

Judicial Department - Courts and Probation FY 23 Comeback Request

March 14, 2022

Department:	Judicial Department Courts and Probation
Title:	R01-Financial Services, HR, Purchasing and Contract Staff

	FY 22 Appropriation	FY 23 Decision Item Request	JBC Action	Comeback Request	Difference Between Action and Department Request
Total	\$26,565,070	\$1,586,826	\$775,139	\$391,672	(\$811,687)
FTE	251.3	16.0	7.2	3.7	(8.8)
GF	\$16,992,520	\$1,508,826	\$697,139	\$322,942	(\$811,687)
CF	\$7,318,958	\$78,000	\$78,000	\$68,730	\$0
RF	\$2,253,592	\$0	\$0	\$0	\$0
FF	\$0	\$0	\$0	\$0	\$0

Summary of Initial Request:

The Judicial Department (Courts and Probation) R-1 request was for \$1,586,826, of which \$1,508,826 was General Fund and \$78,000 was Cash Funds, for 16.0 FTE for the Financial Services and Human Resources Divisions of the State Court Administrator's Office (SCAO). These positions were for the following Divisions: 6.0 FTE for the contract management and purchasing functions; 1.0 FTE budget analyst position; 2.0 FTE accounting positions; 2.0 FTE grant administrators; and 5.0 FTE for the Human Resources Division.

Committee Action:

Based on JBC staff's recommendation- the Committee approved 8.0 FTE while not approving 8.0 FTE. The following positions were not approved:

Unit	Positions Not Approved	Requested	Approved
Contract Management and Purchasing			
	Assistant Legal Counsel	2.0	0.0
	Contract Management Specialists I's	2.0	0.0
	Contract Management Specialists II's	1.0	0.0
	Purchasing Agent	1.0	0.0
Grants Administration			
	Grants Administrator	2.0	0.0

For the Contract Management and Purchasing unit the following positions were not approved:

- 2.0 Assistant Legal Counsel
- 2.0 Contract Management Specialist I
- 1.0 Contract Management Specialist II
- 1.0 Purchasing Agent III

Grant Administration Unit positions were not approved:

- 2.0 Grants Administrator

Judicial Department Comeback:

The Department is requesting reconsideration of the following four positions:

- 2.0 Assistant Legal Counsel
- 1.0 Purchasing Agent III
- 1.0 Grants Administrator

Unit	Positions Not Approved	Requested	Approved	Comeback Request
Contract Management and Purchasing				
	Assistant Legal Counsel	2.0	0.0	1.8
	Contract Management Specialists I's	2.0	0.0	0.0
	Contract Management Specialists II's	1.0	0.0	0.0
	Purchasing Agent	1.0	0.0	0.9
Grants Administration				
	Grants Administrator	2.0	0.0	0.9

The Department submitted three requests for FTE for the Contract Management Unit R-1, S-1 and BA-1. This trio of requests was slightly confusing, thus likely leading to the non-recommendation of the FTE for the Contract Management Unit in the Department’s R-1 request which was submitted on November 1, 2021. However, there are four critical FTE in the R-1 request that the Department is asking the Committee to reconsider: the two attorney positions, a Purchasing Agent III and a Grants’ Administrator.

The cost of this comeback is \$391,672 in FY23 (\$322,942 GF, \$68,730 CF) annualizing to \$400,176 (\$326,670 GF, \$73,506 CF) in FY24. See chart below for details.



Cost of Comeback Requested Positions							
Unit	Positions Not Approved	Requested	Approved	Comeback Request	Comeback Dollar Req	Original Req Salary	Comeback Req Salary
Contract Management and Purchasing							
	Assistant Legal Counsel	2.0	0.0	1.8	\$ 210,185	\$ 9,300	\$ 8,466
	Contract Management Specialists I's	2.0	0.0	0.0	\$ -		\$ -
	Contract Management Specialists II's	1.0	0.0	0.0	\$ -		\$ -
	Purchasing Agent	1.0	0.0	0.9	\$ 84,312	\$ 8,544	\$ 6,792
Grants Administration							
	Grants Administrator	2.0	0.0	0.9	\$ 67,380	\$ 6,792	\$ 5,428
					Subtotal Personal Services:	\$ 361,877	
					Operating Expenses:	\$ 4,995	
					Capital Outlay:	\$ 24,800	
					Subtotal FY23:	\$ 391,672	
					Subtotal FTE:	3.7	
					General Fund:	\$ 322,942	
					Cash Funds:	\$ 68,730	

Annualized for FY24:

Annualizes in FY24	
Subtotal Personal Services	\$ 394,776
Operating Expenses	\$ 5,400
Capital Outlay	\$ -
Subtotal FY24	\$ 400,176
Subtotal FTE	4.0

2.0 FTE Assistant Legal Counsel

As the Department continues to develop and build the contracts management unit, it is essential that the attorney positions requested in Department's R1 request be approved. The operations, functionality and the efficiency of the unit completely depends on having permanent attorney positions. The continued use of limited term contract attorneys is inadequate and does not allow the unit to operate efficiently. The attorneys play an important role in the negotiation, drafting and execution of contracts and the two requested attorney positions are necessary throughout the entire contract management process. Due to the current job market and difficulty in hiring similar positions, the Department is requesting funding for these positions at the midpoint (\$8,466) of the salary range. For a recent contract attorney posting there was a substantial reduction in number of qualified applicants, due to a salary offered below the mid-point.

1.0 FTE Purchasing Agent III

This position is needed to meet the demand of backlogged solicitations and to focus on the most complex and high-risk solicitations issued by the Judicial Department. The Department currently has over 60 requests for Request for Proposal pending in a queue and has 1345 additional agreements that need to be addressed via solicitation. This position would focus on the largest spend, statewide and high-risk

agreements. The position would also serve as a supervisor, lead and mentor to the Purchasing Agent 1 positions.

The salary level requested for this Purchasing Agent III comeback request is the minimum for the Purchasing Agent V position in the executive branch which is the equivalent.

1.0 FTE Grants Administrator:

The Judicial Department administers several grant programs that require administrative direction and oversight. One Grant Administrator FTE is needed to administrator two grant programs- Family Violence Justice Grant and Eviction Legal Defense Fund Grant Program. Both programs have statutorily allowable administrative costs which the Department is seeking spending authority and an FTE to manage. The Family Violence Justice Grant and the Eviction Legal Defense Grant Program are currently administered by temporary staff but there is a need for a permanent FTE to administer and to fulfill the significant statutorily required reporting requirements. Below are listed the statutory authorization for administrative expenses for the Eviction Legal Assistance Grant and the Family Violence Justice Grant:

Eviction Legal assistance and the Eviction Legal Defense fund created in 13-40-127. 13-40-127 (5)(b) “subject to annual appropriation by the general assembly, the administrator may expend money from the fund for the direct and indirect costs associated with the administration of this section.”

Family Violence Justice Fund 14-4-107. Section 14-4-107(4)(b) “The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs associated with the administration of this section.....except that the amount expended for the indirect costs associated with the administration of this section shall not exceed three percent of the moneys appropriated to the fund in any fiscal year.”

This cash funded comeback is requesting one Grants Administrator to be funded by the Eviction Legal Defense Grant fund and Family Violence Justice Fund per the chart below:

Determination of Allowable Administrative Expenses				
	FY23 Approp	Percentage	Comeback Request Amount	Statutorily Allowable Amount
Eviction App	\$600,000	23%	\$15,861	\$18,000
Family Viole	\$2,000,000	77%	\$52,869	\$60,000
Total:	\$2,600,000		\$68,730	\$78,000

The salary level requested for this Grant Administrator comeback request is the minimum for the Grants Specialist IV position in the executive branch which is the equivalent of Judicial’s Grant Administrator position.



The positions thus far approved by the Joint Budget Committee in requests R-1, S-1 and BA-1 will make a significant impact for the Department in addressing longstanding contract management and other financial services and human resources needs. Even though the Department believes all requested positions in R-1 are necessary, the Department has prioritized these four positions as most critical in this comeback request. The Department will evaluate the need for the other four non-approved positions during FY23.



Judicial Department - Courts and Probation FY 23 Comeback Request

March 14, 2022

Department:	Judicial Department Courts and Probation
Title:	R04-Judicial Training FTE

	FY 22 Appropriation	FY 23 Decision Item Request	JBC Action	Comeback Request	Difference Between Action and Department Request
Total	\$26,565,070	\$408,705	\$200,680	\$156,170	(\$208,025)
FTE	251.3	4.5	2.3	1.8	(2.2)
GF	\$16,992,520	\$408,705	\$200,680	\$156,170	(\$208,025)
CF	\$7,318,958	\$0	\$0	\$0	\$0
RF	\$2,253,592	\$0	\$0	\$0	\$0
FF	\$0	\$0	\$0	\$0	\$0

Summary of Initial Request:

The Judicial Department (Courts and Probation) requests \$408,705 General Fund and 4.5 FTE for Judicial Education and Training Specialist positions in the State Court Administrator's Office for Courts and Probation training. Two positions will be Education Specialists in the Court Services Division to meet the growing training demand in the courts; one Education Specialist is for Probation Services Division for training to Probation staff statewide; one FTE will be for a Distance Learning Specialist to help expand the Department's Distance Learning curriculum; and the final .5 FTE is for a Court Program Analyst II position for continued implementation of the statutory requirements of the Children's Code (Title 19 of the C.R.S.).

