INFORMATION ON JUDICIAL COUNCIL RESTRUCTURING DIRECTIVES
5/11/15

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
JUDICIAL COUNCIL OVERSIGHT AND GOVERNANCE			
1	The Administrative Director of the Courts operates subject to the oversight of the Judicial Council. E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report to E&P before each Judicial Council meeting on each item on this chart approved by the Judicial Council.	**7-1.** The Administrative Director must operate subject to the oversight of the Judicial Council and will be charged with implementing the recommendations in this report if so directed.	**Completed** Report Details
2	E&P recommends that the Judicial Council take an active role in overseeing and monitoring the AOC to ensure transparency, accountability, and efficiency in the AOC's operations and practices.	**4-1**. The Judicial Council must take an active role in overseeing and monitoring the AOC and demanding transparency, accountability, and efficiency in the AOC's operations and practices.	**In Progress** Report Details
3	E&P recommends that the Judicial Council promote the primary role and orientation of the AOC as a service provider to the Judicial Council and the courts for the benefit of the public.	**4-2.** The primary role and orientation of the AOC must be as a service provider to the Judicial Council and the courts.	**In Progress** Report Details
4	E&P recommends that the Judicial Council, in exercising its independent and ultimate governance authority over the operations and practices of the AOC, must ensure that the AOC provide it with a comprehensive analysis, including a business case analysis, a full range of options and impacts and pros and cons, before undertaking any branch-wide project or initiative. In exercising its authority over committees, rules, grants, programs and projects, the Judicial Council must ensure that the AOC provide it with a full range of options	**4-3.** In exercising its independent and ultimate governance authority over the operations and practices of the AOC, the Judicial Council must demand that the AOC provide it with a business case analysis, including a full range of options and impacts, before undertaking any branch-wide project or initiative. In exercising its authority over committees, rules, grants, programs, and projects, the Judicial Council must demand that the AOC provide it with a full range of options and impacts, including fiscal, operational, and other impacts on the	**In Progress** Report Details

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	and impacts, including fiscal, operational, and other impacts on the courts.	courts.	
5	E&P recommends that the Judicial Council conduct an annual review of the performance of the Administrative Director of the Courts (ADOC). The review must take into consideration input submitted by persons inside and outside the judicial branch.	**4-4.** The Judicial Council must conduct periodic reviews of the performance of the Administrative Director of the Courts. These reviews must take into consideration input submitted by persons inside and outside the judicial branch.	**In Progress** Report Details
6	E&P recommends that the Judicial Council direct the Rules and Projects Committee, consistent with its responsibility under rule 10.13 of the California Rules of Court, to establish and maintain a rule-making process that is understandable and accessible to justice system partners and the public, to consider SEC Recommendation 6-8 and report on any changes to the rule-making process to the Judicial Council.	**6-8.** The AOC must develop a process to better assess the fiscal and operational impacts of proposed rules on the courts, including seeking earlier input from the courts before proposed rules are submitted for formal review. The AOC should establish a process to survey judges and court executive officers about the fiscal and operational impacts of rules that are adopted, and recommend revisions to the rules where appropriate. The AOC should recommend changes in the rules process, for consideration by the Judicial Council, to limit the number of proposals for new rules, including by focusing on rule changes that are required by statutory changes.	**Completed** Report Details
7	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to propose a procedure to seek the fully informed input and collaboration of the courts before undertaking significant projects or branchwide initiatives that affect the courts. The AOC should	**7-57.** The AOC must seek the fully informed input and collaboration of the courts before undertaking significant projects or branch-wide initiatives that affect the courts.	**Completed** Report Details

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	also seek the input of all stakeholder groups, including the State Bar.		
8	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to first employ a comprehensive analysis, including an appropriate business case analysis of the scope and direction of significant projects or initiatives, taking into account the range of fiscal, operational, and other impacts to the courts and stakeholders.	**7-58.** The AOC must first employ an appropriate business case analysis of the scope and direction of significant projects or initiatives, taking into account the range of fiscal, operational, and other impacts to the courts.	**Completed** Report Details
9	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure for developing and communicating accurate cost estimates for projects, programs, and initiatives.	**7-59**. The AOC must develop and communicate accurate cost estimates for projects, programs, and initiatives.	**Completed** Report Details
10	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to apply proper cost and contract controls and monitoring, including independent assessment and verification, for significant projects and programs**.**	**7-60.** The AOC must apply proper cost and contract controls and monitoring, including independent assessment and verification, for significant projects and programs.	**Completed** Report Details
11	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to maintain proper documentation and records of its decision making process for significant projects and programs.	**7-61.** The AOC must maintain proper documentation and records of its decision making process for significant projects and programs.	**Completed** Report Details
12	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to	**7-62.** The AOC must identify and secure sufficient funding and revenue streams	**Completed** Report Details

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	develop a procedure to identify and secure sufficient funding and revenue streams necessary to support projects and programs, before undertaking them.	necessary to support projects and programs, before undertaking them.	
13	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to accurately report and make available information on potential costs of projects and impacts on the courts.	**7-63.** The AOC must accurately report and make available information on potential costs of projects and impacts on the courts.	**Completed** Report Details
ORGANIZATION-WIDE RESTRUCTURING AND REFORMS			
14	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to conduct a comprehensive review of the AOC position classification system as soon as possible. The focus of the review must be on identifying and correcting misallocated positions, particularly in managerial classes, and on achieving efficiencies by consolidating and reducing the number of classifications.	**6-5.** The Executive Leadership Team must direct that a comprehensive review of the AOC position classification system begin as soon as possible. The focus of the review should be on identifying and correcting misallocated positions, particularly in managerial classes, and on achieving efficiencies by consolidating and reducing the number of classifications. The Chief Administrative Officer should be given lead responsibility for implementing this recommendation.	**In Progress** Report Details
15	The Administrative Office of the Courts must also undertake a comprehensive review of the AOC compensation system as soon as possible. The AOC must review all compensation-related policies and procedures, including those contained in the *AOC Personnel Policies and Procedures Manual*.	**6–6.** The Executive Leadership Team must direct that a comprehensive review of the AOC compensation system be undertaken as soon as possible. All compensation-related policies and procedures must be reviewed, including those contained in the AOC personnel manual. AOC staff should be used to conduct this review to the extent possible. If outside	**In Progress** Report Details

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		consultants are required, such work could be combined with the classification review that is recommended above. The Chief Administrative Officer should be given lead responsibility for implementing this recommendation.	
16	The AOC must overhaul current practices for its classification and compensation systems. The AOC must develop and consistently apply policies for classification and compensation of employees, by actions including the following: **(a)** A comprehensive review of the classification and compensation systems should be undertaken as soon as possible, with the goal of consolidating and streamlining the classification system.	**7-35.** The AOC must commit to overhauling current practices for its classification and compensation systems. The AOC then must develop and consistently apply policies for classification and compensation of employees by actions including the following: **(a)** A comprehensive review of the classification and compensation systems should be undertaken as soon as possible, with the goal of consolidating and streamlining the classification system.	**In Progress** Report Details
17	The AOC must overhaul current practices for its classification and compensation systems. The AOC must develop and consistently apply policies for classification and compensation of employees, by actions including the following: **(b)** Priority should be placed on reviewing all positions classified as supervisors or managers, as well as all attorney positions, to identify misclassified positions and take appropriate corrective actions.	**7-35.** The AOC must commit to overhauling current practices for its classification and compensation systems. The AOC then must develop and consistently apply policies for classification and compensation of employees by actions including the following: **(b)** Priority should be placed on reviewing all positions classified as supervisors or managers, as well as all attorney positions, to identify misclassified positions and take appropriate corrective actions.	**In Progress** Report Details

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18	The AOC must overhaul current practices for its classification and compensation systems. The AOC must develop and consistently apply policies for classification and compensation of employees, by actions including the following: **(c)** The manner in which the AOC applies its geographic salary differential policy (section 4.2 of the AOC Personnel Policies and Procedures Manual) should be reviewed and, if maintained, applied consistently.	**7-35.** The AOC must commit to overhauling current practices for its classification and compensation systems. The AOC then must develop and consistently apply policies for classification and compensation of employees by actions including the following: **(c)** The manner in which the AOC applies its geographic salary differential policy (section 4.2 of the AOC personnel manual) should be reviewed and, if maintained, applied consistently.	**Completed** Report Details
19	The AOC must overhaul current practices for its classification and compensation systems. The AOC must develop and consistently apply policies for classification and compensation of employees, by actions including the following: **(d)** Given current HR staffing and expertise levels, the Administrative Director of the Courts is directed to consider whether an outside entity should conduct these reviews and return to the Judicial Council with an analysis and a recommendation.	**7-35.** The AOC must commit to overhauling current practices for its classification and compensation systems. The AOC then must develop and consistently apply policies for classification and compensation of employees by actions including the following: **(d)** Given current HR staffing and expertise levels, an outside entity should be considered to conduct these reviews.	**Completed** Report Details
20	E&P also recommends that the Judicial Council direct the Administrative Director of the Courts to assess the results of the compensation and classification studies to be completed and propose organizational changes that take into	**7-75.** The Administrative Director should make an AOC-wide assessment to determine whether attorneys employed across the various AOC divisions are being best leveraged to serve the priority legal needs of the	**In Progress** Report Details

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	account the SEC recommendation 7-75 and the analysis of the classification and compensation studies.	organization and court users.	
21	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to implement a formalized system of program and project planning and monitoring that includes, at minimum, a collaborative planning process that requires an analysis of impacts on the judicial branch at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated.	**6-2.** The AOC Executive Leadership Team must begin to implement a formalized system of program and project planning and monitoring that includes, at minimum, a collaborative planning process that requires an analysis of impacts on the judicial branch at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated.	**Completed** Report Details
22	E&P recommends that the Judicial Council direct the AOC to renegotiate or terminate, if possible, its lease in Burbank. The lease for the Sacramento North spaces should be reviewed and, if possible, renegotiated to reflect actual usage of the office space. The AOC should explore lower cost lease options in San Francisco, recognizing that the State Department of General Services would have to find replacement tenants for its space.	**10-1**. The AOC should renegotiate or terminate its lease in Burbank. The lease for the Sacramento North spaces should be reviewed and renegotiated to reflect actual usage of the office space. The AOC should explore lower cost lease options in San Francisco, recognizing that DGS would have to find replacement tenants for its space.	**Completed** Report Details
23	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to identify legislative requirements that impose unnecessary reporting or other mandates on the courts and the AOC. Appropriate efforts should	**7-83.** The Office of Governmental Affairs should be directed to identify legislative requirements that impose unnecessary reporting or other mandates on the AOC. Appropriate efforts should be made to revise	**Completed** Report Details

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	be made to revise or repeal such requirements.	or repeal such requirements.	
24	On August 9, 2012, E&P directed the interim Administrative Director of the Courts and incoming Administrative Director of the Courts to consider the SEC recommendations on AOC organizational structure (recommendations 5-1–5-6, 6-1) and present their proposal for an organizational structure for the consideration of the full Judicial Council at the August 31, 2012, council meeting.	**5-1**. The AOC should be reorganized. The organizational structure should consolidate programs and functions that primarily provide operational services within the Judicial and Court Operations Services Division. Those programs and functions that primarily provide administrative services should be consolidated within the Judicial and Court Administrative Services Division. Other programs and functions should be grouped within an Executive Office organizational unit. The Legal Services Office also should report directly to the Executive Office but no longer should be accorded divisional status. **5-2.** The Chief Operating Officer should manage and direct the Judicial and Court Operations Services Division, consisting of functions located in the Court Operations Special Services Office; the Center for Families, Children and the Courts; the Education Office/Center for Judicial Education and Research; and the Office of Court Construction and Facilities Management. **5-3.** The Chief Administrative Officer should manage and direct the Judicial and Court Administrative Services Division, consisting of	**Completed** Report Details

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		functions located in the Fiscal Services Office, the Human Resources Services Office, the Trial Court Administrative Services Office, and the Information and Technology Services Office. **5-4**. Other important programs and functions should be consolidated within an Executive Office organizational unit under the direction of a Chief of Staff. Those functions and units include such functions as the coordination of AOC support of the Judicial Council, Trial Court Support and Liaison Services, the Office of Governmental Affairs, the Office of Communications, and a Special Programs and Projects Office. **5-5.** The Chief Counsel, manager of the Legal Services Office (formerly the Office of the General Counsel) should report directly to the Administrative Director depending on the specific issue under consideration and depending on the preferences of the Administrative Director. **5-6.** The Chief Deputy Administrative Director position must be eliminated. If the absence of the Administrative Director necessitates the designation of an Acting Administrative Director, the Chief Operating Officer should be	

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		so designated. **6-1.** The Administrative Director, the Chief Operations Officer, the Chief Administrative Officer, and the Chief of Staff should be designated as the AOC Executive Leadership Team, the primary decision making group in the organization.	
25	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require immediate compliance with the requirements and policies in the *AOC Personnel Policies and Procedures Manual*, including formal performance reviews of all employees on an annual basis; compliance with the rules limiting telecommuting; and appropriate utilization of the discipline system.	**6-3.** The AOC Executive Leadership Team must order immediate compliance with the requirements and policies in the AOC personnel manual, including formal performance reviews of all employees on an annual basis; compliance with the rules limiting telecommuting; and appropriate utilization of the discipline system.	**Completed** Report Details
26	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the AOC adheres to its telecommuting policy consistently and identifies and corrects all existing deviations and violations of the existing policy. The Administrative Director of the Courts must review the AOC telecommuting policy and provide the council with a report proposing any recommendations on amendments to the policy, by the December 13-14, 2012, council meeting.	**7-40.** The AOC must adhere to its telecommuting policy (Section 8.9 of the AOC personnel manual). It must apply the policy consistently and must identify and correct all existing deviations and violations of the existing policy.	**Completed** Report Details

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27	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that, with an appropriate individual employee performance planning and appraisal system in place, the AOC utilizes the flexibility provided by its at-will employment policy to address employee performance issues. The AOC's at-will employment policy provides management with maximum hiring and firing flexibility, and should be exercised when appropriate.	**6-4.** With an appropriate individual employee performance planning and appraisal system in place, the AOC must utilize the flexibility provided by its at-will employment policy to address serious employee performance issues. **7-36**. The AOC's at-will employment policy provides management with maximum hiring and firing flexibility, and should be exercised when appropriate.	**Completed** Report Details
28	E&P recommends that the Judicial Council direct that the Administrative Director of the Courts require compliance with the AOC's existing policy calling for annual performance appraisals of all AOC employees (*AOC Personnel Policies and Procedures Manual*, section 3.9) and that performance appraisals are uniformly implemented throughout the AOC as soon as possible.	**7-37**. The AOC's existing policy calling for annual performance appraisals of all AOC employees (AOC personnel manual, section 3.9) must be implemented uniformly throughout the AOC as soon as possible.	**Completed** Report Details
29	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop an employment discipline policy to be implemented consistently across the entire AOC that provides for performance improvement plans and for the actual utilization of progressive discipline.	**7-38**. A consistent employment discipline policy must accompany the employee performance appraisal system. Section 8.1B of the AOC personnel manual discusses disciplinary action, but is inadequate. A policy that provides for performance improvement plans and for the actual utilization of progressive discipline should be developed and implemented consistently across the entire AOC.	**Completed** Report Details

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30	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to utilize the AOC's layoff process to provide management with a proactive way to deal with significant reductions in resources.	**7-39.** The AOC must utilize its layoff process to provide management with a proactive way to deal with significant reductions in resources.	**Completed** Report Details
31	E&P recommends that the Judicial Council direct that the Administrative Director of the Courts require the AOC leadership to develop, maintain, and support implementation of effective and efficient human resources policies and practices uniformly throughout the AOC.	**7-33.** The AOC leadership must recommit itself to developing and maintaining effective and efficient HR policies and practices. The new Administrative Director, among other priority actions, must reestablish the AOC's commitment to implement sound HR policies and practices.	**Completed** Report Details
32	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that a gradual, prioritized review of all HR policies and practices, including all those incorporated in the *AOC Personnel Policies and Procedures Manual,* should be undertaken to ensure they are appropriate and are being applied effectively and consistently throughout the AOC.	**7-41.** A gradual, prioritized review of all HR policies and practices, including all those incorporated in the AOC personnel manual should be undertaken to ensure they are appropriate and are being applied effectively and consistently throughout the AOC.	**Completed** Report Details
33	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report back on the budget and fiscal management measures implemented by the AOC to ensure that the AOC's fiscal and budget processes are transparent. The Administrative Director of the Courts should develop and make public a description of the	**6-7.** The AOC's fiscal and budget processes must be transparent. The Executive Leadership Team should require the Fiscal Services Office to immediately develop and make public a description of the fiscal and budget process, including a calendar clearly describing how and when fiscal and budget decisions are made. The Fiscal Services Office should be required to produce a comprehensive, publicly available	**In Progress** Report Details

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	AOC fiscal and budget process, including a calendar clearly describing how and when fiscal and budget decisions are made. The AOC should produce a comprehensive, publicly available midyear budget report, including budget projections for the remainder of the fiscal year and anticipated resource issues for the coming year.	midyear budget report, including budget projections for the remainder of the fiscal year and anticipated resource issues for the coming year. The Chief Administrative Officer should be given lead responsibility for developing and implementing an entirely new approach to fiscal processes and fiscal information for the AOC.	
34	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that all fiscal information must come from one source within the AOC, and that single source should be what is currently known as the Finance Division.	**8-1**. All fiscal information must come from one source within the AOC, and that single source should be what is currently known as the Finance Division (to become the Fiscal Services Office under the recommendations in this report).	**Completed** Report Details
35	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that budget and fiscal tracking systems be in place so that timely and accurate information on resources available and expenditures to date are readily available.	**8-2.** Tracking systems need to be in place so that timely and accurate information on resources available and expenditures to date are readily available. Managers need this information so they do not spend beyond their allotments.	**Completed** Report Details
36	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that budget and fiscal information displays be streamlined and simplified so they are clearly understandable.	**8-3.** Information displays need to be streamlined and simplified so they are clearly understandable.	**In Progress** Report Details
37	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that the Finance Division track appropriations and expenditures by fund, and	**8-4.** The Finance Division (Fiscal Services Office) should track appropriations and expenditures by fund, and keep a historical record of both so that easy year-to-year comparisons can be	**In Progress** Report Details

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	keep a historical record of both so that easy year-to-year comparisons can be made. This can be done by unit, division, or by program, whichever provides the most informed and accurate picture of the budget.	made. This can be done by unit, division or by program — whichever provides the audience with the most informed and accurate picture of the budget.	
38	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that expenditures be split into those for state operations and local assistance (funds that go to the trial courts) so it is clear which entity benefits from the resources. State operations figures must be further broken down as support for the Supreme Court and Appellate Courts. The AOC should adopt the methodology of distributing the administrative costs among programs.	**8-5.** Expenditures should be split into those for state operations and local assistance (funds that go to the trial courts) so it is clear which entity benefits from the resources. State operations figures should be further broken down as support for the Supreme Court and Appellate Courts. In most state departments, administrative costs are distributed among programs. The AOC should adopt this methodology.	**In Progress** Report Details
39	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that the AOC schedule its budget development and budget administration around the time frames used by all state entities.	**8-6**. The AOC should schedule its budget development and budget administration around the time frames used by all state entities. Assuming the budget for any fiscal year is enacted by July 1, the AOC should immediately allocate its budgeted resources by fund among programs, divisions, units.	**Completed** Report Details
40	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that requests for additional resources be presented to the Judicial Council at its August meeting, identify the increased resources requested, and be accompanied by clear	**8-7.** Requests for additional resources are presented to the Judicial Council at its August meeting. These requests identify increased resources requested and should be accompanied by clear statements of need and use of the resources and the impact on the	**Completed** Report Details

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	statements of the need and use of the resources and the impact on the AOC, as well as the impact on the judicial branch, if any. A cost-benefit analysis should be part of any request and there should be a system to prioritize requests.	AOC, as well as the impact on the judicial branch, if any. A cost-benefit analysis should be part of any request, and there should be a system to prioritize requests.	
41	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that, after the Governor's Budget is released in January, the AOC should present a midyear update of the judicial branch budget at the next scheduled Judicial Council meeting. All figures provided by the AOC should tie back to the Governor's Budget or be explained in footnotes.	**8-8.** After the Governor's Budget is released in January, the AOC should present a midyear update of the judicial branch budget at the next scheduled Judicial Council meeting. This presentation should tie to the figures in the Governor's Budget so that everyone has the same understanding of the budget.	**Completed** Report Details
42	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that, except for budget changes that must be made to comply with time requirements in the state budget process, the AOC not change the numbers in the budget statements it presents. All figures provided by the AOC must tie back to the Governor's budget or be explained in footnotes.	**8-9**. Except for changes that must be made to comply with time requirements in the state budget process, the AOC should not change the numbers it presents – continual changes in the numbers, or new displays, add to confusion about the budget.	**In Progress** Report Details
43	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to perform internal audits upon completion of the restructuring of the AOC.	**8-10.** The AOC must perform internal audits. This will allow the leadership team and the Judicial Council to know how a particular unit or program is performing. An audit can be both fiscal and programmatic so that resources are tied to performance in meeting program goals	**In Progress** Report Details

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		and objectives.	
44	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that the leadership team must develop and employ budget review techniques so that the budget of an individual unit is aligned with its program responsibilities.	**8-11**. As part of the reorganization and downsizing of the AOC, the leadership team should employ budget review techniques (such as zero-based budgeting) so that the budget of an individual unit is aligned with its program responsibilities. In the future, there should be periodic reviews of units and or programs to make sure funding is consistent with mandated requirements.	**Completed** Report Details
45	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the total staff size of the AOC must be reduced significantly and must not exceed the total number of authorized positions. The consolidation of divisions, elimination of unnecessary and overlapping positions, and other organizational changes should reduce the number of positions. E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that staffing levels of the AOC be made more transparent and understandable. Information on staffing levels must be made readily available, including posting the information online. All categories of staffing — including, but not limited to, authorized positions, "909" staff, employment agency temporary employees and contract staff — must	**9-1**. The total staff size of the AOC should be reduced significantly. **9-2**. The total staff size of the AOC must be reduced significantly and should not exceed the total number of authorized positions. The current number of authorized positions is 880. The consolidation of divisions, elimination of unnecessary and overlapping positions and other organizational changes recommended in this report should reduce the number of positions by an additional 100 to 200, bringing the staff level to approximately 680 to 780. **9-5**. The staffing levels of the AOC must be made more transparent and understandable. Information on staffing levels must be made readily available, including posting the information online. All categories of staffing—	**Completed** Report Details

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	be accounted for in a manner understandable to the public.	including, but not limited to, authorized positions, "909" staff, employment agency temporary employees and contract staff—must be accounted for in a manner understandable to the public.	
46	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report to the Judicial Council vacant authorized positions if they have remained unfilled for six months.	**9-3.** Vacant authorized positions should be eliminated if they have remained unfilled for six months.	**Completed** Report Details
47	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the employment of temporary or other staff to circumvent a hiring freeze is not permitted. The Administrative Director must review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such as in the case of an emergency or to provide a critical skill set not available through the use of authorized employees.	**9-4**. Employment of temporary or other staff to circumvent a hiring freeze should not be permitted. The Executive Leadership Team should immediately review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such in the case of an emergency or to provide a critical skill set not available through the use of authorized employees.	**Completed** Report Details
48	E&P recommends that the Judicial Council direct the Administrative Director of the Courts, as part of the council's long-term strategic planning, to evaluate the location of the AOC main offices based on a cost-benefit analysis and other	**10-2**. As part of its long-term planning, the AOC should consider relocation of its main offices, based on a cost-benefit analysis of doing so.	**In Progress** Report Details

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	considerations.		
49	E&P recommends that the Judicial Council support SEC Recommendation 7-2 with no further action. The AOC has terminated special consultants hired on a continuous basis.	**7-2**. The practice of employing a special consultant on a continuous basis should be reevaluated and considered for termination taking into account the relative costs, benefits, and other available resources.	**Completed** Report Details
CENTER FOR FAMILIES, CHILDREN & THE COURTS			
50	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-3 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	**7-3.** The Center for Families, Children and the Courts should be an office reporting to the Chief Operating Officer in the AOC's Judicial and Court Operations Services Division, rather than a stand-alone division. The CFCC manager position should be compensated at its current level.	**In Progress** Report Details
51	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(a) and implement the necessary organizational and staffing changes, taking into account the results of the classification and compensation studies to be completed.	**7-4.** CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken: **(a)** CFCC has a one-over-one management structure with a Division Director and an Assistant Division Director position. The Assistant Division Director position should be eliminated.	**In Progress** Report Details
52	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(b) and (c) and implement the necessary organizational and	**7-4.** CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:	**In Progress** Report Details

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	staffing changes, taking into account the results of the classification and compensation studies to be completed.	**(b)** There are nearly 30 attorney positions in CFCC, including 7 attorneys who act as Judicial Court Assistance Team Liaisons. All attorney position allocations should be reviewed with a goal of reducing their numbers and/or reallocating them to nonattorney classifications.	
52.1	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(b) and (c) and implement the necessary organizational and staffing changes, taking into account the results of the classification and compensation studies to be completed.	**7-4.** CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken: **(c)** The CFCC has numerous grant-funded positions, including five in its Rules and Forms Unit. Implementation of our recommendations for the AOC's Grants and Rule-making Processes could result in some reductions in these positions.	**Completed** Report Details
53	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(d) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	**7-4.** CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken: **(d)** The CFCC has a number of positions devoted to research programs, as do other offices to be placed within the Judicial and Court Operations Services Division, presenting opportunities for efficiencies by consolidating	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
		divisional research efforts.	
54	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed	**7-4.** CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken: **(e)** CFCC staff members provide support to a number of Judicial Council committees and task forces. The recommended consolidation of this support function under the direction of the Chief of Staff will present opportunities for efficiencies and resource reduction.	**In Progress** Report Details
55	E&P recommends that the Judicial Council support SEC Recommendation 7-4(f) with no further action, as these administrative and grant support functions have been consolidated through the AOC's initiatives to reduce costs and downsize its workforce and operations.	**7-4.** CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken: **(f)** The CFCC maintains a Core Operations Unit, which is essentially an administrative and grant support unit. The consolidation of administrative functions and resources within the Judicial and Court Administrative Services Division should lead to the downsizing of this unit.	**Completed** Report Details
56	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider reducing or eliminating various publications produced by the Center for Families, Children, & the Courts.	**7-4.** CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
		(g) CFCC staff members produce various publications. They should be considered for reduction or elimination	
57	E&P recommends that the Judicial Council support SEC Recommendation 7-4(h) with no further action. The Judge-in Residence is now volunteering time to fulfill this responsibility.	**7-4.** CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken: **(h)** The Judge-in-Residence position in this division should be eliminated.	**Completed** Report Details
58	E&P recommends that the Judicial Council support SEC Recommendation 7-4(i) with no further action, as the positions related to CCMS have been eliminated through the AOC's initiatives to reduce costs and downsize its workforce and operations.	**7-4.** CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken: **(i)** Positions related to CCMS should be eliminated.	**Completed** Report Details
59	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to propose an organizational plan for the Center for Families, Children, & the Courts that allows for reasonable servicing of the diverse programs mandated by statute and assigned to this division.	**7-4.** CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken: **(j)** Although staffing reductions in this division are feasible, any reorganization or downsizing of this division must continue to allow for reasonable servicing of the diverse programs mandated by statute and assigned to this division, including such programs as the Tribal Project program.	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
60	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider maximizing and combining self-help resources with resources from similar subject programs, including resources provided through the Justice Corps and the Sargent Shriver Civil Counsel program, and return to the council with an assessment and proposal.	**7–9.** Self-represented litigants in small claims, collection matters, foreclosures, and landlord-tenant matters are frequent users of court self-help centers. A majority of self-help clients seek assistance in family law matters. Consideration should be given to maximizing and combining self-help resources with resources from similar subject programs, including resources provided through the Justice Corps and the Sargent Shriver Civil Counsel program.	**Completed** Report Details
61	E&P recommends to the Judicial Council that any legislative proposals generated by the AOC must follow the process established by the Policy Coordination and Liaison Committee.	**7-6.** Consistent with recommendations in this report calling for a review of AOC's rule-making process, legislative proposals generated through this division should be limited to those required by court decisions and statutory mandates and approved by the Judicial Council Advisory Committees.	**Completed** Report Details
62	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that a systems review of the manner in which AOC staff review trial court records should be conducted to streamline Judicial Review and Technical Assistance audits, if possible, and to lessen the impact on court resources.	**7-7.** A systems review of the manner in which trial court records are reviewed should be conducted to streamline audits, if possible, and to lessen the impact on court resources.	**Completed** Report Details
63	With the exception of assigned judges, AOC staff must not investigate complaints from litigants about judicial officers.	**7-8**. The CFCC should discontinue investigating and responding to complaints from litigants about judicial officers who handle family law matters, as such matters are handled by other	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
		entities.	
COURT PROGRAMS AND SERVICES (COURT OPERATIONS SERVICES)			
64	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-10 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	**7-10.** The Court Operations Special Services Office (COSSO), formerly CPAS, should be an office reporting to the Chief Operating Officer within the AOC's Judicial and Court Operations Services Division, rather than a stand-alone division. The COSSO manager position should be at the Senior Manager level.	**In Progress** Report Details
65	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-12 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.	**7-12**. The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings.	**Completed** Report Details
65.1	E&P recommends that the Judicial Council support SEC Recommendation 7-12(a) with no further action, due to the temporary suspension of the Kleps Program initiated to reduce branch costs.	**7-12**. The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following: **(a)** To save resources, the Kleps Award Program should be suspended temporarily.	**Completed** Report Details
66	E&P recommends that the Judicial Council defer a decision on SEC Recommendation 7-12(b), pending a recommendation from the Trial Court Budget Working Group.	**7-12**. The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings.	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
		Consideration should be given to the following: **(b)** The Justice Corps Program should be maintained, with AOC's involvement limited to procuring and distributing funding to the courts.	
67	E&P recommends that the Judicial Council support SEC Recommendation 7-12(c) with no further action as the Procedural Fairness/Public Trust and Confidence program has been eliminated through the AOC's initiatives to reduce costs and downsize its workforce and operations.	**7-12**. The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following: **(c)** Since funding for the Procedural Fairness/Public Trust and Confidence program has ceased, it should be eliminated.	**Completed** Report Details
68	E&P recommends that the Judicial Council consider whether to continue support for the Civics Education Program after the conclusion of the 2013 summit. The California On My Honor Program has been suspended for 2 years due to the lack of funding.	**7-12**. The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following: **(d)** Once the 2013 summit has concluded, the Administrative Director and Judicial Council should evaluate continuing support for the Civics Education Program/California On My Honor program.	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
69	E&P recommends that the Judicial Council direct the ADOC to evaluate the extent to which financial and personnel support for the Jury Improvement Project should be maintained, recognizing the high value of the project to the judicial branch, especially because jury service represents the single largest point of contact between citizens and the courts.	**7-12**. The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following: **(e)** The Jury Improvement Project is of high value to the judicial branch, especially as jury service represents the single largest point of contact between citizens and the courts. The Judicial Council should evaluate the extent to which financial and personnel support for the project should be maintained. **(f)** See recommendation 145 for Fund Development Group recommendation.	**Completed** Report Details
70	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to study the budget and operational components of the Court Interpreters Program to determine whether greater efficiencies can be implemented to deliver interpreter services to the courts. The Finance Division should not act as an impediment in the delivery of interpreter services to the courts.	**7-12**. The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following: **(g)** The Administrative Director and Judicial Council should study the budget and operational components of Court Interpreters Program to determine whether greater efficiencies can be implemented to deliver interpreter services to the courts. Internally, the Finance Division should not act as an	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
		impediment in the delivery of interpreter services to the courts.	
71	E&P recommends that the Judicial Council support SEC Recommendation 7-16 with no further action as the Judicial Administration Library has been eliminated through the AOC's initiatives to reduce costs and downsize its workforce and operations.	**7-16.** The Judicial Administration Library should be consolidated with the Supreme Court Library.	**Completed** Report Details
72	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendations 7-11(a) and (b) and 7-14 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	**7-11.** COSSO's current level of approximately 74 positions (including those reassigned from the former regional offices as recommended in this report) should be reduced. To achieve the reduction the areas listed below should be reviewed and considered, and appropriate actions taken. **(a)** COSSO should have a management structure that includes a Unit Manager, but the Assistant Division Director position should be eliminated.	**In Progress** Report Details
72.1	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendations 7-11(a) and (b) and 7-14 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	**7-11.** COSSO's current level of approximately 74 positions (including those reassigned from the former regional offices as recommended in this report) should be reduced. To achieve the reduction the areas listed below should be reviewed and considered, and appropriate actions taken. **(b)** The research functions and units of COSSO	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
		should be reviewed for possible consolidation with other research programs in the Judicial and Court Operations Services Division, presenting opportunities for efficiencies and position reductions.	
72.2	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendations 7-11(a) and (b) and 7-14 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	**7-14.** A significant number of COSSO staff members, such as those in the Administration and Planning unit, are assigned to various functions in support of the Judicial Council. The recommended consolidation of Judicial Council support activities under the direction of the Chief of Staff will present opportunities for efficiencies and resource reductions.	**Completed** Report Details
73	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-13 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	**7-13**. The Editing and Graphics Group, with half of its eight positions currently vacant, should be considered for elimination.	**Completed** Report Details
74	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that activities related to the education and training of Appellate Court Justices in the Education Division/CJER should be consolidated with the Education Division/CJER.	**7-15.** Some COSSO staff are engaged in activities relating to the education and training of Appellate Court Justices. These functions should be consolidated with the Education Division/CJER**.**	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
75	E&P recommends that the Judicial Council support SEC Recommendation 7-17(a) with no further action as the Assigned Judges Program and Assigned Judges Program Regional Assignment Units have merged through the AOC's initiatives to reduce costs and downsize its workforce and operations.	**7-17**. Modifications to the Assigned Judges Program should be considered, including the following: **(a)** The Assigned Judges Program and Assigned Judges Program Regional Assignments units should be merged, resulting in the elimination of a unit supervisor position.	**Completed** Report Details
76	E&P recommends that SEC Recommendations 7-17(b), (c), and (d) be referred to the Chief Justice for consideration. The AOC's Assigned Judges Program provides support to the Chief Justice in the assignment of judges under California Constitution Article VI, Section 6(e).	**7-17**. Modifications to the Assigned Judges Program should be considered, including the following: **(b)** The program's travel and expense policies should be reviewed to mitigate adverse impacts on the availability of assigned judges to smaller and rural courts. **(c)** Consideration should be given to a pilot program to allow half-day assignments of judges, taking into account the probable inability of small, rural courts to attract judges on this basis. **(d)** Consideration should be given to development of an Assigned Commissioner Program to assist courts with such matters as AB1058 child support cases.	**Completed** Report Details

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77	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-18 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.	**7-18**. The functions of the Trial Court Leadership Service unit should be moved under the auspices of the new Executive Office, as matters of policy emanating from the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee often relate to branch-wide policies.	**Completed** Report Details
CENTER FOR JUDICIARY EDUCATION AND RESEARCH			
78	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-19 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.	**7-19.** The Education Division should be an office within the Judicial and Court Operations Services Division, under the direction of the Chief Operating Officer, rather than a stand-alone division. The Education Division/CJER manager position should be compensated at its current level.	**In Progress** Report Details
79	E&P recommends that the Judicial Council direct the Rules and Projects Committee to evaluate relaxation of mandatory education requirements to allow the Administrative Director of the Courts and Court Executive Officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.	**7-23.** As to training currently required of AOC staff and court personnel, the Judicial Council should examine and consider a relaxation of current mandatory requirements to allow the Administrative Director of the AOC and/or court executive officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.	**Completed** Report Details
80	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the efficiencies identified by the working group reviewing all education for new judges to ensure that education is provided in the most effective and efficient way possible.	**7-20**. The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
		(a) A workgroup has been formed to review all education for new judges to ensure that it is being provided in the most effective and efficient way possible. The efficiencies identified by this working group may present opportunities for reductions.	
81	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-20(b), taking into account the results of the classification and compensation studies to be completed.	**7-20**. The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken: **(b)** There are in excess of a dozen attorney positions in the Education Division in units such as Design and Consulting, and Publications and Resources, in addition to the Judicial Education unit. All attorney position allocations should be reviewed with a goal of reducing their numbers and/or reallocating them to nonattorney classifications. In particular, education specialist positions are staffed by attorneys, a staffing practice that appears unnecessary.	**In Progress** Report Details
82	E&P recommends that the Judicial Council support SEC Recommendation 7-20(c) with no further action, as the positions and activities related to the Court Case Management System in the Education Division have been eliminated, through the AOC's initiatives to reduce costs and downsize its workforce and operations.	**7-20**. The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken: **(c)** The Court Case Management System	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
		training unit and any other positions engaged in CCMS-related activities should be eliminated in light of the Judicial Council's decision to cancel the full deployment of the CCMS system.	
83	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the impacts of a reduction in the size of the Production, Delivery, and Educational Technologies Unit and the reduction in services that would result, and provide the findings and recommendations to the Judicial Council.	**7-20**. The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken: **(d)** The Production, Delivery and Educational Technologies unit has grown to more than 25 positions plus several temporary staff. The number of staff in this unit should be reduced in light of the difficult fiscal environment.	**Completed** Report Details
84	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate and consider reducing the positions assigned to develop training for AOC Staff in the Curriculum and Course Development Unit, especially if training requirements are relaxed	**7-20**. The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken: **(e)** The Curriculum and Course Development unit includes several positions assigned to develop training for AOC staff. This activity should be evaluated and reduced, especially if training requirements are relaxed.	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
85	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the impacts of a reduction in the size of the Administrative Services Unit and the reduction in services that would result, and provide the findings and recommendations to the Judicial Council.	**7-20**. The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken: **(f)** The Administrative Services unit contains more than 20 staff engaged in support activities such as records management, printing and copying, scheduling and planning training delivery, and coordinating logistics for all AOC events. The number of staff in this unit should be evaluated and reduced commensurate with the reduction in the number of live programs and events, and reflecting a reduction in the number of employees AOC-wide.	**Completed** Report Details
86	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Education Division should conduct true cost benefit analyses in determining the types of training and education it provides for new judicial officers and others, and to report to the council on the results. Analyses should include types, lengths, locations of programs, delivery methods, and the costs to courts.	**7-21.** The Education Division should conduct true cost-benefit analyses — and not rely only on its own preferences — in determining the types of training and education it provides, including types, lengths, and locations of programs, delivery methods, and the costs to courts. This type of analysis should apply to training and education programs for new judicial officers.	**Completed** Report Details
87	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the AOC should support and provide requested	**7-22**. The Education Division should support and provide requested assistance to those courts that collaborate with other regional	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
	assistance to those courts that collaborate with other regional courts in providing judicial education and staff	courts in providing judicial education and staff training or that request support in	
88	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report to the council on a review of the content of training courses offered to AOC managers, supervisors, and employees, the number and location of courses offered, and the means by which courses and training are delivered. Training opportunities should include greater orientation and development of understanding of court functions.	**7-24.** As to training currently required of AOC managers, supervisors, and employees, the Administrative Director should order a review of the content of training courses offered, the number and location of courses offered, and the means by which courses and training are delivered. Training opportunities should include greater orientation and development of understanding of court functions.	**Completed** Report Details
FISCAL SERVICES OFFICE (FINANCE)			
89	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-25 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	**7-25.** The functions performed by the Finance Division should be placed in the Judicial and Court Administrative Services Division. The Finance Division should be renamed the Fiscal Services Office, reporting to the Chief Administrative Officer. The Fiscal Services Office Manager position should be at the Senior Manager level.	**In Progress** Report Details
90	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-26 and implement the necessary organizational and staffing changes, taking into account the results of the classification and compensation studies to be completed.	**7-26.** The number of managers and supervisors should be reduced.	**In Progress** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
91	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure through the budget and fiscal management measures implemented by the AOC that the AOC's Finance Division is involved in all phases of fiscal planning and budgeting, especially with regard to large-scale or branch-wide projects or initiatives**.**	**7-27.** The AOC must improve its fiscal decision making processes. The AOC must make a commitment to involve the Fiscal Services Office in all phases of fiscal planning and budgeting, especially with regard to large-scale or branch-wide projects or initiatives.	**Completed** Report Details
92	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report back on the budget and fiscal management measures implemented by the AOC to ensure that the AOC's fiscal and budget processes are more transparent.	**7-28.** The budgeting process must become more transparent. Budget information must be readily available to the public, including online. Budget documents must provide understandable explanations and detail concerning revenue sources, fund transfers, and expenditures.	**In Progress** Report Details
93	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the budget and fiscal management measures implemented by the AOC enable the Finance Division to improve the timeliness of processing contracts to better serve courts, contractors, vendors, and others.	**7-29.** This division must make a commitment to processing contracts in more timely fashion, with an eye toward better serving courts, contractors, vendors, and others.	**Completed** Report Details
94	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Finance Division must assess its workload needs, especially in light of legislation on court security and auditing functions being assumed by the State Controller's Office, so that any necessary adjustments in staffing positions can	**7-30.** The Finance Division must assess its workload needs, especially in light of legislation on court security and auditing functions being assumed by the State Controller's Office, so that any necessary adjustments in staffing positions can be made.	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
	be made.		
95	E&P recommends that the Judicial Council support SEC Recommendation 7-31 with no further action as the unit has been eliminated through the AOC's initiatives to reduce costs and downsize its workforce and operations.	**7-31.** The need for a Strategic Policy, Communication, and Administration Unit should be reevaluated by the Chief Administrative Officer and, most likely, be eliminated.	**Completed** Report Details
HUMAN RESOURCES SERVICES OFFICE (HUMAN RESOURCES)			
96	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-32 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	**7-32**. Consistent with recent consolidation of this division, the HR function should no longer be assigned stand-alone division status in the AOC organizational structure and should be combined with other administrative functions, reporting to the Chief Administrative Officer in the AOC's Administrative Services Division.	**Completed** Report Details
97	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-34 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	**7-34**. The current number of higher-level positions in the HR Division should be reduced, as follows: **(a)** The Division Director position should be permanently eliminated as the HR function should no longer be a stand-alone division.	**Completed** Report Details
97.1	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-34 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the	**7-34**. The current number of higher-level positions in the HR Division should be reduced, as follows: **(b)** The number of manager positions should be reduced from five to three, with some of the	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
	AOC and taking into account the results of the classification and compensation studies to be completed.	resulting resources allocated to line HR functions.	
97.2	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-34 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	**7-34**. The current number of higher-level positions in the HR Division should be reduced, as follows: **(c)** One of the three Senior Manager positions is vacant, a vacancy that should be made permanent by reallocating managerial responsibilities to the two filled Senior Manager positions.	**Completed** Report Details
98	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report back on the progress and results of staffing changes being implemented in the Human Resources unit as part of the AOC's internal restructuring process.	**7-34**. The current number of higher-level positions in the HR Division should be reduced, as follows: **(d)** With the elimination of the positions discussed above, consideration should be given to redirecting the resources from those positions to support vacant HR analyst positions that can be assigned work needed to help reestablish effective HR policies and practices in the AOC.	**Completed** Report Details
99	E&P recommends that the Judicial Council support SEC Recommendation 7-42 with no further action, as the issues have been resolved.	**7-42**. The Administrative Director should resolve any remaining issues that have existed between the HR Division and Office of General Counsel, including by redefining respective roles relating to employee discipline or other HR functions.	**Completed** Report Details

INFORMATION AND TECHNOLOGY SERVICES OFFICE (INFORMATION TECHNOLOGY)			
100	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-43 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	**7-43.** The committee recommends that the functions of this division be placed under a unit titled Information and Technology Services Office, combined with any remaining functions of CCMS. The office should report to the Chief Administrative Officer of the Judicial and Court Administrative Services Division. The IS Manager position should be compensated at its current level.	**In Progress** Report Details
101	E&P recommends that the Judicial Council support SEC Recommendation 7-44 and direct the council's Technology Committee to reexamine technology policies in the judicial branch to formulate any new branch-wide technology policies or standards, based on the input, needs, and experiences of the courts and court users, and including cost-benefit analysis.	**7-44**. A reexamination of technology policies in the judicial branch must occur now that CCMS does not represent the technology vision for all courts. Formulation of any new branch-wide technology policies or standards must be based on the input, needs, and experiences of the courts, and including cost-benefit analysis.	**Completed** Report Details
102	E&P recommends that the Judicial Council support SEC Recommendation 7-45(a) with no further action, as the recommended staff reductions have occurred through the AOC's initiatives to reduce costs and downsize its workforce and operations.	**7-45.** Especially with CCMS not being fully deployed, staff reductions in this division are in order, including: **(a)** Unnecessary CCMS positions should be eliminated.	**Completed** Report Details
103	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-45(b) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the	**7-45.** Especially with CCMS not being fully deployed, staff reductions in this division are in order, including: **(b)** The total number of senior managers should be reduced.	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
	classification and compensation studies to be completed.		
104	E&P recommends that the Judicial Council direct that the Administrative Director of the Courts should review and reduce accordingly the use of temporary employees, consultants, and contractors.	**7-45.** Especially with CCMS not being fully deployed, staff reductions in this division are in order, including: **(c)** The use of temporary employees, consultants, and contractors should be reviewed and reductions made accordingly.	**Completed** Report Details
105	E&P recommends that the Judicial Council support SEC Recommendation 7-46 and direct the Administrative Director of the Courts, as part of AOC long term planning, to conduct a review and audit of all technology currently used in the AOC, including an identification of efficiencies and cost savings from the use of a single platform, and return to the council with a progress report on the findings.	**7-46.** Different divisions in AOC operate from different technology platforms, including SAP used for the Phoenix system, Oracle, and CCMS. As part of a long range plan for the use of technology in AOC operations, the AOC should conduct a review and audit of all technology currently used in the AOC. Efficiencies and cost savings could result from the use of a single platform.	**Completed** Report Details
OFFICE OF GENERAL COUNSEL (LEGAL SERVICES)			
106	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-71 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	**7-71.** The Office of General Counsel should be renamed Legal Services Office, consistent with its past designation, and should be a stand-alone office reporting to the Administrative Director of the Courts. The Legal Services Office manager position should be compensated at its current level. The Legal Services Office should not be at the same divisional level as the Judicial and Court Operations Services Division	**In Progress** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
		or the Judicial and Court Administrative Services Division. The Chief Counsel, manager of the Legal Services Office, should not be a member of the Executive Leadership Team.	
107	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(a) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	**7-72.** The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken: **(a)** In addition to the General Counsel, there are nine management level attorney positions in the Legal Services Office, including the Assistant General Counsel, three Managing Attorneys, and five Supervising Attorneys. This is an excessive number of management positions, which should be reduced. The position of Assistant General Counsel position could be eliminated. One managing attorney could be assigned to manage each of the two major functional components of the division, house counsel, and Judicial Council services, with each managing attorney reporting directly to the Chief Counsel.	**Completed** Report Details
108	E&P recommends that the Judicial Council support SEC Recommendation 7-72(b) and direct the Administrative Director of the Courts to direct implementation of fundamental	**7-72.** The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
	management practices to address underperformance of staff members and provide better supervision and allocation of work.	should be reviewed and considered, and appropriate actions taken: **(b)** Despite the large number of management positions, management systems and processes are particularly lacking in the Legal Services Office. Implementing fundamental management practices to address the underperformance of staff members and provide better supervision and allocation of work should produce efficiencies that can result in reductions.	
109	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(c) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	**7-72.** The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken: **(c)** A large number of Legal Services Office positions are dedicated to supporting the Judicial Council and its various committees and task forces. Assigning responsibility for coordinating the AOC's Judicial Council support activities to the Executive Office under the direction of the Chief of Staff will lead to efficiencies that should result in reductions of Legal Services Office positions dedicated to these activities.	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
110	E&P recommends that the Judicial Council support SEC Recommendation 7-72(d) and direct the Administrative Director of the Courts to report to the council on measures to streamline and improve the AOC's contracting processes and reduce contract-related work performed by this office.	**7-72.** The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken: **(d)** Implementation of the recommendations designed to streamline and improve the AOC's contracting processes should reduce contract-related work performed by the Legal Services Office.	**Completed** Report Details
111	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72 (e) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed	**7-72.** The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken: **(e)** The Legal Services Office has promoted and contributed to the "lawyerizing" of numerous activities and functions in the AOC. There are opportunities for work currently performed by attorneys in the Rules and Projects, Transactions and Business Operations, Real Estate, and Labor and Employment units to be performed by nonattorneys, resulting in efficiencies and possible staff reductions.	**In Progress** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
112	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(f) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	**7-72.** The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken: **(f)** Development and use of paralegal classifications, as found elsewhere in legal services throughout both the public and private sectors, could lead to the reduction of attorney positions in the Legal Services Office.	**Completed** Report Details
113	E&P recommends that the Judicial Council support SEC Recommendation 7-73 with no further action. The telecommuting status of one position has ended and, as of September 7, 2012, the telecommuting status of the second position will end.	**7-73.** There currently are at least two positions in the Legal Services Office that violate the AOC's telecommuting policy. These should be terminated immediately, resulting in reductions. Nor should telecommuting be permitted for supervising attorneys in this division.	**Completed** Report Details
114	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the costs and benefits of allocating staff attorneys and resources to various advisory committees, task forces, and working groups.	**7-74.** As recommended elsewhere, the Judicial Council should assess the costs and benefits of allocating staff attorneys and resources to various advisory committees, task forces, and working groups.	**In Progress** Report Details
115	E&P recommends that the Judicial Council direct the Administrative Director of the Courts, as part of the review of the AOC organizational structure, to review current responsibilities and	**7-76.** The role of the Chief Counsel should be redefined to reflect the primary role of providing legal advice and services, as opposed to developing policy for the judicial branch.	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
	clearly define the role of the Chief Counsel.		
116	E&P recommends that the Judicial Council support SEC Recommendation 7-77(a) and (d), and direct the Administrative Director of the Courts that the Office of the General Counsel should employ and emphasize a customer service model of operation, recognizing a primary goal of providing timely service and advice to its clients, including to internal clients in the AOC and to those courts that request legal advice or services from this office.	**7-77.** This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows: **(a)** Most fundamentally, this division should employ and emphasize a customer service model of operation — recognizing a primary goal of providing timely service and advice to its clients, including to internal clients in the AOC and to those courts that request legal advice or services from this office.	**Completed** Report Details
117	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to adopt an operations model whereby attorneys generally are housed at one location with flexibility to adjust as necessary to meet court needs regionally, including regional demand for additional attorney support and smaller courts that have fewer staff for research and other legal services. The location where attorneys report to work should ensure proper supervision.	**7-77.** This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows: **(b)** This office should adopt an operations model whereby its attorneys generally are housed at one location. This would eliminate nonsupervision of some attorneys, promote better and more regular supervision of staff attorneys, and promote better utilization of available skills.	**Completed** Report Details
118	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Office of the General Counsel service model should emphasize that time is of the essence when it comes to delivering advice and opinions	**7-77.** This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows: **(c)** The service model should emphasize that	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
	to the courts; that recommendations and advice to courts should include a full range of options available to the courts; and that there must be a greater recognition that the AOC's interests may conflict with the specific interests of the courts. Clearer procedures should be put in place to safeguard the interests of individual courts in those instances when legitimate conflicts arise.	time is of the essence when it comes to delivering advice and opinions to the courts; that recommendations and advice to courts should include a full range of options available to the courts; and that there must be a greater recognition that the AOC's interests may conflict with the specific interests of the courts. Clearer procedures should be put in place to safeguard the interests of individual courts in those instances when legitimate conflicts arise.	
119	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to place emphasis on reducing bottlenecks for advice, contracts, and other projects. More effective tickler and tracking systems for opinions, contracts, and other documents should be put in place.	**7-77.** This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows: **(d)** Emphasis must be placed on reducing bottlenecks for advice, contracts, and other projects. More effective tickler and tracking systems for opinions, contracts, and other documents should be put in place.	**Completed** Report Details
120	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.	**7-77.** This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows: **(e)** Court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
121	E&P recommends that the Judicial Council support SEC Recommendation 7-78 with no further action, as the issues have been resolved.	**7-78**. The Administrative Director should resolve issues that have existed between the HR Division and OGC, including by redefining respective roles relating to employee discipline or other HR functions.	**Completed** Report Details
122	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of General Counsel's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost effective manner. Before initiating the independent review, the Administrative Director of the Courts must provide a proposal with options for conducting the review, including the associated costs.	**7-79.** The Judicial Council and/or Administrative Director should order an independent review of this office's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost-effective manner.	**Completed** Report Details
OFFICE OF COMMUNICATIONS (COMMUNICATIONS)			
123	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-52 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.	**7-52**. The Office of Communications should remain in the Executive Office and under the direction of a Chief of Staff. The Office of Communications manager position should be placed at the Senior Manager level.	**In Progress** Report Details
124	E&P recommends that the Judicial Council direct the Administrative Director of the Courts, to the extent that resources are available, that Office of Communication resources, including the Public Information Officer, should be made more	**7-53.** The resources of this office, including the Public Information Officer, should be made more available to furnish increased media relations services to courts requesting such assistance.	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
	available to furnish increased media relations services to courts requesting such assistance		
OFFICE OF EMERGENCY RESPONSE AND SECURITY (COURT OPERATIONS SERVICES)			
125	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to return to the Judicial Council with an analysis, defining the necessary emergency response and security functions for the branch and a recommendation on the organizational plan for council approval.	**7-54.** There is no need for a stand-alone Office of Emergency Response and Security. Most necessary functions performed by the office can be reassigned and absorbed by existing units in the Judicial and Court Operations Services Division. **7-55.** The functions of this office should be refocused and limited to those reasonably required by statute or by the Rules of Court, primarily including review of security plans for new and existing facilities; review of court security equipment, if requested by the courts; and review of emergency plans. **7-56**. Reductions in this office are feasible. The office cannot effectively provide branch-wide judicial security and online protection for all judicial officers. Positions allocated for such functions should be eliminated. The Administrative Director should evaluate whether some activities undertaken by this office are cost effective, such as judicial security and online protection functions.	**In Progress** Report Details

REGIONAL OFFICES			
126	E&P recommends that the Judicial Council support SEC Recommendation 7-84 with no further action, as the Bay Area, Northern Central, and Southern Regional Offices no longer have any direct regional office staff. The Northern Central Regional Office has been reorganized as the Trial Court Liaison Office reporting to the Executive Office.	**7-84.** The regional offices should cease to exist as a separate division within AOC. The BANCRO and SRO offices should close. Advocacy and liaison services provided to the trial courts should be provided through the office of Trial Court Support and Liaison in the new Executive Office.	**Completed** Report Details
127	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to renegotiate or terminate, if possible, the leases for space utilized by SRO and BANCRO. To the extent AOC staff from other divisions is assigned to work at leased space at the regional offices, the need for locating such staff in currently leased space should be reevaluated.	**7-85**. Leases for space utilized by SRO and BANCRO should be renegotiated or terminated, if possible, as such lease costs cannot be justified. To the extent AOC staff from other divisions is assigned to work at leased space at the regional offices, the need for locating such staff in currently leased space should be reevaluated.	**Completed** Report Details
128	E&P recommends that the Judicial Council support SEC Recommendation 7-86 and direct the Administrative Director of the Courts to provide the council with an update on organizational changes made with the elimination of the regional office staff.	**7-86.** While responsibility for essential services currently provided to courts through regional offices should be consolidated and placed under the direction of Trial Court Support and Liaison Services in the Executive Office, a physical office should be maintained in the Northern California Region area to provide some services to courts in the region.	**Completed** Report Details
129	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider placing the significant special projects previously assigned to the regional offices under the direction of the Chief of Staff in the Executive Office, contingent upon council approval of the	**7-87**. The significant special projects previously assigned to the regional offices should be placed under the direction of the Chief of Staff in the Executive Office.	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
	organizational structure for the AOC.		
TRIAL COURT ADMINISTRATIVE SERVICES OFFICE (TRIAL COURT ADMINISTRATIVE SERVICES)			
130	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-47 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	**7-47.** TCAS should be made a unit under the Judicial and Court Administrative Services Division, reporting to the Chief Administrative Officer. The TCAS Manager position should be at the Senior Manager level.	**In Progress** Report Details
131	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that, subject to available resources, trial court use of the Phoenix HR/Payroll functionality should remain optional to individual trial courts.	**7-48.** The Phoenix Financial System is in place in all 58 superior courts; however, trial court use of the Phoenix HR/Payroll functionality should remain optional to individual trial courts.	**Completed** Report Details
132	E&P recommends that the Judicial Council determine whether to continue with the charge-back model whereby courts reimburse the AOC from their Trial Court Trust Fund allocations for the courts' use of the Phoenix financial system; and whether the Los Angeles court will be required to reimburse the AOC for use of the Phoenix financial system.	**7-49**. As policy matters, it is recommended that the Judicial Council determine whether to continue with the charge-back model whereby courts reimburse the AOC from their Trial Court Trust Fund allocations for the courts' use of the Phoenix financial system; and whether the Los Angeles court will be required to reimburse the AOC for use of the Phoenix financial system.	**Completed** Report Details
133	E&P recommends that the Judicial Council support SEC Recommendation 7-50 and direct the Administrative Director of the Courts, as part of AOC long term planning, to conduct a review and audit of all technology currently used in the AOC, including an identification of efficiencies	**7-50.** As with the Information Services Division, the AOC should determine whether to continue use of multiple or overlapping technologies for similar functions, as using a single technology could result in efficiencies and savings, both operationally and in	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
	and cost savings from the use of a single platform, and return to the council with a progress report on the findings.	personnel cost.	
134	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Trial Court Administrative Services division should continue to provide clear service-level agreements with respect to services provided to the courts.	**7-51**. TCAS should continue to provide clear service-level agreements with respect to services provided to the courts.	**Completed** Report Details
OFFICE OF COURT CONSTRUCTION AND MANAGEMENT (CAPITAL PROGRAM AND REAL ESTATE & FACILITIES MANAGEMENT)			
135	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-64 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	**7-64.** The OCCM should be renamed Office of Court Construction and Facilities Management Services. The functions of this unit should be placed under the Judicial and Court Operations Services Division and reporting to the Chief Operating Officer. The manager of this unit should be compensated at the same level.	**In Progress** Report Details
136 CP	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate and propose an approach to evaluate cost effectiveness for the entire scope of Office of Court Construction and Management operations.	**7-65.** A cost-benefit analysis of the entire scope of OCCM operations is needed.	**Completed** Report Details
136 REFM	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate and propose an approach to evaluate cost effectiveness for the entire scope of Office of Court Construction and Management operations.	**7-65.** A cost-benefit analysis of the entire scope of OCCM operations is needed.	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
137	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-66 and, once organizational changes are made as approved by the Judicial Council, evaluate and make recommendations to the council on facilities maintenance program efficiencies, including broadening courts' responsibilities for maintenance of court facilities and for smaller scale projects.	**7-66.** The current facilities maintenance program appears inefficient and unnecessarily costly. The consultant report is necessary and should be considered part of a necessary reevaluation of the program. Courts should be given the option to assume responsibility for maintenance of court facilities and for smaller-scale projects.	**In Progress** Report Details
138	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-67 and, once organizational changes are made as approved by the Judicial Council, evaluate and make recommendations to the Judicial Council regarding fiscal planning for facilities maintenance for new and existing facilities and revenue streams to fund increased costs for maintenance of court facilities.	**7-67.** Fiscal planning for facilities maintenance for new and existing facilities needs to become an immediate priority, and revenue streams to fund increased costs for maintenance of court facilities must be identified and obtained.	**Completed** Report Details
139	E&P recommends that the Judicial Council direct the Administrative Director of the Courts, once organizational changes are made as approved by the Judicial Council, to evaluate and make recommendations regarding staff reductions.	**7-68.** Staff reductions appear feasible in light of the slowdown in new court construction and should be made accordingly. The Chief Operating Officer should be charged with implementing necessary reductions.	**Completed** Report Details
140	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the employment of temporary or other staff to circumvent a hiring freeze is not	**7-69.** The use of temporary or other staff to circumvent the hiring freeze should cease.	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
	permitted. The Administrative Director must review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such as in the case of an emergency or to provide a critical skill set not available through the use of authorized employees.		
141	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to review, as part of the AOC-wide review of its contracting processes, the contracting process utilized by the Office of Court Construction and Management.	**7-70.** The contracting process utilized by OCCM needs to be improved. This process should be reviewed as part of the AOC-wide review of its contracting processes.	**Completed** Report Details
OFFICE OF GOVERNMENTAL AFFAIRS (GOVERNMENTAL AFFAIRS)			
142	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-80 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	**7-80.** The Office of Governmental Affairs should be placed in the Executive Office, under the direction of the Chief of Staff. The OGA Manager position should be at the Senior Manager level.	**In Progress** Report Details
143	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Office of Governmental Affairs (OGA) should represent the interests of the judicial branch on the clear direction of the Judicial Council and its	**7-81.** The OGA should represent the interests of the judicial branch on the clear direction of the Judicial Council and its Policy Coordination and Liaison Committee. The Chief of Staff should take steps to ensure that the PCLC is	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
	Policy Coordination and Liaison Committee (PCLC), and take steps to ensure that the PCLC is apprised fully of varying viewpoints of the courts, court executive officers, and judges before determining legislation positions or proposals.	apprised fully of varying viewpoints of the courts, court executive officers, and judges before determining legislation positions or proposals.	
144	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that attorney resources in the AOC be utilized to best leverage and draw on subject matter expertise, which may assist OGA as legislative demands may require.	**7-82.** The Administrative Director should direct that attorney resources in the AOC be utilized to best leverage and draw on subject matter expertise, which may assist OGA as legislative demands may require.	**Completed** Report Details
GRANTS RELATED			
145	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to propose to the council a process and policies for pursuing grants. The process should mandate a detailed impact analysis for every grant proposal, including consideration of all anticipated impacts on the workload and resources of the courts and the impacts to the AOC as a whole. Until a process of review and oversight is finalized, the Administrative Director of the Courts must approve the AOC's engagement in all grant proposals and agreements.	**6-9.** The Executive Leadership Team must develop and make public a description of the AOC's process for determining which grants to pursue. The process should mandate a detailed impact analysis for every grant proposal, including consideration of all anticipated impacts on the workload and resources of the courts and the impacts to the AOC as a whole. Only after such analysis should the Executive Leadership Team make a determination whether the AOC should pursue grant funding. **7-5.** The Judicial Council should exercise oversight to assure that grant-funded programs are undertaken only when consistent with predetermined, branch-wide policy and plans.	**Completed** Report Details

NUMBER	JUDICIAL COUNCIL DIRECTIVE	STRATEGIC EVALUATION COMMITTEE (SEC) RECOMMENDATION	STATUS
		The fiscal and operational impacts of grant-funded programs on the courts should be considered as part of the fiscal planning process. **7-12.** The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following. *Excerpt:* **(f)** The Fund Development Group concerns itself with training to obtain grants, seeking grants, and grant reporting. As is the case with other divisions in the AOC, grants should be sought in accordance with well-articulated AOC-wide priorities, as established by the Judicial Council. The Administrative Director and the Judicial Council should develop written policies and guidelines that control the pursuit and acceptance of grants and other funding, including utilizing a cost-benefit analysis.	

Key to Implementation Status Terms

Task Status	
Pending	Directive is pending.
Completed	Directive is complete.
Implementation Progress	
Implemented with no further action required/needed	Implementation of the directive is considered complete and there are no ongoing activities required or needed.
Implemented and ongoing	Implementation of the directive is considered complete but the Judicial Council will continue to follow the intent of the directive on an ongoing and future basis (i.e. adherence to policies; focus on ongoing customer service; etc.).
Implemented but in progress	Implementation of this directive may be considered pending or complete as activities are currently underway to address the intent of the directive.
Unable to implement	Implementation of this directive will not occur.
Pending implementation	Implementation of this directive is pending.

Information on Judicial Council Directives

Council Directive	1

The Administrative Director of the Courts operates subject to the oversight of the Judicial Council. E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report to E&P before each Judicial Council meeting on each item on this chart approved by the Judicial Council.

SEC Recommendation	7-1

The Administrative Director must operate subject to the oversight of the Judicial Council and will be charged with implementing the recommendations in this report if so directed.

Reported By:	Executive Office
Contact:	Jody Patel, Chief of Staff

TASK

	PENDING
x	**COMPLETED: Judicial Council staff developed a formal process for monitoring and reporting on the status of Judicial council directives in 2012. This process has subsequently been modified to meet the needs of the Judicial Council, branch customers, and stakeholders.**

To implement this directive of the council, a formal process was established in 2012 that provides information prepared by council staff leadership, in coordination with the Administrative Director and the Executive Team to be shared by the Administrative Director with the Executive and Planning Committee (E&P) on all Judicial Council approved recommendations.

For every council meeting (with the exception of 2 meetings per year that occur close together), council staff prepare Activity Status Forms and/or council reports that are provided to the Administrative Director and the Executive Team for review and approval. The status information from the Activity Forms is then included in a Status Report provided by E&P to the council for each council meeting that includes the status for each and every council directive. Each of the directives is also listed on the courts.ca.gov website and the current status is updated accordingly.

In addition to regular reporting at council meetings, E&P requested that periodically, they meet as a group to review the completed directives. The last meeting was held in September 2013 and included a review and discussion of directives completed up to that point in time.

Please note, this process has evolved slightly from 2012 when we were providing Activity Status Forms for each of the 151 directives at each and every council meeting. The documentation became unwieldy for council review and so it was determined that the Activity Status Forms would still be completed, reviewed by council's Executive Team and maintained for E&P review meetings to explain in greater detail the implementation of the directives as requested. The status of the directive is still updated each council meeting for outstanding directives.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

☐	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	☐	UNABLE TO IMPLEMENT
☒	IMPLEMENTED AND ONGOING	☐	PENDING IMPLEMENTATION
☐	IMPLEMENTED BUT IN PROGRESS		

Council staff are currently reviewing the report format provided to council as well as the Restructuring web page on the courts.ca.gov website to create a new means of providing this information to the council and to branch stakeholders and will provide the new format at the April 16, 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **2**

E&P recommends that the Judicial Council take an active role in overseeing and monitoring the AOC to ensure transparency, accountability, and efficiency in the AOC's operations and practices.

SEC Recommendation **4-1**

The Judicial Council must take an active role in overseeing and monitoring the AOC and demanding transparency, accountability, and efficiency in the AOC's operations and practices.

Reported By:	Executive and Planning Committee
Contact:	Justice Douglas P. Miller, Chair of the Executive and Planning Committee

TASK

- [x] PENDING
- [ ] COMPLETED

IMPLEMENTATION PROGRESS AS OF MAY 2015

- [ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
- [ ] IMPLEMENTED AND ONGOING
- [ ] IMPLEMENTED BUT IN PROGRESS
- [ ] UNABLE TO IMPLEMENT
- [x] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **3**

E&P recommends that the Judicial Council promote the primary role and orientation of the AOC as a service provider to the Judicial Council and the courts for the benefit of the public.

SEC Recommendation **4-2**

The primary role and orientation of the AOC must be as a service provider to the Judicial Council and the courts.

Reported By:	Executive and Planning Committee
Contact:	Justice Douglas P. Miller, Chair of the Executive and Planning Committee

TASK

- [x] PENDING
- [ ] COMPLETED

IMPLEMENTATION PROGRESS AS OF MAY 2015

- [ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
- [ ] IMPLEMENTED AND ONGOING
- [ ] IMPLEMENTED BUT IN PROGRESS
- [ ] UNABLE TO IMPLEMENT
- [x] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **4**

E&P recommends that the Judicial Council, in exercising its independent and ultimate governance authority over the operations and practices of the AOC, must ensure that the AOC provide it with a comprehensive analysis, including a business case analysis, a full range of options and impacts and pros and cons, before undertaking any branch-wide project or initiative. In exercising its authority over committees, rules, grants, programs and projects, the Judicial Council must ensure that the AOC provide it with a full range of options and impacts, including fiscal, operational, and other impacts on the courts.

SEC Recommendation **4-3**

In exercising its independent and ultimate governance authority over the operations and practices of the AOC, the Judicial Council must demand that the AOC provide it with a business case analysis, including a full range of options and impacts, before undertaking any branch-wide project or initiative. In exercising its authority over committees, rules, grants, programs, and projects, the Judicial Council must demand that the AOC provide it with a full range of options and impacts, including fiscal, operational, and other impacts on the courts.

Reported By:	Executive and Planning Committee
Contact:	Justice Douglas P. Miller, Chair of the Executive and Planning Committee

TASK

- [x] PENDING
- [ ] COMPLETED

IMPLEMENTATION PROGRESS AS OF MAY 2015

- [ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
- [ ] IMPLEMENTED AND ONGOING
- [ ] IMPLEMENTED BUT IN PROGRESS
- [ ] UNABLE TO IMPLEMENT
- [x] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **5**

E&P recommends that the Judicial Council conduct an annual review of the performance of the Administrative Director of the Courts (ADOC). The review must take into consideration input submitted by persons inside and outside the judicial branch.

SEC Recommendation **4-4**

The Judicial Council must conduct periodic reviews of the performance of the Administrative Director of the Courts. These reviews must take into consideration input submitted by persons inside and outside the judicial branch.

Reported By:	Executive and Planning Committee
Contact:	Justice Douglas P. Miller, Chair of the Executive and Planning Committee

TASK

- [x] PENDING
- [ ] COMPLETED

IMPLEMENTATION PROGRESS AS OF MAY 2015

- [ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
- [ ] IMPLEMENTED AND ONGOING
- [ ] IMPLEMENTED BUT IN PROGRESS
- [ ] UNABLE TO IMPLEMENT
- [x] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **6**

E&P recommends that the Judicial Council direct the Rules and Projects Committee, consistent with its responsibility under rule 10.13 of the California Rules of Court, to establish and maintain a rule-making process that is understandable and accessible to justice system partners and the public, to consider SEC Recommendation 6-8 and report on any changes to the rule-making process to the Judicial Council.

SEC Recommendation **6-8**

The AOC must develop a process to better assess the fiscal and operational impacts of proposed rules on the courts, including seeking earlier input from the courts before proposed rules are submitted for formal review. The AOC should establish a process to survey judges and court executive officers about the fiscal and operational impacts of rules that are adopted, and recommend revisions to the rules where appropriate. The AOC should recommend changes in the rules process, for consideration by the Judicial Council, to limit the number of proposals for new rules, including by focusing on rule changes that are required by statutory changes.

Reported By:	Rules and Projects Committee
Contact:	Hon. Harry E. Hull, Jr., Chair of the Rules and Projects Committee Susan McMullan, Senior Attorney

TASK

[ ] **PENDING**

[x] **COMPLETED: RUPRO has implemented changes that seek earlier input on rules proposals and will, as part of annual agenda review, continue to review all advisory body proposals for rules and forms under RUPRO policies in effect at that time (the current policy is to give priority to proposals that are statutorily required or promote cost savings or efficiencies).**

RUPRO began its efforts in 2011 to seek earlier input on rules proposals by working with the Joint Rules Subcommittee of the Trial Court Presiding Judge Advisory Committee (TCPJAC) and the Court Executives Advisory Committee.

In 2012, RUPRO created two priority levels for rules and forms proposals and directed the advisory bodies it oversees that each proposal must have a stated priority level and, with limited exceptions, only those with priority level 1 would be approved to develop during that year. Through the process for review and approval of annual agendas of advisory bodies, RUPRO reviews the description of each proposal and its priority level. RUPRO considers whether there is an urgent need for proposals and whether they will provide significant benefits to the courts and public. Through the invitation-to-comment process, RUPRO is informed of the following:

- whether the proposal statutorily mandated or needed for consistency with statute
- how the proposal addresses the issue being raised
- whether the proposal is expected to provide cost savings
- implementation requirements of courts (i.e. need for training, revision of policies and procedures, etc.)
- whether the proposal has different impacts on courts of different sizes

In, addition, in 2012, RUPRO asked advisory groups to suggest changes to rules and forms that could result in significant cost savings or efficiencies for the courts, including suggestions for the suspension or repeal of rules. Changes were made in response to the suggestions. RUPRO also revised the invitation to comment form to elicit more information from courts on the need for and implementation requirements of proposals.

RUPRO will, as part of annual agenda review, continue to review all advisory body proposals for rules and forms under RUPRO policies in effect at that time (the current policy is to give priority to proposals that are statutorily required or promote cost savings or efficiencies). The RUPRO Chair will continue to meet with TCPJAC Executive Committee on an ongoing basis to discuss the issues identified in this directive.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

☐	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	☐	UNABLE TO IMPLEMENT
☒	IMPLEMENTED BUT ONGOING	☐	PENDING IMPLEMENTATION
☐	IMPLEMENTED BUT IN PROGRESS		

On an ongoing basis RUPRO will continue to review all advisory body proposals to ensure that there is an urgent need for proposals and that that the proposals will provide significant benefits to the courts and public.

ASSESSMENT OF IMPLEMENTATION

Since RUPRO began its review and prioritization of rules and form proposals, the number of proposals has been significantly reduced. For example in 2011, there were 64 proposals that circulated for comment; in 2014, the number was reduced to 22.

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **7**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to propose a procedure to seek the fully informed input and collaboration of the courts before undertaking significant projects or branchwide initiatives that affect the courts. The AOC should also seek the input of all stakeholder groups, including the State Bar.

SEC Recommendation **7-57**

The AOC must seek the fully informed input and collaboration of the courts before undertaking significant projects or branch-wide initiatives that affect the courts.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

[ ] PENDING

[x] COMPLETED: **In August 2013, Council staff developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.**

Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost benefit analysis proposal for the Judicial Council.

Council staff developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders. This was developed in August 2013.

The proposed "Guidelines for the Administration of Branchwide Projects and Initiatives" include the "Request for Approval of Project Proposal" form. These guidelines require the full documented collaboration of all stakeholders impacted by a project or initiative. The Executive Office has the sole discretion for determining when to utilize the form for branchwide projects and initiatives.

These guidelines were presented to the Judicial Council at the December 13, 2013, council meeting

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[x] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

The directive implementation will remain ongoing as this tool will be used as necessary whenever there are

projects or initiatives that meet the requirements for use of this cost benefit analysis form.

ASSESSMENT OF IMPLEMENTATION

After the guidelines were developed, Court Operations Services contacted Finance because there was a similar process and form for seeking grant opportunities.

It was decided that the forms and guidelines should be merged to be applicable to both cost benefit analysis for major programs and initiatives as well as grant opportunities. The forms were merged for this purpose. Finance reports that Information Technology also has a cost benefit analysis form that they utilize and that future activities will includes working with IT to determine if this form should be merged with the existing guidelines and form.

Finance indicated that this process was designed for use of all branch funds and to-date, there have been no major initiatives and so the process has not been utilized. For other minor funding needs, the council staff has utilized the budget change proposal process. Additionally, it was clarified that although the formal cost benefit analysis is not currently utilized for Court of Appeal funding decisions, it was designed for use for all judicial branch entities.

A discussion was held by E&P where they asked questions about the threshold for when this tool should be utilized. It was explained by SEC members that this grew out of concerns about CCMS and that this would be utilized in those cases where a budget change proposal is not an option and there is the potential for the use of all branch funds.

OTHER INFORMATION

Attachments:

- Memo: Consider Guidelines and Process Recommendation, from Curt Soderlund to Hon. Steven Jahr, November 25, 2013
- *Guidelines for the Administration of Branchwide Projects and Initiatives* (includes Request for Approval of Project Proposal)
- Report to Judicial Council for meeting of December 12-13, 2013: AOC Restructuring: Implementation of New Guidelines for Conducting Cost-Benefit Analysis for AOC Projects, December 13, 2013

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
[illegible]
[illegible]
[illegible]

MEMORANDUM

Date
November 23, 2011

To
Hon. Steven Jahr
Administrative Director of the Courts

From
Curt Soderlund
Chief Administrative Officer

Zlatko Theodorovic
Director, Fiscal Services Office

Subject
Judicial Council Directives 7-13, 21, 40, 91 and 149

Action Requested
Consider Guidelines and Process Recommendations

Deadline
At your convenience

Contact
Curt Soderlund
916-263-1513 phone
curt.soderlund@jud.ca.gov

This memorandum requests your review and approval of staff recommendations to establish guidelines and a process to address the various common aspects of Judicial Council Directives 7-13, 21, 40, 91 and 149 specific to future critical initiatives. This recommendation seeks to encompass a process that ensures a full and comprehensive cost-benefit analysis that includes:

- The input and collaboration of all stakeholders;
- Consultation with the Judicial Council and the Executive and Planning Committee, as necessary;
- A complete analysis of scope;
- The development of accurate cost estimates and the identification of funding in consultation with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Background

The Judicial Council approved various directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. The directives approved were derived from the SEC's observations that alleged a lack of uniform internal processes, insufficient collaboration, and inadequate analyses.

Projects brought before the Judicial Council for consideration should be evaluated on the basis of scope, resources, and political sensitivity. The outcomes of these comparisons will assist the Judicial Council in their oversight role of request review in that they may provide:

- Clear and complete definition of priorities,
- A balance between the requests and branch roles and responsibilities,
- Complete consultation, and
- Timely feedback and direction.

The AOC recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects and will continually seek refinement of existing processes.

Recommendation

We request the approval of the following policy regarding cost benefit analyses:

> Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

We further recommend that you approve use of the proposed Guidelines for the Administration of Branchwide Projects and Initiatives as the official AOC process.

Lastly, should you approve the above guidelines, we recommend that you direct staff of the Fiscal Services Office to publicize the new process.

APPROVAL

(Please check one)

☑ I approve the recommendations above.

☐ I approve_____

Hon. Steven Jahr, Administrative Director of the Courts

11/27/13
Date

Acknowledgments

GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be preceded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated contracts, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
   - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
   - Office Director holds preliminary discussions with Division Chief
   - Division Chief and Office Director present the issue to the Executive Office as an informal concept
   - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate for further evaluation
   - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form:
   - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources.
   - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
- Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged. http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx

- Components of the RAPP Form
  a. Requesting Office or Division
  b. Date Prepared
  c. Contact Information
  d. Project Title
  e. Summary
  f. Summarized Estimated Costs
  g. Proposal Review Routing
  h. Associated JC Strategic Goal, if applicable
  i. Project Scope
  j. Stakeholders
  k. Impact Analysis
  l. Documentation of Decision-Making Process
  m. Cost Considerations
  n. Authorization to Proceed (Office Director or Designee)

1. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.

4. Briefing of Executive Office by Division Chief/Office Director
   - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
   - Consider discussion with Chief Justice
   - Consider discussions with external stakeholders such as the courts or State Bar

5. Executive Office Action
   - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
   - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Hustedt at (415) 865-7333 or bob.hustedt@jud.ca.gov.

REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/2013

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary (Please provide 2 to 4 sentences briefly describing your request.)	
Summarized Estimated Costs (Please differentiate between one-time and ongoing costs, if applicable.)	
Proposal Review Routing (Please select as applicable.)	_____Human Resources Office _____Legal Services Office _____Fiscal Services Office _____Information Technology Services Office _____Office of Governmental Affairs _____Other: _____ _____Other: _____ _____Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and structure of your project, including milestones.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the ASP or stakeholders directly or indirectly if this project is approved. Consider staff time, additional training, and other requirements involved in successfully administering and maintaining this project. Include tables where applicable.

Documentation of Decision Making Process

Please provide a summary of work you did and/or documents you examined in determining the need for this undertaking. Provide copy/excerpt where applicable.

Cost Considerations

A cost estimate must be developed in collaboration with the Fiscal Services Office.

Budget Implementation Required?					
	No				
	Yes	If YES, indicate fiscal year(s) and associated amounts:			
		FY	FY	FY	FY
		$	$	$	$

PROJECT COSTS

1.	Fiscal Year				TOTAL
2.	One-Time Costs				$
3.	Continuing Costs				$
4.	TOTAL PROJECT BUDGET	$	$	$	$

PROJECT FINANCIAL BENEFITS

5.	Cost Savings/Avoidances	$	$	$	$
6.	Revenue Increase	$	$	$	$

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.

Name: (Office Director or Designee) **Date:**

Notes/Comments

Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 12-13, 2013

Title
AOC Restructuring: Implementation of New Guidelines for Conducting Cost-Benefit Analysis for AOC Projects

Rules, Forms, Standards, or Statutes Affected
None

Submitted by
Administrative Office of the Courts
Curt Soderlund
Chief Administrative Officer

Zlatko Theodorovic
Director, Fiscal Services Office

Agenda Item Type
Information Only

Effective Date
Not Applicable

Date of Report
December 13, 2013

Contact
Fiscal Services Office
Zlatko Theodorovic, 916-263-1397
zlatko.theodorovic@jud.ca.gov

Executive Summary

The AOC's Chief Administrative Officer and director of the Fiscal Services Offices present this informational report on efforts relating to the various common aspects of Judicial Council Directives 7-13, 21, 40, 91, and 145 (directives), which were combined as part of a broader review and policy discussion pertaining to the application of a cost-benefit/business case analysis for AOC projects.

Background

The Judicial Council approved the directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. In their report, the SEC observed the following:

> "The AOC has failed to plan, manage, and monitor programs in a manner that seeks critical collaboration and input from the courts. The AOC has undertaken significant and

> far-reaching programs over the past decade, including CCMS, branch-wide financial systems, court construction and facilities management, and others. The organization has failed to adequately consider fiscal, operational, and other impacts of its programs and projects on the courts. Projects have been undertaken without first conducting an appropriate business case analysis to determine whether they are prudent."

As noted, the SEC opined that there appeared to be a lack of uniform internal processes, insufficient collaboration, and inadequate analysis associated with large scale endeavors. More specifically, nearly all of the aforementioned directives relate to observations made by the SEC relative to the California Court Case Management System initiative:

> "The AOC's process of planning and monitoring programs and projects has been lacking. These deficiencies are best exemplified by the CCMS project with its lack of budgetary planning, failure of budgetary controls, failure to identify a sustaining revenue source, lack of an initial business case analysis and feasibility study, lack of sufficient court commitment, and failure to openly disclose pertinent information about the project."

To address these deficiencies, the SEC detailed a recommended approach:

> "… The AOC Executive Leadership Team must begin to implement a formalized system of program and project planning and monitoring that includes, at a minimum: a collaborative planning process that utilizes a business case analysis and that includes an analysis of impacts on courts at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated."

In developing a response to the directives, AOC staff consulted with other state entities—such as the Department of Finance and CalHR—on their respective processes in an effort to establish a similar approach at the AOC that incorporates an appropriate level of review and cost-benefit analysis for programs and projects initiated by the agency. As one example, staff utilized the state Department of Finance's Budget Analyst Guide as an initial framework. Specific guide sections, such as Types of Analysis (Attachment A) and Analysis of Issues (Attachment B), were also identified as potential training tools for AOC staff to demonstrate the basic elements of how appropriate fiscal and programmatic analyses are completed. Since the material is general in nature, each office and division would, in theory, be able to use these resources to meet the individual needs of the program, whether it be completing a grant request for federal funds or a budget change proposal, to name a few.

Following the review of external and existing internal processes, AOC staff developed guidelines that seek to ensure that all elements within each of these 10 directives are adequately addressed. These guidelines include a process for the approval of branchwide projects and other significant initiatives, as well as an approach to conduct any necessary cost-benefit analysis. These elements include:

- The input and collaboration of all stakeholders;
- A complete analysis of scope;

- The development of accurate cost estimates and the identification of funding in constant collaboration with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

The "Guidelines for the Administration of Branchwide Projects and Initiatives" (Attachment C) have been reviewed and approved by the Administrative Director of the Courts and will be implemented agency-wide, effective the first quarter of 2014. Leading up to the implementation date, the Fiscal Services Office will work with staff from the AOC Center for Judiciary Education and Research to develop an appropriate training curriculum for management team members, budget liaisons, and other applicable staff.

These guidelines address the SEC's recommendation that a cost-benefit analysis should be infused into the AOC's decision-making process and to serve as a guide when considering any new project or program, large scale or otherwise.

Enclosures

Attachment A: Department of Finance Budget Analyst Guide, *Types of Analysis*
Attachment B: Department of Finance Budget Analyst Guide, *Analysis of Issues*
Attachment C: *Guidelines for the Administration of Branchwide Projects and Initiatives*

Attachment A

TYPES OF ANALYSIS

BCPs or other issues involving a proposed augmentation

1. Have the department or group proposing the augmentation clarify what the problem is. All too frequently problem statements are either missing, too brief or too general to be sufficiently clear and quantifiable, discuss symptoms rather than real problems, or are stated in terms of the solution (e.g., "the problem is we don't have the 14 additional staff we need"). The analyst's role is to find out if there is a **public** need which is not being addressed, i.e., what is the problem outside of building? Things like crime, pollution, and poverty are possibilities; the lack of staff, microcomputers, and travel funds are not. Moreover, the problem should be quantified as much as possible so that a quantifiable solution can be arrived at. This should address:

    a. the extent of the problem
    b. how this varies from a "normal" or acceptable situation
    c. how many individuals are experiencing the problem
    d. where this problem is located geographically
    e. need statements should answer the question "why?"

2. **Consider Alternatives for Solving the Problem.** Most BCPs provide two: (1) do nothing and (2) accept our proposal. Do not be deterred by the apparent lack of creativity on the part of some. There is more than one way to solve a problem, especially in an era of constantly changing technology. You might consider:

    a. automation
    b. program restructuring
    c. restructuring systems and procedures
    d. consolidation of functions

3. **The Key Element in a BCP (or other Proposal) is Data** to justify the resource level being proposed. Most proposals request specific amounts of staff and funds. These requests should be supported by equally specific calculations. To the extent that specificity is lacking, the analyst may be required to fill in the gaps in order to develop a recommendation. Usually, this kind of analysis starts with a zero-augmentation assumption and builds in components as they are specifically justified on an individual basis.

For example, a particular solution may involve several different types of staff in field offices, headquarters management, and in the Administration Division, each developed on a different basis. In summary, in this type of situation we start with zero and add in resources as they are justified by specific calculations. As a general rule, if you cannot understand were the number comes from, do not add it in.

4. If they lowballed the bill analysis, they should live with it in the BCP.

Workload Issues

In past years, departments were usually funded for agreed to workload increases. More often than not, in recent years with severe budget restraints and no or insufficient funds available to meet mandatory requirements, workload often is not funded. Departments are required to redirect resources or find other alternatives. Despite that, workload analysis is an important Finance activity.

1. The key variables in workload issues are:

   a. the volume of work to be accomplished, generally referred to as workload
   b. the current staffing level
   c. the workload completed with current staff

2. The ratio of workload being currently completed to current staff will usually provide a good estimate of the productivity rate. The ratio of the workload to be accomplished to the productivity rate is the number of staff required to complete that workload. Example—CAL/OSHA elevator inspectors will inspect about 27,500 elevators this year for safety requirements. Next year the number will increase to 28,500. Currently there are 40 inspectors. How many are needed for next year?

Answer	27,500	=	687.5	(Number of elevators
	40			(1 inspector can inspect)

28,500	=	41.5	(Number of inspectors)
687.5			(needed)

Therefore, 1.5 additional inspectors would be justified on a workload basis. Further, there is one clerical staff for every 4 inspectors in the program, so the addition of 1.5 inspectors would justify 1.5 X .25 or 0.4 of a clerical position, for a total of 1.9 PYs.

3. Sometimes it is necessary to pursue additional justification for the volume of workload projected, depending on historical patterns. Also there may be ways to increase current productivity rates without adding staff by changing procedures or by automating certain functions. The workload calculations should be performed only after the analyst is satisfied with the data that goes into those calculations.

4. **Never** accept a duty statement as workload justification. Anyone can fill up 40 hours per week with activities. This has no relationship to the external workload, how it is changing, and what staffing implications it has.

5. Workload may fluctuate throughout the year. Our policy is usually not to staff a unit for peak workload demands (with the possible exception of temporary help funds where warranted, such as the Franchise Tax Board), but rather to support staffing to process the average workload level.

6. Workload standards are useful if they have been validated and we have agreed to them. Departments should be encouraged to develop them. Even if this hasn't been done prior to writing the BCP, it may be possible to use time sheet and other activity data to put together some useful standards. But be careful, before proceeding, apply the workload standards to last year's work. Does the analysis show it would require 20 PYs to do the work that you know they did with 10 PYs?

7. Be careful of backlog statistics. There is a difference between and backlog and a working inventory. A backlog measurement should exclude:

    a. workload which is currently being processed

Attachment A

b. workload which can be processed in a reasonable or statutorily required length of time
c. workload which has been set aside because it is incomplete, waiting for additional information, or otherwise cannot be processed.

National Association of State Budget Officers (NASBO)

For other types of analyses, see the NASBO training Series Program, Module 6: Analytical Methods for Budget Analysts.

(March 3, 2011) (Analytic/BOS/PBM/APBM)

Attachment B

ANALYSIS: Principles and Practices for DOF Analysts

A. What is Analysis?

Analysis is the process by which issues are separated into their component parts and each part and the interaction among the parts are systematically investigated. Later the components of an issue are put back together in a logical way to support a conclusion and recommendation.

You can also think of analysis as the process by which we attempt to answer such questions as follows, regarding a proposal, activity, program or process.

- Who or what is affected?
- What is/are the effects?
- How and when does/will it operate?
- How much does/will it cost?
- Who is raising the issue or making the proposal, and why?
- How might the problem/issue be resolved?

And the final question upon completing an analysis should always be: "Does this make sense?"

B. Typical Types of Finance Analyses

Finance uses the analytic process to develop recommendations on budget proposals, legislation, and other initiatives and issues that may financially impact the State. Preparing solid recommendations is the foundation for our advisory role to the Governor's Office and our role in representing the Administration.

1. **Fiscal** - Finance's primary role is to provide analyses of fiscal issues or problems. To that end, we review budget change proposals, legislation, initiatives, regulations, and reports to analyze fiscal impacts. Fiscal analyses answer such questions as: How much will (or should) this proposal or program cost (or save) the State? How much revenue will it generate?

2. **Policy** – While not our main role, Finance staff may also perform policy analysis such as when reviewing legislative proposals. Policy analysis is intended to help decision-makers make choices about governmental programs and governmental regulation of individuals and organizations. Policy analysis focuses on such questions as: What is the likely impact of this policy on the public in general, and on specific groups or organizations? Policy analysis can be done from the perspective of known priorities and policies, or without such political preconditions.

3. **Policy combined with fiscal**—Most often Finance's analyses include a combination of fiscal and policy issues. For example, Finance analysts review a Budget Change Proposal to assess the reasonableness of the estimated fiscal impacts but also assess the proposed policy objective in relation to the Administration's priorities. The resulting recommendation thus may indicate that the proposed funding augmentation (or reduction) should be modified

depending on whether the policy objective is deemed to be of high or low priority by the Administration. The recommendation may also suggest an option that provides a lower (or higher) level of attainment of the policy objective, including arguments supporting that level.

Sometimes the deadline for an analysis is so short that the analysis must be "**quick and dirty**" and largely based on assumptions since time is not available to gather more information. In these cases it is helpful if the assumptions can be based on historical information or on data from a similar program or activities. In other cases (such as when asked to prepare "Issue Memos"), Finance may have time to prepare a more expansive analysis.

For more details on some of the specific types of items analyzed at Finance, see Bill Analysis, and BCPs, Writing Effective.

C. Steps in Analysis

Academicians identify various analytical approaches, which can generally be summarized into six basic steps. (See Analysis, Policy, and Problem Solving for a detailed summary of various analytical approaches.)

1. Define the Problem

- Clearly identify the stated issue/problem. Is there really a problem? Sift through extraneous material to identify the real, underlying problem or need (which may not be the same as the stated issue or problem).
- How big is the problem? Quantify, if possible.
- How did the problem arise? When? What perpetuates it? Outline the history of the issue/problem.
- Who and/or what does the problem impact? When? What are the current laws, regulations and/or programs addressing the problem?

2. Gather Information

- Consider: What do you need to know to define and analyze the issue/problem, and to recommend a solution? How much time do you have?
- Ask questions (repeatedly if necessary) to get the information needed. Also be conscious of and respect others' time and workload constraints, however.
- Be skeptical. Challenge the sources; don't assume the information is correct. Try to verify it or test it against other information to determine its accuracy or reasonableness.
- Think through varied viewpoints on the issue (not just the Administration's current perspective). Talk to both proponents and opponents to gain additional political and programmatic insights.
- Ask follow up questions.
- If you cannot get the information you want in the time (or from the sources) available, can you make assumptions to work around it or develop rough estimates? Document the basis for your assumptions.
- Look at other previous analyses/studies of the issue.
- Note that if the time is late (after 5 p.m.) or short ("quick and dirty" analyses) you still may be able to contact the Legislative Analysts' staff, legislative committee staff, (or for bills, the author's or sponsor's office, too) for some information, even if the department staff are not available.

3. Consider Alternatives

- What are all the feasible options? Consider for example, taking no action; altering an

existing law, regulation, process, or program; creating a new law or program, etc.

- What can government do (e.g., mandate, regulate, subsidize, create incentives, tax, provide information, privatize), and what might be effective in this situation?
- What other programs (public or private) or laws (state or federal) address this problem?
- What have other states done to address this problem?
- What has Finance recommended on this type of issue in the past?
- Should the State be involved at all?

4. Determine Criteria for Evaluating Alternatives

Examples of criteria:

- Efficiency - Cost-benefit, cost effectiveness, productivity
- Equity - Is it fair? Who gains, who loses? By how much?
- Effectiveness - Will it solve the problem? How much will it solve?
- Feasibility - Legal, administrative, political (e.g., the current political environment)
- Uncertainty and risk - What could go wrong? How costly? How likely?
- Priority for funding given current state fiscal constraints and Administration policies
- Consistency with Administration goals and policies and expectations

5. Evaluate Alternatives

- Measure each alternative against the criteria.
- Weigh the trade-offs (e.g., better service vs. higher cost; lower cost vs. higher risk)

6. Make Recommendation

- Pull the information together to form conclusions, and then make recommendations.
- Be creative. Policy analysis affords opportunities to develop creative compromises and unique solutions to address problems. Although Finance is not a "think tank," we can occasionally be the source of new policy ideas.
- Anticipate the Administration. Try to recommend at least one option likely to be preferred by the Administration (based on what you know of the current policies and priorities).
- Recommend more than one feasible alternative for the decision-makers to consider (e.g., in times of limited funds recommend the preferred activity and funding level, and some feasible lower level).
- Review your analysis and ask if it all “makes sense.” Can a reader follow the logic from the problem identification through the alternatives to the recommendation?
- Check to see how critical any information (both included and omitted) is to the recommendation.
- Critique and supplement (or pare down) the information as needed.

D. Communicating Your Analysis

To be effective, an analysis must be clearly communicated to the decision-makers and other interested parties.

1. Types of Presentations

- Oral presentations in meetings
- Budget change proposal (BCP) write-ups
- Bill analyses
- Legislative testimony

- Press packets or contacts
- Governor's Budget Summary ("A-pages") and other public reports
- Issue Memos
- One-on-one discussion/negotiation with LAO and departmental staff

2. Presentation Style

- Narrow focus. Finance does not typically produce lengthy study reports that thoroughly analyze all aspects of major policy issues. Finance's analyses tend to focus in on the fiscal impacts to state government and, in particular, to the General Fund.
- Related to specific decisions. Our analyses tend to focus on information needed to make a specific decision, and normally will recommend a specific action on an issue.
- Brief and clear. Finance does not get much time to speak its piece; often one or two lead sentences have to carry the presentation.
- Unbiased/nonpartisan, but politically informed. Although we work for the Governor and do analysis in the context of known Administration policy and perspective, Finance staff should be prepared to argue all sides of an issue (e.g., in Administration decision-making meetings). Recommendations on issues should reflect a balance between what might be acceptable to the Administration, and other considerations, including other viewpoints relevant to a decision. (Finance staff should not expect to promote personal political views, however.)
- Original and active. Use active (not passive) voice as much as possible, and state your thoughts without plagiarizing others' analyses (e.g., departments' analyses or documents).
- Professional. Both oral and written presentations should be made keeping in mind our professional staff role.

3. Traditional Biases of Finance

- Low cost/high benefit
- Proven effectiveness
- High priority
- Fundable by redirection of existing resources
- Consistent with Administration goals

4. Other Considerations

- Preparation. Finance staff are some of the main spokespersons for the Administration, and as such are expected to be able to explain and defend the Administration's position (e.g., on budget proposals) before the Legislature and in answering press calls. Be sure your analysis is adequate to support and defend the recommendations.
- Audience. Be aware of who reads and/or needs the information, and focus the presentation to address their level(s) of knowledge. Give adequate information to understand the issue and recommendation.
- Timing. Be sensitive to whether a decision maker can be receptive to a proposed policy and whether the issue's time has come. Often we are not the best organization to raise an issue; it may be better raised by agency/department staff or others with policy-making

authority.

- Respect for hierarchies. Finance staff should understand and respect the hierarchy of Finance and of other departments and agencies we work with. It is important to differentiate the positions that may be taken by various levels in a department and the degree to which top management has (or has not) approved a particular position.
- Flexibility. The Administration may decide on a different option that you recommend. Be ready and willing to revise your analysis to further detail the selected option, and/or reframe the issue, if necessary.
- Disassociation. Although it can be hard to do, Finance staff should not let themselves get too personally committed to policy recommendations they make or view nonacceptance as a "personal defeat."

E. Developing Policy Analysis Skills/Knowledge

The foundation for any analysis is a thorough working knowledge of your program/subject areas; the issues; and State processes, priorities, and fiscal constraints. The following are some tips on the sources and types of information you should gather (an ongoing process), and how to manage your time to complete analyses.

1. Sources of Information.

Following are some suggested sources and methods for developing your policy understanding and analytical skills. You will be engaged in many of these activities in the course of your work, but take advantage of slow moments for further research and discussion of policy issues in your area.

- Read texts, articles, books, and analyses done by others (e.g., scholars, advocates, the Legislative Analyst, Bureau of State Audits)
- Learn the history (e.g., talk to or review written work of your predecessors on the assignment)
- Listen to others who already know the programs and issues well (e.g., talk with department staff when reviewing various documents)
- Discuss issues with advocates and constituents
- Take field trips to visit program staff and projects in the field
- Learn by doing (jump into your assignment!)

2. Areas of Knowledge

a. ***Program Knowledge.*** The foundation for any analysis is a thorough working knowledge of the program being addressed. No analytical technique can replace basic information about how the program works. Such knowledge typically includes: the program's purpose, who and how many it serves, what it provides, how services are delivered, the current costs, criteria for expending the funds, how the program evolved (e.g., what were key decision points in program's history), and the trends in terms of revenues, expenditures, staffing, and workload data.

b. ***Knowledge of the State's current fiscal situation and constitutional***

constraints. Less than ten percent of the budget is discretionary. Some of the key factors limiting State expenditures are: the State Appropriations Limit (SAL), Proposition 98, other Constitutional requirements, entitlement programs, statutory COLAs, and legal obligations. Other constraints not set in the Constitution or statute but which are as, or nearly as, restraining, include: General Fund revenues, General Fund reserves, federal budget actions directly affecting the State's budget, tax expenditures, public safety expenditures, revenue-producing activities, and budget agreements.

In analyzing budget issues, it is important to keep these factors in mind and know where we are relative to the major constraints. This will tell you whether we have some flexibility and can entertain discretionary proposals, or whether we're going to have to recommend reductions.

c. ***Knowledge of other Administration and Department of Finance Priorities.*** Current State policies and priorities (such as those outlined in the *Governor's Budget Summary* or *Budget Highlights*, or the *State of the State Address*) need to be taken into account when analyzing an issue. Examples of recent State priorities include: (1) reducing personnel years (PYs); (2) reducing General Fund expenditures; (3) attempting to help the federal government reduce the federal deficit; (4) reforming welfare; and (5) making the State more competitive.
Awareness of these policies helps analysts to frame questions and recommendations.

d. ***Knowledge of the Issue.*** Besides general program knowledge, specific information about the issue being addressed is important to understanding proposed changes. For example, analysts may prepare by researching the history of issues in their program area, why the issues are (re)emerging, views of proponents and opponents, and what this and other states are doing to address the issues.

3. Managing Your Analytical Time and Effort

- Get started early. Size things up. Decide when you need to start each task in order to meet your deadline. Set a mental schedule (allowing for slippage).

  Tell the department what information you need right away. Put requests in writing (e.g., by email) when possible to confirm conversations and avoid misunderstandings later. Set a deadline for receipt of this information which is early enough so that you can ask for clarification, or request other information if this raises additional questions.

- Follow up. Think about the information as it's being presented to you. Is it filling in the gaps? What gaps remain? Take the initiative to ask follow-up questions and probe when talking to department staff. It is relatively rare that your first set of questions will elicit all of the information necessary for an analysis. Keep thinking of what you need to resolve the issue.

- Stay on Course. Don't lose sight of your objective and deadline, or get sidetracked. Make sure you understand what's central to the issue, and that you're getting the information you need from department staff (i.e., what's relevant, not what's easy for them to give you).
  Periodically, review where you are relative to your objectives and schedule. Make mid-course corrections as necessary. Raise problems to a higher level in DOF or the line department, as appropriate.
- Stop when you have what you need or you have all you can get in the time available. In the latter case, qualify your analysis by indicating the conclusions are

Attachment B

based on the limited information available and noting any assumptions made.

- Get feedback. Brainstorm ideas with your supervisor and peers. Discuss your findings and conclusions with your managers and with the department. Run drafts of your analysis and recommendations by your managers in advance of the deadline to get their input early.

- Critique your own work. Check and double check your calculations. Review your analysis to see if there are further logical gaps that need to be filled in. See if your factual information is correct, and if your argument holds up to criticism. Revise your analysis if necessary.

- Keep records. Keep your notes, supporting data obtained, and calculations made in a file for reference. (You'd be surprised how quickly people forget how they arrived at certain numbers!)
- Be sensitive to other workload demands on staff with whom you are working. You will likely need their assistance and cooperation in the future. Nevertheless, if they won't give you the information for any of the following reasons:

  - Because they've been appointed by the Governor
  - They told the last analyst they had
  - The last analyst they had didn't ask for this type of information
  - It's not Finance's role
  - They wouldn't ask for funding if they didn't need it
  - They're stalling
  - The Governor wants this done
  - You don't have the professional qualifications
  - The Director already agreed to this

you'll have to recommend disapproval of their request for lack of justification. Tell your supervisor of the situation and discuss how to resolve it.

Rev.9/02 TRO

GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be preceded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
    - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
    - Office Director holds preliminary discussions with Division Chief
    - Division Chief and Office Director present the issue to the Executive Office as an informal concept
    - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate Office/Division for further evaluation.
    - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form
    - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources on implementing the project.
    - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
- Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx

- Components of the RAPP Form
    a. Requesting Office or Division
    b. Date Prepared
    c. Contact Information
    d. Project Title
    e. Summary
    f. Summarized Estimated Costs
    g. Proposal Review Routing
    h. Associated JC Strategic Goal, if applicable
    i. Project Scope
    j. Stakeholders
    k. Impact Analysis
    l. Documentation of Decision-Making Process
    m. Cost Considerations
    n. Authorization to Proceed (Office Director or Designee)

3. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.

4. Briefing of Executive Office by Division Chief/Office Director
    - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
    - Consider discussion with Chief Justice
    - Consider discussions with external stakeholders such as the courts or State Bar

5. Executive Office Action
    - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
    - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Fleshman at (415) 865-7531 or bob.fleshman@jud.ca.gov.

REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/10/13

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary *(Please provide 3 to 4 sentences briefly describing your request.)*	
Summarized Estimated Costs *(Please differentiate between one-time and ongoing costs, if applicable.)*	
Proposal Review Routing *(Please select as applicable.)*	_____Human Resources Office _____Legal Services Office _____Fiscal Services Office _____Information Technology Services Office _____Office of Governmental Affairs _____Other _____ _____Other _____ _____Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including timeline.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the AOC or stakeholders directly or indirectly if this project is approved. Consider staff time, additional funding, and other requirements involved in successfully administering and implementing this project. Include offsets where applicable.

Documentation of Decision-Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide attachments where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Augmentation Required?								
	No							
	Yes		**If YES, indicate fiscal year(s) and associated amount:**					
			FY		**FY**		**FY**		**FY**	
			$		**$**		**$**		**$**	

PROJECT COSTS

1.	**Fiscal Year**				**TOTAL**
2.	**One-Time Cost**				**$**
3.	**Continuing Costs**				**$**
4.	**TOTAL PROJECT BUDGET**	**$**	**$**	**$**	**$**

PROJECT FINANCIAL BENEFITS

5.	**Cost Savings/Avoidances**	**$**	**$**	**$**	**$**
6.	**Revenue Increase**	**$**	**$**	**$**	**$**

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.

_____ _____

Name (Office Director or Designee) **Date**

Notes/Comments

Information on Judicial Council Directives

Council Directive **8**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to first employ a comprehensive analysis, including an appropriate business case analysis of the scope and direction of significant projects or initiatives, taking into account the range of fiscal, operational, and other impacts to the courts and stakeholders.

SEC Recommendation **7-58**

The AOC must first employ an appropriate business case analysis of the scope and direction of significant projects or initiatives, taking into account the range of fiscal, operational, and other impacts to the courts.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

	PENDING
x	**COMPLETED: In August 2013, Council staff developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.**

Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost benefit analysis proposal for the Judicial Council.

Council staff developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders. This was developed in August 2013.

The proposed "Guidelines for the Administration of Branchwide Projects and Initiatives" include the "Request for Approval of Project Proposal" form. These guidelines require the full documented collaboration of all stakeholders impacted by a project or initiative. The Executive Office has the sole discretion for determining when to utilize the form for branchwide projects and initiatives.

These guidelines were presented to the Judicial Council at the December 13, 2013, council meeting.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED		UNABLE TO IMPLEMENT
x	IMPLEMENTED AND ONGOING		PENDING IMPLEMENTATION
	IMPLEMENTED BUT IN PROGRESS		

The directive implementation will remain ongoing as this tool will be used as necessary whenever there are projects or initiatives that meet the requirements for use of this cost benefit analysis form.

ASSESSMENT OF IMPLEMENTATION

After the guidelines were developed, Court Operations Services contacted Finance because there was a similar process and form for seeking grant opportunities.

It was decided that the forms and guidelines should be merged to be applicable to both cost benefit analysis for major programs and initiatives as well as grant opportunities. The forms were merged for this purpose. Finance reports that Information Technology also has a cost benefit analysis form that they utilize and that future activities will includes working with IT to determine if this form should be merged with the existing guidelines and form.

Finance indicated that this process was designed for use of all branch funds and to-date, there have been no major initiatives and so the process has not been utilized. For other minor funding needs, the council staff has utilized the budget change proposal process. Additionally, it was clarified that although the formal cost benefit analysis is not currently utilized for Court of Appeal funding decisions, it was designed for use for all judicial branch entities.

A discussion was held by E&P where they asked questions about the threshold for when this tool should be utilized. It was explained by SEC members that this grew out of concerns about CCMS and that this would be utilized in those cases where a budget change proposal is not an option and there is the potential for the use of all branch funds.

OTHER INFORMATION

Attachments:

- Memo: Consider Guidelines and Process Recommendation, from Curt Soderlund to Hon. Steven Jahr, November 25, 2013
- *Guidelines for the Administration of Branchwide Projects and Initiatives* (includes Request for Approval of Project Proposal)
- Report to Judicial Council for meeting of December 12-13, 2013: AOC Restructuring: Implementation of New Guidelines for Conducting Cost-Benefit Analysis for AOC Projects, December 13, 2013

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
[illegible]
[illegible]
[illegible]

MEMORANDUM

Date
November 23, 2011

To
Hon. Steven Jahr
Administrative Director of the Courts

From
Curt Soderlund
Chief Administrative Officer

Zlatko Theodorovic
Director, Fiscal Services Office

Subject
Judicial Council Directives 7-13, 21, 40, 91 and 149

Action Requested
Consider Guidelines and Process Recommendations

Deadline
At your convenience

Contact
Curt Soderlund
916-263-1513 phone
curt.soderlund@jud.ca.gov

This memorandum requests your review and approval of staff recommendations to establish guidelines and a process to address the various common aspects of Judicial Council Directives 7-13, 21, 40, 91 and 149 specific to future critical initiatives. This recommendation seeks to encompass a process that ensures a full and comprehensive cost-benefit analysis that includes:

- The input and collaboration of all stakeholders;
- Consultation with the Judicial Council and the Executive and Planning Committee, as necessary;
- A complete analysis of scope;
- The development of accurate cost estimates and the identification of funding in consultation with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Background

The Judicial Council approved various directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. The directives approved were derived from the SEC's observations that alleged a lack of uniform internal processes, insufficient collaboration, and inadequate analyses.

Projects brought before the Judicial Council for consideration should be evaluated on the basis of scope, resources, and political sensitivity. The outcomes of these comparisons will assist the Judicial Council in their oversight role of request review in that they may provide:

- Clear and complete definition of priorities,
- A balance between the requests and branch roles and responsibilities,
- Complete consultation, and
- Timely feedback and direction.

The AOC recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects and will continually seek refinement of existing processes.

Recommendation

We request the approval of the following policy regarding cost benefit analyses:

> Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

We further recommend that you approve use of the proposed Guidelines for the Administration of Branchwide Projects and Initiatives as the official AOC process.

Lastly, should you approve the above guidelines, we recommend that you direct staff of the Fiscal Services Office to publicize the new process.

APPROVAL

(Please check one)

☑ I approve the recommendations above.

☐ I approve_____

Hon. Steven Jahr, Administrative Director of the Courts

11/27/13
Date

Acknowledgments

GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be preceded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated contracts, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
   - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
   - Office Director holds preliminary discussions with Division Chief
   - Division Chief and Office Director present the issue to the Executive Office as an informal concept
   - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate for further evaluation
   - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form:
   - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources.
   - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
- Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged. http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx

- Components of the RAPP Form
  a. Requesting Office or Division
  b. Date Prepared
  c. Contact Information
  d. Project Title
  e. Summary
  f. Summarized Estimated Costs
  g. Proposal Review Routing
  h. Associated JC Strategic Goal, if applicable
  i. Project Scope
  j. Stakeholders
  k. Impact Analysis
  l. Documentation of Decision-Making Process
  m. Cost Considerations
  n. Authorization to Proceed (Office Director or Designee)

1. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.

4. Briefing of Executive Office by Division Chief/Office Director
   - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
   - Consider discussion with Chief Justice
   - Consider discussions with external stakeholders such as the courts or State Bar

5. Executive Office Action
   - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
   - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Hustedt at (415) 865-7333 or bob.hustedt@jud.ca.gov.

REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/2013

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary (Please provide 2 to 4 sentences briefly describing your request.)	
Summarized Estimated Costs (Please differentiate between one-time and ongoing costs, if applicable.)	
Proposal Review Routing (Please select as applicable.)	_____Human Resources Office _____Legal Services Office _____Fiscal Services Office _____Information Technology Services Office _____Office of Governmental Affairs _____Other: _____ _____Other: _____ _____Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and structure of your project, including milestones.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the ASP or stakeholders directly or indirectly if this project is approved. Consider staff time, additional training, and other requirements involved in successfully administering and maintaining this project. Include tables where applicable.

Documentation of Decision Making Process

Please provide a summary of work you did and/or documents you examined in determining the need for this undertaking. Provide copy/excerpt where applicable.

Cost Considerations

A cost estimate must be developed in collaboration with the Fiscal Services Office.

Budget Implementation Required?					
	No				
	Yes	If YES, indicate fiscal year(s) and associated amounts:			
		FY	FY	FY	FY
		$	$	$	$

PROJECT COSTS

1.	Fiscal Year				TOTAL
2.	One-Time Costs				$
3.	Continuing Costs				$
4.	TOTAL PROJECT BUDGET	$	$	$	$

PROJECT FINANCIAL BENEFITS

5.	Cost Savings/Avoidances	$	$	$	$
6.	Revenue Increase	$	$	$	$

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.

Name: (Office Director or Designee) **Date:**

Notes/Comments

Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 12-13, 2013

Title
AOC Restructuring: Implementation of New Guidelines for Conducting Cost-Benefit Analysis for AOC Projects

Rules, Forms, Standards, or Statutes Affected
None

Submitted by
Administrative Office of the Courts
Curt Soderlund
Chief Administrative Officer

Zlatko Theodorovic
Director, Fiscal Services Office

Agenda Item Type
Information Only

Effective Date
Not Applicable

Date of Report
December 13, 2013

Contact
Fiscal Services Office
Zlatko Theodorovic, 916-263-1397
zlatko.theodorovic@jud.ca.gov

Executive Summary

The AOC's Chief Administrative Officer and director of the Fiscal Services Offices present this informational report on efforts relating to the various common aspects of Judicial Council Directives 7-13, 21, 40, 91, and 145 (directives), which were combined as part of a broader review and policy discussion pertaining to the application of a cost-benefit/business case analysis for AOC projects.

Background

The Judicial Council approved the directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. In their report, the SEC observed the following:

> "The AOC has failed to plan, manage, and monitor programs in a manner that seeks critical collaboration and input from the courts. The AOC has undertaken significant and

> far-reaching programs over the past decade, including CCMS, branch-wide financial systems, court construction and facilities management, and others. The organization has failed to adequately consider fiscal, operational, and other impacts of its programs and projects on the courts. Projects have been undertaken without first conducting an appropriate business case analysis to determine whether they are prudent."

As noted, the SEC opined that there appeared to be a lack of uniform internal processes, insufficient collaboration, and inadequate analysis associated with large scale endeavors. More specifically, nearly all of the aforementioned directives relate to observations made by the SEC relative to the California Court Case Management System initiative:

> "The AOC's process of planning and monitoring programs and projects has been lacking. These deficiencies are best exemplified by the CCMS project with its lack of budgetary planning, failure of budgetary controls, failure to identify a sustaining revenue source, lack of an initial business case analysis and feasibility study, lack of sufficient court commitment, and failure to openly disclose pertinent information about the project."

To address these deficiencies, the SEC detailed a recommended approach:

> "… The AOC Executive Leadership Team must begin to implement a formalized system of program and project planning and monitoring that includes, at a minimum: a collaborative planning process that utilizes a business case analysis and that includes an analysis of impacts on courts at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated."

In developing a response to the directives, AOC staff consulted with other state entities—such as the Department of Finance and CalHR—on their respective processes in an effort to establish a similar approach at the AOC that incorporates an appropriate level of review and cost-benefit analysis for programs and projects initiated by the agency. As one example, staff utilized the state Department of Finance's Budget Analyst Guide as an initial framework. Specific guide sections, such as Types of Analysis (Attachment A) and Analysis of Issues (Attachment B), were also identified as potential training tools for AOC staff to demonstrate the basic elements of how appropriate fiscal and programmatic analyses are completed. Since the material is general in nature, each office and division would, in theory, be able to use these resources to meet the individual needs of the program, whether it be completing a grant request for federal funds or a budget change proposal, to name a few.

Following the review of external and existing internal processes, AOC staff developed guidelines that seek to ensure that all elements within each of these 10 directives are adequately addressed. These guidelines include a process for the approval of branchwide projects and other significant initiatives, as well as an approach to conduct any necessary cost-benefit analysis. These elements include:

- The input and collaboration of all stakeholders;
- A complete analysis of scope;

- The development of accurate cost estimates and the identification of funding in constant collaboration with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

The "Guidelines for the Administration of Branchwide Projects and Initiatives" (Attachment C) have been reviewed and approved by the Administrative Director of the Courts and will be implemented agency-wide, effective the first quarter of 2014. Leading up to the implementation date, the Fiscal Services Office will work with staff from the AOC Center for Judiciary Education and Research to develop an appropriate training curriculum for management team members, budget liaisons, and other applicable staff.

These guidelines address the SEC's recommendation that a cost-benefit analysis should be infused into the AOC's decision-making process and to serve as a guide when considering any new project or program, large scale or otherwise.

Enclosures

Attachment A: Department of Finance Budget Analyst Guide, *Types of Analysis*
Attachment B: Department of Finance Budget Analyst Guide, *Analysis of Issues*
Attachment C: *Guidelines for the Administration of Branchwide Projects and Initiatives*

Attachment A

TYPES OF ANALYSIS

BCPs or other issues involving a proposed augmentation

1. Have the department or group proposing the augmentation clarify what the problem is. All too frequently problem statements are either missing, too brief or too general to be sufficiently clear and quantifiable, discuss symptoms rather than real problems, or are stated in terms of the solution (e.g., "the problem is we don't have the 14 additional staff we need"). The analyst's role is to find out if there is a **public** need which is not being addressed, i.e., what is the problem outside of building? Things like crime, pollution, and poverty are possibilities; the lack of staff, microcomputers, and travel funds are not. Moreover, the problem should be quantified as much as possible so that a quantifiable solution can be arrived at. This should address:

    a. the extent of the problem
    b. how this varies from a "normal" or acceptable situation
    c. how many individuals are experiencing the problem
    d. where this problem is located geographically
    e. need statements should answer the question "why?"

2. **Consider Alternatives for Solving the Problem.** Most BCPs provide two: (1) do nothing and (2) accept our proposal. Do not be deterred by the apparent lack of creativity on the part of some. There is more than one way to solve a problem, especially in an era of constantly changing technology. You might consider:

    a. automation
    b. program restructuring
    c. restructuring systems and procedures
    d. consolidation of functions

3. **The Key Element in a BCP (or other Proposal) is Data** to justify the resource level being proposed. Most proposals request specific amounts of staff and funds. These requests should be supported by equally specific calculations. To the extent that specificity is lacking, the analyst may be required to fill in the gaps in order to develop a recommendation. Usually, this kind of analysis starts with a zero-augmentation assumption and builds in components as they are specifically justified on an individual basis.

For example, a particular solution may involve several different types of staff in field offices, headquarters management, and in the Administration Division, each developed on a different basis. In summary, in this type of situation we start with zero and add in resources as they are justified by specific calculations. As a general rule, if you cannot understand were the number comes from, do not add it in.

4. If they lowballed the bill analysis, they should live with it in the BCP.

Workload Issues

In past years, departments were usually funded for agreed to workload increases. More often than not, in recent years with severe budget restraints and no or insufficient funds available to meet mandatory requirements, workload often is not funded. Departments are required to redirect resources or find other alternatives. Despite that, workload analysis is an important Finance activity.

1. The key variables in workload issues are:

   a. the volume of work to be accomplished, generally referred to as workload
   b. the current staffing level
   c. the workload completed with current staff

2. The ratio of workload being currently completed to current staff will usually provide a good estimate of the productivity rate. The ratio of the workload to be accomplished to the productivity rate is the number of staff required to complete that workload. Example—CAL/OSHA elevator inspectors will inspect about 27,500 elevators this year for safety requirements. Next year the number will increase to 28,500. Currently there are 40 inspectors. How many are needed for next year?

Answer	27,500	=	687.5	(Number of elevators
	40			(1 inspector can inspect)

28,500	=	41.5	(Number of inspectors)
687.5			(needed)

Therefore, 1.5 additional inspectors would be justified on a workload basis. Further, there is one clerical staff for every 4 inspectors in the program, so the addition of 1.5 inspectors would justify 1.5 X .25 or 0.4 of a clerical position, for a total of 1.9 PYs.

3. Sometimes it is necessary to pursue additional justification for the volume of workload projected, depending on historical patterns. Also there may be ways to increase current productivity rates without adding staff by changing procedures or by automating certain functions. The workload calculations should be performed only after the analyst is satisfied with the data that goes into those calculations.

4. **Never** accept a duty statement as workload justification. Anyone can fill up 40 hours per week with activities. This has no relationship to the external workload, how it is changing, and what staffing implications it has.

5. Workload may fluctuate throughout the year. Our policy is usually not to staff a unit for peak workload demands (with the possible exception of temporary help funds where warranted, such as the Franchise Tax Board), but rather to support staffing to process the average workload level.

6. Workload standards are useful if they have been validated and we have agreed to them. Departments should be encouraged to develop them. Even if this hasn't been done prior to writing the BCP, it may be possible to use time sheet and other activity data to put together some useful standards. But be careful, before proceeding, apply the workload standards to last year's work. Does the analysis show it would require 20 PYs to do the work that you know they did with 10 PYs?

7. Be careful of backlog statistics. There is a difference between and backlog and a working inventory. A backlog measurement should exclude:

    a. workload which is currently being processed

Attachment A

b. workload which can be processed in a reasonable or statutorily required length of time
c. workload which has been set aside because it is incomplete, waiting for additional information, or otherwise cannot be processed.

National Association of State Budget Officers (NASBO)

For other types of analyses, see the NASBO training Series Program, Module 6: Analytical Methods for Budget Analysts.

(March 3, 2011) (Analytic/BOS/PBM/APBM)

Attachment B

ANALYSIS: Principles and Practices for DOF Analysts

A. What is Analysis?

Analysis is the process by which issues are separated into their component parts and each part and the interaction among the parts are systematically investigated. Later the components of an issue are put back together in a logical way to support a conclusion and recommendation.

You can also think of analysis as the process by which we attempt to answer such questions as follows, regarding a proposal, activity, program or process.

- Who or what is affected?
- What is/are the effects?
- How and when does/will it operate?
- How much does/will it cost?
- Who is raising the issue or making the proposal, and why?
- How might the problem/issue be resolved?

And the final question upon completing an analysis should always be: "Does this make sense?"

B. Typical Types of Finance Analyses

Finance uses the analytic process to develop recommendations on budget proposals, legislation, and other initiatives and issues that may financially impact the State. Preparing solid recommendations is the foundation for our advisory role to the Governor's Office and our role in representing the Administration.

1. **Fiscal** - Finance's primary role is to provide analyses of fiscal issues or problems. To that end, we review budget change proposals, legislation, initiatives, regulations, and reports to analyze fiscal impacts. Fiscal analyses answer such questions as: How much will (or should) this proposal or program cost (or save) the State? How much revenue will it generate?

2. **Policy** – While not our main role, Finance staff may also perform policy analysis such as when reviewing legislative proposals. Policy analysis is intended to help decision-makers make choices about governmental programs and governmental regulation of individuals and organizations. Policy analysis focuses on such questions as: What is the likely impact of this policy on the public in general, and on specific groups or organizations? Policy analysis can be done from the perspective of known priorities and policies, or without such political preconditions.

3. **Policy combined with fiscal**—Most often Finance's analyses include a combination of fiscal and policy issues. For example, Finance analysts review a Budget Change Proposal to assess the reasonableness of the estimated fiscal impacts but also assess the proposed policy objective in relation to the Administration's priorities. The resulting recommendation thus may indicate that the proposed funding augmentation (or reduction) should be modified

depending on whether the policy objective is deemed to be of high or low priority by the Administration. The recommendation may also suggest an option that provides a lower (or higher) level of attainment of the policy objective, including arguments supporting that level.

Sometimes the deadline for an analysis is so short that the analysis must be "**quick and dirty**" and largely based on assumptions since time is not available to gather more information. In these cases it is helpful if the assumptions can be based on historical information or on data from a similar program or activities. In other cases (such as when asked to prepare "Issue Memos"), Finance may have time to prepare a more expansive analysis.

For more details on some of the specific types of items analyzed at Finance, see Bill Analysis, and BCPs, Writing Effective.

C. Steps in Analysis

Academicians identify various analytical approaches, which can generally be summarized into six basic steps. (See Analysis, Policy, and Problem Solving for a detailed summary of various analytical approaches.)

1. Define the Problem

- Clearly identify the stated issue/problem. Is there really a problem? Sift through extraneous material to identify the real, underlying problem or need (which may not be the same as the stated issue or problem).
- How big is the problem? Quantify, if possible.
- How did the problem arise? When? What perpetuates it? Outline the history of the issue/problem.
- Who and/or what does the problem impact? When? What are the current laws, regulations and/or programs addressing the problem?

2. Gather Information

- Consider: What do you need to know to define and analyze the issue/problem, and to recommend a solution? How much time do you have?
- Ask questions (repeatedly if necessary) to get the information needed. Also be conscious of and respect others' time and workload constraints, however.
- Be skeptical. Challenge the sources; don't assume the information is correct. Try to verify it or test it against other information to determine its accuracy or reasonableness.
- Think through varied viewpoints on the issue (not just the Administration's current perspective). Talk to both proponents and opponents to gain additional political and programmatic insights.
- Ask follow up questions.
- If you cannot get the information you want in the time (or from the sources) available, can you make assumptions to work around it or develop rough estimates? Document the basis for your assumptions.
- Look at other previous analyses/studies of the issue.
- Note that if the time is late (after 5 p.m.) or short ("quick and dirty" analyses) you still may be able to contact the Legislative Analysts' staff, legislative committee staff, (or for bills, the author's or sponsor's office, too) for some information, even if the department staff are not available.

3. Consider Alternatives

- What are all the feasible options? Consider for example, taking no action; altering an

existing law, regulation, process, or program; creating a new law or program, etc.

- What can government do (e.g., mandate, regulate, subsidize, create incentives, tax, provide information, privatize), and what might be effective in this situation?
- What other programs (public or private) or laws (state or federal) address this problem?
- What have other states done to address this problem?
- What has Finance recommended on this type of issue in the past?
- Should the State be involved at all?

4. Determine Criteria for Evaluating Alternatives

Examples of criteria:

- Efficiency - Cost-benefit, cost effectiveness, productivity
- Equity - Is it fair? Who gains, who loses? By how much?
- Effectiveness - Will it solve the problem? How much will it solve?
- Feasibility - Legal, administrative, political (e.g., the current political environment)
- Uncertainty and risk - What could go wrong? How costly? How likely?
- Priority for funding given current state fiscal constraints and Administration policies
- Consistency with Administration goals and policies and expectations

5. Evaluate Alternatives

- Measure each alternative against the criteria.
- Weigh the trade-offs (e.g., better service vs. higher cost; lower cost vs. higher risk)

6. Make Recommendation

- Pull the information together to form conclusions, and then make recommendations.
- Be creative. Policy analysis affords opportunities to develop creative compromises and unique solutions to address problems. Although Finance is not a "think tank," we can occasionally be the source of new policy ideas.
- Anticipate the Administration. Try to recommend at least one option likely to be preferred by the Administration (based on what you know of the current policies and priorities).
- Recommend more than one feasible alternative for the decision-makers to consider (e.g., in times of limited funds recommend the preferred activity and funding level, and some feasible lower level).
- Review your analysis and ask if it all “makes sense.” Can a reader follow the logic from the problem identification through the alternatives to the recommendation?
- Check to see how critical any information (both included and omitted) is to the recommendation.
- Critique and supplement (or pare down) the information as needed.

D. Communicating Your Analysis

To be effective, an analysis must be clearly communicated to the decision-makers and other interested parties.

1. Types of Presentations

- Oral presentations in meetings
- Budget change proposal (BCP) write-ups
- Bill analyses
- Legislative testimony

- Press packets or contacts
- Governor's Budget Summary ("A-pages") and other public reports
- Issue Memos
- One-on-one discussion/negotiation with LAO and departmental staff

2. Presentation Style

- Narrow focus. Finance does not typically produce lengthy study reports that thoroughly analyze all aspects of major policy issues. Finance's analyses tend to focus in on the fiscal impacts to state government and, in particular, to the General Fund.
- Related to specific decisions. Our analyses tend to focus on information needed to make a specific decision, and normally will recommend a specific action on an issue.
- Brief and clear. Finance does not get much time to speak its piece; often one or two lead sentences have to carry the presentation.
- Unbiased/nonpartisan, but politically informed. Although we work for the Governor and do analysis in the context of known Administration policy and perspective, Finance staff should be prepared to argue all sides of an issue (e.g., in Administration decision-making meetings). Recommendations on issues should reflect a balance between what might be acceptable to the Administration, and other considerations, including other viewpoints relevant to a decision. (Finance staff should not expect to promote personal political views, however.)
- Original and active. Use active (not passive) voice as much as possible, and state your thoughts without plagiarizing others' analyses (e.g., departments' analyses or documents).
- Professional. Both oral and written presentations should be made keeping in mind our professional staff role.

3. Traditional Biases of Finance

- Low cost/high benefit
- Proven effectiveness
- High priority
- Fundable by redirection of existing resources
- Consistent with Administration goals

4. Other Considerations

- Preparation. Finance staff are some of the main spokespersons for the Administration, and as such are expected to be able to explain and defend the Administration's position (e.g., on budget proposals) before the Legislature and in answering press calls. Be sure your analysis is adequate to support and defend the recommendations.
- Audience. Be aware of who reads and/or needs the information, and focus the presentation to address their level(s) of knowledge. Give adequate information to understand the issue and recommendation.
- Timing. Be sensitive to whether a decision maker can be receptive to a proposed policy and whether the issue's time has come. Often we are not the best organization to raise an issue; it may be better raised by agency/department staff or others with policy-making

authority.

- Respect for hierarchies. Finance staff should understand and respect the hierarchy of Finance and of other departments and agencies we work with. It is important to differentiate the positions that may be taken by various levels in a department and the degree to which top management has (or has not) approved a particular position.
- Flexibility. The Administration may decide on a different option that you recommend. Be ready and willing to revise your analysis to further detail the selected option, and/or reframe the issue, if necessary.
- Disassociation. Although it can be hard to do, Finance staff should not let themselves get too personally committed to policy recommendations they make or view nonacceptance as a "personal defeat."

E. Developing Policy Analysis Skills/Knowledge

The foundation for any analysis is a thorough working knowledge of your program/subject areas; the issues; and State processes, priorities, and fiscal constraints. The following are some tips on the sources and types of information you should gather (an ongoing process), and how to manage your time to complete analyses.

1. Sources of Information.

Following are some suggested sources and methods for developing your policy understanding and analytical skills. You will be engaged in many of these activities in the course of your work, but take advantage of slow moments for further research and discussion of policy issues in your area.

- Read texts, articles, books, and analyses done by others (e.g., scholars, advocates, the Legislative Analyst, Bureau of State Audits)
- Learn the history (e.g., talk to or review written work of your predecessors on the assignment)
- Listen to others who already know the programs and issues well (e.g., talk with department staff when reviewing various documents)
- Discuss issues with advocates and constituents
- Take field trips to visit program staff and projects in the field
- Learn by doing (jump into your assignment!)

2. Areas of Knowledge

a. ***Program Knowledge.*** The foundation for any analysis is a thorough working knowledge of the program being addressed. No analytical technique can replace basic information about how the program works. Such knowledge typically includes: the program's purpose, who and how many it serves, what it provides, how services are delivered, the current costs, criteria for expending the funds, how the program evolved (e.g., what were key decision points in program's history), and the trends in terms of revenues, expenditures, staffing, and workload data.

b. ***Knowledge of the State's current fiscal situation and constitutional***

constraints. Less than ten percent of the budget is discretionary. Some of the key factors limiting State expenditures are: the State Appropriations Limit (SAL), Proposition 98, other Constitutional requirements, entitlement programs, statutory COLAs, and legal obligations. Other constraints not set in the Constitution or statute but which are as, or nearly as, restraining, include: General Fund revenues, General Fund reserves, federal budget actions directly affecting the State's budget, tax expenditures, public safety expenditures, revenue-producing activities, and budget agreements.

In analyzing budget issues, it is important to keep these factors in mind and know where we are relative to the major constraints. This will tell you whether we have some flexibility and can entertain discretionary proposals, or whether we're going to have to recommend reductions.

c. ***Knowledge of other Administration and Department of Finance Priorities.*** Current State policies and priorities (such as those outlined in the *Governor's Budget Summary* or *Budget Highlights*, or the *State of the State Address*) need to be taken into account when analyzing an issue. Examples of recent State priorities include: (1) reducing personnel years (PYs); (2) reducing General Fund expenditures; (3) attempting to help the federal government reduce the federal deficit; (4) reforming welfare; and (5) making the State more competitive.
Awareness of these policies helps analysts to frame questions and recommendations.

d. ***Knowledge of the Issue.*** Besides general program knowledge, specific information about the issue being addressed is important to understanding proposed changes. For example, analysts may prepare by researching the history of issues in their program area, why the issues are (re)emerging, views of proponents and opponents, and what this and other states are doing to address the issues.

3. Managing Your Analytical Time and Effort

- Get started early. Size things up. Decide when you need to start each task in order to meet your deadline. Set a mental schedule (allowing for slippage).

  Tell the department what information you need right away. Put requests in writing (e.g., by email) when possible to confirm conversations and avoid misunderstandings later. Set a deadline for receipt of this information which is early enough so that you can ask for clarification, or request other information if this raises additional questions.

- Follow up. Think about the information as it's being presented to you. Is it filling in the gaps? What gaps remain? Take the initiative to ask follow-up questions and probe when talking to department staff. It is relatively rare that your first set of questions will elicit all of the information necessary for an analysis. Keep thinking of what you need to resolve the issue.

- Stay on Course. Don't lose sight of your objective and deadline, or get sidetracked. Make sure you understand what's central to the issue, and that you're getting the information you need from department staff (i.e., what's relevant, not what's easy for them to give you).
  Periodically, review where you are relative to your objectives and schedule. Make mid-course corrections as necessary. Raise problems to a higher level in DOF or the line department, as appropriate.
- Stop when you have what you need or you have all you can get in the time available. In the latter case, qualify your analysis by indicating the conclusions are

Attachment B

based on the limited information available and noting any assumptions made.

- Get feedback. Brainstorm ideas with your supervisor and peers. Discuss your findings and conclusions with your managers and with the department. Run drafts of your analysis and recommendations by your managers in advance of the deadline to get their input early.

- Critique your own work. Check and double check your calculations. Review your analysis to see if there are further logical gaps that need to be filled in. See if your factual information is correct, and if your argument holds up to criticism. Revise your analysis if necessary.

- Keep records. Keep your notes, supporting data obtained, and calculations made in a file for reference. (You'd be surprised how quickly people forget how they arrived at certain numbers!)
- Be sensitive to other workload demands on staff with whom you are working. You will likely need their assistance and cooperation in the future. Nevertheless, if they won't give you the information for any of the following reasons:

  - Because they've been appointed by the Governor
  - They told the last analyst they had
  - The last analyst they had didn't ask for this type of information
  - It's not Finance's role
  - They wouldn't ask for funding if they didn't need it
  - They're stalling
  - The Governor wants this done
  - You don't have the professional qualifications
  - The Director already agreed to this

you'll have to recommend disapproval of their request for lack of justification. Tell your supervisor of the situation and discuss how to resolve it.

Rev.9/02 TRO

GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be preceded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
    - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
    - Office Director holds preliminary discussions with Division Chief
    - Division Chief and Office Director present the issue to the Executive Office as an informal concept
    - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate Office/Division for further evaluation.
    - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form
    - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources on implementing the project.
    - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
- Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx

- Components of the RAPP Form
    a. Requesting Office or Division
    b. Date Prepared
    c. Contact Information
    d. Project Title
    e. Summary
    f. Summarized Estimated Costs
    g. Proposal Review Routing
    h. Associated JC Strategic Goal, if applicable
    i. Project Scope
    j. Stakeholders
    k. Impact Analysis
    l. Documentation of Decision-Making Process
    m. Cost Considerations
    n. Authorization to Proceed (Office Director or Designee)

3. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.

4. Briefing of Executive Office by Division Chief/Office Director
    - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
    - Consider discussion with Chief Justice
    - Consider discussions with external stakeholders such as the courts or State Bar

5. Executive Office Action
    - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
    - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Fleshman at (415) 865-7531 or bob.fleshman@jud.ca.gov.

REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/10/13

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary *(Please provide 3 to 4 sentences briefly describing your request.)*	
Summarized Estimated Costs *(Please differentiate between one-time and ongoing costs, if applicable.)*	
Proposal Review Routing *(Please select as applicable.)*	_____Human Resources Office _____Legal Services Office _____Fiscal Services Office _____Information Technology Services Office _____Office of Governmental Affairs _____Other _____ _____Other _____ _____Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including timeline.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the AOC or stakeholders directly or indirectly if this project is approved. Consider staff time, additional funding, and other requirements involved in successfully administering and implementing this project. Include offsets where applicable.

Documentation of Decision-Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide attachments where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Augmentation Required?								
	No							
	Yes		**If YES, indicate fiscal year(s) and associated amount:**					
			FY		**FY**		**FY**		**FY**	
			$		**$**		**$**		**$**	

PROJECT COSTS

1.	**Fiscal Year**				**TOTAL**
2.	**One-Time Cost**				**$**
3.	**Continuing Costs**				**$**
4.	**TOTAL PROJECT BUDGET**	**$**	**$**	**$**	**$**

PROJECT FINANCIAL BENEFITS

5.	**Cost Savings/Avoidances**	**$**	**$**	**$**	**$**
6.	**Revenue Increase**	**$**	**$**	**$**	**$**

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.

_____ _____

Name (Office Director or Designee) **Date**

Notes/Comments

Information on Judicial Council Directives

Council Directive 9

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure for developing and communicating accurate cost estimates for projects, programs, and initiatives.

SEC Recommendation 7-59

The AOC must develop and communicate accurate cost estimates for projects, programs, and initiatives.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

[ ] PENDING

[x] COMPLETED: **In August 2013, Council staff developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.**

Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost benefit analysis proposal for the Judicial Council.

Council staff developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders. This was developed in August 2013.

The proposed "Guidelines for the Administration of Branchwide Projects and Initiatives" include the "Request for Approval of Project Proposal" form. These guidelines require the full documented collaboration of all stakeholders impacted by a project or initiative. The Executive Office has the sole discretion for determining when to utilize the form for branchwide projects and initiatives.

These guidelines were presented to the Judicial Council at the December 13, 2013, council meeting.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[x] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

The directive implementation will remain ongoing as this tool will be used as necessary whenever there are projects or initiatives that meet the requirements for use of this cost benefit analysis form.

ASSESSMENT OF IMPLEMENTATION

After the guidelines were developed, Court Operations Services contacted Finance because there was a similar process and form for seeking grant opportunities.

It was decided that the forms and guidelines should be merged to be applicable to both cost benefit analysis for major programs and initiatives as well as grant opportunities. The forms were merged for this purpose. Finance reports that Information Technology also has a cost benefit analysis form that they utilize and that future activities will includes working with IT to determine if this form should be merged with the existing guidelines and form.

Finance indicated that this process was designed for use of all branch funds and to-date, there have been no major initiatives and so the process has not been utilized. For other minor funding needs, the council staff has utilized the budget change proposal process. Additionally, it was clarified that although the formal cost benefit analysis is not currently utilized for Court of Appeal funding decisions, it was designed for use for all judicial branch entities.

A discussion was held by E&P where they asked questions about the threshold for when this tool should be utilized. It was explained by SEC members that this grew out of concerns about CCMS and that this would be utilized in those cases where a budget change proposal is not an option and there is the potential for the use of all branch funds.

OTHER INFORMATION

Attachments:

- Memo: Consider Guidelines and Process Recommendation, from Curt Soderlund to Hon. Steven Jahr, November 25, 2013
- *Guidelines for the Administration of Branchwide Projects and Initiatives* (includes Request for Approval of Project Proposal)
- Report to Judicial Council for meeting of December 12-13, 2013: AOC Restructuring: Implementation of New Guidelines for Conducting Cost-Benefit Analysis for AOC Projects, December 13, 2013

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
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MEMORANDUM

Date
November 23, 2011

To
Hon. Steven Jahr
Administrative Director of the Courts

From
Curt Soderlund
Chief Administrative Officer

Zlatko Theodorovic
Director, Fiscal Services Office

Subject
Judicial Council Directives 7-13, 21, 40, 91 and 149

Action Requested
Consider Guidelines and Process Recommendations

Deadline
At your convenience

Contact
Curt Soderlund
916-263-1513 phone
curt.soderlund@jud.ca.gov

This memorandum requests your review and approval of staff recommendations to establish guidelines and a process to address the various common aspects of Judicial Council Directives 7-13, 21, 40, 91 and 149 specific to future critical initiatives. This recommendation seeks to encompass a process that ensures a full and comprehensive cost-benefit analysis that includes:

- The input and collaboration of all stakeholders;
- Consultation with the Judicial Council and the Executive and Planning Committee, as necessary;
- A complete analysis of scope;
- The development of accurate cost estimates and the identification of funding in consultation with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Background

The Judicial Council approved various directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. The directives approved were derived from the SEC's observations that alleged a lack of uniform internal processes, insufficient collaboration, and inadequate analyses.

Projects brought before the Judicial Council for consideration should be evaluated on the basis of scope, resources, and political sensitivity. The outcomes of these comparisons will assist the Judicial Council in their oversight role of request review in that they may provide:

- Clear and complete definition of priorities,
- A balance between the requests and branch roles and responsibilities,
- Complete consultation, and
- Timely feedback and direction.

The AOC recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects and will continually seek refinement of existing processes.

Recommendation

We request the approval of the following policy regarding cost benefit analyses:

> Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

We further recommend that you approve use of the proposed Guidelines for the Administration of Branchwide Projects and Initiatives as the official AOC process.

Lastly, should you approve the above guidelines, we recommend that you direct staff of the Fiscal Services Office to publicize the new process.

APPROVAL

(Please check one)

☑ I approve the recommendations above.

☐ I approve_____

Hon. Steven Jahr, Administrative Director of the Courts

11/27/13
Date

Acknowledgments

GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be preceded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated contracts, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
   - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
   - Office Director holds preliminary discussions with Division Chief
   - Division Chief and Office Director present the issue to the Executive Office as an informal concept
   - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate for further evaluation
   - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form:
   - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources.
   - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
- Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged. http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx

- Components of the RAPP Form
  a. Requesting Office or Division
  b. Date Prepared
  c. Contact Information
  d. Project Title
  e. Summary
  f. Summarized Estimated Costs
  g. Proposal Review Routing
  h. Associated JC Strategic Goal, if applicable
  i. Project Scope
  j. Stakeholders
  k. Impact Analysis
  l. Documentation of Decision-Making Process
  m. Cost Considerations
  n. Authorization to Proceed (Office Director or Designee)

1. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.

4. Briefing of Executive Office by Division Chief/Office Director
   - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
   - Consider discussion with Chief Justice
   - Consider discussions with external stakeholders such as the courts or State Bar

5. Executive Office Action
   - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
   - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Hustedt at (415) 865-7333 or bob.hustedt@jud.ca.gov.

REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/2013

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary (Please provide 2 to 4 sentences briefly describing your request.)	
Summarized Estimated Costs (Please differentiate between one-time and ongoing costs, if applicable.)	
Proposal Review Routing (Please select as applicable.)	_____Human Resources Office _____Legal Services Office _____Fiscal Services Office _____Information Technology Services Office _____Office of Governmental Affairs _____Other: _____ _____Other: _____ _____Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and structure of your project, including milestones.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the ASP or stakeholders directly or indirectly if this project is approved. Consider staff time, additional training, and other requirements involved in successfully administering and maintaining this project. Include tables where applicable.

Documentation of Decision Making Process

Please provide a summary of work you did and/or documents you examined in determining the need for this undertaking. Provide copy/excerpt where applicable.

Cost Considerations

A cost estimate must be developed in collaboration with the Fiscal Services Office.

Budget Implementation Required?					
	No				
	Yes	If YES, indicate fiscal year(s) and associated amounts:			
		FY	FY	FY	FY
		$	$	$	$

PROJECT COSTS

1.	Fiscal Year				TOTAL
2.	One-Time Costs				$
3.	Continuing Costs				$
4.	TOTAL PROJECT BUDGET	$	$	$	$

PROJECT FINANCIAL BENEFITS

5.	Cost Savings/Avoidances	$	$	$	$
6.	Revenue Increase	$	$	$	$

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.

Name: (Office Director or Designee) **Date:**

Notes/Comments

Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 12-13, 2013

Title
AOC Restructuring: Implementation of New Guidelines for Conducting Cost-Benefit Analysis for AOC Projects

Rules, Forms, Standards, or Statutes Affected
None

Submitted by
Administrative Office of the Courts
Curt Soderlund
Chief Administrative Officer

Zlatko Theodorovic
Director, Fiscal Services Office

Agenda Item Type
Information Only

Effective Date
Not Applicable

Date of Report
December 13, 2013

Contact
Fiscal Services Office
Zlatko Theodorovic, 916-263-1397
zlatko.theodorovic@jud.ca.gov

Executive Summary

The AOC's Chief Administrative Officer and director of the Fiscal Services Offices present this informational report on efforts relating to the various common aspects of Judicial Council Directives 7-13, 21, 40, 91, and 145 (directives), which were combined as part of a broader review and policy discussion pertaining to the application of a cost-benefit/business case analysis for AOC projects.

Background

The Judicial Council approved the directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. In their report, the SEC observed the following:

> "The AOC has failed to plan, manage, and monitor programs in a manner that seeks critical collaboration and input from the courts. The AOC has undertaken significant and

> far-reaching programs over the past decade, including CCMS, branch-wide financial systems, court construction and facilities management, and others. The organization has failed to adequately consider fiscal, operational, and other impacts of its programs and projects on the courts. Projects have been undertaken without first conducting an appropriate business case analysis to determine whether they are prudent."

As noted, the SEC opined that there appeared to be a lack of uniform internal processes, insufficient collaboration, and inadequate analysis associated with large scale endeavors. More specifically, nearly all of the aforementioned directives relate to observations made by the SEC relative to the California Court Case Management System initiative:

> "The AOC's process of planning and monitoring programs and projects has been lacking. These deficiencies are best exemplified by the CCMS project with its lack of budgetary planning, failure of budgetary controls, failure to identify a sustaining revenue source, lack of an initial business case analysis and feasibility study, lack of sufficient court commitment, and failure to openly disclose pertinent information about the project."

To address these deficiencies, the SEC detailed a recommended approach:

> "… The AOC Executive Leadership Team must begin to implement a formalized system of program and project planning and monitoring that includes, at a minimum: a collaborative planning process that utilizes a business case analysis and that includes an analysis of impacts on courts at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated."

In developing a response to the directives, AOC staff consulted with other state entities—such as the Department of Finance and CalHR—on their respective processes in an effort to establish a similar approach at the AOC that incorporates an appropriate level of review and cost-benefit analysis for programs and projects initiated by the agency. As one example, staff utilized the state Department of Finance's Budget Analyst Guide as an initial framework. Specific guide sections, such as Types of Analysis (Attachment A) and Analysis of Issues (Attachment B), were also identified as potential training tools for AOC staff to demonstrate the basic elements of how appropriate fiscal and programmatic analyses are completed. Since the material is general in nature, each office and division would, in theory, be able to use these resources to meet the individual needs of the program, whether it be completing a grant request for federal funds or a budget change proposal, to name a few.

Following the review of external and existing internal processes, AOC staff developed guidelines that seek to ensure that all elements within each of these 10 directives are adequately addressed. These guidelines include a process for the approval of branchwide projects and other significant initiatives, as well as an approach to conduct any necessary cost-benefit analysis. These elements include:

- The input and collaboration of all stakeholders;
- A complete analysis of scope;

- The development of accurate cost estimates and the identification of funding in constant collaboration with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

The "Guidelines for the Administration of Branchwide Projects and Initiatives" (Attachment C) have been reviewed and approved by the Administrative Director of the Courts and will be implemented agency-wide, effective the first quarter of 2014. Leading up to the implementation date, the Fiscal Services Office will work with staff from the AOC Center for Judiciary Education and Research to develop an appropriate training curriculum for management team members, budget liaisons, and other applicable staff.

These guidelines address the SEC's recommendation that a cost-benefit analysis should be infused into the AOC's decision-making process and to serve as a guide when considering any new project or program, large scale or otherwise.

Enclosures

Attachment A: Department of Finance Budget Analyst Guide, *Types of Analysis*
Attachment B: Department of Finance Budget Analyst Guide, *Analysis of Issues*
Attachment C: *Guidelines for the Administration of Branchwide Projects and Initiatives*

Attachment A

TYPES OF ANALYSIS

BCPs or other issues involving a proposed augmentation

1. Have the department or group proposing the augmentation clarify what the problem is. All too frequently problem statements are either missing, too brief or too general to be sufficiently clear and quantifiable, discuss symptoms rather than real problems, or are stated in terms of the solution (e.g., "the problem is we don't have the 14 additional staff we need"). The analyst's role is to find out if there is a **public** need which is not being addressed, i.e., what is the problem outside of building? Things like crime, pollution, and poverty are possibilities; the lack of staff, microcomputers, and travel funds are not. Moreover, the problem should be quantified as much as possible so that a quantifiable solution can be arrived at. This should address:

    a. the extent of the problem
    b. how this varies from a "normal" or acceptable situation
    c. how many individuals are experiencing the problem
    d. where this problem is located geographically
    e. need statements should answer the question "why?"

2. **Consider Alternatives for Solving the Problem.** Most BCPs provide two: (1) do nothing and (2) accept our proposal. Do not be deterred by the apparent lack of creativity on the part of some. There is more than one way to solve a problem, especially in an era of constantly changing technology. You might consider:

    a. automation
    b. program restructuring
    c. restructuring systems and procedures
    d. consolidation of functions

3. **The Key Element in a BCP (or other Proposal) is Data** to justify the resource level being proposed. Most proposals request specific amounts of staff and funds. These requests should be supported by equally specific calculations. To the extent that specificity is lacking, the analyst may be required to fill in the gaps in order to develop a recommendation. Usually, this kind of analysis starts with a zero-augmentation assumption and builds in components as they are specifically justified on an individual basis.

For example, a particular solution may involve several different types of staff in field offices, headquarters management, and in the Administration Division, each developed on a different basis. In summary, in this type of situation we start with zero and add in resources as they are justified by specific calculations. As a general rule, if you cannot understand were the number comes from, do not add it in.

4. If they lowballed the bill analysis, they should live with it in the BCP.

Workload Issues

In past years, departments were usually funded for agreed to workload increases. More often than not, in recent years with severe budget restraints and no or insufficient funds available to meet mandatory requirements, workload often is not funded. Departments are required to redirect resources or find other alternatives. Despite that, workload analysis is an important Finance activity.

1. The key variables in workload issues are:

   a. the volume of work to be accomplished, generally referred to as workload
   b. the current staffing level
   c. the workload completed with current staff

2. The ratio of workload being currently completed to current staff will usually provide a good estimate of the productivity rate. The ratio of the workload to be accomplished to the productivity rate is the number of staff required to complete that workload. Example—CAL/OSHA elevator inspectors will inspect about 27,500 elevators this year for safety requirements. Next year the number will increase to 28,500. Currently there are 40 inspectors. How many are needed for next year?

Answer	27,500	=	687.5	(Number of elevators
	40			(1 inspector can inspect)

28,500	=	41.5	(Number of inspectors)
687.5			(needed)

Therefore, 1.5 additional inspectors would be justified on a workload basis. Further, there is one clerical staff for every 4 inspectors in the program, so the addition of 1.5 inspectors would justify 1.5 X .25 or 0.4 of a clerical position, for a total of 1.9 PYs.

3. Sometimes it is necessary to pursue additional justification for the volume of workload projected, depending on historical patterns. Also there may be ways to increase current productivity rates without adding staff by changing procedures or by automating certain functions. The workload calculations should be performed only after the analyst is satisfied with the data that goes into those calculations.

4. **Never** accept a duty statement as workload justification. Anyone can fill up 40 hours per week with activities. This has no relationship to the external workload, how it is changing, and what staffing implications it has.

5. Workload may fluctuate throughout the year. Our policy is usually not to staff a unit for peak workload demands (with the possible exception of temporary help funds where warranted, such as the Franchise Tax Board), but rather to support staffing to process the average workload level.

6. Workload standards are useful if they have been validated and we have agreed to them. Departments should be encouraged to develop them. Even if this hasn't been done prior to writing the BCP, it may be possible to use time sheet and other activity data to put together some useful standards. But be careful, before proceeding, apply the workload standards to last year's work. Does the analysis show it would require 20 PYs to do the work that you know they did with 10 PYs?

7. Be careful of backlog statistics. There is a difference between and backlog and a working inventory. A backlog measurement should exclude:

    a. workload which is currently being processed

Attachment A

b. workload which can be processed in a reasonable or statutorily required length of time
c. workload which has been set aside because it is incomplete, waiting for additional information, or otherwise cannot be processed.

National Association of State Budget Officers (NASBO)

For other types of analyses, see the NASBO training Series Program, Module 6: Analytical Methods for Budget Analysts.

(March 3, 2011) (Analytic/BOS/PBM/APBM)

Attachment B

ANALYSIS: Principles and Practices for DOF Analysts

A. What is Analysis?

Analysis is the process by which issues are separated into their component parts and each part and the interaction among the parts are systematically investigated. Later the components of an issue are put back together in a logical way to support a conclusion and recommendation.

You can also think of analysis as the process by which we attempt to answer such questions as follows, regarding a proposal, activity, program or process.

- Who or what is affected?
- What is/are the effects?
- How and when does/will it operate?
- How much does/will it cost?
- Who is raising the issue or making the proposal, and why?
- How might the problem/issue be resolved?

And the final question upon completing an analysis should always be: "Does this make sense?"

B. Typical Types of Finance Analyses

Finance uses the analytic process to develop recommendations on budget proposals, legislation, and other initiatives and issues that may financially impact the State. Preparing solid recommendations is the foundation for our advisory role to the Governor's Office and our role in representing the Administration.

1. **Fiscal** - Finance's primary role is to provide analyses of fiscal issues or problems. To that end, we review budget change proposals, legislation, initiatives, regulations, and reports to analyze fiscal impacts. Fiscal analyses answer such questions as: How much will (or should) this proposal or program cost (or save) the State? How much revenue will it generate?

2. **Policy** – While not our main role, Finance staff may also perform policy analysis such as when reviewing legislative proposals. Policy analysis is intended to help decision-makers make choices about governmental programs and governmental regulation of individuals and organizations. Policy analysis focuses on such questions as: What is the likely impact of this policy on the public in general, and on specific groups or organizations? Policy analysis can be done from the perspective of known priorities and policies, or without such political preconditions.

3. **Policy combined with fiscal**—Most often Finance's analyses include a combination of fiscal and policy issues. For example, Finance analysts review a Budget Change Proposal to assess the reasonableness of the estimated fiscal impacts but also assess the proposed policy objective in relation to the Administration's priorities. The resulting recommendation thus may indicate that the proposed funding augmentation (or reduction) should be modified

depending on whether the policy objective is deemed to be of high or low priority by the Administration. The recommendation may also suggest an option that provides a lower (or higher) level of attainment of the policy objective, including arguments supporting that level.

Sometimes the deadline for an analysis is so short that the analysis must be "**quick and dirty**" and largely based on assumptions since time is not available to gather more information. In these cases it is helpful if the assumptions can be based on historical information or on data from a similar program or activities. In other cases (such as when asked to prepare "Issue Memos"), Finance may have time to prepare a more expansive analysis.

For more details on some of the specific types of items analyzed at Finance, see Bill Analysis, and BCPs, Writing Effective.

C. Steps in Analysis

Academicians identify various analytical approaches, which can generally be summarized into six basic steps. (See Analysis, Policy, and Problem Solving for a detailed summary of various analytical approaches.)

1. Define the Problem

- Clearly identify the stated issue/problem. Is there really a problem? Sift through extraneous material to identify the real, underlying problem or need (which may not be the same as the stated issue or problem).
- How big is the problem? Quantify, if possible.
- How did the problem arise? When? What perpetuates it? Outline the history of the issue/problem.
- Who and/or what does the problem impact? When? What are the current laws, regulations and/or programs addressing the problem?

2. Gather Information

- Consider: What do you need to know to define and analyze the issue/problem, and to recommend a solution? How much time do you have?
- Ask questions (repeatedly if necessary) to get the information needed. Also be conscious of and respect others' time and workload constraints, however.
- Be skeptical. Challenge the sources; don't assume the information is correct. Try to verify it or test it against other information to determine its accuracy or reasonableness.
- Think through varied viewpoints on the issue (not just the Administration's current perspective). Talk to both proponents and opponents to gain additional political and programmatic insights.
- Ask follow up questions.
- If you cannot get the information you want in the time (or from the sources) available, can you make assumptions to work around it or develop rough estimates? Document the basis for your assumptions.
- Look at other previous analyses/studies of the issue.
- Note that if the time is late (after 5 p.m.) or short ("quick and dirty" analyses) you still may be able to contact the Legislative Analysts' staff, legislative committee staff, (or for bills, the author's or sponsor's office, too) for some information, even if the department staff are not available.

3. Consider Alternatives

- What are all the feasible options? Consider for example, taking no action; altering an

existing law, regulation, process, or program; creating a new law or program, etc.

- What can government do (e.g., mandate, regulate, subsidize, create incentives, tax, provide information, privatize), and what might be effective in this situation?
- What other programs (public or private) or laws (state or federal) address this problem?
- What have other states done to address this problem?
- What has Finance recommended on this type of issue in the past?
- Should the State be involved at all?

4. Determine Criteria for Evaluating Alternatives

Examples of criteria:

- Efficiency - Cost-benefit, cost effectiveness, productivity
- Equity - Is it fair? Who gains, who loses? By how much?
- Effectiveness - Will it solve the problem? How much will it solve?
- Feasibility - Legal, administrative, political (e.g., the current political environment)
- Uncertainty and risk - What could go wrong? How costly? How likely?
- Priority for funding given current state fiscal constraints and Administration policies
- Consistency with Administration goals and policies and expectations

5. Evaluate Alternatives

- Measure each alternative against the criteria.
- Weigh the trade-offs (e.g., better service vs. higher cost; lower cost vs. higher risk)

6. Make Recommendation

- Pull the information together to form conclusions, and then make recommendations.
- Be creative. Policy analysis affords opportunities to develop creative compromises and unique solutions to address problems. Although Finance is not a "think tank," we can occasionally be the source of new policy ideas.
- Anticipate the Administration. Try to recommend at least one option likely to be preferred by the Administration (based on what you know of the current policies and priorities).
- Recommend more than one feasible alternative for the decision-makers to consider (e.g., in times of limited funds recommend the preferred activity and funding level, and some feasible lower level).
- Review your analysis and ask if it all “makes sense.” Can a reader follow the logic from the problem identification through the alternatives to the recommendation?
- Check to see how critical any information (both included and omitted) is to the recommendation.
- Critique and supplement (or pare down) the information as needed.

D. Communicating Your Analysis

To be effective, an analysis must be clearly communicated to the decision-makers and other interested parties.

1. Types of Presentations

- Oral presentations in meetings
- Budget change proposal (BCP) write-ups
- Bill analyses
- Legislative testimony

- Press packets or contacts
- Governor's Budget Summary ("A-pages") and other public reports
- Issue Memos
- One-on-one discussion/negotiation with LAO and departmental staff

2. Presentation Style

- Narrow focus. Finance does not typically produce lengthy study reports that thoroughly analyze all aspects of major policy issues. Finance's analyses tend to focus in on the fiscal impacts to state government and, in particular, to the General Fund.
- Related to specific decisions. Our analyses tend to focus on information needed to make a specific decision, and normally will recommend a specific action on an issue.
- Brief and clear. Finance does not get much time to speak its piece; often one or two lead sentences have to carry the presentation.
- Unbiased/nonpartisan, but politically informed. Although we work for the Governor and do analysis in the context of known Administration policy and perspective, Finance staff should be prepared to argue all sides of an issue (e.g., in Administration decision-making meetings). Recommendations on issues should reflect a balance between what might be acceptable to the Administration, and other considerations, including other viewpoints relevant to a decision. (Finance staff should not expect to promote personal political views, however.)
- Original and active. Use active (not passive) voice as much as possible, and state your thoughts without plagiarizing others' analyses (e.g., departments' analyses or documents).
- Professional. Both oral and written presentations should be made keeping in mind our professional staff role.

3. Traditional Biases of Finance

- Low cost/high benefit
- Proven effectiveness
- High priority
- Fundable by redirection of existing resources
- Consistent with Administration goals

4. Other Considerations

- Preparation. Finance staff are some of the main spokespersons for the Administration, and as such are expected to be able to explain and defend the Administration's position (e.g., on budget proposals) before the Legislature and in answering press calls. Be sure your analysis is adequate to support and defend the recommendations.
- Audience. Be aware of who reads and/or needs the information, and focus the presentation to address their level(s) of knowledge. Give adequate information to understand the issue and recommendation.
- Timing. Be sensitive to whether a decision maker can be receptive to a proposed policy and whether the issue's time has come. Often we are not the best organization to raise an issue; it may be better raised by agency/department staff or others with policy-making

authority.

- Respect for hierarchies. Finance staff should understand and respect the hierarchy of Finance and of other departments and agencies we work with. It is important to differentiate the positions that may be taken by various levels in a department and the degree to which top management has (or has not) approved a particular position.
- Flexibility. The Administration may decide on a different option that you recommend. Be ready and willing to revise your analysis to further detail the selected option, and/or reframe the issue, if necessary.
- Disassociation. Although it can be hard to do, Finance staff should not let themselves get too personally committed to policy recommendations they make or view nonacceptance as a "personal defeat."

E. Developing Policy Analysis Skills/Knowledge

The foundation for any analysis is a thorough working knowledge of your program/subject areas; the issues; and State processes, priorities, and fiscal constraints. The following are some tips on the sources and types of information you should gather (an ongoing process), and how to manage your time to complete analyses.

1. Sources of Information.

Following are some suggested sources and methods for developing your policy understanding and analytical skills. You will be engaged in many of these activities in the course of your work, but take advantage of slow moments for further research and discussion of policy issues in your area.

- Read texts, articles, books, and analyses done by others (e.g., scholars, advocates, the Legislative Analyst, Bureau of State Audits)
- Learn the history (e.g., talk to or review written work of your predecessors on the assignment)
- Listen to others who already know the programs and issues well (e.g., talk with department staff when reviewing various documents)
- Discuss issues with advocates and constituents
- Take field trips to visit program staff and projects in the field
- Learn by doing (jump into your assignment!)

2. Areas of Knowledge

a. ***Program Knowledge.*** The foundation for any analysis is a thorough working knowledge of the program being addressed. No analytical technique can replace basic information about how the program works. Such knowledge typically includes: the program's purpose, who and how many it serves, what it provides, how services are delivered, the current costs, criteria for expending the funds, how the program evolved (e.g., what were key decision points in program's history), and the trends in terms of revenues, expenditures, staffing, and workload data.

b. ***Knowledge of the State's current fiscal situation and constitutional***

constraints. Less than ten percent of the budget is discretionary. Some of the key factors limiting State expenditures are: the State Appropriations Limit (SAL), Proposition 98, other Constitutional requirements, entitlement programs, statutory COLAs, and legal obligations. Other constraints not set in the Constitution or statute but which are as, or nearly as, restraining, include: General Fund revenues, General Fund reserves, federal budget actions directly affecting the State's budget, tax expenditures, public safety expenditures, revenue-producing activities, and budget agreements.

In analyzing budget issues, it is important to keep these factors in mind and know where we are relative to the major constraints. This will tell you whether we have some flexibility and can entertain discretionary proposals, or whether we're going to have to recommend reductions.

c. ***Knowledge of other Administration and Department of Finance Priorities.*** Current State policies and priorities (such as those outlined in the *Governor's Budget Summary* or *Budget Highlights*, or the *State of the State Address*) need to be taken into account when analyzing an issue. Examples of recent State priorities include: (1) reducing personnel years (PYs); (2) reducing General Fund expenditures; (3) attempting to help the federal government reduce the federal deficit; (4) reforming welfare; and (5) making the State more competitive.
Awareness of these policies helps analysts to frame questions and recommendations.

d. ***Knowledge of the Issue.*** Besides general program knowledge, specific information about the issue being addressed is important to understanding proposed changes. For example, analysts may prepare by researching the history of issues in their program area, why the issues are (re)emerging, views of proponents and opponents, and what this and other states are doing to address the issues.

3. Managing Your Analytical Time and Effort

- Get started early. Size things up. Decide when you need to start each task in order to meet your deadline. Set a mental schedule (allowing for slippage).

  Tell the department what information you need right away. Put requests in writing (e.g., by email) when possible to confirm conversations and avoid misunderstandings later. Set a deadline for receipt of this information which is early enough so that you can ask for clarification, or request other information if this raises additional questions.

- Follow up. Think about the information as it's being presented to you. Is it filling in the gaps? What gaps remain? Take the initiative to ask follow-up questions and probe when talking to department staff. It is relatively rare that your first set of questions will elicit all of the information necessary for an analysis. Keep thinking of what you need to resolve the issue.

- Stay on Course. Don't lose sight of your objective and deadline, or get sidetracked. Make sure you understand what's central to the issue, and that you're getting the information you need from department staff (i.e., what's relevant, not what's easy for them to give you).
  Periodically, review where you are relative to your objectives and schedule. Make mid-course corrections as necessary. Raise problems to a higher level in DOF or the line department, as appropriate.
- Stop when you have what you need or you have all you can get in the time available. In the latter case, qualify your analysis by indicating the conclusions are

Attachment B

based on the limited information available and noting any assumptions made.

- Get feedback. Brainstorm ideas with your supervisor and peers. Discuss your findings and conclusions with your managers and with the department. Run drafts of your analysis and recommendations by your managers in advance of the deadline to get their input early.

- Critique your own work. Check and double check your calculations. Review your analysis to see if there are further logical gaps that need to be filled in. See if your factual information is correct, and if your argument holds up to criticism. Revise your analysis if necessary.

- Keep records. Keep your notes, supporting data obtained, and calculations made in a file for reference. (You'd be surprised how quickly people forget how they arrived at certain numbers!)
- Be sensitive to other workload demands on staff with whom you are working. You will likely need their assistance and cooperation in the future. Nevertheless, if they won't give you the information for any of the following reasons:

  - Because they've been appointed by the Governor
  - They told the last analyst they had
  - The last analyst they had didn't ask for this type of information
  - It's not Finance's role
  - They wouldn't ask for funding if they didn't need it
  - They're stalling
  - The Governor wants this done
  - You don't have the professional qualifications
  - The Director already agreed to this

you'll have to recommend disapproval of their request for lack of justification. Tell your supervisor of the situation and discuss how to resolve it.

Rev.9/02 TRO

GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be preceded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
    - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
    - Office Director holds preliminary discussions with Division Chief
    - Division Chief and Office Director present the issue to the Executive Office as an informal concept
    - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate Office/Division for further evaluation.
    - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form
    - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources on implementing the project.
    - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
- Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx

- Components of the RAPP Form
    a. Requesting Office or Division
    b. Date Prepared
    c. Contact Information
    d. Project Title
    e. Summary
    f. Summarized Estimated Costs
    g. Proposal Review Routing
    h. Associated JC Strategic Goal, if applicable
    i. Project Scope
    j. Stakeholders
    k. Impact Analysis
    l. Documentation of Decision-Making Process
    m. Cost Considerations
    n. Authorization to Proceed (Office Director or Designee)

3. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.

4. Briefing of Executive Office by Division Chief/Office Director
    - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
    - Consider discussion with Chief Justice
    - Consider discussions with external stakeholders such as the courts or State Bar

5. Executive Office Action
    - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
    - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Fleshman at (415) 865-7531 or bob.fleshman@jud.ca.gov.

REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/10/13

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary *(Please provide 3 to 4 sentences briefly describing your request.)*	
Summarized Estimated Costs *(Please differentiate between one-time and ongoing costs, if applicable.)*	
Proposal Review Routing *(Please select as applicable.)*	_____Human Resources Office _____Legal Services Office _____Fiscal Services Office _____Information Technology Services Office _____Office of Governmental Affairs _____Other _____ _____Other _____ _____Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including timeline.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the AOC or stakeholders directly or indirectly if this project is approved. Consider staff time, additional funding, and other requirements involved in successfully administering and implementing this project. Include offsets where applicable.

Documentation of Decision-Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide attachments where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Augmentation Required?								
	No							
	Yes		**If YES, indicate fiscal year(s) and associated amount:**					
			FY		**FY**		**FY**		**FY**	
			$		**$**		**$**		**$**	

PROJECT COSTS

1.	**Fiscal Year**				**TOTAL**
2.	**One-Time Cost**				**$**
3.	**Continuing Costs**				**$**
4.	**TOTAL PROJECT BUDGET**	**$**	**$**	**$**	**$**

PROJECT FINANCIAL BENEFITS

5.	**Cost Savings/Avoidances**	**$**	**$**	**$**	**$**
6.	**Revenue Increase**	**$**	**$**	**$**	**$**

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.

_____ _____

Name (Office Director or Designee) **Date**

Notes/Comments

Information on Judicial Council Directives

Council Directive **10**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to apply proper cost and contract controls and monitoring, including independent assessment and verification, for significant projects and programs.

SEC Recommendation **7-60**

The AOC must apply proper cost and contract controls and monitoring, including independent assessment and verification, for significant projects and programs.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

	PENDING
x	**COMPLETED: In August 2013, Council staff developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.**

Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost benefit analysis proposal for the Judicial Council.

Council staff developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders. This was developed in August 2013.

The proposed "Guidelines for the Administration of Branchwide Projects and Initiatives" include the "Request for Approval of Project Proposal" form. These guidelines require the full documented collaboration of all stakeholders impacted by a project or initiative. The Executive Office has the sole discretion for determining when to utilize the form for branchwide projects and initiatives.

These guidelines were presented to the Judicial Council at the December 13, 2013, council meeting.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED		UNABLE TO IMPLEMENT
x	IMPLEMENTED AND ONGOING		PENDING IMPLEMENTATION
	IMPLEMENTED BUT IN PROGRESS		

The directive implementation will remain ongoing as this tool will be used as necessary whenever there are

projects or initiatives that meet the requirements for use of this cost benefit analysis form.

ASSESSMENT OF IMPLEMENTATION

After the guidelines were developed, Court Operations Services contacted Finance because there was a similar process and form for seeking grant opportunities.

It was decided that the forms and guidelines should be merged to be applicable to both cost benefit analysis for major programs and initiatives as well as grant opportunities. The forms were merged for this purpose.

Finance reports that Information Technology also has a cost benefit analysis form that they utilize and that future activities will includes working with IT to determine if this form should be merged with the existing guidelines and form.

Finance indicated that this process was designed for use of all branch funds and to-date, there have been no major initiatives and so the process has not been utilized. For other minor funding needs, the council staff has utilized the budget change proposal process. Additionally, it was clarified that although the formal cost benefit analysis is not currently utilized for Court of Appeal funding decisions, it was designed for use for all judicial branch entities.

A discussion was held by E&P where they asked questions about the threshold for when this tool should be utilized. It was explained by SEC members that this grew out of concerns about CCMS and that this would be utilized in those cases where a budget change proposal is not an option and there is the potential for the use of all branch funds.

OTHER INFORMATION

Attachments:

- Memo: Consider Guidelines and Process Recommendation, from Curt Soderlund to Hon. Steven Jahr, November 25, 2013
- *Guidelines for the Administration of Branchwide Projects and Initiatives* (includes Request for Approval of Project Proposal)
- Report to Judicial Council for meeting of December 12-13, 2013: AOC Restructuring: Implementation of New Guidelines for Conducting Cost-Benefit Analysis for AOC Projects, December 13, 2013

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
[illegible]
[illegible]
[illegible]

MEMORANDUM

Date
November 23, 2011

To
Hon. Steven Jahr
Administrative Director of the Courts

From
Curt Soderlund
Chief Administrative Officer

Zlatko Theodorovic
Director, Fiscal Services Office

Subject
Judicial Council Directives 7-13, 21, 40, 91 and 149

Action Requested
Consider Guidelines and Process Recommendations

Deadline
At your convenience

Contact
Curt Soderlund
916-263-1513 phone
curt.soderlund@jud.ca.gov

This memorandum requests your review and approval of staff recommendations to establish guidelines and a process to address the various common aspects of Judicial Council Directives 7-13, 21, 40, 91 and 149 specific to future critical initiatives. This recommendation seeks to encompass a process that ensures a full and comprehensive cost-benefit analysis that includes:

- The input and collaboration of all stakeholders;
- Consultation with the Judicial Council and the Executive and Planning Committee, as necessary;
- A complete analysis of scope;
- The development of accurate cost estimates and the identification of funding in consultation with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Background

The Judicial Council approved various directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. The directives approved were derived from the SEC's observations that alleged a lack of uniform internal processes, insufficient collaboration, and inadequate analyses.

Projects brought before the Judicial Council for consideration should be evaluated on the basis of scope, resources, and political sensitivity. The outcomes of these comparisons will assist the Judicial Council in their oversight role of request review in that they may provide:

- Clear and complete definition of priorities,
- A balance between the requests and branch roles and responsibilities,
- Complete consultation, and
- Timely feedback and direction.

The AOC recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects and will continually seek refinement of existing processes.

Recommendation

We request the approval of the following policy regarding cost benefit analyses:

> Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

We further recommend that you approve use of the proposed Guidelines for the Administration of Branchwide Projects and Initiatives as the official AOC process.

Lastly, should you approve the above guidelines, we recommend that you direct staff of the Fiscal Services Office to publicize the new process.

APPROVAL

(Please check one)

☑ I approve the recommendations above.

☐ I approve_____

Hon. Steven Jahr, Administrative Director of the Courts

11/27/13
Date

Acknowledgments

GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be preceded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated contracts, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
   - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
   - Office Director holds preliminary discussions with Division Chief
   - Division Chief and Office Director present the issue to the Executive Office as an informal concept
   - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate for further evaluation
   - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form:
   - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources.
   - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
- Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged. http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx

- Components of the RAPP Form
  a. Requesting Office or Division
  b. Date Prepared
  c. Contact Information
  d. Project Title
  e. Summary
  f. Summarized Estimated Costs
  g. Proposal Review Routing
  h. Associated JC Strategic Goal, if applicable
  i. Project Scope
  j. Stakeholders
  k. Impact Analysis
  l. Documentation of Decision-Making Process
  m. Cost Considerations
  n. Authorization to Proceed (Office Director or Designee)

1. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.

4. Briefing of Executive Office by Division Chief/Office Director
   - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
   - Consider discussion with Chief Justice
   - Consider discussions with external stakeholders such as the courts or State Bar

5. Executive Office Action
   - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
   - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Hustedt at (415) 865-7333 or bob.hustedt@jud.ca.gov.

REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/2013

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary (Please provide 2 to 4 sentences briefly describing your request.)	
Summarized Estimated Costs (Please differentiate between one-time and ongoing costs, if applicable.)	
Proposal Review Routing (Please select as applicable.)	_____Human Resources Office _____Legal Services Office _____Fiscal Services Office _____Information Technology Services Office _____Office of Governmental Affairs _____Other: _____ _____Other: _____ _____Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and structure of your project, including milestones.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the ASP or stakeholders directly or indirectly if this project is approved. Consider staff time, additional training, and other requirements involved in successfully administering and maintaining this project. Include tables where applicable.

Documentation of Decision Making Process

Please provide a summary of work you did and/or documents you examined in determining the need for this undertaking. Provide copy/excerpt where applicable.

Cost Considerations

A cost estimate must be developed in collaboration with the Fiscal Services Office.

Budget Implementation Required?					
	No				
	Yes	If YES, indicate fiscal year(s) and associated amounts:			
		FY	FY	FY	FY
		$	$	$	$

PROJECT COSTS

1.	Fiscal Year				TOTAL
2.	One-Time Costs				$
3.	Continuing Costs				$
4.	TOTAL PROJECT BUDGET	$	$	$	$

PROJECT FINANCIAL BENEFITS

5.	Cost Savings/Avoidances	$	$	$	$
6.	Revenue Increase	$	$	$	$

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.

Name: (Office Director or Designee) **Date:**

Notes/Comments

Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 12-13, 2013

Title
AOC Restructuring: Implementation of New Guidelines for Conducting Cost-Benefit Analysis for AOC Projects

Rules, Forms, Standards, or Statutes Affected
None

Submitted by
Administrative Office of the Courts
Curt Soderlund
Chief Administrative Officer

Zlatko Theodorovic
Director, Fiscal Services Office

Agenda Item Type
Information Only

Effective Date
Not Applicable

Date of Report
December 13, 2013

Contact
Fiscal Services Office
Zlatko Theodorovic, 916-263-1397
zlatko.theodorovic@jud.ca.gov

Executive Summary

The AOC's Chief Administrative Officer and director of the Fiscal Services Offices present this informational report on efforts relating to the various common aspects of Judicial Council Directives 7-13, 21, 40, 91, and 145 (directives), which were combined as part of a broader review and policy discussion pertaining to the application of a cost-benefit/business case analysis for AOC projects.

Background

The Judicial Council approved the directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. In their report, the SEC observed the following:

> "The AOC has failed to plan, manage, and monitor programs in a manner that seeks critical collaboration and input from the courts. The AOC has undertaken significant and

> far-reaching programs over the past decade, including CCMS, branch-wide financial systems, court construction and facilities management, and others. The organization has failed to adequately consider fiscal, operational, and other impacts of its programs and projects on the courts. Projects have been undertaken without first conducting an appropriate business case analysis to determine whether they are prudent."

As noted, the SEC opined that there appeared to be a lack of uniform internal processes, insufficient collaboration, and inadequate analysis associated with large scale endeavors. More specifically, nearly all of the aforementioned directives relate to observations made by the SEC relative to the California Court Case Management System initiative:

> "The AOC's process of planning and monitoring programs and projects has been lacking. These deficiencies are best exemplified by the CCMS project with its lack of budgetary planning, failure of budgetary controls, failure to identify a sustaining revenue source, lack of an initial business case analysis and feasibility study, lack of sufficient court commitment, and failure to openly disclose pertinent information about the project."

To address these deficiencies, the SEC detailed a recommended approach:

> "… The AOC Executive Leadership Team must begin to implement a formalized system of program and project planning and monitoring that includes, at a minimum: a collaborative planning process that utilizes a business case analysis and that includes an analysis of impacts on courts at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated."

In developing a response to the directives, AOC staff consulted with other state entities—such as the Department of Finance and CalHR—on their respective processes in an effort to establish a similar approach at the AOC that incorporates an appropriate level of review and cost-benefit analysis for programs and projects initiated by the agency. As one example, staff utilized the state Department of Finance's Budget Analyst Guide as an initial framework. Specific guide sections, such as Types of Analysis (Attachment A) and Analysis of Issues (Attachment B), were also identified as potential training tools for AOC staff to demonstrate the basic elements of how appropriate fiscal and programmatic analyses are completed. Since the material is general in nature, each office and division would, in theory, be able to use these resources to meet the individual needs of the program, whether it be completing a grant request for federal funds or a budget change proposal, to name a few.

Following the review of external and existing internal processes, AOC staff developed guidelines that seek to ensure that all elements within each of these 10 directives are adequately addressed. These guidelines include a process for the approval of branchwide projects and other significant initiatives, as well as an approach to conduct any necessary cost-benefit analysis. These elements include:

- The input and collaboration of all stakeholders;
- A complete analysis of scope;

- The development of accurate cost estimates and the identification of funding in constant collaboration with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

The "Guidelines for the Administration of Branchwide Projects and Initiatives" (Attachment C) have been reviewed and approved by the Administrative Director of the Courts and will be implemented agency-wide, effective the first quarter of 2014. Leading up to the implementation date, the Fiscal Services Office will work with staff from the AOC Center for Judiciary Education and Research to develop an appropriate training curriculum for management team members, budget liaisons, and other applicable staff.

These guidelines address the SEC's recommendation that a cost-benefit analysis should be infused into the AOC's decision-making process and to serve as a guide when considering any new project or program, large scale or otherwise.

Enclosures

Attachment A: Department of Finance Budget Analyst Guide, *Types of Analysis*
Attachment B: Department of Finance Budget Analyst Guide, *Analysis of Issues*
Attachment C: *Guidelines for the Administration of Branchwide Projects and Initiatives*

Attachment A

TYPES OF ANALYSIS

BCPs or other issues involving a proposed augmentation

1. Have the department or group proposing the augmentation clarify what the problem is. All too frequently problem statements are either missing, too brief or too general to be sufficiently clear and quantifiable, discuss symptoms rather than real problems, or are stated in terms of the solution (e.g., "the problem is we don't have the 14 additional staff we need"). The analyst's role is to find out if there is a **public** need which is not being addressed, i.e., what is the problem outside of building? Things like crime, pollution, and poverty are possibilities; the lack of staff, microcomputers, and travel funds are not. Moreover, the problem should be quantified as much as possible so that a quantifiable solution can be arrived at. This should address:

    a. the extent of the problem
    b. how this varies from a "normal" or acceptable situation
    c. how many individuals are experiencing the problem
    d. where this problem is located geographically
    e. need statements should answer the question "why?"

2. **Consider Alternatives for Solving the Problem.** Most BCPs provide two: (1) do nothing and (2) accept our proposal. Do not be deterred by the apparent lack of creativity on the part of some. There is more than one way to solve a problem, especially in an era of constantly changing technology. You might consider:

    a. automation
    b. program restructuring
    c. restructuring systems and procedures
    d. consolidation of functions

3. **The Key Element in a BCP (or other Proposal) is Data** to justify the resource level being proposed. Most proposals request specific amounts of staff and funds. These requests should be supported by equally specific calculations. To the extent that specificity is lacking, the analyst may be required to fill in the gaps in order to develop a recommendation. Usually, this kind of analysis starts with a zero-augmentation assumption and builds in components as they are specifically justified on an individual basis.

For example, a particular solution may involve several different types of staff in field offices, headquarters management, and in the Administration Division, each developed on a different basis. In summary, in this type of situation we start with zero and add in resources as they are justified by specific calculations. As a general rule, if you cannot understand were the number comes from, do not add it in.

4. If they lowballed the bill analysis, they should live with it in the BCP.

Workload Issues

In past years, departments were usually funded for agreed to workload increases. More often than not, in recent years with severe budget restraints and no or insufficient funds available to meet mandatory requirements, workload often is not funded. Departments are required to redirect resources or find other alternatives. Despite that, workload analysis is an important Finance activity.

1. The key variables in workload issues are:

   a. the volume of work to be accomplished, generally referred to as workload
   b. the current staffing level
   c. the workload completed with current staff

2. The ratio of workload being currently completed to current staff will usually provide a good estimate of the productivity rate. The ratio of the workload to be accomplished to the productivity rate is the number of staff required to complete that workload. Example—CAL/OSHA elevator inspectors will inspect about 27,500 elevators this year for safety requirements. Next year the number will increase to 28,500. Currently there are 40 inspectors. How many are needed for next year?

Answer	27,500	=	687.5	(Number of elevators
	40			(1 inspector can inspect)

28,500	=	41.5	(Number of inspectors)
687.5			(needed)

Therefore, 1.5 additional inspectors would be justified on a workload basis. Further, there is one clerical staff for every 4 inspectors in the program, so the addition of 1.5 inspectors would justify 1.5 X .25 or 0.4 of a clerical position, for a total of 1.9 PYs.

3. Sometimes it is necessary to pursue additional justification for the volume of workload projected, depending on historical patterns. Also there may be ways to increase current productivity rates without adding staff by changing procedures or by automating certain functions. The workload calculations should be performed only after the analyst is satisfied with the data that goes into those calculations.

4. **Never** accept a duty statement as workload justification. Anyone can fill up 40 hours per week with activities. This has no relationship to the external workload, how it is changing, and what staffing implications it has.

5. Workload may fluctuate throughout the year. Our policy is usually not to staff a unit for peak workload demands (with the possible exception of temporary help funds where warranted, such as the Franchise Tax Board), but rather to support staffing to process the average workload level.

6. Workload standards are useful if they have been validated and we have agreed to them. Departments should be encouraged to develop them. Even if this hasn't been done prior to writing the BCP, it may be possible to use time sheet and other activity data to put together some useful standards. But be careful, before proceeding, apply the workload standards to last year's work. Does the analysis show it would require 20 PYs to do the work that you know they did with 10 PYs?

7. Be careful of backlog statistics. There is a difference between and backlog and a working inventory. A backlog measurement should exclude:

    a. workload which is currently being processed

Attachment A

b. workload which can be processed in a reasonable or statutorily required length of time
c. workload which has been set aside because it is incomplete, waiting for additional information, or otherwise cannot be processed.

National Association of State Budget Officers (NASBO)

For other types of analyses, see the NASBO training Series Program, Module 6: Analytical Methods for Budget Analysts.

(March 3, 2011) (Analytic/BOS/PBM/APBM)

Attachment B

ANALYSIS: Principles and Practices for DOF Analysts

A. What is Analysis?

Analysis is the process by which issues are separated into their component parts and each part and the interaction among the parts are systematically investigated. Later the components of an issue are put back together in a logical way to support a conclusion and recommendation.

You can also think of analysis as the process by which we attempt to answer such questions as follows, regarding a proposal, activity, program or process.

- Who or what is affected?
- What is/are the effects?
- How and when does/will it operate?
- How much does/will it cost?
- Who is raising the issue or making the proposal, and why?
- How might the problem/issue be resolved?

And the final question upon completing an analysis should always be: "Does this make sense?"

B. Typical Types of Finance Analyses

Finance uses the analytic process to develop recommendations on budget proposals, legislation, and other initiatives and issues that may financially impact the State. Preparing solid recommendations is the foundation for our advisory role to the Governor's Office and our role in representing the Administration.

1. **Fiscal** - Finance's primary role is to provide analyses of fiscal issues or problems. To that end, we review budget change proposals, legislation, initiatives, regulations, and reports to analyze fiscal impacts. Fiscal analyses answer such questions as: How much will (or should) this proposal or program cost (or save) the State? How much revenue will it generate?

2. **Policy** – While not our main role, Finance staff may also perform policy analysis such as when reviewing legislative proposals. Policy analysis is intended to help decision-makers make choices about governmental programs and governmental regulation of individuals and organizations. Policy analysis focuses on such questions as: What is the likely impact of this policy on the public in general, and on specific groups or organizations? Policy analysis can be done from the perspective of known priorities and policies, or without such political preconditions.

3. **Policy combined with fiscal**—Most often Finance's analyses include a combination of fiscal and policy issues. For example, Finance analysts review a Budget Change Proposal to assess the reasonableness of the estimated fiscal impacts but also assess the proposed policy objective in relation to the Administration's priorities. The resulting recommendation thus may indicate that the proposed funding augmentation (or reduction) should be modified

depending on whether the policy objective is deemed to be of high or low priority by the Administration. The recommendation may also suggest an option that provides a lower (or higher) level of attainment of the policy objective, including arguments supporting that level.

Sometimes the deadline for an analysis is so short that the analysis must be "**quick and dirty**" and largely based on assumptions since time is not available to gather more information. In these cases it is helpful if the assumptions can be based on historical information or on data from a similar program or activities. In other cases (such as when asked to prepare "Issue Memos"), Finance may have time to prepare a more expansive analysis.

For more details on some of the specific types of items analyzed at Finance, see Bill Analysis, and BCPs, Writing Effective.

C. Steps in Analysis

Academicians identify various analytical approaches, which can generally be summarized into six basic steps. (See Analysis, Policy, and Problem Solving for a detailed summary of various analytical approaches.)

1. Define the Problem

- Clearly identify the stated issue/problem. Is there really a problem? Sift through extraneous material to identify the real, underlying problem or need (which may not be the same as the stated issue or problem).
- How big is the problem? Quantify, if possible.
- How did the problem arise? When? What perpetuates it? Outline the history of the issue/problem.
- Who and/or what does the problem impact? When? What are the current laws, regulations and/or programs addressing the problem?

2. Gather Information

- Consider: What do you need to know to define and analyze the issue/problem, and to recommend a solution? How much time do you have?
- Ask questions (repeatedly if necessary) to get the information needed. Also be conscious of and respect others' time and workload constraints, however.
- Be skeptical. Challenge the sources; don't assume the information is correct. Try to verify it or test it against other information to determine its accuracy or reasonableness.
- Think through varied viewpoints on the issue (not just the Administration's current perspective). Talk to both proponents and opponents to gain additional political and programmatic insights.
- Ask follow up questions.
- If you cannot get the information you want in the time (or from the sources) available, can you make assumptions to work around it or develop rough estimates? Document the basis for your assumptions.
- Look at other previous analyses/studies of the issue.
- Note that if the time is late (after 5 p.m.) or short ("quick and dirty" analyses) you still may be able to contact the Legislative Analysts' staff, legislative committee staff, (or for bills, the author's or sponsor's office, too) for some information, even if the department staff are not available.

3. Consider Alternatives

- What are all the feasible options? Consider for example, taking no action; altering an

existing law, regulation, process, or program; creating a new law or program, etc.

- What can government do (e.g., mandate, regulate, subsidize, create incentives, tax, provide information, privatize), and what might be effective in this situation?
- What other programs (public or private) or laws (state or federal) address this problem?
- What have other states done to address this problem?
- What has Finance recommended on this type of issue in the past?
- Should the State be involved at all?

4. Determine Criteria for Evaluating Alternatives

Examples of criteria:

- Efficiency - Cost-benefit, cost effectiveness, productivity
- Equity - Is it fair? Who gains, who loses? By how much?
- Effectiveness - Will it solve the problem? How much will it solve?
- Feasibility - Legal, administrative, political (e.g., the current political environment)
- Uncertainty and risk - What could go wrong? How costly? How likely?
- Priority for funding given current state fiscal constraints and Administration policies
- Consistency with Administration goals and policies and expectations

5. Evaluate Alternatives

- Measure each alternative against the criteria.
- Weigh the trade-offs (e.g., better service vs. higher cost; lower cost vs. higher risk)

6. Make Recommendation

- Pull the information together to form conclusions, and then make recommendations.
- Be creative. Policy analysis affords opportunities to develop creative compromises and unique solutions to address problems. Although Finance is not a "think tank," we can occasionally be the source of new policy ideas.
- Anticipate the Administration. Try to recommend at least one option likely to be preferred by the Administration (based on what you know of the current policies and priorities).
- Recommend more than one feasible alternative for the decision-makers to consider (e.g., in times of limited funds recommend the preferred activity and funding level, and some feasible lower level).
- Review your analysis and ask if it all “makes sense.” Can a reader follow the logic from the problem identification through the alternatives to the recommendation?
- Check to see how critical any information (both included and omitted) is to the recommendation.
- Critique and supplement (or pare down) the information as needed.

D. Communicating Your Analysis

To be effective, an analysis must be clearly communicated to the decision-makers and other interested parties.

1. Types of Presentations

- Oral presentations in meetings
- Budget change proposal (BCP) write-ups
- Bill analyses
- Legislative testimony

- Press packets or contacts
- Governor's Budget Summary ("A-pages") and other public reports
- Issue Memos
- One-on-one discussion/negotiation with LAO and departmental staff

2. Presentation Style

- Narrow focus. Finance does not typically produce lengthy study reports that thoroughly analyze all aspects of major policy issues. Finance's analyses tend to focus in on the fiscal impacts to state government and, in particular, to the General Fund.
- Related to specific decisions. Our analyses tend to focus on information needed to make a specific decision, and normally will recommend a specific action on an issue.
- Brief and clear. Finance does not get much time to speak its piece; often one or two lead sentences have to carry the presentation.
- Unbiased/nonpartisan, but politically informed. Although we work for the Governor and do analysis in the context of known Administration policy and perspective, Finance staff should be prepared to argue all sides of an issue (e.g., in Administration decision-making meetings). Recommendations on issues should reflect a balance between what might be acceptable to the Administration, and other considerations, including other viewpoints relevant to a decision. (Finance staff should not expect to promote personal political views, however.)
- Original and active. Use active (not passive) voice as much as possible, and state your thoughts without plagiarizing others' analyses (e.g., departments' analyses or documents).
- Professional. Both oral and written presentations should be made keeping in mind our professional staff role.

3. Traditional Biases of Finance

- Low cost/high benefit
- Proven effectiveness
- High priority
- Fundable by redirection of existing resources
- Consistent with Administration goals

4. Other Considerations

- Preparation. Finance staff are some of the main spokespersons for the Administration, and as such are expected to be able to explain and defend the Administration's position (e.g., on budget proposals) before the Legislature and in answering press calls. Be sure your analysis is adequate to support and defend the recommendations.
- Audience. Be aware of who reads and/or needs the information, and focus the presentation to address their level(s) of knowledge. Give adequate information to understand the issue and recommendation.
- Timing. Be sensitive to whether a decision maker can be receptive to a proposed policy and whether the issue's time has come. Often we are not the best organization to raise an issue; it may be better raised by agency/department staff or others with policy-making

authority.

- Respect for hierarchies. Finance staff should understand and respect the hierarchy of Finance and of other departments and agencies we work with. It is important to differentiate the positions that may be taken by various levels in a department and the degree to which top management has (or has not) approved a particular position.
- Flexibility. The Administration may decide on a different option that you recommend. Be ready and willing to revise your analysis to further detail the selected option, and/or reframe the issue, if necessary.
- Disassociation. Although it can be hard to do, Finance staff should not let themselves get too personally committed to policy recommendations they make or view nonacceptance as a "personal defeat."

E. Developing Policy Analysis Skills/Knowledge

The foundation for any analysis is a thorough working knowledge of your program/subject areas; the issues; and State processes, priorities, and fiscal constraints. The following are some tips on the sources and types of information you should gather (an ongoing process), and how to manage your time to complete analyses.

1. Sources of Information.

Following are some suggested sources and methods for developing your policy understanding and analytical skills. You will be engaged in many of these activities in the course of your work, but take advantage of slow moments for further research and discussion of policy issues in your area.

- Read texts, articles, books, and analyses done by others (e.g., scholars, advocates, the Legislative Analyst, Bureau of State Audits)
- Learn the history (e.g., talk to or review written work of your predecessors on the assignment)
- Listen to others who already know the programs and issues well (e.g., talk with department staff when reviewing various documents)
- Discuss issues with advocates and constituents
- Take field trips to visit program staff and projects in the field
- Learn by doing (jump into your assignment!)

2. Areas of Knowledge

a. ***Program Knowledge.*** The foundation for any analysis is a thorough working knowledge of the program being addressed. No analytical technique can replace basic information about how the program works. Such knowledge typically includes: the program's purpose, who and how many it serves, what it provides, how services are delivered, the current costs, criteria for expending the funds, how the program evolved (e.g., what were key decision points in program's history), and the trends in terms of revenues, expenditures, staffing, and workload data.

b. ***Knowledge of the State's current fiscal situation and constitutional***

constraints. Less than ten percent of the budget is discretionary. Some of the key factors limiting State expenditures are: the State Appropriations Limit (SAL), Proposition 98, other Constitutional requirements, entitlement programs, statutory COLAs, and legal obligations. Other constraints not set in the Constitution or statute but which are as, or nearly as, restraining, include: General Fund revenues, General Fund reserves, federal budget actions directly affecting the State's budget, tax expenditures, public safety expenditures, revenue-producing activities, and budget agreements.

In analyzing budget issues, it is important to keep these factors in mind and know where we are relative to the major constraints. This will tell you whether we have some flexibility and can entertain discretionary proposals, or whether we're going to have to recommend reductions.

c. ***Knowledge of other Administration and Department of Finance Priorities.*** Current State policies and priorities (such as those outlined in the *Governor's Budget Summary* or *Budget Highlights*, or the *State of the State Address*) need to be taken into account when analyzing an issue. Examples of recent State priorities include: (1) reducing personnel years (PYs); (2) reducing General Fund expenditures; (3) attempting to help the federal government reduce the federal deficit; (4) reforming welfare; and (5) making the State more competitive.
Awareness of these policies helps analysts to frame questions and recommendations.

d. ***Knowledge of the Issue.*** Besides general program knowledge, specific information about the issue being addressed is important to understanding proposed changes. For example, analysts may prepare by researching the history of issues in their program area, why the issues are (re)emerging, views of proponents and opponents, and what this and other states are doing to address the issues.

3. Managing Your Analytical Time and Effort

- Get started early. Size things up. Decide when you need to start each task in order to meet your deadline. Set a mental schedule (allowing for slippage).

  Tell the department what information you need right away. Put requests in writing (e.g., by email) when possible to confirm conversations and avoid misunderstandings later. Set a deadline for receipt of this information which is early enough so that you can ask for clarification, or request other information if this raises additional questions.

- Follow up. Think about the information as it's being presented to you. Is it filling in the gaps? What gaps remain? Take the initiative to ask follow-up questions and probe when talking to department staff. It is relatively rare that your first set of questions will elicit all of the information necessary for an analysis. Keep thinking of what you need to resolve the issue.

- Stay on Course. Don't lose sight of your objective and deadline, or get sidetracked. Make sure you understand what's central to the issue, and that you're getting the information you need from department staff (i.e., what's relevant, not what's easy for them to give you).
  Periodically, review where you are relative to your objectives and schedule. Make mid-course corrections as necessary. Raise problems to a higher level in DOF or the line department, as appropriate.
- Stop when you have what you need or you have all you can get in the time available. In the latter case, qualify your analysis by indicating the conclusions are

Attachment B

based on the limited information available and noting any assumptions made.

- Get feedback. Brainstorm ideas with your supervisor and peers. Discuss your findings and conclusions with your managers and with the department. Run drafts of your analysis and recommendations by your managers in advance of the deadline to get their input early.

- Critique your own work. Check and double check your calculations. Review your analysis to see if there are further logical gaps that need to be filled in. See if your factual information is correct, and if your argument holds up to criticism. Revise your analysis if necessary.

- Keep records. Keep your notes, supporting data obtained, and calculations made in a file for reference. (You'd be surprised how quickly people forget how they arrived at certain numbers!)
- Be sensitive to other workload demands on staff with whom you are working. You will likely need their assistance and cooperation in the future. Nevertheless, if they won't give you the information for any of the following reasons:

  - Because they've been appointed by the Governor
  - They told the last analyst they had
  - The last analyst they had didn't ask for this type of information
  - It's not Finance's role
  - They wouldn't ask for funding if they didn't need it
  - They're stalling
  - The Governor wants this done
  - You don't have the professional qualifications
  - The Director already agreed to this

you'll have to recommend disapproval of their request for lack of justification. Tell your supervisor of the situation and discuss how to resolve it.

Rev.9/02 TRO

GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be preceded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
    - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
    - Office Director holds preliminary discussions with Division Chief
    - Division Chief and Office Director present the issue to the Executive Office as an informal concept
    - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate Office/Division for further evaluation.
    - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form
    - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources on implementing the project.
    - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
- Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx

- Components of the RAPP Form
    a. Requesting Office or Division
    b. Date Prepared
    c. Contact Information
    d. Project Title
    e. Summary
    f. Summarized Estimated Costs
    g. Proposal Review Routing
    h. Associated JC Strategic Goal, if applicable
    i. Project Scope
    j. Stakeholders
    k. Impact Analysis
    l. Documentation of Decision-Making Process
    m. Cost Considerations
    n. Authorization to Proceed (Office Director or Designee)

3. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.

4. Briefing of Executive Office by Division Chief/Office Director
    - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
    - Consider discussion with Chief Justice
    - Consider discussions with external stakeholders such as the courts or State Bar

5. Executive Office Action
    - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
    - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Fleshman at (415) 865-7531 or bob.fleshman@jud.ca.gov.

REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/10/13

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary *(Please provide 3 to 4 sentences briefly describing your request.)*	
Summarized Estimated Costs *(Please differentiate between one-time and ongoing costs, if applicable.)*	
Proposal Review Routing *(Please select as applicable.)*	_____Human Resources Office _____Legal Services Office _____Fiscal Services Office _____Information Technology Services Office _____Office of Governmental Affairs _____Other _____ _____Other _____ _____Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including timeline.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the AOC or stakeholders directly or indirectly if this project is approved. Consider staff time, additional funding, and other requirements involved in successfully administering and implementing this project. Include offsets where applicable.

Documentation of Decision-Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide attachments where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Augmentation Required?								
	No							
	Yes		**If YES, indicate fiscal year(s) and associated amount:**					
			FY		**FY**		**FY**		**FY**	
			$		**$**		**$**		**$**	

PROJECT COSTS

1.	**Fiscal Year**				**TOTAL**
2.	**One-Time Cost**				**$**
3.	**Continuing Costs**				**$**
4.	**TOTAL PROJECT BUDGET**	**$**	**$**	**$**	**$**

PROJECT FINANCIAL BENEFITS

5.	**Cost Savings/Avoidances**	**$**	**$**	**$**	**$**
6.	**Revenue Increase**	**$**	**$**	**$**	**$**

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.

_____ _____

Name (Office Director or Designee) **Date**

Notes/Comments

Information on Judicial Council Directives

Council Directive **11**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to maintain proper documentation and records of its decision making process for significant projects and programs.

SEC Recommendation **7-61**

The AOC must maintain proper documentation and records of its decision making process for significant projects and programs.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

	PENDING
x	**COMPLETED: In August 2013, Council staff developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.**

Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost benefit analysis proposal for the Judicial Council.

Council staff developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders. This was developed in August 2013.

The proposed "Guidelines for the Administration of Branchwide Projects and Initiatives" include the "Request for Approval of Project Proposal" form. These guidelines require the full documented collaboration of all stakeholders impacted by a project or initiative. The Executive Office has the sole discretion for determining when to utilize the form for branchwide projects and initiatives.

These guidelines were presented to the Judicial Council at the December 13, 2013, council meeting.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED		UNABLE TO IMPLEMENT
x	IMPLEMENTED AND ONGOING		PENDING IMPLEMENTATION
	IMPLEMENTED BUT IN PROGRESS		

The directive implementation will remain ongoing as this tool will be used as necessary whenever there are

projects or initiatives that meet the requirements for use of this cost benefit analysis form.

ASSESSMENT OF IMPLEMENTATION

After the guidelines were developed, Court Operations Services contacted Finance because there was a similar process and form for seeking grant opportunities.

It was decided that the forms and guidelines should be merged to be applicable to both cost benefit analysis for major programs and initiatives as well as grant opportunities. The forms were merged for this purpose.
Finance reports that Information Technology also has a cost benefit analysis form that they utilize and that future activities will includes working with IT to determine if this form should be merged with the existing guidelines and form.

Finance indicated that this process was designed for use of all branch funds and to-date, there have been no major initiatives and so the process has not been utilized. For other minor funding needs, the council staff has utilized the budget change proposal process. Additionally, it was clarified that although the formal cost benefit analysis is not currently utilized for Court of Appeal funding decisions, it was designed for use for all judicial branch entities.

A discussion was held by E&P where they asked questions about the threshold for when this tool should be utilized. It was explained by SEC members that this grew out of concerns about CCMS and that this would be utilized in those cases where a budget change proposal is not an option and there is the potential for the use of all branch funds.

OTHER INFORMATION

Attachments:

- Memo: Consider Guidelines and Process Recommendation, from Curt Soderlund to Hon. Steven Jahr, November 25, 2013
- *Guidelines for the Administration of Branchwide Projects and Initiatives* (includes Request for Approval of Project Proposal)
- Report to Judicial Council for meeting of December 12-13, 2013: AOC Restructuring: Implementation of New Guidelines for Conducting Cost-Benefit Analysis for AOC Projects, December 13, 2013

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
[illegible]
[illegible]
[illegible]

MEMORANDUM

Date
November 23, 2011

To
Hon. Steven Jahr
Administrative Director of the Courts

From
Curt Soderlund
Chief Administrative Officer

Zlatko Theodorovic
Director, Fiscal Services Office

Subject
Judicial Council Directives 7-13, 21, 40, 91 and 149

Action Requested
Consider Guidelines and Process Recommendations

Deadline
At your convenience

Contact
Curt Soderlund
916-263-1513 phone
curt.soderlund@jud.ca.gov

This memorandum requests your review and approval of staff recommendations to establish guidelines and a process to address the various common aspects of Judicial Council Directives 7-13, 21, 40, 91 and 149 specific to future critical initiatives. This recommendation seeks to encompass a process that ensures a full and comprehensive cost-benefit analysis that includes:

- The input and collaboration of all stakeholders;
- Consultation with the Judicial Council and the Executive and Planning Committee, as necessary;
- A complete analysis of scope;
- The development of accurate cost estimates and the identification of funding in consultation with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Background

The Judicial Council approved various directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. The directives approved were derived from the SEC's observations that alleged a lack of uniform internal processes, insufficient collaboration, and inadequate analyses.

Projects brought before the Judicial Council for consideration should be evaluated on the basis of scope, resources, and political sensitivity. The outcomes of these comparisons will assist the Judicial Council in their oversight role of request review in that they may provide:

- Clear and complete definition of priorities,
- A balance between the requests and branch roles and responsibilities,
- Complete consultation, and
- Timely feedback and direction.

The AOC recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects and will continually seek refinement of existing processes.

Recommendation

We request the approval of the following policy regarding cost benefit analyses:

> Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

We further recommend that you approve use of the proposed Guidelines for the Administration of Branchwide Projects and Initiatives as the official AOC process.

Lastly, should you approve the above guidelines, we recommend that you direct staff of the Fiscal Services Office to publicize the new process.

APPROVAL

(Please check one)

☑ I approve the recommendations above.

☐ I approve_____

Hon. Steven Jahr, Administrative Director of the Courts

11/27/13
Date

Acknowledgments

GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be preceded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated contracts, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
   - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
   - Office Director holds preliminary discussions with Division Chief
   - Division Chief and Office Director present the issue to the Executive Office as an informal concept
   - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate for further evaluation
   - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form:
   - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources.
   - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
- Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged. http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx

- Components of the RAPP Form
  a. Requesting Office or Division
  b. Date Prepared
  c. Contact Information
  d. Project Title
  e. Summary
  f. Summarized Estimated Costs
  g. Proposal Review Routing
  h. Associated JC Strategic Goal, if applicable
  i. Project Scope
  j. Stakeholders
  k. Impact Analysis
  l. Documentation of Decision-Making Process
  m. Cost Considerations
  n. Authorization to Proceed (Office Director or Designee)

1. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.

4. Briefing of Executive Office by Division Chief/Office Director
   - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
   - Consider discussion with Chief Justice
   - Consider discussions with external stakeholders such as the courts or State Bar

5. Executive Office Action
   - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
   - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Hustedt at (415) 865-7333 or bob.hustedt@jud.ca.gov.

REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/2013

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary (Please provide 2 to 4 sentences briefly describing your request.)	
Summarized Estimated Costs (Please differentiate between one-time and ongoing costs, if applicable.)	
Proposal Review Routing (Please select as applicable.)	_____Human Resources Office _____Legal Services Office _____Fiscal Services Office _____Information Technology Services Office _____Office of Governmental Affairs _____Other: _____ _____Other: _____ _____Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and structure of your project, including milestones.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the ASP or stakeholders directly or indirectly if this project is approved. Consider staff time, additional training, and other requirements involved in successfully administering and maintaining this project. Include tables where applicable.

Documentation of Decision Making Process

Please provide a summary of work you did and/or documents you examined in determining the need for this undertaking. Provide copy/excerpt where applicable.

Cost Considerations

A cost estimate must be developed in collaboration with the Fiscal Services Office.

Budget Implementation Required?					
	No				
	Yes	If YES, indicate fiscal year(s) and associated amounts:			
		FY	FY	FY	FY
		$	$	$	$

PROJECT COSTS

1.	Fiscal Year				TOTAL
2.	One-Time Costs				$
3.	Continuing Costs				$
4.	TOTAL PROJECT BUDGET	$	$	$	$

PROJECT FINANCIAL BENEFITS

5.	Cost Savings/Avoidances	$	$	$	$
6.	Revenue Increase	$	$	$	$

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.

Name: (Office Director or Designee) **Date:**

Notes/Comments

Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 12-13, 2013

Title
AOC Restructuring: Implementation of New Guidelines for Conducting Cost-Benefit Analysis for AOC Projects

Rules, Forms, Standards, or Statutes Affected
None

Submitted by
Administrative Office of the Courts
Curt Soderlund
Chief Administrative Officer

Zlatko Theodorovic
Director, Fiscal Services Office

Agenda Item Type
Information Only

Effective Date
Not Applicable

Date of Report
December 13, 2013

Contact
Fiscal Services Office
Zlatko Theodorovic, 916-263-1397
zlatko.theodorovic@jud.ca.gov

Executive Summary

The AOC's Chief Administrative Officer and director of the Fiscal Services Offices present this informational report on efforts relating to the various common aspects of Judicial Council Directives 7-13, 21, 40, 91, and 145 (directives), which were combined as part of a broader review and policy discussion pertaining to the application of a cost-benefit/business case analysis for AOC projects.

Background

The Judicial Council approved the directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. In their report, the SEC observed the following:

> "The AOC has failed to plan, manage, and monitor programs in a manner that seeks critical collaboration and input from the courts. The AOC has undertaken significant and

> far-reaching programs over the past decade, including CCMS, branch-wide financial systems, court construction and facilities management, and others. The organization has failed to adequately consider fiscal, operational, and other impacts of its programs and projects on the courts. Projects have been undertaken without first conducting an appropriate business case analysis to determine whether they are prudent."

As noted, the SEC opined that there appeared to be a lack of uniform internal processes, insufficient collaboration, and inadequate analysis associated with large scale endeavors. More specifically, nearly all of the aforementioned directives relate to observations made by the SEC relative to the California Court Case Management System initiative:

> "The AOC's process of planning and monitoring programs and projects has been lacking. These deficiencies are best exemplified by the CCMS project with its lack of budgetary planning, failure of budgetary controls, failure to identify a sustaining revenue source, lack of an initial business case analysis and feasibility study, lack of sufficient court commitment, and failure to openly disclose pertinent information about the project."

To address these deficiencies, the SEC detailed a recommended approach:

> "… The AOC Executive Leadership Team must begin to implement a formalized system of program and project planning and monitoring that includes, at a minimum: a collaborative planning process that utilizes a business case analysis and that includes an analysis of impacts on courts at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated."

In developing a response to the directives, AOC staff consulted with other state entities—such as the Department of Finance and CalHR—on their respective processes in an effort to establish a similar approach at the AOC that incorporates an appropriate level of review and cost-benefit analysis for programs and projects initiated by the agency. As one example, staff utilized the state Department of Finance's Budget Analyst Guide as an initial framework. Specific guide sections, such as Types of Analysis (Attachment A) and Analysis of Issues (Attachment B), were also identified as potential training tools for AOC staff to demonstrate the basic elements of how appropriate fiscal and programmatic analyses are completed. Since the material is general in nature, each office and division would, in theory, be able to use these resources to meet the individual needs of the program, whether it be completing a grant request for federal funds or a budget change proposal, to name a few.

Following the review of external and existing internal processes, AOC staff developed guidelines that seek to ensure that all elements within each of these 10 directives are adequately addressed. These guidelines include a process for the approval of branchwide projects and other significant initiatives, as well as an approach to conduct any necessary cost-benefit analysis. These elements include:

- The input and collaboration of all stakeholders;
- A complete analysis of scope;

- The development of accurate cost estimates and the identification of funding in constant collaboration with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

The "Guidelines for the Administration of Branchwide Projects and Initiatives" (Attachment C) have been reviewed and approved by the Administrative Director of the Courts and will be implemented agency-wide, effective the first quarter of 2014. Leading up to the implementation date, the Fiscal Services Office will work with staff from the AOC Center for Judiciary Education and Research to develop an appropriate training curriculum for management team members, budget liaisons, and other applicable staff.

These guidelines address the SEC's recommendation that a cost-benefit analysis should be infused into the AOC's decision-making process and to serve as a guide when considering any new project or program, large scale or otherwise.

Enclosures

Attachment A: Department of Finance Budget Analyst Guide, *Types of Analysis*
Attachment B: Department of Finance Budget Analyst Guide, *Analysis of Issues*
Attachment C: *Guidelines for the Administration of Branchwide Projects and Initiatives*

Attachment A

TYPES OF ANALYSIS

BCPs or other issues involving a proposed augmentation

1. Have the department or group proposing the augmentation clarify what the problem is. All too frequently problem statements are either missing, too brief or too general to be sufficiently clear and quantifiable, discuss symptoms rather than real problems, or are stated in terms of the solution (e.g., "the problem is we don't have the 14 additional staff we need"). The analyst's role is to find out if there is a **public** need which is not being addressed, i.e., what is the problem outside of building? Things like crime, pollution, and poverty are possibilities; the lack of staff, microcomputers, and travel funds are not. Moreover, the problem should be quantified as much as possible so that a quantifiable solution can be arrived at. This should address:

    a. the extent of the problem
    b. how this varies from a "normal" or acceptable situation
    c. how many individuals are experiencing the problem
    d. where this problem is located geographically
    e. need statements should answer the question "why?"

2. **Consider Alternatives for Solving the Problem.** Most BCPs provide two: (1) do nothing and (2) accept our proposal. Do not be deterred by the apparent lack of creativity on the part of some. There is more than one way to solve a problem, especially in an era of constantly changing technology. You might consider:

    a. automation
    b. program restructuring
    c. restructuring systems and procedures
    d. consolidation of functions

3. **The Key Element in a BCP (or other Proposal) is Data** to justify the resource level being proposed. Most proposals request specific amounts of staff and funds. These requests should be supported by equally specific calculations. To the extent that specificity is lacking, the analyst may be required to fill in the gaps in order to develop a recommendation. Usually, this kind of analysis starts with a zero-augmentation assumption and builds in components as they are specifically justified on an individual basis.

For example, a particular solution may involve several different types of staff in field offices, headquarters management, and in the Administration Division, each developed on a different basis. In summary, in this type of situation we start with zero and add in resources as they are justified by specific calculations. As a general rule, if you cannot understand were the number comes from, do not add it in.

4. If they lowballed the bill analysis, they should live with it in the BCP.

Workload Issues

In past years, departments were usually funded for agreed to workload increases. More often than not, in recent years with severe budget restraints and no or insufficient funds available to meet mandatory requirements, workload often is not funded. Departments are required to redirect resources or find other alternatives. Despite that, workload analysis is an important Finance activity.

1. The key variables in workload issues are:

   a. the volume of work to be accomplished, generally referred to as workload
   b. the current staffing level
   c. the workload completed with current staff

2. The ratio of workload being currently completed to current staff will usually provide a good estimate of the productivity rate. The ratio of the workload to be accomplished to the productivity rate is the number of staff required to complete that workload. Example—CAL/OSHA elevator inspectors will inspect about 27,500 elevators this year for safety requirements. Next year the number will increase to 28,500. Currently there are 40 inspectors. How many are needed for next year?

Answer	27,500	=	687.5	(Number of elevators
	40			(1 inspector can inspect)

28,500	=	41.5	(Number of inspectors)
687.5			(needed)

Therefore, 1.5 additional inspectors would be justified on a workload basis. Further, there is one clerical staff for every 4 inspectors in the program, so the addition of 1.5 inspectors would justify 1.5 X .25 or 0.4 of a clerical position, for a total of 1.9 PYs.

3. Sometimes it is necessary to pursue additional justification for the volume of workload projected, depending on historical patterns. Also there may be ways to increase current productivity rates without adding staff by changing procedures or by automating certain functions. The workload calculations should be performed only after the analyst is satisfied with the data that goes into those calculations.

4. **Never** accept a duty statement as workload justification. Anyone can fill up 40 hours per week with activities. This has no relationship to the external workload, how it is changing, and what staffing implications it has.

5. Workload may fluctuate throughout the year. Our policy is usually not to staff a unit for peak workload demands (with the possible exception of temporary help funds where warranted, such as the Franchise Tax Board), but rather to support staffing to process the average workload level.

6. Workload standards are useful if they have been validated and we have agreed to them. Departments should be encouraged to develop them. Even if this hasn't been done prior to writing the BCP, it may be possible to use time sheet and other activity data to put together some useful standards. But be careful, before proceeding, apply the workload standards to last year's work. Does the analysis show it would require 20 PYs to do the work that you know they did with 10 PYs?

7. Be careful of backlog statistics. There is a difference between and backlog and a working inventory. A backlog measurement should exclude:

    a. workload which is currently being processed

Attachment A

b. workload which can be processed in a reasonable or statutorily required length of time
c. workload which has been set aside because it is incomplete, waiting for additional information, or otherwise cannot be processed.

National Association of State Budget Officers (NASBO)

For other types of analyses, see the NASBO training Series Program, Module 6: Analytical Methods for Budget Analysts.

(March 3, 2011) (Analytic/BOS/PBM/APBM)

Attachment B

ANALYSIS: Principles and Practices for DOF Analysts

A. What is Analysis?

Analysis is the process by which issues are separated into their component parts and each part and the interaction among the parts are systematically investigated. Later the components of an issue are put back together in a logical way to support a conclusion and recommendation.

You can also think of analysis as the process by which we attempt to answer such questions as follows, regarding a proposal, activity, program or process.

- Who or what is affected?
- What is/are the effects?
- How and when does/will it operate?
- How much does/will it cost?
- Who is raising the issue or making the proposal, and why?
- How might the problem/issue be resolved?

And the final question upon completing an analysis should always be: "Does this make sense?"

B. Typical Types of Finance Analyses

Finance uses the analytic process to develop recommendations on budget proposals, legislation, and other initiatives and issues that may financially impact the State. Preparing solid recommendations is the foundation for our advisory role to the Governor's Office and our role in representing the Administration.

1. **Fiscal** - Finance's primary role is to provide analyses of fiscal issues or problems. To that end, we review budget change proposals, legislation, initiatives, regulations, and reports to analyze fiscal impacts. Fiscal analyses answer such questions as: How much will (or should) this proposal or program cost (or save) the State? How much revenue will it generate?

2. **Policy** – While not our main role, Finance staff may also perform policy analysis such as when reviewing legislative proposals. Policy analysis is intended to help decision-makers make choices about governmental programs and governmental regulation of individuals and organizations. Policy analysis focuses on such questions as: What is the likely impact of this policy on the public in general, and on specific groups or organizations? Policy analysis can be done from the perspective of known priorities and policies, or without such political preconditions.

3. **Policy combined with fiscal**—Most often Finance's analyses include a combination of fiscal and policy issues. For example, Finance analysts review a Budget Change Proposal to assess the reasonableness of the estimated fiscal impacts but also assess the proposed policy objective in relation to the Administration's priorities. The resulting recommendation thus may indicate that the proposed funding augmentation (or reduction) should be modified

depending on whether the policy objective is deemed to be of high or low priority by the Administration. The recommendation may also suggest an option that provides a lower (or higher) level of attainment of the policy objective, including arguments supporting that level.

Sometimes the deadline for an analysis is so short that the analysis must be "**quick and dirty**" and largely based on assumptions since time is not available to gather more information. In these cases it is helpful if the assumptions can be based on historical information or on data from a similar program or activities. In other cases (such as when asked to prepare "Issue Memos"), Finance may have time to prepare a more expansive analysis.

For more details on some of the specific types of items analyzed at Finance, see Bill Analysis, and BCPs, Writing Effective.

C. Steps in Analysis

Academicians identify various analytical approaches, which can generally be summarized into six basic steps. (See Analysis, Policy, and Problem Solving for a detailed summary of various analytical approaches.)

1. Define the Problem

- Clearly identify the stated issue/problem. Is there really a problem? Sift through extraneous material to identify the real, underlying problem or need (which may not be the same as the stated issue or problem).
- How big is the problem? Quantify, if possible.
- How did the problem arise? When? What perpetuates it? Outline the history of the issue/problem.
- Who and/or what does the problem impact? When? What are the current laws, regulations and/or programs addressing the problem?

2. Gather Information

- Consider: What do you need to know to define and analyze the issue/problem, and to recommend a solution? How much time do you have?
- Ask questions (repeatedly if necessary) to get the information needed. Also be conscious of and respect others' time and workload constraints, however.
- Be skeptical. Challenge the sources; don't assume the information is correct. Try to verify it or test it against other information to determine its accuracy or reasonableness.
- Think through varied viewpoints on the issue (not just the Administration's current perspective). Talk to both proponents and opponents to gain additional political and programmatic insights.
- Ask follow up questions.
- If you cannot get the information you want in the time (or from the sources) available, can you make assumptions to work around it or develop rough estimates? Document the basis for your assumptions.
- Look at other previous analyses/studies of the issue.
- Note that if the time is late (after 5 p.m.) or short ("quick and dirty" analyses) you still may be able to contact the Legislative Analysts' staff, legislative committee staff, (or for bills, the author's or sponsor's office, too) for some information, even if the department staff are not available.

3. Consider Alternatives

- What are all the feasible options? Consider for example, taking no action; altering an

existing law, regulation, process, or program; creating a new law or program, etc.

- What can government do (e.g., mandate, regulate, subsidize, create incentives, tax, provide information, privatize), and what might be effective in this situation?
- What other programs (public or private) or laws (state or federal) address this problem?
- What have other states done to address this problem?
- What has Finance recommended on this type of issue in the past?
- Should the State be involved at all?

4. Determine Criteria for Evaluating Alternatives

Examples of criteria:

- Efficiency - Cost-benefit, cost effectiveness, productivity
- Equity - Is it fair? Who gains, who loses? By how much?
- Effectiveness - Will it solve the problem? How much will it solve?
- Feasibility - Legal, administrative, political (e.g., the current political environment)
- Uncertainty and risk - What could go wrong? How costly? How likely?
- Priority for funding given current state fiscal constraints and Administration policies
- Consistency with Administration goals and policies and expectations

5. Evaluate Alternatives

- Measure each alternative against the criteria.
- Weigh the trade-offs (e.g., better service vs. higher cost; lower cost vs. higher risk)

6. Make Recommendation

- Pull the information together to form conclusions, and then make recommendations.
- Be creative. Policy analysis affords opportunities to develop creative compromises and unique solutions to address problems. Although Finance is not a "think tank," we can occasionally be the source of new policy ideas.
- Anticipate the Administration. Try to recommend at least one option likely to be preferred by the Administration (based on what you know of the current policies and priorities).
- Recommend more than one feasible alternative for the decision-makers to consider (e.g., in times of limited funds recommend the preferred activity and funding level, and some feasible lower level).
- Review your analysis and ask if it all “makes sense.” Can a reader follow the logic from the problem identification through the alternatives to the recommendation?
- Check to see how critical any information (both included and omitted) is to the recommendation.
- Critique and supplement (or pare down) the information as needed.

D. Communicating Your Analysis

To be effective, an analysis must be clearly communicated to the decision-makers and other interested parties.

1. Types of Presentations

- Oral presentations in meetings
- Budget change proposal (BCP) write-ups
- Bill analyses
- Legislative testimony

- Press packets or contacts
- Governor's Budget Summary ("A-pages") and other public reports
- Issue Memos
- One-on-one discussion/negotiation with LAO and departmental staff

2. Presentation Style

- Narrow focus. Finance does not typically produce lengthy study reports that thoroughly analyze all aspects of major policy issues. Finance's analyses tend to focus in on the fiscal impacts to state government and, in particular, to the General Fund.
- Related to specific decisions. Our analyses tend to focus on information needed to make a specific decision, and normally will recommend a specific action on an issue.
- Brief and clear. Finance does not get much time to speak its piece; often one or two lead sentences have to carry the presentation.
- Unbiased/nonpartisan, but politically informed. Although we work for the Governor and do analysis in the context of known Administration policy and perspective, Finance staff should be prepared to argue all sides of an issue (e.g., in Administration decision-making meetings). Recommendations on issues should reflect a balance between what might be acceptable to the Administration, and other considerations, including other viewpoints relevant to a decision. (Finance staff should not expect to promote personal political views, however.)
- Original and active. Use active (not passive) voice as much as possible, and state your thoughts without plagiarizing others' analyses (e.g., departments' analyses or documents).
- Professional. Both oral and written presentations should be made keeping in mind our professional staff role.

3. Traditional Biases of Finance

- Low cost/high benefit
- Proven effectiveness
- High priority
- Fundable by redirection of existing resources
- Consistent with Administration goals

4. Other Considerations

- Preparation. Finance staff are some of the main spokespersons for the Administration, and as such are expected to be able to explain and defend the Administration's position (e.g., on budget proposals) before the Legislature and in answering press calls. Be sure your analysis is adequate to support and defend the recommendations.
- Audience. Be aware of who reads and/or needs the information, and focus the presentation to address their level(s) of knowledge. Give adequate information to understand the issue and recommendation.
- Timing. Be sensitive to whether a decision maker can be receptive to a proposed policy and whether the issue's time has come. Often we are not the best organization to raise an issue; it may be better raised by agency/department staff or others with policy-making

authority.

- Respect for hierarchies. Finance staff should understand and respect the hierarchy of Finance and of other departments and agencies we work with. It is important to differentiate the positions that may be taken by various levels in a department and the degree to which top management has (or has not) approved a particular position.
- Flexibility. The Administration may decide on a different option that you recommend. Be ready and willing to revise your analysis to further detail the selected option, and/or reframe the issue, if necessary.
- Disassociation. Although it can be hard to do, Finance staff should not let themselves get too personally committed to policy recommendations they make or view nonacceptance as a "personal defeat."

E. Developing Policy Analysis Skills/Knowledge

The foundation for any analysis is a thorough working knowledge of your program/subject areas; the issues; and State processes, priorities, and fiscal constraints. The following are some tips on the sources and types of information you should gather (an ongoing process), and how to manage your time to complete analyses.

1. Sources of Information.

Following are some suggested sources and methods for developing your policy understanding and analytical skills. You will be engaged in many of these activities in the course of your work, but take advantage of slow moments for further research and discussion of policy issues in your area.

- Read texts, articles, books, and analyses done by others (e.g., scholars, advocates, the Legislative Analyst, Bureau of State Audits)
- Learn the history (e.g., talk to or review written work of your predecessors on the assignment)
- Listen to others who already know the programs and issues well (e.g., talk with department staff when reviewing various documents)
- Discuss issues with advocates and constituents
- Take field trips to visit program staff and projects in the field
- Learn by doing (jump into your assignment!)

2. Areas of Knowledge

a. ***Program Knowledge.*** The foundation for any analysis is a thorough working knowledge of the program being addressed. No analytical technique can replace basic information about how the program works. Such knowledge typically includes: the program's purpose, who and how many it serves, what it provides, how services are delivered, the current costs, criteria for expending the funds, how the program evolved (e.g., what were key decision points in program's history), and the trends in terms of revenues, expenditures, staffing, and workload data.

b. ***Knowledge of the State's current fiscal situation and constitutional***

constraints. Less than ten percent of the budget is discretionary. Some of the key factors limiting State expenditures are: the State Appropriations Limit (SAL), Proposition 98, other Constitutional requirements, entitlement programs, statutory COLAs, and legal obligations. Other constraints not set in the Constitution or statute but which are as, or nearly as, restraining, include: General Fund revenues, General Fund reserves, federal budget actions directly affecting the State's budget, tax expenditures, public safety expenditures, revenue-producing activities, and budget agreements.

In analyzing budget issues, it is important to keep these factors in mind and know where we are relative to the major constraints. This will tell you whether we have some flexibility and can entertain discretionary proposals, or whether we're going to have to recommend reductions.

c. ***Knowledge of other Administration and Department of Finance Priorities.*** Current State policies and priorities (such as those outlined in the *Governor's Budget Summary* or *Budget Highlights*, or the *State of the State Address*) need to be taken into account when analyzing an issue. Examples of recent State priorities include: (1) reducing personnel years (PYs); (2) reducing General Fund expenditures; (3) attempting to help the federal government reduce the federal deficit; (4) reforming welfare; and (5) making the State more competitive.
Awareness of these policies helps analysts to frame questions and recommendations.

d. ***Knowledge of the Issue.*** Besides general program knowledge, specific information about the issue being addressed is important to understanding proposed changes. For example, analysts may prepare by researching the history of issues in their program area, why the issues are (re)emerging, views of proponents and opponents, and what this and other states are doing to address the issues.

3. Managing Your Analytical Time and Effort

- Get started early. Size things up. Decide when you need to start each task in order to meet your deadline. Set a mental schedule (allowing for slippage).

  Tell the department what information you need right away. Put requests in writing (e.g., by email) when possible to confirm conversations and avoid misunderstandings later. Set a deadline for receipt of this information which is early enough so that you can ask for clarification, or request other information if this raises additional questions.

- Follow up. Think about the information as it's being presented to you. Is it filling in the gaps? What gaps remain? Take the initiative to ask follow-up questions and probe when talking to department staff. It is relatively rare that your first set of questions will elicit all of the information necessary for an analysis. Keep thinking of what you need to resolve the issue.

- Stay on Course. Don't lose sight of your objective and deadline, or get sidetracked. Make sure you understand what's central to the issue, and that you're getting the information you need from department staff (i.e., what's relevant, not what's easy for them to give you).
  Periodically, review where you are relative to your objectives and schedule. Make mid-course corrections as necessary. Raise problems to a higher level in DOF or the line department, as appropriate.
- Stop when you have what you need or you have all you can get in the time available. In the latter case, qualify your analysis by indicating the conclusions are

Attachment B

based on the limited information available and noting any assumptions made.

- Get feedback. Brainstorm ideas with your supervisor and peers. Discuss your findings and conclusions with your managers and with the department. Run drafts of your analysis and recommendations by your managers in advance of the deadline to get their input early.

- Critique your own work. Check and double check your calculations. Review your analysis to see if there are further logical gaps that need to be filled in. See if your factual information is correct, and if your argument holds up to criticism. Revise your analysis if necessary.

- Keep records. Keep your notes, supporting data obtained, and calculations made in a file for reference. (You'd be surprised how quickly people forget how they arrived at certain numbers!)
- Be sensitive to other workload demands on staff with whom you are working. You will likely need their assistance and cooperation in the future. Nevertheless, if they won't give you the information for any of the following reasons:

  - Because they've been appointed by the Governor
  - They told the last analyst they had
  - The last analyst they had didn't ask for this type of information
  - It's not Finance's role
  - They wouldn't ask for funding if they didn't need it
  - They're stalling
  - The Governor wants this done
  - You don't have the professional qualifications
  - The Director already agreed to this

you'll have to recommend disapproval of their request for lack of justification. Tell your supervisor of the situation and discuss how to resolve it.

Rev.9/02 TRO

GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be preceded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
    - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
    - Office Director holds preliminary discussions with Division Chief
    - Division Chief and Office Director present the issue to the Executive Office as an informal concept
    - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate Office/Division for further evaluation.
    - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form
    - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources on implementing the project.
    - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
- Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx

- Components of the RAPP Form
    a. Requesting Office or Division
    b. Date Prepared
    c. Contact Information
    d. Project Title
    e. Summary
    f. Summarized Estimated Costs
    g. Proposal Review Routing
    h. Associated JC Strategic Goal, if applicable
    i. Project Scope
    j. Stakeholders
    k. Impact Analysis
    l. Documentation of Decision-Making Process
    m. Cost Considerations
    n. Authorization to Proceed (Office Director or Designee)

3. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.

4. Briefing of Executive Office by Division Chief/Office Director
    - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
    - Consider discussion with Chief Justice
    - Consider discussions with external stakeholders such as the courts or State Bar

5. Executive Office Action
    - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
    - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Fleshman at (415) 865-7531 or bob.fleshman@jud.ca.gov.

REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/10/13

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary *(Please provide 3 to 4 sentences briefly describing your request.)*	
Summarized Estimated Costs *(Please differentiate between one-time and ongoing costs, if applicable.)*	
Proposal Review Routing *(Please select as applicable.)*	_____Human Resources Office _____Legal Services Office _____Fiscal Services Office _____Information Technology Services Office _____Office of Governmental Affairs _____Other _____ _____Other _____ _____Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including timeline.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the AOC or stakeholders directly or indirectly if this project is approved. Consider staff time, additional funding, and other requirements involved in successfully administering and implementing this project. Include offsets where applicable.

Documentation of Decision-Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide attachments where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Augmentation Required?								
	No							
	Yes		**If YES, indicate fiscal year(s) and associated amount:**					
			FY		**FY**		**FY**		**FY**	
			$		**$**		**$**		**$**	

PROJECT COSTS

1.	**Fiscal Year**				**TOTAL**
2.	**One-Time Cost**				**$**
3.	**Continuing Costs**				**$**
4.	**TOTAL PROJECT BUDGET**	**$**	**$**	**$**	**$**

PROJECT FINANCIAL BENEFITS

5.	**Cost Savings/Avoidances**	**$**	**$**	**$**	**$**
6.	**Revenue Increase**	**$**	**$**	**$**	**$**

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.

_____ _____

Name (Office Director or Designee) **Date**

Notes/Comments

Information on Judicial Council Directives

Council Directive **12**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to identify and secure sufficient funding and revenue streams necessary to support projects and programs, before undertaking them.

SEC Recommendation **7-62**

The AOC must identify and secure sufficient funding and revenue streams necessary to support projects and programs, before undertaking them.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

	PENDING
x	**COMPLETED: In August 2013, Council staff developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.**

Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost benefit analysis proposal for the Judicial Council.

Council staff developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders. This was developed in August 2013.

The proposed "Guidelines for the Administration of Branchwide Projects and Initiatives" include the "Request for Approval of Project Proposal" form. These guidelines require the full documented collaboration of all stakeholders impacted by a project or initiative. The Executive Office has the sole discretion for determining when to utilize the form for branchwide projects and initiatives.

These guidelines were presented to the Judicial Council at the December 13, 2013, council meeting.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED		UNABLE TO IMPLEMENT
X	IMPLEMENTED AND ONGOING		PENDING IMPLEMENTATION
	IMPLEMENTED BUT IN PROGRESS		

The directive implementation will remain ongoing as this tool will be used as necessary whenever there are

projects or initiatives that meet the requirements for use of this cost benefit analysis form.

ASSESSMENT OF IMPLEMENTATION

After the guidelines were developed, Court Operations Services contacted Finance because there was a similar process and form for seeking grant opportunities.

It was decided that the forms and guidelines should be merged to be applicable to both cost benefit analysis for major programs and initiatives as well as grant opportunities. The forms were merged for this purpose.

Finance reports that Information Technology also has a cost benefit analysis form that they utilize and that future activities will includes working with IT to determine if this form should be merged with the existing guidelines and form.

Finance indicated that this process was designed for use of all branch funds and to-date, there have been no major initiatives and so the process has not been utilized. For other minor funding needs, the council staff has utilized the budget change proposal process. Additionally, it was clarified that although the formal cost benefit analysis is not currently utilized for Court of Appeal funding decisions, it was designed for use for all judicial branch entities.

A discussion was held by E&P where they asked questions about the threshold for when this tool should be utilized. It was explained by SEC members that this grew out of concerns about CCMS and that this would be utilized in those cases where a budget change proposal is not an option and there is the potential for the use of all branch funds.

OTHER INFORMATION

Attachments:

- Memo: Consider Guidelines and Process Recommendation, from Curt Soderlund to Hon. Steven Jahr, November 25, 2013
- *Guidelines for the Administration of Branchwide Projects and Initiatives* (includes Request for Approval of Project Proposal)
- Report to Judicial Council for meeting of December 12-13, 2013: AOC Restructuring: Implementation of New Guidelines for Conducting Cost-Benefit Analysis for AOC Projects, December 13, 2013

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
[illegible]
[illegible]
[illegible]

MEMORANDUM

Date
November 23, 2011

To
Hon. Steven Jahr
Administrative Director of the Courts

From
Curt Soderlund
Chief Administrative Officer

Zlatko Theodorovic
Director, Fiscal Services Office

Subject
Judicial Council Directives 7-13, 21, 40, 91 and 149

Action Requested
Consider Guidelines and Process Recommendations

Deadline
At your convenience

Contact
Curt Soderlund
916-263-1513 phone
curt.soderlund@jud.ca.gov

This memorandum requests your review and approval of staff recommendations to establish guidelines and a process to address the various common aspects of Judicial Council Directives 7-13, 21, 40, 91 and 149 specific to future critical initiatives. This recommendation seeks to encompass a process that ensures a full and comprehensive cost-benefit analysis that includes:

- The input and collaboration of all stakeholders;
- Consultation with the Judicial Council and the Executive and Planning Committee, as necessary;
- A complete analysis of scope;
- The development of accurate cost estimates and the identification of funding in consultation with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Background

The Judicial Council approved various directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. The directives approved were derived from the SEC's observations that alleged a lack of uniform internal processes, insufficient collaboration, and inadequate analyses.

Projects brought before the Judicial Council for consideration should be evaluated on the basis of scope, resources, and political sensitivity. The outcomes of these comparisons will assist the Judicial Council in their oversight role of request review in that they may provide:

- Clear and complete definition of priorities,
- A balance between the requests and branch roles and responsibilities,
- Complete consultation, and
- Timely feedback and direction.

The AOC recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects and will continually seek refinement of existing processes.

Recommendation

We request the approval of the following policy regarding cost benefit analyses:

> Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

We further recommend that you approve use of the proposed Guidelines for the Administration of Branchwide Projects and Initiatives as the official AOC process.

Lastly, should you approve the above guidelines, we recommend that you direct staff of the Fiscal Services Office to publicize the new process.

APPROVAL

(Please check one)

☑ I approve the recommendations above.

☐ I approve_____

Hon. Steven Jahr, Administrative Director of the Courts

11/27/13
Date

Acknowledgments

GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be preceded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated contracts, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
   - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
   - Office Director holds preliminary discussions with Division Chief
   - Division Chief and Office Director present the issue to the Executive Office as an informal concept
   - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate for further evaluation
   - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form:
   - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources.
   - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
- Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged. http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx

- Components of the RAPP Form
  a. Requesting Office or Division
  b. Date Prepared
  c. Contact Information
  d. Project Title
  e. Summary
  f. Summarized Estimated Costs
  g. Proposal Review Routing
  h. Associated JC Strategic Goal, if applicable
  i. Project Scope
  j. Stakeholders
  k. Impact Analysis
  l. Documentation of Decision-Making Process
  m. Cost Considerations
  n. Authorization to Proceed (Office Director or Designee)

1. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.

4. Briefing of Executive Office by Division Chief/Office Director
   - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
   - Consider discussion with Chief Justice
   - Consider discussions with external stakeholders such as the courts or State Bar

5. Executive Office Action
   - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
   - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Hustedt at (415) 865-7333 or bob.hustedt@jud.ca.gov.

REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/2013

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary (Please provide 2 to 4 sentences briefly describing your request.)	
Summarized Estimated Costs (Please differentiate between one-time and ongoing costs, if applicable.)	
Proposal Review Routing (Please select as applicable.)	_____Human Resources Office _____Legal Services Office _____Fiscal Services Office _____Information Technology Services Office _____Office of Governmental Affairs _____Other: _____ _____Other: _____ _____Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and structure of your project, including milestones.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the ASP or stakeholders directly or indirectly if this project is approved. Consider staff time, additional training, and other requirements involved in successfully administering and maintaining this project. Include tables where applicable.

Documentation of Decision Making Process

Please provide a summary of work you did and/or documents you examined in determining the need for this undertaking. Provide copy/excerpt where applicable.

Cost Considerations

A cost estimate must be developed in collaboration with the Fiscal Services Office.

Budget Implementation Required?					
	No				
	Yes	If YES, indicate fiscal year(s) and associated amounts:			
		FY	FY	FY	FY
		$	$	$	$

PROJECT COSTS

1.	Fiscal Year				TOTAL
2.	One-Time Costs				$
3.	Continuing Costs				$
4.	TOTAL PROJECT BUDGET	$	$	$	$

PROJECT FINANCIAL BENEFITS

5.	Cost Savings/Avoidances	$	$	$	$
6.	Revenue Increase	$	$	$	$

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.

Name: (Office Director or Designee) **Date:**

Notes/Comments

Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 12-13, 2013

Title
AOC Restructuring: Implementation of New Guidelines for Conducting Cost-Benefit Analysis for AOC Projects

Rules, Forms, Standards, or Statutes Affected
None

Submitted by
Administrative Office of the Courts
Curt Soderlund
Chief Administrative Officer

Zlatko Theodorovic
Director, Fiscal Services Office

Agenda Item Type
Information Only

Effective Date
Not Applicable

Date of Report
December 13, 2013

Contact
Fiscal Services Office
Zlatko Theodorovic, 916-263-1397
zlatko.theodorovic@jud.ca.gov

Executive Summary

The AOC's Chief Administrative Officer and director of the Fiscal Services Offices present this informational report on efforts relating to the various common aspects of Judicial Council Directives 7-13, 21, 40, 91, and 145 (directives), which were combined as part of a broader review and policy discussion pertaining to the application of a cost-benefit/business case analysis for AOC projects.

Background

The Judicial Council approved the directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. In their report, the SEC observed the following:

> "The AOC has failed to plan, manage, and monitor programs in a manner that seeks critical collaboration and input from the courts. The AOC has undertaken significant and

> far-reaching programs over the past decade, including CCMS, branch-wide financial systems, court construction and facilities management, and others. The organization has failed to adequately consider fiscal, operational, and other impacts of its programs and projects on the courts. Projects have been undertaken without first conducting an appropriate business case analysis to determine whether they are prudent."

As noted, the SEC opined that there appeared to be a lack of uniform internal processes, insufficient collaboration, and inadequate analysis associated with large scale endeavors. More specifically, nearly all of the aforementioned directives relate to observations made by the SEC relative to the California Court Case Management System initiative:

> "The AOC's process of planning and monitoring programs and projects has been lacking. These deficiencies are best exemplified by the CCMS project with its lack of budgetary planning, failure of budgetary controls, failure to identify a sustaining revenue source, lack of an initial business case analysis and feasibility study, lack of sufficient court commitment, and failure to openly disclose pertinent information about the project."

To address these deficiencies, the SEC detailed a recommended approach:

> "… The AOC Executive Leadership Team must begin to implement a formalized system of program and project planning and monitoring that includes, at a minimum: a collaborative planning process that utilizes a business case analysis and that includes an analysis of impacts on courts at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated."

In developing a response to the directives, AOC staff consulted with other state entities—such as the Department of Finance and CalHR—on their respective processes in an effort to establish a similar approach at the AOC that incorporates an appropriate level of review and cost-benefit analysis for programs and projects initiated by the agency. As one example, staff utilized the state Department of Finance's Budget Analyst Guide as an initial framework. Specific guide sections, such as Types of Analysis (Attachment A) and Analysis of Issues (Attachment B), were also identified as potential training tools for AOC staff to demonstrate the basic elements of how appropriate fiscal and programmatic analyses are completed. Since the material is general in nature, each office and division would, in theory, be able to use these resources to meet the individual needs of the program, whether it be completing a grant request for federal funds or a budget change proposal, to name a few.

Following the review of external and existing internal processes, AOC staff developed guidelines that seek to ensure that all elements within each of these 10 directives are adequately addressed. These guidelines include a process for the approval of branchwide projects and other significant initiatives, as well as an approach to conduct any necessary cost-benefit analysis. These elements include:

- The input and collaboration of all stakeholders;
- A complete analysis of scope;

- The development of accurate cost estimates and the identification of funding in constant collaboration with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

The "Guidelines for the Administration of Branchwide Projects and Initiatives" (Attachment C) have been reviewed and approved by the Administrative Director of the Courts and will be implemented agency-wide, effective the first quarter of 2014. Leading up to the implementation date, the Fiscal Services Office will work with staff from the AOC Center for Judiciary Education and Research to develop an appropriate training curriculum for management team members, budget liaisons, and other applicable staff.

These guidelines address the SEC's recommendation that a cost-benefit analysis should be infused into the AOC's decision-making process and to serve as a guide when considering any new project or program, large scale or otherwise.

Enclosures

Attachment A: Department of Finance Budget Analyst Guide, *Types of Analysis*
Attachment B: Department of Finance Budget Analyst Guide, *Analysis of Issues*
Attachment C: *Guidelines for the Administration of Branchwide Projects and Initiatives*

Attachment A

TYPES OF ANALYSIS

BCPs or other issues involving a proposed augmentation

1. Have the department or group proposing the augmentation clarify what the problem is. All too frequently problem statements are either missing, too brief or too general to be sufficiently clear and quantifiable, discuss symptoms rather than real problems, or are stated in terms of the solution (e.g., "the problem is we don't have the 14 additional staff we need"). The analyst's role is to find out if there is a **public** need which is not being addressed, i.e., what is the problem outside of building? Things like crime, pollution, and poverty are possibilities; the lack of staff, microcomputers, and travel funds are not. Moreover, the problem should be quantified as much as possible so that a quantifiable solution can be arrived at. This should address:

    a. the extent of the problem
    b. how this varies from a "normal" or acceptable situation
    c. how many individuals are experiencing the problem
    d. where this problem is located geographically
    e. need statements should answer the question "why?"

2. **Consider Alternatives for Solving the Problem.** Most BCPs provide two: (1) do nothing and (2) accept our proposal. Do not be deterred by the apparent lack of creativity on the part of some. There is more than one way to solve a problem, especially in an era of constantly changing technology. You might consider:

    a. automation
    b. program restructuring
    c. restructuring systems and procedures
    d. consolidation of functions

3. **The Key Element in a BCP (or other Proposal) is Data** to justify the resource level being proposed. Most proposals request specific amounts of staff and funds. These requests should be supported by equally specific calculations. To the extent that specificity is lacking, the analyst may be required to fill in the gaps in order to develop a recommendation. Usually, this kind of analysis starts with a zero-augmentation assumption and builds in components as they are specifically justified on an individual basis.

For example, a particular solution may involve several different types of staff in field offices, headquarters management, and in the Administration Division, each developed on a different basis. In summary, in this type of situation we start with zero and add in resources as they are justified by specific calculations. As a general rule, if you cannot understand were the number comes from, do not add it in.

4. If they lowballed the bill analysis, they should live with it in the BCP.

Workload Issues

In past years, departments were usually funded for agreed to workload increases. More often than not, in recent years with severe budget restraints and no or insufficient funds available to meet mandatory requirements, workload often is not funded. Departments are required to redirect resources or find other alternatives. Despite that, workload analysis is an important Finance activity.

1. The key variables in workload issues are:

   a. the volume of work to be accomplished, generally referred to as workload
   b. the current staffing level
   c. the workload completed with current staff

2. The ratio of workload being currently completed to current staff will usually provide a good estimate of the productivity rate. The ratio of the workload to be accomplished to the productivity rate is the number of staff required to complete that workload. Example—CAL/OSHA elevator inspectors will inspect about 27,500 elevators this year for safety requirements. Next year the number will increase to 28,500. Currently there are 40 inspectors. How many are needed for next year?

Answer	27,500	=	687.5	(Number of elevators
	40			(1 inspector can inspect)

28,500	=	41.5	(Number of inspectors)
687.5			(needed)

Therefore, 1.5 additional inspectors would be justified on a workload basis. Further, there is one clerical staff for every 4 inspectors in the program, so the addition of 1.5 inspectors would justify 1.5 X .25 or 0.4 of a clerical position, for a total of 1.9 PYs.

3. Sometimes it is necessary to pursue additional justification for the volume of workload projected, depending on historical patterns. Also there may be ways to increase current productivity rates without adding staff by changing procedures or by automating certain functions. The workload calculations should be performed only after the analyst is satisfied with the data that goes into those calculations.

4. **Never** accept a duty statement as workload justification. Anyone can fill up 40 hours per week with activities. This has no relationship to the external workload, how it is changing, and what staffing implications it has.

5. Workload may fluctuate throughout the year. Our policy is usually not to staff a unit for peak workload demands (with the possible exception of temporary help funds where warranted, such as the Franchise Tax Board), but rather to support staffing to process the average workload level.

6. Workload standards are useful if they have been validated and we have agreed to them. Departments should be encouraged to develop them. Even if this hasn't been done prior to writing the BCP, it may be possible to use time sheet and other activity data to put together some useful standards. But be careful, before proceeding, apply the workload standards to last year's work. Does the analysis show it would require 20 PYs to do the work that you know they did with 10 PYs?

7. Be careful of backlog statistics. There is a difference between and backlog and a working inventory. A backlog measurement should exclude:

    a. workload which is currently being processed

Attachment A

b. workload which can be processed in a reasonable or statutorily required length of time
c. workload which has been set aside because it is incomplete, waiting for additional information, or otherwise cannot be processed.

National Association of State Budget Officers (NASBO)

For other types of analyses, see the NASBO training Series Program, Module 6: Analytical Methods for Budget Analysts.

(March 3, 2011) (Analytic/BOS/PBM/APBM)

Attachment B

ANALYSIS: Principles and Practices for DOF Analysts

A. What is Analysis?

Analysis is the process by which issues are separated into their component parts and each part and the interaction among the parts are systematically investigated. Later the components of an issue are put back together in a logical way to support a conclusion and recommendation.

You can also think of analysis as the process by which we attempt to answer such questions as follows, regarding a proposal, activity, program or process.

- Who or what is affected?
- What is/are the effects?
- How and when does/will it operate?
- How much does/will it cost?
- Who is raising the issue or making the proposal, and why?
- How might the problem/issue be resolved?

And the final question upon completing an analysis should always be: "Does this make sense?"

B. Typical Types of Finance Analyses

Finance uses the analytic process to develop recommendations on budget proposals, legislation, and other initiatives and issues that may financially impact the State. Preparing solid recommendations is the foundation for our advisory role to the Governor's Office and our role in representing the Administration.

1. **Fiscal** - Finance's primary role is to provide analyses of fiscal issues or problems. To that end, we review budget change proposals, legislation, initiatives, regulations, and reports to analyze fiscal impacts. Fiscal analyses answer such questions as: How much will (or should) this proposal or program cost (or save) the State? How much revenue will it generate?

2. **Policy** – While not our main role, Finance staff may also perform policy analysis such as when reviewing legislative proposals. Policy analysis is intended to help decision-makers make choices about governmental programs and governmental regulation of individuals and organizations. Policy analysis focuses on such questions as: What is the likely impact of this policy on the public in general, and on specific groups or organizations? Policy analysis can be done from the perspective of known priorities and policies, or without such political preconditions.

3. **Policy combined with fiscal**—Most often Finance's analyses include a combination of fiscal and policy issues. For example, Finance analysts review a Budget Change Proposal to assess the reasonableness of the estimated fiscal impacts but also assess the proposed policy objective in relation to the Administration's priorities. The resulting recommendation thus may indicate that the proposed funding augmentation (or reduction) should be modified

depending on whether the policy objective is deemed to be of high or low priority by the Administration. The recommendation may also suggest an option that provides a lower (or higher) level of attainment of the policy objective, including arguments supporting that level.

Sometimes the deadline for an analysis is so short that the analysis must be "**quick and dirty**" and largely based on assumptions since time is not available to gather more information. In these cases it is helpful if the assumptions can be based on historical information or on data from a similar program or activities. In other cases (such as when asked to prepare "Issue Memos"), Finance may have time to prepare a more expansive analysis.

For more details on some of the specific types of items analyzed at Finance, see Bill Analysis, and BCPs, Writing Effective.

C. Steps in Analysis

Academicians identify various analytical approaches, which can generally be summarized into six basic steps. (See Analysis, Policy, and Problem Solving for a detailed summary of various analytical approaches.)

1. Define the Problem

- Clearly identify the stated issue/problem. Is there really a problem? Sift through extraneous material to identify the real, underlying problem or need (which may not be the same as the stated issue or problem).
- How big is the problem? Quantify, if possible.
- How did the problem arise? When? What perpetuates it? Outline the history of the issue/problem.
- Who and/or what does the problem impact? When? What are the current laws, regulations and/or programs addressing the problem?

2. Gather Information

- Consider: What do you need to know to define and analyze the issue/problem, and to recommend a solution? How much time do you have?
- Ask questions (repeatedly if necessary) to get the information needed. Also be conscious of and respect others' time and workload constraints, however.
- Be skeptical. Challenge the sources; don't assume the information is correct. Try to verify it or test it against other information to determine its accuracy or reasonableness.
- Think through varied viewpoints on the issue (not just the Administration's current perspective). Talk to both proponents and opponents to gain additional political and programmatic insights.
- Ask follow up questions.
- If you cannot get the information you want in the time (or from the sources) available, can you make assumptions to work around it or develop rough estimates? Document the basis for your assumptions.
- Look at other previous analyses/studies of the issue.
- Note that if the time is late (after 5 p.m.) or short ("quick and dirty" analyses) you still may be able to contact the Legislative Analysts' staff, legislative committee staff, (or for bills, the author's or sponsor's office, too) for some information, even if the department staff are not available.

3. Consider Alternatives

- What are all the feasible options? Consider for example, taking no action; altering an

existing law, regulation, process, or program; creating a new law or program, etc.

- What can government do (e.g., mandate, regulate, subsidize, create incentives, tax, provide information, privatize), and what might be effective in this situation?
- What other programs (public or private) or laws (state or federal) address this problem?
- What have other states done to address this problem?
- What has Finance recommended on this type of issue in the past?
- Should the State be involved at all?

4. Determine Criteria for Evaluating Alternatives

Examples of criteria:

- Efficiency - Cost-benefit, cost effectiveness, productivity
- Equity - Is it fair? Who gains, who loses? By how much?
- Effectiveness - Will it solve the problem? How much will it solve?
- Feasibility - Legal, administrative, political (e.g., the current political environment)
- Uncertainty and risk - What could go wrong? How costly? How likely?
- Priority for funding given current state fiscal constraints and Administration policies
- Consistency with Administration goals and policies and expectations

5. Evaluate Alternatives

- Measure each alternative against the criteria.
- Weigh the trade-offs (e.g., better service vs. higher cost; lower cost vs. higher risk)

6. Make Recommendation

- Pull the information together to form conclusions, and then make recommendations.
- Be creative. Policy analysis affords opportunities to develop creative compromises and unique solutions to address problems. Although Finance is not a "think tank," we can occasionally be the source of new policy ideas.
- Anticipate the Administration. Try to recommend at least one option likely to be preferred by the Administration (based on what you know of the current policies and priorities).
- Recommend more than one feasible alternative for the decision-makers to consider (e.g., in times of limited funds recommend the preferred activity and funding level, and some feasible lower level).
- Review your analysis and ask if it all “makes sense.” Can a reader follow the logic from the problem identification through the alternatives to the recommendation?
- Check to see how critical any information (both included and omitted) is to the recommendation.
- Critique and supplement (or pare down) the information as needed.

D. Communicating Your Analysis

To be effective, an analysis must be clearly communicated to the decision-makers and other interested parties.

1. Types of Presentations

- Oral presentations in meetings
- Budget change proposal (BCP) write-ups
- Bill analyses
- Legislative testimony

- Press packets or contacts
- Governor's Budget Summary ("A-pages") and other public reports
- Issue Memos
- One-on-one discussion/negotiation with LAO and departmental staff

2. Presentation Style

- Narrow focus. Finance does not typically produce lengthy study reports that thoroughly analyze all aspects of major policy issues. Finance's analyses tend to focus in on the fiscal impacts to state government and, in particular, to the General Fund.
- Related to specific decisions. Our analyses tend to focus on information needed to make a specific decision, and normally will recommend a specific action on an issue.
- Brief and clear. Finance does not get much time to speak its piece; often one or two lead sentences have to carry the presentation.
- Unbiased/nonpartisan, but politically informed. Although we work for the Governor and do analysis in the context of known Administration policy and perspective, Finance staff should be prepared to argue all sides of an issue (e.g., in Administration decision-making meetings). Recommendations on issues should reflect a balance between what might be acceptable to the Administration, and other considerations, including other viewpoints relevant to a decision. (Finance staff should not expect to promote personal political views, however.)
- Original and active. Use active (not passive) voice as much as possible, and state your thoughts without plagiarizing others' analyses (e.g., departments' analyses or documents).
- Professional. Both oral and written presentations should be made keeping in mind our professional staff role.

3. Traditional Biases of Finance

- Low cost/high benefit
- Proven effectiveness
- High priority
- Fundable by redirection of existing resources
- Consistent with Administration goals

4. Other Considerations

- Preparation. Finance staff are some of the main spokespersons for the Administration, and as such are expected to be able to explain and defend the Administration's position (e.g., on budget proposals) before the Legislature and in answering press calls. Be sure your analysis is adequate to support and defend the recommendations.
- Audience. Be aware of who reads and/or needs the information, and focus the presentation to address their level(s) of knowledge. Give adequate information to understand the issue and recommendation.
- Timing. Be sensitive to whether a decision maker can be receptive to a proposed policy and whether the issue's time has come. Often we are not the best organization to raise an issue; it may be better raised by agency/department staff or others with policy-making

authority.

- Respect for hierarchies. Finance staff should understand and respect the hierarchy of Finance and of other departments and agencies we work with. It is important to differentiate the positions that may be taken by various levels in a department and the degree to which top management has (or has not) approved a particular position.
- Flexibility. The Administration may decide on a different option that you recommend. Be ready and willing to revise your analysis to further detail the selected option, and/or reframe the issue, if necessary.
- Disassociation. Although it can be hard to do, Finance staff should not let themselves get too personally committed to policy recommendations they make or view nonacceptance as a "personal defeat."

E. Developing Policy Analysis Skills/Knowledge

The foundation for any analysis is a thorough working knowledge of your program/subject areas; the issues; and State processes, priorities, and fiscal constraints. The following are some tips on the sources and types of information you should gather (an ongoing process), and how to manage your time to complete analyses.

1. Sources of Information.

Following are some suggested sources and methods for developing your policy understanding and analytical skills. You will be engaged in many of these activities in the course of your work, but take advantage of slow moments for further research and discussion of policy issues in your area.

- Read texts, articles, books, and analyses done by others (e.g., scholars, advocates, the Legislative Analyst, Bureau of State Audits)
- Learn the history (e.g., talk to or review written work of your predecessors on the assignment)
- Listen to others who already know the programs and issues well (e.g., talk with department staff when reviewing various documents)
- Discuss issues with advocates and constituents
- Take field trips to visit program staff and projects in the field
- Learn by doing (jump into your assignment!)

2. Areas of Knowledge

a. ***Program Knowledge.*** The foundation for any analysis is a thorough working knowledge of the program being addressed. No analytical technique can replace basic information about how the program works. Such knowledge typically includes: the program's purpose, who and how many it serves, what it provides, how services are delivered, the current costs, criteria for expending the funds, how the program evolved (e.g., what were key decision points in program's history), and the trends in terms of revenues, expenditures, staffing, and workload data.

b. ***Knowledge of the State's current fiscal situation and constitutional***

constraints. Less than ten percent of the budget is discretionary. Some of the key factors limiting State expenditures are: the State Appropriations Limit (SAL), Proposition 98, other Constitutional requirements, entitlement programs, statutory COLAs, and legal obligations. Other constraints not set in the Constitution or statute but which are as, or nearly as, restraining, include: General Fund revenues, General Fund reserves, federal budget actions directly affecting the State's budget, tax expenditures, public safety expenditures, revenue-producing activities, and budget agreements.

In analyzing budget issues, it is important to keep these factors in mind and know where we are relative to the major constraints. This will tell you whether we have some flexibility and can entertain discretionary proposals, or whether we're going to have to recommend reductions.

c. ***Knowledge of other Administration and Department of Finance Priorities.*** Current State policies and priorities (such as those outlined in the *Governor's Budget Summary* or *Budget Highlights*, or the *State of the State Address*) need to be taken into account when analyzing an issue. Examples of recent State priorities include: (1) reducing personnel years (PYs); (2) reducing General Fund expenditures; (3) attempting to help the federal government reduce the federal deficit; (4) reforming welfare; and (5) making the State more competitive.
Awareness of these policies helps analysts to frame questions and recommendations.

d. ***Knowledge of the Issue.*** Besides general program knowledge, specific information about the issue being addressed is important to understanding proposed changes. For example, analysts may prepare by researching the history of issues in their program area, why the issues are (re)emerging, views of proponents and opponents, and what this and other states are doing to address the issues.

3. Managing Your Analytical Time and Effort

- Get started early. Size things up. Decide when you need to start each task in order to meet your deadline. Set a mental schedule (allowing for slippage).

  Tell the department what information you need right away. Put requests in writing (e.g., by email) when possible to confirm conversations and avoid misunderstandings later. Set a deadline for receipt of this information which is early enough so that you can ask for clarification, or request other information if this raises additional questions.

- Follow up. Think about the information as it's being presented to you. Is it filling in the gaps? What gaps remain? Take the initiative to ask follow-up questions and probe when talking to department staff. It is relatively rare that your first set of questions will elicit all of the information necessary for an analysis. Keep thinking of what you need to resolve the issue.

- Stay on Course. Don't lose sight of your objective and deadline, or get sidetracked. Make sure you understand what's central to the issue, and that you're getting the information you need from department staff (i.e., what's relevant, not what's easy for them to give you).
  Periodically, review where you are relative to your objectives and schedule. Make mid-course corrections as necessary. Raise problems to a higher level in DOF or the line department, as appropriate.
- Stop when you have what you need or you have all you can get in the time available. In the latter case, qualify your analysis by indicating the conclusions are

Attachment B

based on the limited information available and noting any assumptions made.

- Get feedback. Brainstorm ideas with your supervisor and peers. Discuss your findings and conclusions with your managers and with the department. Run drafts of your analysis and recommendations by your managers in advance of the deadline to get their input early.

- Critique your own work. Check and double check your calculations. Review your analysis to see if there are further logical gaps that need to be filled in. See if your factual information is correct, and if your argument holds up to criticism. Revise your analysis if necessary.

- Keep records. Keep your notes, supporting data obtained, and calculations made in a file for reference. (You'd be surprised how quickly people forget how they arrived at certain numbers!)
- Be sensitive to other workload demands on staff with whom you are working. You will likely need their assistance and cooperation in the future. Nevertheless, if they won't give you the information for any of the following reasons:

  - Because they've been appointed by the Governor
  - They told the last analyst they had
  - The last analyst they had didn't ask for this type of information
  - It's not Finance's role
  - They wouldn't ask for funding if they didn't need it
  - They're stalling
  - The Governor wants this done
  - You don't have the professional qualifications
  - The Director already agreed to this

you'll have to recommend disapproval of their request for lack of justification. Tell your supervisor of the situation and discuss how to resolve it.

Rev.9/02 TRO

GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be preceded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
    - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
    - Office Director holds preliminary discussions with Division Chief
    - Division Chief and Office Director present the issue to the Executive Office as an informal concept
    - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate Office/Division for further evaluation.
    - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form
    - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources on implementing the project.
    - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
- Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx

- Components of the RAPP Form
    a. Requesting Office or Division
    b. Date Prepared
    c. Contact Information
    d. Project Title
    e. Summary
    f. Summarized Estimated Costs
    g. Proposal Review Routing
    h. Associated JC Strategic Goal, if applicable
    i. Project Scope
    j. Stakeholders
    k. Impact Analysis
    l. Documentation of Decision-Making Process
    m. Cost Considerations
    n. Authorization to Proceed (Office Director or Designee)

3. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.

4. Briefing of Executive Office by Division Chief/Office Director
    - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
    - Consider discussion with Chief Justice
    - Consider discussions with external stakeholders such as the courts or State Bar

5. Executive Office Action
    - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
    - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Fleshman at (415) 865-7531 or bob.fleshman@jud.ca.gov.

REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/10/13

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary *(Please provide 3 to 4 sentences briefly describing your request.)*	
Summarized Estimated Costs *(Please differentiate between one-time and ongoing costs, if applicable.)*	
Proposal Review Routing *(Please select as applicable.)*	_____Human Resources Office _____Legal Services Office _____Fiscal Services Office _____Information Technology Services Office _____Office of Governmental Affairs _____Other _____ _____Other _____ _____Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including timeline.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the AOC or stakeholders directly or indirectly if this project is approved. Consider staff time, additional funding, and other requirements involved in successfully administering and implementing this project. Include offsets where applicable.

Documentation of Decision-Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide attachments where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Augmentation Required?								
	No							
	Yes		**If YES, indicate fiscal year(s) and associated amount:**					
			FY		**FY**		**FY**		**FY**	
			$		**$**		**$**		**$**	

PROJECT COSTS

1.	**Fiscal Year**				**TOTAL**
2.	**One-Time Cost**				**$**
3.	**Continuing Costs**				**$**
4.	**TOTAL PROJECT BUDGET**	**$**	**$**	**$**	**$**

PROJECT FINANCIAL BENEFITS

5.	**Cost Savings/Avoidances**	**$**	**$**	**$**	**$**
6.	**Revenue Increase**	**$**	**$**	**$**	**$**

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.

_____ _____

Name (Office Director or Designee) **Date**

Notes/Comments

Information on Judicial Council Directives

Council Directive **13**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to accurately report and make available information on potential costs of projects and impacts on the courts.

SEC Recommendation **7-63**

The AOC must accurately report and make available information on potential costs of projects and impacts on the courts.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

	PENDING
x	**COMPLETED: In August 2013, Council staff developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.**

Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost benefit analysis proposal for the Judicial Council.

Council staff developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders. This was developed in August 2013.

The proposed "Guidelines for the Administration of Branchwide Projects and Initiatives" include the "Request for Approval of Project Proposal" form. These guidelines require the full documented collaboration of all stakeholders impacted by a project or initiative. The Executive Office has the sole discretion for determining when to utilize the form for branchwide projects and initiatives.

These guidelines were presented to the Judicial Council at the December 13, 2013, council meeting.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED		UNABLE TO IMPLEMENT
X	IMPLEMENTED AND ONGOING		PENDING IMPLEMENTATION
	IMPLEMENTED BUT IN PROGRESS		

The directive implementation will remain ongoing as this tool will be used as necessary whenever there are projects or initiatives that meet the requirements for use of this cost benefit analysis form.

ASSESSMENT OF IMPLEMENTATION

After the guidelines were developed, Court Operations Services contacted Finance because there was a similar process and form for seeking grant opportunities.

It was decided that the forms and guidelines should be merged to be applicable to both cost benefit analysis for major programs and initiatives as well as grant opportunities. The forms were merged for this purpose. Finance reports that Information Technology also has a cost benefit analysis form that they utilize and that future activities will includes working with IT to determine if this form should be merged with the existing guidelines and form.

Finance indicated that this process was designed for use of all branch funds and to-date, there have been no major initiatives and so the process has not been utilized. For other minor funding needs, the council staff has utilized the budget change proposal process. Additionally, it was clarified that although the formal cost benefit analysis is not currently utilized for Court of Appeal funding decisions, it was designed for use for all judicial branch entities.

A discussion was held by E&P where they asked questions about the threshold for when this tool should be utilized. It was explained by SEC members that this grew out of concerns about CCMS and that this would be utilized in those cases where a budget change proposal is not an option and there is the potential for the use of all branch funds.

OTHER INFORMATION

Attachments:

- Memo: Consider Guidelines and Process Recommendation, from Curt Soderlund to Hon. Steven Jahr, November 25, 2013
- *Guidelines for the Administration of Branchwide Projects and Initiatives* (includes Request for Approval of Project Proposal)
- Report to Judicial Council for meeting of December 12-13, 2013: AOC Restructuring: Implementation of New Guidelines for Conducting Cost-Benefit Analysis for AOC Projects, December 13, 2013

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
[illegible]
[illegible]
[illegible]

MEMORANDUM

Date
November 23, 2011

To
Hon. Steven Jahr
Administrative Director of the Courts

From
Curt Soderlund
Chief Administrative Officer

Zlatko Theodorovic
Director, Fiscal Services Office

Subject
Judicial Council Directives 7-13, 21, 40, 91 and 149

Action Requested
Consider Guidelines and Process Recommendations

Deadline
At your convenience

Contact
Curt Soderlund
916-263-1513 phone
curt.soderlund@jud.ca.gov

This memorandum requests your review and approval of staff recommendations to establish guidelines and a process to address the various common aspects of Judicial Council Directives 7-13, 21, 40, 91 and 149 specific to future critical initiatives. This recommendation seeks to encompass a process that ensures a full and comprehensive cost-benefit analysis that includes:

- The input and collaboration of all stakeholders;
- Consultation with the Judicial Council and the Executive and Planning Committee, as necessary;
- A complete analysis of scope;
- The development of accurate cost estimates and the identification of funding in consultation with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Background

The Judicial Council approved various directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. The directives approved were derived from the SEC's observations that alleged a lack of uniform internal processes, insufficient collaboration, and inadequate analyses.

Projects brought before the Judicial Council for consideration should be evaluated on the basis of scope, resources, and political sensitivity. The outcomes of these comparisons will assist the Judicial Council in their oversight role of request review in that they may provide:

- Clear and complete definition of priorities,
- A balance between the requests and branch roles and responsibilities,
- Complete consultation, and
- Timely feedback and direction.

The AOC recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects and will continually seek refinement of existing processes.

Recommendation

We request the approval of the following policy regarding cost benefit analyses:

> Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

We further recommend that you approve use of the proposed Guidelines for the Administration of Branchwide Projects and Initiatives as the official AOC process.

Lastly, should you approve the above guidelines, we recommend that you direct staff of the Fiscal Services Office to publicize the new process.

APPROVAL

(Please check one)

☑ I approve the recommendations above.

☐ I approve_____

Hon. Steven Jahr, Administrative Director of the Courts

11/27/13
Date

Acknowledgments

GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be preceded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated contracts, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
   - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
   - Office Director holds preliminary discussions with Division Chief
   - Division Chief and Office Director present the issue to the Executive Office as an informal concept
   - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate for further evaluation
   - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form:
   - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources.
   - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
- Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged. http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx

- Components of the RAPP Form
  a. Requesting Office or Division
  b. Date Prepared
  c. Contact Information
  d. Project Title
  e. Summary
  f. Summarized Estimated Costs
  g. Proposal Review Routing
  h. Associated JC Strategic Goal, if applicable
  i. Project Scope
  j. Stakeholders
  k. Impact Analysis
  l. Documentation of Decision-Making Process
  m. Cost Considerations
  n. Authorization to Proceed (Office Director or Designee)

1. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.

4. Briefing of Executive Office by Division Chief/Office Director
   - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
   - Consider discussion with Chief Justice
   - Consider discussions with external stakeholders such as the courts or State Bar

5. Executive Office Action
   - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
   - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Hustedt at (415) 865-7333 or bob.hustedt@jud.ca.gov.

REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/2013

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary (Please provide 2 to 4 sentences briefly describing your request.)	
Summarized Estimated Costs (Please differentiate between one-time and ongoing costs, if applicable.)	
Proposal Review Routing (Please select as applicable.)	_____Human Resources Office _____Legal Services Office _____Fiscal Services Office _____Information Technology Services Office _____Office of Governmental Affairs _____Other: _____ _____Other: _____ _____Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and structure of your project, including milestones.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the ASP or stakeholders directly or indirectly if this project is approved. Consider staff time, additional training, and other requirements involved in successfully administering and maintaining this project. Include tables where applicable.

Documentation of Decision Making Process

Please provide a summary of work you did and/or documents you examined in determining the need for this undertaking. Provide copy/excerpt where applicable.

Cost Considerations

A cost estimate must be developed in collaboration with the Fiscal Services Office.

Budget Implementation Required?					
	No				
	Yes	If YES, indicate fiscal year(s) and associated amounts:			
		FY	FY	FY	FY
		$	$	$	$

PROJECT COSTS

1.	Fiscal Year				TOTAL
2.	One-Time Costs				$
3.	Continuing Costs				$
4.	TOTAL PROJECT BUDGET	$	$	$	$

PROJECT FINANCIAL BENEFITS

5.	Cost Savings/Avoidances	$	$	$	$
6.	Revenue Increase	$	$	$	$

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.

Name: (Office Director or Designee) **Date:**

Notes/Comments

Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 12-13, 2013

Title
AOC Restructuring: Implementation of New Guidelines for Conducting Cost-Benefit Analysis for AOC Projects

Rules, Forms, Standards, or Statutes Affected
None

Submitted by
Administrative Office of the Courts
Curt Soderlund
Chief Administrative Officer

Zlatko Theodorovic
Director, Fiscal Services Office

Agenda Item Type
Information Only

Effective Date
Not Applicable

Date of Report
December 13, 2013

Contact
Fiscal Services Office
Zlatko Theodorovic, 916-263-1397
zlatko.theodorovic@jud.ca.gov

Executive Summary

The AOC's Chief Administrative Officer and director of the Fiscal Services Offices present this informational report on efforts relating to the various common aspects of Judicial Council Directives 7-13, 21, 40, 91, and 145 (directives), which were combined as part of a broader review and policy discussion pertaining to the application of a cost-benefit/business case analysis for AOC projects.

Background

The Judicial Council approved the directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. In their report, the SEC observed the following:

> "The AOC has failed to plan, manage, and monitor programs in a manner that seeks critical collaboration and input from the courts. The AOC has undertaken significant and

> far-reaching programs over the past decade, including CCMS, branch-wide financial systems, court construction and facilities management, and others. The organization has failed to adequately consider fiscal, operational, and other impacts of its programs and projects on the courts. Projects have been undertaken without first conducting an appropriate business case analysis to determine whether they are prudent."

As noted, the SEC opined that there appeared to be a lack of uniform internal processes, insufficient collaboration, and inadequate analysis associated with large scale endeavors. More specifically, nearly all of the aforementioned directives relate to observations made by the SEC relative to the California Court Case Management System initiative:

> "The AOC's process of planning and monitoring programs and projects has been lacking. These deficiencies are best exemplified by the CCMS project with its lack of budgetary planning, failure of budgetary controls, failure to identify a sustaining revenue source, lack of an initial business case analysis and feasibility study, lack of sufficient court commitment, and failure to openly disclose pertinent information about the project."

To address these deficiencies, the SEC detailed a recommended approach:

> "… The AOC Executive Leadership Team must begin to implement a formalized system of program and project planning and monitoring that includes, at a minimum: a collaborative planning process that utilizes a business case analysis and that includes an analysis of impacts on courts at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated."

In developing a response to the directives, AOC staff consulted with other state entities—such as the Department of Finance and CalHR—on their respective processes in an effort to establish a similar approach at the AOC that incorporates an appropriate level of review and cost-benefit analysis for programs and projects initiated by the agency. As one example, staff utilized the state Department of Finance's Budget Analyst Guide as an initial framework. Specific guide sections, such as Types of Analysis (Attachment A) and Analysis of Issues (Attachment B), were also identified as potential training tools for AOC staff to demonstrate the basic elements of how appropriate fiscal and programmatic analyses are completed. Since the material is general in nature, each office and division would, in theory, be able to use these resources to meet the individual needs of the program, whether it be completing a grant request for federal funds or a budget change proposal, to name a few.

Following the review of external and existing internal processes, AOC staff developed guidelines that seek to ensure that all elements within each of these 10 directives are adequately addressed. These guidelines include a process for the approval of branchwide projects and other significant initiatives, as well as an approach to conduct any necessary cost-benefit analysis. These elements include:

- The input and collaboration of all stakeholders;
- A complete analysis of scope;

- The development of accurate cost estimates and the identification of funding in constant collaboration with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

The "Guidelines for the Administration of Branchwide Projects and Initiatives" (Attachment C) have been reviewed and approved by the Administrative Director of the Courts and will be implemented agency-wide, effective the first quarter of 2014. Leading up to the implementation date, the Fiscal Services Office will work with staff from the AOC Center for Judiciary Education and Research to develop an appropriate training curriculum for management team members, budget liaisons, and other applicable staff.

These guidelines address the SEC's recommendation that a cost-benefit analysis should be infused into the AOC's decision-making process and to serve as a guide when considering any new project or program, large scale or otherwise.

Enclosures

Attachment A: Department of Finance Budget Analyst Guide, *Types of Analysis*
Attachment B: Department of Finance Budget Analyst Guide, *Analysis of Issues*
Attachment C: *Guidelines for the Administration of Branchwide Projects and Initiatives*

Attachment A

TYPES OF ANALYSIS

BCPs or other issues involving a proposed augmentation

1. Have the department or group proposing the augmentation clarify what the problem is. All too frequently problem statements are either missing, too brief or too general to be sufficiently clear and quantifiable, discuss symptoms rather than real problems, or are stated in terms of the solution (e.g., "the problem is we don't have the 14 additional staff we need"). The analyst's role is to find out if there is a **public** need which is not being addressed, i.e., what is the problem outside of building? Things like crime, pollution, and poverty are possibilities; the lack of staff, microcomputers, and travel funds are not. Moreover, the problem should be quantified as much as possible so that a quantifiable solution can be arrived at. This should address:

    a. the extent of the problem
    b. how this varies from a "normal" or acceptable situation
    c. how many individuals are experiencing the problem
    d. where this problem is located geographically
    e. need statements should answer the question "why?"

2. **Consider Alternatives for Solving the Problem.** Most BCPs provide two: (1) do nothing and (2) accept our proposal. Do not be deterred by the apparent lack of creativity on the part of some. There is more than one way to solve a problem, especially in an era of constantly changing technology. You might consider:

    a. automation
    b. program restructuring
    c. restructuring systems and procedures
    d. consolidation of functions

3. **The Key Element in a BCP (or other Proposal) is Data** to justify the resource level being proposed. Most proposals request specific amounts of staff and funds. These requests should be supported by equally specific calculations. To the extent that specificity is lacking, the analyst may be required to fill in the gaps in order to develop a recommendation. Usually, this kind of analysis starts with a zero-augmentation assumption and builds in components as they are specifically justified on an individual basis.

For example, a particular solution may involve several different types of staff in field offices, headquarters management, and in the Administration Division, each developed on a different basis. In summary, in this type of situation we start with zero and add in resources as they are justified by specific calculations. As a general rule, if you cannot understand were the number comes from, do not add it in.

4. If they lowballed the bill analysis, they should live with it in the BCP.

Workload Issues

In past years, departments were usually funded for agreed to workload increases. More often than not, in recent years with severe budget restraints and no or insufficient funds available to meet mandatory requirements, workload often is not funded. Departments are required to redirect resources or find other alternatives. Despite that, workload analysis is an important Finance activity.

1. The key variables in workload issues are:

   a. the volume of work to be accomplished, generally referred to as workload
   b. the current staffing level
   c. the workload completed with current staff

2. The ratio of workload being currently completed to current staff will usually provide a good estimate of the productivity rate. The ratio of the workload to be accomplished to the productivity rate is the number of staff required to complete that workload. Example—CAL/OSHA elevator inspectors will inspect about 27,500 elevators this year for safety requirements. Next year the number will increase to 28,500. Currently there are 40 inspectors. How many are needed for next year?

Answer	27,500	=	687.5	(Number of elevators
	40			(1 inspector can inspect)

28,500	=	41.5	(Number of inspectors)
687.5			(needed)

Therefore, 1.5 additional inspectors would be justified on a workload basis. Further, there is one clerical staff for every 4 inspectors in the program, so the addition of 1.5 inspectors would justify 1.5 X .25 or 0.4 of a clerical position, for a total of 1.9 PYs.

3. Sometimes it is necessary to pursue additional justification for the volume of workload projected, depending on historical patterns. Also there may be ways to increase current productivity rates without adding staff by changing procedures or by automating certain functions. The workload calculations should be performed only after the analyst is satisfied with the data that goes into those calculations.

4. **Never** accept a duty statement as workload justification. Anyone can fill up 40 hours per week with activities. This has no relationship to the external workload, how it is changing, and what staffing implications it has.

5. Workload may fluctuate throughout the year. Our policy is usually not to staff a unit for peak workload demands (with the possible exception of temporary help funds where warranted, such as the Franchise Tax Board), but rather to support staffing to process the average workload level.

6. Workload standards are useful if they have been validated and we have agreed to them. Departments should be encouraged to develop them. Even if this hasn't been done prior to writing the BCP, it may be possible to use time sheet and other activity data to put together some useful standards. But be careful, before proceeding, apply the workload standards to last year's work. Does the analysis show it would require 20 PYs to do the work that you know they did with 10 PYs?

7. Be careful of backlog statistics. There is a difference between and backlog and a working inventory. A backlog measurement should exclude:

    a. workload which is currently being processed

Attachment A

b. workload which can be processed in a reasonable or statutorily required length of time
c. workload which has been set aside because it is incomplete, waiting for additional information, or otherwise cannot be processed.

National Association of State Budget Officers (NASBO)

For other types of analyses, see the NASBO training Series Program, Module 6: Analytical Methods for Budget Analysts.

(March 3, 2011) (Analytic/BOS/PBM/APBM)

Attachment B

ANALYSIS: Principles and Practices for DOF Analysts

A. What is Analysis?

Analysis is the process by which issues are separated into their component parts and each part and the interaction among the parts are systematically investigated. Later the components of an issue are put back together in a logical way to support a conclusion and recommendation.

You can also think of analysis as the process by which we attempt to answer such questions as follows, regarding a proposal, activity, program or process.

- Who or what is affected?
- What is/are the effects?
- How and when does/will it operate?
- How much does/will it cost?
- Who is raising the issue or making the proposal, and why?
- How might the problem/issue be resolved?

And the final question upon completing an analysis should always be: "Does this make sense?"

B. Typical Types of Finance Analyses

Finance uses the analytic process to develop recommendations on budget proposals, legislation, and other initiatives and issues that may financially impact the State. Preparing solid recommendations is the foundation for our advisory role to the Governor's Office and our role in representing the Administration.

1. **Fiscal** - Finance's primary role is to provide analyses of fiscal issues or problems. To that end, we review budget change proposals, legislation, initiatives, regulations, and reports to analyze fiscal impacts. Fiscal analyses answer such questions as: How much will (or should) this proposal or program cost (or save) the State? How much revenue will it generate?

2. **Policy** – While not our main role, Finance staff may also perform policy analysis such as when reviewing legislative proposals. Policy analysis is intended to help decision-makers make choices about governmental programs and governmental regulation of individuals and organizations. Policy analysis focuses on such questions as: What is the likely impact of this policy on the public in general, and on specific groups or organizations? Policy analysis can be done from the perspective of known priorities and policies, or without such political preconditions.

3. **Policy combined with fiscal**—Most often Finance's analyses include a combination of fiscal and policy issues. For example, Finance analysts review a Budget Change Proposal to assess the reasonableness of the estimated fiscal impacts but also assess the proposed policy objective in relation to the Administration's priorities. The resulting recommendation thus may indicate that the proposed funding augmentation (or reduction) should be modified

depending on whether the policy objective is deemed to be of high or low priority by the Administration. The recommendation may also suggest an option that provides a lower (or higher) level of attainment of the policy objective, including arguments supporting that level.

Sometimes the deadline for an analysis is so short that the analysis must be "**quick and dirty**" and largely based on assumptions since time is not available to gather more information. In these cases it is helpful if the assumptions can be based on historical information or on data from a similar program or activities. In other cases (such as when asked to prepare "Issue Memos"), Finance may have time to prepare a more expansive analysis.

For more details on some of the specific types of items analyzed at Finance, see Bill Analysis, and BCPs, Writing Effective.

C. Steps in Analysis

Academicians identify various analytical approaches, which can generally be summarized into six basic steps. (See Analysis, Policy, and Problem Solving for a detailed summary of various analytical approaches.)

1. Define the Problem

- Clearly identify the stated issue/problem. Is there really a problem? Sift through extraneous material to identify the real, underlying problem or need (which may not be the same as the stated issue or problem).
- How big is the problem? Quantify, if possible.
- How did the problem arise? When? What perpetuates it? Outline the history of the issue/problem.
- Who and/or what does the problem impact? When? What are the current laws, regulations and/or programs addressing the problem?

2. Gather Information

- Consider: What do you need to know to define and analyze the issue/problem, and to recommend a solution? How much time do you have?
- Ask questions (repeatedly if necessary) to get the information needed. Also be conscious of and respect others' time and workload constraints, however.
- Be skeptical. Challenge the sources; don't assume the information is correct. Try to verify it or test it against other information to determine its accuracy or reasonableness.
- Think through varied viewpoints on the issue (not just the Administration's current perspective). Talk to both proponents and opponents to gain additional political and programmatic insights.
- Ask follow up questions.
- If you cannot get the information you want in the time (or from the sources) available, can you make assumptions to work around it or develop rough estimates? Document the basis for your assumptions.
- Look at other previous analyses/studies of the issue.
- Note that if the time is late (after 5 p.m.) or short ("quick and dirty" analyses) you still may be able to contact the Legislative Analysts' staff, legislative committee staff, (or for bills, the author's or sponsor's office, too) for some information, even if the department staff are not available.

3. Consider Alternatives

- What are all the feasible options? Consider for example, taking no action; altering an

existing law, regulation, process, or program; creating a new law or program, etc.

- What can government do (e.g., mandate, regulate, subsidize, create incentives, tax, provide information, privatize), and what might be effective in this situation?
- What other programs (public or private) or laws (state or federal) address this problem?
- What have other states done to address this problem?
- What has Finance recommended on this type of issue in the past?
- Should the State be involved at all?

4. Determine Criteria for Evaluating Alternatives

Examples of criteria:

- Efficiency - Cost-benefit, cost effectiveness, productivity
- Equity - Is it fair? Who gains, who loses? By how much?
- Effectiveness - Will it solve the problem? How much will it solve?
- Feasibility - Legal, administrative, political (e.g., the current political environment)
- Uncertainty and risk - What could go wrong? How costly? How likely?
- Priority for funding given current state fiscal constraints and Administration policies
- Consistency with Administration goals and policies and expectations

5. Evaluate Alternatives

- Measure each alternative against the criteria.
- Weigh the trade-offs (e.g., better service vs. higher cost; lower cost vs. higher risk)

6. Make Recommendation

- Pull the information together to form conclusions, and then make recommendations.
- Be creative. Policy analysis affords opportunities to develop creative compromises and unique solutions to address problems. Although Finance is not a "think tank," we can occasionally be the source of new policy ideas.
- Anticipate the Administration. Try to recommend at least one option likely to be preferred by the Administration (based on what you know of the current policies and priorities).
- Recommend more than one feasible alternative for the decision-makers to consider (e.g., in times of limited funds recommend the preferred activity and funding level, and some feasible lower level).
- Review your analysis and ask if it all “makes sense.” Can a reader follow the logic from the problem identification through the alternatives to the recommendation?
- Check to see how critical any information (both included and omitted) is to the recommendation.
- Critique and supplement (or pare down) the information as needed.

D. Communicating Your Analysis

To be effective, an analysis must be clearly communicated to the decision-makers and other interested parties.

1. Types of Presentations

- Oral presentations in meetings
- Budget change proposal (BCP) write-ups
- Bill analyses
- Legislative testimony

- Press packets or contacts
- Governor's Budget Summary ("A-pages") and other public reports
- Issue Memos
- One-on-one discussion/negotiation with LAO and departmental staff

2. Presentation Style

- Narrow focus. Finance does not typically produce lengthy study reports that thoroughly analyze all aspects of major policy issues. Finance's analyses tend to focus in on the fiscal impacts to state government and, in particular, to the General Fund.
- Related to specific decisions. Our analyses tend to focus on information needed to make a specific decision, and normally will recommend a specific action on an issue.
- Brief and clear. Finance does not get much time to speak its piece; often one or two lead sentences have to carry the presentation.
- Unbiased/nonpartisan, but politically informed. Although we work for the Governor and do analysis in the context of known Administration policy and perspective, Finance staff should be prepared to argue all sides of an issue (e.g., in Administration decision-making meetings). Recommendations on issues should reflect a balance between what might be acceptable to the Administration, and other considerations, including other viewpoints relevant to a decision. (Finance staff should not expect to promote personal political views, however.)
- Original and active. Use active (not passive) voice as much as possible, and state your thoughts without plagiarizing others' analyses (e.g., departments' analyses or documents).
- Professional. Both oral and written presentations should be made keeping in mind our professional staff role.

3. Traditional Biases of Finance

- Low cost/high benefit
- Proven effectiveness
- High priority
- Fundable by redirection of existing resources
- Consistent with Administration goals

4. Other Considerations

- Preparation. Finance staff are some of the main spokespersons for the Administration, and as such are expected to be able to explain and defend the Administration's position (e.g., on budget proposals) before the Legislature and in answering press calls. Be sure your analysis is adequate to support and defend the recommendations.
- Audience. Be aware of who reads and/or needs the information, and focus the presentation to address their level(s) of knowledge. Give adequate information to understand the issue and recommendation.
- Timing. Be sensitive to whether a decision maker can be receptive to a proposed policy and whether the issue's time has come. Often we are not the best organization to raise an issue; it may be better raised by agency/department staff or others with policy-making

authority.

- Respect for hierarchies. Finance staff should understand and respect the hierarchy of Finance and of other departments and agencies we work with. It is important to differentiate the positions that may be taken by various levels in a department and the degree to which top management has (or has not) approved a particular position.
- Flexibility. The Administration may decide on a different option that you recommend. Be ready and willing to revise your analysis to further detail the selected option, and/or reframe the issue, if necessary.
- Disassociation. Although it can be hard to do, Finance staff should not let themselves get too personally committed to policy recommendations they make or view nonacceptance as a "personal defeat."

E. Developing Policy Analysis Skills/Knowledge

The foundation for any analysis is a thorough working knowledge of your program/subject areas; the issues; and State processes, priorities, and fiscal constraints. The following are some tips on the sources and types of information you should gather (an ongoing process), and how to manage your time to complete analyses.

1. Sources of Information.

Following are some suggested sources and methods for developing your policy understanding and analytical skills. You will be engaged in many of these activities in the course of your work, but take advantage of slow moments for further research and discussion of policy issues in your area.

- Read texts, articles, books, and analyses done by others (e.g., scholars, advocates, the Legislative Analyst, Bureau of State Audits)
- Learn the history (e.g., talk to or review written work of your predecessors on the assignment)
- Listen to others who already know the programs and issues well (e.g., talk with department staff when reviewing various documents)
- Discuss issues with advocates and constituents
- Take field trips to visit program staff and projects in the field
- Learn by doing (jump into your assignment!)

2. Areas of Knowledge

a. ***Program Knowledge.*** The foundation for any analysis is a thorough working knowledge of the program being addressed. No analytical technique can replace basic information about how the program works. Such knowledge typically includes: the program's purpose, who and how many it serves, what it provides, how services are delivered, the current costs, criteria for expending the funds, how the program evolved (e.g., what were key decision points in program's history), and the trends in terms of revenues, expenditures, staffing, and workload data.

b. ***Knowledge of the State's current fiscal situation and constitutional***

constraints. Less than ten percent of the budget is discretionary. Some of the key factors limiting State expenditures are: the State Appropriations Limit (SAL), Proposition 98, other Constitutional requirements, entitlement programs, statutory COLAs, and legal obligations. Other constraints not set in the Constitution or statute but which are as, or nearly as, restraining, include: General Fund revenues, General Fund reserves, federal budget actions directly affecting the State's budget, tax expenditures, public safety expenditures, revenue-producing activities, and budget agreements.

In analyzing budget issues, it is important to keep these factors in mind and know where we are relative to the major constraints. This will tell you whether we have some flexibility and can entertain discretionary proposals, or whether we're going to have to recommend reductions.

c. ***Knowledge of other Administration and Department of Finance Priorities.*** Current State policies and priorities (such as those outlined in the *Governor's Budget Summary* or *Budget Highlights*, or the *State of the State Address*) need to be taken into account when analyzing an issue. Examples of recent State priorities include: (1) reducing personnel years (PYs); (2) reducing General Fund expenditures; (3) attempting to help the federal government reduce the federal deficit; (4) reforming welfare; and (5) making the State more competitive.
Awareness of these policies helps analysts to frame questions and recommendations.

d. ***Knowledge of the Issue.*** Besides general program knowledge, specific information about the issue being addressed is important to understanding proposed changes. For example, analysts may prepare by researching the history of issues in their program area, why the issues are (re)emerging, views of proponents and opponents, and what this and other states are doing to address the issues.

3. Managing Your Analytical Time and Effort

- Get started early. Size things up. Decide when you need to start each task in order to meet your deadline. Set a mental schedule (allowing for slippage).

  Tell the department what information you need right away. Put requests in writing (e.g., by email) when possible to confirm conversations and avoid misunderstandings later. Set a deadline for receipt of this information which is early enough so that you can ask for clarification, or request other information if this raises additional questions.

- Follow up. Think about the information as it's being presented to you. Is it filling in the gaps? What gaps remain? Take the initiative to ask follow-up questions and probe when talking to department staff. It is relatively rare that your first set of questions will elicit all of the information necessary for an analysis. Keep thinking of what you need to resolve the issue.

- Stay on Course. Don't lose sight of your objective and deadline, or get sidetracked. Make sure you understand what's central to the issue, and that you're getting the information you need from department staff (i.e., what's relevant, not what's easy for them to give you).
  Periodically, review where you are relative to your objectives and schedule. Make mid-course corrections as necessary. Raise problems to a higher level in DOF or the line department, as appropriate.
- Stop when you have what you need or you have all you can get in the time available. In the latter case, qualify your analysis by indicating the conclusions are

Attachment B

based on the limited information available and noting any assumptions made.

- Get feedback. Brainstorm ideas with your supervisor and peers. Discuss your findings and conclusions with your managers and with the department. Run drafts of your analysis and recommendations by your managers in advance of the deadline to get their input early.

- Critique your own work. Check and double check your calculations. Review your analysis to see if there are further logical gaps that need to be filled in. See if your factual information is correct, and if your argument holds up to criticism. Revise your analysis if necessary.

- Keep records. Keep your notes, supporting data obtained, and calculations made in a file for reference. (You'd be surprised how quickly people forget how they arrived at certain numbers!)
- Be sensitive to other workload demands on staff with whom you are working. You will likely need their assistance and cooperation in the future. Nevertheless, if they won't give you the information for any of the following reasons:

  - Because they've been appointed by the Governor
  - They told the last analyst they had
  - The last analyst they had didn't ask for this type of information
  - It's not Finance's role
  - They wouldn't ask for funding if they didn't need it
  - They're stalling
  - The Governor wants this done
  - You don't have the professional qualifications
  - The Director already agreed to this

you'll have to recommend disapproval of their request for lack of justification. Tell your supervisor of the situation and discuss how to resolve it.

Rev.9/02 TRO

GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be preceded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
    - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
    - Office Director holds preliminary discussions with Division Chief
    - Division Chief and Office Director present the issue to the Executive Office as an informal concept
    - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate Office/Division for further evaluation.
    - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form
    - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources on implementing the project.
    - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
- Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx

- Components of the RAPP Form
    a. Requesting Office or Division
    b. Date Prepared
    c. Contact Information
    d. Project Title
    e. Summary
    f. Summarized Estimated Costs
    g. Proposal Review Routing
    h. Associated JC Strategic Goal, if applicable
    i. Project Scope
    j. Stakeholders
    k. Impact Analysis
    l. Documentation of Decision-Making Process
    m. Cost Considerations
    n. Authorization to Proceed (Office Director or Designee)

3. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.

4. Briefing of Executive Office by Division Chief/Office Director
    - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
    - Consider discussion with Chief Justice
    - Consider discussions with external stakeholders such as the courts or State Bar

5. Executive Office Action
    - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
    - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Fleshman at (415) 865-7531 or bob.fleshman@jud.ca.gov.

REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/10/13

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary *(Please provide 3 to 4 sentences briefly describing your request.)*	
Summarized Estimated Costs *(Please differentiate between one-time and ongoing costs, if applicable.)*	
Proposal Review Routing *(Please select as applicable.)*	_____Human Resources Office _____Legal Services Office _____Fiscal Services Office _____Information Technology Services Office _____Office of Governmental Affairs _____Other _____ _____Other _____ _____Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including timeline.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the AOC or stakeholders directly or indirectly if this project is approved. Consider staff time, additional funding, and other requirements involved in successfully administering and implementing this project. Include offsets where applicable.

Documentation of Decision-Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide attachments where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Augmentation Required?								
	No							
	Yes		**If YES, indicate fiscal year(s) and associated amount:**					
			FY		**FY**		**FY**		**FY**	
			$		**$**		**$**		**$**	

PROJECT COSTS

1.	**Fiscal Year**				**TOTAL**
2.	**One-Time Cost**				**$**
3.	**Continuing Costs**				**$**
4.	**TOTAL PROJECT BUDGET**	**$**	**$**	**$**	**$**

PROJECT FINANCIAL BENEFITS

5.	**Cost Savings/Avoidances**	**$**	**$**	**$**	**$**
6.	**Revenue Increase**	**$**	**$**	**$**	**$**

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.

_____ _____

Name (Office Director or Designee) **Date**

Notes/Comments

Information on Judicial Council Directives

Council Directive **14**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to conduct a comprehensive review of the AOC position classification system as soon as possible. The focus of the review must be on identifying and correcting misallocated positions, particularly in managerial classes, and on achieving efficiencies by consolidating and reducing the number of classifications.

SEC Recommendation **6-5**

The Executive Leadership Team must direct that a comprehensive review of the AOC position classification system begin as soon as possible. The focus of the review should be on identifying and correcting misallocated positions, particularly in managerial classes, and on achieving efficiencies by consolidating and reducing the number of classifications. The Chief Administrative Officer should be given lead responsibility for implementing this recommendation.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager

TASK

[x] **PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

- On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.
- In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.
- In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.
- In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.
- In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.

- In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.
- In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one‐on‐one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.
- In July 2014, the Executive Office held all‐staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.
- In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.
- In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.
- In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.
- All‐staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the reconsideration process.

In March 2015, staff received their new classifications. Approximately 244 requests for reconsiderations were submitted in April 2015. Following this effort, the Executive Office will review reconsideration requests with support from Human Resources, Legal Services, and Fox Lawson and Associates, as appropriate. After all requests are reviewed, final decisions made by the Administrative Director will be communicated to office leadership to be shared with individual employees.

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **15**

The Administrative Office of the Courts must also undertake a comprehensive review of the AOC compensation system as soon as possible. The AOC must review all compensation-related policies and procedures, including those contained in the AOC Personnel Policies and Procedures Manual.

SEC Recommendation **6-6**

The Executive Leadership Team must direct that a comprehensive review of the AOC compensation system be undertaken as soon as possible. All compensation-related policies and procedures must be reviewed, including those contained in the AOC personnel manual. AOC staff should be used to conduct this review to the extent possible. If outside consultants are required, such work could be combined with the classification review that is recommended above. The Chief Administrative Officer should be given lead responsibility for implementing this recommendation.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager

TASK

[x] **PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

- On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.
- In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.
- In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.
- In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.
- In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.

- In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.
- In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one‐on‐one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.
- In July 2014, the Executive Office held all‐staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.
- In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.
- In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.
- In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.
- All‐staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the reconsideration process.

In March 2015, staff received their new classifications. Approximately 244 requests for reconsiderations were submitted in April 2015. Following this effort, the Executive Office will review reconsideration requests with support from Human Resources, Legal Services, and Fox Lawson and Associates, as appropriate. After all requests are reviewed, final decisions made by the Administrative Director will be communicated to office leadership to be shared with individual employees.

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **16**

The AOC must overhaul current practices for its classification and compensation systems. The AOC must develop and consistently apply policies for classification and compensation of employees, by actions including the following:

(a) A comprehensive review of the classification and compensation systems should be undertaken as soon as possible, with the goal of consolidating and streamlining the classification system.

SEC Recommendation **7-35**

The AOC must commit to overhauling current practices for its classification and compensation systems. The AOC then must develop and consistently apply policies for classification and compensation of employees by actions including the following:

(a) A comprehensive review of the classification and compensation systems should be undertaken as soon as possible, with the goal of consolidating and streamlining the classification system.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager

TASK

x	**PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**
	COMPLETED

IMPLEMENTATION PROGRESS AS OF MAY 2015

	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED		UNABLE TO IMPLEMENT
	IMPLEMENTED AND ONGOING	x	PENDING IMPLEMENTATION
	IMPLEMENTED BUT IN PROGRESS		

- On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.
- In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.
- In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.
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- In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.
- In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.
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- In July 2014, the Executive Office held all‐staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.
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- In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.
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In March 2015, staff received their new classifications. Approximately 244 requests for reconsiderations were submitted in April 2015. Following this effort, the Executive Office will review reconsideration requests with support from Human Resources, Legal Services, and Fox Lawson and Associates, as appropriate. After all requests are reviewed, final decisions made by the Administrative Director will be communicated to office leadership to be shared with individual employees.

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **17**

The AOC must overhaul current practices for its classification and compensation systems. The AOC must develop and consistently apply policies for classification and compensation of employees, by actions including the following:

(b) Priority should be placed on reviewing all positions classified as supervisors or managers, as well as all attorney positions, to identify misclassified positions and take appropriate corrective actions.

SEC Recommendation **7-35**

The AOC must commit to overhauling current practices for its classification and compensation systems. The AOC then must develop and consistently apply policies for classification and compensation of employees by actions including the following:

(b) Priority should be placed on reviewing all positions classified as supervisors or managers, as well as all attorney positions, to identify misclassified positions and take appropriate corrective actions.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager

TASK

[x] **PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

- On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.
- In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.
- In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.
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- In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.
- In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.
- In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.
- All‐staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the reconsideration process.

In March 2015, staff received their new classifications. Approximately 244 requests for reconsiderations were submitted in April 2015. Following this effort, the Executive Office will review reconsideration requests with support from Human Resources, Legal Services, and Fox Lawson and Associates, as appropriate. After all requests are reviewed, final decisions made by the Administrative Director will be communicated to office leadership to be shared with individual employees.

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **18**

The AOC must overhaul current practices for its classification and compensation systems. The AOC must develop and consistently apply policies for classification and compensation of employees, by actions including the following:

(c) The manner in which the AOC applies its geographic salary differential policy (section 4.2 of the AOC Personnel Policies and Procedures Manual) should be reviewed and, if maintained, applied consistently.

SEC Recommendation **7-35**

The AOC must commit to overhauling current practices for its classification and compensation systems. The AOC then must develop and consistently apply policies for classification and compensation of employees by actions including the following:

(c) The manner in which the AOC applies its geographic salary differential policy (section 4.2 of the AOC personnel manual) should be reviewed and, if maintained, applied consistently.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager

TASK

[ ] **PENDING**

[x] **COMPLETED: in February 2015, the Administrative directive amended Judicial Council Policy 4.2 – Geographic salary differentials to now require an annual review and quarterly validation procedure.**

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**

[x] **IMPLEMENTED AND ONGOING**

[ ] **IMPLEMENTED BUT IN PROGRESS**

[ ] **UNABLE TO IMPLEMENT**

[ ] **PENDING IMPLEMENTATION**

In February 2015, the Administrative Director amended Judicial Council Policy 4.2 - Geographic Salary Differentials to ensure that salary differentials were applied consistently and accurately. In addition to an annual review, the policy now includes a quarterly validation procedure outlining the responsibilities of the Human Resources office in reconciling an employee's primary work location with the appropriate geographic salary differential.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- Personnel Policies and Procedures, Policy Number 4.2: Geographic Salary Differentials
- *Reconciliation of Employee Work Locations*

Policy Number: **4.2**

Title: **Geographic Salary Differentials**

Contact: **Human Resources, Labor and Employee Relations Unit**

Policy Statement: **The Judicial Council has established salary ranges for employee compensation based on three geographic regions.**

Contents:

(A) Geographic Regions
(B) Primary Work Location
(C) Change in Primary Work Location
(D) Temporary Changes in Primary Work Location
(E) Procedures to Change Primary Work Location

(A) Geographic Regions

The Judicial Council has established salary ranges for employee compensation based on the following three geographic regions, from lowest (region 1) to highest (region 3), reflecting recognizable cost-of-living and cost-of-labor differences throughout California:

Region 1	Region 1 (cont.)	Region 2	Region 3
Alpine	Modoc	Los Angeles	Alameda
Amador	Mono	Orange	Contra Costa
Butte	Nevada	San Bernardino	Marin
Calaveras	Placer	San Diego	Monterey
Colusa	Plumas	Santa Barbara	Napa
Del Norte	Riverside	Ventura	San Benito
El Dorado	Sacramento		San Francisco
Fresno	San Luis Obispo		San Joaquin
Glenn	Shasta		San Mateo
Humboldt	Sierra		Santa Clara
Imperial	Siskiyou		Santa Cruz
Inyo	Stanislaus		Solano
Kern	Sutter		Sonoma
Kings	Tehama		
Lake	Trinity		
Lassen	Tulare		
Madera	Tuolumne		
Mariposa	Yolo		
Mendocino	Yuba		
Merced			

For more information on setting and adjusting salary ranges for Judicial Council classifications, please refer to Salary Structure, policy 4.1.

(B) Primary Work Location

Employee placement within a particular regional salary range is based on the employee's primary work location. Primary work location is defined as the location in which the employee physically spends the majority (i.e., more than 50 percent) of time working, based on the business needs of the Judicial Council. If an employee works in more than one location and does not work more than 50 percent of the time in any one geographic region, employee placement in a particular regional salary range is based on the work location in which the employee spends the largest percentage of work time.

A record of all regular work locations will be maintained in Human Resources along with the daily work schedules. On a quarterly basis, Human Resources will review the primary work location listed for each employee to ensure the employee's salary rate is within the salary range for the region in which the employee actually spends the majority of time working.

As part of the quarterly reconciliation process, Human Resources will validate the primary work location of each employee by comparing the information contained in the State Controller's Office database with the Judicial Council's Human Resources and Education Management System (HREMS).

Additionally, at the beginning of each fiscal year, a memorandum will be sent out to Office Leadership to obtain each employee's daily work hours, primary location, and when applicable, multiple work location schedule.

Any changes to the regular work location must be requested before implementation by submitting a Personnel Action Request (PAR) for review and approval. Changes requiring an adjustment to salary will occur in the pay period following the PAR approval.

Individuals regularly scheduled to work in more than one region or location, regardless of primary work location for salary purposes, will be reimbursed for work-related travel consistent with Finance guidelines and IRS criteria (determination of taxable expenses).

(C) Change in Primary Work Location

A change in an employee's primary work location from one region to another will result in an immediate salary rate adjustment only if the employee's rate is outside the new region's salary range for the employee's position. For example:

- A change to a higher-cost region will result in a salary rate increase only if the employee's salary rate is below the range minimum for the higher-cost region, in which event the employee's salary will be increased to the minimum of that range.

- A change to a lower-cost region will result in a salary rate decrease only if the employee's salary rate is above the range maximum for the lower-cost region, in which event the employee's salary will be reduced to the maximum of that range.

More information on salary ranges for the three geographic regions is at Judicial Council Salary Listing.

(D) Temporary Changes in Primary Work Location

If an employee's primary work location changes in connection with a temporary long-term assignment or transfer scheduled to last six months or longer, the temporary work location is considered the primary work location for pay purposes. If the temporary assignment results in a pay decrease, the office leadership may request maintaining the employee's

then current rate of pay by submitting a written justification to the Classification and Compensation Unit for review. Requests to maintain pay rate must be approved by the Chief Administrative Officer. If the nature of the employee's job involves working in a multi-county territory, work-related movements are not considered temporary assignments for regional salary range purposes.

(E) Procedures to Change Primary Work Location

All PARs requesting primary work location changes must include the business justification for the change. Justifications must explain how the planned work location change will improve service delivery to judicial branch entities as well as any cost implications (e.g., leased office space). All PARs must be approved by the Chief Administrative Officer before any actual change in primary work location.

A change in an employee's primary work location may not only affect an employee's salary range, but also reimbursement of certain travel expenses within policy. It may also result in potential tax consequences to the employee for travel reimbursements.

RECONCILIATION OF EMPLOYEE WORK LOCATIONS

Validation Process

On a quarterly basis, Human Resources will compare and validate the information entered into (1) the State Controller's Office (SCO) for payroll purposes, (2) Human Resources and Education Management System (HREMS) for the employee's official human resources record, and (3) employee entries to HREMS, via self service, for the Judicial Council phone list.

Fields Requiring Review

Specifically the following data will be compared:

- SCO: the county of the employee's primary work location for salary and payroll purposes;
- HREMS: the city of the employee's primary work location for salary and official record keeping purposes;
- HREMS Employee Self Service: the primary work space number and work phone number for Judicial Council phone list purposes.

Based on the work area codes/phone numbers and the workspace number configurations, the HREMS team will be able to determine if the phone list information differs from the SCO and HREMS primary work location record.

Data Correction

Any differences will be reviewed with Pay and Benefits staff. Pay and Benefits staff will research the paperwork received (Personnel Action Request/Exemption Form), discuss with the employee's management, and make any adjustments needed so that the information in all three systems is consistent.

Information on Judicial Council Directives

Council Directive **19**

The AOC must commit to overhaul current practices for its classification and compensation systems. The AOC must develop and consistently apply policies for classification and compensation of employees, by actions including the following:

(d) Given current HR staffing and expertise levels, the Administrative Director of the Courts is directed to consider whether an outside entity should conduct these reviews and return to the Judicial Council with an analysis and a recommendation.

SEC Recommendation **7-35**

The AOC must commit to overhaul current practices for its classification and compensation systems. The AOC must develop and consistently apply policies for classification and compensation of employees, by actions including the following:

(d) Given current HR staffing and expertise levels, an outside entity should be considered to conduct these reviews.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager Curt Soderlund, Chief Administrative Officer

TASK

[ ] **PENDING**

[x] **COMPLETED: After a competitive bidding process, Fox Lawson & Associates was selected to conduct the classification and compensation study.**

On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.

In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.

In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**

[ ] **IMPLEMENTED AND ONGOING**

[x] **IMPLEMENTED BUT IN PROGRESS**

[ ] **UNABLE TO IMPLEMENT**

[ ] **PENDING IMPLEMENTATION**

In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the

study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.

In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.

In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.

In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.

In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.

In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.

All-staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the appeals process.

To allow for sufficient time to consider all information and ensure that the classification specifications meet organizational needs and core services, the Executive Team has extended the timeline for staff allocations. Staff were informed of their new classifications by March 2015. This reflects a change from the original allocation date of February 2015.

ASSESSMENT OF IMPLEMENTATION

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed.

An implementation update will be provided at the October 2015 council meeting. The classification portion of the Fox Lawson study has provided a new and streamlined classification structure for the organization that has reduced the classifications from 184 classifications to approximately 72 classifications with approximately 19 pay bands.

OTHER INFORMATION

Attachments:

- Request for Proposal for Classification and Compensation Study
- Notice of Intent to Award for Classification and Compensation Study

REQUEST FOR PROPOSALS

ADMINISTRATIVE OFFICE OF THE COURTS (AOC)

REGARDING:
2013 Classification and Compensation Study, RFP Number AOC13-84-13-33

PROPOSALS DUE:
May 17, 2013 NO LATER THAN **3:00** P.M. PACIFIC TIME

1.0 BACKGROUND INFORMATION

1.1 Background

The Judicial Council of California (Council), chaired by the Chief Justice of California, is the chief policy making agency of the California judicial system. The California Constitution directs the Council to improve the administration of justice by surveying judicial business, recommending improvements to the courts, and making recommendations annually to the Governor and the Legislature. The Council also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law. The Administrative Office of the Courts (AOC) is the staff agency for the Council and assists both the Council and its chair in performing their duties.

1.2 AOC Classification and Compensation Study

The AOC has undergone a significant downsizing and restructuring, and has not conducted an in-depth, agency-wide review of the classification and compensation structure in recent years. The AOC Human Resources Services Office (HRSO) provides direct classification and compensation support for employees of the AOC, as well as employees of the California Supreme Court and the Courts of Appeal, and, upon request, the Superior Courts of California. This project is a comprehensive study of only AOC positions, classifications, and compensation. The Chief Justice sets compensation rates for all AOC employees per Cal. Const., Art. VI, §6; Gov. Code, §19825(k). Employees of the AOC are not represented by unions.

Currently, the AOC has 24 offices spread over four divisions. There are approximately 725 incumbents in 185 job classifications across various functional areas such as legal, finance, administration, education, information systems, court services, human resources, governmental affairs, and security. The AOC seeks to consolidate classifications no longer deemed essential in meeting the business needs of the organization with the goal of streamlining the classification system. The AOC's salary listing, including links to classification specifications, is available through the following link: http://www.courts.ca.gov/12328.htm. Information regarding the AOC's organizational structure is available through the following link: http://www.courts.ca.gov/jcc-publications.htm.

2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

2.1 The AOC seeks the services of a Contractor with expertise and experience in the public sector to conduct and/or assist in conducting a comprehensive, agency-wide classification, Fair Labor Standards Act (FLSA), and compensation study.

3.1 Proposers must bid on all three major components of the study outlined below and also must indicate the cost for each component individually. The AOC may award only certain components of this Request for Proposals (RFP) as a contract to a single vendor. For example, there is a possibility that a Contractor will conduct the classification and compensation study of manager classifications and above (component 1), and the AOC will conduct the classification and compensation study of supervisory classifications and below (component 2). In this scenario, the Contractor will also provide any necessary training to HRSO staff on the Contractor's job evaluation methodology used to conduct the study of manager classifications and above. Additionally, the Contractor will provide guidance, oversight, and validation of the application of that methodology to the classifications studied by AOC staff. The Contractor will also review the compensation structure and make compensation recommendations for all classifications in the AOC (component 3).

3.2 The study consists of three major components. The Contractor must provide a timeline for each component listed below:

- **Component 1:** Classification and compensation study of manager classifications and above (approximately 80 incumbents in 14 classifications).
- **Component 2:** Classification, FLSA, and compensation study of supervisor classifications and below (approximately 665 incumbents in 107 classifications).
- **Component 3:** Training, guidance, oversight, and validation of HRSO staff's application of the Contractor's job evaluation methodology, and compensation recommendations for all classifications in the AOC. Note that this component will be awarded only in the event that the AOC conducts the study of supervisor classifications and below.

3.3 **Component 1:** Classification and compensation study of manager classifications and above (approximately 80 incumbents in 14 classifications)

Currently, the AOC has a multitude of supervisory classifications in different functional areas with varying salary ranges. However, with a few exceptions, there is one generic classification and salary range for managers as well as most of the classifications above that level such as senior manager, assistant director, and director. This structural divide causes widely varying promotional increase amounts when incumbents are promoted from different supervisory classifications to manager.

3.3.1 Communications

a) The Contractor will facilitate a strategic planning meeting with HRSO and/or the Executive Office to discuss data collection methods, project plan, timeline, and deadlines.

h) The Contractor will provide bi-weekly status updates to the AOC Project Manager (Project Manager) via email, conference call, or in person as necessary.

3.4.2 Job Analysis

a) The Contractor will collect a written position description questionnaire from each incumbent, which outlines the essential duties performed and the percent of time allocated to each of those duties. The questionnaires will accompany all information required to:

i. Comply with the Americans with Disabilities Act (ADA), and

ii. Make appropriate classification and compensation recommendations.

b) The Contractor will collect written feedback on each position description questionnaire from the incumbent's supervisor.

c) The Contractor will conduct up to 80 follow-up interviews as necessary to clarify the information collected.

d) The Contractor will analyze the information collected in the questionnaires, supervisor's feedback, and interviews to determine whether or not each incumbent is appropriately classified. The analysis will identify specific duties found to be within or outside the scope of the assigned classification.

e) The Contractor will determine whether the duties performed by each incumbent are within the scope of the assigned classification.

f) The Contractor will make a recommendation as to whether the assigned classification should be split into more than one classification to reflect different functional areas and levels of responsibility.

g) The Contractor will review all existing AOC classifications and recommend a classification structure that aligns with current business needs. This will include the amendment of existing classifications and/or creating new classifications as necessary.

3.4.3 Report of Findings - Classification

a) The Contractor will prepare a draft report of all classification findings and recommendations.

b) The Contractor will facilitate a meeting with HROO and/or the Executive Office to discuss the classification findings.

3.4.4 Job Documentation

a) The Contractor will develop a position-specific job description for every position reviewed (approximately 80).

b) The Contractor will amend and/or draft new classification specifications as necessary (see 3.4.3 (f) and (g) above).

3.4.5 Job Evaluation

a) The Contractor will facilitate a meeting with HRMS and/or the Executive Office to recommend a job evaluation methodology appropriate for the AOIC's business needs.

b) The Contractor will utilize the agreed upon methodology to determine the relative internal value of each classification, so that a fair and equitable compensation structure can be established.

c) The Contractor will provide HRMS staff with training and written materials, which explain the application of the Contractor's job evaluation methodology.

3.4.6 Internal Hierarchy

a) The Contractor will analyze the existing internal hierarchy and identify problem areas.

b) The Contractor will propose a revised internal hierarchy and recommend methods for implementation.

3.4.7 Compensation Review

a) The Contractor will review and analyze the current compensation structure and identify problem areas.

b) The Contractor will recommend appropriate classifications for the AOIC to analyze an external benchmarks.

c) The Contractor will recommend appropriate comparator organizations for the AOIC.

d) The Contractor will conduct a customized compensation survey of the selected comparator organizations.

e) The Contractor will analyze compensation survey data currently available to the Contractor and the AOIC.

h) The Contractor will complete an internal salary relationship analysis, including the development of appropriate internal relationship guidelines.

g) The Contractor will recommend a salary range for every classification reviewed and any newly created classifications, including recommendations on appropriate range spread and overlap.

3.4.6 Report of Findings – Component 1

a) The Contractor will prepare a draft report of all compensation findings and recommendations.

b) The Contractor will facilitate a meeting with DHRD and/or the Executive Office to discuss the compensation findings.

c) The Contractor will prepare a final report to include all findings and recommendations for component 1.

3.5 **Component 2:** Classification, FLSA, and compensation study of supervisor classifications and below (approximately 845 incumbents in 187 classifications).

3.5.1 Communication

a) The Contractor will facilitate a strategic planning meeting with DHRD and/or the Executive Office to discuss data collection methods, project plan, timeline, and deadlines.

b) The Contractor will provide bi-weekly status updates to the Project Manager via email, conference call, or in person as necessary.

3.5.2 Job Analysis

a) The Contractor will collect a written position description questionnaire from each incumbent, which outlines the essential duties performed and the percent of time allocated to each of those duties. The questionnaire will also require all information required to:

i. Make a legally defensible FLSA determination for each position;

ii. Comply with the Americans with Disabilities Act (ADA); and

iii. Make appropriate classification and compensation recommendations.

b) The Contractor will collect written feedback on each position description questionnaire from the incumbent's supervisor.

c) The Contractor will conduct up to [illegible] follow-up interviews and/or desk audits as necessary to clarify the information collected.

d) The Contractor will analyze the information collected in the questionnaires, supervisor's feedback, and interviews to determine whether or not each incumbent is appropriately classified. The analyses will identify the specific duties found to be within or outside the scope of the assigned classification.

e) The Contractor will determine whether the duties performed by each incumbent are within the scope of the assigned classification.

f) The Contractor will identify appropriate career paths for related classifications within the structure.

g) The Contractor will review all existing AOC classifications and recommend a classification structure that aligns with current business needs. This will include the amendment of existing classifications, and/or creating new classifications as necessary.

2.5.3 Report of Findings - Classification

a) The Contractor will prepare a draft report of all classification findings and recommendations.

b) The Contractor will facilitate a meeting with HRSO and/or the Executive Offices to discuss the classification findings.

2.5.4 FLSA Review

a) The Contractor will evaluate the collected information and make a recommendation for the appropriate FLSA designation for each position.

b) The Contractor will provide written documentation in support of each of the recommendations to HRSO, for final approval by the AOC Legal Services Office (LSO).

c) The Contractor will facilitate a meeting with HRSO, the LSO and the Executive Offices to discuss the FLSA findings.

2.5.5 Job Documentation

a) The Contractor will develop a position specific job description for every position reviewed (approximately 645).

b) The Contractor will amend and/or draft up to 347 new classification specifications as necessary (see 2.5.2 (g) above).

2.5.6 [illegible]

a) The Contractor will facilitate a meeting with HRSO and/or the Executive Office to recommend a job evaluation methodology appropriate for the AOC's business needs.

b) The Contractor will utilize the agreed upon methodology to determine the relative internal value of each classification, so that a fair and equitable compensation structure can be established.

c) The Contractor will provide HRSO staff with training and written materials, which explain the application of the Contractor's job evaluation methodology.

2.5.7 [illegible]

a) The Contractor will analyze the existing internal hierarchy and identify problem areas.

b) The Contractor will propose a revised internal hierarchy and recommend methods for implementation.

2.5.8 [illegible]

a) The Contractor will review and analyze the current compensation structure and identify problem areas.

b) The Contractor will recommend appropriate classifications for the AOC to utilize as external benchmarks.

c) The Contractor will recommend appropriate comparator organizations for the AOC.

d) The Contractor will conduct a customized compensation survey of the selected comparator organizations.

e) The Contractor will analyze compensation survey data currently available to the Contractor and the AOC.

f) The Contractor will complete an internal salary relationship analysis, including the development of appropriate internal relationship guidelines.

g) The Contractor will recommend a salary range for every classification reviewed and any newly created classifications, including recommendations on appropriate range spread and overlap.

3.3.8 Report of Findings – Component I

a) The Contractor will prepare a draft report of all compensation findings and recommendations.

b) The Contractor will facilitate a meeting with HRSD's and/or the Executive Office to discuss the compensation findings.

c) The Contractor will prepare a final report to include all findings and recommendations for component I.

3.3.10 Appeals Process

a) The Contractor will propose a management review/appeal process to final resolution to classification related disputes.

b) The Contractor will provide an evaluation written response for each appeal, up to a maximum of 10 appeals.

3.4 **Component II**: This component assumes that the Contractor will conduct the study of manager classifications and above (component 1) and that the AOC will conduct the study of supervisor classifications and below (component 2). The Contractor will provide training, guidance, oversight, and validation of HRSD staff's application of the Contractor's job evaluation methodology, and make compensation recommendations for all classifications in the AOC.

3.4.1 Communications

a) The Contractor will facilitate a strategic planning meeting with HRSD and/or the Executive Office to discuss project plan, timelines and deadlines.

3.4.2 Training, guidance, oversight, and validation

a) The Contractor will provide training, guidance and oversight to HRSD staff on the Contractor's job evaluation methodology for the study of manager classifications and above so that the AOC may utilize the same methodology for the study of supervisor classifications and below.

b) The Contractor will review the analysis conducted by HRSD's staff on supervisor classifications and below to validate the consistent application of the Contractor's job evaluation methodology.

3.4.3 Report of Findings – Compensation

a. The Contractor will prepare a report with recommendations on salary ranges for all classifications in the AOC.

h) The Contractor will facilitate a meeting with DHHS and/or the Executive Office to discuss the findings.

i) The Contractor will prepare a final report to include all findings and recommendations for component 3.

3.8 TIMELINE FOR THIS RFP

The AOC has developed the following list of key events related to this RFP. All dates are subject to change at the discretion of the AOC.

EVENT	DATE
RFP issued	April 9, 2013
Deadline for questions to rfp.questions@mail.ncmba.gov	April 19, 2013 at 5:00 p.m.
Questions and answers posted	May 3, 2013
Letter date and time proposal may be submitted	May 17, 2013 at 5:00 p.m.
Evaluation of proposals (contract only)	May 17, 2013 – July 10, 2013
Oral Presentations	July 31, 2013 – August 9, 2013
Notice of intent to Award (contract only)	August 23, 2013
Negotiations and execution of contract (contract only)	August 26, 2013
Notice of Award (contract only)	September 9, 2013
Contract start date (contract only)	No Later Than September 16, 2013
Contract end date (contract only)	September 15, 2014

3.9 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs (State IT Services)	These rules govern this solicitation.
Attachment 2: AOC Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the "Proposer") must sign the AOC Standard Agreement Terms and Conditions as substantially the form provided.

Attachment 3 Proposer's Acceptance of Terms and Conditions	On this form, if exceptions are identified, proposers must submit (1) a red-lined version of Attachment 1 – Standard Agreement Terms and Conditions that clearly track proposed changes to this attachment, (2) written documentation to substantiate each such proposed change and (3) written explanation to indicate how each proposed change will benefit the AOC. **Note: A material exception to a Minimum Term may render a proposal non-responsive.**
Attachment 4 Payee Data Record Form	This form contains information the AOC requires in order to process payments.
Attachment 5 Darfur Contracting Act Certification	Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 6 Iran Contracting Act Certification	Proposer must complete the Iran Contracting Act Certification and submit the completed certification with its proposal.
Attachment 7 Conflict of Interest Certification Form	Proposer must complete the Conflict of Interest Certification and submit the completed certification with its proposal.
Attachment 8 Pricing Form	Proposer must provide the total number of billable hours by task and cost by task for each of the three components set forth in section 3.0.

5.0 SUBMISSION OF PROPOSALS

5.1 Proposals should provide straightforward, concise information that satisfies the requirements of Section 6 ("Proposal Contents"). Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the RFP's instructions and requirements, and completeness and clarity of content.

5.2 The Proposer must submit its proposal as two parts, the technical proposal and the cost proposal:

a. The Proposer must submit **one (1) original and five (5) copies** of the technical proposal. The original must be signed by an authorized representative of the Proposer. The Proposer must write the RFP title and number on the outside of the sealed envelope.

b. The Proposer must submit **one (1) original and five (5) copies** of the cost proposal. The original must be signed by an authorized representative of the Proposer. The original cost proposal (and the copies thereof) must be submitted to the AOC in a single sealed envelope, separate from the technical proposal. The Proposer must write the RFP title and number on the outside of the sealed envelope.

c. The Proposer must submit an electronic version of the entire proposal on CD-ROM or flash drive. The files contained on the CD-ROM or flash drive should be in PDF, Word, or Excel formats.

5.3 Proposals must be delivered by the date and time listed on the cover sheet of this RFP to:

Administrative Office of the Courts
Attn: Heather McFadden, **RFP #[redacted]**
455 Golden Gate Avenue, Ninth Floor
San Francisco, CA 94102

5.4 Late proposals will not be accepted.

5.5 Only written proposals will be accepted. Proposals must be sent by registered or certified mail, courier service (e.g. FedEx), or delivered by hand. Proposals may not be transmitted by fax or email.

6.0 PROPOSAL CONTENTS

6.1 Technical Proposal. The following information must be included in the technical proposal. A proposal lacking any of the following information may be deemed non-responsive.

a. Proposer's name, address, telephone and fax numbers, and federal tax identification number. Note that if Proposer is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.

b. Name, title, address, telephone number, and email address of the individual who will act as Proposer's designated representative for purposes of this RFP.

c. For each key staff member: a resume describing the individual's background and experience, as well as the individual's ability and experience in conducting the proposed activities.

d. Names, addresses, and telephone numbers of a minimum of four (4) clients for whom the Proposer has conducted similar services. The AOC may check references listed by Proposer.

e. Proposed method to complete the work.

i. Describe in detail your project plan for each component listed in Sections 2.1; organized by the subcategories outlined in Sections 2.4 to 2.8.3.

ii. List the vendor's staffing resources necessary for each component, including hours proposed per staff, per deliverable, per component.

iii. Provide a proposed timeline for each of the components listed in Sections 2.4 to 2.6.3, including proposed deliverable due dates for each component.

iv. Provide information regarding any salary survey data accessible to the Contractor for the compensation study.

v. Provide sample reports of classification, FLSA, and compensation studies of similar scope that demonstrate the Proposer's ability to perform all of the work described in Section 2.0 – Description of Services and Deliverables with any proprietary information redacted.

f. Acceptance of the Terms and Conditions:

i. On Attachment 3, the Proposer must either indicate acceptance of the Terms and Conditions or clearly identify exceptions to the Terms and Conditions. An "exception" includes any additions, deletions, qualifications, limitations, or other changes.

ii. If exceptions are identified, the Proposer must also submit a red-lined version of the Terms and Conditions that clearly marks proposed changes, and a written explanation or rationale for each exception and/or proposed change.

g. Certifications, Attachments, and other requirements.

i. Proposer must include the following certification in its proposal:

Using Attachment 7, Proposer certifies it has no interest that would constitute a conflict of interest under California Public Contract Code sections 10365.5, 10410 or 10411, Government Code sections 1090 et seq. or 87100 et seq., or rule 10.103 or rule 10.104 of the California Rules of Court, which restrict employees and former employees from contracting with judicial branch entities.

ii. Proposer must complete the Darfur Contracting Act Certification, attached as Attachment 8, and the Iran Contracting Act Certification, attached as Attachment 9, and submit both completed certifications with its proposal.

iii. Proposer must include in its proposal a completed and signed Payee Data Record Form (see Attachment 4), or provide a copy of a form previously submitted to the AOC.

iv. If Proposer is a corporation and the contract will be performed within California, proof that Proposer is in good standing and qualified to conduct business in California. AOC may verify by checking with California's Office of the Secretary of State.

v. Copies of current business licenses, professional certifications, or other credentials

vi. Proof of financial solvency or stability (e.g., balance sheets and income statements)

6.3 Cost Proposal. The following information must be included in the cost proposal:

i. A detailed line item budget showing total cost of the proposed services for each component listed in Section 2.0. Proposers must include a breakdown of all proposed costs for each deliverable in each component, even for the firm fixed priced offered.

ii. A full explanation of all budget line items in a narrative entitled "Budget Justification."

iii. For each component in Section 2.0, a total for all work and expenses payable under the contract, if awarded.

NOTE: It is unlawful for any person engaged in business within this state to sell or use any article or product as a "new article" as defined in Section 12700 of the Business and Professions Code.

7.0 OFFER PERIOD

A Proposer's proposal is an irrevocable offer for one hundred twenty (120) days following the proposal due date. In the event a final contract has not been awarded within this one hundred twenty (120)-day period, the AOC reserves the right to negotiate extensions to this period.

8.0 EVALUATION OF PROPOSALS

As the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents.

The AOC will evaluate the proposals on a 100 point scale using the criteria set forth in the table below. The Award, if made, will be to the highest scored proposal.

CRITERION	MAXIMUM NUMBER OF POINTS
Quality of work plan submitted Quality of work plan submitted as it relates to meeting the objectives outlined in the Description of Services and Deliverables **RFP Section 2.0, Section 6.1** Ability to organize and present concepts well	40

CRITERION	MAXIMUM NUMBER OF POINTS
In the work plan that represents an in-depth understanding of public sector classification and compensation structural issues, as well as FLSA challenges in a non-unionized environment. **RFP Section 3.0, Section 6.1** Proposed method of job analysis and job evaluation as it relates to meeting the objectives outlined in the Description of Services and Deliverables. **RFP Section 3.0, Section 6.1** Proposed overall timeline and organization of assigned responsibilities. **RFP Section 6.1** Flexibility of work plan to allow for adjustments to scope and timing as issues arise during the study. **RFP Section 6.1**	
Resources and experience and ability Proposer has the ability to provide a dedicated project manager and assigned staff subject matter experts who each have a minimum of 10 years of experience in classification and compensation structure, and FLSA designation determinations. **RFP Section 6.1** Proposer has demonstrated experience in conducting large-scale, in-depth classification and compensation studies, preferably in the public sector. **RFP Section 3.0, Section 6.1** Proposer has demonstrated experience in formulating legally defensible FLSA support documentation. **RFP Section 3.0, Section 6.1** Proposer has demonstrated experience in	20

CRITERION	MAXIMUM NUMBER OF POINTS
developing a comprehensive salary structure. **RFP Section 2.B, Section 6.1** Proposer has demonstrated experience in providing training to Human Resources professionals as it relates to meeting the objectives outlined in the Description of Services and Deliverables. **RFP Section 2.B, Section 6.1**	
Cost **RFP Section 6.2**	50
Acceptance to Terms and Conditions **RFP Attachment 3**	10
Maximum Score	100

5.0 INTERVIEWS

The AOC may conduct interviews with Proposers to clarify aspects set forth in their proposals or to assist in finalizing the ranking of top-ranked proposals. The interviews may be conducted in person or by phone. If conducted in person, interviews will likely be held at the AOC's offices in San Francisco. The AOC will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The AOC will notify eligible Proposers regarding interview arrangements.

10.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

One copy of each proposal will be retained by the AOC for official files and will become a public record. California judicial branch entities are subject to rule 10.500 of the California Rule of Court, which governs public access to judicial administrative records (see www.courtinfo.ca.gov/rules/index.cfm?title=ten&linkid=rule10_500).

If information submitted in a proposal contains material which is marked as confidential and/or proprietary that, in the AOC's sole opinion, meets the disclosure exemption requirements of Rule 10.500, then that information will not be disclosed upon a request for access to such records. If the AOC finds or reasonably believes that the material so marked is **not** exempt from disclosure, the AOC will disclose the information regardless of the marking or notation seeking confidential treatment.

Notwithstanding the above, the California Public Contract Code requires the public inspection of certain proposals. If required to do so by the Public Contract Code, the AOC may disclose all information contained in a proposal, including information marked as confidential or proprietary.

11.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOAL

The AOC has waived the inclusion of DVBE participation in this solicitation.

12.0 PROTESTS

Any protests will be handled in accordance with Chapter 5 of the Judicial Branch Contract Manual (see www.courts.ca.gov/documents/jbcm.pdf). Failure of a Proposer to comply with the protest procedures set forth in that chapter will (1) render a protest inadequate and non-responsive, and will (2) result in rejection of the protest. The deadline for the AOC to receive a solicitation specifications protest is the proposal due date. Protests should be sent to:

AOC – Business Services
ATTN: Protest Hearing Officer, RFP# [redacted]
455 Golden Gate Avenue, Ninth Floor
San Francisco, CA 94102

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS

REQUEST FOR PROPOSAL NO. HRMD-04-13-03
2013 CLASSIFICATION AND COMPENSATION STUDY

NOTICE OF INTENT TO AWARD
September 13, 2013

It is the intent of the Judicial Council of California, Administrative Office of the Courts to enter into a contract with the following proposer, for components 1 and 3 of the Request for Proposals:

Fox Lawson & Associates,
A division of Gallagher Benefit Services, Inc.
Post Office Box 32807
Phoenix, AZ 85064-2807

Providing contract negotiations can be finalized, the above-named proposer will be awarded a contract for the services set forth in the RFP.

Information on Judicial Council Directives

Council Directive **20**

E&P also recommends that the Judicial Council direct the Administrative Director of the Courts to assess the results of the compensation and classification studies to be completed and propose organizational changes that take into account the SEC recommendation 7-75 and the analysis of the classification and compensation studies.

SEC Recommendation **7-75**

The Administrative Director should make an AOC-wide assessment to determine whether attorneys employed across the various AOC divisions are being best leveraged to serve the priority legal needs of the organization and court users.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager

TASK

[x] **PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

- On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.
- In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.
- In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.
- In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.
- In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.
- In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.
- In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one‐on‐one phone interviews with a small

number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

- In July 2014, the Executive Office held all‐staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.
- In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.
- In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.
- In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.
- All‐staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the reconsideration process.

In March 2015, staff received their new classifications. Approximately 244 requests for reconsiderations were submitted in April 2015. Following this effort, the Executive Office will review reconsideration requests with support from Human Resources, Legal Services, and Fox Lawson and Associates, as appropriate. After all requests are reviewed, final decisions made by the Administrative Director will be communicated to office leadership to be shared with individual employees.

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **21**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to implement a formalized system of program and project planning and monitoring that includes, at minimum, a collaborative planning process that requires an analysis of impacts on the judicial branch at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated.

SEC Recommendation **6-2**

The AOC Executive Leadership Team must begin to implement a formalized system of program and project planning and monitoring that includes, at minimum, a collaborative planning process that requires an analysis of impacts on the judicial branch at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

	PENDING
x	**COMPLETED: In August 2013, Council staff developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.**

Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost benefit analysis proposal for the Judicial Council.

Council staff developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders. This was developed in August 2013.

The proposed "Guidelines for the Administration of Branchwide Projects and Initiatives" include the "Request for Approval of Project Proposal" form. These guidelines require the full documented collaboration of all stakeholders impacted by a project or initiative. The Executive Office has the sole discretion for determining when to utilize the form for branchwide projects and initiatives.

These guidelines were presented to the Judicial Council at the December 13, 2013, council meeting.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ]	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	[ ]	UNABLE TO IMPLEMENT
[x]	IMPLEMENTED AND ONGOING	[ ]	PENDING IMPLEMENTATION
[ ]	IMPLEMENTED BUT IN PROGRESS		

The directive implementation will remain ongoing as this tool will be used as necessary whenever there are projects or initiatives that meet the requirements for use of this cost benefit analysis form.

ASSESSMENT OF IMPLEMENTATION

After the guidelines were developed, Court Operations Services contacted Finance because there was a similar process and form for seeking grant opportunities.

It was decided that the forms and guidelines should be merged to be applicable to both cost benefit analysis for major programs and initiatives as well as grant opportunities. The forms were merged for this purpose.

Finance reports that Information Technology also has a cost benefit analysis form that they utilize and that future activities will includes working with IT to determine if this form should be merged with the existing guidelines and form.

Finance indicated that this process was designed for use of all branch funds and to-date, there have been no major initiatives and so the process has not been utilized. For other minor funding needs, the council staff has utilized the budget change proposal process. Additionally, it was clarified that although the formal cost benefit analysis is not currently utilized for Court of Appeal funding decisions, it was designed for use for all judicial branch entities.

A discussion was held by E&P where they asked questions about the threshold for when this tool should be utilized. It was explained by SEC members that this grew out of concerns about CCMS and that this would be utilized in those cases where a budget change proposal is not an option and there is the potential for the use of all branch funds.

OTHER INFORMATION

Attachments:

- Memo: Consider Guidelines and Process Recommendation, from Curt Soderlund to Hon. Steven Jahr, November 25, 2013
- *Guidelines for the Administration of Branchwide Projects and Initiatives* (includes Request for Approval of Project Proposal)
- Report to Judicial Council for meeting of December 12-13, 2013: AOC Restructuring: Implementation of New Guidelines for Conducting Cost-Benefit Analysis for AOC Projects, December 13, 2013

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
[illegible]
[illegible]
[illegible]

MEMORANDUM

Date
November 29, 2011

To
Hon. Steven Jahr
Administrative Director of the Courts

From
Curt Soderlund
Chief Administrative Officer

Zlatko Theodorovic
Director, Fiscal Services Office

Subject
Judicial Council Directives 7-11, 21, 40, 91 and 149

Action Requested
Consider Guidelines and Process Recommendations

Deadline
At your convenience

Contact
Curt Soderlund
916-263-1513 phone
curt.soderlund@jud.ca.gov

This memorandum requests your review and approval of staff recommendations to establish guidelines and a process to address the various common aspects of Judicial Council Directives 7-11, 21, 40, 91 and 149 specific to future critical initiatives. This recommendation seeks to encompass a process that ensures a full and comprehensive cost-benefit analysis that includes:

- The input and collaboration of all stakeholders;
- Consultation with the Judicial Council and the Executive and Planning Committee, as necessary;
- A complete analysis of scope;
- The development of accurate cost estimates and the identification of funding in consultation with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full management consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Background

The Judicial Council approved various directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. The directives approved were derived from the SEC's observations that alleged a lack of uniform internal processes, insufficient collaboration, and inadequate analysis.

Projects brought before the Judicial Council for consideration should be evaluated on the basis of scope, resources, and political sensitivity. The outcomes of these comparisons will assist the Judicial Council in their oversight role of report review so that they may provide:

- Clear and complete definition of priorities;
- A balance between the requests and branch roles and responsibilities;
- Complete consultation; and
- Timely feedback and direction.

The AOC recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects and will continually seek refinement of existing processes.

Recommendation

We request the approval of the following policy regarding cost benefit analyses:

> Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

We further recommend that you approve use of the proposed Guidelines for the Administration of Branchwide Projects and Initiatives as the official AOC process.

Lastly, should you approve the above guidelines, we recommend that you direct staff of the Fiscal Services Office to publicize the new process.

APPROVAL

(Please check one)

☑ I approve the recommendations above.

☐ I approve_____

Hon. Steven Jahr, Administrative Director of the Courts

11/26/13
Date

Attachments

Guidelines for the Administration of Branchwide Projects and Initiatives

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be preceded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated contracts, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
   - Officers/Directors identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
   - Office Director holds preliminary discussions with Division Chief
   - Division Chief and Office Director present the issue to the Executive Office as an informal concept
   - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate for further evaluation
   - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form:
   - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources.
   - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
- Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx

- Components of the RAPP Form
  a. Requesting Office or Division
  b. Date Prepared
  c. Contact Information
  d. Project Title
  e. Summary
  f. Summarized Estimated Costs
  g. Proposed Review Routing
  h. Associated JC Strategic Goal, if applicable
  i. Project Scope
  j. Stakeholders
  k. Impact Analysis
  l. Documentation of Decision-Making Process
  m. Cost Considerations
  n. Authorization to Proceed (Office Director or Designee)

1. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.

4. Briefing of Executive Office by Division Chief/Office Director
   - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
   - Consider discussion with Chief Justice
   - Consider discussions with external stakeholders such as the courts or State Bar

5. Executive Office Action
   - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
   - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Chatkham at (415) 865-7931 or bob.chatkham@jud.ca.gov.

REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/2012

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary (Please provide 2 to 4 sentences briefly describing your request.)	
Summarized Estimated Costs (Please attach/provide detailed calculations and supporting costs, if applicable.)	
Proposal Review Routing (Please select as applicable.)	_____Human Resources Office _____Legal Services Office _____Fiscal Services Office _____Information Technology Services Office _____Office of Governmental Affairs _____Other _____ _____Other _____ _____Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including objectives.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to achieve and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the ASD or stakeholders directly or indirectly if the project is approved. Consider and note additional funding and other requirements involved to successfully administering and maintaining this project. Include options where applicable.

Documentation of Decision Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide comparisons where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Implementation Required?					
	No				
	Yes	If YES, indicate fiscal year(s) and associated amounts:			
		FY	FY	FY	FY
		$	$	$	$

PROJECT COSTS

1.	Fiscal Year				TOTAL
2.	One-Time Cost				$
3.	Continuing Costs				$
4.	TOTAL PROJECT BUDGET	$	$	$	$

PROJECT FINANCIAL BENEFITS

5.	Cost Savings/Avoidance	$	$	$	$
6.	Revenue Increase	$	$	$	$

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.

Name: (Office Director or Designee)

Date:

Notes/Comments

Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 12-13, 2013

Title
AOC Restructuring: Implementation of New Guidelines for Conducting Cost-Benefit Analysis for AOC Projects

Rules, Forms, Standards, or Statutes Affected
None

Submitted by
Administrative Office of the Courts
Curt Soderlund
Chief Administrative Officer

Zlatko Theodorovic
Director, Fiscal Services Office

Agenda Item Type
Information Only

Effective Date
Not Applicable

Date of Report
December 13, 2013

Contact
Fiscal Services Office
Zlatko Theodorovic, 916-263-1397
zlatko.theodorovic@jud.ca.gov

Executive Summary

The AOC's Chief Administrative Officer and director of the Fiscal Services Offices present this informational report on efforts relating to the various common aspects of Judicial Council Directives 7-13, 21, 40, 91, and 145 (directives), which were combined as part of a broader review and policy discussion pertaining to the application of a cost-benefit/business case analysis for AOC projects.

Background

The Judicial Council approved the directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. In their report, the SEC observed the following:

> "The AOC has failed to plan, manage, and monitor programs in a manner that seeks critical collaboration and input from the courts. The AOC has undertaken significant and

> far-reaching programs over the past decade, including CCMS, branch-wide financial systems, court construction and facilities management, and others. The organization has failed to adequately consider fiscal, operational, and other impacts of its programs and projects on the courts. Projects have been undertaken without first conducting an appropriate business case analysis to determine whether they are prudent."

As noted, the SEC opined that there appeared to be a lack of uniform internal processes, insufficient collaboration, and inadequate analysis associated with large scale endeavors. More specifically, nearly all of the aforementioned directives relate to observations made by the SEC relative to the California Court Case Management System initiative:

> "The AOC's process of planning and monitoring programs and projects has been lacking. These deficiencies are best exemplified by the CCMS project with its lack of budgetary planning, failure of budgetary controls, failure to identify a sustaining revenue source, lack of an initial business case analysis and feasibility study, lack of sufficient court commitment, and failure to openly disclose pertinent information about the project."

To address these deficiencies, the SEC detailed a recommended approach:

> "… The AOC Executive Leadership Team must begin to implement a formalized system of program and project planning and monitoring that includes, at a minimum: a collaborative planning process that utilizes a business case analysis and that includes an analysis of impacts on courts at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated."

In developing a response to the directives, AOC staff consulted with other state entities—such as the Department of Finance and CalHR—on their respective processes in an effort to establish a similar approach at the AOC that incorporates an appropriate level of review and cost-benefit analysis for programs and projects initiated by the agency. As one example, staff utilized the state Department of Finance's Budget Analyst Guide as an initial framework. Specific guide sections, such as Types of Analysis (Attachment A) and Analysis of Issues (Attachment B), were also identified as potential training tools for AOC staff to demonstrate the basic elements of how appropriate fiscal and programmatic analyses are completed. Since the material is general in nature, each office and division would, in theory, be able to use these resources to meet the individual needs of the program, whether it be completing a grant request for federal funds or a budget change proposal, to name a few.

Following the review of external and existing internal processes, AOC staff developed guidelines that seek to ensure that all elements within each of these 10 directives are adequately addressed. These guidelines include a process for the approval of branchwide projects and other significant initiatives, as well as an approach to conduct any necessary cost-benefit analysis. These elements include:

- The input and collaboration of all stakeholders;
- A complete analysis of scope;

- The development of accurate cost estimates and the identification of funding in constant collaboration with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

The "Guidelines for the Administration of Branchwide Projects and Initiatives" (Attachment C) have been reviewed and approved by the Administrative Director of the Courts and will be implemented agency-wide, effective the first quarter of 2014. Leading up to the implementation date, the Fiscal Services Office will work with staff from the AOC Center for Judiciary Education and Research to develop an appropriate training curriculum for management team members, budget liaisons, and other applicable staff.

These guidelines address the SEC's recommendation that a cost-benefit analysis should be infused into the AOC's decision-making process and to serve as a guide when considering any new project or program, large scale or otherwise.

Enclosures

Attachment A: Department of Finance Budget Analyst Guide, *Types of Analysis*
Attachment B: Department of Finance Budget Analyst Guide, *Analysis of Issues*
Attachment C: *Guidelines for the Administration of Branchwide Projects and Initiatives*

Attachment A

TYPES OF ANALYSIS

BCPs or other issues involving a proposed augmentation

1. Have the department or group proposing the augmentation clarify what the problem is. All too frequently problem statements are either missing, too brief or too general to be sufficiently clear and quantifiable, discuss symptoms rather than real problems, or are stated in terms of the solution (e.g., "the problem is we don't have the 14 additional staff we need"). The analyst's role is to find out if there is a **public** need which is not being addressed, i.e., what is the problem outside of building? Things like crime, pollution, and poverty are possibilities; the lack of staff, microcomputers, and travel funds are not. Moreover, the problem should be quantified as much as possible so that a quantifiable solution can be arrived at. This should address:

    a. the extent of the problem
    b. how this varies from a "normal" or acceptable situation
    c. how many individuals are experiencing the problem
    d. where this problem is located geographically
    e. need statements should answer the question "why?"

2. **Consider Alternatives for Solving the Problem.** Most BCPs provide two: (1) do nothing and (2) accept our proposal. Do not be deterred by the apparent lack of creativity on the part of some. There is more than one way to solve a problem, especially in an era of constantly changing technology. You might consider:

    a. automation
    b. program restructuring
    c. restructuring systems and procedures
    d. consolidation of functions

3. **The Key Element in a BCP (or other Proposal) is Data** to justify the resource level being proposed. Most proposals request specific amounts of staff and funds. These requests should be supported by equally specific calculations. To the extent that specificity is lacking, the analyst may be required to fill in the gaps in order to develop a recommendation. Usually, this kind of analysis starts with a zero-augmentation assumption and builds in components as they are specifically justified on an individual basis.

For example, a particular solution may involve several different types of staff in field offices, headquarters management, and in the Administration Division, each developed on a different basis. In summary, in this type of situation we start with zero and add in resources as they are justified by specific calculations. As a general rule, if you cannot understand were the number comes from, do not add it in.

4. If they lowballed the bill analysis, they should live with it in the BCP.

Workload Issues

In past years, departments were usually funded for agreed to workload increases. More often than not, in recent years with severe budget restraints and no or insufficient funds available to meet mandatory requirements, workload often is not funded. Departments are required to redirect resources or find other alternatives. Despite that, workload analysis is an important Finance activity.

1. The key variables in workload issues are:

   a. the volume of work to be accomplished, generally referred to as workload
   b. the current staffing level
   c. the workload completed with current staff

2. The ratio of workload being currently completed to current staff will usually provide a good estimate of the productivity rate. The ratio of the workload to be accomplished to the productivity rate is the number of staff required to complete that workload. Example—CAL/OSHA elevator inspectors will inspect about 27,500 elevators this year for safety requirements. Next year the number will increase to 28,500. Currently there are 40 inspectors. How many are needed for next year?

Answer	27,500	=	687.5	(Number of elevators
	40			(1 inspector can inspect)

28,500	=	41.5	(Number of inspectors)
687.5			(needed)

Therefore, 1.5 additional inspectors would be justified on a workload basis. Further, there is one clerical staff for every 4 inspectors in the program, so the addition of 1.5 inspectors would justify 1.5 X .25 or 0.4 of a clerical position, for a total of 1.9 PYs.

3. Sometimes it is necessary to pursue additional justification for the volume of workload projected, depending on historical patterns. Also there may be ways to increase current productivity rates without adding staff by changing procedures or by automating certain functions. The workload calculations should be performed only after the analyst is satisfied with the data that goes into those calculations.

4. **Never** accept a duty statement as workload justification. Anyone can fill up 40 hours per week with activities. This has no relationship to the external workload, how it is changing, and what staffing implications it has.

5. Workload may fluctuate throughout the year. Our policy is usually not to staff a unit for peak workload demands (with the possible exception of temporary help funds where warranted, such as the Franchise Tax Board), but rather to support staffing to process the average workload level.

6. Workload standards are useful if they have been validated and we have agreed to them. Departments should be encouraged to develop them. Even if this hasn't been done prior to writing the BCP, it may be possible to use time sheet and other activity data to put together some useful standards. But be careful, before proceeding, apply the workload standards to last year's work. Does the analysis show it would require 20 PYs to do the work that you know they did with 10 PYs?

7. Be careful of backlog statistics. There is a difference between and backlog and a working inventory. A backlog measurement should exclude:

    a. workload which is currently being processed

Attachment A

b. workload which can be processed in a reasonable or statutorily required length of time
c. workload which has been set aside because it is incomplete, waiting for additional information, or otherwise cannot be processed.

National Association of State Budget Officers (NASBO)

For other types of analyses, see the NASBO training Series Program, Module 6: Analytical Methods for Budget Analysts.

(March 3, 2011) (Analytic/BOS/PBM/APBM)

Attachment B

ANALYSIS: Principles and Practices for DOF Analysts

A. What is Analysis?

Analysis is the process by which issues are separated into their component parts and each part and the interaction among the parts are systematically investigated. Later the components of an issue are put back together in a logical way to support a conclusion and recommendation.

You can also think of analysis as the process by which we attempt to answer such questions as follows, regarding a proposal, activity, program or process.

- Who or what is affected?
- What is/are the effects?
- How and when does/will it operate?
- How much does/will it cost?
- Who is raising the issue or making the proposal, and why?
- How might the problem/issue be resolved?

And the final question upon completing an analysis should always be: "Does this make sense?"

B. Typical Types of Finance Analyses

Finance uses the analytic process to develop recommendations on budget proposals, legislation, and other initiatives and issues that may financially impact the State. Preparing solid recommendations is the foundation for our advisory role to the Governor's Office and our role in representing the Administration.

1. **Fiscal** - Finance's primary role is to provide analyses of fiscal issues or problems. To that end, we review budget change proposals, legislation, initiatives, regulations, and reports to analyze fiscal impacts. Fiscal analyses answer such questions as: How much will (or should) this proposal or program cost (or save) the State? How much revenue will it generate?

2. **Policy** – While not our main role, Finance staff may also perform policy analysis such as when reviewing legislative proposals. Policy analysis is intended to help decision-makers make choices about governmental programs and governmental regulation of individuals and organizations. Policy analysis focuses on such questions as: What is the likely impact of this policy on the public in general, and on specific groups or organizations? Policy analysis can be done from the perspective of known priorities and policies, or without such political preconditions.

3. **Policy combined with fiscal**—Most often Finance's analyses include a combination of fiscal and policy issues. For example, Finance analysts review a Budget Change Proposal to assess the reasonableness of the estimated fiscal impacts but also assess the proposed policy objective in relation to the Administration's priorities. The resulting recommendation thus may indicate that the proposed funding augmentation (or reduction) should be modified

depending on whether the policy objective is deemed to be of high or low priority by the Administration. The recommendation may also suggest an option that provides a lower (or higher) level of attainment of the policy objective, including arguments supporting that level.

Sometimes the deadline for an analysis is so short that the analysis must be "**quick and dirty**" and largely based on assumptions since time is not available to gather more information. In these cases it is helpful if the assumptions can be based on historical information or on data from a similar program or activities. In other cases (such as when asked to prepare "Issue Memos"), Finance may have time to prepare a more expansive analysis.

For more details on some of the specific types of items analyzed at Finance, see Bill Analysis, and BCPs, Writing Effective.

C. Steps in Analysis

Academicians identify various analytical approaches, which can generally be summarized into six basic steps. (See Analysis, Policy, and Problem Solving for a detailed summary of various analytical approaches.)

1. Define the Problem

- Clearly identify the stated issue/problem. Is there really a problem? Sift through extraneous material to identify the real, underlying problem or need (which may not be the same as the stated issue or problem).
- How big is the problem? Quantify, if possible.
- How did the problem arise? When? What perpetuates it? Outline the history of the issue/problem.
- Who and/or what does the problem impact? When? What are the current laws, regulations and/or programs addressing the problem?

2. Gather Information

- Consider: What do you need to know to define and analyze the issue/problem, and to recommend a solution? How much time do you have?
- Ask questions (repeatedly if necessary) to get the information needed. Also be conscious of and respect others' time and workload constraints, however.
- Be skeptical. Challenge the sources; don't assume the information is correct. Try to verify it or test it against other information to determine its accuracy or reasonableness.
- Think through varied viewpoints on the issue (not just the Administration's current perspective). Talk to both proponents and opponents to gain additional political and programmatic insights.
- Ask follow up questions.
- If you cannot get the information you want in the time (or from the sources) available, can you make assumptions to work around it or develop rough estimates? Document the basis for your assumptions.
- Look at other previous analyses/studies of the issue.
- Note that if the time is late (after 5 p.m.) or short ("quick and dirty" analyses) you still may be able to contact the Legislative Analysts' staff, legislative committee staff, (or for bills, the author's or sponsor's office, too) for some information, even if the department staff are not available.

3. Consider Alternatives

- What are all the feasible options? Consider for example, taking no action; altering an

existing law, regulation, process, or program; creating a new law or program, etc.

- What can government do (e.g., mandate, regulate, subsidize, create incentives, tax, provide information, privatize), and what might be effective in this situation?
- What other programs (public or private) or laws (state or federal) address this problem?
- What have other states done to address this problem?
- What has Finance recommended on this type of issue in the past?
- Should the State be involved at all?

4. Determine Criteria for Evaluating Alternatives

Examples of criteria:

- Efficiency - Cost-benefit, cost effectiveness, productivity
- Equity - Is it fair? Who gains, who loses? By how much?
- Effectiveness - Will it solve the problem? How much will it solve?
- Feasibility - Legal, administrative, political (e.g., the current political environment)
- Uncertainty and risk - What could go wrong? How costly? How likely?
- Priority for funding given current state fiscal constraints and Administration policies
- Consistency with Administration goals and policies and expectations

5. Evaluate Alternatives

- Measure each alternative against the criteria.
- Weigh the trade-offs (e.g., better service vs. higher cost; lower cost vs. higher risk)

6. Make Recommendation

- Pull the information together to form conclusions, and then make recommendations.
- Be creative. Policy analysis affords opportunities to develop creative compromises and unique solutions to address problems. Although Finance is not a "think tank," we can occasionally be the source of new policy ideas.
- Anticipate the Administration. Try to recommend at least one option likely to be preferred by the Administration (based on what you know of the current policies and priorities).
- Recommend more than one feasible alternative for the decision-makers to consider (e.g., in times of limited funds recommend the preferred activity and funding level, and some feasible lower level).
- Review your analysis and ask if it all “makes sense.” Can a reader follow the logic from the problem identification through the alternatives to the recommendation?
- Check to see how critical any information (both included and omitted) is to the recommendation.
- Critique and supplement (or pare down) the information as needed.

D. Communicating Your Analysis

To be effective, an analysis must be clearly communicated to the decision-makers and other interested parties.

