

**REPORT OF THE
COMPENSATION BOARD**

**Minimum Criteria for
Clerks of Circuit Court
Career Development Programs**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 54

**COMMONWEALTH OF VIRGINIA
RICHMOND
2005**



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CHAIRMAN

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COMMONWEALTH of VIRGINIA

Compensation Board

P.O. Box 710
Richmond, Virginia 23218-0710

August 25, 2005

The Honorable Mark Warner
Governor of Virginia
State Capitol
Richmond, VA 23219

Senator John H. Chichester, Chairman
Senate Finance Committee
General Assembly Building, 10th floor
910 Capitol Street
Richmond, Virginia 23219

Delegate Vincent F. Callahan, Jr., Chairman
House Appropriations Committee
General Assembly Building
910 Capitol Street
Richmond, Virginia 23219

Dear Gentlemen:

Enclosed, per the provisions of paragraph J, Item 66, Chapter 951, 2005 Acts of Assembly, is the Compensation Board's minimum criteria for the Clerks' Career Development Program.

I will be pleased to provide any additional information or answer any questions you may have on this program.

Sincerely,

Frank Drew
Chairman

Bruce W. Haynes
Executive Secretary

Enclosure

Waddell\clerks\Aug25,05GovWarner,SenChichesterSFC,DelCallahanHAC-ClerkCDP

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Executive Summary

The 2005 General Assembly directed the Compensation Board to develop a career development plan (CDP) for Clerks. A committee comprised of Compensation Board staff, representatives from the Auditor of Public Accounts and Supreme Court, and elected Clerks was formed to develop the criteria for participation in the plan. The adopted plan sets the following criteria for participation in the career development program: the Clerk must achieve and maintain the "Certified Virginia Circuit Court Executive" designation from the National Center of State Courts; a minimum number of training hours based upon office size must be achieved by the Clerk's employees each year; the Clerk must certify the adoption of certain administrative policies; the locality's most recent audit report must contain no findings of material financial weakness under the direction of the Clerk (effective July 1, 2006); the Clerk must have a written performance standards for each major duty of the office which exceed minimum requirements found in the Code of Virginia; and the Clerk must have a written Customer Service Policy.

If the General Assembly wishes to make the CDP available to all Clerks of the Circuit Court, the estimated salary and fringe benefits costs necessary to provide a 9.3% salary increase is \$908,044 (GF) each year. (The estimate is for 117 Clerks as the Code allows the cities of Richmond, Roanoke, and Newport News to retain all Clerks' fees and pay all Clerks' expenses.)

It is assumed that approximately 28% of Clerks will be eligible to participate the first year and 33% the second year at the estimated salary and fringe benefits cost of \$254,252 in FY07 and \$299,655 in FY08.

Study Participants

Honorable W. R. Carter, Jr., Clerk, Suffolk Circuit Court
Paige G. Curtis, Senior Fiscal Technician, Compensation Board
Honorable John B. Davis, Clerk, Augusta Circuit Court
Honorable Bevill M. Dean, Clerk, Richmond City Circuit Court
Honorable Barbara G. Decatur, Clerk, Stafford Circuit Court
Paul F. Delosh, Director of Technical Assistance, Supreme Court of Virginia
Robyn M. de Socio, Assistant Executive Secretary, Compensation Board
John G. "Chip" Dicks, Esq., Clerks' Legislative Liaison
Honorable John T. Frey, Clerk, Fairfax Circuit Court
Honorable Paul C. Garrett, Clerk, Charlottesville Circuit Court
Bruce W. Haynes, Executive Secretary, Compensation Board
Richard A. Lampman, Audit and Reporting Supervisor, Compensation Board
Honorable R. Glennwood Lookabill, Clerk, Pulaski Circuit Court
Honorable Paul M. Metzger, Clerk, Spotsylvania Circuit Court
Honorable Faye W. Mitchell, Clerk, Chesapeake Circuit Court
Honorable Sharron S. Mitchell, Clerk, Fredericksburg Circuit Court
Honorable Cynthia P. Morrison, Clerk, Portsmouth Circuit Court
Honorable Ashby R. Pritchett, Clerk, Martinsville Circuit Court
Honorable George E. Schaefer, Clerk, Norfolk Circuit Court
James M. Shepard, Audit Director, Auditor of Public Accounts
Honorable Yvonne G. Smith, Clerk, Henrico Circuit Court
Honorable Linda S. Timmons, Clerk, Orange Circuit Court
Honorable Judy L. Worthington, Clerk, Chesterfield Circuit Court

