

COMPENSATION BOARD DOCKET #13/06

December 19, 2012

EMPLOYEE RECOGNITION
NONE.

307-13-06: SHERIFFS & REGIONAL JAILS

NEW BUSINESS:

<u>LOCALITY</u>	<u>OFFICER</u>	<u>REQUEST</u>	<u>TOTAL COST</u>	<u>COMPENSATION BOARD ACTION</u>
PETERSBURG	SHERIFF	<p>Officer requests to transfer an additional \$898.01, stressed amount \$853.38 to replace a Livescan printer.</p> <p>Officer originally requested in November to replace the printer at the cost of \$249.99, with the stressed cost of \$237.57, but found the printer was not compatible with the Livescan. The cost of the new printer is \$1,148.00 therefore the officer requests additional \$898.01.</p> <p>The Sheriff's office understands that funds must be expended and requested for reimbursement prior to the May reimbursement.</p>	\$898.01 Stress cost \$853.38	Approved per the Compensation Board's FY13 Budget Priorities and Policies. This is a one-time transfer, not in the base budget.

From VACANCY SAVINGS

FIPS	Locality	Equipment Requested	Requested Qty	Requested Cost	Total Requested Cost	Per Policy Qty	Per Policy Cost	Total Cost Approved	Stressed Cost
730-307	Petersburg	Live Scan Printer	1	898.01	898.01	1	898.01	898.01	853.38
Grand Total					898.01			898.01	853.38

307-13-06: SHERIFFS & REGIONAL JAILS

NEW BUSINESS:

<u>LOCALITY</u>	<u>OFFICER</u>	<u>REQUEST</u>	<u>TOTAL COST</u>	<u>COMPENSATION BOARD ACTION</u>
VIRGINIA SHERIFFS' ASSOCIATION	VIRGINIA SHERIFFS' ASSOCIATION STAFFING STANDARDS COMMITTEE	<p>12-03-12 – The Virginia Sheriffs' Association Staffing Standards Committee presents for consideration the attached revisions to the staffing standards for allocation of Compensation Board court services deputy and administrative positions.</p> <p>Staff notes that recommendations of the VSA Staffing Standards Committee related to court services staffing standards were approved by the board in May 2008, including reporting of "papers received" versus the former "papers served", and changing from a single year of data to a three-year average for use in staffing standards calculations.</p> <p>At that time, the VSA committee also requested changes to the papers served per hour rates, and a change to the administrative staffing standard from a basis in allocated court services deputies to be based on papers processed. The Compensation Board agreed in concept at that time but asked that time and motion studies be conducted to determine data-based changes.</p> <p>After the compilation of three years of papers received data, the committee reconvened to conduct a time and motion study and re-evaluate its request based upon the results from the survey. Based upon the results of the time study, the VSA committee requests the following specific changes:</p> <ul style="list-style-type: none"> ▪ Change the current process service component used to determine the number of court services deputy positions due for counties with populations less than 10,000, currently 2 per hour to 1.5 per hour, and for counties with populations greater than 100,000, currently 6 per hour to 5 per hour. ▪ Change the current court services component used to determine the number of administrative positions due, currently 1 administrative position due per 10 court services deputy positions allocated, to a standard based on population and the number of papers received, incorporating population as an efficiency factor. 	N/A	<p>The Compensation Board approved the recommended changes to the staffing standards for court services deputy positions for county Sheriffs serving populations of less than 10,000 and 100,000 and above. The Board also approved the recommended changes to the component of the administrative staffing standard related to court services and specifically the service of process. These changes result in an increase to total positions due per staffing standards statewide of approximately 15 positions.</p> <p>The Compensation Board thanks the members of the Virginia Sheriffs' Association Staffing Standards committee for their work with Compensation Board staff to review and update the standards.</p>

307-13-06: SHERIFFS & REGIONAL JAILS

NEW BUSINESS:

