THE IMPLEMENTATION OF THE SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM

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December 23, 1974

Mr. Ellis D. Pettigrew
State Court Administrator
State Capitol
Pierre, South Dakota 57501

Dear Mr. Pettigrew:

We are pleased to transmit herewith our report on the implementation of the South Dakota Unified Judicial System. This report sets forth the results of our study authorized under the contract between the Supreme Court and Public Administration Service dated June 11, 1974.

Resident project supervision was provided by Mr. Gerald B. Kuban who was assisted in the study by Mr. Thomas A. Romero of our regular staff. Mr. James W. Ayers and Mr. Max James of the Colorado Judicial System assisted on various special assignments. Coordination was provided by Mr. William J. Hilty and headquarters supervision for the project has been provided by Mr. Joseph J. Molkup, Principal Associate.

We would like to express our appreciation for the excellent cooperation received from all court personnel contacted.

Sincerely yours,

G. M. Morris

G.M. Morris
Associate Director

Introduction

This report contains recommendations covering the implementation of the South Dakota Unified Judicial System.

The first section of this report presents an analysis and recommendations on the funding of the system. The second section contains the proposed classification and pay plans for judicial employees including a manual of classification specifications and personnel rules. The third section sets forth an analysis of workload, staffing levels and recommendations on organization. Section four covers court accounting, budgeting and travel regulations and section five relates to court records management.

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SECTION II

PERSONNEL

THE PROPOSED CLASSIFICATION AND PAY PLANS

The classification process began when questionnaires were distributed to all employees in the South Dakota Judicial System and was completed with the drafting of the classification specifications based upon questionnaire analysis and job audits. Drafts of the specifications were reviewed by supervisors and employees prior to final editing and publication. All employees received the opportunity to request a change of their proposed allocation, and a total of 19 requests for reallocation to a different classification were received. Of the 19 appeals, 11 were granted. At the beginning of the study, the Judicial Department had 35 different classes of work. The proposed classification plan consists of 47 classes of work.

Classification and pay plans are not static and require constant maintenance in order to remain current. If properly maintained, classification and pay plans are important tools of management as well as basic instruments for selection, training and promotion. It would be regrettable to allow the proposed plans to lose their usefulness due to lack of maintenance after implementation. It is strongly recommended that all positions in the Judicial Department's classified service be audited at least every 24 to 36 months on a regular cyclical basis.

The Proposed Pay Plan

The recommended pay plan is related to the proposed classification plan and is intended to:

(a) Provide a framework for equal compensation for work of similar nature and level in the classified service.

(b) Provide the means for compensating employees for continued good or outstanding service.

(c) Establish rates of compensation which compare reasonably with those of other employees in common labor markets and which will aid in the recruitment and retention of qualified personnel.

The Pay Survey

The pay practices of other employers are a major factor to be considered in the development of a pay plan. The job markets in which the Judicial System must compete vary greatly depending upon the occupational groups and specialities.

The Judicial System must compete for professional and technical personnel with private and public employers throughout the State of South Dakota, in neighboring states, and nationally for some positions.

Appraisal and Use of Pay Data

In the appraisal and use of pay data, several considerations deserve emphasis:

1. Exact comparisons among different employers as to duties of positions, working conditions, and the special benefits which are provided in the form of vacations, sick leaves and other fringe benefits, are difficult to make.

2. The policies of different employers in compensating for the same kind of work vary widely. There is rarely a single prevailing rate for any particular kind of work. Because data was secured from many different types of employers and from establishments engaged in widely different types of enterprise, there are in some cases wide variations in pay practices.

3. If a workable pay plan is to result, pay survey data cannot be applied without regard to past policies of the Judicial System, long established and accepted relationships among positions, and the objective of maintaining a reasonable ranking among classifications. Pay data, therefore, is at best a general guide to the appropriate rates in terms of outside judgments and competitive conditions. It is useful as an indication of generally prevailing social judgments concerning the pay relationships which should exist among different classifications of work.

The sources of data are, of course, important in structuring the pay plan. However, of equal importance are the relationships arrived at by comparing the relative levels of difficulty, responsibility and required training and education for the various classes. In fact, studies of employee attitudes have shown quite generally that an employee is usually much more concerned with how his own salary compares with that of the person working beside him or in the next department than he is with that of an employee doing the same kind of work for another employer. These internal relationships, as mitigated by competitive labor market conditions, were carefully analyzed, as were the judgments of appropriate administrators and supervisors regarding relative job value. Within this framework, the comparative pay data was then applied as a guide in determining the specific pay range to be assigned to each classification of work.

The Proposed Pay Schedules and Their Use

The pay plan, presented in Schedules I and II, consists of a system of salary steps and a recommended pay range for each classification. Schedule I, until it is used in a salary plan, is merely a mathematical progression of numbers. This schedule

sets forth salary steps in hourly, daily, weekly, bi-weekly, monthly and annual rates. Each salary step is five percent higher than the next lower step, and each pay range is five percent higher, per step, than the next lower pay range. Schedule II sets forth the recommended salary range for each classification. The recommended minimum and maximum salaries for each classification coincide with salary steps in Schedule I. To illustrate - the recommended salary range in monthly amounts for Court Clerk III as listed in Schedule II is $539.07 to $688.13, all of the possible salaries for Court Clerk III would, therefore, be $539.07, 566.80, 594.53, 624.00, 655.20, 688.13, and Longevity Steps 722.80 - 759.20.

Schedule III provides a listing of job classes in the Judicial System which are readily comparable to similar job classes of other public and private employers, along with the pay ranges thereof. Schedule IV lists the job classes in each pay grade and Schedule V lists selected job classes in the Judicial Department with comparable job classes in the South Dakota Executive Departments.

The proposed pay plan provides an orderly approach to salary administration and, at the same time, provides needed flexibility in setting salaries and granting salary increments. Depending on merit, salary increments may be granted to employees in various multiples of five percent or at different intervals of time. Thus, the proposed system is intended to provide employee incentive as well as administrative flexibility. The desirability of a range of pay for each classification is emphasized when it is remembered that positions are assigned to a particular classification on the basis of the nature and responsibility of work performed and not on the basis of quality of performance of the individual occupying the position.

Administration of the Pay Plan

With the adoption of the compensation plan, the Judicial System will need to establish a framework within which its pay policies may be effectively administered. Proper administration of the plan will require that it be reviewed periodically and adjusted as necessary to reflect changes in living costs, labor market conditions, employee recruiting and turnover experience, and related factors. It is recommended that the following policies be reflected in the final draft to be adopted by the Judicial System.

1. Maintenance of the Plan. All factors relevant to the maintenance of sound compensation practices in the Judicial System should be reviewed; such factors would include pay practices of public and private employers, the cost of living and compensate qualified personnel. The Judicial System should recommend revisions in the plan which are appropriate not only to accommodate the above considerations but which are necessary because of the abolition, modification or establishment of classes.

2. Interpretation of Ranges. The rate and ranges of pay in the compensation plan represent gross compensation for full-time service.

3. Beginning Rates. An employee appointed to a position should normally be compensated at the minimum rate of the pay range assigned to the class to which the position is allocated. Subject to approval by the State Court Administrator, however, original employment at a salary above the minimum step may be made upon written certification by a responsible official that such action is justified by exceptional qualifications of the applicant or by lack of qualified applicants available at the minimum rate.

4. Within-Range Increases. Salary adjustments within an established range should not be automatic but should be dependent upon formal recommendations of a responsible administrative officer. Such adjustments should be based on merit with due consideration for length of service and accompanied by a completed personnel evaluation form. Ordinarily, increases in salary should not be made more than once within the first year and annually thereafter, nor should salary advancements be given to an employee until he has completed a six-month probationary period of service from his date of hire. All exceptional salary actions, such as applications for annual increases of more than five percent, increases more frequent than once each twelve months, appointment above the minimum, or increases above the norm, should be justified by written statements to the State Court Administrator specifying the employee's exceptional performance or the unusual employment conditions which make such action necessary.

5. Automatic Audit Procedure. In order to keep up with the personnel needs of a Judicial Circuit it is recommended that every time a position is vacated, recommended for reclassification, or requested for creation, a Position Classification Questionnaire should be completed by the local Clerk of Court or Court Administrator. The Position Classification Questionnaire enables the local Court Administrator to state the duties and responsibilities required of the position while permitting the Personnel and Training Officer to classify the position according to the administrative needs.

Positions and their respective functions undergo continual alterations as the Circuit's administrative requirements change. An automatic position audit procedure prompts continual communication between the outlying judicial circuits and the State Court Administrator's Office as to the personnel needs necessary to provide court services. The State Court Administrator is provided

pertinent information in order to determine the manpower needs and the concordant skill levels necessary to perform the most expeditious services for minimum dollar expenditure.

Timing Salary Adjustments

After the pay plan has been adopted, it is recommended that the State Judicial System initiate two different types of adjustments in employee salaries: (1) General economic adjustments, normally of a prescribed percentage, uniformly applied to all employees' salaries to compensate for changes in the cost of living and general labor market trends based upon an Annual Salary Survey; and (2) Individual adjustments granted to each employee on the basis of merit. The first set of adjustments involves adjustment of the salary scales and ranges. The latter set of adjustments involves the progression of employees' pay through the salary ranges.

It is recommended that general increases, as required by prevailing wages, be applied each year prior to adoption of the budget at the same time the Executive Branch of Government recommends changes for general state employees. Merit increases should then be granted on the employee's anniversary date. Merit adjustments can be expected to have their maximum desirable effect when administered separately from a general increase.

Administration of Merit Salary Adjustments

Merit systems of salary administration often tend to become a device for awarding automatic salary increases to all employees. The system recommended in this report is designed to strengthen the merit concept and to prevent this tendency.

To achieve the maximum benefit of a merit salary system, it is important, also, that each salary adjustment be based on a fair and impartial evaluation of the employee's performance. It must be clearly understood by each employee that the magnitude of his salary adjustment is directly related to his own work performance. To achieve this goal, those in managerial capacities responsible for awarding merit increases must be knowledgeable about employee performance.

It is recommended, therefore, that responsibility for determining merit adjustments should be decentralized to the Circuit level within a framework of policy and fiscal limitations prescribed by the State Court Administrator's Office. To provide a sound basis for making adjustments, the annual salary reviews should be made by the State Court Administrator in conjunction with performance evaluations of each employee submitted by the respective departments. It will be necessary, of course, to impose some monetary limits in administering the plan. It is suggested that a limit be established on the number of salary increments that each Administrator might grant. To illustrate,

consider the possibility that the Judicial System had funds available to grant annual merit increases averaging five percent for each employee. In a Circuit with 20 employees, an administrator might then be limited to 20 salary increments. The circuit head could then grant two increments - ten percent - to an excellent employee and no increment to a less deserving employee while keeping within his limit of 20 increments.

Installation of the Proposed Pay Plan

The transition from present salary rates of employees to the proposed salary schedule requires consideration of the effect on the following employee situations:

1. The employee whose salary is below the recommended minimum for the class to which his position is allocated.

2. The employee whose salary is above the minimum, but below the maximum of the recommended range and does not coincide with one of the steps in the proposed range.

3. The employee whose present salary is within the recommended merit range and coincides with one of the salary steps.

4. The employee whose present salary is at or above the maximum merit rate proposed for the class to which his position is allocated.

Three different pay plan installation procedures are offered for consideration. The plans differ both in cost and desirability. If cost were not a consideration, Plan C would be considered the most desirable. Plan A, which follows, may be considered a minimal installation of the proposed compensation plan. In all cases, "range" is considered to be the merit range exclusive of longevity steps.

Installation Plan A

Implementation of Plan A will establish a pay structure which considers results of the salary survey conducted and establishes comparability with the existing classification structure and pay practices in the executive branch. This mode of installation entails the following pattern of pay adjustments:

1. The employee whose present salary is below the minimum salary of the range should be raised to the minimum salary of the range.

2. The employee whose present salary is within the range for the class, but does not coincide with a step in the range, should be adjusted to the next higher step in the merit range.

3. The employee whose present salary is within the merit range for the class and coincides with a step in the range should be retained at the present rate.

4. The employee whose present salary is equal to or above the maximum step of the range for the class should be retained at the present rate with no reduction in salary, and would remain frozen at this salary until such time as the entire pay plan were adjusted upward.

Installation Plan B

Under Plan B an additional increment is provided which would raise individual salaries a minimum of two and one-half percent for all employees whose salaries are not above the maximum step in the range. Individuals with salaries falling within the range would expect an increase of at least five percent. Implementation of this plan is recommended if there should occur a general increase in the pay plan of the executive branch for fiscal year 1975-76, or if there develops a need to recognize inflationary growth from the date of this study and the salary survey upon which Plan A is based to the date of actual implementation of the pay plan.

Installation of Plan B entails the following pattern of pay adjustments:

1. The employee whose present salary is below the minimum salary of the range should be raised to the minimum salary of the range provided that no employee shall receive an increase of less than two and one-half percent. If an employee's present salary is less than two and one-half percent below the minimum, it should be set at the second step of the salary range.

2. The employee whose present salary is within the range for the class, but does not coincide with a step in the range, should be adjusted to the step above the next higher step, if this does not place the employee above the maximum for the range.

4. The employee whose present salary is equal to or above the maximum step of the range for the class should be retained at the present rate without a reduction in salary until the position is reclassified or the plan amended upward.

Installation Plan C

Although Installation Plan C is the most costly, it is considered the most favorite in terms of employee morale. The most serious disadvantage of Plan A is that it tends to destroy some existing salary relationships among employees. To illustrate -

an employee 10 percent below the minimum for a class and an employee at the mimimum will reach the same salary under Plan A. Plan C reduces the incidence of increases of negligible amounts and tends to maintain more nearly the previously existing pay relationships among employees of the same class. This mode of installation entails the following pattern of pay adjustments:

1. The employee whose present salary is below the miminum salary of the range should be raised to the minimum salary of the range provided that no employee shall receive an increase of less than five percent. If an employee's salary is less than five percent below the minimum, it should be set at that step which grants him five percent increase or more.

2. The employee whose present salary is within the range for the class, but does not coincide with a step in the range, should be adjusted to the second step above the next higher step, if this does not place his salary above the maximum for the range.

3. The employee whose present salary is within the range for the class and coincides with a step in the range should be adjusted two steps higher if this does not place the employee above the maximum for the range.

4. The employee whose present salary is equal to or above the maximum step of the range for the class should be retained at the present rate without a reduction in salary.

It is recommended that the Supreme Court adopt one of the suggested installation procedures. The costs of installation vary, and responsible officials of the Court must, of course, determine which of the suggested methods is within the financial resources of the State at the time of installation.

Based on a review of the cost of installation for all positions included in the pay plan, estimates have been made of the probable budget effect for each installation plan. Plan A would increase salary costs for the positions studied by an estimated 4.23 percent; Plan B would increase salary costs by about 5.08 percent; and Plan C, 5.94 percent.

Schedule I

SCHEDULE OF PROPOSED SALARY GRADES AND STEPS

SOUTH DAKOTA JUDICIAL SYSTEM

GRADE	Entry Step 1	2	3	4	5	6	Longevity Steps 7	8
1 ********								
ANNUALLY	4160.00	4368.00	4596.80	4825.60	5075.20	5324.80	5595.20	5865.60
MONTHLY	346.67	364.00	383.07	402.13	422.93	443.73	466.27	488.80
BIWEEKLY	160.00	168.00	176.80	185.60	195.20	204.80	215.20	225.60
WEEKLY	80.00	84.00	88.40	92.80	97.60	102.40	107.60	112.80
DAILY	16.00	16.80	17.68	18.56	19.52	20.48	21.52	22.56
HOURLY	2.00	2.10	2.21	2.32	2.44	2.56	2.69	2.82
2 ********								
ANNUALLY	4368.00	4596.80	4825.60	5075.20	5324.80	5595.20	5865.60	6156.80
MONTHLY	364.00	383.07	402.13	422.93	443.73	466.27	488.80	513.07
BIWEEKLY	168.00	176.80	185.60	195.20	204.80	215.20	225.60	236.80
WEEKLY	84.00	88.40	92.80	97.60	102.40	107.60	112.80	118.40
DAILY	16.80	17.68	18.56	19.52	20.48	21.52	22.56	23.68
HOURLY	2.10	2.21	2.32	2.44	2.56	2.69	2.82	2.96
3 ********								
ANNUALLY	4596.80	4825.60	5075.20	5324.80	5595.20	5865.60	6156.80	6468.80
MONTHLY	383.07	402.13	422.93	443.73	466.27	488.80	513.07	539.07
BIWEEKLY	176.80	185.60	195.20	204.80	215.20	225.60	236.80	248.80
WEEKLY	88.40	92.80	97.60	102.40	107.60	112.80	118.40	124.40
DAILY	17.68	18.56	19.52	20.48	21.52	22.56	23.68	24.88
HOURLY	2.21	2.32	2.44	2.56	2.69	2.82	2.96	3.11
4 ********								
ANNUALLY	4825.60	5075.20	5324.80	5595.20	5865.60	6156.80	6468.80	6801.60
MONTHLY	402.13	422.93	443.73	466.27	488.80	513.07	539.07	566.80
BIWEEKLY	185.60	195.20	204.80	215.20	225.60	236.80	248.80	261.60
WEEKLY	92.80	97.60	102.40	107.60	112.80	118.40	124.40	130.80
DAILY	18.56	19.52	20.48	21.52	22.56	23.68	24.88	26.16
HOURLY	2.32	2.44	2.56	2.69	2.82	2.96	3.11	3.27
5 ********								
ANNUALLY	5075.20	5324.80	5595.20	5865.60	6156.80	6468.80	6801.60	7134.40
MONTHLY	422.93	443.73	466.27	488.80	513.07	539.07	566.80	594.53
BIWEEKLY	195.20	204.80	215.20	225.60	236.80	248.80	261.60	274.40
WEEKLY	97.60	102.40	107.60	112.80	118.40	124.40	130.80	137.20
DAILY	19.52	20.48	21.52	22.56	23.68	24.88	26.16	27.44
HOURLY	2.44	2.56	2.69	2.82	2.96	3.11	3.27	3.43
6 ********								
ANNUALLY	5324.80	5595.20	5865.60	6156.80	6468.80	6801.60	7134.40	7488.00
MONTHLY	443.73	466.27	488.80	513.07	539.07	566.80	594.53	624.00
BIWEEKLY	204.80	215.20	225.60	236.80	248.80	261.60	274.40	288.00
WEEKLY	102.40	107.60	112.80	118.40	124.40	130.80	137.20	144.00
DAILY	20.48	21.52	22.56	23.68	24.88	26.16	27.44	28.80
HOURL	2.56	2.69	2.82	2.96	3.11	3.27	3.43	3.60

Schedule I (Cont'd)

GRADE	Entry Step 1	2	3	4	5	6	Longevity Steps 7	8
7 ********								
ANNUALLY	5595.20	5865.60	6156.80	6468.80	6801.60	7134.40	7488.00	7862.40
MONTHLY	466.27	488.80	513.07	539.07	566.80	594.53	624.00	655.20
BIWEEKLY	215.20	225.60	236.80	248.80	261.60	274.40	288.00	302.40
WEEKLY	107.60	112.80	118.40	124.40	130.80	137.20	144.00	151.20
DAILY	21.52	22.56	23.68	24.88	26.16	27.44	28.80	30.24
HOURLY	2.69	2.82	2.96	3.11	3.27	3.43	3.60	3.78
8 ********								
ANNUALLY	5865.60	6156.80	6468.80	6801.60	7134.40	7488.00	7862.40	8257.60
MONTHLY	488.80	513.07	539.07	566.80	594.53	624.00	655.20	688.13
BIWEEKLY	225.60	236.80	248.80	261.60	274.40	288.00	302.40	317.60
WEEKLY	112.80	118.40	124.40	130.80	137.20	144.00	151.20	158.80
DAILY	22.56	23.68	24.88	26.16	27.44	28.80	30.24	31.76
HOURLY	2.82	2.96	3.11	3.27	3.43	3.60	3.78	3.97
9 ********								
ANNUALLY	6156.80	6468.80	6801.60	7134.40	7488.00	7862.40	8257.60	8673.60
MONTHLY	513.07	539.07	566.80	594.53	624.00	655.20	688.13	722.80
BIWEEKLY	236.80	248.80	261.60	274.40	288.00	302.40	317.60	333.60
WEEKLY	118.40	124.40	130.80	137.20	144.00	151.20	158.80	166.80
DAILY	23.68	24.88	26.16	27.44	28.80	30.24	31.76	33.36
HOURLY	2.96	3.11	3.27	3.43	3.60	3.78	3.97	4.17
10 ********								
ANNUALLY	6468.80	6801.60	7134.40	7488.00	7862.40	8257.60	8673.60	9110.39
MONTHLY	539.07	566.80	594.53	624.00	655.20	688.13	722.80	759.20
BIWEEKLY	248.80	261.60	274.40	288.00	302.40	317.60	333.60	350.40
WEEKLY	124.40	130.80	137.20	144.00	151.20	158.80	166.80	175.20
DAILY	24.88	26.16	27.44	28.80	30.24	31.76	33.36	35.04
HOURLY	3.11	3.27	3.43	3.60	3.78	3.97	4.17	4.38
11 ********								
ANNUALLY	6801.60	7134.40	7488.00	7862.40	8257.60	8673.60	9110.39	9568.00
MONTHLY	566.80	594.53	624.00	655.20	688.13	722.80	759.20	797.33
BIWEEKLY	261.60	274.40	288.00	302.40	317.60	333.60	350.40	368.00
WEEKLY	130.80	137.20	144.00	151.20	158.80	166.80	175.20	184.00
DAILY	26.16	27.44	28.80	30.24	31.76	33.36	35.04	36.80
HOURLY	3.27	3.43	3.60	3.78	3.97	4.17	4.38	4.60
12 ********								
ANNUALLY	7134.40	7488.00	7862.40	8257.60	8673.60	9110.39	9568.00	10046.40
MONTHLY	594.53	624.00	655.20	688.13	722.80	759.20	797.33	837.20
BIWEEKLY	274.40	288.00	302.40	317.60	333.60	350.40	368.00	386.40
WEEKLY	137.20	144.00	151.20	158.80	166.80	175.20	184.00	193.20
DAILY	27.44	28.80	30.24	31.76	33.36	35.04	36.80	38.64
HOURLY	3.43	3.60	3.78	3.97	4.17	4.38	4.60	4.83

Schedule I (Cont'd)

GRADE	Entry Step 1	2	3	4	5	6	Longevity Steps 7	8
13 ********								
ANNUALLY	7488.00	7862.40	8257.60	8673.60	9110.39	9568.00	10046.40	10545.60
MONTHLY	624.00	655.20	688.13	722.80	759.20	797.33	837.20	878.80
BIWEEKLY	288.00	302.40	317.60	333.60	350.40	368.00	386.40	405.60
WEEKLY	144.00	151.20	158.80	166.80	175.20	184.00	193.20	202.80
DAILY	28.80	30.24	31.76	33.36	35.04	36.80	38.64	40.56
HOURLY	3.60	3.78	3.97	4.17	4.38	4.60	4.83	5.07
14 ********								
ANNUALLY	7862.40	8257.60	8673.60	9110.39	9568.00	10046.40	10545.60	11065.60
MONTHLY	655.20	688.13	722.80	759.20	797.33	837.20	878.80	922.13
BIWEEKLY	302.40	317.60	333.60	350.40	368.00	386.40	405.60	425.60
WEEKLY	151.20	158.80	166.80	175.20	184.00	193.20	202.80	212.80
DAILY	30.24	31.76	33.36	35.04	36.80	38.64	40.56	42.56
HOURLY	3.78	3.97	4.17	4.38	4.60	4.83	5.07	5.32
15 ********								
ANNUALLY	8257.60	8673.60	9110.39	9568.00	10046.40	10545.60	11065.60	11627.20
MONTHLY	688.13	722.80	759.20	797.33	837.20	878.80	922.13	968.93
BIWEEKLY	317.60	333.60	350.40	368.00	386.40	405.60	425.60	447.20
WEEKLY	158.80	166.80	175.20	184.00	193.20	202.80	212.80	223.60
DAILY	31.76	33.36	35.04	36.80	38.64	40.56	42.56	44.72
HOURLY	3.97	4.17	4.38	4.60	4.83	5.07	5.32	5.59
16 ********								
ANNUALLY	8673.60	9110.39	9568.00	10046.40	10545.60	11065.60	11627.20	12209.60
MONTHLY	722.80	759.20	797.33	837.20	878.80	922.13	968.93	1017.47
BIWEEKLY	333.60	350.40	368.00	386.40	405.60	425.60	447.20	469.60
WEEKLY	166.80	175.20	184.00	193.20	202.80	212.80	223.60	234.80
DAILY	33.36	35.04	36.80	38.64	40.56	42.56	44.72	46.96
HOURLY	4.17	4.38	4.60	4.83	5.07	5.32	5.59	5.87
17 ********								
ANNUALLY	9110.39	9568.00	10046.40	10545.60	11065.60	11627.20	12209.60	12812.80
MONTHLY	759.20	797.33	837.20	878.80	922.13	968.93	1017.47	1067.73
BIWEEKLY	350.40	368.00	386.40	405.60	425.60	447.20	469.60	492.80
WEEKLY	175.20	184.00	193.20	202.80	212.80	223.60	234.80	246.40
DAILY	35.04	36.80	38.64	40.56	42.56	44.72	46.96	49.28
HOURLY	4.38	4.60	4.83	5.07	5.32	5.59	5.87	6.16
18 ********								
ANNUALLY	9568.00	10046.40	10545.60	11065.60	11627.20	12209.60	12812.80	13457.60
MONTHLY	797.33	837.20	878.80	922.13	968.93	1017.47	1067.73	1121.47
BIWEEKLY	368.00	386.40	405.60	425.60	447.20	469.60	492.80	517.60
WEEKLY	184.00	193.20	202.80	212.80	223.60	234.80	246.40	258.80
DAILY	36.80	38.64	40.56	42.56	44.72	46.96	49.28	51.76
HOURLY	4.60	4.83	5.07	5.32	5.59	5.87	6.16	6.47

Schedule I (Cont'd)

GRADE	Entry Step 1	2	3	4	5	6	Longevity Steps 7	8
19 ********								
ANNUALLY	10046.40	10545.60	11065.60	11627.20	12209.60	12812.80	13457.60	14123.20
MONTHLY	837.20	878.80	922.13	968.93	1017.47	1067.73	1121.47	1176.93
BIWEEKLY	386.40	405.60	425.60	447.20	469.60	492.80	517.60	543.20
WEEKLY	193.20	202.80	212.80	223.60	234.80	246.40	258.80	271.60
DAILY	38.64	40.56	42.56	44.72	46.96	49.28	51.76	54.32
HOURLY	4.83	5.07	5.32	5.59	5.87	6.16	6.47	6.79
20 ********								
ANNUALLY	10545.60	11065.60	11627.20	12209.60	12812.80	13457.60	14123.20	14830.39
MONTHLY	878.80	922.13	968.93	1017.47	1067.73	1121.47	1176.93	1235.87
BIWEEKLY	405.60	425.60	447.20	469.60	492.80	517.60	543.20	570.40
WEEKLY	202.80	212.80	223.60	234.80	246.40	258.80	271.60	285.20
DAILY	40.56	42.56	44.72	46.96	49.28	51.76	54.32	57.04
HOURLY	5.07	5.32	5.59	5.87	6.16	6.47	6.79	7.13
21 ********								
ANNUALLY	11065.60	11627.20	12209.60	12812.80	13457.60	14123.20	14830.39	15579.20
MONTHLY	922.13	968.93	1017.47	1067.73	1121.47	1176.93	1235.87	1298.27
BIWEEKLY	425.60	447.20	469.60	492.80	517.60	543.20	570.40	599.20
WEEKLY	212.80	223.60	234.80	246.40	258.80	271.60	285.20	299.60
DAILY	42.56	44.72	46.96	49.28	51.76	54.32	57.04	59.92
HOURLY	5.32	5.59	5.87	6.16	6.47	6.79	7.13	7.49
22 ********								
ANNUALLY	11627.20	12209.60	12812.80	13457.60	14123.20	14830.39	15579.20	16348.80
MONTHLY	968.93	1017.47	1067.73	1121.47	1176.93	1235.87	1298.27	1362.40
BIWEEKLY	447.20	469.60	492.80	517.60	543.20	570.40	599.20	628.80
WEEKLY	223.60	234.80	246.40	258.80	271.60	285.20	299.60	314.40
DAILY	44.72	46.96	49.28	51.76	54.32	57.04	59.92	62.88
HOURLY	5.59	5.87	6.16	6.47	6.79	7.13	7.49	7.86
23 ********								
ANNUALLY	12209.60	12812.80	13457.60	14123.20	14830.39	15579.20	16348.80	17160.00
MONTHLY	1017.47	1067.73	1121.47	1176.93	1235.87	1298.27	1362.40	1430.00
BIWEEKLY	469.60	492.80	517.60	543.20	570.40	599.20	628.80	660.00
WEEKLY	234.80	246.40	258.80	271.60	285.20	299.60	314.40	330.00
DAILY	46.96	49.28	51.76	54.32	57.04	59.92	62.88	66.00
HOURLY	5.87	6.16	6.47	6.79	7.13	7.49	7.86	8.25
24 ********								
ANNUALLY	12812.80	13457.60	14123.20	14830.39	15579.20	16348.80	17160.00	18012.80
MONTHLY	1067.73	1121.47	1176.93	1235.87	1298.27	1362.40	1430.00	1501.07
BIWEEKLY	492.80	517.60	543.20	570.40	599.20	628.80	660.00	692.80
WEEKLY	246.40	258.80	271.60	285.20	299.60	314.40	330.00	346.40
DAILY	49.28	51.76	54.32	57.04	59.92	62.88	66.00	69.28
HOURLY	6.16	6.47	6.79	7.13	7.49	7.86	8.25	8.66

Schedule I (Cont'd)

GRADE	Entry Step 1	2	3	4	5	6	Longevity Steps 7	8
25 ********								
ANNUALLY	13457.60	14123.20	14830.39	15579.20	16348.80	17160.00	18012.80	18907.20
MONTHLY	1121.47	1176.93	1235.87	1298.27	1362.40	1430.00	1501.07	1575.60
BIWEEKLY	517.60	543.20	570.40	599.20	628.80	660.00	692.80	727.20
WEEKLY	258.80	271.60	285.20	299.60	314.40	330.00	346.40	363.60
DAILY	51.76	54.32	57.04	59.92	62.88	66.00	69.28	72.72
HOURLY	6.47	6.79	7.13	7.49	7.86	8.25	8.66	9.09
26 ********								
ANNUALLY	14123.20	14830.39	15579.20	16348.80	17160.00	18012.80	18907.20	19843.20
MONTHLY	1176.93	1235.87	1298.27	1362.40	1430.00	1501.07	1575.60	1653.60
BIWEEKLY	543.20	570.40	599.20	628.80	660.00	692.80	727.20	763.20
WEEKLY	271.60	285.20	299.60	314.40	330.00	346.40	363.60	381.60
DAILY	54.32	57.04	59.92	62.88	66.00	69.28	72.72	76.32
HOURLY	6.79	7.13	7.49	7.86	8.25	8.66	9.09	9.54
27 ********								
ANNUALLY	14830.39	15579.20	16348.80	17160.00	18012.80	18907.20	19843.20	20841.60
MONTHLY	1235.87	1298.27	1362.40	1430.00	1501.07	1575.60	1653.60	1736.80
BIWEEKLY	570.40	599.20	628.80	660.00	692.80	727.20	763.20	801.60
WEEKLY	285.20	299.60	314.40	330.00	346.40	363.60	381.60	400.80
DAILY	57.04	59.92	62.88	66.00	69.28	72.72	76.32	80.16
HOURLY	7.13	7.49	7.86	8.25	8.66	9.09	9.54	10.02
28 ********								
ANNUALLY	15579.20	16348.80	17160.00	18012.80	18907.20	19843.20	20841.60	21881.60
MONTHLY	1298.27	1362.40	1430.00	1501.07	1575.60	1653.60	1736.80	1823.47
BIWEEKLY	599.20	628.80	660.00	692.80	727.20	763.20	801.60	841.60
WEEKLY	299.60	314.40	330.00	346.40	363.60	381.60	400.80	420.80
DAILY	59.92	62.88	66.00	69.28	72.72	76.32	80.16	84.16
HOURLY	7.49	7.86	8.25	8.66	9.09	9.54	10.02	10.52
29 ********								
ANNUALLY	16348.80	17160.00	18012.80	18907.20	19843.20	20841.60	21881.60	22984.00
MONTHLY	1362.40	1430.00	1501.07	1575.60	1653.60	1736.80	1823.47	1915.33
BIWEEKLY	628.80	660.00	692.80	727.20	763.20	801.60	841.60	884.00
WEEKLY	314.40	330.00	346.40	363.60	381.60	400.80	420.80	442.00
DAILY	62.88	66.00	69.28	72.72	76.32	80.16	84.16	88.40
HOURLY	7.86	8.25	8.66	9.09	9.54	10.02	10.52	11.05
30 ********								
ANNUALLY	17160.00	18012.80	18907.20	19843.20	20841.60	21881.60	22984.00	24128.00
MONTHLY	1430.00	1501.07	1575.60	1653.60	1736.80	1823.47	1915.33	2010.67
BIWEEKLY	660.00	692.80	727.20	763.20	801.60	841.60	884.00	928.00
WEEKLY	330.00	346.40	363.60	381.60	400.80	420.80	442.00	464.00
DAILY	66.00	69.28	72.72	76.32	80.16	84.16	88.40	92.80
HOURLY	8.25	8.66	9.09	9.54	10.02	10.52	11.05	11.60

Schedule I (Cont'd)

GRADE	Entry Step 1	2	3	4	5	6	Longevity Steps 7	8
31 ********								
ANNUALLY	18012.80	18907.20	19843.20	20841.60	21881.60	22984.00	24128.00	25334.40
MONTHLY	1501.07	1575.60	1653.60	1736.80	1823.47	1915.33	2010.67	2111.20
BIWEEKLY	692.80	727.20	763.20	801.60	841.60	884.00	928.00	974.40
WEEKLY	346.40	363.60	381.60	400.80	420.80	442.00	464.00	487.20
DAILY	69.28	72.72	76.32	80.16	84.16	88.40	92.80	97.44
HOURLY	8.66	9.09	9.54	10.02	10.52	11.05	11.60	12.18
32 ********								
ANNUALLY	18907.20	19843.20	20841.60	21881.60	22984.00	24128.00	25334.40	26603.20
MONTHLY	1575.60	1653.60	1736.80	1823.47	1915.33	2010.67	2111.20	2216.93
BIWEEKLY	727.20	763.20	801.60	841.60	884.00	928.00	974.40	1023.20
WEEKLY	363.60	381.60	400.80	420.80	442.00	464.00	487.20	511.60
DAILY	72.72	76.32	80.16	84.16	88.40	92.80	97.44	102.32
HOURLY	9.09	9.54	10.02	10.52	11.05	11.60	12.18	12.79
33 ********								
ANNUALLY	19843.20	20841.60	21881.60	22984.00	24128.00	25334.40	26603.20	27934.40
MONTHLY	1653.60	1736.80	1823.47	1915.33	2010.67	2111.20	2216.93	2327.87
BIWEEKLY	763.20	801.60	841.60	884.00	928.00	974.40	1023.20	1074.40
WEEKLY	381.60	400.80	420.80	442.00	464.00	487.20	511.60	537.20
DAILY	76.32	80.16	84.16	88.40	92.80	97.44	102.32	107.44
HOURLY	9.54	10.02	10.52	11.05	11.60	12.18	12.79	13.43
34 ********								
ANNUALLY	20841.60	21881.60	22984.00	24128.00	25334.40	26603.20	27934.40	29328.00
MONTHLY	1736.80	1823.47	1915.33	2010.67	2111.20	2216.93	2327.87	2444.00
BIWEEKLY	801.60	841.60	884.00	928.00	974.40	1023.20	1074.40	1128.00
WEEKLY	400.80	420.80	442.00	464.00	487.20	511.60	537.20	564.00
DAILY	80.16	84.16	88.40	92.80	97.44	102.32	107.44	112.80
HOURLY	10.02	10.52	11.05	11.60	12.18	12.79	13.43	14.10
35 ********								
ANNUALLY	21881.60	22984.00	24128.00	25334.40	26603.20	27934.40	29328.00	30804.80
MONTHLY	1823.47	1915.33	2010.67	2111.20	2216.93	2327.87	2444.00	2567.07
BIWEEKLY	841.60	884.00	928.00	974.40	1023.20	1074.40	1128.00	1184.80
WEEKLY	420.80	442.00	464.00	487.20	511.60	537.20	564.00	592.40
DAILY	84.16	88.40	92.80	97.44	102.32	107.44	112.80	118.48
HOURLY	10.52	11.05	11.60	12.18	12.79	13.43	14.10	14.81
36 ********								
ANNUALLY	22984.00	24128.00	25334.40	26603.20	27934.40	29328.00	30804.80	32344.00
MONTHLY	1915.33	2010.67	2111.20	2216.93	2327.87	2444.00	2567.07	2695.33
BIWEEKLY	884.00	928.00	974.40	1023.20	1074.40	1128.00	1184.80	1244.00
WEEKLY	442.00	464.00	487.20	511.60	537.20	564.00	592.40	622.00
DAILY	88.40	92.80	97.44	102.32	107.44	112.80	118.48	124.40
HOURLY	11.05	11.60	12.18	12.79	13.43	14.10	14.81	15.55

Schedule I (Cont'd)

GRADE	Entry Step 1	2	3	4	5	6	Longevity Steps 7	8
37 ********								
ANNUALLY	24128.00	25334.40	26603.20	27934.40	29328.00	30804.80	32344.00	33966.37
MONTHLY	2010.67	2111.20	2216.93	2327.87	2444.00	2567.07	2695.33	2830.53
BIWEEKLY	928.00	974.40	1023.20	1074.40	1128.00	1184.80	1244.00	1306.40
WEEKLY	464.00	487.20	511.60	537.20	564.00	592.40	622.00	653.20
DAILY	92.80	97.44	102.32	107.44	112.80	118.48	124.40	130.64
HOURLY	11.60	12.18	12.79	13.43	14.10	14.81	15.55	16.33
38 ********								
ANNUALLY	25334.40	26603.20	27934.40	29328.00	30804.80	32344.00	33966.37	35671.98
MONTHLY	2111.20	2216.93	2327.87	2444.00	2567.07	2695.33	2830.53	2972.67
BIWEEKLY	974.40	1023.20	1074.40	1128.00	1184.80	1244.00	1306.40	1372.00
WEEKLY	487.20	511.60	537.20	564.00	592.40	622.00	653.20	686.00
DAILY	97.44	102.32	107.44	112.80	118.48	124.40	130.64	137.20
HOURLY	12.18	12.79	13.43	14.10	14.81	15.55	16.33	17.15

Schedule II

RECOMMENDED PAY RANGES
IN MONTHLY AMOUNTS

Class Code	Classification	Pay Grade	Min. Rate	Max. Merit Rate	Max. Longevity Rate
1XXX	COURT CLERICAL				
1101	Court Clerk I	3	383.07	488.80	539.07
1102	Court Clerk II	7	466.27	594.53	655.20
1103	Court Clerk III	10	539.07	688.13	759.20
1104	Court Clerk IV	14	655.20	837.20	922.13
1105	Court Clerk V	17	759.20	968.93	1067.73
2XXX	GENERAL CLERICAL				
2101	Clerk Typist	3	383.07	488.80	539.07
2104	Secretary I	6	443.73	566.80	624.00
2105	Secretary II	10	539.07	688.13	759.20
2106	Secretary III	12	594.53	759.20	837.20
2107	Secretary IV	16	722.80	922.13	1017.47
3XXX	OTHER CLERICAL				
3101	Microfilm Operator	6	443.73	566.80	624.00
3105	Personnel & Training Ass't	10	539.07	688.13	759.20
3110	Programmer Analyst	17	759.20	968.93	1067.73
4XXX	COURT ACCOUNTING				
4101	Account Clerk I	4	402.13	513.07	566.80
4102	Account Clerk II	8	488.80	624.00	688.13
4107	Accountant	17	759.20	968.93	1067.73
5XXX	COURT ADMINISTRATIVE				
5101	Court Administrator I	16	722.80	922.13	1017.47
5102	Court Administrator II	21	922.13	1176.93	1298.27
5110	Traffic Court Coordinator	21	922.13	1176.93	1298.27
5120	Regional Court Admin.	21	922.13	1176.93	1298.27
5130	Budget and Finance Ofcr.	25	1121.47	1430.00	1575.60
5140	Personnel & Training Ofcr.	24	1067.73	1362.40	1501.07
5150	Research & Develop. Ofcr.	24	1067.73	1362.40	1501.07
5160	Clerk of the Supreme Crt.	24	1067.73	1362.40	1501.07
6XXX	PROBATION				
6101	Juvenile Caseworker	18	797.33	1017.47	1121.47
6110	Vol. Services Coordinator	19	837.20	1067.73	1176.93
6120	Juvenile Prob. Ofcr. I	16	722.80	922.13	1017.47
6121	Juvenile Prob. Ofcr. II	19	837.20	1067.73	1176.93
6122	Juvenile Prob. Ofcr. III	21	922.13	1176.93	1298.27
6130	Chief Juvenile Prob. Ofcr. I	21	922.13	1176.93	1298.27
6131	Chief Juvenile Prob. Ofcr. II	22	968.93	1235.87	1362.40
6132	Chief Juvenile Prob. Ofcr. III	24	1067.73	1362.40	1501.07

Schedule II (Cont'd)

Class Code	Classification	Pay Grade	Min. Rate	Max. Merit Rate	Max. Longevity Rate
6140	Adult Prob. Ofcr. I	19	837.20	1067.73	1176.93
6141	Adult Prob. Ofcr. II	21	922.13	1176.93	1298.27
7XXX	COURT TECHNICAL				
7101	Bailiff I	3	383.07	488.80	539.07
7102	Bailiff II	7	466.27	594.53	655.20
7110	Court Reporter I	11	566.80	722.80	797.33
7111	Court Reporter II	15	688.13	878.80	968.93
7112	Court Reporter III	22	968.93	1235.87	1362.40
7120	Supreme Court Librarian	20	878.80	1121.47	1235.87
8XXX	LEGAL				
8101	Magistrate	9	513.07	655.20	722.80
8105	Law-trained Magistrate	28	1298.27	1653.60	1823.47
8110	Law Clerk	20	878.80	1121.47	1235.87
8120	Staff Legal Advisor	23	1017.47	1298.27	1430.00
9XXX	MISCELLANEOUS COURT SERVICES				
9101	ASAP Representative I	14	655.20	837.20	922.13
9102	ASAP Representative II	18	797.33	1017.47	1121.47
9105	Offender-Victim Coordinator	15	688.13	878.80	968.93

Schedule III

SUMMARY OF PAY DATA FOR COMPARABLE EMPLOYMENTS
IN MONTHLY AMOUNTS - SOUTH DAKOTA JUDICIAL SYSTEM

		S.D. Judicial[1] Present - November 1974		S.D. Judicial Proposed - 1975			S.D. State[2] Personnel Plan				E.S.C.[3] Sept. 1974	South Dakota[4] Private Employers				IPMA - Survey[5] Oct. '74 - Federal	
Class Code	Classification	Min.	Max.	Grade	Min.	Max.	Grade	Min.	Med.	Max.	Starting	# Empl	Q-1	Med.	Q-3	Min.	Max.
1XXX	COURT CLERICAL																
1101	Court Clerk I	329.33	416.00	3	383.07	488.80	5	392.17	438.96	485.75	379.60	400	366.67	416.00	460.00	474.00	615.00
1102	Court Clerk II	329.33	587.95	7	466.27	594.53	9	468.42	527.33	586.25		304	450.00	520.00	591.50		
1103	Court Clerk III	410.00	791.67	10	539.07	688.13	12	534.25	605.33	676.42							
1104	Court Clerk IV	540.00	1069.88	14	655.20	837.20	16	638.25	728.38	818.50							
1105	Court Clerk V	916.67	958.33	17	759.20	968.93											
2XXX	GENERAL CLERICAL																
2101	Clerk Typist	329.33	433.33	3	383.07	488.80	6	411.17	459.71	508.25	364.00	148	399.00	409.00	482.00	474.00	615.00
2104	Secretary I	310.58	540.00	6	443.73	566.80	9	468.42	527.33	586.25	393.47	91	450.00	510.00	550.00	534.00	695.00
2105	Secretary II	417.15	618.78	10	539.07	688.13	12	534.25	605.33	676.42		208	475.00	560.00	685.00		
2106	Secretary III	600.00	653.83	12	594.53	759.20	14	584.67	664.42	744.17							
2107	Secretary IV	750.00		16	722.80	922.13	18	698.92	799.46	900.00		93	693.33	875.00	1070.00		
3XXX	OTHER CLERICAL																
3101	Microfilm Operator	400.00	437.59	6	443.73	566.80	8	447.58	503.04	558.50		17	346.67	395.00	425.00		
3105	Personnel & Train. Asst.			10	539.07	688.13	13	558.50	634.79	711.08	573.73					671.00	872.00
3110	Programmer Analyst			17	759.20	968.93	22	835.83	964.13	1092.42						1014.00	1318.00
4XXX	COURT ACCOUNTING																
4101	Account Clerk I	450.00	466.00	4	402.13	513.07	6	411.17	459.71	508.25	388.27					534.00	695.00
4102	Account Clerk II	545.83		8	488.80	624.00	9	468.42	527.33	586.25		262	465.00	525.00	572.00		
4107	Accountant			17	759.20	968.93	19	730.17	837.63	945.08	644.80	105	650.00	850.00	950.00	805.00	1006.00
5XXX	COURT ADMINISTRATIVE																
5101	Court Administrator I	550.00		16	722.80	922.13	18	698.92	799.46	900.00	715.87						
5102	Court Administrator II	1191.67		21	922.13	1176.93	23	875.75	1010.96	1146.17							
5110	Traffic Court Coordinator			21	922.13	1176.93											

Schedule III (Cont'd)

Class Code	Classification	S.D. Judicial [1] Present - Nov. 1974		S.D. Judicial Proposed - 1975			S.D. State [2] Personnel Plan				E.S.C. [3] Sept. 1974	South Dakota [4] Private Employers				IPMA - Survey [5] Oct. '74 - Federal	
		Min.	Max.	Gr.	Min.	Max.	Gr.	Min.	Med.	Max.	Starting	# Empl.	Q-1	Med.	Q-3	Min.	Max.
5120	Regional Court Admin.			21	922.13	1176.93	23	875.75	1010.96	1146.17							
5130	Budget and Finance Ofcr.	1260.00		25	1121.47	1430.00	27	1054.25	1222.38	1390.50						1223.00	1589.00
5140	Personnel and Training Ofcr.	1250.00		24	1067.73	1362.40										1223.00	1589.00
5150	Research and Develop. Ofcr.	1000.00		24	1067.73	1362.40											
5160	Clerk of the Supreme Crt.	1300.00		24	1067.73	1362.40											
6XXX	PROBATION																
6101	Juvenile Caseworker	823.00		18	797.33	1017.47											
6110	Vol. Services Coordinator	733.00		19	837.20	1067.73											
6120	Juvenile Prob. Ofcr. I	720.00	900.00	16	722.80	922.13	19	730.17	837.63	945.08							
6121	Juvenile Prob. Ofcr. II	400.00	900.00	19	837.20	1067.73	21	799.50	919.08	1038.67							
6122	Juvenile Prob. Ofcr. III	629.17	1000.00	21	922.13	1176.93	24	917.33	1059.46	1201.58							
6130	Chief Juvenile Prob. Ofcr. I	700.00		21	922.13	1176.93											
6131	Chief Juvenile Prob. Ofcr. II	923.00	1000.00	22	968.93	1235.87											
6132	Chief Juvenile Prob. Ofcr. III	1000.00		24	1067.73	1362.40	26	1005.75	1165.21	1324.67							
6140	Adult Probation Officer I			19	837.20	1067.73	21	799.50	919.08	1038.67							
6141	Adult Probation Officer II	708.93		21	922.13	1176.93	24	917.33	1059.46	1201.58							
7XXX	COURT TECHNICAL																
7101	Bailiff I	346.67		3	383.07	488.80											
7102	Bailiff II	550.00		7	466.27	594.53											
7110	Court Reporter I	317.20	1000.00	11	566.80	722.80	15	612.25	695.46	778.67		185	476.67	613.60	613.60		
7111	Court Reporter II	1000.00		15	688.13	878.80	18	698.92	799.46	900.00							
7112	Court Reporter III	550.00	1000.00	22	968.93	1235.87											
7120	Supreme Court Librarian			20	878.80	1121.47	22	835.83	964.13	1092.42						1223.00	1589.00
8XXX	LEGAL																
8101	Magistrate			9	513.07	655.20											
8105	Law-trained Magistrate			28	1298.27	1653.60	32	1316.00	1541.33	1766.67						1458.00	1895.00

Schedule III (Cont'd)

Class Code	Classification	S.D. Judicial[1] Present - Nov. 1974 Min.	S.D. Judicial Present - Nov. 1974 Max.	S.D. Judicial Proposed 1975 Gr.	S.D. Judicial Proposed 1975 Min.	S.D. Judicial Proposed 1975 Max.	S.D. State[2] Personnel Plan Gr.	S.D. State Personnel Plan Min.	S.D. State Personnel Plan Med.	S.D. State Personnel Plan Max.	E.S.C.[3] Sept. 1974 Starting	South Dakota[4] Private Employers # Empl.	South Dakota Private Employers Q-1	South Dakota Private Employers Med.	South Dakota Private Employers Q-3	IPMA - Survey[5] Oct. '74 - Federal Min.	IPMA - Survey Oct. '74 - Federal Max.
8110	Law Clerk	875.00	1000.00	20	878.80	1121.47	23	875.75	1010.96	1146.17		16	750.00	900.00	1125.00		
8120	Staff Legal Advisor	1000.00		23	1017.47	1298.27	26	1005.75	1165.21	1324.67							
9XXX	MISCELLANEOUS COURT SERVICES																
9101	ASAP Representative I	671.00	787.00	14	655.20	837.20	16	638.25	728.38	818.50							
9102	ASAP Representative II	905.00		18	797.33	1017.47	20	764.83	877.50	990.17							
9105	Offender - Victim Coordinator	900.00		15	688.13	878.80											
	State Court Administrator	1666.67		33	1653.60	2111.20						43	1908.33	2333.33	2708.33[6]		

Footnotes:

1. South Dakota Judicial Present salaries - represent the lowest and highest actual salaries being paid to employees classified under this study as of November, 1974.