1. Types of Presentations

- Oral presentations in meetings
- Budget change proposal (BCP) write-ups
- Bill analyses
- Legislative testimony

- Press packets or contacts
- Governor's Budget Summary ("A-pages") and other public reports
- Issue Memos
- One-on-one discussion/negotiation with LAO and departmental staff

2. Presentation Style

- Narrow focus. Finance does not typically produce lengthy study reports that thoroughly analyze all aspects of major policy issues. Finance's analyses tend to focus in on the fiscal impacts to state government and, in particular, to the General Fund.
- Related to specific decisions. Our analyses tend to focus on information needed to make a specific decision, and normally will recommend a specific action on an issue.
- Brief and clear. Finance does not get much time to speak its piece; often one or two lead sentences have to carry the presentation.
- Unbiased/nonpartisan, but politically informed. Although we work for the Governor and do analysis in the context of known Administration policy and perspective, Finance staff should be prepared to argue all sides of an issue (e.g., in Administration decision-making meetings). Recommendations on issues should reflect a balance between what might be acceptable to the Administration, and other considerations, including other viewpoints relevant to a decision. (Finance staff should not expect to promote personal political views, however.)
- Original and active. Use active (not passive) voice as much as possible, and state your thoughts without plagiarizing others' analyses (e.g., departments' analyses or documents).
- Professional. Both oral and written presentations should be made keeping in mind our professional staff role.

3. Traditional Biases of Finance

- Low cost/high benefit
- Proven effectiveness
- High priority
- Fundable by redirection of existing resources
- Consistent with Administration goals

4. Other Considerations

- Preparation. Finance staff are some of the main spokespersons for the Administration, and as such are expected to be able to explain and defend the Administration's position (e.g., on budget proposals) before the Legislature and in answering press calls. Be sure your analysis is adequate to support and defend the recommendations.
- Audience. Be aware of who reads and/or needs the information, and focus the presentation to address their level(s) of knowledge. Give adequate information to understand the issue and recommendation.
- Timing. Be sensitive to whether a decision maker can be receptive to a proposed policy and whether the issue's time has come. Often we are not the best organization to raise an issue; it may be better raised by agency/department staff or others with policy-making

authority.

- Respect for hierarchies. Finance staff should understand and respect the hierarchy of Finance and of other departments and agencies we work with. It is important to differentiate the positions that may be taken by various levels in a department and the degree to which top management has (or has not) approved a particular position.
- Flexibility. The Administration may decide on a different option that you recommend. Be ready and willing to revise your analysis to further detail the selected option, and/or reframe the issue, if necessary.
- Disassociation. Although it can be hard to do, Finance staff should not let themselves get too personally committed to policy recommendations they make or view nonacceptance as a "personal defeat."

E. Developing Policy Analysis Skills/Knowledge

The foundation for any analysis is a thorough working knowledge of your program/subject areas; the issues; and State processes, priorities, and fiscal constraints. The following are some tips on the sources and types of information you should gather (an ongoing process), and how to manage your time to complete analyses.

1. Sources of Information.

Following are some suggested sources and methods for developing your policy understanding and analytical skills. You will be engaged in many of these activities in the course of your work, but take advantage of slow moments for further research and discussion of policy issues in your area.

- Read texts, articles, books, and analyses done by others (e.g., scholars, advocates, the Legislative Analyst, Bureau of State Audits)
- Learn the history (e.g., talk to or review written work of your predecessors on the assignment)
- Listen to others who already know the programs and issues well (e.g., talk with department staff when reviewing various documents)
- Discuss issues with advocates and constituents
- Take field trips to visit program staff and projects in the field
- Learn by doing (jump into your assignment!)

2. Areas of Knowledge

a. ***Program Knowledge.*** The foundation for any analysis is a thorough working knowledge of the program being addressed. No analytical technique can replace basic information about how the program works. Such knowledge typically includes: the program's purpose, who and how many it serves, what it provides, how services are delivered, the current costs, criteria for expending the funds, how the program evolved (e.g., what were key decision points in program's history), and the trends in terms of revenues, expenditures, staffing, and workload data.

b. ***Knowledge of the State's current fiscal situation and constitutional***

constraints. Less than ten percent of the budget is discretionary. Some of the key factors limiting State expenditures are: the State Appropriations Limit (SAL), Proposition 98, other Constitutional requirements, entitlement programs, statutory COLAs, and legal obligations. Other constraints not set in the Constitution or statute but which are as, or nearly as, restraining, include: General Fund revenues, General Fund reserves, federal budget actions directly affecting the State's budget, tax expenditures, public safety expenditures, revenue-producing activities, and budget agreements.

In analyzing budget issues, it is important to keep these factors in mind and know where we are relative to the major constraints. This will tell you whether we have some flexibility and can entertain discretionary proposals, or whether we're going to have to recommend reductions.

c. ***Knowledge of other Administration and Department of Finance Priorities.*** Current State policies and priorities (such as those outlined in the *Governor's Budget Summary* or *Budget Highlights*, or the *State of the State Address*) need to be taken into account when analyzing an issue. Examples of recent State priorities include: (1) reducing personnel years (PYs); (2) reducing General Fund expenditures; (3) attempting to help the federal government reduce the federal deficit; (4) reforming welfare; and (5) making the State more competitive.
Awareness of these policies helps analysts to frame questions and recommendations.

d. ***Knowledge of the Issue.*** Besides general program knowledge, specific information about the issue being addressed is important to understanding proposed changes. For example, analysts may prepare by researching the history of issues in their program area, why the issues are (re)emerging, views of proponents and opponents, and what this and other states are doing to address the issues.

3. Managing Your Analytical Time and Effort

- Get started early. Size things up. Decide when you need to start each task in order to meet your deadline. Set a mental schedule (allowing for slippage).

  Tell the department what information you need right away. Put requests in writing (e.g., by email) when possible to confirm conversations and avoid misunderstandings later. Set a deadline for receipt of this information which is early enough so that you can ask for clarification, or request other information if this raises additional questions.

- Follow up. Think about the information as it's being presented to you. Is it filling in the gaps? What gaps remain? Take the initiative to ask follow-up questions and probe when talking to department staff. It is relatively rare that your first set of questions will elicit all of the information necessary for an analysis. Keep thinking of what you need to resolve the issue.

- Stay on Course. Don't lose sight of your objective and deadline, or get sidetracked. Make sure you understand what's central to the issue, and that you're getting the information you need from department staff (i.e., what's relevant, not what's easy for them to give you).
  Periodically, review where you are relative to your objectives and schedule. Make mid-course corrections as necessary. Raise problems to a higher level in DOF or the line department, as appropriate.
- Stop when you have what you need or you have all you can get in the time available. In the latter case, qualify your analysis by indicating the conclusions are

Attachment B

based on the limited information available and noting any assumptions made.

- Get feedback. Brainstorm ideas with your supervisor and peers. Discuss your findings and conclusions with your managers and with the department. Run drafts of your analysis and recommendations by your managers in advance of the deadline to get their input early.

- Critique your own work. Check and double check your calculations. Review your analysis to see if there are further logical gaps that need to be filled in. See if your factual information is correct, and if your argument holds up to criticism. Revise your analysis if necessary.

- Keep records. Keep your notes, supporting data obtained, and calculations made in a file for reference. (You'd be surprised how quickly people forget how they arrived at certain numbers!)
- Be sensitive to other workload demands on staff with whom you are working. You will likely need their assistance and cooperation in the future. Nevertheless, if they won't give you the information for any of the following reasons:

  - Because they've been appointed by the Governor
  - They told the last analyst they had
  - The last analyst they had didn't ask for this type of information
  - It's not Finance's role
  - They wouldn't ask for funding if they didn't need it
  - They're stalling
  - The Governor wants this done
  - You don't have the professional qualifications
  - The Director already agreed to this

you'll have to recommend disapproval of their request for lack of justification. Tell your supervisor of the situation and discuss how to resolve it.

Rev.9/02 TRO

GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be preceded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
    - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
    - Office Director holds preliminary discussions with Division Chief
    - Division Chief and Office Director present the issue to the Executive Office as an informal concept
    - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate Office/Division for further evaluation.
    - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form
    - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources on implementing the project.
    - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
- Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx

- Components of the RAPP Form
    a. Requesting Office or Division
    b. Date Prepared
    c. Contact Information
    d. Project Title
    e. Summary
    f. Summarized Estimated Costs
    g. Proposal Review Routing
    h. Associated JC Strategic Goal, if applicable
    i. Project Scope
    j. Stakeholders
    k. Impact Analysis
    l. Documentation of Decision-Making Process
    m. Cost Considerations
    n. Authorization to Proceed (Office Director or Designee)

3. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.

4. Briefing of Executive Office by Division Chief/Office Director
    - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
    - Consider discussion with Chief Justice
    - Consider discussions with external stakeholders such as the courts or State Bar

5. Executive Office Action
    - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
    - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Fleshman at (415) 865-7531 or bob.fleshman@jud.ca.gov.

REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/10/13

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary *(Please provide 3 to 4 sentences briefly describing your request.)*	
Summarized Estimated Costs *(Please differentiate between one-time and ongoing costs, if applicable.)*	
Proposal Review Routing *(Please select as applicable.)*	_____Human Resources Office _____Legal Services Office _____Fiscal Services Office _____Information Technology Services Office _____Office of Governmental Affairs _____Other _____ _____Other _____ _____Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including timeline.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the AOC or stakeholders directly or indirectly if this project is approved. Consider staff time, additional funding, and other requirements involved in successfully administering and implementing this project. Include offsets where applicable.

Documentation of Decision-Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide attachments where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Augmentation Required?								
	No							
	Yes		**If YES, indicate fiscal year(s) and associated amount:**					
			FY		**FY**		**FY**		**FY**	
			$		**$**		**$**		**$**	

PROJECT COSTS

1.	**Fiscal Year**				**TOTAL**
2.	**One-Time Cost**				**$**
3.	**Continuing Costs**				**$**
4.	**TOTAL PROJECT BUDGET**	**$**	**$**	**$**	**$**

PROJECT FINANCIAL BENEFITS

5.	**Cost Savings/Avoidances**	**$**	**$**	**$**	**$**
6.	**Revenue Increase**	**$**	**$**	**$**	**$**

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.

_____ _____

Name (Office Director or Designee) **Date**

Notes/Comments

Information on Judicial Council Directives

Council Directive **22**

E&P recommends that the Judicial Council direct the AOC to renegotiate or terminate, if possible, its lease in Burbank. The lease for the Sacramento North spaces should be reviewed and, if possible, renegotiated to reflect actual usage of the office space. The AOC should explore lower cost lease options in San Francisco, recognizing that the State Department of General Services would have to find replacement tenants for its space.

SEC Recommendation **10-1**

The AOC should renegotiate or terminate its lease in Burbank. The lease for the Sacramento North spaces should be reviewed and renegotiated to reflect actual usage of the office space. The AOC should explore lower cost lease options in San Francisco, recognizing that DGS would have to find replacement tenants for its space.

Reported By:	Real Estate and Facilities Management
Contact:	Burt Hirschfeld, Assistant Director

TASK

[ ] PENDING

[x] COMPLETED: **The implementation of cancellations, terminations, contractions, renegotiations, relocations, and subleases of Judicial Council office space has resulted in rent reductions for the organization.**

As reported in October 2012, the following lease transactions and exercised options have been completed (by location):

- Sacramento North: lease cancellation option exercised at 2880 Gateway Oaks Blvd.; leases at 2850 and 2860 Gateway Oaks blvd. renegotiated mid-term; lease cancellation option exercised on fourth floor lease at 2850 Gateway Oaks Blvd.
- Burbank: 11,992 SF of space on first floor sublet; lease to be terminated by electing not to exercise renewal option.
- San Francisco: several lower cost options in San Francisco's Civic Center and Financial districts were identified. Depending upon which points in time are used for comparison purposes, comparable lease space in the same submarket of San Francisco was listed for 25% to 40% lower than the rate paid by the AOC to DGS in Fiscal Year (FY) 2011/12.

The AOC sought out potential interest from other state agencies to occupy a surplus of space equal to the 7th floor of the San Francisco building, approximately 38,575 SF. DGS did not permit the AOC to relinquish the space because the occupying agency we identified, the state Public Utilities Commission (PUC), requires the space only until December, 2015, when renovations to their current facility are scheduled to be completed. The AOC executed an interbranch agreement "subleasing" the 7th floor to the PUC. State-managed renovation projects of this magnitude often fall behind schedule, so PUC's occupancy of the 7th floor may continue into 2016.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED

[x] IMPLEMENTED AND ONGOING

[ ] IMPLEMENTED BUT IN PROGRESS

[ ] UNABLE TO IMPLEMENT

[ ] PENDING IMPLEMENTATION

In light of the recommendation from the California State Auditor in its January 2015 report, recommending that the council should conduct a thorough cost benefit analysis of moving its operations to Sacramento, council staff is gathering pertinent facilities, lease, human resources and market data. This will be completed in the second quarter of 2015.

ASSESSMENT OF IMPLEMENTATION

Implementation of the cancellations, terminations, contractions, renegotiations, relocations, and subleases resulted in a $1.52 million rent reduction through fiscal year 2012-2013, and approximately $2.35 million through fiscal year 2014-2015.

OTHER INFORMATION

Attachments:

- *Strategic Evaluation Committee Final Report,* Chapter 10, May 2012 {as submitted to JCC and amended with revised data and explanatory footnotes by Real Estate and Asset Management (now Real Estate and Facilities Management)}
- *AOC Space and Rent Reduction* financial summary, October 17, 2012 (submitted by Real Estate and Facilities Management to Judicial Council Executive Office)

Chapter 10

Other Issues

This chapter presents a review of several additional issues, including lease costs and location of AOC facilities.

Leases

The AOC leases office space in San Francisco, Burbank, and Sacramento.
The SEC has considered concerns that have been raised about the cost of the leases.

Background

The AOC conducts its business from four leased spaces, including its main offices in San Francisco, regional offices located in Burbank and Sacramento, and a separate office in Sacramento housing the Office of Governmental Affairs. The regional offices house staff from multiple AOC divisions.

San Francisco

The AOC occupies office space at 455 Golden Gate Avenue, San Francisco. BANCRO and the Judicial Council Conference Center are located in the building. The AOC occupies a portion of the first floor, all of the third, fifth, sixth, and seventh floors, and part of the eighth floor.

This office building at 455 Golden Gate Avenue is owned and operated by the State of California and managed by the Department of General Services (DGS). Apparently, there is no formal lease, as DGS has assigned the space to a governmental entity and assesses a fair market rental value[1]. This office space contains 207,845 square feet and is leased at $4.27[2] per square foot per month, and 10,655 square feet of storage space in the building is rented at a monthly rate of $1.43 per square. The lease amount is adjusted usually every fiscal year. The total annual lease costs for the leased office and storage space is $10,832,816.80[3]. There is no expiration date under the lease arrangement with DGS.

[1] The rate charged by DGS includes a bond repayment component. Market rent for Class A office space in the Civic Center Area is approximately $3.17 per square foot per month as of the second quarter of 2012.
[2] $4.29 as of July 1, 2012
[3] $9,428,383.97 for FY 12/13

Moving from this office would be problematic, since the AOC most likely would be required to negotiate a release from DGS or find an acceptable sublessor to take over the leased space.

Burbank Lease

The Burbank facility is located at 2255 North Ontario Street. This office building is located near the Burbank Airport, with 37,347 square feet of office space over two floors. The first floor is occupied primarily by OCCM personnel.[4] The second floor is occupied primarily by SRO and CCMS personnel.[5]

The lease term is $3.17 per square foot per month.[6] There is an additional $100 per month cost for the first floor relating to the existing HVAC system. Annualized, the expense is $3.19 per square foot each month.[7] The lease rate for the second floor is $3.1827 per square foot each month.[8] The lease agreement specifies the annual lease cost is $459,203.28 for the first floor and $968,368.32 for the second floor.[9] The total annual lease cost for the Burbank facility is $1,427,571.60.[10] The lease cost for each floor increases to $3.28 per square foot as of June 1, 2012,[11] with one option to renew for an additional five-year term extending through June 30, 2018. There is a "no early termination" condition in the lease agreement. The current lease term ends June 30, 2013.

Sacramento

The downtown office space, occupied by the Office of Governmental Affairs, is located within walking distance of the State Capitol, at 770 L Street. This office space, referred to as the Sacramento–Central facility, comprises 6,578 square feet on one floor, occupied exclusively by OGA. In February 2012[12] the AOC renegotiated the lease and reduced the leased footage. The total annual lease cost for this lease space is $177,606[13]. The current lease term ends August 31, 2017. There is one three-year option to extend the lease, with the rental rate to be set at 95 percent of the fair market value as of the end of the initial lease term.

The North facilities consist of space located in two office buildings located at 2850 and 2860 Gateway Oaks, Sacramento. The lease of office space at 2850 Gateway Oaks consists of 36,368 square feet and is used by the Finance and TCAS divisions. The rental rate is $2.10 per square foot per month.[14] The current lease term ends July 31, 2016. There are two three-year options with rent at fair market value.

[4] OCCM relocated to 2nd floor to accommodate sublease of space for the last year of the lease term, reducing rent expenses by a total of $329,082.
[5] ISD, OGC, OCCM
[6] $3.28 effective as of July 1, 2012
[7] $3.29 effective as of July 1, 2012; this rate includes $100/mo HVAC charge
[8] $3.28 effective as of July 1, 2012
[9] $471,743.40 for the 1st floor; $997,419.48 for the 2nd floor
[10] $1,422,273.60
[11] $3.28 effective as of July 1, 2012
[12] October 2011
[13] $180,895.00 for FY 12/13
[14] $2.15 effective as of August 1, 2012

The leased office space at 2860 Gateway Oaks consists of 28,263 square feet and is occupied by NCRO and OCCM. The rental rate is $2.05 per square foot per month.[15] There are two three-year options with rent at fair market value. The combined annual lease cost for 2850 and 2860 Gateway Oaks is $1,611,743.40.[16] The lease for this space includes acredit for one month's rent and a $200,000 tenant improvement allowance, which was taken upfront as a rent credit during the 2011–2012 fiscal year.[17]

Previously, the AOC leased additional space at 2880 Gateway Oaks. That lease was terminated in May 2011.[18] AOC employees working at that office were relocated to the 2850 Gateway Oaks office building.[19] The leases for space at 2850 and 2860 Gateway Oaks were renegotiated,[20] resulting in a reduction of $0.49 per square foot for space at 2850 Gateway Oaks and $0.27 per square foot for space at 2860 Gateway Oaks.[21]

The comparative costs of the AOC-leased spaces are shown on the following chart.

	AOC - LEASEHOLDS				
LOCATION	AOC Divisions Using Leased Space	Square Feet Leased	Monthly Lease Cost Per Square Foot	Annual Lease Cost	Lease Expiration Date
Burbank					
1st Floor	OCCM	11,992	3.191039	459,203.28	June 30, 2013
2nd Floor	SRO & CCMS	25,355	3.1827	968,368.32	June 30, 2013
TOTAL		37,347		1,427,571.6	
Sacramento–North					
2850 Gateway Oaks	Finance & TCAS	36,368	2.1	916,473.6	July 31, 2016
2860 Gateway Oaks	NCRO & OCCM	28,263	2.05	695,269.8	July 31, 2016
2880 Gateway Oaks	–	0	0	0	Terminated
TOTAL		64,631		1,611,743.4	

[15] $2.10 effective as of August 1, 2012
[16] $1,526,989.77 for the 2012-2013 fiscal year; includes termination of 4th floor at 2850 Gateway Oaks
[17] One month's rent in the amount $57,939.15 and a $197,841 TI Allowance ($7/psf) for a total rent abatement of $255,780.15.
[18] Savings of $203,702.40
[19] Termination option renegotiated into 2850 Gateway Oaks lease. Option exercised 6/27/2012; 4th floor scheduled to be vacated upon effective date of 10/26/2012, resulting a rent reduction of $120,300.68 in the 2012-2013 fiscal year and a savings of $690,377.08 over the term of the lease
[20] Combined savings of $1,744,206.06 over the terms of both leases; includes one free month's rent and TI Allowance
[21] Savings of $0.41/psf for 2850 Gateway Oaks and $0.20/psf for 2860 Gateway Oaks

Sacramento–Central					
770 L Street	OGA	6,578	2.25	177,606	August 31, 2017
San Francisco					
Office Space	All	207,845	4.27	10,649,977	None
Storage Space	All	10,655	1.43	182,839.8	None
TOTAL		218,500		10,832,816.8	
TOTAL FOR AOC LOCATIONS		327,056		14,049,737.80	

Updated chart for FY 12/13 as of August 2012

LOCATION	AOC Divisions Using Leased Space	Square Feet Leased	Monthly Lease Cost Per Square Foot	FY 12/13 Annual Lease Cost	Lease Expiration Date
Burbank[22]					
1st Floor	None (occupied by subtenant)	0*	1.028	149,159.40	June 30, 2013
2nd Floor	OCCM, OGC & ISD	25,355	3.278	997,419.48	June 30, 2013
TOTAL		25,355		1,146,578.88	
Sacramento–North					
2850 Gateway Oaks	Finance & TCAS	29,512	2.30	816,175.32	July 31, 2016
2860 Gateway Oaks	NCRO & OCCM	28,263	2.1	710,814.45	July 31, 2016
2880 Gateway Oaks	–	0	0	0	Terminated
TOTAL		57,775		1,526,989.77	
Sacramento–Central					
770 L Street	OGA	6,578	2.2917	180,895	August 31, 2017
San Francisco					
Office Space	All	169,269[23]	4.1839[24]	9,490,447.72	None
Storage Space	All	10,655	1.4254	182,251.13	None
TOTAL		179,924		9,672,698.85	
TOTAL FOR AOC LOCATIONS		269,632		12,527,162.50	

[22] At the start of FY 12/13, the relocation or contraction of the current space at lease expiration on June 30, 2013 will result in a reduction in rent to $305,856.00 for FY 13/14.
[23] At end of FY 12/13.
[24] Average for FY 12/13.

Discussion

The AOC spends more than $1,150,000[25] per month on leased office space — an annual total of $13,866,898[26] — plus an additional annual charge of $182,839.8[27] for storage space for its San Francisco space.

Comparatively, the rental rates for the leased office spaces in Sacramento ($2.10 per square foot at 2850 Gateway Oaks[28]; $2.05 per square foot for 2860 Gateway Oaks[29]; and $2.25[30] per square feet at 770 L Street) are approximately half the $4.27[31] per square foot rental rate assessed for the government-owned building in San Francisco. This is consistent with historically lower commercial and residential lease rates found in Sacramento, compared with those in San Francisco.

Additionally, it is apparent from site visits to the leased spaces that not all lease space is utilized. If recommendations for reducing staffing levels are followed, the need for leased space will decrease.[32]

AOC Headquarters Location

The AOC has operated from headquarters in San Francisco since 1961. Its offices are located in the same building as the California Supreme Court.

It is usual for most enterprises, public or private, to consider their costs of operation and location. Given the comparative lease costs discussed above, there is reason for the AOC to reevaluate its office locations, including its headquarters space in San Francisco. Such review should be part of the organization's long-term business planning. In this case, the considerations should include a consideration of costs and benefits, both economic and political.

From a strictly economic standpoint, lease costs are generally lower in Sacramento than San Francisco. Labor costs generally are lower as well. the AOC partly recognizes this through its geographic pay differential system, whereby some Sacramento region employees are paid 7 percent less than San Francisco-based employees performing the same type of work.

[25] $1,028,742.61 monthly average for FY 12/13
[26] $12,344,911.37 for FY 12/13
[27] $182,251.13 for FY 12/13
[28] $2.15
[29] $2.10
[30] $2.30 as of September 1, 2012
[31] $4.29 as of July 1, 2012
[32] Current AOC occupied square footage is 310,493, reduced by 11,992 square feet in Burbank. As of July 1, 2013, AOC occupied square footage is scheduled to be reduced further by 54,888 to 255,605.

From a political standpoint, relocating AOC operations to Sacramento may be beneficial by placing the judicial branch administration closer to the Legislature, the executive branch, and governmental agencies. The importance of a strong political and legislative presence at the capital cannot be understated. Future success of the judicial branch in obtaining funding, and in advancing legislative goals, will be based partly on establishing strong relationships and credibility with legislators, legislative staff, and the Governor's Office. Access and interactions with key executive branch agencies, such as the Department of Finance, may be improved with AOC headquarters located in Sacramento.

One current legislative proposal would require all state agencies and the judicial branch to relocate their headquarters to Sacramento by 2025 (Assembly Bill 2501).

While no recommendation is offered concerning legislative proposals, possible relocation of AOC headquarters should be considered in the course of long-term planning for the judicial branch. That planning should be based on a cost-benefit analysis, taking into account economic, political, and other relevant factors.

Recommendations

The following recommendations are made regarding leases and location of operations.

Recommendation No. 10-1: The AOC should renegotiate or terminate its lease in Burbank. The lease for the Sacramento North spaces should be reviewed and renegotiated to reflect actual usage of the office space. The AOC should explore lower-cost lease options in San Francisco, recognizing that DGS would have to find replacement tenants for its space.[33]

Recommendation No. 10-2: As part of its long-term planning, the AOC should consider relocating its main offices, based on a cost-benefit analysis of doing so.

[33] In FY 11/12, the Sacramento North leases were negotiated mid-term for rent reduction. The AOC also exercised a termination option to relinquish a portion of the space under one lease, which will become effective in October 2012. The lease for the OGA office was renegotiated in FY 11/12 to contract the space mid-term. In FY 12/13, the AOC negotiated an Interagency Agreement with the California Public Utilities Commission for temporary occupancy of the entire 7th floor. In FY 12/13, the AOC entered into a sublease for a tenant to occupy the entire first floor of the Burbank office; upon the expiration of the lease, the office will move into a space that is approximately one-third of the current leased space.

AOC SPACE AND RENT REDUCTION

AOC Office	FY 2011/12		FY 2012/13		FY 2013/14	
	SF	Rent	SF	Rent	SF	Rent
NCRO	64,631	$ 1,376,627	57,775	$ 1,526,990	57,775	$ 1,505,413
OGA	6,578	$ 192,172	6,578	$ 180,895	6,578	$ 184,842
SRO	37,347	$ 1,422,274	25,355	$ 1,146,579	11,328	$ 305,856
San Francisco	218,500	$ 10,822,626	179,924	$ 9,672,699	179,924	$ 9,698,880
FY Total	327,056	$ 13,813,699	269,632	$ 12,527,162	255,605	$ 11,694,991
Change from Prior Yr	(10,698)	**$ (237,277)**	(57,424)	**$ (1,286,537)**	(14,027)	**$ (832,171)**
Cummulative Change	(10,698)	**$ (237,277)**	(68,122)	**$ (1,523,814)**	(82,149)	**$ (2,355,985)**

Notes:

1. FY 2010/11 total AOC rent was $13,813,699 (SEC/JCC report uses $14,049,738 without reference dates; difference may be attributable to use of calendar or lease year versus fiscal year in this analysis).
2. Exercised option to terminate 2850 Gateway Oaks, 4th floor space effective 10/26/2012.
3. NCRO rent increases in FY 2012/13 due to majority portion of negotiated rent reduction taken in one month of FY 2012/13 and smaller annual reductions taken over balance of lease term.
4. OGA office relocated to smaller premises at lower negotiated rate in FY 2011/12; no ability further reduce and sublease portion of premises.
5. SRO 1st floor (11,992 SF) sublease and consent executed 6/15/2012; occupancy commenced 6/28/2012.
6. Assumes SRO Relocation to 11,328 SF upon 6/30/2013 lease expiration; prelim. headcount verified by Exec. Office May, 2012.
7. Agreement on business terms of assignment of San Francisco 7th floor to State Public Utilities Commission on 6/13/2012; MOU with DGS signed.
8. FY 2013/14 San Francisco rent estimated to increase 3% over FY 2012/13.
9. Tenant improvement expenses, if any, and brokerage commissions not included.
10. Previously-reported space and rent reduction in San Francisco no longer feasible due to increase in BCDC programmatic requirement.

Information on Judicial Council Directives

Council Directive **23**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to identify legislative requirements that impose unnecessary reporting or other mandates on the courts and the AOC. Appropriate efforts should be made to revise or repeal such requirements.

SEC Recommendation **7-83**

The Office of Governmental Affairs should be directed to identify legislative requirements that impose unnecessary reporting or other mandates on the AOC. Appropriate efforts should be made to revise or repeal such requirements.

Reported By:	Governmental Affairs
Contact:	Cory Jasperson, Director

TASK

[ ] PENDING

[x] COMPLETED: **Governmental Affairs continues to identify statutory requirements that impose unnecessary reporting or other mandates and, on behalf of and at the direction of the Judicial Council, advocate for revising and/or repealing such requirements. Governmental Affairs continues to work with Judicial Council staff to identify legislatively mandated reporting requirements that are unnecessary, outdated, or overly burdensome.**

Governmental Affairs continues to identify statutory requirements that impose unnecessary reporting or other mandates and, on behalf of and at the direction of the Judicial Council, advocate for revising and/or repealing such requirements. Governmental Affairs continues to work with Judicial Council staff to identify legislatively mandated reporting requirements for the Judicial Council, AOC and the courts that are unnecessary, outdated, or overly burdensome.

In 2012, Governmental Affairs worked with council divisions to identify several such reporting requirements. Governmental Affairs then recommended to the legislature that these requirements be repealed. One such reporting requirement was eliminated. Governmental Affairs has once again asked council divisions to identify additional unnecessary, outdated, or overly burdensome reporting requirements. Governmental Affairs will continue to take ideas for eliminating unnecessary reporting requirements to the PCLC to seek legislative action to eliminate these requirements. This is an ongoing duty that will continue on beyond the life of the directive.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[x] IMPLEMENTED BUT ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

Governmental Affairs will continue to take ideas for eliminating unnecessary reporting requirements to the PCLC to seek legislative action to eliminate these requirements. This is an ongoing duty that will continue on beyond the life of the directive.

ASSESSMENT OF IMPLEMENTATION

Governmental Affairs will continue to work with the Judicial Council Advisory Committees to identify unnecessary reporting requirements.

OTHER INFORMATION

Attachments:

- *Reports to the Legislature*, March 20, 2015 (list of existing legislatively mandated reports)

Reports to the Legislature
March 20, 2015

Statutory Due Date	Item: Title	Action
One time, no date specified	Rule: Trial courts: Restructuring and Bail Forfeiture	Civil Code and Procedure section 116.798(a)(5) requires the Judicial Council to promulgate procedural rules for a writ proceeding. Provides for clean-up language that deletes obsolete references to municipal courts, districts, counties, and county entities following trial court restructuring. Specifies jurisdiction of a writ petition relating to a small claims case in the unified state system, among other things.
Every three years	Updated List: Debtor Exemptions: Bankruptcy	Civil Code and Procedure, section 703.140(e), provides for debtor exemptions every three years, Judicial Council shall publish a list of the current dollar amounts of exemptions and Article 3 commencing with 704.010 utilizing the California Consumer Price Index (CPI) as defined in CCP 703.150(d), together with the date of the next scheduled adjustment. Every three years, the Judicial Council also shall submit to the Legislature the amount by which the homestead exemption (CCP section 704.730(a)) may be increased if the CPI is applied. Note, however, that the Homestead Exemption only may be increased by action of the Legislature.
Annually by March 1	Income adjustment: Low income obligor adjustment	Family Code section 4055(b)(7) provides for the increase in the net disposable income threshold for low income child support obligors from $1000 to $1500 per month until Jan. 1, 2018. The Judicial Council shall, starting Mar. 1, 2012, and annually thereafter until January 1, 2018, determine the amount of the net disposable income adjustment based on the change in the annual California Consumer Price Index for All Urban Consumers, published by the California Department of Industrial Relations, Division of Labor Statistics.
No date specified	Rule: Supervised Visitation	Family Code section 3200.5(a) establishes, among other things, a statutory framework to govern Judicial Council standards for supervised visitation providers. Also requires professional providers to complete a declaration or a Judicial Council form confirming that they meet the requirements to be a provider. The Judicial Council must amend existing standards for supervised visitation providers to conform to new Family Code section 3200.5.
Annually by April 15	Report: Allocation of 2% Set-Aside in TC Trust Fund (emergency reserve funds)	Government Code section 68502.5(c)(2)(C) requires the Judicial Council, no later than April 15 of each year, to report to the Legislature and to the Department of Finance all requests and allocations made pursuant to Gov. Code 68502.5(c)(2)(b).
Annually by September 1	Report: Criminal justice realignment data collection	Penal Code 13155 requires the Judicial Council to collect information from trial courts at least twice per year regarding the implementation of the 2011 Criminal Justice Realignment Legislation. The Judicial Council shall make this data available to the Department of Finance, the Board of State and Community Corrections, and the Joint Legislative Budget Committee on or before September 1, 2013 and annually thereafter.

Statutory Due Date	Item: Title	Action
One time, January 1, 2017	Report: Expedited California Environmental Quality Act Cases	Public Resources Code 21189.2 establishes expedited judicial review procedures for California Environmental Quality Act cases for specific qualifying projects. Requires the Judicial Council to report to the Legislature on or before January 1, 2017 on the effects of this law on the administration of justice.
Ongoing as needed	Notice: IT Contracts	Public Contracts Code section 19204 implements provisions in the Budget Act of 2011-2012 related to funding for the judicial branch. Requires all judicial branch entities to provide written notice to the State Auditor within 10 business days of entering a non-IT contract with a total estimated cost of more than $1 million.
Semiannually, February 1 and August 1	Report: Semiannual Report on Judicial Branch Contracts	Public Contracts Code section 19209 implements provisions in the Budget Act of 2011-2012 related to funding for the judicial branch and amends. Beginning 2012, requires the Judicial Council to provide information to the Joint Legislative Budget Committee and the State Auditor, on a semiannual basis, related to the procurement of contracts by the branch. Reports shall include a list of all vendors or contractors receiving payments. The report shall include amount of payment, type of goods or services provided, and the branch entity that procured the goods or services, contract amendments. Reports shall also include a list of all contract amendments, including the identity of contractor, type of service, nature, duration, and cost of the contract amendment.
Annually, March 1, even-numbered years	Report: Grant funding: Visitation and Custody	Report. Family Code section 3204(d) Judicial Council shall, on March 1, 2002, and on the first day of March of each even-numbered year, report to the Legislature on the programs funded pursuant to this chapter and whether and to what extent those programs are achieving the goal of promoting and encouraging healthy parent and child relationships between non-custodial or joint custodial parents and their children while ensuring the health, safety, and welfare of children, and the other goals described in this chapter.
Ongoing	Budget Trailer Bill: Courts Audits	Government Code section 77206, provides for a request for proposal (RFP). Makes a series of changes to implement revenue assumptions included in the Budget Act of 2010 affecting the judicial branch. Requires the Judicial Council to:(a) Issue RFP for: (1) audits of trial courts (“pilots”) to commence no later than December 15, 2012; (2) additional trial court audits to commence by December 15, 2013; (3) and Judicial Council audits to commence by December 15, 2013.
One time, January 1, 2017	Report: Budget Trailer Bill: Courts Court construction	Government code section 70371.9(a)-(e) makes a series of changes to implement revenue assumptions included in the Budget Act of 2010 affecting the judicial branch. Requires the Judicial Council to conduct a pilot program assessing impact of requiring subcontractors on SB 1407 projects to cover healthcare benefits for employees and offering quality points to construction managers at risk for providing benefits and issue a report to the Legislature summarizing data and analysis.

Statutory Due Date	Item: Title	Action
Ongoing as needed	Notices: Courtroom closure notices	Government Code section 68526 makes a series of changes to implement revenue assumptions included in the Budget Act of 2010 affecting the judicial branch. Requires the Judicial Council to post notices of closure of courtrooms and reduction in Court Clerk's office hours and transmit the information to the Legislature.
Ongoing as needed	Rule: Court Ordered Debt	Vehicle Code section 42008.7 makes a series of changes to implement revenue assumptions included in the Budget Act of 2010 affecting the judicial branch. Requires the Judicial Council to, as necessary, adopt a Rule of Court specifying information to be included in an application for discharge from accountability for court-ordered debt or bail.
Upon request	Collect Information: Court Facilities Construction	Government Code section 70371.5(e) directs the Judicial Council to collect and make available upon request information regarding the moneys deposited in the Immediate and Critical Needs Account resulting from new and increased fees, assessments, and penalties.
Ongoing as needed	Recommendations: Court Facilities Construction	Governmental Code section 70371.5(f)(1) states that the Judicial Council shall make recommendations to the State Public Works Board for projects based on its determination that the need for a project is most immediate and critical using the then most recent version of the Council-adopted Prioritization Methodology.
Every 4 years	Report: Child Support	Family Code section 4054 requires the Judicial Council to periodically review the statewide uniform guideline to recommend to the Legislature, appropriate revisions, including economic data on the cost of raising children and analysis of case data, gathered through sampling or other methods, on the actual application of the guideline after the guideline's operative date. The review shall also include an analysis of guidelines and studies from other states, and other research and studies available to or undertaken by the Judicial Council. The initial review by the Judicial Council shall be submitted to the Legislature and to the Department of Child Support Services on or before December 31, 1993, and subsequent reviews shall occur at least every four years thereafter unless federal law requires a different interval.
Annually, March 1	Report: New judges Demographic Data	Government Code section 12011.5(a)(1)(c) requires the Judicial Council to report collected demographic data reported by judicial officers. Demographic data relative to disability and veteran status shall be required for judges elected or appointed, or judicial applicants or nominees who apply or are nominated, on or after January 1, 2014. Disability and veteran status demographic data is to be included in March 1 report beginning in 2015.
Annually, February 1	Report: Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings	Government Code sections 68086(c) and 68092.1 requires the Judicial Council to report annually to the Joint Legislative Budget Committee on the total fees collected and the total amount spent for official reporter services in civil proceedings in the prior fiscal year.

Statutory Due Date	Item: Title	Action
Annually, December 31	Report: State Trial Court Trust Fund Expenditures, Allocations	Government Code sections 68502.5(b) and 77202.5(b) require the Judicial Council to annually provide to the Legislature, budget expenditures data at the program component level for each court. Requiers a series of changes affecting the Judicial Council, and trial courts' responsibilities including access to administrative records, reporting allocations by JC to trial courts, and reporting trial courts revenues expenditures and fund balances. Requires Judicial Council to summarize data by court and report it to chairs of budget committees and judiciary committees, and post information on public Internet web site.
Annually, December 31	Report: Trial Court Allocations	GOV 77202.5(b) makes a series of changes affecting the Judicial Council, and trial courts' responsibilities including access to administrative records, reporting allocations by the Judicial Council to trial courts, and reporting trial courts revenues expenditures and fund balances. Requires the trial courts to submit an annual report to the Judicial Council on all court revenues, expenditures, reserves and fund balances. Requires Judicial Council to summarize data by court and report it to chairs of budget committees and judiciary committees, and post information on public Internet web site.
Annually, December 1, until completion	Report: Status of the Phoenix Program	Government Code section 68511.8 requires the Judicial Council to provide an annual status report, until project completion, to the chairperson of the budget committee in each house of the Legislature and the chairperson of the Joint Legislative Budget Committee with regard to the Court Accounting and Reporting System.
Every 5 years, July 1	Report: Court Interpreters	Government Code section 68563 requires the Judicial Council to conduct a study of language and interpreter use and need in court proceedings, with commentary, and shall report its findings and recommendations to the Governor and to the Legislature beginning in 1995, and every five years thereafter. The study shall serve as a basis for (1) determining the need to establish interpreter programs and certification examinations, and (2) establishing these programs and examinations through the normal budgetary process. The study shall also serve as a basis for (1) determining ways in which the Judicial Council can make available to the public, through public service announcements and otherwise, information relating to opportunities, requirements, testing, application procedures, and employment opportunities for interpreters, and (2) establishing and evaluating these programs through the normal budgetary process.

Statutory Due Date	Item: Title	Action
Annually, November 1	Standards of Timely Disposition Published in Court Statistics Report	Government Code section 68604 requires that the Judicial Council collect and maintain statistics, and shall publish them at least on a yearly basis, regarding the compliance of the superior court of each county and of each branch court with the standards of timely disposition adopted pursuant to Section 68603. In collecting and publishing these statistics, the Judicial Council shall measure the time required for the resolution of civil cases from the filing of the first document invoking court jurisdiction, and for the resolution of criminal cases from the date of arrest, including a separate measurement in felony cases from the first appearance in superior court. The Judicial Council shall report its findings and recommendations to the Legislature in a biennial Report on the State of California's Civil and Criminal Justice Systems.
Even numbered years, November 1	Report: Trial court judges	Government Code section 69614 requires that the Judicial Council report to the Legislature and the Governor on or before November 1 of every even-numbered year on the factually determined need for new judgeships in each superior court using the uniform criteria for allocation of judgeships described in Government Code 69614(b), as updated and applied to the average of the prior three calendar years' filings. Beginning with the report due to the Legislature on November 1, 2012, the Judicial Council shall report on the implementation and effect of subparagraph (C) of paragraph (1) of subdivision (c) of GC 69615.
Annually, November 1	Adopt Standards and Report: Judicial Administration Standards & Measures That Promote Fair & Efficient Admin. Of Justice	Government Code section 77001.5 requires that the Judicial Council adopt and report annually thereafter upon, judicial administration standards and measures that promote the fair and efficient administration of justice, including the following: (1) Equal access to courts and respectful treatment of court participants; (2) Case processing, including the efficient use of judicial resources; (3) General court administration.
Annually, no date specified	Report: Subordinate Judicial Officer (SJO) conversions; Notification of Vacancies & Allocation of Conversion of SJO Positions	Government Code section 69615 requires that the Judicial Council file notice annually of vacancies and allocations for converted subordinate judicial officer positions with Senate Rules Committee, Assembly Speaker, and chairs of the Senate and Assembly Committees on the Judiciary.
Semiannually, April 1, October 1	Report: Electronic Recording Equipment	Government Code section 69958 requires that superior courts report to the Judicial Council semiannually and the Judicial Council report to the Legislature semiannually, regarding all purchases and leases of electronic recording equipment that will be used to record superior court proceedings.
Annually, after each fiscal year	Report: Court Facilities Trust Fund	Government Code section 70352c requires that the Judicial Council recommend to the Governor and the Legislature each fiscal year the proposed expenditures from the fund and submit a report on actual expenditures after the end of each fiscal year.

Statutory Due Date	Item: Title	Action
Annually, January 1	Report: Receipts & Expenditures From Local Cthouse Constr. Funds	Government Code section 70403(d) requires that the Judicial Council annually submit a report to the Budget and fiscal committees of the Legislature based on information received from counties (per Government Code §70403) including any amounts required to be repaid by counties.
Annually, September 30	Report: Trial Court Allocations	Government Code section 77202.5(a) makes a series of changes affecting the Judicial Council, and trial courts' responsibilities including access to administrative records, reporting allocations by Judicial Council to trial courts, and reporting trial courts revenues expenditures and fund balances. Makes a series of changes affecting Judicial Council, and trial courts' responsibilities including access to administrative records, reporting allocations by JC to trial courts, and reporting trial courts revenues expenditures and fund balances. Requires the Judicial Council to submit a report on all allocations and reimbursements to the trial courts to the chairs of the budget committees and the judiciary committees on or before each Sept 30.
Annually	Report: State Trial Court Improvement & Modernization Fund Expenditures for each Fiscal Year	Government Code section 77209(i) requires that the Judicial Council present an annual report to the Legislature on the use of the Trial Court Improvement Fund. The report shall include appropriate recommendations.
Annually, December 1	Report: Trial Court Funding: Judicial Efficiency Administration and Modernization Fund	The Budget Act of 2000 requires that the Judicial Council report to Joint Legislative Budget Committee and Legislature's fiscal committees annually on: (1) Allocation of the fund; including the amounts allocated to each trial court and the programs and services the allocations will support; and (2) Judicial Council's proposed expenditures for the fund.
Annually, January 1	Report: Disposition of Criminal Cases According to Race & Ethnicity of Defendant	Penal Code section 1170.45 requires that the Judicial Council collect data on criminal cases statewide relating to the disposition of those cases according to the race and ethnicity of the defendant, and report annually thereafter to the Legislature. It is the intent of the Legislature to appropriate funds to the Judicial Council for this purpose.
Annually, December 31	Report: Statewide Collection of Court-Ordered Debt	Penal Code section 1463.010(c) requires that the Judicial Council develop performance measures and benchmarks to review the effectiveness of collection programs. Courts to report to the Judicial Council annually. Requires the Judicial Council to report on the collection programs to the Legislature.
Annually, February 1	Report: Training of Judges	Welfare and Institutions Code section 304.7 requires that the Judicial Council submit an annual report to the Legislature on compliance by judges, commissioners and referees with the education and training standards described in subdivisions (a) and (b) [training for dependency court judicial officers].

Statutory Due Date	Item: Title	Action
Annually, March 1	Rules and Report: Court Interpreters	Budget Act of 2010 (SB 870) requires that the Judicial Council shall set statewide or regional rates and policies for payment of court interpreters, not to exceed the rate paid to certified interpreters in the federal court system. The Judicial Council shall adopt appropriate rules and procedures for the administration of the funds specified in Schedule 4. The Judicial Council shall report to the Legislature and the Department of Finance annually regarding expenditures from Schedule 4.
Annually, January 1	Report: Allocation of Funding in FYxx for Support of New Judgeships Authorized in FY2007-08	Budget Act of 2007-08 (Stats 2007, ch 171) requires the Judicial Council to report to the Legislature annually until all judgeships are appointed and new staff hired, on the amount of funds allocated to each trial court to fund new positions.
As needed	Policy: Court Operations -Travel policies	Government Code section 68506.5 requires that the Judicial Council adopt travel reimbursement policies, procedures, and rates for the judicial branch.
Ongoing, quarterly	Report: Criminal Recidivism; Courts Budget Trailer Bill	Penal Code section 1231(d) creates the California Community Corrections Performance Incentive Act that provides fiscal incentives for evidence-based probation supervision. Judicial Council shall, in consultation with the chief probation officer of each county and the Department of Corrections and Rehabilitation, provide a quarterly statistical report to the Department of Finance including, but not limited to, the statistical information listed at Pen. Code 1231(d)(1)-(20). Amended by SB 75 (2013), which added 10 more pieces of statistical information to be included in the report.
April 1, 2015, annually thereafter	Report: Criminal recidivism, Courts budget trailer bill. (CA Community Corrections Performance Incentive Act of 2009: Findings from SB 678 Program)	Penal Code section 1232 creates the California Community Corrections Performance Incentive Act that provides fiscal incentives for evidence-based probation supervision. Commencing no later than 18 months following the initial receipt of funding pursuant to this act and annually thereafter, the Judicial Council, in consultation with the Dept. of Corrections and Rehabilitation, the Dept. of Finance, and the Chief Probation Officers of California, shall submit to the Governor and the Legislature a comprehensive report on the implementation of this act. The report shall contain the information listed in Pen. Code 1232(a)-(e). Amended by SB 75 (2013)
One time, no date specified	Consider policies, procedures, programs: SB 678 (Stats. 2009, ch. 608) Criminal recidivism	SB 678 (Stats. 2009, ch. 608) considers policies, procedures, programs, creates the California Community Corrections Performance Incentive Act that provides fiscal incentives for evidence-based probation supervision. The Judicial Council is required to consider the adoption of appropriate modifications to the Criminal Rules of Court, and of other judicial branch policies, procedures, and programs, affecting felony probation services that would support implementation of the evidence-based probation supervision practices described in this chapter.

Statutory Due Date	Item: Title	Action
One time, no date specified	Program and Report: Legal Representation in Civil Proceedings for Low-income Persons	AB 590 (Stats. 2009, ch. 457) directs the Judicial Council to develop three-year pilot projects in selected courts using a competitive grant process to provide legal services for low-income persons in certain types of civil matters.
Ongoing	Procedures: Legal Representation in Civil Proceedings for Low-income Persons	AB 590 (Stats. 2009, ch. 457) directs the Judicial Council to develop court procedures, personnel, training and case management administrative methods that reflect best practices to ensure meaningful access to justice for unrepresented parties.
Ongoing	Data collection: Legal Representation in Civil Proceedings for Low-income Persons	AB 590 (Stats. 2009, ch. 457) provides for the collect information on outcomes
January 31, 2016	Report: Legal Representation in Civil Proceedings for Low-income Persons	Report to the Legislature and Governor on the effectiveness and continued need for the program.
Annually, July 1	Report: Open Working Groups	Judiciary Council shall submit to the Joint Legislative Budget Committee a report on the implementation of an open meetings rule in accordance with the following: (a) The rule shall apply to any committee, subcommittee, advisory group, working group, task force, or similar multimember body that review issues and reports to the Judicial Council. (b) The rule shall provide for telephone access for requesting persons. (c) The rule shall establish public notice requirements for any meeting of a body described above. For each fiscal year beginning with 2014-15, the report shall include the rule for that fiscal year and specific detail on amendments to the rule adopted in the prior fiscal year.
Every 5 years, starting April 1, 2019	Fee Adjustment: Fee Adjustment of Civil Penalty	Health and Safety Code section 25249.7 provides that the dollar amount of the civil penalty provided pursuant to this subparagraph shall be adjusted by the Judicial Council based on the change in the annual California Consumer Price Index for All Urban Consumers, published by the Department of Industrial Relations, Division of Labor Statistics, for the most recent five-year period ending on December 31 of the year preceding the year in which the adjustment is made, rounded to the nearest five dollars ($5). The Judicial Council shall quinquennially publish the dollar amount of the adjusted civil penalty provided pursuant to this subparagraph, together with the date of the next scheduled adjustment.
Annually, March 1	Report: Projects of State Public Works Board	Governmental Code section 70371.8 states that the Judicial Council shall report to the Joint Legislative Budget Committee and chairs of the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget by March 1 of each year on the status of each project established by the State Public Works Board under Section 70371.7. The report shall also include an accounting of the revenues generated and expenditures made in the Immediate and Critical Needs Account.

Statutory Due Date	Item: Title	Action
Annually, August 30	Report: Cash-Flow Loans Made to the Trial Courts	Government Code section 68502.6d states that the Judicial Council shall submit a report to the Joint Legislative Budget Committee and the Department of Finance for each loan executed pursuant to this section no later than August 30 of each year and specifies report content requirements.
One time, January 1, 2016	Form of Petitions, Order: Gun violence restraining orders upon petition by a family member or law enforcement	Penal Code sections 1524, 1542.5, 18100-; and Welfare Institutions Code section 8105 establishes a new process for courts to issue civil gun violence restraining orders upon petition by a family member or law enforcement. Requires the Judicial Council to prescribe the form of the petitions and orders and any other documents, and to promulgate any rules of court.
One time, July 1, 2015	Form: Confidential information form for the plaintiff's use of a pseudonym.	Civil Code section 1708.85 requires the Judicial Council, by July 1, 2015, to develop a specified confidential information form for the plaintiff's use of a pseudonym.
One time, January 1, 2016	Rules, Forms: Implementation of California Conservatorship Jurisdiction Act	Civil Code section 1913 and various Government Code sections require the Judicial Council, on or before January 1, 2016, to develop court rules and forms necessary for the implementation of the California Conservatorship Jurisdiction Act.

Information on Judicial Council Directives

Council Directive 24

On August 9, 2012, E&P directed the interim Administrative Director of the Courts and incoming Administrative Director of the Courts to consider the SEC recommendations on AOC organizational structure (recommendations 5-1–5-6, 6-1) and present their proposal for an organizational structure for the consideration of the full Judicial Council at the August 31, 2012, council meeting.

SEC Recommendation 5-1

The AOC should be reorganized. The organizational structure should consolidate programs and functions that primarily provide operational services within the Judicial and Court Operations Services Division. Those programs and functions that primarily provide administrative services should be consolidated within the Judicial and Court Administrative Services Division. Other programs and functions should be grouped within an Executive Office organizational unit. The Legal Services Office also should report directly to the Executive Office but no longer should be accorded divisional status.

SEC Recommendation 5-2

The Chief Operating Officer should manage and direct the Judicial and Court Operations Services Division, consisting of functions located in the Court Operations Special Services Office; the Center for Families, Children and the Courts; the Education Office/Center for Judicial Education and Research; and the Office of Court Construction and Facilities Management.

SEC Recommendation 5-3

The Chief Administrative Officer should manage and direct the Judicial and Court Administrative Services Division, consisting of functions located in the Fiscal Services Office, the Human Resources Services Office, the Trial Court Administrative Services Office, and the Information and Technology Services Office.

SEC Recommendation 5-4

Other important programs and functions should be consolidated within an Executive Office organizational unit under the direction of a Chief of Staff. Those functions and units include such functions as the coordination of AOC support of the Judicial Council, Trial Court Support and Liaison Services, the Office of Governmental Affairs, the Office of Communications, and a Special Programs and Projects Office.

SEC Recommendation 5-5

The Chief Counsel, manager of the Legal Services Office (formerly the Office of the General Counsel) should report directly to the Administrative Director depending on the specific issue under consideration and depending on the preferences of the Administrative Director.

SEC Recommendation 5-6

The Chief Deputy Administrative Director position must be eliminated. If the absence of the Administrative Director necessitates the designation of an Acting Administrative Director, the Chief Operating Officer should be so designated.

SEC Recommendation 6-1

The Administrative Director, the Chief Operations Officer, the Chief Administrative Officer, and the Chief of Staff should be designated as the AOC Executive Leadership Team, the primary decision maker for the organization.

Reported By:	Executive Office
Contact:	Jody Patel, Chief of Staff

TASK

[ ] **PENDING**

[x] **COMPLETED: On August 31, 2012, the Judicial approved a new organizational structure for the AOC that became effective October 1, 2012.**

On August 31, 2012, the Judicial Council approved a new organizational structure for the Administrative Office of the Courts (AOC) proposed by the interim Administrative Director of the Courts and incoming Administrative Director of the Courts that became effective October 1, 2012.

Highlights of the restructuring include:

- Agreement with the organizational restructuring recommendations of the SEC with some minor modifications.
- Goals were:
    - To reduce the size of the Executive Team and institute clear chain-of-command to clarify authority, expectations, and responsibilities of the Exec Team.
    - Align AOC programs, projects, and activities into fewer divisions
- Reduced 14 management team members to four members of the Executive team (Administrative Director, Chief of Staff, Chief Operating Officer, and Chief Administrative Officer).
- Created three divisions and former divisions became offices under one of the three divisions. (Judicial Council and Court Leadership Services – Chief of Staff; Judicial and Court Administrative Services – Chief Administrative Officer; Judicial and Court Operations Services – Chief Operating Officer.

In addition to having the Chief of Staff as second in command, other modifications from the SEC include:

- Office of General Counsel (now Legal Services) was restructured to be a direct report to Chief of Staff with a dotted line relationship to the Administrative Director.
- Office of Governmental Affairs was restructured as a direct report to the Administrative Director.
- Editing and Graphics group were not eliminated
- Office of Court Construction and Management was bifurcated into Office of Facilities Management (now Real Estate and Facilities Management) reporting to the Chief Administrative Officer and Office of Judicial Branch Capital Programs (now Capital Program) reporting to the Chief Operating Officer.
- The Office of Emergency Response and Security was retained as Office of Security pending further analysis (now part of Court Operations).
- All of the decisions about compensation for directors and classification levels were deferred until completion of the Classification and Compensation Study.
- A new Office of Administrative Services was established to house administrative functions provided to the organization (since that time now includes Conference Services).
- Criminal Justice Court Services office was housed under Chief Operating Officer rather than the Chief of

Staff as recommended by the SEC.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED		UNABLE TO IMPLEMENT
x	IMPLEMENTED AND ONGOING		PENDING IMPLEMENTATION
	IMPLEMENTED BUT IN PROGRESS		

Since the restructuring that occurred effective October 2012, the Office of Appellate Court Services was created. Led by the Director Donna Hershkowitz, this office provides services and support to appellate courts working with designated administrative contacts throughout the organization.

Additionally, organizational review will be an ongoing activity for the organization to ensure that it is organized in the most efficient and effective way to provide services to branch customers.

ASSESSMENT OF IMPLEMENTATION

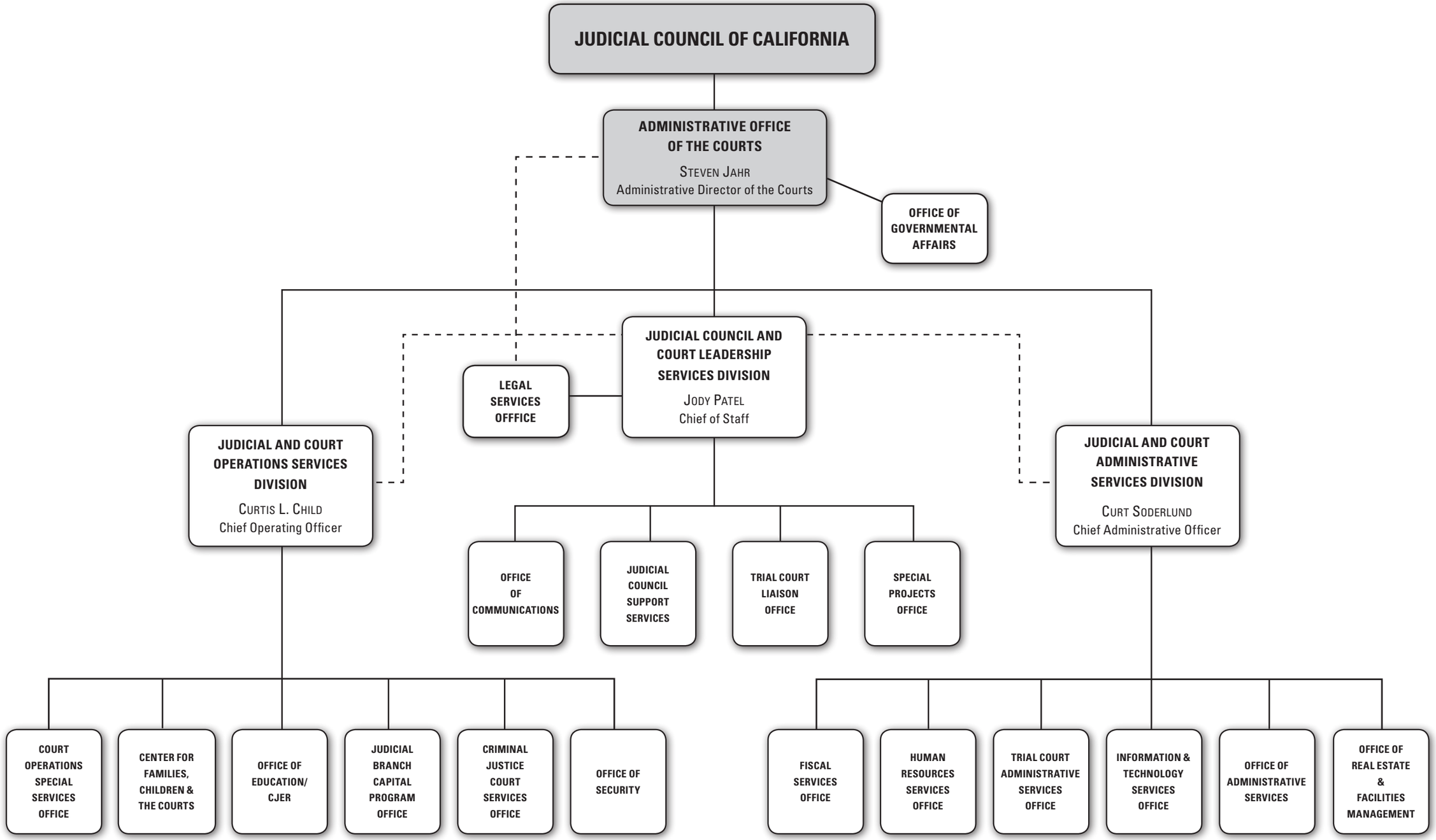
OTHER INFORMATION

Attachments:

- Organizational Structure of the Administrative Office of the Courts, October 2012
- Organizational Structure of the Judicial Council, October 2014
- *Additional Implementation Information*, October 2012

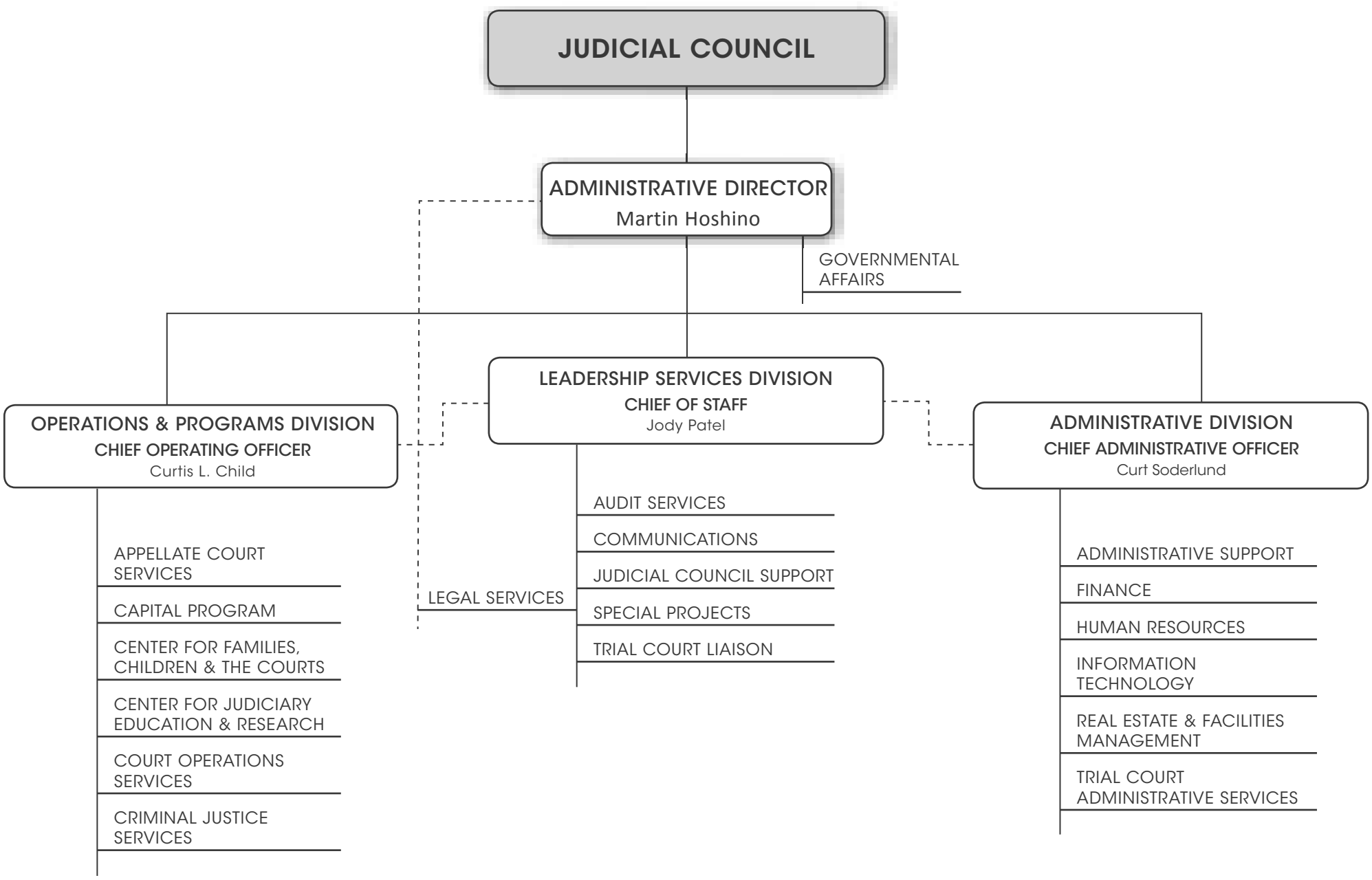
Attachment A

ORGANIZATIONAL STRUCTURE OF THE ADMINISTRATIVE OFFICE OF THE COURTS



October 2012

ORGANIZATIONAL STRUCTURE OF STAFF TO THE JUDICIAL COUNCIL OF CALIFORNIA



Oct 2014

Attachment B

Additional Implementation Information:

The following provides additional detail on the Administrative Office of the Courts (AOC) organizational changes approved by the Judicial Council that were modified from what was proposed in the Strategic Evaluation Committee's *Final Report*:

- Designation of Chief of Staff as second-in-command in those cases when the Administrative Director of the Courts (Administrative Director) is unavailable rather than the Chief Operating Officer.
- Reporting relationship of the Chief Counsel and the Legal Services Office to the Chief of Staff with a dotted line reporting relationship to the Administrative Director rather than a direct report to the Administrative Director.
- Reporting relationship of the Office of Governmental Affairs directly to the Administrative Director with a dotted line reporting relationship to the Chief of Staff rather than a direct report to Chief of Staff.
- Retention of Editing and Graphics Group as part of a new Judicial Council Support Services Office in the Judicial Council and Court Leadership Services Division rather than elimination of this unit.
- Bifurcation of Office of Court Construction and Management into new offices under two new divisions – Office of Real Estate and Facilities Management reports to the Chief Administrative Officer in the Judicial and Court Administrative Services Division and the Judicial Branch Capital Program Office reports to the Chief Operating Officer in the Judicial and Court Operations Services Division.
- Retention of the Office of Emergency Response and Security as Office of Security in the Judicial and Court Operations Services Division pending a report from the Administrative Director to the Judicial Council at the December 2012 meeting.
- Establishment of the Office of Administrative Services to house traditional administrative functions reporting to the Chief Administrative Officer in the Judicial and Court Administrative Services Division.
- Movement of the Criminal Justice Court Services Office from the Executive Office to the Judicial and Court Operations Services Division.

Information on Judicial Council Directives

Council Directive **25**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require immediate compliance with the requirements and policies in the AOC Personnel Policies and Procedures Manual, including formal performance reviews of all employees on an annual basis; compliance with the rules limiting telecommuting; and appropriate utilization of the discipline system.

SEC Recommendation **6-3**

The AOC Executive Leadership Team must order immediate compliance with the requirements and policies in the AOC personnel manual, including formal performance reviews of all employees on an annual basis; compliance with the rules limiting telecommuting; and appropriate utilization of the discipline system.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager Curt Soderlund, Chief Administrative Officer

TASK

☐ **PENDING**

☒ **COMPLETED: Judicial Council Personnel Policies and Procedures Manual has been reviewed for compliance and specifically policies on telecommuting, performance management, and at-will employment have been developed, amended and/or expanded for implementation.**

Following the council's directive to ensure compliance with the requirements and policies in the *Personnel Policies and Procedures Manual*, the Administrative Director tasked Human Resources to amend existing policies and incorporate, where necessary, measures for tracking and reporting on compliance efforts.

When the regular telecommuting program policy (8.9) was approved by the Council on April 24, 2014, the new telecommuting policy included an application, review, and annual reporting process as well as clear guidelines for participation. The program continues to be fluid; in 2015, additional modifications were made to the ad hoc component to include performance measures for staff participating in an ad hoc telecommuting arrangement—requiring supervisors to monitor staff's ad hoc productivity and accomplishments via a work log.

Similar measures were implemented for the performance management program. Shortly after the policy's (3.9) amendment on October 10, 2013, performance reviews were implemented organization wide on April 1, 2014, and specific schedules were outlined for managers and supervisors to complete their employees' initial reviews. Furthermore, the amended policy included a centralized review process in which managers and supervisors were asked to submit all performance management documentation to an assigned human resources representative prior to meeting with the employee and after the meeting took place.

Since the Judicial Council is recognized as an at-will employer and does not utilize progressive discipline to address performance issues, Policy 3.9 was expanded even further. The amended policy 3.9 also included the development of a performance improvement plan (PIP), which was intended as a tool for managers and supervisors to provide employees an opportunity to address performance issues. Through this process, progress toward addressing performance deficiencies is measured within a defined timeframe. If goals are not completed and performance does not improve, the Judicial Council has the authority to terminate employment at any time.

This process continues to be utilized--since July 2013, Human Resources has worked with offices to develop PIPs for six employees.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED		UNABLE TO IMPLEMENT
x	IMPLEMENTED AND ONGOING		PENDING IMPLEMENTATION
	IMPLEMENTED BUT IN PROGRESS		

Given that policies and procedures will always need to be reviewed for updates and applicability, this directive will be ongoing as a regular human resources business practice.

ASSESSMENT OF IMPLEMENTATION

Performance Reviews:

All 706 council employees are required to have a performance review. As of March 2015, 78% of the employees have received their performance evaluation with the goal of 100% by the end of the first full year of the program which is April 30, 2015.

In June of 2015 the council will receive a report providing status on the percentage of council staff that have received a performance review in the first year.

Telecommute Program:

Since the telecommute pilot was approved and policy modified, there are fewer people telecommuting. HR reports that 69 people telecommuted the first year; this year 76 people telecommute which is a drop of 30 from the original count of 98 telecommuters prior to the updated policy.

The annual report to council will be provided at the April 2015 Council meeting

Employee Discipline:

Since the implementation of the performance review program, the organization has implemented 6 performance improvement plans representing less than 1% of the 706 council employees.

OTHER INFORMATION

Staff will return to the council in June of 2015 to report on the percentage of performance reviews conducted during the first year of performance reviews.

An annual report on the Telecommute program will be provided to the council at the April 2015 council meeting.

Attachments:

Performance Reviews

- *Performance Management Process Guidelines*
- Personnel Policies and Procedures, Policy Number 3.9: Performance Management Program

Telecommute

- Personnel Policies and Procedures, Policy Number 8.9: Working Remotely (Telecommuting) Pilot Program
- Report to Council: *AOC Restructuring: Policy 8.9, Working Remotely (Telecommuting) Pilot Program: One-Year Update*, April 24, 2014

Employee Discipline

- *AOC Utilization of the At-Will Employment Policy*
- Personnel Policies and Procedures, Policy Number 2.1: Employment At Will

JUDICIAL COUNCIL OF CALIFORNIA
Administrative Office of the Courts

PERFORMANCE MANAGEMENT PROCESS GUIDELINES

The purpose of the Performance Management Process is to support and enhance the long-term success of the organization and its employees. The process focuses on involving supervisors and employees in identifying meaningful performance expectations that support the organization's goals, recognize individuals' contributions, and foster continuous development of employees. The planning and review process is designed to facilitate communication between supervisors and employees. A sample Performance Plan and Review Form is attached to these guidelines for reference.

OVERVIEW OF THE PROCESS

The process begins by planning and defining performance expectations for the upcoming plan period. The supervisor and employee meet to develop an annual performance plan by reviewing the performance factors and expectations necessary to successfully perform the employee's job duties as stated in the job description. As further defined below, performance factors reflect the skills necessary in order to successfully perform the job. Performance factors and specific tasks should be modified to reflect the employee's particular responsibilities. Key objectives, major goals or special assignments should be identified for each performance factor.

The supervisor and employee also create a development plan by identifying action steps that the employee will take to develop and/or enhance his/her job-related knowledge, skills, and abilities. The Annual Performance Plan and Review Form shall be utilized to record the planning and performance review process.

Throughout the planning and development cycle, the supervisor and employee should meet periodically to review progress and update expectations as needed. The planning cycle ends with an overall review of results accomplished during the previous year. Each cycle should last for one year from the date of initiation. However, plans may be adjusted throughout the year to reflect accomplishments, completed projects or areas needing improvement. A Performance Improvement Plan (PIP) may be initiated at any time to identify critical areas needing immediate improvement.

It is the responsibility of the employee's supervisor, manager and office leadership to ensure that all plans and reviews are completed and submitted to the Human Resources Services Office on a timely basis.

ANNUAL PERFORMANCE PLAN AND REVIEW

Development of Initial Plan

The process begins with the development of an initial performance review plan. Plan development can occur when a new employee is hired, when a job classification changes or when an individual transfers to a new unit. The initial plan should consist of a discussion, expectation setting and the development of anticipated duties, projects or goals.

Feedback Periods

It is expected that supervisors will provide feedback to the employee during each review period. The supervisor should reinforce the positive work habits and provide constructive feedback on improving areas where further development is necessary.

Prior to Annual Review

In the month before the formal annual review, the supervisor should provide the employee with an Employee Self-Assessment form [hyperlink]. This form will allow employees to provide comments on their own performance during the past year. This is an informal document that the supervisor will consider when completing the annual review.

Annual Assessment Meeting

Within a month of each employee's annual review date, it is expected that every supervisor will meet with the employee and conduct an interactive meeting where the supervisor will conduct the Annual Review. At the conclusion of the meeting the employee will be asked to sign the review to verify that the review took place. By signing, the employee is not agreeing to the contents of the review, but that the review was conducted.

During the review meeting, if the employee provides new information that may result in modifications to the review; the supervisor may make any desired changes and schedule a follow-up meeting with the employee prior to finalizing the annual review. The follow-up meeting would then take place and the employee would be asked to sign the revised review.

Rebuttal Period

If an employee disagrees with the supervisor's review, he or she may prepare a rebuttal. This rebuttal should be submitted to the supervisor no later than ten business days from the date the employee received the performance review. The employee's rebuttal should be attached to the review and both documents will be placed in the employee's personnel file.

Completing the Annual Performance and Plan Review

1. Performance Factors

To complete the Annual Performance Plan and Review Form, the supervisor and employee should first review and discuss the performance factors described on the plan. Performance factors should reflect the most significant work responsibilities for the employee during the planning period under consideration.

In preparing the plan, supervisors and employees should review the Professional Skills section. Each area is available for selection through the drop-down menu - when a skill is selected, a descriptor for that skill will appear in the selected area. Supervisors will then determine if the individual "exceeds expectations," "meets expectations," or "needs improvement" in each of the selected areas. Please note that, for areas such as punctuality, an "exceeds expectations" is not appropriate since it is a basic job expectation arrive to work as assigned. Any performance factors or specific tasks listed in the drop down menu that are not currently performed and will not be performed during the review period should not be identified.

Each area listed below is available for review. An employee review may include all these areas, but should contain no less than five of the areas listed:

- Technical and Professional Expertise
- Problem Solving
- Computer Skills
- Time Management
- Written Communications
- Verbal Communication
- Initiative
- Setting High Standards
- Relationship Building
- Customer Services
- Organizational Skills
- Punctuality

Additional performance factors and tasks should be added to the employee's plan if the listed factors do not adequately represent the employee's responsibilities.

2. Employee Development: Duties, Projects or Goals

The second, more specific area of the review process is the Duties, Projects or Goals section. In this section the supervisor and employee should identify duties, projects or

goals anticipated to be developed or completed during the next year. When considering an appropriate area to identify, supervisors may consider the following areas:

- Base load/ongoing work
- Time-limited assignments
- Multi-year projects with current milestones
- Special projects and assignments
- Job skills and development expectations
- Organizational skills, communication skills, and working relations
- Supervision, leadership and direction
- Reliability/punctuality (included for non-exempt classifications)

When identifying a duty, project or goal, try to be as specific as possible in the description of the item in the descriptor box. During the initial discussion regarding the performance and development plan, the employee and supervisor should discuss how the factors will be evaluated and weighted.

3. ***Measuring Performance***

Each performance factor should be an accurate reflection of the employee's performance during the past year. If there is an area where the employee has generally performed well, but has worked through a few rough patches during the year, the rating of "meets expectations" may be appropriate. However, in the comments section, any issues that occurred during the review period should be noted.

Performance on duties, projects or goals should be rated based on the individual performance of that individual during the review period. Key indicators could be:

- *Work Performed:* Quantity, quality, and effectiveness of work, including accuracy, thoroughness, and consistency; time management, meeting deadlines, and compliance with policies and rules.
- *Job Knowledge and Ability:* Job-specific knowledge, skills and abilities; problem identification, analysis, and resolution; decision making; the ability to learn, retain, and apply instructions, policies, and other information.
- *Adherence to timelines*: Were projects or other measurable items delivered in a reasonable timeframe at an acceptable level of quality?
- *Working Relationships*: When completing the project, duty or goal, did the individual work cooperatively with other members of the team or with other stakeholders?

The comment section of the review plan is extremely important for the duties, projects or goals section of the review. Comments should be made in any section where a rating has been reflected. However, managers and supervisors should place special emphasis on areas which received an "exceeds expectations" or "needs improvement" rating. If an

individual has been rated as “exceeds expectations,” list a reason why that rating was provided, cite an example that provides the employee, as well as future supervisors, with the skill or performance that led to this rating. If the employee was rated as “needs improvement,” cite reasons why this rating was provided and give clarifying guidelines on what is needed for improvement. Please keep in mind that this tool is utilized to provide feedback to an employee with the goal of ensuring that all individuals are successful in their job duties.

FEEDBACK DURING THE ANNUAL REVIEW PERIOD

Supervisors should give employees feedback about their performance on an ongoing basis. At a minimum, supervisors should discuss the performance and development plan with the employee after six months. The supervisor and employee should review the employee’s progress toward meeting his or her performance goals. This discussion also provides an opportunity for the supervisor to recognize the employee’s progress to date, as well as to offer direction where needed. Changing business conditions may warrant revising plans and objectives.

PERFORMANCE IMPROVEMENT PLANS

When an employee is experiencing difficulty in either a specific area or in overall performance, the development of a Performance Improvement Plan (PIP) may be implemented to provide the employee with guidance and clear expectations for performance improvement.

The PIP should identify areas of performance needing improvement and strategies on how that improvement could be achieved. The PIP should also identify a timeline of when performance improvement is expected to occur. Failure to demonstrate improvement either during the PIP or at the review date could result in disciplinary action up to and including the possibility of termination.

Issuance of a PIP does not in any way alter the at-will employment status, nor does the timeline for anticipated improvement imply an employment contract.

Policy Number: **3.9**

Title: **Performance Management Program**

Contact: **Human Resources Services Office, Labor and Employee Relations Unit**

Policy Statement: **The Administrative Office of the Courts (AOC) requires periodic feedback to employees regarding their job performance in an effort to best serve the judicial branch while recognizing employee achievements and contributions to the AOC.**

Contents:
(A) Employee Performance Management Program
(B) Employee Performance Management Cycle
(C) Performance Improvement Plan

(A) Employee Performance Management Program

The performance management program functions as a method to advance AOC operational objectives while recognizing employee achievements and contributions to the AOC. Managing employee performance is an ongoing communication process between a supervisor and an employee. The communication process is a cycle that includes clarifying expectations, identifying and setting goals, providing feedback, and evaluating performance. Overseeing employee performance and providing feedback is not an isolated event, rather it is an ongoing cycle that occurs throughout the year.

(B) Employee Performance Management Cycle

The employee performance management cycle consists of three phases: planning, feedback, and assessment.

Planning

Supervisors will develop an annual performance plan, using the Annual Performance Plan and Review Form [*hyperlink*], to direct employees toward achieving specific goals that support the AOC's operational objectives and the employees' professional success. At a minimum, every employee at the AOC will be evaluated on an annual basis, using the Annual Performance Plan and Review Form.

Supervisors must communicate with employees regarding their performance expectations throughout the year. Supervisors and employees should collaborate on developing performance goals and expectations. Early planning to achieve goals, together with mutual communication, pave the path to a successful working relationship.

Guidelines for Determination of the Annual Performance Plan and Setting an Assessment Meeting:

1. The date of the employee's last step increase will be the designated date for the annual assessment meeting.

2. If the employee's step increase date changes, the new step increase date will become the new evaluation and planning date.

3. If the employee's job classification changes and more than 180 days have passed since the last performance review date, the annual performance plan from the past job classification will be completed by the past supervisor and a new performance plan will be initiated by the new supervisor.

4. If the employee's job classification changes and less than 180 days have passed since the last performance review date, a new performance plan will be initiated by the new supervisor utilizing appropriate information from the past performance review plan.

5. If the employee's supervisor changes during the annual review period, but the job classification has not changed, the new supervisor will be responsible for completing the annual performance review and may consider feedback from the prior supervisor. The new supervisor shall meet with the employee to clarify expectations and may revise the performance plan to meet the needs of the employee's new assignment.

Feedback

Once the performance plan is in place, supervisors are responsible for initiating and providing periodic feedback to employees regarding their job performance. Employees may also request feedback on their performance from their supervisors at any time.

While AOC policy states that employee performance should be formally assessed once a year, it is strongly recommended that employees receive a verbal or written performance assessment and feedback on a more frequent basis. Supervisors should acknowledge employee accomplishments or address needs for improved performance as often as necessary. Feedback should be specific to reinforce positive results or provide guidance in areas that need improvement. Supervisors should utilize collaboration, coaching and feedback to ensure that employees achieve positive outcomes.

Assessment

At the end of the annual performance period, the employee's performance is measured against goals established through the Annual Performance Plan and Review Form in the prior year. This annual assessment meeting is an opportunity for supervisors to communicate with employees regarding their performance over the past year, evaluate employees' job satisfaction, and make plans for employees' performance goals.

At the conclusion of the assessment meeting, the supervisor will ask the employee to sign and date the form that summarizes the employee's performance over the prior year. The supervisor will explain to the employee that the signature acknowledges the contents of their discussion, but is not necessarily an agreement with the supervisor's assessment. Afterwards, the supervisor routes the document to office leadership for final signatures, provides a copy of the signed form to the employee, and sends a copy to the assigned Pay and Benefits Specialist for placement in the employee's personnel file.

(C) Performance Improvement Plan

An employee who is experiencing performance challenges may be placed on a Performance Improvement Plan ("PIP") [*hyperlink*] with the goal of identifying areas of improvement as well as guiding the employee to improved performance.

The PIP contents will communicate to the employee: (1) specific areas of work performance that are below expected standards, (2) a plan for improving the employee's work performance, (3) a time frame within which the employee is expected to make improvements, and (4) possible consequences should the employee fail to raise his/her performance to meet the expected standards.

The purpose of the PIP is to inform the employee that certain deficiencies have been detected and to give the employee an opportunity to correct or improve their work performance before further action is taken.

Pilot Program Number: **8.9**

Title: **Working Remotely (Telecommuting) Pilot Program**

Contact: **Judicial and Court Administrative Services Division, Human Resources Services Office**

Program Statement: **The AOC's Remote Work Program authorizes employees to work from home only when doing so is consistent with business needs and the employee's job functions, as authorized by the Administrative Director.**

Contents:

(A) Purpose of Remote Work Program
(B) Regularly Scheduled Remote Work
(1) Applicability
(2) Request and Approval Process
(3) Remote Work Schedules
(4) Remote Work Log
(C) Ad Hoc Remote Work
(D) The Home Office
(1) Work Environment
(2) Office Equipment
(3) Information Security
(4) Health and Safety
(E) Other Employee Rights and Responsibilities
(F) Termination and Renewal of Remote Work Assignment

(A) Purpose of Remote Work Program

When consistent with business needs and the employee's job functions, the AOC provides employees with a remote work option. Employees participate in the remote work program when, on a periodic basis, during their scheduled work hours, they perform their usual job duties from home. The terms "working remotely", "work remotely", and "remote worker" as used in this pilot program refer to the performance of usual job duties at home. Home locations for purposes of this pilot program shall be in the state of California.

Suitability to participate in the remote work program is based, in part, on an employee's job classification and the nature of the work to be performed by the employee. Those factors alone may compel disapproval of an application to participate in the remote work program.

The AOC recognizes the potential organizational and personal benefits available through a carefully planned and managed remote work program. Both the state and federal government have recognized the positive impacts of remote work programs that include reductions in air pollution, traffic congestion and the costs of highway commuting. Additionally remote working can provide employees with more flexibility in their schedules resulting in increased productivity and employee morale.

This pilot program covers two types of remote work options:

(1) Regularly scheduled (which allows employees to work from home on a regular, ongoing basis, as described in Section (B) (3) of this pilot program), and

(2) "Ad hoc" (occasional, one-time approval to work from home, as described in Section (C) of this pilot program).

Employees working in more than one location, other than the home, due to work-related travel, and/or working from multiple AOC offices or court locations, are considered to be working in the office. This Remote Work Pilot Program does not apply to that activity.

Requests to work from home as a reasonable accommodation for a disability will be evaluated consistent with applicable law. Such requests should be directed to the employee's supervisor and approved by the Human Resources Services Office (HR), Integrated Disability Management Unit.

(B) Regularly Scheduled Remote Work

(1) Applicability

Only non-supervisory AOC employees (regular or temporary, full-time or part-time, exempt or non-exempt) may apply to participate in the remote work program on a regularly scheduled basis.

(2) Request and Approval Process

An employee may initiate a request to participate in the remote work program on a regularly scheduled basis by submitting a completed Remote Worker Self-Assessment and Remote Work Application to his or her supervisor. The supervisor will review the request and make a recommendation to the office leadership. Office leadership will submit the request with a recommendation to Human Resources. Human Resources will review the request to ensure that the application meets all applicable pilot program criteria. HR will submit the request with a recommendation to the Executive Office for consideration. Approval of a remote work arrangement is at the discretion of the Administrative Director or designee.

Step 1 – Office Leadership Review

A request to participate in the remote work program must be reviewed by the employee's office leadership, who will determine if the employee, while working from home, can perform all of the duties and responsibilities of the position in a manner that meets the needs of the organization. When considering a request to work from home, all of the following factors will be considered:

- Nature of Work
  The type of work performed by the employee.

- Quantity of work
  How much work can get done from home?

- Quality of work
  How well can the work be completed from home?

- Timeliness
  Can timelines be met when working from home?

- Ability to handle multiple priorities
  Is it possible to successfully multitask when working from home?

Employees must also demonstrate suitability of the proposed home work environment.

Employees with performance, attendance, or other work-related deficiencies, or whose jobs by their nature are not suitable for remote work, will not be approved for a remote work arrangement.

Step 2 – Human Resources Services Office Review

Completed remote work applications reviewed by the originating office's leadership shall be submitted to HR for additional review.

HR will review applications to ensure that signatures have been obtained; the agreement is consistent with the parameters of AOC policies and procedures; and the employee's duties and responsibilities align to the five factors noted previously.

Any remote work agreement that is not complete, does not have all required signatures, or is outside of the scope of the pilot program will be returned to the originating office for review. Remote work schedules may not begin until the remote work agreement has been approved by the Administrative Director or designee.

Step 3 – Administrative Director or designee's review

The Administrative Director or designee will review the remote work agreement and determine whether to approve or deny. If the remote work agreement is approved, HR will notify the Office Leadership of the approval and a start date can be coordinated with the employee.

(3) Remote Work Schedules

Employees (excluding supervisors, managers, assistant directors, and directors) may be approved to work from home on a regularly scheduled basis as follows:

- During the first 12 months of employment, employees are not eligible to participate in the remote work program.

- After 12 months of employment, employees are eligible to request to work from home up to a maximum of one day per week in any given week.

If approved, the remote work schedule applicable to a particular employee will be set by the supervisor before remote working begins. Remote workers must be available during the standard workday from 8 a.m. to 5 p.m., Monday through Friday (Hours of Work, policy 4.4(A)), or alternative schedule as approved by their supervisor, to

the same extent as if working in the office. The remote work schedule may be modified, with supervisor approval, as needed:

- The remote work assignment may be suspended or terminated at any time, for any reason at the discretion of the office leadership. If a remote work assignment is suspended or terminated the HR work coordinator must be notified immediately.

- If an employee is needed in the office on a regularly scheduled remote work day, the employee must forgo the remote work day. Employees cannot "make up" missed remote work days.

- Remote workers must request approval for time off in the same manner as if not working from home.

- With prior approval, remote workers may attend medical, dental, and business appointments on remote work days.

- For non-exempt employees, any overtime work must be authorized in advance and in writing (Hours of Work, policy 4.4(C)(1)).

(4) Remote Work Log

AOC employees approved for a regular remote work schedule must complete a remote work log for each day that they work from home. The remote work log must be provided regularly to the supervisor for review of work progress during remote work days. Employees who do not satisfactorily complete a remote work log or their assignments during remote work days may have their remote work assignment suspended or terminated at the discretion of the office leadership.

(C) Ad Hoc Remote Work

An employee of the AOC (including managers and supervisors) may alternatively be approved to work from home on an "ad hoc" basis (i.e., not on a regular basis), which may arise due to special projects, the demand for expedited work products, or other business or personal needs. The employee's office leader may approve ad hoc work from home on a case-by-case basis. Each office will submit a monthly report of ad hoc remote work to the HR remote work coordinator. Quarterly reports will be submitted to the Administrative Director. Approval to work remotely on an ad hoc basis does not require submission of the forms referenced in Section (B)(2) of this pilot program and does not confer eligibility to work from home on a regularly scheduled basis.

"Ad hoc" remote work occurrences are limited to two days per month in any given month. Employees who are participating in the regularly scheduled remote work program may not, at the same time, work from home on an "ad hoc" basis.

The supervisor or manager recommends approval of the ad hoc remote working request and submits to his or her office leadership. Office leadership may approve the ad hoc remote work and record the usage on a monthly report that will be submitted to HR. HR will collect that data and provide quarterly utilization reports to the Administrative Director.

(D) The Home Office

(1) Work Environment

Remote workers are responsible for maintaining a safe and productive work environment. Dependent care arrangements must be made so as not to interfere with work. Personal disruptions must be limited to the same extent as when working in the employee's primary work location.

(2) Office Equipment

The AOC will provide a laptop, subject to availability, for purposes of working from home. Maintenance, repair, and replacement of AOC-owned equipment issued to remote workers is the responsibility of the AOC. The remote worker, however, must provide adequate care and protection of the equipment. (Use of AOC Property, policy 8.8(B)). In case of equipment malfunction, the remote worker must notify his or her supervisor immediately. Expenses for purchases, supplies, and repairs to personal equipment will not be reimbursed. Remote workers must restrict access to AOC-provided office equipment from family members and others.

The remote worker must also observe the following

- The remote worker is responsible to provide appropriate Internet connectivity in order to perform work duties. DSL or cable-based service is normally acceptable for this purpose.

- AOC-issued laptops must be brought into the office a minimum of once per month, and as requested, to assure the necessary technology and security updates are installed. The Information Technology Services Office does not provide technology support for use of personal equipment for working from home.

- Any software installed on AOC-issued laptops remains the property of the AOC and is subject to all applicable copyright laws and rules and regulations on the use or reproduction of software.

- Upon termination of a remote work assignment or employment, or when requested by the supervisor, the employee must return all AOC property, including software.

Computer support for remote workers is available from the Information Technology Services Office Helpdesk during the hours of 7:30 a.m. – 6:00 p.m. Remote workers may request assistance by submitting an on-line service request to the AOC Service Portal, or contacting the HelpDesk at (415) 865-4080 or helpdesk@jud.ca.gov.

(3) Information Security

Network and information security are important considerations when working from home. Remote workers are expected to maintain the security, privacy, and confidentiality of information when working at the home work site or transporting data to and from work sites, including:

- Remote workers must follow all organizational data retention, backup and security procedures.

- Remote workers must restrict access to confidential and personal information from family members and others. (Use of AOC Property, policy 8.8(D)).

- Access-restricted material and data must remain secured, and cannot be taken out of the official work location without supervisory approval.

Some AOC applications will be restricted to on-site access for security reasons. Other data may be unavailable to remote workers for technical reasons. For example, remote access to network drives is only available to employees approved and provided resources for access.

Remote workers must report any potential breach of AOC information security immediately to the Information Technology Services Office HelpDesk.

(4) Health and Safety

Remote workers are responsible for ensuring that their home offices comply with health and safety requirements. The AOC may decline an employee's request to work from home or may terminate a remote work assignment based on safety considerations. The home office may be inspected by the AOC, by appointment, for compliance with health and safety requirements.

If an employee incurs a work-related injury while working from home, workers' compensation law and rules apply. Consistent with AOC's Workers' Compensation Insurance, policy 6.6, employees must immediately notify their supervisor, or if their supervisor is not immediately available, the Human Resources Services Office, Integrated Disability Management Unit, of any work-related injury and complete all required documents.

(E) Other Employee Rights and Responsibilities

Remote workers maintain the rights and responsibilities set forth in AOC policies and procedures to the same extent as if not working remotely. In particular, employees must comply with Technology Use, policy 8.6 and AOC Computer Use Best Practices.

(F) Termination and Renewal of Remote Work Assignment

Participation in the remote work program is voluntary and it is a privilege. Either the employee or the AOC may terminate participation in the remote work program at any time, for any reason or no reason at all. Failure to abide by the policies and procedures set forth in this pilot program may result in immediate termination of an employee's remote work assignment. Any suspension or termination of a remote work assignment must be immediately reported to HR.

It shall be the continuing duty of the office leadership in each office, in which one or more employees telecommute, to assess the performance of each such employee by adhering to the terms, conditions, and standards of this pilot program.

Approval to participate in the remote work program is only valid for the fiscal year in which it is approved. Remote Work Applications must be renewed and approved by the Administrative Director or designee each fiscal year, on or before June 30, as well as when there is a change in the remote worker's or supervisor's position, or any other change that may impact the remote work arrangement. Remote workers who wish to continue their current remote work arrangement without modification are only required to complete the Remote Work Application form (Attachment II) to request renewal. A remote work arrangement must not be continued when it does not meet the business needs or help accomplish the mission of the AOC.

All regularly scheduled remote work arrangements must be approved by the Administrative Director or designee. Approval to participate in the remote work program is based on specific criteria considered by the employee's office leadership and the Human Resources Services Office, on a case-by-case basis. As circumstances may change over time, employees previously participating in the remote work program are not assured of a remote work assignment when returning from a leave of absence or after a job transfer.

Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 24, 2014

Title
AOC Restructuring: Policy 8.9, Working Remotely (Telecommuting) Pilot Program: One-Year Update

Rules, Forms, Standards, or Statutes Affected
None

Recommended by
Steven Jahr
Administrative Director of the Courts

Agenda Item Type
Action Required

Effective Date
April 24, 2014

Date of Report
March 20, 2014

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Executive Summary

Recognizing the benefits of telecommute programs, legislation at the federal level and in the state of California encourages telecommute programs for government employees in positions where telecommuting is viable.[1]

The Administrative Director of the Courts recommends that the Judicial Council consider and select one of four options concerning telecommuting for employees of the Administrative Office of the Courts (AOC).

Recommendation

The options presented for consideration by the Judicial Council are as follows:

1. Approve the pilot program as a regular telecommute program, with the current additional controls for approving, monitoring, and rescinding participation;

[1] U.S. Office of Personnel Management, *2012 Status of Telework in the Federal Government: Report to the Congress* (June 2012), and California Government Code section 14200.1.

2. Extend the current pilot telecommute program an additional year;
3. Eliminate regular telecommuting and allow only limited, ad hoc telecommuting under special circumstances; or
4. Eliminate all forms of telecommuting.

The Administrative Director of the Courts recommends that the Judicial Council approve Option 1: to remove the pilot restriction from the program and retain the additional controls put in place by the Executive Office. These additional controls are as follows:

- Employees who serve in a lead capacity may not participate in the remote work program on a regularly scheduled basis (managers and supervisors were already precluded from participating);
- Employees working part time may not participate in the remote work program on a regularly scheduled basis;
- Employees requiring general supervision may not participate in the remote work program on a regularly scheduled basis;
- The Administrative Director has the discretion to suspend the use of regular and ad hoc remote work assignments at any time;
- Renewals must be made annually and approved by the Administrative Director before the commencement of the remote work schedule; and
- At the conclusion of the classification and compensation study, the Human Resources Services Office (HRSO) will conduct an additional review of participation to ensure consistency with any recommendations made as a result of the study.

Previous Council Action

On August 31, 2012, the Judicial Council directed the Administrative Director to ensure that the AOC was consistently adhering to its existing policy on telecommuting (working remotely) (Policy 8.9, *AOC Personnel Policies and Procedures;* Attachment A), and to identify and correct any deviation from or violation of the existing policy.

On December 14, 2012, the council further directed the Administrative Director to review the original policy and make recommendations on any proposed amendments.

The council subsequently asked the Administrative Director to consider alternatives to telecommuting, including whether telecommuting should be eliminated, and to return with a report and recommendations for council consideration at its February 2013 meeting.

In the February 2013 report (Attachment B), the Judicial Council was presented with and considered the following options:

1. To eliminate all forms of telecommuting;
2. To eliminate regular telecommuting and allow only limited, ad hoc telecommuting under special circumstances; or

3. To permit telecommuting by approving a restructured and more restrictive telecommute policy, including controls for approving, monitoring, and, if necessary, rescinding participation.

The council approved Option 3 as a 12-month pilot program. The program was implemented, allowing employees authorized by the Administrative Director to work remotely when consistent with business needs and the employee's job functions. As a part of the pilot program, the council also approved the use of ad hoc remote work arrangements, limited to no more than two workdays per month, in the event of unforeseen business or personal needs (Pilot Telecommute Program Policy; Attachment C).

The council requested that an interim report on program implementation be prepared for the Executive and Planning Committee after six months (Attachment D), and a full report after one year, to enable the council to identify a course of action.

Rationale for Recommendation

Following council approval of the pilot program, the Executive Office added the additional controls to ensure consistent and equitable application of the policy. With these controls in place, and based on the monitoring process implemented, the AOC has demonstrated that a remote work program can be effectively and efficiently implemented in a manner that supports employees in the performance of their duties without any negative impacts on customers or colleagues. A summary of the changes to the policy is provided in Attachment E.

The regular program

Defined eligibility requirements for regularly scheduled remote work. The original telecommute policy allowed for up to eight days of telecommuting per month, and provided each office leader with discretion to make exceptions to the policy. In 2012, 98 employees (including supervisors and managers) participated in the program, representing a total of 454 remote work days per month.

Under the pilot program initiated in 2013, a structural control limiting telecommuting to one day per week was established to address any question of a diminution in service to customers. The Executive Office determined that in addition to management staff, part-time employees, employees acting in a senior or lead capacity, and employees requiring general supervision would not be permitted to participate because the primary essential duties of their positions required their on-site presence at the workplace.

Exactly 109 applications were received. Using the revised criteria for participation, 69 employees were approved to telecommute regularly one day per week, The current number of employees participating in the program has dropped from the original 69 to 65, for a total of 260 remote workdays per month. This figure represents a 33 percent reduction in the number of participants from 2012, and a 42 percent reduction in the total number of telecommute days per month.

Approximately 40 percent of applications were denied. Unsuccessful applicants were informed of the reasons for denial. Additional information concerning eligibility was communicated to all employees.

Table 1 reflects changes in the number of telecommuting employees since 2012.

Table 1. Change in Number of Telecommuting Employees

Office	2012 Participation	Days per Month	2013–2014 Pilot Program Participation	Days per Month
Center for Families, Children & the Courts	28	104	17	68
Center for Judiciary Education and Research	12	54	8	32
Court Operations Special Services Office	17	80	3	12
Criminal Justice Court Services Office	2	8	4	16
Human Resources Services Office	0	0	1	4
Information Technology Services Office	23	92	15	60
Judicial Council Support Services	0	0	1	4
Legal Services Office	15	112	5	20
Trial Court Administrative Services Office	0	0	9	36
Executive Office	1	4	0	0
Trial Court Liaison Office	0	0	2	8
Total	**98**	**454**	**65**	**260**

Note: Offices without employees participating in regularly scheduled telecommuting are not included.

Use of work logs. The original telecommute policy did not require work logs. The pilot program does. The work log lists the duties performed and work produced while an employee works remotely. Under the pilot program, work logs are submitted to the employee's supervisor for review and approval, and subsequently to the Human Resources Services Office (HRSO). Work logs are audited by the HRSO to ensure that the duties performed while telecommuting are appropriate and sufficient for a full day's work and consistent with the pilot program.

The most common remote tasks reported include:

- Reviewing documents and researching and analyzing data (project-based work, legal research, and data collection);
- Preparing projects (presentations, timeline development, and curriculum development);
- Responding to communications (e-mail and phone);
- Participating in conference calls;
- Writing and editing reports; and
- Performing duties specific to particular offices and positions.

HRSO contacts individual supervisors with questions or concerns regarding the content of the work log or the duties/tasks performed. Commonly asked questions are as follows:

1. Is the nature of work consistent with the business needs of the AOC?
2. Is the employee effectively managing time?
3. Is the employee's work satisfactory and timely?
4. Has there been a reduction in quantity of work produced?

Supervisors and managers with participants in the pilot program reported satisfaction with both the quality and the quantity of work carried out during the remote work periods. Work logs have been effective in supporting program monitoring and adherence to high service standards.

The ad hoc program

Tracking and reporting. The ad hoc telecommute program is a separate component of the pilot program, offering employees the ability to work remotely no more than two days per month when extenuating circumstances arise. It is available only to employees who do not participate in the regular pilot telecommute program.

Before the pilot program, instances of ad hoc telecommuting were not accounted for, and the AOC lacked a methodology to assess and determine usage. There were no restrictions on the number of ad hoc days an employee could be approved to take, effectively creating a situation that could be employed to distort the original regular telecommuting rule. According to the SEC report, this freedom led to instances in which some employees worked in their AOC offices only infrequently. Regular telecommute program participants could also seek additional telecommute days through the ad hoc process. Since the pilot program was established, HRSO receives monthly ad hoc telecommuting data from each office and reviews it for trends or areas of concern. Table 2 below details the use of ad hoc telecommuting, by office, between March 2013 and January 2014.

Table 2. Ad Hoc Telecommuting, by Office

Office	Average Usage per Month (Days)	Total Days
Information Technology Services Office	6.1	67
Center for Families, Children & the Courts	6.1	68
Center for Judiciary Education and Research	4.5	49
Trial Court Administrative Services Office	7.1	78
Court Operations Special Services Office	3.1	34
Legal Services Office	2.9	32
Human Resources Services Office	3.1	35
Trial Court Liaison Office	1.1	12
Criminal Justice Court Services Office	0.5	5
Internal Audit Services	0.2	2
Fiscal Services Office	0.5	6
Judicial Council Support Services	0.2	2
Office of Real Estate and Facilities Management	0.5	5
Executive Office	0.1	1
Total	**36**	**396**

Note: Offices that did not have employees telecommuting on an ad hoc basis are not included.

The average ad hoc telecommuting usage among the entire AOC for this period was 36 days per month, representing less than one percent of staff work time. (This figure does not account for ad hoc days resulting from the special events outlined below.)

Expanded management toolkit in addressing three disruptive events. The level of flexibility afforded by the ad hoc telecommute program provided a valuable management tool during three major commute-related special circumstances that affected the Bay Area: two transit strikes and a bridge closure.

BART strikes. In July 2013, and again in October 2013, Bay Area Rapid Transit (BART) employees went on strike, shutting down one of the main public transportation services for staff commuting to and from the San Francisco office. The Executive Office authorized employees directly affected by the strike to telecommute on an ad hoc basis the first two days of the BART closure. The exception also applied to employees participating in the regular pilot telecommute program to shift one of their telecommute days to the week of the strike; however, no employee was allowed to telecommute more than two days during that week. Employees were also allowed to use a flexible work schedule (earlier start and end times) or accrued leave as permitted by business need and with supervisor approval.

Bay Bridge closure. In September 2013, the Bay Bridge was closed pending the opening of its new eastern span. The closure was expected to create heavy traffic and congested public transit. During this period, the Executive Office provided employees with options that would meet the work needs of the agency while trying to alleviate commuting challenges. These options included:

- Allowing up to two ad hoc telecommute days for those employees not participating in the regular pilot program;
- Shifting a regular telecommute day to a day when the bridge was closed;
- Having a flexible work schedule to avoid heavy commute periods; and
- Using available leave accruals to take time off during impacted days.

Supervisors and managers were tasked with ensuring that employees who worked remotely during these days had sufficient assignments for the full period. Employees who participated in any of the special-circumstance days were required to submit to their supervisors a remote work log, which was, in turn, submitted to HRSO.

Prior to implementation of the new pilot program, in instances where such special circumstances occurred, office heads had the discretion to offer commute options for their respective offices. Since the implementation of the pilot program, the Executive Office instead establishes consistent, agencywide commute alternatives that include both telecommuting and non-telecommuting options.

Ad hoc remote usage rates during the BART strikes and the Bay Bridge closure are illustrated in table 3.

Table 3. Ad Hoc Telecommuting During Transit Troubles

Office	BART Strike (July 2013)	Bay Bridge Closure	BART Strike (Oct 2013)
Information Technology Services Office	48	3	12
Center for Families, Children & the Courts	30	2	7
Center for Judiciary Education and Research	17	0	8
Trial Court Administrative Services Office	0	1	1
Court Operations Special Services Office	18	3	4
Legal Services Office	15	3	2
Human Resources Services Office	10	5	7
Trial Court Liaison Office	8	0	2
Criminal Justice Court Services Office	7	0	7
Internal Audit Services	5	0	0
Office of Security	4	2	0
Fiscal Services Office	2	0	1
Office of Real Estate and Facilities Management	3	0	0
Office of Communications	1	0	0
Total	**168**	**19**	**51**

Note: Offices without ad hoc telecommuters during these events are not reflected in the table. The numbers in the table are distinct from the ongoing ad hoc telecommute totals.

Comments, Alternatives Considered, and Policy Implications

With the implementation of and strict adherence to guidelines during the pilot year, and with continued oversight and monitoring by the HRSO under the direction of the Administrative Director, four options are presented for consideration by the council.

Option 1: Adopt as an ongoing program the pilot telecommute policy, including the additional controls put in place during the implementation of the pilot program.
Should the Judicial Council approve this option, the "pilot" terminology would be removed from the policy. Participation would still be based on the fiscal year cycle, and employees would reapply annually to ensure that job duties are still appropriate to telecommuting.

The telecommute program would continue to be implemented through a centralized process managed by the HRSO. This process involves a review of each new application by office leadership using the following parameters:

1. **Nature of Work.** What is the type of work being performed by the employee, and is the telecommuting arrangement conducive to the duties necessary to perform the work?
2. **Quantity of Work.** Can a sufficient number of work activities be performed at home?
3. **Quality of Work.** Has the employee demonstrated an ability to carry out high-quality work with minimal supervision?

4. **Timeliness.** Has the employee consistently shown that he or she is able to work within established deadlines?
5. **Ability to handle multiple priorities.** Has the applicant demonstrated a strong ability to manage multiple, competing priorities?

Once office leadership completes its initial review, a recommendation is made to the HRSO. HR then conducts a second review of each application against these same parameters, as well as the following additional criteria:

1. **Current division and unit balance.** What is the requested telecommute day, and do other employees in the office also telecommute on that day? If so, what is the potential impact to scheduling and workload?
2. **Ability to handle scheduled and unexpected leaves.** Will the office have coverage in times of scheduled days off or unexpected absences?
3. **Performance Improvement Plan (PIP).** Is the employee currently on a PIP? Has the employee had past performance issues?

The HRSO then forwards its review and recommendation to the Administrative Director for a final decision on participation

See Proposed Policy 8.9, Working Remotely (Telecommuting) Program; Attachment F.

Option 2: Extend the current pilot program for an additional year.
Should the Judicial Council approve this option, the pilot program would be extended for one year, with further review by the Judicial Council in April 2015. All current controls would remain in place, and all interested employees would need to resubmit applications before current participant agreements end on June 30, 2014.

Option 3: Eliminate regular telecommuting and allow only limited ad hoc telecommuting under special circumstances.
Should the Judicial Council approve this option, regular telecommuting would no longer be permitted at the AOC. However, to allow for management flexibility in special circumstances, the Administrative Director would have discretion to allow employees to telecommute on an ad hoc basis with the approval of their supervisors or managers and office leadership.

Option 4: Eliminate all forms of telecommuting.
Should the Judicial Council approve this option, telecommuting on a regular and an ad hoc basis would no longer be permitted at the AOC. Such a decision could present employee retention issues, in that the agency would be unable to offer comparable employee benefits in a competitive labor market. Further, elimination of the program could also affect employee morale and performance.

Should the council approve Option 1 or 2, amended job descriptions resulting from the classification and compensation study will be reviewed against the telecommuting criteria and could potentially change employee eligibility during 2014–2015.

Implementation Requirements, Costs, and Operational Impacts

Implementation of the pilot telecommute program is centralized under the oversight of HRSO; ultimate authority to approve or deny participation in the program rests with the Administrative Director of the Courts.

All regular pilot telecommuting schedules will conclude during the week of June 30, 2014. Should the program continue, employees wishing to participate in the program would be required to (re)submit applications. HRSO staff would review and submit the applications to the Administrative Director for final review and approval or denial. Approved employees would commence their one-day-per-week telecommute on a date approved by their supervisors.

Participating employees would be required to submit weekly logs describing work performed on telecommute days. A human resources analyst would expend approximately 24 hours per month tracking and documenting program usage, in addition to conducting initial reviews of any new applications.

Attachments

1. Attachment A: Original Telecommute Program Policy (Pre 2013)
2. Attachment B: Report to Judicial Council, February 26, 2013 (no attachments)
3. Attachment C: Pilot Telecommute Program Policy
4. Attachment D: Six-Month Interim Report on the Pilot Program to the Executive and Planning Committee, November 25, 2013
5. Attachment E: Summary of Changes to Policy 8.9
6. Attachment F: Proposed Telecommute Policy (Option 1)

ADMINISTRATIVE OFFICE OF THE COURTS **Policy 8.9**
PERSONNEL POLICIES AND PROCEDURES

Policy Number: **8.9**

Title: **Working Remotely (Telecommuting)**

Contact: **Human Resources Division, Policy Development Unit**

Policy Statement: **The AOC's Remote Work Program provides employees the opportunity to work from home when doing so is consistent with business needs and the employee's job functions, as authorized by the employee's division director.**

Contents:

(A) Purpose of Remote Work Program
(B) Applicability
(C) Request and Approval Process
(D) Remote Work Schedules
(E) The Home Office
- **(1) Work Environment**
- **(2) Office Equipment**
- **(3) Information Security**
- **(4) Health and Safety**

(F) Other Employee Rights and Responsibilities
(G) Termination and Renewal of Remote Work Assignment

(A) Purpose of Remote Work Program

The AOC recognizes the potential management and personal benefits available through a carefully planned and managed remote work program. When consistent with business needs and the employee's job functions, the AOC provides employees with a remote work option. Employees participate in the remote work program when, on a periodic basis, during their scheduled work hours, they perform their usual job duties from home. This policy does not intend to cover employees working remotely due to work-related travel.

(B) Applicability

Only AOC employees (regular or temporary, full-time or part-time, exempt or non-exempt) may apply to participate in the remote work program.

(C) Request and Approval Process

An employee may initiate a request to participate in the remote work program by submitting a completed Remote Worker Self-Assessment and Remote Work Application to his or her supervisor. The supervisor will review the request and make a recommendation to the division director to approve or decline the request. Approval of a remote work arrangement is at the discretion of the division director. In making this determination, the division director will consider work-related criteria, including:

- The employee's job functions and feasibility of performing work away from the office;
- Degree of supervision required;
- The performance and work habits of the employee;
- Business needs, including work demands of the employee's unit; and
- Suitability of proposed home work environment.

A request to participate in the remote work program may be approved only when the division director determines that, while working remotely, the employee can perform all the duties and responsibilities of the position in a productive, efficient, and satisfactory manner that is consistent with the needs of the organization. Employees with performance, attendance, or other work-related deficiencies, or whose jobs by their nature are not suitable for remote work, will not be approved for a remote work arrangement.

Requests to work remotely as a reasonable accommodation for a disability will be evaluated consistent with applicable law. Such requests should be directed to the employee's supervisor or the Human Resources Division, Integrated Disability Management Unit.

The Remote Worker's Agreement and Remote Work Checklist must be signed as indicated before remote working begins.

(D) Remote Work Schedules

Employees (including supervisors and managers) may be approved to work remotely as follows:

- During the first three months of employment, employees are not eligible to participate in the remote work program.
- After three months of employment, employees are eligible to request to work remotely up to a maximum of four days per month.
- After six successful months of participation in the remote work program, employees are eligible to request to work remotely up to a maximum of eight days per month.

Any exceptions to the above scheduling guidelines are at the discretion of the division director, in advance consultation with the Director of Human Resources. The remote work schedule applicable to a particular employee will be set by the supervisor before remote working begins. Remote workers must be available during the standard workday from 8 a.m. to 5 p.m., Monday through Friday (Hours of Work, policy 4.4(A)), or alternative schedule as approved by their supervisor, to the same extent as if working in the office. The remote work schedule may be modified, with supervisor approval, as needed:

- Remote workers may request approval for time off in the same manner as if not working remotely.

- With prior approval, remote workers may attend medical, dental, and business appointments on remote work days.

- For non-exempt employees, any overtime work must be authorized in advance and in writing (Hours of Work, policy 4.4(C)(1)).

- If an employee is needed in the office on a regularly scheduled remote work day, the employee must forgo the remote work day.

An employee may also be approved to work remotely on an "ad hoc" basis (i.e., not on a regular basis), which may arise due to special projects, the demand for expedited work products, or other business or personal needs.

(E) The Home Office

(1) Work Environment

Remote workers are responsible for maintaining a safe and productive work environment. Dependent care arrangements must be made so as not to interfere with work. Personal disruptions must be limited to the same extent as when working in the employee's primary work location.

(2) Office Equipment

The AOC will provide a laptop, subject to availability, for purposes of working remotely. Maintenance, repair, and replacement of AOC-owned equipment issued to remote workers is the responsibility of the AOC. The remote worker, however, must provide adequate care and protection of the equipment. (Use of AOC Property, policy 8.8(B)). In case of equipment malfunction, the remote worker must notify his or her supervisor immediately. Expenses for purchases, supplies, and repairs to personal equipment will not be reimbursed. Remote workers must restrict access to AOC-provided office equipment from family members and others.

The remote worker must also observe the following

- The remote worker is responsible to provide appropriate Internet connectivity in order to perform work duties. DSL or cable-based service is normally acceptable for this purpose.

- AOC-issued laptops must be brought into the office a minimum of once per month, and as requested, to assure the necessary technology and security updates are installed. The Information Services Division does not provide technology support for use of personal equipment for working remotely.

- Any software installed on AOC-issued laptops remains the property of the AOC and is subject to all applicable copyright laws and rules and regulations on the use or reproduction of software.

- Upon termination of a remote work assignment or employment, or when requested by the supervisor, the employee must return all AOC property, including software.

Computer support for remote workers is available from the Information Services Helpdesk during the hours of 7:30 a.m. – 6:00 p.m. Remote workers may request assistance by submitting an on-line service request to the AOC Service Portal, or contacting the HelpDesk at (415) 865-4080 or helpdesk@jud.ca.gov.

(3) Information Security

Network and information security are important considerations when working remotely. Remote workers are expected to maintain the security, privacy, and confidentiality of information when working at the home work site or transporting data to and from work sites, including:

- Remote workers must follow all organizational data retention, backup and security procedures.
- Remote workers must restrict access to confidential and personal information from family members and others. (Use of AOC Property, policy 8.8(D)).
- Access-restricted material and data must remain secured, and cannot be taken out of the official work location without supervisory approval.

Some AOC applications will be restricted to on-site access for security reasons. Other data may be unavailable to remote workers for technical reasons. For example, remote access to network drives is only available to employees approved and provided resources for access.

Remote workers must report any potential breach of AOC information security immediately to the Information Services HelpDesk.

(4) Health and Safety

Remote workers are responsible for ensuring that their home offices comply with health and safety requirements. The AOC may decline an employee's request to work remotely or may terminate a remote work assignment based on safety considerations. The home office may be inspected by the AOC, by appointment, for compliance with health and safety requirements.

If an employee incurs a work-related injury while working remotely, workers' compensation law and rules apply. Consistent with AOC's Workers' Compensation Insurance, policy 6.6, employees must immediately notify their supervisor, or if their supervisor is not immediately available, the Human Resources Division, Integrated Disability Management Unit, of any work-related injury and complete all required documents.

(F) Other Employee Rights and Responsibilities

Remote workers maintain the rights and responsibilities set forth in AOC policies and procedures to the same extent as if not working remotely. In particular, employees must comply with Technology Use, policy 8.6, and AOC Computer Use Best Practices. In addition to AOC requirements on time reporting (Hours of Work, policy 4.4(D)), remote workers may be required to submit work logs of time spent and work performed while working remotely, at the discretion of their supervisor.

(G) Termination and Renewal of Remote Work Assignment

Participation in the remote work program is voluntary. Either the employee or the AOC may terminate participation in the remote work program at any time, for any reason. Failure to abide by the policies and procedures set forth in this policy may result in immediate termination of an employee's remote work assignment.

The Remote Work Application should be discussed and renewed annually, as well as when there is a change in the remote worker's or supervisor's position, or any other change that may impact the remote work arrangement. A remote work arrangement must not be continued when it is not in the best interests of the AOC or the employee.

Participation in the remote work program is approved based on specific criteria considered by the division director on a case-by-case basis. As circumstances may change over time, employees previously participating in the remote work program are not assured of a remote work assignment when returning from a leave of absence or after a job transfer.

Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on February 26, 2013

Title
AOC Restructuring: Amendments to Policy 8.9, Working Remotely (Telecommuting)

Rules, Forms, Standards, or Statutes Affected
None

Recommended by
Steven Jahr
Administrative Director of the Courts

Agenda Item Type
Action Required

Effective Date
February 26, 2013

Date of Report
February 11, 2013

Contact
Kenneth R. Couch, 415-865-4271
kenneth.couch@jud.ca.gov

Executive Summary

The Administrative Director of the Courts requests that the Judicial Council consider and approve one of the following options concerning telecommuting. In addition, the Administrative Director confirms that all 85 telecommuting staff are currently in compliance with the existing policy and has prepared a report containing options for consideration by the Judicial Council. The report contains options to: (1) eliminate all forms of telecommuting; (2) eliminate regular telecommuting and only allow for limited ad hoc telecommuting under special circumstances; or (3) permit telecommuting by approving a restructured and more restrictive telecommute policy, which contains controls for approving, monitoring, and, if necessary, rescinding participation. If the revised telecommute policy is approved, a follow-up report will be provided to the Judicial Council in one year.

Previous Council Action

In August 2012, the Executive and Planning Committee (E&P) recommended that the Judicial Council direct the Administrative Director of the Courts to require compliance with the requirements and policies of the *AOC Personnel Policies and Procedures Manual*, including compliance with the rules limiting telecommuting, specifically concerning Policy 8.9 Working

Remotely (Telecommuting). As a response to that directive, the Administrative Director confirmed that all 85 telecommuting staff are in compliance with the existing policy and, in consultation with the AOC Executive Office and office directors, proposed amendments to the policy to address implementation and compliance concerns stated in a report presented by E&P to the council at its August 31, 2012, meeting.

At its December 2012 meeting, E&P further proposed an amendment to Judicial Council directive 26 to enlarge its scope to include the question of whether a telecommute program should remain in force. The proposed revisions to Policy 8.9 and options outlined in this report respond to the amended directive for discussion at the council's February 2013 meeting.

Current Status

There are 85 regular employees in compliance with the current Policy 8.9 who have been approved for telecommuting within the AOC. The chart below lists the eight AOC offices that currently participate in the program.

Participating Offices	Count of Participating Employees	% of Total AOC Population
Center for Families, Children & the Courts	27	3.76%
Center for Judiciary Education and Research	11	1.53%
Court Operations Special Services Office	9	1.25%
Criminal Justice Court Services Office	3	.42%
Information Technology Services Office	19	2.65%
Judicial Council Support Services	1	.14%
Legal Services Office	11	1.53%
Trial Court Liaison Office	4	.56%
Grand Total	**85**	**11.84%**

The following ten offices do not currently participate in the regular telecommuting program.

Non - Participating Offices		
Judicial Branch Capital Program Office	Office of Communications	Special Projects Office
Fiscal Services Office	Office of Governmental Affairs	Trial Court Administrative Services Office
Human Resources Services Office	Office of Security	
Office of Administrative Services	Office of Real Estate & Facilities Management	

Of the 718 regular employees only 85 regular employees have been approved to participate in the program, representing 11.84 percent of the AOC regular workforce. The remaining 633 regular employees work the standard workweek in an assigned AOC work location.

Duties approved for telecommuting

Office leadership have considered and approved regular telecommute schedules depending upon various job responsibilities, including performing legal research, drafting legal opinions, analyzing data, writing reports, and providing network support/administration. Examples of such duties/responsibilities include:

- Legal research to update legal publications, course curricula, and online courses
- Research, data analysis, and report writing connected with advisory committee or other group work
- Configuring, administering, and supporting network and server infrastructure
- Creating lesson plans, developing PowerPoint presentations, and meeting via phone with planning committees
- Writing content for online courses, writing scripts for broadcasts (for both judges and court staff), and drafting reports
- Writing, editing, and generating technical documents
- Preparing and reviewing grant applications, including the preparation of budget sheets and forecasts

Duties not approved for telecommuting

Not all employees have been deemed suitable to participate in the telecommute program due to the nature of the work assigned. Employees who have been deemed ineligible for a regular telecommute schedule include those whose job responsibilities require them to be present in the AOC offices. Examples of such duties/responsibilities include:

- Processing of daily Court-Appointed Counsel compensation claims (which requires specialized software and face-to-face interaction with Accounting staff)
- Handling daily intake of retired judge assignment requests (which requires access to specialized software and constant telephone access)
- Processing of payroll or benefit information (which requires restricted access to the State Controller's Office system) and employee relations interactions (which are best handled in a face-to-face meeting)
- Setting up new computers, delivering them to employees, repairing malfunctioning computers, and processing end-of-life equipment for reutilization/disposal
- Coordinating logistics for judicial education programs (which requires being available to a number of CJER staff)
- Managing the logistics of securing meeting rooms, lodging, and other requirements for education programs and meetings
- Hands-on consulting with other employees in specific subject matter areas, such as instructional design or WebEx support

Additional reasons why employees have not been allowed to telecommute include:

- Employees on a performance improvement plan who require supervision, assessment, and development on site
- Managers and supervisors who need to be available to their staff on as-needed basis

Options for Consideration and Policy Implications

Option 1: Eliminate all forms of telecommuting

If this option is approved by the Judicial Council, Policy 8.9 would be eliminated and telecommuting, both on a regular schedule and on an ad hoc basis, would no longer be permitted in the AOC.

Benefits of adopting option 1

Improved perception/reputation. By eliminating all forms of telecommuting, AOC staff will be available at all times to assist their customers within the Supreme Court, Courts of Appeal, and the trial courts. The AOC has been under public scrutiny to reform and restructure its current practices/policies. Elimination of the telecommuting program enables the AOC to strengthen its reputation with the trial courts and the public.

Ability to supervise employees on site; employee availability. Under a telecommuting program not strictly managed and controlled by a centralized oversight group, there may be a perception of little to no supervision of employees on telecommuting arrangements. By eliminating this option, it eliminates this perception and thereby ensures that all employees on site are properly supervised by their supervisor or manager. Elimination of the telecommuting program will have AOC employees at an AOC worksite on a standard work schedule, with the exception of the one day per month mandatory furlough.

Consistency with most written trial court policies. Most trial courts have not adopted a formal telecommute policy for their employees. Elimination of the policy places the AOC on equal terms with the trial courts and reduces the perception of unavailability.

All offices treated the same regardless of the nature of work. The wide latitude of telecommuting arrangements within the AOC, as allowed under the current Policy 8.9, has resulted in different applications of the policy across all offices. By eliminating the ability to telecommute, employees will be treated the same regardless of their duties and responsibilities.

Challenges of adopting option 1

Reduced motivation potentially leading to reduced performance. The ability to telecommute is a very important job benefit to those who participate in the program. Complete elimination of

the program could result in less-motivated employees, which could have a direct effect on job performance and productivity.

Retention issues—potential for losing quality workforce. In the San Francisco job market most employers, public and private, allow for remote working. If the work from home program is eliminated, it could result in a loss of quality employees to competing employers. It could also influence future ability to recruit quality individuals in a competitive job market.

Employees will perceive this as another take-away. Over the past four years employees have endured several changes in the workplace that have been perceived by the employees as "take-aways." While many changes have been a direct result of the economic downturn, others, such as this program, are "no-cost" benefits. Removing such a benefit would most likely be perceived by employees as yet another take-away, with a corresponding direct impact on employee morale.

Potential increased commute cost to employees. Employees who currently work remotely are relieved of the time and cost of commuting for the day(s) they work from home. For example, a commuter from the East Bay could save 45 minutes each way to and from work, as well as $6 to $10 per day in transportation costs. An individual participating in a one day per week remote work assignment would have an increased cost of $24 to $40 per month and will spend approximately 6 additional hours per month commuting.

Ability of the AOC to offer comparable employee benefits in the competitive San Francisco labor market. AOC HR contacted employers within the San Francisco Bay Area to determine what, if any, telecommuting programs they offer to their employees. Of the public entities contacted, the City and County of San Francisco, Superior Court of San Francisco County, San Francisco State University, and University of California, San Francisco offer some form of telecommuting. Of the private entities contacted, Adobe, Charles Schwab, Gap, Inc., and Yahoo! also offer some form of telecommuting. Based on information gathered, it appears that remote working has become a standard practice among major San Francisco employers and is a highly desired benefit of job seekers. To continue to be competitive in the San Francisco labor market, it is critical to develop and maintain programs that meet the business needs of the organization to attract and retain quality staff.

Option 2: Eliminate regular telecommuting and only allow for limited ad hoc telecommuting under special circumstances

If this option is approved by the Judicial Council, Policy 8.9 would be revised to only allow for limited, ad hoc telecommuting not to exceed two days in any given month. In this option telecommuting would only be allowed under special circumstances that would meet the business needs of the AOC. For example, an individual who is on vacation at home and unable to come to the office is required to complete an unexpected project by close of business. That individual could be approved to work from home on that day so the project can be completed and the individual credited with the work time utilized.

Oversight of this option would be granted to office leadership, with monthly ad hoc telecommute reports submitted to the Human Resources Services Office for tracking and review. A quarterly utilization report would be provided to the Administrative Director.

Benefits of adopting option 2

Improved perception/reputation. Elimination of regular telecommuting and the restriction of the program to only include remote work on an ad hoc basis may reduce the negative perception of the AOC telecommuting program. This restriction of the telecommuting program enables the AOC to strengthen its reputation with the trial courts and the public.

Allows for flexibility in meeting critical business needs. While this option does not provide for a regularly scheduled work from home day, it does provide the AOC with the ability to approve limited, one-time, as-needed remote work that would meet a specific, critical business need.

Consistent with some trial court practices. While many trial courts do not have a formal written remote work policy, some trial courts do allow an ad hoc type of work from home program. Some trial courts have allowed staff to work from home to complete a report, a project, and research or data analysis in a quieter, less interrupted setting.

Challenges of adopting option 2

Negative perception/reputation. The AOC has been under public scrutiny to reform and restructure its current practices/policies. Allowing for even ad hoc telecommuting does not completely address the perception that the AOC is unavailable to address trial courts' needs in a timely fashion.

Reduced motivation leading to reduced performance (for individuals who have lost a regular telecommute schedule). The ability to telecommute is a very important job benefit to those who participate in the program. Elimination of the regular remote work program and replacing it with a much more restrictive ad hoc program could result in less-motivated employees and could have a direct effect on job performance and productivity.

Retention issues—potential for losing quality workforce. In the San Francisco job market most employers, public and private, allow for regular remote working. If the work from home program is reduced to an ad hoc program, it could result in a loss of quality employees to competing employers. It could also influence future ability to recruit quality individuals in a competitive job market.

Employees will perceive this as another take-away. Over the past four years employees have endured several changes in the workplace that have been perceived by the employees as "take-aways." While many changes have been a direct result of the economic downturn, others, such as

this program, are "no-cost" benefits. The severe restricting of such a benefit would likely be perceived by employees as yet another take-away potentially having a direct impact on employee morale.

Potential increased commute cost to employee. Employees who currently work remotely are relieved of the time and cost of commuting for the day(s) they work from home. For example, a commuter from the East Bay could save 45 minutes each way to and from work, as well as $6 to $10 per day in transportation costs. An individual participating in a one day per week remote work assignment would have an increased cost of $24 to $40 per month and will spend approximately 6 additional hours per month commuting.

Option 3: Permit telecommuting by approving a restructured and more restrictive telecommute policy, which contains controls for approving, monitoring, and, if necessary, rescinding participation in the telecommute program

If this option is approved by the Judicial Council, Policy 8.9 would be revised to the more restrictive policy outlined below.

The proposed Policy 8.9 contains a number of revisions that, if incorporated, address many of the concerns raised. For example, it narrows the scope of the telework policy to nonsupervisory positions, limits the number of days a person can utilize ad hoc or regular telecommuting, and prohibits a combination of ad hoc and regular telecommuting.

Further, to address accountability issues, it includes tracking procedures. AOC employees approved for a regular remote work schedule must complete a remote work log for each day that they work remotely. The remote work log must be provided regularly to the supervisor for review of work progress during remote work days. Additionally, HR would provide a review of the application process and provide recommendations to the Administrative Director or designee for final consideration/approval. This process is designed to ensure that all participants meet and adhere to policy guidelines.

Comparison between current and proposed

The goal is to design a program that is in the best public interest and that benefits the employees, while addressing the challenges identified, i.e., how to measure productivity for the employees who work from home, how to determine what positions are suitable for telecommuting, and how to fairly implement the policy.

The chart below illustrates the differences between the current policy and the proposed policy:

Criteria	Current Policy	Proposed Policy
Employment eligibility	After 6 months of employment	After 12 months of employment
Limits definition of "Home" location	None	Restricts "Home" location to one in the state of California

Limits number of regularly scheduled telecommute days	Up to 8 days per month	No more than 1 day per week in any given week
Limits participation in regular remote work program	None	Limited to only nonsupervisory AOC employees
Limits participation in ad hoc telecommute days	None	Limited to 2 days per month in any given month; available to all AOC employees; not available to employees on a regular telecommute schedule
Consideration/review process	Office leadership discretion	1. Office leadership review, 2. Human Resources review, 3. Administrative Director/designee approval
Factors for approval consideration	Office leadership discretion	Defined consideration factors: 1. Nature of work, 2. Quantity of work, 3. Quality of work, 4. Timeliness, 5. Ability to handle multiple priorities
Approval authority	Office leadership approval	Administrative Director/designee approval
Allowable exceptions	Office leadership discretion	None (except for reasonable accommodations for a disability consistent with law)
Work logs maintained	None	Required for each regularly scheduled remote work day
Tracking of ad hoc telecommute days	None	Tracking required for each day of ad hoc remote work by office leadership and Human Resources
Frequency of productivity monitoring	Annually	Continuing duty of office leadership

The amended policy recognizes the potential benefits of an organized, managed remote work program, and the revisions reflect an emphasis on accessibility, transparency, and consistency. The final amended policy includes two key components that address these themes: availability of staff to address inquiries from internal customers, the courts, and the public; and the assignment of a centralized unit to oversee and manage the telework program.

Benefits of adopting option 3

Increased productivity. Overall productivity may be improved because the more desirable and attractive working conditions result in higher levels of employee motivation. A number of

companies that have implemented telecommuting in the workplace have seen increased productivity in their employees.[1]

Work/life balance and employee motivation. Employees perceive the remote working opportunity as a workplace benefit. Employees appreciate and will recognize the efforts by the AOC to maintain attractive work benefits in a challenging economic time.

Work environment. The nature of work appropriate for remote working situations is best served in quiet, uninterrupted settings where quality thinking can occur. The lack of interruptions can not only expedite the completion of a project, but can also increase the quality of the finished product.

Increased monitoring. The utilization of work logs demonstrates the quality and quantity of work performed, which can potentially lead to an increase in productivity.

Employee retention and recruitment. Several employees have expressed that this "benefit" is an important aspect of their decision to be employed at the AOC. In the San Francisco job market most employers, public and private, allow for remote working. This option could allow the AOC to recruit quality individuals in a competitive job market.

Emulates state policies and legislation that encourage utilization of telecommute programs. Government Code section 14200.1(b): "It is the intent of the Legislature to encourage state agencies to adopt policies that encourage telecommuting by state employees." The standard template for telecommute policy utilized by the state agencies is provided on the Department of General Services website at: http://www.dgs.ca.gov/dgs/ProgramsServices/telework.aspx

Challenges of adopting option 3

Perception of monitoring, supervising, and evaluating off-site employees. Under any telecommuting program, there may be a perception of little to no supervision of employees on telecommuting arrangements. Telecommuting may make it more challenging to review the work product on a regular basis to ensure productivity standards are being met.

Limits face-to-face interaction/exchange of information. Working from home could reduce the interpersonal, collaborative relationships necessary for the development of a sound work product.

Impacts on non-telecommuting employees. If regular telecommuting is continued, the AOC will continue to have employees whose job responsibilities prohibit them from participation. For these employees there may be a perception of disparity.

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[1] Telework Research Network, "Pros and Cons" (October 22, 2008), *www.teleworkresearchnetwork.com/pros-cons* (as of Jan. 22, 2008).

Information on current telecommute practices, public and private

The Telework Research Network (TRN) is an independent consulting and research organization that publishes findings related to workplace flexibility. In June of 2011, the TRN published a report entitled *The State of Telework in the U.S.* (see Attachment D),[2] which integrates a large number of studies, surveys, and censuses to present the current state of telework in the United States. The report encompasses both the private and public sectors, as well as the resulting benefits of telework. According to the report, telecommuting is in much wider use in the private sector than in the public sector. However, use of telecommute (also referred to as telework) programs has increased in recent years in the public sector. A 2011 report also by TRN reviews the benefits and challenges of telecommuting in the California government workforce. While many of the cost-saving considerations would not apply to the AOC, the concept of remaining competitive and attracting a new generation of government leaders and talented staff is a fundamental goal of the AOC.[3] (See Attachment E.)

The TRN reports on their website that companies that implement telecommuting policies have seen a notable *increase* in productivity by their employees. Best Buy, British Telecom, Dow Chemical, and many others show that teleworkers are 35 to 40 percent more productive than non-telecommuters. More than two-thirds of employers have reported increased productivity among their teleworkers. Sun Microsystems' experience suggests that employees spend 60 percent of the commuting time they save performing work for the company. JD Edwards teleworkers are 20 to 25 percent more productive than their office counterparts. American Express workers produced 43 percent more than their office-based counterparts, and Compaq increased productivity by 15 to 45 percent.[4]

Because of technological advances in recent years, many employers, especially in the private sector, have found that enabling employees to telecommute has resulted in improvements in employee productivity, morale, and retention.

In addition to increased productivity, other benefits to both the employer and the employee have been associated with offering telework programs. These benefits include reduced absenteeism, retention of high-level employees who might otherwise choose to leave public employment due to work schedule inflexibility, and reduced commuter costs (see Lister & Harnish, *infra*, note 2).

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[2] K. Lister and T. Harnish, *The State of Telework in the U.S.: How Individuals, Business, and Government Benefit*, Telework Research Network (June 2011).

[3] K. Lister and T. Harnish, *The Bottom Line on Telework: California Government Workforce*, Telework Research Network (September 2011).

[4] Telework Research Network, "Pros and Cons" (October 22, 2008), *www.teleworkresearchnetwork.com/pros-cons* (as of Jan. 22, 2008).

Relevant telecommuting legislation

In recognition of the benefits of telecommute programs, legislation has been passed at the federal level and in the state of California encouraging telecommute programs for employees in positions where telecommuting is viable. The report *2012 Status of Telework in the Federal Government* (see Attachment F) gives a detailed account of how the Telework Enhancement Act of 2010 has transformed federal telework.[5]

In California, in 1990, Assembly Bill 2963 (Klehs; Stats. 1990, ch. 1389) added sections 14200 through 14203 to the Government Code, entitled "the State Employee Telecommuting Program," authorizing state agencies to establish telecommuting programs as an element of transportation management programs. Four years later, Assembly Bill 2672 (Cortese; Stats. 1994, ch. 1209) amended section 14201 and added section 14200.1 to the Government Code "to encourage state agencies to adopt policies that encourage telecommuting by state employees." (Gov. Code, § 14200.1(b).) Section 14200.1 sets forth legislative findings, declarations, and intent:

(a) The Legislature finds and declares the following:
    (1) Telecommuting can be an important means to reduce air pollution and traffic congestion and to reduce the high costs of highway commuting.
    (2) Telecommuting stimulates employee productivity while giving workers more flexibility and control over their lives.
(b) It is the intent of the Legislature to encourage state agencies to adopt policies that encourage telecommuting by state employees.

As amended, section 14201 deletes the earlier authorization and replaces it with a requirement that each state agency "shall review its work operations to determine where in its organization telecommuting can be of practical benefit to the agency [and] develop and implement a telecommuting plan as part of its telecommuting program in work areas where telecommuting is identified as being both practical and beneficial to the organization."

Unintended negative consequences of telecommuting

According to the *2012 Status of Telework in the Federal Government* report (see Attachment F, page 52), telecommuting can also have unintended negative consequences. Those cited in the report include the following:

- Potential for social and career isolation
- Reduced performance as a result of employee isolation
- Missed opportunities for meeting colleagues to allow for unplanned or serendipitous knowledge exchange
- Reduce overall sharing in workplaces

[5] U.S. Office of Personnel Management, *2012 Status of Telework in the Federal Government: Report to the Congress* (June 2012).

Implementation Requirements, Costs, and Operational Impacts

Option 1 implementation requirements. If option 1 is approved, the AOC will take the necessary steps to eliminate Policy 8.9 from the *AOC Personnel Policies and Procedures Manual* and will work with offices to inform current telecommuting staff and transition employees to perform their duties at an AOC worksite on a standard work schedule. No other implementation requirements are needed.

Option 2 implementation requirements. If option 2 is approved, the AOC will take the necessary steps to amend Policy 8.9 to eliminate regular telecommuting and only allow AOC employees to telecommute on an ad hoc basis, based on special circumstances. HR will communicate the amended policy to all AOC staff and initiate steps to transition current regular telecommuting staff to perform their duties at an AOC worksite on a standard work schedule. As previously indicated, HR has developed a process to track, monitor, and report on the use of ad hoc telecommuting within the AOC.

Option 3 implementation requirements. If option 3 is approved, the AOC will implement the proposed amended Policy 8.9 establishing strict controls and allowing for the approval, monitoring, and, if necessary, rescinding of telecommuting arrangements. HR will communicate the amended policy to all AOC staff and initiate steps to transition current regular telecommuting staff to be in compliance with the amended policy. HR has developed a process to track, monitor, and report on the use of regular and ad hoc telecommuting within the AOC. If this option is approved by the Judicial Council, a report on the status of telecommuting in the AOC will be provided in one year for review and further consideration.

Attachments

1. Attachment A-1: Present Policy 8.9, Working Remotely (Telecommuting)
2. Attachment A-2: Proposed Amended Policy 8.9, Working Remotely (Telecommuting)
3. Attachment B: Working Remotely Application Forms
4. Attachment C: Remote Work Log
5. Attachment D: 2011 *The State of Telework in the U.S.*
6. Attachment E: 2011 *The Bottom Line on Telework: California Government Workforce*
7. Attachment F: *2012 Status of Telework in the Federal Government* report

ADMINISTRATIVE OFFICE OF THE COURTS **Pilot Program 8.9**
PERSONNEL POLICIES AND PROCEDURES

Pilot Program Number: **8.9**

Title: **Working Remotely (Telecommuting) Pilot Program**

Contact: **Judicial and Court Administrative Services Division, Human Resources Services Office**

Program Statement: **The AOC's Remote Work Program authorizes employees to work from home only when doing so is consistent with business needs and the employee's job functions, as authorized by the Administrative Director.**

Contents:

(A) Purpose of Remote Work Program
(B) Regularly Scheduled Remote Work
(1) Applicability
(2) Request and Approval Process
(3) Remote Work Schedules
(4) Remote Work Log
(C) Ad Hoc Remote Work
(D) The Home Office
(1) Work Environment
(2) Office Equipment
(3) Information Security
(4) Health and Safety
(E) Other Employee Rights and Responsibilities
(F) Termination and Renewal of Remote Work Assignment

(A) Purpose of Remote Work Program

When consistent with business needs and the employee's job functions, the AOC provides employees with a remote work option. Employees participate in the remote work program when, on a periodic basis, during their scheduled work hours, they perform their usual job duties from home. The terms "working remotely", "work remotely", and "remote worker" as used in this pilot program refer to the performance of usual job duties at home. Home locations for purposes of this pilot program shall be in the state of California.

Suitability to participate in the remote work program is based, in part, on an employee's job classification and the nature of the work to be performed by the employee. Those factors alone may compel disapproval of an application to participate in the remote work program.

The AOC recognizes the potential organizational and personal benefits available through a carefully planned and managed remote work program. Both the state and federal government have recognized the positive impacts of remote work programs that include reductions in air pollution, traffic congestion and the costs of highway commuting. Additionally remote working can provide employees with more flexibility in their schedules resulting in increased productivity and employee morale.

This pilot program covers two types of remote work options:

(1) Regularly scheduled (which allows employees to work from home on a regular, ongoing basis, as described in Section (B) (3) of this pilot program), and

(2) "Ad hoc" (occasional, one-time approval to work from home, as described in Section (C) of this pilot program).

Employees working in more than one location, other than the home, due to work-related travel, and/or working from multiple AOC offices or court locations, are considered to be working in the office. This Remote Work Pilot Program does not apply to that activity.

Requests to work from home as a reasonable accommodation for a disability will be evaluated consistent with applicable law. Such requests should be directed to the employee's supervisor and approved by the Human Resources Services Office (HR), Integrated Disability Management Unit.

(B) Regularly Scheduled Remote Work

(1) Applicability

Only non-supervisory AOC employees (regular or temporary, full-time or part-time, exempt or non-exempt) may apply to participate in the remote work program on a regularly scheduled basis.

(2) Request and Approval Process

An employee may initiate a request to participate in the remote work program on a regularly scheduled basis by submitting a completed Remote Worker Self-Assessment and Remote Work Application to his or her supervisor. The supervisor will review the request and make a recommendation to the office leadership. Office leadership will submit the request with a recommendation to Human Resources. Human Resources will review the request to ensure that the application meets all applicable pilot program criteria. HR will submit the request with a recommendation to the Executive Office for consideration. Approval of a remote work arrangement is at the discretion of the Administrative Director or designee.

Step 1 – Office Leadership Review

A request to participate in the remote work program must be reviewed by the employee's office leadership, who will determine if the employee, while working from home, can perform all of the duties and responsibilities of the position in a manner that meets the needs of the organization. When considering a request to work from home, all of the following factors will be considered:

- Nature of Work
  The type of work performed by the employee.

- Quantity of work
  How much work can get done from home?

- Quality of work
  How well can the work be completed from home?

- Timeliness
  Can timelines be met when working from home?

- Ability to handle multiple priorities
  Is it possible to successfully multitask when working from home?

Employees must also demonstrate suitability of the proposed home work environment.

Employees with performance, attendance, or other work-related deficiencies, or whose jobs by their nature are not suitable for remote work, will not be approved for a remote work arrangement.

Step 2 – Human Resources Services Office Review

Completed remote work applications reviewed by the originating office's leadership shall be submitted to HR for additional review.

HR will review applications to ensure that signatures have been obtained; the agreement is consistent with the parameters of AOC policies and procedures; and the employee's duties and responsibilities align to the five factors noted previously.

Any remote work agreement that is not complete, does not have all required signatures, or is outside of the scope of the pilot program will be returned to the originating office for review. Remote work schedules may not begin until the remote work agreement has been approved by the Administrative Director or designee.

Step 3 – Administrative Director or designee's review

The Administrative Director or designee will review the remote work agreement and determine whether to approve or deny. If the remote work agreement is approved, HR will notify the Office Leadership of the approval and a start date can be coordinated with the employee.

(3) Remote Work Schedules

Employees (excluding supervisors, managers, assistant directors, and directors) may be approved to work from home on a regularly scheduled basis as follows:

- During the first 12 months of employment, employees are not eligible to participate in the remote work program.

- After 12 months of employment, employees are eligible to request to work from home up to a maximum of one day per week in any given week.

If approved, the remote work schedule applicable to a particular employee will be set by the supervisor before remote working begins. Remote workers must be available during the standard workday from 8 a.m. to 5 p.m., Monday through Friday (Hours of Work, policy 4.4(A)), or alternative schedule as approved by their supervisor, to

the same extent as if working in the office. The remote work schedule may be modified, with supervisor approval, as needed:

- The remote work assignment may be suspended or terminated at any time, for any reason at the discretion of the office leadership. If a remote work assignment is suspended or terminated the HR work coordinator must be notified immediately.

- If an employee is needed in the office on a regularly scheduled remote work day, the employee must forgo the remote work day. Employees cannot "make up" missed remote work days.

- Remote workers must request approval for time off in the same manner as if not working from home.

- With prior approval, remote workers may attend medical, dental, and business appointments on remote work days.

- For non-exempt employees, any overtime work must be authorized in advance and in writing (Hours of Work, policy 4.4(C)(1)).

(4) Remote Work Log

AOC employees approved for a regular remote work schedule must complete a remote work log for each day that they work from home. The remote work log must be provided regularly to the supervisor for review of work progress during remote work days. Employees who do not satisfactorily complete a remote work log or their assignments during remote work days may have their remote work assignment suspended or terminated at the discretion of the office leadership.

(C) Ad Hoc Remote Work

An employee of the AOC (including managers and supervisors) may alternatively be approved to work from home on an "ad hoc" basis (i.e., not on a regular basis), which may arise due to special projects, the demand for expedited work products, or other business or personal needs. The employee's office leader may approve ad hoc work from home on a case-by-case basis. Each office will submit a monthly report of ad hoc remote work to the HR remote work coordinator. Quarterly reports will be submitted to the Administrative Director. Approval to work remotely on an ad hoc basis does not require submission of the forms referenced in Section (B)(2) of this pilot program and does not confer eligibility to work from home on a regularly scheduled basis.

"Ad hoc" remote work occurrences are limited to two days per month in any given month. Employees who are participating in the regularly scheduled remote work program may not, at the same time, work from home on an "ad hoc" basis.

The supervisor or manager recommends approval of the ad hoc remote working request and submits to his or her office leadership. Office leadership may approve the ad hoc remote work and record the usage on a monthly report that will be submitted to HR. HR will collect that data and provide quarterly utilization reports to the Administrative Director.

(D) The Home Office

(1) Work Environment

Remote workers are responsible for maintaining a safe and productive work environment. Dependent care arrangements must be made so as not to interfere with work. Personal disruptions must be limited to the same extent as when working in the employee's primary work location.

(2) Office Equipment

The AOC will provide a laptop, subject to availability, for purposes of working from home. Maintenance, repair, and replacement of AOC-owned equipment issued to remote workers is the responsibility of the AOC. The remote worker, however, must provide adequate care and protection of the equipment. (Use of AOC Property, policy 8.8(B)). In case of equipment malfunction, the remote worker must notify his or her supervisor immediately. Expenses for purchases, supplies, and repairs to personal equipment will not be reimbursed. Remote workers must restrict access to AOC-provided office equipment from family members and others.

The remote worker must also observe the following

- The remote worker is responsible to provide appropriate Internet connectivity in order to perform work duties. DSL or cable-based service is normally acceptable for this purpose.

- AOC-issued laptops must be brought into the office a minimum of once per month, and as requested, to assure the necessary technology and security updates are installed. The Information Technology Services Office does not provide technology support for use of personal equipment for working from home.

- Any software installed on AOC-issued laptops remains the property of the AOC and is subject to all applicable copyright laws and rules and regulations on the use or reproduction of software.

- Upon termination of a remote work assignment or employment, or when requested by the supervisor, the employee must return all AOC property, including software.

Computer support for remote workers is available from the Information Technology Services Office Helpdesk during the hours of 7:30 a.m. – 6:00 p.m. Remote workers may request assistance by submitting an on-line service request to the AOC Service Portal, or contacting the HelpDesk at (415) 865-4080 or helpdesk@jud.ca.gov.

(3) Information Security

Network and information security are important considerations when working from home. Remote workers are expected to maintain the security, privacy, and confidentiality of information when working at the home work site or transporting data to and from work sites, including:

- Remote workers must follow all organizational data retention, backup and security procedures.

- Remote workers must restrict access to confidential and personal information from family members and others. (Use of AOC Property, policy 8.8(D)).

- Access-restricted material and data must remain secured, and cannot be taken out of the official work location without supervisory approval.

Some AOC applications will be restricted to on-site access for security reasons. Other data may be unavailable to remote workers for technical reasons. For example, remote access to network drives is only available to employees approved and provided resources for access.

Remote workers must report any potential breach of AOC information security immediately to the Information Technology Services Office HelpDesk.

(4) Health and Safety

Remote workers are responsible for ensuring that their home offices comply with health and safety requirements. The AOC may decline an employee's request to work from home or may terminate a remote work assignment based on safety considerations. The home office may be inspected by the AOC, by appointment, for compliance with health and safety requirements.

If an employee incurs a work-related injury while working from home, workers' compensation law and rules apply. Consistent with AOC's Workers' Compensation Insurance, policy 6.6, employees must immediately notify their supervisor, or if their supervisor is not immediately available, the Human Resources Services Office, Integrated Disability Management Unit, of any work-related injury and complete all required documents.

(E) Other Employee Rights and Responsibilities

Remote workers maintain the rights and responsibilities set forth in AOC policies and procedures to the same extent as if not working remotely. In particular, employees must comply with Technology Use, policy 8.6 and AOC Computer Use Best Practices.

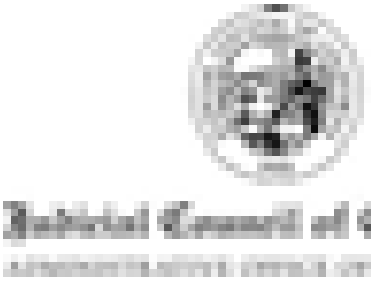
(F) Termination and Renewal of Remote Work Assignment

Participation in the remote work program is voluntary and it is a privilege. Either the employee or the AOC may terminate participation in the remote work program at any time, for any reason or no reason at all. Failure to abide by the policies and procedures set forth in this pilot program may result in immediate termination of an employee's remote work assignment. Any suspension or termination of a remote work assignment must be immediately reported to HR.

It shall be the continuing duty of the office leadership in each office, in which one or more employees telecommute, to assess the performance of each such employee by adhering to the terms, conditions, and standards of this pilot program.

Approval to participate in the remote work program is only valid for the fiscal year in which it is approved. Remote Work Applications must be renewed and approved by the Administrative Director or designee each fiscal year, on or before June 30, as well as when there is a change in the remote worker's or supervisor's position, or any other change that may impact the remote work arrangement. Remote workers who wish to continue their current remote work arrangement without modification are only required to complete the Remote Work Application form (Attachment II) to request renewal. A remote work arrangement must not be continued when it does not meet the business needs or help accomplish the mission of the AOC.

All regularly scheduled remote work arrangements must be approved by the Administrative Director or designee. Approval to participate in the remote work program is based on specific criteria considered by the employee's office leadership and the Human Resources Services Office, on a case-by-case basis. As circumstances may change over time, employees previously participating in the remote work program are not assured of a remote work assignment when returning from a leave of absence or after a job transfer.



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MEMORANDUM

Date
November 25, 2013

To
Members of the Executive and Planning Committee

From
Steven Jahr, Administrative Director of the Courts

Subject
Six-Month Update on AOC Pilot Telecommuting Program

Action Requested
For Your Information

Deadline
N/A

Contact
Kenneth R. Couch, Director
Human Resources Services Office
415-865-4271 phone
415-865-4582 fax
kenneth.couch@jud.ca.gov

Michael Guevara, Senior Manager
415-865-7586 phone
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Executive Summary

The Administrative Office of the Courts (AOC), Human Resources Services Office (HRSO) has prepared this six-month interim status report on the progress of Judicial Council Directive 26, which states that:

> …the Judicial Council direct the Administrative Director of the Courts to ensure that the AOC adheres to its telecommuting policy consistently and identifies and corrects all existing deviations and violations of the existing policy.

This report includes a six-month update of the pilot telecommuting program. It includes information on how the program was implemented, details on employee usage, how accountability has been monitored, and next steps in the process.

Previous Council Action

On August 31, 2012, the Judicial Council directed the Administrative Director of the Courts to ensure that the AOC consistently adhered to its existing telecommuting (working remotely) policy. The council also requested that the Administrative Director identify and correct all existing deviations from and violations of the existing policy.

On December 14, 2012, the council directed the Administrative Director to review Policy 8.9 (attachment 1), Working Remotely (Telecommuting), of the *AOC Personnel and Policies Procedures Manual* and provide the council with a report proposing any recommendations and amendments to the policy. The council also directed the Administrative Director to consider and report on alternatives—including whether this policy should remain in force—and return with a report and recommendations for the council's February 2013 meeting.

During the February 2013 meeting, the Administrative Director requested, in his report, that the Judicial Council consider and approve one of the following options:

1. Eliminate all forms of telecommuting;

2. Eliminate regular telecommuting and only allow for limited ad hoc telecommuting under special circumstances; or

3. Permit telecommuting by approving a restructured and more restrictive telecommute policy, including controls for approving, monitoring, and, if necessary, rescinding participation.

The Judicial Council approved a twelve-month pilot of the proposed amended Policy 8.9 (attachment 2), Working Remotely (Telecommuting) Pilot Program, authorizing employees to work from home only when doing so is consistent with business needs and the employee's job functions, as authorized by the Administrative Director. Included with the new pilot program, the council approved the use of ad hoc remote work arrangements, limited to no more than two workdays per month, when unknown business or personal needs arise.

The council directed that an interim report be provided to the Executive and Planning Committee (E&P) following six months of implementation, and a full report be presented to the Judicial Council at the completion of the one-year pilot program.

Participant Data – Past and Present

The original policy allowed for up to eight days per month of telecommuting, and provided each office leader with discretion regarding any exceptions to the policy. In 2012, 98 employees (including supervisors and managers) participated in the Working Remotely (Telecommuting) Program, representing 454 remote working days per month. The telecommuting benefit for supervisors and managers was eliminated when the amended pilot program was implemented in March 2013.

Currently, under the pilot telecommute program, there are 69 individuals who have been approved to telecommute on a one-day-per-week basis, representing 276 remote workdays per month. This represents a 30 percent decrease in telecommute approvals and about a 40 percent decrease in the number of telecommute days utilized per month utilizing the criteria established by the Administrative Director.

Office	2012 Participation	# days per month	2013 Participation	# days per month
Center for Families, Children and the Courts	28	104	16	64
Center for Judiciary Education and Research	12	54	10	40
Court Operations Special Services Office	17	80	4	16
Criminal Justice Court Services Office	2	8	4	16
Human Resources Services Office	0	0	1	4
Information Technology Services Office	23	92	14	56
Judicial Council Support Services	0	0	1	4
Legal Services Office	15	112	8	32
Trial Court Administrative Services Office	0	0	9	36
Executive Office	1	4	0	0
Trial Court Liaisons Office	0	0	2	8
Totals	**98**	**454**	**69**	**276**

Methodology and Process

Pilot Remote Work (Telecommute) Program Application Process

1. A transitional period was granted by the Administrative Director through May 31, 2013, to allow for an application period and to allow individuals on prior telecommute schedules time to adjust to the new policy parameters;

2. Employees were asked to submit applications to a central email account (pilot.telecommute@jud.ca.gov) for tracking and monitoring by HRSO;

3. The HRSO reviewed applications and submitted to the Administrative Director for final review and approval; and

4. If approved, employees began their one-day-per-week telecommute after June 3, 2013, on a date approved by their supervisors. Employees were also required to submit weekly logs describing work performed during their telecommute days.

All other aspects of the pilot program, such as ad hoc telecommuting, became effective on March 1, 2013.

Ad hoc Telecommute Program

The ad hoc telecommute program is a separate component of the pilot program, offering employees the ability to work remotely no more than two days per month when extenuating circumstances arise. The ad hoc telecommute program is only available to individuals who do not participate in the regular pilot telecommute program.

Special Circumstances Affecting Employees' Commutes

Ad hoc Telecommuting Related to the BART Strike

In early July 2013, a special circumstance occurred when the employees of the Bay Area Rapid Transit (BART) went on strike, which resulted in a shutdown of one of the main public transportation services utilized by staff to commute to and from the San Francisco office. During this period, the AOC Executive Office authorized individuals who were directly impacted by the strike to ad hoc telecommute on the first two days of the BART closure.

This exception also applied to individuals who participated in the regular pilot telecommute program; however, no individual employee was allowed to telecommute more than two days during this particular week. Supervisors and managers were tasked with ensuring that any individuals who worked remotely during these days had significant assignments to cover the full duration of the remote work period. Special BART telecommute logs were collected to account for the remote work time and to record the types of duties performed while working remotely.

Ad hoc Telecommuting Related to the Bay Bridge Closure

In early September 2013, a special circumstance occurred when the Bay Bridge was closed due to the road changes related to the opening of the new eastern span of the bridge. The closure was expected to create heavy traffic and congested public transit. During this period, the AOC Executive Office provided individuals with options that would meet the work needs of the AOC while trying to alleviate the commute during the period of the bridge closure.

The options provided during the bridge closure included: 1) the ability to allow up to two ad hoc telecommute days for those individuals not participating in the pilot program; 2) the ability to shift the regular telecommute day to a day impacted by the bridge closure (for those participating in the pilot program); 3) the ability to work a flexible work schedule to avoid heavy commute periods; or 4) the ability to utilize available accruals to take time off during impacted days.

Supervisors and managers were tasked with ensuring that any individuals who worked remotely during these days had significant assignments to cover the full duration of the remote work period. Special Bridge Closure telecommute logs were collected to account for the remote work time and to record the types of duties performed while working remotely.

Ad hoc Telecommuting Related to the Second BART Strike

In late October 2013, BART employees participated in a second strike, which, once again, resulted in a shutdown of one of the main public transportation services utilized by staff to commute to and from the San Francisco office. This closure of the public transportation system was anticipated and the AOC Executive Office authorized the following options to ease the commute burden on employees: 1) the use of the two ad hoc telecommute days, as allowed by policy to those individuals who were not participating in the pilot telecommute program; 2) allow those on the pilot telecommute program to shift their one telecommute day within that same week; 3) allow employees to adopt a flexible work schedule as permitted by business needs and supervisor approval; or 4) allow employees to use available accrued leave as permitted by business need and supervisor approval.

During the second BART strike, supervisors and managers were tasked with ensuring that any individuals who worked remotely during these days had significant assignments to cover the full duration of the remote work period. Special BART telecommute logs were collected to account for the remote work time and to record the types of duties performed while working remotely.

Use of Work Logs

Individuals who participate in the pilot program are required to submit a weekly remote work log to the supervisor of the unit. This log includes a listing of the duties/tasks completed during the designated remote workday.

Sample Duties and Tasks Reported on Work Logs

Work logs have been collected from participants of the pilot program and those who worked remotely on an ad hoc basis during any of the special circumstances previously listed. The most common remote work duties or tasks reported included:

- Reviewing documents, researching (project based, legal research and data collection), analyzing data;
- Preparing for projects (presentations, timeline development, and curriculum development);
- Responding to communications (email and phone);
- Participating in conference calls; and
- Writing and editing reports.

Duties specific to a particular office were also listed, but were less common on the logs. The HRSO reviews the logs regularly and contacts individual supervisors with any questions or concerns regarding the content of the log or the duties/tasks performed. Supervisors and managers who had participants in either the pilot program or the ad hoc program were satisfied with both the quality and quantity of work provided during the remote work periods.

Policy and Cost Implications

It was determined that part-time employees, employees acting in a senior-level or lead capacity, and employees requiring direct supervision were not allowed to participate in pilot telecommute program, as the essential duties of their positions required their presence at the workplace.

Part-time Employees

For employees on a part-time schedule—as they are already unavailable one to three days per week—any additional time out of the workplace would further affect productivity.

Employees Acting in a Senior-level or Lead Capacity

Employees in a senior-level role—which involves regularly interacting with staff, sharing their knowledge and skills, and providing guidance—are critical to the daily operations of the AOC. Working remotely inhibits the ability of a person in this role to provide onsite guidance and face-to-face interaction.

Employees Requiring Direct Supervision

Most classifications identify the amount of supervision expected during the workday. If the phrase "works under direct supervision" is listed in an employee's job classification, then that employee is expected to be present in the workplace to provide customer support under the guidance of the lead or supervisor. Additionally, if an employee's regular presence in the workplace is integral to the functions of the unit, it is likely that the application will be denied by the Administrative Director.

Summary of Findings

- In the initial application period (March 1, 2013, through March 29, 2013) there were 105 applications received from employees, with a desire to telecommute one day per week.

- Upon review of those applications, the Administrative Director made certain policy determinations, as outlined in the *Policy and Cost Implications* section above, resulting in the approval of 63 of the applications for participation in the program and the denial of 42.

- As a result of feedback from the Management Council, the Administrative Director directed the HRSO to provide all offices with an updated application process—incorporating the policy determinations that would be utilized moving forward. Application packets were sent to all members of the Management Council on May 29, 2013.

- All new and resubmitted applications included a detailed job description listing the job duties that could be effectively performed remotely.

As a result of this amended process, one new application was submitted and five employees[1] resubmitted their applications to telecommute. Based on the application materials, recommendations from the supervisor, office leader and the HRSO, all six individuals were approved by the Administrative Director for one day per week telecommuting, in accordance with the pilot program parameters. These additional approvals resulted in a total of 106 applicants, 69 approvals and 37 denials.

[1] These five employees were originally denied from participating in the Pilot Program.

Pilot Remote Work (Telecommute) Program Results

As of September 3, 2013, 69 individuals have been approved to telecommute through the pilot program, representing approximately 9.6 percent of current AOC staff. The chart below illustrates the number of participants from the various AOC offices:

OFFICE	# OF APPLICATIONS	APPROVED	DENIED
Center for Families, Children and the Courts	29	16	13
Center for Judiciary Education and Research	12	10	2
Court Operations Special Services Office	8	4	4
Criminal Justice Court Services Office	5	4	1
Human Resources Services Office	1	1	0
Information Technology Services Office	23	14	9
Judicial Council Support Services	1	1	0
Legal Services Office	10	8	2
Office of Real Estate and Facilities Management	2	0	2
Trial Court Administrative Services Office	12	9	3
Trial Court Liaison Office	3	2	1
TOTALS	**106**	**69**	**37**

Ad hoc Telecommuting Results

The chart below details the usage of ad hoc telecommuting by office over the first six months of the program:

Office	March	April	May	June	July	Aug	TOTAL
Information Technology Services Office	2	3	2	5	4	6	**22**
Center for Families, Children and the Courts	2	5	1	9	9	9	**35**
Center for Judiciary Education and Research	6	7	3	1	3	7	**27**
Trial Court Administrative Services Office	0	5	6	7	14	8	**40**
Court Operations Special Services Office	0	2	2	5	4	6	**19**
Legal Services Office	1	3	4	2	5	5	**20**
Human Resources Services Office	3	3	5	2	0	6	**19**
Trial Court Liaison Office	0	0	0	2	0	0	**2**
Criminal Justice Court Services Office	0	1	0	0	0	0	**1**
Internal Audit Services	0	0	2	0	0	0	**2**
Fiscal Services Office	1	1	0	0	0	1	**3**
Judicial Council Support Services	0	1	0	0	0	0	**1**
Executive Office	0	0	1	0	0	0	**1**
Totals	**15**	**31**	**26**	**33**	**39**	**48**	**192**

The average ad hoc telecommute usage among the entire AOC has averaged approximately 32 days per month, representing less than 1 percent of staff work time spent ad hoc telecommuting.

Ad hoc Telecommuting Related to the BART strikes and Bay Bridge Closure

The chart below shows the utilization of the special ad hoc remote workdays during the BART strikes and the Bay Bridge Closure:

Office	Special BART Strike (July 2013) Ad Hoc	Special Bay Bridge Closure Ad Hoc	Special BART Strike (Oct 2013) Ad Hoc[2]
Information Technology Services Office	48	3	12
Center for Families, Children and the Courts	30	2	7
Center for Judiciary Education and Research	17	0	8
Trial Court Administrative Services Office	0	1	1
Court Operations Special Services Office	18	3	4
Legal Services Office	15	3	2
Human Resources Services Office	10	5	7
Trial Court Liaison Office	8	0	2
Criminal Justice Court Services Office	7	0	7
Internal Audit Services	5	0	0
Office of Security	4	2	0
Fiscal Services Office	2	0	1
Office of Real Estate and Facilities Management	3	0	0
Office of Communications	1	0	0
Totals	**168**	**19**	**51**

Next Steps

The HRSO will continue to review the telecommute logs to monitor appropriate quantities of work and the types of duties/tasks performed.

The HRSO will continue to review and make recommendations to the Administrative Director for any new applications requesting to participate in the pilot program.

Regular reports will be provided to the Administrative Director on the number of employees participating in the program, both on the Remote Work (Telecommute) Program and the Ad Hoc Telecommute Program.

Future reports will include any special circumstances affecting employees' commutes.

Attachments

1. Policy 8.9 - Working Remotely (Telecommuting)
2. REVISED Policy 8.9 - Working Remotely (Telecommuting) Pilot Program

[2] Offices with zero instances did not have any reportable data submitted by the October 31, 2013 deadline.

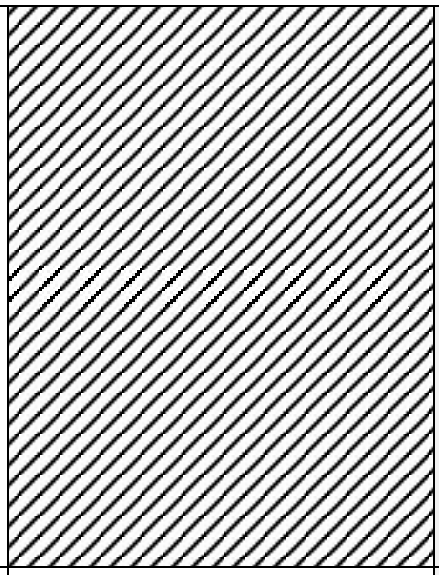
Attachment E:

Summary of Changes to Policy 8.9

The following chart summarizes revisions to Policy 8.9 and describes the controls and tracking mechanisms used in the more restrictive regular and ad hoc pilot programs.

	Regular Pilot Telecommute Program	**Ad Hoc Telecommute Program**
Defined eligibility requirements.	The AOC Executive Office restricted application of the program in comparison with the previous program and determined that part-time employees, employees acting in a senior-level or lead capacity, and employees requiring general supervision would not be allowed to participate in the pilot telecommute program as the essential duties of their positions required their presence at the workplace.	The AOC Human Resources Services Office reviewed requests to ensure that employees who were participating in the regularly scheduled remote work program were not, at the same time, working from home on an "ad hoc" basis.
Lower utilization rates.	With the implementation of the regular pilot policy, the AOC experienced a 33 percent decrease in telecommute participants from 2012 and an approximate 42 percent decrease in the number of telecommute days utilized per month.	The previous ad hoc program was not measured. In the current pilot program, the average ad hoc telecommute usage within the entire AOC has averaged approximately 36 days per month, representing less than one percent of staff work time spent ad hoc telecommuting. Well more than half of that usage occurred during three disruptive events in the Bay Area.
Centralized application and review process allowed for consistent application of the policy throughout the AOC.	In the previous policy, division directors were given the authority to approve or deny participation. Under the new pilot program, the decision is made by the Administrative Director. The AOC received 105 applications for the regular pilot program. Upon review, the Administrative Director made certain policy determinations, resulting in only 65 employees currently participating in the program.	New to the pilot program, each office leader reviewed and approved each request for ad hoc telecommuting.

Attachment E:

Arming managers and supervisors with the tools necessary to address special circumstances.		During special circumstances in the past, division directors had the discretion to offer employees various options, which contributed to inconsistencies. When special circumstances occurred during the pilot period that required exceptional considerations, the Executive Office further defined consistent parameters agency wide of the ad hoc program to allow for flexibility while operating within the parameters of the policy.
Tracking and monitoring.	Participants submit work logs to their supervisors for review on a monthly basis. Work logs may be audited at any time to ensure that the duties performed while telecommuting are appropriate and sufficient for a full day's work.	The centralized review process allowed tracking of the utilization of the ad hoc remote work days. The AOC Human Resources Services Office examined patterns of usage and potential usage by employees who were not qualified to ad hoc telecommute.

ADMINISTRATIVE OFFICE OF THE COURTS **~~Pilot Program~~Policy 8.9**
PERSONNEL POLICIES AND PROCEDURES

~~Pilot Program~~ Policy Number: **8.9**

Title: **Working Remotely (Telecommuting) ~~Pilot~~ Program**

Contact: **Judicial and Court Administrative Services Division, Human Resources Services Office**

Program Statement: **The AOC's Remote Work Program authorizes employees to work from home only when doing so is consistent with business needs and the employee's job functions, as authorized by the Administrative Director.**

Contents:

(A) Purpose of Remote Work Program
(B) Regularly Scheduled Remote Work
(1) Applicability
(2) Request and Approval Process
(3) Remote Work Schedules
(4) Remote Work Log
(C) Ad Hoc Remote Work
(D) The Home Office
(1) Work Environment
(2) Office Equipment
(3) Information Security
(4) Health and Safety
(E) Other Employee Rights and Responsibilities
(F) Termination and Renewal of Remote Work Assignment

(A) Purpose of Remote Work Program

When consistent with business needs and the employee's job functions, the AOC provides employees with a remote work option. Employees participate in the remote work program when, on a periodic basis, during their scheduled work hours, they perform their usual job duties from home. The terms "working remotely", "work remotely", and "remote worker" as used in this ~~pilot~~ program refer to the performance of usual job duties at home. Home locations for purposes of this ~~pilot~~ program shall be in the state of California.

Suitability to participate in the remote work program is based, in part, on an employee's job classification and the nature of the work to be performed by the employee. Those factors alone may compel disapproval of an application to participate in the remote work program.

The AOC recognizes the potential organizational and personal benefits available through a carefully planned and managed remote work program. Both the state and federal government have recognized the positive impacts of remote work programs that include reductions in air pollution, traffic congestion and the costs of highway commuting. Additionally remote working can provide employees with more flexibility in their schedules resulting in increased productivity and employee morale.

This ~~pilot~~ program covers two types of remote work options:

(1) Regularly scheduled (which allows employees to work from home on a regular, ongoing basis, as described in Section (B) (3) of this ~~pilot~~ program), and

(2) "Ad hoc" (occasional, one-time approval to work from home, as described in Section (C) of this ~~pilot~~ program).

Employees working in more than one location, other than the home, due to work-related travel, and/or working from multiple AOC offices or court locations, are considered to be working in the office. This Remote Work ~~Pilot~~ Program does not apply to that activity.

Requests to work from home as a reasonable accommodation for a disability will be evaluated consistent with applicable law. Such requests should be directed to the employee's supervisor and approved by the Human Resources Services Office (HR), Integrated Disability Management Unit.

(B) Regularly Scheduled Remote Work

(1) Applicability

Only ~~non-supervisory~~ full-time AOC employees (regular or temporary, ~~full-time or part-time,~~ exempt or non-exempt) not serving in a supervisory or lead capacity or whose job description does not require general supervision may apply to participate in the remote work program on a regularly scheduled basis.

(2) Request and Approval Process

An employee may initiate a request to participate in the remote work program on a regularly scheduled basis by submitting a completed Remote Worker Self-Assessment and Remote Work Application to his or her supervisor. The supervisor will review the request and make a recommendation to the office leadership. Office leadership will submit the request with a recommendation to Human Resources. Human Resources will review the request to ensure that the application meets all applicable ~~pilot~~ program criteria. HR will submit the request with a recommendation to the Executive Office for consideration. Approval of a remote work arrangement is at the discretion of the Administrative Director or designee.

Step 1 – Office Leadership Review

A request to participate in the remote work program must be reviewed by the employee's office leadership, who will determine if the employee, while working from home, can perform all of the duties and responsibilities of the position in a manner that meets the needs of the organization. When considering a request to work from home, all of the following factors will be considered:

- Nature of Work
  The type of work performed by the employee.

- Quantity of work

How much work can get done from home?

- Quality of work
  How well can the work be completed from home?

- Timeliness
  Can timelines be met when working from home?

- Ability to handle multiple priorities
  Is it possible to successfully multitask when working from home?

Employees must also demonstrate suitability of the proposed home work environment.

Employees with performance, attendance, or other work-related deficiencies, or whose jobs by their nature are not suitable for remote work, will not be approved for a remote work arrangement.

Office leaders are expected to review each application with the expectation that services not be impacted as a result of telecommuting. As such, each office must strive to achieve a balance in ensuring that employees are readily available at all times.

Step 2 – Human Resources Services Office Review

Completed remote work applications reviewed by the originating office's leadership shall be submitted to HR for additional review.

HR will review applications to ensure that signatures have been obtained; the agreement is consistent with the parameters of AOC policies and procedures; and the employee's duties and responsibilities align to the five factors noted previously. HR will also consider the following when reviewing applications:

- Requested telecommute day
  What is the requested telecommute day and are there coworkers telecommuting?
- Current division and unit balance
  How many pilot program participants does the office currently have in relation to office and unit totals?
- Ability to handle scheduled and unexpected leaves
  Will the office have coverage in times of scheduled days off or unexpected absences?
- Performance Improvement Plan (PIP)
  Is the employee currently on a PIP? Has the employee had past performance issues?

Any remote work agreement that is not complete, does not have all required signatures, or is outside of the scope of the ~~pilot~~ program will be returned to the originating office for review. Remote work schedules may not begin until the remote work agreement has been approved by the Administrative Director or designee.

Step 3 – Administrative Director or designee's review

The Administrative Director or designee will review the remote work agreement and determine whether to approve or deny. If the remote work agreement is approved, HR will notify the Office Leadership of the approval and a start date can be coordinated with the employee.

(3) Remote Work Schedules

~~Employees~~Full-time employees (excluding leads, supervisors, managers, assistant directors, and directors) may be approved to work from home on a regularly scheduled basis as follows:

- During the first 12 months of employment, employees are not eligible to participate in the remote work program.
- After 12 months of employment, employees are eligible to request to work from home up to a maximum of one day per week in any given week.

If approved, the remote work schedule applicable to a particular employee will be set by the supervisor before remote working begins. Remote workers must be available during the standard workday from 8 a.m. to 5 p.m., Monday through Friday (Hours of Work, policy 4.4(A)), or alternative schedule as approved by their supervisor, to the same extent as if working in the office. The remote work schedule may be modified, with supervisor approval, as needed:

- The remote work assignment may be suspended or terminated at any time, for any reason at the discretion of the office leadership. If a remote work assignment is suspended or terminated the HR work coordinator must be notified immediately.
- If an employee is needed in the office on a regularly scheduled remote work day, the employee must forgo the remote work day. Employees cannot "make up" missed remote work days.
- Remote workers must request approval for time off in the same manner as if not working from home.
- With prior approval, remote workers may attend medical, dental, and business appointments on remote work days.
- For non-exempt employees, any overtime work must be authorized in advance and in writing (Hours of Work, policy 4.4(C)(1)).

(4) Remote Work Log

AOC employees approved for a regular remote work schedule must complete a remote work log for each day that they work from home. The remote work log must be provided regularly to the supervisor for review of work progress during remote work days. Employees who do not satisfactorily complete a remote work log or their assignments during remote work days may have their remote work assignment suspended or terminated at the discretion of the office leadership.

(C) Ad Hoc Remote Work

An employee of the AOC (including part-time employees, leads, managers and supervisors) may alternatively be approved to work from home on an "ad hoc" basis (i.e., not on a regular basis), which may arise due to ~~special projects,~~extenuating circumstances such as the demand for expedited work products, or other business or personal needs. The employee's office leader may approve ad hoc work from home on a case-by-case basis. Each office will submit a monthly report of ad hoc remote work to the HR remote work coordinator. Quarterly reports will be submitted to the Administrative Director. Approval to work remotely on an ad hoc basis does not require submission of the forms referenced in Section (B)(2) of this ~~pilot~~ program and does not confer eligibility to work from home on a regularly scheduled basis.

"Ad hoc" remote work occurrences are ~~limited to two days per month in any given month.~~ intended to provide an ability to work remotely during special circumstance situations and are not meant to supplant the remote working program. "Ad Hoc" remote work situations are limited to a maximum of two days per month in any given month. Quarterly reports are provided to the Executive Office for review. Unusually high utilization or patterns of usage by an office or an individual may result in suspension of the "Ad Hoc" opportunity at the discretion of the Administrative Director.

Employees who are participating in the regularly scheduled remote work program may not, at the same time, work from home on an "ad hoc" basis.

The supervisor or manager recommends approval of the ad hoc remote working request and submits to his or her office leadership. Office leadership ~~may approve the ad hoc remote work and record the usage on~~shall submit a monthly usage report ~~that will be submitted~~ to HR. HR will collect that data and provide quarterly utilization reports to the Administrative Director.

(D) The Home Office

(1) Work Environment

Remote workers are responsible for maintaining a safe and productive work environment. Dependent care arrangements must be made so as not to interfere with work. Personal disruptions must be limited to the same extent as when working in the employee's primary work location.

(2) Office Equipment

The AOC will provide a laptop, subject to availability, for purposes of working from home. Maintenance, repair, and replacement of AOC-owned equipment issued to remote workers is the responsibility of the AOC. The remote worker, however, must provide adequate care and protection of the equipment. (Use of AOC Property, policy 8.8(B)). In case of equipment malfunction, the remote worker must notify his or her supervisor immediately. Expenses for purchases, supplies, and repairs to personal equipment will not be reimbursed. Remote workers must restrict access to AOC-provided office equipment from family members and others.

The remote worker must also observe the following:

- The remote worker is responsible to provide appropriate Internet connectivity in order to perform work duties. DSL or cable-based service is normally acceptable for this purpose.

- AOC-issued laptops must be brought into the office a minimum of once per month, and as requested, to assure the necessary technology and security updates are installed. The Information Technology Services Office does not provide technology support for use of personal equipment for working from home.

- Any software installed on AOC-issued laptops remains the property of the AOC and is subject to all applicable copyright laws and rules and regulations on the use or reproduction of software.

- Upon termination of a remote work assignment or employment, or when requested by the supervisor, the employee must return all AOC property, including software.

Computer support for remote workers is available from the Information Technology Services Office Helpdesk during the hours of 7:30 a.m. – 6:00 p.m. Remote workers may request assistance by submitting an on-line service request to the AOC Service Portal, or contacting the HelpDesk at (415) 865-4080 or helpdesk@jud.ca.gov.

(3) Information Security

Network and information security are important considerations when working from home. Remote workers are expected to maintain the security, privacy, and confidentiality of information when working at the home work site or transporting data to and from work sites, including:

- Remote workers must follow all organizational data retention, backup and security procedures.

- Remote workers must restrict access to confidential and personal information from family members and others. (Use of AOC Property, policy 8.8(D)).

- Access-restricted material and data must remain secured, and cannot be taken out of the official work location without supervisory approval.

Some AOC applications will be restricted to on-site access for security reasons. Other data may be unavailable to remote workers for technical reasons. For example, remote access to network drives is only available to employees approved and provided resources for access.

Remote workers must report any potential breach of AOC information security immediately to the Information Technology Services Office HelpDesk.

(4) Health and Safety

Remote workers are responsible for ensuring that their home offices comply with health and safety requirements. The AOC may decline an employee's request to work from home or may terminate a remote work assignment based on safety considerations. The home office may be inspected by the AOC, by appointment, for compliance with health and safety requirements.

If an employee incurs a work-related injury while working from home, workers' compensation law and rules apply. Consistent with AOC's Workers' Compensation Insurance, policy 6.6, employees must immediately notify their supervisor, or if their supervisor is not immediately available, the Human Resources Services Office, Integrated Disability Management Unit, of any work-related injury and complete all required documents.

(E) Other Employee Rights and Responsibilities

Remote workers maintain the rights and responsibilities set forth in AOC policies and procedures to the same extent as if not working remotely. In particular, employees must comply with Technology Use, policy 8.6 and AOC Computer Use Best Practices.

(F) Termination and Renewal of Remote Work Assignment

Participation in the remote work program is voluntary and it is a privilege. Either the employee or the AOC may terminate participation in the remote work program at any time, for any reason or no reason at all. Failure to abide by the policies and procedures set forth in this ~~pilot~~ program may result in immediate termination of an employee's remote work assignment. Any suspension or termination of a remote work assignment must be immediately reported to HR.

It shall be the continuing duty of the office leadership in each office, in which one or more employees telecommute, to assess the performance of each such employee by adhering to the terms, conditions, and standards of this ~~pilot~~ program.

Approval to participate in the remote work program is only valid for the fiscal year in which it is approved. Remote Work Applications must be renewed and approved by the Administrative Director or designee each fiscal year, on or before June 30, as well as when there is a change in the remote worker's or supervisor's position, or any other change that may impact the remote work arrangement. Remote workers who wish to continue their current remote work arrangement without modification are only required to complete the ~~Remote Work Application form (Attachment II~~Remote Work Application form (Attachment I) to request renewal. A remote work arrangement must not be continued when it does not meet the business needs or help accomplish the mission of the AOC.

All regularly scheduled remote work arrangements, including renewals, must be approved by the Administrative Director or designee prior to commencement of the remote work schedule. Approval to participate in the remote work program is based on specific criteria considered by the employee's office leadership and the Human Resources Services Office, on a case-by-case basis. As circumstances may change over time, employees previously participating in the remote work program are not assured of a remote work assignment when returning from a leave of absence or after a job transfer.

AOC Utilization of the At-Will Employment Policy

The Administrative Office of the Courts (AOC) adopted a new AOC *Personnel Policies and Procedures Manual* in July 2011. Chapter 2, General Employment Policies begins with Policy 2.1, Employment At Will. This policy clearly states that the AOC is an at-will employer. This means that both the employees and the AOC have the right to terminate employment at any time, with or without cause. Although this policy provides the AOC with the ability to terminate employment with or without cause, the reason for termination must be a lawful reason. Employees who are terminated from the AOC retain the right to file complaints with the Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC) and potentially litigate damages against the AOC.

Recent Use of the At-Will Employment Policy

In February 2012 the AOC Human Resources Services Office (HRSO) investigated a number of serious employee-related issues. At the time the Interim Administrative Director of the Courts and the Interim Chief Deputy Director instructed the HRSO team to work collaboratively with the Legal Services Office (LSO) to address any serious performance issues or violations of policy. During this time HRSO staff drafted a number of Performance Improvement Plans (PIP) to provide opportunities for improvement and appropriate guidance to employees who had fallen below the expected performance levels.

Throughout this period the AOC continued to exercise the at-will policy when appropriate, and terminated individuals who did not demonstrate improved performance or seriously violated policies, procedures or ethical standards.

Since February 2012, the AOC has exercised the at-will policy and has terminated a number of individuals from employment for performance-related issues or for serious violations of policy or procedure. Although the AOC is an at-will employer, it has, at its discretion, provided the terminated employee with a written reason or rationale for the determination. The AOC generally provides written justification to the Employment Development Department (EDD) when considering claims for unemployment.

Reductions in Staffing Policy and AOC Layoffs

On May 18, 2012, the Interim Administrative Director approved Policy 2.9, Reductions in Staffing (Layoffs). This policy provides guidance, based on non-discriminatory, business-related criteria, to implement staffing reductions and achieve necessary cost savings. The at-will employment policy provided leadership the flexibility to develop the policy which met the needs of the AOC.

In June 2012 the AOC implemented its first round of layoffs. At the completion of the layoff process **40** individuals were separated from employment with the AOC.

Next Steps

While the existence of the at-will employment policy provides flexibility when making employment decisions, it is the goal of the AOC to encourage quality communications in a rich and supportive working environment. In order to achieve this goal the Administrative Director has directed the Human Resources Services Office to fully implement Policy 3.9, Performance Management Program, of the AOC *Personnel Policies and Procedures Manual*.

In order to properly institute a quality and meaningful program a number of steps need to occur to create a foundation for true performance management. The AOC will outline these steps in a report to the Judicial Council in June 2013, with a plan for full implementation beginning January 2014. The AOC will implement a uniform performance management program throughout the AOC.

Additionally, the AOC will review Policy 8.1, Standards of Conduct, and amend it to clearly express the conduct expectations of AOC employees and the disciplinary process for issues related to performance or misconduct. Specifically, the AOC will add an official Performance Improvement Plan (PIP) process to the disciplinary process, which will highlight to employees that communication is the most effective method of initiating growth and change. To strengthen the process, the AOC, through the classification and compensation study, will be updating job descriptions for all employees, which will ensure the program accurately accounts for employee performance and makes it easier for managers and supervisors to identify areas for improvement.

Furthermore, the supervisor/manager training program, initiated in January 2013, will provide direct guidance to managers and supervisors on identifying performance gaps and effective methods of performance management as well as outlining the challenges of managing employees in an at-will environment.

The first set of courses focus on “The At-Will Environment and Other Legal Issues.” The AOC will conduct eight sessions on this topic between May 1, 2013 and June 20, 2013. The training continues throughout the year, with culminating sessions, which highlight performance management, in November and December 2013. After the training, the utilization of a uniform performance management program, combined with clear discipline procedures, the at-will policy and accurate job descriptions, will provide the AOC with a flexible and responsible approach to address and resolve any performance or conduct concerns.

Policy Number: **2.1**

Title: **Employment At Will**

Contact: **Human Resources Division, Policy Development Unit**

Policy Statement: **The AOC is an at-will employer.**

All employment at the AOC is “at will.” This means that both employees and the AOC have the right to terminate employment at any time, with or without advance notice, and with or without cause. No one other than the Administrative Director of the Courts has the authority to alter this arrangement, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to this at-will policy. Any such agreement must be in writing, signed by the Administrative Director of the Courts, in order to be effective.

Information on Judicial Council Directives

Council Directive **26**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the AOC adheres to its telecommuting policy consistently and identifies and corrects all existing deviations and violations of the existing policy. The Administrative Director of the Courts must review the AOC telecommuting policy and provide the council with a report proposing any recommendations on amendments to the policy, by the December 13-14, 2012, council meeting.

SEC Recommendation **7-40**

The AOC must adhere to its telecommuting policy (Section 8.9 of the AOC personnel manual). It must apply the policy consistently and must identify and correct all existing deviations and violations of the existing policy.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager Curt Soderlund, Chief Administrative Officer

TASK

[ ] PENDING

[x] COMPLETED: **At the April 24, 2014 Judicial Council meeting the council approved the telecommute pilot program as a regular telecommute program, retaining additional controls for approving, monitoring, and rescinding participation.**

On August 31, 2012, the Judicial Council directed the Administrative Director to ensure that the council was consistently adhering to its existing policy on telecommuting (working remotely) (Policy 8.9, AOC Personnel Policies and Procedures; and to identify and correct any deviation from or violation of the existing policy.

On December 14, 2012, the council further directed the Administrative Director to review the original policy and make recommendations on any proposed amendments. The council subsequently asked the Administrative Director to consider alternatives to telecommuting, including whether telecommuting should be eliminated, and to return with a report and recommendations for council consideration at its February 2013 meeting.

In the February 2013 report, the Judicial Council permitted telecommuting by approving a restructured and more restrictive telecommute policy, including controls for approving, monitoring, and, if necessary, rescinding participation.

At the April 24, 2014 council meeting the council approved the pilot program as a regular telecommute program, retaining the following current additional controls for approving, monitoring, and rescinding participation put in place by the AOC's Executive Office:

- Employees who serve in a lead capacity may not participate in the remote work program on a regularly scheduled basis (managers and supervisors were already precluded from participating);
- Employees working part time may not participate in the remote work program on a regularly scheduled basis;

- Employees requiring general supervision may not participate in the remote work program on a regularly scheduled basis;
- The Administrative Director has the discretion to suspend the use of regular and ad hoc remote work assignments at any time;
- Renewals must be made annually and approved by the Administrative Director before the commencement of the remote work schedule; and
- At the conclusion of the classification and compensation study, the Human Resources Services Office will conduct an additional review of participation to ensure consistency with any recommendations made as a result of the study.

The council also directed the Administrative Director of the Courts to provide the Judicial Council with an annual performance evaluation of the regular telecommute program.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED		UNABLE TO IMPLEMENT
x	IMPLEMENTED AND ONGOING		PENDING IMPLEMENTATION
	IMPLEMENTED BUT IN PROGRESS		

The Telecommute Program will continue to be evaluated and the council will receive updates on the program as part of the Annual Report to the council.

ASSESSMENT OF IMPLEMENTATION

Since the telecommute pilot was approved and policy modified, there are fewer people telecommuting. HR reports that 69 people telecommuted the first year; this year 76 people telecommute which is a drop of 30 from the original count of 98 telecommuters prior to the updated policy.

The annual report to council will be provided at the April 2015 Council meeting.

OTHER INFORMATION

Attachments:

- Report to Judicial Council for meeting of April 24, 2014: AOC Restructuring: Policy 8.9, Working Remotely (Telecommuting) Pilot Program: One-Year Update, March 20, 2014 (includes Original Policy 8.9 (pre-2013))
- Report to Judicial Council for meeting of February 26, 2013: AOC Restructuring: Amendments to Policy 8.9, Working Remotely (Telecommuting), February 11, 2013
- Personnel Policies and Procedures, Policy Number 8.9: Working Remotely (Telecommuting) Pilot Program
- Memo: Six-Month Update on AOC Pilot Telecommuting Program, from Steven Jahr to Members of the Executive and Planning Committee, November 25, 2013
- *Summary of Changes to Policy 8.9*

Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 24, 2014

Title
AOC Restructuring: Policy 8.9, Working Remotely (Telecommuting) Pilot Program: One-Year Update

Rules, Forms, Standards, or Statutes Affected
None

Recommended by
Steven Jahr
Administrative Director of the Courts

Agenda Item Type
Action Required

Effective Date
April 24, 2014

Date of Report
March 20, 2014

Contact
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Executive Summary

Recognizing the benefits of telecommute programs, legislation at the federal level and in the state of California encourages telecommute programs for government employees in positions where telecommuting is viable.[1]

The Administrative Director of the Courts recommends that the Judicial Council consider and select one of four options concerning telecommuting for employees of the Administrative Office of the Courts (AOC).

Recommendation

The options presented for consideration by the Judicial Council are as follows:

1. Approve the pilot program as a regular telecommute program, with the current additional controls for approving, monitoring, and rescinding participation;

[1] U.S. Office of Personnel Management, *2012 Status of Telework in the Federal Government: Report to the Congress* (June 2012), and California Government Code section 14200.1.

2. Extend the current pilot telecommute program an additional year;
3. Eliminate regular telecommuting and allow only limited, ad hoc telecommuting under special circumstances; or
4. Eliminate all forms of telecommuting.

The Administrative Director of the Courts recommends that the Judicial Council approve Option 1: to remove the pilot restriction from the program and retain the additional controls put in place by the Executive Office. These additional controls are as follows:

- Employees who serve in a lead capacity may not participate in the remote work program on a regularly scheduled basis (managers and supervisors were already precluded from participating);
- Employees working part time may not participate in the remote work program on a regularly scheduled basis;
- Employees requiring general supervision may not participate in the remote work program on a regularly scheduled basis;
- The Administrative Director has the discretion to suspend the use of regular and ad hoc remote work assignments at any time;
- Renewals must be made annually and approved by the Administrative Director before the commencement of the remote work schedule; and
- At the conclusion of the classification and compensation study, the Human Resources Services Office (HRSO) will conduct an additional review of participation to ensure consistency with any recommendations made as a result of the study.

Previous Council Action

On August 31, 2012, the Judicial Council directed the Administrative Director to ensure that the AOC was consistently adhering to its existing policy on telecommuting (working remotely) (Policy 8.9, *AOC Personnel Policies and Procedures;* Attachment A), and to identify and correct any deviation from or violation of the existing policy.

On December 14, 2012, the council further directed the Administrative Director to review the original policy and make recommendations on any proposed amendments.

The council subsequently asked the Administrative Director to consider alternatives to telecommuting, including whether telecommuting should be eliminated, and to return with a report and recommendations for council consideration at its February 2013 meeting.

In the February 2013 report (Attachment B), the Judicial Council was presented with and considered the following options:

1. To eliminate all forms of telecommuting;
2. To eliminate regular telecommuting and allow only limited, ad hoc telecommuting under special circumstances; or

3. To permit telecommuting by approving a restructured and more restrictive telecommute policy, including controls for approving, monitoring, and, if necessary, rescinding participation.

The council approved Option 3 as a 12-month pilot program. The program was implemented, allowing employees authorized by the Administrative Director to work remotely when consistent with business needs and the employee's job functions. As a part of the pilot program, the council also approved the use of ad hoc remote work arrangements, limited to no more than two workdays per month, in the event of unforeseen business or personal needs (Pilot Telecommute Program Policy; Attachment C).

The council requested that an interim report on program implementation be prepared for the Executive and Planning Committee after six months (Attachment D), and a full report after one year, to enable the council to identify a course of action.

Rationale for Recommendation

Following council approval of the pilot program, the Executive Office added the additional controls to ensure consistent and equitable application of the policy. With these controls in place, and based on the monitoring process implemented, the AOC has demonstrated that a remote work program can be effectively and efficiently implemented in a manner that supports employees in the performance of their duties without any negative impacts on customers or colleagues. A summary of the changes to the policy is provided in Attachment E.

The regular program

Defined eligibility requirements for regularly scheduled remote work. The original telecommute policy allowed for up to eight days of telecommuting per month, and provided each office leader with discretion to make exceptions to the policy. In 2012, 98 employees (including supervisors and managers) participated in the program, representing a total of 454 remote work days per month.

Under the pilot program initiated in 2013, a structural control limiting telecommuting to one day per week was established to address any question of a diminution in service to customers. The Executive Office determined that in addition to management staff, part-time employees, employees acting in a senior or lead capacity, and employees requiring general supervision would not be permitted to participate because the primary essential duties of their positions required their on-site presence at the workplace.

Exactly 109 applications were received. Using the revised criteria for participation, 69 employees were approved to telecommute regularly one day per week, The current number of employees participating in the program has dropped from the original 69 to 65, for a total of 260 remote workdays per month. This figure represents a 33 percent reduction in the number of participants from 2012, and a 42 percent reduction in the total number of telecommute days per month.

Approximately 40 percent of applications were denied. Unsuccessful applicants were informed of the reasons for denial. Additional information concerning eligibility was communicated to all employees.

Table 1 reflects changes in the number of telecommuting employees since 2012.

Table 1. Change in Number of Telecommuting Employees

Office	2012 Participation	Days per Month	2013–2014 Pilot Program Participation	Days per Month
Center for Families, Children & the Courts	28	104	17	68
Center for Judiciary Education and Research	12	54	8	32
Court Operations Special Services Office	17	80	3	12
Criminal Justice Court Services Office	2	8	4	16
Human Resources Services Office	0	0	1	4
Information Technology Services Office	23	92	15	60
Judicial Council Support Services	0	0	1	4
Legal Services Office	15	112	5	20
Trial Court Administrative Services Office	0	0	9	36
Executive Office	1	4	0	0
Trial Court Liaison Office	0	0	2	8
Total	**98**	**454**	**65**	**260**

Note: Offices without employees participating in regularly scheduled telecommuting are not included.

Use of work logs. The original telecommute policy did not require work logs. The pilot program does. The work log lists the duties performed and work produced while an employee works remotely. Under the pilot program, work logs are submitted to the employee's supervisor for review and approval, and subsequently to the Human Resources Services Office (HRSO). Work logs are audited by the HRSO to ensure that the duties performed while telecommuting are appropriate and sufficient for a full day's work and consistent with the pilot program.

The most common remote tasks reported include:

- Reviewing documents and researching and analyzing data (project-based work, legal research, and data collection);
- Preparing projects (presentations, timeline development, and curriculum development);
- Responding to communications (e-mail and phone);
- Participating in conference calls;
- Writing and editing reports; and
- Performing duties specific to particular offices and positions.

HRSO contacts individual supervisors with questions or concerns regarding the content of the work log or the duties/tasks performed. Commonly asked questions are as follows:

1. Is the nature of work consistent with the business needs of the AOC?
2. Is the employee effectively managing time?
3. Is the employee's work satisfactory and timely?
4. Has there been a reduction in quantity of work produced?

Supervisors and managers with participants in the pilot program reported satisfaction with both the quality and the quantity of work carried out during the remote work periods. Work logs have been effective in supporting program monitoring and adherence to high service standards.

The ad hoc program

Tracking and reporting. The ad hoc telecommute program is a separate component of the pilot program, offering employees the ability to work remotely no more than two days per month when extenuating circumstances arise. It is available only to employees who do not participate in the regular pilot telecommute program.

Before the pilot program, instances of ad hoc telecommuting were not accounted for, and the AOC lacked a methodology to assess and determine usage. There were no restrictions on the number of ad hoc days an employee could be approved to take, effectively creating a situation that could be employed to distort the original regular telecommuting rule. According to the SEC report, this freedom led to instances in which some employees worked in their AOC offices only infrequently. Regular telecommute program participants could also seek additional telecommute days through the ad hoc process. Since the pilot program was established, HRSO receives monthly ad hoc telecommuting data from each office and reviews it for trends or areas of concern. Table 2 below details the use of ad hoc telecommuting, by office, between March 2013 and January 2014.

Table 2. Ad Hoc Telecommuting, by Office

Office	Average Usage per Month (Days)	Total Days
Information Technology Services Office	6.1	67
Center for Families, Children & the Courts	6.1	68
Center for Judiciary Education and Research	4.5	49
Trial Court Administrative Services Office	7.1	78
Court Operations Special Services Office	3.1	34
Legal Services Office	2.9	32
Human Resources Services Office	3.1	35
Trial Court Liaison Office	1.1	12
Criminal Justice Court Services Office	0.5	5
Internal Audit Services	0.2	2
Fiscal Services Office	0.5	6
Judicial Council Support Services	0.2	2
Office of Real Estate and Facilities Management	0.5	5
Executive Office	0.1	1
Total	**36**	**396**

Note: Offices that did not have employees telecommuting on an ad hoc basis are not included.

The average ad hoc telecommuting usage among the entire AOC for this period was 36 days per month, representing less than one percent of staff work time. (This figure does not account for ad hoc days resulting from the special events outlined below.)

Expanded management toolkit in addressing three disruptive events. The level of flexibility afforded by the ad hoc telecommute program provided a valuable management tool during three major commute-related special circumstances that affected the Bay Area: two transit strikes and a bridge closure.

BART strikes. In July 2013, and again in October 2013, Bay Area Rapid Transit (BART) employees went on strike, shutting down one of the main public transportation services for staff commuting to and from the San Francisco office. The Executive Office authorized employees directly affected by the strike to telecommute on an ad hoc basis the first two days of the BART closure. The exception also applied to employees participating in the regular pilot telecommute program to shift one of their telecommute days to the week of the strike; however, no employee was allowed to telecommute more than two days during that week. Employees were also allowed to use a flexible work schedule (earlier start and end times) or accrued leave as permitted by business need and with supervisor approval.

Bay Bridge closure. In September 2013, the Bay Bridge was closed pending the opening of its new eastern span. The closure was expected to create heavy traffic and congested public transit. During this period, the Executive Office provided employees with options that would meet the work needs of the agency while trying to alleviate commuting challenges. These options included:

- Allowing up to two ad hoc telecommute days for those employees not participating in the regular pilot program;
- Shifting a regular telecommute day to a day when the bridge was closed;
- Having a flexible work schedule to avoid heavy commute periods; and
- Using available leave accruals to take time off during impacted days.

Supervisors and managers were tasked with ensuring that employees who worked remotely during these days had sufficient assignments for the full period. Employees who participated in any of the special-circumstance days were required to submit to their supervisors a remote work log, which was, in turn, submitted to HRSO.

Prior to implementation of the new pilot program, in instances where such special circumstances occurred, office heads had the discretion to offer commute options for their respective offices. Since the implementation of the pilot program, the Executive Office instead establishes consistent, agencywide commute alternatives that include both telecommuting and non-telecommuting options.

Ad hoc remote usage rates during the BART strikes and the Bay Bridge closure are illustrated in table 3.

Table 3. Ad Hoc Telecommuting During Transit Troubles

Office	BART Strike (July 2013)	Bay Bridge Closure	BART Strike (Oct 2013)
Information Technology Services Office	48	3	12
Center for Families, Children & the Courts	30	2	7
Center for Judiciary Education and Research	17	0	8
Trial Court Administrative Services Office	0	1	1
Court Operations Special Services Office	18	3	4
Legal Services Office	15	3	2
Human Resources Services Office	10	5	7
Trial Court Liaison Office	8	0	2
Criminal Justice Court Services Office	7	0	7
Internal Audit Services	5	0	0
Office of Security	4	2	0
Fiscal Services Office	2	0	1
Office of Real Estate and Facilities Management	3	0	0
Office of Communications	1	0	0
Total	**168**	**19**	**51**

Note: Offices without ad hoc telecommuters during these events are not reflected in the table. The numbers in the table are distinct from the ongoing ad hoc telecommute totals.

Comments, Alternatives Considered, and Policy Implications

With the implementation of and strict adherence to guidelines during the pilot year, and with continued oversight and monitoring by the HRSO under the direction of the Administrative Director, four options are presented for consideration by the council.

Option 1: Adopt as an ongoing program the pilot telecommute policy, including the additional controls put in place during the implementation of the pilot program.
Should the Judicial Council approve this option, the "pilot" terminology would be removed from the policy. Participation would still be based on the fiscal year cycle, and employees would reapply annually to ensure that job duties are still appropriate to telecommuting.

The telecommute program would continue to be implemented through a centralized process managed by the HRSO. This process involves a review of each new application by office leadership using the following parameters:

1. **Nature of Work.** What is the type of work being performed by the employee, and is the telecommuting arrangement conducive to the duties necessary to perform the work?
2. **Quantity of Work.** Can a sufficient number of work activities be performed at home?
3. **Quality of Work.** Has the employee demonstrated an ability to carry out high-quality work with minimal supervision?

4. **Timeliness.** Has the employee consistently shown that he or she is able to work within established deadlines?
5. **Ability to handle multiple priorities.** Has the applicant demonstrated a strong ability to manage multiple, competing priorities?

Once office leadership completes its initial review, a recommendation is made to the HRSO. HR then conducts a second review of each application against these same parameters, as well as the following additional criteria:

1. **Current division and unit balance.** What is the requested telecommute day, and do other employees in the office also telecommute on that day? If so, what is the potential impact to scheduling and workload?
2. **Ability to handle scheduled and unexpected leaves.** Will the office have coverage in times of scheduled days off or unexpected absences?
3. **Performance Improvement Plan (PIP).** Is the employee currently on a PIP? Has the employee had past performance issues?

The HRSO then forwards its review and recommendation to the Administrative Director for a final decision on participation

See Proposed Policy 8.9, Working Remotely (Telecommuting) Program; Attachment F.

Option 2: Extend the current pilot program for an additional year.
Should the Judicial Council approve this option, the pilot program would be extended for one year, with further review by the Judicial Council in April 2015. All current controls would remain in place, and all interested employees would need to resubmit applications before current participant agreements end on June 30, 2014.

Option 3: Eliminate regular telecommuting and allow only limited ad hoc telecommuting under special circumstances.
Should the Judicial Council approve this option, regular telecommuting would no longer be permitted at the AOC. However, to allow for management flexibility in special circumstances, the Administrative Director would have discretion to allow employees to telecommute on an ad hoc basis with the approval of their supervisors or managers and office leadership.

Option 4: Eliminate all forms of telecommuting.
Should the Judicial Council approve this option, telecommuting on a regular and an ad hoc basis would no longer be permitted at the AOC. Such a decision could present employee retention issues, in that the agency would be unable to offer comparable employee benefits in a competitive labor market. Further, elimination of the program could also affect employee morale and performance.

Should the council approve Option 1 or 2, amended job descriptions resulting from the classification and compensation study will be reviewed against the telecommuting criteria and could potentially change employee eligibility during 2014–2015.

Implementation Requirements, Costs, and Operational Impacts

Implementation of the pilot telecommute program is centralized under the oversight of HRSO; ultimate authority to approve or deny participation in the program rests with the Administrative Director of the Courts.

All regular pilot telecommuting schedules will conclude during the week of June 30, 2014. Should the program continue, employees wishing to participate in the program would be required to (re)submit applications. HRSO staff would review and submit the applications to the Administrative Director for final review and approval or denial. Approved employees would commence their one-day-per-week telecommute on a date approved by their supervisors.

Participating employees would be required to submit weekly logs describing work performed on telecommute days. A human resources analyst would expend approximately 24 hours per month tracking and documenting program usage, in addition to conducting initial reviews of any new applications.

Attachments

1. Attachment A: Original Telecommute Program Policy (Pre 2013)
2. Attachment B: Report to Judicial Council, February 26, 2013 (no attachments)
3. Attachment C: Pilot Telecommute Program Policy
4. Attachment D: Six-Month Interim Report on the Pilot Program to the Executive and Planning Committee, November 25, 2013
5. Attachment E: Summary of Changes to Policy 8.9
6. Attachment F: Proposed Telecommute Policy (Option 1)

ADMINISTRATIVE OFFICE OF THE COURTS **Policy 8.9**
PERSONNEL POLICIES AND PROCEDURES

Policy Number: **8.9**

Title: **Working Remotely (Telecommuting)**

Contact: **Human Resources Division, Policy Development Unit**

Policy Statement: **The AOC's Remote Work Program provides employees the opportunity to work from home when doing so is consistent with business needs and the employee's job functions, as authorized by the employee's division director.**

Contents:

(A) Purpose of Remote Work Program
(B) Applicability
(C) Request and Approval Process
(D) Remote Work Schedules
(E) The Home Office
- **(1) Work Environment**
- **(2) Office Equipment**
- **(3) Information Security**
- **(4) Health and Safety**

(F) Other Employee Rights and Responsibilities
(G) Termination and Renewal of Remote Work Assignment

(A) Purpose of Remote Work Program

The AOC recognizes the potential management and personal benefits available through a carefully planned and managed remote work program. When consistent with business needs and the employee's job functions, the AOC provides employees with a remote work option. Employees participate in the remote work program when, on a periodic basis, during their scheduled work hours, they perform their usual job duties from home. This policy does not intend to cover employees working remotely due to work-related travel.

(B) Applicability

Only AOC employees (regular or temporary, full-time or part-time, exempt or non-exempt) may apply to participate in the remote work program.

(C) Request and Approval Process

An employee may initiate a request to participate in the remote work program by submitting a completed Remote Worker Self-Assessment and Remote Work Application to his or her supervisor. The supervisor will review the request and make a recommendation to the division director to approve or decline the request. Approval of a remote work arrangement is at the discretion of the division director. In making this determination, the division director will consider work-related criteria, including:

- The employee's job functions and feasibility of performing work away from the office;
- Degree of supervision required;
- The performance and work habits of the employee;
- Business needs, including work demands of the employee's unit; and
- Suitability of proposed home work environment.

A request to participate in the remote work program may be approved only when the division director determines that, while working remotely, the employee can perform all the duties and responsibilities of the position in a productive, efficient, and satisfactory manner that is consistent with the needs of the organization. Employees with performance, attendance, or other work-related deficiencies, or whose jobs by their nature are not suitable for remote work, will not be approved for a remote work arrangement.

Requests to work remotely as a reasonable accommodation for a disability will be evaluated consistent with applicable law. Such requests should be directed to the employee's supervisor or the Human Resources Division, Integrated Disability Management Unit.

The Remote Worker's Agreement and Remote Work Checklist must be signed as indicated before remote working begins.

(D) Remote Work Schedules

Employees (including supervisors and managers) may be approved to work remotely as follows:

- During the first three months of employment, employees are not eligible to participate in the remote work program.
- After three months of employment, employees are eligible to request to work remotely up to a maximum of four days per month.
- After six successful months of participation in the remote work program, employees are eligible to request to work remotely up to a maximum of eight days per month.

Any exceptions to the above scheduling guidelines are at the discretion of the division director, in advance consultation with the Director of Human Resources. The remote work schedule applicable to a particular employee will be set by the supervisor before remote working begins. Remote workers must be available during the standard workday from 8 a.m. to 5 p.m., Monday through Friday (Hours of Work, policy 4.4(A)), or alternative schedule as approved by their supervisor, to the same extent as if working in the office. The remote work schedule may be modified, with supervisor approval, as needed:

- Remote workers may request approval for time off in the same manner as if not working remotely.

- With prior approval, remote workers may attend medical, dental, and business appointments on remote work days.

- For non-exempt employees, any overtime work must be authorized in advance and in writing (Hours of Work, policy 4.4(C)(1)).

- If an employee is needed in the office on a regularly scheduled remote work day, the employee must forgo the remote work day.

An employee may also be approved to work remotely on an "ad hoc" basis (i.e., not on a regular basis), which may arise due to special projects, the demand for expedited work products, or other business or personal needs.

(E) The Home Office

(1) Work Environment

Remote workers are responsible for maintaining a safe and productive work environment. Dependent care arrangements must be made so as not to interfere with work. Personal disruptions must be limited to the same extent as when working in the employee's primary work location.

(2) Office Equipment

The AOC will provide a laptop, subject to availability, for purposes of working remotely. Maintenance, repair, and replacement of AOC-owned equipment issued to remote workers is the responsibility of the AOC. The remote worker, however, must provide adequate care and protection of the equipment. (Use of AOC Property, policy 8.8(B)). In case of equipment malfunction, the remote worker must notify his or her supervisor immediately. Expenses for purchases, supplies, and repairs to personal equipment will not be reimbursed. Remote workers must restrict access to AOC-provided office equipment from family members and others.

The remote worker must also observe the following

- The remote worker is responsible to provide appropriate Internet connectivity in order to perform work duties. DSL or cable-based service is normally acceptable for this purpose.

- AOC-issued laptops must be brought into the office a minimum of once per month, and as requested, to assure the necessary technology and security updates are installed. The Information Services Division does not provide technology support for use of personal equipment for working remotely.

- Any software installed on AOC-issued laptops remains the property of the AOC and is subject to all applicable copyright laws and rules and regulations on the use or reproduction of software.

- Upon termination of a remote work assignment or employment, or when requested by the supervisor, the employee must return all AOC property, including software.

Computer support for remote workers is available from the Information Services Helpdesk during the hours of 7:30 a.m. – 6:00 p.m. Remote workers may request assistance by submitting an on-line service request to the AOC Service Portal, or contacting the HelpDesk at (415) 865-4080 or helpdesk@jud.ca.gov.

(3) Information Security

Network and information security are important considerations when working remotely. Remote workers are expected to maintain the security, privacy, and confidentiality of information when working at the home work site or transporting data to and from work sites, including:

- Remote workers must follow all organizational data retention, backup and security procedures.
- Remote workers must restrict access to confidential and personal information from family members and others. (Use of AOC Property, policy 8.8(D)).
- Access-restricted material and data must remain secured, and cannot be taken out of the official work location without supervisory approval.

Some AOC applications will be restricted to on-site access for security reasons. Other data may be unavailable to remote workers for technical reasons. For example, remote access to network drives is only available to employees approved and provided resources for access.

Remote workers must report any potential breach of AOC information security immediately to the Information Services HelpDesk.

(4) Health and Safety

Remote workers are responsible for ensuring that their home offices comply with health and safety requirements. The AOC may decline an employee's request to work remotely or may terminate a remote work assignment based on safety considerations. The home office may be inspected by the AOC, by appointment, for compliance with health and safety requirements.

If an employee incurs a work-related injury while working remotely, workers' compensation law and rules apply. Consistent with AOC's Workers' Compensation Insurance, policy 6.6, employees must immediately notify their supervisor, or if their supervisor is not immediately available, the Human Resources Division, Integrated Disability Management Unit, of any work-related injury and complete all required documents.

(F) Other Employee Rights and Responsibilities

Remote workers maintain the rights and responsibilities set forth in AOC policies and procedures to the same extent as if not working remotely. In particular, employees must comply with Technology Use, policy 8.6, and AOC Computer Use Best Practices. In addition to AOC requirements on time reporting (Hours of Work, policy 4.4(D)), remote workers may be required to submit work logs of time spent and work performed while working remotely, at the discretion of their supervisor.

(G) Termination and Renewal of Remote Work Assignment

Participation in the remote work program is voluntary. Either the employee or the AOC may terminate participation in the remote work program at any time, for any reason. Failure to abide by the policies and procedures set forth in this policy may result in immediate termination of an employee's remote work assignment.

The Remote Work Application should be discussed and renewed annually, as well as when there is a change in the remote worker's or supervisor's position, or any other change that may impact the remote work arrangement. A remote work arrangement must not be continued when it is not in the best interests of the AOC or the employee.

Participation in the remote work program is approved based on specific criteria considered by the division director on a case-by-case basis. As circumstances may change over time, employees previously participating in the remote work program are not assured of a remote work assignment when returning from a leave of absence or after a job transfer.

Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on February 26, 2013

Title
AOC Restructuring: Amendments to Policy 8.9, Working Remotely (Telecommuting)

Rules, Forms, Standards, or Statutes Affected
None

Recommended by
Steven Jahr
Administrative Director of the Courts

Agenda Item Type
Action Required

Effective Date
February 26, 2013

Date of Report
February 11, 2013

Contact
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Executive Summary

The Administrative Director of the Courts requests that the Judicial Council consider and approve one of the following options concerning telecommuting. In addition, the Administrative Director confirms that all 85 telecommuting staff are currently in compliance with the existing policy and has prepared a report containing options for consideration by the Judicial Council. The report contains options to: (1) eliminate all forms of telecommuting; (2) eliminate regular telecommuting and only allow for limited ad hoc telecommuting under special circumstances; or (3) permit telecommuting by approving a restructured and more restrictive telecommute policy, which contains controls for approving, monitoring, and, if necessary, rescinding participation. If the revised telecommute policy is approved, a follow-up report will be provided to the Judicial Council in one year.

Previous Council Action

In August 2012, the Executive and Planning Committee (E&P) recommended that the Judicial Council direct the Administrative Director of the Courts to require compliance with the requirements and policies of the *AOC Personnel Policies and Procedures Manual*, including compliance with the rules limiting telecommuting, specifically concerning Policy 8.9 Working

Remotely (Telecommuting). As a response to that directive, the Administrative Director confirmed that all 85 telecommuting staff are in compliance with the existing policy and, in consultation with the AOC Executive Office and office directors, proposed amendments to the policy to address implementation and compliance concerns stated in a report presented by E&P to the council at its August 31, 2012, meeting.

At its December 2012 meeting, E&P further proposed an amendment to Judicial Council directive 26 to enlarge its scope to include the question of whether a telecommute program should remain in force. The proposed revisions to Policy 8.9 and options outlined in this report respond to the amended directive for discussion at the council's February 2013 meeting.

Current Status

There are 85 regular employees in compliance with the current Policy 8.9 who have been approved for telecommuting within the AOC. The chart below lists the eight AOC offices that currently participate in the program.

Participating Offices	Count of Participating Employees	% of Total AOC Population
Center for Families, Children & the Courts	27	3.76%
Center for Judiciary Education and Research	11	1.53%
Court Operations Special Services Office	9	1.25%
Criminal Justice Court Services Office	3	.42%
Information Technology Services Office	19	2.65%
Judicial Council Support Services	1	.14%
Legal Services Office	11	1.53%
Trial Court Liaison Office	4	.56%
Grand Total	**85**	**11.84%**

The following ten offices do not currently participate in the regular telecommuting program.

Non - Participating Offices		
Judicial Branch Capital Program Office	Office of Communications	Special Projects Office
Fiscal Services Office	Office of Governmental Affairs	Trial Court Administrative Services Office
Human Resources Services Office	Office of Security	
Office of Administrative Services	Office of Real Estate & Facilities Management	

Of the 718 regular employees only 85 regular employees have been approved to participate in the program, representing 11.84 percent of the AOC regular workforce. The remaining 633 regular employees work the standard workweek in an assigned AOC work location.

Duties approved for telecommuting

Office leadership have considered and approved regular telecommute schedules depending upon various job responsibilities, including performing legal research, drafting legal opinions, analyzing data, writing reports, and providing network support/administration. Examples of such duties/responsibilities include:

- Legal research to update legal publications, course curricula, and online courses
- Research, data analysis, and report writing connected with advisory committee or other group work
- Configuring, administering, and supporting network and server infrastructure
- Creating lesson plans, developing PowerPoint presentations, and meeting via phone with planning committees
- Writing content for online courses, writing scripts for broadcasts (for both judges and court staff), and drafting reports
- Writing, editing, and generating technical documents
- Preparing and reviewing grant applications, including the preparation of budget sheets and forecasts

Duties not approved for telecommuting

Not all employees have been deemed suitable to participate in the telecommute program due to the nature of the work assigned. Employees who have been deemed ineligible for a regular telecommute schedule include those whose job responsibilities require them to be present in the AOC offices. Examples of such duties/responsibilities include:

- Processing of daily Court-Appointed Counsel compensation claims (which requires specialized software and face-to-face interaction with Accounting staff)
- Handling daily intake of retired judge assignment requests (which requires access to specialized software and constant telephone access)
- Processing of payroll or benefit information (which requires restricted access to the State Controller's Office system) and employee relations interactions (which are best handled in a face-to-face meeting)
- Setting up new computers, delivering them to employees, repairing malfunctioning computers, and processing end-of-life equipment for reutilization/disposal
- Coordinating logistics for judicial education programs (which requires being available to a number of CJER staff)
- Managing the logistics of securing meeting rooms, lodging, and other requirements for education programs and meetings
- Hands-on consulting with other employees in specific subject matter areas, such as instructional design or WebEx support

Additional reasons why employees have not been allowed to telecommute include:

- Employees on a performance improvement plan who require supervision, assessment, and development on site
- Managers and supervisors who need to be available to their staff on as-needed basis

Options for Consideration and Policy Implications

Option 1: Eliminate all forms of telecommuting

If this option is approved by the Judicial Council, Policy 8.9 would be eliminated and telecommuting, both on a regular schedule and on an ad hoc basis, would no longer be permitted in the AOC.

Benefits of adopting option 1

Improved perception/reputation. By eliminating all forms of telecommuting, AOC staff will be available at all times to assist their customers within the Supreme Court, Courts of Appeal, and the trial courts. The AOC has been under public scrutiny to reform and restructure its current practices/policies. Elimination of the telecommuting program enables the AOC to strengthen its reputation with the trial courts and the public.

Ability to supervise employees on site; employee availability. Under a telecommuting program not strictly managed and controlled by a centralized oversight group, there may be a perception of little to no supervision of employees on telecommuting arrangements. By eliminating this option, it eliminates this perception and thereby ensures that all employees on site are properly supervised by their supervisor or manager. Elimination of the telecommuting program will have AOC employees at an AOC worksite on a standard work schedule, with the exception of the one day per month mandatory furlough.

Consistency with most written trial court policies. Most trial courts have not adopted a formal telecommute policy for their employees. Elimination of the policy places the AOC on equal terms with the trial courts and reduces the perception of unavailability.

All offices treated the same regardless of the nature of work. The wide latitude of telecommuting arrangements within the AOC, as allowed under the current Policy 8.9, has resulted in different applications of the policy across all offices. By eliminating the ability to telecommute, employees will be treated the same regardless of their duties and responsibilities.

Challenges of adopting option 1

Reduced motivation potentially leading to reduced performance. The ability to telecommute is a very important job benefit to those who participate in the program. Complete elimination of

the program could result in less-motivated employees, which could have a direct effect on job performance and productivity.

Retention issues—potential for losing quality workforce. In the San Francisco job market most employers, public and private, allow for remote working. If the work from home program is eliminated, it could result in a loss of quality employees to competing employers. It could also influence future ability to recruit quality individuals in a competitive job market.

Employees will perceive this as another take-away. Over the past four years employees have endured several changes in the workplace that have been perceived by the employees as "take-aways." While many changes have been a direct result of the economic downturn, others, such as this program, are "no-cost" benefits. Removing such a benefit would most likely be perceived by employees as yet another take-away, with a corresponding direct impact on employee morale.

Potential increased commute cost to employees. Employees who currently work remotely are relieved of the time and cost of commuting for the day(s) they work from home. For example, a commuter from the East Bay could save 45 minutes each way to and from work, as well as $6 to $10 per day in transportation costs. An individual participating in a one day per week remote work assignment would have an increased cost of $24 to $40 per month and will spend approximately 6 additional hours per month commuting.

Ability of the AOC to offer comparable employee benefits in the competitive San Francisco labor market. AOC HR contacted employers within the San Francisco Bay Area to determine what, if any, telecommuting programs they offer to their employees. Of the public entities contacted, the City and County of San Francisco, Superior Court of San Francisco County, San Francisco State University, and University of California, San Francisco offer some form of telecommuting. Of the private entities contacted, Adobe, Charles Schwab, Gap, Inc., and Yahoo! also offer some form of telecommuting. Based on information gathered, it appears that remote working has become a standard practice among major San Francisco employers and is a highly desired benefit of job seekers. To continue to be competitive in the San Francisco labor market, it is critical to develop and maintain programs that meet the business needs of the organization to attract and retain quality staff.

Option 2: Eliminate regular telecommuting and only allow for limited ad hoc telecommuting under special circumstances

If this option is approved by the Judicial Council, Policy 8.9 would be revised to only allow for limited, ad hoc telecommuting not to exceed two days in any given month. In this option telecommuting would only be allowed under special circumstances that would meet the business needs of the AOC. For example, an individual who is on vacation at home and unable to come to the office is required to complete an unexpected project by close of business. That individual could be approved to work from home on that day so the project can be completed and the individual credited with the work time utilized.

Oversight of this option would be granted to office leadership, with monthly ad hoc telecommute reports submitted to the Human Resources Services Office for tracking and review. A quarterly utilization report would be provided to the Administrative Director.

Benefits of adopting option 2

Improved perception/reputation. Elimination of regular telecommuting and the restriction of the program to only include remote work on an ad hoc basis may reduce the negative perception of the AOC telecommuting program. This restriction of the telecommuting program enables the AOC to strengthen its reputation with the trial courts and the public.

Allows for flexibility in meeting critical business needs. While this option does not provide for a regularly scheduled work from home day, it does provide the AOC with the ability to approve limited, one-time, as-needed remote work that would meet a specific, critical business need.

Consistent with some trial court practices. While many trial courts do not have a formal written remote work policy, some trial courts do allow an ad hoc type of work from home program. Some trial courts have allowed staff to work from home to complete a report, a project, and research or data analysis in a quieter, less interrupted setting.

Challenges of adopting option 2

Negative perception/reputation. The AOC has been under public scrutiny to reform and restructure its current practices/policies. Allowing for even ad hoc telecommuting does not completely address the perception that the AOC is unavailable to address trial courts' needs in a timely fashion.

Reduced motivation leading to reduced performance (for individuals who have lost a regular telecommute schedule). The ability to telecommute is a very important job benefit to those who participate in the program. Elimination of the regular remote work program and replacing it with a much more restrictive ad hoc program could result in less-motivated employees and could have a direct effect on job performance and productivity.

Retention issues—potential for losing quality workforce. In the San Francisco job market most employers, public and private, allow for regular remote working. If the work from home program is reduced to an ad hoc program, it could result in a loss of quality employees to competing employers. It could also influence future ability to recruit quality individuals in a competitive job market.

Employees will perceive this as another take-away. Over the past four years employees have endured several changes in the workplace that have been perceived by the employees as "take-aways." While many changes have been a direct result of the economic downturn, others, such as

this program, are "no-cost" benefits. The severe restricting of such a benefit would likely be perceived by employees as yet another take-away potentially having a direct impact on employee morale.

Potential increased commute cost to employee. Employees who currently work remotely are relieved of the time and cost of commuting for the day(s) they work from home. For example, a commuter from the East Bay could save 45 minutes each way to and from work, as well as $6 to $10 per day in transportation costs. An individual participating in a one day per week remote work assignment would have an increased cost of $24 to $40 per month and will spend approximately 6 additional hours per month commuting.

Option 3: Permit telecommuting by approving a restructured and more restrictive telecommute policy, which contains controls for approving, monitoring, and, if necessary, rescinding participation in the telecommute program

If this option is approved by the Judicial Council, Policy 8.9 would be revised to the more restrictive policy outlined below.

The proposed Policy 8.9 contains a number of revisions that, if incorporated, address many of the concerns raised. For example, it narrows the scope of the telework policy to nonsupervisory positions, limits the number of days a person can utilize ad hoc or regular telecommuting, and prohibits a combination of ad hoc and regular telecommuting.

Further, to address accountability issues, it includes tracking procedures. AOC employees approved for a regular remote work schedule must complete a remote work log for each day that they work remotely. The remote work log must be provided regularly to the supervisor for review of work progress during remote work days. Additionally, HR would provide a review of the application process and provide recommendations to the Administrative Director or designee for final consideration/approval. This process is designed to ensure that all participants meet and adhere to policy guidelines.

Comparison between current and proposed

The goal is to design a program that is in the best public interest and that benefits the employees, while addressing the challenges identified, i.e., how to measure productivity for the employees who work from home, how to determine what positions are suitable for telecommuting, and how to fairly implement the policy.

The chart below illustrates the differences between the current policy and the proposed policy:

Criteria	Current Policy	Proposed Policy
Employment eligibility	After 6 months of employment	After 12 months of employment
Limits definition of "Home" location	None	Restricts "Home" location to one in the state of California

Limits number of regularly scheduled telecommute days	Up to 8 days per month	No more than 1 day per week in any given week
Limits participation in regular remote work program	None	Limited to only nonsupervisory AOC employees
Limits participation in ad hoc telecommute days	None	Limited to 2 days per month in any given month; available to all AOC employees; not available to employees on a regular telecommute schedule
Consideration/review process	Office leadership discretion	1. Office leadership review, 2. Human Resources review, 3. Administrative Director/designee approval
Factors for approval consideration	Office leadership discretion	Defined consideration factors: 1. Nature of work, 2. Quantity of work, 3. Quality of work, 4. Timeliness, 5. Ability to handle multiple priorities
Approval authority	Office leadership approval	Administrative Director/designee approval
Allowable exceptions	Office leadership discretion	None (except for reasonable accommodations for a disability consistent with law)
Work logs maintained	None	Required for each regularly scheduled remote work day
Tracking of ad hoc telecommute days	None	Tracking required for each day of ad hoc remote work by office leadership and Human Resources
Frequency of productivity monitoring	Annually	Continuing duty of office leadership

The amended policy recognizes the potential benefits of an organized, managed remote work program, and the revisions reflect an emphasis on accessibility, transparency, and consistency. The final amended policy includes two key components that address these themes: availability of staff to address inquiries from internal customers, the courts, and the public; and the assignment of a centralized unit to oversee and manage the telework program.

Benefits of adopting option 3

Increased productivity. Overall productivity may be improved because the more desirable and attractive working conditions result in higher levels of employee motivation. A number of

companies that have implemented telecommuting in the workplace have seen increased productivity in their employees.[1]

Work/life balance and employee motivation. Employees perceive the remote working opportunity as a workplace benefit. Employees appreciate and will recognize the efforts by the AOC to maintain attractive work benefits in a challenging economic time.

Work environment. The nature of work appropriate for remote working situations is best served in quiet, uninterrupted settings where quality thinking can occur. The lack of interruptions can not only expedite the completion of a project, but can also increase the quality of the finished product.

Increased monitoring. The utilization of work logs demonstrates the quality and quantity of work performed, which can potentially lead to an increase in productivity.

Employee retention and recruitment. Several employees have expressed that this "benefit" is an important aspect of their decision to be employed at the AOC. In the San Francisco job market most employers, public and private, allow for remote working. This option could allow the AOC to recruit quality individuals in a competitive job market.

Emulates state policies and legislation that encourage utilization of telecommute programs. Government Code section 14200.1(b): "It is the intent of the Legislature to encourage state agencies to adopt policies that encourage telecommuting by state employees." The standard template for telecommute policy utilized by the state agencies is provided on the Department of General Services website at: http://www.dgs.ca.gov/dgs/ProgramsServices/telework.aspx

Challenges of adopting option 3

Perception of monitoring, supervising, and evaluating off-site employees. Under any telecommuting program, there may be a perception of little to no supervision of employees on telecommuting arrangements. Telecommuting may make it more challenging to review the work product on a regular basis to ensure productivity standards are being met.

Limits face-to-face interaction/exchange of information. Working from home could reduce the interpersonal, collaborative relationships necessary for the development of a sound work product.

Impacts on non-telecommuting employees. If regular telecommuting is continued, the AOC will continue to have employees whose job responsibilities prohibit them from participation. For these employees there may be a perception of disparity.

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[1] Telework Research Network, "Pros and Cons" (October 22, 2008), *www.teleworkresearchnetwork.com/pros-cons* (as of Jan. 22, 2008).

Information on current telecommute practices, public and private

The Telework Research Network (TRN) is an independent consulting and research organization that publishes findings related to workplace flexibility. In June of 2011, the TRN published a report entitled *The State of Telework in the U.S.* (see Attachment D),[2] which integrates a large number of studies, surveys, and censuses to present the current state of telework in the United States. The report encompasses both the private and public sectors, as well as the resulting benefits of telework. According to the report, telecommuting is in much wider use in the private sector than in the public sector. However, use of telecommute (also referred to as telework) programs has increased in recent years in the public sector. A 2011 report also by TRN reviews the benefits and challenges of telecommuting in the California government workforce. While many of the cost-saving considerations would not apply to the AOC, the concept of remaining competitive and attracting a new generation of government leaders and talented staff is a fundamental goal of the AOC.[3] (See Attachment E.)

The TRN reports on their website that companies that implement telecommuting policies have seen a notable *increase* in productivity by their employees. Best Buy, British Telecom, Dow Chemical, and many others show that teleworkers are 35 to 40 percent more productive than non-telecommuters. More than two-thirds of employers have reported increased productivity among their teleworkers. Sun Microsystems' experience suggests that employees spend 60 percent of the commuting time they save performing work for the company. JD Edwards teleworkers are 20 to 25 percent more productive than their office counterparts. American Express workers produced 43 percent more than their office-based counterparts, and Compaq increased productivity by 15 to 45 percent.[4]

Because of technological advances in recent years, many employers, especially in the private sector, have found that enabling employees to telecommute has resulted in improvements in employee productivity, morale, and retention.

In addition to increased productivity, other benefits to both the employer and the employee have been associated with offering telework programs. These benefits include reduced absenteeism, retention of high-level employees who might otherwise choose to leave public employment due to work schedule inflexibility, and reduced commuter costs (see Lister & Harnish, *infra*, note 2).

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[2] K. Lister and T. Harnish, *The State of Telework in the U.S.: How Individuals, Business, and Government Benefit*, Telework Research Network (June 2011).

[3] K. Lister and T. Harnish, *The Bottom Line on Telework: California Government Workforce*, Telework Research Network (September 2011).

[4] Telework Research Network, "Pros and Cons" (October 22, 2008), *www.teleworkresearchnetwork.com/pros-cons* (as of Jan. 22, 2008).

Relevant telecommuting legislation

In recognition of the benefits of telecommute programs, legislation has been passed at the federal level and in the state of California encouraging telecommute programs for employees in positions where telecommuting is viable. The report *2012 Status of Telework in the Federal Government* (see Attachment F) gives a detailed account of how the Telework Enhancement Act of 2010 has transformed federal telework.[5]

In California, in 1990, Assembly Bill 2963 (Klehs; Stats. 1990, ch. 1389) added sections 14200 through 14203 to the Government Code, entitled "the State Employee Telecommuting Program," authorizing state agencies to establish telecommuting programs as an element of transportation management programs. Four years later, Assembly Bill 2672 (Cortese; Stats. 1994, ch. 1209) amended section 14201 and added section 14200.1 to the Government Code "to encourage state agencies to adopt policies that encourage telecommuting by state employees." (Gov. Code, § 14200.1(b).) Section 14200.1 sets forth legislative findings, declarations, and intent:

(a) The Legislature finds and declares the following:
    (1) Telecommuting can be an important means to reduce air pollution and traffic congestion and to reduce the high costs of highway commuting.
    (2) Telecommuting stimulates employee productivity while giving workers more flexibility and control over their lives.
(b) It is the intent of the Legislature to encourage state agencies to adopt policies that encourage telecommuting by state employees.

As amended, section 14201 deletes the earlier authorization and replaces it with a requirement that each state agency "shall review its work operations to determine where in its organization telecommuting can be of practical benefit to the agency [and] develop and implement a telecommuting plan as part of its telecommuting program in work areas where telecommuting is identified as being both practical and beneficial to the organization."

Unintended negative consequences of telecommuting

According to the *2012 Status of Telework in the Federal Government* report (see Attachment F, page 52), telecommuting can also have unintended negative consequences. Those cited in the report include the following:

- Potential for social and career isolation
- Reduced performance as a result of employee isolation
- Missed opportunities for meeting colleagues to allow for unplanned or serendipitous knowledge exchange
- Reduce overall sharing in workplaces

[5] U.S. Office of Personnel Management, *2012 Status of Telework in the Federal Government: Report to the Congress* (June 2012).

Implementation Requirements, Costs, and Operational Impacts

Option 1 implementation requirements. If option 1 is approved, the AOC will take the necessary steps to eliminate Policy 8.9 from the *AOC Personnel Policies and Procedures Manual* and will work with offices to inform current telecommuting staff and transition employees to perform their duties at an AOC worksite on a standard work schedule. No other implementation requirements are needed.

Option 2 implementation requirements. If option 2 is approved, the AOC will take the necessary steps to amend Policy 8.9 to eliminate regular telecommuting and only allow AOC employees to telecommute on an ad hoc basis, based on special circumstances. HR will communicate the amended policy to all AOC staff and initiate steps to transition current regular telecommuting staff to perform their duties at an AOC worksite on a standard work schedule. As previously indicated, HR has developed a process to track, monitor, and report on the use of ad hoc telecommuting within the AOC.

Option 3 implementation requirements. If option 3 is approved, the AOC will implement the proposed amended Policy 8.9 establishing strict controls and allowing for the approval, monitoring, and, if necessary, rescinding of telecommuting arrangements. HR will communicate the amended policy to all AOC staff and initiate steps to transition current regular telecommuting staff to be in compliance with the amended policy. HR has developed a process to track, monitor, and report on the use of regular and ad hoc telecommuting within the AOC. If this option is approved by the Judicial Council, a report on the status of telecommuting in the AOC will be provided in one year for review and further consideration.

Attachments

1. Attachment A-1: Present Policy 8.9, Working Remotely (Telecommuting)
2. Attachment A-2: Proposed Amended Policy 8.9, Working Remotely (Telecommuting)
3. Attachment B: Working Remotely Application Forms
4. Attachment C: Remote Work Log
5. Attachment D: 2011 *The State of Telework in the U.S.*
6. Attachment E: 2011 *The Bottom Line on Telework: California Government Workforce*
7. Attachment F: *2012 Status of Telework in the Federal Government* report

ADMINISTRATIVE OFFICE OF THE COURTS **Pilot Program 8.9**
PERSONNEL POLICIES AND PROCEDURES

Pilot Program Number: **8.9**

Title: **Working Remotely (Telecommuting) Pilot Program**

Contact: **Judicial and Court Administrative Services Division, Human Resources Services Office**

Program Statement: **The AOC's Remote Work Program authorizes employees to work from home only when doing so is consistent with business needs and the employee's job functions, as authorized by the Administrative Director.**

Contents:

(A) Purpose of Remote Work Program
(B) Regularly Scheduled Remote Work
(1) Applicability
(2) Request and Approval Process
(3) Remote Work Schedules
(4) Remote Work Log
(C) Ad Hoc Remote Work
(D) The Home Office
(1) Work Environment
(2) Office Equipment
(3) Information Security
(4) Health and Safety
(E) Other Employee Rights and Responsibilities
(F) Termination and Renewal of Remote Work Assignment

(A) Purpose of Remote Work Program

When consistent with business needs and the employee's job functions, the AOC provides employees with a remote work option. Employees participate in the remote work program when, on a periodic basis, during their scheduled work hours, they perform their usual job duties from home. The terms "working remotely", "work remotely", and "remote worker" as used in this pilot program refer to the performance of usual job duties at home. Home locations for purposes of this pilot program shall be in the state of California.

Suitability to participate in the remote work program is based, in part, on an employee's job classification and the nature of the work to be performed by the employee. Those factors alone may compel disapproval of an application to participate in the remote work program.

The AOC recognizes the potential organizational and personal benefits available through a carefully planned and managed remote work program. Both the state and federal government have recognized the positive impacts of remote work programs that include reductions in air pollution, traffic congestion and the costs of highway commuting. Additionally remote working can provide employees with more flexibility in their schedules resulting in increased productivity and employee morale.

This pilot program covers two types of remote work options:

(1) Regularly scheduled (which allows employees to work from home on a regular, ongoing basis, as described in Section (B) (3) of this pilot program), and

(2) "Ad hoc" (occasional, one-time approval to work from home, as described in Section (C) of this pilot program).

Employees working in more than one location, other than the home, due to work-related travel, and/or working from multiple AOC offices or court locations, are considered to be working in the office. This Remote Work Pilot Program does not apply to that activity.

Requests to work from home as a reasonable accommodation for a disability will be evaluated consistent with applicable law. Such requests should be directed to the employee's supervisor and approved by the Human Resources Services Office (HR), Integrated Disability Management Unit.

(B) Regularly Scheduled Remote Work

(1) Applicability

Only non-supervisory AOC employees (regular or temporary, full-time or part-time, exempt or non-exempt) may apply to participate in the remote work program on a regularly scheduled basis.

(2) Request and Approval Process

An employee may initiate a request to participate in the remote work program on a regularly scheduled basis by submitting a completed Remote Worker Self-Assessment and Remote Work Application to his or her supervisor. The supervisor will review the request and make a recommendation to the office leadership. Office leadership will submit the request with a recommendation to Human Resources. Human Resources will review the request to ensure that the application meets all applicable pilot program criteria. HR will submit the request with a recommendation to the Executive Office for consideration. Approval of a remote work arrangement is at the discretion of the Administrative Director or designee.

Step 1 – Office Leadership Review

A request to participate in the remote work program must be reviewed by the employee's office leadership, who will determine if the employee, while working from home, can perform all of the duties and responsibilities of the position in a manner that meets the needs of the organization. When considering a request to work from home, all of the following factors will be considered:

- Nature of Work
  The type of work performed by the employee.

- Quantity of work
  How much work can get done from home?

- Quality of work
  How well can the work be completed from home?

- Timeliness
  Can timelines be met when working from home?

- Ability to handle multiple priorities
  Is it possible to successfully multitask when working from home?

Employees must also demonstrate suitability of the proposed home work environment.

Employees with performance, attendance, or other work-related deficiencies, or whose jobs by their nature are not suitable for remote work, will not be approved for a remote work arrangement.

Step 2 – Human Resources Services Office Review

Completed remote work applications reviewed by the originating office's leadership shall be submitted to HR for additional review.

HR will review applications to ensure that signatures have been obtained; the agreement is consistent with the parameters of AOC policies and procedures; and the employee's duties and responsibilities align to the five factors noted previously.

Any remote work agreement that is not complete, does not have all required signatures, or is outside of the scope of the pilot program will be returned to the originating office for review. Remote work schedules may not begin until the remote work agreement has been approved by the Administrative Director or designee.

Step 3 – Administrative Director or designee's review

The Administrative Director or designee will review the remote work agreement and determine whether to approve or deny. If the remote work agreement is approved, HR will notify the Office Leadership of the approval and a start date can be coordinated with the employee.

(3) Remote Work Schedules

Employees (excluding supervisors, managers, assistant directors, and directors) may be approved to work from home on a regularly scheduled basis as follows:

- During the first 12 months of employment, employees are not eligible to participate in the remote work program.

- After 12 months of employment, employees are eligible to request to work from home up to a maximum of one day per week in any given week.

If approved, the remote work schedule applicable to a particular employee will be set by the supervisor before remote working begins. Remote workers must be available during the standard workday from 8 a.m. to 5 p.m., Monday through Friday (Hours of Work, policy 4.4(A)), or alternative schedule as approved by their supervisor, to

the same extent as if working in the office. The remote work schedule may be modified, with supervisor approval, as needed:

- The remote work assignment may be suspended or terminated at any time, for any reason at the discretion of the office leadership. If a remote work assignment is suspended or terminated the HR work coordinator must be notified immediately.

- If an employee is needed in the office on a regularly scheduled remote work day, the employee must forgo the remote work day. Employees cannot "make up" missed remote work days.

- Remote workers must request approval for time off in the same manner as if not working from home.

- With prior approval, remote workers may attend medical, dental, and business appointments on remote work days.

- For non-exempt employees, any overtime work must be authorized in advance and in writing (Hours of Work, policy 4.4(C)(1)).

(4) Remote Work Log

AOC employees approved for a regular remote work schedule must complete a remote work log for each day that they work from home. The remote work log must be provided regularly to the supervisor for review of work progress during remote work days. Employees who do not satisfactorily complete a remote work log or their assignments during remote work days may have their remote work assignment suspended or terminated at the discretion of the office leadership.

(C) Ad Hoc Remote Work

An employee of the AOC (including managers and supervisors) may alternatively be approved to work from home on an "ad hoc" basis (i.e., not on a regular basis), which may arise due to special projects, the demand for expedited work products, or other business or personal needs. The employee's office leader may approve ad hoc work from home on a case-by-case basis. Each office will submit a monthly report of ad hoc remote work to the HR remote work coordinator. Quarterly reports will be submitted to the Administrative Director. Approval to work remotely on an ad hoc basis does not require submission of the forms referenced in Section (B)(2) of this pilot program and does not confer eligibility to work from home on a regularly scheduled basis.

"Ad hoc" remote work occurrences are limited to two days per month in any given month. Employees who are participating in the regularly scheduled remote work program may not, at the same time, work from home on an "ad hoc" basis.

The supervisor or manager recommends approval of the ad hoc remote working request and submits to his or her office leadership. Office leadership may approve the ad hoc remote work and record the usage on a monthly report that will be submitted to HR. HR will collect that data and provide quarterly utilization reports to the Administrative Director.

(D) The Home Office

(1) Work Environment

Remote workers are responsible for maintaining a safe and productive work environment. Dependent care arrangements must be made so as not to interfere with work. Personal disruptions must be limited to the same extent as when working in the employee's primary work location.

(2) Office Equipment

The AOC will provide a laptop, subject to availability, for purposes of working from home. Maintenance, repair, and replacement of AOC-owned equipment issued to remote workers is the responsibility of the AOC. The remote worker, however, must provide adequate care and protection of the equipment. (Use of AOC Property, policy 8.8(B)). In case of equipment malfunction, the remote worker must notify his or her supervisor immediately. Expenses for purchases, supplies, and repairs to personal equipment will not be reimbursed. Remote workers must restrict access to AOC-provided office equipment from family members and others.

The remote worker must also observe the following

- The remote worker is responsible to provide appropriate Internet connectivity in order to perform work duties. DSL or cable-based service is normally acceptable for this purpose.

- AOC-issued laptops must be brought into the office a minimum of once per month, and as requested, to assure the necessary technology and security updates are installed. The Information Technology Services Office does not provide technology support for use of personal equipment for working from home.

- Any software installed on AOC-issued laptops remains the property of the AOC and is subject to all applicable copyright laws and rules and regulations on the use or reproduction of software.

- Upon termination of a remote work assignment or employment, or when requested by the supervisor, the employee must return all AOC property, including software.

Computer support for remote workers is available from the Information Technology Services Office Helpdesk during the hours of 7:30 a.m. – 6:00 p.m. Remote workers may request assistance by submitting an on-line service request to the AOC Service Portal, or contacting the HelpDesk at (415) 865-4080 or helpdesk@jud.ca.gov.

(3) Information Security

Network and information security are important considerations when working from home. Remote workers are expected to maintain the security, privacy, and confidentiality of information when working at the home work site or transporting data to and from work sites, including:

- Remote workers must follow all organizational data retention, backup and security procedures.

- Remote workers must restrict access to confidential and personal information from family members and others. (Use of AOC Property, policy 8.8(D)).

- Access-restricted material and data must remain secured, and cannot be taken out of the official work location without supervisory approval.

Some AOC applications will be restricted to on-site access for security reasons. Other data may be unavailable to remote workers for technical reasons. For example, remote access to network drives is only available to employees approved and provided resources for access.

Remote workers must report any potential breach of AOC information security immediately to the Information Technology Services Office HelpDesk.

(4) Health and Safety

Remote workers are responsible for ensuring that their home offices comply with health and safety requirements. The AOC may decline an employee's request to work from home or may terminate a remote work assignment based on safety considerations. The home office may be inspected by the AOC, by appointment, for compliance with health and safety requirements.

If an employee incurs a work-related injury while working from home, workers' compensation law and rules apply. Consistent with AOC's Workers' Compensation Insurance, policy 6.6, employees must immediately notify their supervisor, or if their supervisor is not immediately available, the Human Resources Services Office, Integrated Disability Management Unit, of any work-related injury and complete all required documents.

(E) Other Employee Rights and Responsibilities

Remote workers maintain the rights and responsibilities set forth in AOC policies and procedures to the same extent as if not working remotely. In particular, employees must comply with Technology Use, policy 8.6 and AOC Computer Use Best Practices.

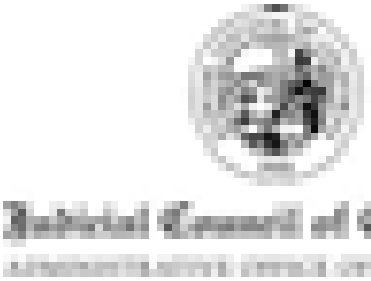
(F) Termination and Renewal of Remote Work Assignment

Participation in the remote work program is voluntary and it is a privilege. Either the employee or the AOC may terminate participation in the remote work program at any time, for any reason or no reason at all. Failure to abide by the policies and procedures set forth in this pilot program may result in immediate termination of an employee's remote work assignment. Any suspension or termination of a remote work assignment must be immediately reported to HR.

It shall be the continuing duty of the office leadership in each office, in which one or more employees telecommute, to assess the performance of each such employee by adhering to the terms, conditions, and standards of this pilot program.

Approval to participate in the remote work program is only valid for the fiscal year in which it is approved. Remote Work Applications must be renewed and approved by the Administrative Director or designee each fiscal year, on or before June 30, as well as when there is a change in the remote worker's or supervisor's position, or any other change that may impact the remote work arrangement. Remote workers who wish to continue their current remote work arrangement without modification are only required to complete the Remote Work Application form (Attachment II) to request renewal. A remote work arrangement must not be continued when it does not meet the business needs or help accomplish the mission of the AOC.

All regularly scheduled remote work arrangements must be approved by the Administrative Director or designee. Approval to participate in the remote work program is based on specific criteria considered by the employee's office leadership and the Human Resources Services Office, on a case-by-case basis. As circumstances may change over time, employees previously participating in the remote work program are not assured of a remote work assignment when returning from a leave of absence or after a job transfer.



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MEMORANDUM

Date
November 25, 2013

To
Members of the Executive and Planning Committee

From
Steven Jahr, Administrative Director of the Courts

Subject
Six-Month Update on AOC Pilot Telecommuting Program

Action Requested
For Your Information

Deadline
N/A

Contact
Kenneth R. Couch, Director
Human Resources Services Office
415-865-4271 phone
415-865-4582 fax
kenneth.couch@jud.ca.gov

Michael Guevara, Senior Manager
415-865-7586 phone
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michael.guevara@jud.ca.gov

Executive Summary

The Administrative Office of the Courts (AOC), Human Resources Services Office (HRSO) has prepared this six-month interim status report on the progress of Judicial Council Directive 26, which states that:

> …the Judicial Council direct the Administrative Director of the Courts to ensure that the AOC adheres to its telecommuting policy consistently and identifies and corrects all existing deviations and violations of the existing policy.

This report includes a six-month update of the pilot telecommuting program. It includes information on how the program was implemented, details on employee usage, how accountability has been monitored, and next steps in the process.

Previous Council Action

On August 31, 2012, the Judicial Council directed the Administrative Director of the Courts to ensure that the AOC consistently adhered to its existing telecommuting (working remotely) policy. The council also requested that the Administrative Director identify and correct all existing deviations from and violations of the existing policy.

On December 14, 2012, the council directed the Administrative Director to review Policy 8.9 (attachment 1), Working Remotely (Telecommuting), of the *AOC Personnel and Policies Procedures Manual* and provide the council with a report proposing any recommendations and amendments to the policy. The council also directed the Administrative Director to consider and report on alternatives—including whether this policy should remain in force—and return with a report and recommendations for the council's February 2013 meeting.

During the February 2013 meeting, the Administrative Director requested, in his report, that the Judicial Council consider and approve one of the following options:

1. Eliminate all forms of telecommuting;

2. Eliminate regular telecommuting and only allow for limited ad hoc telecommuting under special circumstances; or

3. Permit telecommuting by approving a restructured and more restrictive telecommute policy, including controls for approving, monitoring, and, if necessary, rescinding participation.

The Judicial Council approved a twelve-month pilot of the proposed amended Policy 8.9 (attachment 2), Working Remotely (Telecommuting) Pilot Program, authorizing employees to work from home only when doing so is consistent with business needs and the employee's job functions, as authorized by the Administrative Director. Included with the new pilot program, the council approved the use of ad hoc remote work arrangements, limited to no more than two workdays per month, when unknown business or personal needs arise.

The council directed that an interim report be provided to the Executive and Planning Committee (E&P) following six months of implementation, and a full report be presented to the Judicial Council at the completion of the one-year pilot program.

Participant Data – Past and Present

The original policy allowed for up to eight days per month of telecommuting, and provided each office leader with discretion regarding any exceptions to the policy. In 2012, 98 employees (including supervisors and managers) participated in the Working Remotely (Telecommuting) Program, representing 454 remote working days per month. The telecommuting benefit for supervisors and managers was eliminated when the amended pilot program was implemented in March 2013.

Currently, under the pilot telecommute program, there are 69 individuals who have been approved to telecommute on a one-day-per-week basis, representing 276 remote workdays per month. This represents a 30 percent decrease in telecommute approvals and about a 40 percent decrease in the number of telecommute days utilized per month utilizing the criteria established by the Administrative Director.

Office	2012 Participation	# days per month	2013 Participation	# days per month
Center for Families, Children and the Courts	28	104	16	64
Center for Judiciary Education and Research	12	54	10	40
Court Operations Special Services Office	17	80	4	16
Criminal Justice Court Services Office	2	8	4	16
Human Resources Services Office	0	0	1	4
Information Technology Services Office	23	92	14	56
Judicial Council Support Services	0	0	1	4
Legal Services Office	15	112	8	32
Trial Court Administrative Services Office	0	0	9	36
Executive Office	1	4	0	0
Trial Court Liaisons Office	0	0	2	8
Totals	**98**	**454**	**69**	**276**

Methodology and Process

Pilot Remote Work (Telecommute) Program Application Process

1. A transitional period was granted by the Administrative Director through May 31, 2013, to allow for an application period and to allow individuals on prior telecommute schedules time to adjust to the new policy parameters;

2. Employees were asked to submit applications to a central email account (pilot.telecommute@jud.ca.gov) for tracking and monitoring by HRSO;

3. The HRSO reviewed applications and submitted to the Administrative Director for final review and approval; and

4. If approved, employees began their one-day-per-week telecommute after June 3, 2013, on a date approved by their supervisors. Employees were also required to submit weekly logs describing work performed during their telecommute days.

All other aspects of the pilot program, such as ad hoc telecommuting, became effective on March 1, 2013.

Ad hoc Telecommute Program

The ad hoc telecommute program is a separate component of the pilot program, offering employees the ability to work remotely no more than two days per month when extenuating circumstances arise. The ad hoc telecommute program is only available to individuals who do not participate in the regular pilot telecommute program.

Special Circumstances Affecting Employees' Commutes

Ad hoc Telecommuting Related to the BART Strike

In early July 2013, a special circumstance occurred when the employees of the Bay Area Rapid Transit (BART) went on strike, which resulted in a shutdown of one of the main public transportation services utilized by staff to commute to and from the San Francisco office. During this period, the AOC Executive Office authorized individuals who were directly impacted by the strike to ad hoc telecommute on the first two days of the BART closure.

This exception also applied to individuals who participated in the regular pilot telecommute program; however, no individual employee was allowed to telecommute more than two days during this particular week. Supervisors and managers were tasked with ensuring that any individuals who worked remotely during these days had significant assignments to cover the full duration of the remote work period. Special BART telecommute logs were collected to account for the remote work time and to record the types of duties performed while working remotely.

Ad hoc Telecommuting Related to the Bay Bridge Closure

In early September 2013, a special circumstance occurred when the Bay Bridge was closed due to the road changes related to the opening of the new eastern span of the bridge. The closure was expected to create heavy traffic and congested public transit. During this period, the AOC Executive Office provided individuals with options that would meet the work needs of the AOC while trying to alleviate the commute during the period of the bridge closure.

The options provided during the bridge closure included: 1) the ability to allow up to two ad hoc telecommute days for those individuals not participating in the pilot program; 2) the ability to shift the regular telecommute day to a day impacted by the bridge closure (for those participating in the pilot program); 3) the ability to work a flexible work schedule to avoid heavy commute periods; or 4) the ability to utilize available accruals to take time off during impacted days.

Supervisors and managers were tasked with ensuring that any individuals who worked remotely during these days had significant assignments to cover the full duration of the remote work period. Special Bridge Closure telecommute logs were collected to account for the remote work time and to record the types of duties performed while working remotely.

Ad hoc Telecommuting Related to the Second BART Strike

In late October 2013, BART employees participated in a second strike, which, once again, resulted in a shutdown of one of the main public transportation services utilized by staff to commute to and from the San Francisco office. This closure of the public transportation system was anticipated and the AOC Executive Office authorized the following options to ease the commute burden on employees: 1) the use of the two ad hoc telecommute days, as allowed by policy to those individuals who were not participating in the pilot telecommute program; 2) allow those on the pilot telecommute program to shift their one telecommute day within that same week; 3) allow employees to adopt a flexible work schedule as permitted by business needs and supervisor approval; or 4) allow employees to use available accrued leave as permitted by business need and supervisor approval.

During the second BART strike, supervisors and managers were tasked with ensuring that any individuals who worked remotely during these days had significant assignments to cover the full duration of the remote work period. Special BART telecommute logs were collected to account for the remote work time and to record the types of duties performed while working remotely.

Use of Work Logs

Individuals who participate in the pilot program are required to submit a weekly remote work log to the supervisor of the unit. This log includes a listing of the duties/tasks completed during the designated remote workday.

Sample Duties and Tasks Reported on Work Logs

Work logs have been collected from participants of the pilot program and those who worked remotely on an ad hoc basis during any of the special circumstances previously listed. The most common remote work duties or tasks reported included:

- Reviewing documents, researching (project based, legal research and data collection), analyzing data;
- Preparing for projects (presentations, timeline development, and curriculum development);
- Responding to communications (email and phone);
- Participating in conference calls; and
- Writing and editing reports.

Duties specific to a particular office were also listed, but were less common on the logs. The HRSO reviews the logs regularly and contacts individual supervisors with any questions or concerns regarding the content of the log or the duties/tasks performed. Supervisors and managers who had participants in either the pilot program or the ad hoc program were satisfied with both the quality and quantity of work provided during the remote work periods.

Policy and Cost Implications

It was determined that part-time employees, employees acting in a senior-level or lead capacity, and employees requiring direct supervision were not allowed to participate in pilot telecommute program, as the essential duties of their positions required their presence at the workplace.

Part-time Employees

For employees on a part-time schedule—as they are already unavailable one to three days per week—any additional time out of the workplace would further affect productivity.

Employees Acting in a Senior-level or Lead Capacity

Employees in a senior-level role—which involves regularly interacting with staff, sharing their knowledge and skills, and providing guidance—are critical to the daily operations of the AOC. Working remotely inhibits the ability of a person in this role to provide onsite guidance and face-to-face interaction.

Employees Requiring Direct Supervision

Most classifications identify the amount of supervision expected during the workday. If the phrase "works under direct supervision" is listed in an employee's job classification, then that employee is expected to be present in the workplace to provide customer support under the guidance of the lead or supervisor. Additionally, if an employee's regular presence in the workplace is integral to the functions of the unit, it is likely that the application will be denied by the Administrative Director.

Summary of Findings

- In the initial application period (March 1, 2013, through March 29, 2013) there were 105 applications received from employees, with a desire to telecommute one day per week.

- Upon review of those applications, the Administrative Director made certain policy determinations, as outlined in the *Policy and Cost Implications* section above, resulting in the approval of 63 of the applications for participation in the program and the denial of 42.

- As a result of feedback from the Management Council, the Administrative Director directed the HRSO to provide all offices with an updated application process—incorporating the policy determinations that would be utilized moving forward. Application packets were sent to all members of the Management Council on May 29, 2013.

- All new and resubmitted applications included a detailed job description listing the job duties that could be effectively performed remotely.

As a result of this amended process, one new application was submitted and five employees[1] resubmitted their applications to telecommute. Based on the application materials, recommendations from the supervisor, office leader and the HRSO, all six individuals were approved by the Administrative Director for one day per week telecommuting, in accordance with the pilot program parameters. These additional approvals resulted in a total of 106 applicants, 69 approvals and 37 denials.

[1] These five employees were originally denied from participating in the Pilot Program.

Pilot Remote Work (Telecommute) Program Results

As of September 3, 2013, 69 individuals have been approved to telecommute through the pilot program, representing approximately 9.6 percent of current AOC staff. The chart below illustrates the number of participants from the various AOC offices:

OFFICE	# OF APPLICATIONS	APPROVED	DENIED
Center for Families, Children and the Courts	29	16	13
Center for Judiciary Education and Research	12	10	2
Court Operations Special Services Office	8	4	4
Criminal Justice Court Services Office	5	4	1
Human Resources Services Office	1	1	0
Information Technology Services Office	23	14	9
Judicial Council Support Services	1	1	0
Legal Services Office	10	8	2
Office of Real Estate and Facilities Management	2	0	2
Trial Court Administrative Services Office	12	9	3
Trial Court Liaison Office	3	2	1
TOTALS	**106**	**69**	**37**

Ad hoc Telecommuting Results

The chart below details the usage of ad hoc telecommuting by office over the first six months of the program:

Office	March	April	May	June	July	Aug	TOTAL
Information Technology Services Office	2	3	2	5	4	6	**22**
Center for Families, Children and the Courts	2	5	1	9	9	9	**35**
Center for Judiciary Education and Research	6	7	3	1	3	7	**27**
Trial Court Administrative Services Office	0	5	6	7	14	8	**40**
Court Operations Special Services Office	0	2	2	5	4	6	**19**
Legal Services Office	1	3	4	2	5	5	**20**
Human Resources Services Office	3	3	5	2	0	6	**19**
Trial Court Liaison Office	0	0	0	2	0	0	**2**
Criminal Justice Court Services Office	0	1	0	0	0	0	**1**
Internal Audit Services	0	0	2	0	0	0	**2**
Fiscal Services Office	1	1	0	0	0	1	**3**
Judicial Council Support Services	0	1	0	0	0	0	**1**
Executive Office	0	0	1	0	0	0	**1**
Totals	**15**	**31**	**26**	**33**	**39**	**48**	**192**

The average ad hoc telecommute usage among the entire AOC has averaged approximately 32 days per month, representing less than 1 percent of staff work time spent ad hoc telecommuting.

Ad hoc Telecommuting Related to the BART strikes and Bay Bridge Closure

The chart below shows the utilization of the special ad hoc remote workdays during the BART strikes and the Bay Bridge Closure:

Office	Special BART Strike (July 2013) Ad Hoc	Special Bay Bridge Closure Ad Hoc	Special BART Strike (Oct 2013) Ad Hoc[2]
Information Technology Services Office	48	3	12
Center for Families, Children and the Courts	30	2	7
Center for Judiciary Education and Research	17	0	8
Trial Court Administrative Services Office	0	1	1
Court Operations Special Services Office	18	3	4
Legal Services Office	15	3	2
Human Resources Services Office	10	5	7
Trial Court Liaison Office	8	0	2
Criminal Justice Court Services Office	7	0	7
Internal Audit Services	5	0	0
Office of Security	4	2	0
Fiscal Services Office	2	0	1
Office of Real Estate and Facilities Management	3	0	0
Office of Communications	1	0	0
Totals	**168**	**19**	**51**

Next Steps

The HRSO will continue to review the telecommute logs to monitor appropriate quantities of work and the types of duties/tasks performed.

The HRSO will continue to review and make recommendations to the Administrative Director for any new applications requesting to participate in the pilot program.

Regular reports will be provided to the Administrative Director on the number of employees participating in the program, both on the Remote Work (Telecommute) Program and the Ad Hoc Telecommute Program.

Future reports will include any special circumstances affecting employees' commutes.

Attachments

1. Policy 8.9 - Working Remotely (Telecommuting)
2. REVISED Policy 8.9 - Working Remotely (Telecommuting) Pilot Program

[2] Offices with zero instances did not have any reportable data submitted by the October 31, 2013 deadline.

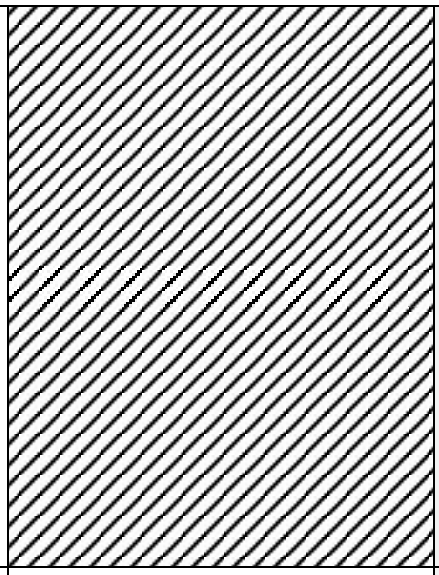
Attachment E:

Summary of Changes to Policy 8.9

The following chart summarizes revisions to Policy 8.9 and describes the controls and tracking mechanisms used in the more restrictive regular and ad hoc pilot programs.

	Regular Pilot Telecommute Program	**Ad Hoc Telecommute Program**
Defined eligibility requirements.	The AOC Executive Office restricted application of the program in comparison with the previous program and determined that part-time employees, employees acting in a senior-level or lead capacity, and employees requiring general supervision would not be allowed to participate in the pilot telecommute program as the essential duties of their positions required their presence at the workplace.	The AOC Human Resources Services Office reviewed requests to ensure that employees who were participating in the regularly scheduled remote work program were not, at the same time, working from home on an "ad hoc" basis.
Lower utilization rates.	With the implementation of the regular pilot policy, the AOC experienced a 33 percent decrease in telecommute participants from 2012 and an approximate 42 percent decrease in the number of telecommute days utilized per month.	The previous ad hoc program was not measured. In the current pilot program, the average ad hoc telecommute usage within the entire AOC has averaged approximately 36 days per month, representing less than one percent of staff work time spent ad hoc telecommuting. Well more than half of that usage occurred during three disruptive events in the Bay Area.
Centralized application and review process allowed for consistent application of the policy throughout the AOC.	In the previous policy, division directors were given the authority to approve or deny participation. Under the new pilot program, the decision is made by the Administrative Director. The AOC received 105 applications for the regular pilot program. Upon review, the Administrative Director made certain policy determinations, resulting in only 65 employees currently participating in the program.	New to the pilot program, each office leader reviewed and approved each request for ad hoc telecommuting.

Attachment E:

Arming managers and supervisors with the tools necessary to address special circumstances.		During special circumstances in the past, division directors had the discretion to offer employees various options, which contributed to inconsistencies. When special circumstances occurred during the pilot period that required exceptional considerations, the Executive Office further defined consistent parameters agency wide of the ad hoc program to allow for flexibility while operating within the parameters of the policy.
Tracking and monitoring.	Participants submit work logs to their supervisors for review on a monthly basis. Work logs may be audited at any time to ensure that the duties performed while telecommuting are appropriate and sufficient for a full day's work.	The centralized review process allowed tracking of the utilization of the ad hoc remote work days. The AOC Human Resources Services Office examined patterns of usage and potential usage by employees who were not qualified to ad hoc telecommute.

ADMINISTRATIVE OFFICE OF THE COURTS **~~Pilot Program~~Policy 8.9**
PERSONNEL POLICIES AND PROCEDURES

~~Pilot Program~~ Policy Number: **8.9**

Title: **Working Remotely (Telecommuting) ~~Pilot~~ Program**

Contact: **Judicial and Court Administrative Services Division, Human Resources Services Office**

Program Statement: **The AOC's Remote Work Program authorizes employees to work from home only when doing so is consistent with business needs and the employee's job functions, as authorized by the Administrative Director.**

Contents:

(A) Purpose of Remote Work Program
(B) Regularly Scheduled Remote Work
(1) Applicability
(2) Request and Approval Process
(3) Remote Work Schedules
(4) Remote Work Log
(C) Ad Hoc Remote Work
(D) The Home Office
(1) Work Environment
(2) Office Equipment
(3) Information Security
(4) Health and Safety
(E) Other Employee Rights and Responsibilities
(F) Termination and Renewal of Remote Work Assignment

(A) Purpose of Remote Work Program

When consistent with business needs and the employee's job functions, the AOC provides employees with a remote work option. Employees participate in the remote work program when, on a periodic basis, during their scheduled work hours, they perform their usual job duties from home. The terms "working remotely", "work remotely", and "remote worker" as used in this ~~pilot~~ program refer to the performance of usual job duties at home. Home locations for purposes of this ~~pilot~~ program shall be in the state of California.

Suitability to participate in the remote work program is based, in part, on an employee's job classification and the nature of the work to be performed by the employee. Those factors alone may compel disapproval of an application to participate in the remote work program.

The AOC recognizes the potential organizational and personal benefits available through a carefully planned and managed remote work program. Both the state and federal government have recognized the positive impacts of remote work programs that include reductions in air pollution, traffic congestion and the costs of highway commuting. Additionally remote working can provide employees with more flexibility in their schedules resulting in increased productivity and employee morale.

This ~~pilot~~ program covers two types of remote work options:

(1) Regularly scheduled (which allows employees to work from home on a regular, ongoing basis, as described in Section (B) (3) of this ~~pilot~~ program), and

(2) "Ad hoc" (occasional, one-time approval to work from home, as described in Section (C) of this ~~pilot~~ program).

Employees working in more than one location, other than the home, due to work-related travel, and/or working from multiple AOC offices or court locations, are considered to be working in the office. This Remote Work ~~Pilot~~ Program does not apply to that activity.

Requests to work from home as a reasonable accommodation for a disability will be evaluated consistent with applicable law. Such requests should be directed to the employee's supervisor and approved by the Human Resources Services Office (HR), Integrated Disability Management Unit.

(B) Regularly Scheduled Remote Work

(1) Applicability

Only ~~non-supervisory~~ full-time AOC employees (regular or temporary, ~~full-time or part-time,~~ exempt or non-exempt) not serving in a supervisory or lead capacity or whose job description does not require general supervision may apply to participate in the remote work program on a regularly scheduled basis.

(2) Request and Approval Process

An employee may initiate a request to participate in the remote work program on a regularly scheduled basis by submitting a completed Remote Worker Self-Assessment and Remote Work Application to his or her supervisor. The supervisor will review the request and make a recommendation to the office leadership. Office leadership will submit the request with a recommendation to Human Resources. Human Resources will review the request to ensure that the application meets all applicable ~~pilot~~ program criteria. HR will submit the request with a recommendation to the Executive Office for consideration. Approval of a remote work arrangement is at the discretion of the Administrative Director or designee.

Step 1 – Office Leadership Review

A request to participate in the remote work program must be reviewed by the employee's office leadership, who will determine if the employee, while working from home, can perform all of the duties and responsibilities of the position in a manner that meets the needs of the organization. When considering a request to work from home, all of the following factors will be considered:

- Nature of Work
  The type of work performed by the employee.

- Quantity of work

How much work can get done from home?

- Quality of work
  How well can the work be completed from home?

- Timeliness
  Can timelines be met when working from home?

- Ability to handle multiple priorities
  Is it possible to successfully multitask when working from home?

Employees must also demonstrate suitability of the proposed home work environment.

Employees with performance, attendance, or other work-related deficiencies, or whose jobs by their nature are not suitable for remote work, will not be approved for a remote work arrangement.

Office leaders are expected to review each application with the expectation that services not be impacted as a result of telecommuting. As such, each office must strive to achieve a balance in ensuring that employees are readily available at all times.

Step 2 – Human Resources Services Office Review

Completed remote work applications reviewed by the originating office's leadership shall be submitted to HR for additional review.

HR will review applications to ensure that signatures have been obtained; the agreement is consistent with the parameters of AOC policies and procedures; and the employee's duties and responsibilities align to the five factors noted previously. HR will also consider the following when reviewing applications:

- Requested telecommute day
  What is the requested telecommute day and are there coworkers telecommuting?
- Current division and unit balance
  How many pilot program participants does the office currently have in relation to office and unit totals?
- Ability to handle scheduled and unexpected leaves
  Will the office have coverage in times of scheduled days off or unexpected absences?
- Performance Improvement Plan (PIP)
  Is the employee currently on a PIP? Has the employee had past performance issues?

Any remote work agreement that is not complete, does not have all required signatures, or is outside of the scope of the ~~pilot~~ program will be returned to the originating office for review. Remote work schedules may not begin until the remote work agreement has been approved by the Administrative Director or designee.

Step 3 – Administrative Director or designee's review

The Administrative Director or designee will review the remote work agreement and determine whether to approve or deny. If the remote work agreement is approved, HR will notify the Office Leadership of the approval and a start date can be coordinated with the employee.

(3) Remote Work Schedules

~~Employees~~Full-time employees (excluding leads, supervisors, managers, assistant directors, and directors) may be approved to work from home on a regularly scheduled basis as follows:

- During the first 12 months of employment, employees are not eligible to participate in the remote work program.
- After 12 months of employment, employees are eligible to request to work from home up to a maximum of one day per week in any given week.

If approved, the remote work schedule applicable to a particular employee will be set by the supervisor before remote working begins. Remote workers must be available during the standard workday from 8 a.m. to 5 p.m., Monday through Friday (Hours of Work, policy 4.4(A)), or alternative schedule as approved by their supervisor, to the same extent as if working in the office. The remote work schedule may be modified, with supervisor approval, as needed:

- The remote work assignment may be suspended or terminated at any time, for any reason at the discretion of the office leadership. If a remote work assignment is suspended or terminated the HR work coordinator must be notified immediately.
- If an employee is needed in the office on a regularly scheduled remote work day, the employee must forgo the remote work day. Employees cannot "make up" missed remote work days.
- Remote workers must request approval for time off in the same manner as if not working from home.
- With prior approval, remote workers may attend medical, dental, and business appointments on remote work days.
- For non-exempt employees, any overtime work must be authorized in advance and in writing (Hours of Work, policy 4.4(C)(1)).

(4) Remote Work Log

AOC employees approved for a regular remote work schedule must complete a remote work log for each day that they work from home. The remote work log must be provided regularly to the supervisor for review of work progress during remote work days. Employees who do not satisfactorily complete a remote work log or their assignments during remote work days may have their remote work assignment suspended or terminated at the discretion of the office leadership.

(C) Ad Hoc Remote Work

An employee of the AOC (including part-time employees, leads, managers and supervisors) may alternatively be approved to work from home on an "ad hoc" basis (i.e., not on a regular basis), which may arise due to ~~special projects,~~extenuating circumstances such as the demand for expedited work products, or other business or personal needs. The employee's office leader may approve ad hoc work from home on a case-by-case basis. Each office will submit a monthly report of ad hoc remote work to the HR remote work coordinator. Quarterly reports will be submitted to the Administrative Director. Approval to work remotely on an ad hoc basis does not require submission of the forms referenced in Section (B)(2) of this ~~pilot~~ program and does not confer eligibility to work from home on a regularly scheduled basis.

"Ad hoc" remote work occurrences are ~~limited to two days per month in any given month.~~ intended to provide an ability to work remotely during special circumstance situations and are not meant to supplant the remote working program. "Ad Hoc" remote work situations are limited to a maximum of two days per month in any given month. Quarterly reports are provided to the Executive Office for review. Unusually high utilization or patterns of usage by an office or an individual may result in suspension of the "Ad Hoc" opportunity at the discretion of the Administrative Director.

Employees who are participating in the regularly scheduled remote work program may not, at the same time, work from home on an "ad hoc" basis.

The supervisor or manager recommends approval of the ad hoc remote working request and submits to his or her office leadership. Office leadership ~~may approve the ad hoc remote work and record the usage on~~shall submit a monthly usage report ~~that will be submitted~~ to HR. HR will collect that data and provide quarterly utilization reports to the Administrative Director.

(D) The Home Office

(1) Work Environment

Remote workers are responsible for maintaining a safe and productive work environment. Dependent care arrangements must be made so as not to interfere with work. Personal disruptions must be limited to the same extent as when working in the employee's primary work location.

(2) Office Equipment

The AOC will provide a laptop, subject to availability, for purposes of working from home. Maintenance, repair, and replacement of AOC-owned equipment issued to remote workers is the responsibility of the AOC. The remote worker, however, must provide adequate care and protection of the equipment. (Use of AOC Property, policy 8.8(B)). In case of equipment malfunction, the remote worker must notify his or her supervisor immediately. Expenses for purchases, supplies, and repairs to personal equipment will not be reimbursed. Remote workers must restrict access to AOC-provided office equipment from family members and others.

The remote worker must also observe the following:

- The remote worker is responsible to provide appropriate Internet connectivity in order to perform work duties. DSL or cable-based service is normally acceptable for this purpose.

- AOC-issued laptops must be brought into the office a minimum of once per month, and as requested, to assure the necessary technology and security updates are installed. The Information Technology Services Office does not provide technology support for use of personal equipment for working from home.

- Any software installed on AOC-issued laptops remains the property of the AOC and is subject to all applicable copyright laws and rules and regulations on the use or reproduction of software.

- Upon termination of a remote work assignment or employment, or when requested by the supervisor, the employee must return all AOC property, including software.

Computer support for remote workers is available from the Information Technology Services Office Helpdesk during the hours of 7:30 a.m. – 6:00 p.m. Remote workers may request assistance by submitting an on-line service request to the AOC Service Portal, or contacting the HelpDesk at (415) 865-4080 or helpdesk@jud.ca.gov.

(3) Information Security

Network and information security are important considerations when working from home. Remote workers are expected to maintain the security, privacy, and confidentiality of information when working at the home work site or transporting data to and from work sites, including:

- Remote workers must follow all organizational data retention, backup and security procedures.

- Remote workers must restrict access to confidential and personal information from family members and others. (Use of AOC Property, policy 8.8(D)).

- Access-restricted material and data must remain secured, and cannot be taken out of the official work location without supervisory approval.

Some AOC applications will be restricted to on-site access for security reasons. Other data may be unavailable to remote workers for technical reasons. For example, remote access to network drives is only available to employees approved and provided resources for access.

Remote workers must report any potential breach of AOC information security immediately to the Information Technology Services Office HelpDesk.

(4) Health and Safety

Remote workers are responsible for ensuring that their home offices comply with health and safety requirements. The AOC may decline an employee's request to work from home or may terminate a remote work assignment based on safety considerations. The home office may be inspected by the AOC, by appointment, for compliance with health and safety requirements.

If an employee incurs a work-related injury while working from home, workers' compensation law and rules apply. Consistent with AOC's Workers' Compensation Insurance, policy 6.6, employees must immediately notify their supervisor, or if their supervisor is not immediately available, the Human Resources Services Office, Integrated Disability Management Unit, of any work-related injury and complete all required documents.

(E) Other Employee Rights and Responsibilities

Remote workers maintain the rights and responsibilities set forth in AOC policies and procedures to the same extent as if not working remotely. In particular, employees must comply with Technology Use, policy 8.6 and AOC Computer Use Best Practices.

(F) Termination and Renewal of Remote Work Assignment

Participation in the remote work program is voluntary and it is a privilege. Either the employee or the AOC may terminate participation in the remote work program at any time, for any reason or no reason at all. Failure to abide by the policies and procedures set forth in this ~~pilot~~ program may result in immediate termination of an employee's remote work assignment. Any suspension or termination of a remote work assignment must be immediately reported to HR.

It shall be the continuing duty of the office leadership in each office, in which one or more employees telecommute, to assess the performance of each such employee by adhering to the terms, conditions, and standards of this ~~pilot~~ program.

Approval to participate in the remote work program is only valid for the fiscal year in which it is approved. Remote Work Applications must be renewed and approved by the Administrative Director or designee each fiscal year, on or before June 30, as well as when there is a change in the remote worker's or supervisor's position, or any other change that may impact the remote work arrangement. Remote workers who wish to continue their current remote work arrangement without modification are only required to complete the ~~Remote Work Application form (Attachment II~~Remote Work Application form (Attachment I) to request renewal. A remote work arrangement must not be continued when it does not meet the business needs or help accomplish the mission of the AOC.

All regularly scheduled remote work arrangements, including renewals, must be approved by the Administrative Director or designee prior to commencement of the remote work schedule. Approval to participate in the remote work program is based on specific criteria considered by the employee's office leadership and the Human Resources Services Office, on a case-by-case basis. As circumstances may change over time, employees previously participating in the remote work program are not assured of a remote work assignment when returning from a leave of absence or after a job transfer.

Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on February 26, 2013

Title
AOC Restructuring: Amendments to Policy 8.9, Working Remotely (Telecommuting)

Rules, Forms, Standards, or Statutes Affected
None

Recommended by
Steven Jahr
Administrative Director of the Courts

Agenda Item Type
Action Required

Effective Date
February 26, 2013

Date of Report
February 11, 2013

Contact
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Executive Summary

The Administrative Director of the Courts requests that the Judicial Council consider and approve one of the following options concerning telecommuting. In addition, the Administrative Director confirms that all 85 telecommuting staff are currently in compliance with the existing policy and has prepared a report containing options for consideration by the Judicial Council. The report contains options to: (1) eliminate all forms of telecommuting; (2) eliminate regular telecommuting and only allow for limited ad hoc telecommuting under special circumstances; or (3) permit telecommuting by approving a restructured and more restrictive telecommute policy, which contains controls for approving, monitoring, and, if necessary, rescinding participation. If the revised telecommute policy is approved, a follow-up report will be provided to the Judicial Council in one year.

Previous Council Action

In August 2012, the Executive and Planning Committee (E&P) recommended that the Judicial Council direct the Administrative Director of the Courts to require compliance with the requirements and policies of the *AOC Personnel Policies and Procedures Manual*, including compliance with the rules limiting telecommuting, specifically concerning Policy 8.9 Working

Remotely (Telecommuting). As a response to that directive, the Administrative Director confirmed that all 85 telecommuting staff are in compliance with the existing policy and, in consultation with the AOC Executive Office and office directors, proposed amendments to the policy to address implementation and compliance concerns stated in a report presented by E&P to the council at its August 31, 2012, meeting.

At its December 2012 meeting, E&P further proposed an amendment to Judicial Council directive 26 to enlarge its scope to include the question of whether a telecommute program should remain in force. The proposed revisions to Policy 8.9 and options outlined in this report respond to the amended directive for discussion at the council's February 2013 meeting.

Current Status

There are 85 regular employees in compliance with the current Policy 8.9 who have been approved for telecommuting within the AOC. The chart below lists the eight AOC offices that currently participate in the program.

Participating Offices	Count of Participating Employees	% of Total AOC Population
Center for Families, Children & the Courts	27	3.76%
Center for Judiciary Education and Research	11	1.53%
Court Operations Special Services Office	9	1.25%
Criminal Justice Court Services Office	3	.42%
Information Technology Services Office	19	2.65%
Judicial Council Support Services	1	.14%
Legal Services Office	11	1.53%
Trial Court Liaison Office	4	.56%
Grand Total	**85**	**11.84%**

The following ten offices do not currently participate in the regular telecommuting program.

Non - Participating Offices		
Judicial Branch Capital Program Office	Office of Communications	Special Projects Office
Fiscal Services Office	Office of Governmental Affairs	Trial Court Administrative Services Office
Human Resources Services Office	Office of Security	
Office of Administrative Services	Office of Real Estate & Facilities Management	

Of the 718 regular employees only 85 regular employees have been approved to participate in the program, representing 11.84 percent of the AOC regular workforce. The remaining 633 regular employees work the standard workweek in an assigned AOC work location.

Duties approved for telecommuting

Office leadership have considered and approved regular telecommute schedules depending upon various job responsibilities, including performing legal research, drafting legal opinions, analyzing data, writing reports, and providing network support/administration. Examples of such duties/responsibilities include:

- Legal research to update legal publications, course curricula, and online courses
- Research, data analysis, and report writing connected with advisory committee or other group work
- Configuring, administering, and supporting network and server infrastructure
- Creating lesson plans, developing PowerPoint presentations, and meeting via phone with planning committees
- Writing content for online courses, writing scripts for broadcasts (for both judges and court staff), and drafting reports
- Writing, editing, and generating technical documents
- Preparing and reviewing grant applications, including the preparation of budget sheets and forecasts

Duties not approved for telecommuting

Not all employees have been deemed suitable to participate in the telecommute program due to the nature of the work assigned. Employees who have been deemed ineligible for a regular telecommute schedule include those whose job responsibilities require them to be present in the AOC offices. Examples of such duties/responsibilities include:

- Processing of daily Court-Appointed Counsel compensation claims (which requires specialized software and face-to-face interaction with Accounting staff)
- Handling daily intake of retired judge assignment requests (which requires access to specialized software and constant telephone access)
- Processing of payroll or benefit information (which requires restricted access to the State Controller's Office system) and employee relations interactions (which are best handled in a face-to-face meeting)
- Setting up new computers, delivering them to employees, repairing malfunctioning computers, and processing end-of-life equipment for reutilization/disposal
- Coordinating logistics for judicial education programs (which requires being available to a number of CJER staff)
- Managing the logistics of securing meeting rooms, lodging, and other requirements for education programs and meetings
- Hands-on consulting with other employees in specific subject matter areas, such as instructional design or WebEx support

Additional reasons why employees have not been allowed to telecommute include:

- Employees on a performance improvement plan who require supervision, assessment, and development on site
- Managers and supervisors who need to be available to their staff on as-needed basis

Options for Consideration and Policy Implications

Option 1: Eliminate all forms of telecommuting

If this option is approved by the Judicial Council, Policy 8.9 would be eliminated and telecommuting, both on a regular schedule and on an ad hoc basis, would no longer be permitted in the AOC.

Benefits of adopting option 1

Improved perception/reputation. By eliminating all forms of telecommuting, AOC staff will be available at all times to assist their customers within the Supreme Court, Courts of Appeal, and the trial courts. The AOC has been under public scrutiny to reform and restructure its current practices/policies. Elimination of the telecommuting program enables the AOC to strengthen its reputation with the trial courts and the public.

Ability to supervise employees on site; employee availability. Under a telecommuting program not strictly managed and controlled by a centralized oversight group, there may be a perception of little to no supervision of employees on telecommuting arrangements. By eliminating this option, it eliminates this perception and thereby ensures that all employees on site are properly supervised by their supervisor or manager. Elimination of the telecommuting program will have AOC employees at an AOC worksite on a standard work schedule, with the exception of the one day per month mandatory furlough.

Consistency with most written trial court policies. Most trial courts have not adopted a formal telecommute policy for their employees. Elimination of the policy places the AOC on equal terms with the trial courts and reduces the perception of unavailability.

All offices treated the same regardless of the nature of work. The wide latitude of telecommuting arrangements within the AOC, as allowed under the current Policy 8.9, has resulted in different applications of the policy across all offices. By eliminating the ability to telecommute, employees will be treated the same regardless of their duties and responsibilities.

Challenges of adopting option 1

Reduced motivation potentially leading to reduced performance. The ability to telecommute is a very important job benefit to those who participate in the program. Complete elimination of

the program could result in less-motivated employees, which could have a direct effect on job performance and productivity.

Retention issues—potential for losing quality workforce. In the San Francisco job market most employers, public and private, allow for remote working. If the work from home program is eliminated, it could result in a loss of quality employees to competing employers. It could also influence future ability to recruit quality individuals in a competitive job market.

Employees will perceive this as another take-away. Over the past four years employees have endured several changes in the workplace that have been perceived by the employees as "take-aways." While many changes have been a direct result of the economic downturn, others, such as this program, are "no-cost" benefits. Removing such a benefit would most likely be perceived by employees as yet another take-away, with a corresponding direct impact on employee morale.

Potential increased commute cost to employees. Employees who currently work remotely are relieved of the time and cost of commuting for the day(s) they work from home. For example, a commuter from the East Bay could save 45 minutes each way to and from work, as well as $6 to $10 per day in transportation costs. An individual participating in a one day per week remote work assignment would have an increased cost of $24 to $40 per month and will spend approximately 6 additional hours per month commuting.

Ability of the AOC to offer comparable employee benefits in the competitive San Francisco labor market. AOC HR contacted employers within the San Francisco Bay Area to determine what, if any, telecommuting programs they offer to their employees. Of the public entities contacted, the City and County of San Francisco, Superior Court of San Francisco County, San Francisco State University, and University of California, San Francisco offer some form of telecommuting. Of the private entities contacted, Adobe, Charles Schwab, Gap, Inc., and Yahoo! also offer some form of telecommuting. Based on information gathered, it appears that remote working has become a standard practice among major San Francisco employers and is a highly desired benefit of job seekers. To continue to be competitive in the San Francisco labor market, it is critical to develop and maintain programs that meet the business needs of the organization to attract and retain quality staff.

Option 2: Eliminate regular telecommuting and only allow for limited ad hoc telecommuting under special circumstances

If this option is approved by the Judicial Council, Policy 8.9 would be revised to only allow for limited, ad hoc telecommuting not to exceed two days in any given month. In this option telecommuting would only be allowed under special circumstances that would meet the business needs of the AOC. For example, an individual who is on vacation at home and unable to come to the office is required to complete an unexpected project by close of business. That individual could be approved to work from home on that day so the project can be completed and the individual credited with the work time utilized.

Oversight of this option would be granted to office leadership, with monthly ad hoc telecommute reports submitted to the Human Resources Services Office for tracking and review. A quarterly utilization report would be provided to the Administrative Director.

Benefits of adopting option 2

Improved perception/reputation. Elimination of regular telecommuting and the restriction of the program to only include remote work on an ad hoc basis may reduce the negative perception of the AOC telecommuting program. This restriction of the telecommuting program enables the AOC to strengthen its reputation with the trial courts and the public.

Allows for flexibility in meeting critical business needs. While this option does not provide for a regularly scheduled work from home day, it does provide the AOC with the ability to approve limited, one-time, as-needed remote work that would meet a specific, critical business need.

Consistent with some trial court practices. While many trial courts do not have a formal written remote work policy, some trial courts do allow an ad hoc type of work from home program. Some trial courts have allowed staff to work from home to complete a report, a project, and research or data analysis in a quieter, less interrupted setting.

Challenges of adopting option 2

Negative perception/reputation. The AOC has been under public scrutiny to reform and restructure its current practices/policies. Allowing for even ad hoc telecommuting does not completely address the perception that the AOC is unavailable to address trial courts' needs in a timely fashion.

Reduced motivation leading to reduced performance (for individuals who have lost a regular telecommute schedule). The ability to telecommute is a very important job benefit to those who participate in the program. Elimination of the regular remote work program and replacing it with a much more restrictive ad hoc program could result in less-motivated employees and could have a direct effect on job performance and productivity.

Retention issues—potential for losing quality workforce. In the San Francisco job market most employers, public and private, allow for regular remote working. If the work from home program is reduced to an ad hoc program, it could result in a loss of quality employees to competing employers. It could also influence future ability to recruit quality individuals in a competitive job market.

Employees will perceive this as another take-away. Over the past four years employees have endured several changes in the workplace that have been perceived by the employees as "take-aways." While many changes have been a direct result of the economic downturn, others, such as

this program, are "no-cost" benefits. The severe restricting of such a benefit would likely be perceived by employees as yet another take-away potentially having a direct impact on employee morale.

Potential increased commute cost to employee. Employees who currently work remotely are relieved of the time and cost of commuting for the day(s) they work from home. For example, a commuter from the East Bay could save 45 minutes each way to and from work, as well as $6 to $10 per day in transportation costs. An individual participating in a one day per week remote work assignment would have an increased cost of $24 to $40 per month and will spend approximately 6 additional hours per month commuting.

Option 3: Permit telecommuting by approving a restructured and more restrictive telecommute policy, which contains controls for approving, monitoring, and, if necessary, rescinding participation in the telecommute program

If this option is approved by the Judicial Council, Policy 8.9 would be revised to the more restrictive policy outlined below.

The proposed Policy 8.9 contains a number of revisions that, if incorporated, address many of the concerns raised. For example, it narrows the scope of the telework policy to nonsupervisory positions, limits the number of days a person can utilize ad hoc or regular telecommuting, and prohibits a combination of ad hoc and regular telecommuting.

Further, to address accountability issues, it includes tracking procedures. AOC employees approved for a regular remote work schedule must complete a remote work log for each day that they work remotely. The remote work log must be provided regularly to the supervisor for review of work progress during remote work days. Additionally, HR would provide a review of the application process and provide recommendations to the Administrative Director or designee for final consideration/approval. This process is designed to ensure that all participants meet and adhere to policy guidelines.

Comparison between current and proposed

The goal is to design a program that is in the best public interest and that benefits the employees, while addressing the challenges identified, i.e., how to measure productivity for the employees who work from home, how to determine what positions are suitable for telecommuting, and how to fairly implement the policy.

The chart below illustrates the differences between the current policy and the proposed policy:

Criteria	Current Policy	Proposed Policy
Employment eligibility	After 6 months of employment	After 12 months of employment
Limits definition of "Home" location	None	Restricts "Home" location to one in the state of California

Limits number of regularly scheduled telecommute days	Up to 8 days per month	No more than 1 day per week in any given week
Limits participation in regular remote work program	None	Limited to only nonsupervisory AOC employees
Limits participation in ad hoc telecommute days	None	Limited to 2 days per month in any given month; available to all AOC employees; not available to employees on a regular telecommute schedule
Consideration/review process	Office leadership discretion	1. Office leadership review, 2. Human Resources review, 3. Administrative Director/designee approval
Factors for approval consideration	Office leadership discretion	Defined consideration factors: 1. Nature of work, 2. Quantity of work, 3. Quality of work, 4. Timeliness, 5. Ability to handle multiple priorities
Approval authority	Office leadership approval	Administrative Director/designee approval
Allowable exceptions	Office leadership discretion	None (except for reasonable accommodations for a disability consistent with law)
Work logs maintained	None	Required for each regularly scheduled remote work day
Tracking of ad hoc telecommute days	None	Tracking required for each day of ad hoc remote work by office leadership and Human Resources
Frequency of productivity monitoring	Annually	Continuing duty of office leadership

The amended policy recognizes the potential benefits of an organized, managed remote work program, and the revisions reflect an emphasis on accessibility, transparency, and consistency. The final amended policy includes two key components that address these themes: availability of staff to address inquiries from internal customers, the courts, and the public; and the assignment of a centralized unit to oversee and manage the telework program.

Benefits of adopting option 3

Increased productivity. Overall productivity may be improved because the more desirable and attractive working conditions result in higher levels of employee motivation. A number of

companies that have implemented telecommuting in the workplace have seen increased productivity in their employees.[1]

Work/life balance and employee motivation. Employees perceive the remote working opportunity as a workplace benefit. Employees appreciate and will recognize the efforts by the AOC to maintain attractive work benefits in a challenging economic time.

Work environment. The nature of work appropriate for remote working situations is best served in quiet, uninterrupted settings where quality thinking can occur. The lack of interruptions can not only expedite the completion of a project, but can also increase the quality of the finished product.

Increased monitoring. The utilization of work logs demonstrates the quality and quantity of work performed, which can potentially lead to an increase in productivity.

Employee retention and recruitment. Several employees have expressed that this "benefit" is an important aspect of their decision to be employed at the AOC. In the San Francisco job market most employers, public and private, allow for remote working. This option could allow the AOC to recruit quality individuals in a competitive job market.

Emulates state policies and legislation that encourage utilization of telecommute programs. Government Code section 14200.1(b): "It is the intent of the Legislature to encourage state agencies to adopt policies that encourage telecommuting by state employees." The standard template for telecommute policy utilized by the state agencies is provided on the Department of General Services website at: http://www.dgs.ca.gov/dgs/ProgramsServices/telework.aspx

Challenges of adopting option 3

Perception of monitoring, supervising, and evaluating off-site employees. Under any telecommuting program, there may be a perception of little to no supervision of employees on telecommuting arrangements. Telecommuting may make it more challenging to review the work product on a regular basis to ensure productivity standards are being met.

Limits face-to-face interaction/exchange of information. Working from home could reduce the interpersonal, collaborative relationships necessary for the development of a sound work product.

Impacts on non-telecommuting employees. If regular telecommuting is continued, the AOC will continue to have employees whose job responsibilities prohibit them from participation. For these employees there may be a perception of disparity.

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[1] Telework Research Network, "Pros and Cons" (October 22, 2008), *www.teleworkresearchnetwork.com/pros-cons* (as of Jan. 22, 2008).

Information on current telecommute practices, public and private

The Telework Research Network (TRN) is an independent consulting and research organization that publishes findings related to workplace flexibility. In June of 2011, the TRN published a report entitled *The State of Telework in the U.S.* (see Attachment D) ,[2] which integrates a large number of studies, surveys, and censuses to present the current state of telework in the United States. The report encompasses both the private and public sectors, as well as the resulting benefits of telework. According to the report, telecommuting is in much wider use in the private sector than in the public sector. However, use of telecommute (also referred to as telework) programs has increased in recent years in the public sector. A 2011 report also by TRN reviews the benefits and challenges of telecommuting in the California government workforce. While many of the cost-saving considerations would not apply to the AOC, the concept of remaining competitive and attracting a new generation of government leaders and talented staff is a fundamental goal of the AOC.[3] (See Attachment E.)

The TRN reports on their website that companies that implement telecommuting policies have seen a notable *increase* in productivity by their employees. Best Buy, British Telecom, Dow Chemical, and many others show that teleworkers are 35 to 40 percent more productive than non-telecommuters. More than two-thirds of employers have reported increased productivity among their teleworkers. Sun Microsystems' experience suggests that employees spend 60 percent of the commuting time they save performing work for the company. JD Edwards teleworkers are 20 to 25 percent more productive than their office counterparts. American Express workers produced 43 percent more than their office-based counterparts, and Compaq increased productivity by 15 to 45 percent.[4]

Because of technological advances in recent years, many employers, especially in the private sector, have found that enabling employees to telecommute has resulted in improvements in employee productivity, morale, and retention.

In addition to increased productivity, other benefits to both the employer and the employee have been associated with offering telework programs. These benefits include reduced absenteeism, retention of high-level employees who might otherwise choose to leave public employment due to work schedule inflexibility, and reduced commuter costs (see Lister & Harnish, *infra,* note 2).

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[2] K. Lister and T. Harnish, *The State of Telework in the U.S.: How Individuals, Business, and Government Benefit,* Telework Research Network (June 2011).

[3] K. Lister and T. Harnish, *The Bottom Line on Telework: California Government Workforce*, Telework Research Network (September 2011).

[4] Telework Research Network, "Pros and Cons" (October 22, 2008), *www.teleworkresearchnetwork.com/pros-cons* (as of Jan. 22, 2008).

Relevant telecommuting legislation

In recognition of the benefits of telecommute programs, legislation has been passed at the federal level and in the state of California encouraging telecommute programs for employees in positions where telecommuting is viable. The report *2012 Status of Telework in the Federal Government* (see Attachment F) gives a detailed account of how the Telework Enhancement Act of 2010 has transformed federal telework.[5]

In California, in 1990, Assembly Bill 2963 (Klehs; Stats. 1990, ch. 1389) added sections 14200 through 14203 to the Government Code, entitled "the State Employee Telecommuting Program," authorizing state agencies to establish telecommuting programs as an element of transportation management programs. Four years later, Assembly Bill 2672 (Cortese; Stats. 1994, ch. 1209) amended section 14201 and added section 14200.1 to the Government Code "to encourage state agencies to adopt policies that encourage telecommuting by state employees." (Gov. Code, § 14200.1(b).) Section 14200.1 sets forth legislative findings, declarations, and intent:

(a) The Legislature finds and declares the following:
    (1) Telecommuting can be an important means to reduce air pollution and traffic congestion and to reduce the high costs of highway commuting.
    (2) Telecommuting stimulates employee productivity while giving workers more flexibility and control over their lives.
(b) It is the intent of the Legislature to encourage state agencies to adopt policies that encourage telecommuting by state employees.

As amended, section 14201 deletes the earlier authorization and replaces it with a requirement that each state agency "shall review its work operations to determine where in its organization telecommuting can be of practical benefit to the agency [and] develop and implement a telecommuting plan as part of its telecommuting program in work areas where telecommuting is identified as being both practical and beneficial to the organization."

Unintended negative consequences of telecommuting

According to the *2012 Status of Telework in the Federal Government* report (see Attachment F, page 52), telecommuting can also have unintended negative consequences. Those cited in the report include the following:

- Potential for social and career isolation
- Reduced performance as a result of employee isolation
- Missed opportunities for meeting colleagues to allow for unplanned or serendipitous knowledge exchange
- Reduce overall sharing in workplaces

[5] U.S. Office of Personnel Management, *2012 Status of Telework in the Federal Government: Report to the Congress* (June 2012).

Implementation Requirements, Costs, and Operational Impacts

Option 1 implementation requirements. If option 1 is approved, the AOC will take the necessary steps to eliminate Policy 8.9 from the *AOC Personnel Policies and Procedures Manual* and will work with offices to inform current telecommuting staff and transition employees to perform their duties at an AOC worksite on a standard work schedule. No other implementation requirements are needed.

Option 2 implementation requirements. If option 2 is approved, the AOC will take the necessary steps to amend Policy 8.9 to eliminate regular telecommuting and only allow AOC employees to telecommute on an ad hoc basis, based on special circumstances. HR will communicate the amended policy to all AOC staff and initiate steps to transition current regular telecommuting staff to perform their duties at an AOC worksite on a standard work schedule. As previously indicated, HR has developed a process to track, monitor, and report on the use of ad hoc telecommuting within the AOC.

Option 3 implementation requirements. If option 3 is approved, the AOC will implement the proposed amended Policy 8.9 establishing strict controls and allowing for the approval, monitoring, and, if necessary, rescinding of telecommuting arrangements. HR will communicate the amended policy to all AOC staff and initiate steps to transition current regular telecommuting staff to be in compliance with the amended policy. HR has developed a process to track, monitor, and report on the use of regular and ad hoc telecommuting within the AOC. If this option is approved by the Judicial Council, a report on the status of telecommuting in the AOC will be provided in one year for review and further consideration.

Attachments

1. Attachment A-1: Present Policy 8.9, Working Remotely (Telecommuting)
2. Attachment A-2: Proposed Amended Policy 8.9, Working Remotely (Telecommuting)
3. Attachment B: Working Remotely Application Forms
4. Attachment C: Remote Work Log
5. Attachment D: 2011 *The State of Telework in the U.S.*
6. Attachment E: 2011 *The Bottom Line on Telework: California Government Workforce*
7. Attachment F: *2012 Status of Telework in the Federal Government* report

Policy Number: **8.9**

Title: **Working Remotely (Telecommuting)**

Contact: **Human Resources Division, Policy Development Unit**

Policy Statement: **The AOC's Remote Work Program provides employees the opportunity to work from home when doing so is consistent with business needs and the employee's job functions, as authorized by the employee's division director.**

Contents:

(A) Purpose of Remote Work Program
(B) Applicability
(C) Request and Approval Process
(D) Remote Work Schedules
(E) The Home Office
(1) Work Environment
(2) Office Equipment
(3) Information Security
(4) Health and Safety
(F) Other Employee Rights and Responsibilities
(G) Termination and Renewal of Remote Work Assignment

(A) Purpose of Remote Work Program

The AOC recognizes the potential management and personal benefits available through a carefully planned and managed remote work program. When consistent with business needs and the employee's job functions, the AOC provides employees with a remote work option. Employees participate in the remote work program when, on a periodic basis, during their scheduled work hours, they perform their usual job duties from home. This policy does not intend to cover employees working remotely due to work-related travel.

(B) Applicability

Only AOC employees (regular or temporary, full-time or part-time, exempt or non-exempt) may apply to participate in the remote work program.

(C) Request and Approval Process

An employee may initiate a request to participate in the remote work program by submitting a completed Remote Worker Self-Assessment and Remote Work Application to his or her supervisor. The supervisor will review the request and make a recommendation to the division director to approve or decline the request. Approval of a remote work arrangement is at the discretion of the division director. In making this determination, the division director will consider work-related criteria, including:

- The employee's job functions and feasibility of performing work away from the office;

- Degree of supervision required;
- The performance and work habits of the employee;
- Business needs, including work demands of the employee's unit; and
- Suitability of proposed home work environment.

A request to participate in the remote work program may be approved only when the division director determines that, while working remotely, the employee can perform all the duties and responsibilities of the position in a productive, efficient, and satisfactory manner that is consistent with the needs of the organization. Employees with performance, attendance, or other work-related deficiencies, or whose jobs by their nature are not suitable for remote work, will not be approved for a remote work arrangement.

Requests to work remotely as a reasonable accommodation for a disability will be evaluated consistent with applicable law. Such requests should be directed to the employee's supervisor or the Human Resources Division, Integrated Disability Management Unit.

The Remote Worker's Agreement and Remote Work Checklist must be signed as indicated before remote working begins.

(D) Remote Work Schedules

Employees (including supervisors and managers) may be approved to work remotely as follows:

- During the first three months of employment, employees are not eligible to participate in the remote work program.
- After three months of employment, employees are eligible to request to work remotely up to a maximum of four days per month.
- After six successful months of participation in the remote work program, employees are eligible to request to work remotely up to a maximum of eight days per month.

Any exceptions to the above scheduling guidelines are at the discretion of the division director, in advance consultation with the Director of Human Resources. The remote work schedule applicable to a particular employee will be set by the supervisor before remote working begins. Remote workers must be available during the standard workday from 8 a.m. to 5 p.m., Monday through Friday (Hours of Work, policy 4.4(A)), or alternative schedule as approved by their supervisor, to the same extent as if working in the office. The remote work schedule may be modified, with supervisor approval, as needed:

- Remote workers may request approval for time off in the same manner as if not working remotely.
- With prior approval, remote workers may attend medical, dental, and business appointments on remote work days.

- For non-exempt employees, any overtime work must be authorized in advance and in writing (Hours of Work, policy 4.4(C)(1)).

- If an employee is needed in the office on a regularly scheduled remote work day, the employee must forgo the remote work day.

An employee may also be approved to work remotely on an "ad hoc" basis (i.e., not on a regular basis), which may arise due to special projects, the demand for expedited work products, or other business or personal needs.

(E) The Home Office

(1) Work Environment

Remote workers are responsible for maintaining a safe and productive work environment. Dependent care arrangements must be made so as not to interfere with work. Personal disruptions must be limited to the same extent as when working in the employee's primary work location.

(2) Office Equipment

The AOC will provide a laptop, subject to availability, for purposes of working remotely. Maintenance, repair, and replacement of AOC-owned equipment issued to remote workers is the responsibility of the AOC. The remote worker, however, must provide adequate care and protection of the equipment. (Use of AOC Property, policy 8.8(B)). In case of equipment malfunction, the remote worker must notify his or her supervisor immediately. Expenses for purchases, supplies, and repairs to personal equipment will not be reimbursed. Remote workers must restrict access to AOC-provided office equipment from family members and others.

The remote worker must also observe the following

- The remote worker is responsible to provide appropriate Internet connectivity in order to perform work duties. DSL or cable-based service is normally acceptable for this purpose.

- AOC-issued laptops must be brought into the office a minimum of once per month, and as requested, to assure the necessary technology and security updates are installed. The Information Services Division does not provide technology support for use of personal equipment for working remotely.

- Any software installed on AOC-issued laptops remains the property of the AOC and is subject to all applicable copyright laws and rules and regulations on the use or reproduction of software.

- Upon termination of a remote work assignment or employment, or when requested by the supervisor, the employee must return all AOC property, including software.

Computer support for remote workers is available from the Information Services Helpdesk during the hours of 7:30 a.m. – 6:00 p.m. Remote workers may

request assistance by submitting an on-line service request to the AOC Service Portal, or contacting the HelpDesk at (415) 865-4080 or helpdesk@jud.ca.gov.

(3) Information Security

Network and information security are important considerations when working remotely. Remote workers are expected to maintain the security, privacy, and confidentiality of information when working at the home work site or transporting data to and from work sites, including:

- Remote workers must follow all organizational data retention, backup and security procedures.
- Remote workers must restrict access to confidential and personal information from family members and others. (Use of AOC Property, policy 8.8(D)).
- Access-restricted material and data must remain secured, and cannot be taken out of the official work location without supervisory approval.

Some AOC applications will be restricted to on-site access for security reasons. Other data may be unavailable to remote workers for technical reasons. For example, remote access to network drives is only available to employees approved and provided resources for access.

Remote workers must report any potential breach of AOC information security immediately to the Information Services HelpDesk.

(4) Health and Safety

Remote workers are responsible for ensuring that their home offices comply with health and safety requirements. The AOC may decline an employee's request to work remotely or may terminate a remote work assignment based on safety considerations. The home office may be inspected by the AOC, by appointment, for compliance with health and safety requirements.

If an employee incurs a work-related injury while working remotely, workers' compensation law and rules apply. Consistent with AOC's Workers' Compensation Insurance, policy 6.6, employees must immediately notify their supervisor, or if their supervisor is not immediately available, the Human Resources Division, Integrated Disability Management Unit, of any work-related injury and complete all required documents.

(F) Other Employee Rights and Responsibilities

Remote workers maintain the rights and responsibilities set forth in AOC policies and procedures to the same extent as if not working remotely. In particular, employees must comply with Technology Use, policy 8.6, and AOC Computer Use Best Practices. In addition to AOC requirements on time reporting (Hours of Work, policy 4.4(D)), remote workers may be required to submit work logs of time spent and work performed while working remotely, at the discretion of their supervisor.

(G) Termination and Renewal of Remote Work Assignment

Participation in the remote work program is voluntary. Either the employee or the AOC may terminate participation in the remote work program at any time, for any reason. Failure to abide by the policies and procedures set forth in this policy may result in immediate termination of an employee's remote work assignment.

The Remote Work Application should be discussed and renewed annually, as well as when there is a change in the remote worker's or supervisor's position, or any other change that may impact the remote work arrangement. A remote work arrangement must not be continued when it is not in the best interests of the AOC or the employee.

Participation in the remote work program is approved based on specific criteria considered by the division director on a case-by-case basis. As circumstances may change over time, employees previously participating in the remote work program are not assured of a remote work assignment when returning from a leave of absence or after a job transfer.

Policy Number: **8.9 (Proposed)**

Title: **Working Remotely (Telecommuting)**

Contact: **Judicial and Court Administrative Services Division, Human Resources Services Office**

Policy Statement: **The AOC's Remote Work Program authorizes employees to work from home only when doing so is consistent with business needs and the employee's job functions, as authorized by the Administrative Director.**

Contents:

(A) Purpose of Remote Work Program
(B) Regularly Scheduled Remote Work
(1) Applicability
(2) Request and Approval Process
(3) Remote Work Schedules
(4) Remote Work Log
(C) Ad Hoc Remote Work
(D) The Home Office
(1) Work Environment
(2) Office Equipment
(3) Information Security
(4) Health and Safety
(E) Other Employee Rights and Responsibilities
(F) Termination and Renewal of Remote Work Assignment

(A) Purpose of Remote Work Program

When consistent with business needs and the employee's job functions, the AOC provides employees with a remote work option. Employees participate in the remote work program when, on a periodic basis, during their scheduled work hours, they perform their usual job duties from home. The terms "working remotely","work remotely", and "remote worker" as used in this policy refer to the performance of usual job duties at home. Home locations for purposes of this policy shall be in the state of California.

Suitability to participate in the remote work program is based, in part, on an employee's job classification and the nature of the work to be performed by the employee. Those factors alone may compel disapproval of an application to participate in the remote work program.

The AOC recognizes the potential organizational and personal benefits available through a carefully planned and managed remote work program. Both the state and federal government have recognized the positive impacts of remote work programs that include reductions in air pollution, traffic congestion and the costs of highway commuting. Additionally remote working can provide employees with more flexibility in their schedules resulting in increased productivity and employee morale.

This policy covers two types of remote work options:

(1) Regularly scheduled (which allows employees to work from home on a regular, ongoing basis, as described in Section (B) (3) of this policy), and

(2) "Ad hoc" (occasional, one-time approval to work from home, as described in Section (C) of this policy).

Employees working in more than one location, other than the home, due to work-related travel, and/or working from multiple AOC offices or court locations, are considered to be working in the office. This Remote Work Program Policy does not apply to that activity.

Requests to work from home as a reasonable accommodation for a disability will be evaluated consistent with applicable law. Such requests should be directed to the employee's supervisor and approved by the Human Resources Services Office (HR), Integrated Disability Management Unit.

(B) Regularly Scheduled Remote Work

(1) Applicability

Only non-supervisory AOC employees (regular or temporary, full-time or part-time, exempt or non-exempt) may apply to participate in the remote work program on a regularly scheduled basis.

(2) Request and Approval Process

An employee may initiate a request to participate in the remote work program on a regularly scheduled basis by submitting a completed Remote Worker Self-Assessment and Remote Work Application to his or her supervisor. The supervisor will review the request and make a recommendation to the office leadership. Office leadership will submit the request with a recommendation to Human Resources. Human Resources will review the request to ensure that the application meets all applicable policy criteria. HR will submit the request with a recommendation to the Executive Office for consideration. Approval of a remote work arrangement is at the discretion of the Administrative Director or designee.

Step 1 – Office Leadership Review

A request to participate in the remote work program must be reviewed by the employee's office leadership, who will determine if the employee, while working from home, can perform all of the duties and responsibilities of the position in a manner that meets the needs of the organization. When considering a request to work from home, all of the following factors will be considered:

- Nature of Work
  The type of work performed by the employee.

- Quantity of work
  How much work can get done from home?

- Quality of work
  How well can the work be completed from home?

- Timeliness
  Can timelines be met when working from home?

- Ability to handle multiple priorities
  Is it possible to successfully multitask when working from home?

Employees must also demonstrate suitability of the proposed home work environment.

Employees with performance, attendance, or other work-related deficiencies, or whose jobs by their nature are not suitable for remote work, will not be approved for a remote work arrangement.

Step 2 – Human Resources Services Office Review

Completed remote work applications reviewed by the originating office's leadership shall be submitted to HR for additional review.

HR will review applications to ensure that signatures have been obtained; the agreement is consistent with the parameters of AOC policies and procedures; and the employee's duties and responsibilities align to the five factors noted previously.

Any remote work agreement that is not complete, does not have all required signatures, or is outside of the scope of policies will be returned to the originating office for review. Remote work schedules may not begin until the remote work agreement has been approved by the Administrative Director or designee.

Step 3 – Administrative Director or designee's review

The Administrative Director or designee will review the remote work agreement and determine whether to approve or deny. If the remote work agreement is approved, HR will notify the Office Leadership of the approval and a start date can be coordinated with the employee.

(3) Remote Work Schedules

Employees (excluding supervisors, managers, assistant directors, and directors) may be approved to work from home on a regularly scheduled basis as follows:

- During the first 12 months of employment, employees are not eligible to participate in the remote work program.

- After 12 months of employment, employees are eligible to request to work from home up to a maximum of one day per week in any given week.

If approved, the remote work schedule applicable to a particular employee will be set by the supervisor before remote working begins. Remote workers must be available during the standard workday from 8 a.m. to 5 p.m., Monday through Friday (Hours of Work, policy 4.4(A)), or alternative schedule as approved by their supervisor, to

the same extent as if working in the office. The remote work schedule may be modified, with supervisor approval, as needed:

- The remote work assignment may be suspended or terminated at any time, for any reason at the discretion of the office leadership. If a remote work assignment is suspended or terminated the HR work coordinator must be notified immediately.

- If an employee is needed in the office on a regularly scheduled remote work day, the employee must forgo the remote work day. Employees cannot "make up" missed remote work days.

- Remote workers must request approval for time off in the same manner as if not working from home.

- With prior approval, remote workers may attend medical, dental, and business appointments on remote work days.

- For non-exempt employees, any overtime work must be authorized in advance and in writing (Hours of Work, policy 4.4(C)(1)).

(4) Remote Work Log

AOC employees approved for a regular remote work schedule must complete a remote work log for each day that they work from home. The remote work log must be provided regularly to the supervisor for review of work progress during remote work days. Employees who do not satisfactorily complete a remote work log or their assignments during remote work days may have their remote work assignment suspended or terminated at the discretion of the office leadership.

(C) Ad Hoc Remote Work

An employee of the AOC (including managers and supervisors) may alternatively be approved to work from home on an "ad hoc" basis (i.e., not on a regular basis), which may arise due to special projects, the demand for expedited work products, or other business or personal needs. The employee's office leader may approve ad hoc work from home on a case-by-case basis. Each office will submit a monthly report of ad hoc remote work to the HR remote work coordinator. Quarterly reports will be submitted to the Administrative Director. Approval to work remotely on an ad hoc basis does not require submission of the forms referenced in Section (B)(2) of this policy and does not confer eligibility to work from home on a regularly scheduled basis.

"Ad hoc" remote work occurrences are limited to two days per month in any given month. Employees who are participating in the regularly scheduled remote work program may not, at the same time, work from home on an "ad hoc" basis.

The supervisor or manager recommends approval of the ad hoc remote working request and submits to his or her office leadership. Office leadership may approve the ad hoc remote work and record the usage on a monthly report that will be submitted to HR. HR will collect that data and provide quarterly utilization reports to the Administrative Director.

(D) The Home Office

(1) Work Environment

Remote workers are responsible for maintaining a safe and productive work environment. Dependent care arrangements must be made so as not to interfere with work. Personal disruptions must be limited to the same extent as when working in the employee's primary work location.

(2) Office Equipment

The AOC will provide a laptop, subject to availability, for purposes of working from home. Maintenance, repair, and replacement of AOC-owned equipment issued to remote workers is the responsibility of the AOC. The remote worker, however, must provide adequate care and protection of the equipment. (Use of AOC Property, policy 8.8(B)). In case of equipment malfunction, the remote worker must notify his or her supervisor immediately. Expenses for purchases, supplies, and repairs to personal equipment will not be reimbursed. Remote workers must restrict access to AOC-provided office equipment from family members and others.

The remote worker must also observe the following

- The remote worker is responsible to provide appropriate Internet connectivity in order to perform work duties. DSL or cable-based service is normally acceptable for this purpose.

- AOC-issued laptops must be brought into the office a minimum of once per month, and as requested, to assure the necessary technology and security updates are installed. The Information Technology Services Office does not provide technology support for use of personal equipment for working from home.

- Any software installed on AOC-issued laptops remains the property of the AOC and is subject to all applicable copyright laws and rules and regulations on the use or reproduction of software.

- Upon termination of a remote work assignment or employment, or when requested by the supervisor, the employee must return all AOC property, including software.

Computer support for remote workers is available from the Information Technology Services Office Helpdesk during the hours of 7:30 a.m. – 6:00 p.m. Remote workers may request assistance by submitting an on-line service request to the AOC Service Portal, or contacting the HelpDesk at (415) 865-4080 or helpdesk@jud.ca.gov.

(3) Information Security

Network and information security are important considerations when working from home. Remote workers are expected to maintain the security, privacy, and confidentiality of information when working at the home work site or transporting data to and from work sites, including:

- Remote workers must follow all organizational data retention, backup and security procedures.

- Remote workers must restrict access to confidential and personal information from family members and others. (Use of AOC Property, policy 8.8(D)).

- Access-restricted material and data must remain secured, and cannot be taken out of the official work location without supervisory approval.

Some AOC applications will be restricted to on-site access for security reasons. Other data may be unavailable to remote workers for technical reasons. For example, remote access to network drives is only available to employees approved and provided resources for access.

Remote workers must report any potential breach of AOC information security immediately to the Information Technology Services Office HelpDesk.

(4) Health and Safety

Remote workers are responsible for ensuring that their home offices comply with health and safety requirements. The AOC may decline an employee's request to work from home or may terminate a remote work assignment based on safety considerations. The home office may be inspected by the AOC, by appointment, for compliance with health and safety requirements.

If an employee incurs a work-related injury while working from home, workers' compensation law and rules apply. Consistent with AOC's Workers' Compensation Insurance, policy 6.6, employees must immediately notify their supervisor, or if their supervisor is not immediately available, the Human Resources Services Office, Integrated Disability Management Unit, of any work-related injury and complete all required documents.

(E) Other Employee Rights and Responsibilities

Remote workers maintain the rights and responsibilities set forth in AOC policies and procedures to the same extent as if not working remotely. In particular, employees must comply with Technology Use, policy 8.6 and AOC Computer Use Best Practices.

(F) Termination and Renewal of Remote Work Assignment

Participation in the remote work program is voluntary and it is a privilege. Either the employee or the AOC may terminate participation in the remote work program at any time, for any reason or no reason at all. Failure to abide by the policies and procedures set forth in this policy may result in immediate termination of an employee's remote work assignment. Any suspension or termination of a remote work assignment must be immediately reported to HR.

It shall be the continuing duty of the office leadership in each office, in which one or more employees telecommute, to assess the performance of each such employee by adhering to the terms, conditions, and standards of this policy.

Approval to participate in the remote work program is only valid for the fiscal year in which it is approved. Remote Work Applications must be renewed and approved by the Administrative Director or designee each fiscal year, on or before June 30, as well as when there is a change in the remote worker's or supervisor's position, or any other change that may impact the remote work arrangement. Remote workers who wish to continue their current remote work arrangement without modification are only required to complete the Remote Work Application form (Attachment II) to request renewal. A remote work arrangement must not be continued when it does not meet the business needs or help accomplish the mission of the AOC.

All regularly scheduled remote work arrangements must be approved by the Administrative Director or designee. Approval to participate in the remote work program is based on specific criteria considered by the employee's office leadership and the Human Resources Services Office, on a case-by-case basis. As circumstances may change over time, employees previously participating in the remote work program are not assured of a remote work assignment when returning from a leave of absence or after a job transfer.

Administrative Office of the Courts
Remote Worker Self-Assessment

A successful remote worker has particular traits, a job suitable for working remotely, and a remote work office or location that's conducive to work. Read each of the numbered sections below, and check the box that most accurately describes you or your situation. Your self-assessment will help you decide whether a remote work arrangement is right for you. See the bottom of page 3 for help in evaluating your self-assessment.

1. **Please answer the questions below honestly and candidly by selecting "always," "usually," "sometimes," or "not really."**

	Please choose the most accurate option for each description below.	Always	Usually	Some-times	Not Really
A	Are you self-motivated, self-disciplined, and able to work independently?				
B	Can you complete projects on time with minimal supervision and feedback?				
C	Are you productive when no one is checking on you or watching you work?				
D	Do you have strong organizational and time-management skills and are you results-oriented?				
E	Will you remain focused on your work while at home, and not be distracted by television, housework, or visitors?				
F	Do you manage your time and workload well, solve many of your own problems, and find satisfaction in completing tasks on your own?				
G	Are you comfortable setting priorities and deadlines and do you keep your sights on results?				

2. **Please answer the questions below honestly and candidly by selecting "yes" or "no."**

	Please answer yes or no to the following questions.	Yes	No
A	Are you comfortable working alone and disciplined enough to leave work at quitting time?		
B	Can you adjust to the relative isolation of working at home?		
C	Do you have the self-control to work neither too much nor too little?		
D	Can you set a comfortable and productive pace while working at home?		
E	Are you knowledgeable about policies and procedures of the AOC and your division?		
F	Have you been on the job long enough to know how to do your job in accordance with policies and procedures of the AOC and your division?		

Administrative Office of the Courts
Remote Worker Self-Assessment

Question 2. Continued…

	Please answer yes or no to the following questions.	Yes	No
G	Do you have well-established work, communication, and social patterns at your assigned office?		
H	Have you and your supervisor discussed whether coworkers would have additional work when you work at home and, if so, how the work would be handled?		
I	Have you determined how to provide support to coworkers while working at home?		
J	Do you have an effective working relationship with coworkers?		
K	Have you evaluated the effects of your remote work days and those of your coworkers in maintaining adequate in-office communication?		
L	Are you adaptable to changing routines and environments?		
M	Have you demonstrated an ability to be flexible about work routines and environments?		
N	Are you willing to come into your assigned office on a regularly scheduled remote work day if your supervisor, coworkers, or customers need you there?		
O	Are you an effective communicator and team player?		
P	Do you communicate well with your supervisor and coworkers and are you able to express needs objectively and develop solutions?		
Q	Have you developed ways to communicate regularly with your supervisor and coworkers that you can use when you work remotely?		
R	Current job performance is a strong indicator of your potential success as a remote worker. Consider how any problems or developmental needs evident in your last performance evaluation might affect your remote work experience. Are you successful in your current position; do you know your job well; and do you have a track record of performance?		

3. Do you have the right job for a remote work arrangement? Check all of the examples below that apply to your position.

- ☐ Job responsibilities that can be arranged so that there is no difference in the level of service provided to the customer
- ☐ Minimal requirements for direct supervision or contact with the customer
- ☐ Low face-to face communication requirements with the ability to arrange days when communication can be handled by telephone or e-mail
- ☐ Minimal requirements for special equipment
- ☐ Ability to define tasks and work products with measurable work activities and objectives
- ☐ Ability to control and schedule work flow

Administrative Office of the Courts
Remote Worker Self-Assessment

4. Do you have the right tasks for a remote work arrangement? Check all of the examples below that apply to your position. Please add any additional tasks that are appropriate to your position.

- ☐ Analysis
- ☐ Budgeting
- ☐ Contacting customer
- ☐ Design and Graphics work
- ☐ Document review
- ☐ Evaluations
- ☐ Planning
- ☐ Project management/planning
- ☐ Recordkeeping
- ☐ Telephoning
- ☐ Word Processing
- ☐ Writing
- ☐ Auditing reports
- ☐ Calculating
- ☐ Data entry
- ☐ Dictating
- ☐ Editing
- ☐ Field visits
- ☐ Preparing contracts
- ☐ Reading
- ☐ Research
- _____
- _____
- _____

5. Do you have an appropriate home work environment? Check all of the examples below that apply to your work environment.

- ☐ A safe, comfortable work space where it is easy to concentrate on work
- ☐ The level of security required by the agency
- ☐ The necessary office equipment and software that meet agency standards
- ☐ A telephone, with a separate home office line if required, or a cell phone or pager
- ☐ Household members who will understand you're working and won't disturb you

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Are you the right kind of worker?

If your answers provided in Question 1 and 2 are "Always" or "Yes," you're the kind of employee likely to be successful at working remotely.

Do you have the right kind of job?

You should be able to check every item under Question 3. You should be able to check enough boxes under Question 4 so that you can successfully work remotely.

Do you have the right home environment?

You should be able to check every item under Question 5.

Administrative Office of the Courts
Remote Work Application

Instructions: Employee completes application and gives to the supervisor, who conducts a preliminary review, and then discusses application with the Office Leadership, who reviews request and recommends approval or denial. If the Office Leader approves the request the application is reviewed by Human Resources where a recommendation is made to approve or deny based on policy. The request is then submitted to the Administrative Director or designee for final approval or denial.

If approved, Human Resources will return the approved request to the Office Leadership with a recommended start date.

The supervisor then meets with employee to discuss the outcome of the request.
Remote Work agreements are valid for one fiscal year and must be renewed every July regardless of the official start date.

Employee information:
Name: _____ Office phone: _____

Office: _____ Supervisor: _____

Proposed remote work location must be in the State of California:
Home Address: _____ City: _____

Remote work location phone: _____ Fax: _____

Pager: _____ Cell: _____

Remote work location e-mail: _____

Remote work statistics:
How long have you worked for the AOC? : _____years _____months

Hours of travel time saved per week: _____

Day of the Week Requested as a remote work day: (Circle One)

Mon Tues Wed Thurs Fri

Typical types of tasks or assignments to be completed on remote work days (Please see list of tasks in question number 4 of the Remote Work Self Assessment Form):

_____

_____

_____

Dependent care:
Do you have dependents requiring care during remote work hours?
Yes No

If yes, would you have dependent care to relieve you from primary-care responsibilities during remote work hours?
Yes No

Supervisor Recommendation ☐ Recommend Approval ☐ Recommend Denial
Reason (If denial is recommended):_____

Supervisor:_____

Office Leader Recommendation ☐ Recommend Approval ☐ Recommend Denial
Reason (If denial is recommended):_____

Office Leader:_____

HR Recommendation ☐ Recommend Approval ☐ Recommend Denial
Reason (If denial is recommended):_____

HR Representative:_____

Administrative Director or designee decision:

☐ Approved ☐ Denied

Signature: _____

To be completed by Human Resources Services Office:

Recommended Start Date: _____

Administrative Office of the Courts
Remote Worker's Agreement

The AOC <u>will</u> pay for the following expenses:

- Charges for business-related telephone calls and faxes
- Maintenance and repairs to AOC-owned equipment

Claims will be submitted on a Travel Expense Claim along with receipt, bill, or other verification of payment of the expense.

The AOC <u>will not</u> pay for the following expenses:

- Maintenance or repairs to personal equipment
- Internet connection
- Utility costs (e.g., electricity, gas) associated with the use of the computer or occupation of the home, or for the cost of adding an additional telephone line
- Equipment and supplies (these should be requisitioned through the office)
- Travel from the remote work location to your assigned office
- Travel while working remotely (unless the travel is for an approved business purpose)

I agree that the AOC is not liable for damages to my property while working remotely. The AOC is also not liable for any injuries or claims by others at the remote work location.

I agree to carry out the steps needed for good safety and security in the home-office setting. I agree to check with my supervisor when matters of security or confidentiality are at issue.

I have read and understand the AOC's policy on Working Remotely and agree to comply with that policy and its procedures.

Remote Worker:_____ Date: _____

Offices: Please submit the signed Remote Worker's Agreement to the Human Resources Services Office, Labor & Employee Relations Unit, and retain a copy for the supervisor's file.

Administrative Office of the Courts
Remote Work Checklist

Name of Remote Worker: _____

Name of Supervisor/Manager: _____

1. Employee has read the orientation documents and the Working Remotely policy.
2. Employee has an approved remote work schedule.
3. Equipment issued by the AOC is documented.
4. Performance expectations have been discussed and are clearly understood.
5. Assignments and due dates are documented.
6. Requirements for adequate and safe office space at home and the *Safety Checklist for Remote Workers* have been reviewed with the employee and the employee certifies that those requirements have been met.
7. Requirements for care of equipment assigned to the employee have been discussed and are clearly understood.
8. Employee is aware of the responsibility to ensure the security and confidentiality of information used in the course of working remotely.
9. In addition to the employee's supervisor and other management personnel, the following personnel is authorized to have the employee's remote work location phone number:

   _____

   _____

   _____

10. Employee has read and signed the Remote Worker's Agreement.

Remote Worker:_____ Date: _____

Supervisor/Manager:_____ Date: _____

Offices: Please submit the signed Remote Work Checklist to the Human Resources Services Office, Labor & Employee Relations Unit, and retain a copy for the supervisor's file.

Administrative Office of the Courts
Safety Checklist for Remote Workers

The following checklist is recommended for use by each remote worker in organizing an alternate work site. The remote worker must review this checklist with his or her supervisor before working remotely. The remote worker and supervisor are encouraged to work together to ensure the safety of the alternate work site.

Work Site

☐ Remote worker has a clearly defined work space that is kept clean and orderly.

☐ The work area is adequately illuminated with lighting directed toward the side or behind the line of vision, not in front or above it.

☐ Exits are free of obstructions.

☐ Supplies and equipment (both AOC and employee-owned) are in good condition.

☐ The area is well ventilated and heated.

☐ Storage is organized to minimize risks of fire and spontaneous combustion.

☐ All extension cords have grounding conductors.

☐ Exposed or frayed wiring and cords are repaired or replaced immediately upon detection.

☐ Electrical enclosures (switches, outlets, receptacles, junction boxes) have tight-fitting covers or plates.

☐ Surge protectors are used for computers, fax machines, and printers.

☐ Heavy items are securely placed on sturdy stands close to walls.

☐ Computer components are kept out of direct sunlight and away from heaters.

Emergency Preparedness

☐ Emergency phone numbers (hospital, fire department, police department) are posted at the alternate work site.

☐ A first aid kit is easily accessible and replenished as needed.

☐ Portable fire extinguishers are easily accessible and serviced as needed.

☐ An earthquake preparedness kit is easily accessible and maintained in readiness.

Administrative Office of the Courts
Safety Checklist for Remote Workers

Ergonomics

☐ Desk, chair, computer, and other equipment are of appropriate design and arranged to eliminate strain on all parts of the body.

☐ *Easy Ergonomics for Desktop Computer Users*, published by the California Department of Industrial Relations, is available for easy reference at the alternate work site.

Telecommuting Log Sheet

Name:_____

Date	Work Scheduled	Work Completed	Time	Signature Verification

Telecommuting Log Sheet

Name:_____

Date	Work Scheduled	Work Completed	Time	Signature Verification

Telecommuting Log Sheet

Name:_____

Date	Work Scheduled	Work Completed	Time	Signature Verification

Telecommuting Log Sheet

Name:_____

Date	Work Scheduled	Work Completed	Time	Signature Verification

Telecommuting Log Sheet

Name:_____

Instructions

Please complete a telecommuting log each week, sign it, and submit a copy to your manager. On the log please indicate the work you have scheduled to be done while telecommuting, the actual work you were able to complete, and the time it took you to complete that work.

For example, for October 18th you may have scheduled:

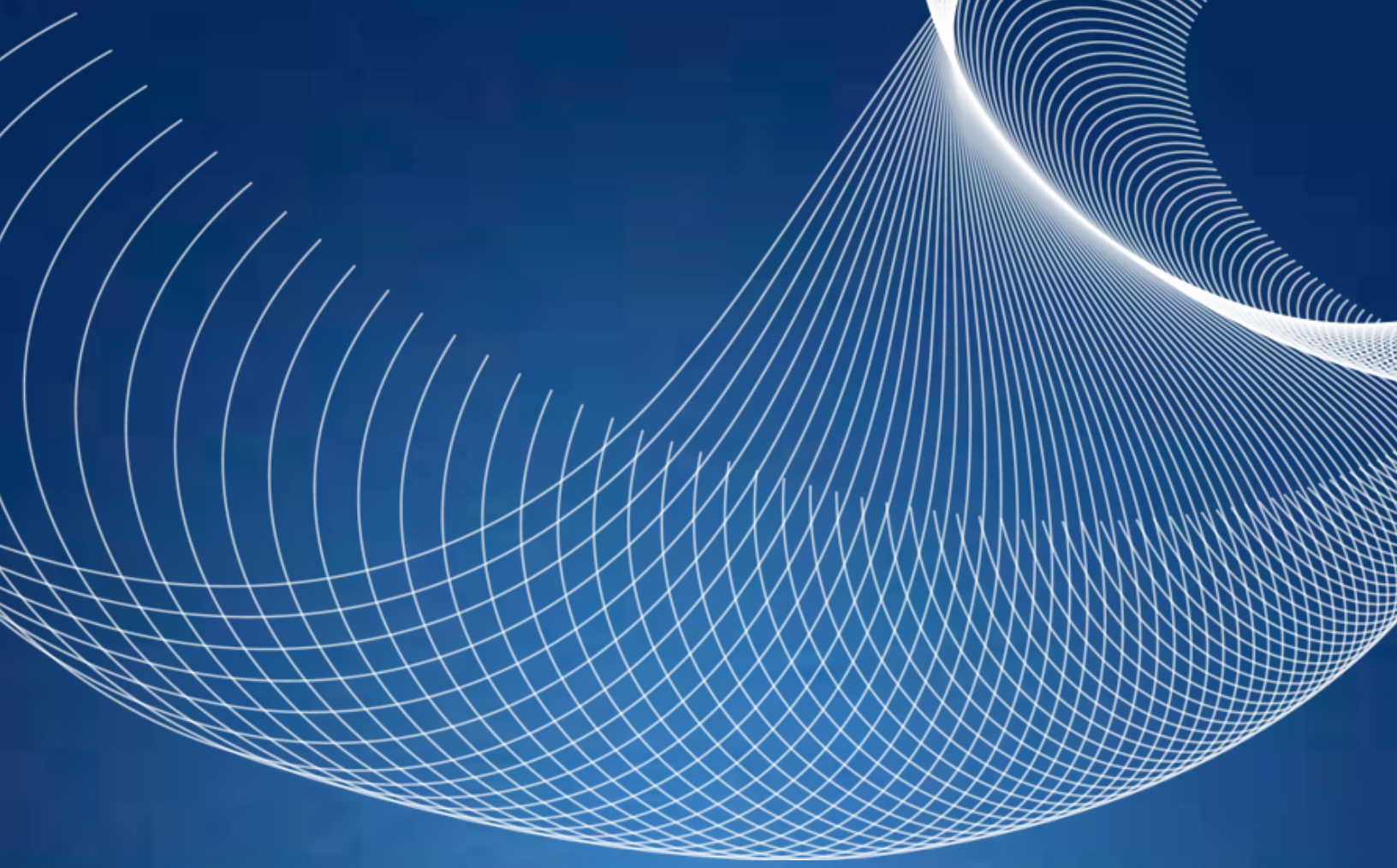
- Creating a 20 minute powerpoint presentation (from scratch),
- Writing 15 confirmation letters, and
- Drafting a proposed civil law institute program.

However, you were only able to:

- Complete the powerpoint presentation, and
- Draft the proposed civil law institute program

within a normal working day of eight hours.

The confirmation letters are not done and could be completed during your next telecommuting day.



The State of Telework in the U.S.

How Individuals, Business, and Government Benefit

June 2011

Kate Lister & Tom Harnish

Sponsored by Citrix Online & New Ways of Working

Telework Research Network

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Introduction

The purpose of this paper is to shed light on when and where work is done in the U.S., how that's changed in recent years, and where the trend might be headed.

But there's a problem. *"The task of trying to make sense of the various government sources of work at home data is a statistical Vietnam,"* said Bruce Phillips while he was senior fellow at the National Federation of Independent Business Research Foundation. "*The data goes in, but you can't get it out."*

Part of the problem is a matter of terminology. So to make sure there's no confusion, the focus of this report is on those who work at home (or in some cases elsewhere) and are not self-employed—neither as a sole proprietor or in an incorporated business)—in other words, employees who telecommute, or 'workshift' as some say. To avoid constant repetition throughout this paper, unless otherwise noted, the words 'work-at-home' (WAH) and the term 'workshift' refer to employees who fit the above conditions.

No one would disagree that the U.S. workforce is increasingly mobile. But, beyond that broad statement, we know little about the rate of increase in mobility—how often people are out of the office, where they are, and what they're doing. For that matter, there's no agreed-upon method of defining who *they* are.

Do you include an employee who takes work home on weekends as someone who works from home? What about a plumber who has an office at home, but earns his living only when he's on the road? Does it matter whether a person who works at home is employed by a private company, employed by the government, or is self-employed? What about an unpaid family worker, do we include him or her? How do you categorize a mobile worker who works at client locations, in their car, or at a coffee shop? Does someone who works remotely one day a week belong in the same statistical bucket as someone who works at home all the time?

If we could answer these questions and collect consistent data about how and where people work, it would help business leaders:

- Better understand their facilities' needs, increase workspace efficiency, and reduce real estate overhead
- Evaluate their IT readiness and the communications, collaboration, and technology needs of their workforce
- Effectively integrate employee mobility into hiring, training, and management paradigms
- Develop and market products and services that support remote work
- Better address the special needs of the disabled, of military families, and of caregivers

For city, state, and federal leaders, a better understanding of workforce mobility could help them:

- Evaluate the extent to which home-based work can reduce traffic congestion and greenhouse gases in their communities
- Solve regional issues such as outbound workforce migrations, talent shortages, and labor force mismatches

- Understand the ROI of broadband investments
- Reduce the offshoring of jobs
- Encourage populations to work and shop where they live
- Help establish laws to encourage home-based work and abolish those that discourage it
- Help understand the role that work-at-home programs could play in transportation demand management, energy conservation, and greenhouse gas emissions
- Reduce un- and under-employment
- Increase productivity
- Save money

Until now, some of the most informative data about when and where people work have been buried in nearly impenetrable jungle of databases. We've hacked our way through them, and made some surprising discoveries.

We hope you'll find *The State of Telework in the U.S*. both interesting and informative. What's more, we hope it will leave at least some of you wanting more because there is still much we don't know about the growing population of anytime, anywhere workers.

Key Findings

Unless otherwise noted, all telecommuter statistics refer to non-self-employed people who principally work from home.

- Forty-five percent of the US workforce holds a job that is compatible with at least part-time telework.
- Fifty million U.S. employees who want to work from home hold jobs that are telework compatible though only 2.9 million consider home their primary place of work (2.3% of the workforce).
- The existing 2.9 million US telecommuters save 390 million gallons of gas and prevent the release of 3.6 million tons of greenhouse gases yearly.
- If those with compatible jobs worked at home 2.4 days a week (the national average of those who do), the reduction in greenhouse gases (51 million tons) would be equivalent of taking the entire New York workforce off the roads.
- The national savings would total over $900 billion a year; enough to reduce our Persian Gulf oil imports by 46%.
- The energy saved annually from telecommuting could exceed the output of all renewable energy sources combined.
- Regular telecommuting grew by 61% between 2005 and 2009. During the same period, home-based self-employment grew by 1.7%.
- Based on current trends, with no growth acceleration, regular telecommuters will total 4.9 million by 2016, a 69% increase from the current level but well below other forecasts.
- Seventy-six percent of telecommuters work for private sector companies, down from 81% in 2005—the difference is largely attributable to increased WAH among state and federal workers.
- Using home as a 'reasonable accommodation' per the Americans with Disabilities Act, 316,000 people regularly work from home.
- The typical telecommuter is a 49-year-old, college-educated, salaried, non-union employee in a management or professional role, earning $58,000 a year at a company with more than 100 employees.

- Relative to the total population, a disproportionate share of management, professional, sales and office workers telecommute.
- Non-exempt employees are far less likely to work at home on a regular or ad hoc basis than salaried employees.
- Over 75% of employees who work from home earn over $65,000 per year, putting them in the upper 80 percentile relative to all employees.
- Larger companies are more likely to allow telecommuting than smaller ones.
- Non-union organizations are more likely to offer telecommuting than those with unions.
- In a quarter of the nation's 20 largest metro areas, more people now telecommute than use public transportation as their "principal means of transportation to work."
- There is no positive correlation between cities with the worst congestion or longest round-trip commutes and the extent of telework. For example, among the largest 15 metro areas, New York had the third lowest percent of regular telecommuters (2.1%).
- Among the 15 largest U.S. metro areas, San Diego-Carlsbad-San Marcos (CA) has the highest concentration of people who consider home their primary place of work (4.2%) and Detroit-Warren-Livonia (MI) has the lowest (1.8%).
- The region with the fastest percentage growth in regular employee telecommuting was Riverside-San Bernardino-Ontario (CA)—posting a 77% increase since 2005 (based on growth relative to the local total population and among populations with over 1 million workers).
- Among the 124 metropolitan areas evaluated, 34% showed greater five-year growth in regular telecommuters than the national growth.
- The jury is still out on what impact the recession had on telecommuting. It appears that occasional telework decreased, and regular telework (at least weekly) increased, but we won't know until the 2010 Census data is available. Whatever the conclusion, the five year telework growth rate has been significant
- The biggest barrier to telecommuting, by a wide margin, is management fear and mistrust.

Methodology

Various federal agencies collect information about where people. The Census Bureau collects data on how people travel to work, with one option not traveling at all. The Bureau of Labor Statistics (BLS) captures information on where and when people work. BLS also polls companies about whether they offer flexible workplace options. The IRS and the SBA gather information about home-based businesses. And the Office of Personnel Management (OPM) tracks telework practices in the federal workforce.

In the private sector, a number of organizations track various forms of mobile work, including WorldatWork.

With all that tracking and gathering, you'd think it would be easy to create a picture of where and when people work. Unfortunately, it's not. The following is a summary of the various sources of data used in compiling this paper, along with an explanation of the limitations of each.

Public Sector Data

Census / American Community Survey (ACS)

ACS is a nationwide survey conducted annually by the U.S. Census Bureau. It produces one-year estimates for geographic areas with a population of 65,000 or more: the nation, all states, the District of Columbia, all congressional districts, approximately 800 counties, and 500 metropoli-

tan and micropolitan statistical areas. About three million housing unit addresses and 307 million people are represented in the weighted sample.

ACS asks survey respondents: "What was your primary means of transportation to work during the survey week?"

- Car, truck, or van - driving alone
- Car, truck, or van - carpooled
- Public transportation
- Walked
- Taxi, motorcycle, or bike
- Worked at home

ACS — Limitations

While the question offers some insight into the WAH workforce, it falls short of providing useful answers in a number of ways:

1) While the respondent is also asked whether they work for a private or public sector organization, if they're self-employed, or if they're an unpaid family worker, that 'class of worker' data is only tied to the 'means of transportation to work' category in a handful of Census Bureau reports.

For example, American Fact Finder, the primary search tool for Census data, does not allow users to determine the number of non-self-employed people in the construction industry who work from home in Millville, New Jersey. It could be used to determine in general how many were self-employed, were unpaid family workers, or were state government workers. It could also determine how many people in Millville just worked from home, but it would not allow you to break out the self-employed.

2) ACS only captures information about people who primarily work at home, not those who do so on an occasional basis—a group far larger than those who do so most of the time.

3) ACS does not capture information about people who work remotely from client offices, shared office centers, coffee shops, their cars, or other 'third places'.

The Census Bureau occasionally conducts research that addresses some of these limitations, but they have not done so since 2004.

Use of ACS Data in This Paper

Because of the limitation of available ACS standard tables and online query interface, most of the data in this report was compiled from our own special tabulations of the Census Public Use Microdata Samples (PUMS)—a statistically accurate representation of the population based on a 5% micro-sample.

Five-year trend data is based on PUMS one-year estimates from 2005 through 2009, the most recent year available.

Certain metropolitan areas that were redefined during the five-year period are excluded from the trend analysis. Among those with workforces larger than one million people; the Denver and Miami metropolitan areas were omitted for this reason.

The statistical validity of changes in the WAH population obviously diminishes with a decrease in population size. In

general, the data regarding the total regional WAH population is statistically valid, but the data for areas within populations smaller than a million may not be. For this reason, we primarily focus on larger metro regions.

Bureau of Labor Statistics (BLS)

Two Bureau of Labor Statistics (BLS) surveys—the American Time Use Survey (ATUS), and the National Compensation Survey (NCS)—offered some useful material for this paper. However, the annual BLS survey does not allow standard searches or produce reports that distinguish the self-employed from the non-self employed at the industry, occupation, or other granular levels. The most recent surveys that do separate the self-employed from the rest of the WAH population cover only 2003 through 2007.

Further, BLS respondents are asked to answer questions based on where they worked *on a particular survey day*, which may or may not be indicative of their regular workplace.

BLS American Time Use Survey (ATUS)

ATUS is conducted annually. It includes, among other things, information about where and when people work—at their workplace, at home, or at another location. The data is collected through telephone interviews.

ATUS — Limitations

ATUS defines the term 'working' as time employed people spend doing tasks required for a job. A person who reads work-related e-mail messages for 10 minutes on a Saturday is counted as working on that day, as is someone who worked a 12-hour shift.

ATUS does not distinguish between people who are paid to work from home and those who simply take work home.

BLS National Compensation Survey (NCS)

The National Compensation Survey is conducted annually. It collects information from companies about the compensation and benefits they offer.

One benefit choice is 'flexible workplace'. BLS defines this as: "Permits workers to work an agreed-upon portion of their work schedule at home or at some other approved location, such as a regional work center." They note, "…such arrangements are especially compatible with work requiring the use of computers linking the home or work center to the central office."

NCS — Limitations

NCS data only indicates who offers a benefit, not who uses it, how, or how often.

Their count does not include companies that offer workplace flexibility on an ad hoc or occasional basis.

Other Federal Data

Data about participation in telework programs within the federal workforce comes from the annual *Status of Telework in the Federal Government—Report to Congress*.

Private Sector Data

WorldatWork

WorldatWork is a non-profit organization with 30,000+ members in 75 countries. Nearly all Fortune 1000 companies are WorldatWork members. Results from two of their reports are included in this paper: *Telework 2011—A WorldatWork Special Report* and the *2011 Survey on Workplace Flexibility*.

Telework 2011—A WorldatWork Special Report

Together with The Dieringer Research Group, WorldatWork has conducted periodic surveys about ad hoc, oc-

casional, and regular telework among its members since 2003.

Their *Telework 2011—A WorldatWork Special Report* (based on 2010 data) was released on June 23, 2010.[1]

Approximately 1,000 randomly selected U.S. adults were surveyed for the 2011 report. The data was weighted to match the current population.

Telework 2011— Limitations

Because respondents self-reported their business type, some self-employed respondents may be counted among employee telecommuters. This may be significant because according to ACS data, the self-employed population suffered significant declines during the recession, while the employee telecommuter population grew.

Due to the small sample size, the teleworker segment of their sample has a margin of error of ±10 percent.

Survey on Workplace Flexibility

The WorldatWork *2011 Survey on Workplace Flexibility*[2] asked its 5,191 global members what types of flexible work arrangements they offered to some or all employees. Of this group, 537 responses were included in the results.

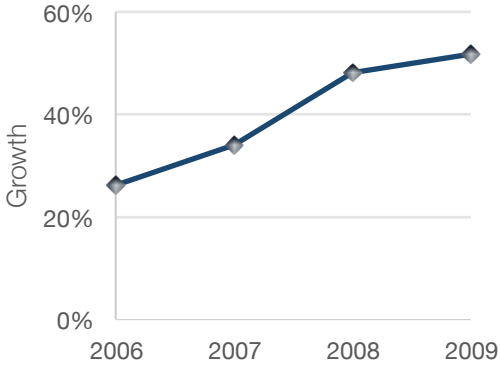
Survey on Workplace Flexibility — Limitations

Because WorldatWork's membership is comprised of a disproportionate share of large employers, (91 percent have more than 100 employees), their data under-represents small employers.

WAH Trends

ACS data showed that while the growth rate varied from year to year, the employee WAH population grew 61% between 2005 to 2009 (see Chart 1).

Chart 1 - Cummulative Increase In WAH
Source: 2006 to 2009 ACS PUMS Data



WorldatWork's *Telework 2011* survey (conducted in 2010) showed that in the wake of a 74 percent increase in the WAH population between 2005 and 2008, there was a small decline between 2008 and 2010 (460,000, when adjusted for the decline in the overall labor market).

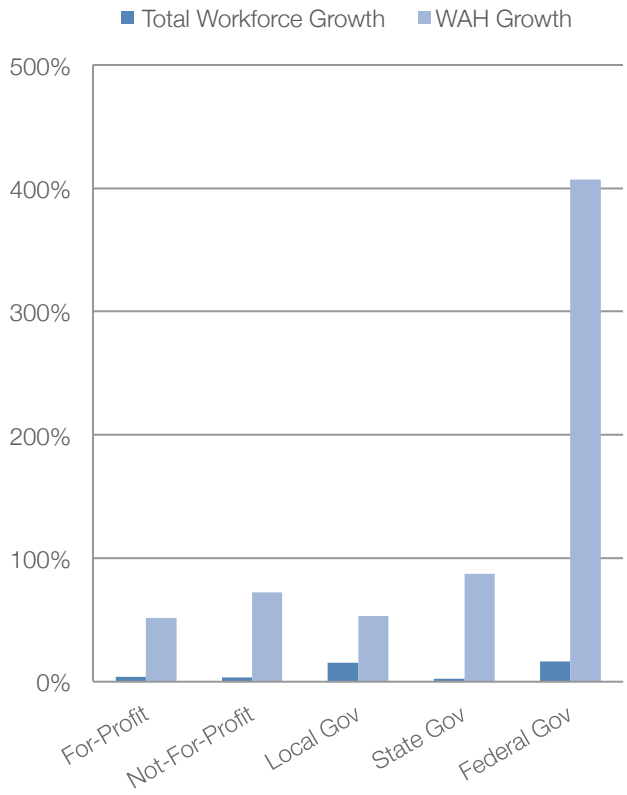
Since ACS reports those who consider home their primary place of work and WorldatWork counts those who work at home at least one day a month, we won't know what impact the recession had on multiple-day-a-week teleworkers until the 2010 ACS data is available.

What is clear is that while the recession may have slowed the rate of growth of telework, the 5-year picture shows significant growth.

WAH by Class of Worker

Across all types of workers, the WAH population grew disproportionately faster than the total workforce (Chart 2).

Chart 2 - Workforce & WAH Growth 2005-2009
Source: ACS PUMS Data



In 2005, WAH employees totaled 1.5% of the non-self-employed population. By 2009, an additional 1.1 million WAH employees boosted that to 2.3% (Table 1, opposite).

Table 1—2005 and 2009 WAH by Class of Worker as a Percent of Total Workforce by Class of Worker

Class of Worker	2005	2009
Private For-Profit	1.6%	2.4%
Private Non-Profit	1.8%	2.7%
Local Government	0.7%	1.1%
State Government	1.4%	2.2%
Federal Government	0.7%	3.2%
Total	**1.5%**	**2.3%**

Source: 2005 and 2009 American Community Survey

The federal government has the highest percentage of WAH employees within their own population (see Table 1) though they only account for 5.2% of all WAH employees (see Table 2, next page).

Table 2 – 2009 WAH Population by Class of Worker

Employee of:	#	% of WAH
Private For-Profit	2,225,497	76.0%
Private Non-profit	298,436	10.2%
Local Government	113,007	3.9%
State Government	138,801	4.7%
Federal Government	153,492	5.2%
Total	**2,929,233**	**100.0%**

Source: 2009 American Community Survey

Table 3 below shows that in 2005, employees of private for-profit companies accounted for over 80% of the regular WAH population. By 2009, largely due to greater adoption among federal workers, while their total numbers grew, the private for-profit sector share of WAH employees dropped to 76%.

Table 3—Work at Home

% of WAH Total by Class of Worker

Class of Worker	2005 % of WAH Total	2009 % of WAH Total
Private For-Profit	80.7%	76.0%
Private Non-Profit	9.5%	10.2%
Local Government	4.1%	3.9%
State Government	4.1%	4.7%
Federal Government	1.7%	5.2%

Source: 2009 American Community Survey

Private For-Profit Employees

In 2009, 2.2 million employees of private for-profit companies worked from home the majority of the time. They account for 76% of all WAH employees, but lag behind other employer categories in terms of participation rates. And, in part because it's harder to achieve a percentage increase in a large number than it is in a small one, the for-profit employer population also showed the slowest 5-year growth (51.6% - see Chart 2 on page 9).

Private Non-Profit Employees

About 300,000 non-profit employees called home their primary place of work in 2009. They were 10.2% of the WAH population, and posted the largest growth among the various employer categories during the recession. This is perhaps because non-profit organizations suffered more than others did during the recession, losing both patrons and investment earnings, and they responded by turning to more efficient and effective WAH arrangements.

Local and State Government Employees

Local and state government employees together accounted for 8.6% of the WAH workforce. They represent the lowest rates of participation among the various classes of workers. Some states, including Georgia, Virginia, and Arizona, have passed legislation to increase WAH within their workforce, but the majority of states have not.

Federal Employees

The WAH standout, in terms of both growth and participation rates, was the federal workforce. In part for the same reason the largest group grew the slowest, the smallest group grew the fastest.

Federal employees who considered home their primary place of work totaled only 30,000 in 2005. By 2006, that number had grown by over 400%, though little progress has been made since that time (see Discussion Section for details). According to ACS data, 3.2% of federal employees called home their primary place of work in 2009. By the government's own count, while 61% of the 2 million

federal workers were considered eligible for telework, only about 100,000, or 5.2% of them did.

Though the federal workforce participation rate is higher than the rate of all other classes of workers, it's surprisingly low considering that since 2000 a federal mandate has required that every U.S. government employee work from home to the maximum extent possible.

The original driving force for WAH among federal workers was the threat of a bird flu pandemic. Since then, Hurricane Katrina, 'Snowmageddon', Swine Flu, and other crises have bolstered the government's resolve to make telework a continuity of operations (COOP) necessity.

In the current administration, the push for more federal telework has moved beyond COOP. Referring to himself as the Teleworker in Chief in his early days in office, President Obama has lobbied for telework.

In December of 2010, the Telework Enhancement Act passed through both houses of Congress with bipartisan support. While no funding was provided in the bill, agencies have been charged to:

- Designate a senior manager to coordinate the agencies' telework program
- Determine eligibility of employees, notify them of their eligibility status, and enter into written agreements with them for those who wish to telework
- Develop and implement telework training programs for managers and employees

The Office of Personnel Management's Director, John Berry, couldn't have been clearer about his and the current administration's support for telework in the agency's annual report on the status of telework to Congress:[3]

" . . . I believe telework must be implemented with a focus on accountability. As the President said at his White House Forum on Workplace Flexibility last March, 'It's about attracting and retaining top talent in the federal workforce and empowering them to do their jobs, and judging their success by the results that they get—not by how many meetings they attend, or how much face-time they log...' Presenteeism, the practice of sitting at one's desk without working, can be just as problematic as absenteeism. I am an adamant supporter of telework because workers in an effective telework program can only be judged by their results. Those who can't perform and can't improve can't hide behind their desks. It is up to management to give our employees clear direction and support, and then trust them to deliver." —Message from the Director, 2010 *Status of Telework in the Federal Government*.

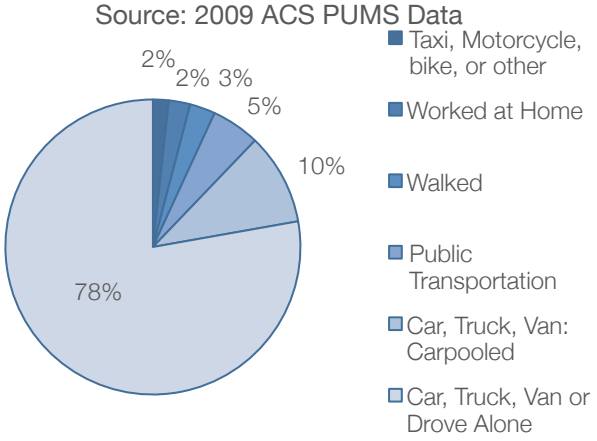
While progress has been slow, federal telework is beginning to take hold. In 2010, the Patent and Trademark Office reported that 55% of its workforce teleworks on a regular basis. At the National Mediation Board, 43% do so.[4]

While the Telework Enhancement Act has no real teeth in terms of sanctions for non-compliance, taken together with other Presidential directives that call for increased sustainability, better continuity of operations, transition to telework-compatible technologies, and reductions in real estate footprints, we expect to see some real strides in federal telework in the years ahead.

WAH as a Commuter Alternative

As a primary means of transportation, *not* traveling at all now accounts for 2.3% of the non-self-employed employee workforce (see Chart 3), and is growing at a far greater rate than all other modes.

Chart 3 - Means of Transportation
Source: 2009 ACS PUMS Data



In a quarter of the nation's largest 20 metropolitan areas, more people work at home than travel to work via public transportation, walking, taxi, motorcycle, or bike (Table 4).

Table 4—Metro Areas Where WAH Exceeds Commuter Use of Public Trans., Walking, or Taxi/Motorcycle/Bike (ordered by size)

Dallas-Fort Worth-Arlington TX
Phoenix-Mesa-Scottsdale AZ
Detroit-Warren-Livonia MI
San Diego-Carlsbad-San Marcos CA
Tampa-St. Petersburg-Clearwater FL

Source: 2009 ACS PUMS Data among populations > 1 million

Top WAH Metro Areas

At the national level, the WAH population grew almost 12 times faster than the general population. In some areas, such as Riverside, CA, and Tampa, FL, it grew even faster.

Table 5 shows the 10 metro areas with the fastest WAH growth relative to their total workforce, and the actual WAH growth within those areas.

Eleven of the nation's 15 largest metropolitan areas have a higher percentage of people working from home than the national average of 2.3%. The San Diego-Carlsbad-San Marcos area topped the list with 4.2% of the population working from home most of the time. Detroit and Houston tied for the bottom slot (Table 6, next page).

