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Joint Committee on Finance

Paper #415

Eliminate Long-Term Vacancies and Federal Funding Reduction (Justice)

[LFB 2015-17 Budget Summary: Page 266, #4 and Page 267, #5]

CURRENT LAW

The Department of Justice (DOJ) provides legal, criminal investigatory, and other law enforcement services for the state, as well as services to the victims of crimes. The agency's base budget totals \$48,431,300 GPR and 392.58 GPR positions, \$50,314,500 PR and 238.08 PR positions, \$24,995,100 FED and 42.33 FED positions, and \$394,600 SEG and 2.75 SEG positions.

GOVERNOR

Reduce position authority by 0.45 PR position and 4.55 FED positions annually associated with positions that have been vacant for twelve months or more, as of November, 2014. Expenditure authority associated with the eliminated PR and FED positions is not deleted.

In a separate provision of the bill, reduce funding and position authority by \$78,100 FED and 1.0 FED position annually.

DISCUSSION POINTS

1. The Governor recommends deleting 0.45 PR position and 4.55 FED positions annually since these positions have been vacant for 12 months or more. Expenditure authority associated with these positions is not deleted under the bill. In a separate provision, the bill reduces DOJ funding and position authority by \$78,100 FED and 1.0 FED position annually. The 1.0 FED position intended to be eliminated under this separate provision has been vacant for over 12 months, and is proposed for elimination under the provision to eliminate long-term vacancies. As a result of both of

these provisions, the bill reduces DOJ's funding and position authority by a total of \$78,100 FED, 5.55 FED positions, and 0.45 PR position annually.

2. The table below identifies: (a) the positions the bill intended to be eliminated; and (b) the salary and fringe benefit costs associated with these positions. As footnote to the table indicates, two separate provisions of the bill intend to eliminate the same 1.0 program and policy analyst-advanced FED position.

Positions Intended for Elimination Under the Bill

<u>Fund</u>	<u>Program</u>	<u>Appropriation</u>	<u>Classification</u>	<u>Full-Time Equivalent</u>	<u>Salary and Fringe Benefit Costs</u>
PR	Law Enforcement Services	Law enforcement programs - administration	Program and policy analyst	<u>0.45</u>	<u>\$29,300</u>
			Total	0.45	\$29,300
FED		Federal aid, state operations	Policy initiatives advisor	1.00	\$76,100
			Program and policy analyst*	1.00	65,100
			Criminal analyst	1.00	50,000
			Operations program associate	1.00	44,600
			Program and policy analyst	<u>0.55</u>	<u>35,800</u>
			Total	4.55	\$271,600

*Two separate provisions of the bill intend to eliminate this position.

3. As of April, 2015, all of the positions identified in the table above remain vacant. According to the Department, these positions have remained vacant because either: (a) federal funding is no longer available to support the position; or (b) the functions and duties that would be performed by the position have been combined with the functions and duties of a filled position.

4. While the bill identifies the number of positions eliminated, it does not specify the positions that must be eliminated. Rather, the bill identifies the appropriation from which appropriations must be eliminated. Given that two provisions of the bill intend to eliminate the same 1.0 FED position, the administration indicates that it would work with the Department to identify another vacant position that could be eliminated and cause the least amount of harm to the Department's operations. As of April, 2015, 9.88 positions in the FED appropriation are vacant (not including the 4.55 positions proposed for elimination under the bill). Of these 9.88 vacant FED positions, 3.55 positions have been vacant for 12 months or more, as of April, 2015.

5. Given that DOJ has been able to perform its various functions with a reduced number of positions for twelve months or more, the Committee could approve the Governor's recommendation [Alternative 1]. As a result, DOJ's base budget would incur annual reductions totaling \$78,100 FED, 5.55 FED positions, and 0.45 PR position.

6. Generally, when an agency's position authority is reduced, funding appropriated to support the eliminated positions is also eliminated. To this point, the bill reduces DOJ's FED funding

authority by \$78,100 FED annually associated with the elimination of 1.0 program and policy analyst. Therefore, should the Committee decide to eliminate FED and PR positions as proposed under the bill, the Committee could also reduce the Department's FED and PR expenditure authority associated with the eliminated positions [Alternative 4].

7. As previously indicated, two separate provisions of the bill intend to eliminate the same program and policy analyst FED position. As a result, if both provisions of the bill are enacted, DOJ would have to eliminate 1.0 FED position that was not initially identified as a long-term vacancy. In order to address the fact that the two provisions of the bill intend to eliminate the same position, the Committee could restore 1.0 FED position to DOJ's budget [Alternative 2a].