2. Comparable pay rates shown are those related to classes of executive department employees whose job descriptions closely paralleled the Judiciary classes. A listing by job title may be seen on Schedule V.

3. E.S.C. starting wage levels -- Taken from a quarterly salary survey report of starting salaries in South Dakota, as of September 30, 1974, prepared and issued by the Employment Security Commission of South Dakota. Data presented is the statewide average starting pay.

4. South Dakota Private Employers - This set of data represents the summarized results of the salary survey of South Dakota private employers which we conducted. The data presented shows the interquartile range of salaries paid by private employers for the particular classes of employees. Q-1 and Q-3, respectively, indicate that one-fourth of the employee salaries reported were below and one-fourth above the salary levels shown.

5. Data presented is Federal pay data as shown on the October 1974 survey report, Pay Rates in the Public Service, prepared by the International Personnel Management Association.

6. Data shown for the State Court Administrator represents the actual salaries of State Court Administrators in 43 states as shown in the September 1974, National Center for State Courts', Quarterly Survey of Judicial Salaries in State Court Systems.

Schedule IV

SALARY SCHEDULE
ALPHABETICAL BY GRADES

GRADE	CLASS TITLE
3	Bailiff I Clerk Typist Court Clerk I
4	Account Clerk I
6	Microfilm Operator Secretary I
7	Bailiff II Court Clerk II
8	Account Clerk II
9	Magistrate
10	Court Clerk III Personnel and Training Assistant Secretary II
11	Court Reporter I
12	Secretary III
14	ASAP Representative I Court Clerk IV
15	Court Reporter II Offender - Victim Coordinator
16	Court Administrator I Juvenile Probation Officer I Secretary IV
17	Accountant Court Clerk V Programmer Analyst
18	ASAP Representative II Juvenile Caseworker
19	Adult Probation Officer I Juvenile Probation Officer II Volunteer Services Coordinator

Schedule IV (Cont'd)

GRADE	CLASS TITLE
20	Law Clerk Supreme Court Librarian
21	Adult Probation Officer II Chief Juvenile Probation Officer I Court Administrator II Juvenile Probation Officer III Regional Court Administrator Traffic Court Coordinator
22	Chief Juvenile Probation Officer II Court Reporter III
23	Staff Legal Advisor
24	Chief Juvenile Probation Officer III Clerk of the Supreme Court Personnel and Training Officer Research and Development Officer
25	Budget and Finance Officer
28	Law-trained Magistrate

Schedule V

COMPARABLE JOB CLASSES BY PAY RANGE
SOUTH DAKOTA JUDICIAL AND EXECUTIVE DEPARTMENT

Judicial Class	State Class
Court Clerk I	Clerk II
Court Clerk II	Clerk III
Court Clerk III	Clerk IV
Court Clerk IV	Clerk V
Clerk Typist	Clerk Typist II
Secretary I	Administrative Secretary I
Secretary II	Administrative Secretary II
Secretary III	Legal Secretary III
Secretary IV	Administrative Secretary IV
Microfilm Operator	Microfilm Equipment Operator II
Personnel and Training Assistant	Personnel Assistant I
Programmer Analyst	Programmer/Analyst II
Account Clerk I	Accounting Clerk I
Account Clerk II	Accounting Clerk II
Accountant	Accountant I
Court Administrator I	Administrative Assistant I
Court Administrator II	Administrative Services Officer I
Regional Court Administrator	Administrative Services Officer I
Budget and Finance Officer	Finance Officer II
Juvenile Probation Officer I	Probation and Parole Agent I
Juvenile Probation Officer II	Probation and Parole Agent II
Juvenile Probation Officer III	Probation and Parole Agent III
Chief Juvenile Prob. Officer III	Probation and Parole Agent Supervisor
Adult Probation Officer I	Probation and Parole Agent II
Adult Probation Officer II	Probation and Parole Agent III
Court Reporter I	Hearing Reporter I
Court Reporter II	Hearing Reporter II
Supreme Court Librarian	Librarian II
Law-trained Magistrate	Attorney IV
Law Clerk	Attorney I
Staff Legal Advisor	Attorney II
ASAP Representative I	ASAP Representative I
ASAP Representative II	ASAP Representative II

MANUAL OF CLASSIFICATION SPECIFICATIONS
POSITION CLASSIFICATION

This section contains the recommended position classification plan for the classified service of the Unified Judicial System of the State of South Dakota.

The Classification Plan

The classification plan brings together similar, but not necessarily identical, positions into a single group or class for which the same title is used. The principal consideration in this grouping is that positions must be enough alike in kind of work and degree of responsibility so that they can be given similar treatment in personnel matters. In particular, duties of positions placed in a given class must be enough alike so that: (1) the same descriptive title can be used for all positions in the class; (2) the knowledge, abilities and skills required may be filled by employees possessing the same general background of education experience and so that the employees may be selected through the use of similar type screening or testing devices; and (3) the level of difficulty and responsibility of the positions is so nearly equal that the same pay range can be used with fairness for all positions in the class.

Uses of a Classification Plan

The position classification plan has a number of uses. These include:

- To establish educational and work experience qualifications, recruiting and testing procedures, and other selection processes.
- To assist Judicial Circuits in determining personnel services, costs and projections in the preparation of the annual budget estimates.
- To provide a means of analyzing areas of responsibility, lines of authority, work distribution and other relevant relationships between individual positions and groups of positions.
- To assist in providing a basis for developing standards of work performance.
- To establish lines of promotional opportunity.
- To indicate employee training needs and development potential.
- To provide uniform and meaningful titles for all positions.
- To provide equal pay for equal work.
- To provide the fundamental basis for the pay plan and other aspects of the personnel program.

Administration of the Classification Plan

Class specifications should be interpreted as a whole, and with all sections in mind. Isolated phrases or examples of work should not be treated as if they were the full definition of a class. Specifications can often be more easily understood if they are compared with those for other related classes.

The specifications are divided into several sections which should be interpreted as follows:

CLASS TITLE The class titles have been selected to provide a brief but descriptive name for positions in the class. By using the class title on payrolls, personnel reports and other official records dealing with jobs or employees, there can be a common understanding of the positions so named. It may be desirable for some officials and employees to use a more specific title for correspondence and other public or official contacts. When Roman numerals are used to indicate levels of an occupational series embracing more than one level of similar work, the numeral "I" always indicates the lowest level of the class series.

DEFINITION OF WORK This section provides a description of the duties and responsibilities of the work. Its purpose is to give the reader information about the kind of work and the level of its difficulty and to distinguish the work of the class from that of others.

EXAMPLES OF WORK PERFORMED This list of examples of work is intended to enable the reader to understand more clearly typical work actually performed in positions of the class. The list is descriptive but is not limiting. This section does not list all the duties performed in the positions of a particular class, and usually, with the exception of single-position classes, no single position will include all the duties listed.

DESIRABLE EDUCATION AND EXPERIENCE This section indicates the background which should provide an ordinarily competent person with the knowledges, abilities and skills which he needs to perform the work of the class. These qualifications have not been stated as a minimum, nor have they been placed at an unduly high level. However, they are designed to serve as criteria in selecting qualified persons for appointment and promotion. Should experience indicate that the qualifications are higher (or lower) than practical, the Personnel and Training Officer should then authorize the use of equivalents to be allowed for either educational or experience factors, or both. In stating the background of experience believed desirable for appointment to a position in a given class, use has been made of these terms defined as follows:

Some experience: A small amount of experience sufficient to enable persons to become familiar with methods and terminology in common work situations in the particular type of work.

This experience factor should normally be gained in six months to one year's work.

Experience: Sufficient experience to do full journeyman level work or independently perform the standard duties usually found in the particular type of work. This experience factor should normally be gained in one to three year's work.

Considerable experience: Sufficient experience to provide familiarity with methods, materials, equipment and results in a wide variety of work problems of the occupational field. This experience factor should normally be gained in four to six year's work.

Thorough experience: Broad and intensive experience in substantially all characteristics of the occupation. This experience factor should normally be gained in six or more year's work.

Extensive experience: Reserved for classifications specifically requiring unusually broad and intensive experience in substantially all activities characteristic of the occupation. This has been used sparingly and for unusually exacting classes. This experience factor should normally be gained in eight or more years of work.

KNOWLEDGES, ABILITIES AND SKILLS This section lists the qualities which are most closely related to successful performance of the work. They describe what should be possessed by applicants for appointment, not the qualifications of an employee already thoroughly experienced in the work of the class. Although not specifically mentioned, general requirements which all employees should possess are regarded as a part of this section; examples are honesty, sobriety, industry and willingness to cooperate with associates.

The following definitions explain terms used in this section:

Some knowledge: Familiarity with the elementary principles and terminology of the subject or subjects indicated.

Knowledge: Sufficient knowledge of the subject to enable the employee to work effectively with little direct supervision in normal work situations. What is implied is full journeyman or standard comprehension of standard work situations.

Considerable knowledge: Sufficient knowledge of the subject to enable the employee to work effectively with little direct supervision in normal work situations which are broader in scope or which have deviations and irregularities.

Thorough knowledge: Advanced knowledge of the subject field which permits solution of unusual work problems, advising on complex technical questions, and planning methods for difficult work situations.

Extensive knowledge: The most advanced degree of knowledge likely to be found and implies complete mastery and understanding of the subject. It has been used sparingly and only for unusually exacting classes.

Ability: The present state of the capacities an employee should have in order to enable him to apply his knowledge and skills to work situations.

Skill: Manipulative manual ability and dexterity and similar physical qualities and capacities.

NECESSARY SPECIAL REQUIREMENTS This section is used in a few classes where requirements limit practice of a profession or occupation to persons who possess a specific license or certificate issued by an agency or licensure. This information should be made available at time of recruitment or examination.

OCCUPATIONAL INDEX TO CLASSES

CLASS CODE	CLASSIFICATION
1XXX	COURT CLERICAL
1101	Court Clerk I
1102	Court Clerk II
1103	Court Clerk III
1104	Court Clerk IV
1105	Court Clerk V
2XXX	GENERAL CLERICAL
2101	Clerk Typist
2104	Secretary I
2105	Secretary II
2106	Secretary III
2107	Secretary IV
3XXX	OTHER CLERICAL
3101	Microfilm Operator
3105	Personnel and Training Assistant
3110	Programmer Analyst
4XXX	COURT ACCOUNTING
4101	Account Clerk I
4102	Account Clerk II
4107	Accountant
5XXX	COURT ADMINISTRATIVE
5101	Court Administrator I
5102	Court Administrator II
5110	Traffic Court Coordinator
5120	Regional Court Administrator
5130	Budget and Finance Officer
5140	Personnel and Training Officer
5150	Research and Development Officer
5160	Clerk of the Supreme Court

OCCUPATIONAL INDEX TO CLASSES (Cont'd)

6XXX	PROBATION
6101	Juvenile Caseworker
6110	Volunteer Services Coordinator
6120	Juvenile Probation Officer I
6121	Juvenile Probation Officer II
6122	Juvenile Probation Officer III
6130	Chief Juvenile Probation Officer I
6131	Chief Juvenile Probation Officer II
6132	Chief Juvenile Probation Officer III
6140	Adult Probation Officer I
6141	Adult Probation Officer II
7XXX	COURT TECHNICAL
7101	Bailiff I
7102	Bailiff II
7110	Court Reporter I
7111	Court Reporter II
7112	Court Reporter III
7120	Supreme Court Librarian
8XXX	LEGAL
8101	Magistrate
8105	Law-trained Magistrate
8110	Law Clerk
8120	Staff Legal Advisor
9XXX	MISCELLANEOUS COURT SERVICES
9101	ASAP Representative I
9102	ASAP Representative II
9105	Offender-Victim Coodinator

COURT CLERK I

DEFINITION OF WORK

This is routine clerical work in a Circuit or Law-trained Magistrate Court of the South Dakota unified court system.

Work involves performing routine and standardized duties which follow well-established methods and procedures. Incumbents of this class are normally trainees. Work is performed under the supervision of a higher level court clerk and is reviewed for accuracy.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Files documents, such as complaints, information, affidavits, criminal motions, exhibits, depositions, and proof of service and checks same for completeness and appropriate information; determines general case category and assigns case docket.

Determines need for signature on documents filed and takes or causes required action to be taken to obtain signatures; stamps documents with court seal.

Records case identification data and receipt of documents on court records by hand or typewriter; assembles documents in chronological order for case records; files cards, documents, and records using chronological, alphabetical, or numerical filing system.

Types jury lists, prepares and mails jury notices; posts fees and other receipts in routine journals or registers; assists in other functions related to receipts and disbursements.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from high school; and some general clerical experience, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Some knowledge of court procedures and policies, legal documents, laws and legal factors pertaining to the court.

Some knowledge of the organization operations, functions and scope of authority of the court or activity to which assigned.

Some knowledge of modern office practices and procedures.

Ability to understand and follow oral and written instructions.

COURT CLERK II

DEFINITION OF WORK

This is technical clerical work in a Circuit or Law-trained Magistrate Court of the South Dakota unified court system.

Work involves performing a variety of technical clerical functions which may require the application of independent judgment and the interpretation of routine policies and regulations on the basis of training and knowledge gained through experience on the job. Work may involve assumption of duties of clerk of court. Work is reviewed by a supervisor through observation of operations, and advice and assistance are available when unusual or difficult matters arise.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Performs technical clerical work in the areas of probate, small claims, criminal and civil cases, juvenile probation, alimony and support, guardianship or adoption, etc.

Reviews legal documents for completeness, adequacy, and accuracy; determines processing required and takes necessary action in accordance with court rules or refers difficult matters to superiors.

Issues summons, notices, subpoenas, and similar processes; computes applicable dates for service and return of service, affixes court seal, and authenticates documents as an officer of the court.

Receives and records all fees and other receipts, including support and alimony payments; makes necesary disbursements and prepares required statements and reports.

Assures completeness and accuracy of records leaving the court's jurisdiction pursuant to change of venue, outgoing reciprocals, and similar matters.

Enters required information on permanent records by hand, typewriter, or photocopy process; and prepares appropriate indices for ready reference.

May take minutes of court proceedings; prepares juror lists and performs related work relative to summons, appearance and payment of jurors.

Answers inquiries and furnishes information by reviewing court records.

Performs related work as required.

COURT CLERK II (Cont'd)

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from high school; and court clerical experience, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Knowledge of court procedures and policies, legal documents, laws and legal factors pertaining to the court.

Knowledge of the organization operations, functions and scope of authority of the court or activity to which assigned.

Knowledge of modern office practices and procedures.

Ability to understand and follow oral and written instructions.

Ability to make work decisions in accordance with laws, regulations and departmental policies and procedures.

Ability to maintain a variety of complex records and prepare reports from such records.

COURT CLERK III

DEFINITION OF WORK

This is technical clerical and limited supervisory work in a Circuit or Law-trained Magistrate Court of the South Dakota unified court system.

Work involves responsibility for performing a wide variety of technical operations, frequently requiring specialized clerical knowledges, and which may include supervisory responsibilities. Typical assignments include performing as the clerk of a small to medium-sized Circuit Court, medium-sized Law-trained Magistrate Court, or as deputy clerk in a larger Circuit Court who is charged with supervisory or unusually technical responsibilities. Work is performed under the general supervision of a judge or higher level clerk and is reviewed through conferences, reports and on the basis of results obtained. May perform duties of Magistrate if appointed as such by presiding judge.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Acts as court clerk in a smaller county, supervising a limited number of employees; acts as deputy to the chief clerk in a larger Circuit Court, functioning as supervisor or in a specialty area of high volume.

Performs technical court clerical duties of an unusually broad or technical nature; may assist junior court clerks in performance of court duties; generally provides supervision and direction to subordinates and coordinates work flow of the office.

Reviews and issues writs of attachment, writs of execution, and similar documents pursuant to judicial orders; prepares docket records reflecting pertinent court proceedings necessary for accurate records.

Prepares hearing calendar and gathers and reviews case files to make certain records are in order prior to hearing; serves as required in courtroom.

Contacts attorneys and other court personnel to resolve discrepancies discovered in reviewing records; prepares a variety of orders, documents and correspondence requiring a detailed knowledge of applicable terminology, rules and procedures.

Responsible for control and accounting of all receipts and disbursements of the office, including fees and support payments; acts as trustee over deposits, bonds, etc.

COURT CLERK III (Cont'd)

Prepares budget request for office expenditures.

Answers inquiries and furnishes information by reviewing court records.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from high school; and considerable court clerical experience, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Considerable knowledge of court procedures and policies, legal documents, laws and legal factors pertaining to the court.

Considerable knowledge of the organization, operations, functions and scope of authority of the court or activity to which assigned.

Considerable knowledge of modern office practices and procedures.

Ability to understand and follow oral and written instructions.

Ability to make work decisions in accordance with laws, regulations and departmental policies and procedures.

Ability to maintain a variety of complex records and prepare reports from such records.

Ability to plan, assign and supervise the work of subordinate employees engaged in a variety of activities.

Ability to express ideas concisely and clearly, orally and in writing.

COURT CLERK IV

DEFINITION OF WORK

This is supervisory and technical work for a Circuit or Law-trained Magistrate Court of the South Dakota unified court system.

Work involves supervising and participating in the work of a group of employees engaged in technical clerical work. The incumbents of this class normally perform as the Clerk of a larger-size Circuit or Law-trained Magistrate Court. Also involved in this class are the chief deputy clerks for the largest Circuit Courts. Work is performed under the general supervision of a Court Administrator, higher level Court Clerk or judge and is reviewed through conferences, reports and on the basis of results obtained. May perform duties of Magistrate if appointed as such by presiding judge.

EXAMPLES OF WORK PERFORMED

(Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Processes or directly supervises the administrative processing of all cases filed in the assigned court and matters relating thereto; prepares the annual budget request for the office administered and supervises the fiscal administration of its appropriation and special accounts; directs, supervises, and coordinates the work of all subordinate personnel of the office and makes provision for the training of such personnel.

Prepares or supervises the preparation of timely dispatch of such operational reports as may be required or requested.

Acts as chief deputy clerk for the largest Circuit Courts; directs the administrative processing of all cases filed in the court and matters related thereto; supervises and coordinates the work of all subordinate personnel of the office.

Performs a wide variety of technical and general clerical assignments; reviews and processes legal documents, assures completeness and accuracy of court records.

Level of work performed as compared to lower level clerks of court is differentiated by greater degree of supervisory and administrative functions required, and greater complexity of operations managed.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from high school; and thorough court clerical

experience, including supervisory experience, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Thorough knowledge of court procedures and policies, legal documents, laws and legal factors pertaining to the court.

Thorough knowledge of the organization, operations, functions and scope of authority of the court or activity to which assigned.

Thorough knowledge of modern office practices and procedures.

Ability to understand and follow oral and written instructions.

Ability to make work decisions in accordance with laws, regulations and departmental policies and procedures.

Ability to maintain a variety of complex records and prepare reports from such records.

Ability to plan, assign and supervise the work of subordinate employees engaged in a variety of activities.

Ability to express ideas concisely and clearly, orally and in writing.

COURT CLERK V

DEFINITION OF WORK

This is responsible supervisory and technical work and limited administrative work for the largest Circuit Courts of the South Dakota unified court system.

Work involves supervising and participating in the work of employees engaged in technical clerical work. Incumbents of this class perform as the chief clerk of the largest Circuit Courts, where a high degree of activity and a greater complexity of operations require supervision of larger numbers of employees or subclerks and increased administrative duties. Work is performed under the general supervision of a Court Administrator or presiding judge and is reviewed through conferences, reports and on the basis of results obtained. May perform the duties of Magistrate if appointed as such by the presiding judge.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Acts as chief clerk of the largest Circuit Courts.

Processes or directly supervises the administrative processing of all cases filed in the Circuit Court and matters relating thereto; prepares the annual budget request for the office administered and supervises the fiscal administration of its appropriation and special accounts; directs, supervises, and coordinates the work of all subordinate personnel of the office and makes provision for the training of such personnel.

Directs and supervises the work of subordinates engaged in the criminal or civil court clerical activities; engages directly in the most difficult tasks; prepares budget requests; compiles statistical reports as required.

Prepares or supervises the preparation and timely dispatch of such operational reports as may be required or requested.

Provides liaison between the court and the bar and the general public respecting records of the court and its administrative procedures.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from high school; and extensive court clerical experience in the Circuit Court; including supervisory experience in a large court setting, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Extensive knowledge of court procedures and policies, legal documents, laws and legal factors pertaining to the court.

COURT CLERK V (Cont'd)

Extensive knowledge of the organization, operations, functions and scope of authority of the court or activity to which assigned.

Extensive knowledge of modern office practices and procedures.

Ability to understand and follow oral and written instructions.

Ability to make work decisions in accordance with laws, regulations and departmental policies and procedures.

Ability to maintain a variety of complex records and prepare reports from such records.

Ability to plan, assign and supervise the work of subordinate employees engaged in a variety of activities.

Ability to express ideas concisely and clearly, orally and in writing.

CLERK TYPIST

DEFINITION OF WORK

This is moderately difficult clerical work including the skilled operation of a typewriter in a probation department or other administrative unit.

Work involves primary responsibility for performing general clerical functions. This may require judgment based on a knowledge of the procedures and policies pertaining to the area of assignment. Work is reviewed by superiors through internal controls, review of completed tasks, records and reports.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Processes, sorts, checks for accuracy and files applications, purchase orders, financial records, police records, legal documents and other records and documents in accordance with established systems; opens and distributes mail.

Sets up and types from copy, rough draft, dictating machine or general instructions, technical reports, court records, forms, accounting and financial statements, letters, payrolls, receipts, vouchers, or other materials.

Processes a variety of involved forms and records which may require a knowledge of legal terminology.

Attends a counter or reception desk; operates centrex or related telephone equipment; receives incoming telephone calls; supplies information.

Operates duplicating machines, varitypers and other office machines and equipment.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from high school, including or supplemented by courses in typing; and some experience in typing and general clerical work, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Knowledge of modern office practices, procedures and equipment.

Knowledge of business English, punctuation, spelling and arithmetic.

Some knowledge of departmental rules, procedures and functions.

CLERK TYPIST (Cont'd)

Ability to set up and type a variety of accounting, statistical and financial statements, letters, special records and reports.

Ability to make minor decisions in accordance with precedents and regulations and to apply these to work situations.

Ability to make arithmetical computations and tabulations accurately and with reasonable speed.

Ability to understand and follow moderately complex oral and written instructions.

Skill in the operation of a typerwriter.

SECRETARY I

DEFINITION OF WORK

This is varied secretarial and clerical work.

Work involves performing general secretarial and clerical duties for a probation office or other administrative unit. Work requires the exercise of initiative, independent judgment and discretion in handling delegated administrative details and the performance of various clerical duties. Instructions are received from an administrative superior on new assignments and policy matters, and advice and assistance are normally available. Work is reviewed by an administrative superior upon completion for adherence to established policies, procedures and results obtained.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Relieves an administrative superior of routine administrative details such as requisitioning or ordering supplies and equipment; checks operating reports for accuracy and conformance to policies and standards; maintains budgetary status information; assists in preparing agendas for meetings and conferences.

Types correspondence and other materials from dictating machine, copy, or shorthand notes; takes minutes of meetings or conferences in shorthand or by other means and prepares drafts of proceedings; composes and types routine letters, notices and other materials.

Interviews, screens and refers callers, answers various inquiries personally and provides information on departmental services and functions; maintains appointment schedules.

Compiles and completes data for administrative and public reports, bulletins, questionnaires and other documents; prepares moderately complex work sheets and tables from standardized raw data; makes varied arithmetical computations on material assembled; establishes and maintains filing systems.

Maintains various records on office activities such as personnel, purchasing, travel expenses and related activities.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from high school, including or supplemented by courses in secretarial science; and experience in secretarial and general clerical work, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

SECRETARY I (Cont'd)

Knowledge of secretarial practices and procedures.

Knowledge of business English, spelling, punctuation and arithmetic.

Knowledge of modern office practices, procedures and equipment.

Knowledge of departmental rules, procedures and functions.

Ability to develop, lay out and install clerical procedures and operations from general instructions.

Ability to maintain office records and to prepare accurate reports.

Ability to prepare effective correspondence on routine matters and to perform routine office management details without referral to a supervisor.

Skill in the operation of a typewriter and other standard office equipment.

SECRETARY II

DEFINITION OF WORK

This is responsible and varied secretarial work and may involve the performance of minor administrative assignments.

Work involves serving as private secretary to a Circuit Court Judge, Law-trained Magistrate, administrators or administrative secretarial work of comparable responsibility. Work may also involve the secondary performance of court clerical duties. Work requires the exercise of considerable initiative, independent judgment and descretion in screening calls and visitors. Supervision or coordinative functions may be exercised over other clerical or technical workers. Work is reviewed for the achievement of desired results and adherence to established policies and procedures.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Serves as private secretary to a Circuit Court Judge or Law-trained Magistrate; interviews, screens, and refers callers and visitors; answers various inquiries personally; maintains appointment schedules; maintains judge's calendar; maintains an alphabetical file of all correspondence received and sent.

Prepares notices of hearings in the setting of cases; reviews case files to determine the pertinent facts to be included in notices of hearing; keeps case status reports current; maintains direct contact with Circuit Court Clerk's Offices to coordinate jury trial requirements; keeps in direct contact with State Attorney's Office as to disposition of criminal, reciprocal, and insanity cases.

Takes dictation and transcribes letters, orders, opinions, and other legal dictation and correspondence; types court-related documents and correspondence from dicatating machine, copy, or shorthand notes.

Serves as private secretary to a high level administrator with broad program and/or managerial responsibilities; maintains appointment schedules; screens and refers callers; provides detailed responses to information requests about programs and activities; makes travel arrangements.

Performs a variety of office administrative tasks in relieving a superior of important details; participates in preparing budgets, and maintains budget accounts; establishes and maintains complex filing systems; plans and maintains an adequate supply of office materials and supplies; relays complex amd important instructions and messages.

SECRETARY II (Cont'd)

Coordinates and may supervise the work of lower level clerical employees; maintains various records on office activities pertaining to personnel, purchasing, travel expenses, contracts, billings, insurance and related activities.

May perform the duties of a journeyman court clerk as needed and as time permits; may assist in the secretarial and clerical duties of a probation office as a secondary function.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from high school, including or supplemented by courses in secretarial science; and considerable experience in secretarial and general clerical work, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Considerable knowledge of secretarial practices and procedures.

Considerable knowledge of business English, spelling, punctuation and arithmetic.

Considerable knowledge of modern office practices, procedures, systems and equipment.

Considerable knowledge of applicable rules, procedures and functions.

Ability to make moderately complex decisions in accordance with established policies and procedures.

Ability to maintain adminstrative, fiscal and general records and to prepare reports and answer questions from records.

Ability to compose correspondence and to perform office management details.

Skill in the operation of a typewriter and other standard office equipment.

SECRETARY III

DEFINITION OF WORK

This is highly responsible secretarial work which involves sensitive and complex work methods.

Work involves serving as private secretary to a Justice of the Supreme Court or State Court Administrator. Supervision is received through personal conferences, general observation of work in progress and the review of completed work. An employee of this class performs responsible duties requiring discretion and judgment in making working decisions.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Serves as private secretary to a Justice of the Supreme Court; performs elementary legal research, reviewing specified laws and cases and preparing extracts and summaries.

Serves as private secretary to the State Court Administrator; makes administrative decisions within designated areas; transmits Administrator's decisions and views.

Prepares information and answers questions in order to relieve a justice or the Administrator of quasi-administrative and technical procedures.

Takes dictation and transcribes letters, orders, opinions and other legal dictation and correspondence; may compose orders of routine nature.

Prepares correspondence and variety of forms dealing with legal and administrative matters; secures information from public records; requisitions office supplies; proofreads legal and other materials; maintains files; compiles and types statistical reports.

Checks advance sheets for accuracy; compiles letters to publisher, calling attention to errors or changes. Arranges weekly conference file of Judge; indexes and arranges opinions, writs and petitions in proper order; types announcement sheets, opinions, writs and petitions for rehearing; removes all documents from case files and makes proper disposition thereof.

Maintains law library, including filing and indexing of volumes, supplements and periodicals; maintains library records and files; corresponds with publishers and exchange States relative to library acquisitions.

SECRETARY III (Cont'd)

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from high school, including or supplemented by courses in secretarial science; and thorough experience in secretarial and Court or general clerical work, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Thorough knowledge of secretarial practices and procedures.

Thorough knowledge of business English, spelling, punctuation and arithmetic.

Thorough knowledge of modern office practices, procedures, systems and equipment.

Thorough knowledge of applicable rules, procedures and functions.

Ability to perform elementary research of legal citations.

Ability to make moderately complex decisions in accordance with established policies and procedures.

Ability to maintain administrative, fiscal and general records and to prepare reports and answer questions from records.

Ability to compose correspondence on relatively complex matters, and to perform difficult office management assignments.

Skill in the operation of a typewriter and other standard office equipment.

SECRETARY IV

DEFINITION OF WORK

This is highly responsible secretarial and administrative work for the South Dakota Supreme Court.

Work involves serving as private secretary to the Chief Justice of the Supreme Court and acting as Deputy Clerk of the Supreme Court. Exercises some coordination over secretaries of the Associate Justices of the Supreme Court. Generally performs independently receiving instructional direction on unusual tasks; requires use of discretion and accuracy of judgement over work decisions.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the specific duties listed, nor do the examples cover all of the duties which may be performed.)

Serves as private secretary to the Chief Justice of the Supreme Court; performs elementary legal research in regard to opinions issued by the Court, including verification of citations, preparation of extracts and summaries and determination that rulings cited are current and not overruled; performs similar research on opinions issued by Circuit judges.

Coordinates work of other secretaries to provide for even distribution of work load and for handling of special mailings or projects; reviews opinions, orders, etc., typed by other secretaries by virtue of position and internal procedures of operation of the Supreme Court.

Types from dictation or notes, orders of the Court, opinions, letters, and other legal dictation and correspondence; prepares independently correspondence relative to administrative work of the Chief Justice; prepares independently orders, directives and rules, based upon minutes made of actions and proceedings.

Serves as secretary to specific commissions, preparing agenda, taking minutes and preparing reports of proceedings; takes dictation from, and records informal proceedings of the Chief Justice; establishes and maintains related files; prepares calendar of court terms, assignment lists, memos and agendas; provides for preparation and distribution of notices of the court.

In absence of Supreme Court Clerk, acts as deputy, performing duties of attest to orders, rules, and judgments, receiving, filing and entering all appeals of lower courts and original proceedings; preparation of calendar, issuing notices of dates of appearance; makes necessary distribution of judgment, rule or order.

Develops and maintains orderly systems of filing for Clerk of Supreme Court, Chief Justice and central files of the Court; purges

files as necessary providing for destruction of outdated files and records.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from high school, including or supplemented by courses in secretarial science; and thorough experience in secretarial and court clerical work, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Thorough knowledge of secretarial practices and procedures.

Thorough knowledge of business English, spelling, punctuation and arithmetic.

Thorough knowledge of modern office practices, procedures, systems and equipment.

Thorough knowledge of rules, procedures and functions applicable to the court work assigned.

Ability to recognize, investigate and analyze a moderately complex administrative problem and to devise effective solutions.

Ability to plan, organize and supervise the work of others.

Ability to communicate effectively both orally and in writing.

Ability to maintain administrative, fiscal and general records and to prepare reports and answer questions from records.

Ability to compose correspondence on relatively complex matters, and to perform difficult office management assignments.

Ability to perform elementary legal research.

Skill in the operation of a typewriter and other standard office equipment.

MICROFILM OPERATOR

DEFINITION OF WORK

This is repetitive work in the operation of a semi-automatic microfilm machine in producing legible film copies of recorded documents.

Work involves responsiblity for the accurate copying of legal documents on photographic film. Work also involves preparing records for filming, processing exposed film and storing film in files for future reference. Duties are of routine difficulty and are performed under the general supervision of a clerical supervisor.

EXAMPLES OF WORK PERFORMED

(Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Checks files to be filmed for completeness; prepares records for filming; photographs records; processes film and checks it for quality.

Gives a file number to all records to be filmed; indexes processed film.

Makes prints from microfilmed records at the request of the public.

Cleans and maintains all microfilming machines and related equipment; splices film; makes labels for microfilm containers.

Cuts microfilm and inserts pieces into a micro-fiche jacket; double checks that all materials to be photographed have been recorded on film; destroys old records; updates micro-fiche records.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from high school; and some experience in microfilm operation, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Knowledge of general office practices and procedures.

Some knowledge of the principles and practices of photographic duplicating.

Some knowledge of photographic terminology, procedures and equipment.

Some knowledge of the regulations, policies and procedures of the department to which assigned.

MICROFILM OPERATOR (Cont'd)

Ability to maintain a record filing system.

Ability to understand and carry out oral and written instructions.

PERSONNEL AND TRAINING ASSISTANT

DEFINITION OF WORK

This is technical clerical work of average difficulty in the personnel and training functions of the State Court Administrator's office.

Work involves maintenance of personnel and position control records, screening applications and making determination of qualifications to job specifications, providing pertinent information and materials relative to benefit programs, and assisting in the clerical aspects of training programs. Work is performed under general supervision and is reviewed on the basis of results and through conferences.

EXAMPLES OF WORK PREFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Receives and screens applications, providing applicants with information as to qualifications requirements for positions sought, and makes preliminary determination of applicant's qualifications as compared to job specification and ranks applicants.

Prepares necessary paperwork relative to new hirings, including establishment of personnel files and forms, arranging for interviews, etc.

Advises personnel of benefit policies and regulations; provides assistance in technical matters related to benefits; distributes information and materials and maintains appropriate records and files.

Maintains position control system by monitoring changes in staffing patterns and making necessary record updates to insure accuracy and adequacy.

Maintains files of personnel including applications, work history, classification, salary increases and promotions, grievances, evaluations, etc.

Maintains contact with employment organizations, coordinating needs of court to available job market for recruitment.

Provides technical clerical support in the training functions of the office of the State Court Administrator, including making arrangements for training seminars, monitoring needs for training, and providing employment related information to employees via periodic bulletins.

Assists in review of classifications, personnel rules and procedures; assists in gathering of statistical data relative to performance.

Performs related work as required

PERSONNEL AND TRAINING ASSISTANT (Cont'd)

DESIRABLE EDUCATION AND EXPERIENCE

Completion of two years of college with courses in business or commercial subjects and general clerical experience, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Knowledge of modern office procedures and practices.

Knowledge of personnel policies rules and procedures.

Some knowledge of techniques of position classification, recruitment, position control, and benefit program administration.

Ability to interpret and apply complex rules and procedures.

Ability to maintain adequate records and files.

Ability to express ideas clearly and concisely, orally and in writing.

PROGRAMMER ANALYST

DEFINITION OF WORK

This is responsible technical work in the writing of systems, programming of electronic computers and the collection, organization, summarization and analysis of statistical data.

Work involves responsibility for developing the implementation plan, designing, programming and documenting routine level systems and programs and providing technical support in the development and implementation of statistical information systems. Work is performed under close supervision and is reviewed through conferences and on the basis of results obtained.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Assists in defining and analyzing problems under consideration for systems development; develops implementation schedules for assigned systems.

Designs, programs documents and tests systems assigned; assists in one or more phases of work on larger, more complex systems.

Collects, organizes and summarizes statistical data and assists in or performs functions required in implementation of automated information systems.

Maintains information and records systems already established including monitoring input data and documents for accuracy and adequacy.

Performs related work as required.

DESIRED EDUCATION AND EXPERIENCE

Graduation from an accredited four year college or university with major course work in computer science, mathematics or statistics, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Knowledge of basic programming techniques.

Knowledge of the operation of electronic computer systems.

Knowledge of statistical methods and procedures.

Some knowledge of the principles of organization and management.

PROGRAMMER ANALYST (Cont'd)

Ability to analyze and evaluate complex statistical data.

Ability to analyze problems logically and to develop conclusions within the framework of systems.

Ability to use program languages effectively.

Ability to express ideas clearly and concisely, orally and in writing.

ACCOUNT CLERK I

DEFINITION OF WORK

This is specialized clerical work involving maintenance of routine financial records and the receiving and disbursing of funds.

Work involves primary responsibility for receiving court funds or trust money in the form of deposits or support payments and recording receipts to the proper journals or registers, and for disbursing or causing the disbursement of amounts due to third parties. Where maintenance of financial records is performed, the level of work does not require a technical knowledge of bookkeeping principles. Work is performed under supervision and is reviewed through internal controls and independent audits of financial records.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Performs as cashier receiving cash payments for support, court fines and costs, fees and other receipts; prepares and issues a receipt for funds received.

Records all transactions in the proper journals or registers including fee books, accounts receivable ledgers; balances cash received daily; maintains files of support documents; prepares monthly billing statements.

Prepares checks for transfer of third-party support payments; maintains files and registers of support cases and transaction activity.

Maintains office files; posts data to legal documents and financial records; assists in maintaining the more complex financial records; makes tabulations and arithmetical calculations.

Prepares and types vouchers for processing, including verification of charges, coding, filing and posting to journals or registers; may assist in the processing of payroll transactions and forms.

Answers inquiries and furnishes information by reviewing court records.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from high school; including or supplemented by courses in basic bookkeeping; some experience in general clerical work or any equivalent combination of education and

and experience which provides the following knowledges, abilities, and skills:

Some knowledge of basic bookkeeping procedures.

Knowledge of modern office practices, procedures, and equipment.

Knowledge of the organization operations, functions, and activity to which assigned.

Ability to make arithmetic computations and tabulations with speed and accuracy.

Ability to sort, assemble, and file legal documents.

Ability to understand and follow moderately complex oral and written instructions.

ACCOUNT CLERK II

DEFINITION OF WORK

This is specialized clerical work involving review or maintenance of routine financial records including some supervisory responsibilities.

Work involves review of requisitions, payrolls, vouchers, and other items for accuracy, including month-end reconciliation of internal records to accounting reports. May function as payroll clerk handling personnel action forms and initiating payroll record changes. Work requires application of independent judgment over area of work performed and may include responsibility for review of work performed by lower level clerks. Work is performed under general supervision and is reviewed on the basis of internal controls and reports and independent audits of financial records.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Prepare vouchers for and maintain records of federal grant expenditures; prepare reports of accumulated expenditures.

Review and control personnel files; prepare necessary changes to payroll records; review and correct payrolls prior to preparation and distribution.

Supervise procedures of voucher preparation and disbursement through review of work or through comparison of records to financial reports.

Assist in preparation of financial reports, budget requests, and other statistical reports.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from high school, including or supplemented by courses in bookkeeping; considerable experience in general clerical and bookkeeping work, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Good knowledge of basic bookkeeping practices and procedures.

Knowledge of modern office practices, procedures and equipment.

Knowledge of the organization operations, functions and activity to which assigned.

Ability to make arithmetic computations and tabulations with speed and accuracy.

Ability to organize files and documents and to review and organize work of subordinates.

Ability to understand and follow complex oral and written instructions.

ACCOUNTANT

DEFINITION OF WORK

This is beginning-level professional accounting work.

Work involves performance of professional accounting duties in the maintenance of financial records and reporting thereon. Work may require exercise of supervision over lower level account clerks; will work under general supervision reviewed on the basis of internal controls and independent audits of financial records.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Prepares directly or supervises the preparation of all vouchers, including expense, travel and payroll, and maintains the necessary journals and ledgers to obtain a proper accounting thereof.

Establishes and maintains a working system of accounts, proper for the organization to which assigned, including the various control and subsidiary ledgers, supporting journals, registers and files, which will provide adequate accounting and control of the financial transactions.

Prepares formal financial statements, financial statistical reports, expenditure allocations of a routine cost accounting nature, etc.; assists in the preparation of the budget, providing information taken from the accounting records.

May assist in the performance of workload evaluation based upon summarization of statistical data.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from college or university with a bachelor's degree in business, public administration or related field with major course work in accounting, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Good knowledge of accounting principles, practices, and methods, including governmental accounting.

Knowledge of the record keeping applications peculiar to the unit to which assigned, including EDP applications.

Some knowledge of budgetary practices.

ACCOUNTANT (Cont'd)

Some knowledge of modern office practices and procedures.

Ability to analyze and interpret fiscal and accounting records.

Ability to establish and maintain the necessary accounting systems.

Ability to prepare accurate and complete financial statements and reports.

Ability to communicate ideas clearly either orally or in writing.

COURT ADMINISTRATOR I

DEFINITION OF WORK

This is responsible supervisory and technical work and limited administrative work.

Work involves responsibility for supervising and participating in the work of subordinates engaged in processing Circuit or Magistrate Court cases in areas with a moderate to high degree of activity. An employee chiefly responsible for the administration of a judicial circuit with moderate activity may also be assigned to this class. Work is performed under the general supervision of the presiding judge in coordination with the State Court Administrator.

EXAMPLES OF WORK PERFORMED

(Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Performs court administrative staff work; supervises and coordinates court administrative and office functions in a single court; develops, promulgates and revises plans, work methods and procedures for day to day court operation.

Coordinates administrative functions within the court and with outside agencies.

Supervises, coordinates and participates in the work activities of technical court clerical staff.

Reviews and assists in the development of court administrative policies and procedures and budget; represents the court; performs varied public relations duties.

Examines and prepares reports, correspondence and directives; resolves technical problems by interpreting court rules, policies, orders, directives and procedures, including proper applications to specific cases.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from an accredited four year college or university with major course work in public administration, business administration or a related field; and some experience in an administrative or supervisory capacity, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Considerable knowledge of court procedures, legal documents, laws and legal factors pertaining to the court.

COURT ADMINISTRATOR I (Cont'd)

Considerable knowledge of the organization, functions, responsibilities and procedures of the courts.

Knowledge of modern principles and practices of public administration.

Ability to organize, direct and coordinate the administrative activities of a large court in a manner conducive to full performance and high morale.

Ability to express ideas on technical subjects clearly and concisely, orally and in writing.

COURT ADMINISTRATOR II

DEFINITION OF WORK

This is responsible administrative and supervisory work in directing the administrative activities of a populous judicial circuit.

Work involves responsibility for organizing, directing, coordinating and directly supervising the activities of subordinates engaged either in processing all Circuit and Magistrate Court cases in a multi-county judicial circuit or in processing cases in a single court with a high degree of activity. Work is performed under the general supervision of a presiding judge in coordination with the State Court Administrator.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Manages and directs court administrative activities; plans and organizes administrative services; determines organizational requirements and plans office layout and work flow of court administrative activities.

Assigns personnel to administrative and clerical functions, and develops and establishes procedures for operating and maintaining required administrative systems; procures equipment and supplies to perform administrative services of the court.

Directs administrative services; directs budgeting, accountting, personnel and other major staff services; directs personnel in the preparation, reproduction and distribution of court orders, directives, administrative publications, and communications; directs personnel in the identification and evaluation of court record material and in the application of proper record filing and disposition procedures.

Directs and evaluates the effectiveness of personnel and administrative programs to determine requirement for program modification and personnel training, promotion or re-assignment; establishes training programs for court clerical personnel.

Directs the development of administrative programs required to achieve the objectives of the court.

Confers with judges, attorneys, and public and private agencies to insure adequate administrative services and provide for changing or unusual demands.

Performs related work as required.

COURT ADMINISTRATOR II (Cont'd)

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from an accredited four year college or university with major course work in public administration, business administration or a related field; and considerable experience in an administrative or supervisory capacity, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Considerable knowledge of court procedures, legal documents, laws and legal factors pertaining to the court.

Considerable knowledge of the organization, functions, responsibilities and procedures of the courts.

Considerable knowledge of modern principles and practices of public administration.

Ability to organize, direct and coordinate the administrative activities of a large court in a manner conducive to full performance and high morale.

Ability to express ideas on technical subjects clearly and concisely, orally and in writing.

TRAFFIC COURT COORDINATOR

DEFINITION OF WORK

This is responsible administrative and analytical work in the traffic court function of the magistrate courts of South Dakota.

Work involves responsibility for assisting and advising the magistrate courts on administrative problems. Work also may involve certain training responsibilities. Work is evaluated by the State Court Administrator through conferences, reports and evaluation of results.

EXAMPLES OF WORK PERFORMED

(Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Assists and advises magistrates in problems of accounting, jurisdiction, procedure and standardized records systems.

Instructs and trains new magistrates in their duties as they relate to traffic court.

Drafts and revises forms for the magistrate courts.

Assists in drafting directions, instructions, and manuals and guides for the magistrate courts.

Coordinates highway safety activities within the State Court Administrator's Office and maintains liaison with related agencies.

Coordinates the adjudication of traffic offenses with other appropriate state agencies and assists in the development of uniform traffic statistics.

Coordinates and does preliminary design work for the recording of traffic offense data.

Analyzes facilities, work procedures, caseload, and work flow in traffic courts.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from an accredited four-year college or university with major course work in public administration, court administration, or a related field and considerable experience in related areas, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Considerable knowledge of court procedures, legal documents, laws and legal factors pertaining to the court.

Considerable knowledge of the organization, functions, and responsibilities of the courts.

TRAFFIC COURT COORDINATOR (Cont'd)

Considerable knowledge of modern principles and priorities of public administration or court administration.

Considerable knowledge of modern office practices and procedures.

Ability to understand and follow oral and written instructions.

Ability to make work decisions in accordance with laws, regulations, and departmental policies and procedures.

Ability to maintain a variety of records and prepare reports from such records.

Ability to analyze procedural weaknesses in court situations and to make recommendations and implement solutions to problem areas.

Ability to express ideas clearly, orally and in writing.

REGIONAL COURT ADMINISTRATOR

DEFINITION OF WORK

This is highly responsible administrative work in directing the administrative activities of a judicial region.

Work involves responsibility for organizing, directing and coordinating, through the use of intermediate supervisors, the activities of subordinates engaged in processing circuit and magistrate court cases in a multi-circuit judicial region. Work is performed under the general direction of the State Court Administrator and is reviewed through conferences and reports and on the basis of results obtained.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Plans and organizes administrative services; determines organizational requirements and plans office layout and work flow of court administrative activities.

Develops and establishes procedures for operating and maintaining required administrative systems; procures equipment and supplies to perform administrative services of the court.

