

Courts

Salary Board Meeting
January 12, 2011
11:00 AM
Commissioner's Meeting Room

Roll Call:

Commissioner Vincent Zapotosky
Commissioner Angela M. Zimmerlink
Commissioner Vincent A. Vicites
Controller Sean Lally
Dominick Carnicella, Director of Human Resource Department
Tammy Boyle, Administrative Assistant
President Judge Gerald Solomon
Karen Kuhns, Court Administrator

Public Comment

No comments

Motion to consider approving the 3% pay increase for the non-union Court related employees commensurate with all other Non Union County employees effective January 1, 2011.

Motion made by President Judge Gerald Solomon
Seconded by Commissioner Angela M. Zimmerlink (for purposes of discussion)

Discussion:

President Judge Solomon presented a packet of information to all Salary Board members regarding various issues. This packet included information to support his staff on a number of matters. They are as follows:

One in which is with regards to figures to verify that the courts are financially responsible.

In December of 2010 a number of requests were made of the Court and Court related offices which none are required.

The Domestic Relations section indirect costs of \$46,611.00 of indirect costs and the ARC of \$44,189.09, which has not been paid.

I would note the DRS have paid the County \$501,021.20 in indirect costs. These cost were charges for use of the Public Service Building a building acquired and renovated solely with DRS funds totaling \$1,132,577.51.

In 2001, DRS funds in the total amount of \$513,022.19 have been used to renovate and modernize courtrooms and in the amount of \$15,530.84 for security services.

In 2009, DRS did make a contribution to the ARC fund in the amount of \$49,996.46.

In years 2007 and 2009 Adult Probation had indirect costs of \$36,195.00 and \$34,281.63 in ARC contributions Adult Probation has not made any of these payments.

The Court has been requested to pick up the pay increase for the 35 Non-Union employees, which totals \$27,492.75. This is an average increase of \$785.50 per employee or \$65.45 a month.

The next section addresses the 2011 budgets for Domestic Relations, Adult Probation and the Courts.

The Domestic Relations budget is \$1,477,004.00 less the incentive amount of \$130,00.00, which leaves \$1,347,004.00. The Commonwealth has agreed to 34%, which would be equal to \$457,982.00. The County is actually contributing \$27,961.00 or 0.0189% of the budget for the Domestic Relations.

The County's required contributions since 2001 total \$3,356,075.00 when the County actually contributed \$27,961.00 instead of the required 34%, leaving a balance owed by the County to DRS in the total amount of \$3,104,426.00. This payment is called the Maintenance of Effort (MOE).

In 5 1/2 years the DRS funds will be depleted in which time the County will be looking at a \$1,500,000.00 budget item.

The Adult Probation office's budget is \$1,582,490.00 with the County contribution of \$559,679.00, which is 35% of the total budget.

The County has agreed to Union salary increases without an increase to the budget, which means the Adult Probation is going to have to pick these up.

At current rates there will be an average of \$500.00 per month to the go. That money has been used to meet the shortfall of that office.

The Courts we receive an annual contribution of \$308,565.00 from the State. I know that part of the opposition of the pay increase was that the ARC cont was not being made. I asked the Court Administrator to take a survey of surrounding Counties to see which pay into the ARC. I have provided the Salary Board members with that list. Every County on that list that makes an ARC is at 34% of their budget not the 0.0189%.

The next item is C-17 fund, which is our Court fund of \$987,831.00 since 1998 approximately. This fund is getting low due to the renovations that have been made on the Courthouse, supplementing the budget shortfall for the Magisterial District Justices.

Lastly, included in the packet are agreements that the County has entered into for grants and reimbursements where by failure to treat Non-Union Court related employees equal to all other employees will result in the loss of grants and reimbursements. Those grants for the Adult Probation office are \$65,366.00 Grant-in-Aid which last year (2010) totaled \$305,900.00 and in 2009 totaled \$267,678.00. 2011 has yet to be determined.

Juvenile Probation Grant-in-Aid is \$215,876.00 and Training Funds are \$8000.00. I have asked the department heads of those offices to be here for any questions the Commissioners may have of them concerning their budgets, grants or reimbursements.

Failure to grant the pay increases for the Court related Non-Union employees would result in a \$27,000.00 will result in a loss of \$600,000.00

Commissioner Zapotosky asked if the President Judge of verification of that. Commissioner Zapotosky commented that he read the language in the letter from September, 2010 but I am not clear where it states that the Federal government subsequent to the 3% being given will not make reimbursement.

President Judge Solomon referred this response to the Juvenile Probation Chief Probation officer, Mr. Jerry Andria.

Jerry Andria explained that if the salary increase were not made the grant that the Juvenile Probation office receives for 2011-12 would not be approved.

