



COUNTY ADVISORY BULLETIN

CAB

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SUPPLEMENT APPROPRIATIONS REQUIRED FOR 1996 TO COMPLY WITH ELECTED OFFICIALS' COMPENSATION LEGISLATION

INTRODUCTION

On February 7, Governor Voinovich signed Am. Sub. HB 408. The legislation was sponsored by Representative Robert Corbin (R-Dayton). While this legislation provides compensation increases for most county elected officials, judges, and members of the board of elections, most of these increases will not take effect until the commencement of a new terms of office in 1997.

In selected cases, however, additional appropriations will need to be made in 1996 because additional compensation is payable beginning on March 1, 1996. This CAB will summarize the supplemental appropriation actions needed so that the additional compensation can be paid as specified in the Act.

CCAO will issue another CAB in the near future that details all of the compensation changes that were included in the Act. This CAB is being issued primarily to deal with changes that will take place in 1996 and for which changes in appropriations and payment to officials are required during 1996. In certain instances we have included information about some officials who are not entitled to the increases in 1996 or for which no supplemental appropriations are needed to clarify that no action need be taken in 1996.

COUNTY SHERIFF

During 1996 the sheriff is entitled to the compensation he received in 1995 plus an additional one-eighth (12.5%) of this amount. The additional one-eighth is provided for in newly enacted ORC Section 326.06 (C).

In addition, uncodified Section 6 of Am. Sub. HB 408 provides that this additional one-eighth will be paid to Sheriffs during the period March 1, 1996 through December 31, 1996. This means that an amount equal to one-eighth of the full annual salary of the Sheriff will be paid beginning March 1, 1996. Each county should allocate the full annual amount

equally over the number of remaining pay periods in 1996.

The receipt of this amount is contingent upon monies being appropriated by the General Assembly. Before the county may pay this additional amount, however, the Attorney General is required to certify to the County Auditor that adequate funds have been appropriated.

We understand that the Attorney General will certify to the County Auditor, in the near future, that monies have been appropriated by the General Assembly. Upon receipt of this certification the county commissioners should appropriate the required funds and the County Auditor should adjust salary warrants.

The Attorney General will also later instruct County Auditors on procedures that will be used to claim reimbursement. Counties will be fully reimbursed for the additional amount plus the required PERS contribution. The reimbursement will be deposited into the county general fund.

Table 1, which is attached, shows the additional amounts that need to be appropriated for both compensation and for PERS at the law enforcement rate of 16.7%.

COMMON PLEAS JUDGES

Common Pleas Judges are entitled to a 3% increase effective March 1, 1996. This 3% increase is calculated on both the state paid base (ORC 141.014(A) (4)) and the local per capita amount (ORC 141.05). In those counties where the Judge presides over all four divisions of the court, the 3% increase is also applied to the supplemental amount (\$7,000, ORC 141.06).

For Common Pleas Judges all of the increase is paid directly by the state. The current county share remains the same.

The county is thus not required to appropriate additional funds for any Common Pleas Judge. The county will continue to appropriate and pay only its per capita share. The per capita amount is equal to 18 cents per person in the county, but not less than \$3,500 nor more than \$14,000, and is paid pursuant to ORC 141.05.

FULL-TIME MUNICIPAL COURT JUDGES

Full-time Municipal Court Judges are entitled to a 3% increase effective March 1, 1996. This 3% increase is calculated on both the state paid base (ORC 141.05 (A) (5)) and local base per capita payment (ORC 1901.11 (B) (1) (a) and (B)(2)).

For Full-time Municipal Judges all of the increases is paid directly by the state. The current local share remains the same.

The county and/or municipality is not required to appropriate additional funds for any Full-

time Municipal Court Judge. Counties and/or municipalities will continue to appropriate and pay only their local base payment (\$51,750, ORC 1901.11 (B) (1) (a)) and their local per capita amount which is equal 18 cents per capita (but not to exceed \$10,000) for the territory.

This provision also applies to part-time judges of municipal courts if the population of the territory exceeds \$50,000.

PART-TIME MUNICIPAL JUDGES

No state funds have been provided for Part-time Municipal Judges, except for those who serve territories in excess of \$50,000 population, as specified above.

Effective March 1, 1996 Part-time Municipal Judges are entitled to a 3% increase on both their base payment (\$36,800, ORC 19011.11 (A)(2)(a)) and their local per capita compensation (ORC 19011.11 (a)(1)), which is 18 cents per capita but not more than \$10,000. Table 2 shows an example of how to calculate the increase and how to determine the total additional amount that needs to be appropriated. Counties should work with the affected Judges to assure that the calculations are accurate. The traditional sharing of these costs between the county and municipal corporations pursuant to ORC 1901.11(C) remains the same.

In addition, the county will have to increase its appropriation for PERS by the appropriate amount.

COUNTY COURT JUDGES

No state fund have been provided to pay for any of the increase of County Court Judges.

Effective March 1, 1996 County Court Judges are entitled to a 3% increase on both the base compensation (\$26,850, ORC 1907.16(A)(2)) and the per capita compensation (ORC 1907.16 (A)(1)) which is 18 cents per capita but not more than \$7,500. Table 3 shows an example of how to determine the total additional amount that needs to be appropriated. Counties should work with the affected Judges to assure that the calculations are accurate.