Directs administrative services; directs budgeting, accounting, personnel and other major staff services; directs personnel through the use of intermediate supervisors in the preparation, reproduction, and distribution of court orders, directives, administrative publications, and communications; directs personnel in the identification and evaluation of court record material and in the application of proper record filing and disposition procedures.

Directs and evaluates the effectiveness of personnel and administrative programs to determine requirements for program modification and personnel training, promotion, or reassignment; establishes training programs for court clerical personnel.

Directs the development of administrative programs required to achieve the objectives of the court.

Confers with judges, attorneys, and public and private agencies to insure adequate administrative services and provide for changing or unusual demands.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from an accredited four-year college or university with major course work in public administration, business administration

REGIONAL COURT ADMINISTRATOR (Cont'd)

or a related field; and considerable experience in an administrative capacity, including experience in court or related administrative or professional work, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Considerable knowledge of modern principles and practices of public administration.

Considerable knowledge of court procedure, legal documents, laws and legal factors pertaining to the court.

Ability to organize, direct and coordinate the administrative activities of a judicial region in a manner conducive to full performance and high morale.

Ability to express ideas on technical subjects clearly and concisely, orally and in writing.

BUDGET AND FINANCE OFFICER

DEFINITION OF WORK

This is highly responsible work in the administration of the judicial system budget through the examination, analysis and consolidation of budget requests and the control of operating expenditures and fiscal operations of the judicial department.

Work involves responsibility for planning, organizing, directing and conducting activities required in the administration of the judicial system budget. Work also involves designing the format in which the budget requests will be submitted; the examination, analysis and consolidation of budget requests; and administering and enforcing the execution of the budget. Work is performed with considerable independence within established policies and procedures and is reviewed by the State Court Administrator through conferences and reports.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Prescribes the form and procedures of budget requests by courts and judicial agencies; develops for promulgation by the State Court Administrator the fiscal regulations and procedures to be followed by the judicial system.

Assists State Court Administrator in conducting hearings within the judicial system on budget requests; assists in presenting judicial system budget to joint committee on appropriations and cooperates with other legislative committees; analyzes requests and prepares a consolidated judicial system budget and his recommendation thereon for consideration by the State Court Administrator and the Supreme Court.

Supervises the fiscal administration of the judicial system; develops and implements procedures for control of receipts and expenditures; develops and participates in or supervises an internal audit function.

Conducts continuing research and evaluation of court programs and operations, including the development and application of improved methods of administration for the purposes of increasing the efficiency and effectiveness of judicial administration.

Conducts necessary research and field review for implementation of improved and uniform accounting systems at the local level.

Performs and directs the performance of related duties as required.

BUDGET AND FINANCE OFFICER (Cont'd)

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from a four-year college or university with major course work in public administration, finance, economics, or closely related field; and thorough experience in organization and management, systems analysis and budget analysis and preparation, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Thorough knowledge of accounting and auditing procedures; governmental accounting and budgeting; data processing accounting systems.

Thorough knowledge of the principles and techniques of organization; management and supervision; accounting, auditing and fiscal analysis techniques.

Considerable knowledge of statutes and regulations governing state budgeting and accounting.

Considerable knowledge of research techniques and administrative methods and procedures.

Ability to analyze fiscal problems and to make appropriate recommendations.

Ability to analyze, prepare and interpret complex fiscal records and reports.

Ability to supervise and organize the work for subordinate employees.

Ability to express ideas clearly both orally and in writing; establish and maintain effective working relationships as necessary.

PERSONNEL AND TRAINING OFFICER

DEFINITION OF WORK

This is professional personnel and administrative work of broad scope and complexity.

An employee in this class is responsible for directing and coordinating the personnel management and training program involving court and probation employees and magistrates. Work includes such functions as recruitment, selection, placement, position classification, personnel transactions, employee relations, in-service and new employee training. Work is characterized by considerable involvement in the overall management process of the judicial department and the supervision of subordinates. Work is assigned with general instructions and objectives by the State Court Administrator who provides policy guidelines and evaluates work for adherence to program goals and effectiveness of results.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Supervises the maintenance of central personnel records, personnel procedures, and miscellaneous records.

Supervises the recruitment and placement activities of the department; interviews applicants; places new employees.

Writes and revises job class specifications and descriptions.

Makes position audits.

Investigates personnel needs and problems within the judicial system.

Confers with judicial officials on personnel actions and procedures.

Prepares and conducts oral and written examinations.

Reviews applications for positions.

Determines training needs, plans, develops and implements training programs for both professional and clerical personnel.

Schedules classes; selects training materials, speakers and training aids; evaluates training results.

Prepares reports and correspondence as directed.

Performs related work as required.

PERSONNEL AND TRAINING OFFICER (Cont'd)

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from an accredited four year college or university with major work in psychology, personnel or a closely related field; and considerable experience in personnel administration, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Considerable knowledge of the techniques and objectives of modern public personnel administration and employee training.

Knowledge of employee testing methods and procedures.

Knowledge of state and federal policies and regulations concerning manpower training programs.

Knowledge of position classification and service rating techniques and procedures.

Knowledge of governmental organization and procedure.

Ability to write clear, complete, accurate, and logical reports, specifications, and test items.

Ability to supervise the work of others.

Ability to express ideas clearly both orally and in writing.

RESEARCH AND DEVELOPMENT OFFICER

DEFINITION OF WORK

This is responsible supervisory and technical work in the writing of systems, programming of electronic computers and the collection, organization, summarization and statistical analysis of data.

Work involves responsibility for planning, directing and coordinating the systems and programming functions and statistical analysis of the South Dakota Judicial system. Work includes developing and maintaining work schedules to provide the most efficient use of personnel and machines, participating in systems planning and implementing improved systems writing and programming techniques and procedures. Supervision may be exercised over a small staff of technical employees. Work is performed with considerable independence within technical guidelines and procedures and is reviewed by the State Court Administrator through conferences, reports and results obtained.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Plans, designs, directs and coordinates the system writing and programming of electronic computers.

Provides cost forecasts for all data processing activities; directs the development, analysis and processing of data processing applications, systems and procedures.

Schedules projects on basis of priorities, work load and availability of manpower; reviews results of automated procedures.

Keeps abreast of latest trends and advancements in electronic data processing; evaluates new technical developments for possible applicability and utilization.

Prepares or directs the preparation and maintenance of necessary records and reports.

Conducts comprehensive research and statistical program involving the gathering of data, preparation of reports and analysis of information.

Consults with appropriate officials on various phases of data gathering, results of analysis, changes to procedures, methods and related areas.

RESEARCH AND DEVELOPMENT OFFICER (Cont'd)

Develops standards and procedures for uniform reporting and recording of data; prepares analysis of data for informational, planning and operating purposes; recommends areas for further research.

Consults users to initiate system studies; resolves technical problem areas.

Develops, plans and coordinates study activities; coordinates data gathering with other federal, state or county agencies.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from a four-year college or university with major course work in data processing, accounting, mathematics, statistics, public or business administration or a related field; and considerable experience in computer systems analysis, programming, research and/or statistics, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Thorough knowledge of the functions and procedures of the Judicial System.

Thorough knowledge of research and statistical methods.

Thorough knowledge of the operating characteristics, capabilities and limitations of an electronic computer and its peripheral equipment and of the current practices and development in the field of electronic computer operation.

Thorough knowledge of the systems and programming techniques of an electronic computer.

Ability to plan, supervise and conduct research activities.

Ability to reduce a study to a clear, concise report and to make cogent recommendations.

Ability to plan, direct and coordinate the work of technical subordinates.

Ability to prepare clear detailed programs of instructions for efficient machine utilization.

CLERK OF THE SUPREME COURT

DEFINITION OF WORK

This is highly responsible supervisory and administrative work in the operation of the South Dakota Supreme Court.

Work involves responsibility for planning and supervising the work of a small staff of subordinates engaged in varied clerical duties of the court and for performing specialized duties requiring thorough knowledge of procedures, regulations and laws governing the court. Work is performed within statutory guidelines and is reviewed by the Chief Justice of the South Dakota Supreme Court through reports and observation of results obtained.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Plans, organizes, and supervises administration of the Supreme Court Clerk's office and related functions; assigns personnel to administrative and clerical functions; evaluates the effectiveness of personnel and administrative modifications and personnel training.

Confers and consults with justices, judges, and attorneys concerning matters before the court; interprets court rules, policies, orders, directives, and procedures and their application to matters before the court.

Supervises the intake and filing of documents and is responsible for the court's record management program; checks briefs, motions, etc., for compliance with legal requirements.

Acts as official Secretary of the State Board of Bar Examiners.

Reviews cases to determine if necessary procedures and time schedules have been adhered to.

Prepares the court calendar.

Maintains a status and progress record of cases appealed.

Prepares periodic reports on the business of the court.

Receives receipts and accounts for filing fees and other monies collected by the court; prepares cost notices.

Keeps a roll of all attorneys.

Performs related duties as required.

CLERK OF THE SUPREME COURT (Cont'd)

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from an accredited four year college or university and thorough experience in court administration or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Thorough knowledge of court procedures, legal documents, laws and legal factors pertaining to the court system.

Thorough knowledge of legal terminology and Supreme Court procedures, the South Dakota Compiled Laws.

Thorough knowledge of the rules of procedures of the South Dakota Supreme Court.

Ability to plan, assign and supervise the work of subordinate employees engaged in a variety of activities.

Ability to interpret court findings and to keep accurate court records.

Ability to communicate clearly and concisely, orally and in writing.

JUVENILE CASEWORKER

DEFINITION OF WORK

This is responsible administrative and coordinative work in the handling of juvenile offenders.

Work involves responsibility for acting in a coordinating capacity between a juvenile detention staff and probation staff. Work involves assembling information provided by counselors in order to aid the court in its disposition of juvenile matters. Counseling performed in an intermediary capacity. Work is performed within established guidelines and is reviewed by supervisors for accuracy and completeness.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Interviews juvenile and obtains background information.

Attends staff meetings to obtain information on juveniles in detention.

Maintains contact with parents, school authorities and other organizations relative to the status of juvenile offender; provides counseling to juvenile and parents in an intermediary capacity, coordinating efforts of juvenile detention counselors and probation officers.

Prepares case studies and recommendations for use by probation officers and court.

Attends and participates in detention, adjudication and dispositional hearings and explains proceedings to juvenile and parents.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from an accredited four year college or university with major course work in the social sciences, psychology, sociology or a closely related field, and some experience in counseling or related work, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Some knowledge of the principles and practices of probation work.

Knowledge of the principles and practices of casework and related court procedures.

Some knowledge of state laws affecting juveniles.

JUVENILE CASEWORKER (Cont'd)

Considerable knowledge of the objectives, principles, and methods of a juvenile offenders system.

Considerable knowledge of individual and group behavior.

Ability to analyze and evaluate investigative material.

Ability to apply social work knowledge and skills.

Ability to work constructively within an agency in the community setting.

Ability to utilize effectively available resources and services in connection with a rehabilitation plan.

Ability to maintain records and make oral and written reports.

VOLUNTEER SERVICES COORDINATOR

DEFINITION OF WORK

This is responsible administrative work in directing a volunteer probation officer program.

Work involves responsibility for planning, organizing, directing and coordinating a volunteer probation officer program to relieve the workload of professional probation officers. Work is performed under general administrative and technical supervision of the chief probation officer and is reviewed through reports and conferences and on the basis of program results.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Conducts recruitment campaigns to stimulate community interest and support; researches, designs and implements intern and volunteer programs.

Interviews potential volunteers to determine their value to volunteer programs.

Coordinates volunteers in terms of their value to program objectives. Organizes and coordinates volunteer training with personnel and training officer.

Analyzes and evaluates volunteer programs and volunteer methods to determine effectiveness; provides support and assistance to volunteers to enhance individual skills, knowledge, and abilities.

Assists in organizing statistics for court records and in research and preparation of federal grant project requests.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from an accredited four year college or university with major course work in the social sciences; and experience as a volunteer activities coordinator, or comparable experience in probation, parole, social work or closely related field; or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Considerable knowledge of the objectives, functions and policies of the volunteer probation officer program.

Considerable knowledge of the philosophy, policies and procedures of probation counseling.

VOLUNTEER SERVICES COORDINATOR (Cont'd)

Ability to develop, implement and coordinate guidelines in state and local volunteer programs.

Ability to prepare comprehensive reports and communicate effectively, orally and in writing.

JUVENILE PROBATION OFFICER I

DEFINITION OF WORK

This is a trainee level class in providing casework services in a juvenile probation program.

An employee in this class performs casework duties which include supervising a readily manageable caseload. Employee may also investigate, supervise, and counsel individuals on or anticipating probation to facilitate their personal, social, and economic adjustment in the community. Work is initially performed under close supervision, but with continued experience and proven ability employees are assigned more diffcult duties and work more independently, Work is reviewed through conferences and reports for conformance to established policies and procedures.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Receives instructions from and discusses case problems with the supervisor; studies and applies the principles and techniques of probation.

Investigates cases assigned by supervisor; conducts an inquiry into the nature of the reported offense or conduct of client and the circumstances surrounding it; talks to the client about the charges against him and develops family history and background information; talks to referring law enforcement officer about the case; obtains information about case from welfare department, schools, and other sources when appropriate.

Prepares and submits a report outlining pertinent information and recommends a course of action.

Makes regular contacts with the probationer and provides guidance and support to him; holds regular interviews and counseling sessions with probationers; checks with others who are aware of probationer's activities; reviews mailed reports from probationers.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from an accredited four year college or university with major course work in the social sciences, psychology, sociology or a closely related field, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Some knowledge of the principles and practices of probation work and of related court procedure.

JUVENILE PROBATION OFFICER I (Cont'd)

Some knowledge of state laws affecting probation work.

Some knowledge of professional probation objectives, principles, and methods.

Some knowledge of individual and group behavior.

Ability to analyze and evaluate investigative material.

Ability to apply social work knowledge and skills.

Ability to work constructively within an agency in the community setting.

Ability to utilize effectively available resources and services in connection with a rehabilitation plan.

Ability to maintain records and make oral and written reports.

Ability to recommend and implement more effective probation service methods.

JUVENILE PROBATION OFFICER II

DEFINITION OF WORK

This is professional probation work in providing casework services in a juvenile probation program.

An employee in this class performs a variety of casework duties. Employees investigate, supervise, and counsel individuals on or anticipating probation to facilitate their personal, social, and economic adjustment in the community. Work is performed under general supervision and is reviewed through conferences and reports for conformance to established policies and procedures.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Carries on assigned case load in investigations; supervises cases involving probationers; recommends termination or extension of probation.

Interviews clients, their families, and interested individuals to determine the nature of their environmental, employment, financial, or marital difficulties.

Formulates plans of probation and presents written or oral recommendations; arranges for court appearances for clients and families, advises clients of available community resources.

Cooperates with representatives from state and local social, community and law-enforcement agencies in cases of mutual interest.

Composes and dictates petitions, correspondence, and case histories; keeps records as required.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from an accredited four year college or university with major course work in the social sciences, psychology, sociology or a closely related field; and experience in probation, parole, social casework, counseling, or a closely related field, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Knowledge of principles of probation work and of related court procedures.

Knowledge of professional probation objectives and techniques.

Knowledge of state laws affecting probation work.

JUVENILE PROBATION OFFICER II (Cont'd)

Knowledge of individual and group behavior.

Ability to analyze and evaluate investigative material.

Ability to apply social work knowledge and skills.

Ability to work constructively within an agency in the community setting.

Ability to utilize effectively available resources and services in connection with a rehabilitation plan.

Ability to maintain records and make oral and written reports.

JUVENILE PROBATION OFFICER III

DEFINITION OF WORK

This is professional probation work in providing various services in a juvenile probation program which requires that employees of this class regularly make program decisions in addition to their casework responsibilities.

Work involves either sole responsibility for planning and providing all probation services in a less populous judicial circuit or for assuming program or field supervisory responsibility in one of the most populous judicial circuits. Incumbents of this job class will ordinarily perform casework duties in addition to assuming the above responsibilities. Work is performed under general supervision and is reviewed by a technical and administrative superior.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Appears in court for all adjudicatory and dispositional hearings.

Supervises placements.

Acts in a lead, quasi-supervisory capacity in coordinating the work of fellow probation officers.

Conducts investigations, drafts social history, supervises probationers and counsels in a multi-county area.

Assumes responsibility for coordinating some administrative services within a large probation department in addition to handling a probation caseload.

Directs and coordinates and participates in the work of junior probation officers engaged in conducting investigations and making recommendations; may supervise interns.

Maintains probation records and files; prepares and submits monthly activity reports.

Maintains contact with law enforcement offices and community agencies.

Performs background investigations, supervises individual probationers and/or performs other journeyman probation duties in addition to the duties outlined in one or more of the above paragraphs.

Performs related work as required.

JUVENILE PROBATION OFFICER III (Cont'd)

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from an accredited four year college or university with major course work in the social sciences, psychology, sociology or a closely related field and considerable experience in probation, parole, social casework, counseling, or a closely related field, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Considerable knowledge of the principles and practices of probation work and of related court procedures.

Considerable knowledge of state laws affecting probation work.

Considerable knowledge of professional probation objectives, principles, and methods.

Considerable knowledge of individual and group behavior.

Ability to analyze and evaluate investigative material.

Ability to apply social work knowledge and skills.

Ability to work constructively within an agency in the community setting.

Ability to utilize effectively available resources and services in connection with a rehabilitation plan.

Ability to maintain records and make oral and written reports.

Ability to recommend and implement more effective probation service methods.

CHIEF JUVENILE PROBATION OFFICER I

DEFINITION OF WORK

This is professional administrative, supervisory, and participatory probation work.

An employee in this class is responsible for planning, organizing, supervising and frequently participating in juvenile probation programs. Employees in this class administer the probation program with considerable independence, and work is reviewed by a Presiding Judge through evaluation of the effectiveness of operations.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Formulates policies and procedures for the administration of a small probation department within the framework established by the court.

Plans, directs and evaluates the work of the professional and clerical staff.

Maintains cooperative relationships with state and local welfare and social service agencies, institutions and law enforcement agencies, and relates the activities of the department to their services; participates in coordinating councils, committees, and other groups interested in probation or crime prevention.

Confers with staff on casework techniques and specific case situations; attends conferences and meetings; supervises interns.

Plans and prepares budgetary estimates and justifications.

Participates in the work of subordinate probation officers as time allows.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from an accredited four year college or university with major course work in the social sciences, psychology, sociology or a closely related field; and considerable experience in probation, parole, social casework, counseling, or a closely related field, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Considerable knowledge of the principles and practices of probation work and of related court procedure.

CHIEF JUVENILE PROBATION OFFICER I (Cont'd)

Considerable knowledge of state laws affecting probation work.

Considerable knowledge of professional probation objectives, principles and methods.

Considerable knowledge of individual and group behavior.

Ability to analyze and evaluate investigative material.

Ability to apply social work knowledge and skills.

Ability to work constructively within an agency in the community setting.

Ability to utilize effectively available resources and services in connection with a rehabilitation plan

Ability to maintain records and make oral and written reports.

Ability to recommend and implement more effective probation service methods.

Ability to supervise the work of probation officers and auxiliary personnel assigned to the division.

CHIEF JUVENILE PROBATION OFFICER II

DEFINITION OF WORK

This is professional administrative and supervisory probation work.

An employee in this class is responsible for planning, organizing and supervising a juvenile probation program. Work is distinguished from that of the Chief Probation Officer I by larger staff size and other factors, additional programs or extensive student intern program responsibilities. Work is performed with considerable independence for technical and administrative judgment and is reviewed by the Presiding Judge through evaluation of the effectiveness of operations.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Formulates policies and procedures for the administration of a medium to large size probation department within the framework established by the court.

Plans, directs and evaluates the work of the professional and clerical staff.

Maintains cooperative relationships with state and local welfare and social service agencies, institutions, and law enforcement agencies, and relates the activities of the department to their services; participates in coordinating councils, committees, and other groups interested in probation or crime prevention.

Confers with staff on casework techniques and specific case situations; attends conferences and meetings.

Plans and prepares budgetary estimates and justifications.

Directs and coordinates a probation intern program which utilizes undergraduate and graduate students in the conduct of normal probation activities.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from an accredited four year college or university with major course work in the social sciences, psychology, sociology, or a closely related field; and thorough experience in probation, parole, social casework, counseling, or a closely related field, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

CHIEF JUVENILE PROBATION OFFICER II (Cont'd)

Thorough knowledge of the principles and practices of probation work and of related court procedure.

Thorough knowledge of state laws affecting probation work.

Thorough knowledge of professional probation objectives, principles and methods.

Thorough knowledge of individual and group behavior.

Ability to analyze and evaluate investigative material.

Ability to apply social work knowledge and skills.

Ability to work constructively within an agency in the community setting.

Ability to utilize effectively available resources and services in connection with a rehabilitation plan.

Ability to maintain records and make oral and written reports.

Ability to recommend and implement more effective probation service methods.

CHIEF JUVENILE PROBATION OFFICER III

DEFINITION OF WORK

This is professional administrative probation work in directing the activities of a large Probation Department.

The incumbent of this class is responsible for planning, organizing and directing the activities of the largest juvenile probation program in the state. The employee performs his work with wide latitude for technical and administrative decision making. Work is reviewed by the Presiding Judge through conferences and reports and on the basis of results obtained.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Formulates policies and procedures for the administration of the juvenile probation department within the framework established by the court.

Plans, directs and evaluates the work of the professional and clerical staff.

Maintains cooperative relationships with state and local welfare and social service agencies, institutions and law enforcement agencies, and relates the activities of the department to their services; participates in coordinating councils, committees and other groups interested in probation or crime prevention.

Confers with staff on casework techniques and specific case situations; attends conferences and meetings.

Plans and prepares budgetary estimates and justifications.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from an accredited four year college or university with major course work in the social sciences, psychology, sociology, or a closely related field; and extensive experience in probation, parole, social casework, counseling, or a closely related field, including experience in a supervisory capacity, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Extensive knowledge of the principles and practices of probation work and of related court procedure.

Extensive knowledge of state laws affecting probation work.

CHIEF JUVENILE PROBATION OFFICER III (Cont'd)

Extensive knowledge of professional probation objectives, principles and methods.

Thorough knowledge of individual and group behavior.

Ability to analyze and evaluate investigative material.

Ability to apply social work knowledge and skills.

Ability to work constructively within an agency in the community setting.

Ability to utilize effectively available resources and services in connection with a rehabilitation plan.

Ability to recommend and implement more effective probation service methods.

ADULT PROBATION OFFICER I

DEFINITION OF WORK

This is professional probation work in providing casework services in an adult probation program for a Magistrate Court.

An employee in this class performs a variety of casework duties. Employees investigate, supervise, and counsel individuals on or anticipating probation to facilitate their personal, social, and economic adjustment in the community. Work is performed under general supervision and is reviewed through conferences and reports for conformance to established policies and procedures.

EXAMPLES OF WORK PERFORMED

(Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Carries on assigned case load in investigations; supervises cases involving probationers; recommends termination or extension of probation.

Interviews clients, their families, and interested individuals to determine the nature of their environmental, employment, financial, or marital dificulties.

Formulates plans of probation and presents written or oral recommendations; arranges for court appearances for clients and families, advises clients of available community resources.

Cooperates with representatives from state and local social, community and law-enforcement agencies in cases of mutual interest.

Composes and dictates petitions, correspondence, and case histories; keeps records as required.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from an accredited four year college or university with major course work in the social sciences, psychology, sociology or a closely related field; and experience in probation, parole, social casework, counseling, or a closely related field, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Knowledge of principles of probation work and of related court procedures.

Knowledge of professional probation objectives and techniques.

Knowledge of state laws affecting probation work.

ADULT PROBATION OFFICER I (Cont'd)

Knowledge of individual and group behavior.

Ability to analyze and evaluate investigative material.

Ability to apply social work knowledge and skills.

Ability to work constructively within an agency in the community setting.

Ability to utilize effectively available resources and services in connection with a rehabilitation plan.

Ability to maintain records and make oral and written reports.

ADULT PROBATION OFFICER II

DEFINITION OF WORK

This is professional probation work in providing various services in an adult probation program for a Magistrate Court which requires that employees of this class regularly make program decisions in addition to their casework responsibilities.

Work involves responsibility for planning and providing all probation services for adults charged with misdemeanor offenses and for supervising subordinate officers in this aspect of probation work in a Magistrate Court. Incumbents of this job class will ordinarily perform casework duties in addition to assuming the above responsibilities. Work is performed under general supervision and is reviewed by a technical and administrative superior.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Appears in court for all adjudicatory and dispositional hearings.

Supervises placements.

Acts in a lead, quasi-supervisory capacity in coordinating the work of fellow probation officers.

Conducts investigations, drafts social history, supervises probationers and counsels in a Magistrate Court jurisdiction.

Directs and coordinates and participates in the work of junior probation officers engaged in conducting investigations and making recommendations; may supervise interns.

Maintains probation records and files; prepares and submits monthly activity reports.

Maintains contact with law enforcement offices and community agencies and coordinates work with efforts of ASAP representatives.

Performs background investigations, supervises individual probationers and/or performs other journeyman probation duties in addition to the duties outlined in one or more of the above paragraphs.

Performs related work as required.

ADULT PROBATION OFFICER II (Cont'd)

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from an accredited four year college or university with major course work in the social sciences, psychology, sociology or a closely related field and considerable experience in probation, parole, social casework, counseling, or a closely related field, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Considerable knowledge of the principles and practices of probation work and of related court procedures.

Considerable knowledge of state laws affecting probation work.

Considerable knowledge of professional probation objectives, principles, and methods.

Considerable knowledge of individual and group behavior.

Ability to analyze and evaluate investigative material.

Ability to apply social work knowledge and skills.

Ability to work constructively within an agency in the community setting.

Ability to utilize effectively available resources and services in connection with a rehabilitation plan.

Ability to maintain records and make oral and written reports.

Ability to recommend and implement more effective probation service methods.

BAILIFF I

DEFINITION OF WORK

This is responsible work in maintaining order and providing general services in a courtroom.

Work involves providing general services in the operation of a court. Work includes maintaining order, calling witnesses, notifying interested parties, transferring prisoners, collecting case files for court cases and performing various services for a judge. Work is performed in accordance with established practices, procedures and instructions from a judge and is reviewed primarily through observation of performance and conferences.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the specific duties listed, nor do the examples cover all the duties which may be performed.)

Inspects courtroom for cleanliness, orderliness, and proper heat, light, and ventilation; opens court by announcing the entrance of the judge.

Maintains the order, decorum, and dignity of the court by seating jurors, witnesses, and spectators in specific areas of the courtroom and by ejecting persons disturbing the court proceedings.

Arranges for food and lodging for jurors, and is responsible for the security of the jury so as to preclude mistrials.

Obtains and delivers file jackets, minutes, supplies, forms and related items necessary for use by the judge and the staff.

Performs errands inside and outside the court, and generally attends the personal needs of the judge.

Performs related duties as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from high school and some experience in routine clerical work or other public contact work, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Some knowledge of clerical and financial record keeping procedures.

Some knowledge of statutes relating to court procedure.

Some knowledge of legal terminology of court work and legal process forms.

BAILIFF I (Cont'd)

Some knowledge of office procedures and practices.

Ability to establish and maintain effective working relationships as necessitated by work assignments.

Ability to learn a variety of Judicial Department procedures and policies.

BAILIFF II

DEFINITION OF WORK

This is responsible supervisory work in maintaining order and providing general services in a courtroom.

Work involves providing general services in the operation of a court and limited supervision as head bailiff of part-time bailiffs. Work includes maintaining order, calling witnesses, notifying interested parties, transferring prisoners, collecting case files for court cases and performing various services for a judge. Work is performed in accordance with established practices, procedures and instructions from a judge and is reviewed primarily through observation of performance and conferences.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the specific duties listed, nor do the examples cover all the duties which may be performed.)

Inspects courtroom for cleanliness, orderliness, and proper heat, light, and ventilation; opens court by announcing the entrance of the judge.

Maintains the order, decorum, and dignity of the court by seating jurors, witnesses, and spectators in specific areas of the courtroom and by ejecting persons disturbing the court proceedings.

Arranges for food and lodging for jurors, and is responsible for the security of the jury so as to preclude mistrials.

Obtains and delivers file jackets, minutes, supplies, forms and related items necessary for use by the judge and the staff.

Performs errands inside and outside the court, and generally attends the personal needs of the judge.

Arranges for substitute bailiffs and keeps time sheets.

Performs related duties as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from high school and experience in routine clerical work or other public contact work, or any equivalent combination of education and experience which provides the following knowledges, abilities or skills:

Some knowledge of clerical and financial record keeping procedures.

Some knowledge of statutes relating to court procedure.

BAILIFF II (Cont'd)

Some knowledge of legal terminology of court work and legal process forms.

Some knowledge of office procedures and practices.

Ability to establish and maintain effective working relationships as necessitated by work assignments.

Ability to learn a variety of Judicial Department procedures and policies.

Ability to supervise subordinates.

COURT REPORTER I

DEFINITION OF WORK

This is sub-journeyman stenographic work in recording and transcribing verbatim court proceedings, hearings and conferences.

Work involves responsibility for the verbatim recording and transcription of testimony in circuit or magistrate court proceedings, hearings and conferences. Transcripts may be certified for judicial appeal and the reporter is responsible for the absolute accuracy of the transcript. Employees perform under the general supervision of a judge and are evaluated on the basis of speed and accuracy of work.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Records and transcribes proceedings of court trials, hearings, arraignments, sentencing or conferences by shorthand or recording machine where verbatim records are required by law; identifies participants by name to facilitate recordings; reads aloud statement of participants as requested during proceedings; marks exhibits, places identifying marks on supplemental material for inclusion in finished transcript; prepares and distributes transcripts and related reports and documents, making final check for technical accuracy and pagination.

Maintains files and records of notes indexed to facilitate ready reference; performs a variety of technical clerical tasks related to the conduct of trials, hearings and conferences, such as dictation and transcription of orders.

Performs confidential clerical and related duties as required by the judge.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from high school, including or supplemented by courses in typing and standard methods of taking dictation, and experience in court clerical work, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Knowledge of legal English and spelling.

Some knowledge of Court Rules and Regulations.

Some knowledge of modern court methods and procedures.

COURT REPORTER I (Cont'd)

Ability to interpret and follow oral or written instructions.

Ability to accurately take dictation at 90 words per minute for extended periods of time.

Ability to operate common office appliances which may require no special training other than skills which may be acquired on the job.

Ability to keep legal and clerical records.

Skill in taking and transcribing shorthand notes or in using some other method of recording dictation at a satisfactory rate of speed.

Skill in typing to produce a satisfactory volume of typed material over a sustained work period.

COURT REPORTER II

DEFINITION OF WORK

This is responsible stenographic work in recording and transcribing verbatim circuit or magistrate court proceedings, hearings and conferences.

Work involves responsibility for the verbatim recording and transcription of testimony at circuit or magistrate court proceedings, hearings and conferences. Transcripts may be certified for judicial appeal and the reporter is responsible for the absolute accuracy of the transcript. Employees of this job class perform under the general supervision of a judge and are evaluated on the basis of speed and accuracy of work.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Records and transcribes proceedings of court trials, hearings, arraignments, sentencings or conferences by shorthand where verbatim records are required by law; identifies participants by name to facilitate recordings; reads aloud statement of participants as requested during proceedings; marks exhibits, places identifying marks on supplemental materials for inclusion in finished transcript; prepares and distributes transcripts and related reports and documents, making final check for technical accuracy and pagination.

Maintains files and records of notes indexed to facilitate ready reference; performs a variety of technical clerical tasks related to the conduct of trials, hearings, and conferences, such as dictation and transcription of orders.

Performs confidential clerical and related duties as required by the judge.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from high school, including or supplemented by courses in typing and standard methods of taking dictation, and considerable experience as a shorthand reporter recording and transcribing verbatim proceedings of judicial or quasi-judicial hearings, conferences and meetings, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Considerable knowledge of legal English and spelling

Knowledge of court rules and regulations.

COURT REPORTER II (Cont'd)

Knowledge of modern court methods and procedures.

Ability to interpret and follow oral and written instructions.

Ability to operate common office appliances which may require no special training other than skills which may be acquired on the job.

Ability to keep legal and clerical records.

Ability to accurately take dictation at 160 words per minute for extended period of time.

Skill in taking and transcribing shorthand notes or in using some other method of recording dictation.

Skill in typing to produce a satisfactory volume of typed material over a sustained work period.

COURT REPORTER III

DEFINITION OF WORK

This is responsible stenographic work in recording and transcribing verbatim court proceedings, hearings and conferences.

Work involves responsibility for the verbatim recording and transcription of testimony in circuit or magistrate court proceedings, hearings and conferences. Transcripts may be certified for judicial appeal and the reporter is responsible for the absolute accuracy of the transcript. Employees of this job class perform under the general supervision of a judge and are evaluated on the basis of speed and accuracy of work.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Records and transcribes proceedings of court trials, hearings, arraignments, sentencings or conferences by stenotype machine or shorthand where verbatim records are required by law; identifies participants by name to facilitate recordings; reads aloud statement of participants as requested during proceedings; marks exhibits, places identifying marks on supplemental material for inclusion in finished transcript; prepares and distributes transcripts and related reports and documents, making final check for technical accuracy and pagination.

Maintains files and records of notes indexed to facilitate ready reference; performs a variety of technical clerical tasks related to the conduct of trials, hearings, and conferences, such as dictation and transcription of orders.

Performs confidential clerical and related duties as required by the judge.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from high school, including or supplemented by courses in typing and standard methods of taking dictation, and thorough experience as a shorthand reporter recording and transcribing verbatim proceedings of judicial or quasi-judicial hearings, conferences and meetings, or any equivalent combination of education and experience which provides the following knowledges, abilities, and skills:

Thorough knowledge of legal English, spelling and punctuation.

Considerable knowledge of modern court practices, procedures, and appliances.

COURT REPORTER III (Cont'd)

Considerable knowledge of court rules and regulations.

Ability to interpret and follow oral and written instructions.

Ability to operate common office appliances which may require no special training other than skills which may be acquired on the job.

Ability to design and maintain simple clerical records and forms.

Ability to accurately take dictation at 225 words per minute for extended periods of time.

Skill in taking and transcribing shorthand notes or in using some other method of recording dictation.

Skill in typing and ability to produce a satisfactory volume of material over a sustained work period.

SUPREME COURT LIBRARIAN

DEFINITION OF WORK

This is professional administrative library work.

Work involves responsibility for supervising and administering activities of the Supreme Court Library. Work also involves responsibility for advising judicial circuit libraries in technical matters. Work is performed with latitude for decision making, although policy is determined in conjunction with and work results are reviewed by the Supreme Court Justice assigned to coordinate library activities.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the specific duties listed, nor do the examples cover all the duties which may be performed.)

Develops plans, and submits recommendations on law library policies and services to the Justice in charge.

Analyzes and coordinates law library budget estimates and controls expenditures to administer approved budget.

Serves as consultant to local law libraries in technical matters such as book selection, cataloging, and classifying; supervises the operation of a Supreme Court law library.

Arranges collections of technical books and digests such as Shepards' Citations, Corpus Juris Secundum, American Jurisprudence, Words and Phrases, Northwest Digest, Dakota Digest, Federal Digest, and similar materials to facilitate ready reference; catalogs accessions, classifies and indexes books, periodicals, and other materials.

Furnishes information on library activities, facilities, rules and service; explains use of reference sources to locate information; maintains procedures for borrower files, searching catalog files, and shelf collection to obtain materials; issues and receives materials for circulation, or for use in the library, assists patrons with legal research problems by performing complex reference work.

Selects and orders books and other materials for library use; maintains a continuing program for the selection of materials needing rebinding, mending, and repair.

Performs related duties as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from an accredited four year college or university and completion of Master's degree in Library Science and considerable professional library experience, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Thorough knowledge of professional principles, practices, procedures and techniques of library science and library administration.

Thorough knowledge of the general subject matter of a variety of professional, scientific and general areas of reading material.

Ability to direct the work of professional and non-professional library personnel.

Ability to interpret library policies and objectives to community groups, public officials and the public.

Ability to establish and maintain effective relationships with public and private officials.

MAGISTRATE

DEFINITION OF WORK

This is responsible legal work in the disposition of certain types of cases in the magistrate court.

Work involves responsiblity for hearing and ruling on certain types of traffic, civil, and criminal matters. Work is supervised by the presiding judge of a judicial circuit.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Administers oaths, takes acknowledgements and depositions.

Issues warrants of arrest, search and seizure.

Performs marriages.

Acts as committing magistrate in certain cases.

Conducts preliminary hearings.

Fixes bond, takes personal recognizance.

Reads or listens to allegations and determines if action cited is supported by facts; hears and evaluates evidence.

Takes pleas of guilty, tries criminal offenses in statutorily specified cases.

Takes forfeitures of appearance bonds.

Tries non-contested civil actions or small claims up to a specified jurisdictional amount; takes evidence; enters judgment.

Deposits monies and files reports with township, municipality or county as designated by Supreme Court rule.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from high school or certificate of equivalency and some clerical experience, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Knowledge of one or more phases of law as required by the assigned duties.

MAGISTRATE (Cont'd)

Knowledge of magistrate court procedures and rules of evidence.

Ability to analyze, appraise and organize facts and evidence.

Ability to apply knowledge to individual cases and problems.

NECESSARY SPECIAL REQUIREMENTS

Qualified elector and resident of the circuit in which appointed, attendance at magistrates institute.

LAW TRAINED MAGISTRATE

DEFINITION OF WORK

This is highly responsible legal work in the disposition of certain types of cases in the magistrate court.

Work involves responsibility for hearing and ruling on certain types of traffic, civil, criminal and mental illness matters. Work is supervised by the presiding judge of a judicial circuit.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Administers oaths, takes acknowledgements and depositions.

Issues warrants of arrest, search and seizure.

Acts as committing magistrate.

Conducts preliminary hearings.

Fixes bond, takes personal recognizance.

Reads or listens to allegations and determines if action cited is supported by facts; hears and evaluates evidence.

Tries and determines all cases of misdemeanor and actions or proceedings for violation of any ordinance, by-law or other police regulation of a political subdivision.

Takes pleas of guilty.

Takes forfeitures of appearance bonds.

Tries civil actions or small claims up to a specific jurisdictional amount; takes evidence; enters judgment.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from an accredited law school and thorough experience in the practice of law, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Thorough knowledge of one or more phases of law as required by the assigned duties.

LAW TRAINED MAGISTRATE (Cont'd)

Thorough knowledge of general laws, state laws, established precedents and sources of legal reference.

Thorough knowledge of magistrate court procedures and rules of evidence.

Ability to analyze, appraise and organize facts and evidence and precedents concerned in assigned cases and to present material clearly and logically in oral and written form.

Ability to apply legal principles and specialized knowledge to individual cases and problems.

Ability to counsel persons on sensitive problems.

NECESSARY SPECIAL REQUIREMENTS

Licensed to practice law in the State of South Dakota.

LAW CLERK

DEFINITION OF WORK

This is professional legal work in performing legal research and other professional legal services.

Work involves the performance of professional legal services included in the preparation of briefs for judges concerning cases before them. Work assignments require the completion of law school. Work is performed under general supervision of a justice or a judge and is reviewed through conferences and written reports.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Reviews, studies, searches, and annotates laws, court decisions, documents, opinions, briefs, the settled record, case and transcripts, and related legal authorities to process suits, trials, hearings, appeals and other litigated matters.

Prepares briefs, legal memoranda, and statement of issues involved, including appropriate suggestions or recommendations to the justice or judge.

Compiles references on laws and decisions necessary for legal determinations.

Prepares jury instructions.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from an accredited law school, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Considerable knowledge of one or more phases of law as required by the assigned duties.

Knowledge of general law, State laws, established precedent and sources of legal reference.

Knowledge of court procedures and rules of evidence.

Ability to apply legal principles and specialized knowledge to individual cases and problems.

Ability to analyze, appraise, and organize facts, evidence, and precedents concerned in assigned cases and to prepare written opinions.

STAFF LEGAL ADVISOR

DEFINITION OF WORK

This is highly responsible administrative and professional legal work.

Work involves responsibility for serving as chief legal advisor to the South Dakota State Judicial Department. Work also involves participation in the continuing program of the Judicial Department to study and improve the administrative policies and procedures of court and probation services. Work is performed under the administrative supervision of the State Court Administrator.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Confers with department personnel on varied legal matters on ramifications of department regulations and procedures, court procedures, proposed activities, proposed legislation, existing procedures, legislation and case law.

Assists in implementing procedures of probate administration under the Uniform Probate Code.

Drafts and revises rules of civil, criminal and juvenile procedure, organizes and participates on committees of lawyers and judges to do same.

Participates in conferences of court personnel throughout state, speaks on legal topics at some of the conferences.

Provides legal and procedural advice on as-requested basis to personnel of all courts throughout state.

Represents department as legal counsel in personnel disputes; assists in drafting personnel rules and amendments.

Assists in drafting magistrates' manual; redraws chapters on civil action, criminal action, evidence, and courtroom procedure.

Reviews, studies, searches, and annotates laws, court decisions, documents, opinions, briefs, and related legal authorities to process suits, trials, hearings, appeals, and other litigated matters.

Prepares briefs, legal memoranda, and statement of issues involved, including appropriate suggestions or recommendations to the judge.

Compiles references on laws and decisions necessary for legal determinations.

Performs related work as required.

STAFF LEGAL ADVISOR (Cont'd)

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from an accredited law school; licensed to practice law in South Dakota; and experience in the practice of law, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Thorough knowledge of general law, state laws, established precedents, and sources of legal references.

Thorough knowledge of South Dakota court procedures and rules of evidence.

Ability to apply legal principles and specialized knowledge to individual cases and problems.

Ability to analyze, appraise, organize and present facts, evidence, and precedents concerned in assigned cases and to prepare written opinions.

NECESSARY SPECIAL REQUIREMENTS

Licensed to practice law in the State of South Dakota.

ASAP REPRESENTATIVE I

DEFINITION OF WORK

This is responsible counseling work in providing casework services in the Alcohol Safety Action Program.

Under general supervision, is responsible for performing sub-professional work of average difficulty in conducting classes for problem drinkers and drivers and for assisting with ASAP goals of highway safety. Work is reviewed by a supervisor through conferences and reports.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Conducts pre-sentence investigations on DWI cases at the request of the court.

Conducts problem drinker-driver classes for DWI convictions.

Conducts follow up on problem drinker-drivers.

Participates in speaker bureau services.

Coordinates detoxification and medical and psychological diagnoses.

Maintains communications with alcohol referral facilities.

Prepares reports.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from high school or possession of GED certificate and experience in the field of alcoholism and alcoholism counseling, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Some knowledge of individual and group behavior.

Knowledge of counseling procedures.

Knowledge of alcoholism detection, prevention and treatment.

Considerable knowledge of alcoholics and problem drinkers.

Ability to establish and maintain good working relationships with the public; to conduct pre-sentence investigations.

ASAP REPRESENTATIVE I (Cont'd)

Ability to utilize effectively available resources and services in connection with a rehabilitation plan.

Ability to maintain records and make oral and written reports.

ASAP REPRESENTATIVE II

DEFINITION OF WORK

This is responsible administrative and supervisory work in the Alcohol Safety Action Program.

An employee is responsible for performing administrative work of above average difficulty in supervising a large group of field personnel conducting alcoholism treatment programs. Work is performed under the supervision of the State Court Administrator and is reviewed through conferences and reports.

EXAMPLES OF WORK PERFORMED

(Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Coordinates ASAP treatment programs.

Supervises personnel working in alcoholism treatment programs.

Establishes and maintains information flow between programs and ASAP management.

Implements and evaluates decision/treatment process programs; monitors and administers funds of treatment programs.

Maintains records and prepares reports as required.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from high school or possession of GED certifcate and considerable work experience in the field of alcoholism, perferably with experience in alcoholism counseling, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Some knowledge of individual and group behavior.

Knowledge of counseling procedures.

Considerable knowledge of alcoholics and problem drinkers.

Considerable knowledge of alcoholism detection, prevention and treatment.

Ability to establish and maintain good working relationships with the public.

Ability to supervise subordinate personnel.

ASAP REPRESENTATIVE II (Cont'd)

Ability to evaluate effectiveness of the program and to develop alternative methods of treatment.

Ability to maintain records and make oral and written reports.

OFFENDER-VICTIM COORDINATOR

DEFINITION OF WORK

This is work involving the administration of a pilot program designed to aid the victims of crime.

An employee in this class develops and coordinates an effort designed to provide a program of financial restitution and/or work detail by the offender under supervision. Victims of crime are contacted and counseled in order to create an awareness of the court system and to direct him to sources of aid for possible redress.

EXAMPLES OF WORK PERFORMED (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed.)

Contacts victims of juvenile crime and determines the extent of loss or injury.

Explains the juvenile justice system to the victim and keeps victims informed on court actions as they occur.

Provides for restitution to victims and/or work details as therapeutic elements in the rehabilitation of the offender.

Assists probation officers by providing victim data.

Develops job opportunities and work details within the community for the offender.

Maintains files, records and prepares reports.

Performs related work as required.

DESIRABLE EDUCATION AND EXPERIENCE

Graduation from high school and experience in dealing with victims of crime and offenders, or any equivalent combination of education and experience which provides the following knowledges, abilities and skills:

Some knowledge of individual behavior.

Knowledge of counseling procedures.

Knowledge of juvenile court procedures.

Ability to develop a program within established guidelines.

Ability to evaluate alternative approaches to offender rehabilitation.

OFFENDER-VICTIM COORDINATOR (Cont'd)

Ability to promote a spirit of cooperation among offenders, victims of crime and law enforcement.

Ability to utilize effectively available resources.

HOW PERSONNEL FUNCTIONS SHOULD BE PERFORMED.

Position Authorization

The personnel administration process begins when a decision is made that a public need can best be met by creating a position. Positions should be established either at the time of the establishment and approval of the annual budget or at other times throughout the year. The process for position authorization as a part of the annual budget should include these steps.

1. The preparation by circuit or magistrate courts or departments of requests for new positions in accordance with procedures specified by the State Court Administrator. As a part of this step, position description forms should be prepared.

2. Receipt and study by the State Court Administrator or his designee. This process includes evaluation of the need for the position and consideration of alternative approaches.

   This study should ask such questions as: Is the program expansion warranted? What is the priority in comparison with other programs needs? Can work load peaks be met by other means? Can organizational changes, restructuring of jobs, or new procedures provide solution to the problems?

3. If approved by the State Court Administrator, the position request becomes a part of the budget, which is submitted for legislative study and action.

4. Upon approval of the State Court Administrator, the Personnel and Training Officer undertakes a review to determine appropriate classification allocation and pay level. This study should involve a reveiw of the position description form and may include audits and discussion with court or department officials.

5. The last step is review and approval by the legislature of the Judicial System budget, thereby approving of the new positions contained in it.

The process for authorizing positions other than during the preparation of the annual budget follows the steps outlined above except for steps three and five.

Position Classification

The objectives of an effective classification program include:

1. Classification of all positions of the classified service on the basis of duties, responsibilities, and experience and training requirements.

2. Maintenance and updating of the classification plan to reflect changing conditions, including the prompt review of reclassification questions and the periodic classification review of all positions.

3. Conduct of classification work in ways which assure acceptance by court officials and employees, such work being carried out with objectivity and with understanding of the occupational characteristics of a wide variety of job groupings and classifications.

4. Prompt completion of classification studies and opportunity for the employee court or department to secure a review if the initial findings are felt to be in error.

The initiation and continued maintenance of a job classification plan involves more than the preparation of job descriptions or specifications which reflect technical competence by the classification staff. Necessary to the success of a classification system is the growth of a mutual respect between judicial locations and the classification staff. Many of the decisions of a central classification staff will not be in concurrence with the original request. Some individuals and appointing authorities may consider that an adversary relationship is present. But if the work is carried out with evidence of understanding and competence, on schedule, and with a continuing two-way flow of informations, acceptance of the classification system will make considerable headway.

The principal steps for the classification of an existing position are:

1. The initiation of a request by Courts, department, or employee. Ideally, the operating department evaluates the merits of proposed requests before submission. The requests are submitted to the Personnel and Training Officer of the State Court Administrator's Office.

2. Study by the Personnel Office. The actual study includes: (a) a review of the position questionnaire and other court submissions, (b) conferences with operating supervisors, (c) a job audit of the responsibilities and duties of the position, and (d) the preparation of findings and recommendations.