Table 5—Largest WAH Growth Compared to Workforce Growth

Metro Area	% Growth	Compared to Workforce
Riverside-San Bernardino-Ontario, CA	76.6%	25.5x
Tampa-St. Petersburg-Clearwater, FL	55.0%	18.4x
Salinas, CA	37.5%	18.1x
Chicago-Naperville-Joliet, IL-IN-WI	49.0%	14.1x
San Jose-Sunnyvale-Santa Clara, CA	129.6 %	13.4x
Portland-Vancouver-Beaverton, OR-WA	56.6%	11.6x
Pittsburgh, PA	41.8%	9.7x
Minneapolis-St. Paul-Bloomington, MN-WI	34.5%	9.6x
Los Angeles-Long Beach-Santa Ana, CA	38.0%	9.6x
Phila-Camden-Wilmington, PA-NJ-DE-MD	56.2%	9.3x
Phoenix-Mesa-Scottsdale, AZ	65.2%	8.9x

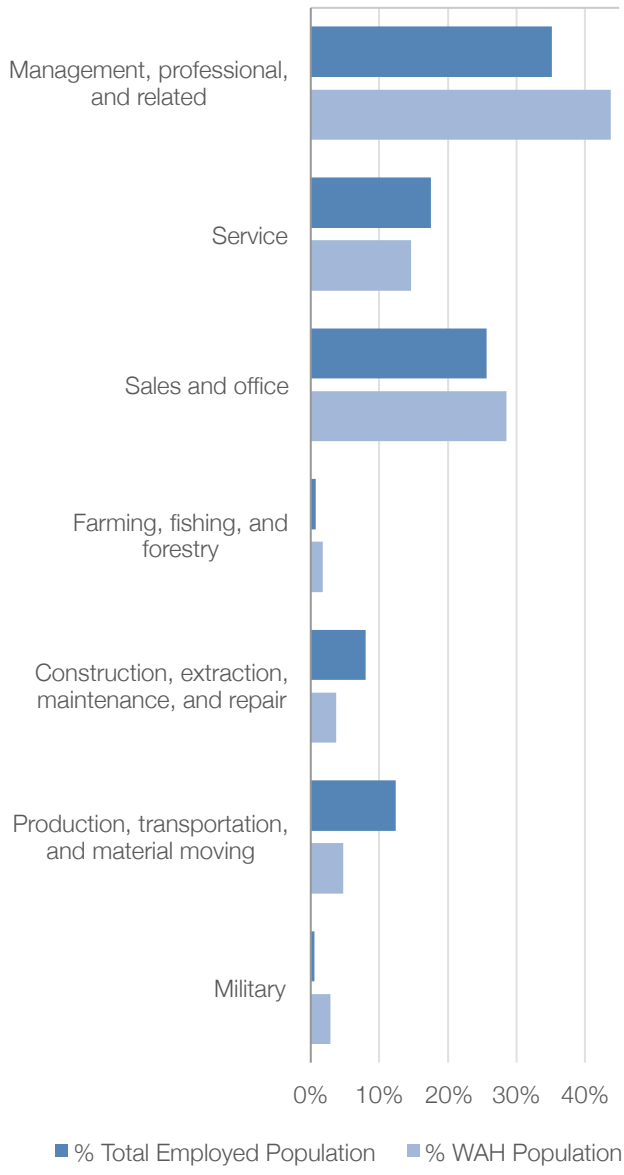
Source: 2005 to 2009 ACS PUMS Data
Rank by growth is relative to the total population growth among areas with populations > 1,000,000

Table 6—% WAH in 15 Largest Metro Areas
Source: 2005 to 2009 ACS PUMS Data

San Diego-Carlsbad-San Marcos, CA	4.2%
Atlanta-Sandy Springs-Marietta, GA	3.4%
San Francisco-Oakland-Fremont, CA	3.1%
Seattle-Tacoma-Bellevue, WA	3.0%
Phoenix-Mesa-Scottsdale, AZ	2.9%
Riverside-San Bernardino-Ontario, CA	2.7%
Dallas-Fort Worth-Arlington, TX	2.6%
Los Angeles-Long Beach-Santa Ana, CA	2.6%
Washington-Arlington-Alexandria,DC-VA-MD-WV	2.6%
Boston-Cambridge-Quincy, MA-NH	2.5%
Philadelphia-Camden-Wilmington,PA-NJ-DE-MD	2.4%
Minneapolis-St. Paul-Bloomington, MN-WI	2.3%
Chicago-Naperville-Joliet, IL-IN-WI	2.3%
New York-N. New Jersey-Long Island,NY-NJ-PA	2.1%
Houston-Sugar Land-Baytown, TX	1.8%
Detroit-Warren-Livonia, MI	1.8%

Source: 2009 ACS PUMS Data

Chart 4 - By Occupation, % Total Employed Population Compared to % WAH Population
Source: 2009 ACS PUMS Data

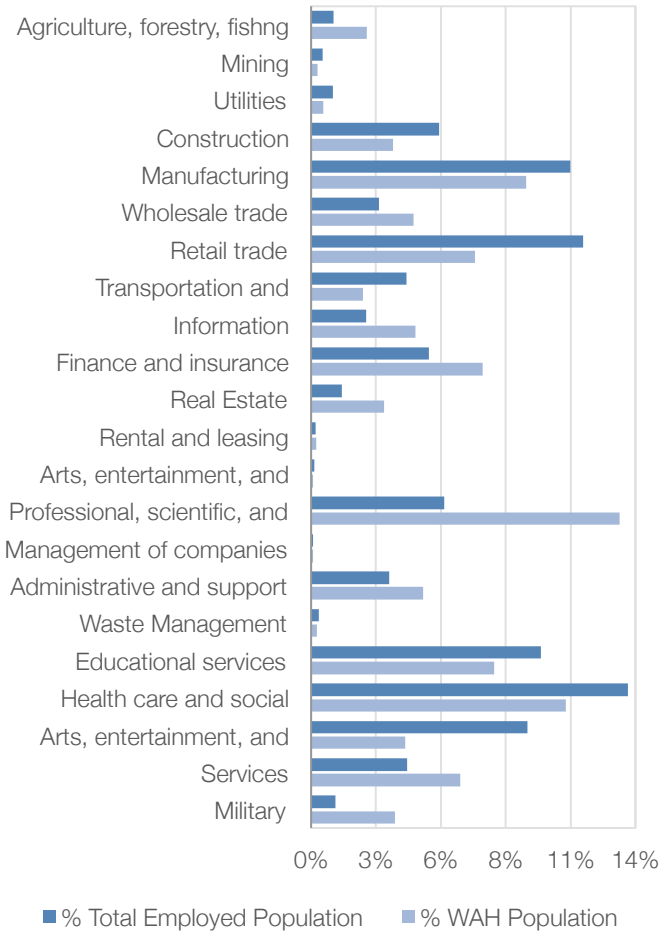


WHO WORKS AT HOME?

More than 70% of the WAH population holds management, professional, sales, and office jobs (compared to 61% of the total workforce; see Chart 4, opposite).

While their numbers are fewer, WAH now has a significant presence across occupations and industries as well (see Charts 4 and 5) because most jobs, even manufacturing, now involve some knowledge work. Thanks to technology, many in non-traditional WAH occupations and industries can now work remotely.

Chart 5 - By Industry, % Total Employed Population Compared to % WAH Population
Source: 2009 ACS PUMS Data

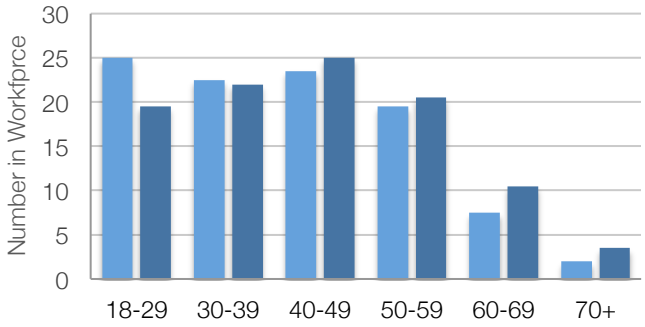


Age

ACS data suggests that those who WAH are older than the average worker. The greatest proportional difference is among those over 60 (see Chart 6).

This suggests that workplace flexibility is favored by Baby Boomers, perhaps as a way to slowly edge into retirement. It debunks the concept that WAH and workplace flexibility are only suited to younger, more tech-savvy employees. And it challenges the myth that flexibility is just for women with children.

Chart 6 - Telworkers by Age
Source: 2009 ACS PUMS Data

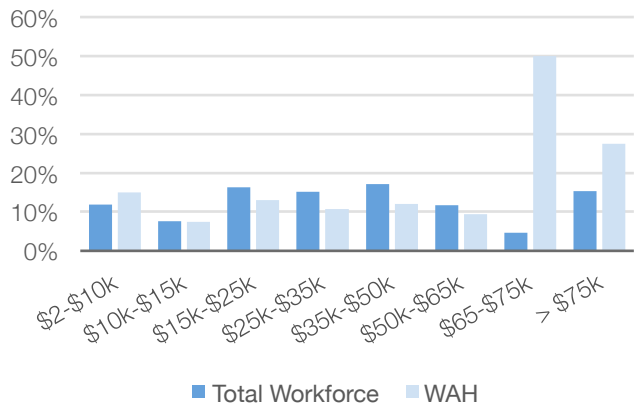


Whether the age skew is a result of who chooses to work flexibly or who's chosen to can't be determined from the data. Likely two factors are at play here. First, senior workers have had more time to earn the trust that's essential to telework. Second, they are less likely to be concerned that opting to work flexibly will impact their advancement, a concern that's frequently cited by younger workers.

Income

Over three-quarters of WAH employees earn over $65,000 a year, putting them in the 80th percentile relative to the total workforce. While some industries, such as the call center industry offer WAH to the minimum wage workers, most still treat it as a privilege (see Chart 7, next page).

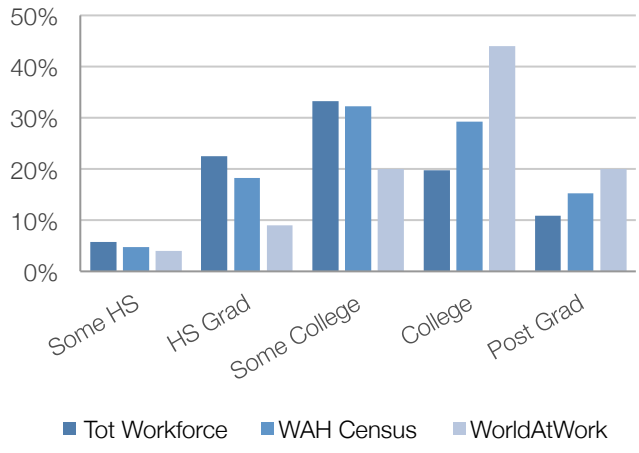
Chart 7 - Income Distribution Comparison
Source: 2009 ACS PUMS Data



Education

Most employees who work at home have at least a college degree, and a significant percentage have a post graduate degree. Again, this reinforces the observation that WAH jobs are not equally available to all workers (see Chart 8).

Chart 8 - Education Comparison
Source: 2009 ACS PUMS Data



The Self-Employed

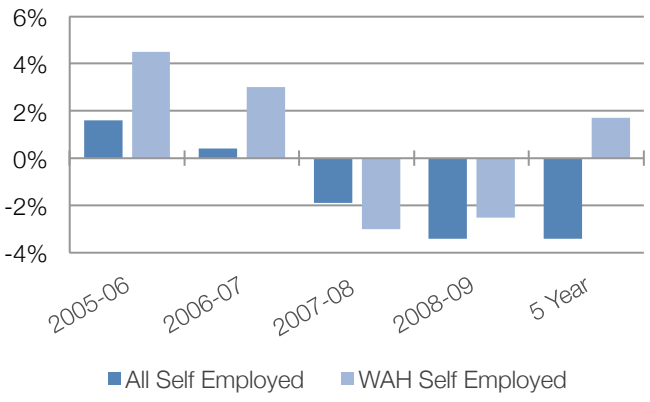
While not the primary focus of this paper, since most government reports (and therefore the media) lump the self-employed in with the rest of WAH population, it's important to understand the impact of their numbers.

A fifth of all self-employed people work from home. They represent half of those who consider home their primary place of work and are an important part of the economy and the WAH population. However, the industries they represent, their motivations, and their demographics are very different from those of the employee WAH population.

On a five-year basis, the WAH segment of the self-employed population grew only slightly (1.7%). When their numbers are combined with the non-self-employed WAH population, the combined growth totaled only 23%, compared to the 61% growth of WAH without the self-employed.

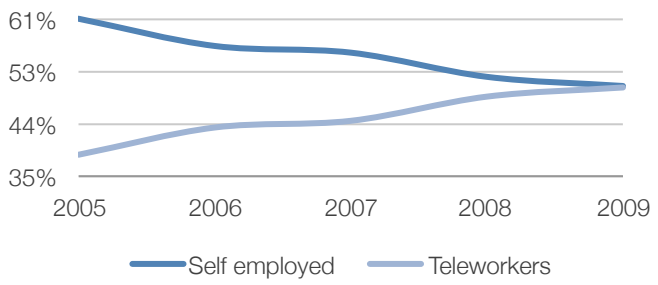
The recession was not as kind to WAH business owners as it was to the employee WAH population. Both the total self-employed population and the WAH portion lost ground in 2008 and 2009 (see Chart 9).

Chart 9 - 2005-2009 Self Employed Population
Source: 2005 to 2009 ACS PUMS Data



Largely as a result of the increase in the employee WAH population, the self-employed share of the WAH population fell from over 60% to 50% during the past five years (see Chart 10).

Chart 10 - Self Emp. vs Employees, WAH Trend
Source: 2009 ACS PUMS Data



Who Offers WAH Jobs?

Data on who offers work at home comes from two sources, the Bureau of Labor Statistics National Compensation Survey and WorldatWork.

Bureau of Labor Statistics (BLS) conducts an annual National Compensation Survey that includes questions about the benefits offered by companies.[5] To be counted as a benefit, it must be permanent and widely available.[6] The BLS count does not include ad hoc, occasional, and informal WAH programs, which WorldatWork shows to be, by far, the most common approach.

BLS Summary of Who Offers WAH

In 2010, only 5% of companies reported offering flexible workplace benefits (see Table 7, opposite). That number has changed only one percentage point since 2003 (the first year of the survey).

Table 7—% of Workforce Offered Flexible Workplace Benefits

Category	2007	2010
Private Companies	5%	5%
Company Size		
100+ Employees	5%	7%
Less than 100 Employees	3%	4%
Occupation		
Management, Professional & Related	5%	5%
Service	3%	4%
Sales & Office	11%	13%
Natural Resources, Construction & Maint.	1%	9%
Production, Transp., and Material Moving	5%	5%
Union vs. Non-Union		
Union	n.a.	1%
Non-Union	n.a.	5%
Blue Collar vs White Collar		
Blue-Collar	2%	2%
White-Collar	5%	6%
Wage Percentile		
Lowest 25 Wage Percentile	n.a.	1%
Second 25 Percentile	n.a.	3%
Third 25 Percentile	n.a.	6%
Highest 25 Percentile	n.a.	12%

Source: 2010 BLS National Compensation Survey

Again, the reason for this startlingly low number likely lies in the BLS's strict guidelines for inclusion as a benefit.

Within the population of those who offer flexible workplaces, the BLS data shows (see Table 7):

- Larger companies offer flexible workplaces more than smaller ones do.
- Such arrangements are five times more common in non-union establishments, and three times more available to white-collar versus blue-collar workers.
- There is a linear relationship between the availability of flexible workplace options and wages through the third 25th percentile—the higher the wage, the more likely the availability. But the highest wage earners are twice as likely to have access to workplace flexibility than the those in the third percentile are, and 12 times more likely than those in the lowest wage group.

WorldatWork Summary of Who Offers Work at Home

WorldatWork's *2011 Survey on Workplace Flexibility*[7] offers insight into ad hoc, occasional, and informal WAH practices of its members. To answer the question about which types of flexible work arrangements members offered to some or all employees, WorldatWork found:

- 83% offered it on an ad hoc basis (to meet a repair person, care for a sick child, etc.)
- 58% offered it a least one day a month, but not full time
- 57% offered it at least one day a week, but not full time
- 37% offered it full time

WAH Availability by Exempt vs. Non-Exempt

When asked if they made WAH available to all employees, the majority did not. All forms of telework were significantly more available to exempt than non-exempt employees (see Chart 11)

- 48% offered it ad hoc
- 29% offered it at least once a month
- 28% offered it at least once a week
- 16% offered it full time

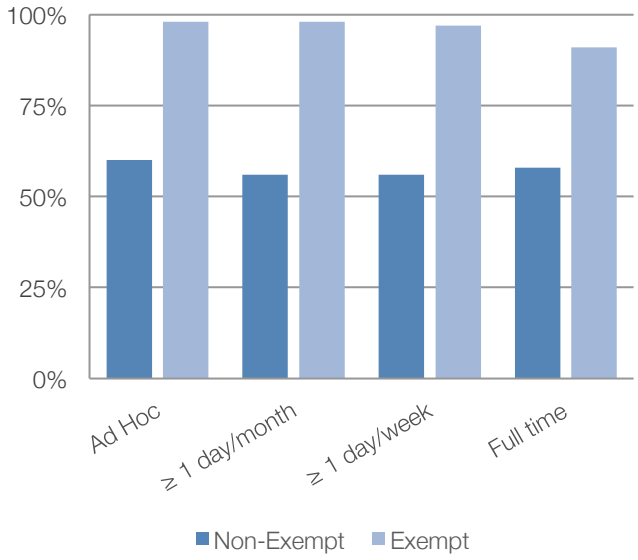
WAH Availability by Company Size

In terms of company size, those with 10,000 or more employees were significantly more likely to offer telework at least one day a month to some or all employees than smaller companies (72-73% versus 52-62%).

Companies with less than 100 employees or those with 10,000 to 20,000 employees were nearly equal in their offering of telework once a week (63% and 64% respectively). The largest companies (those with over 20,000 employees) were the most likely to do so (77%).

For the most part, the larger the company, the more likely they are to offer full-time telework (offered by 56% of the largest companies and 25% of the smallest).

Chart 11 - Exempt vs. NonExempt
Source: WorldatWork 2011 Survey of Workplace Flexibility



WAH Availability by Type of Organization

The extent to which WorldatWork's member companies offered telework to at least some employees varied by type of company, with non-profit organizations offering regular and full-time telework more than any other sector. Publicly held companies were the second most likely to offer it on a regular basis (see Chart 12).

Chart 12 - Telwork Offerings by Type of Organization
Source: 2011 WorldatWork Survey of Workplace Flexibility

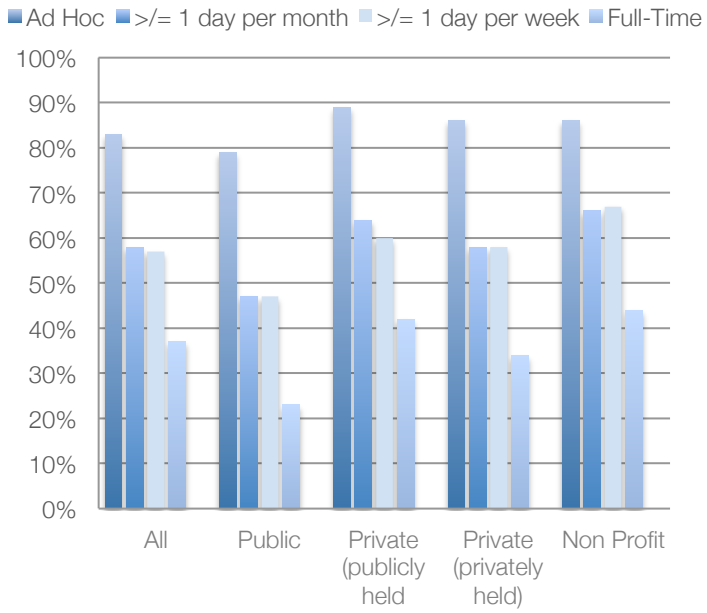
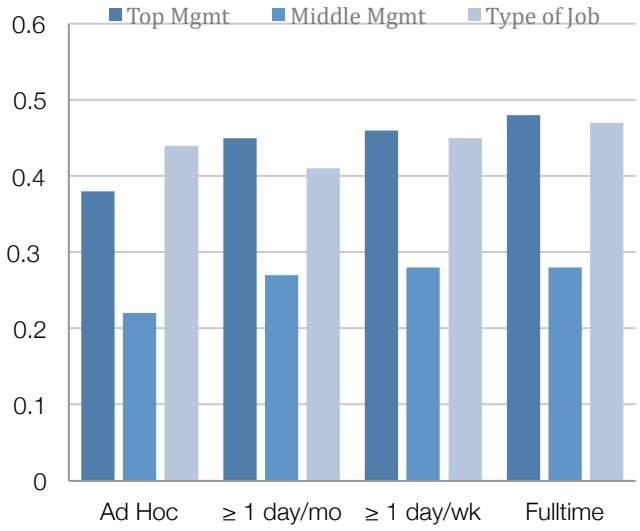


Chart 13 - Obstacles to Telework
Source: 2009 WorldatWork Telework Trendlines



WAH Availability by Industry

Full-time telework was most prevalent in finance/insurance and healthcare/social assistance industries (60% and 55% respectively). It was least available in the manufacturing industry—though still significantly offered at 24%. This challenges the commonly held theory that only service sector jobs are compatible with full-time telework. You have to look at the work itself to understand if it is compatible with WAH.

Obstacles to Offering Work at Home

When asked to indicate the primary obstacles to telework (among those who did not offer it), management resistance was overwhelmingly cited as the most common holdback. Job incompatibility was second (see Chart 13).

This data is consistent with a wide body of research that shows that while interest in WAH (of any frequency) is very high among employees and more than half of jobs are conducive to it, management resistance remains the biggest obstacle to WAH.

How Often Do They Work at Home?

BLS data showed a 28% increase in the number of employees who reported working at home (either as part of their regular workday or working after hours) from 2005 to 2009.

The average number of hours worked at home has been stable at about 2.5 hours a day since 2008 (see Table 8).

Table 8—Employees Who Performed Work at Home

	2005	2006	2007	2008	2009
Employees	14.1m	15.6m	15.9m	16.4m	18.0m
% Change	2.2%	10.6%	1.9%	3.1%	9.8%
% of Pop.	15.4%	16.5%	16.0%	17.0%	17.0%
Avg hrs	2.19	2.27	2.55	2.50	2.50

Source: BLS Time Use Survey
Non-self-employed. Includes unpaid WAH.

Employees in management, professional, and related occupations worked remotely more than twice as many hours as other workers did, for a total of about 6.5 hours a week in 2007.[8]

While ancient in terms of how far technology has come, a 2004 special BLS supplement to the Current Population Survey showed the average number of paid WAH hours among those who have a formal WAH agreement to be equivalent to 2.4 days a week (see Table 9).[9]

Table 9—2004 WAH Hours of Work

Hours/Week	% Employees
Less than 8	21%
8 to 34	35%
35 or more	15%
Average	18.6 hours (2.4 days)

Source BLS Work at Home in 2004 special supplement

WorldatWork asked survey participants: "Thinking of your normal business hours, how frequently do you work only at home for an entire day?" In 2008, approximately 16 million answered with at least once a month. That number has increased by almost 62 percent since 2005 (see Table 10).

Table 10 5 Yr Growth of WAH at least once a month

2005	2010	5 Year Increase
9.9 million	16 Million	61.6%

Source: WorldatWork surveys 2005 to 2009

WorldatWork also found that teleworkers were doing so more frequently in 2010 than in 2008. Those who reported they teleworked almost every day grew from 40 to 45 percent. And those who did do at least once a week, increased from 32 percent to 39 percent. At the same time, teleworkers reporting they worked from home once a month declined from 28% to 16%.[10] This shift may indicate that occasional telework is proving itself effective and reducing fears to the point that more frequent participation is accepted. Alternatively, it might indicate that the fringe teleworkers went back to the office during the recession while the more frequent participants—those who'd proven the savings potential, expanded their telework days.

Where Do They Work?

In 2007, BLS compiled a special tabulation about where people worked. It showed that about 7.5% of work was performed at home and 2.9% was performed in other places. Again, those in managerial, professional, and related occupations did more at home (12.8%) and other places (3.5%) than other employees in other occupations.[11]

The latest BLS data does not include other places of work, but it does show a decrease in work conducted at an office from 90% in 2007 (a number that had changed little since 2003) to 87% in 2009.[12]

The second most common work location was home. On days they worked, nearly one in five employed people spent at least some time working at home (again, this includes a mix of paid and unpaid work).

Only about 3% of all work hours were performed at other locations, such as a restaurant, someone else's home, or outside.

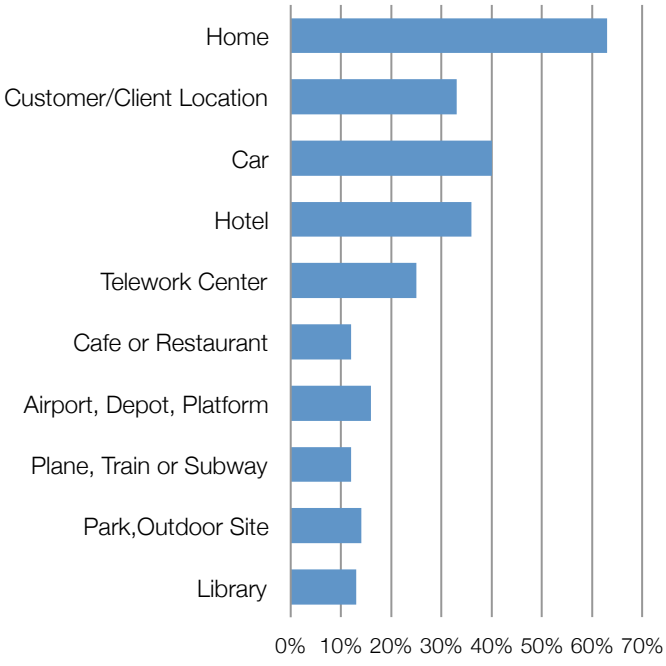
WorldatWork found similar numbers. They asked participants: "Indicate whether you have ever conducted work-related activities at any of the following types of locations over the past month." Home was, by far, the most cited non-traditional place of work (63%).[13] The second most frequently cited location was in the car (40%). Other favored ad hoc offices included automobiles, eateries, and hotels (see Chart 14).

Who Wants to Work at Home?

While the question was not repeated in 2011, WorldatWork's *2009 Telework Trendlines* showed that 50% of non-telecommuters rated the chance to WAH as four or five on a scale where five meant they were very interested in working from home. Only 21% said they would not be interested at all. Thirty-seven percent said they'd take a small pay cut in exchange for being able to work at home two days a week.[14]

There are also some groups of people for whom being able to telework is more critical. These include the disabled, those with eldercare responsibilities (a rapidly growing group), military families, and rural workers.

Chart 14 — Remote Work By Location
Source: WorldatWork Telework 2011



Who Could Work at Home?

Insight into this question of who could work at home can be gleaned from a number of studies:

1) The WorldatWork *2011 Survey on Workplace Flexibility* suggested that employers felt that between 41% and 47% of jobs were compatible with WAH.[15]

2) WorldatWork's 2009 *Telework Trendlines* shows that the 38% of those who did not telecommute felt they had job-related tasks that could be done at home. Respondents most commonly answered that they felt they could do up to 40% of their job at home, though almost a quarter felt they could do 80% or more remotely.[16]

3) In 2005, researchers Matthews and Williams (M&W) estimated the potential WAH population at 40% of the workforce (based on 2002 BLS totals).[17] They did so by determining which U.S. jobs were telework compatible, which they defined as:

- Having an information component
- Being individual vs. group work
- Having clear parameters for evaluation
- Not requiring personal contact with customers
- Not requiring physical work that could only be done on site

On this basis, they included professional specialty, technical support, administrative support, and half of sales jobs (assuming that half were non-retail). They excluded management positions altogether, assuming (incorrectly) that "managers would not be teleworking in the near future."

We repeated Matthews and Williams approach using 2010 Labor Force numbers with the following modifications:

- We included a small portion of the populations where there were already people working at home in occupational categories that were not included in M&W's estimate. For service and production/transportation occupations, we assumed 5% compatibility. For construction and maintenance, we assumed 10%.
- For the government workforce, we assumed 61% of jobs were compatible based on the Department of Labor's *2009 Report to Congress*.*
- For management jobs, we assumed 50% compatibility.

The result of our analysis shows that about 63 million U.S. employees hold jobs that could be done at home at least part of the time (45% of the workforce).

Taken together with the conclusions about who wants to work at home, we arrive at a total of about 50 million people as a theoretical maximum for WAH (see Table 11 and Chart 16). That accounts for 36% of the total workforce or 40% of the non-self-employed workforce.

Table 11 – Breakdown of 63 Million Who Could WAH

	#	% could WAH
Could, wants to, but doesn't	30.4 M	49%
WAH 1-5 days/month	16.0 M	25%
WAH 3-5 days/week	2.9 M	5%
Doesn't want to	13.4 M	21%

Sources: Telework Research Network, WorldatWork 2011 Telework Survey, 2009 American Community Survey

Projected Growth

Over the years, many experts have put forth their predictions for growth of telework.

In 2005, Gartner Dataquest predicted that by 2008 thirty-six million U.S. employees would telework at least once a month (27% of the worker population) and 13 million would work from home at least once a week (10% of the population).[19]

In 2009, Forrester Research reported, "more than 34 million U.S. adults telecommuted at least occasionally." They added:

"Fueled by broadband adoption, better collaboration tools, and growing management experience, the U.S. telecommuting ranks will swell to 63 million by 2016. Those 29 million new telecommuters lined up five abreast would

stretch from New York to LA! Leading the surge are occasional telecommuters and regular telecommuters who work from home between one and four days a week. The impact of this expanding remote workforce is far-reaching: It will force firms to expand their digital footprints, harness new social software, crisply define their culture, and examine their real estate and energy policies."[20]

In February of 2011, *Fortune Magazine* reported that 82% of companies that made its annual "100 Best Companies to Work For" list allow employees to telecommute or work at home at least 20% of the time.[21]

There is no doubt that remote work will continue to grow. And there's no doubt that it will soon begin to grow more quickly as a result of a number of factors, including:

- Ever improving communications and collaboration technologies
- Increased high-speed broadband penetration
- The proliferation of web-based applications
- A return of labor and talent shortages that were of key concern prior to the recession
- The needs and wants of an increasingly tech-savvy labor force
- The desire for flexible work among retiring Baby Boomers
- Record-low levels of employee engagement
- Workforce burnout—a factor that was already a problem before the recession, but even more so now as a result of it
- The increasing pressure on working adults to care for aging parents
- Increasing sophistication about how to manage and work with distributed workers and groups of workers.
- The declining numbers of Baby Boom managers who are not comfortable with WAH workers as they head off into retirement.
- Continued pressures on companies for indirect costs of office space including real estate, design, management, and operations.
- Escalating fuel prices and continued unrest in the Middle East
- Increasing pressure on companies to reduce their carbon footprint, including the likelihood of financial sanctions
- Continued emphasis on cost containment and bottom line performance
- The growing recognition of flexibility as a corporate strategy, not just an HR tactic
- Continual reminders of WAH as a continuity of operations strategy
- Growing concerns about our underfunded and undermaintained transportation infrastructure
- Federal budget pressures and government mandates for the federal workforce including the Telework Act and others on sustainability, continuity of operations, technology replacement cycles, real estate management, cloud computing and others.

The question remains: how quickly will remote work grow?

Clearly, ad hoc and occasional WAH will lead the way. More than 16 million people already work remotely at least once a month. Based on the historical growth rate reported by WorldatWork (roughly 12% per year), without any acceleration, that number will reach the theoretical maximum of 50 million people by 2018.

If we similarly project the regular WAH population growth, account for projected changes in the labor force, and assume it continues to grow at its historical growth rate, the regular WAH population would total 4.9 million by 2016, a 69% increase over its current level—but still a very small portion of the workforce and well below the forecasts of others.

Conclusions

While we acknowledge the barriers to widespread telework, it's an interesting exercise to project what it would mean if the 50 million potential telecommuters in the U.S. worked from home on a regular basis (half time). Based on our Telework Savings Calculator™, the collective company, community, and individual savings would total over

$900 billion a year. The financial and non-financial benefits would include:

Businesses Would:[22]

- Save over $13,000 per person
- Increase productivity by over $466 billion—6 million man-years
- Save $170 billion in real estate and related costs (assuming a 20% reduction)
- Save $28 billion in absenteeism (25% reduction) and turnover (10% reduction)
- Improve continuity of operations
- Avoid environmental sanctions, city access fees, etc.
- Reduce their energy costs and carbon footprint
- Improve work-life balance and better address the needs of families, parents, and senior caregivers
- Avoid the 'brain drain' effect of retiring Boomers by allowing them to work flexibly
- Be able to recruit and retain the best people

Individuals Would:[23]

- Achieve a better work-life balance
- Recoup almost a week of free time per year—time they'd have otherwise spent commuting
- Save $2,000-$6,700/year, not including daycare and eldercare costs or reduced car insurance premiums
- Suffer fewer illnesses

The Nation Would:[24]

- Save 281 million barrels of oil a year ($28 billion/year at $100/barrel)—the equivalent of 46% of our Persian Gulf imports
- Reduce greenhouse gases by 51 million tons/year—the equivalent of the entire New York state workforce off the roads
- Reduce road travel by 91 billion miles/year thereby reducing the strain on our crumbling transportation infrastructure
- Reduce road congestion and increase the productivity for non-telecommuters
- Save 77,000 people from traffic-related injury or death
- Improve emergency responsiveness
- Reduce pollution from road work and new office construction
- Reduce the offshoring of jobs and homeshore some that have already been lost
- Provide fuller employment opportunities for special populations include rural workers, the disabled, and military families
- Reduce the economic and political vulnerability that stems from our dependence on foreign oil
- Reduce terrorism targets of opportunity

More than a dozen state and federal legislative initiatives aimed at encouraging telework have been introduced in the past three years. Many have been enacted. Federal transportation monies already fund a handful of state and local advocacy programs. While this is encouraging, unless a coordinated approach to telework is taken, well-intended initiatives risk duplication of effort and cost. Moreover, without a good understanding of who is already teleworking, it will be impossible to measure the success or return on investment of new programs.

The Federal Government Should:

- Develop cross-agency initiatives to foster state and local telework advocacy programs. DOE, EPA, DOT, DOL, SBA, VA, CDC, the Council on Disability, NSA, DOI, DOD, and even SSA all have something to gain from telework.
- Specifically include telework as a valid transportation demand management and pollution reduction strategy in the nation's transportation and energy policies.
- Collect data from those state and local advocacy programs that have already proven successful. TeleworkVA, for example, has a program that offers cash incentives to

companies that allow their people to work from home. Other successful models are offered by the federal government's own telework programs, The Telework Exchange, TelecommuteConnecticut, Commuter Challenge in Seattle, 36 Commuting Solutions in Denver, M-ATAC in Washington DC, TelCoa, WORKShiftCalgary, the Sloan Work and Family Network, and dozens of private practitioners. Sharing information about what has already been tried and what has worked can save substantial expense.

- Agree on a universally accepted method of verifying and measuring telework participation. This is particularly important as public monies are used to fund programs and as city access fees, commuter taxes, carbon reporting, and environmental sanctions become realities.
- Provide funding for the implementation of the Telework Enhancement Act of 2010. Passed with bipartisan support, this legislation is intended to increase telework participation within federal agencies, but as no funding was associated with the bill, many agencies are finding it impossible to comply.
- Establish a public-private partnership within SBA to help small private sector companies evaluate and implement telework.
- Encourage states and local governments to support telework for their own employees and to encourage private sector adoption. Progress toward telework goals should be included in agency head and managers performance evaluations. Best practices and vendor assessments should be openly shared between government agencies to avoid duplication of effort and ensure that poor performing vendors are not hired elsewhere (think Yelp for government). Essential telework fundamentals such as IT and organizational readiness assessments and telework training (for agency leaders, managers, employees). should be required for all programs using federal funds to ensure that programs are not set up for failure. Pre- and post-telework metrics should be captured to accurately evaluate program success.
- Include questions in future American Community Surveys that allow researchers to easily distinguish home-based employees, home-businesses, volunteers, and unpaid family workers across all variables. In addition, questions should be added to account for mobile employees and to determine where and how often each class of worker is working remotely.
- Make ubiquitous high-speed broadband access a priority. Without uniform access, telework will not be available to those who need it the most.
- Require that state and local taxing authorities abolish policies that double-tax home-based workers. New York's 'telecommuter tax' may explain why the NY metro region's telework participation rate is so low.
- Offer partial home office tax credits for people who work from home part time and allow WAH employees to deduct their home office equipment costs.
- Offer Small Business Innovation Grants (SBIR) to inspire technology that supports telework.
- Encourage the relaxation of local zoning laws that prohibit home-based work.
- Evaluate OSHA, Fair Labor Standards, ERISA, and other employer regulations that impact remote work.

Discussion

Why do some metro areas have higher concentrations of teleworkers than others?

We expected to find a positive correlation between areas with the worst congestion or those with the highest levels of 'extreme commutes' and high levels of telework, but didn't find such a relationship. We expected to find a correlation in places where there are telework incentives, but we didn't.

What we see most in the data are places with large populations of information workers—Detroit is at the bottom of the list for example. But there are many factors that might encourage or discourage telework. For example, a long period of highway maintenance in San Diego, coupled with a relatively limited public transportation system may have led to its work at home growth. And while New York is infamous for its traffic jams, its "telecommuter tax" (essen-

tially double taxation of telecommuters) most likely discourages participation.

The fastest growth areas may be a result of slow starters, an example of the "brilliant recovery from a piss poor start" effect. It's easier to achieve a large percentage increase in a small space than it is a large one.

What caused the surge in Federal workers telecommuting? It's obviously too early for it to be the Telework Enhancement Act.

The huge growth (+400%) all came between 2005 and 2006. Until recently, continuity of operations was the primary driver of Federal telework. In 2005 both the Oklahoma City bombing and Hurricane Katrina were wake-up calls. In addition, in part because of Katrina—but also as a result of increased demand, fuel prices had been steadily rising. They crossed the $3/gallon barrier in late 2005, and some people said, "Enough!" Oddly, the $4/gallon barrier does not seem to have the same impact.

Here's the federal government's own take on the 2006 growth in telework among federal workers: [25]

"In the wake of the devastation caused by Hurricane Katrina, we have seen the importance of telework in responding flexibly to emergency situations— in this case, by providing a tool to help alleviate the issues caused by steeply rising fuel prices nationwide. Additionally, Congress showed its continuing interest in telework in the Federal Government through the enactment of Public Law 108-447 in December of 2004, encouraging increased telework participation in certain agencies."

Why is your forecast for the growth of telework so much more conservative than those of others

Having worked with a number of companies and government agencies in the early stages of their telework programs, it's clear that the majority is not ready to make the organizational culture shift that's required to manage a remote workforce. The issue of mistrust—'how do I know they're working', is huge and not easily overcome. Management attitudes that were born in the days of sweatshops and typing pools still dominate. And even in those rare organizations where senior management unambiguously supports the concept, lack of middle management buy-in is the stumbling block.

Oddly, the fact that the majority of information industry employees are not at their desk most of the time, is something most companies don't want to acknowledge. The tools, training, and technologies that are needed to support telework, are really just a catch-up on how employees are working already.

While looming labor shortages, increased pressure from value chain partners and others to engage in sustainable practices, rising fuel prices, budget pressures and a variety of other factors will continue to make telework attractive, the cultural barriers will not be quickly overcome.

About

Telework Research Network

The Telework Research Network is a consulting and research firm based in San Diego, California that specializes in evaluating the business case for telework and other workplace flexibility strategies. They've built telework savings models for the US, UK, Canada, and the US federal workforce. Hundreds of company and government leaders have used their proprietary Telework Savings Calculator™ to evaluate the ROI of alternative workplace strategies.

The Telework Research Network's researchers have synthesized over 500 studies on telework and related topics. They've interviewed the nation's largest and smallest telework employers and their employees, the telework advocates and naysayers, top researchers, leaders of successful telework advocacy programs, and venture capitalists who have invested in the remote work model. Their research has been quoted in *Harvard Business Review*, *The Wall Street Journal*, and scores of other publications.

The Telework Research Network staff is available for consulting and research projects, custom telework and flexible work modeling for companies and communities, branded savings calculators, writing, and speaking.

Their research is conducted independently and made possible by their sponsors. Related white papers include:

Telecommuting: The Bottom Line Impact

Performance Based Management

The Shifting Nature of Work in the U.K.

Visit TeleworkResearchNetwork.com. For more information contact Kate@TeleworkResearchNetwork.com.

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For a free evaluation of GoToMeeting Corporate, please visit www.GoToMeeting.com/s/WReval.

For a free evaluation of GoToMyPC Corporate, please visit www.GoToMyPC.com/compete.

New Ways of Working

New Ways of Working (NewWOW) is a membership organization of thought leaders from companies and academia exploring new ways of working such as distributed work, environmental sustainability and work, cross-cultural work, innovation, and productivity.

New WOW takes an integrated approach to workplace change, combining corporate real estate, human resources, and information technology. Members are an intriguing mix of experts from the fields of workspace design, technology and real estate/facilities. www.newwow.net

Endnotes

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5 Bureau of Labor Statistics, 2007 and 2010 Annual Benefits Survey. 2010 included a sample of approximately 18,000 firms with 10,000 responding.
6 A 3-8-11 email from Natalie Kramer, Economist in the Office of Compensation and Working Conditions, National Compensation Survey Bureau of Labor Statistics offers this explanation of whether the flexible workplace benefit should be counted:

> *"This benefit is also known as flexiplace or telecommuting. It allows employees who traditionally work at the establishment to regularly work an agreed-upon portion of their work schedule at home or other approved location. Excludes temporary arrangements.*
>
> *1) An employee with a chronic back problem for years expects no improvement. Arrangements are made for him to work at home 2 days a week indefinitely. If this arrangement is personalized for a specific individual, and other employees would not expect the same treatment under similar circumstances, the plan would be out of scope.*
>
> *2) An employee's work involves review of documents on the computer and email with clients to resolve issues. Work can be done away from the office as long as the employee has computer access. The employee has production quotas to meet each day. The company allows the employee to work from home one day per week as long as the quotas are maintained. This is an in-scope arrangement because other than failing to maintain a quota, there is no indication that the arrangement is temporary.*
>
> *3) Another employee breaks a leg and cannot drive for 3 months. His company allows him to telecommute from home during the recuperation, with the understanding that the telecommunicating would end after 3 months. This is an out-of-scope flexible workplace arrangement because of the specified three month limitation.*
>
> *Note: Arrangements that are expected to continue indefinitely are usually in scope; those set up for a special project are out of scope."*

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23 Calculated by the Telework Research Network's proprietary Telework Savings Calculator and assuming IRS standard mileage reimbursement for auto costs (not including gas), $3.80/gallon for gas, and food and clothing costs based on BLS data (net of extra home costs for food and net of extra home electricity for home office use).
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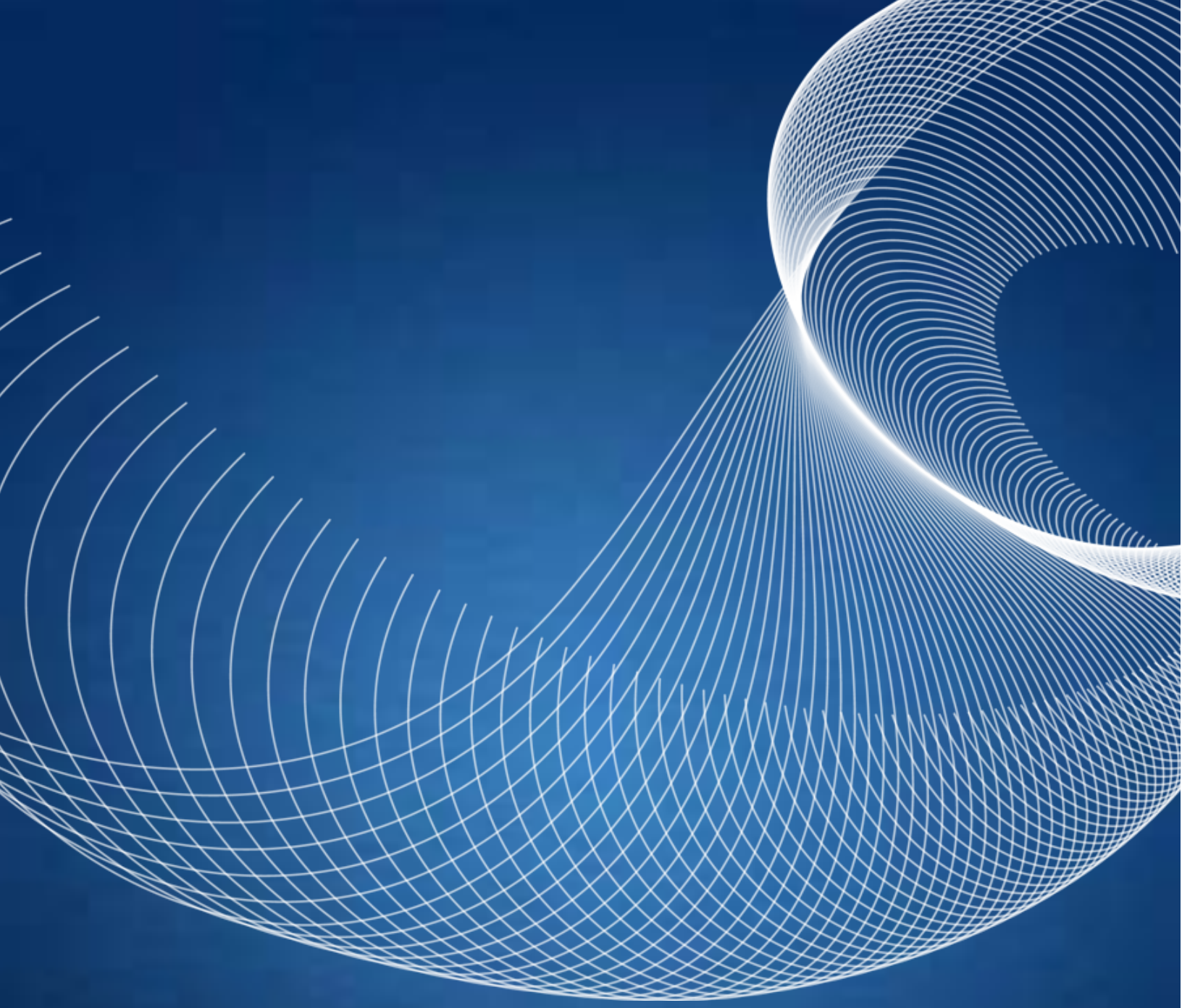

The Bottom Line on Telework

California Government Workforce

Prepared for Secure Computing Environment's
2011 Work Anywhere Symposium
Sacramento State University

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Introduction

State and local government employees are bummed out, burned out, and stressed out from the endless struggle of trying to do more with less. To make matters worse, more than half the state's most experienced people are moving toward the door to retirement. If California expects to attract a new generation of talented government leaders and staff workers it needs to find a new way of working, both figuratively and literally.

This report will show how telework can save government employers up to $11,000 per part-time telecommuter per year. This new workplace strategy offers a relatively easy, inexpensive, and popular solution to some of government's most vexing problems such as:

- attracting and retaining talent
- reducing traffic congestion
- improving air quality
- reducing energy consumption
- reducing employee stress
- increasing morale

Thanks to advances in technology work no longer needs to be tethered to time or place. T*elework* allows substitution of technology for business travel in general, and *telecommuting* substitutes technology for commuter travel specifically. Thanks to these new ways of working, employers are slowly learning that when employees are not constrained by where and when work is done, they're more productive, more creative, and more successful.

In the 1970s Jack Nilles, a former NASA rocket scientist, turned his attention to solving the problem of traffic congestion and coined the terms *telework* and *telecommuting*. At the time, many predicted we'd soon see an end to the wasteful and inefficient exercise of moving millions of workers back and forth to work each day.

Those predictions, and many since, have failed to materialize. While research shows that about 50 percent of state and local government jobs are telework-compatible, only 5.3 percent of state workers and 2.5 percent of local workers consider home their primary place of work.[1.2]

Thousands of organizations and millions of employees in a wide range of public and private sector jobs have already successfully adopted a wherever, whenever approach to work. They're proof that the biggest barrier to telecommuting—management mistrust—can and should be overcome because the bottom-line benefits are worth the effort. And those same organizations have perfected and made available "best practices" that use a combination of technological and cultural solutions to address the security, communications, collaboration, managerial, and social aspects of remote work.

Those leaders have shown that by offering workplace flexibility and measuring performance based on results rather than presence, they really can do more with less: less buildings, less pollution, less overtime, and less waste. And their employees can do more with less too—less stress, less distractions, and less driving.

While worries over weather calamities, earthquakes, the spread of disease, terrorism, rising fuel prices, transit strikes, and road closures often spike an interest in remote work, less transient issues are now driving more widespread adoption.

Talent shortages, changing workforce dynamics, and employee burnout—key drivers of workplace flexibility before the recession—are returning with a vengeance. Research by Gallup shows than 70 percent of the workforce is not engaged. As much as 20 percent are either wandering around in a fog, or actively undermining their co-workers' success.

The majority of Baby Boomers are at or near the highest rung of the career ladder they're likely to achieve. The raises, promotions, and accolades that once motivated them have been replaced with

thoughts of retirement, aging parents, mortality, and "what do I really want out of life?" AARP research shows that 70 percent want to continue to work, but they want to do it on their terms. Even now, many are eyeing self-employment as an option.

Gen X, the first latchkey kids, watched their workaholic parents climb the career ladder. They're independent souls because they had to be. They learned the reality of employer loyalty from seeing their parents struggle through the layoffs of the early '80s—a lesson that's been reinforced in recent years. They grew up with technology and they value freedom; and they want to do things their way.

Gen Y grew up questioning their parents; now they're questioning their employers. They're confident, tech-savvy, happy to communicate virtually and eager to be part of a team, but they're not in it for the gold watch.

The message is clear. This is not your father's workforce.

Telework isn't 'just' an HR, IT, corporate real estate, or sustainability tactic. It's much more. Best practices show that in order to maximize its potential, workplace flexibility needs to be part of an organization's culture. It needs to endorsed at the highest levels, supported by middle management, coordinated across functional areas, and integrated into everyone's goals.

Winning employers have already taken steps to make work flexible; to manage their salaried, hourly and contingent workforce by what they do, not where, when or how they do it; and they've adopted the tools and technologies that make flexible work possible.

California is home to some of the worst traffic, natural disaster, sustainability, and budget challenges in the country. Telework offers a solution.

About This Report

While there are benefits associated with all forms of workplace flexibility, the focus of this paper is on regular home-based telecommuting. There are three reasons for this. First, home-based telecommuting is the only form about which government data is available. Second, while working in coffee shops, at telework centers, or other places is popular, home is by far the most common non-traditional workplace. And third, regular part-time telework offers the greatest benefits for all constituents and few of the drawbacks.

This paper is organized into three sections that summarize the qualitative and quantitative benefits of telecommuting for:

- Government agencies
- Employees, and
- the Community at large

The quantitative conclusions in this paper are based on a Telework Savings Calculator™ built by the Telework Research Network, a consulting and research organization that specializes in evaluating the bottom-line impact of workplace flexibility for companies and communities.

Using the latest government data and assumptions culled from a synthesis of over 500 case studies, scholarly reviews, research papers, books, and other documents on telecommuting and related topics, the Telework Research Network has analyzed the economic, environmental, and societal potential of telecommuting for the US, the UK, and Canada. Their unique research has been cited in the *Wall Street Journal, Harvard Business Review, Inc.* magazine, and scores of other publications.

Throughout this report, every attempt has been made to err on the side of cautious assumptions, rather than aggressive ones. Data was collected from the most respected sources and industry ex-

perts. Where possible, multiple sources were consulted to corroborate the assumptions.

The primary sources of data used in the development of the California Public Workforce Telework Savings Calculator™ include:

- American Community Survey / Census
- Bureau of Labor Statistics
- California Air Resources Board
- Booz Allen / GSA Telework Study
- US Bureau of Transportation Statistics
- US Environmental Protection Agency
- National Highway Safety Administration
- WorldatWork
- Reason Foundation
- California Telework Advisory Group

Telework Savings Calculator: General Assumptions

The following general assumptions provide the basis for the analysis that follows:

- Telecommuting frequency: average of 2 days per week [3]
- Employees who want to telecommute: 79 percent [4]
- Jobs compatible with telework: 51 percent of state government employees, 48 percent of local government employees [5]

Employer Benefits

The primary financial benefits of telework for employers come from reduced real estate costs, increased productivity, and reduced absenteeism and turnover.

Real Estate Impact

Traditional offices are expensive, inefficient, inflexible, and difficult to scale (particularly down). Telework programs can not only reduce the capital drain of owning or leasing a building, they can save on electricity, transit subsidies, parking lot leases, furniture, supplies, maintenance, security, janitorial, insurance, taxes, common area expenses, and other related costs.

In addition, telework can reduce the cost of complying with disability, environmental, and office safety regulations. And it can help agencies consolidate inefficient space.

Through desk sharing, office hoteling, and other changes to the office footprint, organizations have found they're able to save money and, at the same time, better address the needs of their workforce.

When asked to assess the lasting impacts of the recession, over sixty percent of respondents to a New Ways of Working (NewWOW.net) survey reported replacing assigned one-to-one workplace seats with alternative workspaces.

Videoconferencing, teleconferencing, remote desktop technologies, virtual training, and other remote collaboration technologies are changing the nature of work. The most progressive organizations are designing their workplaces to increase efficiency, and promote teamwork. For them, the traditional office is where people go to collaborate, and employees' home offices are where people go to concentrate and get things done.

"Walking around the offices at Sun Microsystems and seeing 70% of the desks and offices empty is what sold me on telework."

- Scott McNealy, former CEO, Sun Microsystems

Industry Research on Real Estate Savings

- The US Patent & Trademark Office avoided $11 million in new real estate expenses through telework and office hoteling. Over 80 percent of eligible staff telework telecommute.
- The Defense Contract Management Agency, plans to shed all but 1,000 of its almost 13,000 desktop computers over the next three years, for an estimated savings of $5 million by 2014.
- Sun Microsystems reported saving $68 million a year in real estate costs, $3 million a year in reduced power consumption, and $25 million a year in IT expenditures with flexible work options for 17,000 employees.
- McKesson Corporation's telework program saves $1 million a year in real estate costs.
- At Oracle BV, redesigned workspaces, hot-desking, and electronic access to documents improved interaction between staff and reduced space usage from 247 sq. ft. per employee to 140 sq. ft..
- Microsoft was able to accommodate 30 percent more people in the same amount of space through flexible workplace strategies.
- Hewlett Packard, through a combination of mobile work initiatives and space reconfiguration, has been able to drive office space utilization from 35 percent—not atypical in modern offices—to over 75 percent in just 3 years. They're desk-sharing ratios range from between 2 to 1 and 20 to 1.
- DEGW, a worldwide workplace strategy consulting firm, reports that based on a survey of over 60,000 North American employees and their observations of thousands of workers, the average knowledge worker spends only about 35 percent of the time at their desk.

Telework Savings Calculator: Real Estate Assumptions

- Average office cost: $6,803 per employee based on CA Telework Advisory Group data
- Real estate reduction: 20 percent for two-day-a-week telework based on U.S. GSA model
- Electricity savings: none assumed (extra home office energy usage is, however, shown as an offset to Employee Savings covered later in this paper)

The Bottom Line on Real Estate:

$1,360 in annual savings per 2 day a week tele-worker

Government-wide savings: $563 million a year

Productivity Impact

Lack of management buy-in is the most commonly cited obstacle to the adoption of telecommuting programs. It's clear that the majority of managers feel that left unmonitored, employees will not work as hard as they otherwise would. The facts show just the opposite to be true.

Study after study reveals that people who work from home are more productive than their office counter-parts. Contributing factors include:

- Fewer interruptions: Home-based workers are not distracted by the many time drains that take place in a traditional office: morning chatter, coffee breaks, long lunches, rumor mills, birthday parties, football pools, etc.
- More effective time management: E-mail and other asynchronous communications can be time-managed more effectively and are less apt to include non-work digressions.

- Feeling like a trusted employee: A sense of empowerment and commitment has consistently shown to be one of the highest contributors to employee job satisfaction.
- Flexible hours: For those who are able to flex their hours as well as their location, telecommuting allows them to work when they are most productive.
- Longer hours: Many employees work during the time they would have otherwise spent commuting. In fact, overworking is a significant problem.

Industry Research on Productivity

- A study of the return on investment from telework prepared by management consulting firm Booz Allen for the US General Services Administration estimated increased productivity among teleworkers at one hour per day.
- In a 2008 global survey of nearly 2,000 employees, Cisco Systems estimated they could achieve an annual increase in productivity of $277 million through telework. They found:
  - their teleworkers spend 60 percent of time they would have otherwise spent commuting doing work
  - 69 percent of employees cited higher productivity when working remotely
  - 75 percent of telecommuters felt their ability to meet deadlines improved
  - 83 percent said their ability to collaborate and communicate with co-workers was the same as or better than being on-site
- A Basex survey of over 1,000 information workers concluded that workplace interruptions comprise 25 percent of their workday.
- A 2010 survey by TELUS Communications found that 56 percent of respondents thought the option to work flexibly would motivate them to work harder.
- Alpine Access, one of the largest all-virtual employers, attributes a 30 percent increase in sales and 90 percent reduction in customer complaints to its home-based agents.
- Sun Microsystems (now part of Oracle), found that teleworkers spend 60 percent of the commuting time they saved performing work for the company.
- In an IBM study of more than 24,000 global managers, 80 percent agreed that productivity increases in a flexible environment.
- A Work+Life Fit / BDO Seidman survey of CFOs showed that 75 percent felt that flexible work increases productivity.
- Best Buy measured an average productivity increase of 35 percent through its flexible work program.

Telework Savings Calculator: Productivity Assumptions

- Productivity increase: 15 percent on telework days based Booz Allen / U.S. GSA report
- Average salary: $76,862 for state government employees, $77,442 for local government employees based on American Community Survey data for telework-compatible jobs
- Employee benefits overhead: 34.5 percent based on BLS Data

The Bottom Line on Productivity:

$6,200 annual increase per 2 day a week teleworker

Government-wide savings: $2.6 billion a year

Absenteeism Impact

Unscheduled absences cost employers billions. They necessitate staffing redundancies, increase overtime costs, inconvenience coworkers and customers, impact morale, and reduce productivity.

Telecommuters are absent less often because they:

- Are less exposed to sick co-workers
- Are exposed to fewer occupational and environmental hazards
- Avoid driving—something OSHA considers to be the most dangerous part of an employee's day
- Continue to work when they're sick
- Return to work more quickly following pregnancy, surgery, or extended illnesses
- Are able to handle personal appointments without taking a full day off
- Have more time for exercise
- Eat better

Perhaps the most important reason they're absent less is that they are more satisfied with their job and therefore less likely to fabricate an illness.

According to the Conference Board of Canada, a global independent not-for-profit organization focused on helping businesses strengthen their performance and better serve society, absenteeism is at the highest level it's been in the 20 years they've been tracking it. Recession-related stress is likely the blame.

According to Towers Watson, a leading global professional services company, the link between healthy and productivity goes beyond the physical and mental health of individuals to creating a healthy work environment. They find that organizations with the most effective health and productivity programs experience:

- 11 percent higher revenue per employee
- Lower medical trends by 1.2 percentage points
- 28 percent higher shareholder returns

Towers Watson also found that excessive work hours (75 percent), lack of work/life balance (65 percent), and fears about job loss (64 percent) are the foremost sources of stress affecting organizations today.

The opposite of absenteeism, presenteeism is costly for organizations too. The people who drag themselves to the office only to make everyone else sick aren't doing anyone any favors. Studies show that the large majority of people go to work when they're sick because the company culture, benefits, or policies—perhaps unwittingly—encourage it.

Industry Research on Absenteeism

- Sick leave among state and local government employees is almost 70 percent higher than that of the private sector
- 78 percent of employees who call in sick, really aren't. They do so because of family issues, personal needs, and stress
- The US federal government's telework cost/benefit model estimates a 63 percent reduction in unscheduled absences per teleworker
- The federal government's telework program was originally put in place to avoid the spread of contagious disease
- Telework has proven to be the second most effective method of reducing absences; flexible scheduling is first
- Among those companies that have tried to reduce work-life conflict, 84 percent say it's had a positive impact
- A Wake Forest University study of over 3,000 employees showed that those with flexible schedules were less likely to have health problems that affect their job performance
- Companies with the most effective health and productivity programs have 1.8 fewer days absent per employee

"Until cable companies starts giving precise appointments (not 9am to 1pm), we will always have people sitting at home waiting on them. The choice is ours, we can have them productive on work or watching TV."

- John Sawislak, Senior Fellow at the Telework Exchange

Telework Savings Calculator: Absenteeism Assumptions

- Current absenteeism rate: 2.5 percent based on BLS data
- Annual cost per unscheduled absence per person: based on average daily compensation for local and state government telework-compatible jobs (American Community Survey)
- Average reduction in absenteeism: 4 days a year based on Booz Allen / GSA model

The Bottom Line on Absenteeism:

$1,790 per telecommuter per year

Government-wide savings: $740.7 million a year

Attraction and Retention Impact

The majority of state employees who hold managerial or higher positions will be eligible to retire in the next five years. Among them:

- 62 percent of Career Executives / Exempts
- 50 percent of Managers / Supervisors
- 35 percent of Rank and File

Retaining senior government talent is crucial to the knowledge transfer process.

The cost of replacing an employee extends far beyond the recruiting process; it includes separation costs, temporary replacement costs, training costs, and lost productivity. An employee's exit can also lead to a loss of business, coworkers, and organizational memory. Telecommuting enhances attraction and retention because it:

- Is among the top non-financial benefits desired by employees
- Expands the talent pool beyond geographic boundaries
- Provides access to disabled, rural, and other difficult to reach workers
- Offers alternatives that would have otherwise kept retirees, parents and senior caregivers out of the full-time workforce

Prior to the recession, being able to hire and retain good people was one of management's top non-financial concerns. As the recovery continues, retention and hiring problems will be exacerbated.

In a 2007 report, Deloitte predicted that the government sector would be particularly hard hit by talent shortages in the years ahead. "To become a choice employer among this emerging workforce, the public sector must appeal to a population insistent upon a sociable, flexible, purposeful, and technologically savvy work environment. Certain perceptions of government work, if not reversed, pose a major obstacle to attracting Gen Y into government. The image of the public sector as a slow-moving, bureaucratic monolith, juxtaposed against a fast-moving, anti-bureaucratic Gen Y, poses a significant challenge."

"In a bad economy, we can hire and retain good employees with little effort, but as the economy improves (and it always does), the first sign will be when we lose our good people. Flexible work rules allow us to keep our best people happy even as the competition for their services increases."

- John Sawislak, Senior Fellow at the Telework Exchange

Industry Research on Attraction and Retention

- Research by WorldatWork shows that 79 percent of employees say they would like to work from home, at least part of the time.
- In a 2011 survey of over 2,000 adults conducted by Mom Corps, more than 40 percent said they would take a pay cut in exchange for the opportunity to work from home.
- A study conducted by Deloitte at the peak of the recession found that nearly half of employees were either looking for a new job or planning to do so when the economy improved.
- In a Cisco survey of 2,600 worldwide employees, two out of three said they would take a job with less pay and more flexibility over a higher-paying job without it. Ninety-one percent of respondents said telecommuting was somewhat or very important to their overall job satisfaction.
- A WorldatWork survey found that 85 percent of employers say telework has a moderate to high impact on employee retention.
- Turnover among VIPDesk's home-based customer agents is less than 10 percent; compared to 100–150 percent typical in a traditionally staffed call center.
- Over two-thirds of Schering-Plough Corporation's telework program participants say that being able to telework has been a factor in their decision to stay with the company.
- In a Robert Half / Career Builder survey, 72 percent of employees said flexible work arrangements would cause them to choose one job over another; 37 percent specifically cited teleworking.
- That same Robert Half / Career Builder survey found over half of managers felt that Gen Y workers are more difficult to recruit and to retain but noted that they are particularly attracted to flexible work arrangements (ranked as 8 on a 10 scale for impact on overall job satisfaction).
- An AARP study found that 70 percent of Baby Boomers plan to work for pay after retirement by seeking flexible work arrangements and part-time schedules that allow them to pursue other interests.
- A Cornell University reported that 71 percent of retired workers who later decided to go back to work originally retired because of a desire for more flexibility than their job offered.
- BLS data shows that 5.4 million Americans with at least some college education aren't working.
- More than 12 percent of the working age population is disabled. Accessible-Society.org reports that a full three quarters of those who are unemployed cite discrimination in the workplace and lack of transportation as the major factors that prevent them from working.
- In a nationwide survey, CDW found that forty-one percent of workers who have the option to telework are "very satisfied" with their jobs, compared to only 27 percent of those who are office-bound.
- WorldatWork and other workforce experts estimate that turnover costs and employer 75 percent of an hourly person's pay, and between 150 – 200 percent of an salaried person's pay.

Telework Savings Calculator: Retention Assumptions

- Reduction in attrition: 15 percent based on a synthesis of a wide range of studies
- Existing voluntary turnover: 9.2 percent based on BLS data for state and local government jobs
- Cost of turnover: 138 percent of salary based on mid-point of WorldatWork estimates

The Bottom Line on Retention:

$1,980 annual savings per 2 day a week teleworker

Government-wide savings: $819 million a year

Other Employer Benefits

Employer benefits that have not been quantified in this report include:

- Improved continuity of operations
- Reduced transit subsidies
- Avoidance of environmental sanctions
- Higher community citizenship scores for being environmentally and labor friendly
- Reduced overtime
- Improved customer service
- Reduced paper, travel, and technology costs
- Reduced ADA compliance costs
- Reduced need for overstaffing to accommodate peak loads
- More effective and less expensive 24/7 global coverage
- Avoidance of local labor burnout
- Ability to hire people without brick and mortar presence
- Reduced healthcare costs
- Reduced vehicle fleet

The Bottom Line

State and Local Government Annual Savings:

$11,365 per 2-day-a-week teleworker

Government-wide: $4.7 billion/year

Employee Benefits

Employers aren't the only ones who benefit from telework. For employees, it saves them two of their most precious commodities, time and money.

A CDW study found the top reasons federal employees want to work from home are:

- Reduced commute (63 percent)
- Greater flexibility (49 percent)
- Greater productivity (29 percent)
- Saving money (28 percent)

Employee Financial Savings

In a Business Week survey conducted during the 2008 run up in fuel prices, 92 percent of employees said they were concerned with the high cost of fuel. Eighty percent of them specifically cited the cost of commuting to work. Seventy-three percent felt their employers should take the lead in helping them reduce their commuting costs. In the same survey, two-thirds said they'd take another job to ease the commute. At the time, fuel was more than a dollar a gallon cheaper than it is today.

Beyond the cost of gas, telecommuters save on vehicle wear and tear, parking, transit costs, food, clothing, and more.

Telework Savings Calculator: Employee Cost Savings Assumptions

- Gas cost: $3.80 per gallon
- Gas usage based on EPA standards
- Parking costs: based on Colliers Parking Survey (high, mid, low)
- Food (net of food at home): based on BLS data (high, mid, low)
- Clothing: based on BLS data (high, mid, low)
- Distance to work: 32 miles round-trip based on Air Quality Management District data
- Workweeks per year: 46.6 based on California Telework Advisory Group data
- Auto costs (net of gas): based on IRS data
- Reduction in driving on telework days: 75% per Air Quality Management District data
- Breakdown of means of transportation to work (solo drivers, car/vanpoolers, public transit users, bikers, walkers, other): American Community Survey, California government worker data
- Cost of extra home office electricity (as a reduction in employee savings): based on data from the Global Environment and Technology Foundation

Employee Time Savings

In terms of time, twice weekly telework can save between 1 and 3 workweeks a year—time they'd have otherwise spent commuting.

And the commute is likely to get worse. According to the Reason Foundation, if traffic continues to grow at the current pace over the next couple of decades, drivers in many of the nation's cities will be sitting in daily traffic jams worse than those that currently plague Los Angeles 8 hours a day. Their commutes will take almost twice as long.

Telework Savings Calculator: Employee Time Savings Assumptions

- Mean round-trip commute: 54 minutes based on American Community Survey data for California
- Equivalent days calculation based on 8-hour days

Other Employee Benefits

Beyond the employee savings we've quantified in this paper, many employees can save on:

- Daycare/eldercare—particularly for those who are able to adjust their hours around those needs
- Serendipity purchases
- Office gifts and kitties
- Vehicle insurance
- Healthcare costs
- Other office-related incidentals

In addition, some may qualify for home office deductions. And some may even be able to relocate to less expensive communities or avoid selling their real estate at distressed values in order to take a job in a new community.

The Bottom Line on Employee Savings:

$1,850 to $4,500 in annual savings per 2 day a week teleworker per year

8 workdays a year in time they'd have otherwise spent commuting

Workforce-wide savings: $1.1 billion (based on mid-level savings)

Community Benefits

In his book, A Thousand Barrels a Second: The Coming Oil Break Point and the Challenges Facing an Energy Dependent World (McGraw-Hill 2007), Peter Tertzakian, Chief Energy Economist & Managing Director at ARC Financial Corporation writes: "Right now, the only thing anyone cares about is the rising price of energy; but soon we'll be worried about potential changes to our lifestyles, the trade-off between cheap energy and clean energy, the necessity of building new refineries and power plants in our backyards, an even the impact on nation security. Our birthright of abundant, reliable energy is coming to an end."

"Expanding performance-based telework will save taxpayer money, ease traffic congestion, save energy, and help us clean our air," says Auburn City Council member, Kevin Hanley. "Implementing a smart telework policy is indispensable in getting California on the comeback trail."

Telecommuting can reduce our energy usage, greenhouse gases, and traffic congestion and provide a significant savings to society.

Telework Savings Calculator: Energy, Greenhouse Gas (GHG), and Air Quality Improvement Assumptions

- Gas savings: as described in the Employee Benefits section
- Trip reduction: based on Air Quality Management District data applied to breakdown of CA government employee means of transportation to work (per American Community Survey)
- Imported oil cost = $100/barrel
- GHG calculations based on EPA standards
- Air Quality improvements based on California Air Quality Board standards applied to breakdown of CA government employee means of transportation to work (per American Community Survey)
- Note: U.S. GHG reduction stated in million metric tons (MMT)

Traffic & Accident Impact

According to TrafficSafety.org, traffic accidents cost the nation $60 billion a year and result in 3 million lost workdays. More than a quarter of accidents occur during the commute to and from work, making it the most dangerous part of an employee's day.

Traffic congestion stresses drivers and reduces their productivity by forcing them to leave more time for

travel rather than risk being late. It reduces the reliability of transport, which can impact an organization's inbound and outbound shipments. It makes employers located in high traffic areas less attractive to employees. It increases idling, which contributes disproportionately to pollution. And it increases highway maintenance costs.

At the extreme, traffic congestion can even cause businesses to opt for more commuter-friendly locations—a substantial cost to the losing economy.

With traffic congestion comes accidents, the cost of which doesn't stop at the repair shop. Other costs to both consumers and the economy include property damage, hospital and emergency care, police, fire, ambulance, tow trucks, out of pocket costs, and increased insurance premiums.

Fortunately, lowering traffic volume has a multiplicative impact on congestion. According to a study by Confederation of British Industry, a mere five percent decline in traffic volume can cut time lost in congestion by as much as 50 percent.

Telework Savings Calculator: Traffic and Accident Assumptions

- Accident incidence and costs: based on Department of Transportation and Federal Highway Administration Standards

Other Community Benefits

Beyond the community benefits quantified in this report, widespread telecommuting could:

- Increase the life of infrastructure including roads and transit
- Improve emergency responsiveness
- Reduce road rage
- Reduce overcrowding
- Revitalize cities by reducing traffic
- Increase productivity by reducing travel times
- Provide portable work options for military families
- Reduce the offshoring of jobs and "homeshore" some that have already been lost
- Raise the standard of living in rural and disadvantaged areas
- Help bedroom communities retain the commerce that would otherwise be lost to employer communities
- Reduce terrorism targets of opportunity
- Provide employees access to jobs that would allow them to maximize their potential
- Promote inbound talent migration without adding to local population
- Further reduce travel through widespread use of virtual technologies
- Increase workforce mobility.

Annual Bottom Line on Community Savings:

$73 million in accident related costs

1.8 million barrels of oil valued at $181 million

718 million vehicle miles not traveled

53 million fewer trips

330,000 tons of greenhouse gases (equivalent to 60,000 cars)

3,870 tons of air pollutants a year

$253 million in total community savings

The Bottom Line

The bottom line on employer savings from 2 day a week telework by those state and local government employees with compatible jobs would total over $4.7 billion a year (see Table 1).

The employee teleworkers would collectively save another $1.1 billion a year.

All that together with the savings from traffic accidents and oil imports, would total over $6 billion a year.

The greenhouse gas impact would equate to taking over 40 percent of Sacramento's solo commuters off the road.

Table 1: CA Government Telework Potential Annual Impact

Employers	State	Local
Real Estate	$168 M	$395 M
Productivity	$765 M	$1.8 B
Absenteeism	$219 M	$521 M
Turnover	$243 M	$576 M
Total	**$1.4 B**	**$3.3 B**
Employees	**State**	**Local**
Total	**$340 M**	**$800 M**
Community	**State**	**Local**
Oil Imports	$48.7 M	$132 M
GHG (MMT)	89,000	241,000
Pollutants (tons)	1,046	2,820
Trips	14.4 M	38 M
Traffic Accidents	$19.6 M	$53 M
Total	**$68.3 M**	**$185 M**
Total Impact	**$1.8 Billion**	**$4.3 Billion**

Summary

Telework offers a relatively simple, high return-on-investment solution to some of the state's most critical problems:

- Workforce planners see telecommuting as a way to mitigate the "brain drain" effect of retiring Baby Boomers.
- Human resource professionals see it as a way to recruit and retain the best people.
- Work-life experts encourage it as a way to address the needs of families, parents, and senior caregivers.
- Employees desire it because it saves time and money, and improves the quality of their lives.
- Baby Boomers see telework as a flexible alternative to full retirement.
- Millennial workers appreciate it as a way to work on their own terms.
- Disabled workers, rural residents, and military families find it an answer to their special needs.
- Environmentalists applaud it because telecommuting can significantly reduce greenhouse gases and energy usage.
- Financial managers endorse it for its cost savings and increased productivity potential.
- Urban planners see it as a strategy to fill the growing gap between transportation system demand and supply.
- Governments see it as a way to reduce highway wear and tear and alleviate the strain on the nation's transportation infrastructure.
- Organizations rely on it to ensure continuity of operations in case of a disaster or pandemic.

From The Experts

"Other than a stapler and paper clip, hardly anything about the way work gets done in today's offices is the same as it was ten, twenty or even fifty years ago – except for the office itself," says telework expert Gil Gordon. "The computing and telecommunications revolution we all now take for granted has taken place in offices that are largely unchanged from a century ago. The lighting is better now and the furniture is more comfortable, but most organizations are still bringing all the office workers to the office most if not all of the time. How archaic! It's time to finally rethink the "where" of office work just as we have done with the "how" of office work. Today's government and private-sector office work in so many organizations is running like a sports car with the parking brake on: all that horsepower can't produce the results needed with the drag of the same time-same place office mentality."

- Gil Gordon, Gil Gordon Associates

"Whether employers want to admit it or not, the nature of work has already changed and the genie is not going back in the bottle. If employers expect to compete in the years ahead, they need to see work as verb, rather than a noun."

- Michael Dziak, COO, e-Work.com

"Time and time again leading organizations have demonstrated that telework is an effective operating model that drives direct improvements in employee efficiency and helps slash operational costs. State and Federal Agencies are being asked to achieve these same outcomes but are forced to use a 19th century operating model. The result is far too often reliance on cost saving measures that have significant side effects and negative consequences (furlough days, employee layoffs, and abandoning critical programs). Telework can deliver immediate results for the State, for employees, and for the environment, without the morning-after headache."

- Ian Gover, President & CEO, Better Workplace

"The savings are real, the business model for telework is proven. My company alone realized over a billion dollars in savings. It's important to note that it is not an all or nothing proposition. You may have some workers who only telework one day a month, others a couple times a week; the important thing is to find the right balance for each individual and the needs of the organization. At Sun, we found that morale and retention were higher with telework users and that we had higher productivity from them. The dirty little secret is that they worked more productive hours and were happier and it was less expensive to support them."

- Scott McNealy, co-founder and former CEO of Sun Microsystems

"We've repeatedly proven that it is possible, even desirable to have successful organizations whose employees are scattered around the countryside. Technology isn't the problem (if it ever was). So why do we still stick to the old ways? Because many of us are still not sure how to get from that traditional, tense, irritable and frustrated state to a new relaxed, pleasant and self-fulfilled existence. Change is scary. So here we are, still making dumb trips."

- Jack Nilles, president of JALA International (quote from the foreword to *Undress For Success—the Naked Truth About Making Monday at Home.*

"…here's a deceptively simple action item to put on your agenda for business growth, working families and a green future: Make it the norm for everyone to work at home at least one day a week. That single step could raise productivity, save energy, decrease pollution, reduce traffic congestion, cut household expenses, increase quality of family life, and keep educated women in the workforce."

- Roseabeth Moss Kanter, Earnest L. Arbuckle Professor, Harvard Business School

"In a knowledge worker economy, we need to focus on outcome measures of productivity, not attendance or even output."

- John Sawislak, Senior Fellow at the Telework Exchange

"If you pick the right people and give them the opportunity to spread their wings—and put compensation as a carrier behind it—you almost don't have to manage them."

- Jack Welch, former CEO of GE

"Even though we propose results-based management as an innovation of the last decade or so, it seems to me that results have always been the bottom line. Somewhere along the way we started talking about time—desk-time, face-time, full-time, over-time, as the measurement of what we accomplish and where we accomplish it.

"I am a proponent of flexible and effective workplaces because I believe excellence in management stems from trusting and empowering each person within an organization to do their job to the best of their ability."

- Patricia Kempthorne, Founder/Executive Director, Twiga Foundation, Inc.

"Management by walking around is fine for crumby organizations that don't trust their employees, but good companies work with their people to establish goals, they give them the tools they need to meet those goals, and then they get out of their way.

- Jack Nilles, JALA and the father of telecommuting

"Supervisors and team leaders may have difficulty figuring out how to manage employees when they can't see them. That's why a focus on performance outcomes is critical. Detail what is expected of your staff—work products, availability, communication procedures—and hold them accountable wherever they are—at the office, the client's office, the airport, the beach or at home."

- Judy Casey, Director at Work and Family Researchers Network

"Telework forces managers to focus on what's important - efficient and effective work, no matter where it takes place. "

- Monica Babine, Senior Associate, Program for Digital Initiatives, Washington State University Extension & College of Liberal Arts

About the Telework Research Network

This report was prepared by Kate Lister and Tom Harnish from the Telework Research Network, a consulting and research firm based in San Diego, California.

The company specializes in evaluating the business case for telework and workplace flexibility. They have synthesized over 500 case studies, research papers, and other documents on the topics. And they've conducted interviews with the largest and smallest virtual employers and their employees, telework advocates and naysayers, top researchers, leaders of successful telework advocacy programs, and venture capitalists who have invested in the remote work model. Their research has been quoted in he *Wall Street Journal, Harvard Business Review, Inc.* magazine and scores of other publications.

Frustrated by organizational reluctance to initiate workplace flexibility, Lister and Harnish co-authored a popular press book, Undress For Success—The Naked Truth About Making Money at Home (Wiley, 2009), to help employees to negotiate, find, or create their own home-based work.

The principals of the Telework Research Network are available for consulting and research projects, custom telework and flexible work modeling for companies and communities, branded web-based telework and flexible work savings calculators, white papers, and public or virtual appearances.

Related White Papers Include:

- The State of Telework in the U.S. (April 2011)
- Workshift Canada—The State of Telework in Canada (April 2011)
- The Shifting Nature of Work in the UK—The Bottom Line Benefits (March 2011)
- Results-Based Management—The Key to Unlocking Talent and Increasing Productivity (September 2010)
- Telecommuting: The Bottom Line Impact (US) (May 2010)

For more information visit the Telework Research Network website, or email Kate Lister

It's time to make the road less traveled the way to work.™

Endnotes

[1] U.S. Department of Labor, 2009 Report to Congress shows 61 percent of federal employees hold telework-compatible jobs. The Telework Research Network estimates that based on an agency by agency assessment of jobs, 48 percent of local government and 51 percent of state government jobs in California are telework-compatible. This compares to the overall non-self-employed population compatibility rate of 45 percent for the U.S. total workforce.

[2] American Community Survey, 2009, CA state workers who worked at home the majority of the time.

[3] a) BLS Work at Home Special Report (2004) showed average of 2.4 days a week; b) Working at home: An update, Perspectives on Labor and Income, Statistics Canada, June 2007. In 2005, teleworkers worked at home an average of 17 hours a week. c) chose 2 days a week because at lower frequencies, the opportunity for financial savings are minimal.

[4] a) WorldatWork.org: 2009 Telework Trendlines shows 79 percent of employees say they would telework if allowed b) 2010 Federal Employee Viewpoint Survey showed only 12.3 percent of employees chose not to telework.

[5] Telework Research Network estimate based on agency by agency analysis

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

2012 Status of Telework in the Federal Government

Report to the Congress

a New Day for Federal Service

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
JUNE 2012

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Executive Summary

The signing of the Telework Enhancement Act in December 2010 (the Act), set in motion a transformation of Federal telework that will have the effect of unleashing its potential as a strategic intervention for supporting agency effectiveness. The Act provides a framework of requirements designed to ensure a more systematic implementation of telework in Federal agencies than previously existed and adequate notice to employees of their telework eligibility status. Satisfying these requirements has meant a fundamental shift in how agency stakeholders view and implement telework -- from a strictly individual employee benefit to a strategic organizational change *program*.

Program Benefits

Telework program benefits extend from the individual to larger communities. Telework's potential to enhance work-life balance for individual employees is well documented. Implemented widely across agencies, telework has the potential to improve quality of life for communities, for example, by reducing traffic congestion and pollution. Increasingly, however, the potential for agency benefits drives telework implementation.

- Aligned with agency strategy and mission, telework supports achievement of objectives increasingly important for operation of an efficient and effective Federal Government, including cost savings and improved performance, and maximizing organizational productivity.
- Developed as a strategic program, telework is a powerful agency recruitment and retention tool with the capacity to improve the competitive position of the Federal Government for recruiting and retaining the best possible workforce. .
- Leveraged as a management tool, telework mitigates potential disruptions to workplace productivity (e.g., severe weather).

About the Research

The research described was designed to satisfy content outlined in the Act and provides a baseline for evaluation of Federal telework programs under the Telework Enhancement Act of 2010. The study for the report draws upon multiple methods (survey, focus groups, and archival data) and provides a robust picture of telework under the Act through the consequent integration of key stakeholder perspectives (agencies, employees and program managers). As in prior reports, the annual agency Data Call provided the core data for the report. However, to reflect program parameters and measures outlined in the Act, the form of the Call used in 2011 was heavily revised from prior administrations. For this reason, telework program results presented in this report are not directly comparable to findings reported for prior years.

Results provide an overview of agency efforts and status with respect to implementing programs as required in the Act, descriptions of how many and how Federal employees telework, summaries of agency goal-setting efforts, and insights into outcomes related to telework. Agency data are quite informative and provide a detailed picture of current Federal telework activities. Program descriptions are particularly valuable and will provide

opportunities for interagency sharing of best practices. However, caution should be exercised when participation and frequency findings are reviewed. In the absence of a standardized Governmentwide data collection system or trained data collection staff in all agencies, the final combined telework participation estimates are unlikely to be reliable.

Finally, many agencies do not have the current systems capacity to collect all requested data (e.g., situational telework); final participation and frequency numbers may under-report telework activity, again, with consequences for data quality standards, including reliability.

This same systems limitation must be kept in mind when interpreting results. For example, at the time of the Call, some agencies had not yet developed databases to track the number of signed telework agreements. The mismatch between number of agreements and number of teleworkers reflects this limitation in data collection rather than a failure to ensure signed agreements.

Telework Program Implementation

The Act included a number of requirements for Federal telework programs. These are outlined next with results of data collection shown for each.

Findings must be interpreted with respect to the data collection limitations noted above. In addition, some agencies opted to participate in the Data Call although they were not required to do so under the Act. In some instances, apparent non-compliance with the Act results when such agencies elected not to respond to every item.

- *Establish a policy under which eligible employees would be allowed to telework*. All agencies responding to the Data Call (87) had established telework policies; 73 percent of which met the requirements of the Act at the time of the Call. Focus group participants described the time-consuming effort of revising policy, and the lengthy internal review processes that made it difficult or impossible to align telework policies with Act requirements in time to meet the June 2011 deadline.
- *Designate a Telework Managing Officer (TMO)*. Practically speaking, all respondent agencies had designated a permanent or acting TMO at the time of the Call. The two that did not were not covered by the Act, and thus not bound to adhere to its requirements.
- *Determine and notify all employees of their eligibility to telework*. All reporting Executive branch agencies governed by Act requirements had notified agency employees of their eligibility to participate in telework. At the time of the Call, a total of 684,589 agency employees had been determined eligible to telework, representing almost 32 percent of the 2,165,390 employee population reported by agencies.
- *Require a written agreement between an agency manager and each of his or her employees authorized to telework*. While not every agency has systems in place to track telework agreements, records maintained by the 82 agencies that were able to provide responses show that a total of 144,851 employees have a telework agreement with their managers. Agencies renew telework agreements periodically, in some cases,

according to a fixed schedule and, in others, whenever an employee's supervisor or position changes.

- *Ensure that an interactive training program is provided to eligible employees and their managers and that the training is successfully completed by employees prior to entering into a telework agreement* (unless specifically waived by the head of the agency). The web-based training posted on the Office of Personnel Management's (OPM's) telework website (www.telework.gov) was the most commonly reported source of training.
    - Agencies were asked to report the number of employees and managers who had received telework training since the signing of the Act. Again, data collection methods often did not permit points of contact (POCs) to respond to this question. Reportedly, a total of 166,348 employees have been trained since the signing of the Act in December 2010.
    - Of those agencies that track training, the largest number record certificates to establish training completion (26 agencies).
- *Adopt telework as a critical management tool into agency Continuity of Operations Plan* (COOP). At the time of the Call, 75 agencies had included telework as part of their COOP plans.

While technology enables telework and forms the basis for successful programs, inadequate technology and data security issues are often mentioned as critical barriers to telework. Consequently, the Call included questions to assess technology implementation. Results indicate that more agencies bear the cost of equipping teleworkers (e.g., provide computers to teleworkers) than services to support telework (e.g., internet). Agencies report that steps are routinely taken to ensure data security.

Participation in Telework

The Call asked agencies to report telework participation and frequency during September and October 2011. Although this period of reporting was just a few months after the deadline for meeting Act requirements, a quarter of all employees deemed eligible to participate were reported as teleworking. Teleworkers tend to include more females, older employees, and those with longer agency tenure compared to the Federal population. Evident from the number of respondents, not all agencies were able to collect requested data.

	Total Number of Employees	**Employees Deemed Eligible to Telework**	**Employees with Telework Agreements**	**Employees Teleworking in Sept 2011**
Number of employees in each category	**2,165,390**	**684,589**	**144,851**	**168,558**
Number of agency respondents	86	82	82	87

Still, as often happens when innovations are introduced, Federal telework faces barriers to full implementation. Asked to describe ongoing challenges, several agencies reported resistance among key stakeholders (e.g., managers) as well as technology and security concerns.

How Often Do Employees Telework?

Achieving telework benefits, such as reductions in energy use, often depend upon how frequently employees telework. The Act also specified the importance of collecting data on the frequency of telework. As of the Call reporting period, many agencies did not have systems in place to track the number of days an employee teleworks. Of those agencies that were able to respond, results indicate fairly low rates of participation tend to predominate, with more than half of agencies reporting that teleworkers spend 2 or fewer days per week teleworking. Only 27 percent of teleworkers were reported as participating 3 or more days per week.

What Happens When Federal Employees Telework?

The Federal Employee Viewpoint Survey (FEVS) allows teleworking employees to be distinguished from those employees who are not able to telework because of a barrier (e.g., limited technology, not allowed to telework). In comparison to non-teleworkers facing barriers to telework, teleworkers are more likely to report knowing what is expected of them on the job and feeling as though they are held accountable for results. Teleworkers also reported a greater sense of empowerment, higher job satisfaction, and a greater desire to stay at their current job.

As in the 2010 report, results show that teleworkers and those who choose not to telework often have similarly favorable work attitudes. It is likely that employees who telework and those who do not experience similarly high levels of workplace autonomy and control. Both characteristics have been shown to be related to positive workplace attitudes.

Goals

The Act requires that agencies report an annual telework participation goal and encourages agencies to set and measure progress towards a variety of other goals. Since this is the first reporting year under the new law, the participation goals provided in this report pose a baseline for agency assessments of progress in the 2013 Report to Congress. Of responding agencies, 41 reported a participation goal as either a percentage or number of employees. Many agencies were still in the process of setting their participation goals at the time of the Call, and OPM will continue to work with those agencies over the coming months.

The Act also asked agencies to report results of assessments of any other goals the agency may have established for telework programs (e.g., emergency preparedness, recruitment and retention, performance). Emergency preparedness was the most frequently mentioned, while less commonly reported goals included reduced commuter miles, energy use, real estate costs, and improved employee performance. While measuring progress towards these goals remains a challenge, this report details examples of some of the innovative ways in which many agencies have begun to assess them.

Telework as a Tool for Achieving Social Goals

The Act directed OPM to initiate a review of the research on outcomes associated with an increase in telework, and make findings available to the public. Included in the appendices to this report are two reviews of the research literature examining the relationship between 1)telework, energy consumption, and transportation and 2) telework and job availability. Results of this review suggest a number of practical tips for approaches agencies could adopt to achieve goals. Examples include:

- Encourage employees with the longest commutes to telework
- Educate employees about how to best save energy while teleworking
- Encourage employers to make telework available to highly sought after and underserved employees (e.g. employees with high demand expertise, workers with disabilities, or Wounded Warriors).

Next Steps

OPM will continue to work in a consultative capacity with agencies to facilitate continuous telework program improvement, advancement of programs, and interagency learning. The focus in 2012-2013 will continue to be on goal-setting, goal measurement, and evaluation.

To address lingering data reliability issues, OPM has worked closely with payroll providers and agencies to develop a Governmentwide set of standards for data collection. These are being implemented by payroll providers and agencies; the resulting automated data collection will be pilot-tested during the summer of 2012. Findings from the pilot will be included in the next reporting cycle.

INTRODUCTION

The signing of the Telework Enhancement Act in December 2010 (the Act) set in motion a transformation of Federal telework that will have the effect of unleashing its potential as a strategic intervention for supporting agency effectiveness. Prior to the Act, telework was largely implemented through case-by-case approval of employees. Under the Act, telework is implemented as a strategic workplace flexibility offering expanded opportunities for participation (to the extent it does not diminish employee performance or agency operations), and the potential to substantially benefit individual employees and agencies alike.

The Act provides a framework of requirements designed to facilitate a more systematic implementation of telework in Federal agencies than previously existed and adequate notice to employees of their telework eligibility status. Satisfying requirements has meant a fundamental shift in how agency stakeholders are asked to view and implement telework -- from an individual employee benefit to an organizational change *program*. Implemented as a change program, telework supports achievement of objectives increasingly important for ensuring an efficient and effective Federal Government, including cost savings and improved performance. For example, by offering the flexibility many employees need to balance multiple life responsibilities, telework offers an incentive designed to retain high performing employees with consequent financial benefits for agencies. Beneficial outcomes occur directly and indirectly, for instance, through limiting the cost of turnover while retaining important knowledge assets (Horan & Wells, 2005).

Achieving anticipated benefits requires a substantial portion of eligible Federal employees to participate in telework on a regular, ongoing basis. According to reports issued prior to enactment of the Act, relatively few Federal employees teleworked and even fewer teleworked with the regular frequency that research indicates is necessary to achieve meaningful reductions in turnover, cost savings, reduced pollution or other goals (see Bailey & Kurland, 2002, for a review of the research literature, and www.telework.gov for prior status reports). The Act, however, provides the incentive and parameters for making telework more widely available to all Federal employees.

The Act established specific requirements for Federal telework, and satisfying these requirements meant substantial organizational changes in many agencies, with consequences for policies, workplace practices, and, ultimately, workplace culture. Results described in this report provide a new baseline for future assessments of Federal telework under the Telework Enhancement Act of 2010.

The following background section considers the context for Federal telework. The section describes the legislative background, key program requirements outlined in the Act for agencies, and OPM's role in advancing Federal telework – all aspects of context that work in unison to shape Federal telework.

BACKGROUND

The history and statutory framework for establishing telework began more than a decade ago as an effort to address transportation concerns and grew into an important flexible work arrangement and a powerful recruitment and retention tool for the Federal Government. . Over the years, telework has continued to receive attention due to its potential to improve employee morale, enhance work-life balance for employees, improve the competitive position of the Federal Government for recruiting and retaining the best and brightest workforce, increase Federal agency capacity to achieve mission and operational goals, and maximize organizational productivity.

In recent years, the focus has expanded to view telework as a strategic management tool for coping with potential disruptions in the workplace due to severe weather or other emergencies, and as a recruitment tool to increase access to talent pools. What seems clear is that telework will continue to receive attention within the Federal Government as a human capital strategic tool that provides a number of important benefits and flexibilities to organizations and employees alike.

Legislative History

Congressional interest in expanding the use of telework in the Executive branch began in earnest with the passage of Public Law 106-346 in 2000, which required each Executive agency to establish a policy under which eligible employees of the agency would be permitted to participate in telework to the maximum extent possible without diminished employee performance. Further legislation followed this mandate but the focus was more incremental and targeted specific agencies to increase telework participation by specified amounts.

The Telework Enhancement Act of 2010 (Public Law 111-292), which was signed into law by President Obama on December 9, 2010, built upon previous congressional action and provided a framework for Federal agencies to maximize the use of telework. In addition to establishing baseline expectations for the Federal telework program, the Act provided the legal framework for achieving greater flexibility in managing the Federal workforce through the use of telework. It also assigned specific duties and expanded responsibilities to OPM, and other partner agencies, for directing overall policy guidance to Federal agencies on an ongoing basis in an effort to help them build effective telework programs.

Act Requirements: Executive Branch Federal Agencies

Perhaps the most far reaching and ambitious achievement of the Act was the establishment of a more uniform and consistent approach to telework across the Federal Government. For the first time, Congress provided a consistent definition of what constitutes telework in the legislation, and applied it broadly to encompass most flexible work arrangements that allow an employee to perform his or her work at an approved worksite other than his or her assigned worksite:

"The term 'telework' or 'teleworking' refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work."

Additionally, the legislation established expectations for all Federal Executive agencies with regard to telework policies, program implementation and reporting. A deadline of June 30, 2011, was established for meeting agency requirements in the Act. First and foremost, each Federal agency was required to establish a policy under which eligible employees would be allowed to telework, to determine employee eligibility to participate in telework, and to notify all employees of their eligibility status. Federal agencies continue to exercise maximum flexibility to establish telework policies based on their individual mission and operational needs and to ensure that any such telework program does not diminish employee performance or agency operations.

To ensure consistency and continuity for telework programs across the Government, the Act further directed Federal agencies to:

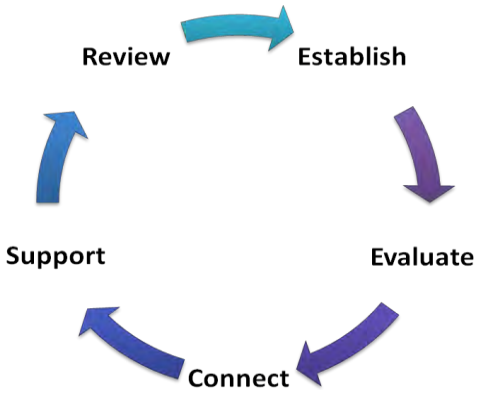
- designate a Telework Managing Officer (TMO) who would be responsible for policy development and implementation (In addition to serving as an advisor for agency leadership and a resource for managers and employees on all matters related to telework, the TMO also is required to consult and coordinate with OPM to satisfy mandatory annual data collection and reporting requirements.);
- determine and notify all employees of their eligibility to telework;
- require a written agreement between an agency manager and each of his or her employees authorized to telework;
- ensure that an interactive training program is provided to eligible employees and their managers and that the training is successfully completed by employees prior to entering into a telework agreement unless specifically waived by the head of the agency; and
- adopt telework as a critical management tool into its Continuity of Operations Plan (COOP).

U.S. Office of Personnel Management: Advancing Federal Telework

The Act also outlines a number of specific responsibilities for OPM. These responsibilities support the consultative role OPM has long held with agencies, especially in policy guidance, and mandate continued maintenance of the Federal telework website (currently available at www.telework.gov). The Act expands OPM's role in telework program assessment and data collection, charging OPM to assist agencies in establishing appropriate qualitative and quantitative measures and goals for telework programs. Moreover, OPM, in collaboration with agencies, is required to compile and submit an annual report to Congress on the telework programs of each agency, a requirement addressed here. Specific content is established for the report, for example, degree and frequency of participation in telework by employees in each

agency, number and percentage of employees eligible to participate in telework, and results of any assessments of outcomes associated with telework.

The Governmentwide telework program is managed by OPM's Work/Life/Wellness (W/L/W) office. Prior to the Act, the office developed a model for advancing telework (shown below).



In many aspects, the model aligns with the Act, especially in its emphasis on OPM consultative services, evaluation, and measurement. These reinforce the central role of OPM's W/L/W office in the advancement of telework. Model components include:

- Establish: Goals for advancing telework are outlined in the Act and established by individual agencies. W/L/W supports efforts to establish telework goals through workshops, feedback on research results and individual consultations.
- Evaluate: W/L/W conducts ongoing data collection through various research programs to assess agency telework program implementation, processes and outcomes, and assist agencies in similar data collection. Data are collected through custom instruments (e.g., periodic Data Call, focus groups, survey of Federal employees), and other existing sources (e.g., agency surveys, FEVS, payroll and Human Resources data).
- Connect: We share results and useful lessons learned through evaluation with the Federal telework community, including agencies and other stakeholders.
- Support: W/L/W helps agencies develop and implement programs through training (e.g., in telework, action planning, evaluation) and policy guidance. We provide consultative services as needed for building robust individual agency programs (e.g., program implementation, policy analysis).
- Review: We analyze research findings, evaluation findings and lessons learned on a continuing basis to assess Governmentwide progress in advancing telework.

REPORT CONTENT

The scope of the report has been dictated by several objectives, the first being to address content requirements established in the Act. The Act focuses attention on participation in telework agencies, with content spelled out as [Public Law 111-292, 6506(b)(2)]:

(a) degree of participation by employees of each executive agency in telework;
(b) method for gathering telework data in each agency;
(c) reasons for observed increases/decreases greater than ten percent in telework participation;
(d) agency participation goals for the next reporting period;
(e) actions taken to identify and eliminate barriers in cases where goals were not met;
(f) assessment each agency has made in achieving any identified, non-participation goals (e.g., energy use, recruitment, retention, employee attitudes);
(g) best practices in agency telework programs.

Given OPM's consultative role with agencies, a second objective for this report has been to provide useful information to agencies as they strive to establish, develop, and sustain telework programs. The specific requirements for Federal telework outlined in the Act meant substantial organizational changes in many agencies. Successful change initiatives are directed by evaluation (Worley & Cummings, 2004), consequently, researchers in the Work/Life/Wellness (W/L/W) office, U.S. Office of Personnel Management, took this report as an opportunity to initiate systematic evaluation of Federal telework programs.

At the time of data collection, agencies were finalizing implementation of program parameters established as requirements under the Act (e.g. notifying employees of telework eligibility). Notably, *change initiatives cannot produce intended outcomes until they have been fully implemented and the culture change necessary to support telework has occurred.* Consequently, this inaugural telework status report under the Act is largely focused on program implementation questions, and broad questions guided the research:

- What portion of the Federal workforce teleworks?
- How are telework programs implemented under the Act?

Results provide a <u>new</u> baseline for evaluation of Federal telework under the Act.

About Goal Assessments and Best Practices

The Telework Enhancement Act of 2010 tasks OPM with reporting "an assessment of the progress each agency has made in meeting agency participation rate goals during the reporting period, and other agency goals relating to telework" [Public Law 111-292, 6506(b)(2)] and "the best practices in agency telework programs [Public Law 111-292, 6506 (b)(2)(G)]."

Establishing just how successful agencies have been in satisfying established goals (participation and outcome) relate to questions of program effectiveness. Some initial insights are provided

regarding Governmentwide goals for telework in the analysis of Federal Employee Viewpoint Survey data. Agencies have just established goals for their programs and these are reported in this report. Assessments of how well these goals have been achieved will be reported once agencies have systematic data with the appropriate time-depth to assess their achievement.

Best practices are established by linking evidence of program effectiveness with practice in order to identify those systems and routines that are most likely to result in desired outcomes. At this implementation stage, agencies are in the process of establishing goals and outcomes; it is too soon to describe any particular set of practices as clearly "best." However, results of focus groups conducted as part of this study are integrated throughout the report and provide insights into practices that agencies have found to be useful for advancing telework (see Appendix 1 for the full focus group report).

The study for this report employed multiple methods in a phased research design. These are described next.

METHODOLOGY

A first step for initiating this telework research project was to operationalize key definitions in the Act. An Interagency Telework Measurement team of agency subject matter and method experts was assembled in January 2011[1]. To operationalize the definition, the team considered an essential question: *Who should be included in counts of telework*? The final definition guided all phases of research and was included in the data collection instruments described in this section.

> **Telework** is a work arrangement that allows an employee to perform work, during any part of regular, paid hours, at an approved alternative worksite (e.g., home, telework center). This definition of telework includes what is generally referred to as remote work but does *not* include any part of work done while on official travel or mobile work. See the following clarifications on remote and mobile work.
>
> - Remote work: A work arrangement in which the employee resides and works at a location beyond the local commuting area of the employing organization's worksite. The arrangement generally includes full-time telework (Note: a recent addition

[1] The group was assembled and led by Dr. Kimberly Wells, U.S. Office of Personnel Management. Members included acknowledged leaders and experts in Federal telework including: Dr. Wendell Joice, U.S. General Services Administration; Danette Campbell, U.S. Patent and Trademark Office; Pam Budda, U.S. Department of Defense; Aaron Glover, Defense Information Systems Agency; Karen Meyer, United States Navy; Scott Howell, National Aeronautics and Space Administration; Bruce Murray, U.S. Department of Energy; and Dr. Alexis Adams, Christina Heshmatpour, Elnora Wright, and Clint Sidwell, U.S. Office of Personnel Management.

clarifies this definition by stipulating that remote work may result in a change in duty location to the alternative worksite (e.g., home).)[2]

- Mobile work: Work which is characterized by routine and regular travel to conduct work in customer or other worksites as opposed to a single authorized alternative worksite. Examples include site audits, site inspections, investigations, property management, and work performed while commuting, traveling between worksites, or on Temporary Duty (TDY).

The Interagency Telework Measurement Advisory Group further specified two forms of telework for research purposes. They are distinguished primarily on the basis of schedule:

- Routine: telework that occurs as part of an ongoing, regular schedule; and
- Situational: telework that is approved on a case-by-case basis, where the hours worked are not part of a previously approved, ongoing and regular telework schedule. Examples of situational telework include telework as a result of special work assignments or doctor appointments. Situational telework is sometimes also referred to as episodic, intermittent, unscheduled or ad-hoc telework.

The Logic of Telework Programs

Fundamental questions initiated and guided planning for this evaluation of Federal telework. Sample questions asked included:

- Which stakeholders should be included in the data collection effort?
- What resources are necessary for the development of the program?
- What outcomes can be anticipated in the short or long term once the program is implemented?

Following best practices and shown below, a logic model was developed at the outset of the study (shown in Figure 1). It addresses basic evaluation questions and functioned as a guide to the study design and data collection.

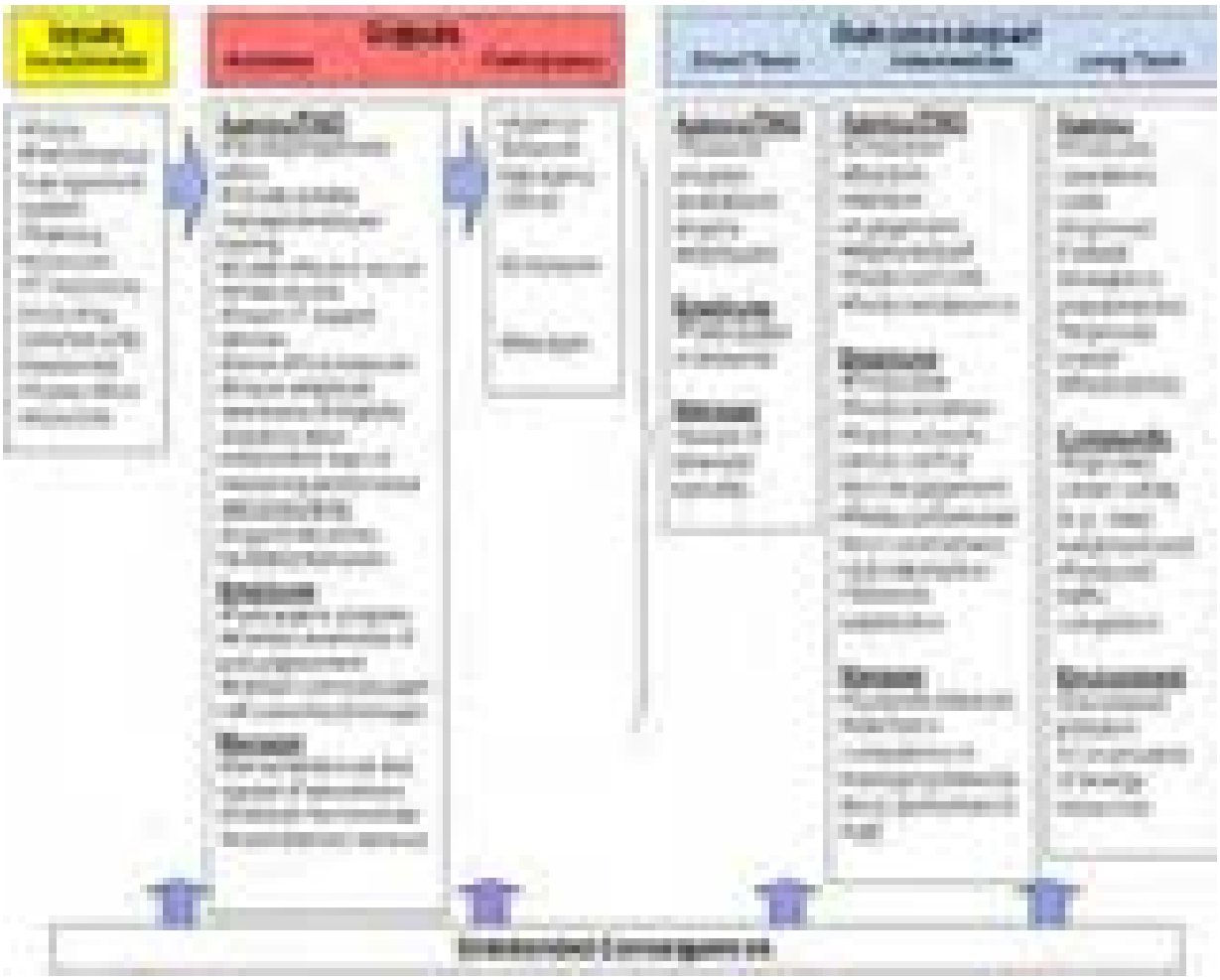
Throughout the report, reference is made to telework program implementation and outcomes. As illustrated in the model, implementation questions consider program resources, activities, and stakeholders (shown on the left side of the model). Whether anticipated outcomes are attained depends largely upon how successfully telework programs are implemented. In fact,

[2] This definition reproduced here was in place at the time of the Call and guided agency data collection efforts. At the writing of this report, OPM notes that remote work arrangements may result in the employee working full-time from the location beyond the worksite with only occasional visits to the office, as opposed to the currently more typical telework arrangement, where employees are expected to return to the applicable work site on a regular basis.

failure of programs to achieve expected outcomes often reflects a failure to completely or adequately implement a program (Rossi, Lipsey, & Freeman, 2004).

Some outcomes can be expected to occur rather quickly with the implementation of a program (e.g., telework participation). Other outcomes, particularly broad community changes (e.g., reduced traffic congestion and pollution), are only recognized once a critical mass in participation and telework frequency has been achieved. Early adopters of innovative interventions like telework usually participate in numbers too small to achieve large-scale community or environmental outcomes.

Figure 1: Federal telework logic model



Research Design

The research reported here is designed to incorporate quantitative and qualitative data gathered from the primary stakeholders shown in the logic model: the agency Data Call (the Call), archival data from OPM's Federal Employee Viewpoint Survey (FEVS) and focus groups

with Telework Managing Officers and coordinators. Each data source is used to capture the perspective of a stakeholder group instrumental in the success of telework.

The Call provides a platform for the systematic collection of descriptive data for program practices in each agency. Liberal use of open-ended items is made in the Call, providing some explanatory data from the agency perspective.

Employee data from the FEVS provides an important complement to the agency perspective in that it offers an opportunity to understand telework programs from the "customer" perspective. Results from analysis of FEVS data allow description of Federal employee participation in telework, reasons for non-participation, and participant satisfaction with telework programs. Further, findings from the FEVS also allow for some insights into workplace outcomes related to telework (e.g., job satisfaction, employee development). A major strength of the FEVS is that it allows comparison of teleworkers and non-teleworker experiences and perceptions – a more robust design for establishing linkages between program and outcomes.

Finally, focus groups with TMOs and program coordinators provide rich description of the context in which telework successes occur as well as some of the challenges and opportunities faced by agency stakeholders in establishing these programs. Final results are included in the report to provide important contextual and explanatory data for interpreting results from the surveys.

The table shown in Appendix 3 displays the link between anticipated effects, measures, and data sources. Methods used to assess listed questions/topics are described.

Method Summary

The methodology used in the research is summarized next. For a more detailed description, see the appendices and links referenced in descriptions.

Telework Data Call

Various versions of the Call have been issued to Federal agencies since 2001. The Call has been revised frequently in response to changes in context and Federal telework policy. The current version of the Call instrument was developed to assess program changes made in response to the Act.

Under the Act, Executive branch agencies are required to report telework data to OPM for inclusion in the annual status report to Congress.[3] A number of agencies also were required to report telework participation and frequency data at the sub-agency/component level. Participation in the Call is currently the only way for agencies to comply with data submission requirements in the Act. Note that several agencies not covered by the Act (e.g., the Smithsonian Institution), and thus not required to participate, nonetheless elected to do so.

[3] Section 6501(2) states that executive agencies are those set forth in section 105.

The Call provides the agency perspective through questions that address agency telework participation and program implementation and processes (e.g., how employees are deemed eligible, how employees are trained and equipped for telework). The instrument used for the 2010 Data Call was revised in 2011 to ensure alignment with the Telework Enhancement Act (see Appendix 4 for more details on the methodology of the Call, and see Appendix 6 for the electronic version of the Call included in the on-line survey platform).

The list of agencies included in the Call was compiled using OPM records (lists from OPM Human Capital Officers, lists from OPM statisticians, lists from previous Data Call administrations) and correspondence with agency points of contact (POCs) for telework (see Appendix 5 for a list of agencies and sub-agencies included in the Call survey administration). For each agency, a telework coordinator or TMO was designated to enter agency data into an online survey platform. Access to the platform was gained through a unique username and password assigned to each agency data entry POC. To protect data integrity, only one agency POC was supplied with access to the data entry system.

The Call was administered between October 26 and December 9, 2011. Agency respondents were invited to participate in the Call by email. Three reminders were sent to POCs and TMOs during the administration period for the Call. Prior to issuance of the Call, data entry points of contact for agencies, coordinators, and TMOs attended three briefings on the Call's content and timeline, which included opportunities to ask any questions. Through these meetings, agency POCs and others involved in telework data collection were familiarized with the Call content. In discussion, specific attention was given to definitions, instructions for data collection and the importance of data quality. Briefings were provided in an effort to support reporting of valid and reliable telework data.

The results of the Data Call give insight into agency efforts and progress in implementing the Act, how many and how Federal employees telework, summaries of agency goal setting efforts, and outcomes related to telework. Agency data provide a detailed picture of current Federal telework activities. Program descriptions are particularly valuable and will provide opportunities for interagency sharing of best practices.

Yet, there are some limitations with respect to the participation and frequency findings that should be considered. Agencies rely upon differing methodologies and data sources when gathering participation and frequency data, including time and attendance systems, counts of telework agreements, and surveys of employees. Without a standardized Governmentwide data collection system or trained data collection staffs, the final estimates of combined telework participation numbers are unlikely to be completely valid or reliable. In particular, many agencies do not have the capability with their current systems to collect all requested data (e.g., situational telework). As a result, the final participation and frequency numbers may underreport telework with consequences for the reliability of reported results.

Federal Employee Viewpoint Survey (FEVS)

The FEVS has been administered Governmentwide to Federal employees since 2002. The survey captures employee perceptions regarding how well the Federal Government runs its human resources management systems. Three items in the FEVS address telework. The first asks respondents to identify whether they are eligible to telework. The second item asks employees to choose an answer option that best describes their own participation in telework, with response options enabling teleworkers to be distinguished from non-teleworkers, and to provide reasons for non-participation in telework. The third item asks respondents to rate their satisfaction with the telework program in their agency.

The methodology for FEVS data collection is well-documented elsewhere. To summarize, the survey is administered to full-time, permanent employees of Departments and large agencies and small/independent agencies that accept an invitation to participate in the survey. The source for results reported in this document, the 2011 survey, was collected from a sample of employees in most agencies (see http://www.fedview.opm.gov for a more detailed description).

Methodological Distinctions between the Call and FEVS

Our understanding of Federal telework is enriched by the unique and important perspectives offered by the Call (agency) and FEVS (employee). Each resulting dataset addresses important and complementary questions. However, there are differences between the two instruments that drive dissimilarities in findings and make one-to-one comparisons of results inappropriate. These should be considered when interpreting reported findings.

- Perspective. While the Call and FEVS overlap somewhat in content, the unique perspective offered by each should be kept in mind. This difference means that results for the Call and FEVS are *not* directly comparable. The Call represents agency perspectives and represents official records for telework participation. The FEVS provides an important employee perspective, but is based on individual self-reports and results may differ from official agency records.

- Timeframe. In 2011, the Call and the FEVS represent snapshots of telework behavior at complementary but separate points in time. For past Calls, agency data has varied in the timeframe represented – from single snapshots of discreet time periods to annual averages. In the Act, agencies were given a deadline of June 2011 for implementing telework program requirements (e.g., notify all eligible employees), but not every agency was able to meet that deadline. To achieve an accurate picture of *implemented* Federal telework, OPM elected to collect data for a specified timeframe directly after the time the majority of agencies had satisfied program requirements. Call instructions directed respondents to report data for the months of September and October 2011, or as near as possible to that time period.

The FEVS was administered prior to the June deadline for implementing requirements under the Act, during April and May 2011. For this reason, FEVS results should not be taken as indicative of the impact the Act may have on telework, especially participation rates. In sum, the FEVS represents a pre-Act baseline, while the Call is more representative of programs post-implementation of Act requirements. Taken together, the two provide a complementary timeline, but results from the two surveys are not directly comparable.

- Baseline Data. Both the FEVS and Data Call instruments administered in 2011 were updated to address requirements in the Act. For this reason, it is difficult to directly compare 2010 and 2011 FEVS telework results regarding participation in telework. Certainly, aligning measurement with the requirements of the Act mandated such a complete overhaul of the Data Call instrument that current findings cannot be compared to results found in the 2010 telework status report. Results from both the FEVS and Call represent new and important baseline data for assessing the impact of the Act on future telework.

Focus Groups: Telework Managing Officer and Coordinators

The Call made liberal use of open-ended items and response options (e.g., "other") to allow each agency POC plentiful opportunities to expand and explain answers. Such explanations provide important information for understanding unique responses and the contexts in which Federal telework operates, especially barriers and supports to full implementation of programs. However, in general, responses to survey items are not sufficiently systematic or detailed to fully describe the supports or constraints that may operate to advance or hinder Federal telework. Consequently, to collect the necessary qualitative explanatory data, the 2011 research protocol incorporated focus groups held with key stakeholders: TMOs and coordinators.

See Appendix 1 for the full focus group report, including a detailed discussion of methodology. In September 2011, the W/L/W staff conducted four focus groups with agency representatives to learn more about how telework programs have been implemented and managed across the Federal Government. Group participants explored general foundations for telework program success, challenges to the advancement of agency programs, influence of the Act, and key lessons learned by agencies as they continue to develop and expand telework programs.

Focus group participants were chosen at random from a list of agencies (the same list used to identify participants to the Telework Data Call). TMOs and coordinators were invited to participate in the focus groups by email. Every group followed a structured questioning route developed prior to the meetings. Each session lasted two hours. Note-takers recorded each session and the resulting data were content-analyzed to identify recurrent themes, linkages between themes, and unique features of agency telework programs.

Overall, the mixed method research design (i.e., combination of qualitative and quantitative techniques) employed in this study provides a rich and detailed baseline picture of telework in the initial formative stage for Federal telework programs under the Act. Research in subsequent years will continue to expand the scope of questions posed and outcomes examined.

RESULTS

Presentation of results begins by examining agency progress in meeting Act requirements for telework program implementation. Findings draw primarily upon analysis of data from the Call.

Please recall that several agencies not covered by the Act, and therefore not required to participate, elected to respond in the Data Call. As a result, some of the ostensible non-compliance with Act requirements reflected in responses (e.g., appointment of a Telework Managing Officer) is attributable to the participation of these organizations.

Focus group results are incorporated with results from the Data Call wherever possible in an effort to provide a more complete understanding of he supports and/or constraints operating as agencies worked to fully implement telework programs in accordance with the Act. Noted earlier, focus groups also provide important insights into current practices in Federal telework. While it is too soon at this implementation stage to identify practices that might prove to be "best," focus group findings do outline a number of promising practices. These are described for results whenever possible and at the end of the report to foster interagency learning.

Telework Implementation

Act requirements provide a basic framework for program implementation and standardize fundamental aspects of Federal telework. A focus group participant noted "the Act helped us because it gave us the legal edge we needed to do some of the things we needed to do . . . . The Act helped us to get a better picture of what's actually going on and to be able to explain telework a bit more. It gave us the spotlight for a little while . . . ."

Results described next show the extent to which Federal telework programs included Act requirements at the time of the Call in the late fall of 2011.

How Have Agencies Met Program Requirements in the Telework Enhancement Act?

Satisfying requirements in the short timeframe allocated under the Act was truly a herculean effort for most agencies, especially given typically slim staff and resources. [4] In some agencies, satisfying the Act essentially meant building a new program, and for other agencies, it meant significantly changing an existing program. A number of agencies were still working to satisfy requirements immediately prior to administration of the Data Call in October 2011. Notably, the effort necessary to implement or transform telework programs varied across agencies. For

[4] The Act was signed in December 2010 and included a deadline of June 2011 for satisfying requirements.

example, it was more challenging for large agencies when compared with small agencies to notify all employees of their eligibility to participate in telework.

Aligning Agency Telework Policies with the Act

In nearly every agency the telework policy had to be revised in order to align with the Act. The law set forth two limitations -- relating to official discipline for either viewing pornography or being absent without permission for more than five days in any calendar year -- as ineligibility criteria for telework participation [Public Law 111-292, 6502(a)(2)(A)(B)]. Prior to the Act, these criteria were not included in eligibility standards established by agencies, and their inclusion required agencies to revise policies.

Revising and implementing telework policies is a slow and lengthy process involving multiple levels of internal review including, in some cases, bargaining with labor unions. Table 1 shows that although 73 percent of agencies had either existing or new policies that met the requirements of the Act, as of September 30, 2011 (date specified in the question asked of agencies), 26 percent of respondent agencies were still working to update policies to incorporate requirements of the Act. The Smithsonian Institution has a policy in place that does not meet all requirements, but it is not subject to the Telework Enhancement Act of 2010.

Table 1: Telework policy status at the time of the Data Call

Status of Telework Policy	Number of Agencies	Percentage of Agencies
Agency has a policy in place, and it has been revised and approved to include requirements of the Act (e.g., written telework agreements).	60	70%
Agency has a policy in place but it does not include the Act requirements; agency is currently working to update [the policy] to incorporate elements of the Act not already included.	23	26%
Agency had an existing policy in place that met the requirements of the Act.	3	3%
Agency has a policy approved, but it does not include all of the requirements of the Act.	1	1%
Total	87	100%

Total number of responding agencies = 87

Designating Telework Managing Officers

Any successful organizational change depends upon leadership support. It is particularly critical that telework program decisions be aligned with intra-agency strategic thinking and planning, given the potential for telework to influence outcomes for entire departments/agencies. The Act required the head of each Executive agency to designate a TMO within "the Office of the Chief Human Capital Officer or other comparable office with similar functions" [Public Law 111-292, 6505(a)]. This placement ideally brings management of telework programs into the circle of top leadership and ensures alignment with strategic decision-making. At the time of the Call, only two responding agencies had not yet appointed either an acting or permanent TMO. The two that did not were actually not covered by the Act, and thus not bound to adhere to requirements in the Act.

Table 2: Status of Telework Managing Officer Designations

The Telework Managing Officer as of this Data Call is:	Number of agencies*	Percentage of agencies
Permanent	75	86%
Acting	10	12%
We do not currently have a Telework Managing Officer	2	2%
Total	87	100%

*Total number of responding agencies = 87

Creation of the TMO position was a frequently discussed topic in focus groups. According to the Act, the TMO serves "as an advisor for agency leadership…a resource for managers and employees, and a primary agency point of contact for the Office of Personnel Management on telework matters." Prior to the Act, telework coordinators typically performed many of the functions outlined for TMOs. Under the Act, some agencies appointed coordinators as TMOs, but many more did not, sometimes with challenging consequences.

At the time of the focus groups in September 2011, TMO position implementation was still a work in progress. Participant comments reflected uneven results. In some agencies, the addition of the TMO was reportedly quite effective. TMOs were able to directly access senior leadership, and the relationship between coordinators and TMOs was described as a true partnership.

Other focus group comments revealed less positive situations. For example, while the TMO is meant to serve as an advisor to senior leadership, several focus group participants noted that TMOs have encountered difficulties gaining access to leadership. Limited leadership access makes it difficult to position telework as an effective strategic management tool. Several coordinators also noted that the addition of the TMO position resulted in an extra layer of

oversight, making it difficult to complete projects and goals. Such challenges will need to be resolved to ensure future telework program effectiveness.

Notifying Employees of Telework Eligibility

The Act requires agencies to notify all employees of their eligibility to participate in telework. Prior to notifying employees, agencies first determined which employees were eligible. Criteria for *in*eligibility were established in the Act and include any employee who "has been officially disciplined for being absent without permission for more than 5 days in any calendar year" and/or who "has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct of Employees of the Executive Branch for reviewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties." [5 U.S.C. 6502(a)(2), as enacted by Public Law 111-292]

Criteria for participating in telework were also established in the Act. These were presented in the instructions defining eligibility for participation in the Call. Respondents referenced this definition to describe eligibility standards for agencies. The definition states:

"An employee is **eligible to participate** in telework if all of the following parameters are true:

- The employee has not been officially disciplined for being absent without permission for more than five days in any calendar year.
- The employee has not been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.
- Teleworking does not diminish the employee's performance or agency operations.
- For employees participating in the telework program, participation and performance complies with the requirements and expectations of his or her telework agreement.
- The employee's official duties do not require on a FULL daily basis (ALL DAY, every work day): direct handling of secure materials determined to be inappropriate for telework by the agency head; or on-site activity that cannot be handled remotely or at an alternate worksite.
- The employee and/or the employee's position are not disqualified based on additional criteria established by the organization" (see The Guide to Data Standards retrievable on http://www.opm.gov/feddata/GDS/GDS_A08.pdf).

The last bulleted parameter in the definition assumes agencies may have criteria for disqualifying employees from telework in addition to those listed in the Act. In the Call, agencies were asked to describe these additional criteria, if any. Performance ratings that fell below specified levels were reported most frequently by agencies that listed additional eligibility criteria beyond those described in the Act.

Table 3: Criteria used by agencies for determining eligibility to participate in telework

Additional Eligibility Criteria	Of all agencies	Of agencies with additional criteria
Performance rating not at required level	40%	78%
Required period of employment not satisfied	25%	49%
Category of employee not allowed to participate	14%	27%
Conduct that resulted in disciplinary action	26%	51%
*Note: 45 agencies reported using additional criteria, which represents 52% of respondent agencies.		

At the time of the Call, a total of 684,589 Federal employees had been determined eligible to telework. This number represents 32 percent of the employee population of 2,165,390 reported by agencies.

In compliance with Act requirements, most agencies had either notified or were making progress in notifying employees of their eligibility to telework at the time of the Call.

Table 4: Employee eligibility notifications

Have all agency employees been notified of their eligibility to participate in telework?	Number of agencies (n=87)	Percentage of agencies
Yes	75	86%
No	5	6%
In progress	6	7%
Other*	1	1%

*Some participant agencies are not covered by the Act and thus are not required to adhere to the Act. In this case, eligibility issues are left to unit directors who respond on an "as requested" basis.

The law did not specify the form that eligibility notification should take (e.g., blanket email, in-person notification), and agencies reported using a variety of methods to contact employees regarding telework eligibility. A "general, mass or agency-wide email" was the most frequently selected response as shown in Table 5.

Table 5: Methods used by agencies to notify employees of telework eligibility

How were employees notified [of telework eligibility]	Number of agencies using method*
All eligible employees were notified via a general, mass or agency-wide email	48
Each employee was notified of his or her eligibility via personal communication (e.g., email, conversation with supervisor)	39
Other	19
Have not notified/finished notifying	11

*Multiple methods are often used by divisions located within the same Department/agency. To respond to this item, agencies were advised to mark all that apply, thus the total exceeds the 87 responding agencies.

Focus group participants described the challenges some agencies faced in notifying employees of their eligibility to telework. As an example, a participant commented that there was "lots of initial push-back from managers who didn't want to encourage telework. Lots of effort was put into making managers understand that being notified of eligibility does not mean that an employee would be allowed to telework. [We] worked to make managers understand that notifying employees was simply part of Act requirements (law)."

Effective telework programs rely upon continued employee participation. To this end, it is important that agencies notify new hires of their eligibility to telework. Most agencies (86 percent) also reported that they *do* notify newly hired employees of their eligibility to participate in telework (Table 6).

Table 6: Status of eligibility notification for newly hired employees

Do you notify *new* employees of telework eligibility?	Number of agencies (n=86)
Yes	70
No	8
Yes, some subcomponents	4
Other	4

Establishing Written Telework Agreements

The Act mandates that a written agreement must be established between the manager and an employee authorized to telework before he or she may participate in telework. The Call asked agencies to indicate how many employees had a telework agreement. According to records maintained by the 82 agencies that provided responses to this question, a total of 144,851 employees have a telework agreement with their managers. A comment made by a focus

group participant illustrates the diligence with which agencies approached satisfying Act requirements for telework agreements: "We made several changes. We did a big overhaul of the policy that was issued in October 2010 . . . . Some negotiation had to be done. We had to negotiate telework agreements for everybody; they used to be only for regular basis teleworkers."

Agencies were asked: *When does your agency renew telework agreements*? Shown in Table 7, agencies renew telework agreements in response to changing circumstances (e.g., change in supervisor) and/or to a fixed schedule.

Table 7: Renewing telework agreements

When does your agency renew telework agreements?*	**Number of agencies****
Telework agreements are updated according to a fixed schedule	37
Telework agreements are updated when there is a change in supervisor	42
Telework agreements are updated when a position change occurs for the employee	51
Other	35

*Not all agencies have the systems in place to track telework agreements.
**Agencies were instructed to mark every applicable option; consequently, total responses exceed the number of agencies (n=87).

Training for Telework

The Act requires heads of agencies to ensure that interactive telework training is provided to "(A) employees eligible to participate in the telework program of the agency; and (B) all managers of teleworkers." [Public Law 111-292, 6503 (a)(1)(A)(B)]

Passage of the Act helped ensure that training was applied more uniformly across stakeholder groups, including managers. Focus group participants illustrate this point, commenting, for example that "There used to be training only for teleworkers, not managers. That's changed. We had tried to do that before and it didn't make it until the Act." This is another example of how the Act, by imposing a mandate, provided the impetus needed by telework program staff to expand certain telework related objectives.

The Act does not specify training sources. Because agencies often use multiple forms of training, the question in the Call listed a number of the forms available to Federal agencies and asked respondents to indicate those training options used in an agency.

Results of manager and employee training options are presented separately in Tables 8 and 9. The most frequently listed source of training for both groups was the web-based telework training available on OPM's website (www.telework.gov).

Table 8: Telework training sources for managers

Type of Training (Managers)	Number of Agencies*	Percentage of Agencies
Customized, in-person telework training developed in-house and provided by the agency	22	25%
Customized web-based telework training developed in-house and provided by the agency	10	11%
Web-based training posted on OPM's telework website (www.telework.gov)	**59**	**68%**
Agency contracts with a vendor to develop and/or provide telework training (web-based or in-person training)	7	8%
Training through OPM's Eastern Management Development Center/Western Management Development Center	1	1%
Training through the USDA graduate school (a course currently titled: "Telework: A Manager's Perspective.")	2	2%
Training provided through other sources.	9	10%

*Total responses exceed the number of agencies, because POCs were instructed to mark every applicable option .

Table 9: Telework training sources for employees

Type of Training (Employees)	Number of Agencies*	Percentage of Agencies
Customized in-person telework training developed in-house and provided by the agency	19	22%
Customized web-based telework training developed in-house and provided by the agency	11	13%
Agency contracts with a vendor to develop and/or provide telework training (e.g., web-based or in-person)	4	5%
Web-based training posted on OPM's telework website (www.telework.gov)	**61**	**70%**
Training provided through other sources.	10	11%

*Total responses exceed the number of agencies, because POCs were instructed to mark every applicable option .

In the Data Call, agencies were also asked to report the number of employees and managers who had received some form of telework training since the signing of the Act. With training a prerequisite to telework participation (with certain exemptions specified in Section 6503(b) of the Act), this question was posed as a way of gaining some sense of the influence the Act may have had on advancing telework participation. However, data collection methods often did not permit agencies to respond to this question. Thirty-four agencies were not able to distinguish employees who had been trained after the signing of the Act, and 15 agencies reported that they do not maintain records of telework training. In those that do track training (30 agencies), a total of 166,348 employees have been trained since the signing of the Act in December 2010.

A follow-up question asked respondents to describe how they verify completion of telework training for employees and managers. Of those agencies that track training, the largest number record training certificates (26 agencies). Note that other methods unique to individual agencies were also described, for example, polling of employees, observation of staff meetings where training was provided, and record maintenance by individual managers.

Table 10: Training verification methods

Please describe how your agency verifies employee/manager completion of training for telework:	**Number of Agencies (n=42)**
Certificate	26
Classroom list	4
Electronic system	12

Telework and Emergency Preparedness

As noted previously, the Act recognized telework as an important tool for ensuring continuity of operations in emergencies. The Act directs Executive branch agencies to *incorporate telework into the continuity of operations plan of that agency*. Consequently, all agency telework programs should show evidence of a concerted effort to incorporate telework into strategies to ensure continued agency ability to meet essential mission and operational goals during an emergency.

In briefings prior to the Call, agencies were advised to consult with emergency preparedness staff for answers to emergency preparedness questions. The same instructions were given in the Call instrument. The intent was to ensure factual reporting based on actual records.

Data entry POCs were asked to indicate how the agency incorporated telework into emergency plans at the time of the Call. Emergency plans are intended to continue operations during emergency situations, adverse weather conditions, natural disasters or other incidents causing disruptions of Government operations. As evident in Table 11, telework is incorporated into agency Continuity of Operations Plans and Pandemic Influenza Plans. Telework policies also

typically include information regarding the use of telework during an emergency, and teleworkers are trained in expectations for teleworkers during emergencies.

Table 11: Reports of agency efforts to incorporate telework into emergency planning

	Yes*	No	Agency does not have this plan	Other
The agency Continuity of Operations Plan specifically addresses telework.	75	4	8	-
The agency Pandemic Influenza Plan specifically addresses telework.	66	5	16	-
The agency's telework policy includes information regarding telework during emergencies (e.g., who is supposed to telework).	67	7	-	13
Agency teleworkers are given specific training about what is expected of them in an emergency.	30	28	-	29

*Total number of responding agencies = 87.

OPM's guidance for Federal telework (www.telework.gov) emphasizes the importance of conducting periodic exercises to ensure staff members are experienced and comfortable with telework in an emergency. Twenty-three agencies reported that they do conduct telework exercises for at least those employees required to telework in an emergency. However, many more agency POCs (43) report that they do not conduct telework exercises to encourage employees to gain experience with teleworking in an emergency.

Table 12: Telework exercises for telework in an emergency

Does your agency conduct telework exercises to encourage employees to gain experience with teleworking in an emergency?*	**Number of Agencies (n=86)**
Yes, for all employees.	8
Yes, for those employees required to telework during emergencies only.	15
No.	43
Not able to find this information.	4
Other	16

Responses to a follow-up question indicate that 27 agencies conducted telework exercises primarily as part of emergency planning. ‘

Table 13: Purpose of telework exercise

Are these exercises intended primarily as part of emergency planning?	
Yes	27
No	4
Other	1

Beyond Act Program Requirements: Technology

Technology drives and provides the foundation for successful telework. Participants to TMO and telework coordinator focus groups emphasized the importance of technology to telework programs. In summary, when technology is *in*adequately addressed in program implementation and management, technology can become a major barrier rather than a facilitator of the advancement of telework.

An entire section of the Call was devoted to understanding technology implementation and telework programs. Questions began by assessing how agencies equip teleworkers. Unlike prior Calls, the 2011 form treated equipment and services separately.

As shown in Table 14, agencies tend to provide equipment (e.g., computers) to, or share the cost of equipment with, participants in telework (46 agencies). Responses summarized in Table 15, however, suggest it is more commonplace for agencies to ask teleworkers to pay for the technology services that support telework (e.g., internet).

Table 14: How agency teleworkers are equipped

Which of the following best describes how the majority of teleworkers in your agency gain access to work-related equipment to telework?	**Number of Agencies (n=81)**
Agency provides equipment	20
Teleworker purchases equipment	15
Costs are shared	26
Other	20

Table 15: How teleworkers access work-related technology services

Which of the following best describes how the majority of teleworkers in your agency gain access to work-related services (e.g., internet) to telework?	Number of Agencies (n=82)
Agency provides services	7
Teleworker pays for services	50
Costs are shared	12
Other	13

Some agency policies require teleworkers to use only agency-provided equipment. Meeting this standard can hinder the advancement of telework, as illustrated in this focus group comment: "This is an austere budget environment, so if you're an agency with less telework already, and less available equipment, it will be a challenge to equip everyone that will be teleworking."

Telework can be an important tool for enhancing continuation of essential agency functions in case of emergency (e.g., weather, accidents). Since telework depends upon the support and availability of technology, testing of all pertinent Information Technology (IT) capacities to support telework is a fundamental aspect of program implementation. Moreover, achieving long-term outcomes (e.g., pollution reduction, energy conservation) requires that technology resources be adequate to support widespread and frequent participation in telework. Tests to ensure this capacity are, again, essential.

Table 16 shows that most agencies test IT capacity. Perhaps surprisingly, few agencies (8) report conducting tests according to a regular schedule. Those agencies that reported testing their IT capacity also generally commented that their systems had adequate capacity for handling increased usage due to telework emergencies.

Table 16: Testing of agency information technology capacity to support telework

How frequently does your agency test its IT capacity to support telework?	Number of Agencies (n=82)
Never tested.	1
Conducts tests according to a regular schedule (e.g., monthly, quarterly).	8
Tests, but not according to a fixed schedule.	24
Does not test specifically for telework.	24
Not able to find this information.	5
Other	20

The Act directs the National Institute of Standards and Technology (NIST) to issue guidelines ensuring that adequate information and security protections for information and information systems are available for telework. Fully implemented telework programs include policy guidance aligned with NIST guidance. As shown in Table 17, most agencies (72 percent) report that telework policies are consistent with NIST guidelines.

Table 17: Consistency of telework policy with NIST standards

In terms of the information security matters addressed, our agency's telework policy is consistent with the guidance provided by NIST at http://csrc.nist.gov/telework?	**Number of Agencies (n=79)**
Yes	59
No	3
Not sure	9
Other	8

Substantially more respondent agencies have integrated telework into their overall information security policy (46), rather than develop a separate telework information security policy (15).

Table 18: Agency policy for telework and information security

Which of the following best describes your agency's policy governing telework and information security?	**Number of Agencies (n=79)**
Our agency has a separate, written telework information security policy.	15
Our agency is currently developing a separate policy.	4
Telework is covered under our agency's overall policy.	46
Other	14

Evident in Table 19, Federal agencies have established a variety of protocols for securing personally identifiable information when employees telework. Data security continues to be a key focus for agencies as they implement telework.

Table 19: Security of personally identifiable information (PII)

How does your agency secure PII while employees are teleworking?	**Number of Agencies**
All PII information is encrypted.	36
All PII files are password protected.	26
Privileged Rules of Behavior are signed for those handling PII.	26

How does your agency secure PII while employees are teleworking?	Number of Agencies
Only those with a compelling need are allowed to download PII.	32
Two Factor Authentication is used for remote access.	47
Only Government-furnished equipment is allowed for teleworking.	21
No PII, sensitive or classified information is allowed to be removed physically from the agency facility.	34
No PII, sensitive or classified information is allowed to be transmitted electronically from the agency facility.	20
Other	22

Participation and Frequency

Shown in the logic model, employee participation in telework is a critical antecedent to desirable program outcomes. How telework occurs (e.g., frequency) is an equally important consideration. Long-term outcomes, such as improved agency effectiveness, energy savings and decreased pollution, assume widespread and frequent participation in telework. Items in the Data Call provide baseline data for assessing participation and frequency.

Participation and frequency of participation data were collected by agencies using various methodologies. A question in the Call asked agencies to identify how they determined the number of teleworkers. Agencies described a number of methods for identifying participation and frequency of participation, including tracking through a time and attendance system (46 agencies), counting telework agreements (19 agencies), and/or through a customized telework electronic tracking system (11 agencies). Other methods included an internal survey of managers (5 agencies) or polling timekeepers (6 agencies). Many agencies used various methods for collecting participation data.

The Call included several questions probing participation and the frequency of participation. The first question asks:

- ***Are employees participating in Federal telework programs***?

Appendices 8 and 10 detail baseline participation data for each agency and sub-agency that responded to the Call. Summary results are shown in Table 20. Just a few months after implementing the Act requirements, agency records show that 21 percent of all employees determined to be eligible had a telework agreement with their manager. However, 25 percent of eligible employees were reported as teleworking. This misalignment between eligibility and agreements reflects limitations in the data collection systems of some agencies, as several agencies do not yet have a formal system for tracking telework agreements. As seen in Table

20, the number of agencies able to respond varied across items, indicating that some agencies were unable to provide the information.

Table 20: Summary highlights of telework participation as of September 2011

	Total Number of Employees	Employees Deemed Eligible to Telework	Employees with Telework Agreements	Employees Teleworking in Sept 2011
Number of employees in each category	**2,165,390**	**684,589**	**144,851** **(21 percent of eligible employees)**	**168,558** **(25 percent of eligible employees)**
Number of agency respondents to items	86	82	82	87

Agency participation numbers vary both between and within agencies (see Appendices 9 and 11 for detailed participation data by agency and sub-agency). Among agencies, the percentage of eligible employees who telework range from 0 to 82 percent. Some agencies use the number of telework agreements to estimate telework participation; consequently, some reported participation numbers may be overestimates. This is because some employees may have telework agreements in place for emergencies, but choose not to telework on a regular basis. A more accurate picture is likely to emerge as agencies move toward using time and attendance systems to count teleworkers. A planned Governmentwide automated telework data collection system will ensure more valid and reliable data.

The high participation rates shown for some agencies are encouraging evidence of progress in expanding Federal telework participation. However, to satisfy unique mission and operational goals, even low- to mid-range participation may represent effective use of telework for individual agencies. For this reason, care should be taken when interpreting the participation numbers shown in Appendices 8 – 11.

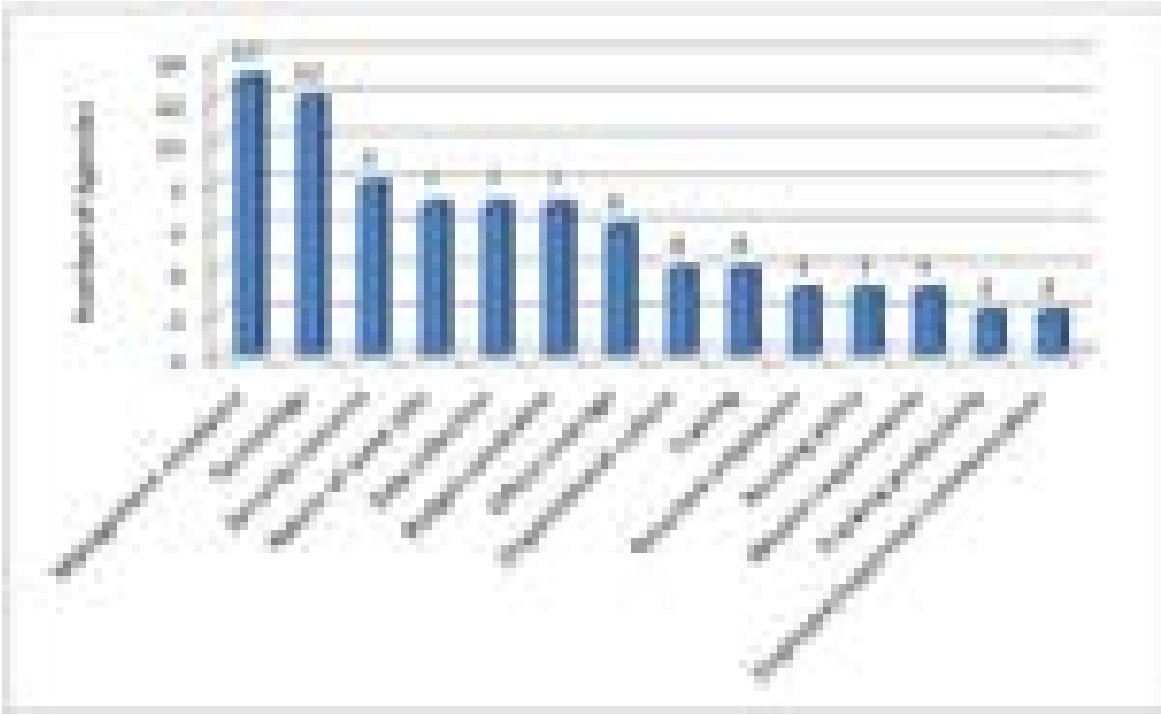
Notable participation rates for large agencies include the Patent and Trademark Office (82%), General Services Administration (59%), Department of the Treasury (48%), Department of Health and Human Services (42%), and the Department of Education (41%). Many smaller agencies reported high rates of participation as well, including the Appraisal Subcommittee of the Federal Financial Institutions Examination Council (70%), the National Mediation Board (77%), the Institute of Museum and Library Services (62%), the Nuclear Waste Technical Review Board (58%), the Federal Labor Relations Authority (57%), and the Committee for Purchase from People Who Are Blind or Severely Disabled (54%).

Participation numbers are also quite diverse within agencies, with some reporting as much as 50 percentage point ranges between their subcomponents. Here again, interpreting the

numbers requires some caution. For some agencies, these wide disparities may represent organizational pockets that have been slower to embrace telework. However, for others these disparities may be evidence of their best strategic use of telework as a workplace flexibility. Subcomponents may report fewer teleworkers in instances where employees primarily deliver services directly to clients or work in the field. Comparatively higher participation rates may occur for subcomponents in which employees work primarily in an office setting.

As is typical of change interventions, a number of potential barriers to telework implementation have been identified. In the Call, agency respondents were asked to describe any ongoing challenges they faced in fully implementing telework. Resistance among key stakeholders (e.g., managers) is widely described for change initiatives, and was described by respondents to the Call (see Figure 2) and by TMOs and coordinators in focus groups. Technology and security concerns were described by current agency respondents, paralleling results reported in previous Data Calls. Other barriers reflected in the chart below are inherent in the Federal system. For example, revising policies is a notoriously slow process given the often complex and multi-layered reviews required.

Figure 2: Barriers to telework implementation in Federal agencies



- ***How do employees telework***?

As noted earlier, outcomes often hinge upon frequent and/or regular employee participation in telework. Consequently, the Act specified the importance of collecting data that describes the frequency with which Federal telework occurs.

Table 21: Frequency of participation in telework

	3 or more days teleworking per week	2 days teleworking per week	1 day teleworking per week	Once a month per week
Number of employees in each frequency category	46,023	47,675	41,727	5,637
Percentage of all reported teleworking employees by frequency category	27%	28%	25%	3%
Number of agency respondents to item	84	85	81	39

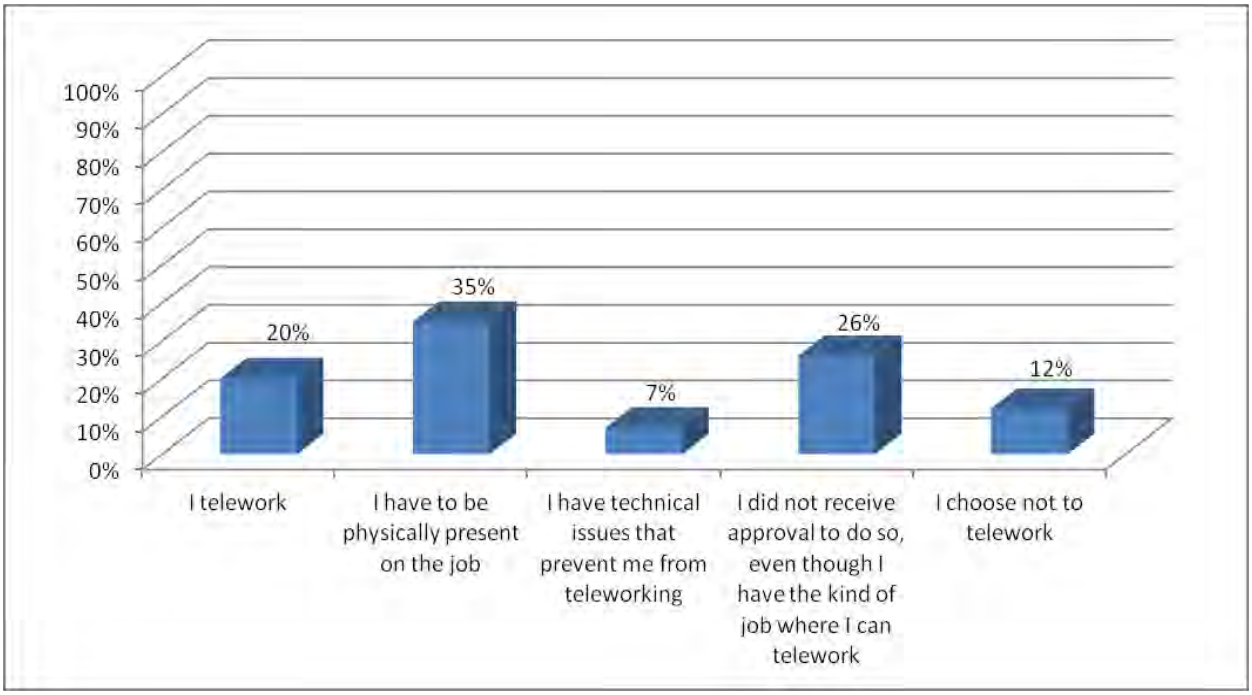
Totaling 141,062, employee numbers reported for teleworkers across frequency categories sum to fewer than the total number of teleworking employees (168,558). The reasons for the apparent discrepancy vary; in some cases agencies were simply not able to report telework by participation frequency. In other instances, the frequency categories typically describe routine telework, and many employees participate in telework on a situational basis instead.

Agencies reported a total of 21,251 situational teleworkers. Only 35 agencies responded to this question, reflecting the fact that relatively few agencies are currently able to track situational telework. Situational telework can be a particularly important tool in emergency situations, unforeseen weather conditions, and similar circumstances. Consequently, efforts to measure situational telework are an ongoing priority for OPM.

- ***What are the reasons for non-participation in telework?***

One of the telework items in the Federal Employee Viewpoint Survey provides employees with an opportunity to specify not only if they telework, but also to select reasons they do not telework. The 2011 FEVS was administered prior to the implementation of the Act; therefore, it provides important baseline information about behavior prior to the implementation of telework under the Act. As shown in Figure 3 below, required physical presence on the job is the most frequently provided reason for not teleworking (35%). Another 26 percent did not receive approval to telework, even though they perceive their job as being amenable to telework.

Figure 3: Reasons for non-participation in telework



What about participation in mobile work?

As illustrated earlier, mobile work is excluded by definition from the counts of teleworkers in the Data Call. However, it is an increasingly popular way for agencies to meet their customers' needs. Relatively few respondent agencies (29 of 87) offer mobile work or were able to track its use. Under these limitations, Call respondents reported a total of 4,238 mobile workers.

Who teleworks?

Ensuring that decisions whether to permit employees to telework are based upon the appropriate criteria and rendered fairly is an important consideration for implementing any new policy. Through both the Data Call and focus groups, agency representatives expressed concerns over equity and described their efforts to ensure that all employees have an equal opportunity to telework if their jobs are amenable to teleworking. Analysis of FEVS data provides some insights into the demographic characteristics of the Federal teleworking population. We also can examine how the demographic characteristics of teleworkers differ from those who do not telework by choice and those who do not telework because of a barrier.

Once again, before drawing conclusions about the following findings from the FEVS, it is critical to note that the survey was administered prior to the Act taking full effect. Thus, reported demographic findings cannot be attributed to changes set in motion by the Act. Prior to the signing of the Act, however, there was substantial momentum to expand telework participation across the Federal Government and results do demonstrate how the expanding telework population has changed since the last FEVS administration in 2010.

Figure 4 and Figure 5 describe the proportion of Federal teleworkers by gender and supervisory status. According to the FEVS, a slightly higher percentage of teleworkers are male (51%) than female (49%). This is a change from the last FEVS administration which found that more teleworkers were female, but as shown in Figure 4, the percentage of women is greater among teleworkers than is typical of the Federal population (49% versus 43%). Additionally, an overwhelming majority (81%) of teleworkers hold non-supervisory positions, a similar proportion to the Federal population (82%).

Figure 4: Gender distribution of respondent teleworkers

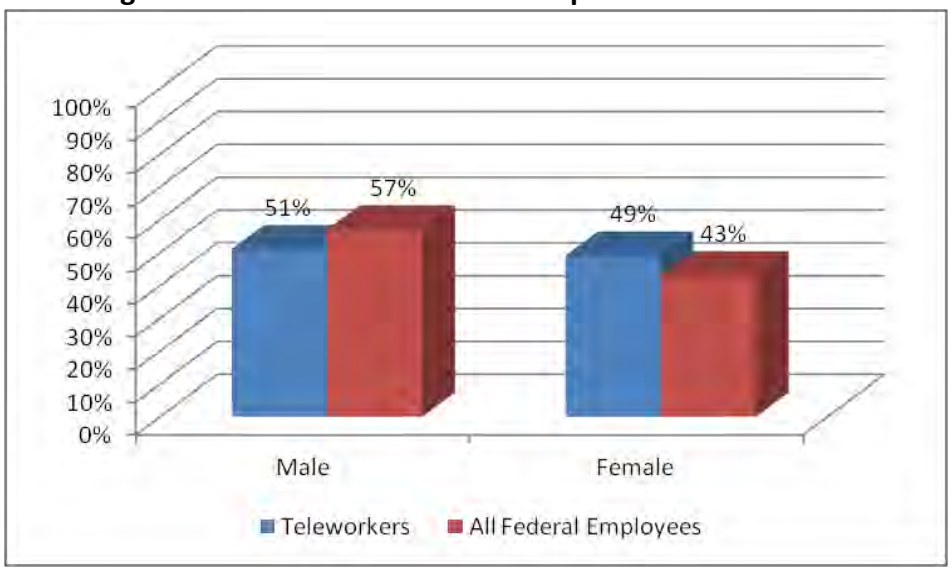
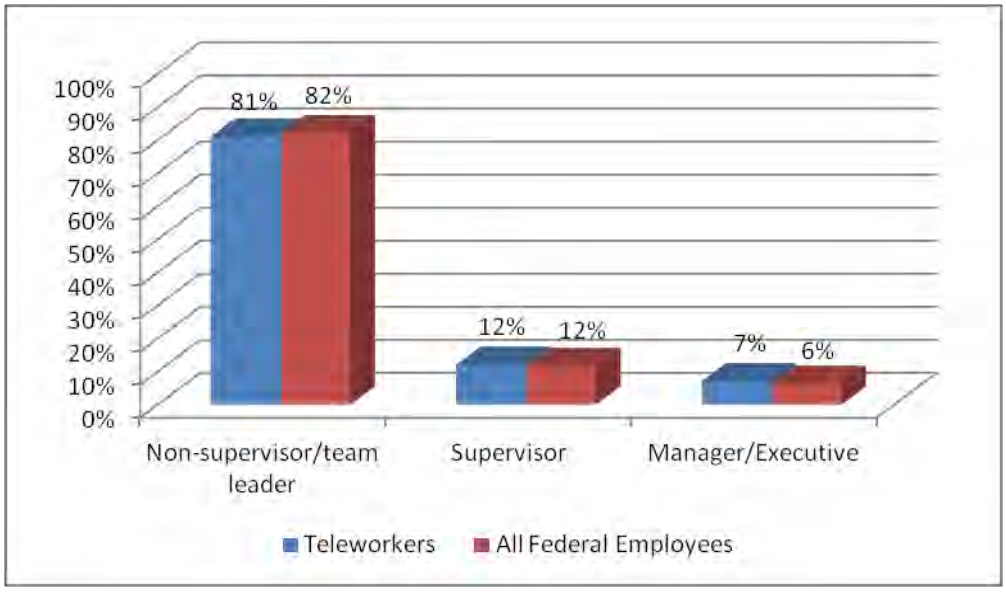


Figure 5: Supervisory status of respondent teleworkers



The age distribution of Federal teleworkers is shown in Figure 6. More than a third of teleworkers are between the ages of 50 and 59 (34%). Far fewer teleworkers are below the age of 40 (24%). This largely reflects the current demographic distribution of the Federal workforce which is generally older. In a related finding, Figure 7 displays the distribution of teleworkers by

time in their agencies. Again, only about a third of teleworkers (33%) have been with their current agency for five years or less, while about two thirds have been with their agency longer. In comparison to the Federal population, teleworkers tend to have slightly longer agency tenure.

Figure 6: Age distribution of respondent teleworkers

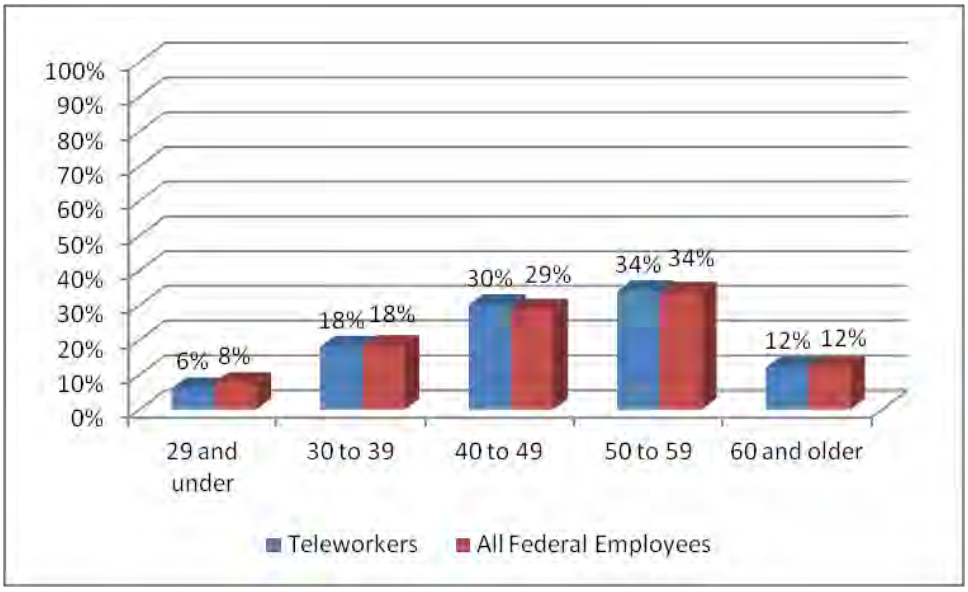
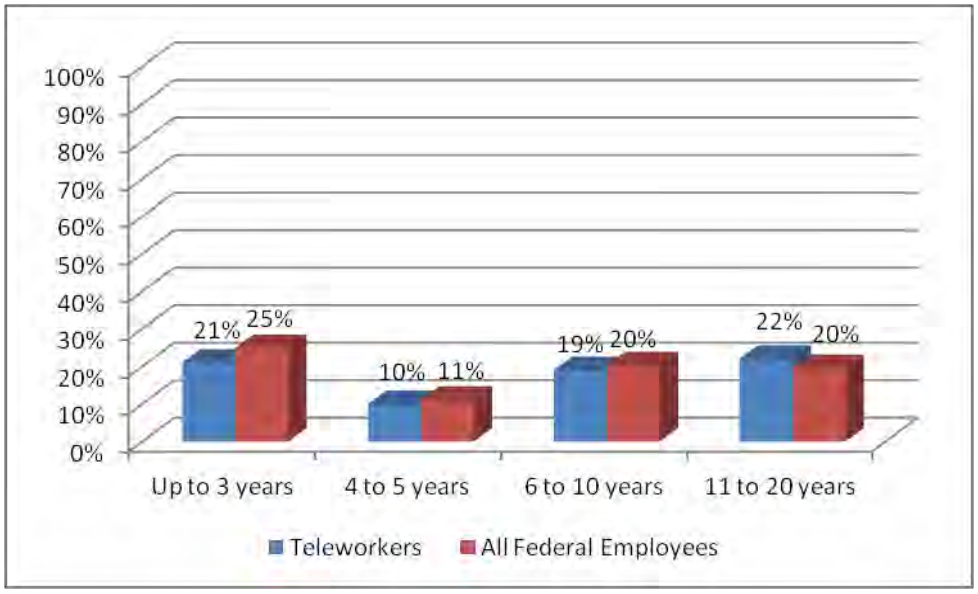


Figure 7: Time in agency of respondent teleworkers



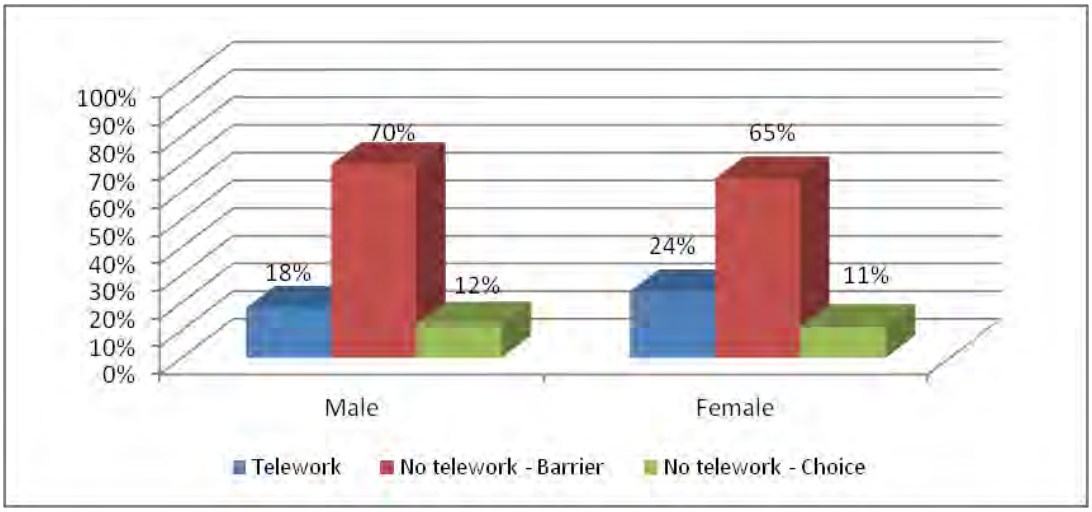
The next figures, also based on FEVS results, compare the demographic characteristics of teleworkers and non-teleworkers. It is important to note the difference between the previous figures and those that follow. The previous figures show how Federal teleworkers are distributed across various demographic categories as compared to the entire Federal

workforce. The following figures show the *percentage of employees* that telework and do not telework within a variety of demographic groups. So, for example, in Figure 8 it is shown that 18% *of male employees* telework. In Figure 4, it is shown that 51% *of teleworkers* are male.

For the purposes of simplifying the analysis, the FEVS telework participation item is collapsed here into three categories: employees who telework, employees who do *not* telework because of a barrier (e.g., not allowed, limited by technology), and employees that do *not* telework by choice.

Figure 8 shows that a greater proportion of females telework (24%) than males (18%). Additionally, males (70%) are more likely to report a barrier to participation in telework than females (65%).

Figure 8: Comparison of teleworkers and non-teleworkers by gender, as a percentage of the total workforce



Turning to supervisory status in Figure 9 it appears that more supervisors (21%) and managers (23%) telework than employees in non-supervisory positions. However, it is important to note that the differences are small. Moreover, employees in non-supervisory positions (68%) are more likely to report barriers to participating in telework than managers and senior executives (61%). Conversely, managers and executives most often reported choosing not to participate (16%). This is an important point since it is useful for supervisors and managers to telework, if only occasionally. When supervisors model telework behavior it sends a powerful message of support for similar employee participation. The fact that employee participation is somewhat similar across job types represents progress towards achieving wider acceptance of and more equitable access to telework.

Figure 9: Comparison of teleworkers and non-teleworkers by supervisory status, as a percentage of the total workforce

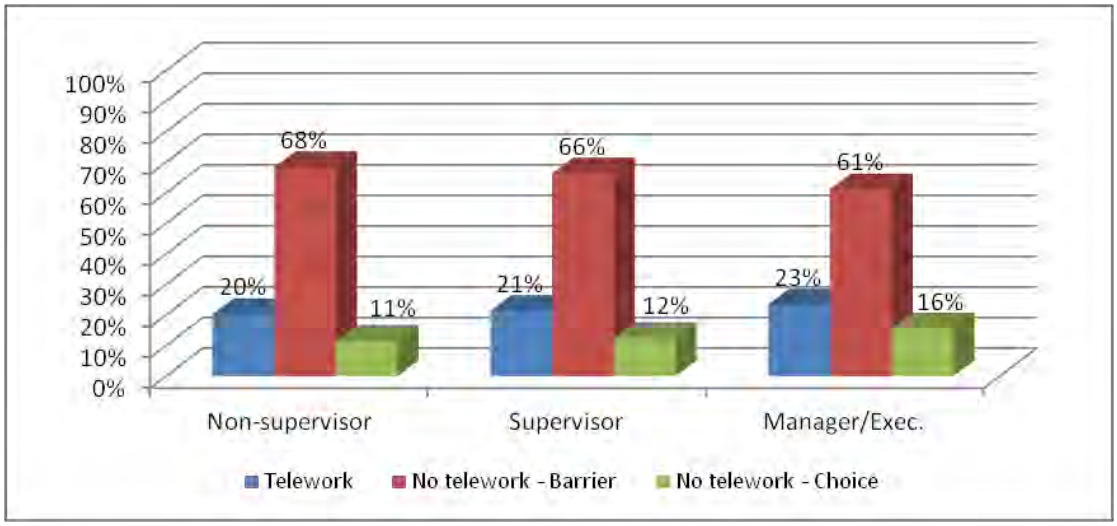
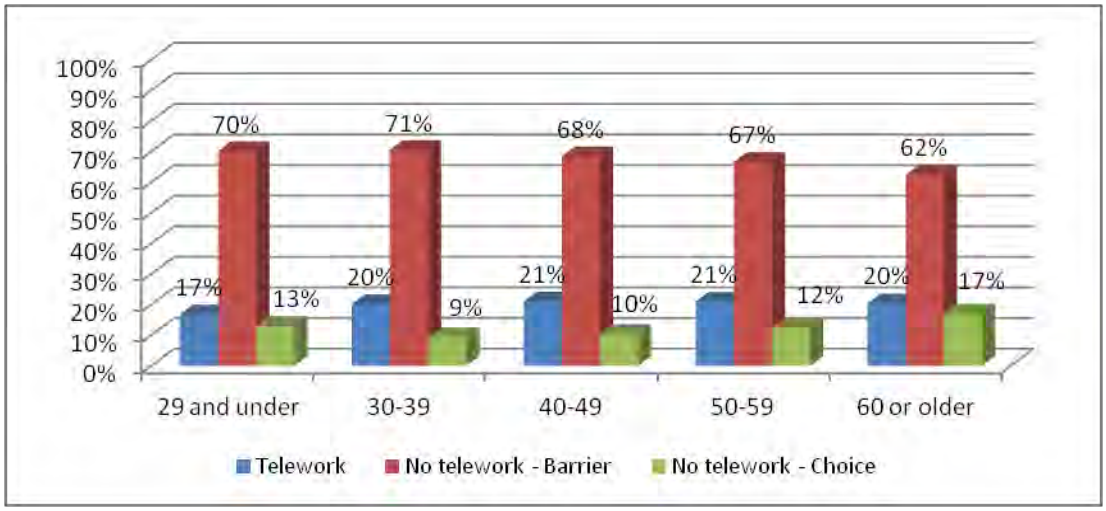


Figure 10 compares teleworkers and non-teleworkers by age group. The proportion of employees that telework does not differ much by age, with one exception. Only 17 percent of young employees (age 29 and under) reported that they telework, compared with 20 to 21 percent of employees in other age groups. Employees under age 40 most frequently report barriers to participation (70 to 71%), while employees between 50 and 59 years old and over the age of 60 most often report choosing not to participate (12% and 17% respectively). Notably, some agencies have policies prohibiting telework for employees with short tenures in the agency.

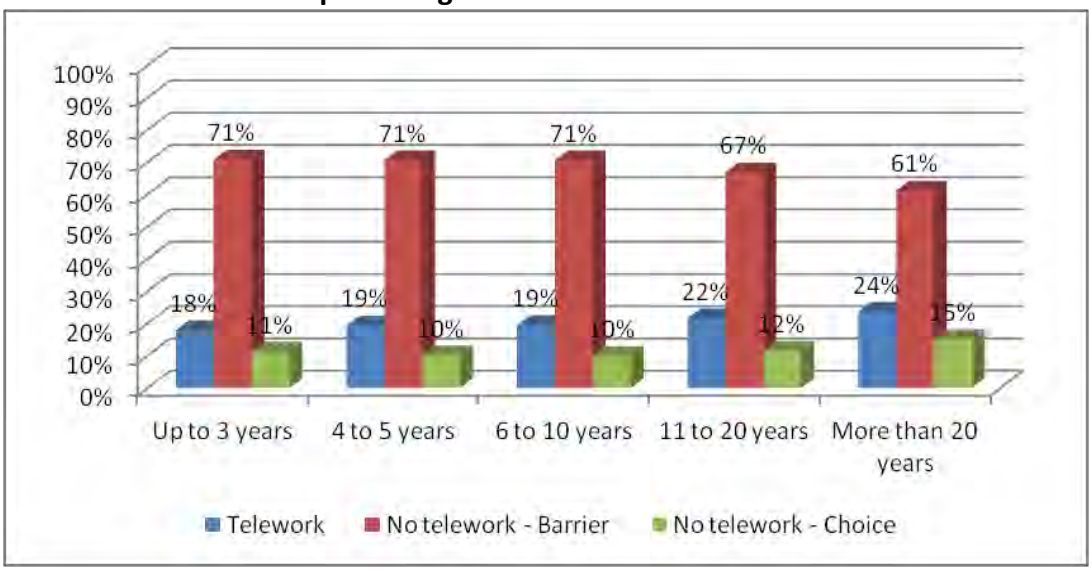
Figure 10: Comparison of teleworkers and non-teleworkers by age, as a percentage of the total workforce



There is evidence that employees with longer agency tenure participate in telework at higher rates than those with shorter tenures. As shown in Figure 11, employees who have worked for

the same agency for 20 years or more telework at the highest rate (24%), perhaps explaining the age effect noted above. In comparison, the participation rate for employees who have been with their agency for up to three years is only 18 percent. Employees with the longest tenure are more likely to report choosing not to telework (15%) compared with other groups (10-12%). Those who have been in their agencies ten years or less, more often report barriers to telework participation (71%), compared with employees who have worked with an agency 11 to 20 years (67%) and more than 20 years (61%).

Figure 11: Comparison of teleworkers and non-teleworkers by time in agency, as a percentage of the total workforce



What Happens When Employees Telework?

Described in the beginning of the report, the shift in telework policy in response to the Telework Enhancement Act constitutes a profound organizational change. These change programs are generally engaged to reach individual, agency and community goals. Achieving identified outcomes is, consequently, an essential driver in the adoption of telework in Federal agencies and gauging success means assessing what happens when employees telework.

For the employee, anticipated outcomes related to telework include job satisfaction and other workplace attitudes and perceptions. For the agency, telework may impact recruitment and retention, result in energy savings, reduce building needs, and better emergency preparedness among other outcomes. At the societal level, telework could potentially have beneficial environmental impacts or create new job opportunities for certain individuals.

Evaluating progress in achieving targeted outcomes varies by outcome and agency due to continuing measurement challenges and the fact that many programs are still in early stages of implementation. Yet, the 2011 Data Call and FEVS do provide noteworthy evidence of progress towards setting goals and evaluating outcomes. The following sections describe the evidence for a wide range of employee, agency, and societal outcomes.

Goals and Outcomes: The Employee Perspective

Telework has the potential to contribute to a number of outcomes relating to the experiences of the individual employee. OPM remains committed to encouraging agencies to measure and evaluate outcomes related to employee satisfaction and other aspects of well-being on the job. Outcomes considered here broadly encompass the workplace experience, employee performance, and job satisfaction. The FEVS contains several items that are useful for analyzing how telework impacts the employee.

Once again, for the purposes of simplifying the analysis, the FEVS telework participation item is collapsed here into three categories: employees who telework, employees who do *not* telework because of a barrier (e.g., not allowed, limited by technology), and employees that do *not* telework by choice. The following series of charts examine these aspects of telework/non-telework as it relates to a variety of workplace outcomes.

The 2011 FEVS data supports the findings reported in OPM's 2010 telework status report to Congress that teleworkers and those who choose not to telework have much in common, whereas employees who report facing barriers to telework report lower job satisfaction, less positive views of their organization, lower support from their supervisors, and overall lower scores on measures than do their teleworking counterparts.[5] Results overall provide a number of encouraging insights useful as the basis for further study of individual agency programs or action planning for continuous telework program improvement efforts.

As in the 2010 report, results of subdividing teleworker respondents in analysis often show similarly favorable percentages between those who telework and those who choose not to telework. Keep in mind that long-standing research beginning in the 1960s with Hackman and Oldham shows that work characterized by autonomy tends to relate favorably to workplace attitudes. Building upon such findings, very early telework researchers theorized that telework operates to increase the level of employee autonomy with beneficial employee outcomes likely to occur (Shamir & Saloman, 1985).

It is especially beneficial to the psychological well-being of eligible employees when they are given the *choice* of whether to participate in telework or not. In fact, the Telework Enhancement Act of 2010 clearly emphasizes the importance of implementing telework on a voluntary basis.

Managing Performance

Increasingly, the success of telework programs is recognized as being highly dependent upon appropriate performance management practices. OPM outlines a number of components for effective performance management (http://www.opm.gov/perform/overview.asp), including setting performance expectations and goals. As in the 2010 report, two FEVS items are

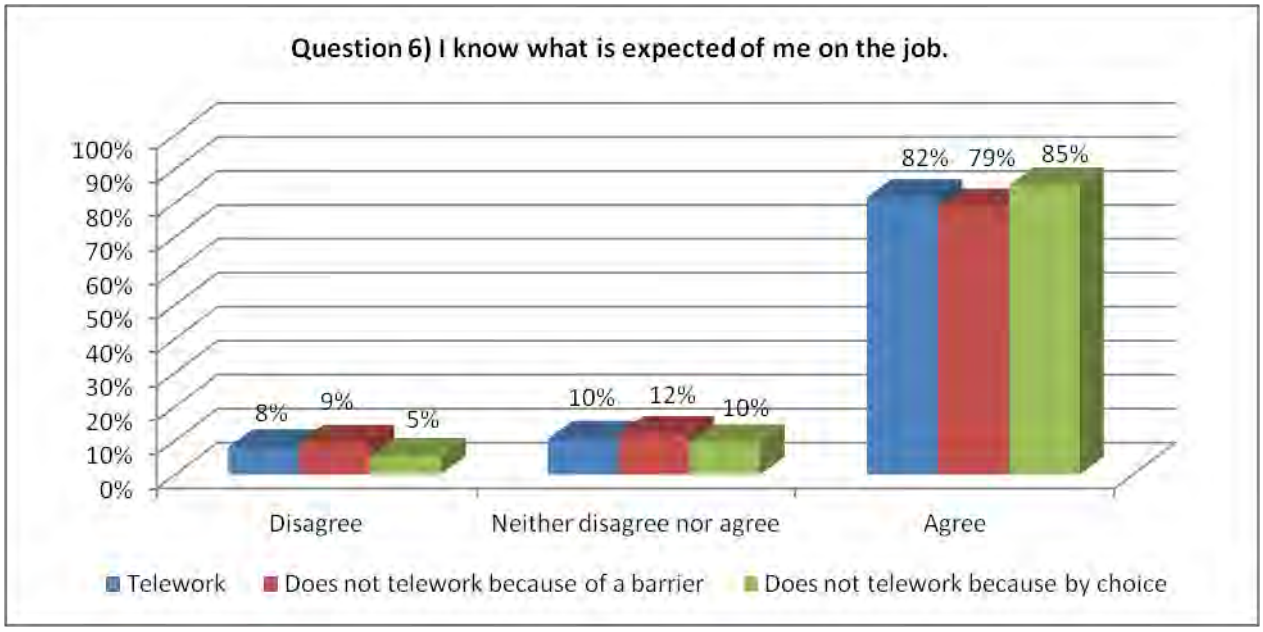
[5] Results reported in this section should not be taken to indicate that telework causes the outcomes described. There are other characteristics of situation or employee (e.g., selection criteria for participation, motivation level) that might account for noted differences between teleworkers and non-teleworkers.

examined here. Both relate to aspects of effective performance management, including *clear work expectations* and a *focus on achieving results*. Note that in a comparison of findings reported from 2010 with 2011, results were either identical or so close as to be nearly identical. For that reason, 2010 results are not repeated here.

Overall, teleworkers indicate higher scores on items reflecting performance management principles than do those non-teleworkers who face barriers. Consequently, they may be better supported to perform their jobs with excellence than those who are not able to telework.

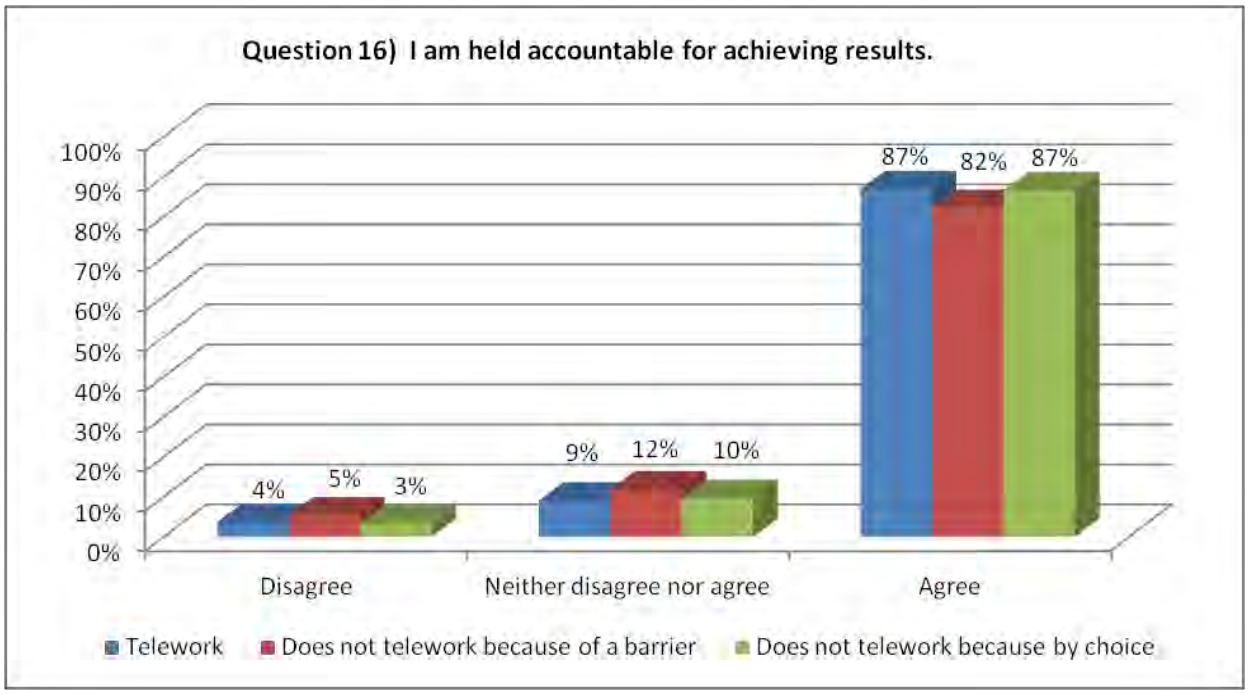
In responding to question number 6 of the FEVS, teleworkers (82%) were more likely to agree that they *know what is expected of them on the job* than non-teleworkers who faced a barrier to telework (79%). Among all FEVS respondents, 80 percent agreed or highly agreed with this statement.

Figure 12: Clear job expectations



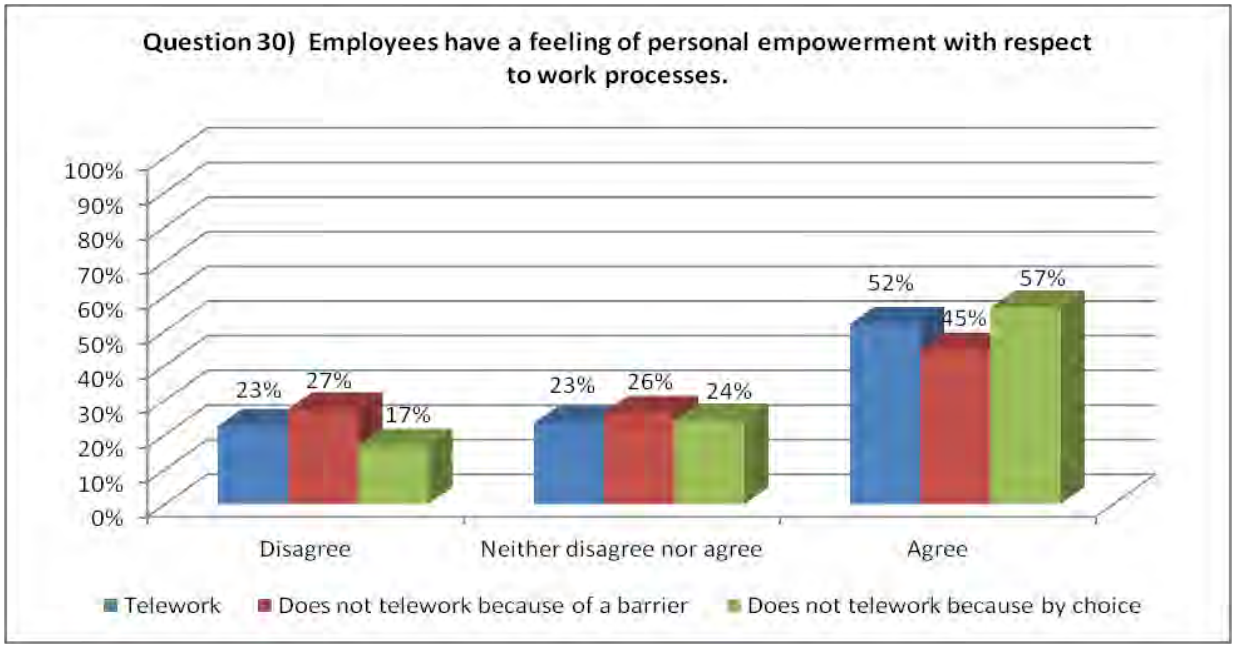
More teleworkers (87%) agree that they are held accountable for results than those who do not telework because of a barrier (82%). Eighty-four percent of respondents also either agreed or strongly agreed with the item.

Figure 13: Accountable for results



Finally, and related to performance management, teleworkers agree that they have a greater sense of control over work processes (52%) compared with those employees who do not telework as a result of barriers (45%).

Figure 14: Empowerment over work processes

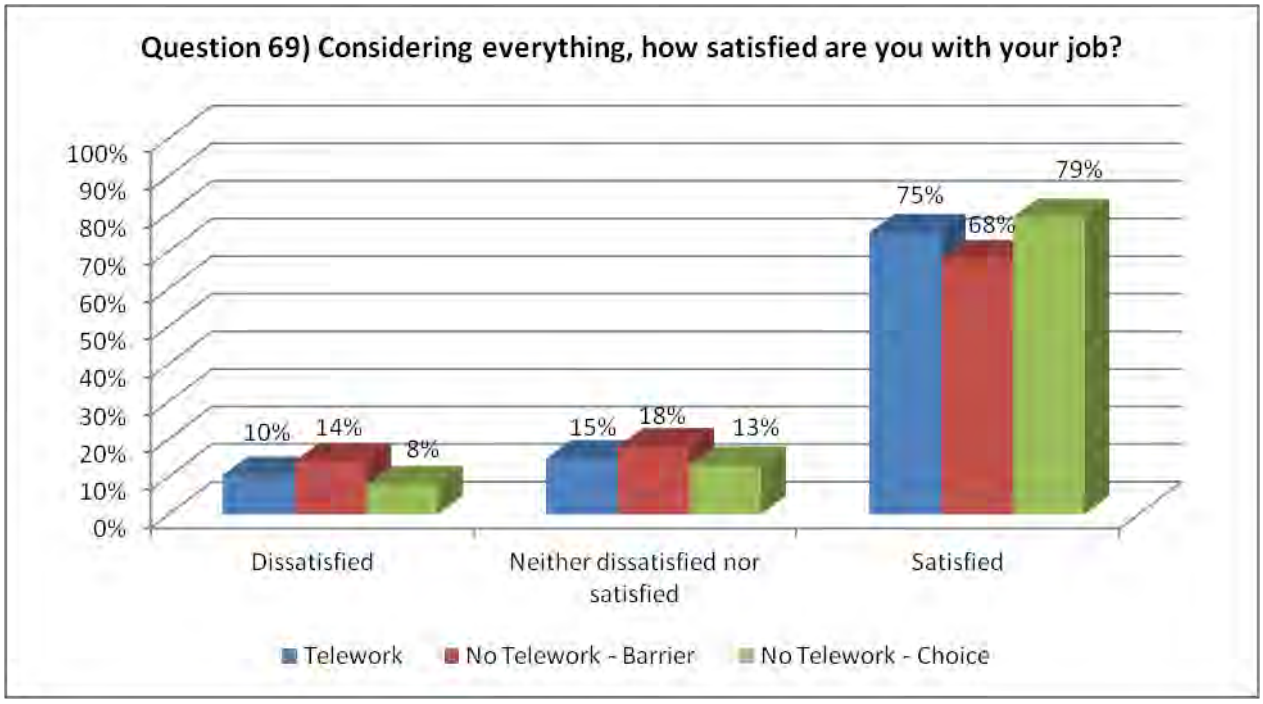


Employee Attitudes

In a review of telework research, Gajendran and Harrison (2007) show that participants in telework programs are more likely to exhibit job satisfaction and improved performance than non-teleworking coworkers. Employers care about job satisfaction because of the demonstrated link between satisfaction and employee turnover (a potential cost).

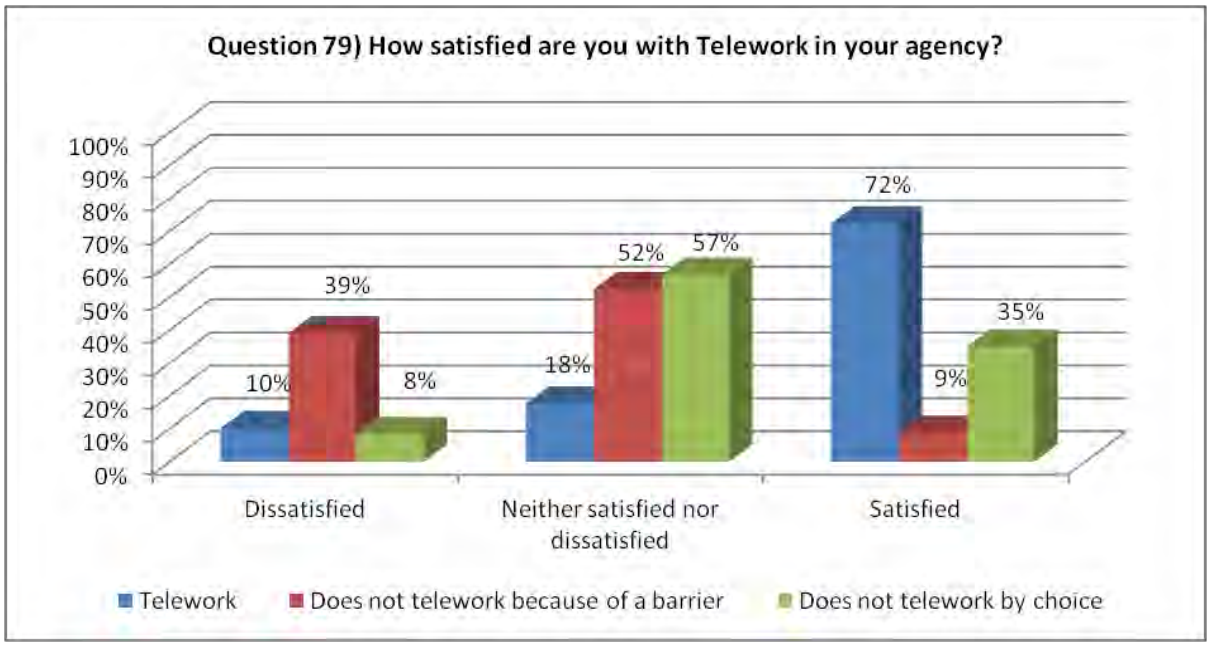
Analysis of the FEVS parallels findings in previous studies. Overall, 71 percent of Federal respondents to the 2011 FEVS reported being satisfied or very satisfied with their jobs. Figure 15 shows a remarkably larger percentage of teleworkers (75%) and non-teleworkers by choice (79%) report satisfaction with their jobs than those who are not able to telework (68%).

Figure 15: Job satisfaction



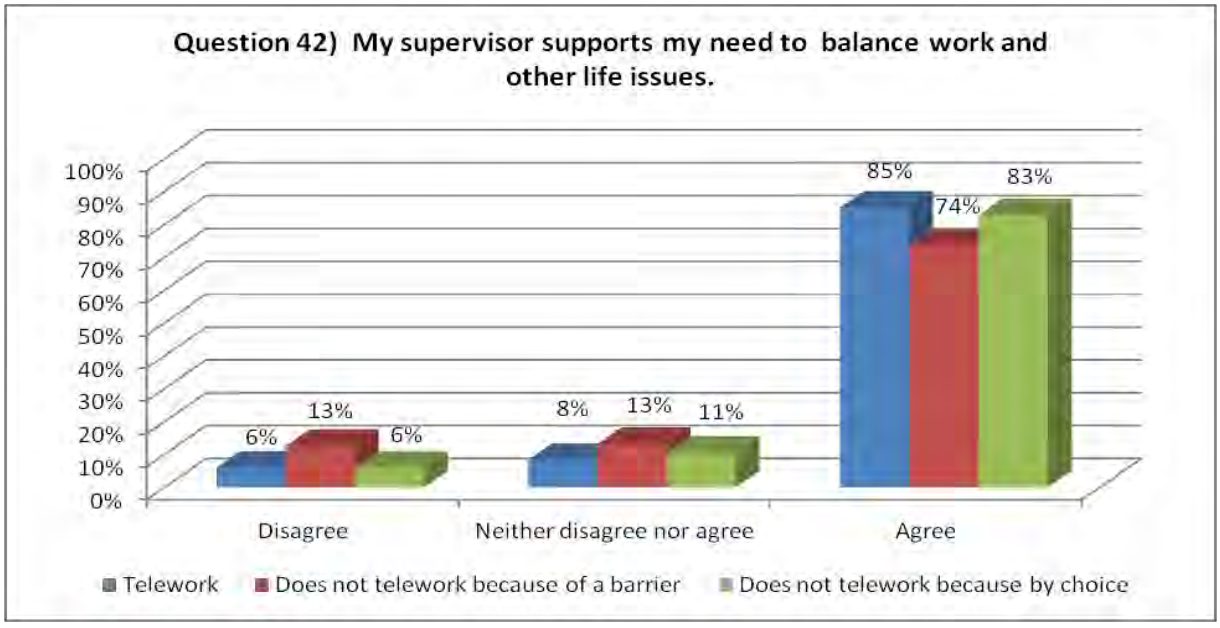
Expressed satisfaction with an agency telework program is an important outcome and an indicator of program success. An initial review of FEVS results suggested a disappointingly low rate of satisfaction with telework among Federal employees (38%). However, Figure 16 shows that such unfavorable perceptions are more likely to result when employees face barriers to program participation. Importantly, a far greater percentage of teleworkers report satisfaction (72%) when compared with those employees who were not able to telework because of barriers (9%) or simply chose not to telework (35%).

Figure 16: Satisfaction with agency telework



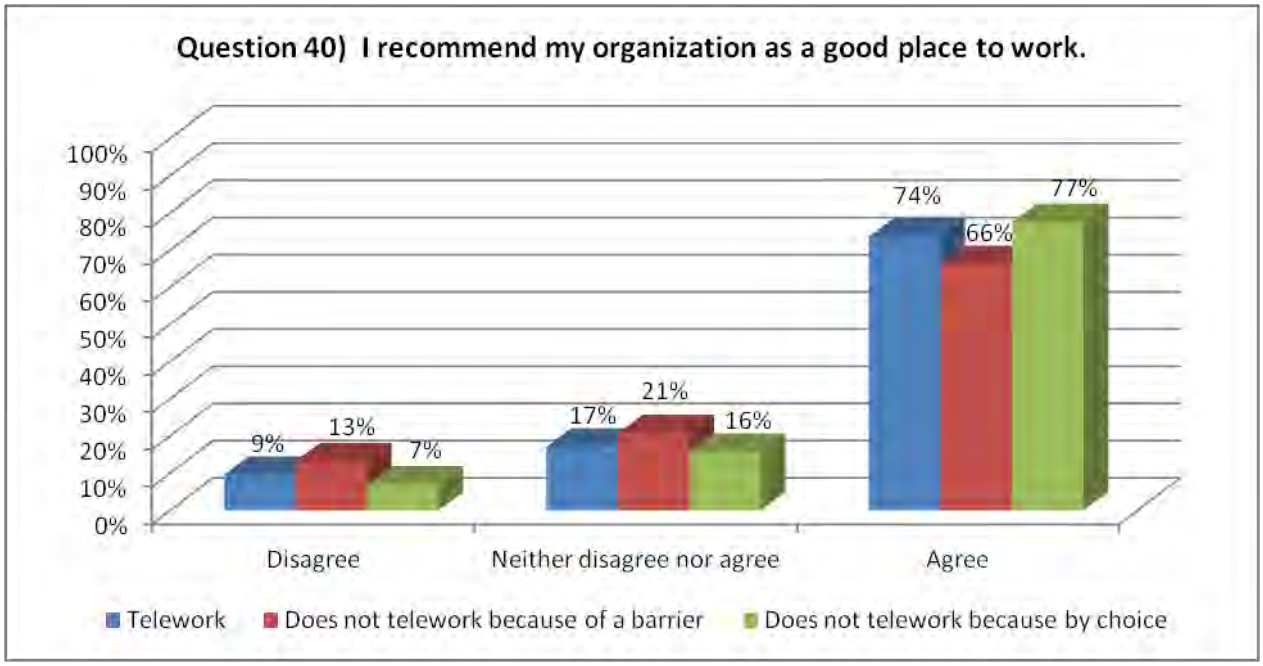
Work-life programs such as telework are often implemented to help employees manage the stress that can arise from conflicting work and life responsibilities (Bailey and Kurland, 2002). Employee perceptions of supervisors as supportive of needs to balance work with other life responsibilities may help relieve stress and lead to more positive work experiences. Figure 17 shows that more teleworkers perceive supervisors as supportive of their efforts to balance work with other life issues (85%) than employees not able to telework because of a barrier (74%).

Figure 17: Perception of supervisor support by telework participation



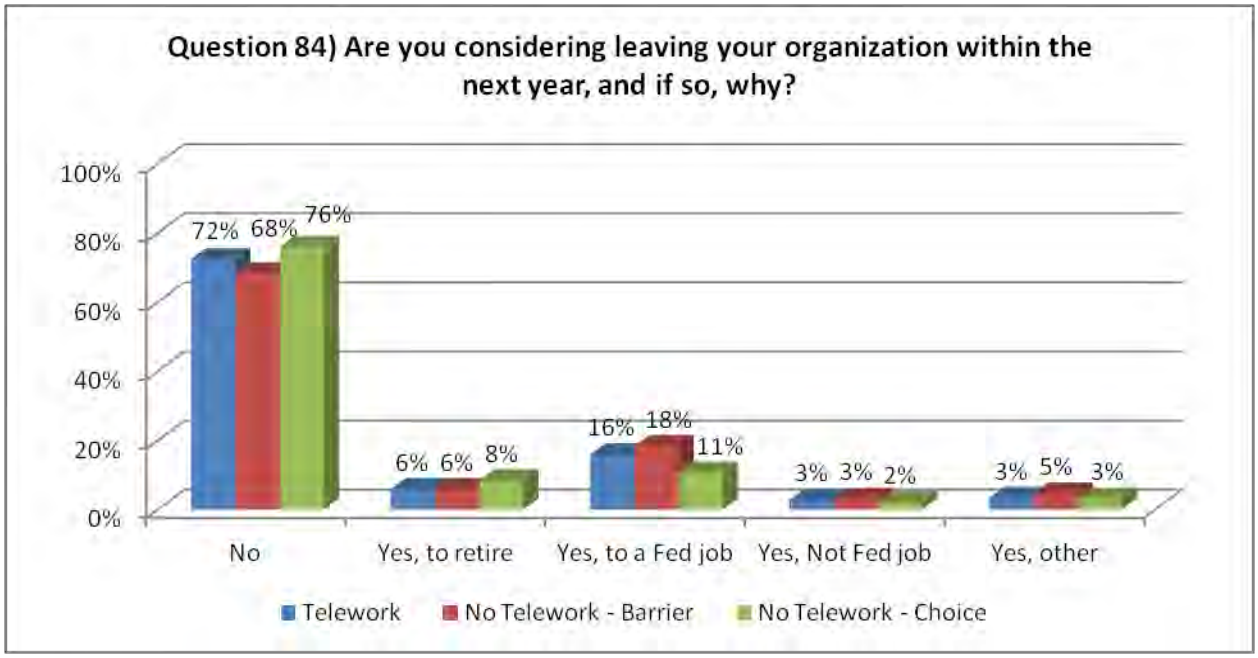
Among respondents to the 2011 FEVS, 69 percent agreed they would recommend their organization as a good place to work. Again, more teleworkers (74%) than employees who were prevented from telework (66%) agreed with this statement (Figure 18). This finding suggests a potential marketing value associated with telework programs, as happy teleworkers share positive impressions of their agencies with potential applicants.

Figure 18: Recommends organization



Finally, telework typically relates to employee retention, with teleworkers more likely to express an intention to remain with an employer (Gajendran & Harrison, 2007). Figure 19 parallels previous findings and shows that fewer FEVS teleworker respondents (72%) and non-teleworkers by choice (77%) expressed an intention to leave their current organizations as compared with those not able to telework because of a barrier (68%).

Figure 19: Turnover intent



Telework and Unintended Consequences

Employees may hesitate to telework and some managers fail to support participation in telework because of concerns regarding possible unintended negative consequences. In an extensive review of telework research, Bailey and Kurland (2002) reported the potential for social and career isolation as a possible negative unintended consequence of telework. Employee isolation can lead to reduced performance as described by Golden, Veiga and Dino (2008). Opportunities for meeting colleagues in passing are regarded as key opportunities for unplanned or serendipitous knowledge exchange. To the extent that telework reduces such opportunities, telework could potentially reduce overall knowledge sharing in workplaces (see Horan & Wells, 2005).

The FEVS includes items that allow exploration of these possible unintended negative consequences. Figures 20 to 23 compare teleworkers with respondents not able to telework on FEVS items that relate to employee development and knowledge sharing with encouraging results. Overall, a higher percentage of teleworkers (73%) than those not able to telework (61%) agree that they have access to skills development, while 65 percent of teleworkers agree that they have opportunities to put their talents to good use, compared with 57 percent of those unable to telework. Finally, more teleworkers (78%) perceive their colleagues as engaging in knowledge sharing when compared with respondents not able to telework (71%).

Figure 20: Opportunities for skills improvement by telework participation

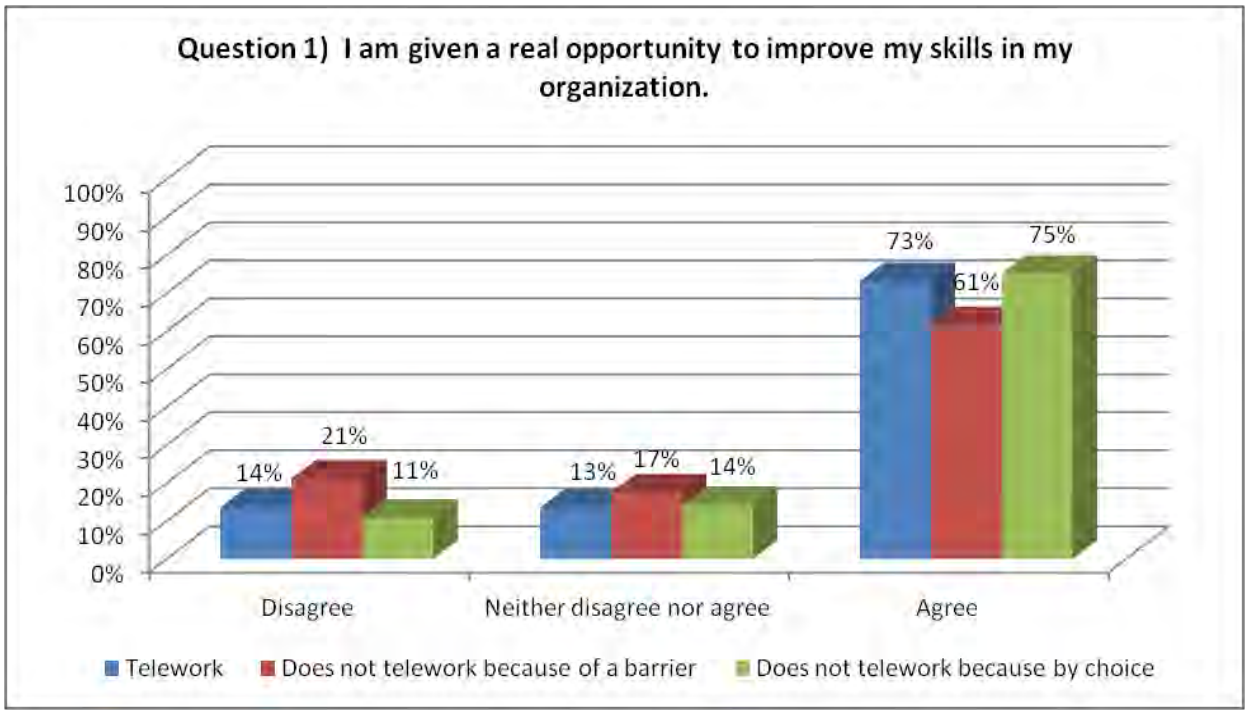


Figure 21: Strategic use of talents by telework participation

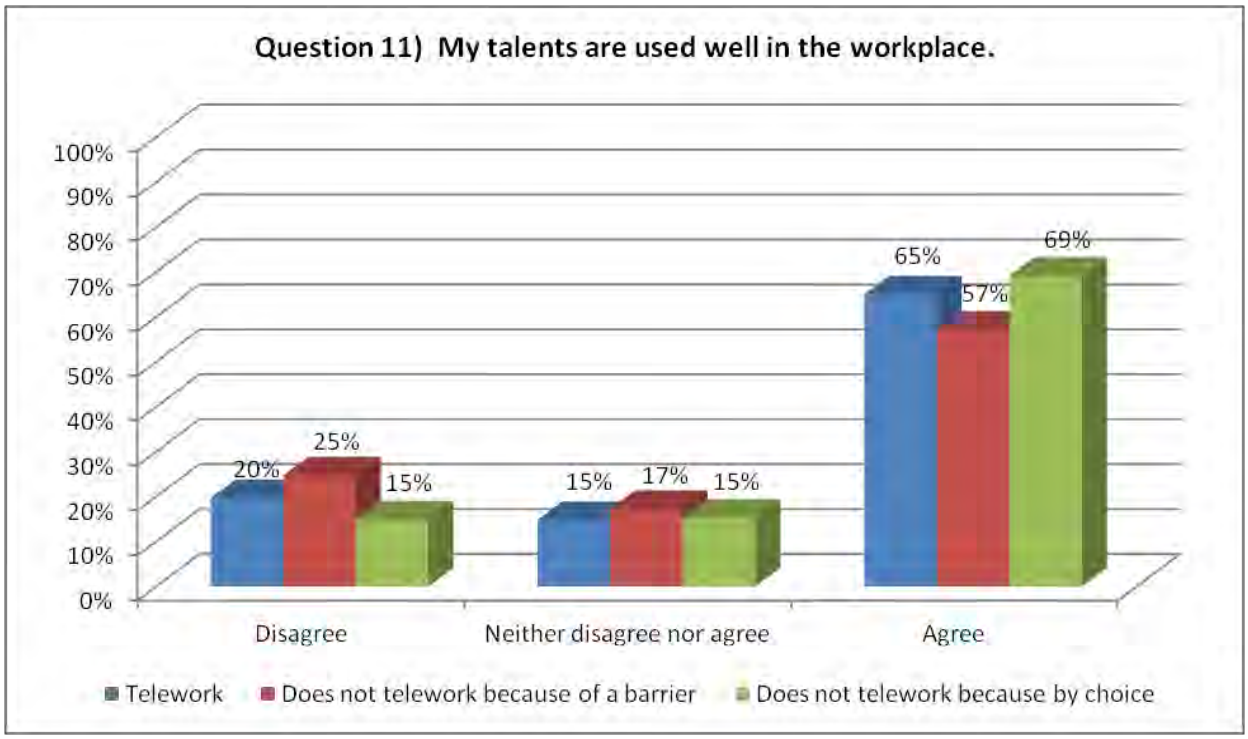
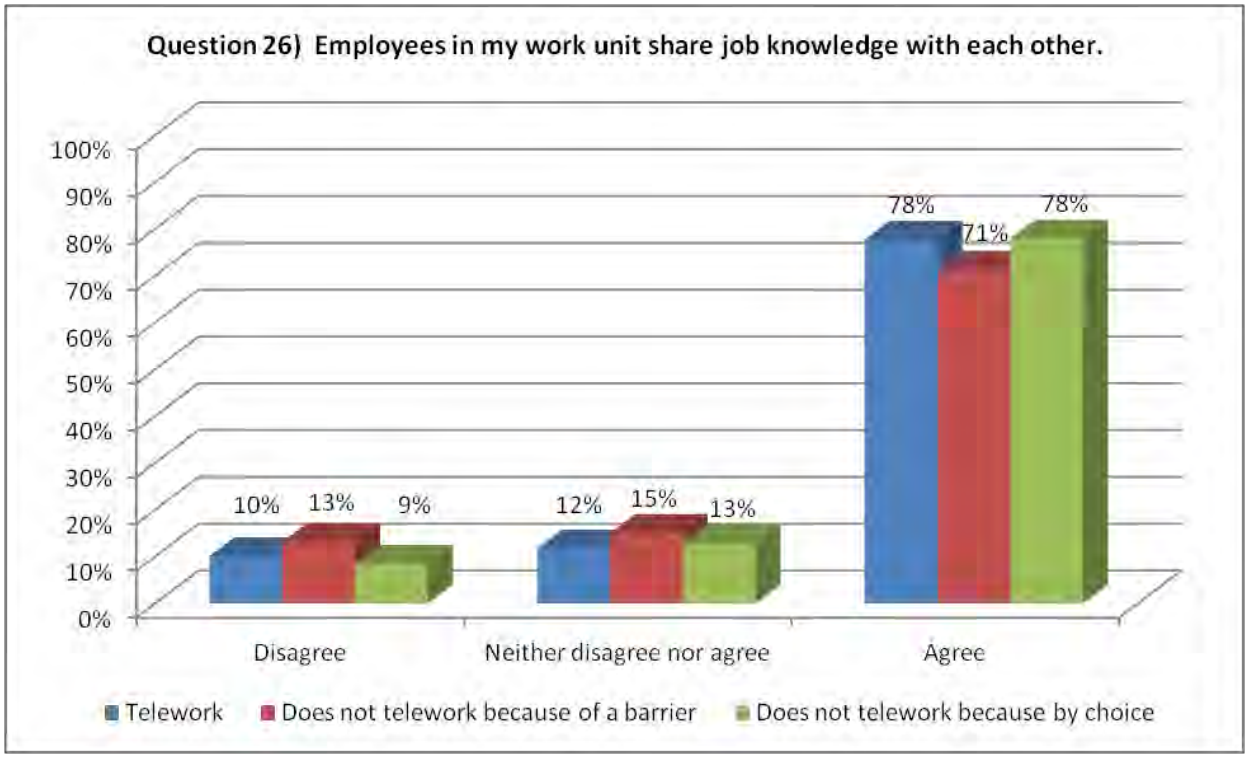


Figure 22: Perceptions of knowledge sharing by telework participation



Goal Setting: The Agency Perspective

The Telework Enhancement Act of 2010 requires that agencies report an annual telework participation goal and encourages agencies to set and measure progress towards a variety of other goals. Once established in 2012, agencies are required to make an annual assessment of progress towards meeting participation rate goals and explain whether they have met their goals. In cases where agencies do not meet goals, they must detail actions to be taken to "identify and eliminate barriers to maximizing telework opportunities for the next reporting period" [Public Law 111-292, 6506(b)(2)(E)].

Since this is the first reporting year under the new law, the participation goals provided this year will be a baseline upon which agencies will assess their progress in the 2013 Report to Congress. Not all agencies had completed the process of updating their telework policies as of the data collection period. Consequently, not every agency was able to set a participation goal for this report.

Participation Rate Goals

Of responding agencies, 41 reported a participation goal as either a percentage or number of employees. Some agencies chose to report a percentage of total employees whereas others reported a percentage of eligible employees or a percentage increase over the past year's participation rate. One agency felt comfortable staying at its present level of participation and two agencies reported 100 percent participation.

For a variety of reasons, some agencies were either not ready or unable to specify a participation goal. First, since the Act took effect in December 2010 and agencies were not required to notify employees of eligibility until June 2011, many agencies were still in the process of setting and finalizing their policies at the time of the Call. In such cases, agencies avoided prematurely setting a participation rate goal before their new policies took full effect. Additionally, setting a participation rate goal requires the ability to accurately count the number of teleworkers. Since a number of agencies are still struggling with measurement, some agencies may be unable to set a goal at this time.

In total, 27 agencies did not report a participation rate goal. Additionally, 19 agencies declined to give a goal in terms of percentage or number of employees, and gave descriptive responses instead. These other responses included: (1) explanations for why a goal has not been set, (2) aspirational goals, (3) goals to be achieved for number of employees with telework agreements, and (4) the desire to remain at current levels of participation. Full responses can be found in Appendix 7.

Other Goals

The Telework Enhancement Act also encourages, but does not require, agencies to set and assess progress towards meeting other goals through telework – such as emergency preparedness, energy use, recruitment, retention, performance, and productivity. In this year's Call, several new items measured how many agencies have set non-participation goals. The results can be found in Table 22. Analyzing how agencies have begun to measure goal attainment will provide evidence useful for identifying best practices.

Given the emphasis placed on agency continuity of operations (COOP) in the Act, it is encouraging to see that emergency preparedness goals were the most frequently mentioned. Telework has been promoted across the Federal Government as a way to maintain operations during emergency situations and the Call confirms that many agencies have included telework as part of COOP and pandemic influenza plans.

Less commonly reported goals include reductions in commuter miles, energy use, and agency real estate costs, as well as improved employee performance. Based on the results of qualitative data collected in the Call, it appears that agencies are facing challenges when measuring these goals. The lack of readily available data and the difficulty of measuring these outcomes may be dissuading more agencies from focusing attention here.

Agencies reported goals paralleling commonly reported benefits of telework in the academic literature, including improved employee attitudes and recruitment and retention. Again, ease of measurement may also play a role. A number of tools already exist for measuring these outcomes including the FEVS, internal job satisfaction surveys, and new employee and exit surveys.

Table 22: Agency goals for telework

Outcome Goals	Yes	No	Number of Responding Agencies
Emergency preparedness	72	8	80
Improved employee attitudes	58	22	80
Employee recruitment	53	27	80
Employee retention	52	28	80
Reduced commuter miles	45	34	79
Improved employee performance	34	46	80
Reduced energy use	26	54	80
Reduced or avoided real estate costs	25	55	80

Table 23 summarizes the responses to a question regarding agencies' realized cost savings. For 29 agencies, cost savings estimates are still in the planning stages, and 15 agencies either do not track this information or have no reported savings. This provides further evidence that estimating savings and measuring outcomes remain a work in progress. Still, several agencies did report fewer absences and reduced space needs, utility bills, and transportation subsidy expenditures.

Table 23: Agency cost savings

Realized Cost Savings	Number of agencies
Planning is underway for assessing cost savings	30
Reduced employee absences	15
Human capital (e.g., recruitment, retention)	10
Rent, office space	6
Utilities	4
Reduced transportation subsidy	4
Training	0
Other	23
N/A or no savings tracked	15

Measuring Outcomes: The Agency Perspective

The following sections summarize how agencies have measured outcomes so far and highlight best practices for advancing telework in Federal agencies. At this early stage of the implementation process, agencies have been revamping their policies, working to expand access to telework, setting goals, and building their telework staffs. Agencies vary tremendously in size, personnel and resource availability, as well as how far along they are in the implementation phase of program development. As a result, measuring telework program outcomes remains a work in progress, and it is too soon to clearly establish any particular practice as "best." Yet, from the 2012 Call we found evidence of innovative methods of measuring progress towards meeting goals.

Recruitment

Multiple agencies include telework in job announcements. Several have plans to conduct internal surveys and focus groups of new employees to determine telework's impact on their decision to join the agency. Others mentioned using existing data sources such as the FEVS and other large scale surveys, while several agencies also reported that they do not know how to or do not currently have plans to measure this outcome.

- *U.S. Patent and Trademark Office: Patent examiners participating in a full-time telework program have a lower attrition rate (3 percent lower in FY2010) than the patent examiners not on a full-time telework program.*
- *National Transportation Safety Board: The agency hired back an employee by allowing him to telework full- time while finishing a graduate degree out- of- state.*

Retention

Agencies reported using exit surveys, internal satisfaction surveys, internal focus groups, the FEVS, and anecdotal evidence to measure retention.

- *National Transportation Safety Board: The agency has been able to retain several employees in mission- critical positions that are difficult to backfill, who have relocated to other states for personal reasons by allowing them to telework on a full-time schedule.*
- *Farm Credit System Insurance Corporation (FCSIC): The FCSIC currently has one employee teleworking on a short-term basis due to a medical condition. Had this employee not been permitted to telework, she might have retired earlier than planned.*
- *PTO: The Trademark organization began its hoteling initiative in 2002, with the Trademark Work at Home (TWAH) hoteling program for Trademark examining attorneys. For the five years prior to the program, Trademarks had an average resignation rate of 9.62 percent. From 2006 to 2010, the most recent five years since the incorporation of the TWAH hoteling program, the average resignation rate was 3.03 percent. In a Trademark perception survey, 90 percent of hoteling respondents indicated the TWAH program has influenced them to stay.*

Improved employee performance

Fewer methods of measurement were reported for this outcome, indicating that agencies are still considering ways to measure performance. A few agencies stated that telework requires a certain performance rating, acting as an incentive to increase performance either to maintain or gain access to telework. Others cited the FEVS, internal management surveys, employee satisfaction surveys, and focus groups as methods of progress towards this goal.

- *Defense Nuclear Facilities Safety Board (DNFSB): In the Board's internal telework survey, employees indicated they were more productive on the days they teleworked due to fewer interruptions and they tended to work longer because they did not have to spend time commuting. Employees must be rated at least "Fully Successful" to telework; employees who want to continue to telework are motivated to maintain good performance.*
- *Federal Deposit Insurance Corporation (FDIC): The Telework Survey revealed that over 70 percent of our managers agree that teleworkers' productivity increases or remains the same, and 80 percent of employees believe teleworking increases their productivity.*
- *PTO: In Fiscal Years 2009 and 2010, examiners participating in the Patent Hoteling Telework Program (PHP) worked, on average, approximately 14 more examination hours, including overtime, per year than non-PHP examiners. With the average PHP examiner having more examination hours than a non-PHP examiner, the resulting gain in productivity is approximately 5.7 full-time equivalents (FTEs,) which are the same as approximately six additional patent examiners working for a full year.*

Improved employee attitudes/job satisfaction

Agencies most frequently reported comparing the results of the FEVS on employee attitude measures year- to -year. A few agencies mentioned their own internal employee satisfaction surveys, focus groups, and exit surveys.

- *DNFSB: Prior to the 2011 FEVS, employee satisfaction with the Board's telework program was extremely low. To address this problem, in the fall of 2010, management directed that core telework be piloted in the spring of 2011. Employee satisfaction with telework increased from 7.9 percent in 2010 to 55.3 percent in 2011.*
- *National Transportation Safety Board (NTSB): From the 2011 FEVS, 80.8 percent employees were either very satisfied or satisfied with the telework program, a 26.6 percent increase over the last few years.*

Emergency preparedness

Many agencies described the role of telework in their emergency planning (e.g., as part of COOP, pandemic plans, encouraging unscheduled telework). Only a few described measurements for assessing this as an outcome. Common methods included tracking periodic

exercises or tests, measuring numbers of log-ins to agency systems during tests or emergencies, and examining time and attendance records during emergencies. One agency used increases in telework agreements as evidence of emergency planning success.

- *PTO: The existing telework program provides PTO with the ability to continue some everyday business operations during an emergency beyond those defined in the COOP plan. For example, during the February 2010, snowstorm closure, the Trademark Assistance Center continued to answer public inquiries with 91 percent answered in 20 seconds, which was better than the average performance for the previous quarter. The Trademark examining corps accomplished 85 percent of the production that they did in the same four days of the prior week even though the rest of the Government was shut down. Without telework and hoteling, the agency would have been completely unproductive during this time. In addition, while the Federal Government was closed for four full days, patent examining time was only down about 19 percent for the bi-week. The variety of flex work schedule programs and telework likely contributed to the PTO not losing closer to the full 40 percent patent examining time potentially lost during the four days of Government closures.*
- *Overseas Private Investment Corporation (OPIC): We plan to measure the use of telework for emergency preparedness through reports using NotiFind, WebTA (web-based time and attendance system), and/or our payroll provider's reporting center (Datamart).*

Reduced energy costs

Only three agencies (PTO, Farm Credit Administration, and National Council on Disability) reported measuring energy costs (via avoided office space needs). Agencies cited barriers to measurement, such as leasing their buildings or not having direct access to or control of their utility use data. A few have established working groups to study this and others cited energy use reductions as part of broader sustainability plans, but provided no metrics for measuring reductions.

- *PTO: Given that we would have had to lease 1/3 of the campus – 2 more buildings (approximately 776,000 RSF) – were it not for Telework, we would likely have spent an additional $2,401,933 annually for electricity costs (based on the campus total for FY2011 Q3).*

Avoided real estate costs

Several agencies described eliminating some office space as a result of telework, but few were able to translate this into dollar figures or square-footage of space saved. Several had established working groups to study real estate cost measurement. Several agencies were making strategic use of hoteling, office sharing, and unique floor designs to save space.

- *Department of Agriculture: Plans are underway to capture and collect data on individual eligibility as well as unique facility location identifier in an automated fashion. This*

capability will enable the Department to track and capture data on underutilized facilities that may house employees who are, in large part, able to telework. This data will enable the Department to make strategic decisions on closures or consolidation of office space based on the ability to increase telework.

- *Department of Commerce: The agency is working to reduce space through a three part strategy: 1) identify consolidation opportunities; 2) look for reduction savings in expiring leases before new contracts are made; and 3) review all planned and existing leases for savings as well as eliminating any excess or underutilized owned space. Reduction savings can come from implementing three day or more per week telework, reducing space through open floor design, reduction of support space, and setting workstation size standard.*
- *Department of Labor: The agency has been aggressively reducing its real estate requirements by reducing the work space footprint of individual workers and requiring that new space is built in a ration of 80 percent workstations and 20 percent private offices. "Hoteling" also is encouraged. The agency also seeks to consolidate bureau populations (minimizing travel time between office functions), and by providing more open, collaborative office designs. Lastly, a lease replacement/consolidation prospectus is being prepared that, if approved and developed, will make substantial use of hoteling and similar practices.*
- *General Services Administration: The agency uses space reconfiguration to provide enhanced hot-desking, hoteling, and desk sharing options.*

Reduced commuter miles

Several agencies reporting that transportation subsidy costs decreased as a result of telework. A few reported collecting or planning to collect data from employees, without specifying which data they would collect. The Office of the U.S. Trade Representative calculates commuter miles saved and compares year to year. The Department of State tracks miles saved by teleworkers using an online application that employees complete. The National Council on Disability reduced parking facility need. The U.S. Commission on Civil Rights estimated commute miles saved from the number of full telework days.

- *PTO: PTO fourth quarter FY 2011 telework data indicates that 2,322 employees teleworking five days per week translates to 28,647,675 miles reduced in a year and 15,040 tons of emissions reduced in a year. 1,142 employees teleworking four days per week translates to 11,271,540 commuter miles reduced in a year and 5,918 tons of emissions reduced in a year.*
- *Department of Transportation (DOT): DOT is working to develop a "commute days avoided" metric, which will be comprised of a calculation of employees' telework hours recorded in a time & attendance system and employees' regular days off (RDO).*

Goals and Outcomes: The Societal Perspective

In addition to individual employee and agency outcomes, telework is often implemented as a means for achieving broader societal goals, as shown in the logic model (pictured above in

Figure 1). For example, using certain telework program designs, large-scale participation in telework could contribute to energy use reduction, pollution control, and traffic congestion relief. Offering telework as a workplace flexibility could also result in increased job availability.

The Telework Enhancement Act of 2010 tasked OPM with researching "the utilization of telework by public and private sector entities that identify best practices and recommendations for the Federal Government" and reviewing "the outcomes associated with an increase in telework, including the effects of telework on energy consumption, job creation and availability, urban transportation patterns, and the ability to anticipate the dispersal of work during periods of emergency." See the Telework Enhancement Act of 2010, Pub. L. 111-292 (Dec. 9, 2010) at section 4. Congress requested that such studies or reviews be made available to the public.

In 2011, two literature reviews were compiled by OPM researchers. They respond to the Act by summarizing research that addresses private sector practices in telework and telework as a tool for reducing energy use and environmental impacts, alleviating traffic congestion, and increasing job opportunities (See Appendix 2 for complete contents).

Evidence from the review of the literature suggests that agencies with energy, transportation and job availability goals should consider the following program design elements, when appropriate, in order to maximize telework's impact on broad social outcomes.

Telework, Energy, Transportation, and the Environment

- Maximize hoteling where possible in order to decrease office space.
- Encourage teleworking for those with the longest commutes.
- Be aware of potential home energy use increases and potential cost transfer to employees
- Consider pollution and emissions differences between home and office mix of energy sources.
- Develop a variety of telework arrangements that can be flexibly applied, such as combining telework with other flexible schedules.
- Use information and communication technology effectively.
- Educate teleworkers about how to save energy while teleworking.

Increasing Job Availability through Telework

- Identify and consider how to address strategic agency needs through expanded opportunities for telework (e.g., retention of knowledgeable employees nearing retirement).
- Encourage the use of telework as a recruiting and retention tool for highly sought after employees
- Increase awareness of existing opportunities to telework through recruitment efforts.

The extended contents of the literature reviews can be found in Appendix 2. On these and other societal level telework goals, future research is needed within Government and in the broader research community in order to gain clarity on the potential impact of telework on society.

CONCLUSION AND NEXT STEPS

To conclude the 2012 Telework Status Report, results overall provide evidence of remarkable efforts on the part of agencies as they have worked to adjust telework practice to align with the Telework Enhancement Act. Agencies, overall, have made tremendous strides to address and satisfy mandated requirements, and results reported from multiple data collection efforts suggest that the major work of implementing programs has been addressed. Federal telework is being transformed into the strategic management tool that many in the telework community have long envisioned.

In terms of next steps, agencies will continue to develop and advance telework programs. As described in the beginning of the report, OPM will continue to actively consult with agencies to assist in such endeavors. Realizing the true potential of telework requires integrating telework programs into the business of agencies, ensuring alignment with agency mission and work. Integration at this level places telework squarely in the realm of organizational change. Evaluation is key to any successful program of change, and OPM will carry on its work with agencies to help them to develop internal change and evaluation capacities through continued training in measurement, goal-setting, and action planning.

Effective program development requires continuous evaluation and feedback. Accurate and useful evaluations, in turn, rely upon valid and reliable sources of data. As mentioned throughout the report, agency practices and data collection methods vary too widely to provide reliable data. To ensure that ongoing agency and Governmentwide evaluations are informed by data of the highest quality, as well as to reduce the manual reporting burden for agencies, OPM will continue to work with the Federal Shared Service Centers and agencies to automate the collection of telework data via the Enterprise Human Resources Integration (EHRI) HR and Payroll data feeds. An employee's telework eligibility and usage will be collected, summarized and reported to OPM via the monthly EHRI HR-Status data feed and bi-weekly EHRI payroll data feed. OPM will be able to analyze these data to explore links between telework and important agency outcomes, especially factors related to productivity and cost (e.g., leave use).

The work of establishing a Governmentwide automated telework data collection system is currently underway. OPM recently released new standards for the telework data to be collected via EHRI. In addition, an updated version of the Governmentwide reporting requirements contained in the Guide to Human Resources Reporting (GHRR) was recently published. OPM will begin collecting pilot data in late summer and begin the work of establishing data reliability and validity through standard professional tests of data during the fall of 2012. OPM will also continue to work with both the Shared Service Centers and Agency

Telework Managing Officers to ensure a thorough understanding of the reporting requirements.

Development of robust programs and the successful advancement of telework also depend upon interagency learning and sharing of best practices. To that end, OPM will continue to hold interagency meetings and learning forums. Work/Life/Wellness staff will also investigate ways to leverage the many opportunities afforded by technology to facilitate interagency learning, including Communities of Practice.

The focus groups held for this report provided a wonderful opportunity to include the voice of agency experience in the annual status report to Congress. They also provide important insights useful for understanding the current state of telework program development and current practices in Federal telework. While it is too early at this implementation stage to identify practices that might prove to be "best," focus group findings do outline a number of promising practices for advancing Federal telework. Moreover, focus group comments are thought-provoking and should prove useful in fostering interagency learning as agencies work to improve programs. For these reasons, and by way of closing the report, practice recommendations from agency focus groups are reproduced here (for the full report, see Appendix 1):

Lessons Learned

Gain Leadership Buy-In

Several participants agreed that gaining buy-in from leadership members at all levels is key to a successful telework program. Comments indicate that gaining leadership support can truly be the catalyst for effective implementation, and buy-in occurs when managers try it for themselves.

Involve Critical Functions

The importance of partnering early and often with union representatives and IT experts within agencies was mentioned as particularly instrumental to the success of telework programs. Involvement of all critical parties and functions will limit the number of unexpected surprises and is important for ensuring the effective collaborations necessary for long-term success.

Institute Reliable Data Collection

Participants also commented that instituting a reliable data collection or tracking procedure is critical to demonstrating telework success and as a tool for long-range planning and managing for program effectiveness. One participant commented, "As a whole, we need to have a better system for tracking telework. Providing data for the OPM Data Call is difficult for many who have to manually track telework participation.

Governmentwide, we need to make it easier to collect and report data." Other participants noted that online application systems need to be comprehensive before going live to ensure seamless application. This is another area where partnership with IT and security experts is crucial.

Standardize Eligibility and Participation Criteria

Participants described the importance of standardizing eligibility decisions and notification. Some agencies notify their employees via mass email and/or during new employee orientation, while others prefer managers to send individual emails. Participants agreed that part of increasing trust in the telework process is to make sure that communications and notifications are handled fairly and according to established standards across an agency.

Measure Performance Accurately

Agencies reported facing challenges of performance management in advancing their telework program. Participants stressed the need for performance management systems to measure the outcome of completed tasks and goals. They agreed "managers want to know exactly what teleworkers are working on when out of the office". It is critical for performance management systems to directly link to agency-wide performance plans.

Be Patient

Lastly, several participants emphasized the importance of remaining aware that change takes time and progress with telework requires patience. One participant suggested that one way to address this is to make sure that telework goals and objectives are clear and shared across an agency and that information about progress toward those goals is also shared on an ongoing basis.

Appendix 1: Focus Group Report

2011 Telework Focus Groups: Summary of Results

Introduction

In recent years, both Congress and the executive branch have increasingly promoted telework to help achieve important public policy goals. Most recently, agencies have worked hard to comply with the requirements of the Telework Enhancement Act (Public Law 111-292) (the Act), which was signed into law in December 2010. To address the Act's requirements, some agencies have built new programs; others have extensively transformed agency telework, while others have revitalized existing programs. Understanding these current practices is an important first step toward identifying "best practices" and the development of robust telework programs across the Federal government.

The U.S. Office of Personnel Management's (OPM) Work/Life/Wellness (W/L/W) Office is responsible for supporting Federal agencies in implementing and managing effective telework programs. Among other responsibilities, OPM provides telework policy guidance to agencies, assists agencies in defining and establishing appropriate telework measures and goals, assesses agency progress in telework program development, and conducts research on critical issues relevant to the application of telework practices and procedures. OPM's W/L/W Office conducted focus groups for at least two reasons. First and foremost, in support of W/L/W consultative efforts with agencies, we sought to gain an understanding of the general environment for telework in agencies through group discussion. Our second intention was to gain a systematic perspective on the successes and challenges agencies may have encountered as a result of the Act. In fact, in every focus group discussion, agency efforts to address Act requirements figured as a constant reference point for participants. Even questions probing more general aspects of telework tended to elicit responses that referenced the Act, demonstrating its influence on participant perspectives.

Overall, the integrated focus group results presented in this report provide insights into what has worked well for agencies in terms of telework implementation, what the Act has caused agencies to focus on, and what has been challenging for agencies as Telework Managing Officers (TMOs)[6] and coordinators seek to better manage their telework programs. Individual names of agencies will not be discussed as stated in the focus group protocol for each session. This measure was adopted in order to encourage participants to speak freely.

[6] Telework Managing Officers were established in the Act and are part of the "Office of the Chief Human Capital Officer or comparable office with similar functions." The TMO is "devoted to policy development and implementation related to telework programs." Further, he or she serves "as an advisor for agency leadership…a resource for managers and employees, and a primary agency point of contact for the Office of Personnel Management on telework matters…"

The organization of this report follows the same order as the questions and topics actually used to guide the focus groups (see Appendix A for the structured questions used in all focus groups). It begins with more general aspects of telework and proceeds through topics related to Act implementation. Report sections provide an overview of top-ranking responses to structured questions in the protocol. Notable quotes outlined in each section illustrate agency perspectives and provide detailed insights into Federal telework. The report ends by outlining lessons learned shared by participants.

Methodology

In September 2011, the W/L/W staff conducted four focus groups with agency representatives to learn more about how telework programs are being implemented and managed across the Federal Government. Two groups were conducted with agency TMOs, and two groups were held with telework coordinators. Participants were chosen at random. Thirteen agencies were represented in the coordinator focus groups, and eight agencies were represented in the TMO focus groups. All groups met for approximately two hours. During the focus groups, W/L/W researchers facilitated discussion by leading participants through a series of structured questions. The questioning route was developed with reference to telework survey results, existing telework literature (Kurland and Bailey 2000, Nassar-McMillan and Borders 2002), and the Telework Enhancement Act. Two W/L/W researchers conducted each focus group; one served as the focus group facilitator and the other recorded focus group comments using a laptop computer. Focus group size ranged from four to eight participants.

Focus group data were analyzed in accord with the method outlined by qualitative data analysis experts, Miles and Huberman (1994). The procedure began with a thorough review of the notes obtained by the recorder of each session. The results of the TMO and coordinator focus groups were maintained in separate files for organizational purposes and analysis. Recurring themes were identified through a detailed review of focus group notes by individual researchers. Themes were identified by teams of independent reviewers and confirmed by comparison of results from pairs of researchers. Points of divergence were discussed for the final identification of key themes. Themes identified across all groups are reported below.

What Works Well

Focus group discussions began on a positive note by asking participants to describe what was going well in telework programs. The focus groups were held in September, just as TMOs and coordinators were winding down a huge effort to satisfy Act requirements. Satisfying requirements meant revising policies, determining employee eligibility to participate in telework, and considering aspects of program implementation such as teleworker training. Not surprisingly, such topics were foremost in the minds of TMOs and coordinators and, consequently, heavily considered in participant descriptions of what was going well in their telework programs.

It is encouraging to note that the efforts agencies were required to make in response to the Act were mentioned prominently as areas of success. In fact, as a result of the Act, participants reported that more managers and their direct reports recognize the benefit of telework. In

testifying to the heightened attention to telework since the enactment of the Telework Enhancement Act, one participant commented, “The Act helped us to get a better picture of what’s actually going on and to be able to explain telework a bit more. It gave us the spotlight for a little while.”

Themes described next reveal both common experiences and experiences that were unique to respective agencies. Therefore, even topics that were popular and addressed by several agencies show small percentages in final results.

Of the 21 total participants,

- 5 participants (24%) commented that training has gone well,
- 4 participants (19%) reported that leadership support has been a factor that has worked well in their telework programs,
- 6 participants (29%) noted that communication has gone well, and
- 3 participants (14%) shared that telework policies and procedures have been an area of strength.

Please see Figure 1 for a graphical representation of the focus group results regarding what has worked well for agencies as they develop telework programs.

Training

Effective training also proved to be an important consideration for program success and is a program aspect a number of participants defined as going well. A common concern among leadership was the ability to manage teleworkers. In order to decrease these concerns, agencies provided training for managers. These exercises have helped capture telework endorsements by managers. Training for teleworkers also was highlighted as a successful component of agency telework programs. Participants recalled the use of training support and materials provided by OPM on telework.gov. Other agencies developed their own training programs in the form of classes and workshops to provide new teleworkers the opportunity to address potential challenges. For example, one participant related, “my agency developed its own training. Our top leader assumes training should help advance telework, and encourage support from managers. Also, the training should help employees to really understand how to better telework.”

Leadership and Other Supports

Participants expressed the importance of obtaining manager and executive buy-in. Some participants reported that they were able to obtain buy-in by encouraging leadership to think positively and creatively about which positions are appropriate to telework, particularly those positions that may not have been considered eligible in the past. One focus group participant shared the impact of a top leader’s demonstration of support by stating, “I don’t know how comfortable our top leader is on a personal level, but he/she saw to it that all members of

his/her staff would get telework agreements in place and that had a big effect. It said 'we're on board.' He/she doesn't give many speeches on it, but this act led by example." This participant's comment testifies to the importance of leaders pushing beyond their personal feelings about telework and leading by example.

In terms of practical concerns, agencies have paid a great amount of attention to the importance of establishing strong technological capabilities to support effective telework programs. Many participants expressed the importance of ensuring that information technology infrastructures are well equipped and discussed the efforts being made in their agencies to ensure appropriate infrastructure. Some agencies described telework drills that allow them to identify any technology-related issues such as user inexperience and technology configuration.

Communication

Technology, training, and leadership support have influenced the success of communication in telework programs. Teleworkers stay connected with their managers and in-office counterparts by use of email, phone, instant message, and voicemail. Several agencies believe that use of these technologies has supported interaction between employees and is therefore a point of success in programs.

Another aspect of communication mentioned as going well in programs is the type of messages that agencies have shared to promote telework. One participant commented, "One thing we did differently was to sell telework to managers as a productivity tool. We said work-life balance is icing on the cake, but the key thing is how to make this a productivity tool and that seemed to help more hesitant managers who thought this was soft stuff only pertaining to women having babies. It made them realize, no, this is about productivity."

Participants also described the kinds of messages communicated within the agencies and their importance to trust, a key competency in successful telework. Participants agreed that it is important to communicate a sense of trust between top leaders, supervisors, and teleworkers. One agency instituted a campaign to promote the importance of trust by posting and distributing flyers with the message "Work plus Trust equals Teletrust" across the agency. Participants agreed that the same amount of trust extended toward office-bound employees to effectively manage their work responsibilities must be extended toward teleworkers. Messages indicating the equitable extension of trust are critical to the establishment of an effective telework program.

Revision of Policies and Procedures

Multiple participants commented that revisions have been made to their agency telework policies within the last year as a result of the Act's requirements. Participants indicated that these modifications have resulted in stronger, more effective agency policies. Procedures to manage notification of eligibility and unscheduled telework also have been implemented by agencies to advance telework programs. Participants addressed the importance of new procedures to increase the effective use of telework across their agencies.

Notable quotes related to what is going well in agencies are shown in the following table.

Table 1: Comments Illustrating Aspects of Successful Telework Programs

Focus Group Question	Notable Quotes
What is going well in your Agency's telework program?	I think the Act helped us because it gave us that legal edge we needed to do some of the things we needed to do. The Act helped us to get a better picture of what's actually going on and to be able to explain telework a bit more. It gave us the spotlight for a little while. I'm worried as we move away from that we'll have to work to be remembered. I don't know how supportive the director general is on a personal level, but her staff all had to get telework agreements and that had a big effect. It said "we're on board." She doesn't give many speeches on it, but led by example. We have about 90% of staff eligible because we went very broad. One thing we did differently is that we tried to sell it to managers as a productivity tool. We said work-life balance is icing on the cake, but the key thing is how to make this a productivity tool and that seemed to help more hesitant managers.

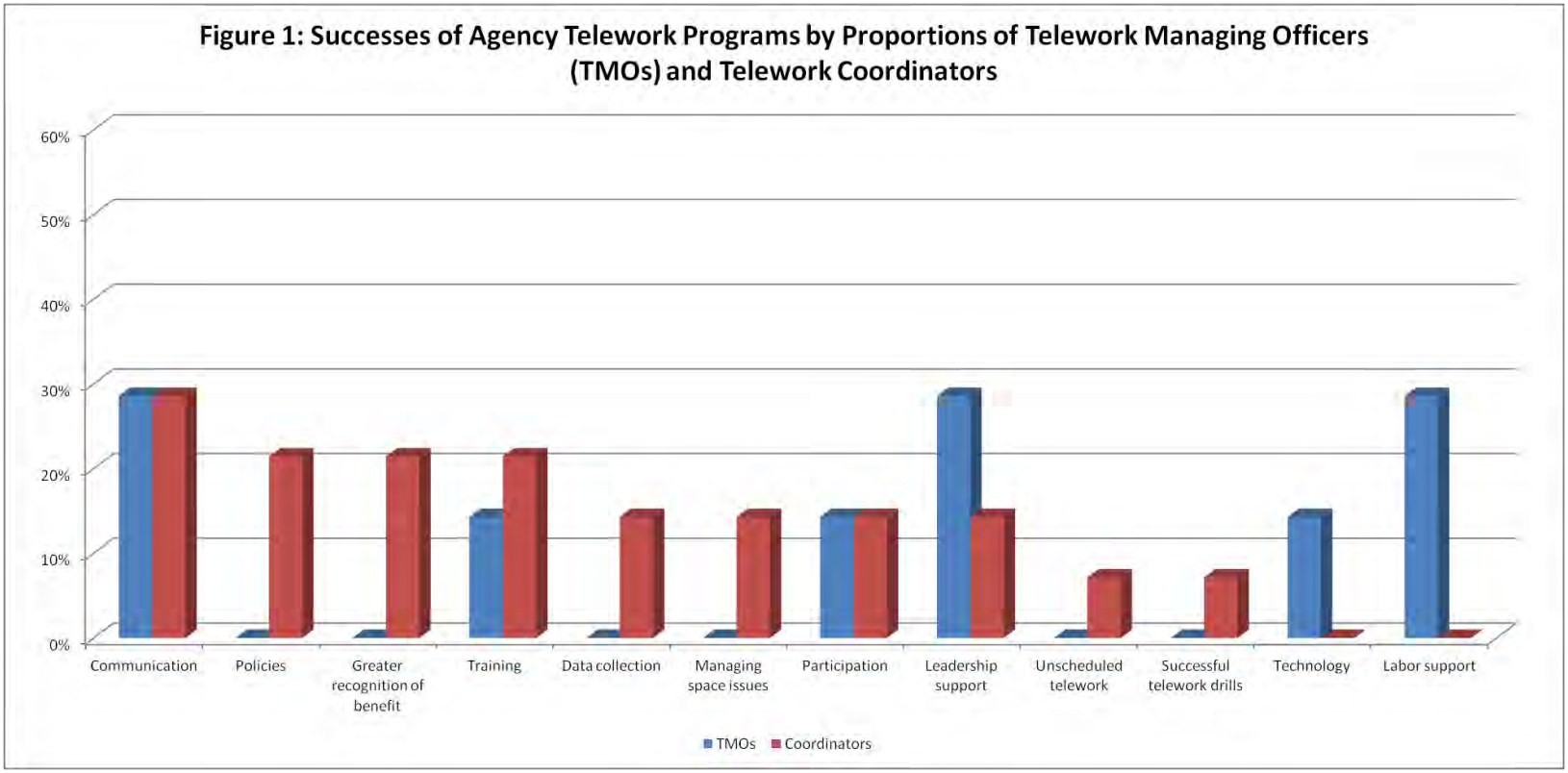


Figure 1: Successes of Agency Telework Programs by Proportions of Telework Managing Officers (TMOs) and Telework Coordinators
60%
50%
40%
30%
20%
10%
0%
Communication
Policies
Greater recognition of benefit
Training
Data collection
Managing space issues
Participation
Leadership support
Unscheduled telework
Successful telework drills
Technology
Labor support
TMOs
Coordinators

Challenges faced by Agencies

Focus group participants also shared challenges they faced in advancing telework within their agencies. Again, responses reflect both unique challenges and barriers, as well as more common experiences across agencies.

Of the 21 total participants:

- 6 participants (29%) reported that gaining buy-in and manager resistance have been factors that have presented challenges for their telework programs,
- 3 participants (14%) commented that performance management has been challenging,
- 3 participants (14%) noted technology related challenges,
- 4 participants (19%) reported challenges relevant to the equity with which telework has been made available to employees, and
- 3 participants (14%) noted the challenge of limited *access* to senior level leadership for program partnership and support.

Please see Figure 2 for a graphical representation of the focus group results regarding what challenges agencies faced as they develop telework programs.

Manager Buy-In

While several agencies described success in establishing leadership buy-in, they also described the challenges of gaining manager buy-in. Participants shared that some managers are used to being able to see their staff members physically working in the office (typically described as line-of-sight management) and that they find comfort in this dynamic. Preference for this style of management poses a recognizable challenge to telework.

Others commented that resistant managers are unsure of how to effectively manage employees who are working remotely and, therefore, are reluctant to embrace the numerous possibilities for effective teleworking arrangements. One participant shared what has worked at his/her agency by commenting, “One of the things we did was to obtain support for managers to be included in telework, because initially they weren’t covered. Once we covered them with our policy, they were able to model that behavior.”

Several participants shared that some managers in their agencies have not accepted the fact that there should *not* be a difference between how teleworkers are managed and how employees who are completely office-bound are managed (as stated in the Act). Highlighting the importance of sharing information, another participant stated, “The managers who do allow it have presented best practices at manager meetings. We did not see a big boost in numbers of telework, but it [manager presentations] did encourage a slightly more receptive perception of telework.”

Performance Management

In a similar vein, successful performance management also proved to be challenging for some of the agencies that were represented in the focus groups. Several participants described the lack of an effective performance management system that focuses on outcomes. Others stated that problems with performance management are fundamentally about education and that managers need to be trained in how a telework program can be applied successfully and seamlessly in accord with performance management standards. Further illustrating the challenge, participants commented that some managers seem unaware of how to help staff members identify aspects of their jobs that can be effectively performed remotely.

Technology

As described earlier, a number of participants noted the importance of effective technology to the success of telework. Several focus group participants also identified technology as a challenge area for advancing telework. Participants shared that teleworkers within their agencies only have access to a Government-issued BlackBerry rather than a laptop. Others commented that there is no available access to shared drives for teleworkers. Participants also shared that there are challenges with the use of personal computers by teleworkers due to security issues. Some participants spoke of budgetary constraints and the consequent impact on the availability of equipment for teleworkers. One participant stated, "This is an austere budget environment, so if you're an agency with less telework already, and less available equipment, it will be a challenge to equip everyone that will be teleworking."

Equity

Multiple participants stated that telework has not been applied in an equitable manner across their agencies. Some participants shared that, although all positions have been deemed eligible within their agency, not all employees are permitted to exercise the option. Others commented that employees in professional positions tend to be able to exercise telework to a greater extent than employees in administrative or support positions in their agencies. One participant shared, "We have pockets where a lot of people telework, and others where they haven't because the supervisor isn't on board or the staff doesn't realize the value of it. We have to find ways to share the practices across the agency."

Access to Leadership

Lastly, a few participants shared that in their roles as telework champions within their agency, an important challenge is posed by limited access to agency top leader(s). One participant commented, "If there was a specific need, we may be able to do something to contact them. But for us getting there is heavy duty." Participants agreed that it would be extremely helpful to improve and increase opportunities for collaboration with their senior leader(s) on telework issues.

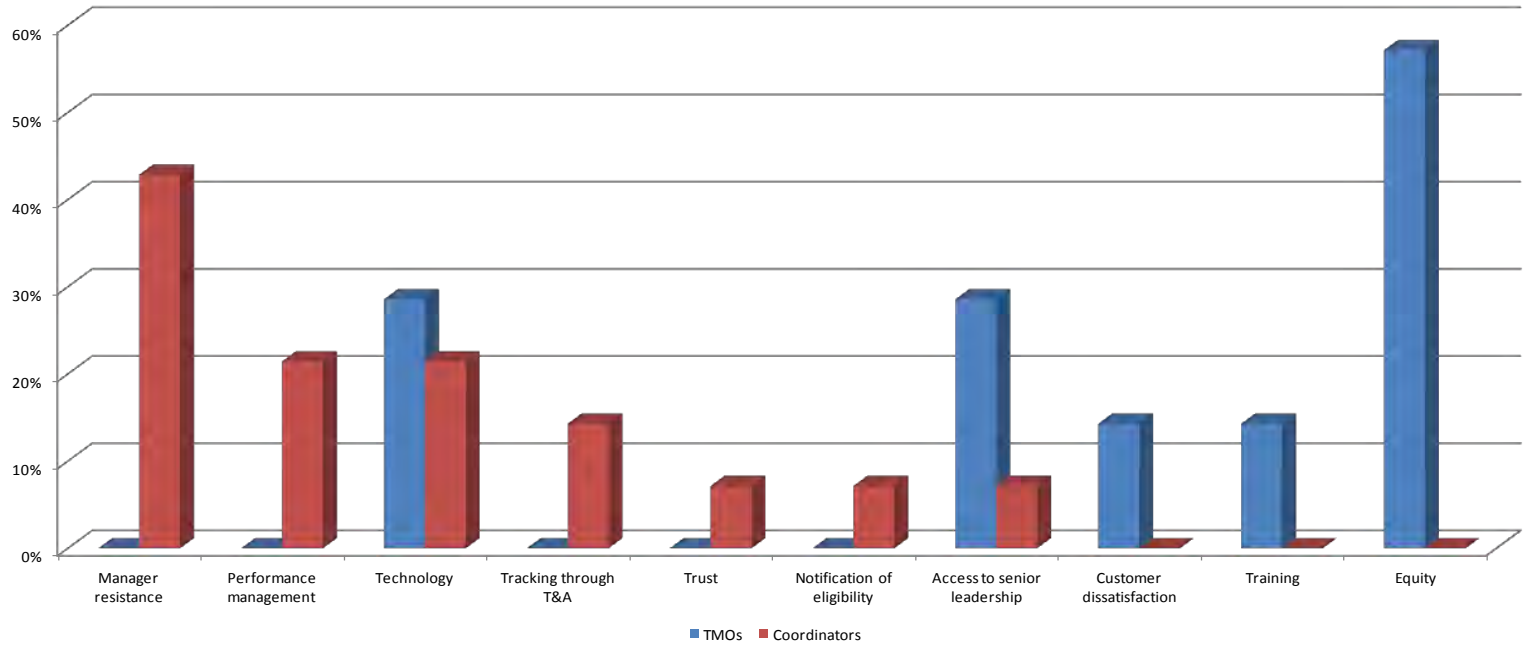
Notable quotes addressing challenges to agency telework programs are shown in the following table.

Table 2: Comments Describing Challenges to Telework

Focus Group Question	Notable Quotes
What has been your Agency's experience in achieving manager buy-in?	One of the things we did was to obtain support for managers to be included in telework, because initially they weren't covered. Once we covered them with our policy, they were able to model that behavior. When I think of it, all of our managers telework as well. So the fact that they telework encourages their personnel to telework. Great support from the manager level. The managers who do allow it have presented best practices at manager meetings. We did not see a big boost in numbers of teleworkers, but it [manager presentations] did encourage a slightly more receptive perception of telework.
What are the top challenges you have faced in advancing telework in your agency?	This is an austere budget environment, so if you're an agency with less telework already, and less available equipment, it will be a challenge to equip everyone that will be teleworking. Implementing the Act isn't a priority for the agency head in the biggest agencies. It doesn't have that level of urgency. It leaves us with some discretion and opportunities to get things further. There's more lateral communication than vertical. Not a bad thing. The Law didn't say how you notify! Standard letters issued to managers to help them understand the intent of the law and what they could use in conversation with employees who wanted to telework was helpful. Having access to standardized language helped managers have a discussion with employees who could not telework based on sensitivity of work, etc. Several grievances on telework too from employees who wanted to telework, but could not because of performance, leave issues, etc. A major challenge in big agencies is that the TMO won't have access to the agency head. Assistant Secretaries don't have access. If there was a specific need, we may be able to do something to contact them. But for us getting there is heavy duty. Quite surprising how closed ours was to it, he didn't want to get involved.

Focus Group Question	Notable Quotes
	Another challenge, not having access to other TMOs, etc. during roll-out of the Act. Would be helpful for collaboration (mentioned community of practice). Equity in the application of telework. I see the professional side of the house automatically in. On the support side, oftentimes there is resistance to allowing them. We still have managers that want to see these people all the time. I find it difficult to see how the managers can work at home without any question, but those who support them can't.

Figure 2: Challenges of Agency Telework Programs by Proportions of Telework Managing Officers (TMOs) and Telework Coordinators



Differing Perspectives: TMOs and Coordinators

Figures 1 and 2 show the proportions of TMOs and coordinators that cite various successes and challenges of their telework programs. The chart separates TMOs and coordinators in order to reflect their unique experiences with their telework programs. There is a critical distinction between their perspectives. While TMOs frequently reported successes that are high-level in nature, including achieving support from labor organizations, overcoming agency-wide technology barriers, and gaining support from senior leadership, coordinators reported successes relating to an employee point of view and the implementation process. With respect to challenges faced in telework programs, similar trends emerged among TMOs and coordinators. TMOs cited concerns over broader issues like ensuring equitable access to telework, training, and technology, while coordinators mentioned manager resistance, difficulty in monitoring and measuring performance, and trust between employees and managers.

Specific Program Management Challenges

A specific, but recurring, challenge related to the establishment of the TMO by the Act. Different issues were raised by coordinators and TMOs. For example, one challenge raised by coordinators was that the addition of the TMO position can result in an extra layer of oversight that can make it difficult to complete projects and goals. Some coordinators reported that they do not have the autonomy they once had to manage their agency's telework program and, as a result, cannot follow through with goals and objectives without vetting plans through the TMO. Depending on the ease of access that a coordinator has to his or her TMO, this dynamic can prove challenging and can result in additional time to complete initiatives. Similarly, TMO participants discussed the challenge of not always having the direct and easy access to executive-level leadership necessary to carry through with telework-related goals and objectives.

Some of the coordinators also said they still see themselves as the individuals taking care of the daily operations of their agency's telework program, but that, with the addition of the TMO position, they have lost some of the recognition for ensuring effectiveness of the programs. Other coordinators shared that their relationship with the TMO at their agency is one of true partnership and regular communication and that the loss of recognition has not been an issue.

Responding to the Telework Enhancement Act

The focus group protocol included questions that asked participants to describe their experiences responding to the requirements of the Telework Enhancement Act. Participants were asked how employees in their agency were notified of their eligibility to telework. Multiple participants reported that, at the time of the focus groups, their agencies were not finished with the process of informing employees of their eligibility status. Others had informed employees and described a number of methods and systems such as mass emails, the agency intranet system, all-hands meetings, or an agency newsletter. Still others described a

process where supervisors were informed of their staff member's eligibility in supervisory meetings and then charged to verbally inform their employees directly of their eligibility status.

Participants also were asked how telework is being used, if at all, in emergency preparedness and/or COOP planning in their agency. The majority of participants reported that telework had been folded into their agency's COOP plan. A couple of participants shared that telework had not been successfully incorporated in the agency COOP plan, but that there are plans to do so in the near future. One participant stated that telework is a part of his/her agency's COOP plan, but that there has been very little in the way of testing the system or practicing response in the face of a mock emergency. This participant shared that all employees in his/her agency have the tools and are equipped, but that many have not practiced and may not actually be prepared and ready in the face of an actual emergency.

Table 3: Quotes related to Specific Challenges

Focus Group Question	Notable Quotes
What changes, if any, have you made to your telework programs in response to the Telework Enhancement Act?	The problem with telework is that it's a good idea in search of a purpose early on in the sense that there's a long list of things we wanted to solve and we called it telework. We can't get our arms around it. There's a certain feeling like, the Act passed so we have to get this done from the department's point of view. But embracing it as a tool is an ongoing process. We began setting goals and developed a training piece. The Act did help to change the mindset; we have a program and it has done well, but the Act caused us to ask: What can we do now? What goals do we need to have? The training component has not been there, but because of the Act we developed our own training. Training should help advance telework, and encourage support from managers. Also, the training should help employees to really understand how to better telework.

Lessons Learned

Many focus group participants reported aspects of strength and success in the ongoing implementation of Federal agency telework programs. Participants also shared areas where change and development has been challenging. Given these experiences, all of the agencies interviewed had "lessons learned" that they believe are important. These are shared here:

Gain Leadership Buy-In

Several participants agreed that gaining buy-in from leadership members at all levels is key to a successful telework program. Comments indicate that gaining leadership support can truly be the catalyst for effective implementation, and buy-in occurs when managers try it for themselves.

Involve Critical Functions

The importance of partnering early and often with union representatives and IT experts within agencies was mentioned as particularly instrumental to the success of telework programs. Involvement of all critical parties and functions will limit the number of unexpected surprises and is important for ensuring the effective collaborations necessary for long-term success.

Institute Reliable Data Collection

Participants also commented that instituting a reliable data collection or tracking procedure is critical to demonstrating telework success and as a tool for long-range planning and managing for program effectiveness. One participant commented, “As a whole, we need to have a better system for tracking telework. Providing data for the OPM Data Call is difficult for many who have to manually track telework participation. Governmentwide, we need to make it easier to collect and report data.” Other participants noted that online application systems need to be comprehensive before going live to ensure seamless application. This is another area where partnership with IT and security experts is crucial.

Standardize Eligibility and Participation Criteria

Participants described the importance of standardizing eligibility decisions and notification. Some agencies notify their employees via mass email and/or during new employee orientation, while others prefer managers to send individual emails. Participants agreed that part of increasing trust in the telework process is to make sure that communications and notifications are handled fairly and according to established standards across an agency.

Measure Performance Accurately

Agencies reported facing challenges of performance management in advancing their telework program. Participants stressed the need for performance management systems to measure the outcome of completed tasks and goals. They agreed "managers want to know exactly what teleworkers are working on when out of the office". It is critical for performance management systems to directly link to agency-wide performance plans.

Be Patient

Lastly, several participants emphasized the importance of remaining aware that change takes time and progress with telework requires patience. One participant suggested that one way to address this is to make sure that telework goals and objectives are clear and shared across an agency and that information about progress toward those goals is also shared on an ongoing basis.

Table 4: Participant Recommendation Highlights

Focus Group Question	Notable Quotes
If you had to share one lesson learned from your telework program, what would it be?	Make sure you have a process in place by which to compile data via Web T.A. For people moving to implement telework I would say make sure you have the infrastructure before moving forward. As a whole, we need to have a better system for tracking telework. Providing data for the Call is difficult for many who have to manually track. Governmentwide we need to make it easier to collect and report data.
	A point I'd like to make is that we're in this political environment now where we can never close down. I just hope that when OPM does their briefings for Congress you will remind them that there are many agencies that NEVER close down and have been operating 24/7 for a century. It's not that different without the official telework policy. That message is not getting through to Congress.

Focus Group Appendix A

Structured Questions for Coordinators and Telework Managing Officers (TMOs)

Advancing Agency Telework Programs
The purpose of the first few questions is to understand how telework is going in Federal agencies. Please think broadly when answering the first few questions. (Advise participants that they will be asked specific questions about the Act; advise them to think broadly here.)

- What is going well in your Agency's telework program?

- What are the top challenges you have faced in advancing telework in your agency? We ask you to limit your list to no more than 3.

  PROBE: Has IT capability been an issue for the utilization of telework? If so, how has this issue been resolved?
  PROBE (**TMOs only**): What challenges have you faced in leading the telework program?

General Questions about Implementing Telework Programs

- What role did your Agency's leadership play in the success of the telework program?

  PROBE: How has your Agency leadership communicated support for telework?

- What has been your Agency's experience in achieving manager buy-in?

- How have you communicated the message of support across your Agency?

The Telework Enhancement Act
Now let's turn our attention more specifically to the Act. The purpose of the next few questions is to learn more about your experiences with implementing the Act.

- What changes, if any, have you made to your telework programs in response to the Act?

  PROBE: How has the Act helped to expand/improve your Agency's telework program?
  PROBE: What are the specific challenges you've faced in implementing the Act.
  PROBE: What key things are you currently working on to implement the Act?

- Thinking about implementing the Act, how did you communicate with employees about their eligibility?

Questions about Telework Program Effectiveness

- Would you describe your telework program as "successful?" How do you define success for telework? What is the evidence you are using to arrive at this conclusion?

  PROBE: Describe any goals/outcomes you have specified for your program.
  PROBE: Does your telework program address (or track) cost-benefit and/or performance measurement? If so, how?

- How is telework being used, if at all, in emergency preparedness and/or COOP planning in your agency?

Finally….

- If you had to share one lesson learned from your telework program, what would it be?

Conclusion of the Session

- Thank everyone for participating and remind them that their efforts will be used as qualitative data in the Report to Congress.
- Share WLW staff contact information in case questions/concerns arise following the focus group.

Appendix 2: Literature Reviews and Best Practices for Agencies

In response to the Telework Enhancement Act of 2010, two literature reviews were compiled by OPM researchers. They detail best practices for agencies and summarize the state of the literature on telework as a tool for reducing energy use and environmental impacts, alleviating traffic congestion, and increasing job availability.

Telework, Energy, Transportation, and the Environment

Telework can be a useful tool for agencies or organizations that hope to lessen traffic congestion, reduce greenhouse gas emissions, and improve local air quality. Both the public and private sectors have steadily come to promote telework as a means for achieving a variety of goals. Frequently telework is credited with decreasing energy costs, adverse environmental impacts, and emissions of greenhouse gases. This may be a fair assumption, but both the private and public sectors have room to improve methods of measuring and verifying these savings.

The energy impact of telework can be broadly modeled as a function of transportation, home and office space and equipment, and information and communication technology (Horvath, 2010). Below are a few highlights from the growing literature on telework, energy, and the environment.

- The estimated impact of telework on **national energy use** is small. One study estimated national energy savings of between 0.01 and 0.40 percent in the U.S. and 0.03 to 0.36 percent in Japan (Matthews & Williams, 2005).
- Numerous studies have estimated the impact of telework on **vehicle miles traveled**, or VMT, which in turn impacts gasoline consumption and traffic congestion. One conservative estimate puts the impact of teleworking at about 1 percent of overall U.S. household VMT (Mokhtarian, 1998). Although this reduction appears small, telework is a much more cost-effective method of reducing congestion than other approaches, such as expanding mass transit (Choo, Mokhtarian, & Salomon, 2005).
- Telework appears to result in significant trip reductions and lower VMT for individual teleworkers. Multiple studies have found that individual employees save in the range of 30 to 50 miles per day or 50 to 80 percent less VMT per year (Lake, 2008).
- Beyond energy use, telework can impact **greenhouse gas emissions** and **office space** needs. Studies have estimated a possible savings of 3.5 billion square feet of office space (Romm, 2002) and a ten year savings of 312.4 million tons of greenhouse gas emissions (Fuhr & Pociask, 2011).

Many studies suffer from an inability to account for all the different ways the work environment affects energy use. A few have emerged that attempt to quantify the **net impact** of telework on energy consumption in the home and office. Below are a few conclusions of these studies:

- When teleworking, employees have lower impacts on energy consumption and air pollution. Non-telework energy use and air pollution costs are likely equal to or higher than those for telework days (Kitou & Horvath, 2008).
- Telework generally reduces air pollutant emissions, but may not reduce all types of emissions equally.[7] Impacts will differ by pollutant, location, heating or cooling season, induced travel, avoided VMT, latent demand, and minimizing space and equipment use when teleworking. Program designers must consider factors such as their local climate, energy mix, transportation patterns, and whether teleworking employees will maintain offices at home and at the central worksite (Kitou & Horvath, Energy-related emissions from telework, 2003).
- Certain forms of transportation may actually increase emissions. Substituting shorter commutes may not reduce energy or emissions because of rebound effects from home energy use. A rebound effect is an unintended increase in energy use due to a behavioral change or new technology that negates the savings from the change. Successful telework programs will encourage the avoidance of polluting forms of transportation, increase commuter vehicle occupancy rates, substitute longer commuters, and increase teleworking frequency (Kitou & Horvath, Transportation choices and air pollution, 2006).

Success Stories in the Private Sector

A quick search of media associated with telework will reveal a number of striking savings estimates from private companies. Companies have reduced energy costs, real estate costs, employee fuel costs, other utility costs, and travel costs. These estimates certainly suggest that telework has great potential for all sectors to save on energy and building costs.

One company has reported savings of $387 million in reduced office space and utility costs due to its telework program between 2002 and 2008. In 2009, another company reported savings of $10.3 million in employee fuel costs and 47,320 metric tons of avoided greenhouse gas emissions. A third company reported saving $550 million in real estate and reduced overhead costs between 1991 and 1997.[8]

Success Stories in the Federal Government

While Federal Government data on telework participation and frequency has been collected over the years, there is still much more to learn about how telework has impacted energy use,

[7] Telework reduces the emissions of carbon dioxide (CO2), mono-nitrogen oxides (NOx), particulate matter (PM10), and carbon monoxide (CO) but not nitrous oxide (N2O) and methane (CH4).

[8] As a caution, often these savings figures come from telecommunications companies that may have a vested interest in supporting telework. Many are reported without background on how the estimates were produced and which assumptions were made. Lastly, the units of measurement of the savings differ widely and assumptions – if provided – also differ. This makes comparisons very difficult. Nonetheless, the savings numbers are impressive.

air quality, and emissions within the public sector. Agencies are still adapting to new telework programs and searching for new ways to estimate savings. Yet, a few examples from the Federal Government stand out as models for future research on the potential of telework to reduce energy use and environmental impacts.

- The United States Patent and Trademark office (PTO) is widely considered a leader in telework within the Federal Government. PTO has 7,030 teleworkers (86.52 percent of eligible workers) and 8,125 eligible telework positions (78.35 percent of the agency). Of PTO's teleworkers, 3,739 of them telework 4 to 5 days per week. Employees who telework 4 to 5 days per week relinquish their office space and use a hoteling system when at the Alexandria office. As a result of this unique arrangement, PTO has realized $19.8 million in real estate savings as of August 2011.
- GSA has developed an Excel-based tool for agencies wishing to calculate the break-even point for the costs of telework, purchasing information technology, and real estate savings – the Cost-per-Person Model (Kaczmarczyk, 2008). A GSA commissioned study by Booz Allen Hamilton found that agencies could realize a return on investment of between 225 percent and 1500 percent through a variety of telework program arrangements (General Services Administration, 2006).
- The National Institutes of Health has pursued cost savings from telework through its hoteling initiative. In 2007, the National Science Foundation found that employees saved, on average, 62 hours of commuting time, $1,201 in costs, and 1,751 lbs of emissions in a year of teleworking. This amounted to a 12 percent reduction in National Science Foundation teleworkers' carbon footprint (Telework Exchange, 2008).

Best Program Designs for Achieving Broad Community and Societal Goals

While research still must be improved and expanded, a review of the existing literature shows promise for telework as a tool for addressing energy and environmental challenges. The Telework Enhancement Act of 2010 has reaffirmed the Federal Government's commitment to expanding telework while accurately measuring participation and success. Undoubtedly, this will result in useful information that will help agencies better assess programs and design programs around achieving goals. For some agencies, energy savings and environmental impact may be among the most important program goals. Evidence suggests that agencies seeking to reduce energy costs and emissions should consider the following design elements:

- **Maximize hoteling in order to decrease office space**. If teleworkers maintain offices at work and if lights and equipment are left turned on at all times, this significantly decreases the potential savings from building costs and utility bills.
- **Encourage teleworking for those with longest commutes.** Evidence suggests that the most substantial energy savings benefits occur for those with long commutes and in some cases energy use at home could be greater than savings from telework (Kitou & Horvath, 2008).

- **Consider cost transfer to employees.** Some have suggested that energy savings from telework could merely be transferring utility costs onto employees rather than resulting in a net energy and cost savings overall (Overmeyer, 2011).
- **Consider local electricity energy mix**. Teleworking could be reducing pollution from one source (the source that powers the office) while increasing it at a dirtier source (the source that powers the home).
- **Be flexible with program design.** Developing a variety of telework arrangements that can be flexibly applied, as has been done by PTO, could maximize the energy benefit potential of a program.
- **Use information and communication technology effectively**. Technology plays a critical role in any telework program. Creativity can help maximize the energy benefit. For example, an agency could replace some air travel with teleconferencing or establish telework centers for those uncomfortable with working inside the home.
- **Educate teleworkers about how to save energy while teleworking.** Educating teleworkers about the arrangements and behaviors that best save energy and reduce pollution could increase the benefits seen from the program. Many workers may have personal desires to further these goals, but may be unsure of the best means to do so.

In order to succeed, telework programs must be thoroughly planned and all transportation and non-transportation trade-offs should be considered. Poor building management, inefficient work arrangements at the office, and low frequency telework schemes can offset any potential energy savings from telework (Kaczmarczyk, 2008). With careful planning, experimentation, and data collection, agencies as well as private companies can realize substantial cost savings while exercising societal responsibility through reducing energy and environmental impacts.

Increasing Job Availability through Telework

As noted previously, telework is promoted and implemented in order to achieve a variety of objectives. While a primary set of objectives includes recruitment, retention, and productivity, telework also has been pursued as a tool for job improvement and for making jobs more available to traditionally underserved populations. These last might include new mothers, employees with disabilities, and aged workers. Underserved populations are particularly strong candidates for telework because they may be hindered by substantial barriers that can be alleviated through using telework as a workplace flexibility (Tremblay, 2003; Feldblum 2008)

There is substantial anecdotal evidence to support the use of telework towards improving job satisfaction and expanding job availability. The available empirical studies, however, tend to focus more on telework as a tool for improving the workplace, rather than on telework's potential to create or expand job opportunities for specific populations. In fact, it is still not clear how telework creates jobs as opposed to making it possible for certain types of people to apply for jobs they would not be able to apply for otherwise. While qualitatively, the range and approximate magnitude of economic impacts such as productivity, wage rates, absenteeism and retention

rates has been well researched (mostly through surveys), quantitative estimates or forecasts of specific economic impacts of telework have been sparse (Doherty, Andrey, & Johnson, 2000). This trend is not only reflected in this report, but across the study of telework as a whole (Bailey & Kurland, 2002). Research suggests this measurement challenge may be due to "the lack of formal methods of reviewing or monitoring [telework] program success and the fact that many different 'players' exist in the administration and success of [telework] programs, combined with the wide range of possible organizational, individual and societal impacts in the short- and long-term (Doherty, Andrey, & Johnson, 2000)."

Success Stories in the Private Sector

The private sector provides unique insight into job creation and availability. Literature examining telework in the private sector commonly addresses job creation and job availability through rural development. Many universities, including Washington State University, have identified and encouraged telework as a strategy to revive the rural economy (Washington State University, 2004). Telework can be a very attractive employment option for economically struggling former manufacturing areas, seasonal resort areas, and cold-climate locales. Regions such as the mid-Atlantic and Northeast have lost population and tax base to the high-tech Northwest or warm southern regions of the United States because these areas have been better able to sustain year-round residents. The answer may lie in luring more residents who can work for anyone from anywhere (Fenson & Hill, 2003).

Examples of this revitalization can be found in Colorado ski communities such as Steamboat Springs and Telluride, which have been actively seeking to attract professional teleworkers. By design, these professionals live in the towns and communities (Fenson & Hill, 2003). The towns do not have to create industrial infrastructure or deal with industrial pollutants, and the areas can maintain a highly educated, well-paid populace. Creating these communities requires providing workers with access to a commercial airport, overnight mail services, and computer-based digital switching for telephones. In the past, this was particularly challenging for rural communities (Fenson & Hill, 2003).

Smaller communities outside large metropolitan areas can enjoy enormous benefits from telework. Teleworkers contribute to the revitalization of small towns in outlying areas. A well-placed telework center can allow residents to retain or secure a position with a firm in a metropolitan or inconveniently located area while continuing to work in close proximity to their rural homes. This can enhance retail, service, and food vendor revenue in the smaller struggling community as well (Fenson & Hill, 2003).

The literature suggests that issues associated with increasing telework in rural areas primarily lie in the lack of existing technological infrastructure (OECD, 2001). However, there is little qualitative data that identifies specific challenges to infrastructure provision. Overall, there is a wealth of private-sector information that discusses the benefits of telework, but little that addresses the challenges these companies face in program implementation. More qualitative

data is necessary to completely understand the challenges of implementing telework programs in rural areas.

Best Program Designs for Making Jobs More Available through Telework

- ***Expanding telework participation.*** In the United States, particularly in the public sector, agencies increasingly offer telework as a flexible workplace option. NASA's Langley Research Center, GSA, and other agencies have all established telework programs to meet their workforce needs, with some promising results. GSA reports that telework has been made available to 92 percent of its 12,205 employees (Feldblum, 2008).

- ***Legislation can expand opportunities for underrepresented populations.*** In the public sector, teleworking as a method to create and make jobs available differs in perspective between Federal and state government. In general, the Federal Government shows greater rates of participation in telework than state governments (Telework Research Network, 2011). This is predominantly due to the passage of legislation geared toward creating flexible work environments for specific groups, including disabled, veteran, and aged workers such as the Federal Employees Flexible and Compressed Work Schedules Act, the Americans With Disabilities Act (ADA), New Freedom Initiative, and most recently the Telework Enhancement Act of 2010 (Feldblum 2008; Virginia Commonwealth University, 2005; Eyster, Johnson, & Toder, 2008). The ADA of 1990, enacted over 20 years ago, provides a way for people with disabilities to maintain inclusion in the age of technology by deeming telework a reasonable accommodation. The ability to telework provides potential for employment opportunities for people who may not otherwise access or perform in a traditional work environment due to a disability (Sullenger, 2006).

  Just as there are policies and legislation in place to support job availability and job creation at the Federal level, a number of states have also played an integral role in increasing telework in their respective legislatures. According to a report on Workplace Flexibility by the Georgetown Law Center (2006), California, Georgia, Michigan, Utah, and Virginia are a few among many states that have enacted laws to increase opportunities through telework, whether in the form of private/ public partnerships or providing private-sector incentives to companies with telework policies.

- ***Using telework as a tool to encourage retention of workers nearing or at retirement age.*** The demographics of the workforce in the United States are rapidly changing as the Baby Boomers reach retirement age. Studies indicate that workers aged 55 to 64 in the American workforce will increase by 48 percent in the next five years, and those aged 65 and older will increase by 40 percent. The Federal workforce has already begun to experience the impact of this shift as a large percentage of Federal employees are eligible to retire, risking a decrease of institutional knowledge and years of expertise. However, similar to the workplace dynamics in New Zealand, retirement-age workers are willing to postpone retirement despite their eligibility, whether by necessity or choice. Regardless of the choice, older employees will want or need

employment opportunities that support workplace programs such as flexible schedules and telework (Feldblum, 2008).

In 2006 the Department of Labor published a report suggesting that workplace flexibilities are particularly attractive to older workers and might help ensure their continued services (and thus better knowledge management) especially in an era when many Baby Boomers are now retirement eligible.

- ***Using telework as a tool to promote employment of highly trained and skilled veteran and employees with disabilities.*** In 2004, the Department of Labor, Office of Disability Employment Policy, funded three projects to help recently disabled veterans and workers' compensation clients with disabilities to get the training and equipment they need to find and perform teleworking jobs (West & Davis, 2007). Virginia Commonwealth University was funded as one of the projects. Their national employer survey (issued to public and private employers) regarding telework and employees with disabilities revealed that respondents were generally amenable to accommodating employees with disabilities and those with other pressing needs. The findings also revealed that most organizations that allowed employees to telework did so on an ad hoc basis. However, respondents were more likely to allow telework when the employee already had a work history in the organization and the supervisor and coworkers had confidence in the employee's work habits and dedication (West & Davis, 2007).

Appendix 3: Measurement Model

The table below outlines the evaluation measurement plan begun in 2011, with descriptions of objectives, measurement, and data source. Recall that agency telework under the Act is largely in a formative stage of program development. Consequently, initial measures have been designed predominantly to describe telework implementation.

Activity and Expected Effect	Measures	Data Source
Telework programs are fully implemented in Federal agencies.	Number of agencies with Telework Managing Officer (acting or permanent). Number of employees notified of eligibility to telework, by agency. Number of employees trained to telework, by agency. Number of employees with telework agreements, by agency. Number of managers trained in telework and telework management, by agency.	-Agency records as reported in the annual OPM telework Data Call
Eligible employees routinely participate in Federal telework programs.	Percent of all employees who telework. Percent of eligible employees who engage in routine telework. Percent of telework eligible employees who telework.	- Agency records as reported in the annual OPM telework Data Call - Federal Employee Viewpoint Survey (FEVS)
Telework is used as an effective tool to address unexpected contingencies in the workplace (e.g., disrupted building access for weather or other)	Percent of eligible employees who engage in situational telework.	- Agency records as reported in the annual OPM telework Data Call

Activity and Expected Effect	Measures	Data Source
Teleworkers are resourced to effectively telework.	Percent of agencies who provide equipment and services to teleworkers.	- Agency records as reported in the annual OPM telework Data Call
Cybersecurity concerns are satisfied with telework across agencies. Agency telework policies address cybersecurity issues.	Percent of agencies who address cybersecurity concerns in establishing telework. Number/percent of agencies with cybersecurity addressed in telework policies. Comments from TMOs and coordinators reveal that technical resourcing and cybersecurity issues have been addressed.	- Agency records as reported in the annual OPM telework Data Call -Focus groups
Agency leadership at all levels supports employee telework.	Agency marketing/messaging demonstrates leadership support of employee telework. Percent of agency leadership/managers who participate in telework.	-Focus group data -FEVS
Manager buy-in has been achieved for telework in Federal agencies.	Comments from agency TMOs and coordinators indicate manager buy-in has been established.	-Focus group data
Agency support of telework has been communicated to employees.	Comments from agency TMOs and coordinators describe and outline efforts to communicate support.	-Focus group data
Telework eligibility determinations are fair and based on objective criteria regardless of grade, etc.	Teleworkers compared with non-teleworkers by demographics (e.g., gender supervisory status)	-FEVS

Activity and Expected Effect	Measures	Data Source
Telework is used as an emergency preparedness tool in Federal agencies.	The agency Continuity of Operations Plan specifically addresses telework. The agency Pandemic Influenza Plan specifically addresses telework. Agency telework policies include information regarding telework during emergencies (e.g., who is supposed to telework). Teleworkers are trained to know what is expected of them during emergencies.	- Agency records as reported in the annual OPM telework Data Call
Participation in Federal telework programs has increased since June 2011 under the Telework Enhancement Act.	Percent of agency population that telework beginning in 2011. Comments from agency TMOs and coordinators describe improvements/expansion under the Act.	- Agency records as reported in the annual OPM telework Data Call -Focus group data
Telework program *participation* goals have been established for telework programs in every agency. Telework program outcome goals (e.g., improved job satisfaction, employee retention) have been established by all agencies.	Number of agencies that report telework goals. Number/percent of agencies with formal plans for increasing employee participation in telework. Number of agencies that report outcome goals. Comments from TMOs and coordinators describe outcome goals.	- Agency records as reported in the annual OPM telework Data Call - Agency records as reported in the annual OPM telework Data Call -Focus group data

Appendix 4: Detailed Methodology for the Data Call

The data in the 2012 Telework Status Report to Congress were derived from three sources: the 2011 OPM Telework Data Call, the 2011 Employee Viewpoint Survey, and a series of focus groups. Each data source is used to capture the perspective of a stakeholder group instrumental in the success of telework.

The methodology employed for focus groups and the Employee Viewpoint Survey are addressed in the main body of the telework status report and elsewhere (see www.fedview.opm.gov). This expanded method section presented in this appendix considers the Data Call only. Note that the Call represents the agency perspective by collecting both quantitative and qualitative data. Through quantitative data we can estimate, for example, how many employees are teleworking or how many agencies have updated their policies. Quantitative data, however, is limited in its explanatory value and how much contextual perspective it can provide. By also examining qualitative data - such as the open-ended items included on the Call form – we can gather explanatory data and gain a better understanding of the setting in which telework programs are evolving.

2011 OPM Telework Data Call

Various versions of the Call have been issued to Federal agencies since 2001. Under the Act, Executive branch agencies are required to report telework data to OPM for inclusion in the annual status report to Congress. A number of agencies also were required to report telework data at the sub-agency/component level. Participation in the Call is currently the only way for agencies to comply with these data submission requirements.

The Data Call Instrument

The Call provides the agency perspective with questions that address agency telework participation and program implementation and processes (e.g., how employees are deemed eligible, how employees are trained and equipped for telework). The instrument used for the 2010 Data Call was revised in 2011 to ensure alignment with the Telework Enhancement Act (see Appendix 3 for the Word form of the Call included in the online platform). While these changes make some comparisons between previous years' Calls less appropriate, they were necessary in order to accurately gauge the changing nature of Federal telework programs. The purpose of the Data Call is primarily to facilitate tracking and assessment of the impact of policy, rather than trend analysis. Using earlier definitions or inapplicable question wordings clearly would not provide useful information and may actually have caused agencies confusion, with negative consequences for item validity and data reliability.

In order to develop the new definitions and questions included in the updated 2011 Data Call, an Interagency Telework Measurement team was assembled and led by Dr. Kimberly Wells, U.S. Office of Personnel Management. Members included acknowledged leaders and experts in Federal telework, including: Dr. Wendell Joice, U.S. General Services Administration; Danette

Campbell, U.S. Patent and Trademark Office; Pam Budda, U.S. Department of Defense; Aaron Glover, Defense Information Systems Agency; Karen Meyer, United States Navy; Scott Howell, National Aeronautics and Space Administration; Bruce Murray, U.S. Department of Energy; and Dr. Alexis Adams, Christina Heshmatpour, Elnora Wright, and Clint Sidwell, U.S. Office of Personnel Management. These method and subject matter experts reviewed the question wordings, question structures, response alternatives, and instructions to ensure that the Call instrument captured the information needed.

Additionally, two cognitive interviews were conducted with a random sample of TMOs and telework coordinators to test how actual respondents might interpret questions. The interviews also helped to ascertain whether typical respondents had the resources needed to answer the questions. Participants in the interviews were asked to go through the Call and think aloud about how they would respond and how they interpret key terms in the questions. To facilitate, W/L/W staff led the sessions using probing questions and noted participants' responses to the questions. The experts' and respondents' comments were integrated into the final Data Call draft.

Finally, an expert in survey development for the Census gave generously of her time and provided detailed review and comments to the Call. Comments were reviewed by the Interagency Telework Measurement Group and incorporated wherever possible.

The Data Call Respondents

The Act requires OPM to "submit a report addressing telework programs of each executive agency" to Congress. OPM maintains lists of executive branch agencies, and these were consulted and used to form the respondent frame for the Call. Discrepancies across lists were resolved in consultation with agencies. The complete list of agencies and sub-agencies contacted to participate in the Call are shown in Appendix 5.

For each agency, a telework coordinator or TMO was designated and confirmed to enter agency data into an online platform. Access to the platform was gained through a unique username and password assigned to each agency data entry POC. To protect data integrity, only one agency POC was supplied with access information.

The Telework Enhancement Act now requires a specified subset of agencies to report data at the agency and subagency levels. Agencies completed the full Data Call for the agency-level submissions. Agencies required to submit at the subagency level provided data only for telework participation and frequency questions. In total, OPM received responses from 87 agencies and 158 subagencies. A few chose not to respond or submit a full response because of security concerns (e.g., the intelligence community) or because they are not subject to the Act's reporting requirements due to the definition of "Executive agency" included in the Act. Several agencies (e.g., the Smithsonian Institution) are not Executive agencies within the meaning of the statute and thus not required to participate, but several elected to do so nonetheless.

Links to the electronic data entry platform for the Data Call were forwarded to agencies on October 26, 2011, with opportunities to enter data until December 9, 2011. Agency points of contact were invited to participate in the Call via email invitation. To encourage participation, three reminders were sent to data entry POCs and TMOs during the administration period for the Call.

Prior to issuance of the Call, data entry points of contact for agencies, coordinators, and TMOs were invited to attend two sessions designed to brief agencies on the Call's content and timeframe as well as to address any questions. These sessions were an effort to support reporting of valid and reliable data. Although OPM does not have the authority to require attendance at these sessions, every effort was made to encourage participation through multiple reminder emails. The first session (September 2011) focused on reviewing the questions and definitions in the Data Call instrument. The second session (October 2011) walked participants through how to use the online platform, and slides from this session were distributed to all invitees regardless of whether they attended. Between the first and second sessions, Federal telework policy was issued regarding the definition of "telework day." This was clarified in the second training session. However, because OPM cannot mandate attendance it cannot assure that all agencies received this information – although each agency's telework staff also learned of this update through the issuance of policy guidance.

Timeframe

The Call was administered in the fall of 2011, between October 26 and December 9. The decision not to request annualized data addressed several data quality concerns. Due to differing data collection methods, many agencies cannot uniformly report annualized data. Some agencies count telework agreements, some get periodic data feeds from payroll providers, and others simply use informal surveys of managers. The choice to target September and October 2011 was made for several reasons. First, agencies were given until June to satisfy Act requirements, so data collection during the program development months of December through June would not fairly represent telework under the Act. Second, July and August typically are vacation months and any data collected for participation during those months would likely under-report telework activity. Third, with the report due in June 2012, the data collection had to occur at such a time as to allow for data analysis and report compilation. These combined factors left only a short window for which telework data could be collected that would represent telework activity under the Act.

Quality Control

In weekly reminder emails, agency points of contact were encouraged to contact OPM staff members who were available to answer any questions agencies had about the Data Call instrument and online platform. Questions mainly pertained to accessing the website and lost passwords, with very few pertaining to the Call instrument or Call items.

Following the Data Call administration, respondents were given several opportunities to check the accuracy of their responses. First, agencies were provided with a review function built into

the online platform that allowed them to view their responses before submitting them. Second, OPM produced and distributed individual reports for each agency data entry point of contact and TMO. Agencies were advised to review and make any necessary corrections to these reports. Responses were updated in the database as needed. A new report was generated and verified by the agency before the agency's data was considered finalized. As a final check, W/L/W staff followed standard analysis protocol and checked the final database for any outstanding anomalies or possible problems in the dataset using descriptive statistics and frequencies. When any discrepancies, outliers, or other anomalous responses were identified, W/L/W individually contacted the agencies to verify and update the data.

Strengths and Weaknesses of the Data Call

The results of the Data Call give insight into agency efforts and status with respect to implementing the Act, how many and how Federal employees telework, summaries of agency goal-setting efforts, and outcomes related to telework. Agency data are quite informative and provide a detailed picture of current Federal telework activities. Program descriptions are particularly valuable and will provide opportunities for interagency sharing of best practices.

Yet, there are some limitations with respect to the participation and frequency findings that should be considered. Agencies rely upon differing methodologies and data sources when gathering participation and frequency data, including time and attendance systems, counting telework agreements, and surveys of employees. Without a standardized Governmentwide data collection system or trained data collection staffs, the final combined telework participation estimates are unlikely to be completely valid or reliable. In particular, many agencies do not have the capability with their current systems to collect all requested data (e.g., situational telework). As a result, the final participation and frequency numbers may underreport telework with consequences for the reliability of the reported results.

When considering these limitations, it is important to note that the participation and frequency questions represent a small portion of the 38 questions in the Data Call instrument. OPM has full confidence in the remaining sections of the Data Call, including those on policy implementation, program goals, emergency planning, information technology, information security, and barriers. In addition, all analyses and coding of qualitative responses were replicated by a second researcher to ensure that all results were accurate and fairly representative of agency perspectives.

Appendix 5: Agencies and Sub-agencies Included in Administration of the Telework Data Call

Agency Name	Sub Agency Name
Agency for International Development	
Alaska Natural Gas Transportation Projects (Office of the Federal Coordinator)	
Board of Governors of the Federal Reserve System	
Chemical Safety and Hazard Investigation Board	
Committee for Purchase from People Who Are Blind or Severely Disabled	
Commodity Futures Trading Commission	
Consumer Product Safety Commission	
Corporation for National and Community Service	
Court Services and Offender Supervision Agency	
Defense Nuclear Facilities Safety Board	
Department of Agriculture	Office of the Assistant Secretary for Civil Rights
Department of Agriculture	Office of Inspector General
Department of Agriculture	Rural Development
Department of Agriculture	Office of General Counsel
Department of Agriculture	Office of Congressional Relations
Department of Agriculture	Food, Nutrition and Consumer Services
Department of Agriculture	Farm and Foreign Agriculture Services
Department of Agriculture	Research, Education and Economics
Department of Agriculture	Office of the Secretary
Department of Agriculture	Marketing and Regulatory Programs
Department of Agriculture	Office of Homeland Security
Department of Agriculture	Departmental Administration
Department of Agriculture	Natural Resources and Environment
Department of Agriculture	Office of Budget and Program Analyses
Department of Agriculture	Office of Chief Economist
Department of Agriculture	Office of Chief Information Officer/Chief

Agency Name	Sub Agency Name
	Financial Officer
Department of Agriculture	Office of Communications
Department of Agriculture	Office of Executive Secretariat
Department of Agriculture	Food Safety and Inspection Service
Department of Commerce	Nat Telecommunications and Info Admin
Department of Commerce	Nat Oceanic and Atmospheric Administration
Department of Commerce	Office of the Secretary
Department of Commerce	Office of the Inspector General
Department of Commerce	Bureau of Economic Analysis
Department of Commerce	National Institute of Standards and Tech
Department of Commerce	International Trade Commission
Department of Commerce	Economics and Statistics Administration
Department of Commerce	Economic Development Administration
Department of Commerce	Bureau of the Census
Department of Commerce	Bureau of Industry and Security
Department of Commerce	National Technical Information Service
Department of Commerce	Minority Business Development Agency
Department of Defense	Department of Air Force
Department of Defense	Department of Army
Department of Defense	Other Department of Defense
Department of Defense	Department of Navy
Department of Education	Office of Safe and Drug-Free Schools
Department of Education	Office of Inspector General
Department of Education	Office of Communications and Outreach
Department of Education	Office of Innovation and Improvement
Department of Education	Office of Postsecondary Education
Department of Education	Office of the Chief Financial Officer
Department of Education	Office of the Chief Information Officer
Department of Education	Office of the General Counsel
Department of Education	Office of Vocational and Adult Education
Department of Education	Office for Civil Rights

Agency Name	Sub Agency Name
Department of Education	Office of the Under Secretary
Department of Education	EDET- Office of English Language Acquisition
Department of Education	Office of Special Education and Rehabilitative Services
Department of Education	Advisory Councils and Committees
Department of Education	Office of the Deputy Secretary of Education
Department of Education	IMM Office of Secretary of Education
Department of Education	Institute of Education Sciences
Department of Education	National Assessment Governing Board
Department of Education	Office of Elementary and Secondary Education
Department of Education	Office of Management
Department of Education	Office of Legislative and Congressional Affairs
Department of Education	Office of Planning, Evaluation, and Policy Development
Department of Education	Federal Student Aid
Department of Energy	
Department of Health and Human Services	Administration for Children and Families
Department of Health and Human Services	Health Resources and Services Admin
Department of Health and Human Services	Substance Abuse and Mental Health Services Administration
Department of Health and Human Services	Program Support Center
Department of Health and Human Services	Office of Secretary
Department of Health and Human Services	National Institutes of Health
Department of Health and Human Services	Indian Health Service
Department of Health and Human Services	Food and Drug Administration
Department of Health and Human Services	Centers for Medicare and Medicaid Services
Department of Health and Human Services	Centers for Disease Control and Prevention
Department of Health and Human Services	Agency for Toxic Substances and Disease Registry
Department of Health and Human Services	Administration on Aging
Department of Health and Human Services	Agency for Healthcare Research and Quality
Department of Homeland Security	US Citizenship and Immigration Services

Agency Name	Sub Agency Name
Department of Homeland Security	US Immigration and Customs Enforcement
Department of Homeland Security	US Secret Service
Department of Homeland Security	US Coast Guard
Department of Homeland Security	Office of the Inspector General
Department of Homeland Security	Federal Law Enforcement Training Center
Department of Homeland Security	Federal Emergency Management Agency
Department of Homeland Security	HQ Components
Department of Homeland Security	US Customs and Border Protection
Department of Homeland Security	Transportation Security Administration
Department of Homeland Security	National Protection and Programs Directorate
Department of Homeland Security	Domestic Nuclear Detection office
Department of Homeland Security	Office of the Under Secretary for Science and Technology
Department of Housing and Urban Development	Office of General Counsel
Department of Housing and Urban Development	Secretary and Deputy Secretary
Department of Housing and Urban Development	Public and Indian Housing
Department of Housing and Urban Development	Public Affairs
Department of Housing and Urban Development	Policy Development and Research
Department of Housing and Urban Development	Housing
Department of Housing and Urban Development	Government National Mortgage Association
Department of Housing and Urban Development	Field Policy and Management
Department of Housing and Urban Development	Departmental Operations and Coordination
Department of Housing and Urban Development	Departmental Equal Employment Opportunity
Department of Housing and Urban Development	Congressional and Intergovernmental Relations
Department of Housing and Urban Development	Community Planning and Development
Department of Housing and Urban Development	Chief Procurement Officer
Department of Housing and Urban Development	Chief Information Officer
Department of Housing and Urban Development	Chief Financial Officer
Department of Housing and Urban Development	Administration
Department of Housing and Urban Development	Fair Housing and Equal Opportunity
Department of Housing and Urban Development	Office of Healthy Homes and Lead Hazard

Agency Name	Sub Agency Name
	Control
Department of Interior	US Geological Survey
Department of Interior	Office of the Solicitor
Department of Interior	Office of the Secretary
Department of Interior	Office of the Inspector General
Department of Interior	Office of Surface Mining
Department of Interior	National Park Service
Department of Interior	National Business Center
Department of Interior	Bureau of Ocean Energy Management, Regulation and Enforcement
Department of Interior	Bureau of Reclamation
Department of Interior	Bureau of Indian Affairs
Department of Interior	Bureau of Land Management
Department of Interior	US Fish and Wildlife Service
Department of Justice	Office of Justice Programs
Department of Justice	US Trustee Program
Department of Justice	US Marshals Service
Department of Justice	Tax Division
Department of Justice	Office of the Inspector General
Department of Justice	Federal Bureau of Investigation
Department of Justice	Executive Office for Immigration Review
Department of Justice	Executive Office of US Attorney and Office of US Attorney
Department of Justice	Bureau of Prisons/Federal Prison System
Department of Justice	Offices Boards and Divisions
Department of Justice	Antitrust Division
Department of Justice	Environment and Natural Resources Division
Department of Justice	Civil Division
Department of Justice	Civil Rights Division
Department of Justice	Community Oriented Policing Service
Department of Justice	Criminal Division

Agency Name	Sub Agency Name
Department of Justice	Drug Enforcement Administration
Department of Justice	Alcohol, Tobacco, Firearms and Explosives
Department of Labor	Office of the Assistant Secretary for Administration and Management
Department of Labor	Occupational Safety and Health Administration
Department of Labor	Women's Bureau
Department of Labor	Veterans Employment and Training Services
Department of Labor	Office of the Solicitor
Department of Labor	Office of the Secretary
Department of Labor	Office of the Inspector General
Department of Labor	Office of the Chief Financial Officer
Department of Labor	Office of the Assistant Secretary for Policy
Department of Labor	Bureau of International Labor Affairs
Department of Labor	Office of Disability Employment Policy
Department of Labor	Office of Administrative Law Judges
Department of Labor	Adjudicatory Boards
Department of Labor	Bureau of Labor Statistics
Department of Labor	Employee Benefits Security Administration
Department of Labor	Employment and Training Administration
Department of Labor	Employment Standards Administration
Department of Labor	Mine Safety and Health Administration
Department of Labor	Office of Public Affairs
Department of State	International Boundary and Water Commission: U.S. and Mexico
Department of State	International Boundary Commission: U.S. and Canada
Department of State	International Joint Commission: U.S. and Canada
Department of Transportation	Federal Motor Carrier Safety Administration
Department of Transportation	Office of Inspector General
Department of Transportation	St. Lawrence Seaway Development Corporation
Department of Transportation	Research and Innovative Technology Administration

Agency Name	Sub Agency Name
Department of Transportation	Surface Transportation Board
Department of Transportation	Pipeline/Hazardous Materials Safety Administration
Department of Transportation	Office of Secretary of Transportation
Department of Transportation	National Highway Traffic Safety Administration
Department of Transportation	Maritime Administration
Department of Transportation	Federal Railroad Administration
Department of Transportation	Federal Highway Administration
Department of Transportation	Federal Aviation Administration
Department of Transportation	Federal Transit Administration
Department of Treasury	Office of Inspector General for Tax Administration
Department of Treasury	Office of Thrift Supervision
Department of Treasury	Internal Revenue Service
Department of Treasury	Office of Inspector General
Department of Treasury	Office of Comptroller of Currency
Department of Treasury	Financial Crimes Enforcement Network
Department of Treasury	Departmental Offices
Department of Treasury	Bureau of Public Debt
Department of Treasury	Bureau of Engraving and Printing
Department of Treasury	Alcohol and Tobacco Tax and Trade Bureau
Department of Treasury	Financial Management Service
Department of Treasury	US Mint
Department of Veterans Affairs	
Director of National Intelligence	Central Intelligence Agency
Director of National Intelligence	National Security Agency
Environmental Protection Agency	
Equal Employment Opportunity Commission	
Executive Office of the President(Science and Technology)	
Executive Office of the President	U.S. Trade Representative

Agency Name	Sub Agency Name
Export-Import Bank of the United States	
Farm Credit Administration	
Farm Credit System Insurance Corporation	
Federal Communications Commission	
Federal Deposit Insurance Corporation	
Federal Election Commission	
Federal Energy Regulatory Commission	
Federal Housing Finance Board	
Federal Labor Relations Authority	
Federal Maritime Commission	
Federal Mediation and Conciliation Service	
Federal Retirement Investment Board	
Federal Trade Commission	
General Services Administration	
Institute of Museum and Library Services	
Inter-American Foundation	
International Boundary and Water Commission	
International Broadcasting Bureau	
Japan-U.S. Friendship Commission	
Marine Mammal Commission	
Merit Systems Protection Board	
National Aeronautics and Space Administration	
National Archives and Records Administration	
National Capital Planning Commission	
National Council on Disability	
National Credit Union Administration	
National Endowment for the Arts	
National Endowment for the Humanities	
National Labor Relations Board	
National Mediation Board	

Agency Name	Sub Agency Name
National Science Foundation	
National Transportation Safety Board	
Nuclear Regulatory Commission	
Nuclear Waste Technical Review Board	
Occupational Safety and Health Review Commission	
Office of Federal Housing Enterprise Oversight	
Office of Government Ethics	
Office of National Drug Control Policy	
Office of Personnel Management	
Office of Special Counsel	
Overseas Private Investment Corporation	
Patent and Trademark Office	
Peace Corps	
Pension Benefit Guaranty Corporation	
Postal Regulatory Commission	
Railroad Retirement Board	
Securities and Exchange Commission	
Selective Service System	
Small Business Administration	
Smithsonian Institute	
Social Security Administration	
Tennessee Valley Authority	
Trade and Development Agency	
U.S. Access Board	
U.S. Commission on Civil Rights	
U.S. International Trade Commission	
United States Holocaust Memorial Museum	

Appendix 6: Telework Data Call Instrument

Welcome to the Office of Personnel Management's (OPM's) 2011 Call for Telework Data (Call). Agency participation in this annual Call is a requirement under the Telework Enhancement Act of 2010, Public Law 111-292 (the Act). This form allows systematic data collection. Results will be collated and reported to Congress. Questions have been revised from the previous Call for Telework Data to agree with data elements outlined in the Act and results of this Call will provide a new baseline for future data collections.

The Call will remain open from **October 24 – November 30, 2011.** During that time, you should complete your data collection and entry according to the following instructions.

REPORTING INSTRUCTIONS (Please Read Carefully)

The questions in the Call ask for information about your program. Please answer every question as completely as possible and respond referring to practices for your current telework program.

Report data according to the specified timeframe

For past data calls, agencies have collected data according to a variety of timeframes; some have collected data at a single point in time and others have averaged data over a calendar year. Combining data from such different sources can lead to inaccuracies in the final combined Federal results. The challenge of achieving an accurate picture of telework Governmentwide is complicated this year by the timeframe of requirements under the Act. Agencies were not required to implement basic aspects of telework programs until early June 2011, and not every agency was able to meet that deadline. To achieve an accurate count of Federal telework participation requires that we collect data according to a time when all programs were more likely to be fully implemented and employees were able to participate. For these reasons, we are asking you to focus your data collection efforts for this Call on the months of **September and October 2011**. Dates given throughout the data call will specify "as of [date]" (e.g. September 30) with the understanding that data collection should occur for timeframes as near as possible to that time. This will ensure that all final data represent the same timeframe to the extent practicable given the varying data collection methods employed by agencies.

Respond consistently and according to majority practice

When responding to Call items, we ask you to respond thinking not of unique practices within your agency, but customary practice as of September 30, 2011, for the majority of the agency as outlined in the agency policy. For example, when asked to indicate your agency goals for telework, answer according to practice of the majority of the organization for which you are responding.

Try to follow the dates suggested for data collection as closely as possible. However, we recognize that not every agency uses the same approach to data collection, and the timeframe for data availability may be unique to your own agency. Just remain consistent about reporting and, when asked, please describe the timeframe you employed as clearly and completely as possible.

Maintain consistent reporting levels

The Telework Enhancement Act is very specific in directing certain agencies to report telework participation data for each bureau, division, or other major administrative unit of the agency. Agencies must respond to Call questions using this level of detail if they are included in the list shown in section 5312 (see Appendix A for the reproduced list). When responding for a specific administrative unit (e.g., agency, bureau, component, division) please be consistent and answer according to what is customary and documented practice for that level of the organization.

Appendix A

Complete the entire Call according to directions and provided definitions

Please do **not** skip items when responding to the Call. It is important for us to have the best, most complete information possible. The answers you provide to this Call will help OPM develop telework guidance and resources for the Federal Government and will be shared with Congress.

Unless indicated otherwise, please select only one response to each item. Some items do allow more than one response and will include special instructions such as "Mark all that apply." Other items also allow for open-ended responses such as description of specific agency practice.

Read the definitions and data terms carefully before responding to the survey.

Report numbers accurately

When a question calls for numbers, be sure to enter whole numbers without decimal points or commas (as examples: 8.2 should be written as 8 and 1,500 should be written as 1500). If you have no data in a particular category, please indicate in spaces provided for explanation (e.g., "other"). However, when a required question calls for numbers, you must enter a number. For example, if you do not have any routine teleworkers that work 3 or more days during a two week period, report 0 (zero) in the answer space.

Please complete and submit the Call by the deadline

The site to enter data will be open as of October 24, 2011. All responses must be received by COB November 30, 2011. Failure to submit your data by this date will mean that your agency

will not be included in the annual telework report to Congress. Keep in mind that the Telework Enhancement Act requires that each Executive agency submit telework data to OPM for inclusion in the June 2012 report and subsequent annual reports to Congress. Currently, responding to this data call is your only opportunity to ensure that your agency has met the reporting requirements in the Act.

If you have concerns or questions about this Call for data, please contact us at WorkLifeSurvey@opm.gov.

- Definitions and Data Terms

DEFINITIONS AND DATA TERMS

The Telework Enhancement Act provides the official Governmentwide definitions for telework. The version below considers practice and operationalizes the Act definition. **Please respond to the Call using this definition:**

Telework is a work arrangement that allows an employee to perform work, during any part of regular, paid hours, at an approved alternative worksite (e.g., home, telework center). This definition of telework includes what is generally referred to as remote work but does *not* include any part of work done while on official travel or mobile work. See the following clarifications on remote and mobile work.

Include in reported counts of telework:

- REMOTE: (1) A work arrangement in which the employee resides and works at a location beyond the local commuting area of the employing organization's worksite. (2) A full-time telework arrangement.

Do not include in reported counts of telework:

- MOBILE: (1) Work which is characterized by routine and regular travel to conduct work in customer or other worksites as opposed to a single authorized alternative worksite. Examples include site audits, site inspections, investigations, property management, and work performed while commuting, traveling between worksites, or on Temporary Duty (TDY).

Employee

For the purposes of this data collection, the term **employee** refers to *Federal civilian* employees. Please exclude military personnel and contractors. If possible, include full-time, part-time, and intermittent employees in totals.

Eligibility to Participate in Telework

The Telework Enhancement Act refers to telework "eligibility" and "participation." For purposes of this survey we have combined eligibility and participation into a single factor: ***eligibility to participate*** in telework. When responding to Call questions use the following definition:

An employee is **eligible to participate** in telework if all of the following parameters are true:

- The employee has not been officially disciplined for being absent without permission for more than 5 days in any calendar year.
- The employee has not been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties
- Teleworking does not diminish the employee's performance or agency operations.
- For employees' participating in the telework program, participation and performance complies with the requirements and expectations of his/her telework agreement.
- The employee's official duties do not require on a FULL daily basis (ALL DAY, every work day):
    - direct handling of secure materials determined to be inappropriate for telework by the agency head; or
    - on-site activity that cannot be handled remotely or at an alternate worksite.
- The employee and/or the employee's position are not disqualified based on additional criteria established by the organization.

Types of Telework

For purposes of this data collection, there are two types of telework. Questions in the Call refer to both forms:

1. **Routine:** telework that occurs as part of an ongoing, regular schedule, and
2. **Situational:** telework that is approved on a case-by-case basis, where the hours worked were not part of a previously approved, ongoing and regular telework schedule.

Examples of situational telework include telework as a result of special work assignments or doctor appointment. Situational telework is sometimes also referred to as episodic, intermittent, unscheduled or ad-hoc telework.

General Questions

1) Please enter your agency or sub-agency name: _____
2) Please provide the following information about your Agency Telework Representative who prepared the report:

Last Name: _____
First Name: _____
Phone: _____
Email address: _____

3) Please provide the following information about your Agency Telework Managing Officer:

Last Name: _____
First Name: _____
Phone: _____
Email address: _____

4) The Telework Managing Officer as of this data call is:

- Acting
- Permanent
- We do not currently have a Telework Managing Officer.

Telework Participation

5) What was the total number of employees in your agency as of September 30, 2011 (or the closest date for which you have data)? Answer for the largest administrative unit for your organization, that is, your agency/department. _____

6) What was the total number of employees determined eligible to participate in telework under the Act's requirements and any additional agency/ policy as of September 30, 2011 (or the closest date for which you have data)? _____

If you are unable to provide a number please describe why:
_____

7) The last bulleted parameter given in the definition of eligibility to participate assumes agencies may have criteria in addition to those listed in the Act for disqualifying employees from telework. As of September 30, 2011, does your agency use additional criteria for disqualifying an employee from telework?

- Yes

- No. Our agency does not use additional criteria (e.g., you use only the criteria for eligibility and participation outlined in the Telework Enhancement Act)

8) The Telework Enhancement Act requires that all employees should have been notified of their eligibility to telework by June 7, 2011. This means that every employee in your agency should have been notified of their eligibility – *both eligible and ineligible employees.*

Have all agency employees been notified of their eligibility to participate in telework?

- Yes
- No
- We are in the process of notifying employees of their telework eligibility
- Other. Please describe: _____

[Ask 8a if R answered Yes to 8]

8 a. If yes, how were they notified? Mark all that apply.

- ☐ All eligible employees were notified via a general, mass or agency-wide email
- ☐ Each employee was notified of his or her eligibility via personal communication (e.g., email, conversation with supervisor)
- ☐ Other. Please describe_____

9) Do you currently notify <u>newly hired</u> employees of their eligibility to telework?

- Yes
- No
- Other

[Ask 9a if R answered Yes to 9]

9 a. If you answered yes, how are new employees notified of their eligibility to telework? Please describe: _____

10) How many agency employees <u>in total</u> have a telework agreement with their managers?

_____ (Number)

If you are unable to provide a number of telework agreements, please describe why:

_____

11) When does your agency *renew* telework agreements (Mark all that apply)?

- Telework agreements are updated according to a fixed schedule (e.g., annually with the employee performance review period)
- Telework agreements are updated when there is a change in supervisor

- Telework agreements are updated when a position change occurs for the employee (e.g., a new position in the same agency, employee goes on detail)
- Other. Please describe: _____

12) Does your agency/ track the number of employees whose telework agreements are officially denied? If yes, please provide the number of denials *since June 7, 2011.*

- Yes _____ (number)
- No
- Other. Please describe: _____

13) If you answered yes to question 12 and your agency *does* maintain records of telework agreement denials, how many were based on (report a number for all that apply):

- ☐ Type of Work (e.g., handles secure materials/documents, performs on-site activities exclusively)
- ☐ Performance
- ☐ Conduct
- ☐ Other. Please describe: _____

Note: Use only one category for each denial; the sum of the numbers in the categories above should equal the reported total of denials.

Telework Frequency

14) Consider the month of September 2011 (or the closest 4 week period for which you have data available). How many employees teleworked during this time period?
_____(number)

15) Again considering the month of September, how many employees teleworked on a routine basis? Prior data calls have specified pay period, but, because this may be 4 weeks for some agencies, we ask you to consider a *typical* two week period in September.

3 or more days during a two week period _____ (number)
2 days during a two week period _____ (number) 1 day during a two week period _____ (number)

15a) Some employees may telework routinely, but less frequently than every two weeks. In your agency, how many employees telework routinely once per month?

- _____ (number)
- Not available

16) How many employees have teleworked on a situational basis during the same two week September data collection period used above?

- _____ (number)
- Our agency does not maintain any records of situational telework.
- Other. Please describe: _____

17) How many employees have conducted mobile work during the same two week data collection period specified above?

Note: mobile workers should *not* have been included in your count of teleworkers, routine or situational.

- _____ (number)
- Our agency does not maintain any records of mobile work.
- Other. Please describe:_____

18) Please describe which *pay periods/time period* you used to calculate your answers in Question 14 through 17: _____

19) When calculating the *number of days* teleworked, is it the usual practice in your agency or sub-agency to include:

- Employees who only work full work days from an alternative location
- Employees who work any part of a work day from an alternative location
- Other. Please describe: _____

20) How did you determine the number of teleworkers reported in questions above? (Mark all that apply.)

- ☐ Tracked telework through a time and attendance system
- ☐ Used a customized telework electronic tracking system
- ☐ Other. Please describe: _____

[Stop here for sub-agencies, continue to next section for agencies]

Policy and Program Implementation

21) What is the current status of the agency telework policy currently in place as of September 30, 2011? If you have policies for each component, division and so on, please respond to this question thinking only of the broadest agency policy.

- We have a policy in place and it has been revised and approved to include requirements in the Act (e.g., written telework agreements).
- We have a policy in place but it does not include the Act requirements and we are currently working to update it to incorporate elements of the Act not already included.

- We do not have a telework policy in place, but a policy is being developed.
- Other. Please describe:_____

22) As of this data call, what percent of your agency provides training to *managers* by any of the following (the total of all responses should equal 100%):
_____% Customized, in-person telework training developed in house and provided by the agency_____ % Customized web-based telework training developed in house and provided by the agency
_____% Web-based training posted on OPM's telework website (www.telework.gov)_____ % Agency contracts with a vendor to develop and/or provide telework training (Web-based or in-person training)
_____% Training through OPM's Eastern Management Development Center/Western Management Development Center
_____ % Training through the USDA graduate school (a four-hour course currently titled: "Telework: A Manager's Perspective.")
_____% Training provided through other sources.

Please identify the percent and other training: _____

23) As of this data call, what percent of your agency provides training to *employees* by any of the following (the total of all responses should equal 100%):

_____ % Customized in-person telework training developed in house and provided by the agency_____ % Customized web-based telework training developed in house and provided by the agency_____ % Agency contracts with a vendor to develop and/or provide telework training (e.g., web-based or in-person training)
_____% Web-based training posted on OPM's telework website (www.telework.gov)
_____ % Training provided through other sources.

Please identify the percent and other training: _____

24) How many employees, including managers, have received some form of training in telework (e.g., your agency training, OPM web-based training) since the implementation of the Telework Enhancement Act on December 9, 2010?

- _____ (number)
- Our data collection method does not allow us to separately identify those who were trained since December 2010 from the total number of employees trained in telework.
- We do not maintain records of telework training.
- Other. Please describe:_____

25) If you gave a number in response to the previous question (24), please describe how your agency verifies completion of training for telework: _____

Telework Goals

26) The Telework Enhancement Act requires each agency to establish an "agency goal for increasing telework participation to the extent practicable or necessary for the next reporting period".

What is your telework goal for fiscal year 2012? That is, what is the number and the percentage of employees the head of your agency expects to telework during the next fiscal year?

- Goal number of employees teleworking _____(number)
- Goal percentage of employees teleworking _____(percentage)
- We have not set a telework goal for 2012.
- Other. Please describe: _____

  a) If your agency has not yet established a telework goal, please describe what has prevented you from doing so and the plans your agency has for establishing a participation goal: _____

We are also interested in learning more about how telework fits into other agency goals (e.g., strategic staffing). Particularly, we'd like to know more about how agencies are using telework to further these goals and any observed progress, either in terms of measurable results or anecdotal evidence.

27) Does your agency currently have plans to use telework to further any of the following goals:

a. Employee recruitment?

- Yes
- No

  [show if R answers yes to above] If yes, please describe how your agency does or plans to use telework to achieve this goal and any plans for measuring this achievement: _____

b. Employee retention?

- Yes
- No

  [show if R answers yes to above] If yes, please describe how your agency does or plans to use telework to achieve this goal and any plans for measuring this achievement: _____

c. Improved employee performance?

- Yes
- No

[show if R answers yes to above] If yes, please describe how your agency does or plans to use telework to achieve this goal and any plans for measuring this achievement: _____

d. Improved employee attitudes (e.g., job satisfaction)?

- Yes
- No

  [show if R answers yes to above] If yes, please describe how your agency does or plans to use telework to achieve this goal and any plans for measuring this achievement: _____

e. Emergency preparedness?

- Yes
- No

  [show if R answers yes to above] If yes, please describe how your agency does or plans to use telework to achieve this goal and any plans for measuring this achievement: _____

f. Reduced energy use?

- Yes
- No

  [show if R answers yes to above] If yes, please describe how your agency does or plans to use telework to achieve this goal and any plans for measuring this achievement: _____

g. Reduced/avoided real estate costs?

- Yes
- No

  [show if R answers yes to above] If yes, please describe how your agency does or plans to use telework to achieve this goal and any plans for measuring this achievement: _____

h. Reduced commuter miles?

- Yes
- No

  [show if R answers yes to above] If yes, please describe how your agency does or plans to use telework to achieve this goal and any plans for measuring this achievement: _____

i. Others? Please describe any *additional* goals that your agency either does or plans to use telework to further: _____

If your agency has identified *additional* telework goals, please describe how your agency either does or plans to use telework to achieve these goals and any plans for measuring these achievements: _____

28) Since June 2011, has your agency achieved *cost savings* from implementing or maintaining telework in any of the following? (Mark all that apply)

- ☐ Rent, office space
- ☐ Utilities
- ☐ Human capital (e.g., recruitment, retention)
- ☐ Training
- ☐ Reduced employee absences
- ☐ Planning is underway for assessing our cost savings
- ☐ Other: (Please identify)_____

a) Please describe how you have assessed and/or verified any identified cost savings: _____

Telework and the Agency's Emergency Plans

The following questions refer to your agency's emergency plans. In particular they ask how your agency incorporates telework into its emergency plans. As described in meetings prior to administration of the data call, you may want to consult with your emergency preparedness staff when responding to the items.

Emergency plans are intended to continue operations during emergency situations, adverse weather conditions, natural disasters or other incidents causing disruptions of Government operations. Examples of emergency plans include Continuity of Operations Plans and Pandemic Influenza Plans.

29) At the time of this data call, how does your agency incorporate telework into its emergency plans?

a. The agency Continuity of Operations Plan specifically addresses telework.

- Yes
- No
- Agency does not have a Continuity of Operations Plan.

b. The agency Pandemic Influenza Plan specifically addresses telework.

- Yes
- No
- Agency does not have a Pandemic Influenza Plan.

c. Our agency's telework policy includes information regarding *telework during emergencies* (e.g., who is supposed to telework, the use of telework as a tool in case of emergencies).

- Yes
- No
- Other. Please describe: _____

d. Teleworkers in our agency are given specific training about what is expected of them in an emergency.

- Yes
- No
- Other. Please describe: _____

[Ask if R answers yes to d] If yes, describe how teleworkers are trained to know what is expected of them in an emergency: _____

e. Does your agency conduct telework exercises to encourage employees to gain experience with teleworking in an emergency?

- Yes, for all employees
- Yes, for those employees required to telework during emergencies only
- No
- Not able to find this information
- Other. Please describe: _____

[Ask 29ei and 29eii if R answers "yes, for all employees" or "yes, for those employees required to telework during emergencies only."]

i. are these exercises intended primarily as part of emergency planning?

- Yes
- No

ii. what was the date of your last telework exercise?

- _____(MM/YYYY)
- We are unable to provide a date

f. Please describe any other ways your agency incorporates telework in its emergency plans: _____

Technology

30) Which of the following best describes how the *majority* of teleworkers in your agency gain access to work-related equipment to telework?

- Agency provides/purchases ALL work-related equipment used by teleworkers.
- Teleworker purchases all telework-related equipment.
- Costs are shared by the agency and teleworker.
- Other. (Please explain) _____

31) Which of the following best describes how the *majority* of teleworkers in your agency gain access to work-related services (e.g., internet) to telework?

- Agency provides/pays for ALL work-related services used by teleworkers in their home.
- Teleworker pays for all telework-related residential services.
- Costs are shared by the agency and teleworker.
- Other. (Please explain) _____

32) How frequently does your agency test its Information Technology (IT) capacity to support telework?

- The agency has *never tested* its IT capacity to support telework.
- The agency conducts tests according to a *regular schedule* (e.g., monthly, quarterly).
- We test, but there is *no fixed schedule* for testing.
- We do not test our IT capacity specifically to test our ability to support telework.
- Not able to find this information.
- Other. Please describe: _____

a. If your agency does test its IT capacity to support telework, please answer the following questions.

i) What were the general results of your latest test? Please describe: _____

ii) What was the total number of unique logins during the peak hour of telework usage? _____

iii) When was your IT capacity to support telework most recently tested? _____

Or please describe: _____

- iv) Not able to find requested information

33) Which of the following best describes your agency's policy governing telework and information security?

- Our agency has a separate, written telework information security policy
- Our agency is currently developing a separate, written telework information security policy
- Telework is covered under our agency's overall information security policy
- Other. Please describe:_____

34) In terms of the information security matters addressed, our agency's telework policy is consistent with the guidance provided by the National Institute of Standards and Technology at http://csrc.nist.gov/telework?

- Yes
- No
- Not sure
- Other. Please describe _____

35) How does your agency secure Personally Identifiable Information (PII) while employees are teleworking? (Mark all that apply)

- ☐ All PII information is encrypted
- ☐ All PII files are password protected
- ☐ Privileged Rules of Behavior are signed for those handling PII
- ☐ Only those with a compelling need are allowed to download PII
- ☐ Two Factor Authentication is used for remote access
- ☐ Only Government-Furnished Equipment is allowed for teleworking
- ☐ No PII, sensitive or classified information is allowed to BE REMOVED PHYSICALLY from the agency facility.
- ☐ No PII, sensitive or classified information is allowed to be TRANSMITTED ELECTRONICALLY from the agency facility.
- ☐ Other (Please explain) _____

Barriers to Telework

36) Have you identified anything in your agency that might prevent employees from actively teleworking? Describe how you have identified potential barriers and any plans your agency has for overcoming them:

_____

37) Describe any ongoing challenges your agency faces in achieving full implementation of telework:

_____

38) How can OPM or our partner in telework, GSA, assist your agency?

_____

List of Agencies to Report at the Sub-agency Level

In outlining contents for the annual telework report to Congress, the Telework Enhancement Act specifies:

‘‘(2) CONTENTS.—Each report submitted under this subsection shall include—

‘‘(A) the degree of participation by employees of each executive agency in teleworking during the period covered by the report (and for each executive agency whose head is referred to under section 5312, the degree of participation in each bureau, division, or other major administrative unit of that agency).

Those agencies required to report at the sublevels directed in the law, and included under section 5312, are listed below:

5312. Positions at level I

- Secretary of State.
- Secretary of the Treasury.
- Secretary of Defense.
- Attorney General.
- Secretary of the Interior.
- Secretary of Agriculture.
- Secretary of Commerce.
- Secretary of Labor.
- Secretary of Health and Human Services.
- Secretary of Housing and Urban Development.
- Secretary of Transportation.
- United States Trade Representative.
- Secretary of Energy.
- Secretary of Education.
- Secretary of Veterans Affairs.
- Secretary of Homeland Security.
- Director of the Office of Management and Budget.
- Commissioner of Social Security, Social Security Administration.
- Director of National Drug Control Policy.
- Chairman, Board of Governors of the Federal Reserve System.
- Director of National Intelligence.

Appendix 7: Agency Telework Participation Goals Reported in the 2011 Telework Call for Data

Agencies with numeric or percentage goals for number of teleworkers

Agency	Goal
Agency for International Development	10% increase
Committee for Purchase from People Who Are Blind or Severely Disabled	94%
Commodity Futures Trading Commission	35%
Defense Nuclear Facilities Safety Board	50%
Department of Agriculture	45% of eligible employees
Department of Commerce	10% increase
Department of Energy	20%
Department of Health and Human Services	14%
Department of Homeland Security	15%
Department of Housing and Urban Development	50%
Department of State	30% of State's domestic population who desire to telework and are in Telework eligible positions
Department of Transportation	50% of eligible employees (for majority of agency)
Environmental Protection Agency	10%
Executive Office of the President(Science and Technology)	50%
Federal Communications Commission	60%
Federal Trade Commission	15%
Institute of Museum and Library Services	20%
International Broadcasting Bureau	24%
Japan-U.S. Friendship Commission	75% (current level)
Merit Systems Protection Board	8% increase
National Aeronautics and Space	15%

Agency	Goal
Administration	
National Archives and Records Administration	15% of eligible employees
National Capital Planning Commission	95%
National Endowment for the Humanities	30%
National Transportation Safety Board	2%
Nuclear Regulatory Commission	51%
Office of National Drug Control Policy	100%
Office of Personnel Management	30%
Office of the United States Trade Representative (EOP)	20%
Pension Benefit Guaranty Corporation	50%
Securities and Exchange Commission	34%
U.S. International Trade Commission	45%
United States Holocaust Memorial Museum	58%
Department of Interior	8400 employees, 11.1%
Department of Labor	4000 employees, 25%
Department of Treasury	1195 employees, 1% increase
Inter-American Foundation	43 employees, 100%
Selective Service System	41 employees, 30%
Office of the Fed Coordinator for Alaska Natural Gas Trans Projects	6 employees
Patent and Trademark Office	7078 employees
Court Services and Offender Supervision Agency	450 employees

Non-numerical and other responses received regarding participation goals

Agency	Other responses
Central Intelligence Agency	Due to the classified nature of our mission, most employees are not eligible to telework therefore telework agreements are approved on a case by case basis.
Department of Defense	Based on the size and diversity of the Department, we have selected a very conservative goal until we have a baseline of telework accomplished in 2012 once the requirements of the Act are fully implemented. A more ambitious goal is feasible in 2013 with a solid data baseline.
Department of Justice	Additionally, goals are to promote telework from the Attorney General level. Improve technology to ensure telework capability. Encourage telework buy in from leadership. Develop surveys to detect deficiencies.
Department of Veterans Affairs	We are working to establish 2012 goals based on current data.
Farm Credit Administration	100% of all FCA employees complete telework agreements and are eligible to telework with supervisory approval. Approximately 42% of employees participate in the telework program in a routine or situational manner.
Federal Election Commission	Develop measures on how to assess cost savings of Telework program.
Federal Energy Regulatory Commission	Increase telework participation without diminishing overall Commission performance.
Federal Maritime Commission	The FMC is a small agency and is comfortable with its current level of 54% of employees having a telework agreement in place.
Federal Mine Safety and Health Review Commission	The agency is currently working on our performance goals, including telework.
General Services Administration	GSA determined that organizations would be more aggressive in implementing telework without the imposition of specific participation goals.

Agency	Other responses
Millennium Challenge Corporation	100% of all employees should have at least a situational telework agreement in place.
National Council on Disability	NCD's goal for increasing telework participation is to utilize telework options to improve the recruitment and retention of high-quality employees through enhancements to the employees' quality of life and increase efforts to employ and accommodate people with disabilities, including employees who have temporary or continuing health problems, or who might otherwise have to retire on disability.
National Mediation Board	All eligible employees are allowed to telework
National Science Foundation	Currently 70% of NSF employees have approved telework agreements on file. Over the next year, we expect an increase to at least 75%. Our lack of a system for tracking actual days teleworked has prevented us from establishing a solid baseline from which to establish an aggressive goal for employees "teleworking". Steps that we are taking to reach this goal, include but are not limited to, the following: 1) Hiring a permanent Telework Managing Officer (TMO), 2) Implementing an electronic system for the development, approval, and tracking of telework agreements, 3) Implementing WebTA (a new time and attendance system) which will allow us to track actual telework days by individual and by division and directorates within the agency; and 4) Completing an ongoing telework pilot that will provide information on the successes and challenges of telework at NSF. The TMO will then be able to establish a baseline and work with senior management to set goals for employees teleworking at NSF. In addition, efforts have already begun for reaching out to division and directorate employees and managers on topics surrounding telework through presentations, brown bags, and news articles to all staff. We expect as a result of ongoing outreach and the full-time attention of the TMO we will increase our ability to move forward with a robust telework

Agency	Other responses
	program.
Nuclear Waste Technical Review Board	100% of our employees already are able or regularly telework.
Office of Management and Budget (EOP)	We have not set a telework participation goal for 2012 as our 2011 pilot is still underway. We plan to review our data to establish a baseline and set a goal. During this pilot period, surveys were distributed to staff and managers to obtain feedback on the telework policy and implementation process. Three focus groups were formed to review the data, identify best practices and solutions and recommend policy changes to senior leadership.
Peace Corps	The Agency has identified barriers to telework such as culture, manager support, work conditions, technology and security issues and is implementing strategies to address the barriers. In the second quarter of 2012, we will, on the basis of our barrier analysis, set goals to be accomplished by the end of the fiscal year,
Small Business Administration	The goal is for 100% of all eligible employees to have an ad-hoc, if not any other, agreement in place.
Tennessee Valley Authority	Ensuring all teleworkers have current agreements in place

Agencies without a reported participation goal

Agencies with no reported goal
Chemical Safety and Hazard Investigation Board
Consumer Product Safety Commission
Federal Deposit Insurance Corporation
National Indian Gaming Commission
Occupational Safety and Health Review Commission
Overseas Private Investment Corporation
Postal Regulatory Commission
Appraisal Subcommittee, Federal Financial Institutions Examination Council
Corporation for National and Community Service
Department of Education
Farm Credit System Insurance Corporation
Federal Housing Finance Agency
Federal Labor Relations Authority
Federal Mediation and Conciliation Service
Federal Retirement Thrift Investment Board
International Boundary and Water Commission
Marine Mammal Commission
National Credit Union Administration
National Labor Relations Board
Office of Government Ethics
Office of Navajo and Hopi Indian Relocation
Railroad Retirement Board
Smithsonian Institute
Social Security Administration
Trade and Development Agency
U.S. Commission on Civil Rights
Woodrow Wilson Center

Appendix 8: Agency Telework Participation Numbers

Agency	Number of Employees	Number Eligible	Number with Telework Agreements	Number of Employees Teleworking in Sept.	Percentage of Eligible Employees Teleworking in Sept.	Percentage of Employees Teleworking in Sept.
Agency for International Development	3889	3889	2011	263	7%	7%
Appraisal Subcommittee, Federal Financial Institutions Examination Council	10	10	7	7	70%	70%
Central Intelligence Agency	---	---	63	15	---	---
Chemical Safety and Hazard Investigation Board	41	39	39	20	51%	49%
Committee for Purchase from People Who Are Blind or Severely Disabled	27	26	22	14	54%	52%
Commodity Futures Trading Commission	669	669	447	224	33%	33%
Consumer Product Safety Commission	550	465	298	298	64%	54%
Corporation for National and Community Service	600	600	484	250	42%	42%
Court Services and Offender Supervision Agency	1236	1108	428	330	30%	27%
Defense Nuclear Facilities Safety Board	107	80	45	36	45%	34%
Department of Agriculture	105356	77460	17928	11591	15%	11%
Department of Commerce	37729	18626	8119	5449	29%	14%
Department of Defense	793990	134477	---	36855	27%	5%
Department of Education	4629	4312	2858	1778	41%	38%
Department of Energy	14986	10001	3014	1288	13%	9%
Department of Health and Human Services	90732	47904	20957	20310	42%	22%
Department of Homeland Security	187898	56434	11196	5369	10%	3%
Department of Housing and Urban Development	8872	---	3915	3462	---	39%
Department of Interior	76329	76210	0	2747	4%	4%
Department of Justice	117179	17699	4560	2575	15%	2%
Department of Labor	15947	14668	4289	3793	26%	24%

Agency	Number of Employees	Number Eligible	Number with Telework Agreements	Number of Employees Teleworking in Sept.	Percentage of Eligible Employees Teleworking in Sept.	Percentage of Employees Teleworking in Sept.
Department of State	15231	---	3018	1049	---	7%
Department of Transportation	57990	28332	15548	4911	17%	8%
Department of Treasury	119464	49776	6608	24085	48%	20%
Department of Veterans Affairs	318546	36779	12389	4937	13%	2%
Environmental Protection Agency	17697	17559	---	3633	21%	21%
Farm Credit Administration	288	288	288	120	42%	42%
Farm Credit System Insurance Corporation	10	10	1	1	10%	10%
Federal Communications Commission	1783	1783	984	984	55%	55%
Federal Deposit Insurance Corporation	8416	8213	---	2107	26%	25%
Federal Election Commission	350	333	173	173	52%	49%
Federal Energy Regulatory Commission	1489	913	913	278	30%	19%
Federal Housing Finance Agency	519	470	93	159	34%	31%
Federal Labor Relations Authority	132	37	34	21	57%	16%
Federal Maritime Commission	126	126	68	17	13%	13%
Federal Mediation and Conciliation Service	241	228	228	5	2%	2%
Federal Mine Safety and Health Review Commission	72	72	15	25	35%	35%
Federal Retirement Thrift Investment Board	90	39	39	14	36%	16%
Federal Trade Commission	1103	1034	713	142	14%	13%
General Services Administration	12752	11573	---	6779	59%	53%
Institute of Museum and Library Services	70	65	45	40	62%	57%
Inter-American Foundation	43	43	43	7	16%	16%
International Boundary and Water Commission	267	95	5	5	5%	2%
International Broadcasting Bureau	1774	1700	432	432	25%	24%
Japan-U.S. Friendship Commission	3	3	3	3	100%	100%
Marine Mammal Commission	14	14	8	4	29%	29%

Agency	Number of Employees	Number Eligible	Number with Telework Agreements	Number of Employees Teleworking in Sept.	Percentage of Eligible Employees Teleworking in Sept.	Percentage of Employees Teleworking in Sept.
Merit Systems Protection Board	219	199	127	96	48%	44%
Millennium Challenge Corporation	288	288	95	21	7%	7%
National Aeronautics and Space Administration	18877	17438	0	5229	30%	28%
National Archives and Records Administration	3588	1040	381	397	38%	11%
National Capital Planning Commission	41	39	34	9	23%	22%
National Council on Disability	12	12	8	6	50%	50%
National Credit Union Administration	1179	412	225	97	24%	8%
National Endowment for the Humanities	164	131	0	27	21%	16%
National Indian Gaming Commission	108	105	93	39	37%	36%
National Labor Relations Board	1734	1000	219	219	22%	13%
National Mediation Board	50	31	31	24	77%	48%
National Science Foundation	1469	1465	1031	178	12%	12%
National Transportation Safety Board	413	411	290	167	41%	40%
Nuclear Regulatory Commission	3948	3948	1873	1873	47%	47%
Nuclear Waste Technical Review Board	14	12	12	7	58%	50%
Occupational Safety and Health Review Commission	58	58	22	22	38%	38%
Office of Government Ethics	74	74	26	15	20%	20%
Office of Management and Budget (EOP)	514	392	376	59	15%	11%
Office of National Drug Control Policy	102	102	23	3	3%	3%
Office of Navajo and Hopi Indian Relocation	41	40	0	0	0%	0%
Office of Personnel Management	6377	3378	2644	1021	30%	16%
Office of Science and Technology (EOP)	33	33	16	5	15%	15%
Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects	11	11	10	6	55%	55%
Office of the United States Trade Representative (EOP)	234	175	68	12	7%	5%
Overseas Private Investment Corporation	215	175	173	56	32%	26%

Agency	Number of Employees	Number Eligible	Number with Telework Agreements	Number of Employees Teleworking in Sept.	Percentage of Eligible Employees Teleworking in Sept.	Percentage of Employees Teleworking in Sept.
Patent and Trademark Office	10215	8058	6668	6578	82%	64%
Peace Corps	891	860	145	47	5%	5%
Pension Benefit Guaranty Corporation	981	434	434	434	100%	44%
Postal Regulatory Commission	69	64	19	19	30%	28%
Railroad Retirement Board	953	494	176	127	26%	13%
Securities and Exchange Commission	3849	3820	2307	1217	32%	32%
Selective Service System	130	101	81	37	37%	28%
Small Business Administration	2388	1950	450	450	23%	19%
Smithsonian Institute	6000	---	311	134	---	2%
Social Security Administration	67138	---	3817	3089	---	5%
Tennessee Valley Authority	12890	12890	15	15	0%	0%
Trade and Development Agency	45	45	31	13	29%	29%
U.S. Commission on Civil Rights	35	35	11	8	23%	23%
U.S. International Trade Commission	361	361	279	138	38%	38%
United States Holocaust Memorial Museum	390	306	---	57	19%	15%
Woodrow Wilson Center	46	40	2	2	5%	4%
TOTAL	**2,165,390**	**684,589**	**144,851**	**168,558**		

Notes: Dashes indicate that data is not available. In most cases, this reflects the fact that the agency simply did not have the ability to track that particular piece of data at the time of the Data Call. For percentages calculated by OPM from agency data, the dashes indicate that the unavailability of a piece of information prevented OPM from providing the percentage.

The telework participation number for NSF is based on telework agreements for NSF teleworkers that have a set telework schedule of one day per week or more. NSF believes the actual number of staff teleworking was higher. In April of 2012 NSF is implementing a new time and attendance system that will allow it to report actual telework frequency for September 2012.

Appendix 9: Agency Telework Frequency Numbers

Agency	Number TW: 3 or more days	Number TW: 2 days	Number TW: 1 day	Number TW: Once a month	Number TW: Situational	Number of Mobile Workers
Agency for International Development	29	47	77	0	120	23
Appraisal Subcommittee, Federal Financial Institutions Examination Council	4	3	0	0	0	0
Central Intelligence Agency	14	0	1	0	---	---
Chemical Safety and Hazard Investigation Board	0	5	15	---	---	---
Committee for Purchase from People Who Are Blind or Severely Disabled	6	4	3	---	---	---
Commodity Futures Trading Commission	5	83	136	0	25	0
Consumer Product Safety Commission	128	125	0	---	---	---
Corporation for National and Community Service	25	125	100	---	---	---
Court Services and Offender Supervision Agency	42	74	134	206	---	0
Defense Nuclear Facilities Safety Board	1	21	0	---	---	0
Department of Agriculture	4250	4829	2512	---	2512	---
Department of Commerce	---	---	---	---	---	---
Department of Defense	7334	6477	9994	988	12,062	---
Department of Education	103	336	131	---	900	---
Department of Energy	114	229	184	82	617	0
Department of Health and Human Services	328	13362	13362	206	---	---
Department of Homeland Security	1133	1075	1017	1326	---	---
Department of Housing and Urban Development	1140	1347	431	49	495	---
Department of Interior	1339	1075	---	---	---	---
Department of Justice	813	1080	564	56	667	172
Department of Labor	1124	935	1061	---	---	---
Department of State	55	103	685	206	53	---
Department of Transportation	785	1987	1441	280	594	317
Department of Treasury	14221	4013	4171	373	1137	1384

Agency	Number TW: 3 or more days	Number TW: 2 days	Number TW: 1 day	Number TW: Once a month	Number TW: Situational	Number of Mobile Workers
Department of Veterans Affairs	2653	1619	---	665	---	---
Environmental Protection Agency	27	698	1560	---	892	---
Farm Credit Administration	31	41	3	---	---	---
Farm Credit System Insurance Corporation	1	0	0	1	0	0
Federal Communications Commission	16	107	356	---	---	---
Federal Deposit Insurance Corporation	123	131	303	464	---	---
Federal Election Commission	0	0	0	---	---	0
Federal Energy Regulatory Commission	111	91	0	76	---	---
Federal Housing Finance Agency	53	40	51	15	---	---
Federal Labor Relations Authority	2	5	14	---	---	---
Federal Maritime Commission	3	3	8	5	10	9
Federal Mediation and Conciliation Service	1	4	0	---	---	---
Federal Mine Safety and Health Review Commission	5	4	4	---	---	0
Federal Retirement Thrift Investment Board	1	9	2	---	---	0
Federal Trade Commission	4	7	32	---	61	---
General Services Administration	2271	1915	1828	---	---	---
Institute of Museum and Library Services	2	28	10	206	---	---
Inter-American Foundation	0	0	0	---	---	0
International Boundary and Water Commission	2	3	0	0	0	0
International Broadcasting Bureau	0	432	0	---	---	56
Japan-U.S. Friendship Commission	3	2	1	3	53	0
Marine Mammal Commission	1	1	2	2	---	0
Merit Systems Protection Board	18	52	26	---	---	---
Millennium Challenge Corporation	0	6	15	---	---	---
National Aeronautics and Space Administration	193	0	0	---	---	---
National Archives and Records Administration	72	83	62	---	---	---

Agency	Number TW: 3 or more days	Number TW: 2 days	Number TW: 1 day	Number TW: Once a month	Number TW: Situational	Number of Mobile Workers
National Capital Planning Commission	0	0	4	1	4	0
National Council on Disability	0	2	4	1	1	---
National Credit Union Administration	49	4	2	---	20	769
National Endowment for the Humanities	4	13	7	---	2	1
National Indian Gaming Commission	23	15	1	---	---	---
National Labor Relations Board	30	87	102	33	---	---
National Mediation Board	5	8	6	9	---	---
National Science Foundation	35	143	---	---	---	---
National Transportation Safety Board	73	39	55	0	---	---
Nuclear Regulatory Commission	246	252	196	114	1003	---
Nuclear Waste Technical Review Board	3	1	2	---	---	---
Occupational Safety and Health Review Commission	0	21	0	0	53	0
Office of Government Ethics	4	9	2	0	---	---
Office of Management and Budget (EOP)	4	15	36	---	---	0
Office of National Drug Control Policy	0	0	3	---	---	---
Office of Navajo and Hopi Indian Relocation	0	0	0	0	0	0
Office of Personnel Management	479	145	131	---	---	1462
Office of Science and Technology (EOP)	0	1	0	1	4	---
Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects	0	6	0	6	53	---
Office of the United States Trade Representative (EOP)	0	0	0	---	---	---
Overseas Private Investment Corporation	4	7	5	---	31	---
Patent and Trademark Office	4465	2113	0	---	90	---
Peace Corps	---	---	---	---	---	---
Pension Benefit Guaranty Corporation	69	134	104	---	---	---
Postal Regulatory Commission	1	18	0	---	---	---
Railroad Retirement Board	104	0	10	0	---	8

Agency	Number TW: 3 or more days	Number TW: 2 days	Number TW: 1 day	Number TW: Once a month	Number TW: Situational	Number of Mobile Workers
Securities and Exchange Commission	483	324	256	---	154	---
Selective Service System	1	28	8	---	---	---
Small Business Administration	---	224	---.	---	176	---
Smithsonian Institute	25	52	25	---	20	---
Social Security Administration	1307	1358	444	54	---	47
Tennessee Valley Authority	9	6	0	---	---	---
Trade and Development Agency	0	0	0	0	13	---
U.S. Commission on Civil Rights	2	1	1	---	10	---
U.S. International Trade Commission	5	5	19	---	---	0
United States Holocaust Memorial Museum	7	28	7	3	12	---
Woodrow Wilson Center	0	0	1	---	1	---
TOTAL	**46,023**	**47,675**	**41,727**	**5,637**	**21,251**	**4,248**

Notes: Dashes indicate that data is not available. In most cases, this reflects the fact that the agency simply did not have the ability to track that particular piece of data at the time of the Data Call.

Appendix 10: Sub-agency Telework Participation Numbers

Agency	Sub-agency	Number Eligible	Number with Telework Agreements	Number Teleworking in Sept.	Percentage of Eligible Employees Teleworking in Sept.
Dept. of Agriculture	Office of Inspector General	581	227	---	---
	Rural Development	4017	456	642	16%
	Food, Nutrition and Consumer Services	1342	959	645	48%
	Farm and Foreign Agriculture Services	6263	1905	996	16%
	Research, Education and Economics	6361	2371	716	11%
	Marketing and Regulatory Programs	9540	4476	1314	14%
	Departmental Administration	2562	620	877	34%
	Natural Resources and Environment	43356	5845	5845	13%
	Food Safety and Inspection Service	3548	1069	556	16%
Dept. of Commerce	National Telecommunications and Information Administration	204	39	54	26%
	National Oceanic and Atmospheric Administration	4001	4001	1578	39%
	Office of the Secretary	572	384	209	37%
	Office of the Inspector General	165	168	59	36%
	Bureau of Economic Analysis	516	95	60	12%
	National Institute of Standards and Technology	2842	---	588	21%
	International Trade Administration	1153	888	594	52%
	Economics and Statistics Administration	35	16	11	31%
	Economic Development Administration	225	60	38	17%
	Bureau of the Census	8381	2313	2134	25%
	Bureau of Industry and Security	362	71	46	13%
	National Technical Information Service	88	64	58	66%
	Minority Business Development Agency	82	20	20	24%

Agency	Sub-agency	Number Eligible	Number with Telework Agreements	Number Teleworking in Sept.	Percentage of Eligible Employees Teleworking in Sept.
Dept. of Defense	Department of Air Force	464	---	1119	---
	Department of Army	73419	---	4172	6%
	Other Department of Defense	56246	---	16219	29%
	Department of Navy	---	---	15353	---
Dept. of Education	Office of Safe and Drug-Free Schools	40	18	20	50%
	Office of Inspector General	322	120	120	37%
	Office of Communication and Outreach	119	46	7	6%
	Office of Innovation and Improvement	89	59	20	22%
	Office of Postsecondary Education	264	62	37	14%
	Office of the Chief Financial Officer	178	105	51	29%
	Office of the Chief Information Officer	135	52	38	28%
	Office of the General Counsel	98	13	10	10%
	Office of Vocational and Adult Education	87	41	34	39%
	Office for Civil Rights	570	449	229	40%
	Office of the Under Secretary	36	0	0	0%
	EDET - Office of English Language Acquisition	22	12	8	36%
	Office of Special Education and Rehabilitative Services	275	220	144	52%
	Advisory Councils and Committees	20	0	0	0%
	Office of the Deputy Secretary of Education	73	32	18	25%
	IMM Office of Secretary of Education	84	49	11	13%
	Institute of Education Sciences	199	172	94	47%
	National Assessment Governing Board	38	12	7	18%
	Office of Elementary and Secondary Education	247	58	55	22%
	Office of Management	182	119	88	48%
	Office of Legislative and Congressional Affairs	16	2	0	0%

Agency	Sub-agency	Number Eligible	Number with Telework Agreements	Number Teleworking in Sept.	Percentage of Eligible Employees Teleworking in Sept.
	Office of Planning, Evaluation and Policy Development	126	55	14	11%
	Federal Student Aid	1219	1162	706	58%
Dept. of Homeland Security	US Citizenship and Immigration Services	9088	3197	1949	21%
	US Immigration and Customs Enforcement	1883	311	208	11%
	US Secret Service	---	11	11	---
	US Coast Guard	6694	998	826	12%
	Office of the Inspector General	675	415	225	33%
	Federal Law Enforcement Training Center	51	6	7	14%
	Federal Emergency Management Agency	1534	1534	878	57%
	HQ Components	1973	1581	1243	63%
	US Customs and Border Protection	8587	2774	1684	20%
	Transportation Security Administration	5281	1298	467	9%
	National Protection and Programs Directorate	2786	566	519	19%
Dept. of Housing and Urban Development	Office of General Counsel	---	334	248	---
	Secretary and Deputy Secretary	---	10	5	---
	Public and Indian Housing	---	696	696	---
	Public Affairs	---	19	7	---
	Policy Development and Research	---	66	34	---
	Housing	---	1389	1389	---
	Government National Mortgage Association	---	45	14	---
	Field Policy and Management	---	78	78	---
	Departmental Operations and Coordination	---	41	40	---
	Departmental Equal Employment Opportunity	---	20	15	---
	Congressional and Intergovernmental Relations	---	2	2	---
	Community Planning and Development	---	397	265	---

Agency	Sub-agency	Number Eligible	Number with Telework Agreements	Number Teleworking in Sept.	Percentage of Eligible Employees Teleworking in Sept.
	Chief Procurement Officer	---	51	51	---
	Chief Information Officer	---	148	93	---
	Chief Financial Officer	---	98	55	---
	Office of the Chief Human Capital Officer	---	125	125	---
	Fair Housing and Equal Opportunity	---	310	289	---
	Office of Healthy Homes and Lead Hazard Control	---	49	41	---
	Office of Disaster Management & National Security	---	0	0	---
	Office of Sustainable Housing and Communities	---	14	7	---
	Office of Strategic Planning & Management	---	23	8	---
Dept. of Interior	US Geological Survey	9131	0	943	10%
	Office of the Solicitor	455	227	45	10%
	Office of the Secretary	2274	644	417	18%
	Office of the Inspector General	263	263	112	43%
	Office of Surface Mining	524	0	56	11%
	National Park Service	25929	---	408	2%
	National Business Center	1116	300	74	7%
	Bureau of Ocean Energy Management, Regulation and Enforcement	1180	---	80	7%
	Bureau of Reclamation	5409	1460	79	1%
	Bureau of Indian Affairs	9243	---	44	0%
	Bureau of Land Management	11154	488	175	2%
	US Fish and Wildlife Service	10237	1500	439	4%
Dept. of Justice	Office of Justice Programs	636	443	312	49%
	US Trustee Program	1120	279	279	25%
	US Marshals Service	696	0	22	3%
	Tax Division	553	79	50	9%

Agency	Sub-agency	Number Eligible	Number with Telework Agreements	Number Teleworking in Sept.	Percentage of Eligible Employees Teleworking in Sept.
	Office of the Inspector General	436	259	59	14%
	Federal Bureau of Investigation	21509	129	31	0%
	Executive Office for Immigration Review	339	143	105	31%
	Executive Office of US Attorney and Office of US Attorney	---	0	55	---
	Bureau of Prisons/Federal Prison System	956	300	300	31%
	Offices Boards and Divisions	986	662	207	21%
	Antitrust Division	725	63	59	8%
	Environment and Natural Resources Division	668	420	94	14%
	Civil Division	1330	337	306	23%
	Civil Rights Division	722	147	55	8%
	Criminal Division	923	0	10	1%
	Drug Enforcement Administration	5115	0	71	1%
	Alcohol, Tobacco, Firearms and Explosives	1985	1299	560	28%
Dept. of Labor	Office of the Assistant Secretary for Administration and Management	603	171	190	32%
	Occupational Safety and Health Administration	2004	669	520	26%
	Women's Bureau	56	19	16	29%
	Veterans Employment and Training Services	216	55	39	18%
	Office of the Solicitor	627	257	252	40%
	Office of the Secretary	51	1	1	2%
	Office of the Inspector General	416	415	114	27%
	Office of the Chief Financial Officer	88	7	18	20%
	Office of the Assistant Secretary for Policy	22	0	7	32%
	Bureau of International Labor Affairs	97	62	25	26%
	Office of Disability Employment Policy	49	9	24	49%
	Office of Administrative Law Judges	84	55	30	36%

Agency	Sub-agency	Number Eligible	Number with Telework Agreements	Number Teleworking in Sept.	Percentage of Eligible Employees Teleworking in Sept.
	Adjudicatory Boards	104	34	65	63%
	Bureau of Labor Statistics	2378	937	772	32%
	Employee Benefits Security Administration	813	192	224	28%
	Employment and Training Administration	985	373	333	34%
	Mine Safety and Health Administration	2243	206	98	4%
	Office of Public Affairs	64	25	16	25%
	Office of Federal Contract Compliance Programs	760	184	232	31%
	Office of Labor Management Standards	220	197	87	40%
	Office of Workers' Compensation Programs	1115	282	356	32%
	Wage and Hour Division	1651	139	374	23%
	Office of Congressional and Intergovernmental Affairs	22	0	0	0%
Dept. of State	The International Joint Commission: U.S. and Canada	---	---	---	---
Dept. of Transportation	Federal Motor Carrier Safety Administration	750	422	422	56%
	Office of Inspector General	443	464	132	30%
	St. Lawrence Seaway Development Corporation	31	31	14	45%
	Research and Innovative Technology Administration	680	648	368	54%
	Surface Transportation Board	131	104	78	60%
	Pipeline/Hazardous Materials Safety Administration	450	438	220	49%
	Office of Secretary of Transportation	535	535	98	18%
	National Highway Traffic Safety Administration	565	565	175	31%
	Maritime Administration	523	333	98	19%
	Federal Railroad Administration	866	866	497	57%
	Federal Highway Administration	2578	2578	845	33%
	Federal Aviation Administration	20235	8394	1721	9%
	Federal Transit Administration	545	243	243	45%

Agency	Sub-agency	Number Eligible	Number with Telework Agreements	Number Teleworking in Sept.	Percentage of Eligible Employees Teleworking in Sept.
Dept. of Treasury	Office of Inspector General for Tax Administration	805	762	805	100%
	Internal Revenue Service	40473	0	20767	51%
	Office of Inspector General	176	129	57	32%
	Office of Comptroller of Currency	3697	3324	1005	27%
	Financial Crimes Enforcement Network	303	195	77	25%
	Departmental Offices	802	773	321	40%
	Bureau of Public Debt	1123	320	230	20%
	Bureau of Engraving and Printing	473	241	151	32%
	Alcohol and Tobacco Tax and Trade Bureau	6	395	345	---
	Financial Management Service	1292	226	226	17%
	US Mint	474	120	91	19%

Notes: Dashes indicate that data is not available. In most cases, this reflects the fact that the agency simply did not have the ability to track that particular piece of data at the time of the Data Call. For percentages calculated by OPM from agency data, the dashes indicate that the unavailability of a piece of information prevented OPM from providing the percentage.

Sub-agency data will not typically sum up to the totals found in the agency participation data tables. This is because in most cases the list of sub-agencies does not necessarily encompass the entire organization, thus this does not reflect an error.

The Department of Health and Human Services did not provide participation data by sub-agency during the reporting period.

Appendix 11: Sub-agency Telework Frequency Numbers

Agency	Sub-agency	Number TW: 3 or more days	Number TW: 2 days	Number TW: 1 day	Number TW: Once a month	Number TW: Situational	Number of Mobile Workers
Dept. of Agriculture	Office of Inspector General	---	---	---	---	219	---
	Rural Development	295	310	37	---	---	---
	Food, Nutrition and Consumer Services	430	176	39		---	---
	Farm and Foreign Agriculture Services	407	523	66	---	66	---
	Research, Education and Economics	287	301	128	---	53	---
	Marketing and Regulatory Programs	636	614	64	---	53	---
	Departmental Administration	327	413	137	---	137	---
	Natural Resources and Environment	1670	2262	1913	---	53	---
	Food Safety and Inspection Service	198	230	128	---	53	---
Dept. of Commerce	National Telecommunications and Information Administration	---	---	---	---	---	---
	National Oceanic and Atmospheric Administration	---	---	---	---	---	---
	Office of the Secretary	---	---	---	---	---	---
	Office of the Inspector General	---	---	---	---	---	---
	Bureau of Economic Analysis	---	---	---	---	---	0
	National Institute of Standards and Technology	---	---	---	---	---	---
	International Trade Administration	---	---	---	---	---	---
	Economics and Statistics Administration	---	---	---	---	---	---
	Economic Development Administration	---	---	---	---	---	---
	Bureau of the Census	---	---	---	---	---	---
	Bureau of Industry and Security	---	---	---	---	---	---
	National Technical Information Service	---	---	---	---	---	0
	Minority Business Development Agency	---	---	---	---	---	0
Dept. of Defense	Department of Air Force	336	83	135	---	---	---
	Department of Army	944	1181	779	---	1268	615

Agency	Sub-agency	Number TW: 3 or more days	Number TW: 2 days	Number TW: 1 day	Number TW: Once a month	Number TW: Situational	Number of Mobile Workers
	Other Department of Defense	4854	4313	1635	988	4429	---
	Department of Navy	1200	900	7435	---	5800	---
Dept. of Education	Office of Safe and Drug-Free Schools	3	9	3	---	2	---
	Office of Inspector General	50	17	3	---	26	---
	Office of Communication and Outreach	0	3	0	---	3	---
	Office of Innovation and Improvement	1	7	1	---	8	---
	Office of Postsecondary Education	2	14	4	---	10	---
	Office of the Chief Financial Officer	3	11	4	---	26	---
	Office of the Chief Information Officer	1	3	1	---	23	---
	Office of the General Counsel	0	6	3	---	1	---
	Office of Vocational and Adult Education	6	10	3	---	8	---
	Office for Civil Rights	0	17	17	---	162	---
	Office of the Under Secretary	0	0	0	---	---	---
	EDET-Office of English Language Acquisition	1	0	0	---	5	---
	Office of Special Education and Rehabilitative Services	5	93	23	---	16	---
	Advisory Councils and Committees	0	0	0	---	---	---
	Office of the Deputy Secretary of Education	0	8	2	---	8	---
	IMM Office of Secretary of Education	0	1	0	---	8	---
	Institute of Education Sciences	4	19	3	---	61	---
	National Assessment Governing Board	0	3	3	---	---	---
	Office of Elementary and Secondary Education	1	6	1	---	38	---
	Office of Management	7	31	16	---	28	---
	Office of Legislative and Congressional Affairs	0	0	0	---	---	---
	Office of Planning, Evaluation and Policy Development	4	3	2	---	5	---
	Federal Student Aid	21	83	34	---	462	---
Dept. of	US Citizenship and Immigration Services	836	142	186	---	---	---

Agency	Sub-agency	Number TW: 3 or more days	Number TW: 2 days	Number TW: 1 day	Number TW: Once a month	Number TW: Situational	Number of Mobile Workers
Homeland Security	US Immigration and Customs Enforcement	80	91	37	---	12	---
	US Secret Service	7	4	---	---	---	---
	US Coast Guard	121	126	184	---	---	---
	Office of the Inspector General	79	47	99	---	---	---
	Federal Law Enforcement Training Center	2	2	0	---	---	---
	Federal Emergency Management Agency	148	134	228	1326	---	---
	HQ Components	307	233	278	---	---	---
	US Customs and Border Protection	74	592	0	1	203	---
	Transportation Security Administration	125	61	97	---	---	---
	National Protection and Programs Directorate	30	85	166	---	---	---
Dept. of Housing and Urban Development	Office of General Counsel	23	62	104	---	59	---
	Secretary and Deputy Secretary	0	4	1	---	0	---
	Public and Indian Housing	124	286	138	12	136	---
	Public Affairs	7	0	0	---	0	---
	Policy Development and Research	7	23	2	0	2	---
	Housing	618	494	68	23	186	---
	Government National Mortgage Association	3	5	5	0	1	---
	Field Policy and Management	18	32	8	0	20	---
	Departmental Operations and Coordination	15	22	0	0	3	---
	Departmental Equal Employment Opportunity	1	3	6	2	3	---
	Congressional and Intergovernmental Relations	0	2	0	0	0	---
	Community Planning and Development	142	118	5	0	0	---
	Chief Procurement Officer	0	31	2	0	18	---
	Chief Information Officer	17	45	25	0	6	---
	Chief Financial Officer	12	21	22	0	0	---
	Office of the Chief Human Capital Officer	34	46	4	0	41	---

Agency	Sub-agency	Number TW: 3 or more days	Number TW: 2 days	Number TW: 1 day	Number TW: Once a month	Number TW: Situational	Number of Mobile Workers
	Fair Housing and Equal Opportunity	118	112	39	10	10	---
	Office of Healthy Homes and Lead Hazard Control	1	40	0	0	0	---
	Office of Disaster Management & National Security	0	0	0	0	0	---
	Office of Sustainable Housing and Communities	0	0	2	2	3	---
	Office of Strategic Planning & Management	0	1	0	0	7	---
Dept. of Interior	US Geological Survey	130	451	362	---	---	---
	Office of the Solicitor	23	22	0	---	---	---
	Office of the Secretary	34	280	69	---	34	---
	Office of the Inspector General	47	26	39	---	9	0
	Office of Surface Mining	40	9	5	---	5	---
	National Park Service	193	159	229	7	229	---
	National Business Center	11	30	1	---	32	---
	Bureau of Ocean Energy Management, Regulation and Enforcement	---	32	---	---	---	0
	Bureau of Reclamation	42	6	31	31	---	---
	Bureau of Indian Affairs	2	12	27	---	---	---
	Bureau of Land Management	46	108	0	---	629	---
	US Fish and Wildlife Service	111	107	120	17	---	945
Dept. of Justice	Office of Justice Programs	100	90	56	0	30	---
	US Trustee Program	0	279	0	0	---	---
	US Marshals Service	17	22	13	---	---	---
	Tax Division	1	16	15	---	18	120
	Office of the Inspector General	8	12	39	0	49	0
	Federal Bureau of Investigation	10	11	10	10	8	5
	Executive Office for Immigration Review	89	15	1	0	2	25
	Executive Office of US Attorney and Office of US Attorney	25	16	14	---	---	---
	Bureau of Prisons/Federal Prison System	1	3	1	---	0	---

Agency	Sub-agency	Number TW: 3 or more days	Number TW: 2 days	Number TW: 1 day	Number TW: Once a month	Number TW: Situational	Number of Mobile Workers
	Offices Boards and Divisions	30	40	71	15	51	22
	Antitrust Division	3	3	37	3	13	---
	Environment and Natural Resources Division	2	66	28	---	28	---
	Civil Division	0	306	0	---	31	0
	Civil Rights Division	30	18	7	---	11	---
	Criminal Division	4	0	0	---	4	---
	Drug Enforcement Administration	26	33	0	---	12	---
	Alcohol, Tobacco, Firearms and Explosives	467	150	272	---	---	2558
Dept. of Labor	Office of the Assistant Secretary for Administration and Management	58	43	63	---	---	---
	Occupational Safety and Health Administration	150	94	157	---	---	---
	Women's Bureau	5	3	5	---	---	---
	Veterans Employment and Training Services	8	10	16	---	---	---
	Office of the Solicitor	63	64	74	---	---	---
	Office of the Secretary	0	0	1	---	---	---
	Office of the Inspector General	37	27	32	---	---	---
	Office of the Chief Financial Officer	2	1	10	---	---	---
	Office of the Assistant Secretary for Policy	3	0	2	---	---	---
	Bureau of International Labor Affairs	1	6	9	---	---	---
	Office of Disability Employment Policy	6	4	8	---	---	---
	Office of Administrative Law Judges	4	14	7	---	---	---
	Adjudicatory Boards	25	19	12	---	---	---
	Bureau of Labor Statistics	249	200	206	---	---	---
	Employee Benefits Security Administration	81	48	52	---	---	---
	Employment and Training Administration	82	88	100	---	---	---
	Mine Safety and Health Administration	27	30	28	---	---	---
	Office of Public Affairs	1	5	6	---	---	---

Agency	Sub-agency	Number TW: 3 or more days	Number TW: 2 days	Number TW: 1 day	Number TW: Once a month	Number TW: Situational	Number of Mobile Workers
	Office of Federal Contract Compliance Programs	62	38	77	---	---	---
	Office of Labor Management Standards	32	15	17	---	---	---
	Office of Workers' Compensation Programs	57	161	100	---	---	---
	Wage and Hour Division	171	65	79	---	---	---
	Office of Congressional and Intergovernmental Affairs	0	0	0	---	---	---
Dept. of State	The International Joint Commission: U.S. and Canada	---	---	---	1	1	---
Dept. of Transportation	Federal Motor Carrier Safety Administration	66	270	86	---	---	---
	Office of Inspector General	2	17	65	65	---	0
	St. Lawrence Seaway Development Corporation	2	5	5	5	10	---
	Research and Innovative Technology Administration	27	133	114	74	---	---
	Surface Transportation Board	8	45	15	---	---	0
	Pipeline/Hazardous Materials Safety Administration	1	82	55	---	---	27
	Office of Secretary of Transportation	45	24	13	16	8	0
	National Highway Traffic Safety Administration	25	69	80	1	1	0
	Maritime Administration	10	80	8	---	---	0
	Federal Railroad Administration	186	83	82	119	27	290
	Federal Highway Administration	150	170	157	0	373	---
	Federal Aviation Administration	238	925	627	---	---	---
	Federal Transit Administration	25	84	134	---	---	---
Dept. of Treasury	Office of Inspector General for Tax Administration	382	0	0	322	322	---
	Internal Revenue Service	13338	3682	3747	---	---	---
	Office of Inspector General	4	7	11	---	16	0
	Office of Comptroller of Currency	10	35	111	337	512	1384
	Financial Crimes Enforcement Network	15	15	4	0	31	---
	Departmental Offices	40	96	0	---	185	---
	Bureau of Public Debt	91	67	55	0	---	0

Agency	Sub-agency	Number TW: 3 or more days	Number TW: 2 days	Number TW: 1 day	Number TW: Once a month	Number TW: Situational	Number of Mobile Workers
	Bureau of Engraving and Printing	23	37	51	19	15	---
	Alcohol and Tobacco Tax and Trade Bureau	268	29	2	0	46	---
	Financial Management Service	23	21	131	0	---	---
	US Mint	14	38	39	---	---	0

Notes: Dashes indicate that data is not available. In most cases, this reflects the fact that the agency simply did not have the ability to track that particular piece of data at the time of the Data Call. For percentages calculated by OPM from agency data, the dashes indicate that the unavailability of a piece of information prevented OPM from providing the percentage.

