

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Members of the Joint Budget Committee
FROM Alfredo Kemm, JBC Staff (303-866-4549)
DATE March 20, 2024
SUBJECT JUD comeback 4 – ASIA Redux

Senate Bill 23-228 created the Office of Administrative Services for Independent Agencies (ASIA) in Article 100 of Title 13, C.R.S. The bill required the governing board to hire a director by October 1, 2023; and required the director to hire staff by March 1, 2024. Staff was alerted that the final candidate for the director position declined the position at the end of December 2023. Staff asked the ASIA Board to discontinue work to stand up ASIA in order to revisit the structure created in S.B. 23-228.

Staff has worked with the Chair of the ASIA Board to address the shortcomings of the current structure and seek the most direct path forward to achieve an ASIA solution. The stakeholders – the independent agencies that will be served by ASIA – seek an ASIA solution that is not located at the State Court Administrator's Office (SCAO) and that is governed by a board comprised of the directors of the independent agencies. As staff previously communicated at figure setting, the SCAO previously resisted being a part of the solution to stand up ASIA and staff does not anticipate that that official stance has changed.

Therefore, staff recommends further refining the existing model with the following priorities for legislation:

Timelines

1. Reset the time frame and deadlines for the ASIA Board to hire a Director, to July 1, 2024; and for the Director to hire staff and stand-up the ASIA Office, to begin October 1, 2024 and be completed by March 1, 2025. Reset the provision of central services by the SCAO to extend until the ASIA Office has executed a complete transition of support services.

Board Composition and Authority

2. Add members to the ASIA Board to stabilize and broaden the Board. The expansion of board membership will add the three larger independent agencies, including the Office of Alternate Defense Counsel (OADC), the Office of the Child's Representative (OCR), and the Office of the Respondent Parents' Counsel (ORPC); and formally codify the agencies added in 2023: the Colorado Bridges Program (Statewide Behavioral Health Court Liaison) and the Office of the Judicial Discipline Ombudsman.

3. Further refine ASIA Board oversight as an "advisory" board with the single charge to hire and fire the Director. Require that the ASIA Board secure at least a biennial review of the Office and the Director from a third party to establish an independent evaluation process to more effectively enable credible, documented, and supported supervisory actions as necessary.

Director Responsibilities

4. Require the assignment of technical support liaisons to the ASIA Office/Director from six Executive Branch agency functions: the Office of State Planning and Budgeting (OSPB) for budget systems access and guidance and support; the Governor's Office of Information Technology (OIT)

for statewide IT systems and security guidance and support; the Department of Personnel (DPA) for human resources, payroll, accounting, and procurement for staff resource and workload capacity metrics and policy and systems guidance and support. Require a similar liaison assignment with equivalent SCAO functions and offices.

5. Require the ASIA Director to establish a workload capacity, "rightsizing" staff resource plan to be completed by October 1 (three months). The ASIA Director is charged with seeking technical assistance and support from assigned liaisons to establish reasonable workload capacity metrics for a start-up staffing plan. That resource plan should form the basis for a November 1 budget request and supplemental request as necessary.

Services Provided, MOUs, and Rights and Responsibilities

6. The current statutory specified list of services includes budget, accounting, payroll, and human resources services. An additional provision adds policy guidance and support for contracts and procurement. It is recommended that: a) payroll services be specified to include time and leave tracking; and (b) human resources services be specified to include policy guidance and documentation support for all specialized leave situations. It is also recommended that central IT support services that provide agency guidance and access to statewide security and network systems and processes, as required, necessary, or optional, shall be added no later than July 1, 2025; with appropriations for staff resources to be addressed in the resources request submitted on November 1, 2024.

7. Require the ASIA Director and the independent agencies to establish MOUs by June 30, 2025, that define service provision timelines and expectations for discrete support services. The MOUs shall additionally serve as statements of rights and responsibilities for both agencies in each MOU and that shall be applied consistently across all ASIA-supported agencies by service provided.

Further, staff recommends a provision that establishes budget process requirements and expectations for independent agencies that will be codified in ASIA as follows:

8. Require a single budget submission of all ASIA-included, independent agency budget requests and schedules to be submitted consistent in form, consolidated in a single request document, and information coordinated by the ASIA budget staff. JBC staff will primarily rely on routing requests for information through the ASIA budget office in the same manner provided by other state department budget offices. This is not intended to restrict JBC staff from communicating directly with agency staff as may be necessary or desired.

Included within this budget provision are the following specifications:

- a) Pursuant to section 2-3-208, C.R.S., defining the budget request process, and Section 24-37-302, C.R.S., which states that OSPB shall "Design and prepare, in coordination with the joint budget committee of the general assembly, the forms and instructions to be used in preparation of all budget requests except those pertaining to higher education.", a requirement that all judicial independent agencies use standard OSPB-JBC budget schedules, systems, and methodologies.
- b) A requirement that the ASIA Office maintain a consolidated "compensation plan" table of each staff position in each agency. This compensation plan table shall include internal agency

job title, equivalent "anchor" job class in the Executive Branch, Judicial Department, or Office of State Public Defender (OSPD) compensation systems, current salary range for the job class, current salary and percentile position in range, and fiscal year the position was added.

c) A requirement that the ASIA Office submit a single, consolidated compensation adjustment request for all independent agencies as generated from agency compensation templates. Manual adjustments or changes included in those templates by agencies to accommodate positions not yet hired, positions eliminated, and positions reclassified must be discretely documented by position and by adjustment in the ASIA Office compensation adjustments submission. Positions reclassified as determined within the agency also must be explained.

OSPD

While the OSPD is also situated as an independent agency in the Judicial Department, it shall remain entirely outside of the ASIA process due to its scale and length of time as an independent agency.