3. The recommendations are reviewed by the State Court Administrator for appropriate disposition.

Compensation and Related Employee Benefits

Most pay changes are made in conjunction with the approval of the annual budget, representing a part of a general pattern of increases. Less frequently, special or spot revisions are made in the pay ranges of particular classifications to reflect changes in competitive pay levels or to overcome recruiting difficulties. The process for these regradings involves the following steps:

1. Initiation of the request by a Court of Department.

2. Receipt and study by the Personnel and Training Officer.

3. Review and approval by the State Court Administrator.

The basic principles of pay administration include provisions for incremental steps of sufficient size and number to provide a sufficient range between the entrance step and the maximum pay for a class. These principles also describe a sufficient difference in subordinate and supervisory pay levels and comparability with corresponding positions in private and other public employment. The Judicial System should have one person responsible for updating salaries and fringe benefit programs and should utilize an annual pay survey in order to stay current and equal to other salaries paid in public and private jurisdictions.

Recruitment and Selection

The processes of recruitment and selection include the following major steps:

1. Request Initiation. The request for certification to fill a vacant position is initiated by a Court or department and forwarded to the Personnel and Training Officer, who verified that a vacancy exists by reviewing the position control records.

2. The Personnel and Training Officer then determines if the vacancy should be filled.

3. Recruiting then generally takes place at the Circuit level.

The objectives of an effective recruitment and selection program include:

1. The development of recruitment and examination procedures which will secure employees for the Judicial System with suitable combinations of experience and training for effective job performance with potential for further development.

2. The scheduling and design of recruitment and examination procedures so as to fill vacant positions with a

minimum of delay and loss of interested candidates.

3. The design and conduct of an aggressive recruitment program including full use of the resources of the Judicial System.

4. The conduct of the selection process utilizing examination tools and test items related to the job content or positions being filled.

5. The design of the selection process so as to afford the Judicial locations sufficient choice in selecting qualified candidates for the requirements of particular positions.

6. The use of the probationary period as a significant stage in the selection process.

Position Control System

The position control procedure used in verifying that a vacant, authorized position exists is a suitable application for automated data processing. Basically, the system which will be in effect subsequent to January 1, 1975 is based upon the assignment of unique position numbers to each authorized position within the Judicial System. This identifier should be separate and distinct from the social security identifier. Once the position number is assigned to a particular position, it would remain assigned to it even though a number of employees occupy the position over the years.

An F.T.E. (full-time equivalent figure i.e., 0.500 = ½ time employee; 0.750 = 3/4 time; 1.000 = full-time employee) should also be affixed to each position when position numbers are assigned. With proper computer programming, authorized, budgeted positions can then be tracked over an extended period of time.

When positions are created, abolished, reclassified, or F.T.E. changed, all such changes would be by means of a "position action form," and a "position control form" which would be submitted by field locations. Changes could only be accomplished with the concurrence of the Budget and Finance Officer and the Personnel and Training Officer.

Employee Evaluation, Training, and Career Development

With the Judicial System's substantial and continuing investment in its employees, the broad area of employee evaluation, training, and career development are important elements of the personnel program.

Objectives of an effective program of employee evaluation, training, and development include:

1. Periodic evaluation of all employees, identifying

employee strengths and weakness and furnishing a basis for coursework and career development planning.

2. Development of a comprehensive and balanced training program to meet organizational and individual needs, utilizing resources of the Judicial System and of outside training centers.

Although the actual benefits of employee evaluation systems have fallen short of initial expectations, their use as a tool of supervision should be encouraged.

The general use of employee evaluation is the basis for a "pay for performance" program. Under this kind of a program the responsibility falls upon the individual supervisor for administering salaries. It is the responsibility of the Personnel and Training Officer to provide the supervisor with the techniques and tools for proper administration. This involves training the supervisor in the use of tools and techniques of proper supervision and counseling him in the proper conduct of his job. Increases in salary beyond an acceptable point, without meeting certain standards, are self-defeating to proper administration.

A central training program should be developed, aimed at meeting the needs of the Judicial System and its employees. The Personnel and Training Officer should confer with the Judicial Circuits in determining the needs and developing programs. A master training program should be developed indicating training needs, resources, and programs available or under development. The State Court Administrator should include, in budget requests, the payment of fees for siminar leaders, the purchase of course materials and training supplies, and equipment rentals. A program of employee reimbursement of all or partial tuition costs should be developed and offered to employees on a broad base.

The Judicial System should also consider the application of so-called para-professional training and the use of these kinds of work divisions as employed in other professions. Both in judicial administration and in the actual assistance to the judiciary such work divisions would allow judges to make fuller use of their legal skills and training in trying cases.

Some additional uses of training include the formulation and conduct of such courses as: developing supervisory leadership skills, advanced supervisory development, serving the public, handling disciplinary interviews, and handling performance interviews.

Employee Separation and Discipline

Separation from public employment may come because of retirement, resignation, disability, death, or discharge. Discharge is the ultimate of the sanctions available for supervisory use. Rules and regulations should be developed for uniform use by the Judicial System, containing procedures for disciplining of employees by appointing authorities.

These rules should provide for counseling of employees when deficiencies arise, and the dealing with individual employee problems quickly, but with understanding; they should provide for a written record of employee improvement or retrogression; and provide for sanctions fairly but as soon as other actions have proven insufficient.

Grievance Procedure

Each employee should have the right to invoke a standard grievance procedure which includes the following steps:

1. First an employee shall discuss his grievance with his immediate supervisor and shall also request redress of the grievance.

2. If redress is not granted by the immediate supervisor, or if the grievance is a complaint against actions of the immediate supervisor, the employee may appeal in writing to the presiding judge of the circuit where he is employed.

3. The presiding judge may resolve the appeal informally or appoint a board of three circuit employees or a disinterested examiner and render a decision on the appeal within thirty days from the date of filing. Decisions shall in all cases be made in writing to the employee.

4. The employee may appeal to the State Court Administrator, acting for the chief justice, from the decision of a presiding judge. The appeal to the State Court Administrator must be filed within fifteen days of the date of the chief judge's decision.

5. (a) The State Court Administrator shall convene a three member grievance review board to hear the appeal and shall render a decision on the recommendations within thirty days from the date of filing. Decisions of the board shall be final.

   (b) Members of the grievance review board shall include a circuit judge, a court administrator and the State Court Administrator or his designee.

6. An aggrieved employee shall have the right to appear in person or be represented by a party of his own choosing in all hearings convened by any appropriate hearing examiner or board regarding the appeal.

Personnel Records and Reports

The major files in the personnel office should include the following records:

1. Position control file--this provides the current status and history of position establishment and occupancy.

2. Employee file--this provides employee service, history, pay, and annual and sick leave records. It also includes employee credentials, transactions, and evaluations.

3. An employee locator file.

4. A correspondence file.

5. An Examination Record file--this includes certification registers for each examination, announcements, applications, examination records, current eligible lists, expired eligible lists, mailing lists of potential candidates, and all supporting documents for selection of employees.

6. A past employee file.

7. Manpower planning file, or skill inventory, particularly for professional, technical and administrative classes.

All of these, except the correspondence file should be automated and integrated with the payroll system which is now being processed by computer application.

The following reports should be generated by the automated personnel system. These are necessary for overall personnel and fiscal management and administration and should be obtained automatically each month in order to keep current on monthly changes submitted by Judicial Locations on required personnel and position action forms.

----Filled Position List by Position

----Filled Position List by Class/Position

----Filled Position List by Location/Position

----Vacant Position List by Position

----Vacant Position List by Class/Position

----Vacant Position List by Location/Position

----Termination Report by Class

----Termination Report by Location

----From_____/_____/_____/ to _____/_____/_____/ Termination Report Dates

----Retired Employees Report by Class

----Retired Employees Report by Location

----From_____/_____/_____/ to _____/_____/_____/ Retired Employee Report Date

----Potential Retirement Report by Class

----Potential Retirement Report by Location

----From_____/_____/_____/ to _____/_____/_____/ Potential Retirement Report Dates

----Classification and Position Discrepancies by Location

----Comparative Payroll by Locations

----Name Index

----Social Security Number Index

----Sick and Annual Leave Report by Location

----Hiring, Terminations, and Reclassifications by Location

----Evaluations due by Location (performance evaluations which serve as the basis for an anniversary salary increase)

RETIREMENT AND FRINGE BENEFITS.

The judicial system retirement plan is included in the combined retirement system established under the provisions of Chapter 3-12, SDCL . Thus the transition to unification will not generally create problems from this aspect. In the section on personnel rules we have included procedures for handling waiver of mandatory retirement age for employees who are on the borderline in terms of acquiring a vested interest in the retirement plan.

A problem does arise in the transfer to the court system of employees who previously have been county employees. Not all such employees are affected but only those who are employed in counties that have not chosen to enter the South Dakota Retirement System. Those county employees who presently are covered by the retirement system would simply have their balances transferred. County employees not so covered would enter the court system with the same status as a new court employee, even though some may have been employed for a number of years prior to the unification of the courts.

It is obviously unfortunate that not all counties have chosen to be under the state retirement system. However, this situation is one which the Court may choose to partially correct by providing for purchase of prior service credit for those employees presently close to the normal retirement age.

Under 3-12-47 (55), SDCL , a "vested" interest in the retirement plan is defined as five years of credited service under the retirement system which entitles the employee to retirement benefits at normal retirement age. The credited service may be acquired by working under the system and making contributions to retirement or may be "purchased" by having an amount paid into the system for each year of service not under the retirement system as provided in 3-12-84, SDCL. The procedure provides for the payment of an amount equal to ten percent of the employee's present annual compensation for each year of service credit purchased.

At the date of this writing, we have identified some twenty employees who will come into the court system with no retirement credit and who are aged 60 or over. These employees will begin accumulating service credits under the retirement system upon entry into the judicial system. Those aged 60 should be able to acquire a vested interest by age 65, however those over 60 will not unless they are permitted to work beyond age 65 until they are able to work the minimum 5 year period.

The Court may wish to provide for purchasing some service credit for these employees or may wish to allow them to continue working until they have earned their own vested interest. When the State of Colorado established its unified courts system, a provision was adopted in the statutes to provide such a vested interest for all employees of the courts aged 60 or over. The pertinent statutory section, 37-11-11, Colorado Revised Statues, 1963, is presented here for reference:

"37-11-11. Retirement-past service benfits. (1) (a) Past service benefits in the public employees' retirement association shall be purchased for each employee covered under section 37-11-6 and 37-11-7, who, on January 1, 1970, meets all of the following conditions:

(b) Is sixty years of age or older;

(c) Was not a member of a county or a city and county retirement plan, or if a member, is not eligible to receive a deferred annuity;

(d) If a member of a county or city and county retirement plan, has withdrawn the funds credited to his account with the county or city and county retirement fund, and paid the full amount thereof, exclusive of any voluntary contributions to such county or city and county retirement plan, into the public employees' retirement fund, or who withdraws such funds and deposits them with the public employees' retirement fund no later than March 31, 1970.

(2) (a) When an employee meets all of the conditions in subsection (1) of this section, the public employees' retirement association shall grant him prior service credit based on length of service in a court, or department thereof, covered under sections 37-11-6 and 37-11-7, up to a maximum of five years.

(b) The public employees' retirement association shall calculate the cost of granting such prior service credit to each employee, after giving credit for the amount paid, if any, by the employee, and shall bill the judicial department for such cost. In the event that the cost for an employee is less than the amount paid in by him pursuant to subsection (1) (d) of this section, the treasurer of the public employees' retirement fund shall instead refund the difference to the employee.

(c) The judicial department shall include the total of such billings in its appropriation request. The grant of prior service credits provided in subsection (2) (a) of this section shall be made only if an appropriation therefor is made by the general assembly.

(3) (a) Any employee under the age of sixty years covered under sections 37-11-6 and 37-11-7, who has been a member of a county or city and county retirement plan may purchase prior service credit credit by withdrawing the funds credited to his account with the county or city and county retirement fund, and paying the full amount thereof into the public employees' retirement fund.

(b) The public employees' retirement association shall calculate the amount of prior service credit purchased by an employee as provided in paragraph (a) of this subsection (3) and shall so notify him.

(c) An employee covered under sections 37-11-6 and 37-11-7, may also purchase prior service credit, not to exceed the actual number of years of employment in a court of record, or department thereof, by making a direct payment to the public employees' retirement association. Such purchases of prior

service credit shall be made no later than January 1, 1972.

(4) For the purposes set forth in article 1 of chapter 111, C.R.S. 1963, as amended, the employees for whom prior service credit is granted under this section shall be considered to have been employees of the state for the period of such prior service."

Should the Court decide to follow this route, that is, purchase of up to five years credit for each qualifying employee, we have estimated that the cost would approximate $62,000. This would be a one time payment and would grant all qualifying employees a vested interest. (Six of the employees noted are not eligible for purchase of a full five year credit because they have not worked the full five years in the court system at the county level.)

The Court may wish to purchase only that portion of a vested interest which would permit an employee to retire at age 65 with five years credit, rather than granting the flat five-year credit. Thus an employee aged 65 would have five years credit purchased, whereas an employee aged 62 would only have two years credit purchased, the other three years being acquired by working for the courts until age 65. The cost of this approach is computed as follows:

Five years credit for 7 employees aged 65 or over	$23,781.00
Four years credit for one employee, age 64	2,112.00
Two years credit for one employee aged 64 with only two years service	1,700.00
Three years credit for two employees, age 63	5,250.00
Two years credit for one employee aged 63 with only two years service	827.84
Two years credit for three employees aged 62	3,455.60
One year credit for one employee aged 61	499.20
TOTAL COST	$37,625.64

These estimates are based upon current salaries and would need to be recomputed at the effective date to consider salary changes. They are presented here as guidelines and for consideration by the Court.

FRINGE BENEFITS SURVEY

As part of the salary survey questionnaire sent to private employers, data was gathered on fringe benefit practices in the State of South Dakota. In this section we present results of that survey for comparison by the Court to its own practices. The data represents responses from 171 private employers throughout the State.

Vacation with Pay

1. After six months: 34 responses showed no vacation was granted after six months; 34 responded granting 5 days; 9 responded granting 6 days; 18 responded granting anywhere from 2 to 13 days; and 85 responses did not specify. Total 171.

2. After one year: 67 employers granted 5 to 7 days paid vacation after one year of service; 99 employers granted 10 to 14 days (two weeks) paid vacation; two granted 15 to 16 days; 3 did not specify. Total 171

3. After five years: 7 responses showed 5 to 7 days paid vacation; 128 showed 10 to 14 days; 26 showed 15 to 16 days; 6 showed 19 to 20 days; 3 did not specify. Total 171.

4. After ten years: 7 employers pay 5 or 6 days; 59 pay 10 to 14 days; 84 pay 15 or 16 days; 16 pay 17 to 21 days; two pay 30 days; three did not specify. Total 171.

5. After 15 years: 7 responses showed 5 or 6 days paid; 44 showed 10 to 14 days; 77 showed 15 or 16 days; 32 showed 17 to 21 days; 8 showed payments of 24 to 30 days; three did not specify. Total 171.

Although the trend in granting vacation leave appeared progressive in number of days granted, only 25 percent of the respondants permitted accrual of vacation from year to year. The majority of those authorizing accrual limited the maximum accrual to less than 30 days. However, 65 percent of all responses indicated that unused vacation was paid upon termination of employment.

Sick Leave

Pay practices reported in regard to sick leave are generally not as liberal as compared to leave for vacation. The largest single response showed a flexible or indefinite policy toward sick leave (30 responses). 23 indicated no sick leave was granted and 15 made no indication. Of the remaining responses, 48 indicated granting 10 to 14 days annually and 36 showed 5 or 6 days granted. All others granted a variety of days of sick leave with no one level being pronounced in frequency.

In response to the question of accrual, the trend was more liberal than for vacation: 36% reported permitting accrual of sick leave from year to year. The range of days' accrual allowed ran from 7 days to unlimited, with the median value at 50 days. Only six employers, however, reported paying for sick leave upon termination of employment.

Insurance

Because of the varied types of insurance plans offered, it is difficult to correlate the data meaningfully. From a general standpoint, however, the following may prove useful:

Employee Coverage

	Offered	Not spec. or None
Hospitalization	73%	27%
Sickness and Accident	62%	38%
Medical	68%	32%
Surgical	66%	34%
Group Life	60%	40%
Supplementary Wk. Comp.	7%	93%

Dependent Coverage

Hospitalization	70%	30%
Sickness and Accident	56%	44%
Medical	64%	36%
Surgical	62%	38%
Group Life	37%	63%

Of those offering insurance coverage, the majority paid all premiums for their employees while paying half or none of the premiums for dependents.

Retirement

Only about one-half of employers responding offer a retirement plan. However, most of those offering this paid all contributions for employees. The cost to the employer as a percent of wages varied from one percent to a stated high of 15 percent. The middle 50% of the range of cost to the employer as a percent of wages was from five to ten percent.

PROPOSED

SOUTH DAKOTA JUDICIAL SYSTEM

PERSONNEL RULES

These proposed personnel rules should be used as a "place" to start only. The rules should be corrected as required and provided to all interested parties for review and comment. Public hearings should then be held to determine the final form and content of the rules and regulations. The rules should then be made available to all courts, administrative offices, employees and their representatives.

PROPOSED SOUTH DAKOTA JUDICIAL SYSTEM

PERSONNEL RULES

I. CITATION, SCOPE, AND DEFINITIONS

Rule 1. Citation

These rules shall be known and may be cited as the South Dakota Judicial System Personnel Rules. They are issued under the Superintending Authority of the Supreme Court of the State of South Dakota.

Rule 2. Scope

These rules shall apply to the Supreme Court, the State Court Administrator's Office, all trial courts, magistrate courts, and court services covered by statute and all employees thereof, including the confidential employees of a Justice.

Rule 3. Responsibility

(A) Responsibility of Administrative Authorities, Administrative authorities shall be responsible to the chief justice of the supreme court for the supervision and administration of all personnel within their respective jurisdictions.

(B) Scope of Responsibility. (1) Appointing authorities, court administrators, and supervisors shall be responsible to the administrative authorities in their respective jurisdictions for:

(2) Administration of these rules and compliance with the policies contained herein;

(3) Orientation and on-the-job training of employees;

(4) Review and evaluation of employees' performance;

(5) Corrective or disciplinary action when required in accordance with these rules; and

(6) Providing a work environment conducive to employee welfare and safety.

Rule 4. Definitions

(A) Definitions. (1) As used in these rules:

(2) "Administrative authority" means the official or officials with the primary administrative responsibility for a court or courts, judicial agency, or judicial service, as delegated by the Chief Justice or specified in these rules, and includes the Supreme Court, the Presiding Judge of a judicial circuit and the State Court Administrator,

(3) "Administrator" means the administrator of a judicial region or of a court. Where the State Court Administrator is intended, it is specified in the rules.

(4) "Anniversary date" means the date on which an employee whose work performance is rated satisfactory or superior is eligible for advancement to the next salary step in the pay grade.

(5) "Appointing authority" means the person or group of persons vested by these rules with the authority to appoint employees to positions, subject to approval of the appropriate administrative authority as specified in Rule 23.

(6) "Certified employee" is an employee who has successfully completed his probationary period and is, therefore, certified to serve in the position which they hold.

(7) (a) "Class" means a grouping of positions or jobs sufficiently similar in duties, authority, and responsibilities that:

(b) The same descriptive title may be used;
(c) The same qualifications for entrance may be required:
(d) The same aptitude or proficiency tests may be used; and
(e) The same pay grade may be applied with equity.

(8) "Class series" means a grouping in sequence of classes that are alike in kind but not in level, starting with a trainee or entry level position and advancing upward in duties, complexity, authority, and responsibility.

(9) "Class specification" means the official written job description of a class of work which defines the class, lists some of the more typical tasks of the class, and the training, education, and experience standards required for the class.

(10) "Classified service" means the aggregate of all non-judicial positions under the Judicial System Personnel Plan.

(11) "Compensation schedule" is the array of pay grades applying to the Judicial System Classified Service.

(12) "Confidential employee" is an employee directly responsible to a Justice and appointed by him as provided in Rule 22.

(13) "Demotion" means changing an employee from one class of work to a different class of work at a lower pay grade.

(14) "Dismissal" means discharge of an employee.

(15) "Employment eligibility list" means a roster of persons who have been found qualified for appointment or promotion to positions in the Judicial System.

(16) "Increment" means the salary increase resulting from normal annual advancement to the next step in a pay grade by an employee whose work performance is rated satisfactory or superior.

(17) "In-grade hiring" means authorization to hire an employee at a step higher than the initial step in the pay grade assigned to the position.

(18) "Job description" means the written summary of the duties and responsibilities assigned to a position.

(19) "Layoff" means the involuntary termination of employment because of lack of work, lack of funds, or reorganization.

(20) "Leadworker" means an individual who gives directions to other employees while performing the same duties as those employees. Leadworkers are classified at the same grade as the employees they direct.

(21) (a) "Non-supervisory employee" means any certified employee who does not regularly supervise other court employees.

(b) Court clerks who are solely or primarily responsible for the operation of the Clerk's Office shall be considered as supervisory employees.

(22) "Occasional duties" mean those tasks that an individual may infrequently perform in cases of emergency or under conditions as the need arises.

(23) "Pay grade" is one of the official ranges of pay at which a class of positions in the Judicial System Classified Service is paid.

(24) "Position" means an individual job or place of employment within the Judicial System Classified Service.

(25) "Primary duties" mean those tasks that an individual is expected to perform on a regular recurring basis.

(26) "Probationary period" means the six consecutive months following original appointment, or promotion, or the three-consecutive-month period following an unsatisfactory merit report which is a work test period for the employee during which he is on a trial basis.

(27) "Promotion" means changing an employee from one class of work to a different class of work at a higher pay grade.

(28) "Reclassification" means the assignment of a position from one class of work to a different class of work.

(29) "Regular full-time position" means a position scheduled for full-time work, i.e., thirty-seven and one-half hours per week, and carried on the staffing pattern in excess of one year.

(30) "Regular part-time position" means a position scheduled for less than full-time work, i.e., less than thirty-seven and one-half hours per week, and carried on the staffing pattern in excess of one year.

(31) "Reinstatement" means the privilege of within one year rehire which may be granted to former employees of the Classified Service who voluntarily terminate their employment in good standing.

(32) "Staffing pattern" means a document showing the number of positions authorized for each court or agency, the grade and title of each position, and other related information as prescribed in Rule 21.

(33) "Step" means the incremental pay increases within a grade.

(34) "Step-for-step" means a salary adjustment, either up or down, which results in the employee being at the same pay step in his new grade that he was in his former pay grade.

(35) "Supervisor" means an individual who directs and coordinates the activities of other employees.

(36) "Temporary full-time position" means a position scheduled for full-time work which is established for one year or less.

(37) "Temporary part-time position" means a position scheduled for less than full-time work which is established for one year or less.

(38) "Trainee position" means an entry level job established in a class series to provide on-the-job training.

(39) "Transfer" means changing an employee from one position or class of work to a different position or class of work at the same pay grade, or changing an employee to a different jurisdiction in the same position.

(40) "Unclassified position" means a judge, contract employee, and any position so designated.

II. CLASSIFICATION AND SALARY

Rule 5. Classification Plan

(A) General. The State Court Administrator shall maintain a classification plan based on investigation and analysis of the duties of each position. The plan shall group all positions having comparable duties and responsibilities into classes which are subject to the same descriptive title, a common definition of duties and responsibilities, and common requirements for filling positions assigned to the class; the plan shall be subject to approval of the Supreme Court.

(B) Class Specifications. The State Court Administrator shall prepare written specifications for every class of work in the personnel system. The specifications shall be based on a sound, systematic occupational analysis, and position evaluation and shall contain elements sufficient to distinguish the various classes. Duties as may be described in the specification shall not be construed to limit the assignment of other related duties by proper authority.

(C) Changes to Class Specifications. When proposing, amending, or abolishing a class specification, the State Court Administrator shall provide administrative authorities and other interested parties with a notice of proposed changes and a copy of the changes or proposed specifications. The administrative authority shall make the content of the changes known to employees. The notice shall contain a specified time from the date of notice in which to file written objections with the State Court Administrator. The State Court Administrator shall consider the objections and may approve, modify, or disapprove such new or amended specifications or the abolishment of classifications.

(D) Non-Interference with Responsibilities of Administrative Authority. The assignment of duties to a position (whether such duties are temporary or permanent, incidental or essential) location and hours of work, equipment furnished, and working conditions shall be the responsibility of the administrative authority. The classification plan shall not operate, or be construed to operate, to limit or interfere with such responsibility.

(E) Creation, Abolishment and Reclassification of Positions.
(1) To create a new position, the administrative authority shall submit a request and a written job description to the State Court Administrator.

(2) The State Court Administrator shall investigate and analyze the duties proposed for any new position, allocate the position to its appropriate classification, and establish the effective date, which shall be no later than the date the position is to be filled.

(3) The same procedure shall be followed whenever substantial changes in the duties and responsibilities assigned to a position are proposed.

(4) Any administrative authority may request a classification review of any position, if the position has not been reviewed within the previous twelve months. Such requests shall be submitted to the State Court Administrator with a written job description setting forth the actual and essential duties of the position.

(5) Any employee may request, in writing, a classification review of his own position, if the position has not been reviewed within the previous twelve months. The administrative authority shall forward the request to the State Court Administrator within ten days.

(6) The State Court Administrator shall act on any request involving an individual position within sixty days after receipt, and on any request involving several positions within one hundred and twenty days after receipt. If the reclassification review does not proceed in a timely manner, the employee may petition the reclassification review board for appropriate action.

(7) If a position is vacant, the State Court Administrator may review the classification of the position prior to appointment to determine the appropriate classification.

(8) The administrative authority may reassign duties assigned to a vacant position and request a classification review, or reclassify the vacant position within limitations established by any prior written delegation of authority to reclassify vacant positions by the State Court Administrator.

(9) The effective date for reclassification actions shall be the first working day of the pay period following approval by the State Court Administrator or a ruling by the reclassification review board.

Rule 6. Compensation Plan

(A) Plan Established. The Supreme Court hereby establishes a compensation plan in which each job class shall be assigned to a salary range based upon relative responsibilities of work, comparability to prevailing rates, and other pertinent salary and economic data.

(B) Adjustments.

(1) (a) Adjustments in the compensation plan shall be made as a result of salary surveys and relationship studies made each year, except that the Supreme Court may authorize pay grade adjustments prior to any July 1, if:

(b) Such adjustments are necessitated by the creation of new positions or classes, authorized reorganization, or change in work.

(c) The proposed changes in pay grade assignments do not require expenditures greater than those for which appropriation or approved transfer of funds has been made.

(2) (a) Any employee may request review of the salary range or relationship assigned to his class. Such request shall be submitted initially to the administrative authority, with a copy to the State Court Administrator.

(b) Any appointing authority may request review of the pay grades or relationships assigned to classes within his jurisdiction. If the appointing authority is not the administrative authority, the request shall be submitted to the administrative authority.

(3) Any request for review shall be submitted in writing by the administrative authority to the State Court Administrator, along with any comments thereon.

Rule 7. Hiring Rates for Employees

(A) Beginning Employees. Beginning employees shall be compensated at the first step of the pay grade assigned to the class to which they are appointed, except as provided in Sections (B) through (E) of this rule.

(B) In-Grade Hiring. (1) If an in-grade hiring rate is established for the class, any new employees may be appointed at the in-grade hire step. Pay for current employees in the class shall be adjusted as prescribed by these rules.

(2) When recommended and justified by the appointing authority and approved by the Chief Justice and the State Court Administrator, and if funds are available, new employees in grade 19 and below--may be hired at the second or third step in the range because of unusual personal qualifications or other unusual conditions. For the same reasons, and with the same approval new employees at grade 20 and above may be appointed at any step in the grade up to and including step six.

(C) Reinstated Employees. Reinstated employees shall be appointed at the hiring step on the class, unless otherwise recommended and justified by the appointing authority and approved by the Chief Justice and the State Court Administrator.

(D) Unclassified Position Brought Under Classified Service. When an occupied unclassified position is brought under the classified service, the salary of the incumbent shall be established at the closest step at or above his present salary, except that if his salary exceeds the maximum rate for the class, the maximum rate shall be assigned.

(E) Change in Position by Present Employee. When a present employee is appointed to a class other than to which he is currently appointed, his salary shall be established as though he were transferred if the class is at the same level, as though he were promoted if the class is at a higher level, or as though he were demoted if the class is at a lower level.

Rule 8. Salary Computation

(A) Application of Compensation Schedule. All employees in the classified service shall be compensated at one of the rates, or at a proportion of one of the bi-weekly rates, established in the compensation schedule established by the Supreme Court.

(B) Monthly Work Days - Compensation. (1) In computing the number of work days in a month, holidays which occur on work days during the month shall be counted as work days.

(2) Regular full-time employees who work or are on paid leave on all scheduled work days of a month shall be compensated at the appropriate bi-weekly rate.

(3) Regular full-time employees who work or are on paid leave less than a full month shall be compensated at a computed daily rate for each day worked. Payment for holidays shall be determined as prescribed in Rule 43. The applicable daily or hourly rate shall be taken from the salary schedule.

(4) Regular part-time employees who work a regular part-time monthly schedule, shall be compensated at an appropriate pro-rated monthly rate. Those employees whose work schedule is less than a full month shall be compensated in the same manner as regular full-time employees who work less than a full month, as prescribed in this rule. Payment for holidays shall be determined as prescribed by these rules.

(5) Regular part-time employees who work an irregular or intermittent schedule shall be compensated at the appropriate hourly or daily rate, for time actually worked only. Such employees shall not be compensated for holidays, unless they actually work on the holiday.

(6) Temporary employees hired to work a full month or more shall be compensated in the same manner as regular employees, except that the appointing authority may, at his discretion, compensate such employees at the hourly or daily rate as prescribed in the salary schedule.

(7) Temporary employees hired to work less than a full month shall be compensated at either the hourly or daily rate established in the salary schedule.

Rule 9. Anniversary Salary Increase

(A) Determination of Anniversary Date.

(1) The anniversary date for an employee shall be the first of the month following the date he was appointed, unless the appointment date is the first working day of the month, in which case the first of that month shall be the anniversary date.

(2) When an unclassified employee is brought under the classified service, the date the employee was brought under the classified service shall be considered the date of appointment, and the anniversary date shall be established as prescribed in subsection (A)(1).

(B) Pay Step Advancement.

(1)(a) Any employee whose job performance is satisfactory or superior shall be advanced within the series of steps in his assigned pay grade, as follows:

(b) From step 1 to step 2, for all employees after six months of satisfactory service at step 1.

(c) From step 2 through step 6, employees in all grades shall be advanced to the next higher step after one year of satisfactory service.

(d) For advancement from step 6 to step 7, employees in all grades shall be advanced to step 7 only after three years of satisfactory service at step 6 and on to step 8.

(2) Regular part-time employees shall be granted anniversary increases in the same way as regular full-time employees.

(3) Anniversary increases shall not be granted to terminating employees whose anniversary date occurs during the terminal leave period after their last actual working day on the job.

(C)(1) Withholding Anniversary Increase for Unsatisfactory Service. Any employee whose job performance has been unsatisfactory may be held at the step he now holds in his grade in accordance with the following:

(2) The administrative authority shall determine whether the employee's performance has been unsatisfactory and whether, on the basis of such performance, the employee shall be held at the current step.

(3) A determination shall be made and the employee notified at least 30 days prior to the employee's anniversary date on the basis of the performance evaluation.

(4) After consultation with one or more persons who supervise the work of the employee and after giving the employee an opportunity to respond to any reported deficiencies made with respect to his performance, determination shall become final on the anniversary date.

(5) The determination of the administrative authority is subject to appeal to the State Court Administrator, who shall act upon the appeal within thirty days after receipt.

(6) At the end of the ninety day probationary period prescribed in rule 29 (E),or the first day of any subsequent month prior to the employee's anniversary date, the administrative authority may advance the employee to the next higher step if, in the judgment of the administrative authority, the employee has corrected the deficiencies in this performance.

(D) Changes in Anniversary Date. (1) When the pay of an employee is adjusted to a different step in his assigned pay grade, he shall be assigned a new anniversary date, which shall be the first of the month following the date of adjustment, unless that date is the first working day of the month, in which case the first of that month shall be the anniversary date.

(2) When an employee is reinstated, his reinstatement date shall be his date of appointment and the anniversary date determined as prescribed in subsection (A) (1) of this rule.

(3) When an employee is appointed from a reemployment list or returns from educational leave or leave without pay, his anniversary date shall be advanced one month for each twenty days of such leave or absence from work.

(4) An employee whose job performance is unsatisfactory shall not receive an anniversary increase, but shall be placed on probation for ninety days. If at the end of the probationary period the employee's overall job performance is rated satisfactory, the anniversary date shall be adjusted to the first of the month following the end of the probationary period.

Rule 10. Effect of Employee Position Change on Compensation

(A) Transfer at Same Pay Grade. (1) When an employee is transferred to a class at the same pay grade, his grade, step, salary, and anniversary date shall not change, except:

(2) If an employee is transferred to a trainee class, his salary shall be established at the hiring step of the trainee class, and his anniversary date shall not change.

(B) Promotion - Reclassification. (1) When an employee is promoted to, or reclassified in a class which is not more than three pay grades higher, his salary may be adjusted step-for-step upon recommendation of the administrative authority and approval of the State Court Administrator, but only if funds are available. The anniversary date shall not change.

(2) When an employee is promoted to, or reclassified in, a class which is more than three pay grades higher, he shall be limited to a salary increase of fifteen percent, except when placement in step one of the new pay grade still results in more than a fifteen percent increase. The anniversary date shall not change.

(3) When an employee is placed in a class at a higher pay grade as a result of promotion or reclassification and his salary has not been adjusted step-for-step, his anniversary date shall be established as prescribed by subsection (D) (1) of Rule 9.

(C) Demotion. (1) When a certified employee is demoted for non-disciplinary reasons, his pay shall be adjusted step-for-step, and his anniversary date shall not change, except:

(2) If an employee is demoted from a class of work having an in-grade hire, his salary shall be established as though he were originally appointed at the hiring step of the class to which he is demoted, and his anniversary date shall be established accordingly.

(3) If an employee is demoted to a trainee class, his salary shall be established at the hiring step for the trainee class, and his anniversary date shall be established as prescribed by subsection (D) (1) of Rule 9.

(4) When an employee is demoted for disciplinary reasons, his grade shall be that assigned to the position to which he is demoted. The step at which the employee is placed shall be determined by the administrative authority, but he shall not be demoted to a step exceeding his current step, and a new anniversary date shall be established as of the effective date of the demotion.

(D) Probationary Employees. (1) When a probationary employee reverts to the class in which he is certified or to a class at that same level, his pay shall be determined as though he had remained in the class in which he is certified. If he is moved to a class at a higher grade than that in which he is certified, but at a lower grade than that in which he is serving on probation, his pay shall be adjusted step-for-step.

(2) When a probationary employee or trainee is demoted for non-disciplinary reasons or accepts appointment in a lower class, his pay shall be determined as though he were originally appointed in the lower class, and his anniversary date shall be determined according to the date of the action.

Rule 11. Salary Adjustments from Salary Studies

When the pay grade assigned a class is changed because of salary studies, the pay of all employees in the class shall be changed step-for-step to the new grade, and anniversary dates shall not be changed.

Rule 12. Effect of In-Grade Hire Rate

When an in-grade hire rate is established for a class, all employees assigned to a step below the in-grade hire step may be adjusted to that step and assigned a new anniversary date.

Rule 13. Pay Computation for Simultaneous Personnel Actions

(A) Effect of Two or More Actions. (1) When two or more actions affecting pay occur on the same effective date, the new pay grade, step, and rate shall be computed in the following sequence, as applicable:

(2) If the action occurs on the employee's anniversary date, the anniversary increase for the class from which the employee is being promoted, demoted, or transferred shall also apply.

(3) If the employee is promoted or demoted, the step-for-step promotional or demotional increase or decrease shall apply along with the pay grade adjustments effective the same date, but the anniversary date remains unchanged.

(4) If the class to which the employee is being promoted, demoted, or transferred is approved for class in-grade hire, his salary may be adjusted to the in-grade hiring step of the class, if applicable, and a new anniversary date assigned as prescribed by Rule 12.

Rule 14. Pay Computation for Terminating and Deceased Employees

(A) Unused Annual and Holiday Leave. Employees who are terminated, retire, or resign, or survivors of deceased employees shall be compensated for unused annual sick and holiday leave as prescribed in rules 35, 36 and 43.

(B) Holidays During Terminal Period. Employees who retire or resign in good standing, and survivors of deceased employees shall be credited for a day of work for each legal holiday that occurs on a work day during the paid terminal leave period.

(C) Dismissed Employees. Dismissed employees shall not be compensated or credited with holiday leave for holidays occurring on a work day during the terminal leave period.

(D) Temporary Employees. Temporary employees accrue no leave and shall not be paid for any time after their last day of work.

(E) Termination Date. The reported termination date for employees who terminate shall be their last day of work, even though payment for unused leave is made. Payment for unused leave must be reported on the personnel action form reporting the termination.

III. CLASSIFICATION PLAN AND STAFFING PATTERN

Rule 15. Classification Plan Content, Review, and Application

(A) Specifications - Adoption and Content.

(1) The State Court Administrator shall adopt and maintain written specifications for each class in the classification plan, subject to approval by the Supreme Court.

(a) The specifications shall briefly define each class, describe the most typical duties of each class, and summarize standards required for appointment. The duties described in the specifications shall not be construed to restrict the assignment of other duties, subject to the provisions of Rule 17.

(B) Periodic Review.

(1) The State Court Administrator shall make regular periodic reviews of the classification plan and shall prepare for consideration by the Supreme Court specifications for new classes of positions, revised specifications of existing classes, changes in class titles, changes in pay grades of classes, and recommendations for abolishing classes.

(2) The State Court Administrator may also recommend to the Supreme Court other changes in and revisions of the classification plan as changing conditions require.

(3) The State Court Administrator, with the approval of the Chief Justice, may contract to have such periodic reviews performed by persons outside the South Dakota judicial system who are knowledgeable and experienced in public personnel policies and studies.

(4) (a) The State Court Administrator shall submit a report of the proposed changes both to those administrative and appointing authorities who are affected and to the Supreme Court.

(b) The Supreme Court shall not take any action thereon for at least ten days after receiving the report from the State Court Administrator.

(5) Any changes in the classification plan shall be effective the first day of the month following approval by the Supreme Court.

(C) Assignment of Duties. The assignment of duties to a position, whether duties are primary or occasional, temporary or permanent, incidental or essential, shall be the responsibility of the administrative or appointing authority, and the classification plan shall in no way limit or interfere with the administrative or appointing authority's responsibility for the assignment of duties.

(D) Class Title. The assigned class title shall be the official title for every position in the judicial system for personnel transactions and budget administration, but working or statutory titles may be used in day-to-day business of the courts.

Rule 16. Notification of Changes in Duties

Whenever permanent substantial changes are made in the duties and responsibilities assigned a position, the appointing authority, if other than the administrative authority, shall promptly notify the administrative authority, with a copy to the State Court Administrator. Within thirty days, the administrative authority shall notify the State Court Administrator in writing whenever permanent and substantial changes are made in the duties and responsibilities assigned a position. Such notification shall include a written position or job description setting forth the actual primary duties and other essential duties now assigned to the position.

Rule 17. Request for Classification Review

(A) Request by Appointing Authority.

(1) Any appointing authority may request a classification review of any position in his department at any time, if the position has not been reviewed within the previous twelve months. The appointing authority, if other than the administrative authority, shall submit the request first to the administrative authority.

(2) Any such request shall be submitted by the administrative authority to the State Court Administrator on the prescribed personnel form, together with any comments thereon and a written position or job description setting forth the actual primary duties and other essential duties assigned to the position.

(B) Request by Employee.

(1) Any employee may request a classification review of his position at any time, if the position has not been reviewed within the previous twelve months. The request shall be submitted initially to the administrative authority.

(2) Any such request shall be submitted to the State Court Administrator in writing by the administrative authority, who shall forward a current job description with the employee's request and attach any comments thereon.

Rule 18. Classification Appeals

(A) Right of Appeal - Time Limits. (1) When a certified employee objects to a reclassification action, he shall have the right of appeal.

(2) (i) When the classification results from a request for reclassification from either the employee or the administrative authority, an employee shall have thirty days to appeal to the reclassification review board from the time he is notified of such classification by the State Court Administrator.

(ii) When the classification results from a periodic review performed by the State Court Administrator as provided in Rule 15(B), an employee shall have ninety days to appeal to the reclassification review board from the time he is notified of such classification.

(B) Content of Appeal. (1) Appeals shall be made in writing setting forth:

(2) The reasons why the employee believes his classification to be in error:

(3) The classification which he feels is appropriate to his position and the reasons therefore; and

(4) Any further documentation in support of his case the employee feels is relevant.

(C) Appeal Procedure. (1) The appeal should be transmitted by the employee to the administrative authority who shall prepare and attach an evaluation of the appeal and his recommended action thereon.

(2) The administrative authority shall transmit the appeal and accompanying documents to the State Court Administrator who shall have an evaluation and recommendations prepared for the board. The evaluation shall be prepared on the basis of the application of classification standards and budgetary impact of the action.

(3) The reclassification review board may limit its consideration to the material presented by the employee making the appeal and recommendations and supporting documents used as the basis for establishing the classification being appealed. It may request a desk audit or additional information from the employee, the administrative authority, or the State Court Administrator. The board may ask the employee to appear at a hearing.

(4) (i) The reclassification review board shall make its decision within thirty days after receipt of an appeal in writing, unless the employee making the appeal is requested to appear before the board.

(ii) If the employee is asked to appear, the board shall make its decision within thirty days after the hearing.

(5) The decision of the reclassification review board shall be final.

(D) Reclassification Review Board. (1) (i) The reclassification review board shall be appointed by the Chief Justice and shall be constituted as follows:

(ii) For consideration of appeals from employees of trial courts, the board shall have three members - one shall be a trial court judge or a supreme court justice with trial court experience, one shall be a court administrator, and one shall be the State Court Administrator or his designee.

(iii) For consideration of appeals from employees of probation departments, the board shall have three members - one shall be a justice or trial court judge with knowledge of probation department practices and operations, one shall be a chief probation officer, and one shall be the State Court Administrator or his designee.

(iv) For consideration of appeals from employees of the supreme court, the board shall have three members, one shall be a justice, one shall be the clerk of the supreme court, and one shall be the State Court Administrator or his designee.

(v) For consideration of appeals from employees of the State Court Administrator's Office the board shall have three members - one shall be the chief justice or his designee, one shall be a circuit judge and one shall be a court administrator with a demonstrated knowledge and understanding of the function of the State Court Administrator's Office.

(2) When an appeal comes before the board involving an employee from the court or agency of one of the board members, the member shall disqualify himself, and the chief justice or the state court administrator, if so delegated, shall appoint a replacement temporarily to hear the appeal.

Rule 19. Reclassification of Existing Vacant Positions

(A) Review Initiated by State Court Administrator. If an authorized position is vacant more than ninety days, the State Court Administrator may review the duties assigned to the position to determine its proper classification or whether elimination of the position should be recommended to the Supreme Court.

(B) Reassignment of Duties by Administrative Authority.

(1) Upon recommendation of the appointing authority, the administrative authority may reassign duties assigned to a vacant position and request a classification review by the State Court Administrator.

(2) If the State Court Administrator determines after a classification review that the classification of the vacant position should be changed, he shall make such change or reclassification, subject to the approval of the Supreme Court.

(3) The effective date of reclassification of a vacant position shall be the date of approval by the Supreme Court.

(4) No position reclassification shall be approved by the Supreme Court, unless sufficient funds are available in the budget of the administrative authority.

Rule 20. Reallocation of an Existing Filled Position

(A) Basis for Reclassification. A filled position may be reclassified when warranted by a permanent substantial change in the duties and responsibilities of a position.

(B) Procedure for Reclassification.

(1) If the administrative authority requests a reclassification of a filled position, such request shall be accompanied by the notification of changes in duties required by Rule 16.

(2)(a) Upon receipt of the request, the State Court Administrator shall review the position and determine the class and grade to which the position should be assigned.

(b) The State Court Administrator shall submit his decisions to the requesting administrative authority.

(3) No filled position may be reclassified to a class where the resulting grade is higher than the one already assigned to the position, unless there are sufficient funds in the budget of the administrative authority.

(C) Administration.

(1) When a filled position is reclassified, the action shall be administered as though the position were abolished and a new position with a different classification established.

(2) When a filled position is reclassified to a different class at the same grade level, and the incumbent remains in the position, the action shall be administered as though the employee were transferred to a different position, and his pay and status is unchanged. The effective date shall be the date of approval by the State Court Administrator.

Rule 21. Staffing Patterns

(A) Content.

(1) The staffing pattern for each location shall contain the number of authorized positions, the classification grade of each position, position number, the official title, pay range, and such other information as the State Court Administrator may determine. It shall also show the name of the incumbent, unless the position is vacant, in which case the vacancy shall be indicated.

(2)(a) The current fiscal year salary of each incumbent shall be listed on the staffing pattern, as well as the salary he is to receive in the next fiscal year.

(b) If the position is vacant, the salary shown shall be as provided in Rule 7.

(c) Any anticipated change in classification grade or salary resulting from application of the annual wage survey shall not be included in the staffing pattern.

(B) Initial Staffing Pattern.

(1) The initial staffing pattern for each court and judicial agency shall be the one included in the budget approved by the State Court Administrator, and Supreme Court after approval of these rules, and as may be further modified by the Supreme Court to fit the legislative appropriation.

(2) The staffing pattern for each succeeding fiscal year shall remain in effect until the end of the fiscal year, unless amended pursuant to Rules 15,17,18, 19 and 20 as provided in sections (B), (C), and (D) of this rule.

(C) Request for New Positions.

(1) Any request for a new position to be established before the succeeding fiscal year shall be submitted initially by the appointing authority to the administrative authority, if other than the appointing authority.

(2) The administrative authority shall submit such request to the State Court Administrator together with a description of the duties to be assigned, an explanation of why the position is needed, and any other pertinent information or comments.

(3) Upon receipt of a request for a new position, the State Court Administrator shall examine the need for the position, such examination to include such on-the-scene study of the requesting court or agency as he deems appropriate.

(4)(a) Upon completion of this examination, he shall recommend to the chief justice whether the request for the new position should be approved or denied.

(b) The State Court Administrator's recommendation to the Chief Justice shall set forth the proposed salary classification, official title, the availability of funds and the reasons for the recommendation.

(c) The State Court Administrator shall forward a copy of his recommendation to the administrative authority at the same time it is presented to the Chief Justice.

(5) No new position shall be approved during a fiscal year unless sufficient funds are available.

(6) A request for a new position to be established in a succeeding fiscal year may be submitted pursuant to subsections (1) through (5) of this section, or it may be included in the budget request together with the explanation thereof and supporting information.

(D) Periodic Studies.

(1) The State Court Administrator shall conduct periodic studies of the work load, work systems, and personnel for each location.

(2) Upon request of the appropriate administrative authority, he shall make such studies for the Supreme Court.

(3) Upon completion of a study, the State Court Administrator shall submit both to the Chief Justice and the administrative authority his recommendations on work system organization, position addition or elimination, staffing patterns, and personnel.

(4) The administrative authority shall have thirty days to respond to the State Court Administrator.

(5) Recommendations approved by the Chief Justice shall be put into effect as soon as practicable and the staffing pattern amended in accordance therewith.

(E) Annual Staffing Pattern.

(1) The State Court Administrator shall submit to the Chief Justice a staffing pattern for each location by June 1 of each year.

(2) The staffing pattern shall reflect any amendments made during the fiscal year, including classification changes resulting from the annual wage survey and already in effect.

(3) After approval by the Chief Justice, these staffing patterns shall be forwarded to the appropriate administrative authority on or before July 1 of each year.

(4) These staffing patterns shall be the official documents showing the authorized number and kinds of personnel and shall be used in budget preparation.

(F) Unauthorized Staff. No personnel may be hired in excess of the number authorized, in job classes other than authorized, nor in grades other than authorized on the staffing pattern, except as provided in this rule or pursuant to Rules 15, 18, 19, 20 and 21.

IV. APPOINTMENT OF EMPLOYEES

Rule 22. Qualifications of New Employees

(A) Effective Date. On and after the effective date of these rules, no person may be appointed to fill a position in the State Judicial System, except as provided in section (C) of this rule, unless he meets the qualifications set for the position in the Judicial System Personnel Plan.