Authority

Paragraph J, Item 66, Chapter 951
2005 Acts of Assembly

"J.1. The Compensation Board shall develop minimum criteria for a career development program for Clerks of Circuit Courts. The criteria for the program shall include initial and continuing education requirements for Clerks, the adoption of certain written administrative and human resource management policies, audit requirements, written customer service and accounting policies, and performance standards for each major duty of the office, and any other matters deemed relevant by the Compensation Board. Beginning July 1, 2006, the program shall require that the Clerk certify to the Compensation Board that the most recent audit by the Auditor of Public Accounts reported no findings of material weakness under direction of the Clerk during the Clerk's term of office or internal control shortcomings in the prior year's report during the Clerk's term of office that are repeated in the current audit report.

2. The program shall require any Clerk of the Circuit Court who desires to participate in it to certify to the Compensation Board that the career development plan in effect in his office meets the minimum criteria for such plans as set by the Compensation Board, and that his office also has a Deputy Circuit Court Clerks' Career Development plan that meets the minimum criteria established by the Compensation Board for such plans.

3. The Compensation Board shall submit the Career Development Program for Clerks of Circuit Courts to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than November 15, 2005.

4. Notwithstanding the provisions of § 17.1-279 C, Code of Virginia, the Compensation Board may allocate funds from the technology trust fund for consulting services provided by the National Center for State Courts to assist in the development of a Career Development Program for Circuit Court Clerks.

Compensation Board Minimum Criteria for Clerks' Career Development Programs

Clerk

Clerk shall mean, for the purposes of this study, any elected Circuit Court Clerk of a city or county in the Commonwealth of Virginia.

1. Training and Development

The Clerk must achieve and maintain the designation of "Certified Virginia Circuit Court Executive" from the National Center for State Courts. The National Center for State Courts' coursework leading to this designation, and any subsequent revisions thereto shall be submitted for approval to the Compensation Board. Designation as a "Certified Virginia Circuit Court Executive" shall require, at a minimum, 160 accredited contact hours* of instruction in specific duties and responsibilities of a Virginia Circuit Court Clerk. Accreditation shall be provided by the National Center for State Courts. A minimum of 12 of the 160 hours must be in employment law.

After the "Certified Virginia Circuit Court Executive" designation is earned, the Clerk must attend or provide a minimum of 16 accredited contact hours* of instruction in the specific duties and responsibilities of a Virginia Circuit Court Clerk in the 12 months preceding annual recertification.

*The accrediting agency shall determine the method of instruction; nothing herein is intended to prevent distance learning, web-based classes, or the equivalent.

2. Staff Development and Training

The Clerk shall annually certify to the Compensation Board that the minimum number of contact hours* in his/her office shown below have been achieved in the specific duties and responsibilities of an employee of the Circuit Court Clerk in the 12 months preceding the Clerk's initial certification for Career Development status and all subsequent recertifications. Accreditation of courses shall be as prescribed by a subcommittee of circuit court clerks from the Career Development Committee.

*The accrediting agency shall determine the method of instruction; nothing herein is intended to prevent distance learning, web-based classes, or the equivalent.

<u>Locality Population**</u>	<u>Required Minimum Number of Annual Contact Hours</u>
Less than 19,999	16
20,000 – 39,999	32
40,000 – 69,999	48
70,000 – 99,999	64
100,000 – 174,999	80
175,000 – 249,999	96
250,000 and over	112

**Population shall be determined by using the most recent U.S. Census data or population estimate provided by the Weldon Cooper Center for Public Service.

Employee shall mean for the purpose of this plan, any full-time position in a Clerk's office.

