

**REPORT OF THE
COMPENSATION BOARD**

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

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



HOUSE DOCUMENT NO. 55

**COMMONWEALTH OF VIRGINIA
RICHMOND
2005**



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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 K, Item 66, Chapter 951, 2005 Acts of Assembly, is the Compensation Board's minimum criteria for the Deputy 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

A handwritten signature in black ink, appearing to read "Bruce W. Haynes".

Bruce W. Haynes
Executive Secretary

Enclosure

Waddell\clerks\Aug25_05GovWarner,SenChichesterSFC,DelCallahanHAC-DeputyClerkCDP

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Authority

Virginia Acts of Assembly - 2005 Session

Chapter 951, Item 66, Paragraph K:

- K.1. The Compensation Board shall develop minimum criteria for a career development program for deputy Clerks of Circuit Courts. The criteria for the program shall address the selection process, minimum length of service, job performance, certification, formal education, and any other matters deemed relevant by the Compensation Board.
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 performance evaluation 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 Deputy 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 Deputy Circuit Court Clerks."

Executive Summary

The 2005 General Assembly directed the Compensation Board to develop a career development plan (CDP) for Deputy Clerks. A committee comprised of Compensation Board staff and Clerks was formed to develop the criteria for participation in the plan and to determine costs for the plan. The plan sets the following criteria for participation in the career development program: the Clerk must have an employee evaluation program established, the applicant must have at least three years of experience as a Deputy Clerk in the office, the two most recent performance reviews must have been above average and no performance objective in the last two review periods should be below average, the deputy should have no more than one written reprimand from the Clerk within the two years prior to selection, and the deputy must achieve 80 hours of accredited contact hours of instruction in specific duties and responsibilities of a Virginia Deputy Circuit Court Clerk. After the initial 80 hours are earned, the Deputy must earn a minimum of 16 accredited contact hours of instruction in the 12 months preceding annual recertification.

Upon certification by the Clerk that all criteria have been met in the CDP adopted by the Clerk, the Clerk will annually recommend through the online budget process a 9.3% increase in pay for eligible deputies. The pay increase would take effective December 1 of each year when funding is approved by the General Assembly. The committee also developed a model plan for the Clerks.

The CDP for Deputy Clerks is similar to those programs proposed by the Compensation Board and subsequently approved by the General Assembly for Deputy Sheriffs, Deputy Commissioners of the Revenue, Deputy Treasurers and Assistant Commonwealth's Attorneys.

Study Definition and Participants

In defining the scope of the study, the Compensation Board limited the application of the Career Development Program to Deputy Clerks. The Compensation Board also developed a procedure by which Clerks could certify their participation in a Career Development Program which met the Compensation Board's minimum criteria. Further, the Compensation Board developed a model plan for use by the Clerks.

Study Definitions:

For the purposes of this study, "deputy" shall mean any full-time position approved by the Compensation Board in a Circuit Court Clerk's office. The Clerk may further limit the deputies eligible to participate in the Deputy Clerk Career Development Program.

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

2005 Career Development Program 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

Compensation Board Minimum Criteria for Career Development Programs in Clerks' Offices

Policy

It is the policy of the Compensation Board to establish a Career Development Incentive Pay increase, and minimum criteria for career development programs in Clerks' offices.

Purpose

The purpose of this policy is to encourage professionalism in Clerks' offices by improving personal skills, knowledge, and abilities of Deputy Clerks in order to meet office objectives.

Scope

The Career Development Plan is a recognition and incentive program based upon individual accomplishments and maintenance of specific criteria. Selection in the CDP is not to be considered a promotion in rank. All financial incentives are subject to approved funding by the General Assembly.

Procedures

The Clerk must establish in writing a Career Development Program (CDP) for Deputy Clerks that shall incorporate the following criteria:

Employee Evaluation Plan

- The Clerk's office must have an employee evaluation plan currently in effect that meets the minimum criteria established by the Compensation Board for such plans (Appendix C).