(B) Determination of Qualifications.

(1) The determination as to whether a person meets the specified qualifications shall be made by the State Court Administrator after review of the person's academic credentials, work experience, examination results if required, and any other pertinent information. The effective date of appointments shall not precede approval by the State Court Administrator.

(2) Written or oral examinations may be required to determine whether the qualifications for a position have been met by an applicant or appointee pursuant to Rule 24.

(C) Exceptions. Lesser or alternative qualifications may be accepted, if the State Court Administrator determines that it is not possible to fill the position at the salary authorized in a reasonable length of time.

(D) Unqualified Applicant. A person shall be deemed not qualified for a position, if the State Court Administrator finds the presence of any of the conditions enumerated in Rule 24(E).

(E) Application to Confidential Employees. The qualifications specified in the Judicial System Personnel Plan shall also apply to the confidential employees of a justice but the determination as to whether a confidential employee has the required qualifications shall be made by the administrative authority by whom he is employed, subject to review by the State Court Administrator.

Rule 23. Appointing Authority

(A) Office of State Court Administrator. The employees of the State Court Administrator's Office shall be appointed by the State Court Administrator, subject to the approval of the Supreme Court.

(B) Supreme Court.

(1) The Clerk of the Supreme Court, and the Supreme Court Librarian shall be appointed by the Supreme Court.

(2) Other employees of the Supreme Court Clerk's office shall be appointed by the Clerk, subject to the approval of the Supreme Court.

(C) Circuit Court.

(1) Court administrators and clerks of the circuit court shall be appointed by the presiding judge of the judicial circuit, subject to the approval of the Chief Justice.

(2) In circuits having a regional court administrator such administrator shall be appointed with the concurrence of the presiding judges in the circuits to be served subject to the approval of the Chief Justice.

(3) In circuits or regions having a court administrator employees of the circuit court shall be appointed by the court administrator after consultation with the Clerk of Court, subject to the approval of the presiding judge of the circuit.

(4) In circuits without a court administrator, employees of the circuit court shall be appointed by the presiding judge.

(D) Magistrate Court.

(1) Law-trained magistrates, lay magistrates and employees of the Magistrate Court shall be appointed by the presiding judge of the circuit.

(2) In circuits with a court administrator employees of the Magistrate Court shall be appointed by the administrator subject to the approval of the presiding judge.

(E) Probation Departments.

(1) Juvenile probation officers of juvenile probation departments of a judicial circuit shall be appointed by the presiding judge.

(2) In those circuits with a chief juvenile probation officer, juvenile probation officers shall be appointed by the chief juvenile probation officer, subject to the approval of the presiding judge.

Rule 24. Examinations and Qualification Reviews

(A) Application of Examinations.

(1) The State Court Administrator may determine which positions in the Judicial System Personnel Plan require written or oral examination to establish eligibility for appointment or promotion.

(2) The State Court Administrator, upon request of an administrative authority, may establish a written or oral examination to determine eligibility for appointment or promotion to a specific position.

(3)(a) In lieu of written or oral examinations, the determination of eligibility for appointment or promotion shall be based solely on an evaluation of education and experience as provided in Rule 22, including references and interviews to determine general fitness.

(b) Interviews shall be conducted by the administrative and appointing authorities, except that the State Court Administrator may also interview prospective appointees upon request of the administrative authority.

(B) Affirmative Action.

(1) Non-discrimination. Applicants shall not be discriminated against on the basis of race, religion, sex, national origin or political affiliation. Applicants or employees capable of performing the duties of a class shall not be discriminated against because of a physical handicap.

(2) Delegation. The State Court Administrator may delegate authority to perform recruitment, examining and referral activities on competitive or promotional examinations.

(3) Announcement of examinations. (a) Announcements shall be distributed to inform interested persons of the opportunity to apply. Announcements shall include such information as the title of the class, grade, the work location of positions covered by the examination, qualifications and standards applicants must meet, primary duties, time limits, and any other pertinent information.

(b) Examination announcements shall be advertised throughout the South Dakota judicial system. They shall be posted in the offices of all state courts and in such other places where eligible persons might reasonably be expected to read them. Circuits shall post examination announcements in places known by and available to employees.

(c) Positive efforts shall be made in all examination and recruitment efforts to advertise employment opportunities in state courts to minority groups and to seek out and employ qualified minority candidates.

(d) When any substantial change is made in an announcement, such changes shall be distributed and posted, and a new time limit shall be set for filing applications.

(4) Extension of Filing Date. Whenever it is found that an insufficient number of applications have been received from qualified persons on any announced examination, the filing date may be extended.

(5) Filing of Applications. (a) All applications for examination shall be made upon forms approved by the State Court Administrator. (b) The applicant's signature on the application shall constitute his certification that, to the best of his knowledge, all information he entered on the application is true.

(c) Applications must be submitted within the time period specified in the announcement.

(d) Late or incomplete applications may be considered if the time schedule permits.

(6) Oral Examinations. When competition in an oral examination is announced as limited to the best qualified applicants, as determined by preliminary screening or testing, admission to the oral examination may be restricted to the top ranking applicants.

(C) Content of Examinations.

(1)(a) The State Court Administrator shall determine the content of written examinations and shall prepare examinations for use as required.

(b) In determining examination content, the State Court Administrator may consult with judges and appropriate court personnel and may establish an advisory committee of judges and appropriate court personnel for this purpose, subject to the approval of the Supreme Court.

(c) The State Court Administrator may prescribe alternate clerical and typing tests and other tests of a similar nature and may authorize that these tests be administered by the administrative authority or his designee.

(2)(a) The State Court Administrator may prepare lists of questions to serve as guides for boards conducting oral examinations.

(b) In preparing lists of questions to serve as guides in oral examinations, the State Court Administrator may consult with judges and appropriate court personnel and may establish an advisory committee for this purpose, subject to the approval of the Supreme Court.

(3)(a) Test materials shall be confidential and shall be so handled by the State Court Administrator, members of his staff, and any other personnel having legitimate access to this material.

(b) Willful or careless disregard of this requirement shall be grounds for dismissal.

(D) Conduct of Examinations.

(1) The State Court Administrator may administer written examinations at such times and such places as he deems appropriate to meet the personnel needs of the state judicial system and to comply with requests from administrative and appointing authorities.

(2) The State Court Administrator shall determine the general qualifications and composition of examining boards in oral examinations, and upon request from an administrative authority, he shall compile a list of appropriate oral examiners after contacting each one to ascertain his willingness to serve.

(3)(a) When an oral examination has been requested for a position, the administrative authority shall select from the list of appropriate oral examiners, a panel of three examiners who shall conduct the oral examinations for all prospective appointees eligible to take the examination pursuant to section (E) of this rule.

(b) To the extent possible, the panel of oral examiners shall be selected from the lists compiled by the State Court Administrator. The administrative authority may appoint a person other than one on the approved list, with the permission of the State Court Administrator, or the administrative authority may request the State Court Administrator to recommend an examiner not on the approved list who meets the required standards for inclusion on the list.

(E) Eligibility for Examinations.

(1) Except as otherwise provided in subsection (4) of this section, a person shall be eligible to take a written or oral examination, if he meets the educational and experience standards for the position, or if alternative or lesser eudcation and experience standards are allowed pursuant to Rule 22(C).

(2) The determination of whether the specified standards are met or whether alternative or lesser standards are to be accepted shall be made by the State Court Administrator pursuant to Rule 22(B).

(3)(a) The State Court Administrator may limit eligibility to take an examination to persons who meet specific age or physical requirements or who will accept appointment in a specific geographic location.

(b) Attainment of age fifty-nine shall be the maximum age for admittance to an entrance or promotional examination, unless waived by the State Court Administrator with the approval of the Supreme Court.

(c) Admittance to a promotional examination may be limited to persons who have been satisfactorily employed in the South Dakota Judicial System or by a particular court for a specified minimum length of time.

(d) Except as may otherwise be required by law or supreme court rule, a person must have attained the age of eighteen years to be eligible for an examination.

(4)(a) A person shall be ineligible to take an examination if the State Court Administrator finds any of the following:

(b) The applicant has a record of conviction for violations which relate to his fitness to perform the required duties or has been convicted of any crime involving moral turpitude;

(c) The applicant has an unsatisfactory employment record;

(d) The applicant has attempted to practice deception or fraud in his application for employment;

(e) The applicant has a recent history of excessive use of alcohol, narcotics, or other drugs which have affected his job performance; or

(f) The applicant has within the past two years, been dismissed from the South Dakota Judicial System or, has resigned while under suspension, or while charges were pending against him.

(F) Rating of Applicants.

(1) Except as provided in subsection (C)(1)(c) of this rule, the State Court Administrator shall be responsible for rating all written examinations and for notifying examiners and the appropriate administrative and appointing authorities of the results.

(2) The State Court Administrator shall establish a minimum passing grade for each written examination.

(3)(a) When a written examination consists of more than one part, the State Court Administrator may:

(b) Establish weights for each part of the examination;

(c) Establish a passing grade for each part of the examination; and

(d) Require that a passing grade be attained on each part of the examination in order to achieve a passing grade for the entire examination.

(4)(a) Each oral examination board shall rank applicants according to qualifications and suitability for the position. If any applicant is considered not qualified or unsuitable, it should be so indicated.

(b) The oral board's evaluations shall be transmitted to the State Court Administrator at the close of the examination and after the board's deliberations thereon.

(c) The State Court Administrator shall notify the appropriate administrative authority of the examination results.

(G) Examination Records.

(1) The State Court Administrator shall maintain examination records which may include examination results, applications and test papers for each examinee, names of oral examiners, summary data on number applying for and passing an examination, and such other information as he deems pertinent.

(2) Applications and test papers of individual examinees may be destroyed ninety days after the test results are transmitted to examinees and the appropriate administrative and appointing authorities.

(H) Discretion of Administrative and Appointing Authorities. Any person who is admitted to and receives a psssing grade on an oral or written examination may be appointed to a vacant position pursuant to Rule 23.

(I) Veterans' Preference.

Veterans' preference shall be granted in accordance with South Dakota state law (SDCL 3-3-1) to all applicants who are eligible for state employment and who request such preference on their applications. In order to receive preference, the veteran must submit a copy of his discharge papers and for disability credit, proof from the United States Veterans' Administration that the disability is at least ten per cent. To the passing score of veteran candidates, ten (10) points shall be added to a disabled veteran and five (5) points to all other veterans.

Rule 25. Employment Eligibility Lists

(A) Establishment of Eligibility Lists. (1)(a) The administrator shall establish and maintain the following employment eligibility lists:

(b) Examination lists, consisting of persons who have applied for and are eligible to take an examination;

(c) Qualification lists, consisting of persons who have received a passing grade on an examination or whose educational and experience credentials have been evaluated and were found to meet the qualifications of the position applied for;

(d) Promotion lists, consisting of judicial system employees who have received a passing rating on an oral or written promotional examination;

(e) Reinstatement lists, consisting of certified employees who were separated in a lay off and who are entitled to priority reinstatement for a period of one year, and

(f) Reemployement lists, consisting of employees who terminated in good standing and who are entitled to reemployment for a period of one year.

(2) Eligibility lists shall show the name of the person, his last known address, the position for which eligible, and the date eligibility was established.

(3) A person may be carried on an eligibility list for two years, unless the period is extended by the state court administrator. Failure to respond to an official communication from the office of the State Court Administrator shall result in removal from an eligibility list.

(B) Use of Eligibility Lists. (1) Employment eligibility lists shall be made available on request to all administrative authorities by the State Court Administrator.

(2) When a vacancy occurs, appointing authorities may appoint a person from an eligibility list without further examination or evaluation of his credentials.

(3) Appointments from an eligibility list shall be reported to the State Court Administrator.

Rule 26. Recruitment and Filling of Positions

(A) Recruitment.

(1) When a vacancy exists or is anticipated, the administrative authority or appointing authority shall notify the state court administrator and may request assistance in recruiting applicants.

(2)(a) The administrative authority or appointing authority may recruit for a position as extensively as it deems advisable, subject to the following:

(b) The vacancy should be publicized locally to the greatest extent possible, including notification of local newspapers and posting of the vacancy notice in a public place in the courthouse and all offices of clerks of court in the judicial circuit.

(c) No recruitment may be made outside the state of South Dakota without approval of the State Court Administrator.

(B) Filling of Positions. The administrative or appointing authority may appoint any qualified person pursuant to Rule 22.

Rule 27. Probationary Period

(A) Probationary Period. A newly-appointed or reappointed employee shall serve a six-month probationary period in the position to which he is appointed or reappointed.

(B) Dismissal or Reduction. (1) Any employee on probationary status may be dismissed at any time for failure to perform his duties properly or any other good and sufficient cause.

(2) Dismissal of a probationary employee shall be final and not subject to review.

(C) Attainment of Certified Status. (1) At the conclusion of the six-month probationary period, if the employee's performance is satisfactory, he shall be certified in the position.

(2) In exceptional cases probationary status may be extended by the State Court Administrator for an additional period of time not to exceed ninety days upon written request and justification from the administrative authority.

(3) On appointment to a class for which satisfactory completion of a training program approved by the State Court Administrator is required, the probationary period shall be for the length of the training program, but not to exceed one year.

V. SUPERVISION, DISCIPLINE, AND TERMINATION OF EMPLOYEES

Rule 28. Supervision of Employees

(A) Responsibility of Administrative Authorities. Administrative authorities shall be directly responsible to the State Court Administrator in accordance with these rules of all personnel within their respective jurisdictions.

(B) Scope of Responsibility.

(1) Appointing authorities, administrators, and supervisors, as the case may be, shall be responsible to the administrative authorities in their respective jurisdictions for:

(2) Administration of these rules and compliance with the policies contained herein;

(3) Adequate observation, orientation, and on-the-job training of employees;

(4) Continuing review and evaluation of employee's job performance;

(5) Adequate job performance by employees and corrective or disciplinary action when required in connection therewith in accordance with these rules; and

(6) Maintaining employee morale and providing a work environment conducive to employee welfare and safety.

Rule 29. Performance Evaluation

(A) Annual Evaluation. Each certified employee shall be rated annually as to his performance on the job. The evaluation shall be made at least sixty days prior to the employee's anniversary date.

(B) Evaluation Report Content.

(1) The annual evaluation report shall indicate whether the employee's performance is superior, satisfactory, or unsatisfactory and shall set forth the reasons therefore.

(2) The report shall include, but not be limited to, an evaluation of job performance strengths and weaknesses and recommendations concerning ways in which the employee might improve performance and develop growth potential.

(C) Evaluation Responsibility.

(1) The evaluation of each certified employee shall be made by his immediate supervisor.

(2) The evaluation report of each certified employee shall be forwarded to the appointing authority, if other than the immediate supervisor.

(3) The appointing authority shall review the report and discuss it with the immediate supervisor, after which it shall be reviewed with the employee, either by the appointing authority or the immediate supervisor, as determined by the appointing authority. The employee shall also be given a copy.

(4) The appointing authority shall forward the report to the administrative authority, if other than the appointing authority, for placement in the employee's file, with a copy sent to the State Court Administrator.

(D) Employee Appeal. If a certified employee disagrees with his evaluation, he may appeal in writing to the State Court Administrator, who shall take such action as deemed appropriate and whose decision is final.

(E) Effect of Evaluation.

(1) Am employee must receive a written rating of satisfactory or superior to receive his annual merit pay increase on his anniversary date.

(2) If the employee's rating is unsatisfactory, he shall be place on probationary status for ninety days.

(3) If, at the end of the probationary period, the mployee's overall job performance is rated as satisfactory, he shall be returned to certified status, with his anniversary date and annual merit increase governed by Rule 9 (D).

Rule 30. Employee Discipline

(A) Corrective Actions.

(1) Corrective actions are taken to correct and improve an employee's job performance and do not affect his current pay, current status, or tenure.

(2) Corrective actions may include written warnings, reprimands, and censures.

(B) Disciplinary Actions.

(1) Disciplinary actions are taken to penalize an employee for an offensive act or poor job performance and affect his current pay, status, or tenure. Disciplinary actions may be administered concurrently with a corrective action.

(2) Disciplinary actions may include suspension, demotion, pay adjustment to a lower step in the assigned pay grade, dismissal as provided in Rule 31, or any other appropriate action affecting the currect pay, status, or tenure of an employee.

(C) Responsibility for Administering Corrective or Disciplinary Actions. The responsibility for initiating and administering corrective or disciplinary actions is vested in the administrative authority after considering recommendations made by the immediate supervisor and the appointing authority, if other than the administrative authority, except that the administrative authority in its discretion may delegate this responsibility.

(D) Causes for Corrective or Disciplinary Actions.

(1) Causes for initiating a corrective or disciplinary action shall include, but are not limited to:

(2) Violation of, or failure to comply with, the State Constitution or Statutes, Supreme Court rules and regulations, or local court rules and regulations;

(3) Failure or refusal to comply with a lawful order or to accept a reasonable and proper assignment from an authorized supervisor;

(4) Documented inefficiency, incompetency, negligence, or brutality in the performance of duties;

(5) Possession or use of alcohol or non-medically prescribed drugs while on duty;

(6) Medical evidence of physical or mental incapacity to perform duties;

(7) Careless, negligent, or improper use of state property, equipment, or funds;

(8) Failure to obtain and maintain a current license or certificate as a condition of employment, if required by law, Supreme Court standards, or these rules;

(9) Conduct grossly unbecoming to a state officer or employee;

(10) Chronic tardiness in reporting to work; or

(11) Taking unauthorized leave.

(E) Corrective or Disciplinary Actions - Procedure.

(1) Prior to initiating a corrective or disciplinary action, the administrative authority or the appointing authority shall meet with the employee to discuss the matter and to give him the opportunity to respond to the charges or present mitigating evidence.

(2) If a corrective action is imposed, the administrative authority shall advise the employee in writing of his error or failure, the corrective actions he should take, and the consequences he may face if he fails to follow corrective instructions, along with notification that a copy will be placed in the employee's personnel file.

(3) If a disciplinary action is imposed, the administrative authority or the appointing authority shall advise the employee in writing of the specific disciplinary action being imposed, why it is being imposed, including specific details of the offense, and

if appropriate, the corrective actions he should take and the consequences he will face for future violations, along with notification that a copy will be placed in the employee's personnel file, and that one also will be forwarded to the State Court Administrator.

(F) Corrective and Disciplinary Actions Limitations.

(1) An employee shall not be corrected or disciplined more than once for a single specific act or violation, but he may be corrected or disciplined for each additional act or violation of the same or similar nature.

(2) Not more than two corrective actions in any consecutive twelve-month period shall be imposed on an employee, and appropriate disciplinary action shall be taken for any further violations or offenses during the same period.

(3) Disciplinary action shall not be taken against an employee unless he has been subject to a corrective action within the previous twelve-month period, unless the offensive act is so flagrant, serious, or repetitive that immediate disciplinary action is essential for the public interest or for the good of the judicial system.

(4) A maximum of two disciplinary actions may be imposed upon an employee in any consecutive twelve-month period without dismissing him. If a third disciplinary action is imposed, the action shall be dismissal pursuant to Rule 31.

(5) Suspension of an employee without pay shall be limited to thirty calendar days, except as provided by section (G) of this section.

(G) Suspension of Employees Under Indictment.

(1) An employee who is charged with a felony or with a misdemeanor involving moral turpitude may be indefinitely suspended, pending outcome of the action including any appeal therein.

(2) If the employee is found guilty, unless later reversed on appeal, he shall not be compensated for the suspension and shall be dismissed.

(3) If he is found not guilty, or if the case is dismissed, he shall be restored to his position and granted full pay and service credit for the period of the suspension.

(H) Charges Filed by Private Citizens.

(1) Any private citizen who believes he has been aggrieved or adversely affected by the actions of a non-judicial employee of the judicial system in the performance of his job may file a complaint against the employee with the State Court Administrator. The charges shall be in writing and include the name of the employee, the name of the court or judicial agency, and the specific details

of the act or acts upon which the charges are based.

(2) The State Court Administrator shall refer the matter to the proper administrative authority for investigation and appropriate action.

(3) When a referral is made, the administrative authority shall notify the State Court Administrator within thirty days of its findings and the action taken.

(I) Right of Review. Any certified employee who is demoted or suspended pursuent to this rule may request review of the action taken as provided in Rules 47 and 48.

Rule 31. Involuntary Termination

(A) Grounds for Dismissal.

(1) A certified employee may be dismissed for any of the reasons enumerated in Rule 30(D), whether or not disciplinary action of a lesser nature was taken prior to the dismissal action.

(2)(a) A certified employee shall be dismissed if:
(b) He is found guilty of any felony or of a misdemeanor involving moral turpiture; or
(c) For a second disciplinary action within twelve months.

(B) Responsibility for Dismissal.

(1) Dismissal of certified employees shall be the responsibility of the administrative authority after consultation with and upon recommendation of the appointing authority, if other than the administrative authority.

(C) Right of Review. Any certified employee who is dismissed pursuant to this rule, may request review of the action taken as provided in Rule 47.

Rule 32. Layoff Procedures

(A) Initiation of Layoff. When permanent positions cannot be continued because of lack of work, lack of funds, or reorganization, the State Court Administrator shall determine the number and classes of positions to be abolished or vacated by lawoff.

(B) Status Groups. (1)(a) For layoff purposes, judicial system employees shall be classified into the following status groups:

(b) Certified employees;
(c) Confidential employees; and
(d) Probationary employees.

(2)(a) Temporary employees shall be terminated prior to initiating layoff procedures and shall not constitute a status group for layoff purposes.

(b) Grant funded employees shall be terminated upon the expiration of their grant and shall not constitute a status group for layoff purposes.

(C) Seniority. Employees shall be laid off in reverse order of length of service within each status group.

(D) Preferred Status of Certified Employees. All probationary employees within the same class shall be terminated prior to laying off any certified employees in that class.

(E) Continuous Service. (1) Continuous service shall include all continuous time served in the judicial system in certified, probationary or temporary status. A regular part-time employee shall have seniority computed on the equivalent amount of full-time service.

(F) Order of Retention Rights. (1) Within his status group, an employee shall have retention rights based on seniority in the following order:

(2) At his work site or place of employment over all other employees with less continuous service in the class from which he is being paid off.

(3) If there are no employees as delineated in subsection 2, then over all other employees with less continuous service in the class from which he is being laid off in the judicial circuit in which he is employed.

(4) If there are no employees in the categories delineated in subsections (2) and (3), then the employee may exercise his demotion rights to a lower class in the same series to which he is certified at his work site or place of employment, under section (G) of this rule.

(5) If there are no persons over whom he can exercise demotion rights, then he may exercise his retention rights based on seniority in the last previous class series to which he served within four years preceding the date of lay off.

(G) Demotion in Lieu of Layoff. (1) Certified employees scheduled to be laid off shall have the right to request a voluntary demotion in lieu of lay off.

(2)(a) In a lower class in the same series in the judicial district in which they are employed, they are entitled to be certified to:

(b) fill vacant positions,
(c) displace probationary employees, or
(d) displace certified employees with less continuous service.

(3) The continuous service of employees being demoted shall include all continuous time in the judicial system, including that time credited at a higher level.

(4) At the discretion of the administrative authority and with the approval of the State Court Administrator, a certified employee due to be laid off may voluntarily be demoted to a position in a lower level "related" class in a different series of classes to fill a vacant position, but he shall not displace an employee.

(5)(a) Certified employees who are laid off may request a transfer or voluntary demotion to another circuit.

(b) Such action must be initiated by the employee and approved by the receiving circuit and the State Court Administrator.

(c) No employee in the receiving circuit shall be laid off or demoted to permit such action.

(H) Notification to Employee. When it is determined that an employee is to be laid off, the administrative authority shall notify the State Court Administrator not less than forty-five days prior to the effective date of the layoff. The State Court Administrator shall notify the employee at least thirty days in advance, advising him of his retention rights consistent with these rules. The notification may be presented and receipted for in person or sent by certified mail to his home address.

(I) Declination by Employees. If an employee declines all rights specified herein, he shall be terminated.

(J) Exercise of Rights By Employee. An employee shall notify the State Court Administrator of his intention to exercise his retention rights within five days after receipt of the registered or certified notification from the state court administrator.

(K) Positions with Special Qualifications. Employees filling positions with bona fide special qualifications shall not be displaced by employees exercising retention rights, unless the employee doing the "bumping" has those same special qualifications.

Rule 33. Voluntary Termination

(A) Resignations.

(1) When an employee resigns, he shall, whenever possible, notify his superior, appointing authority, or administrative authority in writing fifteen working days prior to the effective date.

(2) Failure of an employee without good cause to submit a written resignation may result in the termination being administered as a dismissal.

(3)(a) An employee who resigns, and is not being considered for or undergoing disciplinary action, may be reinstated within a period of one year after termination if a vacancy exists.

(b) If the resignation is due to a change in residence, the employee may apply for a similar position in his new place of residence within one year without loss of his certified status.

(4) The administrative authority or appointing authority may request an exit interview with an employee who resigns.

(B) Withdrawal of Resignation. A certified employee shall have the right to withdraw his resignation before the effective date.

(C) Effect of Resignation While Under Suspension or Disciplinary Action. An employee who resigns while under suspension or while under or awaiting disciplinary action shall forfeit all rights to be granted a review, shall not be eligible for reinstatement, and shall not be eligible for appointment or admittance to an examination.

Rule 34. Outside Activities of Employees

(A) Outside Employment.

(1) Judicial system employment shall be the principal vocation of full-time employees, but an employee may engage in outside employment, subject to the following conditions:

(2) It does not interfere with efficient job performance;

(3) It does not conflict with the interests of the judicial system or the state of South Dakota and;

(4) It is not the type of employment which would reasonably give rise to criticism or suspicion of conflicting interests or duties.

(B) Approval of Outside Employment. No full-time employee may engage in outside employment without approval of the appointing authority, subject to review by the administrative authority and final authority of the State Court Administrator and the Supreme Court.

(C) Political Activity.

(1) Judicial system employees may not hold public office nor office in a political party, nor may they take an active part in the campaign or management of any political party or candidate for public office, nor shall they contribute service or money to a political party or candidate.

(2) Leave without pay to engage in partisan political activity or to serve in an elected office shall not be granted, except that any employee holding an elected office on the effective date of these rules may complete the term for which he was elected and may be granted leave without pay therefore.

VI. LEAVE, HOLIDAYS, RETIREMENT, AND OVERTIME

Rule 35. Annual Leave

(A) Annual Leave Accrual.

(1) Permanent full-time employees shall earn and accrue leave as follows:

Years of Service	Days Earned Per Month	Maximum Accrual
First Year	1	12
Second - Tenth Years	1 1/4	30
Eleventh - Fifteenth Years	1 1/2	36
Sixteenth Year and Over	1 3/4	42

(2) Permanent part-time employees shall earn and accrue annual leave on a prorated basis.

(3) Each year of consecutive service in the Supreme Court, trial court, or related court agency shall be counted in determining years of service for the accrual of annual leave.

(4) A year shall be considered completed on the first day of the month following actual completion of twelve months of service, except that if twelve months of service is completed on the first working day of the month, that day shall be the completion date.

(5) Employees eligible for annual leave must work or be on paid leave for all scheduled working days in a month to earn annual leave for the month.

(6) Employees shall earn and accrue annual leave from their date of initial employment; however, they shall not be granted annual leave nor compensation for accrued annual leave until they have completed six full months of service, except for employees granted military leave.

(7) Employees who are reinstated shall earn and accrue leave as though their date of reinstatement is the date of initial employment.

(8) Employees shall not earn annual leave during a period of leave without pay.

(9) An employee may accrue annual leave above the maximum permitted under subsection (1) of this section, but such additional annual leave must be taken in the calendar year in which it is accrued, or the employee will lose credit therefore. Each January 1, the accrued annual leave of each employee shall be adjusted, so that no employee begins a calendar year with more annual leave credited to his account than the maximum accrual permitted under subsection (1) of this section.

(B) Granting of Annual Leave.

(1) An employee may take annual leave only when authorized by the appropriate administrative authority, except that the authority to approve annual leave may be delegated by the administrative authority.

(2) An employee who takes annual leave without authorization shall be subject to suspension without pay for a period equal to twice the amount of authorized leave. In addition, he shall not be paid for such unauthorized leave. Repeated violations or unauthorized leave of five days or more shall subject the employee to dismissal.

(C) Other Limitations and Conditions.

(1) Employees shall earn annual leave during periods of leave with pay, except that leave shall be credited only when they return to work, and leave earned during such periods shall be forfeited if they fail to return to work.

(2) Forfeiture of accrued annual leave as a disciplinary action shall not be authorized, except as provided in section (D) of this rule.

(3) No employee shall lose accrued annual leave when promoted, demoted, or transferred.

(D) Transfer of Annual Leave.

(1) The amount of accumulated annual leave due an employee shall be verified by the employee and certified by the administrative authority or appointing authority.

(2) Intentional falsification of the amount of accrued leave by an employee shall subject him to forfeiture of all accrued annual leave.

(E) Compensation for Accrued Annual Leave.

(1) Upon termination, for whatever reason, or retirement, an employee shall be compensated for unused accrued annual leave. The maximum amount of unused accrued annual leave for which an employee shall be compensated shall be based on length of service as specified in subsection (A)(1) of this rule.

(2) Upon death of an employee, compensation for unused accrued annual leave shall be paid to the surviving spouse. If there is no surviving spouse, the payment shall be divided equally between the surviving parents. If there are no such survivors, the payment shall be to the estate of the deceased.

Rule 36. Sick Leave

(A) Sick Leave Accrual.

(1) Employees shall earn and accrue sick leave with pay at the rate of one and one-fourth days per month.

(2)(a) Court employees may transfer from the state or county system and be credited with previously accumulated sick leave not to exceed the recognized limit. Previously accumulated annual leave in excess of forty-five days may be transferred and credited as sick leave, except that the total number of days so transferred and credited shall not exceed the recognized limit.

(b) Employees shall verify the amount of accrued sick leave to be transferred in the same way as for accrued annual leave and shall be subject to the same penalty for intentional falsification.

(B) Transfer of Sick Leave.

The amount of accumulated sick leave due an employee shall be verified by the employee and certified by the administrative authority or appointing authority. Intentional falsifications of the amount of accrued sick leave by an employee shall subject him to forfeiture of all accrued sick leave.

(C) Other Limitations and Conditions.

(1) An employee must work or be on paid leave for all scheduled working days in a month to earn sick leave for that month.

(2) An employee shall not earn sick leave during periods of leave without pay.

(3) An employee shall not lose accrued sick leave when promoted, demoted, or transferred.

(4) Forfeiture of sick leave as a disciplinary action shall not be authorized.

(5) An employee shall earn and accrue sick leave from the date of initial employment as provided in subsection (1) of this section, but shall not be granted sick leave until completion of one full month of service.

(6) Sick leave shall be used only for a bona file illness or injury, or for medical or psychiatric examination or treatment.

(D) Exhaustion of Sick Leave.

(1) When an employee has used all of his accrued sick leave and accrued annual leave and is unable to return to work because of illness or injury, he may be granted sick leave without pay for a period not to exceed one year in the discretion of the administrative authority, subject to the approval of the Chief Justice.

(E) Certificate of Continuing Illness. An employee on sick leave in excess of one week, either paid or unpaid, may be required by the administrative authority to provide a certificate from a physician verifying the continued illness or injury. If the requested certificate is not provided, sick leave shall be terminated and the employee ordered to return to work by a specific date or be subject to dismissal.

(F) Compensation for Accrued Sick Leave.

(1) Upon termination, for whatever reason, or retirement, an employee shall be compensated for one-fourth of his accrued unused sick leave, except that such compensation shall not exceed a maximum of forty-five days.

(2) The employee's position shall be left vacant during the period of such payment, unless funds for this purpose have been appropriated or are available.

Rule 37. Maternity Leave

(A) Granting of Maternity Leave. When a pregnant employee's physical condition is such that her continued employment may be injurious to her or not in the best interest of the court or agency by which she is employed, she may be granted maternity leave without pay. Sick leave shall be exhausted first and then annual leave shall be used before naternity leave is granted, and the total of sick, annual and naternity leave shall not exceed six months.

(B) Medical Certification. After completion of maternity leave, the employee may be required to present medical certification of fitness to resume employment.

Rule 38. Injury Leave

(A) Granting of Injury Leave.

(1) An employee who is injured or who contacts a compensable illness in the line of duty may be granted injury leave with pay, if the illness or injury is determined to be compensable under workmen's compensation.

(2) Injury leave with pay shall be granted for a period not to exceed ninety days, if the employee assigns in writing his temporary compensation payments for this period to the judicial system.

(B) Other Limitations and Conditions.

(1) If an employee is unable to return to work after ninety days of injury leave, he shall be placed on sick leave with pay. Upon exhausting his sick leave, he shall be placed on annual leave.

(2) If temporary compensation payments are continued to the judicial system during the period the employee is on sick leave or annual leave with pay, the amount of sick leave or annual leave charged against the employee shall be prorated according to the proportion the compensation payments bear to the full salary of the employee while he is on sick leave or annual leave with pay.

(3) When the employee is unable to return to work after using all of his accrued sick leave and annual leave, the appointing authority may place the employee on sick leave without pay for a period not to exceed one year, if it appears that the employee will be able to return to full-time employment at the conclusion of this period.

(4) When sick leave without pay is granted to an employee because of an injury or compensable illness in the line of duty, any temporary compensation payments shall accrue to the employee rather than the judicial system.

Rule 39. Funeral Leave

(A) Granting of Funeral Leave.

(1) In the discretion of the appointing authority, an employee may be granted a maximum of five days of funeral leave with pay to attend the funeral of an immediate member of his family or his spouse's family. Immediate members of the family include: a wife, husband, child (including adopted), parent, child-in-law, grandchild, grandparent, brother, sister, nephew, or niece.

(2) The amount of funeral leave to be granted shall be determined according to the distance to be traveled and the mode of transportation.

(B) Limitations. Funeral leave shall not be granted for settlement of estates nor any other reason except the required time to travel to, attend, and return from a funeral. Any leave taken in excess of that required to attend the funeral shall be charged as annual leave or leave without pay, as appropriate.

Rule 40. Educational Leave

(A) Policy. Employees are encouraged and shall be afforded the opportunity to continue their education outside normal working house.

(B) Granting of Educational Leave. When recommended by the administrative authority and approved by the State Court Administrator and the Chief Justice, an employee may be granted educational leave with full or partial pay for a period not to exceed one year. The educational course shall be directly related to court employment or court administration and enable him to perform his duties more efficiently and effectively.

(C) Limitations and Conditions.

(1) Upon completion of educational leave, an employee shall be required to return to employment in the judicial system for a period at least equal to the time granted for educational leave, and the employee shall sign an agreement to this effect prior to being granted educational leave.

(2) An employee on educational leave with pay shall not be credited with service toward annual merit salary increases.

(3) An employee on educational leave with pay shall earn annual leave and sick leave, which leave shall not be credited to him until he returns to work.

Rule 41. Leave Without Pay

(A) Granting of Leave Without Pay.

(1) When recommended by the administrative authority and approved by the State Court Administrator and the Chief Justice, an employee may be granted leave without pay for justifiable personal reasons for a period not to exceed twelve months, which may be extended by the Chief Justice for an additional six months.

(B) Other Conditions and Limitations.

(1) Leave without pay shall not be granted until all accrued annual leave has been exhausted.

(2) No type of leave shall be earned during periods of leave without pay, and periods of leave without pay shall not be credited as service for annual merit salary increases, increased earning of annual leave, or any other benefits.

Rule 42. Military Leave

(A) Granting of Military Leave.

(1) Upon presenting proper military orders, an employee who is a member of the National Guard, Army, Navy, Coast Guard, Marine Corps, or Air Force Reserve shall be granted a maximum of six months to attend military training. Of this amount of time, a maximum of fiteen calendar days in any calendar year shall be military training leave with pay and shall not be charged as any part of annual or compensatory leave.

(2) Military training leave shall commence the first working day the employee is on military leave from his job and terminate on the last calendar day he is in a military training status, as evidenced by a copy of the military orders covering the leave period.

(B) Military Leave Without Pay.

(1) Any employee who enters active military service of the United States shall be granted military leave without pay for the duration and one year after the expiration of such active service.

(2) An employee who fails to return at the end of this period shall be deemed to have resigned.

(C) Other Conditions and Limitations.

(1) An employee who is discharged prior to duration of the war, national emergency, or period of contractual service shall be granted one year from date of discharge in which to return to state service before being deemed to have resigned.

(2) Employees granted wartime military leave shall be entitled to all rights and benefits granted such employees by State Statutes.

(3) All accrued leave shall be paid an employee granted military leave before he is placed on leave without pay, regardless of his length of service.

(D) Peacetime Military Leave.

(1) Any employee who enlists, is inducted, or is appointed into the military services of the United States for his initial period of obligated military service shall be granted peacetime military leave for the period of initial contractual or obligated service or until discharged, whichever occurs first, and for one year thereafter.

(2) An employee who fails to return at the end of this period or who voluntarily extends his military service beyond that obligated or originally contracted shall be deemed to have resigned.

Rule 43. Holidays

(A) Holiday Designation.

(1) The following days are designated as legal holidays and shall apply to judicial system employees:

The first day of January, commonly known as New Year's Day.

The third Monday in February, the anniversary of the birthdays of Lincoln and Washington.

The last Monday in May, commonly known as Memorial Day.

The fourth of July, commonly known as Independence Day.

The first Monday in September, commonly known as Labor Day.

The second Monday in October, commonly known as Pioneers' Day.

November 11th, commonly known as Veterans' Day.

The fourth Thursday in November, commonly known as Thanksgiving Day.

The twenty-fifth day of December, commonly known as Christmas Day.

(2) Additional Legal holidays when designated by the President of the United States, the Governor or the Chief Justice shall also be recognized for judicial system employees upon order of the Chief Justice.

(3) A special day of observance declared by the President of the United States or by the Governor shall not be considered a legal holiday, unless the declaration so states and it is extended to the judicial system by order of the Chief Justice.

(B) Work or Paid Leave on Holiday.

(1) Any permanent full-time or part-time employee who is required to work on a legal holiday shall be granted a compensatory day of leave at a time determined by the administrative or appointing authority.

(2) Upon retirement or termination, an employee shall be compensated for accrued compensatory holiday leave in the same manner as for accrued annual leave.

(3) Any employee who is on paid leave on a legal holiday falling on a working day shall be granted an additional day of leave.

(C) Other Conditions and Limitations.

(1) To be granted holiday leave, an employee must work the last working day before or the first working day after the holiday.

(2) A new employee or an employee returning from leave without pay in a month with a legal holiday on the first regularly scheduled work day of the month shall be granted holiday leave for the day if he works or is on paid leave on all other scheduled work days in the month.

(3) A terminating employee and an employee taking leave without pay in a month including a holiday on the last scheduled work day of the month shall be granted holiday leave for the day if he works or is on paid leave on all other scheduled work days in the month.

Rule 44. Retirement

(A) Initial Retirement Age -- Extension.

(1) All employees are required to retire upon reaching age sixty-five, unless their employment is extended.

(2)(a) Initial extension of employment may be for a period not beyond the employee's sixty-eighth birthday.

(b) A second, and final, extension may be granted not to exceed two years, with mandatory retirement at age seventy.

(3) Extension of employment shall be at the option of the appointing authority with approval of the administrative authority and final approval by the Chief Justice.

(B) Exceptions.

(1) Employees over the age of sixty-five who have five years of continuous employment in the judicial system prior to January 7, 1975, and who are not eligible for a deferred annuity under a Retirement Plan are not subject to these retirement provi-

sions until their eligibility has been established for five years' prior service credit under the South Dakota Retirement System.

(2) Employees who are seventy years old on January 7, 1975, or who attain the age of seventy prior to that date. shall not be required to retire for one additional year, and may be employed longer if necessary to comply with subsection (1) of this section.

Rule 45. Hourse of Work and Overtime

(A) Hours of Work. The normal work week for full-time employees shall be thirty-seven and one-half hours, but a normal work week of forty hours may be established for good and sufficient reason upon request of an administrative authority and approval by the State Court Administrator.

(B) Overtime.

(1) Employees shall be paid overtime at a rate of time and one half their regular rate for all hours worked in excess of 40. Compensatory time off at the rate of time and one half, for all hours worked in excess of 40 may be given upon approval of the State Court Administrator provided such time is taken off during the week following performance of the overtime work.

(2) Executive, administrative and professional employees are not eligible for cash payments for overtime worked however, they may be granted compensatory time, at the discretion of the appointing authority and with the approval of the administrative authority, at the rate of one and one half hours for each hour of work in excess of forty hours in any one work week. Compensatory time, if granted, shall be taken at a time mutually acceptable to the employee and the administrative authority.

(3) Overtime should be limited insofar as possible by administrative authorities and appointing authorities.

(4) Maximum accruable compensatory time shall be eighty hours.

(5) An employee may accrue compensatory hours above the maximum permitted under subsection (4) of this rule, but such additional compensatory hours must be taken in the calendar year in which it is accrued. Any additional unused leave shall be lost. Each January 1, the accrued compensatory hours of each employee shall be adjusted, so that no employee begins a calendar year with more compensatory hours credited to his account than the maximum accrual permitted.

Rule 46. Grievances

(a) Right to File. (1) Except as otherwise provided in subsection (3) of this section any employee who is aggrieved by any action relating to his working conditions, court policies, or rules and regulations, which action is not appealable under other provisions of these rules, and which cannot be resolved through informal discussions with his immediate supervisor, may file a grievance.

(2) This rule shall apply only to actions occuring subsequent to its effective date.

(3) (a) Employees in the judicial system who do not have the right to grievance procedures are:

(b) regional or trial court administrators;

(c) chief probation officers;

(d) confidential employees;

(e) employees of the state court administrator's office in grade 20 and above;

(f) clerk of the supreme court;

(g) probationary employees.

(b) Matters Subject to Grievance Procedure. Grievances shall include, but are not limited to, such matters as employee--supervisor relationships, duty assignments not affecting job classification, shift and job location assignments, hours worked, working facilities and conditions, policies for granting leave, and similiar matters. Only the grievance presented originally shall be considered on appeal, and a copy shall be filed with the State Court Administrator.

(c) Procedural Requirements. Any employee may be represented in a grievance procedure by a party of his choosing. Failure of the employee to proceed as prescribed shall terminate the grievance procedure.

(d) Procedures. (1) If a grievance is filed, it shall be processed in the following manner:

(2) First an employee shall discuss his grievance with his immediate supervisor and shall also request redress of the grievance.

(3) If redress is not granted by the immediate supervisor, or if the grievance is a complaint against actions of the immediate supervisor, the employee may appeal in writing to the presiding judge of the circuit where he is employed.

(4) The presiding judge may resolve the appeal informally. appoint a board of three circuit employees or a disinterested examiner and render a decision on the appeal within thirty days from the date of filing. Decisions shall in all cases be made in writing to the employee.

(5) The employee may appeal to the State Court Administrator acting for the chief justice, from the decision of a presiding judge. The appeal to the State Court Administrator must be filed within fifteen days of the date of the chief judge's decision.

(6) (i) The State Court Administrator shall

convene a three member grievance review board to hear the appeal and shall render a decision on the recommendations within thirty days from the date of filing. Decisions of the board shall be final.

(ii) Members of the grievance review board shall include a circuit judge, a court administrator and the State Court Administrator or his designee.

(7) An aggrieved employee shall have the right to appear in person or be represented by a partyof his own choosing in all hearings convened by any appropriate hearing examiner or board regarding the appeal.

VII. REVIEW PROCEDURES

Rule 47. Board of Review

(A) Board Established.

(1) There is hereby established the Judicial System Personnel Board of Review which shall be composed of three members appointed by the Chief Justice. Except for the initial appointments, terms on the Board shall be one year.

(2) (a) One member shall be a Supreme Court Justice who shall serve as Chairman.

(b) One member shall be a circuit judge other than a Presiding Judge.

(c) One member shall be a law trained magistrate.

(B) Vacancies. Vacancies on the Board of Review shall be filled by the Chief Justice for the unexpired term.

(C) Disqualification. When a matter comes before the Board involving an employee from the court of one of the Board members, he shall disqualify himself, and the Chief Justice shall appoint another judge temporarily to hear the matter in his place.

(D) Jurisdiction.

(1) The Board of Review shall have jurisdiction over employee requests for review concerning discharge, demotion, or involuntary resignation as provided in Rules 30 and 31.

(2) All decisions of the Board of Review shall be final and binding on all parties.

(E) Hearing Examiner. The Board shall appoint one or more Hearing Examiners, who shall be attorneys licensed to practice in South Dakota for at least five years, to conduct hearings in review cases that the Board determines should be heard. A Hearing Examiner may be appointed for a two-year term, to handle such cases as the Board may refer to him during his term. He shall be compensated on the basis of the actual time spent of Board matters at a rate to be established by the Board, in addition to reimbursement for actual expenses incurred. A Hearing Examiner and any Board member shall have the power to administer oaths and to issue subpoenas duces tecum for hearings conducted under these rules.

Rule 48. Review Procedure

(A) Limitation on Review. Requests on review shall be limited specifically to the circumstances described in section (B) of this rule.

(B) Grounds for Review. Any certified employee may file a complaint requesting review by the Board of Review of any action demoting, suspending (except pursuant to Rule 30(G), or discharging the employee, or requesting the employee's resignation, on the grounds that such action was without good and justifiable cause. Such complaint must be filed within fifteen working days from the effective date of the action complained of.

(C) Procedure.

(1) The employee seeking review shall file with the Board Chairman a written complaint, requesting review and stating all facts the employee deems necessary to show why the action complained of was improper and should be modified or reversed. The employee shall transmit a complete copy of his complaint to the administrative authority whose action is the subject of the complaint and to the State Court Administrator.

(2) The administrative authority whose action is the subject of the complaint shall file an answer to the employee's complaint with the Board Chairman within ten days following receipt of the complaint, responding to the allegations of the complaint and stating the reasons for taking the action.

(3) The employee shall be entitled to counsel of his own choosing at his own expense. The administrative authority whose action is complained of shall be represented by the staff legal advisor of the judicial system.

(4)(a) One member of the Board, selected by rotation of the Board members, shall consider the complaint and answer and, based thereon, shall recommend to the Board either that the allegations of the complaint and answer justify a hearing or that the matter should be ruled upon by the Board without a hearing. The Board shall thereupon decide whether or not to hold a hearing.

(b) If the Board determines not to hold a hearing, it shall so notify the parties, stating the matters considered and reasons for denying the hearing. The Board shall then decide the matter of the employee's complaint upon the documents submitted by the parties, without a hearing, and shall dismiss the complaint or order such remedial action as the Board deems appropriate in the circumstances, including, but not limited

to, reinstatement of the employee to his former status. The Board shall notify the employee and the person or administrative authority whose action is the subject of the complaint of the Board's decision. The decision is final.

(c) If the Board determines to hold a hearing, the Board shall so notify the parties, the Hearing Examiner, and all other interested and concerned parties. The Hearing Examiner shall set a convenient date and place for the hearing, to be held within thirty days after notification by the Board. Hearings shall be open to the public unless a closed hearing is requested by the employee or ordered by the Hearing Examiner and shall be recorded verbatim either stenographically or electronically. Hearings shall be conducted in accordance with the provisions and procedures prescribed by law, and the Hearing Examiners shall have the power therein granted, except where such provisions are in conflict with the provisions of these rules, these rules shall control. The Hearing Examiner shall conduct the hearing and shall afford the parties opportunity to introduce evidence, including testimony and statements of the complaining employee, his representative, the person whose action is complained of, the administrative authority, their representatives, and other witnesses, and to cross-examine witnesses. The testimony shall be under oath or affirmation. Rules of evidence shall not be applied strictly, but the Hearing Examiner shall exclude irrelevant or unduly repetitious evidence. The burden of initially going forward to show jurisdiction and the factual basis for the review requested shall be upon the complaining employee. If the Hearing Examiner is satisfied that the employee has net this burden, after hearing the employee's evidence, he shall so rule, and the burden of going forward shall then shift to the administrative authority whose action is complained of to show that such action was based upon good or justifiable cause.

(d) Upon hearing the evidence and statements of the parties, and after such deliberation as necessary, the Hearing Examiner shall make findings and a recommended decision on the issues of whether or not the action of the administrative authority complained of was without good or justifiable cause, and what, if any, remedial action should be ordered, or whether the complaint should be dismissed. The decision of the Hearing Examiner shall be based upon the greater weight of the evidence.