3. Administrative Policies

The Clerk must develop and implement written policies consistent with applicable state and federal law addressing the following topics:

- leave and attendance
- equal opportunity
- sexual harassment
- recruitment and selection
- employee disciplinary procedures (excluding grievance procedures, if Clerk has opted out)
- freedom of information

In lieu of developing and implementing the above policies, the Clerk may by written statement adopt the local governing body's policies on these matters.

4. Human Resource Management

The Clerk must have job descriptions for each employee and certify that performance evaluations have been completed and reviewed annually with each employee.

5. Deputy Career Development

The Clerk has adopted the Compensation Board's minimum Criteria for Deputy Clerk career development plans.

6. Financial Management

Effective July 1, 2006, the Clerk must certify to the Compensation Board that:

- the most recent audit of the Clerk's office completed by the Auditor of Public Accounts did not contain any internal control matters that, in the opinion of the APA, could be reasonably expected to lead to the loss of revenues or assets, or otherwise compromise fiscal accountability. The Clerk must have two consecutive audits from the APA with both audits being completely within the Clerk's term of office.

7. Financial Management

- The Clerk by written statement adopts the financial policies and procedures published in the SCV Users Guide. However, if the Clerk chooses to deviate from the SCV Financial System's User Guide's policies and procedures, the clerk shall maintain documentation of his alternative process which displays adequate internal controls and a staff training plan on the alternative procedures as well as methods to keep the process and staff training updated as systems, statues and alternative processes evolve.

8. Customer Service

The Clerk must have a written Customer Service Policy that addresses customer expectations and the Clerk's method of meeting those expectations.

9. Performance Standards

The Clerk has adopted and published performance standards, which meet or exceed Code of Virginia requirements (if applicable) for the following major duties of the office:

- A. The Clerk has all deeds and deeds of trust recorded and indexed within 15 days of receipt.
- B. The Clerk is currently participating in the Integrated Revenue Management System (IRMS)
- C. The Clerk maintains a written contingency and preparedness plan for fire, bomb, loss of power, etc. In lieu of developing such a plan, the Clerk may, by written statement, adopt the policies established by the Sheriff's Department, Police Department, local government or Chief Judge.
- D. If requested by the Court, the Clerk uses a Juror Exit questionnaire and reviews the results with the Chief Judge.
- E. The Clerk maintains a written policy on time-to-pay agreements for fines and costs.
- F. The Clerk maintains, in electronic or written format, up-to-date Circuit Court Clerks' manuals for the following: Civil Procedure, Criminal Procedure, Probate & Administration Procedure, Deed Recordation, Miscellaneous Procedures and automated financial and case management systems and the Technology Trust Fund manual.
- G. The Clerk, pursuant to Va. Code Section 8.01-335, issues appropriate notices to parties and strikes cases from the docket in accord with the Court's order. Upon request of the Court, the Clerk also issues automated case management reports to assist the Court in its case-delay reduction efforts.
- H. The Clerk, as Records Manager and pursuant to Va. Code Section 17.1-213, approves destruction of all court records.
- I. Unless otherwise provided by court order or by §17.1-619 (B), Code of Virginia, prior to any funds being expended by the Clerk for any purpose, the funds are appropriated by the local governing body in accordance with the provisions of Sections 15.2-520, 15.2-827, 15.2-2506 and 15.2-2507, Code of Virginia.
- J. Compensation Board requests for reimbursement are submitted by the seventh (7th) business day of the beginning of each month, unless otherwise directed by the Compensation Board.
- K. The Clerk transmits to the Supreme Court of Virginia all original DC-40 vouchers within five (5) business days of receipt of the approved vouchers from the Court.
- L. The Clerk transmits sentencing orders to the Virginia Department of Corrections within 25 days of entry of the orders.
- M. The Clerk shall establish in a case management system properly filed initial pleadings in civil cases within five (5) business days.
- N. The Clerk transmits Sentencing Guideline Forms to the Virginia Criminal Sentencing Commission within four (4) business days from the receipt of all documents fully and properly executed by the Court.
- O. The Clerk insures the accurate and timely reporting of sentencing disposition information by updating each charge on the clerk's automated criminal case processing system or the SCV CAIS Hearing Disposition Screen no later than 25 calendar days following sentencing.
- P. The Clerk insures the accurate and timely assessment of fines and costs by assessing costs in FMS within 12 calendar days following sentencing.