<u>LOCALITY</u>	<u>OFFICER</u>	<u>REQUEST</u>	<u>TOTAL COST</u>	<u>COMPENSATION BOARD ACTION</u>
SHERIFFS AND REGIONAL JAILS	SHERIFFS AND REGIONAL JAILS	<p>Staff requests approval to provide one-time master deputy reclassifications and salary stipends for FY13 to sheriffs' deputies and regional jail officers eligible and participating in the Master Deputy/Master Jail Officer programs prior to January 1, 2010, but for whom funding was not previously available, and who still meet all necessary program qualifications. During the reconvened special session of the 2012 General Assembly, the Governor recommended and the legislature approved language and funding allowing for the one-time use of savings accrued through program attrition since January 2010 for individuals eligible but unfunded prior to January, 2010. The Board allocated these reclassifications and funding for other constitutional officer career development programs beginning July 1, 2012, because all information regarding eligibility for funding was readily available. Due to the nature of the Master Deputy/Jail Officer programs, Compensation Board staff does not maintain eligibility information for unfunded deputies/officers, and worked with the Virginia Sheriffs' Association to conduct a survey to determine deputies and officers that would qualify for program funding in FY13.</p> <p>Of 111 Sheriffs' Offices and Regional Jails surveyed that are active participants in the programs, 45 offices identified 184 deputies and officers that met eligibility criteria prior to January 1, 2010 but were unfunded at that time, and who have continued to meet all necessary program qualifications. The General Assembly allocated 639,878 in FY13 to cover the costs of providing the related stipends, and the cost to provide the stipend to all submitted deputies and officers meeting all requirements is \$607,847. Staff will work with each Sheriff's Office and Regional Jail to ensure salary adjustments are made for FY13, and individual letters will be provided to Sheriffs, Regional Jails and local governments identifying the one-time nature of the funding, as was done with other constitutional officer groups.</p>	\$607,847	<p>The Compensation Board approved the allocation of \$607,847 to allow for additional funding of 9.31% for deputies and jail officers meeting eligibility criteria specified by the 2012 legislative action for one-time allocation in FY13, based upon the Sheriff or Regional Jail Superintendent's certification regarding eligibility of individuals and the maintenance of documentation for audit purposes. Funds are to be allocated as one-time temporary salaries, and Compensation Board staff is delegated flexibility to develop parameters for working with Sheriffs' Offices, Regional Jails and localities to implement the one-time salary stipend as smoothly as possible.</p> <p>Staff will provide follow-up information to the Board regarding implementation processes at a subsequent meeting in January.</p>

717-13-06: DIRECTORS OF FINANCE
NONE.

772-13-06: COMMONWEALTH'S ATTORNEYS

NEW BUSINESS:

<u>LOCALITY</u>	<u>OFFICER</u>	<u>REQUEST</u>	<u>TOTAL COST</u>	<u>COMPENSATION BOARD ACTION</u>
NOTTOWAY COUNTY	COMMONWEALTH'S ATTORNEY	12-17-12 Officer requests to transfer Temporary Funds to Equipment to fund the purchase of the following equipment.	Total Cost \$2,100 Stressed Cost \$1,577.10	Approved per the Compensation Board's FY13 Budget Priorities and Policies. This is a one-time transfer, not in the base budget.

FIPS	Locality	Equipment Requested	Requested Qty	Requested Cost	Total Requested Cost	Per Policy Qty	Per Policy Cost	Total Cost Approved	Stressed Cost
135-772	Nottoway County	Laptop	2	1,050	2,100	2	1,050	2,100	1,577.10
135-772 Total					2,100			2,100	1,577.10

772-13-06: COMMONWEALTH'S ATTORNEYS

NEW BUSINESS:

<u>LOCALITY</u>	<u>OFFICER</u>	<u>REQUEST</u>	<u>TOTAL COST</u>	<u>COMPENSATION BOARD ACTION</u>
FAIRFAX COUNTY	COMMONWEALTH'S ATTORNEY	<p>11-19-12 Officer requests in accordance with §15.2-1606, to reimburse the County of Fairfax for Defense Counsel @ \$16,330.38 and Council Fees incurred by the State Bar at \$1,297.55.</p> <p>Officer states that in lieu of the Department of Risk Management appointing Counsel, the Circuit Court Judge appointed Mr. Leffler as Defense Counsel.</p> <p>Chief Deputy Commonwealth's Attorney states he was aware the Department of Risk Management would provide counsel when a prosecutor is sued for monetary damages, but is not an insurance policy and does not cover or apply to actions brought by the Virginia State Bar against prosecutors as such actions 1) are administrative hearings consisting disciplinary actions by a professional regulatory board and 2) are not claims seeking monetary damages. While the action brought by the Virginia State bar against Mr. Sullivan related to the performance of his duties as an Assistant Commonwealth's Attorney a reading of the plan makes clear that such administrative actions seeking redress other than monetary damages are not covered by "VaRisk2". In this case, monetary damages were not sought and the only money to be paid was in relation to legal services and court costs.</p> <p>Staff notes that Chapter 3, Item 276, paragraph B of the Appropriation Act states "Coverage provided by the VARISK plan for the constitutional officers shall be extended to any action filed against a constitutional officer or appointee of a constitutional officer before the Equal Employment Opportunity Commission or the Virginia State Bar." This coverage was added during the 2006 special session of the General Assembly and the Division of Risk Management (DRM) routinely provides coverage. Staff at DRM confirms the Division was never consulted regarding this matter prior to the assistant Commonwealth's Attorney seeking assignment of outside counsel through the court.</p>	<p>\$16,330.37 Defense Counsel \$1,297.55 State Bar</p>	<p>The Compensation Board approved reimbursement of \$16,275.38 as a one-time exception to policy based upon the court order assigning counsel and a rate of \$300 per hour, with an invoice identifying 54 hours assigned to the Assistant Commonwealth Attorney's defense (\$54x \$300= \$16,200) + expenses of \$ 75.38.</p> <p>Board notes that no further expenses related to this matter will be considered as office failed to pursue coverage under the VARISK plan.</p> <p>Compensation Board did not approve reimbursement of Virginia State Bar expenses assessed on the Assistant Commonwealth Attorney as a result of the finding of misconduct.</p>

