

H. B. 2197

(By Delegates Sponaugle and Campbell)

[Introduced January 21, 2015; referred to the

Committee on the Judiciary then Finance.]

A BILL to amend and reenact §51-2A-6 of the Code of West Virginia, 1931, as amended, relating to removing the compensation caps entirely for secretary-clerks and case coordinators in the family court system and allowing the Administrative Director of the Supreme Court of Appeals to set the salary of those employees.

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

1 (b) The secretary-clerk of the family court judge is appointed by the family court judge and
2 serves at his or her will and pleasure. ~~The secretary-clerk of the family court judge is entitled to~~
3 ~~receive an annual salary of \$27,036. *Provided, That on and after July 1, 2006,*~~ The annual salary of
4 the secretary-clerk shall be established by the administrative director of the Supreme Court of
5 Appeals. ~~but may not exceed \$35,000.~~ In addition, any person employed as a secretary-clerk to a
6 family court judge on the effective date of the enactment of this section during the sixth
7 extraordinary session of the Legislature in the year 2001 who is receiving an additional \$500 per year
8 up to ten years of a certain period of prior employment under the provisions of the prior enactment
9 of section eight of this article during the second extraordinary session of the Legislature in the year
10 1999 shall continue to receive such additional amount. Further, the secretary-clerk ~~will~~ is entitled
11 to receive such in addition to the salary as set by the Administrative Director of the Supreme Court
12 of Appeals the same percentage or proportional salary increases as may be provided by general law
13 for other public employees and is entitled to receive the annual incremental salary increase as
14 provided in article five, chapter five of this code.

15 (c) The family court judge may employ not more than one family case coordinator who serves
16 at his or her will and pleasure. The annual salary of the family case coordinator of the family court
17 judge shall be established by the Administrative Director of the Supreme Court of Appeals. ~~but may~~
18 ~~not exceed \$36,000. *Provided, That on and after July 1, 2006,*~~ the annual salary of the family case
19 coordinator of the family court judge ~~may not exceed \$46,060.~~ The family case coordinator ~~will~~
20 ~~receive such~~ is entitled to the same percentage or proportional salary increases as may be provided
21 by general law for other public employees and is entitled to receive the annual incremental salary
22 increase as provided in article five, chapter five of this code.

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

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

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

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

NOTE: The purpose of this bill is to remove the compensation caps entirely for secretary-clerks and case coordinators in the family court system and allow the Administrative Director of the Supreme Court of Appeals to set the salary of those employees.

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