

State of Wisconsin

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Joint Committee on Finance

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Alberta Darling
Representative John Nygren

Date: December 13, 2018

Re: s. 16.515/16.505(2), Stats. Request

Attached is a copy of a request from the Department of Administration, received December 13, 2018, pursuant to s. 16.515/16.505(2), Stats., on behalf of the Military Affairs.

Please review the material and notify **Senator Darling** or **Representative Nygren** no later than **Monday, January 7, 2019**, if you have any concerns about the request or if you would like the Committee to meet formally to consider it.

Also, please contact us if you need further information.

Attachments

AD:JN:jm



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Scott Walker, Governor
Ellen Nowak, Secretary

Date: December 13, 2018

To: The Honorable Alberta Darling, Co-Chair
Joint Committee on Finance

The Honorable John Nygren, Co-Chair
Joint Committee on Finance

From: Ellen E. Nowak, Secretary *EE*
Department of Administration

DEC 13 2018
J. Finance

Subject: s. 16.515/16.505(2) Request(s)

Enclosed are request(s) that have been approved by this department under the authority granted in s. 16.515 and s. 16.505(2). The explanation for each request is included in the attached materials. Listed below is a summary of each item:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2017-18</u>		<u>2018-19</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DMA 20.465(3)(i)	Emergency planning and reporting; administration				1.0

As provided in s. 16.515, the request(s) will be approved on January 9, 2019, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Kirsten Grinde at 266-1353, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments

Date: December 7, 2018
To: Waylon Hurlburt
From: Cory Stinebrink
Subject: Section 16.505(2) Request

Attached is a s. 16.505(2) request analysis for your approval and processing. Listed below is a summary of each item:

DOA RECOMMENDATION:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2017-18</u>		<u>2018-19</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DMA 20.465(3)(i)	Emergency planning and reporting; administration				1.0

AGENCY REQUEST:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2017-18</u>		<u>2018-19</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DMA 20.465(3)(i)	Emergency planning and reporting; administration				1.0

WRH APPROVAL WRH (FORWARD TO GAIL TAPPEN)



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Scott Walker, Governor
Ellen Nowak, Secretary
Waylon Hurlburt, Administrator

Date: December 7, 2018
To: Ellen Nowak, Secretary
Department of Administration
From: Cory Stinebrink
Executive Policy and Budget Analyst
Subject: Request Under s. 16.505(2) from the Department of Military Affairs for the
Creation of a Program Revenue-Funded Position

Request:

The Department of Military Affairs requests the creation of a 1.0 FTE program revenue permanent position in its emergency planning and reporting; administration appropriation under s. 20.465(3)(i).

Revenue Sources for Appropriation:

The revenue source for the emergency planning and reporting; administration appropriation under s. 20.465(3)(i) is fees paid by facilities that are subject to the reporting requirements of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986.

Background:

The Emergency Planning and Community Right-to-Know Act was created to help communities plan for chemical emergencies. It requires industry to report on the storage, use and releases of hazardous substances to federal, state and local governments. The Department of Military Affairs, Division of Emergency Management manages the EPCRA program in Wisconsin. The division's State Emergency Response Commission is responsible for implementing EPCRA. The commission has designated that each of the 72 counties in Wisconsin has a local emergency planning committee, which is responsible for implementation of EPCRA in the county.

The EPCRA program is funded by fees paid by facilities that are subject to the reporting requirements of the EPCRA law. The fee amount is determined by both the total cumulative amount of chemicals a facility has, as well as the total number of different chemicals it has, with a maximum fee of \$1,540 annually. Total EPCRA fee revenue in fiscal year 2017-18 was \$2,057,772.

Currently, there are 11.87 FTE PR positions authorized in the EPCRA program that are supported by fee revenue. The fee revenue also funds emergency planning grants, which have an authorized budget of \$1,043,800 PR in fiscal year 2018-19. Total authorized expenditure authority in the EPCRA program is \$2,280,800 PR annually. Actual expenditures in fiscal

Ellen Nowak, Secretary
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year 2017-18 totaled \$1,987,015 PR. The EPCRA program carried a \$610,594 PR cash balance into fiscal year 2018-19.

Analysis:

The EPCRA program has utilized temporary contract and LTE staff for its administrative support. The work responsibilities for the requested position have been continuously assigned to a succession of 20 contractors and LTE positions over the past six years, with an average tenure of 22 weeks. The work responsibilities are ongoing, core office tasks that need to be kept up in order for the division to meet mission responsibilities of planning, preparing for and responding to emergencies statewide.