(e) The Hearing Examiner shall issue a written decision and send copies thereof to the parties and their representatives and to the Board. The decision shall contain findings, recommendations for any corrective action required, and notification of the right of either party to appeal to the Board. The decision shall include an analysis of the findings and a statement of the reasons for the conclusions reached. Unless an appeal is filed as provided in paragraph (5) of this section, the decision shall become the decision of the Board and shall be carried into effect within twenty calendar days after receipt by the parties. If an appeal is filed, the decision may not be given effect until the Board has adjudicated the appeal.

(5)(a) Either party is entitled to appeal the decision of the Hearing Examiner to the full Board, in care of the Supreme Court Justice then Board Chairman. An appeal to the Board shall be in writing, setting forth the reasons for the appeal, and be filed with the Board with a transcript within fifteen calendar days after the receipt of the decision of the Hearing Examiner. The Board may extend this time limit when a party shows that circumstances beyond his control prevent the filing of the appeal within the time limit.

(b) The Board shall review the record of the proceedings, all relevant written representations, and the decision of the Hearing Examiner. The record of proceedings may include such portions of the transcript of the hearing as may be necessary to consider the exceptions. Such transcript shall be furnished by the party appealing. The Board may, in its discretion, afford the parties the opportunity to appear and present oral arguments and representations.

(c) The Board shall issue a written decision, which may consist of an affirmation without comment of the decision of the Hearing Examiner, and shall send copies thereof to the parties and their representatives. The decision of the Board is final, and there is no further right of appeal. When remedial action is ordered, the administrative authority shall report promptly to the Board that the remedial action has been effected.

Subject to the superintending authority of the Supreme Court, the above rules and regulations have been adopted this _____ day of _____, 1974.

_____
Chief Justice, South Dakota Supreme Court

_____
State Court Administrator

SECTION III

WORKLOAD, STAFFING LEVELS AND RECOMMENDED ORGANIZATION

CIRCUIT COURT CASELOAD

The case terminations per full time equivalent employee shown on Tables I, II and III indicate the caseloads and staffing for two calendar years. Compiled statistics for calendar years 1972 and 1973 were used as a basis for the tabulation. The statistics were used in the interest of saving time in data collection, however, they do indicate that there is much disparity on how cases are "counted." They should be relied upon only for broad based predications rather than specific indications of caseload activity in a particular location. Hopefully, the design and implementation of a uniform computerized case reporting system will eliminate much of the guesswork in determining comparability of caseloads.

Full time equivalent positions (FTE) are used throughout the statistical analysis of court workloads in order to better indicate the actual staffing levels involved in case processing. Full time means an employee works the normal period for 1 year, whether employed on a monthly, daily or hourly basis. This is also the definition of a full time employee. Equivalent means that portion of employee time related to full time. Thus, full time equivalent positions, when calculated, show fewer positions than the actual number of employees involved.

Full time equivalent (FTE) employee figures were taken from the position classification questionnaires which were submitted by all employees as part of the personnel survey. Current figures were used for the two year period because data on staffing for previous years was unavailable.

The statistics indicate that in 1972, there were 33,003 case terminations in the circuit courts. In 1973, 34,883 cases were terminated, an increase of 5%. The circuits showing the largest caseload increase for the two-year period are the eighth circuit, 19%; the fourth circuit, 16%; the first circuit, 10%; and the third circuit, 9%.

The number of FTE clerical employees required statewide to terminate the 33,003 cases for 1972 and 34,883 for 1973 was 146.671. This figure includes only court clerical personnel both full and part time.

The case terminations per FTE in circuit courts statewide, were 225 in 1972 and 238 in 1973. The standard of between 225-238 case terminations per FTE can be used to estimate staffing needs based upon prolonged increases or decreases in caseload. For example, if terminations increased by 230 cases in a particular location, it could be assumed that an additional 1.000 FTE might be required to process that caseload.

This standard should only be used as an overall indicator for predicting staffing needs. Obviously, work systems and processes for handling cases vary from location to location and would influence staffing levels. A complete desk audit of operations should be done in a particular location before any changes are made based upon 225-238 case termination standard.

Many court locations, as can be seen on Table I, are below the statewide standard of 225-238 case terminations per FTE. It is recommended that, where locations are substantially below the standard, consideration be given to an in-depth analysis of the caseloads in order to determine whether there is a possibility of combining court clerk's offices or staffing such offices with part time personnel at the .250 or .500 FTE Level. Where terminations per FTE are above 225-238 consideration should be given to adding additional personnel, if required.

LAW TRAINED MAGISTRATE COURTS (Formerly Municipal)

Table V shows total case terminations for 1972 and 1973 in the law trained magistrate courts. Overall case terminations decreased by 3% in these courts.

A total of 29,220 cases were terminated in 1972 and 28,453 cases in 1973. The number of FTE Employees involved in handling these cases is 16.500.

In the law trained magistrate court case terminations per FTE are quite high in comparison to the circuit courts. For example, the circuit court for Pennington County shows case terminations per FTE in the 300 range while the magistrate court in Rapid City Shows case terminations per FTE in the 1500 range. This variance is due to the high volume traffic case activity in the magistrate court.

There is a substantial disparity in the number of court personnel required to process somewhat similiar caseloads in the Sioux Falls and Rapid City law trained magistrate courts. It is recommended that a comprehensive management analysis be done on the work flow and work processes specially in the area of bookkeeping in all three of the law trained magistrate courts to determine the reasons for the disparities in staffing and processing of the respective caseload.

JUVENILE PROBATION

This area of court operations is probably the weakest in terms of programming, staffing, statistical reporting and overall supervision. Table VI indicates to a certain extent the level of activity in the juvenile probation area.

The data in this table was gathered by means of a questionnaire to all juvenile probation officers and while responses were received from most of the officers, the data or lack of it indicated that much must be done to standardize the keeping of probation statistics and reporting of same to the State Court Administrator's Office.

The reported statistics were sketchy and inconsistent, however, some interpretations were made in order establish basic indicators of juvenile probation workload.

A total of 36 juvenile probation officers have been identified in the South Dakota Court System. These officers had a total caseload of 1798 probationers statewide from July 1, 1973 to June 30, 1974; for an average caseload of 49.94 cases per officer.

Pre-sentence or predisposition investigations totaled 2350 for the same period and 2950 total investigations were completed.

We would strongly urge that the following steps be taken to insure that this important area of court activity deliver the type and quality of services desirable in a unified court system.

1) Uniform probation caseload statistics should be reported each month to the State Court Administrator on standardized reporting forms.

2) A program evaluation should be made by the State Court Administrator or his designee, of the entire juvenile probation effort.

3) The probation program should be coordinated by one specific employee in the Statt Court Administrator's Office.

4) Cheif Probation Officers should be designated to supervise, administer, coordinate and participate in the juvenile probation programs in each of the circuits, and adequate staffing of offices should be achieved once definitive caseload statistics have been developed.

5) The geographic placement of juvenile probation officers should be evaluated based upon court and community needs, travel time, availability of staff and available resources. The use of part time personnel in lieu of full time officers in each locality to be served should be considered in terms of the travel time involved when full time officers are used.

6) Training programs for juvenile probation officers should be set up and coordinated either through a juvenile probation coordinator or the personnel and training officer.

7) The use of volunteer juvenile probation officers which may be appointed under Section 5, Ch. 177, SL 1974 should be coordinated by the State Court Administrator's Office, especially with regard to standards of selection and orientation.

8) In the 2nd circuit (Sioux Falls) and in the 7th circuit (Rapid City) the juvenile probation and detention functions are organizationally intertwined both at the operating and supervisory level. An attempt has been made, as part of the classification and pay survey, to separate the positions applicable to each function. Only the probation positions have been classified since there is some question as to the desirability of including the juvenile

detention function within the unified court system. If it is formally decided that this function is to be excluded because of its custodial nature, the Supreme Court should insure that control is retained over the intake of juveniles and that input is had into the programming of such centers and length of stay for juvenile offenders.

MAGISTRATE CASELOAD

Because of the changes in organization and operation of magistrate courts, no attempt was made to gather data on the caseload of these courts. The fact that some clerks of court will be appointed as magistrates plus the fact that all magistrates are to be appointed by the presiding circuit judge in each judicial circuit based upon predicted need, makes it necessary to rely heavily on the presiding judge's evaluation of the magistrate workload in his circuit.

Two prior studies, however, have given some indication of magistrate workload.

One such study[1] done in 1969 reported that:

> Case loads range widely, as in other states, according to the survey. Of the 198 justices responding on this question, 72 or 36% reported having no cases at all; at the other end of the scale, four very active magistrates reported case loads in excess of 350 for the year. Fewer than 30 cases were handled by 44 justices, while another 40 reported having handled over 100 cases during the year. Of this group, nine had a case load in the 150-199 range and four had a case load falling in the 250-299 range. Of the four handling over 350 cases during the year, two reported the rather remarkable totals of 534 and 897 cases.

Number of Cases Reported For 1969 by Township and County Justices of the Peace and Police Magistrates[2]

	Number Responding	Total Cases Reported	Average Per Justice
Township Justices	67	79	1.2
County Justices	52	5264	101.2
Police Magistrates	63	5072	80.5
Not Identified	16	595	37.2
TOTALS	198	11,010	

1. Justices of the Peace and Police Magistrates in South Dakota T.C. Geary, Professor of Government, University of S.D. 1971, pgs. 18-19

2. Ibid.

A related study of South Dakota traffic courts indicated that out of 151 responses of justices of the peace or police magistrates:

> Five-sixths of the justices (referring to both justices of the peace and police magistrates) reported handling less than 100 cases per year. One justice repoted handling more than 500 cases.[3]

It would appear then, that the workload of the lay magistrate would be somewhat light, with less than full time staffing being required where such magistrates are used. It is apparent, however, that staffing should start out at minimum levels for the majority of the locations; possibly at the .125 FTE (one-eighth time) and be increased disposing of cases.

STATE COURT ADMINISTRATOR'S OFFICE

With the implementation of the new unified court system on January 7, 1975, the workload of the State Court Administrator's Office will increase substantially. We are making the following recommendations with regard to staffing levels and changes in organization in anticipation of the predictable increase in workload. (See Exhibit III):

1) A Deputy State Court Administrator should be hired to act as an assistant to the State Court Administrator, especially in the areas of planning, federal grant coordination and coordination of juvenile probation programs.

2) An accountant or fiscal analyst should be hired to aid the Budget & Finance Officer in expenditure control and especially in the analysis, design and implementation of a standardized accounting/bookkeeping system for all court locations.

3) A programmer analyst should be brought on to assist in the system design, programming and implementation of the statistical and judicial information system. This position is required, we fee in order to assure that programming priorities are met in keeping with the working arrangements between Central Data Processing and the State Court Administrator's Office.

4) A Traffic Court Coordinator should be hired to oversee a activities of the magistrate courts as related to traffic cases as well as providing overall management analysis services to all courts under the direction of the State Court Administrator.

3. A Survey of South Dakota Traffic Courts, Robert E. Driscoll, III. University of South Dakota, School of Law. 1973, pg. 1

5) The Staff Legal Advisor should continue as a full time position responsible to the State Court Administrator. This position will have overall responsibility for legislative bill drafting and analysis, maintenance of schedules of bills affecting court operations which may be introduced during the legislative session, preparation of various manuals, review of court forms for legal adequacy in conformity with a comprehensive records management program and work related to the implementation of the Uniform Probate Code and related legislation.

6) In the clerical area, the secretary of the State Court Administrator will become involved more and more in the day to day administrative operations of the office thereby minimizing the amount of time which can be spent on Supreme Court library duties. We are therefore recommending a fulltime Supreme Court Librarian be hired to organize, update and keep current the Supreme Court Library in a fashion which is conducive to the utilization accorded one of the most complete law libraries in the state.

7) The two individuals who currently handle the state judicial payroll and expense vouchers will find their time almost completely occupied with these activities when all court employees are placed on the state payroll. Likewise, the assumption of travel expenses for court employees and centralized pruchasing will further require increased clerical time.

   The clerical time which these employees now have available will be lost upon the increase in their account clerk duties. We recommend the hiring of an additional clerk-typist to pick up this slack and to aid the State Court Administrator's secretary in the general clerical work of the office.

COURT ADMINISTRATORS

The unified court system has placed an increasing administrative burden on the presiding judge of each judicial circuit. As the implementation of the system proceeds, the need for planning, budgeting, expenditure control, case scheduling, management analysis and administration will continue to expand. In order to retain the presiding judge as as effective participant in the judicial manpower of the State we are recommending the following as an approach which will relieve the presiding judge of administrative tasks while at the same time recognizing his overall administrative responsibility for the circuit. (See Exhibit IV)

1) In the first, second, fifth and seventh circuits, court administrators should be appointed by the presiding judge to administer the circuit-wide judicial activities. Since these are the most populous metropoliton areas which also include substantial magistrate court operations it is imperative that administrative needs be filled here first to cope with the largest caseloads in the state.

2) If desired, the less populous areas of the state could make use of a Regional Court Administrator, who would coordinate the administrative activities on a multi-circuit basis. A suggested basis for the allocation of duties might be that of having one Regional Court Administrator for the third, fourth, ninth circuits and one Regional Court Administrator for the sixth and eighth circuits. These administrators could be appointed with the concurrence of the presiding judge of the circuits to be served.

At both the circuit and regional level the court administrator would be responsible to the State Court Administrator for the overall coordination of the administrative activities within the respective circuit or region.

Specifically, the functions of circuit and regional court administrators as the system becomes structured should include the following:[4]

1. Implementation of policies set by the State Court Administrator;

2. Assistance to the State Court Administrator in setting statewide policies;

3. Preparation and submission of the budget for the court or courts with which he is concerned;

4. Recruiting, hiring, training, evaluating, and monitoring personnel of the court or courts with which he is concerned;

5. Management of space, equipment, and facilities of the court or courts with which he is concerned;

6. Dissemination of information concerning the court or courts with which he is concerned;

7. Procurement of supplies and services for the court or courts with which he is concerned;

4. Courts. National Advisory Commission on Criminal Justice Standards and Goals 1973, pg. 183

8. Custody and disbursement of funds for the court or courts with which he is concerned;

9. Preparation of reports concerning the court or courts with which he is concerned;

10. Juror management;

11. Study and improvement of caseflow, time standards, and calendaring; and

12. Research and development of effective methods of court functioning, especially the mechanization and computerization of court operations.

Other alternative approaches for administrative organization may be used as the system becomes operational and needs become known. What is important at this point is the recognition of the need for trained court administrative expertise in order to effectuate the intent of the unified court system.

TABLE I

CASE TERMINATIONS PER FULL TIME EQUIVALENT EMPLOYEE

CIRCUITS[a]	Total Case Terminations Calendar 1972[b]	Total Case Terminations Calendar 1973[b]	Percent Change
First Circuit			
Bon Homme County	173	191	
Total FTE = 1.500[c]			
Terminations per FTE	115	127	
Charles Mix County	191	282	
Total FTE = 2.000			
Terminations per FTE	96	141	
Clay County	1279	1226	
Total FTE = 3.000			
Terminations per FTE	426	409	
Douglas County	40	51	
Total FTE = 1.000			
Terminations per FTE	40	51	
Hutchinson County	175	233	
Total FTE = 1.525			
Terminations per FTE	115	153	
Union County	355	445	
Total FTE = 2.000			
Terminations per FTE	178	223	
Yankton County	2279	2510	
Total FTE = 4.000			
Terminations per FTE	570	628	
Total Circuit Terminations	4492	4938	10%
Total Circuit FTE = 15.025			
Terminations per FTE	299	329	

(a) Statistics adjusted to reflect new court organization as of January 5, 1975.
(b) Based on statistics taken from compiled reports of the county clerks of court.
(c) FTE figures do not include probation personnel, official court reporters, on call employees, justices of the peace or police magistrates.

TABLE I (cont'd)

CASE TERMINATIONS PER FULL TIME EQUIVALENT EMPLOYEE

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Total FTE = 3.000			
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Total FTE = 1.000			
Terminations per FTE	40	51	
Hutchinson County	175	233	
Total FTE - 1.525			
Terminations per FTE	115	153	
Union County	355	445	
Total FTE = 2.000			
Terminations per FTE	178	223	
Yankton County	2279	2510	
Total FTE = 4.000			
Terminations per FTE	570	628	
Total Circuit Terminations	4492	4938	10%
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(a) Statistics adjusted to reflect new court organization as of January 5, 1975.
(b) Based on statistics taken from compiled reports of the county clerks of court.
(c) FTE Figures do not include probation personnel, official court reporters, on call employees, justices of the peace or police magistrates.

Table I (Cont'd)

CIRCUITS	Total Case Terminations Calendar 1972	Total Case Terminations Calendar 1973	Percent Change
Second Circuit			
Lincoln County	513	579	
Total FTE =2.000			
Terminations per FTE	257	290	
Minnehaha County	4661	4489	
Total FTE = 15.000			
Terminations per FTE	311	299	
Turner County	376	397	
Total FTE = 2.000			
Terminations per FTE	188	199	
Total Circuit Terminations	5550	5465	2%
Total Circuit FTE = 19.000			
Terminations per FTE	292	288	
Third Circuit			
Brookings County	1181	1874	
Total FTE = 3.000			
Terminations per FTE	627	625	
Clark County	147	154	
Total FTE = 2.000			
Terminations per FTE	74	77	
Codington County	1108	1515	
Total FTE = 3.163			
Terminations per FTE	351	479	
Deuel County	236	225	
Total FTE = 2.000			
Terminations per FTE	118	113	
Grant County	362	378	
Total FTE = 2.000			
Terminations per FTE	181	189	
Hamlin County	189	192	
Total FTE = 1.150			
Terminations per FTE	164	167	

CIRCUITS	Total Case Terminations Calendar 1972	Total Case Terminations Calendar 1973	Percent Change
Third Circuit Cont'd.			
Kingsbury County	323	276	
Total FTE = 1.400			
Terminiations per FTE	231	197	
Moody County	325	361	
Total FTE = 2.000			
Terminations per FTE	163	181	
Total Circuit Terminations	4571	4975	9%
Total Circuit FTE = 16.713			
Terminations per FTE	274	298	
Fourth Circuit			
Aurora County	85	147	
Total FTE = 1.075			
Terminations per FTE	79	137	
Brule County	267	272	
Total FTE = 1.525			
Terminations per FTE	175	178	
Buffalo County	13	36	
Total FTE = 2.000			
Terminations per FTE	7	18	
Davison County	2034	2455	
Total FTE = 4.000			
Terminations per FTE	509	614	
Hanson County	43	103	
Total FTE = 1.000			
Terminations per FTE	43	103	
Jerauld County	77	94	
Total FTE = 1.083			
Terminations per FTE	71	87	
Lake County	259	202	
Total FTE = 2.000			
Terminations per FTE	130	101	

Table I (Cont'd)

CIRCUITS	Total Case Terminations Calendar 1972	Total Case Terminations Calendar 1973	Percent Change
Fourth Circuit Cont'd.			
McCook County	212	186	
Total FTE = 2.000			
Terminations per FTE	106	93	
Miner County	151	146	
Total FTE = 1.350			
Terminations per FTE	112	108	
Total Circuit Terminations	3141	3641	16%
Total FTE = 16.033			
Total Terminations per FTE	196	227	
Fifth Circuit			
Brown County	2116	1735	
Total FTE = 7.000			
Total Terminations per FTE	302	248	
Campbell County	112	101	
Total FTE = 1.150			
Total Terminations per FTE	97	88	
Day County	377	235	
Total FTE = 2.000			
Total Terminations per FTE	189	118	
Edmunds County	125	101	
Total FTE = 1.400			
Total Terminations per FTE	89	72	
Marshall County	181	237	
Total FTE = 1.200			
Total Terminations per FTE	151	198	
McPherson County	130	176	
Total FTE = 2.000			
Total Terminations per FTE	65	88	
Roberts County	468	517	
Total FTE = 2.000			
Total Terminations per FTE	234	259	

Table I (cont'd)

CIRCUITS	Total Case Terminations Calendar 1972	Total Case Terminations Calendar 1973	Percent Change
Walworth County	292	399	
Total FTE - 1.000			
Total Terminations per FTE	292	399	
Total Circuit Terminations	3801	3501	(8%)
Total FTE = 20.250			
Total Terminations per FTE	188	173	
Sixth Circuit			
Bennett County	155	200	
Total FTE = 2.000			
Total Terminations per FTE	78	100	
Gregory County	178	191	
Total FTE = 2.000			
Total Terminations per FTE	89	96	
Haakon County	100	93	
Total FTE = 1.000			
Total Terminations per FTE	655	574	
Hughes County	655	574	
Total FTE = 2.438			
Total Terminations per FTE	269	235	
Hyde County	96	74	
Total FTE = 1.000			
Total Terminations per FTE	96	74	
Jackson & Washabaugh Counties	110	130	
Total FTE = 2.000			
Total Terminations per FTE	55	65	
Jones County	88	75	
Total FTE = 2.000			
Total Terminations per FTE	44	38	
Lyman County	116	140	
Total FTE = 1.500			
Total Terminations per FTE	77	93	
Mellette County	133	129	
Total FTE = 1.000			
Total Terminations per FTE	133	129	

Table I (cont'd)

CIRCUITS	Total Case Terminations Calendar 1972	Total Case Terminations Calendar 1973	Percent Change
Sixth Circuit Cont'd.			
Potter County	178	180	
Total FTE = 1.250			
Total Terminations per FTE	142	144	
Stanley County	106	95	
Total FTE = 1.200			
Total Terminations per FTE	88	79	
Sully County	108	88	
Total FTE = 1.825			
Total Terminations per FTE	59	48	
Tripp & Todd Counties	420	398	
Total FTE = 3.000			
Total Terminations per FTE	140	133	
Total Circuit Terminations	2443	2367	(3%)
Total FTE = 22.213			
Total Terminations per FTE	110	107	
Seventh Circuit			
Custer County	382	391	
Total FTE = 2.000			
Total Terminations per FTE	191	196	
Fall River & Shannon Counties	619	597	
Total FTE = 3.000			
Total Terminations per FTE	206	199	
Pennington County	2958	3162	
Total FTE = 9.000			
Total Terminations per FTE	329	351	
Total Circuit Terminations	3959	4150	5%
Total FTE = 14.000			
Total Terminations per FTE	283	296	

Table I (cont'd)

CIRCUITS	Total Case Terminations Calendar 1972	Total Case Terminations Calendar 1973	Percent Change
Eighth Curcuit			
Butte County	437	441	
Total FTE = 2.500			
Total Terminations per FTE	175	176	
Corson County	125	126	
Total FTE = 1.200			
Total Terminations per FTE	104	105	
Dewey County	71	79	
Total FTE = 1.000			
Total Terminations per FTE	71	79	
Harding County	54	58	
Total FTE = 1.087			
Total Terminations per FTE	50	53	
Lawrence County	651	1026	
Total FTE = 3.000			
Total Terminations per FTE	217	342	
Meade County	514	429	
Total FTE = 2.000			
Total Terminations per FTE	257	215	
Perkins County	128	180	
Total FTE = 2.000			
Total Terminations	64	90	
Ziebach County	21	37	
Total FTE = 2.000			
Total Terminations per FTE	11	19	
Total Circuit Terminations	2001	2376	19%
Total FTE = 14.787			
Total Terminations per FTE	135	161	

Table I (cont'd)

CIRCUITS	Total Case Terminations Calendar 1972	Total Case Terminations Calendar 1973	Percent Change
Ninth Circuit			
Beadle County	2389	2836	
Total FTE = 3.300			
Total Terminations per FTE	724	868	
Faulk County	93	151	
Total FTE = 1.000			
Total Terminations per FTE	93	151	
Hand County	145	114	
Total FTE = 1.350			
Total Terminations per FTE	107	84	
Sanborn County	44	43	
Total FTE = 1.000			
Total Terminations per FTE	44	43	
Spink County	374	297	
Total FTE = 2.000			
Total Terminations per FTE	187	149	
Total Circuit Terminations	3045	3468	14%
Total FTE =8.650			
Total Terminations per FTE	352	401	
GRAND TOTAL-TERMINATIONS-ALL CIRCUITS	33003	34883	5%
GRAND TOTAL-FTE-ALL CIRCUITS= 146.671			
GRAND TOTAL-TERMINATIONS PER FTE	225	238	

TABLE II

TOTAL FTE AND CASE TERMINATIONS BY CIRCUIT

CIRCUIT	Total FTE	1972 Case Terminations	1973 Case Terminations
First	15.025	4492	4938
Second	19.000	5550	5465
Third	16.713	4571	4975
Fourth	16.033	3141	3641
Fifth	20.250	3801	3501
Sixth	22.213	2443	2367
Seventh	14.000	3959	4150
Eighth	14.787	2001	2376
Ninth	8.650	3045	3468

TABLE III

CASE TERMINATIONS PER FTE BY CIRCUIT

CIRCUIT	1972	1973
First	299	329
Second	292	288
Third	274	298
Fourth	196	227
Fifth	188	173
Sixth	110	107
Seventh	283	296
Eighth	135	161
Ninth	352	401

TABLE IV

AVERAGE NUMBER OF CASE TERMINATIONS BY LOCATION

UNDER 100 AVERAGE CASE TERMINATIONS/YEAR

Buffalo - 25
Douglas - 46
Hanson - 73
Jerauld - 86
Haakon - 97
Hyde - 85
Sully -98
Dewey - 75
Harding - 56
Ziebach - 29
Sanborn - 44
Jones - 82

101 - 500 AVERAGE CASE TERMINATIONS/YEAR

Bon Homme - 182
Charles Mix - 237
Hutchinson - 204
Union - 400
Turner - 387
Clark - 151
Deuel - 231
Grant - 370
Hamlin - 191
Kingsbury - 300
Moody - 343
Aurora - 116
Brule - 270
Lake - 231
McCook - 199
Miner - 149
Campbell - 107
Day - 306
Edmunds - 113
Marshall - 209
McPherson - 153
Roberts - 493
Walworth - 346
Bennett - 178
Gregory - 185
Jackson & Washabaugh - 221
Lyman - 128
Mellette - 131
Potter - 179
Hand - 130
Spink - 336
Stanley - 101
Tripp & Todd - 409
Custer - 387
Butte - 439
Corson - 126
Meade - 472
Perkins - 154
Faulk - 122

TABLE IV (Cont'd)

501 - 1500 AVERAGE CASE TERMINATIONS/YEAR

Lincoln	- 546
Caly	- 1253
Codington	- 1312
Hughes	- 615
Fall River & Shannon	- 608
Lawrence	- 839

1501 + AVERAGE CASE TERMINATIONS/YEAR

Yankton	- 2395
Minnehaha	- 4575
Davison	- 2246
Pennington	- 3060
Beadle	- 2626
Brown	- 1927
Brookings	- 1878

Based on compiled reports (1972 and 1973) of the county clerks of court. Adjusted to reflect the circuit organization under the unified court system.

TABLE V

LAW TRAINED MAGISTRATE (MUNICIPAL) COURTS

COURT	Total Case Terminations Calendar 1972	Total Case Terminations Calendar 1973	Percent Change
Sioux Falls - Municipal Court(1)	11,825	10,419	(12%)
Total FTE = 5.000			
Terminations per FTE	2,365	2,084	
Aberdeen - Municipal Court	3,821	4,336	13%
Total FTE = 2.500			
Terminations per FTE	1,529	1,734	
Rapid City - Municipal Court	13,574	13,698	-
Total FTE = 9.000			
Terminations per FTE	1,508	1,522	
GRAND TOTAL-MUNICIPAL COURT TERMINATIONS	29,220	28,453	(3%)
GRAND TOTAL FTE = 16.500			
GRAND TOTAL-TERMINATIONS PER FTE	1,771	1,724	

(1) Minicipal court caseload statistics include traffic (city and state violations), DWI, preliminary hearings, misdemeanors, civil cases and small claims. Sioux Falls figures are for 1973 and 1974 to October.

TABLE VI

JUVENILE PROBATION CASELOAD BY CIRCUIT

	1st Judicial Circuit	2nd Judicial Circuit	3rd Judicial Circuit	4th Judicial Circuit	5th Judicial Circuit	6th Judicial Circuit	7th Judicial Circuit(a)	8th Judicial Circuit	9th Judicial Circuit	Totals
No. of Juvenile Probation Off.	2	8	3	4	6	3	7	2	1	36
No. on Probation July 1, 1973	NO	211	40	82	175	70	73	84	14	749
New Supervision Cases	DATA	235	124	78	225	236	26	64	61	1049
Total Caseload	AVAILABLE	446	164	160	400	306	99	148	75	1798
Terminations	"	164	123	65	228	206	35	64	52	937
No. on Probation June 30, 1974	"	282	41	95	172	100	247	84	23	1044
No presentence investigations July 1, 1973 to June 30, 1974	"	604	91	155	372	114	895	115	4	2350
No total investigations July 1, 1973 to June 30, 1974	"	871	91	155	372	222	1072	161	6	2950

(a) Data does not include Pennington County

Exhibit III

PROPOSED ORGANIZATION

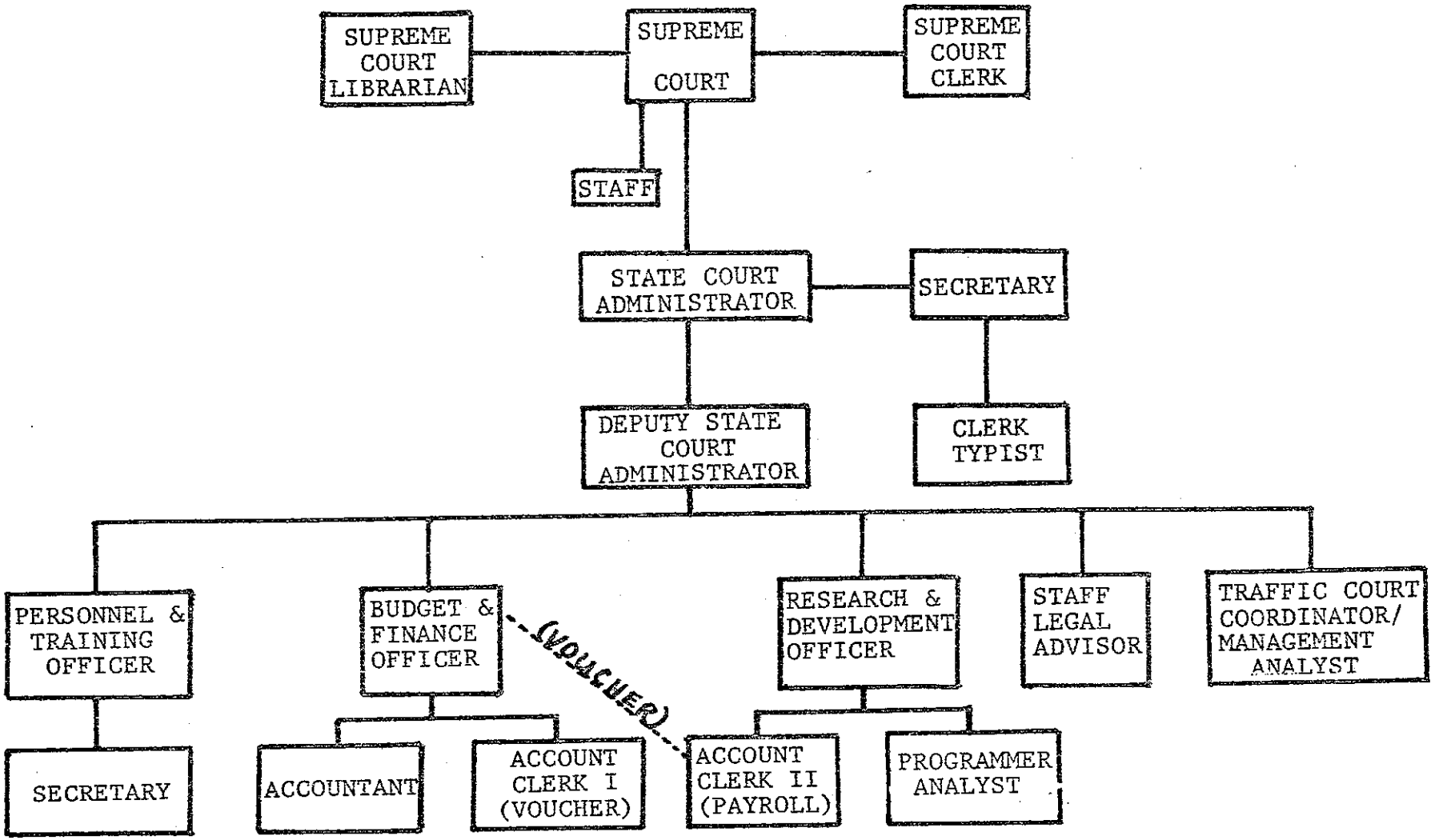
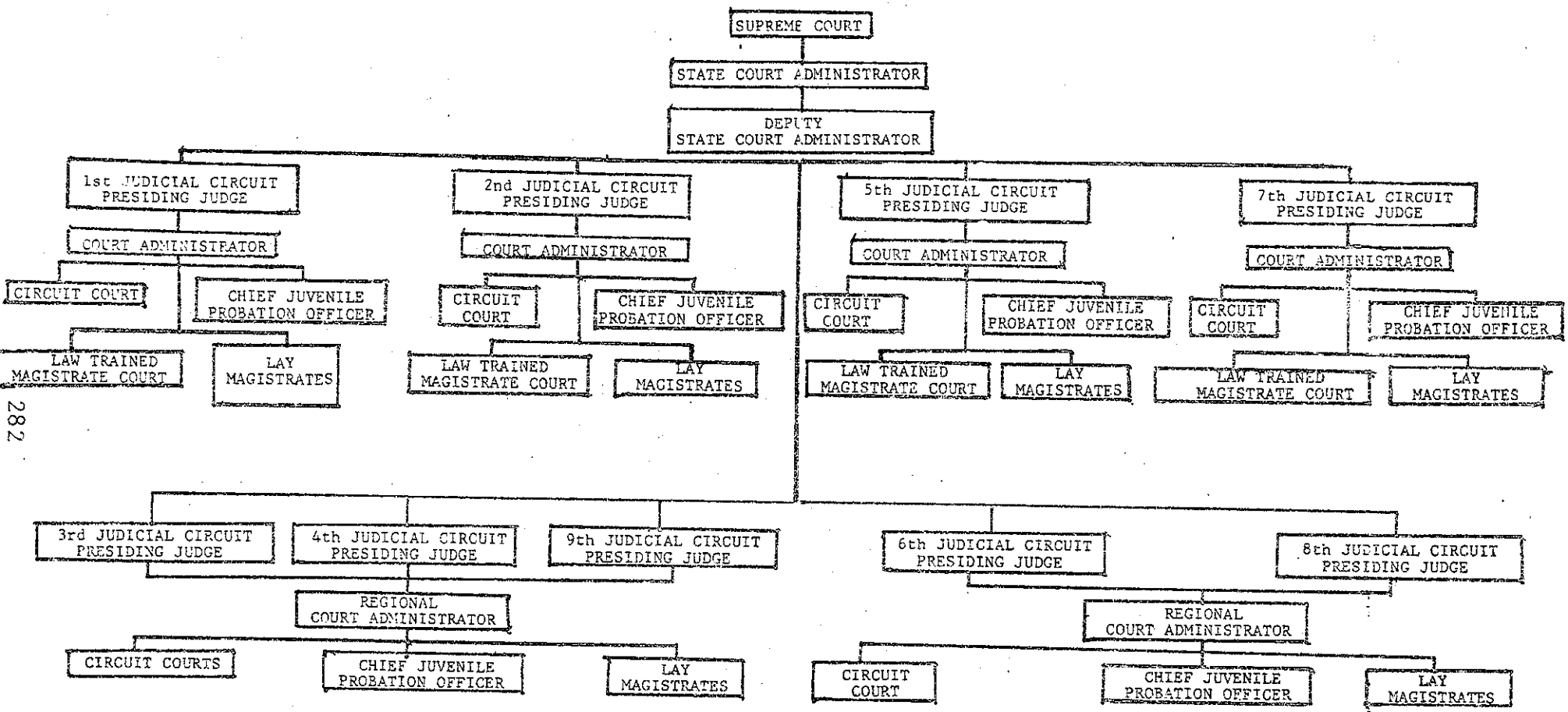


Exhibit IV

SOUTH DAKOTA JUDICIAL SYSTEM



Note: Court Administrators at the Circuit level are appointed by the Presiding Judge or with the concurrence of Presiding Judges where applicable. Court Administrators are responsible to the State Court Administrator for the overall coordination of administrative activities within a Circuit or Region.

Exhibit XII

CASH SUMMARY

For Month Ending_____, _____

Circuit_____ Location_____

Lay Magistrate_____

Balance Checking Acct., Prior Month $_____

Receipts (totals from monthly report):

Posted Bond	$_____	
Fine	_____	
Forfeit	_____	
Costs	_____	
Installment Pmts.	_____	
Other Receipts	_____	_____
Amounts to be accounted for		_____

Less Disbursements:

Check #	Name of Payee	Amount	
			_____

Balance Checking End Current Month $_____

Unpaid fines, etc. outstanding (as of end of month):

Name of Violator	Docket Page	Amount Owing
	Total	

SOUTH DAKOTA COURT BUDGETING

Budgeting for any governmental organization serves several purposes. Among the more important are : 1) a method of informing the public and those involved in resource allocations of the progress, accomplishments, and problems confronting the organization preparing the budget; 2) a method of stating policies, goals and objectives; 3) informing the allocators of resources of the organization's needs relative to those of other organizations; 4) providing a format within which public decisions can be made; 5) establishing a framework within which public officials can be held accountable for the use of public resources.

Historically, public budgeting has not served the above purposes. It has given scant attention to the more critical questions of rational resource allocation; indeed, the traditional budgeting practices have been far more concerned with the items the resources will purchase than with determining whether the purchase will make a contribution to the goals and objectives of content, form rather than substance. Consequently, the allocation essentially negative in character. The quality of management and program planning was provided as a secondary consideration or thought of as not being necessary.

Attempts to establish new budget processes at all levels of government have occured during the past ten years. These attemps have had several names: program and performance budgeting, program budgeting, performance budgeting. Avoiding a largely semantical problem of definition; the basic purpose common to all is the need to focus on the public services obtained with the resources used. These approaches thus assume positive characteristics because effort is directed toward the identification of public needs, assuming their priorities, and establishing time periods within which these needs will be met. In short, these processes depended heavily on planning, to determine the levels of resources required to meet needs after the planning effort had identified those needs.

Although several state and local governments have had limited success with some form of the new budgeting systems, almost no judicial systems have been so exposed. The principal reason is that almost all systems are fragmented from the viewpoint of financing their costs. The advent of unification and increased or total financing at the state level required attention to this increasingly important branch of state government.

South Dakota, like other states making or having made substantial changes in the judiciary, has extremes of population and court activity which must be approached within the geographical setting. These factors raise the question basic to all the others related to the operation of the judiciary. Centralization vs. de-

Centralization is the question and the respective roles of the state office and those of the circuits should receive careful attention. Resolution of this operating question will determine several of the remaining procedures required for budget preparation and execution. The overriding criteria for responsible budgeting should be to maximize the participation of those responsible for budgeting and the use of resources and to minimize the participation of all others. The authority to make budget decisions must be matched by the responsibility for those decisions. With centralized management and operation, there is far greater correlation between authority and responsibility. However, this advantage from both the fiscal and program point of view must be examined in terms of the important but less tangible factors of : the degree of circuit identification with the support of the central office authority; whether the central office has sufficient knowledge of conditions and circumstances in the state to make possible intelligent decisions at that level. In any event, the central office and the Supreme Court are almost certain to be considered the responsible entities by the legislature when considering fiscal as well as program matters. Not only is this acceptable but is also consistent with judicial unification and cohesion.

Assuming an unavoidable degree of decentralization, the budget process should also be decentralized. If the circuit presiding judges are held accountable for the operation of their circuits, they must be a vital part of budgeting. Their role should be constructive to the extent that not only do they decide the content of their circuit budget but also decide on the subsequent use of resources allocated. Of course, these decisions must be compatible with the overall guidelines of the judicial system as well as controlling statutes and rules.

The level of budgeting within the judicial branch is a further consideration. The alternatives are : 1) state level budgeting without regard for geographical or organizational units; 2) budgeting by circuits; 3) budgeting by circuits and organizational units within the circuit; 4) a combination of lower levels with emphasis on program, summarized to the state level. Each of these alternatives have advantages and disadvantages. Additionally, they can be conflicting.

State level budgeting would be the most appropriate with little decentralization. Some of the aspects of this alternative would be the same as those already mentioned regarding centralized operation. Other aspects are: 1) by implication, at least most of the budget preparation and execution would occur in the central office; 2) central office staffing requirements would be the greatest; 3) the central office would have a higher degree of fiscal control of the system; 4) information and data could still be requested of chief judges as limited participants in the process; 5) allocation of resources after legislative appropriation would be less difficult; 6) program budgeting is likely to be easier; 7) the obligation of resources will be more controlled;

8) fiscal reporting will be more uniform and timely; 9) procedural/ operational rules and guidelines will be more fully effective and require interpretation by fewer individuals.

Most significant of circuit budgeting and allocation is that the presiding judges have a far greater role in the entire process. It tends to detract from the central office authority while reducing that office's staff reqiurements. Not unexpectedly, however, it requires more of possibly scarce judicial time, even if the circuit has an administrator. The most important factor of this alternative, however, is that the presiding judge must make decisions for each of the units in the circuit. In many respects, he would have the same role for the circuit that the state court administrator and chief justice would have with central budgeting. This factor is particularly significant in the allocation/spending approval part of budgeting.

Budgeting by circuit and units within the circuit produces the maximum participation in the budget process. It pre-supposes that each unit in the circuit is a part of the process and this alternative could be considered the bottom-up approach to budgeting. While the widespread participation is desirable, it has these disadvantages: 1) the weakening of both the central office and chief judge's authority because of the "my-budget" syndrome; 2) increased dissatisfaction with the resource allocation process, including uneven allocations; 3) multiple and often conflicting interpretations of operating rules/guidelines; 4) creation of conflict between the central office and the presiding judges as they relate to the units in their districts; 5) less effective comminication within the circuits; 6) the time period for budget preparation would be the greatest.

Combining several parts of these alternatives and adding program emphasis to create a fourth alternative is the approach recommended for the South Dakota judicial system. Its implementation can be phased to the extent that the basic program budget concept can be started and refined as the level of data and understanding of the concept increases. It recognizes the circuits as operating entities within the judicial system while avoiding the budgeting-by-unit approach. Concurrently, however, it would not prohibit the participation of these units in the process. The major difference would be circuit level budgets concerned with the needs of the circuit. The presiding judge must have the authority to allocate and re-allocate within the circuit, however, to make this alternative viable. In so doing, however, it must be recognized that this alternative or any other except complete centralization creates potential internal conflicts which may be most visible in terms of state level responsibility vs. circuit level authority- Finally, this alternative will still require that the state level office prepare a consolidated budget for the judicial branch.

Although most of the formal effort of budgeting is the preparation of data and justification of requests, an equally important part of the process is the allocation and subsequent spending of the resources appropriated. If the resources are the same as the requests, the allocation is obviously less difficult than if the two differ. In that event, the central office must have priorities and criteria for the allocations among the circuits. The circuits, in turn, must have the same unless those of the central office apply state wide. Resource allocation on the more rational, statewide basis, is more difficult, but it has the advantage of recognizing program needs while simultaneously eliminating issues. However, unsatisfactory allocations by percentages or other arbitrary methods are often a by-product of this method.

The procedural aspects of the recommended budgeting system would not present formidable problems and the actual roles of the presiding judges could be varied. Those with administrators should delegate most of the budgeting responsibilities. Circuits without administrators would depend more heavily on central office staff, particularly in the preparation phase of budgeting. When completed, the judicial branch budget could be in the same format as that currently in use. There appears to be no requirement for different forms and procedures for the judicial branch to present its budget effectively to the legislature. Its preparation, however, will require one of the following: 1) staff in the central office must train circuit level personnel for preparation of their budgets; 2) the state level office can develop procedures and forms for within-the-system use and subsequently prepare the formal consolidated budget from the working documents produced.

In either instance, the overall budget must be prepared by central office staff. If possible, the first of the two alternatives is recommended.

Regardless of the alternative used, the preparation of the budget should cover a time period sufficient for the following: 1) the presiding judges should solicit budget items from the lower level organizational units and act on them for the circuit budget subsequently prepared; 2) central office staff should then hold hearings with the presiding judges on their requests; 3) timely completion of the formal budget by the central office staff after review of the several circuit budgets.

PROGRAM STRUCTURE

Any budget system that meets the requirements of (1) information, (2) control, and (3) planning must arrange fiscal data in at least two dimensions. The first is program data. What are the

goals and stated purpose for the department? The second is essentially organizationally oriented data reflecting locations or identifiable entities within the department. Combinations of the two types of data permit a much more comprehensive view of the total department or parts thereof.

Recommended for the South Dakota judicial system budget is a series of divisions, programs and activities that are compatible with the present budget codes in use. The major difference is a rearrangement of some now in use and the addition of others. The following tables identify these and their assigned codes:

Divisions

Division	Code
1st Judicial Circuit	01
2nd Judicial Circuit	02
3rd Judicial Circuit	03
4th Judicial Circuit	03
5th Judicial Circuit	05
6th Judicial Circuit	06
7th Judicial Circuit	07
8th Judicial Circuit	08
9th Judicial Circuit	09
State Court Administrator	10
Supreme Court	11

These 11 divisions include all the administrative/operating entities. If an additional entity is added, it could become the twelfth division.

Offices

Continuing the concept of circuit level budgeting removes the need for office coding. Not only will the supervision of offices strenghten circuit level administration, but it simplifies the budgeting process. Similarly, there is no need for office coding for the Supreme Court and State Court Administrator's office since this separation is achieved by the use of the proposed division codes. In all cases the code for office would be 00. At some later date, the office coding could be used in order to provide more detailed budgets, perhaps showing individual clerk or magistrate locations.

Programs

Program	Code
Appeals Court	01
General Courts	02
Limited Courts	03
Probation and Rehabilitation Services	04

These programs are intended to cover all aspects of the Judicial Department. The organizational unit is suppressed and the focus is more closely on those statutory and constitutional purposes for which the judiciary was created. The Office of State Court Administrator does not require a program and the code used will be 00.

Activities

Activity	Code
Administration	01
Case Disposition	02
Case Processing	03
Informational/Data Processing Services	04
Judicial Qualifications Commission	05
Juries (when costs provided by State)	06
Law Libraries	07
Post-Adjudication Probation Services	08
Pre-Adjudication Probation Services	09
Rehabilitation Services	10
Training	11

These activities reflect the major efforts of the judiciary when performing its constitutional and statutory duties. The list may be reduced or expanded to show more or less detail For example, the juries activity could be changed to Petit Juries and another activity added for Grand Juries. Regardless of the type of effort in any of the divisions, it should be compatible with one or more

of the activities. Although most of the activities will be used by the circuits, some will not. For example, the Judicial Qualifications Commission will only be used by the Supreme Court division. Likewise, Case Disposition will be used by all divisions except the State Court Administrator. Table I shows the possible combination of divisions, programs, and activities. Divisions without the "X" would not be expected to use the program, or activity.

By using this structure for budgeting, many combinations of data are possible, as the next table demonstrates:

	By Organization	By Program
Activity Budgets	X	X
Program Budgets	X	X
Division Budgets	X	X
Department Budgets	X	X

Other data combinations could produce: division budgets showing program/activity budgets; program budgets showing divisions; activity budgets by program and division.

Implementation of this plan requires that costs be allocated; that is, any resource can be assigned to an activity, program, and division within the department. Because the largest part of the budget is used for personal services, the proration of these costs may be the most difficult, but will not require continuous review when the assignments are completed. Costs directly associated with personal services can be prorated on the same basis as the personal services.

Other prorations will present different problems, but the basic determinant should be: Of the total amount, which of the program/activities best describes the use of the resource and what proportion is proper? Training circuit level staff to use these criteria and descriptions is very important for both the preparation of the budget and its subsequent allocation and expenditure.

In the following subsection, we have enclosed a proposed budgetary manual for use by the judiciary in preparing and submitting its budget. Since the judicial budget must be submitted according to standards adopted by the executive branch, we have patterned the the manual after theirs. Thus changes in the executive branch procedures or forms will necessitate modification of these proposals.

