed, however, to meet its burden of proof and establish by a preponderance of the evidence that the budgeted salary increases for the other court employees designated in Exhibit I, which is attached hereto and incorporated by reference herein, are reasonable and necessary. While the bailiffs, secretaries, and other court personnel may well be deserving of raises, this Commission is obligated to consider compensation for other employees with similar responsibilities. (Section 50.640, RSMo 1986)

According to testimony by the County's chief financial analyst, the bailiffs received a 4.97% increase in salary in 1991 and have requested an additional 5% in 1992. The evidence shows that court secretaries, clerks, and virtually all other support staff received salary increases ranging from nearly 5% to over

12% in 1991, with a request for a minimum of 5% in 1992. Although some county employees did receive raises in 1991, the last county-wide salary increase was 3% in 1990. The county has not budgeted across-the-board salary increases for other general revenue employees performing similar services in 1992.

More specifically, the Director of Juvenile Court Services received a $4,400.00 salary increase in the previous year's budget and the Court failed to establish the reasonableness of an additional raise when other general revenue employees did not receive same. From 1990 to 1991, the director received a 10.5% increase ($42,000 to $46,400).

With respect to Youth Leaders, Supreme Court Rule 113.03, §11.2, provides for "an 8:1 juvenile to staff ratio, with at least two child care workers on duty at all times. During the day, adequate staffing should be available to provide programs in the facility." This provision led to four (4) new positions for "Youth Leaders," which were created in 1991. Again, in light of the fact that there were no across-the-board raises for county employees, and these were newly created positions, the Circuit Court did not make a case for an increase in the "Youth Leaders'" salaries.

Testimony before the Commission established that Greene County is solvent. The County has an adequate financial reserve on hand and appears to be operating the type of conservative

accounting practices that will ensure future stability. The evidence established that there are increased demands on the juvenile division and the detention center and we find that the salary increases of the employees designated herein are reasonable.

It is the decision of this Commission that Petitioner Greene County is obligated to fund the raises requested by the Circuit Court for the Chief Juvenile Officer, Administrative Assistant/Chief Deputy Juvenile Officer, Court Social Worker, Chief Deputy Juvenile Officer, Deputy Juvenile Officer/Probation Officer, Deputy Juvenile Officer/Field Supervisor, and fifteen (15) Deputy Juvenile Officers. The County is not obligated to fund salary increases for the other employees in Exhibit I.

Dated this 8th day of October, 1992

James R. Reinhard, Chairman

The Honorable Byron L. Kinder
The Honorable Floyd McBride
The Honorable Edith Louise Messina
the Honorable Gene Huckstep

OPINION, CONCURRING IN PART, AND DISSENTING IN PART

I concur with the majority opinion that the Court has carried its burden of proof as to the reasonableness of the salary increases for the fifteen (15) Deputy Juvenile Officers. I also agree that the Court failed to establish that the budgeted salary increases for the other court employees designated in Exhibit I are reasonable and necessary. With regard to the remaining six employees, however, I respectfully dissent.

The evidence presented indicates that Greene County operates a juvenile detention center and has the highest number of juvenile referrals of all first class, non-charter counties. In addition, the County has recently created a new, larger detention center which has further increased the workload and responsibilities of the fifteen Deputy Juvenile Officers.

The Judicial Finance Commission must consider the Court's request for salary increases in light of compensation received by all other County employees with similar duties. Greene County has not budgeted across-the-board salary increases for general revenue employees in 1992. While other employees in the Juvenile Division may well be affected by the growing number of juvenile referrals, the Court only established the reasonableness of the budgeted salary increases for the fifteen Deputy Juvenile Officers.

Marshall Pile

The Honorable Marshall Pile

DISSENTING OPINION

The Circuit Court has failed to meet its burden of proof as to the reasonableness of the salary increases in dispute. I disagree with the majority's conclusion that salary increases are reasonable and necessary to retain experienced and qualified personnel and to ensure efficient operation of the Juvenile Division of the 31st Judicial Circuit.

