



Lake County
Court of Common Pleas
Juvenile Division

Judge William W. Weaver

March 19, 2008

Commissioner Robert E. Aufuldish
Commissioner Raymond E. Sines
Commissioner Daniel P. Troy
Lake County, Ohio

Dear Commissioners:

Enclosed please find a copy of the Judgment Entry which I have signed and filed regarding the salaries to be paid to the employees of the Juvenile Court in 2008.

It was never my intention that this action would be required or taken. When this was first brought to my attention, I was very optimistic that we could resolve the matter with full consideration of this problem.

Unfortunately, despite my requests, seven months went by before the first meeting was provided, and then an additional three weeks passed before we received your first proposal. By this time my optimism had waned considerably. Since we have not received a response to our counterproposal, it has now turned to pessimism.

I recognize that you must pass the final 2008 budget by April 1, 2008, and have learned that it is your intention to pass it on March 25, 2008. That is only six days away and includes only three working days in which we can meet between today and the 25th. This Judgment Entry had to be filed prior to that date in order for you to act upon it.

It is not my intention to turn this matter over to the new Judge since it occurred on my watch and must be resolved during my tenure.

Please know that I am fully committed to the appropriateness of this action and prepared to follow it to its conclusion. Please also know that I am still available to meet with you to discuss a resolution which will fairly provide for the employees of the Juvenile Court. In the interim, however, I expect that the 2008 budget will provide the funds as set forth in the Judgment Entry.

Very truly yours,

William W. Weaver
Judge

WWW:cmb
Encl.

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IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
LAKE COUNTY, OHIO

LAKE CO JUVENILE COURT

IN RE: : JUDGE WILLIAM W. WEAVER

2008 OPERATING BUDGET : JUDGMENT ENTRY
LAKE COUNTY JUVENILE COURT

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It is with much dismay and regret that the Court must enter this Order regarding its 2008 Operating Budget; however, it is left with no alternative except to do so.

The following are the circumstances which mandate this action. On August 29, 2006 the Court received correspondence from its employees in the Juvenile Detention Center claiming that the salaries of our Corrections Officers were substantially less than those of all other Corrections Officers in the County. Immediately thereafter, a thorough, intensive review was undertaken by the Court administration, which review clearly demonstrated that not only were our Corrections Officers paid on a lower scale, but virtually every other Juvenile Court Department was also being paid at substantially lower rates than other comparable departments within Lake County.

Immediately upon completion of this review, specifically on June 7, 2007, the Court corresponded with the Lake County Commissioners and provided a synopsis of the results and requested that a meeting be scheduled at which time the matter could be discussed and a fair resolution obtained.

During the process of this review, the Court was provided access to another study which had been compiled regarding salaries of Juvenile Court employees in twelve other counties

throughout Ohio, many of which are very comparable to Lake County in size and programming. This study clearly established that the Lake County Juvenile Court employees are, on average, paid substantially less than employees performing the same tasks in the other Courts.

On January 2, 2008 the Court received from the Commissioners a copy of the 2008 temporary budget and their estimated total budget for 2008. This proposed budget makes no provision whatsoever that addresses the salary concerns called to our attention by the Court's employees.

It must be pointed out that the Juvenile Court's total employee salary budget expended in 2007 is lower than it was in 2005, and our total salary budget estimated by the Commissioner's office for 2008 would be even less than 2007, even though the Court has more employees.

In reaching the decision to enter this Order, this Court has made every effort to comply with the regular budgetary procedures of the Commissioners and to provide them an opportunity to act reasonably and prudently toward the needs of its employees in the Juvenile Court as compared to the rest of their employees throughout the County.

On January 30, 2008, the Judge, the Court Administrator, and the Supervisor of the Court Finance Department for the first time met and discussed the matter with the Commissioners, and on February 21, 2008 the Court was presented with a proposal to resolve the issue.

This proposal did suggest a three year plan which would reasonably bring the few employees of the Clerk's Department (5) to a level in 2010 comparable to the 2007 salaries of the Clerks serving two of the other Divisions of Common Pleas Court.

They further proffered a three year plan applicable to eighteen (18) Corrections Officers which, even in 2010, would not equal the 2007 salaries of the other County Corrections Officers. The plan also applied to sixteen (16) additional Corrections Officers which would fall even

further short of the others. No proposal whatsoever was made with regard to the rest of the Court employees.

The Court could not accept this proposal because it was not fair and did not address the problem. In addition, it was demeaning to those employees for whom no provision at all was offered.

Of utmost concern in this decision is the fact that since 2002, the Court has experienced a loss of twenty-seven (27) Corrections Officers, most, if not all, of whom left for another position at higher pay. A vivid example of this is the most recent resignation. This person resigned his position as a Juvenile Corrections Officer to take a position as an Adult Corrections Officer at the Lake County Sheriff's Department. His salary increased from \$10.40 per hour to \$17.62 per hour. In addition to the loss of experienced Corrections Officers, the Court also loses the substantial investment of funds and personnel hours necessary to train each Corrections Officer. With few exceptions, Juvenile Court Corrections Officers are required to have, at least, an Associates Degree from an accredited college. In reality, seventy-five percent of our full-time Officers have Bachelors Degrees.

