Circuit Court Clerks

Duties of Circuit Court Clerks

Code 15.2-1634

" He shall exercise all the powers conferred and perform all the duties imposed upon such officers by general law and may perform such other duties, not inconsistent with his office, as may be requested of him by the governing body."

New Permanent Positions

The General Assembly did not approve any new positions for Clerks' offices.

Office Expenses

Due to budget reduction options chosen by the Virginia Circuit Court Clerks Association, base budget office expense funding will not be available in FY04. If funds are transferred to the office expense budget category in accordance with the FY04 Fund Transfer Policy or if base funds become available in FY05, the following reimbursement policies will apply.

Listed below are reimbursable office expenses:

Virginia Association of Circuit Court Clerks Dues (Circuit Court Clerks Only)
VALECO dues (Principal Officer Only)
Internet access costs (line charges, ISP costs or locality service charges)
Postage/Mail Box Rental
Copy machine rental
Microfilming Expense

Office expense funds may be used to pay all or part of microfilming/indexing labor or product. The Compensation Board will reimburse expenses for indexing under the Supreme Court system **or** optical disk systems. Expenses incurred in filming previously bound record books are not reimbursable under this allowance.

Non-Reimbursable Office Expenses

The following are not reimbursable by the Compensation Board:

Code 15.2-1656

Notary Public seal, fees or application
Office space rent/Office supplies
Telephone equipment installation costs
Subscriptions to periodicals, newspapers, Code of Virginia
Name tags, desk signs, business cards, cameras
Chair mats, software, calculator maintenance contracts
Office Equipment

Fringe Benefits

Fringe benefits for Clerks and all staff positions, for which the Commonwealth provides financial support, are reimbursed at one third of the employer's share of the expense. The Compensation Board provides reimbursement for FICA and VRS for permanent positions and FICA for hourly wage expenditures.

Salaries

An Appropriations Act language change was approved by the 2003 General Assembly that allows any Circuit Court Clerk the ability to relinquish a portion of their state reimbursable salary to offset salary reductions to their staff.

Appropriation Act, Item 66

Some Clerks directly pay their office expenses, including their own salaries, pending Compensation Board reimbursement. Salaries of the principal officer specified in Appendix 3 **may not** be drawn in advance. The maximum salary the clerk may withdraw in any 30-day period is 1/12 of the annual salary in addition to any earned, and undrawn salary.

Compensation Board Policy

Withdrawal of amounts in excess of the salary earned could result in the Clerk incurring civil liability for those actions. The amount and the timing of a Clerk's salary withdrawals are tested during the Auditor of Public Accounts annual audit.

Appropriations

County Administrators and City Managers should be aware that since July 1, 1992, the Compensation Board has been reimbursing Circuit Court Clerks' offices for all budgeted amounts approved by the Board.

Code 15.2-2503
15.2-2506

It is the opinion of the Compensation Board and the Auditor of Public Accounts that local governments are required to appropriate expenses for Clerks' offices.

The Clerks' expenses should be included in the local government's budget in the same manner that funds are appropriated for other Constitutional Officers. This is required whether or not expenses are paid directly by the Clerk.

Circuit Court Clerk Salaries

66-A.1 The annual salaries of Clerks of Circuit Courts shall be as hereinafter prescribed.

	July 1, 2003 to June 30, 2004
Less than 10,000	61,640
10,000-19,999	75,953
20,000-39,999	86,961
40,000-69,999	91,364
70,000-99,999	99,067
100,000-249,999	107,875
250,000 and above	114,482

2. Whenever a clerk of a circuit court is such for a county and a city, for two or more counties, or for two or more cities, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of the circuit court clerk under the provisions of this Item.

3. Except as provided in Item 66 A.2., the annual salary herein prescribed shall be full compensation for services performed by the office of the circuit court clerk as prescribed by general law, and for the additional services of acting as general receiver of the court pursuant to § 8.01-582, Code of Virginia, indexing and filing land use application fees pursuant to § 58.1-3234, Code of Virginia, and all other services provided from, or utilizing the facilities of, the office of the circuit court clerk. Pursuant to § 8.01-589, Code of Virginia, the court shall provide reasonable compensation to the office of the clerk of the circuit court for acting as general receiver of the court. Out of the compensation so allowed, the clerk shall pay his bond or bonds. The remainder of the compensation so allowed shall be fee and commission income to the office of the circuit court.