Inconsistent and temporary staffing has presented challenges to the division's operations, including:

- Slow response to calls during the EPCRA reporting period;
- Difficulty in temporary staff learning specialized systems used by EPCRA, resulting in errors;
- Out-of-date contact lists used to make notifications and provide assistance to local emergency responders;
- Errors made in updating the duty officer manual to department leadership, including the Adjutant General; and
- Ongoing need to train new temporary staff, which takes staff time away from other, higher priority or higher level workload.

Current expenses related to temporary contract and LTE staff are \$68,900 PR annually. Of that amount, approximately \$46,200 is paid to temporary contract workers and \$22,700 is paid to state LTE staff. The expected cost of hiring a permanent position would be \$57,900 annually, representing a savings of \$11,000 PR to the department compared to hiring temporary contract and LTE staff.

Recommendation:

Approve the request.

STATE OF WISCONSIN



DEPARTMENT OF MILITARY AFFAIRS
OFFICE OF THE ADJUTANT GENERAL
STATE BUDGET & FINANCE OFFICE
POST OFFICE BOX 14587
MADISON, WI 53708-0587

DATE: October 1, 2018

TO: Waylon Hurlburt, State Budget Director
Department of Administration

FROM: Donald P. Dunbar, Maj Gen, Wisconsin National Guard
The Adjutant General

A handwritten signature in black ink, appearing to read 'Donald P. Dunbar'.

SUBJECT: Request for program revenue position authority under s. 16.505/515, Wis. Stats.

The Department of Military Affairs requests the creation of 1.0 full-time equivalent (FTE) PR position funded under the state's Emergency Planning and Community Right-to-Know (EPCRA) [appropriation under s. 20.465(3)(i), numeric 335].

Background

The Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 was created to help communities plan for chemical emergencies. It also requires industry to report on the storage, use and releases of hazardous substances to federal, state, and local governments. EPCRA requires state and local governments, and Indian tribes to use this information to prepare their community from potential risks. The Community Right-to-Know provisions help increase the public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment.

The Department of Military Affairs (DMA), Division of Emergency Management (WEM) manages the EPCRA program for the State. The WEM State Emergency Response Commission (WEM/SERC) is responsible for implementing EPCRA, also known as the Superfund Amendments and Reauthorization Act (SARA) of 1986, at the state and local levels. WEM/SERC has designated that each of the 72 counties in Wisconsin have Local Emergency Planning Committees (LEPCs) that are set up in accordance with the federal legislation and who are responsible for implementation of EPCRA at the county level. WEM/SERC further designated that the county emergency management director shall be a member of the LEPC to ensure continuity and coordination of emergency response planning.

WEM/SERC is also responsible for administering the Emergency Planning Grant that provides funding on a formula basis to county LEPCs for local planning and program administration and the Equipment Grant which provides matching funding for computer equipment and hazardous materials response equipment.

Under 1991 WI Act 104 the WEM/SERC is also responsible for contracting with eight regional hazardous materials response teams as well as providing hazardous materials response equipment funding, on a matching basis, to the designated county hazardous materials response teams.

EPCRA is funded by fees paid by facilities that are subject to the reporting requirements of the EPCRA law. The annual Inventory Fee is due on or before March 1st. It is based on the number and quantity of



chemicals that are listed on the annual Tier Two Report, unless a substance specific fee exemption applies. A 20% late payment surcharge is due if the fee is paid late. A facility is exempt from fee payment if the operator has less than 10 full time equivalent (FTE) employees (less than 20,000 paid hours annually) in the state. Appendix A identifies the EPCRA fee amount by number of chemicals reported on the Tier Two Report. The table below identifies the revenues from EPCRA fees collected from SFY2016 to September 30, 2018.

SFY	Revenue Collected
2016	-1,974,056.49
2017	-1,523,526.52
2018	-2,057,827.14
2019	-87,215.81

The appropriation, which collects revenue [numeric 337] has a balance of \$697,810. EPCRA operations costs [numeric 335] are transferred from appropriation 337 to cover all expenses for personnel and supplies/services needed to manage and administer the EPCRA program.

Justification

The EPCRA program operations and personnel is funded by 20.465(3)(jm) [numeric 337]. EPCRA funds 11.87 FTE in DMA. Appendix B identifies the positions currently funded by EPCRA.