From 1986 to 1993 this County experienced litigation in which one of the primary issues under consideration was the need for parity between Juvenile Corrections Officers and Adult Corrections Officers. The Supreme Court agreed with the Juvenile Judge. This issue should not be litigated again. It has recently come to the Court's attention that under the current circumstances, some of its full-time employees could be eligible for food stamps. In this Court's opinion, this is a tragic situation and should not continue.

The employees of the Juvenile Court ought to be paid commensurate with all other employees of Lake County. That is not happening. For example, Juvenile Clerks are paid

almost 10% less than other comparable Court Clerks and 33% less than other Clerks within the County, Corrections Officers almost 25% less, and Bailiffs 10% less. This is unfair and unconscionable and cannot continue.

Due to the substantial lapse of time in receiving any response and then receiving a temporary budget which included no consideration of the salary concerns, the Court, on January 8, 2008, received another correspondence signed by fifteen (15) of its Corrections Officers advising that they cannot wait much longer and are reluctantly considering seeking outside representation. Obviously, such action, if accomplished, would result in future collective bargaining.

In addition, due to the same time lapse, the Judge was requested to meet with its entire clerical staff. At that meeting, he was advised that the majority of the staff are considering seeking other employment due solely to the insufficient pay scale. Such action, if successful, would be devastating to the operations of the Court.

This Court, therefore, finds that the temporary budget and proposed total budget for 2008 proposed by the Commissioners will not provide the Court with funds sufficient to discharge its constitutional and statutory duties.

The Court further finds that the following additional amounts are reasonable and necessary to fund the Court's respective line item accounts and thereafter to enable the Court to discharge its responsibilities pursuant to law:

A) Funds additional to the 2008 budget proposed by the Lake County Commissioners to be provided in the Court's budget for salaries for the Detention Center, Account #100-35-00-63-511-512, in the amount of \$372,229.45, which amount will adjust the Juvenile Court

Corrections Officers' salaries to an amount equal to the salaries of other County Corrections Officers.

B) Funds additional to the 2008 budget proposed by the Lake County Commissioners to be provided in the Court's budget for salaries for Personnel Services (Clerks, Administration and Finance), Account #100-33-00-63-511-512, in the amount of \$56,791.72, which amount will adjust the Juvenile Court Clerks, Administration and Finance personnel salaries to an amount equal to the salaries of other comparable County employees.

C) Funds additional to the 2008 budget proposed by the Lake County Commissioners to be provided in the Court's budget for salaries for the Probation Department, Account #100-34-00-63-511-512, in the amount of \$43,692.84, which amount will adjust the Juvenile Court Probation Officers' salaries to an amount equal to the salaries of other County Probation Officers.

D) Funds additional to the 2008 budget proposed by the Lake County Commissioners to be provided in the Court's budget for salaries for the Intake Department, including Bailiffs, Account #100-36-00-63-511-512, in the amount of \$28,927.19, which amount will adjust the Juvenile Court Intake Officers' and Bailiffs' salaries to an amount equal to the salaries of other comparable County employees.

E) Funds additional to the 2008 budget proposed by the Lake County Commissioners to be provided in the Court's budget sufficient to provide the appropriate and necessary benefits to which the Court employees are entitled pursuant to the above ordered increases.

The Court further finds that the number of personnel presently employed by the Court, including vacancies to be filled, comprises the minimum and essential number needed to confidently and effectively operate the Court and to provide timely justice in accordance with the

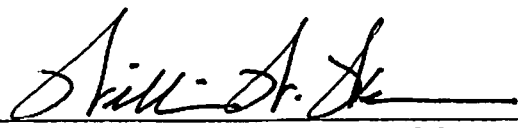
time limitations established by law to the residents of Lake County, whether they be persons charged with a crime, delinquency. or victims of the same, and protecting abused, neglected and dependent children, as well as maintaining a safe, secure, and rehabilitative Detention Center, and providing other rehabilitation services, appropriate treatment and adequate supervision of delinquent youth within the County, and to manage and administer its caseload averaging 5,719 cases per year.

In consideration of all of the above, and for the purpose of ensuring the citizens of Lake County that they will have access to an open and adequately staffed Juvenile Court in 2008 and for years to come whenever they may be in need of it, the Court does hereby ORDER the Lake County Board of Commissioners to appropriate the additional funds set out in paragraphs (A), (B), (C), (D) and (E) above to the 2008 budget of the Lake County Juvenile Court.

IT IS FURTHER ORDERED that the provision of the above funds shall not constitute justification for the employees of the Juvenile Court to be, in any way, diminished or eliminated from participating in any cost-of-living raise or other salary increase paid annually by the County. These employees shall participate to the same extent as all other County employees. To do otherwise would only serve to once again create a differential between the salaries of the Lake County employees.

IT IS FURTHER ORDERED that should the funds set out in (A), (B), (C), (D) and (E) above not be appropriated and included in the 2008 Lake County Budget, then, at such time as a higher Court orders them, the interest of justice requires that the funds shall be paid retroactively to the inception of the 2008 budget year.

IT IS SO ORDERED.


WILLIAM W. WEAVER, JUDGE