772-13-06: COMMONWEALTH'S ATTORNEYS

NEW BUSINESS:

<u>LOCALITY</u>	<u>OFFICER</u>	<u>REQUEST</u>	<u>TOTAL COST</u>	<u>COMPENSATION BOARD ACTION</u>
FLOYD COUNTY	COMMONWEALTH'S ATTORNEY	<p>11-28-2012 Officer requests Emergency Temporary Funds of \$56,320 to hire a temporary full-time Assistant Commonwealth's Attorney with prior experience in capital murder cases, to assist with the ongoing preparation and trial of a mentally unbalanced Defendant, who is charged with the murder of a two year old child. The Defendant and all witnesses, most of which are located in Galax, Virginia, over an hour away, are non-English speakers and require interpreters. The Officer states a preliminary hearing will be held January 25, 2013. The Defense Counsel had the Defendant evaluated by a neuropsychologist this past summer and the results are not as yet concluded. If the case proceeds in January, the next Grand Jury in Floyd county would be March 1, 2013. and a trial date would be set for late Summer 2013. There is no way to forecast the actual conclusion date for this case.</p> <p>Officer states the case numbers increased for her office by 135 between 2009 and 2010. Additional, between June 7 and June 10, 2011 approximately 100 felony drug indictments and 50 defendants were issued and prosecuted through her office. There have been two additional drug sweeps on March 1, 2012 and June 1, 2012 which have led to approximately 100 additional felony drug indictments and 40 defendants. While current year numbers are not available from the Supreme Court, the Officer has worked with the Sentencing Commission and has submitted one hundred and thirty-seven (137) guidelines in an attempt to address the inaccurate case numbers represented for Floyd County. Officer expects with these adjustments the FY13 staffing standards will be significantly higher than previously reported. Due to the significant increase in the criminal docket for Floyd County, the Judicial Circuit has justified Circuit Court every week, rather than twice a month.</p> <p>Officer states the defense team consists of five (5) attorneys specially trained in Capital litigation, an investigator, and a social worker trained to assist in Capital cases; Her office is staffed by the Officer, one (1) Compensation Board funded full-time administrative assistant and one (1) part-time Administrative Assistant funded from budgeted Compensation Board temporary funds.</p> <p>A Capital defense attorney appointed and certified to work in a Capital case is permitted by the Commonwealth to bill their normal hourly rate, which can range from \$150.00 to \$300.00 per hour. Officer requests funds at \$55.00 per hour; the lowest hourly rate assigned to court-appointed counsel, for work performed outside of court in a capital case. Accordingly, Officer requests Emergency Temporary Funds for FY13 to be paid \$55.00 per hour for forty (40) hours a week from January 1, 2013, to June 30, 2013, equaling \$56,320.00.</p>	\$56,320	<p>Compensation Board approved additional temporary funds in the amount of 50% of the amount requested by the officer for 22 weeks (through May 31, 2013). Total approved is \$24,200, based upon 50% of \$55.00 per hour, 40 hours per week for 22 weeks.</p> <p>One time temporary funds must be requested for reimbursement no later than the May 2013 payroll reimbursement request in early June 2013.</p> <p>Compensation Board notes it does not anticipate further emergency funding approvals for this matter.</p>

771-13-06: COMMISSIONERS OF THE REVENUE

NONE.

