

## ANALYSIS

### Item 2: Commission on Judicial Fitness and Disability Compensation Plan Changes

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**Analyst:** John Borden

**Request:** Acknowledge receipt of a report on compensation plan changes.

**Analysis:** The Commission on Judicial Fitness and Disability, as required under ORS 8.105(2), and prior to implementing any compensation plan change, is to report either to the Joint Committee on Ways and Means when the Legislature is in session or the Emergency Board or the Joint Interim Committee on Ways and Means during the interim. The Commission provided timely notice of the proposed compensation plan change on August 25, 2023.

The 2023-25 legislatively adopted budget for the Commission includes one position (0.50 FTE). The Commission is proposing two ongoing and a one-time lump-sum payment Cost-of-Living Allowance (COLA) adjustments. The one-time lump-sum COLA applies to the permanent part-time employee, who was employed on or before July 1, 2023. The three COLA adjustments are identical to those negotiated in the Executive Branch and ratified by the Service Employees International Union and the American Federation of State, County, and Municipal Employees union. The estimated cost would be \$13,518 General Fund for the 2023-25 biennium and \$23,376 General Fund for the 2025-27 biennium. The estimated costs include both salaries and wages and other payroll expenses.

Ongoing COLA(s)	One-time COLA	Effective Date	2023-25 General Fund	2025-27 General Fund
--	\$1,500	09.01.2023	\$1,895	--
6.5%	--	12.01.2023	\$8,683	\$11,281
6.55%	--	01.01.2025	\$2,940	\$12,095
Total			\$13,518	\$23,376

#### Compensation Plan Funding

The Legislature in 2023 established in the Emergency Board two special purpose appropriation related to the General Fund costs of employee compensation changes across all three branches of government: (a) \$330 million state employee compensation changes; and (b) \$120 million additional state employee compensation changes for retention and recruitment. An Emergency Board or legislative decision to allocate this funding will be decided at a future date.

Of note is that the second ongoing COLA with a January 1, 2025 effective date is contingent upon either the Legislature or the Emergency Board providing supplemental funding beyond the aforementioned amounts set aside by the 2023 Legislature. If supplemental funding is not appropriated, then the effective date of the second COLA may be delayed until February 1, 2025.

**Recommendation:** The Legislative Fiscal Office recommends that the Joint Interim Committee on Ways and Means acknowledge receipt of the report.

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Commission on Judicial Fitness and Disability  
Gibson

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**Request:** Report on compensation plan changes by the Commission on Judicial Fitness Disability.

**Recommendation:** The Commission on Judicial Fitness Disability is not under Executive Branch budgetary authority.

**Discussion:** The Commission on Judicial Fitness Disability (CJFD) submitted a Compensation Plan Change Report in accordance with ORS 8.105(1).

*ORS 8.105(1): Before making any change to a compensation plan, an administrative division of the judicial department must submit the proposed change to the Joint Committee on Ways and Means during the period when the Legislative Assembly is in session, or to the Emergency Board or the Joint Interim Committee on Ways and Means during the interim period between sessions.*

CJFD reviews and investigates complaints of alleged misconduct or interfering disabilities of Oregon state judges and justices of the peace. To support this work, the Commission has one part-time (0.50 FTE) staff member who serves as the Executive Director and nine appointed members who serve on the Commission.

<b>CJFD SUPPORT</b>	
Executive Director	1 - Staff (part-time) – 0.50 FTE <i>Required to be an attorney in good standing with the Oregon Bar</i>
Commission Members	9 - Volunteers <ul style="list-style-type: none"><li>- <i>Three public members appointed by the Governor,</i></li><li>- <i>Three lawyers appointed by the Oregon State Bar Board of Governors, and</i></li><li>- <i>Three judges appointed by the Supreme Court</i></li></ul>

In August 2023, Governor Kotek announced a compensation plan adjustment for the Executive Branch employees. The adjustment includes a 6.5 percent cost of living adjustment (COLA) on December 1, 2023, a 6.55 percent COLA on January 1, 2025, and a one-time retention payment of \$1,500 in September 2023. The second COLA on January 1, 2025, is subject to retaining additional funding during the 2024 Legislative Session. If additional funding is not appropriated, the 6.55 percent COLA adjustment will be moved to February 1, 2025.

ORS 240.245 requires the Judicial Branch to maintain a compensation plan in reasonable conformity with the general salary structures of the state. To ensure unity, the Chief Justice adopted the same Executive Branch compensation plan adjustments for the Judicial Branch compensation plan, which impacts employees within the Oregon Judicial Branch and CJFD.

The Commission does not have an adequate budget to cover the General Fund impact, estimated to be \$13,518 in 2023-25 and \$23,376 in 2025-27. The funding required to implement the plan is anticipated to be received through the statewide salary pot adjustments made during the 2024 Legislative Session.



# Commission on Judicial Fitness and Disability

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August 24, 2023

The Honorable Senator Elizabeth Steiner Hayward, Co-Chair  
The Honorable Representative Tawna Sanchez, Co-Chair  
Interim Joint Committee on Ways and Means  
900 Court Street NE  
H-178 State Capitol  
Salem, OR 97301-4048

## **RE: Compensation Plan Change Report**

Dear Co-Chairpersons:

### **Nature of the Report**

The Commission on Judicial Fitness and Disability (CJFD) is providing this report on a prospective CJFD compensation plan change for the Executive Director during the 2023-25 biennium.

ORS 8.105(1) provides:

*Before making any change to a compensation plan, an administrative division of the judicial department must submit the proposed change to the Joint Committee on Ways and Means during the period when the Legislative Assembly is in session, or to the Emergency Board or the Joint Interim Committee on Ways and Means during the interim period between sessions.*

### **CJFD Compensation Plan Action**

CJFD investigates and acts upon complaints of judicial misconduct or disability. The Commission has jurisdiction over the state's 32 justices of the peace, 178 circuit court judges, and 21 appellate court judges. Its jurisdiction also covers the tax judge, pro-tem judges and Plan B senior judges, who sit occasionally as needed.

The Commission has nine volunteer members, and is supported by a .5 FTE Executive Director, who is the only staff support for the Commission. The Executive Director is required to be an attorney in good standing with the Oregon Bar.

In 2023, the Governor announced compensation plan changes and two COLA increases for Executive Branch employees, to be implemented during the 2023 -2025 biennium. The

Commission has decided to match the two COLA increases by granting a 6.5% increase on December 1<sup>st</sup>, 2023 and a 6.55% increase on January 1<sup>st</sup> 2025. In addition the Commission granted a one-time Retention Payment of \$1,500.

The estimated fiscal impact of these changes for the 2023-25 and 2025-27 bienniums are:

	General Fund Impact
2023-25 Biennium	\$13,518
2025-27 Biennium	\$23,376

The Commission expects that funding for these changes, as well as regular merit increases, will be addressed through the legislative Emergency Board reservation for state employee compensation plan changes.

**Action Requested**

The Commission on judicial Fitness and Disability requests acknowledgment of this report as provided in ORS 8.105(1).

**Legislation Affected**

None

**Thank you for your time and attention to this matter.**

**Very Truly Yours,**

**COMMISSION ON JUDICIAL FITNESS  
AND DISABILITY**



**Rachel L Mortimer  
Executive Director**