Selection Process

- The Clerk makes the final decision regarding selection.

Minimum Length of Service

- The minimum length of service necessary to be considered for selection is three (3) years as a Deputy Clerk or comparable service in the office in which appointment is sought.

Job Performance

- Job performance is a criteria for competitive selection.
- The two most recent performance reviews must have been above average as determined by the Clerk.
- The deputy shall not be considered for selection if any job performance objective in the two most recent rating periods has been noted below average or below satisfactory performance.
- The deputy shall have no more serious disciplinary action than one written reprimand from the Clerk within the two years immediately preceding application for selection.

Formal Education

- The Deputy Clerk must achieve 80 hours of accredited contact hours* of instruction in specific duties and responsibilities of a Virginia Deputy Circuit Court Clerk. After the initial 80 hours of accredited contact hours* of instruction are earned, the Deputy Court Clerk must earn a minimum of 16 accredited contact hours of instruction in the 12 months preceding annual recertification.

Accreditation of coursework shall be accomplished by a committee of Circuit Court Clerks and provided for annual review and approval to the Compensation Board in December of each year for coursework to be accomplished in the following calendar year.

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

Removal

- The CDP must include criteria for the removal of deputies from the CDP who do not maintain prescribed minimum standards of this program and any additional standards as set by the Clerk, including disciplinary issues.

Equal Opportunity Statement

- The CDP must include a statement that the career development opportunities are available to all deputies, and that selection will be made regardless of race, religion, gender, national origin or political affiliation of deputies.

Availability of CDP

- The CDP document in its entirety must be available to all deputies in the office.

Statement of Purpose

- The CDP document must contain a statement that the purpose of the CDP is to encourage professionalism in the office by improving personal skills, knowledge, and abilities of Deputy Clerks in order to meet department objectives.

Employment Status of Deputies

- The CDP document must contain the following statements verbatim:

“Notwithstanding anything to the contrary contained in this program, nothing herein is intended nor should be construed to contradict or diminish the power and authority of the Clerk with respect to his/her appointees. All Deputy Clerks are, and shall remain, appointees of the Clerk and shall not be considered or construed as employees of either the Clerk or the (Name of Locality). Neither the creation nor the operation of this program shall confer on any Deputy Clerk any grievance rights, and no Deputy Clerk shall have the right to be represented by counsel when appearing before any administrators of this program in connection with the operation of this program.”

Eligibility

- Only Compensation Board approved full-time positions are eligible.

Additional Compensation

- The Clerk must certify his/her understanding that the Deputy Clerk may receive additional compensation reimbursed by the Compensation Board as a result of being selected for the CDP and that additional compensation shall not exceed a 9.3% increase in salary.
- The Clerk must certify his/her understanding that NO funds are currently available and will not be available to provide this salary increase unless and until the General Assembly approves the funding.

Effective Dates

This policy and the procedures are effective October 19, 2005, and shall remain in effect unless further amended by the Compensation Board.

Authority

This policy and procedures have been adopted by the Compensation Board in accordance with §15.2-1636.8, et seq., Code of Virginia, and the Chapter 951, 2005 Acts of Assembly (Appropriation Act), Item 66, paragraph K.

Approval

Frank Drew, Chairman

October 19, 2005
Date

Certification of Career Development Plan for Deputy Clerks

Clerk

Locality

The Career Development Plan for Deputy Clerks currently in effect for this office incorporates the following criteria:

- A. Certification of participation in an employee evaluation plan meeting the minimum criteria established by the Compensation Board;
- B. Competitive selection process in which the Clerk makes the final decision regarding selection;
- C. Minimum length of service requirement of three (3) years as a Deputy Clerk or comparable service in the office in which appointment is sought;
- D. Job performance evaluation for two consecutive annual evaluations which (1) have overall above average ratings; (2) have no job performance objective below average and (3) no more than one written reprimand from the Clerk within the two years immediately preceding application for selection.
- E. A minimum of 80 accredited contact hours of instruction have been achieved as well as a minimum of 16 hours of annual accredited contact hours of instruction have been achieved after the initial 80 hours were earned.
- F. A procedure for the removal of deputies from the CDP for inadequate job performance, disciplinary action, or failure to maintain minimum additional educational requirements;
- G. Equal opportunity for all deputies;
- H. Statement of Purpose;
- I. Scope of the Plan;
- J. Understanding of employment status as a Deputy Clerk;
- K. Positions eligible for participation in the plan; and
- L. Statement of Additional Compensation and availability of funding.
- M. I hereby certify that the following Compensation Board approved full-time Deputy Clerks meet or exceed the criteria set forth in C, D, and E above and a 9.3% salary increase is requested:

Name	SSN
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I also certify that the career development plan in this office meets the minimum criteria for such plans as established by the Compensation Board.

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 seven 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 County Administrator/City Manager.

Signature of Clerk

Date

Appendix A

Costs

With the assumption that 101 Deputy Clerks will meet eligibility requirements on or before February 1, 2006, and the average Compensation Board reimbursed salary for a Deputy Clerk of \$28,178, annual costs for FY07 for a 9.3% salary increase effective December 1, 2006, are estimated at \$137,965 general fund. The full year cost for FY08 is estimated at \$275,930 general fund. These estimates do not include the costs for salary increases for Deputy Clerks in the cities of Richmond, Roanoke, and Newport News, as these cities are currently authorized by Code of Virginia to retain all Clerks' fees and pay all Clerks' expenses.

Appendix B

Model Career Development Plan

Policy

The _____ County/City Circuit Court Clerk's office subscribes to the concept of the Career Development Program for Deputy Clerk positions, as classified by the Compensation Board, and the minimum criteria as set forth in this plan and prescribed in Chapter 951, 2005 Acts of Assembly (Appropriation Act) Item 66, paragraph K and the Compensation Board's minimum criteria for career deputy programs, dated October 19, 2005.

Purpose

The overall purpose of this program is to encourage professionalism in the Clerk's office by improving personal skills, knowledge and abilities of Deputy Clerks in order to meet department objectives.

The purpose of this plan is to provide each Deputy Clerk with the eligibility criteria for the career deputy program.

Scope

The Career Development Plan is a recognition and incentive program based upon individual accomplishments and maintenance of specific criteria. Selection in the CDP is not to be considered a promotion in rank. All financial incentives are subject to approved funding by the General Assembly.

Procedures

A. Certification of Career Development Program

The Clerk must certify to the Compensation Board each year through the on-line budget process that the program in place meets the minimum criteria for such plans as approved by the Compensation Board.

B. Employee Evaluation Program

The employee evaluation program used in this office meets the minimum criteria established by the Compensation Board for such plans.

C. Selection Process

The Clerk makes the final decision in the selection process. The Clerk shall be responsible for reviewing a candidate's qualifications for entering the career development plan.

D. Eligibility Criteria

To be considered for the Career Development Plan a Deputy must:

- 1) Have had at least three years of continuous service as a Deputy Clerk or comparable service in this office.
- 2) Have had two consecutive employee evaluations that were rated above average overall; did not receive a below average on any specific performance objective and did not have more than one written reprimand from the Clerk within the two years immediately preceding application for selection.
- 3) Must achieve 80 hours of accredited contact hours* of instruction in specific duties and responsibilities of a Virginia Deputy Circuit Court Clerk. After the initial 80 hours of accredited contact hours* of instruction are earned, the Deputy Court Clerk must earn a minimum of 16 accredited contact hours of instruction in the 12 months preceding annual recertification.

Accreditation of coursework shall be accomplished by a committee of Circuit Court Clerks and provided for annual review and approval to the Compensation Board in December of each year for coursework to be accomplished in the following calendar year.

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

E. Appointment

Once the Clerk has determined that the Deputy Clerk has met all eligibility requirements, applied for the 9.3% increase through the annual online budget process and the 9.3% increase has been approved by the Compensation Board, **the Clerk must reclassify the deputy to the "Career Deputy" status each year.** The reclassification of each deputy to "Career Deputy" must be requested through the COIN program via the Personnel Status Change Screen.