A 1.0 FTE Operations Program Associate for the EPCRA program, within the WEM Planning Section, is needed. Over the past six years the administrative tasks of the Planning Section, including maintaining emergency plans and procedures and providing EPCRA compliance support, have been carried out by a succession of temporary contract and LTE employees. Since July 2012, WEM has employed 20 such temporary and part-time LTE positions in the Planning Section. WEM typically staffs two temporary positions at any given time, occasionally surging to a third position during high activity EPCRA reporting periods.

The average tenure for staff in these positions has been 22 weeks, with 7 individuals serving less than 12 weeks. Since it normally takes 8-12 weeks to fully train new temporary staff to be fully functional in all the duties of the position, the continuous turnover has required an enormous amount of time to be spent re-training of these functions every time a new temporary employee is hired.

It has also increased the risk for errors and gaps in information, created a lack of consistency over time, and caused delays in keeping information up-to-date. Since this is a permanent core business need, a permanent position is appropriate and will eliminate the inefficiencies, errors, and gaps caused by constant turnover. The expected result is more up-to-date and accurate emergency contact information for use during a disaster.

If the position is not filled, the responsibilities will continue to be carried out by temporary employees, continuing the inefficiencies and errors due to staff turnover. It increases the risk of accurate emergency contact information not being available to WEM staff when needed, hampering our ability to provide resources or share information that can help protect citizens and provide services during a disaster. It also reduces the accuracy and consistency of our plans and procedures, which are tools needed by WEM to provide support to communities.

The Planning Section has a demonstrated six-year continuous need for permanent program administrative support. The position is anticipated to be hired as an Office Program Associate within the Planning Section to assist with the:

- Administration of the Emergency Planning and Community Right-to-Know (EPCRA) program, which was created in 1986 to help communities plan for chemical emergencies.
- Tracking reports by industry on the storage, use and releases of hazardous substances to federal, state and local governments.
- Development and maintenance of the Wisconsin Emergency Response Plan, a document consisting of over 26 separate sections and annexes, along with additional attachments that total hundreds of pages. The document is publicly available and used by WEM and its stakeholders to coordinate an emergency response to a large disaster.
- Maintenance of the State Emergency Operations Center Duty Officer manuals. Together these documents comprise the foundation of WEM's ability to provide effective emergency management operations and coordination to support local emergency responders, and they include specific mission-critical procedures, response resources, emergency contact lists and other information that must be kept accurate and up-to-date.

The Office Program Associate is anticipated to be hired at \$15.73 per hour for an estimated cost of \$57,883 annually. Current temporary contract staff cost \$68,868 annually.

Salary	\$ 32,718
Fringe	\$ 15,165
Supplies/Services	\$ 10,000
TOTAL	\$ 57,883

Summary

The EPCRA program, within the Planning Section, has a demonstrated six-year continuous need for permanent program administrative support. The two Planning Section temporary contract staff currently cost \$68,868 annually. The savings of moving the 1.0 FTE OPA to EPCRA results in a savings of \$10,985, which could be used for contract staffing during peak EPCRA reporting times.

Thank you, in advance, for your consideration of this request. Please contact the department's Budget and Policy Manager, Anna Oehler, with any questions or concerns.

Appendix A: EPCRA Fee Amounts

# of Chemicals	Fee amount (under 100,000 lbs., cumulative)	Fee amount (100,000 lbs., or more, cumulative)
0	0	0
1	\$205	\$245
2-10	\$405	\$485
11-100	\$610	\$730
101-200	\$745	\$890
201-300	\$880	\$1055
301-400	\$1015	\$1215
401-500	\$1150	\$1375
500 and over	\$1285	\$1540

Appendix B: FTE Funded by EPCRA

Job Title	FTE funded by EPCRA
BUDGET POLICY SUPV DIV-ADV	0.125
COMMUNICATIONS SPEC-SEN	0.125
EMERGENCY GOVT SPEC	2.125
EMERGENCY GOVT SPEC-ADV	1.625
EMERGENCY GOVT SPEC-SEN	1.650
EMERGENCY MGMT PROGRAM SUPV	1.000
EMERGENCY SERVICES COORDINATOR	0.500
EXEC STAFF SECRETARY	0.125
FINANCIAL SPECIALIST-SEN	0.125
GRANTS SPECIALIST	0.120
GRANTS SPECIALIST-ADV	0.625
IS BUSINESS AUTO ANALYST	0.500
IS SYSTM DEVMNT SVCS SEN	0.125
IS TECHNICAL SVCS SPEC	0.850
OFFICE OPERATIONS ASSOCIATE	1.750
OPERATIONS PROGRAM ASSOCIATE	0.250
TRAINING OFFICER-SEN	0.250
	11.87