In addition, the county will have to increase its appropriation for PERS by the appropriate amount.

SELECTED MUNICIPAL COURT CLERKS

Elected Municipal Court Clerks where the population of the territory is 100,000 or more are entitled to compensation that is equivalent to 85 percent of that of the Municipal Court Judges (ORC 1901.31 (C)). As a result of this provision, such Clerks are entitled to an increase effective March 1, 1996. In each subsequent year Clerks will receive compensation at the rate of 85 percent of the current salary of the Judge. These payments

continue to be shared between the county and the municipality pursuant to ORC 1901.11(C).

ACKNOWLEDGMENT

CCAO wishes to thank a variety of individuals who reviewed this CAB. Bob Cornwell and Dan McCarthy of the Buckeye State Sheriffs' Association, were very helpful as it relates to provisions affecting sheriffs. Fran Lesser and Tom Pappas with the County Auditors' Association of Ohio also assisted in the preparation of this bulletin. Rick Dove, on the staff of The Ohio Supreme Court, also provided valuable input. Draft copies of the bulletin were also provided to the Attorney General's Office and the State Auditor's Office. Any errors, however, are the sole responsibility of CCAO.

TABLE 1**1996 SUPPLEMENTAL APPROPRIATIONS FOR COUNTY SHERIFF**

CLASS	ORIGINAL 1996 COMPENSATION	ADDITIONAL 1/8 FOR 1996	TOTAL 1996 COMPENSATION	ADDITIONAL PERS (16.7%)	TOTAL STATE REIMBURSEMENT FOR 1996
1	\$31,027	\$3,878	\$34,905	\$648	\$4,526
2	\$33,243	\$4,155	\$37,398	\$694	\$4,849
3	\$35,459	\$4,432	\$39,891	\$740	\$5,172
4	\$36,937	\$4,617	\$41,554	\$771	\$5,388
5	\$38,414	\$4,802	\$43,216	\$802	\$5,604
6	\$39,892	\$4,987	\$44,879	\$833	\$5,820
7	\$41,369	\$5,171	\$46,540	\$864	\$6,035
8	\$42,847	\$5,356	\$48,203	\$894	\$6,250
9	\$45,432	\$5,679	\$51,111	\$948	\$6,627
10	\$47,278	\$5,910	\$53,188	\$987	\$6,897
11	\$49,126	\$6,141	\$55,267	\$1,026	\$7,167
12	\$53,927	\$6,741	\$60,668	\$1,126	\$7,867
13	\$55,774	\$6,972	\$62,746	\$1,164	\$8,136
14	\$57,621	\$7,203	\$68,824	\$1,203	\$8,406

NOTE:

1. Sheriff in Montgomery County is in class 13 pursuant to ORC 315.15(D).
2. Sheriff in Jefferson County is in class 6 until term in 1997 pursuant to ORC 325.22.
3. Sheriff in Mahoning County is in class 11 until new term in 1997 pursuant to ORC 325.22.
4. Sheriff in Guernsey County is in class 3 until new term in 1997 pursuant to ORC 325.22.
5. Sheriff in Darke County continues in class 3 as he was not an incumbent in office on December 31, 1992 pursuant to ORC 325.22

TABLE 2

EXAMPLES OF CALCULATIONS FOR PART-TIME MUNICIPAL COURT JUDGES
Population of Territory of Courts 45,000

CURRENT SALARY

Base Pay	\$36,800	
Per Capita (18 cents per capita)	\$8,100	18 cents x 45,000
Total Current	\$44,900	

NEW SALARY BEGINNING MARCH 1, 1996

Base pay	\$36,800	
Base increase	\$1,104	\$36,800 x 3%
Per Capita Base	\$8,100	18 cents x 45,000
Per Capita Increase	\$243	8,100 x 3%
Total Annual	\$46,247	To be paid from March 1 - Dec 31, 1996
Total Annual (Rounded to nearest \$50)	\$46,250	
Amount of Annual Increase	\$1,350	46,250 minus 44,900
Additional Appropriation Needed	\$1,125	(10 months divided by 12 months = 83.33% times 1,350)

NOTE: Additional appropriation shared in some cases with municipality pursuant to ORC 1901.11(C).

TABLE 3**EXAMPLE OF CALCULATIONS FOR COUNTY COURT JUDGES**

Population of Territory of Court 37,123

CURRENT SALARY

Base Pay	\$26,850	
Per Capita (18 cents per capita)	\$6,682	(37,123 x 18 cents)
Total Current	\$33,532	

NEW SALARY BEGINNING MARCH 1, 1996

Base Pay	\$26,850	
Base Increase	\$806	\$26,850 x 3%
Per Capita Base	\$6,682	
Per Capita Increase	\$200	\$6,682 x 3%
Total Annual	\$34,538	
Total Annual (Rounded to Nearest \$50)	\$34,550	To be paid from March 1 - Dec 31
Amount of Annual Increase	\$1,018	\$34,550 - \$33,532
Additional Appropriation Needed	\$848	10 months divided by 12 months = 83.33% times 1,018

NOTE: Counties are still authorized to increase the compensation of County Court Judges an amount not to exceed \$2,000 pursuant to ORC 1907.17.