8. As a part of the provision to eliminate long-term vacancies, the bill eliminates 0.45 program and policy analyst position from the law enforcement programs PR appropriation. This appropriation is utilized to support DOJ's administration of several justice-related grant programs, including the youth diversion grant program, the law enforcement officer grant program, and the child advocacy center grant program. Base funding and position authority for the appropriation is \$162,900 PR and 1.4 PR positions. Program revenue for the appropriation is supported by the penalty surcharge.

9. In a separate provision, the bill eliminates the youth diversion grant program, the law enforcement officer grant program, and the child advocacy center grant program, and creates a new state justice assistance grant (SJAG) program. [A separate paper has been prepared on this issue.] Under current law, the youth diversion grant program, law enforcement officer grant program, and child advocacy center grant program generally specify the purposes for which grant funding is to be awarded, the entities that should receive the grant award, and the amount that should be awarded. In contrast, under the state justice assistance grant program of the bill, the Department could award competitive grants for a variety of unspecified justice-related purposes. Further, under the SJAG program, the Department would: (a) develop and periodically update a strategic plan for state justice assistance grants; (b) develop criteria and procedures to use in selecting grant recipients; (c) develop program- or initiative- specific grant announcements; (d) review grant applications; and (e) evaluate the effectiveness of grant awards under the program. Under the bill, the law enforcement programs PR appropriation would be utilized to support the administration of the state justice assistance grant program.

10. As a result of the duties enumerated above, it could be argued that administering the competitive state justice assistance grant program would require an additional amount of staff time from the Department. While the Department has been able to administer existing grant programs, DOJ indicates that it would fill the vacant 0.45 PR position in order to address the increased workload associated with the SJAG program. Therefore, if the Committee decides to approve of the Governor's recommendation to create a new state justice assistance grant program, the Committee could restore the 0.45 PR program and policy analyst position in order to provide DOJ with additional resources to administer the SJAG program [Alternative 2b].

11. On the other hand, while the bill eliminates positions that have been vacant for twelve months or longer, it could be argued that the ability of an agency to carry out its functions without certain vacant positions does not mean that there is not an impact to the agency and the public from

not filling these positions. Further, while federal funding may not currently exist to support the federal positions that are eliminated under the bill, funding may be made available in future years.

12. For the reasons discussed above, the Committee could deny the Governor's recommendation [Alternative 4]. As a result, annual funding and position authority totaling \$78,100 FED, 5.55 FED positions, and 0.45 PR position would be restored in the agency's budget.

ALTERNATIVES

1. Approve Governor's recommendation to delete \$78,100 FED, 5.55 FED positions, and 0.45 PR position annually. [Under this alternative, the salary and fringe benefit costs associated with 1.0 of the eliminated FED positions would be deleted. The salary and fringe benefit costs associated with the remaining 4.55 FED positions and 0.45 PR position totals \$271,600 FED and \$29,300 PR annually.]

2. Provide either or both of the following modifications to the bill:

a. Restore 1.0 FED program and policy analyst position to account for the fact that two separate provisions of the bill intend to eliminate the same position. [Under this alternative, the salary and fringe benefit costs associated with 1.0 of the eliminated FED positions would be deleted. The salary and fringe benefit costs associated with the remaining 3.55 FED positions and 0.45 PR position totals \$206,500 FED and \$29,300 PR annually.]

ALT 2a	Change to Bill Positions
FED	1.00

b. Restore 0.45 PR program and policy analyst position to provide DOJ additional resources to support the administration of the state justice assistance grant program. [Under this alternative, the salary and fringe benefit costs associated with 1.0 of the eliminated FED positions would be deleted. The salary and fringe benefit costs associated with the remaining 4.55 FED positions totals \$271,600 FED annually.]

ALT 2b	Change to Bill Positions
PR	0.45

3. Delete the Governor's recommendation and restore all funding and position authority eliminated under the bill.

ALT 3	Change to Bill	
	Funding	Positions
PR	\$0	0.45
FED	<u>156,200</u>	<u>5.55</u>
Total	\$156,200	6.00

4. In addition to Alternatives 1, 2a, 2b, or 2a and 2b, eliminate funding authority associated with the salary and fringe benefit costs of FED and PR positions eliminated under the bill. Note that the bill currently eliminates the salary and fringe benefit costs of 1.0 FED position eliminated under the bill. The funding that would be eliminated under this alternative is identified in the bracketed statement included with Alternatives 1, 2a, and 2b.

ALT 4 Change to Bill	
<u>With Alternative 1</u>	
PR	- \$58,600
FED	- <u>543,200</u>
Total	- \$601,800
<u>With Alternative 2a</u>	
PR	- \$58,600
FED	- <u>413,000</u>
Total	- \$471,600
<u>With Alternative 2b</u>	
FED	- \$543,200
<u>With Alternative 2a and 2b</u>	
FED	- \$413,000

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