



WASHINGTON COUNTY, ARKANSAS
County Courthouse

September 5, 2014

MEETING OF THE
WASHINGTON COUNTY QUORUM COURT
PERSONNEL COMMITTEE

Monday, September 8, 2014
5:30 p.m.
Washington County Quorum Court Room

AGENDA

1. Call to Order.
2. Adoption of Agenda.
3. Request from Circuit Judge Cristi Beaumont to Increase the Salary of a Law Clerk Position for 2014. This request was discussed by the Personnel Committee last month at which time it was forwarded to the Finance and Budget Committee for funding consideration. The Finance and Budget Committee voted to remove the item from its agenda. Judge Beaumont is resubmitting her request to the Personnel Committee. This position does not fall under the County's Job Evaluation/Salary Administration Program. (3.1-3.5)
4. Consideration of an Amendment to the Employee Handbook. The Committee will consider an amendment to the Overtime Compensation Policy. *Changes to the Employee Handbook must be approved by a majority vote of the full Quorum Court.* (4.1)
5. Other Business. Any other business to be discussed by the Committee will be brought up at this time.
6. Public Comments.
7. Adjournment.

/ji

Members of the Personnel Committee of the Quorum Court,

The Law Clerk position for Circuit Court Division 4 was created in 2007 and has never been reevaluated. When the position was created, the expectation was for the clerk to do research for the Division 4 Judge to help compensate for added time constraints upon the Judge handling Drug Court. Over the past 7 years, the position has evolved, and since I took office a year and a half ago, the law clerk position has changed considerably.

The law clerk is now available to all 7 Divisions of the 4th Judicial District to assist with research as needed. The law clerk writes orders and memos, assists with administrative duties, attends staffings, and participates in Drug Court and Veteran's Treatment Court. Currently, the position entails appreciably more responsibilities than the original job description.

I would like the law clerk to have even more involvement with Drug Court and Veteran's Treatment Court. Effective August 1st, the position will also include case management duties for high risk/high need individuals participating in Veteran's Court and Drug Court. In addition to the historical duties, the law clerk will be extensively involved with the supervision and coordination of resources for these high risk individuals, helping them to gain access to needed medical, social, educational, and other services.

This expansion is necessary due to the substantial increase in our Drug Court numbers. When I started, we had approximately 160 participants. Now, we have over 220 participants and have added Veteran's Treatment Court. A large number of these participants are high risk/high need and oftentimes have housing and/or mental health issues. For these high risk/high need individuals, the more supervision and access to resources they have, the more successful they will be in our program and society.

Due to the public accountability and importance of efficiency within this position, it is very important to have the right caliber of candidate. Leta Darling, an employee of the Prosecuting Attorney's office, has agreed to take the position. Ms. Darling possesses excellent legal research and writing skills and has 6 years of court experience as an attorney. She also has significant experience with Drug Court, having been the Juvenile Drug Court Prosecutor, and significant experience with coordination of services, having served as prosecuting attorney in hundreds of Family In Need of Services cases over the last three years. Her experience will allow her to step into the position and perform the new duties which are commensurate with her employment as a Deputy Prosecuting Attorney.

While the two positions shall have significantly similar responsibilities, unfortunately, the salary for the law clerk position is substantially lower. In light of the aforementioned added responsibilities, the candidate's experience, and the time since the position was last reviewed, I am requesting that the pay be increased from \$47,964 to \$55,952, which would effectively transfer Ms. Darling's current salary to her new position. Ms. Darling has been a stellar employee for Washington

County for five and a half years. Thank you for your time and consideration. Please feel free to contact me if you need any further information.

Respectfully Submitted,

Judge Cristi Beaumont
Circuit Judge 4th Judicial District of Arkansas
Washington and Madison Counties
4 S. College Ave
Fayetteville, AR 72701
P: 479 973-8420
F: 479 973-8426

**Washington County
Circuit Court Staff Attorney - County Circuit Courts
Job Description**

Exempt: Yes
Department: County Circuit Courts
Reports To: Circuit Judge
Location: County Court Building
Date Prepared: August 27, 2014
Date Revised:

GENERAL DESCRIPTION OF POSITION

Case management for Veteran's Treatment Court and Drug and Diversion Court, including supervision and coordination of resources for high risk/high need clients. As well as, administrative, legal research and writing support for the County's Circuit Judges. Review motions and briefs submitted by parties, verify cited legal authority, perform legal research and draft a variety of legal documents inclusive of written orders and memos as directed by the Circuit Judges.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following. Other duties may be assigned.

1. Case management, supervision and coordination of resources for high risk/high need individuals in Veteran's Treatment Court and Drug and Diversion Court shall include the following:

- a) Home visits to determine propriety of living arrangements and identify health and safety issues that need to be addressed by treatment team.
- b) Assist clients with application for services, such as housing assistance, supplemental nutrition assistance program, Families in Transition, Transitional Employment Assistance, Medicaid, and privately funded public assistance programs.
- c) Assist clients with scheduling of appointments for mental health and medical services, and maintain contact with clients to ensure appointments are attended.
- d) Draft and oversee execution of appropriate releases required to communicate between healthcare providers and facilitate services.
- e) Monitor client's overall attendance to scheduled appointments such as support meetings, counseling sessions, probation meetings, and appointments scheduled to facilitate additional services.
- f) Obtain prescription information regarding any medication being administered to clients for mental health or substance abuse treatment.

g) Assist with transportation issues as they arise.

