



## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

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Joint Committee on Finance

Paper #421

### Eliminate Long-Term Vacancies (Justice)

[LFB 2011-13 Budget Summary: Page 271, #4]

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#### CURRENT LAW

The Department of Justice (DOJ) is responsible for representing the state in: (a) civil litigation; and (b) felony and other significant criminal cases on appeal. In addition, DOJ provides services to law enforcement agencies across the state including training, the state criminal history database, and the state crime laboratories. The Department also investigates crimes that are statewide in nature, importance or influence. Finally, the Department provides services to victims and witnesses of crime. The annual base budget for DOJ is \$94,088,700 and 595.39 positions including \$41,579,800 GPR and 367.08 GPR positions, \$8,509,800 FED and 35.35 FED positions, \$43,635,100 PR and 190.21 PR positions, and \$364,000 SEG and 2.75 SEG positions.

#### GOVERNOR

Delete \$1,335,700 (all funds) and 19.0 positions annually to reflect the elimination of long-term vacant positions under the bill. The reductions would include \$407,400 GPR and 7.0 GPR positions, \$632,300 FED and 8.0 FED positions, and \$296,000 PR and 4.0 PR positions annually. Funding and position reductions are associated with positions that have been vacant for 12 months or more.

#### DISCUSSION POINTS

1. Under the bill, the Governor recommends deleting \$407,400 GPR and 7.0 GPR positions annually as these positions had been vacant for 12 months or more. This represents approximately 2% of the 367.08 GPR-funded base positions for the agency. In addition, the Governor would delete \$632,300 FED and 8.0 FED positions annually, as well as \$296,000 PR and

4.0 PR positions annually that had been vacant for 12 months or more. As DOJ has carried out its various functions without these positions, and as DOJ is being treated similarly to other state agencies that have also had long-term vacant positions reduced under the bill, the Committee could consider approving the Governor's recommendation. [Alternative 1]

2. On the other hand, the ability of an agency to continue to carry out its functions without certain vacant positions does not mean that there is not an impact to the agency and the public from not filling these positions. In addition, positions may be held vacant by agencies, not because the positions are not needed, but in order to meet budget reduction requirements imposed by the Governor and the Legislature.

3. In his testimony to the Committee, the Attorney General requested that six of the seven GPR-funded positions that are identified for deletion as long-term vacancies be restored to DOJ. The Department indicates that these six positions have been authorized to be filled by the Department of Administration (DOA). The administration indicates that, "After further discussion with the Department of Justice, the administration realizes these are priority positions for the department and therefore supports the restoration of the positions that were filled." As a result, the Committee could consider restoring 6.0 GPR positions and the associated salary and fringe benefits funding of \$370,000 GPR annually to DOJ. [Alternative 2]

4. As of May 7, 2011, DOJ had 48.25 vacant GPR-funded positions. While these positions may be vacant for a number of reasons including retirement, normal turnover, and generating budget reduction savings, nonetheless the Department may be able to reallocate positions to meet priority needs, including needs that would be addressed by the 6.0 GPR positions at issue. As a result, the Committee could conclude that as DOJ has some resources with which it can address its administrative needs, no modification to the bill is necessary. Without restoration of the 6.0 positions, DOJ would be required to internally reallocate resources.

5. It may be worth noting that of the six GPR-funded positions that DOJ seeks to have restored, one of the positions is the crime laboratory director for the Wausau Crime Laboratory. [The remaining positions are 2.0 attorneys, a 1.0 librarian, a 1.0 program assistant supervisor in the Madison Crime Laboratory, and a 1.0 information systems development services senior position.] Given the significance on an ongoing basis of a director for the Wausau Crime Laboratory, the Committee could also consider restoring this position at an annual cost of \$81,900 GPR. [Alternative 3]

## **ALTERNATIVES**

1. Adopt the Governor's recommendation to delete \$1,335,700 (all funds) and 19.0 positions annually to reflect the elimination of long-term vacant positions under the bill. The reductions would include \$407,400 GPR and 7.0 GPR positions, \$632,300 FED and 8.0 FED positions, and \$296,000 PR and 4.0 PR positions annually.

2. Restore \$370,000 GPR and 6.0 GPR positions annually to the Department of Justice. [*This alternative would restore position authority and funding for positions that would be eliminated as long-term vacancies, but have subsequently been authorized to be filled.*]

<b>ALT 2</b>	<b>Change to Bill</b>	
	Funding	Positions
GPR	\$740,000	6.00

3. Restore only \$81,900 GPR annually for a 1.0 GPR position for the crime laboratory director for the Wausau Crime Laboratory.

<b>ALT 3</b>	<b>Change to Bill</b>	
	Funding	Positions
GPR	\$163,800	1.00

4. Delete provision.

<b>ALT 4</b>	<b>Change to Bill</b>	
	Funding	Positions
GPR	\$814,800	7.00
FED	1,264,600	8.00
PR	<u>592,000</u>	<u>4.00</u>
Total	\$2,671,400	19.00

Prepared by: Paul Onsager