4. In any county or city operating under provisions of law which authorizes the governing body to fix the compensation of the clerk on a salary basis, such clerk shall receive such salary as shall be allowed by the

governing body. Such salary shall not be fixed at an amount less than the amount that would be allowed the clerk under paragraphs A1 through A3 of this Item.

Maximum Rank Allocation

Due to budget reductions, additional funding will not be available in FY04 to provide maximum rank allocation to offices that do not currently have maximum rank.

Maximum rank allocation for Clerks of the Circuit Court is as follows:

Population	Grade	Maximum Rank
0-9,999	8	DCII
10,000-19,999	9	DCIII
20,000-39,999	11	DCIV
40,000-69,999	13	ACD
70,000-99,999	14	CDCI
100,000-249,999	16	CDCII
+250,000	18	CDCIII

Staffing Standards

Compensation Board Criteria For Allocating New Positions In Circuit Courts

1. The position (or positions) must be requested by the Clerk of the Circuit Court as part of the Compensation Board annual budget request process.

2. The position requested must perform only statutorily prescribed duties of the Clerk of the Circuit Court.

3. The Clerk's office must have an automated financial system and case management system on-line, or have such systems scheduled for installation within 12 months.

4. Funds and positions must be appropriated by the General Assembly.

5. The Compensation Board will use the staffing methodology and weighted three-year average workload criteria developed by the VCCA to determine the appropriate level of Compensation Board staff support for each office requesting additional positions.

6. The Compensation Board shall determine the number of additional positions to be allocated to any one office based upon criteria 1-5, inclusive, and additional positions shall be allocated in the order of percentage of need, where the offices with the highest percentage of need will receive positions first. The percentage of need is determined by calculating the percentage that the number of additional positions needed is of the total number of current positions.

7. Because the current staffing of Clerks' offices include hourly-wage staff expressed as Full Time Equivalent (F.T.E.) positions, any office receiving a new position shall not have its hourly-wage funds reduced equivalent to the salary of the new position.

Staffing Methodology

The Workload data was supplied by each of the Clerks' offices for three consecutive calendar years. The average of three years for each element was applied to the weights developed by the VCCA to determine the hours worked. The FTE positions were determined by using the Clerks' current full time staff and part time funds.

Workload Elements	Weights
Criminal Cases	7.50
Law Cases	5.50
Chancery Cases	4.00
Wills & Estates	4.00
Deeds	.55
Judgments	.50
Financing Statements	.50
Marriage Licenses	.55
Game Licenses	.40
Fictitious Names	.40
Notary Qualified	.40
Concealed Handgun Purchases	.55

After determining the total 3-year average weighted workload for each office, staff need is calculated by the following formula:

$$\text{Staff Needed} = 2.1+0.79(\text{hours}/1856)$$

The allocation of additional hourly-wage (part-time) funds is made using the same methodology.

Technology Trust Fund

Each Circuit Court Clerk may apply for funding from the trust fund for land records automation and technology improvements, as outlined in their land records automation plan, for any one or more of the following:

B.(i) obtaining office automation and information technology equipment, including software and conversion services
B.(ii) preserving, maintaining and enhancing court records, including, but not limited to, the cost of repairs, maintenance, service contracts and system upgrades which may include, but not necessarily be limited to, a digital imaging system
B.(iii) improving public access to court records.

E.(i) equipment and services to convert paper, microfilm or similar documents to a digital image format
E.(ii) the conversion of information into a format which will accommodate remote access
E.(iii)the law and chancery division of the office

Appropriation Act, Item 63

The 1999 Appropriation Act broadened the law and chancery provision to include "the acquisition of equipment and software for a pilot project for the automated application for, and issuance of, marriage licenses". Allocations for law and chancery shall not exceed the pro-rata share of the collections of the $3.00 fee relative to the chancery and law actions filed in the jurisdiction.

Code 17.1-279 E.

HB 675, passed during the 2002 session of the General Assembly, amends §17.1-279 E. to allow any Clerk's office that has implemented their original TTF automation plan approved by the Department of Information Technology to request law and chancery funding in excess of the pro-rata share normally allotted. In order to take advantage of this change the Clerk must ensure that their original plan is initially amended to reflect their automation progress and biennially updated.

Current legislation extends the collection of the Technology Trust Fund Fee through June 30, 2008.

Fines and Fees

Code 19.2-349

Clerks of the Courts are required to develop procedures for use in their office for the collections of fines, costs, penalties, forfeitures and restitution. The goal of collecting these debts are both financial and punitive. Outstanding fines and fees are potential revenue for the Commonwealth and the locality.