2. Monitor payments made to the Office of Child Support Enforcement by all clients participating in Veterans' Treatment Court and Drug Court due to Nonsupport charges in order to ensure child support obligations are being addressed.

3. Contact clients referred for mental health assessments before their scheduled appointment to ensure appointments are kept and transportation is arranged.

4. Attend staffings for Veterans' Treatment Court.

5. Attend staffings for Drug and Diversion Court.

6. Attend all court hearings for Veterans' Treatment Court and keep detailed records of the hearings for use by the treatment team.

7. Attend all court hearings for Drug and Diversion Court and keep detailed records of the hearings for use by the treatment team.

8. Legal research and writing, assistance with administrative duties, and support for all seven (7) Circuit Judges upon request, dependent upon availability and approval of Division 4 Circuit Judge.

9. The following duties will be performed weekly for Division 4, and shall be extended to the other six divisions upon request, dependent upon availability and approval of Division 4 Circuit Judge:

a) Review Motions, including but not limited to Motions for Summary Judgment, Motions for Default Judgment, Motions to Dismiss, Motions to Strike, Motions to Compel, and Motions for Expedited Hearings.

b) Check propriety of service and timeliness of Complaints, Motions and responsive pleadings filed by the parties.

c) Research legal issues and draw legal conclusions based on the facts of the case, and present recommendations supported by legal authority to the Judge.

d) Draft Orders and Memorandums.

e) Communicate with attorneys regarding issues that will be presented to the court, the basis for requested hearings, and success or failure of court ordered mediation.

10. Perform any other related duties as required or assigned.

QUALIFICATIONS

To perform this job successfully, an individual must be able to perform each essential duty mentioned satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required.

EDUCATION AND EXPERIENCE

The incumbent must possess a Juris Doctorate Degree, have a license to practice law in Arkansas, and Four (4) years related experience and/or training preferred or equivalent combination of education and experience.

OTHER SKILLS and ABILITIES

The incumbent must possess strong written and verbal communication skills and excellent interpersonal skills; must possess the ability to establish and maintain good rapport with individuals often under difficult circumstances; must be able to read, analyze, and understand common scientific and technical journals, financial reports, and legal documents; must be able to respond to complex or difficult inquiries or complaints from clients, regulatory agencies, or members of the business community. The incumbent should also possess computer skills, and have knowledge of general office machines such as a calculator, copier, fax, etc.

WORKING CONDITIONS

Normal working conditions as found within an office setting, wherein there is controlled temperature and a low to moderate noise level, plus a minimum of distractions.

ENVIRONMENTAL CONDITIONS

The following work environment characteristics described here are representative of those an employee encounters while performing essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually low to moderate.

PHYSICAL ACTIVITIES

The following physical activities described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions and expectations.

While performing the functions of this job, the employee is regularly required to stand, sit and walk; and to talk or hear; and occasionally, reach with hands and arms; stoop, kneel or crouch. The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision; color vision and distance vision.

ADDITIONAL INFORMATION
Proficient in legal research and writing skills.

*Washington County
Job Description for Law Clerk - County Court Clerk*

*Revised 8/12/2014 10:13 AM
D:\Clerk - Staffing System - www.clerk-wa.com*

Karen Beeks

From: Blair Johanson <blair.johanson@johansongroup.net>
Sent: Tuesday, August 12, 2014 10:55 AM
To: Karen Beeks; Lindsi Huffaker
Cc: Cristi Beaumont; George Butler; Jessica Ims; Cassi Boyd
Subject: RE: Help - Law Clerk Job Description Needed ASAP

Dear Karen and All:

After visiting with Judge Beaumont, I search the DOL BLS report for pay information for Law Clerks in the Little Rock/North Little Rock SMSA market.

| Job Code | Job Title | Number of Employees | Hourly Median | Hourly Mean | Salary Mean |
|----------|----------------------------|---------------------|---------------|-------------|-------------|
| 23-1012 | <u>Judicial Law Clerks</u> | 50 | \$25.46 | \$25.96 | \$53,990 |

The \$42,000 to \$45,000 average previously researched is based on 90 Law Clerks located around the state. The DOL-BLS does not show any Law Clerks for the NW Arkansas SMSA area.

