

**Senate Bill No. 641**

(By Senators Fitzsimmons, Palumbo, Tucker, Yost and Williams)

[Introduced March 25, 2013; referred to the Committee on the  
Judiciary; and then to the Committee on Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §51-2A-6 of the Code of West Virginia,  
1931, as amended, relating to increasing the compensation caps  
for secretary-clerks and case coordinators in the family court  
system.

*Be it enacted by the Legislature of West Virginia:*

That §51-2A-6 of the Code of West Virginia, 1931, as amended,  
be amended and reenacted to read as follows:

**ARTICLE 2A. FAMILY COURTS.**

**§51-2A-6. Compensation and expenses of family court judges and  
their staffs.**

(a) A family court judge is entitled to receive as  
compensation for his or her services an annual salary of \$62,500:  
*Provided, That beginning July 1, 2005, a family court judge is*

1 entitled to receive as compensation for his or her services an  
2 annual salary of \$82,500: *Provided, however,* That beginning July  
3 1, 2011, the annual salary of a family court judge shall be  
4 \$94,500.

5 (b) The secretary-clerk of the family court judge is appointed  
6 by the family court judge and serves at his or her will and  
7 pleasure. The secretary-clerk of the family court judge is entitled  
8 to receive an annual salary of \$27,036: *Provided,* That on and  
9 after July 1, 2006, the annual salary of the secretary-clerk shall  
10 be established by the administrative director of the Supreme Court  
11 of Appeals, but may not exceed \$35,000. *Provided, however,* That on  
12 and after July 1, 2013, the annual salary of the secretary-clerk  
13 shall be established by the administrative director of the Supreme  
14 Court of Appeals but may not exceed \$41,500. In addition, any  
15 person employed as a secretary-clerk to a family court judge on the  
16 effective date of the enactment of this section during the sixth  
17 extraordinary session of the Legislature in the year 2001 who is  
18 receiving an additional \$500 per year up to ten years of a certain  
19 period of prior employment under the provisions of the prior  
20 enactment of section eight of this article during the second  
21 extraordinary session of the Legislature in the year 1999 shall  
22 continue to receive such additional amount. Further, the secretary-  
23 clerk will receive such percentage or proportional salary increases

1 as may be provided by general law for other public employees and is  
2 entitled to receive the annual incremental salary increase as  
3 provided in article five, chapter five of this code.

4 (c) The family court judge may employ not more than one family  
5 case coordinator who serves at his or her will and pleasure. The  
6 annual salary of the family case coordinator of the family court  
7 judge shall be established by the Administrative Director of the  
8 Supreme Court of Appeals but may not exceed \$36,000: *Provided,*  
9 That on and after July 1, 2006, the annual salary of the family  
10 case coordinator of the family court judge may not exceed \$46,060:  
11 *Provided, however, that on and after July 1, 2013, the annual*  
12 *salary of the family case coordinator shall be established by the*  
13 *administrative director of the Supreme Court of Appeals but may not*  
14 *exceed \$52,500.* The family case coordinator will receive such  
15 percentage or proportional salary increases as may be provided by  
16 general law for other public employees and is entitled to receive  
17 the annual incremental salary increase as provided in article five,  
18 chapter five of this code.

19 (d) The sheriff or his or her designated deputy shall serve as  
20 a bailiff for a family court judge. The sheriff of each county  
21 shall serve or designate persons to serve so as to assure that a  
22 bailiff is available when a family court judge determines the same  
23 is necessary for the orderly and efficient conduct of the business

1 of the family court.

2 (e) Disbursement of salaries for family court judges and  
3 members of their staffs are made by or pursuant to the order of the  
4 Director of the Administrative Office of the Supreme Court of  
5 Appeals.

6 (f) Family court judges and members of their staffs are  
7 allowed their actual and necessary expenses incurred in the  
8 performance of their duties. The expenses and compensation will be  
9 determined and paid by the Director of the Administrative Office of  
10 the Supreme Court of Appeals under such guidelines as he or she may  
11 prescribe, as approved by the Supreme Court of Appeals.

12 (g) Notwithstanding any other provision of law, family court  
13 judges are not eligible to participate in the retirement system for  
14 judges under the provisions of article nine of this chapter.

NOTE: The purpose of this bill is to increase the compensation caps for secretary-clerks and case coordinators in the family court system. The bill is necessary because some relatively recent across-the-board raises for state employees have resulted in some family court employees exceeding the cap.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.