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May 1, 2021

Mr. Karl Hade, Executive Secretary  
100 N. 9<sup>th</sup> Street  
Richmond, VA 23218  
SENT VIA U.S. MAIL CERTIFIED RETURN RECEIPT

Mr. Jonathan Green, Director of Magistrate Services  
100 N. 9<sup>th</sup> Street  
Richmond, VA 23218  
SENT VIA U.S. MAIL CERTIFIED RETURN RECEIPT

Re: 2021 Request for Salary Increases

Dear Messrs. Hade and Green:

Enclosed is a letter requesting magistrate<sup>1</sup> salary increases, as well as shift differential for overnight hours and additional pay for Certified Magistrate Trainers. The enclosed letter was originally submitted in October 2019<sup>2</sup>. A goal of the Virginia Magistrates Association, Inc. ("VMA") is to communicate the needs of its members to obtain the additional compensation requested. Additionally, the VMA seeks to be included in the deliberative process of achieving increased compensation for Virginia magistrates.

In 2007, Karl Hade made a pay proposal for magistrates<sup>3</sup>. In his proposal, he recommended that magistrates start at a base pay of \$48,000. This proposal was not instituted and there has not been an overall magistrate specific pay increase in more than 15 years. Today Mr. Hade's recommended base pay adjusted for inflation would be \$62,369.93.<sup>4</sup>

Our proposed salary increases, and benefits plan is as follows:

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<sup>1</sup> "Magistrate" means: all persons currently authorized to issue processes under Virginia Code §19.2-45.

<sup>2</sup> The October 2019 letter has been updated to reflect new goals and more recent positions with competitive salaries.

<sup>3</sup> Hade, Karl R. Letter to The Honorable John H. Chichester and The Honorable Vincent F. Callahan, Jr. 11 December 2007.

<sup>4</sup> [https://www.bls.gov/data/inflation\\_calculator.htm](https://www.bls.gov/data/inflation_calculator.htm) Retrieved March 10, 2021

- Front-line magistrates currently making under \$40,000 per year have their pay increased to \$42,000.<sup>5</sup> This should be done with urgency and before any statewide salary increases take effect this year.
- All front-line magistrates should have their salaries raised to \$60,000 plus any applicable increase based on years of service as set forth in the chart below.
- Magistrates, along with the initial implementation the \$60,000 base salary, who have already reached “years of service” milestones, receive the additional amount listed in column 3 on the “Salary Increase Proposal – Chart”, added to their total salary<sup>6</sup>.

| <b>Salary Increase Proposal - Chart</b> |   |   |
|---|---|---|
| Years of Service                        | Additional amount added to salary when the milestones are reached | Additional amounts effective at the time of implementation for milestones already reached |
| 15 <sup>th</sup> year                   | \$1,500   | \$8,000   |
| 10 <sup>th</sup> year                   | \$2,500   | \$6,500   |
| 5 <sup>th</sup> year                    | \$2,500   | \$4,000   |
| 3 <sup>rd</sup> year                    | \$1,500   | \$1,500   |
| up to 3 years                           | None  | None  |

- After the initial implementation of the \$60,000 base salary, when a magistrate reaches a “years of service milestone”, the additional amount listed in column 2 of the “Salary Increase Proposal – Chart” would be added to their total salary.
- All magistrates entering the system receive a starting salary of \$60,000 per year.
- Magistrates working overnight shifts (10p-6a) receive a time-and-a-half shift differential, and
- Certified Magistrate Trainers receive a differential of time-and-a-half while performing training duties.

Virginia Code section 19.2-46.1 states, “in determining the salary of any magistrate, the Executive Secretary shall consider the workload of and territory and population served by the magistrate and such other factors he deems relevant.” We request consideration that magistrates have been given additional duties by the Virginia General Assembly. Effective March 1, 2021, magistrates were given the authority to conduct hearings to determine “for good cause shown” for a nighttime search warrant<sup>7</sup>. Effective July 1, 2020, magistrates were given the additional responsibility and duty of considering emergency substantial risk orders (“ESROs”)<sup>8</sup>, and the law unattached a temporary detention order request from an alternative transportation request<sup>9</sup> which results in an additional separate hearing, many times by a different magistrate. These are additional hearings and determinations increase the workload for magistrates.

Magistrates continue to face significantly low retention rates and all the frustrations related to short-staffing (increased workloads, schedule changes, continued recruitment efforts, etc.). Staffing levels within the Department of Magistrate Services are at a critically low level as many magistrates are

<sup>5</sup> Request made by the VMA via email to Karl Hade and Jonathan Green on 5/9/2019. Increase would include the statewide salary increase implemented July 1, 2019.

<sup>6</sup> Total salary = a magistrate’s/chief magistrate’s/regional supervisor’s salary at the time they reach the milestone.

<sup>7</sup> Virginia Code §19.2-56

<sup>8</sup> Virginia Code §19.2-152.13

<sup>9</sup> Virginia Code §37.2-810

separating from the Department of Magistrate Services. Magistrates are departing before the end of the two years of service provision in the required training repayment agreement. Applicants are turning down magistrate positions when presented low salary offers. Former magistrates leave the system for higher paying positions, with conventional schedules, and an ability to easily pursue other endeavors while maintaining full-time employment. Many magistrates who leave the system cite low salaries as the primary reason for exiting the system. A pay increase is the first and underlying solution.

There have been significant changes since the initial request letter in 2019. The year 2020 brought the world COVID-19. Everyone was significantly impacted and faced the realities of sickness, disability, and possible death due to the disease. Throughout 2020, magistrates remained steadfast and dedicated to their roles and have not wavered. Magistrates have continued to report to work, and no locality went without magistrate services. Magistrates contracted COVID-19, navigated keeping ourselves and our families safe and healthy, knowingly interacted with confirmed positive individuals, continued public-facing interactions, re-configured small and non-ventilated offices, worked in close proximity with co-workers, went into stores to secure disinfecting and sanitizing supplies and PPE for our offices and co-workers, were prioritized lower than other essential and frontline workers for vaccination; and, through it all, magistrate offices continued to uphold their sworn and statutory duties. COVID-19 did not stop, hinder, or slow down magistrate services. We came to work, worked long and sometimes extra shifts. The reality of COVID-19 was, and still is, with us every minute of every day through our 24/7/365 work schedules. In the judicial branch, magistrates were uniquely affected as we are essential employees throughout all circumstances. This moment in time and dedication cannot go unmentioned or forgotten. Virginia magistrates take pride in their duties, responsibilities, and positions. We genuinely love the job that we perform and perform it diligently and professionally. Magistrates are a vital part of the criminal justice and judicial systems. We are essential employees and would like to be compensated, justly, for our knowledge, loyalty, dedication, and sacrifice.

On behalf of the VMA membership, which currently is at 119<sup>10</sup> members, we request that salaries for employees in the Department of Magistrate Services be increased and that there be benefits based on length of service, working alternative hours, and performing extra duties. We understand this is a thoughtful process and request that the VMA, as one team with the Department of Magistrate Services, on behalf of magistrates are included in developing and achieving the goals of obtaining salary increases and benefits.

Respectfully submitted,

Avnel A. Coates, President  
Virginia Magistrates Association, Inc.

Enclosed: Virginia Magistrates Association, Inc. 2019 Magistrate Salary Increase Proposal

cc: Sent via email to [khade@vacourts.gov](mailto:khade@vacourts.gov) and [jgreen@vacourts.gov](mailto:jgreen@vacourts.gov)

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<sup>10</sup> As of April 19, 2021