If we use the Little Rock/North Little Rock DOL-BLS salary mean, the proposed range would be:

Pay Range Minimum: \$43,200

Pay Range Midpoint: \$53,000 Hourly Median \$25.46 * 2,080 hours = \$52,957

Pay Range Maximum: \$63,600

Thanks,
Blair

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Circuit Court IV (Drug Court) Law Clerk Position

| | Remainder Beginning 8/1/2014 |
|--------------------------|---|
| 0404001 Law Clerk | |
| Salary | 3,395.00 |
| FICA/FICA Medi | 260.00 |
| Retirement | 501.00 |
| | <u>4,156.00</u> |

| 0404001 Law Clerk | Current Salary | Proposed Salary | Difference for Full Year |
|--------------------------|-----------------------|------------------------|-------------------------------------|
| Salary | 47,964.00 | 55,952.00 | 7,988.00 |
| FICA/FICA Medi | 3,669.25 | 4,280.33 | 611.08 |
| Retirement | 7,108.26 | 8,292.09 | 1,183.82 |
| | <u>58,741.51</u> | <u>68,524.41</u> | <u>9,782.90</u> |

Supreme Court and Court of Appeals Law Clerks

Career Service Pay Plan C126 (per Acts 140 and 56 for FY 14-15)

| Entry | Base | Midpt | Max | Career |
|--------------|--------------|--------------|--------------|--------------|
| \$ 50,029.00 | \$ 53,109.00 | \$ 65,324.00 | \$ 77,539.00 | \$ 83,742.00 |

(per DF&A website)

Information provided by JP Eva Madison

(over)

Pulaski County Law Clerk Salaries

2014 Budget

| | | |
|--------|----|------------------|
| 1st* | \$ | 43,668.82 |
| 2nd | \$ | 50,726.00 |
| 3rd | \$ | 54,439.84 |
| 4th | \$ | 49,117.90 |
| 5th | \$ | 49,117.90 |
| 6th | \$ | 49,117.90 |
| 7th | \$ | 50,726.00 |
| 8th | \$ | 55,673.80 |
| 9th | \$ | 49,117.90 |
| 10th | \$ | 49,117.90 |
| 11th | \$ | 49,117.90 |
| 12th | \$ | 49,117.90 |
| 13th | \$ | 49,117.90 |
| 14th | \$ | 49,117.90 |
| 15th | \$ | 50,726.00 |
| 16th | \$ | 49,117.90 |
| 17th | \$ | 49,117.90 |
| MEAN | \$ | 49,779.84 |
| MEDIAN | \$ | 49,117.90 |

15. OVERTIME COMPENSATION:

- A. Elected officials, executive, administrative, and professional employees, and other employees exempted by the Fair Labor Standards Act are not subject to the minimum wage and overtime provisions of Washington County Policy. An employee designated as 207(k) shall not be eligible for over-time until he or she works hours in excess of the number designated for his or her work period. Any employee that meets the definition of an executive, administrative, or professional employee, as set forth in the Fair Labor Standards Act, shall be paid as an exempt employee by Washington County except for exempt employees of the Sheriff's Department if specifically agreed to by the Quorum Court.
- B. No County employee may work more than 40 actual hours in one week without prior Elected Official authorization. Work weeks may be restructured on an individual basis to accommodate particular situations.
- C. Hours worked in excess of 40 actual work hours per week shall be compensated by compensatory time at the rate of one and one-half hours for each hour of overtime actually worked in a work week.
- D. An employee who has accrued compensatory time and who has requested the use of such compensatory time shall be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not disrupt the operation of the employee's office or department. Nothing herein shall be construed as prohibiting an Elected Official from requiring that an employee use compensatory time.
- E. No County employee may accrue more than 40 hours compensatory time. After any employee has accrued the maximum compensatory time and not used it as leave, all overtime in excess of maximum limits must be paid in cash at the rate of 1 ½ times his or her regular rate of pay for each additional overtime hour worked.
- F. Employees being considered for promotion who have a compensatory time balance shall either be given such compensatory time off or paid for the compensatory time at their current rate of pay before the promotion can become effective.
- G. Upon termination of employment with Washington County, an employee who has accrued compensatory time shall be paid for unused compensatory time at a rate of compensation not less than:
1. The average regular rate received by the employee during the last three (3) years of the employee's employment, or

2. The final regular rate received by the employee, whichever is higher.
 3. If a county employee is paid for accrued compensatory time subsequent to the time such compensatory time is earned other than upon termination of employment, the employee shall be paid for such compensatory time at the regular rate earned by the employee at the time the employee receives the payment.
- H. Overtime pay at the rate of one and one-half (1 ½) times the regular rate may be paid to the county employees in accordance with Quorum Court approved appropriations.
- I. If an employee agrees, and with the approval of his or her elected official and solely at the option of the individual, to substitute during scheduled work hours for another such employee, hours worked as a substitute shall be excluded in the calculation of the hours worked for which the employee is entitled to overtime compensation.
- J. The term “compensatory time” shall mean hours worked during the applicable work week or other work period for purposes of overtime compensation, and for which the employee is compensated at the employee’s regular rate.
- K. The Fair Labor Standards Act prohibits employees from volunteering to perform the same type of services, which the individual is employed to perform for Washington County, in excess of 40 hours without compensatory time or overtime pay as compensation.
- L. Procedures to document the accrual and use of compensatory time have been developed by the County Human Resources’ Office and must be followed by all County offices and employees.

(Rev. October 12, 2000)
(Rev. June 12, 2003)
(Rev. February 20, 2014)