

**Supreme Court of Vermont
Office of State Court Administrator**

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TO: Representative Catherine Toll, Chair
House Committee on Appropriations

FROM: Patricia Gabel, Esq., State Court Administrator

RE: H.334 and Judicial Branch Use of Temporary Employees

DATE: May 2, 2019

We would like to take this opportunity to provide an overview of our temporary workforce and explain how our workforce is unique in state government.

It is natural to view all government operations through the lens of the Executive branch. In reality, the operations of the Judiciary are much closer to those of the Legislative branch.

- The Judiciary has 350 permanent employees.
- The Judiciary maintains a large ‘pool’ of approximately 75 temporary employees consisting of 28 elected Assistant Judges, 11 judicial officers, 29 non-exempts and 7 management temporary employees. Approximately 1/3 are retired former state employees who work sporadically or only a few hours per week.
- Judiciary operates in 25 courthouses and buildings around the state. Several locations have as few as 2 to 8 employees and are stressed when even one employee is ill, takes FMLA leave, takes union release time, vacations or otherwise unavailable.
- Our budget is much more heavily weighted toward employee salaries and associated fixed costs than most State of Vermont entities (nearly 90%). This high ratio of fixed costs gives us few options to react to staffing needs. Unlike the Executive branch, the Judiciary is very leanly staffed and is not able to repurpose permanent positions in the manner described in the bill applicable to the Executive branch. When we wish to create

additional permanent positions we request that the Governor add them to the recommended budget; and, thereafter, present our request to the Legislative appropriations committees.

- A substantial percentage of Judiciary temporaries are invaluable retired former employees who are only interested in temporary employment.

As one example of our singular circumstance, current Judiciary policy allows us to hire temporaries for a ‘Special assignment’ or ‘Special project’. Accordingly, we currently have temporary employees supporting a 5-year IT project to replace our antiquated enterprise court management software. At the end of the project, we will have no need for these temporary employees.

We request that the following edit be made to correct a typographical error in the proposed bill. Specifically, the last line below should read- (8)(F-G) instead of (8)(F).

Sec. 4. 4 V.S.A. § 40 is added to read:

§ 40. REPORT ON TEMPORARY EMPLOYEES

(a) Annually, on or before January 15, the State Court Administrator shall submit a report to the House Committee on General, Housing, and Military Affairs and the House and Senate Committees on Government Operations identifying:

(1) the total number of individuals employed by the Judiciary Department on a temporary basis who have worked in excess of 1,280 hours in the prior calendar year, excluding employees identified in 3 V.S.A. § 1011(7), 3 (8)(A)–(D), (8)(F), and (8)(I)–(K);

In summary; we have not become overly reliant on our temporary workforce and must preserve the flexibility offered by our temporaries if we are to continue to be good stewards of the funds appropriated to the Judiciary.

cc: Gregg Mousley, Judiciary Chief of Finance and Administration
Steve Klein, Joint Fiscal Office
Maria Belliveau, Joint Fiscal Office
Stephanie Barrett, Joint Fiscal Office