The Director of Juvenile Court Services testified that two individuals who resigned specifically alleged salaries as a reason; and that several others were looking for new positions in order to improve their financial situations (p. 137, Official Transcript). That hardly constitutes a high employee turnover rate. There has been no evidence presented by the Court that any positions in the Juvenile Division would go unfilled absent a pay raise higher than that of other county-salaried employees.

While experience is certainly a valuable commodity, the pay scale in Greene County is competitive with that of other first class, non-charter counties and it seems reasonable to expect that there would be competent individuals willing to apply for any openings which might arise. There is no evidence which indicates that salary increases are reasonably necessary for the Court to carry out its function.

Authority to fix salaries for circuit court employees is vested in the circuit court See Circuit Court of Jackson County v. Jackson County, 776 S.W. 2d 925 (Mo. App. W.D. 1989), however,

the Court has the burden of convincing the Commission that the amounts estimated by it and included in the budget are reasonable. In assessing the reasonableness of the budget request, the Judicial Finance Commission is to consider "the expenditures necessary to support the circuit court in relation to the expenditures necessary for the administration of all other county functions." § 50.640(2), RSMo 1986. While the County does have surplus funds, that carry-over balance is typically used to fund non-recurring expenses (such as new facilities) and to even out the cash flow in months where expenditures exceed revenue. Mary Malter, the County's financial analyst, testified, "If these monies were used for salary increases, we would be taking a non-recurring source of revenue and matching it against a recurring expense. This would contribute further to the oprating deficit of the County. The carry-over balance would eventually be depleted." (Official transcript, p. 31)

Our Commission must also consider "compensation for county employees with similar duties, length of service, and educational qualifications." § 50.640(2), RSMo 1986. The County has not budgeted across-the-board salary increases for other general revenue employees performing similar services in 1992. In fact, the last county-wide salary increase was 3% in 1990. Therefore, I do not find the Court's request to be reasonable.

The Honorable Gene Schwendemann
Acting Commissioner

GREENE COUNTY
31ST JUDICAL CIRCUIT
SALARY HISTORY SUMMARY
1990 - 1992

	ACTUAL 1990	ACTUAL 1991	INCREASE	BUDGET 1992	INCREASE	CUMULATIVE INCREASE
Circuit Court	56,482	95,882	39,400	104,499	8,617	48,017
Assoc. Circuit Court	53,031	56,619	3 588	58,800	2,181	5,769
Juvenile Court	485,007	517,061	32,054	561,936	44,875	76,929
Juvenile Detention	156,471	178,569	22,098	195,990	17,421	39,519
TOTAL	750,991	848,131	97,140	921,225	73,094	170,234

GREENE COUNTY
JUVENILE COURT
SALARY HISTORY 1990 – 1992

	ACTUAL 12/30/90 *1	ACTUAL 12/31/91 *2	% INCREASE	REQUEST 1992 *3	% INCREASE	CUMULATIVE INCREASE	
Director Juv. Crt. Serv.	42,000	46,400	10.48%	48,820	5.22%	16.24%	
Chief Juvenile Officer	9,218	11,418	23.87%	11,989	5.00%	30.06%	
Admin Asst/Chf Dep JO	30,995	32,095	3.55%	33,800	5.31%	9.05%	
Court Social Worker	21,000	22,000	4.76%	23,200	5.45%	10.48%	
Chief Deputy JO	24,819	25,819	4.03%	27,210	5.39%	9.63%	
Dep JO/Prob Officer	21,270	22,270	4.70%	23,484	5.45%	10.41%	
Dep JO/Field Supv.	24,819	25,669	3.42%	26,952	5.00%	8.60%	
Deputy JO	21,870	23,170	5.94%	24,429	5.43%	11.70%	
Deputy JO	21,870	22,870	4.57%	24,114	5.44%	10.26%	
Deputy JO	21,220	22,220	4.71%	23,431	5.45%	10.42%	
Deputy JO	21,220	22,220	4.71%	23,431	5.45%	10.42%	
Deputy JO	21,220	22,420	5.65%	23,641	5.45%	11.41%	
Deputy JO	18,853	21,783	15.54%	22,972	5.46%	21.85%	
Deputy JO	21,000	22,200	5.71%	23,410	5.45%	11.48%	
Deputy JO	23,000	23,650	2.83%	24,933	5.42%	8.40%	
Deputy JO	21,270	22,370	5.17%	23,589	5.45%	10.90%	
Deputy JO	18,853	18,853	N/A	19,140	1.52%	1.52%	Turnover during this period
Staff Secretary	16,828	17,828	5.94%	18,819	5.56%	11.83%	
Staff Secretary	15,605	16,605	6.41%	17,535	5.60%	12.37%	
Adm Clerk/Secretary	14,812	15,712	6.08%	16,598	5.64%	12.05%	
Staff Secretary	15,140	16,140	6.61%	16,947	5.00%	11.94%	
Staff Secretary	15,884	14,500	N/A	15,325	5.69%	5.69%	Turnover during this period
Adm Clrk/Data Entry	13,890	14,790	6.48%	15,630	5.68%	12.52%	
Victim Witness	16,000	16,800	5.00%	17,740	5.60%	10.87%	
Adm Clerk/Recept.	12,500	14,000	12.00%	14,800	5.71%	18.40%	

