

Washington State Judicial Branch

2024 Supplemental Budget

Support Salary Increases for Commissioner and Clerk/Administrator

Agency: Court of Appeals

Decision Package Code/Title: AB – Support Salary Increases

Agency Recommendation Summary Text:

The Court of Appeals is seeking funding for implementation of salary increases for the commissioners and clerk/administrators based on a Court of Appeals Executive Committee decision. These increases will bring both positions within 82-84 percent of the judicial salary as set by the Washington Citizen’s Commission on Salaries for Elected Officials in Fiscal Year 2025. (General Fund – State)

Fiscal Summary:

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
Staffing						
FTEs	0.00	0.00	0.00	0.00	0.00	0.00
Operating Expenditures						
Fund 001-1	\$0	\$191,000	\$191,000	\$191,000	\$191,000	\$191,000
Total Expenditures						
	\$0	\$191,000	\$191,000	\$191,000	\$191,000	\$191,000

Package Description:

Background

The Court of Appeals is committed to providing fair, equitable and competitive compensation to all employees. The Court’s Executive Committee recently reviewed the compensation for the commissioners and clerk/administrators.

The Court is proposing increases that address the pay disparities and bring the positions closer to 85 percent of the judicial salary as set by the Washington Citizen’s Commission on Salaries for Elected Officials. These salary increases will ensure that the Court of Appeals is competitive in the job market and can hire and retain qualified employees.

Fully describe and quantify expected impacts on state residents.

The Court of Appeals has three divisions and handles approximately 3,000 cases per year. The commissioners handle roughly 13 percent of the cases as Discretionary Review. They also handle the show cause hearings to determine appealability. Some of the Commissioner’s salaries around the state are tied to a percentage of the judicial salary of their court. The proposed increased will bring the Court of Appeals commissioner positions closer to 85 percent of the appellate judges’ salary. The Clerk/Court Administrator is responsible for all non-judicial activities of the court as a whole and the management and supervision of the clerk’s office. Per the Rules of Appellate Procedures, the clerk also makes decisions called rulings that become actions taken by the appellate court. Retention and recruitment of both these positions are crucial to maintaining the fair and effective administration of justice.

Explain what alternatives were explored by the agency and why this was the best option chosen.

The Court endeavored to provide part of the increases in the Fiscal Year 2024 within its existing budget. However, the proposed FY 2025 increases cannot be absorbed within the existing budget.

What are the consequences of not funding this request?

The Court will continue to struggle with attracting qualified applicants and may lose experienced employees to similar jobs that offer higher compensation.

Is this an expansion or alteration of a current program or service?

Not applicable.

Decision Package expenditure, FTE and revenue assumptions:

Job Title/Classification	# of FTEs	FY 2025
Commissioners	5.2	105,000
Clerk Administrator	3.0	86,000
TOTAL	8.2	191,000

How does the package relate to the Judicial Branch principal policy objectives?

This proposal supports all of the Judicial Branch principal policy objectives (Fair and Effective Administration of Justice, Accessibility, Access to Necessary Representation, Commitment to Effective Court Management, and Sufficient Staffing and Support). The fair and effective administration of justice requires professional, skilled and knowledgeable commissioners and clerk/administrators across the Court. Accessibility and access to necessary representation are services provided by the Court that rely on being efficient, effective and fully staffed. A guiding principle of effective court management is hiring, retaining, and supporting the staff who are the lifeblood of the organization.

Are there impacts to other governmental entities?

No.

Stakeholder response:

Not applicable.

Are there legal or administrative mandates that require this package to be funded?

No.

Does current law need to be changed to successfully implement this package?

No.

Are there impacts to state facilities?

No.

Are there other supporting materials that strengthen the case for this request?

No.

Are there information technology impacts?

No.

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Washington State Court of Appeals

Division Two

909 A Street, Suite 200, Tacoma, Washington 98402
REBECCA R. GLASGOW, JUDGE

MEMORANDUM

DATE: June 14, 2023

TO: COA Executive Committee Members

FROM: COA Personnel Committee

RE: Recommended FY 2024 and FY 2025 Salary Increases for Commissioners and Clerk/Administrators

The personnel committee, consisting of Judge Pennell, Judge Glasgow, and Judge Birk met with the clerk/administrators and Judge Bowman to develop salary increase recommendations for commissioners and clerk/administrators for FY 2024 (starting July 1, 2023) and FY 2025 (starting July 1, 2024).

Commissioners

As judicial officers, commissioners perform some of our most important work and we want the salary for this position to be sufficient to attract top candidates and retain our high-performing commissioners. We recognize that despite the COLAs that all state employees will receive in the upcoming biennium, commissioner salaries are not keeping up with the rate of increases that we have experienced as judges or that other court employees have received.

The committee agreed that commissioners' salaries should not fall farther behind. In addition to the COLAs that all state employees will receive, the committee recommends an additional 3% increase in FY 2024 and an additional 2% increase in FY 2025. This is consistent with the rates of increases that judges are receiving. The clerk/administrators agreed that all three divisions can cover these recommended increases within existing budget funds. If this recommendation is adopted, by FY 2025, commissioners' base salary will be approximately 82% of the Court of Appeals judges' salaries.

The committee recommends seeking supplemental legislative funding to further increase commissioners' salaries in FY2025 to about 85% of Court of Appeals judges' salaries. Based on research of superior courts in Division Two, this percentage is lower than some counties that pay their commissioners 90% of the judges' salaries, but the same as other counties that pay commissioners 85% of their judges' salaries. This would amount to an additional 3.7% over the FY 2025 recommendation described above. We would pay this additional salary increase *only* if the legislature funds our request.

While we do not recommend committing to paying commissioners 85% of the Court of Appeals judges' salaries going forward, the committee agreed that securing funding to bring our commissioners up to 85% of our court's judicial salaries in FY 2025 is appropriate in this budget climate.

Clerk/Administrators

The base salary for clerk/administrators has historically been slightly higher than the base salary for commissioners, and the committee agrees with this general approach given the importance and difficulty of the clerk/administrators' work. We want the salary for this position to be sufficient to attract top candidates and retain our high-performing clerk/administrators.

Historically, the divisions' clerk/administrators have all been paid the same. There has been some disparity in recent years as new clerk administrators were hired and have been gaining experience. The committee agreed that all three clerk/administrators now have enough experience that their base pay should be equal in the FY 2024 and FY 2025.¹

After bringing all clerk administrators to the same base salary, in addition to the COLAs that all state employees will receive, the committee recommends an additional 3% increase in FY 2024 and an additional 2% increase in FY 2025. This is consistent with the rates of increases that judges are receiving. The clerk/administrators agreed that all three divisions can cover these recommended increases within existing budget funds.

The committee recommends seeking supplemental legislative funding to further increase clerk/administrator salaries in FY 2025 by an additional 3.7% to keep them slightly above commissioner salaries. The committee agreed that that securing this funding is appropriate in this budget climate.

Please see the attached spreadsheets for recommended salary increase amounts and detailed cost breakdowns.

¹ This base pay is before the 5% King County premium that is awarded to all state employees working in King County.