



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #563

Warden Overtime (DNR -- Fish, Wildlife, and Recreation)

Bill Agency

[LFB 2007-09 Budget Summary: Page 408, #3]

CURRENT LAW

The Department of Natural Resources' responsibilities include the investigation and enforcement of laws relating to fish and wildlife, recreational vehicles, environmental protection, and water regulation and zoning. These activities are performed primarily by conservation wardens whose enforcement authority varies depending on the type, location and severity of the violation. Conservation wardens share responsibilities with park superintendents and forest rangers for public conduct on state lands. When requested, wardens assist local police and are authorized to respond when any crime is committed in their presence.

GOVERNOR

Provide \$238,000 in 2007-08 and \$333,000 in 2008-09 split-funded from the recycling fund, the environmental fund, and the fish and wildlife account, boat account, ATV account, and water resources account of the conservation fund for anticipated conservation warden overtime costs.

DISCUSSION POINTS

1. The bill would provide \$238,000 in 2007-08 and \$333,000 in 2008-09 for warden overtime costs. DNR indicates that the funding would aid conservation wardens in their investigation of accidents, instruction of safety education courses, and public safety and resource protection efforts. Under their current contracts, DNR wardens are provided with up to 420 hours of

overtime per warden annually. Under standard budget adjustments, over \$2.1 million annually is provided to support conservation warden related overtime salary and fringe benefit costs.

2. The expenditure authority recommended by the Governor under the bill would be provided as follows:

	<u>2007-08</u>	<u>2008-09</u>
Conservation Fund		
ATV Account	\$12,100	\$16,900
Boating Account	28,300	39,600
Fish and Wildlife Account	180,500	252,700
Water Resources Account	3,000	4,100
Environmental Fund	10,900	15,200
Recycling Fund	<u>3,200</u>	<u>4,500</u>
Total	\$238,000	\$333,000

3. Funding of \$350,500 in 2005-06 and \$394,400 in 2006-07 was provided for warden overtime costs in the 2005-07 budget. This was in addition to the \$1,761,200 provided for warden overtime through standard budget adjustments. Despite this additional funding, the Department indicates that total warden overtime costs exceeded available funding by \$32,800 in 2005-06 (total overtime costs were \$2,144,500). Anticipated overtime costs for 2006-07 are estimated at approximately \$2,295,000 (approximately \$139,000 higher than is currently budgeted). The Department estimates that warden overtime costs will be approximately \$2,357,000 in 2007-08 and approximately \$2,481,000 in 2008-09. Under the bill, salary and fringe benefit costs for overtime would be budgeted at \$2,358,400 in 2007-08 and \$2,453,400 in 2008-09. According to law enforcement personnel, warden overtime costs have increased as a result of increased salaries negotiated through warden contracts as well as increases in salary as warden recruits move up the pay scale and into permanent assignments (after an 18 month training period). The Department anticipates a larger increase in overtime costs in 2009 due to a potentially larger recruit-class in 2008, which would be eligible for a full year's worth of overtime salary in 2009.

4. The Department currently has 208 credentialed law enforcement positions authorized including supervisors, regional wardens, recreational safety wardens, and investigators. Of the 208 authorized positions, 187 are filled with permanent wardens, and an additional nine warden recruits are currently in training (leaving 12 vacancies). In the past, the Department has delayed hiring a recruit class, or has maintained warden vacancies and reallocated operations funding to cover shortfalls in overtime funding. However, due to the increasing number of wardens eligible for retirement and an increase in overall warden workload, the Department is attempting to fill more vacancies in the near future. The Department has developed a more aggressive recruiting strategy designed to draw more candidates from within and outside Wisconsin, in order to increase the number of qualified warden recruits. The Department hopes to hire a warden recruit class of 15 in 2008.

5. DNR indicates that as the overtime was determined to be a Department priority and

for this reason negotiated as part of the wardens' contracts, any funding not provided under the bill for this purpose will likely be reallocated to the budget for conservation warden overtime from other sources. Law enforcement staff have indicated that they would reallocate funding to warden overtime by doing one or more of the following: (a) reducing deputy LTE wardens, which would result in reduced backup during hunting seasons; (b) changing the fleet billing process from a flat rate to a per mile basis and instituting mileage caps which would result in reduced patrol time; and (c) reducing field station allotments (approximately \$9,300 annually per field station for warden training, lodging, mileage and equipment) which would result in less patrol time and less training. Further, it is likely that the law enforcement program would continue to carry a higher rate of vacancies, if necessary, in order to meet anticipated costs. Conversely, additional overtime hours increase the availability of conservation wardens to engage in safety patrols, field investigations, and to initiate public contacts.

6. It may be argued that the state should be aware of its available budget authority and allocation for overtime, and could take these limitations into account when negotiating contracts. Historically, the state has negotiated for more overtime hours than DNR law enforcement has had the expenditure authority to support, and attempted to make up the difference through budget requests or held positions vacant in order to use unspent salary line funding to fully fund negotiated overtime allotments.

7. Although the Department indicates that it is attempting to fill an increasing number of warden vacancies, they may not be able to replace the number of conservation wardens who leave or retire over the next two years. In that case, it is likely that some additional overtime could be funded through existing salary resources. Therefore, the Committee could consider providing a more limited overtime supplement. For example, providing \$119,000 in 2007-08 and \$166,500 in 2008-09 would equal one-half of the increase recommended by the Governor.

ALTERNATIVES TO BILL

1. Adopt the Governor's recommendation to provide \$238,000 in 2007-08 and \$333,000 in 2008-09 split funded from the conservation, recycling and environmental funds for anticipated conservation warden overtime costs.

ALT 1	Change to Bill Funding	Change to Base Funding
SEG	\$0	\$571,000

2. Provide \$119,000 in 2007-08 and \$166,500 in 2008-09, for warden overtime costs.

ALT 2	Change to Bill Funding	Change to Base Funding
SEG	- \$285,500	\$285,500

3. Delete provision.

ALT 3	Change to Bill Funding	Change to Base Funding
SEG	- \$571,000	\$0

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