Commissioner Zapotosky explained that he did not see any language in the letter that would indicate the grant not being approved.

Mr. Andria explained that he spoke with Tom Greene it was indicated to him on the phone that the County could loss the grant.

Commissioner Zapotosky asked that a formal notification be provided to the Commissioners as verification of that conversation.

Mr. Andria did share that he recalled this happening approximately 15 years ago and that the County did loss the grant for 4 years until matters could be cleared up.

Commissioner Zapotosky requested historical verification of the issue that transferred 15 years ago. Mr. Andria stated there was a court order to address the salary increases for the employees at that time. This happened back in 1995-96.

President Judge Solomon stated that the County never took care of it. Mr. Andria explained the County had to go retroactive for several years in order to reapply for that grant.

Commissioner Zapotosky asked if any of the department heads had any information from the State or Federal government he asked that it be shared. He would like to see in formal writing that the agencies would maintain that position.

Mr. Andria urged that after speaking with Mr. Greene he feels that the discontinuation of the grants would be maintained as far as his grant being affected.

Commissioner Zimmerlink asked the President Judge about the grants being affected by the Court related Non-Union employees not receiving a salary increase would be considered an inequity. If the County hadn't granted a 3% salary increase for all Non-Union employees then this wouldn't be an issue.

President Judge Solomon agreed that was a true statement.

Commissioner Zimmerlink explained that she brought the issue up at the last salary board meeting so that there wouldn't be an issue.

President Judge Solomon referred to a letter dated September 21, 2010 from Mr. Andrews office to James E. Anderson, which was signed by the three commissioners here and Judge Wagner refers to the compensation of salaries, salary increases, bonuses and any other compensation to any Juvenile Probation personal is equitable that is provided to any other County and Court employees. As far as Adult Probation employees the agreement reads that any personal that is not covered by a collective bargaining agreement shall receive compensation, which is competitive with other County/Court personnel.

Commissioner Zapotosky asked Human Resource Director, Dominick Carnicella, could you provide to us through Sean Lally the salaries breakdown based on Union and Non-Union wages. Commissioner asked for a comparison of the average Non Union workers would be substantially higher then the average Union worker to qualify if there is an inequity. If the Union workers salaries were higher then you would have an inequity. Comm. Zap wanted a comparison to verify the equity compliance issue in the agreement.

Commissioner Zimmerlink stated that there are differences between Union and Non-Union and there is a difference even between the different Unions. She asked what would be compared.

Commissioner Zapotosky stated that Commissioner Zimmerlink has never supported an increase any year that the COLA was proposed. He stated the reasoning behind the request for a comparison is to maintain equity as the agreement states.

President Judge Solomon questioned if the Commissioners entered into an agreement without knowledge of what is in the said agreement. Inequity comes into play if you give someone a 3% increase and give another an 8-1/2%.

Commissioner Aimmerlink said that is why she asked the question about inequities because last week the Non Union employees were given a 3% increase but not all the Non Union employees received a 3% increase. The Court related employees did not get that increase. This was an inequitable act. The President Judge would not be sitting here making an issue of it if the court related employees were given an increase.

Commissioner Vicites stated that it becomes a constituency issue, which Commissioner Zimmerlink votes against everything.

President Judge stated that Commissioner Zimmerlink has been the only one that has been constituent. If you as commissioners had granted the raises I wouldn't be here. The agreement also has language about contractual employees as well. If you as commissioners had given all the Non Union employees an increase I still would have been here because the agreement states that all employees should receive equal compensation. If you give the contractual employees an increase you need to give the Non Union an increase.

Commissioner Zimmerlink explained that the reasoning for her not voting to give the Non Union employees an increase was because there was one non union employees who received an 8 1/2% increase while all other non union employees received the 3% inc. Hence the reason why she didn't vote on the pay increases for the non-union employees

Commissioner Vicites remarked that the reason for the higher percentage was due to the director getting his State & Federal cert as was done when the supervisor in the UCC completed his cert. This is consistent to what was talked about with the Veteran's Liaison committee.

Commissioner Zapotosky explained that the increase was budgeted in 2010 and 2011 and the director obtained both certifications to better serve the 14,000 veterans' of this county.

President Judge thanked Commissioner Zapotosky for the follow up email that was sent explaining the reason for the veteran's affairs salary increase and that is why the Courts have been pushing for the last few years for a pay study to be done for the Non Union employees. The President Judge supports a pay study and will contribute 50% of the cost.

Commissioner Zapotosky agreed with the President Judge and explained that he and Commissioner Vicites is supportive of a pay study but the problem comes in when the study is completed and the implementation of the study.