774-13-06: TREASURERS

NEW BUSINESS:

<u>LOCALITY</u>	<u>OFFICER</u>	<u>REQUEST</u>	<u>TOTAL COST</u>	<u>COMPENSATION BOARD ACTION</u>
CITY OF CHARLOTTESVILLE	TREASURER	<p>12-11-12 Acting Officer requests additional Temporary Funding @ \$17,137.44. This is equivalent to position #7 DIV @ \$34,005 from October 1, 2012 to April 2, 2013. The Special Election will be held on April 2, 2013.</p> <p>This request for "additional" funding is made in lieu of a request to transfer these funds to Temporary Funds budget, as officer understands that the Compensation Board's interpretation of §24.2-226 and 228 is that position #7 DIV is not vacant during the period in which I am the Acting Treasurer; consequently funds cannot be transferred from this position.</p>	-0-	Approved at no additional cost to the Compensation Board.

773-13-06: CIRCUIT COURT CLERKS

NEW BUSINESS:

<u>LOCALITY</u>	<u>OFFICER</u>	<u>REQUEST</u>	<u>TOTAL COST</u>	<u>COMPENSATION BOARD ACTION</u>
WISE COUNTY	CIRCUIT COURT CLERK	11-28-2012 Officer requests to budget \$1 TTF funds at \$2,000 for the purpose of SCV Case Management Interface. This office does not have any \$4 funds.	\$2,000.00 NGF	The Compensation Board deferred action on this request pending additional staff review.

<u>LOCALITY</u>	<u>OFFICER</u>	<u>REQUEST</u>	<u>TOTAL COST</u>	<u>COMPENSATION BOARD ACTION</u>
NORTHUMBERLAND COUNTY	CIRCUIT COURT CLERK	12-4-12 Acting Officer requests additional Temporary Funding @ \$20,552. This is equivalent to position #2 DCIV @ \$41,104 from January 1, 2013 to June 30, 2013. The Special Election will be held on November 5, 2013. This request for "additional" funding is made in lieu of a request to transfer these funds to Temporary Funds budget, as I understand that the Compensation Board's interpretation of §24.2-226 and 228 is that position #2 DCIV is not vacant during the period in which I am the Acting Circuit Court Clerk, consequently funds cannot be transferred from this position.	-0-	Approved at no additional cost to the Compensation Board.

773-13-06: CIRCUIT COURT CLERKS

NEW BUSINESS:

<u>LOCALITY</u>	<u>OFFICER</u>	<u>REQUEST</u>	<u>TOTAL COST</u>	<u>COMPENSATION BOARD ACTION</u>
ALBEMARLE COUNTY	CIRCUIT COURT CLERK	11-28-2012 Officer requests to budget remaining available \$4 TTF funds at \$6,298 for the purpose of Scanning New Documents and Training. This line item was budgeted at \$665.00 in error and should have been budgeted at the full available amount to equal \$6,963.	\$6,298.00 NGF	The Compensation Board approved your request for use of the equipment and services portion of your TTF funding based on the criteria set out in §17.1-279, B., <u>Code of Virginia</u> .

773-13-06: CIRCUIT COURT CLERKS

NEW BUSINESS:

LOCALITY

CAREER DEVELOPMENT
COMMITTEE

OFFICER

CIRCUIT COURT CLERK

REQUEST

12-5-12 Career Development Committee provides the Compensation Board with the list of Committee members and documentation of accredited coursework for the Deputy Clerk's Career Development Program.

The Career Development Committee has submitted a detailed outline of the Course Curriculums for review and approval by the Board in December as required by the Deputy Clerks' Career Development Program.

Staff also recommends the following technical changes to the minimum criteria and model plan of the Deputy Clerks' Career Development Program in order to align the program with the current standard approval process utilized for the other constitutional officers' deputy career development programs:

1. Circuit Court Clerks will identify and list deputies who meet the criteria for certification in the program each year during the annual budget request process.
2. Training sponsor/Association submits a list of qualified deputies who have met and maintained the training criteria of the program to Compensation Board staff.
3. Compensation Board staff verifies and sends a list of Deputy Clerks meeting all program criteria to an audit Committee appointed by the association.
4. Committee meets early March and recommends deputies who meet the criteria of the Deputy Clerk program to the Compensation Board during the annual budget approval board meeting.
5. Recommended and approved Deputy Clerks will be reclassified as such and would receive a 9.3% stipend effective July 1st of each year, subject to availability of funding for the program.

Staff further notes that the Deputy Clerk program is currently not funded and salary increases will not take place until the suspension on career development programs has been lifted and funding is appropriated for the Deputy Clerks' Career Development Program.

TOTAL COST

N/A

COMPENSATION BOARD ACTION

The Compensation Board approved the course curriculum and plan for coursework for completion by Deputy Circuit Court Clerks for participation in the deputies' career development program as presented by the Career Development Committee.

