



Legislative Fiscal Bureau

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May 7, 2009

Joint Committee on Finance

Paper #561

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

[LFB 2009-11 Budget Summary: Page 462, #2]

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 contact on state lands. When requested, wardens assist local police and are authorized to respond when any crime is committed in their presence.

GOVERNOR

Provide \$178,800 annually for conservation warden overtime split-funded from the environmental fund, recycling fund, and the fish and wildlife account, ATV account, boat registration account, and water resources account of the conservation fund.

DISCUSSION POINTS

1. Funding of \$119,000 in 2007-08 and \$166,500 in 2008-09 was provided for conservation warden overtime costs in the 2007-09 budget. This was in addition to the approximately \$2.1 million provided for warden overtime salary and fringe costs through standard budget adjustments. The bill would provide \$2.3 million annually under standard budget adjustments for warden overtime salary and fringe benefit costs. In addition, the bill would provide \$178,800 for increased warden overtime costs as follows:

	<u>Annual</u>
Conservation Fund	
Fish and Wildlife Account	\$135,700
ATV Account	9,100
Boat Registration Account	21,200
Water Resources Account	2,200
Environmental Fund	8,200
Recycling Fund	<u>2,400</u>
Total	\$178,800

2. According to the Department, recent changes in conservation warden contracts are expected to increase warden overtime costs during the 2009-11 biennium. Under their current contracts, DNR conservation wardens are provided with up to 420 hours of overtime per warden annually. Previously, when a conservation warden worked more than 40 hours in a given pay period, the warden received their regular salary for the first six hours of overtime (regular overtime), and 1.5 times their regular salary for every hour beyond six hours (premium overtime). Beginning April 13, 2009, conservation warden contracts specify that wardens must be paid premium overtime for all overtime hours. The Department estimates that the additional premium overtime pay will cost approximately \$13,200 annually for the currently filled warden positions. In addition, the contracts specify that wardens are entitled to an additional 16 hours of compensation time per year than under previous contracts, estimated at \$105,800 annually. Therefore, the new contract is expected to increase annual overtime costs by approximately \$119,000.

3. The Department originally anticipated that there would be a shortfall of warden overtime expenditure authority in 2008-09 of \$59,800. Because the warden contract changes did not occur until April 13, 2009, the Department's original projections for the shortfall in overtime expenditure authority for fiscal year 2008-09 may have been too high. Further, the Department has imposed a 20% reduction on conservation warden fleet vehicle mileage for 2008-09. Therefore, it is likely that overtime costs for 2008-09 may be reduced.

4. In addition, the Department currently has 206 credentialed law enforcement positions authorized including supervisors, regional wardens, recreational safety wardens, and investigators. Of the 206 authorized positions, 184 are filled with permanent wardens (leaving 22 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. DNR indicates that conservation warden overtime funding is 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 from other sources. Law enforcement staff have indicated that they would reallocate funding to warden overtime by doing the following: (a) reducing deputy LTE wardens, which would result in reduced backup during hunting seasons; (b) reducing fleet mileage, which would result in fewer warden safety patrols conducted; or (c) continuing to carry a higher rate of vacancies, if necessary, in order to meet anticipated costs. The Department is currently planning a 10- to 14-

member recruit class to begin by the fall of 2009. It is unlikely another recruit class would begin before 2011. Given the level of vacancies, and the state hiring freeze, and even with the planned 2009 recruit class, it appears likely DNR will generate significant salary savings in 2009-11. Therefore, an increase of \$119,000 annually could be provided, to reflect the anticipated cost increase under the labor contract (Alternative 2). This option would not provide additional funding for a potential shortfall in the base-level overtime budget.

5. 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. In a paper published in April, 2009, the Legislative Audit Bureau reported that DNR conservation wardens are among the top 10 position classifications in annual premium overtime pay. Historically, the state has negotiated 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. The Department indicates its extensive use of overtime is necessary due to the limited number of conservation wardens authorized, large areas needed to be patrolled, investigations conducted, and response that may be required at all hours to emergencies or citizens tips on violations.

ALTERNATIVES

1. Adopt the Governor’s recommendation to provide \$178,800 annually split-funded from the conservation, recycling, and environmental funds for anticipated warden overtime costs.

2. Provide \$119,000 annually for warden overtime costs (a reduction of \$59,800 annually).

ALT 2	Change to Bill Funding
SEG	- \$119,600

3. Delete provision.

ALT 3	Change to Bill Funding
SEG	- \$357,600

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