Sub-agency data will not typically sum up to the totals found in the agency frequency data tables. This is because in most cases the list of sub-agencies does not necessarily encompass the entire organization, thus this does not reflect an error.

The Department of Health and Human Services did not provide frequency data by sub-agency during the reporting period.

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UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT

Employee Services
Work/Life/Wellness

1900 E Street, NW
Washington, DC 20415

ES/WLW-06-12

ADMINISTRATIVE OFFICE OF THE COURTS **Pilot Program 8.9**
PERSONNEL POLICIES AND PROCEDURES

Pilot Program Number: **8.9**

Title: **Working Remotely (Telecommuting) Pilot Program**

Contact: **Judicial and Court Administrative Services Division, Human Resources Services Office**

Program Statement: **The AOC's Remote Work Program authorizes employees to work from home only when doing so is consistent with business needs and the employee's job functions, as authorized by the Administrative Director.**

Contents:

(A) Purpose of Remote Work Program
(B) Regularly Scheduled Remote Work
(1) Applicability
(2) Request and Approval Process
(3) Remote Work Schedules
(4) Remote Work Log
(C) Ad Hoc Remote Work
(D) The Home Office
(1) Work Environment
(2) Office Equipment
(3) Information Security
(4) Health and Safety
(E) Other Employee Rights and Responsibilities
(F) Termination and Renewal of Remote Work Assignment

(A) Purpose of Remote Work Program

When consistent with business needs and the employee's job functions, the AOC provides employees with a remote work option. Employees participate in the remote work program when, on a periodic basis, during their scheduled work hours, they perform their usual job duties from home. The terms "working remotely", "work remotely", and "remote worker" as used in this pilot program refer to the performance of usual job duties at home. Home locations for purposes of this pilot program shall be in the state of California.

Suitability to participate in the remote work program is based, in part, on an employee's job classification and the nature of the work to be performed by the employee. Those factors alone may compel disapproval of an application to participate in the remote work program.

The AOC recognizes the potential organizational and personal benefits available through a carefully planned and managed remote work program. Both the state and federal government have recognized the positive impacts of remote work programs that include reductions in air pollution, traffic congestion and the costs of highway commuting. Additionally remote working can provide employees with more flexibility in their schedules resulting in increased productivity and employee morale.

This pilot program covers two types of remote work options:

(1) Regularly scheduled (which allows employees to work from home on a regular, ongoing basis, as described in Section (B) (3) of this pilot program), and

(2) "Ad hoc" (occasional, one-time approval to work from home, as described in Section (C) of this pilot program).

Employees working in more than one location, other than the home, due to work-related travel, and/or working from multiple AOC offices or court locations, are considered to be working in the office. This Remote Work Pilot Program does not apply to that activity.

Requests to work from home as a reasonable accommodation for a disability will be evaluated consistent with applicable law. Such requests should be directed to the employee's supervisor and approved by the Human Resources Services Office (HR), Integrated Disability Management Unit.

(B) Regularly Scheduled Remote Work

(1) Applicability

Only non-supervisory AOC employees (regular or temporary, full-time or part-time, exempt or non-exempt) may apply to participate in the remote work program on a regularly scheduled basis.

(2) Request and Approval Process

An employee may initiate a request to participate in the remote work program on a regularly scheduled basis by submitting a completed Remote Worker Self-Assessment and Remote Work Application to his or her supervisor. The supervisor will review the request and make a recommendation to the office leadership. Office leadership will submit the request with a recommendation to Human Resources. Human Resources will review the request to ensure that the application meets all applicable pilot program criteria. HR will submit the request with a recommendation to the Executive Office for consideration. Approval of a remote work arrangement is at the discretion of the Administrative Director or designee.

Step 1 – Office Leadership Review

A request to participate in the remote work program must be reviewed by the employee's office leadership, who will determine if the employee, while working from home, can perform all of the duties and responsibilities of the position in a manner that meets the needs of the organization. When considering a request to work from home, all of the following factors will be considered:

- Nature of Work
  The type of work performed by the employee.

- Quantity of work
  How much work can get done from home?

- Quality of work
  How well can the work be completed from home?

- Timeliness
  Can timelines be met when working from home?

- Ability to handle multiple priorities
  Is it possible to successfully multitask when working from home?

Employees must also demonstrate suitability of the proposed home work environment.

Employees with performance, attendance, or other work-related deficiencies, or whose jobs by their nature are not suitable for remote work, will not be approved for a remote work arrangement.

Step 2 – Human Resources Services Office Review

Completed remote work applications reviewed by the originating office's leadership shall be submitted to HR for additional review.

HR will review applications to ensure that signatures have been obtained; the agreement is consistent with the parameters of AOC policies and procedures; and the employee's duties and responsibilities align to the five factors noted previously.

Any remote work agreement that is not complete, does not have all required signatures, or is outside of the scope of the pilot program will be returned to the originating office for review. Remote work schedules may not begin until the remote work agreement has been approved by the Administrative Director or designee.

Step 3 – Administrative Director or designee's review

The Administrative Director or designee will review the remote work agreement and determine whether to approve or deny. If the remote work agreement is approved, HR will notify the Office Leadership of the approval and a start date can be coordinated with the employee.

(3) Remote Work Schedules

Employees (excluding supervisors, managers, assistant directors, and directors) may be approved to work from home on a regularly scheduled basis as follows:

- During the first 12 months of employment, employees are not eligible to participate in the remote work program.

- After 12 months of employment, employees are eligible to request to work from home up to a maximum of one day per week in any given week.

If approved, the remote work schedule applicable to a particular employee will be set by the supervisor before remote working begins. Remote workers must be available during the standard workday from 8 a.m. to 5 p.m., Monday through Friday (Hours of Work, policy 4.4(A)), or alternative schedule as approved by their supervisor, to

the same extent as if working in the office. The remote work schedule may be modified, with supervisor approval, as needed:

- The remote work assignment may be suspended or terminated at any time, for any reason at the discretion of the office leadership. If a remote work assignment is suspended or terminated the HR work coordinator must be notified immediately.

- If an employee is needed in the office on a regularly scheduled remote work day, the employee must forgo the remote work day. Employees cannot "make up" missed remote work days.

- Remote workers must request approval for time off in the same manner as if not working from home.

- With prior approval, remote workers may attend medical, dental, and business appointments on remote work days.

- For non-exempt employees, any overtime work must be authorized in advance and in writing (Hours of Work, policy 4.4(C)(1)).

(4) Remote Work Log

AOC employees approved for a regular remote work schedule must complete a remote work log for each day that they work from home. The remote work log must be provided regularly to the supervisor for review of work progress during remote work days. Employees who do not satisfactorily complete a remote work log or their assignments during remote work days may have their remote work assignment suspended or terminated at the discretion of the office leadership.

(C) Ad Hoc Remote Work

An employee of the AOC (including managers and supervisors) may alternatively be approved to work from home on an "ad hoc" basis (i.e., not on a regular basis), which may arise due to special projects, the demand for expedited work products, or other business or personal needs. The employee's office leader may approve ad hoc work from home on a case-by-case basis. Each office will submit a monthly report of ad hoc remote work to the HR remote work coordinator. Quarterly reports will be submitted to the Administrative Director. Approval to work remotely on an ad hoc basis does not require submission of the forms referenced in Section (B)(2) of this pilot program and does not confer eligibility to work from home on a regularly scheduled basis.

"Ad hoc" remote work occurrences are limited to two days per month in any given month. Employees who are participating in the regularly scheduled remote work program may not, at the same time, work from home on an "ad hoc" basis.

The supervisor or manager recommends approval of the ad hoc remote working request and submits to his or her office leadership. Office leadership may approve the ad hoc remote work and record the usage on a monthly report that will be submitted to HR. HR will collect that data and provide quarterly utilization reports to the Administrative Director.

(D) The Home Office

(1) Work Environment

Remote workers are responsible for maintaining a safe and productive work environment. Dependent care arrangements must be made so as not to interfere with work. Personal disruptions must be limited to the same extent as when working in the employee's primary work location.

(2) Office Equipment

The AOC will provide a laptop, subject to availability, for purposes of working from home. Maintenance, repair, and replacement of AOC-owned equipment issued to remote workers is the responsibility of the AOC. The remote worker, however, must provide adequate care and protection of the equipment. (Use of AOC Property, policy 8.8(B)). In case of equipment malfunction, the remote worker must notify his or her supervisor immediately. Expenses for purchases, supplies, and repairs to personal equipment will not be reimbursed. Remote workers must restrict access to AOC-provided office equipment from family members and others.

The remote worker must also observe the following

- The remote worker is responsible to provide appropriate Internet connectivity in order to perform work duties. DSL or cable-based service is normally acceptable for this purpose.

- AOC-issued laptops must be brought into the office a minimum of once per month, and as requested, to assure the necessary technology and security updates are installed. The Information Technology Services Office does not provide technology support for use of personal equipment for working from home.

- Any software installed on AOC-issued laptops remains the property of the AOC and is subject to all applicable copyright laws and rules and regulations on the use or reproduction of software.

- Upon termination of a remote work assignment or employment, or when requested by the supervisor, the employee must return all AOC property, including software.

Computer support for remote workers is available from the Information Technology Services Office Helpdesk during the hours of 7:30 a.m. – 6:00 p.m. Remote workers may request assistance by submitting an on-line service request to the AOC Service Portal, or contacting the HelpDesk at (415) 865-4080 or helpdesk@jud.ca.gov.

(3) Information Security

Network and information security are important considerations when working from home. Remote workers are expected to maintain the security, privacy, and confidentiality of information when working at the home work site or transporting data to and from work sites, including:

- Remote workers must follow all organizational data retention, backup and security procedures.

- Remote workers must restrict access to confidential and personal information from family members and others. (Use of AOC Property, policy 8.8(D)).

- Access-restricted material and data must remain secured, and cannot be taken out of the official work location without supervisory approval.

Some AOC applications will be restricted to on-site access for security reasons. Other data may be unavailable to remote workers for technical reasons. For example, remote access to network drives is only available to employees approved and provided resources for access.

Remote workers must report any potential breach of AOC information security immediately to the Information Technology Services Office HelpDesk.

(4) Health and Safety

Remote workers are responsible for ensuring that their home offices comply with health and safety requirements. The AOC may decline an employee's request to work from home or may terminate a remote work assignment based on safety considerations. The home office may be inspected by the AOC, by appointment, for compliance with health and safety requirements.

If an employee incurs a work-related injury while working from home, workers' compensation law and rules apply. Consistent with AOC's Workers' Compensation Insurance, policy 6.6, employees must immediately notify their supervisor, or if their supervisor is not immediately available, the Human Resources Services Office, Integrated Disability Management Unit, of any work-related injury and complete all required documents.

(E) Other Employee Rights and Responsibilities

Remote workers maintain the rights and responsibilities set forth in AOC policies and procedures to the same extent as if not working remotely. In particular, employees must comply with Technology Use, policy 8.6 and AOC Computer Use Best Practices.

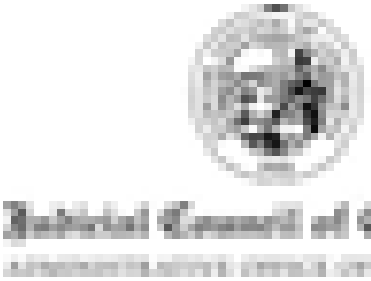
(F) Termination and Renewal of Remote Work Assignment

Participation in the remote work program is voluntary and it is a privilege. Either the employee or the AOC may terminate participation in the remote work program at any time, for any reason or no reason at all. Failure to abide by the policies and procedures set forth in this pilot program may result in immediate termination of an employee's remote work assignment. Any suspension or termination of a remote work assignment must be immediately reported to HR.

It shall be the continuing duty of the office leadership in each office, in which one or more employees telecommute, to assess the performance of each such employee by adhering to the terms, conditions, and standards of this pilot program.

Approval to participate in the remote work program is only valid for the fiscal year in which it is approved. Remote Work Applications must be renewed and approved by the Administrative Director or designee each fiscal year, on or before June 30, as well as when there is a change in the remote worker's or supervisor's position, or any other change that may impact the remote work arrangement. Remote workers who wish to continue their current remote work arrangement without modification are only required to complete the Remote Work Application form (Attachment II) to request renewal. A remote work arrangement must not be continued when it does not meet the business needs or help accomplish the mission of the AOC.

All regularly scheduled remote work arrangements must be approved by the Administrative Director or designee. Approval to participate in the remote work program is based on specific criteria considered by the employee's office leadership and the Human Resources Services Office, on a case-by-case basis. As circumstances may change over time, employees previously participating in the remote work program are not assured of a remote work assignment when returning from a leave of absence or after a job transfer.



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MEMORANDUM

Date
November 25, 2013

To
Members of the Executive and Planning Committee

From
Steven Jahr, Administrative Director of the Courts

Subject
Six-Month Update on AOC Pilot Telecommuting Program

Action Requested
For Your Information

Deadline
N/A

Contact
Kenneth R. Couch, Director
Human Resources Services Office
415-865-4271 phone
415-865-4582 fax
kenneth.couch@jud.ca.gov

Michael Guevara, Senior Manager
415-865-7586 phone
415-865-8873 fax
michael.guevara@jud.ca.gov

Executive Summary

The Administrative Office of the Courts (AOC), Human Resources Services Office (HRSO) has prepared this six-month interim status report on the progress of Judicial Council Directive 26, which states that:

> …the Judicial Council direct the Administrative Director of the Courts to ensure that the AOC adheres to its telecommuting policy consistently and identifies and corrects all existing deviations and violations of the existing policy.

This report includes a six-month update of the pilot telecommuting program. It includes information on how the program was implemented, details on employee usage, how accountability has been monitored, and next steps in the process.

Previous Council Action

On August 31, 2012, the Judicial Council directed the Administrative Director of the Courts to ensure that the AOC consistently adhered to its existing telecommuting (working remotely) policy. The council also requested that the Administrative Director identify and correct all existing deviations from and violations of the existing policy.

On December 14, 2012, the council directed the Administrative Director to review Policy 8.9 (attachment 1), Working Remotely (Telecommuting), of the *AOC Personnel and Policies Procedures Manual* and provide the council with a report proposing any recommendations and amendments to the policy. The council also directed the Administrative Director to consider and report on alternatives—including whether this policy should remain in force—and return with a report and recommendations for the council's February 2013 meeting.

During the February 2013 meeting, the Administrative Director requested, in his report, that the Judicial Council consider and approve one of the following options:

1. Eliminate all forms of telecommuting;

2. Eliminate regular telecommuting and only allow for limited ad hoc telecommuting under special circumstances; or

3. Permit telecommuting by approving a restructured and more restrictive telecommute policy, including controls for approving, monitoring, and, if necessary, rescinding participation.

The Judicial Council approved a twelve-month pilot of the proposed amended Policy 8.9 (attachment 2), Working Remotely (Telecommuting) Pilot Program, authorizing employees to work from home only when doing so is consistent with business needs and the employee's job functions, as authorized by the Administrative Director. Included with the new pilot program, the council approved the use of ad hoc remote work arrangements, limited to no more than two workdays per month, when unknown business or personal needs arise.

The council directed that an interim report be provided to the Executive and Planning Committee (E&P) following six months of implementation, and a full report be presented to the Judicial Council at the completion of the one-year pilot program.

Participant Data – Past and Present

The original policy allowed for up to eight days per month of telecommuting, and provided each office leader with discretion regarding any exceptions to the policy. In 2012, 98 employees (including supervisors and managers) participated in the Working Remotely (Telecommuting) Program, representing 454 remote working days per month. The telecommuting benefit for supervisors and managers was eliminated when the amended pilot program was implemented in March 2013.

Currently, under the pilot telecommute program, there are 69 individuals who have been approved to telecommute on a one-day-per-week basis, representing 276 remote workdays per month. This represents a 30 percent decrease in telecommute approvals and about a 40 percent decrease in the number of telecommute days utilized per month utilizing the criteria established by the Administrative Director.

Office	2012 Participation	# days per month	2013 Participation	# days per month
Center for Families, Children and the Courts	28	104	16	64
Center for Judiciary Education and Research	12	54	10	40
Court Operations Special Services Office	17	80	4	16
Criminal Justice Court Services Office	2	8	4	16
Human Resources Services Office	0	0	1	4
Information Technology Services Office	23	92	14	56
Judicial Council Support Services	0	0	1	4
Legal Services Office	15	112	8	32
Trial Court Administrative Services Office	0	0	9	36
Executive Office	1	4	0	0
Trial Court Liaisons Office	0	0	2	8
Totals	**98**	**454**	**69**	**276**

Methodology and Process

Pilot Remote Work (Telecommute) Program Application Process

1. A transitional period was granted by the Administrative Director through May 31, 2013, to allow for an application period and to allow individuals on prior telecommute schedules time to adjust to the new policy parameters;

2. Employees were asked to submit applications to a central email account (pilot.telecommute@jud.ca.gov) for tracking and monitoring by HRSO;

3. The HRSO reviewed applications and submitted to the Administrative Director for final review and approval; and

4. If approved, employees began their one-day-per-week telecommute after June 3, 2013, on a date approved by their supervisors. Employees were also required to submit weekly logs describing work performed during their telecommute days.

All other aspects of the pilot program, such as ad hoc telecommuting, became effective on March 1, 2013.

Ad hoc Telecommute Program

The ad hoc telecommute program is a separate component of the pilot program, offering employees the ability to work remotely no more than two days per month when extenuating circumstances arise. The ad hoc telecommute program is only available to individuals who do not participate in the regular pilot telecommute program.

Special Circumstances Affecting Employees' Commutes

Ad hoc Telecommuting Related to the BART Strike

In early July 2013, a special circumstance occurred when the employees of the Bay Area Rapid Transit (BART) went on strike, which resulted in a shutdown of one of the main public transportation services utilized by staff to commute to and from the San Francisco office. During this period, the AOC Executive Office authorized individuals who were directly impacted by the strike to ad hoc telecommute on the first two days of the BART closure.

This exception also applied to individuals who participated in the regular pilot telecommute program; however, no individual employee was allowed to telecommute more than two days during this particular week. Supervisors and managers were tasked with ensuring that any individuals who worked remotely during these days had significant assignments to cover the full duration of the remote work period. Special BART telecommute logs were collected to account for the remote work time and to record the types of duties performed while working remotely.

Ad hoc Telecommuting Related to the Bay Bridge Closure

In early September 2013, a special circumstance occurred when the Bay Bridge was closed due to the road changes related to the opening of the new eastern span of the bridge. The closure was expected to create heavy traffic and congested public transit. During this period, the AOC Executive Office provided individuals with options that would meet the work needs of the AOC while trying to alleviate the commute during the period of the bridge closure.

The options provided during the bridge closure included: 1) the ability to allow up to two ad hoc telecommute days for those individuals not participating in the pilot program; 2) the ability to shift the regular telecommute day to a day impacted by the bridge closure (for those participating in the pilot program); 3) the ability to work a flexible work schedule to avoid heavy commute periods; or 4) the ability to utilize available accruals to take time off during impacted days.

Supervisors and managers were tasked with ensuring that any individuals who worked remotely during these days had significant assignments to cover the full duration of the remote work period. Special Bridge Closure telecommute logs were collected to account for the remote work time and to record the types of duties performed while working remotely.

Ad hoc Telecommuting Related to the Second BART Strike

In late October 2013, BART employees participated in a second strike, which, once again, resulted in a shutdown of one of the main public transportation services utilized by staff to commute to and from the San Francisco office. This closure of the public transportation system was anticipated and the AOC Executive Office authorized the following options to ease the commute burden on employees: 1) the use of the two ad hoc telecommute days, as allowed by policy to those individuals who were not participating in the pilot telecommute program; 2) allow those on the pilot telecommute program to shift their one telecommute day within that same week; 3) allow employees to adopt a flexible work schedule as permitted by business needs and supervisor approval; or 4) allow employees to use available accrued leave as permitted by business need and supervisor approval.

During the second BART strike, supervisors and managers were tasked with ensuring that any individuals who worked remotely during these days had significant assignments to cover the full duration of the remote work period. Special BART telecommute logs were collected to account for the remote work time and to record the types of duties performed while working remotely.

Use of Work Logs

Individuals who participate in the pilot program are required to submit a weekly remote work log to the supervisor of the unit. This log includes a listing of the duties/tasks completed during the designated remote workday.

Sample Duties and Tasks Reported on Work Logs

Work logs have been collected from participants of the pilot program and those who worked remotely on an ad hoc basis during any of the special circumstances previously listed. The most common remote work duties or tasks reported included:

- Reviewing documents, researching (project based, legal research and data collection), analyzing data;
- Preparing for projects (presentations, timeline development, and curriculum development);
- Responding to communications (email and phone);
- Participating in conference calls; and
- Writing and editing reports.

Duties specific to a particular office were also listed, but were less common on the logs. The HRSO reviews the logs regularly and contacts individual supervisors with any questions or concerns regarding the content of the log or the duties/tasks performed. Supervisors and managers who had participants in either the pilot program or the ad hoc program were satisfied with both the quality and quantity of work provided during the remote work periods.

Policy and Cost Implications

It was determined that part-time employees, employees acting in a senior-level or lead capacity, and employees requiring direct supervision were not allowed to participate in pilot telecommute program, as the essential duties of their positions required their presence at the workplace.

Part-time Employees

For employees on a part-time schedule—as they are already unavailable one to three days per week—any additional time out of the workplace would further affect productivity.

Employees Acting in a Senior-level or Lead Capacity

Employees in a senior-level role—which involves regularly interacting with staff, sharing their knowledge and skills, and providing guidance—are critical to the daily operations of the AOC. Working remotely inhibits the ability of a person in this role to provide onsite guidance and face-to-face interaction.

Employees Requiring Direct Supervision

Most classifications identify the amount of supervision expected during the workday. If the phrase "works under direct supervision" is listed in an employee's job classification, then that employee is expected to be present in the workplace to provide customer support under the guidance of the lead or supervisor. Additionally, if an employee's regular presence in the workplace is integral to the functions of the unit, it is likely that the application will be denied by the Administrative Director.

Summary of Findings

- In the initial application period (March 1, 2013, through March 29, 2013) there were 105 applications received from employees, with a desire to telecommute one day per week.

- Upon review of those applications, the Administrative Director made certain policy determinations, as outlined in the *Policy and Cost Implications* section above, resulting in the approval of 63 of the applications for participation in the program and the denial of 42.

- As a result of feedback from the Management Council, the Administrative Director directed the HRSO to provide all offices with an updated application process—incorporating the policy determinations that would be utilized moving forward. Application packets were sent to all members of the Management Council on May 29, 2013.

- All new and resubmitted applications included a detailed job description listing the job duties that could be effectively performed remotely.

As a result of this amended process, one new application was submitted and five employees[1] resubmitted their applications to telecommute. Based on the application materials, recommendations from the supervisor, office leader and the HRSO, all six individuals were approved by the Administrative Director for one day per week telecommuting, in accordance with the pilot program parameters. These additional approvals resulted in a total of 106 applicants, 69 approvals and 37 denials.

[1] These five employees were originally denied from participating in the Pilot Program.

Pilot Remote Work (Telecommute) Program Results

As of September 3, 2013, 69 individuals have been approved to telecommute through the pilot program, representing approximately 9.6 percent of current AOC staff. The chart below illustrates the number of participants from the various AOC offices:

OFFICE	# OF APPLICATIONS	APPROVED	DENIED
Center for Families, Children and the Courts	29	16	13
Center for Judiciary Education and Research	12	10	2
Court Operations Special Services Office	8	4	4
Criminal Justice Court Services Office	5	4	1
Human Resources Services Office	1	1	0
Information Technology Services Office	23	14	9
Judicial Council Support Services	1	1	0
Legal Services Office	10	8	2
Office of Real Estate and Facilities Management	2	0	2
Trial Court Administrative Services Office	12	9	3
Trial Court Liaison Office	3	2	1
TOTALS	**106**	**69**	**37**

Ad hoc Telecommuting Results

The chart below details the usage of ad hoc telecommuting by office over the first six months of the program:

Office	March	April	May	June	July	Aug	TOTAL
Information Technology Services Office	2	3	2	5	4	6	**22**
Center for Families, Children and the Courts	2	5	1	9	9	9	**35**
Center for Judiciary Education and Research	6	7	3	1	3	7	**27**
Trial Court Administrative Services Office	0	5	6	7	14	8	**40**
Court Operations Special Services Office	0	2	2	5	4	6	**19**
Legal Services Office	1	3	4	2	5	5	**20**
Human Resources Services Office	3	3	5	2	0	6	**19**
Trial Court Liaison Office	0	0	0	2	0	0	**2**
Criminal Justice Court Services Office	0	1	0	0	0	0	**1**
Internal Audit Services	0	0	2	0	0	0	**2**
Fiscal Services Office	1	1	0	0	0	1	**3**
Judicial Council Support Services	0	1	0	0	0	0	**1**
Executive Office	0	0	1	0	0	0	**1**
Totals	**15**	**31**	**26**	**33**	**39**	**48**	**192**

The average ad hoc telecommute usage among the entire AOC has averaged approximately 32 days per month, representing less than 1 percent of staff work time spent ad hoc telecommuting.

Ad hoc Telecommuting Related to the BART strikes and Bay Bridge Closure

The chart below shows the utilization of the special ad hoc remote workdays during the BART strikes and the Bay Bridge Closure:

Office	Special BART Strike (July 2013) Ad Hoc	Special Bay Bridge Closure Ad Hoc	Special BART Strike (Oct 2013) Ad Hoc[2]
Information Technology Services Office	48	3	12
Center for Families, Children and the Courts	30	2	7
Center for Judiciary Education and Research	17	0	8
Trial Court Administrative Services Office	0	1	1
Court Operations Special Services Office	18	3	4
Legal Services Office	15	3	2
Human Resources Services Office	10	5	7
Trial Court Liaison Office	8	0	2
Criminal Justice Court Services Office	7	0	7
Internal Audit Services	5	0	0
Office of Security	4	2	0
Fiscal Services Office	2	0	1
Office of Real Estate and Facilities Management	3	0	0
Office of Communications	1	0	0
Totals	**168**	**19**	**51**

Next Steps

The HRSO will continue to review the telecommute logs to monitor appropriate quantities of work and the types of duties/tasks performed.

The HRSO will continue to review and make recommendations to the Administrative Director for any new applications requesting to participate in the pilot program.

Regular reports will be provided to the Administrative Director on the number of employees participating in the program, both on the Remote Work (Telecommute) Program and the Ad Hoc Telecommute Program.

Future reports will include any special circumstances affecting employees' commutes.

Attachments

1. Policy 8.9 - Working Remotely (Telecommuting)
2. REVISED Policy 8.9 - Working Remotely (Telecommuting) Pilot Program

[2] Offices with zero instances did not have any reportable data submitted by the October 31, 2013 deadline.

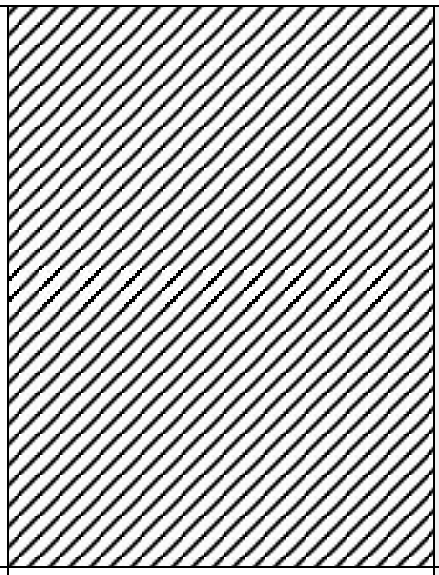
Attachment E:

Summary of Changes to Policy 8.9

The following chart summarizes revisions to Policy 8.9 and describes the controls and tracking mechanisms used in the more restrictive regular and ad hoc pilot programs.

	Regular Pilot Telecommute Program	**Ad Hoc Telecommute Program**
Defined eligibility requirements.	The AOC Executive Office restricted application of the program in comparison with the previous program and determined that part-time employees, employees acting in a senior-level or lead capacity, and employees requiring general supervision would not be allowed to participate in the pilot telecommute program as the essential duties of their positions required their presence at the workplace.	The AOC Human Resources Services Office reviewed requests to ensure that employees who were participating in the regularly scheduled remote work program were not, at the same time, working from home on an "ad hoc" basis.
Lower utilization rates.	With the implementation of the regular pilot policy, the AOC experienced a 33 percent decrease in telecommute participants from 2012 and an approximate 42 percent decrease in the number of telecommute days utilized per month.	The previous ad hoc program was not measured. In the current pilot program, the average ad hoc telecommute usage within the entire AOC has averaged approximately 36 days per month, representing less than one percent of staff work time spent ad hoc telecommuting. Well more than half of that usage occurred during three disruptive events in the Bay Area.
Centralized application and review process allowed for consistent application of the policy throughout the AOC.	In the previous policy, division directors were given the authority to approve or deny participation. Under the new pilot program, the decision is made by the Administrative Director. The AOC received 105 applications for the regular pilot program. Upon review, the Administrative Director made certain policy determinations, resulting in only 65 employees currently participating in the program.	New to the pilot program, each office leader reviewed and approved each request for ad hoc telecommuting.

Attachment E:

Arming managers and supervisors with the tools necessary to address special circumstances.		During special circumstances in the past, division directors had the discretion to offer employees various options, which contributed to inconsistencies. When special circumstances occurred during the pilot period that required exceptional considerations, the Executive Office further defined consistent parameters agency wide of the ad hoc program to allow for flexibility while operating within the parameters of the policy.
Tracking and monitoring.	Participants submit work logs to their supervisors for review on a monthly basis. Work logs may be audited at any time to ensure that the duties performed while telecommuting are appropriate and sufficient for a full day's work.	The centralized review process allowed tracking of the utilization of the ad hoc remote work days. The AOC Human Resources Services Office examined patterns of usage and potential usage by employees who were not qualified to ad hoc telecommute.

ADMINISTRATIVE OFFICE OF THE COURTS **~~Pilot Program~~Policy 8.9**
PERSONNEL POLICIES AND PROCEDURES

~~Pilot Program~~ Policy Number: **8.9**

Title: **Working Remotely (Telecommuting) ~~Pilot~~ Program**

Contact: **Judicial and Court Administrative Services Division, Human Resources Services Office**

Program Statement: **The AOC's Remote Work Program authorizes employees to work from home only when doing so is consistent with business needs and the employee's job functions, as authorized by the Administrative Director.**

Contents:

(A) Purpose of Remote Work Program
(B) Regularly Scheduled Remote Work
(1) Applicability
(2) Request and Approval Process
(3) Remote Work Schedules
(4) Remote Work Log
(C) Ad Hoc Remote Work
(D) The Home Office
(1) Work Environment
(2) Office Equipment
(3) Information Security
(4) Health and Safety
(E) Other Employee Rights and Responsibilities
(F) Termination and Renewal of Remote Work Assignment

(A) Purpose of Remote Work Program

When consistent with business needs and the employee's job functions, the AOC provides employees with a remote work option. Employees participate in the remote work program when, on a periodic basis, during their scheduled work hours, they perform their usual job duties from home. The terms "working remotely", "work remotely", and "remote worker" as used in this ~~pilot~~ program refer to the performance of usual job duties at home. Home locations for purposes of this ~~pilot~~ program shall be in the state of California.

Suitability to participate in the remote work program is based, in part, on an employee's job classification and the nature of the work to be performed by the employee. Those factors alone may compel disapproval of an application to participate in the remote work program.

The AOC recognizes the potential organizational and personal benefits available through a carefully planned and managed remote work program. Both the state and federal government have recognized the positive impacts of remote work programs that include reductions in air pollution, traffic congestion and the costs of highway commuting. Additionally remote working can provide employees with more flexibility in their schedules resulting in increased productivity and employee morale.

This ~~pilot~~ program covers two types of remote work options:

(1) Regularly scheduled (which allows employees to work from home on a regular, ongoing basis, as described in Section (B) (3) of this ~~pilot~~ program), and

(2) "Ad hoc" (occasional, one-time approval to work from home, as described in Section (C) of this ~~pilot~~ program).

Employees working in more than one location, other than the home, due to work-related travel, and/or working from multiple AOC offices or court locations, are considered to be working in the office. This Remote Work ~~Pilot~~ Program does not apply to that activity.

Requests to work from home as a reasonable accommodation for a disability will be evaluated consistent with applicable law. Such requests should be directed to the employee's supervisor and approved by the Human Resources Services Office (HR), Integrated Disability Management Unit.

(B) Regularly Scheduled Remote Work

(1) Applicability

Only ~~non-supervisory~~ full-time AOC employees (regular or temporary, ~~full-time or part-time,~~ exempt or non-exempt) not serving in a supervisory or lead capacity or whose job description does not require general supervision may apply to participate in the remote work program on a regularly scheduled basis.

(2) Request and Approval Process

An employee may initiate a request to participate in the remote work program on a regularly scheduled basis by submitting a completed Remote Worker Self-Assessment and Remote Work Application to his or her supervisor. The supervisor will review the request and make a recommendation to the office leadership. Office leadership will submit the request with a recommendation to Human Resources. Human Resources will review the request to ensure that the application meets all applicable ~~pilot~~ program criteria. HR will submit the request with a recommendation to the Executive Office for consideration. Approval of a remote work arrangement is at the discretion of the Administrative Director or designee.

Step 1 – Office Leadership Review

A request to participate in the remote work program must be reviewed by the employee's office leadership, who will determine if the employee, while working from home, can perform all of the duties and responsibilities of the position in a manner that meets the needs of the organization. When considering a request to work from home, all of the following factors will be considered:

- Nature of Work
  The type of work performed by the employee.

- Quantity of work

How much work can get done from home?

- Quality of work
  How well can the work be completed from home?

- Timeliness
  Can timelines be met when working from home?

- Ability to handle multiple priorities
  Is it possible to successfully multitask when working from home?

Employees must also demonstrate suitability of the proposed home work environment.

Employees with performance, attendance, or other work-related deficiencies, or whose jobs by their nature are not suitable for remote work, will not be approved for a remote work arrangement.

Office leaders are expected to review each application with the expectation that services not be impacted as a result of telecommuting. As such, each office must strive to achieve a balance in ensuring that employees are readily available at all times.

Step 2 – Human Resources Services Office Review

Completed remote work applications reviewed by the originating office's leadership shall be submitted to HR for additional review.

HR will review applications to ensure that signatures have been obtained; the agreement is consistent with the parameters of AOC policies and procedures; and the employee's duties and responsibilities align to the five factors noted previously. HR will also consider the following when reviewing applications:

- Requested telecommute day
  What is the requested telecommute day and are there coworkers telecommuting?
- Current division and unit balance
  How many pilot program participants does the office currently have in relation to office and unit totals?
- Ability to handle scheduled and unexpected leaves
  Will the office have coverage in times of scheduled days off or unexpected absences?
- Performance Improvement Plan (PIP)
  Is the employee currently on a PIP? Has the employee had past performance issues?

Any remote work agreement that is not complete, does not have all required signatures, or is outside of the scope of the ~~pilot~~ program will be returned to the originating office for review. Remote work schedules may not begin until the remote work agreement has been approved by the Administrative Director or designee.

Step 3 – Administrative Director or designee's review

The Administrative Director or designee will review the remote work agreement and determine whether to approve or deny. If the remote work agreement is approved, HR will notify the Office Leadership of the approval and a start date can be coordinated with the employee.

(3) Remote Work Schedules

~~Employees~~Full-time employees (excluding leads, supervisors, managers, assistant directors, and directors) may be approved to work from home on a regularly scheduled basis as follows:

- During the first 12 months of employment, employees are not eligible to participate in the remote work program.
- After 12 months of employment, employees are eligible to request to work from home up to a maximum of one day per week in any given week.

If approved, the remote work schedule applicable to a particular employee will be set by the supervisor before remote working begins. Remote workers must be available during the standard workday from 8 a.m. to 5 p.m., Monday through Friday (Hours of Work, policy 4.4(A)), or alternative schedule as approved by their supervisor, to the same extent as if working in the office. The remote work schedule may be modified, with supervisor approval, as needed:

- The remote work assignment may be suspended or terminated at any time, for any reason at the discretion of the office leadership. If a remote work assignment is suspended or terminated the HR work coordinator must be notified immediately.
- If an employee is needed in the office on a regularly scheduled remote work day, the employee must forgo the remote work day. Employees cannot "make up" missed remote work days.
- Remote workers must request approval for time off in the same manner as if not working from home.
- With prior approval, remote workers may attend medical, dental, and business appointments on remote work days.
- For non-exempt employees, any overtime work must be authorized in advance and in writing (Hours of Work, policy 4.4(C)(1)).

(4) Remote Work Log

AOC employees approved for a regular remote work schedule must complete a remote work log for each day that they work from home. The remote work log must be provided regularly to the supervisor for review of work progress during remote work days. Employees who do not satisfactorily complete a remote work log or their assignments during remote work days may have their remote work assignment suspended or terminated at the discretion of the office leadership.

(C) Ad Hoc Remote Work

An employee of the AOC (including part-time employees, leads, managers and supervisors) may alternatively be approved to work from home on an "ad hoc" basis (i.e., not on a regular basis), which may arise due to ~~special projects,~~extenuating circumstances such as the demand for expedited work products, or other business or personal needs. The employee's office leader may approve ad hoc work from home on a case-by-case basis. Each office will submit a monthly report of ad hoc remote work to the HR remote work coordinator. Quarterly reports will be submitted to the Administrative Director. Approval to work remotely on an ad hoc basis does not require submission of the forms referenced in Section (B)(2) of this ~~pilot~~ program and does not confer eligibility to work from home on a regularly scheduled basis.

"Ad hoc" remote work occurrences are ~~limited to two days per month in any given month.~~ intended to provide an ability to work remotely during special circumstance situations and are not meant to supplant the remote working program. "Ad Hoc" remote work situations are limited to a maximum of two days per month in any given month. Quarterly reports are provided to the Executive Office for review. Unusually high utilization or patterns of usage by an office or an individual may result in suspension of the "Ad Hoc" opportunity at the discretion of the Administrative Director.

Employees who are participating in the regularly scheduled remote work program may not, at the same time, work from home on an "ad hoc" basis.

The supervisor or manager recommends approval of the ad hoc remote working

request and submits to his or her office leadership. Office leadership ~~may approve the ad hoc remote work and record the usage on~~shall submit a monthly usage report ~~that will be submitted~~ to HR. HR will collect that data and provide quarterly utilization reports to the Administrative Director.

(D) The Home Office

(1) Work Environment

Remote workers are responsible for maintaining a safe and productive work environment. Dependent care arrangements must be made so as not to interfere with work. Personal disruptions must be limited to the same extent as when working in the employee's primary work location.

(2) Office Equipment

The AOC will provide a laptop, subject to availability, for purposes of working from home. Maintenance, repair, and replacement of AOC-owned equipment issued to remote workers is the responsibility of the AOC. The remote worker, however, must provide adequate care and protection of the equipment. (Use of AOC Property, policy 8.8(B)). In case of equipment malfunction, the remote worker must notify his or her supervisor immediately. Expenses for purchases, supplies, and repairs to personal equipment will not be reimbursed. Remote workers must restrict access to AOC-provided office equipment from family members and others.

The remote worker must also observe the following:

- The remote worker is responsible to provide appropriate Internet connectivity in order to perform work duties. DSL or cable-based service is normally acceptable for this purpose.

- AOC-issued laptops must be brought into the office a minimum of once per month, and as requested, to assure the necessary technology and security updates are installed. The Information Technology Services Office does not provide technology support for use of personal equipment for working from home.

- Any software installed on AOC-issued laptops remains the property of the AOC and is subject to all applicable copyright laws and rules and regulations on the use or reproduction of software.

- Upon termination of a remote work assignment or employment, or when requested by the supervisor, the employee must return all AOC property, including software.

Computer support for remote workers is available from the Information Technology Services Office Helpdesk during the hours of 7:30 a.m. – 6:00 p.m. Remote workers may request assistance by submitting an on-line service request to the AOC Service Portal, or contacting the HelpDesk at (415) 865-4080 or helpdesk@jud.ca.gov.

(3) Information Security

Network and information security are important considerations when working from home. Remote workers are expected to maintain the security, privacy, and confidentiality of information when working at the home work site or transporting data to and from work sites, including:

- Remote workers must follow all organizational data retention, backup and security procedures.

- Remote workers must restrict access to confidential and personal information from family members and others. (Use of AOC Property, policy 8.8(D)).

- Access-restricted material and data must remain secured, and cannot be taken out of the official work location without supervisory approval.

Some AOC applications will be restricted to on-site access for security reasons. Other data may be unavailable to remote workers for technical reasons. For example, remote access to network drives is only available to employees approved and provided resources for access.

Remote workers must report any potential breach of AOC information security immediately to the Information Technology Services Office HelpDesk.

(4) Health and Safety

Remote workers are responsible for ensuring that their home offices comply with health and safety requirements. The AOC may decline an employee's request to work from home or may terminate a remote work assignment based on safety considerations. The home office may be inspected by the AOC, by appointment, for compliance with health and safety requirements.

If an employee incurs a work-related injury while working from home, workers' compensation law and rules apply. Consistent with AOC's Workers' Compensation Insurance, policy 6.6, employees must immediately notify their supervisor, or if their supervisor is not immediately available, the Human Resources Services Office, Integrated Disability Management Unit, of any work-related injury and complete all required documents.

(E) Other Employee Rights and Responsibilities

Remote workers maintain the rights and responsibilities set forth in AOC policies and procedures to the same extent as if not working remotely. In particular, employees must comply with Technology Use, policy 8.6 and AOC Computer Use Best Practices.

(F) Termination and Renewal of Remote Work Assignment

Participation in the remote work program is voluntary and it is a privilege. Either the employee or the AOC may terminate participation in the remote work program at any time, for any reason or no reason at all. Failure to abide by the policies and procedures set forth in this ~~pilot~~ program may result in immediate termination of an employee's remote work assignment. Any suspension or termination of a remote work assignment must be immediately reported to HR.

It shall be the continuing duty of the office leadership in each office, in which one or more employees telecommute, to assess the performance of each such employee by adhering to the terms, conditions, and standards of this ~~pilot~~ program.

Approval to participate in the remote work program is only valid for the fiscal year in which it is approved. Remote Work Applications must be renewed and approved by the Administrative Director or designee each fiscal year, on or before June 30, as well as when there is a change in the remote worker's or supervisor's position, or any other change that may impact the remote work arrangement. Remote workers who wish to continue their current remote work arrangement without modification are only required to complete the ~~Remote Work Application form (Attachment II~~Remote Work Application form (Attachment I) to request renewal. A remote work arrangement must not be continued when it does not meet the business needs or help accomplish the mission of the AOC.

All regularly scheduled remote work arrangements, including renewals, must be approved by the Administrative Director or designee prior to commencement of the remote work schedule. Approval to participate in the remote work program is based on specific criteria considered by the employee's office leadership and the Human Resources Services Office, on a case-by-case basis. As circumstances may change over time, employees previously participating in the remote work program are not assured of a remote work assignment when returning from a leave of absence or after a job transfer.

Information on Judicial Council Directives

Council Directive **27**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that, with an appropriate individual employee performance planning and appraisal system in place, the AOC utilizes the flexibility provided by its at-will employment policy to address employee performance issues. The AOC's at-will employment policy provides management with maximum hiring and firing flexibility, and should be exercised when appropriate.

SEC Recommendation **6-4**

With an appropriate individual employee performance planning and appraisal system in place, the AOC must utilize the flexibility provided by its at-will employment policy to address serious employee performance issues.

SEC Recommendation **7-36**

The AOC's at-will employment policy provides management with maximum hiring and firing flexibility, and should be exercised when appropriate.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager Curt Soderlund, Chief Administrative Officer

TASK

	PENDING
x	**COMPLETED: In July of 2013, a Performance Management program was implemented organization-wide and includes policy for utilizing performance improvement plans to address employee performance that may ultimately result in the use of the council's at-will employment policy.**

This directive resulted in the development and implementation of Performance Management program organization-wide in July of 2013 which includes policy for utilizing performance improvement plans to address employee performance that may ultimately result in the use of the council's at-will employment policy.

The council has continued to exercise Policy 2.1, Employment At Will, when appropriate and warranted. It is important to note that while the existence of the at-will employment policy provides flexibility, it is the goal of the council to encourage quality communications in a rich and supportive working environment.

In February 2012, after a series of investigations concerning serious performance issues and violations of policy, Human Resources worked with Legal Services to draft a number of Performance Improvement Plans (PIP) to provide employees with opportunities for improvement and guidance to meet expected performance levels. In some cases, employees improved performance levels and remained on the job. In others, the AOC utilized its at-will employment policy to terminate individuals from employment for performance-related issues or serious violations of policy.

Since February 2012, the AOC has terminated a number of individuals for reasons stated above. Furthermore the at-will policy shaped the development of Policy 2.9, Reductions in Staffing (Layoffs).

On May 8, 2012, the Interim Administrative Director approved Policy 2.9, which provides guidance to implement staffing reductions based on non-discriminatory, business-related criteria. In June 2012, the AOC implemented a layoff to achieve cost savings, resulting in the termination of 40 employees.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ]	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	[ ]	UNABLE TO IMPLEMENT
[x]	IMPLEMENTED AND ONGOING	[ ]	PENDING IMPLEMENTATION
[ ]	IMPLEMENTED BUT IN PROGRESS		

The Performance Review Program will remain a vital tool for the council management and supervisors to develop and support staff. Performance improvement plans and the use of at-will employment policy will continue to be a tool that can be utilized council managers and supervisors for addressing issues that arise with employee performance.

ASSESSMENT OF IMPLEMENTATION

Since the implementation of the performance review process and the use of performance improvement plans, six PIPs were initiated of which 4 were successful.

OTHER INFORMATION

Attachments:

- *AOC Utilization of the At-Will Employment Policy*
- Personnel Policies and Procedures, Policy Number 2.1: Employment At Will

AOC Utilization of the At-Will Employment Policy

The Administrative Office of the Courts (AOC) adopted a new AOC *Personnel Policies and Procedures Manual* in July 2011. Chapter 2, General Employment Policies begins with Policy 2.1, Employment At Will. This policy clearly states that the AOC is an at-will employer. This means that both the employees and the AOC have the right to terminate employment at any time, with or without cause. Although this policy provides the AOC with the ability to terminate employment with or without cause, the reason for termination must be a lawful reason. Employees who are terminated from the AOC retain the right to file complaints with the Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC) and potentially litigate damages against the AOC.

Recent Use of the At-Will Employment Policy

In February 2012 the AOC Human Resources Services Office (HRSO) investigated a number of serious employee-related issues. At the time the Interim Administrative Director of the Courts and the Interim Chief Deputy Director instructed the HRSO team to work collaboratively with the Legal Services Office (LSO) to address any serious performance issues or violations of policy. During this time HRSO staff drafted a number of Performance Improvement Plans (PIP) to provide opportunities for improvement and appropriate guidance to employees who had fallen below the expected performance levels.

Throughout this period the AOC continued to exercise the at-will policy when appropriate, and terminated individuals who did not demonstrate improved performance or seriously violated policies, procedures or ethical standards.

Since February 2012, the AOC has exercised the at-will policy and has terminated a number of individuals from employment for performance-related issues or for serious violations of policy or procedure. Although the AOC is an at-will employer, it has, at its discretion, provided the terminated employee with a written reason or rationale for the determination. The AOC generally provides written justification to the Employment Development Department (EDD) when considering claims for unemployment.

Reductions in Staffing Policy and AOC Layoffs

On May 18, 2012, the Interim Administrative Director approved Policy 2.9, Reductions in Staffing (Layoffs). This policy provides guidance, based on non-discriminatory, business-related criteria, to implement staffing reductions and achieve necessary cost savings. The at-will employment policy provided leadership the flexibility to develop the policy which met the needs of the AOC.

In June 2012 the AOC implemented its first round of layoffs. At the completion of the layoff process **40** individuals were separated from employment with the AOC.

Next Steps

While the existence of the at-will employment policy provides flexibility when making employment decisions, it is the goal of the AOC to encourage quality communications in a rich and supportive working environment. In order to achieve this goal the Administrative Director has directed the Human Resources Services Office to fully implement Policy 3.9, Performance Management Program, of the AOC *Personnel Policies and Procedures Manual*.

In order to properly institute a quality and meaningful program a number of steps need to occur to create a foundation for true performance management. The AOC will outline these steps in a report to the Judicial Council in June 2013, with a plan for full implementation beginning January 2014. The AOC will implement a uniform performance management program throughout the AOC.

Additionally, the AOC will review Policy 8.1, Standards of Conduct, and amend it to clearly express the conduct expectations of AOC employees and the disciplinary process for issues related to performance or misconduct. Specifically, the AOC will add an official Performance Improvement Plan (PIP) process to the disciplinary process, which will highlight to employees that communication is the most effective method of initiating growth and change. To strengthen the process, the AOC, through the classification and compensation study, will be updating job descriptions for all employees, which will ensure the program accurately accounts for employee performance and makes it easier for managers and supervisors to identify areas for improvement.

Furthermore, the supervisor/manager training program, initiated in January 2013, will provide direct guidance to managers and supervisors on identifying performance gaps and effective methods of performance management as well as outlining the challenges of managing employees in an at-will environment.

The first set of courses focus on “The At-Will Environment and Other Legal Issues.” The AOC will conduct eight sessions on this topic between May 1, 2013 and June 20, 2013. The training continues throughout the year, with culminating sessions, which highlight performance management, in November and December 2013. After the training, the utilization of a uniform performance management program, combined with clear discipline procedures, the at-will policy and accurate job descriptions, will provide the AOC with a flexible and responsible approach to address and resolve any performance or conduct concerns.

Policy Number: **2.1**

Title: **Employment At Will**

Contact: **Human Resources Division, Policy Development Unit**

Policy Statement: **The AOC is an at-will employer.**

All employment at the AOC is “at will.” This means that both employees and the AOC have the right to terminate employment at any time, with or without advance notice, and with or without cause. No one other than the Administrative Director of the Courts has the authority to alter this arrangement, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to this at-will policy. Any such agreement must be in writing, signed by the Administrative Director of the Courts, in order to be effective.

Information on Judicial Council Directives

Council Directive **28**

E&P recommends that the Judicial Council direct that the Administrative Director of the Courts require compliance with the AOC's existing policy calling for annual performance appraisals of all AOC employees (AOC Personnel Policies and Procedures Manual, section 3.9) and that performance appraisals are uniformly implemented throughout the AOC as soon as possible.

SEC Recommendation **7-37**

The AOC's existing policy calling for annual performance appraisals of all AOC employees (AOC personnel manual, section 3.9) must be implemented uniformly throughout the AOC as soon as possible.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager Curt Soderlund, Chief Administrative Officer

TASK

[ ] PENDING
[x] COMPLETED: **In July of 2013, a Performance Management program was implemented organization-wide.**

This directive was completed with the development and implementation of a Performance Review Program effective July 1, 2013, for all council employees.

Human Resources outlined the performance review process in July 2013, in conjunction with the AOC management training courses.

The implementation of a performance management program throughout the AOC has been developed with the goal of ensuring that employees have the adequate resources and support to succeed in performing their jobs which are essential to the daily functions of the council as a support structure for the judicial branch. Effective communication and feedback are essential to both employee performance and customer service. The performance management program provides a mechanism for consistent feedback with formal documentation each year memorializing professional skills competencies as well as project and assignment accomplishments.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[x] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

The Performance Review Program will remain a vital tool for the council and will continue as a regular business practice for council management and supervisors to develop and support staff.

ASSESSMENT OF IMPLEMENTATION

All 706 council employees are required to have a performance review. As of March 2015, 78% of the employees have received their performance evaluation with the goal of 100% by the end of the first full year of the program.

All performance evaluations are developed by managers and supervisors, and shared with Human Resources to ensure consistency in compliance.

In June of 2015 the council will receive a report providing status on the percentage of council staff that have received a performance review in the first year.

OTHER INFORMATION

Attachments:

- *Performance Management Process Guidelines*
- Personnel Policies and Procedures, Policy Number 3.9: Performance Management Program

JUDICIAL COUNCIL OF CALIFORNIA
Administrative Office of the Courts

PERFORMANCE MANAGEMENT PROCESS GUIDELINES

The purpose of the Performance Management Process is to support and enhance the long-term success of the organization and its employees. The process focuses on involving supervisors and employees in identifying meaningful performance expectations that support the organization's goals, recognize individuals' contributions, and foster continuous development of employees. The planning and review process is designed to facilitate communication between supervisors and employees. A sample Performance Plan and Review Form is attached to these guidelines for reference.

OVERVIEW OF THE PROCESS

The process begins by planning and defining performance expectations for the upcoming plan period. The supervisor and employee meet to develop an annual performance plan by reviewing the performance factors and expectations necessary to successfully perform the employee's job duties as stated in the job description. As further defined below, performance factors reflect the skills necessary in order to successfully perform the job. Performance factors and specific tasks should be modified to reflect the employee's particular responsibilities. Key objectives, major goals or special assignments should be identified for each performance factor.

The supervisor and employee also create a development plan by identifying action steps that the employee will take to develop and/or enhance his/her job-related knowledge, skills, and abilities. The Annual Performance Plan and Review Form shall be utilized to record the planning and performance review process.

Throughout the planning and development cycle, the supervisor and employee should meet periodically to review progress and update expectations as needed. The planning cycle ends with an overall review of results accomplished during the previous year. Each cycle should last for one year from the date of initiation. However, plans may be adjusted throughout the year to reflect accomplishments, completed projects or areas needing improvement. A Performance Improvement Plan (PIP) may be initiated at any time to identify critical areas needing immediate improvement.

It is the responsibility of the employee's supervisor, manager and office leadership to ensure that all plans and reviews are completed and submitted to the Human Resources Services Office on a timely basis.

ANNUAL PERFORMANCE PLAN AND REVIEW

Development of Initial Plan
The process begins with the development of an initial performance review plan. Plan development can occur when a new employee is hired, when a job classification changes or when an individual transfers to a new unit. The initial plan should consist of a discussion, expectation setting and the development of anticipated duties, projects or goals.

Feedback Periods
It is expected that supervisors will provide feedback to the employee during each review period. The supervisor should reinforce the positive work habits and provide constructive feedback on improving areas where further development is necessary.

Prior to Annual Review
In the month before the formal annual review, the supervisor should provide the employee with an Employee Self-Assessment form [hyperlink]. This form will allow employees to provide comments on their own performance during the past year. This is an informal document that the supervisor will consider when completing the annual review.

Annual Assessment Meeting
Within a month of each employee's annual review date, it is expected that every supervisor will meet with the employee and conduct an interactive meeting where the supervisor will conduct the Annual Review. At the conclusion of the meeting the employee will be asked to sign the review to verify that the review took place. By signing, the employee is not agreeing to the contents of the review, but that the review was conducted.

During the review meeting, if the employee provides new information that may result in modifications to the review; the supervisor may make any desired changes and schedule a follow-up meeting with the employee prior to finalizing the annual review. The follow-up meeting would then take place and the employee would be asked to sign the revised review.

Rebuttal Period
If an employee disagrees with the supervisor's review, he or she may prepare a rebuttal. This rebuttal should be submitted to the supervisor no later than ten business days from the date the employee received the performance review. The employee's rebuttal should be attached to the review and both documents will be placed in the employee's personnel file.

Completing the Annual Performance and Plan Review

1. ***Performance Factors***

To complete the Annual Performance Plan and Review Form, the supervisor and employee should first review and discuss the performance factors described on the plan. Performance factors should reflect the most significant work responsibilities for the employee during the planning period under consideration.

In preparing the plan, supervisors and employees should review the Professional Skills section. Each area is available for selection through the drop-down menu - when a skill is selected, a descriptor for that skill will appear in the selected area. Supervisors will then determine if the individual "exceeds expectations," "meets expectations," or "needs improvement" in each of the selected areas. Please note that, for areas such as punctuality, an "exceeds expectations" is not appropriate since it is a basic job expectation arrive to work as assigned. Any performance factors or specific tasks listed in the drop down menu that are not currently performed and will not be performed during the review period should not be identified.

Each area listed below is available for review. An employee review may include all these areas, but should contain no less than five of the areas listed:

- Technical and Professional Expertise
- Problem Solving
- Computer Skills
- Time Management
- Written Communications
- Verbal Communication
- Initiative
- Setting High Standards
- Relationship Building
- Customer Services
- Organizational Skills
- Punctuality

Additional performance factors and tasks should be added to the employee's plan if the listed factors do not adequately represent the employee's responsibilities.

2. ***Employee Development: Duties, Projects or Goals***

The second, more specific area of the review process is the Duties, Projects or Goals section. In this section the supervisor and employee should identify duties, projects or

goals anticipated to be developed or completed during the next year. When considering an appropriate area to identify, supervisors may consider the following areas:

- Base load/ongoing work
- Time-limited assignments
- Multi-year projects with current milestones
- Special projects and assignments
- Job skills and development expectations
- Organizational skills, communication skills, and working relations
- Supervision, leadership and direction
- Reliability/punctuality (included for non-exempt classifications)

When identifying a duty, project or goal, try to be as specific as possible in the description of the item in the descriptor box. During the initial discussion regarding the performance and development plan, the employee and supervisor should discuss how the factors will be evaluated and weighted.

3. ***Measuring Performance***

Each performance factor should be an accurate reflection of the employee's performance during the past year. If there is an area where the employee has generally performed well, but has worked through a few rough patches during the year, the rating of "meets expectations" may be appropriate. However, in the comments section, any issues that occurred during the review period should be noted.

Performance on duties, projects or goals should be rated based on the individual performance of that individual during the review period. Key indicators could be:

- *Work Performed:* Quantity, quality, and effectiveness of work, including accuracy, thoroughness, and consistency; time management, meeting deadlines, and compliance with policies and rules.
- *Job Knowledge and Ability:* Job-specific knowledge, skills and abilities; problem identification, analysis, and resolution; decision making; the ability to learn, retain, and apply instructions, policies, and other information.
- *Adherence to timelines*: Were projects or other measurable items delivered in a reasonable timeframe at an acceptable level of quality?
- *Working Relationships*: When completing the project, duty or goal, did the individual work cooperatively with other members of the team or with other stakeholders?

The comment section of the review plan is extremely important for the duties, projects or goals section of the review. Comments should be made in any section where a rating has been reflected. However, managers and supervisors should place special emphasis on areas which received an "exceeds expectations" or "needs improvement" rating. If an

individual has been rated as “exceeds expectations,” list a reason why that rating was provided, cite an example that provides the employee, as well as future supervisors, with the skill or performance that led to this rating. If the employee was rated as “needs improvement,” cite reasons why this rating was provided and give clarifying guidelines on what is needed for improvement. Please keep in mind that this tool is utilized to provide feedback to an employee with the goal of ensuring that all individuals are successful in their job duties.

FEEDBACK DURING THE ANNUAL REVIEW PERIOD

Supervisors should give employees feedback about their performance on an ongoing basis. At a minimum, supervisors should discuss the performance and development plan with the employee after six months. The supervisor and employee should review the employee’s progress toward meeting his or her performance goals. This discussion also provides an opportunity for the supervisor to recognize the employee’s progress to date, as well as to offer direction where needed. Changing business conditions may warrant revising plans and objectives.

PERFORMANCE IMPROVEMENT PLANS

When an employee is experiencing difficulty in either a specific area or in overall performance, the development of a Performance Improvement Plan (PIP) may be implemented to provide the employee with guidance and clear expectations for performance improvement.

The PIP should identify areas of performance needing improvement and strategies on how that improvement could be achieved. The PIP should also identify a timeline of when performance improvement is expected to occur. Failure to demonstrate improvement either during the PIP or at the review date could result in disciplinary action up to and including the possibility of termination.

Issuance of a PIP does not in any way alter the at-will employment status, nor does the timeline for anticipated improvement imply an employment contract.

Policy Number: **3.9**

Title: **Performance Management Program**

Contact: **Human Resources Services Office, Labor and Employee Relations Unit**

Policy Statement: **The Administrative Office of the Courts (AOC) requires periodic feedback to employees regarding their job performance in an effort to best serve the judicial branch while recognizing employee achievements and contributions to the AOC.**

Contents:

(A) Employee Performance Management Program
(B) Employee Performance Management Cycle
(C) Performance Improvement Plan

(A) Employee Performance Management Program

The performance management program functions as a method to advance AOC operational objectives while recognizing employee achievements and contributions to the AOC. Managing employee performance is an ongoing communication process between a supervisor and an employee. The communication process is a cycle that includes clarifying expectations, identifying and setting goals, providing feedback, and evaluating performance. Overseeing employee performance and providing feedback is not an isolated event, rather it is an ongoing cycle that occurs throughout the year.

(B) Employee Performance Management Cycle

The employee performance management cycle consists of three phases: planning, feedback, and assessment.

Planning

Supervisors will develop an annual performance plan, using the Annual Performance Plan and Review Form [*hyperlink*], to direct employees toward achieving specific goals that support the AOC's operational objectives and the employees' professional success. At a minimum, every employee at the AOC will be evaluated on an annual basis, using the Annual Performance Plan and Review Form.

Supervisors must communicate with employees regarding their performance expectations throughout the year. Supervisors and employees should collaborate on developing performance goals and expectations. Early planning to achieve goals, together with mutual communication, pave the path to a successful working relationship.

Guidelines for Determination of the Annual Performance Plan and Setting an Assessment Meeting:

1. The date of the employee's last step increase will be the designated date for the annual assessment meeting.

2. If the employee's step increase date changes, the new step increase date will become the new evaluation and planning date.

3. If the employee's job classification changes and more than 180 days have passed since the last performance review date, the annual performance plan from the past job classification will be completed by the past supervisor and a new performance plan will be initiated by the new supervisor.

4. If the employee's job classification changes and less than 180 days have passed since the last performance review date, a new performance plan will be initiated by the new supervisor utilizing appropriate information from the past performance review plan.

5. If the employee's supervisor changes during the annual review period, but the job classification has not changed, the new supervisor will be responsible for completing the annual performance review and may consider feedback from the prior supervisor. The new supervisor shall meet with the employee to clarify expectations and may revise the performance plan to meet the needs of the employee's new assignment.

Feedback

Once the performance plan is in place, supervisors are responsible for initiating and providing periodic feedback to employees regarding their job performance. Employees may also request feedback on their performance from their supervisors at any time.

While AOC policy states that employee performance should be formally assessed once a year, it is strongly recommended that employees receive a verbal or written performance assessment and feedback on a more frequent basis. Supervisors should acknowledge employee accomplishments or address needs for improved performance as often as necessary. Feedback should be specific to reinforce positive results or provide guidance in areas that need improvement. Supervisors should utilize collaboration, coaching and feedback to ensure that employees achieve positive outcomes.

Assessment

At the end of the annual performance period, the employee's performance is measured against goals established through the Annual Performance Plan and Review Form in the prior year. This annual assessment meeting is an opportunity for supervisors to communicate with employees regarding their performance over the past year, evaluate employees' job satisfaction, and make plans for employees' performance goals.

At the conclusion of the assessment meeting, the supervisor will ask the employee to sign and date the form that summarizes the employee's performance over the prior year. The supervisor will explain to the employee that the signature acknowledges the contents of their discussion, but is not necessarily an agreement with the supervisor's assessment. Afterwards, the supervisor routes the document to office leadership for final signatures, provides a copy of the signed form to the employee, and sends a copy to the assigned Pay and Benefits Specialist for placement in the employee's personnel file.

(C) Performance Improvement Plan

An employee who is experiencing performance challenges may be placed on a Performance Improvement Plan ("PIP") [*hyperlink*] with the goal of identifying areas of improvement as well as guiding the employee to improved performance.

The PIP contents will communicate to the employee: (1) specific areas of work performance that are below expected standards, (2) a plan for improving the employee's work performance, (3) a time frame within which the employee is expected to make improvements, and (4) possible consequences should the employee fail to raise his/her performance to meet the expected standards.

The purpose of the PIP is to inform the employee that certain deficiencies have been detected and to give the employee an opportunity to correct or improve their work performance before further action is taken.

Information on Judicial Council Directives

Council Directive **29**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop an employment discipline policy to be implemented consistently across the entire AOC that provides for performance improvement plans and for the actual utilization of progressive discipline.

SEC Recommendation **7-38**

A consistent employment discipline policy must accompany the employee performance appraisal system. Section 8.1B of the AOC personnel manual discusses disciplinary action, but is inadequate. A policy that provides for performance improvement plans and for the actual utilization of progressive discipline should be developed and implemented consistently across the entire AOC.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager Curt Soderlund, Chief Administrative Officer

TASK

	PENDING
x	**COMPLETED: In July of 2013, a Performance Management program was implemented organization-wide. The performance management policy includes reference to the use of a Performance Improvement Plan to provide supervisors with a mechanism for remediating issues that they believe can be remedied.**

The AOC drafted a new performance management policy, effective July 1, 2013, which addresses the mandatory performance review of all employees on an annual basis.

In April 26, 2013, the Judicial Council approved an amendment to Judicial Council Directive 29 to remove the reference to a progressive discipline system in the Directive's language. Human Resources has clarified that, as an at-will employer, the council is not required to, nor does it routinely, practice progressive discipline like in unionized environments.

The council realizes that a method to rectify performance issues is still necessary. As such, the amended performance management policy includes reference to the use of a Performance Improvement Plan (PIP) to provide supervisors with a mechanism for remediating issues that they believe can be remedied.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED		UNABLE TO IMPLEMENT
x	IMPLEMENTED AND ONGOING		PENDING IMPLEMENTATION
	IMPLEMENTED BUT IN PROGRESS		

The use of employee discipline will be an ongoing responsibility for council managers and supervisors as they provide performance reviews and performance improvement plans as needed. The administration and maintenance of policies and procedures is an ongoing process of continuous improvement, and although

milestones can be achieved, this is an ongoing process.

ASSESSMENT OF IMPLEMENTATION

Since the implementation of the performance review program, the organization has implemented 6 performance improvement plans representing less than 1% of the 706 council employees.

OTHER INFORMATION

Human Resources will provide an update to the council at the June 2015 council meeting as it relates to the progress of the Performance Review Program and the number of related disciplinary actions.

Attachments:

- *Performance Management Process Guidelines*
- Personnel Policies and Procedures, Policy Number 3.9: Performance Management Program

JUDICIAL COUNCIL OF CALIFORNIA
Administrative Office of the Courts

PERFORMANCE MANAGEMENT PROCESS GUIDELINES

The purpose of the Performance Management Process is to support and enhance the long-term success of the organization and its employees. The process focuses on involving supervisors and employees in identifying meaningful performance expectations that support the organization's goals, recognize individuals' contributions, and foster continuous development of employees. The planning and review process is designed to facilitate communication between supervisors and employees. A sample Performance Plan and Review Form is attached to these guidelines for reference.

OVERVIEW OF THE PROCESS

The process begins by planning and defining performance expectations for the upcoming plan period. The supervisor and employee meet to develop an annual performance plan by reviewing the performance factors and expectations necessary to successfully perform the employee's job duties as stated in the job description. As further defined below, performance factors reflect the skills necessary in order to successfully perform the job. Performance factors and specific tasks should be modified to reflect the employee's particular responsibilities. Key objectives, major goals or special assignments should be identified for each performance factor.

The supervisor and employee also create a development plan by identifying action steps that the employee will take to develop and/or enhance his/her job-related knowledge, skills, and abilities. The Annual Performance Plan and Review Form shall be utilized to record the planning and performance review process.

Throughout the planning and development cycle, the supervisor and employee should meet periodically to review progress and update expectations as needed. The planning cycle ends with an overall review of results accomplished during the previous year. Each cycle should last for one year from the date of initiation. However, plans may be adjusted throughout the year to reflect accomplishments, completed projects or areas needing improvement. A Performance Improvement Plan (PIP) may be initiated at any time to identify critical areas needing immediate improvement.

It is the responsibility of the employee's supervisor, manager and office leadership to ensure that all plans and reviews are completed and submitted to the Human Resources Services Office on a timely basis.

ANNUAL PERFORMANCE PLAN AND REVIEW

Development of Initial Plan
The process begins with the development of an initial performance review plan. Plan development can occur when a new employee is hired, when a job classification changes or when an individual transfers to a new unit. The initial plan should consist of a discussion, expectation setting and the development of anticipated duties, projects or goals.

Feedback Periods
It is expected that supervisors will provide feedback to the employee during each review period. The supervisor should reinforce the positive work habits and provide constructive feedback on improving areas where further development is necessary.

Prior to Annual Review
In the month before the formal annual review, the supervisor should provide the employee with an Employee Self-Assessment form [hyperlink]. This form will allow employees to provide comments on their own performance during the past year. This is an informal document that the supervisor will consider when completing the annual review.

Annual Assessment Meeting
Within a month of each employee's annual review date, it is expected that every supervisor will meet with the employee and conduct an interactive meeting where the supervisor will conduct the Annual Review. At the conclusion of the meeting the employee will be asked to sign the review to verify that the review took place. By signing, the employee is not agreeing to the contents of the review, but that the review was conducted.

During the review meeting, if the employee provides new information that may result in modifications to the review; the supervisor may make any desired changes and schedule a follow-up meeting with the employee prior to finalizing the annual review. The follow-up meeting would then take place and the employee would be asked to sign the revised review.

Rebuttal Period
If an employee disagrees with the supervisor's review, he or she may prepare a rebuttal. This rebuttal should be submitted to the supervisor no later than ten business days from the date the employee received the performance review. The employee's rebuttal should be attached to the review and both documents will be placed in the employee's personnel file.

Completing the Annual Performance and Plan Review

1. ***Performance Factors***

To complete the Annual Performance Plan and Review Form, the supervisor and employee should first review and discuss the performance factors described on the plan. Performance factors should reflect the most significant work responsibilities for the employee during the planning period under consideration.

In preparing the plan, supervisors and employees should review the Professional Skills section. Each area is available for selection through the drop-down menu - when a skill is selected, a descriptor for that skill will appear in the selected area. Supervisors will then determine if the individual "exceeds expectations," "meets expectations," or "needs improvement" in each of the selected areas. Please note that, for areas such as punctuality, an "exceeds expectations" is not appropriate since it is a basic job expectation arrive to work as assigned. Any performance factors or specific tasks listed in the drop down menu that are not currently performed and will not be performed during the review period should not be identified.

Each area listed below is available for review. An employee review may include all these areas, but should contain no less than five of the areas listed:

- Technical and Professional Expertise
- Problem Solving
- Computer Skills
- Time Management
- Written Communications
- Verbal Communication
- Initiative
- Setting High Standards
- Relationship Building
- Customer Services
- Organizational Skills
- Punctuality

Additional performance factors and tasks should be added to the employee's plan if the listed factors do not adequately represent the employee's responsibilities.

2. ***Employee Development: Duties, Projects or Goals***

The second, more specific area of the review process is the Duties, Projects or Goals section. In this section the supervisor and employee should identify duties, projects or

goals anticipated to be developed or completed during the next year. When considering an appropriate area to identify, supervisors may consider the following areas:

- Base load/ongoing work
- Time-limited assignments
- Multi-year projects with current milestones
- Special projects and assignments
- Job skills and development expectations
- Organizational skills, communication skills, and working relations
- Supervision, leadership and direction
- Reliability/punctuality (included for non-exempt classifications)

When identifying a duty, project or goal, try to be as specific as possible in the description of the item in the descriptor box. During the initial discussion regarding the performance and development plan, the employee and supervisor should discuss how the factors will be evaluated and weighted.

3. ***Measuring Performance***

Each performance factor should be an accurate reflection of the employee's performance during the past year. If there is an area where the employee has generally performed well, but has worked through a few rough patches during the year, the rating of "meets expectations" may be appropriate. However, in the comments section, any issues that occurred during the review period should be noted.

Performance on duties, projects or goals should be rated based on the individual performance of that individual during the review period. Key indicators could be:

- *Work Performed:* Quantity, quality, and effectiveness of work, including accuracy, thoroughness, and consistency; time management, meeting deadlines, and compliance with policies and rules.
- *Job Knowledge and Ability:* Job-specific knowledge, skills and abilities; problem identification, analysis, and resolution; decision making; the ability to learn, retain, and apply instructions, policies, and other information.
- *Adherence to timelines*: Were projects or other measurable items delivered in a reasonable timeframe at an acceptable level of quality?
- *Working Relationships*: When completing the project, duty or goal, did the individual work cooperatively with other members of the team or with other stakeholders?

The comment section of the review plan is extremely important for the duties, projects or goals section of the review. Comments should be made in any section where a rating has been reflected. However, managers and supervisors should place special emphasis on areas which received an "exceeds expectations" or "needs improvement" rating. If an

individual has been rated as “exceeds expectations,” list a reason why that rating was provided, cite an example that provides the employee, as well as future supervisors, with the skill or performance that led to this rating. If the employee was rated as “needs improvement,” cite reasons why this rating was provided and give clarifying guidelines on what is needed for improvement. Please keep in mind that this tool is utilized to provide feedback to an employee with the goal of ensuring that all individuals are successful in their job duties.

FEEDBACK DURING THE ANNUAL REVIEW PERIOD

Supervisors should give employees feedback about their performance on an ongoing basis. At a minimum, supervisors should discuss the performance and development plan with the employee after six months. The supervisor and employee should review the employee’s progress toward meeting his or her performance goals. This discussion also provides an opportunity for the supervisor to recognize the employee’s progress to date, as well as to offer direction where needed. Changing business conditions may warrant revising plans and objectives.

PERFORMANCE IMPROVEMENT PLANS

When an employee is experiencing difficulty in either a specific area or in overall performance, the development of a Performance Improvement Plan (PIP) may be implemented to provide the employee with guidance and clear expectations for performance improvement.

The PIP should identify areas of performance needing improvement and strategies on how that improvement could be achieved. The PIP should also identify a timeline of when performance improvement is expected to occur. Failure to demonstrate improvement either during the PIP or at the review date could result in disciplinary action up to and including the possibility of termination.

Issuance of a PIP does not in any way alter the at-will employment status, nor does the timeline for anticipated improvement imply an employment contract.

Policy Number: **3.9**

Title: **Performance Management Program**

Contact: **Human Resources Services Office, Labor and Employee Relations Unit**

Policy Statement: **The Administrative Office of the Courts (AOC) requires periodic feedback to employees regarding their job performance in an effort to best serve the judicial branch while recognizing employee achievements and contributions to the AOC.**

Contents:

(A) Employee Performance Management Program
(B) Employee Performance Management Cycle
(C) Performance Improvement Plan

(A) Employee Performance Management Program

The performance management program functions as a method to advance AOC operational objectives while recognizing employee achievements and contributions to the AOC. Managing employee performance is an ongoing communication process between a supervisor and an employee. The communication process is a cycle that includes clarifying expectations, identifying and setting goals, providing feedback, and evaluating performance. Overseeing employee performance and providing feedback is not an isolated event, rather it is an ongoing cycle that occurs throughout the year.

(B) Employee Performance Management Cycle

The employee performance management cycle consists of three phases: planning, feedback, and assessment.

Planning

Supervisors will develop an annual performance plan, using the Annual Performance Plan and Review Form [*hyperlink*], to direct employees toward achieving specific goals that support the AOC's operational objectives and the employees' professional success. At a minimum, every employee at the AOC will be evaluated on an annual basis, using the Annual Performance Plan and Review Form.

Supervisors must communicate with employees regarding their performance expectations throughout the year. Supervisors and employees should collaborate on developing performance goals and expectations. Early planning to achieve goals, together with mutual communication, pave the path to a successful working relationship.

Guidelines for Determination of the Annual Performance Plan and Setting an Assessment Meeting:

1. The date of the employee's last step increase will be the designated date for the annual assessment meeting.

2. If the employee's step increase date changes, the new step increase date will become the new evaluation and planning date.

3. If the employee's job classification changes and more than 180 days have passed since the last performance review date, the annual performance plan from the past job classification will be completed by the past supervisor and a new performance plan will be initiated by the new supervisor.

4. If the employee's job classification changes and less than 180 days have passed since the last performance review date, a new performance plan will be initiated by the new supervisor utilizing appropriate information from the past performance review plan.

5. If the employee's supervisor changes during the annual review period, but the job classification has not changed, the new supervisor will be responsible for completing the annual performance review and may consider feedback from the prior supervisor. The new supervisor shall meet with the employee to clarify expectations and may revise the performance plan to meet the needs of the employee's new assignment.

Feedback

Once the performance plan is in place, supervisors are responsible for initiating and providing periodic feedback to employees regarding their job performance. Employees may also request feedback on their performance from their supervisors at any time.

While AOC policy states that employee performance should be formally assessed once a year, it is strongly recommended that employees receive a verbal or written performance assessment and feedback on a more frequent basis. Supervisors should acknowledge employee accomplishments or address needs for improved performance as often as necessary. Feedback should be specific to reinforce positive results or provide guidance in areas that need improvement. Supervisors should utilize collaboration, coaching and feedback to ensure that employees achieve positive outcomes.

Assessment

At the end of the annual performance period, the employee's performance is measured against goals established through the Annual Performance Plan and Review Form in the prior year. This annual assessment meeting is an opportunity for supervisors to communicate with employees regarding their performance over the past year, evaluate employees' job satisfaction, and make plans for employees' performance goals.

At the conclusion of the assessment meeting, the supervisor will ask the employee to sign and date the form that summarizes the employee's performance over the prior year. The supervisor will explain to the employee that the signature acknowledges the contents of their discussion, but is not necessarily an agreement with the supervisor's assessment. Afterwards, the supervisor routes the document to office leadership for final signatures, provides a copy of the signed form to the employee, and sends a copy to the assigned Pay and Benefits Specialist for placement in the employee's personnel file.

(C) Performance Improvement Plan

An employee who is experiencing performance challenges may be placed on a Performance Improvement Plan ("PIP") [*hyperlink*] with the goal of identifying areas of improvement as well as guiding the employee to improved performance.

The PIP contents will communicate to the employee: (1) specific areas of work performance that are below expected standards, (2) a plan for improving the employee's work performance, (3) a time frame within which the employee is expected to make improvements, and (4) possible consequences should the employee fail to raise his/her performance to meet the expected standards.

The purpose of the PIP is to inform the employee that certain deficiencies have been detected and to give the employee an opportunity to correct or improve their work performance before further action is taken.

Information on Judicial Council Directives

Council Directive **30**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to utilize the AOC's layoff process to provide management with a proactive way to deal with significant reductions in resources.

SEC Recommendation **7-39**

The AOC must utilize its layoff process to provide management with a proactive way to deal with significant reductions in resources.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager Curt Soderlund, Chief Administrative Officer

TASK

[ ] PENDING

[x] COMPLETED: **This directive was completed with the updating and implementation of the at-will policy in May 18, 2012, and staff layoff s that occurred in July 2012.**

This directive was completed with the updating and implementation of the at-will policy in May 18, 2012, and staff layoff s that occurred in July 2012.

Revising Policy 2.9 allowed the AOC to follow a structured and defined approach in implementing layoffs.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[x] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

The council will continue to analyze staffing levels and the need for layoffs as the need arises and will utilize the at-will policy and layoff policy when appropriate.

ASSESSMENT OF IMPLEMENTATION

In 2012, 40 council staff were laid off. There have been no additional layoffs since that time although staffing numbers have been reduced due to two rounds of VSIP, retirements and attrition.

OTHER INFORMATION

Attachments:

- Personnel Policies and Procedures, Policy Number 2.9: Reductions in Staffing (Layoffs) Policy, revised May 18, 2012

Policy Number: **2.9**

Title: **Reductions in Staffing (Layoffs)**

Contact: **Administrative Services Division, Human Resources Office**

Policy Statement: **The AOC may implement reductions in staffing based on nondiscriminatory business-related criteria to accomplish necessary cost savings.**

Contents:

(A) Overview
(B) Layoff Criteria and Procedures
(1) Determining Scope of Layoffs
(2) Identifying Classifications Subject to Layoff
(3) Identifying Affected Employees Within Classification
(4) Option to Apply for Vacant Essential Positions
(C) No Recall

(A) Overview

Consistent with Policy 2.8 (Personnel-Related Cost Savings Measures), the AOC may implement reductions in staffing to accomplish necessary cost savings. Reductions in staffing will be based on nondiscriminatory, business-related criteria. Before layoffs are implemented, the AOC will evaluate cost saving alternatives to attempt to avoid or minimize the need for layoffs. If, however, layoffs are deemed necessary, the following procedures will be implemented.

(B) Layoff Criteria and Procedures

(1) Determining Scope of Layoffs

In the event layoffs are necessary, the Executive Office will determine the scope of necessary reductions in staff and the allocation of those reductions across divisions. Layoffs may be implemented on an organizational basis, or in one or more divisions, units, or job classifications.

(2) Identifying Classifications Subject to Layoff

If staff reductions are required within a division, the division director, in consultation with the Human Resources Office, will identify classifications within which positions can be eliminated, reduced, or combined based on the operational needs of the AOC as determined by Judicial Council priorities. The Human Resources Office may also identify positions that may be eliminated, reduced, or combined across divisions, based on similar duties or subject matter areas.

(3) Identifying Affected Employees Within Classification

Where positions within a classification are to be eliminated, the division director, in consultation with the Human Resources Office, will evaluate the order of positions for layoff based on the operational needs of the AOC as determined by Judicial Council priorities and a combination of factors, including the affected employees':

(a) Specialized knowledge, skills, or abilities;
(b) Ability to cover multiple functions within the division;
(c) Prior work experience;
(d) Documented work performance; and
(e) Length of service with the AOC.

Length of service with the AOC will be considered when the factors listed above in (a) through (d) are essentially equal. If length of service is a factor considered, breaks in service and leaves of absences will not be considered in determining seniority, unless otherwise required by law.

The Executive Office will review and, if in agreement, approve the recommended action for any reductions in staff. Identification of employees for layoff will be in accordance with AOC policy, including Employment at Will, policy 2.1, Equal Employment Opportunity, policy 2.2, and Personnel-Related Cost Saving Measures, policy 2.8.

(4) Option to Apply for Vacant Essential Positions

The Executive Office will determine whether employees identified for layoff will be afforded the option to apply for vacant essential positions. In making that determination, the Executive Office may consider the status of judicial branch or AOC funding decisions, the need to minimize disruption of work and related inefficiencies, and any other factors that the Executive Office considers relevant. If the Executive Office determines that employees identified for layoff will be afforded the option to apply for vacant essential positions, the following steps will generally be followed.

(a) In consultation with the division director, the Human Resources Office will identify:

- Vacant positions that, if not filled, will significantly impede the division's ability to support Judicial Council priorities; and

- Of the employees identified for layoff, those employees, if any, who are qualified to fill such vacant, essential positions.

(b) Qualified affected employees will be notified of their option to elect to be considered for such vacant positions. Positions will be filled through an internal recruitment process, based on the operational needs of the AOC as determined by council priorities.

(c) Employees identified for layoff who either do not have an option for continued at-will employment or who do not indicate interest in any vacant position as instructed will be separated from employment.

(C) No Recall

Layoffs result in separation from employment with no right of recall. Employees who are laid off are eligible, however, to apply in the future for open AOC positions for which they are qualified.

Information on Judicial Council Directives

Council Directive **31**

E&P recommends that the Judicial Council direct that the Administrative Director of the Courts require the AOC leadership to develop, maintain, and support implementation of effective and efficient human resources policies and practices uniformly throughout the AOC.

SEC Recommendation **7-33**

The AOC leadership must recommit itself to developing and maintaining effective and efficient HR policies and practices. The new Administrative Director, among other priority actions, must reestablish the AOC's commitment to implement sound HR policies and practices.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager Curt Soderlund, Chief Administrative Officer

TASK

[ ] PENDING
[x] COMPLETED: **Human Resources concluded its review of the Personnel Policies and Procedures Manual in July of 2014.**

Human Resources (HR) concluded its review of the Personnel Policies and Procedures Manual in July of 2014. In conducting its review, HR focused on updating policies to reflect legislative and organizational changes to the Judicial Council since July 2011, while simultaneously addressing issues raised by related Judicial Council Directives.

All policies were reviewed within different areas of the HR. The office also received feedback from the Legal Services.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[x] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

The administration, maintenance, and implementation of uniform and sound HR policies and procedures is an ongoing process of continuous improvement, and although milestones can be achieved, this is an ongoing process.

ASSESSMENT OF IMPLEMENTATION

The Manual has been and continues to be a living document. While this review is comprehensive and is intended to be inclusive of recent changes to the organization and state/federal employment law, HR fully expects to make continuing adjustments as it relates to business needs/practices, and constantly changing legal environments while ensuring that policies remain relevant and accurate.. This has included the updating of specific policies/ and procedures (i.e., telecommute policy, performance review program, etc.).

OTHER INFORMATION

The ongoing and continuous review and oversight of implementation of consistent performance policies and procedures across the organization will continue as part of the council's annual review of the Administrative Director.

Attachments:

- *Judicial Council Personnel Policies and Procedures Manual: Summary of Changes and Additions*, January 9, 2015

Judicial Council Personnel Policies and Procedures Manual

Summary of Changes and Additions

January 9, 2015

Human Resources reviewed all policies within the new *Manual*. Each change is outlined below; some edits were minor and consisted of changes to a specific office name, while other edits were comprehensive and included significant changes to the policy.

All policies have been modified to reflect the reorganizational change in office names and eliminating the use of Administrative Office of the Courts.

Policy	Title	Changes
	Forward	This section has been modified to reflect recent efforts to update the new *Manual*.
1.1	Introduction	The changes within this policy expand upon the current policy statement.
2.2	Equal Employment Opportunity	The term "unlawfully" was removed to demonstrate that the Judicial Council does not engage in any type of discrimination. Discrimination based on sex was also expanded to include breastfeeding. Gender identity and expression are also included under that definition based on Gov. Code 12926(r)(2). Military and veteran statuses are added by AB 556. Section B, last paragraph, was added by Legal Services per SB 400 (amends Labor Code 230).
2.3	Policy Against Harassment	The purpose of the policy has been modified to reflect the various types of harassment and now incorporates harassment based on race, color, religious creed, and sex, and can also include breastfeeding. Additionally, Human Resources (HR) has added language to specify available avenues for reporting conduct that conflicts with policy.
2.4	Safety Policy and Workplace Violence Prevention	The policy now states that employees will be required to participate in job-specific health and safety training. Security risks should continue to be reported to the Court Operations Services or HR depending on the nature of the threat.
2.5	Fitness for Duty	Section C has been expanded to incorporate travel to and from the examination location, and allows employees to receive paid time off for the duration of the exam and related travel time.
3.1	Hiring	Section A (4) has been updated to incorporate language that

		requires HR to conduct all internal and external reference checks before an offer of employment is made. Furthermore, for internal recruitments, the applicant's current Judicial Council supervisor must be contacted for the reference prior to offers of employment.
3.2	Background Investigation Policy	Section D, effective 7/1/14, Labor Code sec. 432.9 prohibits employers from asking applications to disclose convictions until determined that applicants meet MQs. Effective 1/1/14, Labor Cobe 432.7 prohibits asking applicants to disclose convictions that have been judicially dismissed or ordered sealed (HRs form has been updated to reflect this change).
3.3	Job Categories	For clarity, the term "temporary" has been replaced by "limited term" to minimize confusion with "temporary agency workers." Human Resources has also eliminated the reference to the Director's Intern classification as it is no longer exists. The policy also formally acknowledges the use of temporary agency workers for limited periods of time and provides the Chief Administrative Officer with the ability to grant exceptions to the limited time duration for extenuating circumstances.
3.4	Classification Management Program	The changes to this policy stress the importance of consulting with the Classification & Compensation unit before proposing any changes to classifications.
3.5	Out-of-Class Assignments	The changes to this policy further emphasize that requests for an out-of-class assignment must be made through submission of a Personnel Action Request (PAR) form. Section D now includes a statement that the Chief Administrative Officer has the sole authority to extend out-of-class assignments past the 120-day limit. The following section was also added: If an employee is promoted into their out-of-class assignment, the current out-of-class salary will be retained and the anniversary date will be the date of promotion in accordance with Salary Administration, Policy 4.3(E), Salary Adjustment on Promotion.
3.6	Promotions and Transfers	Adds a statement in 3.6 (C) stating that internal reference checks must be coordinated by Human Resources before a promotion or transfer is approved to a new office or unit.
3.7	Training and Development Assignments	The changes to this policy further emphasize that requests for a training and development assignment must be made through submission of a Personnel Action Request (PAR) form.

		Section D of the policy now restates the language to minimize confusion regarding the assignment and classification, salary, and anniversary dates. Additionally, the policy now provides guidance and expectations for managers who wish to place an employee on a training and development assignment. Periodic training and development progress reports are also mandatory.
3.8	Minimum Education Requirements	Employees who participate in approved training offered by a provider other than the Judicial Council may be eligible for reimbursement of training costs or travel costs if approved in advance by the employee's supervisor AND office leadership.
3.9	Performance Management Program	This policy now incorporates a mandatory annual review for all Judicial Council employees and the use of a performance improvement plan, as needed.
3.10	Separation from Employment	The Chief Administrative Officer is now considered the approving authority for requests from employees who wish to file for reinstatement if they are terminated as a result of a failure to report to work or return from leave. Section C of the policy has been updated to reflect a requirement to notify the Labor and Employee Relations Unit of all scheduled separations.
3.11	Reinstatement	Similar to Policy 3.10, the Chief Administrative Officer is now considered the approving authority for requests from employees who wish to file for reinstatement under any circumstances. Section B of the policy further limits the use of retired annuitants as defined by CalPERS; retired annuitants must be serving in a temporary or specialized area and must be retired for more than 180 calendar days before beginning employment as a retired annuitant.
4.1	Salary Structure	The policy now states that the Chief of Staff and the Chief Administrative Officer must approve all requests for a change to a particular salary range.
4.2	Geographic Salary Differentials	The third to last paragraph in Section B has been added to notify offices at the beginning of each fiscal year that HR will collect the following data: regular work hours, primary work location, and when applicable, multiple work location schedules. The last paragraph in Section B of the policy has been modified to be consistent in the language used in the second paragraph.

		If the temporary assignment results in a pay decrease, as a result of a change to the employee's primary work location, then these requests must be approved by the Chief Administrative Officer. A new section was also added: All PARs requesting a primary work location change must include the business justification for the change. Justifications must explain how the planned work location change will improve service delivery to judicial branch entities as well as any cost implications (e.g., leased office space). All PARs must be approved by the Chief Administrative Officer prior to any actual change in primary work location.
4.3	Salary Administration	The policy now states that all requests for salary offers above the minimum of the range must be requested by office leadership for approval by the Chief Administrative Officer or designee. The Chief Administrative Officer will make the final determination of the salary level for each individual request based on the criteria in this section. Furthermore, if a step increase is denied or deferred, the Pay and Benefits Administration Unit must be immediately notified in writing of the decision not to grant the step increase. If the step increase is deferred, the supervisor of the affected employee may grant the deferred step increase at a date not to exceed 12 months from the original step increase review date.
4.4	Hours of Work (Exempt and Nonexempt)	Section A of the policy now requires the Chief Administrative Officer to approve any regular work schedule starting earlier than 7 a.m. or later than 9 a.m. It also requires offices to maintain a current record of every employee's approved work schedule and to submit to HR. Offices should also submit any updates to HR if a change is made to an employee's schedule. Section B of the policy now states that employees must also obtain approval from their supervisor for all planned absences--either for a full or up to half-day duration. Section C has additional language to clarify that full-time, nonexempt employees are expected to <u>be assigned to</u> 40 hours per week. Section C (1) of the policy now states that direct supervisors or managers, in lieu of office leadership, can approve overtime work.

		Office leadership, however, should verify all overtime submitted within their office. The changes to the policy also state that, once employees reach the 120-hour CTO threshold, they may no longer elect CTO as compensation for overtime until their CTO hours fall back below the threshold. Section C (3) (a) of the policy now states that for employees with more than one regular work location, the regular commute to and from a regularly assigned work location is not considered work time.
5.1	Holidays	Section B (4) of the policy correctly eliminates use of the term "transfer," in the context of reciprocity, when an employee leaves the Judicial Council and becomes employed by a state or judicial branch entity or vice versa.
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5.5	Catastrophic Leave Program	The various changes within the policy emphasize the fact that donors, under the Catastrophic Leave Program, keep their leave credits until is it needed by the recipient.
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6.8	Group Legal Services Plan	References to the Department of Personnel Administration were updated to reflect the agency's new name, the California Department of Human Resources.
6.9	Savings Plus Program	References to the Department of Personnel Administration were updated to reflect the agency's new name, the California Department of Human Resources. The website to the Savings Plus Program has been updated to reflect the new program administrator, AON Hewitt.
6.10	CalPERS Retirement Benefits	Various sections of the policy have been updated to minimize any conflict with pension reform legislation that took effect January 1, 2013. Section A of the policy now includes the language with a link to consult with your Pay and Benefits Specialist for employees who are uncertain of retirement contribution level.
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6.12	Reimbursement for Professional Licenses and Associations	The policy now states that California State Bar membership fees will be paid by the Judicial Council if bar admission is a requirement of an employee's job, as stated in the job classification specification, OR the employee's job description as approved by the Director of the Human Resources. Section B of the policy further states that the $100 reimbursement

		of membership dues may be used for California State Bar section membership, but not applied toward California bar dues.
6.14	Training and Tuition Reimbursement	Section E of the policy now states that the Chief Administrative Officer has the sole authority to waive repayment of reimbursements for a single non job-requiring training event or course if an employee separates from the Judicial Council within two years of the event.
7.1	Personnel Records and Information	Section A of the policy now specifies that employee personnel files are available to current employees, former employees, and individuals who are authorized in writing by the employee to inspect or receive a copy of the authorizing employee's file.
8.1	Standards of Conduct	Section A now stresses that employees are also expected to conduct themselves in a manner consistent with the Code of Ethics for the Court Employees of California. Section B of the policy further expands upon the definition of disciplinary action.
8.2	Incompatible Activities	Section A of the policy now contains a reference to the Code of Ethics for the Court Employees of California. Section B of the policy now outlines the process for Judicial Council employees who wish to participate in charitable campaigns.
8.4	Work Attire	This policy has been completely revised to reflect standards of work attire for all Judicial Council employees. Examples of acceptable attire were not provided based on the recommendations of Legal Services. However, examples of inappropriate attire were provided based on the Society for Human Resources Management (SHRM) recommended policy.
8.9	Working Remotely (Telecommuting) Program	This policy now incorporates all suggested program changes as discussed in the March 2014 Judicial Council meeting.
9.1	Open Door Policy and Internal Complaint Review Process	This policy now defines the three-member Judicial Council Internal Complaint Review Committee as consisting of members of the Management Council and the Chief Administrative Officer.
9.2	Discrimination, Harassment, and Retaliation Complaint Resolution	Section D of policy now stresses that the report is given to Legal Services and Human Resources and not the requestor.

	Policy	
9.3	Whistleblower Policy and Protection From Retaliation	The policy has been updated to incorporate Labor Code, § 1102.5 et seq. and further states that the State Attorney General is authorized to receive calls from persons who have information regarding...noncompliance with local, state, or federal rules.

Information on Judicial Council Directives

Council Directive **32**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts that a gradual, prioritized review of all HR policies and practices, including all those incorporated in the AOC Personnel Policies and Procedures Manual, should be undertaken to ensure they are appropriate and are being applied effectively and consistently throughout the AOC.

SEC Recommendation **7-41**

A gradual, prioritized review of all HR policies and practices, including all those incorporated in the AOC personnel manual should be undertaken to ensure they are appropriate and are being applied effectively and consistently throughout the AOC.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager Curt Soderlund, Chief Administrative Officer

TASK

[ ] PENDING
[x] COMPLETED: **Human Resources concluded its review of the Personnel Policies and Procedures Manual in July of 2014.**

Human Resources (HR) concluded its review of the Personnel Policies and Procedures Manual in July of 2014. In conducting its review, HR focused on updating policies to reflect legislative and organizational changes to the Judicial Council since July 2011, while simultaneously addressing issues raised by related Judicial Council Directives.

All policies were reviewed within different areas of the HR. The office also received feedback from the Legal Services.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[x] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

The administration, maintenance, and implementation of uniform and sound HR policies and procedures is an ongoing process of continuous improvement, and although milestones can be achieved, this is an ongoing process.

ASSESSMENT OF IMPLEMENTATION

The Manual has been and continues to be a living document. While this review is comprehensive and is intended to be inclusive of recent changes to the organization and state/federal employment law, HR fully expects to make continuing adjustments as it relates to business needs/practices, and constantly changing legal environments while ensuring that policies remain relevant and accurate. This has included the updating of specific policies/ and procedures (i.e., telecommute policy, performance review program, etc.).

OTHER INFORMATION

The ongoing and continuous review and oversight of implementation of consistent performance policies and procedures across the organization will continue as part of the council's annual review of the Administrative Director.

Attachments:

- *Judicial Council Personnel Policies and Procedures Manual: Summary of Changes and Additions*, January 9, 2015

Judicial Council Personnel Policies and Procedures Manual

Summary of Changes and Additions

January 9, 2015

Human Resources reviewed all policies within the new *Manual*. Each change is outlined below; some edits were minor and consisted of changes to a specific office name, while other edits were comprehensive and included significant changes to the policy.

All policies have been modified to reflect the reorganizational change in office names and eliminating the use of Administrative Office of the Courts.

Policy	Title	Changes
	Forward	This section has been modified to reflect recent efforts to update the new *Manual*.
1.1	Introduction	The changes within this policy expand upon the current policy statement.
2.2	Equal Employment Opportunity	The term "unlawfully" was removed to demonstrate that the Judicial Council does not engage in any type of discrimination. Discrimination based on sex was also expanded to include breastfeeding. Gender identity and expression are also included under that definition based on Gov. Code 12926(r)(2). Military and veteran statuses are added by AB 556. Section B, last paragraph, was added by Legal Services per SB 400 (amends Labor Code 230).
2.3	Policy Against Harassment	The purpose of the policy has been modified to reflect the various types of harassment and now incorporates harassment based on race, color, religious creed, and sex, and can also include breastfeeding. Additionally, Human Resources (HR) has added language to specify available avenues for reporting conduct that conflicts with policy.
2.4	Safety Policy and Workplace Violence Prevention	The policy now states that employees will be required to participate in job-specific health and safety training. Security risks should continue to be reported to the Court Operations Services or HR depending on the nature of the threat.
2.5	Fitness for Duty	Section C has been expanded to incorporate travel to and from the examination location, and allows employees to receive paid time off for the duration of the exam and related travel time.
3.1	Hiring	Section A (4) has been updated to incorporate language that

		requires HR to conduct all internal and external reference checks before an offer of employment is made. Furthermore, for internal recruitments, the applicant's current Judicial Council supervisor must be contacted for the reference prior to offers of employment.
3.2	Background Investigation Policy	Section D, effective 7/1/14, Labor Code sec. 432.9 prohibits employers from asking applications to disclose convictions until determined that applicants meet MQs. Effective 1/1/14, Labor Cobe 432.7 prohibits asking applicants to disclose convictions that have been judicially dismissed or ordered sealed (HRs form has been updated to reflect this change).
3.3	Job Categories	For clarity, the term "temporary" has been replaced by "limited term" to minimize confusion with "temporary agency workers." Human Resources has also eliminated the reference to the Director's Intern classification as it is no longer exists. The policy also formally acknowledges the use of temporary agency workers for limited periods of time and provides the Chief Administrative Officer with the ability to grant exceptions to the limited time duration for extenuating circumstances.
3.4	Classification Management Program	The changes to this policy stress the importance of consulting with the Classification & Compensation unit before proposing any changes to classifications.
3.5	Out-of-Class Assignments	The changes to this policy further emphasize that requests for an out-of-class assignment must be made through submission of a Personnel Action Request (PAR) form. Section D now includes a statement that the Chief Administrative Officer has the sole authority to extend out-of-class assignments past the 120-day limit. The following section was also added: If an employee is promoted into their out-of-class assignment, the current out-of-class salary will be retained and the anniversary date will be the date of promotion in accordance with Salary Administration, Policy 4.3(E), Salary Adjustment on Promotion.
3.6	Promotions and Transfers	Adds a statement in 3.6 (C) stating that internal reference checks must be coordinated by Human Resources before a promotion or transfer is approved to a new office or unit.
3.7	Training and Development Assignments	The changes to this policy further emphasize that requests for a training and development assignment must be made through submission of a Personnel Action Request (PAR) form.

		Section D of the policy now restates the language to minimize confusion regarding the assignment and classification, salary, and anniversary dates. Additionally, the policy now provides guidance and expectations for managers who wish to place an employee on a training and development assignment. Periodic training and development progress reports are also mandatory.
3.8	Minimum Education Requirements	Employees who participate in approved training offered by a provider other than the Judicial Council may be eligible for reimbursement of training costs or travel costs if approved in advance by the employee's supervisor AND office leadership.
3.9	Performance Management Program	This policy now incorporates a mandatory annual review for all Judicial Council employees and the use of a performance improvement plan, as needed.
3.10	Separation from Employment	The Chief Administrative Officer is now considered the approving authority for requests from employees who wish to file for reinstatement if they are terminated as a result of a failure to report to work or return from leave. Section C of the policy has been updated to reflect a requirement to notify the Labor and Employee Relations Unit of all scheduled separations.
3.11	Reinstatement	Similar to Policy 3.10, the Chief Administrative Officer is now considered the approving authority for requests from employees who wish to file for reinstatement under any circumstances. Section B of the policy further limits the use of retired annuitants as defined by CalPERS; retired annuitants must be serving in a temporary or specialized area and must be retired for more than 180 calendar days before beginning employment as a retired annuitant.
4.1	Salary Structure	The policy now states that the Chief of Staff and the Chief Administrative Officer must approve all requests for a change to a particular salary range.
4.2	Geographic Salary Differentials	The third to last paragraph in Section B has been added to notify offices at the beginning of each fiscal year that HR will collect the following data: regular work hours, primary work location, and when applicable, multiple work location schedules. The last paragraph in Section B of the policy has been modified to be consistent in the language used in the second paragraph.

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8.1	Standards of Conduct	Section A now stresses that employees are also expected to conduct themselves in a manner consistent with the Code of Ethics for the Court Employees of California. Section B of the policy further expands upon the definition of disciplinary action.
8.2	Incompatible Activities	Section A of the policy now contains a reference to the Code of Ethics for the Court Employees of California. Section B of the policy now outlines the process for Judicial Council employees who wish to participate in charitable campaigns.
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	Policy	
9.3	Whistleblower Policy and Protection From Retaliation	The policy has been updated to incorporate Labor Code, § 1102.5 et seq. and further states that the State Attorney General is authorized to receive calls from persons who have information regarding...noncompliance with local, state, or federal rules.

Information on Judicial Council Directives

Council Directive **33**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report back on the budget and fiscal management measures implemented by the AOC to ensure that the AOC's fiscal and budget processes are transparent.

The Administrative Director of the Courts should develop and make public a description of the AOC fiscal and budget process, including a calendar clearly describing how and when fiscal and budget decisions are made. The AOC should produce a comprehensive, publicly available midyear budget report, including budget projections for the remainder of the fiscal year and anticipated resource issues for the coming year.

SEC Recommendation **6-7**

The AOC's fiscal and budget processes must be transparent. The Executive Leadership Team should require the Fiscal Services Office to immediately develop and make public a description of the fiscal and budget process, including a calendar clearly describing how and when fiscal and budget decisions are made. The Fiscal Services Office should be required to produce a comprehensive, publicly available midyear budget report, including budget projections for the remainder of the fiscal year and anticipated resource issues for the coming year. The Chief Administrative Officer should be given lead responsibility for developing and implementing an entirely new approach to fiscal processes and fiscal information for the AOC.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

[x] **PENDING: Although various improvements to the Judicial Council's budgeting process have been implemented, additional improvements are still being developed.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**

[ ] **IMPLEMENTED AND ONGOING**

[ ] **IMPLEMENTED BUT IN PROGRESS**

[ ] **UNABLE TO IMPLEMENT**

[x] **PENDING IMPLEMENTATION**

The JCC Finance Office has already implemented various improvements to the JCC's budgeting process, but additional improvements are still being developed. JCC staff are also working to implement other fiscal and budget processes, such as improved budget & allocation reports and developing enhanced training options for division/office budget liaisons. As part of this process, the Finance Office staff will confer with other state entities on their respective practices. In addition, the Finance Office will build upon the DOF annual budget development calendar to more fully document the JCC fiscal and budget processes.

A budget process survey was distributed to 23 executive branch departments as a tool to gather information regarding their internal budget and fiscal processes. A total of 16 departments/agencies responded to the survey including 7 which utilize CALSTARS. JCC Finance Office will review, evaluate and summarize the survey results and also develop recommendations for improvements that can be made to JCC processes. We expect this phase of the

process will take until the June 2014 reporting period to be completed.

Staff progress has been delayed due to workload associated with the audit of the Judicial Council authorized by the Joint Legislative Audit Committee and conducted by the California State Auditor. Additionally, process and schedule changes related to Department of Finance's implementation of the Financial Information System for California (also known as FI$CAL) have contributed to the delay.

Given that the California State Auditor's JCC (AOC) Audit Report includes findings and recommendations related to internal budget processes, additional time is necessary for staff to compare and consolidate the SEC and CSA recommendations, which along with the budget survey responses, will provide the basis for defining the budget process and development of the budget calendar.

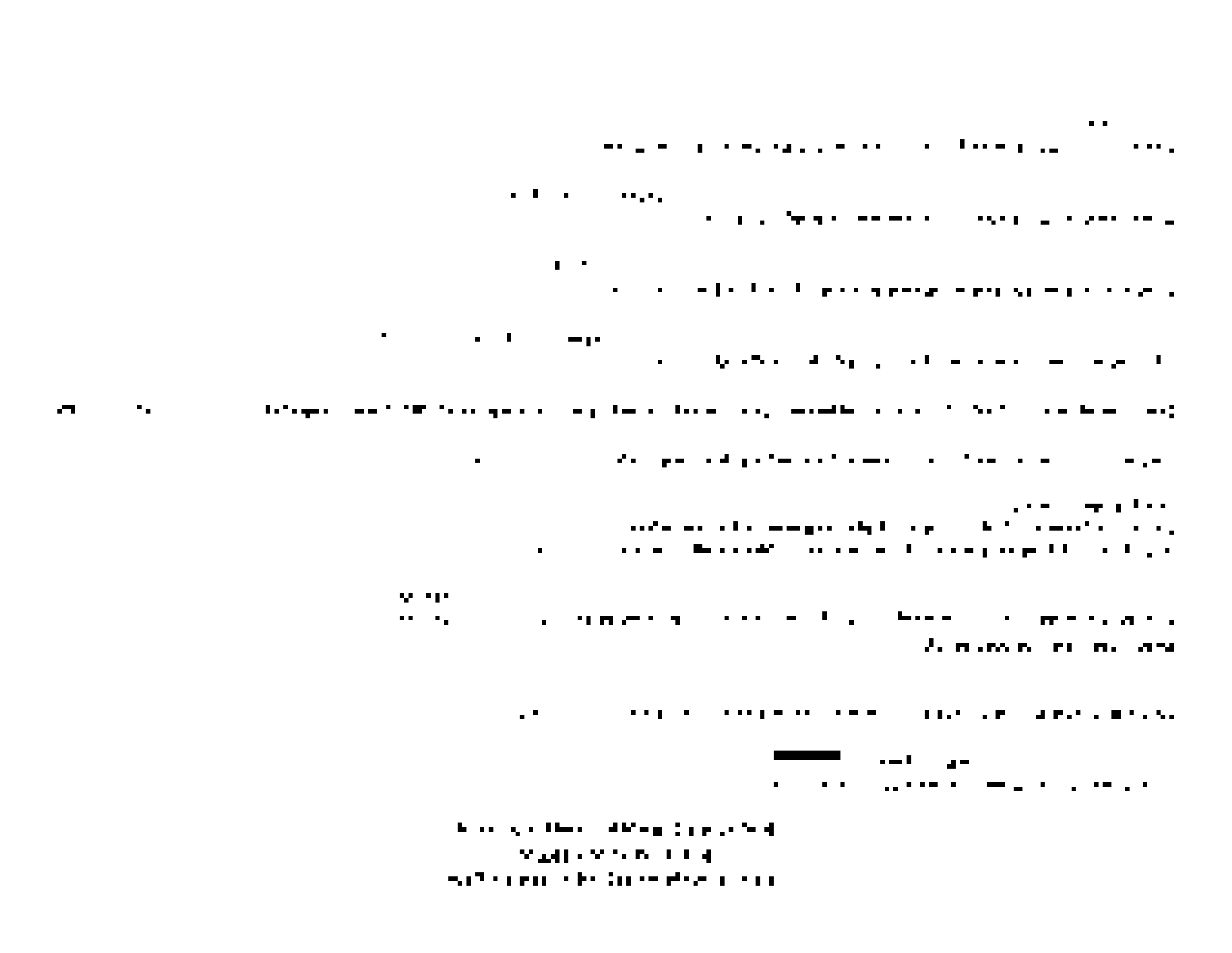
A final report will be given to council at the January 2016 meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- Fiscal and Budget Process Survey
- Budget Development Calendar



Budget Development Calendar

February - June	BCP concepts developed and prepared for submission to Judicial Council for the entire Branch
April, mid-month	DOF issues technical budget instructions
June-August	Issues presented to Accountability and Efficiency Committee for any JCC BCP concepts that may be presented to the JC
June-August	Issues presented to Accountability and Efficiency Committee for an JCC BCP concepts
June- August	JC reviews and votes on which BCPs are to be submitted to DOF
July, mid	DOF issues budget policy letter
September to early October	Departments submit baseline budgets to DOF
September, 2nd week	Departments submit Budget Change Proposals to DOF
September, mid-October	DOF budget staff hold budget discussions and meetings with departments
September-November	Branch leadership and JCC staff work with DOF in advocating for Branch BCPs
October	DOF Program Budget Managers hold budget hearings with departments, as needed
September-November	BCP concepts developed and prepared for submission to Judicial Council for the entire Branch for consideration for the spring Finance Letter process
	Issues presented to Accountability and Efficiency Committee for any JCC BCP concepts that may be presented to the JC
	Issues presented to Accountability and Efficiency Committee for an JCC BCP concepts
	JC reviews and votes on which BCPs are to be submitted to DOF
November, early to mid	Director of Finance holds budget hearings with departments, as needed

November-December	Chief Justice meets with Governor regarding Branch budget issues
December, 2nd week	Director briefs Governor on updated General Fund revenues and expenditures, and preliminary status of budget for current and budget years
December, mid	Governor holds budget meetings and makes decisions
January 10	Governor's Budget and Budget Bill submitted to the Legislature
February 1	DOF provides to the Legislature Budget Trailer Bills
February, early	Branch submit non-May Revision Finance Letter requests to DOF
February, third week	Legislative Analyst Office releases the Analysis of the Budget Bill and Perspectives and Issues
February, late, to mid-March	DOF budget staff discuss Finance Letter requests and meet with departments
February to late-May	Legislative Budget Subcommittees hold budget hearings
March	DOF holds Finance Letter Hearings with departments, as needed
April 1	DOF submits non-May Revision and non-Capital Outlay Finance Letters
April	DOF budget staff analyze May Revision requests and meet with departments
April, late, to early May	DOF Program Budget Managers, Director of Finance and Governor, hold May Revision hearings/meetings with departments, as needed
May	DOF submits Capital Outlay Finance Letters
May 14	DOF submits May Revision update of General Fund revenues and expenditures
May, late, early June	Budget Subcommittees report; Budget Bills sent to the Floors
June, early to mid	Budget Conference Committee meets; Budget Bills sent to Floors

June 15	Constitutional deadline for Legislature to pass Budget Bill
June, mid to late	Governor decides Budget Bill vetoes and signs Budget Act & Trailer Bills
July 1	State's fiscal year begins

Information on Judicial Council Directives

Council Directive **34**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that all fiscal information must come from one source within the AOC, and that single source should be what is currently known as the Finance Division.

SEC Recommendation **8-1**

All fiscal information must come from one source within the AOC, and that single source should be what is currently known as the Finance Division (to become the Fiscal Services Office under the recommendations in this report).

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

[ ] **PENDING**

[x] **COMPLETED: All requests for fiscal information to the Judicial Council are coordinated in conjunction with the Finance office in collaboration with supporting council offices and divisions.**

As was reported in October 2012, all requests for fiscal information--whether from the media, those that fall under CRC 10.500, legislative or executive branch entities, representatives from within the branch, are coordinated in conjunction with the Judicial Council Finance office, which in turn collaborates with any supporting office(s) and division(s). Periodic updates will be occurring to ensure all council offices continue to coordinate effectively with fiscal staff.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**

[x] **IMPLEMENTED AND ONGOING**

[ ] **IMPLEMENTED BUT IN PROGRESS**

[ ] **UNABLE TO IMPLEMENT**

[ ] **PENDING IMPLEMENTATION**

All requests for fiscal information--whether from the media, those that fall under CRC 10.500, legislative or executive branch entities, representatives from within the branch, will continue to be coordinated in conjunction with the Judicial Council Finance office on an ongoing basis.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **35**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that budget and fiscal tracking systems be in place so that timely and accurate information on resources available and expenditures to date are readily available.

SEC Recommendation **8-2**

Tracking systems need to be in place so that timely and accurate information on resources available and expenditures to date are readily available. Managers need this information so they do not spend beyond their allotments.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

[ ] **PENDING**

[x] **COMPLETED: Finance has implemented targeted improvements to budget and fiscal tracking systems and provides standard fiscal reports for Judicial Council offices and divisions.**

Budget expenditure information is readily available via the Oracle financial system to Judicial Council management team members and division/office budget liaisons. Finance staff has worked to develop enhanced budget training to ensure budget liaisons are familiar with available budget tools.

Targeted improvements to budget and fiscal tracking systems include actions such as:

- Budget staff will no longer "zero out" the remaining budget when preparing the monthly Position Services Report (PSR).
- Budget staff will not automatically move salary savings for vacant positions to the unallocated line item in the office's budget; the funding will remain in the PSR and may be moved at the request of the office.
- Vacant positions are budgeted at mid-step salary (the prior process did not budget for vacant positions until filled).

The FSO has standard fiscal reports available online for each division and office of the council by the 4th workday of each month. Standard reports include:

- Budget By Account Summary
- Unliquidated Encumbrances
- Expenditures by Line Item.

These reports have been available on this timeline since 1996-97. Report access is granted to the employee/s in the division/office/unit designated by management for dissemination within the division/office/unit. These reports are also available online for the Supreme Court and Courts of Appeal on the same timeline.

In addition to existing and enhanced tools, the Fiscal Services Office will confer with state departments to obtain feedback regarding the budget and fiscal tracking systems they have in place to determine what, if any, would provide value if incorporated into current practices.

An update was provided to the Judicial Council at the February 2013 meeting and will be provided annually thereafter upon release of the Governor's proposed budget.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

☐	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	☐	UNABLE TO IMPLEMENT
x	IMPLEMENTED AND ONGOING	☐	PENDING IMPLEMENTATION
☐	IMPLEMENTED BUT IN PROGRESS		

It should be recognized that the administration and maintenance of policies and procedures is an ongoing process of continuous improvement, and although milestones can be achieved, this is an ongoing process.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- Budget By Account Summary Report sample
- Expenditure by Line Item Report sample
- Unliquidated Encumbrances Report sample

Information on Judicial Council Directives

Council Directive **36**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that budget and fiscal information displays be streamlined and simplified so they are clearly understandable.

SEC Recommendation **8-3**

Information displays need to be streamlined and simplified so they are clearly understandable.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

[x] **PENDING: Council staff is evaluating options to more clearly display the council's budget to stakeholders and the public, and to prepare a high-level summary of how the budget relates to the appropriations from the State budget.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

As reported in June of 2013, the Judicial Council is subject to the same informational requirements and timeline dictated by the Department of Finance relative to the state budget development process and related fiscal reporting process. Information about branch revenues, expenditures, and position information submitted to the Department of Finance in conjunction with these processes is posted on the California Courts website for easy reference. More technically complex documents, such as fund condition statements, are published in conjunction with the release of the Governor's proposed budget each January—also available online. In addition, the following standardized Oracle financial reports are available online each month by the 4th workday:

- Budget By Account Summary
- Unliquidated Encumbrances
- Expenditures by Line Item

These reports are simple and easy to read and have been provided monthly since 1996-97.

It is worthy to note that the branch's budget, to include the Judicial Council's, is extremely complex and is comprised of numerous funds supported by state funds, federal funds, and local revenues. Many programs and projects administered by the council are supported by multiple fund sources, some of which aren't provided or otherwise available in conjunction with the annual state budget. As a result, branch fiscal information is inherently convoluted and oftentimes presents significant challenges to communicate or display in s simplified manner so that it's "clearly understandable".

This issue of ensuring that budget and fiscal information displays are streamlined and simplified so they are clearly understandable was also identified the January 2015 report of the California State Auditor who recommended that the Judicial Council should require council Finance staff to report its budget in a more understandable and transparent manner, and in a manner that readily allows stakeholders and the public to know the full amount of the council's spending. Further, the State Auditor recommended that the council prepare and make public a high-level summary of how the judicial branch's budget relates to the appropriations from the State's budget.

Working with the Trial Court Budget Advisory Committee, and in consultation with the Department of Finance, council staff is evaluating options to more clearly display the council's budget to stakeholders and the public, and to prepare a high-level summary of how the budget relates to the appropriations from the State budget. It is anticipated that activities in response to the State Auditor's recommendation will be fully implemented in the first quarter of 2016.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- Budget By Account Summary Report sample
- Expenditure by Line Item Report sample
- Unliquidated Encumbrances Report sample

Information on Judicial Council Directives

Council Directive **37**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that the Finance Division track appropriations and expenditures by fund, and keep a historical record of both so that easy year-to-year comparisons can be made. This can be done by unit, division, or by program, whichever provides the most informed and accurate picture of the budget.

SEC Recommendation **8-4**

The Finance Division (Fiscal Services Office) should track appropriations and expenditures by fund, and keep a historical record of both so that easy year-to-year comparisons can be made. This can be done by unit, division or by program — whichever provides the audience with the most informed and accurate picture of the budget.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

[x] **PENDING: Finance is currently working on developing a special budget display tied to the State's Schedule 7A (Salaries and Wage Supplement) that will display budget information by fund, by position, and by office.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

The Judicial Council's Finance office currently tracks appropriations and expenditures by fund. As required by Department of Finance and to comply with State of California Legal Basis Accounting, the Oracle financial system maintains all of this information dating back to 1996-97. Additionally, the Judicial Branch display in the annual Governor's Budget and supporting schedules provide appropriations and expenditures by fund.

Additionally, Finance conducts regular reviews of budget and expenditure information to ensure divisions/offices are functioning within available resources. This includes monthly budget forecasting for the remainder of the fiscal year as well as year-end planning activities. Finance also provides these budget support services to the Supreme Court, Courts of Appeal, and the Habeas Corpus Resource Center.

Finally, after the end of this fiscal year, Finance reviews existing reports and develop a standard year-end summary to facilitate comparative year-to-year funding changes.

Finance is currently working on developing a special budget display that will organize budget information by fund, by position, and by office. This display will be tied to the Schedule 7A as well as including contractor positions - a summary version of the State Controller's Office detailed Schedule 8 position listing for each department. The information reflected in this schedule is the basis for the "Salaries and Wages Supplement" displayed on the

Department of Finance website. It is anticipated that the new budget display will be available the first quarter of 2016 when the Governor's Budget is released.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **38**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that expenditures be split into those for state operations and local assistance (funds that go to the trial courts) so it is clear which entity benefits from the resources. State operations figures must be further broken down as support for the Supreme Court and Appellate Courts. The AOC should adopt the methodology of distributing the administrative costs among programs.

SEC Recommendation **8-5**

Expenditures should be split into those for state operations and local assistance (funds that go to the trial courts) so it is clear which entity benefits from the resources. State operations figures should be further broken down as support for the Supreme Court and Appellate Courts. In most state departments, administrative costs are distributed among programs. The AOC should adopt this methodology.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

[x] **PENDING: Finance will be evaluating methodologies employed by other state-funded entities and working with Department of Finance to identify options that would provide greater clarity between state operations and local assistance expenditures.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

The JCC Finance Office does track expenditures split into those for state operations and local assistance. Local assistance expenditures are tracked by trial court (if an individual trial court directly benefited) and state-wide (for expenditures that benefits more than one trial court). State operations expenditure tracking is further broken down by the program and entity specified in each year's Budget Act.

With respect to the distribution of administrative costs, JCC Finance Office staff will be evaluating methodologies employed by other state-funded entities to determine which method should be applied at the JCC.

A budget process survey was distributed to 23 executive branch departments as a tool to gather information regarding their internal budget and fiscal processes. A total of 16 departments/agencies responded to the survey including 7 which utilize CALSTARS. JCC Finance Office staff will review, evaluate and summarize the survey results and also develop recommendations for improvements that can be made to JCC processes. We expect this phase of the process will take until the June 2014 reporting period to be completed.

Staff progress has been delayed due to workload associated with the audit of the Judicial Council authorized by the Joint Legislative Audit Committee and conducted by the California State Auditor. Additionally, process and schedule changes related to Department of Finance's implementation of the Financial Information System for California (also known as FI$CAL) have contributed to the delay.

Given that the California State Auditor's JCC (AOC) Audit Report includes findings and recommendations related to internal budget processes, additional time is necessary for staff to compare and consolidate the SEC and CSA recommendations, which along with the budget survey responses, will provide the basis for defining the budget process and development of the budget calendar. The JCC Finance Office met with Department of Finance In February 2015 as part of ongoing efforts to identify options that would provide greater clarity between state operations and local assistance expenditures.

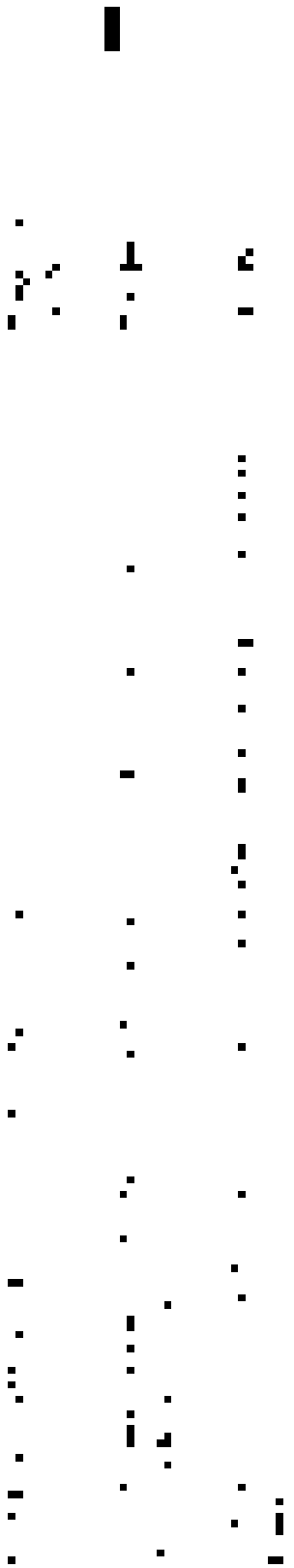
A final report will be given to council at the April 2016 meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- Distributed Administration Draft Survey



Information on Judicial Council Directives

Council Directive **39**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that the AOC schedule its budget development and budget administration around the time frames used by all state entities.

SEC Recommendation **8-6**

The AOC should schedule its budget development and budget administration around the time frames used by all state entities. Assuming the budget for any fiscal year is enacted by July 1, the AOC should immediately allocate its budgeted resources by fund among programs, divisions, units.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

[ ] **PENDING:**

[X] **COMPLETED: THE JUDICIAL COUNCIL CONTINUES TO BE INCOMPLIANCE WITH STATE BUDGET TIMELINES. COUNCIL STAFF CONTINUE TO MONITOR THE PROCESS TO IDENTIFY AREAS FOR REFINEMENT.**

The Judicial Council has been, and will continue to be, in compliance with timelines associated with the state budget development process, budget administration, and fiscal reporting. Despite the conformance to the state budget development and reporting processes, the judicial branch budget is far more complex than most state-funded entities and has additional timelines that differ from how many Executive Branch department/agency/unit budgets are managed. As one example, trial court funding isn't allocated immediately following enactment of the state budget. Instead, the council receives funding allocation and policy recommendations from a budget advisory group--since trial court funding was enacted, this has included the Trial Court Budget Commission, Judicial Branch Budget Advisory Committee, and the Trial Court Budget Working Group and now the Trial Court Budget Advisory Committee--for consideration. In one particularly late budget year, the council wasn't able to act on funding allocations until October--months after the state of the fiscal year. In a typical year given requirements for the legislature to submit an approved, on-time budget to the Governor, the council isn't able to generally act on funding recommendations until late July, pushing initial current fiscal year allocations to mid-August (for July, courts still receive allocations, but are based on estimates).

As part of the Finance's response to this directive, staff has conferred with other state-funded entities regarding their respective internal budget development and administration processes, schedules and procedures including interaction with the State Controller's Office. While many state funded entities utilize the DOF CalSTARS system for accounting and therefore rely on that system to manage data from the SCO, others have their own systems to manage data received from the SCO and accounting functions. These entities include the following:

- Department Of Justice
- State Controllers' Office
- Board of Equalization
- Department of General Services

- Public Employees' Retirement System
- Caltrans
- Department of Motor Vehicles
- California State University
- Employment Development Department

Since this directive was reported as "completed" in June of 2013, Finance has been working on refining the budget change proposal process. The status on this directive remains "completed" but is an area of ongoing review and refinement.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ]	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	[ ]	UNABLE TO IMPLEMENT
[ ]	IMPLEMENTED AND ONGOING	[ ]	PENDING IMPLEMENTATION
[x]	IMPLEMENTED BUT IN PROGRESS		

Finance has been working on refining the budget change proposal process. These activities have focused on ensuring that the process has input from all sides and includes an updated budget calendar. It is anticipated that these efforts will be completed by the end of the 2nd quarter of 2015.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **40**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that requests for additional resources be presented to the Judicial Council at its August meeting, identify the increased resources requested, and be accompanied by clear statements of the need and use of the resources and the impact on the AOC, as well as the impact on the judicial branch, if any. A cost-benefit analysis should be part of any request and there should be a system to prioritize requests.

SEC Recommendation **8-7**

Requests for additional resources are presented to the Judicial Council at its August meeting. These requests identify increased resources requested and should be accompanied by clear statements of need and use of the resources and the impact on the AOC, as well as the impact on the judicial branch, if any. A cost-benefit analysis should be part of any request, and there should be a system to prioritize requests.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

	PENDING
x	**COMPLETED: In August 2013, Council staff developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.**

Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost benefit analysis proposal for the Judicial Council.

Council staff developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders. This was developed in August 2013.

The proposed "Guidelines for the Administration of Branchwide Projects and Initiatives" include the "Request for Approval of Project Proposal" form. These guidelines require the full documented collaboration of all stakeholders impacted by a project or initiative. The Executive Office has the sole discretion for determining when to utilize the form for branchwide projects and initiatives.

These guidelines were presented to the Judicial Council at the December 13, 2013, council meeting.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

☐	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	☐	UNABLE TO IMPLEMENT
x	IMPLEMENTED AND ONGOING	☐	PENDING IMPLEMENTATION
☐	IMPLEMENTED BUT IN PROGRESS		

The directive implementation will remain ongoing as this tool will be used as necessary whenever there are projects or initiatives that meet the requirements for use of this cost benefit analysis form.

ASSESSMENT OF IMPLEMENTATION

After the guidelines were developed, Court Operations Services contacted Finance because there was a similar process and form for seeking grant opportunities.

It was decided that the forms and guidelines should be merged to be applicable to both cost benefit analysis for major programs and initiatives as well as grant opportunities. The forms were merged for this purpose.

Finance reports that Information Technology also has a cost benefit analysis form that they utilize and that future activities will includes working with IT to determine if this form should be merged with the existing guidelines and form.

Finance indicated that this process was designed for use of all branch funds and to-date, there have been no major initiatives and so the process has not been utilized. For other minor funding needs, the council staff has utilized the budget change proposal process. Additionally, it was clarified that although the formal cost benefit analysis is not currently utilized for Court of Appeal funding decisions, it was designed for use for all judicial branch entities.

A discussion was held by E&P where they asked questions about the threshold for when this tool should be utilized. It was explained by SEC members that this grew out of concerns about CCMS and that this would be utilized in those cases where a budget change proposal is not an option and there is the potential for the use of all branch funds.

OTHER INFORMATION

Attachments:

- Memo: Consider Guidelines and Process Recommendation, from Curt Soderlund to Hon. Steven Jahr, November 25, 2013
- *Guidelines for the Administration of Branchwide Projects and Initiatives* (includes Request for Approval of Project Proposal)
- Report to Judicial Council for meeting of December 12-13, 2013: AOC Restructuring: Implementation of New Guidelines for Conducting Cost-Benefit Analysis for AOC Projects, December 13, 2013

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
[illegible]
[illegible]
[illegible]

MEMORANDUM

Date
November 23, 2011

To
Hon. Steven Jahr
Administrative Director of the Courts

From
Curt Soderlund
Chief Administrative Officer

Zlatko Theodorovic
Director, Fiscal Services Office

Subject
Judicial Council Directives 7-13, 21, 40, 91 and 149

Action Requested
Consider Guidelines and Process Recommendations

Deadline
At your convenience

Contact
Curt Soderlund
916-263-1513 phone
curt.soderlund@jud.ca.gov

This memorandum requests your review and approval of staff recommendations to establish guidelines and a process to address the various common aspects of Judicial Council Directives 7-13, 21, 40, 91 and 149 specific to future critical initiatives. This recommendation seeks to encompass a process that ensures a full and comprehensive cost-benefit analysis that includes:

- The input and collaboration of all stakeholders;
- Consultation with the Judicial Council and the Executive and Planning Committee, as necessary;
- A complete analysis of scope;
- The development of accurate cost estimates and the identification of funding in consultation with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Background

The Judicial Council approved various directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. The directives approved were derived from the SEC's observations that alleged a lack of uniform internal processes, insufficient collaboration, and inadequate analyses.

Projects brought before the Judicial Council for consideration should be evaluated on the basis of scope, resources, and political sensitivity. The outcomes of these comparisons will assist the Judicial Council in their oversight role of request review in that they may provide:

- Clear and complete definition of priorities,
- A balance between the requests and branch roles and responsibilities,
- Complete consultation, and
- Timely feedback and direction.

The AOC recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects and will continually seek refinement of existing processes.

Recommendation

We request the approval of the following policy regarding cost benefit analyses:

> Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

We further recommend that you approve use of the proposed Guidelines for the Administration of Branchwide Projects and Initiatives as the official AOC process.

Lastly, should you approve the above guidelines, we recommend that you direct staff of the Fiscal Services Office to publicize the new process.

APPROVAL

(Please check one)

☑ I approve the recommendations above.

☐ I approve_____

Hon. Steven Jahr, Administrative Director of the Courts

11/27/13
Date

Acknowledgments

GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be preceded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated contracts, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
   - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
   - Office Director holds preliminary discussions with Division Chief
   - Division Chief and Office Director present the issue to the Executive Office as an informal concept
   - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate for further evaluation
   - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form:
   - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources.
   - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be preceded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated contracts, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
   - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
   - Office Director holds preliminary discussions with Division Chief
   - Division Chief and Office Director present the issue to the Executive Office as an informal concept
   - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate for further evaluation
   - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form:
   - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources.
   - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
- Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged. http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx

- Components of the RAPP Form
  a. Requesting Office or Division
  b. Date Prepared
  c. Contact Information
  d. Project Title
  e. Summary
  f. Summarized Estimated Costs
  g. Proposal Review Routing
  h. Associated JC Strategic Goal, if applicable
  i. Project Scope
  j. Stakeholders
  k. Impact Analysis
  l. Documentation of Decision-Making Process
  m. Cost Considerations
  n. Authorization to Proceed (Office Director or Designee)

1. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.

4. Briefing of Executive Office by Division Chief/Office Director
   - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
   - Consider discussion with Chief Justice
   - Consider discussions with external stakeholders such as the courts or State Bar

5. Executive Office Action
   - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
   - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Hustedt at (415) 865-7333 or bob.hustedt@jud.ca.gov.

REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/2013

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary (Please provide 2 to 4 sentences briefly describing your request.)	
Summarized Estimated Costs (Please differentiate between one-time and ongoing costs, if applicable.)	
Proposal Review Routing (Please select as applicable.)	_____Human Resources Office _____Legal Services Office _____Fiscal Services Office _____Information Technology Services Office _____Office of Governmental Affairs _____Other: _____ _____Other: _____ _____Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and structure of your project, including milestones.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the ASP or stakeholders directly or indirectly if this project is approved. Consider staff time, additional training, and other requirements involved in successfully administering and maintaining this project. Include tables where applicable.

Documentation of Decision Making Process

Please provide a summary of work you did and/or documents you examined in determining the need for this undertaking. Provide copy/excerpt where applicable.

Cost Considerations

A cost estimate must be developed in collaboration with the Fiscal Services Office.

Budget Implementation Required?					
	No				
	Yes	If YES, indicate fiscal year(s) and associated amounts:			
		FY	FY	FY	FY
		$	$	$	$

PROJECT COSTS

1.	Fiscal Year				TOTAL
2.	One-Time Costs				$
3.	Continuing Costs				$
4.	TOTAL PROJECT BUDGET	$	$	$	$

PROJECT FINANCIAL BENEFITS

5.	Cost Savings/Avoidances	$	$	$	$
6.	Revenue Increase	$	$	$	$

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.

Name: (Office Director or Designee) **Date:**

Notes/Comments

Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 12-13, 2013

Title
AOC Restructuring: Implementation of New Guidelines for Conducting Cost-Benefit Analysis for AOC Projects

Rules, Forms, Standards, or Statutes Affected
None

Submitted by
Administrative Office of the Courts
Curt Soderlund
Chief Administrative Officer

Zlatko Theodorovic
Director, Fiscal Services Office

Agenda Item Type
Information Only

Effective Date
Not Applicable

Date of Report
December 13, 2013

Contact
Fiscal Services Office
Zlatko Theodorovic, 916-263-1397
zlatko.theodorovic@jud.ca.gov

Executive Summary

The AOC's Chief Administrative Officer and director of the Fiscal Services Offices present this informational report on efforts relating to the various common aspects of Judicial Council Directives 7-13, 21, 40, 91, and 145 (directives), which were combined as part of a broader review and policy discussion pertaining to the application of a cost-benefit/business case analysis for AOC projects.

Background

The Judicial Council approved the directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. In their report, the SEC observed the following:

> "The AOC has failed to plan, manage, and monitor programs in a manner that seeks critical collaboration and input from the courts. The AOC has undertaken significant and

> far-reaching programs over the past decade, including CCMS, branch-wide financial systems, court construction and facilities management, and others. The organization has failed to adequately consider fiscal, operational, and other impacts of its programs and projects on the courts. Projects have been undertaken without first conducting an appropriate business case analysis to determine whether they are prudent."

As noted, the SEC opined that there appeared to be a lack of uniform internal processes, insufficient collaboration, and inadequate analysis associated with large scale endeavors. More specifically, nearly all of the aforementioned directives relate to observations made by the SEC relative to the California Court Case Management System initiative:

> "The AOC's process of planning and monitoring programs and projects has been lacking. These deficiencies are best exemplified by the CCMS project with its lack of budgetary planning, failure of budgetary controls, failure to identify a sustaining revenue source, lack of an initial business case analysis and feasibility study, lack of sufficient court commitment, and failure to openly disclose pertinent information about the project."

To address these deficiencies, the SEC detailed a recommended approach:

> "… The AOC Executive Leadership Team must begin to implement a formalized system of program and project planning and monitoring that includes, at a minimum: a collaborative planning process that utilizes a business case analysis and that includes an analysis of impacts on courts at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated."

In developing a response to the directives, AOC staff consulted with other state entities—such as the Department of Finance and CalHR—on their respective processes in an effort to establish a similar approach at the AOC that incorporates an appropriate level of review and cost-benefit analysis for programs and projects initiated by the agency. As one example, staff utilized the state Department of Finance's Budget Analyst Guide as an initial framework. Specific guide sections, such as Types of Analysis (Attachment A) and Analysis of Issues (Attachment B), were also identified as potential training tools for AOC staff to demonstrate the basic elements of how appropriate fiscal and programmatic analyses are completed. Since the material is general in nature, each office and division would, in theory, be able to use these resources to meet the individual needs of the program, whether it be completing a grant request for federal funds or a budget change proposal, to name a few.

Following the review of external and existing internal processes, AOC staff developed guidelines that seek to ensure that all elements within each of these 10 directives are adequately addressed. These guidelines include a process for the approval of branchwide projects and other significant initiatives, as well as an approach to conduct any necessary cost-benefit analysis. These elements include:

- The input and collaboration of all stakeholders;
- A complete analysis of scope;

- The development of accurate cost estimates and the identification of funding in constant collaboration with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

The "Guidelines for the Administration of Branchwide Projects and Initiatives" (Attachment C) have been reviewed and approved by the Administrative Director of the Courts and will be implemented agency-wide, effective the first quarter of 2014. Leading up to the implementation date, the Fiscal Services Office will work with staff from the AOC Center for Judiciary Education and Research to develop an appropriate training curriculum for management team members, budget liaisons, and other applicable staff.

These guidelines address the SEC's recommendation that a cost-benefit analysis should be infused into the AOC's decision-making process and to serve as a guide when considering any new project or program, large scale or otherwise.

Enclosures

Attachment A: Department of Finance Budget Analyst Guide, *Types of Analysis*
Attachment B: Department of Finance Budget Analyst Guide, *Analysis of Issues*
Attachment C: *Guidelines for the Administration of Branchwide Projects and Initiatives*

Attachment A

TYPES OF ANALYSIS

BCPs or other issues involving a proposed augmentation

1. Have the department or group proposing the augmentation clarify what the problem is. All too frequently problem statements are either missing, too brief or too general to be sufficiently clear and quantifiable, discuss symptoms rather than real problems, or are stated in terms of the solution (e.g., "the problem is we don't have the 14 additional staff we need"). The analyst's role is to find out if there is a **public** need which is not being addressed, i.e., what is the problem outside of building? Things like crime, pollution, and poverty are possibilities; the lack of staff, microcomputers, and travel funds are not. Moreover, the problem should be quantified as much as possible so that a quantifiable solution can be arrived at. This should address:

    a. the extent of the problem
    b. how this varies from a "normal" or acceptable situation
    c. how many individuals are experiencing the problem
    d. where this problem is located geographically
    e. need statements should answer the question "why?"

2. **Consider Alternatives for Solving the Problem.** Most BCPs provide two: (1) do nothing and (2) accept our proposal. Do not be deterred by the apparent lack of creativity on the part of some. There is more than one way to solve a problem, especially in an era of constantly changing technology. You might consider:

    a. automation
    b. program restructuring
    c. restructuring systems and procedures
    d. consolidation of functions

3. **The Key Element in a BCP (or other Proposal) is Data** to justify the resource level being proposed. Most proposals request specific amounts of staff and funds. These requests should be supported by equally specific calculations. To the extent that specificity is lacking, the analyst may be required to fill in the gaps in order to develop a recommendation. Usually, this kind of analysis starts with a zero-augmentation assumption and builds in components as they are specifically justified on an individual basis.

For example, a particular solution may involve several different types of staff in field offices, headquarters management, and in the Administration Division, each developed on a different basis. In summary, in this type of situation we start with zero and add in resources as they are justified by specific calculations. As a general rule, if you cannot understand were the number comes from, do not add it in.

4. If they lowballed the bill analysis, they should live with it in the BCP.

Workload Issues

In past years, departments were usually funded for agreed to workload increases. More often than not, in recent years with severe budget restraints and no or insufficient funds available to meet mandatory requirements, workload often is not funded. Departments are required to redirect resources or find other alternatives. Despite that, workload analysis is an important Finance activity.

1. The key variables in workload issues are:

   a. the volume of work to be accomplished, generally referred to as workload
   b. the current staffing level
   c. the workload completed with current staff

2. The ratio of workload being currently completed to current staff will usually provide a good estimate of the productivity rate. The ratio of the workload to be accomplished to the productivity rate is the number of staff required to complete that workload. Example—CAL/OSHA elevator inspectors will inspect about 27,500 elevators this year for safety requirements. Next year the number will increase to 28,500. Currently there are 40 inspectors. How many are needed for next year?

Answer	27,500	=	687.5	(Number of elevators
	40			(1 inspector can inspect)

Attachment A

28,500	=	41.5	(Number of inspectors)
687.5			(needed)

Therefore, 1.5 additional inspectors would be justified on a workload basis. Further, there is one clerical staff for every 4 inspectors in the program, so the addition of 1.5 inspectors would justify 1.5 X .25 or 0.4 of a clerical position, for a total of 1.9 PYs.

3. Sometimes it is necessary to pursue additional justification for the volume of workload projected, depending on historical patterns. Also there may be ways to increase current productivity rates without adding staff by changing procedures or by automating certain functions. The workload calculations should be performed only after the analyst is satisfied with the data that goes into those calculations.

4. **Never** accept a duty statement as workload justification. Anyone can fill up 40 hours per week with activities. This has no relationship to the external workload, how it is changing, and what staffing implications it has.

5. Workload may fluctuate throughout the year. Our policy is usually not to staff a unit for peak workload demands (with the possible exception of temporary help funds where warranted, such as the Franchise Tax Board), but rather to support staffing to process the average workload level.

6. Workload standards are useful if they have been validated and we have agreed to them. Departments should be encouraged to develop them. Even if this hasn't been done prior to writing the BCP, it may be possible to use time sheet and other activity data to put together some useful standards. But be careful, before proceeding, apply the workload standards to last year's work. Does the analysis show it would require 20 PYs to do the work that you know they did with 10 PYs?

7. Be careful of backlog statistics. There is a difference between and backlog and a working inventory. A backlog measurement should exclude:

    a. workload which is currently being processed

Attachment A

b. workload which can be processed in a reasonable or statutorily required length of time
c. workload which has been set aside because it is incomplete, waiting for additional information, or otherwise cannot be processed.

National Association of State Budget Officers (NASBO)

For other types of analyses, see the NASBO training Series Program, Module 6: Analytical Methods for Budget Analysts.

(March 3, 2011) (Analytic/BOS/PBM/APBM)

Attachment B

ANALYSIS: Principles and Practices for DOF Analysts

A. What is Analysis?

Analysis is the process by which issues are separated into their component parts and each part and the interaction among the parts are systematically investigated. Later the components of an issue are put back together in a logical way to support a conclusion and recommendation.

You can also think of analysis as the process by which we attempt to answer such questions as follows, regarding a proposal, activity, program or process.

- Who or what is affected?
- What is/are the effects?
- How and when does/will it operate?
- How much does/will it cost?
- Who is raising the issue or making the proposal, and why?
- How might the problem/issue be resolved?

And the final question upon completing an analysis should always be: "Does this make sense?"

B. Typical Types of Finance Analyses

Finance uses the analytic process to develop recommendations on budget proposals, legislation, and other initiatives and issues that may financially impact the State. Preparing solid recommendations is the foundation for our advisory role to the Governor's Office and our role in representing the Administration.

1. **Fiscal** - Finance's primary role is to provide analyses of fiscal issues or problems. To that end, we review budget change proposals, legislation, initiatives, regulations, and reports to analyze fiscal impacts. Fiscal analyses answer such questions as: How much will (or should) this proposal or program cost (or save) the State? How much revenue will it generate?

2. **Policy** – While not our main role, Finance staff may also perform policy analysis such as when reviewing legislative proposals. Policy analysis is intended to help decision-makers make choices about governmental programs and governmental regulation of individuals and organizations. Policy analysis focuses on such questions as: What is the likely impact of this policy on the public in general, and on specific groups or organizations? Policy analysis can be done from the perspective of known priorities and policies, or without such political preconditions.

3. **Policy combined with fiscal**—Most often Finance's analyses include a combination of fiscal and policy issues. For example, Finance analysts review a Budget Change Proposal to assess the reasonableness of the estimated fiscal impacts but also assess the proposed policy objective in relation to the Administration's priorities. The resulting recommendation thus may indicate that the proposed funding augmentation (or reduction) should be modified

depending on whether the policy objective is deemed to be of high or low priority by the Administration. The recommendation may also suggest an option that provides a lower (or higher) level of attainment of the policy objective, including arguments supporting that level.

Sometimes the deadline for an analysis is so short that the analysis must be "**quick and dirty**" and largely based on assumptions since time is not available to gather more information. In these cases it is helpful if the assumptions can be based on historical information or on data from a similar program or activities. In other cases (such as when asked to prepare "Issue Memos"), Finance may have time to prepare a more expansive analysis.

For more details on some of the specific types of items analyzed at Finance, see Bill Analysis, and BCPs, Writing Effective.

C. Steps in Analysis

Academicians identify various analytical approaches, which can generally be summarized into six basic steps. (See Analysis, Policy, and Problem Solving for a detailed summary of various analytical approaches.)

1. Define the Problem

- Clearly identify the stated issue/problem. Is there really a problem? Sift through extraneous material to identify the real, underlying problem or need (which may not be the same as the stated issue or problem).
- How big is the problem? Quantify, if possible.
- How did the problem arise? When? What perpetuates it? Outline the history of the issue/problem.
- Who and/or what does the problem impact? When? What are the current laws, regulations and/or programs addressing the problem?

2. Gather Information

- Consider: What do you need to know to define and analyze the issue/problem, and to recommend a solution? How much time do you have?
- Ask questions (repeatedly if necessary) to get the information needed. Also be conscious of and respect others' time and workload constraints, however.
- Be skeptical. Challenge the sources; don't assume the information is correct. Try to verify it or test it against other information to determine its accuracy or reasonableness.
- Think through varied viewpoints on the issue (not just the Administration's current perspective). Talk to both proponents and opponents to gain additional political and programmatic insights.
- Ask follow up questions.
- If you cannot get the information you want in the time (or from the sources) available, can you make assumptions to work around it or develop rough estimates? Document the basis for your assumptions.
- Look at other previous analyses/studies of the issue.
- Note that if the time is late (after 5 p.m.) or short ("quick and dirty" analyses) you still may be able to contact the Legislative Analysts' staff, legislative committee staff, (or for bills, the author's or sponsor's office, too) for some information, even if the department staff are not available.

3. Consider Alternatives

- What are all the feasible options? Consider for example, taking no action; altering an

existing law, regulation, process, or program; creating a new law or program, etc.

- What can government do (e.g., mandate, regulate, subsidize, create incentives, tax, provide information, privatize), and what might be effective in this situation?
- What other programs (public or private) or laws (state or federal) address this problem?
- What have other states done to address this problem?
- What has Finance recommended on this type of issue in the past?
- Should the State be involved at all?

4. Determine Criteria for Evaluating Alternatives

Examples of criteria:

- Efficiency - Cost-benefit, cost effectiveness, productivity
- Equity - Is it fair? Who gains, who loses? By how much?
- Effectiveness - Will it solve the problem? How much will it solve?
- Feasibility - Legal, administrative, political (e.g., the current political environment)
- Uncertainty and risk - What could go wrong? How costly? How likely?
- Priority for funding given current state fiscal constraints and Administration policies
- Consistency with Administration goals and policies and expectations

5. Evaluate Alternatives

- Measure each alternative against the criteria.
- Weigh the trade-offs (e.g., better service vs. higher cost; lower cost vs. higher risk)

6. Make Recommendation

- Pull the information together to form conclusions, and then make recommendations.
- Be creative. Policy analysis affords opportunities to develop creative compromises and unique solutions to address problems. Although Finance is not a "think tank," we can occasionally be the source of new policy ideas.
- Anticipate the Administration. Try to recommend at least one option likely to be preferred by the Administration (based on what you know of the current policies and priorities).
- Recommend more than one feasible alternative for the decision-makers to consider (e.g., in times of limited funds recommend the preferred activity and funding level, and some feasible lower level).
- Review your analysis and ask if it all “makes sense.” Can a reader follow the logic from the problem identification through the alternatives to the recommendation?
- Check to see how critical any information (both included and omitted) is to the recommendation.
- Critique and supplement (or pare down) the information as needed.

D. Communicating Your Analysis

To be effective, an analysis must be clearly communicated to the decision-makers and other interested parties.

1. Types of Presentations

- Oral presentations in meetings
- Budget change proposal (BCP) write-ups
- Bill analyses
- Legislative testimony

- Press packets or contacts
- Governor's Budget Summary ("A-pages") and other public reports
- Issue Memos
- One-on-one discussion/negotiation with LAO and departmental staff

2. Presentation Style

- Narrow focus. Finance does not typically produce lengthy study reports that thoroughly analyze all aspects of major policy issues. Finance's analyses tend to focus in on the fiscal impacts to state government and, in particular, to the General Fund.
- Related to specific decisions. Our analyses tend to focus on information needed to make a specific decision, and normally will recommend a specific action on an issue.
- Brief and clear. Finance does not get much time to speak its piece; often one or two lead sentences have to carry the presentation.
- Unbiased/nonpartisan, but politically informed. Although we work for the Governor and do analysis in the context of known Administration policy and perspective, Finance staff should be prepared to argue all sides of an issue (e.g., in Administration decision-making meetings). Recommendations on issues should reflect a balance between what might be acceptable to the Administration, and other considerations, including other viewpoints relevant to a decision. (Finance staff should not expect to promote personal political views, however.)
- Original and active. Use active (not passive) voice as much as possible, and state your thoughts without plagiarizing others' analyses (e.g., departments' analyses or documents).
- Professional. Both oral and written presentations should be made keeping in mind our professional staff role.

3. Traditional Biases of Finance

- Low cost/high benefit
- Proven effectiveness
- High priority
- Fundable by redirection of existing resources
- Consistent with Administration goals

4. Other Considerations

- Preparation. Finance staff are some of the main spokespersons for the Administration, and as such are expected to be able to explain and defend the Administration's position (e.g., on budget proposals) before the Legislature and in answering press calls. Be sure your analysis is adequate to support and defend the recommendations.
- Audience. Be aware of who reads and/or needs the information, and focus the presentation to address their level(s) of knowledge. Give adequate information to understand the issue and recommendation.
- Timing. Be sensitive to whether a decision maker can be receptive to a proposed policy and whether the issue's time has come. Often we are not the best organization to raise an issue; it may be better raised by agency/department staff or others with policy-making

authority.

- Respect for hierarchies. Finance staff should understand and respect the hierarchy of Finance and of other departments and agencies we work with. It is important to differentiate the positions that may be taken by various levels in a department and the degree to which top management has (or has not) approved a particular position.
- Flexibility. The Administration may decide on a different option that you recommend. Be ready and willing to revise your analysis to further detail the selected option, and/or reframe the issue, if necessary.
- Disassociation. Although it can be hard to do, Finance staff should not let themselves get too personally committed to policy recommendations they make or view nonacceptance as a "personal defeat."

E. Developing Policy Analysis Skills/Knowledge

The foundation for any analysis is a thorough working knowledge of your program/subject areas; the issues; and State processes, priorities, and fiscal constraints. The following are some tips on the sources and types of information you should gather (an ongoing process), and how to manage your time to complete analyses.

1. Sources of Information.

Following are some suggested sources and methods for developing your policy understanding and analytical skills. You will be engaged in many of these activities in the course of your work, but take advantage of slow moments for further research and discussion of policy issues in your area.

- Read texts, articles, books, and analyses done by others (e.g., scholars, advocates, the Legislative Analyst, Bureau of State Audits)
- Learn the history (e.g., talk to or review written work of your predecessors on the assignment)
- Listen to others who already know the programs and issues well (e.g., talk with department staff when reviewing various documents)
- Discuss issues with advocates and constituents
- Take field trips to visit program staff and projects in the field
- Learn by doing (jump into your assignment!)

2. Areas of Knowledge

a. ***Program Knowledge*.** The foundation for any analysis is a thorough working knowledge of the program being addressed. No analytical technique can replace basic information about how the program works. Such knowledge typically includes: the program's purpose, who and how many it serves, what it provides, how services are delivered, the current costs, criteria for expending the funds, how the program evolved (e.g., what were key decision points in program's history), and the trends in terms of revenues, expenditures, staffing, and workload data.

b. ***Knowledge of the State's current fiscal situation and constitutional***

constraints. Less than ten percent of the budget is discretionary. Some of the key factors limiting State expenditures are: the State Appropriations Limit (SAL), Proposition 98, other Constitutional requirements, entitlement programs, statutory COLAs, and legal obligations. Other constraints not set in the Constitution or statute but which are as, or nearly as, restraining, include: General Fund revenues, General Fund reserves, federal budget actions directly affecting the State's budget, tax expenditures, public safety expenditures, revenue-producing activities, and budget agreements.

In analyzing budget issues, it is important to keep these factors in mind and know where we are relative to the major constraints. This will tell you whether we have some flexibility and can entertain discretionary proposals, or whether we're going to have to recommend reductions.

c. ***Knowledge of other Administration and Department of Finance Priorities.*** Current State policies and priorities (such as those outlined in the *Governor's Budget Summary* or *Budget Highlights*, or the *State of the State Address*) need to be taken into account when analyzing an issue. Examples of recent State priorities include: (1) reducing personnel years (PYs); (2) reducing General Fund expenditures; (3) attempting to help the federal government reduce the federal deficit; (4) reforming welfare; and (5) making the State more competitive.
Awareness of these policies helps analysts to frame questions and recommendations.

d. ***Knowledge of the Issue.*** Besides general program knowledge, specific information about the issue being addressed is important to understanding proposed changes. For example, analysts may prepare by researching the history of issues in their program area, why the issues are (re)emerging, views of proponents and opponents, and what this and other states are doing to address the issues.

3. Managing Your Analytical Time and Effort

- Get started early. Size things up. Decide when you need to start each task in order to meet your deadline. Set a mental schedule (allowing for slippage).

  Tell the department what information you need right away. Put requests in writing (e.g., by email) when possible to confirm conversations and avoid misunderstandings later. Set a deadline for receipt of this information which is early enough so that you can ask for clarification, or request other information if this raises additional questions.

- Follow up. Think about the information as it's being presented to you. Is it filling in the gaps? What gaps remain? Take the initiative to ask follow-up questions and probe when talking to department staff. It is relatively rare that your first set of questions will elicit all of the information necessary for an analysis. Keep thinking of what you need to resolve the issue.

- Stay on Course. Don't lose sight of your objective and deadline, or get sidetracked. Make sure you understand what's central to the issue, and that you're getting the information you need from department staff (i.e., what's relevant, not what's easy for them to give you).
  Periodically, review where you are relative to your objectives and schedule. Make mid-course corrections as necessary. Raise problems to a higher level in DOF or the line department, as appropriate.
- Stop when you have what you need or you have all you can get in the time available. In the latter case, qualify your analysis by indicating the conclusions are

Attachment B

based on the limited information available and noting any assumptions made.

- Get feedback. Brainstorm ideas with your supervisor and peers. Discuss your findings and conclusions with your managers and with the department. Run drafts of your analysis and recommendations by your managers in advance of the deadline to get their input early.

- Critique your own work. Check and double check your calculations. Review your analysis to see if there are further logical gaps that need to be filled in. See if your factual information is correct, and if your argument holds up to criticism. Revise your analysis if necessary.

- Keep records. Keep your notes, supporting data obtained, and calculations made in a file for reference. (You'd be surprised how quickly people forget how they arrived at certain numbers!)
- Be sensitive to other workload demands on staff with whom you are working. You will likely need their assistance and cooperation in the future. Nevertheless, if they won't give you the information for any of the following reasons:

  - Because they've been appointed by the Governor
  - They told the last analyst they had
  - The last analyst they had didn't ask for this type of information
  - It's not Finance's role
  - They wouldn't ask for funding if they didn't need it
  - They're stalling
  - The Governor wants this done
  - You don't have the professional qualifications
  - The Director already agreed to this

you'll have to recommend disapproval of their request for lack of justification. Tell your supervisor of the situation and discuss how to resolve it.

Rev.9/02 TRO

GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be preceded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
    - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
    - Office Director holds preliminary discussions with Division Chief
    - Division Chief and Office Director present the issue to the Executive Office as an informal concept
    - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate Office/Division for further evaluation.
    - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form
    - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources on implementing the project.
    - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
- Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx

- Components of the RAPP Form
    a. Requesting Office or Division
    b. Date Prepared
    c. Contact Information
    d. Project Title
    e. Summary
    f. Summarized Estimated Costs
    g. Proposal Review Routing
    h. Associated JC Strategic Goal, if applicable
    i. Project Scope
    j. Stakeholders
    k. Impact Analysis
    l. Documentation of Decision-Making Process
    m. Cost Considerations
    n. Authorization to Proceed (Office Director or Designee)

3. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.

4. Briefing of Executive Office by Division Chief/Office Director
    - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
    - Consider discussion with Chief Justice
    - Consider discussions with external stakeholders such as the courts or State Bar

5. Executive Office Action
    - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
    - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Fleshman at (415) 865-7531 or bob.fleshman@jud.ca.gov.

REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/10/13

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary *(Please provide 3 to 4 sentences briefly describing your request.)*	
Summarized Estimated Costs *(Please differentiate between one-time and ongoing costs, if applicable.)*	
Proposal Review Routing *(Please select as applicable.)*	_____Human Resources Office _____Legal Services Office _____Fiscal Services Office _____Information Technology Services Office _____Office of Governmental Affairs _____Other _____ _____Other _____ _____Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including timeline.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the AOC or stakeholders directly or indirectly if this project is approved. Consider staff time, additional funding, and other requirements involved in successfully administering and implementing this project. Include offsets where applicable.

Documentation of Decision-Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide attachments where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Augmentation Required?								
	No							
	Yes		**If YES, indicate fiscal year(s) and associated amount:**					
			FY		**FY**		**FY**		**FY**	
			$		**$**		**$**		**$**	

PROJECT COSTS

1.	**Fiscal Year**				**TOTAL**
2.	**One-Time Cost**				**$**
3.	**Continuing Costs**				**$**
4.	**TOTAL PROJECT BUDGET**	**$**	**$**	**$**	**$**

PROJECT FINANCIAL BENEFITS

5.	**Cost Savings/Avoidances**	**$**	**$**	**$**	**$**
6.	**Revenue Increase**	**$**	**$**	**$**	**$**

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.

_____ _____

Name (Office Director or Designee) **Date**

Notes/Comments

Information on Judicial Council Directives

Council Directive **41**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that, after the Governor's Budget is released in January, the AOC should present a midyear update of the judicial branch budget at the next scheduled Judicial Council meeting. All figures provided by the AOC should tie back to the Governor's Budget or be explained in footnotes.

SEC Recommendation **8-8**

After the Governor's Budget is released in January, the AOC should present a midyear update of the judicial branch budget at the next scheduled Judicial Council meeting. This presentation should tie to the figures in the Governor's Budget so that everyone has the same understanding of the budget.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

[ ] PENDING

[x] COMPLETED: **Finance presents a midyear budget update each January at Judicial Council meetings and will continue to provide updates as necessary (e.g. after release of the Governor's May Revision). Additionally, Finance has implemented a process to ensure all numbers tie to the Governor's budget or otherwise can be explained.**

As reported in April 2013, Finance staff reported that they presented a midyear update on the judicial branch budget at the January 2013 Judicial Council meeting. This update has also been provided at the January 2014 and January 2015 Judicial Council meetings.

Updates will continue to be provided as necessary as developments occur in the budget process. For example, an update is typically provided after the release of the Governor's May Revision. This includes statewide conference calls with Administrative Presiding Justices, Presiding Judges, Court Executive Officers, and Appellate Court Clerk/Administrators.

Finance has also implemented processes to ensure all numbers tie to the Governor's budget or can otherwise be explained.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[x] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

Fiscal Services will continue its practice of providing information on the Governor's budget to both the council and to trial court leaders. In addition to providing information to the council, Fiscal Services will continue to offer statewide calls to Presiding Judges and Court Executive Officers regarding the Governor's budget each year.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **42**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that, except for budget changes that must be made to comply with time requirements in the state budget process, the AOC not change the numbers in the budget statements it presents. All figures provided by the AOC must tie back to the Governor's budget or be explained in footnotes.

SEC Recommendation **8-9**

Except for changes that must be made to comply with time requirements in the state budget process, the AOC should not change the numbers it presents – continual changes in the numbers, or new displays, add to confusion about the budget.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

[x] **PENDING: Council staff is evaluating options to more clearly display the council's budget to stakeholders and the public, and to prepare a high-level summary of how the budget relates to the appropriations from the State budget.**

[ ] **COMPLETED:**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

The Judicial Council adheres to state fiscal reporting guidelines, some of which require reported numbers to be adjusted after initial submission. As an example, encumbrances initially reported as expenditures may be less if the contract amount was not fully utilized. As a result, prior year expenditure numbers would need to be revised. As another example, the Governor's own budget has reported numbers that change three times in the course of several months (Governor's January budget, May Revision, enacted budget).

For those instances where revisions are required, appropriate documentation will occur. Generally, though, reported numbers will not change unless such changes are dictated by state fiscal reporting guidelines.

In addition, the Administrative Director will propose a briefing calendar to advise the Judicial Council of any adjustments to previously reported numbers submitted by the AOC as part of the state budget development/fiscal reporting process.

Working with the Trial Court Budget Advisory Committee, and in consultation with the Department of Finance, council staff is evaluating options to more clearly display the council's budget to stakeholders and the public, and

to prepare a high-level summary of how the budget relates to the appropriations from the State budget. It is anticipated that activities in response to the State Auditor's recommendation will be fully implemented in the first quarter of 2016.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **43**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to perform internal audits upon completion of the restructuring of the AOC.

SEC Recommendation **8-10**

The AOC must perform internal audits. This will allow the leadership team and the Judicial Council to know how a particular unit or program is performing. An audit can be both fiscal and programmatic so that resources are tied to performance in meeting program goals and objectives.

Reported By:	Audit Services
Contact:	John Judnick

TASK

x	PENDING: **Audit Services will work with the Executive Office to continue to identify and include internal audit activities for those offices believed to have higher risk profile (i.e., accounting functions, Phoenix financials, etc.) as part of its future audit plans while balancing this workload with audit services provided to the superior courts. As the internal audit reporting process is still being reviewed internally, it is requested that the timeline be modified to read "Judicial Council Administrative Director to report to the council at the October 2015 council meeting".**
	COMPLETED

IMPLEMENTATION PROGRESS AS OF MAY 2015

	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED		UNABLE TO IMPLEMENT
	IMPLEMENTED AND ONGOING	x	PENDING IMPLEMENTATION
	IMPLEMENTED BUT IN PROGRESS		

Audit Services (AS) balances its audit activities between the branch and the Judicial Council based on staffing availability. Historically, AS had an authorized staff high of 17 positions and actual of 15 positions in Fiscal Year (FY) 2006-2007 and has a current authorized and actual staff of 14 in FY 2014-2015. These staffing levels do not reflect the external audit contract that was in place from FY 2001-2002 through FY 2012-2013 that provided up to six supplemental auditors.

With its staffing, Audit Services as specified in its Annual Audit Plan conducts superior court audits, internal audits of the Judicial Council, and non-audit consultative work as requested and approved. The primary focus of the AS work at the Judicial Council has been in high risk areas such as facilities where AS has audited the work of the external facilities maintenance vendors and capital construction. AS continues to perform work in this area and in FY 2014-2015 it plans on initiating audits in facilities areas including the: 1) review of the capital program change order process 2) documentation and operational process concerning the delegated facilities maintenance program; 3) Computer Aided Facilities Management (CAFM) system for logical and physical security access controls and data integrity testing; and 4) Court Facilities Architecture Revolving Fund established under Government Code Section 70379.

Other AS internal audit work at the Judicial Council planned for fiscal year 2014-2015 includes: 1)Review of certain general and application controls over Oracle Financials including: (a) data integrity testing of information in the database used for decision making purposes and financial reporting; (b) logical and physical access controls to the system; and 2) Review of the overall logical access to the Judicial Council's network as a follow-up to the CSA audit of December 2013.

Significantly impacting the audit plan for fiscal year 2014-2015 are external audits of the Judicial Council and non-audit consultative work requested and approved by executive management. AS work is subject to change based upon changes occurring in the Judicial Branch and within the Judicial Council. The Executive Office of the Judicial Council can also review and request work based upon these changes that will affect the Annual Audit Plan for fiscal year 2014-2015 with trade-offs if new work is prioritized.

Beyond 2014-2015, AS will work with the Executive Office to continue to identify and include internal audit activities for those offices believed to have higher risk profile (i.e., accounting functions, Phoenix financials, etc.) as part of its future audit plans while balancing this workload with audit services provided to the superior courts.

As the internal audit reporting process is still being reviewed internally, it is requested that the timeline be modified to read "Judicial Council Administrative Director to report to the council at the October 2015 council meeting".

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- *Judicial Council Directive 43 – Status and Audit Plan for 2014-2015*

JUDICIAL COUNCIL DIRECTIVES
DIRECTIVE NUMBER 43
STATUS AND AUDIT PLAN FOR 2014-2015

Judicial Council Directive
E&P recommends that the Judicial Council direct the Administrative Director to perform internal audits upon completion of the restructuring of the Judicial Council.

SEC Recommendation
The Judicial Council must perform internal audits. This will allow the leadership team and the Judicial Council to know how a particular unit or program is performing. An audit can be both fiscal and programmatic so that resources are tied to performance in meeting program goals and objectives.

Background Regarding the Audit Function
The audit function is an integral part of the State of California's public sector governance. Audit units in numerous state departments provide management with an independent and objective assessment regarding the:

- Responsible and effective use of public resources.
- Achievement of objectives and the mission of the organization.
- Improvement of government operations to increase effectiveness and efficiency thereby reducing cost.
- Deterrence and detection of fraud and abuse of resources.
- Assurance of accountability, transparency, and integrity.

The role and importance of the auditors and the internal audit process in state government appears to continue to be growing. The auditor's expertise is called upon by management for technical advice, effective risk assessment (see attached summary of risk categories utilized in an assessment), sound business processes and internal controls, program evaluation, and other areas related to effectiveness, efficiency, and economy of operations, and reporting.

The Legislature deemed auditing to be so important, that it enacted Government Code Section 1237, requiring that state agencies with aggregate annual spending of $50 million or more establish an ongoing audit function. Recent legislation added Government Code Section 13885 et. seq. to focus attention again on the importance of audit activities, with provisions that ensure the independence of internal auditors. These provisions also recognize that findings of internal auditors must be reported to the appropriate levels of government to safeguard public funds and the public trust.

When the Judicial Council (formerly the Administrative Office of the Courts) restructured organizationally in October 2012, Audit Services (AS) was moved from reporting to the Director of Finance (Finance) to reporting to the Chief of Staff. This organizational change addressed the independence issue of *Government Auditing Standards* (GAGAS) as issued by the United States Government Accountability Office (GAO). An impairment of independence would occur if AS

would conduct an audit of any function of Finance while it reported to Finance. That impairment would also be considered to exist for any office of the Administrative Division that reports to the Chief Administrative Officer (CAO) if it reported to the CAO.

AS's charter approved by the Judicial Council in February 2004 included a mission statement that reads:

> The mission of Audit Services is to assist the Judicial Council and its staff agency, the Judicial Council, and all members of the judicial branch in the effective and efficient discharge of their administrative and operational responsibilities.

AS has fourteen staff consisting of a senior audit manager, two audit supervisors, four senior auditors, six audit staff, and an administrative coordinator. One senior auditor works exclusively on construction and facility audits and consultative engagements in those areas. All audit engagements either planned or requested begin with objectives, and those objectives determine the type of work to be performed and the auditing standards to be followed. The types of work, as defined by their objectives that are covered by GAGAS are classified as (see detail descriptions attached to this report):

- Financial audits (including financial statement non-opinion and financial accounts);
- Performance audits (based on standards or metrics to evaluate performance) that includes compliance audit work;
- Operational audits; and
- Non-audit consultative services/engagements or reviews (including revenue distribution).

Engagements may have a combination of objectives that include more than one type of work as described above or may have objectives limited to only some aspects of the type of work. AS also is responsible for the Whistleblower Hotline for the Judicial Branch and the investigative work and reporting associated with it, and responding to technical accounting, audit, and operational questions utilizing its expertise and experience. AS also is involved in Judicial Council internal audits and non-audit consultative work in the construction and facility maintenance areas with its one auditor.

AS's routine work at the superior courts is considered more comprehensive than any one type as it combines financial, operational, and compliance testing. The compliance testing covers specific statutes, aspects of California Rules of Court, and the Trial Court Financial Policies and Procedures Manual (FIN Manual). The operational work includes testing in cashiering, information systems, security, etc. The financial work includes testing of financial accounts and transactions.

AS continues to perform comprehensive audits of the superior courts on a routine basis with a schedule of 8 to 10 done annually (6 to 7 year cycle) with an increased risk approach to testing and scope reductions having been instituted recently. This is down from the previous 4 year cycle that existed prior to budget cuts. Additionally a significant amount of work recently for the superior courts has been in the non-audit consultative and special projects area by IAS.

Public Contract Code Section 19210 requires procurement and contract audits to be performed by the California State Auditor for five judicial branch entities biennially and the Judicial Council in the alternate year. AS will evaluate the work being performed and its timing in the determination of its scope of work in the branch to maximize efficiency and effectiveness, reduce impact on the auditees, and minimize costs.

Status Discussion and Audit Plan
AS balances its audit activities between the branch and the Judicial Council based on staffing availability. Historically, AS had an authorized staff high of 17 positions and actual of 15 positions in Fiscal Year (FY) 2006-2007 and has a current authorized and actual staff of 14 in FY 2014-2015. These staffing levels do not reflect the external audit contract that was in place from FY 2001-2002 through FY 2012-2013 that provided up to six supplemental auditors.

With this staffing, AS conducts superior court audits on a regular cycle that has been extended from a four year to a six year cycle. AS also performs a significant amount of non-audit consultative work and technical accounting, operations, and advisory work in the superior courts. Working with the Court Executive Advisory Committee and as part of its evaluation of risk, AS has reduced the scope of testing in certain low risk audit areas of the superior courts during the last two years and will continue to evaluate the potential for scope reductions. Additionally, other external audit work also is reviewed to determine adjustment to audit scope in the superior courts such as:

- California State Auditor (CSA) work in procurements and contracts in the pilot courts and the five judicial branch entities it will review biennially.
- State Controller court revenue audits that cover distributions of the case management systems.

The audit plan for the superior courts for FY 2014-2015 includes the completion of three court audits from the prior year and the initiation of eleven. The eleven planned to be initiated subject to change are:

- Yolo (in progress)
- San Luis Obispo (in progress with an increased scope of the Tyler Odyssey system for accuracy of distributions)
- San Bernardino (in progress)
- Humboldt
- Fresno
- Kern
- Contra Costa
- Kings
- Tulare
- Ventura
- Merced

Follow-up activity of incomplete audit issues from audit reports issued and accepted by the Judicial Council also continues to be performed to monitor to completion the correction of the

issues based primarily on management's representations. Certain audit activities in this area may include actual visits and requests for documentation to support corrective activities.

AS also has been performing internal audits of the Judicial Council for the last few years in addition to evaluating the work of external auditors to determine scope and areas of audit as resources allow. AS also provides non-audit consultative assistance and technical advice to Judicial Council staff. The primary focus of the AS work at the Judicial Council has been in facilities where AS has audited the work of the external facilities maintenance vendors and capital construction. AS continues to perform work in this area and in FY 2014-2015 it plans on auditing facilities areas including the:

- Documentation and operational process concerning the delegated facilities maintenance program;
- Computer Aided Facilities Management (CAFM) system for logical and physical security access controls and data integrity testing; and
- Court Facilities Architecture Revolving Fund established under Government Code Section 70379.

Significantly impacting the audit plan for fiscal year 2014-2015 are external audits of the Judicial Council and the A&E Advisory Committee activities that have recently been performed or are in process. AS has been involved in the work and will evaluate it as part of its on-going risk assessment and work plans. These activities included:

- CSA's audit of the procurement and contracts of the Judicial Council with the report issued in December 2013.
- CSA's current audit of the Judicial Council's administration of funds, budget for administration, and staffing.
- The A&E Advisory Committee's review of Judicial Council's contracts for compliance with Judicial Council policy as reported to the Judicial Council in August 2013.
- The Department of Finance financial audit of the significant and material funds under the administration, control, and jurisdiction of the Judicial Council to be started in October 2014.

Other AS internal audit work at the Judicial Council planned for fiscal year 2014-2015 includes:

- Review of certain general and application controls over Oracle Financials including:
    - Data integrity testing of information in the database used for decision making purposes and financial reporting.
    - Logical and physical access controls to the system.
- Review of the overall logical access to the Judicial Council's network as a follow-up to the CSA audit of December 2013.

As contemplated, AS work is subject to change based upon changes occurring in the Judicial Branch and within the Judicial Council. The Executive Office of the Judicial Council can also review and request work based upon these changes that will affect the plan for fiscal year 2014-2015 with trade-offs if new work is prioritized.

Beyond 2014-2015, AS will work with the Executive Office to continue to identify and include internal audit activities for those offices believed to have higher risk profile (i.e., accounting functions, Phoenix financials, etc.) as part of its future audit plans while balancing this workload with audit services provided to the superior courts.

To provide the council with an update on council internal audit activities, it is requested that the timeline for this directive be modified to read: Judicial Council Administrative Director to report to council at the February 2015 council meeting.

Risk Categories Utilized In A Risk Assessment

1. **Publicity risk**
   Arises from negative public opinion which may affect the ability to establish new relationships or services and to maintain existing ones. Risk exposes the organization to possible litigation, financial loss, or damage to reputation with the associated negative impact on public perception.

2. **Strategic risk**
   Arises from adverse business decisions or improper implementation of those decisions. Risk is a function of the compatibility of an organization's strategic goals, the business strategies developed to achieve those goals, the resources deployed, and the quality of implementation. The resources are tangible and intangible and include: communicating, operating systems, delivery networks, and managerial capacity and capability. Strategic risk must ensure appropriate incorporation of community needs and concerns to alieviate adverse public perception of the organization.

3. **Operational/transactional**
   Arises from problems with service or product delivery, internal controls, information systems, and operating processes.

4. **Compliance**
   Arising from violations of, or non-compliance with, laws, rules, regulations, prescribed practice, or ethical standards. Also arises in situations where the laws or rules governing certain activities of the organization's clients may be ambiguous or untested. The exposure here is contracts voided, fines, diminished reputation, etc.

5. **Financial/ fiscal**
   Arises from inaccurate or improper accounting or reporting of financial transactions in financial accounts (general ledger) and reports, and in budget development, monitoring and reporting.

6. **Security**
   Arises from the failure to properly restrict and secure access to computer systems and court buildings, or areas. (Logical and physical security considerations.)

7. **Human Resource**
   Arises from the failure to adequately promote an environment of employee integrity and ethical standards, and to ensure proper licensing, where necessary, on-going applicable training, responsibilities are explicit and delegation is within scope and an appropriate level of management/supervision.

Types of Audits

All audit engagements begin with objectives, and those objectives determine the type of work to be performed and the auditing standards to be followed. The types of work, as defined by their objectives that are covered by Generally Accepted Government Auditing Standards (GAGAS), are classified in this site as financial audits, performance audits, operational audits, attestation engagements, and consulting services/engagements or reviews. Engagements may have a combination of objectives that include more than one type of work described previously or may have objectives limited to only some aspects of one type of work.

- **Financial audits**
- **Performance audits**
- **Operational audits**
- **Attestation engagements**
- **Consulting services/engagements or reviews**
- **Special Investigations**

Financial audits - Financial audits are primarily concerned with providing reasonable assurance about whether financial statements are presented fairly in all material respects in conformity with generally accepted accounting principles (GAAP), or with a comprehensive basis of accounting other than GAAP. Other objectives of financial audits, which provide for different levels of assurance and entail various scopes of work, may include:

1. Providing special reports for specified elements, accounts, or items of a financial statement;
2. Reviewing interim financial information;
3. Issuing letters for underwriters and certain other requesting parties;
4. Reporting on the processing of transactions by service organizations; and
5. Auditing compliance with regulations relating to federal award expenditures and other governmental financial assistance in conjunction with or as a by-product of a financial statement audit.

Financial audits are performed under the American Institute of Certified Public Accountants' (AICPA) generally accepted auditing standards for field work and reporting, as well as the related AICPA Statements on Auditing Standards (SAS). GAGAS prescribe general standards and additional field work and reporting standards beyond those provided by the AICPA when performing financial audits.

Performance audits (nonfinancial audit) entail an objective and systematic examination of evidence to provide an independent assessment of the performance and management of a program against objective criteria as well as assessments that provide a prospective focus or that synthesize information on best practices or cross-cutting issues. Performance audits provide information to improve program operations and facilitate decision-making by parties with responsibility to oversee or initiate corrective action, and improve public accountability.

1. Performance effectiveness and results audit objectives address the effectiveness of a program and typically measure the extent to which a program is achieving its goals and objectives.
2. Economy and efficiency audit objectives concern whether an entity is acquiring, protecting, and using its resources in the most productive manner to achieve program objectives.
3. Program effectiveness and results audit objectives and economy and efficiency audit objectives are often interrelated and may be concurrently addressed in a performance audit.
4. Internal control audit objectives relate to management's plans, methods, and procedures used to meet its mission, goals, and objectives. Internal control includes the processes and procedures for planning, organizing, directing, and controlling program operations, and the system put in place for measuring, reporting, and monitoring program performance.
5. Compliance audit objectives relate to compliance criteria established by laws, regulations, contract provision, grant agreements, and other requirements that could affect the acquisition, protection, and use of the entity's resources and the quantity, quality, timeliness, and cost of services the entity produces and delivers. Compliance objectives also concern the purpose of the program, the manner in which it is to be conducted and services delivered, and the population it serves.

Attestation engagements (example Agreed Upon Procedures Reviews, AUPR's) concern examining, reviewing, or performing agreed-upon procedures on a subject matter or an assertion about a subject matter and reporting on the results. The subject matter of an attestation engagement may take many forms, including historical or prospective performance or condition, physical characteristics, historical events, analyses, systems and processes, or behavior. Attestation engagements can cover a broad range of financial or nonfinancial subjects and can be part of a financial audit or performance audit. Possible subjects of attestation engagements could include reporting on:

1. An entity's internal control over financial reporting;
2. An entity's compliance with requirements of specified laws, regulations, rules, contracts, or grants;
3. The effectiveness of an entity's internal control over compliance with specified requirements, such as those governing the bidding for, accounting for, and reporting on grants and contracts;
4. Management's discussion and analysis (MD&A) presentation;
5. Prospective financial statements or pro-forma financial information;
6. The reliability of performance measures;
7. Final contract cost;
8. Allowability and reasonableness of proposed contract amounts; and
9. Specific procedures performed on a subject matter (agreed-upon procedures).

Attestation engagements are performed under the AICPA's attestation standards, as well as the related AICPA Statements on Standards for Attestation Engagements (SSAE). GAGAS prescribe general standards and additional field work and reporting standards beyond those provided by the AICPA for attestation.

Consulting services/engagements or reviews. Audit organizations also provide non-audit services that are not covered by GAGAS. Non-audit services generally differ from financial audits, attestation engagements, and performance audits in that auditors may:

(1) perform tasks requested by management that directly support the entity's operations, such as developing or implementing accounting systems; determining account balances; developing internal control systems; establishing capitalization criteria; processing payroll; posting transactions; evaluating assets; designing or implementing information technology or other systems; or performing actuarial studies, or

(2) provide information or data to a requesting party without providing verification, analysis, or evaluation of the information or data, and therefore, the work does not usually provide a basis for conclusions, recommendations, or opinions on the information or data.

These services may or may not result in the issuance of a formal report but may be in the form of an audit memorandum. In the case of nongovernment auditors who conduct audits under GAGAS, the term non-audit services is synonymous with consulting services.

GAGAS does not provide standards for conducting non-audit services, auditors providing such services need to ensure that their independence to provide audit services is not impaired by providing non-audit services.

Information on Judicial Council Directives

Council Directive **44**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that the leadership team must develop and employ budget review techniques so that the budget of an individual unit is aligned with its program responsibilities.

SEC Recommendation **8-11**

As part of the reorganization and downsizing of the AOC, the leadership team should employ budget review techniques (such as zero-based budgeting) so that the budget of an individual unit is aligned with its program responsibilities. In the future, there should be periodic reviews of units and or programs to make sure funding is consistent with mandated requirements.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

	PENDING
x	**COMPLETED: Finance has implemented process improvements along with periodic reviews of individual council offices' budgets provide the framework upon which budget allocations are based as well as a structure for ensuring that unit budgets are aligned with program responsibilities.**

In 2013, the Judicial Council's Executive Office retained an individual with extensive departmental budget experience with both the judicial and executive branch to undertake a review of Finance's budget and forecast processes. Recommendations included:

- Establishment of an internal spring budget development process that would include meetings with council offices to identify major items of expense for the upcoming year, program priorities and resource needs;
- Review and evaluation of significant changes in expenditure patterns that compares current year and prior fiscal years;
- Changes to improve the timeliness and accuracy of the forecast process.
- Shift lead responsibility for the forecast process over time to the JCC Finance Office with input as needed from the offices.

The recommendations were presented to the council's Management Council and office budget liaisons for consideration and feedback prior to implementation. Budget and forecasting recommendations from this effort were received were implemented in July 2014. These process improvements along with periodic reviews of individual council offices' budgets provide the framework upon which budget allocations are based beginning in FY 2014-15 as well as a structure for ensuring that unit budgets are aligned with program responsibilities.

Following the Judicial Council's determination of staff services and workload priorities Finance will work with the Executive Office to align individual units with their program responsibilities.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

☐	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	☐	UNABLE TO IMPLEMENT
x	IMPLEMENTED AND ONGOING	☐	PENDING IMPLEMENTATION
☐	IMPLEMENTED BUT IN PROGRESS		

Although process improvements were implemented in July 2014 with the first financial forecast under the new process occurring in November 2014, Finance will continue to make modifications to its budget review techniques as part of an ongoing process of continuous improvement.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- Judicial Branch Monthly Financial Forecast report sample

JUDICIAL BRANCH MONTHLY FINANCIAL FORECAST

AS OF: July 1, 2013

FISCAL SERVICES OFFICE

CATEGORY		Initial Budget Allocation (A)	Budget Adjustment (B)	UMCs (C)	Net Budget (D=A+B+C)	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Adj	YTD Expend. (E)	Unliq. Encumbr. (F)	Remaining Budget (G)	Req. Encumr. (H)	Forecast Method	Proj. Expend. (I)	Projected Expend. Adjs (J)	Year-end Total Expend. (K=E+F+H+I+J)	Year-end Balance (L=D-K)	Year-end % Expended	YE Total Exp per xxx-xx Forecast	13-14 PY actual	12-13 PY actual	+/- 20% Chg
064	JUSTICE SALARIES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
065	SALARIES & WAGES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
083	OVERTIME	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
084	LUMP SUM VACATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
085	REGULAR TEMP HELP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
086	HOURLY INTERMITTENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
101	S & W (BUDGET USE ONLY)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
103	OASDI	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
104	DENTAL INSURANCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
105	HEALTH AND WELFARE INSURANCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
107	PUBLIC EMPLOYEES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
123	JUDGES AND JUSTICES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
125	WORKERS' COMPENSATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
127	INDUSTRIAL DISABILITY LEAVE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
132	NON-INDUSTRIAL DISABILITY LEAVE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
133	UNEMPLOYMENT INSURANCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
134	OTHER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
135	LIFE INSURANCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
136	VISION CARE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
137	MEDICARE TAXATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
138	EMPLOYEE TRANSIT PASS PROGRAM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
139	STAFF BENEFITS RATE RECOVERY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
103	STAFF BENEFITS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
107	PERS SVCS UNALLOCATED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
311	GENERAL EXPENSE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
312	PRINTING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
313	COMMUNICATIONS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
314	POSTAGE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
315	INSURANCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
317	TRAVEL-IN-STATE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
318	TRAVEL-OUT-OF-STATE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
321	TRAINING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
323	RENT (Object Codes 342,343)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
323,324	FACILITIES OPS (BALANCE)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
326	CONSULTANTS - EXTERNAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
327	DEPARTMENTAL SERVICES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
328	CONSOLIDATED DATA CENTERS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
329	DATA PROCESSING SVC (Info Systems)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
330	CENTRAL ADMIN SVCS/PRO-RATA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
332	EQUIPMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
333	OTHER ITEMS OF EXPENSE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
337	UNALLOCATED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
400	SPECIAL ITEMS OF EXPENSE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
661	GRANTS (L/A)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
663	ASSIGNED JUDGES (L/A)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
664	OTHER LOCAL ASSISTANCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
800-888	CAPITAL COSTS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
	PERSONAL SERVICES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
	TOTAL OPERATING EXPENSE & EQUIPMEN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
	TOTAL STATE OPS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
461462	SPECIAL ITEMS OF EXPENSE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
	TOTAL LOCAL ASSISTANCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
	TOTAL CAPITAL OUTLAY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
	GRAND TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
	FUNDING SOURCES:																															
0250-001-0001	GENERAL FUND (S/O)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
0250-001-0044	MOTOR VEHICLE FUND (S/O)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
0250-001-0159	TRIAL COURT IMPROVE & MOD FUND (S/O	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
0250-001-0327	COURT INTERPRETERS' FUND (S/O)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
0250-001-0890	FEDERAL TRUST FUND (S/O)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
0250-001-0932	TRIAL COURT TRUST FUND (S/O)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
0250-001-3037	STATE CRT FAC CONST FUND	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
XXXX-XXX-XXXX	RESERVED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		
	TOTAL FUNDING SOURCES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0.00	0	0		

Information on Judicial Council Directives

Council Directive **45**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the total staff size of the AOC must be reduced significantly and must not exceed the total number of authorized positions. The consolidation of divisions, elimination of unnecessary and overlapping positions, and other organizational changes should reduce the number of positions.

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that staffing levels of the AOC be made more transparent and understandable. Information on staffing levels must be made readily available, including posting the information online. All categories of staffing — including, but not limited to, authorized positions, "909" staff, employment agency temporary employees and contract staff — must be accounted for in a manner understandable to the public.

SEC Recommendation **9-1**

The total staff size of the AOC should be reduced significantly.

SEC Recommendation **9-2**

The total staff size of the AOC must be reduced significantly and should not exceed the total number of authorized positions. The current number of authorized positions is 880. The consolidation of divisions, elimination of unnecessary and overlapping positions and other organizational changes recommended in this report should reduce the number of positions by an additional 100 to 200, bringing the staff level to approximately 680 to 780.

SEC Recommendation **9-5**

The staffing levels of the AOC must be made more transparent and understandable. Information on staffing levels must be made readily available, including posting the information online. All categories of staffing—including, but not limited to, authorized positions, "909" staff, employment agency temporary employees and contract staff—must be accounted for in a manner understandable to the public.

Reported By:	Executive Office
Contact:	Jody Patel, Chief of Staff

TASK

	PENDING
x	**COMPLETED: Since the directive was provided in August of 2012, the council has made significant staffing reductions over the last three years. Reductions of authorized filled positions, agency temporary employees and contractors had been reduced from 1,121 to 780.51 as of February 28, 2015.**

Since the directive was provided in August of 2012, the council has made significant staffing reductions over the last three years.

Between February and August of 2012 staffing levels were reduced due to layoffs, two offerings of Voluntary

Separation Incentive Program, retirements, and a reduction in temporary workers and contractors.

Reductions of authorized filled positions, agency temporary employees and contractors had been reduced from 1,121 to 780.51 as of February 28, 2015.

To address the concern that staffing levels needed to be more transparent and understandable a new report was subsequently developed and is included as an element in the Administrative Director's report titled the 'Staffing Report'. Staffing Reports are also posted to the courts.ca.gov website and are updated monthly. The report includes data and definitions for the types of staffing and total workforce numbers reported for council staff.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ]	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	[ ]	UNABLE TO IMPLEMENT
[x]	IMPLEMENTED AND ONGOING	[ ]	PENDING IMPLEMENTATION
[ ]	IMPLEMENTED BUT IN PROGRESS		

ASSESSMENT OF IMPLEMENTATION

The council continues to monitor the staffing levels and has been focused on ensuring that staffing never exceeds a cap of 805 positions.

Additionally, the council continues to look at staffing levels and particularly at the services that are provided to ensure that the council is appropriately staffed to provide the services our customers require.

In 2013, the council continued with organizational review efforts as part of two-phased Essential Services Organizational Review Project that was especially necessary in light of the staffing reductions to ensure that the council was still able to provide services with reduced staffing.

The first phase of this project included creating a catalog of all of the services provided by council staff as a foundation for further analysis and organizational review. A report titled Services Provided by Judicial Council Staff was presented to the Judicial Council at its June 2014 meeting.

After issuance of this report, it was envisioned that Phase 2 would include additional activities in regards to developing customer service surveys to identify the services that should be provided and then estimating the resources needed for the services identified and the subsequent staffing.

With the issuance of the report from the California State Auditor, there is even greater focus on what was envisioned for Phase 2 of the Essential Services Review and it is anticipated that within the next two years analysis will be conducted and the organization should be able to finally determine the appropriate level of staffing (overstaffed or understaffed) and/or if there should resources moved within the organization to focus on other projects or programs. Whether the organization's staffing should decrease further will depend upon the outcome of this effort and may in fact result in evidence that support increasing staffing in certain areas.

OTHER INFORMATION

Attachments:

- *Judicial Council HR Metrics by Office: Data as of February 28, 2015 (End of February Pay Period)*
- *Judicial Council HR Metrics by Office: Data as of January 29, 2015 (End of January Pay Period)*
- *Judicial Council HR Metrics by Office: Data as of December 31, 2014 (End of December Pay Period)*

JUDICIAL COUNCIL HR METRICS BY OFFICE
DATA AS OF FEBRUARY 28, 2015
(End of February Pay Period)

			Leadership Services Division						Operations and Programs Division						Administrative Division						
STAFFING	**Executive Office**	**Govern-mental Affairs**	**Audit Services**	**Legal Services**	**Judicial Council Support**	**Communica-tions**	**Special Projects**	**Trial Court Liaison**	**Center for Families, Child. & Courts**	**Court Operations Services**	**Criminal Justice Services**	**Center for Judiciary Education & Research**	**Appellate Court Services**	**Capital Programs**	**Finance**	**Human Resources**	**Information Technology**	**Admin Support**	**Real Estate & Facilites Mgmt**	**Trial Court Admin Services**	**Judicial Council**
Authorized Position (FTE)	7.00	12.00	14.00	60.00	11.80	7.00	7.00	8.00	68.00	43.40	15.00	48.50	8.00	56.00	83.00	39.00	126.00	30.00	83.00	88.00	814.70
Filled Authorized Position (FTE)	7.00	10.00	13.00	41.70	11.60	7.00	7.00	8.00	55.35	39.40	13.30	41.30	4.00	48.00	76.00	37.00	106.88	27.80	74.80	81.88	711.01
Headcount - Employees	7	10	13	42	12	7	7	8	56	40	14	42	4	48	76	37	107	28	75	82	715.00
Vacancy (FTE)	0.00	2.00	1.00	18.30	0.20	0.00	0.00	0.00	12.65	4.00	1.70	7.20	4.00	8.00	7.00	2.00	19.13	2.20	8.20	6.13	103.71
Vacancy Rate (FTE)	0.0%	16.7%	7.1%	30.5%	1.7%	0.0%	0.0%	0.0%	18.6%	9.2%	11.3%	14.8%	50.0%	14.3%	8.4%	5.1%	15.2%	7.3%	9.9%	7.0%	12.7%
Temporary Employee (909)	1	0	0	0	0	0	0	0	0	0	1.5	0	0	0	0	0	0	0	0	0	2.50
*Employment Agency Temporary Worker (FTE)	0.0	0.0	0.0	2.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	0.0	1.0	4.0	0.0	0.0	0.0	0.0	0.0	8.00
Contractors (FTE)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	0.0	0.0	0.0	7.0	0.0	1.0	50.0	0.0	0.0	0.0	59.00
TOTAL WORKFORCE *(based on FTE, 909s, Agency Temps & Contractors)*	**8.00**	**10.00**	**13.00**	**43.70**	**11.60**	**7.00**	**7.00**	**8.00**	**55.35**	**40.40**	**14.80**	**42.30**	**4.00**	**56.00**	**80.00**	**38.00**	**156.88**	**27.80**	**74.80**	**81.88**	**780.51**

Definitions:

Authorized Position (FTE) Authorized positions include all regular ongoing positions approved in the Budget Act for that year. The number is based on the position's approved full time equivalency.

Filled Authorized Position (FTE) Filled authorized positions are the number of authorized positions filled based on the employee's full time equivalency.

Headcount The actual count of persons employed by the Judicial Council, regardless of FTE. This number could be more than the FTE count due to part-time employees being counted as "1". This count does not include Judicial Council Temporary Employees (909) or Employment Agency Temporary Workers.

Vacancy (FTE) The number of vacancies is the number of authorized positions minus the number of filled authorized positions.

Vacancy Rate (FTE) Vacancy Rate is calculated by dividing the number of authorized positions by the number of vacant authorized positions. This number excludes temporary employees ("909" funded employees). See definition of temporary employees below.

Judicial Council Temporary Employees (909) The "909 category is the State Controller code used to reference a temporary position or a temporary employee.
909 Position - it is a position that may not be funded through the Budget Act and it is categorized by the Office of the State Controller as a temporary position used in the absence of an authorized position. 909 positions may be occupied by regular full-time employees due tot he unavailability of an authorized vacant position. 909 Employee - An employee whose salary is not funded through the Budget Act. 909 employees may receive benefits if employed at least half-time and the term of employment is for more than six months. Types of "909" Temporary Employees include: Retired Annuitants: A retired annuitant is a retiree who is hired by his or her former employer or by another employer that participates in the same retirement system as the former employer. This includes a former participant in a state retirement system who has previously retired and who is currently receiving retirement benefits. Temporary: Employees employed on a temporary basis - they do not receive full benefits (but do receive CalPERS retirement service credit).

Employment Agency Temporary Worker (FTE) These are workers from an employment agency. They are employees of the employment agency that provide short-term support.

Contractor (FTE) Individuals augmenting the work of the organization and providing services for a limited period of time or on a specific project, where a particular skill set is required that is either (1) not within an existing classification and/or job description or (2) where recruitment issues require the use of a contractor.

Full Time Equivalency (FTE) Full Time Equivalency is the number of total maximum compensable hours designated in a year divided by actual hours worked in a year. For example, the work year is defined as 2,080 hours; one employee occupying a paid full time job all year would consume one FTE. One employee working for 1,040 hours each would consume .5 FTE.

Time Base Full time: Employee is scheduled to work 40 hours per week. Receives full benefits.
Part time: Employee is scheduled to work less than 40 hours per week. Employees that work more than 20 hours per week receive full benefits.
Intermittent: Employees have no established work schedule and work on an as-needed basis that varies from one pay period to the next. Eligibility for certain benefits may be limited for these employees.

Regular Employee Commonly referred to as "permanent employees" – They receive full benefits.

Limited Term Limited Term Position – It is a position that is funded through the Budget Act with a specific end date. The position is counted as an authorized position. Employee in limited term positions may be regular or temporary.

JUDICIAL COUNCIL HR METRICS BY OFFICE
DATA AS OF JANUARY 29, 2015
(End of January Pay Period)

			Leadership Services Division						Operations and Programs Division						Administrative Division						
STAFFING	**Executive Office**	**Govern-mental Affairs**	**Audit Services**	**Legal Services**	**Judicial Council Support**	**Communica-tions**	**Special Projects**	**Trial Court Liaison**	**Center for Families, Child. & Courts**	**Court Operations Services**	**Criminal Justice Services**	**Center for Judiciary Education & Research**	**Appellate Court Services**	**Capital Programs**	**Finance**	**Human Resources**	**Information Technology**	**Admin Support**	**Real Estate & Facilites Mgmt**	**Trial Court Admin Services**	**Judicial Council**
Authorized Position (FTE)	8.00	12.00	14.00	59.00	11.80	8.00	7.00	8.00	68.00	43.40	15.00	48.50	8.00	56.00	82.00	39.00	127.00	30.00	83.00	87.00	814.70
Filled Authorized Position (FTE)	6.95	11.00	13.00	42.70	11.60	7.00	7.00	8.00	56.35	38.40	13.30	41.30	5.00	48.00	76.00	37.00	107.88	28.80	74.80	83.88	717.96
Headcount - Employees	7	11	13	43	12	7	7	8	57	39	14	43	5	48	76	37	108	28	75	84	722.00
Vacancy (FTE)	1.05	1.00	1.00	16.30	0.20	1.00	0.00	0.00	11.65	5.00	1.70	7.20	3.00	8.00	6.00	2.00	19.13	1.20	8.20	3.13	96.76
Vacancy Rate (FTE)	13.1%	8.3%	7.1%	27.6%	1.7%	12.5%	0.0%	0.0%	17.1%	11.5%	11.3%	14.8%	37.5%	14.3%	7.3%	5.1%	15.1%	4.0%	9.9%	3.6%	11.9%
Temporary Employee (909)	1	0	0	0	0	0	0	0	0	0	1.5	0	0	0	0	0	0	0	0	0	2.50
*Employment Agency Temporary Worker (FTE)	0.0	0.0	0.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	0.0	0.0	4.0	0.0	0.0	0.0	0.0	0.0	6.00
Contractors (FTE)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	0.0	0.0	0.0	7.0	0.0	1.0	50.0	0.0	0.0	0.0	59.00
TOTAL WORKFORCE *(based on FTE, 909s, Agency Temps & Contractors)*	**7.95**	**11.00**	**13.00**	**43.70**	**11.60**	**7.00**	**7.00**	**8.00**	**56.35**	**39.40**	**14.80**	**42.30**	**5.00**	**55.00**	**80.00**	**38.00**	**157.88**	**28.80**	**74.80**	**83.88**	**785.46**

Definitions:

Authorized Position (FTE) Authorized positions include all regular ongoing positions approved in the Budget Act for that year. The number is based on the position's approved full time equivalency.

Filled Authorized Position (FTE) Filled authorized positions are the number of authorized positions filled based on the employee's full time equivalency.

Headcount The actual count of persons employed by the Judicial Council, regardless of FTE. This number could be more than the FTE count due to part-time employees being counted as "1". This count does not include Judicial Council Temporary Employees (909) or Employment Agency Temporary Workers.

Vacancy (FTE) The number of vacancies is the number of authorized positions minus the number of filled authorized positions.

Vacancy Rate (FTE) Vacancy Rate is calculated by dividing the number of authorized positions by the number of vacant authorized positions. This number excludes temporary employees ("909" funded employees). See definition of temporary employees below.

Judicial Council Temporary Employees (909) The "909 category is the State Controller code used to reference a temporary position or a temporary employee.
909 Position - it is a position that may not be funded through the Budget Act and it is categorized by the Office of the State Controller as a temporary position used in the absence of an authorized position. 909 positions may be occupied by regular full-time employees due tot he unavailability of an authorized vacant position. 909 Employee - An employee whose salary is not funded through the Budget Act. 909 employees may receive benefits if employed at least half-time and the term of employment is for more than six months. Types of "909" Temporary Employees include: Retired Annuitants: A retired annuitant is a retiree who is hired by his or her former employer or by another employer that participates in the same retirement system as the former employer. This includes a former participant in a state retirement system who has previously retired and who is currently receiving retirement benefits. Temporary: Employees employed on a temporary basis - they do not receive full benefits (but do receive CalPERS retirement service credit).

Employment Agency Temporary Worker (FTE) These are workers from an employment agency. They are employees of the employment agency that provide short-term support.

Contractor (FTE) Individuals augmenting the work of the organization and providing services for a limited period of time or on a specific project, where a particular skill set is required that is either (1) not within an existing classification and/or job description or (2) where recruitment issues require the use of a contractor.

Full Time Equivalency (FTE) Full Time Equivalency is the number of total maximum compensable hours designated in a year divided by actual hours worked in a year. For example, the work year is defined as 2,080 hours; one employee occupying a paid full time job all year would consume one FTE. One employee working for 1,040 hours each would consume .5 FTE.

Time Base Full time: Employee is scheduled to work 40 hours per week. Receives full benefits.
Part time: Employee is scheduled to work less than 40 hours per week. Employees that work more than 20 hours per week receive full benefits.
Intermittent: Employees have no established work schedule and work on an as-needed basis that varies from one pay period to the next. Eligibility for certain benefits may be limited for these employees.

Regular Employee Commonly referred to as "permanent employees" – They receive full benefits.

Limited Term Limited Term Position – It is a position that is funded through the Budget Act with a specific end date. The position is counted as an authorized position. Employee in limited term positions may be regular or temporary.

JUDICIAL COUNCIL HR METRICS BY OFFICE
DATA AS OF DECEMBER 31, 2014
(End of December Pay Period)

			Leadership Services Division						Operations and Programs Division						Administrative Division						
STAFFING	**Executive Office**	**Govern-mental Affairs**	**Audit Services**	**Legal Services**	**Judicial Council Support**	**Communica-tions**	**Special Projects**	**Trial Court Liaison**	**Center for Families, Child. & Courts**	**Court Operations Services**	**Criminal Justice Services**	**Center for Judiciary Education & Research**	**Appellate Court Services**	**Capital Programs**	**Finance**	**Human Resources**	**Information Technology**	**Admin Support**	**Real Estate & Facilites Mgmt**	**Trial Court Admin Services**	**Judicial Council**
Authorized Position (FTE)	8.00	12.00	14.00	59.00	11.80	8.00	7.00	8.00	68.00	43.40	15.00	48.50	8.00	56.00	82.00	39.00	127.00	30.00	83.00	87.00	814.70
Filled Authorized Position (FTE)	6.95	11.00	14.00	43.90	11.60	7.00	6.00	8.00	54.35	38.40	13.30	41.30	5.00	48.00	74.00	36.00	107.88	28.80	75.80	82.88	714.16
Headcount - Employees	7	11	14	44	12	7	6	8	55	39	14	43	5	48	74	36	108	28	76	83	718.00
Vacancy (FTE)	1.05	1.00	0.00	15.10	0.20	1.00	1.00	0.00	13.65	5.00	1.70	7.20	3.00	8.00	8.00	3.00	19.13	1.20	7.20	4.13	100.56
Vacancy Rate (FTE)	13.1%	8.3%	0.0%	25.6%	1.7%	12.5%	14.3%	0.0%	20.1%	11.5%	11.3%	14.8%	37.5%	14.3%	9.8%	7.7%	15.1%	4.0%	8.7%	4.7%	12.3%
Temporary Employee (909)	1	0	0	0	0	0	0	0	0	0	1.5	0	0	0	0	0	0	0	0	0	2.50
*Employment Agency Temporary Worker (FTE)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	0.0	0.0	2.0	0.0	0.0	0.0	0.0	0.0	3.00
Contractors (FTE)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	0.0	0.0	0.0	7.0	0.0	1.0	51.0	0.0	0.0	0.0	60.00
TOTAL WORKFORCE *(based on FTE, 909s, Agency Temps & Contractors)*	**7.95**	**11.00**	**14.00**	**43.90**	**11.60**	**7.00**	**6.00**	**8.00**	**54.35**	**39.40**	**14.80**	**42.30**	**5.00**	**55.00**	**76.00**	**37.00**	**158.88**	**28.80**	**75.80**	**82.88**	**779.66**

Definitions:

Authorized Position (FTE) Authorized positions include all regular ongoing positions approved in the Budget Act for that year. The number is based on the position's approved full time equivalency.

Filled Authorized Position (FTE) Filled authorized positions are the number of authorized positions filled based on the employee's full time equivalency.

Headcount The actual count of persons employed by the Judicial Council, regardless of FTE. This number could be more than the FTE count due to part-time employees being counted as "1". This count does not include Judicial Council Temporary Employees (909) or Employment Agency Temporary Workers.

Vacancy (FTE) The number of vacancies is the number of authorized positions minus the number of filled authorized positions.

Vacancy Rate (FTE) Vacancy Rate is calculated by dividing the number of authorized positions by the number of vacant authorized positions. This number excludes temporary employees ("909" funded employees). See definition of temporary employees below.

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Employment Agency Temporary Worker (FTE) These are workers from an employment agency. They are employees of the employment agency that provide short-term support.

Contractor (FTE) Individuals augmenting the work of the organization and providing services for a limited period of time or on a specific project, where a particular skill set is required that is either (1) not within an existing classification and/or job description or (2) where recruitment issues require the use of a contractor.

Full Time Equivalency (FTE) Full Time Equivalency is the number of total maximum compensable hours designated in a year divided by actual hours worked in a year. For example, the work year is defined as 2,080 hours; one employee occupying a paid full time job all year would consume one FTE. One employee working for 1,040 hours each would consume .5 FTE.

Time Base Full time: Employee is scheduled to work 40 hours per week. Receives full benefits.
Part time: Employee is scheduled to work less than 40 hours per week. Employees that work more than 20 hours per week receive full benefits.
Intermittent: Employees have no established work schedule and work on an as-needed basis that varies from one pay period to the next. Eligibility for certain benefits may be limited for these employees.

Regular Employee Commonly referred to as "permanent employees" – They receive full benefits.

Limited Term Limited Term Position – It is a position that is funded through the Budget Act with a specific end date. The position is counted as an authorized position. Employee in limited term positions may be regular or temporary.

Information on Judicial Council Directives

Council Directive **46**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report to the Judicial Council vacant authorized positions if they have remained unfilled for six months.

SEC Recommendation **9-3**

Vacant authorized positions should be eliminated if they have remained unfilled for six months.

Reported By:	Executive Office
Contact:	Jody Patel, Chief of Staff

TASK

[ ] PENDING
[x] COMPLETED: **Human Resources have developed a vacancy report that provides information on positions that have been vacant for longer than six months.**

As reported in October of 2012, the Judicial Council Human Resources office developed a vacancy report that provides a report of vacant authorized positions available to the council. The report provides a listing of positions that have been vacant for six months or longer. This report is currently used when recruitments are requested and approved through the Executive Office as the oldest vacant position number is used for the recruitment. It should be noted that although there are position numbers that have been vacant for longer than six months, this is not necessarily an indication of a flawed process and instead reflects that for a long period of time there was no hiring occurring at all. Also, the council initiated a cap of 805 positions and so these positions remain vacant until there is a verified and approved need for the position.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[x] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

Executive and Planning Commission (E&P) members requested that the Judicial Council review the existing number of vacant positions and try to eliminate some of these positions that have remained vacant for a period of time to more closely align with funding available.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- *Summary Data: Vacancy Report as of 3/10/2015*
- *Vacancy by Office as of 3/10/15: More Than 6 Months Vacant*

Summary Data
Vacancy Report as of 3/10/2015

Months Vacant	Number of Positions
6-12 Months	21
12-18 Months	9
18-24 Months	7
24+ Months	18
Grand Total	**55**
By Division	**Number of Positions**
Executive Division	1
Leadership Services Division	12
Operations & Programs Division	20
Administrative Division	22
Grand Total	**55**

Vacancy By Office as of 3/10/2015
More Than 6 Months Vacant

#Row	Division Name	Office Name	Title	Reports To	Location	Months Vacant	Vacant For:
Executive Division							
1	Executive Division	Executive Office	Retired Annuitant	Soderlund,Curt	San Francisco	8.78	6-12 Months
Leadership Services Division							
2	Leadership Services Division	Legal Services	Attorney	Buckley,Robert C.	San Francisco	7.04	6-12 Months
3	Leadership Services Division	Legal Services	Attorney	O'Donnell,Patrick	San Francisco	7.04	6-12 Months
4	Leadership Services Division	Legal Services	Attorney	Williams,Patti	San Francisco	7.30	6-12 Months
5	Leadership Services Division	Legal Services	Support Services Supervisor	Buckley,Robert C.	San Francisco	13.49	12-18 Months
6	Leadership Services Division	Legal Services	Attorney	Giden,Michael Irving	San Francisco	14.01	12-18 Months
7	Leadership Services Division	Legal Services	Attorney	Buckley,Robert C.	San Francisco	14.18	12-18 Months
8	Leadership Services Division	Legal Services	Attorney	Anderson,Heather Scott	San Francisco	14.31	12-18 Months
9	Leadership Services Division	Legal Services	Attorney	Giden,Michael Irving	San Francisco	15.56	12-18 Months
10	Leadership Services Division	Legal Services	Attorney	Giden,Michael Irving	San Francisco	16.94	12-18 Months
11	Leadership Services Division	Legal Services	Staff Analyst II	Giden,Michael Irving	San Francisco	18.26	18-24 Months
12	Leadership Services Division	Legal Services	Admin. Coordinator II	O'Donnell,Patrick	San Francisco	32.34	24+ Months
13	Leadership Services Division	Legal Services	Attorney	Foy,Linda	San Francisco	34.05	24+ Months
Operations & Programs Division							
14	Operations & Programs Division	Appellate Court Services	Sr. Court Services Analyst	Collier-Tucker,Deborah A	San Francisco	18.42	18-24 Months
15	Operations & Programs Division	Appellate Court Services	Asst Judicial Admin Library II	Collier-Tucker,Deborah A	San Francisco	20.39	18-24 Months
16	Operations & Programs Division	Appellate Court Services	Supvg. Court Services Analyst	Collier-Tucker,Deborah A	San Francisco	30.76	24+ Months
17	Operations & Programs Division	Capital Program	Sr. Facilities Planner	Metzker,Kristine A	Burbank	7.86	6-12 Months
18	Operations & Programs Division	Capital Program	Senior Construction Inspector	Menard,Paul	San Francisco	11.64	6-12 Months
19	Operations & Programs Division	Capital Program	Budget Analyst	Guzman,Angela M.	Sacramento	11.78	6-12 Months
20	Operations & Programs Division	Capital Program	Sr Construction Inspector	Menard,Paul	San Francisco	11.94	6-12 Months
21	Operations & Programs Division	Capital Program	Asst. Division Director	Guerin,William J	San Francisco	26.38	24+ Months
22	Operations & Programs Division	Center for Families, Children and the Courts	Sr. Court Services Analyst	Nunez,Amy Carmen	San Francisco	6.22	6-12 Months
23	Operations & Programs Division	Center for Families, Children and the Courts	Attorney	Fancy,Audrey E	San Francisco	8.22	6-12 Months
24	Operations & Programs Division	Center for Families, Children and the Courts	Staff Analyst I	Will,Donald A.	San Francisco	10.30	6-12 Months
25	Operations & Programs Division	Center for Families, Children and the Courts	Staff Analyst I	Will,Donald A.	San Francisco	10.30	6-12 Months
26	Operations & Programs Division	Center for Families, Children and the Courts	Supervising Attorney	Nunn,Diane	San Francisco	15.10	12-18 Months
27	Operations & Programs Division	Center for Judiciary Education and Research	Manager	Cowdrey,Diane E	San Francisco	7.07	6-12 Months
28	Operations & Programs Division	Center for Judiciary Education and Research	Sr. Education Specialist	McMullan,Ralph C.	San Francisco	14.31	12-18 Months
29	Operations & Programs Division	Center for Judiciary Education and Research	Senior Editor		San Francisco	23.29	18-24 Months
30	Operations & Programs Division	Center for Judiciary Education and Research	Manager	Lowney,Robert D.	San Francisco	31.12	24+ Months
31	Operations & Programs Division	Court Operations Services	Staff Analyst I	Belloli,Christopher A.	San Francisco	8.91	6-12 Months
32	Operations & Programs Division	Court Operations Services	Sr. Research Analyst	Farole,Deana A.	San Francisco	9.24	6-12 Months
33	Operations & Programs Division	Criminal Justice Services	Research Analyst	Byrne,Francine E.	San Francisco	68.36	24+ Months
Administrative Division							
34	Administrative Division	Finance	Contract Specialist		San Francisco	25.26	24+ Months
35	Administrative Division	Finance	Manager	Haggerty,Patricia	San Francisco	31.32	24+ Months
36	Administrative Division	Information Technology	Senior Manager	Dusman,Mark W.	San Francisco	7.27	6-12 Months
37	Administrative Division	Information Technology	Sr. Business Systems Analyst	Fong,Glenn V.	San Francisco	10.30	6-12 Months
38	Administrative Division	Information Technology	Sr. Technical Analyst	Yuan,Mark S.	San Francisco	11.32	6-12 Months
39	Administrative Division	Information Technology	Administrative Secretary	Krishna,Diana C	San Francisco	11.41	6-12 Months
40	Administrative Division	Information Technology	Sr. Application Dev't Analyst	Light,Daphne D	San Francisco	20.30	18-24 Months
41	Administrative Division	Information Technology	Sr. Application Dev't Analyst	Light,Daphne D	San Francisco	20.30	18-24 Months
42	Administrative Division	Information Technology	Business Systems Analyst	Jordan,Sean	San Francisco	28.22	24+ Months

Vacancy By Office as of 3/10/2015
More Than 6 Months Vacant

#Row	Division Name	Office Name	Title	Reports To	Location	Months Vacant	Vacant For:
43	Administrative Division	Information Technology	Information Systems Manager	O'Hagin,Harry William	San Francisco	28.72	24+ Months
44	Administrative Division	Information Technology	Sr. Business Systems Analyst	Koon,David L.	San Francisco	28.91	24+ Months
45	Administrative Division	Information Technology	Sr Manager	Dusman,Mark W.	San Francisco	29.28	24+ Months
46	Administrative Division	Information Technology	Division Director	Dusman,Mark W.	San Francisco	30.07	24+ Months
47	Administrative Division	Information Technology	Supv IS Analyst - A		San Francisco	31.32	24+ Months
48	Administrative Division	Information Technology	Sr. Application Dev't Analyst	Jordan,Sean	San Francisco	32.27	24+ Months
49	Administrative Division	Information Technology	Sr. Technical Analyst	Ortega,Raul A	San Francisco	33.09	24+ Months
50	Administrative Division	Real Estate and Facilities Management	Utility Engineer/Analyst	Sainz,Laura F.	Sacramento	9.11	6-12 Months
51	Administrative Division	Real Estate and Facilities Management	Facilities Planner	McGrath,Patrick S	San Francisco	20.30	18-24 Months
52	Administrative Division	Trial Court Administrative Services	Accounting Technician	Hultin,Coleen Raquel	Sacramento	9.24	6-12 Months
53	Administrative Division	Trial Court Administrative Services	Contract Specialist	Coombs,Paula R.	Sacramento	12.01	12-18 Months
54	Administrative Division	Trial Court Administrative Services	Staff Accountant	Williams,Shaneen A.	Sacramento	32.30	24+ Months
55	Administrative Division	Trial Court Administrative Services	Division Director	Soderlund,Curt	Sacramento	36.84	24+ Months

55

Information on Judicial Council Directives

Council Directive **47**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the employment of temporary or other staff to circumvent a hiring freeze is not permitted. The Administrative Director must review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such as in the case of an emergency or to provide a critical skill set not available through the use of authorized employees.

SEC Recommendation **9-4**

Employment of temporary or other staff to circumvent a hiring freeze should not be permitted. The Executive Leadership Team should immediately review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such in the case of an emergency or to provide a critical skill set not available through the use of authorized employees.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager Curt Soderlund, Chief Administrative Officer

TASK

[ ] **PENDING**

[x] **COMPLETED: The Judicial Council has established guidelines to further restrict the use of agency temporary workers across the organization.**

The AOC has established guidelines to further restrict the use of agency temporary workers across the organization. Effective July 1, 2013, agency temporary staff can only be utilized under three circumstances:

1) The temporary assignment must be identified as a short-term (less than six months), critical, project-based assignment, not backfilling a vacant position.
2) The temporary assignment is backfilling an approved extended leave of absence and the position is supporting a critical core function.
3) The agency temporary worker is backfilling a position supporting a critical core function while the approval to conduct recruitment for the position is going through the council exemption process. The maximum duration for these assignments is three months.

Agency temporary worker assignments have a maximum duration of no more than six months and shall not continue past June 30 of each fiscal year, regardless of the assignment start date, without granting a request to extend.

If the assignment begins less than six months before June 30, the requesting office may formally request to extend the assignment beginning on July 1. The total timeframe the agency temporary worker may be on

assignment with the council shall not exceed six months.

The Chief Administrative Officer is required to review and approve any requests to employ a temporary worker for longer than six months. Additionally, there is an extensive criteria that must be met prior to the review by the Executive Office who review each and every request.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED		UNABLE TO IMPLEMENT
x	IMPLEMENTED AND ONGOING		PENDING IMPLEMENTATION
	IMPLEMENTED BUT IN PROGRESS		

The ongoing review of requests to hire agency temporary employees as well a review of the duration of the assignments will continue as needed by the organization. Additionally, cost benefit analysis will now be utilized prior to hiring a temporary worker or contractors in response to a recommendation from the California State Auditor.

ASSESSMENT OF IMPLEMENTATION

As of April 30, 2013, the AOC had 30.5 agency temporary workers, compared to a peak of 141 in fiscal year 2010-2011. As of March 2013, this number has decreased to 8 agency temporary workers.

In its audit report dated January 7, 2015, the of the California State Auditor recommended that council implement a policy that requires it to conduct a cost-benefit analysis for using temporary workers, contractors, or consultants instead of state employees before employing temporary workers, contractors or consultants to do the work of AOC employees.

Judicial Council Personnel Policy 3.3–Job Categories was modified to include a requirement that prior to retaining a temporary worker council staff must conduct both a cost-benefit and critical-need analysis. “Temporary worker” includes temporary agency workers and independent contractors. The policy includes an annual reporting mechanism to the Judicial Council. Guidelines for conducting the cost benefit analysis are being developed and will be applied retroactively to existing temporary agency and independent contractors. The council anticipates that this recommendation will be fully implemented in the third quarter of 2015.

Additionally, the California State Auditor recommended that council follow its policies and procedures limiting the period of time it can employ temporary workers, and develop a similar policy to limit the use of contractors to a reasonable period of time, but no more than one year.

Judicial Council Personnel Policy 3.3–Job Categories was amended to specify that temporary agency workers may not exceed six-months in duration, and independent contractors may not exceed one year in duration unless preapproved by the Chief Administrative Officer and/or Administrative Director. To ensure that the Judicial Council has adequate information, the policy includes an annual reporting mechanism to the governing body for any exceptions.

OTHER INFORMATION

Attachments:

- *AOC Utilization of Agency Temporary Employees*
- *Agency Temporary Worker Guidelines and Procedures*
- Personnel Policies and Procedures, Policy Number 3.3: Job Categories

AOC Utilization of Agency Temporary Employees

Historical Information

The Administrative Office of the Courts (AOC) currently utilizes a single-vendor master contract, with low negotiated rates, to provide agency temporary staffing services. The AOC's practice of using a primary, contracted vendor has been in place since 1999. The Human Resources Services Office (HRSO), through its master contract, monitors agency temporary usage, controls costs and oversees the temporary staffing process.

In February 2008, when a limited number of recruitments were permitted, hiring managers began to employ an increased number of agency temporary staff to offset increasing workloads brought about by a lack of staffing resources. Agency temporary usage at the AOC hit its peak at 141 temporary assignments during fiscal year 2010-2011. During this time, the approval to employ an agency temporary worker was at the discretion of the Division Director and Executive Office.

Recent Use of Agency Temporary Employees

Beginning in late 2012, the AOC began to reduce its reliance on agency temporary staff and took the first steps by converting 32 temporary staff to regular employee positions.

MONTH	COUNT
12-Apr	82.0
12-May	71.0
12-Jun	56.0
12-Jul	55.0
12-Aug	54.0
12-Sep	51.0
12-Oct	51.2
12-Nov	47.1
12-Dec	17.5
13-Jan	20.5
13-Feb	24.5
13-Mar	26.5
13-Apr	30.5

In January 2013, HRSO, in conjunction with the Chief Administrative Officer, further restricted the process by implementing new parameters for securing agency temporary workers funded through the master contract. These parameters include:

- The temporary assignment must be less than six months in length, critical, and established on a project-only basis; or

The temporary assignment is backfilling a position in which the incumbent is on an approved extended leave of absence and only if the position is supporting a critical core function.

Before the agency temporary worker is funded through the master contract, the request must be reviewed by HRSO to determine if one of the above criteria is met.

Next Steps

While the need for agency temporary staffing exists, it is the goal of the AOC to implement stringent guidelines to decrease its dependence on agency temporary workers for long-term assignments.

These guidelines have been outlined in the attached document. The guidelines contain three requirements to determine whether an agency temporary worker may be brought on an assignment. It also includes up to a six-month maximum timeframe that agency temporary workers may remain on assignment.

In addition to addressing concerns raised by Judicial Council Directives 47 and 140, the maximum six-month timeframe was implemented to avoid a temporary agency worker potentially applying for California Public Employees Retirement System (CalPERS) membership under the common law employment factors. One of the requirements for CalPERS membership eligibility is that an individual must work more than 1000 hours, or equivalent to six months, for a state agency or state contracting agency.

The AOC will inform staff and apply these standards beginning July 1, 2013. The AOC will continue to assign HRSO oversight and enforcement responsibilities.

The AOC recently completed the solicitation of a new vendor to manage the agency temporary program. Effective, July 1, 2013, the AOC will initiate a master contract for use by the state judicial branch. In prior years, the master contract was limited to only the AOC. Under the new master contract, the Supreme Court, the Courts of Appeal, AOC, Habeas Corpus Resource Center, and the Commission on Judicial Performance will now be able to utilize agency temporary workers under a single contract.

Agency Temporary Worker Guidelines and Procedures

These guidelines and procedures outline criteria for the use of agency temporary workers as a reasonable resource to address staffing needs, provide guidance on how to complete the exemption request form, and provide assistance for the supervision of the agency temporary workers if the agency temporary worker request is granted.

I. DEFINITION

Agency temporary workers are not employees of the Administrative Office of the Courts (AOC). An agency temporary worker is an employee of an external employment agency; agency temporary workers receive compensation directly from the employment agency and carry out specific assignments. They are not eligible for any AOC benefits (sick leave, vacation, paid holidays, retirement, training, service credit, compensatory time, and transit passes, etc.), salary increases, reclassification or shift differential pay.

Agency temporary workers are hourly employees and must be paid for all hours worked, including overtime pay pursuant to applicable state and federal laws.

Agency temporary workers are not granted preferential treatment based on their temporary assignment with the AOC if they apply for an AOC employee position.

An agency temporary worker may be considered for employment as an AOC employee after working the minimum hours as governed by the current AOC Master Temporary Staffing Services Contract. <u>All agency temporary workers must meet the minimum qualifications of the AOC classification in order to be considered for employment.</u>

II. DURATION OF AGENCY TEMPORARY WORKER ASSIGNMENTS

Agency temporary worker assignments have a maximum duration of no more than six months **<u>and</u>** shall not continue past June 30 of each fiscal year, regardless of the assignment start date, without granting a request to extend.

If the assignment begins less than six months before June 30, the requesting office may formally request to extend the assignment beginning on July 1. The total timeframe the agency temporary worker may be on assignment with the AOC shall not exceed six months.

III. TYPES OF AGENCY TEMPORARY WORKER ASSIGNMENTS

1. Short-Term, Project-Based Assignments typically involve assistance on a special project (i.e., not for regularly assigned work).

   Under short-term, project-based assignments:

   - The agency temporary worker is not backfilling a position vacancy due to a planned separation or retirement;
   - The agency temporary worker receives compensation based on contracted rates in the Temporary Worker Salary Classification Schedule, as defined in the AOC Master Temporary Staffing Services Contract;
   - A former agency temporary worker may begin work on a new assignment with the AOC after a six-month break; and
   - No individual who retired under the California Public Employees' Retirement System (CalPERS) may work for the AOC as an agency temporary worker within 180 days of retirement.

2. Backfilling an approved Extended Leave of Absence is allowable when the incumbent is on an approved extended leave of absence and the incumbent supports an AOC critical core function.

   Under backfilling of approved extended leave of absence assignments:

   - The agency temporary worker is not backfilling a position vacancy due to a planned separation or retirement;
   - The agency temporary worker receives compensation based on contracted rates in the Temporary Worker Salary Classification Schedule, as defined in the master agreement;
   - A former agency temporary worker may begin work on a new assignment with the AOC after a six-month break; and
   - No individual who retired under CalPERS may work for the AOC as an agency temporary worker within 180 days of retirement.

3. Backfilling a Position Vacancy involves the use of an agency temporary worker to backfill a position that has been identified as supporting an AOC critical core function. Under backfilling a position vacancy assignments:

   - The agency temporary worker is backfilling the position while the approval to recruit for the position is being determined.

- The agency temporary worker receives compensation based on contracted rates in the Temporary Worker Salary Classification Schedule as defined in the master agreement;
- The agency temporary worker's assignment for back filling a vacancy has a maximum duration of no more than three months.
- A former agency temporary worker may begin work on a new assignment with the AOC after a six-month break; and
- No individual who retired CalPERS may work for the AOC as an agency temporary worker within 180 days of retirement.

IV. CRITERIA FOR REQUESTING AN AGENCY TEMPORARY WORKER

Before an agency temporary worker request is considered for approval, the requesting office should clearly demonstrate that:

a. The agency temporary worker is an essential staffing need for a project-based assignment, with a duration of no more than six months, **and** the specific work assignment cannot be performed by regular employees;

OR

b. The agency temporary worker is backfilling a position supporting a critical core function when the incumbent is on an approved extended leave of absence. The maximum duration of six months is still applicable, regardless of the incumbent's time on leave.

OR

c. The agency temporary worker is backfilling a position supporting a critical core function while the approval to conduct recruitment for the position is going through the AOC exemption process. The maximum duration for these assignments is three months.

V. PROCEDURE FOR REQUESTING AN AGENCY TEMPORARY WORKER

Offices must submit an exemption form to request an agency temporary worker. The Chief Administrative Officer ultimately has approval authority over all requests for agency temporary workers.

To submit a request for an agency temporary assignment, the requesting office must complete the following two forms and provide them to the Human Resources Services Office (HRSO):

1. *Request for Exemption - Temporary Help (link)*
2. *Temporary Agency Work Order (link)*

HRSO reviews the forms to ensure that the criteria for an agency temporary worker assignment have been met and that all sections of the exemption and work order forms have been accurately completed.

If the request successfully meets the criteria, HRSO forwards the forms to the Chief Administrative Officer for final approval. HRSO then informs the requesting office of the Chief Administrative Officer's decision. **Under all circumstances**, HRSO initiates contact with the agency; requesting offices may not directly contact the agency or prospective agency temporary workers.

VI. PROCEDURE FOR TERMINATION OF ASSIGNMENT OF AN AGENCY TEMPORARY WORKER

Hiring managers should contact HRSO before communicating assignment terminations with an agency temporary worker. HRSO will contact the agency temporary worker's employment agency and then provide guidance to the hiring manager on next steps.

VII. OFFICE PROCEDURES FOR AGENCY TEMPORARY WORKERS

The office requesting an agency temporary worker is responsible for determining cubicle space, securing a phone with Business Services, and computer and network setup with the Information Technology Services Office HelpDesk.

VIII. AOC SUPERVISOR RESPONSIBILITY

Only AOC employees in classifications designated as supervisor or above may serve as the "supervisor" of the agency temporary worker, with tasks such as:

- Approving weekly timecards;
- Approving any needed travel and lodging expenses and/or following AOC policies and procedures;
- Establishing guidelines regarding worker expectations and conduct (as long as they are reasonable and do not conflict with the AOC agency temporary guidelines); and
- Communicating and enforcing AOC safety practices.

Policy Number: **3.3**

Title: **Job Categories**

Contact: **Human Resources, Payroll and Benefits Administration Unit**

Human Resources, Classification and Compensation Unit

Finance, Office of Accounting and Business Services

Policy Statement: **The Judicial Council classifies employees as (1) regular or limited-term (temporary), (2) full-time, part-time, or intermittent, and (3) exempt or nonexempt from federal overtime law. Independent contractors and agency workers are not Judicial Council employees.**

Contents:

(A) Purpose of Policy
(B) Regular and Limited-Term (Temporary) Employment
(1) Regular Status
(2) Limited-Term (Temporary) Status
(C) Time Base
(1) Full Time
(2) Part Time
(3) Intermittent
(D) Exempt and Nonexempt Status
(E) Other Temporary Workers
(1) Temporary Agency Workers
(2) Independent Contractors or Outside Consultants

(A) Purpose of Policy

This policy sets forth the employment classifications to guide employees about their employment status and benefit eligibility.

(B) Regular and Limited-Term (Temporary) Employment

(1) Regular Status

Regular employees are those employees in Judicial Council positions that receive renewed funding each fiscal year.

(2) Limited-Term (Temporary) Status

Limited-term employees (also known as temporary employees) are hired by the Judicial Council for a particular project or for a limited duration. Funding for this type of position is generally scheduled to end on the last day of the fiscal year, or the appointment may be authorized only for a specific period of time. Some limited-term positions may be extended beyond the initial expiration date if funding is available. Other categories of temporary employment include the following:

- "Special consultant," "graduate student assistant," and "student assistant" are specifically designated temporary classifications (the special consultant classification is generally applied to individuals who work on special projects that require particular expertise). Appointment to these positions is limited to a specific period of time, which is typically the length of a project or, in the case of graduate student assistants and student assistants, through the end of a school term.

- Retired persons may return to work as "retired annuitants" on a temporary basis as long as they do not work beyond 960 hours in any fiscal year. For more information about requirements and restrictions on the appointment of retired annuitants, please refer to Policy 3.11(B).

Limited-term employees may not be eligible for certain benefits. For more information about eligibility for benefits, please refer to Employee Benefits, Chapter 6.

(C) Time Base

In addition to having a regular or limited-term status, all employees are designated with a full-time, part-time, or intermittent time base.

(1) Full Time

"Full time" means that the employee is scheduled to work a minimum of 40 hours per week.

(2) Part Time

"Part time" means that the employee is scheduled to work less than 40 hours per week. The term "ratio to full time" is used to describe a part-time employee's time base and refers to percentage of time, relative to a full-time schedule, that an employee is regularly scheduled to work. Examples of less than full-time employment include four-fifths time, half time, etc. An individual who is scheduled to work less than half time may not be eligible for certain benefits. For more information about eligibility for benefits, please refer to Employee Benefits, Chapter 6.

(3) Intermittent

"Intermittent" means that the employee has no established work schedule and works on an "as-needed" basis. The number of hours that an intermittent employee works often varies from one pay period to the next. Cumulative hours for intermittent employees must not exceed 1,500 per calendar year. Eligibility for certain benefits may be limited for intermittent employees; please refer to Employee Benefits, Chapter 6 for more information.

(D) Exempt and Nonexempt Status

"Exempt employees" are employees who are classified by the Judicial Council as exempt from the overtime provisions of the federal Fair Labor Standards Act (FLSA). "Nonexempt employees" are employees who are eligible to be compensated for overtime work in

accordance with the FLSA. Overtime pay provisions are set forth in Hours of Work, policy 4.4.

(E) Other Temporary Workers

Temporary agency workers or independent contractors (also known as outside consultants) may be retained by the Judicial Council on a temporary basis.

(1) Temporary Agency Workers

Human Resources maintains contracts with approved temporary employment agencies to provide short-term support. The duration of a temporary agency worker is dependent upon the purpose of the assignment.

The Chief Administrative Officer may grant exceptions to the duration limitation for agency workers for extreme circumstances affecting or impacting critical operations.

(2) Independent Contractors or Outside Consultants

These individuals are employed by an outside firm, are self-employed, or are a group of individuals established as a business to provide expertise and services in a specialized field. An independent contractor must satisfy IRS regulations defining independent contractor status.

For more information on retaining a temporary agency worker, please contact Human Resources. For more information about the requirements governing independent contractors, please refer to the Judicial Branch Contracting Manual.

Temporary agency workers and independent contractors or consultants are not Judicial Council employees. If such workers are interested in employment with the Judicial Council, they must follow the guidelines for external applicants as outlined in Hiring, policy 3.1(A).

Information on Judicial Council Directives

Council Directive **48**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts, as part of the council's long-term strategic planning, to evaluate the location of the AOC main offices based on a cost-benefit analysis and other considerations.

SEC Recommendation **10-2**

As part of its long-term planning, the AOC should consider relocation of its main offices, based on a cost-benefit analysis of doing so.

Reported By:	Real Estate and Facilities Management
Contact:	Burt Hirschfeld, Assistant Director

TASK

[x] **PENDING: Evaluating the location of the Judicial Council main offices based on a cost-benefit analysis and other considerations, is currently underway. Pertinent facilities, lease, human resources, and market data will be compiled in the second quarter of 2015 with an anticipated completion date for the analysis in the 3rd quarter of 2015.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[x] PENDING IMPLEMENTATION

A series of real estate transactions resulted in an expense reduction of nearly $8.6 million in rent and a space contraction of 82,761 SF (25%) through FY 2014-15. These were subsequently approved in fulfillment of Directive 22, which represents the initial phase implementation of Directive 48.

The California State Auditor's JCC (AOC) Audit Report of January 7, 2015 includes a recommendation regarding this same issue. Council staff is currently gathering pertinent facilities, lease, human resources, and market data. This will be completed in the second quarter of 2015 with an anticipated completion date for the analysis in the 3rd quarter of 2015. As such, the directive's full implementation will occur as part of the Council's long-term strategic planning and in response to the audit recommendation language, evaluating the location of the Judicial Council main offices based on a cost-benefit analysis and other considerations.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **49**

E&P recommends that the Judicial Council support SEC Recommendation 7-2 with no further action. The AOC has terminated special consultants hired on a continuous basis.

SEC Recommendation **7-2**

The practice of employing a special consultant on a continuous basis should be reevaluated and considered for termination taking into account the relative costs, benefits, and other available resources.

Reported By:	Criminal Justice Services
Contact:	Shelley Curran, Director

TASK

- [ ] PENDING
- [x] COMPLETED: **The Judge-in-Residence position was terminated effective July 1, 2012.**

Terminated the Judge-in-Residence position that reported to the Executive effective July 1, 2012.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

- [x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
- [ ] IMPLEMENTED AND ONGOING
- [ ] IMPLEMENTED BUT IN PROGRESS
- [ ] UNABLE TO IMPLEMENT
- [ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **50**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-3 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation **7-3**

The Center for Families, Children and the Courts should be an office reporting to the Chief Operating Officer in the AOC's Judicial and Court Operations Services Division, rather than a stand-alone division. The CFCC manager position should be compensated at its current level.

Reported By:	Executive Office
Contact:	Jody Patel, Chief of Staff

TASK

[x] **PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.

- On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.
- In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.
- In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.
- In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.
- In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.
- In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.
- In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with

the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

- In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.
- In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.
- In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.
- In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.
- All-staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the reconsideration process.

In March 2015, staff received their new classifications. Approximately 244 requests for reconsiderations were submitted in April 2015. Following this effort, the Executive Office will review reconsideration requests with support from Human Resources, Legal Services, and Fox Lawson and Associates, as appropriate. After all requests are reviewed, final decisions made by the Administrative Director will be communicated to office leadership to be shared with individual employees.

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **51**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(a) and implement the necessary organizational and staffing changes, taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation **7-4**

CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:

(a) CFCC has a one-over-one management structure with a Division Director and an Assistant Division Director position. The Assistant Division Director position should be eliminated.

Reported By:	Center for Families, Children and the Courts
Contact:	Diane Nunn, Director

TASK

[x] **PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

Implementation of this directive is directly tied to the outcome of the AOC Classification and Compensation Study.

- On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.
- In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.
- In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.
- In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.
- In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.

- In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.
- In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.
- In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.
- In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.
- In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.
- In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.
- All-staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the reconsideration process.

In March 2015, staff received their new classifications. Approximately 244 requests for reconsiderations were submitted in April 2015. Following this effort, the Executive Office will review reconsideration requests with support from Human Resources, Legal Services, and Fox Lawson and Associates, as appropriate. After all requests are reviewed, final decisions made by the Administrative Director will be communicated to office leadership to be shared with individual employees.

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **52**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(b) and (c) and implement the necessary organizational and staffing changes, taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation **7-4**

CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:

(b) There are nearly 30 attorney positions in CFCC, including 7 attorneys who act as Judicial Court Assistance Team Liaisons. All attorney position allocations should be reviewed with a goal of reducing their numbers and/or reallocating them to non-attorney classifications.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager

TASK

x	**PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**
	COMPLETED

IMPLEMENTATION PROGRESS AS OF MAY 2015

	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED		UNABLE TO IMPLEMENT
	IMPLEMENTED AND ONGOING	x	PENDING IMPLEMENTATION
	IMPLEMENTED BUT IN PROGRESS		

- On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.
- In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.
- In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.
- In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.
- In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.
- In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across

Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.

- In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one‐on‐one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.
- In July 2014, the Executive Office held all‐staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.
- In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.
- In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.
- In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.
- All‐staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the reconsideration process.

In March 2015, staff received their new classifications. Approximately 244 requests for reconsiderations were submitted in April 2015. Following this effort, the Executive Office will review reconsideration requests with support from Human Resources, Legal Services, and Fox Lawson and Associates, as appropriate. After all requests are reviewed, final decisions made by the Administrative Director will be communicated to office leadership to be shared with individual employees.

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **52.1**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(b) and (c) and implement the necessary organizational and staffing changes, taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation **7-4**

CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken.

(c) The CFCC has numerous grant-funded positions, including five in its Rules and Forms Unit. Implementation of our recommendations for the AOC's Grants and Rule-making Processes could result in some reductions in these positions.

Reported By:	Center for Families, Children and the Courts
Contact:	Diane Nunn, Director

TASK

[ ] PENDING
[x] COMPLETED: **CFCC eliminated its Rules and Form Unit. CFCC still works on legislatively required forms and rules but has decentralized this process across the office.**

CFCC eliminated its Rules and Form Unit. CFCC still works on legislatively required forms and rules but has decentralized this process across the office.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

As a result of eliminating the Rules and Form unit, five positions were abolished and are no longer part of CFCC. CFCC still works on legislatively required forms and rules but has decentralized this process across the office.

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **53**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(d) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.

SEC Recommendation **7-4**

CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken

(d) The CFCC has a number of positions devoted to research programs, as do other offices to be placed within the Judicial and Court Operations Services Division, presenting opportunities for efficiencies by consolidating divisional research efforts.

Reported By:	Center for Families, Children and the Courts
Contact:	Diane Nunn, Director

TASK

[ ] PENDING

[x] COMPLETED: **All research analysts currently at the Judicial Council have been consolidated into offices within the Operations and Programs Division. Managers overseeing research in those offices have implemented a protocol to manage workforce reduction and address staffing current and future projects.**

Since the end of FY 10-11, the number of Judicial Council employees in research classifications has declined by approximately 45%. To improve the efficiency and effectiveness of research in support of the Judicial Council and the courts, and consistent with Judicial Council Directives 53 and 72.1, all research analysts currently at the Judicial Council have been consolidated into offices within the Judicial and Court Operations Division. Managers overseeing research in those offices began discussions in October 2012 and have implemented a protocol to manage workforce reduction and address staffing current and future projects.

This directive was completed August 2013.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- *Research Communications and Coordination Protocol*
- Judicial Council Organizational Structure, October 2012

Research Communications and Coordination Protocol

Introduction

The Judicial and Court Operations Services Division employees staff in research classifications in three of its offices. The researchers in those offices work on multiple assignments in different program areas, including family law, juvenile law, self-help and access to justice, tribal programs, mental health, collaborative justice, criminal justice court services, judicial and staff workload modeling, resource allocation modeling, historical filings trends in the trial courts, use of subordinate judicial officers, the impact of trial court unification, and research projects mandated by new legislation.

Overall, the AOC's research staff has decreased by approximately 45% in recent years. In order to optimize the effectiveness of the new organizational structure—under which all researchers have now been grouped in the same division—and to maximize the efficient use of remaining staff, the following formal protocol for communications and coordination of research resources has been developed. The protocol was developed in lieu of consolidating all research staff within a single office within the division because of the unique nature of the work typically done by researchers in each office. That is, researchers in the Office of Court Research (a part of the Court Operations Special Services Office) typically engage in wide-scale, "project"-style research, such as recent work on judicial and staff workload models, as well as the resultant work on models for allocating fiscal resources to the trial courts. By comparison, researchers in the Center for Families, Children & the Courts and the Criminal Justice Court Services Office have subject matter expertise in particular case types or operations (e.g. family, juvenile, domestic violence, tribal, criminal justice, collaborative justice, civil representation pilots). This subject matter expertise increases efficiencies in our efforts to work both within the judicial branch and AOC and in the work with external partners. These researchers conduct research as subject matter experts in multi-disciplinary teams, serving trial courts in projects such as caseflow management, outcome measurement, implementation of legislative mandates and assessment of their costs and benefits to trial courts at the local level.

Protocol

1. An email distribution list for all AOC researchers will be established to ensure that information of interest to all is shared easily, and that the various court groups that staff works with receive information that may be of interest to them across all research projects. In addition, AOC analysts and others may use the group to keep abreast of the division's research projects.

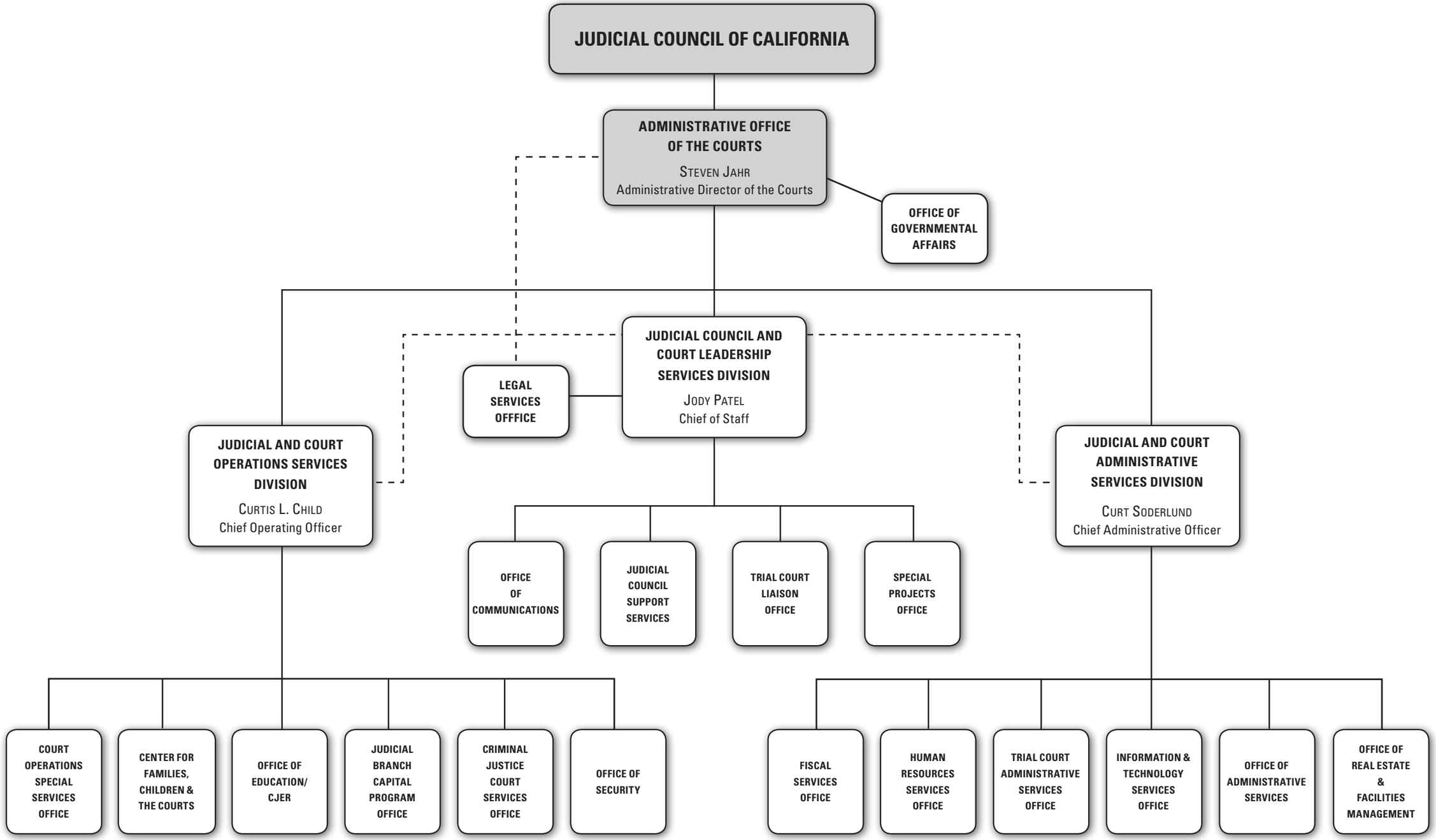
2. Managers and supervisors from each office will meet as needed—but at least every two months—to review current and proposed research projects, staffing and other resources; and to consider ways to provide additional assistance to the courts and meet needs for research at the AOC. Regular topics on the agenda will include:

- Review information requests from the trial and appellate courts to ensure prompt response;
- Review new requests for research assistance from the trial and appellate courts and AOC leadership; provide division director with options for responding to the request;
- Coordinate requests to the trial and appellate courts for information, including surveys, and minimize burdens on the courts;
- Assess current projects to identify places where efforts could be consolidated and the number of staff required for projects reduced;
- Make recommendations to the division director on changes needed in staff assignments;
- Develop educational resources and information sources for the trial and appellate courts to ensure they have adequate access to information derived from research projects and court statistics;
- Respond to Judicial Council advisory groups with research and information required on their annual agendas.

3. Staff will coordinate on grant proposals, budget change proposals, conference presentations, and other projects to prevent duplication of effort.

Attachment A

ORGANIZATIONAL STRUCTURE OF THE ADMINISTRATIVE OFFICE OF THE COURTS



October 2012

Information on Judicial Council Directives

Council Directive **54**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation **7-4**

CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:

(e) CFCC staff members provide support to a number of Judicial Council committees and task forces. The recommended consolidation of this support function under the direction of the Chief of Staff will present opportunities for efficiencies and resource reduction.

Reported By:	Chief of Staff
Contact:	Jody Patel, Chief of Staff

TASK

[x] **PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

After the completion of the AOC Classification and Compensation Study, the Executive Team will have more information necessary for determining staffing needs and resources for committee support. As such, this directive will be addressed after the completion of the Classification and Compensation Study.

- On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.
- In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.
- In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.
- In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.
- In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.

- In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.
- In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.
- In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.
- In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.
- In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.
- In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.
- All-staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the reconsideration process.

In March 2015, staff received their new classifications. Approximately 244 requests for reconsiderations were submitted in April 2015. Following this effort, the Executive Office will review reconsideration requests with support from Human Resources, Legal Services, and Fox Lawson and Associates, as appropriate. After all requests are reviewed, final decisions made by the Administrative Director will be communicated to office leadership to be shared with individual employees.

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **55**

E&P recommends that the Judicial Council support SEC Recommendation 7-4(f) with no further action, as these administrative and grant support functions have been consolidated through the AOC's initiatives to reduce costs and downsize its workforce and operations.

SEC Recommendation **7-4**

CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken.

(f) The CFCC maintains a Core Operations Unit, which is essentially an administrative and grant support unit. The consolidation of administrative functions and resources within the Judicial and Court Administrative Services Division should lead to the downsizing of this unit.

Reported By:	Center for Families, Children and the Courts
Contact:	Diane Nunn, Director

TASK

[ ] **PENDING**

[x] **COMPLETED: CFCC's Core Services Unit was eliminated and the administrative functions of this unit were decentralized in the organization.**

CFCC's Core Services Unit was eliminated and the administrative functions of this unit were decentralized in the organization.

This directive was completed October 2012.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[ ] **PENDING IMPLEMENTATION**

ASSESSMENT OF IMPLEMENTATION

The Center for Families, Children & the Courts' centralized administration workforce has been downsized, eliminating Administrative Secretary, Staff Analyst, and Special Consultant functions.

Although this unit was eliminated, there are two positions in a resource management unit necessary for CFCC budget and human resource activities. These activities include administration of the numerous requirements for CFCC contracts including the 20 Dependency Representation And Funding Training (DRAFT) programs.

OTHER INFORMATION

Attachments:

- Organizational Structure of the Center for Families, Children and the Courts, March 2015

JUDICIAL COUNCIL OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION

CENTER FOR FAMILIES, CHILDREN & THE COURTS

Judicial Council of California

Martin Hoshino
Administrative Director

Operations and Programs Division
Curtis L. Child
Chief Operating Officer

Center for Families, Children & the Courts
Diane Nunn
Director

Kathy Tyda, *Executive Secretary*

Charlene Depner
Assistant Director

Resource Management
Susie Viray, *Lead Management & Program Analyst*
Vacant, *Management & Program Analyst*
Zenaida Bernados, *Sr. Admin Coordinator*

Access to Justice and Self-Help, Family Law and Domestic Violence, and Tribal/State Courts
Bonnie Hough, *Managing Attorney*

Access to Justice, Family Law
Julia Weber, *Sup Attorney*
Tracy Kenny, *Attorney*
Gabrielle Selden, *Attorney*
Kyanna Williams, *Attorney*

Domestic Violence
Vacant, *Attorney*

Tribal/State Courts
Jenny Walter, *Sup Attorney*
Vida Castaneda, *CSA*
Ann Gilmour, *Attorney*
Diana Glick, *Attorney*

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Youn Kim, *SA II*
Yolanda Leung, *SA II*
Kim Tyda, *RA*
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Kelly Meehleib, *Admin I*
Xiaoyu Zhang, *Admin II*

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Nadine Blaschak-Brown, *Sr CSA*
Christine Cleary, *Attorney*
Jenie Chang, *Attorney*
Danielle McCurry, *CSA*
Karen Moen, *Sr CSA*
Donna Strobel, *Ed Specialist II*

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Vacant, *Sup Attorney*
Shelly La Botte, *Sr CSA*
Anna Maves, *Sr Attorney*
Ruth McCreight, *Sr Attorney*
Larry Tolbert, *Sr CSA*

Court Services, Research, Youth Participation
Vacant, *Sup RA*

Administrative Support
Irene Balajadia, *Sr Admin*
Marita Desuasido, *Sec II*
Angelica Souza, *Admin I*
Juan Palomares, *Sr Admin*
Charina Zalzos, *Sec II*

Juvenile Dependency and Delinquency
Don Will, *Manager*

Juvenile Dependency and Delinquency
Audrey Fancy, *Sup Attorney*
Beth Bobby, *Attorney*
Kerry Doyle, *Attorney*
Nicole Giacinti, *Attorney*
Marymichael Miatovich, *Attorney*
Corby Sturges, *Attorney*
Vacant, *Sup Attorney*
Vacant, *Attorney*

Court Services, Court Appointed Counsel, DRAFT Administration, CASA
Amy Nunez, *Sup RA*
Angela Duldulao, *CSA*
Vida Terry, *Sr CSA*
Carly Thomas, *SA II*
Anthony Villanueva, *RA*
Vacant, *Sr CSA*
Vacant, *SA I*

Administrative Support
Cindy Chen, *Admin II*
Monica Lim, *Admin I*
Arlene Negapatan, *Admin I*

Effective 03/02/15

CFCC supports two Accountants and part of an Accounting Supervisor's time.

Information on Judicial Council Directives

Council Directive 56

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider reducing or eliminating various publications produced by the Center for Families, Children, & the Courts.

SEC Recommendation 7-4

CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken.

(g) CFCC staff members produce various publications. They should be considered for reduction or elimination.

Reported By:	Center for Families, Children and the Courts
Contact:	Diane Nunn, Director

TASK

[ ] PENDING

[x] COMPLETED: **CFCC eliminated printing all hard-copy publications and limits CFCC publications to on-line resources only.**

CFCC eliminated printing all hard-copy publications and limits CFCC publications to on-line resources only.

Exceptions require approval of a written justification. Updates to publications have been deferred. Summaries and links to publications developed by other agencies are provided, where available. Legislatively mandated publications are produced through temporary reassignment of staff or collaboration with other offices.

This directive was completed February 2013.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

With the elimination of hard-copy publications, CFCC reduced its staffing by two positions.

The only publication that is still printed is the Children's Activity Book.

OTHER INFORMATION

Attachments:

- *Judicial Council Directive #56 CFCC Publications*
- *Publication Planning and Production Exemption Form*
- Link to itemized list of CFCC publications: http://www.courts.ca.gov/cfcc-publications.htm

Judicial Council Directive #56 CFCC Publications

Directive 56. E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider reducing or eliminating various publications produced by the Center for Families, Children, & the Courts.

Corresponding SEC Recommendation No. 7-4: CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken: *(including)*

(g) CFCC staff members produce various publications. They should be considered for reduction or elimination.

Summary

Publications and information resources produced by the Center for Families, Children & the Courts (CFCC) include mandated reports to the legislature, research briefings for judicial officers and court stakeholders, bench guides and other practice guidelines, and content designed for AOC and the California Dependency OnLine Guide (CalDOG) websites. CalDOG, which is used exclusively to access publications, has 2,000 visitors per month. The CFCC pages on the AOC website receive 1,300 visitors per month.

Consistent with the SEC recommendation and the Judicial Council directive, CFCC undertook an effort to reduce, to an absolute minimum, staff and funds used on print publications and to make information accessible through websites and other electronic means. CFCC has also created an information resource development protocol to insure that this change is institutionalized for future publications.

1. Workforce and costs reductions

By streamlining publication development, shortening the material and delivering most of the information through summaries, briefings, and tools on the internet, staff time spent on publications has been substantially reduced. By eliminating most printed publications, the costs of design, editing, and reproduction have also been substantially reduced. Two senior research positions have been eliminated, resulting in a savings of salary and benefits of $234,826. The total amount of Improvement and Modernization Funds supporting CFCC operational costs for publications stood at $122,000 in fiscal year 2010-2011, and at $20,000 in fiscal year 2012-2013, a decrease of 84 percent.

2. Operational Changes

- With the elimination of two senior research analysts, CFCC is no longer conducting research, developing and producing publications on topics related to self-help programs, domestic violence, juvenile delinquency, and many areas of family law including:

program evaluations, briefing and literature reviews on topics requested by Judicial Council committees and other judicial officers. Nearly all research publications are now funded by restricted grants.

- New publications are limited to those developed at the Judicial Council's direction or its approval of the publication on an advisory group's annual agenda. Recent publications are focused on those that directly assist the courts and meet branch objectives. Advisory group members serve on teams that review the plans and drafting of publications.
- Discontinued publications include the Court Adoption and Permanency Resource Guide: A Handbook for California Courts Highlighting Adoption and Permanency Programs; Journal of the Center for Families, Children & the Courts; Improving Coordination of Cases Involving Children and Families, and Juvenile Best Practices Research Briefings.
- Publications, resources, and tools are available online only. CFCC's large conferences, including Beyond the Bench and the Family Law Education Programs, are now paperless. Judicial tools such as the popular guides to foster care eligibility law and research briefs developed to meet a specific need of the court are now available online only.
- Hard copies are made by exception only. An approved justification is required. Currently, the only exceptions are frequently requested by the courts in printed form. These include the popular Children's Activity Book, pocket guides for judges, and the Family Reunification Book. Print publications are now produced in a print-on-demand format and the number of copies is carefully monitored.
- Updates to popular publications have been deferred. These include Every Child, Every Hearing, Applying Collaborative Justice Principles and Practices, and Improving Coordination of Cases Involving Children and Families.
- Existing publications have been repurposed to focus on the immediate needs of judicial officers and other key stakeholders. Information resources are posted as a summary with links to publications developed by other agencies, where available.
- Legislatively mandated publications are produced as efficiently as possible through temporary reassignment of staff or collaboration with other offices. For example, the research and writing for Special Assessment of the Need for New Judgeships in Family and Juvenile Law was carried out in coordination with the judicial needs study and Judicial Council report led by the Office of Court Research, eliminating duplication of effort and greatly reducing staff costs.

Publication Planning and Production Exemption Form	
You must submit this form for management approval before planning a publication: including research briefs, case summaries, bench guides, legislative reports and other documents.	
Name:	
Proposed publication name	
Proposed publication purpose and description	
Audience	
Estimated staff time:	
Does this publication requires design/formatting?	
Does it require printed copies?	
• # printed copies	
• Estimated cost of printing and distribution	
• Funding source	
Justification why online posting is not sufficient	
Approvals:	_____ Supervisor/Date _____ Manager/Date _____ Director/Date

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Name:	
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Estimated staff time:	
Does this publication require design/formatting?	
Does it require printed copies?	
• # printed copies	
• Estimated cost of printing and distribution	
• Funding source	
Justification why online posting is not sufficient	
Approvals:	_____ Supervisor/Date _____ Manager/Date _____ Director/Date

Information on Judicial Council Directives

Council Directive **57**

E&P recommends that the Judicial Council support SEC Recommendation 7-4(h) with no further action. The Judge-in Residence is now volunteering time to fulfill this responsibility.

SEC Recommendation **7-4**

CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken.

(h) The Judge-in-Residence position in this division should be eliminated.

Reported By:	Center for Families, Children and the Courts
Contact:	Diane Nunn, Director

TASK

[ ] PENDING
[x] COMPLETED: **The Judge-in-Residence position in CFCC was eliminated in October 2012.**

The Judge-in-Residence position in CFCC was eliminated in October 2012.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

The Center for Families, Children & the Courts now relies on the volunteer services of a mentor judge who responds to court requests for on-site consultation, local assistance, and referral services. Access to presentations and publications by the volunteer mentor judge is available online.

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **58**

E&P recommends that the Judicial Council support SEC Recommendation 7-4(i) with no further action, as the positions related to CCMS have been eliminated through the AOC's initiatives to reduce costs and downsize its workforce and operations.

SEC Recommendation **7-4**

CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken.

(i) Positions related to CCMS should be eliminated.

Reported By:	Center for Families, Children and the Courts
Contact:	Diane Nunn, Director

TASK

- [ ] PENDING
- [x] COMPLETED: **Center for Families, Children & the Courts' workforce reductions included four employees who had been redeployed to work on CCMS. The regular assignments of employees redeployed for work on CCMS were not back filled by other staff and the positions were eliminated as of October 2012.**

Center for Families, Children & the Courts' workforce reductions included four employees who had been redeployed to work on CCMS. The regular assignments of employees redeployed for work on CCMS were not back filled by other staff and the positions have now been eliminated as of October 2012.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

- [x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
- [ ] IMPLEMENTED AND ONGOING
- [ ] IMPLEMENTED BUT IN PROGRESS
- [ ] UNABLE TO IMPLEMENT
- [ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **59**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to propose an organizational plan for the Center for Families, Children, & the Courts that allows for reasonable servicing of the diverse programs mandated by statute and assigned to this division.

SEC Recommendation **7-4**

CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken.

(j) Although staffing reductions in this division are feasible, any reorganization or downsizing of this division must continue to allow for reasonable servicing of the diverse programs mandated by statute and assigned to this division, including such programs as the Tribal Project program.

Reported By:	Center for Families, Children and the Courts
Contact:	Diane Nunn, Director

TASK

[ ] PENDING

[x] COMPLETED: **CFCC has reduced the number of units from 17 units down to 8 units and its workforce from 98.3 in 2012 to 55.35 in 2015, and will continue to focus on providing its mandated services.**

CFCC conducted a comprehensive restructuring as reported as complete February 2013.

CFCC has reduced the number of units from 17 units down to 8 units and reduced its workforce from 98.3 positions in 2012 to 55.35 positions in 2015.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

CFCC continues to evaluate how it can provide its mandated services with these reductions in staff.

OTHER INFORMATION

Attachments:

- *Implementation of Judicial Council Directive #59*
- Organizational Structure of the Center for Families, Children and the Courts, March 2015

Implementation of Judicial Council Directive #59

Judicial Council Directive #59:
E&P recommends that the Judicial Council direct the Administrative Director of the Courts to propose an organizational plan for the Center for Families, Children, & the Courts that allows for reasonable servicing of the diverse programs mandated by statute and assigned to this division.

Corresponding SEC Recommendation:
CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:
(j) Although staffing reductions in this division are feasible, any reorganization or downsizing of this division must continue to allow for reasonable servicing of the diverse programs mandated by statute and assigned to this division, including such programs as the Tribal Project program.

Implementation of the Directive

1. Organizational restructuring
On August 31, 2012, the Judicial Council approved a new organizational structure for the Administrative Office of the Courts proposed by the interim Administrative Director of the Courts and incoming Administrative Director of the Courts. The new organizational structure reduced the AOC Executive Team to four positions (Administrative Director, Chief of Staff, Chief Operating Officer, and Chief Administrative Officer) and realigned and renamed existing divisions into offices housed under one of three newly created divisions (Judicial Council and Court Leadership Services Division, Judicial and Court Operations Services Division, and Judicial and Court Administrative Services Division). The Center Families, Children & the courts is now an office in the Judicial and Court Operations Division. The approved organizational structure became effective on October 1, 2012. As noted in the implementation report describing this restructuring, the new AOC structure realizes efficiencies through consistent oversight, improved communication, streamlined decision-making, and clear designation of authority, responsibility, and accountability.

2. Workforce reductions
Since the conclusion of fiscal year 2011-2012, the workforce of the Center for Families, Children, and the Courts has been reduced by 29 people, a reduction of nearly 30 per cent.[1] The overall savings in salaries and benefits is $3,128,194 and rent in is $491,100. Per funding source, the savings in salaries and benefits is: Admin-General Fund - $785,101; Comprehensive Drug Court Implementation Act (CDCIA) - $80,311; Family Law Trust Fund - $528,107; State Justice Institute (SJI) Grant - $99,053; Federal Court Improvement Grant (Juvenile) - $1,292,695; State Department of Social Services (JRTA program) - $184,432;State Department of Child Support Services - $109,458; and, Mental Health Fund - $49,037.

[1] CFCC had been reduced by 32 positions but two critical positions were filled by internal recruitments and one critical position remains unfilled.

3. Service supported by the new organizational plan for the Center for Families, Children & the Courts

The new organizational plan for the Center for Families, Children & the Courts refocuses on mandates and core services in 6 areas: Family, Juvenile, Collaborative Justice and Mental Health, Self-Help and Access to Justice, Family Violence, and Tribal/State Programs.

Each area provides centralized services available to all courts (such as the Judicial Branch Online Self-Help Center, the California Dependency Online Guide, and multidisciplinary educational resources for judicial officers and that meet mandatory training requirements for court staff) as well as direct services offered locally upon request of judicial officers and court administrators (such as legal services, resources to support compliance with rules and code as well as mutual recognition of orders issued by tribal and state courts, financial administration, technical assistance with court operations, cost-benefit analysis, and management reporting, and assistance responding to cases involving domestic violence).

The center continues to administer funding and assistance to statewide programs that support child support commissioners and facilitators, services for self represented litigants, collaborative justice courts, and court appointed special advocates and court appointed counsel in dependency cases.

JUDICIAL COUNCIL OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION

CENTER FOR FAMILIES, CHILDREN & THE COURTS

Judicial Council of California

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Charina Zalzos, *Sec II*

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Don Will, *Manager*

Juvenile Dependency and Delinquency
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Kerry Doyle, *Attorney*
Nicole Giacinti, *Attorney*
Marymichael Miatovich, *Attorney*
Corby Sturges, *Attorney*
Vacant, *Sup Attorney*
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Vacant, *Sr CSA*
Vacant, *SA I*

Administrative Support
Cindy Chen, *Admin II*
Monica Lim, *Admin I*
Arlene Negapatan, *Admin I*

Effective 03/02/15

CFCC supports two Accountants and part of an Accounting Supervisor's time.

Information on Judicial Council Directives

Council Directive **60**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider maximizing and combining self-help resources with resources from similar subject programs, including resources provided through the Justice Corps and the Sergeant Shriver Civil Counsel program, and return to the council with an assessment and proposal.

SEC Recommendation **7-9**

Self-represented litigants in small claims, collection matters, foreclosures, and landlord-tenant matters are frequent users of court self-help centers. A majority of self-help clients seek assistance in family law matters. Consideration should be given to maximizing and combining self-help resources with resources from similar subject programs, including resources provided through the Justice Corps and the Sergeant Shriver Civil Counsel program.

Reported By:	Center for Families, Children and the Courts
Contact:	Diane Nunn, Director

TASK

[ ] PENDING

[x] COMPLETED: **Self help and similar programs were all placed in the Judicial and Court Operations Services Division in August 2012. A formal protocol for coordination of self help resources within the Judicial and Court Operations Services Division has been developed in order to optimize the effectiveness of this organizational structure and to maximize efficiencies following the workforce reduction of 4 positions formerly dedicated to self help services in CFCC.**

To achieve greater efficiencies and greater oversight, AOC organizational restructuring approved by the Judicial Council in August 2012 placed self help and similar programs in the Judicial and Court Operations Services Division. The programs are Justice Corps, Family Law Facilitators, Self-Help Centers, Model Self Help Programs, Family Law Information Centers, Self Help Assistance and Technology, Equal Access legal services and partnership grants, Shriver Civil Representation Pilots, California Courts Online Self-Help Center content.

The Legal Services Office provides subject matter consultation in small claims, landlord-tenant matters, and other case types involving high proportions of self represented parties. A formal protocol for coordination of self help resources within the Judicial and Court Operations Services Division has been developed in order to optimize the effectiveness of the new organizational structure and to maximize efficiencies following the workforce reduction of 4 positions formerly dedicated to self help services in CFCC. With the reductions in workforce, in addition to working on self-help programs, remaining staff must also cover assignments in family, family violence, juvenile, and court operations special services.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- *Implementation of Judicial Council Directive #60*

Implementation of Judicial Council Directive #60

Judicial Council Directive #60

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider maximizing and combining self-help resources with resources from similar subject programs, including resources provided through the Justice Corps and the Sargent Shriver Civil Counsel program, and return to the council with an assessment and proposal.

Corresponding SEC Recommendation

Self-represented litigants in small claims, collection matters, foreclosures, and landlord-tenant matters are frequent users of court self-help centers. A majority of self-help clients seek assistance in family law matters. Consideration should be given to maximizing and combining self-help resources with resources from similar subject programs, including resources provided through the Justice Corps and the Sargent Shriver Civil Counsel program.

Directive #60 Assessment and Proposal

Judicial Council Directive 60 requires the Administrative Director of the Courts is to return to the council with an assessment and proposal for maximizing and combining AOC's self-help resources with resources from similar subject programs. The AOC organizational structure adopted by council in August 2012 places all staff working on self-help and related programs in the same division. Additional consultation is provided by LSO staff. A formal protocol for resource coordination is proposed.

1. Organizational Restructuring

On August 31, 2012, the Judicial Council approved a new organizational structure for the Administrative Office of the Courts, proposed by the interim Administrative Director of the Courts and incoming Administrative Director of the Courts. The new organizational structure reduced the AOC Executive Team to four positions (Administrative Director, Chief of Staff, Chief Operating Officer, and Chief Administrative Officer) and realigned and renamed existing divisions into offices housed under one of three newly created divisions (Judicial Council and Court Leadership Services Division, Judicial and Court Operations Services Division, and Judicial and Court Administrative Services Division). The approved organizational structure became effective on October 1, 2012.

This new organizational structure places resources for self-help and similar subject programs within The Judicial and Court Operations Division, in order to realize greater efficiencies and effective oversight. The Division includes staff who work with self-help centers, family law facilitators, the Sargent Shriver Civil Representation Pilot Project and the Justicecorps programs. Division staff consult with the Legal Services Office regarding small claims advisors and mediation programs that serve self-represented litigants. The Legal Services office provides subject matter expertise to the Sargent Shriver Civil Representation Pilot Project.

Workforce reductions in The Judicial and Court Operations Division have eliminated four positions that worked on these programs. In addition, approximately 1 FTE in staff time that had been redirected from other units is no longer available due to workforce reductions in those units.

2. **Coordination Protocol for Self-Help Resources**

Staff work well and closely together and have formalized the structure for communications and coordination of resources in an effort to mazimize efficiency and enhance services for the courts. This protocol formalizes existing methods of communication and coordination among AOC staff who work on a variety of programs that provide self-help assistance to the courts.

1) An email group has been established for this group to ensure that information of interest to all is shared easily, and that the various court groups that staff works with receive information that may be of interest to them across the spectrum of these services.

2) Staff will meet every two months to update each other on projects and to consider ways to provide additional assistance to the courts. Regular topics on the agenda will include:

    a) General update on programs
    b) Ideas for expansion of Justicecorps and other student service to self-help centers
    c) Enhancing resources for courts who wish to use volunteers to supplement staff in self-help programs
    d) Developing educational resources, conferences and training sessions for court staff to assist them in providing services
    e) Technology projects that will assist self-help centers and self-represented litigants directly
    f) Coordination of efforts to provide services to persons with limited English proficiency
    g) Updates on program evaluation strategies including the evaluation mandated by the legislature for the Sargent Shriver Civil Counsel Act
    h) Coordination with Judicial Council Advisory Committees and Task Forces on issues regarding self-represented litigants

3) Staff will coordinate on grant proposals, budget change proposals, and other efforts to increase resources for the branch to provide assistance to self-represented persons

Information on Judicial Council Directives

Council Directive **61**

E&P recommends to the Judicial Council that any legislative proposals generated by the AOC must follow the process established by the Policy Coordination and Liaison Committee.

SEC Recommendation **7-83**

The Office of Governmental Affairs should be directed to identify legislative requirements that impose unnecessary reporting or other mandates on the AOC. Appropriate efforts should be made to revise or repeal such requirements.

Reported By:	Governmental Affairs
Contact:	Cory Jasperson, Director

TASK

[ ] PENDING

[x] COMPLETED: **Governmental Affairs currently works with the process developed by the Policy Coordination and Liaison Committee (PCLC) to ensure that any legislative proposals generated by the council staff on behalf of the Judicial Council follow the process established by PCLC.**

Governmental Affairs currently works with the process developed by the Policy Coordination and Liaison Committee (PCLC) to ensure that any legislative proposals generated by the council staff on behalf of the Judicial Council follow the process established by PCLC. That process is set forward in the PCLC Resource materials provided to PCLC as part of their orientation and to the new Judicial Council members as part of theirs. Orientation materials and Legislative Policy Guidelines are also distributed to all Governmental Affairs staff.

Each calendar year the PCLC chair provides a memorandum to the Advisory Committee chairs and staff advising them of the timelines and process for developing Judicial Council-sponsored legislation. Advisory body and Governmental Affairs staff are directed, as they work with Advisory Committees on legislative proposals, whether they be timely developed proposals or on proposals with more urgent need, to continue to remind the Advisory Committees of the PCLC process and the need to track the process to the greatest extent possible to ensure that legislative proposals are fully developed. This ensures that PCLC can make comprehensive and informed recommendations for Judicial Council-sponsored legislation and that the legislative proposals are fully vetted.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED

[x] IMPLEMENTED BUT ONGOING

[ ] IMPLEMENTED BUT IN PROGRESS

[ ] UNABLE TO IMPLEMENT

[ ] PENDING IMPLEMENTATION

Governmental Affairs and Judicial Council staff will continue to support the Judicial Council and its advisory bodies in adhering to the Legislative Policy Guidelines of the Policy Coordination and Liaison Committee on an ongoing basis.

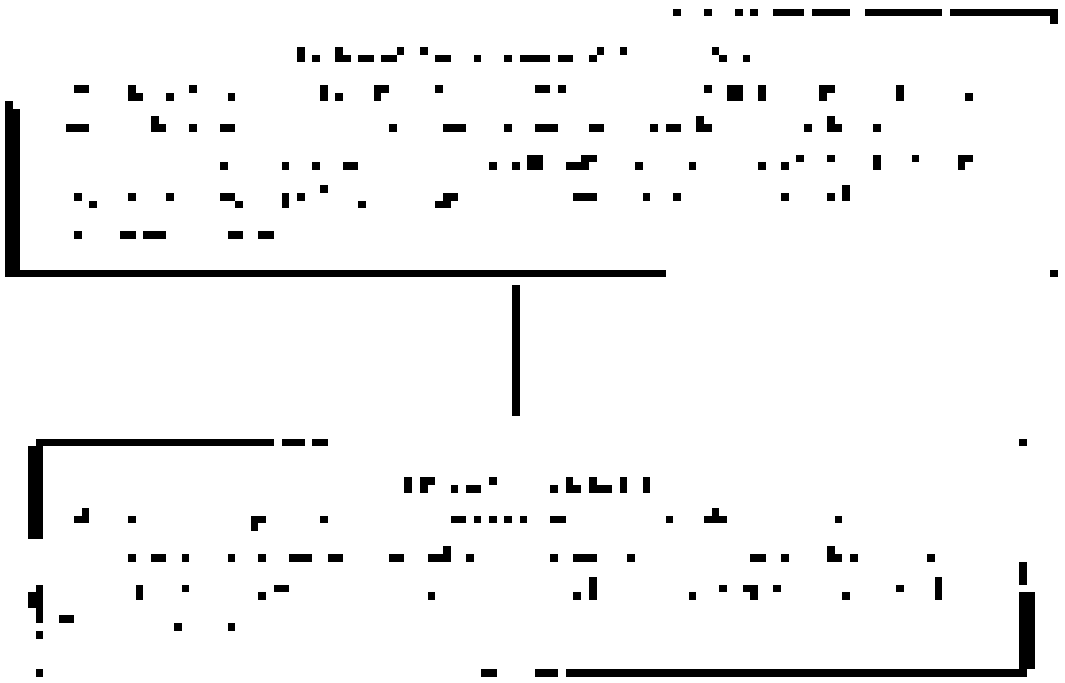
ASSESSMENT OF IMPLEMENTATION

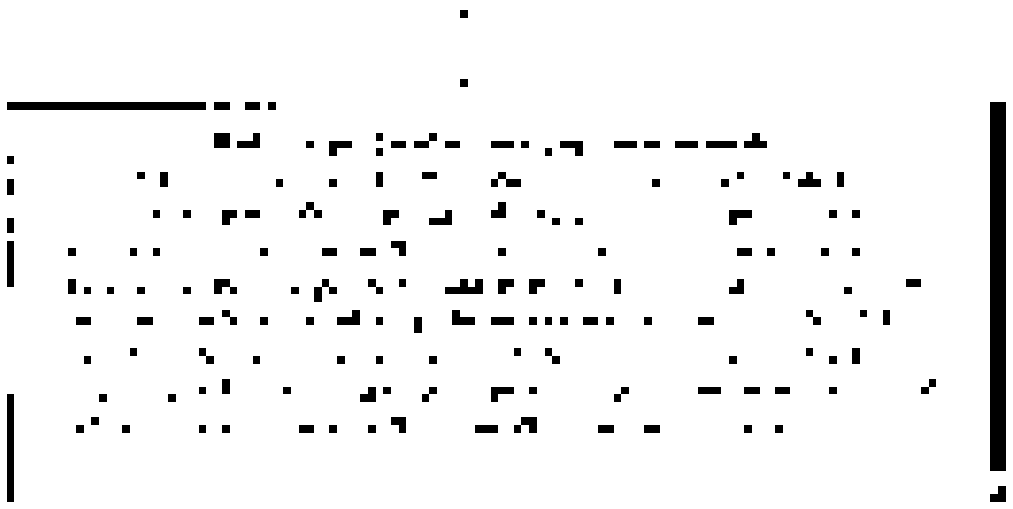
OTHER INFORMATION

Attachments:

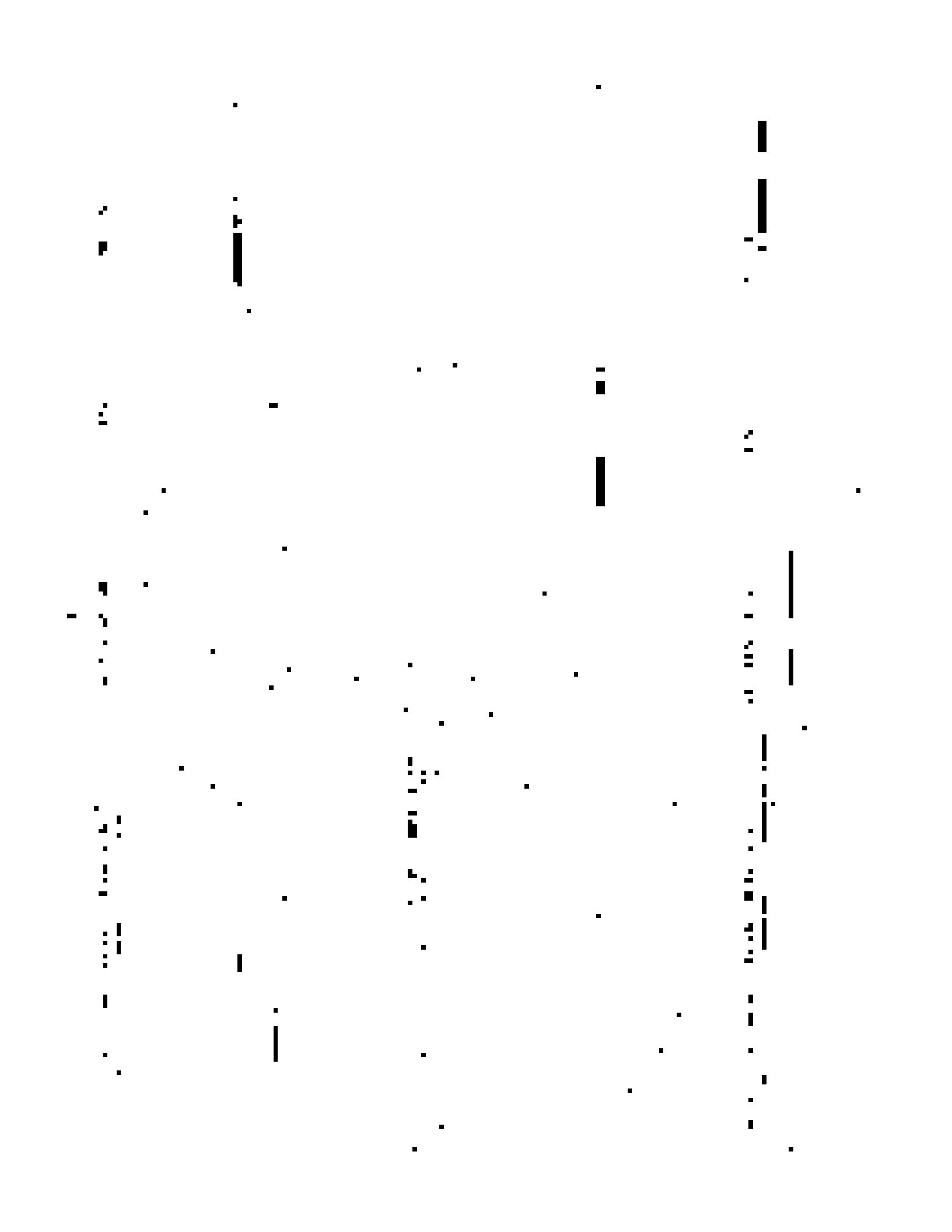
- Memo: Executive and Planning Committee Recommendations, from Curtis Child to Office of Governmental Affairs staff, September 28, 2012
- *Policy Coordination and Liaison Committee: Orientation Materials*, 2014

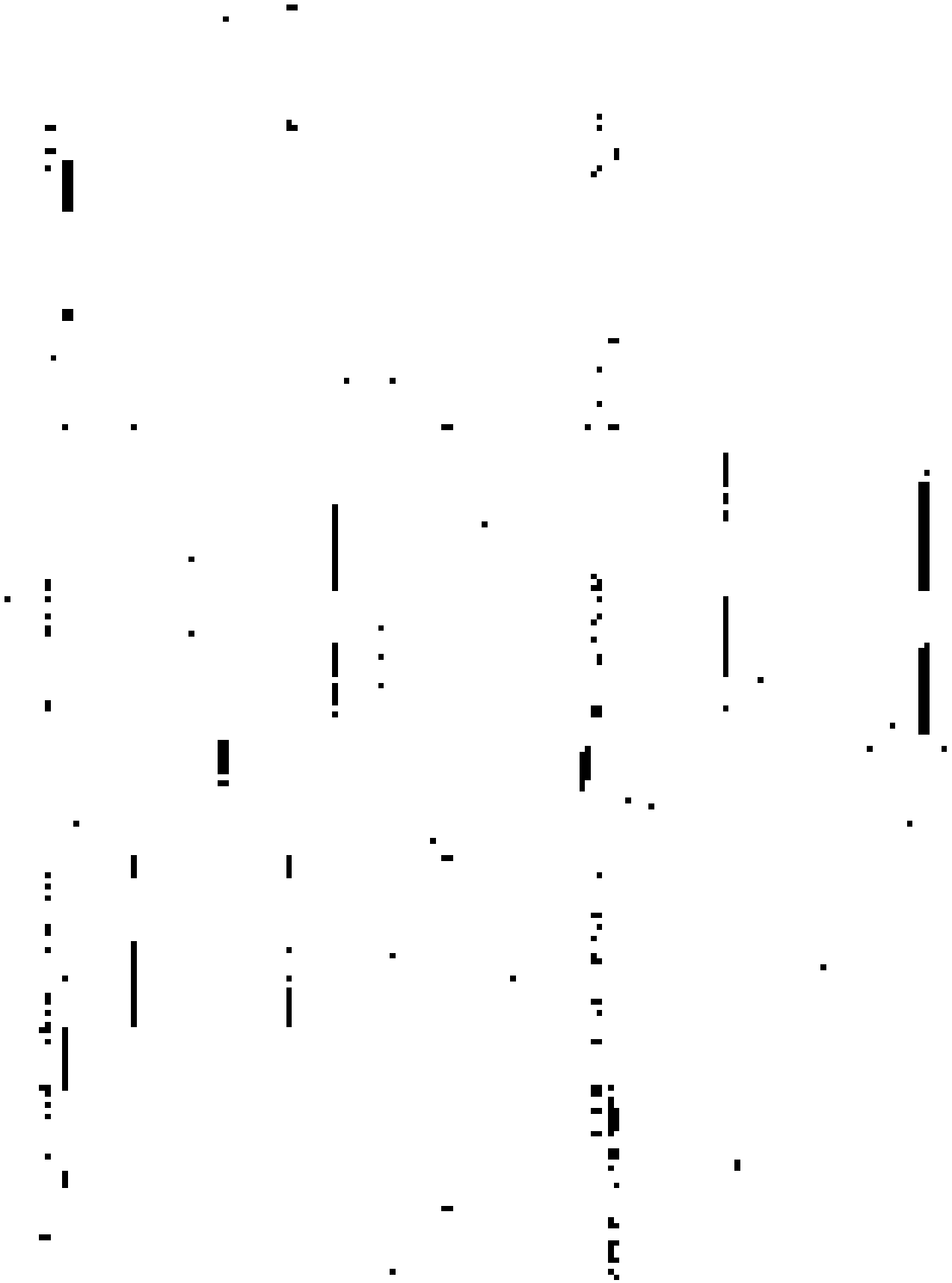
Policy Coordination and Liaison Committee

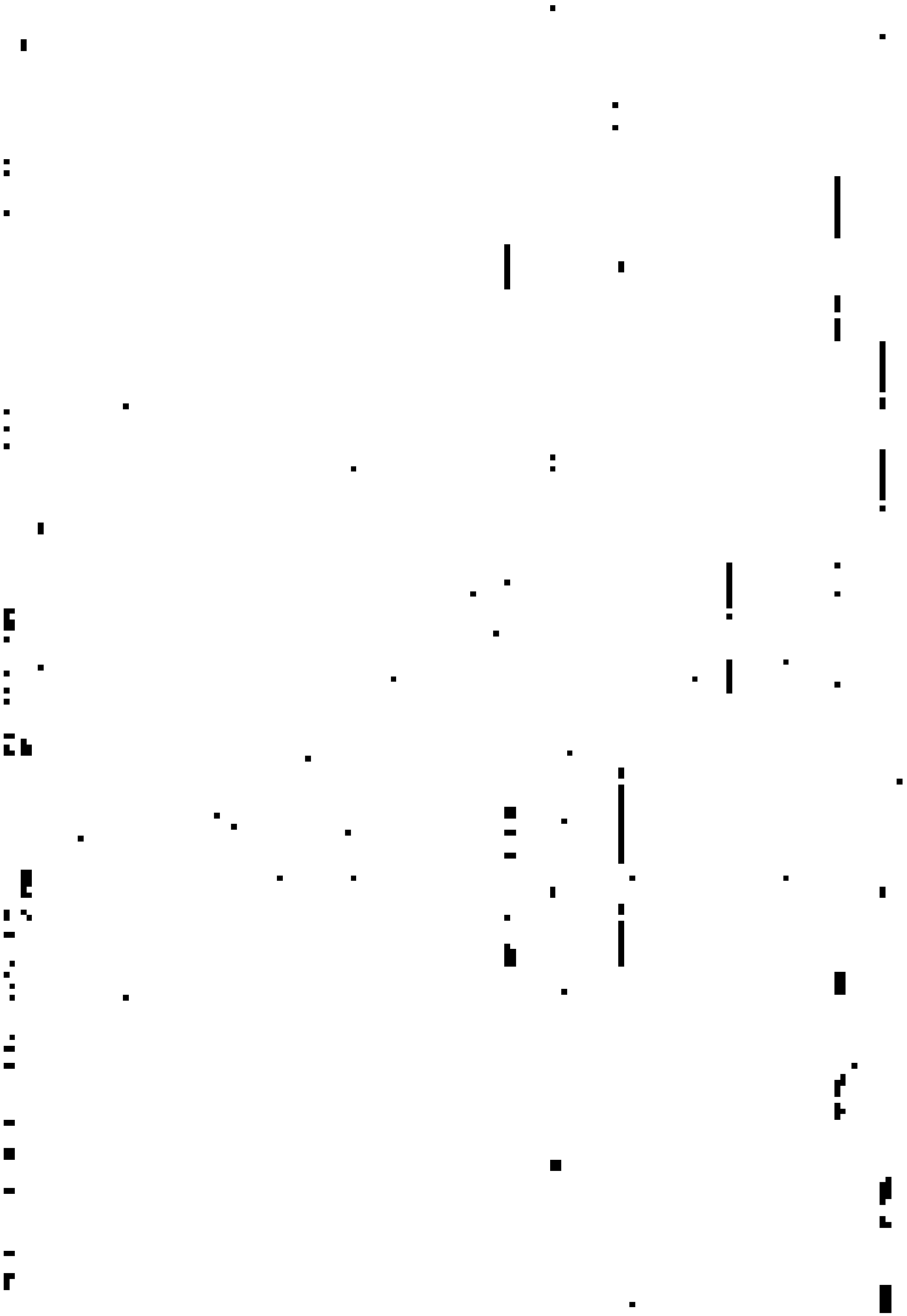


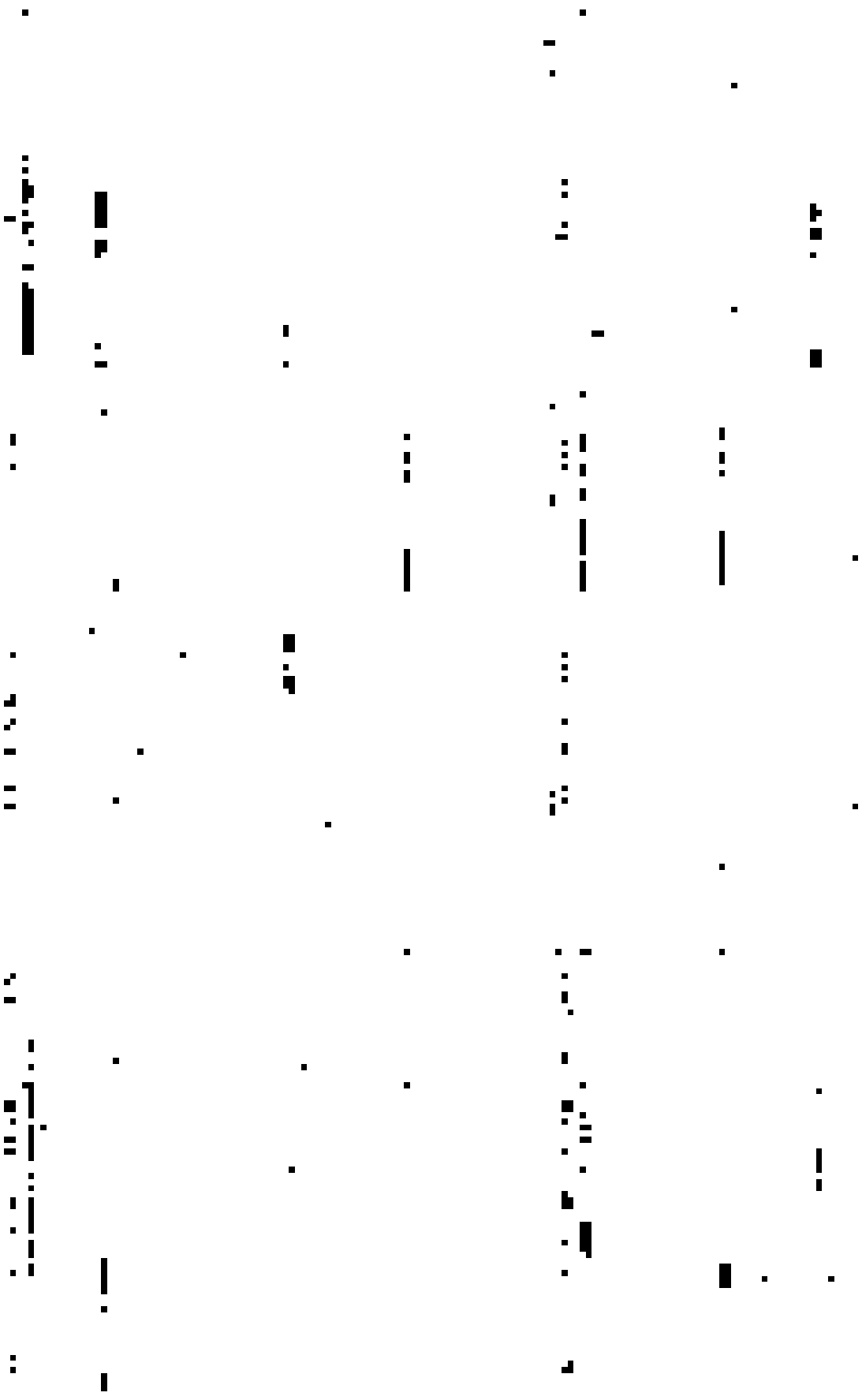


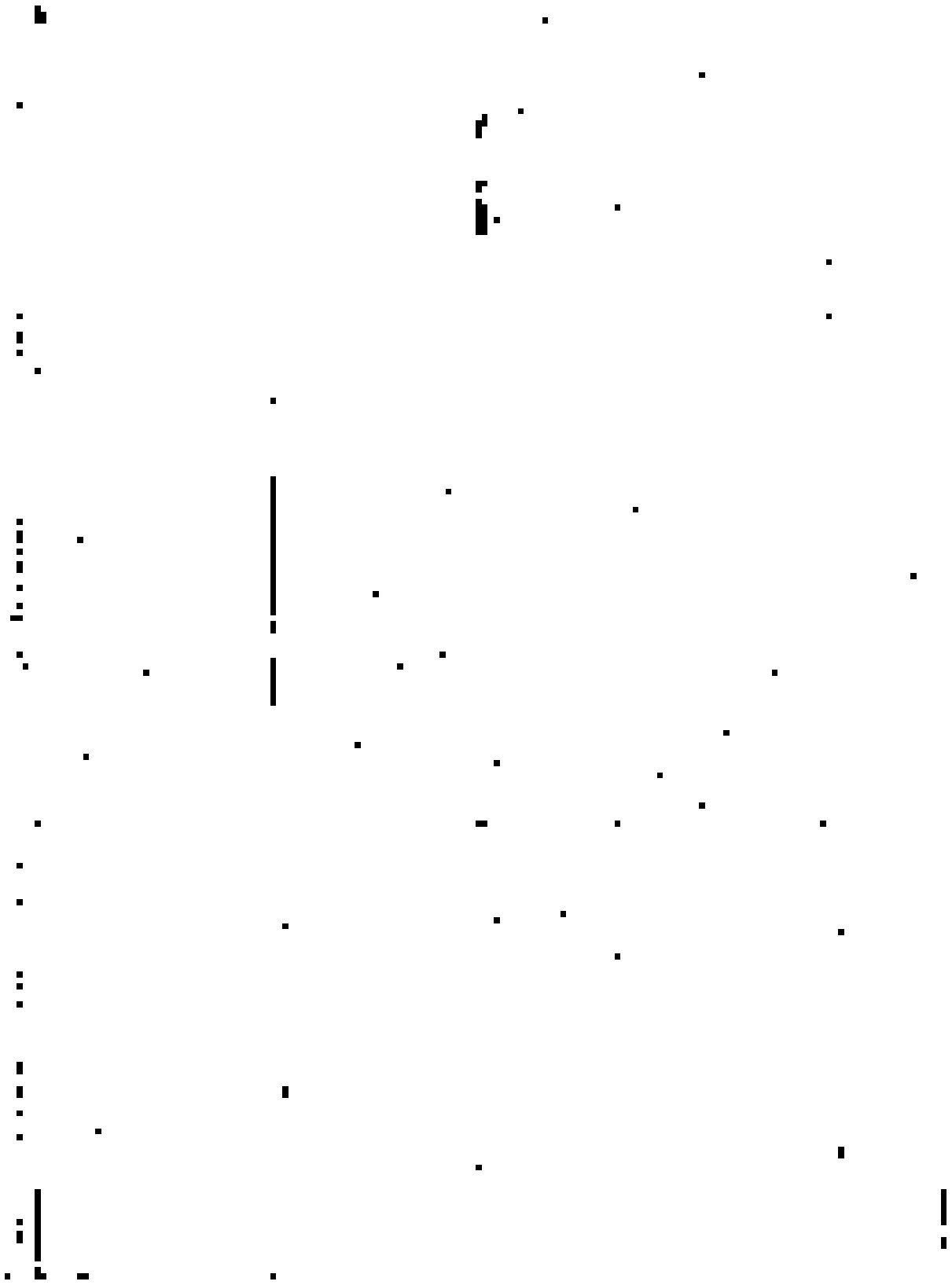
2011 Legislative Policy Guidelines

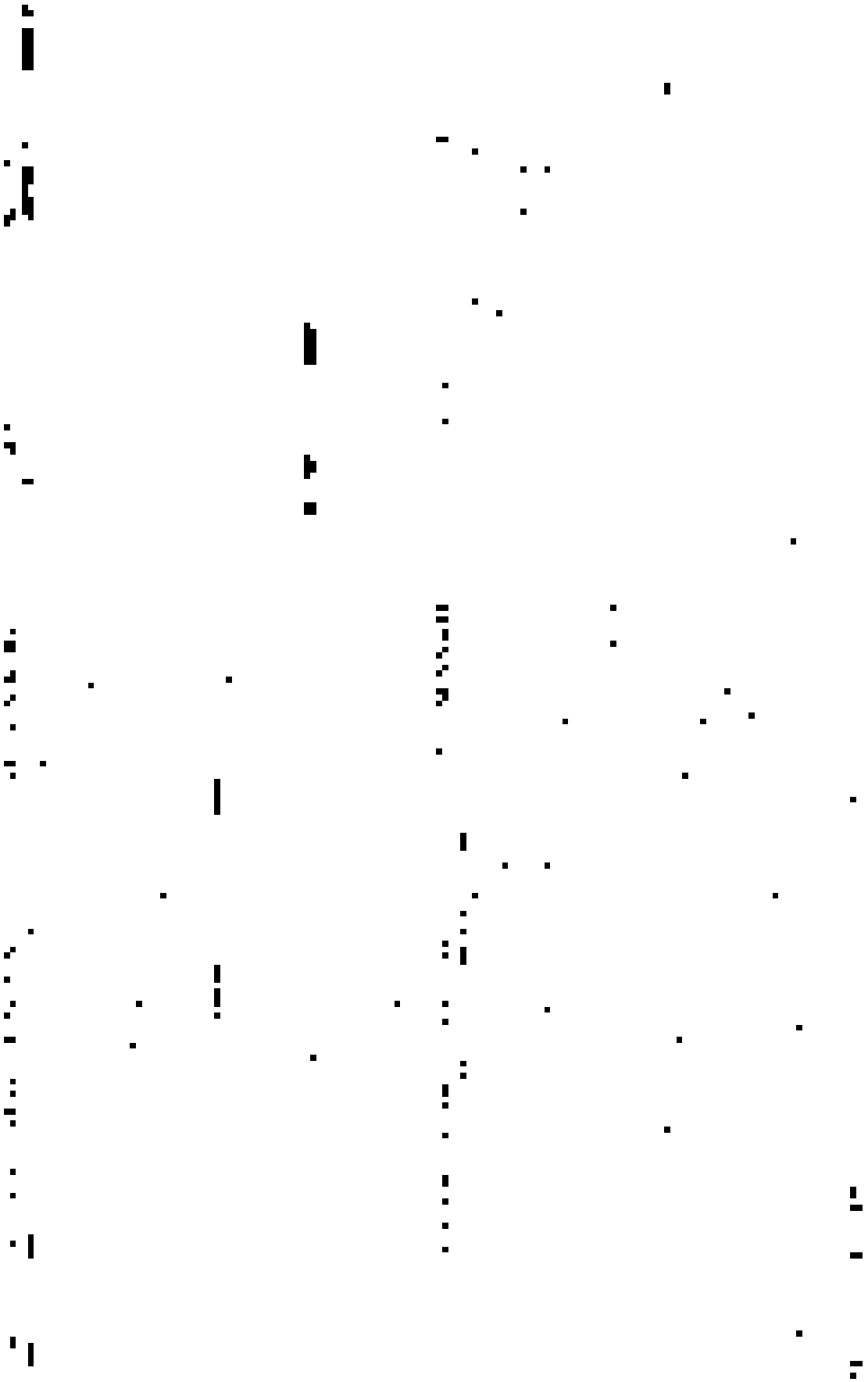


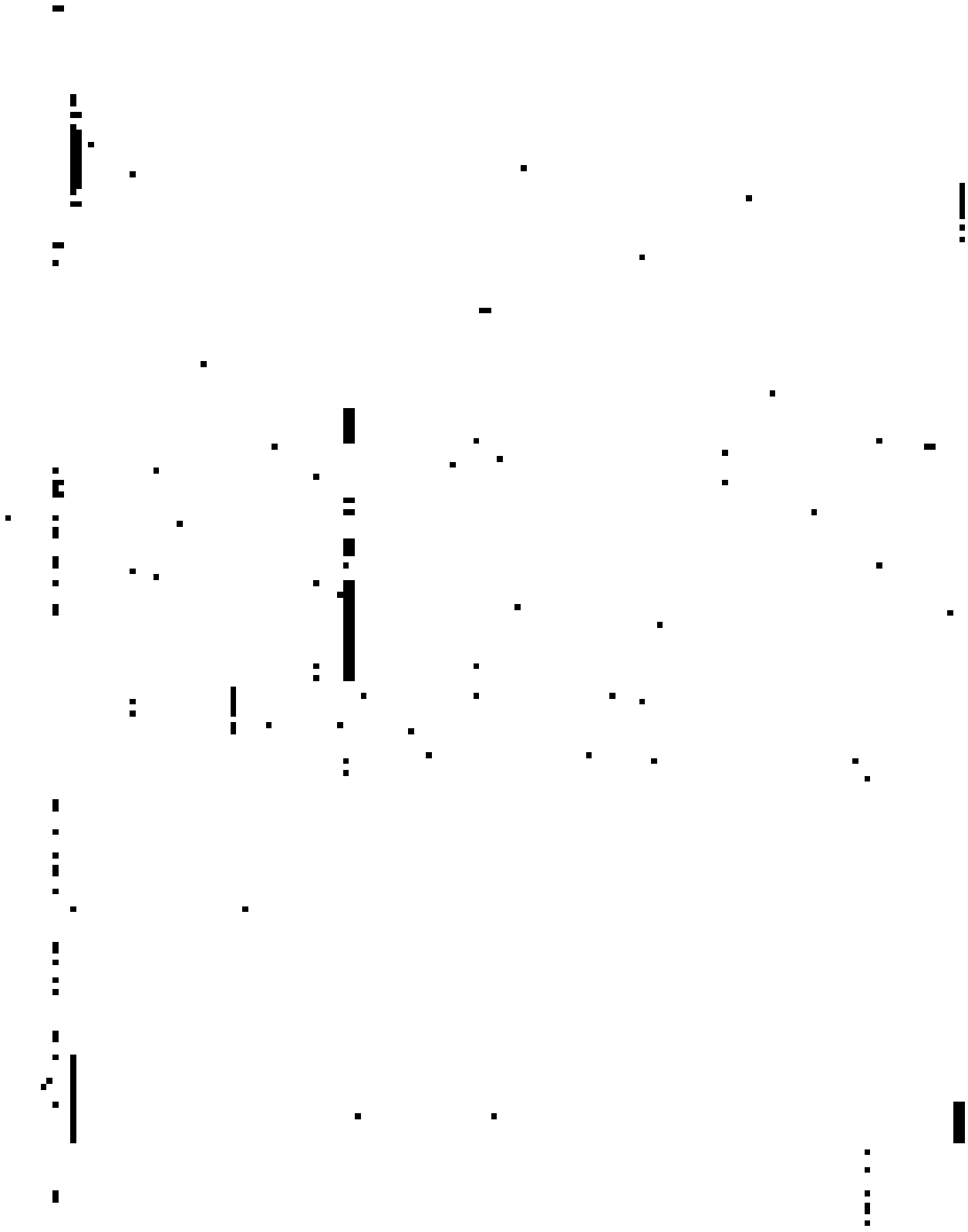


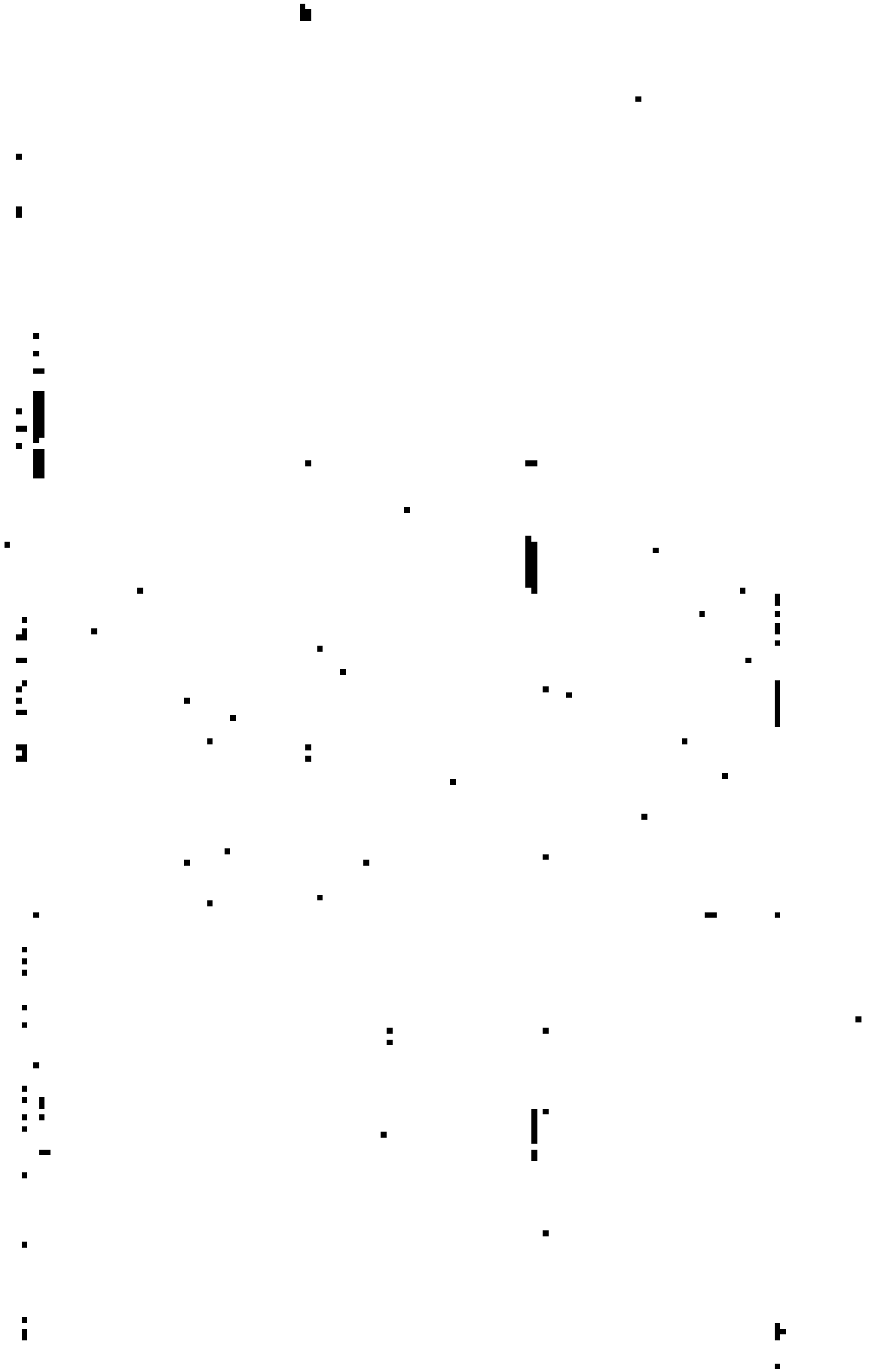


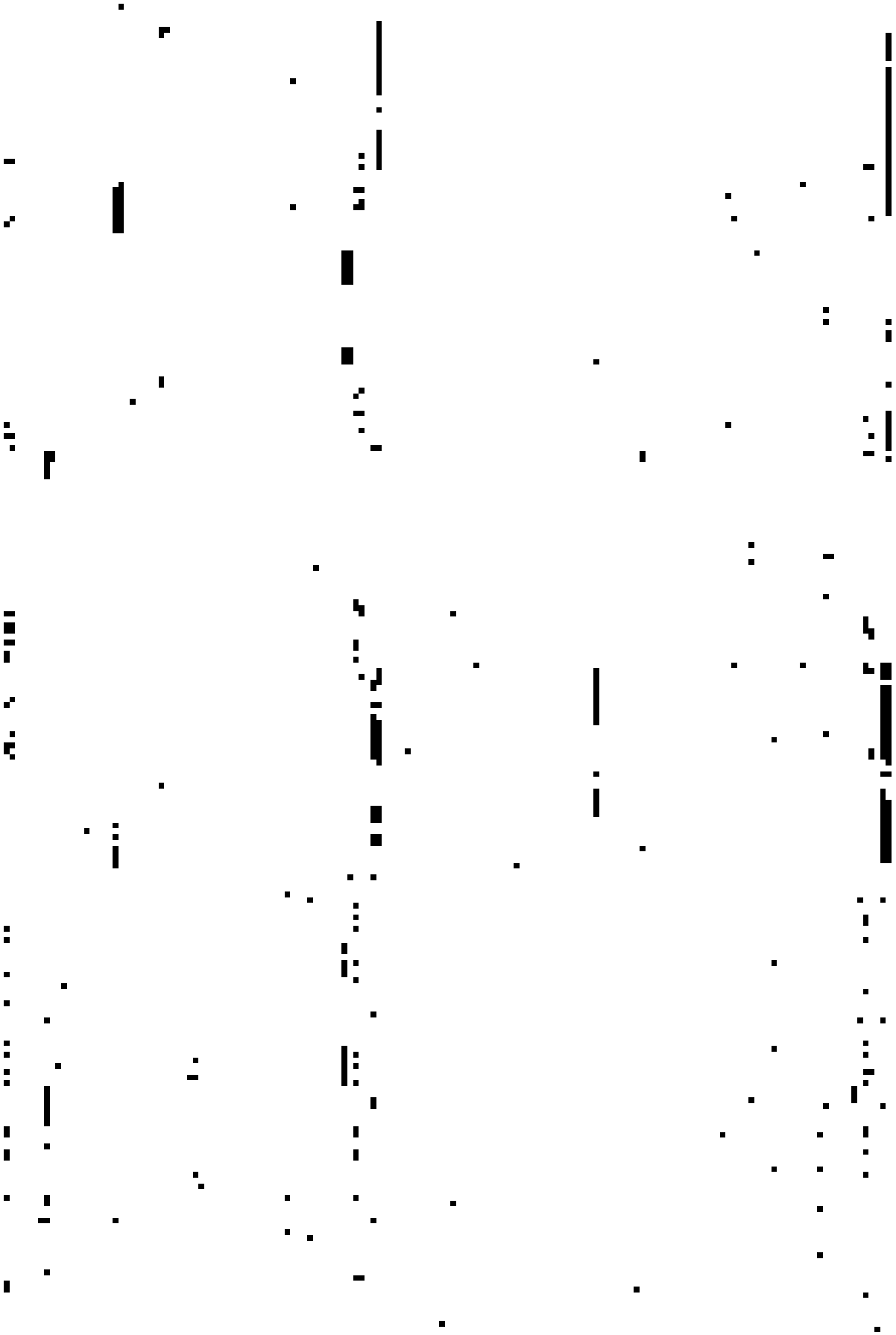


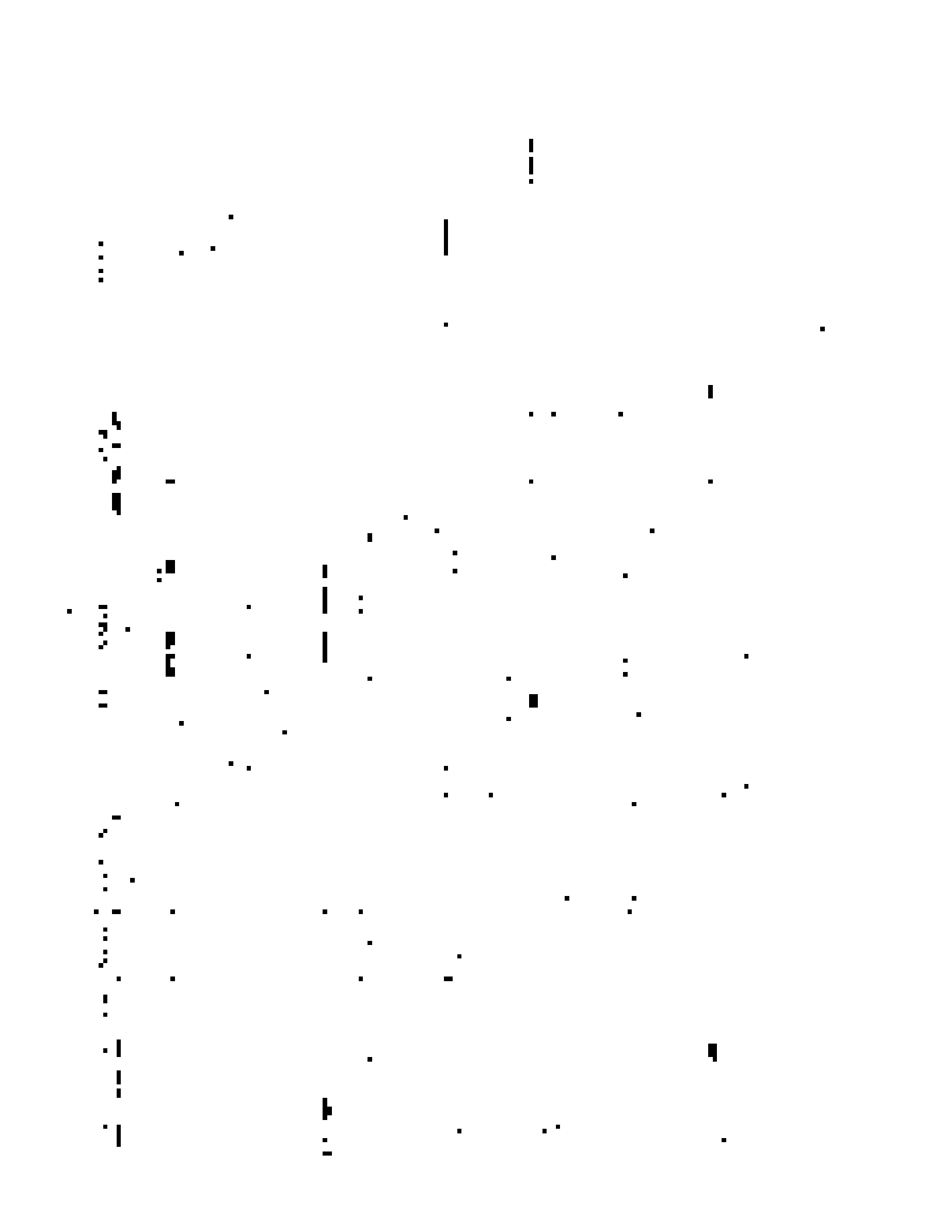


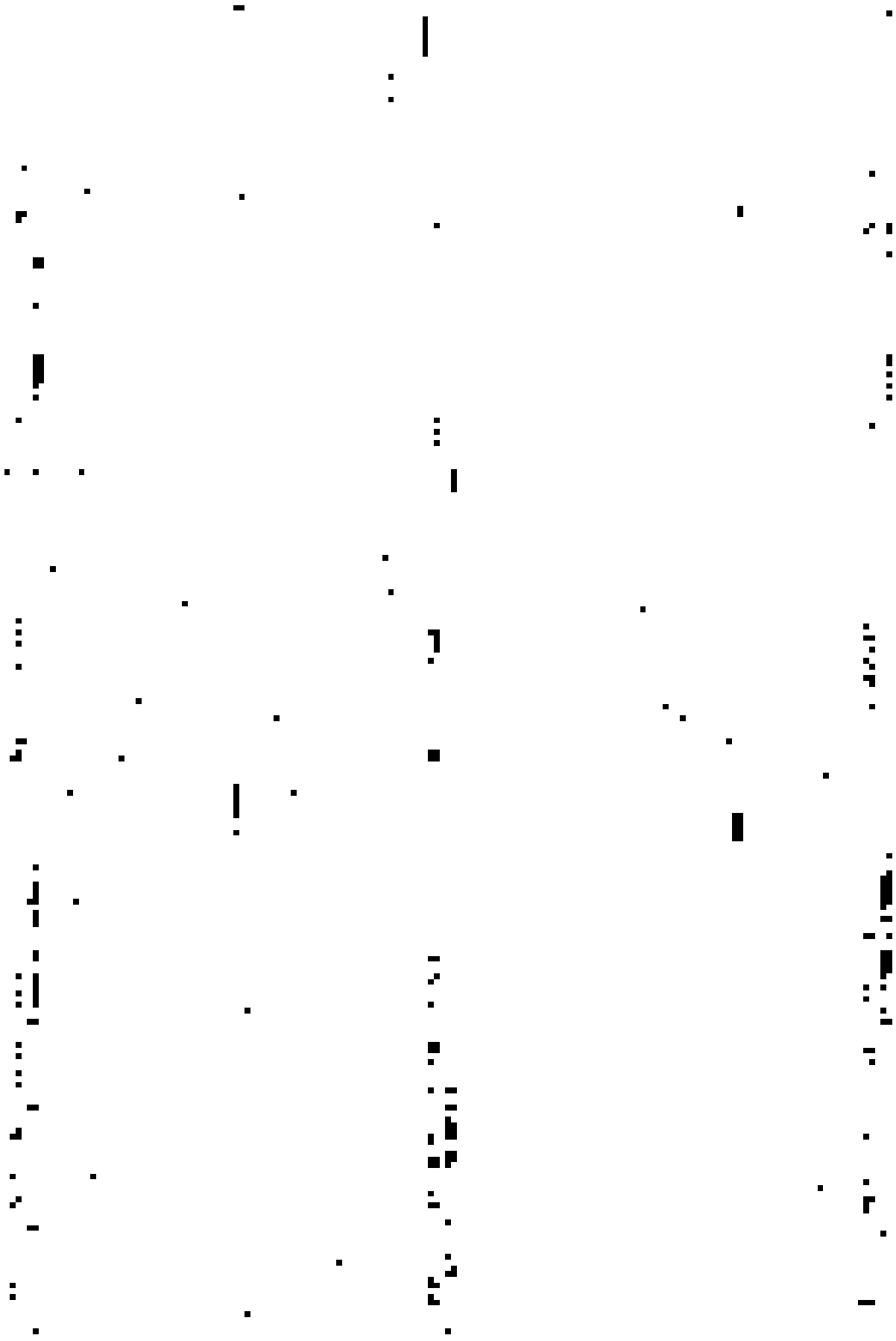


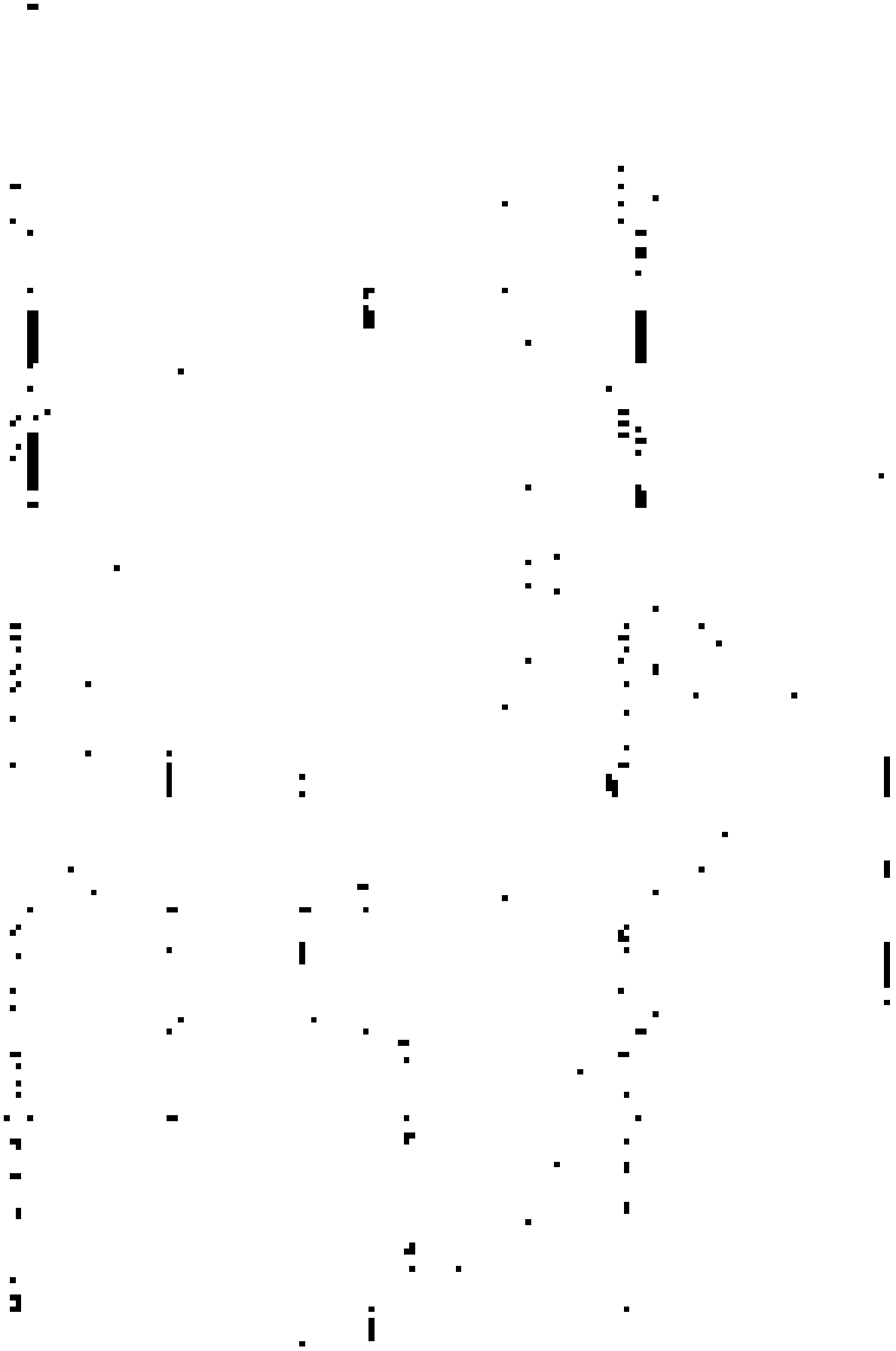


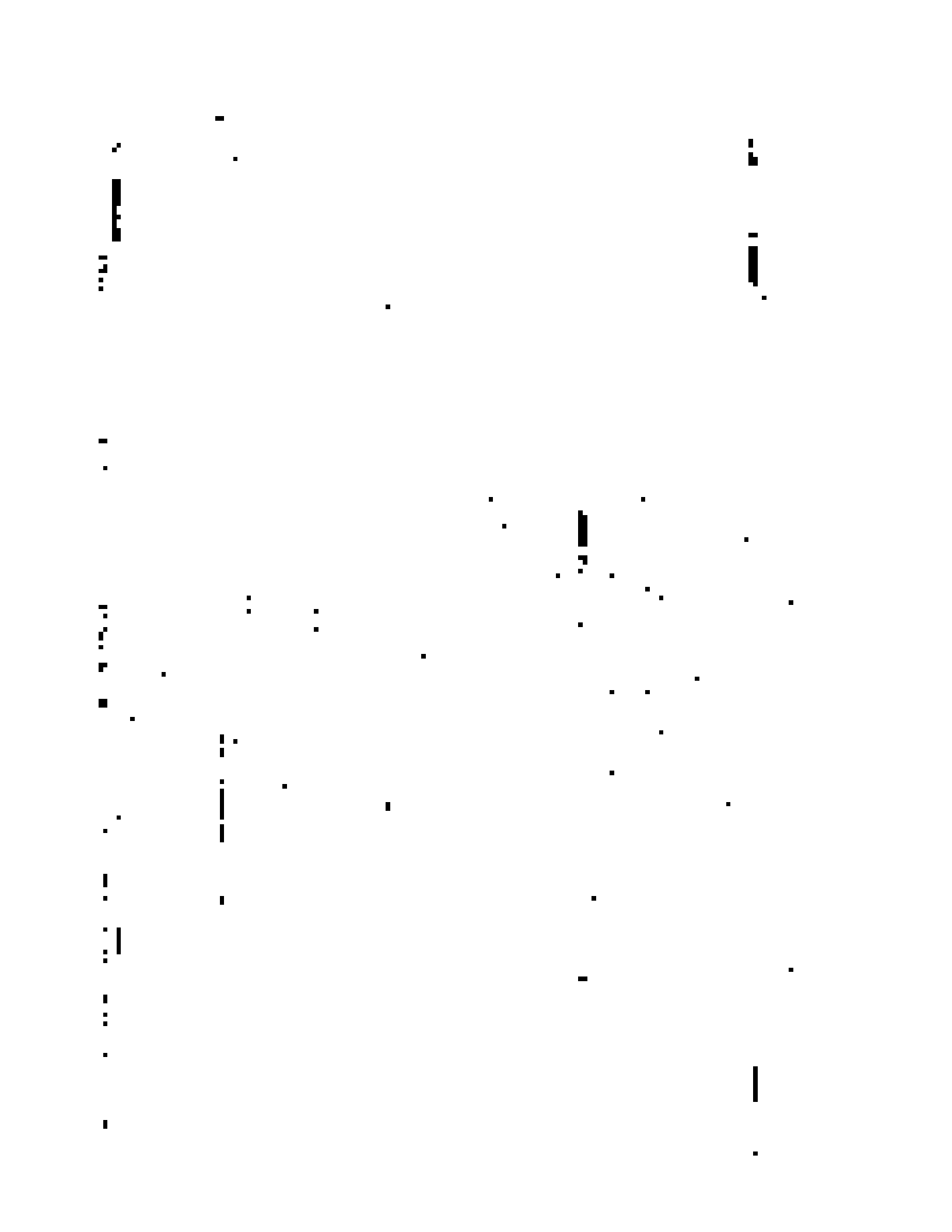


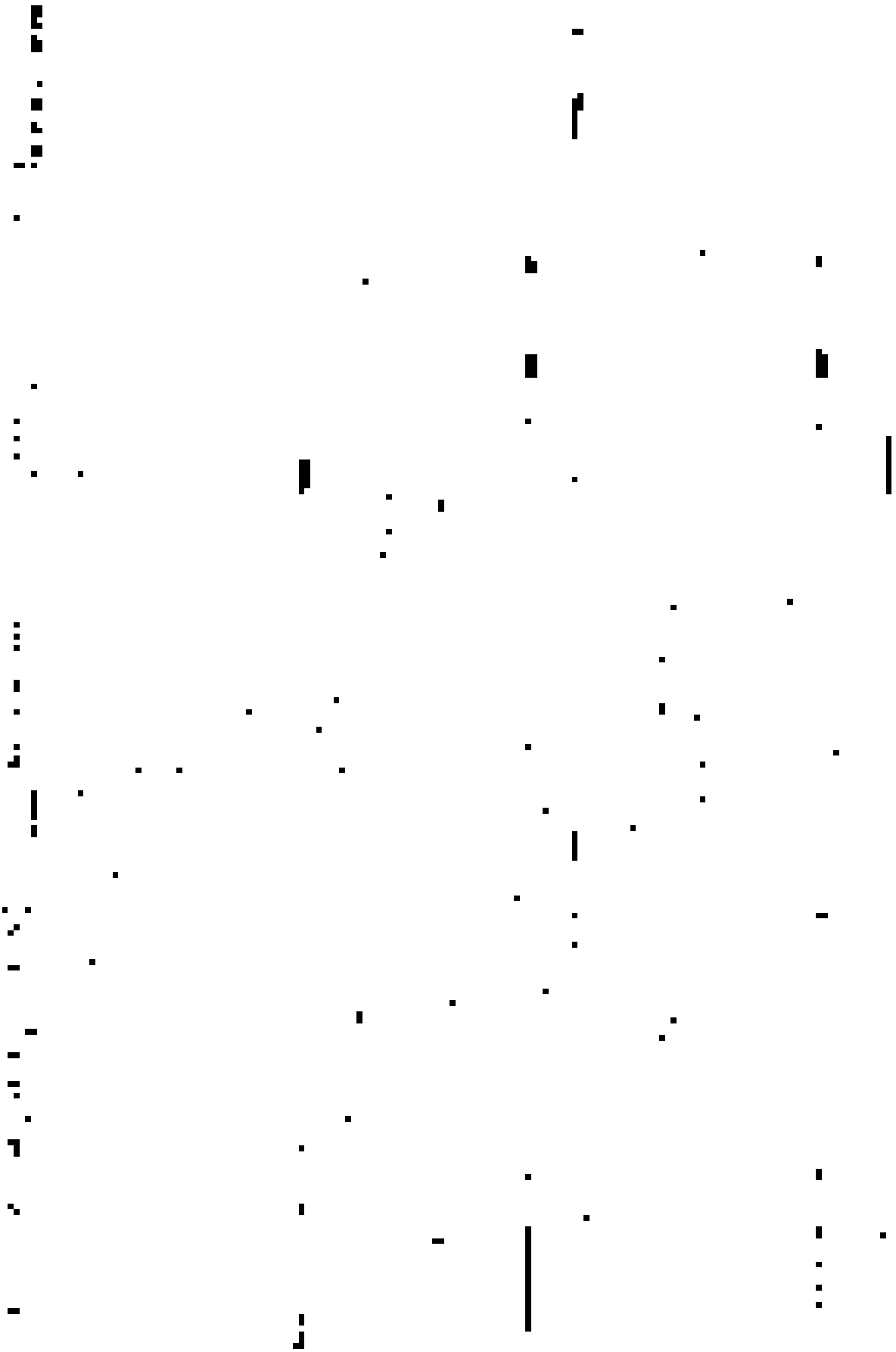


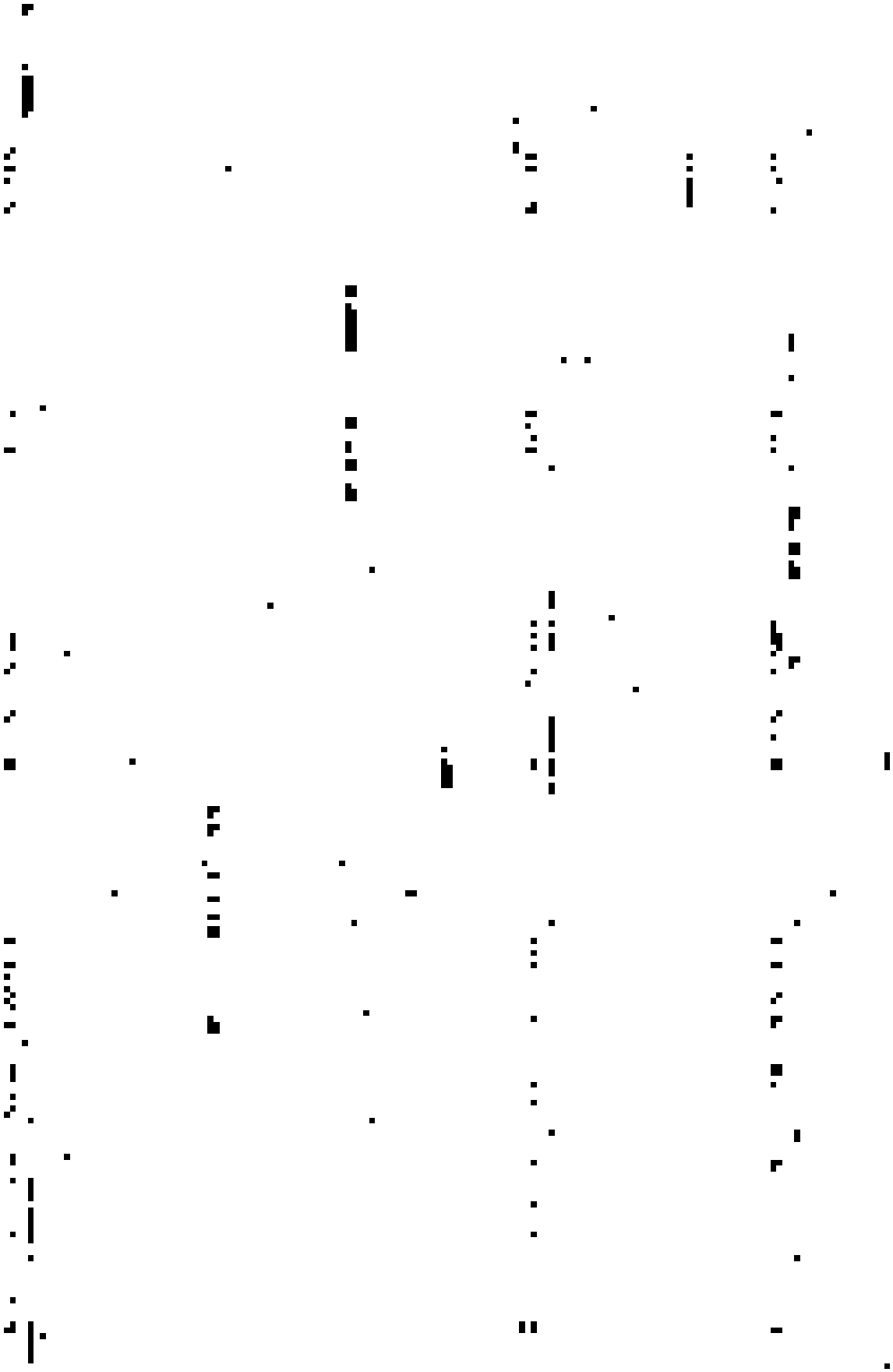


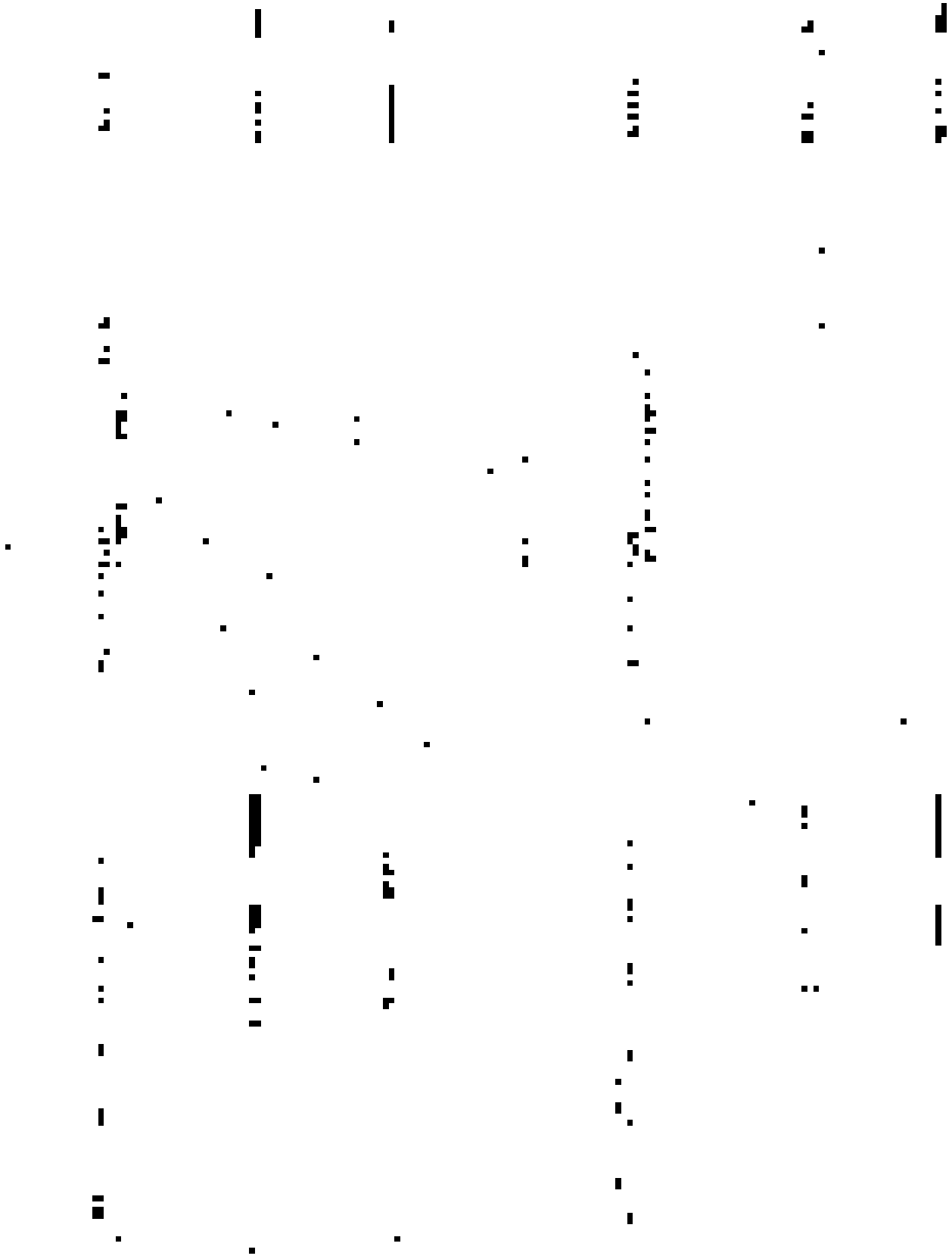


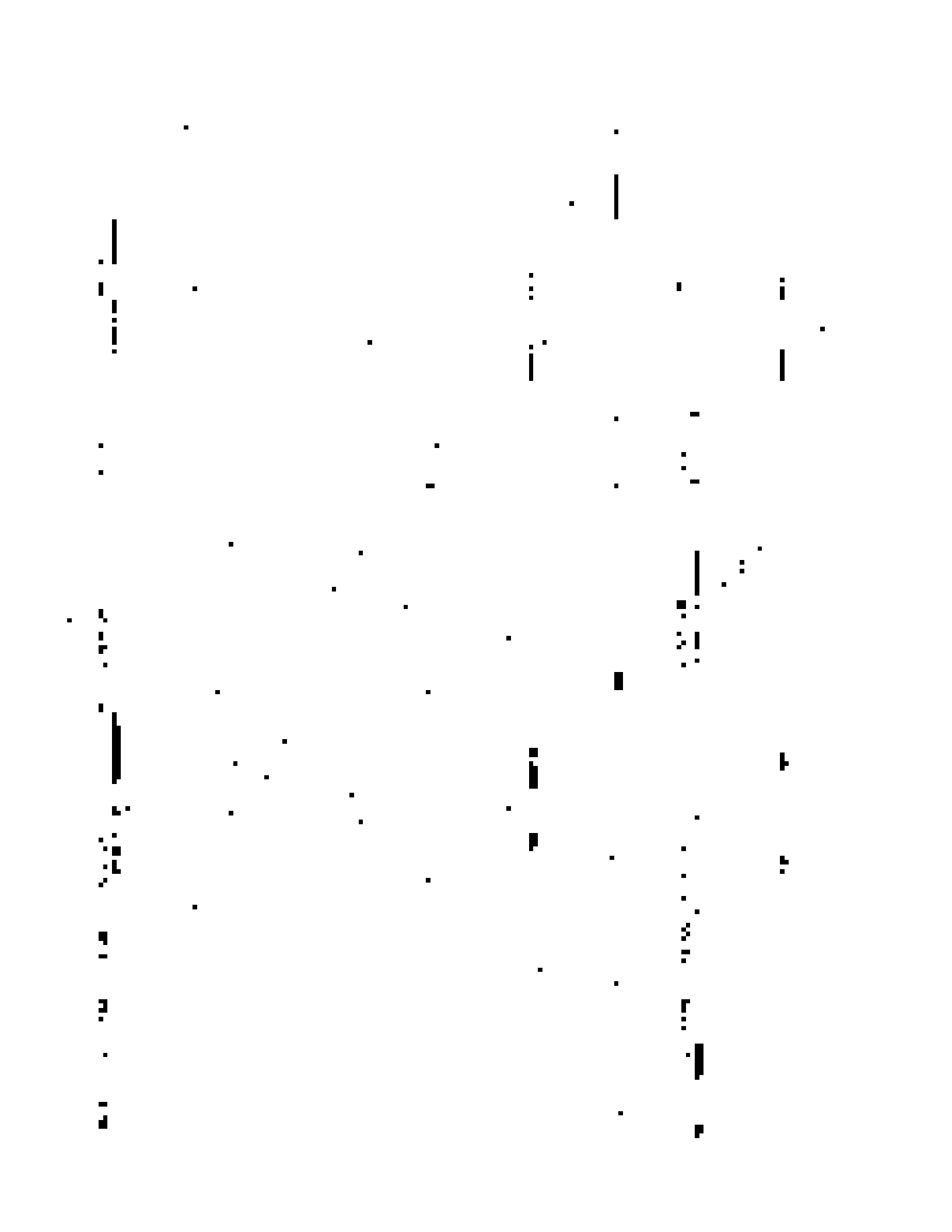


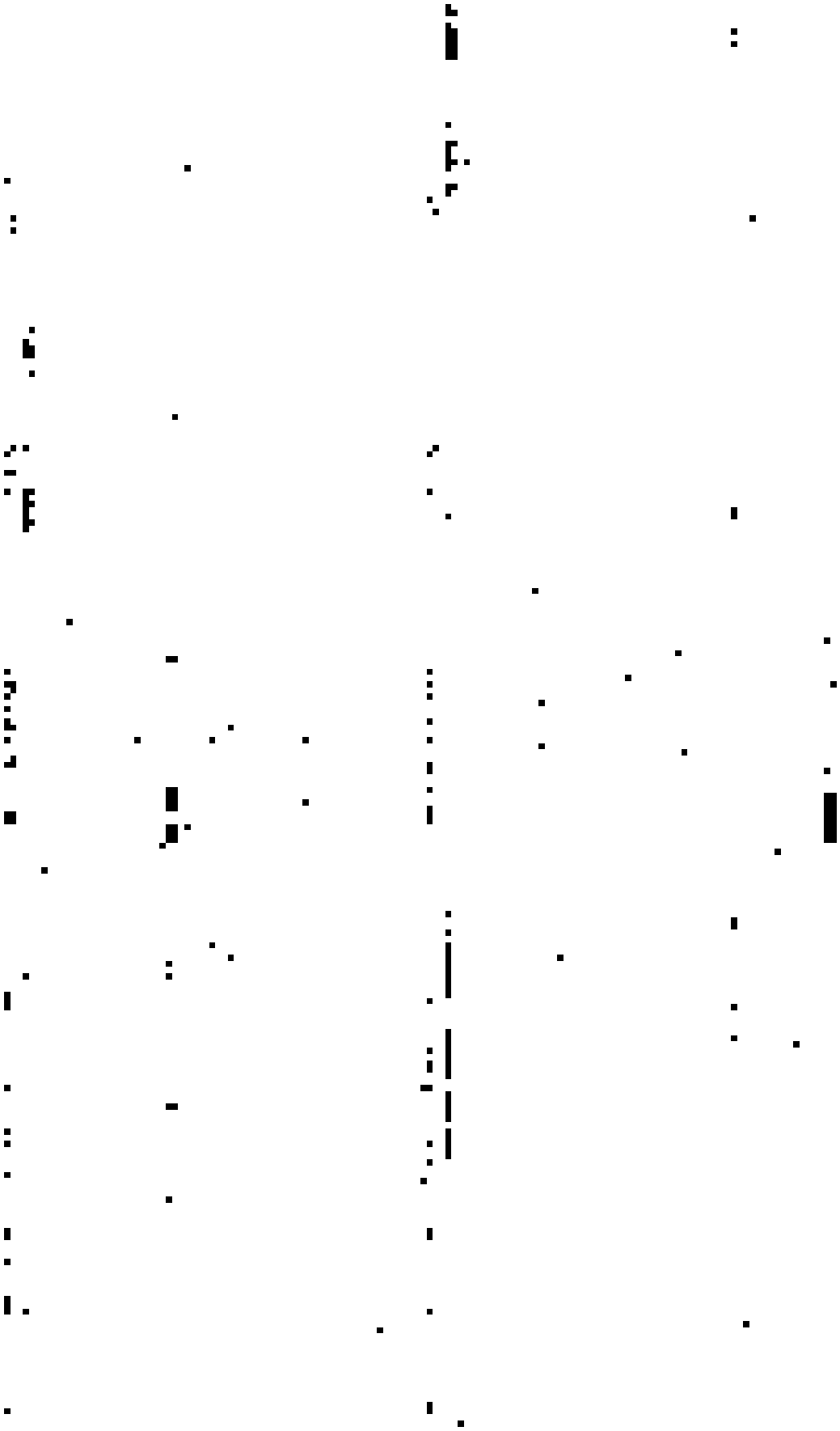


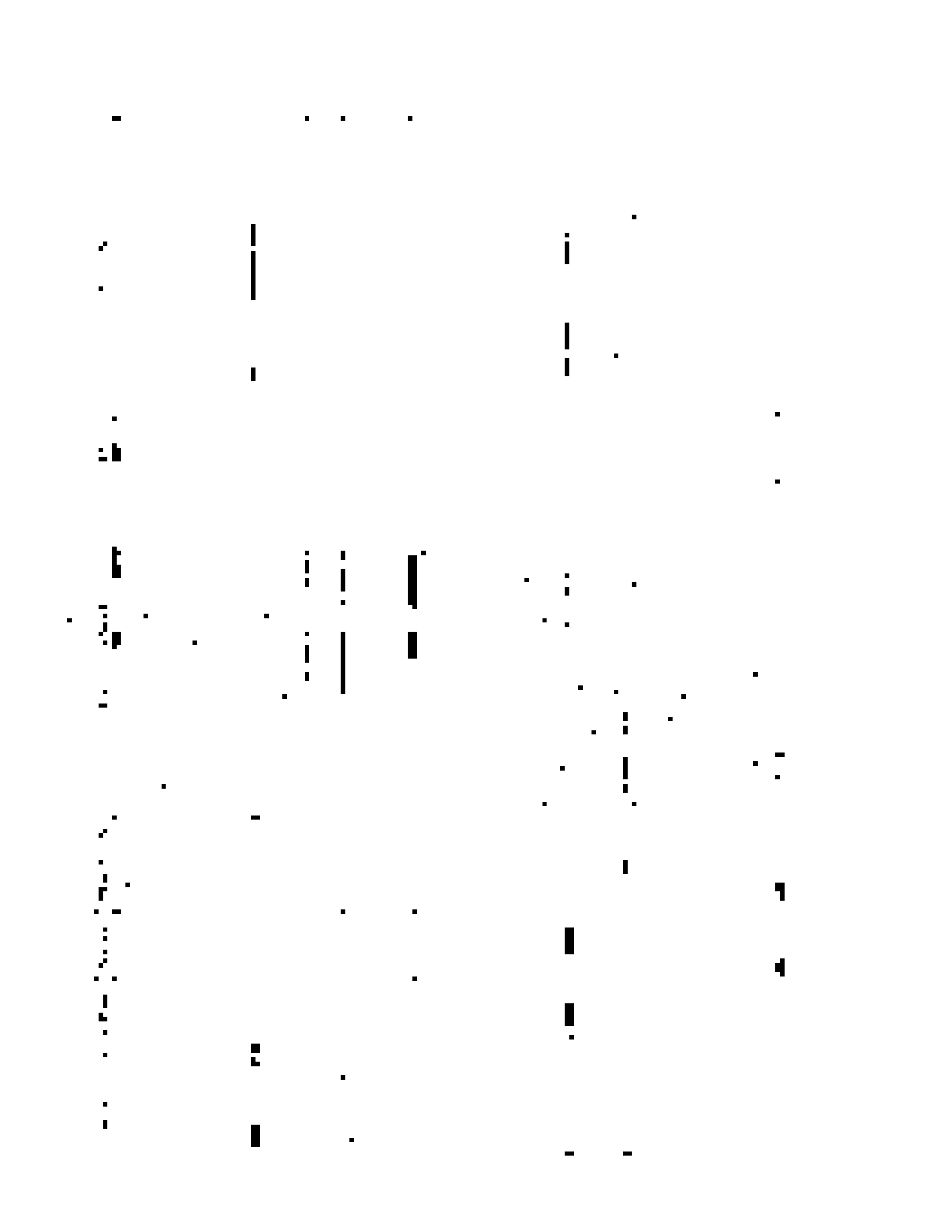


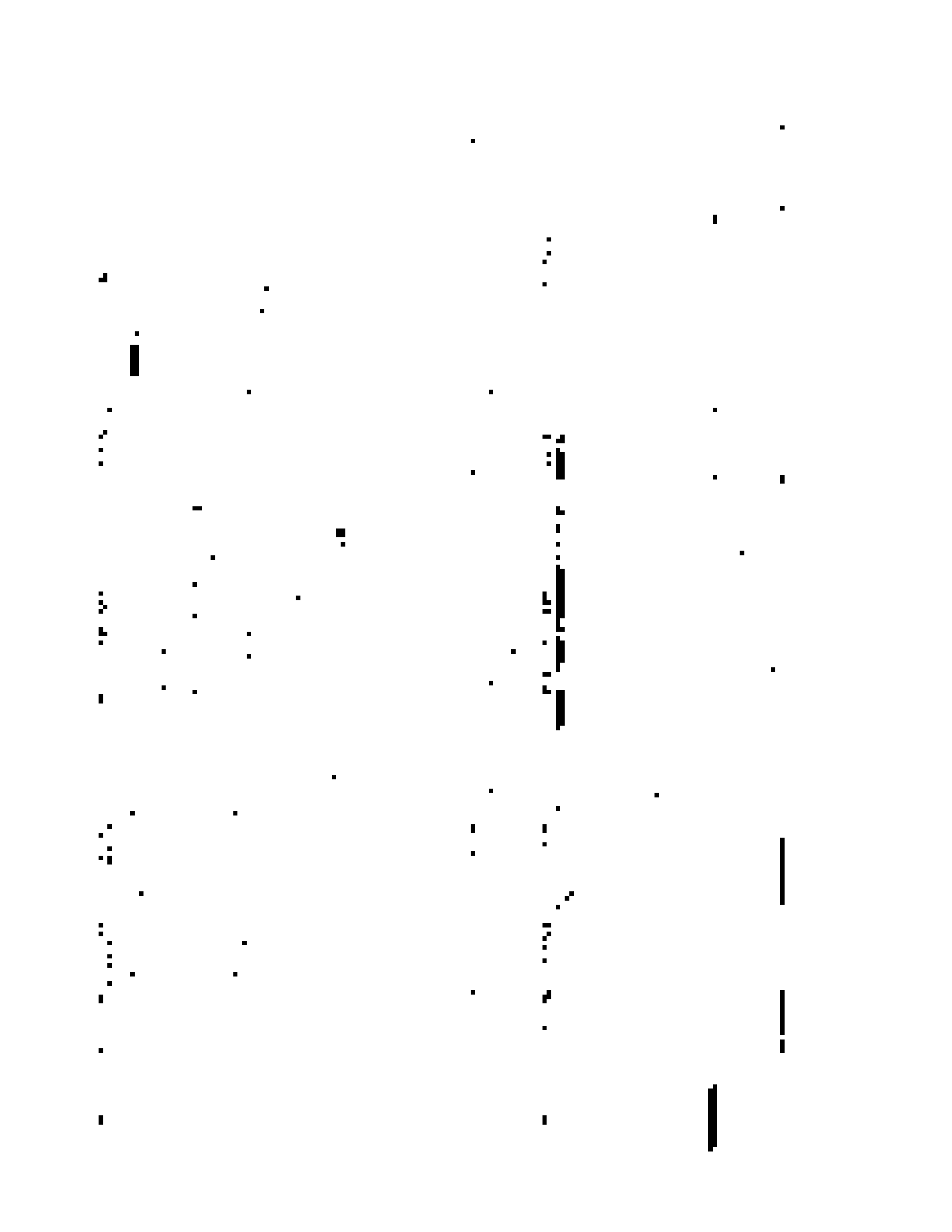


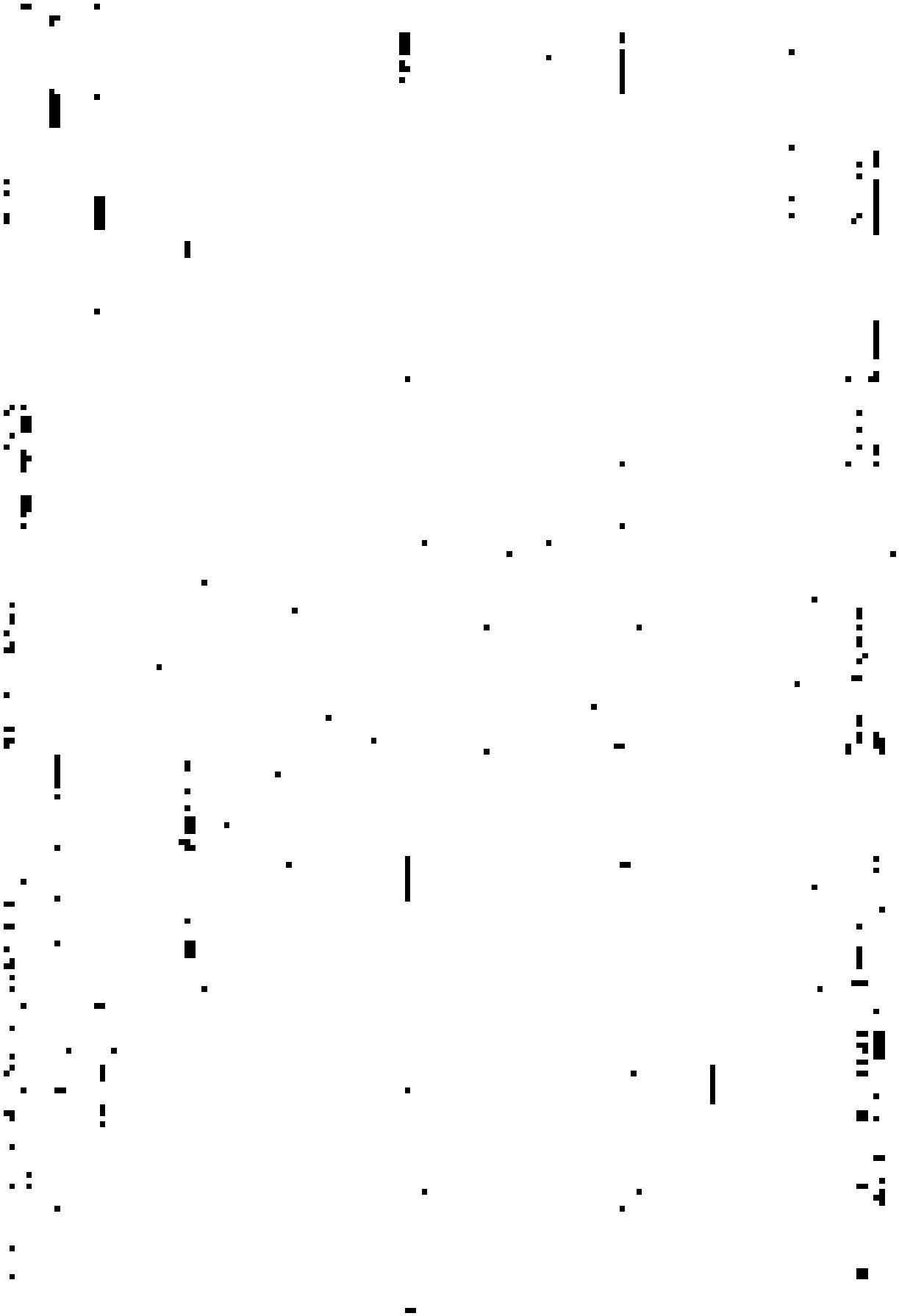


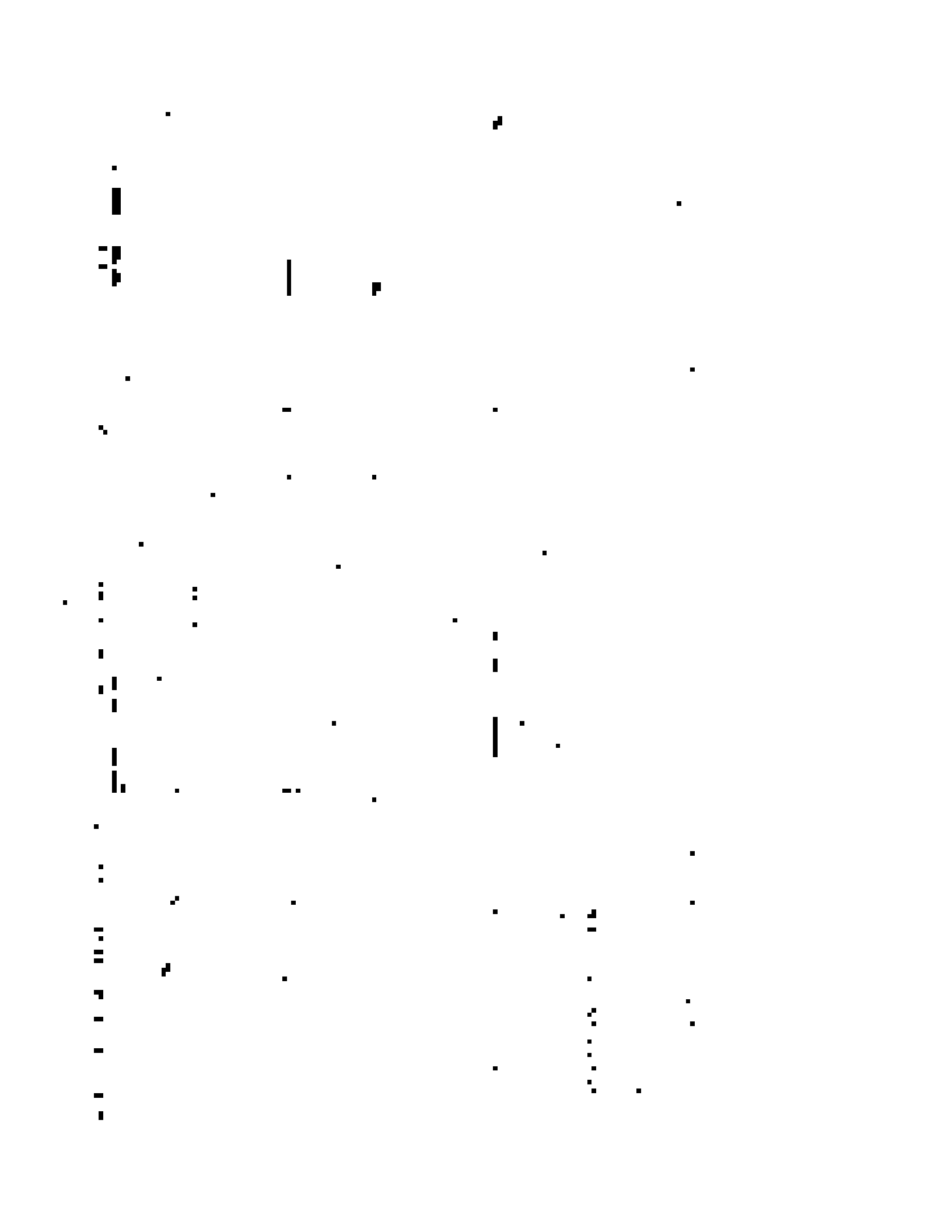


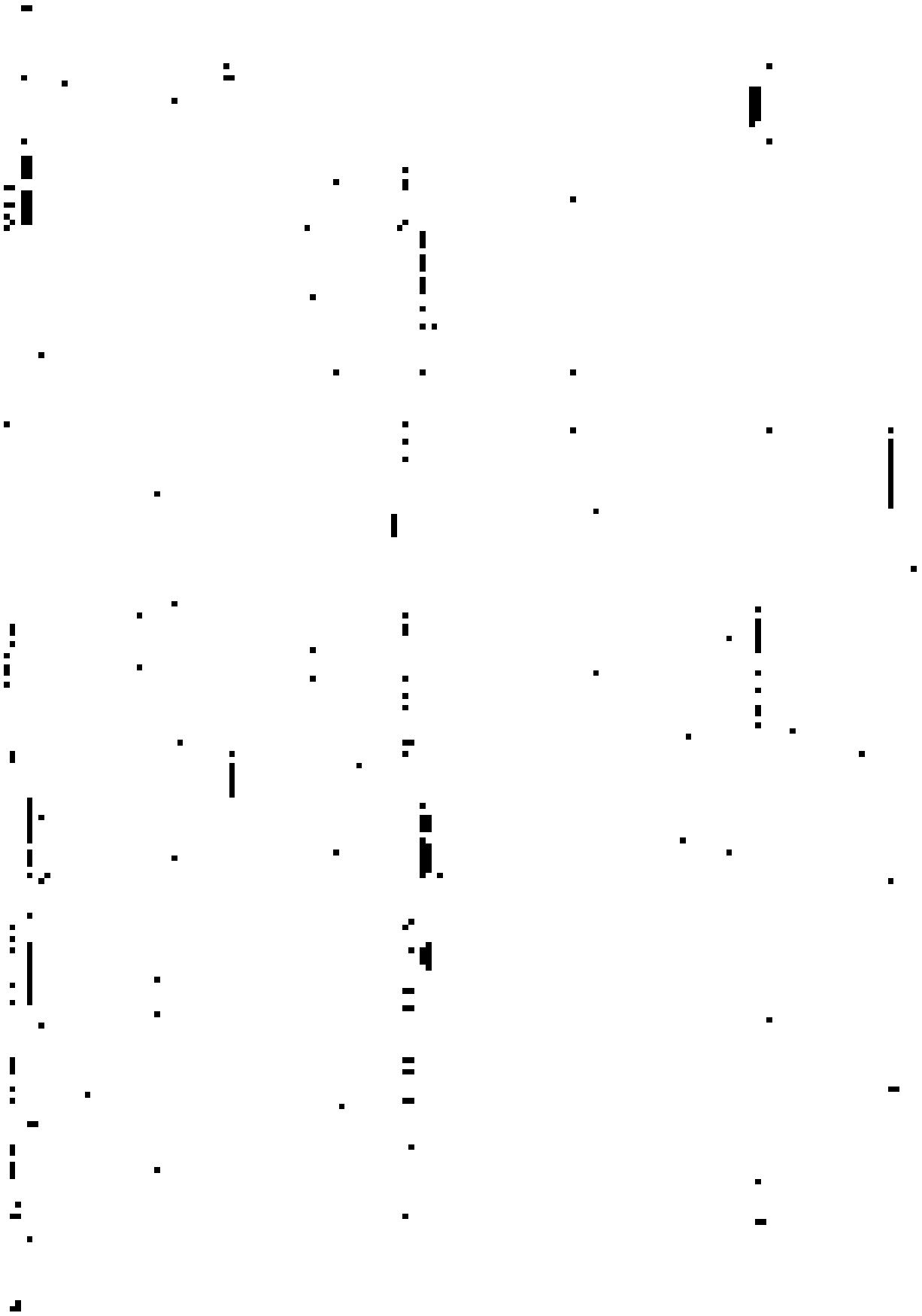


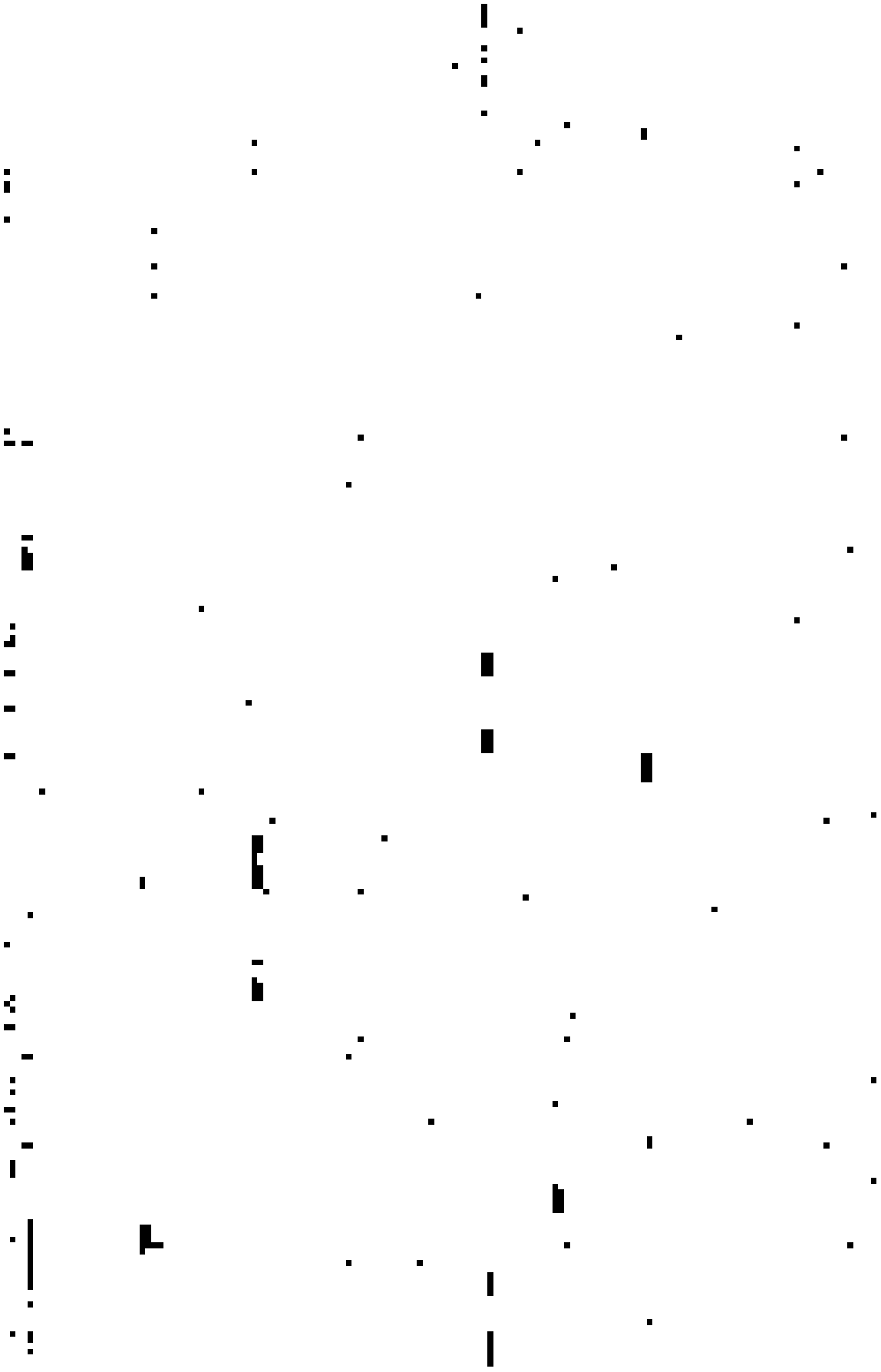


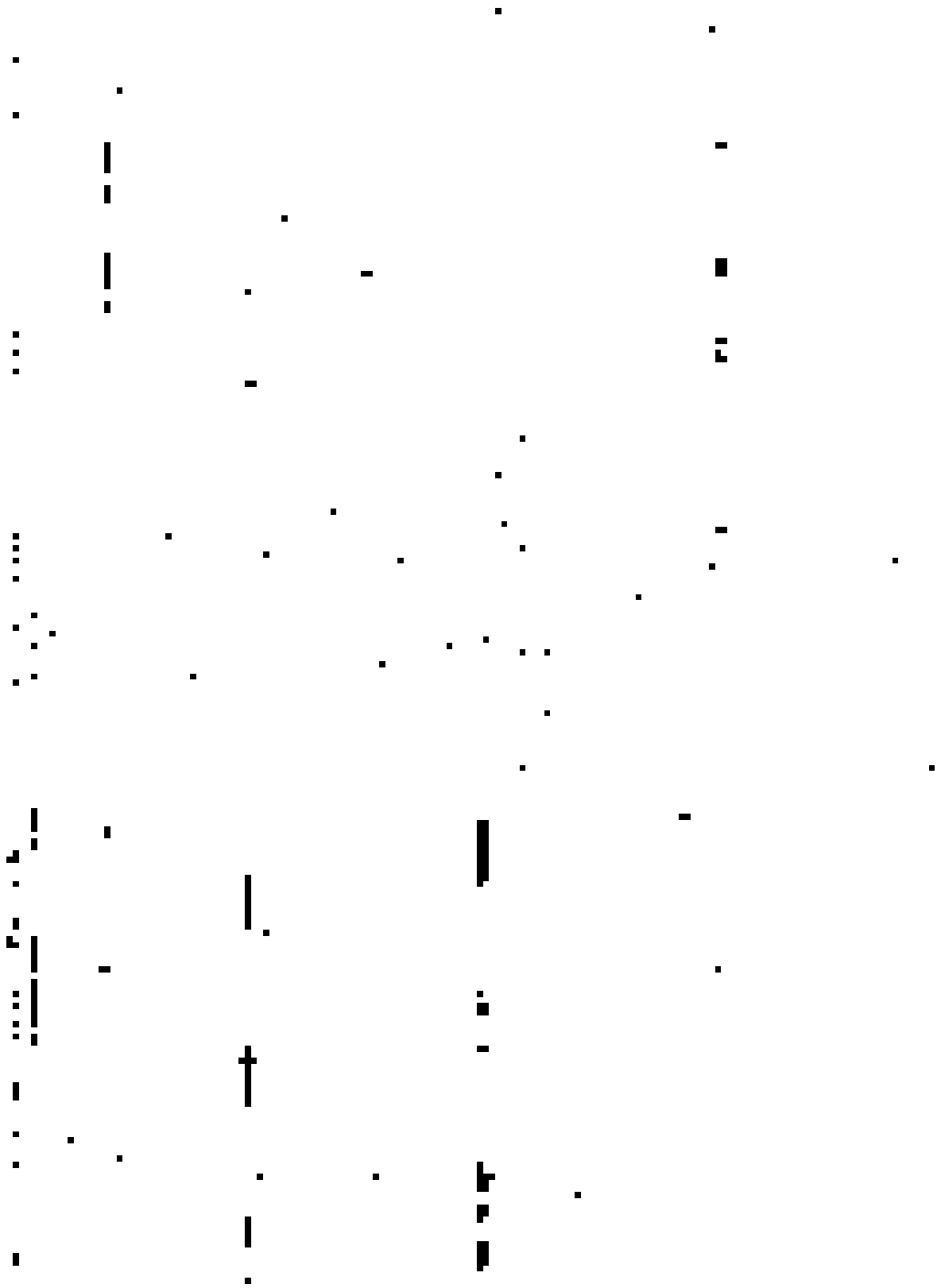


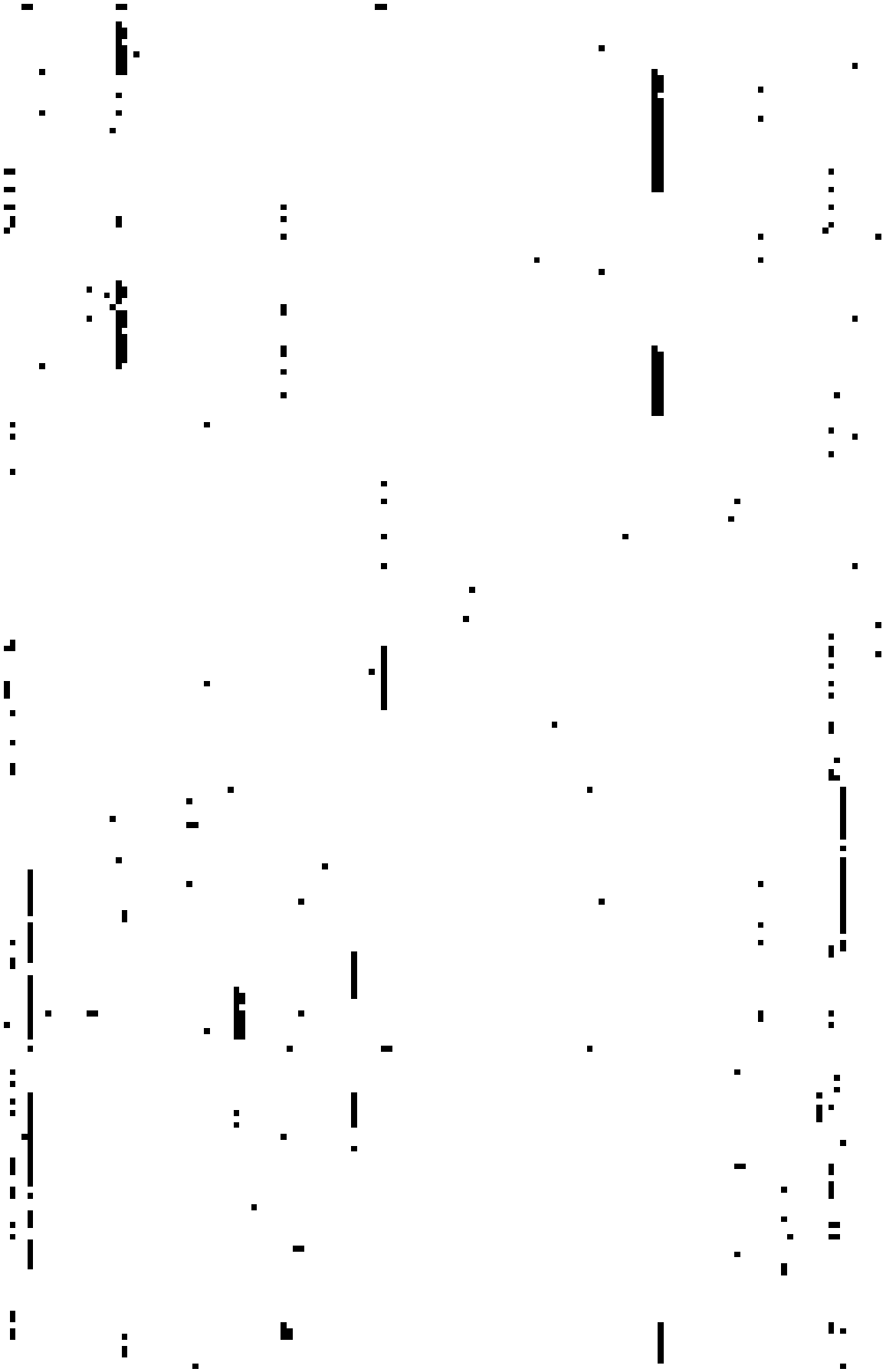


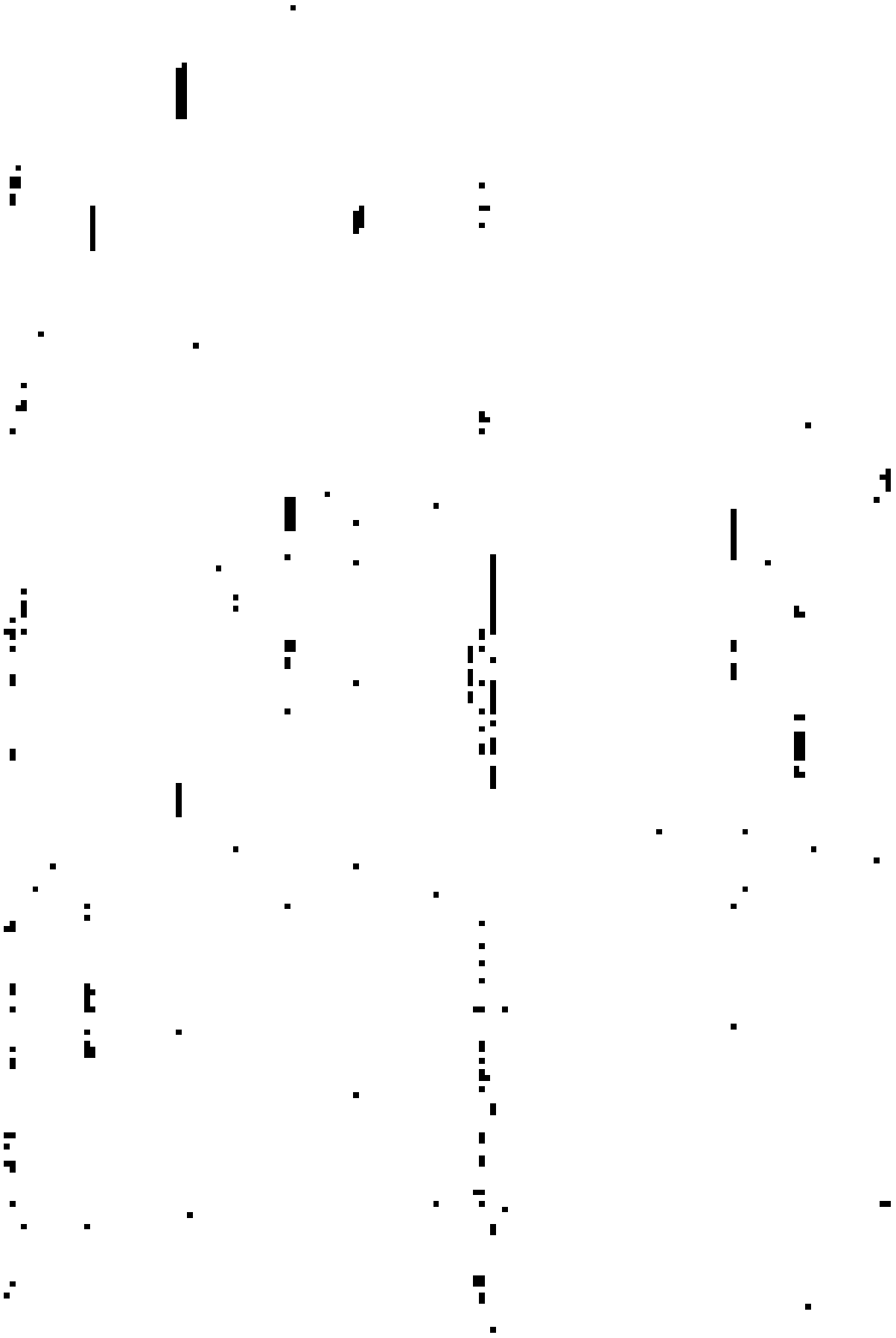


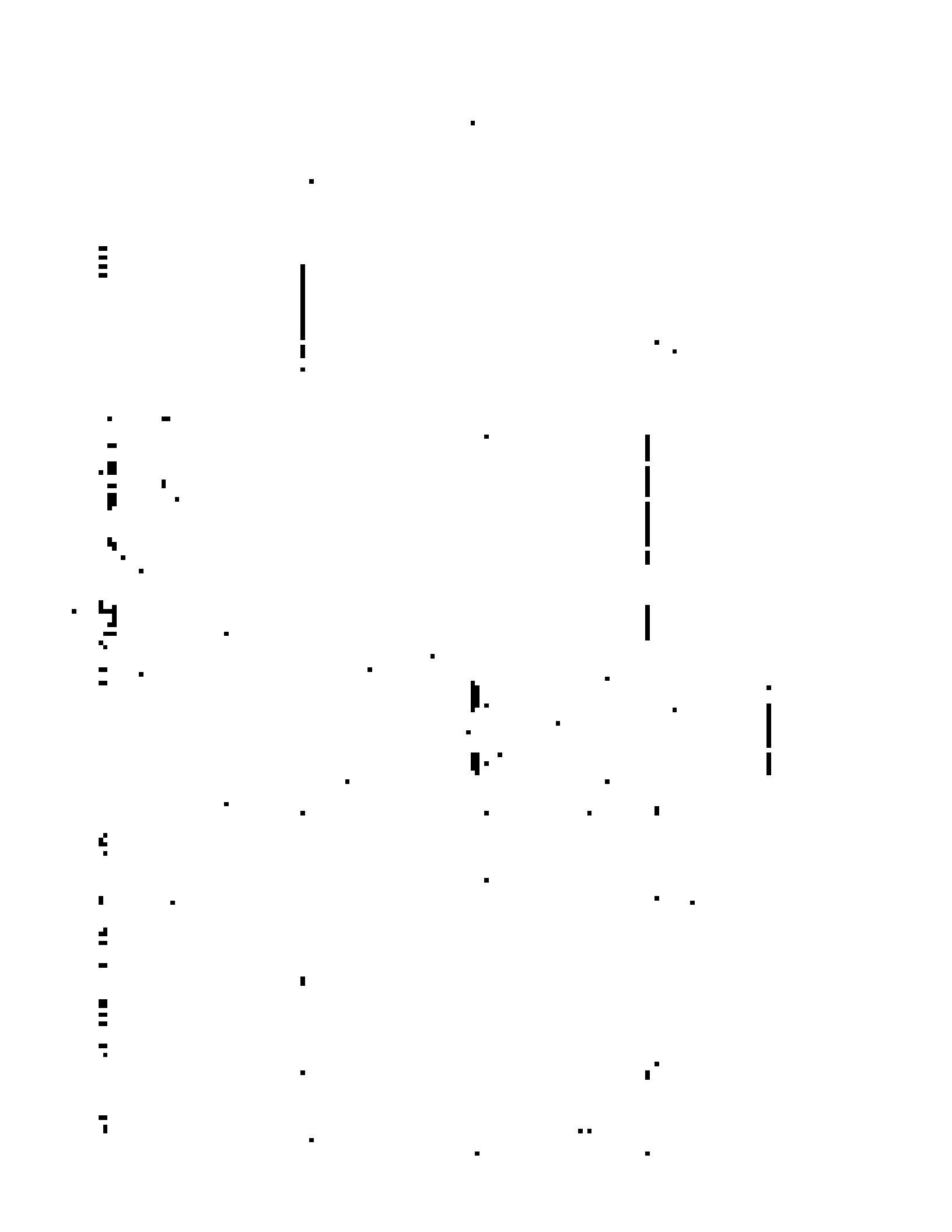


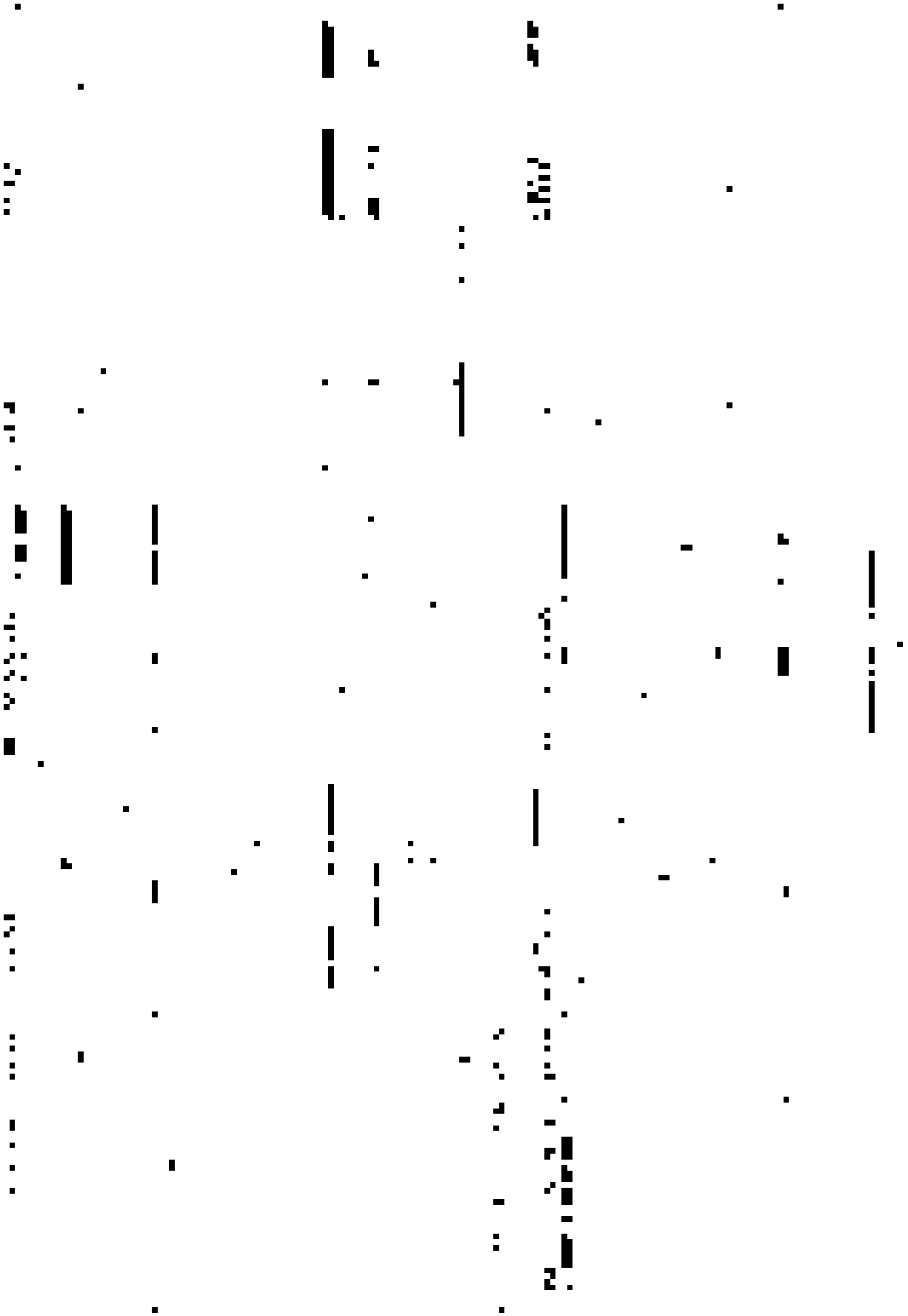












Policy Coordination and Liaison Committee

ORIENTATION MATERIALS

TUESDAY, OCTOBER 28, 2014

JUDICIAL COUNCIL OF CALIFORNIA
GOVERNMENTAL AFFAIRS

Judicial Council of California
Governmental Affairs

Policy Coordination and Liaison Committee
Resource Materials

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Policy Coordination and Liaison Committee

The role of the Policy Coordination and Liaison Committee (PCLC) is to represent the council before the legislative and executive branches of government, build consensus with stakeholders and individuals outside the branch and coordinate an annual plan for communication and interaction with other agencies and entities.

