

SUPREME COURT OF VERMONT
OFFICE OF THE COURT ADMINISTRATOR

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TO: Representative Donna Sweaney, Chair
House Committee on Government Operations

FROM: Patricia Gabel, State Court Administrator

DATE: April 17, 2014

RE: Judicial Branch Use of Temporary Employees

A handwritten signature in black ink, appearing to read "Patricia Gabel", written over the "FROM:" line of the memo.

This Memo provides an overview of our temporary workforce and an explanation of how this workforce is unique in state government.

Temporary employees represent a fraction of the Judiciary's salary budget for FY2014 -- just 3.3%. We expect to spend approximately \$650K on temporary employees against a permanent salary budget of \$19.5M. Although we spend little, the Judiciary maintains a large 'pool' of approximately ninety (90) temporary employees, most of whom work intermittently or sporadically. We rely on the flexibility temporary employees bring to our staffing model. The Judiciary provides court services at 25 locations that are widely scattered across the state. Court managers must manage a demand for court services, trials and hearings that can fluctuate greatly from day to day.

Of the ninety temporary employees, the largest subgroup is comprised of the twenty-eight (28) elected Assistant Judges. They work part-time schedules, some as low as a few hours per month. Twenty (20) temporaries are retired Judges and Justices, most of whom are called upon no more than a few days or weeks per year. Similarly, we have another twenty (20) court staff that retired from state employment but returned to work less than 20 hours per week. Finally, we have approximately fifteen (15) employees who work at least twenty hours per week. Several are in grant-funded positions that have time-limited and grant-limited funding. Others are in positions considered temporary due to pending re-organization or competing financial priorities. Some are working for a few months on special projects or filling in for absent permanent employees.

The Judiciary is quite satisfied with our temporary workforce. There is no evidence that the performance of temporary employees differs from our permanent employees in any meaningful way. Their work product is just as good. Many are experienced or easily trained and therefore do not represent a burden on the permanent employees when hired. Overall, the Judiciary enjoys a low turnover rate both of its permanent staff (less than 8%) and among its temporary employees.

We received notice recently that we have been awarded a grant from the State Justice Institute to support the Judiciary conducting a weighted caseload study of the Vermont Superior Court with the consulting assistance of the National Center for State Courts. If we are authorized to accept the SJI grant, we will conduct the study in this calendar year 2014.

The weighted caseload study will be the first one conducted after the recent restructuring of the Judicial Branch. This study is expected to provide useful information to the Judiciary about the allocation of human resources, including both judge time and court staff time, in the Superior Court and help us to apply human resources to case demands in a more efficient manner. If the Judiciary were to be funded for the hiring of additional employees, the weighted caseload study would guide us in learning how these additional resources should be allocated.

In summary

- The Judiciary has not become overly reliant on our temporary workforce.
- Our temporary employees are as effective as our permanent workforce.
- Actions impacting Judiciary headcount should wait until after the weighted caseload study is completed in fall 2014.
- Permanent positions should be created by intentional allocation of resources and not by inadvertence or by an automatic measure that replaces management responsibility for stewardship of funds appropriated to the Judiciary.

cc: House Committee on Government Operations