- Q. The Clerk has a written policy that all certificates of satisfaction received in proper form are recorded and indexed on average within 25 business days after receipt.
- R. The Clerk completes documentation and takes oaths from the parties involved within 2 hours of the request for a marriage license.
- S. The Clerk transmits properly completed applications for Concealed Handgun Permits to local law enforcement within 5 business days of receipt of the properly completed application.
- T. The Clerk certifies that his financial management system successfully transmits court ordered fines and fees collection data to the collection agent chosen by the Commonwealth's Attorney of his locality in accordance with law.
- U. The Clerk certifies that he has written policies and procedures in place in his office to ensure compliance with Code of Virginia §19.2-305.1 regarding the handling of restitution.
- V. The Clerk certifies that secure remote access to land records is provided to each local government officer who requests such access effective July 1, 2006.
- W. The Clerk provides remote access to Virginia Courts Case Information.

10. Remote Access to Land Records

The Clerk shall provide secure remote access to land records (effective July 1, 2006).

CB Form CDP-30C
Certification of Career Development for Clerks

Clerk

Locality

I hereby certify that I have met or exceeded the following criteria:

1. I have achieved the "Certified Virginia Circuit Court Executive" designation from the National Center of State Courts on _____ (date)
2. As a separate attachment to this document and made a part of by reference, I have shown the total contact hours of instruction received by employees of this office and the date of accreditation of this training by the Career Development Program Committee consisting of Virginia Circuit Court Clerks.
3. I have developed and implemented written policies consistent with state and federal law addressing leave and attendance, equal opportunity, sexual harassment, recruitment and selection, employee disciplinary procedures and Freedom of Information or otherwise adopted, by written statement. local government policies that meet the same standard.
4. I have written job descriptions for each full-time employee and conduct annual performance evaluations with each full-time employee.
5. I have adopted the Compensation Board's minimum criteria for Deputy Clerk career development plans.
6. The audit report for year ending on _____ from the Auditor of Public Accounts (APA) did not contain any internal control matters that, in the opinion of the APA, could be reasonably expected to lead to the loss of assets or otherwise compromise fiscal accountability. I have two consecutive audits from the APA with both audits being completed within my term of office.
7. I have by written statement adopted the financial policies and procedures published in the SCV Users Guide. If I have chosen not to adopt any policy or procedure in this document, I have a written alternative process which displays adequate internal controls and includes a staff training plan on the alternative process as well as methods to insure the process and training are updated as systems, statutes and alternative processes evolve.
8. I have a written Customer Service Policy.
9. I have adopted and published the following performance standards which meet or exceed Code of Virginia requirements:
 - A. I have a written policy that all deeds are recorded and indexed within 15 days of receipt. I periodically audit, or cause to be audited, the receipt dates and recordation dates of instruments, maintain a written record of these audits and corrective action taken, if necessary.
 - B. I am currently participating in the Integrated Revenue Management System (IHRMS).
 - C. I have a written contingency and preparedness plan for fire, bomb threats and the like to insure the continuity of operations of the Clerk's Office or I have adopted by written statement the policies of the Sheriff's Department, Police Department, local government or Chief Judge.
 - D. If requested by the Chief Judge, I use a Juror Exit Questionnaire and review the results with the Chief Judge.
 - E. I have a written policy on time-to-pay agreements for fines and costs. I periodically audit, or caused to be audited, selected agreements to insure

conformance with this policy. I document the results of these audits and corrective actions taken, if any.