Committee Action:

Based on JBC staff's recommendation, the Committee approved 2.3 FTE and \$200,680 while not approving 2.0 FTE Education Specialists for the Court Services Division. Positions approved in R-4 include:

Unit	Positions Approved	Requested	Approved
Court Services	Distance Learning Specialist	1.0	0.9
Court Services	Court Program Analyst	0.5	0.5
Probation Services	Education Specialist	1.0	0.9

Positions requested in R-4 that were not approved:

Unit	Positions Not Approved	Requested	Approved
Court Services	Education Specialist	2.0	0.0

Judicial Department Comeback:

The Department is requesting reconsideration of the two Education Specialist positions (1.8 FTE in FY23 annualizing to 2.0 FTE in FY24) and \$156,170 in FY23 annualizing to \$156,889 in FY24.

Cost of Comeback Requested Positions							
Unit	Positions Not Approved	Requested	Approved	Comeback Request	Comeback Dollar Req	Original Req Salary	Comeback Req Salary
Court Services	Education Specialist	2.0	0.0	1.8	\$ 141,340	\$ 6,832	\$ 5,693
Subtotal Personal Services:					\$ 141,340		
Operating Expenses:					\$ 2,430		
Capital Outlay:					\$ 12,400		
Subtotal FY23:					\$ 156,170		
Subtotal FTE:					1.8		

Annualized cost of comeback request in FY24:

Annualization in FY24	
Subtotal Personal Services:	\$ 154,189
Operating Expenses:	\$ 2,700
Capital Outlay:	\$ -
Subtotal FY24:	\$ 156,889
Subtotal FTE:	2.0

2.0 FTE Court Services Education Specialists

The request for two Court Education Specialists to train trial court staff is essential to the success of the courts. In 2020, the trial courts lost one Court Education Specialist position due to budget cuts leaving the remaining eight to train all trial court staff statewide. While the Judicial Department successfully restored many of the trial court staff positions lost in budget reductions, the Court Education Specialist position has not yet been recovered. The current ratio of staff to every one trainer is 232:1. This is higher than current ratio of probation trainers to probation staff at 210:1. Should both Court Education Specialist positions in this request be funded, the ratio would be 185:1 which is roughly equivalent to the probation to staff ratio should the additional probation trainer also be funded for FY23 as requested in the Judicial Department’s budget. Additionally, with the large influx of new employees more training is needed now than ever before. In 2021 the Judicial Department received 87 new positions from the legislature. That combined with a higher turnover rate in the districts requires an unparalleled number of new trial court staff needing training. From July to October 2021, the Judicial Department

experienced a 5-year high turnover rate with an anticipated increase in 2022. Court judicial assistants represent almost 25% of all judicial employees and have the highest need for training because these positions are entry level positions that require more training and support to ensure they have the base knowledge and skills to perform their duties. These positions also typically experience a higher turnover rate than other positions.

Trial court staff require extensive training to develop the diversity of knowledge needed to accurately enter coding in multiple complex data systems in a fast-paced and dynamic environment, and to develop customer service skills to support citizens in highly stressful situations. Trial court staff are responsible for learning and correctly entering coding across 15 unique case classes and 195 unique case types. Additionally, there are 649 unique active event options and 130 unique scheduled event options staff must learn and utilize daily. In criminal cases alone, there are 2,683 possible violations with 199 sentence penalty options. In just 2021, there were 68,315 protection orders entered in criminal cases and an additional 11,909 temporary protection orders in non-criminal cases. There were 183,993 warrants issued statewide. These events and coding scenarios demonstrate the high volume of information court staff must master and highlights the essential nature of doing it correctly. How a Court Judicial Assistant enters a code directly impacts public safety and the lives of members of the public. Whether it is by keeping victims safe, ensuring individuals are released from custody as soon as ordered, entering a parenting plan for a newly divorced couple, entering a judgment to get money due, or entry of a mental health plan, the correct coding matters.