The charge and duties of the committee, set forth in California Rules of Court, rule 10.12, including the following:

1) Take positions on behalf of the council on pending legislative bills, after evaluating input from the council advisory bodies and the courts, provided that the position is consistent with the council's established policies and precedents;

2) Make recommendations to the council on all proposals for council-sponsored legislation and on an annual legislative agenda after evaluating input from council advisory bodies and the courts;

3) Represent the council's position before the Legislature and other bodies or agencies and acting as liaison with other governmental entities, the bar, the judiciary, and the public regarding council-sponsored legislation, pending legislative bills, and the council's legislative positions and agendas;

4) Build consensus on issues of importance to the judicial branch consistent with the council's strategic plan with entities and individuals outside the branch;

5) Develop an annual plan for communication and interaction with other branches and levels of government, components of the judicial system, the bar, the media, and the public; and

6) Direct any advisory committee to provide it with analysis or recommendations on pending or proposed legislation.

Judicial Council–sponsored Legislation Calendar

Month	Judicial Council
Jan – March	• Advisory committees, in consultation with Governmental Affairs staff, develop proposals for council–sponsored legislation.
April – May	• Advisory committee, in consultation with Governmental Affairs staff, circulates draft proposals for council–sponsored legislation to interested and affected parties.
June	• Deadline for public comment on proposed council–sponsored legislation.
June – August	• Advisory committee consults with Governmental Affairs staff regarding responses to comments and further development of proposals for council–sponsored legislation.
September – October	• Deadline for advisory committee and Governmental Affairs staff to jointly submit finalized draft proposals for council–sponsored legislation to the Policy Coordination and Liaison Committee (PCLC).
October	• PCLC makes recommendations for council action on council–sponsored legislative proposals for upcoming legislative year.
December	• Judicial Council acts on PCLC recommendations for council–sponsored legislation for upcoming legislative year.

Guidelines for Development of Judicial Council–sponsored Legislation

This summary describes the typical process the Judicial Council follows when developing and approving proposals for sponsored legislation. It also describes how Governmental Affairs advocates for enactment of these proposals in the Legislature.

I. Judicial Council Process

A. Sources of Legislative Proposals

Because it often takes several months to fully develop a legislative proposal, the process should begin early in the year. *(See the Judicial Council–sponsored Legislation Calendar.)* Judicial Council advisory committees are well situated to identify and develop proposals for statutory change. Committee members have extensive expertise in the committee's subject area and often have ideas for improving statutory law. In addition, advisory committees may receive requests for council sponsorship of legislative proposals from outside sources.

Suggestions for how an advisory committee may wish to identify proposals for council–sponsored legislation include:

- The advisory committee chair may devote a portion of one or more meetings each year to identifying legislative proposals for the following year's legislative session.

- The advisory committee may establish a working group or task force composed of committee members responsible for reviewing the relevant codes, or specific subjects or issues within those codes, to identify potential legislation.

- Advisory committees may receive legislative proposals from outside sources. When a person or organization submits a legislative proposal to the Judicial Council, staff forwards the proposal to the appropriate advisory committee and Governmental Affairs staff for consideration.

B. Advisory Committee Process for Developing Proposals

This section describes the steps an advisory committee takes to develop and review legislative proposals for substantive merit.

1. Assess Viability of Proposal – For each legislative proposal, the advisory committee takes the following actions:

    - The advisory committee, in consultation with Governmental Affairs staff, determines a time frame for consideration of the proposal, keeping in mind

the September/October deadline for submission of legislative proposals to PCLC.

- If the advisory committee rejects a proposal submitted by an outside source, committee staff will notify the proponent of that action.

- If the advisory committee accepts or modifies a proposal from an outside source, or decides to recommend sponsorship of an internally generated proposal, the committee proceeds to the next steps.

2. Coordination with Governmental Affairs – Advisory committee staff will work with Governmental Affairs staff to coordinate work on all aspects of the proposals.

3. Review and Analyze – Advisory committees review proposals for substantive merit before transmitting them to PCLC. A typical analysis of a proposal should include:

- A description of the problem to be addressed, including its scope.

- A description of how the problem affects the judicial branch.

- A description of the proposed solution.

- A discussion of any alternative solutions, including an analysis of why the recommended solution is preferable.

- A discussion of any minority viewpoints.

- A description of any foreseeable problems with the proposed solution.

- Draft language for the proposed legislation.

- A determination whether the Judicial Council and/or the Legislature should give the proposal urgent consideration and the reasons for this.

A worksheet that advisory committees may use for laying out this analysis and other important considerations can be found on page 16.

4. Evaluate Sponsorship Criteria – Once an advisory committee determines that a particular proposal has merit, the committee should consider certain criteria in assessing whether Judicial Council sponsorship is appropriate and desirable. Limited resources, competing priorities, and political realities impose practical

limitations on the council's ability to sponsor every worthwhile legislative proposal presented. The advisory committee and Governmental Affairs should jointly consider each of the following questions:

- Is the proposal within the Judicial Council's purview?

  Council–sponsored measures should involve only those issues that are central to the council's mission and goals as stated in the Judicial Council's Strategic Plan.

- Should the proposal be addressed through the Judicial Council's rulemaking authority rather than by a change in statute?

  The council prefers to implement changes through rules of court wherever appropriate.

- Is the Judicial Council the best sponsor?

  The advisory committee and Governmental Affairs may determine that a proposal more closely serves the mission or objectives of another organization such as the State Bar. A Judicial Council–sponsored proposal should address issues fundamental to the administration of justice and broadly serve the needs of the courts statewide.

- What political factors are associated with the proposal?

  Governmental Affairs is responsible for providing advice about the political factors associated with a proposal.

5. Circulate for Comment – If an advisory committee wishes to circulate a proposal for comment, the committee staff consults with Governmental Affairs. If it is determined that the proposal is appropriate for circulation, the committee submits the proposal to PCLC for consideration. If PCLC agrees with the advisory committee's recommendation, the proposal may be circulated for public comment. After the comment deadline, committee staff and Governmental Affairs jointly review the comments. Advisory committee staff then summarizes and presents the comments to the committee. Following consideration of the comments, the advisory committee may modify the proposal based on the comments, recommend adoption of the proposal as originally presented, or recommend non-adoption based on the comments received.

6. Advisory Committee Action – Upon completion of the review procedures and consideration of the evaluation criteria above, the advisory committee may adopt one of the following actions:

- Approve the proposal as submitted.
- Approve the proposal with modifications.
- Reject the proposal. The advisory committee should inform the source of the proposal of this decision.

If the advisory committee approves the proposal, the committee forwards the proposal to PCLC for consideration. Final proposals must be submitted to PCLC using the template for memos to Judicial Council internal committees by the September/October deadline in order to be considered for Judicial Council sponsorship during the following legislative year. All advisory committee proposals submitted to PCLC are referred to Governmental Affairs, which may prepare a separate analysis and recommendation for PCLC.

C. Policy Coordination and Liaison Committee Action

In October, PCLC will review the proposal(s), the advisory committee recommendation(s), and any analyses and recommendations prepared by Governmental Affairs. PCLC may recommend the proposal for Judicial Council sponsorship and forward it to the Judicial Council, send it back to the advisory committee for further consideration, or take other action as necessary. If PCLC modifies or rejects the proposal, Governmental Affairs will return the proposal to the submitting advisory committee. The advisory committee may either accept PCLC's action or request that the full council review PCLC's recommendation.

D. Judicial Council Action

The sponsored-legislation proposal is presented by PCLC to the Judicial Council in December for consideration. The Judicial Council reviews the proposal, along with PCLC's recommendation contained in a report prepared by Governmental Affairs. Once the council approves a proposal, it becomes "sponsored" legislation. If the Judicial Council does not approve the proposal for sponsorship, or takes some other action on the proposal, Governmental Affairs will communicate the action to the submitting advisory committee.

E. Delegation of authority to PCLC to sponsor legislative proposals on behalf of the council

The Judicial Council has delegated to PCLC the authority to take positions to sponsor legislative proposals on behalf of the council when time is of the essence. This situation most often will arise in the context of the budget and related "trailer bill language." Acting under this delegation, PCLC notifies the chairs of the Executive and Planning Committee and the Rules and Projects Committee of any PCLC meetings at which such actions will be considered so that they may participate if available. PCLC is also required to notify all other Judicial Council members, if feasible, of the intended action. After acting under this delegation, PCLC is required to notify the Judicial Council of all actions taken.

II. Advocacy Process

A. Legislative Author

Governmental Affairs staff will seek a legislator to introduce the council–sponsored proposal. An appropriate author for the bill is one who:

- Has substantial experience with the subject of the bill; often the author is the chair or a member of the policy committee with subject-matter jurisdiction over the bill.
- Understands Judicial Council needs and objectives.
- Has experience with the legislative process.
- Is an effective negotiator with members of both parties.

B. Governmental Affairs Responsibilities

Governmental Affairs acts as the primary advocate for Judicial Council–sponsored legislation. Responsibilities include, among other things:

- Preparing background material for the bill, including analyses for the author. The analyses include a description of the problem the bill seeks to address, an explanation of how the bill corrects that problem, the likely supporters and opponents of the bill, questions the bill raises that may need further research, and any other information that explains the issue.
- Communicating information about the bill to the appropriate legislative committee with subject-matter jurisdiction. This means working extensively with committee staff as well as the legislators who are members of those committees. In moving through the legislative process, a bill will be heard by at least one policy committee (such as the Judiciary Committee), and, if

appropriate, a fiscal committee, before being debated and voted upon by the full membership on the floor of each house.

- Coordinating with supporters to build a broad coalition in support of the bill.

- Coordinating the content and timing of correspondence between all supporters and the Legislature.

- Negotiating with the proposal's opponents to determine whether amendments can eliminate opposition and still achieve the council's objectives.

- Meeting with the Governor and/or his or her staff to advocate that the bill be signed into law.

Formulating a Position on Pending Legislation (<u>not</u> sponsored by Judicial Council)

The Judicial Council, acting through the Policy Coordination and Liaison Committee (PCLC), strives to improve the administration of justice by representing the interests of the judicial branch to the Legislature, the executive branch, other entities involved in the legislative process or interested in the judiciary, and the general public.

The Judicial Council supports the integrity and independence of the judicial branch and seeks to ensure that judicial procedures enhance efficiency and access to the courts. The council generally does not take a position on substantive law/policy. However, the council may take a position on legislation that involve issues central to the council's mission and goals as stated in the Judicial Council's Strategic Plan. The council may also take a position on an apparent issue of substantive law if issues presented directly affect court administration or negatively affect existing judicial services by imposing unrealistic burdens on the judicial branch.

The following are procedures Governmental Affairs uses in developing recommendations for and carrying out PCLC and council directives regarding legislation.

Positions on Legislation

Governmental Affairs reviews all introduced and amended legislation to determine whether a bill is of interest to the judicial branch. For each bill of interest, staff determines whether the council is likely to take, or may want to take a position on the bill. One or more council advisory committees (or subcommittees) within the appropriate subject area review each bill on which the council may want to take a position. The advisory committees either recommend a position or recommend that the council take no position.

Governmental Affairs presents bills on which an advisory committee recommends a position to PCLC for determination of a council position. Additionally, staff may also choose to bring a bill before PCLC on which an advisory committee has recommended no position. Staff presents each bill to PCLC with an analysis that includes a summary of the bill, a recommended position from one or more advisory committees and, if different, the Governmental Affairs recommendation, the rationale for the recommendation(s), positions the council has taken on related bills, fiscal and workload impacts, and other relevant information.

The council has established several positions PCLC may take on a bill. These positions do not indicate the relative strength of the council's support or opposition, but the aims of Governmental Affairs advocacy efforts. The positions are:

1) **<u>Oppose</u>**: An oppose position may be taken on a bill that conflicts with established council policies, and for which obvious changes would not resolve the conflict.

2) **Oppose unless amended (or unless funded)**: This position may be taken on a bill that the council will oppose unless identified amendments are taken to address those provisions that conflict with council policy, or unless funding issues are resolved.

3) **Neutral**: A neutral position taken on a bill the substance of which does not implicate council policy, but on which technical corrections would improve the measure.

4) **Support in concept**: This position may be taken on a bill that, in concept, furthers council policy, but that is not yet drafted in sufficient detail for the council to support.

5) **Support if amended (or if funded)**: This position may be taken on a bill that, with specified amendments or funding, would further the council's policies. Absent the amendments or necessary funding the council position is neutral.

6) **Support:** Position taken on a bill that furthers council policy.

7) **No position:** PCLC may choose to take no position on a bill that addresses substantive issues on which the council takes no position, though the measure may affect the courts.

PCLC may also combine several of the above positions. PCLC may also provide instruction to Governmental Affairs to do further research or work with the author prior to taking a position on a bill.

PCLC Meeting Schedule and Agenda

PCLC meets regularly during the legislative session, usually by conference call. Beginning in late February or early March, the committee sets a schedule of meetings at least every three weeks. If a meeting is not needed, Governmental Affairs will notify PCLC members by e-mail of the cancellation. Late in the legislative session, and during budget negotiations, it is sometimes necessary to schedule several meetings on short notice to discuss or resolve late-breaking issues. All PCLC meetings must be in compliance with California Rule of Court, Rule 10.75 governing meetings of advisory bodies.

Governmental Affairs prepares a written analysis of each bill for PCLC. Governmental Affairs may place bills that do not appear to require discussion or deliberation on PCLC's consent calendar. The consent calendar saves the committee time by eliminating the need to review bills that are consistent with clearly established council policies and positions. However, any committee member may remove an item from the consent calendar to discuss the bill's merits or the recommended action.

Bills that are on the discussion agenda include those that require discussion, and those bills on which the staff recommendation differs from the recommendation of an advisory committee or when the recommendations from two or more advisory committees differ. In the latter instances, staff will request that a representative of the advisory committee(s) participate in the PCLC

meeting. The representatives will present the advisory committee's views, and take questions from PCLC members. PCLC may then excuse the guest and deliberate further and prior to taking action.

Legislative Advocacy

Once PCLC adopts a position on a bill, it is the position of the Judicial Council. That position and associated policies become the cornerstone of Governmental Affairs advocacy efforts. The adopted position is presented in subsequent negotiating sessions, discussions with interested parties, and meetings with legislators. A letter setting forth the position and policies is sent to the bill's author, legislative committee members, and other interested parties.

Generally, PCLC's initial guidance and position is sufficient to direct Governmental Affairs advocacy throughout the legislative process. Occasionally, as a bill progresses or is amended, staff will request further direction from PCLC because of a particular bill's significance, complexity, the sensitivity of an issue, or the direction taken by the amendments. PCLC may be asked to reconsider the matter at a subsequent meeting.

Coordination with other groups

The Judicial Council advances its position on legislation most successfully when it allies itself with other entities such as county government representatives, law enforcement, attorneys, and consumer advocates. Governmental Affairs will work to develop coalitions on issues of common interest. These coalitions often last for years, effectively supporting and opposing a variety of bills. For example, the council's efforts regarding trial court facilities legislation involved close coordination with the California State Association of Counties. Other groups with which the council has long-standing working coalitions include the Consumer Attorneys of California, the Bench-Bar Coalition, California Defense Counsel, the California Judges Association (CJA), the State Bar of California, and others. These and other working relationships have evolved during many years of cooperative effort.

On most court-related issues, Governmental Affairs maintains close contact with representatives of CJA and the State Bar. Additionally, Governmental Affairs confers regularly with the California Court Association Legislation Committee (CCALC) to discuss or request analytical information about pending legislation with members of the court community. The CCALC members are court employees who provide vital input related to the operational impact of proposed legislation.

Legislative fiscal analysis

In addition to its legislative screening process, Governmental Affairs identifies bills that require a fiscal analysis. In the years since the State assumed responsibility for trial court funding, Governmental Affairs has, through joint efforts with the Finance Division, developed a process to

ensure that both timely and accurate fiscal analyses are submitted to the Legislature. The legislative advocate works with the fiscal analyst to develop an accurate fiscal analysis. The fiscal analyst confirms the cost issues and, if necessary, works with the advocate to determine an appropriate approach and methodology, identify available resources, and clarify any technical issues affecting the analysis.

There are a variety of resources available to assist in the development of fiscal and workload analyses. The Office of Court Research assists in data collection and analysis. Governmental Affairs also works closely with other council program areas (e.g., civil, criminal, family, and juvenile law, jury service, traffic programs, and the court interpreter program). Staff also works with local courts to assist in the development of fiscal analyses. The Operational and Budget Impact Working Group of the Court Executives Advisory Committee has identified court staff with whom Governmental Affairs may consult to get input in large, medium, small, urban, and rural courts on the fiscal impact of pending legislation.

Judicial Council Legislative Policy Summary

The Judicial Council Legislative Policy Summary sets forth the council's historical policies on key legislative issues. The summary helps to ensure that council members, advisory committee members, and council staff have a common understanding of council policy on issues presented in proposed legislation. The summary reflects the council's most recent positions on legislative issues and identifies how those positions are derived from the Judicial Council's strategic plan. The Legislative Policy Summary also defines the Judicial Council's limited purview when considering pending legislation.

Formulating a Judicial Council Position on Legislation (<u>not</u> sponsored by Judicial Council)

Governmental Affairs

When bills are introduced in the Legislature, Governmental Affairs identifies those that may affect the judicial branch. Governmental Affairs summarizes the bill, describes key aspects of the legislation and, if within Judicial Council purview, forwards the bill to a Judicial Council advisory committee for review and recommendation.

Advisory Committee

The advisory committee (or its subcommittee) reviews the legislation and recommends a position. The advisory committee recommendation along with Governmental Affairs analysis and recommendation are presented to the PCLC for review.

Policy Coordination and Liaison Committee

PCLC reviews the bill, Governmental Affairs analysis, and recommendation(s). The committee, on behalf of the Judicial Council, may adopt one of the following positions on the bill:

- oppose
- oppose unless amended (or funded)
- neutral
- support if amended (or funded)
- support
- some combination of these
- no position

In an unusual circumstance, PCLC may refer the bill to the full Judicial Council for review and position. Once PCLC or the Judicial Council has taken a position, Governmental Affairs advocates that position throughout the legislative process.

Proposal for Judicial Council–Sponsored Legislation

Advisory Committee: _____ Date: _____

Contact Person: _____

Governmental Affairs Liaison: _____

1. Describe the problem to be addressed.
2. How does this problem affect the judicial branch?
3. What is the proposed solution?
4. Discuss Alternative solutions. Why is the recommended solution preferable?
5. Minority viewpoints.
6. Any foreseeable problems with the proposed solution?
7. Should the Judicial Council give this proposal urgent consideration? If so, why?
8. Is the proposal within the Judicial Council's purview?
9. Should the proposal be carried out by amending the California Rules of Court instead of legislation?
10. Why is the Judicial Council the best sponsor?
11. What political factors are associated with the proposal?

Please attach draft language.

Governmental Affairs

The mission of Governmental Affairs is to promote and maintain effective relations with the legislative and executive branches and to present the Judicial Council's recommendations on legislative matters pursuant to constitutional mandate. (Cal. Const., art. VI, § 6). Governmental Affairs staff are responsible for the following subject matter areas:

Subject Matter	Contact
General Advocacy	Cory Jasperson
Access to Justice/Self-represented Litigants	Alan Herzfeld
Appellate Law	Andi Liebenbaum, Daniel Pone, Sharon Reilly
Bench-Bar Coalition	Dia Poole
Budget	Cory Jasperson, Andi Liebenbaum
Civil Procedure	Daniel Pone
Communications Liaison	Dia Poole
Court Closures/Service Reduction	Cory Jasperson
Court Facilities	Cory Jasperson
Court Interpreters	Cory Jasperson, Alan Herzfeld
Court Reporters	Laura Speed, Alan Herzfeld
Court Security	Sharon Reilly
Criminal Procedure	Sharon Reilly
Day on the Bench	Dia Poole
Employment & Benefit Issues	Laura Speed
Family Law	Alan Herzfeld
Fiscal Impact of Legislation	Andi Liebenbaum
Judgeships and Subordinate Judicial Officers	Alan Herzfeld
Judicial Administration Fellowship Program	Dia Poole
Judicial Conduct	Laura Speed
Judicial Education	Laura Speed
Judicial Elections	Laura Speed
Judicial Service	Laura Speed
Jury Issues	Sharon Reilly
Juvenile Delinquency	Alan Herzfeld
Juvenile Dependency	Alan Herzfeld
Probate and Mental Health	Daniel Pone
Redistricting/Judicial Redistricting	Sharon Reilly
State Bar/Practice of Law	Daniel Pone
Traffic Law	Sharon Reilly

Staff Biographies

Cory Jasperson was chosen to lead the judicial branch's legislative and executive advocacy efforts as the Director of Governmental Affairs in December 2012. Mr. Jasperson worked in the State Capitol for 12 years, holding positions in both the Assembly and Senate. Prior to joining the Judicial Council, he served as Chief of Staff to Senator Joe Simitian (D-Palo Alto). Mr. Jasperson also held the position of Chief of Staff to the Assembly Speaker pro Tempore. Before joining the Legislature in 2000, Mr. Jasperson worked at the Santa Clara County Board of Supervisors, Stanford University, and the Greenlining Institute, a statewide multi-ethnic public policy and advocacy center. He has a BA in International Relations from the University of California, Davis.

Laura Speed became Assistant Director of Governmental Affairs in October 2013. As assistant director, Laura joins Cory Jasperson, in managing the office's legislative and budget advocacy operations. Ms. Speed has served as the governmental relations and legislative officer for the County of Sacramento, as division chief in the Office of Stakeholder Relations with the California Public Employees Retirement System, as deputy chief of external affairs at the California Department of Corrections and Rehabilitation, and as a policy consultant for the Senate Republican Policy Office. In addition, she serves as an adjunct professor at the University of the Pacific, McGeorge School of Law, where she currently teaches a course in practical and persuasive legal writing. Ms. Speed earned her bachelor's degree in political science from San Jose State University and her juris doctorate from McGeorge School of Law.

Katie Asher is an Administrative Coordinator with Governmental Affairs. Prior to joining the Judicial Council, Ms. Asher worked for Electronic Data Systems (EDS). While employed with EDS, she worked as a public affairs coordinator for the Office of Governmental Affairs, as an administrative coordinator for Global Marketing Operations, and as a regional coordinator for the Americas Communications division. Ms. Asher has a bachelor's degree in communications from UC Davis.

Luz Bobino is an Executive Secretary to the Director and Assistant Director of Governmental Affairs. She began working at Governmental Affairs in 2000 as a receptionist and in 2007 was promoted to her current position. Prior to that, Ms. Bobino was an application support analyst for Sutter Health Information Services providing assistance in system analysis, design, development, documentation, and configuration as well as testing and training of the product. Ms. Bobino also worked for the Stockton Fire Department Executive Office as an office clerk, while attending San Joaquin Delta College, majoring in Psychology.

Yvette Casillas-Sarcos is an Administrative Coordinator with Governmental Affairs and has been employed by the Judicial Council since 1997. She is responsible for coordinating bill tracking and screening criminal and traffic legislation, as well as supporting the work of three advocates and the Policy Coordination and Liaison Committee (PCLC). Ms. Casillas-Sarcos

relocated to Sacramento in 1995 from Southern California and attended Sacramento City College, majoring in administration of justice.

Noemi Cordova is a Secretary at Governmental Affairs. Prior to joining the Judicial Council, Ms. Cordova worked as an executive assistant at a Political Consulting Firm. She has a BA in Government with a concentration in International Relations from the California State University, Sacramento.

Alan Herzfeld is an Associate Attorney at Governmental Affairs. Mr. Herzfeld advocates on behalf of the Judicial Council on issues of family law, juvenile dependency and delinquency, and access to justice. Before joining Governmental Affairs, Mr. Herzfeld worked in private practice in San Francisco in the areas of estate planning, probate, and probate and trust litigation. Mr. Herzfeld attended the University of California at San Diego (UCSD), receiving degrees in Political Science/Public Law and History, received his J.D. from Northeastern University School of Law, and an L.L.M. in Taxation with honors from Golden Gate University. Mr. Herzfeld's background includes work with the Boston Juvenile Court, UCSD Office of Government and Community Relations, a lobbying group in Washington, D.C., the California Appellate Project, and the Alameda County Social Services Agency's Office of Agency Planning. During law school, Mr. Herzfeld interned with the Judicial Council's Center for Children, Families, and the Courts, assisting in the early stages of the Elkins Family Law Task Force. He rejoined the Judicial Council as an attorney in May 2013.

Monica LeBlond has been the Supervising Administrative Coordinator at Governmental Affairs since January 2002. Prior to joining the Judicial Council, she worked as an administrative and quality manager for an environmental consulting firm in Sacramento. Ms. LeBlond has a bachelor's degree from the State University of New York.

Andi Liebenbaum is a Senior Governmental Affairs Analyst. Prior to joining the Judicial Council in 2012, Ms. Liebenbaum served as senior legislative consultant to Assembly Member Jared Huffman, and prior to that, she worked in the nonprofit workforce development and youth advocacy sectors for 16 years throughout California and as a consultant to the US Department of State undertaking program development and capacity building in Central and South America. Ms. Liebenbaum started her legal career as an attorney in dependency cases and representing juveniles in delinquency matters. She graduated from Loyola Law School in Los Angeles.

Daniel Pone is a Senior Attorney with Governmental Affairs and has been with the Judicial Council since 2001. Prior to joining the Judicial Council, he worked for four years as a principal consultant for the California Assembly Judiciary Committee, working in areas of civil rights, constitutional law, general civil law, contracts, probate, mental health, consumer protection, and privacy. Prior to working in the Assembly, Mr. Pone worked for more than 11 years as a Senior Attorney for Protection & Advocacy, Inc., specializing in mental health law. Mr. Pone has a bachelor's degree in psychology from the University of Oklahoma and a juris doctorate from University of California at Davis.

Dia Poole joined Governmental Affairs in January 2004 as a Senior Governmental Affairs Analyst and serves as the office's communication liaison. She previously held a four-year appointment as the Public Affairs Director for the California Department of Fair Employment and Housing (DFEH). Prior to her appointment at DFEH, Ms. Poole served as a policy consultant in several legislative and committee assignments at the State Capitol. Ms. Poole graduated from California State University of San Bernardino and worked for the County of San Bernardino for 13 years before accepting a California State Assembly fellowship and relocating to Sacramento in 1994.

Sharon Reilly has been with the Judicial Council since January 2013 as the Senior Attorney for criminal law and traffic policy and legislation. Ms. Reilly previously served as chief counsel for the California Bureau of State Audits (BSA) for 13 years and served as a deputy legislative counsel in the California Office of Legislative Counsel for 9 years. As chief counsel with BSA, Ms. Reilly was the executive responsible for the Investigations Division, and also oversaw issues involving the criminal justice system, including juvenile justice realignment, campus crime statistics, the Three Strikes law, and probation requirements. While working at the Legislative Counsel Bureau she served as counsel to several legislative committees, including the Senate Appropriations Committee, the Joint Legislative Budget Committee, and the Constitutional Revision Commission. A University of California, Berkeley graduate, Ms. Reilly earned her juris doctorate degree from the University of California at Davis.

Outreach Activities

Governmental Affairs seeks to promote effective communications within California's judicial branch, and with the legislative and executive branches of government. To enhance these efforts, Governmental Affairs has established outreach programs that inform the Governor, members of the Legislature, and the legal community about the judicial branch and issues of mutual concern.

State of the Judiciary Address and the Judicial-Legislative-Executive Forum

The Chief Justice of California typically delivers an annual State of the Judiciary address early in the calendar year to a joint session of the Legislature. The address focuses on significant issues and challenges facing the judiciary in the upcoming year. (Following the address, a meet-and-greet is conducted, providing an opportunity for members of the Legislature, the executive branch, appellate and trial courts, and the Bench-Bar Coalition to discuss issues and meet informally with the Chief Justice and other judicial branch leaders.)

Legislative Visits

Governmental Affairs coordinates legislative visits for council members in January and February and a reception for legislators in January, as well as any legislative visits for the Trial Court Presiding Judges Advisory Committee or the Court Executive Officers Advisory Committee.

Liaison Program

Working with interested groups toward achieving common goals has been a long-standing component of Governmental Affairs' advocacy work. The liaison program is the office's ongoing effort to work cooperatively with stakeholders involved with and important to the judicial branch, including the Attorney General, the California Judges Association, the California State Association of Counties, the California District Attorneys Association, the California Public Defenders Association, the State Bar of California, civil plaintiffs and defense bars, legal services organizations, and others. Where our positions on issues concur, we form alliances to enhance our advocacy efforts. When our positions on issues differ, we negotiate to reach agreements whenever possible. In support of this ongoing liaison effort, the Chief Justice hosts annual meetings with the leadership of several external organizations to discuss issues of mutual concern.

Statewide Bench-Bar Coalition

The Judicial Council and the State Bar of California coordinate the statewide Bench-Bar Coalition (BBC). The BBC enhances communication and coordinates the activities of the judicial community with the State Bar, including: local, minority and specialty bars associations

and legal services organizations regarding issues of common interest, particularly in the legislative arena.

Day on the Bench Program

The Day on the Bench program is an event in which a legislator spends a day (or portion of a day) in court with a judge in the legislator's district. This program, cosponsored with the California Judges Association, is designed to give legislators an understanding of the volume, complexity, variety, and difficulty of a trial court judge's daily duties and responsibilities.

California Court Association Legislation Committee (CCALC)

The California Court Association Legislation Committee is composed of professional court staff from various courts throughout the state, including court managers, supervisors, and technical staff. Throughout the legislative session, OGA staff confers with CCALC to exchange information on pending legislation and help inform Judicial Council positions.

Publications and Information Services

To facilitate communication, staff distributes the following information on current legislative developments.

Legislative Status Chart –Governmental Affairs prepares a chart that provides an easy reference to all council actions on pending legislation, including Judicial Council-Sponsored legislation.

Table of Bills Affecting Appellate Courts –Governmental Affairs prepares a chart of legislative bills that affect the appellate courts or that respond to California appellate court decisions.

Each year, Governmental Affairs publishes a comprehensive summary of enacted legislation that affects the courts or is of general interest to the legal community. The Legislative Summary includes brief descriptions of the measures, organized by subject. Current and prior-year summaries can be downloaded from the California Courts Website, Court-related Legislation page: http://www.courts.ca.gov/4121.htm

To view bills being tracked by Governmental Affairs visit the California Courts website at *http://www.courts.ca.gov/4121.htm*

A copy of any legislative measure may be obtained from the Bill Room in the State Capitol building by calling (916) 445-2323. Bills and legislative analyses can also be accessed on the Internet at *www.leginfo.ca.gov/bilinfo.html* free of charge.

Information on Judicial Council Directives

Council Directive **62**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts that a systems review of the manner in which AOC staff review trial court records should be conducted to streamline Judicial Review and Technical Assistance audits, if possible, and to lessen the impact on court resources.

SEC Recommendation **7-7**

A systems review of the manner in which trial court records are reviewed should be conducted to streamline audits, if possible, and to lessen the impact on court resources.

Reported By:	Center for Families, Children and the Courts
Contact:	Diane Nunn, Director

TASK

[ ] PENDING

[x] COMPLETED: **The Center for Families, Children & the Courts have taken efforts to reduce the burden/workload on the courts as it relates to juvenile dependency case file reviews for Title IV-E findings.**

CFCC worked very hard with the Judicial Resources and Technical Assistance staff to reduce workload for the courts as it relates to review of juvenile dependency case files for Title IV-E findings.

These efforts have included:

- Using non-attorney staff for activities that do not require legal expertise.
- Spreading the JRTA review amongst a greater number of CFCC staff.
- Reaching out to the courts well in advance to discuss how records can be accessed for the review.

The JRTA System Review recommendations implemented to reduce program burdens on the court:

1. Ensure that judicial officers, court staff, and stakeholders understand that JRTA liaisons conduct a courtesy file review and do not audit court files.
2. Give courts up to 9 months to schedule site visits.
3. Reduce the frequency of reviews for courts when prior reviews find no need for technical assistance.
4. Conduct interviews at the convenience of the judicial officer.
5. Offer the services of the liaison to pull and reshelf files.
6. Reduce the volume of material that judicial officers are asked to review; develop fact sheets, bench cards and other tools whenever possible.
7. Focus the file review on mandated state and federal eligibility determinations and any issues raised by the presiding juvenile court judge.
8. Provide county agencies with recommendations and training to improve the information provided to the court, thereby reducing hearing delays and unnecessary workload for courts.
9. Respond to court requests for caseflow management consultation.

In addition to restructuring and operational changes described above, the following recommendations from the

System Review have been implemented to streamline the program:

1. Replace in-person and telephone communications with less time consuming communications, such as email, whenever possible.
2. Administrative staff is responsible for visit logistics and report and material production; and an education specialist develops tools and educational materials.
3. Pilot remote review of digitized case files.
4. Measure impact of JRTA services on court workload.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

☐	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	☐	UNABLE TO IMPLEMENT
x	IMPLEMENTED AND ONGOING	☐	PENDING IMPLEMENTATION
☐	IMPLEMENTED BUT IN PROGRESS		

To gain additional input from the trial courts as it relates to JRTA visits, the CFCC Director will send an email to the Juvenile Presiding Judge following each visit, inquiring how the visit went and asking for any suggestions about improving JRTA services. This practice will be implemented with the next JRTA visit, scheduled in the second quarter of calendar year 2015.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- *Judicial Resources and Technical Assistance (JRTA) Project Systems Review Report*

Judicial Resources and Technical Assistance (JRTA) Project
Systems Review Report

Judicial Council Directive #62 calls for a systems review of the manner in which AOC staff review trial court records to streamline the Judicial Resources and Technical Assistance (JRTA) audits, if possible, and to lessen the impact on court resources. The review included interviews with judicial officers, probation officers, social workers and attorneys; program data; and an assessment of the written reports provided to the courts. Attachment 1 is a thumbnail summary of all findings of the review.

1. Project Description

The JRTA project responds directly to questions from judicial officers and juvenile court professionals related to dependency and delinquency law and case management. JRTA attorneys visit local courts to conduct courtesy reviews of court files, providing judges with an overview of the findings and orders necessary to maintain compliance with federal and state statute. Most problems found are related to the presentation of information to the court by dependency and delinquency professionals such as social workers, county counsel, probation, and attorneys for parents and children. After consultation with the bench, the JRTA attorney provides the appropriate county agencies with recommendations and training to improve the information provided to the court. In the course of the year, JRTA attorneys respond to court requests for additional targeted visits and special training sessions for juvenile court professionals in the county[i].

2. JRTA Objectives

a. Identify and educate juvenile court partners about problems related to notice and completeness, timeliness, and quality of reports to the court that lead to delayed hearings;
b. Reduce length of time cases spend in system;
c. Reduce judicial officer and clerk time spent managing incomplete and inadequate filings, case backlogs and courtroom delays;
d. Reduce judicial officer and clerk time spent adapting courtroom procedure to new legislation and case law;
e. Avoid federal penalties and denial of funds for children in foster care; and
f. Improve outcomes for children in dependency including the length of time spent in foster care before reunification with families or adoption.

3. Juvenile Dependency Caseflow Management Issues Addressed by JRTA

Dependency caseflow management is a focal area of JRTA service to the courts. Providing judicial officers with the resources to manage dependency cases effectively reduces court costs, the ineffective use of judicial officer and clerk time, and the time children spend in foster care.

Juvenile dependency cases are among the most complex addressed by the court. In the Judicial Council's 2011 Judicial Workload Assessment ("Assessment")[ii], juvenile dependency ranked second, behind asbestos, in adjusted minutes required per case (269 minutes). The workload of judicial officers in dependency is very high. A legislative report based on the 2011 Assessment, *Assessing the Need for New Judgeships in Family and Juvenile Law Assignments*, notes that current judicial resources meet only 65 percent of the assessed need in dependency[iii].

Courts face characteristic challenges in managing juvenile dependency caseloads: a complex statutory scheme which specifies numerous timelines, actions, findings and orders unique to each hearing; a variety of parties to the case with multiple cases within sibling groups; complex noticing requirements and frequently inexperienced attorneys representing the county child welfare agency, children, and parents.

Dependency cases require effective caseflow management to avoid cases that are delayed and out of compliance with federal and state statutes, wasted judicial officer and clerk time dealing with notice problems, calendar backlogs, and requests for continuances; the court and county spending more dollars per case when cases stay in the system through unnecessary delays; children spending unneeded weeks and months in foster homes or group homes; and the loss of federal dollars to the child welfare system for foster children when cases are not in statutory compliance.

In 2008-2010 the AOC conducted a detailed study of dependency caseflow in 2 pilot courts. The findings document the potential for delay and wasted court resources in the system: an extremely complex caseflow, cases that averaged 1.2 years in length with 11 separate hearings per case, and one-half of cases out of compliance with statutory timelines[iv]. Statewide there are 70,400 juvenile dependency cases[v], leading to considerable court costs statewide when hearings are routinely delayed or extended.

Judicial officers hearing dependency cases reported to the AOC that the most common reasons for case delays include late social worker reports (61 percent), lack of notice or late notice (44 percent), attorney not available (38 percent), and not enough time to hear the court case (19 percent)[vi] . These are all problems that the JRTA project's resources, consultation with judicial officers and education of dependency system partners are designed to alleviate.

During the Assessment, judicial officers in juvenile court indicated their need for more time to spend on cases:

- Reviewing files and preparing for hearings;
- Conducting both short and long cause hearings;
- Preparing findings and orders;
- Ensuring that parties feel their concerns have been addressed;
- Conducting settlement conferences; and
- Encouraging all interested parties to participate in the proceedings[vii].

The goal of the JRTA project is to make some of this needed time available to judicial officers by improving the flow of information to the court.

4. Analysis of JRTA Impact on the Courts

Approximately 30 court visits are made each year by attorneys from the JRTA team. The ten largest courts in the state are visited every year, and smaller courts every other year. Each visit begins with a contact with the court executive or designee to discuss the timing of the visit. The court chooses which week the liaison will come to conduct the file review. This is followed by emails to the presiding court judge, juvenile presiding court judge and court executive describing the purpose of the visit. At this time judges may ask the liaison to expand the courtesy file review to include an optional topic, such as findings and orders regarding non-minor dependents.

In the initial contact the liaison will offer to pull and reshelve the files being reviewed. If this is not acceptable to the court the liaison will provide a list of 10 dependency and 10 delinquency files to review.

During the week of the court visit, the liaison requires a small work space. Liaisons bring their own computers and do not ask for photocopies of materials. If the judge permits, the liaison will observe court hearings to gain an understanding of the court's process. At the end of the week the liaison generally meets with the juvenile court presiding judge and other dependency judges. Judges generally want to review and discuss any cases where the findings and orders related to IVE eligibility do not comply with federal statutes.

After the review the liaison provides updates of any resource materials related to the review, and a written report on the findings of the review. Courts frequently request a follow up visit or technical assistance.

A JRTA site visit involves approximately 8 hours of work for a court or court site, including: participation of court executive (1 hour), participation of judges (2 hours), and assistance from clerks locating a work space for the liaison, pulling and reshelving 20 files (up to 4 hours).

An encouraging development is the possibility of JRTA staff conducting the file review remotely, for those courts with digitized juvenile dependency case files. This approach is being piloted.

Linkage of JRTA Deliverables to Outcomes for the Court

JRTA Activity	Outcome	Benefit to the Court	Measured by
JRTA attorney conducts courtesy review of dependency case files, focusing on foster care eligibility findings and timeliness of cases	Identifies system problems leading to unnecessary case delays: late or incomplete social worker reports, problems with documentation of reasonable efforts, or inadequate notice. With judicial officers, creates education plan for county counsel, social workers, probation officers and parents and children's attorneys	Reduced need for court to reschedule delayed hearings. Reduced need for court to accommodate multiple unnecessary appearances by incarcerated parents, children, CASA volunteers. Judicial officer receives complete information in case reports in advance of hearing, Timely hearings leading to a larger number of cases dismissed earlier in the process, and savings in judicial officer and court time	Analysis of hearing delays Cases meeting federal and state timeliness standards Length of stay for children in foster care
JRTA attorney meets with county counsel, social workers; and probation officers to discuss findings of file review and provide training on improving procedures	Provides system partners with training on notice provision, adequate documentation of recommended findings in reports to the court, timely provision of reports to the court	Reduced need for court to reschedule delayed hearings Reduced need for court to accommodate multiple unnecessary appearances by incarcerated parents, children, CASA volunteers Judicial officer receives complete information in case reports in advance of hearing Timely hearings cause a larger number of cases to be dismissed earlier in the process,	Analysis of hearing delays Cases meeting federal and state timeliness standards Length of stay for children in foster care

		leading to savings in judicial officer and court time	
Analysis report on foster care eligibility judicial determinations	Identifies for the court the changes in federal and state statute that require modification to judicial findings and orders related to foster care eligibility	Reduced need for judicial officers to conduct research on changing requirements Can provide to court a range of suggestions for procedures include standardized minute orders adapted to small, medium and large courts Reduces denial of federal foster care funding to counties Eliminates penalties to state from federal audits	Multi year court file review results Periodic federal audit of judicial determinations
Distribute bench cards on key hearings to judicial officers and stakeholders	Judicial officer has succinct, updated and legally accurate summary of the key events and decisions required at each type of dependency hearing	Reduced need for judicial officers to conduct research on changing requirements Can provide to court a range of suggestions for procedures adapted to small, medium and large courts Reduces denial of federal foster care funding to counties Eliminates penalties to state from federal audits	Multi year court file review results Periodic federal audit of judicial determinations

5. Direct Costs of Project

JRTA is funded by an inter-agency agreement with the California Department of Social Services. The contracted work includes:

- Approximately 30 annual site visits to courts including courtesy file review, meetings with the court and stakeholders and education for stakeholders
- Written analysis of courtesy file reviews
- Approximately 20 annual follow up visits at the request of the court for consultation and education
- Telephone consultation with judicial officers and legal research
- Creating new bench cards and supporting materials
- Updating current bench cards and supporting materials

JRTA requires 4.0 full time equivalent attorneys. The interagency agreement provides $842,000 per year for personnel and travel. Any overage, including supervision, rent and grants management costs, is covered by funding from the federal Court Improvement Program – Training.

6. Benefits to the Courts

In estimating benefits to the courts, staff reviewed foster care data from U.C. Berkeley and the results of an AOC study of dependency case flow in two pilot courts. Through file review, consultation, and training on hearing preparation and hearing timeliness, JRTA has been one of the major drivers in a statewide effort to reduce the time children spend in foster care. Between 2005 and 2010 the median time spent in care dropped from 457 days to 426 days, a reduction of one month. Courts and counties that focused on programs to reduce the time in care, including the JRTA project, demonstrated that reductions of 3 months are achievable.

We estimate that a reduction statewide of three months median time spent in foster care leads to a reduction in hearings of 120,000 statewide.

7. JRTA Systems Review Improvements

In response to the Judicial Council Directive #62, the JRTA project is implementing the following steps to reduce the impact of the project on the courts and improve the overall benefits of the project to the courts:

A. Lessening the Impact on Court Resources

- **Continue to give courts wide latitude in scheduling site visits.** (Implemented.) In a year that JRTA hopes to visit a court, the court generally has a window of about nine months in which to schedule the visit. Courts can also defer the visit to the following year if necessary.

- **Offer the services of the liaison to pull and reshelve files.** (Implemented.) Attorney liaisons are experienced in court processes, and many courts allow the liaison to pull and reshelve files. When the court prefers to pull the files, the liaison offers alternatives including taking a "snapshot" by using the unfiled cases heard that day or week.
- **Minimize communications with the judicial officers and court staff.** (Implemented.) JRTA staff now schedule visits through brief emails. Interviews are conducted at the convenience of the judicial officer, frequently in chambers after a calendar is heard.
- **Reduce the volume of material that judicial officers are asked to review.** (Implemented.) At the request of courts, JRTA has developed numerous fact sheets and tools to assist with judicial determinations related to reasonable efforts and title IV E eligibility. It is now the practice of liaisons to review this packet after the court visit, in light of the results of the file review and the interview with the presiding juvenile court judge, and send electronically only those materials immediately relevant to the court.
- **Focus the file review on mandated state and federal eligibility determinations and any issues raised by the presiding juvenile court judge.** (Implemented.) Restricting the scope of the file review saves the time of the judicial officer by ensuring that discussion of the findings, in person and in the report, will be limited to eligibility findings and any topics the judicial officer wanted raised in the review.
- **Reduce the frequency of reviews for courts when prior reviews find no need for technical assistance.** (Implemented.)
- **Provide follow up technical assistance requested by the court whenever possible through email, conference call or web ex, and reduce follow up visits.** (Implemented.)

B. Additional Recommendations

- **Ensure that judicial officers, court staff, and stakeholders understand that JRTA liaisons conduct a courtesy file review and do not audit court files.** (Implemented.) This explanation has been incorporated into all JRTA project communications. In addition, the project name has been changed to Judicial Resources and Technical Assistance.
- **Ensure that attorney roles and responsibilities on the JRTA project reflect their area of expertise.** (Implemented.) Attorney liaisons conduct the courtesy file review, analyze the findings and write the report, communicate with judicial officers, and design and provide any requested technical assistance. Tasks such as the logistics of the visit, report and materials production are carried out by administrative support staff, and the role of translating findings into statewide educational materials is carried out by an educational specialist. Communication with the California Department of Social Services and contract management is carried out by a manager.

C. Increase project focus on caseflow improvement

Develop tools and training curricula for county counsel, social workers, probation officers, and parents and children's attorneys that will lead to a greater focus on the flow of information to the court, preparation for court and timely hearings.

D. Collect court workload data to measure impact of JRTA on workload.

Pilot data suggests that outcomes of the JRTA project play a large part in reducing hearing delays and the workload for the courts. JRTA has begun to collect data on timeliness and will analyze this in conjunction with court case management data, in selected courts, to quantify the impact of the program on court workload.

Attachment 1
Judicial Resources and Technical Assistance (JRTA) Project
Systems Review Report – Summary

Project	The Judicial Resources and Technical Assistance (JRTA) project provides tools and assistance to juvenile court judges in managing complex juvenile dependency cases.
Impact	Provides judicial officers with the resources to effectively manage dependency cases, thereby reducing court costs, the ineffective use of judicial officer and clerk time, and the time children spend in foster care.
Outcomes	• Reduce unnecessary hearing delays • Reduce judicial officer and clerk time spent managing incomplete and inadequate filings, case backlogs and courtroom delays • Improve permanency for children and reduce time spent in foster care • Avoid federal penalties and denial of funds for children in foster care
Annual Deliverables	• Updated bench cards and guides to dependency hearings distributed to all juvenile court judges • Courtesy file review in 25-30 courts annually to assist the presiding judge and presiding juvenile judge assess dependency case management • Written analysis of the file review for the judge • Training and resources for social workers, probation officers, county counsel and others to ensure the quality and timeliness of the information they provide to the court • Document outcomes through on-going data collection
Cost/benefit	• Five full-time-equivalent attorney liaisons make site visits to all courts on a 2 year rotating cycle. Personnel and travel costs are paid for by the state Department of Social Services. • Estimate that JRTA can help the courts shorten total length of cases by up to 3 months and improve preparedness of court partners, which translates into approximately 120,000 unnecessary hearings annually avoided for the courts. • More than $100 million in federal penalties avoided for the state since the beginning of JRTA
Recommendations for improvement	Enhance value of project by modifying tools to make caseflow management resources more easily available; streamline the file review process to lessen impact on the courts (SEC recommendation); conduct quantitative cost benefit study of program costs compared to savings achieved for the courts.

[i] The JRTA project was created by the Administrative Office of the Courts (AOC) in 1995 in response to an eligibility audit of foster care cases by the U.S. Department of Health and Human Services' Office of the Inspector General. Federal auditors determined that 39 percent of the cases reviewed were not eligible for title IV-E funding, and California's programs consequently faced a potential loss of $51.7 million. Chief Justice Malcolm M. Lucas launched the JRTA project in a letter to the judiciary in 1995, stressing the importance of the state not losing funds and of the courts working collaboratively with social service agencies and probation departments on this effort. More than 10 years later, in June 2003, California passed the title IV-E foster-care eligibility review. The report cited the work of the JRTA project as a strength contributing to the state's compliance. The most recent federal eligibility review, in 2012, made a point of recognizing the success of the partnership between the judiciary and the JRTA project, and noted that California passed the review with no judicial determination errors.

[ii] Judicial Workload Assessment: 2012 Update of the Need for New Judgeships in the Superior Courts. Report to the Judicial Council, October 25, 2012
http://www.courts.ca.gov/documents/jc-20121026-item2.pdf

[iii] Administrative Office of the Courts, December 2011. *Assessing the Need for New Judgeships in Family and Juvenile Law Assignments. http://www.courts.ca.gov/7466.htm*

[iv] Administrative Office of the Courts, November 2010. County A Juvenile Dependency Court Performance Measures Pilot Project Final Report (unpublished).

[v] Center for Social Services Research, University of California Berkeley. Caseload by Service Component Type, January 2013. Extracted May 24, 2013 from
http://cssr.berkeley.edu/ucb_childwelfare/CaseServiceComponents.aspx.

[vi] Administrative Office of the Courts, November 2005. California Juvenile Dependency Court Improvement Program Reassessment. http://www.courts.ca.gov/documents/CIPReassessmentRpt.pdf

[vii] *Assessing the Need for New Judgeships in Family and Juvenile Law Assignments*

Information on Judicial Council Directives

Council Directive **63**

With the exception of assigned judges, AOC staff must not investigate complaints from litigants about judicial officers

SEC Recommendation **7-8**

The CFCC should discontinue investigating and responding to complaints from litigants about judicial officers who handle family law matters, as such matters are handled by other entities.

Reported By:	Center for Families, Children and the Courts
Contact:	Diane Nunn, Director

TASK

[ ] PENDING
[x] COMPLETED: **Judicial Council staff have been directed not to investigate complaints against bench officers.**

Judicial Council staff have been directed not to investigate complaints against bench officers. Complaints and concerns about specific judges, commissioners, or courts are referred to the appropriate entities, consistent with California Rules of Court.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **64**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-10 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation **7-10**

The Court Operations Special Services Office (COSSO), formerly CPAS, should be an office reporting to the Chief Operating Officer within the AOC's Judicial and Court Operations Services Division, rather than a stand-alone division. The COSSO manager position should be at the Senior Manager level.

Reported By:	Executive Office
Contact:	Jody Patel, Chief of Staff

TASK

[x] **PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.

- On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.
- In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.
- In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.
- In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.
- In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.
- In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.
- In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with

the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

- In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.
- In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.
- In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.
- In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.
- All-staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the reconsideration process.

In March 2015, staff received their new classifications. Approximately 244 requests for reconsiderations were submitted in April 2015. Following this effort, the Executive Office will review reconsideration requests with support from Human Resources, Legal Services, and Fox Lawson and Associates, as appropriate. After all requests are reviewed, final decisions made by the Administrative Director will be communicated to office leadership to be shared with individual employees.

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **65**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-12 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.

SEC Recommendation **7-12**

The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings.

Reported By:	Court Operations Services
Contact:	Donna Hershkowitz, Director

TASK

[ ] PENDING

[x] COMPLETED: **Since the SEC report, staffing to the former Promising and Effective Programs Unit has been reduced and remaining staff in the Special Services Program Support Unit now provide service in four areas: JusticeCorps; Civics Education; Grants; and Jury improvement.**

The underlying SEC recommendation recommends either reduction or elimination of the Promising and Effective Programs unit (PEP). The unit which is now called Special Services Program Support currently has a manager and 6 staff members (one of whom is less than 1 FTE, for a total of 5.80 staff FTEs), representing a reduction since the SEC began its process. Specifically, one staff member left in connection with the AOC's Voluntary Separation Incentive Program (VSIP), and her position and its funding were eliminated; a part-time associate analyst assigned to JusticeCorps left and her position was eliminated as well. Further, two additional PEP staffers have been permanently reassigned to other units and their former functions eliminated. Specifically, the staff member who was formerly responsible for procedural fairness has been reassigned to the Court Language Access Support Program and the staff member who was formerly the lead staff to the Kleps Award Committee has been reassigned to Trial Court Leadership Services (which is now under the Chief of Staff).

Remaining Special Services Program Support staff provide service in four areas of focus:

- JusticeCorps
- Civics Education
- Grants
- Jury Improvement

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **65.1**

E&P recommends that the Judicial Council support SEC Recommendation 7-12(a) with no further action, due to the temporary suspension of the Kleps Program initiated to reduce branch costs.

SEC Recommendation **7-12**

The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings.

(a) To save resources, the Kleps Award Program should be suspended temporarily.

Reported By:	Court Operations Services
Contact:	Donna Hershkowitz, Director

TASK

[ ] PENDING
[x] COMPLETED

As reported in October 2012, in early May 2012, Hon. Ronald Robie, Chair of the Kleps Award Committee, decided to postpone the 2012-2013 Kleps Award Cycle. Additionally, the council has not requested that the Trial Court Budget Advisory Committee recommend allocating any special funds to the Kleps Award Program.

Lastly, the former lead staff to the Kleps Award Committee has been reassigned to other duties within the council, specifically as lead staff to the Trial Court Presiding Judges Advisory Committee. Thus, no staff resources are being devoted to the Kleps Award Program at this time.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **66**

E&P recommends that the Judicial Council defer a decision on SEC Recommendation 7-12(b), pending a recommendation from the Trial Court Budget Working Group.

SEC Recommendation **7-12**

The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings.

(b) The Justice Corps Program should be maintained, with AOC's involvement limited to procuring and distributing funding to the courts.

Reported By:	Court Operations Services
Contact:	Donna Hershkowitz, Director

TASK

[ ] PENDING

[x] COMPLETED: **The Trial Court Budget Advisory Committee (formerly the Trial Court Budget Working Group) has continued to fund the JusticeCorps Program since Fiscal Year 2012-2013.**

The Trial Court Budget Advisory Committee (formerly the Trial Court Budget Working Group) has continued to fund the JusticeCorps Program since Fiscal Year 2012-2013. In Fiscal Year 2012-2013, the funding made available from the Improvement and Modernization Fund (IMF) was only reduced by $800. In Fiscal Year 2013-2014, the IMF funding (which helps trial courts meet their matching funds requirement to draw down the federal grant) was increased by approximately $70k.

The role of council staff in support to JusticeCorps Program entails applying for the funding from the funder AmeriCorps, distributing the funding, and working with participating courts on the budgeting aspects for the program to ease the burden of grant fulfilling requirements.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[x] IMPLEMENTED BUT ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

The Trial Court Budget Advisory Committee, in an attempt to fix a structural deficit in the Improvement and Modernization Fund was forced to cut approximately $12 million in critical program funding. The advisory committee will recommend to the Judicial Council to eliminate the $347,000 JusticeCorps funding in IMF, and direct that courts that wish to continue or start a JusticeCorps program find the matching funds internally or otherwise. Since that action JusticeCorps staff worked with the Alameda court (which serves as the lead court for

the Bay Area courts with JusticeCorps programs) to develop a grant application to help the Bay Area courts meet their matching. The application was submitted March 20, 2015.

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **67**

E&P recommends that the Judicial Council support SEC Recommendation 7-12(c) with no further action as the Procedural Fairness/Public Trust and Confidence program has been eliminated through the AOC's initiatives to reduce costs and downsize its workforce and operations.

SEC Recommendation **7-12**

The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings.

(c) Since funding for the Procedural Fairness/Public Trust and Confidence program has ceased, it should be eliminated.

Reported By:	Court Operations Services
Contact:	Donna Hershkowitz, Director

TASK

[ ] PENDING

[x] COMPLETED: **In October 2011, a Senior CSA responsible for addressing procedural fairness issues was transferred full time into the Court Interpreters Program to better utilize limited staff resources ending any dedicated staffing for procedural fairness.**

Prior to October 2011 the AOC had a Senior Court Services Analyst (CSA) whose time was devoted primarily to addressing procedural fairness issues. However, there was not a separate "program," per se, e.g., there was no dedicated budget separately set aside for procedural fairness. In October 2011, that Senior CSA was transferred full time into the Court Interpreters Program to better utilize limited staff resources. This position is now responsible for supporting the implementation efforts for the State's Language Access Plan.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED

[ ] IMPLEMENTED AND ONGOING

[ ] IMPLEMENTED BUT IN PROGRESS

[ ] UNABLE TO IMPLEMENT

[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **68**

E&P recommends that the Judicial Council consider whether to continue support for the Civics Education Program after the conclusion of the 2013 summit. The California On My Honor Program has been suspended for 2 years due to the lack of funding.

SEC Recommendation **7-12**

The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings.

(d) Once the 2013 summit has concluded, the Administrative Director and Judicial Council should evaluate continuing support for the Civics Education Program/California On My Honor program.

Reported By:	Court Operations Services
Contact:	Donna Hershkowitz, Director

TASK

[ ] PENDING

[x] COMPLETED: **On March 21, 2013, Chief Justice Tani Cantil-Sakauye requested the Administrative Director to continue to provide the necessary staffing to support the Chief Justice's civics education plan for 2013 and beyond.**

In a memo dated March 21, 2013, Chief Justice Tani Cantil-Sakauye requested the Administrative Director to continue to provide the necessary staffing to support the Chief Justice's civics education plan for 2013 and beyond.

Currently a Senior Court Services Analyst provides lead support to the Power of Democracy Steering Committee which responsible for overseeing, developing, and implementing civics-related initiatives, including key recommendations of the K-12 Civic Education Task Force, as well as other strategies for harnessing momentum created by the 2013 Civic Learning California Summit. The analyst has support from a Secretary II (30% time) and a manager (approximately 15% time) to carry out the Chief's initiative.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachment:

- Memo: Judicial Council Directive 68 regarding follow up to the 2013 Civic Summit, from Chief Justice Tani Cantil-Sakauye to Hon. Steven Jahr, March 21, 2013

SUPREME COURT OF CALIFORNIA

M E M O R A N D U M

Date: March 21, 2013

To: Hon. Steven Jahr
Administrative Director of the Courts

From: Hon. Tani Cantil-Sakauye
Chief Justice and Chair of the Judicial Council

Subject: Judicial Council Directive 68
Re: Follow up to the 2013 Civic Summit

This memo addresses Judicial Council Directive 68, under which the Administrative Director of the Courts was directed to report to the council at its April meeting regarding the following: "[T]he Judicial Council [will] consider whether to continue support for the Civics Education Program after the conclusion of the 2013 [Civic Learning California S]ummit." The resounding success of that summit, which was held on February 28th, 2013, has solidified my commitment to build on the robust momentum created by this historic event. As such, I am requesting through this memorandum that you direct that the Administrative Office of the Courts (AOC) will continue to provide the necessary staffing to support the plan outlined below, and that you report as such to the Judicial Council in April 2013.

Your Constitution: Power of Democracy Steering Committee: Consolidate the Leadership Group on Civic Education and Public Outreach and the Civic Summit Steering Committee into one entity that will continue to oversee, develop and implement the initiatives below, as well as other strategies for harnessing the momentum created by the Civic Learning California Summit. Attached please find a charge and roster for the group.

a. **Civic Learning Award Program**: Continue co-sponsoring the Civic Learning Award Program with State Superintendent of Public Instruction Tom Torlakson, which recognizes California public high schools for outstanding work in civic education. This initiative supports Commission for Impartial Courts (CIC) Final Report Recommendation 43, (g): Recognition programs that bring attention to teachers, judges, and court administrators who advance civics education should be promoted.
b. **K-12 Civic Learning Task Force**: Collaborate with State Superintendent of Public Instruction Tom Torlakson to establish a K-12 Civic Learning Task Force which will make recommendations regarding civic learning in California public schools. The Task Force will be privately funded. This initiative supports CIC Final Report Recommendation 43, (a): Strategies for meaningful changes to civics education in California should be supported, and a strategic plan for judicial branch support for civics education should be developed and (b) Teacher training programs, curriculum development, and education programs on civics should all be expanded to include the courts

Background

In my role as head of the judicial branch of California, I am dedicated to educating the public, and students in particular, about the power of our democracy, so that the branch may continue to thrive and flourish for future generations. I endorse CIC Final Report recommendations 37 (a) and (b) and 43 (a), (b), (c), and (g), which states in part:

> Every child in the state should receive a quality civics education, and judges, courts, teachers, and school administrators should be supported in their efforts to educate students about the judiciary and its function in a democratic society.

For more information on the Commission's recommendations, please see the attached.

In 2011 I appointed Administrative Presiding Justice Judith McConnell of the California Court of Appeal, Fourth Appellate District, as Chair of a Civic Summit Steering Committee to plan and conduct a Civic Education Summit as an extension of her work chairing the Leadership Group on Civic Education and Public Outreach, an implementation committee for the CIC's civics education-related recommendations. The result of these efforts, the Civic Learning California Summit: Making Democracy Work, was held to great acclaim on February 28, 2013. Notably, it featured as its keynote speaker United States Supreme Court Justice Sandra Day O'Connor (Ret.), a national champion for civics education.

More than 200 attendees representing education, labor, business and community leaders, law school deans, and elected officials filled the Secretary of State Auditorium to capacity. Speakers included Secretary of State Debra Bowen; State Superintendent of Public Instruction Tom Torlakson; Judge Stacy Boulware Eurie; Thomas Saenz, President and General Counsel of the Mexican American Legal Defense and Educational Fund (MALDEF); Yvonne Walker, President of Service Employees International United Local 1000, (SEIU); and Allan Zaremberg, President and Chief Executive Officer of the California Chamber of Commerce. Senate President pro Tem Darrell Steinberg introduced Justice O'Connor, and the State Bar of California conducted a call to action during which several legislators announced civics education-related legislation.

Post-Summit Findings and Evaluation

Following the summit, the Civic Summit Steering Committee learned that Justice O'Connor is willing to partner with the committee to move civics learning forward in California. We also found that a wide spectrum of other California leaders share this common purpose. And while these and other national groups such as the Conference of

Chief Justices have established civics education as a key theme, respected state and national reports indicate that there is a persistent civics learning crisis.

The committee also discovered that no other group is effectively working to make civics education a priority in California. Committee members therefore concluded that the summit would necessarily not be the end of our efforts, but rather the launch of a long-term, incremental effort, and that given the success of the Summit, that effort would benefit greatly from their continued leadership. Finally, the committee learned that foundations and other organizations are willing to provide funding and in-kind donations to support these civics education efforts.

These efforts cannot, however, continue without an appropriate level of staffing. AOC staff were instrumental in helping the committee bring the summit to fruition, and it is my strong desire to have those staff continue to support the committee's ongoing work. I am aware of the increased workload and reduced staff levels at the AOC, and this request is not intended to create additional burden. It is my hope that the efforts I have outlined above can continue to be supported by 1-2 full-time staff members.

Thank you for your attention to this request, and for your support of my commitment to improving civics education in our state.

Information on Judicial Council Directives

Council Directive **69**

E&P recommends that the Judicial Council direct the ADOC to evaluate the extent to which financial and personnel support for the Jury Improvement Project should be maintained, recognizing the high value of the project to the judicial branch, especially because jury service represents the single largest point of contact between citizens and the courts.

SEC Recommendation **7-12**

The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings.

(e) The Jury Improvement Project is of high value to the judicial branch, especially as jury service represents the single largest point of contact between citizens and the courts. The Judicial Council should evaluate the extent to which financial and personnel support for the project should be maintained.

Reported By:	Court Operations Services
Contact:	Donna Hershkowitz, Director

TASK

[ ] **PENDING**

[x] **COMPLETED: On January 25, 2013, the Administrative Director signed a memorandum approving a staff recommendation to maintain the current level of staff support for the Jury Improvement Program.**

On January 25, 2013, the Administrative Director signed a memorandum approving a staff recommendation to maintain the current level of staff support--1.0 FTE--for the Jury Improvement Program. Currently one Senior Court Services Analyst is dedicated to the Jury Improvement Program as follows:

- Serving as the subject matter lead on Jury System Improvement issues and as a statewide point of contact for all 58 trial courts on jury issues; responding to internal and external requests for jury-related data and information-from Judicial Council, trial courts, and public. Evaluation of jury-related court rules and practices, as well as newly enacted legislation pertaining to jury issues; developing, distributing, and promoting tools and resources relating to jury service for use by the trial courts; and acting as liaison to courts' Jury Education and Management (JEM) Forum of jury managers statewide.

- Providing policy and fiscal analysis concerning recommendations regarding jury system improvement; conducting performance analysis to help determine program goals and next steps for jury improvement projects; maintaining annual, statewide database on key jury performance indicators; and preparing the annual Jury Data Report, which standardizes, collects, and analyzes fundamental measures of jury operations in the trial courts for transmission to the Legislature, the council, court leaders, and the public.

- Collaborating with other offices within the council, including with Information/Technology to improve electronic jury management systems and jury websites in the trial courts; Legal Services to assist courts

with interpretation of court rules related to jury service; and Fiscal Services concerning forecasting jury funding needs.

- Providing staff support to jury-related advisory bodies, including the current Jury Working Group of the Trial Court Presiding Judges Advisory Committee, by performing ad-hoc research and consultation.

- Working collaboratively with staff in the Office of Court Research on the Resource Assessment Study.

- Ongoing development and maintenance of the jury web site.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

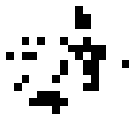
[x]	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	[ ]	UNABLE TO IMPLEMENT
[ ]	IMPLEMENTED AND ONGOING	[ ]	PENDING IMPLEMENTATION
[ ]	IMPLEMENTED BUT IN PROGRESS		

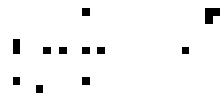
ASSESSMENT OF IMPLEMENTATION

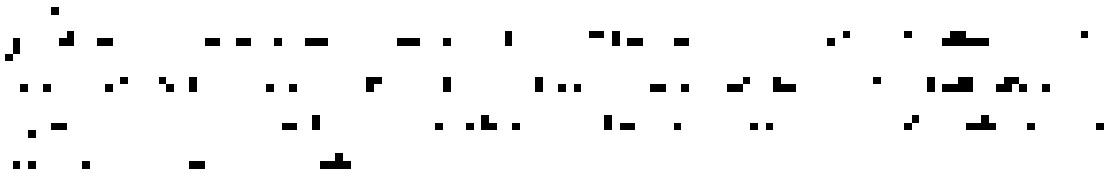
OTHER INFORMATION

Attachment:

- Memo: Judicial Council Directive 69 regarding Jury Improvement Program, from Curtis Child to Hon. Steven Jahr, January 24, 2013







Information on Judicial Council Directives

Council Directive **70**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to study the budget and operational components of the Court Interpreters Program to determine whether greater efficiencies can be implemented to deliver interpreter services to the courts. The Finance Division should not act as an impediment in the delivery of interpreter services to the courts.

SEC Recommendation **7-12**

The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings.

(g) The Administrative Director and Judicial Council should study the budget and operational components of Court Interpreters Program to determine whether greater efficiencies can be implemented to deliver interpreter services to the courts. Internally, the Finance Division should not act as an impediment in the delivery of interpreter services to the courts.

Reported By:	Court Operations Services
Contact:	Donna Hershkowitz, Director

TASK

	PENDING
x	**COMPLETED: The Court Language Access Support Program (formerly Court Interpreter Program) has provided and continues to provide these interpreter-related services to the courts with a high degree of quality and efficiency.**

In a memo dated March 23, 2013,to then Administrative Director Steven Jahr, the Court Operations and Special Service Office Director reported that Court Interpreter Program (CIP) staff (now Court Language Access Support Program staff) are involved in the following activities:

- Court interpreter outreach and recruitment efforts (e.g., ongoing presentations at professional conferences, development of orientation programs, and production of informational materials)
- Test administration, development, and maintenance
- Organization of interpreter candidate test preparation workshops
- Development of language-specific workshops when a language is newly designated for certification
- Development of an online course curriculum for bilingual specialists
- Management of the American Sign Language (ASL) Video Remote Interpreting pilot, provision of direct support to courts and internal stakeholders regarding ASL issues, and analysis of local courts' use of ASL to assist with identification of pilot participants
- Creation of a curriculum on Deaf Intermediary Interpreting issues
- Organization of the annual meeting for statewide court interpreter education providers
- Organization of regional ethics and orientation workshops
- Coordination, with the trial courts, of the collection of court interpreter data for each statutorily mandated five-year language use and interpreter need study

In accordance with the intent behind directive 70, CLASP staff is continually working to identify internal efficiencies—through, for example, the integration of technology and the identification of best practices—that will benefit both the courts and the public. These efficiencies include:

- Moving from the use of AOC-specific tests and the reliance on a state test administrator to adoption of the National Center for State Courts' national language exams. This change to a national entity not has increased the number of interpreters through reciprocity with those who meet California's high standards Implementing a market-rate cost system whereby the test candidate covers the entire cost of taking the exams; these costs were previously paid by the judicial branch.
- Piloting and replicating the use of remote video technology with American Sign Language (ASL) interpreting sessions, which has resulted in cost savings for participating courts and the provision of enhanced access to the limited pool (35 for the entire state) of available ASL interpreters.
- Making available online mandatory orientation videos for newly registered and certified interpreters, which reduces training costs as well as travel expenses for the interpreters.

CLASP has provided and continues to provide these interpreter-related services to the courts with a high degree of quality and efficiency.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

☐	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	☐	UNABLE TO IMPLEMENT
☒	IMPLEMENTED AND ONGOING	☐	PENDING IMPLEMENTATION
☐	IMPLEMENTED BUT IN PROGRESS		

Since this report in 2013, CIP was renamed the Court Language Access Support Program (CLASP) and this unit has increased staff to take on broadened responsibilities as it relates to language access. CLASP is responsible for supporting ongoing interpreter services noted previously plus, for example, coordination of efforts relating to signage, forms translation, and any other language-related needs for the branch. As an example of continuing efforts to find efficiencies to benefit the courts and CLASP staff as well, CLASP has been working on updating the Court Interpreter Data Collection System (CIDCS) to provide interpreters the ability to enter information directly into the database that tracks interpreter usage. Several courts have requested this modification and it will improve the statistical information the Judicial Council is able to collect and report on interpreter usage. CIDCS also includes interpreter profile information for 1,800 interpreters across the state that was previously maintained by CLASP staff. The update will allow the interpreters to update basic profile information themselves, freeing CLASP staff to focus on the delivery of services to interpreters and the courts. Additionally, CLASP supported an 18-month effort by the Joint Working Group for California's Language Access Plan that included public hearings and a 60-day formal public comment period on a draft of the plan to create the Strategic Plan for Language Access in the California Courts. An Implementation Task Force is now being appointed to help develop the methods and means for implementing the Language Access Plan in all 58 superior courts and the CLASP will continue to support this initiative.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- Memo: Implementation of Judicial Council Directive 70, from Curtis Child to Hon. Steven Jahr, March 28, 2013

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
JUDICIAL AND COURT OPERATIONS SERVICES DIVISION
455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date
March 28, 2013

To
Steven Jahr
Administrative Director of the Courts

From
Curtis L. Child, AOC Chief Operating Officer
Chad Finke, Director
Court Operations Special Services Office

Subject
Implementation of Judicial Council Directive 70

Action Requested
Please Review

Deadline
N/A

Contact
Chad Finke
415-865-8925 phone
chad.finke@jud.ca.gov

This memorandum reports on the implementation of Judicial Council directive 70, which reads:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to study the budget and operational components of the Court Interpreters Program to determine whether greater efficiencies can be implemented to deliver interpreter services to the courts. The Finance Division should not act as an impediment in the delivery of interpreter services to the courts.

The Roles of the Courts, Judicial Council, and AOC vis-à-vis Court Interpreters

The provision of qualified court interpreters to enhance the public's access to the courts is ultimately the responsibility of the superior courts, the Judicial Council, and the AOC. The roles of each of these entities are discussed below.

The Superior Courts

The superior courts are responsible for overseeing all aspects of the use of interpreters in the courts, including the selection, hiring, assignment, evaluation, compensation, and, if necessary, discipline and firing of court interpreters. Labor matters are handled uniquely by the courts in the four established bargaining regions for court interpreters; the AOC's Labor and Employee Relations group in the AOC's Human Resources Services Office may provide assistance, but negotiations and handling of grievances are the responsibility of each court.

The Judicial Council

The role of the Judicial Council in ensuring that the California courts have access to qualified interpreters was codified in January 1993 when the Legislature required the council to certify and register court interpreters and adopt standards and requirements for interpreter education. (Sen. Bill 1304; Stats. 1992, ch. 770.) Among other things, the statute requires the council to:

- Designate the languages for which certification programs shall be established;
- Approve entities to certify Spanish-language interpreters and interpreters for as many other languages as the council designates;
- Adopt standards and requirements for interpreter proficiency, continuing education, certification renewal, and discipline;
- Adopt standards of professional conduct for court interpreters;
- Adopt programs for interpreter recruiting, training, and continuing education and evaluation to ensure that an adequate number of interpreters are available and that they interpret competently; and
- Conduct a study of language and interpreter use and need in court proceedings, and report to the Governor and the Legislature every five years.

(Gov. Code, § 68562.)

The Judicial Council created the Court Interpreters Advisory Panel (CIAP) in 1993 to assist the council in implementing this legislation. The panel's membership is established by Government Code section 68560 et seq. and represents a diversity of languages, courts, geographic regions, and interests. Members must include a majority of court interpreters and may also include judges, court administrators, members of the bar, and other interested parties.

The AOC's Court Interpreters Program

The AOC's Court Interpreters Program (CIP), which is a unit within the Court Operations Special Services Office, staffs CIAP and assists in providing the courts with access to qualified certified and registered interpreters. CIP is not directly responsible for the provision of interpreter services to the courts or the public; its principal responsibility is to build a pipeline of qualified court interpreters for the courts by facilitating the recruitment of interpreters and managing the interpreter certification examination processes.

In support of these efforts, CIP staff are involved in the following activities, under the direction of CIAP:

- Court interpreter outreach and recruitment efforts (e.g., ongoing presentations at professional conferences, development of orientation programs, and production of informational materials)
- Test administration, development, and maintenance
- Organization of interpreter candidate test preparation workshops
- Development of language-specific workshops when a language is newly designated for certification
- Development of an online course curriculum for bilingual specialists
- Management of the American Sign Language (ASL) Video Remote Interpreting pilot, provision of direct support to courts and internal stakeholders regarding ASL issues, and analysis of local courts' use of ASL to assist with identification of pilot participants
- Creation of a curriculum on Deaf Intermediary Interpreting issues
- Organization of the annual meeting for statewide court interpreter education providers
- Organization of regional ethics and orientation workshops
- Coordination, with the trial courts, of the collection of court interpreter data for each statutorily mandated five-year language use and interpreter need study

In our view, CIP has provided and continues to provide these interpreter-related services to the courts with a high degree of quality and efficiency.

Efforts to Enhance Efficiencies Within the CIP

In accordance with the intent behind directive 70, CIP staff have been working for the past few years to identify internal efficiencies—through, for example, the integration of technology and the identification of best practices—that will benefit both the courts and the public. These efficiencies include:

- Moving from the use of AOC-specific tests and the reliance on a state test administrator to adoption of the National Center for State Courts' national language exams. This change to a national entity not only has increased the number of interpreters through reciprocity with those who meet California's high standards, but also has eliminated the need to expend funds on test development and maintenance.
- Implementing a market-rate cost system whereby the test candidate covers the entire cost of taking the exams; these costs were previously paid by the judicial branch.

- Piloting and replicating the use of remote video technology with American Sign Language (ASL) interpreting sessions, which has resulted in cost savings for participating courts and the provision of enhanced access to the limited pool (35 for the entire state) of available ASL interpreters.
- Making available online mandatory orientation videos for newly registered and certified interpreters, which reduces training costs as well as travel expenses for the interpreters.

Notably, CIP has been performing its work with a staff that has been reduced significantly since the time the Strategic Evaluation Committee began its evaluation process. Additionally, CIP has begun serving as the AOC's central communications and coordination hub for all agencywide interpreter-related matters, as illustrated on the attached functional organizational chart for the CIP. This role is critical, because issues pertaining to court interpreters span multiple offices, including, among others, the Fiscal Services Office (administration of Program 45.45[1] and reimbursement of courts for interpreter-related expenses); the Center for Families, Children & the Courts (administration of grant funds to provide court interpreters in certain cases involving domestic violence); and the Human Resources Services Office (labor negotiation services on behalf of courts).

In its role as the AOC's communications clearinghouse for interpreter issues, CIP will be copied on most communications and present at meetings involving interpreter issues.[2] CIP will also be responsible for reviewing and analyzing those issues to ensure that all affected offices are included as appropriate in their resolution. In effect, CIP will serve as the "project manager" for interpreter issues, which will ensure that all concerned staff and managers are kept apprised of matters that affect their respective areas of responsibility.

This model has already been put into place, and has demonstrated its potential for improving efficiencies within the AOC. Specifically, the CIP is currently serving as the project lead on an AOC-wide effort to improve the administration of Program 45.45 funds and provide enhanced guidance to the superior courts as to what interpreter expenses will be reimbursed. As a first step, CIP staff convened a meeting of staff from multiple offices to develop a consistent and agreed-upon scope of the project. Once all affected offices agreed on the issues to be resolved, CIP developed a project plan for arriving at the ultimate goal, i.e., clearer, more consistent guidelines for courts vis-à-vis what expenses are reimbursable and the reimbursement process. CIP then set in motion the first phase of the project plan, which was working with the Legal Services Office to secure a legal opinion on permissible court expenditures on interpreter expenses. Once the legal parameters have been established, CIP will work with the Fiscal Services Office on a

[1] The annual California Budget Act contains an appropriation for the judicial branch. Within that appropriation, a specific appropriation commonly referred to by the shorthand Program 45.45 exists for court interpreter expenses.

[2] CIP will not necessarily be included, however, in all interpreter-related issues. For example, it is not anticipated that CIP would be included in discussions about employment actions involving individual interpreters or other privileged and/or confidential matters.

financial analysis of what interpreter services can be reimbursed within those parameters, in light of the projected Program 45.45 budget. CIP will then lead the effort to inform branch leadership of both the legal and the fiscal analyses so that leadership can make a policy decision as to which expenses should be reimbursed. Finally, CIP will communicate the policy decision to the superior courts in a clear, user-friendly manner and will work with Fiscal Services on improvements to the reimbursement process itself.

The above is only the first example of the types of projects that CIP will coordinate in its new role. With the increasing focus on court interpreters as part of the broader language access issue, it is expected that there will be many other such issues projects in the near future.

CLC/CF/sh
Attachment

Information on Judicial Council Directives

Council Directive **71**

E&P recommends that the Judicial Council support SEC Recommendation 7-16 with no further action as the Judicial Administration Library has been eliminated through the AOC's initiatives to reduce costs and downsize its workforce and operations.

SEC Recommendation **7-16**

The Judicial Administration Library should be consolidated with the Supreme Court Library.

Reported By:	Court Operations Services
Contact:	Donna Hershkowitz, Director

TASK

[ ] PENDING

[x] COMPLETED: **As reported in October of 2012, the Judicial Administration Library was eliminated and two of the three regular staff members in the JAL were laid off as part of AOC-wide staff reductions, and the council ceased using agency temps to support the JAL. One staff member was retained to ensure that archiving, cataloging, and searching of Judicial Council materials was able to continue but that staff member subsequently left in June of 2013.**

As reported in October of 2012, the Judicial Administration Library was eliminated and two of the three regular staff members in the JAL were laid off as part of AOC-wide staff reductions, and the council ceased using agency temps to support the JAL. One staff member was retained to ensure that archiving, cataloging, and searching of Judicial Council materials was able to continue but that staff member subsequently left in June of 2013.

In addition, the council collaborated with the California Judicial Center Library (CJCL) to transfer a part of the collection from the former JAL to the CJCL. Any materials that were transferred to the CJCL were offered to council offices/divisions for their use. Anything remaining was disposed of and the current JAL space has been repurposed.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

Judicial Council Support Services staff has assumed the tasks of archiving Judicial Council materials.

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **72**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendations 7-11(a) and (b) and 7-14 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.

Sec Recommendation **7-11**

COSSO's current level of approximately 74 positions (including those reassigned from the former regional offices as recommended in this report) should be reduced. To achieve the reduction the areas listed below should be reviewed and considered, and appropriate actions taken.

(a) COSSO should have a management structure that includes a Unit Manager, but the Assistant Division Director position should be eliminated

Reported By:	Executive Office
Contact:	Jody Patel, Chief of Staff

TASK

[x] **PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.

- On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.
- In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.
- In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.
- In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.
- In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.

- In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.
- In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.
- In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.
- In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.
- In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.
- In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.
- All-staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the reconsideration process.

In March 2015, staff received their new classifications. Approximately 244 requests for reconsiderations were submitted in April 2015. Following this effort, the Executive Office will review reconsideration requests with support from Human Resources, Legal Services, and Fox Lawson and Associates, as appropriate. After all requests are reviewed, final decisions made by the Administrative Director will be communicated to office leadership to be shared with individual employees.

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **72.1**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendations 7-11(a) and (b) and 7-14 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation **7-11**

COSSO's current level of approximately 74 positions (including those reassigned from the former regional offices as recommended in this report) should be reduced. To achieve the reduction the areas listed below should be reviewed and considered, and appropriate actions taken.

(b) The research functions and units of COSSO should be reviewed for possible consolidation with other research programs in the Judicial and Court Operations Services Division, presenting opportunities for efficiencies and position reductions.

Reported By:	Court Operations Services
Contact:	Donna Hershkowitz, Director

TASK

[ ] PENDING

[x] COMPLETED: **All research analysts currently at the Judicial Council have been consolidated into offices within the Operations and Programs Division. Managers overseeing research in those offices have implemented a protocol to manage workforce reduction and address staffing current and future projects.**

Since the end of FY 10-11, the number of Judicial Council mployees in research classifications has declined by approximately 45%. To improve the efficiency and effectiveness of research in support of the Judicial Council and the courts, and consistent with Judicial Council Directives 53 and 72.1, all research analysts currently at the Judicial Council have been consolidated into offices within the Operations and Program Division. Managers overseeing research in those offices began discussions in October 2012 and have implemented a protocol to share information, manage the workforce reduction and address staffing current and future projects.

This directive was completed August 2013.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[x] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

Meetings of the research managers and supervisors are ongoing. They serve a very useful continuing function for information sharing and determining how best to proceed on various research projects in light of staff limitations.

OTHER INFORMATION

Attachments:

- *Research Communications and Coordination Protocol*

Research Communications and Coordination Protocol

Introduction

The Judicial and Court Operations Services Division employees staff in research classifications in three of its offices. The researchers in those offices work on multiple assignments in different program areas, including family law, juvenile law, self-help and access to justice, tribal programs, mental health, collaborative justice, criminal justice court services, judicial and staff workload modeling, resource allocation modeling, historical filings trends in the trial courts, use of subordinate judicial officers, the impact of trial court unification, and research projects mandated by new legislation.

Overall, the AOC's research staff has decreased by approximately 45% in recent years. In order to optimize the effectiveness of the new organizational structure—under which all researchers have now been grouped in the same division—and to maximize the efficient use of remaining staff, the following formal protocol for communications and coordination of research resources has been developed. The protocol was developed in lieu of consolidating all research staff within a single office within the division because of the unique nature of the work typically done by researchers in each office. That is, researchers in the Office of Court Research (a part of the Court Operations Special Services Office) typically engage in wide-scale, "project"-style research, such as recent work on judicial and staff workload models, as well as the resultant work on models for allocating fiscal resources to the trial courts. By comparison, researchers in the Center for Families, Children & the Courts and the Criminal Justice Court Services Office have subject matter expertise in particular case types or operations (e.g. family, juvenile, domestic violence, tribal, criminal justice, collaborative justice, civil representation pilots). This subject matter expertise increases efficiencies in our efforts to work both within the judicial branch and AOC and in the work with external partners. These researchers conduct research as subject matter experts in multi-disciplinary teams, serving trial courts in projects such as caseflow management, outcome measurement, implementation of legislative mandates and assessment of their costs and benefits to trial courts at the local level.

Protocol

1. An email distribution list for all AOC researchers will be established to ensure that information of interest to all is shared easily, and that the various court groups that staff works with receive information that may be of interest to them across all research projects. In addition, AOC analysts and others may use the group to keep abreast of the division's research projects.

2. Managers and supervisors from each office will meet as needed—but at least every two months—to review current and proposed research projects, staffing and other resources; and to consider ways to provide additional assistance to the courts and meet needs for research at the AOC. Regular topics on the agenda will include:

- Review information requests from the trial and appellate courts to ensure prompt response;
- Review new requests for research assistance from the trial and appellate courts and AOC leadership; provide division director with options for responding to the request;
- Coordinate requests to the trial and appellate courts for information, including surveys, and minimize burdens on the courts;
- Assess current projects to identify places where efforts could be consolidated and the number of staff required for projects reduced;
- Make recommendations to the division director on changes needed in staff assignments;
- Develop educational resources and information sources for the trial and appellate courts to ensure they have adequate access to information derived from research projects and court statistics;
- Respond to Judicial Council advisory groups with research and information required on their annual agendas.

3. Staff will coordinate on grant proposals, budget change proposals, conference presentations, and other projects to prevent duplication of effort.

Information on Judicial Council Directives

Council Directive **72.2**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendations 7-11(a) and (b) and 7-14 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation **7-14**

A significant number of COSSO staff members, such as those in the Administration and Planning unit, are assigned to various functions in support of the Judicial Council. The recommended consolidation of Judicial Council support activities under the direction of the Chief of Staff will present opportunities for efficiencies and resource reductions.

Reported By:	Court Operations Services
Contact:	Donna Hershkowitz, Director

TASK

	PENDING
x	**COMPLETED: In terms of size/personnel, the former Administration and Planning Unit now comprises only the Court Operations Services Assistant Director and a single Court Services Analyst (CSA). In addition to assisting with overall management of the office, the Assistant Director plays a significant role with supporting the Court Language Access Services Program and along with the CSA is responsible for administering and coordinating responses to requests for judicial administrative records under California Rules of Court, rule 10.500 on behalf of the Judicial Council, and the appellate courts. Recently, support and activities for the Strategic Plan have been shifted to the Leadership Services Division.**

As reported in February 2013, in terms of size/personnel, the former Administration and Planning Unit now comprises only the Court Operations Services Assistant Director and a single Court Services Analyst (CSA). In addition to assisting with overall management of the office, the Assistant Director plays a significant role with supporting the Court Language Access Services Program.

The Assistant Director and the single CSA are also responsible for administering and coordinating responses to requests for judicial administrative records under California Rules of Court, rule 10.500 on behalf of the Judicial Council, and the appellate courts.

With respect to the specific planning function, it had been handled primarily by a single staff person, the Assistant Director of the Court Operations Services Office, with assistance as needed from the Manager of the Special Services Program Support Office, which is also a part of COS. Recently, however, the support and activities for the Strategic Plan have been shifted to the Leadership Services Division. Because the staff of COS have other duties when not involved in planning, it was determined that is was appropriate they remain in COS.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

- [x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
- [ ] IMPLEMENTED AND ONGOING
- [ ] IMPLEMENTED BUT IN PROGRESS
- [ ] UNABLE TO IMPLEMENT
- [ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **73**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-13 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.

SEC Recommendation **7-13**

The Editing and Graphics Group, with half of its eight positions currently vacant, should be considered for elimination.

Reported By:	Executive Office
Contact:	Jody Patel

TASK

[ ] PENDING

[x] COMPLETED: **Effective October 1, 2012, the Editing and Graphics Group (EGG) was moved into the Judicial Council Support Services Office. This created a centralized team of staff responsible for all aspects of Judicial Council support in one office and under one division with leadership from the Executive Office through the Chief of Staff. Due to staffing reductions since 2012, EGG has limited its services to focus solely on editing and design of judicial council reports, forms, meeting minutes, high-level correspondence, and publications.**

On August 31, 2012, the Judicial Council approved a new organizational structure for the Administrative Office of the Courts (AOC) which realigned and renamed existing divisions into offices housed under one of three newly created divisions (Judicial Council and Court Leadership Services Division, Judicial and Court Operations Services Division, and Judicial and Court Administrative Services Division).

In addition to the realignment of divisions into new offices, the Editing and Graphics Group (EGG) from the Court Operations Special Services Office (formerly Court Programs and Services Division) was moved to the new Judicial Council Support Services Office in the Judicial Council and Trial Court Leadership Services Division under the Chief of Staff effective October 1, 2012.

This represents a modification from the SEC recommendation which recommended elimination of EGG. EGG was previously responsible for editorial and design services for all AOC materials and created correspondence-related guides and training. Over the last two years, however, the EGG unit has experienced staffing reductions and in turn has limited its services to focus solely on editing and design of Judicial Council reports, forms, meeting minutes, high-level correspondence, and publications. Given that the new focus for EGG is to support only Judicial Council documents and publications, EGG was moved into the new Judicial Council Support Services where the unit would work hand-in-hand with staff responsible for support to the Judicial Council.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **74**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts that activities related to the education and training of Appellate Court Justices in the Education Division/CJER should be consolidated with the Education Division/CJER.

SEC Recommendation **7-15**

Some COSSO staff are engaged in activities relating to the education and training of Appellate Court Justices. These functions should be consolidated with the Education Division/CJER.

Reported By:	Appellate Court Services
Contact:	Donna Hershkowitz, Director

TASK

- [ ] PENDING
- [ ] COMPLETED
- [x] OTHER: RESCINDED - **Judicial Council approved the action to rescind this directive April 26, 2013.**

Judicial Council approved the action to rescind this directive April 26, 2013.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

- [ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
- [ ] IMPLEMENTED AND ONGOING
- [ ] IMPLEMENTED BUT IN PROGRESS
- [x] UNABLE TO IMPLEMENT
- [ ] PENDING IMPLEMENTATION

Directive was rescinded by the council at the April 26, 2013, council meeting.

ASSESSMENT OF IMPLEMENTATION

It was clarified that CJER provides the staffing and expertise to develop and provide education and training of Appellate Court Justices that is developed in part by the Appellate Curriculum Committee. Court Operations Services staff administers the budget to be used for this training. In addition, Appellate Court Services is transitioning the education conferences for appellate court managers and staff to CJER as well. CJER is currently participating with ACS staff in the development of the Appellate Managers conference, and will take responsibility for the staff conference the following year. ACS will maintain administration of the funds for these conferences, as it does for the Appellate Justice Institute and other appellate trainings.

OTHER INFORMATION

Attachments:

- Memo: Judicial Council Directive Re Possible Consolidation of AOC Services Pertaining to Appellate Court Continuing Education, from Administrative Presiding Justices of the California Courts of Appeal to Members of the Judicial Council, March 18, 2013

Judicial Council of California
administrative office of the courts

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date
March 18, 2013

To
Members of the Judicial Council

From
Administrative Presiding Justices of the California Courts of Appeal

Subject
Judicial Council Directive Re Possible Consolidation of AOC Services Pertaining to Appellate Court Continuing Education

Action Requested
Modify Directive 74 from August 31, 2012

Deadline
At your convenience

Contact
Chad Finke, Director
Court Operations Special Services Office
415-865-8925 phone
chad.finke@jud.ca.gov

The purpose of this memorandum is to request that the Judicial Council reconsider and rescind its directive 74 regarding restructuring of the Administrative Office of the Courts (AOC), which was presented by the Executive and Planning Committee (E&P) and approved by the council at its meeting of August 31, 2012. Directive 74 concerns the AOC's provision of continuing education services to the appellate courts, and reads:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts that activities related to the education and training of Appellate Court Justices should be consolidated with the Education Division/CJER.

Directive 74 arises from an earlier recommendation, number 7-15, of the Strategic Evaluation Committee (SEC), which reads:

> Some COSSO [Court Operations Special Services Office] staff are engaged in activities relating to the education and training of Appellate Court Justices. These functions should be consolidated with the Education Division/CJER.

While the Administrative Presiding Justices of the California Courts of Appeal understand and support the goal of consolidating functions within the AOC where doing so will lead to greater efficiencies, the recommended consolidation regarding appellate court continuing education will not do so. As described below, the current division of functions between the Office of Appellate Court Services (OACS)[1] and the Center for Judiciary Education and Research (CJER) ensures that funds dedicated to various operational needs of the appellate courts (including continuing education) are managed by a single office, OACS. Rather than improving efficiency, moving the administration of appellate court funds dedicated to continuing education expenses out of OACS is likely instead to lead to inefficiencies in the overall management of the appellate courts' budgets and inconsistencies in how appellate court funds are spent. The Administrative Presiding Justices believe that once the council has been fully briefed on the current status quo and its historic development, it will understand that the current bifurcation of duties as between OACS and CJER is both logical and efficient.

Current status of AOC services re appellate court continuing education

Currently, both CJER and OACS play a role in ensuring that appellate court justices and staff receive the continuing education required under the California Rules of Court.

CJER. CJER staff, working with the CJER Governing Committee's Appellate Practice Curriculum Committee and its Trial and Appellate Court Operations Curriculum Committee, develops general curricula for appellate justices, appellate research attorneys, and appellate court staff. These two curriculum committees are responsible for making recommendations to the CJER Governing Committee about programs and education products for appellate justices, attorneys, and staff during a two year period. These recommendations are reviewed and approved by the Governing Committee. Once approved, CJER recruits faculty and delivers that education through many different venues, such as statewide programs, videoconferences, and webinars for appellate justices and research attorneys, as well as videoconferences and broadcasts for appellate court staff.[2] CJER develops and delivers this education in much the same manner as it does for CJER's many trial court audiences. Unlike those other audiences, however, CJER does not directly pay for the costs associated with these programs and products. Instead, OACS pays using funds specially set aside in its budget for that purpose, as discussed below.

OACS. OACS's role in appellate court continuing education is primarily fiscal in nature. Specifically, OACS manages approximately $200,000 in funds which specifically set aside for use not only to fund statewide conferences for justices, appellate attorneys, and court staff in

[1] Please note that at the time the council issued Directive 74, the Court Operations Special Services Office (COSSO) contained an Appellate Court Services Unit (ACS), which was responsible for the functions now handled by OACS.
[2] As discussed below, CJER currently is not responsible for the curricula for statewide conferences for appellate court managers and staff, in years when those conferences are held.

years in which they occur, but also to reimburse appellate court justices and staff for attendance at other educational programs, i.e., programs not sponsored by the AOC. In addition to its overall fiscal administration role, OACS also develops curricula for, and provides staff support to, statewide conferences for appellate court managers, administrators, and staff, in years in which those programs are approved by the Administrative Presiding Justices. Development of those curricula used to be performed by CJER staff, similar to how the conferences for appellate justices and attorneys are currently handled. Due to staff limitations, however, CJER was unable to continue developing the curricula for the appellate managers and staff conferences; OACS's predecessor division took over those responsibilities in approximately 2005.

Historical development of the respective roles of CJER and OACS with respect to appellate court education[3]

Before trial court funding, one of the AOC's original primary functions was to serve as administrative support for the California Supreme Court and Courts of Appeal. This included providing core infrastructural support in the areas of human resources, finance, and information technology, for example. At that time, education and training for the appellate courts were also provided through the AOC's Human Resources and Information Services divisions. With trial court funding and the expansion in the AOC's role in supporting the superior courts, new funding sources were created for trial court support, including funding for trial court judicial and administrative education. The funding structure for appellate education was not merged into these other funding sources, however. Rather, appellate education continued to be funded with AOC General Fund monies or monies obtained either through approved Budget Change Proposals and/or re-direction of funds from the Courts of Appeal. Indeed, OACS or its predecessors have been responsible for managing redirected appellate court funds (and other funding) for those purposes for at least twenty years, i.e., since at least the early 1990s.[4]

Fortunately, as the AOC's education-related staffing increased, CJER was able to absorb the responsibility for developing and delivering more and enhanced education to appellate justices and attorneys, provided that these educational efforts continued to be funded from the existing funding sources managed by OACS and its predecessors. What has developed over time as a result is a collaborative relationship in which CJER has been primarily responsible for content development and delivery, while OACS remains responsible primarily for funding and budget management.

[3] For ease of reading we have referred to each group by its current name. However, for purposes of historical discussion, both "CJER" and "OACS" should also be read as referring to the various predecessor offices/divisions/units of those two offices.

[4] Readily available records go back only to 1993, at which time it was already established that OACS's predecessor was responsible for administering funds to cover the cost of appellate court continuing education.

The current status quo is efficient and preferable to the Courts of Appeal and Supreme Court

The SEC recommendation on which E&P's later recommendation and the council's ultimate directive were premised appears to presuppose that the current status quo is somehow inefficient, and that moving the fiscal management aspect of appellate court continuing education to CJER will improve efficiencies. The Administrative Presiding Justices of the Courts of Appeal do not agree.

Since the early 1990s, OACS and its predecessors have been responsible for monitoring and administering a significant amount of funds earmarked not only for appellate court continuing education, but for numerous appellate court-related services. Examples include both in- and out-of-state travel for appellate justices and staff; meetings of both the Administrative Presiding Justices Advisory Committee and the California Appellate Court Clerks Association; meetings and expenses of the Appellate Indigent Defense Oversight Advisory Committee (AIDOAC); and others. Further, in addition to the annual amount that OACS currently manages on behalf of the appellate courts for education- and travel-related expenses, the office also manages a substantial amount of appellate court funds—again, for the direct benefit of the appellate courts—that are earmarked for annual technology-related expenses. These include network server refreshes, maintenance renewals, and hosting the Appellate Court Case Management System (ACCMS). Staff in OACS are very familiar with the operations and, more importantly, the budgets of the six Courts of Appeal and the Supreme Court. Further, each fiscal year staff in OACS work directly with the courts and the AOC's Fiscal Services Office to identify possible year-end usages for any surplus in the court funds managed by OACS.

On the other hand, CJER staff have no current responsibility for managing appellate court funds, nor do they have staff with the requisite knowledge about the appellate courts' budgets that would allow for such management. Changing the status quo would, therefore, represent a significant change, in that it would require a new group of AOC staff members to learn the nuances of the appellate courts' budgets. These staff would also have to coordinate carefully with OACS staff to ensure accurate fiscal reporting to appellate court leadership. And mechanically, staff from the Fiscal Services Office would be required in advance to separate out an appropriate level of funds from the monies currently managed by OACS to allow CJER to pay for appellate educational events. In the event that all such funds were not utilized in a particular fiscal year—or if additional funds were needed—a mechanism and process would need to be developed for transferring those funds between CJER and OACS. All of the above would, in the view of the Administrative Presiding Justices, increase inefficiency and lead to greater uncertainty as to appellate court budgeting, which is contrary to the spirit of the SEC recommendation and the Judicial Council directive that followed.

Conclusion

The recent creation of OACS has, in and of itself, greatly improved the efficiency of interactions between that office and CJER. In connection with OACS's formation, CJER has identified two staff members to serve as the principal points of contact and OACS liaisons on appellate education-related issues. This will ensure that both offices—that is, the content-delivery team and the fiscal management team—are both well apprised as to what the other is working on vis-à-vis appellate education. The fact that OACS is also responsible for providing lead staff duties to the Administrative Presiding Justices and Clerk/Administrators will also ensure that education-related decisions from appellate court leadership and internal issues of concern to appellate court leadership are communicated back and forth in a timely and efficient manner.

Based on the above, the Administrative Presiding Justices of the six districts of the California Court of Appeal respectfully request that the Judicial Council reconsider and rescind directive 74.

Information on Judicial Council Directives

Council Directive **75**

E&P recommends that the Judicial Council support SEC Recommendation 7-17(a) with no further action as the Assigned Judges Program and Assigned Judges Program Regional Assignment Units have merged through the AOC's initiatives to reduce costs and downsize its workforce and operations.

SEC Recommendation **7-17**

Modifications to the Assigned Judges Program should be considered, including the following:

(a) The Assigned Judges Program and Assigned Judges Program Regional Assignments units should be merged, resulting in the elimination of a unit supervisor position.

Reported By:	Court Operations Services
Contact:	Donna Hershkowitz, Director

TASK

- [ ] PENDING
- [x] COMPLETED: **As reported in October of 2012, in an effort to keep service levels at an acceptable level with a reduced staff, the Assigned Judges Program and the Regional Assignments Unit were merged into a single, unified Assigned Judges Program.**

As reported in October of 2012, both a Senior Court Services Analyst and a Senior Administrative Coordinator assigned to the Assigned Judges Program left the AOC as part of the AOC's Voluntary Separation Incentive Program (VSIP). In addition, the former Supervising Court Services Analyst for the Assigned Judges Program also retired, leaving the Assigned Judges Program severely understaffed. In an effort to keep service levels at an acceptable level with a reduced staff, the Assigned Judges Program and the Regional Assignments Unit were merged into a single, unified Assigned Judges Program.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

- [x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
- [ ] IMPLEMENTED AND ONGOING
- [ ] IMPLEMENTED BUT IN PROGRESS
- [ ] UNABLE TO IMPLEMENT
- [ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **76**

E&P recommends that SEC Recommendations 7-17(b), (c), and (d) be referred to the Chief Justice for consideration. The AOC's Assigned Judges Program provides support to the Chief Justice in the assignment of judges under California Constitution Article VI, Section 6(e).

SEC Recommendation **7-17**

Modifications to the Assigned Judges Program should be considered, including the following:

(b) The program's travel and expense policies should be reviewed to mitigate adverse impacts on the availability of assigned judges to smaller and rural courts.

(c) Consideration should be given to a pilot program to allow half-day assignments of judges, taking into account the probable inability of small, rural courts to attract judges on this basis.

(d) Consideration should be given to development of an Assigned Commissioner Program to assist courts with such matters as AB1058 child support cases.

Reported By:	Court Operations Services
Contact:	Donna Hershkowitz, Director

TASK

- [ ] PENDING
- [ ] COMPLETED
- [x] OTHER: RESCINDED – **This directive was referred to the Chief Justice and the Assigned Judges Program staff effective June 1, 2012 for consideration by the Chief Justice in her capacity for the duty of the assignment of judges under California Constitution Article VI, Section 6(e).**

Directive was referred to the Chief Justice and the Assigned Judges Program staff effective June 1, 2012 for consideration by the Chief Justice in her capacity for the duty of the assignment of judges under California Constitution Article VI, Section 6(e).

IMPLEMENTATION PROGRESS AS OF MARCH 2015

- [ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
- [ ] IMPLEMENTED AND ONGOING
- [ ] IMPLEMENTED BUT IN PROGRESS
- [x] UNABLE TO IMPLEMENT
- [ ] PENDING IMPLEMENTATION

Directive was provided to the Chief Justice June 1, 2012, for her review and consideration and removed from the purview of the council at that point.

The Chief Justice will review and may implement programmatic changes as she deems appropriate.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **77**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-18 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.

SEC Recommendation **7-18**

The functions of the Trial Court Leadership Service unit should be moved under the auspices of the new Executive Office, as matters of policy emanating from the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee often relate to branch-wide policies.

Reported By:	Executive Office
Contact:	Jody Patel

TASK

	PENDING
x	**COMPLETED: Effective October 1, 2012, Trial Court Leadership Services unit responsible for the support of the Trial Court Presiding Judges Advisory Committee, the Court Executives Advisory Committee, and the numerous working groups of these committees was moved into the Leadership Services Division led by the Chief of Staff who provides a direct link to the Executive Office and is actively involved with policy decisions and branch-wide issues to ensure that Presiding Judges and Court Executive Officers are fully informed and aware of current issues affecting the branch.**

On August 31, 2012, the Judicial Council approved a new organizational structure for the Administrative Office of the Courts (AOC). The new organizational structure realigned and renamed existing divisions into offices housed under one of three newly created divisions (Judicial Council and Court Leadership Services Division, Judicial and Court Operations Services Division, and Judicial and Court Administrative Services Division).

In addition to the realignment of divisions into new offices, the Trial Court Leadership Services (TCLS) unit was moved from the former Court Programs and Services Division to Leadership Services Division under the Chief of Staff effective October 1, 2012.

As background, TCLS is primarily responsible for the support of the Trial Court Presiding Judges Advisory Committee, the Court Executives Advisory Committee, and the numerous working groups of these committees. This movement of TCLS to the Judicial Council and Court Leadership Services Division is consistent with SEC recommendation 7-18 which recommended moving TCLS under the new Executive Office "as matters of policy emanating from the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee often relate to branch-wide policies."

In January 2013, TCLS became a unit under the Trial Court Liaison office. Housing TCLS in the Trial Court Liaison Office under the Leadership Services Division provides the leadership of the Chief of Staff who is actively involved with policy decisions and branch-wide issues to ensure that Presiding Judges and Court Executive Officers are fully informed and aware of current issues affecting the branch.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x]	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	[ ]	UNABLE TO IMPLEMENT
[ ]	IMPLEMENTED AND ONGOING	[ ]	PENDING IMPLEMENTATION
[ ]	IMPLEMENTED BUT IN PROGRESS		

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

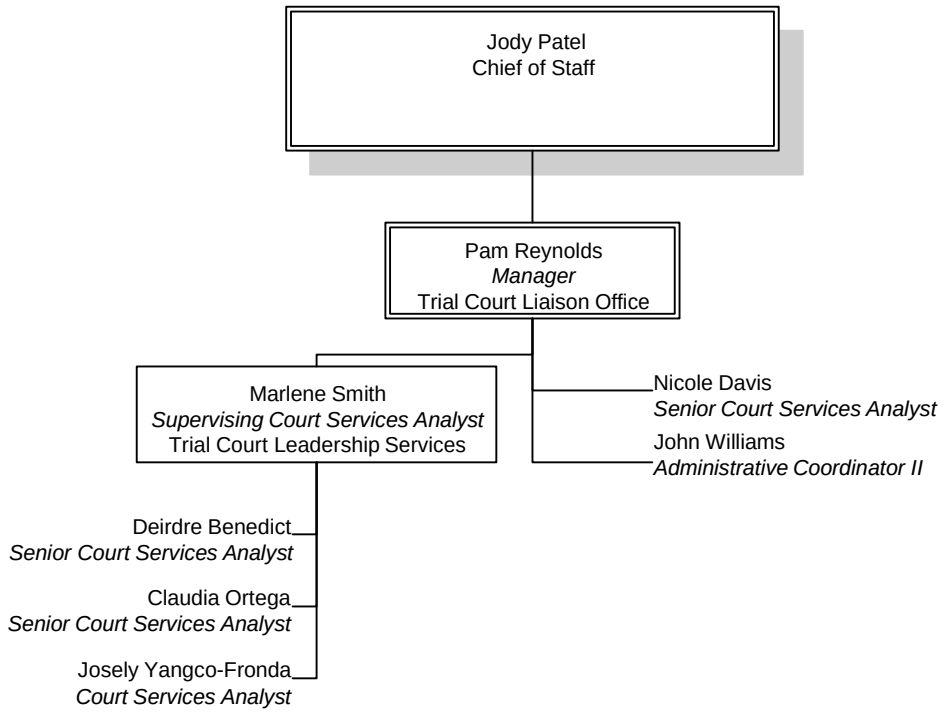
Attachments:

- Organizational Structure of Trial Court Liaison, August 2014

JUDICIAL COUNCIL
OF CALIFORNIA

LEADERSHIP SERVICES DIVISION

TRIAL COURT LIAISON



Updated 8/8/14

Information on Judicial Council Directives

Council Directive **78**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-19 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.

SEC Recommendation **7-19**

The Education Division should be an office within the Judicial and Court Operations Services Division, under the direction of the Chief Operating Officer, rather than a stand-alone division. The Education Division/CJER manager position should be compensated at its current level.

Reported By:	Executive Office
Contact:	Jody Patel, Chief of Staff

TASK

[x] **PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.

- On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.
- In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.
- In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.
- In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.
- In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.
- In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.
- In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The

purpose was to clarify specific information provided in the PDQs regarding essential duties.

- In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.
- In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.
- In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.
- In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.
- All-staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the reconsideration process.

In March 2015, staff received their new classifications. Approximately 244 requests for reconsiderations were submitted in April 2015. Following this effort, the Executive Office will review reconsideration requests with support from Human Resources, Legal Services, and Fox Lawson and Associates, as appropriate. After all requests are reviewed, final decisions made by the Administrative Director will be communicated to office leadership to be shared with individual employees.

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **79**

E&P recommends that the Judicial Council direct the Rules and Projects Committee to evaluate relaxation of mandatory education requirements to allow the Administrative Director of the Courts and Court Executive Officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.

SEC Recommendation **7-23**

As to training currently required of AOC staff and court personnel, the Judicial Council should examine and consider a relaxation of current mandatory requirements to allow the Administrative Director of the AOC and/or court executive officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.

Reported By:	Rules and Projects Committee
Contact:	Hon. Harry E. Hull, Jr., Chair of Rules and Projects Committee; Deborah Brown, Chief Counsel

TASK

	PENDING
x	**COMPLETED: The council adopted a rule proposal to amend rule 10.474 that allows the court executive officer or Administrative Director the discretion to determine the number of hours, if any, of traditional (live, face-to-face) education required to meet the continuing education requirement for trial court employees or Judicial Council staff, and may, for good cause, grant a one-year extension of time to complete the education requirements.**

RUPRO recommended that the council adopt a proposal to amend rule 10.474 on education for trial court employees (managers, supervisors, and other personnel) and Judicial Council staff. The amendments provide that each court executive officer or the Administrative Director has discretion to determine the number of hours, if any, of traditional (live, face-to-face) education required to meet the continuing education requirement, and may, for good cause, grant a one-year extension of time to complete the education requirements.

The council adopted the rule proposal for council staff at its June 28, 2013 council meeting with the amendments effective July 1, 2013.

The council adopted the rule proposal for trial court employees at its April 25th council meeting with the amendments effective January 1, 2015.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

x	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED		UNABLE TO IMPLEMENT
	IMPLEMENTED AND ONGOING		PENDING IMPLEMENTATION
	IMPLEMENTED BUT IN PROGRESS		

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- California Rule of Court: 10.474
- Report to the Judicial Council for meeting of June 28, 2013: Judicial Branch Education: AOC Staff Education, June 12, 2013
- Memo: Extension Period for Education Requirements, from Diane Cowdrey to all AOC employees, August 22, 2013
- Report to the Judicial Council for meeting of April 24-25, 2014: Judicial Branch Education: Trial Court Employee Education, March 24, 2014

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2015 California Rules of Court

Rule 10.474. Trial court managers, supervisors, and other personnel

(a) Applicability

All California trial court managers, supervisors, and other personnel must complete these minimum education requirements. All managers, supervisors, and other personnel should participate in more education than is required, related to each individual's responsibilities and in accordance with the education recommendations set forth in rule 10.479.

(Subd (a) amended effective January 1, 2008.)

(b) Content-based requirements

(1) Each new manager or supervisor must complete orientation courses within six months of becoming a manager or supervisor, unless the court's executive officer determines that the new manager or supervisor has already completed these orientation courses or courses covering equivalent content. The courses must include orientation about:

(A) The judicial branch of California;

(B) The local court; and

(C) Basic management and supervision.

(2) Each new court employee who is not a manager or supervisor must complete orientation courses within six months of becoming a court employee, unless the employee's supervisor determines that the new court employee has already completed these orientation courses or courses covering equivalent content. The courses must include orientation about:

(A) The judicial branch of California;

(B) The local court; and

(C) Basic employee issues, such as sexual harassment and safety; and

(D) The employee's specific job.

(3) The court executive officer may determine the appropriate content, delivery mechanism, and length of orientation based on the needs and role of each individual employee.

(Subd (b) amended effective January 1, 2008.)

(c) Hours-based requirements

(1) Each court manager or supervisor must complete 12 hours of continuing education every two years.

(2) Each court employee who is not a manager or supervisor must complete 8 hours of continuing education every two years, with the exception of employees who do not provide court administrative or operational services. Those employees are not subject to the continuing education hours-based requirement but must complete any education or training required by law and any other education required by the court executive officer.

(3) The orientation education required for new managers, supervisors, and other personnel under (b) does not apply toward the required hours of continuing education because it must be completed before they enter the two-year

period. Each new manager, supervisor, or employee enters the two-year continuing education period on the first day of the quarter following his or her completion of the orientation education required under (b); the quarters begin on January 1, April 1, July 1, and October 1. Each manager, supervisor, or employee who enters the two-year continuing education period after it has begun must complete a prorated number of continuing education hours for that two-year period, based on the number of quarters remaining in it.

(4) Any education offered by an approved provider (see rule 10.481(a)) and any other education, including education taken to satisfy a statutory, rules-based, or other education requirement, that is approved by the executive officer or the employee's supervisor as meeting the criteria listed in rule 10.481(b) applies toward the orientation education required under (b) and the continuing education required under (c)(1) and (2).

(5) Each hour of participation in traditional (live, face-to-face) education; distance education such as broadcasts, videoconferences, and online coursework; and faculty service counts toward the requirement on an hour-for-hour basis. The court executive officer has discretion to determine the number of hours, if any, of traditional (live, face-to-face) education required to meet the continuing education requirement. Self-directed study is encouraged for professional development but does not apply toward the required hours.

(6) A manager, supervisor, or employee who serves as faculty by teaching legal or judicial education to a legal or judicial audience may apply education hours as faculty service. Credit for faculty service counts toward the continuing education requirement in the same manner as all other types of education-on an hour-for-hour basis.

(7) The court executive officer may require managers, supervisors, and other court personnel to participate in specific courses or to participate in education in a specific subject matter area as part of their continuing education.

(Subd (c) amended effective January 1, 2015; previously amended effective January 1, 2008, January 1, 2012, and January 1, 2013.)

(d) Extension of time

(1) For good cause, the executive officer may grant a one-year extension of time to complete the education requirements in this rule. If an extension is granted, the subsequent two-year compliance period begins immediately after the extended compliance period ends, unless otherwise determined by the executive officer.

(2) If the executive officer grants a request for an extension of time, the manager, supervisor, or employee who made the request, in consultation with the executive officer, must also pursue interim means of obtaining relevant educational content.

(Subd (d) amended effective January 1, 2015.)

(e) Records of participation

(1) Each court is responsible for tracking participation in education and for tracking completion of minimum education requirements for its managers, supervisors, and other personnel.

(2) Each manager, supervisor, and employee must keep records of his or her own participation for two years after each course or activity that is applied toward the requirements.

Rule 10.474 amended effective January 1, 2015; adopted as rule 10.464 effective January 1, 2007; previously amended and renumbered effective January 1, 2008; previously amended effective January 1, 2012, and January 1, 2013.

Advisory Committee Comment

The time frame for completion of compliance courses based on statutory or regulatory mandates is unaffected by the one-year extension in (d)(1).

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on June 28, 2013

Title
Judicial Branch Education: AOC Staff Education

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rule 10.491

Recommended by
Rules and Projects Committee
Hon. Harry E. Hull, Jr., Chair
Hon. Judith Ashmann-Gerst, Vice-Chair

Agenda Item Type
Action Required

Effective Date
July 1, 2013

Date of Report
June 12, 2013

Contact
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susan.mcmullan@jud.ca.gov

Executive Summary

Rule 10.491 of the California Rules of Court addresses minimum education requirements for Administrative Office of the Courts (AOC) executives, managers, supervisors, and other employees. The Rules and Projects Committee (RUPRO) recommends amending rule 10.491 regarding AOC staff education to give the Administrative Director of the Courts greater discretion and flexibility in using the AOC workforce.

Recommendation

The Rules and Projects Committee recommends that the Judicial Council amend rule 10.491, effective July 1, 2013, to allow the Administrative Director of the Courts to:

1. Grant a one-year extension of time for AOC staff to complete the required education, and

2. Determine the number of hours, if any, of live, face-to-face education required to meet the continuing education requirement.

The text of the amended rule is attached at pages 6–7.

Previous Council Action

Effective January 1, 2008, the Judicial Council adopted rule 10.491 as part of a comprehensive set of rules addressing judicial branch education. Subdivision (c) of the rule was amended, effective January 1, 2012, to provide more individual choice and flexibility in what and how many hours count toward the continuing education hours requirement. The amendments provide that an individual must complete at least half of his or her education requirement as a participant in traditional (live, face-to-face) education. In addition, the amendments removed limitations on online course work, self-directed study, and faculty service by counting all education hours in the same way.

Rationale for Recommendation

On May 25, 2012, the Strategic Evaluation Committee (SEC) issued its report on the Administrative Office of the Courts. Among the recommendations to the Judicial Council was the following recommendation concerning AOC and trial court education requirements:

> **Recommendation No. 7-23:** As to training currently required of AOC staff and court personnel, the Judicial Council should examine and consider a relaxation of current mandatory requirements to allow the Administrative Director of the AOC and/or court executive officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.

The council's Executive and Planning Committee (E&P) evaluated and prioritized each recommendation in the SEC report and presented them to the council on August 31, 2012. As to recommendation No. 7-23, E&P proposed and the council adopted the following:

> **Directive #79:** E&P recommends that the Judicial Council direct the Rules and Projects Committee to evaluate relaxation of mandatory education requirements to allow the Administrative Director of the Courts and Court Executive Officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.

In response, RUPRO considered Directive #79; recommendations from Administer Director of the Courts Steven Jahr; the rules that apply to education for AOC staff, trial court staff, appellate court staff, and clerk/administrators of the appellate courts; and the compliance periods for each category of employees. In its deliberations, RUPRO recognized the importance of judicial branch education and did not consider recommending that the education requirements be eliminated. Because of the impending end of the compliance period for AOC staff education on December 31, 2013, RUPRO decided to address immediately the rule pertaining to AOC staff education.

RUPRO recommends amending rule 10.491, effective July 1, 2013, to give the Administrative Director of the Courts greater discretion and flexibility in using the AOC workforce. Specifically, RUPRO recommends that the rule be amended to provide the Administrative Director with discretion to grant a one-year, rather than six-month, extension of time to complete required education. (Cal. Rules of Court, rule 10.491(d).) The rule would provide that the next compliance period begins after the extended compliance period ends, unless the Administrative Director determines otherwise.[1] This would allow the Administrative Director to grant an extension to all AOC employees and extend the compliance period one year, if deemed necessary. But it also would maintain the authority of the Administrative Director to grant individual extensions based on specific needs, such as for an employee in a unit that is particularly short-staffed or an employee who experienced a prolonged illness, without extending the compliance period.

In addition, RUPRO recommends amending subdivision (c) to allow the Administrative Director the discretion to determine the number of hours, if any, of traditional (live, face-to-face) education required to meet the continuing education requirement. Because some education requirements are mandated by statute, an advisory committee comment would be added to the rule to provide that "[t]he time frame for completion of compliance courses based on statutory or regulatory mandates is unaffected by the one-year extension in (d)(1)."

RUPRO considered the education requirements for trial court staff stated in rules 10.474 and 10.478. Because the end of the compliance period for trial court staff education is December 31, 2014—more than a year away—and to determine trial court needs for staff education, RUPRO decided to solicit information from presiding judges and court executive officers in all superior courts. RUPRO has begun to do so through a letter from Justice Harry E. Hull, Jr., chair, asking courts' views on relaxing the mandatory education requirements for trial court staff to allow court executive officers greater discretion and flexibility in use of their workforces. In addition, Justice Hull and Justice Robert L. Dondero, chair of the Center for Judicial Education and Research (CJER) Governing Committee, will attend the statewide joint meeting of trial court presiding judges and court executive officers on August 29 to continue this dialog.

Though Directive #79 does not address appellate court staff education, RUPRO recognized that appellate courts may have the same need for a relaxation of education requirements. Because the appellate court staff education compliance period ends December 31, 2013, Justice Hull attended a recent meeting of the Administrative Presiding Justices Advisory Committee to solicit members' views. Administrative presiding justices saw no need to amend the rules to provide an extension of time for appellate court staff or to relax the requirement for face-to-face education.

[1] The current rule provides that an extension of time to complete the hours-based requirement does not affect the timing of the next two-year period.

Comments, Alternatives Considered, and Policy Implications

This proposal did not circulate for public comment. Under rule 10.22, a proposal need not be circulated for public comment if it presents a nonsubstantive technical change or correction or a minor substantive change that is unlikely to create controversy, or RUPRO finds that compelling circumstances require a different procedure. The compelling circumstances exception provides as follows:

> The procedures established in this rule must be followed unless the Rules and Projects Committee finds that compelling circumstances necessitate a different procedure. The committee's finding and a summary of the procedure used must be presented to the council with any recommendation to the council made under this subdivision.

(Cal. Rules of Court, rule 10.22(g).)

The existing two-year compliance period provided in rule 10.491 for AOC staff is currently nearly three-quarters completed. The number of AOC staff has been reduced since early 2012, when the current compliance period began, and the number of education courses offered has similarly been reduced. There is thus an urgent need to provide the Administrative Director with the discretion to relax the mandatory education requirements to allow staff to obtain the required education over a longer period of time (three years rather than two) and through delivery methods such as online courses that allow employees to select the course times that work best for them.

Circulating this proposal would delay the effective date beyond July 1, 2013 would reduce the number of staff benefitting from an extended compliance period. If fewer staff benefit from the extended compliance period and elimination of the rule requirement for face-to-face education, the overall benefits of increasing staff availability to provide needed services to the courts will likewise be reduced.

Though RUPRO recognizes the benefits of circulating rule proposals for comment in ordinary times, the extraordinary times and circumstances now confronting the judicial branch and the particular subject of this proposal compel adoption of the proposal without circulation for comment. If approved by the council, the proposal will be circulated for comment after adoption.

RUPRO considered alternative rule amendments that would simply state that the compliance period ending December 31, 2013, is extended one year to December 31, 2014, or that would allow the Administrative Director to grant an extension of the hours-based education requirements, but not the content-based education requirements. RUPRO decided not to recommend these amendments and instead grant the Administrative Director as much flexibility as possible to relax education requirements as needed.

Implementation Requirements, Costs, and Operational Impacts

If the Administrative Director exercises the discretion provided to him to extend the time by which employees must complete their education requirements, there will be some minimal requirements and costs associated with tracking employee education. Similarly, the elimination of face-to-face education requirements will result in some minimal requirements and costs associated with tracking employee education. The proposal, however, is expected to have positive operational impacts by allowing AOC employees additional time to complete educational requirements and flexibility with respect to alternatives to live training, thereby increasing employee availability to provide needed services to the courts.

Attachments

1. Cal. Rules of Court, rule 10.491, at pages 6–7

Rule 10.491 of the California Rules of Court is amended, effective July 1, 2013, to read:

Rule 10.491. Minimum education requirements for Administrative Office of the Courts executives, managers, supervisors, and other employees

(a)–(b) * * *

(c) Hours-based requirements

(1)–(3) * * *

(4) ~~The first two-year period begins on January 1, 2008.~~ The orientation courses and the compliance courses required for new managers, supervisors, and other employees under (b) do not apply toward the required hours of continuing education. Each new executive enters the two-year continuing education period on the first day of the quarter following his or her appointment, and each new manager, supervisor, and employee enters the two-year continuing education period on the first day of the quarter following the six-month period provided for his or her completion of the orientation courses and the compliance courses required under (b); the quarters begin on January 1, April 1, July 1, and October 1. Each executive, manager, supervisor, or employee who enters the two-year continuing education period after it has begun must complete a prorated number of continuing education hours for that two-year period, based on the number of quarters remaining in it.

(5) * * *

(6) Each hour of participation in traditional (live, face-to-face) education; distance education such as broadcasts, videoconference courses, and online coursework; and faculty service counts toward the requirement on an hour-for-hour basis. ~~Each executive, manager, supervisor, and employee must complete at least half of his or her continuing education hours requirement as a participant in traditional (live, face-to-face) education. The individual may complete the balance of his or her education hours requirement through any other means with no limitation on any particular type of education.~~ The Administrative Director of the Courts or an executive, manager, or supervisor, if delegated by the Administrative Director, has discretion to determine the number of hours, if any, of traditional (live, face-to-face) education required to meet the continuing education requirement.

(7)–(8) * * *

(d) Extension of time

(1) For good cause, the Administrative Director of the Courts or an executive, manager, or supervisor, if delegated by the Administrative Director, may grant a ~~six-month~~ one-year extension of time to complete the education requirements in this rule. If an extension is granted, the subsequent two-year compliance period begins immediately after the extended compliance period ends, unless otherwise determined by the Administrative Director.

(2) * * *

(3) ~~An extension of time to complete the hours-based requirement does not affect the timing of the next two-year period.~~

(e)–(f) * * *

Advisory Committee Comment

The time frame for completion of compliance courses based on statutory or regulatory mandates is unaffected by the one-year extension in (d)(1).

Judicial Council of California
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MEMORANDUM

Date
August 22, 2013

To
All AOC Employees

From
Diane E. Cowdrey, Director
Center for Judiciary Education & Research

Subject
Extension Period for Education Requirements

Action Requested
For Your Review

Deadline
N/A

Contact
Kathryn Brooks, Manager
Center for Judiciary Education & Research
415-865-8855 phone
kathryn.brooks@jud.ca.gov

Changes in Education Requirements

On August 6, 2013, Chief Operating Officer Curt Child distributed a memo to all AOC employees announcing changes to the AOC Education Rule (CRC 10.491). With these changes, all AOC staff can fulfill their continuing education requirements through any combination of distance education, faculty service, or by attending live, face-to-face education programs. This means the requirement that 50% of your continuing education hours come from live, face-to-face classes has been eliminated for the current education period. In addition, Judge Jahr has also authorized a one-year extension for all AOC employees to complete their education requirements.

This memo provides detailed information addressing both of these changes. After reviewing this information, if you have questions about your individual education requirements, please contact Kathryn Brooks.

If You Complete Your Training Requirements in 2013

Employees who finish their education requirements before *Wednesday, December 18* can continue to use HREMS without change. If you complete your education requirements for the current education period without using the extension, your HREMS Training Requirements Summary page will read “Requirements Complete.” At this time, HREMS has not been re-

programmed to reflect the elimination of the requirement that 50% of education hours must be obtained through live, face-to-face education. As a consequence, your ***current training record may temporarily appear incorrect*** if you have completed your requirements by obtaining education hours through additional distance education or faculty service. CJER staff will manually adjust your HREMS Training Requirements Summary page, and this will occur before the end of the calendar year (December 31, 2013).

CJER will issue a compliance report to all offices in early December; the compliance report will include a list of all of those employees who have completed their education requirements for the current period. Please note that even if you finish your requirements in 2013, you may need to complete a statutorily-required class in 2014. Please review the information below to see if this applies to you.

If You Use the Extension Period and Complete Your Training Requirements in 2014

If you use the extension period to complete your minimum education requirements, your HREMS Training Requirements Summary page will NOT read "Requirements Complete." HREMS can continue to be used to register for classes during the extension period; however, the Training Requirements Summary portion will be frozen at the end of 2013. Instead of using HREMS to track your hours, you will be required to fill out a paper tracking form which will be submitted to CJER at the end of the extension period. CJER staff will record that your requirements are complete in the notes field of your 2012-2013 Training Requirement Status page; the top of this page will continue to read "Requirements Incomplete."

If you use the extension period, CJER will send you an individual tracking form via email in January 2014. Please note that regardless of whether you use the extension period or not, you may need to complete a statutorily-required class in 2014. Please review the information below to see if this applies to you.

Impact on Specific Education Requirements

Safety Related Training (IIPP)

Safety-related training required by the IIPP is included in the extension. All AOC employees have until December 31, 2014 to complete their currently identified safety-related training requirements.

Statutory Requirement – EDU166 Harassment Prevention for Leads, Supervisors and Managers

This statutorily required class must be completed once every two years; therefore it is not included in the extension period. Employees who are required to complete this class must complete the class at least once in 2012-2013. Employees who completed the class prior to 2013

will be required to take the class in 2014. If you are required to take this class in 2014 you will receive one reminder email in January 2014.

Statutory Requirement – EDU303 Conflict of Interest/Code of Ethics

This statutorily required class must be completed once every two years; therefore it is not included in the extension period. Employees who are required to complete this class must complete the class at least once in 2012-2013. Employees who completed the class prior to 2013 will be required to take the class in 2014. If you are required to take this class in 2014 you will receive one reminder email in January 2014.

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 24-25, 2014

Title
Judicial Branch Education: Trial Court Employee Education

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rule 10.474

Recommended by
Rules and Projects Committee
Hon. Harry E. Hull, Jr., Chair
Hon. Judith Ashmann-Gerst, Vice-Chair

Agenda Item Type
Action Required

Effective Date
January 1, 2015

Date of Report
March 24, 2014

Contact
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Executive Summary

The Rules and Projects Committee (RUPRO) recommends that the Judicial Council amend rule 10.474, which addresses education for trial court managers, supervisors, and other personnel. The amendments respond to direction given to RUPRO by the council in August 2012 to evaluate relaxation of mandatory education requirements to allow court executive officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.

Recommendation

The Rules and Projects Committee recommends that the Judicial Council amend rule 10.474 of the California Rules of Court, effective January 1, 2015, to allow court executive officers to:

1. Determine the number of hours, if any, of live, face-to-face education required to meet the continuing education requirement; and

2. For good cause, grant a one-year extension of time to complete the education requirements.

The text of the amended rule is attached at pages 7–8.

Previous Council Action

Effective January 1, 2007, the Judicial Council adopted rule 10.474 as part of a comprehensive set of rules addressing judicial branch education. Subdivision (c) of the rule was amended, effective January 1, 2013, to provide more individual choice and flexibility in what and how many hours count toward the continuing education hours requirement. The amendments provide that an individual must complete at least half of his or her education requirement as a participant in traditional (live, face-to-face) education. In addition, the amendments removed limitations on online course work, self-directed study, and faculty service by counting all education hours in the same way.

Rationale for Recommendation

On May 25, 2012, the Strategic Evaluation Committee (SEC) issued its report on the Administrative Office of the Courts. Among the recommendations to the Judicial Council was the following recommendation concerning AOC and trial court education requirements:

> **Recommendation No. 7-23:** As to training currently required of AOC staff and court personnel, the Judicial Council should examine and consider a relaxation of current mandatory requirements to allow the Administrative Director of the AOC and/or court executive officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.

The council's Executive and Planning Committee (E&P) evaluated and prioritized each recommendation in the SEC report and presented them to the council on August 31, 2012. For recommendation No. 7-23, E&P proposed and the council adopted the following:

> **Directive #79:** E&P recommends that the Judicial Council direct the Rules and Projects Committee to evaluate relaxation of mandatory education requirements to allow the Administrative Director of the Courts and Court Executive Officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.

In response, RUPRO considered Directive #79; recommendations from Administer Director of the Courts Steven Jahr; the rules that apply to education for AOC staff, trial court staff, appellate court staff, and clerk/administrators of the appellate courts; and the compliance periods for each category of employees. In its deliberations, RUPRO recognized the importance of judicial branch education and did not consider recommending that the education requirements be eliminated. To address education requirements for AOC staff, RUPRO recommended and the council adopted amendments to rule 10.491, effective July 1, 2013.[1] The amendments give the Administrative

[1] Amendments to rule 10.491 were made earlier because the period for completing the requirements ended December 31, 2013.[2] The current rule provides that an extension of time to complete the hours-based requirement does not affect the timing of the next two-year period.

Director discretion to grant a one-year, rather than six-month, extension of time to complete required education and to determine the number of hours, if any, of traditional (live, face-to-face) education required to meet the continuing education requirement. Making similar amendments to rule 10.474 would allow court executive officers greater discretion and flexibility in use of their workforces, consistent with directive #79.

RUPRO recommends amending rule 10.474, effective January 1, 2015, to give court executive officers greater discretion and flexibility in using their workforces. Specifically, RUPRO recommends that the rule be amended to give each court executive discretion to grant a one-year, rather than six-month, extension of time to complete required education. (Cal. Rules of Court, rule 10.474(d)(1).) In deciding to recommend that each court executive officer be given authority to grant a one-year extension of time to complete the education requirements, RUPRO also considered whether to retain the language in the current rule that provides authority for the executive officer or a supervisor, if delegated by the executive officer, to extend the compliance period. RUPRO decided to eliminate the authority to delegate this decision, believing that it would allow divisions of a court to act independently and could result in different compliance periods even within a particular superior court.

The rule would provide that the next compliance period begins after the extended compliance period ends, unless the court executive determines otherwise.[2] Because some education requirements are mandated by statute, an advisory committee comment has been added to the rule to provide that "[t]he time frame for completion of compliance courses based on statutory or regulatory mandates is unaffected by the one-year extension in (d)(1)."

In addition, RUPRO recommends amending subdivision (c)(5) to give each court executive officer the discretion to determine the number of hours, if any, of traditional (live, face-to-face) education required to meet the continuing education requirement.

Comments, Alternatives Considered, and Policy Implications

This proposal circulated for public comment from December 12, 2013 to January 24, 2014. Four comments were submitted; commentators were the Superior Courts of Los Angeles and San Diego Counties, an employee of the Superior Court of Sacramento County, and the Joint Rules Working Group (JRWG) of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee.[3] Three agreed with the proposal and one agreed if modified. All commentators responded that the proposal appropriately addressed the stated purpose. Commentators' responses to specific questions about the proposal and RUPRO's responses to the comments are discussed below.

[2] The current rule provides that an extension of time to complete the hours-based requirement does not affect the timing of the next two-year period.

[3] A chart containing all comments and RUPRO's responses is attached at pages 9–20.

Sunset date for relaxing face-to-face education requirements

The proposal as circulated for comment would amend subdivision (c)(5) to give each court executive officer the discretion to determine the number of hours, if any, of traditional (live, face-to-face) education required to be completed by employees in his or her court to meet the continuing education requirement. The invitation to comment asked for comments on whether the proposed amendment should have a sunset date. The Superior Court of Los Angeles County commented that a sunset date is unnecessary and that an individual should be able "to analyze his or her court and determine a plan that best fits their needs." Similarly, the commentator from the Superior Court of Sacramento County responded that the proposed amendment should not have a sunset date because online education is a trend that will likely continue due to budget restraints. The Superior Court of San Diego County responded that delivery of face-to-face education is not possible with the current budget situation. The JRWG agreed, stating that "[a]llowing court executive officers the discretion to determine the number of required live, face-to-face hours permits the individual court executive officer to analyze his/her court and determine a plan that best fits the court's needs." RUPRO agreed.

Uniform one-year extension

The proposed one-year extension of time was drafted to allow each court executive officer, for good cause, to grant a one-year extension of time to complete the education requirements. It would provide that if an extension is granted, the subsequent two-year compliance period begins immediately after the extended compliance period ends, unless otherwise determined by the executive officer. An alternative amendment would have granted a one-year extension of time to the compliance period ending December 31, 2014, effectively giving all trial court employees subject to the rule an extension for the current compliance period, rather than leaving it to each court executive officer. The invitation to comment asked whether the extension of time proposed in subdivision (d)(1) should apply to all trial court employees or be left to the discretion of each court executive officer to grant an extension, as proposed in the version of the rule that circulated for comment.

The Superior Court of Los Angeles County responded that the court executive should be given discretion to grant the proposed one-year extension. It noted that doing so will create logistical challenges in tracking compliance periods, but it believes that the flexibility gained will outweigh that issue. The other commentators agreed that this should be within the discretion of the court executive. RUPRO acknowledged that this could result in different compliance periods in different courts but agreed that whether to grant the extension of time should be left to the discretion of each court executive officer.

Sunset date for one-year extension

The proposed amendment that would allow a court executive officer to grant a one-year extension of time to the compliance period, as circulated, did not have a sunset date. The Superior Court of Los Angeles County commented that the amendment should not have a sunset date and noted that the current rule provision allows a six-month extension of time at the

discretion of the CEO. The three other commentators agreed. RUPRO agreed with the comments and does not propose a sunset date.

Other rule amendments

Though not included in the proposed amendments, the invitation to comment asked about other changes to the rules governing education requirements for trial court employees. Responses to these questions will be provided to the Center for Judicial Education and Research Governing Committee to consider.

In response to the question asking whether the number of hours of education required in subdivision (c) be reduced or otherwise changed, the Superior Court of San Diego County commented that as long as the executive officer has discretion to grant an extension of the compliance period, the number of hours is fine. The commentator from the Superior Court of Sacramento County responded that it should be reduced somewhat. The JRWG did not think the hours requirement should be reduced but suggested that the requirements be recast as guidelines.

In response to the question asking whether the length of the compliance period in subdivision (c) should be changed, the Superior Court of Los Angeles County stated that changing it from a two-year cycle to a three-year cycle would make it consistent with the education cycle for judicial officers and court executives, and though it would require significant changes to the court's education tracking system, it would standardize training periods across the court. The JRWG responded "no," but agreed that the benefit of modifying the two-year education cycle to a three-year education cycle would be to make it consistent with the education cycle for judicial officers and court executive officers. The two other commentators did not think the cycle length should be changed.

The invitation to comment asked whether the education requirements in the rule should be made nonbinding recommendations rather than mandatory requirements. To do so, the language would be changed from "must" to "should." The commentator from the Superior Court of Sacramento County responded that they should remain mandatory and the Superior Court of San Diego County and the JRWG responded that they should be made nonbinding.

All four commentators responded that the orientation required in subdivision (c)(3) should count toward the total hours requirement. The JRWG included a comment about tracking employees' compliance with education requirements, stating in part, that it "suggests the AOC provide a statewide training enrollment and tracking system [parenthetical omitted] or enter into a master service agreement that courts could opt to use similar to how NeoGov for online recruiting was done. This would automate providing the AOC with relevant and up-to-date training information, and it would be very useful to the majority of the courts."

Implementation Requirements, Costs, and Operational Impacts

Based on the comments received, the proposal would provide cost savings. The Superior Court of Los Angeles County stated that reducing the face-to-face training requirement will reduce the

mileage expense the court incurs: a class of 20 participants could save $400. The court also noted that it will reduce the “transactional” time employees spend in preparing for and traveling to off-site training. The other commentators agreed that decreased travel costs to attend in-person training will provide savings.

Implementation requirements for courts are minimal and the commentators agreed that eight months from Judicial Council approval of this proposal until its effective date would provide sufficient time for implementation.

Attachments

1. Cal. Rules of Court, rule 10.474, at pages 7–8
2. Comment chart, at pages 9–20

Rule 10.474 of the California Rules of Court is amended, effective January 1, 2015, to read:

Rule 10.474. Trial court managers, supervisors, and other personnel

(a)–(b) * * *

(c) Hours-based requirements

(1)–(2) * * *

(3) ~~The first two-year period for all court managers, supervisors, and other personnel begins on January 1, 2007.~~ The orientation education required for new managers, supervisors, and other personnel under (b) does not apply toward the required hours of continuing education because it must be completed before they enter the two-year period. Each new manager, supervisor, or employee enters the two-year continuing education period on the first day of the quarter following his or her completion of the orientation education required under (b); the quarters begin on January 1, April 1, July 1, and October 1. Each manager, supervisor, or employee who enters the two-year continuing education period after it has begun must complete a prorated number of continuing education hours for that two-year period, based on the number of quarters remaining in it.

(4) * * *

(5) Each hour of participation in traditional (live, face-to-face) education; distance education such as broadcasts, videoconferences, and online coursework; and faculty service counts toward the requirement on an hour-for-hour basis. ~~Each manager, supervisor, and employee must complete at least half of his or her continuing education hours requirement as a participant in traditional (live, face-to-face) education. The individual may complete the balance of his or her education hours requirement through any other means with no limitation on any particular type of education.~~ The court executive officer has discretion to determine the number of hours, if any, of traditional (live, face-to-face) education required to meet the continuing education requirement. Self-directed study is encouraged for professional development but does not apply toward the required hours.

(6)–(7) * * *

(d) Extension of time

(1) For good cause, the executive officer ~~or a supervisor, if delegated by the executive officer,~~ may grant a ~~six-month~~ one-year extension of time to complete the education requirements in this rule. If an extension is granted,

the subsequent two-year compliance period begins immediately after the extended compliance period ends, unless otherwise determined by the executive officer.

(2) If the executive officer ~~or supervisor~~ grants a request for an extension of time, the manager, supervisor, or employee who made the request, in consultation with the executive officer ~~or supervisor~~, must also pursue interim means of obtaining relevant educational content.

~~(3) An extension of time to complete the hours-based requirement does not affect the timing of the next two-year period.~~

(e) * * *

Advisory Committee Comment

The time frame for completion of compliance courses based on statutory or regulatory mandates is unaffected by the one-year extension in (d)(1).

W14-08
Judicial Branch Education: Trial Court Employee Education *(amend Cal. Rules of Court, rule 10.474)*

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
1.	Superior Court of Los Angeles County	A	*Does the proposal appropriately address the stated purpose?* Yes. *Should relaxation of the face-to-face education requirements in subdivision (c) (5) have a sunset date? If so, when should it end?* A sunset date for the relaxation for face-to-face education requirements is unnecessary. Allowing court executive officers the discretion to determine the number of required live, face-to-face hours permits the individual CEO to analyze his or her court and determine a plan that best fits their needs. *Should the one-year extension of time proposed in subdivision (d) (1) apply to all trial court employees or should it be within the discretion of each court executive officer to grant an extension (as proposed in the attached rule text)?* CEO should be afforded discretion to grant the proposed one-year extension. While doing so will create a logistical challenge in terms of tracking compliance period, the flexibility gained will more than compensate for that issue. *If the one-year extension of time proposed in subdivision (d) (1) is within the discretion of each court executive officer to grant, should it have a sunset date? If so, when should it end?* Currently the California Rules of Court allows a six month extension at the discretion of the CEO. If that provision were changed to one year, it should not have	RUPRO agrees and does not propose a sunset date for this amendment. RUPRO agrees with the comment. RUPRO agrees and does not propose a sunset date for this amendment.

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			a sunset date. *Should the length of the compliance period in subdivision (c) be changed? (This is separate from a one-time extension of the period.)* The benefit of modifying the two year education cycle to a three year education cycle would be to make it consistent with the education cycle for judicial officers and Court Executive Officers. While this will require significant changes to LASC's education tracking system, it will standardize training periods across the Court. *Should the orientation required in subdivision (c) (3) count toward the total hours requirement?* Yes, the orientation courses should count towards the total hours of mandatory education. This would negate the need to augment education cycles for new employees upon completion of their orientation courses. At LASC, employees are completing 15 hours of training to cover all the orientation topics in addition to receiving litigation specific training required to prepare them to perform their specific assignments. The Rules and Projects Committee also seeks comments from courts on the following cost and implementation matters: *Would the proposal provide cost savings? If so, please quantify.* The proposal to reduce the face-to-face training	RUPRO will forward this comment to the CJER Governing Committee for consideration. RUPRO will forward this comment to the CJER Governing Committee for consideration as a possible future amendment to rule 10474(c)(3). RUPRO appreciates the comments on these additional questions.

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			requirement will reduce the mileage expense the Court incurs. A class of 20 participants with an average mileage cost of $20 can save $400. In addition, it reduces the "transactional" time employees spend in preparing for and traveling to off-site training. *What would the implementation requirements be for courts?* Once the revised rule is implemented, the new requirement would be publicized and technological changes would be required to lift restrictions of training modes. It is a quick programming fix that will take less than a day. *Would 8 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?* Yes.	
2.	Superior Court of Sacramento County by Elaine Flores ASO II	AM	Responses to Specific Questions on Page 4 of Attachment: *Does the proposal appropriately address the stated purpose?* Yes. *Should relaxation of the face-to-face education requirements in subdivision (c)(5) have a sunset date? If so, when should it end?* No. Online education is a trend and will most likely continue in the foreseeable future due to budget restraints.	RUPRO agrees and does not recommend a sunset date for this amendment.

W14-08
Judicial Branch Education: Trial Court Employee Education *(amend Cal. Rules of Court, rule 10.474)*

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			Should the one-year extension of time proposed in subdivision (d)(1) apply to all trial court employees or should it be within the discretion of each court executive officer to grant an extension (as proposed in the attached rule text)? This should remain at the discretion of the CEO or designee. *If the one-year extension of time proposed in subdivision (d)(1) is within the discretion of each court executive officer to grant, should it have a sunset date? If so, when should it end?* No. *Should the number of hours of education required in subdivision (c) be reduced or otherwise changed*? We would like to see the number of hours reduced somewhat. *Should the length of the compliance period in subdivision (c) be changed? (This is separate from a one-time extension of the period.)* No. *Should the orientation required in subdivision (c)(3) count toward the total hours requirement?* Yes. Should the education requirements in the rule be made nonbinding recommendations (“should”) rather than mandatory (“must”)?	RUPRO agrees. RUPRO agrees and does not propose a sunset date for this amendment. RUPRO will forward the comments that follow to the CJER Governing Committee for consideration.

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			No. The Rules and Projects Committee also seeks comments from courts on the following cost and implementation matters: *Would the proposal provide cost savings?* *If so, please quantify*. There could be a minimal cost savings due to decreased transportation costs and travel time. *What would the implementation requirements be for courts?* None. *Would 8 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?* Yes. *How well would this proposal work in courts of different sizes?* This proposal could benefit smaller courts in that they have fewer employees resulting in a lower likelihood of face-to-face training opportunities. Larger courts could also benefit since they have more employees struggling to complete their training requirements, exacerbated by needing live training half of the time. Additional Comments: 1.) Under Section (b)(1), delete subsections (A) and (B) since they are included in the next section.	RUPRO appreciates the comments on these additional questions. This comment refers to requirements for orientation courses, which topic is

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			2.) Under Section (b)(2), add language to read, "Each new court employee, including managers and supervisors, must complete orientation courses within six months..." Also, change the order of sections (b)(1) and (b)(2). 3.) Leave Section (d) as previously written. This will avoid having employees on two different 2-year training cycles.	beyond the scope of this proposal. RUPRO will forward this comment to the CJER Governing Committee for consideration. In addition, (b)(1) and (b)(2) address different categories of employees and therefore (b)(1)(A) and (B) cannot be deleted without eliminating the requirements they establish. In a comment on page 4, the commentator favored giving the CEO discretion to grant an extension of the compliance in (d). This could result in employees on different cycles.
3.	Superior Court of San Diego County by Michael M. Roddy Executive Officer	A	Our court strongly supports the modification of Rule 10.474 to provide Court Executive Officers much more flexibility and discretion in meeting AOC mandated training requirements. In addition to comments on the proposal as a whole, the Rules and Projects Committee is interested in comments on the following: *Does the proposal appropriately address the stated purpose?* Yes. *Should relaxation of the face-to-face education requirements in subdivision (c)(5) have a sunset date? If so, when should it end?*	RUPRO appreciates the comments.

W14-08
Judicial Branch Education: Trial Court Employee Education *(amend Cal. Rules of Court, rule 10.474)*

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			No. We need to move our delivery of classes to recognize distance learning, and electronic innovation. Face to Face is just not possible in current budget. *Should the one-year extension of time proposed in subdivision (d)(1) apply to all trial court employees or should it be within the discretion of each court executive officer to grant an extension (as proposed in the attached rule text)?* It should be within the discretion of each Executive Officer. *If the one-year extension of time proposed in subdivision (d)(1) is within the discretion of each court executive officer to grant, should it have a sunset date? If so, when should it end?* No. *Should the number of hours of education required in subdivision (c) be reduced or otherwise changed?* If it is within the discretion of each court's executive officer and there is no sunset date for completion, our court is fine with the current number of training hours. *Should the length of the compliance period in subdivision (c) be changed? (This is separate from a one-time extension of the period.)* No. *Should the orientation required in subdivision (c)(3) count toward the total hours requirement?* Yes.	RUPRO agrees and does not recommend a sunset date. RUPRO agrees. RUPRO agrees. RUPRO will forward this comment and the comments below to the CJER Governing Committee for consideration.

W14-08
Judicial Branch Education: Trial Court Employee Education *(amend Cal. Rules of Court, rule 10.474)*

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			Should the education requirements in the rule be made nonbinding recommendations ("should") rather than mandatory ("must")? Yes, the education requirements in the rule should be non-binding. The Rules and Projects Committee also seeks comments from courts on the following cost and implementation matters: *Would the proposal provide cost savings? If so, please quantify.* Yes. There would be less travel costs incurred if staff do not have to travel as often for Face-to-Face training classes. *What would the implementation requirements be for courts?* Unknown. *Would 8 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?* Yes. *How well would this proposal work in courts of different sizes?* Larger courts will have more flexibility in offering training than smaller courts, whose training resources are much more restricted.	RUPRO appreciates the comments on these additional questions.

W14-08
Judicial Branch Education: Trial Court Employee Education *(amend Cal. Rules of Court, rule 10.474)*

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
4.	Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee Joint Rules Working Group	A	*Does the proposal appropriately address the stated purpose?* Yes. *Should relaxation of the face-to-face education requirements in subdivision (c)(5) have a sunset date? If so, when should it end?* No. The future of training involves a lot of online interactions, so this requirement should be permanently relaxed. A sunset date for the relaxation for face-to-face education requirements is unnecessary. Allowing court executive officers the discretion to determine the number of required live, face-to-face hours permits the individual court executive officer to analyze his/her court and determine a plan that best fits the court's needs. *Should the one-year extension of time proposed in subdivision (d)(1) apply to all trial court employees or should it be within the discretion of each court executive officer to grant an extension (as proposed in the attached rule text)?* Court executive officers should be afforded the discretion to grant the proposed one-year extension. While doing so will create a logistical challenge in terms of tracking compliance period, the flexibility gained will more than compensate for that issue. *If the one-year extension of time proposed in subdivision (d)(1) is within the discretion of each court executive officer to grant, should it have a*	RUPRO agrees and does not recommend a sunset date. RUPRO agrees.

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			sunset date? If so, when should it end? No. This is a valuable option for each court executive officer to have. *Should the number of hours of education required in subdivision (c) be reduced or otherwise changed?* No change in the required number of training hours is advisable. The educational requirement for supervisors amounts to two four-hour sessions in addition to the training they are required to take for Harassment Prevention. Such a modest amount of group training is beneficial. Also, the requirements should be recast as guidelines. *Should the length of the compliance period in subdivision (c) be changed? (This is separate from a one-time extension of the period.)* No. The benefit of modifying the two year education cycle to a three year education cycle would be to make it consistent with the education cycle for judicial officers and court executive officers. While this may require changes to a court's education tracking system, it will standardize training periods across the court. *Should the orientation required in subdivision (c)(3) count toward the total hours requirement*? Yes, the orientation courses should count towards the total hours of mandatory education. This would negate the need to augment education cycles for new employees upon completion of their	RURPO agrees. RUPRO will forward the comments that follow to the CJER Governing Committee for consideration.

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			orientation courses. *Should the education requirements in the rule be made nonbinding recommendations ("should") rather than mandatory ("must")?* Yes. *Would the proposal provide cost savings? If so, please quantify.* Yes. It would reduce staff time tracking and reporting the training hours completed. The Superior Court of Orange County estimates a savings of 60-90 staff hours per year. Also, the proposal to reduce the face-to-face training requirement will reduce the mileage expense the courts incur. For example, a class of 20 participants with an average mileage cost of $20 would save the court $400. In addition, the proposal reduces the "transactional" time employees spend in preparing for and traveling to off-site training. *What would the implementation requirements be for courts?* Minimal. Management would notify staff of the updated rules and change procedures accordingly. *Would 8 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?* Yes. *How well would this proposal work in courts of different sizes?* For some courts it should work well. Many courts do not have a computer based	RUPRO appreciates the comments on these additional questions.

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			system to process enrollments or to track training thus much of the work associated with complying with the rule is a labor intensive manual process. For larger courts it is more time consuming but smaller courts would also benefit from not having to track each employee's training, which can likewise be very time consuming. Additional comments: The Joint Rules Working Group suggests the AOC provide a statewide training enrollment and tracking system (that is part of a larger Learning Management System) or enter into a Master Service Agreement that courts could opt to use similar to how NeoGov for online recruiting was done. This would automate providing the AOC with relevant and up-to-date training information, and it would be very useful to the majority of the courts. While the AOC would provide the enrollment and tracking system, the participating courts would retain the responsibility of entering their court's data and have the ability to utilize the system to run reports, track their employees' training, and perform other necessary functions. In addition, the AOC recently (October 30th, 2013) awarded an RFP to Syntrio of San Francisco to provide online training for numerous classes – including those that are required of court staff. Statewide access to such a system would also be a great help to the courts.	

Information on Judicial Council Directives

Council Directive **80**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the efficiencies identified by the working group reviewing all education for new judges to ensure that education is provided in the most effective and efficient way possible.

SEC Recommendation **7-20**

The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(a) A workgroup has been formed to review all education for new judges to ensure that it is being provided in the most effective and efficient way possible. The efficiencies identified by this working group may present opportunities for reductions.

Reported By:	Center for Judiciary Education and Research
Contact:	Dr. Diane Cowdrey, Director

TASK

[ ] PENDING

[x] COMPLETED: **The CJER Governing Committee determined that the New Judge Education Workgroup model is, by and large, effective and efficient, endorsed the group's recommendations and presented these (with some modifications) to the Judicial Council which ultimately considered and adopted the recommendations at its June 28, 2013 council meeting.**

At its meeting on February 5, 2013, the CJER Governing Committee accepted a report from the New Judge Education Workgroup. It had appointed this workgroup to review, evaluate, and report on CJER's new judge education programming required under rule 10.463(c)(1).

After reviewing the working group's findings and recommendations, the Governing Committee determined that the New Judge Education Workgroup model is, by and large, effective and efficient, endorsed the group's recommendations and presented these (with some modifications) to the Judicial Council which ultimately considered and adopted the recommendations at its June 28, 2013 council meeting.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED

[x] IMPLEMENTED AND ONGOING

[ ] IMPLEMENTED BUT IN PROGRESS

[ ] UNABLE TO IMPLEMENT

[ ] PENDING IMPLEMENTATION

CJER will continue to work with the CJER Governing Committee to ensure that all of its educational programs and training continue to be efficient and effective.

ASSESSMENT OF IMPLEMENTATION

CJER continues to offer education for new judges including:

- New Judge Orientation

- B.E. Witkin Judicial College
- Primary Assignment Orientations

OTHER INFORMATION

Attachments:

- Report to Judicial Council for meeting of June 28, 2013: Judicial Branch Education: Modifications and Revisions Proposed for New Judge Education, June 20, 2013
- Letter from Administrative Director Steven Jahr to Justice Miller indicating support of the CJER Governing Committee's New Judge Education Workgroup, May 20, 2013.

Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: June 28, 2013

Title
Judicial Branch Education: Modifications and Revisions Proposed for New Judge Education

Rules, Forms, Standards, or Statutes Affected
None

Recommended by
CJER Governing Committee
Hon. Robert L. Dondero, Chair

Agenda Item Type
Action Required

Effective Date
June 28, 2013

Date of Report
June 20, 2013

Contact
Bob Lowney, 415-865-7833
bob.lowney@jud.ca.gov

Executive Summary

At its meeting on February 5, 2013, the CJER Governing Committee accepted a report from a working group it had appointed to review and evaluate CJER's new judge education programming required under rule 10.463(c)(1) and to submit recommendations to the Governing Committee for consideration. After reviewing the working group's findings and recommendations, the Governing Committee endorsed the group's recommendations and is now presenting these (with some modifications made by the committee) to the Judicial Council for consideration and adoption. These recommendations also respond to the council's directive #80.

Recommendation

The CJER Governing Committee has determined that the New Judge Education Workgroup's examination and review of new judge education has confirmed that the model is, by and large, effective and efficient. The Governing Committee hereby submits the workgroup's recommendations, as modified and revised by the committee, for the Judicial Council's consideration and adoption and in response to the council's directive #80:

1. New Judge Orientation (NJO), the B. E. Witkin Judicial College (as modified in 2011 and 2012 to reduce both length and content), and the Primary Assignment Orientations (PAOs) should remain as currently designed and delivered because the current content and method of delivery are the most effective and efficient way to provide this education.
2. CJER, the Judicial College Steering Committee, and the PAO faculty teams should continue evaluating and refining the new judge education programs through the work of the curriculum committees and workgroups to eliminate any unnecessary overlap among NJO, the Judicial College, and the PAOs.
3. The Judicial College Steering Committee should explore the use of WebEx as a way to connect seminar groups after the college has concluded to answer questions, see how the college has affected participants' work back at their courts, and gain feedback from participants on the college after they have had a month or two to digest the learning and apply it.
4. PAO faculty teams and education attorneys should continue to explore ways to increase the efficiency of delivering PAO education by:
   - Examining the possibility of moving some content to blended learning options without reducing the quality of the learning experience;
   - Having the PAO faculty teams explore the possibility of designing separate orientation courses for experienced judges returning to an assignment, along the lines of the civil law PAO for experienced judges with civil law experience; and
   - Having the curriculum committees consider whether subject matter institutes, where appropriate, can fulfill the education requirement for experienced judges returning to related assignments after two years.
5. CJER should explore the possibility of moving a PAO to Southern California.

Additional detail about these recommendations and the Governing Committee's review and modification of them is provided in the attached report of the New Judge Education Workgroup.

Previous Council Action

Rule 10.50 of the California Rules of Court, originally adopted by the Judicial Council effective January 1, 1999, defines the role, duties, and responsibilities of the CJER Governing Committee and subdivision (c) outlines several duties, including the following:

> **(c) Additional duties**
> In addition to the duties described in rule 10.34, the committee must:
> [¶] . . . [¶]
> (3) Evaluate the effectiveness of judicial branch education, the quality of participation, the efficiency of delivery, and the impact on service to the public;
>
> (4) Review and comment on proposals from other advisory committees and task forces that include education and training of judicial officers or court

staff in order to ensure coordination, consistency, and collaboration in educational services;

At the August 17, 2011, meeting of the Trial Court Presiding Judges Advisory Committee (TCPJAC), during a brief presentation by Dr. Diane Cowdrey, CJER Director, about how CJER notifies the courts when new judges complete their required education, some TCPJAC members inquired about extending the time limit for new judges to complete their PAO requirements under the education rules. This led to a broader discussion of new judge education and the amount of time new judges are required to be away from court attending education programming, a total of four weeks within a two-year period (often completed within the first year). Dr. Cowdrey agreed to bring these concerns to the CJER Governing Committee. Moreover, the current fiscal environment created a need to review whether there was any way to reduce the cost of these programs while still providing the necessary education. Dr. Cowdrey brought this issue to the CJER Governing Committee at its August 23, 2011, meeting.

Pursuant to the duties in rule 10.50, outlined above, and the recent discussion with the TCPJAC, the CJER Governing Committee subsequently included the following item in its 2012 Annual Agenda as a top priority and appointed a working group made up of representatives of the committee, experienced CJER faculty, and members recommended by the TCPJAC Chair:

> CJER Governing Committee Annual Agenda 2012 (excerpt):
> [¶] . . . [¶]
> **(3) Evaluate New Judge Education—**Due to concerns that have been raised and inquiries made by the TCPJAC regarding the amount of time new judges spend at education events during their first two years on the bench, we propose to convene a workgroup of judges and stakeholders experienced in this area of judicial education to examine our current approach to new judge education and make recommendations to the Governing Committee.

Rule of Court 10.462(c)(1), originally adopted by the Judicial Council effective January 1, 2007, outlines the education requirements for new judges, as follows:

> **(c) Content-based requirements**
> (1) Each new trial court judge and subordinate judicial officer must complete the "new judge education" provided by the Administrative Office of the Courts' Education Division/Center for Judicial Education and Research (CJER) as follows:
> (A) The New Judge Orientation Program (NJO) within six months of taking the oath as a judge or subordinate judicial officer. For purposes of the [NJO] Program, a judge or subordinate judicial officer is considered "new" only once, and any judge or subordinate judicial officer who has completed the [NJO] Program, as required under this

rule or under former rule 970, is not required to complete the program again. A judge or subordinate judicial officer who was appointed, elected, or hired before rule 970 was adopted on January 1, 1996, is not required to complete the program.

(B) An orientation course in his or her primary assignment (civil, criminal, family, juvenile delinquency or dependency, probate, or traffic) within one year of taking the oath as a judge or subordinate judicial officer; and

(C) The B. E. Witkin Judicial College of California within two years of taking the oath as a judge or subordinate judicial officer, unless the new judge completed the Judicial College as a new subordinate judicial officer, in which case the presiding judge may determine whether the new judge must complete it again.

In addition, Judicial Council directive #80 directs the Administrative Director of the Courts to evaluate efficiencies identified by the working group reviewing all education for new judges to ensure that education is provided in the most effective and efficient way possible. This Judicial Council directive came out of the Strategic Evaluation Committee (SEC) Report's recommendation 7-20(a).[1]

Rationale for Recommendation

The New Judge Education Workgroup was charged with evaluating the following four inquiries and returning to the Governing Committee at the end of calendar year 2012 with recommendations:

1. Is the current approach to education for new judges meeting the educational needs of this audience in the most effective and efficient manner possible?

2. Given the wide variety of methods for delivering education, would you support the use of alternative approaches for the delivery of new judge education which could reduce the length of time new judges are currently required to spend away from their courts while continuing to meet their education needs?

3. Should specific content areas be added to or deleted from the B. E. Witkin Judicial College (College), New Judge Orientation (NJO) or the Primary Assignment Orientations (PAOs), and if so, what content and what delivery method is the most appropriate?

[1] For the full text of directive #80 and the SEC recommendation on which it is based, see *www.courts.ca.gov/19567.htm*.

4. How best can the issue of having deliberately overlapping content in these programs, knowing that it is intended to repeat certain content areas that are critical for new judges, be addressed?

The findings of the New Judge Education Workgroup, which are discussed below and with which the CJER Governing Committee agrees, support the recommendations presented to the council in this report.

Findings

The workgroup found that overall the current approach of new judge education meets the needs of new judges in a very effective and efficient manner. While live, face-to-face programs are more costly, the workgroup determined that delivering these foundational programs using this method is the most appropriate for new judges. However, the workgroup did identify several areas where changes and modifications should be considered in order to ensure that this education model continues to be effective.

The workgroup found that it was critical for the Governing Committee to enhance its review and evaluation of the NJO, Judicial College, and PAO programs and their curricula, especially where content appeared to overlap among the three programs. Elimination of *unnecessary* overlap was deemed by the workgroup as very important in order to maintain the effectiveness of this overall education model. But the workgroup also acknowledged that overlap was necessary in some areas, particularly in the area of judicial ethics.

The workgroup determined that technology could be employed to elicit more effective evaluation of the educational experience after participants have returned to court. College seminar leaders could connect with their groups via WebEx, for example, after the college to assess how that program impacted their work, and answer questions. This would help keep the college curriculum relevant and reinforce it.

The workgroup did determine that some efficiency could be achieved in the current Primary Assignment Orientation programming. First, the workgroup recommended that the Governing Committee integrate technology more fully into these programs. Technology could ultimately move appropriate content to a distance-delivery model, thereby freeing up the live component of a program for more-focused education or shortening the overall length of a program. Also, the workgroup felt that shorter, more-focused orientation courses could be developed for experienced judges who are returning to an assignment they previously held. The workgroup acknowledged that the Civil Law Curriculum Committee had taken this step in developing a Primary Assignment Orientation for experienced judges and encouraged the Governing Committee to explore this for the other PAOs.

The workgroup did note that, in response to budgetary reductions, in 2011, the Judicial College was reduced by 1.5 days, and several introductory courses were removed from the curriculum.

Subsequently, in 2012, one half day was restored, and one of the introductory courses, family law, was restored, in response to slightly improved budget conditions.

Enhanced review process

Adoption of the recommendations presented in this report also will enable the Governing Committee to implement a more regular review process of the new judge education model to ensure that it continues to be both effective and efficient.

Comments, Alternatives Considered, and Policy Implications

The Governing Committee reported on this final report of the New Judge Education Workgroup at the TCPJAC Executive Committee meeting on March 21. The TCPJAC had no comments that would have altered the submitted recommendations. These recommendations affirm the policy about education for new judges and the need for these three programs, incorporating the modifications recommended by the New Judge Education Workgroup (e.g., incorporating more blended learning, developing shorter orientation courses for experienced judges, and considering alternative locations for some of the orientation programs).

Implementation Requirements, Costs, and Operational Impacts

Some of the recommendations could result in increased costs and staff time, especially if additional orientation courses are developed for experienced judges. But these shorter courses would reduce time away from court, which would be beneficial to the courts[2]. Other recommendations that involve incorporating more distance education into these programs could also reduce costs.

Relevant Strategic Plan Goals and Operational Plan Objectives

Because the recommendations in this report focus on improvements to new judge education, they support Judicial Council Strategic Goal V, Education for Branchwide Professional Excellence.

Attachments

1. Letter from Judge Jahr to Justice Miller
2. New Judge Education Workgroup Report
3. Assigned Judges Program Summary of Assignment Policies and Protocols

[2] Because the Assigned Judges Program backfills for judges who are away from court attending education programming, a summary of its assignment policies and protocols is attached to this Report.

New Judge Education Workgroup Report

SUBMITTED TO THE CJER GOVERNING COMMITTEE BY THE NEW JUDGE EDUCATION WORKGROUP ON OCTOBER 26, 2012; ACTION TAKEN BY CJER GOVERNING COMMITTEE ON FEBRUARY 5, 2013

ADMINISTRATIVE OFFICE OF THE COURTS

JUDICIAL AND COURT OPERATIONS SERVICES DIVISION

CENTER FOR JUDICIARY EDUCATION AND RESEARCH

Executive Summary of the New Judge Education Report
CJER Governing Committee, June 2013

Introduction

In February 2012, the CJER Governing Committee requested that the education programs for new judges be studied, as a group, to determine whether the current approach was the most effective and efficient. The Governing Committee commissioned a New Judge Education Workgroup to conduct this study, which took approximately eight months. The New Judge Education Workgroup grappled with and answered an overarching question: is the current 20 days of live, face-to-face education for a new judicial officer within the first two years days of their term of office the most effective and efficient method to ensure public trust in the judiciary? The Workgroup concluded that current programs—with the current reductions in place and some additional recommendations—comprise the most effective, comprehensive, and efficient method to achieve both education and orientation for judges making the transition from lawyer to judge. The Workgroup recognized that after taking the oath of office, judges immediately begin to make decisions that affect public safety and all aspects of the lives of the litigants before them, and that sufficient training is essential.

Charge of the Workgroup

The Workgroup was tasked by the Governing Committee with answering four questions:

1. Is the current approach to education for new judges meeting the educational needs of this audience in the most effective and efficient manner possible?
2. Given the wide variety of methods for delivering education, would you support the use of alternative approaches for the delivery of new judge education that could reduce the length of time new judges are currently required to spend away from their courts while continuing to meet their education needs?
3. Should specific content areas be added to or deleted from the B. E. Witkin Judicial College, New Judge Orientation, or the Primary Assignment Orientations, and if so, what content and what delivery method is the most appropriate?
4. How can the issue of having deliberately overlapping content in these programs, knowing that it is intended to repeat certain content areas that are critical for new judges, be best addressed?

Process

The New Judge Education Workgroup was formed by the CJER Governing Committee in February 2012 with representatives from the Trial Court Presiding Judges Advisory Committee (TCPJAC) and consisted of:

Hon. George J. Abdallah, Jr., Chair
Superior Court of San Joaquin County
Hon. Christopher R. Chandler
Presiding Judge, Superior Court of Sutter County
Hon. Janet Gaard
Superior Court of Yolo County
Hon. Adrienne M. Grover
Court of Appeal, Sixth Appellate District
Hon. Mary Thornton House
Superior Court of Los Angeles County
Hon. Patricia M. Lucas
Superior Court of Santa Clara County
Hon. L. Jackson Lucky IV
Superior Court of Riverside County
Hon. Beverly Reid O'Connell
Superior Court of Los Angeles County
Hon. Mary Ann O'Malley
Superior Court of Contra Costa County
Hon. Theodore M. Weathers
Superior Court of San Diego County

The Workgroup commenced its study of new judge education by reviewing a number of documents, including course curricula (old and revised) of all new judge programs, participant evaluations for those programs from 2008–2011, course outlines for all programs, advantages and disadvantages of various delivery methods, and the CJER curriculum development process.

The Workgroup also reviewed a survey conducted in 2010 of B. E. Witkin College participants from the previous five years to ascertain the long-term effectiveness of the College courses. Members of the Workgroup also interviewed presiding judges and sought feedback from a variety of judicial officers as to how new judge education could be improved. Reports by members of the 2011–2012 B. E. Witkin Judicial College Steering Committee were made, both in writing and orally.

Additionally, the Workgroup solicited input from the TCPJAC and received comments from seven courts on the three programs under review. They discussed specific

suggestions that were made and the benefits and disadvantages of each (such as separating the two weeks of the college by several months or going straight through the weekend). They discussed input from the Director of the Commission on Judicial Performance and Judge David Rothman (Ret.) who has taught judicial ethics at the College and NJO for over 20 years.

Findings of the New Judge Education Workgroup

The Workgroup found that overall the current approach of new judge education meets the needs of new judges in a very effective and efficient manner. While live, face-to-face programs are more costly, the workgroup determined that delivering these foundational programs using this method is the most appropriate for new judges. In addition, some efficiencies to these program had already been made. At NJO, the number of faculty had been reduced from six to four. The College agenda had been reduced two years ago, with resultant operational savings, and most seminar leaders also doubled as faculty. Moreover, the workgroup did identify several areas where changes and modifications should be considered in order to ensure that this education model continues to be effective.

The Workgroup found that it was critical for the Governing Committee to enhance its review and evaluation of the NJO, College, and PAO programs and their curricula, especially where content appeared to overlap among the three programs. Elimination of unnecessary overlap was deemed by the Workgroup as very important in order to maintain the effectiveness of this overall education model.

In addition, the Workgroup recommended that the Governing Committee integrate technology more fully into these programs for two reasons. One, technology could ultimately move appropriate content to a distance delivery model, thereby freeing up the live component of a program for more focused education or shortening the overall length of a program. Second, technology could be employed to elicit more effective evaluation of the educational experience after participants have returned to court. College seminar leaders could connect with their groups via WebEx, for example, after the College to assess how that program impacted their work, and answer questions. This would help keep the College curriculum relevant and reinforce it.

The Workgroup did determine that some efficiency could be achieved in the current primary assignment orientation programming. The workgroup felt that shorter, more focused, orientation courses could be developed for experienced judges who are

returning to an assignment they previously held. The Workgroup acknowledged that the Civil Law Curriculum Committee had taken this step in developing a primary assignment orientation for experienced judges and encouraged the Governing Committee to explore this for the other PAOs.

The Workgroup did note that, in response to budgetary reductions, in 2011, the Judicial College was reduced by 1.5 days, and several introductory courses were removed from the curriculum. Subsequently, in 2012, one half day was restored, and one of the introductory courses, family law, was restored, in response to slightly improved budget conditions. Reductions in faculty had already been made at both NJO and the College.

Overview of Programs for New Judges

New judge education includes five days of New Judge Orientation, a Primary Assignment Orientation course in the area of the judge's primary assignment (typically five days long), and eight and one half days at the B. E. Witkin Judicial College. These programs are continuously updated in both content and approach by the various committees, workgroups, faculty, and CJER staff. All programs include subject matter content delivered by judges who are considered experts in their area and conducted in a classroom or small group setting, or a combination thereof. Each program is structured for judges to interact and discuss best practices, the relationship of the judge to the judicial branch, the relationship of the judge to court administration, and the relationship of the judge to the public.

At the College, the art of judging is at the core of each course, each small group, and each opportunity for the new judge to interact with judges from across the state. Courses such as "Court as Employer," "Americans with Disabilities Act," and "Alcohol and Drugs in Court," in addition to tours of San Quentin and Delancey Street, are offered only at the College.

At New Judge Orientation (NJO), the emphasis is ethics, the mastery of legal content, and emphasis on the art of judging. The goal is to develop a judge who is knowledgeable and capable in deciding the cases before him or her, thus engendering trust in the justice system and cutting the costs of appeals and/or reducing referrals to the Commission on Judicial Performance.

The Primary Assignment Orientation (PAO) courses provide nuts-and-bolts content in each of the substantive law assignment areas: civil, criminal, family, dependency,

delinquency, probate and traffic law. These courses are highly interactive and often include blended learning, for example, participants view online video lectures or courses before or during the course. Participants use hypothetical case scenarios, group discussions, and role-playing so that the lectures are integrated with practical experience. While not required, many experienced judges changing assignment do attend PAO courses. In fact, experienced judges now often constitute the majority of participants in Primary Assignment Orientation courses.

Workgroup Recommendations and Governing Committee Actions

Recommendation #1: The Workgroup recommended that NJO, the College, and the PAOs (as recently modified), remain as currently designed and delivered. The Workgroup found that the current content and method of delivery were the most effective and efficient way to provide this education.

> Governing Committee Action: Adopted. [Note: In 2011, the College was reduced by 1.5 days, and several introductory courses were removed from the curriculum. In 2012, one half day was restored, and one of the introductory courses, family law, was restored. College seminar leaders also serve as faculty for many of the courses, thereby reducing faculty costs and time overall. NJO had recently been redesigned and the faculty team reduced from six to four, resulting in savings in cost and in time away from the court.]

Recommendation #2: The Workgroup recommended that CJER, the B. E. Witkin Judicial College Steering Committee, and the PAO faculty teams continue to evaluate and refine the New Judge Education programs through the work of the curriculum committees and Workgroups to eliminate unnecessary overlap among NJO, the College, and the PAOs.

> Governing Committee Action: Adopted

Recommendation #3: The Workgroup recommended that the B. E. Witkin Judicial College Steering Committee explore the use of WebEx as a way to connect seminar groups, after the College had concluded, to answer questions and to see how the College has impacted their work back at the court. This would also be a way to gain feedback from the participants on the College after they have had a month or two to digest the learning and apply it.

> Governing Committee Action: Adopted.

Recommendation #4: The Workgroup recommended that PAO faculty teams and education attorneys continue to explore ways to increase the efficiency of delivering PAO education. First, the Workgroup recommended that the faculty teams and education attorneys examine the possibility of moving some content to blended learning options without reducing the quality of the learning experience. Second, the Workgroup recommended that PAO faculty teams explore the possibility of designing separate orientation courses for experienced judges returning to an assignment. The goal would be shorter PAOs for that audience and at less cost to the courts. The Workgroup did recognize that a separate orientation course already exists for experienced civil law judges returning to that assignment. The Workgroup also recognized that both these possibilities could result in increased costs and resource demands for CJER.

> Governing Committee Action: Adopted, but with modification. In addition to designing shorter PAOs for experienced judges, the Curriculum Committees should also consider a recommendation that the subject matter (*e.g.*, Civil, Criminal, etc.) Institute, where appropriate, would also fulfill the education requirement for the experienced judges returning to an assignment after two years.

Recommendation #5: The Workgroup recommended that CJER explore the possibility of moving a PAO to southern California.

> Governing Committee Action: Adopted.

Additional Actions

The Governing Committee has recommended to the Executive and Planning Committee that the Dean of the Judicial College be appointed as an advisory member. This appointment will ensure that the Governing Committee is more fully connected and engaged in the development and delivery of this critical judicial education program.

INTRODUCTORY LETTER FROM THE CHAIR OF THE WORKGROUP:

The rule of law governing the families, fortunes, and freedoms of all Californians is placed in the hands of 2,000 judicial officers. In order to serve the interests of the state's citizens, California has established the preeminent judicial education system in the United States.

In the 1960s, members of the judiciary instituted a formal education system for the new judicial officer. The programs were developed to assist and train new judicial officers as they made the transition from advocate to judge. In 1973, development and operation of education programs for the judicial branch was turned over to a new and independent entity: The Center for Judicial Education and Research (CJER) (CRC 10.50). CJER's role has expanded over the decades. CJER now also provides education for court staff and administrators and, through its Governing Committee, serves as an Advisory Committee to the State's Judicial Council. CJER also serves as the Office of Education of the Administrative Office of the Courts. The education that is provided is the foundation to a career in the judicial branch. The uniform, critically developed, high-quality education is intended to assure all Californians of a well-prepared, fair, and impartial judiciary.

In keeping with its historical approach to CJER's growth and development, in March 2012, the CJER Governing Committee created the New Judge Education Workgroup (Workgroup) to review the current approach to new judicial officer education and to make recommendations to the Governing Committee. The Workgroup is composed of ten judges of the Superior Court of California and is assisted by thoughtful, committed, and knowledgeable staff attorneys. The members have varying years of experience as bench officers as well as varying years of experience in judicial education. Many of the members have served or are now serving as presiding judges.

In order to respond to the charge given by the Governing Committee, the Workgroup met in person by conference call and by Webinar. Each member reviewed the documented evolution and development of the New Judge Orientation, the Bernard E. Witkin Judicial College (College), and the Primary Assignment Orientation (PAO) programs. The members, both individually and as a Workgroup, reviewed each program's subject matter and schedule. The schedules were reviewed day by day and hour by hour.

It has been a great privilege to have undertaken this task for the benefit of the CJER Governing Committee, newly appointed and elected judicial officers, and our fellow Californians.

Judge George Abdallah
Superior Court of California, County of San Joaquin

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A. GOVERNING COMMITTEE CHARGE TO THE NEW JUDGE EDUCATION WORKGROUP

Summary

The CJER Governing Committee convened a Workgroup to review the current approach to new judge education and to make recommendations to the Governing Committee regarding the following:

1. Is the current approach to education for new judges meeting the educational needs of this audience in the most effective and efficient manner possible?
2. Given the wide variety of methods for delivering education, would you support the use of alternative approaches for the delivery of new judge education that could reduce the length of time new judges are currently required to spend away from their courts while continuing to meet their education needs?
3. Should specific content areas be added to or deleted from the B. E. Witkin Judicial College (College), New Judge Orientation (NJO), or the Primary Assignment Orientations (PAOs), and if so, what content and what delivery method is the most appropriate?
4. How can the issue of having deliberately overlapping content in these programs, knowing that it is intended to repeat certain content areas that are critical for new judges, be best addressed?

Background

The Workgroup was formed to examine issues that have periodically been raised regarding new judge education, and these include:

- Concerns about the time spent away from the bench that is required of new judges to complete their education requirements (raised at a meeting of the Trial Court Presiding Judges Advisory Committee)
- Requests to add topics to the College and NJO curriculum
- Participant comments about content that was (intentionally) duplicated in more than one program for new judges
- Budget issues related to possible reduction in costs at the College
- Concerns about how content was selected for College

New judges are a critical audience, and therefore it was appropriate for the Governing Committee to request that these three programs be reviewed to ensure that appropriate content, efficient delivery, and respect for tradition, time, and costs are all considered.

Initial Proposal

The New Judge Education Workgroup focused on the four questions posed above and provided recommendations to the CJER Governing Committee at their October 2012 meeting. The Report of the Strategic Evaluation Committee (SEC) was published at the same time that this Workgroup was studying and evaluating new judge education. The Workgroup reviewed the comments made and issues raised in the SEC report relating to New Judge Education. The SEC report states and the Workgroup agreed that "*A well-educated judiciary is critical to the fair and efficient administration of justice, and is recognized as a stated goal of the judicial branch."*

The Judicial Council Report submitted to the Judicial Council at their April 2013 meeting, and this accompanying report, serve as responses to Judicial Council directive #80: "E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the efficiencies identified by the Workgroup reviewing all education for new judges to ensure that education is provided in the most effective and efficient way possible."

In the past several years, the Workgroup noted that CJER has been aggressive in exploring and using a variety of delivery methods to provide education and training to the branch. The technology available for distance education has increased and improved, allowing CJER to take advantage of multiple delivery methods (see Distance Learning Options, Section M), which in some situations can substitute for live education, and in most situations can augment it. Combining multiple types of delivery methods has become much more commonplace, and this effort is referred to as blended learning.

The Workgroup reviewed what content is provided at each of the three major programs for new judges, using the work that has already been completed in this area, and considered the possible use of blended learning to meet the current needs. When looking at content where there is deliberate overlap, they also considered whether blended learning would be useful.

The Workgroup was asked to look at the costs associated with new judge programming including time away from the bench. As such, the Workgroup considered reducing the live education portions, *e.g.,* offering the College in a different format using a blended design. It was always a possibility that the Workgroup would recommend that no cost savings could be made and that the current format would be the best way to provide this critical education.

The Workgroup was an ad hoc committee that dissolved after it conducted its review and provided its recommendations to the CJER Governing Committee.

B. NEW JUDGE EDUCATION WORKGROUP ROSTER

Hon. George J. Abdallah, Jr. , Chair
Judge of the Superior Court of California,
County of San Joaquin

Hon. Christopher R. Chandler
Presiding Judge of the Superior Court of California,
County of Sutter

Hon. Janet Gaard
Judge of the Superior Court of California,
County of Yolo

Hon. Adrienne M. Grover
Judge of the Superior Court of California,
County of Monterey

Hon. Mary Thornton House
Judge of the Superior Court of California,
County of Los Angeles

Hon. Patricia M. Lucas
Judge of the Superior Court of California,
County of Santa Clara

Hon. L. Jackson Lucky IV
Judge of the Superior Court of California,
County of Riverside

Hon. Beverly Reid O'Connell
Judge of the Superior Court of California,
County of Los Angeles

Hon. Mary Ann O'Malley
Judge of the Superior Court of California,
County of Contra Costa

Hon. Theodore M. Weathers
Judge of the Superior Court of California,
County of San Diego

CENTER FOR JUDICIARY EDUCATION AND RESEARCH (CJER)

Ms. Karene Alvarado
Managing Attorney
CJER
Administrative Office of the Courts

Ms. Maggie Cimino
Manager
CJER
Administrative Office of the Courts

C. New Judge Education Program Descriptions

Description of New Judge Orientation

This one-week orientation program is designed to introduce new judges, commissioners, and referees to their judicial duties and to familiarize them with their ethical responsibilities in ensuring fairness in all proceedings, promoting uniform court practices, and improving the administration of justice. Enrollment is limited to 12 participants in each program, in order to ensure regular and meaningful interaction by all participants with faculty, the content, and each other. The curriculum for the program is the most structured of all CJER programs, in order to ensure that all essential content is covered, and that all new judges receive the same educational experience. Faculty for the program is trained on the NJO curriculum prior to teaching, and the curriculum is regularly updated by a Workgroup comprised of experienced faculty. During the program, participants meet with the Chief Justice, members of the Judicial Council, and AOC leadership. The program is typically offered ten times each year.

Description of B. E. Witkin Judicial College

The B. E. Witkin Judicial College of California marked its 46th year in 2012 in which it has presented its comprehensive educational experience to new members of the California judiciary. Participants in the Judicial College have found that it provides extensive training in many areas of the law and broadens their understanding of the judicial process and the role of judicial officers.

Judges, commissioners, and referees attending this intensive two-week educational program commit themselves to active participation in acquiring the knowledge, skills, and approaches needed to perform their judicial work fairly, correctly, and efficiently. A full schedule of classes, concurrent sessions, and small-group seminars in all phases of judicial work is offered. Participants also analyze judicial philosophies, styles, work methods, and their roles as public servants; improve their skills in the arts of judging, decision making, handling counsel, litigants, and witnesses, and explaining the judicial function to the public; and explore better ways to handle court business, increase court efficiency, and ensure fairness to litigants. Instructional methods emphasize problem-solving exercises, panel discussions, small-group seminars, case studies, role-playing, and other innovative learning methods. Frequent small-group seminars allow students to clarify and evaluate their understanding of the course content. Specially prepared program materials are provided for study at the college and for later reference as practice aids.

Under the leadership of the Judicial College Steering Committee, and the appointed Judicial College Dean, instruction is provided primarily by more than 55 highly qualified judges, commissioners, and referees selected for their recognized abilities as judges, teachers, and legal writers, and for their interest in improving the administration of justice. Experts and representatives from component agencies within the California justice system also

participate to increase the judiciary's awareness of interagency problems and to coordinate responses to these problems. Faculty does not receive compensation, other than reimbursement for travel and lodging expenses according to state rules.

Description of Primary Assignment Orientation Courses

The Primary Assignment Orientation courses provide nuts-and-bolts content in each of the substantive law assignment areas: civil, criminal, family, juvenile, probate, and traffic law. These courses are highly interactive and often include blended learning, in that participants view online video lectures or courses before or during the course. Faculty lectures are supplemented with faculty demonstrations of how to conduct hearings or how to question parties (*i.e.*, expert witnesses, self-represented litigants, or children). Participants use hypothetical case scenarios, group discussions, and role-playing to integrate the lectures with practical experience. These courses are designed to satisfy both the content-based requirements of California Rules of Court 10.462(c)(1)(B), applicable to new judges and subordinate judicial officers, as well as the expectations and requirements of Rule 10.462(c)(4), applicable to experienced judges and subordinate judicial officers new to, or returning to, an assignment. CJER has found that many participants at the PAO programs are experienced judges returning to an assignment.

D. Evolution of Each of the Three New Judge Education Programs

Evolution of New Judge Orientation

The New Judge Orientation curriculum is updated annually to ensure that the law is current and has been revised several times over the years to ensure that the hypotheticals are effective. In 2009, the faculty recommended, based upon their own experience with the curriculum, as well as participant feedback, that the fairness segments of the curriculum should be reevaluated and revised. In June of 2009, the NJO Fairness Curriculum Workgroup was established to do this work. The Workgroup was composed of several experienced NJO faculty and several members of what was then the Fairness Education Committee.

The NJO Fairness Curriculum Workgroup met by conference calls over the course of a year to discuss what changes should or should not be made to the curriculum. The Workgroup started by formulating the participant goals for this segment of the course, and from there determined whether the existing curriculum fulfilled those goals. After determining those areas where changes were to be made, individual members of the Workgroup worked on revisions or created new content. For example, a new sentencing hypothetical and stereotyping exercise were created, and new exercises were incorporated into the sections dealing with social cognition and fairness. Much of the content remained the same, but the order in which topics were taught was rearranged to create an easier flow of the material for participants to absorb.

The Workgroup concluded its mission with the roll out of the revised fairness segments of the NJO curriculum in 2010. However, the Workgroup concluded that more work needed to be done and recommended that the fairness and ethics content be woven throughout the entire New Judge Orientation curriculum. A new NJO Curriculum Workgroup was formed in the fall of 2010 to undertake this task. This new Workgroup was composed of three members from the NJO Fairness Curriculum Workgroup and four experienced NJO faculty.

The NJO Workgroup began with a two-day in-person meeting. All members agreed that integrating fairness and ethics throughout the NJO curriculum would make the curriculum more effective by reinforcing the concept that ethics and fairness are the underlying principles fundamental to the judicial officer's role. A list of concepts/content was created of all the topics that new judges needed to learn, and all the content that is taught in NJO was included. As retired Judge David Rothman, author of the *California Judicial Conduct Handbook*, suggested, how do we "blend the trials and ethics curriculum into a seamless whole: teaching the best practices and law in trials along with the interplay of ethics and fairness, while being sure these best practices and law of each subject are made clear?" This became the Workgroup's mission for the next two years. Meeting via videoconference and conference calls, the NJO Workgroup volunteered their time to work on how best to integrate what were discrete segments on ethics/fairness and trials/evidence and integrate ethics and fairness throughout the curriculum.

The original NJO curriculum was taught by a faculty team made up of two ethics specialists and two trials specialists who taught from Monday through Wednesday afternoon and from Wednesday through Friday, respectively. Two seminar leaders assisted the students and faculty during the entire week for a total of six faculty per week. With the blending of ethics/fairness and trials/evidence segments, both ethics and trials faculty were required throughout the program.

Reductions in CJER's Mod Funds, starting in fiscal year (FY) 2011–2012, necessitated some changes to NJO. Funding for faculty was reduced from six to four people, some lunches were eliminated, and participant travel reimbursement was eliminated.

Based on budget and curricular changes, four faculty stay the entire week. At a meeting with the Workgroup and June NJO faculty team, it was agreed that this was the better model, given the demands on the faculty.

Evolution of B. E. Witkin Judicial College

The B. E. Witkin Judicial College Steering Committee (previously the New Judge Education Committee) is responsible for planning the Judicial College. The Steering Committee members are expected to serve as seminar leaders at the program, so that they are familiar with the program and able to experience the program they designed. The committee reviews the new judge education curriculum and receives input from the substantive law curriculum committees with respect to the content that should and should not be included

at the program to ensure essential education is covered and unnecessary duplication is avoided.

Each year the committee also carefully reviews all participant evaluations and often makes changes to the program based upon participant feedback. For example, courses that were not well-received are redesigned or dropped from the program.

Similar to NJO, Mod Funds to support the College were reduced in FY 2011–12. As a result, the length of the College was shortened. Before 2011, the program lasted a full two weeks, beginning on Sunday night, and continuing through Friday afternoon, then beginning again the next week on Monday morning and ending Friday afternoon. In 2011, the program was shortened by one-and-a-half days, to begin on Monday afternoon both weeks, and end on Friday afternoon both weeks. The opening dinner, which had been offered on Sunday night, was cancelled. The shortening of the program obligated the Steering Committee to meet and identify the content that was ultimately removed. Additionally, funds to support travel for participants were eliminated.

Other changes that have been made to the program in an effort to reduce costs and increase efficiencies include reducing the amount of materials printed for the program (only materials actually used in class are printed; resource materials are now found online only), eliminating the use of binders and shifting to the use of spiral or tape binding only, and reducing the number of CJER on-site staff at the program. All materials are posted online to Serranus.

In 2012, the College Steering Committee recommended adding back four hours of education. Because there were fewer participants (fewer judges appointed by the Governor), the reduced funding was sufficient to cover those costs.

Evolution of Primary Assignment Orientation Courses

Civil Law Orientation

CJER currently offers three separate civil law orientation courses:

1. Basic Civil Law Orientation,
2. Civil Law Orientation for Experienced Judges, and
3. Limited Jurisdiction, Small Claims and Unlawful Detainer Orientation.

In 2008, there was only what was then called the “Civil Law Overview.” This course was offered to all judges and subordinate judicial officers who were new or returning to a civil assignment. Judges who had an extensive civil practice before taking the bench often found this course too basic. Based on evaluation and participant comments, the Civil Law Education Committee (now the Civil Law Curriculum Committee) directed that a separate orientation course for experienced judges be created. The committee also decided to create

a separate orientation course for judges who handled only limited jurisdiction cases. The two new courses were created by Workgroups composed of experienced civil law orientation faculty and some Civil Law Education Committee members.

The first "Overview for Experienced Civil Law Judges" was offered at the Fall Continuing Judicial Studies Program in October of 2008, and the course is now offered annually. The faculty members review the course curriculum both before and after the course, and they update the content every year depending on the latest developments in the civil law area. The course emphasizes areas of civil law that judges who are experienced in civil law might find complex and new issues with which they might not be familiar.

The Basic Civil Law Orientation is offered for judges and subordinate judicial officers who are new to a civil law assignment and, like the Civil Law Orientation for Experienced Judges, is offered annually. Faculty members review the curriculum every year and update it as necessary with new cases, statutes, and rules affecting civil law. After the course, the faculty members also revise the content based on participant evaluations.

The Limited Jurisdiction, Small Claims and Unlawful Detainer Orientation course was first offered as a pre-institute workshop of the 2008 Civil Law Institute. This course was developed for judges and subordinate judicial officers in a civil assignment who do not handle unlimited civil cases. Faculty review the curriculum before each course offering and update the content based on new case law, statutes, and rules of court. In 2011, content on foreclosures and unlawful detainers was added to the curriculum as a result of the increase of those case filings.

Civil content at the Judicial College includes civil settlement, civil post-trial motions, restraining orders in civil cases, civil discovery, and unlawful detainers, but these topics are covered in greater depth at the College and only briefly at the PAO.

Criminal Law Orientation

The content of the Criminal Law Orientation course, like that of the other orientation courses, is regularly updated depending on the latest developments in that area of the law. For example, significant changes in sentencing law have taken place over the last several years, and the orientation course has been revised accordingly.

The majority of the concurrent sessions in the second week of the College include criminal content. The Criminal Law Curriculum Committee has continued to work closely with the B. E. Witkin Judicial College Steering Committee, in the planning of the Judicial College. The New Judge Education Workgroup has been provided with a detailed overview of the relationship between the criminal law content offered at the College and that included in the orientation course in order to identify overlapping content and to guide program assessment and planning.

Family Law Orientation

The content of the Family Law Orientation course, like that of the other orientation courses, is regularly updated depending on the latest developments in that area of the law. In addition the delivery of the content has been revised over time, allowing for more hypotheticals and more or less time for certain topics. Although some new judges have mentioned that there is overlap with regard to the content in the family law orientation and the College courses, "Domestic Violence Awareness" and "Working With Self-Represented Litigants," this overlap is intentional, and much effort has been made to ensure that the two programs are not unnecessarily duplicative. Intentional overlap is the result of a Primary Assignment Workgroup and the College Steering Committee agreeing that an area of content requires the additional emphasis for new judges and is therefore approved for duplication. There is also a course at the College entitled "Introduction to Family Law," which is fairly duplicative of the Family Law Orientation course, but which is attended by those new judges who do not take the Family Law Orientation course.

Juvenile Law Orientations: Dependency and Delinquency

Since 2008, there have been a number of changes to the two juvenile law primary assignment orientation courses (the dependency orientation and the delinquency orientation). In January 2008, the Dependency and Delinquency PAOs were each three days, and they were followed by a one-and-a-half-day course entitled "Highlights in Delinquency" and "Highlights in Dependency." These one-and-a-half-day courses were an attempt to meet the needs of those who preside over both types of cases, but they were not successful. In 2009, the one-and-a-half-day highlights courses were dropped, and the three-day orientations were reinstated. In 2010, the courses were each expanded to four-and-a-half days and have been very successful at that length, since they now include more essential content (substance abuse, mental health issues, child development, etc.). The persistent struggle to meet the education needs of those who hear both dependency and delinquency cases continues. The most recent attempt is being addressed in the 2012–2014 Education Plan cycle by offering a Webinar close in time to when the live course is offered (*e.g.*, live course on Dependency with Webinar on Delinquency). The Webinar will be a stopgap course for those who are either in both assignments or are assigned to a dependency or delinquency court months before or after the PAO was offered. We are hopeful that this will meet participant needs.

Due to reduced resources that led to the shortening of the Judicial College, the two juvenile law course offerings at the College were removed from that program. As a result there is virtually no overlap between the juvenile orientation courses and the Judicial College curriculum at this time.

Probate Law Orientation

The content of the Probate Law Orientation course, like that of the other orientation courses, is regularly updated depending on the latest developments in that area of the law.

Recently, there have been constant updates in the areas of trusts and estates, conservatorship, guardianship, and Lanterman-Petris-Short (LPS) law. Some of the legislative updates were in part due to the increased requirements imposed upon probate courts by the Omnibus Conservatorship and Guardianship Reform Act of 2006, along with the lack of funding to implement the new requirements and the subsequent economic downturn. Aside from updates in the law, the most significant recent change in the course is the addition of a segment on civil protective orders and handling elder abuse cases, which entailed the shortening of the probate conservatorship segment on the same day. The civil protective orders component was added in response to Rule 10.464 of the California Rules of Court, which sets forth education requirements and expectations for judges and subordinate judicial officers on domestic violence issues and mandates that domestic violence education be included in the Probate Orientation, among other courses.

In addition, in 2010 the Probate Curriculum Committee recommended that the LPS segment of the course be held regionally in order to be accessible to judges and subordinate judicial officers who have an LPS or mental health assignment, but not a regular probate assignment. The half-day LPS orientation was held in three regional locations in 2012 and will be a regular offering.

In past years an introductory probate law course was offered at the Judicial College, but as a result of several years of very low enrollment, that course is no longer offered. It appears that very few new judges are placed in a probate assignment.

Traffic Law Orientation

Before 2010, CJER offered a Traffic Institute every two years. In 2011, rather than offering an institute, three, two-day regional Traffic Orientation courses were offered. Now the Traffic Orientation is offered once per year, and there is no traffic content at the College.

E. WORKGROUP EVALUATION PROCESS

Overview of Process

The Workgroup focused on both effectiveness and efficiency. The content for all New Judge Programs was reviewed for completeness, whether the content was essential for new judges, and possible unintentional overlap of content. The Workgroup found that only 5 percent of a new judge's time in the first two years is spent attending NJO, the College, and one PAO program.

The Workgroup examined the evaluations for each of the new judge education programs for themes and issues raised by judges who attended the program(s) over the past two years. The Workgroup evaluated the possibility of shortening the current schedule for each program in light of travel demands, out-of-court time, and overall cost. These scenarios for the College are presented in Section G. This was balanced with the need for excellent, comprehensive education for new judges that includes both group interaction and building

a community of support for new judges to assist them in the transition from advocate to judge.

The Workgroup, through Judge Mary Ann O'Malley, solicited comments from Trial Court Presiding Judges related to the Workgroup charge. Seven courts responded with comments for the Workgroup's consideration.

The Workgroup considered cost and recognized that live delivery is the most costly. It was difficult to quantify new judge education in terms of dollars and cents. The Workgroup did analyze multiple delivery options and thoroughly reviewed the curriculum designs, the course outlines, and the evaluations, as well as feedback from several Presiding Judges and recent new judge program attendees. CJER staff provided a brief history of CJER's curriculum development history and process (see Curriculum Development Process Summary, attached).

New Judge Orientation

The Workgroup reviewed the recently completed extensive revision of the New Judge Orientation curriculum as well as the schedule for the program. The Workgroup met with Judge David Rothman, author of the *California Judicial Conduct Handbook* and a member of the New Judge Orientation Curriculum Workgroup, who discussed the revisions to the NJO curriculum. Judge Rothman made a very compelling presentation to the Workgroup on the value and significance of the New Judge Orientation content and his strong belief in the need for new judges to have the opportunity to attend all three programs (New Judge Orientation, B. E. Witkin Judicial College, and Primary Assignment Orientation) in their current form. He also addressed the issue of intentional duplication especially in the areas of ethics, demeanor, and fairness as necessary to reinforce the importance of each in the daily life and work of a judge.

Judge Rothman's letter to the Chief Justice and Judicial Council (Regarding: The Strategic Evaluation Committee Report, Item SP 12-05 Comment on Section 7—Education Division and Judicial Education) was provided to the Workgroup for consideration and can be found in Section I of this document.

Additionally, the Workgroup reviewed and discussed the New Judge Orientation 2011 and 2012 evaluations.

Lastly, the Workgroup considered and weighed the concerns expressed by the Commission on Judicial Performance in its September 14, 2011, correspondence to the Director of CJER, Dr. Diane Cowdrey, in Section J.

B. E. Witkin Judicial College

The Workgroup spent significant time reviewing evaluations of curriculum and content for the B. E. Witkin Judicial College. Evaluations included those from the 2008, 2009, and 2011 College participants and the 2010 Survey of Past College Attendees.

The Workgroup members reviewed the 2012 B. E. Witkin Judicial College course schedule and course descriptions, and discussed the program content and design at length at its May and June meetings. The Workgroup members, which included Presiding Judges (current and past) and faculty (current and past) for the College, NJO, and PAOs, discussed their personal experiences as court leaders and faculty, as well as the feedback received from participants in the evaluation documents.

The issue of further shortening the college was discussed from the perspective of cost, efficiency, and programmatic loss. The Workgroup examined several potential scenarios and evaluated the potential gains and losses resulting from each scenario.

The Workgroup members studied and discussed the issue of intentional and unintentional overlap between the College and the other New Judge education programs. They also reviewed online educational offerings for new judges.

Primary Assignment Orientation

The Workgroup reviewed the curriculum designs for each area of the law, focusing on the content that each committee identified as essential for new judges. The Workgroup then reviewed the outlines for each of the nine Primary Assignment Orientation courses as follows: Civil Law Basic PAO, Criminal Law PAO, Family Law PAO, Juvenile Delinquency PAO, Juvenile Dependency PAO, Probate PAO, Traffic PAO, Experienced Civil Law PAO, and Limited Jurisdiction Civil Law PAO.

The Workgroup also reviewed an analysis by the Criminal Law Curriculum Committee and CJER staff of overlap that exists between content offered at the Criminal Law PAO and the Judicial College. The Workgroup understands that this analysis is representative of that which has been done for the other PAOs, and that the criminal law analysis is the most extensive because the bulk of subject matter content at the Judicial College is criminal law.

F. Findings as to Questions Posed in Charge by Governing Committee

1. *Is the current approach to education for new judges meeting the educational needs of this audience in the most effective and efficient manner possible?*

The Workgroup found that the current approach meets the needs of new judges in a highly effective and efficient manner. CJER, through its curriculum and oversight committees, has instituted an objective, critical, and insightful assessment of each of its programs. These assessments result in ongoing program refinements in delivery, calendaring, and content. CJER's Director and staff demonstrate a keen awareness of the economics associated with program delivery, and they work diligently to reduce costs and maintain allocated budgets. They also rely on the acumen of experienced judicial officers and CJER's internal curriculum plans to identify new judges' needs and to develop responsive program content. The program planning, delivery methods, and assessment process result in a flexibility that allows for a timely incorporation of changes in the law.

The Workgroup also found that presenting these foundational new judge education programs through face-to-face programs is especially effective and efficient. Although distance delivery methods are less costly, it does not outweigh the benefits of live, face-to-face education for new judges. Live, face-to-face delivery incorporates mentoring practices and approaches by experienced judicial officers. This approach adds a crucial refinement to the presentation of the designed program content. Among other benefits, during the live presentations, the instructors and seminar leaders immediately address the new judges' expressed concerns and questions, thereby enhancing the curriculum, building an atmosphere of trust, and assisting the new judge in gaining both knowledge and confidence. Further, it has been regularly reported to oversight committees that the mentoring process continues beyond program schedules—at all casual and planned contacts with instructors and seminar leaders.

The instructors and seminar leaders remain an available, invaluable resource who can be called upon throughout a new judge's career.

In making its findings, the Workgroup read and considered several years of participant survey responses. Upon being surveyed, typical new judge remarks have included the following that strongly support the Workgroup evaluation of the efficacy of live programs:

> *"Each (faculty) added unique elements to wonderful whole. I can't think of changes to improve."*
>
> *"[R]eceiving wisdom of such gifted, knowledgeable and talented judges; observing judicial demeanor and best practices modeled; interaction between participants and faculty; practical focus and structure on dealing with foundation of good judging . . . "*

2. *Given the wide variety of methods for delivering education, would you support the use of alternative approaches for the delivery of new judge education that could reduce the length of time new judges are currently required to spend away from their courts while continuing to meet their education needs?*

The Workgroup found that new judge education is currently well-supported by distance products that can be found online in the Serranus Judicial Education Toolkits. The New

Judge Toolkit was especially developed to provide information and education for judges prior to their participation in NJO or the College. The Workgroup supports the continued development of education for new and experienced judges that can be accessed at the time of need rather than at a program. It did not, however, fill the need for live education that creates and supports a network or community of judges. Each of the current live programs that are the focus of this report offers judges the opportunity to work with their colleagues across county lines, share expertise, and support the development of consistent statewide practices.

The Workgroup found that the seminar meetings and relationships with seminar leaders were an essential part of new judge education and often focus on "the art of being a judge."

The Workgroup found that the format of the College as two consecutive weeks rather than two separate weeks creates the best environment for learning and exchanging of ideas, building trust, and building lasting relationships with faculty and among participants. Additionally the Workgroup noted that no cost savings would be realized by separating the program into separate weeks.

3. *Should specific content areas be added to or deleted from the B. E. Witkin Judicial College (College), New Judge Orientation (NJO), or the Primary Assignment Orientations (PAOs), and if so, what content and what delivery method is the most appropriate?*

The content included in each of the live programs is identified and developed by judges serving on Workgroups for this specific purpose. Each year the content is examined to be certain it appropriately and completely meets the needs of new judges, and that the delivery methods chosen are the most efficient and effective for that content.

In addition, the CJER Curriculum Committees in each area of substantive law and the Judicial Ethics and Fairness Curriculum Committee work to identify the content that they recommend is developed for distance delivery. This process is driven by experienced judges, and the resulting products are designed and developed with judicial Workgroups and education attorneys working together to build the final product.

This current process for identifying content, developing programs, and delivering education for new judges was validated and supported by the Workgroup.

4. *How can the issue of having deliberately overlapping content in these programs, knowing that it is intended to repeat certain content areas that are critical for new judges, be best addressed?*

The current process includes a review by the education attorneys who staff each program followed by a discussion of the respective Workgroups on how to limit the overlap to intentional rather than unintentional duplication of content. Content overlap that does occur is intentional, having been identified and approved by Workgroup members for each

of the new judge programs as educationally necessary and essential for the transition from advocate to judge.

Some content is covered in both the PAO and the College, but for specific reasons. For example, some areas are covered in the PAOs with specific focus on the mechanics, whereas at the College, the judge's role in that area is covered in greater depth (interpreters, pleas, evidence, jury selection, trial management). Additionally, at the College, there is some content provided in concurrent sessions, which might be covered at a PAO. This is so that judges can choose to take a concurrent session in an area that may not be their primary assignment, but one in which they still need to have a working knowledge. Another reason is that some content is fairly complex and completely foreign to judges who lack a criminal law background (*e.g.*, gang issues, felony sentencing, search and seizure). The Workgroup found these rationales satisfactory.

The substantive law curriculum committees regularly work with the Judicial College Steering Committee to review the content offered at each of the new judge education programs (NJO, the PAOs, and the College) to ensure that (1) the content that the curriculum committees have determined to be essential for new judges is included in at least one of the three new judge education programs, and (2) that the essential education is duplicated within the new judge education programs only when necessary.

G. WORKGROUP RECOMMENDATIONS

Recommendations for New Judge Orientation

Recommendation #1: The Workgroup recommended that New Judge Orientation remains as currently designed and delivered. The Workgroup found that the current content and method of delivery are the most effective and efficient way to provide this education.

Recommendation #2: The Workgroup recommended that CJER continue to evaluate and refine the NJO program through the work of its curriculum committees and Workgroups to eliminate unnecessary overlap with College and PAOs.

The basis for the above recommendations is contained in the discussion below.

Issue #1: Changes to NJO design and delivery

The Workgroup discussed the benefits and drawbacks of possible changes, including regionalizing the program and shortening the program to less than one week. The Workgroup also discussed the option of putting some of the content online. After studying the evaluations and feedback from Presiding Judges, and taking into consideration their own experience as attendees and as faculty/seminar leaders for New Judge Education Programs, the Workgroup members determined that the current format is critical to the effective delivery of the content. Offering the program regionally would limit the statewide perspective that program participants are provided in the current format. The Workgroup

felt it was essential that a new judge gain an appreciation that he or she is joining the California Judicial Branch, the third branch of government, not solely the local bench.

The Workgroup found that only 5 percent of a new judge's time in the first two years is spent attending NJO, the College, and PAO. The one exception would be the few judges who attend multiple PAOs. New judge education is focused on preparing judicial officers for their career, moving from advocate to neutral judge. The seminar setting for both NJO and the College supports the learning and change from advocate to judge and encourages community building, mentoring, resource sharing, and identifying with their new role as judge.

Issue #2: Overlap of Content

CJER currently has a robust process that connects the education attorneys with the curriculum committees and Workgroups that oversee new judge education to continually identify possible content overlap and evaluate whether existing overlap is essential for emphasis or unintentional and could be eliminated from one program while covered in another. The education attorneys are the links between the groups planning the education each year and work together with their respective committees to continually refine the curriculum and courses to include as little overlap as possible while still meeting the need to emphasize and reinforce some content as identified by the committees and Workgroups.

Recommendations for B. E. Witkin Judicial College

Recommendation #1: The College program, as recently modified in 2011 and 2012, reflected reductions in both length and content and should continue as currently constituted. The Workgroup found that the current content and methods of delivery were the most effective and efficient way to provide this unique orientation and education for the new judicial officer.

Recommendation #2: The Workgroup recommended that the B. E. Witkin Judicial College Steering Committee explore the use of WebEx to connect seminar groups after the College had concluded as a way to answer questions and to see how the college has impacted their work back at the court. This would also be a way to gain feedback from the participants on the College after they have had a month or two to digest the learning and apply it.

Recommendation #3: B. E. Witkin Judicial College Steering Committee, with the assistance of CJER Education Attorneys, should continue to evaluate and refine the program to eliminate unnecessary overlap with NJO and PAOs.

The basis for the above recommendations is contained in the discussion below.

Issue #1: The Length of the College

Some Presiding Judges and College participants have voiced concerns about the length of the College. Some Presiding Judges expressed the difficulty in covering the courts presided over by College participants for a two-week period. Participants voiced concerns about the length of the College from the perspective of information overload, overlap with the Primary Overview Course and NJO, and the length of time away from home and families.

The concerns of the Presiding Judges are understandable. Regardless of the size of the court, coverage for a courtroom for two weeks is administratively difficult in the best of times and certainly more problematic in these times. With the addition of a primary assignment orientation requirement to the NJO and College requirement in the first two years, the additional administrative burdens might well be solved by shortening the College.

The Workgroup wanted to place the time away by a new judicial officer in perspective. The College, NJO, and PAO courses comprise at least 20 days of education in a new judicial officers' first two years after their oath. The Standards of Judicial Administration suggest that a judicial officer engage in at least 8 days of education each year. Thus, in a two-year period, that time is only lengthened by four days for the new judicial officer. When one looks at the conceivable number of days on the bench in a two-year period and deducts the 20 days for the two-year period, education of the newest members of the bench is 5 percent of their time.

The Workgroup discussed the following possible scenarios suggested by a small number of past college attendees and Presiding Judges:

Option #A: Shorten the College from 10 days to 8 days by scheduling classes that run from Saturday to Saturday.

- This would only compound and worsen past participants' concerns with the exhausting college course schedule that currently exists to give participants the weekend off; going straight through one or two weekends would add to this level of exhaustion, and thereby potentially reduce the learning for the participants.
- Past participants have expressed concern about being away from families for the two Monday to Friday weeks of the current schedule. Changing from two 5-day weeks to a solid 7- or 10-day schedule might be equally challenging for families.
- Holding the College over a Saturday or Sunday would conflict with the religious practices and observances of some of the judges, making it difficult or impossible for them to attend.

For these reasons, Option A was rejected.

Option #B: Instead of two consecutive weeks, separate the two weeks over the two-year period, so that the College curriculum is staggered. The Workgroup could not identify any

cost savings for this scenario, so from an economic standpoint, this option would only assist courts administratively, not fiscally.

- This option would dampen one of the stated goals of the College which is to begin building and reinforcing a community of statewide judges—interruption of this process might occur.
- Seminar groups (a highly rated part of the program) would only just be reaching the necessary levels of familiarity and trust that support learning and develop ongoing relationships at the end of the first week.
- Scheduling for return to "Part 2" by all attendees who attended a particular "Part 1" would be challenging. It would be preferred by most and be deemed essential to attend with your College Seminar group—but court calendars may not make that possible to accommodate. Changing to a different college group for Part 2 was not advisable in the estimation of the Workgroup.
- Continuity of faculty and seminar leaders on second week might be challenging.
- Presiding Judges of some courts told the Workgroup that two separate weeks would be more difficult for them to schedule around than two consecutive weeks.

For these reasons, Option B was rejected.

Option #C: In some fashion, shorten the College by one or two days.

- The Workgroup was advised that since 2011, the College had already been reduced by a number of hours equivalent to one day. (The College starts on Monday, rather than Sunday of the first week, and Monday afternoon of the second week, rather than Monday morning. This has eliminated costs associated with opening dinners, travel, and overnight accommodations.) The Steering Committee is reluctant to engage in further cuts, as that would impact the content of the course work.
- As a result of the modifications already in place, the Workgroup discussed this at length, including which day or days might be eliminated and how that would benefit the court. The Workgroup determined that the benefit of gaining one day for the court over keeping the content intact and maintaining the current schedule was not sufficient to recommend the change.
- The Steering Committee is continually looking for more time to cover even more content at the College. The Steering Committee has a waiting list of content suggestions that have been made to add to the College.

For these reasons, Option C was rejected.

Option #D: Shorten the College by moving some of the content online.

- This option highlights the difference between orientation versus education. The purpose of New Judge Education via NJO and the College is to offer information, surely, but it is also to offer ”art of judging” guidance by senior judicial officers and through group discussions in a safe-harbor environment. This atmosphere cannot be achieved through online education.
- Although the Workgroup places a high value on CJER’s online offerings, it was the consensus of the group that the College serves the dual purpose of educating and providing a community of interests and mentoring for new judges that must be delivered in a live, face-to-face environment even if this is at a higher cost.

For these reasons, Option D was rejected.

Issue #2: College Course Content: Duplication and Overlap

The College Steering Committee has been committed to eliminating duplication and overlap since instituting PAO courses. Currently, program Workgroups and CJER staff attorneys work to identify unintentional overlap and move that content to other delivery options.

The attention to unintentional overlap is given by all the education attorneys as part of their work with Workgroups and curriculum committees. Fine-tuning is a continual process. In past years, when overlap was identified, some family and juvenile content was eliminated from the College, but upon later review, family law content was added back in. Again, constant evaluation and modification by the College Steering Committee is ongoing in order to be responsive to the courts and individual new judges’ needs.

The Commission on Judicial Performance (CJP) has identified common ethical missteps by new judicial officers (within their first five years on the bench). The CJP findings prompted both the NJO Workgroup and the College Steering Committee to take a hard look at ethics content at both NJO and the College. The NJO Workgroup developed a new format for NJO based upon Judge Rothman’s “8 Pillars” model, integrating ethics content throughout the NJO program. Judge Rothman, who is both a member of the NJO Workgroup and serves as faculty for the ethics course at the College, also integrated the “8 Pillars” model in the College ethics course. Judge Rothman and members of the NJO Workgroup worked to identify unintentional overlap in NJO and College ethics content, while maintaining intentional overlap necessary to reinforce the core ethical concepts for new judges by repetition. Much of the education for a new judge only makes sense once he or she has a context. Simply stated, new judges don’t know what they don’t know. NJO functions as a type of ”issue spotting” educational experience. The College goes over important material already introduced, but as participants have more time on the bench, coverage of the ethics content at the College is wider in scope and deeper in exploration. Therefore, the best possible model of monitoring the overlap and knowing what is necessary for repetition is achieved.

Issue #3: Cost, Content, and Perception Issues

The Workgroup was asked to look at whether efforts were being made to adjust to cost, content, and perception issues that have arisen in the past four years.

As has been expressed throughout and deserves emphasis here, the College is continually being fine-tuned by the Steering Committee. This fine-tuning has resulted in the following changes:

1. The College has been shortened by 8 hours.
2. Some content has been eliminated and some returned, based upon review of the evaluations.
3. The Steering Committee eliminated the non-education content.
4. The College has essentially ”gone paperless” by moving reference materials online, limiting the amount of paper course materials to those actually signed up for the course, and thereby eliminating costly binders.
5. Fewer CJER staff are present onsite at the College.
6. Fewer formal dinners are included in the program to cut costs.
7. Most of the seminar leaders also serve as faculty for one or more courses in addition to leading their seminar groups, thereby serving “double-duty.”

One issue has been the recent site of the College at the Hayes Conference Center in San Jose. Previous colleges have been housed at the Clark Kerr Campus at UC Berkeley and the Holiday Inn in downtown San Francisco. Clark Kerr was primitive at best and generated multiple complaints: bugs, break-ins, mold, bunk-beds, and shared restrooms. Renovations performed in 2011 led Clark Kerr to raise its prices, rendering it more expensive than its hotel competitors, with fewer amenities. Holiday Inn conference rooms were in the basement, the hotel did not engender a campus atmosphere, and numerous safety complaints were made about the facility. Other sites that have bid on the Judicial College program have not had enough meeting rooms to accommodate the program’s needs.

State contracting guidelines mandate that the site that offers accommodations suitable for the program at the lowest bid must be selected. For the last several years, the only location that fits that description is the Hayes Conference Center. The Hayes Conference Center easily and comfortably accommodates all the program’s needs—providing sufficient meeting space, comfortable sleeping rooms, and a crime-free, safer environment. The problem has been that it is the site of the Hayes Mansion, a historical landmark, and the grounds are lush. This has led to the perception that despite its cost being bid at the same price as or lower than the other locales, the ”lushness” has been commented upon in the media as inappropriate for training in these hard economic times. The CJER Governing Committee was concerned about these perceptions, but did not wish to compromise the quality educational experience engendered by eliminating uncomfortable accommodations and inadequate teaching space found at the other locations previously housing the College.

As noted throughout this report—and relied upon by the Workgroup—comprehensive evaluations are made by the participants and the instructors to ensure that course content is accurate, delivered well, and delivered in a cost-effective fashion. There was also a survey conducted of past attendees who were 2, 3, and 4 years out from their college experience. Although the length of the College was a concern for a small number of respondents, the uncomfortable facilities provided by the Holiday Inn and Clark Kerr were a frequent source of negative feedback.

Issue #4: The Need for In-Person Training

The Workgroup was tasked with determining whether and why face-to-face instruction was necessary, and whether the College should be streamlined to include remote and/or distance learning through online courses, Webinars, and other mechanisms.

The Workgroup concluded that the small seminar groups were essential to the success of the College and the learning environment. Seminar groups cover content that is critical to the judge's job, but not covered formally elsewhere, *e.g.*, handling blanket papering by a party and stress management, managing staff appropriately with respect to the role of a judge, asking for help, and knowing where to go for help, just to name a few of these topics. These are essential for new judges, and not all are covered comprehensively in other statewide and local training. The design of the seminar groups and meetings is one that encourages dialogue among the judges—sharing experiences, asking questions, and taking advantage of the more experienced seminar leaders. Seminar groups are very learner centered, providing time to reflect and share. Nowhere else is an understanding of a judge's role as part of the third branch of government covered—this is the essence of the emphasis of orientation versus education.

Data from surveys of past College participants have demonstrated strong support for the seminar groups as integral to the education offered at the college and personally valuable as relationships are often formed that last for years. In the 2010 survey of past participants at the College, 70 percent responded in the positive to the seminar meetings they attended. One participant wrote: *"The group meetings were useful in two ways, first as an opportunity to get to know and interact with the group members and, second as an opportunity to gain insight from group members who had particular expertise in various areas."*

In short, the College is about learning, changing behavior, and avoiding potential missteps before they occur. To achieve these results, standard learning principles require live courses. A live classroom/group discussion setting is the most effective way to ease the transition from advocate to neutral judge. The quality and quantity of mentoring that is offered at New Judge Education programs could not occur in an online environment. A solid support system and lifetime friendships and professional relationships begin at NJO and the College. Because a judge cannot look to another organization or government entity to support him or her in their work, these relationships become foundational to his or her learning.

The Workgroup recommended that seminar groups be encouraged to use online resources to continue their discussions after the College; many already have reunions and keep in touch, as their experience together at the College was a bonding opportunity that transcended court district boundaries. The isolating nature of the judicial officer's job can lead to stress and missteps. The long-term support provided by tightly bonded seminar groups can help judicial officers offset their isolation.

Issue #5: Course Content in General

The issue is whether or not course content is relevant to today's judicial officer due to a judge's prior knowledge in a field, the specific assignment, and the existence of PAOs for subject matter education.

It is axiomatic that a knowledgeable judicial officer promotes public trust and confidence in the branch, and the public is best served. To that end, recent college content has been designed to build from one week to the other, from one program to another. These are not stand-alone education programs. They are designed to work together to cover the essential knowledge and skills a new judge needs to be effective on the bench.

The variety of courses has also become necessary for public trust in a judge as trying budget times make it more likely that a judge cannot be a specialist. Judges are now being asked more and more to be interdisciplinary, sitting on multiple assignments due to the challenging budget environment. Even a small amount of exposure to content for some areas increases confidence, and that is a benefit to the new judge and the Presiding Judge. This is especially true of small courts and is important when looking at the content to include in the College.

The Workgroup considered a suggestion regarding the plenary session: *"As to Judicial College—allow opt-out of specific classes in which judicial officer is already familiar and replace with assignment specific updates only."* This position ignores the fact that judges learn from different perspectives of their colleagues and faculty, not just their personal knowledge. Learning and applying knowledge as a judge is most likely different from that of a practitioner.

The Steering Committee's 2010 survey of judges who attended the College in years past demonstrated that after some time following the college, the necessity of plenary courses was understood and appreciated. Out of concern for this comment, the College Steering Committee started planning a new college schedule without using the past college schedule. This was done to see if, from a purely curriculum planning perspective, a different college program would emerge. Even starting from scratch, the Steering Committee still arrived at effectively the same content contained in the existing college schedule.

The SEC Report noted: "*With respect to judicial education, the Education Division is to be commended for its practice of surveying judicial officers to determine whether education course content has been taught in satisfactory fashion. This is one of several instances in which an AOC division makes a consistent effort to determine whether its end-use consumers are satisfied with its services."*

As discussed above, the College Steering Committee has relied heavily over the years on feedback from participants and has altered the College content accordingly.

Recommendations for Primary Assignment Orientation Courses

*Recommendation #1***:** For the PAOs for new judges, the Workgroup recommended that each course remain as currently designed and delivered for the time being. The Workgroup found that the current content and methods of delivery were the most effective and efficient way to provide this education.

Recommendation #2: The Workgroup recommended that PAO Workgroups and education attorneys continue to annually examine the possibility of moving some content to blended learning options without reducing the quality of the learning experience.

Recommendation #3: The Workgroup recommended that PAO faculty teams explore the possibility of designing separate orientation courses for experienced judges returning to an assignment or use blended learning (a combination of live, online, video, WebEx, etc.) for delivery of some of the content to that audience. The goal would be shorter PAOs for that audience and at less cost to the courts. The Workgroup did recognize that a separate orientation course already exists for experienced civil law judges returning to that assignment. The Workgroup also recognized that both these possibilities could result in increased costs and resource demands for CJER.

Recommendation #4: The Workgroup recommended that PAO Workgroups, with the assistance of CJER education attorneys, continue their current practice of evaluating and refining the programs to avoid unnecessary overlap with NJO and College curriculum, recognizing that some of the overlap is intentional and necessary to emphasize the importance of the content.

*Recommendation #5***:** The Workgroup recommended that CJER explore the possibility of moving a PAO to southern California.

The basis for the above recommendations is contained in the discussion below.

Issue #1: Live vs. distance delivery

The Workgroup discussed online or distance delivery of the content offered at the PAOs and concluded that a new judge needs the opportunity to work with experienced judges, learning from and with his/her colleagues.

Although many of CJER's online products support this education, it is important to note that although the online products are an effective way to introduce judges to new content, the live training is the most effective way to provide new judges a way to explore the content in detail—to safely ask questions, practice skills, and consider alternatives.

The Curriculum Committees for each substantive law area have discussed and come to the same conclusion: that PAOs for new judges need to be delivered live. These same committees identified additional content for distance delivery that expands the learning beyond the PAO.

Issue #2: Experienced Judges

The Workgroup recognizes that PAOs often have very experienced judges returning to an assignment, and they have different needs than a new judge. These judges may be served by online delivery of some or all of the content in a PAO.

One serious concern of the Workgroup was that if PAO content is offered online for experienced judges, those judges will not be able to find the time to complete the online learning. Live delivery provides an uninterrupted time and space for education and focuses the learners on the content and applying the learning.

Issue #3: Content Overlap

The Workgroup found that a comprehensive review of content for PAOs for potential overlap of content with the College was done by the PAO Workgroups with the assistance of CJER staff. Some content was only touched on in the PAO and then covered in greater depth at the College. Some content has been flagged by a Workgroup and faculty as necessary to repeat in an effort to emphasize the significance of the content. Overlap between NJO and the College in the areas of ethics and fairness particularly is intentional and necessary.

Issue #4: Moving one or more PAO programs to southern California

This recommendation might result in a reduction in both travel costs for the courts and in the time away from the bench. The Workgroup did recognize that this would increase the cost for CJER to support the program. The cost-effectiveness for this change would need to be analyzed against the possible loss of a statewide opportunity for judges to meet and learn in a community setting and the total savings, if any. It is anticipated that judges from the north could attend a PAO in southern California, but more likely that judges from the north would attend in San Francisco and judges in the south would attend in Southern California to save time and money for hotels and travel.

Closing

Despite the identical language, literature, tools, and tactics deployed by lawyers, the transition between lawyer and judicial officer is not easy: although lawyers and judges

speak the same language and use the same legal principles, they deploy them in a way that was merely observed and not practiced. Leaving the world of advocacy to enter the world of objectivity after a 30-second oath is not easy; there is definitely a great deal at stake in this transition process. Regardless of where a judge practices his other judicial skills—Northern, Central, or Southern California, small judicial district or a large one, from one with high crime, high economies, or rural concerns—all are tasked with making decisions that directly impact people's lives. Should this tenant be evicted? Should this defendant spend 30 days or 30 years in a jail cell? Where should a child grow up—in foster care? In the care of one parent over the other when you've had less than 5 minutes to size up the warring parents? Will this small claims case, with only one side who can appeal, even though a small amount, impact the small business owner in front of you? Do we issue that injunction to change the course of a corporation's life, the lives of its employees, and the lives of its customers?

California's New Judge Education programs are designed to address the dichotomy that exists between lawyering and judging. New judge education is critical to sustaining the credibility of our branch of government and to making sure that we are mindful of our roles as judges, mindful of the rule of law, and that our decisions are reasoned and carried out with both compassion and objectivity. These programs provide the opportunity for new judges to engage meaningfully and over time with their peers and experienced judges to ensure that they successfully make the transition from advocate to judge. The Workgroup that reviewed these programs made their recommendations based on this understanding and what will ultimately best serve the people of California.

H. List of Documents Reviewed by the Workgroup

1. Overview of revised New Judge Education curriculum as provided by Judge David Rothman
2. Outline of revised New Judge Orientation curriculum
3. Overlap between Criminal Law Orientation and B. E. Witkin Judicial College
4. Commission for Judicial Performance letter to Diane Cowdrey dated September 14, 2010 (attached)
5. CJER curriculum development process overview (attached)
6. Delivery methods matrix (attached)
7. 2012 B. E. Witkin Judicial College course schedule and course descriptions
8. Evaluations for:
    - 2008, 2009, 2011 Colleges
    - 2010 Survey of Past College Attendees
    - 2012 Primary Assignment Orientations (PAO)
    - 2011–2012 New Judge Orientation
9. Course Outlines/Table of Contents for Primary Assignment Orientations
    - Civil Law Basic Orientation
    - Criminal Law Orientation
    - Experienced Civil Law Orientation
    - Family Law Orientation
    - Family Law Teaching Grid With Time Allocations
    - Juvenile Delinquency Orientation
    - Juvenile Delinquency Grid With Time Allocations
    - Juvenile Dependency Orientation
    - Juvenile Dependency Grid With Time Allocations
    - Limited Civil Law Orientation
    - Traffic Orientation
    - Probate Law Orientation
10. Curriculum Plan Table of Contents for:
    - Civil Law Curriculum
    - Criminal Law Curriculum
    - Family Law Curriculum
    - Juvenile Delinquency Law Curriculum
    - Juvenile Dependency Law Curriculum
    - New Judge Education Law Curriculum
    - Revised NJO Curriculum With Time Allocation

I. LETTER FROM JUDGE DAVID ROTHMAN DATED JULY 22, 2012

July 22, 2012

To
The Honorable Tani Cantil-Sakauyue
Chief Justice of California
and the Judicial Council of California

From
David M. Rothman
1729 Madera Street
Berkeley, CA 94707

Regarding: The Strategic Evaluation Committee Report, Item SP 12-05
Comment on Section-7 – Education Division and Judicial Education

Dear Chief Justice and Members of the Judicial Council:

Thank you for the opportunity to address the Report of the Strategic Evaluation Committee (SEC). I would like to give my views on certain portions of the part of the Report that deal with judicial education aspects of the section regarding the Education Division of the Administrative Office of the Courts (AOC). I will not be commenting on any other parts of the Report.

The present budget crises in our state combined with certain findings in the SEC Report raise concerns for the future of the one of the oldest and highly regarded judicial education programs in the United States, with consequential harm to the quality of our judiciary and the people of this state.

General comment on "Cost Benefit Analysis"

The Education section of the SEC Report contains a number of evaluations based on a "cost-benefit" conclusion in regard to judicial education programs. The Report, however, does not contain an explanation of the standards by for making such cost-benefit conclusions.

What all judicial officers (whom I will call judges here) do, the art of judging, and the fundamental mission of the central principle of of being a judge (assuring the honesty and integrity of the process of decision making and the decisions they make, including the courage to do what it right), is something that judges learn through experience, education programs and by constantly seeking to gain self-awareness. I do not believe that the value of any of this is measurable by examining the "cost-benefit" of the educational components of such efforts. Judges are not little businesses that produce products. They are guardians of our Constitutions, the Rule of Law, our system of justice, and our liberty.

Local judicial education programs as a substitute for the statewide model

The Report suggests that education programs in large courts may be a substitute of some of CJER's programs that require judges from around the state to attend, such as new judge education programs and new assignment programs. (Pp. 107-108)

Obviously reliance on a variety of sources for judicial education in addition to CJER is beneficial to judges, including self study, programs provided by legal education providers, local court programs, and California Judges Association education programs. All are important in assuring that judges are well trained, fulfilling their obligations under the Code of Judicial Ethics to establish, maintain and enforce "high standards of conduct," and "maintain professional competence in the law. " (See Canons 1, 2A, and 3B(2)) None, however, are a substitute for CJER's core programs.

Over the last half century the judicial institution, first through the California Judges Association and shortly thereafter through the Judicial Council, assumed the duty of assuring that all judges in California have a common understanding of what it means to be a judge. Over the years we have come to accept that there are not 58 legal systems in California administering a "law unto themselves," but a single rule of law with highest standards and best practices accepted throughout the state that assure the rule of law.

The suggestion in the Report that large local courts may be able to undertake some of what CJER does poses the potential of undermining the achievements of judicial education of the past 50 years and eliminating important values for judicial education of these programs.

For example, the Report's conclusion based on "cost-benefit considerations" in reviewing this subject ignores the value of live, in person, programs where judges from around the state meet and study together. The personal connections and discussions among judges from courts all over the state, large and small, rural and urban, north and south, are a critical element of CJER's judicial education program. In every program I have taught the participant judges from diverse backgrounds and courts share their knowledge, problem solving, perceptions and ideas. Almost invariably we realize that everyone (including faculty) learns as much from one another as they do from the faculty. This and many other benefits of meetings among judges from diverse courts should not be rejected because one has difficulty placing a value on what is learned.

One must also be concerned that the focus of local court education may tend to subjects and content that are perceived by court managers as "useful", "practical," "bread and butter," and aimed at the efficient functioning of the local court, rather than those subjects that focus on the basic premises of what it means to be a judge and judging.

New judge education

The Committee's Report contains reference to the concerns of "many judicial officers and courts" about having new judges away from their courts for the one week for New Judge Orientation and two weeks for the Judicial College. (Report p. 107) There is also concern expressed in regard to education required for a judge's new assignment.

In my 34 years of CJER teaching (as well as my years in managing the West District of the Los Angeles Superior Court) this concern is regularly voiced. It is understandable that a court might not want to suffer the loss of a new judge for so long. Even so, I am convinced by my experience that most judges and presiding judges in California who have this concern know that, in the long run, the loss of three or four weeks of education is inconsequential when weighed against the value to the system of justice of providing comprehensive judicial education to new judges.

It is, of course, never inappropriate to reexamine and improve what the Judicial College and NJO are doing. These are core institutions of California's judiciary and their curriculum and management are of great importance to the people of this state, our judges and the Judicial Council. In addition CJER's management and structure should also be studied and improved. But proposals for actions that could result in undoing the Judicial College and NJO should be declined.

Finally, we need to be mindful that judicial education is an essential component of judicial accountability. Adequate judicial education helps insure that the conduct of judges meets the highest standards, and that a judge cannot credibly claim that the judge did not know his or her ethical responsibilities. The stakes are high when the quality of the judicial education institutions is compromised.

Attorneys in CJER

Recommendation No. 7-20 the Committee Report contains the conclusion that "education specialist positions are staffed by attorneys, a staffing practice that appears unnecessary. " This conclusion seems to rest on the idea that what attorney educators do can be done by non-attorney staff members at less cost. I believe this conclusion is wrong.

It is true that attorneys cost more. It is not true that they are "unnecessary" in the role of managing and planning education programs and publications. CJER's first and most critical job is the planning and administering programs for education of judges, and these programs must include careful quality control by a staff that includes lawyers. The judicial education curriculum is fundamentally about legal issues (the constitution, statutes, rules, case law, procedures, the Code of Judicial Ethics, and so on) from the point of view of a judge. Eliminating lawyers from

education staff at CJER to save money would leave the judge-lecturer without the back-up necessary to prepare and deliver reliable content.

Final note

There is no question that much can be done to improve the accountability and functioning of AOC as well as judicial education in California. Building trust among judges and the public by objective appropriate analysis and constructive change, although hard, painful and difficult, is always necessary, appropriate and doable. It will take work, understanding and patience (three essential qualities of being a judge). We need to remind ourselves of Coach John Wooden's advice: "Be quick, but don't hurry."

Sincerely yours,

David M. Rothman
Retired Judge of the Los Angeles Superior Court
CJER Faculty member B. E. Witkin California Judicial College (1981 to present), and
New Judge Orientation (1978 to present)
Author of the *California Judicial Conduct Handbook*

J. Letter from Victoria B. Henley to Dr. Diane Cowdrey

State of California
Commission on Judicial Performance
455 Golden Gate Avenue, Suite 14400
San Francisco, CA 94102-3660
(415) 557-1200
FAX (415) 557-1266
Web Site: http://cjp.ca.gov

September 14, 2011

Diane Cowdrey, Director
Education Division
Administrative Office of the Courts
455 Golden Gate Avenue, 6th Floor
San Francisco, California 94102

Dear Ms. Cowdrey:

This letter is at the request of the Commission on Judicial Performance to convey the members' concerns over an apparent increase in investigations involving new judges and the possible need for more intensive ethics education for new judges.

At the commission's last meeting, almost thirty percent of the matters considered by the commission in which there was a pending investigation or in which an investigation was opened involved judges with three or fewer years of experience on the bench. This seems disproportionately high for judges with that level of experience since the mean judicial experience for all California judges was 10.8 years as of 2009. The most common type of allegation was abuse of authority, followed by demeanor, bias and failure to ensure rights.

Approximately one year ago, the commission noticed a similar spike in the number of investigations involving new judges. I was authorized to contact David Rothman because of the potential significance of this information in planning New Judge Orientation.

The commission hopes that the proper training of new judges – including ethics training – will remain a priority for the Education Division/CJER.

Very truly yours,

Victoria B. Henley
Director-Chief Counsel

cc: Chief Justice Tani Cantil-Sakauye
Acting Director Ronald Overholt
Hon. David Rothman (Retired)

K. Additional Education Resources for New Judges Provided by CJER

Publications and Online Courses

In 1965, Government Code §§68551 and 68552 were enacted. Section 68551 authorized the Judicial Council to conduct institutes and seminars for the judiciary. Section 68552 authorized the Judicial Council to publish and distribute "manuals, guides, checklists, and other materials designed to assist the judiciary." With this statutory background and authorization, the California Center for Judicial Education and Research (CJER) was formed as a result of an agreement between the California Judges' Association (CJA) and the Judicial Council in 1973 to eliminate duplications of effort.

From the beginning, a significant part of CJER was producing publications for judicial officers that was based on the statutory authorization and the vision of CJER founders. The publishing effort took shape when CJER took responsibility for publishing the College Notebooks. These publications, originally written by judges who taught at the Judicial College, evolved through the years into the present offering of 62 different publications covering criminal, civil, small claims, domestic violence, probate and conservatorships, landlord-tenant, juvenile dependency and delinquency, traffic, and family law.

CJER has produced and now updates 56 publications ranging in size from benchguides of 120 pages or less to volumes of benchbooks between 600 and 900 pages (see list of CJER publications on pages 36–37).

This evolution did not happen in a vacuum. Throughout the process, CJER has had volunteer judges, either on the Benchguide Planning Committee, reviewing each individual publication, or more recently on the curriculum planning committees, providing judicial guidance and input. That judicial input provides a practical approach to the analytic text now written by CJER staff attorneys. Most of the publications include practical judicial tips suggested by reviewers through the years.

This evolution has continued as the publications became the basis of many of the online courses that have been developed specifically for self-study for judges and SJOs. Online courses are available in Juvenile Dependency and Delinquency, Criminal, Family Law, Small Claims, Traffic, and Landlord-Tenant. For the past eight years, CJER has produced and updated more than 20 online courses that provide education credits between 1 and 3.5 hours each. These courses, like the publications, are updated regularly and provide training on an as-needed basis.

The quality of the publications and online courses is demonstrated by the fact that the faculty for the new judge programs, including New Judge Orientation, the Judicial College, and the Primary Assignment Orientation courses, not only recommend CJER publications to the participants in the classes they teach, but use them as course reference materials as well, and refer to them repeatedly throughout the programs. Faculty for the Family Law

Orientation and the Juvenile Delinquency Orientation courses ask that participants in those courses review the videos and online courses in those areas before coming to class. And while new judges await the Orientation course offerings, they are encouraged to review the publications and online courses in their assignment areas.

Experienced judges and subordinate judicial officers also find the publications and online courses invaluable as both reference material as well as self-study material. They provide a quick resource that experienced judges use to research areas that are new to them or to make sure they are up to speed on new developments in an area with which they are already familiar.

Numerous published decisions refer to and recommend CJER publications to trial court judges, both as excellent resources and as tools to be used to avoid error. For example, the court recommended CJER publications to trial judges and referenced them as excellent legal resources in *Koehler v. Superior Court* (2010) 181 Cal. App. 4th 1153, 1158, citing CJER's Courtroom Control Benchguide, and in *Fasuyi v. Permatex, Inc.* (2008) 167 Cal. App. 4th 681, 691, citing CJER's Civil Benchbook, *California Judges Benchbooks: Civil Proceedings—Before Trial*.

In its decision in *In re I. G.* (1st Dist. 2005) 133 Cal. App. 4th 1246, 1254–1255, the court lauded the benefits of CJER's judicial education offerings (including publications), saying: "The sheer volume of cases demonstrating noncompliance with ICWA provides reason enough for supervising juvenile court judges throughout this state to take immediate steps to ensure that all judicial officers under their supervision avail themselves of these educational opportunities [offered by CJER]."

In its opinions in *People v. Hinton* (3rd Dist. 2004) 121 Cal. App. 4th 655, 661–662, and *People v. Norman* (3rd Dist. 2007) 157 Cal. App. 4th 460, 467, the court of appeal specifically cited CJER's publication *CJER Mandatory Criminal Jury Instructions Handbook* as tools to be used to avoid error. Even the California Supreme Court has chastened the lower court for not utilizing CJER's plethora of publications to avoid error. See *People v. Heard* (2003) 31 Cal. 4th 946, 966, which cited CJER's Death Penalty Benchguides on Pretrial and Guilt Phase, Penalty Phase and Posttrial, and Bench Handbook on Jury Management.

Serranus: New Judge Toolkit includes the following online tools and/or resources for new judges:

Welcome to the Judicial Branch

Introduction to the California Judicial Branch (video)

Ethics Guide for New Judges, Before You Take the Oath of Judicial Office
(By Judges for Judges Article, 2011)

An Ethics Guide for Judges & Their Families
(Adapted and reprinted with permission by American Judicature Society, 2003)

Procedural Fairness in California (May 2011)

Courtroom Control

Courtroom Control: Contempt and Sanctions (Benchguide 3)

Contempt (Ten-Minute Mentor)

Courtroom Control (online course)

How to Run a Busy Calendar (online course)

Ethics and Fairness

Fairness and Access (Bench Handbook)

Ethics Guide for New Judges, Before You Take the Oath of Judicial Office
(By Judges For Judges Article, 2011)

An Ethics Guide for Judges & Their Families
(Adapted and reprinted with permission by American Judicature Society, 2007)

Handling a Request for Disability Accommodation (Ten-Minute Mentor)

Procedural Fairness in California (May 2011)

Self-Represented Litigants

Handling Cases Involving Self-Represented Litigants (Bench Handbook)

Communicating With Self-Represented Litigants (online course)

Self-Represented Litigants: Special Challenges (online course)

See also Self-Represented Litigants in Ethics & Fairness Toolkit

Evidence and Hearings

Disqualification of Judge (Benchguide 2)

The Basics of Disqualification of Judges (Interactive Judicial Article Quiz)

Is It Hearsay? (online course)

Trial Evidence: Handling Common Objections (online course)

Working With Spoken Language Interpreters—The Basics (Ten-Minute Mentor)

Additionally, materials from New Judge Education programs are available in the toolkits.

CJER Publications for Judicial Officers include:

CJER Publications • Bench Handbook: The Child Victim Witness (2009) • Bench Handbook: Fairness and Access (2010) • Bench Handbook: The Indian Child Welfare Act (2013)	• Bench Handbook: Jury Management (2011) • Bench Handbook: Judges Guide to ADR (2008) • Bench Handbook: Managing Gang-Related Cases (2008)
• Disqualification of Judge (Benchguide 2) (rev. 4/10) • Courtroom Control: Contempt and Sanctions (Benchguide 3) (rev. 4/10) • Injunctions Prohibiting Civil Harassment and Workplace/Postsecondary School Violence (Benchguide 20) (rev. 3/12) • Landlord-Tenant Litigation: Unlawful Detainer (Benchguide 31) (rev. 1/13) • Small Claims Court (Benchguide 34) (rev. 1/13) • Misdemeanor Arraignment (Benchguide 52) (rev. 9/12) • Right to Counsel Issues (Benchguide 54) (rev. 10/12) • Bail and OR Release (Benchguide 55) (rev. 1/13) • Motions To Suppress and Related Motions: Checklists (Benchguide 58) (rev. 3/11) • Deferred Entry of Judgment/Diversion (Benchguide 62) (rev. 3/11) • Competence To Stand Trial (Benchguide 63) (rev. 2/10) • Sentencing Guidelines for Common Misdemeanors and Infractions (Benchguide 74) (rev. 1/13) • Misdemeanor Sentencing (Benchguide 75) (rev. 7/12) • DUI Proceedings (Benchguide 81) (rev. 2/13) • Traffic Court Proceedings (Benchguide 82) (rev.1/13) • Restitution (Benchguide 83) (rev. 2/13) • Probation Revocation (Benchguide 84) (rev. 8/11) • Felony Arraignment and Pleas (Benchguide 91) (r***e***v. 9/08) • Preliminary Hearings (Benchguide 92) (rev. 5/12) • Death Penalty Benchguide: Pretrial and Guilt Phase (Benchguide 98) (rev. 6/11) • Death Penalty Benchguide: Penalty Phase and Posttrial (Benchguide 99) (rev. 6/11)	• Juvenile Dependency Initial or Detention Hearing (Benchguide 100) (rev. 5/11) • Juvenile Dependency Jurisdiction Hearing (Benchguide 101) (rev. 5/11) • Juvenile Dependency Disposition Hearing (Benchguide 102) (rev. 6/11) • Juvenile Dependency Review Hearings (Benchguide 103) (rev. 8/11) • Juvenile Dependency Selection and Implementation Hearing (Benchguide 104) (rev. 6/11) • Juvenile Delinquency Initial or Detention Hearing (Benchguide 116) (rev. 2/11) • Juvenile Delinquency Fitness Hearing (Benchguide 117) (rev. 2/11) • Juvenile Delinquency Jurisdiction Hearing (Benchguide 118) (rev. 2/11) • Juvenile Delinquency Disposition Hearing (Benchguide 119) (rev. 2/11) • LPS Proceedings (Benchguide 120) (rev. 3/10) • Adoptions (Benchguide 130) (rev. 8/09) • Custody and Visitation (Benchguide 200) (rev. 10/12) • Child and Spousal Support (Benchguide 201) (rev. 10/12) • Property Characterization and Division (Benchguide 202) (rev. 5/10) • AB 1058 Child Support Proceedings: Establishing Support (Benchguide 203) (rev. 9/12) • AB 1058 Child Support Proceedings: Enforcing Support (Benchguide 204) (rev. 9/12) • Conservatorship: Appointment and Powers of Conservator (Benchguide 300) (rev. 5/10) • Conservatorship Proceedings (Benchguide 301) (3/10) • Probate Administration (Benchguide 302) (12/10)
	• On-Call Duty Binder (2013)

California Judges Benchbooks: Civil Proceedings Discovery, 2d ed 2012 & Update Before Trial, 2d ed 2008 & Update Trial, 2d ed 2010 & Update After Trial, 1998 & Update	❑ Small Claims Court and Consumer Law (2012 ed) ❑ California Judges Benchbook: Domestic Violence Cases in Criminal Court (2013 ed) ❑ California Judges Benchbook: Search and Seizure (2nd ed) & Update ❑ Mandatory Criminal Jury Instructions Handbook (2013 ed) ❑ 2013 Felony Sentencing Handbook

Online Courses

Civil

- ADA in State Court
- California Unlawful Detainer Proceedings
- Civil Trial Evidence
- Communicating With Self-Represented Litigants
- Courtroom Control
- How to Run a Busy Calendar
- Is It Hearsay?
- Jury Challenges
- Punitive Damages
- Relevance and Its Limits
- Self-Represented Litigants: Special Challenges
- Small Claims Court: Procedures and Practices
- Small Claims Court: Consumer and Substantive Laws
- Trial Evidence: Handling Common Objections
- Unlawful Detainer
- You Be The Judge—Hearsay and Its Exceptions

Family

- Calendar Management in Family Court
- Communicating With Self-Represented Litigants
- Custody and Visitation
- Custody & Visitation Primer for Judges and Other Bench Officers in California
  Determining Income
- Child and Spousal Support
- Characterizing Property
- Dividing Property
- How to Run a Busy Calendar
- ICWA Inquiry and Notice
- Self-Represented Litigants: Special Challenges

Judicial Ethics

- Communicating With Self-Represented Litigants
- Courtroom Control
- Judicial Ethics for Temporary Judges
- Real World Judicial Ethics I
- Real World Judicial Ethics II: War Stories
- Real World Judicial Ethics III: A Day in the Life
- Self-Represented Litigants: Special Challenges

Criminal

- Arraignments Primer
- Bail and Own-Recognizance Release Procedures Primer
- Common Pretrial Motions in a Criminal Calendar Primer
- Communicating With Self-Represented Litigants
- Courtroom Control
- Criminal Discovery Motions Primer
- How to Run a Busy Calendar
- Is It Hearsay?
- Jury Challenges
- Preliminary Hearing (Px) Primer
- Proposition 36
- Relevance and Its Limits
- Self-Represented Litigants: Special Challenges
- Traffic Cases
- Trial Evidence: Handling Common Objections
- You Be The Judge–Hearsay and Its Exceptions

Judicial Ethics

- Communicating With Self-Represented Litigants
- Courtroom Control
- Judicial Ethics for Temporary Judges
- Real World Judicial Ethics I
- Real World Judicial Ethics II: War Stories
- Real World Judicial Ethics III: A Day in the Life
- Self-Represented Litigants: Special Challenges

Domestic Violence

- Communicating With Self-Represented Litigants
- Domestic Violence Restraining Orders
- Restraining Orders Against Harassment, Abuse, or Violence
- Self-Represented Litigants: Special Challenges

L. CURRICULUM-BASED PLANNING FOR JUDICIAL BRANCH

In early 2000, members of the Governing Committee for the Center for Judicial Education and Research asked staff and members of its numerous Education Committees to design, develop, and implement curriculum-based planning for their respective target audiences. Curriculum-based planning is a process that ensures comprehensive, relevant education is available for individuals throughout their careers and/or assignments. Staff and members of the various Education Committees began a four-year initiative that resulted in curricula for judges and court personnel that include entry, experienced, and advanced levels of content.

In the development of the curriculum work, the processes used and the products envisioned were based on numerous goals, including:

- Providing relevant content to individuals at all levels of their careers.
- Ensuring consistency of content over time, from venue to venue, and from faculty member to faculty member.
- Providing guidance to faculty without inhibiting/stifling their creativity.
- Ensuring that the curriculum work can be used regardless of the course length and delivery mechanism.
- Making the content relevant to the reality of performance of the job.
- Ensuring that the curriculum work is flexible and can be used in a variety of situations by a variety of individuals.

The Three Phases of Curriculum Work

Phase I is a basic assessment of the work of individuals in a particular target audience. Developed by Education Committee members and CJER staff, the Phase I document includes:

- The tasks, skills and abilities, beliefs and values, and associated knowledge and information for the target audience.
- Reflects a grouping of data into areas of similarity for ease of reference and to provide a basic framework for educational content.
- Provides faculty with important basic information not stated in other documents.
- Should always be used in conjunction with Phase II information to develop Phase III.

Phase II is a series of educational designs based on the Phase I work. Developed by Education Committee members and CJER staff, Phase II designs:

- May collapse or expand the original groupings from the Phase I work.
- Are created for entry, experienced, and advanced level learners in the specific content area. [An experienced judge who is entering a criminal assignment would be at the entry level for the criminal curriculum work.]

- Serve as the basis for faculty to create a delivery plan or lesson plan. [The delivery or lesson plan will be influenced by the amount of time available and the delivery mechanism, but will always be based on the Phase II work.]
- Assume that faculty has expertise in the content area.
- Serve as a basic guide that can be expanded upon by faculty based on a variety of factors.
- Include learning objectives, associated content, teaching methods, and learner activities, etc.

Phase III is a series of delivery plans or lesson plans. These plans may differ in look and feel, depending on a variety of factors. The Phase III plans:

- Are the creations of individual faculty
- Reflect the individual expertise of faculty
- Reflect further detail regarding specific content areas
- Are also influenced by faculty review of the Phase I work, which deals with the reality of the work for the target audience
- Are the product of the time available and the delivery mechanism
- May be broader than the Phase I and II work, but should be based on them
- Use at least the first several learning objectives from the Phase II work
- May combine objectives and content from several Phase II designs, if appropriate, depending on a variety of factors

Use of Phase I and Phase II to Develop Phase III

Workgroup members identify:

- Target audience
- Content area/appropriate level of content (entry, experienced, advanced)
- Time available/delivery mechanism (hours or days/live, broadcast, online)
- Potential faculty member(s)

Faculty collaborate with Education Attorneys and Workgroup members to:

- State a goal for the course (what the faculty member hopes to accomplish; information that may be used to promote the course)
- Finalize learning objectives
- Select content based on learning objectives
- Outline the course (the order and timing for various segments)
- Select teaching methods for various components of the course (lecture, panel discussion or debate, demonstration)
- Determine/design teaching aids (PowerPoint, videos, case studies, etc.)
- Design handout materials
- Determine approaches to evaluate participant learning

M. Education Delivery Options

Face-to-Face Education—Courses are designed and delivered to encourage participants to interact with the content, and share experiences, expertise, challenges, concerns, and successes. This format is especially effective when interaction and immediate feedback are important.

Statewide: Opportunity to work with participants from across the state and learn from their varied experience. This delivery option is the most costly form of education per participant.

Regional: Focused on a tighter geographical area/content that can be covered in a 1-day format.

Local: Content delivered by courts internally in partnership with CJER.

Online Video—Video for content that can be developed in short segments designed for focused and/or "just-in-time" learning. **(24/7)**

Lecture Series—Discrete topics delivered in primarily lecture format by one or more subject matter experts that last 30 minutes to 1 hour.

10-Minute Mentor—This series consists of short topic videos presented by judicial officers who are experts in the areas they discuss.

Video Simulation Series—A series of short videos demonstrating techniques that participants can use to increase efficiency and effectiveness.

Broadcast—Scheduled courses developed for delivery through the statewide satellite broadcast system and focused on specific audiences.

Live Broadcast—Content selected may be either lecture-/information-based (short format) or skills-based (1–2 hour format).

Individual & Facilitated Locally—Courses are repurposed for online desktop viewing and/or viewed by a group in a face-to-face course facilitated locally from DVD.

Self-Paced Online—Education that is designed for online delivery. These courses represent a range of complexity and interactivity. Content is generally stable, with limited updating requirements. Additionally, online courses provide judicial branch audiences with a convenient reference for related statutes, rules, and forms. **(24/7)**

Publications—Benchguides, Bench Handbooks, Benchbooks, and Job Aids are resources written and updated by staff with review by Workgroups. These are available in hard and/or soft copy online. **(24/7)**

Videoconference Training—Videoconferencing is linking two or more locations (up to 8) by two-way video, allowing participants to communicate with each other and faculty during the course. Best designed for small numbers in multiple locations and short formats (1–2 hours). Currently only available at the Appellate Courts and the AOC Regional Offices.

Webinars—Short for Web-based seminar. These are courses transmitted over the Internet, consisting of a shared group environment online that includes live audio and video communication with an audience that is in a remote location from the faculty. Webinars may include video, PPT, chat capability with faculty, faculty feedback, and polling for audience participation (*i.e.*, WebEx).

Each of these delivery options can be part of a blended learning plan. For example, a face-to-face course might require participants to complete an online course before attending the course, or a Webinar might follow a studio video as a way to expand the learning.

EXCERPT FROM
ASSIGNED JUDGES PROGRAM
SUMMARY OF ASSIGNMENT POLICIES AND PROTOCOLS
(Revised July 2012)

I. Assignment Distribution Policy

General Policy Statement for Fiscal Year 2012–13
Staff will provide an initial estimate of the number of days of judicial assignment that will be made available to each individual court by the Chief Justice early in the fiscal year. The estimate will be based on the actual FY 12-13 budget for the Assigned Judges Program and on a distribution formula that accounts for each court's profile and is weighted most heavily to the judicial need in each court. The estimate is a tool for planning purposes and does not represent a fixed allocation. Adjustments to individual courts will be made as necessary over the course of the fiscal year based on the available budget and each court's individual needs.

The distribution estimate includes assigned judge coverage for all of the following:

- **Criminal, civil, juvenile, family or probate OVERLOAD (for eligible courts);**
- **DISQUALIFICATION MATTERS: For cause challenges and self-recusal matters under CCP 170.1 and 170.3, CCP 170.3 (c)(5) answer to motion to disqualify, 170.6 peremptory challenge, 170.8 no judge available**
- **VACATION;**
- **APPELLATE BACKFILL;**
- **MEDICAL and MILITARY LEAVE;**
- **JUDICIAL COUNCIL, COMMITTEE, EDUCATIONAL BACKFILL,**[1] **APPELLATE REMAND, CJP SPECIAL MASTERS COVERAGE; and**
- **APPELLATE LABOR CASE**

(Please note: Medical; military; council and committee coverage; educational, both faculty and student coverage if attending an approved educational provider; appellate remand; and CJP special master coverage are all considered under the category of TRIAL COURT BACKFILL.)

The following categories will be separately tracked by line-item:

- **VACANCY**[2]
- **SJO VACANCY**

[1] This includes assignment coverage for those judges acting as faculty for a CJER event and those judges who are attending an event sponsored by an approved provider.
[2] This currently includes a full-month of coverage and includes coverage for newly appointed judges attending the Judicial College, new Primary Case Assignment and New Judge Orientation.

Information on Judicial Council Directives

Council Directive **81**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-20(b), taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation **7-20**

The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(b) There are in excess of a dozen attorney positions in the Education Division in units such as Design and Consulting, and Publications and Resources, in addition to the Judicial Education unit. All attorney position allocations should be reviewed with a goal of reducing their numbers and/or reallocating them to non-attorney

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager

TASK

[x] **PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

- On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.
- In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.
- In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.
- In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.
- In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.
- In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across

Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.

- In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one‐on‐one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.
- In July 2014, the Executive Office held all‐staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.
- In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.
- In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.
- In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.
- All‐staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the reconsideration process.

In March 2015, staff received their new classifications. Approximately 244 requests for reconsiderations were submitted in April 2015. Following this effort, the Executive Office will review reconsideration requests with support from Human Resources, Legal Services, and Fox Lawson and Associates, as appropriate. After all requests are reviewed, final decisions made by the Administrative Director will be communicated to office leadership to be shared with individual employees.

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **82**

E&P recommends that the Judicial Council support SEC Recommendation 7-20(c) with no further action, as the positions and activities related to the Court Case Management System in the Education Division have been eliminated, through the AOC's initiatives to reduce costs and downsize its workforce and operations.

SEC Recommendation **7-20**

The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(c) The Court Case Management System training unit and any other positions engaged in CCMS-related activities should be eliminated in light of the Judicial Council's decision to cancel the full deployment of the CCMS system.

Reported By:	Center for Judiciary Education and Research
Contact:	Dr. Diane Cowdrey, Director

TASK

	PENDING
x	COMPLETED: **Efforts to assist in the CCMS deployment training for three early adopter courts were halted after the March 27 Judicial Council decision to suspend deployment of CCMS and the CJER staff were reassigned back to their original departments and resumed their full workload assignments**.

Efforts to assist in the CCMS deployment training for three early adopter courts were halted after the March 27 Judicial Council decision to suspend deployment of CCMS and the CJER staff were reassigned back to their original departments and resumed their full workload assignments.

As background, in March, 2011, the PMO asked CJER to assist in the CCMS deployment training efforts for three early adopter courts. CJER did not acquire additional funding or personnel to assist in these initial efforts which lasted approximately one year. The division reallocated personnel to accommodate the project needs. These personnel continued to perform other assigned duties while working on the CCMS project and some of their current work was reassigned while other work was temporarily suspended. Other positions within the division were utilized on an ad hoc basis to assist with the project as needed.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

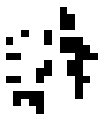
x	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED		UNABLE TO IMPLEMENT
	IMPLEMENTED AND ONGOING		PENDING IMPLEMENTATION
	IMPLEMENTED BUT IN PROGRESS		

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- Memo: Education Division's Role in CCMS Training, from Diane Cowdrey to Ronald G. Overholt and Mark A. Moore, April 15, 2011
- Memo: Final Report on CCMS Deployment, from Diane Cowdrey to Curt Soderlund and Mark Dusman, July 20, 2012



As the project continues to evolve, the role and activities of the Education Division will be modified as necessary to ensure that the training needs are met at every stage of deployment and into steady state, and that the training efforts align with overall deployment schedules for the early adopter courts.

Education Division Activities and Tasks in CCMS Deployment Training

The following outlines the broad services and tasks that the Education Division can accomplish and which will contribute to the success of the early adopter CCMS deployment. A more detailed list of each of the Phases, and all activities contemplated within each phase is attached. As we engage with the overall deployment effort, some or many of these tasks may already be completed or for other reasons may not need to be completed by us, so this plan will be modified as needed. The focus is on work with early adopter courts, and can be expanded as new courts are added to the deployment schedule.

A. Needs Assessment

a. The purpose of this activity is for the Education Division to:
   i. Be able to credibly and accurately develop useful training plans
   ii. Successfully implement training
   iii. Increase efficiency and effectiveness of future training activities
   iv. Become familiar with project background, what exists, and how it can be of value to the training development
   v. Provide feedback to Deloitte on proposed training documentation and methodology
   vi. Align training efforts with Inter Branch Agreements (IBA)
   vii. Determine where Deloitte efforts start and end
   viii. Learn what has been done in the courts to date and avoid duplication
   ix. Learn culture and needs of each of the early adopter courts, asses their readiness for change and business process re-engineering
   x. Determine what worked with V3 training and what should be changed in V4
   xi. Identify scope of training needed by courts and Justice Partners from e-filing to Document Management System (DMS) to conversion to pre-deployment to post-deployment
   xii. Develop appropriate training methodology and plans for each court
b. The tasks we need to complete, include, but are not limited to:
   i. Obtain hands on experience with the product
   ii. Review existing documentation

iii. Meet with court CCMS Project Managers, courts, and subject matter experts (SMEs)
iv. Develop strategy documents
v. Work with consultant to assess court readiness and needs related to change management and business re-engineering

B. Curriculum Development

a. The purpose of this activity is for the Education Division to:
   i. Design a training plan that coincides with the overall deployment schedule, documentation, and court needs
   ii. Ensure consistency of training during and after deployment
   iii. Institutionalize training process and training materials
   iv. Develop and implement successful training materials during and after deployment
   v. Ensure training materials align with actual system functions
   vi. Develop relevant content and training outside system functionality (e.g. web-based training, change management, business flow)
b. The tasks we need to complete, include, but are not limited to:
   i. Design a master training plan
   ii. Develop training documentation standards
   iii. Develop training materials
   iv. Work with court Super Users
   v. Implement faculty development sessions for court "super users"

C. Delivery: Deployment and Steady State

a. The purpose of this activity is for the Education Division to:
   i. Ensure training and timing needs of courts are met
   ii. Develop protocols and materials that can be sustained, remain relevant, and useful to the courts during additional deployments and into steady state
   iii. Align training delivery with overall project plan and timelines
   iv. Develop and deliver online training, job aids and other resources
b. The tasks we need to complete include, but are not limited to:
   i. Assist courts with training delivery logistics
   ii. Deliver Train-the-Trainer training
   iii. Deliver Core Court training to required users
   iv. Evaluate Early Adopter Court Training
   v. Create training for post-deployment/steady state, including online products

Resources Needed to Accomplish These Activities

Relationship with the PMO and the CCMS Teams

The most critical aspect of this effort is to establish productive and effective working relationships with all who are involved with the project, including the PMO, other AOC divisions (e.g., Office of Communications), the CCMS teams and the courts. The Education Division will need to be at the table (in the person of the CCMS training project manager) to be fully informed regarding the deployment schedule and plans for CCMS, as well as to keep the PMO current on the training and education plans to assure a smooth deployment process.

We have begun meeting with Renea Hatcher, Senior Manager for CCMS Deployment, and the other CCMS teams to not only understand the overall project, goals, timelines, and outcomes, but to establish the necessary relationship with our colleagues within the AOC. It is imperative that all involved with CCMS work closely and stand united when working with the courts. Deployment of the CCMS provides an opportunity for the AOC to collaborate as a single entity to effectuate a successful deployment.

Funding

In order for the Education Division to perform the required roles and responsibilities as outlined in this memo, it is essential that appropriate funding be allocated for CCMS training for not only the initial deployment, but also into steady state. Funding would include but not limited to:

- Travel expenses for the CCMS training team:
  - To and from the SRO to meet with the CCMS development team and learn the system,
  - To and from the early adopter and/or other CCMS courts
- Staff, as identified below, for the length of the deployment and possibly into the maintenance phase. It is not necessary to have full time staff for all listed positions (e.g., graphic designer, instructional designer) but rather short and mid-term temporary employees, some current Education Division staff as well as using:
- Materials, both hardcopy and online
- Travel expenses for the court trainers
- Adequate computers for training, potentially including a mobile computer training unit and requisite AV equipment
- Software to develop online training programs and materials

Staffing

The following is the profile of our CCMS project team, consisting of AOC, contract, and court staff. The makeup of this team may change overtime depending on the outcome of the assessments and reviews that are pending, and any changes in the deployment schedule.

AOC Staff

- Project Manager—This position, which would be a Manager level classification, would be responsible for the overall effort and would be the Education Division's primary contact to all other relevant stakeholders (e.g., PMO, adopter courts). I have asked Lisa Galdos to serve in this capacity, currently in a .5 FTE position.
- Education Specialists—Responsible for developing the curriculum for CCMS training, working with appropriate SMEs both from the courts and from the software developer. For example, they would help shape the structure and organization of the content so that it could be easily translated into effective courses and other educational products.
- Online Instructional Designer and Editor/Graphic Designer(s)—Responsible for creating the overall design, look, and feel of the educational materials for CCMS; both hardcopy and online. It is crucial that there be a consistent, intuitive overarching design for all materials which users will be accessing, whether they are in class, reaching for a job aid, or going to the Web.
    - Note: Although the Education Division currently has many well regarded online educational resources, including courses and other reference materials, this project calls for a different and more contemporary online presence, as well as one which can be more rapidly developed and closer to what private, commercial entities currently provide. A more robust and current presence will ensure stability and user acceptance during the initial deployment and into steady state.
- Administrative Coordinator(s)—Responsible for all logistical and administrative aspects of the training aspect of the project and may be physically located in all regional offices, if needed.
- Administrative Secretary—Responsible for training document management and other training administrative tasks not normally handled by an Administrative coordinator (e.g. scheduling of meetings and conference calls).
- Change Management/Business Re-engineering Consultant—A critical aspect of the overall deployment and installation of CCMS is the paradigm shift this will create throughout the branch. Training the courts regarding the impact of CCMS on business process, workflow, and interaction with justice system partners, and overall working culture is critical and complex. This type of education is more fully developed in the private sector and we should tap into that expertise in lieu of attempting to develop it within the branch, and assume this would be temporary, contract staff who would serve in

a consulting role to develop training plans for each court as well as to deliver training and coaching on change management.

Court Staff

- Local and Regional Trainers—A yet-to-be-specified number of court trainers who will be deployed to courts and regions to conduct CCMS training. These individuals will be experienced court staff who are CCMS power-users and who have been trained in the CCMS education curriculum.

Concerns and Suggestions to Potentially Ameliorate

As with any new project, there are legitimate concerns. Below we have identified some possible concerns for the Education Division taking on this new role, as well as some potential solutions to ensure the success of this project.

Concerns

- Unfamiliarity with the CCM project or schedule
  - Solution: Work closely with AOC and CCMS teams to learn the system and get up to speed on overall project goals, timelines, and obstacles.
- Not able to meet training needs as required
  - Solutions:
    - Work closely with early adopter courts and other CCMS teams, and have the appropriate authority to be effective
    - Ensure training environment and functional needs are met
    - Ensure all training needs are met either through train-the-trainer, hands on training of court users and/or develop court “power users.
    - Carefully and thoroughly review all existing documentation including lessons learned from courts who have deployed V2 and/or V3
    - Establish court processes to manage training while maintaining current level of court operations
- Lack of available funding
  - Solutions:
    - Work with CCMS-PMO to obtain adequate funding
    - To a limited extent, utilize current Education Division staff
    - Minimize and effectively use funding resources
    - Create steady state materials in conjunction with initial deployment to maximize resources
    - Develop on-line tools and training materials that can be used by multiple users
- Possible Court Perception of the Education Division utilizing resources ineffectively

- Solutions:
  - Work and collaborate early and closely with all AOC divisions and CCMS teams who have a role in the deployment efforts
  - Work and collaborate early and closely with all courts and remain flexible to their needs
  - Work closely with Office of Communications to ensure unified message

In summary, I am pleased to have the opportunity to work with the PMO on CCMS deployment training and taking on this new challenge. I would respectfully request approval of this draft CCMS Deployment Training Plan, your review and input on the Plan, and your approval to provide funding for the staffing and other resources to enable us to successfully complete this work.

Enclosure

DRAFT CCMS Deployment Training Plan
(Focus on San Luis Obispo and Ventura)

Phase I: Needs Assessment and Planning

OBJECTIVE 1: ASSESS CCMS SYSTEM

Activities	Resources Needed
• Learn the system - Hands on experience with system. Use draft training materials to learn system and evaluate quality of training materials.	Education Division Staff: Project Manager Education Specialist Instructional Designer Access to: CCMS Team Product Team Members Others familiar with product Travel funds required.

OBJECTIVE 2: ASSESS EXISTING DOCUMENTATION

Activities	Resources Needed
• Assess existing documentation resources with emphasis on training materials - Review the V2 and V3 documentation, work flows, Deloitte materials for CCMS, system administration manuals, any court internal team training/on-boarding materials, as well as other documentation sources (e.g., JAD materials, configuration documents). • Provide educational expertise in reviewing pending V4 final training materials	Education Division Staff: Project Manager Education Specialist Access to: CCMS Team Product Team Members Others familiar with product Travel funds required

OBJECTIVE 3: ASSESS TRAINING NEEDS ACROSS COURTS

Activities	Resources Needed
• Meet with CCMS Project Managers • Meet with Regional Administrative Directors • Meet with early adopter courts and V3 courts • Identify any pre-deployment training needs • Analyze prior training models for V2 and V3 • Identify court super users • Identify legacy system and conversion plans, and the impact on learning needs • Discuss the need for Justice Partner training • Validate assessment of available and preferred learning methods (i.e., instructor-led versus e-Learning) • Assess required training methods (e.g., live local training for court specific processes, statewide methods for general processes) • Determine availability of web based resources for courts and specific users	Education Division Staff: Project Manager Education Specialist Instructional Designer Access to: CCMS/AOC Team RADs Court Project Managers Court teams, including point of contact, super users, daily users, system admin users Travel funds required

OBJECTIVE 4: DESIGN THE MASTER TRAINING PLAN

Activities	Resources Needed
• Outline the overall training program solution: – Define roles and responsibilities (court's responsibility, AOC's responsibility, etc.?) – Identify key assumptions to be verified (e.g., realistic timeframe for live classes) – Develop timelines which incorporate both the training and the implementation schedule – Outline the transition plan for the end of project (e.g. transition to locally-supported education) and performance support, equipment needs, etc. – Determine training environment readiness – Incorporate Justice Partner system, conversion, e-filing and DMS training components as required	Education Division Staff: Project Manager Education Specialist Instructional Designer Change Management Consultant Access to: CCMS/AOC Team Court Project Managers Court teams, including point of contact, super users, daily users, system admin users

Phase II: Curriculum Development

OBJECTIVE 1: DEVELOP TRAINING DOCUMENTATION STANDARDS AND DELIVERY ANALYSIS

Activities	Resources Needed
• Leverage authoring tool to enforce standardized content creation • Manage version control among multiple authors • Leverage authoring tool for component-based materials creation • Document changes to original training material prepared by Deloitte	Education Division Staff: Project Manager Education Specialist Administrative Secretary Access to Court SMEs

OBJECTIVE 2: DEVELOP TRAINING MATERIALS

Activities	Resources Needed
• Create training materials (e.g., overview presentations, instructor guides, student workbooks, simulations) from training content not provided by Deloitte • Create additional performance support materials (e.g., quick Reference Guides, Job Aids) • Create course evaluations • Create just-in-time resources and job aids • Employ eLearning delivery methods as appropriate and design products • Leverage SME's from the local Court Deployment Team during material development • Conduct internal review for instructional design principles and enforcement of design/format/grammar standards • Identify system change protocols • Based on needs of each court, develop training materials on change management	Education Division Staff: Project Manager Education Specialists Instructional Designer Administrative Secretary Printing/Copying Media Production (post items on web) Specialists Requires significant time on part of Education Division Travel funds required Instructional design software

Phase III: Delivery: Deployment and Post-Deployment

OBJECTIVE 1: MANAGE TRAINING DELIVERY

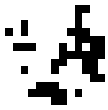
Activities	Resources Needed
• Create training schedule • Update schedule • Manage enrollments • Manage facilities • Schedule make-up training • Develop and coordinate equipment as needed	Education Division Staff: Project Manager Administrative Coordinator Access to: CCMS/AOC Team Court Project Managers Court teams, including point of contact, super users, daily users, system admin users

OBJECTIVE 2: DELIVER CORE COURT TRAINING (END-USERS AND COURT HELP DESK)

Activities	Resources Needed
• Core training (To include system navigation/system overview, introduction to role-specific learning paths, and functionality-based modules) • Based on court needs, deliver DMS, e-filing, conversion or Justice Partner training as determined. • Conduct evaluations at the close of each class to review trainer and materials effectiveness	Education Division Staff: Project Manager Education Specialist Access to: CCMS/AOC Team Court Project Managers Court teams, including point of contact, super users, daily users, system admin users Requires significant time on part of Education Division and Court Trainers Travel funds required

OBJECTIVE 3: CREATE TRAINING FOR POST-DEPLOYMENT ACTIVITIES

Activities	Resources Needed
• Revise training materials, methodology, and timing as noted in evaluations • Institute regular review of training materials, methodology, and timing • Develop post deployment training delivery protocol – New releases – New staff – On-demand training on line	Education Division Staff: Project Manager Education Specialist Media Production Specialist



2. Curriculum Development
    - Objective 1: Develop Training Documentation Standards and Delivery Analysis
    - Objective 2: Develop Training Materials

3. Delivery: Deployment and Post-Deployment
    - Objective 1: Manage Training Delivery
    - Objective 2: Deliver Core Court Training
    - Objective 3: Create Training for Post-Deployment Activities

The Education Division/CJER did not acquire additional funding or personnel to assist in these initial efforts which lasted approximately one year. The division reallocated personnel to accommodate the project needs. It was envisioned that funding would be provided to the Education Division/CJER to hire additional personnel and purchase the tools necessary to develop and deliver the highest quality of training. However, due to severe budget reductions, CCMS funding was redirected to trial court operations for FY11–12 and no funding was transferred to the Education Division/CJER.

The AOC Internal CCMS team met on or about March 28, 2011 to 'kick off' the early adopter court deployment efforts. Although work had been done previously, the March 2011 meeting was deemed the official 'kick off' where the Education Division/CJER was first introduced to the different internal partners (Data Integration, Communication, CCTC, etc.) and the early adopter court program managers.

Resources

Personnel

The Education Division/CJER's CCMS team consisted of a Program Manager (50%) a Senior Education Specialist (25%), and two Education Specialists (25% each), and administrative support staff (25%). These were existing positions within the division. CET continued to perform other assigned duties while working on the CCMS project. Their current work was not reassigned. Other positions within the division were utilized on an ad hoc basis to assist with the project as needed.

Funding

The division did not hire new positions for this project nor did it receive any funding to augment the existing salaries and benefits. The funding of these positions for this project was absorbed by the division.

The Education Division CCMS Team incurred minimal travel expenses during the year. They made a site visit to San Luis Obispo as part of Phase I in late June 2011 at a cost of approximately $875.00, and also traveled to the Southern Regional Office the first week in February 2012 to learn the system to begin Phase II as deployment for the early adopter courts was still a possibility. The expenses for that trip were approximately $1900. These travel costs were borne by the CCMS PMO.

No other funding was provided to the Education Division for the CCMs project.

Deliverables

April 2011-March 2012 (Phase I: Objective 2)
The Education Division CCMS Team began Phase I with a review of the readiness documents prepared by Deloitte in partnership with the Court. Staff gained an understanding of the training challenges identified by the courts. Additionally, the team reviewed documentation on V2 and V3 to understand the system and configuration as well as general CCMS documentation prepared by the PMO. The goal was to learn how CCMS was governed, the history, and overall goals and objectives of the project.

CET developed several budget estimates for the phases set forth above as the project scope changed and evolved during the year.

June 2011–March 2012 (Phase 1: Objective 2)
In addition to the above-stated tasks, the Education Division CCMS Team also assisted the PMO in reviewing the V4 training materials prepared by Deloitte. Each team member reviewed Instructor Guides (IG), Quick Reference Guides (QRG), and Online Help Documentation as outlined below.

Instructor Guides (IG)		**Quick Reference Guides (QRG)**	
Accounting	19	Accounting	20
Appeals	1	Appeals	4
Case Initiation	9	Case Initiation	11
Case Management	36	Case Management	30
Courtroom	16	Courtroom	13
Cross Track	9	Cross Track	10
Disposition	10	Disposition	8
E-Filing	28	E-Filing	24
Family Unit	2	Family Unit	2

Interpreter Mgmt	4	Interpreter Mgmt	1
Judicial Officers	20	Judicial Officers	20
Person Entity	10	Person Entity	1
SWRDW	1	SWRDW	1
System Overview	2	System Overview	3
Work Queues	3	Work Queues	2
ADR	1		
Portals Courthouse Justice Partners Registered	 4 6 6		
Reports	1		
TOTALS	188	**TOTALS**	150

Each Instructor Guide ranged from 10–100 pages. Each Quick Reference Guide typically was one page. The online help documentation closely mirrored the Instructor Guide for each category. The goal of these reviews was to determine:

- If screen shots matched the text
- Text was clear
- Steps were logical
- Overall process flowed
- Format and language were consistent

Each team member averaged 3–4 hours per each category review. After these materials were reviewed, the administrative support staff compiled the final edits into a clean and updated version. By March 27, 2012, approximately 10–15% of the above-referenced totals were reviewed by the team with 5% going through final editing.

June 2011 (Phase I: Objective 3)

Education Division CCMS Team was to visit each early adopter court to meet the stakeholders and tour the training facilities. The only site visited conducted was to San Luis Obispo on June 28, 2011. Subsequent visits were postponed due to the shift in project direction in July/August 2011.

October 2011–February 2012 (Phase I: Objective 1 with initial work on Phase II: Objective 2)

The Education Division CCMS Team gained access to the system through the production acceptance testing (PAT) environment which was shared with all CCMS product teams due to a

reduction in funding. The team began a comparison of the online product with the training materials developed by Deloitte.

February 2012 (Phase I: Objective 1 with initial work on Phase II: Objective 2)

In this phase, staff traveled to SRO for a week to learn the system including all case types. The team then began a comparison of the IGs with the system functionality. However, this was cut short due to the uncertain direction of CCMS and ultimate termination in March 2012.

The team began updating a previous version of an online CCMS tutorial course. The goal was to complete and roll out in June 2012. Those efforts were halted after the March 27 Judicial Council decision. The team had gained access to the test scripts after the February training to begin Phase II, Curriculum Development. However, these efforts were halted after the March 27 Judicial Council decision.

Summary

From April 2011–March 2012 the Education Division CCMS Team concentrated on Phase I, Objectives 1 and 2 with some initial work on Phase II while performing their daily responsibilities within the Division.

LG/DEC/sl
Attachment

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date
April 15, 2011

To
Ronald G. Overholt, Chief Deputy Director
Mark A. Moore, Director, CCMS–PMO
Administrative Office of the Courts

From
Diane E. Cowdrey, Director
Education Division/CJER

Subject
Education Division's Role in CCMS Training

Action Requested
Please Review

Deadline
N/A

Contact
Diane Cowdrey
415-865-7795 phone
415-865-4335 fax
diane.cowdrey@jud.ca.gov

The Project Management Office (PMO) has requested the Education Division/ CJER consider whether it could take a lead role in providing and/or coordinating CCMS training. This shift in responsibility from an outside vendor to the Division within the AOC means that adequate resourcing and knowledge transfer must occur. During the past two months, the Education Division/CJER has developed an initial plan to identify an appropriate role in providing training and education to the courts on CCMS. Because this is our initial iteration of these components, it is fully expected that many of these terms and expectations will be modified, changed, and added to as we all move forward with CCMS deployment and training.

The purpose of this memo is to (a) outline the draft education plan for review by the PMO and the Executive Office, as well as other stakeholders as necessary; (b) identify the resources needed in order to complete the activities listed in the plan, and (c) to gain approval and authority to secure the necessary resources, or, if not possible, to modify the draft education plan.

Education Division/CJER Abilities

The following material outlines the broad services and tasks that we can accomplish and which will contribute to the success of the early adopter CCMS deployment. A more detailed list of each of the Phases, and all activities contemplated within each phase is attached. As we engage with the overall deployment effort, some or many of these tasks may already be completed or for other reasons may not need to be completed by us, so this plan will be modified as needed. .

Needs Assessment

Assess existing documentation resources. The Education Division/CJER will review the V2 and V3 documentation, Deloitte materials for CCMS, system administration manuals, any court internal team training/on-boarding materials, as well as other documentation sources (e.g., JAD materials, configuration documents).

Assess training needs for each early adopter court. We will work closely with the specific CCMS court project manager for each early adopter court, as well as working with the Regional Administrative Directors and directly with the local courts to ascertain each court's training needs and therefore the most effective training model for that court.

Design the master training plan. This plan, which would align with the CCMS overall deployment plan, would at a minimum include the overall model we propose to execute, which at this point in time would likely consist of a combination of live face to face programs heavily augmented with web-based resource and other training materials. The heart of the training plan would be a train-the-trainer model that would be implemented to assure appropriate faculty coverage at the local level.

Curriculum Development

Develop and institute the design and style of the educational materials. We will need to adopt a standard look and feel for all aspects of the training materials so that all users, regardless of their contact with resource and training materials, will encounter an appropriate level of similarity in design. This will greatly facilitate navigation through these materials, whether they are web-based or hardcopy. That is, it will be intuitive for users of these resources.

Develop training content. It is our understanding that Deloitte will be sending us its documentation and baseline training materials very soon. We have already seen significant samples from its V3 deployment and if the CCMS materials are similar in scope and quality, we may well be receiving virtually all of the baseline content for CCMS from which to begin crafting training materials.

Develop training materials. The content will need to be shaped into the many training material types, including instructor guides, participant workbooks, online simulations quick reference guides, job aids, as well as course evaluations, and eLearning tools as appropriate.

Enforce a comprehensive review process. Throughout the development of training materials, we will work closely with court and CCMS SMEs to assure accuracy, currency, and usefulness. Being aligned with release versions will be critical to keeping the training materials effective in this effort.

Identify appropriate materials to hand-off to the Help Desk for their use. It is essential that the various helpdesk resources, whether they are local or located at the technology center, be trained and provided with appropriate materials.

Delivery Analysis

Update earlier Training Delivery sub-plan. We will of course work with the CCMS deployment team to ensure that our training plan remains current and aligned with the overall CCMS deployment plan.

Conduct on-boarding and train-the-trainer efforts. A lynchpin of our educational efforts will be to recruit and train a pool of super-users. Ideally, these individuals will be experienced court staff who will be responsible for directly training their colleagues and other appropriate court individuals. We would also train appropriate individuals who would be responsible for judicial officers. Training for justice system partners and other audiences not specifically tied to court operations would also need to be developed and delivered but it is not decided at this point if we would provide that resource and service. There will also be AOC staff who, because of their ongoing involvement with the development of CCMS, would be equally familiar with the application and their expertise would be tapped.

Manage training enrollments and schedule. Part of our traditional function is to schedule and run the actual delivery of live trainings and this should not change as CCMS is deployed. However, given that we will also have trained local court trainers, there will likely be local trainings that would occur outside of our efforts.

Create and manage Training Communication component of the Training Logistics Plan for end-users, to include schedules, learning paths, and available support methods. This is a fancy way to say that, for those courts that are able to sustain an independent training program, such as LA or SD, we would work with them and provide them with whatever resources they might need in order to successfully maintain CCMS training locally.

Presentation and Delivery

Deliver Core Court training (End-users and Court Help Desk). Core training will include system navigation/system overview, introduction to role-specific learning paths, and functionality-based modules. Within agreed-upon restrictions, courts that have a document management system (DMS-e-filing) could also receive training which would be delivered as a module within core

training. Refresher training will be delivered to Courts for subsequent releases of CCMS-V4 and DMS.

As mentioned in section C-2, trainings for justice system partners would also need to be developed and delivered but how this training is developed and delivered has not yet been fully determined.

Create ongoing training for new releases. The content and training materials for new releases, both dot releases (e.g., 2.01) and full numeric releases (e.g., 3.0), will be developed and a training schedule would need to be established that met the operational needs of the courts, such as statutory enactments.

Conduct training evaluations and take steps needed to improve training program. As with all of our educational products, we would provide both participants as well as faculty with course and program evaluations. These would be used to measure the effectiveness of both the curriculum and the faculty and we would adapt and revise both of these trainings as appropriate.

Certification of end-user training completion and Court readiness. As part of our registration services, we will be able to track who has completed which module(s) and provide the courts with a staff completion schedule. This will hopefully assist the courts with their go-live plans. It is not clear at this point if certification is necessary or even desirable.

Create and maintain training environments. As part of our live training delivery, we will need to ensure that the training environments are conducive to the trainings and are appropriately equipped.

Education Division/CJER Needs to Accomplish These Activities

Relationship with the PMO and the CCMS teams. The most critical aspect of this effort is having a productive and effective working relationship with all who are involved: the PMO, other AOC divisions (e.g., office of communications), the CCMS teams and the courts. The Education Division will need to be at the table (in the person of the CCMS training project manager) to be fully informed regarding the deployment schedule and plans for CCMS, as well as to keep the PMO current on the training and education plans to assure a smooth deployment process.

We have begun meeting with Renea Hatcher, Senior Manager for CCMS Deployment, and the other CCMS teams to not only understand the overall project, goals, timelines, and outcomes, but also to establish the necessary relationship with our colleagues within the AOC. It is imperative, especially in light of the many challenges outside CCMS that the branch faces, that all involved with CCMS work closely and stand united when working with the courts. Deployment of the CCMS provides an opportunity for the AOC to dispel some of the negativity about the organization and collaborate as a single entity to effectuate a successful deployment in all courts.

Funding

In order for the Education Division to perform the required roles and responsibilities as outlined this memo, it is essential that appropriate funding be allocated for CCMS training and education for not only the deployment, but also into steady state. The funding would include but not limited to:

- Travel expenses for the CCMS training team:
  - To and from the SRO to meet with the CCMS development team and learn the system,
  - To and from the early adopter and/or other CCMS courts.
- Staff, as identified below, for the length of the deployment and possibly into the maintenance phase. It may not be necessary to have FTEs for all listed positions (e.g., graphic designer, instructional designer) but rather short and mid-term temporary employees.
- Materials, both hardcopy and online.
- Travel expenses for the court trainers.

Staffing

The following is the profile of our CCMS project team, consisting of AOC and court staff. The makeup of this team may change overtime depending on the outcome of the assessments and reviews that are pending.

AOC Staff

- Project Manager – This position, which would be a Manager level classification, would be responsible for the overall effort and would be the Education Division's primary contact to all other relevant stakeholders (e.g., PMO, adopter courts).
- Education Specialists – These individuals would be responsible for developing the curriculum for CCMS training, working with appropriate SMEs both from the courts and from the software developer. For example, they would help shape the structure and organization of the content so that it could be easily translated into effective courses and other educational products.
- Editor/Graphic Designer – This individual would be responsible for creating the overall design, look, and feel of the educational materials for CCMS; both hardcopy and online. It is crucial that there be a consistent, intuitive overarching design for all materials which users will be accessing, whether they are in class, reaching for a job aid, or going to the Web.
- Online Instructional Designer – Although the Education Division currently has many well regarded online educational resources, including courses and other reference materials, this project calls for a different and more contemporary online presence, as well as one which can be more rapidly developed and closer to what private, commercial

entities currently provide. A more robust and current presence will ensure stability and user acceptance during the initial deployment and into steady state.

- Administrative Coordinator(s) – These individuals would be responsible for all logistical and administrative aspects of the training aspect of the project and may be physically located in all regional offices, if needed.
- Administrative Secretary – This individual would be responsible for training document management and other training administrative tasks not normally handled by and Administrative coordinator (e.g. scheduling of meetings and conference calls).

Court Staff

- Local and Regional Trainers – A yet-to-be-specified number of court trainers who will be deployed to courts and regions to conduct CCMS training. These individuals will be experienced court staff who are CCMS power-users and who have been trained in the CCMS education curriculum.

Outside education consultant for business reengineering and change management

- An enormous aspect of the overall deployment and installation of CCMS is the paradigm shift this will create throughout the branch. Training the courts regarding the impact of CCMS on business process, workflow, and interaction with justice system partners and overall working culture is critical and complex. An analogous paradigm shift would be if Microsoft decided to abandon Windows as the OS it uses as its internal operating system and install Apple's OS in all its business locations (i.e., not only the programmatic and functional changes but to expect Windows developers to now work on an Apple OS!). One ancillary benefit to having this type of education developed would be that it could be applicable to other uses beyond the deployment of CCMS. We believe that this type of education is more fully developed in the private sector and we should tap into that expertise in lieu of attempting to develop it within the branch.

The CCM training team would operate independently from other AOC education efforts to assure that CCMS training remains it top priority.

Concerns and Suggestions to Potentially Ameliorate

As with any new project, there are legitimate concerns and hazards. Below we have identified some possible concerns as well as some potential solutions to ensure the success of this project. This list is of course not exhaustive, but it is a beginning.

Concerns

- Unfamiliarity with the CCM project or schedule

  - Solution: Work closely with AOC and CCMS teams to learn the system and get up to speed on overall project goals, timelines, and obstacles.
- Not able to meet training needs as required
  - Solutions:
    - Work early and closely with early adopter courts and other CCMS teams to ensure all training needs are met either through train-the-trainer, hands on training of core users and/or develop court 'power users'.
    - Carefully and thoroughly review all existing documentation including lessons learned from courts who have deployed V2 and/or V3
- Lack of available funding
  - Solutions:
    - Work with CCMS PMO to obtain adequate funding
    - Minimize and effectively use funding resources
    - Create steady state materials in conjunction with initial deployment to maximize resources
- Perception of not utilizing resources effectively
  - Solutions:
    - Work and collaborate early and closely with all AOC divisions and CCMS teams who have a role in the deployment efforts
    - Work and collaborate early and closely with all courts and remain flexible to needs
    - Work closely with Office of Communications to ensure unified message

Information on Judicial Council Directives

Council Directive **83**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the impacts of a reduction in the size of the Production, Delivery, and Educational Technologies Unit and the reduction in services that would result, and provide the findings and recommendations to the Judicial Council.

SEC Recommendation **7-20**

The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(d) The Production, Delivery and Educational Technologies unit has grown to more than 25 positions plus several temporary staff. The number of staff in this unit should be reduced in light of the difficult fiscal environment.

Reported By:	Center for Judiciary Education and Research
Contact:	Dr. Diane Cowdrey, Director

TASK

[ ] **PENDING**

[x] **COMPLETED: Since May 2011, six positions in the Production, Delivery and Educational Technologies unit were eliminated. CJER was also restructured and reduced when the Administrative Services Unit (ASU) was eliminated and some staff was moved to a new office**.

Since May 2011, six positions in the Production, Delivery and Educational Technologies unit were eliminated including 2 Administrative Coordinators, 1 Administrative Secretary, and three temporary intermittent AV/Video Technicians. CJER was also restructured and reduced when the Administrative Services Unit (ASU) was eliminated and some staff was moved to a new office.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[ ] **PENDING IMPLEMENTATION**

ASSESSMENT OF IMPLEMENTATION

The former PDET Unit is now called Judicial Branch Education Delivery & Operations and includes two units: Course and Faculty Services and Distance Education.

Since the initial elimination of the initial six positions additional reductions have occurred in this unit:

- 10 positions in the Records, Mail and Copy Department and Reception were relocated to the Administrative Services Office and/or to the Executive Office (October 2012) NOTE – this was part of the original restructure of the entire AOC, designed to make the organization more efficient.
- 20 positions in the Conference and Registration Services unit, Conference Center Support Unit, and AV/Video Technical Support Unit were relocated to the Administrative Services Unit (July 1, 2014).

- 2 positions in the AV/Video Systems Development and Integration Unit were moved to Capital Program Office (August 2014)

OTHER INFORMATION

Attachments:

- *Center for Judiciary Education and Research (CJER) Staffing History*
- Organizational Structure of the Center for Judiciary Education and Research, February 26, 2013
- Organizational Structure of the Center for Judiciary Education and Research, January 6, 2015

4/8/15

Center for Judiciary Education and Research (CJER)

Staffing History

		Jun 30 2011	Jul 1 2011 (SEC Data)	Dec 31 2011	Jun 30 2012	Dec 31 2012	Dec 31 2013	Jul 31 2014	Jan 29 2015 (current)
Data generated by Human Resources. Includes data on all authorized positions.	**Position Status Report (PSR)**								
	Total number of filled authorized positions FTEs	84.50	82.5[i]	77.90	71.15	62.15	63.10	44.30	41.30
	Total number authorized position FTEs	92.50	85.5[ii]	81.50	81.50	67.50	68.50	48.50	48.50
	Vacancies	8.00[iii]	3.0	3.60	10.35	5.35	5.40	4.20	7.20
Data generated by CJER. All employees are represented in whole numbers; all temporary employees are included.	**Interpretation of Numbers/ Headcount**								
	Total number of regular employees	86	86	80	72	63*	64	47^	43
	Total number of 909 employees	11	11	11	11	6*	0	0	0
	Total number of agency (temp) employees	4	5[iv]	5	1	1	2	0	1
	Total number of retired annuitants	2	2	1	0	0	1	0	0
	Total number of people working in CJER	**103**	**104**	**97**	**84**	**70**	**67**	**47**	**44**
	Total Workforce	**101.5**	**100.5**	**94.9**	**83.15**	**69.15**	**66.1**	**44.3**	**42.3**
	Change from June 2011, due to movement of staff to other Judicial Council offices			**(6) 6% reduction**	**(19) 18% reduction**	**(33) 32% reduction**	**(36) 35% reduction**	**(56) 54% reduction**	**(59) 57% reduction**
	Change from June 2011, excluding staff moved due to restructures					**(24) 23% reduction**	**(27) 26% reduction**	**(27) 26% reduction**	**(30) 30% reduction**

i – two regular employees were moved into temporary positions, effective 7/1/2011

ii - 7.0 FTE authorized positions were abolished, effective 7/1/2011

iii - 7 of the 8 vacancies were abolished. However, 2 people moved into 909 positions resulting in two additional vacancies.
iv – Agency temporary work order filled after July 2011.

*Judicial Council restructuring effective October 2012

- Seven regular positions transferred internally to other offices (Position numbers: 0802, 1186, 2355, 0599, 0797, 0600, 0799)
- Two temporary (909) positions transferred internally to other offices (Admin. Services Assistant II positions)

^ Judicial Council office restructuring effective July 1, 2014

- Twenty regular positions transferred internally to other offices (Position numbers: 0793, 1251, 1206, 1317, 2473, 0763, 0660, 0659, 0642, 0803, 0804, 0593, 0739, 1201, 0661, 0559, 0780, 0800, 0779, 1894)

01/31/15 Vacancies:

- Position 1841 (Manager to Senior Education Specialist) = 1.0
- Position 0563 (Executive Secretary) = 1.0
- Position 0591 (Attorney) = 1.0
- Position 0582 (Manager to Attorney) = 1.0
- Position 0564 (Senior Editor) = 1.0
- Position 0697 (Senior Education Specialist) = 1.0
- Position 1628 (Senior Education Specialist) = 1.0
- Position 0596 is an .8 FTE (this accounts for the 0.2 vacancy)

ADMINISTRATIVE OFFICE OF THE COURTS

JUDICIAL AND COURT OPERATIONS SERVICES DIVISION

CENTER FOR JUDICIAL EDUCATION AND RESEARCH

DIRECTOR
Diane E. Cowdrey

Suzette LaCivita
Exec. Secretary

Production, Delivery, and Educational Technologies
Gavin Lane
Senior Manager

Illistine Banks
Sr. Fiscal Coordinator

Faculty and Conference Services
Sue Oliker
Manager

Course & Faculty Services
Lisa Graves
Supervisor

- Susan Carroll
  Sr. Adm. Coordinator
- Suzanne Renner (85%)
  Sr. Adm. Coordinator
- Vacant
  Adm. Coordinator II
- Jane Doherty
  Adm. Coordinator II
- Stephanie Hampton
  Adm. Coordinator II
- Lina Kravetskiy
  Adm. Coordinator II
- Gricelda Luna
  Adm. Coordinator II
- Lynn Muscat (90%)
  Adm. Coordinator II
- Vacancy
  Adm. Coordinator I
- Kelly Cameron
  Secretary II
- Diane Parks
  Secretary II

Conference & Registration Services
Alla Urisman
Supervisor

- Evelyn Gonzalez
  Adm. Coordinator II
- Susan Paul
  Adm. Coordinator II
- Brandie Pilapil
  Adm. Coordinator II
- Christopher Rey
  Adm. Coordinator II
- Brenda Chiles
  Admin. Secretary

Conference Center Support
David Glass
Supervisor

- Joe Glavin*
  Adm. Coordinator II
- Vacant
  Adm. Coordinator II
- Irene Vozaites
  Receptionist II
- Paul Bibo**
  Office Technician I

Distance Education
Ralph McMullan
Supervisor

- Dexter Craig
  Sr. Med. Prod. Spec.
- David Knight
  Sr. Med. Prod. Spec.
- Mandy Covey
  Med. Prod. Spec.
- Christopher Noice
  Med. Prod. Spec.
- Mary Durbin
  Staff Analyst II
- Catherine Lam (80%)*
  Sr. AV/Video Tech.

AV/Video Technical Support
Peter Shervanick
Supervisor

- Cyrus Ip
  Sr. AV/Video Tech.
- John Moynihan**
  Sr. AV/Video Tech.
- Mark Scardello
  Sr. AV/Video Tech.
- Ralph Brooks**
  AV/Video Tech. II
- Dorothy Wang**
  AV/Video Tech. II
- Mandy Brown (80%)*
  AV/Video Tech. I

AV/Video Systems Development & Integration
Jennifer Willard
Supervisor

- Mike Safer@
  Sr. AV/Video Sys. Tech. Analyst
- Rodrigo Zamudio
  AV/Video Sys. Tech. Analyst
- James Hill
  Sr. AV/Video Tech.

Course Content and Publications
Bob Lowney
Senior Manager

Judicial Education
Karene Alvarado
Managing Attorney

- Roderic Cathcart
  Sr. Attorney
- Rhoda Chang
  Attorney
- Eugene Kim
  Attorney
- Andrea McCann+
  Attorney
- Nanette Zavala
  Attorney
- Robert Lussier
  Admin. Secretary

Vacant
Manager

Administrative Branch Education
Kathryn Brooks
Manager

- Claudia Fernandes
  Sr. Ed. Specialist
- Rhonda Sharbono
  Sr. Ed. Specialist
- Mike Walsh
  Sr. Ed. Specialist
- Walter Brown
  Ed. Specialist II
- Russell Mathieson
  Ed. Specialist II
- Mary Nelson
  Ed. Specialist II
- Carole Simmons
  Ed. Specialist II

Judicial Publications
Robert Schindewolf
Managing Attorney

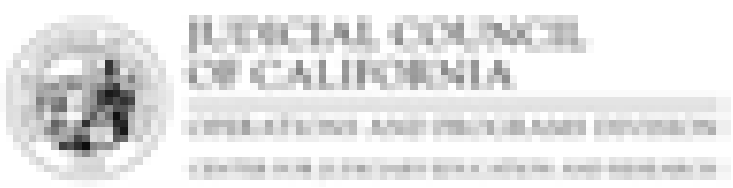
- Barry Harding
  Sr. Attorney
- Jeffrey Shea
  Sr. Attorney
- Kimberly DaSilva
  Attorney

Education Design and Development
Maggie Cimino
Manager

- Linda McCulloh
  Sr. Attorney
- Eddie Davis
  Sr. Ed. Specialist
- Tim Hallahan (50%)
  Attorney
- Iris Okura
  Sr. Editor
- Mary Trew
  Sr. Editor

* Temporary employee (909)
** Temporary intermittent employee (909)
@Apple One Temporary Agency Employee
\+ Located at regional office

Prepared 2/26/2013



Judicial Council of California

CJER Governing Committee

Martin Hoshino
Administrative Director

Curtis L. Child
Chief Operating Officer

Diane E. Cowdrey
Director

Vacant, *Manager*
Vacant, *Sr. Ed. Specialist*

Vacant, *Executive Secretary*

Judicial Branch
Education Development
Bob Lowney
Senior Manager

Judicial Branch
Education Delivery & Operations
Gavin Lane
Senior Manager

Robert Lussier, *Adm. Secretary*

Judicial Education and Publications
Karene Alvarado, *Managing Attorney*
Roderic Cathcart, *Sr. Attorney*
Barry Harding, *Sr. Attorney*
Linda McCulloh, *Sr. Attorney*
Vacant, *Sr. Attorney*
Rhoda Chang, *Attorney*
Tim Hallahan (50%), *Attorney*
Eugene Kim, *Attorney*
Jason Mayo, *Attorney*
Wynne Nielsen, *Attorney*
Nanette Zavala, *Attorney*
Vacant, *DV Attorney*

Leadership and Staff Education
Rhonda Sharbono, *Supervisor*
Vacant, *Sr. Ed. Specialist*
Kristine Van Dorsten, *Sr. Ed. Specialist*
Mike Walsh, *Sr. Ed. Specialist*
Walter Brown, *Ed. Specialist II*
Russell Mathieson, *Ed. Specialist II*
Mary Nelson, *Ed. Specialist II*
Carole Simmons, *Ed. Specialist II*

Vacant, *Manager*

Illistine Banks, *Sr. Fiscal Coordinator*

Course and Faculty Services
Lisa Graves, *Supervisor*
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Susan O'Brien, *Adm. Coordinator II*
Kelly Cameron, *Secretary II*
Diane Parks, *Secretary II*

Distance Education
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Dexter Craig, *Sr. Media Production Specialist*
David Knight, *Sr. Media Production Specialist*
Mandy Covey, *Media Production Specialist*
Christopher Noice, *Media Production Specialist*
Rodrigo Zamudio, *AV/Video Sys. Tech. Analyst*
Mary Durbin, *Staff Analyst II*
James Hill, *Sr. AV/Video Tech.*
Catherine Lam (80%), *Sr. AV/Video Tech.*
* Amy Ashcroft, *Editor*

* Temporary Employee

Updated for 1/6/15

Information on Judicial Council Directives

Council Directive **84**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate and consider reducing the positions assigned to develop training for AOC Staff in the Curriculum and Course Development Unit, especially if training requirements are relaxed.

SEC Recommendation **7-20**

The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(e) The Curriculum and Course Development unit includes several positions assigned to develop training for AOC staff. This activity should be evaluated and reduced, especially if training requirements are relaxed.

Reported By:	Center for Judiciary Education and Research
Contact:	Dr. Diane Cowdrey, Director

TASK

[ ] PENDING

[x] COMPLETED: **As reported in July of 2013, the Administrative Director considered reducing the positions assigned to develop training for council staff in the Curriculum and Course Development Unit (now the Judicial Branch Education Development Unit) in light of the recent revision to CRC 10.491 (relaxation of education requirements) and determined that a reduction in positions was not warranted.**

As reported in July of 2013, the Administrative Director considered reducing the positions assigned to develop training for council staff in the Curriculum and Course Development Unit (now the Judicial Branch Education Development Unit) in light of the recent revision to CRC 10.491 (relaxation of education requirements) and determined that a reduction in positions is not warranted. The relaxation of the education requirements for council staff is not on-going. Some additional staff work was associated with adapting the Learning Management System (HREMS) compliance functionality due to the relaxation of the rules. During this relaxation period, any staff resources which may be partially relieved will be assigned to work on other existing education programs.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

Since May 2011, 3 positions have been eliminated through layoffs, VSIP, retirements/attrition.

These reductions dramatically reduced Judicial Council staff education. As indicated in Directive 88 below, CJER reviewed all of council staff education and identified that they could still offer training through online courses and broadcasts for council staff.

Additionally, CJER developed a 'Work of the Courts' online course as well as developed management training programs for council managers and supervisors leveraging other CJER management training programs (i.e. Core 40, Institute for Court Management, etc.).

OTHER INFORMATION

Attachments:

- Organizational Structure of the Center for Judiciary Education and Research, July 1 2013
- *Report for Judicial Council Recommendation #88*
- Report to Judicial Council for meeting on June 28, 2013: Judicial Branch Education: AOC Staff Education, June 12, 2013

DIVISION DIRECTOR
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  Attorney
- Andrea McCann+
  Attorney
- Nanette Zavala
  Attorney
- Robert Lussier
  Admin. Secretary

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- Carole Simmons
  Ed. Specialist II

Judicial Publications
Vacancy

- Barry Harding
  Sr. Attorney
- Jeffrey Shea
  Sr. Attorney
- Kimberly DaSilva
  Attorney

Education Design and Development
Maggie Cimino
Manager

- Linda McCulloh
  Sr. Attorney
- Eddie Davis
  Sr. Ed. Specialist
- Tim Hallahan (50%)
  Attorney
- Vacancy
  Sr. Editor

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* Temporary employee (909)
** Temporary intermittent employee (909)
\+ Located at regional office

Prepared 07/01/2013

Judicial Council Recommendation 88
E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report to the council on a review of the content of training courses offered to AOC managers, supervisors, and employees, the number and location of courses offered, and the means by which courses and training are delivered. Training opportunities should include greater orientation and development of understanding of court functions.

Summary

In 2012, the Office of Education/Center for Judicial Education and Research (CJER) re-evaluated existing AOC Education courses and reduced them in order to match reduced resources and changed priorities. The review resulted in the elimination of courses that are not core to the mission of the Administrative Office of the Courts. In tandem, CJER increased the amount of education offerings for AOC staff that are more court focused, with the vision that this will increase the AOC's overall effectiveness in providing service to the courts. Court-related class offerings in 2012 were *increased by 162%*. CJER has accomplished this, in part, by making available to AOC staff broadcast programs and online classes originally developed and produced for court personnel. This leveraging of court related education enables CJER to devote the majority of its resources to developing education for the trial and appellate courts while still providing relevant education to AOC employees. In addition, some AOC Education courses are offered jointly to both AOC and trial and appellate court personnel.

Review of the Content of Current Training Offered to AOC Employees

At the end of 2011, CJER led a review of the current compliance requirements for AOC employees. As part of this review, CJER held meetings with representatives from the Human Resources Services Office, Legal Services Office, Risk Management Unit, Office of Emergency Response and Security, and the Injury and Illness Prevention Plan (IIPP) Working Group. The IIPP Working Group is responsible for identifying specific training for each job classification category of AOC staff, based upon a safety assessment conducted for each employee. The resultant changes primarily affected safety-related requirements. In 2012, the number of non-safety compliance classes offered was *reduced by 12%* in response to a decreased need for new employee education.

Safety Training. As part of the AOC compliance requirement changes, job specific safety-training is now identified as part of the IIPP, the majority of which is provided via online education. As a result of these changes, the number of *live safety-related class offerings was reduced by 69%.* Seven new safety-related online courses provided by the AOC online vendor Syntrio were added in January 2012; this represents a *116% increase in the number of online safety-related*

training options. The Office of Education/CJER will continue to provide compliance classes and to partner with the IIPP Working Group to provide safety-related education.

Computer Training. In addition to changes in compliance education, CJER also *reduced computer class offerings by 46%* from 2011. At the end of this calendar year, CJER will review computer class attendance to determine the number of computer classes to be offered to AOC employees next year. Of those classes that were offered in 2012, seven sessions were offered to a combined audience of AOC and trial and appellate court employees. Combined audience classes offer a meaningful way for AOC and court employees to interact together. Further, offering classes to a combined audience allows the Office of Education/CJER to focus more of its resources on developing education for the courts.

Court-Related Education: ICM Classes. Utilizing curriculum provided by the Institute for Court Management (ICM), CJER is able to efficiently develop education for AOC employees which focuses on the work of the courts. This national curriculum is owned by CJER, which enables CJER to create multiple separate courses, using the curriculum from each of the 2.5 day classes. These separate courses are developed with AOC staff in mind as the intended audience. Another advantage of these courses is that for some classes, court staff serves as faculty. The use of the ICM curriculum for this purpose began in 2010 and resulted in several classes for AOC employees. This effort has been accelerated this year. Courses now available for AOC staff and managers include the following:

- Court Community Communications: Purpose and Communication Fundamentals (new)
- Court Community Communications: Understandable Courts (new)
- Court Community Communications: The Media and Media Relations (new)
- Leadership: Be Credible in Action (new)
- Leadership: Create Focus through Vision (new)
- Leadership: Purposeful Planning; and Manage Interdependencies - Work Beyond Boundaries (new)
- Courts-Introduction to CourTools
- Courts-Purposes and Responsibilities
- Introduction to Project Management
- Visioning and Strategic Planning: Strategic Thinking
- Visioning and Strategic Planning: Organizational Foundations
- Visioning and Strategic Planning: Change & Alignment

Court-Related Education: Online Course. In addition, working with subject matter experts from the AOC and the courts, CJER developed an online course for AOC employees called “The Work

of the Courts." This class provides a general overview of court work and processes and is currently under final review by trial court employee subject matter experts. *Court-related classes for AOC employees increased by 162%* in 2012.

Training Offered to AOC Managers and Supervisors

CJER continues to leverage existing resources to support and develop manager and supervisor education at the AOC. In addition to the training and resources already available to managers and supervisors at the Administrative Office of the Courts, there were several new initiatives during the past year.

Management Training: Achieve Global Courses. During the 2012 – 2013 education period, CJER will provide courses for managers and supervisors using curriculum purchased from Achieve Global (a world-renowned international provider of leadership training programs) in 2004. AOC Office of Education/CJER employee, Rhonda Sharbono, completed the Achieve Global faculty training and certified to enable the AOC to utilize this previously purchased curriculum. Utilizing the Achieve Global courses will allow the AOC to provide education for up to 80 managers and supervisors with no additional financial investment, in four areas:

- Successful Delegation
- Strategies to Help You Build a Unified Team
- Tools to Lead Your Team through Change
- The Principles and Qualities of Genuine Leadership

Management Training: Leveraging Court Programs. A key area of focus for AOC management training is the development of courses that address knowledge, skills, and abilities to effectively manage staff performance through increased communication, clear performance expectations, and achievement of goals. CJER, Legal Services Office, and Human Resources Services Office began the process of identifying broad objectives and desired results for AOC management training. This involved leveraging content and objectives already developed as part of CORE 40 Supervisor Training for trial and appellate court supervisors and managers. Additionally, content from other programs including court management programs will be reviewed for inclusion in the overall course offerings. Multiple separate courses will be provided starting in January 2013 with subsequent courses being offered every other month. The initial proposal is to offer these courses in a live, face-to-face environment, with videoconference capabilities for AOC staff in regional offices.

Management Training: Online Training. An online orientation series for new supervisors, highlighting essential AOC policies, is being discussed as part of the training described in the previous section. Workgroups comprising AOC subject matter experts will begin the design and

development of the new courses under the combined direction of CJER, HR, and the Legal Services Office, with some subject matter experts also serving as faculty.

The Means by Which Training is Delivered

CJER strives to hold AOC Education classes in the most cost-effective way. For some classes, such as "Preventing and Responding to Sexual Harassment" for supervisors and managers, the AOC has subject matter experts in San Francisco, Sacramento and Burbank who are able to serve as faculty which minimizes travel. Videoconference technology is utilized at both the Sacramento and Burbank locations, with an emphasis on the Burbank location. This allows the relatively small number of AOC employees in Burbank to participate in classes without traveling; this also allows CJER to maximize the number of class attendees while efficiently utilizing faculty time.

Computer classes are currently offered only in San Francisco and Sacramento; however, this year CJER piloted computer training via WebEx to the trial courts. On July 23, a webinar was provided for trial court employees in Contra Costa on the topic of "Word Report Features." Employees in Alpine County have also requested computer training, and a pilot webinar training for "Microsoft Excel" is currently being planned for early 2013.

Online education is also a significant resource for AOC employees. CJER provides online education for AOC employees through a variety of sources, including utilization of an online course vendor (Syntrio), development of online classes specifically for AOC employees ("The Work of the Courts"), and utilizing online classes developed by CJER for trial and appellate court employees.

Training Related to Increased Understanding of Court Functions

In addition to increased classes available to AOC staff resulting from the use of the ICM curriculum as previously described in this report, CJER began other ways to implement the recommendation that AOC staff receive greater orientation and development of understanding of court functions. Without the advantage of increased staff or resources, AOC Education staff was best able to accomplish this by leveraging existing education developed for court staff.

Court-Related Education: Leveraging Court Staff Education. In addition to live classes, this year CJER began to provide select broadcasts and online classes designed for the trial and appellate courts to AOC employees. These broadcasts and classes provide AOC employees with additional orientation to the courts. By utilizing existing education designed for court employees, CJER can devote the majority of its resources to developing education for the trial and appellate courts while still providing relevant education to AOC employees. The following broadcasts and online

classes are available to AOC employees via the AOC's Human Resources Employee Management System (HREMS):

- Appeals 101
- Appellate Court Records and Files
- Domestic Violence
- Everyday Court Practices: Exhibits
- Everyday Court Practices: Felony Minute Orders
- Everyday Court Practices: File Stamping
- Exploring the Code of Ethics
- Family Adoption of Minors
- How is a California Rule of Court Created?
- ICWA 101: Fundamentals of the Indian Child Welfare Act
- Juvenile Procedures: Confidentiality and Sealed Records
- A Practical Look at Probate Court Investigator Responsibilities
- New Court Investigator Responsibilities for Conservatorships
- Probate, Conservatorship, and Guardianship Video—A Look at Elder Abuse from the Perspective of Law Enforcement
- Probate Fundamentals
- Protective Orders: The Basics
- Traffic Counter Fundamentals
- Unlawful Detainers—the Basics

In addition to broadcast programs, several online courses designed for trial court employees are also available to AOC employees:

- The Courtroom Clerk in the Felony Courtroom (2 hrs)
- Handling Fee Waiver Applications (1.5 hrs)
- Introduction to Family Procedure (4 hrs)
- Requests for Domestic Violence Restraining Orders (2.5 hrs)

This cost-effective approach allows the Education Division to significantly increase the amount of court-related education provided to AOC employees while continuing to focus resources on developing and delivering education for the trial and appellate courts.

Over the past few years, partly due to staffing reductions and department reorganizations, responsibility for AOC Education is dispersed among several staff who now have a portion of their work assigned to AOC Education but with an emphasis on education that is more court focused. This model enables CJER to more easily shift resources to education areas as needed.

For example, the request to increase AOC management training can be met by engaging staff who are already working on court manager education. That is, the overlap in content for these two audiences can be leveraged. In making these changes, CJER has shifted how staff is used for AOC Education. With the added focus on developing and teaching management training classes for AOC managers and supervisors, some staff members are spending additional time on AOC Education, while others have moved their focus and time to court staff education, as it now has the added benefit of being used for both court staff and AOC Education.

Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on June 28, 2013

Title
Judicial Branch Education: AOC Staff Education

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rule 10.491

Recommended by
Rules and Projects Committee
Hon. Harry E. Hull, Jr., Chair
Hon. Judith Ashmann-Gerst, Vice-Chair

Agenda Item Type
Action Required

Effective Date
July 1, 2013

Date of Report
June 12, 2013

Contact
Susan R. McMullan, 415-865-7990
susan.mcmullan@jud.ca.gov

Executive Summary

Rule 10.491 of the California Rules of Court addresses minimum education requirements for Administrative Office of the Courts (AOC) executives, managers, supervisors, and other employees. The Rules and Projects Committee (RUPRO) recommends amending rule 10.491 regarding AOC staff education to give the Administrative Director of the Courts greater discretion and flexibility in using the AOC workforce.

Recommendation

The Rules and Projects Committee recommends that the Judicial Council amend rule 10.491, effective July 1, 2013, to allow the Administrative Director of the Courts to:

1. Grant a one-year extension of time for AOC staff to complete the required education, and

2. Determine the number of hours, if any, of live, face-to-face education required to meet the continuing education requirement.

The text of the amended rule is attached at pages 6–7.

Previous Council Action

Effective January 1, 2008, the Judicial Council adopted rule 10.491 as part of a comprehensive set of rules addressing judicial branch education. Subdivision (c) of the rule was amended, effective January 1, 2012, to provide more individual choice and flexibility in what and how many hours count toward the continuing education hours requirement. The amendments provide that an individual must complete at least half of his or her education requirement as a participant in traditional (live, face-to-face) education. In addition, the amendments removed limitations on online course work, self-directed study, and faculty service by counting all education hours in the same way.

Rationale for Recommendation

On May 25, 2012, the Strategic Evaluation Committee (SEC) issued its report on the Administrative Office of the Courts. Among the recommendations to the Judicial Council was the following recommendation concerning AOC and trial court education requirements:

> **Recommendation No. 7-23:** As to training currently required of AOC staff and court personnel, the Judicial Council should examine and consider a relaxation of current mandatory requirements to allow the Administrative Director of the AOC and/or court executive officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.

The council's Executive and Planning Committee (E&P) evaluated and prioritized each recommendation in the SEC report and presented them to the council on August 31, 2012. As to recommendation No. 7-23, E&P proposed and the council adopted the following:

> **Directive #79:** E&P recommends that the Judicial Council direct the Rules and Projects Committee to evaluate relaxation of mandatory education requirements to allow the Administrative Director of the Courts and Court Executive Officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.

In response, RUPRO considered Directive #79; recommendations from Administer Director of the Courts Steven Jahr; the rules that apply to education for AOC staff, trial court staff, appellate court staff, and clerk/administrators of the appellate courts; and the compliance periods for each category of employees. In its deliberations, RUPRO recognized the importance of judicial branch education and did not consider recommending that the education requirements be eliminated. Because of the impending end of the compliance period for AOC staff education on December 31, 2013, RUPRO decided to address immediately the rule pertaining to AOC staff education.

RUPRO recommends amending rule 10.491, effective July 1, 2013, to give the Administrative Director of the Courts greater discretion and flexibility in using the AOC workforce. Specifically, RUPRO recommends that the rule be amended to provide the Administrative Director with discretion to grant a one-year, rather than six-month, extension of time to complete required education. (Cal. Rules of Court, rule 10.491(d).) The rule would provide that the next compliance period begins after the extended compliance period ends, unless the Administrative Director determines otherwise.[1] This would allow the Administrative Director to grant an extension to all AOC employees and extend the compliance period one year, if deemed necessary. But it also would maintain the authority of the Administrative Director to grant individual extensions based on specific needs, such as for an employee in a unit that is particularly short-staffed or an employee who experienced a prolonged illness, without extending the compliance period.

In addition, RUPRO recommends amending subdivision (c) to allow the Administrative Director the discretion to determine the number of hours, if any, of traditional (live, face-to-face) education required to meet the continuing education requirement. Because some education requirements are mandated by statute, an advisory committee comment would be added to the rule to provide that "[t]he time frame for completion of compliance courses based on statutory or regulatory mandates is unaffected by the one-year extension in (d)(1)."

RUPRO considered the education requirements for trial court staff stated in rules 10.474 and 10.478. Because the end of the compliance period for trial court staff education is December 31, 2014—more than a year away—and to determine trial court needs for staff education, RUPRO decided to solicit information from presiding judges and court executive officers in all superior courts. RUPRO has begun to do so through a letter from Justice Harry E. Hull, Jr., chair, asking courts' views on relaxing the mandatory education requirements for trial court staff to allow court executive officers greater discretion and flexibility in use of their workforces. In addition, Justice Hull and Justice Robert L. Dondero, chair of the Center for Judicial Education and Research (CJER) Governing Committee, will attend the statewide joint meeting of trial court presiding judges and court executive officers on August 29 to continue this dialog.

Though Directive #79 does not address appellate court staff education, RUPRO recognized that appellate courts may have the same need for a relaxation of education requirements. Because the appellate court staff education compliance period ends December 31, 2013, Justice Hull attended a recent meeting of the Administrative Presiding Justices Advisory Committee to solicit members' views. Administrative presiding justices saw no need to amend the rules to provide an extension of time for appellate court staff or to relax the requirement for face-to-face education.

[1] The current rule provides that an extension of time to complete the hours-based requirement does not affect the timing of the next two-year period.

Comments, Alternatives Considered, and Policy Implications

This proposal did not circulate for public comment. Under rule 10.22, a proposal need not be circulated for public comment if it presents a nonsubstantive technical change or correction or a minor substantive change that is unlikely to create controversy, or RUPRO finds that compelling circumstances require a different procedure. The compelling circumstances exception provides as follows:

> The procedures established in this rule must be followed unless the Rules and Projects Committee finds that compelling circumstances necessitate a different procedure. The committee's finding and a summary of the procedure used must be presented to the council with any recommendation to the council made under this subdivision.

(Cal. Rules of Court, rule 10.22(g).)

The existing two-year compliance period provided in rule 10.491 for AOC staff is currently nearly three-quarters completed. The number of AOC staff has been reduced since early 2012, when the current compliance period began, and the number of education courses offered has similarly been reduced. There is thus an urgent need to provide the Administrative Director with the discretion to relax the mandatory education requirements to allow staff to obtain the required education over a longer period of time (three years rather than two) and through delivery methods such as online courses that allow employees to select the course times that work best for them.

Circulating this proposal would delay the effective date beyond July 1, 2013 would reduce the number of staff benefitting from an extended compliance period. If fewer staff benefit from the extended compliance period and elimination of the rule requirement for face-to-face education, the overall benefits of increasing staff availability to provide needed services to the courts will likewise be reduced.

Though RUPRO recognizes the benefits of circulating rule proposals for comment in ordinary times, the extraordinary times and circumstances now confronting the judicial branch and the particular subject of this proposal compel adoption of the proposal without circulation for comment. If approved by the council, the proposal will be circulated for comment after adoption.

RUPRO considered alternative rule amendments that would simply state that the compliance period ending December 31, 2013, is extended one year to December 31, 2014, or that would allow the Administrative Director to grant an extension of the continuing education hours requirements, but not all education requirements. RUPRO decided not to recommend these amendments and instead grant the Administrative Director as much flexibility as possible to relax education requirements as needed.

Implementation Requirements, Costs, and Operational Impacts

If the Administrative Director exercises the discretion provided to him to extend the time by which employees must complete their education requirements, there will be some minimal requirements and costs associated with tracking employee education. Similarly, the elimination of face-to-face education requirements will result in some minimal requirements and costs associated with tracking employee education. These costs, however, are anticipated to be offset by a reduction in the need to provide face-to-face education. In addition, the proposal is expected to have positive operational impacts by allowing AOC employees additional time to complete educational requirements and flexibility with respect to alternatives to live training, thereby increasing employee availability to provide needed services to the courts.

Attachments

1. Cal. Rules of Court, rule 10.491, at pages 6–7

Information on Judicial Council Directives

Council Directive **85**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the impacts of a reduction in the size of the Administrative Services Unit and the reduction in services that would result, and provide the findings and recommendations to the Judicial Council.

SEC Recommendation **7-20**

The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(f) The Administrative Services unit contains more than 20 staff engaged in support activities such as records management, printing and copying, scheduling and planning training delivery, and coordinating logistics for all AOC events. The number of staff in this unit should be evaluated and reduced commensurate with the reduction in the number of live programs and events, and reflecting a reduction in the number of employees AOC-wide.

Reported By:	Center for Judiciary Education and Research
Contact:	Dr. Diane Cowdrey, Director

TASK

	PENDING
x	**COMPLETED: Currently, all functions in the former CJER ASU have been moved to a new Administrative Services Office. This movement began with initial AOC restructuring that occurred effective October 1, 2012, and seven staff in the Records, Mail and Copy Department, was moved to the newly formed Administrative Services Office. Subsequent to the reorganization, one additional staff member was transferred from CJER to the Executive Office. The remaining ASU Conference Services departments were subsequently merged with the Faculty and Course Services department within the Production, Delivery and Education Technology Unit (PDET) to streamline business processes associated with the delivery of live education programs. The existing ASU unit was eliminated with this restructuring. Subsequently, 22 regular positions were transferred internally to other offices.**

This directive relates to a point in time when there was an Administrative Services Unit within CJER. Currently, all functions in the former ASU have been moved to a new Administrative Services Office. This movement began with initial AOC restructuring that occurred effective October 1, 2012, and the Records, Mail and Copy Department, was moved to the newly formed Administrative Services Office in order to provide organization-wide services under the direction of the Chief Administrative Officer. Seven staff moved from CJER to the new office; subsequent to the reorganization, one additional staff member was transferred from CJER to the Executive Office.

The remaining ASU Conference Services departments were subsequently merged with the Faculty and Course Services department within the Production, Delivery and Education Technology Unit (PDET) to streamline business processes associated with the delivery of live education programs. The existing ASU unit was eliminated with this restructuring.

Subsequently, 22 regular positions were transferred internally to other offices. This included:

- 20 positions in Conference and Registration Services, Conference Center Support and AV/Video Technical Support moved to Conference Support Services in the Administrative Services Office.

- Two staff in AV/Video Systems Development and Integration moved to Capital Programs.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x]	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	[ ]	UNABLE TO IMPLEMENT
[ ]	IMPLEMENTED AND ONGOING	[ ]	PENDING IMPLEMENTATION
[ ]	IMPLEMENTED BUT IN PROGRESS		

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- *Center for Judiciary Education and Research (CJER) Staffing History*
- Organizational Structure of the Center for Judiciary Education and Research, February 26, 2013
- Organizational Structure of the Center for Judiciary Education and Research, January 6, 2015

4/8/15

Center for Judiciary Education and Research (CJER)

Staffing History

		Jun 30 2011	Jul 1 2011 (SEC Data)	Dec 31 2011	Jun 30 2012	Dec 31 2012	Dec 31 2013	Jul 31 2014	Jan 29 2015 (current)
Data generated by Human Resources. Includes data on all authorized positions.	**Position Status Report (PSR)**								
	Total number of filled authorized positions FTEs	84.50	82.5[i]	77.90	71.15	62.15	63.10	44.30	41.30
	Total number authorized position FTEs	92.50	85.5[ii]	81.50	81.50	67.50	68.50	48.50	48.50
	Vacancies	8.00[iii]	3.0	3.60	10.35	5.35	5.40	4.20	7.20
Data generated by CJER. All employees are represented in whole numbers; all temporary employees are included.	**Interpretation of Numbers/ Headcount**								
	Total number of regular employees	86	86	80	72	63*	64	47^	43
	Total number of 909 employees	11	11	11	11	6*	0	0	0
	Total number of agency (temp) employees	4	5[iv]	5	1	1	2	0	1
	Total number of retired annuitants	2	2	1	0	0	1	0	0
	Total number of people working in CJER	**103**	**104**	**97**	**84**	**70**	**67**	**47**	**44**
	Total Workforce	**101.5**	**100.5**	**94.9**	**83.15**	**69.15**	**66.1**	**44.3**	**42.3**
	Change from June 2011, due to movement of staff to other Judicial Council offices			**(6) 6% reduction**	**(19) 18% reduction**	**(33) 32% reduction**	**(36) 35% reduction**	**(56) 54% reduction**	**(59) 57% reduction**
	Change from June 2011, excluding staff moved due to restructures					**(24) 23% reduction**	**(27) 26% reduction**	**(27) 26% reduction**	**(30) 30% reduction**

i – two regular employees were moved into temporary positions, effective 7/1/2011

ii - 7.0 FTE authorized positions were abolished, effective 7/1/2011

iii - 7 of the 8 vacancies were abolished. However, 2 people moved into 909 positions resulting in two additional vacancies.
iv – Agency temporary work order filled after July 2011.