Cont Lally agrees with a pay study but too questions where the financial support would come from.

Pres Judge stated that he has heard from various commissioners that the concern is the county will run out of money before the end of the year.

Commissioner Zapotosky disagreed with that statement and stated he has not said anything of the sort nor has he heard anyone else make mention of that.

Pres Judge commented that we are willing to roll the dice and loose \$600,000.00 in grants because of an issue between the comm. and the courts regarding the ARC contribution. When the county makes 34% contribution to match all these other counties the Judge will make the ARC contribution he will also make Adult Probation's contribution.

Commissioner Vicites asked the director of DRO if when he came into his budget hearing if he asked for 34% to be funded.

The DRO director did not ask for the 34% funding.

Commissioner Vicites stated that the request was never made for 34% that the county has always gone with the \$27,000.00 and that has never been made. This was the first year that the discussion of 34% came up.

Pres Judge pointed out that the agreement was last signed in 2007 and was signed every five years.

Com V said that it has never been brought up at budget hearings to make the county aware of this issue.

President Judge asked the Director of Domestic Relations when the State notified him about this issue. DRO director said the county was audited in 2001 and in 2002 they started making the MOE payment.

Commissioner Vicites stated that the county has always gone with the \$27,000.00. This has never been asked about at budget hearings. There was one time in my tenure that a 3% increase was not given to the non-union employees. Do to being at our taxing limit.

Commissioner Vicites concern is the non-payment of the ARC will create a budgetary shortfall due to the \$77,000.00 that is not budgeted for the ARC. The county received revenue from the Courts last year but did not receive one this year. It does create a financial problem. In 1982 the market went down and the County took a hit. Prior to that the ARC was fully funded up to 2007. In 2008 the ARC fund became a problem and the County had to contribute into the fund. Every department has contributed to the ARC fund with the exception of the Court related departments, which are Adult Probation, Juvenile Probation and Domestic Relations. The total of 2010 contributions were \$610,000.00 from the General Fund and \$350,000.00 from the other agencies. This is a total of \$900,000.00.

Pres Judge stated he couldn't remember at the budget meeting this issue beginning brought up. The only commissioner at the two meetings he attended was Commissioner Zimmerlink.

Commissioner Zapotosky explained that Jeanine Wrona, Chief Deputy Controller sent emails out regarding the ARC payments.

President Judge Solomon does not recall receiving the email or this issue being discussed at the budget hearings.

Commissioner Vicites stated that the County received payment last year and assumed the payment would be made this year.

President Judge commented that the State sent a letter that we will no longer receive the 66% reimbursement for Domestic Relations.

Commissioner Vicites clarified that the County has contributed toward the renovations in the Courthouse along with the Courts.

Commissioner Zapotosky stated that the Act 77 funding is being used for upcoming projects in the courthouse to continue the work the Courts have started. The County also appreciates the contribution the Courts made toward the salary increases for the 2010 budget year.

Commissioner Zapotosky explained that through the budget hearings one of the main discussions was about the 7% or 8% impact on the Fund Reserve, which would equal \$77,000.00. I will support the increase but we must address this issue of the \$77,000.00.

President Judge called to move on the motion
Commissioner Zimmerlink seconded the motion

On roll call vote

Commissioner Zapotosky	Nay
Commissioner Vicites	Nay
Commissioner Zimmerlink	Nay
Controller Lally	Nay
President Judge Solomon	Yea

Motion fails 1 yeas 4 nays

Consider a motion to table the 3% salary increase for the Non Union Court related employees pending review and further discussion.

Motion made by Commissioner Zapotosky
Seconded by Commissioner Vicites

On roll call vote

Commissioner Zapotosky	Yea
Commissioner Vicites	Yea
Commissioner Zimmerlink	Nay
Controller Lally	Yea
President Judge Solomon	Nay

Motion passes 3 yeas 2 nays

President Judge wants it noted for the record that he will not request a salary board if there is a change in the decision to give the 3% then he will attend another salary board to participate in the vote.

Commissioner Zimmerlink stated that she does not feel the ARC payment has anything to do with this issue and wants to maintain consistency in the Non Union unit.

Commissioner Vicites stated that the County has still experienced a shortfall of \$77,000.00 even after the Courts contributed the \$27,000.00. This creates a fiscal problem that can't be overlooked.

President Judge is requesting a copy of the minutes with the County seal on it to notify the appropriate agencies.

Motion to adjourn

Commissioner Zapotosky	Yea
Commissioner Vicites	Yea
Commissioner Zimmerlink	Yea
Controller Lally	Yea
President Judge Solomon	Yea

Motion carries unanimously

Regarding the payment for the Annual Retirement Contribution in the amount of \$27,49