Although our training program benefitted from the efficiencies of utilizing virtual training options, the need for in-person training still exists. Current technology cannot replicate the hands-on experience of a courtroom, particularly for more complex processes. New employees and individuals struggling with learning the work require more intensive training from Court Education Specialists, often involving in-person, one-on-one support in a courtroom setting. In a survey sent to Court leaders and training participants in 2021, results showed that 36% favored in-person training, with 26% of individuals indicating that training needs were not being met with an exclusively virtual training curriculum. Virtual classes are best suited to simple process training and foundational topics while the in-person classes are essential to support the more complex processes. Many topics, processes and coding practices have also changed in the last two years making the in-person curriculum created prior to the pandemic out of date and largely unusable. For example, 27 virtual trainings had to be updated last year with legislative changes alone and there are at least 18 bills anticipated to impact trainings this year. Studies from the Association of Talent Development show that creating in-person training takes 161 hours for every 1-hour class and virtual classes take 132 hours for every 1-hour class. Although we are not starting from scratch with every in-person topic, finding the balance between the virtual content, keeping material up to date, and creating engagement activities to increase retention will take a significant amount of time. The amount of time to make effective in-person training while still expanding our current virtual offerings is not feasible with current staffing. The additional positions will be essential to make sure our program can continue to provide timely and accurate training to the trial court staff.



OFFICE OF THE STATE PUBLIC DEFENDER

Megan A. Ring
State Public Defender

FY 2022-23 Comeback Request

March 14, 2022

Department Priority: 2

Request Title: Paralegal Staff Request, R#2

Summary of Incremental Funding Change for FY 2022-23	Total Funds	General Fund	FTE
Personal Services	\$ 274,469	\$ 274,469	2.7
HLD	27,945	27,945	
STD	3,524	3,524	
AED	12,150	12,150	
SAED	12,150	12,150	
STD	413	413	
FAMLI	547	547	
Operating	4,050	4,050	
Capital Outlay	21,600	21,600	
Leased Space and Utilities	603,198	603,198	
Total	\$ 961,610	961,610	2.7

Summary of the Request

The Office of the State Public Defender (OSPD) is experiencing an increased workload in reviewing discovery. OSPD is requesting a two-year phased approach to address staffing and funding requirements necessary to comply with constitutional, statutory, and ethical obligations for indigent defense.

Committee Action

On February 24, 2022, the Joint Budget Committee approved the majority of the R-2 request. While, the Committee did not approve the central administrative office staff or leased space that support the paralegal staff, the committee invited the OSPD to submit a comeback.

Comeback

OSPD requests that the JBC reconsider funding the 4.7 as requested FTE for the central administrative office to support the approved paralegal staff as well as the leased space for the paralegal staff across the state. The total of this comeback for FY2022-23 is \$961,610 of General Fund.

Central Staff

The OSPD administrative office provides centralized, state-wide administrative services and coordinates office support functions to assist our regional trial offices in providing services to clients. Historically, the OSPD's staffing model has included a 4.5% allocation for central administrative support staff in its decision item requests. This model has allowed the agency to hire the necessary FTE to support its 22

offices throughout the state. In this particular budget request, the agency will be adding over 100 paralegals and the central office positions will allow OSPD to provide coordinated training, oversight, and reporting. The central administrative office staff in this request supports functions such as payroll and benefits coordination, human resources, recruiting, and workforce development.

Leased Space

OSPD operates 21 regional trial offices which align with the state's 22 judicial districts and 64 counties. In order to fulfill our responsibility in criminal proceedings, our paralegal staff will need office space to operate and work on cases within their regional offices. With the addition of over 100 FTE and the fact that most of our trial offices are currently at or near capacity, the need for additional space for OSPD employees to provide client services is critical. The rate of \$8,742 for leased space is a department average cost of the 21 regional offices in accordance with Legislative Council Fiscal Note guidelines.

FY 2022-23				
Office of the State Public Defender				
	11	# of months used for FTE calculation		starting July 01, 2022
Personnel				
Position Title	FTE (based on months used)	Monthly	Total Pay	
State Office	2.7	\$7,500	\$243,000	
Subtotal FTE and Pay	2.7		\$243,000	
PERA Base	11.50%		\$27,945	
Medicare	1.45%		\$3,524	
AED	5.00%		\$12,150	
SAED	5.00%		\$12,150	
HLD	\$11,011		\$33,034	
FAMLI	0.23%		\$547	half year
STD	0.17%		\$413	
Total Salary			\$332,762	
Item	Unit Cost	Units	Cost	
Operating, regular employee	\$950	3.0	\$2,850	12 Months
Automation / Operating	\$400	3.0	\$1,200	12 Months
Capital Outlay	\$7,200	3.0	\$21,600	
Leased Space	\$8,742	69.0	\$603,198	
Total Operating			\$628,848	
Total FY 2022-23 Expenditures			\$961,610	