*Judicial Council restructuring effective October 2012

- Seven regular positions transferred internally to other offices (Position numbers: 0802, 1186, 2355, 0599, 0797, 0600, 0799)
- Two temporary (909) positions transferred internally to other offices (Admin. Services Assistant II positions)

^ Judicial Council office restructuring effective July 1, 2014

- Twenty regular positions transferred internally to other offices (Position numbers: 0793, 1251, 1206, 1317, 2473, 0763, 0660, 0659, 0642, 0803, 0804, 0593, 0739, 1201, 0661, 0559, 0780, 0800, 0779, 1894)

01/31/15 Vacancies:

- Position 1841 (Manager to Senior Education Specialist) = 1.0
- Position 0563 (Executive Secretary) = 1.0
- Position 0591 (Attorney) = 1.0
- Position 0582 (Manager to Attorney) = 1.0
- Position 0564 (Senior Editor) = 1.0
- Position 0697 (Senior Education Specialist) = 1.0
- Position 1628 (Senior Education Specialist) = 1.0
- Position 0596 is an .8 FTE (this accounts for the 0.2 vacancy)

ADMINISTRATIVE OFFICE OF THE COURTS

JUDICIAL AND COURT OPERATIONS SERVICES DIVISION

CENTER FOR JUDICIAL EDUCATION AND RESEARCH

DIRECTOR
Diane E. Cowdrey

Suzette LaCivita
Exec. Secretary

Production, Delivery, and Educational Technologies
Gavin Lane
Senior Manager

Illistine Banks
Sr. Fiscal Coordinator

Faculty and Conference Services
Sue Oliker
Manager

Course & Faculty Services
Lisa Graves
Supervisor

- Susan Carroll
  Sr. Adm. Coordinator
- Suzanne Renner (85%)
  Sr. Adm. Coordinator
- Vacant
  Adm. Coordinator II
- Jane Doherty
  Adm. Coordinator II
- Stephanie Hampton
  Adm. Coordinator II
- Lina Kravetskiy
  Adm. Coordinator II
- Gricelda Luna
  Adm. Coordinator II
- Lynn Muscat (90%)
  Adm. Coordinator II
- Vacancy
  Adm. Coordinator I
- Kelly Cameron
  Secretary II
- Diane Parks
  Secretary II

Conference & Registration Services
Alla Urisman
Supervisor

- Evelyn Gonzalez
  Adm. Coordinator II
- Susan Paul
  Adm. Coordinator II
- Brandie Pilapil
  Adm. Coordinator II
- Christopher Rey
  Adm. Coordinator II
- Brenda Chiles
  Admin. Secretary

Conference Center Support
David Glass
Supervisor

- Joe Glavin*
  Adm. Coordinator II
- Vacant
  Adm. Coordinator II
- Irene Vozaites
  Receptionist II
- Paul Bibo**
  Office Technician I

Distance Education
Ralph McMullan
Supervisor

- Dexter Craig
  Sr. Med. Prod. Spec.
- David Knight
  Sr. Med. Prod. Spec.
- Mandy Covey
  Med. Prod. Spec.
- Christopher Noice
  Med. Prod. Spec.
- Mary Durbin
  Staff Analyst II
- Catherine Lam (80%)*
  Sr. AV/Video Tech.

AV/Video Technical Support
Peter Shervanick
Supervisor

- Cyrus Ip
  Sr. AV/Video Tech.
- John Moynihan**
  Sr. AV/Video Tech.
- Mark Scardello
  Sr. AV/Video Tech.
- Ralph Brooks**
  AV/Video Tech. II
- Dorothy Wang**
  AV/Video Tech. II
- Mandy Brown (80%)*
  AV/Video Tech. I

AV/Video Systems Development & Integration
Jennifer Willard
Supervisor

- Mike Safer@
  Sr. AV/Video Sys. Tech. Analyst
- Rodrigo Zamudio
  AV/Video Sys. Tech. Analyst
- James Hill
  Sr. AV/Video Tech.

Course Content and Publications
Bob Lowney
Senior Manager

Judicial Education
Karene Alvarado
Managing Attorney

- Roderic Cathcart
  Sr. Attorney
- Rhoda Chang
  Attorney
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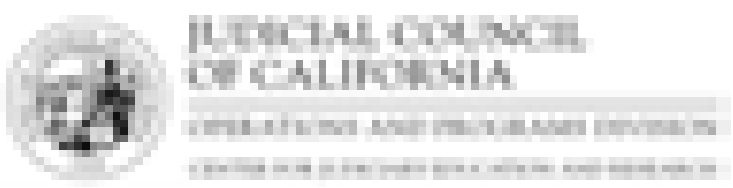
\+ Located at regional office

Prepared 2/26/2013



Judicial Council of California

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* Temporary Employee

Updated for 1/6/15

Information on Judicial Council Directives

Council Directive **86**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Education Division should conduct true cost benefit analyses in determining the types of training and education it provides for new judicial officers and others, and to report to the council on the results. Analyses should include types, lengths, locations of programs, delivery methods, and the costs to courts.

SEC Recommendation **7-21**

The Education Division should conduct true cost-benefit analyses — and not rely only on its own preferences — in determining the types of training and education it provides, including types, lengths, and locations of programs, delivery methods, and the costs to courts. This type of analysis should apply to training and education programs for new judicial officers.

Reported By:	Center for Judiciary Education and Research
Contact:	Dr. Diane Cowdrey, Director

TASK

	PENDING
x	**COMPLETED: CJER presented a cost-benefit process at the January 17, 2013 Judicial Council meeting and based upon the council's approval of CJER's approach to the directive, a final report was submitted to the council at its April 2013 meeting. This directive was implemented in the 2013 calendar year.**

The Judicial Council requested that CJER submit recommendations on the cost-benefit process, and this was submitted at the January 17, 2013 Council meeting. Based upon the Council's approval of CJER's approach to the directive, a final report was submitted to the Council at its April 2013 meeting. This directive was implemented in the 2013 calendar year. To implement the directive, CJER's recommendations are to 1) increase oversight by the Governing Committee of CJER management with respect to determining the appropriate expenditures for developing education, 2) ensure validation by Governing Committee of the analyses and recommendations of curriculum committees, and 3) provide Advisory Committee level oversight of cost effectiveness in the manner in which education is delivered while maintaining educational effectiveness.

To comply with Judicial Council directive #86, CJER has strengthened the "cost" side of the equation by making the following changes to current process:

1. Prior to the development a two-year Education Plan, CJER staff will provide the Governing Committee with budget information on the programs and products that have the highest cost. The Governing Committee will review these to determine if (a) there are ways to reduce costs, and (b) whether the benefits of those programs and products justify the cost of their inclusion in the next Education Plan.

2. CJER staff will provide additional information on costs of each delivery method to the curriculum committees so they can analyze the relative delivery costs against the effectiveness of a particular delivery method for

achieving stated educational goals and objectives.

3. The Governing Committee and curriculum committees should examine costs in their selection of the types of delivery methods. It should include variables such as the lengths and locations of live programs, direct and indirect development costs and estimated costs to courts.

4. Staff should facilitate discussion among committee members about the effectiveness and costs of various delivery methods and should ensure that the benefits of more expensive methods are clearly documented for review by the CJER Governing Committee should the curriculum committee determine that a more costly delivery method is necessary to effectively achieve educational goals.

After the curriculum committees conduct the cost-benefit analysis and made their prioritized recommendations to the Governing Committee, CJER staff continues with the established practice of resourcing the prioritized committee recommendations to ensure the efficient delivery of as many of the committee recommendations as possible, with the available budget and staff resources.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

☐	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	☐	UNABLE TO IMPLEMENT
x	IMPLEMENTED AND ONGOING	☐	PENDING IMPLEMENTATION
☐	IMPLEMENTED BUT IN PROGRESS		

As additional programs are considered for development by the CJER Curriculum Committees and approval of the CJER Governing Committee the cost benefit analysis process developed by CJER will be utilized on an ongoing basis along with a new structure for evaluating the criticality and relative importance of CJER publications.

ASSESSMENT OF IMPLEMENTATION

CJER Governing Committee and the CJER Curriculum Committees are currently using the cost benefit analysis and forms for preparing the two-year education plan. Information is provided to the Curriculum Committees including:

- Topics and learning objectives in each assignment area
- What training/curriculum has already been provided
- Evaluation data from participants on preferences for various delivery methods
- What curriculum was not delivered in the last two-year period
- Best delivery method for types of education

This analysis is then provided to the CJER Governing Committee to determine what education can be provided with the resources and staffing available with input received from CJER staff.

Most recently, in light of staffing reductions (loss of three publication attorneys), CJER Governing Committee requested a process for all of the publications to rank them in relative importance and criticality. A structure was developed to be used ongoing for the next curriculum review in the summer of 2015. This structure was utilized February 2015, and resulted in a redirection of CJER resources by adding updates to four publications to the current education plan while deciding to remove updates to four publications in the current education plan.

E&P members were very impressed with these tools developed by CJER and indicated that these activities

demonstrate that CJER took the recommendation to heart.

OTHER INFORMATION

Attachments:

- *Education Delivery Options* handout
- *Job Aid: Relative Costs of Education Delivery Methods*
- *Education Committee Delivery Method Selection: Cost Benefit Analysis Form*
- *Sample Cost Benefit Analysis Form – Civil*, March 24, 2014
- *CJER Analysis of Curriculum Committee Recommendations for Review and Approval by the CJER Governing Committee* sample, January 24, 2014
- *Ranking and Prioritization of CJER Publications*, 2014
- *Compiled Ranking of CJER Publications*, February 3, 2015.

EDUCATION DELIVERY OPTIONS

FACE TO FACE EDUCATION—Courses are designed and delivered to encourage participants to interact with the content, and share experiences, expertise, challenges, concerns, and successes. This format is especially effective when interaction and immediate feedback are important.

Statewide: Opportunity to work with participants from across the state and learn from their varied experience. This delivery option is the most costly form of education per participant.

Regional: Focused on a tighter geographical area/content that can be covered in a 1-day format.

Local: Content delivered by courts internally in partnership with CJER.

ONLINE VIDEO—Video for content that can be developed in short segments designed for focused and/or "just-in-time" learning. **(24/7)**

Lecture Series—Discrete topics delivered in primarily lecture format by one or more subject matter experts that last 30 minutes to 1 hour.

10-Minute Mentor—This series consists of short topic videos presented by judicial officers who are experts in the areas they discuss.

Video Simulation Series—A series of short videos demonstrating techniques that participants can use to increase efficiency and effectiveness.

BROADCAST—Scheduled courses developed for delivery through the statewide satellite broadcast system and focused on specific audiences.

Live Broadcast—Content selected may be either lecture-/information-based (short format) or skills-based (1–2 hour format).

Individual & Facilitated Locally—Courses are repurposed for online desktop viewing and/or viewed by a group in a face to face course facilitated locally from DVD.

SELF-PACED ONLINE—Education that is designed for online delivery. These courses represent a range of complexity and interactivity. Content is generally stable, with limited updating requirements. Additionally, online courses provide judicial branch audiences with a convenient reference for related statutes, rules, and forms. **(24/7)**

PUBLICATIONS—Benchguides, Bench Handbooks, Benchbooks, and Job Aids are resources written and updated by staff with review by workgroups. These are available in hard and/or soft copy online. **(24/7)**

VIDEOCONFERENCE TRAINING—Videoconferencing is linking two or more locations (up to 8) by two-way video, allowing participants to communicate with each other and faculty during the course. Best designed for small numbers in multiple locations and short formats (1–2 hours). Currently only available at the Appellate Courts and the AOC Regional Offices.

WEBINARS—Short for Web-based seminar. These are courses transmitted over the Internet, consisting of a shared group environment online that includes live audio and video communication with an audience that is in a remote location from the faculty. Webinars may include video, PPT, chat capability with faculty, faculty feedback, and polling for audience participation. (*i.e.*, WebEx)

Each of these delivery options can be part of a blended learning plan. For example, a face to face course might require participants to complete an online course before attending the course, or a Webinar might follow a studio video as a way to expand the learning.

JOB AID: Relative Costs of Education Delivery Methods

According to "Developing the Judicial Branch Education Plan: Objectives, Roles and Responsibilities," approved by the CJER Governing Committee in November 2009, the primary role and responsibility of the Curriculum Committee is to develop a two-year education plan for its respective curriculum area, in partnership with CJER staff, for approval by the Governing Committee. Curriculum Committees determine what content should be addressed in a two-year plan, prioritize that content, and also make recommendations about the appropriate way to deliver the content. Curriculum Committee members have knowledge about the variety of delivery methods available to CJER. This job aid provides information about the relative cost of the various delivery methods so that committee members can weigh the costs and benefits of particular delivery methods and make informed decisions about which delivery method is the most effective, cost-effective and appropriate to use. Committee members should carefully consider the cost and benefit of choosing a high cost delivery method (items 1-5 on the attached summary), and work with CJER staff to document their rationale for doing so for review by the CJER Governing Committee.

Below are summaries of the primary methods of providing education, a chart of relative costs, and a set of individual charts that provide greater detail about the costs associated with each of the delivery methods.

Live, face-to-face education programs can involve the highest number of cost elements to the courts and the AOC, and some forms of this delivery method incur the highest aggregate costs among the various options available. They range in format from half-day local courses to multi-day programs held at a conference or hotel venue.

Distance Education (Satellite Broadcast) typically entails very little direct cost beyond faculty travel and meals unless video production is required (for development of vignettes or interviews of subject matter experts shown during the broadcast). In that case, standard direct costs such as staff and faculty travel and lodging are incurred and indirect staff time costs are significantly increased. The other standard cost is satellite broadcast transmission, which costs approximately $1,000 per hour. There are also annual costs associated with maintenance and repair and occasional installation charges for downlinks in new facilities.

Distance Education (Online Video) costs vary depending on the complexity of production. Only the *video simulations,* which entail the creation of vignettes, require a great deal of faculty and staff time and various direct costs. *Video lectures* from live programs incur direct costs for staff travel to record at a program and staff time to edit the videos, but they leverage faculty in a cost effective fashion. *Videos* created in the studio typically incur only costs for faculty travel and staff time.

Distance Education (Videoconference) typically entails very little direct cost beyond faculty travel and meals. There may be some indirect costs for faculty and staff preparation depending upon the complexity of the faculty and participant materials that must be developed and the technical challenges incorporating multiple sites. Because the signal is transmitted over the AOC and Appellate Court computer network, it is reliable and does not entail any transmission costs. There are some annual costs associated with equipment maintenance and repair.

Distance Education (Webinars) typically entails very little direct cost beyond faculty travel and meals. There are some indirect costs for faculty and staff preparation depending upon the complexity of the faculty and participant materials that must be developed. There are some annual costs associated with the software and some associated telecommunication charges.

Distance Education (Online Courses) involves preparation from staff writers and faculty reviewers similar to CJER publications. They require a greater level of instructional design than publications and the added element of media production staff to create the web pages and their various elements. They vary significantly in length and complexity and the indirect cost of CJER staff time varies proportionately.

Publications currently provided by CJER are available in print or online. The bench books and handbooks are the only publications remaining solely in print form, and most of the costs for printing are funded by legal publisher partners. The primary costs are indirect, and are associated with the staff that write and edit the publications and the faculty time to review that work. The largest publication product, the Civil Bench Book series, is written by contractors and funded almost entirely from grant money. CJER's bench guides are provided only online. As with online course development, publications vary in length and complexity and the staff time required varies proportionately.

Direct cost factors and how they are funded:

- Faculty Lodging and Meals (Trial Court Improvement and Modernization Fund or IMF)
- Faculty Travel (IMF)
- Contract faculty and contract publications writers (IMF, other Special Fund money or Grant Funding)
- Participant Lodging and Meals (IMF)
- Meeting room rental costs (IMF)
- Satellite broadcast transmission time (IMF)
- Participant Travel (Individual Court)

CJER Staff Lodging, Meals, and travel (AOC General Funds)

Relative Cost Summary Chart: Education Delivery Methods

	Delivery type	Delivery Method Category	Direct Cost	Indirect Cost	Cost relative to other delivery methods
1	• Statewide events • Two or more days • Hotel meeting facility	Live, face to face education	Very High	High	Very High
2	• Bench Books (new and updates)	Publications and resources	High	High	High
3	• Statewide events • Two or more days • AOC Meeting Facility	Live, face to face education	High	High	High
4	• Unique online courses on complex subjects	Online courses	Low	High	Medium
5	• Bench Guides (new and updates)	Publications and resources	Low	High	Medium
6	• Complex broadcast program	Satellite broadcast	Medium	Medium	Medium
7	• Regional events • One day or less • AOC or court meeting facility • Offered in more than one region	Live, face to face education	Medium	Medium	Medium
8	• Video simulations online	Online video	Medium	Medium	Medium
9	• Video lectures from live programs online	Online video	Medium	Medium	Medium
10	• 10-minute Mentor	Online video	Low	Medium	Low
11	• Simple broadcast	Satellite broadcast	Low	Medium	Low
12	• Bench Tool and staff job aids	Publications and resources	Low	Medium	Low
13	• Online judicial articles	Online courses	Low	Medium	Low
14	• Encore broadcasts (reruns)	Satellite broadcast	Low	Low	Low
15	• Video lectures (Produced in the AOC studio)	Online video	Low	Low	Low
16	• Local court location • One day or less • Court meeting facility	Live, face to face education	Low	Low	Low
17	• Videoconferences (1-3 hours)	Videoconferences	Very Low	Low	Very Low
18	• Webinars (1-2 hours)	Webinars	Very Low	Low	Very Low

Definitions of Relative Cost Categories

	Direct Costs	Indirect Costs
Very High	High participant food and beverage costs at off-site venues, and high staff travel costs at programs such as the Judicial College ($100,000-330,000) and Judicial Institutes ($45,000-$75,000). Ranges from $45K – 400K per event or product	• Multiple days of faculty time in preparation and teaching • Multiple days of participant time away from court • Large number of staff required • Large amount of staff time required (including site contracts)
High	Reduced costs of participant food and beverage, and staff travel costs, due to holding a program at an AOC or court location; for example, the Winter Primary Assignment Orientations, which typically includes 5-6 different courses ($75,000). Also, the Civil Law Bench Book ($100,000/year). Ranges from $45K – $100K per event or product	• Multiple days of faculty time in preparation and teaching • Multiple days of participant time away from court • Large number of staff required • Moderate amount of staff time required (including site contracts)
Medium	Few direct costs, usually faculty travel and lodging, and/or CJER staff travel; for example, regional courses, complex video products. Less than $5,000 per event or product	• Two days or less of faculty time away from court • Two days or less of participant time away from court • Some appreciable staff time for content development, production and delivery logistics
Low	Few direct costs, usually faculty travel and lodging; for example, local courses at courts, or distance education such as bench tools and simple broadcasts. Less than $2,500 per event or product	• One day or less of faculty time away from court • One day or less of participant time away from court • Small amount of staff time content development • Small amount of staff time for production or delivery logistics
Very Low	Very few or no direct costs; for example, webinars or videoconferences. Less than $1,000 per event or product	• No staff time for content development, production, or delivery logistics

Live, Face-to-Face Education

Primary forms of live, face-to-face education	Primary cost factors, designated as High (H), Medium (M) or Low (L) Cost	Example	Cost relative to other delivery methods
Statewide multi-day program with multiple courses held at a hotel conference facility	*Direct Costs* • Faculty lodging & meals (H) • Faculty travel (H) • Participant lodging (H) • Participant meals (H) • Participant travel (H) • CJER staff lodging & meals (H) • CJER staff travel (H) *Indirect Costs* • Faculty & Participant time away from court (H) • CJER staff time* (H)	*Juvenile Law Institute*	Very High
Statewide multi-day program with multiple courses held at an AOC meeting facility	*Direct Costs* • Faculty lodging & meals (H) • Faculty travel (H) • Participant lodging (H) • Participant meals (L) • Participant travel (H) • CJER staff lodging & meals (H) • CJER staff travel (H) *Indirect Costs* • Faculty & Participant time away from court (H) • CJER staff time* (H)	*Primary Assignment Orientation Program* *Civil & Criminal Evidence Course*	High
Regional program of one day or less held at an AOC or court facility	*Direct Costs* • Faculty lodging & meals (H) • Faculty travel (H)	*Parole revocation hearings* *Hot topics in Decedents*	Medium

and offered in more than one region	• Participant lodging (L) • Participant meals (L) • Participant travel (L) • CJER staff lodging & meals (H) • CJER staff travel (H) *Indirect Costs* • Faculty time away from court (M) • Participant time away from court (L) • CJER staff time* (H)	*Estates & Trusts*	
Local program of one-day or less held in a court facility	*Direct Costs* • Faculty lodging & meals (H) • Faculty travel (H) • Participant lodging (None) • Participant meals (L) • Participant travel (None) • CJER staff lodging & meals (None) • CJER staff travel (None) *Indirect Costs* • Faculty time away from court (M) • Participant time away from court (L) • CJER staff time* (L)	*Local training catalog courses*	Low

* CJER staff typically involved in the development of live face-to-face education may include the following classifications: Attorney or education specialist, education coordinator(s), meeting planner (RFPs & contracts), registration coordinator, secretary, 1–3 AV technicians, copy editor, and other staff performing minor support functions. Depending on the complexity, length and size of the event, staff on site typically include: Attorney or education specialist responsible for the content area, education coordinator, hotel meeting planner, (one day), registration coordinator (one day), AV Technicians 1–7 days.

Distance Education: Satellite Broadcasts

Primary forms of broadcasts	Primary cost factors, designated as High (H), Medium (M) or Low (L) Cost	Example	Cost relative to other delivery methods
Complex Broadcast: Complex subject Matter and/or using video vignettes or other pre-broadcast video production combined with lecture and panel discussion	*Direct Costs* • Faculty lodging & meals (M) • Faculty travel (M) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (L) • CJER staff travel (L) • Broadcast transmission time *Indirect Costs* • Faculty time away from court (M) • Participant time away from court (L) • CJER staff time* (H)	*Continuing the Dialog broadcast: Implicit Bias*	Medium
Simple broadcast: Single subject and/or Live Panel Discussion	*Direct Costs* • Faculty lodging & meals (L) • Faculty travel (L) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (None) • CJER staff travel (None) • Broadcast transmission time *Indirect Costs* • Faculty time away from court (M) • Participant time away from court (L) • CJER staff time* (L)	*Small Claims Processing for court staff*	Low

Encore broadcasts (reruns)	*Direct Costs* • Faculty lodging & meals (None) • Faculty travel (None) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (None) • CJER staff travel (None) • Broadcast transmission time *Indirect Costs* • Faculty time away from court (None) • Participant time away from court (L) • CJER staff time* (L)	*Court staff broadcasts: Customer Services*	Low

* CJER staff typically involved in the development of broadcast education may include the following classifications: Attorney or education specialist, media production specialist, copy editor, education coordinator, web developer, 1–5 AV/Video technicians, and other staff performing minor support functions.

Distance Education: Online Videos

Primary forms of online video education	Primary cost factors, designated as High (H), Medium (M) or Low (L) Cost	Example	Cost relative to other delivery methods
Video simulations	*Direct Costs* • Faculty lodging & meals (M) • Faculty travel (M) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (L) • CJER staff travel (M) *Indirect Costs* • Faculty time away from court (M) • Participant time away from court (L) • CJER staff time* (H)	*Continuing the Dialog broadcast: Implicit Bias*	Medium
Video lectures from live programs	*Direct Costs* • Faculty lodging & meals (None additional) • Faculty travel (None additional) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (M) • CJER staff travel (H) *Indirect Costs* • Faculty time away from court (None additional) • Participant time away from court (L) • CJER staff time* (M)	*Appellate Judicial Attorneys Institute Lectures*	Medium

10-minute mentor	*Direct Costs* • Faculty lodging & meals (L) • Faculty travel (L) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (None) • CJER staff travel (None) *Indirect Costs* • Faculty time away from court (M) • Participant time away from court (L) • CJER staff time* (H)	*Expedited Jury Trials*	Low
Video Lectures (Produced in the AOC Studio)	*Direct Costs* • Faculty lodging & meals (L) • Faculty travel (L) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (None) • CJER staff travel (None) *Indirect Costs* • Faculty time away from court (M) • Participant time away from court (L) • CJER staff time* (L)	*Hearing DV Cases: Avoiding Pitfalls*	Low

* CJER staff typically involved in the development of online videos may include the following classifications: Attorney or education specialist, media production specialist, copy editor, web developer/analyst, education coordinator, registration coordinator, secretary, 1–3 AV technicians, video editor, and other staff performing minor support functions.

Distance Education: Online Courses

Primary forms of Online education	Primary cost factors, designated as High (H), Medium (M) or Low (L) Cost	Example	Cost relative to other delivery methods
Unique Online Courses on complex subjects that take from 1- 6 hours to complete	*Direct Costs* • Faculty lodging & meals (None) • Faculty travel (None) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (None) • CJER staff travel (None) *Indirect Costs* • Faculty time away from court (reviewing and writing) (M-L) • Participant time away from court while taking the course (L) • CJER staff time *(H)	*Juvenile Dependency Hearings;* *Preliminary Hearings Primer*	Medium

* CJER staff typically involved in the development of self-paced online courses may include the following classifications: Attorney or education specialist, copy editor, media production specialist, web developer/analyst, education coordinator, AV/Video Technicians and other staff performing minor support functions.

Education Publications & Resources

Primary forms of education publications	Primary cost factors, designated as High (H), Medium (M) or Low (L) Cost	Example	Cost relative to other delivery methods
Bench Books and Handbooks (new writing and ongoing updates)	*Direct Costs* • Faculty lodging & meals (None) • Faculty travel (None) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (None) • CJER staff travel (None) *Indirect Costs* • Faculty time away from court (M-L) • Participant time away from court (L) • CJER staff time)* (H)	*Civil Proceedings Bench Book* *Mandatory Jury Instructions* *Small Claims*	High
Bench Guides & Bench Handbooks, new practice and job aids (new writing and ongoing updates)	*Direct Costs* • Faculty lodging & meals (None) • Faculty travel (None) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (None) • CJER staff travel (None) *Indirect Costs* • Faculty time away from court (M-L) • Participant time away from court (L) • CJER staff time* (H)	*Right to Counsel Issues* *DUI Proceedings*	Medium

• Bench Tools • Job aid resources available online • Development and updating	*Direct Costs* • Faculty lodging & meals (None) • Faculty travel (None) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (None) • CJER staff travel (None) *Indirect Costs* • Faculty time away from court (L) • Participant time away from court (None) • CJER staff time* (L)	*Case initiation in Probate;* *Confidentiality and sealing records*	Low
• Online Judicial Articles	*Direct Costs* • Faculty lodging & meals (None) • Faculty travel (None) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (None) • CJER staff travel (None) *Indirect Costs* • Faculty time away from court (None) • Participant time away from court (None) • CJER staff time* (L)	*Introduction to California Land Use Law*	Low

* CJER staff typically involved in the development of education publications and resources may include the following classifications: Attorney or education specialist, copy editor, other staff performing minor support functions. When writing is performed by grant-funded consultants (Civil Proceedings Bench Book), those costs are considered direct costs.

Distance Education: Videoconferences

Primary form of videoconferencing education	Primary cost factors, designated as High (H), Medium (M) or Low (L) Cost	Example	Cost relative to other delivery methods
1-3 hour program held at 2-4 AOC or appellate court sites and occasionally including a trial court site	*Direct Costs* • Faculty lodging & meals (M) • Faculty travel (M) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (L) • CJER staff travel (L) *Indirect Costs* • Faculty time away from court (M) • Participant time away from court (L) • CJER staff time* (M)	*Appellate Court Staff* *Appellate Justices Qualifying Ethics*	Very Low

* CJER staff typically involved in the development of educational videoconferences may include the following classifications: Attorney or education specialist, education coordinator, registration coordinator, secretary, AV Systems Technical Analyst, 1–2 AV technicians, and other staff performing minor support functions

Distance Education: Webinars

Primary form of webinar education	Primary cost factors, designated as High (H), Medium (M) or Low (L) Cost	Example	Cost relative to other delivery methods
1-2 hours Webinars	*Direct Costs* • Faculty lodging & meals (L) • Faculty travel (L) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (None) • CJER staff travel (None) • Broadcast transmission time *Indirect Costs* • Faculty time away from court (M) • Participant time away from court (L) • CJER staff time* (M)	*Current Issues in Criminal Law*	Very Low

* CJER staff typically involved in the development of educational webinars may include the following classifications: Attorney or education specialist, education coordinator, administrative secretary, AV technician, and other staff performing minor support functions.

Education Committee Delivery Method Selection:
Cost Benefit Analysis Form

Curriculum Committees determine what content should be addressed in a two-year plan, prioritize that content, and also make recommendations about the appropriate way to deliver the content. Curriculum Committee members have knowledge about the variety of delivery methods available to CJER. Committee members should carefully consider the cost and benefit of choosing a high cost delivery method (items 1-5 on the Relative Cost Summary Chart) and work with CJER staff, using this form, to document their rationale for doing so for review by the CJER Governing Committee.

Note: Use this form only when proposing use of delivery methods that have a high cost element (Items 1-5 on the Relative Cost Summary Chart: Education Delivery Methods)

CONTENT AREA	DELIVERY METHOD SELECTED	CURRICULUM COMMITTEE COST BENEFIT RATIONALE	STAFF NOTES	GOVERNING COMMITTEE NOTES

Education Committee Delivery Method Selection:
Cost Benefit Analysis Form

Curriculum Committees determine what content should be addressed in a two-year plan, prioritize that content, and also make recommendations about the appropriate way to deliver the content. Curriculum Committee members have knowledge about the variety of delivery methods available to CJER. Committee members should carefully consider the cost and benefit of choosing a high cost delivery method (items 1-5 on the Relative Cost Summary Chart) and work with CJER staff, using this form, to document their rationale for doing so for review by the CJER Governing Committee.

Note: Use this form only when proposing use of delivery methods that have a high cost element (Items 1-5 on the Relative Cost Summary Chart: Education Delivery Methods)

CONTENT AREA	DELIVERY METHOD SELECTED	CURRICULUM COMMITTEE COST BENEFIT RATIONALE	STAFF NOTES	GOVERNING COMMITTEE NOTES

Cost Benefit Analysis Form – Civil
March 24, 2014

Curriculum Committees determine what content should be addressed in a two-year plan, prioritize that content, and also make recommendations about the appropriate way to deliver the content. Curriculum Committee members have knowledge about the variety of delivery methods available to CJER. Committee members should carefully consider the cost and benefit of choosing a high cost delivery method (items 1-5 on the Relative Cost Summary Chart) and work with CJER staff, using this form, to document their rationale for doing so for review by the CJER Governing Committee.

Note: Use this form only when proposing use of delivery methods that have a high cost element (Items 1-5 on the Relative Cost Summary Chart: Education Delivery Methods)

CONTENT AREA AND PROGRAM OR PRODUCT	DELIVERY METHOD SELECTED	CURRICULUM COMMITTEE COST BENEFIT ANALYSIS	STAFF NOTES	GOVERNING COMMITTEE NOTES AND DECISION
Civil Law Institute	Statewide, three-day meeting at a hotel meeting facility offered every other year. (very high cost)	This is the only live venue with a variety of courses planned by the committee to keep judges and SJOs up to date on civil law and procedure, and where judges and SJOs from across the state can network to discuss and share their views. The Curriculum Committee believes it is important to continue to provide this opportunity for face-to-face education for judges of all stripes.	Always well attended and positive evaluations.	**APPROVED**
Civil Law Basic Orientation (PAO course)	Statewide, 5 day meeting at the AOC offered once a year. (high cost)	Content is necessary for every judge and SJO in the state starting or returning to a civil law assignment, as set forth in CRC 10.462(c)(1)(B) and	Evaluations consistently say "live is best" for intensive, week-long programs.	**APPROVED**

CONTENT AREA AND PROGRAM OR PRODUCT	DELIVERY METHOD SELECTED	CURRICULUM COMMITTEE COST BENEFIT ANALYSIS	STAFF NOTES	GOVERNING COMMITTEE NOTES AND DECISION
		(4). The Curriculum Committee believes the Civil Law Basic Orientation should be delivered as a live, face-to-face program due to active participant-faculty interaction and sharing of court practices across the state.	Cannot get the faculty interaction and follow up from other delivery methods. Participants also find invaluable the discussion regarding different court practices.	
Orientation for Experienced Civil Law Judges (PAO course)	Statewide, 3 day meeting at the AOC offered one a year. (high cost)	Refresher course for judges and SJOs across the state returning to a civil law practice after more than 2 years in another assignment as expected or required by CRC 10.462(c)(4). The Curriculum Committee believes this orientation should be delivered as a live, face-to-face program due to active participant-faculty interaction and sharing of court practices across the state.	This course was developed for judges returning to a civil law assignment because the basic orientation was "too basic" not only for judges returning to a civil law assignment after more than 2 years, but for judges who had been civil litigators for a lengthy period of time prior to becoming judges.	**APPROVED**
Limited Jurisdiction, Small Claims & Unlawful Detainer	Statewide, 3 day meeting at the AOC offered once a year. (high cost)	Content is necessary for every judge and SJO in the state starting or returning to an assignment that handles limited jurisdiction, small claims or unlawful detainer cases, as	As the number of commissioners decrease, more and more judges are handling these types of	**APPROVED** This has become more important because more and more judges are doing

CONTENT AREA AND PROGRAM OR PRODUCT	DELIVERY METHOD SELECTED	CURRICULUM COMMITTEE COST BENEFIT ANALYSIS	STAFF NOTES	GOVERNING COMMITTEE NOTES AND DECISION
Orientation (PAO course)		set forth in CRC 10.462(c)(1)(B) and (4). The Curriculum Committee believes this orientation should be delivered as a live, face-to-face program due to active participant-faculty interaction and sharing of court practices across the state.	cases in a general civil law assignment. Varied experience level of participants makes it essential that this course be offered live so faculty can adjust content to suit the needs of the participants.	this assignment.
Evidence in Civil & Criminal Cases	Statewide, 2 day meeting offered 3 times a year at the AOC or court meeting facility (high cost)	Content is necessary for every judge in the state, not just as a one-time course, but also as a refresher course. The number of offerings of this course was cut from 3 to 2 in the 2012-2014 Education Plan. The Curriculum Committee believes the number of times this course is offered should be returned to three times a year due to the essential nature of the content and consistently high number of judges attending the course. The length of this course should also be increased from 2 to 3 days because the amount of content could be more effectively delivered if faculty had more time.	Maximum number of participants for this class is 35, but classes are full to over-enrolled each time this course has been offered. Participant evaluations consistently request more time due to a lot of content delivered in too short a time period. Class should be offered at least once in Southern California so participants from Southern California would not have to travel to Northern California to take this	**APPROVED**

CONTENT AREA AND PROGRAM OR PRODUCT	DELIVERY METHOD SELECTED	CURRICULUM COMMITTEE COST BENEFIT ANALYSIS	STAFF NOTES	GOVERNING COMMITTEE NOTES AND DECISION
			course.	
Trial Court Judicial Attorneys Institute	Statewide, three-day meeting at a hotel meeting facility offered every other year. (very high cost)	There is no curriculum committee for trial court attorneys. Given that the majority of research attorneys handle civil matters, the Curriculum Committee believes this program should continue to be offered to the state's research attorneys to provide them with education required by CRC 10.474(c)(2). Courses offered for practicing attorneys are not appropriate for the type of work done by court research attorneys, so it is difficult for the research attorneys to get the education elsewhere. This live face-to-face program also offers the attorneys an opportunity to network with attorneys across the state to discuss common issues and share ideas.	Two trial court attorneys currently serve on the Civil Law Curriculum Committee, and are participating on the workgroup planning the 2014 TCJAI. This program offers courses not only on civil law, but also criminal law, constitutional law, family law, ethics, legal writing, and roundtables for attorneys to exchange ideas with fellow court attorneys throughout the state.	**APPROVED**
CEQA Overview	Statewide 2 day meeting offered every other year. Recommended to be offered annually.	Public Resource Code §21167.1(b) requires certain counties to designate judges to develop expertise concerning CEQA matters. This content is best offered live due to the complex subject matter where there can be active participant-faculty	This program is open to trial and appellate court attorneys as well as to judges. It is always well attended, with excellent participant evaluations. It was over-subscribed	**APPROVED**

CONTENT AREA AND PROGRAM OR PRODUCT	DELIVERY METHOD SELECTED	CURRICULUM COMMITTEE COST BENEFIT ANALYSIS	STAFF NOTES	GOVERNING COMMITTEE NOTES AND DECISION
		interaction.	in 2014.	
12422 CEQA Online Course	Unique online course on complex subject. (medium cost)	This online course was scheduled to be delivered in the 2012-2014 Education Plan. Since it has not yet been delivered, the Curriculum Committee believes it should be continued in the 2014-2016 Education Plan.	Faculty recruited, and outline and scripts have already been developed. Need more time to complete and program content.	**APPROVED**
CEQA Benchguide	Publication available online	Committee believes there is a demonstrated need for this publication because there are no other written resources adequate for the needs of judges (as well as their research attorneys) sitting in a complex civil assignment as well as Justices who review appeals. This is a critical area of law and having this resource available online would be of great benefit to all. The existing CEQA course faculty and participant materials are currently being modified in anticipation of creating a publication and the course faculty and converting those materials to a publication would be less	Staff is currently working on reviewing the existing course materials and prepping them for a possible publication approval.	Existing course materials are educationally neutral, which is why this publication is needed. Also, the content from the draft online course which is being developed can also be leveraged for the publication, which would also reduce the costs of developing the publication. **APPROVED**

CONTENT AREA AND PROGRAM OR PRODUCT	DELIVERY METHOD SELECTED	CURRICULUM COMMITTEE COST BENEFIT ANALYSIS	STAFF NOTES	GOVERNING COMMITTEE NOTES AND DECISION
		expensive than creating a new publication from scratch.		

Center for Judiciary Education and Research (CJER)
Analysis of Curriculum Committee Recommendations for Review and Approval by the CJER Governing Committee

Executive Summary

Based upon the programs and products requested by the CJER Governing Committee's nine curriculum committees for 2015-2016, CJER staff conducted a resource analysis to determine whether current staffing and funding can support these requests. The analysis shows requests in Plan Year 1 exceed staffing and funding capacity ($148,700) and requests in Plan Year 2 exceed staffing and funding capacity ($87,500). The main drivers of the increased costs are: 1) possible increased FAC costs to take the January 2016 live) off-site, 2) increased live, face-to-face programming requests for the evidence courses, and 3) the recommendation to hold the Probate Institute annually. CJER cannot currently adequately resource all Committee requests.

The Governing Committee should review the Committees' requests in the attached Draft Education Plan, and, to deal with the staffing and funding shortages, provide CJER with direction and priorities. This direction may include: (a) reducing new program requests, (b) reducing or eliminating current programs, and/or (c) requesting additional funding. Because multi-day statewide programs are the most funding and staffing intensive, all of CJER's multi-day statewide programs are listed on the next two pages, for your information and review. "Standard" programs are listed first, followed by the new requests from Curriculum Committees. Governing Committee direction here will yield the most useful results in terms of developing an Education Plan that can be resourced within CJER's current capacities.

Multi-day Statewide Programs Requested for Plan Year 1 (2014-2015)

New Judge Orientation (multiple offerings)
B.E. Witkin Judicial College
PAO Family Law (Fall, Winter)
PAO Juvenile Dependency (Fall, Winter)
PAO Juvenile Delinquency (Fall)
PAO Criminal (Fall, Winter, Spring)
PAO Civil Limited (Fall)
PAO Civil Basic (Winter)
PAO Civil Experienced (Spring)
PAO Probate (Winter)
PAO Traffic (Spring)
Basic Felony Sentencing (Winter, Spring)
Death Penalty Trials (Winter, Spring)
Homicide Trials (Winter)
Advanced Homicide Trials (Winter, Spring)
Evidence: Combined Civil & Criminal
Domestic Violence Nuts and Bolts
Selected Issues in Domestic Violence
Complex Civil Workshop
Family Law Institute
Juvenile Law Institute
Civil Law Institute
Law County Judges Institute
Supervising Judges Institute
Appellate Judicial Attorneys Institute (funded by Office of Appellate Court Services)
RJ/CEO-Court Management Program
Institute for Court Management Program Courses (12 individual courses/year)
Core 40; Core 24
Court Clerk Training Institute (Fall, Spring)

ADD CEAC) overview
ADD one day to Evidence: Combined Civil and Criminal course (Fall, Spring)
ADD Evidence: Combined Civil and Criminal course (Winter)
ADD Criminal Evidence course (new) (Fall, Spring)
ADD Probate and Mental Health Institute
ADD Core 40, Part II course (new)
ADD Core Leadership and Training Skills course

Multi-day Statewide Programs Requested for Plan Year 1 (2015-2016)

New Judge Orientation (multiple offerings)
B.E. Witkin Judicial College
PAO Family Law (Fall, Winter)
PAO Juvenile Dependency (Fall, Winter)
PAO Juvenile Delinquency (Winter)
PAO Criminal (Fall, Winter, Spring)
PAO Civil Limited (Fall)
PAO Civil Basic (Winter)
PAO Civil Experienced (Spring)
PAO Probate (Winter)
PAO Traffic (Spring)
CEQA Overview
Domestic Violence Institute
Domestic Violence Nuts and Bolts
Selected Issues in Domestic Violence
Complex Civil Workshop
Advanced Capital Case Roundtable
Evidence: Combined Civil & Criminal
Criminal Law Institute
Probate and Mental Health Institute
Appellate Justices Institute (funded by Office for Appellate Court Services)
Supervising Judges Institute
Appellate Judicial Attorneys Institute (funded by Office of Appellate Court Services)
PJTSEC Court Management Program
Institute for Court Management Program Courses (12 individual courses/year)
Core 40, Core 24
Core Leadership and Training Skills
Court Clerk Training Institute (Fall, Spring)
Trial Court Attorneys Institute

ADD CEAC overview
ADD one day to Evidence Combined Civil and Criminal course (Fall, Spring)
ADD Evidence Combined Civil and Criminal course (Winter)
ADD Criminal Evidence course (new) (Fall, Spring)
ADD Core 40, Part II course (new)
ADD Core Leadership and Training Skills course
POTENTIAL additional cost to move Model Primary Assignment Courses off site

Introduction

Starting in the Fall of 2015, each of the new Curriculum Committees met to review their respective curricula and to make recommendations on the programs and products to develop in the next Education Plan, for their respective audiences. Those recommendations have been submitted to the Center for Judicial Education and Research (CJER) so staff can analyze whether or not these recommendations can be developed and delivered, based on available funding and staffing resources. This document summarizes that analysis for the CJER Governing Committee and documents specific issues for the Committee to discuss, which arise due to the inability to fund and/or staff all of the recommendations from the Curriculum Committees.

This resource analysis provides the following information:

A. A funding analysis describing the cost of the curriculum committee proposals. The cost is described in the context of CJER's Trial Court Improvement and Modernization Fund (TCIF) money because it is the primary funding source that determines limits on what can be accomplished.

B. A staffing and scheduling proposal that reflects an analysis of the most efficient method of deploying CJER's staff, because human resources are the primary indirect cost element that determines what can be accomplished.

C. The *Draft 2016-2018 Education Plan*, based on the prioritized recommendations from the curriculum committees, including the Cost/Benefit Analysis forms that each curriculum committee completed for high cost items (separate attachments).

D. Issues for the Governing Committee to discuss.

A) Funding Analysis

The funding analysis assumes a baseline AOC allocation for CJER of $1,434,000 for each plan year (Plan Year 1 (2016-17) and Plan Year 2 (2017-18)). This is the budget projection provided by CJER to the Trial Court Budget Advisory Committee (TCBAC) in October of 2015 (see Attachment 1). This amount constitutes a 3.2% increase over current year funding. It was justified by the need to accommodate additional judicial appointments and a new state lodging rate while enabling CJER's level of service delivery to stay at the FY15-16 level. **The assumption was that due to these rising cost factors additional funding was necessary to maintain an existing level of service.** It should be noted that there is no guarantee that CJER will receive this 3.2% increase in its budget and the TCBAC has not formally approved it or moved it to the Council. It is the appropriate baseline to use for planning purposes, but if the funding is not provided, a reduction in the proposed programs and products will be necessary.

The analysis of the cost of the committees' priorities demonstrates a funding need that exceeds this baseline budget by $38,700 in Plan Year 1 and $81,300 in Plan Year 2. The major drivers of these increased costs are 1) possible increased PAO costs to take the January 2016 PAO off-site, 2) increased live, face-to-face programming for the combined and separate civil and criminal evidence courses, and 3) the recommendation to hold an annual Probate Institute.

- **Plan Year 1 costs exceed the expected budget by $38,700.**

- **Plan Year 2 costs exceed the expected budget by $87,500.** This is an amount that cannot be absorbed during the year or ameliorated with small changes. To eliminate the deficit, the Governing Committee will need to (a) prioritize and reduce new program requests, (b) reduce or eliminate some current programs, and/or (c) request additional funding.

- **NOTE**: Approximately 1.7 LE of the above may be reimbursed by criminal justice realignment funds provided by the legislature to support realignment training.

This funding analysis is based on the following assumptions:

1) The analysis is directly aligned with the scheduling approach proposed by Conference and Faculty Services. The proposed schedule was created to incorporate the committee requests in a way that makes the most effective use of staff and financial resources.
2) CJER will continue the mostly current biannual approach for institutes.
3) CJER's staffing resources and General Fund operating budget will remain stable.
4) Training will be available to CJER staff to enable them to develop new types of distance education.
5) Lodging and meal costs for Appellate Court education will continue to be funded by Office of Appellate Court Services. A list of those items has been provided to that office for their review and verification of funding.

B) Staffing Analysis

Live, Face-to-Face Programs

Staff needed to produce CJER's live, face-to-face courses and programs are primarily attorneys, educational specialists, and administrative coordinators. The efficient distribution of program development and delivery throughout the year is the primary determinant of the number of events that can be delivered. Staff's analysis demonstrates that the committees' recommendations for live, face-to-face programs can be accomplished if scheduled in the manner recommended. Please see the Primary Assignment Orientation/Criminal Assignment Courses Schedule (Attachment 2) for an example of this scheduling.

Distance Education

Staff needed to produce CEB's distance education are primarily housed in the Distance Education and the IT/Technical Support departments. This staffing analysis demonstrates that while almost all of the distance education products requested can be resourced, it will require some adjustments to the annual capacity levels of various delivery methods, staff training to increase delivery capacity, and shifts in the plan years for delivery of some of the proposed products. The attached document, Analysis and Recommendations for Distance Education Products, (see Attachment 3) provides capacity levels for the various categories of delivery for the new plan. It should be noted that the online course delivery methods using Captivate software for online course development and WebEx for live webinars are new or significantly expanded in the plan. For example, there are forty webinars requested each year. Because of this, it is not possible to estimate the capacity levels for staffing these delivery methods as accurately as others which can be estimated based on past practice and it may be necessary to adjust the capacities for these programs during the plan period.

C) Draft 2014-2016 Education Plan

See the separate attachment for the draft 2014-2016 Education Plan, with prioritized recommendations from CEB's Curriculum Committees. The associated cost/benefit analysis forms for high-cost programs and products are attached.

D) Issues for Discussion

The following is a list of newly requested items contributing to costs that exceed the expected resource capacities for each year of the plan, with detailed information provided.

Plan Year 1: Funding and External Requests Exceeding Current Capacity

1. **Add one ODJA course**

   Pursuant to Cal. Pub. Resources Code section 21167.(b), judges are required to complete a course on CEQA if they are to be regularly assigned to hear these cases. Currently CEB offers this two-day course every other year. However, this schedule has shown to be inadequate. The CEQA course recently held was very oversubscribed. It can accommodate 80 and there was still a waitlist. Staff anticipates that this level of interest will continue which is why the Civil Law Curriculum Committee recommends offering this course annually.

2. **Add one day to Combined Civil/Criminal Evidence course**

The Civil Law Curriculum Committee feels that the length of this course should be increased from 2 to 3 days because the amount of content could be more effectively delivered if faculty had more time. This is supported by the participant evaluations which consistently request more time.

8. **Add additional Combined Civil/Criminal Evidence course**
The number of offerings of this course was cut from 3 to 2 in the 2013-2014 Education Plan. The Civil Law Curriculum Committee believes the number of times this course is offered should be returned to three times per year due to the essential nature of the content and consistently high number of judges attending the course. The maximum number of participants for this class is 25, but classes are full to over-enrolled each time this course has been offered.

9. **Add two new three-day Criminal Evidence courses**
The Criminal Law Curriculum Committee feels that the current civil and criminal evidence course, while excellent, could be much more effective if it were redesigned specifically for criminal judges. That is, maintain the current course length but eliminate the civil law evidence content and replace it with more in depth criminal evidence content. Discussions currently pending between the Chairs of the Criminal and Civil Law Curriculum Committees on this issue.

10. **Add a Probate Institute**
The proposal to hold an annual Probate Institute, with limited attendance at the AOC, increases costs by a significant amount in Plan Year 1. This proposal also exceeds staffing capacity because resuming the annual schedule for live institute programs will not be feasible until both staffing and funding resources have been restored. The Probate Curriculum committee feels that the regional and local programming model does not work well for this audience due to its smaller size as compared to other assignments such as criminal and civil. Also, it has been a challenge to recruit sufficient faculty for the many regional programs which had been scheduled. For both of these reasons, out of 12 scheduled regional programs in the 2013-2014 education plan, half, or 6 have been cancelled. Therefore, it is being put forth to have an annual institute in lieu of regional programming, knowing that the institute will need to be made smaller and less expensive since the committee is in effect asking to double the event. But the committee strongly feels that this is the most effective way to conduct live education and maintain a statewide perspective in this assignment.

8. **Add new Core 40 Part 2 course**
   The Judicial Branch Leadership Development Committee feels that there is a need for taking Core 40 to the next level and develop a Part 2 that provides advanced supervisory skills, additional topics, and networking for those that have taken the original Core 40. Courts have also requested this advanced course.

9. **Add additional Core Leadership Course**
   The committee is asking to add the additional course only when there is an identified critical need (e.g., waitlist from the prior two courses, requests from courts).

10. **Add 3 (2-Minute Mentor Programs**
    The staff capacity for development of these products will be increased by 66% from 12 to 20. The committees asked for 23 products which exceeds staffing capacity by 3. Eight will be added and remaining three should be prioritized, identified and reduced from the committee recommendations.

PLAN YEAR 2: FUNDING AND STAFFING REQUESTS EXCEEDING CURRENT CAPACITY

1. **Potential increase for Winter PAO due to lack of hotel space in San Francisco and possible relocation to southern California (~$40,000)**
   The Winter PAOs, typically offered in January, conflicts with events associated with the 2016 Super Bowl taking place in the Bay area. CJER may not be able to acquire hotel space for participants. If so, alternative dates or locations are necessary. Moving the PAO to another location will incur additional costs. A request for hotel bids has been submitted for January 2016 and more information will be available in April 2014 regarding availability.

2. **Add one day to Combined Civil/Criminal Evidence course**

3. **Add additional Combined Civil/Criminal Evidence course**

4. **Add two new three-day Criminal Evidence courses**

5. **Add new Core 40 Part 2 course**

6. **Add additional Core Leadership Course**

ATTACHMENT 1
Five Year Project and Program Funding Needs/Costs

Line #	Project/Program Title	FY [redacted]	FY [redacted]	FY [redacted]	FY [redacted]	FY [redacted]	Total
1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
2	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
3	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
4	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
5	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
							-
							-
	Total	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Notes:

1) The amounts and dollarsare all presently due to the increase in bond indebtedness. It is the practice that Cabo Services to account for estimated budgetary allowances normally authorized by the Executive Council and approved by the Internal Council.

2) The amounts identified as Capital Expenditures under 5 after due to an increase in new college enrollment costs. These costs are primarily driven by the investment costs of capital improvements. Other specific appropriations detailed for administration, a planned rate of approximately may be identified for the cost. Other Capital Outlay is similar to current capital rate of approximately and state Economic Register that participated for the cost. Note the Executive Assistant Officer. There is typically a significant increase in appropriations at the end of a Governor's term in office.

3) There are also annual Requirements in total for the critical maintenance needs over the 5 Fiscal Campaign Calculation Categories (Per the attached Master Plan) in order to save enhancing, [redacted] and the Governing Committee from to maintain a viable overall budget generally maximized with the cause total allocations as no grand totals.

Attachment 2

Primary Assignment Orientations and Criminal Assignment Courses

2014-2015

Sept PAO	Nov CAC	Jan PAO	March CAC	June PAO/CAC
Civil Law Limited	Advanced Felony Sentencing	Civil Law Basic	Basic Felony Sentencing	Advanced Felony Sentencing
Criminal Law	Basic Felony Sentencing	Criminal Law	Advanced Homicide Trials	Civil Law Experienced
Family Law	Death Penalty Trials	Family Law	Death Penalty Trials	Criminal Law
Juvenile Dependency	Homicide Trials	Juvenile Delinquency		Juvenile Dependency
	Evidence: Criminal (3 day)	Probate	Evidence: Criminal (3 day)	Traffic
	Evidence: Combined Civil and Criminal (3 day)		Evidence: Combined Civil and Criminal (3 day)	Evidence: Combined Civil and Criminal (3 day)
	DV Selected Issues		Handling Sexual Assault Cases	DV Selected Issues

2015-2016

Sept PAO	Nov CAC	Jan PAO	March CAC	June PAO/CAC
Civil Law Limited	Advanced Felony Sentencing	Civil Law Basic	Basic Felony Sentencing	Advanced Felony Sentencing
Criminal Law	Basic Felony Sentencing	Criminal Law	Advanced Capital Case Proceedings	Civil Law Experienced
Family Law	Death Penalty Trials	Family Law	Death Penalty Trials	Criminal Law
Juvenile Dependency	Homicide Trials	Juvenile Delinquency	Homicide Trials	Juvenile Dependency
	Evidence: Criminal (3 day)	Probate	Evidence: Criminal (3 day)	Traffic
	Evidence: Combined Civil and Criminal (3 day)		Evidence: Combined Civil and Criminal (3 day)	Evidence: Combined Civil and Criminal (3 day)
	DV Selected Issues		Handling Sexual Assault Cases	DV Selected Issues

Attachment 3
Analysis and Recommendations for Distance Education Products

Product	Committed Request for Year 1	CEB Capacity for Year 1	Committed Request for Year 2	CEB Capacity for Year 2	Action items and Notes
10 Minute Mentor	14	10	9	10	Shift one item from this year 1 to Plan Year 2. **Reduce total request by three items** and rebalance delivery schedule to plan creation of 10 products per year.
Studio Video Difficulty	17	18	16	18	Reduce capacity by 4 per year and shift to creation of 10-minute segments.
Video Recordings	3	3	3	3	Reduce capacity by 3 and shift to 10-minute mentors and webinars.
Lunch+ Broadcasts	5	3	5	3	Reduce capacity by 3 and shift to captivate courses and 10-minute mentors
Captivate Video Productions	3	3	3	3	Reduce capacity by 3 and shift to captivate courses and 10-minute mentors
Simple Broadcasts	24	24	23	23	Reduce capacity by 1 and shift to captivate courses and 10-minute mentors
Elluma Broadcasts	0	0	0	0	Insignificant staffing impact. Minor cost impact
Videoconferencing	4 x 1/day	12	5 x 1/day	15	Insignificant staffing or cost impact
Webinars	39	40	41	40	This is a new approach and the workload and staffing capacity must be monitored. Capacity levels may need to be adjusted.
Complex Online Courses (HTML)	4	4	2	3	Shift one year 1 program to year 2. Some very large (3 hours) courses. No staffing reductions yielded by capacity

					reduction
Simple Online Learners (if applicable)	3	3	4	5	The actual capacity for this new delivery method must be monitored and adjusted
Variation to existing Online Learner Courses	Not	1/3 of existing courses	Not	1/3 of existing courses	Assume continuation of current practice.
Online/Tele-Medical Articles	NA	12	NA	12	Assume continuation of current practice.

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

I. DESCRIPTION OF THE CRITERIA

A. Priority of Own Genre Curriculum Committee: If a specific discipline listed a subject matter related publication as a high priority or not, this would be a factor in this score.

5 Highest Priority **4** High Priority **3** Medium Priority **2** Low Priority **1** No Priority **0** Not applicable

B. Priority of Other Curriculum Committees: If other curriculum committees agreed that a publication from another discipline deserved priority, this would be a factor in this score.

5 Highest Priority **4** High Priority **3** Medium Priority **2** Low Priority **1** No Priority **0** Not applicable

C. CJP Related Area of Concern: The CJP lists its top categories for discipline in each yearly report. The last five years shows a trend of the following in the top five: failure to insure the rights of the litigants (SRL issues inherent), demeanor/decorum, abuse of contempt/sanctions, disqualification or disclosure, and bias/embroilment. Publications that relate to these categories would receive higher scores.

5 Highly Related **4** Very related **3** Related **2** Somewhat Related **1** Not Related **0** Not applicable

D. Relation to a Vulnerable Population: This might be duplicative of the CJP criteria, but it is a separate category because regardless of CJP emphasis, a priority ought to be given to these disciplines and materials related to them.

5 Highly Related **4** Very related **3** Related **2** Somewhat Related 1 Not Related 0 Not applicable

E. Dynamic/Complex Subject Matter: The criteria relates in three ways: the law is in flux and therefore a higher level of appellate activity, the subject matter is the target of appellate activity showing errors by trial courts, or the subject matter is an emerging area of the law (e.g., genetic modification of crops) therefore requiring a higher level of appellate guidance.

5 High Appellate Activity **4** On-going Appellate Activity **3** Some Appellate Activity **2** Little Appellate Activity

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

1 No Appellate Activity **0** Not Applicable

F. Priority for Newer Judges: Assuming that newer judges are in greater need for information, these scoring criteria bumps up a given category of publication. *Note*: CJER staff will indicate if the publication is currently recommended by a curriculum committee for New Judges in the Toolkits

5 Highly Related **4** Very related **3** Related **2** Somewhat Related **1** Not Related **0** Not applicable

G. Availability of Other Sources: If other resources are available, then the need for updating is not critical. The criteria is intended to reflect that in the overall scoring. *Note*: CJER staff will provide information regarding alternate sources, recognizing that you may be aware of resources which staff is not aware of.

5 No other resources **4** Very few resources **3** Some resources **2** Adequate amount of resources

1 Rich array of resources **0** Not Applicable

Age of Current Publication: This is placed after the title. While it does not add a specific numerical value to the ranking, the revision date should be taken into account in the overall ranking of the publication.

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

II. APPLICATION

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average
14510 Felony Sentencing Handbook (2014)		0	0	2	4	5		11	15.85
	-	-	2	2	5	3	5	17	
	-	-	-	-	-	-	-		
	-	-	5	5	5	5	-	20	
	-	-	-	-	-	5	5	10	
	-	-	2	2	4	5	-	13	
	5	2	2	3	5	4	5	26	
			1	3	5	5		14	
	(Crim – 5)						(Staff – 5)		
14511 Mandatory Jury Instruction Handbook (2014)		0	0	1	3	5		9	14.71
	-	-	1	1	4	3	5	14	
	-	-	-	-	-	-	-		
	-	-	5	3	5	5	-	18	
	-	-	-	-	-	5	5	10	
	-	-	3	2	5	5	-	15	
	5	2	2	2	5	5	5	26	
			1	2	4	4		11	
	(Crim – 5)						(Staff – 4)		
14512 California Judges Benchbook Civil Proceedings: Before Trial (2013)		0	0	0	3	4	1	8	9
	-	-	1	1	3	2	1	8	
	-	-	-	-	-	-	-		
	-	-	4	4	3	5	-	16	
	-	-	-	-	-	-	4	4	
	-	-	-	-	-	-	-		

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average
	-	-	-	-	-	-	-		
			1	2	3	3		9	
	(Civil – 4)								
14513		0	0	0	3	3	1	7	
California Judges Benchbook Civil Proceedings: Trial (2013)	-	-	1	1	3	2	1	8	9.2
	-	-	-	-	-	-	-		
	-	-	5	4	4	5	-	18	
	-	-	-	-	-	-	4	4	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
			1	2	3	3		9	
	(Civil – 4)								
14514		0	0	0	3	3	1	7	
California Judges Benchbook Civil Proceedings: After Trial (2014)	-	-	1	1	3	2	1	8	8.2
	-	-	-	-	-	-	-		
	-	-	3	3	3	4	-	13	
	-	-	-	-	-	-	4	4	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
			1	2	3	3		9	
	(Civil – 4)								
14515		0	0	0	3	4	1	8	
California Judges Benchbook Civil Proceedings: Discovery	-	-	1	1	3	2	1	8	9.4
	-	-	-	-	-	-	-		
	-	-	5	4	4	5	-	18	

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average
(2013)	-	-	-	-	-	-	4	4	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
			1	2	3	3		9	
	(Civil – 4)								
14516 Domestic Violence Cases in Criminal Court Benchbook (2014)		0	0	5	3	5	2	15	13.66
	-	-	2	2	3	3	4	14	
	-	4	4	4	4	4	-		
	-	-	5	5	5	-	-		
	-	-	-	-	-	-	4	4	
	-	-	3	3	3	5	-	14	
	5	3	3	3	5	5	4	20	
			3	5	3	4		15	
	(Crim – 3)						(Staff – 4)		
14517 Search and Seizure Benchbook (2014)		0	2	3	5	5		15	13.57
	-	-	2	1	5	5	4	17	
	-	-	-	-	-	-	-		
	-	-	4	4	3	4	-	15	
	-	-	-	-	-	-	5	5	
	-	-	2	2	5	5	-	14	
	5	2	2	2	5	5	3	17	
			1	2	5	4		12	
	(Crim – 5)						(Staff – 3)		

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average
14518		0	2	4	1	4		11	
Small Claims and	-	-	3	4	3	2	3	15	11.83
Consumer Law	-	-	-	-	-	-	-		
Benchbook (2013)	-	-	3	3	3	3	-	12	
	-	-	-	-	-	-	3	3	
	-	-	4	2	2	5	-	13	
	3	2	4	3	3	4	3	17	
			1	3	2	3			
	(Civil – 3)						(Staff – 3)		
14519	0	0	5	5	4	5		19	
Fairness and Access	-	-	4	5	2	2	4	17	15.42
Bench Handbook (2010)	-	-	4	4	4	4	-	16	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	4	4	
	-	-	5	5	2	5	-	17	
	3	3	4	4	3	5	4	20	
			4	4	3	4		15	
							(Staff – 4)		
14520		0	2	5	5	3		15	
Indian Child Welfare Act	-	-	2	5	4	1	4	16	11.25
Bench	-	-	-	-	-	-	-		
Handbook (2013)	-	-	-	-	-	-	-		
	-	-	-	-	-	-	4	4	
	-	-	-	-	-	-	-		
	-	-	-	-	-	--	-		
			1	4	2	3		10	

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average
	(Fam – 2)	(Juvi – 4)					(Staff – 4)		
14521 Judges Guide to ADR (2008)		0	0	0	1	0		1	4.75
	-	-	2	1	2	1	3	9	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	2	2	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
			1	2	2	2		7	
	(Civil – 2)								
							(Staff – 4)		
14522 Jury Management Bench Handbook (2011)		0	0	0	3	5		8	10.57
	-	-	2	1	2	1	4	10	
	-	-	-	-	-	-	-		
	-	-	3	3	3	4	-	13	
	-	-	-	-	-	-	4	4	
	-	-	2	2	4	5	-	13	
	5	4	3	3	4	5	4	19	
			1	2	2	2		7	
	(Crim – 3)								
							(Staff – 4)		
14523 Managing Gang-related Cases Bench Handbook (2008)		0	0	3	3	4		10	11.2
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
	-	-	4	4	4	4	-	12	
	-	-	-	-	-	-	4	4	

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average
	-	-	1	1	4	4	-	10	
	5	2	3	3	5	5	4	20	
			1	2	3	3			
	(Crim – 4)								
							(Staff – 4)		
14524		0	0	0	0	3		3	
On-Call Duty Binder for Judges Bench Handbook (2013)	-	-	2	3	3	5	3	16	9.16
	-	-	-	-	-	-	-		
	-	-	1	2	1	1	-	5	
	-	-	-	-	-	-	0		
	-	-	1	3	2	5	-	11	
	2	2	2	2	3	3	2	12	
			1	2	0	5		8	
	(Crim – 2)								
							(Staff – 2)		
14525		0	3	5	2	5		15	
The Child Victim Witness Bench Handbook (2009)	-	-	2	4	3	1	4	14	12.66
	-	-	1	3	3	2	-		
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	3	3	
	-	-	2	5	3	4	-	14	
	3	3	3	3	3	4	3	16	
			1	5	3	5		14	
	(Crim – 3) (Fam – 4) (Juvi – 3)								
							(Staff – 2)		
14526			5	0	3	5		13	

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average
BG 2 Disqualification of Judge Benchguide (2010)	-	-	5	1	3	5	3	17	13.33
	-	-	-	-	-	-	-		
	-	-	4	3	3	4	-	14	
	-	-	-	-	-	-	4	4	
	-	-	5	2	3	5	-	15	
	4	4	4	2	3	4	4	17	
			5	2	3	5			
	(Jbef – 4)	(Crim – 3)					(Staff – 4)		
14527 BG 3 Courtroom Control: Contempt and Sanctions Benchguide (2010)			5	4	3	5		17	14.16
	-	-	5	1	3	5	3	17	
	-	-	5	3	2	3	-	13	
	-	-	4	4	3	5	-		
	-	-	-	-	-	-	4	4	
	-	-	5	2	3	5	-	15	
	4	4	5	3	3	4	4	19	
			4	2	2	5			
	(Jbef – 4)	(Crim – 4 Probate – 3 Civil – 2)					(Staff 2)		
14528 BG 20 Injunctions Prohibiting Civil Harassment or Workplace Violence Benchguide (2012)	(Civil – 3)	0	2	4	3	2	(Staff – 2)	11	11
	-	-	3	4	3	2	2	14	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	3	3	
	-	-	3	2	3	3	-	11	
	3	2	3	2	3	4	2	14	

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average
			3	4	2	4		13	
14529	(Civil – 4)	0	2	3	3	3	(Staff – 2.5)	11	
BG 31 Landlord-Tenant	-	-	3	4	3	2	2	14	11.42
Litigation:	-	-	-	-	-	-	-		
Unlawful Detainer	-	-	4	4	4	4	-	16	
Benchguide (2013)	-	-	-	-	-	-	4	4	
	-	-	2	1	3	5	-	11	
	4	2	3	2	3	3	2	13	
			1	4	2	4		11	
14530	(Civil – 3)	0	0	1	0	3	(Staff – 2.5)	4	
BG 34 Small Claims Court	-	-	3	4	3	2	3	15	9.42
Benchguide (2013)	-	-	-	-	-	-	-		
	-	-	3	4	3	3	-	13	
	-	-	-	-	-	-	3	3	
	-	-	1	1	2	4	-	8	
	3	2	3	2	2	3	2	12	
			1	4	2	4		11	
14531	(Crim – 3)	0	0	0	0	3	(Staff – 4)	3	
BG 52 Misdemeanor	-	-	2	2	2	3	4	13	9.85
Arraignment (2012)	-	-	-	-	-	-	-		
	-	-	3	4	3	4	-	14	
	-	-	-	-	-	-	2	2	

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average
	-	-	1	1	2	5	-	10	
	4	1	2	2	3	5	4	16	
			2	3	2	4		11	
14532	(Crim – 4)	0	3	3	2	4	(Staff – 2)	12	
BG 54 Right to Counsel Issues (2012)	-	-	4	2	3	3	3	15	12.71
	-	-	-	-	-	-	-		
	-	-	3	5	4	4	-	16	
	-	-	-	-	-	-	3	3	
	-	-	4	1	3	5	-	13	
	4	3	3	2	3	4	3	15	
			3	5	3	4		15	
14533	(Crim – 3)	0	2	1	2	3	(Staff – 2)	8	
BG 55 Bail and O.R. Release (2013)	-	-	2	2	3	3	2	12	10.14
	-	-	-	-	-	-	-		
	-	-	3	3	3	3	-	12	
	-	-	-	-	-	-	2	2	
	-	-	3	1	2	4	-	10	
	4	1	2	2	3	4	3	14	
			2	4	3	4		13	
14534	(Crim – 3)	0	1	1	3	3	(Staff – 4)	8	
BG 58 Motions to Suppress and Related	-	-	1	2	3	3	4	13	10.14
	-	-	-	-	-	-	-		

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average
Motions: Checklist (2011)	-	-	3	3	3	3	-	12	
	-	-	-	-	-	-	4	4	
	-	-	1	1	3	3	-	8	
	4	1	2	2	5	4	4	17	
			1	2	3	3		9	
14535	(Crim – 3)	0	0	0	1	3	(Staff – 3)	4	
BG 62 Deferred Entry of Judgment/Diversion (2011)	-	-	1	3	2	2	3	11	8.85
	-	-	-	-	-	-	-		
	-	-	3	3	4	3	-	13	
	-	-	-	-	-	-	3	3	
	-	-	1	1	3	3	-	8	
	3	2	2	2	3	3	3	13	
			1	3	3	3		10	
14536	(Crim – 4)	0	1	5	2	4	(Staff – 4)	12	
BG 63 Competence to Stand Trial (2010)	-	-	2	5	3	3	4	17	11.85
	-	-	-	-	-	-	-		
	-	-	4	4	4	4	-	12	
	-	-	-	-	-	-	4	4	
	-	-	1	2	2	4	-	9	
	4	2	2	3	3	3	4	15	
			2	5	3	4		14	
14537	(Crim – 2)	0	0	0	1	5	(Staff – 5)	6	

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average
BG 74 Sentencing Guidelines for Common Misdemeanors and Infractions (2014)	-	-	1	1	2	3	5	12	9.28
	-	-	-	-	-	-	-		
	-	-	2	2	2	3	-	9	
	-	-	-	-	-	-	5	5	
	-	-	1	1	2	3	-	7	
	3	1	2	2	3	5	5	17	
			1	2	2	4		9	
14538 BG 75 Misdemeanor Sentencing (2014)	(Crim – 3)	0	0	0	1	5	(Staff – 4)	6	9.42
	-	-	2	2	2	3	4	13	
	-	-	-	-	-	-	-		
	-	-	2	3	2	4	-	11	
	-	-	-	-	-	-	4	4	
	-	-	1	1	2	3	-	7	
	4	1	2	2	4	4	4	16	
			1	2	2	4		9	
14539 BG 81 DUI Proceedings (2013)	(Crim – 4)	0	0	0	5	5	(Staff – 3)	10	10.71
			2	2	3	2	4	13	
	-	-	-	-	-	-	-		
	-	-	2	4	3	4	-	13	
	-	-	-	-	-	-	3	3	
	-	-	1	1	3	4	-	9	
	5	1	2	2	4	5	4	17	
			1	2	3	4		10	

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average
14540	(Crim – 2)	0	0	0	0	4	(Staff – 4)	4	
BG 82 Traffic Court Proceedings (2014)	-	-	-	-	-	-	-		7.6
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	3	3	
	-	-	1	1	2	4	-	8	
	3	1	3	2	3	3	4	15	
			1	1	2	4		8	
14541	(Crim – 3)	0	0	0	2	5	(Staff – 4)	7	
BG 83 Restitution (2013)			2	2	3	2	4	13	9.71
	-	-	-	-	-	-	-		
	-	-	2	4	2	3	-	11	
	-	-	-	-	-	-	3	3	
	-	-	1	1	3	3	-	8	
	3	1	2	2	3	3	4	14	
			1	4	3	4		12	
14542	0	(Crim – 3)	0	0	2	4	(Staff – 3)	6	
BG 84 Probation Revocation (2011)			2	2	3	2	4	13	9.42
	-	-	-	-	-	-	-		
	-	-	2	3	4	4	-	13	
	-	-	-	-	-	-	3	3	
	-	-	1	1	2	3	-	7	

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average
	3	1	2	2	3	3	3	13	
			1	3	3	4		11	
14543	(Crim – 4)	0	0	0	2	4	(Staff – 2)	6	
BG 91 Felony Arraignment and Pleas (2013)	-	-	2	2	3	3	3	13	9.16
	-	-	-	-	-	-	-		
	-	-	4	4	4	5	-		
	-	-	-	-	-	-	4	4	
	-	-	1	1	2	4	-	8	
	4	1	2	2	3	3	3	13	
			2	2	4	3		11	
14544	(Crim – 3)	0	0	0	2	4	(Staff – 3)	6	
BG 92 Preliminary Hearings (2012)	-	-	1	2	3	3	3	12	9.71
	-	-	-	-	-	-	-		
	-	-	2	3	2	4	-	11	
	-	-	-	-	-	-	4	4	
	-	-	1	1	3	3	-	8	
	4	1	2	2	4	4	4	16	
			2	2	3	4		11	
14545	(Crim – 3)	0	0	2	3	1	(Staff – 4)	2	
BG 98 Death Penalty Benchguide: Pretrial and Guilt Phase	-	-	-	-	-	-	-		8.83
	-	-	-	-	-	-	-		
	-	-	3	2	4	2	-	11	

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average
(2011)	-	-	-	-	-	-	3	3	
	-	-	3	3	5	2	-	13	
	4	1	2	2	4	2	4	14	
			3	2	3	2		10	
14546	(Crim – 3)	0	0	2	3	1	(Staff – 4)	6	
BG 99 Death Penalty Benchguide: Penalty Phase and Post trial (2011)	-	-	-	-	-	-	-		9.5
	-	-	-	-	-	-	-		
	-	-	3	2	4	2	-	11	
	-	-	-	-	-	-	3	3	
	-	-	3	3	5	2	-	13	
	4	1	2	2	4	2	4	14	
			3	2	3	2		10	
14547	(Juvi – 4)	0	0	5	5	5	(Staff – 3)	15	
BG 100 Initial or Detention Hearings (2013)	-	-	-	-	-	--	-		10.25
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	3	3	
	-	-	2	3	2	4	-	11	
	-	-	-	-	-	-	-		
			1	4	3	4		12	
14548	(Juvi – 4)	0	0	5	5	5	(Staff – 3)	15	
BG 101 Jurisdiction	-	-	-	-	-	-	-		10.25

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average
Hearing (2013)	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	3	3	
	-	-	2	3	2	4	-	11	
	-	-	-	-	-	-	-		
			1	4	3	4		12	
14549	(Juvi – 4)	0	0	5	5	5	(Staff – 3)	15	
BG 102 Disposition Hearing (2013)	-	-	-	-	-	-	-		10.25
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	3	3	
	-	-	2	3	2	4	-	11	
	-	-	-	-	-	-	-		
			1	4	3	4		12	
14550	(Juvi – 4)	0	0	5	5	5	(Staff – 3)	15	
BG 103 Review Hearing (2013)	-	-	-	-	-	-	-		10.25
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	3	3	
	-	-	2	3	2	4	-	11	
	-	-	-	-	-	-	-		
			1	4	3	4		12	

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average
14551	(Juvi – 4)	0	0	5	5	5	(Staff – 3)	15	
BG 104 Selection and Implementation Hearing (2013)	-	-	-	-	-	-	-		10
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	3	3	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
			1	4	3	4		12	
14552	(Juvi – 4)	0	0	5	5	5	(Staff – 4)	15	
BG 116 Initial or Detention Hearing (2011)			2	3	3	2	4	14	11
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	3	3	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
			1	4	3	4		12	
14553	(Juvi – 4)	0	0	5	5	5	(Staff – 4)	15	
BG 117 Fitness Hearing (2011)	-	-	2	3	3	2	4	14	11.25
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	4	4	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
			1	4	3	4		12	

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average
14554	(Juvi – 4)	0	0	5	5	5	(Staff – 4)	15	
BG 118 Jurisdiction	-	-	2	3	3	2	4	14	11.25
Hearing (2011)	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	4	4	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
			1	4	3	4		12	
14555	(Juvi – 4)	0	0	4	4	5	(Staff – 4)	13	
BG 119 Disposition	-	-	2	3	3	2	4		9.66
Hearing (2011)	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	4	4	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
			1	4	3	4		12	
14556	(Probate – 5)	0	0	5	5	1	5	16	
BG 120 LPS Proceedings (2010)	-	-	-	-	-	-	-		12.8
	-	-	-	-	-	-	-		
			4	5	4	5		18	
	-	-	-	-	-	-	5	5	

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average
	-	-	3	5	3	3	-	14	
	-	-	-	-	-	-	-		
			2	4	2	3		11	
14557 BG 130 Adoptions (2009)	(Fam – 3) (Juvi – 3)	0	0	3	3	1	5	12	8.5
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	3	3	
	-	-	1	3	2	3	-	9	
	-	-	-	-	-	-	-		
			1	4	2	3		10	
14558 BG 200 Custody and Visitation (2012)	(Fam – 4)	0	0	4	5	5	(Staff – 2)	14	11.33
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	3	3	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
			4	5	4	4		17	
14559 BG 201 Child and Spousal	(Fam- 4)	0	0	4	5	5	(Staff – 2)	14	11.25
	-	-	-	-	-	-	-		

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average
Support (2012)	-	-	2	4	3	4	-	13	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	3	3	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
			3	4	4	4		15	
14560	(Fam – 4)	0	0	0	5	5	(Staff – 2)	10	
BG 202 Property Characterization and Division (2014)	-	-	-	-	-	-	-		7.75
	-	-	1	1	1	4	-	7	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	3	3	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
			2	3	3	3		11	
14561	(Fam – 4)	0	0	5	4	5	(Staff – 2)	14	
BG 203 AB 1058 Child Support Proceedings: Establishing Support (2014)	-	-	-	-	-	-	-		10.25
	-	-	1	4	3	4	-	12	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	3	3	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
			2	4	3	3		12	

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average
14562	(Fam – 4)	0	0	5	4	5	(Staff – 2)	14	
BG 204 AB 1058 Child Support	-	-	-	-	-	-	-		10.5
Proceedings: Enforcing	-	-	3	4	2	4	-	13	
Support (2014)	-	-	-	-	-	-	-		
	-	-	-	-	-	-	3	3	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
			2	4	3	3		12	
14563	(Probate -4)	0	0	5	4	5	4	18	
BG 300 Conservatorship:	-	-	-	-	-	-	-		11.66
Appointment	-	-	-	-	-	-	-		
and Powers (2010)	-	-	-	-	-	-	-		
	-	-	-	-	-	-	5	5	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
			2	4	3	3		12	
14564	(Probate – 4)	0	0	5	4	5	4	18	
BG 301 Conservatorship	-	-	-	-	-	-	-		11.66
Proceedings (2010)	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	5	5	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average
			2	4	3	3		12	
14565 BG 302 Probate Administration (2010)	(Probate – 4)	0	0	5	4	5	4	18	11.66
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	5	5	
	-	-	-	-	-	-	-		
	-	-	-	-	-	-	-		
			2	4	3	3		12	

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average

Ranking and Prioritization of CJER Publications

(High – 5 Low – 1)

House, Gaab, Juhas, Riley, Robie, Weathers, Mavis, Bottke

Publication	A Priority of Responsible Curriculum Committee	B Priority of Other Curriculum Committees	C CJP Topic	D Relation to a Vulnerable Population	E Dynamic Subject Matter	F Priority for New Judges	G Availability of Alternative Sources	Totals C-G	Average

Compiled Ranking of CJER Publications

Ordered Ranking	Average Ranking (# judges)	Publication	Updated in 14/16 Education Plan?	Curriculum committee and staff ranking	Notes
1	**15.85 (7)**	14510 - Felony Sentencing Handbook (2014)	Yes	Criminal - Very High Staff – Very High	Staff –Co-published annually with CEB.
2	**14.71 (7)**	14511- Mandatory Jury Instruction Handbook (2015)	Current	Criminal – Very High Staff – High	Staff –Co-published annually with CEB.
3	**15.42 (7)**	14519 Fairness and Access Bench Handbook (2010)	No	Staff – High	GC – This is fundamental and should be a high priority.
4	**14.16 (6)**	14527 BG 3 Courtroom Control: Contempt and Sanctions Benchguide (2010)	No	JBEF – High Criminal – High Probate – Medium Civil – Low Staff - Low	
5	**13.66 (6)**	14516 Domestic Violence Cases in Criminal Court Benchbook (2014)	Yes	Criminal – Medium Staff - High	Staff –Co-published annually with CEB.
6	**13.57 (7)**	14517 Search and Seizure Benchbook (2014)	Yes	Criminal – Very high Staff – Medium	Staff –Cumulative update co-published annually with CEB.
7	**13.33 (6)**	14526 BG 2 Disqualification of Judge Benchguide (2010)	No	JBEF – High Criminal – Medium Staff – High	GC – this is a high priority
8	**12.8 (5)**	14556 BG 120 LPS Proceedings (2010)	Yes	Probate – Very High	Probate should all be updated but focus on issues impacting vulnerable citizens. In the past, a consultant/contract writer had been engaged to do all the probate publications
9	**12.71 (7)**	14532 BG 54 Right to Counsel Issues (2012)	No	Criminal – High Staff – Low	Staff – Stable area of law.

Compiled Ranking of CJER Publications

Ordered Ranking	Average Ranking (# judges)	Publication	Updated in 14/16 Education Plan?	Curriculum committee and staff ranking	Notes
10	**12.66 (6)**	14525 The Child Victim Witness Bench Handbook (2009)	Yes	Juvenile – Medium Criminal – Medium Family – High Staff – High	GC – Important to update this and staff will update in this plan. Staff –Updating underway.
11	**11.85 (7)**	14536 BG 63 Competence to Stand Trial (2015)	Current	Criminal – High Staff –High	
12	**11.83 (6)**	14518 Small Claims and Consumer Law Benchbook (2013)	Yes	Civil – Medium Staff - Medium	
13	**11.66 (3)**	14564 BG 301 Conservatorship Proceedings (2010)	No	Probate – High	GC – High priority Probate should all be updated but focus on issues impacting vulnerable citizens. In the past, a consultant/contract writer had been engaged to do all the probate publications
13	**11.66 (3)**	14565 BG 302 Probate Administration (2010)	No	Probate – High	GC – High priority Probate should all be updated but focus on issues impacting vulnerable citizens. In the past, a consultant/contract writer had been engaged to do all the probate publications
13	**11.66 (3)**	14563 BG 300 Conservatorship: Appointment and Powers (2010)	No	Probate –High	GC – High priority Probate should all be updated but focus on issues impacting vulnerable citizens. In the past, a consultant/contract writer had been engaged to do all the probate publications
16	**11.42 (7)**	14529 BG 31 Landlord-Tenant Litigation: Unlawful Detainer Benchguide (2013)	Yes	Civil – High Staff –Low	
17	**11.33 (3)**	14558 BG 200 Custody and Visitation (2014)	Current	Family – High Staff -Low	
18	**11.25 (4)**	14553 BG 117 Fitness Hearing (2011)	Yes	Juvenile – High Staff – High	Staff –Updating underway.

Compiled Ranking of CJER Publications

Ordered Ranking	Average Ranking (# judges)	Publication	Updated in 14/16 Education Plan?	Curriculum committee and staff ranking	Notes
18	**11.25 (4)**	14559 BG 201 Child and Spousal Support (2012)	To be published 2/15	Family - High Staff – Low	
18	**11.25 (4)**	14554 BG 118 Jurisdiction Hearing (2011)	Yes	Juvenile – High Staff – High	Staff –Updating underway.
18	**11.25 (4)**	14520 Indian Child Welfare Act Bench Handbook (2013)	No	Family - Low Juvenile – High Staff – High	GC note – The Juvenile Curriculum Committee noted that there are not a lot of other resources. This is important and should be updated.
22	**11.2 (5)**	14523 Managing Gang-related Cases Bench Handbook (2013)	Yes	Criminal – High Staff – High	
23	**11 (4)**	14552 BG 116 Initial or Detention Hearing (2011)	Yes	Juvenile – High Staff – High	Staff –Updating underway.
24	**11 (6)**	14528 BG 20 Injunctions Prohibiting Civil Harassment or Workplace Violence Benchguide (2012)	Yes	Civil – Medium Staff – Low	
25	**10.71 (7)**	14539 BG 81 DUI Proceedings (2013)	No	Criminal – High Staff – Medium	
26	**10.57 (7)**	14522 Jury Management Bench Handbook (2013)	No	Criminal – Medium Staff - High	
27	**10.5 (4)**	14562 BG 204 AB 1058 Child Support Proceedings: Enforcing Support (2014)	Yes	Family – High Staff - Low	
28	**10.25 (4)**	14547 BG 100 Initial or Detention Hearings (2013)	Yes	Juvenile – High Staff – Medium	
28	**10.25 (4)**	14548 BG 101 Jurisdiction Hearing (2013)	Yes	(Juvenile – High Staff – Medium	
28	**10.25 (4)**	14549 BG 102 Disposition Hearing (2013)	Yes	Juvenile – High Staff – Medium	

Compiled Ranking of CJER Publications

Ordered Ranking	Average Ranking (# judges)	Publication	Updated in 14/16 Education Plan?	Curriculum committee and staff ranking	Notes
28	**10.25 (4)**	14550 BG 103 Review Hearing (2013)	Yes	Juvenile – High Staff – Medium	
28	**10.25 (4)**	14561 BG 203 AB 1058 Child Support Proceedings: Establishing Support (2014)	Yes	Family – High Staff - Low	
33	**10.14 (7)**	14533 BG 55 Bail and O.R. Release (2013)	Yes	Criminal – Medium Staff - Low	
33	**10.14 (7)**	14534 BG 58 Motions to Suppress and Related Motions: Checklist (2011)	No	Criminal – Medium Staff - High	Staff –Very static area of law
35	**10 (3)**	14551 BG 104 Selection and Implementation Hearing (2013)	Yes	Juvenile – High Staff - Medium	
36	**9.85 (7)**	14531 BG 52 Misdemeanor Arraignment (2014)	Yes	Criminal – Medium Staff – High	
37	**9.71 (7)**	14544 BG 92 Preliminary Hearings (2012)	Yes	Criminal – Medium Staff - Medium	
37	**9.71 (7)**	14541 BG 83 Restitution (2014)	Yes	Criminal – Medium Staff – High	
39	**9.66 (3)**	14555 BG 119 Disposition Hearing (2011)	Yes	Juvenile – High Staff – High	Staff –Updating underway.
40	**9.5 (6)**	14546 BG 99 Death Penalty Benchguide: Penalty Phase and Post trial (2011)	Yes	Criminal – Medium Staff – High	Staff – recommend not updating in this plan. Coen/Wellington DP program materials provide alternative resource.
41	**9.42 (7)**	14538 BG 75 Misdemeanor Sentencing (2014)	Current	Criminal – Medium Staff – High	

Compiled Ranking of CJER Publications

Ordered Ranking	Average Ranking (# judges)	Publication	Updated in 14/16 Education Plan?	Curriculum committee and staff ranking	Notes
41	**9.42 (7)**	14542 BG 84 Probation Revocation (2011)	Yes	Criminal – Medium Staff – Medium	
41	**9.42 (7)**	14530 BG 34 Small Claims Court Benchguide (2013)	Yes	Civil – Medium Staff - Low	Staff- this is connected to the Small Claims Handbook and its updating.
44	**9.4 (5)**	14515 California Judges Benchbook Civil Proceedings: Discovery (2013)	Yes	Civil – High	Staff – This and the other three volumes (Before Trial, Trial, and After Trial) are written by an outside author.
45	**9.28 (7)**	14537 BG 74 Sentencing Guidelines for Common Misdemeanors and Infractions (2015)	Current	Criminal – Low Staff – Very High	GC – Not as high a priority Staff – Done concurrently with Felony Sentencing Handbook and so a low amount of work to keep current.
46	**9.2 (5)**	14513 California Judges Benchbook Civil Proceedings: Trial (2013)	Yes	Civil – High	Staff – Written by an outside author
47	**9.16 (6)**	14543 BG 91 Felony Arraignment and Pleas (2013)	No	Criminal – High Staff – Low	GC – This is a high priority Staff – This is a static area of law
47	**9.16 (6)**	14524 On-Call Duty Binder for Judges Bench Handbook (2013)	Yes	Criminal – Low Staff – Low	GC – Not as important to update Staff – Local courts have their own resources. Recommend not updating in this plan.
49	**9 (5)**	14512 California Judges Benchbook Civil Proceedings: Before Trial (2013)	Yes	Civil – High	Staff – Written by an outside author
50	**8.85 (7)**	14535 BG 62 Deferred Entry of Judgment/Diversion (2015)	Current	Criminal – Medium Staff - Medium	
51	**8.83 (6)**	14545 BG 98 Death Penalty Benchguide: Pretrial and Guilt Phase (2011)	Yes	Criminal – Medium Staff – High	Staff – Recommend not updating in this education plan. Coen/Wellington DP program materials provide alternative resource.

Compiled Ranking of CJER Publications

Ordered Ranking	Average Ranking (# judges)	Publication	Updated in 14/16 Education Plan?	Curriculum committee and staff ranking	Notes
52	**8.5 (4)**	14557 BG 130 Adoptions (2009)	No	Family – Medium Juvenile – Medium	
53	**8.2 (5)**	14514 California Judges Benchbook Civil Proceedings: After Trial (2014)	Yes	Civil – High	Staff – This is written by an outside author.
54	**7.75 (4)**	14560 BG 202 Property Characterization and Division (2014)	Current	Family – High Staff – Low	
55	**7.6 (5)**	14540 BG 82 Traffic Court Proceedings (2014)	Current	Criminal – Low Staff - High	GC – Not as high a priority Staff – No other resources available.
56	**4.75 (4)**	14521 Judges Guide to ADR (2008)	Yes	Civil – Low Staff - High	GC – Not as important to update Staff – Recommend not updating in this education plan. California Judges Benchbook Civil Proceedings: Before Trial, chp 3 (2013) is an alternative resource.

Information on Judicial Council Directives

Council Directive **87**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the AOC should support and provide requested assistance to those courts that collaborate with other regional courts in providing judicial education and staff training or that request support in providing their own programs.

SEC Recommendation **7-22**

The Education Division should support and provide requested assistance to those courts that collaborate with other regional courts in providing judicial education and staff training or that request support in providing their own programs.

Reported By:	Center for Judiciary Education and Research
Contact:	Dr. Diane Cowdrey, Director

TASK

[ ] **PENDING**

[x] **COMPLETED: CJER continues to promote and provide local education and training to both the trial and appellate courts by offering courses to the courts locally or with nearby courts, supporting a network of training coordinators, supporting regional locations for training multiple courts, providing council broadcasts, and assisting local courts in establishing their own local education programs.**

For several years, CJER has promoted and provided local education and training to both the trial and appellate courts. In 2010 CJER developed a local training catalogue in judicial education containing over 80 courses and which covers substantive law areas (civil, criminal, family, juvenile, probate and mental health) as well as access, collaborative courts, computer training, court security, domestic violence, fairness, judicial ethics, and self-represented litigants. Courts can choose to offer a course in their local court either on their own or with nearby courts. CJER pays for faculty expenses to the requesting court(s). In addition, CJER provides local training and education to both court staff and court management as requested.

More recently, CJER was able to offer all of the courts across the state specific trainings that CJER staff can teach at the local court level.

CJER has established a network of training coordinators at the local trial and appellate courts. CJER has also developed a website, LINC (Linking Individuals and Networking Courts), which enables courts to share educational content amongst themselves as well as post live training opportunities from court to court.

CJER supports local training in other ways. To better serve courts with both local and regional training, CJER has identified several locations that serve well as regional locations for training multiple courts. In 2006, some of these courts agreed to serve as regional centers for training, and were enhanced with audio visual equipment, provided by CJER, which greatly improved the learning environment of these rooms. All courts have been equipped with satellite downlink infrastructure which allows them to receive broadcasts from the council, and receive valuable education from CJER. With the new capital construction projects, CJER continues to work with

courts in identifying areas of the state that can serve as regional training centers, and provides technical assistance to ensure these large training rooms are built to standards that support local and regional education.

CJER also assists local courts in establishing their own local education programs. One such program is the Judicial Education Services (JES) program at the Superior Court of Los Angeles. In early 2000, the Superior Court of Los Angeles County contacted CJER and expressed an interest in establishing a local judicial education program modeled after CJER and requested assistance to that end. Specifically, the court asked CJER to work with it to develop policies and procedures for the establishment and maintenance of an education Governing Committee, to assist the court in identifying, developing, and training a pool of qualified judicial faculty, and to train court attorneys to support this Governing Committee and its judicial faculty similar to how CJER attorneys support the CJER Governing Committee and its curriculum committees and judicial faculty. CJER agreed to provide all of these services.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ]	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	[ ]	UNABLE TO IMPLEMENT
[x]	IMPLEMENTED AND ONGOING	[ ]	PENDING IMPLEMENTATION
[ ]	IMPLEMENTED BUT IN PROGRESS		

CJER will continue to collaborate with the courts on an ongoing basis to provide judicial education and staff training support as requested by the courts, as funding allows.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- *Judicial Education Course Catalog*
- Memo: Local Court Training Program, from Diane Cowdrey to Clerk/Administrators of the Appellate Courts and Executive Officers of the Superior Courts, November 18, 2014

JUDICIAL EDUCATION COURSE CATALOG

ADMINISTRATIVE OFFICE OF THE COURTS
Education Division/CJER

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Administrative Office of the Courts

Mr. Bob Lowney
Senior Manager, Education Division/CJER
Administrative Office of the Courts

Ms. Suzette LaCivita
Executive Secretary, Education Division/CJER
Administrative Office of the Courts

Local Education: Convenient and Fiscally Prudent

Dear Colleagues:

The CJER Governing Committee is pleased to make this second edition of our catalog of courses available to local courts. Severe budget limitations continue and these courses provide high-quality judicial education at less cost. Sending faculty to local courts rather than having participants and faculty travel to a single site is both cost effective and provides small group interactive education.

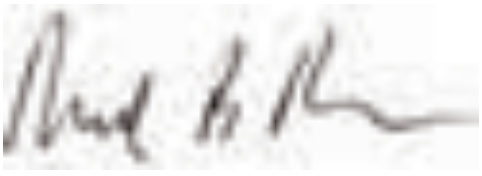
One of the Judicial Council's highest priorities is to provide high-quality judicial education to ensure that our state maintains a professional judiciary that offers fair and impartial justice to all Californians. The goal is to ensure that, regardless of the court, judge, or type of case, the public will have access to the highest levels of expertise and service in all parts of the state.

The courses in this catalog are designed to give you as judges the resources to stay current with the law and procedure relating to your assignment without requiring you to take a lot of time away from the bench.

The Committee thanks the faculty members who give significant time to developing and teaching these courses. Without them we could not offer so many courses of such high quality at such great savings in costs.

As chair of the CJER Governing Committee, I look forward to receiving your comments and suggestions.

Sincerely,



Hon. Ronald B. Robie, Chair
CJER Governing Committee

Hon. Ronald B. Robie
Chair
CJER Governing Committee

OVERVIEW

The Education Division/Center for Judicial Education and Research (CJER) of the Administrative Office of the Courts (AOC) is proud to continue the Local Court Judicial Education Initiative, which we hope enhances your ability to provide high-quality judicial education to your bench officers by partnering with us. Courts can host judicial education classes locally by selecting the course(s) in this catalog and contacting the AOC with a proposed date. The Education Division/CJER recruits the faculty and works with the court to provide written materials for the course. Local courts will typically arrange for an appropriate classroom for the course and handle the participant attendance and registration aspects for the course, unless otherwise requested. As funds allow, the AOC pays for faculty travel expenses and course materials and will provide audiovisual support as requested.

Courses and Faculty

Statewide budget reductions over the past few years have necessitated that the Education Division/CJER offer a number of programs and institutes less frequently. This catalog contains some of the content that would have been provided at statewide events, and represents an alternative way to deliver the material. The courses listed in the catalog were taken from the many classes offered in our statewide programs as well as from some trial court programs and they are uniquely appropriate for local delivery. The courses offer effective judicial education in substantive areas of law, as well as access, collaborative courts, computer training, court security, domestic violence, fairness, judicial ethics, and self-represented litigants. The faculty members who teach the courses are very experienced in the areas they teach and they are trained in adult learning principles.

Statewide programs provide invaluable educational experiences and opportunities for interaction and discussions with your colleagues across California. These programs are still being held, but during these difficult budget times, they cannot be scheduled as frequently as in the past. We hope that this partnership between the local courts and the Education Division/CJER to deliver judicial education courses locally will help to bridge the educational gaps caused by the severely reduced statewide program schedule.

Judicial Council of California ▪ Administrative Office of the Courts
455 Golden Gate Avenue, San Francisco, California 94102-3688
www.courts.ca.gov ▪ http://serranus.courtinfo.ca.gov/education/LocalMaterials.htm
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Partnering to Enhance Educational Opportunities

I am pleased to present the second edition of the Judicial Education Course Catalog. The Education Division/CJER supports local and regional education so that judges, commissioners, and referees can obtain needed education without travel and time away from the bench. We have found that partnering with local courts allows us to provide education that is cost-effective, timely, and convenient for your bench. All of these courses can be offered at your court, with a certain number of participants. As funds allow, the Education Division/CJER will pay for faculty travel costs as well as provide support for logistics.

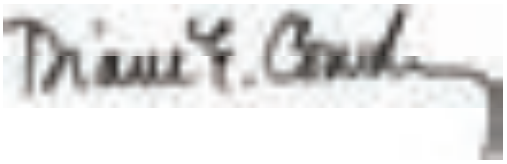
We had a good response to this new initiative in its first year. Courses have been held in counties of all sizes from Lake to Los Angeles. I am very pleased to announce that the second edition of the Judicial Education Course Catalog includes 26 new courses. We are extremely grateful to the faculty who volunteer to teach these courses, and appreciative of the many courses in this catalog that were developed by the Los Angeles County Superior Court Judicial Education Seminars (JES) Committee, chaired by Judge Emilie Elias. I also appreciate the work of the CJER Governing Committee members and Justice Ronald Robie, Chair, who have been instrumental in leading the effort to develop local education.

There is extraordinary value in live programs; learning in community offers the opportunity for sharing ideas and practices, learning from others in the class, and having a highly qualified subject matter expert available to answer questions and discuss issues. This catalog offers administrative presiding justices and presiding judges the opportunity to hold a live program in the court without the associated burdens of travel costs and extensive time away from the bench.

Diane E. Cowdrey
Director, Education Division/CJER

We are very excited to be able to continue to offer the courts this educational resource.

Sincerely,



Diane E. Cowdrey, Ed.D., Director
Education Division/
Center for Judicial Education & Research

BRINGING A JUDICIAL EDUCATION COURSE TO YOUR COURT

Requesting a Course

Please fill out the Course Request Form (see page 7) and send it to Lina Kravetskiy, Program Coordinator for the Education Division/CJER. The application must be signed by the administrative presiding justice or presiding judge and clerk/administrator or court executive officer. Please submit one application for each course.

Ideally, please give the AOC Education Division/CJER 90 days' advance notice to allow ample time for faculty to be confirmed and for them to schedule time away from court. The minimum class size is 20 unless noted otherwise in the course description. Courts may invite judges and subordinate judicial officers from surrounding counties in order to meet the minimum number.

Courses are designed for a judicial audience, but the course description will indicate if specified court staff may attend the program. Practicing attorneys serving as temporary judges are not eligible to attend these classes.

Applications will be processed on a first-come, first-served basis. The number of courses that can be supported in a fiscal year will depend on budget limitations and the availability of faculty and audiovisual support.

Expenses Related to a Course

The AOC Education Division will pay the costs for faculty to travel to teach the course and will also pay for the production and shipping of the course materials to the course site. Courts will be requested to provide the number of participants to the program coordinator 30 days before the course so that the materials can be reproduced and mailed in a timely fashion. If the county does not have audiovisual support, CJER will also provide an audiovisual support person and equipment.

Costs to the local court should be minimal—expenses for participant travel, the meeting room, and any catering. Local access to a computer classroom is necessary for the computer courses.

Choosing a Course

Please review the course descriptions to determine the best course that meets the needs of your local court. If you would like to discuss the content of the courses or would like help in choosing the best course for your needs, please contact Lina Kravetskiy at 415-865-4548, Lina.Kravetskiy@jud.ca.gov.

Los Angeles Judicial Education Seminars Courses

The Judicial Education Governing Committee for the Los Angeles Judicial Education Seminars (JES) has agreed to include some of the JES courses in this catalog. We thank the Los Angeles Superior Court and the committee for their support of this local court judicial education effort.

COURSE REQUEST FORM

Please provide the following information and send the completed form by e-mail, fax, or mail to: Ms. Lina Kravetskiy, Program Coordinator CJER ■ Education Division/CJER ■ Administrative Office of the Courts CJER ■ 455 Golden Gate Avenue ■ San Francisco, California 94102-3688
415-865-4548 ■ 415-865-4335 fax ■ lina.kravetskiy@jud.ca.gov

Ideally, please give 90 days' advance notice to allow ample time for faculty to be confirmed and for them to schedule time away from court. The minimum number of participants is 20.

Today's Date		
Court		
Contact		
Title		
Address		
City	California	Zip
Phone	Fax	
E-mail		
Course Information (one application for each course)		
Course Title		
Proposed Date(s) & Time*		
Location		
Est. number of participants: (20 minimum)		

Approval of Administrative Presiding Justice OR Presiding Judge and Clerk/Administrator OR Court Executive Officer

The court's administrative presiding justice or presiding judge and clerk/administrator or court executive officer must approve any request for resources for a local judicial education course before the request can be made. I support the provision of resources for local education in my court. We will provide follow-up information about the course as requested by the AOC.

Administrative Presiding Justice OR Presiding Judge (sign) _____ DATE _____

PRINT NAME _____

Clerk Administrator or Court Executive Officer (sign) _____ DATE _____

PRINT NAME _____

* Funding for faculty overnight expenses is not available.

A SPECIAL THANK YOU

We want to thank the faculty who have taught local courses for their hard work and expertise. Without their talent and dedication, the Local Court Judicial Education Initiative would not have been possible.

Judge Steven K. Austin
Superior Court of California, County of Contra Costa

Judge Griffin M. J. Bonini
Superior Court of California, County of Santa Clara

Judge James R. Brandlin
Superior Court of California, County of Los Angeles

Judge Daniel J. Buckley
Superior Court of California, County of Los Angeles

Commissioner Michael J. Convey
Superior Court of California, County of Los Angeles

Judge Joyce M. Cram
Superior Court of California, County of Contra Costa

Judge Charles S. Crandall
Superior Court of California, County of San Luis Obispo

Judge David J. Danielsen
Superior Court of California, County of San Diego

Judge Becky Lynn Dugan
Superior Court of California, County of Riverside

Judge Lynn Duryee
Superior Court of California, County of Marin

Commissioner Michelle E. Flurer
Superior Court of California, County of Los Angeles

Judge Donna Groman
Superior Court of California, County of Los Angeles

Ms. Sherri Gulino
Superior Court of California, County of San Bernardino

Judge Mary Thornton House
Superior Court of California, County of Los Angeles

Judge Mark A. Juhas
Superior Court of California, County of Los Angeles

Judge Frances A. Kearney
Superior Court of California, County of Placer

Judge Kent M. Kellegrew
Superior Court of California, County of Ventura

Commissioner Michael Knish
Superior Court of California, County of San Bernardino

Mr. Bob Lowney
Administrative Office of the Courts

Judge Cynthia Ann Ludvigsen
Superior Court of California, County of San Bernardino

Judge William McKinstry (Ret.)
Superior Court of California, County of Alameda

Judge Vernon K. Nakahara
Superior Court of California, County of Alameda

Judge Michael J. Naughton
Superior Court of California, County of Orange

Ms. Kimberly Papillon
Administrative Office of the Courts

Judge Richard Edward Rico
Superior Court of California, County of Los Angeles

Justice Paul Turner
Court of Appeal, Second Appellate District, Division Five

Mr. Dennis Winners
Orange County Sheriff's Office

ACCESS

AMERICANS WITH DISABILITIES ACT

Access Laws

Learn about the many different laws covering persons with disabilities, including the Americans With Disabilities Act, state statutes, California Rules of Court, and controlling case law. Find out the differences between federal and state laws. Participants will become familiar with disability symbols and will also learn about employee accommodations and the responsibilities of the court as well as accommodations for public court users. There are two versions of the course—one qualifies for ethics elective credit for judges, commissioners, and referees and the other version qualifies for elimination of bias MCLE credit.

1 hour ■ Either 1 hour elimination of bias MCLE credit or 1 hour Qualifying Ethics elective credit depending on audience

How to Communicate and Interact With Persons With Disabilities

Learn the appropriate way to communicate and interact with a person with a disability. How do you talk to someone with a hearing loss? What do you do when you see a person who is blind? Should you kneel when talking to someone in a wheelchair? Find out the answers to these and more in this fun interactive course. Participants will be provided with tip sheets on how to communicate with a person who is hard of hearing and a person who is blind. Participants will also learn the 10 tips for interacting with a person with a mental health disability.

1 hour

How to Have Accessible Meetings

This course is designed to assist judges and subordinate judicial officers and anyone who plans, arranges, or coordinates meetings for the court. How do you know if a conference location is accessible to persons with disabilities? Which table arrangements best accommodate attendees who use a wheelchair or participants with a hearing impairment? What are the alternative formats you could use for participants who are visually impaired? Are there guidelines for speakers? In this course, participants will discuss the answers to these questions and more. Attendees will also learn about the use of assistive listening devices and the TDD/TTY equipment. This course provides participants with the tools and resources to have a successful and accessible meeting for everyone.

2 hours

ACCESS, continued

How to Provide Access to the Courts for Persons With Disabilities

Find out what you must do to provide accommodations for persons with disabilities. Participants will learn about the California Rules of Court and how to complete the Judicial Council form for requesting an accommodation. Learn about the different types of accommodations the court may provide and what accommodations the court may deny.

1 hour ■ 1 hour of elimination of bias MCLE credit

Service and Comfort Animals in Your Court

Learn the difference between service and comfort animals. Find out the different types of animals that may be considered a service or comfort animal. Which ones must be allowed into the courthouse? What questions are you allowed to ask? What questions are you prohibited from asking? When can you remove an animal from your court? May you charge extra fees? Can you separate the animal and owner from others in the court? Participants will learn the answers to these questions and more in this class.

1 hour ■ 1 hour of elimination of bias MCLE credit

CIVIL

Civil Expert Witnesses

Learn about frequently encountered expert witness issues in civil cases, including proper use of *Kelly-Frye* and how to determine whether there is a reasonable basis for an opinion under Evid C §801(b). Other topics may include qualification of witnesses, discovery disputes, and hearsay.

3 hours ■ Los Angeles JES course

Civil Harassment

Explore the Dos, Don'ts, and Best Practices for Civil Harassment Restraining Orders. From the TRO to final orders, learn how to conduct hearings, issue orders, prepare forms, and everything in between. Elder Abuse and Workplace Violence Restraining Orders will also be discussed.

3 hours ■ Los Angeles JES course

Civil Law Update

A legal update on civil law designed to provide experienced civil judges with practical analysis and a discussion on how recent changes in the law affect the trial judge.

1 hour

Issues in Employment Law

This course highlights emerging issues in employment law litigation, such as enforcement of arbitration clauses, wage-and-hour issues, summary judgment issues, issues resulting from layoffs and reduced workweeks, stating wrongful termination claims based on violation of public policy, and proving hostile environment sexual harassment claims.

1.5 hours

Large Topics in Small Claims

Explore both routine and esoteric small claims issues using video vignettes and focused instruction. Share and discuss successful techniques for conducting small claims hearings.

3 hours ■ Los Angeles JES course

Unlawful Detainers

This course arms participants with the knowledge to successfully negotiate the minefield of unlawful detainers. It is a unique area of law characterized by nitpicky details that are better understood in the context of its limited purpose and summary nature. Foreclosure evictions now dominate the unlawful detainer calendar, as well as bankruptcy issues unique to evictions. Specific areas of interest are jurisdiction/venue, notice requirements, habitability defenses, foreclosures, bankruptcy, and postjudgment issues.

1.5 hours

INSURANCE

Insurance Law—Basic

This course reviews various coverage principles and general key issues such as the duty to defend, bad faith, and settlement options.

3 hours

Insurance Law—Advanced

This course for experienced civil law judges focuses on complicated topics such as policy interpretation, multiple years of coverage, additional insured, reservation of rights, stacking, indemnity agreements, accident versus occurrence, and the genuine dispute doctrine.

3 hours

STRATEGIC LAWSUIT AGAINST PUBLIC PARTICIPATION (SLAPP)

Recent Developments in SLAPP Motions

This course includes an update on the latest issues affecting Special Motions to Strike under CCP §§425.16 and 425.17, including attorney fees, CCP §425.18, public issues, and the *Noerr-Pennington* doctrine.

1.5 hours

Please also see...

Civil Jury Instructions With LexisNexis HotDocs

See course description under Computer Training, page 14.

Improving Skills and Practices in Cases Involving Self-Represented Litigants

See course description under Self-Represented Litigants, page 40.

Evidentiary Issues Involving Social Media for the Trial Court Judge

See course description under Interdisciplinary, page 33.

COLLABORATIVE COURTS

Drug Case Disposition

Discuss practical ways to manage the disposition of drug cases and their impact on your calendar. Learn the mechanics of drug diversion statutes and the continuum of handling drug cases. Topics discussed include alternative case management, assessing a drug program using current treatment protocol, mental health diversion, and community-based and treatment-oriented sentencing.

1.5–2 hours

Incorporating Collaborative Court Principles

Don't want to see the same defendants and clients over and over again throughout your career? Integrate highly effective collaborative court principles and practices into your current assignment and improve the lives of those who come before you while increasing your own personal job satisfaction at the same time.

This course is available in several versions. The full two-day course is for judges and subordinate judicial officers who have not sat in a collaborative justice court. A one-day course is available for judges who have previously sat in a problem-solving court. Additionally, a short 3.5-hour course can be requested to give an overview of the area. Judges in policymaking roles can request a 3.5-hour version that is adapted to their interests and includes an expanded discussion of costs, recidivism, benefits, and current and future trends.

Course length will be determined in consultation with local court.

COMPUTER TRAINING

Civil Jury Instructions With LexisNexis HotDocs

Learn about the Judicial Council's civil jury instructions (CACI) using LexisNexis® HotDocs® software. LexisNexis® has custom-designed its user-friendly HotDocs® program to easily insert names and gender references and to automatically select many other variables. Participants will learn how to use HotDocs® to create a case file, view instruction sets and use notes, assemble a set of jury instructions for a hypothetical civil case, use features of the software to enhance instruction discussions during trial conferences, edit or add instructions as necessary, and print instructions in alternate formats.

3 hours ■ Class size 15–18

Criminal Jury Instructions With LexisNexis HotDocs

Learn about the Judicial Council's criminal jury instructions (CALCRIM) using LexisNexis® HotDocs® software. LexisNexis® has custom-designed its user-friendly HotDocs® program to easily insert names and gender references and to automatically select many other variables. Participants will learn how to use HotDocs® to create a case file, view instruction sets and use notes, assemble a set of jury instructions for a hypothetical criminal case, use features of the software to enhance instruction discussions during trial conferences, edit or add instructions as necessary, and print instructions in alternate formats.

3 hours ■ Class size 15–18

Internet Resources for Legal Information

What began as a research tool for scientists has blossomed into something unanticipated. In a very short time, the Internet has changed the way most of us do business, the way we communicate, and even the way we learn. Participants will become familiar with the basic functions of the Microsoft Internet Explorer® Web browser and will explore the AOC's Serranus Web site and other law-related sites of interest to judges and subordinate judicial officers.

3 hours ■ Class size 15–18

Introduction to Microsoft Word and Windows

Learn the basics of Microsoft Word® and its everyday application to the tasks of judges and subordinate judicial officers. Participants will learn to open and save documents; use toolbar icons and shortcuts to make word-processing tasks easier; move text in a document by cutting and pasting; create a table; and use features like find and replace, autocorrect, and symbols. In addition, participants will become familiar with functions of the Microsoft Windows® environment, including being able to launch programs; create folders; copy, move, and delete files; and employ computer first-aid techniques.

3 hours ■ Class size 15–18

LexisNexis Research

Participants will become familiar with the basic functions of the Lexis® online legal research system and will learn to search legal topics by case names and statutes, as well as by keywords using natural language and term connectors. The faculty are trainers from LexisNexis®.

2 hours ■ Maximum class size 15–18

PowerPoint for Trial Judges

Microsoft PowerPoint® is a powerful software tool that can be used to create professional-looking presentations and slide shows. Participants learn to create slides, insert and edit text, and work with audiovisual elements such as the slide color scheme and adding graphics and video to slides. Examples of how trial judges use PowerPoint will be shown.

3 hours ■ Class size 15–18

COURT SECURITY

Personal Security and Judicial Privacy Protection

What steps can or should judges take to preserve their personal safety and the safety of their families and court staff, both at and away from the courthouse? In this course, participants will enhance their abilities to assess potential threats and learn avoidance techniques. Participants will also learn about tools to maximize privacy protection in both public records and nonpublic personal records.

1.5 hours

Stalking Cases and Court Security

National events and an increase in the number of cases have heightened awareness about both stalking cases and favorable practices for improving courtroom security. This course identifies stalking behavior, dynamics, and types and includes discussion of case management techniques in stalking cases. Additional issues include threat and violence assessment, cyberstalking, stalking law, firearms and court orders, and evidentiary issues in stalking cases. This course also touches on practical ways to increase court security.

1.5 hours

CRIMINAL

COURTROOM AND TRIAL MANAGEMENT

Contempt

Courtroom control is essential to the administration of justice. Judges have the legal and inherent power to employ all means necessary to maintain order. Contempt is the ultimate tool of control, but must be a tool of last resort. The faculty will discuss sanctions and direct, indirect, and hybrid contempt and when it is appropriate to resort to sanctions or contempt. Using checklists, participants will learn the requirements regarding notice and the opportunity to be heard, and how to hold a contempt hearing, make a record, issue an order, and avoid common errors.

1.5 hours ■ 1 hour Qualifying Ethics elective credit

Disruptive Defendants and Problem Pro Pers

This course provides participants with problem-solving techniques and procedures for handling disruptive defendants and problem pro pers in criminal cases. Participants will be given examples of courtroom situations, suggestions for practical and legal solutions, and relevant case law.

3 hours ■ Los Angeles JES course

Mental Health and the Courts

This is an introductory course about dealing with mentally ill litigants in court. Although focused on criminal law, the class will address issues that occur throughout the justice system. The goal of this course is to increase judges', commissioners', and referees' awareness of the special challenges presented by cases involving mental illness. After a brief examination of the types of mental illness and the differences between the various types of mental health litigation (competency, insanity, civil commitment, etc.), students will explore ways of combating stereotypes and treating the mentally ill effectively and with dignity in the courtroom. The instructors will also discuss resources and programs a court can use to help mentally ill litigants.

3 hours

Mental Health Issues in Criminal Courts

This course is an overview of the contexts in which mental health issues arise in criminal courts. Proceedings under Pen C §1026 (Not Guilty by Reason of Insanity) and Pen C §1367 (Incompetent to Stand Trial) are covered as well as:

- Mentally Disordered Offenders (Pen C §§2960 et seq)
- Mentally Disordered Sex Offenders (Welf & I C §§6300 et seq, repealed 1981)
- Sexually Violent Predators (Welf & I C §§6600 et seq)
- Mental Retardation Commitments (Welf & I C §§6500 et seq)
- CYA Commitments (Welf & I C §§1800 et seq)
- CRC Commitments (Welf & I C §§3050 et seq)
- *Murphy* Conservatorships (Welf & I C §5008h(1)(b))

Course length will be determined in consultation with local court

CRIMINAL JUSTICE REALIGNMENT

Criminal Justice Realignment: Judicial Issues Roundtable

During this facilitated roundtable judges and commissioners from neighboring counties will have an opportunity to discuss issues and local strategies relating to felony sentencing and postrelease community supervision. The requesting court may request specific topics be included or may select from the following:

- Felony Sentencing
- Adaptation of
  - Arraignment scripts
  - Plea scripts
  - Plea forms
  - Plea negotiations
- Evidence-based Practices
- Postrelease Community Supervision Revocation
  - Case management
  - Hearing procedures
- The Judge's Role in Determining County Implementation Strategy
  - Identification of judicial interests and ethical quandaries
  - Comparison of various counties' implementation strategies
  - Collaborative courts approach to implementation

Criminal Justice Realignment: Justice Partners Roundtable

A similar facilitated discussion to the one described above but altered to accommodate a combined audience of judicial officers and justice partners. The audience, to be determined by the requesting court, may include Judges, Commissioners, Hearing Officers, District Attorneys, Public Defenders, and Probation Officers fro the requesting county and from neighboring counties.

Death Penalty

Advanced Capital Case Roundtable

This course is designed to provide the periodic update recommended by rule 10.469(d) of the California Rules of Court and two hours of qualifying ethics credit. Led by judges with extensive experience in high profile and death penalty cases, this course will consist of roundtable discussion during which participants will share their experiences and discuss effective courtroom practices.

REQUIRED COURSE PREREQUISITES

Eligible applicants must have taken the AOC Education Division's two-day Death Penalty Trials course.

COURSE TOPICS

- Case law update
- Voir dire—avoiding jury bias and selecting a fair jury
  - Jury death qualification
    - Individualized and sequestered questioning
    - Logistics of voir dire and the impact on jurors' comfort and willingness to reveal important information
  - Effective procedural practices
    - Use of questionnaires
    - Jury innovations
    - Evaluating hardships
  - Unique issues jurors face in a death penalty case and whether this does or should affect the jury selection process.
- Difficult defendants
  - Pro pers and standby counsel
  - Handling disruptive defendants
- Courtroom control
  - Media and cameras in the courtroom
    - Scope of public right of access and permissible limitations
  - Security
    - Personal and courtroom security measures a judge may consider
  - Maintaining fairness in process to the attorneys, the families and friends of the parties, the defendant, the victim, and the public.
- Ethics

Ethical or moral issues that a judge may struggle with when handling this type of case. Increasingly, electronic evidence is becoming part of a criminal trial. Attorneys want to use technology to enhance their presentations to juries. Evidentiary foundation questions arise regarding the admissibility of information from social networks, e-mails, texts, and other electronic sources. This course examines discovery, pretrial, and trial implications associated with that trend.

1.5 days **2 hours of Qualifying Ethics elective credit**

EVIDENCE

Admissibility of Technological Evidence in Criminal Cases

Increasingly, electronic evidence is becoming part of a criminal trial. Attorneys want to use technology to enhance their presentations to juries. Evidentiary foundation questions arise regarding the admissibility of information from social networks, e-mails, texts, and other electronic sources. This course examines discovery, pretrial, and trial implications associated with that trend.

1.5–2 hours

Discovery Issues—Advanced

This course takes an in-depth look at complex discovery issues. Topics include reciprocal discovery under Pen C §§1054 et seq, including impeachment evidence and oral statements of a witness not reduced to writing; the District Attorney's duty to investigate; attorney notes regarding interviews of witnesses; motions to access officer personnel records (*Pitchess*) and for disclosure of confidential informants; sanctions for discovery violations and compliance orders; and issues surrounding subpoenas duces tecum including limited disclosure per *Teal*, claims of privilege, and in camera reviews.

1.5 hours

Evidence Hot Topics

Brush up on complex areas of evidence in this fast-paced and interactive course. Topics include the admissibility of evidence of other crimes in sex offense, domestic violence, elder abuse, and child abuse cases (Evid C §§1108, 1109), and the implications of the U.S. Supreme Court's decision in *Melendez– Diaz v Massachusetts* to the analysis of hearsay and the Sixth Amendment right to confront witnesses.

1.5 hours

Expert Witness Issues in Complex Criminal Cases

Explore evidentiary issues arising in cases involving expert witness testimony. Learn to rule on objections to the admissibility and scope of expert testimony regarding gangs, new scientific techniques or devices, and mental disorders.

3 hours ■ Los Angeles JES course

Forensic DNA Evidence

Forensic DNA testing technologies have presented the criminal justice system with powerful and unique tools in the solution of crime. Small, often invisible, biological material can successfully be obtained from evidence items previously thought to be useless in criminal investigations. The creation of local, state, and national databases of DNA profiles of previously convicted offenders has similarly resulted in the solution of otherwise suspectless cases. Of greater importance is the now-common use of DNA typing technologies to examine older cases in which inmates have frequently served lengthy terms in prisons or penitentiaries. In excess of 240 inmates in the United States have been exonerated by modern DNA analysis of samples seized prior to the availability of DNA testing.

1.5 hours

Search and Seizure

This program provides judges and subordinate judicial officers with an overview of search and seizure law and procedure in California with an emphasis on major U.S. Supreme Court cases in areas such as standing, exceptions to the warrant requirement, temporary detention, good faith, and the evaluation of search warrant applications. It prepares them for not only the responsibility of reviewing a search warrant but also gives them the tools necessary to confidently and correctly rule on motions to suppress evidence pursuant to Penal Code §1538.5.

4–6 hours

Search and Seizure Update

This hypothetical-driven course focuses on recent changes in search and seizure law that directly impact the evaluation of suppression motions and warrant applications.

2 hours

Search Warrant Basics

This course covers the fundamentals of issuing search warrants. The objective of the class is to increase the skill level and confidence of new judges in evaluating search warrant applications. The course will cover the legal structure of search warrant practice, permissible communications with police and prosecutors on an ex parte basis, the components of probable cause, and common types of search warrants. The course is open to all judges, but its content assumes only limited or no prior experience in search warrant practice.

2.5–3 hours

Witness Testimony: Special Issues in Criminal Trials

Unexpected issues concerning witness testimony can derail a trial schedule and create appealable issues difficult to cure. Faculty will introduce effective pretrial conference strategies that can avoid common pitfalls and reduce delays related to witness issues during trial. Topics include the procedure for handling a witness's invocation of the Fifth Amendment right against self-incrimination, use and transactional immunity, witnesses who testify under a plea bargain, marital and spousal privileges, and accomplice testimony.

1 hour

JURY ISSUES

Juror Misconduct

An experienced criminal trial court judge discusses ways that juror misconduct is discovered, effective admonitions that aid in preventing misconduct, and the law controlling the judge's duty to investigate and remedy the situation.

1.5 hours

Jury Selection in Complex Felony Cases

This course focuses on procedural techniques that can increase the efficiency of jury selection in complex felony cases while reducing jury bias. Topics include a discussion of the pros and cons of various procedural practices such as the size of the venire and attorney time limits; the evaluation of hardships and techniques to reduce the number of hardship requests; the use of questionnaires and mini-opening statements; the management of large jury panels and selection of mutliple juries; unique issues jurors face in lengthy or high profile trials, or emotionally intense cases and whether this does or should impact the jury selection process; Batson/ Wheeler issues; and procedural techniques that improve jurors' comfort and willingness to reveal important information.

3.5 hours

PLEAS

Criminal Case Settlement

Explore ethical considerations and learn strategies for settling criminal cases; participants learn techniques for conducting plea bargain negotiations through role-playing, interactive discussion of hypotheticals, and the application of relevant canons of judicial ethics and CJP cases.

3 hours ■ 1 hour of Qualifying Ethics elective credit ■ Los Angeles JES course

Criminal Mediation:

Negotiating the Resolution of a Criminal Case: Ethical, Legal, and Practical Considerations of Judicial Participation in Plea Bargaining

As opposed to the civil courtroom, plea negotiation and settlement in the criminal courtroom is fraught with ethical land mines. Judges must be diligent in protecting the rights of a defendant, the rights of a victim, and striving to achieve justice while facing the pressures of handling impossible caseloads. Learn techniques that other judges have developed to successfully strike this balance in this roundtable-style course

3 hours ■ 2 hours of Qualifying Ethics elective credit

SENTENCING

Doing More With Less: Sentencing and Probation Considerations in the New Millennium

The parameters of probation reform in SB 678 are analyzed and "evidence based practices" are defined. "Evidence Based" sentencing practices are discussed as well as methods and criteria judges might consider in seeking to implement such practices in their courts.

1 hour

Introduction to Felony Sentencing

This course covers all the basic sentencing concepts you need to know to complete almost every felony sentence. The course begins with an overview of the basic probationary sentence and a single-count state prison sentence. You learn how to conduct a sentencing hearing; determine eligibility for probation; impose an appropriate custody term; and make other necessary fines, assessments, and orders to conclude the sentence. The course also covers multiple count and multiple case sentencing, application of Penal Code §654, calculation of custody credits with multiple cases, indeterminate sentences, sentences after violation of probation, recall of sentences, *Cruz* waivers, and correction or modification of sentences.

6 hours

Misdemeanors: Procedures and Sentencing (Including DUI Sentencing)

This course is for judges, commissioners, and referees handling any type of misdemeanor cases. The goal of the course is to provide an understanding of mandates in misdemeanor sentencing, as well as the fundamental principles of effective sentencing. The course starts by covering mandated sentencing in the areas of DUI, drug offenses, and domestic violence. The research on effective behavior modification and how that can be used in misdemeanor sentencing to increase success, reduce recidivism, and increase public safety are also discussed.

2 hours

Sentencing Considerations in Gang Cases

This course teaches judges how to sentence defendants in cases involving gang allegations. Topics include plea bargaining; rights of the victims to be heard; detailed, step-by-step analysis of gang enhancements and sentence calculation; calculation of credits; conditions of probation; and restitution, fines, and fees.

2 hours

Three Strikes

This workshop reviews the basic sentencing structure of this law, with emphasis on the mechanics of imposing a strike sentence. You learn which previous convictions constitute strikes, strike sentencing rules, and what sentencing options are available to the court in applying the law. You gain a working knowledge of the Three-Strikes law through class discussion, written materials, and practical sentencing hypotheticals.

3.5 hours

Treatment-Based Sentencing for Drug Offenders

This course explores the options for diverting drug offenders to treatment-based sentences. Topics include Deferred Entry of Judgment, Proposition 36, probation supervised inpatient or outpatient treatment, Drug Court, and state-level programs through the Department of Corrections. This course provides a continuum of sentencing alternatives available for the drug offenders.

1.5 hours

SPECIAL CRIMES

Assessing Dangerousness in Criminal Domestic Violence Cases

This course features a review of important research conducted by nationally recognized experts on assessing dangerousness and lethality in domestic violence incidents. The course discusses the assessment tools that were developed as part of the research. Building on this research overview, the course uses a sample case file to discuss the practical application of this information. The course highlights and analyzes the judicial decisions that require risk assessment in criminal domestic violence cases. Additional key topics include examining criminal history and other case information, ethical limitations on assessing risk, and using calendar management to enhance safety.

3 hours

Criminal Domestic Violence Cases

This course enables judges and subordinate judicial officers to handle a criminal domestic violence case from the arraignment stage through supervision on probation. Pretrial issues, such as protective orders and witness body attachments, are addressed. The course covers the complex evidentiary problems that often arise when victims are either absent or recanting, including impeachment with prior inconsistent statements; admission of spontaneous statements; use of absent victim statements under Evid C §1370 after *Crawford v Washington*; admission of prior domestic violence incidents under Evid C §1109; Battered Women's Syndrome evidence; and victims' assertion of the Fifth Amendment privilege. The mandatory sentencing provisions for these cases and how they may affect proposed plea dispositions are also covered.

3 hours

Gang Issues in Criminal Cases

Explore strategies for handling legal and practical issues arising in gang cases from arraignment to sentencing. Topics include courtroom security, witness protection, assuring witness attendance, discovery, admissibility of gang evidence and expert testimony, technical requirements of the STEP Act (Pen C §186.22), jury selection, and sentencing.

3 hours ■ Los Angeles JES course

Handling Sexual Assault Cases

Sexual assault cases require the judge to be familiar with a unique body of substantive and procedural law that is not necessarily applicable in other criminal cases. The judge must also be aware of and understand the dynamics of sexual assault cases, the needs of the victim and specially mandated accommodations, and myths and misconceptions about sexual assault victims and offenders. This course emphasizes these key issues and guides the judge through managing a sexual assault trial from arraignment through sentencing and postsentencing procedures. The course, or a part of it, may be delivered in one- to two-hour stand-alone modules. Key topics include:

- Voir dire/jury issues
- Experts
- Offender characteristics
- Special protection for victims
- Impact of DNA on sexual assault cases
- Managing the media in high-profile sexual assault cases
- Sentencing
- Postsentencing for sexual violence predators/mentally disordered sex offenders

1-2 hour modules

CRIMINAL, continued

Please also see these courses in the Domestic Violence section...

Adjudication of Stalking Cases, page 26.

Immigration Issues in Criminal Domestic Violence Cases, page 27.

Stalking in Cyberspace: What a Judge Needs to Know, page 27.

Please also see this course in the Court Security section...

Stalking Cases and Court Security, page 16.

Please also see this course in the Computer Training section

Criminal Jury Instructions With LexisNexis HotDocs, page 14.

Please also see these courses in the Interdisciplinary section

Difficult Conversations, page 32.

Mental Health and the Science of Addiction, page 33.

Evidentiary Issues Involving Social Media for the Trial Court Judge, page, 33.

DOMESTIC VIOLENCE

ELDER ABUSE

Handling Elder Abuse Issues

Elder abuse cases can arise in virtually any department of the court. This course helps the judge or subordinate judicial officer become familiar with elder abuse in its various court settings and the relevant underlying law and procedure. The course also provides an awareness and understanding of the dynamics of elder abuse cases, the needs of the victim and appropriate accommodations, and myths and misconceptions about elder abuse victims and offenders. This course emphasizes these key issues and guides the participant through managing the complexities of elder abuse cases.
The course contains a series of modules that can be delivered in one- to two-hour workshops that can be combined for longer courses. Key topics include:

- Aging and the dynamics of elder abuse
- Statutory framework in which elder abuse cases arise
- Domestic violence in later life
- Evidence in elder abuse cases
- Decisionmaking skills
- Elder abuse in probate and conservatorship proceedings
- Justice system agencies in elder abuse cases
- Judicial ethics in elder abuse cases

1–2 hours for each segment ■ Segments may be combined for longer courses

Restraining Orders in Elder Abuse Cases

This course focuses on restraining orders designed to protect elders from abuse. Key topics include how to recognize and understand the dynamics of elder abuse, identifying the statutory scheme and the legal requirements for issuing a restraining order under Welf & I C §15657.03; identifying what should be in a proper order under the Welfare and Institutions Code and comparing the results with the Domestic Violence Prevention Act; identifying the gaps in remedies, requirements, and what can be ordered; and discussing suggestions for options to fill the gaps.

1.5 to 3 hours

STALKING

Adjudication of Stalking Cases

This course focuses on a "nuts and bolts" approach to judicial decisionmaking in stalking cases. Topics will include the statutory basis for stalking cases, stalking behavior and dynamics, threats and threat assessment, special evidentiary issues, victim protections, and crafting effective court orders.

1.5 hours

Stalking in Cyberspace: What a Judge Needs to Know

This course provides practical information about the ways in which perpetrators of domestic violence and stalking may use technology, such as global positioning systems (GPS), cell phones, and handheld computers to control or track their victims. The course also focuses on how this issue might affect the terms of restraining and protective orders and other implications for judicial decisionmaking.

1.5 hours

Domestic Violence and Ethics

Judges and commissioners are expected and encouraged to engage in community activities and outreach within the limits of the law and ethical standards. This is especially true in cases involving allegations of domestic violence because of the presence of justice system partners and services. This course provides a forum to discuss these issues in the context of domestic violence cases, using a series of hypotheticals highlighting media inquiries, legislative activities, educational activities, and membership in domestic violence prevention councils. The course also includes an exploration of questions relating to handling cases that often involve self-represented litigants.

2 hours ■ 2 hours of Qualifying Ethics elective credit

Domestic Violence and Fairness Issues

Using a case scenario and practical applications for judges, subordinate judicial officers, and family dispute professionals, this course delineates a methodology for analyzing cultural issues as they occur in domestic violence cases. The goal of the course is not to provide a handy guide to cultural characteristics, but rather to present a practical way of thinking about culture that will assist in mediating and adjudicating cases involving a diverse population.

3 hours

Evaluating the Effects of Domestic Violence on Children

Research reveals that children suffer when they are exposed to domestic violence. This presentation provides an overview of the effects of domestic violence on children and the implications for judicial decisionmaking.

1.5 hours

Immigration Issues in Criminal Domestic Violence Cases

Immigration issues increasingly affect judicial decisionmaking, the nature of the information presented to the court, and safety issues in criminal domestic violence cases. This course provides a broad overview of the elements of immigration law that may affect decisionmaking in these cases and an understanding of the challenges facing victims of domestic violence as a result of the immigration concerns and status of the parties. Course topics include immigration concerns of immigrant victims of domestic violence; myths about immigration status; basic elements of immigration law relevant to adjudication of criminal domestic violence cases; consequences of adult criminal convictions; and protective orders and their impact on the safety of immigrant victims.

3 hours

Restraining Orders in Multiple Court Settings

This course focuses on the nuts and bolts of issuing restraining and protective orders in multiple court settings. It provides an overview of the statutory requirements relating to these orders and compares and contrasts the underlying statutory provisions. Using a series of both common and complex fact patterns, participants will distinguish among the various types of orders, analyze difficult or borderline cases, and discuss how to craft clear and enforceable orders.

1.5–3 hours

Domestic Violence-related courses in other sections...

Assessing Dangerousness in Criminal Domestic Violence Cases, page 23.

Criminal Domestic Violence Cases, page 24.

Domestic Violence and Custody—Assessing the Risk, page 31.

Domestic Violence Issues in Family Law Cases, page 31.

Domestic Violence Issues in Juvenile Cases, page 36.

Ethics and Self-Represented Litigants in Domestic Violence Cases, page 40.

Handling Sexual Assault Cases, page 24.

Reasonable Efforts in Dependency Cases Involving Domestic Violence, page 37.

Science of Aging, page 34.

Stalking Cases and Court Security, page 16.

Use of Technology in Domestic Violence Cases, page 31.

FAIRNESS

A Crash Course on Fairness in the Courts

Learn to recognize access and fairness issues in the court and implement practical solutions and strategies for dealing with them. This interactive small-group seminar uses thought-provoking clips from the Academy Award-winning movie *Crash* to raise issues and stimulate discussion.

3 hours ■ 2 hours of Qualifying Ethics elective credit ■ Los Angeles JES course

Micro-Aggressions and Fairness

This highly interactive course explores the ways in which unconscious bias manifests in verbal communications and nonverbal behavior. The course demonstrates scientifically proven methods for dismantling this bias.

2 hours ■ 2 hours of Qualifying Ethics elective credit

The Neuroscience and Empirical Psychology of Decisionmaking, Credibility Assessment, and Demeanor

In this interactive course, judges and subordinate judicial officers are provided with information on emerging research on how physiological and unconscious processes affect credibility assessments, and related conclusions that we draw about the character, veracity, and proclivity to engage in behavior. The course explores social cognition, in-group/out-group interactions as well as verbal and nonverbal communication. The course explains how Magnetic Resonance Imaging (MRI) of the brain may show instantaneous assessments of people as threatening or benign. The exercises and studies also add insight into the ways in which our courts interact with court users. The course provides tools for increasing the public's trust and confidence in the courts.

3 hours ■ 2 hours of Qualifying Ethics elective credit

Sexual Orientation Curriculum

This interactive course provides judges and subordinate judicial officers with tools to increase the public's trust and confidence in the courts, as well as effective communication with lesbian, gay, bisexual, and transgender court users. The course uses the latest research on fairness in decisionmaking, including neuroscientific and psychological studies. The course reviews interesting statistics and thoughtful discourse on avoiding pitfalls in communication.

3 hours

Please also see...

Domestic Violence and Fairness Issues

See course description under Domestic Violence, page 27.

FAMILY

Attacks on the Judgment in Family Law

This course is designed for the less experienced family law judge or subordinate judicial officer. It also serves as a refresher for those more experienced in family law. This course explores the various means used to set aside, modify, or reverse judgments and orders short of the appellate process.

1.5 hours

Attorneys Fees and Costs

This course reviews the recent changes to the law regarding attorney fees, including: the findings required when there is a disparity in access to funds to retain counsel, new forms and how they are likely to be used by self-represented litigants, how to assess the adequacy of a request for attorney fees, and factors to consider in awarding attorney fees.

2.5 hours

Basic Income Issues: Earning Capacity and Imputing Income

This course is designed for the less experienced family law judge or subordinate judicial officer. It also serves as a refresher for those more experienced in family law. This course examines the statutory and case law basis for allowing the court to use an income amount, other than a party's actual income, in setting support and making an order for attorney fees and costs; when and under what circumstances it is appropriate to impute income or a capacity to earn; and imputing income from various assets.

1.5 hours

Basic Spousal Support

This seminar is designed for family law judicial officers who have already completed the Family Law Primary Assignment Orientation. The faculty will review the Family Code 4320 factors using hypothetical case scenarios and explore in depth the factors that are particularly problematic given the current economy and the rise in self-represented litigants, who may be unfamiliar with burdens of proof or admissible evidence when seeking to establish or modify spousal support.

2.5 hours

Claims of Exemption and Defenses to Enforcement of Support Orders

This course examines ways to enforce support orders, deal with claims of exemption and defenses to enforcement, and handle requests that are not made in the proper form or procedure.

1.5 hours

Difficult Custody Modifications and the Role of the Court

Requests for modifications of custody and visitation can be challenging and difficult. In a discussion format, this course examines difficult case scenarios as a way of exploring how to think about and resolve the toughest cases. Topics include requests to separate siblings and to modify out-of-state orders, cases involving military families and deployment, and more.

1.5 hours

FAMILY, continued

Domestic Violence and Custody—Assessing the Risk

This course, designed for judges, subordinate judicial officers, and family court services professionals, presents an analytical process for assessing risk in custody cases in which domestic violence is a factor. Using a series of case scenarios that reflect a variety of domestic violence fact patterns arising in different contexts, the course focuses on the role of family court services, the role of the court, and statutory requirements and considerations. The course includes an interactive discussion about how to determine what is actually happening in the family and what the court should do.

1.5–3 hours

Domestic Violence Issues in Family Law Cases

This course alerts judges and subordinate judicial officers about the domestic violence issues that arise in family law cases. Topics emphasized are the statutory presumption based on a history of domestic violence under Fam C §3044 and crafting custody and visitation orders in the best interest of the child when domestic violence is an issue.

1.5–3 hours

Family-Centered Case Resolution

A discussion of best practices for using the new family law forms, implementing new case management rules, and other tips for resolving the issues presented in family law courts.

1.5 hours

Live Testimony at Hearings

Under new Family Code §217, absent a stipulation of the parties or finding of good cause, the court must receive any live, competent testimony that is relevant and within the scope of the Order to Show Cause or notice of motion hearing and the court may ask questions of the parties. This course examines how this can be done given the high volume of cases in our courts.

1.5 hours

Use of Technology in Domestic Violence Cases

This course will focus on the use of technology as an element of abuse in family law cases when domestic violence is alleged. Topics relating to social media and others methods of electronic communication will be addressed. Faculty will also discuss the evidentiary issues raised by the use of technology, making a record in these cases, and the role of the judge when the parties are not represented by counsel.

1.5 hours

Please also see...

Evaluating the Effects of Domestic Violence on Children

See course description under Domestic Violence, page 27.

Improving Skills and Practices in Cases Involving Self-Represented Litigants

See course description under Self-Represented Litigants, page 40.

Difficult Conversations

See course description under Interdisciplinary, page 32.

INTERDISCIPLINARY

Cognitive Fallacies—Fundamental Errors in Decision-Making

Classical economics assumes logical, rational behavior in decision making. However over the past 30 years, a new field has developed known as behavioral economics which observes that many of our decisions are not, in fact, rational. The focus of this course is on cognitive fallacies—errors our minds make as we reach decisions. These errors are based on the brain's structure, and generally all people (including judges) are subject to them. We tend to make up stories to explain connections among events that are unconnected (narrative fallacy). We believe more expensive goods, such as wines, taste better in blind taste tests, and often consider only evidence that supports previously made decisions (cognitive dissonance). We believe that our success is a result of our talent and our failures are explained by other reasons (attribution bias). We tend to make judgments of value (such as prices of goods or settlements) based on entirely unrelated "priming" numbers we were exposed to just before making the decision (anchoring). Experiments discussed in the course reveal that many decisions are made entirely unconsciously, and the conscious mind is often employed in creating post hoc rationalizations of these decisions.

This course is useful for judges handling settlement conferences, helping them to evaluate why parties take certain positions and helping them to modify the parties' behavior. It is also designed for those wishing to be sensitive to their unconscious biases in their approach to people, and in decision-making generally. Participants will learn techniques to evaluate the decisions of lawyers and the testimony of witnesses, including eyewitnesses. The course includes in-class work with the participants, allowing them to observe themselves falling prey to some of these fallacies. This course is open to research attorneys and judicial officers.

1-2 hours, as requested

Difficult Conversations

This course provides participants with problem-solving techniques for handling difficult litigants and lawyers in a variety of cases, including civil, criminal, and family, as well as in a variety of settings, both in and outside of court. Common personality disorders are discussed as well as techniques for identifying those traits and communicating with people who have them. Contempt adjudication is included but the goal of the course is to provide participants with tools for maintaining the decorum of the court (and the sanity of the judge) without contempt.

1.5 hours ■ 1 hour of Qualifying Ethics elective credit

E-business

Learn about the various successful e-business projects that are in place across California courts and become familiar with how these implementations have improved access to justice for justice partners and the public. These new electronic ways of doing business create efficiencies while providing judicial officers, justice partners and the public greater access to critical information in a timely and effective manner. In this course, the attendees will also learn about many different statutes and rules that define court electronic business such as electronic filing, servicing, and access, and find out how these rules and statutes differ from paper based court operations.

2 hours

Evidentiary Issues Involving Social Media for the Trial Court Judge

During this fast-paced, hypothetical-driven evidence course designed for both civil and criminal trial judges, faculty will delve into issues surrounding electronic evidence. Topics will include discovery issues and the admissibility and foundational issues associated with Facebook, Twitter, and other social network evidence.

3 hours

Improving on Excellence: Enhancing Your Judicial Skills for the Next Decade

This highly interactive course allows judges and subordinate judicial officers to identify their skill sets as judges. The course defines ways to enhance those skills sets so that judges can effectively and efficiently use their analytical skills on the bench.

1.5 hours

Mental Health and the Science of Addiction

Substance use disorders as well as other mental health concerns are implicated in the vast majority of criminal cases, a large majority of child abuse and neglect cases, and are found in numerous other cases before the court. As a result of this course you will be better able to craft court orders to increase compliance and reduce violations. We explore a basic understanding of alcohol and other drug use as well as mental health diagnoses the court is likely to see. Understanding addiction and addressing recovery as well as medication compliance lead to more effective judging.

3.5 hours

Myers-Briggs Type Indicator for Judges, Commissioners, and Referees

What is the MBTI and what can it do for judges? Knowledge of one's own personality type and key concepts of the MBTI can be useful when they are applied to fact-finding and decision-making, communication style, leadership, and other aspects of a judge's role in the courtroom. Judges, commissioners, and referees will be able to take the MBTI and receive a detailed report and analysis. After taking the course, participants will understand why different people such as attorneys, judges, parties, and staff, interact and react differently. There is a participant cost to take the MBTI (please contact CJER to discuss the number of participants and the associated cost.)

2 hours

The Pleasures of Case Flow Management

Regional California judicial workshops and site visits since 2005 have generated practical information about the principles of case flow management in criminal, family, and civil courts, and techniques for applying them. In one medium-sized county (Solano) these applications resulted in estimated local annual savings of $50,000 to $100,000.00 in family law alone, plus other clear benefits, including reduced trips to court for litigants. This course will focus on the principles of case flow management and the application of these principles to courts with an eye to cost savings. The content of this course can be tailored by the requesting court or region to include criminal, family, or civil law, or any combination of those areas.

1.5 hours

Science of Aging

Elders, particularly those over 85, are the fastest growing segment of our society. They are susceptible to personal and financial abuses that are directly related to their diminishing capacities and their inability to protect and manage themselves and their affairs. This course focuses on the science of aging and the types of issues that come before the courts due to the vulnerabilities of the aging population.

1.5 hours

JUDICIAL ETHICS

Qualifying Ethics Core Course

All experienced judges and subordinate judicial officers must take the three-hour Qualifying Ethics core course as part of their Qualifying Ethics training requirement. The course has a set curriculum that covers a wide range of judicial ethics issues. The QE4 cycle runs through 2012. The minimum enrollment for this class is 20 judges and subordinate judicial officers.

3 hours

Social Networking and Judicial Ethics

Online social networking is changing the way millions of people communicate with each other. This course will introduce you to the basics of social networking sites. Learn the risks, benefits and ethical issues that arise if a judge or subordinate judicial officer chooses to participate in an online social community.

2 hours ■ 1 hour of Qualifying Ethics elective credit

Qualifying Ethics Electives

The following courses qualify for judicial ethics elective credit. Please see the course descriptions under the designated category.

Access

- Access Laws, page 9.

Criminal Law

- Contempt, page 17.
- Criminal Case Settlement, page 22.
- Criminal Mediation—Negotiating the Resolution of a Criminal Case: Ethical, Legal, and Practical Considerations of Judicial Participation in Plea Bargaining, page 22.

Domestic Violence

- Domestic Violence and Ethics, page 27.

Fairness

- Crash Course on Fairness in the Courts, page 29.
- The Neuroscience and Empirical Psychology of Decisionmaking, Credibility Assessment, and Demeanor, page 29.

Interdisciplinary

- Difficult Conversations, page 32.

Probate

- Judicial Ethics in Probate, page 39.

Self-Represented Litigants

- Ethics and Self-Represented Litigants in Domestic Violence Cases, page 40.
- Improving Skills and Practices in Cases Involving Self-Represented Litigants, page 40.

JUVENILE

Dependency Jurisdiction

This course will take an in-depth look at the role current risk plays in jurisdictional analyses. Participants will discuss cases in which appellate courts have differed in their interpretations of current risk. Specifically, the class will examine situations such as: the current risk to the surviving children when the parents have caused the death of a sibling; whether boy children are at risk when a perpetrator has molested the female siblings; what current risk might look like in a contentious family court custody battle; whether medicinal marijuana use can be a basis to find current risk; and what role a parent might play in creating current risk to a teenager who is out of control. At the conclusion of the course, participants will understand how to analyze current risk as it applies to the cases that come before them.

2.5 hours

Domestic Violence Issues in Juvenile Cases

This course is designed for judges and subordinate judicial officers who hear juvenile dependency or juvenile delinquency matters. The course focuses on ways in which domestic violence arises in juvenile cases both overtly as a disclosed issue in the case and as an underlying issue that may affect the lives of the children who come before the court. Course topics include understanding domestic violence and its prevalence in families; the effects of domestic violence on children; restraining and exit orders; dispositions; the role of the juvenile court and the juvenile court judge; safe procedures, services, and orders; and crossover issues relating to the family court.

1.5 hours

In-Depth Delinquency Dispositional Hearings

This class will provide an in-depth analysis of the case law and practices related to disposition hearings as well as a discussion of frequently used placement options and the use of "evidence-based practices" in formulating disposition orders. The course is meant to assist judges and subordinate judicial officers, regardless of assignment experience or access to programs and resources, in learning legal nuances, evaluating assessment information, and formulating individualized disposition orders for offenders across the risk/need spectrum.

2.5 hours

Issues Regarding Incarcerated Parents

This course discusses existing law concerning incarcerated parents and statewide programs available at the California Department of Corrections regarding issues of visitation, transportation, case plans, and services.

1.5 hours

Primer on Fitness Hearings

After taking this course, participants will be able to conduct a fitness hearing and render appropriate findings. Two case studies are used to examine the fitness criteria and whether the burden of proof is met or rebutted.

1.5 hours

Reasonable Efforts in Dependency Cases Involving Domestic Violence

This course presents a new tool for dependency court judges and others who participate in the dependency court system, to assist in identifying factors that should be considered when making reasonable efforts determinations in cases involving domestic violence. The course focuses on the importance of understanding domestic violence when handling dependency cases, the family context of these cases, how domestic violence affects parenting, the interrelationships between domestic violence and mental health and substance abuse, the legal framework for making reasonable efforts findings, the types of reasonable efforts that should be made in dependency cases involving domestic violence, and suggestions to help improve the availability and quality of services for families experiencing domestic violence.

1.5 hours

Ruling on Welf & I C §827 Motions

This course examines how to balance the interests of the minor with those of the public, and how to promote more effective communication between juvenile courts and other interested persons and entities.

1.5 hours

Tools for Dealing With Teen Parents

Participants learn effective ways to connect and communicate with both dependent and delinquent teens, and their parents and caretakers, on issues of reproductive health, pregnancy, and parenting; what tools are available to assist dependency and delinquency judges to address these issues; and who are the stakeholders who should be included in these considerations.

1.5 hours

Understanding Education Rights in Juvenile Court

This course provides a basic overview of educational rights, including the nuts and bolts of educational representative appointment, followed by a single case study. Participants will learn what the minor's attorney, Court Appointed Special Advocate (CASA), agency, parents, and courts need to do to ensure that a minor's education rights are being met. The case study deals with transfer of rights, transfer of records (ensuring all earned school credits are recorded), and best practices for handling JV 535s.

1.5 hours

What You Can Do to Expand Services for Minors

California Rules of Ct, Standards of J Admin 5.40 encourages juvenile court judges to be proactive in working with social service agencies, mental health agencies, justice partners, and the community to develop and coordinate services for youth. This course provides information about expanding services through grants and partnerships with community service providers. Participants will also learn about AOC resources available to find grants administered by the AOC and other state and federal agencies.

1.5 hours

JUVENILE, continued

Please also see...

Evaluating the Effects of Domestic Violence on Children

See the course description under Domestic Violence, page 27.

Difficult Conversations

See course description under Interdisciplinary, page 32.

PROBATE & MENTAL HEALTH

Basic Accountings

This course provides a basic overview of the probate court's review of accounts filed by guardians, conservators, personal representatives, and trustees under Prob C §§1060 et seq. Topics include the filing of inventory and appraisals, the role of the probate referee, the purpose and format of accountings, and judicial remedies when fiduciaries fail to comply. Participants will learn both qualitative and quantitative techniques for revealing any problems and red flags. This course qualifies for education credit under Cal Rules of Ct 10.468 pertaining to judges and subordinate judicial officers regularly assigned to hear probate proceedings and qualifies for education credit under Cal Rules of Ct 10.478 pertaining to probate attorneys and probate examiners.

3.25 hours

Judicial Ethics in Probate

This course examines judicial ethics issues that probate judges, commissioners, attorneys, and examiners encounter, including ex parte communications, dealing with self-represented litigants, confidentiality, contempt, interpreters, judicial appointments, and cultural issues. This course is open to judges, commissioners, probate attorneys, and probate examiners.

2 hours ■ 2 hours of Qualifying Ethics elective credit

LPS Holds and Conservatorships

This course provides an introduction and overview of commitment laws. Topics include a discussion of the Lanterman-Petris-Short Act, LPS holds and conservatorship procedures, *Murphy* conservatorships, *Hop* and *Riese* hearings, and writs of habeas corpus. This course is open to judges, commissioners, and hearing officers assigned to LPS cases.

3.5 hours

Selected Issues in Probate Proceedings

This program covers a wide array of topics, such as estate distributions without administration, minor's compromises, special needs trusts, blocking and bonding, HIPAA, contracts to make a will, *Heggstad* petitions, and enforcing orders to account. This course qualifies for education credit under Cal Rules of Ct 10.468 pertaining to judges and subordinate judicial officers regularly assigned to hear probate proceedings and qualifies for education credit under Cal Rules of Ct 10.478 pertaining to probate attorneys and probate examiners. This course is open to judges, commissioners, probate attorneys, and probate examiners.

2 hours

Please also see...

Handling Elder Abuse Issues

See the course description under Domestic Violence, page 26.

Science of Aging

See the course description under Interdisciplinary, page 34.

Difficult Conversations

See course description under Interdisciplinary, page 32.

Mental Health and the Science of Addiction

See course description under Interdisciplinary, page 33.

SELF-REPRESENTED LITIGANTS

Ethics and Self-Represented Litigants in Domestic Violence Cases

This course focuses on both general judicial ethics issues that arise in domestic violence cases such as disqualification, disclosure, ex parte communication and community outreach, as well as application of the canons in the context of the increasing numbers of self-represented litigants that judges and subordinate judicial officers are seeing in domestic violence cases. New commentary to Cal Rules of Ct, Code of Judicial Ethics, Canon 3B(8) provides that when a litigant is self-represented, the judge has the discretion to take reasonable steps, appropriate under the circumstances and consistent with the law and the canons, to enable the litigant to be heard.

Half or full day ■ 2 hours of Ethics elective credit

Improving Skills and Practices in Cases Involving Self-Represented Litigants

Regardless of assignment, judges and subordinate judicial officers are seeing increasing numbers of self-represented litigants. New commentary to Cal Rules of Ct, Code of Judicial Ethics, Canon 3B(8) provides that when a litigant is self-represented, the judge has the discretion to take reasonable steps, appropriate under the circumstances and consistent with the law and the canons, to enable the litigant to be heard. This course provides judges and subordinate judicial officers with an opportunity to develop skills and practices designed to give self-represented litigants the same access to justice as represented parties.

Half or full day ■ 2 hours of Ethics elective credit

Please also see...

Difficult Conversations

See course description under Interdisciplinary, page 32.

TRAIN-THE-TRAINER

Model Curriculum for Temporary Judges on Bench Conduct and Demeanor (Updated Summer 2009)

In this course participants will learn how to teach the 3-hour live course that temporary judges must complete per CRC 2.812(c)–(d), 2.813, 2.815. Judges and subordinate judicial officers who serve as faculty are eligible for 2 hours of qualifying ethics elective credit. During this highly interactive workshop, participants will become familiar with a model curriculum for temporary judge education on ethical obligations relating to fairness, demeanor, and self-represented litigants. Participants will be encouraged to adapt the curriculum to their individual teaching styles. They will learn methods for making the course the one they have "always wanted to teach."

6.5 hours ■ 2 hours of Ethics elective credit

MINIMUM EDUCATION EXPECTATIONS AND REQUIREMENTS
for California Justices, Judges, and Subordinate Judicial Officers

NEW COURT OF APPEAL JUSTICES

- New Appellate Judge Orientation Program (within six months)
  Provider: National provider or Education Division/CJER

NEW JUDGES & SUBORDINATE JUDICIAL OFFICERS

- New Judge Orientation (within six months)
- Primary Assignment Orientation [1] (within one year)
- Judicial College (within two years)
  Provider: Education Division/CJER

CHANGE TO PRIMARY ASSIGNMENT

- Experienced judges (expected)
- Subordinate judicial officers (required) (within six months)
- Orientation or Refresher Course in New Assignment [2]
  Provider: Local court, the CJA, or Education Division/CJER

NEW SUPERVISING JUDGE

- Orientation to Administrative Role (within one year)
  Provider: Education Division/CJER
- Orientation to Calendar Management (if determined appropriate by local court)
  Provider: Local court or Education Division/CJER

NEW PRESIDING JUDGE

- Presiding Judges Orientation and Court Management Program (within one year)
  Provider: Education Division/CJER

CONTINUING EDUCATION

- Experienced justices (required)
- Experienced judges (expected)
- Subordinate judicial officers (required)
- 30 hours of continuing education in a three-year cycle [3]
  Provider: multiple providers

Notes

1 Assignments are defined as civil, criminal, family, juvenile dependency, juvenile delinquency, probate, and traffic.

2 If new to the assignment or returning to that assignment after two years or more.

3 Includes any hours earned in overview or refresher courses regarding a new assignment, supervising judge orientation, and presiding judge orientation.

COURSE LISTINGS, ALPHABETICAL

Access Laws 9
Adjudication of Stalking Cases 26
Admissibility of Technological Evidence in Criminal Cases 19
Advanced Capital Case Roundtable 18
Assessing Dangerousness in Criminal Domestic Violence Cases 23
Attacks on the Judgment in Family Law 30
Attorneys Fees and Costs 30
Basic Accountings 39
Basic Income Issues: Earning Capacity and Imputing Income 30
Basic Spousal Support 30
Civil Expert Witnesses 11
Civil Harassment 11
Civil Jury Instructions With LexisNexis HotDocs 14
Civil Law Update 11
Claims of Exemption and Defenses to Enforcement of Support Orders 30
Cognitive Fallacies-Fundamental Errors in Decision-Making 32
Contempt 17
Crash Course on Fairness in the Courts, A 29
Criminal Case Settlement 22
Criminal Domestic Violence Cases 24
Criminal Jury Instructions With LexisNexis HotDocs 14
Criminal Justice Realignment: Judicial Issues Roundtable 18
Criminal Justice Realignment: Justice Partners Roundtable 18
Criminal Mediation: Negotiating the Resolution of a Criminal Case: Ethical, Legal, and Practical Considerations of Judicial Participation in Plea Bargaining 22
Dependency Jurisdiction 36
Difficult Conversations 32
Difficult Custody Modifications and the Role of the Court 30
Discovery Issues—Advanced 19
Disruptive Defendants and Problem Pro Pers 17
Doing More With Less: Sentencing and Probation Considerations in the New Millennium 22
Domestic Violence and Custody—Assessing the Risk 31
Domestic Violence and Ethics 27
Domestic Violence and Fairness Issues 27
Domestic Violence Issues in Family Law Cases 31
Domestic Violence Issues in Juvenile Cases 36
Drug Case Disposition 13
E-Business 32
Ethics and Self-Represented Litigants in Domestic Violence Cases 40
Evaluating the Effects of Domestic Violence on Children 27
Evidence Hot Topics 20
Evidentiary Issues Involving Social Media for the Trial Court Judge 33
Expert Witness Issues in Complex Criminal Cases 20
Family-Centered Case Resolution 31
Forensic DNA Evidence 20
Gang Issues in Criminal Cases 24
Handling Elder Abuse Issues 26
Handling Sexual Assault Cases 24
How to Communicate and Interact With Persons With Disabilities 9
How to Have Accessible Meetings 9
How to Provide Access to the Courts for Persons With Disabilities 10
Immigration Issues in Criminal Domestic Violence Cases 27
Improving on Excellence: Enhancing Your Judicial Skills for the Next Decade 33
Improving Skills and Practices in Cases Involving Self-Represented Litigants 40
In-Depth Delinquency Dispositional Hearings 36
Incorporating Collaborative Court Principles 13
Insurance Law—Advanced 12
Insurance Law—Basic 12
Introduction to Felony Sentencing 22
Introduction to Microsoft Word and Windows 14
Internet Resources for Legal Information 14

(Continued on page 44)

COURSE LISTINGS, ALPHABETICAL, continued

Issues in Employment Law 11
Issues Regarding Incarcerated Parents 36
Judicial Ethics in Probate 39
Juror Misconduct 21
Jury Selection in Complex Felony Cases 21
Large Topics in Small Claims 11
LexisNexis Research 15
Live Testimony at Hearings 31
LPS Holds and Conservatorships 39
Mental Health and the Courts 17
Mental Health and the Science of Addiction 33
Mental Health Issues in Criminal Courts 17
Micro-Aggressions and Fairness 29
Misdemeanors: Procedures and Sentencing (Including DUI Sentencing) 23
Model Curriculum for Temporary Judges on Bench Conduct and Demeanor (Updated Summer 2009) 41
Myers-Briggs Type Indicator for Judges, Commissioners, and Referees 33
Neuroscience and Empirical Psychology of Decisionmaking, Credibility Assessment, and Demeanor, The 29
Personal Security and Judicial Privacy Protection 16
Pleasures of Case Flow Management 33
Primer on Fitness Hearings 36
PowerPoint for Trial Judges 15
Qualifying Ethics Core Course 35
Qualifying Ethics Electives 35
Reasonable Efforts in Dependency Cases Involving Domestic Violence 37
Recent Developments in SLAPP Motions 12
Restraining Orders in Elder Abuse Cases 26
Restraining in Multiple Court Settings 28
Ruling on Welf & I C §827 Motions 37
Science of Aging 34
Search and Seizure 20
Search and Seizure Update 20
Search Warrant Basics 21
Selected Issues in Probate Proceedings 39
Sentencing Considerations in Gang Cases 23
Service and Comfort Animals in Your Court 10
Sexual Orientation Curriculum 29
Social Networking and Judicial Ethics 35
Stalking Cases and Court Security 16
Stalking in Cyberspace: What a Judge Needs to Know 27
Three Strikes 23
Tools for Dealing With Teen Parents 37
Treatment-Based Sentencing for Drug Offenders 23
Understanding Education Rights in Juvenile Court 37
Unlawful Detainers 11
Use of Technology in Domestic Violence Cases 31
What You Can Do to Expand Services for Minors 37
Witness Testimony: Special Issues in Criminal Trials 21

JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date
November 18, 2014

To
Clerk/Administrators of the Appellate Courts
Executive Officers of the Superior Courts

From
Diane E. Cowdrey, Director
Center for Judiciary Education & Research

Subject
Local Court Training Program

Action Requested
For Your Information

Deadline
N/A

Contact
Rhonda Sharbono
415-865-8033 phone
rhonda.sharbono@jud.ca.gov

The Judicial Council's Center for Judiciary Education and Research (CJER) is pleased to announce a new program that enables trial and appellate courts to host established CJER courses for court staff and leadership. It is hoped that this program will enable more court employees to participate in education given the convenience of having the courses being brought to their court.

Background

Over the past few years, several courts have contacted CJER and asked for existing classes to be taught in their courts or have asked us to develop and teach courses to meet a specific need. Not only has this been a much appreciated convenience (employees only miss work for the exact hours of training) it has helped courts provide needed training to their staff without incurring travel expenses. In several cases, the courts have also been able to utilize this service to address specific training issues with all staff members at once, which would not have been possible otherwise.

CJER has developed, in collaboration with court staff, a variety of administrative courses in the areas of leadership, staff development, and computer skills. Courts may host these classes by selecting the course(s) listed in the attached catalog and contacting our office with a proposed

date. Local courts will typically arrange for an appropriate classroom for the course and handle the participant attendance and registration aspects for the course. The Center for Judiciary Education and Research will provide faculty and all course materials.

The attached information delineates the process for requesting a course from CJER, and describes the available courses. We are always interested in improving our services to the courts, so please do not hesitate to contact me directly if you have any suggestions for improving this local court training effort to better serve the needs of the courts.

DEC/sl
Attachment

Cc: Justice Ronald M. Robie, Chair, CJER Governing Committee
Curtis Child, Chief Operating Officer, Judicial Council of California
Donna Hershkowitz, Director, Appellate Court Services
Pam Reynolds, Trial Court Liaison Office

Information on Judicial Council Directives

Council Directive **88**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report to the council on a review of the content of training courses offered to AOC managers, supervisors, and employees, the number and location of courses offered, and the means by which courses and training are delivered. Training opportunities should include greater orientation and development of understanding of court functions.

SEC Recommendation **7-24**

As to training currently required of AOC managers, supervisors, and employees, the Administrative Director should order a review of the content of training courses offered, the number and location of courses offered, and the means by which courses and training are delivered. Training opportunities should include greater orientation and development of understanding of court functions.

Reported By:	Center for Judiciary Education and Research
Contact:	Dr. Diane Cowdrey, Director

TASK

[ ] PENDING

[x] COMPLETED: **In December 2012, CJER re-evaluated existing AOC Education courses and reduced them in order to match reduced resources and changed priorities. The review resulted in the elimination of courses that are not core to the mission of the council as well as courses that were not well-attended. In tandem, CJER increased the amount of education offerings for AOC staff that are more court focused, with the goal of increasing council staff's overall effectiveness in providing service to the courts.**

As reported in December 2012, CJER re-evaluated existing AOC Education courses and reduced them in order to match reduced resources and changed priorities. The review resulted in the elimination of courses that are not core to the mission of the council as well as courses that were not well-attended. In tandem, CJER increased the amount of education offerings for AOC staff that are more court focused, with the goal of increasing council staff's overall effectiveness in providing service to the courts.

Court-related class offerings in 2012 were increased by 162%. CJER has accomplished this, in part, by making available to council staff broadcast programs and online classes originally developed and produced for court personnel. This leveraging of court related education enables CJER to devote the majority of its resources to developing education for the trial and appellate courts while still providing relevant education to council staff. In addition, some council Education courses are offered jointly to both council and trial and appellate court personnel.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[x] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

CJER will continue to ensure that training opportunities include greater orientation and understanding of court

functions on an ongoing basis as future curricula are developed for council employees.

ASSESSMENT OF IMPLEMENTATION

Since the evaluation in 2012, CJER developed a 'Work of the Courts' online course as well as developed management training programs for council managers and supervisors leveraging other CJER management training programs (i.e. Core 40, Institute for Court Management, etc.).

OTHER INFORMATION

Attachments:

- *Report for Judicial Council Recommendation #88*
- Report to Judicial Council for meeting of June 28, 2013: Judicial Branch Education: AOC Staff Education, June 12, 2013

Judicial Council Recommendation 88
E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report to the council on a review of the content of training courses offered to AOC managers, supervisors, and employees, the number and location of courses offered, and the means by which courses and training are delivered. Training opportunities should include greater orientation and development of understanding of court functions.

Summary

In 2012, the Office of Education/Center for Judicial Education and Research (CJER) re-evaluated existing AOC Education courses and reduced them in order to match reduced resources and changed priorities. The review resulted in the elimination of courses that are not core to the mission of the Administrative Office of the Courts. In tandem, CJER increased the amount of education offerings for AOC staff that are more court focused, and believe this will increase the AOC's overall effectiveness in providing service to the courts. Court-related class offerings in 2012 were *increased by 162%*. CJER has accomplished this, in part, by making available to AOC staff broadcast programs and online classes originally developed and produced for court personnel. This leveraging of court related education enables CJER to devote the majority of its resources to developing education for the trial and appellate courts while still providing relevant education to AOC employees. In addition, some AOC Education courses are offered jointly to both AOC and trial and appellate court personnel.

Review of the Content of Current Training Offered to AOC Employees

At the end of 2011, CJER led a review of the current compliance requirements for AOC employees. As part of this review, CJER held meetings with representatives from the Human Resources Services Office, Legal Services Office, Risk Management Unit, Office of Emergency Response and Security, and the Injury and Illness Prevention Plan (IIPP) Working Group. The IIPP Working Group is responsible for identifying specific training for each job classification category of AOC staff, based upon a safety assessment conducted for each employee. The resultant changes primarily affected safety-related requirements. In 2012, the number of non-safety compliance classes offered was *reduced by 12%* in response to a decreased need for new employee education.

Safety Training. As part of the AOC compliance requirement changes, job specific safety-training is now identified as part of the IIPP, the majority of which is provided via online education. As a result of these changes, the number of live safety-related class offerings was reduced by 69%. Seven new safety-related online courses provided by the AOC online vendor Syntrio were added in January 2012; this represents a 116% increase in the number of online safety-related

training options. The Office of Education/CJER will continue to provide compliance classes and to partner with the IIPP Working Group to provide safety-related education.

Computer Training. In addition to changes in compliance education, CJER also *reduced computer class offerings by 46%* from 2011. At the end of this calendar year, CJER will review computer class attendance to determine the number of computer classes to be offered to AOC employees next year. Of those classes that were offered in 2012, seven sessions were offered to a combined audience of AOC and trial and appellate court employees. Combined audience classes offer a meaningful way for AOC and court employees to interact together. Further, offering classes to a combined audience allows the Education Division to focus more of its resources on developing education for the courts.

Court-Related Education: ICM Classes. Utilizing curriculum provided by the Institute for Court Management (ICM), CJER is able to efficiently develop education for AOC employees which focuses on the work of the courts. This national curriculum is owned by CJER, which enables CJER to create multiple separate courses, using the curriculum from each of the 2.5 day classes. These separate courses are developed with AOC staff in mind as the intended audience. Another advantage of these courses is that for some classes, court staff serves as faculty. The use of the ICM curriculum for this purpose began in 2010 and resulted in several classes for AOC employees. This effort has been accelerated this year. Courses now available for AOC staff and managers include the following:

- Court Community Communications: Purpose and Communication Fundamentals (new)
- Court Community Communications: Understandable Courts (new)
- Court Community Communications: The Media and Media Relations (new)
- Leadership: Be Credible in Action (new)
- Leadership: Create Focus through Vision (new)
- Leadership: Purposeful Planning; and Manage Interdependencies - Work Beyond Boundaries (new)
- Courts-Introduction to CourTools
- Courts-Purposes and Responsibilities
- Introduction to Project Management
- Visioning and Strategic Planning: Strategic Thinking
- Visioning and Strategic Planning: Organizational Foundations
- Visioning and Strategic Planning: Change & Alignment

Court-Related Education: Online Course. In addition, working with subject matter experts from the AOC and the courts, CJER developed an online course for AOC employees called “The Work

of the Courts." This class provides a general overview of court work and processes and is currently under final review by trial court employee subject matter experts. Court-related class offerings for AOC employees increased by 162% in 2012.

Training Offered to AOC Managers and Supervisors

CJER continues to leverage existing resources to support and develop manager and supervisor education at the AOC. In addition to the training and resources already available to managers and supervisors at the Administrative Office of the Courts, there were several new initiatives during the past year.

Management Training: Achieve Global Courses. During the 2012 – 2013 education period, CJER will provide courses for managers and supervisors using curriculum purchased from Achieve Global (a world-renowned international provider of leadership training programs) in 2004. AOC Office of Education/CJER employee, Rhonda Sharbono, completed the Achieve Global faculty training to enable the AOC to utilize this previously purchased curriculum. Utilizing the Achieve Global courses will allow the AOC to provide education for up to 80 managers and supervisors with no additional financial investment, in four areas:

- Successful Delegation
- Strategies to Help You Build a Unified Team
- Tools to Lead Your Team through Change
- The Principles and Qualities of Genuine Leadership

Management Training: Leveraging Court Programs. A key area of focus for AOC management training is the development of courses that address knowledge, skills, and abilities to effectively manage staff performance through increased communication, clear performance expectations, and achievement of goals. CJER, Legal Services Office, and Human Resources Services Office began the process of identifying broad objectives and desired results for AOC management training. This involved leveraging content and objectives already developed as part of CORE 40 Supervisor Training for trial and appellate court supervisors and managers. Additionally, content from other programs including court management programs will be reviewed for inclusion in the overall course offerings. Multiple separate courses will be provided starting in January 2013 with subsequent courses being offered every other month. The initial vision is to offer these courses in a live, face-to-face environment, with videoconference capabilities for AOC staff in regional offices.

Management Training: Online Training. An online orientation course (series) for new supervisors, highlighting essential AOC policies, is being discussed as part of the training described in the previous section. Workgroups comprising AOC subject matter experts will

begin the design and development of the new courses under the combined direction of CJER, HR, and the Legal Services Office, with some subject matter experts also serving as faculty.

The Means by Which Training is Delivered

CJER strives to hold AOC Education classes in the most cost-effective way. For some classes, such as AOC Preventing and Responding to Sexual Harassment for supervisors and managers, the AOC has subject matter experts in San Francisco, Sacramento and Burbank who are able to serve as faculty which minimizes travel. Videoconference technology is utilized at both the Sacramento and Burbank locations, with an emphasis on the Burbank location. This allows the relatively small number of AOC employees in Burbank to participate in classes without traveling; this also allows CJER to maximize the number of class attendees while efficiently utilizing faculty time.

Computer classes are currently offered only in San Francisco and Sacramento; however, this year CJER piloted computer training via WebEx to the trial courts. On July 23, a webinar was provided for trial court employees in Contra Costa on the topic of Word Report Features. Employees in Alpine County have also requested computer training, and a pilot webinar training for Microsoft Excel is currently being planned for early 2013.

Online education is also a significant resource for AOC employees. CJER provides online education for AOC employees through a variety of sources, including utilization of an online course vendor (Syntrio), development of online classes specifically for AOC employees (The Work of the Courts), and utilizing online classes developed by CJER for trial and appellate court employees.

Training Related to Increased Understanding of Court Functions

In addition to increased classes available to AOC staff resulting from the use of the ICM curriculum as previously described in this report, CJER began other ways to implement the recommendation that AOC staff receive greater orientation and development of understanding of court functions. Without the advantage of increased staff or resources, AOC Education staff was best able to accomplish this by leveraging existing education developed for court staff.

Court-Related Education: Leveraging Court Staff Education. In addition to live classes, this year CJER began to provide select broadcasts and online classes designed for the trial and appellate courts to AOC employees. These broadcasts and classes provide AOC employees with additional orientation to the courts. By utilizing existing education designed for court employees, CJER can devote the majority of its resources to developing education for the trial and appellate courts while still providing relevant education to AOC employees. The following broadcasts and online

classes are available to AOC employees via the AOC's Human Resources Employee Management System (HREMS):

- Appeals 101
- Appellate Court Records and Files
- Domestic Violence
- Everyday Court Practices: Exhibits
- Everyday Court Practices: Felony Minute Orders
- Everyday Court Practices: File Stamping
- Exploring the Code of Ethics
- Family Adoption of Minors
- How is a California Rule of Court Created?
- ICWA 101: Fundamentals of the Indian Child Welfare Act
- Juvenile Procedures: Confidentiality and Sealed Records
- A Practical Look at Probate Court Investigator Responsibilities
- New Court Investigator Responsibilities for Conservatorships
- Probate, Conservatorship, and Guardianship Video—A Look at Elder Abuse from the Perspective of Law Enforcement
- Probate Fundamentals
- Protective Orders: The Basics
- Traffic Counter Fundamentals
- Unlawful Detainers—the Basics

In addition to broadcast programs, several online courses designed for trial court employees are also available to AOC employees:

- The Courtroom Clerk in the Felony Courtroom (2 hrs)
- Handling Fee Waiver Applications (1.5 hrs)
- Introduction to Family Procedure (4 hrs)
- Requests for Domestic Violence Restraining Orders (2.5 hrs)

This cost-effective approach allows the Education Division to significantly increase the amount of court-related education provided to AOC employees while continuing to focus resources on developing and delivering education for the trial and appellate courts.

AOC Education: Overview of Current Courses

Course & Description	Intended Audience	Courses & Location of Courses in 2012	Means of Delivery
ADA Update: Addresses ADA law, interacting with court users and jurors with disabilities and appropriate terminology. Also includes a Q&A session.	All branch employees (combined audience)	2 sessions San Francisco	Live
Basic WebEx Meetings: an introduction to the tools and functionality of the WebEx tool.	AOC employees	2 sessions San Francisco Sacramento	Live Via WebEx
Building Team Pride and Purpose: An Achieve Global course addressing team development.	AOC Management	To be offered in 2013.	Live
Delegating for Shared Success: An Achieve Global course addressing effective delegation.	AOC Management	To be offered in 2013.	Live
Developing Team Agility, Day-to-Day Tools: An Achieve Global course addressing change management specific to teams.	AOC Management	To be offered in 2013.	Live
Emergency Response Team Training: safety training for division safety representatives.	AOC employees	2 sessions San Francisco Burbank	Live Live
[ICM] Court Community Communications: Purpose and Communication Fundamentals based on the Institute for Court Management Curriculum.	AOC employees	To be offered in 2013.	Live
[ICM] Court Community Communications: Understandable Courts based on the Institute for Court Management Curriculum.	AOC employees	To be offered in 2013.	Live
[ICM] Court Community Communications: The Media and Media Relations based on the Institute for Court Management Curriculum.	AOC employees	To be offered in 2013.	Live
[ICM] Leadership: Be Credible in Action: based on the Institute for Court Management Curriculum, addresses appropriate actions for effective leadership.	AOC Management	1 session San Francisco Sacramento	Live Videoconference
[ICM] Leadership: Create Focus through Vision based on the Institute for Court Management Curriculum.	AOC Management	To be offered in 2013.	Live
[ICM] Leadership: Purposeful Planning; and Manage Interdependencies - Work Beyond Boundaries based on the Institute for Court Management Curriculum.	AOC Management	To be offered in 2013.	Live
[ICM] Courts-Introduction to CourTools based on the Institute for Court Management Curriculum.	AOC employees	To be offered in 2013.	Live

AOC Education: Overview of Current Courses

[ICM] Courts-Purposes and Responsibilities based on the Institute for Court Management Curriculum.	AOC employees	To be offered in 2013.	Live
[ICM] Visioning and Strategic Planning: Strategic Thinking based on the Institute for Court Management Curriculum.	AOC Management	To be offered in 2013.	Live
[ICM] Visioning and Strategic Planning: Organizational Foundations based on the Institute for Court Management Curriculum.	AOC Management	To be offered in 2013.	Live
[ICM] Visioning and Strategic Planning: Change & Alignment based on the Institute for Court Management Curriculum.	AOC Management	To be offered in 2013.	Live
Integrated Disability Management: a compliance class which addresses medical leaves, workplace injury and reasonable accommodation.	AOC Management	1 session San Francisco Sacramento Burbank	Live Videoconference Videoconference
Introduction to Project Management: a full-day class which includes AOC-relevant processes as well as established project management principles.	AOC employees	1 sessions San Francisco	Live
Leadership, Change, and Group Dynamics: AOC Management training in development.	AOC Management	To be offered in 2013.	Live
Managing Conflict - including giving and receiving effective feedback: AOC Management training in development.	AOC Management	To be offered in 2013.	Live
New Employee Orientation: for new AOC employees.	AOC employees	1 session San Francisco Burbank	Live Videoconference
New Manager/Supervisor Orientation: for new AOC management.	AOC Management	1 session San Francisco Burbank	Live Videoconference
Preventing and Responding to Sexual Harassment: two-hour course that meets the compliance requirements of California Government Code 12950.1.	AOC Management & Leads	Every 6 months in San Francisco Sacramento Burbank	Live Live Live
Performance Evaluation Process: AOC Management training in development.	AOC Management	To be offered in 2013.	Live
Performance Management: Identifying and Addressing Performance Gaps: AOC Management training in development.	AOC Management	To be offered in 2013.	Live

AOC Education: Overview of Current Courses

Principles and Qualities of Genuine Leadership: An Achieve Global course addressing leadership.	AOC Management	1 session scheduled in 2012	Live
Setting Expectations and Documenting Performance: AOC Management training in development.	AOC Management	To be offered in 2013.	Live
Successful Email Communication: addresses effective written communication using email.	AOC employees	1 session San Francisco	Live
The At-Will Environment and Other Legal Issues: AOC Management training in development.	AOC Management	To be offered in 2013.	Live
The Work of the Judicial Council: outlines the responsibilities and processes of the California Judicial Council.	AOC employees	1 session San Francisco Sacramento Burbank	Live Videoconference Videoconference
Computer Skills Classes			
Access Basics: computer skills class.	AOC employees	1 session San Francisco	Live
Access Queries: computer skills class.	AOC employees	1 session San Francisco	Live
Access Quickstart: computer skills class.	AOC employees	1 session San Francisco	Live
Access Tables: computer skills class.	AOC employees	1 session San Francisco	Live
Acrobat Binder Building: computer skills class.	AOC employees	1 session San Francisco	Live
Enterprise Vault: computer skills class.	AOC employees	1 session San Francisco	Live
Excel Basics: computer skills class.	AOC employees	2 sessions San Francisco Sacramento	Live Live
Excel Charting: computer skills class.	AOC employees	2 sessions San Francisco Sacramento	Live Live
Excel Data Analysis: computer skills class.	AOC employees	2 sessions	

AOC Education: Overview of Current Courses

		San Francisco Sacramento	Live Live
Excel Formulations: computer skills class.	AOC employees	1 session San Francisco	 Live
Getting the Best of Excel: computer skills class.	AOC employees	1 session San Francisco	 Live
Getting the Best of Outlook: computer skills class.	AOC employees	1 session San Francisco	 Live
Getting the Best of Word: computer skills class.	AOC employees	1 session San Francisco	 Live
OneNote in One Hour: computer skills class.	AOC employees	3 sessions San Francisco (1) Sacramento (2)	 Live Live
Outlook Basics: computer skills class.	AOC employees	1 session San Francisco	 Live
Outlook Meeting Planner: computer skills class.	AOC employees	1 session San Francisco	 Live
Outlook Tips and Tricks: computer skills class.	AOC employees	1 session San Francisco	 Live
Publisher Basics: computer skills class.	AOC employees	1 session San Francisco	 Live
Visio Basics: computer skills class.	AOC employees	3 sessions San Francisco (1) Sacramento (2)	 Live Live
Word Front and Back: computer skills class.	AOC employees	1 session San Francisco	 Live
Word Report Features: computer skills class.	AOC employees	2 sessions San Francisco Sacramento	 Live Live
Word Revision Features: computer skills class.	AOC employees	2 sessions San Francisco Sacramento	 Live Live

AOC Education: Overview of Current Courses

Word Styles and Templates: computer skills class.	AOC employees	1 session San Francisco	Live
Word Tips and Tricks: computer skills class.	AOC employees	1 session Sacramento	Live
Additional computer skills classes will be offered in 2013 based on an assessment of the 2012 courses offered, attendance, and resources available.	AOC employees	To be offered in 2013.	Live
Online Education (including court programming offered to AOC employees)			
Appeals 101: An introduction to the appeals process.	Trial/Appellate employees and offered to AOC employees	N/A	DVD broadcast
Appellate Court Records & Files: introduction to appellate records.	Trial/Appellate employees and offered to AOC employees	N/A	DVD broadcast
Domestic Violence: providing customer service to victims of domestic violence.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
Everyday Court Practices-Exhibits: addresses the handling of trial court exhibits.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
Everyday Court Practices-Felony Minute Orders: details the minute order process in the felony courtroom.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
Everyday Court Practices-File Stamping: addresses file stamping.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
Exploring the Code of Ethics: discussed the Code of Ethics for California Court Employees.	Trial/Appellate employees and offered to AOC employees	N/A	DVD broadcast
Family Adoptions of Minors: outlines the adoptions process.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
How is a Rule of Court Created?: explains the process of creating a California Rule of Court.	Trial/Appellate employees and offered to AOC employees	N/A	DVD broadcast
ICWA 101-Fundamentals of ICWA: an introduction to the Indian Child Welfare Act.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
Investigator Responsibilities in Conservatorships: an introduction to the	Trial court employees and	N/A	DVD broadcast

AOC Education: Overview of Current Courses

responsibilities of a probate court investigator working on a conservatorship.	offered to AOC employees		
Juvenile Procedures-Confidentiality & Sealed Records: an introduction to the confidentiality of juvenile court records.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
Probate Fundamentals: an introduction to a trial court probate department.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
Probate Investigator Responsibilities: an introduction to the responsibilities of a probate court investigator.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
Protective Orders-The Basics: an overview of protective orders.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
Traffic Counter Fundamentals: an introduction to the responsibilities of clerks working at a trial court traffic counter.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
Unlawful Detainers-The Basics: an introduction to unlawful detainers.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
AOC Ethics/Conflict of Interest: satisfies the requirement for AOC employees in designated categories who are required to submit Form 700 or similar.	AOC employees	N/A	Online
Are You Really Listening?: addresses active listening skills.	AOC employees	N/A	Online (Syntrio)
Back Injury Prevention: safety training.	AOC employees	N/A	Online (Syntrio)
Basic Safety Training: introduction to basic safety practices in the workplace.	All branch employees	N/A	Online
Customer Service Success: tips for effectively providing customer service.	AOC employees	N/A	Online (Syntrio)
Defensive Driving: safety training.	AOC employees	N/A	Online (Syntrio)
Delegating for Success: effective delegation skills.	AOC employees	N/A	Online (Syntrio)
Requests for Domestic Violence Restraining Orders: roles and responsibilities of clerks in handling requests for restraining orders.	Trial court employees and offered to AOC employees	N/A	Online
Effective & Appropriate E-mail: strategies for successful email communications.	AOC employees	N/A	Online (Syntrio)
Environmental Health and Safety at Work: safety training.	AOC employees	N/A	Online (Syntrio)

AOC Education: Overview of Current Courses

Ergonet-A Personal Assessment: safety training.	AOC employees	N/A	Online (Syntrio)
Ergonet-Training Guide: safety training.	AOC employees	N/A	Online (Syntrio)
Excel Online-Fundamentals: introductory class addressing Microsoft Excel.	All branch employees	N/A	Online
Excel Online-Formulas & Functions: class addressing one aspect of Microsoft Excel.	All branch employees	N/A	Online
Excel Online-Charts: class addressing one aspect of Microsoft Excel.	All branch employees	N/A	Online
Excel Online-Analysis of Data: class addressing one aspect of Microsoft Excel.	All branch employees	N/A	Online
Fall Protection: safety training.	AOC employees	N/A	Online (Syntrio)
Foster Drug Free Workplace-Supervisors Edition: compliance training.	AOC Management	N/A	Online (Syntrio)
Fostering Drug-Free Workplace-Staff Edition: compliance training.	AOC employees	N/A	Online (Syntrio)
Goal Setting in the Workplace: setting effective goals.	AOC employees	N/A	Online (Syntrio)
Handling Conflict: Employee Guide: dealing with conflict in the workplace.	AOC employees	N/A	Online (Syntrio)
Handling Fee Waiver Applications: roles and responsibilities for court clerks when processing fee waiver applications.	Trial court employees and offered to AOC employees	N/A	Online
Hearing Conservation: safety training.	AOC employees	N/A	Online (Syntrio)
High Impact Visual Aids: creating effective visual aids for presentations.	AOC employees	N/A	Online (Syntrio)
HREMS Tutorial: explains how to use the AOC's Human Resources Employee Management System.	AOC employees	N/A	online
Interpersonal Communication: effective communication skills.	AOC employees	N/A	Online (Syntrio)

AOC Education: Overview of Current Courses

Introduction to Family Procedure: explanation of procedures in family court.	Trial court employees and offered to AOC employees	N/A	Online
It's About Time!: time management skills.	AOC employees	N/A	Online (Syntrio)
Ladder Safety: safety training.	AOC employees	N/A	Online (Syntrio)
Lose The Meeting Blues: effective meeting preparation and management.	AOC employees	N/A	Online (Syntrio)
Managing Conflict-Collaboration: effective collaboration in the workplace.	AOC employees	N/A	Online (Syntrio)
Managing Information Overload: effectively prioritizing in the workplace.	AOC employees	N/A	Online (Syntrio)
Maximizing Employee Performance: performance management skills.	AOC Management	N/A	Online (Syntrio)
Negotiation-Road to Success: introduction to successful negotiation skills.	AOC employees	N/A	Online (Syntrio)
Participating in High Performing Team: effective team work.	AOC employees	N/A	Online (Syntrio)
Personal Leadership Power: leadership skills for all employees.	AOC employees	N/A	Online (Syntrio)
Personal Protective Equipment (PPE) General Overview: safety training.	AOC employees	N/A	Online (Syntrio)
Power Speaking: effective public speaking.	AOC employees	N/A	Online (Syntrio)
PPE: Eye & Face Protection: safety training.	AOC employees	N/A	Online (Syntrio)
PPE: Foot Protection: safety training.	AOC employees	N/A	Online (Syntrio)
PPE: Hand & Arm Protection: safety training.	AOC employees	N/A	Online (Syntrio)
PPE: Head Protection: safety training.	AOC employees	N/A	Online (Syntrio)

AOC Education: Overview of Current Courses

Preventing Employment Discrimination: compliance training.	AOC Management	N/A	Online (Syntrio)
Preventing Workplace Violence: compliance training.	AOC employees	N/A	Online (Syntrio)
Proaction: Change, Innovation & Opportunity: handling change in the workplace.	AOC employees	N/A	Online (Syntrio)
Requests for Domestic Violence Restraining Orders: roles and responsibilities of court clerks when responding to requests for restraining orders.	Trial court employees and offered to AOC employees	N/A	Online
Respiratory Protection: safety training.	AOC employees	N/A	Online (Syntrio)
The Work of the Courts: introduction to the trial and appellate courts and to court operations. Designed for any employee who is new to the Judicial Branch.	AOC employees and offered to Trial/Appellate employees	Will be launched in 2013	Online

Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on June 28, 2013

Title
Judicial Branch Education: AOC Staff Education

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rule 10.491

Recommended by
Rules and Projects Committee
Hon. Harry E. Hull, Jr., Chair
Hon. Judith Ashmann-Gerst, Vice-Chair

Agenda Item Type
Action Required

Effective Date
July 1, 2013

Date of Report
June 12, 2013

Contact
Susan R. McMullan, 415-865-7990
susan.mcmullan@jud.ca.gov

Executive Summary

Rule 10.491 of the California Rules of Court addresses minimum education requirements for Administrative Office of the Courts (AOC) executives, managers, supervisors, and other employees. The Rules and Projects Committee (RUPRO) recommends amending rule 10.491 regarding AOC staff education to give the Administrative Director of the Courts greater discretion and flexibility in using the AOC workforce.

Recommendation

The Rules and Projects Committee recommends that the Judicial Council amend rule 10.491, effective July 1, 2013, to allow the Administrative Director of the Courts to:

1. Grant a one-year extension of time for AOC staff to complete the required education, and

2. Determine the number of hours, if any, of live, face-to-face education required to meet the continuing education requirement.

The text of the amended rule is attached at pages 6–7.

Previous Council Action

Effective January 1, 2008, the Judicial Council adopted rule 10.491 as part of a comprehensive set of rules addressing judicial branch education. Subdivision (c) of the rule was amended, effective January 1, 2012, to provide more individual choice and flexibility in what and how many hours count toward the continuing education hours requirement. The amendments provide that an individual must complete at least half of his or her education requirement as a participant in traditional (live, face-to-face) education. In addition, the amendments removed limitations on online course work, self-directed study, and faculty service by counting all education hours in the same way.

Rationale for Recommendation

On May 25, 2012, the Strategic Evaluation Committee (SEC) issued its report on the Administrative Office of the Courts. Among the recommendations to the Judicial Council was the following recommendation concerning AOC and trial court education requirements:

> **Recommendation No. 7-23:** As to training currently required of AOC staff and court personnel, the Judicial Council should examine and consider a relaxation of current mandatory requirements to allow the Administrative Director of the AOC and/or court executive officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.

The council's Executive and Planning Committee (E&P) evaluated and prioritized each recommendation in the SEC report and presented them to the council on August 31, 2012. As to recommendation No. 7-23, E&P proposed and the council adopted the following:

> **Directive #79:** E&P recommends that the Judicial Council direct the Rules and Projects Committee to evaluate relaxation of mandatory education requirements to allow the Administrative Director of the Courts and Court Executive Officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.

In response, RUPRO considered Directive #79; recommendations from Administer Director of the Courts Steven Jahr; the rules that apply to education for AOC staff, trial court staff, appellate court staff, and clerk/administrators of the appellate courts; and the compliance periods for each category of employees. In its deliberations, RUPRO recognized the importance of judicial branch education and did not consider recommending that the education requirements be eliminated. Because of the impending end of the compliance period for AOC staff education on December 31, 2013, RUPRO decided to address immediately the rule pertaining to AOC staff education.

RUPRO recommends amending rule 10.491, effective July 1, 2013, to give the Administrative Director of the Courts greater discretion and flexibility in using the AOC workforce. Specifically, RUPRO recommends that the rule be amended to provide the Administrative Director with discretion to grant a one-year, rather than six-month, extension of time to complete required education. (Cal. Rules of Court, rule 10.491(d).) The rule would provide that the next compliance period begins after the extended compliance period ends, unless the Administrative Director determines otherwise.[1] This would allow the Administrative Director to grant an extension to all AOC employees and extend the compliance period one year, if deemed necessary. But it also would maintain the authority of the Administrative Director to grant individual extensions based on specific needs, such as for an employee in a unit that is particularly short-staffed or an employee who experienced a prolonged illness, without extending the compliance period.

In addition, RUPRO recommends amending subdivision (c) to allow the Administrative Director the discretion to determine the number of hours, if any, of traditional (live, face-to-face) education required to meet the continuing education requirement. Because some education requirements are mandated by statute, an advisory committee comment would be added to the rule to provide that "[t]he time frame for completion of compliance courses based on statutory or regulatory mandates is unaffected by the one-year extension in (d)(1)."

RUPRO considered the education requirements for trial court staff stated in rules 10.474 and 10.478. Because the end of the compliance period for trial court staff education is December 31, 2014—more than a year away—and to determine trial court needs for staff education, RUPRO decided to solicit information from presiding judges and court executive officers in all superior courts. RUPRO has begun to do so through a letter from Justice Harry E. Hull, Jr., chair, asking courts' views on relaxing the mandatory education requirements for trial court staff to allow court executive officers greater discretion and flexibility in use of their workforces. In addition, Justice Hull and Justice Robert L. Dondero, chair of the Center for Judicial Education and Research (CJER) Governing Committee, will attend the statewide joint meeting of trial court presiding judges and court executive officers on August 29 to continue this dialog.

Though Directive #79 does not address appellate court staff education, RUPRO recognized that appellate courts may have the same need for a relaxation of education requirements. Because the appellate court staff education compliance period ends December 31, 2013, Justice Hull attended a recent meeting of the Administrative Presiding Justices Advisory Committee to solicit members' views. Administrative presiding justices saw no need to amend the rules to provide an extension of time for appellate court staff or to relax the requirement for face-to-face education.

[1] The current rule provides that an extension of time to complete the hours-based requirement does not affect the timing of the next two-year period.

Comments, Alternatives Considered, and Policy Implications

This proposal did not circulate for public comment. Under rule 10.22, a proposal need not be circulated for public comment if it presents a nonsubstantive technical change or correction or a minor substantive change that is unlikely to create controversy, or RUPRO finds that compelling circumstances require a different procedure. The compelling circumstances exception provides as follows:

> The procedures established in this rule must be followed unless the Rules and Projects Committee finds that compelling circumstances necessitate a different procedure. The committee's finding and a summary of the procedure used must be presented to the council with any recommendation to the council made under this subdivision.

(Cal. Rules of Court, rule 10.22(g).)

The existing two-year compliance period provided in rule 10.491 for AOC staff is currently nearly three-quarters completed. The number of AOC staff has been reduced since early 2012, when the current compliance period began, and the number of education courses offered has similarly been reduced. There is thus an urgent need to provide the Administrative Director with the discretion to relax the mandatory education requirements to allow staff to obtain the required education over a longer period of time (three years rather than two) and through delivery methods such as online courses that allow employees to select the course times that work best for them.

Circulating this proposal would delay the effective date beyond July 1, 2013 would reduce the number of staff benefitting from an extended compliance period. If fewer staff benefit from the extended compliance period and elimination of the rule requirement for face-to-face education, the overall benefits of increasing staff availability to provide needed services to the courts will likewise be reduced.

Though RUPRO recognizes the benefits of circulating rule proposals for comment in ordinary times, the extraordinary times and circumstances now confronting the judicial branch and the particular subject of this proposal compel adoption of the proposal without circulation for comment. If approved by the council, the proposal will be circulated for comment after adoption.

RUPRO considered alternative rule amendments that would simply state that the compliance period ending December 31, 2013, is extended one year to December 31, 2014, or that would allow the Administrative Director to grant an extension of the continuing education hours requirements, but not all education requirements. RUPRO decided not to recommend these amendments and instead grant the Administrative Director as much flexibility as possible to relax education requirements as needed.

Implementation Requirements, Costs, and Operational Impacts

If the Administrative Director exercises the discretion provided to him to extend the time by which employees must complete their education requirements, there will be some minimal requirements and costs associated with tracking employee education. Similarly, the elimination of face-to-face education requirements will result in some minimal requirements and costs associated with tracking employee education. These costs, however, are anticipated to be offset by a reduction in the need to provide face-to-face education. In addition, the proposal is expected to have positive operational impacts by allowing AOC employees additional time to complete educational requirements and flexibility with respect to alternatives to live training, thereby increasing employee availability to provide needed services to the courts.

Attachments

1. Cal. Rules of Court, rule 10.491, at pages 6–7

Information on Judicial Council Directives

Council Directive	89

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-25 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.

SEC Recommendation	7-25

The functions performed by the Finance Division should be placed in the Judicial and Court Administrative Services Division. The Finance Division should be renamed the Fiscal Services Office, reporting to the Chief Administrative Officer. The Fiscal Services Office Manager position should be at the Senior Manager level.

Reported By:	Executive Office
Contact:	Jody Patel, Chief of Staff

TASK

[x] **PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.

- On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.
- In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.
- In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.
- In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.
- In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.
- In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.
- In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The

purpose was to clarify specific information provided in the PDQs regarding essential duties.

- In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.
- In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.
- In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.
- In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.
- All-staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the reconsideration process.

In March 2015, staff received their new classifications. Approximately 244 requests for reconsiderations were submitted in April 2015. Following this effort, the Executive Office will review reconsideration requests with support from Human Resources, Legal Services, and Fox Lawson and Associates, as appropriate. After all requests are reviewed, final decisions made by the Administrative Director will be communicated to office leadership to be shared with individual employees.

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **90**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-26 and implement the necessary organizational and staffing changes, taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation **7-26**

The number of managers and supervisors should be reduced.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager

TASK

[x] **PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.

In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.

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In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.

In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.

In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.

In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.

In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.

In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.

All-staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the appeals process.

To allow for sufficient time to consider all information and ensure that the classification specifications meet organizational needs and core services, the Executive Team has extended the timeline for staff allocations. Staff will be informed of their new classifications by March 2015. This reflects a change from the original allocation date of February 2015.

As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following:

“The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting."

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **91**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure through the budget and fiscal management measures implemented by the AOC that the AOC's Finance Division is involved in all phases of fiscal planning and budgeting, especially with regard to large-scale or branch-wide projects or initiatives.

SEC Recommendation **7-27**

The AOC must improve its fiscal decision making processes. The AOC must make a commitment to involve the Fiscal Services Office in all phases of fiscal planning and budgeting, especially with regard to large-scale or branch-wide projects or initiatives.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

	PENDING
x	**COMPLETED: In August 2013, Council staff developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.**

Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost benefit analysis proposal for the Judicial Council.

Council staff developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders. This was developed in August 2013.

The proposed "Guidelines for the Administration of Branchwide Projects and Initiatives" include the "Request for Approval of Project Proposal" form. These guidelines require the full documented collaboration of all stakeholders impacted by a project or initiative. The Executive Office has the sole discretion for determining when to utilize the form for branchwide projects and initiatives.

These guidelines were presented to the Judicial Council at the December 13, 2013, council meeting.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED		UNABLE TO IMPLEMENT
x	IMPLEMENTED AND ONGOING		PENDING IMPLEMENTATION
	IMPLEMENTED BUT IN PROGRESS		

The directive implementation will remain ongoing as this tool will be used as necessary whenever there are

projects or initiatives that meet the requirements for use of this cost benefit analysis form.

ASSESSMENT OF IMPLEMENTATION

After the guidelines were developed, Court Operations Services contacted Finance because there was a similar process and form for seeking grant opportunities.

It was decided that the forms and guidelines should be merged to be applicable to both cost benefit analysis for major programs and initiatives as well as grant opportunities. The forms were merged for this purpose.

Finance reports that Information Technology also has a cost benefit analysis form that they utilize and that future activities will includes working with IT to determine if this form should be merged with the existing guidelines and form.

Finance indicated that this process was designed for use of all branch funds and to-date, there have been no major initiatives and so the process has not been utilized. For other minor funding needs, the council staff has utilized the budget change proposal process. Additionally, it was clarified that although the formal cost benefit analysis is not currently utilized for Court of Appeal funding decisions, it was designed for use for all judicial branch entities.

A discussion was held by E&P where they asked questions about the threshold for when this tool should be utilized. It was explained by SEC members that this grew out of concerns about CCMS and that this would be utilized in those cases where a budget change proposal is not an option and there is the potential for the use of all branch funds.

OTHER INFORMATION

Attachments:

- Memo: Consider Guidelines and Process Recommendation, from Curt Soderlund to Hon. Steven Jahr, November 25, 2013
- *Guidelines for the Administration of Branchwide Projects and Initiatives* (includes Request for Approval of Project Proposal)
- Report to Judicial Council for meeting of December 12-13, 2013: AOC Restructuring: Implementation of New Guidelines for Conducting Cost-Benefit Analysis for AOC Projects, December 13, 2013

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
[illegible]
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MEMORANDUM

Date
November 29, 2011

To
Hon. Steven Jahr
Administrative Director of the Courts

From
Curt Soderlund
Chief Administrative Officer

Zlatko Theodorovic
Director, Fiscal Services Office

Subject
Judicial Council Directives 7-11, 21, 40, 91 and 149

Action Requested
Consider Guidelines and Process Recommendations

Deadline
At your convenience

Contact
Curt Soderlund
916-263-1513 phone
curt.soderlund@jud.ca.gov

This memorandum requests your review and approval of staff recommendations to establish guidelines and a process to address the various common aspects of Judicial Council Directives 7-11, 21, 40, 91 and 149 specific to future critical initiatives. This recommendation seeks to encompass a process that ensures a full and comprehensive cost-benefit analysis that includes:

- The input and collaboration of all stakeholders;
- Consultation with the Judicial Council and the Executive and Planning Committee, as necessary;
- A complete analysis of scope;
- The development of accurate cost estimates and the identification of funding in consultation with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full management consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Background

The Judicial Council approved various directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. The directives approved were derived from the SEC's observations that alleged a lack of uniform internal processes, insufficient collaboration, and inadequate analysis.

Projects brought before the Judicial Council for consideration should be evaluated on the basis of scope, resources, and political sensitivity. The outcomes of these comparisons will assist the Judicial Council in their oversight role of report review so that they may provide:

- Clear and complete definition of priorities;
- A balance between the requests and branch roles and responsibilities;
- Complete consultation; and
- Timely feedback and direction.

The AOC recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects and will continually seek refinement of existing processes.

Recommendation

We request the approval of the following policy regarding cost benefit analyses:

> Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

We further recommend that you approve use of the proposed Guidelines for the Administration of Branchwide Projects and Initiatives as the official AOC process.

Lastly, should you approve the above guidelines, we recommend that you direct staff of the Fiscal Services Office to publicize the new process.

APPROVAL

(Please check one)

☑ I approve the recommendations above.

☐ I approve_____

Hon. Steven Jahr, Administrative Director of the Courts

11/26/13
Date

Attachments

Guidelines for the Administration of Branchwide Projects and Initiatives

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be preceded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated contracts, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
   - Officers/Directors identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
   - Office Director holds preliminary discussions with Division Chief
   - Division Chief and Office Director present the issue to the Executive Office as an informal concept
   - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate for further evaluation
   - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form:
   - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources.
   - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
- Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx

- Components of the RAPP Form
  a. Requesting Office or Division
  b. Date Prepared
  c. Contact Information
  d. Project Title
  e. Summary
  f. Summarized Estimated Costs
  g. Proposed Review Routing
  h. Associated JC Strategic Goal, if applicable
  i. Project Scope
  j. Stakeholders
  k. Impact Analysis
  l. Documentation of Decision-Making Process
  m. Cost Considerations
  n. Authorization to Proceed (Office Director or Designee)

1. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.

4. Briefing of Executive Office by Division Chief/Office Director
   - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
   - Consider discussion with Chief Justice
   - Consider discussions with external stakeholders such as the courts or State Bar

5. Executive Office Action
   - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
   - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Chatkham at (415) 865-7931 or bob.chatkham@jud.ca.gov.

REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/2012

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary (Please provide 2 to 4 sentences briefly describing your request.)	
Summarized Estimated Costs (Please attach/provide detailed calculations and supporting costs, if applicable.)	
Proposal Review Routing (Please select as applicable.)	_____Human Resources Office _____Legal Services Office _____Fiscal Services Office _____Information Technology Services Office _____Office of Governmental Affairs _____Other _____ _____Other _____ _____Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including objectives.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to achieve and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the ASD or stakeholders directly or indirectly if the project is approved. Consider and note additional funding and other requirements involved to successfully administering and maintaining this project. Include options where applicable.

Documentation of Decision Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide comparisons where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Implementation Required?					
	No				
	Yes	If YES, indicate fiscal year(s) and associated amounts:			
		FY	FY	FY	FY
		$	$	$	$

PROJECT COSTS

1.	Fiscal Year				TOTAL
2.	One-Time Cost				$
3.	Continuing Costs				$
4.	TOTAL PROJECT BUDGET	$	$	$	$

PROJECT FINANCIAL BENEFITS

5.	Cost Savings/Avoidance	$	$	$	$
6.	Revenue Increase	$	$	$	$

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.

Name: (Office Director or Designee)

Date:

Notes/Comments

GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Overview

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process

1. Identify Issue or Concept
   - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
   - Director holds preliminary discussions with Chief
   - Chief and director present the issue to the Executive Office as an informal concept
   - Executive Office determines depth of analysis required

2. Prepare *Request for Approval of Project Proposal* (RAPP) Form
   - Office assigned to complete proposal review form
     a. The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits.
     b. The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources.
   - Components of the RAPP Form
     a. Requesting Office or Division
     b. Date Prepared
     c. Contact Information
     d. Project Title
     e. Summary
     f. Summarized Estimated Costs
     g. Proposal Review Routing
     h. Associated JC Strategic Goal, if applicable
     i. Project Scope

j. Stakeholders
k. Impact Analysis
l. Documentation of Decision-Making Process
m. Cost Considerations
n. Authorization to Proceed (Director or Designee)

3. The RAPP form should be forwarded to the appropriate Chief for review and approval only after all issues raised by internal review have been resolved.

4. Briefing of Executive Office by Chief/Director
    a. Consider routing to appropriate JC committee or JC
    b. Consider discussion with Chief Justice
    c. Consider discussions with external stakeholders such as the courts or State Bar

5. Training and Preparation
    - The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
    - Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Fleshman at (415) 865-7531 or bob.fleshman@jud.ca.gov.

REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/10/13

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary *(Please provide 3 to 4 sentences briefly describing your request.)*	
Summarized Estimated Costs *(Please differentiate between one-time and ongoing costs, if applicable.)*	
Proposal Review Routing *(Please select as applicable.)*	_____Human Resources Office _____Legal Services Office _____Fiscal Services Office _____Information Technology Services Office _____Office of Governmental Affairs _____Other _____ _____Other _____ _____Executive Office
Does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including timeline.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the AOC or stakeholders directly or indirectly if this project is approved. Consider staff time, additional funding, and other requirements involved in successfully administering and implementing this project. Include offsets where applicable.

Documentation of Decision-Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide attachments where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Augmentation Required?								
	No							
	Yes		**If YES, indicate fiscal year(s) and associated amount:**					
			FY		**FY**		**FY**		**FY**	
			$		**$**		**$**		**$**	

PROJECT COSTS

1.	**Fiscal Year**				**TOTAL**
2.	**One-Time Cost**				**$**
3.	**Continuing Costs**				**$**
4.	**TOTAL PROJECT BUDGET**	**$**	**$**	**$**	**$**

PROJECT FINANCIAL BENEFITS

5.	**Cost Savings/Avoidances**	**$**	**$**	**$**	**$**
6.	**Revenue Increase**	**$**	**$**	**$**	**$**

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.

_____ _____

Name (Director or Designee) Date

Notes/Comments

Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 12-13, 2013

Title
AOC Restructuring: Implementation of New Guidelines for Conducting Cost-Benefit Analysis for AOC Projects

Rules, Forms, Standards, or Statutes Affected
None

Submitted by
Administrative Office of the Courts
Curt Soderlund
Chief Administrative Officer

Zlatko Theodorovic
Director, Fiscal Services Office

Agenda Item Type
Information Only

Effective Date
Not Applicable

Date of Report
December 13, 2013

Contact
Fiscal Services Office
Zlatko Theodorovic, 916-263-1397
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Executive Summary

The AOC's Chief Administrative Officer and director of the Fiscal Services Offices present this informational report on efforts relating to the various common aspects of Judicial Council Directives 7-13, 21, 40, 91, and 145 (directives), which were combined as part of a broader review and policy discussion pertaining to the application of a cost-benefit/business case analysis for AOC projects.

Background

The Judicial Council approved the directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. In their report, the SEC observed the following:

> "The AOC has failed to plan, manage, and monitor programs in a manner that seeks critical collaboration and input from the courts. The AOC has undertaken significant and

> far-reaching programs over the past decade, including CCMS, branch-wide financial systems, court construction and facilities management, and others. The organization has failed to adequately consider fiscal, operational, and other impacts of its programs and projects on the courts. Projects have been undertaken without first conducting an appropriate business case analysis to determine whether they are prudent."

As noted, the SEC opined that there appeared to be a lack of uniform internal processes, insufficient collaboration, and inadequate analysis associated with large scale endeavors. More specifically, nearly all of the aforementioned directives relate to observations made by the SEC relative to the California Court Case Management System initiative:

> "The AOC's process of planning and monitoring programs and projects has been lacking. These deficiencies are best exemplified by the CCMS project with its lack of budgetary planning, failure of budgetary controls, failure to identify a sustaining revenue source, lack of an initial business case analysis and feasibility study, lack of sufficient court commitment, and failure to openly disclose pertinent information about the project."

To address these deficiencies, the SEC detailed a recommended approach:

> "… The AOC Executive Leadership Team must begin to implement a formalized system of program and project planning and monitoring that includes, at a minimum: a collaborative planning process that utilizes a business case analysis and that includes an analysis of impacts on courts at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated."

In developing a response to the directives, AOC staff consulted with other state entities—such as the Department of Finance and CalHR—on their respective processes in an effort to establish a similar approach at the AOC that incorporates an appropriate level of review and cost-benefit analysis for programs and projects initiated by the agency. As one example, staff utilized the state Department of Finance's Budget Analyst Guide as an initial framework. Specific guide sections, such as Types of Analysis (Attachment A) and Analysis of Issues (Attachment B), were also identified as potential training tools for AOC staff to demonstrate the basic elements of how appropriate fiscal and programmatic analyses are completed. Since the material is general in nature, each office and division would, in theory, be able to use these resources to meet the individual needs of the program, whether it be completing a grant request for federal funds or a budget change proposal, to name a few.

Following the review of external and existing internal processes, AOC staff developed guidelines that seek to ensure that all elements within each of these 10 directives are adequately addressed. These guidelines include a process for the approval of branchwide projects and other significant initiatives, as well as an approach to conduct any necessary cost-benefit analysis. These elements include:

- The input and collaboration of all stakeholders;
- A complete analysis of scope;

- The development of accurate cost estimates and the identification of funding in constant collaboration with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

The "Guidelines for the Administration of Branchwide Projects and Initiatives" (Attachment C) have been reviewed and approved by the Administrative Director of the Courts and will be implemented agency-wide, effective the first quarter of 2014. Leading up to the implementation date, the Fiscal Services Office will work with staff from the AOC Center for Judiciary Education and Research to develop an appropriate training curriculum for management team members, budget liaisons, and other applicable staff.

These guidelines address the SEC's recommendation that a cost-benefit analysis should be infused into the AOC's decision-making process and to serve as a guide when considering any new project or program, large scale or otherwise.

Enclosures

Attachment A: Department of Finance Budget Analyst Guide, *Types of Analysis*
Attachment B: Department of Finance Budget Analyst Guide, *Analysis of Issues*
Attachment C: *Guidelines for the Administration of Branchwide Projects and Initiatives*

Attachment A

TYPES OF ANALYSIS

BCPs or other issues involving a proposed augmentation

1. Have the department or group proposing the augmentation clarify what the problem is. All too frequently problem statements are either missing, too brief or too general to be sufficiently clear and quantifiable, discuss symptoms rather than real problems, or are stated in terms of the solution (e.g., "the problem is we don't have the 14 additional staff we need"). The analyst's role is to find out if there is a **public** need which is not being addressed, i.e., what is the problem outside of building? Things like crime, pollution, and poverty are possibilities; the lack of staff, microcomputers, and travel funds are not. Moreover, the problem should be quantified as much as possible so that a quantifiable solution can be arrived at. This should address:

    a. the extent of the problem
    b. how this varies from a "normal" or acceptable situation
    c. how many individuals are experiencing the problem
    d. where this problem is located geographically
    e. need statements should answer the question "why?"

2. **Consider Alternatives for Solving the Problem.** Most BCPs provide two: (1) do nothing and (2) accept our proposal. Do not be deterred by the apparent lack of creativity on the part of some. There is more than one way to solve a problem, especially in an era of constantly changing technology. You might consider:

    a. automation
    b. program restructuring
    c. restructuring systems and procedures
    d. consolidation of functions

3. **The Key Element in a BCP (or other Proposal) is Data** to justify the resource level being proposed. Most proposals request specific amounts of staff and funds. These requests should be supported by equally specific calculations. To the extent that specificity is lacking, the analyst may be required to fill in the gaps in order to develop a recommendation. Usually, this kind of analysis starts with a zero-augmentation assumption and builds in components as they are specifically justified on an individual basis.

For example, a particular solution may involve several different types of staff in field offices, headquarters management, and in the Administration Division, each developed on a different basis. In summary, in this type of situation we start with zero and add in resources as they are justified by specific calculations. As a general rule, if you cannot understand were the number comes from, do not add it in.

4. If they lowballed the bill analysis, they should live with it in the BCP.

Workload Issues

In past years, departments were usually funded for agreed to workload increases. More often than not, in recent years with severe budget restraints and no or insufficient funds available to meet mandatory requirements, workload often is not funded. Departments are required to redirect resources or find other alternatives. Despite that, workload analysis is an important Finance activity.

1. The key variables in workload issues are:

   a. the volume of work to be accomplished, generally referred to as workload
   b. the current staffing level
   c. the workload completed with current staff

2. The ratio of workload being currently completed to current staff will usually provide a good estimate of the productivity rate. The ratio of the workload to be accomplished to the productivity rate is the number of staff required to complete that workload. Example—CAL/OSHA elevator inspectors will inspect about 27,500 elevators this year for safety requirements. Next year the number will increase to 28,500. Currently there are 40 inspectors. How many are needed for next year?

Answer	27,500	=	687.5	(Number of elevators
	40			(1 inspector can inspect)

28,500	=	41.5	(Number of inspectors)
687.5			(needed)

Therefore, 1.5 additional inspectors would be justified on a workload basis. Further, there is one clerical staff for every 4 inspectors in the program, so the addition of 1.5 inspectors would justify 1.5 X .25 or 0.4 of a clerical position, for a total of 1.9 PYs.

3. Sometimes it is necessary to pursue additional justification for the volume of workload projected, depending on historical patterns. Also there may be ways to increase current productivity rates without adding staff by changing procedures or by automating certain functions. The workload calculations should be performed only after the analyst is satisfied with the data that goes into those calculations.

4. **Never** accept a duty statement as workload justification. Anyone can fill up 40 hours per week with activities. This has no relationship to the external workload, how it is changing, and what staffing implications it has.

5. Workload may fluctuate throughout the year. Our policy is usually not to staff a unit for peak workload demands (with the possible exception of temporary help funds where warranted, such as the Franchise Tax Board), but rather to support staffing to process the average workload level.

6. Workload standards are useful if they have been validated and we have agreed to them. Departments should be encouraged to develop them. Even if this hasn't been done prior to writing the BCP, it may be possible to use time sheet and other activity data to put together some useful standards. But be careful, before proceeding, apply the workload standards to last year's work. Does the analysis show it would require 20 PYs to do the work that you know they did with 10 PYs?

7. Be careful of backlog statistics. There is a difference between and backlog and a working inventory. A backlog measurement should exclude:

    a. workload which is currently being processed

Attachment A

b. workload which can be processed in a reasonable or statutorily required length of time
c. workload which has been set aside because it is incomplete, waiting for additional information, or otherwise cannot be processed.

National Association of State Budget Officers (NASBO)

For other types of analyses, see the NASBO training Series Program, Module 6: Analytical Methods for Budget Analysts.

(March 3, 2011) (Analytic/BOS/PBM/APBM)

Attachment B

ANALYSIS: Principles and Practices for DOF Analysts

A. What is Analysis?

Analysis is the process by which issues are separated into their component parts and each part and the interaction among the parts are systematically investigated. Later the components of an issue are put back together in a logical way to support a conclusion and recommendation.

You can also think of analysis as the process by which we attempt to answer such questions as follows, regarding a proposal, activity, program or process.

- Who or what is affected?
- What is/are the effects?
- How and when does/will it operate?
- How much does/will it cost?
- Who is raising the issue or making the proposal, and why?
- How might the problem/issue be resolved?

And the final question upon completing an analysis should always be: "Does this make sense?"

B. Typical Types of Finance Analyses

Finance uses the analytic process to develop recommendations on budget proposals, legislation, and other initiatives and issues that may financially impact the State. Preparing solid recommendations is the foundation for our advisory role to the Governor's Office and our role in representing the Administration.

1. **Fiscal** - Finance's primary role is to provide analyses of fiscal issues or problems. To that end, we review budget change proposals, legislation, initiatives, regulations, and reports to analyze fiscal impacts. Fiscal analyses answer such questions as: How much will (or should) this proposal or program cost (or save) the State? How much revenue will it generate?

2. **Policy** – While not our main role, Finance staff may also perform policy analysis such as when reviewing legislative proposals. Policy analysis is intended to help decision-makers make choices about governmental programs and governmental regulation of individuals and organizations. Policy analysis focuses on such questions as: What is the likely impact of this policy on the public in general, and on specific groups or organizations? Policy analysis can be done from the perspective of known priorities and policies, or without such political preconditions.

3. **Policy combined with fiscal**—Most often Finance's analyses include a combination of fiscal and policy issues. For example, Finance analysts review a Budget Change Proposal to assess the reasonableness of the estimated fiscal impacts but also assess the proposed policy objective in relation to the Administration's priorities. The resulting recommendation thus may indicate that the proposed funding augmentation (or reduction) should be modified

depending on whether the policy objective is deemed to be of high or low priority by the Administration. The recommendation may also suggest an option that provides a lower (or higher) level of attainment of the policy objective, including arguments supporting that level.

Sometimes the deadline for an analysis is so short that the analysis must be "**quick and dirty**" and largely based on assumptions since time is not available to gather more information. In these cases it is helpful if the assumptions can be based on historical information or on data from a similar program or activities. In other cases (such as when asked to prepare "Issue Memos"), Finance may have time to prepare a more expansive analysis.

For more details on some of the specific types of items analyzed at Finance, see Bill Analysis, and BCPs, Writing Effective.

C. Steps in Analysis

Academicians identify various analytical approaches, which can generally be summarized into six basic steps. (See Analysis, Policy, and Problem Solving for a detailed summary of various analytical approaches.)

1. Define the Problem

- Clearly identify the stated issue/problem. Is there really a problem? Sift through extraneous material to identify the real, underlying problem or need (which may not be the same as the stated issue or problem).
- How big is the problem? Quantify, if possible.
- How did the problem arise? When? What perpetuates it? Outline the history of the issue/problem.
- Who and/or what does the problem impact? When? What are the current laws, regulations and/or programs addressing the problem?

2. Gather Information

- Consider: What do you need to know to define and analyze the issue/problem, and to recommend a solution? How much time do you have?
- Ask questions (repeatedly if necessary) to get the information needed. Also be conscious of and respect others' time and workload constraints, however.
- Be skeptical. Challenge the sources; don't assume the information is correct. Try to verify it or test it against other information to determine its accuracy or reasonableness.
- Think through varied viewpoints on the issue (not just the Administration's current perspective). Talk to both proponents and opponents to gain additional political and programmatic insights.
- Ask follow up questions.
- If you cannot get the information you want in the time (or from the sources) available, can you make assumptions to work around it or develop rough estimates? Document the basis for your assumptions.
- Look at other previous analyses/studies of the issue.
- Note that if the time is late (after 5 p.m.) or short ("quick and dirty" analyses) you still may be able to contact the Legislative Analysts' staff, legislative committee staff, (or for bills, the author's or sponsor's office, too) for some information, even if the department staff are not available.

3. Consider Alternatives

- What are all the feasible options? Consider for example, taking no action; altering an

existing law, regulation, process, or program; creating a new law or program, etc.

- What can government do (e.g., mandate, regulate, subsidize, create incentives, tax, provide information, privatize), and what might be effective in this situation?
- What other programs (public or private) or laws (state or federal) address this problem?
- What have other states done to address this problem?
- What has Finance recommended on this type of issue in the past?
- Should the State be involved at all?

4. Determine Criteria for Evaluating Alternatives

Examples of criteria:

- Efficiency - Cost-benefit, cost effectiveness, productivity
- Equity - Is it fair? Who gains, who loses? By how much?
- Effectiveness - Will it solve the problem? How much will it solve?
- Feasibility - Legal, administrative, political (e.g., the current political environment)
- Uncertainty and risk - What could go wrong? How costly? How likely?
- Priority for funding given current state fiscal constraints and Administration policies
- Consistency with Administration goals and policies and expectations

5. Evaluate Alternatives

- Measure each alternative against the criteria.
- Weigh the trade-offs (e.g., better service vs. higher cost; lower cost vs. higher risk)

6. Make Recommendation

- Pull the information together to form conclusions, and then make recommendations.
- Be creative. Policy analysis affords opportunities to develop creative compromises and unique solutions to address problems. Although Finance is not a "think tank," we can occasionally be the source of new policy ideas.
- Anticipate the Administration. Try to recommend at least one option likely to be preferred by the Administration (based on what you know of the current policies and priorities).
- Recommend more than one feasible alternative for the decision-makers to consider (e.g., in times of limited funds recommend the preferred activity and funding level, and some feasible lower level).
- Review your analysis and ask if it all “makes sense.” Can a reader follow the logic from the problem identification through the alternatives to the recommendation?
- Check to see how critical any information (both included and omitted) is to the recommendation.
- Critique and supplement (or pare down) the information as needed.

D. Communicating Your Analysis

To be effective, an analysis must be clearly communicated to the decision-makers and other interested parties.

1. Types of Presentations

- Oral presentations in meetings
- Budget change proposal (BCP) write-ups
- Bill analyses
- Legislative testimony

- Press packets or contacts
- Governor's Budget Summary ("A-pages") and other public reports
- Issue Memos
- One-on-one discussion/negotiation with LAO and departmental staff

2. Presentation Style

- Narrow focus. Finance does not typically produce lengthy study reports that thoroughly analyze all aspects of major policy issues. Finance's analyses tend to focus in on the fiscal impacts to state government and, in particular, to the General Fund.
- Related to specific decisions. Our analyses tend to focus on information needed to make a specific decision, and normally will recommend a specific action on an issue.
- Brief and clear. Finance does not get much time to speak its piece; often one or two lead sentences have to carry the presentation.
- Unbiased/nonpartisan, but politically informed. Although we work for the Governor and do analysis in the context of known Administration policy and perspective, Finance staff should be prepared to argue all sides of an issue (e.g., in Administration decision-making meetings). Recommendations on issues should reflect a balance between what might be acceptable to the Administration, and other considerations, including other viewpoints relevant to a decision. (Finance staff should not expect to promote personal political views, however.)
- Original and active. Use active (not passive) voice as much as possible, and state your thoughts without plagiarizing others' analyses (e.g., departments' analyses or documents).
- Professional. Both oral and written presentations should be made keeping in mind our professional staff role.

3. Traditional Biases of Finance

- Low cost/high benefit
- Proven effectiveness
- High priority
- Fundable by redirection of existing resources
- Consistent with Administration goals

4. Other Considerations

- Preparation. Finance staff are some of the main spokespersons for the Administration, and as such are expected to be able to explain and defend the Administration's position (e.g., on budget proposals) before the Legislature and in answering press calls. Be sure your analysis is adequate to support and defend the recommendations.
- Audience. Be aware of who reads and/or needs the information, and focus the presentation to address their level(s) of knowledge. Give adequate information to understand the issue and recommendation.
- Timing. Be sensitive to whether a decision maker can be receptive to a proposed policy and whether the issue's time has come. Often we are not the best organization to raise an issue; it may be better raised by agency/department staff or others with policy-making

authority.

- Respect for hierarchies. Finance staff should understand and respect the hierarchy of Finance and of other departments and agencies we work with. It is important to differentiate the positions that may be taken by various levels in a department and the degree to which top management has (or has not) approved a particular position.
- Flexibility. The Administration may decide on a different option that you recommend. Be ready and willing to revise your analysis to further detail the selected option, and/or reframe the issue, if necessary.
- Disassociation. Although it can be hard to do, Finance staff should not let themselves get too personally committed to policy recommendations they make or view nonacceptance as a "personal defeat."

E. Developing Policy Analysis Skills/Knowledge

The foundation for any analysis is a thorough working knowledge of your program/subject areas; the issues; and State processes, priorities, and fiscal constraints. The following are some tips on the sources and types of information you should gather (an ongoing process), and how to manage your time to complete analyses.

1. Sources of Information.

Following are some suggested sources and methods for developing your policy understanding and analytical skills. You will be engaged in many of these activities in the course of your work, but take advantage of slow moments for further research and discussion of policy issues in your area.

- Read texts, articles, books, and analyses done by others (e.g., scholars, advocates, the Legislative Analyst, Bureau of State Audits)
- Learn the history (e.g., talk to or review written work of your predecessors on the assignment)
- Listen to others who already know the programs and issues well (e.g., talk with department staff when reviewing various documents)
- Discuss issues with advocates and constituents
- Take field trips to visit program staff and projects in the field
- Learn by doing (jump into your assignment!)

2. Areas of Knowledge

a. ***Program Knowledge.*** The foundation for any analysis is a thorough working knowledge of the program being addressed. No analytical technique can replace basic information about how the program works. Such knowledge typically includes: the program's purpose, who and how many it serves, what it provides, how services are delivered, the current costs, criteria for expending the funds, how the program evolved (e.g., what were key decision points in program's history), and the trends in terms of revenues, expenditures, staffing, and workload data.

b. ***Knowledge of the State's current fiscal situation and constitutional***

constraints. Less than ten percent of the budget is discretionary. Some of the key factors limiting State expenditures are: the State Appropriations Limit (SAL), Proposition 98, other Constitutional requirements, entitlement programs, statutory COLAs, and legal obligations. Other constraints not set in the Constitution or statute but which are as, or nearly as, restraining, include: General Fund revenues, General Fund reserves, federal budget actions directly affecting the State's budget, tax expenditures, public safety expenditures, revenue-producing activities, and budget agreements.

In analyzing budget issues, it is important to keep these factors in mind and know where we are relative to the major constraints. This will tell you whether we have some flexibility and can entertain discretionary proposals, or whether we're going to have to recommend reductions.

c. ***Knowledge of other Administration and Department of Finance Priorities.*** Current State policies and priorities (such as those outlined in the *Governor's Budget Summary* or *Budget Highlights*, or the *State of the State Address*) need to be taken into account when analyzing an issue. Examples of recent State priorities include: (1) reducing personnel years (PYs); (2) reducing General Fund expenditures; (3) attempting to help the federal government reduce the federal deficit; (4) reforming welfare; and (5) making the State more competitive.
Awareness of these policies helps analysts to frame questions and recommendations.

d. ***Knowledge of the Issue.*** Besides general program knowledge, specific information about the issue being addressed is important to understanding proposed changes. For example, analysts may prepare by researching the history of issues in their program area, why the issues are (re)emerging, views of proponents and opponents, and what this and other states are doing to address the issues.

3. Managing Your Analytical Time and Effort

- Get started early. Size things up. Decide when you need to start each task in order to meet your deadline. Set a mental schedule (allowing for slippage).

  Tell the department what information you need right away. Put requests in writing (e.g., by email) when possible to confirm conversations and avoid misunderstandings later. Set a deadline for receipt of this information which is early enough so that you can ask for clarification, or request other information if this raises additional questions.

- Follow up. Think about the information as it's being presented to you. Is it filling in the gaps? What gaps remain? Take the initiative to ask follow-up questions and probe when talking to department staff. It is relatively rare that your first set of questions will elicit all of the information necessary for an analysis. Keep thinking of what you need to resolve the issue.

- Stay on Course. Don't lose sight of your objective and deadline, or get sidetracked. Make sure you understand what's central to the issue, and that you're getting the information you need from department staff (i.e., what's relevant, not what's easy for them to give you).
  Periodically, review where you are relative to your objectives and schedule. Make mid-course corrections as necessary. Raise problems to a higher level in DOF or the line department, as appropriate.
- Stop when you have what you need or you have all you can get in the time available. In the latter case, qualify your analysis by indicating the conclusions are

Attachment B

based on the limited information available and noting any assumptions made.

- Get feedback. Brainstorm ideas with your supervisor and peers. Discuss your findings and conclusions with your managers and with the department. Run drafts of your analysis and recommendations by your managers in advance of the deadline to get their input early.

- Critique your own work. Check and double check your calculations. Review your analysis to see if there are further logical gaps that need to be filled in. See if your factual information is correct, and if your argument holds up to criticism. Revise your analysis if necessary.

- Keep records. Keep your notes, supporting data obtained, and calculations made in a file for reference. (You'd be surprised how quickly people forget how they arrived at certain numbers!)
- Be sensitive to other workload demands on staff with whom you are working. You will likely need their assistance and cooperation in the future. Nevertheless, if they won't give you the information for any of the following reasons:

  - Because they've been appointed by the Governor
  - They told the last analyst they had
  - The last analyst they had didn't ask for this type of information
  - It's not Finance's role
  - They wouldn't ask for funding if they didn't need it
  - They're stalling
  - The Governor wants this done
  - You don't have the professional qualifications
  - The Director already agreed to this

you'll have to recommend disapproval of their request for lack of justification. Tell your supervisor of the situation and discuss how to resolve it.

Rev.9/02 TRO

GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be preceded by a full and comprehensive cost-benefit analysis that includes the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
    - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
    - Office Director holds preliminary discussions with Division Chief
    - Division Chief and Office Director present the issue to the Executive Office as an informal concept
    - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate Office/Division for further evaluation.
    - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form
    - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources on implementing the project.
    - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
- Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx

- Components of the RAPP Form
    a. Requesting Office or Division
    b. Date Prepared
    c. Contact Information
    d. Project Title
    e. Summary
    f. Summarized Estimated Costs
    g. Proposal Review Routing
    h. Associated JC Strategic Goal, if applicable
    i. Project Scope
    j. Stakeholders
    k. Impact Analysis
    l. Documentation of Decision-Making Process
    m. Cost Considerations
    n. Authorization to Proceed (Office Director or Designee)

3. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.

4. Briefing of Executive Office by Division Chief/Office Director
    - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
    - Consider discussion with Chief Justice
    - Consider discussions with external stakeholders such as the courts or State Bar

5. Executive Office Action
    - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
    - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Fleshman at (415) 865-7531 or bob.fleshman@jud.ca.gov.

REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/10/13

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary *(Please provide 3 to 4 sentences briefly describing your request.)*	
Summarized Estimated Costs *(Please differentiate between one-time and ongoing costs, if applicable.)*	
Proposal Review Routing *(Please select as applicable.)*	_____Human Resources Office _____Legal Services Office _____Fiscal Services Office _____Information Technology Services Office _____Office of Governmental Affairs _____Other _____ _____Other _____ _____Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including timeline.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the AOC or stakeholders directly or indirectly if this project is approved. Consider staff time, additional funding, and other requirements involved in successfully administering and implementing this project. Include offsets where applicable.

Documentation of Decision-Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide attachments where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Augmentation Required?								
	No							
	Yes		**If YES, indicate fiscal year(s) and associated amount:**					
			FY		**FY**		**FY**		**FY**	
			$		**$**		**$**		**$**	

PROJECT COSTS

1.	**Fiscal Year**				**TOTAL**
2.	**One-Time Cost**				**$**
3.	**Continuing Costs**				**$**
4.	**TOTAL PROJECT BUDGET**	**$**	**$**	**$**	**$**

PROJECT FINANCIAL BENEFITS

5.	**Cost Savings/Avoidances**	**$**	**$**	**$**	**$**
6.	**Revenue Increase**	**$**	**$**	**$**	**$**

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.

_____ _____

Name (Office Director or Designee) **Date**

Notes/Comments

Information on Judicial Council Directives

Council Directive **92**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report back on the budget and fiscal management measures implemented by the AOC to ensure that the AOC's fiscal and budget processes are more transparent.

SEC Recommendation **7-28**

The budgeting process must become more transparent. Budget information must be readily available to the public, including online. Budget documents must provide understandable explanations and detail concerning revenue sources, fund transfers, and expenditures.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

[x] **PENDING: Finance continues to work on developing the Judicial Branch's fiscal information to ensure that it is streamlined and simplified for transparency purposes.**

[ ] **COMPLETED:**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

Budget information is readily available to the public via the court website which includes the link to the Department of Finance (DOF) ebudget website (www.ebudget.ca.gov/). The branch's fiscal information is displayed here as part of the Governor's budget package, including three year expenditures and position detail, fund condition statements, and fund transfer information. The Judicial Council's mid-year forecast as well as fiscal and budget processes calendar are planned future additions to the court website. Other detailed fiscal reports, such as reports to the legislative on branch expenditures, can be accessed on the public website as well.

The Judicial Council will build upon the DOF annual budget development calendar to document the AOC fiscal and budget processes. Additionally, the Finance will confer with other state departments to obtain feedback regarding their internal fiscal and budget processes.

This issue of ensuring that budget and fiscal information displays are streamlined and simplified so they are transparent and clearly understandable was also identified in the January 2015 report of the California State Auditor who recommended that the Judicial Council should require council Finance staff to report its budget in a more understandable and transparent manner, and in a manner that readily allows stakeholders and the public to know the full amount of the council's spending. Further, the State Auditor recommended that the council prepare and make public a high-level summary of how the judicial branch's budget relates to the appropriations from the

State's budget.

Working with the Trial Court Budget Advisory Committee, and in consultation with the Department of Finance, council staff is evaluating options to more clearly display the council's budget to stakeholders and the public. It is anticipated that activities in response to the State Auditor's recommendation will be fully implemented in the first quarter of 2016.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **93**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the budget and fiscal management measures implemented by the AOC enable the Finance Division to improve the timeliness of processing contracts to better serve courts, contractors, vendors, and others.

SEC Recommendation **7-29**

This division must make a commitment to processing contracts in more timely fashion, with an eye toward better serving courts, contractors, vendors, and others.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

[ ] PENDING

[x] COMPLETED: **Finance has established Contracts Advisory Team focused on collaboration with high-volume contracting offices to ensure the timely processing of contracts. Since the establishment of the CAT monitoring and tracking contracts has improved resulting in quicker turnaround time for contracts.**

As reported in June of 2013, Finance established a Contracts Advisory Team (CAT) comprised of members from high-volume contracting offices to identify how Finance can ensure the timely processing of contracts.

CAT meetings have resulted in the identification of business process improvements which have been implemented by the offices and Finance's Business Services Unit (BSU). These improvements include regularly scheduled meetings between BSU and various offices to improve the communication process and the timeliness of the contract documents. The CAT meetings also focus on monitoring upcoming contract inventories in the various offices as well as tracking those that are currently being processed by the Business Services Unit. Monitoring and tracking contract inventories has resulted in more timely submittals to BSU, as well as quicker turnarounds to the requesting office.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[x] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

The Fiscal Services Office will continue to evaluate and monitor its contracting processes on an ongoing basis to ensure the timeliness of processing contracts in service to the courts, contractors, vendors and others.

ASSESSMENT OF IMPLEMENTATION

After the implementation of the Contracts Advisory Team and its collaborative efforts, the council has experienced no backlogs in non-facility contracting.

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **94**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Finance Division must assess its workload needs, especially in light of legislation on court security and auditing functions being assumed by the State Controller's Office, so that any necessary adjustments in staffing positions can be made.

SEC Recommendation **7-30**

The Finance Division must assess its workload needs, especially in light of legislation on court security and auditing functions being assumed by the State Controller's Office, so that any necessary adjustments in staffing positions can be made.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

☐ **PENDING**

☒ **COMPLETED: Finance has reviewed its staffing and has aligned it staffing to better align resources with workload. Additionally, Audit Services staffing has not been reduced and has realized an increase in workload since the office was established even with some auditing functions assumed by the State Controller's Office.**

As part of AOC downsizing efforts over the past 18 months, the Fiscal Services Office reviewed staffing needs in its Budget unit and made adjustments to better align resources with workload. This was especially necessary in light of the retirement of an Assistant Director with critical expertise and responsibility over budget activities and the loss of four budget positions through mandatory layoffs in 2012.

In regards to the workload needs of Audit Services (AS), the workload needs have increased since the office was established in 2001 focused primarily on audits of the trial courts. Audit staff performs comprehensive work at the superior courts that includes: compliance with rules of courts (submitted cases) and the Trial Court Financial Policies and Procedures Manual, financial work on the trial court financial statements under GAAP and GASB, and operational work on cashiering, information systems (including revenue distribution), exhibit rooms, security, and other operational areas. During the last 12 years, AS has utilized external audit firms under audit contracts to assist in these audits and special projects. Unfortunately, the external audit contract and funding expired in 2012.

In addition AS is responsible for the Whistleblower hotline and investigative work and reporting associated with it, and consultative work on revenue distribution, data integrity, information systems, additional staffing. In fact, in the last three years staffing in AS has decreased from 14 positions as of December 31, 2010, to 12 positions currently.

Although the workload associated with trial court audits may be impacted based on the existing statutes regarding contracts (Bureau of State Audit under Public Contracts Code Section 12210) and financial statements

(State Controller's Office, Bureau of State Audits, or Department of Finance under Government Code Section 77206), state assumption of audit activities will not reduce the need for staffing in AS.

In fact, because of AS staffing reductions and the uncertainty involved with the external state audits, AS's four-year cycle of auditing the trial courts has now regressed to a five/six year cycle. Resource constraints in AS have also resulted in audit activities that have been delayed, deferred or declined including assisting court executive officers (CEO's) with high level reviews, data integrity review as continually requested by CEOs, and revenue distribution testing between SCO audits. Finally, the AS is tasked with a new workload relating to the Judicial Council directive to implement internal audits of the AOC.

For all of these reasons, the AS staffing levels will not be reduced because of the potential for audit functions being assumed by the state and AS has in fact have demonstrated a need for additional resources.

In March 2013, Audit Services was moved out of Finance and now resides in the Leadership Services Division.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

- [x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
- [ ] IMPLEMENTED AND ONGOING
- [ ] IMPLEMENTED BUT IN PROGRESS
- [ ] UNABLE TO IMPLEMENT
- [ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **95**

E&P recommends that the Judicial Council support SEC Recommendation 7-31 with no further action as the unit has been eliminated through the AOC's initiatives to reduce costs and downsize its workforce and operations.

SEC Recommendation **7-31**

The need for a Strategic Policy, Communication, and Administration Unit should be reevaluated by the Chief Administrative Officer and, most likely, be eliminated.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

[ ] PENDING

[x] COMPLETED: **The functions of Finance's Strategic Policy, Communications, and Administration Unit were eliminated through the Judicial Council's initiatives to reduce costs and downsize its workforce and operations.**

Functions performed by this unit have been consolidated in the Director's (Finance Office) Office, resulting in a direct line (this unit formerly reported to the Assistant Finance Director) for critical fiscal policy and communication issues to be addressed.

As such, this function was eliminated and staff were redirected.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **96**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-32 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.

SEC Recommendation **7-32**

Consistent with recent consolidation of this division, the HR function should no longer be assigned stand-alone division status in the AOC organizational structure and should be combined with other administrative functions, reporting to the Chief Administrative Officer in the AOC's Administrative Services Division.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager Curt Soderlund, Chief Administrative Officer

TASK

[ ] PENDING

[x] COMPLETED: **The Judicial Council approved the AOC organizational restructuring on August 31, 2012. Effective October 1, 2012, the Human Resources office was no longer a standalone division and this function became an office under the Administrative Division.**

The Judicial Council approved the AOC organizational restructuring on August 31, 2012. Effective October 1, 2012, the Human Resources office was no longer a standalone division and this function became an office under the Administrative Division.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

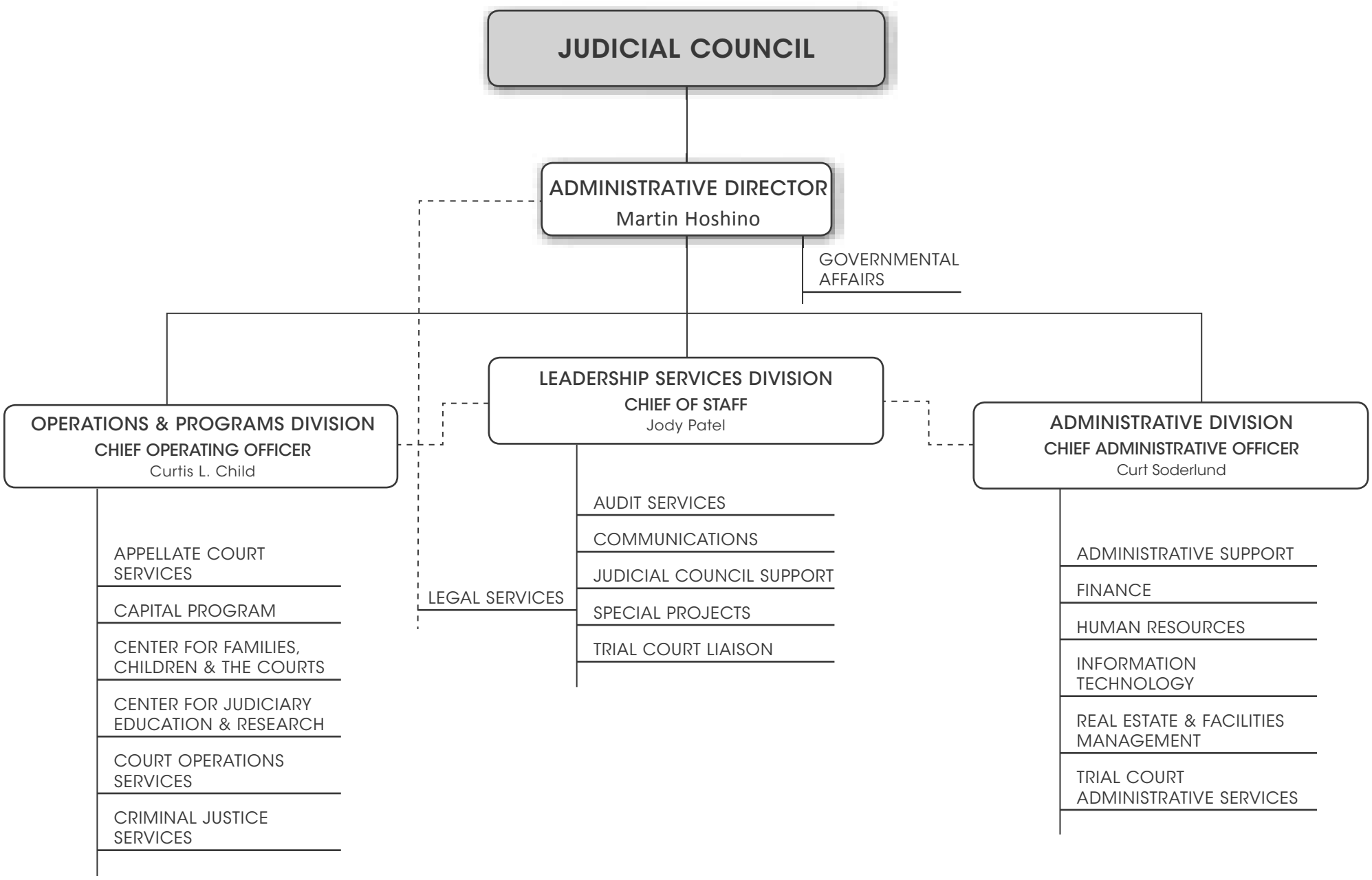
ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- Organizational Structure of the Judicial Council, October 2014

ORGANIZATIONAL STRUCTURE OF STAFF TO THE JUDICIAL COUNCIL OF CALIFORNIA



Oct 2014

Information on Judicial Council Directives

Council Directive **97**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-34 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation **7-34**

The current number of higher-level positions in the HR Division should be reduced, as follows:

(a) The Division Director position should be permanently eliminated as the HR function should no longer be a stand-alone division.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager Curt Soderlund, Chief Administrative Officer

TASK

[ ] PENDING

[x] COMPLETED: **In May of 2012, the Administrative Office of the Courts eliminated the Human Resources Division Director position as part of staffing reductions. Based on the large projects of the Human Resource office (i.e., telecommute program, classification and compensation study), the Director position was subsequently filled on 03/01/2013 after the position was initially eliminated. However, the Assistant Division Director position was permanently eliminated. Currently, the Director position is vacant with the departure of the prior Human Resources Director on 11/30/2015.**

In May of 2012, the Administrative Office of the Courts (AOC) eliminated the Human Resources Division Director position as part of staffing reductions.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

Based on the large projects of the Human Resource office (i.e., telecommute program, classification and compensation study), the Director position was subsequently filled on 03/01/2013 after the position was initially eliminated. However, the Assistant Division Director position was permanently eliminated.

Currently, the Director position is vacant with the departure of the prior Human Resources Director on 11/30/2015.

OTHER INFORMATION

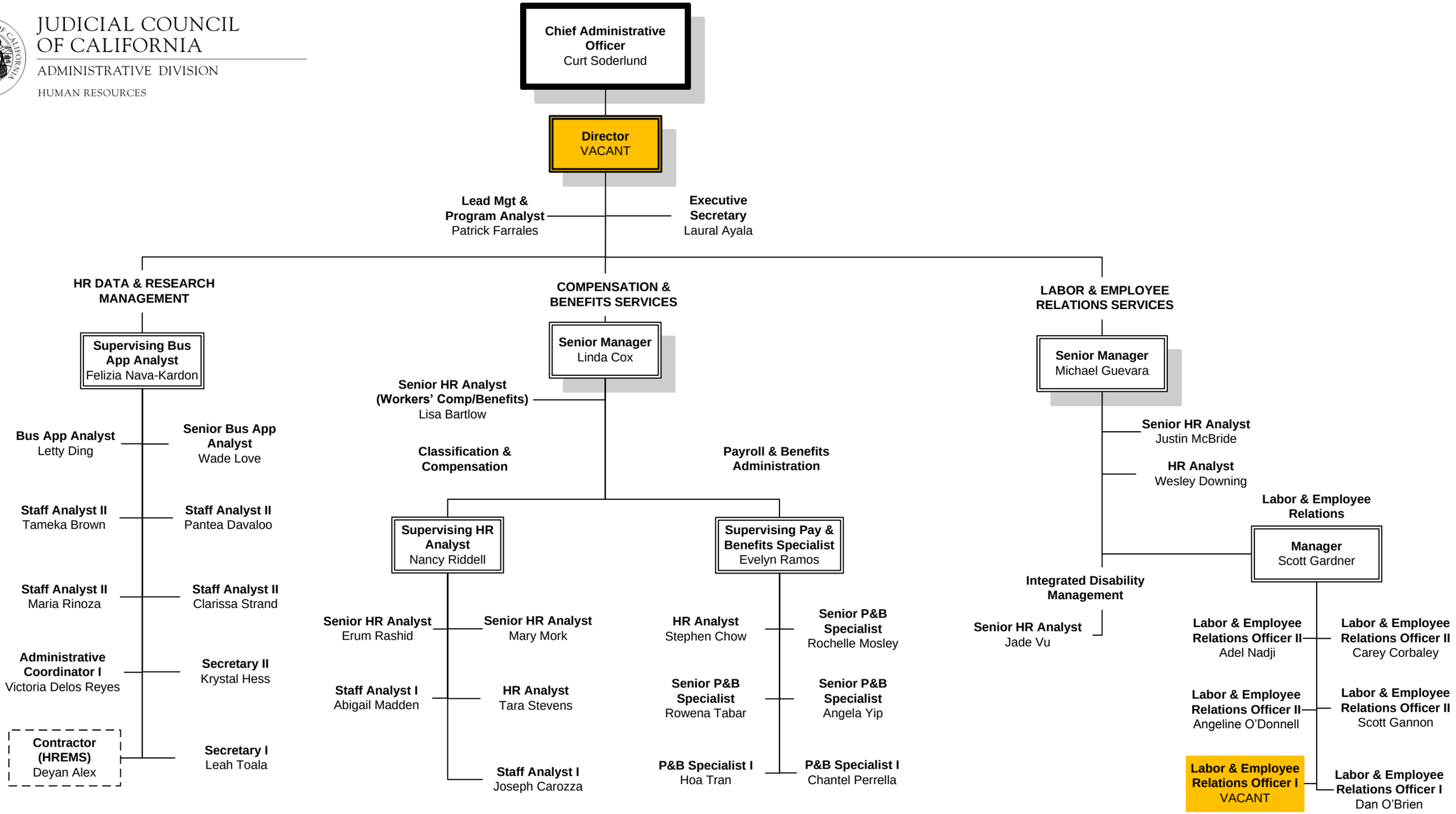
Attachments:

- Organizational Structure of Human Resources, February 2015

JUDICIAL COUNCIL OF CALIFORNIA

ADMINISTRATIVE DIVISION

HUMAN RESOURCES



Effective February 2015

Information on Judicial Council Directives

Council Directive **97.1**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-34 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation **7-34**

The current number of higher-level positions in the HR Division should be reduced, as follows:

(b) The number of manager positions should be reduced from five to three, with some of the resulting resources allocated to line HR functions.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager Curt Soderlund, Chief Administrative Officer

TASK

[ ] PENDING

[x] COMPLETED: **As reported in October of 2012, Humans Resources has only had three manager positions. Two of the three positions are at the Senior Manager level. One of the positions is at the Manager level.**

As reported in October of 2012, Humans Resources has only had three manager positions. Two of the three positions are at the Senior Manager level. One of the positions is at the Manager level.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED

[ ] IMPLEMENTED AND ONGOING

[ ] IMPLEMENTED BUT IN PROGRESS

[ ] UNABLE TO IMPLEMENT

[ ] PENDING IMPLEMENTATION

Effective 10/1/2013, the Manager position that previously vacant in Labor Relations was filled.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

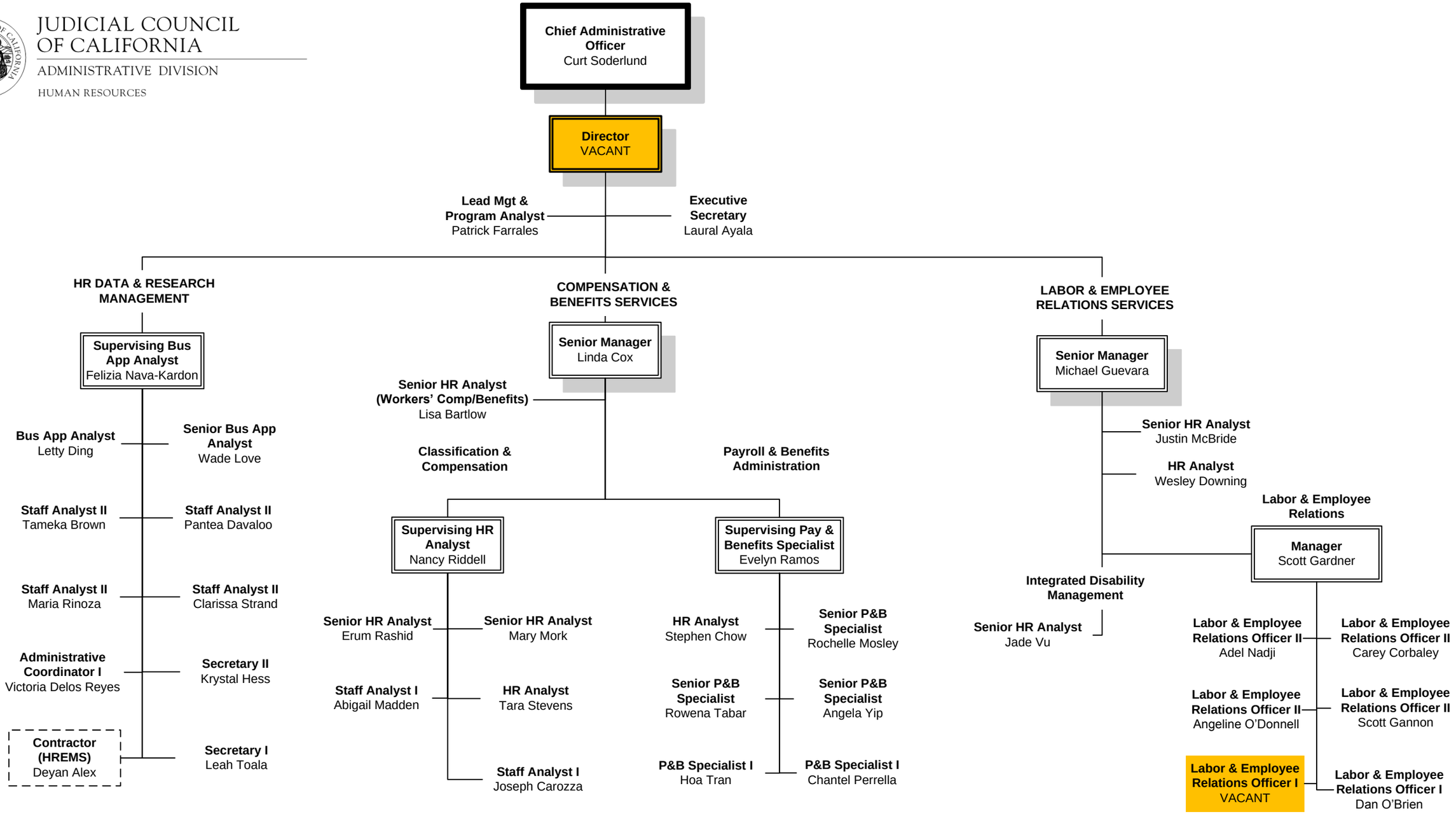
Attachments:

- Organizational Structure of Human Resources, February 2015

JUDICIAL COUNCIL OF CALIFORNIA

ADMINISTRATIVE DIVISION

HUMAN RESOURCES



Effective February 2015

Information on Judicial Council Directives

Council Directive **97.2**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-34 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation **7-34**

The current number of higher-level positions in the HR Division should be reduced, as follows:

(c) One of the three Senior Manager positions is vacant, a vacancy that should be made permanent by reallocating managerial responsibilities to the two filled Senior Manager positions.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager Curt Soderlund, Chief Administrative Officer

TASK

[ ] PENDING

[x] COMPLETED: **As reported in October of 2012, Humans Resources has only had three manager positions. Two of the three positions are at the Senior Manager level. One of the positions is at the Manager level.**

As reported in October of 2012, Human Resources has only had three manager positions. Two of the three positions are at the Senior Manager level. One of the positions is at the Manager level.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED

[ ] IMPLEMENTED AND ONGOING

[ ] IMPLEMENTED BUT IN PROGRESS

[ ] UNABLE TO IMPLEMENT

[ ] PENDING IMPLEMENTATION

Effective 10/1/2013, the Manager position that previously vacant in Labor Relations was filled.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

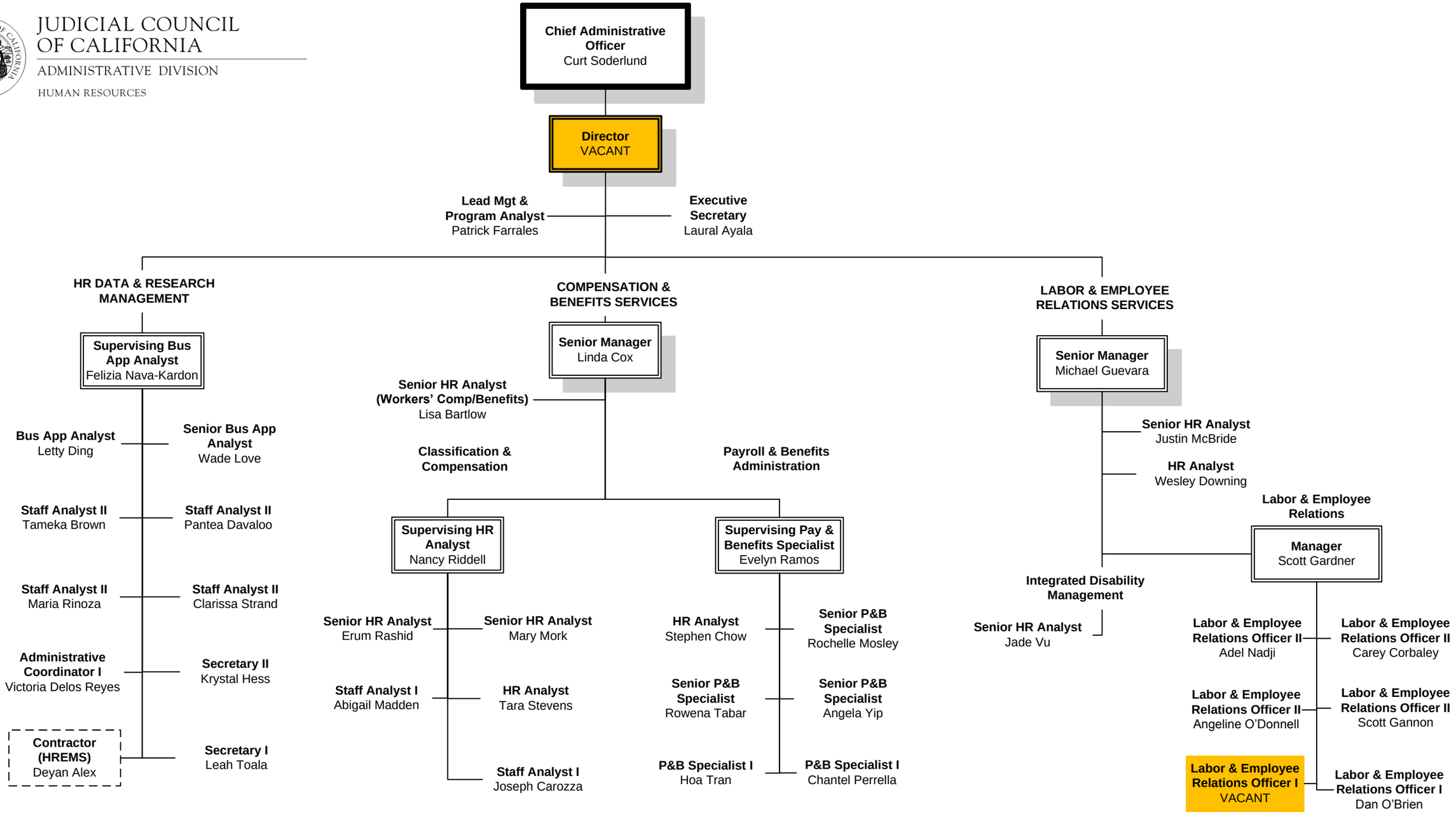
Attachments:

- Organizational Structure of Human Resources, February 2015

JUDICIAL COUNCIL OF CALIFORNIA

ADMINISTRATIVE DIVISION

HUMAN RESOURCES



Effective February 2015

Information on Judicial Council Directives

Council Directive **98**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report back on the progress and results of staffing changes being implemented in the Human Resources unit as part of the AOC's internal restructuring process.

SEC Recommendation **7-34**

The current number of higher-level positions in the HR Division should be reduced, as follows:

(d) With the elimination of the positions discussed above, consideration should be given to redirecting the resources from those positions to support vacant HR analyst positions that can be assigned work needed to help reestablish effective HR policies and practices in the AOC.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager Curt Soderlund, Chief Administrative Officer

TASK

[ ] PENDING

[x] COMPLETED: **Human Resources has restructured. Payroll functions were absorbed and manager and supervisor positions were eliminated. There are currently no vacancies in Human Resources.**

Human Resources has restructured. Payroll functions were absorbed and manager and supervisor positions were eliminated. There are currently no vacancies in Human Resources.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- *Comparison of Human Resources (HR) Staffing 2009 through HR staffing in 2015*
- *Data on Industry Standards for Human Resources Staffing Support in Comparison to Judicial Council's Human Resources Staffing Support*

Comparison of Human Resources (HR) Staffing 2009 through HR staffing in 2015

		TOTAL
June	2009	**45**
June	2010	**42**
June	2011	**40**
June	2012	**31**
June	2013	**30**
June	2014	**32**
February	2015	**37**

The data in the above table is based on the Position Status Report, excluding 909 staff (retired annuitants). HR employed one retired annuitant from 2009 through 2014.

Data on Industry Standards for Human Resources Staffing Support in Comparison to Judicial Council's Human Resources Staffing Support

The following table provides an overall comparison to other California state agencies.

Based on FY13-14 Filled Positions (data from the DOF Salaries and Wages Schedule)*			
	Filled HR Positions	**Total Population**	**Staffing Ratio (1 per # of ees)**
All Public Sector Data is based on a 2011 International Public Management Association for Human Resources (IPMA) survey. IPMA is an independent association for HR professionals in the public sector.	N/A	N/A	76-100
State Judicial Branch	31.5	3,293**	104.5
Department of Industrial Relations	47.9	2,443.40	51.0
CalPERS	99	2,615.50	26.4
Board of Equalization	64.1	4,533.10	70.7
Department of Motor Vehicles	121.3	8,358.30	68.9

*This survey included responses from cities (50%), counties (24%), special districts (10%), state government (9%), and federal agencies (1%). The IPMA survey does not specify the types of services provided by the HR offices contacted in the survey.
**This figure includes all state judicial branch entities, including the Supreme Court, Courts of Appeal, HCRC, the California Judicial Center Library, the Judicial Council, and the Commission on Judicial Performance [does not include agency temporary staff and contractors]. It also includes state court justices and trial court judges. Judicial Council Human Resources staffing ratios are in line with the national average, but are higher when compared to other comparable state agencies.

Note: The Judicial Council Human Resources office provides its services to trial courts upon request, but we do not include the trial court population in the table above because most courts are staffed with HR professionals that provide services for their respective courts. As such, the ratio above may be understated because JC Human Resources provides its services in a consultative manner to the courts, including labor and employee relations, classification and compensation, recruitment, workers' compensation, and leave disability management.

The following table provides another perspective on *only* the Human Resources Payroll functions in comparison to other entities.

Reflects data as of FY2014-15	**Staffing Ratio (1 HR P&B Specialist per # of ees)**
State Judicial Branch (and justices/judges)	470
Department of Industrial Relations	230
Office of the State Controller	215
Superior Court of California, San Francisco	175

Information on Judicial Council Directives

Council Directive **99**

E&P recommends that the Judicial Council support SEC Recommendation 7-42 with no further action, as the issues have been resolved.

SEC Recommendation **7-42**

The Administrative Director should resolve any remaining issues that have existed between the HR Division and Office of General Counsel, including by redefining respective roles relating to employee discipline or other HR functions.

Reported By:	Chief Administrative Officer
Contact:	Curt Soderlund

TASK

[ ] PENDING

[x] COMPLETED: **Communication between the Human Resources and Legal Services has been significantly enhanced, leading to more distinct roles and responsibilities for each office.**

Many HR functions have been assessed over the course of several months for the purpose of ensuring that the respective roles of HR and Legal Services are properly defined. Processes for employee discipline are being modified and are now being fully documented. This ensures the appropriate parts of the agency are engaged at the appropriate time.

As a result, communication between the two offices has been significantly enhanced, leading to more distinct roles and responsibilities for each.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **100**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-43 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.

SEC Recommendation **7-43**

The committee recommends that the functions of this division be placed under a unit titled Information and Technology Services Office, combined with any remaining functions of CCMS. The office should report to the Chief Administrative Officer of the Judicial and Court Administrative Services Division. The IS Manager position should be compensated at its current level.

Reported By:	Executive Office
Contact:	Jody Patel, Chief of Staff

TASK

[x] **PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.

- On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.
- In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.
- In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.
- In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.
- In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.
- In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.
- In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with

the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

- In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.
- In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.
- In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.
- In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.
- All-staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the reconsideration process.

In March 2015, staff received their new classifications. Approximately 244 requests for reconsiderations were submitted in April 2015. Following this effort, the Executive Office will review reconsideration requests with support from Human Resources, Legal Services, and Fox Lawson and Associates, as appropriate. After all requests are reviewed, final decisions made by the Administrative Director will be communicated to office leadership to be shared with individual employees.

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **101**

E&P recommends that the Judicial Council support SEC Recommendation 7-44 and direct the council's Technology Committee to reexamine technology policies in the judicial branch to formulate any new branch-wide technology policies or standards, based on the input, needs, and experiences of the courts and court users, and including cost-benefit analysis.

SEC Recommendation **7-44**

A reexamination of technology policies in the judicial branch must occur now that CCMS does not represent the technology vision for all courts. Formulation of any new branch-wide technology policies or standards must be based on the input, needs, and experiences of the courts, and including cost-benefit analysis.

Reported By:	Information Technology
Contact:	Mark Dusman, Director/Chief Information Officer

TASK

[ ] **PENDING**

[x] **COMPLETED: The Judicial Council Technology Committee has developed a unified, long-term plan to achieve funding stability for court technology that was approved by the Judicial Council.**

The Technology Committee has developed a unified, long-term plan to achieve funding stability for court technology that was approved by the Judicial Council.

In 2013, the Chief Justice tasked the new Technology Planning Task Force to develop this plan. Membership included judicial officers, court executive officers, court information technology officers, and stakeholders representing the trial and appellate courts, State Bar, and the public.

Their charge was to 1) define judicial branch technology governance; 2) develop a strategic plan for technology at the trial court, appellate court, and Supreme Court level; and 3) develop recommendations for funding judicial branch technology.

To accomplish this, three tracks were launched. These included governance, led by Jake Chatters, Court Executive Officer, Placer; strategic plan, led by Brian Cotta, Chief Information Officer, Fresno; and funding, led by Judge Marsha Slough, Presiding Judge, San Bernardino. The task force approved a charter and vision statement.

The task forced developed three products: 1) the Judicial Branch Technology Governance and Funding Model Proposal; 2) the Judicial Branch 4-year Technology Strategic Plan (2014-2018); and the Judicial Branch 24-month Technology Tactical Plan (2014-2016).

The draft Technology Governance and Funding Model and Technology Strategic and Tactical Plans were distributed on March 18, 2014 for judicial branch comment, with a deadline of April 7, 2014. The branch

comments were incorporated into the proposals, and the updated documents sent out for public comment in April 2014. The 60-day public comment period closed on June 16, 2014. The task force reviewed the comments, and updated the documents.

On July 9, 2014, the final draft Court Technology Governance and Strategic Plan was posted, with an invitation for public comment. On July 11, 2014, the task force was asked to vote on this plan, which was approved on July 14, 2014. The plan was then forwarded to the JCTC for final review. On July 21, 2014, the JCTC approved the Court Technology Governance and Strategic Plan and approved a recommendation that the Judicial Council to approve the plan.

At the August Judicial Council meeting, the JCTC recommended that the Judicial Council approve the Court Technology Governance and Strategic Plan. With the submittal of the plan to the Council in August, the task force has sunset. The Judicial Council approved the report and plan. The JCTC worked with the Joint Working Group for California's Language Access Plan to update language around language access.

The updated plan was approved by the JCTC on October 2, 2014. The updated Court Technology Governance and Strategic Plan was approved by the Judicial Council at their October 2014 meeting.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ]	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	[ ]	UNABLE TO IMPLEMENT
[x]	IMPLEMENTED AND ONGOING	[ ]	PENDING IMPLEMENTATION
[ ]	IMPLEMENTED BUT IN PROGRESS		

Work streams are being initiated for data integration and for determining a glide path for alternate case management systems.

The Governance and Strategic Plan also includes a matrix that is used to prioritize the initiatives in the Plan.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **102**

E&P recommends that the Judicial Council support SEC Recommendation 7-45(a) with no further action, as the recommended staff reductions have occurred through the AOC's initiatives to reduce costs and downsize its workforce and operations.

SEC Recommendation **7-45**

Especially with CCMS not being fully deployed, staff reductions in this division are in order, including:

(a) Unnecessary CCMS positions should be eliminated.

Reported By:	Information Technology
Contact:	Mark Dusman, Director/Chief Information Officer

TASK

[ ] PENDING

[x] COMPLETED: **As a result of the Judicial Council's decision in March 2012 to stop the deployment of CCMS V4 as a statewide initiative, all project staff, contractors and temporary employees were terminated, retired or redirected into non-CCMS, critical vacant ISD positions.**

The council directed the CCMS Internal Committee, in partnership with the trial courts, to develop timelines and recommendations to the Judicial Council to find other ways to use the CCMS technology and the state's investment in the software system, as well as develop new strategies to assist courts with failing case management systems. Other material savings resulted from termination of contracts for goods and services.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- *California Courts Case Management System (CCMS) Decommission*
- *CCMS Annual Savings and Cost to Implement*

California Courts Case Management System (CCMS) Decommission

On March 27, 2012, following a review of a report by Grant Thornton presenting three options for the future of the case management program, the Judicial Council voted to stop the deployment of CCMS V4 as a statewide initiative. The council's decision was based on the unprecedented fiscal challenges confronting California's court system and the recognition that funding to deploy the system to all 58 courts will not be available for the foreseeable future.

The council directed the CCMS Internal Committee, in partnership with the trial courts, to develop timelines and recommendations to the Judicial Council to find other ways to use the CCMS technology and the state's investment in the software system, as well as develop new strategies to assist courts with failing case management systems.

Following the March 27 decision, the AOC began activity to terminate the CCMS Project including the Project Management Office. Steps immediately following the March 27 decision by the Council included:

- Termination of non-critical contractors.
- Staff identified for reassignment or maintenance activities, depending on priority of work to shut down the CCMS program.
- The remainder of CCMS V4 staff were laid off.
- By June 30, 2012, consultants and staff had rolled off the project.
- Regarding contracts with Deloitte, the main vendor for V4, on March 28, following the Judicial Council decision, the AOC instructed Deloitte to terminate support to the V4 environments in their Spring Valley data center.
- The shared services vendor, the California Courts Technology Center (CCTC), decommissioned the CCTC environments.
- Maintenance contracts were terminated for hardware and software specific to CCMS. Application components were appropriately stored for potential future use. Examples of components include: the source code, developed forms, development tools, configuration tools and processes, and test scripts.

By July 31, 2012 all staff, contractors and temporary employees were terminated, retired or were transferred into critical vacant ISD positions.

In order to carry out the Judicial Council decision to terminate CCMS V4, AOC ISD worked with the vendor for the CCTC to process an orderly shutdown of all existing environments. Notice was provided to software and hardware vendors to discontinue support as per terms in the vendor agreements. The decommissioned hardware was inventoried and made available to meet the needs of other judicial branch initiatives.

The CCMS Program Management Office archived and organized project deliverables and documentation according to project management best practices. Final reports and updates are being completed for the Judicial Council, the California Technology Agency (CTA), the Bureau of State Audits (BSA), and the annual legislative report.

CCMS Annual Savings and Cost to Implement

CCMS Annual Savings		Comments
FTEs (-26.2)	$3,589,868	Actual FY 2011-2012 salaries and benefits
Temps (-9)	$797,056	Rates x 2080 hrs/year
Contractors (-17)	$3,042,142	Actual contract amts or rates x 2080 hrs/year
California Courts Technology Center (CCTC)	$17,563,614	Estimates from FY 2011-2012 five-year budget
Maintenance contracts not renewed	$804,450	
Total Savings	**$25,797,130**	

Cost to Implement		
FTE payouts	$395,143	Actuals
Equipment return/disposal	$53,100	Includes estimate for round 2 servers and SAN.
Total Cost	**$448,243**	

CCMS V4 Program Staffing Comparison 2/1/12 to 9/30/12

CCMS V4 Program	No. on 2/1/12	Comments
FTEs - CCMS	26.2	
Temps	9	
Contractors	17	
Total Staffing	**52.2**	

CCMS Staff Reductions Between 2/1/12 - 9/30/12

Staff	Final No.	Comments
CCMS VSIP Round 2	-2	
CCMS Resignations between 2/1/12 - 9/30/12	-4	
Temps	-9	
Contractors	-17	
FTE's- CCMS	-13.2	Redirected to critical ISD positions
Layoffs	-7	
Total Staffing Reduction	**-52.2**	

CCMS Position Costs

Name	Division	Salary	Benefits*	Total Costs	FTE Count
FTE 1	ISD	$30,210	$9,643	$39,853	0.2
FTE 2	ISD	$139,039	$40,137	$179,176	1
FTE 3	ISD	$126,134	$43,750	$169,884	1
FTE 4	ISD	$84,474	$32,925	$117,399	1
FTE 5	ISD	$93,473	$30,378	$123,851	1
FTE 6	ISD	$120,491	$45,808	$166,299	1
FTE 7	ISD	$113,823	$44,501	$158,324	1
FTE 8	ISD	$121,930	$45,895	$167,825	1
FTE 9	ISD	$100,472	$32,184	$132,656	1
FTE 10	PMO	$150,464	$42,278	$192,742	1
FTE 11	PMO	$128,357	$33,674	$162,031	1
FTE 12	PMO	$108,775	$43,506	$152,281	1
FTE 13	PMO	$104,061	$42,428	$146,489	1
FTE 14	PMO	$135,756	$35,123	$170,879	1
FTE 15	PMO	$89,386	$29,231	$118,617	1
FTE 16	PMO	$84,493	$33,591	$118,084	1
FTE 17	PMO	$90,752	$38,794	$129,546	1
FTE 18	PMO	$84,493	$33,128	$117,621	1
FTE 19	PMO	$68,899	$23,158	$92,057	1
FTE 20	PMO	$68,700	$19,893	$88,593	1
FTE 21	PMO	$68,700	$28,996	$97,696	1
FTE 22	PMO	$68,304	$22,813	$91,117	1
FTE 23	PMO	$68,899	$33,157	$102,056	1
FTE 24	PMO	$63,821	$31,846	$95,667	1
FTE 25	PMO	$171,108	$54,976	$226,084	1
FTE 26	PMO	$106,057	$37,120	$143,177	1
FTE 27	PMO	$66,565	$23,298	$89,863	1
	TOTAL	**$2,657,638**	**$932,230**	**$3,589,868**	26.2

* Actual benefit costs not available. Calculated based on average 35% of salaries.

	Layoff June 2012
	Resigned
	VSIP

Savings from Temps

Name	Hourly Rate	Annual Hours	Estimated Total Cost
PMO Temps			
Temp 1	$26.40	2080	$54,912
Temp 2	$28.30	2080	$58,864
Temp 3	$34.88	2080	$72,550
Temp 4	$49.58	2080	$103,126
Temp 5	$53.14	2080	$110,531
Temp 6	$53.14	2080	$110,531
Temp 7	$54.73	2080	$113,838
Temp 8	$54.73	2080	$113,838
Information Services Division			
Temp 9	$28.30	2080	$58,864
	Total		**$797,056**

Savings from Reductions in Contractors

PMO

Name	Annual contract amount for	Rate/hr
Contractor 1	$109,168	N/A
Contractor 2	$134,912	N/A
Contractor 3	$161,133	N/A
Contractor 4	$150,211	N/A
Contractor 5	$157,437	N/A
Contractor 6	$142,181	N/A
Contractor 7	$176,800	$85
Contractor 8	$218,400	$105
Contractor 9	$176,800	$85
Contractor 10	$176,800	$85
Contractor 11	$176,800	$85
Contractor 12	$249,600	$120
	$2,030,242	

ISD

Name	Annual contract amount for FY 12/13	Rate/hr
Contractor 13	$197,600	$95
Contractor 14	$239,200	$115
Contractor 15	$249,600	$120
Contractor 16	$249,600	$120
Contractor 17	$75,900	N/A
	$1,011,900	

Total: **$3,042,142**

FTE Cost/Payout

Source: HR 9/26/12 email

Layoff	Name	Division	Leave Balance Payout	Severence Payout	Total
	Staff 1	ISD	$12,467	$10,000	$22,467
	Staff 2	ISD	$22,604	$7,987	$30,591
	Staff 3	CCMS	$36,075	$10,000	$46,075
	Staff 4	CCMS	$14,509	$4,952	$19,461
	Staff 5	CCMS	$21,200	$4,952	$26,152
	Staff 6	CCMS	$16,524	$4,108	$20,632
	Staff 7	CCMS	$6,304	$4,108	$10,412
					$175,790

Resigned	Name	Division	Leave Balance Payout		
	Staff 8	CCMS	$31,371		
	Staff 9	CCMS	$10,272		
	Staff 10	CCMS	$8,225		
	Staff 11	CCMS	$118,346		
			$168,214		

VSIP	Name	Division	Leave Balance Payout	VSIP	Total
	Staff 12	PMO	$3,935	$20,000	$23,935
	Staff 13	PMO	$9,405	$17,799	$27,204
					$51,139

Total Cost/Payout **$395,143**

	Layoff June 2012
	Resigned
	VSIP

AOC Costs to Return CCMS Equipment

Servers - Round 1	
Transport	$9,000
Receive and unload in SF	$3,000
e-waste disposal	$1,200
	$13,200

Servers - Round 2	
Transport to SF, storage, e-waster disposal	$12,500
3 months storage	$2,400
	$14,900

EMC San		
De-installation and shipping	$21,000	
Storage (4 mo.)	$4,000	
Shipping to GSA	TBD	Awaiting confirmation on shipping costs.
	$25,000	

Estimated total cost for equipment return/disposal	**$53,100**

Server Deliveries and P/U's List - Final as of 9/19/12

Court	Make	Model	S/N	AOC Tag	P/U or Delivery
Amador	Dell	2950	3GGIWDI		Picked up Aug 8
Amador	HP	G5	USE727N639	133934	Picked up Aug 8
Amador	HP	DL380G7	2M202904AN		Amador picked up in SF
Sutter	Sun	T-5240	FMLO85006P		Picked up Aug 10
Sutter	Sun	T-5240	BYL08180A2		Picked up Aug 10
Sutter	Sun	T-5240	BYL08180A4		Picked up Aug 10
Sutter	Sun	T-5240	FMLO85006N		Picked up Aug 10
Sutter	Sun	T-5240	FMLO85006M		Picked up Aug 10
Sutter	Sun	Storedge 6100	D852DHG02D		Picked up Aug 10
Sutter	Sun	V245	0732FNL08P	133901	Picked up Aug 10
Sutter	Sun	V245	0732FNL0AU	133902	Picked up Aug 10
Sutter	Sun	V245	0733FML061	133908	Picked up Aug 10
Sutter	Sun	V245	0733FML06W	133916	Picked up Aug 10
Sutter	Sun	Server Rack			Picked up Aug 10
Placer	HP	DL380G7	USE048N2VB		Picked up Aug 10
Placer	HP	DL380G7	USE048N2VC		Picked up Aug 10
Butte	Cisco	48TS	FOC1136W047		Picked up Aug 24
Butte	Cisco	48TS	FOC1252W6H4		Picked up Aug 24
Shasta	HP	DL380G2	D401LQK3H114		Picked up Aug 24
Shasta	Cisco	48TS	FOC1252W663		Picked up Aug 24
Napa	HP	DL380G6	MXQ01301HW		Picked up on Aug 24
Fresno	Cisco	48TS	FOC1136W043	133939	Picked up on Aug 24
Fresno	Cisco	48TS	FOC1129Z245		Picked up on Aug 24
San Francisco	HP	DL380G7	USE048N2VD		Picked up by SF
San Francisco	HP	DL380G7	2M202904AF		Picked up by SF
El Dorado	HP	G5	467410A8VUTO1A		Deliv. by Kennedy movers Aug 13
El Dorado	HP	G5	467410A8VUTO17		Deliv. by Kennedy movers Aug 13
Inyo	HP	DL380G7	LWCR10A86ZPOR2		Kennedy to ship to court
Inyo	Cisco	48TS	FOC1136W03Y	133937	Kennedy to ship to court
Inyo	HP	DL580	D352LQK3H229	124008	Kennedy to ship to court
Inyo	Blue C.	Proxy SG			Kennedy to ship to court
Inyo	Blue C.	Proxy SG			Kennedy to ship to court
Riverside	Sun	T5240	BYL08180A3		Deliv. by Kennedy movers Sep 2
Riverside	Sun	T5240	BYL08180A5		Deliv. by Kennedy movers Sep 2
Riverside	Sun	Storedge 3510	07300B5068	133931	Deliv. by Kennedy movers Sep 2
San Bernardino	Sun	T5240	FN41330224		Deliv. by Kennedy movers Sep 2
San Bernardino	Sun	Storedge 3510	1094ML07300B500E	133930	Deliv. by Kennedy movers Sep 2
Kings	HP	DL380G7	2M202904AB		Deliv. by Kennedy movers Sep 4
Kings	Cisco	48TS	FOC1136W03N	133940	Deliv. by Kennedy movers Sep 4

Equipment returned from Deloitte Spring Valley Development Center:

36 Servers redistributed to trial courts
2 Proxy servers redistributed to trial courts
1 server Rack redistributed to trial court

38 Servers destroyed (no court wanted)
4 Storage racks destroyed

Projected Annual Budget Costs
for CCTC Hosting Prior to Shutdown

V4 Deployment	
production	$1,815,513
non-production	$5,536,957

V4 Development	
production	$10,211,144

Total - V4 CCTC **$17,563,614**

Cost Avoidance by Termination of Maintenance

Vendor/Manufacturer	Product Description	PO#	Support Expiry Date	FY 2011-2012 Purchase Cost	V3 Split	V4 Savings FY2012-2013
USPS	Zipcode + 4 (for CCMS V4)	Cal Card	11/4/2012	$ 1,350	$ 450	$ 900
Ektron	eWebEditPro (Enterprise Edition) for CCMS - V4	1022316	2/12/2013	$ 2,600	$ -	$ 2,600
Ektron [Contians V3 split]	eWebEditPro (Std) + XML Enterprise for V4 & V3	1021653	11/14/2012	$ 11,088	$ 5,544	$ 5,544
IBM	Cognos, FileNet, and Rational	1024015	10/31/2012	$ 271,904	$ -	$ 271,904
Adobe Systems, Inc.	LiveCycle 9 products (for CCMS)	1023906	10/31/2012	$ 103,795	$ -	$ 103,795
iRise	Definition Center/Studio Enterprise/Connect for IBM (for CCMS V4)	1023903	11/01/2012	$ 48,000	$ -	$ 48,000
SAP	Business Object Enterprise PRO (for CCMS V4) Burbank	1024002	12/21/2012	$ 49,141	$ -	$ 49,141
SAP	Business Object Enterprise PRO (for CCMS V4) Santa Ana	1024003	12/21/2012	$ 13,600	$ -	$ 13,600
Cisco	Tidal	1024270	03/09/2013	$ 7,580	$ -	$ 7,580
McAfee	Gold Support (for CCMS Desktops)	1023986	11/01/2012	$ 2,395	$ -	$ 2,395
Blue Coat	Appliances (for CCMS) Std. Support 24x7, NBD (SN #3307061087/3307061085)	1023992	11/30/2012	$ 1,591	$ -	$ 1,591
HP	Fortify for CCMS V4	1024135	12/21/2012	$ 26,182	$ -	$ 26,182
HP [Contians V3 split]	LoadRunner & Mercury Software for V4 & V3	1023935	10/31/2012	$ 164,655	$ 53,160	$ 111,495
Informatica	PowerCenter SE (12+) per CPU-cores Multi-core Multi-OS Production	1024166	12/17/2012	$ 78,156	$ -	$ 78,156
Adobe Systems, Inc.	RoboHelp Office v.ALL Win	1023893	11/29/2012	$ 1,111	$ -	$ 1,111
Zoomerang	Premuim	1022155	01/17/2012	$ 449	$ -	$ 449
Oracle /sun	Sun Java System Directory Server	1023870	10/31/2012	$ 74,965	$ -	$ 74,965
Spellex	for CCMS V4	1023901	11/01/2012	$ 4,740	$ -	$ 4,740
Titan	FTP v7 - Enterprise Editon for CCMS	cal card	09/05/2012	$ 300	$ -	$ 300
			TOTALS	$ 863,603	$ 59,154	**$ 804,450**

Information on Judicial Council Directives

Council Directive **103**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-45(b) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation **7-45**

Especially with CCMS not being fully deployed, staff reductions in this division are in order, including:

(b) The total number of senior managers should be reduced.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager Curt Soderlund, Chief Administrative Officer

TASK

[ ] **PENDING**

[x] **COMPLETED: By July 31, 2012 all staff, contractors and temporary employees were terminated, retired or were transferred into critical vacant Information Technology positions.**

Following the March 27 decision by the Judicial council to stop the deployment of CCMS V4 as a statewide initiative, the council began activity to terminate the CCMS Project including the Project Management Office.

By July 31, 2012 all staff, contractors and temporary employees were terminated, retired or were transferred into critical vacant Information Technology positions.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**

[ ] **IMPLEMENTED AND ONGOING**

[ ] **IMPLEMENTED BUT IN PROGRESS**

[ ] **UNABLE TO IMPLEMENT**

[ ] **PENDING IMPLEMENTATION**

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- *CCMS Division Positions & Employees at July 2011/ Current Employee & Position Status at March 2015* (listing of CCMS positions eliminated and the status of where the positions went, i.e. terminated, transferred, retired)

CCMS Division Positions & Employees at July 2011				Current Employee & Position Status at March 2015		
Position #	Unit Name	EE Class Title	Position Location	Employee Status	Position Status	Position Status Notes
726	CCMS Management Unit	Division Director	San Francisco	Resigned 9/2012	Transferred	Transferred to REFM, reclassed to Design & Construction Proj Manager III (vacant, recruiting)
2307	CCMS Program Management Office	Admin. Coordinator II	Burbank	Transferred with the position, reclassed down	Transferred	Transferred to IT, reclassed to Administrative Secretary (filled J.Agpalza)
2334	CCMS Program Management Office	Manager	Burbank	Layoff 11/2012	Transferred	Transferred to TCAS, reclassed to Staff Accountant (vacant, recruiting)
2555	CCMS Program Management Office	Senior Business App. Analyst	Burbank	Transferred to a vacant IT position as a Sr. Bus App Analyst	Transferred	Transferred to IT, reclassed to Budget Analyst (filled B.Omwoyo)
2721	CCMS Program Management Office	Senior Business App. Analyst	Burbank	NA	Transferred	Tranferred to IT, reclassed to Sr. Business Systems Analyst (filled H.Thevathasan)
2308	CCMS Program Management Office	Admin. Coordinator II	Burbank	NA	Abolished	Position Abolished 7/2011
2817	CCMS Program Management Office	Staff Analyst II	Burbank	NA	Abolished	Position Abolished 7/2011
2818	CCMS Program Management Office	Admin. Coordinator II	Burbank	NA	Abolished	Position Abolished 7/2011
2554	CCMS Program Management Office	Senior Business App. Analyst	Burbank	NA	Abolished	Position Abolished 7/2011
630	CCMS Product Development Unit	Senior Manager	Burbank	Resigned 7/2012	Transferred	Transferred to Finance, reclassed to Systems Administrator I (filled K.Kanzaki)
2227	CCMS Product Development Unit	Manager	Burbank	Layoff 6/2012	Abolished	Position Abolished 7/2012
2337	CCMS Product Development Unit	Senior Business App. Analyst	Burbank	Resigned 11/2012	Transferred	Transferred to IT, reclased to Sr. Business Systems Analyst (filled N. Bhatnagar)
2719	CCMS Product Development Unit	Senior Business App. Analyst	Burbank	Layoff 6/2012	Abolished	Position Abolished 7/2012
2722	CCMS Product Development Unit	Senior Business App. Analyst	Burbank	VSIP 4/2012	Abolished	Position Abolished 7/2012
2816	CCMS Product Development Unit	Staff Analyst II	Burbank	NA	Abolished	Position Abolished 7/2011
2229	CCMS Trial Court Services Unit	Senior Business App. Analyst	Burbank	NA	Transferred	Transferred to IT, reclassed to Sr. Business Systems Analyst (filled D.Bentley)
2784	CCMS Trial Court Services Unit	Manager	Burbank	Transferred to vacant IT position as Supervising Analyst A	Transferred	Tranferred to HR, reclassed to Secretary II (filled K.Hess)
2338	CCMS Product Development Unit	Senior Business App. Analyst	Burbank	NA	Abolished	Position Abolished 7/2011
2815	CCMS Trial Court Services Unit	Business Applications Analyst	Burbank	NA	Abolished	Position Abolished 7/2011
2228	CCMS Product Assurance Unit	Manager	Burbank	Resigned 6/2012	Transferred	Transferred to Finance, reclassed to Staff Accountant (filled S.Hollandsworth)
2553	CCMS Product Assurance Unit	Senior Business App. Analyst	Burbank	Resigned 8/2011	Transferred	Transferred to IT, reclassed to Business App Analyst (filled P.Bhandari)
2720	CCMS Product Assurance Unit	Senior Business App. Analyst	Burbank	Layoff 6/2011	Abolished	Position Abolished 7/2012
2738	CCMS Product Assurance Unit	Court Services Analyst	Burbank	Transferred to vacant IT position as Sys Admin II	Transferred	Transferred to IT, reclassed to Business App Analyst (filled E.Zefram)
2739	CCMS Product Assurance Unit	Court Services Analyst	Burbank	Transferred to vacant IT position as Business App Analyst	Transferred	Transferred to IT, reclassed to Business App Analyst (filled J.Foust)
2740	CCMS Product Assurance Unit	Court Services Analyst	Burbank	VSIP 4/2012	Abolished	Position Abolished 7/2012
2741	CCMS Product Assurance Unit	Court Services Analyst	Burbank	Layoff 6/2012	Abolished	Position Abolished 7/2012
2742	CCMS Product Assurance Unit	Court Services Analyst	Burbank	Layoff 6/2012	Abolished	Position Abolished 7/2012
2743	CCMS Product Assurance Unit	Court Services Analyst	Burbank	Resigned 6/2012	Transferred	Transferred to IT, reclassed to Business App Analyst (filled K.Holman)
2339	CCMS Trial Court Services Unit	Senior Business App. Analyst	Burbank	NA	Abolished	Position Abolished 7/2011
2230	CCMS Version 3 Maintenance and Support Unit	Senior Business App. Analyst	Burbank	Transferred to IT	Transferred	Transferred to IT (filled A.Rochon)

Information on Judicial Council Directives

Council Directive **104**

E&P recommends that the Judicial Council direct that the Administrative Director of the Courts should review and reduce accordingly the use of temporary employees, consultants, and contractors.

SEC Recommendation **7-45**

Especially with CCMS not being fully deployed, staff reductions in this division are in order, including:

(c) The use of temporary employees, consultants, and contractors should be reviewed and reductions made accordingly.

Reported By:	Information Technology
Contact:	Mark Dusman, Director/Chief Information Officer

TASK

[ ] **PENDING**

[x] **COMPLETED: In 2012, the AOC Executive Office approved a program that converts full-time employees into a limited number of contractor positions in critical long-term maintenance and support roles to provide cost savings and longer term stability and support.**

In 2012, the AOC Executive Office approved a program that converts full-time employees into a limited number of contractor positions in critical long-term maintenance and support roles to provide cost savings and longer term stability and support. A three-phase project was developed by Information Technology (IT) and recruitments began in April 2013 with the hiring of eight positions, followed by a second recruitment in November 2013 that resulted in the hiring of two additional positions.

The program has been a success to date with cost savings of 35% for each position hired. However, IT has met with challenges in hiring permanent staff due to a competitive IT market, the exclusion of short term programs or assignments from the program, a pay structure that is generally perceived to be non-competitive for skilled and experienced IT resources in the geographic market, and the policy that new hires may not participate in the pilot telecommunication program. For these reasons, the program appears to have plateaued with 50% of external candidates declining offers for positions. Most recently, IT has experienced hesitation on the part of potential applicants who are concerned about the job classifications, given that the council is currently undergoing its Classification and Compensation Study.

The organization will continue its efforts on a periodic basis to review opportunities for converting contractor positions to full time employees with the understanding that not all contractor positions can be converted, that there will always be a need for contractors on short term programs with specialized skill sets. One program, the V2 case management system, will terminate in May 2015 and contractors supporting this program will be terminated.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ]	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	[ ]	UNABLE TO IMPLEMENT
[x]	IMPLEMENTED AND ONGOING	[ ]	PENDING IMPLEMENTATION
[ ]	IMPLEMENTED BUT IN PROGRESS		

The processes for this contractor conversion program have been developed and the organization will periodically review the program with the goal of hiring full time staff to provide the best services to the user community and experience cost savings for the organization.

Recently, council policies regarding the use of contractors and temporary employees were updated in response to recommendations from the January 2015 report of the California State Auditor. Specifically, the report recommended limiting the period of time the Judicial Council can employ temporary workers, and develop a similar policy to limit the use of contractors to a reasonable period of time. The Judicial Council Personnel Policy and Procedure 3.3 have been modified to encompass these new requirements.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- *Judicial Council Directive #104 ITSO Hiring Critical FTE Positions Final Closing Report*

Judicial Council Directive #104
ITSO Hiring Critical FTE Positions
Final Closing Report

Background

At the March 27, 2012 Judicial Council meeting, the council voted to terminate the California Court Case Management System (CCMS) as a statewide, enterprise case management system. The Strategic Evaluation Committee (SEC), appointed by Chief Justice Tani G. Cantil-Sakauye in March 2011, conducted an in-depth review of the AOC with a view toward promoting transparency, accountability, and efficiency. The Chief Justice received the report and recommendations on May 25, 2012. In August 2012, The Judicial Council voted unanimously to approve recommendations developed by the council's Executive and Planning Committee (E&P), based on the SEC report, to reaffirm Judicial Council authority over the Administrative Office of the Courts, restructure the AOC, and endorse a plan for monthly monitoring of the implementation of the recommendations.

The SEC report specifically directed Information Technology Services that: "Especially with CCMS not being fully deployed, staff reductions in this division are in order, including: The use of temporary employees, consultants, and contractors should be reviewed and reductions made accordingly." The related Judicial Council Directive #104 directed the Information Technology Services Office that "E&P recommends that the Judicial Council direct that the Administrative Director of the Courts should review and reduce accordingly the use of temporary employees, consultants, and contractors."

Consistent with this directive, Information Technology Services Office has taken direct action to fill critical support positions held by contractors with full time employees. Hiring permanent full-time employees has resulted in cost savings and longer term stability and support. The ITSO has eliminated temporary staff, reduced consultants and contractors, and developed a program to convert a limited number of long-term contractor positions in critical long-term maintenance and support roles into full time employee positions.

Information Technology Services Office

Information Technology serves at the request of the Judicial Council to meet the branch strategic goals and objectives. ITSO provides a number of services, supporting technology infrastructure and technical expertise to enable the Judicial Branch to fulfill its responsibilities effectively and efficiently. In fulfilling this charter, ITSO's key goal is to provide full technology life cycle services, such as planning, design, development, procurement, implementation, deployment and ongoing customer service support for these applications and requisite infrastructure, while optimizing operational core services through standardization and efficiencies, protecting technology assets through timely cost-effective technological enhancements and solutions, controlling costs and increasing productivity through improvement of work processes.

Historically, Information Technology has augmented staff with contractors when there is insufficient internal staff to support projects for many reasons. These include: the hiring freeze in 2008-2012; to backfill vacancies due to retirements or staff resignations; for programs receiving special funding limited only to contractors; for programs that require specialized skills and experience; or when full time employee resources cannot be recruited due to the AOC salary structure, which is generally lower in this competitive market for IT resources.

ITSO Staff Review Program

In 2012, to achieve the goals of directive #104, Information Technology Services Office received Executive Office approval for a program to convert to full time employees a limited number of contractor positions in critical long-term maintenance and support roles. This approach is consistent with the goals of reducing dependency on temporary and contract workers, ensuring the appropriate use of temporary workers to meet short-term needs, and maintaining institutional knowledge in critical areas such as information technology. Shorter term project positions such as support for interim case management systems were not included in this program.

As a result of this program, 10 full time employees have been hired to date to replace contractors. Each full time employee hired saves approximately 35% in costs to the program.

It's important to emphasize that while this request is to formally close directive #104, this program to hire contractors into FTE positions, reduce dependency on contractors and the related review processes for obtaining staff will be ongoing on a periodic basis.

Goals

The goal of this recruiting effort was to improve services to the AOC and the courts, consistent with the direction set by the SEC and the E&P, and the Chief's new Access 3D goals for the branch; and to manage ongoing efforts at the AOC to improve the organization. This initiative has the potential to provide court programs with committed long term resources to support ITSO user communities.

This program was designed to remedy the current reliance on contracting resources in ITSO to meet program demands. The process of hiring full time staff in lieu of contractors does not increase the overall total position count within the AOC. The transition from contractor to full time employee results in a significant cost savings to the AOC. Each hiring of a full time employee saves approximately 35% in costs to the program.

Process

To meet the goals of this program, a three-phase project plan was developed by ITSO, in close coordination with Human Resources, Executive Office and Fiscal Services Office, to identify, review and prioritize long term contractor positions for conversion to FTEs. Short term positions, for example, for interim case management systems, were excluded.

Approximately 40 critical contractor positions were reviewed, prioritized, grouped, and approved for the program. A phased approach was adopted. Approximately 18 positions in ITSO were identified as performing key roles in core and essential programs. All position requests were reviewed on a case-by-case basis by the Human Resources Services Office and the Fiscal Services Office, with a recommendation to the AOC Executive Office for final approval.

The first recruitment phase began in April 2013 with the development of 10 priority job descriptions posted internally and externally. Active recruitment encompassed all three AOC geographic locations (San Francisco, Burbank and Sacramento). Eight positions were successfully filled by full time staff. These included 3 senior business systems analysts, 2 business systems analysts, 2 senior programmers and 3 senior technical analysts.

The application, interview and hiring process utilized conforms to agency policies and procedures. These positions were posted internally and on the judicial branch public careers site www.courts.ca.gov/careers, as well as other popular recruiting sites. Internal communications to all ITSO staff and contractors included a memo, a FAQ, and an informational meeting to discuss any questions about this new program.

The second recruitment phase began in November 2013 with additional contractor positions posted and two additional full time positions filled in this stage. One person has since left the AOC for a new opportunity.

This ongoing program is now part of an overall AOC and ITSO process to review critical long term contractor positions and identified which should be recruited for full time staff. As new positions are required, there is also a review to identify if this should be a full time employee or a short term contractor.

Conclusions

Although this program has been met with success with savings of 35% for each full time position hired, ITSO has also met challenges with filling these positions for a number of reasons. These include:

- Difficulty with hiring full time staff into contractor positions due to a competitive market for IT specialists. In the first phase of this program, not all position offers to existing contractors were accepted and 50% of external candidates declined offers for positions;
- Exclusion of contractors in short term programs or assignments in the program;
- Reduced salary for potential employees due to a pay structure at the AOC that is generally perceived to be non-competitive for skilled and experienced IT resources; and
- The telecommute pilot program policy which excludes new hires from participating in the program in their first year of employment.

For these reasons, the program appears to have plateaued and although ITSO will continue to review contractor positions for full time recruitments, it will do so periodically rather than as a focused effort.

It should be noted that ITSO will always have a need for contractors for reasons including: short term project needs; in those situations where the organization needs a specialized skill; when new programs are assigned; and for staff augmentation due to funding restrictions or hiring freezes. Additionally, it should be recognized that although not all contractor positions can be converted, with the termination of some interim programs, the overall numbers of contractors will be ultimately be reduced (i.e., V2).

The AOC is currently in the midst of its classification and compensation study and the results of this study may assist to attract more highly skilled and experienced IT resources as full time employees to compete with private industry. Regardless, as indicated above ITSO has implemented a structured process to conduct periodic reviews of all current and new positions to determine if a contractor or a full time staff would be the best fit for the program. ITSO will continue to work closely with HR and the Chief Administrative Officer to review the staffing requirements and determine the best path forward with the overall goal of hiring full time staff for full time programs to provide the best services to the user community.

Information on Judicial Council Directives

Council Directive **105**

E&P recommends that the Judicial Council support SEC Recommendation 7-46 and direct the Administrative Director of the Courts, as part of AOC long term planning, to conduct a review and audit of all technology currently used in the AOC, including an identification of efficiencies and cost savings from the use of a single platform, and return to the council with a progress report on the findings.

SEC Recommendation **7-46**

Different divisions in AOC operate from different technology platforms, including SAP used for the Phoenix system, Oracle, and CCMS. As part of a long range plan for the use of technology in AOC operations, the AOC should conduct a review and audit of all technology currently used in the AOC. Efficiencies and cost savings could result from the use of a single platform.

Reported By:	Information Technology
Contact:	Mark Dusman, Director/Chief Information Officer

TASK

[ ] PENDING

[x] COMPLETED: **Information Technology office has implemented a process of semi-annual audits to define and maintain enterprise technology standards to maximize efficiencies and cost savings.**

In August 2012, the council's Enterprise Architecture Working Group implemented a process of semi-annual audits to define and maintain enterprise technology standards. These standards define technologies that should be leveraged and those that should be phased out in order to maximize efficiencies and cost savings, and they are updated twice each year. The standards are reviewed with the application and infrastructure teams during monthly meetings to monitor compliance and identify strategies for ensuring compliance.

Numerous efficiencies have been identified via the audit process. They include:

- Extensive use of virtualization at the data centers reduced the physical server count, reducing maintenance and costs.
- Early planning for upcoming end of support for product versions enables more efficient resource allocation.
- Data center operations have achieved resource efficiencies due to the limited number of operating systems. Historically, the enterprise standards for operating systems were Solaris and Windows, but in 2012, the AOC adopted Linux as another standard operating system due to its lower total cost of ownership .
- Monthly meetings between enterprise architects and program teams provide the opportunity to align roadmaps and do better planning. Changes to technology are communicated and shared among all groups.
- Branchwide licenses allow program teams to avoid lengthy procurement timeframes (3-6 months or

more) and reduce costs. Programs can also reduce staff training requirements by leveraging tools the teams are already familiar with.

Inherent savings have also been realized by developing and implementing technology standards. The savings are derived from the efficiencies supported by the technology standards as described above. Specific examples of savings identified in this audit are:

- The Phoenix project has migrated its SAP application systems to the Linux RedHat operating system with a 63% one-time capital cost savings, and a 13% operational cost savings.
- The CAFM project saved 40% in one-time capital cost savings by migrating to Linux.
- A branchwide license agreement (BWLA) was negotiated with Oracle in 2005, and via the BWLA, the Judicial Branch receives a significant discount (up to 75%) in annual support costs. Oracle is the current agreed-upon standard database for the Judicial Branch due to its prevalent use.
- The Judicial Branch also has a BWLA for Oracle WebLogic software. This technology is widely used in the Judicial Branch and the branch receives a significant discount (up to 80%) in annual support costs.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

☐	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	☐	UNABLE TO IMPLEMENT
x	IMPLEMENTED AND ONGOING	☐	PENDING IMPLEMENTATION
☐	IMPLEMENTED BUT IN PROGRESS		

The Judicial Council Information Technology office updates technology standards and reviews technology in use on a continual basis. This ongoing process includes semiannual audits, technology standards updates, and monthly program technology roadmap reviews.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- *E&P Recommendation #105 – Completed*
- *Audits, Standards, and Roadmaps*

E&P Recommendation #105 - Completed

Date: January 17, 2014

Report by: Mark Dusman, Information Technology Services Office

E&P Recommendation No. 105:
E&P recommends that the Judicial Council support SEC Recommendation 7-46 and direct the Administrative Director of the Courts, as part of AOC long-term planning, to conduct a review and audit of all technology currently used at the AOC, and to return to the Judicial Council with a progress report on the findings, including efficiencies and potential cost savings.

SEC Recommendation No. 7-46:
7-46. Different divisions in AOC operate from different technology platforms, including SAP used for the Phoenix system, Oracle, and CCMS. As part of a long range plan for the use of technology in AOC operations, the AOC should conduct a review and audit of all technology currently used in the AOC. Efficiencies and cost savings could result from the use of a single platform.

Note: A separate item, E&P Recommendation No. 133, addresses a specific category of software systems called Enterprise Resource and Planning systems which support finance, human resource and education functional areas Branchwide. The research for Recommendation No. 133 will identify costs, benefits, potential long-term savings and challenges of migrating this support to a single IT platform.

Enterprise Technology Audits – In August 2012, the AOC's Enterprise Architecture Working Group (EAWG) implemented a process of semi-annual audits to define and maintain enterprise technology standards. The standards are used when developing program roadmaps to guide technology decisions. Individual roadmaps aligned to the common standard technologies increase efficiency and reduce total cost of ownership. Monthly roadmap meetings with enterprise architects and program managers facilitate the process. Additional information about the audits, standards and roadmaps is included at the end of this form.

Detailed results from the most recent audit, completed in December 2013, are in the attached spreadsheet, Enterprise Technology Audit. Findings are summarized below:

- Prior to the introduction of the audit/roadmaps process, the AOC had agreed upon technology standards in the areas of servers, operating systems, database software, web servers, and application servers. The audit now includes a comprehensive list of technologies that should be leveraged and those that should be phased out in order to maximize efficiencies and cost savings.

- For optimal and cost effective usage of server resources, virtualization and cloud technologies were identified as the future direction. In the past few years, virtualization has been quite extensively used at both the California Courts Technology Center (CCTC) and the AOC data center. Solaris, Windows and Linux operating systems have been virtualized for optimal server utilization and significantly reduced total cost of ownership.

- In the latest audit, several versions of products (WebLogic 9g, JBoss 4.2 & 4.3, Oracle 10g, TIBCO Data Exchange Client, and Adobe LiveCycle 9.x products) were selected for retirement due to either replacement or reaching end of support. In addition, the program teams were informed of the upcoming end of regular support for versions of products up to one year in advance.

- For some products, more than one version is listed, with the latest being the preferred standard. There are a number of factors for maintaining multiple versions. For example, there may be version incompatibility with other components in the system, or the program may be resource constrained and unable to upgrade to a newer version.

- This continual process of auditing keeps the programs up to date with the latest technology and support, increasing both efficiency and effectiveness of the systems.

Implementation date: The initial enterprise technology audit was completed on August 29, 2012. The most recent semi-annual audit was completed on December 18, 2013.

Resources required: The process is implemented by existing AOC staff members of the Enterprise Architecture Working Group.

Procedures or policies updated or created: The continual process, including semi-annual audits, technology standards updates and monthly program roadmap reviews, is being documented as the Enterprise Technology Standards and Lifecycle Process. Documentation has been drafted and is being updated as the process matures.

Training developed: Specific ITOC staff has been piloting this process since August 2012, so the audit information is comprehensive and all the programs now maintain technology roadmaps that are updated monthly. When the process documentation mentioned above is completed, additional relevant ITOC staff will be trained in the process.

Efficiencies: Technology standards provide efficiency by reducing the number of products in use. This minimizes complexity, enables more efficient procurement, improves resource planning, reduces training needs, and makes better use of experienced personnel. Numerous efficiencies were identified via the audit process. They include:

- Extensive use of virtualization at the data centers reduced the physical server count, which in turn, reduced maintenance and costs.

- Informing program teams of the upcoming end of support for product versions they use enables early planning and more efficient resource allocation.

- Data center operations have achieved resource efficiencies due to the limited number of operating systems. Historically, the enterprise standards for operating systems were Solaris and Windows, but in 2012, the AOC adopted Linux as another standard operating system due to its lower total cost of ownership.

- Monthly meetings between enterprise architects and program teams provide the opportunity to align roadmaps and do better planning. Changes to technology are communicated in both directions and shared between all groups.

- Branchwide licenses allow program teams to avoid lengthy procurement timeframes (3-6 months or more) and reduce costs. Programs can also reduce staff training requirements by leveraging tools the teams are already familiar with.

Savings: Inherent savings are realized by developing and implementing technology standards. The savings are derived from the efficiencies supported by the technology standards as described above. Specific examples of savings identified in this audit are:

- The Phoenix project is already in the process of migrating its systems to the Linux operating system with a projected 63% ($239,000) one-time capital cost savings, and a 13% ($44,000) operational cost savings annually.

- The CAFM project saved 40% ($144,000) in one-time capital cost savings by migrating to Linux.

- Oracle has been the agreed upon standard database due to its prevalent use in the applications hosted at the CCTC and throughout the Judicial Branch. A Branchwide license agreement (BWLA) was negotiated with Oracle in 2005, and via the BWLA, the Judicial Branch gets a significant discount (up to 75% or $8M) in annual support costs.

- The Judicial Branch also has a BWLA for Oracle-WebLogic software. Oracle-WebLogic is one of the technology standards that are widely in use. Due to the BWLA the Judicial Branch gets significant discount (up to 80% or $5.7M) in annual support costs.

Costs: No additional costs were incurred in the implementation of the audit as it is already part of ITSO's standard operating process.

Service level impact: none

Other implementation: none

Audits, Standards, and Roadmaps

The Information Technology Services Office has implemented a process of using semi-annual audits to maintain technology standards that allow for the development of a comprehensive technology roadmap to support an enterprise goal of implementing cost effective strategies for technologies. This enterprise roadmap consists of the individual application and infrastructure roadmaps and supports efficient and effective technology decision making.

In August of 2012, an initial audit of the technologies in use at the AOC datacenters was conducted. The audit included technologies used in over 20 server-side and 6 client-side categories, including operating systems, databases, application servers, web servers, middleware, security, productivity tools, testing tools and document management systems. The AOC had maintained and promoted implicit standards for many years, leveraging enterprise licenses with IBM, Microsoft, Oracle, SAP, TIBCO, and other leading technology companies, but enterprise level standards have now been established and documented based on the results of the audit so that program teams will have guidance when developing and supporting applications.

The AOC program teams maintain roadmaps projecting activities over the coming 12 months. An example roadmap for the Computer Aided Facilities Management (CAFM) application is included below. Technology areas are kept in alignment with the enterprise roadmap via monthly meetings between the enterprise architects and the program teams. The monthly meetings provide a two-way forum to discuss upcoming major application and infrastructure upgrades and changes in technology standards that will impact the systems.

Figure 1 : Program Roadmap Example - CAFM

#	Technology Area	Open Source?	Manufacturer	Technology	Version	Manufacturer Product Status	Status Update Date	Technology Description	License Notes	Dependencies/Notes
1	Application Servers	N	Oracle	Oracle WebLogic Server	Version 9	Premier Support ends November 2011. Extended Support ends November 2013.	12/12/2013	Java Application Server supporting full Java Enterprise Edition technology specification	AOC Enterprise License	
2	Application Servers	Y	Apache Software Foundation	Apache Tomcat	Version 7	Open Source Software. Version 7.0 is supported by the Apache open software community.	5/22/2013	Java Application Server supporting partial list of Java Enterprise Edition technology specification	Apache License Version 2	
3	Application Servers	N	Adobe	Adobe ColdFusion	All Versions	Version 10.x End of core support "5/16/2017" End of extended support "5/16/2019" Version 9.x End of core support "12/31/2014" End of extended support "12/31/2016" Version 8.x End of core support "7/31/2012" End of extended support "7/31/2014"	5/22/2013	Web Application Server with proprietary Cold Fusion Markup Language.		ACCMS, web team and CIDCS use it
4	Application Servers	Y	Redhat	Jboss Application Server	Version 4.3	Full Support Ends January 2011 Maintenance Support Ends January 2013 Extended Life Support Ends January 2016	12/12/2013	Open source Java Application Server supporting full Java Enterprise Edition technology specification	GNU LPGL License	Only CAFM uses it
5	Application Servers	Y	Redhat	Jboss Application Server	Version 5.x	Full Support Ends November 2013 Maintenance Support Ends November 2016 Extended Life Support Ends November 2019	5/22/2013	Open source Java Application Server supporting full Java Enterprise Edition technology specification	GNU LPGL License	Only CAFM uses it
6	Application Servers	N	Oracle	Oracle WebLogic Server	Version 12c	Premier Support ends June 2016. Extended Support ends June 2019.	8/1/2012	Java Application Server supporting full Java Enterprise Edition technology specification	AOC Enterprise License	
7	Application Servers	N	Oracle	Oracle WebLogic Server	Version 11g (10.3.4)	Premier Support ends June 2014. Extended Support ends June 2017.	8/1/2012	Java Application Server supporting full Java Enterprise Edition technology specification	AOC Enterprise License	
8	Application Servers	N	Oracle	Oracle WebLogic Server	Version 8	Premier Support ends September 2009. Extended Support ends September 2011.	8/1/2012	Java Application Server supporting full Java Enterprise Edition technology specification	N/A	
9	Application Servers	Y	Apache Software Foundation	Apache Tomcat	Version 5.5	Open Source Software. Version 5.5 is supported by the Apache open software community. Version 5.5.x is end of life September 2012	12/12/2013	Java Application Server supporting partial list of Java Enterprise Edition technology specification	Apache License Version 2	
10	Application Servers	Y	Apache Software Foundation	Apache Tomcat	Version 6	Open Source Software. Version 6.0 is supported by the Apache open software community.	8/1/2012	Java Application Server supporting partial list of Java Enterprise Edition technology specification	Apache License Version 2	
11	Application Servers	N	SAP/Sybase	Sybase EA Server	All Versions	EAServer 5.x End of Support March 15, 2011 EAServer 6.x End of Support January 31, 2015	11/22/2013	Sybase Power Builder Application Server		Only used in CCMS-V2
12	Application Servers	Y	Redhat	Jboss Application Server	Version 4.2	Can we retire this if no project is using this?	12/12/2013	Open source Java Application Server supporting full Java Enterprise Edition technology specification	GNU LPGL License	Only CAFM uses it. Maintenance Support Ended June/2012.
13	Business Applications	N	IBM	IBM TRIRIGA	Platform Version 3.2.1	IBM TRIRIGA Platform 3.2.x General Availability December 16, 2011 and No End of Support announced. TRIRIGA Application 10.2.x General Availability December 02, 2011 and No End of Support announced.	5/22/2013	Commercial Application for Court Facilities Management		Only CAFM uses it
14	Business Applications	N	Sustain Technologies	Sustain Justice Edition	Version 1.26		8/1/2012	Commercial application for Court Case Management.		
17	Business Intelligence Reporting	N	Informatica	Informatica PowerMart (UNIX, PowerMart6, PowerMart4 & Unlimited 32bit)	Version 6	Is this product supported by vendor?	11/22/2013	Data warehouse reports		
18	Database	N	Oracle	Oracle Database	Oracle 11g	For 11gR1 Premier Support ends August 2012, Extended Support Ends August 2015. For 11gR2 Premier Support ends January 2015, Extended Support Ends January 2018.	5/22/2013	Enterprise class relational database	AOC Enterprise License	
19	Database	N	Oracle	Oracle Database	Oracle 10g	For 10gR1 Premier Support ended January 2009 and Extended Support ended January 2012. For 10gR2 Premier Support ended July 2010 and Extended Support ends July 2013	12/12/2013	Enterprise class relational database	AOC Enterprise License	
20	Database	N	Oracle	Oracle Database Real Application Cluster (RAC)	Oracle 11gR2	For 11gR2 Premier Support ends January 2015, Extended Support Ends January 2018.	5/22/2013	Technology to deploy Oracle database in Active/Active high availability configuration	AOC Enterprise License	Prior versions are unstable. Disaster Recovery is not completely resolved.
21	Database	N	Microsoft	Microsoft SQL Server	Microsoft SQL Server 2005	End of Mainstream Support April 12, 2011. End of Extended Support April 12, 2016	5/22/2013			
22	Database	N	Microsoft	Microsoft SQL Server	Microsoft SQL Server 2008	End of Mainstream Support July 8, 2014. End of Extended Support July 9, 2019	5/22/2013			
23	Database	N	Oracle	Oracle Audit Vault	Version 10.2	10.2 Premier Support ends June 2013. No Extended Support available. 10.3 Premier Support ends December 2016. No Extended Support available.	5/22/2013	Database auditing	AOC Enterprise License	No known usage at AOC, CCTC or the Courts
24	Database	N	Oracle	Oracle Database	Oracle 9i	Extended Support ended July 2010	8/1/2012	Relational Database product		
25	Database	N	Oracle	Oracle Database	Oracle 8	Extended Support ended December 2006	8/1/2012	Relational Database product		
26	Database	N	IBM	IBM DB2	All Versions		8/1/2012	Relational Database product		
27	Database	N	IBM	IBM Informix	All Versions		8/1/2012	Relational Database product		
34	Database	N	Oracle	Oracle Database Client	Version 11g	For 11gR2 Premier Support ends January 2015, Extended Support Ends January 2018.	8/1/2012	Database client	AOC Enterprise License	
35	Database	N	Microsoft	Microsoft Acccess			8/1/2012	Relational Database product		
36	Directory Servers	N	Oracle	Sun One Directory Server	Version 5.2	Premier Support ended December 2009. No Extended Support available.	12/12/2013	LDAP directory server		Only used in CCMS-V3
37	Directory Servers	N	Oracle	Oracle Internet Directory	Version 11.1	Premier Support ends June 2015. Extended Support ends June 2017.	5/22/2013	LDAP directory server	AOC Enterprise License	AOC has enterprise license As of 11/22/2013 only Oracle Web Services Manager uses this product.
38	Directory Servers	N	Oracle	Oracle Virtual Directory	Version 11.1	Premier Support ends June 2015. Extended Support ends June 2017.	5/22/2013	LDAP directory server	AOC Enterprise License	AOC has enterprise license As of 11/22/2013 only Oracle Web Services Manager uses this product.
39	Directory Servers	N	Microsoft	Microsoft Active Directory	Version 2003		8/1/2012	LDAP directory server		

#	Technology Area	Open Source?	Manufacturer	Technology	Version	Manufacturer Product Status	Status Update Date	Technology Description	License Notes	Dependencies/Notes
40	Directory Servers	N	Microsoft	Microsoft Active Directory	Version 2008	Active Directory 2008 is part of Windows 2008 server. It follows the lifecycle of Windows 2008 server.	8/1/2012	LDAP directory server		Official LDAP directory
41	Document Management Systems	N	IBM	FileNet Image Services		FileNet 4.0.x End of Support April 30, 2009 FileNet 4.1.x and 4.2.x End of Support not announced, yet	11/22/2013	Document Management Server		Supported by V3 for some V3 courts. Typo 2019 fixed to 2009.
43	Document Management Systems	N	EMC	Documentum		No known product use at the CCTC or AOC.	8/1/2012	Document and Content Management server		Courts selected FileNet and Documentum as standard Document Management System products after a lengthy formal selection process in 2011. No known Documentum installations exist as of now.
45	Encryption Tools			GPG Encryption			8/1/2012	Encryption technology		
46	Enterprise Applications	N	SAP	SAP Enterprise Application			8/1/2012	Enterprise Application (Human Resources)		
47	Enterprise Applications	N	Oracle	Oracle Financials			8/1/2012	Enterprise Application (Financials)		
48	ETL Tool	N	TIBCO	TIBCO DataExchange(ETL Tool)			5/22/2013	Extract Transform Load tool used to convert and load data from one format to another database format.		Vendor has announced end of life for this product. (12/17/13 ISB Note) Not used in any existing ISB applications.
49	ETL Tool	Y	Talend	Talend Open Studio	Version 5	Version 5.x is current. No other product lifecycle status is available.	5/22/2013	Extract Transform Load tool used to convert and load data from one format to another database format.	GPL v2 & Apache license	Open source license
50	ETL Tool	N	Informatica	Informatica PowerCenter	Version 9	8.x was end of life in 2011. 9.5 is the latest release as of this update. Support dates information is available only for registered users.	5/22/2013	Extract Transform Load tool used to convert and load data from one format to another database format.		AOC has limited licenses. AOC team is using this product (2013-06-05)
51	ETL Tool	N	TIBCO	TIBCO DataExchange Client	5.3.0	Can this be retired if this is not used in any project?	12/12/2013	ETL Client		Vendor has announced end of life for this product. (12/17/13 ISB Note) Not used in any application supported by ISB.
52	FTP Servers	N	Axway	Axway FTP Server		Managed File Transfer Appliance	8/1/2012	Enterprise FTP server		Defacto standard. This is the only Enterprise FTP server.
53	FTP Servers	N	South River Technologies	Titan FTP Server			8/1/2012			Replaced with Axway FTP server
54	Java	N	Oracle	Java Development Kit	Java JDK 1.5 (Java SE 5)	Premier Support ends May 2011. Extended Support ends May 2015.	5/22/2013	Oracle/Sun Java Development Kit & Runtime Environment		No longer updated by Oracle
55	Java	N	Oracle	Java Development Kit	Java JDK 1.7 (Java SE 7)	Premier Support ends July 2016. Extended Support ends July 2019.	5/22/2013	Oracle/Sun Java Development Kit & Runtime Environment		
56	Java	N	Oracle	Java Development Kit	Java JDK 1.6 (Java SE 6)	Premier Support ends December 2013. Extended Support ends December 2016.	8/1/2012	Oracle/Sun Java Development Kit & Runtime Environment		
58	Java	N	Oracle	Oracle JRockit	JRockit for JDK 1.6	Premier Support ends June 2014. Extended Support ends June 2017.	8/1/2012	A (BEA later Oracle) Server optimized Java development kit & runtime		
59	Java	N	Oracle	Oracle JRockit	JRockit for JDK 1.7		8/1/2012	Does not exist		Oracle merged JRockit into standard JDK 7
60	Languages	N	SAP/Sybase	PowerBuilder	All Versions		8/1/2012	Once popular (in 90s) now obsolete programming language.		Only V2 application uses it.
61	Middleware	N	TIBCO	TIBCO BusinessConnect	6.0.0		8/1/2012	Business Partner Connectivity component	AOC Enterprise License	(12/17/13 - ISB Note) STG version 5.2.1, ETE version 5.3.3, target version for all environemnts 6.0.0. Vendor support for ver 5.2.1 is no longer available. Also, note that Service Release version digit (the third number in version strings of TIBCO products) is not a distinct product from the major version/minor version identifiers pair.
62	Middleware	N	TIBCO	TIBCO BusinessWorks	5.9.3		8/1/2012	Web Services Transformation & Translation engine.	AOC Enterprise License	(12/17/13 - ISB Note) STG version 5.7.0, ETE version 5.9.3, target version for all environemnts 5.9.3. Also, note that Service Release version digit (the third number in version strings of TIBCO products) is not a distinct product from the major version/minor version identifiers pair.
63	Middleware	N	TIBCO	TIBCO Enterprise Messaging Service (EMS)	6.1.0		8/1/2012	Message Queue Server	AOC Enterprise License	
64	Middleware	N	TIBCO	TIBCO BusinessWorks SmartMapper	5.5.0		8/1/2012	Mapping component for message transformation and translation	AOC Enterprise License	(12/17/13 ISB Note) TIBCO SmartMapper product is not currently used in any of ISB supported applications. Current STG/PRD version is 5.3.2, and ETE version is 5.5.0.
65	Middleware	N	TIBCO	TIBCO Runtime Agent	5.7.1		8/1/2012	TIBCO runtime agent	AOC Enterprise License	
66	Middleware	N	Microsoft	Microsoft Messaging	Version 4.x		8/1/2012	Microsoft Message Queue Server		
67	Middleware	N	TIBCO	TIBCO Administrator	5.7.0		8/1/2012		AOC Enterprise License	
68	Middleware	N	TIBCO	TIBCO HAWK (TIBCO Monitoring Tool)	4.9.0		8/1/2012	TIBCO monitoring tool	AOC Enterprise License	
69	Middleware	N	TIBCO	TIBCO PortalBuilder	5.3.0		8/1/2012		AOC Enterprise License	Vendor has announced end of life for this product
70	Middleware	N	TIBCO	TIBCO SmartMapper Plugins	5.3.2		8/1/2012		AOC Enterprise License	(12/17/13 ISB Note) SmartMapper Plugins is not a separate product. It is part of SmartMapper product, and is bundled with SmartMapper installation package.
71	Middleware	N	TIBCO	TIBCO BusinessConnect SOAP Plugin	5.1.0		8/1/2012		AOC Enterprise License	
72	Operating Systems	N	Microsoft	Windows Operating System	Windows Server 2008 Datacenter Windows Server 2008 Standard	End of Mainstream Support January 13, 2015. End of Extended Support January 14, 2020.	5/22/2013	Windows Operating System		

#	Technology Area	Open Source?	Manufacturer	Technology	Version	Manufacturer Product Status	Status Update Date	Technology Description	License Notes	Dependencies/Notes
73	Operating Systems	Y	Redhat	RedHat Linux Operating System	RedHat Enterprise Linux 5	Red Hat Enterprise Linux 5 End of Production 1 Q4 2012 Red Hat Enterprise Linux 5 End of Production 2 Jan 31, 2014 Red Hat Enterprise Linux 5 End of Production 3 (End of Production Phase) March 31, 2017 Red Hat Enterprise Linux 5 End of Extended Life Phase Q1, 2020	11/22/2013	Redhat Linux operating system		**Preferred Patch level is 8 as AOC lifecycle Status Update date.** Approved as the standard due to support of software used at CCTC.
74	Operating Systems	Y	Redhat	RedHat Linux Operating System	RedHat Enterprise Linux 6	Red Hat Enterprise Linux 6 End of Production 1 Q2 2016 Red Hat Enterprise Linux 6 End of Production 2 Q2 2017 Red Hat Enterprise Linux 6 End of Production 3 (End of Production Phase) November 30, 2020 Red Hat Enterprise Linux 6 End of Extended Life Phase Q4, 2023	11/22/2013	Redhat Linux operating system		Demoted to 'Experimental' due to lack of support for some software used at CCTC.
75	Operating Systems	N	Oracle	Solaris Operating System	Solaris 10	Premier Support ends January 2015. Extended Support ends January 2018.	8/1/2012	Oracle Unix operating system		De facto standard
76	Operating Systems	N	Oracle	Solaris Operating System	Solaris 11	Premier Support ends January 2021. Extended Support ends January 2024.	8/1/2012	Oracle Unix operating system		
77	Operating Systems	N	Microsoft	Windows Operating System	Windows Server 2003 Datacenter	End of Mainstream Support July 13, 2010. End of Extended Support July 14, 2015.	2/5/2013	Windows Operating System		Extended support until July 14, 2015
78	Operating Systems	N	IBM	IBM AIX	Version 5.3	End of support April 30, 2012	8/1/2012	IBM Unix operating system		Only to be used in CCMS-V2. (12/12/13 Due to imminent EOL V2 management has decided not to upgrade the AIX operating system)
79	PDF Documents	N	Adobe	Adobe LiveCycle Forms Server ES	Version 9.0 SP1	End of core support "12/31/2014" End of extended support "12/31/2016"	12/12/2013			Revisit during Shared PDF document service is created (12/12/13 Maintenance renewal was dropped some time ago as no application is using this technology.)
80	PDF Documents	N	Adobe	Adobe LiveCycle Output ES	Version 9.0 SP1	End of core support "12/31/2014" End of extended support "12/31/2016"	12/12/2013			Revisit during Shared PDF document service is created (12/12/13 Maintenance renewal was dropped some time ago as no application is using this technology.)
81	PDF Documents	N	Adobe	Adobe LiveCycle PDF Generator ES	Version 9.0 SP1	End of core support "12/31/2014" End of extended support "12/31/2016"	12/12/2013	Adobe PDF document generator from PDF templates and provided data.		Revisit during Shared PDF document service is created (12/12/13 Maintenance renewal was dropped some time ago as no application is using this technology.)
82	PDF Documents	N	Adobe	Adobe LiveCycle Production Print ES	Version 9.0 ES2	End of core support "12/31/2014" End of extended support "12/31/2016"	12/12/2013	Server software to schedule and print PDF documents in batch or bulk mode		Revisit during Shared PDF document service is created (12/12/13 Maintenance renewal was dropped some time ago as no application is using this technology.)
83	PDF Documents	N	Adobe	Adobe LiveCycle Reader Extensions Server License	Version 9.0 SP1	End of core support "12/31/2014" End of extended support "12/31/2016"	12/12/2013	Server software to enable PDFs so that they can be stamped using Adobe Reader.		Revisit during Shared PDF document service is created (12/12/13 Maintenance renewal was dropped some time ago as no application is using this technology.)
84	PDF Documents	N	Adobe	Adobe Document Server	Version 6	End of core support "12/31/2008" End of extended support "12/31/2010"	8/1/2012	Technology used to merge multiple PDF documents on the Server		Does V3 still use this?
85	PDF Documents	N	Adobe	Adobe Web Output Pak	All Versions	Version 2.0 End of core support "12/31/2008" End of extended support "12/31/2010" Version 2.0.7 End of core support "6/30/2014" End of extended support "6/30/2016"	8/1/2012	Adobe PDF document generator from PDF templates and provided data.		Only V3 uses this product.
86	PDF Documents	N	Adobe	Adobe Output Designer	Version 5	Version 5.6 End of core support "12/31/2010" End of extended support "12/31/2012" Version 5.7 End of core support "6/30/2014" End of extended support "6/30/2016"	8/1/2012	Development tool to create PDF form templates		
87	PDF Documents	N	Adobe	Adobe Central Pro Output Server	Version 6	Version 5.6 End of core support "12/31/2010" End of extended support "12/31/2012" Version 5.7 End of core support "6/30/2014" End of extended support "6/30/2016"	8/1/2012	Used for batch generation of customized PDF documents for printing, email or fax.		Mainly used by V3 to support batch printing.
88	PDF Documents	N	Adobe	Adobe LiveCycle Designer	Version 9	End of core support "12/31/2014" End of extended support "12/31/2016"	8/1/2012	Development tool to create PDF form templates		
89	PDF Documents	Y	Ghostscript	Ghostscript	Version 8	The last released update for the GNU version 8.71 is on May 4th 2011.	8/29/2012	An interpreter for the PostScript (TM) language, with the ability to convert PostScript language files to many raster formats, view them on displays, and print them on printers that don't have PostScript language capability built in	GNU GPL as well as commercial license are available.	Used by V2 and SAP

#	Technology Area	Open Source?	Manufacturer	Technology	Version	Manufacturer Product Status	Status Update Date	Technology Description	License Notes	Dependencies/Notes
90	PDF Documents	Y	Ghostscript	Ghostscript	Version 9	Manufacturer is actively updating the 9.x version.	8/29/2012	An interpreter for the PostScript (TM) language, with the ability to convert PostScript language files to many raster formats, view them on displays, and print them on printers that don't have PostScript language capability built in	GNU GPL as well as commercial license are available.	
91	Proxy Web Servers	Y	Apache Software Foundation	Apache HTTP Server (Proxy Web Server)	Version 2.2	Open Source Software. Version 2.2 is supported by the Apache open software community.	8/1/2012	Web Server as well as Reverse Proxy Server	Apache Open Source License v2	
92	Proxy Web Servers	Y	Apache Software Foundation	Apache HTTP Server (Proxy Web Server)	Version 2.4	Open Source Software. Version 2.4 is supported by the Apache open software community.	8/1/2012	Web Server as well as Reverse Proxy Server	Apache Open Source License v2	
94	Reporting Server	N	SAP	SAP Business Objects Enterprise XI	Enterprise Edition XI R2	End of life June 30 2010	12/12/2013	Reporting Server		
95	Reporting Server	N	SAP	SAP Business Objects Enterprise XI	Enterprise Edition XI R3.1	For BO XI 3.1. End of mainstream maintenance 12-31-2015. End of Priority-One Support 12-31-2017	8/1/2012	Reporting Server		
96	Reporting Server	N	SAP	SAP BusinessObjects BI, Edge edition	Version 4.0		12/12/2013	Reporting Server	DCACS purchased licesnes	Used by DCACS
99	Scheduler	Y	Open Symphony	Quartz Scheduler		Open source software	8/1/2012	Java Scheduling library	Apache Open Source License v2	Open source software
100	Security Servers	N	Oracle	Oracle Identity Management	Version 10.1	Premier Support ends December 2011 Extended Support not available	8/1/2012	Security Identity management software	AOC Enterprise License	(12/12/13 This technology is not used anywhere. However, maintenance is renewed due to usage of Oracle Web Services Manager which is part of the bundle. The status is kept at Restricted)
101	Security Servers	N	Oracle	Oracle Access Manager	Version 10.1.4.3	Premier Support ends December 2013 Extended Support not available	8/1/2012	Security Policy Server	AOC Enterprise License	(12/12/13 This technology is not used anywhere. However, maintenance is renewed due to usage of Oracle Web Services Manager which is part of the bundle. The status is kept at Restricted)
102	Security Servers	N	Oracle	Oracle Web Gate	Version 10.1.4.3	Premier Support ends December 2013 Extended Support not available	8/1/2012	Security Agent running on Web Servers	AOC Enterprise License	(12/12/13 This technology is not used anywhere. However, maintenance is renewed due to usage of Oracle Web Services Manager which is part of the bundle. The status is kept at Restricted)
103	Security Servers	N	Oracle	Oracle (OAM) Authentication Provider	Version 10.1.4.3	Premier Support ends December 2013 Extended Support not available	8/1/2012	Security Agent running on Java Application Servers	AOC Enterprise License	(12/12/13 This technology is not used anywhere. However, maintenance is renewed due to usage of Oracle Web Services Manager which is part of the bundle. The status is kept at Restricted)
104	Security Servers	N	Oracle	Oracle SOA Suite (includes Oracle Web Services Manager (OWSM) ,Enterprise Manager and Gateway)	Version 11.1	Premier Support ends June 2015. Extended Support ends June 2017.	8/1/2012	Web Services Security software	AOC Enterprise License	
105	Security Servers	N	Oracle	Oracle Identity Federation	Version 11.1	Premier Support ends June 2015. Extended Support ends June 2017.	8/1/2012	Security software facilitating authentication across organizations	AOC Enterprise License	(12/12/13 This technology is not used anywhere. However, maintenance is renewed due to usage of Oracle Web Services Manager which is part of the bundle. The status is kept at Restricted)
106	Security Servers	N	Computer Associates	CA SiteMinder Policy Server	Version 6	End of support 3/31/2012	8/1/2012	Security Policy Server		
107	Security Servers	N	Computer Associates	CA SiteMinder Web Agent	Version 6	End of support 3/31/2012	8/1/2012	Security Agent running on Web Servers		
108	Security Servers	N	Computer Associates	CA SiteMinger App Agent	Version 6	End of support 3/31/2012	8/1/2012	Security Agent running on Java Application Servers		
109	Security Servers	N	Computer Associates	CA SiteMinder Policy Server	Version 12	?	8/1/2012	Security Policy Server		
110	Security Servers	N	Computer Associates	CA SiteMinder Web Agent	Version 12	?	8/1/2012	Security Agent running on Web Servers		
111	Security Servers	N	Computer Associates	CA SiteMinger App Agent	Version 12	?	8/1/2012	Security Agent running on Java Application Servers		
112	Terminal emulaters	N	Microsoft	HIS 2006 Server/3270 Emulator	Version 2006	HIS 2004 Mainstream Support Ends January 12, 2010. HIS 2004 Extended Support Ends January 13, 2015 HIS 2006 Mainstream Support Ends April 10, 2012. HIS 2006 Extended Support Ends April 11, 2017	11/22/2013	Used for DMV connectivity		
113	Testing Tools	N	IBM	Rational Performance Tester		Version 7.0.x End of Support September 30, 2012 Version 8.0.x, 8.1.x and 8.2.x End of Support not announced.	8/1/2012	Performance / Stress Testing tool		(12/12/13 Rational Performance Tester maintenance/support is discontinued. This is due to contractual obligations to stay with Load Runner/Performance Center. Maintaining license for two load/stress test tools did not make sense. HP Performance Center will take its place. 'Restricted' status will be maintained until the Rational Performance Tester scripts are migrated to HP performance center..)
114	Testing Tools	N	HP	Mercury Loadrunner		End of current product support LoadRunner 9.x December 2013 End of self-help support LoadRunner 9.x December 2015 HP LoadRunner 11.0x Support Ends September 2014. HP LoadRunner 11.5x Support ends June 2016	12/12/2013	Performance / Stress Testing tool		(12/12/13 HP/Mercury Load Runner maintenance/support is discontinued. HP Performance Center will take its place.)
115	Testing Tools	N	IBM	Rational ClearQuest		Version 7.0.x End of Support September 30, 2011 Version 7.1.x End of Support not announced. Version 8.0.x End of Support not announced.	11/22/2013	Test Management Tool		
116	Testing Tools	N	IBM	Rational Functional Tester		Version 7.0.x End of Support April 30, 2012 Version 8.0.x, 8.1.x and 8.2.x End of Support not announced.	11/22/2013	Regression Testing Tool		
117	Testing Tools	N	IBM	Rational Requisite Pro		Version 7.0.x End of Support April 30, 2012 Version 7.1.x End of Support not announced.	11/22/2013	Requirements Capturing tool		
118	Testing Tools	N	IBM	Rational Quality Manager		Versions 1.x, 2.x, 3.x, and 4.x End of Support not announced.	8/1/2012	Quality and Test management		

#	Technology Area	Open Source?	Manufacturer	Technology	Version	Manufacturer Product Status	Status Update Date	Technology Description	License Notes	Dependencies/Notes
119	Testing Tools	N	HP	Mercury WinRunner		HP WinRunner software 7.5, 7.6, 8.0, 8.2, 9.2 (all editions) Support ends July 2009	8/1/2012	Regression Testing Tool		
120	Testing Tools	N	HP	Mercury Quality Center		Quality Center 10.x support ends August 2013. HP Quality Center Enterprise 11.0x support ends September 2014	8/1/2012	Test Management Tool		
121	Utilities	N	Spellex	Spellex			8/1/2012	Provides legal spell checking on the browser.		V2 & V3 use it.
122	Utilities	N	Helicon	Helicon IIS rewrite	All Versions	Latest version is 3.0	8/1/2012	Rewrites IIS URLs		Only V2 application uses it.
123	Version Control	Y	Apache Software Foundation	Subversion		Open Source Software. Version 1.5.x is no longer supported or updated. Version 1.6.x is no longer supported or updated. Version 1.7.x is only supported for security fixes. Version 1.8.x is actively supported by the Apache open software community.	11/22/2013	Source Version Control software	Apache Open Source License v2	
124	Virtual Network Servers	N	Citrix	Citrix Secure Gateway	Version 5.1		11/22/2013	Security for web enabled client server applications		Used by Sustain Justice Edition
125	Virtual Network Servers	N	Citrix	Citrix Presentation (Metaframe)/XenApp	Version 4.5		11/22/2013	Web enabler of client server applications		Used by Sustain Justice Edition
127	Virtualization	N	Oracle	Solaris 10 Logical Domains		Premier Support ends January 2015. Extended Support ends January 2018.	8/1/2012	Solaris Operating System Virtualization Technology		Enterprise Architects standardised on LDOM virtualization for Sun Solaris.
129	Virtualization	N	VMWare	VMWare	Version 5	Version 5 End of General Support August 24, 2016 Version 5 End of Technical Guidance August 24, 2018	5/22/2013	Operating System Virtualization Technology		
130	Web Rich Text Editors	N	Ektron	Ektron eWebEditPro		Manufacturer is no longer actively promoting this product. In fact this product may not work on IE9 browser, therefore V3 has to look for a replacement product.	8/1/2012			Only used in CCMS-V3
131	Web Servers	N	Microsoft	Internet Information Server (IIS)	IIS 6	Built-in component of Windows Server 2003. Follows Windows Server 2003 lifecycle.	12/12/2013	Web Server		(12/12/13 The status should be kept in sync with the 2003 Windows Server status.)
132	Web Servers	N	Microsoft	Internet Information Server (IIS)	IIS 7	Built-in component of Windows Vista and Windows Server 2008. Follows Windows Server 2008 lifecycle.	8/1/2012	Web Server		
133	Web Servers	N	Microsoft	Internet Information Server (IIS)	IIS 7.5	Built-in component of Windows 7 and Windows Server 2008 R2. Follows Windows Server 2008 R2 lifecycle.	8/1/2012	Web Server		
134	Web Servers	N	Oracle	iPlanet (Sun One Java System Web Server)	Version 6.1	Premier Support ends August 2015. Extended Support not available	8/1/2012	Web Server		
135	Web Servers	N	Oracle	iPlanet (Sun One Java System Web Server)	Version 7.0	Premier Support ends March 2014. Extended Support ends March 2017.	8/1/2012	Web Server		
136	Web Servers	Y	Apache Software Foundation	Apache HTTP Server	Version 2.0	Open Source Software. Version 2.0 was last updated on "2010-10-19"	8/1/2012	Web Server	Apache Open Source License v2	
137	Web Servers	Y	Apache Software Foundation	Apache HTTP Server	Version 2.2	Open Source Software. Version 2.2 is supported by the Apache open software community.	8/1/2012	Web Server	Apache Open Source License v2	
138	Web Servers	Y	Apache Software Foundation	Apache HTTP Server	Version 2.4	Open Source Software. Version 2.4 is supported by the Apache open software community.	8/1/2012	Web Server	Apache Open Source License v2	
139	Middleware	N	TIBCO	TIBCO ActiveMatrix Adapter for Database	6.1.0		7/26/2013	TIBCO Middleware Adapter	AOC Enterprise License	
140	Middleware	N	TIBCO	TIBCO ActiveMatrix Adapter for SAP	6.1.0		7/26/2013	TIBCO Middleware Adapter	AOC Enterprise License	
141	Middleware	N	TIBCO	TIBCO BusinessConnect Palette	6.0.0		7/26/2013	TIBCO Middleware components	AOC Enterprise License	(12/17/13 - ISB Note) BusinessConnect Palette is not a separate product. It is part of BusinessConnect and is included in BC installation package.
142	Middleware	N	TIBCO	TIBCO Rendevouz	8.3.1		7/26/2013	TIBCO high performance messaging middleware component	AOC Enterprise License	
143	Middleware	N	TIBCO	TIBCO BusinessWorks Collaborator	5.5.1		7/26/2013	TIBCO Middleware components	AOC Enterprise License	(12/17/13 ISB Note) TIBCO Collaborator product is currently not used in any of the ISB supported applications.
144	Middleware	N	TIBCO	TIBCO BusinessWorks FormBuilder	5.3.0		7/26/2013	TIBCO Middleware components	AOC Enterprise License	(12/17/13 ISB Note) TIBCO FormBuilder product is currently not used in any of the ISB supported applications.
145	Middleware	N	TIBCO	TIBCO General Interface (GI)	3.9.0		7/26/2013	TIBCO Middleware API	AOC Enterprise License	(12/17/13 - ISB Note) This product is provided as a freeware by TIBCO.
147	Testing Tools	N	HP	HP Performance Center			12/12/2013	Performance / Stress Testing tool	AOC Enterprise License	(12/12/13 Rational Performance Tester maintenance/support is discontinued. This is due to contractual obligations to stay with Load Runner/Performance Center. Maintaining license for two load/stress test tools did not make sense. HP Performance Center will take its place.)
148	DOJ Connectivity	N	DataMaxx Group	Omnixx Server			12/12/2013	Used for DOJ connectivity and transactions.		Applications requiring DOJ connectivity and transactions (CCPOR, Sustain) use it.
149	Content Management	N	OpenText	Open Text Server			12/12/2013	Content Management server		AOC Internet site uses this technology.
150	Employee Learning	N	ANCILE Solutions	uPerform	Version 5.0		12/18/2013	End user Training product for Phoenix		Used by Phoenix
151	Tax	N	BSI Business Software Inc	BSI Taxfactory Version 9	Version 9.0		12/18/2013	Tax updates for payroll		Used by Phoenix

Information on Judicial Council Directives

Council Directive 106

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-71 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.

SEC Recommendation 7-71

The Office of General Counsel should be renamed Legal Services Office, consistent with its past designation, and should be a stand-alone office reporting to the Administrative Director of the Courts. The Legal Services Office manager position should be compensated at its current level. The Legal Services Office should not be at the same divisional level as the Judicial and Court Operations Services Division or the Judicial and Court Administrative Services Division. The Chief Counsel, manager of the Legal Services Office, should not be a member of the Executive Leadership Team.

Reported By:	Executive Office
Contact:	Jody Patel, Chief of Staff

TASK

[x] **PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.

- On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.
- In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.
- In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.
- In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.
- In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.

- In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.
- In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.
- In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.
- In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.
- In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.
- In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.
- All-staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the reconsideration process.

In March 2015, staff received their new classifications. Approximately 244 requests for reconsiderations were submitted in April 2015. Following this effort, the Executive Office will review reconsideration requests with support from Human Resources, Legal Services, and Fox Lawson and Associates, as appropriate. After all requests are reviewed, final decisions made by the Administrative Director will be communicated to office leadership to be shared with individual employees.

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **107**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(a) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation **7-72**

The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(a) In addition to the General Counsel, there are nine management level attorney positions in the Legal Services Office, including the Assistant General Counsel, three Managing Attorneys, and five Supervising Attorneys. This is an excessive number of management positions, which should be reduced. The position of Assistant General Counsel position could be eliminated. One managing attorney could be assigned to manage each of the two major functional components of the division, house counsel, and Judicial Council services, with each managing attorney reporting directly to the Chief Counsel.

Reported By:	Legal Services
Contact:	Deborah Brown, Chief Counsel

TASK

[ ] **PENDING**

[x] **COMPLETED: Legal Services has implemented a new management structure that includes the Chief Counsel, a Senior Managing Attorney, two Managing Attorneys, and six Supervising Attorneys over the six Legal Services Units.**

Since the release of the Strategic Evaluation Committee report in May 2012, the Legal Services workforce has been dramatically reduced from the 75 positions referenced in SEC recommendation 7-72(a) to a workforce of 44 positions as of the date of this report. Legal Services attorney staffing has been reduced from 50 attorneys to the current number of 32 attorneys, exclusive of the Chief Counsel. The Legal Services management team currently consists of 9 members, excluding the Chief Counsel.

At the February 2013 Judicial Council meeting, Judicial Council liaisons to Legal Services, Justice Douglas Miller and Ms. Edith Matthai, were asked to take the lead on reviewing the cost-effectiveness of Legal Services current use of outside counsel in response to Judicial Council directive 122. While addressing this request, the liaisons concluded that additional Legal Services-related restructuring directives were appropriate for inclusion in the liaisons' review and would enable a more comprehensive evaluation.

In addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons' review was expanded to include defining the role of the Chief Counsel; evaluating the need for use of a paralegal classification; analyzing the use of Legal Services attorney staff in AOC field offices; and analyzing the current Legal Services organizational

structure, services, and attorney services provided by the AOC outside of Legal Services.

At the June 28, 2013, Judicial Council liaisons Justice Douglas Miller and Ms. Edith Matthai provided a report to council with various recommendations as it related to Legal Services restructuring directives. In regards to directive 107, the liaisons recommended that the Legal Services should be restructured to create a new executive leadership team comprising the Chief Counsel and three managing attorneys who lead three distinct areas of service.

Under the new Chief Counsel, with the support of the Administrative Director and the Chief of Staff, Legal Services has taken measures that have substantially implemented the structure proposed by the liaisons. The Legal Services attorney management team, excluding the Chief Counsel, currently consists of nine members as of January 2015. The position of Assistant Chief Counsel was eliminated after the attorney formerly holding that position retired in 2013. As recommended by the Judicial Council liaisons, instead of hiring a new Assistant Chief Counsel, a managing attorney was promoted in 2014 to the position of senior managing attorney to provide support and backup to the Chief Counsel and oversight of three units. In June, 2014, two Managing Attorneys were hired that supervise two units each.

Legal Services is currently structured to provide legal services in these areas by organizing its attorneys into six units:

- Rules and Projects Unit
- Legal Opinion Unit
- Transactions and Business Operations Unit
- Real Estate Unit
- Litigation Management Unit
- Labor and Employment Unit

Legal Services has been structured so that although attorneys are housed into one of the units above as their primary assignment, they are expected to work on any issues that may arise out of their unit based on their subject matter expertise and background.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x]	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	[ ]	UNABLE TO IMPLEMENT
[ ]	IMPLEMENTED AND ONGOING	[ ]	PENDING IMPLEMENTATION
[ ]	IMPLEMENTED BUT IN PROGRESS		

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- Report to the Judicial Council for meeting of April 25, 2014: AOC Restructuring: Efficiencies and Restructuring at the Legal Services Office, April 8, 2014

Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 25, 2014

Title
AOC Restructuring: Efficiencies and Restructuring at the Legal Services Office

Submitted by
Steven Jahr
Administrative Director of the Courts
Administrative Office of the Courts
Jody Patel, Chief of Staff

Agenda Item Type
Information Only

Date of Report
April 8, 2014

Contact
Jody Patel, 916-263-1333
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Executive Summary

The Legal Services Office (LSO) is an office of the Administrative Office of the Courts (AOC) under the Judicial Council and Court Leadership Services Division. The mission of LSO is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The Judicial Council has charged the office with providing "consistent, comprehensive legal support and counsel to the courts." (Judicial Council of Cal./Admin. Off. of Cts., *Justice in Focus: The Strategic Plan for California's Judicial Branch 2006–2012* (2006), p. 49.) In response to Judicial Council restructuring directives and the recommendations of the Judicial Council liaisons to LSO, the office has been significantly restructured. This informational report summarizes the activities undertaken in response to the June 2013 recommendations of the Judicial Council liaisons.

Previous Council Action

- In March 2011, Chief Justice Tani G. Cantil-Sakauye created the Strategic Evaluation Committee (SEC) to conduct an in-depth review of the Administrative Office of the Courts, the staff agency to the Judicial Council, with a view toward promoting transparency, accountability, and efficiency.

- On August 31, 2012, based on the SEC report and its recommendations, the Judicial Council approved AOC realignment directives and directed the Administrative Director to report on them.

- At the February 2013 council meeting, the council liaisons to LSO were asked to take the lead on reviewing the cost-effectiveness of LSO's current use of outside counsel in response to Judicial Council directive 122. While addressing this request, the liaisons concluded that additional LSO-related restructuring directives were appropriate for inclusion in the liaisons' review and would enable a more comprehensive evaluation.[1]

- In addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons' review was expanded to include defining the role of the Chief Counsel; evaluating the need for use of a paralegal classification; analyzing the use of LSO attorney staff in AOC field offices; and analyzing the current LSO organizational structure, LSO services, and attorney services provided by the AOC outside of LSO.

- In June 2013, the LSO liaisons recommended that the Judicial Council endorse the following recommendations to the Administrative Director:[2]

    1. LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.

    2. LSO should implement a formal structure to solicit client feedback on a regular basis.

    3. The role of the Chief Counsel and the expectations for that role and areas of responsibility should be clearly defined to reflect the new organizational structure.

    4. The use of outside counsel is appropriate for specialized areas of law and litigation. The protocols for LSO's use of outside counsel should be strengthened to ensure that outside counsel is used in the most cost-effective manner.

    5. The AOC should continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability.

[1] See Judicial Council of Cal., *AOC Restructuring: Judicial Council Liaisons' Review of the Legal Services Office and Recommendations* (June 28, 2013), p. 3.

[2] *Id.* at pp. 2–3.

6. All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office.

7. Given the recent retirement announcement by the current Chief Counsel, the successor Chief Counsel should be afforded the opportunity to implement the restructuring and the formation of the management team under the supervision of the Chief of Staff.

- At the June 2013 Judicial Council meeting, the council endorsed the liaisons' recommendations and agreed with the liaisons that modifications might be needed once these recommendations are implemented. It further directed the Administrative Director of the Courts to report back on implementation of the liaisons' recommendations by the end of March 2014.[3]

Methodology and Process

Restructuring within LSO has occurred as a result of the implementation of the liaisons' recommendations. As indicated below, six of the seven recommendations have been implemented, with one variance: (1) the LSO management structure has been modified; (2) the responsibilities of the Chief Counsel have been reviewed and clearly defined; (3) a process for periodically surveying court users of legal services is being put into place; (4) protocols have been developed for retention of outside counsel; (5) policies have been implemented to ensure appropriate oversight in the field offices for day-to-day accountability of LSO attorneys and staff in field offices; and (6) paralegals have not and are not currently employed by the LSO. Finally, although LSO works closely with other AOC offices with attorneys, the liaisons' recommendation that AOC attorneys outside of LSO who provide legal advice or legal related services that require a law degree should have a dual reporting relationship to LSO and their current office has not been implemented. As discussed below, for this recommendation, it seems appropriate to wait for the results of the pending classification and compensation study, which will expressly review the attorney classification.

Background on the Legal Services Office

The Legal Services Office provides a variety of services that historically, before state trial court funding, were provided by the counties and reflect the varying and expanded needs of judicial branch entities in today's environment.

Before trial court funding, the Legal Services Office comprised a small group of attorney staff primarily responsible for drafting council rules of court and forms and legislation, providing legal opinions to the council and the Administrative Director, and staffing council advisory

[3] As reported to the Judicial Council in February 2014, because no Judicial Council meeting was held in March 2014, this report is being provided at the April 25, 2014, business meeting of the council.

committees and other similar bodies.[4] Following trial court funding, the role of LSO expanded to provide to the superior courts legal services that previously had been provided by county counsels' offices. LSO began providing trial courts with legal opinions on judicial administration issues. The council also approved the creation of a Litigation Management Program in 1999, adopting rules of court assigning the responsibility to LSO for the management of all claims and litigation against the courts.

After the enactment of the Trial Court Employment Protection and Governance Act of 2000, LSO began providing labor and employment legal services. LSO's areas of responsibility continued to expand—for example, with the establishment of a unit to provide transactional and business-related advice and services. After passage of the Trial Court Facilities Act of 2002, the Real Estate Unit was established to provide the facilities-related legal work resulting from this legislation. Finally, LSO attorney positions were established in the field offices to better facilitate the provision of legal services to the superior courts.

The growth of LSO and the expansion of the services it provides have significantly changed in the past few years. Based on the council directives and other developments, LSO has ceased to grow and has been notably reduced in size. This and other changes are described in detail below.

Implementing the directives

In implementing the Judicial Council directives to LSO and the council liaisons' recommendations, the Administrative Director of the Courts and the Chief of Staff worked closely with the Chief Counsel and her management team. They have also benefitted greatly from advice from the Judicial Council liaisons to LSO and other council members.

The liaison report specifically addresses implementation of the council liaisons' recommendations to the Administrative Director of the Courts, which were endorsed by the Judicial Council. The report presents each recommendation and summarizes the actions taken in response to the recommendations.

Legal Services Office restructuring

As part of their review, the liaisons considered Judicial Council restructuring directive 107 and recommended the following:

> LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.

[4] The office's name has changed over the years. In the 1990s, it was designated as Council and Legal Services. Subsequently, it became the Office of the General Counsel, and in 2012 the office was renamed the Legal Services Office.

(Judicial Council of Cal., *supra,* at p. 2.)

Judicial Council restructuring directive 107 states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(a) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.[5]

Since the release of the Strategic Evaluation Committee report in May 2012, the LSO workforce has been dramatically reduced from the 75 positions referenced in SEC recommendation 7-72(a) to a workforce of 44 positions as of the date of this report. LSO attorney staffing has been reduced from 50 attorneys to the current number of 32 attorneys, exclusive of the Chief Counsel. The LSO management team currently consists of 6 members, excluding the Chief Counsel, as compared to 9 noted in SEC recommendation 7-72(a).

The June 2013 Liaison Report states:

> Given the current staffing levels of the LSO workforce and the critical nature of the legal services provided by LSO, we believe that a 10-member LSO attorney management team is appropriate for this office. However, to ensure accountability and clear lines of authority for the varied legal services provided by LSO, it is recommended that the LSO should be restructured to create a new executive leadership team comprising the Chief Counsel and three managing attorneys who lead three distinct areas of service . . . Additionally, in accordance with council directive 107, we recommend that the position of Assistant Chief Counsel be reclassified as a managing attorney position. It is also recommended that one of the managing attorney positions be classified as a senior managing attorney to provide backup and support as second in command to the Chief Counsel. It appears appropriate that the managing attorney leading Judicial Council Services and Legal Opinions would be the best position for second in command.

---

[5] SEC Recommendation 7-72(a) states:

> The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:
>
> (a) In addition to the General Counsel, there are nine management level attorney positions in the Legal Services Office, including the Assistant General Counsel, three Managing Attorneys, and five Supervising Attorneys. This is an excessive number of management positions, which should be reduced. The position of Assistant General Counsel could be eliminated. One managing attorney could be assigned to manage each of the two major functional components of the division, house counsel, and Judicial Council services, with each managing attorney reporting directly to the Chief Counsel.

> The new structure provides a three-to-one reporting structure under the Chief Counsel and shifts the responsibility for regular day-to-day management workload from the Chief Counsel to the managing attorneys. This shift of direct responsibility for LSO daily activities is an acknowledgement that the Chief Counsel should be involved in providing legal input and expertise to the most critical legal issues for the branch versus being immersed in routine LSO workload. This structure will require continuous communication between the Chief Counsel and the three managing attorneys to ensure that no silos develop in the office. Similar to partners in a law firm, the Chief Counsel and the managing attorneys should meet regularly to share information and make decisions on projects, priorities, and resources that further the goals of the office as a whole.

(Judicial Council of Cal., *supra,* at p. 2.)

Under the new Chief Counsel, with the support of the Administrative Director of the Courts and the Chief of Staff, LSO has taken measures that have substantially implemented the structure proposed by the liaisons. The LSO attorney management team, excluding the Chief Counsel, consists of six members as of March 2014. The position of Assistant Chief Counsel was eliminated after the attorney formerly holding that position retired in 2013. As recommended by the liaisons, instead of hiring a new Assistant Chief Counsel, a managing attorney was promoted in 2014 to the position of senior managing attorney to provide support and backup to the Chief Counsel. Because of retirements, no other managing attorneys are currently employed in LSO. However, to provide the level and structure of leadership necessary to manage the office in the manner recommended by the liaisons, recruitment is under way for two additional managing attorneys. After completion of this hiring process, LSO will have an executive management structure as envisioned by the liaisons, with a Chief Counsel and three managing attorneys, one of whom is designated as a senior managing attorney.