BUDGETARY NAMUAL FOR THE SOUTH DAKOTA JUDICIAL SYSTEM

I. General Instructions

The formal budget for the Judicial System will require the efforts of personnel in all the judicial circuits as well as those in the State Court Administrator's Office. Generally speaking, the circuits will be required to complete the budget data for the lowest level of the budget and the narrative for its support. Financing data and forms, and the summarization of circuit level data will be the responsibility of the state level office.

To minimize the work involved in preparation of the budget the forms now in use by other state departments will be used by the Judicial Branch. They will be prepared in sets, the number of which will vary in the circuits according to the number of activities and programs found in each. In addition to the forms required for the circuit budgets, enclosed with these instructions is a staffing pattern, the complete list of codes for the department, and the object/sub-object classification of expenses.

II. Assumptions

The budget for the Judicial Branch should be prepared to indicate needs, accomplishments, and trends. It should also show budget data in the most meaningful manner possible. Accordingly, a basic assumption of these instructions is that the judiciary's expenses can be arranged to demonstrate costs according to the intent for whcih the judiciary was established. The program/activity parts of the budget will serve that purpose.

Presentation of data in that arrangement requires another assumption - that is, costs can be reasonably allocated to the several programs/activities. Accumulation of these allocated costs by activity, program, division, and the total department will fulfill the requirement that the budget be program oriented rather than organizationally oriented.

Because there are several levels involved in the budget process, these instructions are intended for use within the judicial branch. They are compatible with the overall process for the total judicial branch.

III. Definitions

The following terms and phrases should aid the understanding of these instructions and the standards to be used.

DEFINITIONS

ACTIVITY: Specific work-related actions which constitute a program.

ACTIVITY CODE: The two-digit number that is assigned to each activity of the department.

APPROPRIATION: An authorization by the legislature to a budget unit to expend, from public funds, a sum of money not in excess of the sum specified, for the purposes specified in the authorization and under the procedure described in SDCL 4-7.

AVERAGE SALARY: This is computed by dividing the total salary paid to each position classification by the number of full-time equivalent positions. Example: If your 3.3 full-time equivalent classified employees are earning a total of $18,000, the average salary is $5,455 ($18,000 ÷ 3.3 = $5,455). These calculations should be rounded off to the nearest dollar.

BUDGET: The complete financial plan for the judiciary for the fiscal period, as proposed in the budget report and modified and adopted by appropriation and revenue acts.

BUDGET ESTIMATE: The statement with accompanying explanations in which a budget unit sets forth its financial requirements and plans for a specified period of time.

CLASSIFICATION OF EXPENDITURES: One of the several definte kinds of expenditures denoting a class of service or commodities purchased or properties acquired, as specified by the commissioner of the budget for use in expenditure accounting, in the making of budget estimates, and in the budget reports and budgets. Such classification shall be by program, function, activity, organization unit, character and object.

COST BENEFIT ANALYSIS: An analytical approach to solving problems of choice, It requires the definition of objectives, identification of alternative ways of achieving each objective, and the identification, for each objective, of that alternative which yields the greatest benefit for a given cost or that alternative which produces the required level of benefits at the lowest cost. This same analytical process has also been referred to as cost effectiveness analysis when the benefits or outputs of the alternatives cannot be quantified in terms of dollars. However, there is increasing interest in combining non-economic benefits with dollar benefits in evaluating particular programs, and methods for doing this are being developed.

DIVISION: The principal, functional subunit of a department. Divisions are created either by statute, order, or by the department head.

DIVISION CODE: The two-digit number that is assigned to each division. To be complete, a division code number must be preceded by a department code number, in order to specifically identify the division.

FISCAL YEAR (FY): The twelve-month financial period used by state government which begins on July 1 and ends June 30 of the following claendar year. The year is represented by the date on which it ends. Example: July 1, 1972 to June 30, 1973 would be fiscal year 1973.

FULL-TIME EQUIVALENCY (F.T.E.): The number of employees in a department, based on the actual amount of employee months worked. Example: If an employee works for four months during a fiscal year, he is considered as ".3" F.T.E. These calculations are to be rounded off to the nearest tenth (4 ÷ 12 = .33)

FUNCTIONAL RELATIONSHIP: A connection in action or work. Although divisions are physically separate entities, the work conducted by each division contributes to the fulfillment of a specific goal. The implication of a functional relationship is the need to strive for better inter-divisional coordination and communication.

FUND: An independent fiscal entity comprising a sum of money set aside for the purpose of carrying on specific activities in accordance with special regulations, restrictions or limitations. Funds may be restricted solely to receipting of monies or the expenditure of money.

FUNDING: The source from which the department derives revenue to administer a particular program. The three major categories for funding classification are: General--those monies appropriated by the legislature and specified as originating from general tax sources; Federal--those monies deriving from the federal government level; Other--those monies deriving from sources other than previously mentioned, such as from local governmental units or from special revolving funds accounts.

GENERAL FUND: That fund into which the general (non-earmarked) revenues of the state are deposited and from which money is appropriated to pay the general expenses of the state. A general fund number is assigned to any entity of government receiving appropriations and this fund is then used to account for the expenditures of the governmental unit.

NUMBER OF ACTUAL EMPLOYEES: The number of individuals employed, each of which are counted as one, regardless of their permanent or part-time status.

OBJECTS OF EXPENDITURE:* The eight classifications of expenditures that are used for coding any department disbursement are:

* (A more detailed explanation of the objects of expenditure can be found in the State Chart of Accounts--Object and Sub-Object Codes.)

1. Personal Services--Expenditures made for temporary as well as permanent employees for services rendered. This category also includes payment of wages while on educational leave.

2. Employee Benefits--Expenditures made for such things as the state's share of OASI, retirement, workmen's compensation, unemployment compensation, in-service training, moving expense and insurance.

3. Travel--Expenditures made for transportation (via public, private, or state vehicles or aircraft), meals, and lodging while an employee is on authorized state business. This also includes per diem expenses for board and commission members

4. Contractual Services--Generally, this category includes payments made for services which are of a general operating nature but are provided by a source outside the department. Included in this category are; Rent, postage, telephone and telegraph, computer services, building maintenance, sonsultant services, central services, and honorariums for board and commission members.

5. Supplies and Materials--Those items such as office supplies and other nondurable goods that are normally expended within one year.

6. Grants and Subsidies--This category includes payments to individuals for educational, health or welfare purposes or to political subdivisions for operational assistance. This does not include transfers between state departments.

7. Capital Assets--This category includes those items purchased that are of a durable nature such as office furniture, office machines, etc.

8. Other--Expenditures and disbursements, not applicable to the above objects, can be listed under this object upon proper authorization.

PAYROLL AUTHORIZATION: This is a three-part report through which your office authorizes its employees for payment for hours worked during that particular pay period. This report is to be written and filed three days before the end of the pay period.

PROGRAM: A collection of related activities initiated to fulfill divisional objective.

PROGRAM CODE: The code that is assigned for identification purposes.

SPECIAL APPROPRIATION ACT: An act of the legislature which authorizes the expenditure of money from public funds for any purpose other than those purposes enumerated in the definition of the general appropriation act.

STANDARD (PERFORMANCE): A statement of the conditions that will exist when a job is well done.

SUB-FUND: A separate accounting entity used to facilitate the allocation of resources or other assets. A sub-fund is a subdivision of a "fund." The total cash balances of a group of sub-funds equal the cash balance of their respective fund. Sub-funds are used to distinguish between various uses that are charged against a single fund.

SUB-OBJECT: A breakdown of objects of expenditures into more specific disbursement categories.

IV. Programs and Activities

The following discussion relates to the budget arrangements for each circuit. If the circuit has all five of the identified programs, and each program has most of the activities as well, the circuit budget will be fairly large. The chart showing the circuit program/activity mix displays the possible combinations. As a general guide, allocations by activity should exceed $1,000 and not less than .25 FTE. If the identified effort is below these minimum, the activity should not be used. Example: a clerk's time is actually spent as follows: 65 percent processing cases; 25 per cent as a secretary for a judge; 10 per cent for calling juries. By budget activity, the time allocations should be: 75 per cent to Case Processing; 25 per cent to Case Disposition. An alternative allocation would show the 25 per cent to the Administration activity, but the the Case Disposition activity seems more appropriate on the assumption that the clerical support provided to the judge is making a contribution to the disposition of cases.

The program charge for the clerk in the above example will be similarly determined. If the cases processed and judge receiving the clerical support are in a circuit court, General Courts will be the program used. Although most personnel and other costs will be in only one program, it is possible that an allocation should be made to two or more. If a clerk works 50 per cent to the General Courts program and 50 per cent to the Probation Services program.

V. Budget Forms and Completion

1. Goals and Objectives

a. Division Goals (BOB Form 40.213) Each division within a department will provide a list of division goals for the coming fiscal year and include its statutory power.

Definition: Division goals are similar to departmental goals except that they are narrower in scope and progressively more quantitative. Division goals should correlate to departmental goals and should be related to objectives (discussed below). They, too, consist of strategic decisions, indicating the division's direction and justifying selected course of action. Thus, division goals must be broad enough to describe what the division wants to accomplish but narrow enough to be able to measure progress toward goal achievement.

Procedure: (BOB Form 40.213) The first space is for division identification. Include in the second space the legal citation which created the division and a brief explanation of the statutory powers included therein. The third space is for the inclusion of division goals.

b. Program Missions , Program Performance Indicators, Program Analysis (BOB Form 40.215) This form will be prepared for each program submitted.

(1) Program Objectives (Missions): Program objectives are precise statements of program output. Whenever possible, these outputs should be stated quantitative terms. A properly stated program objective will state how much is to be accomplished within a specified time period, generally one fiscal year. When aggregated, the objectives should advance the program toward the division goals.

It must be emphasized that program objectives are to be expressed in terms of effects upon individuals, institutions, and the environment, not in terms of how much work is being performed. The measure of program objectives achievement, therefore, is in terms of what the organization accomplishes in the world external to it, rather than in terms of the level of its own activities. In the final analysis, the emphasis is on the output rather than input procedures.

A program will have only one objective per activity. In the case of several activities, then, a program will have an objective for each of its specified activities. An accumulation of the various program objectives measures the effectiveness, efficiency or output of the specific program.

(2) Procedures for Setting Program Objectives: The purpose of setting program objectives is to encourage the presiding judge to make realistic goals and evaluation methods for measuring goal achievement. There are several reasons for objective-setting by the presiding judge:

Note: Since office codes are not to be used for judicial budget requests, the term "objective" has been substituted for the term "mission" as presented on forms issued by the executive.

(a) To secure accountability at the program level where the work is actually performed.

(b) To develop the managerial expertise of the program manager.

(c) To reduce the "buck-passing."

(d) To form an atmosphere of top and bottom cooperation, rather than top to bottom commandership.

It is expected that presiding judges will develop their program objectives in conjunction with their supervisors. The broader the participation in setting goals and objectives, the greater the understanding of purpose on the part of all employees.

(3) Program Performance Indicators: Performance indicators are variables that measure the degree of goal and objective fulfillment attained by programs. They are management tools that contribute to more informed decision-making. In reviewing budgets, administrators frequently ignore the existing level of effort and direction, concentrating on the additional funds requested. Performance indicators can give direction and serve as yeardsticks to better measure the overall impact and responsiveness in the delivery of public goods and services. Contingent upon the selection of meaningful indicators, the subsequent budget submission by units will result in the more efficient and effective allocation of limited resources.

Listed below are several types of performance indicators, of which the most important ones for program budgeting purposes are the effectiveness indicators and measures of program benefits. Because effectiveness indicators attempt to measure program impact upon clientele served, they are considered the best indicators in performance evaluation.

(4) Types of Performance Indicators:

Measures of extensiveness relate to the quantity of benefits or services provided through a governmental program. They are measures of program performance in terms of output. They display the quantity of benefits or services provided for consumers or beneficiaries in terms of the total problem confronting the program. They answer the question, "how much?" but not "how well?" Examples are the number of persons assisted, students enrolled or persons employed.

Measures of efficiency relate to the productivity of the public resources which are utilized. They provide a useful measure of performance--usually expressed as a ratio of output to input. The various types of efficiency measures may include unit cost measures, average daily costs and productivity indexes.

Measures of effectiveness relate program results to program objectives. They help to determine whether the program is accomplishing what is was intended to accomplish. Some of the major types of effectiveness indicators are listed below:

Quality indicators: The quality of a public service may be measured in terms of its characteristics, its duration, its content, the value of its output, or the extent or degree to which it serves its purpose. Some examples include: number of patients cured, number of trainees employed, number of repeaters in a corrections program and number of families raised above the poverty line.

Comparative indicators: Indicators of quantity of a public service become effectiveness indicators when the volume of service is related to population, area or other measures of potential public need. Examples include traffic accidents per 1,000 vehicle miles, job placements per total work force, number of persons employed per 100 trainees, and open space as a percent of total land area.

In some cases, such ratios will be compared with standards developed by specialists in particular program areas and may be used for program evaluation. If they are used, such standards should reflect a clearly defined level of service and should be reviewed periodically for possible revision.

Changes in some effectiveness measures, including those indicated above, may be used for purposes of program evaluation and for setting office objectives. An example would be a program with an office objective to reduce accident rates. With sophisticated analysis, and if the effect of a unit of service is known (or estimated), changes in rates could be correlated to alternative levels of input and provide levels of choice for decision-making, as well as a means of evaluation.

Measures of program benefits relate to the value of a program in terms of its social or economic results. There are several identifiable types of benefit measures which reflect a monetary impact either within the government or the private sector. Examples include changes in earnings, sales, welfare payments or taxes paid. others may be non-monetary, such as scenic beauty or a pleasant environment.

Even in government, taxpayers and legislators desire to receive a substantial rate of return on the money they invest. Although in many cases benefits from government operation are difficult to quanfity, too often managers neglect to even estimate benefits (whether they are monetary, cultural, social or other) coming from their operations. The program manager who can economically demonstrate through cost-benefit ratio that his programs are giving taxpayers a good return on their investment is a manager who has little trouble in receiving adequate funding.

Measures of program and activity costs are the estimated monetary, environmental or social sacrifices which result from governmental programs or activities. For example, if the Division of Industrial Development induces two firms to settle in the southeast portion of the state, the program costs would not only be monetary in nature, but they would also involve environmental and social costs as well, e.g. increased air pollution, highway congestion and pressure on the educational system.

(5) Guidelines for Determining Performance Indicators: Both quantitative and qualitative measures of performance are considered as useful management tools. But experience in government points out that indiscriminate use of indicators results in meaningless compilation of data. Judicious use of any analytical tool requires awareness of goals and objectives and the ability to relate them to the process of performance indicator development. The question "What is my objective and what data is available to indicate and measure whether or no I am fulfilling that objective?" must be constantly asked during this process. The following points should be used as guidelines for the identification and development of meaningful per formance indicators.

(a) Performance indicators are output-oriented. They are measures of what is accomplished or the results of programs, rather than resources used for program purposes.

(b) Performance indicators must be relevant to program objectives. They should be directly related to the particular program categories and objectives for which they are used. They should measure the degree of accomplishment of the program objectice.

(c) Performance indicators should be capable of meaningful quantification. If quantitative data is not available, however, it may be necessary to use purely qualitative data to provide some information for decision-making and evaluation.

(d) Performance indicators must be thoroughly defined. It is important to have clear, thorough definitions to avoid misinterpretation. Generally accepted terms such as "poverty," "disadvantaged" and "substandard" must be defined when used in relation to performance indicators.

(e) Performance indicators should test the validity of objectives. Objectives and performance indicators are interrelated. Often the process of searching for performance measures will suggest a revision of the objective.

(f) Performance indicators should be simple and informative. The measures chosen should be simple but informative to avoid confusing and overburdening the user. If a number of measures are available, a few of the most informative measures which best describe program performance should be selected.

(g) Performance indicators should be multiple in scope in order to comprehensively evaluate program impact. Single indicators occur when only one variable is measured and observed. Multiple indicators occur when several variables are measured simultaneously.

(6) Program Analysis and Justification: The program analysis includes 1) a succinct analysis of how the program is meeting its program objectives and what external factors or statistical limits affect program measurement, and 2) a written justification for program increase or decrease.

Justification for program increases or decreases should contain the reason for changes in the program budget or, in the case of new programs, the reason for the program.

In the case of increases or decreases in program expenditures, performance indicators should be included to justity 1) changes in program direction, 2) changes in program costs or price levels, and 3) changes in projected workload. Where possible, then, the need for program expenditure changes is to be validated through the use of proper perfromance indicators.

With regard to requests for a new program, the justification needs to be even more detailed. In this instance, the justification should clearly and explicitly detail:

(a) Who or what is to be served;
(b) The need for the program;
(c) How the program can satisfy the need;
(d) Program costs--initial and projected;
(e) Program objective;
(f) Alternative programs considered, and their respective costs;
(g) The reason the program was chosen as opposed to alternative proposals.

Procedure: The first space is provided for department, division, office, program identification, priority number and program coding. In the succeeding spaces, please identify the program objective, program performance indicators and include a program analysis.

7. Directions for Schedule Completion

a. Program Summary (BOB Form 40.220) Program requests will be aggregated to office, division and department summaries through electronic data processing.

Department Coding: In the space provided, type the department code number and name.

Division Coding: In the space provided, type the code number and name for the division in which the activity is located.

Office Code: In the space provided, type the code number "00" and leave the name of the office blank.

Program Coding: In this space, type in the code number of the program for which the request is being prepared.

Requested FY: Type the fiscal year for which the request is being prepared in this space.

Object Summary: The standard objects of expenditures have been included on this form. The objects are broadly grouped into personal services and operating expenses with more detailed object breakdown listed under these two broad categories. Under each group specify the type of funding, i.e., general fund, federal funds, other funds.

FTE: In funding lines 4,5,6, and 7 for personal services, type in the number of FTE by type of fund, i.e., general, federal, other. Please round off to the nearest tenth.

Actual 19FY-1: This column is for enumerating the actual expenditures by object for the fiscal year, three years prior to the year for which the request is being made.

Actual 19PY: This column is for enumerating the expenditures by object for the fiscal year, two years prior to the year for which the request is being made.

Budgeted Year: This column is used to list by object by source for funds - the amount budgeted for the fiscal year - during which the request is being prepared.

Salary Adjustment: This column is used to list by dollar and percentage salary adjustment either for inflationary or merit increases as specified by the State Court Administrator. In operating expenses this column is to be used for inflationary requests.

Expansion (Reduction): This column is to be used for indicating in dollar terms and by FTE expansions or reductions both for personal services and operating expenses.

Total Program Request: In this column type the sums of the previous three columns (i.e., Budgeted Year, Salary Adjmt, Expansion (Reduction) for lines 1-22. Also include FTE totals on lines 4-7.

Position Additions: In this space (#23) type new program requests by title, classification, and salary (e.g. Court Clerk I - $x,xxx)

Position Reductions: In this space (#24) type program position reductions by title, classification and salary e.g. Court Clerk II - $x,xxx.

b. Activity Summary (BOB Form 40.221) This form is for presenting activity requests. This form does not require you to fill out historical data. It does include position addition-reduction data.

Department Coding: In the space provided, type the department code number and name.

Division Coding: In the space provided, type the code number and name for the division in which the activity is located.

Office Code: In the space provided, type the code number "00" and leave the name of the office blank.

Program Coding: In this space, type in the code number of the program for which the request is being prepared.

Activity Coding: In this space, type in the code number of the activity for which the request is being prepared.

Requested FY: Type the fiscal year for which the request is being prepared in this space.

Object Summary: The standard objects of expenditures have been included on this form. The objects are broadly grouped into personal services and operating expenses with more detailed object breakdown listed under these two broad categories. Under each group specify the type of funding, i.e., general fund, federal funds, other funds.

FTE: In funding lines 4,5, 6 and 7 for personal services, type in the number of FTE by type of funds, i.e., general, federa, other. Please round off to the nearest tenth.

Budgeted Year: This column is used to list by object - by source for funds - the amount budgeted for fiscal year during which the request is being prepared.

Salary Adjustment: This column is used to list by dollar and percentage salary adjustments either for inflationary or merit increases as specified by the State Court Administrator. In operating expenses this column is to be used for inflationary requests.

Expansion (Reduction): This column is to be used for indicating in dollar terms and by FTE Activity expansions or reductions both for personal services and operating expenses.

Total Activity Request: In this column type the sums of the previous three colums (i.e., Budgeted Year, Salary Adjmt, Expansion (Reduction) for lines 1-22. Also include FTE totals on lines 4-7.

Position Additions: In this space (#23) type new activity requests by title, classification, and salary (e.g. Accountant $10,000).

Position Reductions: In this space (#24) type activity position reductions by title, classification, and salary (e.g. Court Clerk II -$17,000).

VI. Timetable

Because there will be several levels of the system involved with the preparation of the budgets, the total time period will cover several months. A tentative schedule is:

April-May: State Court Administrator's Office prepares the formal operating budget for the judicial branch. It is distributed to the judicial circuits; he also provides guidance to the circuits regarding policies, changes in retirement rates, rates for price increases, salary adjustments, and related data to be used in budget preparation.

June: Circuit presiding judge requests budget changes from the offices in the circuit. He reviews and consolidates these requests into a circuit budget and sends one copy to the State Court Administrator.

July: State Court Administrator holds hearings with circuit presiding judges and begins preparation of departmental budget.

September: State Court Administrator completes tentative budget and obtains approval of the Supreme Court; submits final budget late in the month. A copy of the approved circuit budget request is returned to the circuits.

October through close of Legislative Session: During this period the Supreme Court and State Court Administrator will present the consolidated budget before the Legislature. Upon approval of a budget level by appropriation, the process of preparing an operating budget will begin.

Close of Legislative Session - April: In preparing the operating budget, the State Court Administrator will coordinate with the presiding judges, such that the input forming part of the budget request is reflected in the final operating budget.

EXECUTION OF THE BUDGET AND PERFORMANCE EVALUATION

We have described an entire budget process from the standpoint of preparing the judicial system budget. The procedure involves identification of programs, activities, goals, objectives and performance indicators. The end result is an operating budget which sets expenditure levels for the various functions and operations of the judicial system. This, however, should not be considered as the termination of the budget process.

The key purpose of an operating budget is its use as a plan of operation for the fiscal period to which it relates. Obviously, since the budget is a monetary document, one of its applications is the control of expenditure levels. In this regard, the budget establishes a framework for allocation of costs by various functional areas such that it will be possible to know how much a particular activity or program or division costs. In the execution phase of the budget cycle, then, expenditures will need to be allocated to the various programs, activities, etc.

In considering the implications of viewing the budget as a plan of operation, we find the true meaning of program budgeting. The development of performance indicators is meaningless if no measurement of performance is accomplished. Bringing the budget process to fruition requires utilizing the budget as a standard for evaluating the entity which it represents. And this evaluation is not merely an annual comparison once the cycle is over, but rather an ongoing monitoring of the progress of the entity toward its stated goals and objectives.

Performance indicators, if properly developed, will provide a yardstick for measuring progress or lack of it. However, they will not measure independently but must be used by the responsible manager <u>to</u> measure.

We propose, then, that a procedure should be established to provide continual reporting and feedback to the presiding judge, State Court Administrator and ultimately to the Supreme Court, of data which will permit them to manage the affairs of the judiciary system. Such data should be correlated to the indicators of performance set up in the budget. The use of the data in evaluation must always be guided by the consideration of stated goals and objectives. To put it simply, although the gun is firing, we may be missing the target.

It is important that this concept be considered. Throughout this document we have continually stated and emphasized the implication being that a well-administered entity be established. A key tool in administration of government entities is a dynamic budget process including especially the evaluation function.

Table 1

PROGRAM/ACTIVITY STRUCTURE FOR SOUTH DAKOTA JUDICIAL BRANCH

	Divisions										
	Circuits									Supreme Court	St. Ct. Admin.
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th		
Programs											
01 Appeals Court										X	
02 General Clerks	X	X	X	X	X	X	X	X	X		
03 Limited Courts	X	X	X	X	X	X	X	X	X		
04 Probation and Rehabilitation Services	X	X	X	X	X	X	X	X	X		
Activities											
01 Administration	X	X	X	X	X	X	X	X	X	X	X
02 Case Disposition	X	X	X	X	X	X	X	X	X	X	
03 Case Processing	X	X	X	X	X	X	X	X	X	X	
04 Informational/ Date Processing Services											X
05 Jud. Qualif. Comm.										X	
06 Juries	X	X	X	X	X	X	X	X	X	X	
07 Law Libraries	X	X	X	X	X	X	X	X	X	X	
08 Post-Adtj. Prob. Serv.	X	X	X	X	X	X	X	X	X		
09 Pre-Adj. Prob. Serv.	X	X	X	X	X	X	X	X	X		
10 Rehabilitation Services	X	X	X	X	X	X	X	X	X		
11 Training											X

DIVISION GOALS

FY 74

Department of Agriculture

CODING:

Dept	Div
03	01

DIVISION of Plant Industry & Agricultural Regulation

DIVISION LEGAL CITATIONS:

Statutory powers under this division are found in SDCL 38-1-6, 38-1-6, 38-1-27, 38-1-32, 38-1-35 and 38-1-40 and in SDCL 40, which provides for regulation procedures and powers for the plant and livestock industries.

DIVISION GOALS:

1. To assure the public that plants, livestock and agricultural products are inspected for infestations of harmful pests and diseases, regulated for productive competition, and truthfully labeled for public consumption.

PROGRAM MISSIONS, PERFORMANCE INDICATORS & JUSTIFICATION

FY 74

Department of Education & Cultural Affairs
Division of Vocational Education
Office of Vocational Education

CODING:

Dept	Div	Off	Prog	Act
12	02	01	02	01

PROGRAM Vocational & Technical Education PRIORITY NO. 2

PROGRAM MISSION, PROGRAM PERFORMANCE INDICATORS, PROGRAM ANALYSIS AND JUSTIFICATION:

Program Mission: To reduce the unemployment rate for secondary vocational program completers from fifteen to ten percent.

Program Performance Indicators:	1971-72	1972-73	Estimated 1973-74
1. Program Size Indicators:			
Enrollments in secondary vocational training	23,786	25,429	28,697
Graduates from vocational programs	5,192	5,835	6,548
Graduates employed within 3 months	4,356	4,958	5,630
2. Effectiveness Indicators:			
Unemployment rate (actual)	.17	.15	N/A
Program mission	--	--	.10

3. Program Benefit Indicator:

Average wage for working graduate (control group 1)	$ $2.50
Average wage for working non-grads. (control group 2)	1.70
Difference in average hourly wage	.80
Difference in annual wage	$832.00
Number of working graduates	X5630
Program Benefits for grads.	$4,684,160.00
Part-time student earnings	1,411,975.00
Student & Grad. net earnings from program	$6,096,135.00
% of personal income paid to State in taxes	.0768
Gross program benefits	468,183.00
Program costs to State	(345,000.00)
NET PROGRAM BENEFITS	$123,183.00

Program Analysis and Justification:

Analysis: There are many external factors which affect the above figures. First, many of the students graduating from vocational education programs enter the armed forces or college and thus a measurement of program benefits to these students is difficult. Second, the status of ten percent of the graduate population is unknown. Third, the figure .0768 of percentage personal income paid to the State of South Dakota in taxes excludes the property tax and is an extrapolation of 1971 census data.

Justification: As the demand for formal higher education decreases, the demand

(Continued on Program Missions Sheet 2)

PROGRAM MISSIONS, PERFORMANCE INDICATORS & JUSTIFICATION

FY 74

Department of Education & Cultural Affairs
Division of Vocational Education
Office of Vocational Education

CODING:

Dept	Div	Off	Prog	Act
12	02	01	02	01

PROGRAM Vocational & Technical Education

PRIORITY NO. 2

Sheet 2

PROGRAM MISSION, PROGRAM PERFORMANCE INDICATORS, PROGRAM ANALYSIS AND JUSTIFICATION:

Program Analysis and Justification: (cont'd)

Justification: (cont'd) for vocational education is on the increase. Estimated enrollment (see program size indicators) for next year is up twelve percent. Increased funding is therefore needed to bolster an already overworked faculty by adding fifteen teachers. The remaining proportion of the desired funding increase is for capital construction desperately needed in the Watertown area.

BOB Form 40.220
7/74

	No.	Name	
Dept.		(1)	
Div.		(2)	
Office		(3)	
Program		(4)	

PROGRAM SUMMARY
FY (5)

	Code	Actual PY-1	Actual PY	Budgeted Year	Salary Adjmt.	Expansion (Reduction)	TOTAL REQUEST
1 Salaries	01						
2 Employee Benefits	02						
3 Total Personal Services		(6)	(8)	(10)	(12)	(14)	(16)
		FTE	FTE	FTE		FTE	FTE
4 Funding: General	03						
5 Federal	04	(7)	(9)	(11)		(15)	
6 Other	05						
7 Total P. S. Funding	A						
Operating Expenses:					Inflation		
8 Travel	06				(13)		
9 Contractual Services	07						
10 Supplies & Materials	08						
11 Grants & Subsidies	09						
12 Capital Assets	10						
13	11						
14 Total Operating Expenses							
15 Funding: General	12						
16 Federal	13						
17 Other							
18 Total Operating Exp.	B						
19 Program Funding: Gen.	C						
20 Fed.	D						
21 Other							
22 Total Program Funding							

23 Position Additions: Title, Classification, Salary	(17)	24 Position Reductions: Title, Classification, Salary	(18)

(1) Department coding and name of department to which the progra assigned.
(2) Division coding and name of dep to which the program is assig
(3) Office coding and name of depar to which the program is assign
(4) Program coding and name.
(5) Year for which the request is m
(6) Appropriate $ amounts by object expenditure and by fund for PY
(7) FTE by fund for PY-1.
(8) Appropriate $ amounts by object expenditure and by fund for PY
(9) FTE by fund for PY.
(10) Appropriate $ amounts by object expenditure and by fund for budgeted year.
(11) FTE by fund for budgeted year.
(12) Salary adjustments as designate the Commissioner of Finance ar Management.
(13) Inflationary impacts for operating expenses by object and by func
(14) Program expansion or reduction object of expenditure and by fu
(15) Program expansion or reductions by FTE by fund.
(16) Cumulative, horizontal totals of budgeted year, salary adjustme and expansion by fund for pers services, operating expenses, a total program.
(17) Position additions including title, classification and salary.
(18) Position reductions including titl classification and salary.

BOB Form 40.221
7/74

	No.	Name
Dept.		(1)
Division		(2)
Office		(3)
Program		(4)
Activity		(5)

ACTIVITY SUMMARY

FY (6)

	Code	Actual PY-1	Actual PY	Budgeted Year	Salary Adjmt.	Expansion (Reduction)	TOTAL REQUEST
1 Salaries	01						
2 Employee Benefits	02						
3 Total Personal Services				(7)	(9)	(11)	
				FTE		FTE	FTE
4 Funding: General	03						(13)
5 Federal	04			(8)		(12)	
6 Other	05						
7 Total P. S. Funding	A						
Operating Expenses:					Inflation		
8 Travel	06						
9 Contractual Services	07				(10)		
10 Supplies & Materials	08						
11 Grants & Subsidies	09						
12 Capital Assets	10						
13	11						
14 Total Operating Expenses							
15 Funding: General	12						
16 Federal	13						
17 Other							
18 Total Operating Exp.	B						
19 Activity Funding: Gen.	C						
20 Fed	D						
21 Other							
22 Total Activity Funding							

23 Position Additions: Title, Classification, Salary (14)

24 Position Reductions: Title, Classification, Salary (15)

(1) Department coding and name of department to which the activity is assigned.
(2) Division coding and name of departr to which the activity is assigned.
(3) Office coding and name of departme: to which the activity is assigned.
(4) Program coding and name of department to which the activity is assigned.
(5) Activity code and name.
(6) Year for which request is made.
(7) Appropriate $ amounts by object of expenditure and by fund for budge year.
(8) FTE by fund for budgeted year.
(9) Salary adjustments as designated by the Commissioner of Finance and Management.
(10) Inflationary impact for operating expenses by object and by fund.
(11) Activity expansion or reduction by object of expenditure and by fund.
(12) Activity expansion or reduction of FTE by fund.
(13) Cumulative, horizontal totals of budgeted year, salary adjustment, Expansion (Reduction) columns by object of expenditure and fund.
(14) Activity listing of position additions including title, classification and salary.
(15) Activity listing of position reduction: including, title, classification and salary.

SOUTH DAKOTA JUDICIAL SYSTEM

TRAVEL AND SUBSISTENCE REGULATIONS

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TRAVEL AND SUBSISTENCE REGULATIONS

A. Introduction, Authority, and Applicability

These fiscal regulations are concerned with the payment of expenses incurred while traveling on official business for the South Dakota Judicial System. The authority for the rules and regulations is found in Article V, § 11 and 12, as amended, and Attorney General Opinion No. 72-56. All travel paid by the Judicial System is subject to these fiscal rules and procedures and none other.

B. Statement of Policy

Within the statutory delegation of authority and responsibility, the Supreme Court may establish the conditions and circumstances under which travel expenses are reimbursed. Accordingly, the following policies are in effect:

1. The Supreme Court recognizes the necessity of official travel for the Judicial System and further recognizes that the expenses incurred should not be borne by the individual. Thus, the actual and necessary subsistence expenses for official travel are a proper cost to the Judicial System and shall be paid to the individuals incurring such costs.

2. While the intent of these policies is to create no hardship on judges and employees traveling for the Judicial System at its convenience, a permanent responsibility exists to ensure no abuse of the full reimbursement policy. Both in-state and out-of-state travel shall be in the best interest of the Judicial System and make a contribution to the discharge of its responsibilities.

3. The decentralized administrative structure of the Judicial System creates favorable conditions under which Presiding Judges have the authority and responsibility for making decisions consistent with these policies and procedures. Further, authorities at all levels share the responsibility for ensuring the propriety of travel and its accomplishment at a minimum cost to the Judicial System. When considering the costs of travel, these authorities must include the number of individuals required to accomplish the purpose and the amount of time the individuals will be absent from their duty stations (locations).

4. All out-of-state travel must have the prior approval of the Chief Justice. The only exception is travel not to exceed 50 miles into a state adjoining South Dakota.

5. When deemed necessary by the Chief Justice, moving allowances in the recruitment of professional staff will be paid pursuant to other provisions of these regulations.

6. The State Court Administrator has the authority and responsibility for implementing these policies through specific regulations and procedures.

C. Definitions

The principal terms used in this chapter are defined as follows:

1. Circuit Presiding Judge - The designated Presiding Judge in each of the nine judicial circuits.

2. Incidental Expenses - Those costs incurred on official travel which are not for subsistence or primary transportation. (Examples are: registration fees for conferences; taxi fees; telephone charges; parking fees).

3. In-Travel Status - The condition existing for an individual beginning with his departure from his official duty station (location) and ending upon his return.

4. In-State Travel - Authorized movement of an individual from one point in the state to another (including the 50 mile limit in policy statement #4).

5. Official Duty Station or Location - The terms are mutually inclusive and mean the place normally considered "home base" or the location where the individual performs a majority of this duties.

6. Out-of-State Travel - Authorized movement of an individual not covered in the in-state travel definition.

7. Reimburseable Items - Those costs incurred for transportation, subsistence or incidental items which are considered proper charges to the Judicial System as a result of authorized travel by an individual.

8. Subsistence - Items of expense for food and lodging incurred during the in-travel status.

9. Travel - The performance of official business, usually away from a duty station, which may require the expenditure of funds for subsistence, transportation, or related incidental expenses. Travel may be required without incurring all the indentified expenses.

D. Controls

The conditions and circumstances under which travel costs are reimbursed are as follows:

1. No reimbursement for travel expenses shall be made without the documentation prescribed herein.

2. Travel reimbursement may be authorized for the following:

a. Judges and employees of the Judicial System.

b. Members of the Judicial Qualifications Commission.

c. Members of the Board of Bar Examiners.

d. Prospective employees whose travel is specifically approved by the Chief Justice.

e. Specific individuals participating in a Judicial System meeting or conference.

f. Individuals employed on a contractual basis for who travel expenses are normally paid.

3. Travel expenses incidental to official functions are reimburseable according to the following criteria:

a. The function is a integral part of the Judicial System.

b. The function is approved by, (1) the Circuit Presiding Judge, (2) the State Court Administrator, or (3) the Chief Justice.

4. Transportation by public carrier should be purchased prior to the beginning of the in-travel status. Transportation thus obtained would not be a part of the reimbursement request.

5. No subsistence expense will be reimbursed if the individual is within the city limits of his duty station for the duration of in-state travel status.

6. The Judicial System is not responsible for the necessary insurance coverage of private vehicles used in official state travel.

7. Routinely, in-state travel reimbursement should be requested monthly. 1st, 2nd, 3rd, 4th, and 5th Circuits will submit all requests for in-state travel ending the 15th of each month. 6th, 7th, 8th, and 9th Circuits will submit all requests for in-state travel ending the last day of the month. Reimbursements of $10 or less should not be requested until subsequent travel increases the amount.

8. Out-of-state travel will be submitted immediately upon return from a trip.

9. When indicated by the number of miles traveled, the Judicial System may elect to obtain state vehicles and require their use in lieu of private car mileage. In such instances, the assigned operator of the vehicle must ensure its maintenance. Such maintenance and operating costs will be billed to the appropriate location and will not require reimbursement to the individual.

10. The means of transportation may be any one or a combination of: (a) private vehicle; (b) state vehicle; (c) private or commercial airplane; (d) railroad; (e) vehicle rental for not more than two working days.

11. Travel vouchers for all employees in the Circuits must have the signed approval of the presiding judge before being sent to the Court Administrator's Office for payment.

E. Travel Authorization

Authorization may be implied or expressed. The position held by the individual may determine whether travel is incidental to the duties to be performed or a requirement of the duties. Implied authorization may be the result of membership in a Judicial System affiliated organization and subsequent selection to attend state or national conferences. All travel authorizations must be made within the budget allocation of the circuit.

F. In-State Authorization

Expense reimbursement for in-state travel must meet one of the following authorization criteria:

1. Conference attendance required by a Circuit Presiding Judge, the State Court Administrator, or the Chief Justice which require travel expenses of the individuals attending.

2. Routine travel composed of the following:

   a. Probation officers, magistrates, judges, and other employees who may be expected to travel in the performance of their duties and usually confined to the county, circuit or other designated area to which the individual is normally assigned or appointed.

   b. Implied authorization may be reasonably assumed.

3. Incidental travel composed of the following:

   a. Travel to specific meetings or conferences initiated by either the individuals or those identified in F 1 above.

   b. Outside - county or circuit travel by circuit judges and employees required by the assignment of the judge to another court by order of the Chief Justice

   c. Travel required for appearance before legislative, other deliberative groups, or for attending training sessions.

   d. Retired justices and judges sitting in any court upon order of the Chief Justice.

4. Within the discretion of the approving authorities (as identifie in F1. above), prior authorization may be required when the reason for travel is not explicit. The approving authorities are responsible for determining the necessity or value of travel identified in the incidental category (F 3.) as well as the number of individuals authorized to attend.

G. Out-of-State Authorization

Out-of-state travel reimbursements must have attached and completed

Out-of-State Travel Authorization form as approved by the Circuit Presiding Judge; State Court Administrator; Chief Justice.

1. Travel may be requested to attend the following national conferences: (a) National Conference of Chief Justices*; (b) National Conference of Court Administrative Officers*; (c) National Conference of Appellate Judges*; (d) delegates to the National Trial Judges' Association*; (e) North American Judges' Association*; (f) delegates to the National Council of Juvenile Judges*; (g) delegates to the National Association of Trial Court Administrators*; (h) National Conference of Special Court Judges*; (i) and other conferences as approved by the Chief Justice or State Court Administrato (* Number of delegates to be determined by Chief Justice after consultation with the State Court Administrator, as appropriate.)

2. Attendance at the National College of the State Judiciary and the National College of Juvenile Judges as approved by the Chief Justice or State Court Administrator.

3. Attendance at National conferences will be made only if the validity of the conference can be demonstrated and funds are available.

H. Reimbursement Rates

1. Mileage - Private car mileage is reimbursed at the rate of .15 per mile. When out-of-state travel is accomplished with a private vehicle, the reimbursement amount is based on the .15 rate for the actual miles to and from the destination, or the coach air fare to and from the destination, whichever, is less. Private car mileage to and from the departure point of commercial transportation is a proper cost of travel. In-state mileage reimbursement is based on the official state mileage chart. In-city mileage is not reimburseabl When more than one individual from the same location is traveling on business to the same destination they will whenever possible ride together with only the driver claiming mileage.

2. Incidental Expenses - Expenses incidental to conference attendance (registration fees, taxi fare, parking fees, for example) may be claimed for reimbursement. All claims exceeding $5 must be supported by receipts.

3. Subsistence -

a. In-state lodging -- shall be reasonable, actual and necessary amount paid, supported by a proper receipt. Preference must be given to motels offering rooms at the regular state rates.

b. In-state meal allowance

Breakfast	$1.50
Lunch	2.50
Dinner	4.50

or maximum of $8.50.

c. Out-of-state lodging. -- Shall be the reasonable, actual and necessary amount paid, supported by a proper receipt, not to exceed $35.00 per day.

d. Out-of-state meal allowance.

Breakfast	$2.50
Lunch	3.50
Dinner	6.50

or a maximum of $12.50.

e. Time schedule.

MEALS ALLOWABLE	WHEN LEAVING BEFORE	WHEN RETURNING AFTER
Breakfast	7:01 a.m.	7:59 a.m.
Lunch	11:31 a.m.	12:59 p.m.
Dinner	5:31 a.m.	6:29 p.m.

f. When meals or lodging are included in registration fees the allowance will not be paid.

I. Moving Allowances in Recruitment

1. Moving allowance in recruitment -- Maximum reimbursable amount. For the purpose of assisting in recruitment it is declared the policy of the Supreme Court that such persons, as deffined below, may be reimbursed for moving and relocation expenses to the assigned work station in South Dakota from such individual's place of former permanent residence. In no event shall such reimbursement exceed 10% of the employee's total yearly salary.

2. Only individuals so designated by the Chief Justice are eligable for moving reimbursement.

3. Moving reimbursement for new employees shall apply to household furnishings, all personal effects of the individual and family.

4. Relocation-transportation expense shall include necessary travel by air line, bus, train, privately owned automobiles and other means of conveyance. The allowable automobile mileage rate shall be fifteen (15) cents per mile limited to one vehicle, with mileage rate based on a direct route which would usually be traveled according to standard maps. The mileage rate shall be deemed to cover all expenses incidental to the operation of an automobile, such as gasoline, oil, tires, repairs, etc. In no case will travel mileage reimbursement, via automobile, exceed the coach air fare rate for the actual number in the employee's family. Coach air rate will be calculated on the distance between the South Dakota work site and the point of the employee's departure.

5. Subsistence while relocating. All lodging while in transit shall be paid at reasonable, actual, and necessary amounts. Allowance for meals is as follows:

	BREAKFAST	LUNCH	DINNER
Adults:	$2.50	3.50	6.50
Children:	1.75	2.75	4.00

6. Relocation as pertains to establishing permanent residence. Individuals moving from out of state shall be accorded the following relocation allowance: From date of initial arrival at duty station employee will be allowed the equivalent of one month's rent for obtaining suitable housing as meets particular family needs. In no instance will the amount exceed $250.00 The designated amount is to be reimbursed only where the employee cannot initially locate and obtain adequate permanet housing. The allowable amount may be expended for any type of temporary living quarters, but in on instance exceed the stated limit or time standard (one month) unless there is a specific waiver of said provision by the Chief Justice. The employee must have all expense receipts indicating amount paid and date of payment.

7, All authorized travel, moving and relocation reimbursements shall be approved by the State Court Administrator and the Chief Justice.

JUDICIAL DEPARTMENT OUT-OF-STATE TRAVEL AUTHORIZATION

Individual Requesting Travel _____ Location of Individual _____

Reason for Travel: Conference Meeting /_/ Training /_/ Other /_/

Time and Dates of Travel: Leave _____ Return _____

Point of Departure: _____

Explanation: _____

_____

_____

Destination: _____

Method of Transportation: Private Car /_/ Air /_/ Rail /_/ Other /_/

FISCAL DATA

Estimated Cost of Travel:

Transportation $_____
Subsistence _____
Incidental Expenses _____

Total $_____

If advance is approved, indicate amount:

$_____

Source of Funds: General Fund /_/ Fund No._____

Grant Fund /_/ Fund No._____ Other /_/

Date: ___ ___ _____

_____
Signature of Requesting Individual

APPROVED /_/ DISAPPROVED /_/

_____
Circuit Presiding Judge

APPROVED /_/ DISAPPROVED /_/

_____
State Court Administrator

APPROVED /_/ DISAPPROVED /_/

_____
Chief Justice

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*************************************
* APPROVAL WILL NOT BE MADE UNLESS  *
* BROCHURES AND AGENDAS FOR MEETINGS *
* ARE ATTACHED.                     *
*************************************
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Section V

COURT RECORDS AND FORMS MANAGEMENT

COURT RECORDS MANAGEMENT - GENERAL

In order to obtain information relative to court forms and records management in the South Dakota court system a series of questionnaires were developed, circulated, completed by all courts and analyzed. (The questionnaires have been compiled, indexed and bound as an appendix to this report.)

The areas covered included: records inventory questionnaire, record retrieval log and microfilm survey.

In addition all clerks of court were requested to submit copies of all records and forms to the State Court Administrator for review and evaluation.

What follows first of all is a summarization of responses to basic questions which were formulated to obtain on overview of the records and forms management effort and problems in the South Dakota courts.

Each question is set out, responses are generally categorized and problem areas pointed out.

RECORDS AND FORMS MANAGEMENT QUESTIONNAIRE

(1) Do you have enough space to store court records?

Out of 65 responses to this question, 49 courts (75%) responded with an unqualified "yes".

Some individual responses which indicate some storage problems are as follows:

CLAY COUNTY - Yes, but need shelves and files.

ROBERTS COUNTY - Yes, enough storage for books but not for files.

CUSTER COUNTY - Yes, enough space for records but not for exhibits.

PENNINGTON COUNTY - Yes, enough space now, but running out.

LAWRENCE COUNT - Yes, will have enough space when vital statistics are transferred.

(2) How long will it take to fill up your current records storage space?

As might be expected the responses to this question were varied. In order to correlate this response with those of question number 1 the following breakdowns are used:

Already filled up

Counties of: Union, Buffalo, Brown, Jones, Gregory, Stanley,

Aberdeen (Magistrate Court) Rapid City (Magistrate Court).

1 to 5 years

Counties of : Clay, Douglas, Yankton, Minnehaha, Deuel, Kingsbury, Moody, Aurora, Davison, Hanson, Lake, Miner, Roberts, Walworth, Hughes, Jackson, and Washabaugh, Custer, Dewey, Lawrence, Perkins, Sioux Falls (Magistrate Court)

6 to 10 years

Counties of: Bon Homme, Lincoln, Brookings, Campbell, McPerson, Lyman, Mellette, Sully, Butte, Meade,

11 to 20 years

Counties of: Charles Mix, Brule, Day, Bennette, Hyde, Harding, Faulk, Sanborn,

21 years and over

Counties of: Turner, Clark, Grant, Jerauld, McCook, Edmunds Haakon, Potter, Tripp, Todd, Zieback and Spink,

Unclear repsonses

Counties of : Codington, Hamlin, Marshall, Fall River, Shannon, Beadle, Hand.

(3) Are you destroying any court records?

Out of 65 responses 57 courts (88%) answered with an unqualified "No".

Other specific responses included the following:

CLAY - Some; old jury lists
YANKTON - No, but planning to
MINNEHAHA - No, but planning to
JERAULD - Exhibits; Notice of apportionment and requsition more than six years old
BROWN - Yes
BUTTE - Only old, bulkly exhibits
LAWRENCE - No, but some should be
RAPID CITY (Magistrate Court) - Yes, cases over ten years old

(4) For what reasons and under what authority are you destroying such court records?

In relation to those courts destroying records the responses were as follows:

CLAY - Code of South Dakota
JERAULD - By court order or prescribed by SDCL 1967

BROWN - Those not required or serving no purpose
BUTTE - Appeal time expired, destroyed by court order
RAPID CITY (Magistrate Court) - Court Order

(5) Do you supply court forms to the public?