The Compensation Board also approved recommendations for technical changes to the minimum criteria and model plan in the program documentation, and asks staff to update all program documents.

OTHER MATTERS

NEW BUSINESS:

	<u>LOCALITY</u>	<u>OFFICER</u>	<u>REQUEST</u>	<u>TOTAL COST</u>	<u>COMPENSATION BOARD ACTION</u>
1.	MEETING MINUTES	COMPENSATION BOARD	Staff presents minutes for approval as follows: Docket #13/05.	N/A	Approved.
2.	COMPENSATION BOARD MEETINGS	COMPENSATION BOARD	Confirmation of upcoming Board meetings: A special meeting on Tuesday January 8, 2013 at 2:00 p.m., with Association Presidents, and regularly scheduled meetings on Wednesday January 23, 2013 at 11:00 a.m. and Wednesday February 27 th , 2013 at 11:00 a.m.	N/A	Noted.
3.	NEW OFFICER TRAINING UPDATE	COMPENSATION BOARD	The New Officer Training was held on December 4-5, 2012, at the Richmond Marriott West in Glen Allen. New officers were invited with 15 attending.	N/A	Noted.
4.	COIN ONLINE BUDGET REQUEST TRAINING	COMPENSATION BOARD	The training was held in Roanoke on December 13 th and 14 th at the Department of Corrections Academy for Staff Development, with a total of 18 attendees, and at the Hanover County Sheriff's office on December 6 th and 7 th with 24 attendees, for a total of 42 attendees.	N/A	Noted.

OTHER MATTERS

NEW BUSINESS:

<u>LOCALITY</u>	<u>OFFICER</u>	<u>REQUEST</u>	<u>TOTAL COST</u>	<u>COMPENSATION BOARD ACTION</u>
5. FY13 TECHNOLOGY TRUST FUND COLLECTIONS & BUDGETING	COMPENSATION BOARD	<p>Collections: FY13 year-to-date collections for July – November totaled \$3,602,162.14, an increase of 22.20% over the same period in FY12.</p> <p>Expenditures: FY13 year-to-date Clerk's expenditures through 12/14/12, totaled \$1,531,800.71 or 23.24% of budgeted Technology Trust Funds.</p> <p>Projections: Based on current collections, FY13 TTF total collections would be approximately \$8.53 million, an increase of 11.62% over FY12 collections.</p> <p>If the number of recordings falls 10% over the remainder of FY13, total collections for FY13 would be \$8.04 million, an increase of 5.17% over FY12 collections.</p>	N/A	Noted.

FOR YOUR INFORMATION NONE.

Public Body: Compensation Board
 Date: December 19, 2012
 Time: 11:00 a.m.
 Location: Compensation Board Conference Room
 Oliver Hill Building, 102 Governor Street
 Richmond, VA 23219
 Members: Frank Drew, Chairman (present)
 Walt Kucharski, ex-officio member (absent)
 Craig Burns, ex-officio member (present)

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**CLOSED MEETING
COMPENSATION BOARD DOCKET #13/06
December 19, 2012**

NO CLOSED MEETING

1) **MOTION FOR “CLOSED MEETING” by Chairman Frank Drew. (_____ seconded the motion).**

- Under the provisions of Section 2.2-3711.A.1, Code of Virginia, I move that the Compensation Board hold a **Closed Meeting** to discuss personnel issues—discussion of interview applicants, assignment, appointment, promotion, performance, salaries, discipline or resignation of specific officers, appointees or employees.
- Under the provisions of Section 2.2-3711.A.7, Code of Virginia, I move that the Compensation Board hold a **Closed Meeting** for consultation with legal counsel and/or briefing by staff members pertaining to actual or “probable litigation” concerning

When the closed meeting is complete, the public body must ***immediately*** reconvene in open session and take a recorded vote of its members in roll call fashion.

MOTION BY CHAIRMAN FRANK DREW: I move to certify that only public business exempt from the Act was discussed.
(_____ seconded the motion.)

Frank Drew, Chairman	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Walter J. Kucharski, Member	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Craig Burns, Member	Yes <input type="checkbox"/>	No <input type="checkbox"/>

AND

MOTION BY CHAIRMAN FRANK DREW: I move to certify that only public business matters identified in the motion to convene the closed meeting were discussed. (_____ seconded the motion.)

Frank Drew, Chairman	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Walter J. Kucharski, Member	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Craig Burns, Member	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Any member who cannot certify must state the specific details of the unauthorized discussion on the record. That record can be used as evidence in a lawsuit brought against the public body for violating the Act.