LSO provides legal services in two primary areas: (1) services provided to the council, to the Chief Justice as chair of the council, and to the Administrative Director of the Courts and the AOC as the administrative arm of the council; and (2) services provided to the appellate and trial courts. LSO is currently structured to provide legal services in these areas by organizing its attorneys into six units:

- Rules and Projects Unit
- Legal Opinion Unit
- Transactions and Business Operations Unit
- Real Estate Unit
- Litigation Management Unit
- Labor and Employment Unit

In terms of LSO's management structure, the liaison report recommends that LSO be restructured into three areas of services: (1) Judicial Council Services and Legal Opinions (a

merger of the Rules and Projects and Legal Opinion Units); (2) Transactions and Business Operations (incorporating Real Estate into the Transactions and Business Operations Unit); and (3) Litigation Management and Labor and Employment (a merger of the two formerly separate units).

The liaison report further recommends that the new units continue to serve both client groups—the appellate and trial courts along with the Judicial Council, Chief Justice as chair of the council, Administrative Director of the Courts, and AOC—with the responsibility of supervising attorneys divided between the two client groups. LSO is in the process of restructuring its activities into the three organization units described above. Once the full complement of managing attorneys is in place, each will manage one of the combined units. After careful consideration, however, the Administrative Director and Chief of Staff support a variance from the liaison recommendations with respect to the supervisory-level responsibilities. Because the quantity of legal work performed for the courts differs from that for the Judicial Council/AOC clients and because of the need to provide clients with specialized skills and knowledge in the individual subject-matter areas, LSO will continue to be structured along subject-matter groups rather than client groups. The purpose of this structure is to provide better service to clients by providing them with immediate access to supervisors and attorneys with subject-matter expertise specific to the legal issues and inquiries presented.[6]

The liaison report further states:

> It is intended that the Chief Counsel and the three managing attorneys hold overall management responsibility, with the supervising/senior attorneys charged with carrying out senior management's directives for the specific subject matter and client assignments. The level of experience and precise classification for these supervising/senior attorneys should be determined as a part of the internal restructuring and reviewed as a part of the classification and compensation study.

The report's additional recommendations regarding the management structure will be implemented once the managing attorney positions are filled. As indicated in the report, the level of experience and precise classification for the supervising/senior attorney structure also partially depend on the classification and compensation study.

Role of Chief Counsel

The liaisons considered Judicial Council restructuring directive 115 and recommended that the role of the Chief Counsel and the expectations for that role, along with the areas of responsibility, should be clearly defined to reflect the new organizational structure.

[6] See Attachment A for an organization chart showing this management structure.

Judicial Council restructuring directive 115 states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts, as part of the review of the AOC organizational structure, to review current responsibilities and clearly define the role of the Chief Counsel.

As part of their report to the Judicial Council, the liaisons included an attachment clearly defining the responsibilities and role of the Chief Counsel of the Administrative Office of the Courts.[7]

The description has been adopted and specifies that the Chief Counsel is chief legal advisor to the Judicial Council and to the AOC and office chief of the AOC Legal Services Office, which provides comprehensive legal services to the appellate and trial courts. It adds that the Legal Services Office has two major areas of service: legal advisor and counsel to the Judicial Council and legal advisor and legal services provider to the appellate and trial courts. In these capacities, the Chief Counsel has responsibilities that are enumerated in detail.

Survey of users of LSO services

The liaisons considered Judicial Council restructuring directive 120 and recommended that, to ensure that the appropriate level of client service is provided, particularly in the area of legal opinions, a formal procedure be developed and implemented in LSO to solicit client feedback.

Judicial Council restructuring directive 120 states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts that court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.

In response to this recommendation, a draft survey has been developed to ask court users for their evaluations of and suggestions for improvements to legal services provided by each of the six LSO units.[8] Because of workload issues and staffing concerns, it is anticipated that the survey will be distributed to the courts in late 2014 as a pilot. If the survey proves useful and courts do not find it overly burdensome, LSO will continue to survey the courts on an annual or biennial basis.

Use of outside counsel

With respect to Judicial Council directive 122 regarding the use of outside counsel, the Judicial Council endorsed the liaisons' recommendation that (1) the use of outside counsel is appropriate for specialized areas of law and litigation; and (2) protocols for LSO's use of outside counsel

[7] See Judicial Council of Cal., *supra,* Attachment A (a copy of which is attached to this report as Attachment B).

[8] See Attachment C for a copy of the draft survey.

should be strengthened to ensure that outside counsel is used in the most cost-effective manner. That directive states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of the General Counsel's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost effective manner. Before initiating the independent review, the Administrative Director of the Courts must provide a proposal with options for conducting the review, including the associated costs.

The liaisons undertook the review of the use of outside counsel and reported back to the council as follows:

> Based on our experience in the legal field and after conferring with colleagues, we conclude that the use of outside counsel is appropriate and in some cases mandated, providing valuable legal resources for the varying needs of LSO relating to specific subject areas or broad-based branch initiatives (i.e., courthouse transfers). Outside legal counsel provides LSO with sufficient flexibility to meet the changing needs of the branch in an efficient and cost-effective manner.

(Judicial Council of Cal., *supra,* at p. 10.)

The liaison report also concluded, once it was confirmed that there was a legitimate need to use outside counsel, that a full study of past expenses would be extraordinarily time-consuming and would provide little benefit. Because the goal was to be certain that future expenditures are warranted, the liaisons recommended placing the responsibility for the retention and monitoring of outside counsel with the managing attorney in each area of practice. The liaisons added that (1) there should be written justification for the retention, and the managing attorney should be responsible for ensuring that the hourly rates and time spent are reasonable; (2) at the close of representation a short client feedback report should be obtained, and the managing attorney should evaluate the service provided from LSO's perspective; and (3) an annual report on the use of outside counsel should be provided to the Judicial Council.

Thus, the liaisons recommended that LSO develop:

- A structure in which each managing attorney is responsible for the approval of and justification for using outside counsel based on the area of expertise needed or resource requirements.
- A means for conducting an examination of the cost-effectiveness of using outside counsel versus potentially hiring attorney resources based on specific projects and the duration of legal assistance needed.
- A checklist that must be completed before initiating a contract with outside counsel to confirm that no internal LSO resources are available for the subject-matter area.

- A means of following up with the courts that receive services to gather their input on the services provided by outside counsel through an e-mail questionnaire or survey. This information would be used in tandem with input from the LSO attorneys assigned to the respective cases to identify if the outside counsel should be used for future cases.
- A means of regularly (every 12 months) surveying the market to ensure that what is being charged is appropriate and the rates are appropriate.

The liaisons also recommended that the Administrative Director provide to the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch an annual report on the use and cost of outside counsel for the committee's consideration and reporting to the council.

In response to these recommendations, the LSO protocol for the retention of outside counsel has been amended to require managing-attorney approval of the hiring of any outside counsel. Under that protocol, the managing attorney (1) reviews the recommendation to hire outside counsel and the expertise of the counsel suggested, and (2) confirms that no internal resource is available for the particular subject matter. The review and approval by the managing attorney are recorded in each file. In addition, on an annual basis, LSO will review the annual attorney fee surveys prepared by various organizations to ensure that the fees charged by outside counsel are appropriate and reasonable. LSO also will send to each court a survey after the conclusion of any significant litigation, arbitration, or proceedings before the Public Employment Relations Board, asking for the court's assessment of the specific legal representation provided by LSO and outside counsel.[9] The survey results will be used in an annual review of the use of outside counsel to ensure the delivery of quality and timely legal services. The LSO also will provide reports on the use and cost of outside counsel to the Advisory Committee on Financial Accountability and Efficiency at the request of the committee.

LSO attorneys located in field offices

In response to Judicial Council directive 117, the liaisons recommended that the AOC continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability. That Judicial Council directive states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to adopt an operations model whereby attorneys generally are housed at one location with flexibility to adjust as necessary to meet court needs regionally, including regional demand for additional attorney support and smaller courts that have fewer staff for research and other legal services. The location where attorneys report to work should ensure proper supervision.

The liaison report states that, after reviewing the activities of LSO attorney staff located in the Sacramento and Burbank field offices, the liaisons believe that it is appropriate to have staff in

[9] These surveys will be prepared for the individual case and tailored to the type and nature of the representation.

these locations. The liaisons commented that such an arrangement is consistent with the staffing of many government agencies and private law firms.

LSO has followed the recommendation of the liaisons and continues to house attorneys in field offices. Doing so allows more direct communication between LSO attorneys and the courts in their regions.[10] In addition, as recommended by the liaisons, to ensure oversight in the field offices for day-to-day accountability for off-site staff, LSO management requires staff in the field offices to report any absences both to their supervisors and to a designated local staff member, who would enter the appropriate information into the LSO calendar system.

Use of paralegal classifications

The LSO liaisons reviewed Judicial Council restructuring directive 112 and stated that they did not identify a specific need for a paralegal classification. That directive states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(f) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.[11]

In their report, the liaisons state that paralegals in private law firms are typically used primarily for high-level administrative work and very minor legal-related work. Given that LSO already employs administrative staff to support LSO attorneys with administrative tasks, the liaisons indicate that to pursue the creation of a paralegal classification does not appear appropriate at this time.[12] Consistent with the LSO liaisons' recommendation, LSO does not employ paralegals.

Dual reporting

The liaison report discusses one other recommendation for LSO. That recommendation states: "All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office."[13] On this recommendation relating to attorneys within the AOC, it seems appropriate to wait for the results of the classification and compensation study. That study will expressly study the attorney

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[10] See Judicial Council of Cal., *supra*, at page 11.

[11] SEC Recommendation 7-72(f) states:

> The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:
>
> (f) Development and use of paralegal classifications, as found elsewhere in legal services throughout both the public and private sectors, could lead to the reduction of attorney positions in the Legal Services Office.

[12] See Judicial Council of Cal., *supra*, at pages 11–12.

[13] *Id.* at page 3.

classifications and should provide useful information to assist in any efforts to redefine or change the relationship among the various groups and types of attorneys working for the AOC.

Policy and Cost Implications

LSO's mission continues to be to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The restructuring of LSO will result in efficiencies and savings from, for example, the conversion of the position of assistant chief counsel into a senior managing attorney position and will continue to require a commitment of effort (for example, for staff and courts to conduct and complete user surveys).

Relevant Strategic Plan Goals and Operational Plan Objectives

Judicial Council strategic Goal VI.C.1 ("Provide a high-quality administrative legal infrastructure to provide consistent, comprehensive legal support and counsel to the courts").

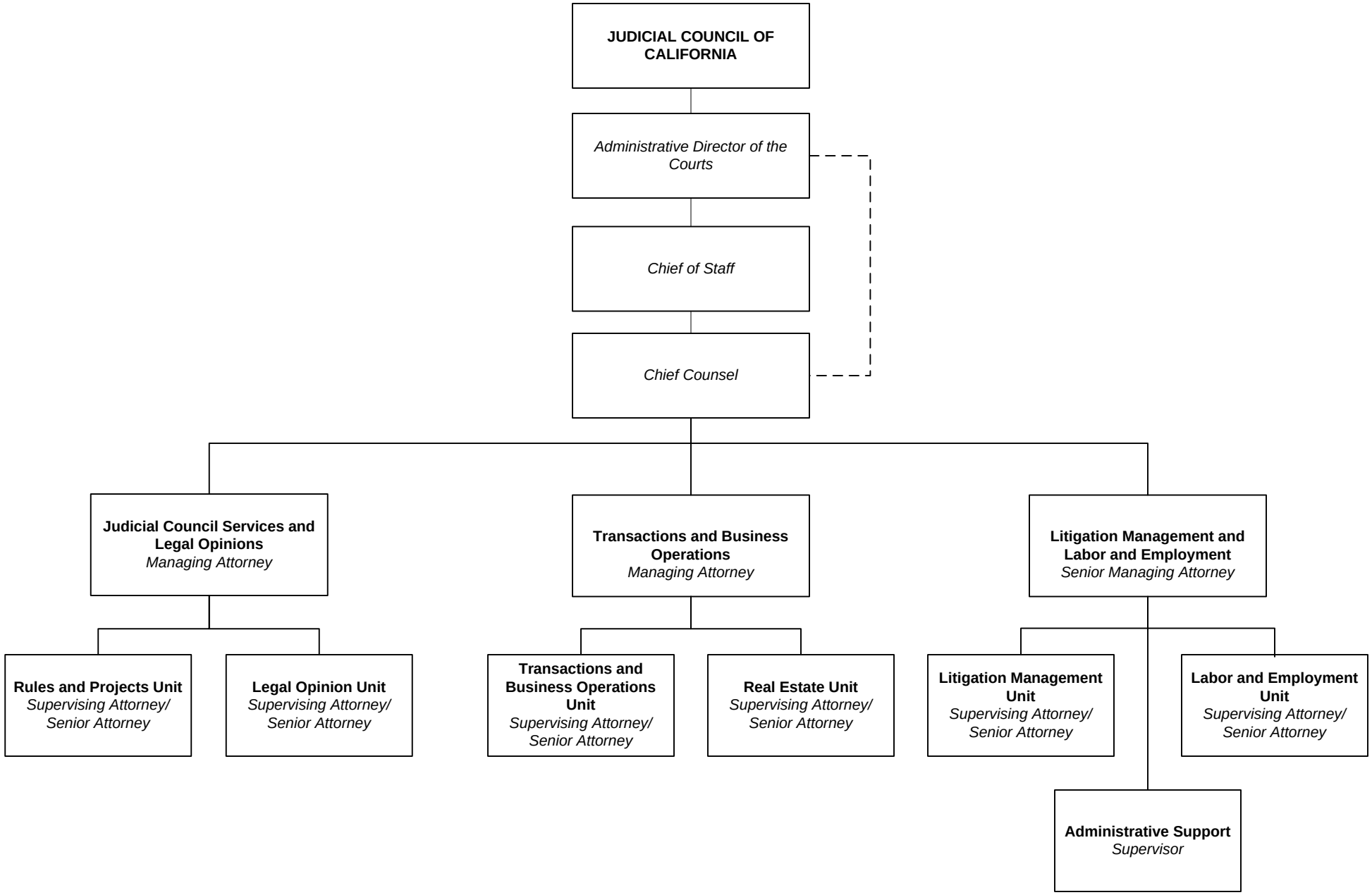
Attachments

1. Attachment A: LSO organization chart
2. Attachment B: Role of Chief Counsel of the Administrative Office of the Courts
3. Attachment C: Administrative Office of the Courts, Legal Services Office, Customer Service Survey

ADMINISTRATIVE OFFICE
OF THE COURTS

LEGAL SERVICES OFFICE

Attachment A
Legal Services Office



Attachment B
Role of Chief Counsel of the Administrative Office of the Courts

The Chief Counsel of the Administrative Office of the Courts (AOC) is chief legal advisor to the Judicial Council of California and to the AOC and director of the AOC Legal Services Office, which provides comprehensive legal services to the AOC and to the appellate and trial courts. The Legal Services Office has two major areas of service: **legal advisor and counsel to the Judicial Council** and **legal advisor and legal services provider to the appellate and trial courts**.

I. Legal Advisor and Counsel to the Judicial Council

The role of legal advisor and counsel to the Judicial Council encompasses the legal services provided in support of the Chief Justice as Chair of the Judicial Council, the Judicial Council and its committees and task forces, and the AOC as staff agency to the Judicial Council.

In this capacity, the Chief Counsel is responsible for the following:

- Judicial Council Legal Support
  - Provide legal advice and briefings to the Chief Justice, the Judicial Council, and internal council committees on matters of importance to Judicial Council business.
  - Provide legal support and staffing of Judicial Council internal committees and council advisory committees.
  - Provide legal review of rules, forms, standards of judicial administration, and jury instructions for Judicial Council consideration.
  - Provide legal review of legislation and regulations for legal and programmatic impact in collaboration with the AOC Office of Governmental Affairs.
  - Provide legal support to the Chief Justice in evaluating and making recommendations on petitions for coordination of complex civil cases.
  - Facilitate filing of local court rules with the council and authorization by the Chief Justice of alternative effective dates of local rules.
  - Interact with other branches of government and external entities (e.g., Attorney General's Office, Commission on Judicial Performance, State Bar of California State Bar, Secretary of State, California Fair Political Practices Commission, etc.) on wide range of judicial administration legal issues.
  - Participate in meetings and conferences as the legal representative of the Judicial Council, AOC, and the judicial branch, as appropriate.
- AOC and Administrative Director of the Courts Legal Support
  - Provide legal advice and briefings to the Administrative Director, Division Chiefs, and Office Directors on legal issues affecting AOC programs and

operations and on legal issues affecting planning, development, and review of AOC programs and policies.
    - Identify legal and risk management issues and collaborate on developing and implementing strategies for addressing issues.
    - Collaborate with other AOC offices on legislative, fiscal, facilities, technology, and other matters affecting the judicial branch to develop strategies for implementing new requirements and responding to emerging issues.
- Chief Counsel Administrative Activities
    - Manage the AOC Legal Services Office, including planning and directing work, providing legal policy direction, providing for internal staff development and training and succession planning, and participating in recruitment and selection of staff.
        - Provides general direction on the office's priorities, policies, and operations.
        - Manages the Legal Services Office budget and resources; develops and implements strategies to meet increasing workload demands with limited resources.
        - Establishes and implements performance and development plans for direct reports.

II. Legal Advisor and Provider of Legal Services to the Appellate and Trial Courts and the AOC

In this capacity, the Chief Counsel provides direction and oversees the following programs and activities that provide legal services to the appellate and trial courts and to the AOC:

- Labor and Employment:
    - Responds to labor and employment issues in collaboration with the AOC Human Resources Services Office (HRSO), as appropriate.
    - Provides legal advice and guidance to minimize risk of labor disputes and employment litigation.
    - Provides legal advice in addressing sensitive personnel issues.
    - Assists HRSO in managing legal aspects of investigations of internal complaint of discrimination, harassment, retaliation, and other similar complaints, and advises about complaint resolution.
    - Drafts personnel policies to ensure compliance with applicable law and to avoid litigation.
    - Upon request, advises trial courts regarding labor relations matters (MOUs, labor relation rules, progressive discipline, personnel actions, etc.).
    - Provides ongoing support to HRSO in addressing labor relation issues for trial courts.

        - Upon request, provides legal advice and representation for trial courts in labor arbitrations and complaints before the Public Employment Relations Board.

- Litigation Management:
    - Under the direction of the Administrative Director of the Courts and consistent with rules of court, manages and administers the Judicial Council's Litigation Management Program.
    - Staffs the council's Litigation Management Committee, which oversees claims and litigation against judicial branch entities in which the likely exposure is $100,000 or more or that raise issues of significance to the judicial branch.
    - Handles claims against judicial branch entities, making recommendations to the council's Litigation Management Committee for settlements at or above $100,000.
    - Manages litigation against judicial branch entities, including selecting and directing outside counsel retained to represent judicial branch entities and making recommendations to the council's Litigation Management Committee for settlements at or above $100,000.
    - Provides annual litigation reports to the Litigation Management Committee, the Judicial Council, the appellate and trial courts, and the AOC.
    - Manages affirmative litigation on behalf of the courts and AOC.
    - Provides for representation of courts and AOC at administrative law hearings and judicial proceedings.

- Legal Opinions:
    - Upon request, provides legal advice and opinions to court leaders on judicial administration issues.
    - Provides statewide legal advice and guidance to court leaders on issues of statewide importance.
    - Upon request, provides legal advice and opinions to AOC leadership on wide range of issues affecting the judicial branch and judicial branch entities.

- Real Estate and Transactions and Business Operations:
    - Provides legal services and support for court facilities-related transactions, including acquisition, construction, renovation, operation, and maintenance of court facilities.
    - Provides legal services and support for solicitation, contracting, and procurement of goods and services, including technology transactions.

- Provides legal advice on issues related to procurement, risk management, business administration, and operational initiatives.
- Provides legal advice for compliance audits under federal and state law.
- Provides legal advice on leases, contracts, and other documents requiring approval of the Administrative Director of the Courts.
- Oversees the selection, management, and evaluation of external legal resources/outside counsel retained to augment transactional services by the Legal Services Office.

Attachment C

Administrative Office of the Courts
Legal Services Office
Customer Service Survey

The mission of the Legal Services Office is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the Administrative Office of the Courts (AOC).

To assist us in this mission, the Legal Services Office is forwarding this survey to administrative presiding justices, presiding judges, appellate court clerk/administrators, and court executive officers. Your responses will help us serve you and others better. Please feel free to ask others in the court who work with the Legal Services Office to complete this survey as well. We appreciate your time in providing this valuable feedback.

Please return the completed survey by **Month Date, 2014,** to:

Legal Services Office
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, California 94102

Person completing survey:

Name: _____

Court: _____

Please identify your position with the court:

- ☐ Administrative Presiding Justice or Presiding Judge
- ☐ Appellate Court Clerk/Administrator or Court Executive Officer
- ☐ Other position (*please state your title*): _____

The following questions relate to the services provided by the six units within the Legal Services Office. Please provide answers for those units whose services you have used in 2013 or 2014.

DRAFT

Labor and Employment Unit

Attorneys in the Labor and Employment Unit provide legal advice on labor and employment law issues, manage employment-related claims and litigation involving courts and the AOC through the Litigation Management Program, manage arbitrations and Public Employment Relations Board charges and complaints under collective bargaining agreements, and provide training on rights and obligations arising under labor and employment laws.

If you had experience with the services of the Labor and Employment Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

_____
_____
_____
_____

Please provide any additional comments you have about the Labor and Employment Unit:

_____
_____
_____
_____

Legal Opinion Unit

Attorneys in the Legal Opinion Unit provide legal advice to the courts, the Judicial Council, and the AOC on court administration issues and assist on special projects and the drafting of proposed legislation and rules of court.

If you had experience with the services of the Legal Opinion Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

DRAFT

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

_____
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Please provide any additional comments you have about the Legal Opinion Unit:

_____
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Litigation Management Unit

Attorneys in the Litigation Management Unit manage the program for investigating and resolving claims and lawsuits involving the courts, the Judicial Council, and the AOC. They select and direct outside counsel in providing legal assistance to courts, judicial officers, and employees named as defendants or respondents.

If you had experience with the services of the Litigation Management Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

DRAFT

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

_____
_____
_____
_____

Please provide any additional comments you have about the Litigation Management Unit:

_____
_____
_____
_____

Real Estate Unit

Attorneys in the Real Estate Unit provide legal services related to the acquisition, construction, renovation, operation, and maintenance of court facilities throughout the State.

If you had experience with the legal services of the Real Estate Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

DRAFT

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

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_____
_____
_____

Please provide any additional comments you have about the Real Estate Unit:

_____
_____
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_____

Rules and Projects Unit

Attorneys in the Rules and Projects Unit staff Judicial Council advisory committees and draft proposed legislation, rules of court, and forms for the committees and the council.

If you had experience with the services of the Rules and Project Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

DRAFT

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

_____
_____
_____
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Please provide any additional comments you have about the Rules and Project Unit:

_____
_____
_____
_____

Transactions and Business Operations Unit

Attorneys in the Transactions and Business Operations Unit assist the appellate courts, the trial courts, and the AOC with contract and procurement matters by drafting contracts and solicitation documents, negotiating the terms of transactions, and providing legal services and counsel on transactional matters, the Judicial Branch Contract Law, and resolution of nonlitigated contract disputes.

If you had experience with the services of the Transactions and Business Operations Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

_____
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DRAFT

Please provide any additional comments you have about the Transactions and Business Operations Unit:

_____
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General Questions

Please provide any additional suggestions you may have that would improve the provision of services by the Legal Services Office:

_____
_____
_____
_____

Are there other or different services you would like the Legal Services Office to provide?

_____
_____
_____
_____

Please provide any additional comments you have about the Legal Services Office:

_____
_____
_____
_____

Information about the Legal Services Office can be found on Serranus at *http://serranus.courtinfo.ca.gov/programs/ogc/*

DRAFT

Information on Judicial Council Directives

Council Directive **108**

E&P recommends that the Judicial Council support SEC Recommendation 7-72(b) and direct the Administrative Director of the Courts to direct implementation of fundamental management practices to address underperformance of staff members and provide better supervision and allocation of work.

SEC Recommendation **7-72**

The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(b) Despite the large number of management positions, management systems and processes are particularly lacking in the Legal Services Office. Implementing fundamental management practices to address the underperformance of staff members and provide better supervision and allocation of work should produce efficiencies that can result in reductions.

Reported By:	Legal Services
Contact:	Deborah Brown, Chief Counsel

TASK

[ ] **PENDING**

[x] **COMPLETED: Legal Services developed a matter tracking system as an efficient and effective way to track legal services office-wide and to support allocation of incoming work and supervision of open matters.**

Legal Services is improving upon past management practices and implementing new management practices for supervising staff and allocating work in light of this directive and the fact that the Legal Services staffing levels have been reduced over the past year from a total of 69 employees (including 50 attorneys) to a total of 50 employees (including 33 attorneys) through transfers, retirements, resignations, and the Voluntary Separation Initiative Program.

To address resource constraints office-wide and ensure appropriate supervision and allocation of work, Legal Services developed a matter tracking system, which was implemented on February 1, for a 90- day trial and evaluation period and then was fully implemented in April of 2013. The matter tracking system tracks matters from assignment to completion date, assigns a level of complexity for each matter, and provides a uniform tickler system for review of open matters. As part of the system, attorneys log all legal services matters (e.g., requests for legal advice and contracts) and Legal Services management receives weekly updates about open and closed matters and may review the assignment log at any time.

The matter tracking system has proven to be both an efficient and effective way to track legal services office-wide and to support appropriate allocation of incoming work and supervision of open matters.

With respect to the direction that fundamental management practices be implemented to address underperformance of staff members and provide better supervision and allocation of work, Legal Services supervisors and managers participated in the six-part management training program for council management and supervisors that was launched in January 2013. The six courses are intended to provide a framework for all council management teams to ensure consistent management practices across the organization on topics such as dealing with conflict and performance issues, providing tools to support staff, and performance management and evaluation.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

- [x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
- [ ] IMPLEMENTED AND ONGOING
- [ ] IMPLEMENTED BUT IN PROGRESS
- [ ] UNABLE TO IMPLEMENT
- [ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

It is important to note that Legal Services does not consider the activities above to be one-time solutions as Legal Services will continue to monitor its management practices.

OTHER INFORMATION

Attachments:

- Matter Tracking Log sample

Matter # (e.g. 2-24): [redacted]

Assigned to: [redacted]

Open date: [redacted]

Close date: [redacted]

Requestor:

■ Supreme Court ☐ 1DCA (SF) ☐ 2DCA (LA) ☐ 3 DCA (Sac) ☐ 4 DCA (SD) ☐ 5 DCA (Fresno) ☐ 6 DCA (SJ)

Superior Court of California, County of:

☐ Alameda	☐ Glenn	☐ Marin	☐ Placer	☐ San Mateo	☐ Sutter	☐ Judicial Council
☐ Alpine	☐ Humboldt	☐ Mariposa	☐ Plumas	☐ Santa Barbara	☐ Tehama	
☐ Amador	☐ Imperial	☐ Mendocino	☐ Riverside	☐ Santa Clara	☐ Trinity	
☐ Butte	☐ Inyo	☐ Merced	☐ Sacramento	☐ Santa Cruz	☐ Tulare	
☐ Calaveras	☐ Kern	☐ Modoc	☐ San Benito	☐ Shasta	☐ Tuolumne	
☐ Colusa	☐ Kings	☐ Mono	☐ San Bernardino	☐ Sierra	☐ Ventura	
☐ Contra Costa	☐ Lake	☐ Monterey	☐ San Diego	☐ Siskiyou	☐ Yolo	
☐ Del Norte	☐ Lassen	☐ Napa	☐ San Francisco	☐ Solano	☐ Yuba	
☐ El Dorado	☐ Los Angeles	☐ Nevada	☐ San Joaquin	☐ Sonoma		
☐ Fresno	☐ Madera	☐ Orange	☐ San Luis Obispo	☐ Stanislaus		

AUC: ☐ 1AA1 ☐ 2JC1 ☐ 2JC2 ☐ 2DR3 ☐ 3DA4 ☐ 3MS1 ☐ 3SJ2 ☐ 4DR1 ☐ 4IR ☐ 5TR1 ☐ 6CR1
☐ 6JU1 ☐ 6MS1 ☐ 6S ☐ 6SA ☐ 6MS/P ☐ 6WD/IN ☐ 6V ☐ 6PU ☐ 6CML ☐ 7CU1

☐ Other Public Entity: [redacted]

Person making request (name): [redacted]

■ AFJ ☐ ACA ☐ Attorney
☐ Appellate PJ ☐ CEO ☐ Public
☐ Judicial Officer ☐ Other court staff ☐ Other: [redacted]

Request (brief description):

[redacted]

Response and/or product (brief description): Type of above: [redacted] ☐ Reference #(s) (ID) (if any)

[redacted]

Level of effort:

☐ 6JU1 a
Minimum effort; quickly addressed, minor response sufficient, no follow-up expected, up to 1 hr

☐ 6JU1 b
Medium effort; initial response and some research/follow-up, 1-4 hrs

☐ 6JU1 c
Substantial effort; major research/follow-up; complex, 5-40 hrs

☐ 6JU1 d
Time intensive or long-term project; 40+ hrs

Any other AOC, excluding CEO, staff involved:

[redacted]

Any other notes:

[redacted]

[redacted] [redacted] [redacted]

Information on Judicial Council Directives

Council Directive **109**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(c) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation **7-72**

The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(c) A large number of Legal Services Office positions are dedicated to supporting the Judicial Council and its various committees and task forces. Assigning responsibility for coordinating the AOC's Judicial Council support activities to the Executive Office under the direction of the Chief of Staff will lead to efficiencies that should result in reductions of Legal Services Office positions dedicated to these activities.

Reported By:	Executive Office
Contact:	Jody Patel

TASK

	PENDING
x	**COMPLETED: The Judicial Council Support Services Unit is now led by the Chief of Staff and is solely focused on the support of all activities of the Judicial Council. Although there is an inference that by moving this office under the Executive Office and the Chief of Staff there would be efficiencies that could result in reductions of positions, this has not been found to be true. In fact, staffing in Judicial Council Support Services has increased from 5 positions in 2012 to 7 positions in 2015 to support the Chief Justice and her renewed focus on ensuring that the Judicial Council is involved and active.**

Effective October 1, 2012, staff responsible for Judicial Council support (former Secretariats Office) were moved from the Legal Services Office into a new unit (Judicial Council Support Services) under the Leadership Services Division in accordance with the proposed organizational structure approved by the Judicial Council on August 31, 2012.

The Judicial Council Support Services Unit is now led by the Chief of Staff and is solely focused on the support of all activities of the Judicial Council. Although there is an inference that by moving this office under the Executive Office and the Chief of Staff there would be efficiencies that could result in reductions of positions, this has not been found to be true. In fact, staffing in Judicial Council Support Services has increased from 5 positions in 2012 to 7 positions in 2015 to support the Chief Justice and her renewed focus on ensuring that the Judicial Council is involved and active. This has resulted in a greater number of council meetings, increased Executive and Planning Committee meetings, and new initiatives focused on administrative director delegations and advisory committees, all resulting in a need for increased staff support.

It should be noted that this directive includes reference to AOC resources devoted to committees and task forces which is also referenced in Directive 114. As Directive 114 indicates, a determination as to the appropriate level of resources necessary for supporting council committees and task forces will be impacted by decisions made by the council as it relates to committee structure and annual agendas and the AOC classification and compensation study.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

- [x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
- [ ] IMPLEMENTED AND ONGOING
- [ ] IMPLEMENTED BUT IN PROGRESS
- [ ] UNABLE TO IMPLEMENT
- [ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **110**

E&P recommends that the Judicial Council support SEC Recommendation 7-72(d) and direct the Administrative Director of the Courts to report to the council on measures to streamline and improve the AOC's contracting processes and reduce contract-related work performed by this office.

SEC Recommendation **7-72**

The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(d) Implementation of the recommendations designed to streamline and improve the AOC's contracting processes should reduce contract-related work performed by the Legal Services Office.

Reported By:	Legal Services
Contact:	Deborah Brown, Chief Counsel

TASK

[ ] PENDING

[x] COMPLETED: **Although Legal Services Transactions and Business Operations Unit staffing has been reduced, staff continue to review Public Contract Code changes needed for compliance with the Judicial Branch Contracting Manual, and to create documents and templates to improve and streamline the contracting process.**

Legal Service's transactional attorneys have created a number of documents and templates for the Judicial Council and the other Judicial Branch entities that need to comply with the Judicial Branch Contracting Manual. Legal Services continues to review legislative changes that may impact Part 2.5 of the Public Contract Code (i.e., the Judicial Branch Contracting Law) and to also review changes to the State Contracting Manual to determine whether the Judicial Branch Contracting Manual needs to be modified. The reviews, documents and templates will improve and streamline the contracting process.

In addition, the Legal Services staff has been reduced to 42 regular employees and 2 temporary employees. Current Legal Services staff consists of 33 attorneys, exclusive of the Chief Counsel. The Transactions and Business Operations Unit has been reduced from 8 attorneys to 5 attorneys.

Additional organizational and staffing changes in Legal Services were reported as part of Directive 107.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive 111

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72 (e) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation 7-72

The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(e) The Legal Services Office has promoted and contributed to the "lawyerizing" of numerous activities and functions in the AOC. There are opportunities for work currently performed by attorneys in the Rules and Projects, Transactions and Business Operations, Real Estate, and Labor and Employment units to be performed by non-attorneys, resulting in efficiencies and possible staff reductions.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager

TASK

- [x] **PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**
- [ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

- [ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
- [ ] **IMPLEMENTED AND ONGOING**
- [ ] **IMPLEMENTED BUT IN PROGRESS**
- [ ] **UNABLE TO IMPLEMENT**
- [x] **PENDING IMPLEMENTATION**

- On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.
- In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.
- In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.
- In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires

(PDQ), which were due in February 2014.

- In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.
- In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.
- In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one‐on‐one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.
- In July 2014, the Executive Office held all‐staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.
- In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.
- In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.
- In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.
- All‐staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the reconsideration process.

In March 2015, staff received their new classifications. Approximately 244 requests for reconsiderations were submitted in April 2015. Following this effort, the Executive Office will review reconsideration requests with support from Human Resources, Legal Services, and Fox Lawson and Associates, as appropriate. After all requests are reviewed, final decisions made by the Administrative Director will be communicated to office leadership to be shared with individual employees.

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **112**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(f) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation **7-72**

The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(f) Development and use of paralegal classifications, as found elsewhere in legal services throughout both the public and private sectors, could lead to the reduction of attorney positions in the Legal Services Office.

Reported By:	Legal Services
Contact:	Deborah Brown, Chief Counsel

TASK

[ ] **PENDING**

[x] **COMPLETED: Legal Services determined that the use of a paralegal classification is not needed currently and therefore, does not employ paralegals.**

At the February 2013 Judicial Council meeting, Judicial Council liaisons to Legal Services, Justice Douglas Miller and Ms. Edith Matthai, were asked to take the lead on reviewing the cost-effectiveness of Legal Services current use of outside counsel in response to Judicial Council directive 122. While addressing this request, the liaisons concluded that additional Legal Services-related restructuring directives were appropriate for inclusion in the liaisons' review and would enable a more comprehensive evaluation.

In addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons' review was expanded to include defining the role of the Chief Counsel; evaluating the need for use of a paralegal classification; analyzing the use of LSO attorney staff in AOC field offices; and analyzing the current LSO organizational structure, LSO services, and attorney services provided by the AOC outside of LSO.

In June 2013, the Legal Services Judicial Council liaisons Justice Douglas Miller and Edith Matthai indicated that paralegals in private law firms are typically used primarily for high-level administrative work and very minor legal-related work. Given that Legal Services already employs administrative staff to support Legal Services attorneys with administrative tasks, the liaisons indicate that to pursue the creation of a paralegal classification does not appear appropriate at this time. Consistent with the LSO liaisons' recommendation, LSO does not employ paralegals.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x]	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	[ ]	UNABLE TO IMPLEMENT
[ ]	IMPLEMENTED AND ONGOING	[ ]	PENDING IMPLEMENTATION
[ ]	IMPLEMENTED BUT IN PROGRESS		

ASSESSMENT OF IMPLEMENTATION

As Legal Services continues to evaluate its staffing on an ongoing basis it will consider the needs of the office in determining whether a paralegal position is warranted.

OTHER INFORMATION

Attachments:

- Report to the Judicial Council for meeting of April 25, 2014: AOC Restructuring: Efficiencies and Restructuring at the Legal Services Office, April 8, 2014

Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 25, 2014

Title
AOC Restructuring: Efficiencies and Restructuring at the Legal Services Office

Submitted by
Steven Jahr
Administrative Director of the Courts
Administrative Office of the Courts
Jody Patel, Chief of Staff

Agenda Item Type
Information Only

Date of Report
April 8, 2014

Contact
Jody Patel, 916-263-1333
jody.patel@jud.ca.gov

Executive Summary

The Legal Services Office (LSO) is an office of the Administrative Office of the Courts (AOC) under the Judicial Council and Court Leadership Services Division. The mission of LSO is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The Judicial Council has charged the office with providing "consistent, comprehensive legal support and counsel to the courts." (Judicial Council of Cal./Admin. Off. of Cts., *Justice in Focus: The Strategic Plan for California's Judicial Branch 2006–2012* (2006), p. 49.) In response to Judicial Council restructuring directives and the recommendations of the Judicial Council liaisons to LSO, the office has been significantly restructured. This informational report summarizes the activities undertaken in response to the June 2013 recommendations of the Judicial Council liaisons.

Previous Council Action

- In March 2011, Chief Justice Tani G. Cantil-Sakauye created the Strategic Evaluation Committee (SEC) to conduct an in-depth review of the Administrative Office of the Courts, the staff agency to the Judicial Council, with a view toward promoting transparency, accountability, and efficiency.

- On August 31, 2012, based on the SEC report and its recommendations, the Judicial Council approved AOC realignment directives and directed the Administrative Director to report on them.

- At the February 2013 council meeting, the council liaisons to LSO were asked to take the lead on reviewing the cost-effectiveness of LSO's current use of outside counsel in response to Judicial Council directive 122. While addressing this request, the liaisons concluded that additional LSO-related restructuring directives were appropriate for inclusion in the liaisons' review and would enable a more comprehensive evaluation.[1]

- In addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons' review was expanded to include defining the role of the Chief Counsel; evaluating the need for use of a paralegal classification; analyzing the use of LSO attorney staff in AOC field offices; and analyzing the current LSO organizational structure, LSO services, and attorney services provided by the AOC outside of LSO.

- In June 2013, the LSO liaisons recommended that the Judicial Council endorse the following recommendations to the Administrative Director:[2]

    1. LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.

    2. LSO should implement a formal structure to solicit client feedback on a regular basis.

    3. The role of the Chief Counsel and the expectations for that role and areas of responsibility should be clearly defined to reflect the new organizational structure.

    4. The use of outside counsel is appropriate for specialized areas of law and litigation. The protocols for LSO's use of outside counsel should be strengthened to ensure that outside counsel is used in the most cost-effective manner.

    5. The AOC should continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability.

[1] See Judicial Council of Cal., *AOC Restructuring: Judicial Council Liaisons' Review of the Legal Services Office and Recommendations* (June 28, 2013), p. 3.

[2] *Id.* at pp. 2–3.

6. All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office.

7. Given the recent retirement announcement by the current Chief Counsel, the successor Chief Counsel should be afforded the opportunity to implement the restructuring and the formation of the management team under the supervision of the Chief of Staff.

- At the June 2013 Judicial Council meeting, the council endorsed the liaisons' recommendations and agreed with the liaisons that modifications might be needed once these recommendations are implemented. It further directed the Administrative Director of the Courts to report back on implementation of the liaisons' recommendations by the end of March 2014.[3]

Methodology and Process

Restructuring within LSO has occurred as a result of the implementation of the liaisons' recommendations. As indicated below, six of the seven recommendations have been implemented, with one variance: (1) the LSO management structure has been modified; (2) the responsibilities of the Chief Counsel have been reviewed and clearly defined; (3) a process for periodically surveying court users of legal services is being put into place; (4) protocols have been developed for retention of outside counsel; (5) policies have been implemented to ensure appropriate oversight in the field offices for day-to-day accountability of LSO attorneys and staff in field offices; and (6) paralegals have not and are not currently employed by the LSO. Finally, although LSO works closely with other AOC offices with attorneys, the liaisons' recommendation that AOC attorneys outside of LSO who provide legal advice or legal related services that require a law degree should have a dual reporting relationship to LSO and their current office has not been implemented. As discussed below, for this recommendation, it seems appropriate to wait for the results of the pending classification and compensation study, which will expressly review the attorney classification.

Background on the Legal Services Office

The Legal Services Office provides a variety of services that historically, before state trial court funding, were provided by the counties and reflect the varying and expanded needs of judicial branch entities in today's environment.

Before trial court funding, the Legal Services Office comprised a small group of attorney staff primarily responsible for drafting council rules of court and forms and legislation, providing legal opinions to the council and the Administrative Director, and staffing council advisory

[3] As reported to the Judicial Council in February 2014, because no Judicial Council meeting was held in March 2014, this report is being provided at the April 25, 2014, business meeting of the council.

committees and other similar bodies.[4] Following trial court funding, the role of LSO expanded to provide to the superior courts legal services that previously had been provided by county counsels' offices. LSO began providing trial courts with legal opinions on judicial administration issues. The council also approved the creation of a Litigation Management Program in 1999, adopting rules of court assigning the responsibility to LSO for the management of all claims and litigation against the courts.

After the enactment of the Trial Court Employment Protection and Governance Act of 2000, LSO began providing labor and employment legal services. LSO's areas of responsibility continued to expand—for example, with the establishment of a unit to provide transactional and business-related advice and services. After passage of the Trial Court Facilities Act of 2002, the Real Estate Unit was established to provide the facilities-related legal work resulting from this legislation. Finally, LSO attorney positions were established in the field offices to better facilitate the provision of legal services to the superior courts.

The growth of LSO and the expansion of the services it provides have significantly changed in the past few years. Based on the council directives and other developments, LSO has ceased to grow and has been notably reduced in size. This and other changes are described in detail below.

Implementing the directives

In implementing the Judicial Council directives to LSO and the council liaisons' recommendations, the Administrative Director of the Courts and the Chief of Staff worked closely with the Chief Counsel and her management team. They have also benefitted greatly from advice from the Judicial Council liaisons to LSO and other council members.

The liaison report specifically addresses implementation of the council liaisons' recommendations to the Administrative Director of the Courts, which were endorsed by the Judicial Council. The report presents each recommendation and summarizes the actions taken in response to the recommendations.

Legal Services Office restructuring

As part of their review, the liaisons considered Judicial Council restructuring directive 107 and recommended the following:

> LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.

[4] The office's name has changed over the years. In the 1990s, it was designated as Council and Legal Services. Subsequently, it became the Office of the General Counsel, and in 2012 the office was renamed the Legal Services Office.

(Judicial Council of Cal., *supra,* at p. 2.)

Judicial Council restructuring directive 107 states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(a) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.[5]

Since the release of the Strategic Evaluation Committee report in May 2012, the LSO workforce has been dramatically reduced from the 75 positions referenced in SEC recommendation 7-72(a) to a workforce of 44 positions as of the date of this report. LSO attorney staffing has been reduced from 50 attorneys to the current number of 32 attorneys, exclusive of the Chief Counsel. The LSO management team currently consists of 6 members, excluding the Chief Counsel, as compared to 9 noted in SEC recommendation 7-72(a).

The June 2013 Liaison Report states:

> Given the current staffing levels of the LSO workforce and the critical nature of the legal services provided by LSO, we believe that a 10-member LSO attorney management team is appropriate for this office. However, to ensure accountability and clear lines of authority for the varied legal services provided by LSO, it is recommended that the LSO should be restructured to create a new executive leadership team comprising the Chief Counsel and three managing attorneys who lead three distinct areas of service . . . Additionally, in accordance with council directive 107, we recommend that the position of Assistant Chief Counsel be reclassified as a managing attorney position. It is also recommended that one of the managing attorney positions be classified as a senior managing attorney to provide backup and support as second in command to the Chief Counsel. It appears appropriate that the managing attorney leading Judicial Council Services and Legal Opinions would be the best position for second in command.

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[5] SEC Recommendation 7-72(a) states:

> The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:
>
> (a) In addition to the General Counsel, there are nine management level attorney positions in the Legal Services Office, including the Assistant General Counsel, three Managing Attorneys, and five Supervising Attorneys. This is an excessive number of management positions, which should be reduced. The position of Assistant General Counsel could be eliminated. One managing attorney could be assigned to manage each of the two major functional components of the division, house counsel, and Judicial Council services, with each managing attorney reporting directly to the Chief Counsel.

> The new structure provides a three-to-one reporting structure under the Chief Counsel and shifts the responsibility for regular day-to-day management workload from the Chief Counsel to the managing attorneys. This shift of direct responsibility for LSO daily activities is an acknowledgement that the Chief Counsel should be involved in providing legal input and expertise to the most critical legal issues for the branch versus being immersed in routine LSO workload. This structure will require continuous communication between the Chief Counsel and the three managing attorneys to ensure that no silos develop in the office. Similar to partners in a law firm, the Chief Counsel and the managing attorneys should meet regularly to share information and make decisions on projects, priorities, and resources that further the goals of the office as a whole.

(Judicial Council of Cal., *supra,* at p. 2.)

Under the new Chief Counsel, with the support of the Administrative Director of the Courts and the Chief of Staff, LSO has taken measures that have substantially implemented the structure proposed by the liaisons. The LSO attorney management team, excluding the Chief Counsel, consists of six members as of March 2014. The position of Assistant Chief Counsel was eliminated after the attorney formerly holding that position retired in 2013. As recommended by the liaisons, instead of hiring a new Assistant Chief Counsel, a managing attorney was promoted in 2014 to the position of senior managing attorney to provide support and backup to the Chief Counsel. Because of retirements, no other managing attorneys are currently employed in LSO. However, to provide the level and structure of leadership necessary to manage the office in the manner recommended by the liaisons, recruitment is under way for two additional managing attorneys. After completion of this hiring process, LSO will have an executive management structure as envisioned by the liaisons, with a Chief Counsel and three managing attorneys, one of whom is designated as a senior managing attorney.

LSO provides legal services in two primary areas: (1) services provided to the council, to the Chief Justice as chair of the council, and to the Administrative Director of the Courts and the AOC as the administrative arm of the council; and (2) services provided to the appellate and trial courts. LSO is currently structured to provide legal services in these areas by organizing its attorneys into six units:

- Rules and Projects Unit
- Legal Opinion Unit
- Transactions and Business Operations Unit
- Real Estate Unit
- Litigation Management Unit
- Labor and Employment Unit

In terms of LSO's management structure, the liaison report recommends that LSO be restructured into three areas of services: (1) Judicial Council Services and Legal Opinions (a

merger of the Rules and Projects and Legal Opinion Units); (2) Transactions and Business Operations (incorporating Real Estate into the Transactions and Business Operations Unit); and (3) Litigation Management and Labor and Employment (a merger of the two formerly separate units).

The liaison report further recommends that the new units continue to serve both client groups—the appellate and trial courts along with the Judicial Council, Chief Justice as chair of the council, Administrative Director of the Courts, and AOC—with the responsibility of supervising attorneys divided between the two client groups. LSO is in the process of restructuring its activities into the three organization units described above. Once the full complement of managing attorneys is in place, each will manage one of the combined units. After careful consideration, however, the Administrative Director and Chief of Staff support a variance from the liaison recommendations with respect to the supervisory-level responsibilities. Because the quantity of legal work performed for the courts differs from that for the Judicial Council/AOC clients and because of the need to provide clients with specialized skills and knowledge in the individual subject-matter areas, LSO will continue to be structured along subject-matter groups rather than client groups. The purpose of this structure is to provide better service to clients by providing them with immediate access to supervisors and attorneys with subject-matter expertise specific to the legal issues and inquiries presented.[6]

The liaison report further states:

> It is intended that the Chief Counsel and the three managing attorneys hold overall management responsibility, with the supervising/senior attorneys charged with carrying out senior management's directives for the specific subject matter and client assignments. The level of experience and precise classification for these supervising/senior attorneys should be determined as a part of the internal restructuring and reviewed as a part of the classification and compensation study.

The report's additional recommendations regarding the management structure will be implemented once the managing attorney positions are filled. As indicated in the report, the level of experience and precise classification for the supervising/senior attorney structure also partially depend on the classification and compensation study.

Role of Chief Counsel

The liaisons considered Judicial Council restructuring directive 115 and recommended that the role of the Chief Counsel and the expectations for that role, along with the areas of responsibility, should be clearly defined to reflect the new organizational structure.

[6] See Attachment A for an organization chart showing this management structure.

Judicial Council restructuring directive 115 states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts, as part of the review of the AOC organizational structure, to review current responsibilities and clearly define the role of the Chief Counsel.

As part of their report to the Judicial Council, the liaisons included an attachment clearly defining the responsibilities and role of the Chief Counsel of the Administrative Office of the Courts.[7]

The description has been adopted and specifies that the Chief Counsel is chief legal advisor to the Judicial Council and to the AOC and office chief of the AOC Legal Services Office, which provides comprehensive legal services to the appellate and trial courts. It adds that the Legal Services Office has two major areas of service: legal advisor and counsel to the Judicial Council and legal advisor and legal services provider to the appellate and trial courts. In these capacities, the Chief Counsel has responsibilities that are enumerated in detail.

Survey of users of LSO services

The liaisons considered Judicial Council restructuring directive 120 and recommended that, to ensure that the appropriate level of client service is provided, particularly in the area of legal opinions, a formal procedure be developed and implemented in LSO to solicit client feedback.

Judicial Council restructuring directive 120 states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts that court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.

In response to this recommendation, a draft survey has been developed to ask court users for their evaluations of and suggestions for improvements to legal services provided by each of the six LSO units.[8] Because of workload issues and staffing concerns, it is anticipated that the survey will be distributed to the courts in late 2014 as a pilot. If the survey proves useful and courts do not find it overly burdensome, LSO will continue to survey the courts on an annual or biennial basis.

Use of outside counsel

With respect to Judicial Council directive 122 regarding the use of outside counsel, the Judicial Council endorsed the liaisons' recommendation that (1) the use of outside counsel is appropriate for specialized areas of law and litigation; and (2) protocols for LSO's use of outside counsel

[7] See Judicial Council of Cal., *supra,* Attachment A (a copy of which is attached to this report as Attachment B).

[8] See Attachment C for a copy of the draft survey.

should be strengthened to ensure that outside counsel is used in the most cost-effective manner. That directive states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of the General Counsel's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost effective manner. Before initiating the independent review, the Administrative Director of the Courts must provide a proposal with options for conducting the review, including the associated costs.

The liaisons undertook the review of the use of outside counsel and reported back to the council as follows:

> Based on our experience in the legal field and after conferring with colleagues, we conclude that the use of outside counsel is appropriate and in some cases mandated, providing valuable legal resources for the varying needs of LSO relating to specific subject areas or broad-based branch initiatives (i.e., courthouse transfers). Outside legal counsel provides LSO with sufficient flexibility to meet the changing needs of the branch in an efficient and cost-effective manner.

(Judicial Council of Cal., *supra,* at p. 10.)

The liaison report also concluded, once it was confirmed that there was a legitimate need to use outside counsel, that a full study of past expenses would be extraordinarily time-consuming and would provide little benefit. Because the goal was to be certain that future expenditures are warranted, the liaisons recommended placing the responsibility for the retention and monitoring of outside counsel with the managing attorney in each area of practice. The liaisons added that (1) there should be written justification for the retention, and the managing attorney should be responsible for ensuring that the hourly rates and time spent are reasonable; (2) at the close of representation a short client feedback report should be obtained, and the managing attorney should evaluate the service provided from LSO's perspective; and (3) an annual report on the use of outside counsel should be provided to the Judicial Council.

Thus, the liaisons recommended that LSO develop:

- A structure in which each managing attorney is responsible for the approval of and justification for using outside counsel based on the area of expertise needed or resource requirements.
- A means for conducting an examination of the cost-effectiveness of using outside counsel versus potentially hiring attorney resources based on specific projects and the duration of legal assistance needed.
- A checklist that must be completed before initiating a contract with outside counsel to confirm that no internal LSO resources are available for the subject-matter area.

- A means of following up with the courts that receive services to gather their input on the services provided by outside counsel through an e-mail questionnaire or survey. This information would be used in tandem with input from the LSO attorneys assigned to the respective cases to identify if the outside counsel should be used for future cases.
- A means of regularly (every 12 months) surveying the market to ensure that what is being charged is appropriate and the rates are appropriate.

The liaisons also recommended that the Administrative Director provide to the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch an annual report on the use and cost of outside counsel for the committee's consideration and reporting to the council.

In response to these recommendations, the LSO protocol for the retention of outside counsel has been amended to require managing-attorney approval of the hiring of any outside counsel. Under that protocol, the managing attorney (1) reviews the recommendation to hire outside counsel and the expertise of the counsel suggested, and (2) confirms that no internal resource is available for the particular subject matter. The review and approval by the managing attorney are recorded in each file. In addition, on an annual basis, LSO will review the annual attorney fee surveys prepared by various organizations to ensure that the fees charged by outside counsel are appropriate and reasonable. LSO also will send to each court a survey after the conclusion of any significant litigation, arbitration, or proceedings before the Public Employment Relations Board, asking for the court's assessment of the specific legal representation provided by LSO and outside counsel.[9] The survey results will be used in an annual review of the use of outside counsel to ensure the delivery of quality and timely legal services. The LSO also will provide reports on the use and cost of outside counsel to the Advisory Committee on Financial Accountability and Efficiency at the request of the committee.

LSO attorneys located in field offices

In response to Judicial Council directive 117, the liaisons recommended that the AOC continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability. That Judicial Council directive states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to adopt an operations model whereby attorneys generally are housed at one location with flexibility to adjust as necessary to meet court needs regionally, including regional demand for additional attorney support and smaller courts that have fewer staff for research and other legal services. The location where attorneys report to work should ensure proper supervision.

The liaison report states that, after reviewing the activities of LSO attorney staff located in the Sacramento and Burbank field offices, the liaisons believe that it is appropriate to have staff in

[9] These surveys will be prepared for the individual case and tailored to the type and nature of the representation.

these locations. The liaisons commented that such an arrangement is consistent with the staffing of many government agencies and private law firms.

LSO has followed the recommendation of the liaisons and continues to house attorneys in field offices. Doing so allows more direct communication between LSO attorneys and the courts in their regions.[10] In addition, as recommended by the liaisons, to ensure oversight in the field offices for day-to-day accountability for off-site staff, LSO management requires staff in the field offices to report any absences both to their supervisors and to a designated local staff member, who would enter the appropriate information into the LSO calendar system.

Use of paralegal classifications

The LSO liaisons reviewed Judicial Council restructuring directive 112 and stated that they did not identify a specific need for a paralegal classification. That directive states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(f) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.[11]

In their report, the liaisons state that paralegals in private law firms are typically used primarily for high-level administrative work and very minor legal-related work. Given that LSO already employs administrative staff to support LSO attorneys with administrative tasks, the liaisons indicate that to pursue the creation of a paralegal classification does not appear appropriate at this time.[12] Consistent with the LSO liaisons' recommendation, LSO does not employ paralegals.

Dual reporting

The liaison report discusses one other recommendation for LSO. That recommendation states: "All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office."[13] On this recommendation relating to attorneys within the AOC, it seems appropriate to wait for the results of the classification and compensation study. That study will expressly study the attorney

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[10] See Judicial Council of Cal., *supra*, at page 11.

[11] SEC Recommendation 7-72(f) states:

> The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:
>
> (f) Development and use of paralegal classifications, as found elsewhere in legal services throughout both the public and private sectors, could lead to the reduction of attorney positions in the Legal Services Office.

[12] See Judicial Council of Cal., *supra*, at pages 11–12.

[13] *Id.* at page 3.

classifications and should provide useful information to assist in any efforts to redefine or change the relationship among the various groups and types of attorneys working for the AOC.

Policy and Cost Implications

LSO's mission continues to be to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The restructuring of LSO will result in efficiencies and savings from, for example, the conversion of the position of assistant chief counsel into a senior managing attorney position and will continue to require a commitment of effort (for example, for staff and courts to conduct and complete user surveys).

Relevant Strategic Plan Goals and Operational Plan Objectives

Judicial Council strategic Goal VI.C.1 ("Provide a high-quality administrative legal infrastructure to provide consistent, comprehensive legal support and counsel to the courts").

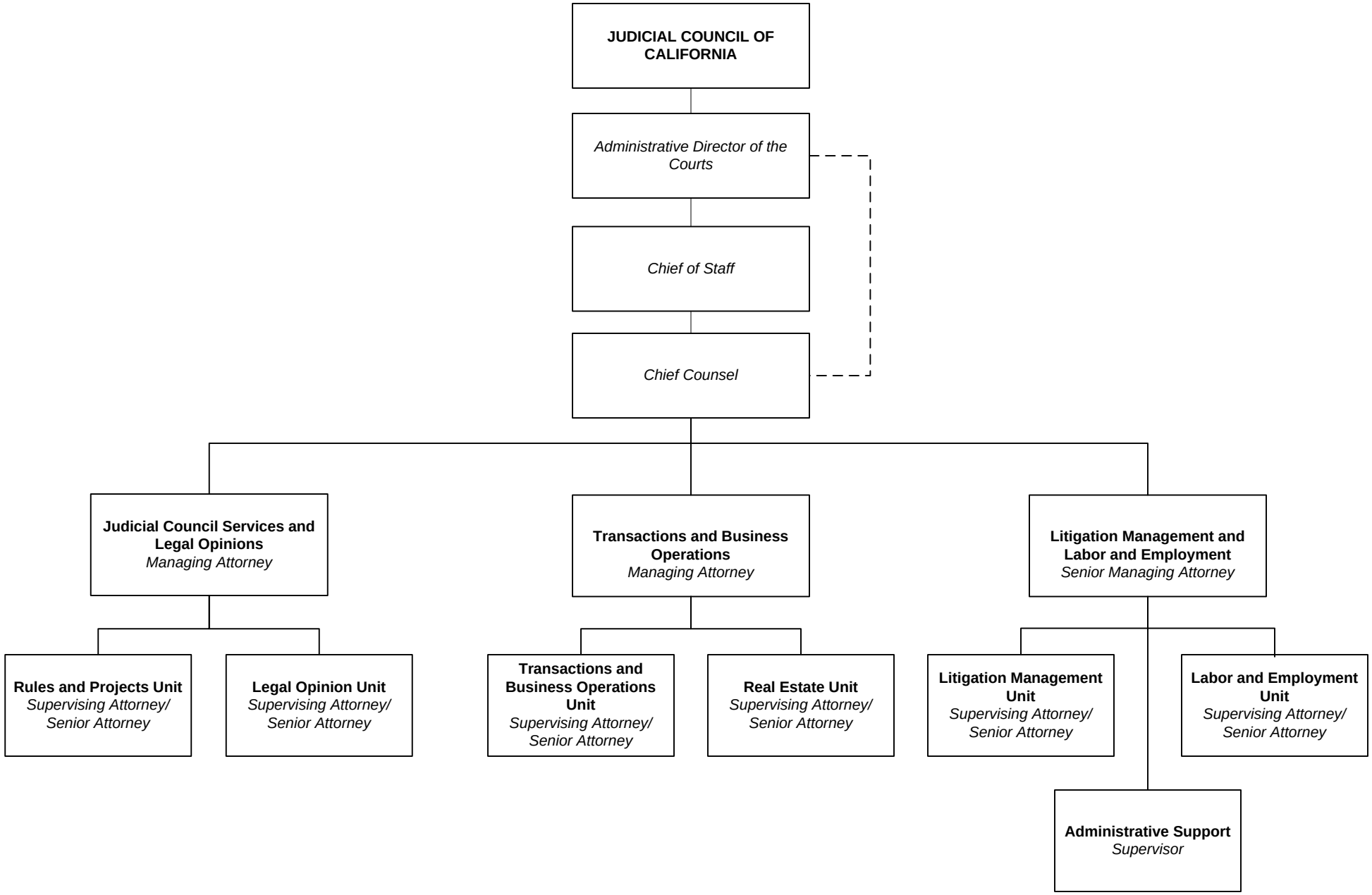
Attachments

1. Attachment A: LSO organization chart
2. Attachment B: Role of Chief Counsel of the Administrative Office of the Courts
3. Attachment C: Administrative Office of the Courts, Legal Services Office, Customer Service Survey

ADMINISTRATIVE OFFICE
OF THE COURTS

LEGAL SERVICES OFFICE

Attachment A
Legal Services Office



Attachment B
Role of Chief Counsel of the Administrative Office of the Courts

The Chief Counsel of the Administrative Office of the Courts (AOC) is chief legal advisor to the Judicial Council of California and to the AOC and director of the AOC Legal Services Office, which provides comprehensive legal services to the AOC and to the appellate and trial courts. The Legal Services Office has two major areas of service: **legal advisor and counsel to the Judicial Council** and **legal advisor and legal services provider to the appellate and trial courts**.

I. Legal Advisor and Counsel to the Judicial Council

The role of legal advisor and counsel to the Judicial Council encompasses the legal services provided in support of the Chief Justice as Chair of the Judicial Council, the Judicial Council and its committees and task forces, and the AOC as staff agency to the Judicial Council.

In this capacity, the Chief Counsel is responsible for the following:

- Judicial Council Legal Support
  - Provide legal advice and briefings to the Chief Justice, the Judicial Council, and internal council committees on matters of importance to Judicial Council business.
  - Provide legal support and staffing of Judicial Council internal committees and council advisory committees.
  - Provide legal review of rules, forms, standards of judicial administration, and jury instructions for Judicial Council consideration.
  - Provide legal review of legislation and regulations for legal and programmatic impact in collaboration with the AOC Office of Governmental Affairs.
  - Provide legal support to the Chief Justice in evaluating and making recommendations on petitions for coordination of complex civil cases.
  - Facilitate filing of local court rules with the council and authorization by the Chief Justice of alternative effective dates of local rules.
  - Interact with other branches of government and external entities (e.g., Attorney General's Office, Commission on Judicial Performance, State Bar of California State Bar, Secretary of State, California Fair Political Practices Commission, etc.) on wide range of judicial administration legal issues.
  - Participate in meetings and conferences as the legal representative of the Judicial Council, AOC, and the judicial branch, as appropriate.
- AOC and Administrative Director of the Courts Legal Support
  - Provide legal advice and briefings to the Administrative Director, Division Chiefs, and Office Directors on legal issues affecting AOC programs and

operations and on legal issues affecting planning, development, and review of AOC programs and policies.
    - Identify legal and risk management issues and collaborate on developing and implementing strategies for addressing issues.
    - Collaborate with other AOC offices on legislative, fiscal, facilities, technology, and other matters affecting the judicial branch to develop strategies for implementing new requirements and responding to emerging issues.
- Chief Counsel Administrative Activities
    - Manage the AOC Legal Services Office, including planning and directing work, providing legal policy direction, providing for internal staff development and training and succession planning, and participating in recruitment and selection of staff.
        - Provides general direction on the office's priorities, policies, and operations.
        - Manages the Legal Services Office budget and resources; develops and implements strategies to meet increasing workload demands with limited resources.
        - Establishes and implements performance and development plans for direct reports.

II. Legal Advisor and Provider of Legal Services to the Appellate and Trial Courts and the AOC

In this capacity, the Chief Counsel provides direction and oversees the following programs and activities that provide legal services to the appellate and trial courts and to the AOC:

- Labor and Employment:
    - Responds to labor and employment issues in collaboration with the AOC Human Resources Services Office (HRSO), as appropriate.
    - Provides legal advice and guidance to minimize risk of labor disputes and employment litigation.
    - Provides legal advice in addressing sensitive personnel issues.
    - Assists HRSO in managing legal aspects of investigations of internal complaint of discrimination, harassment, retaliation, and other similar complaints, and advises about complaint resolution.
    - Drafts personnel policies to ensure compliance with applicable law and to avoid litigation.
    - Upon request, advises trial courts regarding labor relations matters (MOUs, labor relation rules, progressive discipline, personnel actions, etc.).
    - Provides ongoing support to HRSO in addressing labor relation issues for trial courts.

        - Upon request, provides legal advice and representation for trial courts in labor arbitrations and complaints before the Public Employment Relations Board.

- Litigation Management:
    - Under the direction of the Administrative Director of the Courts and consistent with rules of court, manages and administers the Judicial Council's Litigation Management Program.
    - Staffs the council's Litigation Management Committee, which oversees claims and litigation against judicial branch entities in which the likely exposure is $100,000 or more or that raise issues of significance to the judicial branch.
    - Handles claims against judicial branch entities, making recommendations to the council's Litigation Management Committee for settlements at or above $100,000.
    - Manages litigation against judicial branch entities, including selecting and directing outside counsel retained to represent judicial branch entities and making recommendations to the council's Litigation Management Committee for settlements at or above $100,000.
    - Provides annual litigation reports to the Litigation Management Committee, the Judicial Council, the appellate and trial courts, and the AOC.
    - Manages affirmative litigation on behalf of the courts and AOC.
    - Provides for representation of courts and AOC at administrative law hearings and judicial proceedings.

- Legal Opinions:
    - Upon request, provides legal advice and opinions to court leaders on judicial administration issues.
    - Provides statewide legal advice and guidance to court leaders on issues of statewide importance.
    - Upon request, provides legal advice and opinions to AOC leadership on wide range of issues affecting the judicial branch and judicial branch entities.

- Real Estate and Transactions and Business Operations:
    - Provides legal services and support for court facilities-related transactions, including acquisition, construction, renovation, operation, and maintenance of court facilities.
    - Provides legal services and support for solicitation, contracting, and procurement of goods and services, including technology transactions.

- Provides legal advice on issues related to procurement, risk management, business administration, and operational initiatives.
- Provides legal advice for compliance audits under federal and state law.
- Provides legal advice on leases, contracts, and other documents requiring approval of the Administrative Director of the Courts.
- Oversees the selection, management, and evaluation of external legal resources/outside counsel retained to augment transactional services by the Legal Services Office.

Attachment C

Administrative Office of the Courts
Legal Services Office
Customer Service Survey

The mission of the Legal Services Office is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the Administrative Office of the Courts (AOC).

To assist us in this mission, the Legal Services Office is forwarding this survey to administrative presiding justices, presiding judges, appellate court clerk/administrators, and court executive officers. Your responses will help us serve you and others better. Please feel free to ask others in the court who work with the Legal Services Office to complete this survey as well. We appreciate your time in providing this valuable feedback.

Please return the completed survey by **Month Date, 2014,** to:

Legal Services Office
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, California 94102

Person completing survey:

Name: _____

Court: _____

Please identify your position with the court:

- ☐ Administrative Presiding Justice or Presiding Judge
- ☐ Appellate Court Clerk/Administrator or Court Executive Officer
- ☐ Other position (*please state your title*): _____

The following questions relate to the services provided by the six units within the Legal Services Office. Please provide answers for those units whose services you have used in 2013 or 2014.

DRAFT

Labor and Employment Unit

Attorneys in the Labor and Employment Unit provide legal advice on labor and employment law issues, manage employment-related claims and litigation involving courts and the AOC through the Litigation Management Program, manage arbitrations and Public Employment Relations Board charges and complaints under collective bargaining agreements, and provide training on rights and obligations arising under labor and employment laws.

If you had experience with the services of the Labor and Employment Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

_____
_____
_____
_____

Please provide any additional comments you have about the Labor and Employment Unit:

_____
_____
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Legal Opinion Unit

Attorneys in the Legal Opinion Unit provide legal advice to the courts, the Judicial Council, and the AOC on court administration issues and assist on special projects and the drafting of proposed legislation and rules of court.

If you had experience with the services of the Legal Opinion Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

DRAFT

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

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Please provide any additional comments you have about the Legal Opinion Unit:

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Litigation Management Unit

Attorneys in the Litigation Management Unit manage the program for investigating and resolving claims and lawsuits involving the courts, the Judicial Council, and the AOC. They select and direct outside counsel in providing legal assistance to courts, judicial officers, and employees named as defendants or respondents.

If you had experience with the services of the Litigation Management Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

DRAFT

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

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Please provide any additional comments you have about the Litigation Management Unit:

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Real Estate Unit

Attorneys in the Real Estate Unit provide legal services related to the acquisition, construction, renovation, operation, and maintenance of court facilities throughout the State.

If you had experience with the legal services of the Real Estate Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

DRAFT

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

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Please provide any additional comments you have about the Real Estate Unit:

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Rules and Projects Unit

Attorneys in the Rules and Projects Unit staff Judicial Council advisory committees and draft proposed legislation, rules of court, and forms for the committees and the council.

If you had experience with the services of the Rules and Project Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

DRAFT

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

_____
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Please provide any additional comments you have about the Rules and Project Unit:

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Transactions and Business Operations Unit

Attorneys in the Transactions and Business Operations Unit assist the appellate courts, the trial courts, and the AOC with contract and procurement matters by drafting contracts and solicitation documents, negotiating the terms of transactions, and providing legal services and counsel on transactional matters, the Judicial Branch Contract Law, and resolution of nonlitigated contract disputes.

If you had experience with the services of the Transactions and Business Operations Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

_____
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DRAFT

Please provide any additional comments you have about the Transactions and Business Operations Unit:

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General Questions

Please provide any additional suggestions you may have that would improve the provision of services by the Legal Services Office:

_____
_____
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Are there other or different services you would like the Legal Services Office to provide?

_____
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Please provide any additional comments you have about the Legal Services Office:

_____
_____
_____
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Information about the Legal Services Office can be found on Serranus at *http://serranus.courtinfo.ca.gov/programs/ogc/*

DRAFT

Information on Judicial Council Directives

Council Directive **113**

E&P recommends that the Judicial Council support SEC Recommendation 7-73 with no further action. The telecommuting status of one position has ended and, as of September 7, 2012, the telecommuting status of the second position will end.

SEC Recommendation **7-73**

There currently are at least two positions in the Legal Services Office that violate the AOC's telecommuting policy. These should be terminated immediately, resulting in reductions. Nor should telecommuting be permitted for supervising attorneys in this division.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager Curt Soderlund, Chief Administrative Officer

TASK

	PENDING
x	**COMPLETED: With the adoption for the pilot Telecommute Program in February of 2013, all telecommute positions were reviewed. Specifically, the telecommuting status of both out-of-state attorney positions ended no later than September 18, 2012. The current telecommute policy does not allow for managers or supervisors to telecommute.**

With the adoption for the pilot Telecommute Program in February of 2013, all telecommute positions were reviewed. Specifically, the telecommuting status of both out-of-state attorney positions ended no later than September 18, 2012.

The current telecommute policy does not allow for managers or supervisors to telecommute.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

x	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED		UNABLE TO IMPLEMENT
	IMPLEMENTED AND ONGOING		PENDING IMPLEMENTATION
	IMPLEMENTED BUT IN PROGRESS		

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **114**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the costs and benefits of allocating staff attorneys and resources to various advisory committees, task forces, and working groups.

SEC Recommendation **7-74**

As recommended elsewhere, the Judicial Council should assess the costs and benefits of allocating staff attorneys and resources to various advisory committees, task forces, and working groups.

Reported By:	Chief of Staff
Contact:	Jody Patel, Chief of Staff

TASK

[x] **PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

After the completion of the AOC Classification and Compensation Study, the Executive Team will have more information necessary for determining staffing needs and resources for committee support. As such, this directive will be addressed after the completion of the Classification and Compensation Study.

- On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.
- In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.
- In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.
- In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.
- In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.
- In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.
- In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.

- In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.
- In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.
- In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.
- In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.
- All-staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the reconsideration process.

In March 2015, staff received their new classifications. Approximately 244 requests for reconsiderations were submitted in April 2015. Following this effort, the Executive Office will review reconsideration requests with support from Human Resources, Legal Services, and Fox Lawson and Associates, as appropriate. After all requests are reviewed, final decisions made by the Administrative Director will be communicated to office leadership to be shared with individual employees.

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **115**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts, as part of the review of the AOC organizational structure, to review current responsibilities and clearly define the role of the Chief Counsel.

SEC Recommendation **7-76**

The role of the Chief Counsel should be redefined to reflect the primary role of providing legal advice and services, as opposed to developing policy for the judicial branch.

Reported By:	Legal Services
Contact:	Deborah Brown, Chief Counsel

TASK

☐ **PENDING**

☒ **COMPLETED: As reported at the April 25, 2014 council meeting, roles and responsibilities for the Chief Counsel had been adopted specifying that the Chief Counsel is chief legal advisor to the Judicial Council and to the AOC and office chief of the council's Legal Services, providing comprehensive legal services to the appellate and trial courts.**

At the February 2013 Judicial Council meeting, Judicial Council liaisons to Legal Services, Justice Douglas Miller and Ms. Edith Matthai, were asked to take the lead on reviewing the cost-effectiveness of Legal Services current use of outside counsel in response to Judicial Council directive 122. While addressing this request, the liaisons concluded that additional Legal Services-related restructuring directives were appropriate for inclusion in the liaisons' review and would enable a more comprehensive evaluation.

In addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons' review was expanded to include defining the role of the Chief Counsel; evaluating the need for use of a paralegal classification; analyzing the use of LSO attorney staff in AOC field offices; and analyzing the current Legal Services organizational structure, LSO services, and attorney services provided by the AOC outside of Legal Services.

In a report to the judicial council in June 2013, the liaisons considered recommended that the role of the Chief Counsel and the expectations for that role, along with the areas of responsibility, should be clearly defined to reflect the new organizational structure. As part of their report to the Judicial Council, the liaisons included an attachment clearly defining the responsibilities and role of the Chief Counsel of the Administrative Office of the Courts.

In a report to council at the April 25, 2014 council meeting, the Administrative Director and Chief Counsel reported that the description had been adopted and specified that the Chief Counsel is chief legal advisor to the Judicial Council and to the AOC and office chief of the council's Legal Services, which provides comprehensive legal services to the appellate and trial courts. It adds that the Legal Services has two major areas of service: legal advisor and counsel to the Judicial Council and legal advisor and legal services provider to the appellate and trial

courts. In these capacities, the Chief Counsel has responsibilities that are enumerated in detail in the description included as an attachment to the April 25, 2014, report to council.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x]	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	[ ]	UNABLE TO IMPLEMENT
[ ]	IMPLEMENTED AND ONGOING	[ ]	PENDING IMPLEMENTATION
[ ]	IMPLEMENTED BUT IN PROGRESS		

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- Report to the Judicial Council: *AOC Restructuring: Efficiencies and Restructuring at the Legal Services Office* – April 8, 2014

Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 25, 2014

Title
AOC Restructuring: Efficiencies and Restructuring at the Legal Services Office

Submitted by
Steven Jahr
Administrative Director of the Courts
Administrative Office of the Courts
Jody Patel, Chief of Staff

Agenda Item Type
Information Only

Date of Report
April 8, 2014

Contact
Jody Patel, 916-263-1333
jody.patel@jud.ca.gov

Executive Summary

The Legal Services Office (LSO) is an office of the Administrative Office of the Courts (AOC) under the Judicial Council and Court Leadership Services Division. The mission of LSO is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The Judicial Council has charged the office with providing "consistent, comprehensive legal support and counsel to the courts." (Judicial Council of Cal./Admin. Off. of Cts., *Justice in Focus: The Strategic Plan for California's Judicial Branch 2006–2012* (2006), p. 49.) In response to Judicial Council restructuring directives and the recommendations of the Judicial Council liaisons to LSO, the office has been significantly restructured. This informational report summarizes the activities undertaken in response to the June 2013 recommendations of the Judicial Council liaisons.

Previous Council Action

- In March 2011, Chief Justice Tani G. Cantil-Sakauye created the Strategic Evaluation Committee (SEC) to conduct an in-depth review of the Administrative Office of the Courts, the staff agency to the Judicial Council, with a view toward promoting transparency, accountability, and efficiency.

- On August 31, 2012, based on the SEC report and its recommendations, the Judicial Council approved AOC realignment directives and directed the Administrative Director to report on them.

- At the February 2013 council meeting, the council liaisons to LSO were asked to take the lead on reviewing the cost-effectiveness of LSO's current use of outside counsel in response to Judicial Council directive 122. While addressing this request, the liaisons concluded that additional LSO-related restructuring directives were appropriate for inclusion in the liaisons' review and would enable a more comprehensive evaluation.[1]

- In addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons' review was expanded to include defining the role of the Chief Counsel; evaluating the need for use of a paralegal classification; analyzing the use of LSO attorney staff in AOC field offices; and analyzing the current LSO organizational structure, LSO services, and attorney services provided by the AOC outside of LSO.

- In June 2013, the LSO liaisons recommended that the Judicial Council endorse the following recommendations to the Administrative Director:[2]

    1. LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.

    2. LSO should implement a formal structure to solicit client feedback on a regular basis.

    3. The role of the Chief Counsel and the expectations for that role and areas of responsibility should be clearly defined to reflect the new organizational structure.

    4. The use of outside counsel is appropriate for specialized areas of law and litigation. The protocols for LSO's use of outside counsel should be strengthened to ensure that outside counsel is used in the most cost-effective manner.

    5. The AOC should continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability.

[1] See Judicial Council of Cal., *AOC Restructuring: Judicial Council Liaisons' Review of the Legal Services Office and Recommendations* (June 28, 2013), p. 3.

[2] *Id.* at pp. 2–3.

6. All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office.

7. Given the recent retirement announcement by the current Chief Counsel, the successor Chief Counsel should be afforded the opportunity to implement the restructuring and the formation of the management team under the supervision of the Chief of Staff.

- At the June 2013 Judicial Council meeting, the council endorsed the liaisons' recommendations and agreed with the liaisons that modifications might be needed once these recommendations are implemented. It further directed the Administrative Director of the Courts to report back on implementation of the liaisons' recommendations by the end of March 2014.[3]

Methodology and Process

Restructuring within LSO has occurred as a result of the implementation of the liaisons' recommendations. As indicated below, six of the seven recommendations have been implemented, with one variance: (1) the LSO management structure has been modified; (2) the responsibilities of the Chief Counsel have been reviewed and clearly defined; (3) a process for periodically surveying court users of legal services is being put into place; (4) protocols have been developed for retention of outside counsel; (5) policies have been implemented to ensure appropriate oversight in the field offices for day-to-day accountability of LSO attorneys and staff in field offices; and (6) paralegals have not and are not currently employed by the LSO. Finally, although LSO works closely with other AOC offices with attorneys, the liaisons' recommendation that AOC attorneys outside of LSO who provide legal advice or legal related services that require a law degree should have a dual reporting relationship to LSO and their current office has not been implemented. As discussed below, for this recommendation, it seems appropriate to wait for the results of the pending classification and compensation study, which will expressly review the attorney classification.

Background on the Legal Services Office

The Legal Services Office provides a variety of services that historically, before state trial court funding, were provided by the counties and reflect the varying and expanded needs of judicial branch entities in today's environment.

Before trial court funding, the Legal Services Office comprised a small group of attorney staff primarily responsible for drafting council rules of court and forms and legislation, providing legal opinions to the council and the Administrative Director, and staffing council advisory

[3] As reported to the Judicial Council in February 2014, because no Judicial Council meeting was held in March 2014, this report is being provided at the April 25, 2014, business meeting of the council.

committees and other similar bodies.[4] Following trial court funding, the role of LSO expanded to provide to the superior courts legal services that previously had been provided by county counsels' offices. LSO began providing trial courts with legal opinions on judicial administration issues. The council also approved the creation of a Litigation Management Program in 1999, adopting rules of court assigning the responsibility to LSO for the management of all claims and litigation against the courts.

After the enactment of the Trial Court Employment Protection and Governance Act of 2000, LSO began providing labor and employment legal services. LSO's areas of responsibility continued to expand—for example, with the establishment of a unit to provide transactional and business-related advice and services. After passage of the Trial Court Facilities Act of 2002, the Real Estate Unit was established to provide the facilities-related legal work resulting from this legislation. Finally, LSO attorney positions were established in the field offices to better facilitate the provision of legal services to the superior courts.

The growth of LSO and the expansion of the services it provides have significantly changed in the past few years. Based on the council directives and other developments, LSO has ceased to grow and has been notably reduced in size. This and other changes are described in detail below.

Implementing the directives

In implementing the Judicial Council directives to LSO and the council liaisons' recommendations, the Administrative Director of the Courts and the Chief of Staff worked closely with the Chief Counsel and her management team. They have also benefitted greatly from advice from the Judicial Council liaisons to LSO and other council members.

The liaison report specifically addresses implementation of the council liaisons' recommendations to the Administrative Director of the Courts, which were endorsed by the Judicial Council. The report presents each recommendation and summarizes the actions taken in response to the recommendations.

Legal Services Office restructuring

As part of their review, the liaisons considered Judicial Council restructuring directive 107 and recommended the following:

> LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.

[4] The office's name has changed over the years. In the 1990s, it was designated as Council and Legal Services. Subsequently, it became the Office of the General Counsel, and in 2012 the office was renamed the Legal Services Office.

(Judicial Council of Cal., *supra,* at p. 2.)

Judicial Council restructuring directive 107 states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(a) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.[5]

Since the release of the Strategic Evaluation Committee report in May 2012, the LSO workforce has been dramatically reduced from the 75 positions referenced in SEC recommendation 7-72(a) to a workforce of 44 positions as of the date of this report. LSO attorney staffing has been reduced from 50 attorneys to the current number of 32 attorneys, exclusive of the Chief Counsel. The LSO management team currently consists of 6 members, excluding the Chief Counsel, as compared to 9 noted in SEC recommendation 7-72(a).

The June 2013 Liaison Report states:

> Given the current staffing levels of the LSO workforce and the critical nature of the legal services provided by LSO, we believe that a 10-member LSO attorney management team is appropriate for this office. However, to ensure accountability and clear lines of authority for the varied legal services provided by LSO, it is recommended that the LSO should be restructured to create a new executive leadership team comprising the Chief Counsel and three managing attorneys who lead three distinct areas of service . . . Additionally, in accordance with council directive 107, we recommend that the position of Assistant Chief Counsel be reclassified as a managing attorney position. It is also recommended that one of the managing attorney positions be classified as a senior managing attorney to provide backup and support as second in command to the Chief Counsel. It appears appropriate that the managing attorney leading Judicial Council Services and Legal Opinions would be the best position for second in command.

---

[5] SEC Recommendation 7-72(a) states:

> The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:
>
> (a) In addition to the General Counsel, there are nine management level attorney positions in the Legal Services Office, including the Assistant General Counsel, three Managing Attorneys, and five Supervising Attorneys. This is an excessive number of management positions, which should be reduced. The position of Assistant General Counsel could be eliminated. One managing attorney could be assigned to manage each of the two major functional components of the division, house counsel, and Judicial Council services, with each managing attorney reporting directly to the Chief Counsel.

> The new structure provides a three-to-one reporting structure under the Chief Counsel and shifts the responsibility for regular day-to-day management workload from the Chief Counsel to the managing attorneys. This shift of direct responsibility for LSO daily activities is an acknowledgement that the Chief Counsel should be involved in providing legal input and expertise to the most critical legal issues for the branch versus being immersed in routine LSO workload. This structure will require continuous communication between the Chief Counsel and the three managing attorneys to ensure that no silos develop in the office. Similar to partners in a law firm, the Chief Counsel and the managing attorneys should meet regularly to share information and make decisions on projects, priorities, and resources that further the goals of the office as a whole.

(Judicial Council of Cal., *supra,* at p. 2.)

Under the new Chief Counsel, with the support of the Administrative Director of the Courts and the Chief of Staff, LSO has taken measures that have substantially implemented the structure proposed by the liaisons. The LSO attorney management team, excluding the Chief Counsel, consists of six members as of March 2014. The position of Assistant Chief Counsel was eliminated after the attorney formerly holding that position retired in 2013. As recommended by the liaisons, instead of hiring a new Assistant Chief Counsel, a managing attorney was promoted in 2014 to the position of senior managing attorney to provide support and backup to the Chief Counsel. Because of retirements, no other managing attorneys are currently employed in LSO. However, to provide the level and structure of leadership necessary to manage the office in the manner recommended by the liaisons, recruitment is under way for two additional managing attorneys. After completion of this hiring process, LSO will have an executive management structure as envisioned by the liaisons, with a Chief Counsel and three managing attorneys, one of whom is designated as a senior managing attorney.

LSO provides legal services in two primary areas: (1) services provided to the council, to the Chief Justice as chair of the council, and to the Administrative Director of the Courts and the AOC as the administrative arm of the council; and (2) services provided to the appellate and trial courts. LSO is currently structured to provide legal services in these areas by organizing its attorneys into six units:

- Rules and Projects Unit
- Legal Opinion Unit
- Transactions and Business Operations Unit
- Real Estate Unit
- Litigation Management Unit
- Labor and Employment Unit

In terms of LSO's management structure, the liaison report recommends that LSO be restructured into three areas of services: (1) Judicial Council Services and Legal Opinions (a

merger of the Rules and Projects and Legal Opinion Units); (2) Transactions and Business Operations (incorporating Real Estate into the Transactions and Business Operations Unit); and (3) Litigation Management and Labor and Employment (a merger of the two formerly separate units).

The liaison report further recommends that the new units continue to serve both client groups—the appellate and trial courts along with the Judicial Council, Chief Justice as chair of the council, Administrative Director of the Courts, and AOC—with the responsibility of supervising attorneys divided between the two client groups. LSO is in the process of restructuring its activities into the three organization units described above. Once the full complement of managing attorneys is in place, each will manage one of the combined units. After careful consideration, however, the Administrative Director and Chief of Staff support a variance from the liaison recommendations with respect to the supervisory-level responsibilities. Because the quantity of legal work performed for the courts differs from that for the Judicial Council/AOC clients and because of the need to provide clients with specialized skills and knowledge in the individual subject-matter areas, LSO will continue to be structured along subject-matter groups rather than client groups. The purpose of this structure is to provide better service to clients by providing them with immediate access to supervisors and attorneys with subject-matter expertise specific to the legal issues and inquiries presented.[6]

The liaison report further states:

> It is intended that the Chief Counsel and the three managing attorneys hold overall management responsibility, with the supervising/senior attorneys charged with carrying out senior management's directives for the specific subject matter and client assignments. The level of experience and precise classification for these supervising/senior attorneys should be determined as a part of the internal restructuring and reviewed as a part of the classification and compensation study.

The report's additional recommendations regarding the management structure will be implemented once the managing attorney positions are filled. As indicated in the report, the level of experience and precise classification for the supervising/senior attorney structure also partially depend on the classification and compensation study.

Role of Chief Counsel

The liaisons considered Judicial Council restructuring directive 115 and recommended that the role of the Chief Counsel and the expectations for that role, along with the areas of responsibility, should be clearly defined to reflect the new organizational structure.

[6] See Attachment A for an organization chart showing this management structure.

Judicial Council restructuring directive 115 states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts, as part of the review of the AOC organizational structure, to review current responsibilities and clearly define the role of the Chief Counsel.

As part of their report to the Judicial Council, the liaisons included an attachment clearly defining the responsibilities and role of the Chief Counsel of the Administrative Office of the Courts.[7]

The description has been adopted and specifies that the Chief Counsel is chief legal advisor to the Judicial Council and to the AOC and office chief of the AOC Legal Services Office, which provides comprehensive legal services to the appellate and trial courts. It adds that the Legal Services Office has two major areas of service: legal advisor and counsel to the Judicial Council and legal advisor and legal services provider to the appellate and trial courts. In these capacities, the Chief Counsel has responsibilities that are enumerated in detail.

Survey of users of LSO services

The liaisons considered Judicial Council restructuring directive 120 and recommended that, to ensure that the appropriate level of client service is provided, particularly in the area of legal opinions, a formal procedure be developed and implemented in LSO to solicit client feedback.

Judicial Council restructuring directive 120 states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts that court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.

In response to this recommendation, a draft survey has been developed to ask court users for their evaluations of and suggestions for improvements to legal services provided by each of the six LSO units.[8] Because of workload issues and staffing concerns, it is anticipated that the survey will be distributed to the courts in late 2014 as a pilot. If the survey proves useful and courts do not find it overly burdensome, LSO will continue to survey the courts on an annual or biennial basis.

Use of outside counsel

With respect to Judicial Council directive 122 regarding the use of outside counsel, the Judicial Council endorsed the liaisons' recommendation that (1) the use of outside counsel is appropriate for specialized areas of law and litigation; and (2) protocols for LSO's use of outside counsel

[7] See Judicial Council of Cal., *supra,* Attachment A (a copy of which is attached to this report as Attachment B).

[8] See Attachment C for a copy of the draft survey.

should be strengthened to ensure that outside counsel is used in the most cost-effective manner. That directive states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of the General Counsel's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost effective manner. Before initiating the independent review, the Administrative Director of the Courts must provide a proposal with options for conducting the review, including the associated costs.

The liaisons undertook the review of the use of outside counsel and reported back to the council as follows:

> Based on our experience in the legal field and after conferring with colleagues, we conclude that the use of outside counsel is appropriate and in some cases mandated, providing valuable legal resources for the varying needs of LSO relating to specific subject areas or broad-based branch initiatives (i.e., courthouse transfers). Outside legal counsel provides LSO with sufficient flexibility to meet the changing needs of the branch in an efficient and cost-effective manner.

(Judicial Council of Cal., *supra,* at p. 10.)

The liaison report also concluded, once it was confirmed that there was a legitimate need to use outside counsel, that a full study of past expenses would be extraordinarily time-consuming and would provide little benefit. Because the goal was to be certain that future expenditures are warranted, the liaisons recommended placing the responsibility for the retention and monitoring of outside counsel with the managing attorney in each area of practice. The liaisons added that (1) there should be written justification for the retention, and the managing attorney should be responsible for ensuring that the hourly rates and time spent are reasonable; (2) at the close of representation a short client feedback report should be obtained, and the managing attorney should evaluate the service provided from LSO's perspective; and (3) an annual report on the use of outside counsel should be provided to the Judicial Council.

Thus, the liaisons recommended that LSO develop:

- A structure in which each managing attorney is responsible for the approval of and justification for using outside counsel based on the area of expertise needed or resource requirements.
- A means for conducting an examination of the cost-effectiveness of using outside counsel versus potentially hiring attorney resources based on specific projects and the duration of legal assistance needed.
- A checklist that must be completed before initiating a contract with outside counsel to confirm that no internal LSO resources are available for the subject-matter area.

- A means of following up with the courts that receive services to gather their input on the services provided by outside counsel through an e-mail questionnaire or survey. This information would be used in tandem with input from the LSO attorneys assigned to the respective cases to identify if the outside counsel should be used for future cases.
- A means of regularly (every 12 months) surveying the market to ensure that what is being charged is appropriate and the rates are appropriate.

The liaisons also recommended that the Administrative Director provide to the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch an annual report on the use and cost of outside counsel for the committee's consideration and reporting to the council.

In response to these recommendations, the LSO protocol for the retention of outside counsel has been amended to require managing-attorney approval of the hiring of any outside counsel. Under that protocol, the managing attorney (1) reviews the recommendation to hire outside counsel and the expertise of the counsel suggested, and (2) confirms that no internal resource is available for the particular subject matter. The review and approval by the managing attorney are recorded in each file. In addition, on an annual basis, LSO will review the annual attorney fee surveys prepared by various organizations to ensure that the fees charged by outside counsel are appropriate and reasonable. LSO also will send to each court a survey after the conclusion of any significant litigation, arbitration, or proceedings before the Public Employment Relations Board, asking for the court's assessment of the specific legal representation provided by LSO and outside counsel.[9] The survey results will be used in an annual review of the use of outside counsel to ensure the delivery of quality and timely legal services. The LSO also will provide reports on the use and cost of outside counsel to the Advisory Committee on Financial Accountability and Efficiency at the request of the committee.

LSO attorneys located in field offices

In response to Judicial Council directive 117, the liaisons recommended that the AOC continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability. That Judicial Council directive states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to adopt an operations model whereby attorneys generally are housed at one location with flexibility to adjust as necessary to meet court needs regionally, including regional demand for additional attorney support and smaller courts that have fewer staff for research and other legal services. The location where attorneys report to work should ensure proper supervision.

The liaison report states that, after reviewing the activities of LSO attorney staff located in the Sacramento and Burbank field offices, the liaisons believe that it is appropriate to have staff in

[9] These surveys will be prepared for the individual case and tailored to the type and nature of the representation.

these locations. The liaisons commented that such an arrangement is consistent with the staffing of many government agencies and private law firms.

LSO has followed the recommendation of the liaisons and continues to house attorneys in field offices. Doing so allows more direct communication between LSO attorneys and the courts in their regions.[10] In addition, as recommended by the liaisons, to ensure oversight in the field offices for day-to-day accountability for off-site staff, LSO management requires staff in the field offices to report any absences both to their supervisors and to a designated local staff member, who would enter the appropriate information into the LSO calendar system.

Use of paralegal classifications

The LSO liaisons reviewed Judicial Council restructuring directive 112 and stated that they did not identify a specific need for a paralegal classification. That directive states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(f) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.[11]

In their report, the liaisons state that paralegals in private law firms are typically used primarily for high-level administrative work and very minor legal-related work. Given that LSO already employs administrative staff to support LSO attorneys with administrative tasks, the liaisons indicate that to pursue the creation of a paralegal classification does not appear appropriate at this time.[12] Consistent with the LSO liaisons' recommendation, LSO does not employ paralegals.

Dual reporting

The liaison report discusses one other recommendation for LSO. That recommendation states: "All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office."[13] On this recommendation relating to attorneys within the AOC, it seems appropriate to wait for the results of the classification and compensation study. That study will expressly study the attorney

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[10] See Judicial Council of Cal., *supra*, at page 11.

[11] SEC Recommendation 7-72(f) states:

> The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:
>
> (f) Development and use of paralegal classifications, as found elsewhere in legal services throughout both the public and private sectors, could lead to the reduction of attorney positions in the Legal Services Office.

[12] See Judicial Council of Cal., *supra*, at pages 11–12.

[13] *Id.* at page 3.

classifications and should provide useful information to assist in any efforts to redefine or change the relationship among the various groups and types of attorneys working for the AOC.

Policy and Cost Implications

LSO's mission continues to be to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The restructuring of LSO will result in efficiencies and savings from, for example, the conversion of the position of assistant chief counsel into a senior managing attorney position and will continue to require a commitment of effort (for example, for staff and courts to conduct and complete user surveys).

Relevant Strategic Plan Goals and Operational Plan Objectives

Judicial Council strategic Goal VI.C.1 ("Provide a high-quality administrative legal infrastructure to provide consistent, comprehensive legal support and counsel to the courts").

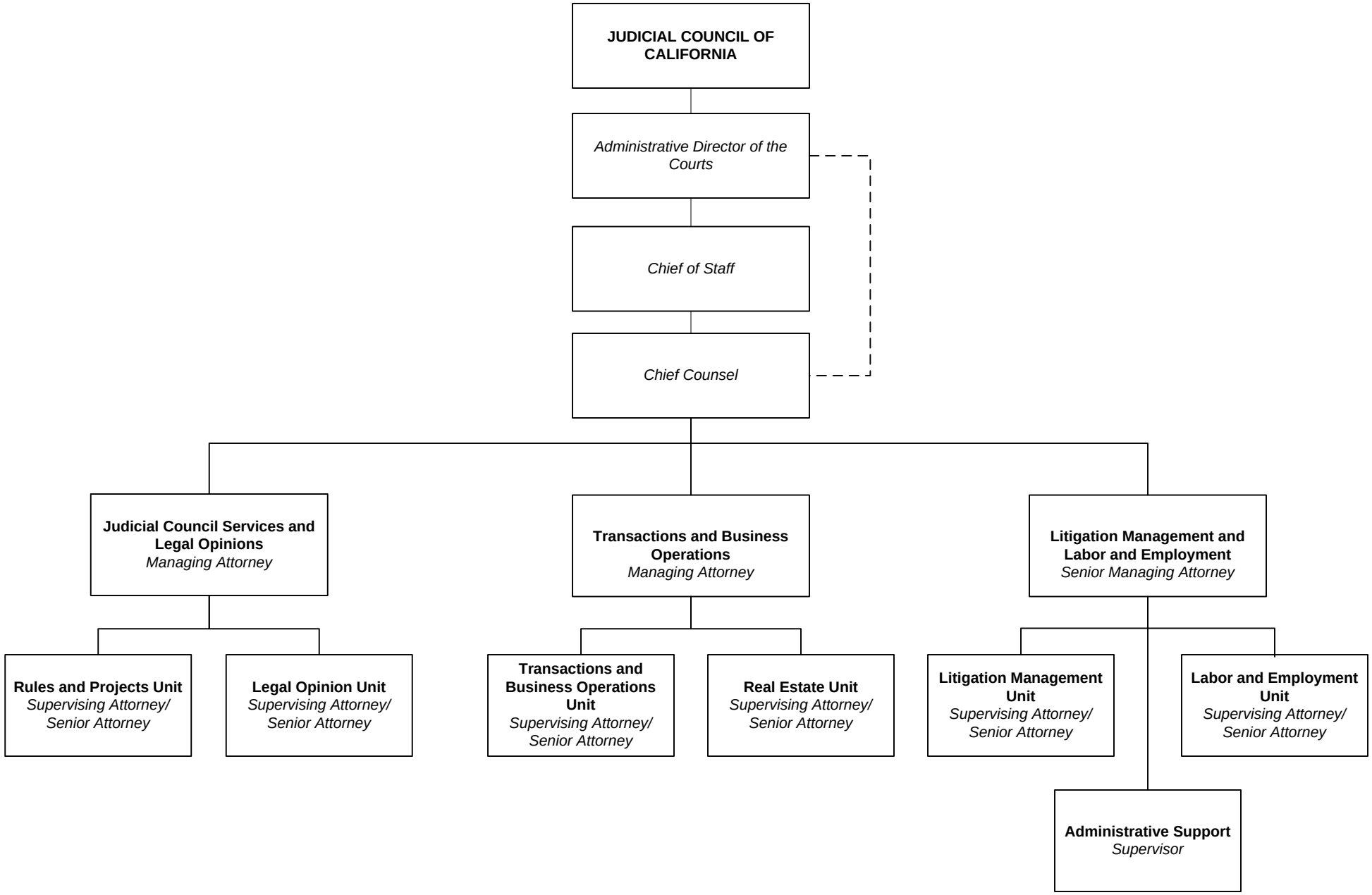
Attachments

1. Attachment A: LSO organization chart
2. Attachment B: Role of Chief Counsel of the Administrative Office of the Courts
3. Attachment C: Administrative Office of the Courts, Legal Services Office, Customer Service Survey

ADMINISTRATIVE OFFICE
OF THE COURTS

LEGAL SERVICES OFFICE

Attachment A
Legal Services Office



Attachment B
Role of Chief Counsel of the Administrative Office of the Courts

The Chief Counsel of the Administrative Office of the Courts (AOC) is chief legal advisor to the Judicial Council of California and to the AOC and director of the AOC Legal Services Office, which provides comprehensive legal services to the AOC and to the appellate and trial courts. The Legal Services Office has two major areas of service: **legal advisor and counsel to the Judicial Council** and **legal advisor and legal services provider to the appellate and trial courts**.

I. Legal Advisor and Counsel to the Judicial Council

The role of legal advisor and counsel to the Judicial Council encompasses the legal services provided in support of the Chief Justice as Chair of the Judicial Council, the Judicial Council and its committees and task forces, and the AOC as staff agency to the Judicial Council.

In this capacity, the Chief Counsel is responsible for the following:

- Judicial Council Legal Support
  - Provide legal advice and briefings to the Chief Justice, the Judicial Council, and internal council committees on matters of importance to Judicial Council business.
  - Provide legal support and staffing of Judicial Council internal committees and council advisory committees.
  - Provide legal review of rules, forms, standards of judicial administration, and jury instructions for Judicial Council consideration.
  - Provide legal review of legislation and regulations for legal and programmatic impact in collaboration with the AOC Office of Governmental Affairs.
  - Provide legal support to the Chief Justice in evaluating and making recommendations on petitions for coordination of complex civil cases.
  - Facilitate filing of local court rules with the council and authorization by the Chief Justice of alternative effective dates of local rules.
  - Interact with other branches of government and external entities (e.g., Attorney General's Office, Commission on Judicial Performance, State Bar of California State Bar, Secretary of State, California Fair Political Practices Commission, etc.) on wide range of judicial administration legal issues.
  - Participate in meetings and conferences as the legal representative of the Judicial Council, AOC, and the judicial branch, as appropriate.
- AOC and Administrative Director of the Courts Legal Support
  - Provide legal advice and briefings to the Administrative Director, Division Chiefs, and Office Directors on legal issues affecting AOC programs and

operations and on legal issues affecting planning, development, and review of AOC programs and policies.
    - Identify legal and risk management issues and collaborate on developing and implementing strategies for addressing issues.
    - Collaborate with other AOC offices on legislative, fiscal, facilities, technology, and other matters affecting the judicial branch to develop strategies for implementing new requirements and responding to emerging issues.
- Chief Counsel Administrative Activities
    - Manage the AOC Legal Services Office, including planning and directing work, providing legal policy direction, providing for internal staff development and training and succession planning, and participating in recruitment and selection of staff.
        - Provides general direction on the office's priorities, policies, and operations.
        - Manages the Legal Services Office budget and resources; develops and implements strategies to meet increasing workload demands with limited resources.
        - Establishes and implements performance and development plans for direct reports.

II. Legal Advisor and Provider of Legal Services to the Appellate and Trial Courts and the AOC

In this capacity, the Chief Counsel provides direction and oversees the following programs and activities that provide legal services to the appellate and trial courts and to the AOC:

- Labor and Employment:
    - Responds to labor and employment issues in collaboration with the AOC Human Resources Services Office (HRSO), as appropriate.
    - Provides legal advice and guidance to minimize risk of labor disputes and employment litigation.
    - Provides legal advice in addressing sensitive personnel issues.
    - Assists HRSO in managing legal aspects of investigations of internal complaint of discrimination, harassment, retaliation, and other similar complaints, and advises about complaint resolution.
    - Drafts personnel policies to ensure compliance with applicable law and to avoid litigation.
    - Upon request, advises trial courts regarding labor relations matters (MOUs, labor relation rules, progressive discipline, personnel actions, etc.).
    - Provides ongoing support to HRSO in addressing labor relation issues for trial courts.

        - Upon request, provides legal advice and representation for trial courts in labor arbitrations and complaints before the Public Employment Relations Board.

- Litigation Management:
    - Under the direction of the Administrative Director of the Courts and consistent with rules of court, manages and administers the Judicial Council's Litigation Management Program.
    - Staffs the council's Litigation Management Committee, which oversees claims and litigation against judicial branch entities in which the likely exposure is $100,000 or more or that raise issues of significance to the judicial branch.
    - Handles claims against judicial branch entities, making recommendations to the council's Litigation Management Committee for settlements at or above $100,000.
    - Manages litigation against judicial branch entities, including selecting and directing outside counsel retained to represent judicial branch entities and making recommendations to the council's Litigation Management Committee for settlements at or above $100,000.
    - Provides annual litigation reports to the Litigation Management Committee, the Judicial Council, the appellate and trial courts, and the AOC.
    - Manages affirmative litigation on behalf of the courts and AOC.
    - Provides for representation of courts and AOC at administrative law hearings and judicial proceedings.

- Legal Opinions:
    - Upon request, provides legal advice and opinions to court leaders on judicial administration issues.
    - Provides statewide legal advice and guidance to court leaders on issues of statewide importance.
    - Upon request, provides legal advice and opinions to AOC leadership on wide range of issues affecting the judicial branch and judicial branch entities.

- Real Estate and Transactions and Business Operations:
    - Provides legal services and support for court facilities-related transactions, including acquisition, construction, renovation, operation, and maintenance of court facilities.
    - Provides legal services and support for solicitation, contracting, and procurement of goods and services, including technology transactions.

- Provides legal advice on issues related to procurement, risk management, business administration, and operational initiatives.
- Provides legal advice for compliance audits under federal and state law.
- Provides legal advice on leases, contracts, and other documents requiring approval of the Administrative Director of the Courts.
- Oversees the selection, management, and evaluation of external legal resources/outside counsel retained to augment transactional services by the Legal Services Office.

Attachment C

Administrative Office of the Courts
Legal Services Office
Customer Service Survey

The mission of the Legal Services Office is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the Administrative Office of the Courts (AOC).

To assist us in this mission, the Legal Services Office is forwarding this survey to administrative presiding justices, presiding judges, appellate court clerk/administrators, and court executive officers. Your responses will help us serve you and others better. Please feel free to ask others in the court who work with the Legal Services Office to complete this survey as well. We appreciate your time in providing this valuable feedback.

Please return the completed survey by **Month Date, 2014,** to:

Legal Services Office
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, California 94102

Person completing survey:

Name: _____

Court: _____

Please identify your position with the court:

- ☐ Administrative Presiding Justice or Presiding Judge
- ☐ Appellate Court Clerk/Administrator or Court Executive Officer
- ☐ Other position (*please state your title*): _____

The following questions relate to the services provided by the six units within the Legal Services Office. Please provide answers for those units whose services you have used in 2013 or 2014.

DRAFT

Labor and Employment Unit

Attorneys in the Labor and Employment Unit provide legal advice on labor and employment law issues, manage employment-related claims and litigation involving courts and the AOC through the Litigation Management Program, manage arbitrations and Public Employment Relations Board charges and complaints under collective bargaining agreements, and provide training on rights and obligations arising under labor and employment laws.

If you had experience with the services of the Labor and Employment Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

_____
_____
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_____

Please provide any additional comments you have about the Labor and Employment Unit:

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_____
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Legal Opinion Unit

Attorneys in the Legal Opinion Unit provide legal advice to the courts, the Judicial Council, and the AOC on court administration issues and assist on special projects and the drafting of proposed legislation and rules of court.

If you had experience with the services of the Legal Opinion Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

DRAFT

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

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Please provide any additional comments you have about the Legal Opinion Unit:

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Litigation Management Unit

Attorneys in the Litigation Management Unit manage the program for investigating and resolving claims and lawsuits involving the courts, the Judicial Council, and the AOC. They select and direct outside counsel in providing legal assistance to courts, judicial officers, and employees named as defendants or respondents.

If you had experience with the services of the Litigation Management Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

DRAFT

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

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Please provide any additional comments you have about the Litigation Management Unit:

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_____
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Real Estate Unit

Attorneys in the Real Estate Unit provide legal services related to the acquisition, construction, renovation, operation, and maintenance of court facilities throughout the State.

If you had experience with the legal services of the Real Estate Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

DRAFT

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

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Please provide any additional comments you have about the Real Estate Unit:

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Rules and Projects Unit

Attorneys in the Rules and Projects Unit staff Judicial Council advisory committees and draft proposed legislation, rules of court, and forms for the committees and the council.

If you had experience with the services of the Rules and Project Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

DRAFT

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

_____
_____
_____
_____

Please provide any additional comments you have about the Rules and Project Unit:

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_____

Transactions and Business Operations Unit

Attorneys in the Transactions and Business Operations Unit assist the appellate courts, the trial courts, and the AOC with contract and procurement matters by drafting contracts and solicitation documents, negotiating the terms of transactions, and providing legal services and counsel on transactional matters, the Judicial Branch Contract Law, and resolution of nonlitigated contract disputes.

If you had experience with the services of the Transactions and Business Operations Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

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DRAFT

Please provide any additional comments you have about the Transactions and Business Operations Unit:

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General Questions

Please provide any additional suggestions you may have that would improve the provision of services by the Legal Services Office:

_____
_____
_____
_____

Are there other or different services you would like the Legal Services Office to provide?

_____
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Please provide any additional comments you have about the Legal Services Office:

_____
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Information about the Legal Services Office can be found on Serranus at *http://serranus.courtinfo.ca.gov/programs/ogc/*

DRAFT

Information on Judicial Council Directives

Council Directive **116**

E&P recommends that the Judicial Council support SEC Recommendation 7-77(a) and (d), and direct the Administrative Director of the Courts that the Office of the General Counsel should employ and emphasize a customer service model of operation, recognizing a primary goal of providing timely service and advice to its clients, including to internal clients in the AOC and to those courts that request legal advice or services from this office.

SEC Recommendation **7-77**

This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:

(a) Most fundamentally, this division should employ and emphasize a customer service model of operation — recognizing a primary goal of providing timely service and advice to its clients, including to internal clients in the AOC and to those courts that request legal advice or services from this office.

Reported By:	Legal Services
Contact:	Deborah Brown, Chief Counsel

TASK

[ ] **PENDING**

[x] **COMPLETED: Legal Services implemented a matter tracking system and implemented changes to practices within its Legal Opinions Unit, which is responsible for providing legal advice to the Judicial Council, council leadership and staff, and appellate and trial courts.**

To address this directive, the Legal Services has implemented a matter tracking system, described in more detail in response to JC directive 108, and implemented changes to practices within its Legal Opinions Unit (LOU), which is responsible for providing legal advice to the Judicial Council, council leadership and staff, and appellate and trial courts.

The matter tracking system tracks legal services matters assigned throughout the Legal Services, by unit; assigns a level of complexity; tracks completion time and date; and allows for a tickler system to monitor open matters.

Within the Legal Services, the LOU Supervisor closely monitors the status and response time of all LOU matters. Clients are regularly updated on the status of their opinion requests and the content and date of these follow-up client contacts are documented to ensure maximum responsiveness. As urgent client requests are received, the LOU Supervisor reprioritizes and reassigns work as necessary to ensure that urgent client needs are met. To help address the impact of reduced attorney staff in LOU and to meet client needs, attorneys in other units of the Legal Services Office are regularly assigned advice matters, thereby expediting the delivery of requested legal guidance.

To speed the review of opinions, and thereby delivery of service to clients, the task of reviewing draft opinions is now performed by both the LOU Supervisor and a Senior Attorney in LOU. Use of outside legal counsel to assist

with opinions is also considered, where appropriate and cost-effective.

The Legal Services has also instituted a practice of circulating statewide legal opinions in draft form to presiding judges and court executives for feedback and comment. This client-centered approach is intended to ascertain the practical implications of legal guidance and to ensure that advice delivered is of maximum utility to trial courts. Additionally, the Legal Services plans to inform court leaders, on a quarterly or bi-annual basis, of significant Legal Services legal opinions posted to the existing central repository for legal opinions (a secure section of the Serranus website) so that court leaders are reminded of the expanding body of legal guidance available to them.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

☐	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	☐	UNABLE TO IMPLEMENT
☒	IMPLEMENTED AND ONGOING	☐	PENDING IMPLEMENTATION
☐	IMPLEMENTED BUT IN PROGRESS		

Legal Services will continue to focus on ensuring that it employs and emphasizes a customer service model of operation, recognizing a primary goal of providing timely service and advice to its clients on an ongoing basis.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- Matter Tracking Log sample

Matter # (e.g. 2-24): [redacted]

Assigned to: [redacted]

Open date: [redacted]

Close date: [redacted]

Requestor:

■ Supreme Court ☐ 1DCA (SF) ☐ 2DCA (LA) ☐ 3 DCA (Sac) ☐ 4 DCA (SD) ☐ 5 DCA (Fresno) ☐ 6 DCA (SJ)

Superior Court of California, County of:

☐ Alameda	☐ Glenn	☐ Marin	☐ Placer	☐ San Mateo	☐ Sutter	☐ Judicial Council
☐ Alpine	☐ Humboldt	☐ Mariposa	☐ Plumas	☐ Santa Barbara	☐ Tehama	
☐ Amador	☐ Imperial	☐ Mendocino	☐ Riverside	☐ Santa Clara	☐ Trinity	
☐ Butte	☐ Inyo	☐ Merced	☐ Sacramento	☐ Santa Cruz	☐ Tulare	
☐ Calaveras	☐ Kern	☐ Modoc	☐ San Benito	☐ Shasta	☐ Tuolumne	
☐ Colusa	☐ Kings	☐ Mono	☐ San Bernardino	☐ Sierra	☐ Ventura	
☐ Contra Costa	☐ Lake	☐ Monterey	☐ San Diego	☐ Siskiyou	☐ Yolo	
☐ Del Norte	☐ Lassen	☐ Napa	☐ San Francisco	☐ Solano	☐ Yuba	
☐ El Dorado	☐ Los Angeles	☐ Nevada	☐ San Joaquin	☐ Sonoma		
☐ Fresno	☐ Madera	☐ Orange	☐ San Luis Obispo	☐ Stanislaus		

AUC: ☐ 1AA1 ☐ 2JC1 ☐ 2JC2 ☐ 2DR3 ☐ 3DA4 ☐ 3MS1 ☐ 3SJ2 ☐ 4DR1 ☐ 4IR ☐ 5TR1 ☐ 6CR1
☐ 6JU1 ☐ 6MS1 ☐ 6S ☐ 6SA ☐ 6MS/P ☐ 6WD/IN ☐ 6V ☐ 6PU ☐ 6CML ☐ 7CU1

☐ Other Public Entity: [redacted]

Person making request (name): [redacted]

■ AFJ ☐ ACA ☐ Attorney
☐ Appellate PJ ☐ CEO ☐ Public
☐ Judicial Officer ☐ Other court staff ☐ Other: [redacted]

Request (brief description):

[redacted]

Response and/or product (brief description): Type of above: [redacted] ☐ Reference #(s) (ID) (if any)

[redacted]

Level of effort:

☐ 6JU1 a
Minimum effort; quickly addressed, minor response sufficient, no follow-up expected, up to 1 hr

☐ 6JU1 b
Medium effort; initial response and some research/follow-up, 1-4 hrs

☐ 6JU1 c
Substantial effort; major research/follow-up; complex, 5-40 hrs

☐ 6JU1 d
Time intensive or long-term project; 40+ hrs

Any other AOC, excluding CEO, staff involved:

[redacted]

Any other notes:

[redacted]

[redacted] [redacted] [redacted]

Information on Judicial Council Directives

Council Directive **117**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to adopt an operations model whereby attorneys generally are housed at one location with flexibility to adjust as necessary to meet court needs regionally, including regional demand for additional attorney support and smaller courts that have fewer staff for research and other legal services. The location where attorneys report to work should ensure proper supervision.

SEC Recommendation **7-77**

This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:

(b) This office should adopt an operations model whereby its attorneys generally are housed at one location. This would eliminate non-supervision of some attorneys, promote better and more regular supervision of staff attorneys, and promote better utilization of available skills.

Reported By:	Legal Services
Contact:	Deborah Brown, Chief Counsel

TASK

[ ] **PENDING**

[x] **COMPLETED: Legal Services employs an organizational model that allows for attorney resources to be housed in Judicial Council field offices. This practice was found to be consistent with other government agencies and private law firms and allows for more direct communication between Legal Services attorneys and the courts in their region.**

On April 8, 2014, the council approved a report from the Administrative Director and Legal Services that included information regarding allowing attorney staff to be housed in multiple locations.

The April 2014 report was a follow-up to a June 2013 report from Judicial Council liaisons to Legal Services, Justice Douglas Miller and Edith Matthai, who reviewed and provided recommendations and direction on various Legal Services-related directives.

The liaisons recommended that the council continue to support the existing practice of permitting attorney resources to reside in council field offices provided there is proper oversight and accountability.

The liaison report states that, after reviewing the activities of Legal Service attorney staff located in the Sacramento and Burbank field offices, the liaisons believe that it is appropriate to have staff in Legal Services has followed the recommendation of the liaisons and continues to house attorneys in field offices. Doing so allows more direct communication between Legal Services attorneys and the courts in their regions. In addition, as recommended by the liaisons, to ensure oversight in the field offices for day-to-day accountability for off-site staff, Legal Services management requires staff in the field offices to report any absences both to their supervisors and to a designated local staff member.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED		UNABLE TO IMPLEMENT
x	IMPLEMENTED AND ONGOING		PENDING IMPLEMENTATION
	IMPLEMENTED BUT IN PROGRESS		

On an ongoing and as-needed basis, future recruitments for Legal Services attorney staffing, will include a determination that looks at both need and locale of that attorney resource in determining future hiring.

ASSESSMENT OF IMPLEMENTATION

Legal Services reported that currently 26 attorneys are housed in one location. With the remaining 8 attorneys residing in either the Sacramento or Burbank Judicial Council offices. Legal Services believes it is helpful to have attorneys in the field offices to provide regional assistance. Additionally, both Burbank and Sacramento offices employ Supervising Attorneys - one position housed full-time in Burbank and the other position whose time is divided between San Francisco and Sacramento.

OTHER INFORMATION

Attachments:

- Report to the Judicial Council for meeting of June 28, 2013: AOC Restructuring: Judicial Council Liaisons' Review of the Legal Services Office and Recommendations, June 28, 2013
- Report to the Judicial Council for meeting of April 25, 2014: AOC Restructuring: Efficiencies and Restructuring at the Legal Services Office, April 8, 2014
- Organizational Structure for Legal Services, March 2015

Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: June 28, 2013

Title
AOC Restructuring: Judicial Council Liaisons' Review of the Legal Services Office and Recommendations

Rules, Forms, Standards, or Statutes Affected
None

Recommended by
Hon. Douglas P. Miller, Chair
Executive and Planning Committee
Edith Matthai, Member
Judicial Council

Agenda Item Type
Action Required

Effective Date
June 28, 2013

Date of Report
June 28, 2013

Contact
Jody Patel, AOC Chief of Staff
916-263-1333
jody.patel@jud.ca.gov

Executive Summary

In response to directives of the Judicial Council arising from the Strategic Evaluation Committee's final report, as Judicial Council Liaisons for the Administrative Office of the Courts (AOC), Legal Services Office (LSO), Justice Douglas Miller and Edith Matthai are proposing recommendations relating to:

- LSO organizational structure and services;
- The role of the Chief Counsel;
- Attorney services provided by the AOC outside of LSO;
- The use of outside counsel by LSO;
- LSO attorney staff housed in AOC field offices; and
- The use of a paralegal classification in LSO.

Recommendation

At the February 2013 council meeting, the Legal Services Office (LSO) liaisons were requested by the council to take the lead on reviewing the cost-effectiveness of LSO's current use of outside counsel in response to Judicial Council directive 122.

While addressing this request, it became evident that there were additional LSO-related restructuring directives that were appropriate for inclusion in the liaisons' review and would enable a more comprehensive evaluation. Consequently, in addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons' review was expanded to include: defining the role of the Chief Counsel; evaluating the need for utilization of a paralegal classification; analyzing the use of LSO attorney staff in AOC field offices; and analyzing the current LSO organizational structure, LSO services, and attorney services provided by the AOC outside of LSO.

The LSO liaisons acknowledge that implementation of Judicial Council directives is the responsibility of the Administrative Director of the Courts. However, based on our review, we encourage the Administrative Director to implement the following recommendations with the concurrence of the council.

It is recognized that modifications may be needed once these recommendations are implemented. It is therefore recommended that the Administrative Director return to the council 12 to 18 months after implementation with a post-implementation evaluation.

The following LSO liaisons' recommendations are described more fully in the "Rationale for Recommendations" section of this report.[1]

We recommend that the Judicial Council endorse the following recommendations to the Administrative Director, and direct him to report back to the council on implementation by March 31, 2014.

1. LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.
2. LSO should implement a formal structure to solicit client feedback on a regular basis.
3. The role of the Chief Counsel and its expectations and areas of responsibility should be clearly defined to reflect the new organizational structure.

[1] For each of the recommendations that address a council AOC Restructuring directive, the "Rationale for Recommendation" section contains the specific council directive language.

4. The use of outside counsel is appropriate for specialized areas of law and litigation. The protocols for LSO's use of outside counsel should be strengthened to ensure that outside counsel is used in the most cost-effective manner.
5. The AOC should continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability.
6. All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office.
7. Given the recent retirement announcement by the current Chief Counsel, it is recommended that the successor Chief Counsel be afforded the opportunity to implement the restructuring and the formation of the management team under the supervision of the Chief of Staff.

Previous Council Action

In February of 2012, Chief Justice Tani G. Cantil-Sakauye created the Judicial Council Liaison Program where Judicial Council members are assigned as liaisons to each of the state's 58 trial courts as well as to each of the offices of the AOC. The Chief Justice assigned the liaisons as a means to further the council's efforts to increase communication and transparency and promote accountability. This program provides an opportunity for council members to familiarize themselves with how the AOC supports and implements council policy.

Justice Douglas Miller and Edith Matthai were assigned as liaisons to the LSO. Coupled with the liaisons' regular review responsibilities, at the February 2013 council meeting, the council requested that Justice Miller and Edith Matthai take the lead on directive 122 (review of the use of outside counsel). During this review it became evident that there were additional LSO-related directives that were appropriate for inclusion in this review and that these directives impacted LSO's current organizational structure. Consequently, in addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons broadened their review.

In conducting this review the council liaisons prepared the recommendations referenced above with the tenets of accountability, clear lines of authority, timeliness of service, and client service as underlying considerations.

Rationale for Recommendation

Legal Services Office Restructuring

Judicial Council AOC Restructuring Directive 107

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(a) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation 7-72(a)

The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(a) In addition to the General Counsel, there are nine management level attorney positions in the Legal Services Office, including the Assistant General Counsel, three Managing Attorneys, and five Supervising Attorneys. This is an excessive number of management positions, which should be reduced. The position of Assistant General Counsel could be eliminated. One managing attorney could be assigned to manage each of the two major functional components of the division, house counsel, and Judicial Council services, with each managing attorney reporting directly to the Chief Counsel.

Since the report of the Strategic Evaluation Committee was released in May of 2012, the LSO workforce has been dramatically reduced. Staffing reductions attributable to retirements, the AOC's Voluntary Separation Incentive Program, attrition, and the elimination of temporary staff have reduced LSO staffing from the 75 positions referenced in the SEC recommendation 7-72(a) to a workforce of 50.1 positions as of May 31, 2013. LSO attorney staffing has been reduced from 50 attorneys to the current number of 37 attorneys exclusive of the Chief Counsel. Finally, the LSO management team currently totals eight positions from the nine noted in SEC recommendation 7-72(a).[2] This includes the Assistant Chief Counsel, two managing attorneys, and five supervising attorneys.

The LSO staff provides a variety of services that had historically been provided by the counties prior to state trial court funding and reflects the varying and expanded needs of judicial branch entities in today's environment. Prior to trial court funding, LSO comprised a small group of attorney staff primarily responsible for drafting council rules of court and forms and legislation, providing legal opinions to the council and the Administrative Director, and staffing council advisory committees and other similar bodies. Following trial court funding, the role of LSO expanded to provide legal services to the superior courts that had previously been provided by county counsels' offices. The council also approved the creation of a Litigation Management Program in 1999, adopting rules of court assigning the responsibility to LSO for the management of all claims and litigation against the courts. The LSO's areas of responsibility continued to expand; LSO began providing trial courts with legal opinions on judicial administration issues, and labor and employment legal services began with the enactment of the Trial Court Employment Protection and Governance Act of 2000, followed by establishment of a unit to provide transactional and business-related advice and services. After passage of the Trial Court Facilities Act of 2002, the LSO Real Estate Unit was established to provide the facilities-related

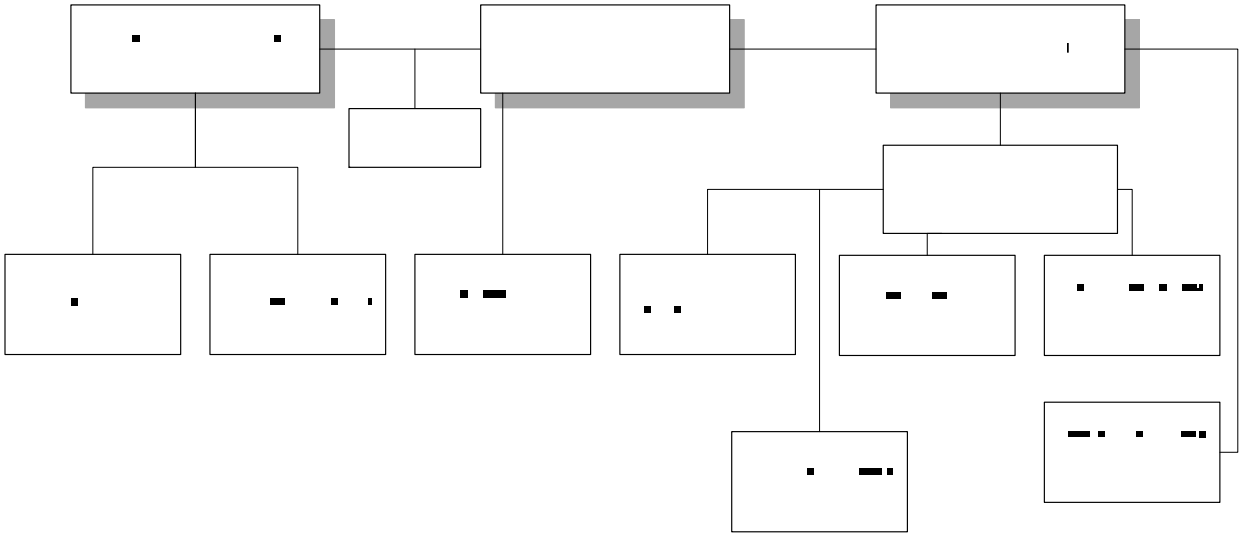
[2] Since the SEC report was issued, the LSO management team has been reduced due to a retirement and will be further reduced with the retirement of the Assistant Chief Counsel on June 28, 2013, and the departure of two staff attorneys in the summer of 2013.

legal work resulting from this legislation. Finally, LSO attorney positions were established in the field offices to better facilitate the provision of legal services to the superior courts.

Today LSO provides legal services in two primary areas: (1) services provided to the council, to the Chief Justice as chair of the council, and to the Administrative Director and AOC as the administrative arm of the council; and (2) services provided to the appellate and trial courts.

As indicated in Figure 1 below, LSO is currently structured to provide services in these two areas. As its name implies, the Judicial Council Services group provides legal counsel and services to the council and its internal committees, advisory committees, and task forces and is led by a managing attorney who reports to the Chief Counsel. The remaining LSO organization provides legal counsel and services to the appellate and trial courts, the Judicial Council, and the AOC in a number of areas such as labor and employment, litigation management, legal opinions,[3] real estate, and transactions and business operations.

Figure 1: Current LSO Organizational Structure



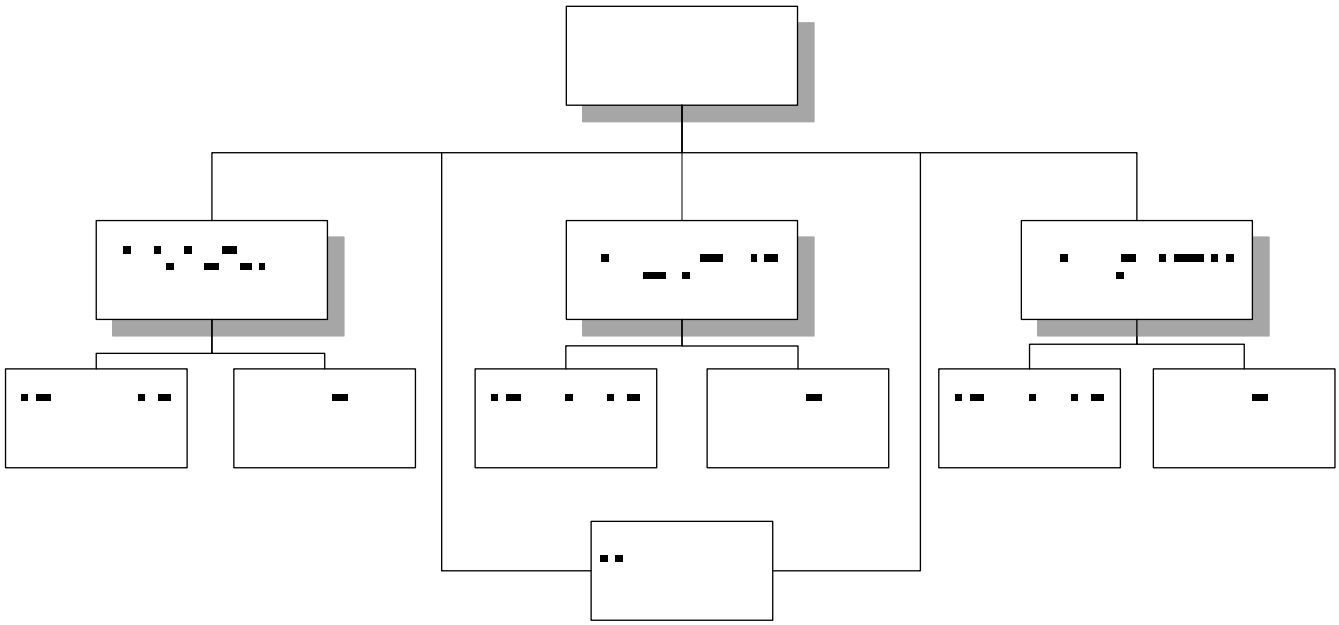
Given the current staffing levels of the LSO workforce and the critical nature of the legal services provided by LSO, we believe that a 10-member LSO attorney management team is appropriate for this office. However, to ensure accountability and clear lines of authority for the varied legal services provided by LSO, it is recommended that the LSO should be restructured to create a new executive leadership team comprising the Chief Counsel and three managing attorneys who lead three distinct areas of service (see Figure 2 below). Additionally, in accordance with council directive 107, we recommend that the position of Assistant Chief Counsel be reclassified as a managing attorney position. It is also recommended that one of the

[3] LSO provides courts with legal opinions on judicial administration issues but does not provide a research attorney function to assist courts on pending cases.

managing attorney positions be classified as a senior managing attorney to provide backup and support as second in command to the Chief Counsel. It appears appropriate that the managing attorney leading Judicial Council Services and Legal Opinions would be the best position for second in command.

The new structure provides a three-to-one reporting structure under the Chief Counsel and shifts the responsibility for regular day-to-day management workload from the Chief Counsel to the managing attorneys. This shift of direct responsibility for LSO daily activities is an acknowledgement that the Chief Counsel should be involved in providing legal input and expertise to the most critical legal issues for the branch versus being immersed in routine LSO workload. This structure will require continuous communication between the Chief Counsel and the three managing attorneys to ensure that no silos develop in the office. Similar to partners in a law firm, the Chief Counsel and the managing attorneys should meet regularly to share information and make decisions on projects, priorities, and resources that further the goals of the office as a whole.

Figure 2: Proposed LSO Organizational Structure



The three areas of services arising from the recommended restructuring are: Judicial Council Services and Legal Opinions (a merger of two formerly separate units), Transactions and Business Operations (incorporating Real Estate into the Transactions and Business Operations Unit), and Litigation Management and Labor and Employment (a merger of two formerly separate units). It is important to note that other than Judicial Council Services, all of the LSO units currently provide legal services for two client groups—the appellate and trial courts along with the Administrative Director and the AOC. The new units would continue to serve both client groups, with the responsibility of supervising attorneys divided between these client

groups. Each managing attorney would be responsible for providing satisfactory service to their clients.

The administration and monitoring of outside counsel would be the responsibility of the managing attorney for each respective area.

The designation of two positions (labeled "Supervising Attorney/Senior Attorney") under each of the subject matter areas is to ensure that there is client accountability for each area. There will need to be regular communication among these attorneys to avoid duplication of effort and inconsistency of work product. It was our belief that by establishing a clear line of accountability, the problems identified by the trial courts in the SEC report would be avoided or, if they did reoccur, would be more easily corrected.

It is intended that the Chief Counsel and the three managing attorneys hold overall management responsibility, with the supervising/senior attorneys charged with carrying out senior management's directives for the specific subject matter and client assignments. The level of experience and precise classification for these supervising/senior attorneys should be determined as a part of the internal restructuring and reviewed as a part of the classification and compensation study.

Role of Chief Counsel

> Judicial Council Restructuring Directive 115
> *E&P recommends that the Judicial Council direct the Administrative Director of the Courts, as part of the review of the AOC organizational structure, to review current responsibilities and clearly define the role of the Chief Counsel.*

By creating a team of three managing attorneys with assigned responsibilities over specific subject areas, the Chief Counsel should focus on ensuring that the structure in LSO is working well and that there is consistency and continuity among the three managing attorneys. The three managing attorneys must have the ability to work independently from and with the trust of the Chief Counsel to make decisions and manage the respective workload without direct involvement from the Chief Counsel. Again, the Chief Counsel's role should be oversight of LSO activities to allow for hands-on involvement only for cases and issues involving large, complex, and highly sensitive issues. The Chief Counsel must be flexible in meeting the needs of the Judicial Council, the Chief Justice, and the Administrative Director with a wide variety of legal responsibilities and is expected to consistently exercise a high degree of initiative, independence, originality, and judgment in performing all duties

The Chief Counsel serves as legal counsel to the chair of the Judicial Council (currently, the Chief Justice) and advises the Chief Justice on certain statutorily mandated functions. The Chief Counsel also manages staff responsible for the provision of legal support and staffing to some of the Judicial Council's internal committees and advisory committees and consults with, advises, and provides legal briefings and guidance for the council and its committees. The Chief Counsel

supervises the review and development of legal opinions on issues of statewide importance, the review of legislation and regulations, rulemaking adoption and modification, and the facilitation of review, filing, and publication of trial court local rules and procedural requirements. All of these activities should be accomplished through and with the managing attorneys.

The Chief Counsel consults with and advises the Administrative Director, AOC division chiefs, and office directors on the interpretation and analysis of law, court decisions, and rules and regulations affecting the functions of the AOC and on legal issues as they affect the planning, development, and review of overall programs and policies of the AOC.

Finally, as legal advisor and provider of legal services to the courts, the Chief Counsel manages staff and administers the Labor and Employment, Litigation Management, Transactions and Business Operations (including Real Estate), and Legal Opinions programs and services for the appellate and trial courts. Attachment A provides detailed information about the role of the Chief Counsel and the leadership over the LSO areas of service.

It is recommended that the Chief of Staff work with the Chief Counsel to assess the current level of resources expended for specific work products. This assessment should focus on ensuring that work products are being produced in the most efficient way and prioritized based on the issue at hand. The Chief Counsel and managing attorneys should continuously work together to identify efficient and effective ways to deliver these services.

> Judicial Council Restructuring Directive 120
> *E&P recommends that the Judicial Council direct the Administrative Director of the Courts that court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.*

To ensure the appropriate level of client service is provided, particularly in the area of legal opinions, it is recommended that a formal procedure be developed and implemented in LSO to solicit client feedback. As an example, once a legal opinion is provided to a court, it is recommended that LSO send a client satisfaction survey in a self-addressed stamped envelope or electronically to the respective court's presiding judge and court executive officer requesting feedback about the services provided. The information gained from this protocol would be shared with the Chief of Staff and will allow for continuous improvement in LSO.

AOC Attorney Services Outside of LSO

In their analysis of LSO legal services, the council liaisons identified attorney classification positions in offices other than LSO in the AOC. The existence of attorney positions in other AOC offices can be attributed to historical restructuring as the organization evolved. The majority of attorney resources outside of LSO reside in two offices—the Center for Judiciary Education and Research (CJER) and the Center for Children, Families & the Courts (CFCC). Additionally, there are a few attorney classifications housed in the Criminal Justice Court Services Office and the Office of Governmental Affairs (OGA).

A review of the information about the activities of attorney classifications outside of LSO compared to information about the services provided by LSO attorneys indicates that there are similar legal services rendered in multiple offices. These services include but are not limited to: legal support and services provided to advisory committees; the drafting of rules of court and forms; input and subject matter expertise on pending legislation; technical assistance; and legal research on specific case-type information. There are also attorney classifications participating in legal-related activities that are not currently offered in LSO. These include but are not limited to: the development of curriculum for judicial education; the creation and updating of judicial publications; legislative advocacy activities; and program and grant administration activities.

The concept of having attorney classifications providing legal advice and services outside of the purview of the Chief Counsel is concerning. Not only is there the potential for providing inconsistent legal advice and services to court clients, there are also liability issues for the organization in having attorney staff provide legal advice without the oversight of the Chief Counsel.

Given the current effort to ensure accountability for the AOC and the council's advisory committees and the AOC's renewed focus on providing consistent service to its customers, it is recommended that attorneys outside of LSO who provide legal advice or other services that require a license to practice law should have a dual reporting relationship: a dotted line reporting to the Chief Counsel and direct reporting to the current office director. The dual reporting relationship will ensure consistency of legal work and appropriate oversight by the LSO.

If there are attorney classifications that participate in legal-related activities for which a license to practice law is not required, it is recommended that these positions remain in their current organizational structure but be reclassified. For example, if it is determined that attorneys in OGA do not provide legal advice or require the use of a law license for their daily activities, then the AOC might consider reclassifying these positions as legislative specialists retaining the requirement for a law degree as a qualification for the position. This recommendation is forwarded to the Administrative Director to incorporate into the classification and compensation study process.

Use of Outside Counsel

Judicial Council Directive 122

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of the General Counsel's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost effective manner. Before initiating the independent review, the Administrative Director of the Courts must provide a proposal with options for conducting the review, including the associated costs.

In response to this directive, the Administrative Director provided options for a review of the use of outside counsel by LSO in February 2013, and the council directed LSO council liaisons to review the use, selection, and management of outside legal counsel to determine whether outside counsel is being used in a cost-effective manner and to report back to the council on the results of this review for any further direction.

As background, LSO utilizes outside counsel for representing judicial branch entities and personnel under the council's Litigation Management Program, representing trial courts in labor arbitrations and complaint proceedings before the Public Employment Relations Board (PERB), providing legal services in specialized areas of practice in which LSO attorneys do not have requisite expertise, and providing court facilities–related legal services to augment LSO staff in the Real Estate Unit and in other areas requiring specialized skills and experience.

Based on our experience in the legal field and after conferring with colleagues, we conclude that the use of outside counsel is appropriate and in some cases mandated, providing valuable legal resources for the varying needs of LSO relating to specific subject areas or broad-based branch initiatives (i.e., courthouse transfers). Outside legal counsel provides LSO with sufficient flexibility to meet the changing needs of the branch in an efficient and cost-effective manner.

Once it was confirmed that there is a legitimate need to use outside counsel, it was determined that a full study of past expenses would be extraordinarily time consuming and would provide little benefit. Since the goal is to be certain that future expenditures are warranted, the recommendation is to place the responsibility for the retention and monitoring of outside counsel with the managing attorney in each area of practice. There should be written justification for the retention, and the managing attorney should be responsible for insuring that the hourly rates and time spent are reasonable. At the close of representation a short client feedback report should be obtained and the managing attorney should evaluate the service provided from LSO's perspective. An annual report on the use of outside counsel should be provided to the Judicial Council.

The following recommendations are proposed to assist LSO in reinforcing its existing protocols for utilizing outside counsel to ensure that outside counsel is monitored, supervised, and managed. These recommendations were also shared with the three members of the SEC that are currently council members for their review. We appreciate their input and specific suggestions relating to recommendations regarding the development of a means to conduct an examination of cost effectiveness of outside counsel and an annual report on outside counsel from the Administrative Director as indicated below.

It is recommended that LSO develop:

- A structure where each managing attorney is responsible for the approval and justification for utilizing outside counsel based on area of expertise needed or resource requirements.

- A means for conducting an examination of the cost-effectiveness of utilizing outside counsel versus potentially hiring attorney resources based on specific projects and the duration of legal assistance needed.
- A checklist that must be completed prior to initiating a contract with outside counsel to confirm that there are no internal LSO resources available for the subject matter area.
- A means of following up with the courts that receive services to gather their input on the services provided by outside counsel through an e-mail questionnaire or survey. This information would be used in tandem with input from the LSO attorneys assigned to the respective case to identify if the outside counsel should be used for future cases.
- A means of regularly (every 12 months) surveying the market to ensure that what is being charged is appropriate and the rates are appropriate.
- An annual report to the council from the Administrative Director on the use of all outside counsel and the monies spent to the Advisory Committee on Financial Accountability and Efficiency (A&E) for review and reporting to the council.

LSO Attorneys Located in Field Offices

Judicial Council AOC Restructuring Directive 117

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to adopt an operations model whereby attorneys generally are housed at one location with flexibility to adjust as necessary to meet court needs regionally, including regional demand for additional attorney support and smaller courts that have fewer staff for research and other legal services. The location where attorneys report to work should ensure proper supervision.

After reviewing the activities of LSO attorney staff located in the Sacramento and Burbank field offices, we believe that it is appropriate to have staff in these locations. This is consistent with many government agencies as well as private law firms. This should allow more direct communication between LSO attorneys and the courts in their region. It should be noted that LSO attorneys are not the only AOC staff that reside in field offices. For all offices in which staff is housed away from their direct supervisors, it is recommended that the AOC develop a policy that includes existing senior management–level oversight in the field offices for day-to-day accountability for off-site staff.

Use of Paralegal Classification

Judicial Council AOC Restructuring Directive 112

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(f) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation 7-72(f)
The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(f) Development and use of paralegal classifications, as found elsewhere in legal services throughout both the public and private sectors, could lead to the reduction of attorney positions in the Legal Services Office.

In reviewing the activities of LSO attorneys, a specific need for a paralegal classification was not identified. Paralegals in private law firms are typically utilized primarily for high level administrative work and very minor legal-related work. Given that LSO already employs administrative staff to support LSO attorneys with administrative tasks, it does not appear appropriate to pursue the creation of a paralegal classification at this time.

Comments, Alternatives Considered and Policy Implications

In developing these recommendations, the LSO liaisons worked closely with the Chief of Staff. Additionally, these recommendations were shared with the AOC Executive Team and Chief Counsel and her management team.

Implementation Requirements, Costs, and Operational Impacts

It is anticipated that implementation of these recommendations, particularly LSO restructuring, may result in the need to recruit as needed. Additionally, LSO should realize savings by converting the Assistant General Counsel position to a Managing Attorney position.

There are several other recommendations that will impact LSO resources during implementation. These recommendations relate to the use of outside counsel where it is recommended that LSO strengthen the underlying structure for using outside counsel (i.e., developing a checklist; developing a means to follow up with courts to gain input; developing and implementing a survey on what is being charged in the market, etc.) and the recommendation to develop a client satisfaction survey.

Finally, it is recognized that delineating the attorney staff that will have a dual reporting relationship to LSO from other AOC offices will take some time to implement.

Attachments

A. Role of Chief Counsel of the Administrative Office of the Courts

Role of Chief Counsel of the Administrative Office of the Courts

The Chief Counsel of the Administrative Office of the Courts (AOC) is chief legal advisor to the Judicial Council of California and to the AOC and office chief of the AOC Legal Services Office, which provides comprehensive legal services to the AOC and to the appellate and trial courts. The Legal Services Office has two major areas of service: **legal advisor and counsel to the Judicial Council** and **legal advisor and legal services provider to the appellate and trial courts**.

I. Legal Advisor and Counsel to the Judicial Council

The role of legal advisor and counsel to the Judicial Council encompasses the legal services provided in support of the Chief Justice as Chair of the Judicial Council, the Judicial Council and its committees and task forces, and the AOC as staff agency to the Judicial Council.

In this capacity, the Chief Counsel is responsible for the following:

- Judicial Council Legal Support
  - Provide legal advice and briefings to the Chief Justice, as chair of the Judicial Council, the Judicial Council, and internal council committees on matters of importance to Judicial Council business.
  - Provide legal support and staffing of Judicial Council internal committees and council advisory committees, as requested.
  - Provide legal review of rules, forms, standards of judicial administration, and jury instructions for Judicial Council consideration.
  - Provide legal review of legislation and regulations for legal and programmatic impact in collaboration with the AOC Office of Governmental Affairs.
  - Provide legal support to the Chief Justice in evaluating and making recommendations on petitions for coordination of complex civil cases.
  - Facilitate filing of local court rules with the council and authorization by the Chief Justice of alternative effective dates of local rules.
  - Interact with other branches of government and external entities (e.g., Attorney General's Office, Commission on Judicial Performance, State Bar of California State Bar, Secretary of State, California Fair Political Practices Commission, etc.) on wide range of judicial administration legal issues.
  - Participate in meetings and conferences as the legal representative of the Judicial Council, AOC, and the judicial branch, as appropriate.
- AOC and Administrative Director of the Courts Legal Support
  - Provide legal advice and briefings to the Administrative Director, Division Chiefs, and Office Directors on legal issues affecting AOC programs and operations and on legal issues affecting planning, development, and review of AOC programs and policies.

- Identify legal and risk management issues.
- Collaborate with other AOC offices on legislative, fiscal, facilities, technology, and other matters affecting the judicial branch to develop strategies for implementing new requirements and responding to emerging issues.

- Chief Counsel Administrative Activities
  - Manage the AOC Legal Services Office, including planning and directing work, providing legal policy direction, providing for internal staff development and training and succession planning, and participating in recruitment and selection of staff.
    - Provides general direction on the office's priorities, policies, and operations.
    - Manages the Legal Services Office budget and resources; develops and implements strategies to meet increasing workload demands with limited resources.
    - Establishes and implements performance and development plans for direct reports.

II. Legal Advisor and Provider of Legal Services to the Appellate and Trial Courts and the AOC

In this capacity, the Chief Counsel provides direction and oversees the following programs and activities that provide legal services to the appellate and trial courts and to the AOC:

- Labor and Employment:
  - Responds to labor and employment issues in collaboration with the AOC Human Resources Services Office (HRSO), as appropriate.
  - Provides legal advice and guidance to minimize risk of labor disputes and employment litigation.
  - Provides legal advice in addressing sensitive personnel issues.
  - Assists HRSO in managing legal aspects of investigations of internal complaints of discrimination, harassment, retaliation, and other similar complaints, and advises about complaint resolution.
  - Drafts personnel policies to ensure compliance with applicable law and to avoid litigation.
  - Upon request, advises trial courts regarding labor relations matters (MOUs, labor relation rules, progressive discipline, personnel actions, etc.).
  - Provides ongoing legal support to HRSO in addressing labor relation issues for trial courts.
  - Upon request, provides legal advice and representation for trial courts in labor arbitrations and complaints before the Public Employment Relations Board.

- Litigation Management:
  - Under the direction of the Administrative Director of the Courts and consistent with rules of court, manages and administers the Judicial Council's Litigation Management Program.
  - Staffs the council's Litigation Management Committee, which oversees claims and litigation against judicial branch entities in which the likely exposure is $100,000 or more or that raise issues of significance to the judicial branch.
  - Handles claims against judicial branch entities, making recommendations to the council's Litigation Management Committee for settlements at or above $100,000.
  - Manages litigation against judicial branch entities, including selecting and directing outside counsel retained to represent judicial branch entities and making recommendations to the council's Litigation Management Committee for settlements at or above $100,000.
  - Provides annual litigation reports to the Litigation Management Committee, the Judicial Council, the appellate and trial courts, and the AOC.
  - Manages affirmative litigation on behalf of the courts and AOC.
  - Provides for representation of courts and AOC at administrative law hearings and judicial proceedings.

- Legal Opinions:
  - Upon request, provides legal advice and opinions to court leaders on judicial administration issues.
  - Provides statewide legal advice and guidance to court leaders on issues of statewide importance.
  - Upon request, provides legal advice and opinions to AOC leadership on wide range of issues affecting the judicial branch and judicial branch entities.

- Transactions and Business Operations:
  - Provides legal services and support for court facilities-related transactions, including acquisition, construction, renovation, operation, and maintenance of court facilities.
  - Provides legal services and support for solicitation, contracting, and procurement of goods and services, including technology transactions.
  - Provides legal advice on issues related to procurement, risk management, business administration, and operational initiatives.

- Provides legal advice for compliance audits under federal and state law.
- Provides legal advice on leases, contracts, and other documents requiring approval of the Administrative Director of the Courts.
- Oversees the selection, management, and evaluation of external legal resources/outside counsel retained to augment transactional

Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 25, 2014

Title
AOC Restructuring: Efficiencies and Restructuring at the Legal Services Office

Submitted by
Steven Jahr
Administrative Director of the Courts
Administrative Office of the Courts
Jody Patel, Chief of Staff

Agenda Item Type
Information Only

Date of Report
April 8, 2014

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Executive Summary

The Legal Services Office (LSO) is an office of the Administrative Office of the Courts (AOC) under the Judicial Council and Court Leadership Services Division. The mission of LSO is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The Judicial Council has charged the office with providing "consistent, comprehensive legal support and counsel to the courts." (Judicial Council of Cal./Admin. Off. of Cts., *Justice in Focus: The Strategic Plan for California's Judicial Branch 2006–2012* (2006), p. 49.) In response to Judicial Council restructuring directives and the recommendations of the Judicial Council liaisons to LSO, the office has been significantly restructured. This informational report summarizes the activities undertaken in response to the June 2013 recommendations of the Judicial Council liaisons.

Previous Council Action

- In March 2011, Chief Justice Tani G. Cantil-Sakauye created the Strategic Evaluation Committee (SEC) to conduct an in-depth review of the Administrative Office of the Courts, the staff agency to the Judicial Council, with a view toward promoting transparency, accountability, and efficiency.

- On August 31, 2012, based on the SEC report and its recommendations, the Judicial Council approved AOC realignment directives and directed the Administrative Director to report on them.

- At the February 2013 council meeting, the council liaisons to LSO were asked to take the lead on reviewing the cost-effectiveness of LSO's current use of outside counsel in response to Judicial Council directive 122. While addressing this request, the liaisons concluded that additional LSO-related restructuring directives were appropriate for inclusion in the liaisons' review and would enable a more comprehensive evaluation.[1]

- In addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons' review was expanded to include defining the role of the Chief Counsel; evaluating the need for use of a paralegal classification; analyzing the use of LSO attorney staff in AOC field offices; and analyzing the current LSO organizational structure, LSO services, and attorney services provided by the AOC outside of LSO.

- In June 2013, the LSO liaisons recommended that the Judicial Council endorse the following recommendations to the Administrative Director:[2]

    1. LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.

    2. LSO should implement a formal structure to solicit client feedback on a regular basis.

    3. The role of the Chief Counsel and the expectations for that role and areas of responsibility should be clearly defined to reflect the new organizational structure.

    4. The use of outside counsel is appropriate for specialized areas of law and litigation. The protocols for LSO's use of outside counsel should be strengthened to ensure that outside counsel is used in the most cost-effective manner.

    5. The AOC should continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability.

[1] See Judicial Council of Cal., *AOC Restructuring: Judicial Council Liaisons' Review of the Legal Services Office and Recommendations* (June 28, 2013), p. 3.

[2] *Id.* at pp. 2–3.

6. All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office.

7. Given the recent retirement announcement by the current Chief Counsel, the successor Chief Counsel should be afforded the opportunity to implement the restructuring and the formation of the management team under the supervision of the Chief of Staff.

- At the June 2013 Judicial Council meeting, the council endorsed the liaisons' recommendations and agreed with the liaisons that modifications might be needed once these recommendations are implemented. It further directed the Administrative Director of the Courts to report back on implementation of the liaisons' recommendations by the end of March 2014.[3]

Methodology and Process

Restructuring within LSO has occurred as a result of the implementation of the liaisons' recommendations. As indicated below, six of the seven recommendations have been implemented, with one variance: (1) the LSO management structure has been modified; (2) the responsibilities of the Chief Counsel have been reviewed and clearly defined; (3) a process for periodically surveying court users of legal services is being put into place; (4) protocols have been developed for retention of outside counsel; (5) policies have been implemented to ensure appropriate oversight in the field offices for day-to-day accountability of LSO attorneys and staff in field offices; and (6) paralegals have not and are not currently employed by the LSO. Finally, although LSO works closely with other AOC offices with attorneys, the liaisons' recommendation that AOC attorneys outside of LSO who provide legal advice or legal related services that require a law degree should have a dual reporting relationship to LSO and their current office has not been implemented. As discussed below, for this recommendation, it seems appropriate to wait for the results of the pending classification and compensation study, which will expressly review the attorney classification.

Background on the Legal Services Office

The Legal Services Office provides a variety of services that historically, before state trial court funding, were provided by the counties and reflect the varying and expanded needs of judicial branch entities in today's environment.

Before trial court funding, the Legal Services Office comprised a small group of attorney staff primarily responsible for drafting council rules of court and forms and legislation, providing legal opinions to the council and the Administrative Director, and staffing council advisory

[3] As reported to the Judicial Council in February 2014, because no Judicial Council meeting was held in March 2014, this report is being provided at the April 25, 2014, business meeting of the council.

committees and other similar bodies.[4] Following trial court funding, the role of LSO expanded to provide to the superior courts legal services that previously had been provided by county counsels' offices. LSO began providing trial courts with legal opinions on judicial administration issues. The council also approved the creation of a Litigation Management Program in 1999, adopting rules of court assigning the responsibility to LSO for the management of all claims and litigation against the courts.

After the enactment of the Trial Court Employment Protection and Governance Act of 2000, LSO began providing labor and employment legal services. LSO's areas of responsibility continued to expand—for example, with the establishment of a unit to provide transactional and business-related advice and services. After passage of the Trial Court Facilities Act of 2002, the Real Estate Unit was established to provide the facilities-related legal work resulting from this legislation. Finally, LSO attorney positions were established in the field offices to better facilitate the provision of legal services to the superior courts.

The growth of LSO and the expansion of the services it provides have significantly changed in the past few years. Based on the council directives and other developments, LSO has ceased to grow and has been notably reduced in size. This and other changes are described in detail below.

Implementing the directives

In implementing the Judicial Council directives to LSO and the council liaisons' recommendations, the Administrative Director of the Courts and the Chief of Staff worked closely with the Chief Counsel and her management team. They have also benefitted greatly from advice from the Judicial Council liaisons to LSO and other council members.

The liaison report specifically addresses implementation of the council liaisons' recommendations to the Administrative Director of the Courts, which were endorsed by the Judicial Council. The report presents each recommendation and summarizes the actions taken in response to the recommendations.

Legal Services Office restructuring

As part of their review, the liaisons considered Judicial Council restructuring directive 107 and recommended the following:

> LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.

[4] The office's name has changed over the years. In the 1990s, it was designated as Council and Legal Services. Subsequently, it became the Office of the General Counsel, and in 2012 the office was renamed the Legal Services Office.

(Judicial Council of Cal., *supra,* at p. 2.)

Judicial Council restructuring directive 107 states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(a) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.[5]

Since the release of the Strategic Evaluation Committee report in May 2012, the LSO workforce has been dramatically reduced from the 75 positions referenced in SEC recommendation 7-72(a) to a workforce of 44 positions as of the date of this report. LSO attorney staffing has been reduced from 50 attorneys to the current number of 32 attorneys, exclusive of the Chief Counsel. The LSO management team currently consists of 6 members, excluding the Chief Counsel, as compared to 9 noted in SEC recommendation 7-72(a).

The June 2013 Liaison Report states:

> Given the current staffing levels of the LSO workforce and the critical nature of the legal services provided by LSO, we believe that a 10-member LSO attorney management team is appropriate for this office. However, to ensure accountability and clear lines of authority for the varied legal services provided by LSO, it is recommended that the LSO should be restructured to create a new executive leadership team comprising the Chief Counsel and three managing attorneys who lead three distinct areas of service . . . Additionally, in accordance with council directive 107, we recommend that the position of Assistant Chief Counsel be reclassified as a managing attorney position. It is also recommended that one of the managing attorney positions be classified as a senior managing attorney to provide backup and support as second in command to the Chief Counsel. It appears appropriate that the managing attorney leading Judicial Council Services and Legal Opinions would be the best position for second in command.

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[5] SEC Recommendation 7-72(a) states:

> The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:
>
> (a) In addition to the General Counsel, there are nine management level attorney positions in the Legal Services Office, including the Assistant General Counsel, three Managing Attorneys, and five Supervising Attorneys. This is an excessive number of management positions, which should be reduced. The position of Assistant General Counsel could be eliminated. One managing attorney could be assigned to manage each of the two major functional components of the division, house counsel, and Judicial Council services, with each managing attorney reporting directly to the Chief Counsel.

> The new structure provides a three-to-one reporting structure under the Chief Counsel and shifts the responsibility for regular day-to-day management workload from the Chief Counsel to the managing attorneys. This shift of direct responsibility for LSO daily activities is an acknowledgement that the Chief Counsel should be involved in providing legal input and expertise to the most critical legal issues for the branch versus being immersed in routine LSO workload. This structure will require continuous communication between the Chief Counsel and the three managing attorneys to ensure that no silos develop in the office. Similar to partners in a law firm, the Chief Counsel and the managing attorneys should meet regularly to share information and make decisions on projects, priorities, and resources that further the goals of the office as a whole.

(Judicial Council of Cal., *supra,* at p. 2.)

Under the new Chief Counsel, with the support of the Administrative Director of the Courts and the Chief of Staff, LSO has taken measures that have substantially implemented the structure proposed by the liaisons. The LSO attorney management team, excluding the Chief Counsel, consists of six members as of March 2014. The position of Assistant Chief Counsel was eliminated after the attorney formerly holding that position retired in 2013. As recommended by the liaisons, instead of hiring a new Assistant Chief Counsel, a managing attorney was promoted in 2014 to the position of senior managing attorney to provide support and backup to the Chief Counsel. Because of retirements, no other managing attorneys are currently employed in LSO. However, to provide the level and structure of leadership necessary to manage the office in the manner recommended by the liaisons, recruitment is under way for two additional managing attorneys. After completion of this hiring process, LSO will have an executive management structure as envisioned by the liaisons, with a Chief Counsel and three managing attorneys, one of whom is designated as a senior managing attorney.

LSO provides legal services in two primary areas: (1) services provided to the council, to the Chief Justice as chair of the council, and to the Administrative Director of the Courts and the AOC as the administrative arm of the council; and (2) services provided to the appellate and trial courts. LSO is currently structured to provide legal services in these areas by organizing its attorneys into six units:

- Rules and Projects Unit
- Legal Opinion Unit
- Transactions and Business Operations Unit
- Real Estate Unit
- Litigation Management Unit
- Labor and Employment Unit

In terms of LSO's management structure, the liaison report recommends that LSO be restructured into three areas of services: (1) Judicial Council Services and Legal Opinions (a

merger of the Rules and Projects and Legal Opinion Units); (2) Transactions and Business Operations (incorporating Real Estate into the Transactions and Business Operations Unit); and (3) Litigation Management and Labor and Employment (a merger of the two formerly separate units).

The liaison report further recommends that the new units continue to serve both client groups—the appellate and trial courts along with the Judicial Council, Chief Justice as chair of the council, Administrative Director of the Courts, and AOC—with the responsibility of supervising attorneys divided between the two client groups. LSO is in the process of restructuring its activities into the three organization units described above. Once the full complement of managing attorneys is in place, each will manage one of the combined units. After careful consideration, however, the Administrative Director and Chief of Staff support a variance from the liaison recommendations with respect to the supervisory-level responsibilities. Because the quantity of legal work performed for the courts differs from that for the Judicial Council/AOC clients and because of the need to provide clients with specialized skills and knowledge in the individual subject-matter areas, LSO will continue to be structured along subject-matter groups rather than client groups. The purpose of this structure is to provide better service to clients by providing them with immediate access to supervisors and attorneys with subject-matter expertise specific to the legal issues and inquiries presented.[6]

The liaison report further states:

> It is intended that the Chief Counsel and the three managing attorneys hold overall management responsibility, with the supervising/senior attorneys charged with carrying out senior management's directives for the specific subject matter and client assignments. The level of experience and precise classification for these supervising/senior attorneys should be determined as a part of the internal restructuring and reviewed as a part of the classification and compensation study.

The report's additional recommendations regarding the management structure will be implemented once the managing attorney positions are filled. As indicated in the report, the level of experience and precise classification for the supervising/senior attorney structure also partially depend on the classification and compensation study.

Role of Chief Counsel

The liaisons considered Judicial Council restructuring directive 115 and recommended that the role of the Chief Counsel and the expectations for that role, along with the areas of responsibility, should be clearly defined to reflect the new organizational structure.

[6] See Attachment A for an organization chart showing this management structure.

Judicial Council restructuring directive 115 states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts, as part of the review of the AOC organizational structure, to review current responsibilities and clearly define the role of the Chief Counsel.

As part of their report to the Judicial Council, the liaisons included an attachment clearly defining the responsibilities and role of the Chief Counsel of the Administrative Office of the Courts.[7]

The description has been adopted and specifies that the Chief Counsel is chief legal advisor to the Judicial Council and to the AOC and office chief of the AOC Legal Services Office, which provides comprehensive legal services to the appellate and trial courts. It adds that the Legal Services Office has two major areas of service: legal advisor and counsel to the Judicial Council and legal advisor and legal services provider to the appellate and trial courts. In these capacities, the Chief Counsel has responsibilities that are enumerated in detail.

Survey of users of LSO services

The liaisons considered Judicial Council restructuring directive 120 and recommended that, to ensure that the appropriate level of client service is provided, particularly in the area of legal opinions, a formal procedure be developed and implemented in LSO to solicit client feedback.

Judicial Council restructuring directive 120 states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts that court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.

In response to this recommendation, a draft survey has been developed to ask court users for their evaluations of and suggestions for improvements to legal services provided by each of the six LSO units.[8] Because of workload issues and staffing concerns, it is anticipated that the survey will be distributed to the courts in late 2014 as a pilot. If the survey proves useful and courts do not find it overly burdensome, LSO will continue to survey the courts on an annual or biennial basis.

Use of outside counsel

With respect to Judicial Council directive 122 regarding the use of outside counsel, the Judicial Council endorsed the liaisons' recommendation that (1) the use of outside counsel is appropriate for specialized areas of law and litigation; and (2) protocols for LSO's use of outside counsel

[7] See Judicial Council of Cal., *supra,* Attachment A (a copy of which is attached to this report as Attachment B).

[8] See Attachment C for a copy of the draft survey.

should be strengthened to ensure that outside counsel is used in the most cost-effective manner. That directive states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of the General Counsel's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost effective manner. Before initiating the independent review, the Administrative Director of the Courts must provide a proposal with options for conducting the review, including the associated costs.

The liaisons undertook the review of the use of outside counsel and reported back to the council as follows:

> Based on our experience in the legal field and after conferring with colleagues, we conclude that the use of outside counsel is appropriate and in some cases mandated, providing valuable legal resources for the varying needs of LSO relating to specific subject areas or broad-based branch initiatives (i.e., courthouse transfers). Outside legal counsel provides LSO with sufficient flexibility to meet the changing needs of the branch in an efficient and cost-effective manner.

(Judicial Council of Cal., *supra,* at p. 10.)

The liaison report also concluded, once it was confirmed that there was a legitimate need to use outside counsel, that a full study of past expenses would be extraordinarily time-consuming and would provide little benefit. Because the goal was to be certain that future expenditures are warranted, the liaisons recommended placing the responsibility for the retention and monitoring of outside counsel with the managing attorney in each area of practice. The liaisons added that (1) there should be written justification for the retention, and the managing attorney should be responsible for ensuring that the hourly rates and time spent are reasonable; (2) at the close of representation a short client feedback report should be obtained, and the managing attorney should evaluate the service provided from LSO's perspective; and (3) an annual report on the use of outside counsel should be provided to the Judicial Council.

Thus, the liaisons recommended that LSO develop:

- A structure in which each managing attorney is responsible for the approval of and justification for using outside counsel based on the area of expertise needed or resource requirements.
- A means for conducting an examination of the cost-effectiveness of using outside counsel versus potentially hiring attorney resources based on specific projects and the duration of legal assistance needed.
- A checklist that must be completed before initiating a contract with outside counsel to confirm that no internal LSO resources are available for the subject-matter area.

- A means of following up with the courts that receive services to gather their input on the services provided by outside counsel through an e-mail questionnaire or survey. This information would be used in tandem with input from the LSO attorneys assigned to the respective cases to identify if the outside counsel should be used for future cases.
- A means of regularly (every 12 months) surveying the market to ensure that what is being charged is appropriate and the rates are appropriate.

The liaisons also recommended that the Administrative Director provide to the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch an annual report on the use and cost of outside counsel for the committee's consideration and reporting to the council.

In response to these recommendations, the LSO protocol for the retention of outside counsel has been amended to require managing-attorney approval of the hiring of any outside counsel. Under that protocol, the managing attorney (1) reviews the recommendation to hire outside counsel and the expertise of the counsel suggested, and (2) confirms that no internal resource is available for the particular subject matter. The review and approval by the managing attorney are recorded in each file. In addition, on an annual basis, LSO will review the annual attorney fee surveys prepared by various organizations to ensure that the fees charged by outside counsel are appropriate and reasonable. LSO also will send to each court a survey after the conclusion of any significant litigation, arbitration, or proceedings before the Public Employment Relations Board, asking for the court's assessment of the specific legal representation provided by LSO and outside counsel.[9] The survey results will be used in an annual review of the use of outside counsel to ensure the delivery of quality and timely legal services. The LSO also will provide reports on the use and cost of outside counsel to the Advisory Committee on Financial Accountability and Efficiency at the request of the committee.

LSO attorneys located in field offices

In response to Judicial Council directive 117, the liaisons recommended that the AOC continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability. That Judicial Council directive states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to adopt an operations model whereby attorneys generally are housed at one location with flexibility to adjust as necessary to meet court needs regionally, including regional demand for additional attorney support and smaller courts that have fewer staff for research and other legal services. The location where attorneys report to work should ensure proper supervision.

The liaison report states that, after reviewing the activities of LSO attorney staff located in the Sacramento and Burbank field offices, the liaisons believe that it is appropriate to have staff in

[9] These surveys will be prepared for the individual case and tailored to the type and nature of the representation.

these locations. The liaisons commented that such an arrangement is consistent with the staffing of many government agencies and private law firms.

LSO has followed the recommendation of the liaisons and continues to house attorneys in field offices. Doing so allows more direct communication between LSO attorneys and the courts in their regions.[10] In addition, as recommended by the liaisons, to ensure oversight in the field offices for day-to-day accountability for off-site staff, LSO management requires staff in the field offices to report any absences both to their supervisors and to a designated local staff member, who would enter the appropriate information into the LSO calendar system.

Use of paralegal classifications

The LSO liaisons reviewed Judicial Council restructuring directive 112 and stated that they did not identify a specific need for a paralegal classification. That directive states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(f) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.[11]

In their report, the liaisons state that paralegals in private law firms are typically used primarily for high-level administrative work and very minor legal-related work. Given that LSO already employs administrative staff to support LSO attorneys with administrative tasks, the liaisons indicate that to pursue the creation of a paralegal classification does not appear appropriate at this time.[12] Consistent with the LSO liaisons' recommendation, LSO does not employ paralegals.

Dual reporting

The liaison report discusses one other recommendation for LSO. That recommendation states: "All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office."[13] On this recommendation relating to attorneys within the AOC, it seems appropriate to wait for the results of the classification and compensation study. That study will expressly study the attorney

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[10] See Judicial Council of Cal., *supra*, at page 11.

[11] SEC Recommendation 7-72(f) states:

> The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:
>
> (f) Development and use of paralegal classifications, as found elsewhere in legal services throughout both the public and private sectors, could lead to the reduction of attorney positions in the Legal Services Office.

[12] See Judicial Council of Cal., *supra*, at pages 11–12.

[13] *Id.* at page 3.

classifications and should provide useful information to assist in any efforts to redefine or change the relationship among the various groups and types of attorneys working for the AOC.

Policy and Cost Implications

LSO's mission continues to be to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The restructuring of LSO will result in efficiencies and savings from, for example, the conversion of the position of assistant chief counsel into a senior managing attorney position and will continue to require a commitment of effort (for example, for staff and courts to conduct and complete user surveys).

Relevant Strategic Plan Goals and Operational Plan Objectives

Judicial Council strategic Goal VI.C.1 ("Provide a high-quality administrative legal infrastructure to provide consistent, comprehensive legal support and counsel to the courts").

Attachments

1. Attachment A: LSO organization chart
2. Attachment B: Role of Chief Counsel of the Administrative Office of the Courts
3. Attachment C: Administrative Office of the Courts, Legal Services Office, Customer Service Survey

JUDICIAL COUNCIL OF CALIFORNIA

LEGAL SERVICES

Updated 3/19/2015

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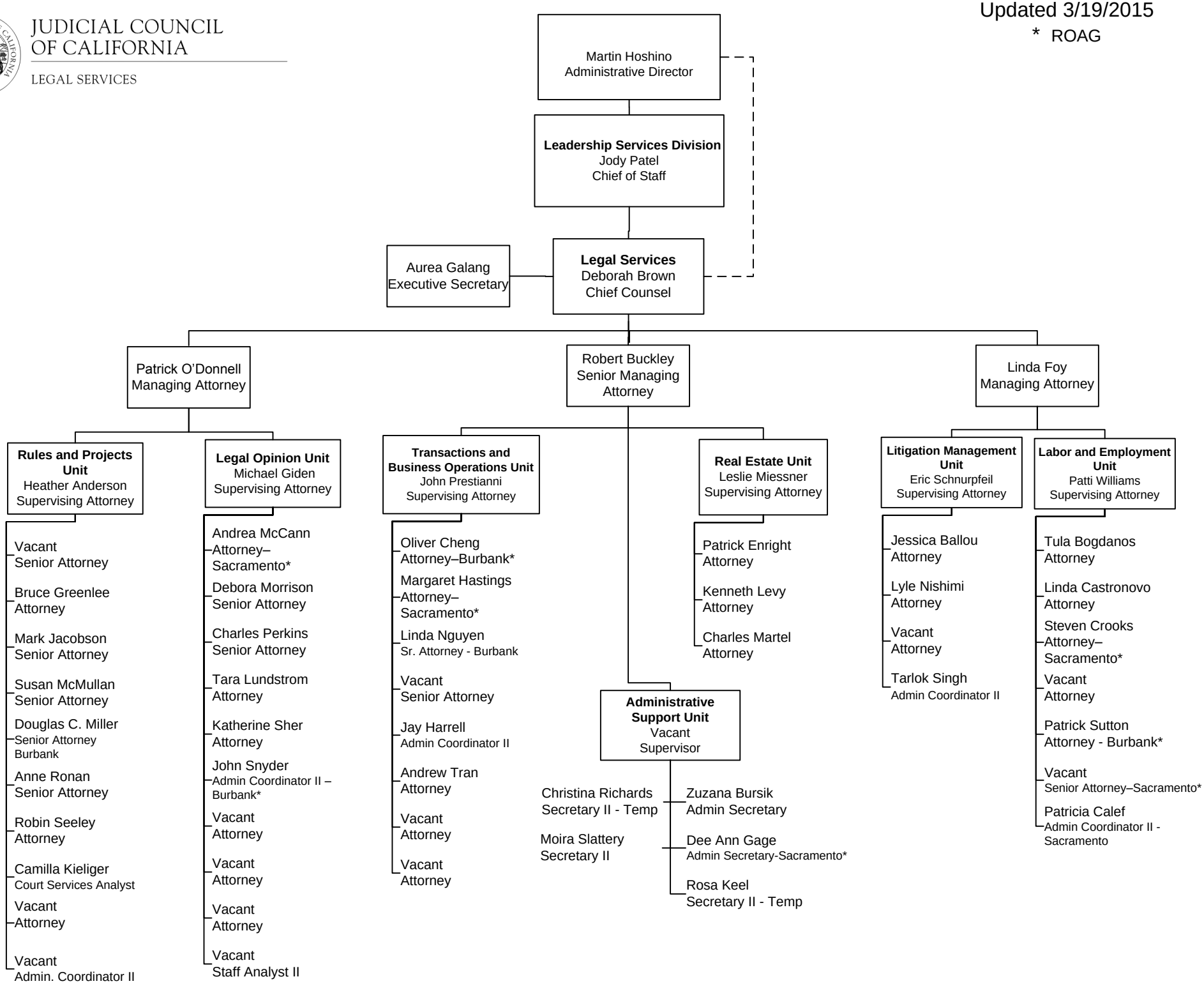

Information on Judicial Council Directives

Council Directive **118**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Office of the General Counsel service model should emphasize that time is of the essence when it comes to delivering advice and opinions to the courts; that recommendations and advice to courts should include a full range of options available to the courts; and that there must be a greater recognition that the AOC's interests may conflict with the specific interests of the courts. Clearer procedures should be put in place to safeguard the interests of individual courts in those instances when legitimate conflicts arise.

SEC Recommendation **7-77**

This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:

(c) The service model should emphasize that time is of the essence when it comes to delivering advice and opinions to the courts; that recommendations and advice to courts should include a full range of options available to the courts; and that there must be a greater recognition that the AOC's interests may conflict with the specific interests of the courts. Clearer procedures should be put in place to safeguard the interests of individual courts in those instances when legitimate conflicts arise.

Reported By:	Legal Services
Contact:	Deborah Brown, Chief Counsel

TASK

	PENDING
x	**COMPLETED: Legal Services has developed and implemented a system to track legal services office-wide and to monitor and provide status and response time updates to requests for legal opinions and advice. Additionally, LSO consults with the courts and other offices when responding to requests for legal advice and utilizes a mandated process to handle potential conflicts over the handling or resolution of litigation on behalf of the courts.**

Responses to directives 108 and 116 set forth steps taken by the Legal Services to speed delivery of requested legal advice and opinions to the courts, based on the client service principle that time is of the essence. Those steps include developing and implementing a Matter Tracking System as a single method to track legal services office-wide, and closely monitoring and providing updates to clients on the status and response time of all requests for legal opinions and advice.

With respect to the direction that recommendations and advice to courts should include a full range of options available to courts, Legal Services will continue to consider, research, and provide available options to clients. When responding to requests for advice, to determine options for courts, Legal Services regularly consults with the courts and other council offices. For example, when conclusions on legal requirements will entail administrative or financial burdens for court clients, Legal Services routinely interfaces with the council's Governmental Affairs to ascertain whether legislation is possible to address court concerns. If policy issues are raised, Legal Services interfaces with other council divisions to discuss the policy and whether a change of policy might be proposed. LSO also regularly interfaces with executive branch agencies to promote its clients' interests

in delivery of justice (e.g., coordinating with the Secretary of State with respect to election day issues and judicial elections) and also regularly interfaces with other governmental entities to address concerns of judicial officers (e.g., working with FPPC staff to address security concerns associated with FPPC posting of Statements of Economic Interests).

With respect to the direction that there must be a greater recognition that the AOC's interests may conflict with the specific interests of the courts and that clearer procedures should be put in place to safeguard the interests of individual courts in those instances when legitimate conflicts arise, LSO relies upon the process set forth in rule of court to address conflicts that may arise over the handling or resolution of litigation.

By statute, the Judicial Council is required to provide for the representation, defense, and indemnification of the courts. (Gov. Code, § 811.9.) By rule of court, courts must use LSO services for claims and litigation management. (Cal. Rules of Court, Rule 10.202 (c) (requiring the trial and appellate courts to notify LSO promptly on receipt of a claim or lawsuit and to forward the claim or lawsuit to LSO for handling).) Because the use of LSO in litigation is mandatory, a process is in place to handle any potential conflicts over the handling or resolution of the litigation. Rule 10.202(d) provides for the resolution of any such dispute. Rule 10.202(d) states that if a court disagrees with a decision of LSO about major strategic decisions, the court may deliver a written objection to LSO and the same will be delivered to the Litigation Management Committee. The Committee will then resolve the dispute. This resolution process is also outlined in the Litigation Management Program Resource Manual, the internal handling guideline used by LSO attorneys, at section 4.3.1, concerning the selection of counsel, and 4.7.1 concerning settlements. The manual is intended to provide guidance and direction to LSO attorneys in achieving the program objectives. In every instance where a court has expressed concern about a proposed decision of the LSO in litigation, court leaders are reminded of the process for addressing concerns with the Litigation Management committee as provided by rule of court.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

- [ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
- [x] IMPLEMENTED AND ONGOING
- [ ] IMPLEMENTED BUT IN PROGRESS
- [ ] UNABLE TO IMPLEMENT
- [ ] PENDING IMPLEMENTATION

Legal Services will continue to monitor its management practices on an ongoing basis to speed delivery of requested legal advice and opinions to the courts. Legal Services will continue to consider, research, and provide available options to clients when providing legal advice. Legal Services will continue to adhere to the process mandated by California Rule of Court in those cases when a court may disagree with a major strategic decision by Legal Services it relates to litigation on behalf of the courts.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- Litigation Management Resource Manual, Section 4.3. Defense Counsel; 4.3.1. Selection
- Litigation Management Resource Manual, Section 4.7. Settlement, 4.7.1. General guidelines

4.3 Defense Counsel

4.3.1 SELECTION

In addition, the OGC attorney also should discuss with a supervising attorney any disagreement by court defendants about the counsel proposed by OGC. If the court's objection cannot be resolved after discussions between the court and OGC, rule 6.202 [now rule 10.202] allows the Presiding Judge to present to OGC a written statement of the objection, which OGC will present to the Litigation Management Committee for resolution.[1]

[1] Excerpt from Litigation Management Program Resource Manual (2003 edition).

4.7 Settlement

4.7.1 GENERAL GUIDELINES

Pursuant to rule 6.202 [now rule 10.202], the OGC makes settlement decisions or recommendations after consultation with the affected court and any individual court defendant being provided representation under the program. The OGC attorney managing a case should discuss settlement alternatives with court defendants when considering a settlement recommendation. If a court defendant disagrees with a proposed settlement plan, and the disagreement cannot be resolved, the court may present a written objection to the Litigation Management Committee, through the OGC. (See rules 6.202 and 6.14 [now rules 10.202 and 10.14].)[1]

[1] Excerpt from Litigation Management Program Resource Manual (2003 edition).

Information on Judicial Council Directives

Council Directive **119**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to place emphasis on reducing bottlenecks for advice, contracts, and other projects. More effective tickler and tracking systems for opinions, contracts, and other documents should be put in place.

SEC Recommendation **7-77**

This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:

(d) Emphasis must be placed on reducing bottlenecks for advice, contracts, and other projects. More effective tickler and tracking systems for opinions, contracts, and other documents should be put in place.

Reported By:	Legal Services
Contact:	Deborah Brown, Chief Counsel

TASK

☐ **PENDING**

☒ **COMPLETED: Legal Services developed and implemented a matter tracking system to track workload of all legal services and to support allocation of incoming work and supervision of open matters. Additionally, attorneys in other units are regularly assigned advice matters to expedite the delivery of requested legal guidance.**

To address resource constraints office-wide, ensure appropriate supervision and allocation of work, and provide a more effective tickler and tracking system for opinions, contracts, and other documents, the Legal Services developed a matter tracking system, which was implemented on February 1, for a 90- day trial and evaluation period and then was fully implemented in April of 2013. The matter tracking system tracks matters from assignment to completion date, assigns a level of complexity for each matter, and provides a uniform tickler system for review of open matters. As part of the system, attorneys log all legal services matters (e.g., requests for legal advice and contracts) and Legal Services management receives weekly updates about open and closed matters and may review the assignment log at any time.

The matter tracking system has proven to be both an efficient and effective way to track the workload of all legal services units, including requests for opinions, contracts, and other documents and to support appropriate allocation of incoming work and supervision of open matters.

In addition to implementation of the matter tracking system, the Legal Services has taken other actions to reduce bottlenecks for advice, contracts, and other projects. Within the Legal Opinions Unit, to help address the impact of reduced attorney staff and meet client needs, attorneys in other units are regularly assigned advice matters, thereby expediting delivery of requested legal guidance. In addition, to speed review of opinions, a senior attorney now shares with the supervising attorney the responsibility to review draft opinions. With respect to contracts and other documents, Legal Services also is working closely with the Business Services Unit of Fiscal

Services, including meeting monthly with the Fiscal Services Assistant Director responsible for the Business Services Unit, to assist the Business Services Unit in timely delivery of completed contracts.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x]	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	[ ]	UNABLE TO IMPLEMENT
[ ]	IMPLEMENTED AND ONGOING	[ ]	PENDING IMPLEMENTATION
[ ]	IMPLEMENTED BUT IN PROGRESS		

ASSESSMENT OF IMPLEMENTATION

It is important to note that LSO does not consider the activities above to be one-time solutions as Legal Services will continue to monitor the services provided an ongoing basis.

OTHER INFORMATION

Attachments:

- Matter Tracking Log sample

Matter # (e.g. 2-24): [redacted]

Assigned to: [redacted]

Open date: [redacted]

Close date: [redacted]

Requestor:

■ Supreme Court ☐ 1DCA (SF) ☐ 2DCA (LA) ☐ 3 DCA (Sac) ☐ 4 DCA (SD) ☐ 5 DCA (Fresno) ☐ 6 DCA (SJ)

Superior Court of California, County of:

☐ Alameda	☐ Glenn	☐ Marin	☐ Placer	☐ San Mateo	☐ Sutter	☐ Judicial Council
☐ Alpine	☐ Humboldt	☐ Mariposa	☐ Plumas	☐ Santa Barbara	☐ Tehama	
☐ Amador	☐ Imperial	☐ Mendocino	☐ Riverside	☐ Santa Clara	☐ Trinity	
☐ Butte	☐ Inyo	☐ Merced	☐ Sacramento	☐ Santa Cruz	☐ Tulare	
☐ Calaveras	☐ Kern	☐ Modoc	☐ San Benito	☐ Shasta	☐ Tuolumne	
☐ Colusa	☐ Kings	☐ Mono	☐ San Bernardino	☐ Sierra	☐ Ventura	
☐ Contra Costa	☐ Lake	☐ Monterey	☐ San Diego	☐ Siskiyou	☐ Yolo	
☐ Del Norte	☐ Lassen	☐ Napa	☐ San Francisco	☐ Solano	☐ Yuba	
☐ El Dorado	☐ Los Angeles	☐ Nevada	☐ San Joaquin	☐ Sonoma		
☐ Fresno	☐ Madera	☐ Orange	☐ San Luis Obispo	☐ Stanislaus		

AUC: ☐ 1AA1 ☐ 2JC1 ☐ 2JC2 ☐ 2DR3 ☐ 3DA4 ☐ 3MS1 ☐ 3SJ2 ☐ 4DR1 ☐ 4IR ☐ 5TR1 ☐ 6CR1
☐ 6JU1 ☐ 6MS1 ☐ 6S ☐ 6SA ☐ 6MS/P ☐ 6WD/IN ☐ 6V ☐ 6PU ☐ 6CML ☐ 7CU1

☐ Other Public Entity: [redacted]

Person making request (name): [redacted]

■ AFJ ☐ ACA ☐ Attorney
☐ Appellate PJ ☐ CEO ☐ Public
☐ Judicial Officer ☐ Other court staff ☐ Other: [redacted]

Request (brief description):

[redacted]

Response and/or product (brief description): Type of above: [redacted] ☐ Reference #(s) (ID) (if any)

[redacted]

Level of effort:

☐ 6JU1 a
Minimum effort; quickly addressed, minor response sufficient, no follow-up expected, up to 1 hr

☐ 6JU1 b
Medium effort; initial response and some research/follow-up, 1-4 hrs

☐ 6JU1 c
Substantial effort; major research/follow-up; complex, 5-40 hrs

☐ 6JU1 d
Time intensive or long-term project; 40+ hrs

Any other AOC, excluding CEO, staff involved:

[redacted]

Any other notes:

[redacted]

[redacted] [redacted] [redacted]

Information on Judicial Council Directives

Council Directive **120**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts that court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.

SEC Recommendation **7-77**

This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:

(e) Court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.

Reported By:	Legal Services
Contact:	Deborah Brown, Chief Counsel

TASK

	PENDING
x	**COMPLETED: Legal Services had developed a customer service survey for issuance to its customers in 2014, but deferred the issuance in anticipation of the issuance of a organization-wide customer service survey which is currently scheduled for completion in the second quarter of 2016.**

At the February 2013 Judicial Council meeting, Judicial Council liaisons to Legal Services, Justice Douglas Miller and Ms. Edith Matthai, were asked to take the lead on reviewing the cost-effectiveness of Legal Services current use of outside counsel in response to Judicial Council directive 122. While addressing this request, the liaisons concluded that additional Legal Services-related restructuring directives were appropriate for inclusion in the liaisons' review and would enable a more comprehensive evaluation.

In addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons' review was expanded to include defining the role of the Chief Counsel; evaluating the need for use of a paralegal classification; analyzing the use of Legal Services attorney staff in council field offices; and analyzing the current Legal Services organizational structure, services, and attorney services provided by the council outside of Legal Services.

In a report to the Judicial Council in June 2013, the liaisons recommended that, to ensure that the appropriate level of client service is provided, particularly in the area of legal opinions, a formal procedure be developed and implemented in Legal Services to solicit client feedback.

In a report to council at the April 25, 2014 council meeting, the Administrative Director and Chief Counsel reported that in response to this recommendation, a draft survey had been developed to ask court users for their evaluations of and suggestions for improvements to legal services provided by each of the six Legal Services units. At the same time, the organization was in the midst of discussing the issuance of an organization-wide customer service survey. As such, Legal Services survey was deferred until a later time.

In the interim, Legal Services continues to reach out to its customers through other avenues:

- Emails are issued to courts in those cases where outside counsel was utilized to determine if they were satisfied with the service of the outside counsel and in-house services.
- Annually, Legal Services reaches out to Presiding Judges and Court Executive Officers to ask for their input on services received.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ]	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	[ ]	UNABLE TO IMPLEMENT
[x]	IMPLEMENTED AND ONGOING	[ ]	PENDING IMPLEMENTATION
[ ]	IMPLEMENTED BUT IN PROGRESS		

Customer services surveys for Legal Services will be an element within the organization-wide customer service survey that will be developed and issued in response to the California State Auditor's recommendation that the council survey its branch customers to identify service needs. This first step in the organizational assessment is planned for completion by the second quarter of 2016.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- Report to the Judicial Council for meeting of April 25, 2014: AOC Restructuring: Efficiencies and Restructuring at the Legal Services Office, April 8, 2014

Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 25, 2014

Title
AOC Restructuring: Efficiencies and Restructuring at the Legal Services Office

Submitted by
Steven Jahr
Administrative Director of the Courts
Administrative Office of the Courts
Jody Patel, Chief of Staff

Agenda Item Type
Information Only

Date of Report
April 8, 2014

Contact
Jody Patel, 916-263-1333
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Executive Summary

The Legal Services Office (LSO) is an office of the Administrative Office of the Courts (AOC) under the Judicial Council and Court Leadership Services Division. The mission of LSO is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The Judicial Council has charged the office with providing "consistent, comprehensive legal support and counsel to the courts." (Judicial Council of Cal./Admin. Off. of Cts., *Justice in Focus: The Strategic Plan for California's Judicial Branch 2006–2012* (2006), p. 49.) In response to Judicial Council restructuring directives and the recommendations of the Judicial Council liaisons to LSO, the office has been significantly restructured. This informational report summarizes the activities undertaken in response to the June 2013 recommendations of the Judicial Council liaisons.

Previous Council Action

- In March 2011, Chief Justice Tani G. Cantil-Sakauye created the Strategic Evaluation Committee (SEC) to conduct an in-depth review of the Administrative Office of the Courts, the staff agency to the Judicial Council, with a view toward promoting transparency, accountability, and efficiency.

- On August 31, 2012, based on the SEC report and its recommendations, the Judicial Council approved AOC realignment directives and directed the Administrative Director to report on them.

- At the February 2013 council meeting, the council liaisons to LSO were asked to take the lead on reviewing the cost-effectiveness of LSO's current use of outside counsel in response to Judicial Council directive 122. While addressing this request, the liaisons concluded that additional LSO-related restructuring directives were appropriate for inclusion in the liaisons' review and would enable a more comprehensive evaluation.[1]

- In addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons' review was expanded to include defining the role of the Chief Counsel; evaluating the need for use of a paralegal classification; analyzing the use of LSO attorney staff in AOC field offices; and analyzing the current LSO organizational structure, LSO services, and attorney services provided by the AOC outside of LSO.

- In June 2013, the LSO liaisons recommended that the Judicial Council endorse the following recommendations to the Administrative Director:[2]

    1. LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.

    2. LSO should implement a formal structure to solicit client feedback on a regular basis.

    3. The role of the Chief Counsel and the expectations for that role and areas of responsibility should be clearly defined to reflect the new organizational structure.

    4. The use of outside counsel is appropriate for specialized areas of law and litigation. The protocols for LSO's use of outside counsel should be strengthened to ensure that outside counsel is used in the most cost-effective manner.

    5. The AOC should continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability.

[1] See Judicial Council of Cal., *AOC Restructuring: Judicial Council Liaisons' Review of the Legal Services Office and Recommendations* (June 28, 2013), p. 3.

[2] *Id.* at pp. 2–3.

6. All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office.

7. Given the recent retirement announcement by the current Chief Counsel, the successor Chief Counsel should be afforded the opportunity to implement the restructuring and the formation of the management team under the supervision of the Chief of Staff.

- At the June 2013 Judicial Council meeting, the council endorsed the liaisons' recommendations and agreed with the liaisons that modifications might be needed once these recommendations are implemented. It further directed the Administrative Director of the Courts to report back on implementation of the liaisons' recommendations by the end of March 2014.[3]

Methodology and Process

Restructuring within LSO has occurred as a result of the implementation of the liaisons' recommendations. As indicated below, six of the seven recommendations have been implemented, with one variance: (1) the LSO management structure has been modified; (2) the responsibilities of the Chief Counsel have been reviewed and clearly defined; (3) a process for periodically surveying court users of legal services is being put into place; (4) protocols have been developed for retention of outside counsel; (5) policies have been implemented to ensure appropriate oversight in the field offices for day-to-day accountability of LSO attorneys and staff in field offices; and (6) paralegals have not and are not currently employed by the LSO. Finally, although LSO works closely with other AOC offices with attorneys, the liaisons' recommendation that AOC attorneys outside of LSO who provide legal advice or legal related services that require a law degree should have a dual reporting relationship to LSO and their current office has not been implemented. As discussed below, for this recommendation, it seems appropriate to wait for the results of the pending classification and compensation study, which will expressly review the attorney classification.

Background on the Legal Services Office

The Legal Services Office provides a variety of services that historically, before state trial court funding, were provided by the counties and reflect the varying and expanded needs of judicial branch entities in today's environment.

Before trial court funding, the Legal Services Office comprised a small group of attorney staff primarily responsible for drafting council rules of court and forms and legislation, providing legal opinions to the council and the Administrative Director, and staffing council advisory

[3] As reported to the Judicial Council in February 2014, because no Judicial Council meeting was held in March 2014, this report is being provided at the April 25, 2014, business meeting of the council.

committees and other similar bodies.[4] Following trial court funding, the role of LSO expanded to provide to the superior courts legal services that previously had been provided by county counsels' offices. LSO began providing trial courts with legal opinions on judicial administration issues. The council also approved the creation of a Litigation Management Program in 1999, adopting rules of court assigning the responsibility to LSO for the management of all claims and litigation against the courts.

After the enactment of the Trial Court Employment Protection and Governance Act of 2000, LSO began providing labor and employment legal services. LSO's areas of responsibility continued to expand—for example, with the establishment of a unit to provide transactional and business-related advice and services. After passage of the Trial Court Facilities Act of 2002, the Real Estate Unit was established to provide the facilities-related legal work resulting from this legislation. Finally, LSO attorney positions were established in the field offices to better facilitate the provision of legal services to the superior courts.

The growth of LSO and the expansion of the services it provides have significantly changed in the past few years. Based on the council directives and other developments, LSO has ceased to grow and has been notably reduced in size. This and other changes are described in detail below.

Implementing the directives

In implementing the Judicial Council directives to LSO and the council liaisons' recommendations, the Administrative Director of the Courts and the Chief of Staff worked closely with the Chief Counsel and her management team. They have also benefitted greatly from advice from the Judicial Council liaisons to LSO and other council members.

The liaison report specifically addresses implementation of the council liaisons' recommendations to the Administrative Director of the Courts, which were endorsed by the Judicial Council. The report presents each recommendation and summarizes the actions taken in response to the recommendations.

Legal Services Office restructuring

As part of their review, the liaisons considered Judicial Council restructuring directive 107 and recommended the following:

> LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.

[4] The office's name has changed over the years. In the 1990s, it was designated as Council and Legal Services. Subsequently, it became the Office of the General Counsel, and in 2012 the office was renamed the Legal Services Office.

(Judicial Council of Cal., *supra,* at p. 2.)

Judicial Council restructuring directive 107 states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(a) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.[5]

Since the release of the Strategic Evaluation Committee report in May 2012, the LSO workforce has been dramatically reduced from the 75 positions referenced in SEC recommendation 7-72(a) to a workforce of 44 positions as of the date of this report. LSO attorney staffing has been reduced from 50 attorneys to the current number of 32 attorneys, exclusive of the Chief Counsel. The LSO management team currently consists of 6 members, excluding the Chief Counsel, as compared to 9 noted in SEC recommendation 7-72(a).

The June 2013 Liaison Report states:

> Given the current staffing levels of the LSO workforce and the critical nature of the legal services provided by LSO, we believe that a 10-member LSO attorney management team is appropriate for this office. However, to ensure accountability and clear lines of authority for the varied legal services provided by LSO, it is recommended that the LSO should be restructured to create a new executive leadership team comprising the Chief Counsel and three managing attorneys who lead three distinct areas of service . . . Additionally, in accordance with council directive 107, we recommend that the position of Assistant Chief Counsel be reclassified as a managing attorney position. It is also recommended that one of the managing attorney positions be classified as a senior managing attorney to provide backup and support as second in command to the Chief Counsel. It appears appropriate that the managing attorney leading Judicial Council Services and Legal Opinions would be the best position for second in command.

---

[5] SEC Recommendation 7-72(a) states:

> The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:
>
> (a) In addition to the General Counsel, there are nine management level attorney positions in the Legal Services Office, including the Assistant General Counsel, three Managing Attorneys, and five Supervising Attorneys. This is an excessive number of management positions, which should be reduced. The position of Assistant General Counsel could be eliminated. One managing attorney could be assigned to manage each of the two major functional components of the division, house counsel, and Judicial Council services, with each managing attorney reporting directly to the Chief Counsel.

> The new structure provides a three-to-one reporting structure under the Chief Counsel and shifts the responsibility for regular day-to-day management workload from the Chief Counsel to the managing attorneys. This shift of direct responsibility for LSO daily activities is an acknowledgement that the Chief Counsel should be involved in providing legal input and expertise to the most critical legal issues for the branch versus being immersed in routine LSO workload. This structure will require continuous communication between the Chief Counsel and the three managing attorneys to ensure that no silos develop in the office. Similar to partners in a law firm, the Chief Counsel and the managing attorneys should meet regularly to share information and make decisions on projects, priorities, and resources that further the goals of the office as a whole.

(Judicial Council of Cal., *supra,* at p. 2.)

Under the new Chief Counsel, with the support of the Administrative Director of the Courts and the Chief of Staff, LSO has taken measures that have substantially implemented the structure proposed by the liaisons. The LSO attorney management team, excluding the Chief Counsel, consists of six members as of March 2014. The position of Assistant Chief Counsel was eliminated after the attorney formerly holding that position retired in 2013. As recommended by the liaisons, instead of hiring a new Assistant Chief Counsel, a managing attorney was promoted in 2014 to the position of senior managing attorney to provide support and backup to the Chief Counsel. Because of retirements, no other managing attorneys are currently employed in LSO. However, to provide the level and structure of leadership necessary to manage the office in the manner recommended by the liaisons, recruitment is under way for two additional managing attorneys. After completion of this hiring process, LSO will have an executive management structure as envisioned by the liaisons, with a Chief Counsel and three managing attorneys, one of whom is designated as a senior managing attorney.

LSO provides legal services in two primary areas: (1) services provided to the council, to the Chief Justice as chair of the council, and to the Administrative Director of the Courts and the AOC as the administrative arm of the council; and (2) services provided to the appellate and trial courts. LSO is currently structured to provide legal services in these areas by organizing its attorneys into six units:

- Rules and Projects Unit
- Legal Opinion Unit
- Transactions and Business Operations Unit
- Real Estate Unit
- Litigation Management Unit
- Labor and Employment Unit

In terms of LSO's management structure, the liaison report recommends that LSO be restructured into three areas of services: (1) Judicial Council Services and Legal Opinions (a

merger of the Rules and Projects and Legal Opinion Units); (2) Transactions and Business Operations (incorporating Real Estate into the Transactions and Business Operations Unit); and (3) Litigation Management and Labor and Employment (a merger of the two formerly separate units).

The liaison report further recommends that the new units continue to serve both client groups—the appellate and trial courts along with the Judicial Council, Chief Justice as chair of the council, Administrative Director of the Courts, and AOC—with the responsibility of supervising attorneys divided between the two client groups. LSO is in the process of restructuring its activities into the three organization units described above. Once the full complement of managing attorneys is in place, each will manage one of the combined units. After careful consideration, however, the Administrative Director and Chief of Staff support a variance from the liaison recommendations with respect to the supervisory-level responsibilities. Because the quantity of legal work performed for the courts differs from that for the Judicial Council/AOC clients and because of the need to provide clients with specialized skills and knowledge in the individual subject-matter areas, LSO will continue to be structured along subject-matter groups rather than client groups. The purpose of this structure is to provide better service to clients by providing them with immediate access to supervisors and attorneys with subject-matter expertise specific to the legal issues and inquiries presented.[6]

The liaison report further states:

> It is intended that the Chief Counsel and the three managing attorneys hold overall management responsibility, with the supervising/senior attorneys charged with carrying out senior management's directives for the specific subject matter and client assignments. The level of experience and precise classification for these supervising/senior attorneys should be determined as a part of the internal restructuring and reviewed as a part of the classification and compensation study.

The report's additional recommendations regarding the management structure will be implemented once the managing attorney positions are filled. As indicated in the report, the level of experience and precise classification for the supervising/senior attorney structure also partially depend on the classification and compensation study.

Role of Chief Counsel

The liaisons considered Judicial Council restructuring directive 115 and recommended that the role of the Chief Counsel and the expectations for that role, along with the areas of responsibility, should be clearly defined to reflect the new organizational structure.

[6] See Attachment A for an organization chart showing this management structure.

Judicial Council restructuring directive 115 states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts, as part of the review of the AOC organizational structure, to review current responsibilities and clearly define the role of the Chief Counsel.

As part of their report to the Judicial Council, the liaisons included an attachment clearly defining the responsibilities and role of the Chief Counsel of the Administrative Office of the Courts.[7]

The description has been adopted and specifies that the Chief Counsel is chief legal advisor to the Judicial Council and to the AOC and office chief of the AOC Legal Services Office, which provides comprehensive legal services to the appellate and trial courts. It adds that the Legal Services Office has two major areas of service: legal advisor and counsel to the Judicial Council and legal advisor and legal services provider to the appellate and trial courts. In these capacities, the Chief Counsel has responsibilities that are enumerated in detail.

Survey of users of LSO services

The liaisons considered Judicial Council restructuring directive 120 and recommended that, to ensure that the appropriate level of client service is provided, particularly in the area of legal opinions, a formal procedure be developed and implemented in LSO to solicit client feedback.

Judicial Council restructuring directive 120 states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts that court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.

In response to this recommendation, a draft survey has been developed to ask court users for their evaluations of and suggestions for improvements to legal services provided by each of the six LSO units.[8] Because of workload issues and staffing concerns, it is anticipated that the survey will be distributed to the courts in late 2014 as a pilot. If the survey proves useful and courts do not find it overly burdensome, LSO will continue to survey the courts on an annual or biennial basis.

Use of outside counsel

With respect to Judicial Council directive 122 regarding the use of outside counsel, the Judicial Council endorsed the liaisons' recommendation that (1) the use of outside counsel is appropriate for specialized areas of law and litigation; and (2) protocols for LSO's use of outside counsel

[7] See Judicial Council of Cal., *supra,* Attachment A (a copy of which is attached to this report as Attachment B).

[8] See Attachment C for a copy of the draft survey.

should be strengthened to ensure that outside counsel is used in the most cost-effective manner. That directive states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of the General Counsel's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost effective manner. Before initiating the independent review, the Administrative Director of the Courts must provide a proposal with options for conducting the review, including the associated costs.

The liaisons undertook the review of the use of outside counsel and reported back to the council as follows:

> Based on our experience in the legal field and after conferring with colleagues, we conclude that the use of outside counsel is appropriate and in some cases mandated, providing valuable legal resources for the varying needs of LSO relating to specific subject areas or broad-based branch initiatives (i.e., courthouse transfers). Outside legal counsel provides LSO with sufficient flexibility to meet the changing needs of the branch in an efficient and cost-effective manner.

(Judicial Council of Cal., *supra,* at p. 10.)

The liaison report also concluded, once it was confirmed that there was a legitimate need to use outside counsel, that a full study of past expenses would be extraordinarily time-consuming and would provide little benefit. Because the goal was to be certain that future expenditures are warranted, the liaisons recommended placing the responsibility for the retention and monitoring of outside counsel with the managing attorney in each area of practice. The liaisons added that (1) there should be written justification for the retention, and the managing attorney should be responsible for ensuring that the hourly rates and time spent are reasonable; (2) at the close of representation a short client feedback report should be obtained, and the managing attorney should evaluate the service provided from LSO's perspective; and (3) an annual report on the use of outside counsel should be provided to the Judicial Council.

Thus, the liaisons recommended that LSO develop:

- A structure in which each managing attorney is responsible for the approval of and justification for using outside counsel based on the area of expertise needed or resource requirements.
- A means for conducting an examination of the cost-effectiveness of using outside counsel versus potentially hiring attorney resources based on specific projects and the duration of legal assistance needed.
- A checklist that must be completed before initiating a contract with outside counsel to confirm that no internal LSO resources are available for the subject-matter area.

- A means of following up with the courts that receive services to gather their input on the services provided by outside counsel through an e-mail questionnaire or survey. This information would be used in tandem with input from the LSO attorneys assigned to the respective cases to identify if the outside counsel should be used for future cases.
- A means of regularly (every 12 months) surveying the market to ensure that what is being charged is appropriate and the rates are appropriate.

The liaisons also recommended that the Administrative Director provide to the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch an annual report on the use and cost of outside counsel for the committee's consideration and reporting to the council.

In response to these recommendations, the LSO protocol for the retention of outside counsel has been amended to require managing-attorney approval of the hiring of any outside counsel. Under that protocol, the managing attorney (1) reviews the recommendation to hire outside counsel and the expertise of the counsel suggested, and (2) confirms that no internal resource is available for the particular subject matter. The review and approval by the managing attorney are recorded in each file. In addition, on an annual basis, LSO will review the annual attorney fee surveys prepared by various organizations to ensure that the fees charged by outside counsel are appropriate and reasonable. LSO also will send to each court a survey after the conclusion of any significant litigation, arbitration, or proceedings before the Public Employment Relations Board, asking for the court's assessment of the specific legal representation provided by LSO and outside counsel.[9] The survey results will be used in an annual review of the use of outside counsel to ensure the delivery of quality and timely legal services. The LSO also will provide reports on the use and cost of outside counsel to the Advisory Committee on Financial Accountability and Efficiency at the request of the committee.

LSO attorneys located in field offices

In response to Judicial Council directive 117, the liaisons recommended that the AOC continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability. That Judicial Council directive states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to adopt an operations model whereby attorneys generally are housed at one location with flexibility to adjust as necessary to meet court needs regionally, including regional demand for additional attorney support and smaller courts that have fewer staff for research and other legal services. The location where attorneys report to work should ensure proper supervision.

The liaison report states that, after reviewing the activities of LSO attorney staff located in the Sacramento and Burbank field offices, the liaisons believe that it is appropriate to have staff in

[9] These surveys will be prepared for the individual case and tailored to the type and nature of the representation.

these locations. The liaisons commented that such an arrangement is consistent with the staffing of many government agencies and private law firms.

LSO has followed the recommendation of the liaisons and continues to house attorneys in field offices. Doing so allows more direct communication between LSO attorneys and the courts in their regions.[10] In addition, as recommended by the liaisons, to ensure oversight in the field offices for day-to-day accountability for off-site staff, LSO management requires staff in the field offices to report any absences both to their supervisors and to a designated local staff member, who would enter the appropriate information into the LSO calendar system.

Use of paralegal classifications

The LSO liaisons reviewed Judicial Council restructuring directive 112 and stated that they did not identify a specific need for a paralegal classification. That directive states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(f) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.[11]

In their report, the liaisons state that paralegals in private law firms are typically used primarily for high-level administrative work and very minor legal-related work. Given that LSO already employs administrative staff to support LSO attorneys with administrative tasks, the liaisons indicate that to pursue the creation of a paralegal classification does not appear appropriate at this time.[12] Consistent with the LSO liaisons' recommendation, LSO does not employ paralegals.

Dual reporting

The liaison report discusses one other recommendation for LSO. That recommendation states: "All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office."[13] On this recommendation relating to attorneys within the AOC, it seems appropriate to wait for the results of the classification and compensation study. That study will expressly study the attorney

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[10] See Judicial Council of Cal., *supra*, at page 11.

[11] SEC Recommendation 7-72(f) states:

> The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:
>
> (f) Development and use of paralegal classifications, as found elsewhere in legal services throughout both the public and private sectors, could lead to the reduction of attorney positions in the Legal Services Office.

[12] See Judicial Council of Cal., *supra*, at pages 11–12.

[13] *Id.* at page 3.

classifications and should provide useful information to assist in any efforts to redefine or change the relationship among the various groups and types of attorneys working for the AOC.

Policy and Cost Implications

LSO's mission continues to be to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The restructuring of LSO will result in efficiencies and savings from, for example, the conversion of the position of assistant chief counsel into a senior managing attorney position and will continue to require a commitment of effort (for example, for staff and courts to conduct and complete user surveys).

Relevant Strategic Plan Goals and Operational Plan Objectives

Judicial Council strategic Goal VI.C.1 ("Provide a high-quality administrative legal infrastructure to provide consistent, comprehensive legal support and counsel to the courts").

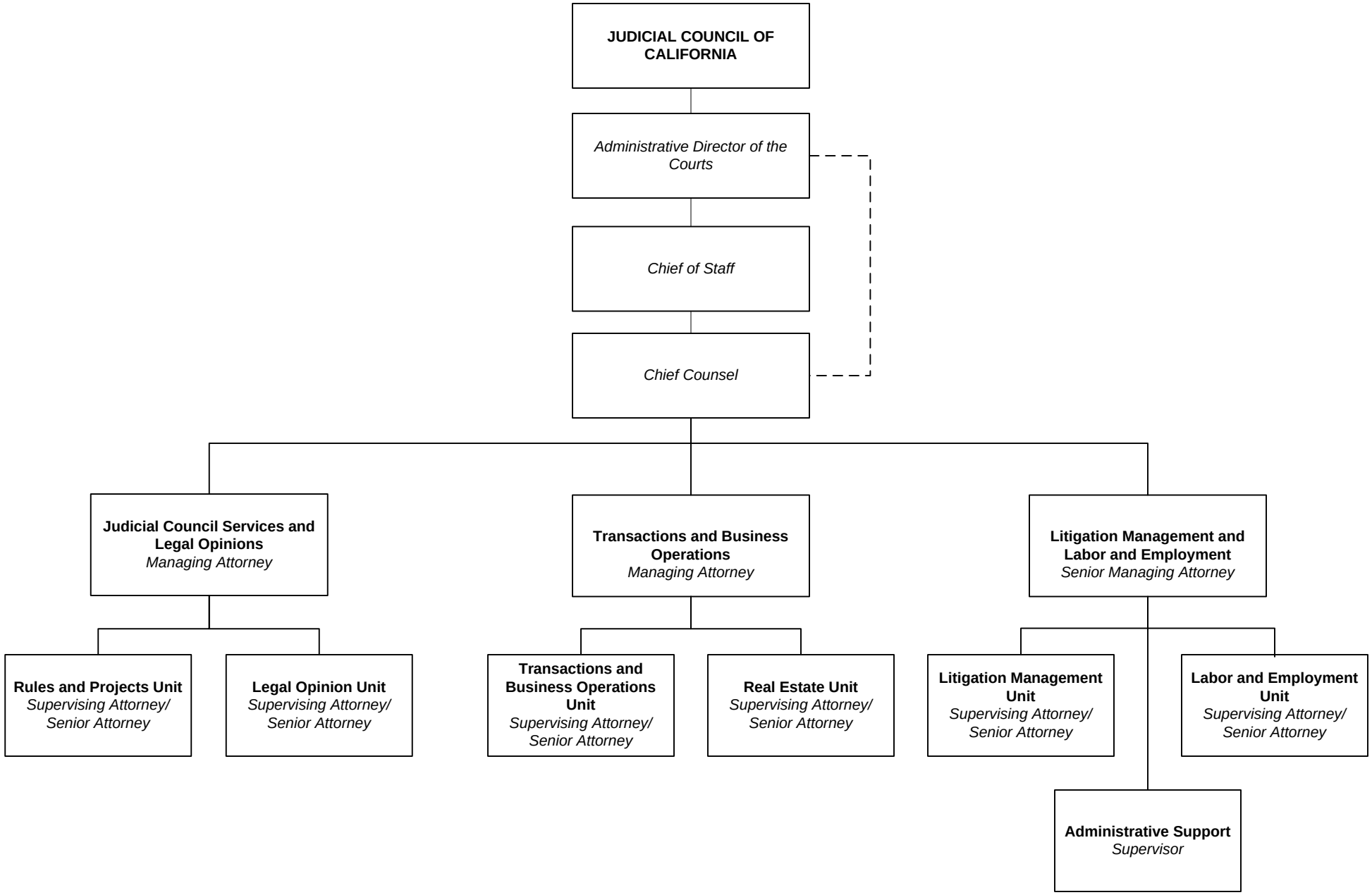
Attachments

1. Attachment A: LSO organization chart
2. Attachment B: Role of Chief Counsel of the Administrative Office of the Courts
3. Attachment C: Administrative Office of the Courts, Legal Services Office, Customer Service Survey

ADMINISTRATIVE OFFICE
OF THE COURTS

LEGAL SERVICES OFFICE

Attachment A
Legal Services Office



Attachment B
Role of Chief Counsel of the Administrative Office of the Courts

The Chief Counsel of the Administrative Office of the Courts (AOC) is chief legal advisor to the Judicial Council of California and to the AOC and director of the AOC Legal Services Office, which provides comprehensive legal services to the AOC and to the appellate and trial courts. The Legal Services Office has two major areas of service: **legal advisor and counsel to the Judicial Council** and **legal advisor and legal services provider to the appellate and trial courts**.

I. Legal Advisor and Counsel to the Judicial Council

The role of legal advisor and counsel to the Judicial Council encompasses the legal services provided in support of the Chief Justice as Chair of the Judicial Council, the Judicial Council and its committees and task forces, and the AOC as staff agency to the Judicial Council.

In this capacity, the Chief Counsel is responsible for the following:

- Judicial Council Legal Support
  - Provide legal advice and briefings to the Chief Justice, the Judicial Council, and internal council committees on matters of importance to Judicial Council business.
  - Provide legal support and staffing of Judicial Council internal committees and council advisory committees.
  - Provide legal review of rules, forms, standards of judicial administration, and jury instructions for Judicial Council consideration.
  - Provide legal review of legislation and regulations for legal and programmatic impact in collaboration with the AOC Office of Governmental Affairs.
  - Provide legal support to the Chief Justice in evaluating and making recommendations on petitions for coordination of complex civil cases.
  - Facilitate filing of local court rules with the council and authorization by the Chief Justice of alternative effective dates of local rules.
  - Interact with other branches of government and external entities (e.g., Attorney General's Office, Commission on Judicial Performance, State Bar of California State Bar, Secretary of State, California Fair Political Practices Commission, etc.) on wide range of judicial administration legal issues.
  - Participate in meetings and conferences as the legal representative of the Judicial Council, AOC, and the judicial branch, as appropriate.
- AOC and Administrative Director of the Courts Legal Support
  - Provide legal advice and briefings to the Administrative Director, Division Chiefs, and Office Directors on legal issues affecting AOC programs and

operations and on legal issues affecting planning, development, and review of AOC programs and policies.
    - Identify legal and risk management issues and collaborate on developing and implementing strategies for addressing issues.
    - Collaborate with other AOC offices on legislative, fiscal, facilities, technology, and other matters affecting the judicial branch to develop strategies for implementing new requirements and responding to emerging issues.
- Chief Counsel Administrative Activities
    - Manage the AOC Legal Services Office, including planning and directing work, providing legal policy direction, providing for internal staff development and training and succession planning, and participating in recruitment and selection of staff.
        - Provides general direction on the office's priorities, policies, and operations.
        - Manages the Legal Services Office budget and resources; develops and implements strategies to meet increasing workload demands with limited resources.
        - Establishes and implements performance and development plans for direct reports.

II. Legal Advisor and Provider of Legal Services to the Appellate and Trial Courts and the AOC

In this capacity, the Chief Counsel provides direction and oversees the following programs and activities that provide legal services to the appellate and trial courts and to the AOC:

- Labor and Employment:
    - Responds to labor and employment issues in collaboration with the AOC Human Resources Services Office (HRSO), as appropriate.
    - Provides legal advice and guidance to minimize risk of labor disputes and employment litigation.
    - Provides legal advice in addressing sensitive personnel issues.
    - Assists HRSO in managing legal aspects of investigations of internal complaint of discrimination, harassment, retaliation, and other similar complaints, and advises about complaint resolution.
    - Drafts personnel policies to ensure compliance with applicable law and to avoid litigation.
    - Upon request, advises trial courts regarding labor relations matters (MOUs, labor relation rules, progressive discipline, personnel actions, etc.).
    - Provides ongoing support to HRSO in addressing labor relation issues for trial courts.

        - Upon request, provides legal advice and representation for trial courts in labor arbitrations and complaints before the Public Employment Relations Board.

- Litigation Management:
    - Under the direction of the Administrative Director of the Courts and consistent with rules of court, manages and administers the Judicial Council's Litigation Management Program.
    - Staffs the council's Litigation Management Committee, which oversees claims and litigation against judicial branch entities in which the likely exposure is $100,000 or more or that raise issues of significance to the judicial branch.
    - Handles claims against judicial branch entities, making recommendations to the council's Litigation Management Committee for settlements at or above $100,000.
    - Manages litigation against judicial branch entities, including selecting and directing outside counsel retained to represent judicial branch entities and making recommendations to the council's Litigation Management Committee for settlements at or above $100,000.
    - Provides annual litigation reports to the Litigation Management Committee, the Judicial Council, the appellate and trial courts, and the AOC.
    - Manages affirmative litigation on behalf of the courts and AOC.
    - Provides for representation of courts and AOC at administrative law hearings and judicial proceedings.

- Legal Opinions:
    - Upon request, provides legal advice and opinions to court leaders on judicial administration issues.
    - Provides statewide legal advice and guidance to court leaders on issues of statewide importance.
    - Upon request, provides legal advice and opinions to AOC leadership on wide range of issues affecting the judicial branch and judicial branch entities.

- Real Estate and Transactions and Business Operations:
    - Provides legal services and support for court facilities-related transactions, including acquisition, construction, renovation, operation, and maintenance of court facilities.
    - Provides legal services and support for solicitation, contracting, and procurement of goods and services, including technology transactions.

- Provides legal advice on issues related to procurement, risk management, business administration, and operational initiatives.
- Provides legal advice for compliance audits under federal and state law.
- Provides legal advice on leases, contracts, and other documents requiring approval of the Administrative Director of the Courts.
- Oversees the selection, management, and evaluation of external legal resources/outside counsel retained to augment transactional services by the Legal Services Office.

Attachment C

Administrative Office of the Courts
Legal Services Office
Customer Service Survey

The mission of the Legal Services Office is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the Administrative Office of the Courts (AOC).

To assist us in this mission, the Legal Services Office is forwarding this survey to administrative presiding justices, presiding judges, appellate court clerk/administrators, and court executive officers. Your responses will help us serve you and others better. Please feel free to ask others in the court who work with the Legal Services Office to complete this survey as well. We appreciate your time in providing this valuable feedback.

Please return the completed survey by **Month Date, 2014,** to:

Legal Services Office
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, California 94102

Person completing survey:

Name: _____

Court: _____

Please identify your position with the court:

- ☐ Administrative Presiding Justice or Presiding Judge
- ☐ Appellate Court Clerk/Administrator or Court Executive Officer
- ☐ Other position (*please state your title*): _____

The following questions relate to the services provided by the six units within the Legal Services Office. Please provide answers for those units whose services you have used in 2013 or 2014.

DRAFT

Labor and Employment Unit

Attorneys in the Labor and Employment Unit provide legal advice on labor and employment law issues, manage employment-related claims and litigation involving courts and the AOC through the Litigation Management Program, manage arbitrations and Public Employment Relations Board charges and complaints under collective bargaining agreements, and provide training on rights and obligations arising under labor and employment laws.

If you had experience with the services of the Labor and Employment Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

_____
_____
_____
_____

Please provide any additional comments you have about the Labor and Employment Unit:

_____
_____
_____
_____

Legal Opinion Unit

Attorneys in the Legal Opinion Unit provide legal advice to the courts, the Judicial Council, and the AOC on court administration issues and assist on special projects and the drafting of proposed legislation and rules of court.

If you had experience with the services of the Legal Opinion Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

DRAFT

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

_____
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Please provide any additional comments you have about the Legal Opinion Unit:

_____
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Litigation Management Unit

Attorneys in the Litigation Management Unit manage the program for investigating and resolving claims and lawsuits involving the courts, the Judicial Council, and the AOC. They select and direct outside counsel in providing legal assistance to courts, judicial officers, and employees named as defendants or respondents.

If you had experience with the services of the Litigation Management Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

DRAFT

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

_____
_____
_____
_____

Please provide any additional comments you have about the Litigation Management Unit:

_____
_____
_____
_____

Real Estate Unit

Attorneys in the Real Estate Unit provide legal services related to the acquisition, construction, renovation, operation, and maintenance of court facilities throughout the State.

If you had experience with the legal services of the Real Estate Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

DRAFT

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

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Please provide any additional comments you have about the Real Estate Unit:

_____
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Rules and Projects Unit

Attorneys in the Rules and Projects Unit staff Judicial Council advisory committees and draft proposed legislation, rules of court, and forms for the committees and the council.

If you had experience with the services of the Rules and Project Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

DRAFT

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

_____
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Please provide any additional comments you have about the Rules and Project Unit:

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Transactions and Business Operations Unit

Attorneys in the Transactions and Business Operations Unit assist the appellate courts, the trial courts, and the AOC with contract and procurement matters by drafting contracts and solicitation documents, negotiating the terms of transactions, and providing legal services and counsel on transactional matters, the Judicial Branch Contract Law, and resolution of nonlitigated contract disputes.

If you had experience with the services of the Transactions and Business Operations Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	☐	☐	☐
I received a response and assistance in a timely manner.	☐	☐	☐
I am satisfied with the quality of the legal services provided by the attorneys.	☐	☐	☐

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

_____
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DRAFT

Please provide any additional comments you have about the Transactions and Business Operations Unit:

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General Questions

Please provide any additional suggestions you may have that would improve the provision of services by the Legal Services Office:

_____
_____
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Are there other or different services you would like the Legal Services Office to provide?

_____
_____
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Please provide any additional comments you have about the Legal Services Office:

_____
_____
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Information about the Legal Services Office can be found on Serranus at *http://serranus.courtinfo.ca.gov/programs/ogc/*

DRAFT

Information on Judicial Council Directives

Council Directive **121**

E&P recommends that the Judicial Council support SEC Recommendation 7-78 with no further action, as the issues have been resolved.

SEC Recommendation **7-78**

The Administrative Director should resolve issues that have existed between the HR Division and OGC, including by redefining respective roles relating to employee discipline or other HR functions.

Reported By:	Chief Administrative Officer
Contact:	Curt Soderlund, Chief Administrative Officer

TASK

[ ] PENDING

[x] COMPLETED: **Communication between the Human Resources and Legal Services has been significantly enhanced, leading to more distinct roles and responsibilities for each office.**

Many HR functions have been assessed over the course of several months for the purpose of ensuring that the respective roles of HR and Legal Services are properly defined. Processes for employee discipline are being modified and are now being fully documented. This ensures the appropriate parts of the agency are engaged at the appropriate time.

As a result, communication between the two offices has been significantly enhanced, leading to more distinct roles and responsibilities for each.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **122**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of General Counsel's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost effective manner. Before initiating the independent review, the Administrative Director of the Courts must provide a proposal with options for conducting the review, including the associated costs.

SEC Recommendation **7-79**

The Judicial Council and/or Administrative Director should order an independent review of this office's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost-effective manner.

Reported By:	Legal Services
Contact:	Deborah Brown, Chief Counsel

TASK

[ ] PENDING
[x] COMPLETED

At the June 28, 2013, Judicial Council meeting, the council approved recommendations contained in a report from the council Liaisons to Legal Services relating to the use of outside counsel by Legal Services. The council liaisons concluded that the use of outside counsel is appropriate and in some cases mandated providing valuable legal resources for the varying needs of Legal Services. The council approved various recommendations proposed by the council liaisons designed to assist LSO in reinforcing its existing protocols for utilizing outside counsel to ensure that outside counsel is monitored, supervised, and managed.

At the April 8, 2014 Judicial Council meeting, the Administrative Director and Chief Counsel reported that in response to these recommendations, the Legal Services protocol for the retention of outside counsel had been amended to require managing-attorney approval of the hiring of any outside counsel. Under that protocol, the managing attorney (1) reviews the recommendation to hire outside counsel and the expertise of the counsel suggested, and (2) confirms that no internal resource is available for the particular subject matter. The review and approval by the managing attorney are recorded in each file. In addition, on an annual basis, Legal Services reviews the annual attorney fee surveys prepared by various organizations to ensure that the fees charged by outside counsel are appropriate and reasonable. Legal Services also sends to each court a survey after the conclusion of any significant litigation, arbitration, or proceedings before the Public Employment Relations Board, asking for the court's assessment of the specific legal representation provided by Legal Services and outside counsel. The survey results are used in an annual review of the use of outside counsel to ensure the delivery of quality and timely legal services. Legal Services also provides reports on the use and cost of outside counsel to the Advisory Committee on Financial Accountability and Efficiency at the request of the committee.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

x	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED		UNABLE TO IMPLEMENT
	IMPLEMENTED AND ONGOING		PENDING IMPLEMENTATION
	IMPLEMENTED BUT IN PROGRESS		

ASSESSMENT OF IMPLEMENTATION

Legal Services continues to assess the use of outside counsel and will be posting a Request for Information to obtain information on attorney fees, second quarter 2015, so that it can ensure that the use of outside counsel is cost effective and useful to the courts.

OTHER INFORMATION

Attachments:

- Report to Judicial Council for meeting of June 28, 2013: AOC Restructuring: Judicial Council Liaisons' Review of the Legal Services Office and Recommendations, June 28, 2013
- Report to Judicial Council for meeting of April 25, 2014: AOC Restructuring: Efficiencies and Restructuring at the Legal Services Office, April 8, 2014
- *Total Outside Counsel Expenditures on Behalf of Judicial Branch Entities, Fiscal Years 2011-2013*

Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: June 28, 2013

Title
AOC Restructuring: Judicial Council Liaisons' Review of the Legal Services Office and Recommendations

Rules, Forms, Standards, or Statutes Affected
None

Recommended by
Hon. Douglas P. Miller, Chair
Executive and Planning Committee
Edith Matthai, Member
Judicial Council

Agenda Item Type
Action Required

Effective Date
June 28, 2013

Date of Report
June 28, 2013

Contact
Jody Patel, AOC Chief of Staff
916-263-1333
jody.patel@jud.ca.gov

Executive Summary

In response to directives of the Judicial Council arising from the Strategic Evaluation Committee's final report, as Judicial Council Liaisons for the Administrative Office of the Courts (AOC), Legal Services Office (LSO), Justice Douglas Miller and Edith Matthai are proposing recommendations relating to:

- LSO organizational structure and services;
- The role of the Chief Counsel;
- Attorney services provided by the AOC outside of LSO;
- The use of outside counsel by LSO;
- LSO attorney staff housed in AOC field offices; and
- The use of a paralegal classification in LSO.

Recommendation

At the February 2013 council meeting, the Legal Services Office (LSO) liaisons were requested by the council to take the lead on reviewing the cost-effectiveness of LSO's current use of outside counsel in response to Judicial Council directive 122.

While addressing this request, it became evident that there were additional LSO-related restructuring directives that were appropriate for inclusion in the liaisons' review and would enable a more comprehensive evaluation. Consequently, in addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons' review was expanded to include: defining the role of the Chief Counsel; evaluating the need for utilization of a paralegal classification; analyzing the use of LSO attorney staff in AOC field offices; and analyzing the current LSO organizational structure, LSO services, and attorney services provided by the AOC outside of LSO.

The LSO liaisons acknowledge that implementation of Judicial Council directives is the responsibility of the Administrative Director of the Courts. However, based on our review, we encourage the Administrative Director to implement the following recommendations with the concurrence of the council.

It is recognized that modifications may be needed once these recommendations are implemented. It is therefore recommended that the Administrative Director return to the council 12 to 18 months after implementation with a post-implementation evaluation.

The following LSO liaisons' recommendations are described more fully in the "Rationale for Recommendations" section of this report.[1]

We recommend that the Judicial Council endorse the following recommendations to the Administrative Director, and direct him to report back to the council on implementation by March 31, 2014.

1. LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.
2. LSO should implement a formal structure to solicit client feedback on a regular basis.
3. The role of the Chief Counsel and its expectations and areas of responsibility should be clearly defined to reflect the new organizational structure.

[1] For each of the recommendations that address a council AOC Restructuring directive, the "Rationale for Recommendation" section contains the specific council directive language.

4. The use of outside counsel is appropriate for specialized areas of law and litigation. The protocols for LSO's use of outside counsel should be strengthened to ensure that outside counsel is used in the most cost-effective manner.
5. The AOC should continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability.
6. All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office.
7. Given the recent retirement announcement by the current Chief Counsel, it is recommended that the successor Chief Counsel be afforded the opportunity to implement the restructuring and the formation of the management team under the supervision of the Chief of Staff.

Previous Council Action

In February of 2012, Chief Justice Tani G. Cantil-Sakauye created the Judicial Council Liaison Program where Judicial Council members are assigned as liaisons to each of the state's 58 trial courts as well as to each of the offices of the AOC. The Chief Justice assigned the liaisons as a means to further the council's efforts to increase communication and transparency and promote accountability. This program provides an opportunity for council members to familiarize themselves with how the AOC supports and implements council policy.

Justice Douglas Miller and Edith Matthai were assigned as liaisons to the LSO. Coupled with the liaisons' regular review responsibilities, at the February 2013 council meeting, the council requested that Justice Miller and Edith Matthai take the lead on directive 122 (review of the use of outside counsel). During this review it became evident that there were additional LSO-related directives that were appropriate for inclusion in this review and that these directives impacted LSO's current organizational structure. Consequently, in addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons broadened their review.

In conducting this review the council liaisons prepared the recommendations referenced above with the tenets of accountability, clear lines of authority, timeliness of service, and client service as underlying considerations.

Rationale for Recommendation

Legal Services Office Restructuring

Judicial Council AOC Restructuring Directive 107

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(a) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation 7-72(a)

The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(a) In addition to the General Counsel, there are nine management level attorney positions in the Legal Services Office, including the Assistant General Counsel, three Managing Attorneys, and five Supervising Attorneys. This is an excessive number of management positions, which should be reduced. The position of Assistant General Counsel could be eliminated. One managing attorney could be assigned to manage each of the two major functional components of the division, house counsel, and Judicial Council services, with each managing attorney reporting directly to the Chief Counsel.

Since the report of the Strategic Evaluation Committee was released in May of 2012, the LSO workforce has been dramatically reduced. Staffing reductions attributable to retirements, the AOC's Voluntary Separation Incentive Program, attrition, and the elimination of temporary staff have reduced LSO staffing from the 75 positions referenced in the SEC recommendation 7-72(a) to a workforce of 50.1 positions as of May 31, 2013. LSO attorney staffing has been reduced from 50 attorneys to the current number of 37 attorneys exclusive of the Chief Counsel. Finally, the LSO management team currently totals eight positions from the nine noted in SEC recommendation 7-72(a).[2] This includes the Assistant Chief Counsel, two managing attorneys, and five supervising attorneys.

The LSO staff provides a variety of services that had historically been provided by the counties prior to state trial court funding and reflects the varying and expanded needs of judicial branch entities in today's environment. Prior to trial court funding, LSO comprised a small group of attorney staff primarily responsible for drafting council rules of court and forms and legislation, providing legal opinions to the council and the Administrative Director, and staffing council advisory committees and other similar bodies. Following trial court funding, the role of LSO expanded to provide legal services to the superior courts that had previously been provided by county counsels' offices. The council also approved the creation of a Litigation Management Program in 1999, adopting rules of court assigning the responsibility to LSO for the management of all claims and litigation against the courts. The LSO's areas of responsibility continued to expand; LSO began providing trial courts with legal opinions on judicial administration issues, and labor and employment legal services began with the enactment of the Trial Court Employment Protection and Governance Act of 2000, followed by establishment of a unit to provide transactional and business-related advice and services. After passage of the Trial Court Facilities Act of 2002, the LSO Real Estate Unit was established to provide the facilities-related

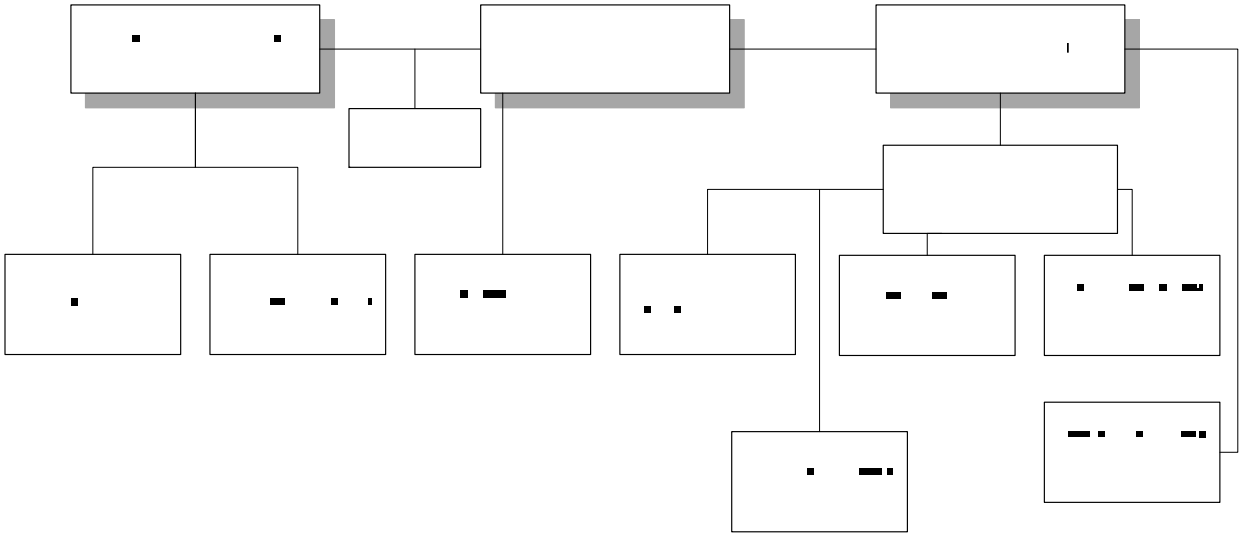
[2] Since the SEC report was issued, the LSO management team has been reduced due to a retirement and will be further reduced with the retirement of the Assistant Chief Counsel on June 28, 2013, and the departure of two staff attorneys in the summer of 2013.

legal work resulting from this legislation. Finally, LSO attorney positions were established in the field offices to better facilitate the provision of legal services to the superior courts.

Today LSO provides legal services in two primary areas: (1) services provided to the council, to the Chief Justice as chair of the council, and to the Administrative Director and AOC as the administrative arm of the council; and (2) services provided to the appellate and trial courts.

As indicated in Figure 1 below, LSO is currently structured to provide services in these two areas. As its name implies, the Judicial Council Services group provides legal counsel and services to the council and its internal committees, advisory committees, and task forces and is led by a managing attorney who reports to the Chief Counsel. The remaining LSO organization provides legal counsel and services to the appellate and trial courts, the Judicial Council, and the AOC in a number of areas such as labor and employment, litigation management, legal opinions,[3] real estate, and transactions and business operations.

Figure 1: Current LSO Organizational Structure



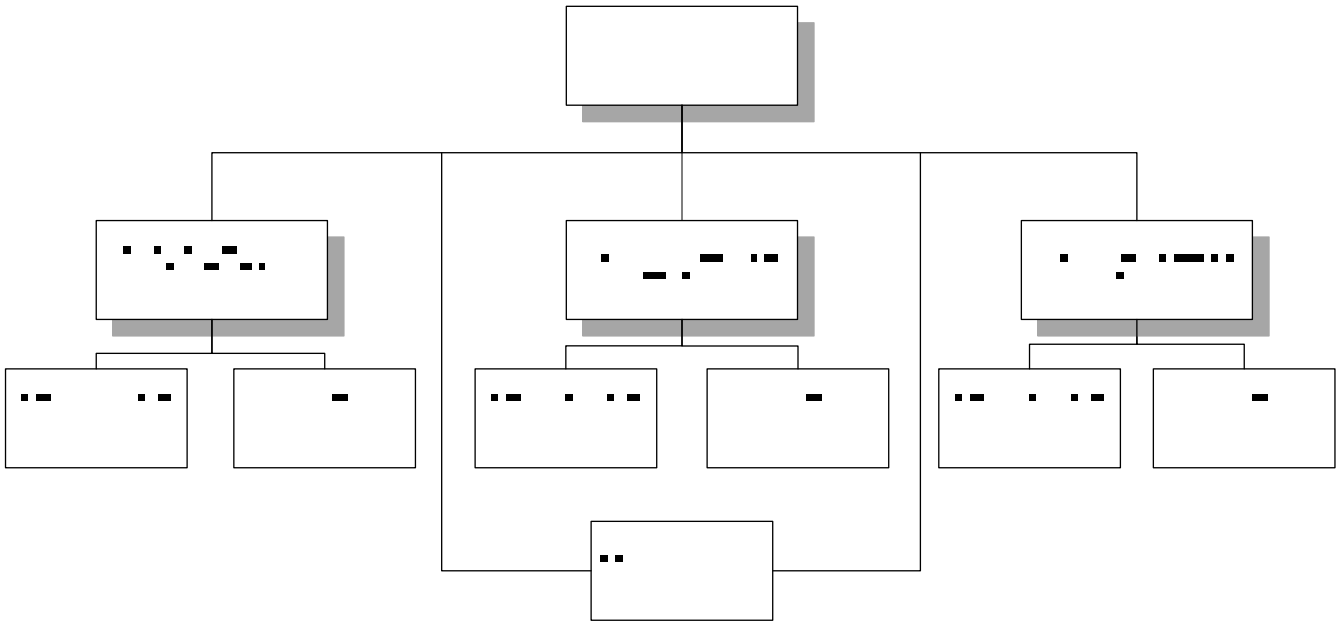
Given the current staffing levels of the LSO workforce and the critical nature of the legal services provided by LSO, we believe that a 10-member LSO attorney management team is appropriate for this office. However, to ensure accountability and clear lines of authority for the varied legal services provided by LSO, it is recommended that the LSO should be restructured to create a new executive leadership team comprising the Chief Counsel and three managing attorneys who lead three distinct areas of service (see Figure 2 below). Additionally, in accordance with council directive 107, we recommend that the position of Assistant Chief Counsel be reclassified as a managing attorney position. It is also recommended that one of the

[3] LSO provides courts with legal opinions on judicial administration issues but does not provide a research attorney function to assist courts on pending cases.

managing attorney positions be classified as a senior managing attorney to provide backup and support as second in command to the Chief Counsel. It appears appropriate that the managing attorney leading Judicial Council Services and Legal Opinions would be the best position for second in command.

The new structure provides a three-to-one reporting structure under the Chief Counsel and shifts the responsibility for regular day-to-day management workload from the Chief Counsel to the managing attorneys. This shift of direct responsibility for LSO daily activities is an acknowledgement that the Chief Counsel should be involved in providing legal input and expertise to the most critical legal issues for the branch versus being immersed in routine LSO workload. This structure will require continuous communication between the Chief Counsel and the three managing attorneys to ensure that no silos develop in the office. Similar to partners in a law firm, the Chief Counsel and the managing attorneys should meet regularly to share information and make decisions on projects, priorities, and resources that further the goals of the office as a whole.

Figure 2: Proposed LSO Organizational Structure



The three areas of services arising from the recommended restructuring are: Judicial Council Services and Legal Opinions (a merger of two formerly separate units), Transactions and Business Operations (incorporating Real Estate into the Transactions and Business Operations Unit), and Litigation Management and Labor and Employment (a merger of two formerly separate units). It is important to note that other than Judicial Council Services, all of the LSO units currently provide legal services for two client groups—the appellate and trial courts along with the Administrative Director and the AOC. The new units would continue to serve both client groups, with the responsibility of supervising attorneys divided between these client

groups. Each managing attorney would be responsible for providing satisfactory service to their clients.

The administration and monitoring of outside counsel would be the responsibility of the managing attorney for each respective area.

The designation of two positions (labeled "Supervising Attorney/Senior Attorney") under each of the subject matter areas is to ensure that there is client accountability for each area. There will need to be regular communication among these attorneys to avoid duplication of effort and inconsistency of work product. It was our belief that by establishing a clear line of accountability, the problems identified by the trial courts in the SEC report would be avoided or, if they did reoccur, would be more easily corrected.

It is intended that the Chief Counsel and the three managing attorneys hold overall management responsibility, with the supervising/senior attorneys charged with carrying out senior management's directives for the specific subject matter and client assignments. The level of experience and precise classification for these supervising/senior attorneys should be determined as a part of the internal restructuring and reviewed as a part of the classification and compensation study.

Role of Chief Counsel

> Judicial Council Restructuring Directive 115
> *E&P recommends that the Judicial Council direct the Administrative Director of the Courts, as part of the review of the AOC organizational structure, to review current responsibilities and clearly define the role of the Chief Counsel.*

By creating a team of three managing attorneys with assigned responsibilities over specific subject areas, the Chief Counsel should focus on ensuring that the structure in LSO is working well and that there is consistency and continuity among the three managing attorneys. The three managing attorneys must have the ability to work independently from and with the trust of the Chief Counsel to make decisions and manage the respective workload without direct involvement from the Chief Counsel. Again, the Chief Counsel's role should be oversight of LSO activities to allow for hands-on involvement only for cases and issues involving large, complex, and highly sensitive issues. The Chief Counsel must be flexible in meeting the needs of the Judicial Council, the Chief Justice, and the Administrative Director with a wide variety of legal responsibilities and is expected to consistently exercise a high degree of initiative, independence, originality, and judgment in performing all duties

The Chief Counsel serves as legal counsel to the chair of the Judicial Council (currently, the Chief Justice) and advises the Chief Justice on certain statutorily mandated functions. The Chief Counsel also manages staff responsible for the provision of legal support and staffing to some of the Judicial Council's internal committees and advisory committees and consults with, advises, and provides legal briefings and guidance for the council and its committees. The Chief Counsel

supervises the review and development of legal opinions on issues of statewide importance, the review of legislation and regulations, rulemaking adoption and modification, and the facilitation of review, filing, and publication of trial court local rules and procedural requirements. All of these activities should be accomplished through and with the managing attorneys.

The Chief Counsel consults with and advises the Administrative Director, AOC division chiefs, and office directors on the interpretation and analysis of law, court decisions, and rules and regulations affecting the functions of the AOC and on legal issues as they affect the planning, development, and review of overall programs and policies of the AOC.

Finally, as legal advisor and provider of legal services to the courts, the Chief Counsel manages staff and administers the Labor and Employment, Litigation Management, Transactions and Business Operations (including Real Estate), and Legal Opinions programs and services for the appellate and trial courts. Attachment A provides detailed information about the role of the Chief Counsel and the leadership over the LSO areas of service.

It is recommended that the Chief of Staff work with the Chief Counsel to assess the current level of resources expended for specific work products. This assessment should focus on ensuring that work products are being produced in the most efficient way and prioritized based on the issue at hand. The Chief Counsel and managing attorneys should continuously work together to identify efficient and effective ways to deliver these services.

> Judicial Council Restructuring Directive 120
> *E&P recommends that the Judicial Council direct the Administrative Director of the Courts that court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.*

To ensure the appropriate level of client service is provided, particularly in the area of legal opinions, it is recommended that a formal procedure be developed and implemented in LSO to solicit client feedback. As an example, once a legal opinion is provided to a court, it is recommended that LSO send a client satisfaction survey in a self-addressed stamped envelope or electronically to the respective court's presiding judge and court executive officer requesting feedback about the services provided. The information gained from this protocol would be shared with the Chief of Staff and will allow for continuous improvement in LSO.

AOC Attorney Services Outside of LSO

In their analysis of LSO legal services, the council liaisons identified attorney classification positions in offices other than LSO in the AOC. The existence of attorney positions in other AOC offices can be attributed to historical restructuring as the organization evolved. The majority of attorney resources outside of LSO reside in two offices—the Center for Judiciary Education and Research (CJER) and the Center for Children, Families & the Courts (CFCC). Additionally, there are a few attorney classifications housed in the Criminal Justice Court Services Office and the Office of Governmental Affairs (OGA).

A review of the information about the activities of attorney classifications outside of LSO compared to information about the services provided by LSO attorneys indicates that there are similar legal services rendered in multiple offices. These services include but are not limited to: legal support and services provided to advisory committees; the drafting of rules of court and forms; input and subject matter expertise on pending legislation; technical assistance; and legal research on specific case-type information. There are also attorney classifications participating in legal-related activities that are not currently offered in LSO. These include but are not limited to: the development of curriculum for judicial education; the creation and updating of judicial publications; legislative advocacy activities; and program and grant administration activities.

The concept of having attorney classifications providing legal advice and services outside of the purview of the Chief Counsel is concerning. Not only is there the potential for providing inconsistent legal advice and services to court clients, there are also liability issues for the organization in having attorney staff provide legal advice without the oversight of the Chief Counsel.

Given the current effort to ensure accountability for the AOC and the council's advisory committees and the AOC's renewed focus on providing consistent service to its customers, it is recommended that attorneys outside of LSO who provide legal advice or other services that require a license to practice law should have a dual reporting relationship: a dotted line reporting to the Chief Counsel and direct reporting to the current office director. The dual reporting relationship will ensure consistency of legal work and appropriate oversight by the LSO.

If there are attorney classifications that participate in legal-related activities for which a license to practice law is not required, it is recommended that these positions remain in their current organizational structure but be reclassified. For example, if it is determined that attorneys in OGA do not provide legal advice or require the use of a law license for their daily activities, then the AOC might consider reclassifying these positions as legislative specialists retaining the requirement for a law degree as a qualification for the position. This recommendation is forwarded to the Administrative Director to incorporate into the classification and compensation study process.

Use of Outside Counsel

Judicial Council Directive 122

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of the General Counsel's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost effective manner. Before initiating the independent review, the Administrative Director of the Courts must provide a proposal with options for conducting the review, including the associated costs.

In response to this directive, the Administrative Director provided options for a review of the use of outside counsel by LSO in February 2013, and the council directed LSO council liaisons to review the use, selection, and management of outside legal counsel to determine whether outside counsel is being used in a cost-effective manner and to report back to the council on the results of this review for any further direction.

As background, LSO utilizes outside counsel for representing judicial branch entities and personnel under the council's Litigation Management Program, representing trial courts in labor arbitrations and complaint proceedings before the Public Employment Relations Board (PERB), providing legal services in specialized areas of practice in which LSO attorneys do not have requisite expertise, and providing court facilities–related legal services to augment LSO staff in the Real Estate Unit and in other areas requiring specialized skills and experience.

Based on our experience in the legal field and after conferring with colleagues, we conclude that the use of outside counsel is appropriate and in some cases mandated, providing valuable legal resources for the varying needs of LSO relating to specific subject areas or broad-based branch initiatives (i.e., courthouse transfers). Outside legal counsel provides LSO with sufficient flexibility to meet the changing needs of the branch in an efficient and cost-effective manner.

Once it was confirmed that there is a legitimate need to use outside counsel, it was determined that a full study of past expenses would be extraordinarily time consuming and would provide little benefit. Since the goal is to be certain that future expenditures are warranted, the recommendation is to place the responsibility for the retention and monitoring of outside counsel with the managing attorney in each area of practice. There should be written justification for the retention, and the managing attorney should be responsible for insuring that the hourly rates and time spent are reasonable. At the close of representation a short client feedback report should be obtained and the managing attorney should evaluate the service provided from LSO's perspective. An annual report on the use of outside counsel should be provided to the Judicial Council.

The following recommendations are proposed to assist LSO in reinforcing its existing protocols for utilizing outside counsel to ensure that outside counsel is monitored, supervised, and managed. These recommendations were also shared with the three members of the SEC that are currently council members for their review. We appreciate their input and specific suggestions relating to recommendations regarding the development of a means to conduct an examination of cost effectiveness of outside counsel and an annual report on outside counsel from the Administrative Director as indicated below.

It is recommended that LSO develop:

- A structure where each managing attorney is responsible for the approval and justification for utilizing outside counsel based on area of expertise needed or resource requirements.

- A means for conducting an examination of the cost-effectiveness of utilizing outside counsel versus potentially hiring attorney resources based on specific projects and the duration of legal assistance needed.
- A checklist that must be completed prior to initiating a contract with outside counsel to confirm that there are no internal LSO resources available for the subject matter area.
- A means of following up with the courts that receive services to gather their input on the services provided by outside counsel through an e-mail questionnaire or survey. This information would be used in tandem with input from the LSO attorneys assigned to the respective case to identify if the outside counsel should be used for future cases.
- A means of regularly (every 12 months) surveying the market to ensure that what is being charged is appropriate and the rates are appropriate.
- An annual report to the council from the Administrative Director on the use of all outside counsel and the monies spent to the Advisory Committee on Financial Accountability and Efficiency (A&E) for review and reporting to the council.

LSO Attorneys Located in Field Offices

Judicial Council AOC Restructuring Directive 117

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to adopt an operations model whereby attorneys generally are housed at one location with flexibility to adjust as necessary to meet court needs regionally, including regional demand for additional attorney support and smaller courts that have fewer staff for research and other legal services. The location where attorneys report to work should ensure proper supervision.

After reviewing the activities of LSO attorney staff located in the Sacramento and Burbank field offices, we believe that it is appropriate to have staff in these locations. This is consistent with many government agencies as well as private law firms. This should allow more direct communication between LSO attorneys and the courts in their region. It should be noted that LSO attorneys are not the only AOC staff that reside in field offices. For all offices in which staff is housed away from their direct supervisors, it is recommended that the AOC develop a policy that includes existing senior management–level oversight in the field offices for day-to-day accountability for off-site staff.

Use of Paralegal Classification

Judicial Council AOC Restructuring Directive 112

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(f) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation 7-72(f)
The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(f) Development and use of paralegal classifications, as found elsewhere in legal services throughout both the public and private sectors, could lead to the reduction of attorney positions in the Legal Services Office.

In reviewing the activities of LSO attorneys, a specific need for a paralegal classification was not identified. Paralegals in private law firms are typically utilized primarily for high level administrative work and very minor legal-related work. Given that LSO already employs administrative staff to support LSO attorneys with administrative tasks, it does not appear appropriate to pursue the creation of a paralegal classification at this time.

Comments, Alternatives Considered and Policy Implications

In developing these recommendations, the LSO liaisons worked closely with the Chief of Staff. Additionally, these recommendations were shared with the AOC Executive Team and Chief Counsel and her management team.

Implementation Requirements, Costs, and Operational Impacts

It is anticipated that implementation of these recommendations, particularly LSO restructuring, may result in the need to recruit as needed. Additionally, LSO should realize savings by converting the Assistant General Counsel position to a Managing Attorney position.

There are several other recommendations that will impact LSO resources during implementation. These recommendations relate to the use of outside counsel where it is recommended that LSO strengthen the underlying structure for using outside counsel (i.e., developing a checklist; developing a means to follow up with courts to gain input; developing and implementing a survey on what is being charged in the market, etc.) and the recommendation to develop a client satisfaction survey.

Finally, it is recognized that delineating the attorney staff that will have a dual reporting relationship to LSO from other AOC offices will take some time to implement.

Attachments

A. Role of Chief Counsel of the Administrative Office of the Courts

Role of Chief Counsel of the Administrative Office of the Courts

The Chief Counsel of the Administrative Office of the Courts (AOC) is chief legal advisor to the Judicial Council of California and to the AOC and office chief of the AOC Legal Services Office, which provides comprehensive legal services to the AOC and to the appellate and trial courts. The Legal Services Office has two major areas of service: **legal advisor and counsel to the Judicial Council** and **legal advisor and legal services provider to the appellate and trial courts**.

I. Legal Advisor and Counsel to the Judicial Council

The role of legal advisor and counsel to the Judicial Council encompasses the legal services provided in support of the Chief Justice as Chair of the Judicial Council, the Judicial Council and its committees and task forces, and the AOC as staff agency to the Judicial Council.

In this capacity, the Chief Counsel is responsible for the following:

- Judicial Council Legal Support
  - Provide legal advice and briefings to the Chief Justice, as chair of the Judicial Council, the Judicial Council, and internal council committees on matters of importance to Judicial Council business.
  - Provide legal support and staffing of Judicial Council internal committees and council advisory committees, as requested.
  - Provide legal review of rules, forms, standards of judicial administration, and jury instructions for Judicial Council consideration.
  - Provide legal review of legislation and regulations for legal and programmatic impact in collaboration with the AOC Office of Governmental Affairs.
  - Provide legal support to the Chief Justice in evaluating and making recommendations on petitions for coordination of complex civil cases.
  - Facilitate filing of local court rules with the council and authorization by the Chief Justice of alternative effective dates of local rules.
  - Interact with other branches of government and external entities (e.g., Attorney General's Office, Commission on Judicial Performance, State Bar of California State Bar, Secretary of State, California Fair Political Practices Commission, etc.) on wide range of judicial administration legal issues.
  - Participate in meetings and conferences as the legal representative of the Judicial Council, AOC, and the judicial branch, as appropriate.
- AOC and Administrative Director of the Courts Legal Support
  - Provide legal advice and briefings to the Administrative Director, Division Chiefs, and Office Directors on legal issues affecting AOC programs and operations and on legal issues affecting planning, development, and review of AOC programs and policies.

- Identify legal and risk management issues.
- Collaborate with other AOC offices on legislative, fiscal, facilities, technology, and other matters affecting the judicial branch to develop strategies for implementing new requirements and responding to emerging issues.

- Chief Counsel Administrative Activities
  - Manage the AOC Legal Services Office, including planning and directing work, providing legal policy direction, providing for internal staff development and training and succession planning, and participating in recruitment and selection of staff.
    - Provides general direction on the office's priorities, policies, and operations.
    - Manages the Legal Services Office budget and resources; develops and implements strategies to meet increasing workload demands with limited resources.
    - Establishes and implements performance and development plans for direct reports.

II. Legal Advisor and Provider of Legal Services to the Appellate and Trial Courts and the AOC

In this capacity, the Chief Counsel provides direction and oversees the following programs and activities that provide legal services to the appellate and trial courts and to the AOC:

- Labor and Employment:
  - Responds to labor and employment issues in collaboration with the AOC Human Resources Services Office (HRSO), as appropriate.
  - Provides legal advice and guidance to minimize risk of labor disputes and employment litigation.
  - Provides legal advice in addressing sensitive personnel issues.
  - Assists HRSO in managing legal aspects of investigations of internal complaints of discrimination, harassment, retaliation, and other similar complaints, and advises about complaint resolution.
  - Drafts personnel policies to ensure compliance with applicable law and to avoid litigation.
  - Upon request, advises trial courts regarding labor relations matters (MOUs, labor relation rules, progressive discipline, personnel actions, etc.).
  - Provides ongoing legal support to HRSO in addressing labor relation issues for trial courts.
  - Upon request, provides legal advice and representation for trial courts in labor arbitrations and complaints before the Public Employment Relations Board.

- Litigation Management:
  - Under the direction of the Administrative Director of the Courts and consistent with rules of court, manages and administers the Judicial Council's Litigation Management Program.
  - Staffs the council's Litigation Management Committee, which oversees claims and litigation against judicial branch entities in which the likely exposure is $100,000 or more or that raise issues of significance to the judicial branch.
  - Handles claims against judicial branch entities, making recommendations to the council's Litigation Management Committee for settlements at or above $100,000.
  - Manages litigation against judicial branch entities, including selecting and directing outside counsel retained to represent judicial branch entities and making recommendations to the council's Litigation Management Committee for settlements at or above $100,000.
  - Provides annual litigation reports to the Litigation Management Committee, the Judicial Council, the appellate and trial courts, and the AOC.
  - Manages affirmative litigation on behalf of the courts and AOC.
  - Provides for representation of courts and AOC at administrative law hearings and judicial proceedings.

- Legal Opinions:
  - Upon request, provides legal advice and opinions to court leaders on judicial administration issues.
  - Provides statewide legal advice and guidance to court leaders on issues of statewide importance.
  - Upon request, provides legal advice and opinions to AOC leadership on wide range of issues affecting the judicial branch and judicial branch entities.

- Transactions and Business Operations:
  - Provides legal services and support for court facilities-related transactions, including acquisition, construction, renovation, operation, and maintenance of court facilities.
  - Provides legal services and support for solicitation, contracting, and procurement of goods and services, including technology transactions.
  - Provides legal advice on issues related to procurement, risk management, business administration, and operational initiatives.

- Provides legal advice for compliance audits under federal and state law.
- Provides legal advice on leases, contracts, and other documents requiring approval of the Administrative Director of the Courts.
- Oversees the selection, management, and evaluation of external legal resources/outside counsel retained to augment transactional

Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 25, 2014

Title
AOC Restructuring: Efficiencies and Restructuring at the Legal Services Office

Submitted by
Steven Jahr
Administrative Director of the Courts
Administrative Office of the Courts
Jody Patel, Chief of Staff

Agenda Item Type
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Executive Summary

The Legal Services Office (LSO) is an office of the Administrative Office of the Courts (AOC) under the Judicial Council and Court Leadership Services Division. The mission of LSO is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The Judicial Council has charged the office with providing "consistent, comprehensive legal support and counsel to the courts." (Judicial Council of Cal./Admin. Off. of Cts., *Justice in Focus: The Strategic Plan for California's Judicial Branch 2006–2012* (2006), p. 49.) In response to Judicial Council restructuring directives and the recommendations of the Judicial Council liaisons to LSO, the office has been significantly restructured. This informational report summarizes the activities undertaken in response to the June 2013 recommendations of the Judicial Council liaisons.

Previous Council Action

- In March 2011, Chief Justice Tani G. Cantil-Sakauye created the Strategic Evaluation Committee (SEC) to conduct an in-depth review of the Administrative Office of the Courts, the staff agency to the Judicial Council, with a view toward promoting transparency, accountability, and efficiency.

- On August 31, 2012, based on the SEC report and its recommendations, the Judicial Council approved AOC realignment directives and directed the Administrative Director to report on them.

- At the February 2013 council meeting, the council liaisons to LSO were asked to take the lead on reviewing the cost-effectiveness of LSO's current use of outside counsel in response to Judicial Council directive 122. While addressing this request, the liaisons concluded that additional LSO-related restructuring directives were appropriate for inclusion in the liaisons' review and would enable a more comprehensive evaluation.[1]

- In addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons' review was expanded to include defining the role of the Chief Counsel; evaluating the need for use of a paralegal classification; analyzing the use of LSO attorney staff in AOC field offices; and analyzing the current LSO organizational structure, LSO services, and attorney services provided by the AOC outside of LSO.

- In June 2013, the LSO liaisons recommended that the Judicial Council endorse the following recommendations to the Administrative Director:[2]

    1. LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.

    2. LSO should implement a formal structure to solicit client feedback on a regular basis.

    3. The role of the Chief Counsel and the expectations for that role and areas of responsibility should be clearly defined to reflect the new organizational structure.

    4. The use of outside counsel is appropriate for specialized areas of law and litigation. The protocols for LSO's use of outside counsel should be strengthened to ensure that outside counsel is used in the most cost-effective manner.

    5. The AOC should continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability.

[1] See Judicial Council of Cal., *AOC Restructuring: Judicial Council Liaisons' Review of the Legal Services Office and Recommendations* (June 28, 2013), p. 3.

[2] *Id.* at pp. 2–3.

6. All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office.

7. Given the recent retirement announcement by the current Chief Counsel, the successor Chief Counsel should be afforded the opportunity to implement the restructuring and the formation of the management team under the supervision of the Chief of Staff.

- At the June 2013 Judicial Council meeting, the council endorsed the liaisons' recommendations and agreed with the liaisons that modifications might be needed once these recommendations are implemented. It further directed the Administrative Director of the Courts to report back on implementation of the liaisons' recommendations by the end of March 2014.[3]

Methodology and Process

Restructuring within LSO has occurred as a result of the implementation of the liaisons' recommendations. As indicated below, six of the seven recommendations have been implemented, with one variance: (1) the LSO management structure has been modified; (2) the responsibilities of the Chief Counsel have been reviewed and clearly defined; (3) a process for periodically surveying court users of legal services is being put into place; (4) protocols have been developed for retention of outside counsel; (5) policies have been implemented to ensure appropriate oversight in the field offices for day-to-day accountability of LSO attorneys and staff in field offices; and (6) paralegals have not and are not currently employed by the LSO. Finally, although LSO works closely with other AOC offices with attorneys, the liaisons' recommendation that AOC attorneys outside of LSO who provide legal advice or legal related services that require a law degree should have a dual reporting relationship to LSO and their current office has not been implemented. As discussed below, for this recommendation, it seems appropriate to wait for the results of the pending classification and compensation study, which will expressly review the attorney classification.

Background on the Legal Services Office

The Legal Services Office provides a variety of services that historically, before state trial court funding, were provided by the counties and reflect the varying and expanded needs of judicial branch entities in today's environment.

Before trial court funding, the Legal Services Office comprised a small group of attorney staff primarily responsible for drafting council rules of court and forms and legislation, providing legal opinions to the council and the Administrative Director, and staffing council advisory

[3] As reported to the Judicial Council in February 2014, because no Judicial Council meeting was held in March 2014, this report is being provided at the April 25, 2014, business meeting of the council.

committees and other similar bodies.[4] Following trial court funding, the role of LSO expanded to provide to the superior courts legal services that previously had been provided by county counsels' offices. LSO began providing trial courts with legal opinions on judicial administration issues. The council also approved the creation of a Litigation Management Program in 1999, adopting rules of court assigning the responsibility to LSO for the management of all claims and litigation against the courts.

After the enactment of the Trial Court Employment Protection and Governance Act of 2000, LSO began providing labor and employment legal services. LSO's areas of responsibility continued to expand—for example, with the establishment of a unit to provide transactional and business-related advice and services. After passage of the Trial Court Facilities Act of 2002, the Real Estate Unit was established to provide the facilities-related legal work resulting from this legislation. Finally, LSO attorney positions were established in the field offices to better facilitate the provision of legal services to the superior courts.

The growth of LSO and the expansion of the services it provides have significantly changed in the past few years. Based on the council directives and other developments, LSO has ceased to grow and has been notably reduced in size. This and other changes are described in detail below.

Implementing the directives

In implementing the Judicial Council directives to LSO and the council liaisons' recommendations, the Administrative Director of the Courts and the Chief of Staff worked closely with the Chief Counsel and her management team. They have also benefitted greatly from advice from the Judicial Council liaisons to LSO and other council members.

The liaison report specifically addresses implementation of the council liaisons' recommendations to the Administrative Director of the Courts, which were endorsed by the Judicial Council. The report presents each recommendation and summarizes the actions taken in response to the recommendations.

Legal Services Office restructuring

As part of their review, the liaisons considered Judicial Council restructuring directive 107 and recommended the following:

> LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.

[4] The office's name has changed over the years. In the 1990s, it was designated as Council and Legal Services. Subsequently, it became the Office of the General Counsel, and in 2012 the office was renamed the Legal Services Office.

(Judicial Council of Cal., *supra,* at p. 2.)

Judicial Council restructuring directive 107 states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(a) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.[5]

Since the release of the Strategic Evaluation Committee report in May 2012, the LSO workforce has been dramatically reduced from the 75 positions referenced in SEC recommendation 7-72(a) to a workforce of 44 positions as of the date of this report. LSO attorney staffing has been reduced from 50 attorneys to the current number of 32 attorneys, exclusive of the Chief Counsel. The LSO management team currently consists of 6 members, excluding the Chief Counsel, as compared to 9 noted in SEC recommendation 7-72(a).

The June 2013 Liaison Report states:

> Given the current staffing levels of the LSO workforce and the critical nature of the legal services provided by LSO, we believe that a 10-member LSO attorney management team is appropriate for this office. However, to ensure accountability and clear lines of authority for the varied legal services provided by LSO, it is recommended that the LSO should be restructured to create a new executive leadership team comprising the Chief Counsel and three managing attorneys who lead three distinct areas of service . . . Additionally, in accordance with council directive 107, we recommend that the position of Assistant Chief Counsel be reclassified as a managing attorney position. It is also recommended that one of the managing attorney positions be classified as a senior managing attorney to provide backup and support as second in command to the Chief Counsel. It appears appropriate that the managing attorney leading Judicial Council Services and Legal Opinions would be the best position for second in command.

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[5] SEC Recommendation 7-72(a) states:

> The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:
>
> (a) In addition to the General Counsel, there are nine management level attorney positions in the Legal Services Office, including the Assistant General Counsel, three Managing Attorneys, and five Supervising Attorneys. This is an excessive number of management positions, which should be reduced. The position of Assistant General Counsel could be eliminated. One managing attorney could be assigned to manage each of the two major functional components of the division, house counsel, and Judicial Council services, with each managing attorney reporting directly to the Chief Counsel.

> The new structure provides a three-to-one reporting structure under the Chief Counsel and shifts the responsibility for regular day-to-day management workload from the Chief Counsel to the managing attorneys. This shift of direct responsibility for LSO daily activities is an acknowledgement that the Chief Counsel should be involved in providing legal input and expertise to the most critical legal issues for the branch versus being immersed in routine LSO workload. This structure will require continuous communication between the Chief Counsel and the three managing attorneys to ensure that no silos develop in the office. Similar to partners in a law firm, the Chief Counsel and the managing attorneys should meet regularly to share information and make decisions on projects, priorities, and resources that further the goals of the office as a whole.

(Judicial Council of Cal., *supra,* at p. 2.)

Under the new Chief Counsel, with the support of the Administrative Director of the Courts and the Chief of Staff, LSO has taken measures that have substantially implemented the structure proposed by the liaisons. The LSO attorney management team, excluding the Chief Counsel, consists of six members as of March 2014. The position of Assistant Chief Counsel was eliminated after the attorney formerly holding that position retired in 2013. As recommended by the liaisons, instead of hiring a new Assistant Chief Counsel, a managing attorney was promoted in 2014 to the position of senior managing attorney to provide support and backup to the Chief Counsel. Because of retirements, no other managing attorneys are currently employed in LSO. However, to provide the level and structure of leadership necessary to manage the office in the manner recommended by the liaisons, recruitment is under way for two additional managing attorneys. After completion of this hiring process, LSO will have an executive management structure as envisioned by the liaisons, with a Chief Counsel and three managing attorneys, one of whom is designated as a senior managing attorney.

LSO provides legal services in two primary areas: (1) services provided to the council, to the Chief Justice as chair of the council, and to the Administrative Director of the Courts and the AOC as the administrative arm of the council; and (2) services provided to the appellate and trial courts. LSO is currently structured to provide legal services in these areas by organizing its attorneys into six units:

- Rules and Projects Unit
- Legal Opinion Unit
- Transactions and Business Operations Unit
- Real Estate Unit
- Litigation Management Unit
- Labor and Employment Unit

In terms of LSO's management structure, the liaison report recommends that LSO be restructured into three areas of services: (1) Judicial Council Services and Legal Opinions (a

merger of the Rules and Projects and Legal Opinion Units); (2) Transactions and Business Operations (incorporating Real Estate into the Transactions and Business Operations Unit); and (3) Litigation Management and Labor and Employment (a merger of the two formerly separate units).

The liaison report further recommends that the new units continue to serve both client groups—the appellate and trial courts along with the Judicial Council, Chief Justice as chair of the council, Administrative Director of the Courts, and AOC—with the responsibility of supervising attorneys divided between the two client groups. LSO is in the process of restructuring its activities into the three organization units described above. Once the full complement of managing attorneys is in place, each will manage one of the combined units. After careful consideration, however, the Administrative Director and Chief of Staff support a variance from the liaison recommendations with respect to the supervisory-level responsibilities. Because the quantity of legal work performed for the courts differs from that for the Judicial Council/AOC clients and because of the need to provide clients with specialized skills and knowledge in the individual subject-matter areas, LSO will continue to be structured along subject-matter groups rather than client groups. The purpose of this structure is to provide better service to clients by providing them with immediate access to supervisors and attorneys with subject-matter expertise specific to the legal issues and inquiries presented.[6]

The liaison report further states:

> It is intended that the Chief Counsel and the three managing attorneys hold overall management responsibility, with the supervising/senior attorneys charged with carrying out senior management's directives for the specific subject matter and client assignments. The level of experience and precise classification for these supervising/senior attorneys should be determined as a part of the internal restructuring and reviewed as a part of the classification and compensation study.

The report's additional recommendations regarding the management structure will be implemented once the managing attorney positions are filled. As indicated in the report, the level of experience and precise classification for the supervising/senior attorney structure also partially depend on the classification and compensation study.

Role of Chief Counsel

The liaisons considered Judicial Council restructuring directive 115 and recommended that the role of the Chief Counsel and the expectations for that role, along with the areas of responsibility, should be clearly defined to reflect the new organizational structure.

[6] See Attachment A for an organization chart showing this management structure.

Judicial Council restructuring directive 115 states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts, as part of the review of the AOC organizational structure, to review current responsibilities and clearly define the role of the Chief Counsel.

As part of their report to the Judicial Council, the liaisons included an attachment clearly defining the responsibilities and role of the Chief Counsel of the Administrative Office of the Courts.[7]

The description has been adopted and specifies that the Chief Counsel is chief legal advisor to the Judicial Council and to the AOC and office chief of the AOC Legal Services Office, which provides comprehensive legal services to the appellate and trial courts. It adds that the Legal Services Office has two major areas of service: legal advisor and counsel to the Judicial Council and legal advisor and legal services provider to the appellate and trial courts. In these capacities, the Chief Counsel has responsibilities that are enumerated in detail.

Survey of users of LSO services

The liaisons considered Judicial Council restructuring directive 120 and recommended that, to ensure that the appropriate level of client service is provided, particularly in the area of legal opinions, a formal procedure be developed and implemented in LSO to solicit client feedback.

Judicial Council restructuring directive 120 states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts that court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.

In response to this recommendation, a draft survey has been developed to ask court users for their evaluations of and suggestions for improvements to legal services provided by each of the six LSO units.[8] Because of workload issues and staffing concerns, it is anticipated that the survey will be distributed to the courts in late 2014 as a pilot. If the survey proves useful and courts do not find it overly burdensome, LSO will continue to survey the courts on an annual or biennial basis.

Use of outside counsel

With respect to Judicial Council directive 122 regarding the use of outside counsel, the Judicial Council endorsed the liaisons' recommendation that (1) the use of outside counsel is appropriate for specialized areas of law and litigation; and (2) protocols for LSO's use of outside counsel

[7] See Judicial Council of Cal., *supra,* Attachment A (a copy of which is attached to this report as Attachment B).

[8] See Attachment C for a copy of the draft survey.

should be strengthened to ensure that outside counsel is used in the most cost-effective manner. That directive states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of the General Counsel's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost effective manner. Before initiating the independent review, the Administrative Director of the Courts must provide a proposal with options for conducting the review, including the associated costs.

The liaisons undertook the review of the use of outside counsel and reported back to the council as follows:

> Based on our experience in the legal field and after conferring with colleagues, we conclude that the use of outside counsel is appropriate and in some cases mandated, providing valuable legal resources for the varying needs of LSO relating to specific subject areas or broad-based branch initiatives (i.e., courthouse transfers). Outside legal counsel provides LSO with sufficient flexibility to meet the changing needs of the branch in an efficient and cost-effective manner.

(Judicial Council of Cal., *supra,* at p. 10.)

The liaison report also concluded, once it was confirmed that there was a legitimate need to use outside counsel, that a full study of past expenses would be extraordinarily time-consuming and would provide little benefit. Because the goal was to be certain that future expenditures are warranted, the liaisons recommended placing the responsibility for the retention and monitoring of outside counsel with the managing attorney in each area of practice. The liaisons added that (1) there should be written justification for the retention, and the managing attorney should be responsible for ensuring that the hourly rates and time spent are reasonable; (2) at the close of representation a short client feedback report should be obtained, and the managing attorney should evaluate the service provided from LSO's perspective; and (3) an annual report on the use of outside counsel should be provided to the Judicial Council.

Thus, the liaisons recommended that LSO develop:

- A structure in which each managing attorney is responsible for the approval of and justification for using outside counsel based on the area of expertise needed or resource requirements.
- A means for conducting an examination of the cost-effectiveness of using outside counsel versus potentially hiring attorney resources based on specific projects and the duration of legal assistance needed.
- A checklist that must be completed before initiating a contract with outside counsel to confirm that no internal LSO resources are available for the subject-matter area.

- A means of following up with the courts that receive services to gather their input on the services provided by outside counsel through an e-mail questionnaire or survey. This information would be used in tandem with input from the LSO attorneys assigned to the respective cases to identify if the outside counsel should be used for future cases.
- A means of regularly (every 12 months) surveying the market to ensure that what is being charged is appropriate and the rates are appropriate.

The liaisons also recommended that the Administrative Director provide to the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch an annual report on the use and cost of outside counsel for the committee's consideration and reporting to the council.

In response to these recommendations, the LSO protocol for the retention of outside counsel has been amended to require managing-attorney approval of the hiring of any outside counsel. Under that protocol, the managing attorney (1) reviews the recommendation to hire outside counsel and the expertise of the counsel suggested, and (2) confirms that no internal resource is available for the particular subject matter. The review and approval by the managing attorney are recorded in each file. In addition, on an annual basis, LSO will review the annual attorney fee surveys prepared by various organizations to ensure that the fees charged by outside counsel are appropriate and reasonable. LSO also will send to each court a survey after the conclusion of any significant litigation, arbitration, or proceedings before the Public Employment Relations Board, asking for the court's assessment of the specific legal representation provided by LSO and outside counsel.[9] The survey results will be used in an annual review of the use of outside counsel to ensure the delivery of quality and timely legal services. The LSO also will provide reports on the use and cost of outside counsel to the Advisory Committee on Financial Accountability and Efficiency at the request of the committee.

LSO attorneys located in field offices

In response to Judicial Council directive 117, the liaisons recommended that the AOC continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability. That Judicial Council directive states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to adopt an operations model whereby attorneys generally are housed at one location with flexibility to adjust as necessary to meet court needs regionally, including regional demand for additional attorney support and smaller courts that have fewer staff for research and other legal services. The location where attorneys report to work should ensure proper supervision.

The liaison report states that, after reviewing the activities of LSO attorney staff located in the Sacramento and Burbank field offices, the liaisons believe that it is appropriate to have staff in

[9] These surveys will be prepared for the individual case and tailored to the type and nature of the representation.

these locations. The liaisons commented that such an arrangement is consistent with the staffing of many government agencies and private law firms.

LSO has followed the recommendation of the liaisons and continues to house attorneys in field offices. Doing so allows more direct communication between LSO attorneys and the courts in their regions.[10] In addition, as recommended by the liaisons, to ensure oversight in the field offices for day-to-day accountability for off-site staff, LSO management requires staff in the field offices to report any absences both to their supervisors and to a designated local staff member, who would enter the appropriate information into the LSO calendar system.

Use of paralegal classifications

The LSO liaisons reviewed Judicial Council restructuring directive 112 and stated that they did not identify a specific need for a paralegal classification. That directive states:

> E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(f) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.[11]

In their report, the liaisons state that paralegals in private law firms are typically used primarily for high-level administrative work and very minor legal-related work. Given that LSO already employs administrative staff to support LSO attorneys with administrative tasks, the liaisons indicate that to pursue the creation of a paralegal classification does not appear appropriate at this time.[12] Consistent with the LSO liaisons' recommendation, LSO does not employ paralegals.

Dual reporting

The liaison report discusses one other recommendation for LSO. That recommendation states: "All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office."[13] On this recommendation relating to attorneys within the AOC, it seems appropriate to wait for the results of the classification and compensation study. That study will expressly study the attorney

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[10] See Judicial Council of Cal., *supra*, at page 11.

[11] SEC Recommendation 7-72(f) states:

> The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:
>
> (f) Development and use of paralegal classifications, as found elsewhere in legal services throughout both the public and private sectors, could lead to the reduction of attorney positions in the Legal Services Office.

[12] See Judicial Council of Cal., *supra*, at pages 11–12.

[13] *Id.* at page 3.

classifications and should provide useful information to assist in any efforts to redefine or change the relationship among the various groups and types of attorneys working for the AOC.

Policy and Cost Implications

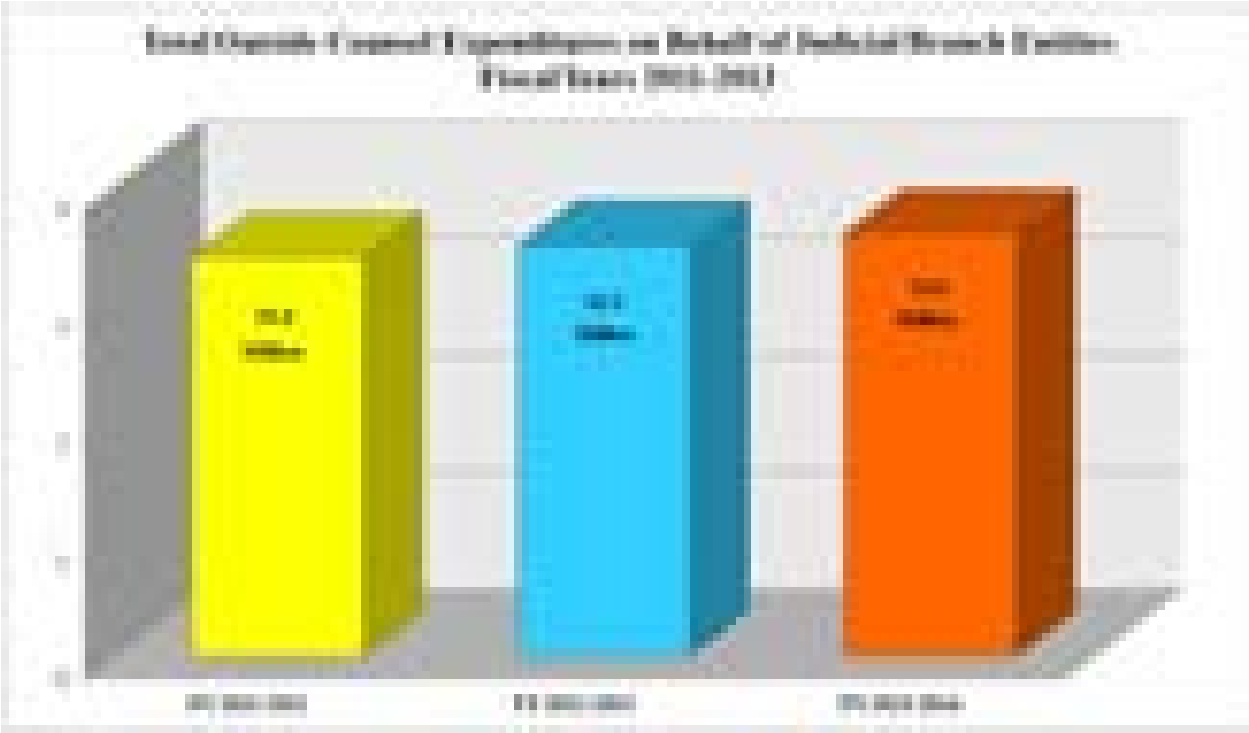
LSO's mission continues to be to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The restructuring of LSO will result in efficiencies and savings from, for example, the conversion of the position of assistant chief counsel into a senior managing attorney position and will continue to require a commitment of effort (for example, for staff and courts to conduct and complete user surveys).

Relevant Strategic Plan Goals and Operational Plan Objectives

Judicial Council strategic Goal VI.C.1 ("Provide a high-quality administrative legal infrastructure to provide consistent, comprehensive legal support and counsel to the courts").

Attachments

1. Attachment A: LSO organization chart
2. Attachment B: Role of Chief Counsel of the Administrative Office of the Courts
3. Attachment C: Administrative Office of the Courts, Legal Services Office, Customer Service Survey



Information on Judicial Council Directives

Council Directive **123**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-52 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.

SEC Recommendation **7-52**

The Office of Communications should remain in the Executive Office and under the direction of a Chief of Staff. The Office of Communications manager position should be placed at the Senior Manager level.

Reported By:	Executive Office
Contact:	Jody Patel, Chief of Staff

TASK

[x] **PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.

- On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.
- In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.
- In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.
- In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.
- In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.
- In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.
- In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.
- In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.

- In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.
- In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.
- In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.
- All-staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the reconsideration process.

In March 2015, staff received their new classifications. Approximately 244 requests for reconsiderations were submitted in April 2015. Following this effort, the Executive Office will review reconsideration requests with support from Human Resources, Legal Services, and Fox Lawson and Associates, as appropriate. After all requests are reviewed, final decisions made by the Administrative Director will be communicated to office leadership to be shared with individual employees.

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **124**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts, to the extent that resources are available, that Office of Communication resources, including the Public Information Officer, should be made more available to furnish increased media relations services to courts requesting such assistance.

SEC Recommendation **7-53**

The resources of this office, including the Public Information Officer, should be made more available to furnish increased media relations services to courts requesting such assistance.

Reported By:	Communications
Contact:	Peter Allen, Senior Manager

TASK

[ ] **PENDING**

[x] **COMPLETED: Communications continues to provide general, high-level media relations assistance at the requests of the courts with the resources available, including: ad hoc media communication advice; trial court assistance with talking points on capital construction projects; ListServe administration for court liaisons and public information officers; and PIO training with the National Center for State Courts.**

At the time the Strategic Evaluation Committee made its final report in May 2102, Communications was comprised of 14 employees and was providing ad hoc "media relations service" to small and medium-sized courts. The service was provided by three individuals. When the Judicial Council adopted a similar recommendation in August 2012, the office had been downsized and the ad hoc media relations service to courts was provided by two individuals, one of whom was based in Sacramento and was able to travel to courts at their request to manage media issues in a high-profile case. This individual has since retired and the Communications staff has shrunk to seven employees. Today Communications staff priorities are primarily related to providing communications and public relations support to the Chief Justice, the Supreme Court, the Judicial Council, and capital programs.

The office continues to provide general, high-level assistance—i.e. telephone consulting—when any court requests it, but does not have the resources to provide anything more than telephonic consultation. These services include:

(1) Ad hoc media communication advice to the courts for sensitive issues and review of press releases
(2) Trial court assistance with talking points on capital construction projects
(3) ListServe administration for court liaisons and court public information officers (PIOs)
(4) Training with the National Center for State Courts on PIO training for court management.

As background on PIO services, The use of Public Information Officers was the focus of one of the recommendations made by the Bench Bar Media Committee, chaired by Associate Justice Carlos R. Moreno. The committee was created in 2008 by Chief Justice Ronald M. George to make recommendations to improve communications and working relationships among the three key stakeholders - judges, attorneys, and members of the media. The committee's term expired in December 2010. In its final report, the Bench Bar Media Committee recommended the "Creation of regional public information officer (PIO) positions." The committee supported "the

creation of three public information officer (PIO) positions . . . when funds are available. The primary responsibilities of the regional PIOs would include assisting local courts, upon request, with: (1) coordination of media activities in high-profile cases, (2) responses to other complex media situations, and (3) community outreach efforts and general media relations. Until the creation of these regional positions, the AOC Office of Communications should continue to provide the trial courts with assistance on high-profile cases and other media matters on an ad hoc basis when requested by the courts and according to AOC resource availability." The Judicial Council never adopted this recommendation and it was never referred to any other committee or advisory group.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

☐	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	☐	UNABLE TO IMPLEMENT
x	IMPLEMENTED AND ONGOING	☐	PENDING IMPLEMENTATION
☐	IMPLEMENTED BUT IN PROGRESS		

Communications will continue to provide ad hoc media relation services to the trial courts as requested with the resources available on an ongoing basis.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- Link to Bench Bar Committee website
- Link to Bench Bar Media report

Information on Judicial Council Directives

Council Directive **125**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to return to the Judicial Council with an analysis, defining the necessary emergency response and security functions for the branch and a recommendation on the organizational plan for council approval.

SEC Recommendation **7-54**

There is no need for a stand-alone Office of Emergency Response and Security. Most necessary functions performed by the office can be reassigned and absorbed by existing units in the Judicial and Court Operations Services Division.

SEC Recommendation **7-55**

The functions of this office should be refocused and limited to those reasonably required by statute or by the Rules of Court, primarily including review of security plans for new and existing facilities; review of court security equipment, if requested by the courts; and review of emergency plans.

SEC Recommendation **7-56**

Reductions in this office are feasible. The office cannot effectively provide branch-wide judicial security and online protection for all judicial officers. Positions allocated for such functions should be eliminated. The Administrative Director should evaluate whether some activities undertaken by this office are cost effective, such as judicial security and online protection functions.

Reported By:	Court Operations Services
Contact:	Donna Hershkowitz, Director

TASK

[x] **PENDING: The Judicial Council's Court Security Advisory Committee formed an Ad Hoc Short Term Subcommittee (Office of Security Functions and Duties) to further develop recommendations and return to the full committee with a draft report for its consideration. The committee will meet its obligation to provide a final report to the council on the functions of the Office of Security; however, additional time is needed. As such, it is requested that the timeline be modified to provide for a final report at the August 2015 council meeting.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

At its August 31, 2012, meeting, the Judicial Council directed the ADOC "to return to the Judicial Council with an analysis, defining the necessary emergency response and security functions for the branch and a recommendation on the organizational plan for council approval."

At its December 14, 2012, meeting, the Judicial Council approved the ADOC's recommendation to maintain the Office of Security within the Judicial and Court Operations Services Division, with responsibility for performing the security and emergency response planning functions currently assigned to it and at the current staffing level. It deferred action on directing a proposed Court Security Advisory Committee to review the Office of Security and make recommendations defining the necessary emergency response and security functions to be performed by the office, pending further consideration by E&P and RUPRO as part of their comprehensive review of advisory groups.

On its April 25, 2013, meeting, the Judicial Council approved an E&P, RUPRO, and Technology Committee recommendation that included a recommendation to create a Court Security Advisory Committee with a formal charge, a rule of court, and appointments made through the annual nominations process. E&P and RUPRO ensured proposed rule 10.61 to establish the committee was circulated for public comment, and submitted it to the Judicial Council for consideration at the October 25, 2013, meeting.

Effective October 25, 2013, the Judicial Council established the Court Security Advisory Committee. On November 8, 2013, E&P issued a solicitation for nominations for membership in the committee. Nominations were due by December 4, 2013. The Chief Justice appointed the members to the committee and announced Judge Thomas Maddock as chair of the committee on February 10, 2014. The committee is composed of 10 members, including 1 appellate justice, 4 trial court judges, 1 appellate court administrator, and 4 trial court administrators, 1 of whom is a member of the Court Facilities Advisory Committee, and 1 who is a member of the Court Facilities Modification Advisory Committee.

At its first telephonic meeting on June 18, 2014, Court Security Advisory Committee members discussed the council directive and the committee charge. The committee started to outline an agenda for the coming year and begin its work, to the extent possible, in reviewing the necessary security functions for the branch and an organizational plan for carrying out those functions. At its first in-person meeting on September 4, 2014, the committee approved a draft Annual Agenda for submission to E&P. Members discussed recommendations on emergency response and security functions and the organization of the Office of Security. An Ad Hoc Short Term Subcommittee on Office of Security Functions and Duties was formed to further develop recommendations and return to the full committee with a draft report for its consideration. The committee will meet its obligation to provide a final report to the Judicial Council on the functions of the Office of Security; however, additional time is needed. As such, it is requested that the timeline be modified to read "Administrative Director of the Courts to provide an interim report to the council at the July 2014 council meeting with a final report at the August 2015 council meeting."

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **126**

E&P recommends that the Judicial Council support SEC Recommendation 7-84 with no further action, as the Bay Area, Northern Central, and Southern Regional Offices no longer have any direct regional office staff. The Northern Central Regional Office has been reorganized as the Trial Court Liaison Office reporting to the Executive Office.

SEC Recommendation **7-84**

The regional offices should cease to exist as a separate division within AOC. The BANCRO and SRO offices should close. Advocacy and liaison services provided to the trial courts should be provided through the office of Trial Court Support and Liaison in the new Executive Office

Reported By:	Executive Office
Contact:	Jody Patel, Chief of Staff

TASK

	PENDING
x	**COMPLETED: In November of 2011, the former Regional Office structure changed with the merger of the Bay Area Northern/Coastal Regional Office, the Northern Central Regional Office, and the Southern Regional Office into one Regional Office. Additional staffing restructuring and layoffs ultimately occurred and the Regional Office was renamed the Trial Court Liaison Office effective July 1, 2012. As of October 1, 2012, the Trial Court Liaison was located under the Leadership Services Division reporting to the Chief of Staff. Three positions in the one office now provide service in the same capacity as the former three regional offices.**

Directives 126 and 128 relate to the elimination of the former three regional offices and the related staffing levels that were established in Sacramento, San Francisco, and Burbank in 2002.

As background, the regional offices were created to provide more of a local council presence and regional resource for the courts. The regional offices were the point of contact for the courts, especially small and medium sized courts, requiring specialist assistance in areas such as human resources and budgeting. Over the next several years, the regional offices also encompassed regional court interpreter coordinators, enhanced collections, reengineering, and community corrections units within their organizational structure.

In November of 2011, Regional Office structure was changed to merge Bay Area Northern/Coastal Regional Office, the Northern/Central Regional Office, and the Southern Regional Office into one regional office under the leadership of the Regional Administrative Director reporting directly to the Admin. Director.

Additional staffing reductions occurred in the Regional Office as follows:

- The Enhanced Collection Unit was transferred to the Finance Division (now Fiscal Services) January of 2012.
- Regional Court Interpreters were transferred to the Court Interpreter Unit within the Court Programs and Services Division (now Court Language Access and Services Program) in March of 2012.
- Four positions were permanently eliminated (layoffs, retirement and VSIP)

- The Community Corrections Program previously part of BANCRO was transferred to the Criminal Justice Court Services Office under the Executive Office along with two remaining BANCRO regional office staff moved to the Criminal Justice Court Services Office.

Finally, after all of these changes were made, the Regional Office was renamed Trial Court Liaison Office effective July 1, 2012. Effective October 1, 2012, the Trial Court Liaison Office is located under the Judicial Council and Court Leadership Services Division reporting to the Chief of Staff. The remaining regional office position was converted to the Chief of Staff. The Trial Court Liaison Office now consists of three positions and serves the same role as the former regional offices now offered within one office. This office is now merged within other offices that provide support to branch leadership (i.e. Judicial Council Support Services).

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x]	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	[ ]	UNABLE TO IMPLEMENT
[ ]	IMPLEMENTED AND ONGOING	[ ]	PENDING IMPLEMENTATION
[ ]	IMPLEMENTED BUT IN PROGRESS		

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **127**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to renegotiate or terminate, if possible, the leases for space utilized by SRO and BANCRO. To the extent AOC staff from other divisions is assigned to work at leased space at the regional offices, the need for locating such staff in currently leased space should be reevaluated.

SEC Recommendation **7-85**

Leases for space utilized by SRO and BANCRO should be renegotiated or terminated, if possible, as such lease costs cannot be justified. To the extent AOC staff from other divisions is assigned to work at leased space at the regional offices, the need for locating such staff in currently leased space should be reevaluated.

Reported By:	Real Estate and Facilities Management
Contact:	Burt Hirschfeld, Assistant Director

TASK

[ ] PENDING

[x] COMPLETED: **The implementation of cancellations, terminations, contractions, renegotiations, relocations, and subleases of Judicial Council office space has resulted in rent reductions for the organization.**

As reported in October 2012, the following lease transactions and exercised options have been completed (by location):

- Sacramento North: lease cancellation option exercised at 2880 Gateway Oaks Blvd.; leases at 2850 and 2860 Gateway Oaks blvd. renegotiated mid-term; lease cancellation option exercised on fourth floor lease at 2850 Gateway Oaks Blvd.
- Burbank: 11,992 SF of space on first floor sublet; lease to be terminated by electing not to exercise renewal option.
- San Francisco: several lower cost options in San Francisco's Civic Center and Financial districts were identified. Depending upon which points in time are used for comparison purposes, comparable lease space in the same submarket of San Francisco was listed for 25% to 40% lower than the rate paid by the AOC to DGS in Fiscal Year (FY) 2011/12.

The AOC sought out potential interest from other state agencies to occupy a surplus of space equal to the 7th floor of the San Francisco building, approximately 38,575 SF. DGS did not permit the AOC to relinquish the space because the occupying agency we identified, the state Public Utilities Commission (PUC), requires the space only until December, 2015, when renovations to their current facility are scheduled to be completed. The AOC executed an interbranch agreement "subleasing" the 7th floor to the PUC. State-managed renovation projects of this magnitude often fall behind schedule, so PUC's occupancy of the 7th floor may continue into 2016.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED

[x] IMPLEMENTED AND ONGOING

[ ] IMPLEMENTED BUT IN PROGRESS

[ ] UNABLE TO IMPLEMENT

[ ] PENDING IMPLEMENTATION

In light of the recommendation from the California State Auditor in its January 2015 report, recommending that the council should conduct a thorough cost benefit analysis of moving its operations to Sacramento, council staff is gathering pertinent facilities, lease, human resources and market data. This will be completed in the second quarter of 2015.

ASSESSMENT OF IMPLEMENTATION

Implementation of the cancellations, terminations, contractions, renegotiations, relocations, and subleases resulted in a $1.52 million rent reduction through fiscal year 2012-2013, and approximately $2.35 million through fiscal year 2014-2015.

OTHER INFORMATION

Attachments:

- *Strategic Evaluation Committee Final Report,* Chapter 10, May 2012 {as submitted to JCC and amended with revised data and explanatory footnotes by Real Estate and Asset Management (now Real Estate and Facilities Management)}
- *AOC Space and Rent Reduction* financial summary, October 17, 2012 (submitted by Real Estate and Facilities Management to Judicial Council Executive Office)

Chapter 10

Other Issues

This chapter presents a review of several additional issues, including lease costs and location of AOC facilities.

Leases

The AOC leases office space in San Francisco, Burbank, and Sacramento.
The SEC has considered concerns that have been raised about the cost of the leases.

Background

The AOC conducts its business from four leased spaces, including its main offices in San Francisco, regional offices located in Burbank and Sacramento, and a separate office in Sacramento housing the Office of Governmental Affairs. The regional offices house staff from multiple AOC divisions.

San Francisco

The AOC occupies office space at 455 Golden Gate Avenue, San Francisco. BANCRO and the Judicial Council Conference Center are located in the building. The AOC occupies a portion of the first floor, all of the third, fifth, sixth, and seventh floors, and part of the eighth floor.

This office building at 455 Golden Gate Avenue is owned and operated by the State of California and managed by the Department of General Services (DGS). Apparently, there is no formal lease, as DGS has assigned the space to a governmental entity and assesses a fair market rental value[1]. This office space contains 207,845 square feet and is leased at $4.27[2] per square foot per month, and 10,655 square feet of storage space in the building is rented at a monthly rate of $1.43 per square. The lease amount is adjusted usually every fiscal year. The total annual lease costs for the leased office and storage space is $10,832,816.80[3]. There is no expiration date under the lease arrangement with DGS.

[1] The rate charged by DGS includes a bond repayment component. Market rent for Class A office space in the Civic Center Area is approximately $3.17 per square foot per month as of the second quarter of 2012.
[2] $4.29 as of July 1, 2012
[3] $9,428,383.97 for FY 12/13

Moving from this office would be problematic, since the AOC most likely would be required to negotiate a release from DGS or find an acceptable sublessor to take over the leased space.

Burbank Lease

The Burbank facility is located at 2255 North Ontario Street. This office building is located near the Burbank Airport, with 37,347 square feet of office space over two floors. The first floor is occupied primarily by OCCM personnel.[4] The second floor is occupied primarily by SRO and CCMS personnel.[5]

The lease term is $3.17 per square foot per month.[6] There is an additional $100 per month cost for the first floor relating to the existing HVAC system. Annualized, the expense is $3.19 per square foot each month.[7] The lease rate for the second floor is $3.1827 per square foot each month.[8] The lease agreement specifies the annual lease cost is $459,203.28 for the first floor and $968,368.32 for the second floor.[9] The total annual lease cost for the Burbank facility is $1,427,571.60.[10] The lease cost for each floor increases to $3.28 per square foot as of June 1, 2012,[11] with one option to renew for an additional five-year term extending through June 30, 2018. There is a "no early termination" condition in the lease agreement. The current lease term ends June 30, 2013.

Sacramento

The downtown office space, occupied by the Office of Governmental Affairs, is located within walking distance of the State Capitol, at 770 L Street. This office space, referred to as the Sacramento–Central facility, comprises 6,578 square feet on one floor, occupied exclusively by OGA. In February 2012[12] the AOC renegotiated the lease and reduced the leased footage. The total annual lease cost for this lease space is $177,606[13]. The current lease term ends August 31, 2017. There is one three-year option to extend the lease, with the rental rate to be set at 95 percent of the fair market value as of the end of the initial lease term.

The North facilities consist of space located in two office buildings located at 2850 and 2860 Gateway Oaks, Sacramento. The lease of office space at 2850 Gateway Oaks consists of 36,368 square feet and is used by the Finance and TCAS divisions. The rental rate is $2.10 per square foot per month.[14] The current lease term ends July 31, 2016. There are two three-year options with rent at fair market value.

[4] OCCM relocated to 2nd floor to accommodate sublease of space for the last year of the lease term, reducing rent expenses by a total of $329,082.
[5] ISD, OGC, OCCM
[6] $3.28 effective as of July 1, 2012
[7] $3.29 effective as of July 1, 2012; this rate includes $100/mo HVAC charge
[8] $3.28 effective as of July 1, 2012
[9] $471,743.40 for the 1st floor; $997,419.48 for the 2nd floor
[10] $1,422,273.60
[11] $3.28 effective as of July 1, 2012
[12] October 2011
[13] $180,895.00 for FY 12/13
[14] $2.15 effective as of August 1, 2012

The leased office space at 2860 Gateway Oaks consists of 28,263 square feet and is occupied by NCRO and OCCM. The rental rate is $2.05 per square foot per month.[15] There are two three-year options with rent at fair market value. The combined annual lease cost for 2850 and 2860 Gateway Oaks is $1,611,743.40.[16] The lease for this space includes acredit for one month's rent and a $200,000 tenant improvement allowance, which was taken upfront as a rent credit during the 2011–2012 fiscal year.[17]

Previously, the AOC leased additional space at 2880 Gateway Oaks. That lease was terminated in May 2011.[18] AOC employees working at that office were relocated to the 2850 Gateway Oaks office building.[19] The leases for space at 2850 and 2860 Gateway Oaks were renegotiated,[20] resulting in a reduction of $0.49 per square foot for space at 2850 Gateway Oaks and $0.27 per square foot for space at 2860 Gateway Oaks.[21]

The comparative costs of the AOC-leased spaces are shown on the following chart.

	AOC - LEASEHOLDS				
LOCATION	AOC Divisions Using Leased Space	Square Feet Leased	Monthly Lease Cost Per Square Foot	Annual Lease Cost	Lease Expiration Date
Burbank					
1st Floor	OCCM	11,992	3.191039	459,203.28	June 30, 2013
2nd Floor	SRO & CCMS	25,355	3.1827	968,368.32	June 30, 2013
TOTAL		37,347		1,427,571.6	
Sacramento–North					
2850 Gateway Oaks	Finance & TCAS	36,368	2.1	916,473.6	July 31, 2016
2860 Gateway Oaks	NCRO & OCCM	28,263	2.05	695,269.8	July 31, 2016
2880 Gateway Oaks	–	0	0	0	Terminated
TOTAL		64,631		1,611,743.4	

[15] $2.10 effective as of August 1, 2012
[16] $1,526,989.77 for the 2012-2013 fiscal year; includes termination of 4th floor at 2850 Gateway Oaks
[17] One month's rent in the amount $57,939.15 and a $197,841 TI Allowance ($7/psf) for a total rent abatement of $255,780.15.
[18] Savings of $203,702.40
[19] Termination option renegotiated into 2850 Gateway Oaks lease. Option exercised 6/27/2012; 4th floor scheduled to be vacated upon effective date of 10/26/2012, resulting a rent reduction of $120,300.68 in the 2012-2013 fiscal year and a savings of $690,377.08 over the term of the lease
[20] Combined savings of $1,744,206.06 over the terms of both leases; includes one free month's rent and TI Allowance
[21] Savings of $0.41/psf for 2850 Gateway Oaks and $0.20/psf for 2860 Gateway Oaks

Sacramento–Central					
770 L Street	OGA	6,578	2.25	177,606	August 31, 2017
San Francisco					
Office Space	All	207,845	4.27	10,649,977	None
Storage Space	All	10,655	1.43	182,839.8	None
TOTAL		218,500		10,832,816.8	
TOTAL FOR AOC LOCATIONS		327,056		14,049,737.80	

Updated chart for FY 12/13 as of August 2012

LOCATION	AOC Divisions Using Leased Space	Square Feet Leased	Monthly Lease Cost Per Square Foot	FY 12/13 Annual Lease Cost	Lease Expiration Date
Burbank[22]					
1st Floor	None (occupied by subtenant)	0*	1.028	149,159.40	June 30, 2013
2nd Floor	OCCM, OGC & ISD	25,355	3.278	997,419.48	June 30, 2013
TOTAL		25,355		1,146,578.88	
Sacramento–North					
2850 Gateway Oaks	Finance & TCAS	29,512	2.30	816,175.32	July 31, 2016
2860 Gateway Oaks	NCRO & OCCM	28,263	2.1	710,814.45	July 31, 2016
2880 Gateway Oaks	–	0	0	0	Terminated
TOTAL		57,775		1,526,989.77	
Sacramento–Central					
770 L Street	OGA	6,578	2.2917	180,895	August 31, 2017
San Francisco					
Office Space	All	169,269[23]	4.1839[24]	9,490,447.72	None
Storage Space	All	10,655	1.4254	182,251.13	None
TOTAL		179,924		9,672,698.85	
TOTAL FOR AOC LOCATIONS		269,632		12,527,162.50	

[22] At the start of FY 12/13, the relocation or contraction of the current space at lease expiration on June 30, 2013 will result in a reduction in rent to $305,856.00 for FY 13/14.
[23] At end of FY 12/13.
[24] Average for FY 12/13.

Discussion

The AOC spends more than $1,150,000[25] per month on leased office space — an annual total of $13,866,898[26] — plus an additional annual charge of $182,839.8[27] for storage space for its San Francisco space.

Comparatively, the rental rates for the leased office spaces in Sacramento ($2.10 per square foot at 2850 Gateway Oaks[28]; $2.05 per square foot for 2860 Gateway Oaks[29]; and $2.25[30] per square feet at 770 L Street) are approximately half the $4.27[31] per square foot rental rate assessed for the government-owned building in San Francisco. This is consistent with historically lower commercial and residential lease rates found in Sacramento, compared with those in San Francisco.

Additionally, it is apparent from site visits to the leased spaces that not all lease space is utilized. If recommendations for reducing staffing levels are followed, the need for leased space will decrease.[32]

AOC Headquarters Location

The AOC has operated from headquarters in San Francisco since 1961. Its offices are located in the same building as the California Supreme Court.

It is usual for most enterprises, public or private, to consider their costs of operation and location. Given the comparative lease costs discussed above, there is reason for the AOC to reevaluate its office locations, including its headquarters space in San Francisco. Such review should be part of the organization's long-term business planning. In this case, the considerations should include a consideration of costs and benefits, both economic and political.

From a strictly economic standpoint, lease costs are generally lower in Sacramento than San Francisco. Labor costs generally are lower as well. the AOC partly recognizes this through its geographic pay differential system, whereby some Sacramento region employees are paid 7 percent less than San Francisco-based employees performing the same type of work.

[25] $1,028,742.61 monthly average for FY 12/13
[26] $12,344,911.37 for FY 12/13
[27] $182,251.13 for FY 12/13
[28] $2.15
[29] $2.10
[30] $2.30 as of September 1, 2012
[31] $4.29 as of July 1, 2012
[32] Current AOC occupied square footage is 310,493, reduced by 11,992 square feet in Burbank. As of July 1, 2013, AOC occupied square footage is scheduled to be reduced further by 54,888 to 255,605.

From a political standpoint, relocating AOC operations to Sacramento may be beneficial by placing the judicial branch administration closer to the Legislature, the executive branch, and governmental agencies. The importance of a strong political and legislative presence at the capital cannot be understated. Future success of the judicial branch in obtaining funding, and in advancing legislative goals, will be based partly on establishing strong relationships and credibility with legislators, legislative staff, and the Governor's Office. Access and interactions with key executive branch agencies, such as the Department of Finance, may be improved with AOC headquarters located in Sacramento.

One current legislative proposal would require all state agencies and the judicial branch to relocate their headquarters to Sacramento by 2025 (Assembly Bill 2501).

While no recommendation is offered concerning legislative proposals, possible relocation of AOC headquarters should be considered in the course of long-term planning for the judicial branch. That planning should be based on a cost-benefit analysis, taking into account economic, political, and other relevant factors.

Recommendations

The following recommendations are made regarding leases and location of operations.

Recommendation No. 10-1: The AOC should renegotiate or terminate its lease in Burbank. The lease for the Sacramento North spaces should be reviewed and renegotiated to reflect actual usage of the office space. The AOC should explore lower-cost lease options in San Francisco, recognizing that DGS would have to find replacement tenants for its space.[33]

Recommendation No. 10-2: As part of its long-term planning, the AOC should consider relocating its main offices, based on a cost-benefit analysis of doing so.

[33] In FY 11/12, the Sacramento North leases were negotiated mid-term for rent reduction. The AOC also exercised a termination option to relinquish a portion of the space under one lease, which will become effective in October 2012. The lease for the OGA office was renegotiated in FY 11/12 to contract the space mid-term. In FY 12/13, the AOC negotiated an Interagency Agreement with the California Public Utilities Commission for temporary occupancy of the entire 7th floor. In FY 12/13, the AOC entered into a sublease for a tenant to occupy the entire first floor of the Burbank office; upon the expiration of the lease, the office will move into a space that is approximately one-third of the current leased space.

AOC SPACE AND RENT REDUCTION

AOC Office	FY 2011/12		FY 2012/13		FY 2013/14	
	SF	Rent	SF	Rent	SF	Rent
NCRO	64,631	$ 1,376,627	57,775	$ 1,526,990	57,775	$ 1,505,413
OGA	6,578	$ 192,172	6,578	$ 180,895	6,578	$ 184,842
SRO	37,347	$ 1,422,274	25,355	$ 1,146,579	11,328	$ 305,856
San Francisco	218,500	$ 10,822,626	179,924	$ 9,672,699	179,924	$ 9,698,880
FY Total	327,056	$ 13,813,699	269,632	$ 12,527,162	255,605	$ 11,694,991
Change from Prior Yr	(10,698)	**$ (237,277)**	(57,424)	**$ (1,286,537)**	(14,027)	**$ (832,171)**
Cummulative Change	(10,698)	**$ (237,277)**	(68,122)	**$ (1,523,814)**	(82,149)	**$ (2,355,985)**

Notes:

1. FY 2010/11 total AOC rent was $13,813,699 (SEC/JCC report uses $14,049,738 without reference dates; difference may be attributable to use of calendar or lease year versus fiscal year in this analysis).
2. Exercised option to terminate 2850 Gateway Oaks, 4th floor space effective 10/26/2012.
3. NCRO rent increases in FY 2012/13 due to majority portion of negotiated rent reduction taken in one month of FY 2012/13 and smaller annual reductions taken over balance of lease term.
4. OGA office relocated to smaller premises at lower negotiated rate in FY 2011/12; no ability further reduce and sublease portion of premises.
5. SRO 1st floor (11,992 SF) sublease and consent executed 6/15/2012; occupancy commenced 6/28/2012.
6. Assumes SRO Relocation to 11,328 SF upon 6/30/2013 lease expiration; prelim. headcount verified by Exec. Office May, 2012.
7. Agreement on business terms of assignment of San Francisco 7th floor to State Public Utilities Commission on 6/13/2012; MOU with DGS signed.
8. FY 2013/14 San Francisco rent estimated to increase 3% over FY 2012/13.
9. Tenant improvement expenses, if any, and brokerage commissions not included.
10. Previously-reported space and rent reduction in San Francisco no longer feasible due to increase in BCDC programmatic requirement.

Information on Judicial Council Directives

Council Directive **128**

E&P recommends that the Judicial Council support SEC Recommendation 7-86 and direct the Administrative Director of the Courts to provide the council with an update on organizational changes made with the elimination of the regional office staff.

SEC Recommendation **7-86**

While responsibility for essential services currently provided to courts through regional offices should be consolidated and placed under the direction of Trial Court Support and Liaison Services in the Executive Office, a physical office should be maintained in the Northern California Region area to provide some services to courts in the region.

Reported By:	Executive Office
Contact:	Jody Patel, Chief of Staff

TASK

	PENDING
x	**COMPLETED: In November of 2011, the former Regional Office structure changed with the merger of the Bay Area Northern/Coastal Regional Office, the Northern Central Regional Office and the Southern Regional Office into one Regional Office. Additional staffing restructuring and layoffs ultimately occurred and the Regional Office was renamed the Trial Court Liaison Office effective July 1, 2012. As of October 1, 2012, the Trial Court Liaison was located under the Leadership Services Division reporting to the Chief of Staff. Three positions in the one office now provide service in the same capacity as the former three regional offices.**

Directives 126 and 128 relate to the elimination of the former three regional offices and the related staffing levels that were established in Sacramento, San Francisco, and Burbank in 2002.

As background, the regional offices were created to provide more of a local council presence and regional resource for the courts. The regional offices were the point of contact for the courts, especially small and medium sized courts, requiring specialist assistance in areas such as human resources and budgeting. Over the next several years, the regional offices also encompassed regional court interpreter coordinators, enhanced collections, reengineering, and community corrections units within their organizational structure.

In November of 2011, Regional Office structure was changed to merge Bay Area Northern/Coastal Regional Office, the Northern/Central Regional Office, and the Southern Regional Office into one regional office under the leadership of the Regional Administrative Director reporting directly to the Admin. Director.

Additional staffing reductions occurred in the Regional Office as follows:

- The Enhanced Collection Unit was transferred to the Finance Division (now Fiscal Services) January of 2012.
- Regional Court Interpreters were transferred to the Court Interpreter Unit within the Court Programs and Services Division (now Court Language Access and Services Program) in March of 2012.

- Four positions were permanently eliminated (layoffs, retirement and VSIP)
- The Community Corrections Program previously part of BANCRO was transferred to the Criminal Justice Court Services Office under the Executive Office along with two remaining BANCRO regional office staff moved to the Criminal Justice Court Services Office.

Finally, after all of these changes were made, the Regional Office was renamed Trial Court Liaison Office effective July 1, 2012. Effective October 1, 2012, the Trial Court Liaison Office is located under the Judicial Council and Court Leadership Services Division reporting to the Chief of Staff. The remaining regional office position was converted to the Chief of Staff. The Trial Court Liaison Office now consists of three positions and serves the same role as the former regional offices now offered within one office. This office is now merged within other offices that provide support to branch leadership (i.e. Judicial Council Support Services).

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x]	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	[ ]	UNABLE TO IMPLEMENT
[ ]	IMPLEMENTED AND ONGOING	[ ]	PENDING IMPLEMENTATION
[ ]	IMPLEMENTED BUT IN PROGRESS		

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **129**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider placing the significant special projects previously assigned to the regional offices under the direction of the Chief of Staff in the Executive Office, contingent upon council approval of the organizational structure for the AOC.

SEC Recommendation **7-87**

The significant special projects previously assigned to the regional offices should be placed under the direction of the Chief of Staff in the Executive Office.

Reported By:	Executive Office
Contact:	Jody Patel, Chief of Staff

TASK

[ ] PENDING

[x] COMPLETED: **On August 31, 2012, the Judicial Council approved a new organizational structure for the council which resulted in the creation of an office responsible for significant special projects under the Chief of Staff. The former Reengineering Unit formerly part of the Regional Offices was renamed the Special Projects and moved under the Leadership Services Division under the Chief of Staff effective October 1, 2012.**

On August 31, 2012, the Judicial Council approved a new organizational structure for the organization which resulted in the creation of three new divisions and realignment of offices under each of the three divisions.

To meet the intent of this directive which was to place the office responsible for significant special projects under the Chief of Staff, the former Reengineering Unit formerly part of the Regional Offices was renamed the Special Projects Office and moved under the Judicial Council and Court Leadership Services Division under the Chief of Staff effective October 1, 2012.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

Special Projects is currently staffed with a manager, 5 analytical staff and an administrative coordinator and are responsible for organizational or branch-side projects assigned by the Executive Office including:

- Council organizational and essential services review and analysis
- Judicial Council directives tracking, monitoring, and reporting
- Audit preparation and follow-up activities
- Support to the Trial Court Efficiencies and Innovation Working Group that created the Innovation Knowledge Center

- Support to the Futures Commission over the next 24 months

OTHER INFORMATION

Attachments:

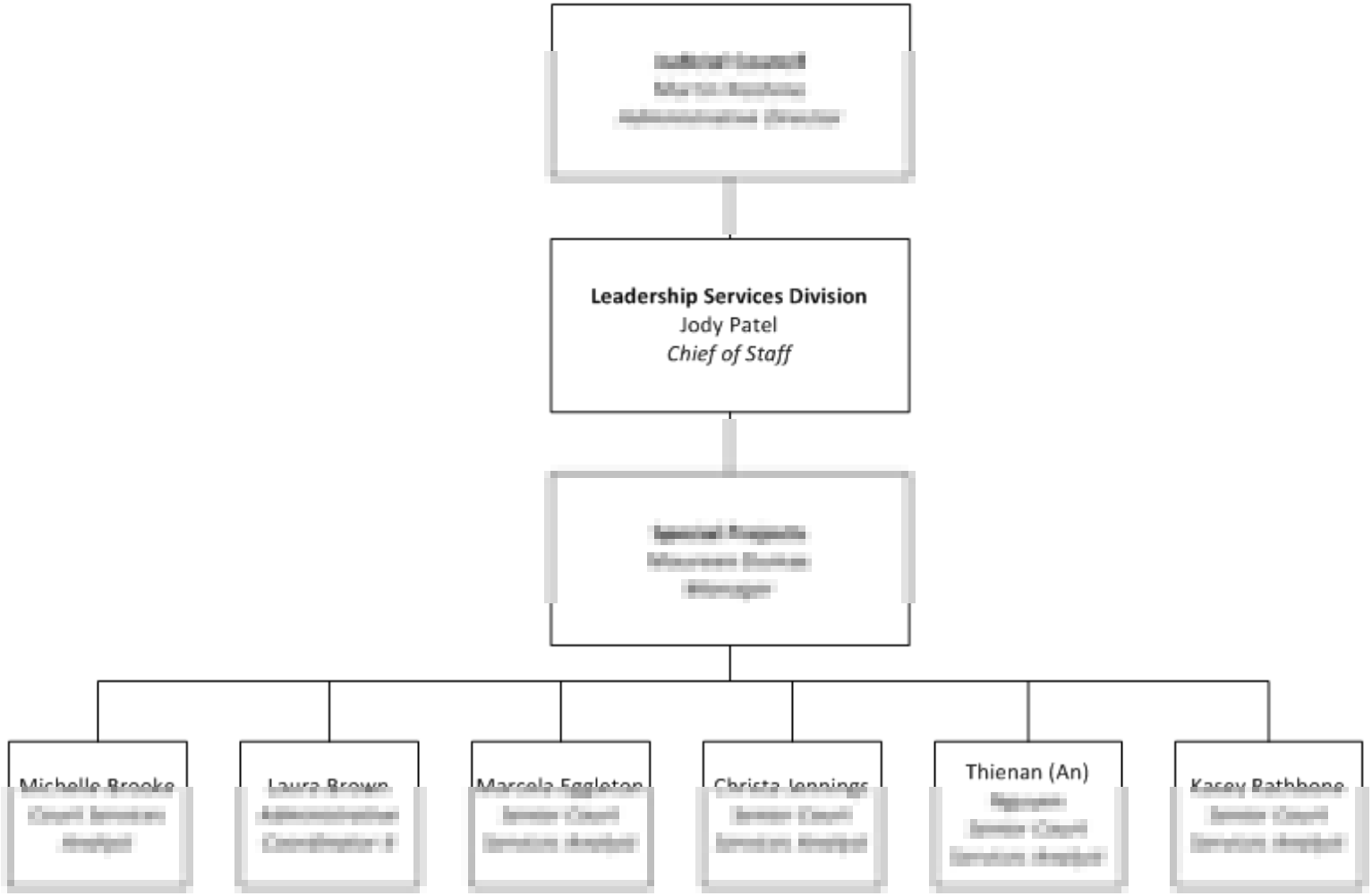
- Organizational Structure of Special Projects, March 2015

JUDICIAL COUNCIL OF CALIFORNIA

LEADERSHIP SERVICES DIVISION

SPECIAL PROJECTS

Updated March 2015



Information on Judicial Council Directives

Council Directive **130**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-47 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.

SEC Recommendation **7-47**

TCAS should be made a unit under the Judicial and Court Administrative Services Division, reporting to the Chief Administrative Officer. The TCAS Manager position should be at the Senior Manager level.

Reported By:	Executive Office
Contact:	Jody Patel, Chief of Staff

TASK

[x] **PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.

- On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.
- In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.
- In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.
- In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.
- In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.
- In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.
- In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.
- In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and

discussed the selected comparator markets.

- In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.
- In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.
- In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.
- All-staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the reconsideration process.

In March 2015, staff received their new classifications. Approximately 244 requests for reconsiderations were submitted in April 2015. Following this effort, the Executive Office will review reconsideration requests with support from Human Resources, Legal Services, and Fox Lawson and Associates, as appropriate. After all requests are reviewed, final decisions made by the Administrative Director will be communicated to office leadership to be shared with individual employees.

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **131**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts that, subject to available resources, trial court use of the Phoenix HR/Payroll functionality should remain optional to individual trial courts.

SEC Recommendation **7-48**

The Phoenix Financial System is in place in all 58 superior courts; however, trial court use of the Phoenix HR/Payroll functionality should remain optional to individual trial courts.

Reported By:	Trial Court Administrative Services
Contact:	Curt Soderlund, Chief Administrative Officer

TASK

[ ] PENDING
[x] COMPLETED: **Trial court use of the Phoenix HR/Payroll functionality remains optional to individual courts, subject to available resources.**

Trial court use of the Phoenix HR/Payroll functionality remains optional to individual courts, subject to available resources.

The Phoenix Program was approved in a Department of Finance budget change proposal for the 2008–2009 fiscal year. Prior to the budget reductions, the overall program envisioned deploying all of this functionality to the trial courts over a 5-year period with an authorized budget of $43M over this time span. The downturn of the economy resulted in almost immediate budget reductions, eventually culminating into a reduction of nearly $23 M as noted above. These budget reductions have suspended the program's ability to provide an "enterprise resource program" as originally envisioned for the benefit of the courts.

In 2012 when this directive was considered complete, Sacramento, Stanislaus, Lake, Siskiyou, Santa Cruz, Riverside, and San Bernardino were deployed on the Phoenix HR/Payroll system.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[x] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

Since the directive was closed, the Yuba and Lassen Superior Courts implemented the Phoenix HR/Payroll System resulting in a total of 10 courts currently utilizing the payroll solution. Trinity Superior Court will deploy the system in July 2015. Planning has been initiated with Tehama Superior Court, and Monterey Superior Court is considering Phoenix as an option. Several other courts have shown interest in implementing the Phoenix payroll system; however, limited funding restricts the Trial Court Administrative Services (TCAS) office from expanding the

services, and it can only take on a limited number of deployments at once.

TCAS staff is now able to deploy to additional courts with much less reliance on consultants. However, to deploy several courts at once, or to deploy to large courts, TCAS would require consulting assistance in the form of staff augmentation during the deployments.

OTHER INFORMATION

Attachments:

- *Status of Phoenix Payroll System Deployment Activity*, October 2012
- *Deployment Requests*, 2012

Status of Phoenix Payroll System Deployment Activity
October 2012

The following is information regarding the status of payroll deployment activity and an identification of the courts that have expressed an interest in having their payroll functions performed by the Phoenix System and the Judicial and Court Administrative Services Division.

Trial court use of the Phoenix Human Resources functionality remains optional to individual courts. However, deployment activities for payroll were suspended after the Phoenix Program suffered severe budget reductions (53%), equal to approximately $23 M over the course of recent years.

Listed below are courts having expressed some level of interest in being included in future payroll deployments. The lack of funding has prohibited the possibility of an affirmative response from the AOC.

San Diego	Fresno	Monterey
Kern	Merced	Yuba
Alpine	Alameda	Orange
Trinity	San Joaquin	

These expressions of interest were unsolicited by the AOC, and several of the courts have been extremely vocal at either the Trial Court Budget Working Group meetings and/or the Court Executive Advisory Committee (CEAC) meetings. Although the Phoenix Financial System has been deployed to all 58 courts, the Phoenix payroll system has only been deployed to the 7 courts noted below:

Sacramento	Stanislaus	Lake
Siskiyou	Santa Cruz	Riverside
San Bernardino		

The Phoenix Program was approved in a Department of Finance budget change proposal for the 2008–2009 fiscal year. Prior to the budget reductions, the overall program envisioned deploying all of this functionality to the trial courts over a 5-year period with an authorized budget of $43 M over this time span. The downturn of the economy resulted in almost immediate budget reductions, eventually culminating into a reduction of nearly $23 M as noted above. These budget reductions have suspended the program's ability to provide an "enterprise resource program" as originally envisioned for the benefit of the courts.

The AOC's goal is to provide a uniform process of financial management and human resources services to all of the trial courts in California. It is significant to note that if the fully integrated solution comes to fruition, the current and constant need to do a multitude of manual surveys

with the trial courts would be virtually eliminated. The information would largely be captured in the Phoenix System and would enhance the courts' ability to manage and direct their resources.

Of further interest is that the executive branch *payroll* project, called the 21st Century Project, being implemented by the State Controller's Office is on the same SAP platform as the Phoenix System. It may make good business sense to explore bringing the Supreme Court, Appellate Courts, Habeas Corpus Resource Center, and the Administrative Office of the Courts onto the Phoenix System to furnish the judicial branch its own integrated system, rather than have it be a small player in the executive branch system that has yet to be proven.

Below is a representation of the current payroll scope of services and benefits of the Phoenix HR System, as well as additional requested "human capital management" functionality that courts have expressed a desire to obtain. They have also expressed an interest in acquiring additional financial functionality such as asset accounting, inventory management, and travel management.

Current Phoenix HR/Payroll Scope of Services

- Organizational Management
  - Used to maintain organizational hierarchy
  - Includes Org Units, Positions, Job Classes, Compensation Structure
  - Basis of reporting relationships and workflow
- Personnel Administration
  - Used to maintain employee master data
  - All details required to support Personnel and Payroll Administration
- Time Management
  - Used to record, evaluation, transfer time records
  - Used to manage leave accruals
- Benefits Administration
  - Used to maintain employee/dependent health and welfare plans and associated costs
- Employee Self-Service
  - Allows employees access to maintain time records and limited master data
    - View Pay Statements
    - Update Timesheet
    - Update Bank Details
    - Update Dependents/last paycheck and beneficiary declaration
  - On-line Benefit Enrollment
- Manager Self-Service
  - Approve timesheet and absence request through automated workflow
  - View attendance records, leave balances, organizational data for employees
  - View other HR/Organizational reports for subordinates
- Payroll
  - Used to process payroll from gross to net and post to General Ledger (GL)

        - Prepare and process retirement system contributions
        - Complete payroll benefit reconciliations
        - Prepare and process payroll vendor payments

Benefits

- Fully Integrated HCM/Finance System
    - Automatic real-time postings to Phoenix GL
    - Ability to easily code time worked to Projects for accounting
    - Automated interfaces to benefit providers
    - All judicial branch Data in one system
    - Reduced cost/effort to support similar/redundant solutions
    - Leverage existing best-practice processes
    - Flexible real-time reporting and analysis
- Mature Support Model
    - Super-user strategy
    - Communication strategy
    - Change control
- Proven Deployment Strategy
- Attention to Local and Branch requirements (especially as compared to external third parties, other state projects, or county legacy systems)

Other Requested Phoenix HR/Payroll Services

- Budget preparation including Personnel Cost Planning
- Talent Management
    - Performance Management
    - Learning Management Solution (Training Enrollment and Requirements Tracking)
- Miscellaneous improvements to Self-Service functionality

Deployment Requests

- Eleven (11) courts have expressed unsolicited interest
- Costs based on 2008 deployment contract:
  - Large.....$882,106
  - Medium.....$384,919
  - Semi-Small..$111,424
  - Small.....$141,137
- Recent draft proposals* for deployment requests:
  - Fresno.....$828,000
  - Alpine.....$ 80,000

Court	Size Category (FTE)
Alameda	Large
Yuba	Semi-small
Alpine	Small
Merced	Semi-small
San Diego	Large
Monterey	Medium
Fresno	Medium
Kern	Medium
Orange	Large
Trinity	Small
San Joaquin	Medium

*Draft proposals represent informal discussion of specific court deployment and departure from normal deployment strategy at Courts' request during no-deployment period. For example, a solution outside of Phoenix was implemented for Alpine.
Note: The AOC has historically borne all deployment costs; several courts have raised the possibility of sharing the deployment cost.

Information on Judicial Council Directives

Council Directive **132**

E&P recommends that the Judicial Council determine whether to continue with the charge-back model whereby courts reimburse the AOC from their Trial Court Trust Fund allocations for the courts' use of the Phoenix financial system; and whether the Los Angeles court will be required to reimburse the AOC for use of the Phoenix financial system.

SEC Recommendation **7-49**

As policy matters, it is recommended that the Judicial Council determine whether to continue with the charge-back model whereby courts reimburse the AOC from their Trial Court Trust Fund allocations for the courts' use of the Phoenix financial system; and whether the Los Angeles court will be required to reimburse the AOC for use of the Phoenix financial system.

Reported By:	Trial Court Administrative Services
Contact:	Curt Soderlund, Chief Administrative Officer

TASK

[ ] PENDING

[x] COMPLETED: **At its January 17, 2013 meeting, the council approved a proposal from the then Trial Court Budget Working Group to allocate $6.769 million in one-time funding from the State Trial Court Improvement and Modernization Fund for direct costs related to the financial component of Phoenix Financial and Human Resources Services that had been paid for by courts in previous years according to council policy. As such, the charges for Phoenix have been paid since that point out of the IMF fund.**

At its January 17, 2013 meeting, the council approved a proposal from the then Trial Court Budget Working Group to allocate $6.769 million in one-time funding from the State Trial Court Improvement and Modernization Fund for direct costs related to the financial component of Phoenix Financial and Human Resources Services that had been paid for by courts in previous years according to council policy. As such, the charges for Phoenix have been paid since that point out of the IMF fund.

The issue of whether Los Angeles should be required to reimburse for the Phoenix Financial system has not been resolved.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[x] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

The Executive and Planning Committee requested that the issue of whether Los Angeles Superior Court should be required to reimburse for prior charge-back amounts should be forwarded to the appropriate council advisory body for resolution.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- Report to Judicial Council for meeting of January 17, 2013: Trial Court Allocation: Phoenix Financial Services Costs and New $30 Court Reporter Fee Revenue, January 10, 2013

Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courtinfo.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: January 17, 2013

Title
Trial Court Allocation: Phoenix Financial Services Costs and New $30 Court Reporter Fee Revenue

Rules, Forms, Standards, or Statutes Affected
None

Recommended by
Trial Court Budget Working Group and Administrative Office of the Courts (AOC)

Hon. Laurie M. Earl, Co-Chair, Trial Court Budget Working Group

Zlatko Theodorovic, Director, AOC Fiscal Services Office, and Co-Chair, Trial Court Budget Working Group

Agenda Item Type
Action Required

Effective Date
January 17, 2013

Date of Report
January 10, 2013

Contact
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Executive Summary

The Trial Court Budget Working Group and the Administrative Office of the Courts submit recommendations for distribution of the new $30 court reporter fee revenue to the courts and for allocation of monies from the State Trial Court Improvement and Modernization Fund to pay for the trial courts' direct costs related to Phoenix financial services.

Recommendation

The Trial Court Budget Working Group (TCBWG) and the Administrative Office of the Courts (AOC) recommend that, effective January 17, 2013, the Judicial Council:

1a. Allocate revenue from the new $30 fee for court reporting services in civil proceedings lasting under one hour to each trial court in the amount that each court remits to the Trial Court Trust Fund;

1b. Direct the AOC to request from the Department of Finance and the Legislature an additional $4 million in Trial Court Trust Fund Program 45.10 (Support for Operation of the Trial Courts) expenditure authority for the purpose of distributing the new court reporter fee revenue to courts;

1c. Direct the AOC to distribute this allocation to courts even if the Department of Finance and/or the Legislature do not approve an additional $4 million in expenditure authority; and

2. Allocate $6.769 million in one-time funding from the State Trial Court Improvement and Modernization Fund for direct costs related to the financial component of Phoenix Financial and Human Resources Services that had been paid for by courts in previous years according to council policy.

Previous Council Action

The council considered the recommendation for allocating the new court reporter fee revenue at its October 26, 2012 business meeting, but postponed any action due to possible concerns of the Department of Finance (DOF).

At its April 21, 2006 business meeting, the Judicial Council approved a TCBWG recommendation establishing council policy on which expenses for statewide administrative infrastructure services would be state-funded and which would be funded by the trial courts. Among the costs the council directed to be reimbursed by the courts were court-specific services related to the Court Accounting and Reporting System (CARS) and Court Human Resources Information System (CHRIS), which are now known as the Phoenix Financial and Human Resources Services program.

On the recommendation of the TCBWG at the council's August 31, 2012 business meeting, the council deferred the one-time allocation of $6.769 million from the Trial Court Trust Fund (TCTF) Program 30 appropriation for the AOC staffing costs charged to trial courts for the financial component of the Phoenix Financial and Human Resources Services program until the council's October 2012 meeting, but approved the allocation of $1.424 million from the TCTF

Program 30 appropriation for the AOC staffing costs charged to trial courts for the human resources component of the Phoenix program.

At its October 26, 2012 business meeting, the council allocated $6.758 million from the State Trial Court Improvement and Modernization Fund (STCIMF) for costs of the Phoenix Financial and Human Resources Services program that are not costs funded by the trial courts. The council deferred action on the TCBWG recommendation to allocate, on a one-time basis, $6.769 million for trial courts' direct costs related to Phoenix financial services from the STCIMF instead of the TCTF. The council deferred action due to potential concerns of the DOF.

Rationale for Recommendation

Recommendation 1a: Trial Court Trust Fund allocation of revenue from new civil court reporting services fee

As a result of the enactment of Senate Bill 1021, effective June 27, 2012, Government Code[1] section 68086(a)(1)(A) requires a new $30 fee for court reporting services in civil proceedings lasting under one hour. Section 68085.1 requires trial courts to remit any monies collected pursuant to section 68086 to the Trial Court Trust Fund (TCTF). While section 68086(b) is silent on how the monies should be allocated among courts, it requires that the fees collected "shall be used only to pay the cost for services of an official court reporter in civil proceedings." In order to offset the costs incurred by the courts that are providing court reporter services in civil proceedings lasting under one hour, the TCBWG is recommending that the council allocate to courts any revenue from the new $30 fee for court reporting services in civil proceedings lasting under one hour in the amount that each court has collected. If a court were to receive a share of the statewide $30 fee revenue in an amount that exceeded its actual costs, the court could not use the "excess" monies for any other purpose, including reduction offset. The allocation of the revenues back to courts in the amount that they have collected ensures that statewide the maximum amount of the restricted revenues will be used to offset courts' court reporter costs.

Recommendation 1b: Requesting $4 million in additional expenditure authority

The Budget Act of 2012 does not include additional TCTF Program 45.10 expenditure authority for distribution of this new revenue to trial courts. Courts have remitted about $1.16 million for the first four months of the fiscal year (see Attachment A). Assuming the statewide average monthly remittances for the remaining eight months will be the average of the August, September, and October monthly remittances, the total annual amount of revenue in 2012–2013 will be about $3.8 million. If more courts start charging the fee or if collections in the remaining eight months are on average higher than the first four months, the total revenue collected will likely exceed $3.8 million. Given the possibility of total annual revenue in 2012–2013 exceeding $3.8 million, it would be prudent to request $4 million in additional expenditure authority.

[1] All future code references are to the Government Code unless specified otherwise.

Provision 4 language in the Budget Act of 2012, provided below, authorizes the council to request additional TCTF Program 45.10 expenditure authority due to additional revenues:

> Upon order of the Director of Finance, the amount available for expenditure in this item may be augmented by the amount of any additional resources available in the Trial Court Trust Fund, which is in addition to the amount appropriated in this item. Any augmentation must be approved in joint determination with the Chairperson of the Joint Legislative Budget Committee and shall be authorized not sooner than 30 days after notification in writing to the chairpersons of the committees in each house of the Legislature that consider appropriations, the chairpersons of the committees and appropriate subcommittees that consider the State Budget, and the chairperson of the joint committee, or not sooner than whatever lesser time the chairperson of the joint committee, or his or her designee, may determine. When a request to augment this item is submitted to the Director of Finance, a copy of that request shall be delivered to the chairpersons of the committees and appropriate subcommittees that consider the State Budget. Delivery of a copy of that request shall not be deemed to be notification in writing for purposes of this provision.

Recommendation 1c: Distribution of allocation of revenue from new civil court reporting services fee

Currently, there is estimated to be $25.1 million in available TCTF Program 45.10 expenditure authority, which can be used to distribute the new $30 court reporter fee revenue to courts (see row 51 of Attachment B). The TCBWG recommends allocating this revenue regardless of approval of additional appropriation authority since direct costs have been and continue to be incurred by the courts that provide court reporting services in civil proceedings lasting under one hour. If the Department of Finance and/or the Legislature do not approve an additional $4 million in Trial Court Trust Fund Program 45.10 (Support for Operation of the Trial Courts) expenditure authority, there would be an estimated $21.1 million in expenditure authority available to allocate funding for other purposes, including reduction offsets (see row 55 of Attachment B). The TCBWG is deferring to a subsequent council meeting any recommendations on whether the council should allocate any further reduction offsets to trial courts, due, at least in part, to the TCBWG wanting to consider any recommendations on trial court funding allocation methodologies that might be issued by the Trial Court Funding Workgroup.

Recommendation 2: State Trial Court Improvement and Modernization Fund (STCIMF) allocation for Phoenix financial services costs

This recommendation is for a one-time exception to statewide administrative services policy in order to provide a measure of financial relief to the courts from the $385 million of additional reductions allocated in FY 2012–2013. This adjustment will have no impact on the services

provided to the trial courts by the AOC Trial Court Administrative Services Office. If the council allocates funding from the STCIMF for these Phoenix financial services direct costs, courts would not be charged what they had been in FY 2011–2012 and prior years through distribution reductions in their TCTF allocation (see Attachment D).

Based on current revenue estimates and currently approved allocations, there are sufficient monies to fund this allocation (see Column E of Attachment C). Excluding the recommended allocation, AOC is projecting an ending unrestricted fund balance of $38.3 million. In terms of expenditure authority, the Budget Act of 2012 authorizes the AOC to increase the current Program 30 appropriation amount of $9 million to an amount up to $18.673 million. To accommodate an additional $6.769 million, the AOC would need to augment the current expenditure authority by $5.815 million to $14.822 million (see Column E of Attachment C).

Alternatives Considered and Policy Implications

The TCBWG considered an alternative of distributing the new court reporter fee revenue pro-rata based on share of the TCTF allocation, but that would not ensure that statewide the maximum amount of the restricted revenues will be used to offset courts' court reporter costs. If a court were to receive a share of the statewide $30 fee revenue in an amount that exceeded its actual costs, the court could not use the "excess" monies for any other purpose, including reduction offset. Regarding the funding of the AOC staffing costs for Phoenix financial services, the only other alternative the TCBWG considered was the status quo, where courts continue to pay for direct costs related to Phoenix financial services from their TCTF allocation.

Attachments

1. Attachment A: 2012–2013 Remittance of $30 Court Reporter Fee to Trial Court Trust Fund
2. Attachment B: 2012–2013 Trial Court Trust Fund Program 45.10: Appropriation vs. Actual/Estimate Allocation
3. Attachment C: 2011–2012 Phoenix Financial Services Charges to Trial Courts
4. Attachment D: State Trial Court Improvement and Modernization Fund—Summary Fund Condition Statement

FY 2012-2013 Remittance of $30 Court Reporter Fee
Revenue to Trial Court Trust Fund

Court	Jul	Aug	Sep	Oct	Total
Alameda	-	-	1,999	12,813	**14,813**
Alpine	-	-	-	-	**-**
Amador	-	-	-	-	**-**
Butte	-	120	60	135	**315**
Calaveras	-	30	240	60	**330**
Colusa	-	-	-	-	**-**
Contra Costa	13,593	19,338	17,508	18,666	**69,105**
Del Norte	-	-	-	-	**-**
El Dorado	40	-	-	-	**40**
Fresno	840	120	60	90	**1,110**
Glenn	-	-	-	-	**-**
Humboldt	-	-	-	-	**-**
Imperial	537	659	1,200	1,050	**3,446**
Inyo	-	-	-	-	**-**
Kern	-	-	-	124	**124**
Kings	1,620	3,900	2,340	2,730	**10,590**
Lake	-	179	1,199	658	**2,036**
Lassen	-	-	-	-	**-**
Los Angeles	90	30	30	538	**688**
Madera	30	150	240	180	**600**
Marin	-	150	240	150	**540**
Mariposa	30	120	90	210	**450**
Mendocino	120	120	30	-	**270**
Merced	-	-	60	60	**120**
Modoc	-	-	-	-	**-**
Mono	-	-	-	-	**-**
Monterey	-	150	90	60	**300**
Napa	-	-	-	-	**-**
Nevada	-	-	-	30	**30**
Orange	22,979	89,554	67,269	84,596	**264,399**
Placer	-	-	60	54	**114**
Plumas	60	150	90	90	**390**
Riverside	43,703	64,144	54,240	64,716	**226,803**
Sacramento	989	1,497	1,526	1,708	**5,719**
San Benito	-	-	-	-	**-**
San Bernardino	32,253	52,747	50,187	58,132	**193,320**
San Diego	-	-	-	-	**-**
San Francisco	3,180	13,860	11,640	15,870	**44,550**
San Joaquin	-	-	-	-	**-**
San Luis Obispo	2,756	2,108	810	419	**6,093**
San Mateo	-	30	-	11,858	**11,888**
Santa Barbara	-	-	-	-	**-**
Santa Clara	27,853	45,315	37,155	43,320	**153,643**
Santa Cruz	-	-	-	-	**-**
Shasta	-	-	-	-	**-**
Sierra	-	-	-	-	**-**
Siskiyou	-	-	-	-	**-**
Solano	-	9,124	8,830	9,587	**27,541**
Sonoma	2,128	11,122	9,623	11,955	**34,829**
Stanislaus	960	3,480	3,460	3,060	**10,960**
Sutter	-	-	-	-	**-**
Tehama	-	748	30	30	**808**
Trinity	-	-	-	-	**-**
Tulare	3,381	10,265	7,418	10,402	**31,465**
Tuolumne	30	-	-	-	**30**
Ventura	2,876	14,080	10,755	12,638	**40,348**
Yolo	-	-	-	-	**-**
Yuba	-	-	-	-	**-**
Total	**160,048**	**343,290**	**288,478**	**365,989**	**1,157,805**

Trial Court Trust Fund Program 45.10: Appropriation vs. Estimated/Approved Allocations

#	Description	Type	Estimated and Approved 2012-13 Allocations
1	**I. Prior-Year Ending Baseline Allocation**	**Base**	1,684,326,038
3	**II. Adjustments**		
4	Reduction for FY 2011-12 Appointed Converted SJO Positions	Base	-1,545,824
5	New Screening Station Funding	Base	114,509
6	***Total, Adjustments***		**-1,431,315**
8	**III. FY 2012-2013 Allocations**		
9	$385 Million Court Operations Reduction	Non-Base	-385,000,000
11	$240 Million Adjustment for Funding to be Distributed from ICNA	Non-Base	-240,000,000
12	2.0% Holdback	Non-Base	-27,813,940
13	1.5% & 0.5% Emergency Funding & Unspent Funding Allocated Back to Courts	Non-Base	27,813,940
14	San Luis Obispo CMS Replacement	Non-Base	3,360,000
15	Prior Year Judicial Council-Approved Allocations for screening stations and facilities operations and security	Non-Base	192,136
16	Criminal Justice Realignment Funding	Base	9,223,000
17	Non-Sheriff's Base Security Funding	Base	3,615,864
18	Prior Year Judicial Council-Approved Allocations for screening stations	Base	505,426
19	***Total, FY 2012-2013 Allocations***		**-608,103,574**
21	**IV. Estimated Reimbursements**		
22	Court-Appointed Dependency Counsel (includes DRAFT Program)	Non-Base	103,725,000
23	Jury	Non-Base	16,000,000
24	PC Replacement	Non-Base	7,400,000
25	Replacement Screening Stations	Non-Base	1,286,000
26	Self-Help Center[1]	Non-Base	2,500,000
27	Elder Abuse	Non-Base	332,000
28	***Total, Reimbursements***		**131,243,000**
30	**V. Estimated Revenue Distributions[1]**		
31	Civil Assessment	Non-Base	96,996,491
32	Fees Returned to Courts	Non-Base	18,036,810
33	Replacement of 2% automation allocation from TCIF	Non-Base	10,907,494
34	Children's Waiting Room	Non-Base	4,012,388
35	Automated Recordkeeping and Micrographics	Non-Base	3,149,166
36	Telephonic Appearances Revenue Sharing	Non-Base	943,840
37	***Total, Revenue Distributions***		**134,046,190**

Trial Court Trust Fund Program 45.10: Appropriation vs. Estimated/Approved Allocations

#	Description	Type	Estimated and Approved 2012-13 Allocations
39	**VI. Miscellaneous Charges**		
40	Judicial Branch Worker's Compensation Fund Premiums	Non-Base	-16,516,037
41	Statewide Administrative Infrastructure Charges	Non-Base	-5,698,887
42	***Total, Miscellaneous Charges***		**-22,214,924**
44	***Total, Base Program 45.10 Allocations***		1,696,239,013
45	***Total, Non-Base Program 45.10 Allocations***		-378,373,598
47	**Total, Estimated FY 2012-13 Program 45.10 Trial Court Allocations**		**1,317,865,415**
49	**Program 45.10 Appropriation (per AB 1477)**		**1,343,000,963**
51	**Estimated Remaining Program 45.10 Appropriation**		**25,135,548**
53	Estimated Court Reporter Fee Allocation	Non-Base	3,800,000
55	Estimated Remaining Program 45.10 Appropriation		21,335,548

1. With the exception of the 2% replacement allocation and the telephonic appearance fee revenue sharing allocation, both of which are fixed by statute, the revenue level, by court and statewide, depends on actual fee and assessment remittances to the Trial Court Trust Fund.

State Trial Court Improvement and Modernization Fund -- Summary Fund Condition Statement[1]

		Actual[2]		Estimate		
		FY 2010-11	FY 2011-12	FY 2012-13	New Allocation	FY 2012-13 Adjusted
		A	B	C	D	E
1	Beginning Balance	51,607,538	41,298,062	48,128,575		48,128,575
2	Prior-Year Adjustments	8,248,413	4,622,852	6,129,159		6,129,159
3	**Adjusted Beginning Balance**	**59,855,951**	**45,920,914**	**54,257,734**		**54,257,734**
5	Revenue	63,977,881	55,152,046	52,627,726		52,627,726
6	Transfers - Ongoing[3]	34,378,140	26,842,630	5,312,000		5,312,000
7	**Subtotal, Revenue/Ongoing Transfers**	**98,356,021**	**81,994,676**	**57,939,726**		**57,939,726**
8	Transfers - One-time[4]	(31,600,000)	(20,000,000)	(7,223,000)		(7,223,000)
10	**Total Resources**	**126,611,972**	**107,915,590**	**104,974,459**		**104,974,459**
12	**Expenditures/Encumbrances/Allocations**					
13	Program 30 (support provided by AOC staff)	5,817,863	7,207,342	8,053,000	6,769,000	14,822,000
14	Program 45 (distribution to courts and vendors)	78,634,277	52,133,635	57,101,000		57,101,000
15	Charge for services provided by the SCO	861,770	446,039	163,000		163,000
16	**Total Expenditures/Encumbrances/Allocations**	**85,313,910**	**59,787,016**	**65,317,000**		**72,086,000**
18	**Fund Balance**	**41,298,062**	**48,128,575**	**39,657,459**		**32,888,459**
19	Net Revenue/Ongoing Transfers Over or (Under) Expenditure	13,042,111	22,207,660	(7,377,274)		(14,146,274)
21	*Restricted Fund Balance*					
22	Jury Instructions Royalties	1,068,731	1,478,216	1,386,405		1,386,405
23	**Total Restricted Fund Balance**	**1,068,731**	**1,478,216**	**1,386,405**		**1,386,405**
25	**Total Unrestricted Fund Balance (row 18 -23)**	**40,229,331**	**46,650,359**	**38,271,054**		**31,502,054**
27	**Appropriation Authority**					
28	Program 30 (support provided by AOC staff[5]	9,601,000	9,601,000	9,007,000	5,815,000	14,822,000
29	**Program 30 Appropriation Balance**	**3,783,137**	**2,393,658**	**954,000**		**-**
30	Program 45 (distribution to courts and vendors)[6]	N/A	N/A	71,309,000		71,309,000
31	**Program 45 Appropriation Balance**	N/A	N/A	**14,208,000**	**5,815,000**	**14,208,000**

Notes

1 SB 1021, effective in FY 2012-2013, merged the Judicial Administration Efficiency and Modernization Fund and the Trial Court Improvement Fund into the State Trial Court Improvement and Modernization Fund.

2 Combines the FY 2010-2011 and FY 2011-2012 fund condition statements of the Judicial Administration Efficiency and Modernization Fund and the Trial Court Improvement Fund.

3 Included in this line are transfers from the General Fund, to the Trial Court Trust Fund per GC 77209(j) (previously GC 77209(k)), from the Trial Court Trust Fund (TCTF) previously required per GC 77209(b), and assumes that $20 million of the transfer to the TCTF in FY 2012-2013 will continue in future fiscal years.

4 Included in this line are the $31.6 million and $20 million transfers from the Modernization Fund to the TCTF in FY 2010-2011 and FY 2011-2012 as well as FY 2012-2013 transfers to the TCTF related to AOC staff cost savings, the Deloitte CCMS Delay Cost reimbursement, and fund balance.

5 The 2012 Budget Act allows this item's appropriation to be increased up to $18.673 million.

6 Prior to FY 2012-2013, the former Trial Court Improvement Fund was continuously appropriated and did not have an expenditure limit. The Judicial Administration Efficiency and Modernization Fund had an appropriation of $38.709 million in FY 2010-2011 and $18.709 million in FY 2011-2012.

2011-2012 Phoenix Financial Services Charges to Trial Courts

Court	Amount
Alameda	381,129
Alpine	3,797
Amador	18,473
Butte	68,305
Calaveras	15,079
Colusa	8,306
Contra Costa	208,602
Del Norte	16,375
El Dorado	46,894
Fresno	258,771
Glenn	12,341
Humboldt	46,396
Imperial	59,035
Inyo	10,917
Kern	239,691
Kings	43,239
Lake	21,264
Lassen	12,958
Los Angeles	-
Madera	44,260
Marin	86,669
Mariposa	7,594
Mendocino	41,483
Merced	58,024
Modoc	5,696
Mono	9,137
Monterey	110,970
Napa	46,467
Nevada	36,215
Orange	710,790
Placer	71,789
Plumas	9,374
Riverside	388,511
Sacramento	342,002
San Benito	14,951
San Bernardino	396,411
San Diego	708,995
San Francisco	244,616
San Joaquin	153,426
San Luis Obispo	79,905
San Mateo	196,974
Santa Barbara	144,066
Santa Clara	361,206
Santa Cruz	79,065
Shasta	83,299
Sierra	4,438
Siskiyou	27,529
Solano	124,592
Sonoma	110,519
Stanislaus	113,129
Sutter	30,614
Tehama	23,888
Trinity	8,472
Tulare	124,829
Tuolumne	23,020
Ventura	194,055
Yolo	54,298
Yuba	26,342
Total	**6,769,192**

Information on Judicial Council Directives

Council Directive **133**

E&P recommends that the Judicial Council support SEC Recommendation 7-50 and direct the Administrative Director of the Courts, as part of AOC long term planning, to conduct a review and audit of all technology currently used in the AOC, including an identification of efficiencies and cost savings from the use of a single platform, and return to the council with a progress report on the findings.

SEC Recommendation **7-50**

As with the Information Services Division, the AOC should determine whether to continue use of multiple or overlapping technologies for similar functions, as using a single technology could result in efficiencies and savings, both operationally and in personnel cost.

Reported By:	Information Technology
Contact:	Mark Dusman, Director/Chief Information Officer

TASK

[ ] PENDING
[x] COMPLETED: **Judicial Council staff conducted a cost benefit analysis for combining the Phoenix Financial System and Oracle Financial System into a single platform and it was determined that this proposal is cost prohibitive at this time.**

Judicial Council staff reviewed the Phoenix Financial System and Oracle Financial System to determine whether the council should expend future time and resources to consolidate the systems into a single platform.

Combining the two systems into a single platform will require legislative and, potentially, constitutional changes that would allow the judicial branch to deploy a single branchwide enterprise resource planning IT platform, including deposit of all judicial branch funds into a single judicial branch treasury. If successful in gaining the authority for a single branch treasury, the Oracle System would be moved to the Phoenix System. A preliminary staff estimate suggests there would be approximately $5M in deployment costs with an ongoing annual savings of $250,000. This will also require significant effort from council's Legal Services and Governmental Affairs, and will require a complete cost-benefit analysis when the requirements are determined.

Based on the review, it was determined that consolidating the two systems into a single platform is cost prohibitive at this time, and there is no monetary benefit to separating from the State Controller's Office.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[x] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

Although the proposal to combine Phoenix Financial System and Oracle Financial System into a single platform is not being considered for today's environment, this issue will warrant future consideration. If the branch were able to resolve the potential legislative and constitutional changes required, the branch would be better able to manage its resources, accounting for state entities and the trial courts in one system.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- *Report regarding Directive 133*, November 2014

JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

Report regarding Directive 133

Executive Summary

Judicial Council restructuring Directive 133 directed the Administrative Director to review the information technology systems that are currently implemented branchwide to support enterprise resource planning - finance, human resources, and education functional areas - to identify costs, benefits, potential long-term savings, and the challenges of migrating support to a single information technology (IT) platform.

In response to this directive, it is recommended the council select option 1.

Recommendations

The options presented for consideration by the Judicial Council relate specifically to whether the council should expend future time and resources to consolidate the Phoenix Financial System and Oracle Financial System into a single platform.

It should be noted that this report does not include analysis and recommendations regarding whether the council should direct the organization to move off of the State Controller's Office (SCO) payroll system given that the SCO's payroll system is not a branchwide system. However, if the State Level Judiciary (SLJ)[1] is moved to the Phoenix system for financials (see Option 2 below), it would make sense to look at the HR/Payroll functionality within Phoenix, once the financial system is stable, to replace the state system for SLJ employees.

Additionally, also excluded from this analysis are recommendations to the council on moving some human resource and education functions currently being done in a Peoplesoft application for the SLJ. This area was not considered for this analysis because that functionality does not currently exist in Phoenix and, as such, there is no existing platform to migrate towards for these functions.

[1] SLJ is defined as the Judicial Council, the appellate courts, the Habeas Corpus Resource Center, and the Commission on Judicial Performance.

Option 1: Do not consolidate the two (Phoenix Financial and Oracle Financial) branch enterprise resource planning systems. There would be no additional costs to the branch.

Option 2: Pursue legislative and, potentially, constitutional changes that would allow the judicial branch to have a single branchwide enterprise resource planning IT platform, including the deposit of all judicial branch funds into a single judicial branch treasury. If successful in gaining the authority to have a single branch treasury, move the state-level judiciary from the Oracle system to the Phoenix system. A preliminary staff estimate suggests there would be approximately $5,000,000 in deployment costs with an ongoing annual savings of $250,000.

This option will result in significant effort from council's Legal Services and Governmental Affairs, and will require a complete cost-benefit analysis once the requirements are solidified.

Directive 133 will be closed once the council chooses an option.

Option 1 is being recommended because option 2 is cost prohibitive at this time, and there is no monetary benefit to separating from the State Controller's Office. There is an argument for future consideration that the branch would be better able to manage its resources if accounting for the state entities and the trial courts was in one system.

Previous Council Action

At its August 31, 2012, meeting, the council approved the following directive:

> E&P recommends that the Judicial Council support SEC recommendations 7-46 and 7-50 and directs the Administrative Director of the Courts, as part of AOC long-term planning, to review the information technology systems currently implemented branchwide to support enterprise resource planning: finance, human resources, and education functional areas; to identify costs, benefits, and potential long-term savings, and the challenges of migrating support to a single IT platform; and to return to the council with a progress report on the findings.

Rationale for Recommendations

Current status

Trial courts. Currently, all 58 trial courts are on the Phoenix Financial System, and nine trial courts are on the Phoenix human resources and payroll system.

Each court is responsible for managing and controlling its own fiscal affairs in compliance with Generally Accepted Accounting Practices (GAAP) from the Governmental Accounting Standards Board (GASB), and the Trial Court Financial Policies and Procedures Manual (TCFPPM). The trial courts are individual entities by statute and are considered in each year's Governor's Budget and Budget Act as "local assistance"; there is no official combined entity.

The trial courts receive their revenue from the state in 13 monthly installments. The 13th period is for reimbursements and other revenues that cannot be disbursed before the end of June. Once the trial courts receive their revenue - whether from the state, or local collections - they deposit the funds into the Trial Court Treasury as established by the Judicial Council pursuant to Government Code section 77009. A few courts have some money on deposit with their county but other than payroll, most payments to vendors are issued from the Trial Court Treasury. All expenses, regardless of source, are recorded in Phoenix.

State Level Judiciary (SLJ). The financial record keeping of the Judicial Council, the appellate courts, the Habeas Corpus Resource Center, and the Commission on Judicial Performance is being done on Oracle applications maintained by the council staff with interfaces to the State Controller's Office (SCO). Payroll is completed by council staff entering information into the SCO payroll system.

The state-level judiciary is considered in each year's Governor's Budget and Budget Act as a state entity. The state-level judiciary's financial records are required to be maintained with the California Legal Basis accounting methodology as described in Government Code sections 12460 and 13344. This is a modified accrual accounting with three fiscal years' appropriations being tracked in the financial records at all times, along with other nuances as imposed by the State Controller's Office and the Department of Finance.

SLJ funds are maintained in the State Treasury, and all payments from these entities are made through the SCO. The SCO is responsible for managing and controlling the fiscal affairs of the state, and therefore they review and validate all payments before releasing funds. Council staff facilitate this process by validating that all requests will meet SCO standards before sending to the SCO.

Phoenix/Oracle comparison. The table below provides additional information regarding the differences between the Phoenix and Oracle systems.

Function	Phoenix	Oracle
Configuration	Configured for the trial courts to be an end-to-end solution for financials and payroll.	Configured to manage SLJ budgets and accounting in the manner required by the state.
Compliance with state budgetary–legal basis of accounting	Trial courts do **not** have to comply with the state budgetary–legal basis of accounting as described in Government Code sections12460 and 13344. Although, at year-end, information from the trial courts and Phoenix are combined to complete a Comprehensive Annual Financial Report (CAFR) that is	Oracle has to comply with state budgetary-legal basis of accounting as described in Government Code sections 12460 and 13344.

	included in the State of California government-wide financial statements.	
Appropriation accounting[2]	Phoenix does not do appropriation accounting.	Configured to do appropriation accounting as required by the state.
Accounting structures and codes	Accounting structures and codes were set up specifically for the trial courts. They do not match the state structures and codes, other than in some of the written descriptions.	Accounting codes roll up to comply with the state's *Uniform Code Manual.*
Payments	Relies on there being a treasury (bank accounts) on which to deposit and draw funds. Checks and electronic payments to employees and vendors are done through Phoenix using interfaces to the bank.	Oracle generates claim schedules that have to be submitted to the SCO Claims Audit to initiate payments though the State Treasury.
Reporting	Each court is treated as a separate business entity. Yet, they all may be rolled up in a summary format for reporting to the state.	All SLJ entities are summarized and reported at the judicial branch level as one entity, as budgeted in the Budget Act or authorized by the Legislature.
Other	Trial courts do not manage capital projects.	Includes the following functionality not currently deployed in Phoenix: capital projects, construction in progress, fixed assets, and various interfaces.

Comments, Alternatives Considered, and Policy Implications

If the council were to decide that the Phoenix and Oracle systems should not be consolidated (Option 1 above), council staff will continue to look for opportunities in the future to streamline business processes and potentially combine Enterprise Resource Planning systems if a favorable cost benefit arises.

If the council were to request that the organization continue with activities to combine Phoenix and Oracle into a single branchwide enterprise platform (Option 2 above), additional work will be required. The additional work would include significant effort from Legal Services and Governmental Affairs, as well as a complete cost-benefit analysis once final requirements are solidified. Additionally, council staff would need to work with the state Department of Finance and the State Controller's Office on cash flow issues to the SLJ. A regular allocation process similar to that of the trial courts might work for SLJ operations, but funds related to construction

[2] Appropriation accounting requires the tracking of appropriations across fiscal years until funding is fully expended or reverts.

and bonds would be more complicated. Please note that the Senate and Assembly financial transactions are subject to State Controller's Office claims audit review and warrant processing; both houses of the Legislature are required to use the State Treasury.

Judicial Council staff understand that legislation is likely necessary in order to authorize the state-level judiciary to be exempt from the State Controller's Office claims audit review and warrant processing and from the obligation to use the State Treasury, but even then arguments could be made that these duties - because they are constitutional - cannot be transferred by legislation.

The review and creation of options for this directive were performed by a group of interdivisional council staff representing Finance, Trial Court Administrative Services, Information Technology, Human Resources, the Center for Judiciary Education & Research, and Legal Services. It should be noted that an additional task performed by the team was to survey the trial courts on the possible need for further functionality not currently available in Phoenix (education management, performance management, etc.). The courts have implemented alternate methods for fulfilling these requirements until a solution is available through Phoenix. This information will be used for future cost-benefit analyses and possible funding requests. As noted previously, given that this functionality is not in Phoenix at this time, this report does not address moving the SLJ from a PeopleSoft application to Phoenix.

Implementation Requirements, Costs, and Operational Impacts

The current cost for licenses for the Oracle Financial System is approximately $250,000 per annum. In addition, major system upgrades requiring external consulting services to assist internal staff are performed about every seven years costing approximately $1 million ($143,000 if annualized). The system is supported on an everyday basis by two staff in Information Technology at a cost of approximately $275,000. The only savings that would be realized by moving the SLJ to the Phoenix Financial System would be the license fee of $250,000 per annum. The two Information Technology staff members would need to move to the Phoenix support team to work on support requests from the SLJ. Additionally, there would be no savings from the upgrade costs as it is estimated that these costs would be subsumed as Phoenix upgrade costs to cover the additional functionality required to meet the needs of the SLJ.

