

**SUPREME COURT OF VERMONT  
OFFICE OF THE COURT ADMINISTRATOR**

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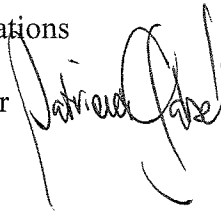


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TO: Senator Jeanette K. White, Chair  
Senate Committee on Government Operations

FROM: Patricia Gabel, State Court Administrator 

DATE: March 11, 2014

RE: Judicial Branch Use of Temporary Employees

This memo is meant to correct any misunderstanding that may exist regarding the Judiciary's use of temporary employees. Our temporary workforce is an important resource and 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.

If S.218 passes in a form that makes its terms applicable to the Judiciary, or if H. 624 passes as originally drafted, the financial impact on the Judiciary would be significant. We estimate a yearly additional cost of \$400K. The alternative language regarding the Judiciary proposed by DHR Commissioner Kate Duffy is estimated to cost \$100K above the Judiciary's proposed FY15 budget.

If anticipated SJI grant funding is awarded and approved, the Judiciary will be conducting a Weighted Caseload Study later in 2014, as required by legislative mandate. If the Judiciary were to be funded for the hiring of additional permanent employees, the Weighted Caseload Study would guide us in determining how these additional resources should be allocated. It makes sense to delay committing to any permanent hires until after that study is completed.

In summary

- The Judiciary has not become overly reliant on our temporary workforce.
- Our temporary employees are as effective as our permanent workforce.
- Depending upon the final bill, this represents a large unfunded mandate on operations.
- 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: Senate Committee on Government Operations