- F. I maintain the following updated manuals, in electronic or written format:
 - i. Civil Procedure
 - ii. Criminal Procedure
 - iii. Probate and Administration Procedure
 - iv. Deed Recordation
 - v. Miscellaneous Procedures and automated financial and case management systems
 - vi. Compensation Board Technology Trust Fund Manual
- G. I issue appropriate notices to parties and strike cases from the docket in accord with the Court's order. Upon request of the Court, I also issue automated case management reports to assist the Court in its case-delay reduction efforts.
- H. As Records Manager pursuant to §17.1-213, I approve the destruction of all court records. I conduct an annual review of my records retention and document the results of this review and corrective actions taken, if any.
- I. Unless otherwise provided by court order or by §17.1-619(B) Code of Virginia, all funding for this office, regardless of source, is approved prior to expenditure by my governing body pursuant to the provisions of §§15.2-520, 15.2-827, 15.2-2506 and 15.2-2507, Code of Virginia.
- J. I submit all monthly reimbursement requests to the Compensation Board by the seventh (7th) business day of each month unless otherwise directed by the Compensation Board.
- K. I transmit all original DC-40 vouchers to the Supreme Court of Virginia within five business days of receipt of the approved vouchers from the Court. I annually audit, or cause to be audited vouchers to determine compliance with the policy and I document the results of these audits and corrective actions taken, if any.

I have a written policy adopting the following performance standards for each major duty of my office as described below. If the standard is not met, I am to be provided with a written explanation from the responsible employee or supervisor stating why the standard was not met. I periodically audit, or cause to be audited, adherence to these standards not less than monthly and maintain a record of these reviews and corrective actions taken, if any:

- L. I transmit sentencing orders to the Virginia Department of Corrections within 25 days of entry of the orders.
- M. I establish in a case management system properly filed initial pleadings in civil cases within five (5) business days.
- N. I transmit Sentencing Guideline Forms to the Virginia Criminal Sentencing Commission within four (4) business days from the receipt of all documents fully and properly executed by the Court.
- O. I update sentencing disposition information in my automated criminal case processing system or the SCV CAIS Hearing Disposition Screen no later than 25 calendar days following sentencing.
- P. I assess fines and costs in FMS within 12 calendar days following sentencing.
- Q. I record and index all certificates of satisfaction received in proper form on average within 25 business days after receipt.
- R. I complete documentation and take oaths for marriage licenses from the parties within 2 hours of the request.
- S. I transmit all properly completed applications for Concealed Handgun Permits to local law enforcement within five business days of receipt of the application.

- T. I successfully electronically transmit court ordered fines and fees collection data to the collection agent chosen by the Commonwealth's Attorney of my locality in accordance with law.
- U. I have written policies and procedures in place in my office to ensure compliance with Code of Virginia §19.2-305.1 regarding the handling of restitution.
- V. I provide secure remote access to my land records to each local government officer who requests such access effective July 1, 2006.
- W. I provide remote access to the Virginia Courts Case Information.

10. I provide secure remote access to land records (effective July 1, 2006).

I understand that I must submit this certification as part of my annual budget request to the Compensation Board by February 1 of each year in order to be considered for a 9.3% pay raise effective the following July 1st.

I agree to provide such documentation as necessary to substantiate this certification upon request of the Compensation Board, my governing body or any individual or organization covered under the Virginia Freedom of Information Act. I understand that I will have ten (10) business days to respond to Compensation Board requests, and that failure to respond within the time limit will result in my application for certification being denied for that year. I have provided a copy of this certification to my governing body.

Signature of Clerk

Date

Audit Procedure

All Clerks who submit a request for certification shall be subject to audit. The Compensation Board staff will randomly select the Clerks to be audited no later than March 1 of each year, and direct that all relevant materials subject to audit be provided to the Compensation Board within ten (10) business days from notification. The Compensation Board has asked the Clerks' Career Development Committee to form an Audit subcommittee to review the materials, and make such recommendations to the Compensation Board, as it deems appropriate not later than five (5) business days prior to the March Board meeting each year. The Compensation Board will address any recommendations the Audit subcommittee wishes to make regarding the approval of certification of any Clerk at its March meeting. The Compensation Board has also requested that the Career Development Committee make any recommendations for amendments to the Career Development Plan to the Compensation Board by September 15 of each year.

Waddell\clerks\ClerksCareerDevelopProgram-Oct19,05