*** See notes under Juvenile Detention ***

PETITIONERS EXHIBIT
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GREENE COUNTY
JUVENILE DETENTION
SALARY HISTORY 1990 – 1992

	ACTUAL 12/30/90 *1	ACTUAL 12/31/91 *2	% INCREASE	REQUEST 1992 *3	% INCREASE	CUMULATIVE INCREASE	
Supv. Juv. Detention	22,346	25,000	11.88%	27,500	10.00%	23.06%	
Deputy JO	20,975	21,975	4.77%	23,074	5.00%	10.01%	
Food Service Mgr	12,750	13,888	8.93%	14,582	5.00%	14.37%	
Deputy JO	18,853	21,183	12.36%	22,242	5.00%	17.98%	
Deputy JO	18,853	21,183	12.36%	22,242	5.00%	17.98%	
Deputy JO	16,951	19,040	12.32%	21,183	11.26%	24.97%	
Deputy JO	18,853	15,198					Turnover during this
Youth Leader	0	11,440	N/A	12,012	5.00%	5.00%	New Position 1/1/91
Youth Leader	0	11,440	N/A	12,012	5.00%	5.00%	New Position 1/1/91
Youth Leader	0	11,440	N/A	12,012	5.00%	5.00%	New Position 1/1/91
Youth Leader	0	11,440	N/A	12,012	5.00%	5.00%	New Position 1/1/91

*1 Data taken from 12/31/90 pay requisition, and annualized

*2 Data taken from 1992 salary worksheets

*3 Data taken from 1992 salary worksheets

NOTE

The total budgeted across the board increase for all other general revenue employees was 0% for 1991 and is 0% for 1992.

GREENE COUNTY
CIRCUIT COURT
SALARY HISTORY 1990 - 1992

CIRCUIT COURT	ACTUAL 12/30/90 *1	ACTUAL 12/31/91 *2	% INCREASE	REQUEST 1992 *3	% INCREASE	CUMULATIVE INCREASE
Bailiff Division I	17,496	18,366	4.97%	19,285	5.00%	10.23%
Bailiff Division II	17,496	18,366	4.97%	19,285	5.00%	10.23%
Bailiff Division III	17,496	18,366	4.97%	19,285	5.00%	10.23%
Bailiff Division IV	17,496	18,366	4.97%	19,285	5.00%	10.23%
Bailiff Probate	17,496	18,366	4.97%	19,285	5.00%	10.23%
ASSOC. CIRCUIT COURT						
Bailiff Division 21	17,496	18,366	4.97%	19,285	5.00%	10.23%
Bailiff Division 22	17,496	18,366	4.97%	19,285	5.00%	10.23%
Bailiff Division 23	17,496	18,366	4.97%	19,285	5.00%	10.23%

*1 Data taken from 12/31/90 pay requisition, and annualized

*2 Data taken from 1992 salary worksheets

*3 Data taken from 1992 salary worksheets

NOTE

The total budgeted across the board increase for all other general revenue employees was 0% for 1991 and is 0% for 1992.