Out of 65 responses 24 courts (37%) answered "yes"; another 24 courts answered "no". Other responses included:

UNION - Very few
DEUEL - Some
HAMLIN - A few
KINGSBURY - Some
AURORA - Some
HANSON - Yes, to attorneys
JERAULD - Only to attorneys
McCOOK - Some times to attorneys
MINER - Some
BROWN - Some
CAMPBELL - Very few
EDMUNDS - Limited amount
WALWORTH - Some
GREGORY - A few
FALL RIVER AND SHANNON - Very few
LAWRENCE - Very seldom
BEADLE - Very few

(6) Name the kinds of court forms which your supply to the public.

For those courts which responded that they do supply court forms to the public, the following forms were indicated as being made available:

Mental illness, inventory and appraisement, inheritance tax reports, adoption forms, letters of administration, guardianship, testamentary, copies of judgment, probate, affidavit of posting, proof of claim, executions, subpoenas, small claims form, fictition name forms, juror summons, jury certification receipts, bail bond, satisfaction of judgment, court appointed attorneys, temporary confinement order of bond release, loyalty oaths, juror questionnaires.

(7) From what supplier do you order your court forms?

In all, 42 companies were indicated as supplying court forms to the various courts. Twelve courts responded that they used only one supplier for their forms. Eighteen other courts responded that they used two suppliers exclusively. Thirty-one courts use two or more suppliers for their forms.

Other responses include:

"Whoever is available"

"Furnished by judge"

"Whichever slaesman stops by first"

(8) When you order your court forms, do you order in large enough quantities to obtain price recutions? Specify.

Out of 65 returns, thirty-four respondents answered yes to this question and 20 answered no. The balance either did not reply or qualified their answer. Some courts indicated that they did not use enough forms to order in quantity, others stated that they do not have enough storage space for quantity orders. Usually, file folders, letterheads, envelopes, subpoenas executions, small claims materials, and receipt books were mentioned as being ordered in quantities large enough to generate price reductions.

(9) In what quantities do you order forms? Indicate type, quantity ordered, and frequency of orders.

The responses here indicated that usage of the materials determined the frequency of ordering. Forms, when ordered, are usually purchased in pads of 100 or 300 sheets. File folders were generally ordered once or twice a year. Other orders for forms are usually for two or three dozen at various times during the year.

(10) Do you reproduce forms on a xerox or other type of copying machine?

Fifty-four respondents answered yes to this question, nine answered no.

(11) Does the copy machine belong to the court or to another government agency?

By and large the copy machine is owned by the county and shared by all offices. Only three courts indicated that they owned the copier and had exclusive use of it.

(12) What model copy machine is used?

ICP Custom 1200 A
3M Model 191
3M VQC-181
Photo-Recordak
3M 107
Remington R2
3M #209
AB Dick #675
AB Dick #525
AB Dick #418
Zerox 4000
Saxon C-500
AB Dick Model 650
Zerox 2400
Zerox 720
APECO
Zerox 1000
SCM Coronastal Model 66
3M 209
Zerox 3100
Zerox 914
Copy Stat "5000"
Saxon B-12
Olivetti
3M "209"
Zerox 660
3M 2000
Remington R-3
Zerox 7000

(13) How much did your court spend on xeroxing or other copying from January 1, 1973 to January 1, 1974? Indicate number of copies photocopied.

Thirty courts indicated they spent $7,716 during the indicated time period for 153, 739 copies. The overall coverage cost per copy in these courts is .05 however, a range from .03 to .16 cents per copy was reported. Twelve other courts indicated that $2,620 was spent on copying but did not indicate the number of copies, another twelve courts indicated that 40,350 copies were made during the period but did not report the cost. From the foregoing it is estimated that approximately 246,000 copies are made annually in the South Dakota courts for an overall copying cost of $12,300.

(14) How much did your court spend on printing from January 1, 1973 to January 1, 1974? Indicate number of copies printed.

Twenty-two courts indicated they spent $10,828 on 155,804 copies of printed material, another 15 courts reported spending $15,537 for an undetermined quantity of printing. Twenty-eight courts either did not respond to the question or did not report any expenditures or printing for the period in question.

(15) Does your court use electronic data processing in any of its operations?

Only the Minnehaha Circuit Court answered this question affirmatively.

(16) If you use electronic data processing, what are the applications?

The annual jury list is selected from the voter registrations.

RECORD RETRIEVAL STUDY

This portion of the study provides the basis for determining 1) overall courthouse storage requirements (cubic footage); 2) the retrieval activity of various records; 3) which records require courthouse storage and which require less expensive records center storage; 4) the approach to be taken when developing a records retention schedule.

Worksheets were developed for retrieval of records in the following areas: civil, criminal, probate, mental health, juvenile, traffic and small claims. A log in each of these areas was requested to be kept in the Circuit, District County, and Municipal courts for a period of approximately 30 days. (These logs have been compiled, indexed and bound as an appendix to this report)

The data recorded included date of retrieval, judgment date of the case retrieved, number of the case retrieved, name of person or organization requesting the retrieval and the purpose of retrieval.

The results of the data kept for an approximate period of 30 days are as follows:

SUBJECT MATTER	TOTAL RETRIEVALS OF RECORDS
Civil	933
Criminal	637
Probate (Includes adoptions and guardianship)	1444
Mental Health	41
Juvenile	313
Traffic	114
Small Claims	39
Other	53
GRAND TOTAL	3574

The above totals represent all the record retrievals which were made during the 30 day test period. Included in the retrievals were current files as well as terminated files and support payment files which are generally pulled each month when payments are made to the court.

In order to determine the age of the case records being retrieved, court personnel were requested to enter the judgment date of the record retrieved. Although many courts did not follow this requirement the data from those courts which did is as follows:

Subject Matter	Total Retrievals	Less - 1 yr. old	1 yr. old	2 yr. old	3 yr. old	4 yr. old	5 yr. old	5+ yr. old
Civil	343	100	55	47	40	20	10	71
Criminal (Includes Traffic)	180	88	64	6	10	0	5	7
Probate (Includes adoption, guardianships and mental health)	498	120	105	50	47	15	13	148
Small Claims	13	7	2	2	2			

The above figures show that the greatest amount of record retrieval activity takes place within three years after the judgment date of a particular case.

Seventy-one percent (71%) of the civil retrievals, 93% of the criminal retrievals, 65% of the probate retrievals and 100% of the small claims record retrievals took place during this period.

Retrievals taking place more than 5 years after judgment date are:

Civil	21%
Criminal	4%
Probate	30%

The relationship of subject matter to frequency of retrieval is as follows:

Civil	33%
Criminal	17%
Probate	48%
Small Claims	1%

The retrieval study indicated that while all records have retrieval activity, some have more than others. The level of retrieval activity is especially important where courts are short of records storage space. Decisions must then be made concerning 1) which records should be kept in the courthouse because of the need for accessability, 2) the age of those records used most frequently, 3) the desirability of transferring some older inactive records from the courthouse to less expensive records storage areas, 4) the feasibility of microfilming records.

The several alternatives to records storage include:

1) Storage of all court records in the courthouse.

2) Storage of some court records in the courthouse, microfilm some and destroy or transfer those that have been microfilmed.

3) Storage of some records in the courthouse, transfer the balance to a central records storage facility.

4) Move all records to a central records storage facility.

The results of the retrieval study indicated that probate records are by far the most active of all court records, followed by civil then criminal. In terms of the age of records, probate records again are utilized more, subsequent to date of judgment or decree.

It would appear then that if a court is running short of records storage space the first old records to be transferred to a central storage facility would be small claims, traffic, and criminal. Civil and probate records should probably be retained in the courthouse, regardless of age because of the continuing need for retrieval.

If any civil or probate records were to be transferred out of the courthouse it would appear that the oldest records should go first.

The transfer of court records will be covered in a subsequent section and related to records inventories, storage problems and overall recommendations.

COURT RECORDS INVENTORY

The records inventory which was completed by clerks of court in South Dakota indicated that 24,829 cubic feet of court records are stored in the courthouses around the state. Such records date as far back as the 1870's and the 1880's. Individual court locations and circuit totals are found on Exhibit I. (Detailed inventories of each court location are on file with the State Court Administrator)

Exhibit II shows the general categories of court records which were indicated on the inventories. The listing attempts to set out the major areas of court holdings including books, files and miscellaneous records. While a particular specific title of a record or book may not appear on the list, it is felt that all of the general areas of court holdings are shown. Likewise there may be some overlaps in the categories listed because of the variance in usage or semantics.

As far as can be determined no court records have ever been transferred from the courts to any other type of storage. As indicated earlier the majority of the court locations do not destroy any records at all. Thus the inventories show that all court records which have been created since territorial days are stored on-site in the various courthouses. What has developed then is a "keep everything forever" policy which in some instances is causing a shortage of adequate records storage space.

Clerks of court were asked as part of the inventory to indicate which records could either be transferred out of the court or destroyed because of a lack of record activity. In most instances the records were very old or represent matters which were filed with clerks of court years ago, but which today are no longer a judicial responsibility. What follows is a listing, as recommended by the clerks of court, or records which should some how be disposed of to increase courthouse storage space:

- School Census
- Naturalizations
- Receipts - after audit
- Jury certificate book
- Record of jurors
- Fee book - after audit
- Jury and witness certification book
- Jury and Witness voucher book
- Jury books
- Justice docket
- Bond books
- Circuit costs book
- Mothers pension
- Partnership record book
- Mechanics lien
- Coronors record
- Motion docket
- School Delinquent Record Docket
- Loyalty Oaths
- Sheriff's return
- Teachers record
- Workmen's Comp. and Fire Bond
- County Township and School offices
- School officers

Appearance Docket
Threshers and Misc. Bonds
Attorney receipts for papers
Optometry certificates
Craftsman lien
Bond record
Hospital lien
Register of form names
Oath and Bond record
Court calendar
Stallion record
Records of Soldiers in war
Old SDCL and session laws

Exhibit I

COURT RECORDS BY CUBIC FEET

1st Circuit--

BON HOMME	256
CHARLES MIX	542
CLAY	169+
DOUGLAS	249
HUTCHINSON	881
UNION	363
YANKTON	368
TOTAL	2828

2nd Circuit--

LINCOLN	357
MINNEHAHA	2125
TURNER	406
TOTAL	2888

3rd Circuit

BROOKINGS	326
CLARK	483
CODINGTON	447
DEUEL	190
GRANT	
HAMLIN	588
KINGSBURY	
MOODY	1111
TOTAL	3145

4th Circuit

AURORA	168
BRULE	155
BUFFALO	57
DAVISON	559
HANSON	141
JERAULD	142
LAKE	517
MC COOK	305
MINER	132
TOTAL	2176

5th Circuit

BROWN	1075
CAMPBELL	194
DAY	667
EDMUNDS	196
MARSHALL	435
MC PERSON	244
ROBERTS	485
WALWORTH	37
TOTAL	3333

6th Circuit

BENNETT	
GREGORY	236
HAAKON	92
HUGHES	219
HYDE	81
JACKSON & WASHABAUGH	187
JONES	90
LYMAN	
MELLETTE	74
POTTER	236
STANLEY	
SULLY	167
TRIPP & TODD	771
TOTAL	2153

7th Circuit

CUSTER	294
FALL RIVER # SHANNON	447
PENNINGTON	2060
TOTAL	2801

8th Circuit

BUTTE	441
CORSON	
DEWEY	124
HARDING	175
LAWRENCE	705
MEADE	603
PERKINS	190
ZIEBACH	80
TOTAL	2332

9th Circuit

BEADLE	1290
FAULK	192
HAND	143
SANBORN	234
SPINK	472
TOTAL	2331

Magistrate Courts

SIOUX FALLS	347
ABERDEEN	66+
RAPID CITY	429
TOTAL	842

STATEWIDE GRAND TOTAL = 24,829 cu.ft.

Exhibit II

GENERAL TYPES OF COURT RECORDS HOLDINGS.

BOOKS

Register of Actions
Judgment Book
Judgment Record
Execution Docket
Court Minutes (Journals)
Order Book
Index Books

Record of Probate Cases
Probate Record Recording
Probate Calendar
Probate Index
Estate Index
Inventory and Appraisemtnt
Inheritance Tax Record
Will Books
Guardianship Record Books
Insanity Record
Adoption Book

Court Calendar
Appearance Docket
Justice Books
Jury Books

Divorce Book
Final Decree
Juvenile Record
Criminal Sentence Book

Fee Book
Fine, penalties, forfeitures and costs
Bond Record
Trust Books

Docket of city costs
Docket of State costs
City complaints and sentences

CASE FILES

Civil
Criminal
Probate
Mental Illness
Guardianship

Juvenile
Adoptions
Relinquishments

Small Claims
Traffic

Support Money
Satisfaction of Judgment

Miscellaneous

Receipt Books
Cancelled Checks
Vouchers
Notary Public
Naturalizations
Exhibits
Jury Questionnaires
Reporters Notes and Tapes
Transcripts

Exhibit III

YEAR OF OLDEST COURT RECORDS

1st Circuit--

BON HOMME	1900
CHARLES MIX	1870
CLAY	1875
DOUGLAS	1887
HUTCHINSON	1875
UNION	1884
YANKTON	1888

2nd Circuit--

LINCOLN	1871
MINNEHAHA	1873
TURNER	1884

3rd Circuit --

BEOOKINGS	1880
CLARK	1882
CODINGTON	1907
DEUEL	1880
GRANT	1890
HAMLIN	1879
KINGSBURY	NA
MOODY	1881

4th Circuit--

AURORA	1881
BRULE	1895
BUFFALO	1885
DAVISON	1881
HANSON	1880
JERAULD	1880
LAKE	1881
MC COOK	1881
MINER	1890

5th Circuit--

BROWN	1883
CAMPBELL	1885
DAY	1886
EDMUNDS	1884
MARSHALL	NA
MC PHERSON	1884
ROBERTS	1884
WALWORTH	1940

6th Circuit--

BENNETT	1913
GREFORY	1905
HAAKON	1915
HUGHES	1880
HYDE	1884
JACKSON & WASHABAUGH	1915
JONES	1917
LYMAN	NA
MELLETTE	1907
POTTER	1884
STANLEY	NA
SULLY	NA
TRIPP & TODD	1907

7th Circuit--

CUSTER	1880
FALL RIVER & SHANNON	1886
PENNINGTON	1880

8th Circuit--

BUTTE	1882
CORSON	NA
DEWEY	NA
HARDING	1909
LAWRENCE	1880
MEADE	1889
PREKINS	1909
ZIEBACH	1911

9th Circuit--

BEADLE	1882
FAULK	1884
HAND	1855
SANBORN	1887
SPINK	1880

LAW TRAINED MAGISTRATE COURTS

SIOUX FALLS	NA
ABERDEEN	NA
RAPID CITY	1935

NA = NOT AVAILABLE

Microfilm Survey

All court clerks were requested to report information relative to the microfilm program, if any, in their county. By and large the courts in the State of South Dakota do not microfilm any records.

Only 10 court locations appear to have access to or utilize microfilm equipment. The results of the survey are tabulated on Table I and cover the following areas: 1) type of equipment 2) Serial No. 3) estimated age of equipment 4) ownership of equipment 5) personnel utilized 6) hours per week of equipment utilization 7) types of records filmed and 8) number of microfilm negatives.

Back Ground Information[1]

A microfilming system consists of four basic parts: (1) camera (or cameras) to record the material, (2) a processor to develop the exposed film, (3) a reader (or combination reader printer) to retrieve the microfilmed information, and (4) a method of indexing, filing and storing the finished microfilm.

"Microform" is the general name for the various types and formats of microfilm. There are five principal microforms in use today.

Roll Film - The finished microfilm is retained in rolls and used in that format.

Film Jacket - Microfilm strips are inserted inside transparent jackets of varying sizes. The strips are readily inserted or removed.

Microfiche - Sheet of 4" x 6" film on which several frames (pages) of related infomation have been printed as a group.

Aperature Cards - Data processing cards with a window for microfilm frames. Each card accommodates one 35-mm frame or several 16-mm frames of film.

Microstrip - Rigid plastic sleeve containing strips of 16-mm microfilm images up to 12" long.

Advantages of Microfilm

Space Savings - Records on microfilm need as little as 2% of the space occupied by the same records on paper. Microfilming, to save the cost of space and equipment, must be weighed against the

1. All background information is taken from South Dakota Records Management Records Management Unit, State Department of Administration.

cost of microfilming. Normally, it is more economical to microfilm inactive records that must be retained for more than 8-10 years.

Security - Microfilm to insure safety of vital records may frequently be found to be inexpensive insurance against loss. The paper records, or duplicate film, then may be retained at the point of origin and the master microfilmed stored at a security location.

Speed and Convenience of Retrieval - Overall retrieval speeds and costs often can be improved. A microfilm system makes it possible to store needed documents and data at the user's work station, rather than at a remote location.

Low-Cost Distribution - Economical film duplicates are quickly produced and inexpensively mailed.

Preservation - When records of permanent value are found to be deteriorating or becoming brittle due to age, microfilm may prove to be the most economical method of copying and preserving the information.

Disadvantages of Microfilm

Cost of Preparation - Preparation of documents for filming is often the most expensive aspect of the operation. Such preparations as removing paperclips, staples, extra copies, non-record material, etc., are a matter of course but usually require as much labor time as actual filming.

Photographic Difficulties - Wide variations in the physical characteristics, particularly in colors of paper, thickness, and contrast between the printing and the paper color, make the production of good quality microfilm difficult.

Volume of Records Series - There is little justification, other than for archival/historical or security reasons, to embark on an expensive microfilm program for the sake of a few small record series.

Reference Requirements - While microfilmed records are frequently easier to reference than the original paper documents, they do require the purchase of retrieval equipment (readers, reader/printers, etc.). While the film is easily transported, the retrieval system is not.

The microfilm capability in the South Dakota Court System is minimal. In a sense this is to the advantage of the system since a proliferation of equipment would further increase the problems associated with equipment utilization and overall program direction.

The total cost of microfilm equipment in the ten locations utilizing the technique is $63,161, personnel costs for the

operator are estimated at $9,000.00 annually.

In terms of equipment utilization it was found that equipment is being used at far less than full capacity. The following table shows, as a percent, the amount of time the equipment is utilized where on-going efforts have been identified.

Clay County	3%
Union County	10%
Lincoln	10%
Minnehaha	100%
Walworth	1%
Tripp	8%
Lawrence	3%

Other locations, while having a microfilm capability are not far enough into the activity to make any type of determination as to equipment utilization.

From the foregoing, it can be seen that the microfilm effort both in terms of equipment placement, utilization and personnel involvement has been less than uniform.

Recommendations relative to future microfilm operations will be elaborated as another section and related to the overall approval to court records management.

Table I

MICROFILM SURVEY

Nov. 1974

	Microfilm Equipment	Serial No.	Est. Age of Equip.	Owned or Leased	Microfilm Personnel	Hours per Week	Types of Records Filmed	# of Microfilm Negatives
1st Circuit--								
CLAY COUNTY	Micro File Machine Camera Recordak Mod. MRD2	1197	10 yrs.	Owned	Clerk & Deputy	1 hr.	Probate, Judgments Dist. Court Bonds	5692 316 346 296
UNION COUNTY	Camera Reader, Explorer 14 Printe. 3M	220176 27A25 703	3 yrs. 3 yrs. New	Owned Owned Owned	Deputy Clerk	4-5 hrs.	Circuit, Probate, Dist. Co. Court	375 900 300
YANKTON COUNTY	3M Camera		New		Just Hiring	25 hrs. (Est.)	ALL	None Yet
2nd Circuit--								
LINCOLN COUNTY	3M-2000 processor, camera Mod. 78AA	200434	3 yrs.	Own ½ Interest	Clerk	2 hrs. Dist	Probates, Dist. Court Criminal, Juvenile & Adoptions, Circuit, Civil Criminal and Mental	
	Card Duplicator 3M-49B6	07721	3 yrs.	Own ½ Interest	Clerk	1½ hrs.		
	Reader- Dukane Explorer 14 Mod #27A25	99A501	2 yrs.	Own	Clerk	½ hr.		
MINNEHAHA COUNTY	161G Canon Proc. Camera	30900212	8 mo.	Own	Deputy Clerk	40 hrs.	ALL	1971 to Current Total 7300 4x6 Microfilm jackets.
	161G Canon Proc. Camera	30600096	8 mo.	Own	Deputy Clerk	40 hrs.		
	Mod. 1600 N. B. Reader Filler	1600423	8 mo.	Own	Deputy Clerk	40 hrs.		
	Mod. 1600 N.B. Reader Filler	1609424	8 mo.	Own	Deputy Clerk	40 hrs.		
	3M 500M Reader Printer	1011581	8 mo.	Own	Deputy Clerk	40 hrs.		
	320 VC Canon KAI Printer	301045	8 mo.	Own	Deputy Clerk	40 hrs.		
	D-11 Micobra Developer	274	8 mo.	Own	Deputy Clerk	40 hrs.		
4th Circuit								
BRULE COUNTY	Equipment Available in County Register of Deeds Office - But has not been used to date.							
5th Circuit								
WALWORTH COUNTY	3M	200648	1 yr.	Own	County Officers	½ hr.	Orders Judgments Decrees	
6th Circuit								
TRIPP COUNTY	3M-2000 Cam. Dukane #14 Reader		3 yrs.	Own	Clerk & Deputy	2-3 hrs.	Orders, Judgments Wills	2000
7th Circuit								
PENNINGTON COUNTY	2 Canon Cameras	30600099	New	Own	Clerk of Court	5 hrs.	Civil, Criminal Probate, Juvenile Adoptions, Relinquishments and all other documents	None Yet
	Read/Print. Mod. 275AAR	30800-6	New	Own	Deputy Clerk	20 hrs.		
	Reader Filler	1609481	New	Own	Deputy Clerk	30 hrs.		
	Dukane Reader	A-689063	New	Own				
	Micobra Dupl.	301151	New	Own				
	Diebold Mech. File	16709	New	Own				
8th Circuit								
LAWRENCE COUNTY	Recordak #MCD-2	1428MCD2	9 yrs	Own	Register of Deeds	1 hr	Sentences, judgments orders, decrees for Probate, Crim. Civil and Guardianship	2438 for 1973 2700 for 1974

COURT FORMS

Clerks of court were requested to submit copies of all court forms used in their operations. The number and varities of such forms is substantial and in order to organize and classify the items submitted various categories and the subcategories of forms were identified. The following list sets forth the basic categorization of the forms:

CIVIL AND SMALL CLAIMS

Register of Actions and Fees
Defendant - Plaintiff Index
Execution
Notice of Trial
Satisfaction of Judgment
Verdict
Subpoena
Affidavit of Service
Memo to Plaintiff
Transcript of Judgment
Satisfaction of Judgment
Attestation
Index Cards
Information Cards
Release
Undertaking of Attachment
Summons
Notice of Judgment
Register
Affidavit of Original Creditor
File Folder
Summons
Labels - Index Cards
Judgment on Failure to Answer
Assignment of Judgment
Mimutes of Trial
Attorney's Lien
Statement of Judgment
Verdict
Notice to Defendant
Orders
Subpoena
Execution
Garnishment
Warrant of Attachment
Notice of Default Judgment
Judgment
Complaint and Envelopes
Application and Order for Transfer to Formal Side
Instruction to all persons filing
Affidavit of Plaintiff re. ownership of claim

CRIMINAL

Index Cards - Labels
Docket Book
Check List
Felonies or Misdemeanors Report
Quarterly Report
Copy of File Folder
Statute upon which charge is based
Exhibit List
Undertaking of Defendant Held on Undertaking to Appear
Right of Defendant
Notice and Order - Post Conviction Relief
Notice of Trial or Hearing
Application for Court Appointed Attorney
Judgment for Cost Penalty
Judgment and Sentence
Modification of Judgment
Complaint and Affadavit
Judgment
Committment
Sentence of the Court
Order Assigning Counsel
Recognizance Bond
Order Releasing Bond
Bail Bond
Official Statement with Committment

CRIMINAL (Cont'd)

Bind over Notice
Information
Voucher for Expenses of Court Appointed Attorney
Search Warrant
Bench Warrant
Subpoena
Order of Adjournment
Consent and Authorization for Pre-Appointment Investigation
Order for Pre-Sentence Investigation
Discharge from Imprisonment
Minutes of Trial
Work release order
Payment Schedule Order
Affidavit of Indigent Defendant
Register of Criminal Actions

TRAFFIC

Minute Sheets
Ledger for State Cases
Judgment and Sentence-DWI
Record of Conviction for Violation of Motor Vehicle Laws
Report of Clerk of the Municipal Court
Record of Conviction
Sentence of Court
Parking Violation

PROBATE

Index - Fee Book
Index Cards and Labels
File Folder
Affidavit of Mailing
Order to Show Cause
Annual or Special Report
Final Discharge - Decree
Executors Deed
Last Will and Testament
Petition - Summons of Admin. of Estate
Foreign Will
Certificate of Copies
Notice to Creditors
Proof of Will
Bond of Administration
Testamentary and Oath
Inheritance Tax
Letters of Administration
Appointing Administrator
Claims
Petition - Sale of Real Estate
Testimony of Application
Appraisment
Probate of Will
Guardianship Appointment
Annual or Special Report of Admin. Executor or Guardian.

MENTAL HEALTH

Mentally Ill Record
Findings of Board of Commissioners of Mentally Ill and Order for Committment
Notice of Hearing - (Mentally Retarded)
Adjudication and Committment to Control of State Commission
Order for Investigation and Hearing
Information and Complaint for Mentally Retarded
Information of Mental Illness
Oath of Board Members
Warrant of Arrest for Alleged Mentally Ill Person
Petition for letters of Guardianship
Letters of Guardianship
Bond of Guardian
Temporary Commitment
Commission of Physician
Subpeona
Notice of Hearing (Chronic Alcoholic)
Warrant of Arrest for Alleged Chronic Alcoholic
Information for Alcoholic Commitment
Index Card
Information complaint for sterilization
Findings and Order of Commitment to the Institution for Menatally Retarded

ADOPTION

Petition for Adoption
Adoption Record
Consent of Child to Adoption
Court Report of Adoption
Order Authorizing C. of C. to Issued Certified Copy
Amended Birth Record
Report of Investigator
Order Fixing Time for Hearing and Appointing Investigator
Sealing Notice
Order Declaring Child Adopted

JUVENILE

Case Study
Records and Index
Guardianship Index Cards
Notice of Hearing to Seal Records
Summary and Dismissal Report
Child Abuse Report
Subpoena
Judgment
Citation - Warrant
Court Statistics
Summons
Orders
Petition
Guardian
Petition for Seating Records

JURY

Index
Time Sheets
Jury List
Summons - Notice
Certificates - Juror and Witness
Notice of Changes - Registration List
Handbook
Order for Jury List
Informational Material
Notice of Meeting for Drawing
Special Venire to Complete Panel

APPELLATE

Attestation (Certification of Copy)
Undertaking on Appeal
Certificate on Appeal

ACCOUNTING

Trust Fund
Weekly Reports
Register of Fines
Annual Report
Clerk's File Book
Receipts
Certification
Support Payment Forms
Statistical Report
Travel Voucher
Long Distance Call Sheet
Trust Fund (Order)
Monthly Report
Statement of Fees Collected
Quarterly Report
Statements

MISCELLANEOUS

Certification of Copies
Affidavit of Mailing
Affidavit of Publication
Stipulation - Withdrawal of Exhibits
Affidavit and Notice of Taxation of Costs
Passport Application
Power of Attorney
Commission to Take Deposition

The following statutory references are set forth as background material for the court records management program.

AUTHORITIES

1-27-4. (1973 Supp) Photographic and mechanical processes authorized for copying and recording. Whenever any officer of the state of South Dakota, any political subdivision, municipal corporation, or public corporation is required or authorized by law to record, copy, file, recopy, or replace any document, plat, paper, vourcher, receipt, or book on file or of record in his office, he may do so by photostatic, microphotographic, microfilm, or other mechanical process which produces a clear, accurate, and permanent copy or reproduction of the original in accordance with the standards not less than those approved for permanent records by the national bureau of standards or the American National Standards Association.

1-27-6. (1973 Supp) Retention of reproduced records. Whenever any record or document is copied or reproduced in a method described in § 1-27-4, the officer shall retain a copy or reproduction in his office.

1-27-7. (1973 Supp) Viewing and reproduction equipment to be provided. If the original records or documents are disposed of or destroyed, the officer shall, unless viewing equipment is otherwise available within the corporate limits of the town or city wherein the records or documents are kept, provide suitable equipment for displaying such record or document in whole or in part by projection to no less than its original size, or for preparing for persons entitled therto copies of the record or document, but which shall not be required to be in its original size.

1-27-8. (1967 SDCL) Reproductions admissible in evidence. Preparation of enlarged copies. A photographic, microphotographic, or microfilm copy of any such record, or a certified copy thereof, shall be admissible as evidence in any court or proceeding and it shall have the same force and effect as though the original record has been produced and proved. It shall be the duty of the custodian of such records to prepare enlarged typed or photographic copies of the records whenever their production is required by law.

1-27-9. (1967 SDCL) Records management programs. Definition of terms. Terms used in § § 1-27-9 to 1-27-18, inclusive, shall mean:

(1) "State agency" or "agency" or "agencies" shall include all state officers, boards, commissions, departments, institutions and agencies of state government.

(2) "Record" means document, book, paper, photograph, sound recording, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra reference, and stocks of publications and of processed documents are not included within the definition of records as used in § § 1-27-9 to 1-27-18, inclusive.

(3) "State record" means:
   (a) A record of a department, office, commission, board or other agency, however designated, or the state government.
   (b) A record of the state Legislature.
   (c) A record of any court of record, whether of statewide or local jurisdiction.
   (d) Any other record designated or treated as a state record under state law.

(4) "Local record" means a record of a county, city, town, township, district, authority or any public corporation or political entity whether organized and existing under charter or under general law, unless the record is designated or treated as a state record under state law.

1-27-10. (1967 SDCL) Records as property of state. Damage or disposal only as authorized by law. All records made or received by, or under the authority of, or coming into the custody, control, or possession of public officials of this state in the course of their public duties, are the property of the state and shall not be mutilated, destroyed, transferred, removed, or otherwise damaged or disposed of, in whole or in part, except as provided by law.

1-27-11. (1967 SDCL) Board to supervise destruction of records. Permission required for destruction. There is hereby created a board consisting of the Governor, state auditor, attorney general, auditor-general, and the secretary of the State Historical Society to supervise and authorize the destruction of records. No record shall be destroyed or otherwise disposed of by any agency of the state unless it is determined by majority vote of such board that the record has no further administrative, legal, fiscal, research or historical value.

1-27-11.1. (1974 Supp) Direction and supervision of board by bureau of administration - Independent functions retained. The board created by § 1-27-11 shall be administered under the direction and supervision of the bureau of administration and the commissioner thereof, but shall retain the quasi-judicial, quasi-legislative, advisory, other nonadministrative and special budgetary functions (as defined in § 1-32-1) otherwise vested in it and shall exercise those functions independently of the commissioner of the administration.

1-27-12. (1967 SDCL) State records management program to be established. The secretary of finance shall establish within the organizational structure of the department of finance a records management program, which will apply efficient and economical management methods to the creation, utilization, maintenance, retention, preservation and disposal of state records.

1-27-13. (1967 SDCL) Records management procedures proposed by state agencies. The head of each agency shall submit to the secretary of finance, in accordance with the rules, regulations, standards, and procedures established by him, schedules proposing the length of time each state record series warrants retention for administrative, legal, or fiscal purposes after it has been received by the agency.

1-27-14. (1967 SDCL) Obsolete records listed by state agencies. The head of each agency, also, shall submit lists of state records in his custody that are not needed in the transaction of current business and that do not have sufficient administrative, legal or fiscal value to warrant further keeping for disposal in conformity with the requirements of § 1-27-11.

1-27-15. (1967 SDCL) Destruction of nonrecord materials. Nonrecord material or materials not included within the definition of records as contained in § 1-27-9 may, if not otherwise prohibited by law, be destroyed at any time by the agency in possession of such materials without the prior approval of the secretary of finance.

1-27-16. (1967 SDCL) Rules, regulations, standards and procedures. The secretary of finance shall promulgate such rules, regulations, standards, and procedures as are necessary or proper to effectuate the purposes of § § 1-27-9 to 1-27-18, inclusive, except that rules, regulations, standards, and procedures relating to disposal of records pursuant to § 1-27-11 shall be issued jointly by the Governor, state auditor, attorney general, auditor general, and the secretary of the State Historical Society.

1-27-17. (1967 SDCL) Legislative and judicial records management programs. Upon request, the secretary of finance shall assist and advise in the establishment of records management programs in the legislative and judicial branches of state government and may, as required by them provide program services similar to those available to the executive branch of state government pursuant to the provisions of § § 1-27-9

to 1-27-16, inclusive.

1-27-19. (1967 SDCL) Annual meeting to authorize destruction of political subdivision records. The state record destruction board shall meet at least once each year and consider requests of all political subdivisions for the destruction of records and to authorized their destruction as in the case of state records.

15-15-4. (1961 SDCL) Return of exhibits to party when judgment final. Copy retained for record. Fee. Whenever the decision or judgment of the court has become final so that no further necessity for preservation of exhibits as a part of the record of any action or proceeding exists, the court may, upon application of the party who offered any exhibit or his attorney of record or the owner of said exhibit, by written order direct the clerk to return such exhibit to the applicant. When an exhibit is a necessary part of the judgment roll or consists of a written instrument establishing the liability of a party against whom judgment has been rendered, a copy of it shall be made and retained by the clerk and the original canceled by endoresement across its face before being returned to the applicant. Unless the applicant shall furnish a true copy of such exhibit, he shall pay the fee of the clerk for making such copy.

Repealed as of January 7, 1975

16-10-3. Register, books and docket maintained by clerk. Every clerk of courts shall procure, at the expense of his county, and keep the following books, the form of which shall be subject to the approval of the auditor-general, and the form of which may be further regulated by rules of court:

(1) A register of actions, in which he shall enter the title of each action, each paper filed in the cause, and all proceedings therein;
(2) A judgment book, in which shall be entered the judgment in each action or proceeding;
(3) A judgment docket, in which he shall docket judgments as provided by law and the rules of practice and procedure adopted by the Supreme Court;
(4) Such other books as may be required by the auditor-general.

15-38-1. Docket required - Matters entered. Every justice must keep a book, denominated a docket, in which he must enter:

(1) The title of every action or proceeding;
(2) The object of the action or proceeding; and if a sum of money be claimed, the amount thereof;
(3) The date of the summons, and the time of its return; and if a warrant of attachment be issued, a statement of the fact;
(4) The time when the parties, or either of them, appear, or their nonappearance, if default be made; a minute of the pleadings and motions, if in writing, referring to them; if not in writing, a concise statement of the material parts of the pleading;
(5) Every adjournment, stating on whose application and to what time;

(6) The demand for a trial by jury, when the same is made, and by whom made, the order for the jury, and the time appointed for the return of the jury and for the trial;
(7) The names of the jurors who appear and are sworn, and the names of all witnesses sworn, and at whose request;
(8) The verdict of the jury, and when received; if the jury disagree and are discharged, the fact of such disagreement and discharge;
(9) The judgment of the court, specifying the costs included, and the time when rendered;

(10) The issuing of the execution, when issued, and to whom; the renewals thereof, if any, and when made; and a statement of any money paid to the justice, when and by whom;
(11) The receipt of a notice of appeal, if any be given, and of the appeal bond, if any be filed;
(12) Such additional records and minutes of all proceedings of his office as he shall deem advisable for maintaining a full and complete record of all the proceedings in his office.

15-37-3. Index to docket - Nates of parties entered. A justice must keep an alphabetical index to his docket in which must be entered the names of the parties to every action or proceeding, with a reference to the page of entry. The names of the plaintiffs and the defendants, or other parties, to each action or proceeding must be indexed in separate colums properly entitled, in the alphabetical order of the first letter of the family name.

Attorney General's Opinions

Two attorney general's opinions relate to the destruction of court records. They are:

69-45

In summary, this opinion stated.... "that the State Records Destruction Board may, through proper promulgation of regulations, authorize and approve the destruction of state records which are not otherwise specifically required to be retained for a particular period by any other section of law, but may not where a statute provides for a minimum time for the retention of records reduce the same"....

74-2

Bascially three questions were answered:

1. May the clerk of Courts destroy court records once they have been microfilmed according to SDCL 1-27-4?

Answer - Yes

2. Does the clerk of courts need an order of the Circuit Court of appropriate jurisdiction before he may destroy

any records which have been properly microfilmed according to SDCL 1-27-4?

Answer - No

3. How long must the clerk of court retain the original records before these records may be destroyed?

"....Concerning your third question on the length of time the clerk of courts must retain the original records after they have been microfilmed, I would inform you that the South Dakota complied Laws are silent. Further, there have been no rules promulgated by the State Record Destruction Board which would require the clerk of courts to retain the originals for any length of time after microfilming is completed. Therefore, in answer to your third question, the clerk of courts may destroy original records which have been microfilmed pursuant to SDCL 1-27-4 as soon as the State Record Destruction Board authorizes the destruction of the records, pursuant to SDCL 1-27-19."

RECOMMENDATIONS

Certain locations, in particular, Union, Buffalo, Brown, Jones Gregory, Stanley, Aberdeen (Magistrate Court) and Rapid City (Magistrate Court) need immediate attention to relieve their records storage problems. The assistence may take the form of a) transfer to the State Records Management Unit for holding, microfilming, if necessary and disposition. As indicated previously traffic, small claims and criminal actions should be given transfer priority. Also those items listed in the records inventory section as being unneccesary to court operations.

Additional locations which indicated storage problems in 1 to 5 years are: Clay, Douglas, Yankton, Minnehaha, Deuel, Kingsbury, Moody, Aurora, Davison, Hanson, Lake, Miner, Roberts, Walworth, Hughes, Jackson and Washabaugh, Custer, Dewey, Lawrence, Perkins, and Sioux Falls (Magistrate Court)

Every attempt should be made, at least in civil cases, to return exhibits to parties in accordance with 15-15-4 SDCL. It would appear that, once an attempt is made to return such items and parties do not respond, a request should be made to the State Destruction Board for the disposal of such items. Exhibits in minor criminal cases could also be disposed of upon Destruction Board approval however those exhibits in cases where the defendant is incarcerated should be retained because of the availability post conviction remedies.

The adequacy of storage as related to space problems should be closely examined. All records do not require storage in file cabinets or open shelve storage. If records are properly indexed that can be stored in approved records storage containers which can be purchased for under $1.00 per container. Such containers can be used to store approximately 2 cubic feet of records.

In like manner the usage of a central records storage facility

should be considered for inactive court records. The costs of such storage are approximately 50¢ per cubic foot as apposed to $10.00 per cubic foot for file cabinet-office storage.

Lastly all requests for destruction must be brought before the state record destruction board as provided by 1-27-11(1967 SDCL).

Microfilm

The South Dakota Judiciary should rely heavily on the Central Microfilm Unit of the Records Management Division under the State Department of Administration. The Unit provides microfilm services to all State agencies, eliminating duplication of expensive camera equipment and reducing the need of trained personnel to perform this special function.

Microfilm camera services are offered at "no cost" to all State agencies supported out of the State general fund. State agencies that have their own funding support will be required to pay only the direct cost of labor and supplies. The unit provides a full range of services including; several different types of cameras, film processing, inspection, diazo duplicating, film jack loading, and storage of security rolls of film.

Not all microfilming projects are done in the Central Microfilm Unit. When justified by the volume of records, security, etc., the microfilming may be done within the agency. However, to insure required standards are observed, all exposed film will be forwarded to the Central Unit for processing and inspection.

The Central Microfilm Unit also provides program information, including cost studies and technical assistance in establishing microfilm programs for any county, municipal, or other political subdivision of State Government. In addition, the Unit's inactive cameras are available for loan at a normal depreciation rate.[2]

Costs, of course, must be considered before any decision is made to microfilm court records or to retain the hard copy records as long as they are usable. An recent study of costs for microfilming case files indicated that such microfilming between .6 cents and 2.1 cents per document.[3]

This cost includes equipment, personnel, supplies and materials. To estimate the total cost of microfilming a series of case files the average number of documents should be determined and then multiplied by the cost per document and total number of case jackets.

It is strongly recommended that the State Court Administrator place a freeze on any further purchases of microfilm equipment by court locations pending the determination of overall policy in this area. It is estimated that a minimum of $5,000. would be required to

2. Op. Cit. p.30
3. A Cost Analysis of the Current and Non-Current Microfilm Programs in Arapahoe District Court. Colorado State Court Administrators Office. p.1.

equip each location with basic microfilm equipment. A suggested alternative is the utilization of the portable camera, processing equipment and expertise of the Central Microfilm Unit. The only equipment which would be required if this alternative is adopted is a reader or reader-printer which can be purchased at the cost of approximately $500 per unit.

It is also recommended that only completed case files be considered for microfilming. In contrast to the large docket books, the documents contained in the case files can be filmed with ease. In terms of equipment capability, availability and nobility this is a desirable approach.

Court Forms

It would be highly advantageous to have one person assigned to oversee and coordinate all court forms activity in South Dakota. Preferably, this should be the staff legal advisor.

As of this writing all court forms have been inventoried and are on file in the State Court Administrator's Office. The major subject areas, covered have been indicated in a prior section of this report. As an appendix to this report a manual of suggested court forms, has been compiled based on operational needs. This manual is a "place to start" relative to new form requests or inquiries on existing court forms.

All forms design should be handled by the State Court Administrator's Office to insure statewide uniformity and standardization. Forms should be numbered when designed and printed and updated periodically when required by statute or operational need. Many courts submitted copies of what appeared to be extremely old forms however their usage will depend upon future analysis of forms utilization.

If central purchasing of forms is not desirable, at minimum the guidelines for the format of forms should be set by the State Court Administrator. Many courts indicated that they currently order in quantity so as to receive discounts. It may be desirable to have all court forms designed, printed, and made available by the Division of Purchases and Printing. Obviously, because of combination, group or unit orders some savings could be effected. It is estimated based on current usage that approximately 25-30% in costs could be saved by centralizing forms design and reproduction. In addition the heavy reliance on photocopy machines would be reduced and per impression reproduction decreased from .05 cents per copy to approximately .01 cent per copy.

In the end the advisability of local purchases and on site convenience will have to be weighed against the desire for central control and possible time lag in filling the purchase requests of field locations.

Lastly the practice of supplying court forms to the public, without charge, should be eliminated.

Records Retention

The clerks of court were requested to indicate their recommended retention period for all court records which were inventoried. By and large their responses indicated a very conservative approach of "keep everything forever." In an attempt to make this area of court records management more definitive the existing retention schedules of the Records Management Unit have been included as Exhibit I. A recommended retention schedule is included as Exhibit II and should be circulated widely as a place to begin for the formal setting of realistic retention periods for court records.

Cooperative Efforts

The South Dakota Judicial System should avail itself the opportunity to participate in a statewide records management program as provided by 1-27-17 (1967 SDCL) in order to make the best use of state facilities, equipment and expertise in records management.

Exhibit I

EXISTING COURT RECORDS RETENTION SCHEDULE

12/74

CLERK OF COURTS	MINIMUM RETENTION
Case Files	Permanent
Court Exhibits	Released By Court Order
Fee Book	Permanent
File Copies - Notary Public Commissions	Current Copy
Judment Book	Permanent
Judgment Docket	Permanent
Jury Records - Member of	Permanent
Record of Fines, Forfeitures	5 years
Register of Actions - Circuit/County Court	Permanent
Register Book - Notary Public Commissions	Permanent
MUNICIPAL/MAGISTRATE COURT RECORDS	
Minute Docket and Index Thereto	Permanent
Judgment Docket and Index Thereto	Permanent
Card Index to Cases - Names, Judgment, Etc.	30 Years
Jury Lists	2 Years
Traffic Violation Tickets	Audit plus 1 year
Parking Tickets	Audit plus 1 year
Warrants	
Traffic	2 Years
Criminal	Until dismissed
Record of Fines, Forfeitures & Penalties	5 years
Court Calendar	5 Years
Search Warrants	5 Years
Civil Action Papers - Summonses, Etc.	5 Years
Criminal Action Papers	10 Years
Small Claims	5 Years
Register of Civil Actions	Permanent
Case Records	
Felonies	20 Years after case closed
Misdemeanors	5 Years after case closed
Parole and Probation Records	5 Years after case closed

Exhibit II

TENTATIVE COURT RECORDS RETENTION SCHEDULE

(Note. This Schedule should be used as a place to "start" only. Extensive field input and conferences should be had with interested officials prior to final adoption.)

RECORD TITLE	RETENTION PERIOD	AUTHORIZED DISPOSITION
1. Case Files (Civil, Criminal, Probate, Juvenile, Mental Illness, Adoptions, Guardianship) Including supporting Documents as follows: Orders, Motions Notices, Misc. Pleadings, Subpoenas, Warrants, Bonds, Committments Jury Records, Correspondence	Permanent	Microfilm and destroy original five years after case is closed i.e. right of appeal expired or judgment fully satisfied.
Register of Actions (Civil, Criminal, Probate, Juvenile, Mental Illness, Adoptions, Guardianship)	Permanent	Microfilm and destroy original book after entire book has been closed out (all cases closed.)
3. Judgment Docket	Permanent	Microfilm and destroy the entire judgment docket after it has been closed out (all judgments have been fully satisfied)
4. Judgment Book	Permanent	Microfilm and destroy the entire judgment book after it has been closed out (all judgments have been fully satisfied.)
5. Preliminary hearings - dismissed.	Permanent	May microfilm and destroy original six months after case has been dismissed.
6. Small Claims files Including supporting documents	Five Years	Destroy after judgment satisfied.
7. Traffic violation files Including supporting documents	Audit plus 1 year	Destroy.

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6. Small Claims files Including supporting documents	Five Years	Destroy after judgment satisfied.
7. Traffic violation files Including supporting documents	Audit plus 1 year	Destroy.

RECORD TITLE	RETENTION PERIOD	AUTHORIZED DISPOSITION
8. Court Exhibits Civil	Until judgment of court is final	Return to counsel or owner of exhibit
Criminal (If defendant committed to prison)	Permanent	Keep intact until completion of sentence or parole.
Criminal (No committment involved)	Retain for appeal period	Destroy.
9. Receipt Book	Until audited	May Destroy.
10. Fee Book	Five Years after audit	Microfilm and destroy after entire book is filled
11. Trust Fund Book	Permanent	Microfilm and destroy after entire book is filled
12. Record of fines, forfeitures and penalties	Five years after audit	Microfilm and destroy after entire book is filled.
13. Support payment book or ledger cards.	Permanent	May microfilm book when filled or cards when support order lapses.
14. Minute Book	Permanent	Microfilm and destroy when book is filled. If individual sheets are used which are kept in case file then adhere to case file disposition.
15. Reporters Notes(a)	Permanent	No destruction authorized.
16. Probation and Parole Records	Five years after case is closed.	Microfilm and destroy; if included in case file adhere to case file disposition.

(a) The actual ownership of such notes is open to question.

RECORD TITLE	RETENTION PERIOD	AUTHORIZED DISPOSITION
17. Naturalization Records Docket Books Registers Petitions Orders Indices	Permanent	Transfer to state Records Management Unit.
18. Justice of the Peace (Prior to 1975)		
Case Files	Three Years	Destroy.
Justice Docket	Three Years	Destroy (Some of the oldest books may be of historical value.)
19. Coronor Records		
Inquisition, written evidence, list of witnesses .	Permanent	Microfilm and destroy.
20. Jury Records Including the following: Jury selection list, Prospective jury list, Return of acceptance of service, undeliverable notice (summons) lists, papers and tickets.	Four Years	Destroy - except those records which are part of case file.
Master Jury list	Permanent	Microfilm and destroy.
Jury Panel Record Book	Permanent	Microfilm and destroy when book is filled.
21. Routine Correspondence	1 year and current	May destroy.
22. Administrative Correspondence, including manuals of rules, chief justice directives, and State Court Administrator's memoranda, in the following or other areas:	Retain until replace by permanent rule or statute or until superceded or withdrawn	May destroy.

General Administration
Appointments and assignments
Budget, fiscal and accounting
Court rules and procedures
Court costs, fees and expenses
Data processing
Grants and grant admin.
Judges and Judicial Conferences
Juries and jurors
Legal opinions, definitions and interpretations
Payroll, salary and leave
Personnel Services
Planning and Research
Probation Services
Records Management
Reports and Statistics
Training.