

## COUNTY OF MILWAUKEE INTER-OFFICE MEMORANDUM

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**DATE:** June 29, 2016  
**TO:** James "Luigi" Schmitt, Chair, Personnel Committee  
**FROM:** John Barrett, Clerk of Circuit Court ✉  
**SUBJECT:** Appeal

We are requesting an appeal of the June 16, 2016 decision of the Department of Human Resources, Compensation Division, pursuant to M.C.G.O. 17.05(2)(b)(3), denying the department's request to assign the position of Deputy Court Clerk, Pay Grade 19Z, Job Code 8780, an interim pay grade 25K, \$43,011.07 - \$60,170.24.

The position of Deputy Court Clerk is critical to courtroom operation. In most instances, it is not legal to hold a hearing without a Deputy Court Clerk present. They record the minutes of all court proceedings, prepare and maintain the court calendar, request juries, and examine all papers that are filed in the courtroom. They also provide information concerning court proceedings, rules, practices and procedures and ensure the court is aware of all pertinent information regarding documents filed.

### **Background**

In 2013, Courts participated in the Human Resources compensation review of all positions in Milwaukee County. The goal of the compensation review was to ensure that positions were being fairly compensated for the work performed. (See Comp Workgroup Recommendations, Jan. 8, 2016, p. 7). With the exception of the Deputy Court Clerk position, all Courts positions were assigned pay grades based upon current market data and were moved to the recommended pay grade in 2014.

The Department of Human Resources then proposed a new pay structure that, among other things, changed grades to ranges. Approval of the pay ranges plan is still before the board.

The position of Deputy Court Clerk is unique, as is the size and complexity of the 1<sup>st</sup> Judicial District. Combined Courts believed the initial market analysis, keeping the Deputy Court Clerk position at pay grade 19Z, \$39,444.91-\$51,357.06, was flawed. As a result, a comprehensive review of the position was done by HR Compensation, working closely with Combined Courts. The Compensation Division ultimately agreed that the initial market analysis undervalued the Deputy Court Clerk position and established a pay range on May 1, 2015 as follows: Deputy Court Clerk, New Pay Range: A021, Pay Range \$44,364.94 - \$62,111.92. Unlike all the other Courts positions, the Deputy Court Clerk position was not moved into a comparable pay grade because it was anticipated that the new pay ranges would go into effect mid to late 2015.

On May 23, 2016, Combined Court Operations requested the Compensation Division review the

position for placement into an interim pay grade until the pay ranges are approved. The requested pay grade is 25K, \$43,011.07 - \$60,170.24. Of the pay grades approved in the most recent budget, 25K most closely aligns with the minimum, midpoint, and maximum of the recommended market value pay range. On June 16, DHR-Compensation Division offered Pay Grade 21, \$44,676.53-\$51,571.94, a pay grade that does not represent the market value of the position.

## Rationale

Currently, 36% of the Deputy Court Clerks are being paid below the minimum, 10% are somewhere in the grade and 54% are at the maximum of the current pay grade, but below the mid-point of the proposed pay range (\$53,238.43) for the position in the new compensation plan. According to the January 8, 2016 Informational Report from the Compensation Workgroup, page 4, 50% of the County's workforce is below the mid-point. In this particular position, 100% are below the mid-point. The Compensation Division's proposed interim pay grade (21) does not treat the Deputy Court Clerks equitably, either within the department or county-wide.

The position of Deputy Court Clerk is not only a position critical to the operation of the Court, it is a difficult position to recruit. Typically, Combined Courts would recruit no more than annually for the position. In the last couple of years, (2014, 2015) it has been necessary to recruit throughout the year. The position requires specialized skills and specific experience in a legal setting. The skills and experience required does not align with the low salary being offered and is not competitive with other legal jobs.

## Request

1. Assign a reasonable pay grade for the interim period.

Pay grade 25K is satisfactory to Combined Court Operations for recruitment and retention. If approved, all employees would move to the step most closely associated with their pay, except employees who are below the minimum of the market based pay range.

2. Allocate money earmarked to raise the hourly rate to the minimum recommended by the Department of Human Resources.

The approved 2016 budget (Org Unit 1940 – Wages and Benefits) states: “The designated positions **shall** be advanced in the wage “step” pay grade system to a rate at or above the new minimum salary amount **unless** a new compensation plan structure is approved prior to that time.” (emphasis added). There is an appropriation of \$1,538,244 included in the budget for pay adjustments. The Deputy Court Clerk positions were on the report of positions that are not paid at the minimum submitted to the Board by the Comptroller and DHR at the January 2016 meeting. Therefore the Deputy Court Clerks should qualify to have their compensation moved to the new market minimum, which would be step 2 of the pay grade 25K.

Combined Courts will absorb the remaining cost into its 2016 budget (Fiscal Note attached).

Deputy Court Clerk -

Current Pay Grade: 19Z

|     |    |           |            |             |
|-----|----|-----------|------------|-------------|
| 19Z | 01 | 18.9639\$ | 1,517.11\$ | 39,444.91\$ |
| 19Z | 02 | 19.8173\$ | 1,585.38\$ | 41,219.98\$ |
| 19Z | 03 | 20.7089\$ | 1,656.71\$ | 43,074.51\$ |
| 19Z | 04 | 21.6410\$ | 1,731.28\$ | 45,013.28\$ |
| 19Z | 05 | 22.6147\$ | 1,809.18\$ | 47,038.58\$ |
| 19Z | 06 | 23.6321\$ | 1,890.57\$ | 49,154.77\$ |
| 19Z | 07 | 24.6957\$ | 1,975.66\$ | 51,367.06   |

Recommended Pay Range: A021

Min                  Mid                  Max

|             |             |             |
|-------------|-------------|-------------|
| \$44,364.94 | \$53,238.02 | \$62,111.92 |
|-------------|-------------|-------------|

Courts Requested Interim Pay Grade:

|     |    |           |            |             |
|-----|----|-----------|------------|-------------|
| 25K | 01 | 20.6784\$ | 1,654.27\$ | 43,011.07\$ |
| 25K | 02 | 21.4791\$ | 1,718.33\$ | 44,676.53\$ |
| 25K | 03 | 22.3359\$ | 1,786.87\$ | 46,458.67\$ |
| 25K | 04 | 23.2475\$ | 1,859.80\$ | 48,354.80\$ |
| 25K | 05 | 24.7083\$ | 1,976.66\$ | 51,393.26\$ |
| 25K | 06 | 25.6163\$ | 2,049.30\$ | 53,281.90\$ |
| 25K | 07 | 26.5243\$ | 2,121.94\$ | 55,170.54\$ |
| 25K | 08 | 27.7247\$ | 2,217.98\$ | 57,667.38\$ |
| 25K | 09 | 28.9280\$ | 2,314.24\$ | 60,170.24   |

DHR Offered Pay Grade:

|    |    |           |            |             |
|----|----|-----------|------------|-------------|
| 21 | 01 | 21.4791\$ | 1,718.33\$ | 44,676.53\$ |
| 21 | 02 | 22.3359\$ | 1,786.87\$ | 46,458.67\$ |
| 21 | 03 | 23.2475\$ | 1,859.80\$ | 48,354.80\$ |
| 21 | 04 | 24.0044\$ | 1,920.35\$ | 49,929.15\$ |
| 21 | 05 | 24.7942\$ | 1,983.54\$ | 51,571.94\$ |