F. Removal

Selection as a Career Deputy Clerk may not be permanent. A deputy admitted into the CDP shall be responsible for maintaining all stated minimum performance

criteria of this program and any additional standards as set by the Clerk in order to retain his/her CDP status.

Removal from the CDP may result from the following:

- 1) The Deputy has received an employee evaluation in which he/she was rated average or below overall; received a below average on any specific performance objective or received more than one written reprimand from the Clerk during a consecutive two-year period.
- 2) The Deputy did not achieve a minimum of 16 accredited contact hours of instruction.

It is the Clerk's responsibility to notify the Compensation Board when a deputy has failed to meet the minimum performance criteria. Upon notification by the Clerk, the Compensation Board will removal the deputy from the "Career Deputy" status and will terminate the 9.3% incentive pay on the date specified by the Clerk.

G. Compensation

The Compensation Board shall provide a 9.3% salary increase effective December 1 of each year **at such time as funding is approved by the General Assembly.**

H. Equal Opportunity Statement

The _____ county/city Clerk certifies that career development opportunities are available to all Deputy Clerks. Selection into the CDP will be made without regard to race, religion, gender, national origin or political affiliation of deputies who chose to apply.

I. Employment Status of Deputy Clerks

Notwithstanding anything to the contrary contained in this program, nothing herein is intended nor should be construed to contradict or diminish the power and authority of the Clerk with respect to his/her appointees. All Deputy Clerks are, and shall remain, appointees of the Clerk and shall not be considered or construed as employees of either the Clerk or the (Name of Locality). Neither the creation nor the operation of this program shall confer on any Deputy Clerk any grievance rights, and no Deputy Clerk shall have the right to be represented by counsel when appearing before any administrators of this program in connection with the operation of this program.

J. Availability

This plan shall be made available to all employees of this office. This plan shall be located in an area accessible to all employees. A copy of this plan has been made available to the City Manager/County Administrator.

Effective Date

This plan shall be effective _____, and shall remain in effect unless amended by the Clerk.

Authority

This plan has been adopted by the Clerk in accordance with the Compensation Board's policy for minimum criteria for career development plans.

Approved

Signature of Clerk

Date

Appendix C

CERTIFICATION OF EMPLOYEE PERFORMANCE EVALUATION PLAN

TO: Compensation Board

FROM: _____
Officer / Locality

The employee performance evaluation plan currently in effect for this office, adopted on _____, incorporates all of the following features:
(date)

1. JOB DESCRIPTION

A detailed job description is maintained for each permanent employee which provides the elements for evaluation on the employee's performance plan.

2. WRITTEN PERFORMANCE PLAN

Each employee's performance plan identifies and prioritizes job elements based upon the employee's job description, states expectations for the acceptable level of performance for each job element, and addresses the extent to which external factors impact the employee's ability to perform the job. Factors which are not related to the job, such as race, sex, religion, level of salary or physical condition, are not considered in the evaluation process.

3. PERFORMANCE EVALUATION AND INTERVIEW WITH EMPLOYEE

The performance plan and evaluation expectations are discussed by the employee and his/her immediate supervisor at the beginning of the performance cycle and in at least one interview every 12 months. These meetings address ways to improve performance, note areas of improvement already achieved, and provide a forum for discussion of goals, expectations, and factors affecting performance.

4. SIGNATURES OF EMPLOYEE AND IMMEDIATE SUPERVISOR

Both the employee and the employee's immediate supervisor sign the performance plan and the evaluation; copies are made available to the employee and the originals are maintained in the employee's permanent personnel file.

Signed: _____ **Date:** _____

Appendix D

Audit Procedure

All Clerks who submit a request for deputy clerk certification shall be subject to audit. The Compensation Board staff will randomly select the Deputy 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 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 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\DeputyClerkCareerDevelopmentProgramOct19,05