Based on Judicial Council staff experience in deploying Phoenix to the trial courts, an estimate of $5,000,000 in one-time costs is being used for this exercise. This is a rough estimate because the requirements would depend on the outcome of the legislative pursuit and would be driven by the requirements of the state in regards to accommodating their ongoing budget and accounting needs. The branch owns an enterprise license for Phoenix, so no additional licensing costs would be incurred.

Information on Judicial Council Directives

Council Directive **134**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Trial Court Administrative Services division should continue to provide clear service-level agreements with respect to services provided to the courts.

SEC Recommendation **7-51**

TCAS should continue to provide clear service-level agreements with respect to services provided to the courts.

Reported By:	Trial Court Administrative Services
Contact:	Curt Soderlund, Chief Administrative Officer

TASK

[ ] PENDING
[x] COMPLETED: **TCAS continues to provide clear service-level agreements with respect to services provided to the courts.**

TCAS continues to provide clear service-level agreements (SLAs) with respect to services provided to the courts. An SLA is an agreement reached between the council and a court regarding the provision of certain services provided to the court related to the implementation and maintenance of the Phoenix System. These agreements, entered into by the Phoenix Program Director and a court's CEO, originated in 2007 and continue to outline the responsibilities of both parties.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[x] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

In the event new modules are added to Phoenix SAP that result in additional functionality (i.e. budgeting/ procurement SAP tools), SLAs will be updated to reflect the new functionality.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- *Service Level Agreement for the Provision of Phoenix Financial Services* template
- *Service Level Agreement for the Provision of Phoenix Human Resources and Payroll Services* template

SERVICE LEVEL AGREEMENT BETWEEN
THE JUDICIAL COUNCIL OF CALIFORNIA,
ADMINISTRATIVE OFFICE OF THE COURTS AND
THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF «COURT»
FOR THE PROVISION OF

PHOENIX FINANCIAL SERVICES

I. PURPOSE

This service level agreement ("Agreement") including its attached schedule outlines the understanding between the Judicial Council of California, Administrative Office of the Courts (AOC) and the Superior Court of California, County of «Court» (Court) related to the provision of certain services to the Court relating to the Phoenix Financial system to be implemented for the Court.

This agreement shall be effective as of July 1, 2007 ("Effective Date").

II. PARTIES

The signatories to this agreement are Ms. Jody Patel, Regional Administrative Director, as the authorized signatory for the AOC and «CEO», the Court Executive Officer of the Superior Court of California, County of «Court», as the authorized signatory for the Court.

III. BACKGROUND

Since the implementation of the Trial Court Funding Act of 1997 (Assembly Bill 233; Stats. 1997, ch. 850), which transferred funding responsibility for the Superior Courts from the individual counties to the State of California, the branch has focused on coordinating and integrating its administrative functions and improving the technology that supports court operations. Based on those goals the technology infrastructure project "Phoenix Financials" is currently being deployed statewide to all courts to provide centralized financial management that allows for more uniform, consistent, and cost-effective administration of trial court operations.

IV. SERVICES DESCRIPTION

Phoenix Financials is a centralized financial management system that currently provides the following areas of services ("Services") to courts once they have been implemented on Phoenix Financials:

1. General Services

2. Accounts Payable Services

3. General Ledger, Analysis and Reporting Services

4. Trust and Treasury Services

5. Procurement Services.

The AOC shall provide the Court the services listed above at the service levels identified in the attached standardized *Service Level Agreement Schedule* (SLA Schedule) document.
«SLA_Comments»

V. RESPONSIBILITIES

The AOC shall provide the services at the levels specified to the Court as defined in the SLA Schedule. The Court shall allocate the resources and perform the responsibilities set forth in the SLA Schedule. Responsibilities outlined in the SLA Schedule, for both the Court and the AOC, are limited only to modules and/or functionality that the Court has implemented.

VI. NOTICES

Any formal notice or communication required to be sent to a party pursuant to this agreement shall be sent in writing by First-Class U.S. Mail or commercial express mail to the street address of the Authorized Signatory of the party, which notice shall be effective upon date of receipt. Routine exchange of information regarding the Services may be conducted by email or fax.

The Court Authorized Signatory is

«CEO»
Court Executive Officer
Superior Court of California, County of «Court»
«Address»
«City», CA «Zip_Code»
Voice «Phone»
Fax «Fax»
Email «Email»

The AOC Authorized Signatory is

Ms. Jody Patel
Regional Administrative Director
Administrative Office of the Courts
2880 Gateway Oaks Drive, Suite 300
Sacramento, CA 95833-3509
Voice (916) 263-1333
Fax (916) 263-1966
Email jody.patel@jud.ca.gov

VII. EFFECTIVE DATE

July 1, 2007.

The services to the Court will continue to automatically renew on its anniversary date until the parties agree to any modification or changes to this agreement.

VIII. QUALITY ASSURANCE

If the AOC fails to perform any of the service levels under this Agreement based upon a commercially reasonable standard of care, the AOC shall within 30 days of receipt of notice from the Court to develop and implement a Corrective Action Plan and report such plan to the Court. If the Corrective Action Plan fails to materially resolve the problem within a reasonable time (not less than 60 days) after implementation, the Court may escalate resolution of the problem by requesting a resolution meeting between the Court CEO and the Project Director over the Phoenix Project. If the issues(s) are not resolved at that meeting, the Court CEO can request a resolution meeting with the Chief Deputy Director, Administrative Office of the Courts. This procedure shall be the Court's sole and exclusive remedy in connection with any failure of the AOC to meet the service levels contained in this Agreement.

IX. SIGNATURE AUTHORITY

The individuals signing this Service Level Agreement on behalf of the AOC and the Court certify that they are authorized to do so.

I have read the entire agreement and agree to its terms and conditions.

Administrative Office of the Courts	Superior Court of California, County of «Court»
Authorized Signature	Authorized Signature
by	by
_____	_____
Name: Jody Patel	Name: «CEO»
Title: Regional Administrative Director, AOC	Title: Court Executive Officer, Superior Court of California, County of «Court»
Date _____	Date _____

AGREEMENT BETWEEN
THE JUDICIAL COUNCIL OF CALIFORNIA,
ADMINISTRATIVE OFFICE OF THE COURTS AND
THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF «COURT»
FOR THE PROVISION OF

PHOENIX HUMAN RESOURCES AND PAYROLL SERVICES

I. PURPOSE

This agreement ("Agreement") including its schedule and attachments outlines the understanding between the Judicial Council of California, Administrative Office of the Courts (AOC) and the Superior Court of California, County of «Court» (Court) related to the provision of certain services to the Court relating to the Phoenix Human Resources and Payroll system implemented for the Court.

This agreement shall be effective as of «Effective_Date» ("Effective Date").

II. PARTIES

The signatories to this agreement are Ms. Jody Patel, Regional Administrative Director, as the authorized signatory for the AOC and «CEO», the Court Executive Officer of the Superior Court of California, County of «Court», as the authorized signatory for the Court.

III. BACKGROUND

Since the implementation of the Trial Court Funding Act of 1997 (Assembly Bill 233; Stats. 1997, ch. 850), which transferred funding responsibility for the Superior Courts from the individual counties to the State of California, the branch has focused on coordinating and integrating its administrative functions and improving the technology that supports court operations. Based on those goals the technology infrastructure project "Phoenix Human Resources" is currently being deployed statewide to all courts to provide centralized human resources administration and payroll processing that allows for more uniform, consistent, and cost-effective administration of trial court operations.

IV. SERVICES DESCRIPTION

Phoenix Human Resources is a centralized human resources management system that currently provides the following areas of services ("Services") to courts once they have been implemented on Phoenix Human Resources:

- Human Resources Data Administration
- Payroll Processing Services
- Payroll Tax Administration

- Training and Events
- ESS (Employee Self Service)
- MSS (Manager Self Service)

The AOC may provide the Court the services listed above at the service levels identified in the attached standardized *Service Level Agreement Schedule* (SLA Schedule) document.

V. RESPONSIBILITIES

The AOC may provide the services at the levels specified to the Court as defined in the SLA Schedule. The Court shall allocate the resources and perform the responsibilities set forth in the SLA. Responsibilities outlined in the SLA Schedule, for both the Court and the AOC, are based only to modules and/or functionality that the Court has implemented.

VI. NOTICES

Any formal notice or communication required to be sent to a party pursuant to this agreement shall be sent in writing by First-Class U.S. Mail or commercial express mail to the street address of the Authorized Signatory of the party, which notice shall be effective upon date of receipt. Routine exchange of information regarding the Services may be conducted by email or fax.

The Court Authorized Signatory is

«CEO»
Court Executive Officer
Superior Court of California, County of «Court»
«Address»
«City», CA «Zip_Code»
Voice «Phone»
Fax «Fax»
Email «Email»

The AOC Authorized Signatory is

Ms. Jody Patel
Regional Administrative Director
Administrative Office of the Courts
2880 Gateway Oaks Drive, Suite 300
Sacramento, CA 95833-3509
Voice (916) 263-1333
Fax (916) 263-1966
Email jody.patel@jud.ca.gov

VII. EFFECTIVE DATE

The Services provided will commence «Effective_Date». The services to the Court will continue to automatically renew on its anniversary date until the parties agree to any modification or changes to this agreement.

VIII. QUALITY ASSURANCE

If the AOC fails to perform any of the service levels under this Agreement based upon a commercially reasonable standard of care, the AOC shall within 30 days of receipt of notice from the Court to develop and implement a Corrective Action Plan and report such plan to the Court. If the Corrective Action Plan fails to materially resolve the problem within a reasonable time (not less than 60 days) after implementation, the Court may escalate resolution of the problem by requesting a resolution meeting between the Court CEO and the Project Director over the Phoenix Project. If the issues(s) are not resolved at that meeting, the Court CEO can request a resolution meeting with the Chief Deputy Director, Administrative Office of the Courts. This procedure shall be the Court's sole and exclusive remedy in connection with any failure of the AOC to meet the service levels contained in this Agreement.

IX. SIGNATURE AUTHORITY

The individuals signing this MOU on behalf of the AOC and the Court certify that they are authorized to do so.

I have read the entire agreement and agree to its terms and conditions.

Administrative Office of the Courts Authorized Signature	Superior Court of California, County of «Court» Authorized Signature
by	by
_____	_____
Name: Jody Patel Title: Regional Administrative Director, AOC	Name: «CEO» Title: Court Executive Officer, Superior Court of California, County of «Court»
Date _____	Date _____

Information on Judicial Council Directives

Council Directive 135

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-64 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.

SEC Recommendation 7-64

The OCCM should be renamed Office of Court Construction and Facilities Management Services. The functions of this unit should be placed under the Judicial and Court Operations Services Division and reporting to the Chief Operating Officer. The manager of this unit should be compensated at the same level.

Reported By:	Executive Office
Contact:	Jody Patel, Chief of Staff

TASK

[x] **PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.

- On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.
- In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.
- In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.
- In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.
- In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.
- In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.
- In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The

purpose was to clarify specific information provided in the PDQs regarding essential duties.

- In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.
- In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.
- In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.
- In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.
- All-staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the reconsideration process.

In March 2015, staff received their new classifications. Approximately 244 requests for reconsiderations were submitted in April 2015. Following this effort, the Executive Office will review reconsideration requests with support from Human Resources, Legal Services, and Fox Lawson and Associates, as appropriate. After all requests are reviewed, final decisions made by the Administrative Director will be communicated to office leadership to be shared with individual employees.

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **136**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate and propose an approach to evaluate cost effectiveness for the entire scope of Office of Court Construction and Management operations.

SEC Recommendation **7-65**

A cost-benefit analysis of the entire scope of OCCM operations is needed.

Reported By:	Capital Program
Contact:	William Guerin, Director

TASK

[ ] PENDING

[x] COMPLETED: **Capital Program office currently utilizes an approach that focuses on cumulative cost effectiveness of the capital outlay projects.**

With the reorganization of the AOC effective October 1, 2012, the former Office of Court Construction and Management was bifurcated into two offices, Capital Program and Real Estate and Facilities Management (REFM) and both offices have provided a response to this directive. This response is provided by Capital Program office.

With respect to an approach for the evaluation of the cost effectiveness for the entire scope of the Capital Program office this directive was reported as complete in June of 2013. The approach focused on analyzing the cumulative cost effectiveness of each of the 45 capital outlay projects with a combined value of $4.7 billion that together form the entire scope of the Capital Program office. The program has another approximately $1.1 billion in construction to start—about one-half of the remaining active projects have not yet begun construction and are in site acquisition or under design. The analysis recommended in this approach has been completed for the first 6 projects in the process of preparing the report mandated by Sen. Bill 78 (Committee on Budget and Fiscal Review), Stats. 2011, ch. 10, and for 3 additional projects in the process of preparing the report mandated by Sen. Bill 75 (Stats. 2013, ch. 31).

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED

[x] IMPLEMENTED AND ONGOING

[ ] IMPLEMENTED BUT IN PROGRESS

[ ] UNABLE TO IMPLEMENT

[ ] PENDING IMPLEMENTATION

Capital Program office will continue to determine the cost effectiveness of each of the capital outlay projects currently underway on an ongoing basis.

The status of this directive is under discussion.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- *Proposed Approach to Evaluate Cost Effectiveness: AOC Directive #136*, June 5 2013 (cumulative cost effectiveness of each of the 45 capital outlay projects)
- *Capital Program Projects Chart*, March 19, 2013 (presents schedules for all ongoing courthouse capital outlay projects managed by the Capital Program office)
- *Judicial Branch Construction Procurement Practices: Report to the Joint Legislative Budget Committee Regarding the Process, Transparency, Costs, and Timeliness of Judicial Branch Construction Procurement Practice, as Required by Senate Bill 78* (*Statutes of 2011, Chapter 10*), January 2013
- Letter regarding Governor George Deukmejian Courthouse: Evaluation of Cost-Effectiveness, as Required under Senate Bill 75 (Committee on Budget and Fiscal Review; Stats. 2013, ch. 31), June 2014

Proposed Approach to Evaluate Cost Effectiveness
Judicial Branch Capital Program Office
AOC Directive #136
June 5, 2013

Below is an outline of a proposed approach to evaluate the cumulative cost effectiveness of each of the 45 capital outlay projects that together form the entire scope of the Judicial Branch Capital Program Office. This outline has been prepared for a June 2013 interim report to the Judicial Council (the council) on the status of AOC Restructuring Directive #136. The analysis recommended in this approach has been completed for the first six projects in the process of preparing the report mandated by Sen. Bill 78 (Committee on Budget and Fiscal Review), Stats. 2011, ch. 10. As projects are completed, an analysis using a methodology as the one employed for the SB 78 report will be completed using internal staff resources.

The proposed approach covers the following topics, which are outlined below:

1. The scope of the Judicial Branch Capital Program Office in relation to this directive.
2. Definition and measurement of "cost effectiveness."
3. Timing and execution of an analysis of cost effectiveness.
4. Accepted industry methodologies and standards employed in assessments of cost effectiveness.

1. Judicial Branch Capital Program Office Scope

For the purpose of this directive, which focuses on cost effectiveness, the primary scope of the office is to deliver the $5.0 billion capital program of 45 projects within budget. The proposed approach outlined below recognizes that the key performance indicator of the Capital Program Office should relate to the most significant cost to the state of the program itself, which is the cumulative total of the actual cost of the 45 capital projects.

2. Definition and Measurement of Cost Effectiveness

In the California Capital Construction Program Management Audit Report prepared by Pegasus-Global Holdings, Inc. (2012 Pegasus report), overall effectiveness of an organization is defined on page 29 of the final report as "the determination of how well predetermined goals and objectives for a particular activity or program are achieved." In other words, what are the outcomes or results of the capital program compared to program goals. The 2012 Pegasus report also defines "efficiency" as "the use of minimal input of resources for the achievable output," and "economy" as the "acquisition of resources of appropriate quality and quantity at the lowest reasonable cost."

For the purpose of this directive, the most significant measure of cost of the capital program is the total of all costs of the 45 projects that together form the capital program. The cost effectiveness of the program is further defined as the extent to which collectively, overtime, the 45 projects are delivered within budget.

Whether the capital program is completed within budget is measured by comparing the sum total of the cost of all completed projects to the sum total of total project budgets as initially and finally authorized by the legislature.

Comparing the final total cost of a project to the final authorized project budget is a more robust measure of cost effectiveness for two reasons. First, the final authorized project budget reflects the final scope of work of the project as authorized by the legislature. Secondly, the final authorized budget for roughly sixty percent of the projects will incorporate the direction of the Court Facilities Working Group and its Courthouse Cost Reduction Subcommittee (the subcommittee).[1] A total of 17 of 45 projects in the capital program were designed prior to the involvement of the subcommittee, including the 10 projects completed to date[2]. The subcommittee has and will continue to oversee a process to reduce project budgets that, along with Judicial Council mandated reductions to hard construction cost budgets for 28 of the 45 projects in the program, will significantly reduce the costs of the capital program as projects are completed over time. Over $122 million in project budget reductions have been mandated for the first 14 projects reviewed by the subcommittee. Review by the subcommittee of the remaining 14 projects will occur when these projects are design.

3. Timing and Execution of Cost Effectiveness Analysis

The timing of an analysis for this directive is, by definition, determined by when groups of projects complete construction and their actual costs are known. As demonstrated by the report the Judicial Council was directed to prepare in accordance with Senate Bill 78[3]

[1] At its October 26, 2012 meeting, the Judicial Council approved a recommendation that clarified the authority and role of the subcommittee as follows: "The Courthouse Cost Reduction Subcommittee of the Court Facilities Working Group shall oversee and have direct implementation authority to mandate project cost reductions for all capital-outlay projects in design (preliminary plans and working drawings) managed by the Judicial Branch." Full report can be found here: http://www.courts.ca.gov/documents/jc-20121026-itemG.pdf

[2] Of the 10 projects that have been completed for the benefit of the judicial branch, 8 were entirely state funded. The new courthouse in downtown Merced was county funded with a small state contribution. The Fresno- Juvenile Delinquency Courthouse project was county funded with the state leasing to purchase the courthouse portion of the building. Of the 8 projects entirely funded by the state, 2 were managed by the Executive DGS—the Court of Appeal, Fifth Appellate District in Fresno and the Renovation of the Mosk Courthouse for the Third Appellate District in Sacramento.

[3] Sen. Bill 78 (Committee on Budget and Fiscal Review), Stats. 2011, ch. 10.

(SB 78) an analysis of whether one or more projects is completed within budget must be undertaken when the project is fully completed. To date, 10 of the 45 projects that compose the capital program have been completed, with one project in the warranty phase.[4] Based on the estimated schedule for executing the remaining 36 projects[5], there will be several sets of projects that complete construction in each year starting in 2013, with the last set currently scheduled to be completed in 2019. This is illustrated in Attachment 1, which is a schedule dated March 19, 2013 illustrating how groups of projects are scheduled to be completed through the conclusion of the warranty period as follows:

- 2013 (1)
- 2014 (4)
- 2015 (5)
- 2016 (6)
- 2017 (3)
- 2018 (5)
- 2019 (0)
- 2020 (12)

Final construction costs—and therefore total project costs—are typically fully identified about one year after a project is completed, when all outstanding punch-list and warranty items are closed out. Therefore, an analysis of the cost effectiveness of each set of projects, as measured by comparing the completed cost to the initial and final authorized budget, will be completed about 16 months after the last project in a set of projects is completed. An analysis of how the cost of completed projects compare to their budgets will be executed by staff using the methodology employed for the SB 78 report, which is provided as Attachment 2. As the program progresses and each set of projects is completed, an annual or periodic evaluation of the cumulative cost effectiveness of the program will be completed. A program level analysis will be completed after the costs of all projects have been closed out.

[4] Note that a comparison of final costs to original and final appropriations (the budgets for each project) has been completed for the set of six completed projects that were managed by the Judicial Branch and documented as part of the SB 78 Report submitted to the legislature in January 2013 under council direction. The Lassen–New Susanville project is completed but still in the warranty phase.

[5] Includes the Lassen project, which is in the warranty phase. The Sacramento – New Sacramento Criminal Courthouse project is another project currently in the site acquisition phase, but has been indefinitely delayed and is therefore excluded from this project count.

4. Accepted Industry Methodologies and Standards Related to Measuring Cost Effectiveness

The 2012 Pegasus report identifies accepted industry methods used to measure how organizations are performing in relation to goals. These methods are various forms of "benchmarking". The 2012 Pegasus report outlines a series of recommendations related to benchmarking, including a recommendation to develop, adopt, and implement functional benchmarking, using both best practice benchmarks and "key performance indicator" benchmarks.

The proposed approach to evaluating cost effectiveness is based upon key performance indicator benchmarking, using the total cost of the program as the key performance indicator. The benchmark is an analysis of how collectively the budgets for the 45 capital outlay projects compare to the actual completed costs of the projects.

Attachments:

Attachment 1: Courthouse Capital Projects Program Schedule, March 19, 2013

Attachment 2: Judicial Branch Construction Procurement Practices: *Report to the Joint Legislative Budget Committee Regarding the Process, Transparency, Costs, and Timeliness of Judicial Branch Construction Procurement Practices, as Required by Senate Bill 78 (Statutes of 2011, Chapter 10)*, January 2013

Capital Program Projects Chart

Capital Program Work In Progress Report

Release Date: 03/20/2015

By: A. Robinson / J. Mullen

Seq No	Funding Source	Data Source	Region	County	Project	Project Mgr	CM	CM Contact	Architect	Construction Contractor	Authorized Total Project Cost	Authorized Construction Costs
1	SB1732/Bond	PM Update-11/14	SRO	San Bernardino	New San Bernardino	P. Freeman	Kitchell	Jon Witherspoon	Skidmore, Owings & Merrill LLP	Rudolph and Sletten, Inc.	$339,822,000	$304,682,000
2	SB1732/Bond	PM Update-03/15	SRO	Riverside	New Riverside Mid-County-Banning	R. Polidoro	URS	Kit Kurisaki	R. L. Binder	Gilbane Inc.	$63,261,000	$54,546,000
3	SB1407/Bond	PM Update-03/15	BANCRO	Solano	Old Solano Renovation	S. Sundman	URS	Russ Konig	Hornberger + Worstell	Plant Construction	$28,274,000	$24,932,000
4	SB1732/Bond	PM Update-03/15	NCRO	Madera	New Madera	K. Davis	Vanir	Jerry Avalos	AC Martin	Gilbane Building Co.	$100,207,921	$91,147,921
5	SB1407/Bond	PM Update-03/15	NCRO	Butte	New North Butte	R. Uvalle	Vanir	Mike Courtney	Tate Snyder Kimsey	Otto Construction (DBB)	$65,064,000	$54,016,000
6	SB1407/Bond	PM Update-03/15	NCRO	Yolo	New Woodland	M. Smith/J. Koster	Kitchell	Raaj Patel	Fentress Architects, in association with Dreyfuss & Blackford Architects	Hensel Phelps	$161,452,000	$139,031,000
7	SB1407/Bond	PM Update-03/15	NCRO	Sutter	New Yuba	L. Roberts	Kitchell	Robert Mauldin	RossDrulisCusenbery	Swinerton (DBB)	$65,834,000	$56,842,000
8	SB1407/Bond	PM Update-12/14	NCRO	Kings	New Hanford	K. Davis	Vanir	Jerry Avalos	DLR Group WWCOT	Sundt Construction	$124,329,000	$109,055,000
9	SB1407/Bond	PM Update-03/15	BANCRO	Santa Clara	Santa Clara Family Justice Center	J. Quan	Swinerton Management & Consulting	Jack Herbert	Zimmer Gunsul Frasca	Hensel Phelps	$233,267,000	$208,144,000
10	SB1407/Bond	PM Update-03/15	SRO	San Diego	New San Diego Central	C. Ham	Parsons	Jim Peterson / Roberta Lawrence	Skidmore, Owings & Merrill, LLP	Rudolph and Sletten, Inc.	$555,499,000	$515,997,000
11	SB1407/Cash	PM Update-03/15	NCRO	San Joaquin	Renovate JC	S. Sundman	URS	Russ Konig	Anova Architects, Inc.	Diede Construction	$3,774,000	$3,205,000
12	SB1732/Bond	PM Update-03/15	NCRO	San Joaquin	New Stockton	S. Sundman	URS	Russ Konig	NBBJ	Turner Construction	$272,939,000	$243,266,000
13	SB1407/Bond	PM Update-03/15	NCRO	Tehama	New Red Bluff	J. Koster	Turner	Jim Hull	LPAS	Rudolph and Sletten	$57,822,000	$48,387,000
14	SB1407/Bond	PM Update-03/15	SRO	Los Angeles	Hollywood Courthouse Modernization (formerly New Camarillo Mental Health)	S.Shin	Vanir	Kim Bobic	A.C. Martin Partners	To be selected, schedule TBD	$47,273,000	$26,258,000
15	SB1407/Bond	PM Update-03/15	NCRO	Merced	New Los Banos	K. Davis	Vanir	Jerry Avalos	Williams + Paddon	Swinerton Builders	$26,680,000	$22,181,000
16	SB1407/Bond	PM Update-03/15	NCRO	Glenn	Renovate-Addition Willows Historic	S. Sundman			Page & Turnbull	Kitchell Contractors, Inc.	$42,932,000	$36,772,000
17	SB1407/Bond	PM Update-03/15	SRO	Imperial	New El Centro	R. Polidoro			Safdie Rabines	To be selected	$46,465,000	$38,465,000
18	SB1407/Bond	PM Update-03/15	BANCRO	Alameda	East County Hall of Justi	J. Quan	Swinerton Management & Consulting	John Baker	KMD Architects (bridging documents)	Hensel Phelps	$147,683,625	$147,512,205
19	SB1407/Bond	PM Update-03/15	SRO	Riverside	New Indio	N. Freiwald			CO Architects	C. W. Driver	$52,634,000	$42,893,000
20	SB1407/Bond	PM Update-03/15	BANCRO	Lake	New Lakeport	D. Padam			Mark Cavagnero and Associates	TBD	$49,688,000	$40,507,000
21	SB1407/Bond	PM Update-03/15	NCRO	Siskiyou	New Yreka	L. Roberts	URS	Mike Egge	EHDD	McCarthy Building Company Inc.	$69,653,000	$59,759,000
22	SB1407/Bond	PM Update-03/15	NCRO	Tuolumne	New Sonora	L. Hinton			Lionakis	To be selected, schedule TBD	$69,236,000	$59,528,000
23	SB1407/Bond	PM Update-02/15	NCRO	Shasta	New Redding	M.Smith/P. Symons			NBBJ	To be selected, schedule TBD	$155,759,000	$136,467,000
24	SB1407/Bond	PM Update-03/15	BANCRO	Sonoma	New Santa Rosa	D. Padam			Richard Meier & Partners	To be selected, schedule TBD	$178,689,000	$149,761,000
25	SB1407/Bond	PM Update-03/15	NCRO	Inyo	New Inyo	S. Shin			Natoma Architects, Inc.	To be selected, schedule TBD	$33,704,000	$28,833,000
26	SB1407/Bond	PM Update-03/15	NCRO	Stanislaus	New Modesto	P. Freeman			Skidmore, Owings & Merrill, LLP	To be selected, schedule TBD	$277,164,000	$234,430,000
27	SB1407/Bond	PM Update-03/15	NCRO	El Dorado	New Placerville	J. Koster			Dreyfuss & Blackford	To be selected, schedule TBD	$91,073,000	$78,837,000
28	SB1407/Bond	PM Update-03/15	SRO	Santa Barbara	New Santa Barbara	N. Freiwald			Moore Ruble Yudell Architects & Planners	To be selected, schedule TBD	$132,077,000	$101,206,000
29	SB1407/Bond	PM Update-03/15	SRO	Riverside	New Mid-County Civil Courthouse	N. Freiwald				To be selected, schedule TBD	$118,582,000	$101,386,000
30	SB1407/Bond	PM Update-03/15	BANCRO	Mendocino	New Ukiah	D. Padam			Skidmore, Owings & Merrill, LLP	TBD	$94,451,000	$78,160,000
31	SB1407/Bond	PM Update-03/15	SRO	Los Angeles	New Eastlake Juvenile	S. Shin			TBD	To be selected, schedule TBD	$90,312,000	$57,804,000
32	SB1407/Cash	PM Update-02/15	NCRO	Sacramento	New Sacramento Criminal	M. Smith			NBBJ	To be selected, schedule TBD	$451,959,000	$389,979,000
											$4,247,559,546	**$3,683,989,126**

Year: 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021

Fiscal Year: FY 13-14 | FY 14-15 | FY 15-16 | FY 16-17 | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22

CUMULATIVE CAPITAL PROGRAM WORK IN PROGRESS

S	Site Selection	
A	Acquisition	
PP	Preliminary Plans	
WD	Working Drawings	
B	Approval to Proceed to Bid	
C	Construction	
WP	Warranty Phase	
TOTAL	**Total Capital Program Work in Progress**	

**Please Note:San Diego Central Courthouse - construction of the bond funded court building and bridge will reach beneficial occupancy at end of December 2016 – this is not the final completion date of the construction contract; nor necessarily the beginning of the entire warranty period.

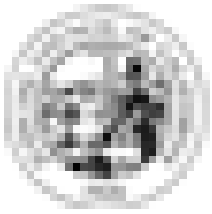
Attachment 2

Judicial Branch Construction Procurement Practices

REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE REGARDING THE PROCESS, TRANSPARENCY, COSTS, AND TIMELINESS OF JUDICIAL BRANCH CONSTRUCTION PROCUREMENT PRACTICES, AS REQUIRED BY SENATE BILL 78 (STATUTES OF 2011, CHAPTER 10)

JANUARY 2013

DRAFT DATE: 11/2/2012



JUDICIAL COUNCIL OF CALIFORNIA

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Chapter 1
Executive Summary

Subject Projects

The six projects covered by this report are listed below. See Mandate section and Table 1.4 on pages 7 and 8 for more detail.

1. Court of Appeal, Fourth Appellate District, Division Three
2. Plumas/Sierra Regional Courthouse
3. B. F. Sisk Courthouse
4. Richard E. Arnason Justice Center
5. Mammoth Lakes Courthouse
6. Lassen Superior Court Hall of Justice

Key Findings Summary

Project Costs

The AOC has maintained a strong record of managing court construction project costs. Based on the final appropriation amounts for the six subject projects, the AOC delivered all projects under budget, saving the state nearly $29 million. The AOC even delivered four of the six projects below their original appropriation amounts. Two projects required augmentations to the original appropriation amounts, primarily because of rapidly escalating construction costs during the period in which they were originally budgeted and then bid. Viewed as a group, the six projects came in a total of $6.7 million under their original budgets. For individual savings for each project see the Appropriations and Project Costs table in the project-specific Chapters 2–7.

Table 1.1

Aggregate Project Costs for the Six Subject Projects

		Acquisition	Preliminary Plans	Working Drawings	Construction	Total
1.	**Original Appropriation**	$12,051,000	$7,575,000	$12,038,000	$176,461,000	$208,125,000
2.	**Final Appropriation**	$10,545,000	$7,935,000	$11,089,000	$200,770,200	$230,339,200
3.	**Actual Expenditure**[1]	$3,092,445	$6,501,172	$8,729,772	$183,100,144	$201,423,533
4.	**Increase or (Savings) from Original Appropriation** (4 = 3 - 1)	($8,958,555)	($1,073,828)	($3,308,228)	$6,639,144	($6,701,467)
5.	**Increase or (Savings) from Final Appropriation** (5 = 3 - 2)	($7,452,555)	($1,433,828)	($2,359,228)	($17,670,056)	($28,915,667)
6.	**Percent of Final Appropriation Saved** (6 = 5 ÷ 2)	70.7%	18.1%	21.3%	8.8%	12.6%

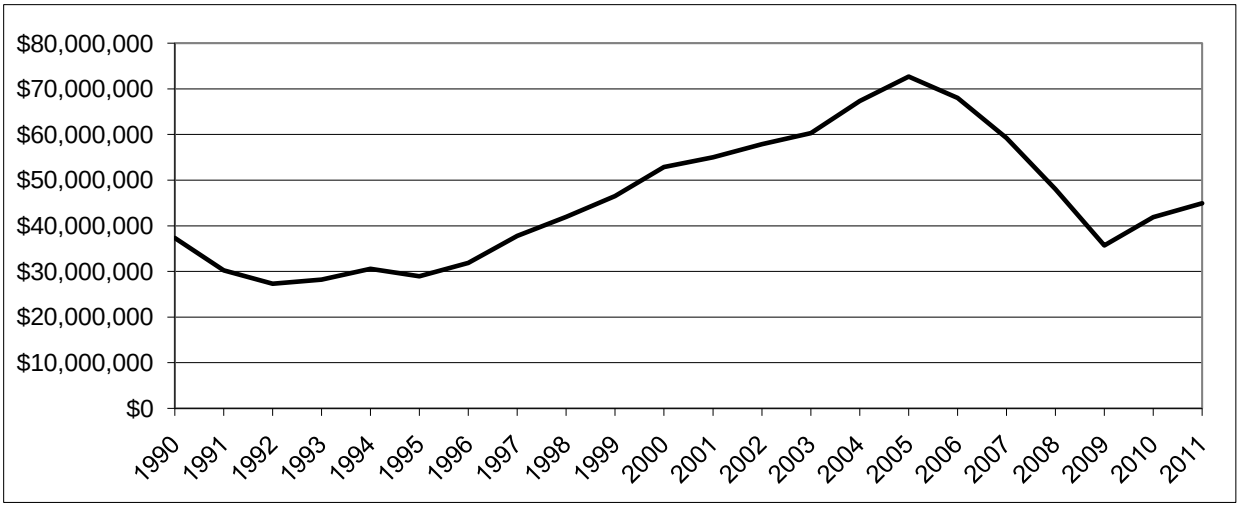
Notes for Table 1.1

[1] AOC employee costs are not billed directly to the projects and thus are not included in this table or in the Appropriations and Project Costs Table in the project-specific chapters 2–7. Costs for outside firms providing project management are taken from job cost accounting reports and are included in project costs throughout this report.

The 10-year expansion of construction activity in California from 1995 to 2005, illustrated in Figure 1.1 below, was a primary cause of the augmentations required for the Court of Appeal, Fourth Appellate District, Division Three and the B. F. Sisk Courthouse. Prices rose sharply in response to the increasing activity, causing current estimates to exceed those produced at the projects' inception. Total construction activity in California increased 248 percent, or almost 25 percent per year, from $29 billion in 1995 to $72 billion in 2005, with the sharpest increase between 2003 and 2005. When the industry is at peak levels of activity, competition declines and bid prices increase. Figure 1.2 below illustrates the ensuing high annual rate of construction cost escalation, which peaked at almost 10 percent in 2004–2005.

Figure 1.1

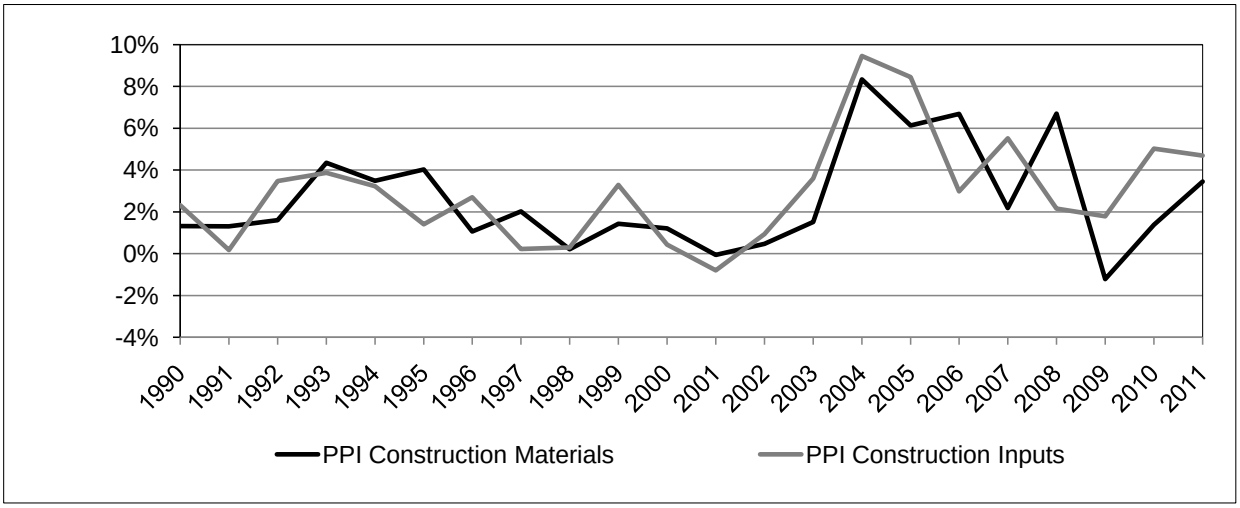
McGraw-Hill Construction/Dodge–California Construction Activity 1990–2011



Value in thousands

Figure 1.2

U.S. Dept. of Labor, Bureau of Labor Statistics–Construction Cost Escalation 1990–2011



PPI = Producer Price Index

Project Timelines

Compared to the final approved project timelines, two projects were completed early and two projects were completed 6 and 8 weeks after their approved completion dates. Delays for the other two projects were 25 and 28 weeks.

Compared to the original project timelines, one project was completed early. Delays for the other five projects ranged from 28 to 78 weeks. The longest schedule extensions were caused by complications in completing property acquisitions and changes to project scope driven by Judicial Council–approved new judgeship requirements. Reasons for delays are described in the project key findings sections below and in more detail in the project-specific Chapters 2 through 7.

Variances occur between the original scheduled completion date and the final approved completion date because a new schedule is submitted with each funding request or scope change that is approved by the Department of Finance (DOF). As these courthouse construction projects moved forward, the DOF and the Legislative Analyst's Office (LAO) collaborated with the AOC to develop revised project scopes to provide the best long-term value for the state. This effort to align project scopes with the state's long-term budget priorities or to take advantage of economic opportunities in the form of donated or below market sites caused delays, as occurred with the following five of the six projects covered by this report: Court of Appeal, Fourth Appellate District, Division Three; Plumas/Sierra Regional Courthouse; Richard E. Arnason Justice Center; B. F. Sisk Courthouse; and Mammoth Lakes Courthouse. See the Key Findings for Each Project section in this chapter and the Project Timelines section in each of the project-specific chapters 2–7 for more detail.

Approvals

All necessary approvals were obtained for each project. Approvals by the Judicial Council, the State Public Works Board (SPWB), the Governor through the annual budget act and authority delegated to the DOF, and the Legislature through the annual budget act, as well as review by the local court, are documented in the Review and Approval Dates table in each project-specific chapter. The jurisdiction for approval by each approving body varies. For example, the SPWB approves site selection, site acquisition, and preliminary plans, as set forth in the State Administrative Manual (SAM).

Procurement Methods

As authorized in SB 1732,[1] the Trial Court Facilities Act of 2002 (Gov. Code, §§ 70301–70404), and according to the *Court Facilities Contracting Policies and Procedures* adopted by the Judicial Council in 2007, the capital program is exempted from the branch contracting policies and procedures and is thus able to use a range of proven project delivery methods. These methods, including traditional design-bid-build (which is strictly quantitative), construction manager at risk (which employs both qualitative and quantitative evaluation criteria), and design-bid-build with prequalification of general contractors (which employs a qualitative evaluation

[1] Sen. Bill 1732 (Escutia), Stats. 2002, ch. 1082.

followed by quantitative low-bidding), all provide for a competitive, equitable, and diverse process to benefit the branch projects. The selection of any one method for a project may take into account numerous factors, including but not limited to: size of the project; location of the project; pool of eligible firms; timing; and market conditions. For the courthouse capital projects covered by this report, the AOC employed two processes for construction procurement: construction manager at risk (CMAR) and design-bid-build (DBB) with prequalification of general contractors. The AOC uses the CMAR process on many projects because it has the following advantages in delivering these complex, design intensive projects: early focus on design issues, construction advice and cost review during the design process, careful oversight of costs and schedule, early cost commitments, and opportunities to shorten the overall project schedule. This process was used for four of the six projects covered by this report: Court of Appeal, Fourth Appellate District, Division Three, Richard E. Arnason Justice Center, B. F. Sisk Courthouse, and Mammoth Lakes Courthouse. The design-bid-build process was used for the Plumas/Sierra Regional Courthouse and the Lassen Superior Court Hall of Justice. See Appendix B, Procurement Methods and Evaluation Criteria, for more detail. See the Key Findings for Each Project section below for the number of proposals or bids received for each procurement, which ranged from 2 to 7 and averaged 4.7 per procurement.

Construction Claims and Litigation

There are no unresolved construction claims and no pending construction litigation associated with the six subject projects. As shown in Appendix B, Figure B.2, one of the criteria the AOC uses to evaluate CMAR firms and general contractors involves financial strength, safety record, and claims avoidance.

Design Standards, Code Conformance, and Sustainable Measures

The AOC developed its *California Trial Court Facilities Standards*, which were adopted by the Judicial Council in April 2006 and amended in March 2010. As stated in the preface, "These Facilities Standards attempt to maximize value to the State of California by balancing the aesthetic, functional, and security requirements of courthouse design with the budget realities of initial construction cost and the long-term life cycle costs of owning and operating institutional buildings." Use of the *Facilities Standards* by the design teams is defined in the Agreement for Services between the AOC and the consultants retained for specific projects. The *Facilities Standards*, used in conjunction with all applicable codes and ordinances, form the basis of design for all new court facilities in California. The *Facilities Standards* require that "All new courthouse projects shall be designed for sustainability and, at a minimum, to the standards of a LEED™ 2.1 "Certified" rating. Depending upon the project's program needs and construction cost budget, projects may be required to meet the standards for a LEED™ 2.2 "Silver" rating." The sustainability levels achieved for the six subject projects are shown in Table 1.2 below.

Table 1.2
Sustainability Levels Achieved for the Six Subject Projects

Project Name	Sustainability Level Achieved	Certified by U.S. Green Building Council?
Court of Appeal, Fourth Appellate District, Division Three	Designed to use 15 percent less energy than California Title 24	No
Plumas/Sierra Regional Courthouse	Designed to use 15 percent less energy than California Title 24	No
B. F. Sisk Courthouse (renovation)	Designed to meet California Title 24	No
Richard E. Arnason Justice Center	LEED™ Silver	Yes
Mammoth Lakes Courthouse	Designed to LEED™ Silver	No
Lassen Superior Court Hall of Justice	LEED™ Silver	Yes–In Process

LEED™ = Leadership in Energy and Environmental Design, a program of the U.S. Green Building Council

Innovative Project Management and Comprehensive Project Teams

As authorized by the *Court Facilities Contracting Policies and Procedures*, the AOC has utilized the following tools to enhance the effectiveness of its project management:

1. A highly visible and transparent selection process, which attracted top architecture and construction firms;
2. Management plans for each project;
3. Kick-off meetings for each project;
4. Project advisory groups comprising key representatives from the court, the local community, and the AOC Project Manager;
5. Monthly progress reports for use by AOC management and staff, judges, and court staff;
6. Prequalification of prospective construction management firms and general contractors;
7. Regular project review and active involvement by AOC management; and
8. Alternate delivery methods such as construction manager at risk.

Each AOC project team comprises the following major components: project manager, facilities planner, real estate analyst, environmental analyst, facilities management administrator, and security coordinator. The composition of the project teams helps ensure that: the projects as designed and built adhere to their authorizing documents and comply with the California Environmental Quality Act (CEQA); the real estate acquisition is completed and will accommodate the proposed project; the new facility will be efficient and economical to operate; and the new facility will be safe and secure for the public, court staff, and judicial officers.

Impact of the Ongoing State Budget Crisis

The legislatively mandated income stream, from increased court user fees and fines, put in place to fund the California Courthouse Facilities Program has been repeatedly borrowed from, transferred to the state General Fund, and redirected to trial court operations.[2] Even in this challenging environment, the AOC has completed initial authorization of all projects mandated under SB 1732 and SB 1407[3] and continues to move projects forward while competing for funding with Caltrans, the California Department of Corrections and Rehabilitation (CDCR), and other state agencies.

Judicial Branch Project Management Costs

Project management for courthouse capital projects is provided by the AOC's Capital Program Office, primarily by AOC employees and sometimes with assistance from outside firms. For this report, judicial branch project management costs are calculated by estimating labor costs for project managers, associate project managers, planners, real estate analysts, and construction inspectors who worked on each project and by using a model to allocate costs for all other support units. See Appendix C for a detailed explanation of this methodology. For the six projects reviewed in this report, judicial branch project management costs accounted for 3.55 percent of the total aggregate project costs, or 4.21 percent of the construction costs. See Table 1.3 below and the Judicial Branch Project Management Costs table in the project-specific Chapters 2–7 for more detail.

Table 1.3
Judicial Branch Project Management Costs

Project Name / Delivery Method	Employee[1] + Consultant[2] Costs	Percent of Project Costs	Percent of Construction Costs	Total Project Costs	Construction Contract Amount
Court of Appeal, Fourth App. Dist., Div. Three / CMAR[3]	$1,342,122	4.99%	5.59%	$26,899,100	$24,003,610
Plumas/Sierra Regional Courthouse / DBB[4]	$457,085	7.54%	9.60%	$6,060,531	$4,761,362
B. F. Sisk Courthouse / CMAR	$1,505,860	2.31%	2.61%	$65,152,854	$57,627,990
Richard E. Arnason Justice Center /CMAR	$1,434,653	2.95%	3.39%	$48,589,648	$42,289,814
Mammoth Lakes Courthouse / CMAR	$588,903	2.91%	3.93%	$20,218,181	$15,000,315
Lassen Superior Court Hall of Justice / DBB	$1,825,288	5.29%	6.98%	$34,503,219	$26,137,994
Totals	**$7,153,913**	**3.55%**	**4.21%**	**$201,423,533**	**$169,821,085**

Notes for Table 1.3

[1] Includes project manager, associate project manager, planner, real estate analyst, construction inspector, and all AOC employee positions that support capital project delivery

[2] Includes outside firms providing project management

[3] Construction manager at risk

[4] Design-bid-build

[2] Since FY 2009–2010, over $1.4 billion of court user fees originally designated by the Legislature to be set aside for court construction has been borrowed ($440 million), transferred to the General Fund ($310 million), or redirected to trial court operations ($675 million).

[3] Sen. Bill 1407 (Perata), Stats. 2008, ch. 311.

Costs for Contractors

In this report, the costs for contractors are classified and calculated two ways as listed below.

Project contractors: all service providers and vendors including the construction contractor, with the following exceptions: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.

Construction contractor: the general contractor responsible for constructing the project.

Project contractor costs accounted for 98.1 percent of the total aggregate project costs. The separate cost of the construction contractor accounted for 84.3 percent of the total aggregate project costs. See the Costs for Contractors table in the project-specific Chapters 2–7 for more detail.

Mandate

Senate Bill 78[4] (SB 78) (Committee on Budget and Fiscal Review) was enacted on March 24, 2011. Section 22 of this bill requires the Judicial Council to *". . . report to the Joint Legislative Budget Committee by January 15, 2013, on the process, transparency, costs, and timeliness of its construction procurement practices. The information in this report shall include, but not be limited to, the following for each court construction project completed between January 1, 2008, and January 1, 2013:*
(1) The dates that each step of the procurement and construction process was completed, including steps involving the seeking or selection of bidders or contractors, completion of the different phases of project design and construction, and approvals by local courts, the Judicial Council, the State Public Works Board, the Governor, and the Legislature.
(2) The criteria and factors used in evaluating contractors for prequalification as well as those used to evaluate bids, as well as the number of bids received for each procurement.
(3) Identification of all project costs for each phase of design and construction, including any cost increases and reasons for those increases.
(4) Identification of the original project timeline for each phase of design and construction, as well as all project delays and the reasons associated in causing the project delays.
(5) The total project management costs incurred by the Judicial Branch, including for existing staff who worked on each project, distinguished by project activity
(6) The total costs paid for contractors, distinguished by project activity." (emphasis added).

The six projects that have been completed by the Judicial Council in this time frame are listed below in Table 1.4. The text of SB 78 section 22 is included in Appendix A, along with definitions of terms in the bill as they are applied in this report.

[4] Sen. Bill 78 (Committee on Budget and Fiscal Review), Stats. 2011, ch. 10.

Table 1.4
Court Construction Projects Completed Between January 1, 2008, and January 1, 2013

County	Project Name Location Project Description	Completion Date	Authorized Budget
Orange	Court of Appeal, 4th Appellate District, Division 3 Santa Ana New Courthouse	July 27, 2009	$27,719,000
Plumas	Plumas/Sierra Regional Courthouse Portola New Courthouse	October 31, 2009	$6,534,200
Fresno	B. F. Sisk Courthouse Fresno Renovation of Federal Courthouse	July 30, 2010	$70,898,000
Contra Costa	Richard E. Arnason Justice Center Pittsburg New Courthouse	November 10, 2010	$64,729,000
Mono	Mammoth Lakes Courthouse Mammoth Lakes New Courthouse	July 25, 2011	$21,522,000
Lassen	Lassen Superior Court Hall of Justice Susanville New Courthouse	April 10, 2012	$38,937,000
		Total	**$230,339,200**

Organization and Use of This Report

This report contains this executive summary, six project-specific chapters, and three appendices. The project-specific Chapters 2 through 7 provide key findings and the six mandated categories of information for each project. Appendix A contains the text of SB 78 section 22, definitions of terms in the bill as they are used in this report, and an overview of each of the six information categories. Appendix B contains the AOC's construction procurement methods and evaluation criteria for capital courthouse projects. Appendix C contains the methodology for estimating judicial branch project management costs.

Sources of Information

Information in this report was taken from the following documents: the annual state budget act, agendas and meeting minutes for the SPWB and the Judicial Council, written authorization from

DOF to proceed or encumber funds (form DF 14D), correspondence between the AOC's Judicial Branch Capital Program Office (Capital Program Office) and the DOF, Capital-Outlay Budget Change Proposals (COBCPs), monthly progress reports completed by the Capital Program Office project managers, correspondence between the Capital Program Office and the local courts, and interviews with the Capital Program Office project managers.

Key Findings for Each Project

Key findings for each project appear below, for each of the six categories requested in SB 78.

Court of Appeal, Fourth Appellate District, Division Three—Key Findings

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Two proposals were received.
3. Project costs and increases: The AOC delivered this project for $819,000 less than the final appropriation amount and $9.3 million more than the original appropriation amount. Several cost increases occurred that are listed and explained in Chapter 2, Table 2.3.1.
4. Original timeline and delays: This project was completed 8 weeks after the final approved completion date and 55 weeks after the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 4.99 percent of total cost or 5.59 percent of construction cost for this project.
6. Contractor costs: Project contractor costs accounted for 98.0 percent of total cost of this project. The separate cost of the construction contractor accounted for 89.2 percent of the total aggregate project costs.

Plumas/Sierra Regional Courthouse—Key Findings

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The design-bid-build process was used for this project. Three bids were received.
3. Project costs and increases: The AOC delivered this project for $473,669 less than the final appropriation amount and $435,469 less than the original appropriation amount.
4. Original timeline and delays: This project was completed 3 weeks before the final approved completion date and 1 day before the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 7.54 percent of total cost or 9.60 percent of construction cost for this project.

6. Contractor costs: Project contractor costs accounted for 96.5 percent of total cost of this project. The separate cost of the construction contractor accounted for 78.6 percent of the total aggregate project costs.

B. F. Sisk Courthouse—Key Findings

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Five proposals were received.
3. Project costs and increases: The AOC delivered this project for $5.7 million less than the final appropriation amount and $3.8 million more than the original appropriation amount. There was a 17.9 percent augmentation of the construction phase due to unusually high escalation of construction costs and to accommodate a change from 8 to 15 courtrooms and more extensive remodeling of the existing building to provide for existing and approved new judgeships identified by the Judicial Council for the Superior Court of Fresno County.
4. Original timeline and delays: This project was completed 25 weeks after the final approved completion date and 78 weeks after the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 2.31 percent of total cost or 2.61 percent of construction cost for this project.
6. Contractor costs: Project contractor costs accounted for 99.8 percent of total cost of this project. The separate cost of the construction contractor accounted for 88.5 percent of the total aggregate project costs.

Richard E. Arnason Justice Center—Key Findings

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Four proposals were received.
3. Project costs and increases: The AOC delivered this project for $16.1 million less than the final appropriation amount and $13.9 million less than the original appropriation amount.
4. Original timeline and delays: This project was completed 6 weeks after the final approved completion date and 58 weeks after the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 2.95 percent of total cost or 3.39 percent of construction cost for this project.
6. Contractor costs: Project contractor costs accounted for 99.6 percent of total cost of this project. The separate cost of the construction contractor accounted for 87.0 percent of the total aggregate project costs.

Mammoth Lakes Courthouse—Key Findings

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Seven proposals were received.
3. Project costs and increases: The AOC delivered this project for $1.3 million less than the final appropriation amount and $1.1 million less than the original appropriation amount. There was a 30 percent augmentation of the working drawings phase to accommodate site complexities and issues connected with the mountainous location.
4. Original timeline and delays: The actual completion date was 1 week before the final approved completion date and 44 weeks after the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 2.91 percent of total cost or 3.93 percent of construction cost for this project.
6. Contractor costs: Project contractor costs accounted for 92.0 percent of total cost of this project. The separate cost of the construction contractor accounted for 74.2 percent of the total aggregate project costs.

Lassen Superior Court Hall of Justice—Key Findings

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The design-bid-build process was used for this project. Seven bids were received.
3. Project costs and increases: The AOC delivered this project for $4.4 million less than the final appropriation amount, which was the same as the original appropriation amount.
4. Original timeline and delays: This project was completed 28 weeks after the final approved completion date, which was the same as the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 5.29 percent of total cost or 6.98 percent of construction cost for this project.
6. Contractor costs: Project contractor costs accounted for 96.7 percent of total cost of this project. The separate cost of the construction contractor accounted for 75.8 percent of the total aggregate project costs.

Chapter 2

Court of Appeal, Fourth Appellate District, Division Three

Key Findings

This $26.9 million project was delivered for 3.0 percent less than the final appropriation amount and 53.1 percent more than the original appropriation amount. The actual completion date was 8 weeks after the final approved completion date and 55 weeks after the originally scheduled completion date. Cost increases reflect the unusually high escalation in construction costs during the design and construction phases (August 2005–September 2009) after management responsibility was transferred from the Department of General Services (DGS) to the AOC in September 2003. The original appropriations for this project occurred in FY 2000–2001 (acquisition and preliminary plans phases) and in FY 2002–2003 (working drawings and construction phases) and were based on estimates created while the project was still being managed by the DGS. Delays occurred primarily due to a complex site acquisition process through which the AOC and the court pursued an infill site in the existing urban core of Santa Ana over a suburban site near UC Irvine. The AOC acquired the site from the city of Santa Ana for $1, and the city also provided secure parking and street improvements for the project at no cost to the state. In addition to providing an economic opportunity, this site selection supports the state's planning priority to promote infill development as set forth in California Government Code sections 65041–65041.1. See key findings below for each of the six mandated information categories. More information is provided in the body of this chapter.

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.

2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Two proposals were received.

3. Project costs and increases: The AOC delivered this project for $819,000 less than the final appropriation amount and $9.3 million more than the original appropriation amount. Several cost increases occurred that are listed and explained in Table 2.3.1.

4. Original timeline and delays: This project was completed 8 weeks after the final approved completion date and 55 weeks after the originally scheduled completion date.

5. Judicial branch project management costs: Judicial branch project management costs accounted for 4.99 percent of total cost or 5.59 percent of construction cost for this project.

6. Contractor costs: Project contractor (all service providers and vendors) costs accounted for 98.0 percent of total cost of this project. The separate cost of the construction contractor accounted for 89.2 percent of the total aggregate project costs.

Project Description

The new courthouse replaced two overcrowded and inadequate leased spaces with a modern, secure, adequately sized courthouse for the Fourth Appellate District of the Court of Appeal, Division Three, which handles appeals from Orange County.

The Fourth Appellate District, Division Three in Santa Ana occupied leased space for 20 years. When it outgrew its original court space, it had to lease additional space several miles away. For an appellate court, this split location was very inefficient, and the lease costs amounted to over $1 million per year. The new courthouse remedies these inefficiencies, unifying all court staff in one location and creating a durable, functional, and expandable location for the Court of Appeal.

This courthouse won an Award of Merit in the government/public category of California Construction's Best of 2009. Featured in the semicircular lobby is a unique collection of student-created artworks that commemorate significant cases decided by this particular court as well as one landmark federal Orange County case, *Mendez v. Westminster*, which was the first in the nation to order an end to segregation in public schools.

Project Facts

Location:	601 West Santa Ana Boulevard, Santa Ana, California
Capacity:	One courtroom, office suites for nine justices, a settlement conference center, a law library, and work spaces for staff; designed to allow for future expansion.
Project cost:	$26.9 million for all project costs, $24.7 million for construction
Funded by:	General Fund
Architect:	Carrier Johnson + CULTURE
Construction:	Heery International
Timeline:	Received initial funding in FY 2003–2004 when management responsibility was transferred from the DGS to the AOC. Site acquisition was approved in 2005. Construction began in December 2007, but was delayed for two months due to state cash-flow issues in December 2008 and January 2009. Construction was completed in September 2009; the court took initial occupancy of the building in July 2009 due to expiring leases.
More information:	*www.courts.ca.gov/facilities-4thdistrict-coa.htm*

Completion Dates for Project Milestones and Approvals

All necessary approvals were secured as shown in Table 2.1 below.

Table 2.1

Court of Appeal, 4th Appellate District, Division 3—Review and Approval Dates

	Description	Judicial Council	Governor (Dept. of Finance) Form DF 14D	Legislature (Annual Budget Act)	Review Dates for Local Courts	State Public Works Board
1.	Site Selection	4/15/2005	search in progress	n/a	2/8/2002	Pre-dates documents on SPWB webpage
2.	Site Acquisition (A)	6/24/2005	8/12/2005	9/xx/00	8/12/2005	08/2005
3.	Preliminary Plans (P)	6/24/2005	11/17/06 6/29/07	9/xx/00	12/8/2006	11/2006
4.	Working Drawings (W)	6/24/2005	6/29/2007	9/xx/02	6/29/2007	07/16/2007
5.	Proceed to Bid	n/a	6/29/2007	n/a	6/29/2007	09/06/2007
6.	Construction Contract Award (C)	6/24/2005	11/9/2007	9/xx/02	11/29/2007	10/24/2007
7.	Augment P - $198,000	n/a	8/12/2005	nba	n/a	08/12/2005
8.	Revert A - $2,178,000	n/a	n/a	8/26/2005	n/a	08/12/2005
9.	Augment W - $45,000	n/a	n/a	9/12/2006	n/a	n/a
10.	Augment C - $6,783,000	n/a	n/a	9/12/2006	n/a	n/a
11.	Augment C - $3,086,000	8/25/2006	1/12/2007	9/28/2007	n/a	12/08/06
12.	Augment C - $2,220,000	n/a	11/09/07 11/14/07 ft 11/20/07 ft 11/21/07 ft	nba	n/a	n/a
13.	Scope Change - Redirect C to W $280,000	n/a	search in progress	nba	n/a	n/a

Legend for Review and Approval Dates

n/a = not applicable to this item

nba = DOF or SPWB action, not in annual budget act

ft = fund transfer

xx = day of month not available on State website

Completion dates for the contractor selection process and the project phases are shown in Table 2.2 below.

Table 2.2

Court of Appeal, 4th Appellate District, Division 3—Completion Dates for Milestones

	Contractor Selection Process	
1.	Request for CMAR Qualifications / Proposals	3/30/2006
2.	Due Date for Qualifications / Proposals	4/24/2006
3.	CMAR Shortlist	6/1/2006
4.	CMAR Interviews	6/20/2006
5.	CMAR Intent to Award	6/26/2006
6.	CMAR Contract Executed	7/20/2006
	Completion of Project Phases	
1.	Acquisition (A)	8/12/2005
2.	Preliminary Plans (P)	12/8/2006
3.	Working Drawings (W)	7/16/2007
4.	Construction (C)	7/27/2009

Procurement Methods and Evaluation Criteria

The CMAR process was used for this project. Two proposals were received from construction management firms. See Appendix B for a description of how the AOC selects construction management firms.

Project Costs

The AOC delivered this project for $819,000 less than the final appropriation amount and $9.3 million more than the original appropriation amount. This project was originated under DGS management with funding for acquisition and preliminary plans appropriated in the Budget Act of 2000 (FY 2000–2001), almost 10 years before the building was completed. Responsibility for the project was transferred to the AOC in a memorandum of understanding (MOU) dated September 15, 2003. The AOC submitted a COBCP in FY 2005–2006 to reappropriate $75,000 for the acquisition phase and to revert $2.178 million of unused acquisition phase funds. Project costs are identified in Table 2.3 below.

Table 2.3

Court of Appeal, 4th Appellate District, Division 3—Appropriations and Project Costs

		Acquisition	Preliminary Plans	Working Drawings	Construction	Total
1.	**Original Appropriation**	$2,783,000	$432,000	$792,000	$13,558,000	$17,565,000
2.	**Final Appropriation**	$605,000	$630,000	$1,117,000	$25,367,000	$27,719,000
3.	**Actual Expenditure**	$501,565	$626,113	$1,104,025	$24,667,397	$26,899,100
4.	**Increase or (Savings) from Original Appropriation** (4 = 3 - 1)	($2,281,435)	$194,113	$312,025	$11,109,397	$9,334,100
5.	**Increase or (Savings) from Final Appropriation** (5 = 3 - 2)	($103,435)	($3,887)	($12,975)	($699,603)	($819,900)

Cost increases shown and explained in Table 2.3.1 below reflect the unusually high escalation in construction costs during the design and construction phases (August 2005–September 2009) after management responsibility was transferred from the DGS to the AOC in September 2003. The original appropriations for this project occurred in FY 2000–2001 for acquisition and preliminary plans phases, and in FY 2002–2003 for working drawings and construction phases, and were based on estimates created while the project was under DGS management. By the time site acquisition was completed in August 2005, the project scope had been reduced by the AOC to align with the needs of the court and the terms of the property acquisition agreement: the program gross area was reduced by approximately 3,000 square feet and 110 structured parking

spaces were deleted as they were provided by the city of Santa Ana. Even though the scope was reduced, escalation in the market caused the current estimates to exceed the original estimates.

Table 2.3.1

Court of Appeal, 4th Appellate District, Division 3—Cost Increases

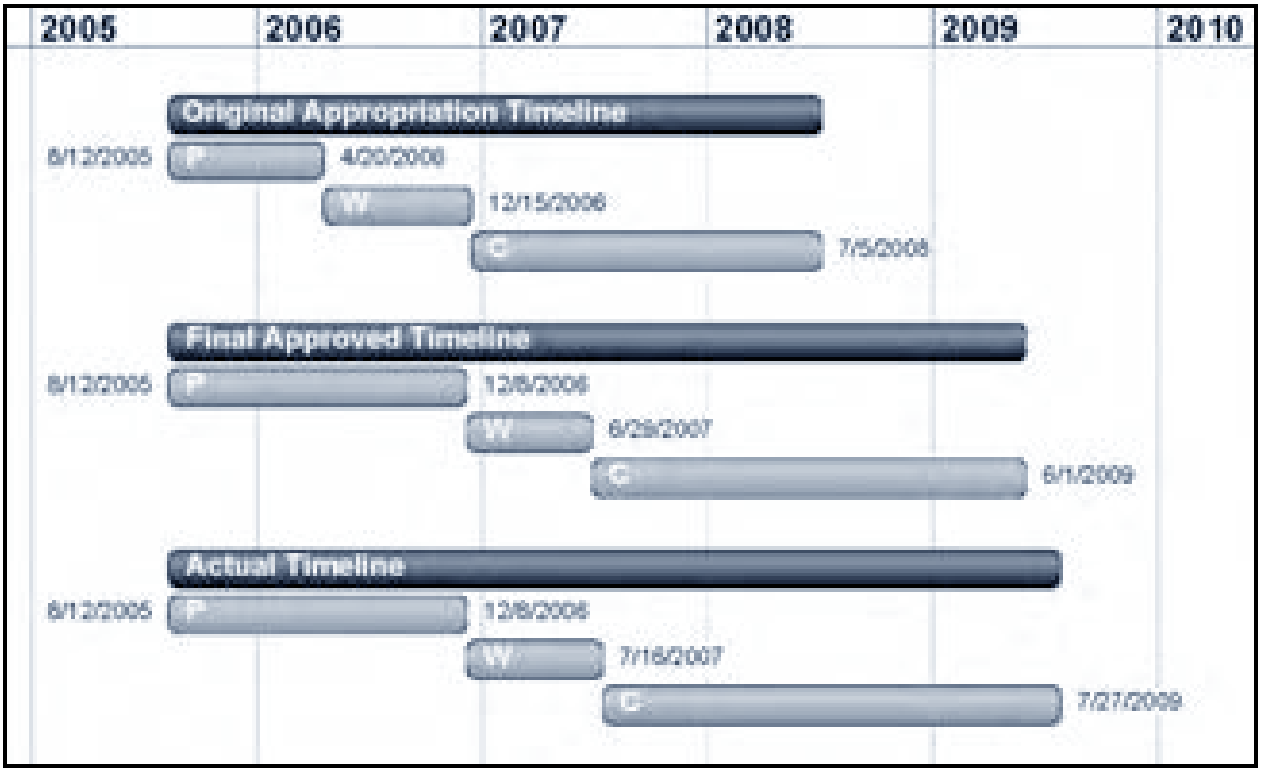
#	Fiscal Year	Description	Amount	Reason for Cost Increase
1.	2005–2006	Augment P	$198,000	Replaces funds expended by DGS for schematic design work connected to a site that was rejected by the court.
2.	2006–2007	Augment W	$45,000	Delays in site acquisition and preliminary plans increased cost in the working drawings phase.
3.	2006–2007	Augment C	$6,783,000	Construction cost updated to match escalated underlying cost in marketplace after responsibility for this project was transferred from the DGS to the AOC (original estimates predate FY 2000–2001).
4.	2007–2008	Augment C	$3,086,000	Unforeseen and excessive escalation in marketwide construction costs.
5.	2008–2009	Augment C	$2,220,000	Bidding climate reflected a surplus of institutional construction in Southern California relative to qualified trade contractors and increased material costs so acceptable bids were higher than estimates.
6.	2008–2009	Redirect C to W	$280,000	Transfer of unexpended funds from the construction phase to the working drawings phase due to increased design costs for final project scope.

Project Timelines

As shown in Figure 2.1 below, the project was completed 8 weeks after the final approved completion date and 55 weeks after the originally scheduled completion date. Delays in the preliminary plans phase were caused by the architect's difficulty in producing an acceptable design that met the program and site constraints during a period of unusually high construction escalation requiring redesign to bring interim cost estimates in line with the project budget. Delays in the construction phase were caused by the difficulty in obtaining bids that were within project estimates due to an overabundance of institutional work in Southern California and the previously mentioned high escalation in construction costs. Due to state budget issues, the Pooled Money Investment Account (PMIA) ran short of funds and construction had to be shut down in December 2008, which caused an additional eight-week delay and additional costs for the contractor to de-mobilize and re-mobilize the job site.

Figure 2.1

Court of Appeal, 4th Appellate District, Division 3—Timeline Comparison



Final Approved Timeline: Construction phase augmentation 11/9/2007

Judicial Branch Project Management Costs

Judicial branch project management costs are presented in Table 2.4 below. See Appendix C for the methodology used to calculate judicial branch project management costs. See Table 1.3 on page 7 for a summary of judicial branch project management costs for the six subject projects. Judicial branch project management costs accounted for 4.99 percent of total cost or 5.59 percent of construction cost for this project.

Table 2.4

Court of Appeal, 4th App. Dist., Division 3—Judicial Branch Project Management Costs

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
AOC Employee Costs	$256,235	$300,468	$76,895	$708,524	$1,342,122
Consultant / Contractor Costs	$0	$0	$0	$0	$0
Totals	$256,235	$300,468	$76,895	$708,524	$1,342,122

Costs for Contractors

In this report, the costs for contractors are classified and calculated two ways as listed below.

Project contractors: all service providers and vendors including the construction contractor, with the following exceptions: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.

Construction contractor: the general contractor responsible for constructing the project.

Costs for contractors are shown in Table 2.5 below. Project contractor costs accounted for 98.0 percent of total cost of this project. The separate cost of the construction contractor accounted for 89.2 percent of the total aggregate project costs.

Table 2.5

Court of Appeal, 4th Appellate District, Division 3—Costs for Contractors

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
Costs for Project Contractors (all service providers and vendors)	$186,664	$626,113	$964,385	$24,582,825	$26,359,987
Costs for Construction Contractor	$0	$0	$0	$24,003,610	$24,003,610
Total Actual Costs	$501,565	$626,113	$1,104,025	$24,667,397	$26,899,100
Project Contractor Costs as % of Actual Costs (all service providers and vendors)	37.2%	100.0%	87.4%	99.7%	98.0%
Construction Contractor Costs as % of Actual Costs	0.0%	0.0%	0.0%	97.3%	89.2%

Chapter 3
Plumas/Sierra Regional Courthouse

Key Findings

This $6.1 million project—the first trial court project to be fully financed and managed from start to finish by the AOC—was delivered for 7.2 percent less than the final appropriation amount and 6.7 percent less than the original appropriation amount. The actual completion date was 3 weeks before the final approved completion date and 1 day before the originally scheduled completion date. See key findings below for each of the six mandated information categories. More detail is provided in the body of this chapter.

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.

2. Procurement methods and evaluation criteria: The design-bid-build process was used for this project. Three bids were received.

3. Project costs and increases: The AOC delivered this project for $473,669 less than the final appropriation amount and $435,469 less than the original appropriation amount.

4. Original timeline and delays: This project was completed 3 weeks before the final approved completion date and 1 day before the originally scheduled completion date.

5. Judicial branch project management costs: Judicial branch project management costs accounted for 7.54 percent of total cost or 9.60 percent of construction cost for this project.

6. Contractor costs: Project contractor (all service providers and vendors) costs accounted for 96.5 percent of total cost of this project. The separate cost of the construction contractor accounted for 78.6 percent of the total aggregate project costs.

Project Description

The Plumas/Sierra Regional Courthouse provides residents of isolated areas in Plumas and Sierra Counties with better access to court services through a multijurisdictional courthouse, jointly serving the Superior Courts of Plumas and Sierra Counties.

The Superior Courts of Plumas and Sierra Counties shared challenges in serving the remote Eastern Sierra Valley close to each county's border. The public's access to justice in this area was severely compromised due to the area's natural isolation and heavy snow in winter, which makes driving the mountain passes hazardous. The Sierra County portion of the Sierra Valley is the county population center and had access to a service center, but no judicial proceedings.

The new courthouse replaced the deficient one-courtroom Portola Branch court located in the Sierra Center Mall and a leased court service center in Loyalton. The new courthouse provides public access to justice and court services and improves court functionality, security, and physical operations

This project was the first trial court project to be fully financed and managed from start to finish by the AOC. The vacant and unimproved property for the courthouse was donated by a local developer for $1 for the purpose of building a courthouse.

The courthouse was awarded a Best Project of 2010 by McGraw Hill's *California Construction* magazine and a 2010 Distinguished Project Award from the Western Council of Construction Consumers.

Project Facts

Location:	600 South Gulling Street, Portola
Capacity:	1 courtroom in 7,312 square feet with minimal staff support area, and a jury deliberation room. The courthouse does not have a dedicated jury assembly area or any in-custody holding capability.
Project Cost:	$6.1 million for all project costs, $5.5 million for construction. Land was donated to the state.
Funded by:	State Court Facilities Construction Fund (SCFCF), Trial Court Facilities Act of 2002 (SB 1732), which established a revenue source of court user fees for judicial branch courthouse projects.
Architect:	Nacht and Lewis Architects
Contractor:	SW Allen Construction Inc.
Timeline:	Received initial funding in FY 2006–2007. The construction phase began in August 2008 and was completed in October 2009. The building opened in December 2009.
More information:	*www.courts.ca.gov/facilities-plumas-sierra.htm*

Completion Dates for Project Milestones and Approvals

All necessary approvals were secured as shown in Table 3.1 below.

Table 3.1

Plumas/Sierra Regional Courthouse—Review and Approval Dates

Description		Judicial Council	Governor (Dept. of Finance) Form DF 14D	Legislature (Annual Budget Act)	Review Dates for Local Courts	State Public Works Board
1.	Site Selection	6/24/2005	3/9/2007	n/a	5/15/2006	10/15/2007
2.	Site Acquisition (A)	6/29/2007	8/10/2007	9/12/2006	n/a	10/15/2007
3.	Preliminary Plans (P)	6/24/2005	5/19/2008	9/12/2006	2/14/2008	5/9/2008
4.	Working Drawings (W)	8/25/2006	8/28/2008	9/28/2007	5/9/2008	n/a
5.	Proceed to Bid	n/a	8/28/2008	n/a	n/a	n/a
6.	Construction Contract Award (C)	4/27/2007	10/8/2008	10/23/2008	n/a	n/a
7.	Augment C - $38,200	n/a	11/6/2009	nba	n/a	n/a

Legend for Review and Approval Dates

n/a = not applicable to this item

nba = DOF or SPWB action, not in annual budget act

ft = fund transfer

xx = day of month not available on State website

Completion dates for the contractor selection process and the project phases are shown in Table 3.2 below.

Table 3.2

Plumas/Sierra Regional Courthouse—Completion Dates for Milestones

Contractor Selection Process		
1.	Request for GC Qualifications / Proposals	7/17/2008
2.	Due Date for Qualifications / Proposals	8/12/2008
3.	Prequalified List and Invitation to Bid	8/20/2008
4.	Bids Received from Prequalified GCs	9/24/2008
5.	Notice of Intent to Award	10/8/2008
6.	Contract Executed	10/10/2008
Completion of Project Phases		
1.	Acquisition (A)	10/15/2007
2.	Preliminary Plans (P)	3/17/2008
3.	Working Drawings (W)	8/28/2008
4.	Construction (C)	10/31/2009

Procurement Methods and Evaluation Criteria

The design-bid-build process was used for this project. The AOC prequalified contractors, received three bids, and awarded the contract to the lowest qualified bidder. See Appendix B for a description of how the AOC prequalifies contractors.

Project Costs

The AOC delivered this project for $473,669 less than the final appropriation amount and $435,469 less than the original appropriation amount. Significant savings in the acquisition phase resulted because the seller, a local developer, donated to the state the vacant and unimproved property for $1. The only cost increase on this project was a DOF-approved FY 2009–2010 augmentation of the construction phase in the amount of $38,200 for completion of a required access road.

Table 3.3

Plumas/Sierra Regional Courthouse—Appropriations and Project Costs

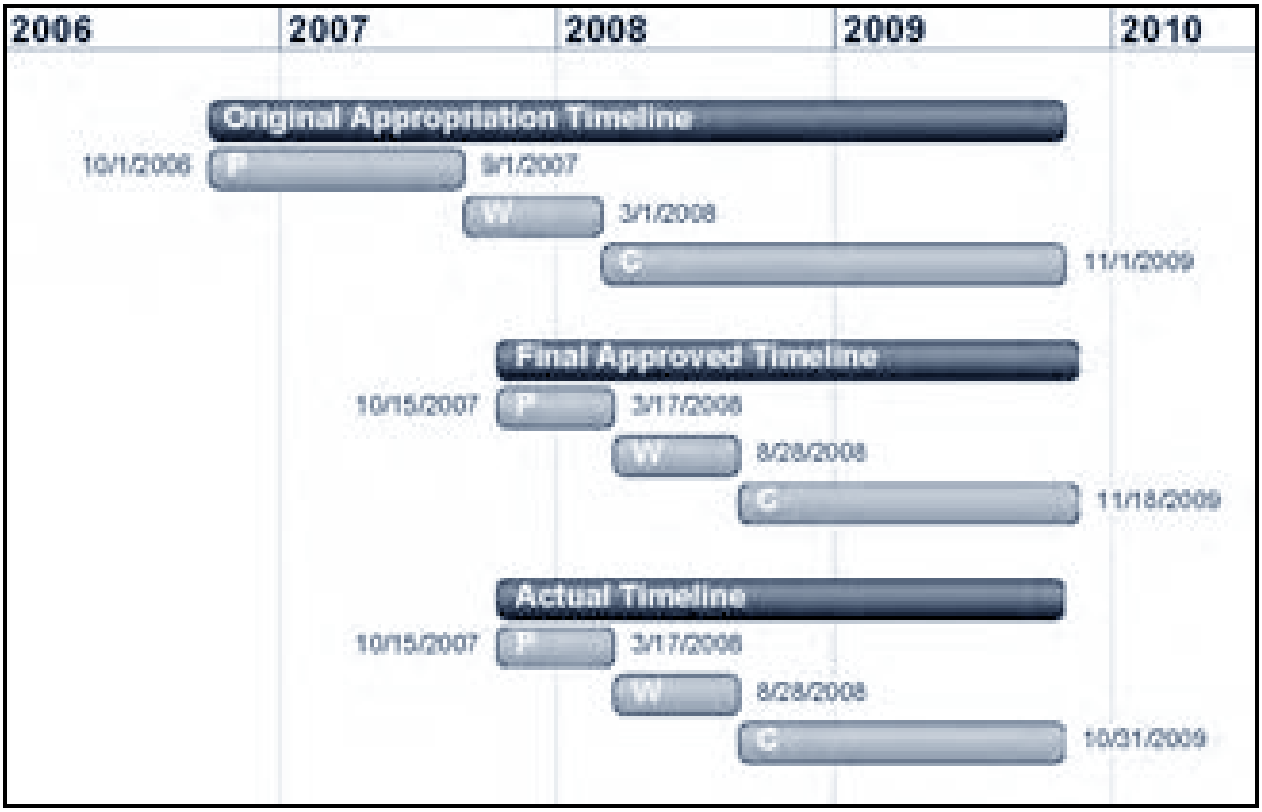
		Acquisition	Preliminary Plans	Working Drawings	Construction	Total
1.	**Original Appropriation**	$437,000	$269,000	$346,000	$5,444,000	$6,496,000
2.	**Final Appropriation**	$437,000	$269,000	$346,000	$5,482,200	$6,534,200
3.	**Actual Expenditure**	$64,923	$228,925	$291,831	$5,474,852	$6,060,531
4.	**Increase or (Savings) from Original Appropriation** (4 = 3 - 1)	($372,077)	($40,075)	($54,169)	$30,852	($435,469)
5.	**Increase or (Savings) from Final Appropriation** (5 = 3 - 2)	($372,077)	($40,075)	($54,169)	($7,348)	($473,669)

Project Timelines

As shown in Figure 3.1 below, the project was completed 3 weeks before the final approved completion date and 1 day before the originally scheduled completion date even though acquisition was delayed by just over a year as the transaction details of the site donation were worked out. Durations of the design and construction phases were significantly reduced as compared to the original appropriation timeline. The construction procurement process was accelerated and accomplished in just under three months from RFQ to executed contract so the foundation work could be completed before the winter snow season.

Figure 3.1

Plumas/Sierra Regional Courthouse—Timeline Comparison



Final Approved Timeline: Construction phase increase within appropriation 9/24/2009

Judicial Branch Project Management Costs

Judicial branch project management costs are presented in Table 3.4 below. See Appendix C for the methodology used to calculate judicial branch project management costs. See Table 1.3 on page 7 for a summary of judicial branch project management costs for the six subject projects. Judicial branch project management costs accounted for 7.54 percent of total cost or 9.60 percent of construction cost for this project.

Table 3.4

Plumas/Sierra Regional Courthouse—Judicial Branch Project Management Costs

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
AOC Employee Costs	$216,945	$65,061	$55,317	$119,762	$457,085
Consultant / Contractor Costs	$0	$0	$0	$0	$0
Totals	$216,945	$65,061	$55,317	$119,762	$457,085

Costs for Contractors

In this report, the costs for contractors are classified and calculated two ways as listed below.

Project contractors: all service providers and vendors including the construction contractor, with the following exceptions: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.

Construction contractor: the general contractor responsible for constructing the project.

Costs for contractors are shown in Table 3.5 below. Project contractor costs accounted for 96.5 percent of total cost of this project. The separate cost of the construction contractor accounted for 78.6 percent of the total aggregate project costs.

Table 3.5

Plumas/Sierra Regional Courthouse—Costs for Contractors

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
Costs for Project Contractors (all service providers and vendors)	$37,710	$228,925	$284,673	$5,296,223	$5,847,531
Costs for Construction Contractor	$0	$0	$0	$4,761,362	$4,761,362
Total Actual Costs	$64,923	$228,925	$291,831	$5,474,852	$6,060,531
Project Contractor Costs as % of Actual Costs (all service providers and vendors)	58.1%	100.0%	97.5%	96.7%	96.5%
Construction Contractor Costs as % of Actual Costs	0.0%	0.0%	0.0%	87.0%	78.6%

Chapter 4
B. F. Sisk Courthouse

Key Findings

This $65.2 million project was completed for 8.1 percent less than the final appropriation amount and 6.2 percent more than the original appropriation amount. The actual completion date was 25 weeks after the final approved completion date and 78 weeks after the originally scheduled completion date. The delay was caused by discrepancies between federal and state legislation that complicated the transfer of the federal courthouse first to the County of Fresno and then to the State. See the Project Timelines section in this chapter for more detail on this topic. In addition, as the project planning moved forward, the AOC collaborated with the DOF and the LAO to develop a plan to renovate the building to maximize its use for up to 16 courtrooms for existing judges and new judgeships identified by the Judicial Council for the Superior Court of Fresno County. The original timeline assumed the property transfer would be complete by July 2006. Because of complications in the transfer process described above, the close of escrow was delayed over a year and the acquisition was finally approved by the SPWB at their September 2007 meeting, which accounts for 61 weeks of the overall project delay. See key findings below for each of the six mandated information categories. More detail is provided in the body of this chapter.

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.

2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Five proposals were received.

3. Project costs and increases: The AOC delivered this project for $5.7 million less than the final appropriation amount and $3.8 million more than the original appropriation amount. There was a 17.9 percent augmentation of the construction phase due to unusually high construction cost escalation and to accommodate a change from 8 to 15 courtrooms and more extensive remodeling of the existing building to provide for existing and approved new judgeships identified by the Judicial Council for the Superior Court of Fresno County.

4. Original timeline and delays: This project was completed 25 weeks after the final approved completion date and 78 weeks after the originally scheduled completion date.

5. Judicial branch project management costs: Judicial branch project management costs accounted for 2.31 percent of total cost or 2.61 percent of construction cost for this project.

6. Contractor costs: Project contractor (all service providers and vendors) costs accounted for 99.8 percent of total cost of this project. The separate cost of the construction contractor accounted for 88.5 percent of the total aggregate project costs.

Project Description

The B. F. Sisk Courthouse provides the Superior Court of Fresno County with appropriate and accessible court space for complex civil and family law proceedings and related support spaces for the public and court staff.

Originally constructed in 1967 as a federal courthouse, the building was vacated by the federal government after the Robert E. Coyle U.S. Courthouse was completed. The five-story building formerly housed eight federal courtrooms, chambers, and justice agencies. The building keeps its former name to honor the visionary public service of Bernice Frederic Sisk (December 14, 1910–October 25, 1995), member of the U.S. House of Representatives from California's 12th Congressional District, 1955–1963.

The Superior Court of Fresno County serves court users in the downtown area through multiple facilities. Existing facilities poorly served the growing needs of the superior court, and the dispersal of court operations in multiple locations exacerbated the court's operational challenges. The remodeled Sisk courthouse now houses the superior court's civil and family law divisions, with 15 judicial officers, that formerly occupied space in the Fresno County Courthouse. The Family Law Facilitator and the Spanish Speaking Self-Help Center was also consolidated with other family court support functions in the Sisk Courthouse, enabling the court to terminate a lease and improve public service.

Project Facts

Location:	1130 O Street in downtown Fresno
Capacity:	15 courtrooms (with capacity for up to 16) in 192,000 square feet
Project cost:	$65.9 million for all project costs, $60.9 million for construction
Funded by:	State Court Facilities Construction Fund (SCFCF), Trial Court Facilities Act of 2002 (SB 1732), which established a revenue source of court user fees for judicial branch courthouse projects.
Architect:	SmithGroup of San Francisco, with Allen Lew & William Patnaude Architects of Fresno
Contractor:	Turner Construction Company
Timeline:	Received initial funding in FY 2006–2007. Construction began in July 2008 and was completed in September 2010. The building opened in November 2010.
More information:	*www.courtinfo.ca.gov/programs/occm/projects_fresno_sisk.htm*

Completion Dates for Project Milestones and Approvals

All necessary approvals were secured as shown in Table 4.1 below.

Table 4.1

B. F. Sisk Courthouse—Review and Approval Dates

Description		Judicial Council	Governor (Dept .of Finance) Form DF 14D	Legislature (Annual Budget Act)	Review Dates for Local Courts	State Public Works Board
1.	Site Selection	4/27/2007	9/14/2007	n/a	4/26/2007	n/a
2.	Site Acquisition (A)	4/27/2007	9/14/2007	n/a	n/a	2/6/2004
3.	Preliminary Plans (P)	2/27/2004 6/24/2005	10/12/2007	9/12/2006	1/11/2005	10/15/2007
4.	Working Drawings (W)	2/27/2004 6/24/2005	4/11/2008	9/12/2006	4/3/2008	n/a
5.	Proceed to Bid	6/24/2005	4/11/2008	n/a	n/a	n/a
6.	Construction Contract Award (C)	6/24/2005	7/16/2008	9/12/2006	n/a	n/a
7.	Augment C - $9,571,000	n/a	search in progress	nba	n/a	10/15/2007
8.	Redirect P to C - $1,398,000	n/a	search in progress	nba	n/a	n/a
9.	Redirect W to C - $1,493,000	n/a	search in progress	nba	n/a	n/a

Legend for Review and Approval Dates

n/a = not applicable to this item

nba = DOF or SPWB action, not in annual budget act

ft = fund transfer

xx = day of month not available on State website

Completion dates for the contractor selection process and the project phases are shown in Table 4.2 below.

Table 4.2

B. F. Sisk Courthouse—Completion Dates for Milestones

Contractor Selection Process		
1.	Request for CMAR Qualifications / Proposals	3/23/2007
2.	Due Date for Qualifications / Proposals	5/1/2007
3.	CMAR Shortlist	5/14/2007
4.	CMAR Interviews	5/22/2007
5.	CMAR Intent to Award	search in progress
6.	CMAR Contract Executed	6/25/2007
Completion of Project Phases		
1.	Acquisition (A)	9/14/2007
2.	Preliminary Plans (P) [5]	10/15/2007
3.	Working Drawings (W)	4/11/2008
4.	Construction (C)	7/30/2010

[5] The preliminary plans phase was actually started on June 18, 2007. See footnote 6 on page 29.

Procurement Methods and Evaluation Criteria

The CMAR process was used for this project. Five proposals were received from construction management firms. See Appendix B for a description of how the AOC selects construction management firms.

Project Costs

The AOC delivered this project for $5.7 million less than the final appropriation amount and $3.8 million more than the original appropriation amount. There are no acquisition phase costs because the federal courthouse was donated to the state. Project costs are identified in Table 4.3 below.

The original budget for this project included renovating the existing building to accommodate 8 courtrooms, which reflected the existing configuration. As the project planning moved forward, the AOC collaborated with the DOF and the LAO to develop a plan to renovate the building and maximize its use for up to 16 courtrooms for existing judges and new judgeships identified by the Judicial Council for the Superior Court of Fresno County. The only cost increase on this project was a FY 2007–2008 augmentation of the construction phase in the amount of $9.571 million required to fund the change from 8 up to the capacity of 16 courtrooms and because construction cost escalation was unusually high at this time. The final design for the project included 15 courtrooms because the authorized new judgeship for which the 16th courtroom was intended was not funded and the court requested that it be built as a hearing room for greater functionality. The DOF approved this increase to provide for existing and new judgeships. Unspent appropriations from the preliminary plans phase ($1.398 million) and the working drawings phase ($1.493 million) were redirected in FY 2008–2009 to the construction phase.

Table 4.3

B. F. Sisk Courthouse—Appropriations and Project Costs

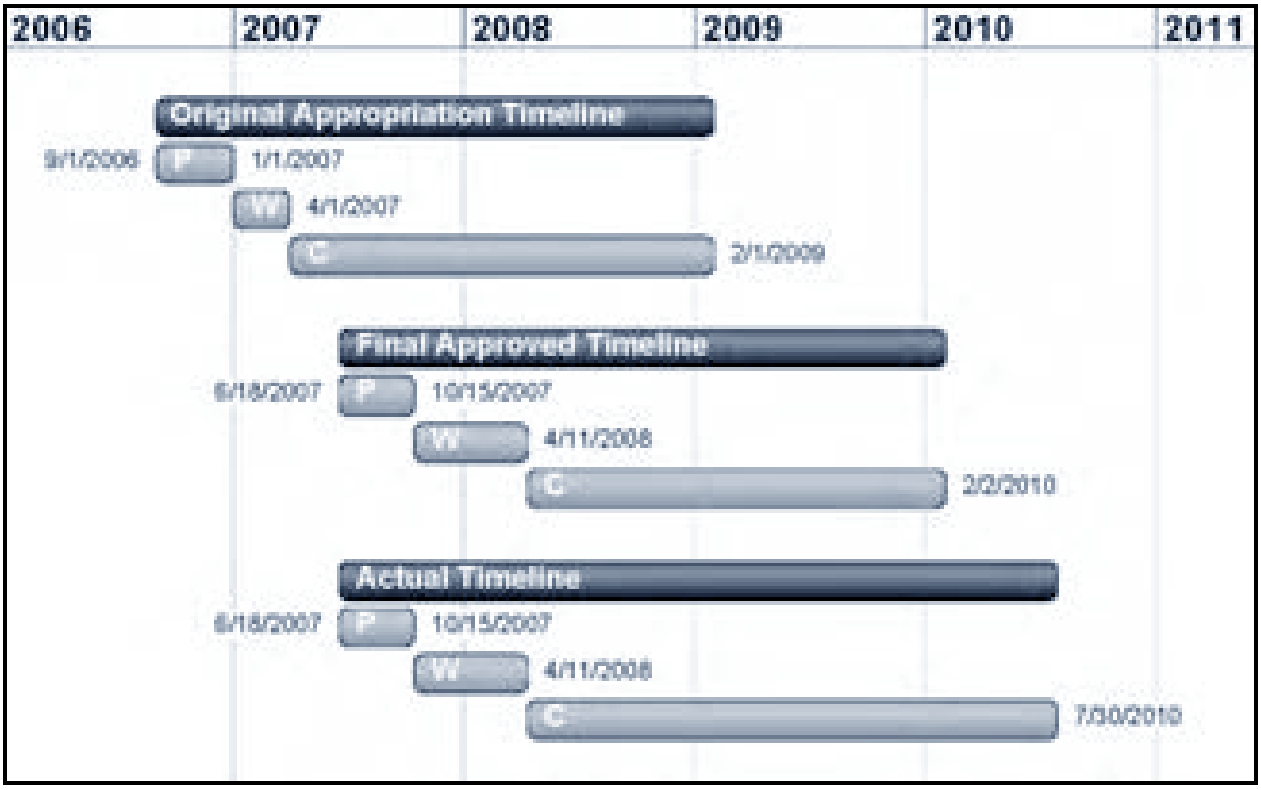
		Acquisition	Preliminary Plans	Working Drawings	Construction	Total
1.	**Original Appropriation**	$0	$3,470,000	$4,468,000	$53,389,000	$61,327,000
2.	**Final Appropriation**	$0	$2,072,000	$2,975,000	$65,851,000	$70,898,000
3.	**Actual Expenditure**	$0	$2,055,327	$2,956,678	$60,140,849	$65,152,854
4.	**Increase or (Savings) from Original Appropriation** (4 = 3 - 1)	$0	($1,414,673)	($1,511,322)	$6,751,849	$3,825,854
5.	**Increase or (Savings) from Final Appropriation** (5 = 3 - 2)	$0	($16,673)	($18,322)	($5,710,151)	($5,745,146)

Project Timelines

As shown in Figure 4.1 below, this project was completed 25 weeks after the final approved completion date and 78 weeks after the originally scheduled completion date. The delay was caused by difficulty in completing the transfer of the federal courthouse first to the County of Fresno and then to the state. The federal legislation sponsored by Senator Boxer gave the property to the county, not the state, as subsequently mandated in Senate Bill 1732. The legal and real estate staffs at the federal, state, and county levels had to figure out how to accomplish the transfer to the state. In addition, after the transfer problem was solved, the AOC had to wait over a year longer than originally anticipated for the federal General Services Administration (GSA) to vacate the property before closing escrow. The original timeline called for the property transfer to be complete by July 2006. For the reasons stated above, the acquisition was not approved by the SPWB until their September 2007 meeting, which accounts for 61 weeks of the delay.

Figure 4.1

B. F. Sisk Courthouse—Timeline Comparison[6]



Final Approved Timeline: Augmentation of construction phase 7/15/2008

[6] The funding for the preliminary plans phase ($3,470,000) was transferred from the State Court Facilities Construction Fund to the Court Facilities Architectural Revolving Fund in November 2006.

Judicial Branch Project Management Costs

Judicial branch project management costs are presented in Table 4.4 below. See Appendix C for the methodology used to calculate judicial branch project management costs. See Table 1.3 on page 7 for a summary of Judicial Branch project management costs for the six subject projects. Judicial branch project management costs accounted for 2.31 percent of total cost or 2.61 percent of construction cost for this project.

Table 4.4

B. F. Sisk Courthouse—Judicial Branch Project Management Costs

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
AOC Employee Costs	$72,619	$180,594	$237,156	$1,015,491	$1,505,860
Consultant / Contractor Costs	$0	$0	$0	$0	$0
Totals	$72,619	$180,594	$237,156	$1,015,491	$1,505,860

Costs for Contractors

In this report, the costs for contractors are classified and calculated two ways as listed below.

Project contractors: all service providers and vendors including the construction contractor, with the following exceptions: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.

Construction contractor: the general contractor responsible for constructing the project.

Costs for contractors are shown in Table 4.5 below. Project contractor costs accounted for 99.8 percent of total cost of this project. The separate cost of the construction contractor accounted for 88.5 percent of the total aggregate project costs.

Table 4.5

B. F. Sisk Courthouse—Costs for Contractors

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
Costs for Project Contractors (all service providers and vendors)	$0	$2,026,093	$2,949,000	$60,078,035	$65,053,128
Costs for Construction Contractor	$0	$0	$0	$57,627,990	$57,627,990
Total Actual Costs	$0	$2,055,327	$2,956,678	$60,140,849	$65,152,854
Project Contractor Costs as % of Actual Costs (all service providers and vendors)	N/A	98.6%	99.7%	99.9%	99.8%
Construction Contractor Costs as % of Actual Costs	N/A	0.0%	0.0%	95.8%	88.5%

Chapter 5
Richard E. Arnason Justice Center

Key Findings

This $48.6 million project was delivered for 24.9 percent less than the final appropriation amount and 22.3 percent less than the original appropriation amount. The actual completion date was 6 weeks after the final approved completion date and 58 weeks after the originally scheduled completion date. The delays were caused by a scope change from four to seven courtrooms—based on a Judicial Council–adopted update to new judgeship requirements identifying additional new judgeships needed by the Superior Court of Contra Costa County. This scope change was included in the annual budget act for FY 2006–2007. See key findings below for each of the six mandated information categories. More detail is provided in the body of this chapter.

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.

2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Four proposals were received.

3. Project costs and increases: The AOC delivered this project for $16.1 million less than the final appropriation amount and $13.9 million less than than the original appropriation amount.

4. Original timeline and delays: This project was completed 6 weeks after the final approved completion date and 58 weeks after the originally scheduled completion date.

5. Judicial branch project management costs: Judicial branch project management costs accounted for 2.95 percent of total cost or 3.39 percent of construction cost for this project.

6. Contractor costs: Project contractor (all service providers and vendors) costs accounted for 99.6 percent of total cost of this project. The separate cost of the construction contractor accounted for 87.0 percent of the total aggregate project costs.

Project Description

The Richard E. Arnason Justice Center replaced the outdated and undersized four-courtroom Pittsburg-Delta Courthouse, originally constructed in 1952 and demolished after the new courthouse was completed.

The eastern region of Contra Costa County includes the growing communities of Pittsburg, Antioch, Brentwood, and Oakley. Previously served by the outdated and undersized Pittsburg-Delta Courthouse, this region needed a larger, modern facility to meet growing demand for court services as well as a location for three new judicial officers. The previous building was so overcrowded that approximately 6,000 cases had to be reassigned to other courts throughout the county. The Arnason Justice Center has greatly improved access to justice for East County residents.

This courthouse has won numerous awards, and was the first judicial branch courthouse to receive LEED™ Silver certification from the U.S. Green Building Council. The building was named in honor of Richard E. Arnason, distinguished jurist and pioneering member of the bar in eastern Contra Costa County.

Project Facts

Location:	1000 Center Drive, Pittsburg, California
Capacity:	7 courtrooms in 73,500 square feet
Project cost:	$48.6 million for all project costs, $45.1 million for construction
Funded by:	State Court Facilities Construction Fund (SCFCF), Trial Court Facilities Act of 2002 (SB 1732), which established a revenue source of court user fees for judicial branch courthouse projects.
Architect:	HOK
Contractor:	Sundt Construction, Inc.
Timeline:	Originally funded in FY 2005–2006. To accommodate three new judgeships, funding was increased in the annual budget act for FY 2006–2007 to fund a scope change from four to seven courtrooms. Construction began in April 2009 and was completed in November 2010.
More information:	*www.courts.ca.gov/facilities-contracosta.htm*

Completion Dates for Project Milestones and Approvals

All necessary approvals were secured as shown in Table 5.1 below.

Table 5.1

Richard E. Arnason Justice Center—Review and Approval Dates

Description	Judicial Council	Governor (Dept. of Finance) Form DF 14D	Legislature (Annual Budget Act)	Review Dates for Local Courts	State Public Works Board
1. Site Selection	12/10/2004 2/27/2004 6/24/2005 2/23/2007	7/17/2006	n/a	5/31/2006	7/14/2006
2. Site Acquisition (A)	12/10/2004 2/27/2004 6/24/2005 2/23/2007	9/14/2007	8/26/2005	n/a	12/08/2006 9/14/2007
3. Preliminary Plans (P)	12/10/2004 6/24/2005	2/8/2008	8/26/2005	2/22/2007	2/8/2008
4. Working Drawings (W)	6/24/2005 8/25/2006	1/12/2009	9/28/2007	8/19/2008	n/a
5. Proceed to Bid	8/25/2006 4/27/2007	1/12/2009	n/a	n/a	n/a
6. Construction Contract Award (C)	8/25/2006 4/27/2007	3/30/2009	10/23/2008	n/a	n/a
7. Scope Change - 4 to 7 Courtrooms	6/24/2005	4/7/2006	9/12/2006	n/a	7/14/2006
8. Augment A - $672,000	n/a	n/a	9/12/2006	n/a	n/a
9. Augment P - $1,560,000	n/a	n/a	9/12/2006	n/a	n/a

Legend for Review and Approval Dates

n/a = not applicable to this item

nba = DOF or SPWB action, not in annual budget act

ft = fund transfer

xx = day of month not available on State website

Completion dates for the contractor selection process and the project phases are shown in Table 5.2 below.

Table 5.2

Richard E. Arnason Justice Center—Completion Dates for Milestones

Contractor Selection Process		
1.	Request for CMAR Qualifications / Proposals	6/5/2007
2.	Due Date for Qualifications / Proposals	6/19/2007
3.	CMAR Shortlist	7/11/2007
4.	CMAR Interviews	7/16/2007
5.	CMAR Intent to Award	7/20/2007
6.	CMAR Contract Executed	9/17/2007
Completion of Project Phases		
1.	Acquisition (A)	9/14/2007
2.	Preliminary Plans (P)	2/8/2008
3.	Working Drawings (W)	1/12/2009
4.	Construction (C)	11/10/2010

Procurement Methods and Evaluation Criteria

The CMAR process was used for this project. Four proposals were received from construction management firms. See Appendix B for a description of how the AOC selects construction management firms.

Project Costs

The AOC delivered this project for $16.1 million less than the final appropriation amount and $13.9 million less than the original appropriation amount. Project costs are identified in Table 5.3 below.

The cost increases in the acquisition ($672,000) and preliminary plans ($1.56 million) phases were included in the Budget Act of 2006 (FY 2006–2007) to fund a scope change from four to seven courtrooms.

Table 5.3

Richard E. Arnason Justice Center—Appropriations and Project Costs

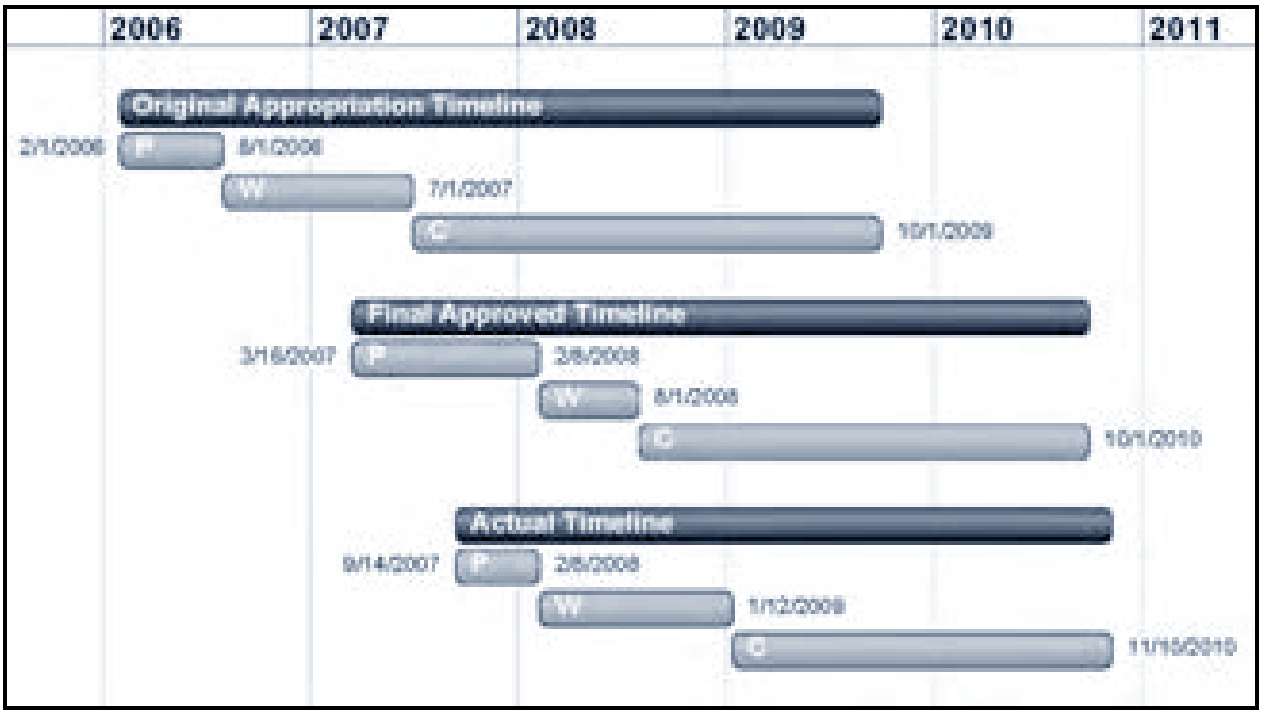
		Acquisition	Preliminary Plans	Working Drawings	Construction	Total
1.	**Original Appropriation**	$6,000,000	$1,237,000	$3,632,000	$51,628,000	$62,497,000
2.	**Final Appropriation**	$6,672,000	$2,797,000	$3,632,000	$51,628,000	$64,729,000
3.	**Actual Expenditure**	$245,272	$1,494,085	$1,708,361	$45,141,930	$48,589,648
4.	**Increase or (Savings) from Original Appropriation** (4 = 3 - 1)	($5,754,728)	$257,085	($1,923,639)	($6,486,070)	($13,907,352)
5.	**Increase or (Savings) from Final Appropriation** (5 = 3 - 2)	($6,426,728)	($1,302,915)	($1,923,639)	($6,486,070)	($16,139,352)

Project Timelines

As shown in Figure 5.1 below, this project was completed 6 weeks after the final approved completion date and 58 weeks after the originally scheduled completion date. The delay was caused by the change in building size from four to seven courtrooms.

Figure 5.1

Richard E. Arnason Justice Center—Timeline Comparison



Final Approved Timeline: Construction phase appropriation 7/1/2008

Judicial Branch Project Management Costs

Judicial branch project management costs are presented in Table 5.4 below. See Appendix C for the methodology used to calculate judicial branch project management costs. See Table 1.3 on page 7 for a summary of judicial branch project management costs for the six subject projects. Judicial branch project management costs accounted for 2.95 percent of total cost or 3.39 percent of construction cost for this project.

Table 5.4

Richard E. Arnason Justice Center—Judicial Branch Project Management Costs

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
AOC Employee Costs	$353,626	$202,036	$112,928	$766,063	$1,434,653
Consultant / Contractor Costs	$0	$0	$0	$0	$0
Totals	$353,626	$202,036	$112,928	$766,063	$1,434,653

Costs for Contractors

In this report, the costs for contractors are classified and calculated two ways as listed below.

Project contractors: all service providers and vendors including the construction contractor, with the following exceptions: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.

Construction contractor: the general contractor responsible for constructing the project.

Costs for contractors are shown in Table 5.5 below. Project contractor costs accounted for 99.6 percent of total cost of this project. The separate cost of the construction contractor accounted for 87.0 percent of the total aggregate project costs.

Table 5.5

Richard E. Arnason Justice Center—Costs for Contractors

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
Costs for Project Contractors (all service providers and vendors)	$185,073	$1,469,335	$1,699,459	$45,039,137	$48,393,003
Costs for Construction Contractor	$0	$0	$0	$42,289,814	$42,289,814
Total Actual Costs	$245,272	$1,494,085	$1,708,361	$45,141,930	$48,589,648
Project Contractor Costs as % of Actual Costs (all service providers and vendors)	75.5%	98.3%	99.5%	99.8%	99.6%
Construction Contractor Costs as % of Actual Costs	0.0%	0.0%	0.0%	93.7%	87.0%

Chapter 6
Mammoth Lakes Courthouse

Key Findings

This $20.2 million project was delivered for 6.1 percent less than the final appropriation amount and 5.1 percent less than the original appropriation amount. The actual completion date was 1 week before the final approved completion date and 44 weeks after the originally scheduled completion date. The delay was caused by the challenging site acquisition—a land exchange with the U.S. Forest Service—which delayed the start of the preliminary plans phase. See the Project Timelines section in this chapter for more detail on this topic. The original timeline assumed site acquisition would be complete by August 2006. The acquisition was actually approved by the SPWB at their February 2008 meeting, which was a delay of 78 weeks. The actual project duration was compressed by 30 weeks compared to the originally scheduled project duration primarily by accelerating the design phases—19 weeks in preliminary plans and 7 weeks in working drawings. See key findings below for each of the six mandated information categories. More detail is provided in the body of this chapter.

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.

2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Seven proposals were received.

3. Project costs and increases: The AOC delivered this project for $1.3 million less than the final appropriation amount and $1.1 million less than the original appropriation amount. There was a 30 percent augmentation of the working drawings phase to accommodate site complexities and issues connected with the mountainous location.

4. Original timeline and delays: The actual completion date was 1 week before the final approved completion date and 44 weeks after the originally scheduled completion date.

5. Judicial branch project management costs: Judicial branch project management costs accounted for 2.91 percent of total cost or 3.93 percent of construction cost for this project.

6. Contractor costs: Project contractor (all service providers and vendors) costs accounted for 92.0 percent of total cost of this project. The separate cost of the construction contractor accounted for 74.2 percent of the total aggregate project costs.

Project Description

The Mammoth Lakes Courthouse replaced inadequate, overcrowded leased space and provides the Superior Court of Mono County with a modern, secure, adequately sized courthouse for all court services.

The site for the new courthouse was part of a land exchange between the U.S. Forest Service and the Town of Mammoth Lakes and the County of Mono. The town and county then conveyed, at a discount, a portion of the land to the state for the new courthouse. The courthouse is the first building in a location envisioned as the future government center for Mammoth Lakes.

The historic Mono County courthouse in Bridgeport, built in 1881, is the second oldest, still functioning courthouse in California. Because of its adjacency to the county jail, this historic building is used almost exclusively for arraignments. The court has operated a branch courthouse in Mammoth Lakes, 55 miles south, for many years. Findings in the 2003 facilities master plan showed that 90 percent of the court's civil and criminal workload was attributable to the Mammoth Lakes area, where the population can increase from approximately 7,000 to 40,000 during peak ski season. The previous South County Branch Courthouse was a leased space in a shopping mall that was undersized, in poor condition, and in need of replacement. The new Mammoth Lakes Courthouse provides improved security, expanded space for current and new court services, and improved access to justice for the majority of Mono County residents and visitors.

Project Facts

Location:	100 Thompsons Way, Mammoth Lakes
Capacity:	2 courtrooms and 1 small hearing/multipurpose room in 20,000 square feet
Project cost:	$20.3 million for all project costs, $17.5 million for construction
Funded by:	State Court Facilities Construction Fund (SCFCF), Trial Court Facilities Act of 2002 (SB 1732), which established a revenue source of court user fees for judicial branch courthouse projects.
Architect:	Mark Cavagnero Associates
Contractor:	Sundt Construction, Inc.
Timeline:	Received initial funding in FY 2006–2007. Construction began in May 2010 and was completed in August 2011. The building opened in September 2011.
More information:	*www.courts.ca.gov/facilities-mono.htm*

Completion Dates for Project Milestones and Approvals

All necessary approvals were secured as shown in Table 6.1 below.

Table 6.1

Mammoth Lakes Courthouse—Review and Approval Dates

Description	Judicial Council	Governor (Dept. of Finance) Form DF 14D	Legislature (Annual Budget Act)	Review Dates for Local Courts	State Public Works Board
1. Site Selection	6/30/2006	3/13/2007	n/a	1/8/2007	3/9/2007 8/10/2007
2. Site Acquisition (A)	2/27/2004 6/24/2005	3/13/2009	9/12/2006	1/11/2008	2/8/2008
3. Preliminary Plans (P)	2/27/2004 6/24/2005	4/10/2009	9/12/2006	02/11/2009 07/15/2009	4/10/2009
4. Working Drawings (W)	8/25/2006 4/27/2007	12/3/2009	9/28/2007	12/3/2009	n/a
5. Proceed to Bid	4/27/2007	12/3/2009	n/a	12/3/2009	n/a
6. Construction Contract Award (C)	4/27/2007	2/4/2010	10/23/2008	n/a	n/a
7. Augment W - $219,000	n/a	4/14/09 ft	10/23/2008	n/a	n/a

Legend for Review and Approval Dates

n/a = not applicable to this item

nba = DOF or SPWB action, not in annual budget act

ft = fund transfer

xx = day of month not available on State website

Completion dates for the contractor selection process and the project phases are shown in Table 6.2 below.

Table 6.2

Mammoth Lakes Courthouse—Completion Dates for Milestones

Contractor Selection Process		
1.	Request for CMAR Qualifications / Proposals	9/29/2008
2.	Due Date for Qualifications / Proposals	10/21/2008
3.	CMAR Shortlist	10/28/2008
4.	CMAR Interviews	11/3/2008
5.	CMAR Intent to Award	11/10/2008
6.	CMAR Contract Executed	12/1/2008
Completion of Project Phases		
1.	Acquisition (A)	2/8/2008
2.	Preliminary Plans (P)	4/8/2009
3.	Working Drawings (W)	12/1/2009
4.	Construction (C)	7/25/2011

Procurement Methods and Evaluation Criteria

The CMAR process was used for this project. Seven proposals were received from construction management firms. See Appendix B for a description of how the AOC selects construction management firms.

Project Costs

The AOC delivered this project for $1.3 million less than the final appropriation amount and $1.1 million less than the original appropriation amount.

The only cost increase on this project, an augmentation of the working drawings phase in the amount of $219,000 that was required to align the working drawings with the final construction scope, was included in the Budget Act of 2008 (FY 2008–2009). Some of the early planning for this project did not anticipate the full impact of the site development issues.

Table 6.3

Mammoth Lakes Courthouse—Appropriations and Project Costs

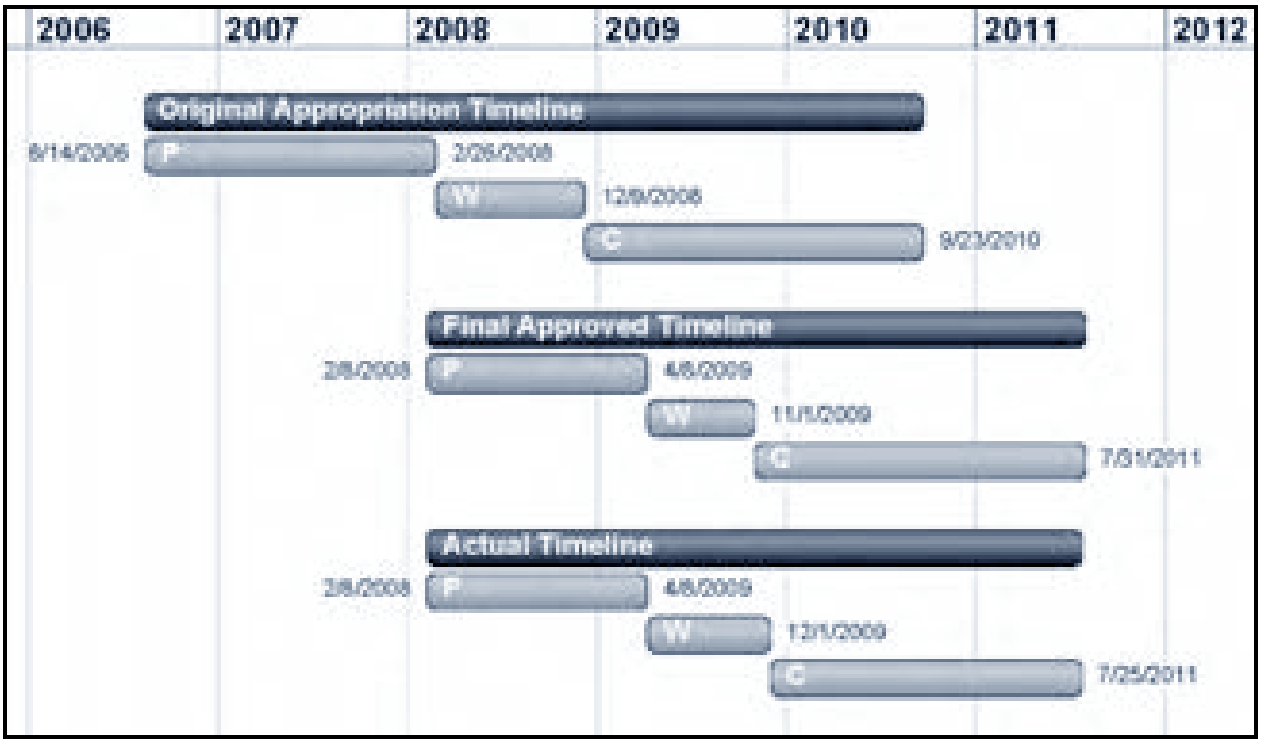
		Acquisition	Preliminary Plans	Working Drawings	Construction	Total
1.	**Original Appropriation**	$1,353,000	$702,000	$725,000	$18,523,000	$21,303,000
2.	**Final Appropriation**	$1,353,000	$702,000	$944,000	$18,523,000	$21,522,000
3.	**Actual Expenditure**	$1,347,859	$690,132	$830,825	$17,349,365	$20,218,181
4.	**Increase or (Savings) from Original Appropriation** (4 = 3 - 1)	($5,141)	($11,868)	$105,825	($1,173,635)	($1,084,819)
5.	**Increase or (Savings) from Final Appropriation** (5 = 3 - 2)	($5,141)	($11,868)	($113,175)	($1,173,635)	($1,303,819)

Project Timelines

As shown in Figure 6.1 below, this project was completed 1 week before the final approved completion date and 44 weeks after the originally scheduled completion date. The challenging site acquisition was accomplished under the provisions of section 206 of The Federal Land Policy Management Act of 1976 (43 U.S.C. § 1716), through a land exchange with the U.S. Forest Service (USFS) that originally involved the Town of Mammoth Lakes, the County of Mono, and the local hospital district. Ultimately, the hospital district dropped out of the transaction and the town and the county acquired land, which was exchanged for the courthouse site with the USFS and acquired at below market value by the AOC. The original timeline called for the site acquisition to be complete by August 2006. The acquisition was approved by the SPWB at their February 2008 meeting, which accounts for 78 weeks of delay. The actual project duration was compressed by 30 weeks compared to the originally scheduled project duration primarily by accelerating the design phases—19 weeks in preliminary plans and 7 weeks in working drawings.

Figure 6.1

Mammoth Lakes Courthouse—Timeline Comparison



Final Approved Timeline: Reappropriation of construction phase 7/1/2009

Judicial Branch Project Management Costs

Judicial branch project management costs are presented in Table 6.4 below. See Appendix C for the methodology used to calculate judicial branch project management costs. See Table 1.3 on page 7 for a summary of judicial branch project management costs for the six subject projects. Judicial branch project management costs accounted for 2.91 percent of total cost or 3.93 percent of construction cost for this project.

Table 6.4

Mammoth Lakes Courthouse—Judicial Branch Project Management Costs

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
AOC Employee Costs	$149,409	$94,066	$60,263	$239,327	$543,065
Consultant / Contractor Costs	$0	$0	$0	$45,838	$45,838
Totals	$149,409	$94,066	$60,263	$285,165	$588,903

Costs for Contractors

In this report, the costs for contractors are classified and calculated two ways as listed below.

Project contractors: all service providers and vendors including the construction contractor, with the following exceptions: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.

Construction contractor: the general contractor responsible for constructing the project.

Costs for contractors are shown in Table 6.5 below. Project contractor costs accounted for 92.0 percent of total cost of this project. The separate cost of the construction contractor accounted for 74.2 percent of the total aggregate project costs.

Table 6.5

Mammoth Lakes Courthouse—Costs for Contractors

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
Costs for Project Contractors (all service providers and vendors)	$38,432	$666,000	$825,530	$17,066,425	$18,596,387
Costs for Construction Contractor	$0	$0	$0	$15,000,315	$15,000,315
Total Actual Costs	$1,347,859	$690,132	$830,825	$17,349,365	$20,218,181
Project Contractor Costs as % of Actual Costs (all service providers and vendors)	2.9%	96.5%	99.4%	98.4%	92.0%
Construction Contractor Costs as % of Actual Costs	0.0%	0.0%	0.0%	86.5%	74.2%

Chapter 7
Lassen Superior Court Hall of Justice

Key Findings

This $34.5 million project was delivered for 11.4 percent less than the final appropriation amount, which was the same as the original appropriation amount. The actual completion date was 28 weeks after the final approved completion date, which was the same as the originally scheduled completion date. The delay was caused primarily by a transition from analog to digital technology by the manufacturer of the video and recording portions of the security system that required cost changes and redesign at a critical point in the construction schedule. See the Project Timelines section in this chapter for more detail on this topic. See key findings below for each of the six mandated information categories. More detail is provided in the body of this chapter.

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.

2. Procurement methods and evaluation criteria: The design-bid-build process was used for this project. Seven bids were received.

3. Project costs and increases: The AOC delivered this project for $4.4 million less than the final appropriation amount, which was the same as the original appropriation amount.

4. Original timeline and delays: This project was completed 28 weeks after the final approved completion date, which was the same as the originally scheduled completion date.

5. Judicial branch project management costs: Judicial branch project management costs accounted for 5.29 percent of total cost or 6.98 percent of construction cost for this project.

6. Contractor costs: Project contractor (all service providers and vendors) costs accounted for 96.7 percent of total cost of this project. The separate cost of the construction contractor accounted for 75.8 percent of the total aggregate project costs.

Project Description

The Lassen Superior Court Hall of Justice replaces the court's inadequate space in three buildings and provides the Superior Court of Lassen County with appropriate and accessible court space for all calendar types and related support services in the county seat.

Built in 1915, the Lassen County original one-courtroom courthouse, with its natural stone façade, is listed on the National Register of Historic Places. In 1991, the court expanded into the Court Annex, in a building originally intended for county offices and the public library. The court also leased space in a nearby building for the Access to Justice Self-Help Center.

The Historic Courthouse and Annex were functionally deficient, overcrowded, and among the worst in the state in terms of security and physical condition, hindering the public's access to court services. The new courthouse replaces the three existing court locations and consolidates all court services into one new courthouse. The 42,300-square-foot, two-story building includes space for court clerks, holding areas, and building support space.

Project Facts

Location:	2610 Riverside Drive in Susanville
Capacity:	3 courtrooms and 1 hearing room in 42,300 square feet
Project cost:	$34.5 million for all project costs, $30.3 million for construction
Funded by:	State Court Facilities Construction Fund (SCFCF), Trial Court Facilities Act of 2002 (SB 1732), which established a revenue source of court user fees for judicial branch courthouse projects.
Architect:	Lionakis
Contractor:	Clark and Sullivan
Timeline:	Received initial funding in FY 2007–2008. Construction began in August 2010 and was completed in April 2012. The building opened in May 2012.
More information:	*www.courts.ca.gov/facilities-lassen.htm*

Completion Dates for Project Milestones and Approvals

All necessary approvals were secured as shown in Table 7.1 below.

Table 7.1

Lassen Hall of Justice—Review and Approval Dates

	Description	Judicial Council	Governor (Dept. of Finance) Form DF 14D	Legislature (Annual Budget Act)	Review Dates for Local Courts	State Public Works Board
1.	Site Selection	2/27/2004 8/25/2006	3/14/2008	n/a	4/30/2008	6/13/2008
2.	Site Acquisition (A)	2/27/2004 8/25/2006	10/10/2008	9/28/2007	n/a	10/10/2008
3.	Preliminary Plans (P)	4/27/2007	8/14/2009	10/23/2008	7/28/2009	8/17/2009
4.	Working Drawings (W)	4/27/2007	5/11/2010	10/23/2008	1/22/2010	n/a
5.	Proceed to Bid	4/25/2008	5/11/2010	n/a	n/a	n/a
6.	Construction Contract Award (C)	4/25/2008	7/13/2010	10/12/2009	n/a	n/a

Legend for Review and Approval Dates

n/a = not applicable to this item

nba = DOF or SPWB action, not in annual budget act

ft = fund transfer

xx = day of month not available on State website

Completion dates for the contractor selection process and the project phases are shown in Table 7.2 below.

Table 7.2

Lassen Hall of Justice—Completion Dates for Milestones

Contractor Selection Process		
1.	Request for GC Qualifications / Proposals	3/30/2010
2.	Due Date for Qualifications / Proposals	4/20/2010
3.	Prequalified List and Invitation to Bid	4/28/2010
4.	Bids Received from Prequalified GCs	6/24/2010
5.	Notice of Intent to Award	6/30/2010
6.	Contract Executed	7/22/2010
Completion of Project Phases		
1.	Acquisition (A)	10/10/2008
2.	Preliminary Plans (P)	8/14/2009
3.	Working Drawings (W)	5/10/2010
4.	Construction (C)	4/10/2012

Procurement Methods and Evaluation Criteria

The design-bid-build process was used for this project. The AOC prequalified contractors, received seven bids, and awarded the contract to the lowest qualified bidder. See Appendix B for a description of how the AOC prequalifies contractors.

Project Costs

The AOC delivered this project for $4.4 million less than the final appropriation amount which was the same as the original appropriation amount.

There were no cost increases on this project.

Table 7.3

Lassen Hall of Justice—Appropriations and Project Costs

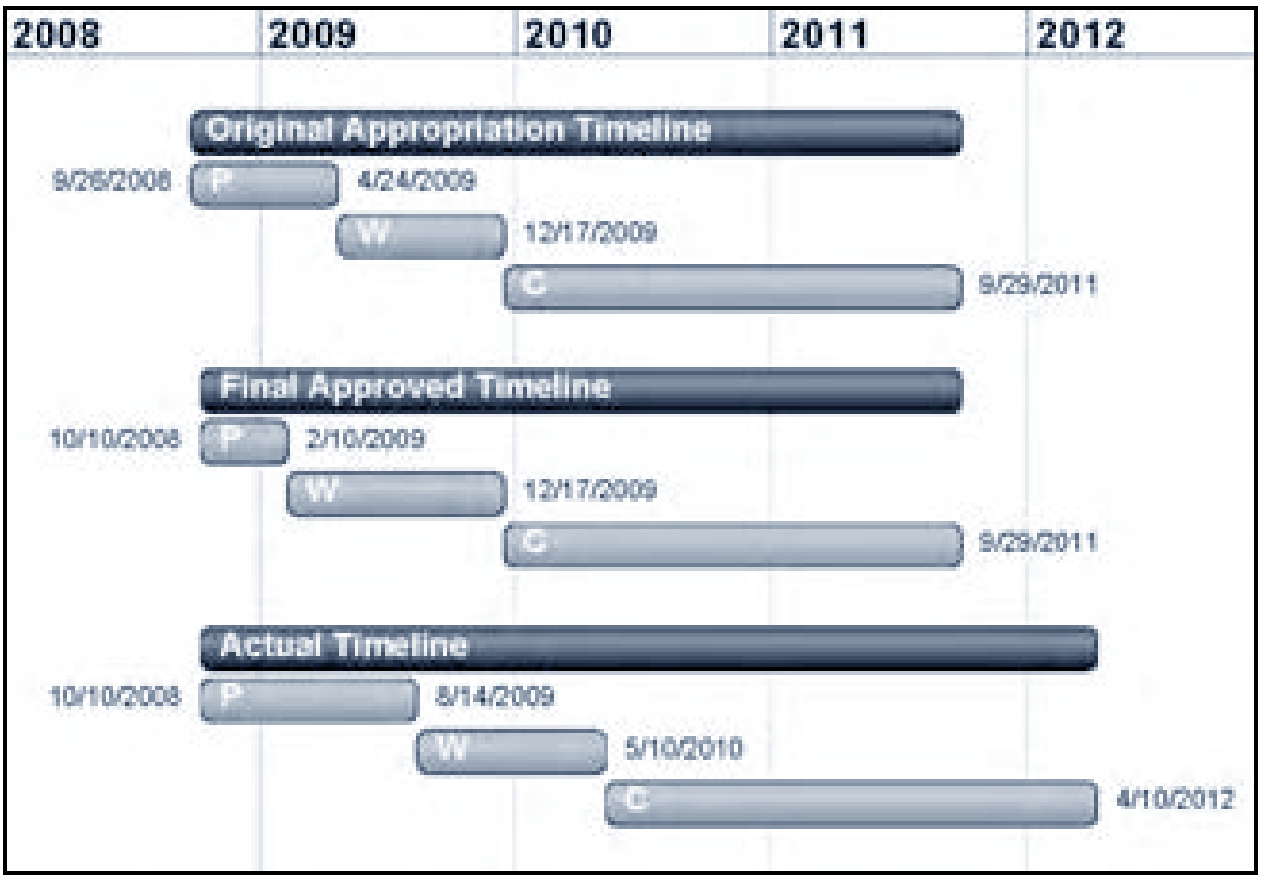
		Acquisition	Preliminary Plans	Working Drawings	Construction	Total
1.	**Original Appropriation**	$1,478,000	$1,465,000	$2,075,000	$33,919,000	$38,937,000
2.	**Final Appropriation**	$1,478,000	$1,465,000	$2,075,000	$33,919,000	$38,937,000
3.	**Actual Expenditure**	$932,826	$1,406,590	$1,838,052	$30,325,751	$34,503,219
4.	**Increase or (Savings) from Original Appropriation** (4 = 3 - 1)	($545,174)	($58,410)	($236,948)	($3,593,249)	($4,433,781)
5.	**Increase or (Savings) from Final Appropriation** (5 = 3 - 2)	($545,174)	($58,410)	($236,948)	($3,593,249)	($4,433,781)

Project Timelines

As shown in Figure 7.1 below, the project was completed 28 weeks after the final approved completion date, which was the same as the originally scheduled completion date. A primary cause for the delay was a transition from analog to digital technology by the manufacturer of the video and recording portions of the security system during the design/bid/construction period that created the need for review and approval of cost changes, redesign, new shop drawings, and manufacturer-required training for the installing subcontractor.

Figure 7.1

Lassen Hall of Justice—Timeline Comparison



Final Approved Timeline: Construction phase appropriation 7/1/2009

Judicial Branch Project Management Costs

Judicial branch project management costs are presented in Table 7.4 below. See Appendix C for the methodology used to calculate judicial branch project management costs. See Table 1.3 on page 7 for a summary of judicial branch project management costs for the six subject projects. Judicial branch project management costs accounted for 5.29 percent of total cost or 6.98 percent of construction cost for this project.

Table 7.4

Lassen Hall of Justice—Judicial Branch Project Management Costs

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
AOC Employee Costs	$225,432	$159,980	$88,464	$500,657	$974,533
Consultant / Contractor Costs	$0	$96,070	$125,580	$629,105	$850,755
Totals	$225,432	$256,050	$214,044	$1,129,762	$1,825,288

Costs for Contractors

In this report, the costs for contractors are classified and calculated two ways as listed below.

Project Contractors: all service providers and vendors including the construction contractor, with the following exceptions: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.

Construction contractor: the general contractor responsible for constructing the project.

Costs for contractors are shown in Table 7.5 below. Project contractor costs accounted for 96.7 percent of total cost of this project. The separate cost of the construction contractor accounted for 75.8 percent of the total aggregate project costs.

Table 7.5

Lassen Hall of Justice—Costs for Contractors

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
Costs for Project Contractors (all service providers and vendors)	$111,596	$1,406,590	$1,836,862	$30,008,550	$33,363,598
Costs for Construction Contractor	$0	$0	$0	$26,137,994	$26,137,994
Total Actual Costs	$932,826	$1,406,590	$1,838,052	$30,325,751	$34,503,219
Project Contractor Costs as % of Actual Costs (all service providers and vendors)	12.0%	100.0%	99.9%	99.0%	96.7%
Construction Contractor Costs as % of Actual Costs	0.0%	0.0%	0.0%	86.2%	75.8%

Appendix A

Text of SB 78 Section 22, Definition of Terms, and Information Categories Requested in SB 78

SB 78 Section 22

The text of section 22 of the bill is shown in courier font below. Terms defined in the next section of this appendix are bolded.

SEC. 22. (a) The Judicial Council shall report to the Joint Legislative Budget Committee by January 15, 2013, on the process, transparency, costs, and timeliness of its construction procurement practices. The information in this report shall include, but not be limited to, the following for each court construction project completed between January 1, 2008, and January 1, 2013:
(1) The dates that each step of the procurement and construction process was completed, including steps involving the seeking or selection of bidders or contractors, completion of the different phases of project design and construction, and **approvals** by local courts, the Judicial Council, the State Public Works Board, the Governor, and the Legislature.
(2) The criteria and factors used in evaluating contractors for prequalification as well as those used to evaluate bids, as well as the number of bids received for each procurement.
(3) Identification of all **project costs** for **each phase of design and construction**, including any **cost increases** and reasons for those increases.
(4) Identification of the **original project timeline** for each phase of design and construction, as well as all project **delays** and the reasons associated in causing the project delays.
(5) The total project management costs incurred by the Judicial Branch, including for existing staff who worked on each project, distinguished by **project activity**.
(6) The total costs paid for **contractors**, distinguished by project activity.
(b) Within 75 days of receiving the report required under subdivision (a), the Legislative Analyst's Office shall conduct an analysis of the findings and, based on information which shall be provided by the Department of General Services, compare the costs and timeliness of methods of delivery used by the judiciary to projects of comparable size, scope, and geographic location procured under the Public Contract Code provisions applicable to state agencies. At the request of the Legislative Analyst's Office, the Department of General Services shall provide the comparable information as that required of the Judicial Council in subdivision (a) for those projects managed by the Department of General Services.

Definition of Terms

SB 78 includes several terms, shown in bold in the bill text above, that could be defined in several ways. Below is a description of how terms are defined for the purpose of presenting the information and findings requested in SB 78 and as they are used in this report.

Actual Completion Date

While this term does not occur in the bill, it is defined here to establish the precise end date of the actual project timeline. The completion of the construction phase in the Actual Timeline shown in the Timeline Comparison Figure in each of the project-specific chapters is the date when occupancy was granted by the State Fire Marshal (SFM) in the form of a Temporary Certificate of Occupancy followed by a Certificate of Occupancy.

Approval

In connection with approval dates described in section 22(a)(1), "approval" by the Department of Finance (DOF) shall constitute approval by the Governor, and approval by the Joint Legislative Budget Committee or inclusion in the annual budget act shall constitute approval by the Legislature.

Contractors

In connection with section 22(a)(6), "contractors" shall be defined as all service providers and vendors involved with the project. In the Costs for Contractors table in each of the project-specific chapters, the separate cost of the construction contractor is also provided.

Cost Increase/Project Costs/Each Phase of Design and Construction

In connection with section 22(a)(3), a "cost increase" shall be defined as costs exceeding the amount of the original appropriation request for each phase, at the time the subject phase was actually requested. "Project costs" presented in this report include site acquisition (A) phase costs as well as costs for "each phase of design and construction," which are preliminary plans (P), working drawings (W), and construction (C).

Original Project Timeline and Delay

In connection with section 22(a)(4), the "original project timeline" is the timeline presented in the capital outlay budget change proposal (COBCP) that is the basis of the budget act appropriation and "delay" is measured against the original project timeline and is calculated by comparing the original completion date for each phase of design and construction (P, W, and C) with the actual completion dates. The final approved timeline is also represented, along with the original and actual timelines, in the Timeline Comparison figure in each of the project-specific Chapters 2 through 7. The final approved timeline is the timeline presented in the final project action or funding request approved by the DOF or the SPWB. The overall timelines represent the time period between the start of preliminary plans and the completion of construction. As set forth in the State Administrative Manual (SAM), Section 6853 – Award Construction Contract, and Section 6854 – Construction, the construction (C) phase begins with the approval of working drawings and proceed to bid, and thus includes bid and award activities.

Project Activity

In connection with section 22(a)(5) and (6), “project activity” shall mean the typical phases of a state capital project, which are site acquisition (A), preliminary plans (P), working drawings (W), and construction (C).

Information Categories Requested in SB 78

SB 78 requests six categories of information about the relevant projects as summarized below and reported in more detail in Chapters 2 through 7.

Section 22(a)(1) – Completion Dates for Project Approvals and Milestones

The following milestones in the approval, construction procurement, and phases of project delivery are documented.

Approvals for Capital Project Phases

1. Site Selection
2. Site Acquisition
3. Preliminary Plans
4. Working Drawings/Proceed to Bid
5. Construction Contract Award
6. Scope Changes, Augmentations, Reversions, and Redirections

Construction Procurement Contractor Selection Process

1. Request for qualifications and proposal (RFQ/P) for construction managers at risk (CMAR) or prequalified general contractors (GC)
2. Due date for qualifications/proposals
3. Shortlist for interviews
4. Interviews
5. Prequalified list and invitation to bid (DBB process omits steps 3 and 4)
6. Bids received from prequalified GCs
7. Notice of intent to award (CMAR process omits steps 5 and 6)
8. Contract executed

Phases of Project Delivery

1. Site Acquisition (A)
2. Preliminary Plans (P)
3. Working Drawings (W)
4. Construction (C)

Section 22(a)(2) – Procurement Methods and Evaluation Criteria

The following two construction procurement methods were used by OCCM to deliver the capital projects covered by this report.

1. Construction manager at risk with guaranteed maximum price
2. Design-bid-build with a select list of prequalified general contractors

Each method is described in Appendix B. The method used and the number of bids received are presented in each project-specific chapter.

Section 22(a)(3) – Project Costs/Increases

Project costs are taken directly from job cost accounting reports generated by OCCM Business and Finance Unit. The Appropriations and Project Costs table in each project-specific chapter shows the original appropriation amount, the final appropriation amount, and the actual expenditure for each as well as increases or savings from appropriation amounts. The original appropriation amount refers to the original amount appropriated in the annual budget act for each phase. The final appropriation amount refers to the sum of the original appropriation amount and all subsequent changes to that amount as contained in the annual budget act or as approved by the DOF or the SPWB. Changes to the original appropriation amount can be augmentations, reversions, or redirections (from one phase to another). Some changes to the original appropriation amount, within the guidelines set forth in the SAM, may be approved independently by the DOF or the SPWB and do not appear in the annual budget act. Cost increases are listed and reasons for cost increases are described.

Section 22(a)(4) – Original Timeline/Delays

The original project timeline, the final approved timeline, and the actual timeline are presented graphically including start and finish dates for each phase. The completion of the construction phase in the Actual Timeline shown in the Timeline Comparison figure in each of the project-specific chapters is the date when occupancy was granted by the State Fire Marshal (SFM) in the form of a Temporary Certificate of Occupancy followed by a Certificate of Occupancy.

Section 22(a)(5) – Judicial Branch Project Management Costs

Internal judicial branch project management costs are estimated through a combination of direct estimation for project managers, planners, real estate analysts, and construction inspectors, and a cost model for other AOC staff who contributed to the management of the capital projects. See Appendix C for the calculation methodology.

Section 22(a)(6) – Contractor Costs

Costs for contractors are taken directly from job cost accounting reports generated by the OCCM Business and Finance Unit.

Appendix B
Procurement Methods and Evaluation Criteria

Judicial Branch Procurement Methods and Evaluation Criteria

When procuring design and construction services, the AOC operates under two policy documents as described below.

Court Facilities Contracting Policies and Procedures

This document was adopted by the Judicial Council on December 7, 2007, and fulfills the mandate of the Trial Court Facilities Act of 2002 (Gov. Code, §§ 70301–70404) and the California Government Code concerning the adoption of independent contracting policies and procedures for acquisition and development of court facilities by the Judicial Council in consultation with the state Department of Finance. Its opening comprehensive policy statement is included below.

> To provide Californians the best value initially and over the long-term operational life of court facilities the Administrative Office of the Courts (AOC) will follow competitive practices as set forth in these policies and procedures when contracting with qualified firms and individuals for products and services to be used in the planning, acquisition, design, construction, operation, and maintenance of trial and appellate court facilities.

These policies and procedures emphasize qualifications-based selection (QBS) processes and affirm that "contracts must provide for contemporary delivery methods and best practices related to facilities planning, acquisition, design, construction, operations, and maintenance of court facilities."

AOC / OCCM Internal Procedure 3.40–Delivery Method and Contractor Selection

This document was implemented on July 28, 2009, with the intent "that a project delivery method be selected which results in the best value for the court, the Judicial Branch and all Californians." As stated in its opening paragraph below, this procedure sets up a framework that allows flexibility in delivery methods and selection process and allows considerable discretion on the part of OCCM management.

> Selecting a project delivery method is a strategic decision made by OCCM management. Once decided, a project manager determines the selection criteria and proceeds with the solicitation and selection process. The *Court Facilities Contracting Policies and Procedures* grants flexibility to OCCM in both delivery methods and the selection process.

Delivery Methods Utilized for SB 78 Report Subject Projects

Of the delivery methods made available in OCCM's Internal Procedure 3.40, the AOC employed two processes, as described below, for construction procurement on the courthouse capital projects covered by this report: construction manager at risk (CMAR) and design-bid-build (DBB) with a list of prequalified general contractors.

The CMAR process is employed because it has the following advantages in delivering these complex, design-intensive projects: early focus on design issues, construction advice and cost review during the design process, careful oversight of costs and schedule, early cost commitments, and opportunities to shorten the overall project schedule.

The design-bid-build process is used when the project conditions are present that make it expedient and advisable. In projects that are smaller in size (1- to 5-courtroom projects) with simpler design demands, less complexity, rural regional location, increased general contractor pool, or increased familiarity with the DBB process by the project team, the prequalified design-bid-build project delivery method may be elected as an alternative to the CMAR delivery method. The project manager must work together with OCCM management in the analysis of the project type, size, location, and competitive market conditions to determine if this project delivery type best serves the project and the pursuit of the best overall value. It should be noted that every project is unique and that this is not a delivery method that should be used exclusively on all small projects; however, this is a long-standing traditional method of project delivery that can be successful and cost effective if properly managed by experienced professionals. This process was used for the Plumas/Sierra Regional Courthouse and the Lassen Superior Court Hall of Justice.

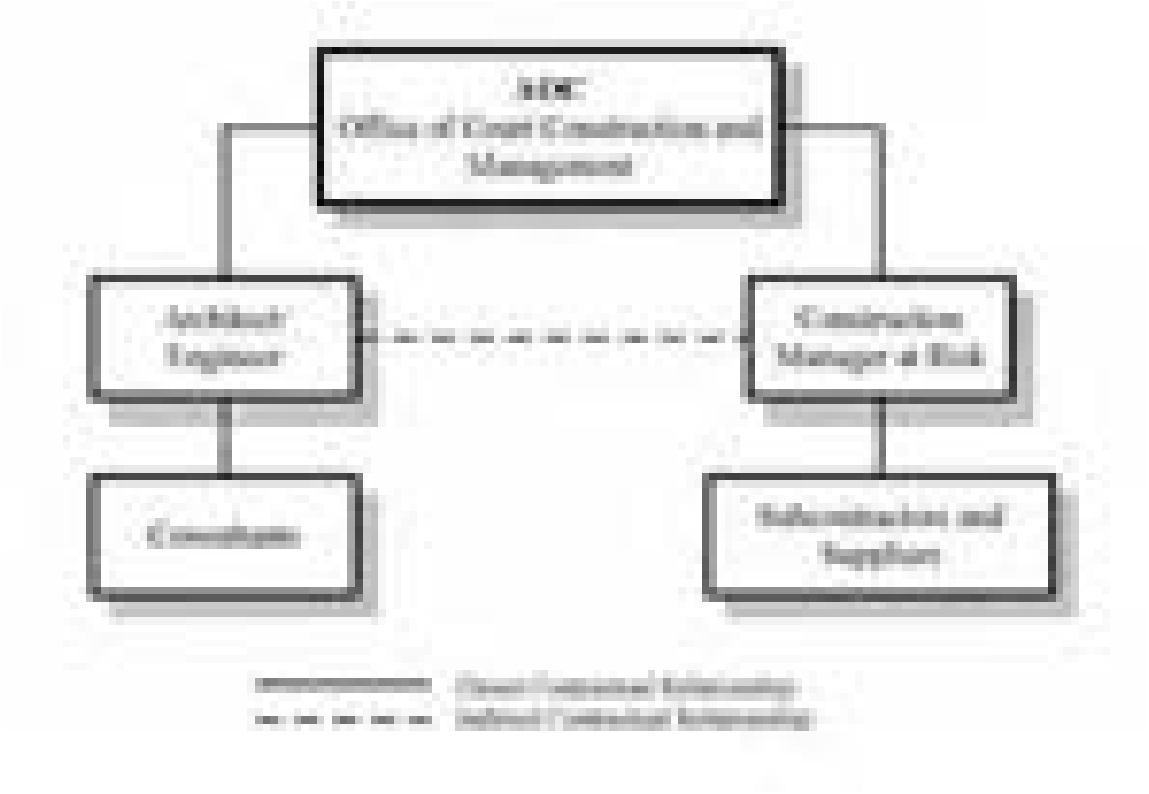
Construction Manager at Risk

Construction, by nature, is complicated to manage due to fluctuating material pricing, workloads and workforces, changing building regulations and variable inspection processes, all of which have significant budgetary implications. Construction management is a broad term covering a variety of project delivery scenarios in which a construction manager is added to the building team to oversee scheduling, cost control, constructability, project management, building technology, bidding or negotiating construction contracts, and construction.

When the construction manager serves as constructor, the role of general contractor is added to the CM's standard management tasks. The construction manager assumes all the liability and responsibility of the general contractor, which is why this method is also known as construction manager at risk. This method combines the qualities of several other approaches. It offers the direct contractual relationship between owner and architect of traditional methods, the advisory benefits of CM as advisor, and the early cost commitment characteristic of design-build. The CMAR is hired early in the design process to deliver an early cost commitment and to manage

issues of schedule, cost, construction, and building technology. The owner benefits from the simplicity of one contract with a single entity for the entire construction process. The contractual relationships are illustrated in Figure B.1 below.

Figure B.1
CMAR Relationship Diagram



AOC's CMAR Procurement Process

The AOC issues a request for qualifications and proposals (RFQ/P) via its website. Written qualifications and proposals are submitted to the AOC for review. A shortlist is established after review of the responsive written submissions. The short-listed firms are then interviewed by a team comprising AOC staff, court staff, and architectural firm staff. Only AOC staff and court staff contribute scores; the architectural firm staff serves in an advisory capacity. The criteria used to evaluate the written qualifications and the interview presentations are shown in Figure B.2 below.

Figure B.2

Judicial Branch Construction Procurement Evaluation Criteria

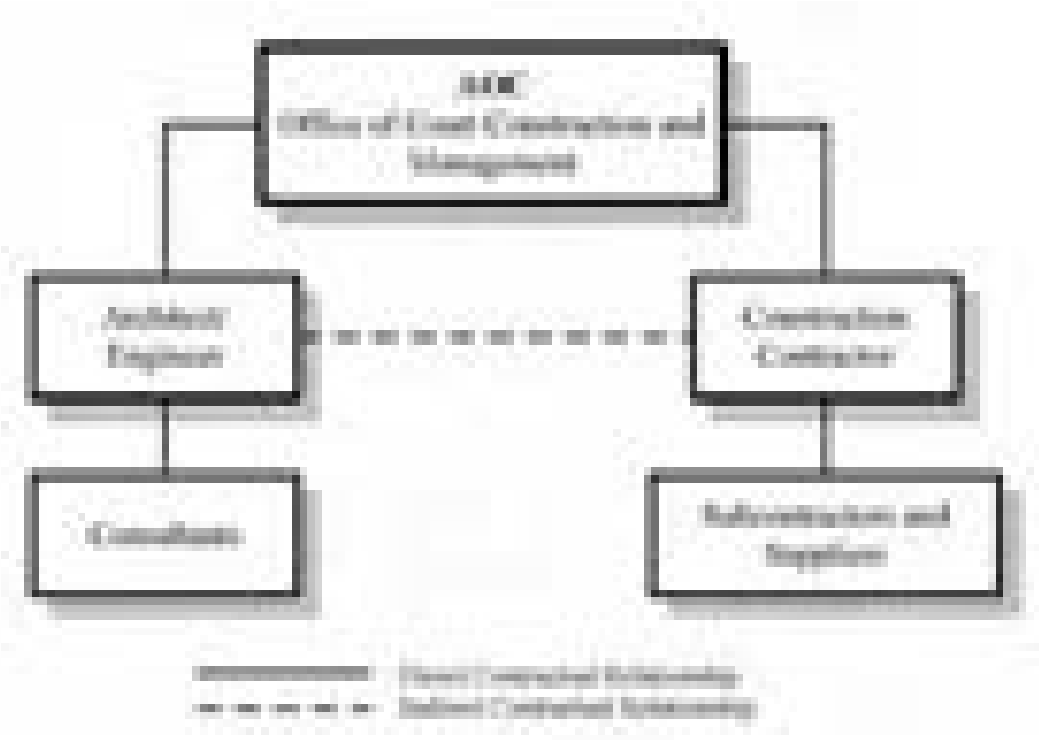
Financial Strength, Safety Record, and Claims Avoidance	Firm-Wide Qualifications and Experience	Project Personnel Qualifications and Experience	Project Plan (Including Local Trade Involvement)	Total
20%	30%	30%	20%	100%

The proposal portion of the written submission contains amounts for preconstruction services, construction services, and a mark-up percentage to be applied to the value of all construction subcontracts. The final selection is made by combining the qualitative evaluation of the written submissions and interview presentations with the quantitative proposal to arrive at a cost per unit of quality. This portion of the process closely follows paragraph IV(D)(3)(d) of the *Court Facilities Contracting Policies and Procedures*, which states: "The AOC may review the compensation or product cost portion of a proposal, if one exists, as the sole criterion (as in the traditional low-bid model) or as a weighted criterion, or it may request that the compensation portion of the proposal be placed in a separate envelope for consideration independently or at a later date." The CMAR contract is offered to the firm with the lowest cost per unit of quality. The successful CMAR firm works with the architect and the AOC project manager to create bid packages best suited to the local trade market and administers a bid process involving multiple bids for each bid package (trade or combination of trades). The trade contractors responsible for delivering each bid package are represented by the subcontractors and suppliers in Figure B.1 above. Competitive pricing for the required construction work is achieved through this bid process.

Design-Bid-Build with a List of Prequalified General Contractors

The traditional and most common form of project delivery is design-bid-build. It is a familiar way of working for all parties in the building industry. This project delivery method is characterized by its three phases (captured in the name design-bid-build) by its two independent contracts with the owner, and by the linear phasing of the work. There are three prime players: owner, architect, and contractor as illustrated in Figure B.3 below.

Figure B.3
Traditional Design-Bid-Build Relationship Diagram



For decades, this traditional method was automatically assumed to be the best approach to project delivery. More recently, cost and scheduling pressures have pushed the owner's interests in other directions. In the DBB process, the phases are organized end-to-end. For example, the construction documents must be complete before the general contractors can submit bids. While many aspects of design and construction might be undertaken in a parallel fashion in the CMAR process, restrictions imposed by the DOF on procuring a critical scope of work before the guaranteed maximum price is agreed upon diminish this potential time advantage. The potential for disputes and change orders is exacerbated by the independence of architect and contractor. The AOC mitigates the potentially adversarial nature of this delivery option by prequalifying general contractors and by adding a CM as advisor to the team.

AOC's Design-Bid-Build Procurement Process

A process similar to that described above for the CMAR process is used to establish a shortlist of prequalified general contractors. The firms on this list are invited to submit sealed bids on the project. The construction contract is offered to the firm with the lowest responsive bid. The CM advisor is retained by the AOC early in the design process to help with cost estimating and constructability.

Appendix C

Judicial Branch Project Management Costs

Introduction

The purpose of this appendix is to explain how the judicial branch project management costs for its Capital Construction Program (Capital Program) were allocated to the six subject projects. These costs are displayed in Table 1.3 in the Executive Summary and in the Judicial Branch Project Management Costs table in each of the project-specific, Chapters 2–7.

The Capital Program is one of the responsibilities of the Administrative Office of the Courts (AOC), the staff agency of the Judicial Council. The AOC has one office dedicated to the Capital Program, the Judicial Branch Capital Program Office (Capital Program Office), some offices that support the capital program although this is not their primary mission (see note 2 under Table C.1), and some offices that have no connection to the Capital Program.

The fall 2012 reorganization of the AOC includes dividing the former Office of Court Construction and Management (OCCM) into the Judicial Branch Capital Program Office and the Office of Real Estate and Facilities Management. To accurately present the full project management costs of the six projects reviewed in this report, the analysis includes staff costs as attributed to OCCM.

Judicial branch project management costs comprise the sum of the four components displayed in Table C.1 below. The direct and indirect costs for AOC employees include salaries and wages, all employee benefits, and standard allocation of operating expenses and equipment.

Table C.1

Cost Components of Judicial Branch Project Management Costs

	Cost Type	Judicial Branch Program	Allocation Basis	Description
1.	Direct	OCCM	Actual Hours Worked	AOC OCCM employees: project managers, associate project managers, planners, real estate analysts, and construction inspectors
2.	Direct	OCCM	Actual Cost	Outside firms providing project management services in support of the AOC OCCM project manager
3.	Indirect	OCCM	Pro Rata Share	AOC OCCM units[1] that provide support functions to the capital projects
4.	Indirect	AOC (Non-OCCM)	Pro Rata Share	Non–OCCM AOC units[2] that provide support functions for the capital projects

Notes for Table C.1

[1] AOC OCCM units that provide support functions to the capital projects:

1. Executive Management Team
2. Risk Management
3. Business and Finance
4. Environmental Analysis and Compliance
5. Appellate and AOC Facilities

[2] Non–OCCM AOC units that provide support functions for the capital projects:

1. Security and Emergency Response
2. Legal Services – Real Estate Unit
3. Governmental Affairs – Facilities
4. Education – Court Facilities
5. Fiscal – Accounting
6. Fiscal – Business Services
7. Fiscal – Budget
8. Information and Technology Services – Technical Support – OCCM
9. Information and Technology Services – Desktop Support – OCCM
10. Human Resources Services – Labor and Employee Relations
11. Human Resources Services – Recruitment, Classification, Strategy, and Policy Development

For the six subject projects, direct project management costs accounted for 74 percent, and indirect project management costs accounted for 26 percent, of the total judicial branch project management costs, as displayed in Table C.2 below.

Table C.2

Judicial Branch Project Management Costs—Proportion Direct / Indirect

Project Name / Delivery Method	Direct Costs	Indirect Costs	Total Project Management Costs
Court of Appeal, 4th Appellate District, Division 3 / CMAR	$880,037	$462,086	$1,342,122
	66%	34%	100%
Plumas/Sierra Regional Courthouse / DBB	$305,557	$151,528	$457,085
	67%	33%	100%
B. F. Sisk Courthouse / CMAR	$1,030,100	$475,760	$1,505,860
	68%	32%	100%
Richard E. Arnason Justice Center /CMAR	$1,042,304	$392,349	$1,434,653
	73%	27%	100%
Mammoth Lakes Courthouse / CMAR	$441,302	$147,601	$588,903
	75%	25%	100%
Lassen Superior Court Hall of Justice / DBB	$1,570,589	$254,699	$1,825,288
	86%	14%	100%
Totals	**$5,269,890**	**$1,884,023**	**$7,153,913**
	74%	**26%**	**100%**

Definitions

Direct Costs

Costs that can easily be identified to a program. For this report direct costs are developed from actual hours worked by project managers, associate project managers, planners, real estate analysts, and construction inspectors and actual the cost of outside firms providing project management services in support of the AOC OCCM project managers.

Indirect Costs

Costs that by their nature cannot be readily associated with a specific organization unit or program. Like general administrative expenses, indirect costs are distributed, through the use of a formula, to the organizational units or programs that benefit from their incurrence. See notes for Table C.1 for functional units that contributed indirect costs to the Capital Program.

Calculation of Judicial Branch Project Management Costs

Judicial branch project management costs include direct and indirect components. The direct costs, such as those for project managers, associate project managers, planners, real estate analysts, construction inspectors, and outside firms providing project management services, are added to the indirect costs to yield the total project management costs. Below is a description of how the indirect costs are distributed to the projects.

Allocation Methodology for Indirect Costs

The indirect component of judicial branch project management costs were calculated by the process described below.

1. Obtain from accounting reports the cost of non-OCCM AOC units that provide support functions for the Capital Program.
2. Obtain from accounting reports the total cost of all OCCM units.
3. Calculate the cost of each OCCM unit as a percentage of OCCM's total cost as displayed in Table C.3. For example, as shown in Table C.3, in FY 2010–2011, the OCCM Executive Management Team accounted for 4.56 percent of OCCM's total cost. This percentage is used in the next step to calculate the pro rata share of the non–OCCM AOC support units' costs to be distributed to each OCCM unit.
4. To obtain the total indirect cost of each OCCM unit by fiscal year, distribute the pro rata share of the total cost of the non–OCCM AOC support units to each OCCM unit based on its percentage of OCCM's total cost (calculated in step 3 above). For example, as shown in Table C.3, in FY 2010–2011, the OCCM Executive Management Team accounted for 4.56 percent of OCCM's total cost, so 4.56 percent of the non–OCCM AOC support unit costs for FY 2010–2011 were distributed to the OCCM Executive Management Team. This calculation was repeated for each of the 10 OCCM units.
5. Add the total indirect costs (calculated in step 4 above) of the five OCCM units that support the Capital Program (see note 1 under Table C.1) to obtain the total indirect costs to be distributed to the project phases.
6. Calculate the direct project management cost of each project phase as a percentage of OCCM's total cost, as displayed in Table C.4. For example, in FY 2010–2011 the cost of the Construction (C) phase of the B. F. Sisk Courthouse accounted for 0.14 percent of OCCM's total cost.
7. To obtain the pro rata share of the total indirect costs for each project phase, multiply the total indirect cost calculated in step 5 by the percentage calculated in step 6. These indirect costs are displayed in Table C.2 above.

Table C.3

Proportional Cost of OCCM Functional Units by Fiscal Year

OCCM Units	FY 2003–04	FY 2004–05	FY 2005–06	FY 2006–07	FY 2007–08	FY 2008–09	FY 2009–10	FY 2010-11
1. Executive Management Team	18.50%	14.83%	8.35%	8.91%	8.38%	4.48%	5.19%	4.56%
2. Risk Management	0.00%	0.00%	0.00%	0.00%	2.13%	3.33%	4.38%	6.60%
3. Business Finance	1.76%	3.52%	4.40%	4.07%	4.80%	5.21%	5.23%	6.22%
4. Planning and Policy	0.22%	2.09%	2.10%	3.49%	1.76%	6.28%	5.07%	4.46%
5. Design and Construction	6.65%	27.47%	22.34%	24.96%	23.54%	19.95%	19.88%	18.88%
6. Real Estate	2.47%	10.82%	9.13%	10.83%	8.76%	7.06%	7.03%	5.78%
7. Facilities Management AOC Statewide Operating Unit	2.29%	8.90%	23.11%	22.47%	21.09%	27.14%	37.52%	35.30%
8. Environmental Analysis and Compliance	2.28%	5.45%	4.76%	5.02%	3.74%	1.80%	2.43%	2.40%
9. Portfolio Administration	0.00%	0.00%	1.48%	2.68%	11.90%	18.11%	7.49%	10.45%
10. Apellate and AOC Facilities	65.83%	26.94%	24.32%	17.58%	13.90%	6.65%	5.78%	5.36%
Totals	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Table C.4

Proportional Cost of Direct Staff Time by Project and Phase

Fiscal Year	Project Phase	Court of Appeal, 4th App. District, Division 3	Richard E. Arnason Justice Center	B. F. Sisk Courthouse	Mammoth Lakes Courthouse	Plumas Sierra Regional Courthouse	Lassen Superior Court Hall of Justice
2003–04	**A**	2.45%	0.00%	0.00%	0.00%	0.00%	0.00%
	P	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	W	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	C	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
2004–05	**A**	1.49%	0.00%	0.00%	0.00%	0.00%	0.00%
	P	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	W	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	C	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
2005–06	**A**	0.10%	1.05%	0.08%	0.01%	0.37%	0.00%
	P	1.49%	0.00%	0.00%	0.00%	0.00%	0.00%
	W	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	C	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
2006–07	**A**	0.00%	1.08%	0.33%	0.55%	0.81%	0.00%
	P	0.67%	0.00%	0.11%	0.00%	0.00%	0.00%
	W	0.45%	0.00%	0.00%	0.00%	0.00%	0.00%
	C	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
2007–08	**A**	0.00%	0.19%	0.05%	0.26%	0.17%	0.73%
	P	0.00%	0.81%	0.65%	0.15%	0.26%	0.00%
	W	0.03%	0.00%	0.95%	0.00%	0.13%	0.00%
	C	1.50%	0.00%	0.63%	0.00%	0.00%	0.00%
2008–09	**A**	0.00%	0.00%	0.00%	0.00%	0.00%	0.21%
	P	0.00%	0.00%	0.00%	0.27%	0.00%	0.66%
	W	0.00%	0.53%	0.00%	0.10%	0.11%	0.00%
	C	1.48%	0.76%	1.93%	0.08%	0.40%	0.00%
2009–10	**A**	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	P	0.00%	0.00%	0.00%	0.00%	0.00%	0.09%
	W	0.00%	0.00%	0.00%	0.17%	0.00%	0.40%
	C	0.09%	1.91%	1.83%	0.44%	0.15%	0.15%
2010–11	**A**	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	P	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	W	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	C	0.00%	0.69%	0.14%	0.45%	0.00%	1.05%
2011–12	**A**	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	P	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	W	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	C	0.00%	0.00%	0.00%	0.03%	0.00%	0.80%

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

June 30, 2014

Hon. Hannah-Beth Jackson
Chair, Senate Judiciary Committee
State Capitol, Room 2187
Sacramento, California 95814

Hon. Lois Wolk
Chair, Senate Budget and Fiscal Review
Subcommittee #3
State Capitol, Room 5019
Sacramento, California 95814

Hon. Bob Wieckowski
Chair, Assembly Judiciary Committee
1020 N Street, Room 104
Sacramento, California 95814

Hon. Reginald Jones-Sawyer, Sr.
Chair, Assembly Budget Subcommittee #3
State Capitol, Room 6026
Sacramento, California 95814

Re: Governor George Deukmejian Courthouse: Evaluation of Cost Effectiveness, as required under Senate Bill 71 (Committee on Budget and Fiscal Review; Stats. 2013, ch. 11)

Dear Senator Jackson, Senator Wolk, Assembly Member Wieckowski, and Assembly Member Jones-Sawyer:

Attached is the Judicial Council report required under Senate Bill 71 on the cost-effectiveness of the Governor George Deukmejian Courthouse.

If you have any questions related to this report, please contact Ms. Kelly Quinn, Assistant Director, AOC Business and Planning, Judicial Branch Capital Program Office, 415-538-1078, kelly.quinn@jud.ca.gov.

Very truly yours,

Steven Jahr
Administrative Director of the Courts

SJ/PM
Attachment
cc: Members of the Judicial Council
Diane F. Boyer-Vine, Legislative Counsel
Gregory P. Schmidt, Secretary of the Senate
E. Dotson Wilson, Chief Clerk of the Assembly
Margie Estrada, Policy Consultant, Office of Senate President pro Tempore Darrell Steinberg
Fredericka McGee, Deputy Chief of Staff/General Counsel, Office of Assembly Speaker Toni G. Atkins
Anita Lee, Fiscal & Policy Analyst, Legislative Analyst's Office
Tina McKee, Executive Secretary, Legislative Analyst's Office
Greg Rogers, Asst. Program Budget Manager, Department of Finance
Madelyne McClain, Program Budget Analyst, Department of Finance
Jason Haas, Program Budget Analyst, Department of Finance
Peggy Collins, Principal Consultant, Joint Legislative Budget Committee
Julie Salley-Gray, Consultant, Senate Budget and Fiscal Review Committee
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Glenn Vasel, Principal Consultant, Assembly Appropriations Committee
Benjamin Pulver, Chief Counsel, Senate Judiciary Committee
Mike Petersen, Consultant, Senate Republican Policy Office
Drew Liebert, Chief Counsel, Assembly Judiciary Committee
Paul Dress, Consultant, Assembly Republican Policy Office
Curtis L. Child, Chief Operating Officer, Administrative Office of the Courts (AOC) Judicial and Court Operations Services Division
Cory T. Jasperson, Director, AOC Office of Governmental Affairs (AOCA)

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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

STEVEN JAHR
Administrative Director of the Courts

Report title: *Governor George Deukmejian Courthouse: Evaluation of Cost Effectiveness*

Statutory citation: Senate Bill 75 (Stats. 2013, ch. 31) Code section: Multiple[1]

Date of report: June 30, 2014

The Judicial Council/Administrative Office of the Courts has submitted a report to the Legislature in accordance with Sen. Bill 75 (Stats. 2013, ch. 31).

The following summary of the report is provided under the requirements of Government Code section 9795.

Senate Bill 75, enacted June 27, 2013, requires the Judicial Council to assess and compare the Governor George Deukmejian Courthouse in Long Beach, a performance-based infrastructure project, with three other court construction projects delivered using traditional procurement methods to address whether the PBI approach for the project was cost-effective compared to the traditional approach for the other projects. Although this report provides information on three other projects, the most valuable comparison is to the San Bernardino Justice Center, which is of a similar quality and scale, with 35 courtrooms. The two other completed projects examined—the Richard E. Arnason Justice Center in Pittsburg and the South County Justice Center in Porterville—are the next largest of the new courthouse projects completed by the judicial branch and have only 7 and 9 courtrooms, respectively.

[1] An act to amend section 116.232 of the Code of Civil Procedure, to amend sections 12419.10, 68086, 68502.5, 68511.7, 70628, and 77203 of, and to add section 68502.6 to, the Government Code; to amend sections 1203.2, 1229, 1230, 1231, 1232, 1233, 1233.1, 1233.15, 1233.2, 1233.3, 1233.4, 1233.6, 1233.61, and 3000.08 of, and to repeal section 1233.8 of, the Penal Code; to amend, repeal, and add section 19210 of the Public Contract Code; and to amend section 903.45 of the Welfare and Institutions Code, relating to courts, and making an appropriation therefor, to take effect immediately, bill related to the budget.

The evaluation of cost-effectiveness is based on a comparison of the following key features of the Governor George Deukmejian Courthouse project and the San Bernardino Justice Center comparator project, which was delivered using the construction manager at risk method:

1. Project schedules
2. Construction costs
3. Design and construction processes
4. Judicial branch project management costs
5. Risk allocation and transfer
6. Operating costs

The report is composed of the main body in 54 pages, including a 4-page executive summary, followed by four appendixes in 36 pages, for a total of 90 pages, and covers approximately $773 million of total project cost.

The full report can be accessed here: *www.courts.ca.gov/7466.htm*. A printed copy of the report may be obtained by calling 415-865-4900.

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Governor George Deukmejian Courthouse: Evaluation of Cost-Effectiveness

REPORT TO THE CALIFORNIA LEGISLATURE
AS REQUIRED BY SENATE BILL 75
(STATS. 2013, CH. 31)
JUNE 2014

APPROVED BY THE JUDICIAL COUNCIL:
JUNE 27, 2014

ADMINISTRATIVE OFFICE
OF THE COURTS

JUDICIAL AND COURT OPERATIONS
SERVICES DIVISION

JUDICIAL BRANCH CAPITAL PROGRAM OFFICE

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Executive Summary

Purpose of Report

Senate Bill 75 (Committee on Budget and Fiscal Review; Stats. 2013, ch. 31) requires the Judicial Council to assess and compare the Governor George Deukmejian Courthouse in Long Beach, a performance-based infrastructure (PBI) project, with three other court construction projects delivered using traditional procurement methods to address whether the PBI approach for the project was cost-effective compared to the traditional approach on other projects. Although this report provides information on three other projects, the most valuable comparison is to the San Bernardino Justice Center, which is of a similar quality and scale, with 35 courtrooms. The two other completed projects examined—the Richard E. Arnason Justice Center, in Pittsburg, and the South County Justice Center, in Porterville—are the next largest of the new courthouse projects completed by the judicial branch and have only 7 and 9 courtrooms, respectively.

Key Findings Summary

Schedule

The Governor George Deukmejian Courthouse was designed and constructed nearly two years faster than the San Bernardino Justice Center for two main reasons. First, the design-build (DB) delivery method used as part of the PBI process allowed for design and construction phases to overlap. In addition, construction activities were fast-tracked.[1] The Administrative Office of the Courts' (AOC's) traditional construction manager at risk[2] (CMR) delivery method, which was used by the AOC on the three comparator projects, requires sequential approvals of preliminary design, working drawings, bidding, and construction phases, taking more time to complete than fast-track DB. Second, PBI uses readily available private financing, which is not subject to the timing of state bond sales, which drive the construction start date for state-financed construction projects and can produce delays. The San Bernardino Justice Center construction start was delayed by nine months because of a cancelled bond sale.

Construction Cost

The AOC delivered all four new courthouses under budget, saving the state over $71 million. The hard construction costs of the Governor George Deukmejian Courthouse and the San

[1] When the design and construction phases overlap rather than follow in sequence, the process is called fast-tracking. The overall project calendar is reduced by awarding construction contracts before design documentation is complete. The potential time savings and thus cost savings are offset by risks, which must be carefully considered and allocated by the parties.

[2] An overview of this procurement approach is included in Appendix A.

Bernardino Justice Center are almost identical, with the Governor George Deukmejian Courthouse costing 0.15 percent more per square foot. Three factors add value to the Governor George Deukmejian Courthouse: (1) mechanical and electrical equipment configurations were designed to alleviate failure and avoid service payment deductions; (2) infrastructure was designed for future conversion of leased office space to six courtrooms; (3) and significantly more holding cells are included to accommodate future expansion in the number of courtrooms.

Project Delivery Method

The two methods used to develop the four projects studied, PBI for the Governor George Deukmejian Courthouse and CMR for the other three projects, valued and supported collaboration throughout the design, construction, and operations transition processes, resulting in projects with predictable budget management and minimal change orders related to coordination of documents. Each method relied on competitive procurement with multiple proposers.

Application of the *California Trial Court Facilities Standards*

The Judicial Council's *California Trial Court Facilities Standards* (the Standards) were applied to each project and resulted in new courthouses of predictable quality, function, and cost irrespective of delivery method. The four subject projects align favorably with the target ranges in the Standards for square feet per courtroom, floor area efficiency factors, and volume-to-area ratio.

Judicial Branch Project Management Costs

Project management for courthouse capital projects is provided by the AOC's Judicial Branch Capital Program Office, primarily by AOC employees and sometimes with assistance from outside firms. For the four projects reviewed in this report, judicial branch project management costs accounted for 1.69 percent of the total aggregate project costs or 1.89 percent of the hard construction costs.[3]

Implementation of the Project Agreement

The project company for the Governor George Deukmejian Courthouse, Long Beach Judicial Partners (LBJP), carried out the project agreement effectively and met all of its requirements concerning schedule, design and construction processes, change orders, and quality control.

Value for Money Assumptions

The assumptions about site, timing, and capital costs of the Governor George Deukmejian Courthouse, as defined in the project's final Value for Money (VfM) analysis, dated January 24,

[3] Throughout this report, project management costs are calculated for the development phase of the projects, through occupancy only.

2011, were valid.[4] The assumptions about project risks were also valid, with no additional costs passed to the AOC in excess of the original allocation. The successful refinancing in December 2013 indicates that the financing assumptions were also valid. It is too early in the service period to make definitive assessments of operating costs and revenues.

Operation and Maintenance

The project agreement for the Governor George Deukmejian Courthouse requires the project company to operate and maintain the new courthouse for 35 years and then return it to state ownership in a specified condition[5] and requires that the project payments to the project company be reduced if these terms are not met. The project company, not the AOC, has assumed the risk of operating and maintaining this facility to a high level for the 35-year duration of the project agreement. Because the San Bernardino Courthouse opened in May 2014 and the Governor George Deukmejian Courthouse has been operating for less than one year, a comparison of actual operating and maintenance costs cannot be provided in this report.

Organization and Use of This Report

This report contains this executive summary, a chapter that provides more detail on the cost-effectiveness of the Governor George Deukmejian Courthouse compared to the San Bernardino Justice Center, and four project-specific chapters. The project-specific chapters, 2 through 5, provide key findings and the four categories of information specified in SB 75 for each project. Appendix A contains the text of SB 75 section 27 and definitions of terms used in this report. Appendix B describes the methodology used to normalize construction costs. Appendix C provides the detailed risk table for the Governor George Deukmejian Courthouse. Appendix D describes the methodology used to calculate judicial branch project management costs.

Sources of Information

Information in this report came from the following documents: the annual state Budget Act, agendas and meeting minutes of the State Public Works Board (SPWB) and the Judicial Council, written authorization from the California Department of Finance (DOF) to proceed or encumber funds, correspondence between the AOC's Judicial Branch Capital Program Office (JBCPO) and the DOF, Capital-Outlay Budget Change Proposals (COBCPs), monthly progress reports

[4] This analysis is a comparison of the risk-adjusted whole-life-cycle cost of the project procured as a PBI compared with the risk-adjusted whole life-cycle cost of the project as if it was were procured as a design-bid-build (DBB), which is the public sector comparator (PSC). The comparison is done on a net present value (NPV) basis to facilitate a consistent comparison of costs because the costs to the state occur at different points in time under each procurement option. The NPV of each of the procurement methods is compared to determine which would provide the best value to the State.

[5] The project agreement specifies a facility condition index of 0.15.

completed by the JBCPO project managers, correspondence between the JBCPO and the local courts, interviews with the JBCPO project managers, interviews with staff of the AOC Office of Real Estate and Facilities Management (OREFM), and interviews with key members of the project company.

Chapter 1
Comparative Assessment of Cost-Effectiveness: Governor George Deukmejian Courthouse and San Bernardino Justice Center

Introduction

The most useful comparison for the purpose of this report is to compare the Governor George Deukmejian Courthouse to the San Bernardino Justice Center, which are of a similar quality and size and were built in similar construction markets at roughly the same time. This report presents both quantitative and qualitative factors to determine cost-effectiveness. Table 1.1 presents a summary of key aspects of cost-effectiveness for the Governor George Deukmejian Courthouse and the San Bernardino Justice Center.

Table 1.1
Summary of Comparative Assessment of Cost-Effectiveness

	George Deukmejian Courthouse Long Beach, CA	San Bernardino Justice Center San Bernardino, CA
Courtrooms	31	35
Court Area (PGSF)	416,000	383,745
Delivery Method	PBI	CMR
Project schedule		
Overall duration[6]	51 months	74 months
Construction[7]	28 months	38 months
Construction costs[8]	$279,280,431	$257,233,486
Hard construction costs per square foot	$671	$670
Risk transfer and allocation[9]	Highly Favorable	Moderately Favorable
Operating Cost	Operating less than one year	Operating less than one year

PGSF = program gross square feet

[6] Release of Governor George Deukmejian Courthouse request for proposals corresponds with the start of the Preliminary Plans phase on CMR projects.
[7] The schedule for the Governor George Deukmejian Courthouse was driven by incentives to receive revenues, which was achievable only upon occupancy.
[8] Hard construction costs spent to date, adjusted for unique features, time, location, and market conditions.
[9] For the San Bernardino Justice Center, the AOC retained all realized major risks and retains future major risks.

Cost-Effectiveness Comparison

The evaluation of cost effectiveness presented below is based on a comparison of the following key features of the Governor George Deukmejian Courthouse project and the San Bernardino Justice Center comparator project, which was delivered using the CMR method:

1. Project schedules
2. Construction costs
3. Design and construction processes
4. Judicial branch project management costs
5. Risk allocation and transfer
6. Operating costs

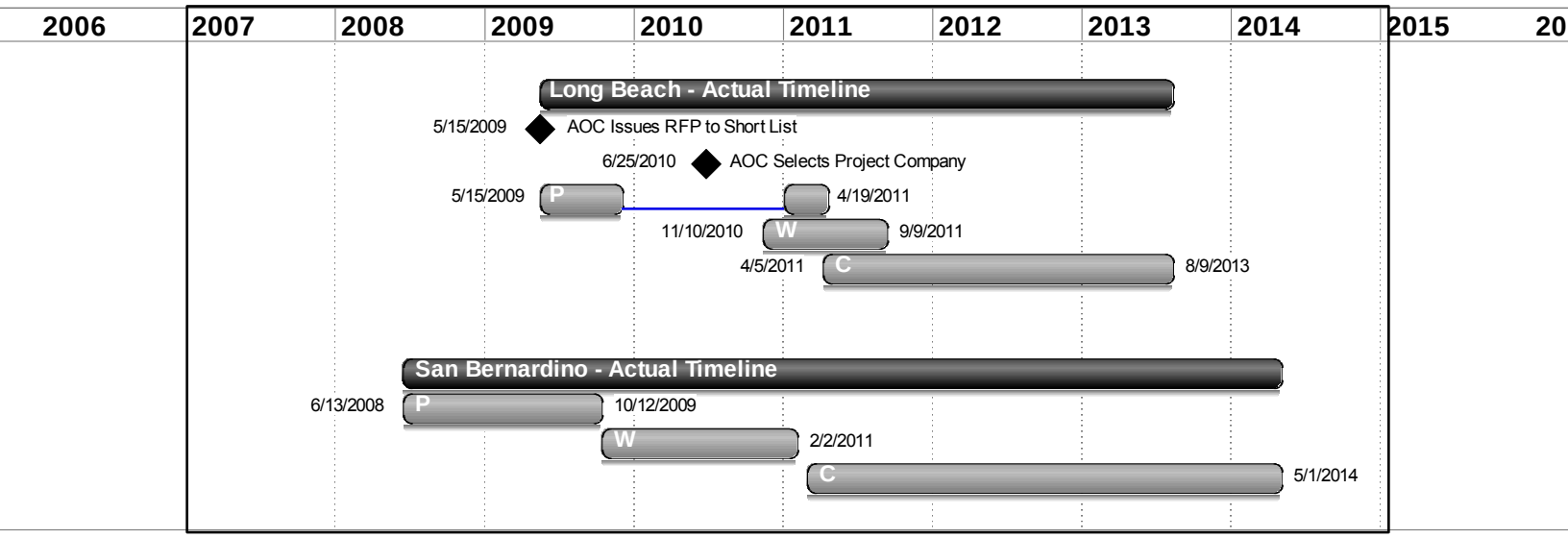
Project Schedules

The Governor George Deukmejian Courthouse was designed and constructed 23 months faster than the San Bernardino Justice Center for two main reasons: first, the DB delivery used within the PBI process allowed for design, approvals, and construction phases to overlap or be fast-tracked. The AOC's traditional CMR delivery method, which was used by the AOC on the San Bernardino Justice Center, requires sequential approvals of Preliminary Plans, Working Drawings, bidding, and Construction phases, taking more time to complete than fast-track DB. Second, PBI used private financing, which was readily available and not subject to the timing of state bond sales that drive the construction start date for state-financed construction projects and can result in delays. The San Bernardino Justice Center construction start was delayed by nine months as a result of a cancelled bond sale. One of the benefits of PBI is that private financing is not subject to twice-per-year bond issuances, which currently affect the schedules of all courthouse capital projects that rely on bond sales to finance construction. With PBI, risk of this type of schedule delay is entirely eliminated.

This analysis considers the starting point for the Governor George Deukmejian Courthouse project as the release date of the request for proposals (RFP), when the design process for the three short-listed proposers and thus for the successful proposer actually began. By comparison, the starting point for the San Bernardino Justice Center is considered to be the start of the Preliminary Plans phase, as shown in the actual timeline (see figure 1.1, Project Timeline Comparisons).[10]

[10] The timelines begin with the start of design because SB 75, section 27(f)(2) requests the timeline information "…for each phase of design and construction ….". Time required for site acquisition and procurement of design services is not included in the project timelines.

Figure 1.1
Project Timeline Comparisons



P = Preliminary Plans phase; W = Working Drawings phase; C = Construction phase.

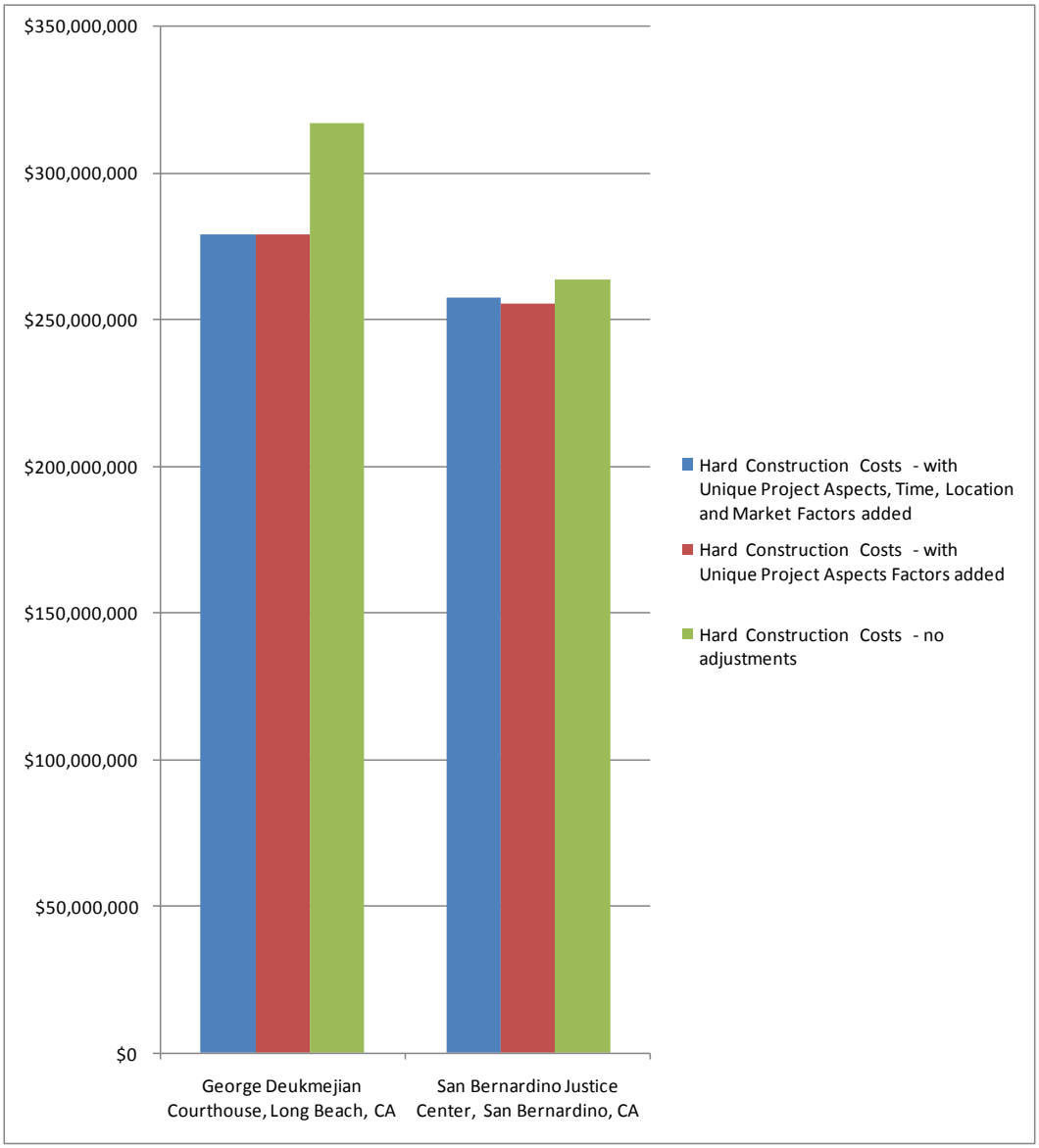
Construction Costs

To provide a meaningful comparison, the AOC adjusted construction costs for both the Governor George Deukmejian Courthouse and the San Bernardino Justice Center to account for differences in unique project features, time, location, and market conditions. See Appendix B for the detailed financial comparison methodology used in this report. Final fully adjusted hard construction costs are shown in table 1.2 and figure 1.2 below.

Table 1.2
Summary of Adjustments for Time, Location, and Market Factors

		George Deukmejian Courthouse Long Beach, CA	San Bernardino Justice Center San Bernardino, CA
A	Adjusted hard construction cost	$279,280,431	$255,617,772
B	Time factor	1.000	1.065
C	Location factor	1.000	1.000
D	Market factor	1.000	0.945
E	Combined factor (BxCxD=E)	1.000	1.007
F	Total adjustment (AxE=F)	$0	$1,615,714
G	Adjusted hard construction cost normalized for time, location and market (A+F=G)	$279,280,431	$257,233,486

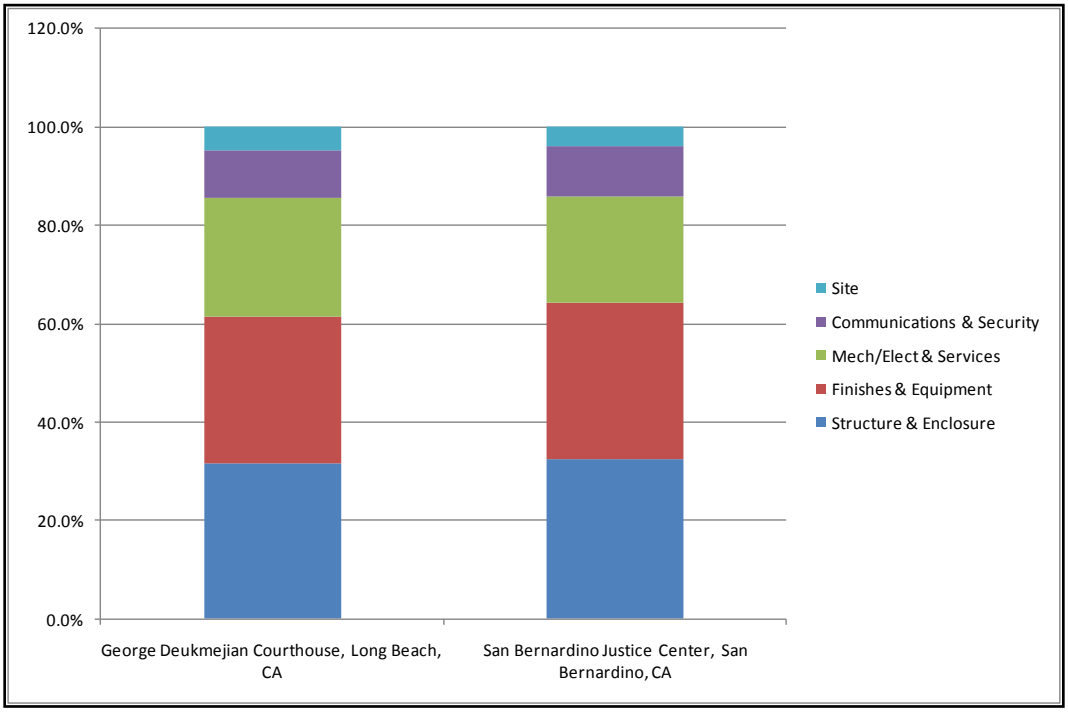
Figure 1.2
Summary of Hard Construction Costs With All Adjustment Factors Applied



Even though the per-square-foot hard construction costs for the Governor George Deukmejian Courthouse and the San Bernardino Justice Center are nearly identical, three factors add value to the Governor George Deukmejian Courthouse: (1) mechanical and electrical equipment configurations were designed to alleviate failure and avoid service payment deductions; (2) infrastructure was designed for future conversion of leased office space to six courtrooms; and (3) significantly more holding cells are included to accommodate future expansion in the number of courtrooms.

The portion of costs allocated to five major building elements is very consistent for both projects. See figure 1.3 below.

Figure 1.3
Allocation of Adjusted Subcontractor Costs by Major Building Elements



Design and Construction Processes

The PBI approach maximizes partnership and collaboration in the design, construction, and operations process. A focus on predictable operations and maintenance over the building lifespan is an inherent quality of the PBI approach and is required because the project company not only must base its design on the needs of the public agency, but is also accountable to meet standards of maintenance, repair, and replacement over an extended period of time. This approach requires maximum collaboration and accountability and demonstrates cost-effectiveness by meeting long-term operations and management obligations over the 35-year term of the project agreement.

The CMR approach to design and construction is considered more effective than less collaborative forms of procurement. The partnership created by preconstruction involvement of the CMR in the design process has been identified as a significant driver for cost-effectiveness because of increased predictability and greater accountability. This process also allows for significant operator input (the AOC representing the *operator* in terms of daily building management and long-term obligations), which is likely to result in reduced long-term operations and maintenance costs.

To ensure competitive construction procurement, a sufficient number of interested and qualified firms must submit proposals on the work. A reasonable industry standard for the minimum number of qualified proposals to produce an acceptably competitive procurement is three for the PBI process and four for the CMR process. The lower industry standard for the PBI process is because PBI proposals are proportionately more expensive for the proposers to produce and for the owner to evaluate. The AOC obtained three qualified proposals for the Governor George Deukmejian Courthouse (PBI), with the proposers selected from a field of 12 firms that submitted qualifications, and four qualified proposals for the San Bernardino Justice Center (CMR), with the proposers selected from a field of 6 firms that submitted qualifications.

The design process for all new courthouses recently completed or now in design and construction in California—regardless of delivery method—is informed by design standards, including sustainability requirements, and complies with applicable codes and ordinances. In April 2006, the Judicial Council adopted the *California Trial Court Facilities Standards,* which are applied to all projects managed by the judicial branch. These Standards promote buildings that have long-term value and attempt to maximize value to the State of California by balancing the aesthetic, functional, and security requirements of courthouse design with the budget realities of initial construction cost and the long-term life-cycle costs of owning and operating institutional buildings. Application of the Standards provides uniform and predictable quality, functionality, and cost.

The Standards require that all new courthouse projects be designed for sustainability and, at a minimum, to the standards of a Leadership in Energy and Environmental Design (LEED™) 2.1 "Certified" rating. Depending on the project's program needs and construction cost budget, projects may be required to meet the standards for a LEED™ 2.2 "Silver" rating. The sustainability levels achieved for the projects are shown in table 1.3 below.

Table 1.3
Achieved Sustainability Levels

Project Name	Sustainability Level Achieved	Certified by U.S. Green Building Council?
Governor George Deukmejian Courthouse	LEED™ Silver	Submitted
San Bernardino Justice Center	LEED™ Silver	Submitted

LEED™ = Leadership in Energy and Environmental Design, a program of the U.S. Green Building Council.

The Standards establish targets for area efficiency factors, relative building volume ratios, and building area per courtroom. Figure 1.4 below illustrates the relationships between net square feet, component gross square feet, and building gross square feet and the resulting target efficiency factors.

Figure 1.4
Courthouse Efficiency Factors

The relative building volume ratio is the result of dividing the building volume (cubic feet) by the building gross square feet, with a target range of 14–16. The target range for building area per courtroom is 9,000 to 14,000 building gross square feet. Table 1.4, below, shows that the subject projects are within the ranges stated in the Standards, with the following exceptions.

The reasons for the building volume ratio of 19 for the Governor George Deukmejian Courthouse are the floor-to-floor heights of 20 feet in the basement and 17.5 feet in the rest of the building, in addition to the multistory public lobby. The height in the basement is required for access by the large vehicles used by the sheriff for in-custody transport. The floor-to-floor heights in the rest of the building were set by the DB team to facilitate the construction operations and future maintenance.

The net and component gross square feet efficiency factors are slightly below the target range in the San Bernardino Justice Center. The variance is in the range of 3 to 5 percent.

Table 1.4
Courthouse Efficiency Table

			Target Ranges From the Standards	George Deukmejian Courthouse Long Beach, CA	San Bernardino Justice Center San Bernardino, CA
	Court-only space				
A	*Number of courtrooms*			31	36
B	*Net square feet*			251,049	208,483
C	*Component gross square feet*			309,106	264,313
D	*Building gross square feet (court only)*			416,000	383,745
E	*Building gross square feet per courtroom*	(D÷A=E)	9,000 to 14,000	13,419	10,660
	Noncourt space				
F	*Net square feet*			69,400	0
G	*Component gross square feet*			85,450	0
H	*Building gross square feet*			115,000	0
	Entire building				
I	*Total net square feet*	(B+F=I)		320,449	208,483
J	*Net square feet efficiency factor*	(I÷P=J)	57% to 65%	60%	54%
K	*Component gross square feet factor*	(L÷I=K)	1.09 to 1.30*	1.23	1.27
L	*Total component gross square feet*	(C+G=L)		394,556	264,313
M	*Component gross square feet efficiency factor*	(L÷P=M)	71% to 74%	74%	69%
O	*Overall grossing factor*	(P÷L=O)	1.35 to 1.41*	1.35	1.45
P	*Total building gross square feet (court and noncourt)*	(D+H=P)		531,000	383,745
Q	*Building volume (cubic feet)*			10,271,814	6,205,559
R	*Building volume ratio*	(Q÷P=R)	14 to 16	19	16

**Ranges for grossing factors are not stated in the Standards. These grossing factor ranges correspond to the efficiency factor ranges from the Standards.*

Judicial Branch Project Management Costs

As shown in table 1.5 below, the project management costs for the Governor George Deukmejian Courthouse and the San Bernardino Justice Center accounted for 1.48 percent of the total aggregate project costs, or 1.63 percent of the hard construction costs. The project management costs for each project are very similar but a slightly higher percentage for the Governor George Deukmejian Courthouse because of the resources required to create the project agreement. See the Judicial Branch Project Management Costs table in the project-specific

chapters, 2–5, for more detail and Appendix D for a detailed explanation of the methodology used to estimate these costs.

Table 1.5
Judicial Branch Project Management Costs

Project Name/Delivery Method	Employee[11]+ Consultant[12] Costs	Percentage of Project Costs	Percentage of Construction Costs	Total Project Costs	Construction Contract Amount
Governor George Deukmejian Courthouse/PBI[13]	$5,378,754	1.55%	1.70%	$346,725,495	$317,158,517
San Bernardino Justice Center/CMR[14]	$4,095,649	1.39%	1.55%	$295,098,492	$263,644,613
Totals and Averages	$9,474,403	1.48%	1.63%	$641,823,987	$580,803,130

Risk Allocation and Transfer

In the case of the Governor George Deukmejian Courthouse Project, the risks allocated to the project company include those for design, construction, and operations. By contrast, the CMR held risks related only to construction of the San Bernardino Justice Center.

The project company managed its risks exclusively, and the AOC had neither the ability nor the contractual right to track the actual impacts or how they were managed. The project agreement provided adequate commercial protection for both parties, and both parties were responsible to manage their individual internal risks. The project company was wholly responsible for the cost of any such risk that they retained, and no additional costs were passed to the AOC in excess of those that were originally allocated.

In this PBI, a significantly greater proportion of risk was transferred to the project company than was transferred and held by the CMR in the San Bernardino Justice Center. In either procurement approach, bidders quantify their retained risks and build the cost into their bid price. Transferring more risk to the contractor therefore requires the AOC to indirectly fund more risks, whether or not they occur. When risks are transferred, the AOC benefits because the contractor is responsible for any cost in excess of the cost included in the bid. This method also removes the uncertainty of the risks' impacts, which can be substantial and potentially in excess of available AOC funds. In the case of the Governor George Deukmejian Courthouse, cost-effectiveness was achieved not just through greater risk transfer than under the CMR delivery model, but because of the nature and magnitude of the risks transferred. Certain significant risks—such as schedule,

[11] Includes project manager, associate project manager, planner, real estate analyst construction inspector, and all AOC employee positions that support capital project delivery.
[12] Includes outside firms providing project management.
[13] Performance-based infrastructure.
[14] Construction manager at risk.

design review, unforeseen conditions in the renovation of the existing parking structure, parking revenue, and landlord revenue risk for the noncourt space—were in fact realized and absorbed by the project company. Going forward, the project company is responsible for all ongoing maintenance and life-cycle risk. In the PBI delivery method, both the ongoing operating parameters and the condition of the facility at hand-back are defined in the contract, and therefore adequate funding must be provided for operation and maintenance. Transferring these risks is beneficial to the AOC over the long term. See table 1.6 for a summary of project-risk responsibilities and Appendix C for a complete analysis matrix of project risks associated with the Governor George Deukmejian Courthouse.

Table 1.6
Risk Allocation Table

Risk	George Deukmejian Courthouse Long Beach, CA	San Bernardino Justice Center San Bernardino, CA
Financial security of manufacturers and major subcontractors	LBJP	CMR
Subsurface conditions	LBJP/AOC	AOC
Utility relocation	LBJP/AOC	AOC
Change in law/code	LBJP	AOC
Plan check/permitting uncertainty	LBJP	CMR/AOC
Insurance	LBJP	CMR
County fees	LBJP	AOC
Off-site improvements	LBJP	CMR
Commissioning	LBJP	AOC
Punch list	LBJP	CMR/AOC
Landlord risk	LBJP	N/A
Parking revenue risk	LBJP	N/A
Labor disputes	LBJP	CMR
Post-occupancy AOC involvement	AOC	AOC
Future expansion	LBJP	AOC
Subcontractor cost overruns	LBJP	CMR
Post-warranty work	LBJP	AOC
Life-cycle and maintenance (building degradation)	LBJP	AOC

LBJP[15]/CMR/AOC = Risk Retained by LBJP/CMR/AOC

[15] Long Beach Judicial Partners, the project company.

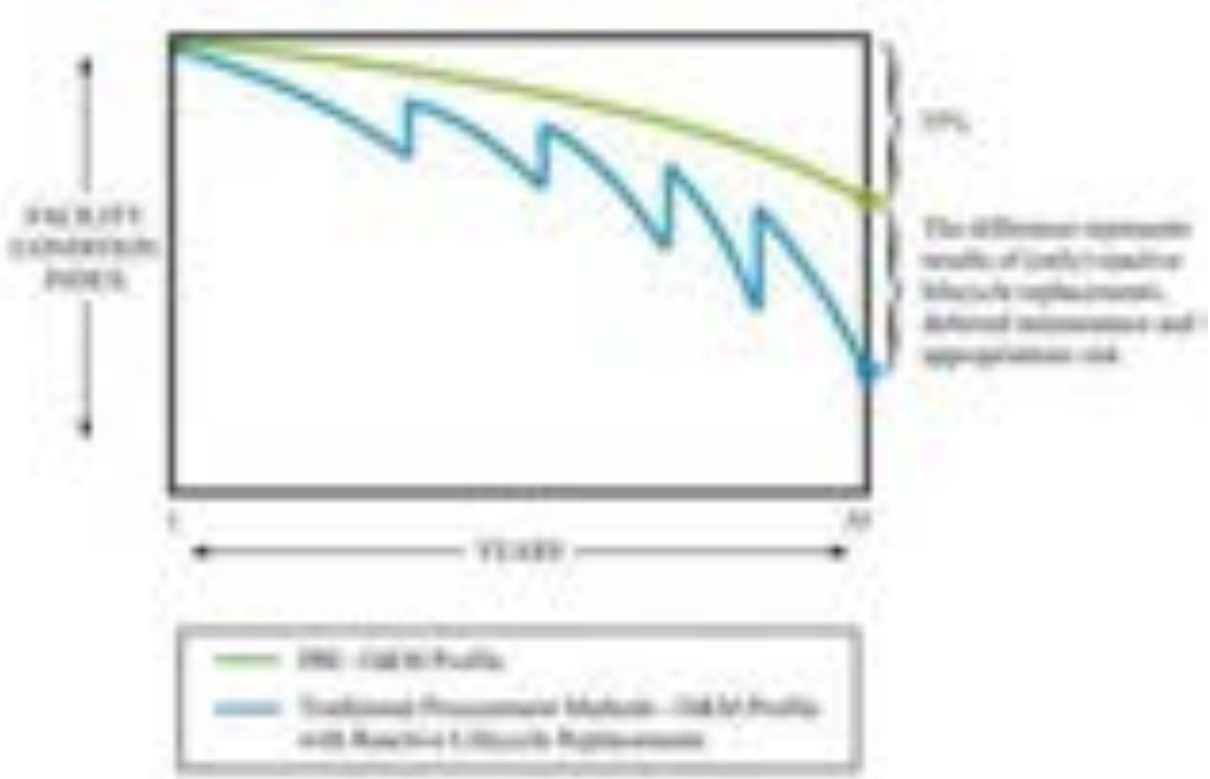
Operating Costs

The project company, not the AOC, has assumed the risk of operating and maintaining the Governor George Deukmejian Courthouse to a specified level for the 35-year duration of the project agreement.[16] This is, in fact, a key feature of the PBI delivery method. Because the San Bernardino Courthouse recently opened and the Governor George Deukmejian Courthouse has been operating for less than one year, a comparison of actual operating and maintenance costs cannot be provided in this report. Future operating-cost obligations are identifiable as part of the Governor George Deukmejian Courthouse service payments; however, the San Bernardino Justice Center opened in May 2014 and has not been in operation long enough to provide any actual cost data.

The AOC retains full cost responsibility under CMR delivery for building life-cycle and ongoing maintenance of the San Bernardino Justice Center. Although the AOC budget requests for routine operation and maintenance are based on comparable facility condition index standards as required for the Governor George Deukmejian Courthouse, such requests are subject to appropriations risk. Furthermore, life-cycle replacements are not included in these annual budget requests but are addressed reactively. By comparison, the Governor George Deukmejian Courthouse is subject to performance and availability requirements, enforced over time through use of the contractually delineated deduction mechanism in which service payments are reduced due to nonperformance. This commercial requirement eliminates appropriations risk and guarantees a level of quality higher than that which can be reasonably expected under the CMR delivery method. The impact of this funding disparity can be seen in Figure 1.5 below, which illustrates how reactive and fluctuating life-cycle investment results in a higher rate of facility condition index degradation over time than does investment under the PBI approach.

[16] The project agreement specifies a facility condition index of 0.15.

Figure 1.5
Effect of Continuous Investment in a Facility Under PBI and
Traditional Procurement Methods on Facility Condition Index



Chapter 2
Governor George Deukmejian Courthouse, Long Beach

Project Background

The old Long Beach Courthouse was functionally and physically deficient, ranking among the worst in the State in terms of security and overcrowding. The building was outdated, overcrowded, not able to meet the State's current needs—and therefore incapable of meeting the region's growing demand for court services.[17]

The Governor George Deukmejian Courthouse project was procured under a public-private-partnership delivery method, also referred to as performance-based infrastructure, or PBI, whereby the new courthouse is governed by a long-term agreement between the project company and the AOC. Under this project agreement, the project company is responsible for designing, building, financing, commissioning, operating, and maintaining the new courthouse.

Project Description

The Governor George Deukmejian Courthouse is located at 275 Magnolia Avenue, Long Beach, a six-acre site one block northwest of the previous courthouse. The project site was acquired under a property exchange agreement with the City of Long Beach Redevelopment Agency.[18]

The five-story building houses 31 courtrooms, as well as court administration offices, Los Angeles County judicial agency lease space, and retail leasable space. The building includes below-grade detention facilities and separate secure parking for judges. A five-level, open atrium, enclosed on the two exterior perimeters by a cable-supported glass curtain wall system, serves as the single entry point for all building occupants and provides access to a secured exterior courtyard. Clad in a deeply articulated curtain wall and elements of stone, the project spans two city blocks in downtown Long Beach. In addition to constructing the new building, the project team also renovated and expanded an existing 399,000-square-foot parking structure built in 1974. The courthouse was designed to qualify for the LEED™ Silver certification by the U.S. Green Building Council.

[17] Although an option to renovate and expand the existing facility was considered, it was determined to be infeasible due to the age, physical condition, and functional issues present in the existing courthouse. To address the major functional issues, a complete gutting and renovation would have been required. Furthermore, the temporary relocation of the entire court staff and judicial officers during construction would have been prohibitively expensive.
[18] The agreement executed in September 17, 2009, exchanged existing court building property of approximately three3 acres was for the approximately six-6 acre building site plus a payment of $7 million from the City. The existing parking structure, owned by the State, was not a part of the property exchange agreement.

Design of the new facility is consistent with the Standards, with a scale that is compatible to, and consistent with, nearby office buildings. To manage pedestrian traffic and security, the only public entrance is located near the corner of Magnolia and West Broadway, near the pedestrian entrance to the parking garage.

Security features include:

1. A secured below-ground sally port, enabling sheriff's deputies to drive into and park as many as three prisoner buses in a secured area to transfer in-custody detainees into and out of the courthouse;

2. Electronic security systems for door control, video surveillance, and personal attack alarms throughout the building and site;

3. Separate hallways, exit stairs, and elevators for the public, staff, and in-custody detainees; and

4. Between each pair of courtrooms, seven holding cells that allow separation of different classifications of in-custody detainees for the benefit of improved efficiency and safety of sheriff's deputies.

Project Facts

Location:	275 Magnolia Avenue, Long Beach, California
Capacity:	31 courtrooms, with space for future expansion in 416,000 square feet of court space, plus 115,000 square feet of noncourt lease space, for a total area of 531,000 square feet
Project cost:	$346.7 million for all project costs; $317.2 million for construction (unadjusted)
Funded by:	State Court Facilities Construction Fund (SCFCF) and Trial Court Facilities Act of 2002 (Sen. Bill 1732), which established a revenue source of court user fees for judicial branch courthouse projects
Architect:	AECOM Design
Contractor:	Clark Design/Build of California
Timeline:	Originally funded in fiscal year (FY) 2007–2008; construction start in April 2011, occupancy in September 2013, and final completion in December 2013
More information:	*http://www.courts.ca.gov/facilities-la-longbeach.htm#ad-image-0*

Description of the Project Company

The project agreement was signed between the AOC and the project company, Long Beach Judicial Partners, a single-entity company wholly owned by Meridiam Infrastructure, established specifically as a special-purpose vehicle (SPV) to design, build, finance, operate, and maintain the project. The project company is a consortium of companies made up of Meridiam, Edgemoor Infrastructure & Real Estate, AECOM, Clark Construction, and Johnson Controls Inc. (JCI). For a full description of the project company, please refer to the following webpage: *www.courts.ca.gov/documents/fact_sheet_lbjp.pdf*.

Description of Design-Build Implementation of the Project Agreement

The primary obligations of the project company relating to its full responsibility for design and construction are defined in the project agreement.[19] The responsibilities for design and construction were passed down by the project company to Clark using the design-build agreement. As the design-builder, Clark was responsible for all design and construction obligations as defined in the design-build agreement. These provisions of the project agreement were transferred directly to Clark, as is common in such contracts. Therefore, as the design-builder,[20] Clark became responsible for all project company obligations as defined by the project agreement. Hence, references in this report to *project agreement* and *design-build agreement obligations* and the *project company* and *design-builder* are intended to be the same. AECOM undertook the primary responsibility for design, as Clark's subcontractor. Various other specialty subcontractors were also employed by the design-builder.

In accordance with the requirements of the project agreement, the performance of the project company was overseen by the independent building expert (IBE), TMAD Taylor Gaines (TTG). The IBE monitored and reported on the performance of the project company from the date of notice to proceed in December 2010 to occupancy in September 2013 and final completion of the construction in December 2013.

A project labor agreement (PLA) was used for the Governor George Deukmejian Courthouse. The PLA is dated December 9, 2011, and was executed by Clark, the Los Angeles/Orange Counties Building and Construction Trades Council, and all applicable subcontractors and local unions. Article I, paragraph A of this PLA states: "The purpose of this Agreement is to insure that all work on this Project shall proceed continuously and without interruption."

[19] Article 7: Design and Construction; Article 8: Occupancy Readiness; Appendix 1: Site Related Information; Appendix 2: Governmental Approvals; Appendix 3: Performance Standards; Appendix 4: Design-Build Work Review Procedures; and Appendix 5: Project Commissioning.
[20] Although the project company includes Clark as one of its entities, it is useful to refer to Clark separately as the design-builder in evaluating the design-build process within the overall PBI process.

Below is a summary of the IBE's performance evaluation of the design-builder—and therefore, effectively, of the project company—in its execution of the project agreement's requirements.

Summary of Design-Builder Performance

The performance of the design-builder was measured against criteria agreed to by the AOC, the superior court, the project company, and the IBE. The following general topics were monitored:

1. Summary of construction schedule
2. Design review process
3. Design meetings and reports
4. Design quality management
5. Quality of materials and work
6. Project change orders
7. Correction of deficiencies and unsatisfactory work
8. Testing results

Summary of Construction Schedule

The project schedule that was agreed to and is memorialized in the financial closing documents included the construction duration of 28 months, from April 2011 to August 2013. This period also included the design phase and approvals for code-related items by the authorities having jurisdiction. Design, bidding, and construction phases overlapped, and even though construction commenced in April 2011, the final design activities were completed in March 2012. The design-builder applied a proactive approach using a carefully developed system of phased design approvals and bid package releases that allowed early start on construction elements. Major equipment and materials with long lead times were procured early to keep the project on schedule. This is a key aspect of any DB project, resulting in a compressed design and construction schedule.

Both the design and the construction teams were adequately resourced with skilled personnel to achieve the required results of the contract and meet the project schedule. The number of construction workers increased from an initial 200 to more than 400 as work progressed to ensure that all key scheduled milestones were met.

Design Review Process

An efficient and systematic process was put in place by the design-builder to comply with the design review procedure specified in the project agreement. A two-tiered review process was established, with the initial-tier tasks to be performed by the DB team and the second-tier tasks by the IBE, the operator JCI, other project company members, the AOC, the Superior Court of Los Angeles County, and other stakeholders. A tracking system was used for all comments, and interaction between parties happened daily. Regular design development sessions were held to

complete outstanding design issues. The process complied with the intention of the project agreement.

Design Meetings and Reports

The design-builder held weekly design meetings and workshops with representatives of the key stakeholders to discuss and resolve design options and issues. The design-builder's monthly progress report included a section on design status, activities completed, action items, and deviations from standards. This report was useful in recording and managing the design information and progress.

Quality Management

The project agreement required the project company to appoint a certified quality management consultant to develop a design-build quality management plan. The need for compliance with the plan and quality procedures had a positive effect on the design effort as well as the subsequent construction and associated construction inspections.

Quality of Materials and Work

A systematic quality management approach, developed by the project team, ensured that quality of work and materials were monitored and met high standards. Any identified problems were quickly remedied. One example involved poor quality of work on the stripping and marking of parking stalls, and the subcontractor was immediately removed and replaced. Another example involved the parking structure, where a quality-control check to confirm drainage was overlooked. Testing demonstrated that the performance for the drainage did not meet requirements, resulting in additional work and cost for the design-builder. Because this check happened early in the construction process, the lessons learned were applied by the design-builder into the quality checks for the rest of construction, and when there was any doubt, such as in underground waterproofing, the design-builder undertook rework at its own cost. Another example of quality control was the construction of one complete courtroom before fabrication or installation on site, not for design purposes but to check the quality of work and to resolve conflicting details. The five-month process undertaken by the design-builder allowed the actual in-building construction to proceed with few quality problems.

Project Change Orders

Due to the long-term nature of and the allocation of risks in the project agreement, the change order process was somewhat complex, because many change orders also needed to address downstream operations. Nevertheless, the parties managed the change order process with transparency.

The contract financial model included an allowance of $10 million for owner- (AOC-) directed design change orders. At the end of the construction period, $4,296,000 had been spent, primarily on fulfilling changes to the 2007–2008 performance requirements necessitated by

changes in superior court operations, additional sheriff's requirements, and new technology standards.

Correction of Deficiencies and Unsatisfactory Work

For a project of this size and complexity, some deficiencies and noncompliant work are inevitable. However, the design-builder's quality management system, the oversight and monitoring by the IBE, and inspections and observations by other team members ensured that everyone worked closely to identify, rectify, and close-out deficiencies and unsatisfactory work quality as quickly and practically as possible.

Testing Results

Testing procedures were strictly enforced. Testing showed the work to be of very high quality, with results being well within generally accepted construction industry tolerances. The consistently excellent test results indicate high-quality construction management and a collaborative team of subcontractors.

Article 7 Obligations

In addition to the project company/design-builder's performance on the general criteria described above, the performance of the design-builder was also evaluated with reference to the specific requirements and obligations specified in article 7 of the project agreement. Performances relating to the following sections of article 7 were evaluated:

1. Section 7.1: Design-builder performance;
2. Section 7.2: Access to and suitability of the sites;
3. Section 7.6: Governmental approvals;
4. Section 7.13: Construction monitoring, observations, testing, and uncovering of work;
5. Section 7.15: Correction of work;
6. Section 7.16: Furniture, fixtures, and equipment (FF&E);
7. Section 7.17: Warranties;
8. Section 7.19: Commissioning; and
9. Section 7.21: LEED™ NC silver certification.

Design-builder performance. The project agreement obligated the design-builder to be responsible for practically all aspects of design and construction on behalf of the project company. Overall, the design-builder complied with the requirements of the project agreement. A significant importance was placed on the design review process. Changes to design and deviations were recorded and tracked. The design process was highly interactive and involved all team members.

Access to and suitability of the sites. Many of the access and suitability issues for the project sites—for the courthouse and the parking garage—were resolved in advance by the AOC, for

example during site selection, completion of the CEQA (California Environmental Quality Act) process, and completion of other studies before the execution of the project agreement. Under the project agreement, the design-builder was deemed to have visited the site and to be familiar with all site conditions. The design-builder managed this risk by taking initiative to ensure timely access and use of the courthouse site by proactively relocating utilities and having archaeologists on site during excavation and grading. Storage of materials on site was a challenge that the design-builder managed well.

Governmental approvals. The design-builder was responsible for obtaining all governmental-agency approvals. This activity was included in the form of milestones on the critical path of the project schedule. The design-builder developed and maintained positive relationships with the regulating agencies, which helped with timely approvals. Interaction by phone, weekly meetings, and site visits were used to identify and resolve issues, facilitating timely securing of permits. This proactive approach by the design-builder ensured that progress was maintained to meet the schedule.

Construction monitoring, observations, testing, and uncovering of work. The inspection regime on the project was rigorous and systematic. All parties (architect of record, IBE, inspector of record, engineer of record) cooperated and worked toward solutions to achieve compliance with the requirements of the project agreement. Any necessary corrective actions were implemented by the design-builder, mostly at no additional cost to the contract.

Correction of work. Overall, the correction of work complied with the project agreement as it related to design and construction. No notices to the contrary were issued. The request for information (RFI) process worked well, allowing the designer to respond promptly to requests from the construction team.

Furniture, Fixtures, and Equipment. During the early stages, problems were encountered with respect to coordinating the requirements for furniture and electronic equipment systems in the project agreement. However, with time the design-builder initiated improvement in the management of the FF&E process and made significant progress in selection of FF&E. One example was to use competitive bidding for procurement. Another was to enforce the use of mockups in the selection process. Despite initial difficulties, there was no impact on the schedule and only a minor impact on cost.

Warranties. A main priority of the design-builder was to ensure that all warranties for materials, equipment, and installation work were in place, documented, and filed. This process was managed efficiently by the quality-management team. Warranty requirements in the project agreement were reviewed by the team, which provided an additional confirmation level to identify and verify requirements for warranties.

Commissioning and LEED™ New Construction Silver certification. The project agreement and LEED™ certification requirements required the project company to develop and use a commissioning plan. The project company appointed CT Energetics as the commissioning agent. CT Energetics prepared the commissioning plan using the performance standards and LEED™ requirements for Silver Certification as the basis for the plan. The plan was reviewed by all stakeholders, which also included the operator, Johnson Controls, as well as the design-builder. Timely project registration was submitted to the U.S. Green Building Council, which is still reviewing the project documentation included in the final application. The project agreement includes a provision for $2 million in liquidated damages if the registration is not obtained.

Existing Parking Structure and Court Expansion Space

Two elements that were unique to the project related to the existing parking structure and the requirement for future courtroom expansion within the new court building. The design-builder complied with its obligations regarding these elements efficiently and professionally. Problems encountered during renovation of the parking structure resulted in additional costs to the design-builder, which it absorbed at no cost to the AOC. The project company and the design-builder met with the AOC and stakeholders to discuss the provisions for up to six additional courtrooms and to ensure that the initial construction met the related infrastructure requirements.[21] A state-financed project typically does not provide for future expansion space at the scale provided in this project.

Article 8 Obligations

The scheduled occupancy date of August 31, 2013, was stipulated in the project agreement as when the AOC service payment was to begin. Occupancy readiness[22] was achieved earlier, on August 20, 2013—11 days ahead of schedule—facilitated by management of punch list and closeout activities. For example, of the original 16,000 punch list items, 82 percent were closed out by occupancy readiness, and the rest were closed out in mid-December 2013. The project company was obligated by its lenders to begin payment of the capital costs on the occupancy date regardless of the readiness for occupancy by the AOC (superior court) on that date.

Construction-to-Occupancy Transition

The design-builder has provided a full-time employee for a period of one year following occupancy to address punch list and remaining construction issues. Similarly, the operator (JCI) provided five full-time employees six months before occupancy to smooth the transition to the operating period. This overlap and cooperation is a key differentiator between PBI and CMR in

[21] This infrastructure includes the structural, mechanical, electrical, and plumbing systems; elevators; and exit stairs all designed to handle six additional future courtrooms.

[22] Occupancy readiness is a contract requirement that sets requirements that must be met before final review and acceptance prior to occupancy.

terms of ease of resolving warranty-type issues and facilitating the transition from construction to operations.

Review of Value for Money (VfM) Analysis—Assumptions vs. Actual

SB 75, section 27(b), provides that this report contain as one of its elements the following:

> Comparison of the assumptions included in the project's final value for money analysis, which was submitted to the Legislature in a report dated January 24, 2011, to the project's actual costs to date as well as projected costs incurred under the life of the contract. The comparison shall address assumptions that were made about the project
>
> [¶] site,
> [¶] timing,
> [¶] capital and operating costs,
> [¶] financing and revenues, and
> [¶] project risks.
>
> [¶] The comparison shall describe, for each of the project risks that were identified in the Value for Money analysis, whether the risk was realized and if a cost was imposed on the project company or the Judicial Council as a result.

(Sen. Bill 75, § 27(b))

The objective of the VfM analysis was to compare the estimated risk-adjusted costs for a traditional method of procurement (the public sector comparator) against the estimated risk-adjusted costs under a PBI procurement method (referred to as the *shadow bid*). In the VfM analysis, assumptions were made to estimate the capital, management, operations, maintenance, and renewals and replacements costs over the 35-year life cycle of the project. The resultant quantitative and qualitative assessment of factors associated with the two delivery methods informed the decision making process regarding whether to proceed with the PBI delivery method.

In the final VfM analysis (January 2011), the original estimated shadow bid values were replaced by the actual values submitted and negotiated with the project company. The following factors, which fell into quantitative as well as qualitative categories, were considered in the VfM analysis:

1. Accelerated delivery of infrastructure, early start, and shorter construction duration;
2. Requirement of first payment only on occupancy or service commencement;

3. Optimization of legislative authority to construct expansion space and raise revenue;
4. Certainty of costs;
5. Level of service;
6. Risk transfer to the party best able to control and manage it; and
7. Risk-adjusted cost estimates appropriate to delivery method.

The approach taken by the AOC in carrying out the VfM analysis compares well with the practice elsewhere in the United States and internationally. Although not explicit in the VfM analysis, the CMR delivery method was understood to have been used as the traditional method for the PSC benchmark.

Table 2.1 contains a summary of the comparison of the VfM assumptions to the actual costs or projected costs over the life of the project.

Table 2.1
Summary of Governor George Deukmejian Courthouse VfM Analysis Validation

Item	Comments
Site	VfM assumptions validated.
Timing	VfM assumptions validated.
Capital Costs	VfM assumptions validated.
Operating Costs	Too early in the service period to make a definitive assessment.
Revenue	Too early in the service period to make a definitive assessment.
Financing	It appears from the successful refinancing that the VfM assumptions were valid.
Project Risks	Given that the project company was 100% responsible for the cost of any such risk that they retained, the assumptions made in the VfM analysis have proven accurate in that no additional costs were passed to the AOC in excess of what was originally allocated.

Site

Under PBI projects, owners often transfer a substantial portion of site acquisition risk to the private partner. However, for this project, the AOC was proactive in mitigating this risk. The project site was acquired by the state under a property exchange agreement with the City of Long Beach Redevelopment Agency. The existing courthouse property was exchanged for the new courthouse site and existing parking structure. The potential problems of site location, acquisition, and access were therefore removed before signing of the project agreement.

Initiative was taken by the project company to ensure access to the site by proactively relocating utilities and having archeologists on site during excavation and grading. Because the building occupies a large portion of the site, the storage of materials on site was a challenge. The project company addressed this challenge by using the exterior courtyard area at the northwest corner of

the site to house its construction office trailers and lay-down area for most of the construction period and by moving to nearby rented office space during the closeout period.

Many of the access and suitability issues were eliminated by the AOC during the site selection process and completion of the CEQA process and other studies, before start of construction and execution of the project agreement. These actions by the AOC provided a relatively issue-free environment during design and construction. The AOC's approach and assumptions with respect to the site were validated by what actually occurred.

The costs agreed to under the property exchange deal were as follows:

- City of Long Beach to pay $2 million to the project company for sewer and gas main relocation;

- City of Long Beach to pay $5 million to the project company for off-site public infrastructure improvements over 20 years commencing when the court starts using the new courthouse.

The actual cost to the design-builder of utility relocations exceeded $5 million, which the project company assumed. City requirements were greater than anticipated, and the telecommunication utilities on the existing site proved to take significant management effort and time to relocate The AOC bore no risk for additional time or costs to relocate the utilities, which would not have been true in a traditionally procured project.

Timing

Assumptions relating to project timeline or schedule are always a key factor in VfM analysis when comparing traditional procurement with the PBI method. The VfM analysis assumed that the PBI option, as compared to a traditional procurement, would result in a shorter construction period, leading to early occupancy. The assumed shorter construction period included an overlapping design phase.

Table 2.2 summarizes a comparison between the timing assumed in the VfM analysis and the actual timing for the project:

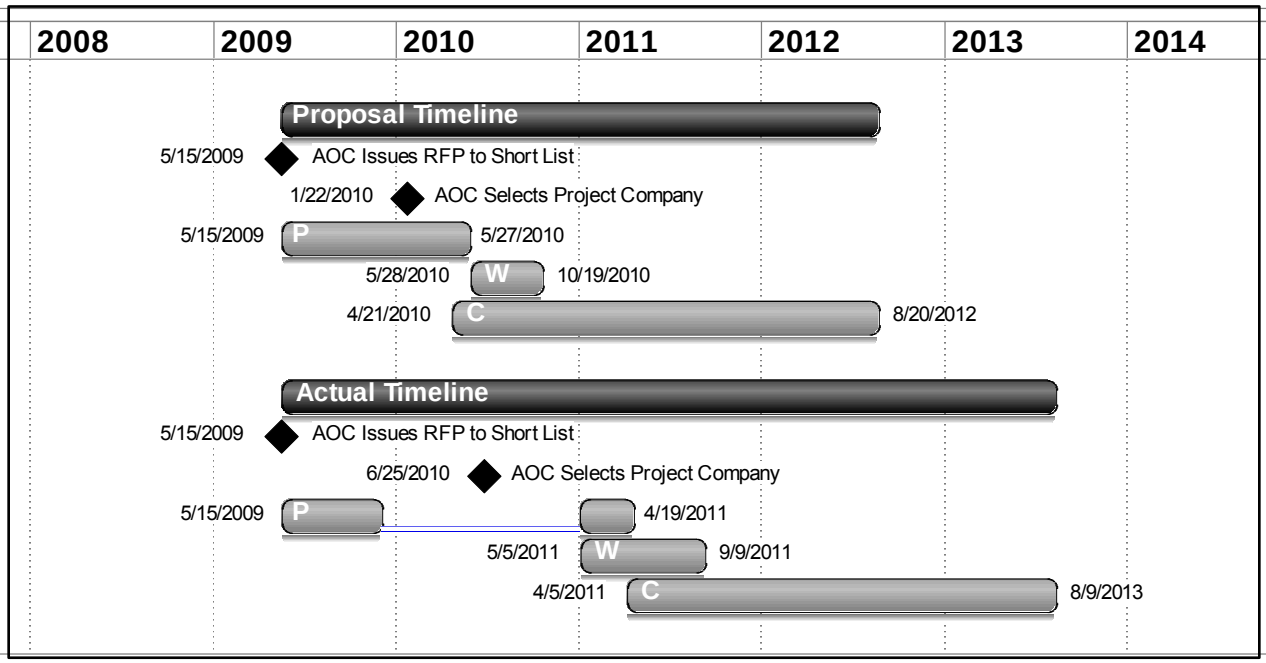
Table 2.2
Governor George Deukmejian Courthouse
VfM Analysis Assumption and Actual Timing

Event	Assumption	Actual
Planning and development commencement	1-Jul-2010	1-Jul-2010
Construction commencement	21-Apr-2010	5-Apr-2011
Construction duration	28 Months	28 Months
Occupancy date	1-Sep-2012	31-Aug-2013
Operations duration	35 Years	No Change
Contract expiration	31-Aug-2048	No Change

The timing assumptions regarding the construction duration were validated, and the court was able to occupy the new courthouse on schedule. The timeline can be seen graphically in figure 2.1.

A unique contract structure necessitated a protracted review and approval of the selected proposal, causing delays to the signing of the project agreement. Once the project agreement was signed, no delays ensued, and construction ended 11 days ahead of schedule. This achievement was the result of the overlapping of design, code review by agencies, and construction; procurement of structural steel and the elevator before completing the design and receiving all approvals; and selection of a building enclosure system that was rapidly erected and therefore minimized the risk of weather-related delay in completing interior construction.

Figure 2.1
Governor George Deukmejian Courthouse Timeline



P = Preliminary Plans phase; W = Working Drawings phase; C = Construction phase.

Capital Costs

The VfM assumptions for capital costs, risk-adjusted for the PBI option, were replaced by the actual and negotiated costs between the AOC and the project company. The VfM analysis therefore included the capital cost figure proposed by the project company. Table 2.3, below, summarizes the key assumptions for the capital costs included in the VfM final analysis—which is the basis for the financial agreement between the State and the project company—and the actual capital costs for the project at the end of the construction period.

Table 2.3
Governor George Deukmejian Courthouse
VfM Analysis Assumption and Actual Capital Costs

Capital Project Costs (nominal unless stated otherwise)	Assumption	Actual
1. Size of Facility (total nominal gross areas)		
a. Superior court facility	416,100 sq ft	416,100 sq ft
b. County justice agencies	73,900 sq ft	73,900 sq ft
c. Probation	31,400 sq ft	31,400 sq ft
d. Commercial	2,100 sq ft	2,100 sq ft
e. Retail	7,500 sq ft	7,500 sq ft
Total Size of Facility.....	531,000 sq ft	531,000 sq ft
2. Court Parking Facility (gross area)	399,052 sq ft	399,052 sq ft
3. Hard Construction Costs		
a. Court building	$ 231,783,520	$ 234,629,660
b. Office	24,920,543	23,249,943
c. Parking structure	8,695,409	8,319,628
d. Site work	13,420,931	13,766,172
e. FF&E	31,000,000	21,183,000
f. Tenant improvements[23]	2,286,082	w/FF&E
g. Contingency allowance – AOC changes	10,000,000	4,296,000
h. Insurances, bonds, and taxes	11,714,114	11,714,114
Subtotal Hard Construction Costs (Item 3).....	$ 333,820,599	$ 317,158,517
4. Other Costs		
a. Architecture and engineering	$ 20,545,933	$ 21,195,933
b. Site acquisition – county equity in existing court building	5,889,000	5,889,000
c. Art in architecture[24]	2,482,045	2,482,045
Subtotal Other Costs (Item 4)	$ 28,916,978	$ 29,566,978
Total Capital Project Costs.....	**$ 362,737,577**	**$ 346,725,495**
5. Fees and Transaction Costs (not included above)		
a. Required and recommended insurance	$ 2,034,684	$ 2,034,684
b. Compensation to unsuccessful proposers	1,000,000	1,000,000
c. Possessory tax (non-reimbursable)	300,000	300,000
d. Nonconstruction administration	10,215,588	10,215,588
e. Independent Building Expert	4,650,000	4,650,000
Subtotal Fees and Transaction Costs (Item 5)..	$ 18,200,272	$ 18,200,272
Total Capital Project Costs, including Fees and Transactions	**$ 380,937,849**	**$ 364,925,767**

[23] An additional $14.995 million was spent by the project company from a county-funded allowance for change orders related to the tenant improvements in the county lease space. This item was not contemplated in the VfM analysis.
[24] The Project Company initiated and provided the public art and will maintain it over the 35-year term of the project agreement.

A comparison of the costs assumed in the VfM analysis and the actual costs incurred in the construction of the Governor George Deukmejian Courthouse shows that the actual costs of the project were 4.4 percent lower than the VfM assumptions.

Operating Costs

The VfM assumptions for operating costs for the PBI option were replaced by the actual and negotiated costs between the AOC and the project company. The VfM analysis therefore included the operating-cost figure proposed by the project company, which is shown in table 2.4. A comparison to actual costs is unrealistic at this stage because the new courthouse has been occupied for less than one year.

Table 2.4
Governor George Deukmejian Courthouse
VfM Analysis Operating Cost Assumptions

Operating Period Cost Category (nominal unless stated otherwise)	Assumption
Facilities management costs:	
Building (per year)	$2,954,000
Parking (per year)	$627,000
Utility costs:	
Building (per year)	$725,000
Parking (per year)	not applicable
General & administration costs:	
Building (per year)	included above
Parking (per year)	not applicable
Tenant improvements for courtroom expansion – if exercised (actual cost over 35-year operating term)	$15,750,000
Annual insurance costs, included in general & administration costs above (per year)	$606,000
Life-cycle/major maintenance costs (actual cost over 35-year operating term)	$71,580,962

Table 2.5 shows the operating-charge portion of the service payments that have been made to date since occupancy, including deductions (one month in arrears):

Table 2.5
Governor George Deukmejian Courthouse
Service Payments and Deductions to Date

Payment Period	O&M Portion of Service Payment Made by AOC	Deduction
September 2013	$1,315,103	
October 2013	$1,305,279	$(9,824)
November 2013	$1,313,376	$(1,728)

Revenue Assumptions

To make a valid assessment of the accuracy of the revenue assumptions would be considered premature. However, both the City and the County payments are fixed in the project agreement and will not change. The revenue assumptions for county space, retail space, and parking fees have not changed. Table 2.6, below, summarizes the comparison between the VfM analysis assumptions regarding revenues and the payments made where known and disclosed, in relation to these assumptions.

Table 2.6
Governor George Deukmejian Courthouse
Payments in Relation to Revenue Assumptions

Period/Description	VfM Revenue Assumption for 35-Year Term of Project Agreement	Payments to Date Through April 2014
Payments by City of Long Beach to AOC		
Utility relocations	$2,000,000	$2,000,000
Public infrastructure improvements	$5,000,000[25]	$333,333
Payments by County for its share of parking structure renovation [26]	$10,907,000	$2,742,676
Other payments to the project company[27] (October 2013 to April 2014)		
County rental revenue	$110,149,000	$1,847,040
Retail rental revenue	$9,504,000	$40,611
Parking fee	$17,900,000	$110,113

The project agreement includes provisions whereby 50 percent of any revenue amounts that exceed those assumed in the financial model (and the VfM report) would be paid to the AOC. The project company carries the full risk of revenues not meeting forecasts. Consequently, the AOC will benefit if revenues are higher than assumed but will be unaffected if revenues fall below projections.

Financing Assumptions

The project agreement stipulates that the project may be refinanced at any time, with the AOC entitled to a share of any resulting gain, in accordance with section 6.5. This ability for the AOC to share in refinancing gain is a unique feature to PBI procurement in this case and occurred in December 2013. The refinancing provided long-term funding through a private placement bond purchased by insurance companies and pension funds. The resulting gain to the project company and the AOC was approximately $200,000, and the AOC's share was applied to reduce the annual service payment. In addition, the project company accepts the risk of any such refinancing and accepts that the AOC is fully insulated from any possible resulting losses. Table

[25] Amount to be paid over 20 years at $250,000 per year.
[26] In accordance with the project agreement, paragraph 13.4(b) and Appendix 16, the County of Los Angeles will contribute 24.74 percent of the capital cost of the parking structure and 24.74 percent of operating, maintenance, and management costs of the parking structure. These payments will be made by the AOC and reimbursed by the County under terms of the Joint Occupancy Agreement for the parking structure.
[27] The other payments to LBJP are estimated based on the VfM assumptions because they are considered commercially sensitive.

2.7 contains a comparison of the VfM analysis against the actual financial terms resulting from the recent refinance of the project company's debt.

Table 2.7
Governor George Deukmejian Courthouse
VfM Analysis Assumption and December 2013 Financing

Financing Structure Component	Assumption	Actual Based on December 2013 Refinance
Outline of equity/subordinated funding	Equity provided	Equity provided
Outline of senior funding	Short-term construction phase financing: taxable bank debt with assumed refinancing with a long-term project finance bank debt facility after 5 years	The bonds will be repaid over 34.1 years with the final repayment made 9 months before the project company finishes operating the Courthouse on behalf of the Administrative Office of the Courts.
Equity internal rate of return requirement	14.00% nominal	Equity internal rate of return postrefinancing is 14.48% nominal.
Term of short-term debt	7 years	Not applicable – the short term debt was repaid as a result of the refinancing.
Swapped London Interbank Offered Rate (LIBOR)	4.42%	
Swap margin	0.25%	
Interest rate credit spread (short-term financing)		The original bank loans were repaid on refinancing, and the spread on the refinance facility was fixed for the duration of the debt at 3.50%.
Construction to Sep-2013	2.75%	
From Sep-2013	3.25%	
From Sep-2016	3.50%	
From Sep-2017	3.75%	
"All in" bank debt interest rate (before refinancing)	7.42% - 8.42%	6.880%
Term of long-term debt	29 years	34.10
Type of debt	Bank	Bond
Interest rate/swap margin/credit spread on long term bank debt, if refinanced	4.42% + 0.25% +2.25% from December 2015	Bond spread was 3.50%
Investment rate on deposit balances	N/A	N/A
Debt to equity ratio target (at financial close)	90:10	93:7
Weighted average cost of capital	7.86%	7.42%

Project Risks

As part of its internal project management process and before retaining the project company, the AOC engaged Ernst & Young to facilitate the process to identify, rank, and determine the

probability of all potential risks related to the project. In general, the intent of this process was to quantify the potential financial impact of project risks if the project were procured under a PBI method and allow for a comparison of the same if the project were procured under other traditional procurement methods (CMR, in this case). The ultimate deliverable resulting from this effort was a document entitled "Risk Allocation Worksheet." Clarifying the purpose of this document is important, as is providing context for understanding the way in which it was applied. The risk management process contributed financial values to the VfM analysis, which provided a comparison between PBI and traditional procurement not only in relation to risks, but also regarding construction, development, finance, and operating costs.

Ernst & Young led the risk management process in a manner consistent with standard industry practice. The first step of this process was to facilitate a risk workshop that identified pertinent risks and their likelihood of occurring. These outcomes were then entered into probability risk management software, which calculated the anticipated financial impact of these risks being realized individually. The risks were categorized generally between (1) project budget; (2) design, bid, and construction; (3) maintenance and operation; and (4) finance and capital markets—each broken down into a specific level of detail. Based on this analysis, risks were allocated between the AOC and the project company that would eventually be awarded the contract. The financial impacts were calculated to demonstrate the importance and severity of certain risks so that the AOC could make an informed decision about whether to transfer those risks to the project company or retain them for internal management.[28]

Based on the project agreement, any risks allocated to the project company are theirs exclusively to manage, and the AOC has neither the ability nor the contractual right to track the actual impacts or how they were or will be managed. The project agreement provides adequate commercial protection for both parties, and both parties have agreed to let the other manage their individual, internal risks. This approach, notably, is featured in PBI projects executed globally.

The project company provided information regarding the most significant risks they faced throughout design and construction. With the exception of the risk that was priced into its bid and subsequently carried in the service payments, the project company was 100 percent responsible for the cost of any such risk that they retained. As such, the assumptions made in the VfM analysis have proven accurate in the sense that no additional costs were passed to the AOC in excess of those that were originally allocated.

[28] Such a risk identification and quantification process is often used on programs or projects as a way to calculate and manage project contingency amounts, but this was not the intent or ultimate use of this process.

The following list identifies and provides a brief description of the most significant of the risks that were realized during design and construction. Appendix C describes the risks in greater detail, identifies to whom the risks were allocated, and identifies the impacts and outcomes.

1. *Financial Security of Manufacturers and Major Subcontractors*. A major installation subcontractor went into bankruptcy during design. The project company accepted the risk of replacing them and managing any schedule implications.

2. *Subsurface Conditions*.[29] The project company performed extensive investigations to best manage the portions for which they were responsible. Any subsurface problems were managed effectively, and the project company was responsible for the costs associated with additional investigations.

3. *Utility Relocation*. The City of Long Beach contributed to the estimated cost of sewer and gas utility relocation, and the project company carried the risk of any costs, in addition to this contribution, that had not been built into the bid.

4. *Change in Law/Code*. The project company absorbed costs associated with the impact of changes to the California Building Code. Even though the project company sought relief from the AOC, the project agreement was structured adequately to hold the project company 100 percent liable. The project company is responsible for 2010–2025 code changes that would affect the use of expansion spaces as courtrooms.

5. *Plan Check/Permitting Uncertainty*. The project company was responsible for managing any delays in the approvals or permitting process, which they accomplished with no impact on project cost or schedule.

6. *Insurance*. The cost of insurance was significantly higher than anticipated. The project company absorbed all such overruns, with no financial impact on the AOC.

7. *County Fees*. The project company submitted its bid with the belief that it was exempt from county fees. This belief proved to be untrue, and the liability was passed down to the construction contractor, with no financial impact on the AOC.

8. *Off-site Improvements*. The project company claimed that the requirements for off-site improvements had increased postcontract but ultimately accepted the obligations and proceeded at its own expense.

[29] Subsurface conditions were a shared risk: hazardous materials and geotechnical risks were held by LBJP; cultural and archeological risks were held by the AOC.

9. *Commissioning*. The project company determined that the commissioning requirements of the project agreement were not adequately rigorous to meet the occupancy requirements and, hence, increased the scope at its own cost to mitigate the risk of not meeting the occupancy requirements.

10. *Punch List*. The independent building expert and its subcontractor exceeded their budgets because their efforts were far greater than anticipated. The project company ultimately settled with both contractors following completion of the process, with no financial impact to the AOC.

11. *Landlord Risk*. Actual rental revenues fell short of the project company projections because of difficulty negotiating leases with the County. The project company absorbed all shortfalls, shielding the AOC from financial risk.

12. *Parking Revenue*. Through its contract with a parking operator, the project company is liable for a fixed amount based on anticipated parking revenues. Despite competition from surrounding facilities, the project company accepts the risk of lost revenue, with no financial impact to the AOC.

13. *Labor Disputes*. The design-builder created a project labor agreement with all trades, at its own cost, to set rules for labor dispute recourse to mitigate potential negative impacts on schedule.

14. *Future Expansion*. The project company's design facilitates future expansion. The cost of modifying space designed to be leased to the county for future court expansion was built in to the service payment, but the AOC benefits from the likely efficiencies and reduction in future costs should expansion take place. The capacities and quality of the building systems for the expansion space, when converted for court use, are required to be the same capacities and quality as for initial court spaces.

15. *Subcontractor Cost Overruns*. The project company absorbed the cost of the architect of record's exceeding its original budget (the liability was passed to the design-builder), with no financial impact on the AOC.

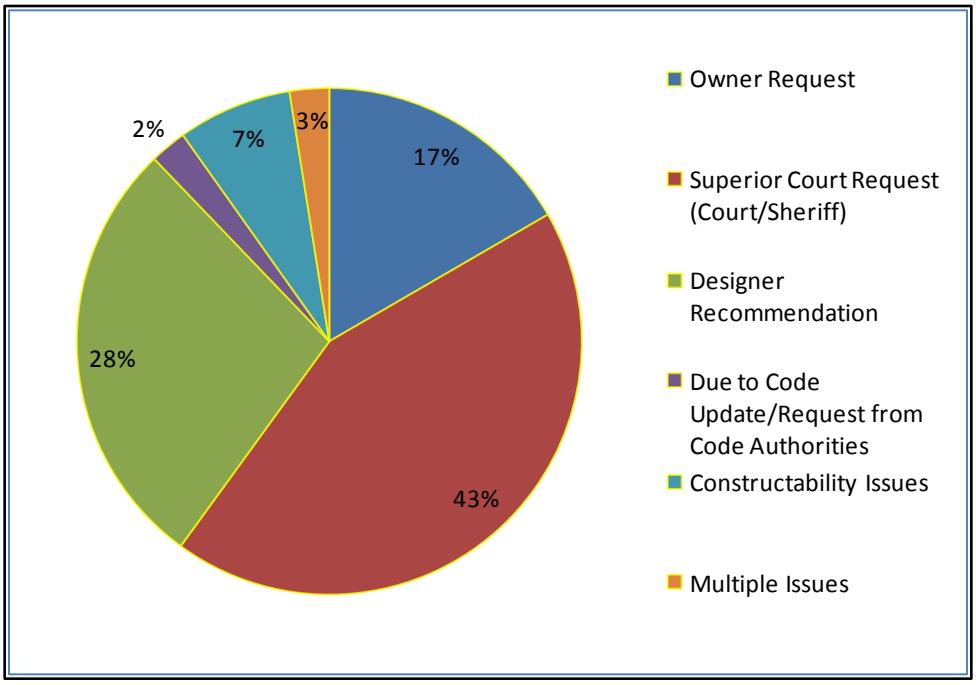
16. *Construction-to-Occupancy Transition*. The design-builder and operator established at their own cost a "cooperation agreement" that holds the construction contractor liable for post-warranty work for two years to mitigate the risk of payment deductions as a result of availability or performance problems due to construction defects.

17. *Life Cycle and Maintenance*. The project company is responsible to address any building degradation, through a maintenance and life-cycle replacement regime, to meet the quality standards laid out in the project agreement.

Changes to Scope, Budget, and Timeline

The project included 55 financial change orders, broken down as illustrated in figure 2.2.

Figure 2.2
Change-Order Summary



No changes were requested as a result of relief events, as specified in the project agreement.[30]

All the change orders initiated by the AOC were deducted from the $10 million allowance for changes that was built into the project construction budget, and the Los Angeles County request came from its budgeted allowance. The cost of remaining changes, including cost overruns in several areas of design or construction, was not passed to the AOC because the risk-transfer mechanism embodied in the project agreement shifted those costs to the project company.

[30] *Relief events* are events that would trigger relief from certain requirements of the project agreement. For example, an earthquake is an event that would allow relief from the agreed-upon construction schedule.

Project Management Costs

Judicial branch project management costs are presented in table 2.8 using the methodology presented in Appendix D. Judicial branch project management costs accounted for 1.55 percent of total cost, or 1.70 percent of the (court and noncourt) construction costs for this project.

Table 2.8
Governor George Deukmejian Courthouse—Judicial Branch Project Management Costs

Description	Acquisition	Preliminary Plans/Schematic Design	Financial Transaction	Preliminary Plans/Design Development	Working Drawings and Construction	Total
AOC employee costs	$1,517,005	$119,339	$209,367	$36,893	$378,197	$2,260,801
Consultant/contractor costs	$169,923	$81,463	$1,979,868	$299,953	$586,746	$3,117,953
Totals	$1,686,928	$200,802	$2,189,235	$336,846	$964,943	$5,378,754

Costs for Contractors

In this report, the costs for contractors are classified and calculated as shown in table 2.9, below. The sum of project contractor and construction contractor costs accounted for 97.6 percent of the total cost of this project. The separate cost of the construction contractor accounted for 91.5 percent of the total aggregate (court and noncourt) project costs.

Table 2.9
Governor George Deukmejian Courthouse—Costs for Contractors

	Acquisition	Design P+W	Construction	Total
Costs for project contractors[31] (excluding construction contractor)	$0	$21,195,933	$0	$21,195,933
Costs for construction contractor[32]	$0	$0	$317,158,517	$317,158,517
Other project costs	$5,889,000	$0	$2,482,045	$8,371,045
Total actual costs	$5,889,000	$21,195,933	$319,640,562	$346,725,495
Sum of project contractor and construction contractor costs as percentage of actual costs (all service providers and vendors)	0.0%	100.0%	99.3%	97.6%
Construction contractor costs as percentage of actual costs	0.0%	0.0%	99.3%	91.5%

[31] *Project contractors*—all service providers and vendors, excluding the construction contractor, with exceptions for the following costs: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.
[32] *Construction contractor*—the general contractor responsible for constructing the project.

Chapter 3
San Bernardino Justice Center, San Bernardino

Project Description

The San Bernardino Justice Center is located on a 7.1-acre site at 247 West Third Street, directly across from the historic courthouse in downtown San Bernardino. The site for the new justice center was donated to the State by the City of San Bernardino and provides 385 onsite surface parking spaces for visitors, jurors, and staff. This new, seismically safe courthouse has 35 courtrooms plus two hearing rooms, consolidating court operations from nine existing facilities. This modern justice center provides adequate space for courtrooms, judicial support, court administration, facility support, security operations, and secure holding and sally port for in-custody detainees. The justice center serves the residents of the City of San Bernardino and the surrounding communities.

The new justice center is a seismically base isolated 11-story high-rise building with a partially exposed basement level. The architectural design incorporates several innovative features, including ways to draw daylight into the building without heat; reduced water usage in the building and onsite; and energy-efficient heating, ventilation, and air-conditioning systems. The building was designed to qualify for the LEED™ Silver certification by the U.S. Green Building Council.

Project Facts

Location:	247 West Third Street, San Bernardino, California
Capacity:	35 courtrooms plus 2 hearing rooms in 383,745 square feet
Project cost:	$295.1 million for all project costs; $263.6 million for construction (unadjusted)
Funded by:	SCFCF and SB 1732, which established a revenue source of court user fees for judicial branch courthouse projects
Architect:	Skidmore Owings and Merrill LLP
Contractor:	Rudolph and Sletten, Inc.
Timeline:	Originally funded in FY 2007–2008; construction began in November 2011 and was completed in May 2014
More information:	*http://www.courts.ca.gov/facilities-sanbernardino.htm*

Procurement Method

The CMR delivery method was used for this project. Four proposals were received from construction management firms.

Risk Allocation

As a CMR-delivered project, the San Bernardino Justice Center required the AOC to retain the risk of subsurface conditions, whereas this risk was allocated to the project company on the Governor George Deukmejian Courthouse project. In the case of the San Bernardino Justice Center, gas-laden soil was discovered, and the AOC was financially liable for its abatement. Under PBI delivery, the project company would have been responsible for this cost. The AOC also retained the risk associated with life cycle and maintenance, postwarranty work, and future expansion, each of which was transferred to the project company on the Governor George Deukmejian Courthouse project. Although these risks have not yet materialized, they are inevitable and represent typically significant value in terms of risk transfer under PBI procurement.

Project Costs

The AOC delivered this project for $44.7 million less than the final and original appropriation amounts. Project costs are identified in table 3.1.

Table 3.1
San Bernardino Justice Center—Appropriations and Project Costs

		Acquisition	Preliminary Plans	Working Drawings	Construction	Total
A	Original appropriation	$4,774,000	$13,035,000	$17,331,000	$304,682,000	$339,822,000
B	Final appropriation	$4,774,000	$13,035,000	$17,331,000	$304,682,000	$339,822,000
C	Actual expenditure[33]	$552,150	$8,029,288	$9,503,191	$277,013,863	$295,098,492
D	Increase or (savings) from original appropriation (C-A=D)	$(4,221,850)	$(5,005,712)	$(7,827,809)	$(27,668,137)	$(44,723,508)
E	Increase or (savings) from final appropriation (C-B=E)	$(4,221,850)	$(5,005,712)	$(7,827,809)	$(27,668,137)	$(44,723,508)

[33] This project is in the warranty period, and project costs are estimated as of April 2014.

Project Management Costs

Judicial branch project management costs are presented in table 3.2 using the methodology presented in Appendix D. Judicial Branch project management costs accounted for 1.39 percent of total cost, or 1.55 percent of hard construction cost for this project.

Table 3.2
San Bernardino Justice Center—Judicial Branch Project Management Costs

	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
AOC employee costs	$165,519	$213,439	$99,179	$892,072	$1,370,209
Consultant/contractor costs	$0	$0	$0	$2,725,440	$2,725,440
Totals	$165,519	$213,439	$99,179	$3,617,512	$4,095,649

Costs for Contractors by Activity

In this report, the costs for contractors are classified and calculated as shown in table 3.3. The sum of project contractor and construction contractor costs accounted for 99.0 percent of total cost of this project. The separate cost of the construction contractor accounted for 89.8 percent of the total aggregate project costs.

Table 3.3
San Bernardino Justice Center—Costs for Contractors

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
Costs for project contractors[34] (excluding construction contractor)	$418,830	$7,513,788	$8,511,969	$10,541,760	$26,986,347
Costs for construction contractor[35]		$515,500	$945,628	$263,644,613	$265,105,741
Other project costs	$133,320		$45,594	$2,827,490	$3,006,404
Total actual costs	$552,150	$8,029,288	$9,503,191	$277,013,863	$295,098,492
Sum of project contractor and construction contractor costs as percentage of actual costs (all service providers and vendors)	75.9%	100.00%	99.5%	99.0%	99.0%
Construction contractor costs as percentage of actual costs	0.0%	6.4%	10.0%	95.2%	89.8%

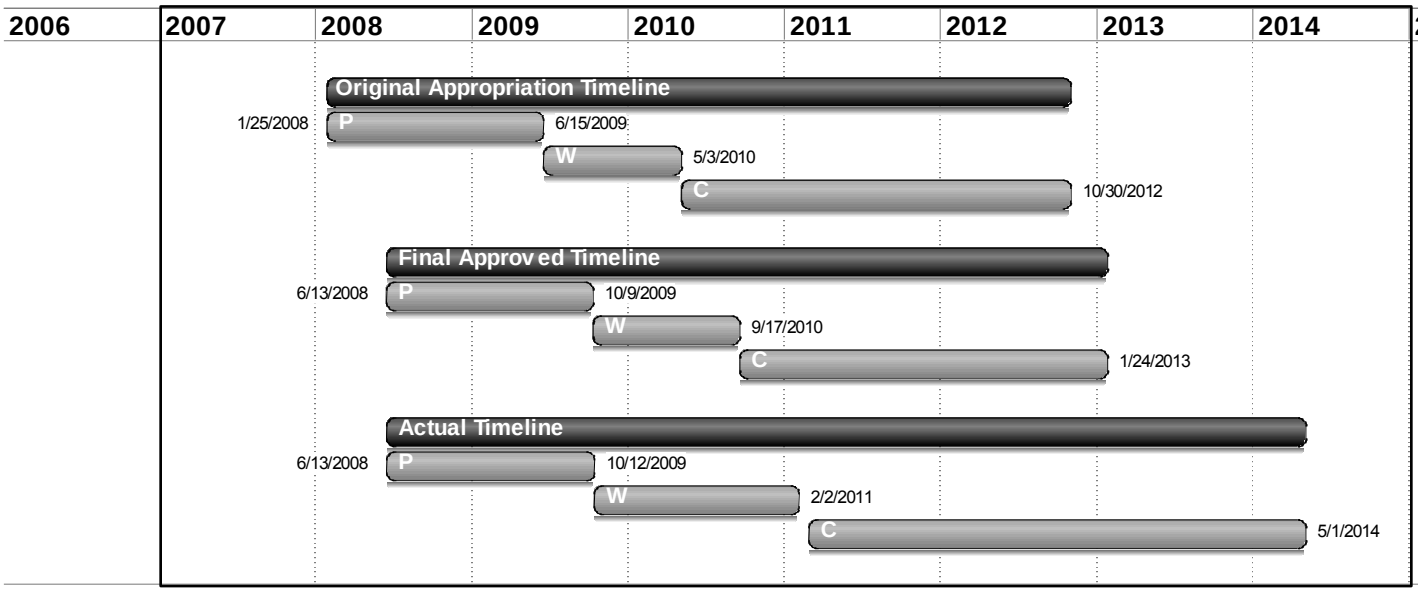
[34] *Project contractors*—all service providers and vendors excluding the construction contractor, with exceptions for the following costs: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.
[35] *Construction contractor*—the general contractor responsible for constructing the project.

Project Timeline

As shown in figure 3.1, below, this project was completed 63 weeks after the final approved completion date and 75 weeks after the originally scheduled completion date. Delay to the bidding process—which began in February 2011 and is accounted for in the Actual Timeline shown in the figure below—occurred during the Working Drawings phase. This approximate four-month delay was created by extended review periods of the agencies that have review authority over holding facilities (Corrections Standards Authority), Americans with Disabilities Act compliance (Division of the State Architect [DSA]), and fire/life safety requirements (Office of the State Fire Marshal [OSFM]). Consequently, this delay caused the project to miss the fall 2010 bond sale. Cancellation of the anticipated spring 2011 bond sale required the bids to be held until the fall 2011 bond sale. As a result of these delays, the FY 2010–2011 authorized construction-phase funding needed to be reappropriated in FY 2011–2012. The start of construction—which began in November 2011—occurred after the sale of bonds in the fall 2011 bond sale. One of the benefits of PBI is that private financing is not subject to twice-per-year bond issuances, which currently affect the schedules of all courthouse capital projects relying on bond sales to pay for construction. With PBI, risk of this type of schedule delay is entirely eliminated.

Also factored into the length of the Actual Timeline shown in the figure below, and owing to the size and complexity of the project, was the construction contractor–recommended four-month extension of the construction schedule—from 24 to 28 months. This extended schedule, although four months longer than the final approved schedule, was still expedited compared to the 30- or 36-month construction schedule typical for projects of this size and complexity.

Figure 3.1
San Bernardino Justice Center—Timeline Comparison



Final Approved Timeline: Construction phase appropriation 7/1/2011.
P = Preliminary Plans phase; W = Working Drawings phase; C = Construction phase.

Project Development Schedule

Completion dates for the contractor selection process and the project phases are shown in table 3.4.

Table 3.4
San Bernardino Justice Center—Completion Dates for Milestones

Contractor Selection Process	
Request for CMR qualifications/proposals	02/11/2009
Due date for qualifications/proposals	02/24/2009
CMR shortlist	03/16/2009
CMR interviews	03/26/2009
CMR intent to award	03/30/2009
CMR contract executed	04/27/2009

Completion of Project Phases	
Acquisition	06/13/2008
Preliminary Plans	10/12/2009
Working Drawings	02/02/2011
Construction	05/1/2014

Chapter 4
South County Justice Center, Porterville

Project Description

The South County Justice Center is located in downtown Porterville at 300 East Olive Avenue. The courthouse is positioned on an eight-acre site that provides surface parking spaces for visitors, jurors, and staff. This new nine-courtroom courthouse consolidates from the existing Porterville Government Center and the Tulare-Pixley Court operations that are overcrowded, have numerous physical and functional inefficiencies, and suffer from safety and security issues. This modern justice center provides adequate space for courtrooms, judicial support, court administration, security operations, and secure holding and sally port for in-custody detainees. This facility will serve the county's growing need for court services, enabling the court to greatly improve access and services for the southern half of Tulare County.

The 100,299-square-foot building has three stories, with a partial basement. The design incorporates several sun shading solutions, which add to the unique architectural style and significantly improve energy efficiency during the extremely long hot summers in the Porterville area. The majority of service windows are exterior, allowing the public to complete their transactions without processing through the security screening—reducing the burden on security staffing resources and improving access time. The building was designed to qualify for the LEED™ Silver certification by the U.S. Green Building Council.

Project Facts

Location:	300 East Olive Avenue, Porterville, California
Capacity:	Nine courtrooms in 100,299 square feet
Project cost:	$82.6 million for all project costs; $66.7 million for construction
Funded by:	SCFCF and SB 1732, which established a revenue source of court user fees for judicial branch courthouse projects
Architect:	CO Architects
Contractor:	Sundt Construction, Inc.
Timeline:	Initially funded in FY 2007–2008; construction began in September 2011 and was completed in September 2013
More information:	*http://www.courts.ca.gov/facilities-tulare.htm#ad-image-0*

Procurement Method

The CMR delivery method was used for this project. Six proposals were received from construction management firms.

Risk Allocation

Several risks were retained by the AOC for the South County Justice Center that for the Governor George Deukmejian Courthouse were transferred to the project company. The most significant risk was subsurface condition risk. Unanticipated subsurface conditions materialized, and the AOC bore the financial impact. Similarly, the AOC retained the risks associated with life cycle and maintenance, as well as post-warranty work and future expansion, each of which was transferred to the project company for the Governor George Deukmejian Courthouse. This facility has not been in operation long enough to demonstrate definitively the financial impact of these retained risks to the AOC. However, they are guaranteed to be realized, and the funding available to respond to such risks will determine to what extent they can be addressed, potentially affecting building quality and shortening the estimated useful life of the new courthouse.

Project Costs

The AOC delivered this project for $10.8 million less than the final and original appropriation amounts. Project costs are identified in table 4.1. A detailed breakdown of construction costs is provided in Appendix B.

Table 4.1
South County Justice Center—Appropriations and Project Costs

		Acquisition	Preliminary Plans	Working Drawings	Construction	Total
A	Original appropriation	$4,426,000	$3,264,000	$4,619,000	$81,055,000	$93,364,000
B	Final appropriation	$4,426,000	$3,264,000	$4,619,000	$81,055,000	$93,364,000
C	Actual expenditure	$3,365,138	$2,666,446	$2,990,287	$73,582,443	$82,604,314
D	Increase or (savings) from original appropriation (C-A=D)	$(1,060,862)	$(597,554)	$(1,628,713)	$(7,472,557)	$(10,759,686)
E	Increase or (savings) from final appropriation (C-B=E)	$(1,060,862)	$(597,554)	$(1,628,713)	$(7,472,557)	$(10,759,686)

Project Management Costs

Judicial Branch project management costs are presented in table 4.2 using the methodology presented in Appendix D. Judicial branch project management costs accounted for 2.60 percent of total cost, or 3.21 percent of hard construction costs for this project.

Table 4.2
South County Justice Center—Judicial Branch Project Management Costs

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
AOC employee costs	$225,752	$43,540	$91,964	$519,332	$880,588
Consultant/contractor costs	$0	$37,315	$275,970	$950,720	1,264,005
Totals	$225,752	$80,855	$367,934	$1,470,052	$2,144,593

Costs for Contractors

In this report, the costs for contractors are classified and calculated as shown in table 4.3. The sum of project contractor and construction contractor costs accounted for 93.0 percent of the total cost of this project. The separate cost of the construction contractor accounted for 83.7 percent of the total aggregate project costs.

Table 4.3
South County Justice Center—Costs for Contractors

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
Costs for project contractors[36] (excluding construction contractor)	$316,493	$2,334,425	$2,552,670	$2,441,840	$7,645,428
Costs for construction contractor[37]		$212,580	$179,552	$68,748,563	$69,140,695
Other project costs	$3,048,645	$119,441	$258,065	$2,392,039	$5,818,190
Total actual costs	$3,365,138	$2,666,446	$2,990,287	$73,582,442	$82,604,313
Sum of project contractor and construction contractor costs as percentage of actual costs (all service providers and vendors)	9.4%	95.5%	91.4%	96.7%	93.0%
Construction contractor costs as percentage of actual costs	0.00%	8.0%	6.0%	93.4%	83.7%

[36] *Project contractors*—all service providers and vendors, excluding the construction contractor, with exceptions for the following costs: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.
[37] *Construction contractor*—the general contractor responsible for constructing the project.

Project Timeline

As shown in figure 4.1, this project was completed 38 weeks after the final approved completion date and 64 weeks after the originally scheduled completion date. Delays during the Acquisition phase are attributed to issues with property appraisals and negotiations with the property owner and environmental process details with the Department of General Services and DOF. Delays during the Preliminary Plans phase are attributed to additional time required for SPWB approval. Delays during the Working Drawings phase were due to the additional time required for review and approvals by DSA and the Office of the State Fire Marshal. The delays in starting the Construction phase are attributed to the fact that when the DSA and OSFM approvals were received, the project had to wait until the next available bond sale to allow the project to bid before a bond sale.

Figure 4.1
South County Justice Center—Timeline Comparison

P = Preliminary Plans phase; W = Working Drawings phase; C = Construction phase.

Project Development Schedule

Completion dates for the contractor selection process and the project phases are shown in table 4.4.

Table 4.4
South County Justice Center—Completion Dates for Milestones

Contractor Selection Process	
Request for CMR qualifications/proposals	09/18/2009
Due date for qualifications/proposals	10/09/2009
CMR shortlist	10/29/2009
CMR interviews	11/05/2009
CMR intent to award	11/13/2009
CMR contract executed	01/05/2010

Completion of Project Phases	
Acquisition	10/22/2009
Preliminary Plans	07/12/2010
Working Drawings	09/15/2011
Construction	09/12/2013

Chapter 5
Richard E. Arnason Justice Center, Pittsburg

Project Description

The Richard E. Arnason Justice Center replaced the outdated and undersized four-courtroom Pittsburg-Delta Courthouse, originally constructed in 1952 and demolished after the new courthouse was completed.

The eastern region of Contra Costa County includes the growing communities of Pittsburg, Antioch, Brentwood, and Oakley. Previously served by the outdated and undersized Pittsburg-Delta Courthouse, this region needed a larger, modern facility to meet growing demand for court services and to accommodate three new judicial officers. The previous building was so overcrowded that approximately 6,000 cases had to be reassigned to other courts throughout the county. The Arnason Justice Center has greatly improved access to justice for East County residents.

This courthouse has won numerous awards and was the first judicial branch courthouse to receive LEED™ Silver certification from the U.S. Green Building Council. The building was named in honor of Richard E. Arnason, distinguished jurist and pioneering member of the bar in eastern Contra Costa County.

Project Facts

Location:	1000 Center Drive, Pittsburg, California
Capacity:	Seven courtrooms in 73,500 square feet
Project cost:	$48.6 million for all project costs; $42.3 million[38] for construction
Funded by:	SCFCF and SB 1732, which established a revenue source of court user fees for judicial branch courthouse projects
Architect:	HOK
Contractor:	Sundt Construction, Inc.
Timeline:	Originally funded in FY 2005–2006; to accommodate three new judgeships, funding was increased in the annual budget act for FY 2006–

[38] In the SB 78 report, $45.1 million was used. This represented total construction phase cost. Hard construction cost is used in this report.

2007 to fund a scope change from four to seven courtrooms; construction began in April 2009 and was completed in November 2010

More information: *http://www.courts.ca.gov/facilities-contracosta.htm*

Procurement Method

The CMR delivery method was used for this project. Seven proposals were received from construction management firms.

Risk Allocation

Regarding risk allocation relative to the Governor George Deukmejian Courthouse, notably, the AOC retained the risk of subsurface conditions, which was in fact realized, and the AOC bore the financial responsibility for its mitigation. In this case, asbestos was discovered, and the AOC paid for its abatement. Although this issue was relatively minor, it is an example of a type of risk that could well have had a significant financial impact.

Another risk retained by the AOC was for the punch list. In the case of the Richard E. Arnason Justice Center, the court was allowed to move in to the building on receipt of the Certificate of Occupancy, but this occupancy caused delays in the punch list process because the contractor's movements were restricted for security concerns once the court occupied the space. Under PBI procurement, the project company would retain this risk and therefore would have likely performed greater due diligence regarding the risk of phased occupancy to punch list completion. Under PBI, delays to completing the punch list would delay service commencement, resulting in a delay to the first service fee payment, negatively affecting the project company's ability to meet its debt service obligations.

Also noteworthy in the case of the Richard E. Arnason Justice Center was the AOC's retained risk regarding third-party reviews. Certain authorities having jurisdiction caused delays by not offering exceptions until construction was under way. Under PBI procurement, this risk would likely be shared; however, in this case the AOC accepted full financial responsibility, incurring additional costs and delays.

Project Costs

The AOC delivered this project for $16.1 million less in total project costs than the final appropriation amount and $13.9 million less than the original appropriation amount. Project costs are identified in table 5.1, below.

The cost increases in the Acquisition ($672,000) and Preliminary Plans ($1.56 million) phases were included in the Budget Act of 2006 (FY 2006–2007) to fund a scope change from four to seven courtrooms.

Table 5.1
Richard E. Arnason Justice Center—Appropriations and Project Costs

		Acquisition	Preliminary Plans	Working Drawings	Construction	Total
A	Original appropriation	$6,000,000	$1,237,000	$3,632,000	$51,628,000	$62,497,000
B	Final appropriation	$6,672,000	$2,797,000	$3,632,000	$51,628,000	$64,729,000
C	Actual expenditure	$245,272	$1,494,085	$1,708,361	$45,141,930	$48,589,648
D	Increase or (savings) from original appropriation (C-A=D)	$(5,754,728)	$257,085	$(1,923,639)	$(6,486,070)	$(13,907,352)
E	Increase or (savings) from final appropriation (C-B=E)	$(6,426,728)	$(1,302,915)	$(1,923,639)	$(6,486,070)	$(16,139,352)

Project Management Costs

Judicial branch project management costs are presented in table 5.2 using the methodology presented in Appendix D. Judicial Branch project management costs accounted for 2.95 percent of total cost, or 3.39 percent of construction cost for this project.

Table 5.2
Richard E. Arnason Justice Center—Judicial Branch Project Management Costs

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
AOC employee costs	$353,626	$202,036	$112,928	$766,063	$1,434,653
Consultant/contractor costs	$0	$0	$0	$0	$0
Totals	$353,626	$202,036	$112,928	$766,063	$1,434,653

Costs for Contractors by Activity

In this report, the costs for contractors are classified and calculated as shown in table 5.3, below. The sum of project contractor and construction contractor costs accounted for 99.6 percent of the total cost of this project. The separate cost of the construction contractor accounted for 87.0 percent of the total aggregate project costs.

Table 5.3
Richard E. Arnason Justice Center—Costs for Contractors

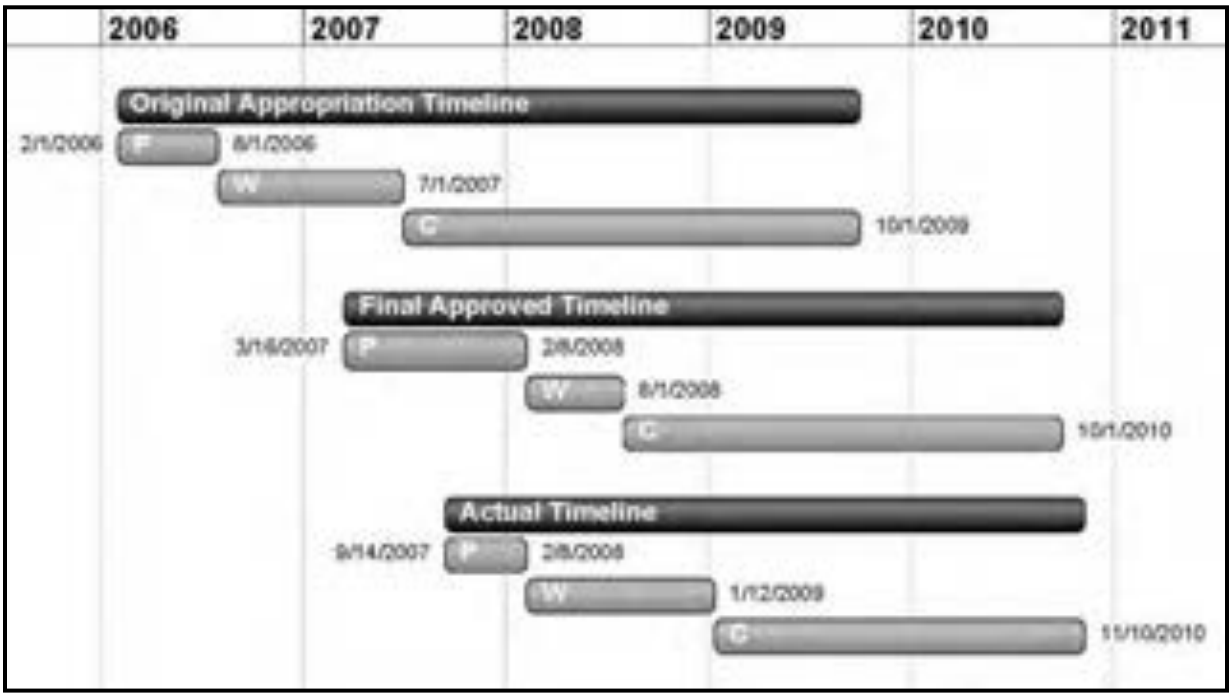
Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
Costs for project contractors[39] (excluding construction contractor)	$185,073	$1,469,335	$1,699,459	$2,749,323	$6,103,190
Costs for construction contractor[40]	$0	$0	$0	$42,289,814	$42,289,814
Other project costs	$60,199	$24,750	$8,902	$102,793	$196,644
Total actual costs	$245,272	$1,494,085	$1,708,361	$45,141,930	$48,589,648
Project contractor costs as percentage of actual costs (all service providers and vendors)	75.5%	98.3%	99.5%	99.8%	99.6%
Construction contractor costs as percentage of actual costs	0.0%	0.0%	0.0%	93.7%	87.0%

[39] *Project contractors*—all service providers and vendors, excluding the construction contractor, with exceptions for the following costs: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.
[40] *Construction contractor*—the general contractor responsible for constructing the project.

Project Timeline

As shown in figure 5.1, below, this project was completed 6 weeks after the final approved completion date and 58 weeks after the originally scheduled completion date. The delay was caused by the change in building size from four to seven courtrooms. The overall actual duration of design and construction was five months less than the final approved timeline allowed.

Figure 5.1
Richard E. Arnason Justice Center—Timeline Comparison



Final Approved Timeline: Construction phase appropriation 7/1/2008.
P = Preliminary Plans phase; W = Working Drawings phase; C = Construction phase.

Project Development Schedule

Completion dates for the contractor selection process and the project phases are shown in table 5.4.

Table 5.4
Richard E. Arnason Justice Center—Completion Dates for Milestones

Contractor Selection Process	
Request for CMR Qualifications/Proposals	06/05/2007
Due Date for Qualifications/Proposals	06/19/2007
CMR Shortlist	07/11/2007
CMR Interviews	07/16/2007
CMR Intent to Award	07/20/2007
CMR Contract Executed	09/17/2007

Completion of Project Phases	
Acquisition	09/14/2007
Preliminary Plans	02/08/2008
Working Drawings	01/12/2009
Construction	11/10/2010

Appendix A
Text of SB 75 Section 27 and Definitions of Terms

SB 75 Section 27

SEC. 27. The Judicial Council shall report to the appropriate budget and policy committees of the Legislature, the Joint Legislative Budget Committee, the Legislative Analyst's Office, and the Department of Finance, on or before June 30, 2014, on an evaluation of the Long Beach court building performance based infrastructure project. The evaluation shall assess the implementation of the project agreement and compare the project to other court construction projects the Judicial Council has pursued using the traditional public sector approach. The evaluation shall address whether the project was a cost-effective approach compared to the Judicial Council's other court construction projects. The evaluation shall include, but not be limited to, all of the following elements:

(a) Evaluation of the project company and its design-build implementation of the project agreement relative to the requirements of the agreement.

(b) Comparison of the assumptions included in the project's final Value for Money analysis, which was submitted to the Legislature in a report dated January 24, 2011, to the project's actual costs to date as well as projected costs incurred under the life of the contract. The comparison shall address assumptions that were made about the project site, timing, capital and operating costs, financing and revenues, and project risks. The comparison shall describe, for each of the project risks that were identified in the Value for Money analysis, whether the risk was realized and if a cost was imposed on the project company or the Judicial Council as a result.

(c) Identification of costs that occurred in the project for the project company and the Judicial Council that were not identified in the value for money analysis.

(d) Description of major challenges encountered by the project and how those issues were resolved.

(e) Description of major changes to the project scope, budget, or timeline during the term of the project agreement, including changes that did or did not require renegotiation of the agreement, and the impact of those changes to the project, including cost impact.

(f) Assessment of the cost-effectiveness of the project compared to a minimum of three projects constructed as part of the courts construction program. The assessment shall consider the costs related to the construction, management, and operation of the court building that were experienced by the project company and the Judicial Council. The assessment shall also consider

the timeliness of construction, the quality of the building, and the level of service provided by the project company in the project compared to buildings constructed and maintained by the Judicial Council. The information presented in this assessment shall include, but not be limited to, all of the following for each court construction project:

(1) Identification of all initial, final approved, and actual project costs for each phase of design and construction, including any cost increases and reasons for those increases.

(2) Identification of the initial, final approved, and actual project timeline for each phase of design and construction, as well as all project delays and the reasons associated in causing the project delays.

(3) The total project management costs incurred by the Judicial Council, including for existing staff who worked on each project, distinguished by project activity.

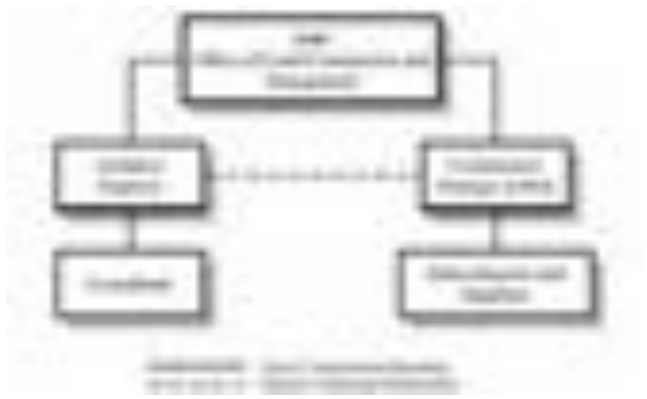
(4) The total costs paid for contractors, distinguished by project activity.

Definitions of Terms and Abbreviations

The following terminology and abbreviations, including terms in SB 75 section 27, are defined below:

Terms and Abbreviations	Definitions
Actual Completion Date	While this term does not occur in the bill, it is defined here to establish the precise end date of the actual project timeline. The completion of the construction phase in the actual timeline shown in the Timeline Comparison Figure in each of the project-specific chapters is the date when occupancy was granted by the State Fire Marshal (SFM) in the form of a Temporary Certificate of Occupancy followed by a Certificate of Occupancy.
Administrative Office of the Courts or AOC	The staff agency to the Judicial Council of California; actions or responsibilities attributed to the AOC, in this report, are on behalf of the Judicial Council.
Architecture Engineering Consulting Operations and Maintenance or AECOM	Architect of record, designer of record, and lead design team member
California Construction Cost Index or CCCI	This index is used by the AOC and the State Department of Finance for project planning and budgeting. See table B.7.
California Environmental Quality Act or CEQA	A California statute passed in 1970 to institute a statewide policy of environmental protection. It requires following a protocol of analysis and public disclosure of environmental impacts of proposed projects and adopting all feasible measures to mitigate those impacts.

Terms and Abbreviations	Definitions
City	City of Long Beach.
Clark	General Contractor and Design-Builder.
Competitive Procurement	Quantity and availability of subcontractors and vendors. In general the greater the number of subcontractors/vendors, the more price-competitive the procurement will be. The economic and market conditions also affect the level of competition.
Construction Costs	Costs incurred during construction.
Construction Manager at Risk or CMR	A project delivery method, also known as Construction Manager/General Manager, allows an owner to engage a private entity/construction manager during the project design process to provide services in two phases: design and construction. During design, the Construction Manager provides preconstruction services. The construction manager provides input regarding pricing, constructability, scheduling, phasing and other input to assist the architect with design and provide the owner with expertise to assist in making decisions that will result in a more cost-effective and constructible project. At approximately 60% to 90% design completion, the Owner and the CM negotiate a 'Guaranteed Maximum Price' (GMP) for the construction of the project based on the defined scope and schedule. If this price is acceptable to both parties, they execute a contract for construction services, and the Construction Manager becomes the general contractor as CMR. The AOC contracts for the GMP with the CMR after the design is 100% complete with all permits and approvals completed, significantly reducing the risk to the CMR contractor. Key aspects of the CMR method are (i) the contract terminates at the end of the construction stage; (ii) the owner retains all financial and funding obligations through the development of the project; and (iii) the owner retains long term operations and maintenance obligations for the life of the building. This approach offers the direct contractual relationship between owner and architect of other traditional methods, the advisory benefits of CM as advisor, and the early cost commitment characteristic of DB. The CMR is hired early in the design process to deliver an early cost commitment and to manage issues of schedule, cost, construction, and building technology. The owner benefits from the simplicity of one contract with a single entity for the entire construction process. The contractual relationships are illustrated in Figure A.1 below.

Terms and Abbreviations	Definitions
	Figure A.1 CMR Relationship Diagram  While some variations are possible based on the individual circumstances of a project, the CMR method is defined by certain characteristics in connection with project risks. The procuring agency will first retain a designer to define the project scope, and subsequently procure a CMR upon or prior to establishment of the initial design. The CMR is responsible for construction, and accepts the financial risk associated with procurement and construction costs, such that they are liable for any cost overrun not associated with an owner-driven change. An important distinguishing characteristic of this delivery method is the relationship between the CMR contractor and the designer. The intent is for the CMR contractor to become involved in the design process, so that they may provide input regarding constructability, construction cost and schedule, and thus improve the efficiency, timeliness and cost effectiveness of design and construction. From a commercial perspective, a CMR contract is based on a GMP or Lump Sum. Unlike more traditional forms of procurement, CMR contracts are awarded based on the combined consideration of both qualifications and price.
Contractor Costs – Section 27(f)(4)	Costs for contractors are taken directly from job cost accounting reports generated by the JBCPO Business and Finance Unit.
Contractors	In connection with SB 75 section 27(f)(4), "contractors" shall be defined as all service providers and vendors involved with the project. In the Costs for Contractors table in each of the project-specific chapters, the separate cost of the construction contractor is also provided.
Corrections Standards Authority or CSA	Replaced by the BSCC, Board of State and Community Corrections, effective July 1, 2012.

Terms and Abbreviations	Definitions
Cost Increase/Total Project Costs/Each Phase of Design and Construction	In connection with section 27(f)(1), a "cost increase" shall be defined as costs exceeding the amount of the original appropriation request for each phase, at the time the subject phase was actually requested. "Total project costs" presented in this report include site acquisition (A) phase costs as well as costs for "each phase of design and construction," which are preliminary plans (P), working drawings (W), and construction (C).
Critical Path	The longest path of planned activities to the completion of construction.
CT Energetics	Commissioning sub-consultant to the design-builder.
Department of Finance or DOF	State of California Department of Finance
Design-Bid-Build or DBB	Traditional method for project delivery. Delivery consists of the design phase, bidding phase and construction phase.
Design-Build or DB	Delivery method by which Clark is responsible for both the design by AECOM and the construction of the facility.
Division of State Architect or DSA	Reviewing agency for access compliance.
Facility Condition Index (FCI)	The ratio of deferred maintenance dollars to replacement dollars. FCI = Total estimated cost of deferred maintenance ÷ Estimated replacement value An FCI of 0.1 signifies a 10 percent deficiency, which is generally considered low, and an FCI of 0.7 means that a building needs extensive repairs or replacement. The lower the FCI, the lower the need for remedial or renewal funding relative to the facility's value.
Furniture, Fixtures and Equipment or FF&E	Furniture, fixtures and equipment, and low-voltage systems, or building systems pertaining to security and access control, fire alarm, audiovisual systems, unified communications, and other technical infrastructure
Guaranteed Maximum Price or GMP	A Guaranteed Maximum Price contract is a cost-type contract (also known as an open-book contract) where the contractor is compensated for actual costs incurred plus a fixed fee subject to a ceiling price. The contractor is responsible for cost over-runs, unless the GMP has been increased via formal change order (only as a result of additional scope from the client, not price overruns, errors, or omissions). Savings resulting from cost under-runs are returned to the owner.
Immediate and Critical Needs Account or ICNA	An account funded by special revenues collected in accordance with SB 1407.

Terms and Abbreviations	Definitions
Independent Building Expert or IBE and Inspector of Record or IOR	A consultant to the AOC and the Project Company jointly, providing peer and code document review, permitting, and field inspection (performed by TMAD Taylor & Gaines or TTG with subcontractors).
Initial Project Timeline and Delay	In connection with SB 75 section 27(f)(2), the "initial project timeline" for the three CMR comparator projects is the timeline presented in the initial COBCP that is the initial basis of the budget act appropriation and "delay" is measured against the original project timeline and is calculated by comparing the original completion date for each phase of design and construction (P, W, and C) with the actual completion dates. The final approved timeline is also represented, along with the original and actual timelines, in the Timeline Comparison figure in each of the project-specific Chapters 3 through 5. The final approved timeline is the timeline presented in the final project action or funding request approved by the DOF or the SPWB. The overall timelines represent the time period between the start of preliminary plans and the completion of construction. As set forth in the State Administrative Manual (SAM), Section 6853 – Award Construction Contract, and Section 6854 – Construction, the construction (C) phase begins with the approval of working drawings and proceed to bid, and thus includes bid and award activities. For the Governor George Deukmejian Courthouse, the initial project timeline is the timeline set forth in the Project Company's proposal.
Johnson Controls Inc. or JCI	Building operator for operations and maintenance and low-voltage subcontractor.
Judicial Branch Capital Program Office or JBCPO	AOC office responsible for all aspects of implementing capital outlay projects.
Judicial Branch Project Management Costs – Section 27(f)(3)	Internal judicial branch project management costs are estimated through a combination of direct estimation for project managers, planners, real estate analysts, and construction inspectors, and a cost model for other AOC staff who contributed to the management of the capital projects. See Appendix D for the calculation methodology.
Leadership in Energy and Environmental Design or LEED™	A program administered by the U.S. Green Building Council (USGBC) to measure and certify the level of construction with respect to energy and the environment.
London Interbank Offered Rate or LIBOR	The rate at which an individual contributor panel bank could borrow funds.

Terms and Abbreviations	Definitions
Long Beach Judicial Partners or LBJP	Project Company responsible for the financing, design, construction, operations and maintenance of the Governor George Deukmejian Courthouse.
Net Present Value or NPV	A comparison of costs on a consistent basis because the costs to the State occur at different points in time under each procurement option. The NPV of each of the procurement methods is compared to determine which would provide the best value to the State.
On site	Elements performed within the property line of the site.
Operating Cost	Facilities Management – The Owners/AOC certainty on annual operational costs (energy, routine maintenance, custodial maintenance). These costs are normally covered under the general fund appropriation to the judicial council. Repair and Replacement (PPP Life-cycle cost) certainty – For replacement of major items, these costs are normally funded from capital improvement fund sources.
Parking Structure	Existing parking structure (built when the existing courthouse was constructed), located one-half block south of Governor George Deukmejian Courthouse site, and which received seismic upgrades, remediation for the leaking top deck, a new elevator/stair tower, a new entrance, and both an internal and external renovation as a part of the project requirements
Performance-Based Infrastructure or PBI	A project delivery method whereby a public entity/owner procures an infrastructure project from a private entity/developer or concessionaire where the private entity is responsible for the design, construction, operation, maintenance and financing of that infrastructure. The PBI contract, or Project Agreement, is output or performance-based as opposed to prescriptive. Key components of a PBI project are (i) the private entity is fully responsible for design and construction; (ii) financing is provided by the private sector; and (iii) the private party has long term obligations to operate and maintain the infrastructure. Payments to the private entity by the public entity are subject to and based on the private party's performance and compliance with the specified requirements of the Project Agreement and availability of the infrastructure at all times. Through the Project Agreement the AOC has the ability to make deductions against its payments to the private party for unavailability of portions of the building due to building performance failures (hence a "performance-based" project); used interchangeably with public-private partnership, or *PPP*.

Terms and Abbreviations	Definitions
Phases of Project Delivery	Site Acquisition (A); Preliminary Plans (P); Working Drawings (W); and Construction (C)
Pre-construction Costs	Costs incurred before construction starts.
Project Activity	In connection with section 22(f)(4), "project activity" shall mean the typical phases of a state capital project, which are site acquisition (A), preliminary plans (P), working drawings (W), and construction (C).
Project Agreement	A design, build, finance, operate, and maintain agreement executed between the AOC and the Project Company including the transaction forms, ground lease, sub-lease, appendices, proposal extract documents, related agreements, and Performance and Management Standards.
Project Company	The entity formed to bid on the Governor George Deukmejian Courthouse project. On the signing of the Project Agreement, Long Beach Judicial Partners was appointed as the Project Company.
Project Costs/Increases – Section 27(f)(1)	Actual project costs are taken directly from job cost accounting reports generated by JBCPO's Business and Finance Unit, with the exception of those for the Governor George Deukmejian Courthouse, which were provided by the Project Company. The Appropriations and Project Costs table in each project-specific chapter shows the original appropriation amount, the final appropriation amount, and the actual expenditure for each as well as increases or savings from appropriation amounts. The original appropriation amount refers to the original amount appropriated in the annual budget act for each phase. The final appropriation amount refers to the sum of the original appropriation amount and all subsequent changes to that amount as contained in the annual budget act or as approved by the DOF or the SPWB. Changes to the original appropriation amount can be augmentations, reversions, or redirections (from one phase to another). Some changes to the original appropriation amount, within the guidelines set forth in the State Administrative Manual (SAM), may be approved independently by the DOF or the SPWB and do not appear in the annual budget act. Cost increases are listed and reasons for cost increases are described.
Project Labor Agreement or PLA	A pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project. The terms of the agreement apply to all contractors and subcontractors who successfully bid on the project, and supersede any existing collective bargaining agreements.

Terms and Abbreviations	Definitions
Public-Private Partnership or PPP	The delivery method in which project is designed, financed, constructed, operated, and maintained under a comprehensive project agreement. Used interchangeably with performance-based infrastructure or PBI.
Quality Assurance, Quality Control or QA/QC	Quality Assurance (QA): the planned and systematic activities implemented in a quality system so that quality requirements for a product or service will be fulfilled. Quality Control (QC): The observation techniques and activities used to fulfill requirements for quality.
Quality Management or QM	Quality management ensures that an organization, product or service is consistent. It has four main components: quality planning, quality control, quality assurance and quality improvement. Quality management is focused not only on product and service quality, but also the means to achieve it. Quality management therefore uses quality assurance and control of processes as well as products to achieve more consistent quality.
Request for Information or RFI	A request from the Contractor to the Architect for information to resolve gaps, conflicts, or subtle ambiguities in the construction documents.
Request for Proposal or RFP	A type of bidding solicitation in which a company or organization announces that funding is available for a particular project or program, and companies can place bids for the project's completion. The Request For Proposal (RFP) outlines the bidding process and contract terms, and provides guidance on how the bid should be formatted and presented. A RFP is typically open to a wide range of bidders, creating open competition between companies looking for work. A Request For Proposal for a specific program may require the company to review the bids not only examine their feasibility, but also the health of the bidding company and the ability of the bidder to actually do what is proposed. The RFP may provide detailed information on the project or program, but can leave leeway for the bidder to fill in the blanks with how the project would be completed or program run.

Terms and Abbreviations	Definitions
Risk Transfer and Risk Allocation	Risk transfer moves the risk to another party, normally the contractor. In the AOC's typical project delivery the CMR's responsibilities are limited to the design and construction phases and for the most part end upon the expiration of the one-year warranty period. In the PBI delivery method, the contractor is part of a team, the project company, with comprehensive and long-term responsibilities to finance, design, build, operate, and maintain the facility. Through the PBI Project Agreement risk can be allocated to include responsibility for pre-construction, design, construction, occupancy, maintenance, and life-cycle replacement.
Senate Bill 1407 or SB 1407	Perata, Stats. 2008, Ch. 311
Senate Bill 1732 or SB 1732	Trial Courts Facilities Act of 2002, Escutia, Stats. 2002, Ch 1082
Shadow Bid	Cost of delivery of the project under a PBI approach, the hypothetical estimation of private sector bid in response to an RFP for a PBI project.
SPV	Special purpose vehicle. It is a legal entity, usually a limited company of some type or, sometimes, a limited partnership; created to fulfill narrow, specific or temporary objectives.
State Administrative Manual or SAM	The State Administrative Manual (SAM) is a reference source for statewide policies, procedures, requirements and information developed and issued by authoring agencies such as the Governor's Office, Department of General Services (DGS), Department of Finance (DOF), and Department of Human Resources (CalHR). In order to provide a uniform approach to statewide management policy, the contents have the approval of and are published by the authority of the DOF Director and the DGS Director.
State Court Facilities Construction Fund or SCFCF	Established by SB 1732 special revenues for Judicial Branch costs associated with supplementing SB 1732 and certain capital outlay projects.
State Fire Marshal or SFM (also known as OSFM, the Office of the State Fire Marshal)	The California agency responsible for fire department approval.

Terms and Abbreviations	Definitions
State Public Works Board or (SPWB)	The State Public Works Board (SPWB) was created by the Legislature to oversee the fiscal matters associated with construction of projects for state agencies, and to select and acquire real property for state facilities and programs. The SPWB is also the issuer of lease-revenue bonds, which is a form of long term financing that is used to pay for capital projects. The Legislature appropriates funds for capital outlay projects such as acquiring land, planning and constructing new buildings, expanding or modifying existing buildings, and/or purchasing equipment related to such construction. Through review and approval processes, the SPWB ensures that capital outlay projects adhere to the Legislature's appropriation intents. Voting members of the SPWB include the Director of Finance (SPWB Chair), the Director of Transportation, and the Director of General Services. When the SPWB deals with matters related to the issuance of revenue bonds the State Controller and the State Treasurer are added as members. Advisory members include the Director of the Employment Development Department, three Senators appointed by the Senate Rules Committee, and three Assembly members appointed by the Speaker of the House.
Superior Court	Superior Court of California, County of Los Angeles; primary project participants included the Court Executive Office; Facilities Department, and the supervising staff at the Governor George Deukmejian Courthouse.
TMAD Taylor & Gaines or TTG	Independent Building Expert/Inspector of Record or IBE/IOR.
Value for Money or VfM	This is a comparison of the risk-adjusted whole life-cycle cost of the project procured as a PBI compared with the risk-adjusted whole life-cycle cost of the project as if it was procured as a CMR, which is the public sector comparator. The comparison is done on a net present value (NPV) basis to facilitate a comparison of costs on a consistent basis because the costs to the State occur at different points in time under each procurement option. The NPV of each of the procurement methods is compared to determine which would provide the best value to the State.

Appendix B
Project Cost Comparison Methodology

Adjustments to Remove Unique Project Costs

To provide a fair comparison of costs, all four projects have been adjusted (see table B.1) to remove unique aspects and to adjust all projects to a common baseline or time frame.

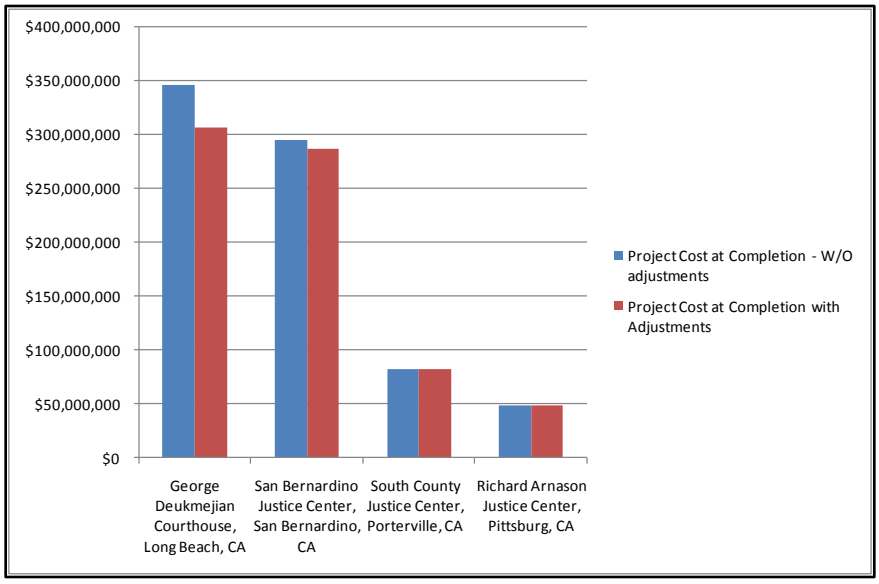
Following are the adjustments for unique project costs:

1. The construction cost of the Governor George Deukmejian Courthouse was adjusted by removing the structured parking and the approximately 115,000 square feet of commercial/retail space that is not part of the court space. This adjustment reduced the cost of the project by approximately $40 million, or 11 percent, for comparative purposes.

2. The cost of the San Bernardino Justice Center was adjusted for the required bid extension and for the impacts of adding specialized, seismic base isolation. These adjustments reduced the cost of the project approximately $9 million, or 3 percent, for comparative purposes.

   Figure B.1 provides an illustrative view of the impact of those adjustments on the project costs for the two directly comparable projects.

Figure B.1
Summary of Adjustments to Remove Unique Project Aspects



3. The cost of the Richard E. Arnason Justice Center was assigned a minor adjustment of approximately $300,000 to account for the cost of building demolition.

4. The cost of the South County Justice Center in Porterville required no adjustments.

Table B.1
Summary of Adjustments to Remove Unique Project Costs

		George Deukmejian Courthouse Long Beach, CA	San Bernardino Justice Center San Bernardino, CA	South County Justice Center Porterville, CA	Richard Arnason Justice Center Pittsburg, CA
A	Total project cost without adjustments	$346,725,495	$295,098,492	$82,604,314	$48,589,648
B	Adjustments	$39,500,221	$8,570,382	$0	$317,378
C	Adjusted total project cost (A-B=C)	$307,225,274	$286,528,110	$82,604,314	$48,272,270

Tables B.2 through B.5 present detailed costs for each project, showing in columns B and C the adjustments for unique project costs.

Table B.2
George Deukmejian Courthouse, Long Beach

JUDICIAL BRANCH CAPITAL PROGRAM OFFICE
SB 75 LONG BEACH REPORT
GEORGE DEUKMEJIAN COURTHOUSE

LONG BEACH, CA

COURTROOMS:	**31**	
TOTAL AREA:	**531,000 SF**	**(CR)**
COURT AREA:	**416,000 Ft²**	**(TA)**
$-Proj/CR:	**$9,910,493**	**(CA)**
DATE:	**May-14**	**(A3/CR)**

Office Area: **115,000 Ft²**

	DESCRIPTION		Cost A	Adjustments Parking Structure B	Adjustments Less Office C $200 per Ft²	Net Courthouse D=A-B-C	% D/D1
	A10 Foundations		$7,827,755	$1,097,409	596,852	$6,133,494	2.6%
	A20 Basement Construction		$5,679,128		503,630	$5,175,499	2.2%
	B10 Superstructure		$33,697,862	$2,021,872	2,809,052	$28,866,937	12.2%
	B20 Exterior Enclosure		$30,670,889	$115,338	2,709,691	$27,845,860	11.8%
	B30 Roofing		$7,218,872		640,175	$6,578,697	2.8%
	C10 Interior Construction		$18,318,911		1,624,536	$16,694,376	7.1%
	C20 Stairs		$2,628,137		233,065	$2,395,071	1.0%
	C30 Interior Finishes		$32,461,004	$1,294,378	2,763,881	$28,402,744	12.0%
	D10 Conveying		$10,370,602	$749,926	853,169	$8,767,507	3.7%
	D20 Plumbing		$6,978,462	$166,443	604,095	$6,207,924	2.6%
	D30 HVAC		$17,817,010		1,580,027	$16,236,983	6.9%
	D40 Fire Protection		$2,372,378	$34,589	207,317	$2,130,472	0.9%
	D50 Electrical - All Excluding Comm. & Sec.		$27,758,410	$1,146,844	2,359,935	$24,251,631	10.3%
	D53 Electrical - Communications & Security		$24,561,802		2,178,160	$22,383,641	9.5%
	E10 Equipment		$11,317,014	$134,141	991,706	$10,191,167	4.3%
	E20 Furnishings		$14,537,974	$592,696	1,236,678	$12,708,600	5.4%
	F10 Special Construction		$0		-	$0	
	F20 Selective Building Demolition		$0		-	$0	
	G10 Building Related Sitework		$13,766,172	$1,271,600	1,108,029	$11,386,544	4.8%
	G20 Non-Building Related Sitework		$0		-	$0	
	G30 Other Sitework		$0		-	$0	
1	**Subcontract Costs**	**A/A1**	**$267,982,382**	**$8,625,236**	**$23,000,000**	**$236,357,146**	**100.0%**
							D/D1
	General Conditions and Profit	18.4%	$49,176,135	$2,075,969	$4,176,881	$42,923,285	18.2%
	Design Change Orders **(*Included in Subcontract Cost Above)**	1.6%	$4,296,000*			$4,296,000*	1.8%
	Construction Contingency - Expended	0.0%					
2	**Hard Construction Cost**	**A/A1**	**$317,158,517**	**$10,701,205**	**$27,176,881**	**$279,280,431**	
							D/D1
	Design	7.9%	$21,195,933	$535,060	$1,087,075	$19,573,798	8.3%
	CM Consulting During Design	0.0%				$0	
	Cost of Art-in-Architecture	0.9%	$2,482,045			$2,482,045	1.1%
	Other Project Costs	2.2%	$5,889,000			$5,889,000	2.5%
3	**Total Project Cost**		**$346,725,495**	**$11,236,265**	**$28,263,956**	**$307,225,274**	

Table B.3
San Bernardino Justice Center, San Bernardino

JUDICIAL BRANCH CAPITAL PROGRAM OFFICE
SAN BERNARDINO JUSTICE CENTER
SAN BERNARDINO, CA

COURTROOMS:	**35**	
TOTAL AREA:	**383,745 SF**	**(CR)**
COURT AREA:	**383,745 Ft²**	**(TA)**
$-Proj/CR:	**$8,186,517**	**(CA)**
DATE:	**May-14**	**(A3/CR)**

	DESCRIPTION		Cost A	Adjustments Bid Extension B	Adjustments Base Isolation C	Net Courthouse D=A-B-C	% D/D1
	A10 Foundations		4,685,882	$32,547		$4,653,335	2.0%
	A20 Basement Construction		4,711,003	$32,721		$4,678,282	2.0%
	B10 Superstructure		32,645,529	$226,746		$32,418,784	13.7%
	B20 Exterior Enclosure		31,465,964	$218,553		$31,247,411	13.2%
	B30 Roofing		3,997,744	$27,767		$3,969,977	1.7%
	C10 Interior Construction		26,154,251	$181,659		$25,972,592	11.0%
	C20 Stairs		2,516,962	$17,482		$2,499,480	1.1%
	C30 Interior Finishes		29,148,345	$202,455		$28,945,890	12.3%
	D10 Conveying		8,797,747	$61,106		$8,736,641	3.7%
	D20 Plumbing		4,896,863	$34,012		$4,862,851	2.1%
	D30 HVAC		18,331,276	$127,323		$18,203,953	7.7%
	D40 Fire Protection		2,681,346	$18,624		$2,662,723	1.1%
	D50 Electrical - All Excluding Comm. & Sec.		17,053,898	$118,451		$16,935,447	7.2%
	D53 Electrical - Communications & Security		24,102,167	$167,406		$23,934,761	10.1%
	E10 Equipment		2,913,393	$20,236		$2,893,158	1.2%
	E20 Furnishings		14,479,357	$100,569		$14,378,788	6.1%
	F10 Special Construction		4,966,070		4,966,070	$0	
	F20 Selective Building Demolition		-	$0		$0	
	G10 Building Related Sitework		9,186,520	$63,807		$9,122,713	3.9%
	G20 Non-Building Related Sitework		-	$0		$0	
	G30 Other Sitework		-	$0		$0	
1	**Subcontract Costs**	**A/A1**	**$242,734,318**	**$1,651,463**	**$4,966,070**	**$236,116,785**	**100.0%**
							D/D1
	General Conditions and Profit	7.7%	$18,754,145	$127,595	$1,281,712	$17,344,837	7.3%
	Design Change Orders	0.0%				$0	
	Construction Contingency - Expended	0.7%	$2,156,150			$2,156,150	0.9%
2	**Hard Construction Cost**	**A/A1**	**$263,644,613**	**$1,779,058**	**$6,247,783**	**$255,617,772**	
							D/D1
	Design	10.9%	$26,567,517		$543,541	$26,023,976	11.0%
	CM Consulting During Design	0.6%	$1,461,128			$1,461,128	0.6%
	Cost of Art-in-Architecture	0.0%				$0	
	Other Project Costs	1.4%	$3,425,234			$3,425,234	1.5%
3	**Total Project Cost**		**$295,098,492**	**$1,779,058**	**$6,791,324**	**$286,528,110**	

Table B.4
South County Justice Center, Porterville

JUDICIAL BRANCH CAPITAL PROGRAM OFFICE
SOUTH COUNTY JUSTICE CENTER
PORTERVILLE, CA

COURTROOMS:	**9**	
TOTAL AREA:	**100,299 SF**	**(CR)**
COURT AREA:	**100,299 Ft²**	**(TA)**
$-Proj/CR:	**$9,178,257**	**(CA)**
DATE:	**May-14**	**(A3/CR)**

	DESCRIPTION		Cost A	Adjustments B	Adjustments C	Net Courthouse D=A-B-C	% D/D1
	A10 Foundations		1,667,601			$1,667,601	2.7%
	A20 Basement Construction		1,547,693			$1,547,693	2.5%
	B10 Superstructure		6,436,139			$6,436,139	10.3%
	B20 Exterior Enclosure		7,124,496			$7,124,496	11.4%
	B30 Roofing		2,133,907			$2,133,907	3.4%
	C10 Interior Construction		6,749,231			$6,749,231	10.8%
	C20 Stairs		504,055			$504,055	0.8%
	C30 Interior Finishes		4,933,966			$4,933,966	7.9%
	D10 Conveying		1,521,047			$1,521,047	2.4%
	D20 Plumbing		1,938,502			$1,938,502	3.1%
	D30 HVAC		6,000,920			$6,000,920	9.6%
	D40 Fire Protection		651,719			$651,719	1.0%
	D50 Electrical - All Excluding Comm. & Sec.		5,801,074			$5,801,074	9.3%
	D53 Electrical - Communications & Security		3,001,015			$3,001,015	4.8%
	E10 Equipment		555,127			$555,127	0.9%
	E20 Furnishings		4,603,111			$4,603,111	7.3%
	F10 Special Construction		-			$0	
	F20 Selective Building Demolition		-			$0	
	G10 Building Related Sitework		7,475,336			$7,475,336	11.9%
	G20 Non-Building Related Sitework					$0	
	G30 Other Sitework					$0	
1	**Subcontract Costs**	**A/A1**	**$62,644,939**		**$0**	**$62,644,939**	**100.0%**
							D/D1
	General Conditions and Profit	6.4%	4,018,838			$4,018,838	6.4%
	Design Change Orders	0.0%				$0	
	Construction Contingency - Expended	0.1%	$82,330			$82,330	0.1%
2	**Hard Construction Cost**	**A/A1**	**$66,746,107**	**$0**	**$0**	**$66,746,107**	
							D/D1
	Design	11.7%	$7,328,935			$7,328,935	11.7%
	CM Consulting During Design	3.9%	$2,441,840			$2,441,840	3.9%
	Cost of Art-in-Architecture	0.0%				$0	
	Other Project Costs	9.7%	$6,087,432			$6,087,432	9.7%
3	**Total Project Cost**		**$82,604,314**		**$0**	**$82,604,314**	

Table B.5
Richard Arnason Justice Center, Pittsburg

JUDICIAL BRANCH CAPITAL PROGRAM OFFICE
RICHARD ARNASON JUSTICE CENTER
PITTSBURG, CA

COURTROOMS:	**7**	
TOTAL AREA:	**73,500 SF**	**(CR)**
COURT AREA:	**73,500 Ft²**	**(TA)**
$-Proj/CR:	**$6,896,039**	**(CA)**
DATE:	**May-14**	**(A3/CR)**

	DESCRIPTION		Cost A	Adjustments B	Demolition C	Net Courthouse D=A-B-C	% D/D1
	A10 Foundations		975,923			$975,923	2.7%
	A20 Basement Construction		919,407			$919,407	2.5%
	B10 Superstructure		3,568,693			$3,568,693	9.8%
	B20 Exterior Enclosure		5,716,621			$5,716,621	15.7%
	B30 Roofing		1,054,638			$1,054,638	2.9%
	C10 Interior Construction		5,446,612			$5,446,612	15.0%
	C20 Stairs		216,412			$216,412	0.6%
	C30 Interior Finishes		3,645,617			$3,645,617	10.0%
	D10 Conveying		677,932			$677,932	1.9%
	D20 Plumbing		899,784			$899,784	2.5%
	D30 HVAC		3,686,347			$3,686,347	10.1%
	D40 Fire Protection		377,951			$377,951	1.0%
	D50 Electrical - All Excluding Comm. & Sec.		2,631,931			$2,631,931	7.2%
	D53 Electrical - Communications & Security		1,462,945			$1,462,945	4.0%
	E10 Equipment		135,438			$135,438	0.4%
	E20 Furnishings		1,502,416			$1,502,416	4.1%
	F10 Special Construction		-			$0	
	F20 Selective Building Demolition		317,378		317,378	$0	
	G10 Building Related Sitework		3,507,559			$3,507,559	9.6%
	G20 Non-Building Related Sitework					$0	
	G30 Other Sitework					$0	
1	**Subcontract Costs**	**A/A1**	**$36,743,603**		**$317,378**	**$36,426,225**	**100.0%**
							D/D1
	General Conditions and Profit	12.0%	4,405,558			$4,405,558	12.1%
	Design Change Orders	0.0%				$0	
	Construction Contingency - Expended	2.3%	1,140,653			1,140,653	3.1%
2	**Hard Construction Cost**	**A/A1**	**$42,289,814**	**$0**	**$317,378**	**$41,972,436**	
							D/D1
	Design	13.2%	$4,841,446			$4,841,446	13.3%
	CM Consulting During Design	0.0%				$0	
	Cost of Art-in-Architecture	0.0%				$0	
	Other Project Costs	4.0%	$1,458,388			$1,458,388	4.0%
3	**Total Project Cost**		**$48,589,648**		**$317,378**	**$48,272,270**	

Table B.6 presents detailed costs for each project, with the adjustments for unique project costs.

Table B.6
Detailed Summary of All Projects—Total Project Costs Minus Costs for Unique Project Aspects

	JUDICIAL BRANCH CAPITAL PROGRAM OFFICE SB 75 LONG BEACH REPORT OVERALL COMPARISON UNIQUE ITEMS EXCLUDED TOTAL PROJECT COST	GEORGE DEUKMEJIAN COURTHOUSE LONG BEACH, CA COURTROOMS: 31 (CR) TOTAL AREA: 531,000 Ft² (TA) COURT AREA: 416,000 Ft² (CA) $-Proj/CR: $9,910,493 (A3/CR) DATE: May-14		SAN BERNARDINO JUSTICE CENTER SAN BERNARDINO, CA COURTROOMS: 35 (CR) TOTAL AREA: 383,745 Ft² (TA) COURT AREA: 383,745 Ft² (CA) $-Proj/CR: $8,186,517 (B3/CR) DATE: May-14		SOUTH COUNTY JUSTICE CENTER PORTERVILLE, CA COURTROOMS: 9 (CR) TOTAL AREA: 100,299 Ft² (TA) COURT AREA: 100,299 Ft² (CA) $-Proj/CR: $9,178,257 (C3/CR) DATE: May-14		RICHARD ARNASON JUSTICE CENTER PITTSBURG, CA COURTROOMS: 7 (CR) TOTAL AREA: 73,500 Ft² (TA) COURT AREA: 73,500 Ft² (CA) $-Proj/CR: $6,896,039 (D3/CR) DATE: May-14	
	DESCRIPTION	Net Courthouse A	% A/A1	Net Courthouse B	% B/B1	Net Courthouse C	% C/C1	Net Courthouse D	% D/D1
	A10 Foundations	$6,133,494	2.6%	$4,653,335	2.0%	$1,667,601	2.7%	$975,923	2.7%
	A20 Basement Construction	$5,175,499	2.2%	$4,678,282	2.0%	$1,547,693	2.5%	$919,407	2.5%
	B10 Superstructure	$28,866,937	12.2%	$32,418,784	13.7%	$6,436,139	10.3%	$3,568,693	9.8%
	B20 Exterior Enclosure	$27,845,860	11.8%	$31,247,411	13.2%	$7,124,496	11.4%	$5,716,621	15.7%
	B30 Roofing	$6,578,697	2.8%	$3,969,977	1.7%	$2,133,907	3.4%	$1,054,638	2.9%
	C10 Interior Construction	$16,694,376	7.1%	$25,972,592	11.0%	$6,749,231	10.8%	$5,446,612	15.0%
	C20 Stairs	$2,395,071	1.0%	$2,499,480	1.1%	$504,055	0.8%	$216,412	0.6%
	C30 Interior Finishes	$28,402,744	12.0%	$28,945,890	12.3%	$4,933,966	7.9%	$3,645,617	10.0%
	D10 Conveying	$8,767,507	3.7%	$8,736,641	3.7%	$1,521,047	2.4%	$677,932	1.9%
	D20 Plumbing	$6,207,924	2.6%	$4,862,851	2.1%	$1,938,502	3.1%	$899,784	2.5%
	D30 HVAC	$16,236,983	6.9%	$18,203,953	7.7%	$6,000,920	9.6%	$3,686,347	10.1%
	D40 Fire Protection	$2,130,472	0.9%	$2,662,723	1.1%	$651,719	1.0%	$377,951	1.0%
	D50 Electrical - All Excluding Comm. & Sec.	$24,251,631	10.3%	$16,935,447	7.2%	$5,801,074	9.3%	$2,631,931	7.2%
	D53 Electrical - Communications & Security	$22,383,641	9.5%	$23,934,761	10.1%	$3,001,015	4.8%	$1,462,945	4.0%
	E10 Equipment	$10,191,167	4.3%	$2,893,158	1.2%	$555,127	0.9%	$135,438	0.4%
	E20 Furnishings	$12,708,600	5.4%	$14,378,788	6.1%	$4,603,111	7.3%	$1,502,416	4.1%
	F10 Special Construction	$0		$0		$0		$0	
	F20 Selective Building Demolition	$0		$0		$0		$0	
	G10 Building Related Sitework	$11,386,544	4.8%	$9,122,713	3.9%	$7,475,336	11.9%	$3,507,559	9.6%
	G20 Non-Building Related Sitework	$0		$0		$0		$0	
	G30 Other Sitework	$0		$0		$0		$0	
1	**Subcontract Costs**	**$236,357,146**	**100.0%**	**$236,116,785**	**100.0%**	**$62,644,939**	**100.0%**	**$36,426,225**	**100.0%**
			A/A1		B/B1		C/C1		D/D1
	General Conditions and Profit	$42,923,285	18.2%	$17,344,837	7.3%	$4,018,838	6.4%	$4,405,558	12.1%
	Design Change Orders * (* Included In Above Subcontract Costs)	$4,296,000*	1.8%	$0	0.0%	$0	0.0%	$0	0.0%
	Construction Contingency - Expended		0.0%	$2,156,150	0.9%	$82,330	0.1%	$1,140,653	3.1%
2	**Hard Construction Cost**	**$279,280,431**		**$255,617,772**		**$66,746,107**		**$41,972,436**	
			A/A1		B/B1		C/C1		D/D1
	Design	$19,573,798	8.3%	$26,023,976	11.0%	$7,328,935	11.7%	$4,841,446	13.3%
	CM Consulting During Design	$0	0.0%	$1,461,128	0.6%	$2,441,840	3.9%	$0	0.0%
	Cost of Art-in-Architecture	$2,482,045	1.1%	$0	0.0%	$0	0.0%	$0	0.0%
	Other Project Costs	$5,889,000	2.5%	$3,425,234	1.5%	$6,087,432	9.7%	$1,458,388	4.0%
3	**Total Project Cost**	**$307,225,274**		**$286,528,110**		**$82,604,314**		**$48,272,270**	
4	**Total Project Cost - W/O Adjustmnts.**	**$346,725,495**		**$295,098,492**		**$82,604,314**		**$48,589,648**	

Adjustments for Schedule, Location, and Market Impacts

The second step in comparing the construction costs of the four subject projects is to normalize schedule, location, and market impacts, given that both the geographic location within the state and the time of procurement affect the construction costs. Because the Governor George Deukmejian Courthouse is the primary subject of this study, its schedule, location, and market are fixed, and those criteria for the other three projects are adjusted.

Schedule differences that affect escalation are addressed by using the California Construction Cost Index (CCCI). This index is used by the AOC and the California Department of Finance for project planning and budgeting. Table B.7 presents the CCCI for January 2004 to January 2014.

Table B.7
California Construction Cost Index—2004 to 2014

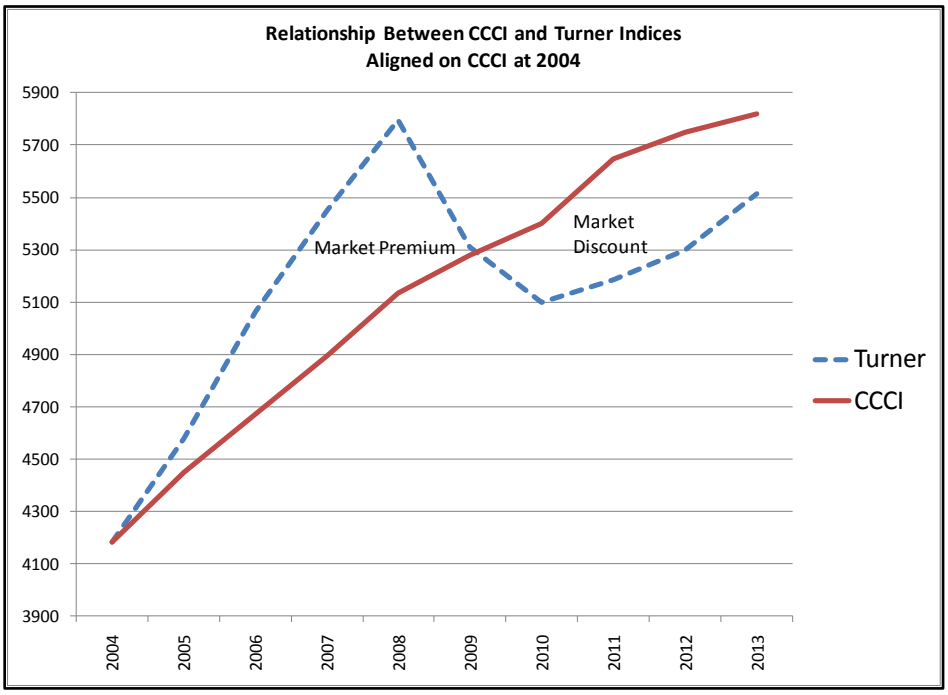
Month		2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004
January	1	5898	5774	5683	5592	5260	5309	4983	4869	4620	4339	3978
February	2		5782	5683	5624	5262	5295	4983	4868	4603	4362	4039
March	3		5777	5738	5627	5268	5298	4999	4871	4597	4360	4034
April	4		5786	5740	5636	5270	5296	5004	4872	4600	4393	4125
May	5		5796	5755	5637	5378	5288	5023	4886	4599	4403	4125
June	6		5802	5754	5643	5394	5276	5065	4842	4593	4421	4192
July	7		5804	5750	5654	5401	5263	5135	4849	4609	4411	4194
August	8		5801	5778	5667	5401	5265	5142	4851	4616	4399	4205
September	9		5802	5777	5668	5381	5264	5194	4942	4619	4533	4309
October	10		5911	5780	5675	5591	5259	5393	4943	4867	4554	4310
November	11		5903	5779	5680	5599	5259	5375	4978	4891	4587	4325
December	12		5901	5768	5680	5596	5262	5322	4981	4877	4614	4339
Annual %			2.3%	1.5%	1.5%	6.3%	-1.1%	6.8%	2.1%	5.4%	6.0%	8.3%
Annual Avg.			5820	5749	5649	5400	5278	5135	4896	4674	4448	4181

Location factors that affect costs are addressed by using published information available from the United States General Services Administration and derived from RS Means data. Given that the Governor George Deukmejian Courthouse and the San Bernardino Justice Center required Los Angeles–area materials, suppliers, labor, and many subcontractors, these projects were assigned a location factor of 1.09 for Los Angeles. The South County Justice Center in Porterville is a smaller project and was assigned the Bakersfield adjustment factor of 1.05. The Richard E. Arnason Justice Center in Pittsburg is close to the East Bay area around San Francisco and was assigned a location factor of 1.17.

Market factors also affect project costs. The CCCI does not reflect bidding conditions because it is based on construction inputs (labor and materials costs). To reflect some degree of bidding conditions, the Turner Building Cost Index was used. It is a national index that is based on actual projects and bid prices (construction outputs) and therefore reflects bidding conditions.

Between 2006 and 2010, the construction market experienced a major upswing and then a comparable downswing of both construction activity and bid prices. Figure B.2 compares the Turner Index and the CCCI.

Figure B.2
Relationship between CCCI and Turner Index Aligned With CCCI at 2004



The Turner Index was adjusted to account for differences between delivery methods. The Turner Index tends to be more reflective of design-bid-build projects. The CMR delivery method tends to achieve a higher degree of competitiveness during market premiums compared to design-bid-build projects but likewise tends to mute the benefits of lower costs during market discounts.

The DB construction delivery method associated with the Governor George Deukmejian Courthouse tends to achieve a level of competition closer to CMR than DBB.

To properly reflect market conditions for the four comparator projects, 40 percent of the difference between the CCCI (no market factor) and the Turner Index (full market factor) was used, as displayed in Table B.8. The difference between the Turner Index and the CCCI tends to reflect DBB pricing levels at the high end (100 percent competition) and negotiated work at the low end (0 percent, or no competition), and both CMR and DB methods tend to be around 40 percent.

Table B.8
Market Adjustment Tables

		Year at Project	2006	2007	2008	2009	
Effect Factor	Year at Base	Index	793	854	908	832	
10%	2010	799	1.001	0.993	0.986	0.996	
20%	2010	799	1.002	0.986	0.973	0.992	
30%	2010	799	1.002	0.979	0.959	0.988	
40%	2010	799	1.003	0.972	0.945	0.983	Recommended
50%	2010	799	1.004	0.966	0.932	0.979	
60%	2010	799	1.005	0.959	0.918	0.975	
70%	2010	799	1.005	0.952	0.905	0.971	
80%	2010	799	1.006	0.945	0.891	0.967	
90%	2010	799	1.007	0.938	0.877	0.963	
100%	2010	799	1.008	0.931	0.864	0.959	

In summary, schedule differences are factored into each project's construction costs by using the difference in CCCI between each project's start date and CCCI for the start date of the Governor George Deukmejian Courthouse. Location is factored into each project's construction costs relative to the Governor George Deukmejian Courthouse. And the cost of each project is adjusted for market factors by using 40 percent of the difference between that project's CCCI and Turner Index, based on that project's specific schedule.

The end result of the overall adjustment process for schedule, location, and market factors is outlined below:

1. Governor George Deukmejian Courthouse .....fixed with a factor of 1.000
2. San Bernardino Justice Center.....factor of 1.007
3. South County Justice Center, in Porterville.....factor of 1.047
4. Richard E. Arnason Justice Center .....factor of 0.989

Final fully adjusted project costs are shown in tables B.9 and B.10 based on the adjustment factors listed above.

Table B.9
Summary of Time, Location, and Market Factors

	Description	George Deukmejian Courthouse Long Beach, CA	San Bernardino Justice Center San Bernardino, CA	South County Justice Center Porterville, CA	Richard Arnason Justice Center Pittsburg, CA
A	Project Cost at Completion With Adjustments for Unique Costs (from Table B.1)	$307,225,274	$286,528,110	$82,604,314	$48,272,270
B	Time Factor	1.000	1.065	1.026	1.091
C	Location Factor	1.000	1.000	1.038	0.932
D	Market Factor	1.000	0.945	0.983	0.972
E	Combined Factor (BxCxD=E)	1.000	1.007	1.047	0.989
F	Total Adjustment	$0	$1,960,671	$3,895,056	$(539,043)
G	Project Cost at Completion With Adjustments for Time, Location and Market	$307,225,274	$288,488,781	$86,499,370	$47,733,228

Table B.10
Overall Project Cost Summary

	JUDICIAL BRANCH CAPITAL PROGRAM OFFICE SB 75 LONG BEACH REPORT OVERALL COMPARISON UNIQUE ITEMS EXCLUDED TOTAL PROJECT COST - ADJUSTED FOR TIME, LOCATION AND MARKET	GEORGE DEUKMEJIAN COURTHOUSE LONG BEACH, CA COURTROOMS: 31 (CR) TOTAL AREA: 531,000 (TA) COURT AREA: 416,000 (CA) $-Proj/CR: 9,910,493 (A3/CR) DATE: May-14			SAN BERNARDINO JUSTICE CENTER SAN BERNARDINO, CA COURTROOMS: 35 (CR) TOTAL AREA: 383,745 (TA) COURT AREA: 383,745 (CA) $-Proj/CR: 8,232,681 (B3/CR) DATE: May-14			SOUTH COUNTY JUSTICE CENTER PORTERVILLE, CA COURTROOMS: 9 (CR) TOTAL AREA: 100,299 (TA) COURT AREA: 100,299 (CA) $-Proj/CR: 9,506,469 (C3/CR) DATE: May-14			RICHARD ARNASON JUSTICE CENTER PITTSBURG, CA COURTROOMS: 7 (CR) TOTAL AREA: 73,500 (TA) COURT AREA: 73,500 (CA) $-Proj/CR: 6,837,930 (D3/CR) DATE: May-14		
		Net Courthouse A	$/Ct Ft² A/CA	% A/A1	Net Courthouse B	$/Ct Ft² B/CA	% B/B1	Net Courthouse C	$/Ct Ft² C/CA	% C/C3	Net Courthouse D	$/Ct Ft² D/CA	% D/D1
	A10 Foundations	$6,133,494		2.6%	$4,685,177		2.0%	$1,746,233		2.7%	$965,025		2.7%
	A20 Basement Construction	$5,175,499		2.2%	$4,710,295		2.0%	$1,620,672		2.5%	$909,140		2.5%
	B10 Superstructure	$28,866,937		12.2%	$32,640,621		13.7%	$6,739,623		10.3%	$3,528,842		9.8%
	B20 Exterior Enclosure	$27,845,860		11.8%	$31,461,233		13.2%	$7,460,439		11.4%	$5,652,785		15.7%
	B30 Roofing	$6,578,697		2.8%	$3,997,143		1.7%	$2,234,528		3.4%	$1,042,861		2.9%
	C10 Interior Construction	$16,694,376		7.1%	$26,150,319		11.0%	$7,067,478		10.8%	$5,385,791		15.0%
	C20 Stairs	$2,395,071		1.0%	$2,516,583		1.1%	$527,823		0.8%	$213,995		0.6%
	C30 Interior Finishes	$28,402,744		12.0%	$29,143,962		12.3%	$5,166,618		7.9%	$3,604,907		10.0%
	D10 Conveying	$8,767,507		3.7%	$8,796,424		3.7%	$1,592,769		2.4%	$670,362		1.9%
	D20 Plumbing	$6,207,924		2.6%	$4,896,127		2.1%	$2,029,909		3.1%	$889,736		2.5%
	D30 HVAC	$16,236,983		6.9%	$18,328,520		7.7%	$6,283,882		9.6%	$3,645,183		10.1%
	D40 Fire Protection	$2,130,472		0.9%	$2,680,943		1.1%	$682,449		1.0%	$373,731		1.0%
	D50 Electrical - All Excluding Comm. & Sec.	$24,251,631		10.3%	$17,051,334		7.2%	$6,074,613		9.3%	$2,602,541		7.2%
	D53 Electrical - Communications & Security	$22,383,641		9.5%	$24,098,544		10.1%	$3,142,522		4.8%	$1,446,609		4.0%
	E10 Equipment	$10,191,167		4.3%	$2,912,955		1.2%	$581,303		0.9%	$133,925		0.4%
	E20 Furnishings	$12,708,600		5.4%	$14,477,180		6.1%	$4,820,162		7.3%	$1,485,638		4.1%
	F10 Special Construction	$0			$0			$0			$0		
	F20 Selective Building Demolition	$0			$0			$0			$0		
	G10 Building Related Sitework	$11,386,544		4.8%	$9,185,139		3.9%	$7,827,822		11.9%	$3,468,391		9.6%
	G20 Non-Building Related Sitework	$0			$0			$0			$0		
	G30 Other Sitework	$0			$0			$0			$0		
1	**Subcontract Costs**	**$236,357,146**		**100.0%**	**$237,732,498**		**100.0%**	**$65,598,847**		**100.0%**	**$36,019,464**		**100.0%**
				A/A3			B/B1			C/C3			D/D1
	General Conditions and Profit	$42,923,285		18.2%	$17,344,837		7.3%	$4,018,838		6.1%	$4,405,558		12.2%
	Design Change Orders * (* Included In Above Subcontract Costs)	$4,296,000*		1.8%	$0		0.0%	$0		0.0%	$0		0.0%
	Construction Contingency - Expended	$0		0.0%	$2,156,150		0.9%	$82,330		0.1%	$1,140,653		3.2%
2	**Hard Construction Cost**	**$279,280,431**	**$671.35**		**$257,233,486**	**$670.32**		**$69,700,015**	**$694.92**		**$41,565,675**	**$565.52**	
				A/A3			B/B1			C/C3			D/D1
	Design	$19,573,798		8.3%	$26,023,976		10.9%	$7,328,935		11.2%	$4,841,446		13.4%
	CM Consulting During Design	$0		0.0%	$1,461,128		0.6%	$2,441,840		3.7%	$0		0.0%
	Cost of Art-in-Architecture	$2,482,045		1.1%	$0		0.0%	$0		0.0%	$0		0.0%
	Other Project Costs	$5,889,000		2.5%	$3,425,234		1.4%	$6,087,432		9.3%	$1,458,388		4.0%
3	**Total Project Cost**	**$307,225,274**			**$288,143,823**			**$85,558,222**			**$47,865,509**		
4	**Total Project Cost - W/O Adjustmnts.**	**$346,725,495**			**$295,098,492**			**$82,604,314**			**$48,589,648**		
	Adjustments **Base** **Factor**	**Project Value**	**Difference**	**Factor**	**Project Value**	**Difference**	**Factor**	**Project Value**	**Difference**	**Factor**	**Project Value**	**Difference**	**Factor**
	Schedule (CCCI): 6/25/2010 5394	6/25/2010	5394	1.000	6/13/2008	5065	1.065	10/23/2009	5259	1.026	9/14/2007	4942	1.091
	Location: US GSA Los Angeles 1.09	1.09	100.00%	1.000	1.09	100.00%	1.000	1.05	96.33%	1.038	1.17	107.34%	0.932
	Market: Based on Turner 6/25/2010 799 Effect Factor= 40%	6/25/2010	799	1.000	6/13/2008	908	0.945	10/23/2009	832	0.983	9/14/2007	854	0.972
	Cumulative Adjustment Factor Applied on this sheet to all Subcontract costs-->			**1.000**			**1.007**			**1.047**			**0.989**

Analysis of Building Component Cost

Examining the projects' construction costs by building component provides a reasonable degree of consistency among the projects. To compare projects by components is difficult because accounting procedures can vary among projects.

Table B.11 presents a high-level summary by major building components.

Table B.11
Subcontract Cost per Square Foot (sf) Summary by Major Building Components

		George Deukmejian Courthouse Long Beach, CA	San Bernardino Justice Center San Bernardino, CA	South County Justice Center Porterville, CA	Richard Arnason Justice Center Pittsburg, CA
A	Structure and enclosure	31.6%	32.6%	30.2%	33.6%
B	Finishes and equipment	29.8%	31.6%	27.7%	30.1%
C	Mechanical/electrical and services	24.4%	21.8%	25.4%	22.7%
D	Communications & security	9.5%	10.1%	4.8%	4.0%
E	Site	4.8%	3.9%	11.9%	9.6%
F	Total cost/sf (A+B+C+D+E=F)	100%	100%	100%	100%

Appendix C
Governor George Deukmejian Courthouse Risk Table

RISK	RETAINED BY	DESCRIPTION	POTENTIAL IMPACT	OUTCOME	PPP*/PBI VS. TRADITIONAL
Financial security of manufacturers and major subcontractors	Project Company	Metal panel installation subcontractor went into bankruptcy during design	Schedule delays, increased costs	Contractor in question carried adequate bonding to protect the Project Company. A replacement manufacturer was retained, and the situation was resolved at the Project Company's risk without impact to project cost or schedule	Typically, the contractor retains this risk under CMAR and the public authority retains it under DBB. However, the authority may choose to retain in either case depending on the level of control they wish to exert over the selection of specific equipment and manufacturers.
Subsurface Conditions	Shared	AOC accepted risk for archaeological/cultural issues, and the Project Company accepted risk for Geotechnical, Hazardous Materials and buried utilities	Schedule delays, increased costs, claims, scope increase, change orders	As-built conditions and City records were poorly documented; the Project Company performed extensive investigations prior to starting site utilities. All costs were absorbed by the Project Company at no cost to AOC. No particular subsurface problems were encountered.	Subsurface condition risk is generally not accepted by CMAR or DBB procurement, and represents a significant unique risk transfer for this project.
Utility Relocation	Shared	City of Long Beach agreed to contribute up to $2M or utility relocation	Schedule delays, increased cost	This issue was reported as very difficult to manage. However, none of the relocations were on the critical path, so schedule delays were managed well. There was approximately $5.6M in total costs incurred. While it has not been confirmed whether the construction contractor's cost estimate included allowances for utility relocation costs in excess of $2M, it is confirmed that they carried the risk of this item exceeding the City contribution amount. Ultimately the Project Company retained this risk and passed along any relevant financial impact to the appropriate subcontract, insulating the AOC.	Public agency generally accepts risk for utility relocation in CMAR and DBB. Had the construction contractor not included utility relocation costs in excess of the $2M City contribution, they potentially absorbed the $3.6M differential.

RISK	RETAINED BY	DESCRIPTION	POTENTIAL IMPACT	OUTCOME	PPP*/PBI VS. TRADITIONAL
Change in Law/Code	Project Company	Elements of the CA building code changed between bid and construction. Project Company is responsible for code changes (between 2010 and 2025) which would impact the expansion spaces use as courtroom occupancy	Design change, scope change, increased costs, schedule delays, claims, building inspector intervention, failure to obtain permits	The construction contractor attempted to obtain relief from the Project Company regarding the resulting cost increase; however the Project Agreement (and subsequent 'back-to-back' subcontracts) held the construction contractor accountable for code changes.	Contractors under CMAR and DBB typically wait until plans have been reviewed and approved by the appropriate authorities prior to proceeding with construction. In this case, the contractor accepted the risk of proceeding in advance, which they mitigated at their own cost through the use of a full-time Independent Building Expert to assist in code compliance.
Plan Check/Permitting Uncertainty	Project Company	The Project Company accepted risk of uncertainty for approvals from the relevant authorities plus the Independent Building Expert	Significant schedule delays, failure to meet Service Commencement	The Project Company managed these risks to no impact on the overall project schedule or Service Commencement	Public Authority accepts this risk under traditional procurement; however, the IBE is unique to the PPP delivery method, adding an additional layer of approvals.
Insurance	Project Company	The cost of insurance was significantly higher than expected	Claims, potential change orders to compensate for cost overruns, Project Company default for breach of Project Agreement insurance requirements	The Project Company absorbed the overrun in the range of approximately $450K with no impact to the AOC or the delivery of the project.	The AOC has historically utilized Owner-Controlled Insurance Programs (OCIP) for its traditional projects, as opposed to Contractor-Controlled Insurance Program (CCIP) in this case (errors and omissions insurance is the responsibility of the Contractor in both cases). OCIP programs are sponsored by the owner to generate efficiencies and transparency. CCIP programs place the burden on the Contractor.

RISK	RETAINED BY	DESCRIPTION	POTENTIAL IMPACT	OUTCOME	PPP*/PBI VS. TRADITIONAL
County Fees	Project Company	The construction contractor's estimate for sewage and storm drain connections fees was underestimated by approximately $1.3M.	Schedule delay, claims, potential change orders to compensate, financial impact of this magnitude could impact the construction contractor's ability to continue doing business	The Project Company attempted to negotiate with the County on the grounds that they were told they would be exempt from the fees, but could not prove that this was communicated officially. The Project Company pushed this liability back to the construction contractor, who accepted the risk and carried the loss.	Under traditional procurement, utility connection fees are typically carried by the owner.
Off-Site Improvements	Project Company	Certain off-site improvements were necessary pre-requisites for achieving occupancy	Failure to achieve occupancy, schedule delays, claims	There was a significant change in City of Long Beach staff during the process of confirming what was required and what was not. The construction contractor argued that they had been given a different set of requirements following staff turnover, but ultimately accepted the outcome and carried any additional associated financial impact.	Traditional DBB would have specified the requirements clearly in the contracts prior to bid. Similarly, CMAR procurement would likely have required acceptance of this risk. In the case of the PBI, the Project Company assumed the risk.
Commissioning	Project Company	It was perceived that the commissioning requirements in the project Agreement were not adequately rigorous to meet occupancy requirements.	Failure to achieve Service Commencement, schedule delays, claims	The Project Company took it upon themselves to increase the construction contractor's commissioning scope to better align with occupancy requirements. Despite this scope being in excess of the construction contractor's bid, they absorbed all additional costs to no expense of the AOC.	Commissioning risk in traditional procurement is generally shared between the Contractor and the public authority. In the case of PBI, the Project Company assumed the risk.

RISK	RETAINED BY	DESCRIPTION	POTENTIAL IMPACT	OUTCOME	PPP*/PBI VS. TRADITIONAL
Punch List	Project Company	Punch List process more rigorous than anticipated by the Independent Building Expert (IBE) and Twining (testing and inspection subcontractor under IBE)	Failure to achieve Service Commencement, schedule delays, post-construction deficiencies leading to penalties under the Payment mechanism	The IBE and Twining had underestimated the effort (ultimately 17,000 punch list items). Both sought relief from the Project Company for the additional time. The IBE contract was held by the Project Company, and they ultimately settled with both for the additional time needed once the process had completed. No expense to the AOC and no schedule impact.	In this case, the IBE has a dual duty of care to the Project Company and the AOC, and is responsible for providing the final sign-off on the punch list indicating that Service Commencement has been achieved. Under traditional procurement, the public agency has the ultimate sign-off. In such cases, unless the completion criteria are very clearly defined in the contracts, final sign-off can potentially extend over minor issues and delay completion.
Landlord Risk	Project Company	Failure to meet rental revenue targets	Financial strain to the Project Company, potentially leading to devaluation of the asset and impact on credit, ability to do business	The County was to represent approximately 15% of the building, but there was a significant delay in finalizing this agreement after the Project Agreement was signed, and the Project Company accepted 100% liability for lost revenue. The Project Company Financial Model contained anticipated rental revenue which has not changed despite shortfalls.	Under traditional procurement the DB or construction contractor is not involved with property leasing or landlord risk. Traditionally-procured public facilities are generally built to suit a specific public function, leaving relatively minor elements open for third-party leasing (cafes, small convenience shops, etc.).
Parking Revenue Risk	Project Company	Parking must compete with surrounding local parking.	Financial strain to the Project Company, potentially leading to devaluation of the asset and impact on credit, ability to do business	The Project Company has an agreement with a parking operator for a fixed amount and is liable should actual revenue not meet the agreed pro forma.	Contractor not responsible for parking revenue risk under traditional procurement.

RISK	RETAINED BY	DESCRIPTION	POTENTIAL IMPACT	OUTCOME	PPP*/PBI VS. TRADITIONAL
Labor Disputes	Project Company	Project Agreement allocated the risk of strikes and other such labor disputes to the Project Company	Schedule delays, failure to meet Service Commencement	The construction contractor executed a Project Labor Agreement with all trades, which set rules for striking, picketing, etc. in order to mitigate the risk of lost time for any potential labor disputes.	Contractor generally does not accept this risk under traditional procurement. The Project Company was motivated to take these preemptive actions as achieving Service Commencement was prerequisite to the start of Service Payments under the PA. Any delay to Service Commencement would result in delayed payment and potential financial stress to the Project Company.
Future Expansion	Project Company	The project builds in infrastructure capable of supporting future expansions (for new courtrooms) in space currently occupied by the County, the lease for which expires in 15 years	Life-cycle and maintenance costs for infrastructure for future courthouse is not necessarily required for the adequate operations of the building in its current design and use	The AOC benefits from this flexible design in that the cost of future expansions would theoretically be much less as the infrastructure is already in place.	AOC would absorb the full cost of future expansion under traditional procurement. The flexibility under PBI would not have been designed under traditional procurement in an effort to reduce capital costs. As such, under traditional delivery the design may not be able to accommodate future expansion, requiring an entirely separate project to meet the expansion requirements.
Subcontractor Cost Overruns	Project Company	Architect exceeded its budget	Claims, increased costs	Architect submitted claims upon construction completion, which were passed down to the construction contractor who absorbed the cost	AOC would absorb the full cost of such claims under traditional procurement
Post-warranty work	Project Company	Resolution of construction defects beyond the warranty period	Failure to meet performance criteria resulting in deductions under the Payment mechanism	The construction contractor and operator have a “cooperation agreement” where there is a 2-year commitment of resources from the construction contractor to manage and correct post-construction issues related to failures, deficiencies, etc.	Under traditional procurement the public agency owns all post-warranty risk, owning responsibility for any failures or defects that occur beyond the warranty period.

RISK	RETAINED BY	DESCRIPTION	POTENTIAL IMPACT	OUTCOME	PPP*/PBI VS. TRADITIONAL
Building degradation (general)	Project Company	Building must meet quality and performance standards under the PA throughout the life of the contract. Project Company must turn over the expansion space (after 5 yrs) with a Facility Condition Index of 15, which is not a requirement of the retail or County Justice Agency spaces	Failure to meet performance metrics leading to deductions under the Payment mechanism, failure to achieve handover criteria	The Project Company established a regime of maintenance and life-cycle replacements in order to maintain the appropriate level of quality and performance throughout the life of the building. The cost of doing so was built into the bid cost.	Under traditional procurement the public authority is 100% responsible for the condition and performance of the building. Under PBI delivery, the building must be in a predetermined condition at handover at the end of the contract. Under traditional procurement, the building would be run to failure, and would be subject to annual budget constraints, appropriations risk, deferred maintenance, etc. A higher level of performance and quality is generally delivered under PBI.
Design Management	Project Company	Control and responsibility of the performance and speed of design	Schedule delay, cost overruns	There were no design delays which impacted achieving occupancy.	Under PBI, utilizing DB, the Project Company accepts risk of design delay. Traditional DBB leaves the responsibility with the public agency.
Life cycle and Maintenance (general)	Project Company	Failure to maintain physical infrastructure and provide life-cycle replacements over time	Failure to meet performance criteria and suffering deductions to service payments, accelerated building degradation	Project Agreement contains requirements in this regard, supported by financial penalty under the Payment mechanism. The Project Company absorbed this risk, and mitigated it by bringing the operator to participate in the design and construction process to ensure operational concerns were adequately addressed.	Public authority retains 100% of this risk under traditional procurement. We note that under PBI the level of expenditures in this regard are pre-agreed and guaranteed over the life of the contract. Under traditional procurement, expenditures in this regard are subject to appropriations, deferred maintenance, etc.

* PPP = public-private partnership.

Appendix D
Judicial Branch Project Management Costs

Introduction

The purpose of this appendix is to explain how the judicial branch project management costs for the branch's Capital Construction Program (Capital Program) were allocated to the four subject projects. These costs are displayed in chapter 1, table 1.5 (Governor George Deukmejian Courthouse−San Bernardino Justice Center comparison) and in the Judicial Branch Project Management Costs tables in each of the project-specific chapters, 2–5.

The Capital Program is one of the responsibilities of the AOC, the staff agency of the Judicial Council. The AOC has one office dedicated to the Capital Program, the Judicial Branch Capital Program Office (JBCPO); some offices that support the Capital Program, although not as their primary mission (see note 2 under table D.1); and some offices that have no connection to the Capital Program.

The fall 2012 reorganization of the AOC included dividing the former Office of Court Construction and Management (OCCM) into the JBCPO and the Office of Real Estate and Facilities Management (OREFM). Together these offices oversee all aspects of the Judicial Branch Facilities Program (JBFP). To accurately present the full project management costs of the four projects reviewed in this report, the analysis includes staff costs as attributed to JBFP.

Judicial branch project management costs comprise the sum of the four components displayed in table D.1, below. The direct and indirect costs for AOC employees include salaries and wages, all employee benefits, and the standard allocation of operating expenses and equipment.

Table D.1
Cost Components of Judicial Branch Project Management Costs

	Cost Type	Judicial Branch Program	Allocation Basis	Description
A	Direct	JBFP	Actual Hours Worked	AOC JBFP employees: project managers, associate project managers, planners, real estate analysts, and construction inspectors
B	Direct	JBFP	Actual Cost	Outside firms providing project management services in support of the AOC JBFP project manager
C	Indirect	JBFP	Pro Rata Share	AOC JBFP units[41] that provide support functions to the capital projects
D	Indirect	AOC (Non-JBFP)	Pro Rata Share	Non-JBFP AOC units[42] that provide support functions for the capital projects

[41] AOC JBFP units that provide support functions to the capital projects:
1. Executive Management Team
2. Risk Management
3. Business and Finance
4. Environmental Analysis and Compliance
5. Appellate and AOC Facilities

[42] Non-JBFP AOC units that provide support functions to the capital projects:
1. Security and Emergency Response
2. Legal Services – Real Estate Unit
3. Governmental Affairs – Facilities
4. Education – Court Facilities
5. Fiscal Services – Accounting
6. Fiscal Services – Business Services
7. Fiscal Services – Budget
8. Information Technology Services – Technical Support – JBFP
9. Information Technology Services – Desktop Support – JBFP
10. Human Resources Services – Labor and Employee Relations
11. Human Resources Services – Recruitment, Classification, Strategy, and Policy Development

For the four subject projects, direct project management costs accounted for 87 percent and indirect project management costs 13 percent of the total judicial branch project management costs, as displayed in table D.2.

Table D.2
Judicial Branch Project Management Costs—Proportion Direct/Indirect

	George Deukmejian Courthouse Long Beach, CA	San Bernardino Justice Center San Bernardino, CA	South County Justice Center Porterville, CA	Richard Arnason Justice Center Pittsburg, CA	Totals
Delivery method	PBI	CMR	CMR	CMR	
Total project management costs	$5,378,755	$4,095,649	$2,144,593	$1,434,653	$13,053,650
Direct costs	$4,640,447	$3,733,290	$1,939,970	$1,042,304	$11,356,011
Percentage for direct cost	86%	91%	90%	73%	87%
Indirect costs	$738,308	$362,358	$204,623	$392,349	$1,697,638
Percentage for indirect cost	14%	9%	10%	27%	13%
Total Percentage	100%	100%	100%	100%	100%

Note: PBI = performance-based infrastructure; CMR = construction manager at risk.

Definitions

Direct Costs

Direct costs are costs that can easily be ascribed to a program. For this report, direct costs are developed from the actual hours worked by project managers, associate project managers, planners, real estate analysts, and construction inspectors and the actual costs charged by outside firms providing project management services in support of the AOC JBCPO project managers.

Indirect Costs

Indirect costs are costs that by their nature cannot be readily associated with a specific organization unit or program. Like general administrative expenses, indirect costs are distributed, through the use of a formula, to the organizational units or programs that benefit from their incurrence. See notes for table D.1 for functional units that contributed indirect costs to the Capital Program.

Calculation of Judicial Branch Project Management Costs

Judicial branch project management costs include direct and indirect components. The direct costs—such as those for project managers, associate project managers, planners, real estate analysts, construction inspectors, and outside firms providing project management services—are added to the indirect costs to yield the total project management costs. Below is a description of how the indirect costs are distributed to the projects.

The indirect component of judicial branch project management costs was calculated by the process described below.

1. Obtain from accounting reports the cost of non-JBFP AOC units that provide support functions for the Capital Program.

2. Obtain from accounting reports the total cost of all JBFP units.

3. Calculate the cost of each JBFP unit as a percentage of JBFP's total cost as displayed in table D.3. For example, as shown in table D.3, in FY 2010–2011, the JBFP Executive Management Team accounted for 4.56 percent of JBFP's total cost. This percentage is used in the next step to calculate the pro rata share of the non-JBFP AOC support units' costs to be distributed to each JBFP unit.

4. To obtain the total indirect cost of each JBFP unit by fiscal year, distribute the pro rata share of the total cost of the non-JBFP AOC support units to each JBFP unit based on its percentage of JBFP's total cost (calculated in step 3). For example, as shown in table D.3, in FY 2010–2011, the JBFP Executive Management Team accounted for 4.56 percent of JBFP's total cost, so 4.56 percent of the non-JBFP AOC support unit costs for FY 2010–2011 were distributed to the JBFP Executive Management Team.

5. Add the total indirect costs (calculated in step 4) of the JBFP units that support the Capital Program (see first footnote under table D.1, above) to obtain the total indirect costs to be distributed to the project phases.

6. Because of the bifurcation of the former OCCM, and in order to spread the overhead costs of the Facilities Management and Environmental Compliance and Sustainability units to the projects, add these overhead costs to the total indirect costs (derived in step 5) and spread to the projects.

7. Calculate the direct project management cost of each project phase as a percentage of JBFP's total cost, as displayed in table D.4. For example, in FY 2010–2011 the direct project management cost of the Construction phase of the Governor George Deukmejian Courthouse accounted for 0.05 percent of JBFP's total cost.

8. To obtain the pro rata share of the total indirect costs for each project phase, multiply the total indirect costs calculated in steps 5 and 6 by the percentage calculated in step 7. These indirect costs are displayed in table D.2, above.

Table D.3
Proportional Cost of JBFP Functional Units by Fiscal Year

	FY 05-06	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14
1. Executive Management Team	8.35%	8.91%	8.38%	4.48%	5.19%	4.56%	5.72%		
2. Executive Management Team – OREFM								2.18%	1.91%
3. Executive Management Team – JBCPO								3.54%	2.87%
4. Risk Management		0.00%	2.13%	3.33%	4.38%	6.60%	4.15%	5.23%	7.05%
5. Business and Finance	4.40%	4.07%	4.80%	5.21%	5.23%	6.22%	7.90%	7.99%	6.27%
6. Planning and Policy	2.10%	3.49%	1.76%	6.28%	5.07%	4.46%	4.24%	4.23%	2.72%
7. Advisory Committee								0.11%	0.22%
8. Design and Construction	22.34%	24.96%	23.54%	19.95%	19.88%	18.88%	18.75%	17.21%	14.59%
9. Real Estate	9.13%	10.83%	8.76%	7.06%	7.03%	5.78%	4.67%	5.17%	5.47%
10. Facilities Management AOC Statewide Operating Unit	23.11%	22.47%	21.09%	27.14%	37.52%	35.30%	40.62%	38.57%	36.85%
11. Environmental Analysis and Compliance	4.76%	5.02%	3.74%	1.80%	2.43%	2.40%	2.58%	3.63%	4.41%
12. Portfolio Administration	1.48%	2.68%	11.90%	18.11%	7.49%	10.45%	6.80%	7.15%	8.78%
13. Security and Emergency Response									4.89%
14. Appellate and AOC Facilities	24.32%	17.58%	13.90%	6.65%	5.78%	5.36%	4.59%	4.99%	3.96%
Totals	100%	100%	100%	100%	100%	100%	100%	100%	100%

Table D.4
Proportional Cost of Direct Staff Time by Project and Phase

George Deukmejian Courthouse Long Beach, CA (Los Angeles)	Direct Costs	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14
Acquisition	$ 944,919	0.19%	0.17%					
Preliminary Plan-SD	96,358		0.02%	0.02%				
Financial Transaction	165,724			0.03%	0.03%			
Preliminary Plan-DD	29,190				0.01%			
Construction	286,303				0.05%	0.05%	0.05%	0.06%
Project Total – Los Angeles	$1,522,494							

San Bernardino Justice Center San Bernardino, CA (San Bernardino)	Direct Costs	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14
Acquisition	$ 81,560	0.02%						
Preliminary Plans	170,092	0.03%	0.03%	0.03%				
Working Drawings	79,237			0.0%1	0.01%			
Construction	676,962				0.12%	0.12%	0.13%	0.15%
Project Total – San Bernardino	$1,007,851							

South County Justice Center Porterville, CA (Tulare)	Direct Costs	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14
Acquisition	$ 174,796	0.04%	0.03%	0.03%				
Preliminary Plans	35,080			0.01%	0.01%			
Working Drawings	72,463				0.01%	0.01%		
Construction	393,626					0.07%	0.08%	0.09%
Project Total – Tulare	$ 675,965							

Richard E. Arnason Justice Center Pittsburg, CA (Contra Costa)	Direct Costs	FY 05-06	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11
Acquisition	$ 234,045	1.05%	1.08%	0.19%			
Preliminary Plans	99,554			0.81%			
Working Drawings	92,127				0.53%		
Construction	606,578				0.76%	1.91%	0.69%
Project Total – Contra Costa	$1,042,304						

Information on Judicial Council Directives

Council Directive **136**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate and propose an approach to evaluate cost effectiveness for the entire scope of Office of Court Construction and Management operations.

SEC Recommendation **7-65**

A cost-benefit analysis of the entire scope of OCCM operations is needed.

Reported By:	Real Estate and Facilities Management
Contact:	Burt Hirschfeld, Assistant Director

TASK

☐ **PENDING**

☒ **COMPLETED: The management of REFM has evaluated the scope of former OCCM operations concerning facilities management and is of the opinion that engaging a consultant would not yield the value gained from 10 years of "field-tested" experience of using several contract and delegation models.**

With the reorganization of the AOC effective October 1, 2012, the former Office of Court Construction and Management was bifurcated into two offices, Capital Program and Real Estate and Facilities Management (REFM) and both offices have provided a response to this directive. This response is provided by REFM.

REFM has now had over 9 years of experience using two general approaches to the delivery of facility management services: 1) using a largely outsourced service-provider model, contracting for routine maintenance (Firm Fixed Price and Cost-Plus contracting), plant engineers, trades and crafts personnel (Job Order and Cost-Plus Contracting), supervised by in-house management staff in or near the court facilities; and 2) the court-delegated facility management program, piloted by four trial courts (Orange, Riverside, Imperial, San Luis Obispo) with limited discussion by the Trial Court Facility Modifications Working Group to expand the program if there is interest by other interested courts.

The only untried general model is an in-house, limited contacting organization similar to the Department of General Services in the Executive Branch, where management, plant engineers, trades and other technicians are state employees. Implementation of this model would represent a significant departure from the models used thus far, and based on the limited information previously received, may be considerably more expensive on a per square foot basis and would require hiring approximately 125 more employees (initial OCCM staffing plan based on information from DGS indicated the need to staff facility management unit with 180 employees).

The management of REFM has evaluated the scope of former OCCM operations concerning facilities management and is of the opinion that engaging a consultant would not yield the value gained from 10 years of "field-tested" experience of using several contract and delegation models. The projected cost of hiring an outside consultant to

perform an analysis would also reduce funding available to support court facilities.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ]	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	[ ]	UNABLE TO IMPLEMENT
[x]	IMPLEMENTED AND ONGOING	[ ]	PENDING IMPLEMENTATION
[ ]	IMPLEMENTED BUT IN PROGRESS		

REFM will continue to ensure that it uses the most cost effective approaches to the delivery of facility management services to the courts. This may include expansion of the court-delegated facility management program, currently piloted by four trial courts (Orange, Riverside, Imperial, San Luis Obispo) if there is interest by other courts.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- October 2014 - Report on implementation of Judicial Council Directive 136

Judicial Council Directive 136

Prepared by Gerald Pfab, Senior Manager, Real Estate and Facility Management
Approved: Burt Hirschfeld, Assistant Division Director, Real Estate and Facilities Management

Directive 136: E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate and propose an approach to evaluate cost effectiveness of the entire scope of the Office of Court Construction and Management operations.

Strategic Evaluation Committee (SEC) Recommendation: A cost-benefit analysis of the entire scope of OCCM operations is needed.

Background:

2004 - 2009	• OCCM's Real Estate and Asset Management team structured its facility management organization using a partial outsource model: o Contracted plant engineers, maintenance professionals and other technicians located state-wide to provide close-proximity support to the courts o A smaller in-house staff to provide contract and program management, customer services and quality assurance o Three cost-plus contracts (one for each AOC region) to provide flexibility in managing the variable pace of expansion in the facilities portfolio
2010	• Following completion of 532 facility transfers, OCCM hosted a roundtable conference on facility service delivery models. o Attendees included 12 courts, California Department of General Services, California Department of Corrections, Federal General Services Administration, representatives of the Trial Cout Facilities Management Working Group, representation from various AOC Divisions, and a number of facility industry organizations. o Recommendations included: ▪ Adoption of Firm-Fixed Pricing to reduce administration of cost-plus work and mitigate risk of budget overruns ▪ Performance-Based Compensation contracting to incentivize efficient and responsive service. Court-staffed panels directly participate in determination of compensation ▪ Rejection of an in-house workforce model. ▪ Development a Delegation Model to allow local courts to pilot a

	program to provide their own services using state-controlled funds. • AOC Internal Audit Services (IAS) begins an audit of the three regional contracts.
2011 - 2014	• Strategic Evaluation Committee established in March • New regional maintenance contracts based on prior-year recommendations and incorporating preliminary audit findings were awarded. o Fresno, Napa, and Riverside Courts participated in the contractor selection.

Changes to the Facility Program since the publication of the SEC Report and adoption of Judicial Council Directives:

1. OCCM divided into two offices, Capital Programs (CP) and Real Estate and Facility Management (REFM).
2. Three new regional facility maintenance contracts have resulted in improved performance and better efficiency.
    a. Firm Fixed Price Model has resulted in predictability for the budgeting process
    b. Flexible model allows for adding and deleting facilities and facility services.
    c. Improved scope definition has improved planning and predictability of outcome.
    d. Court staffed compensation panels demonstrate direct benefit to service providers of high customer satisfaction levels.
3. Working Group elevated to advisory committee status with oversight of all REFM operations.
    a. Oversees fiscal prudence of program operations, helping ensure process efficiency and focus on identified service needs
    b. Governs REFM policy development, ensuring maintenance of process transparency and due consideration of stakeholder and constituent interests.
    c. Advocates for resources necessary to provide full facilities support to court leadership, staff and operations
4. A Delegation Pilot Program has been established for courts desiring to self-perform facility services.
    a. Four courts (Orange, Riverside, Imperial, and San Luis Obispo) are participating in the program. No other courts have elected to participate at this time.
    b. In May 2014 the Advisory Committee conducted a review of the program, determining that it was working, but also recognizing that most courts would not want or be able to directly take-on facility management responsibilities.
5. 15 Job Order Contracts and several other construction contracts have been added to the pool of contracting options. Last year, over 40 commercial contractors were used.

6. Standardized processes and procedures have been established for a wide range of functional areas.

    a. The Internal Audit, conducted largely at the same time period as the SEC study, focused primarily on the original regional contracts.
    b. As of today 23 of the 53 recommendations have been addressed.
    c. Of the 30 remaining items, 28 are pending staffing increases to provide additional oversight and auditing of contractors.

Conclusion

The Judicial Council Executive Office has evaluated the scope of former OCCM operations concerning facilities management and determined that engaging a consultant would not yield the value gained from 10 years of "field-tested" experience of using several contract and delegation models. The projected cost of hiring an outside consultant to perform an analysis would also reduce funding available to support court facilities.

STATUS: This Directive is closed.

Information on Judicial Council Directives

Council Directive 137

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-66 and, once organizational changes are made as approved by the Judicial Council, evaluate and make recommendations to the council on facilities maintenance program efficiencies, including broadening courts' responsibilities for maintenance of court facilities and for smaller scale projects.

SEC Recommendation 7-66

The current facilities maintenance program appears inefficient and unnecessarily costly. The consultant report is necessary and should be considered part of a necessary reevaluation of the program. Courts should be given the option to assume responsibility for maintenance of court facilities and for smaller-scale projects.

Reported By:	Real Estate and Facilities Management
Contact:	Burt Hirschfeld, Assistant Director

TASK

[X] **PENDING: Real Estate and Facilities Management reports that the three-year pilot phase for delegation of facility management services has concluded. The program continues in full operational status with the four pilot Superior Courts (Orange, San Luis Obispo, Imperial, and Riverside). Additional refinements will be considered as needs arise, but staff will be meeting with the participating courts to further assess the value and "findings" of the program.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[X] **PENDING IMPLEMENTATION**

In response to the directive that the courts' responsibilities for maintenance of court facilities be broadened, the Orange, San Luis Obispo, Imperial and Riverside County Superior Courts have been participating in a pilot program for the delegation of facility management services. The four courts presented preliminary findings on the program to the Trial Court Facility Modifications Advisory Committee (Advisory Committee) at its May, 2014 meeting. The courts reported generally positive results, but felt the requirements of the Intrabranch agreements (IBAs) limited their success; consequently, it was determined that expansion of the program to include other courts should be deferred for approximately one year.

In the year since the Facility Management Services Delegation Working Group presented its findings to the Advisory Committee, new IBAs to streamline the administrative reporting process and extend the term for each IBA by one year, were approved by the participating courts. Periodically, other courts have inquired about the program, but none has sought participation to date. With over three years of experience operating under the program, the Advisory Committee now considers the pilot phase concluded, placing the program in full operational status. Additional refinements will be considered as needs arise, but staff will be meeting with the participating courts to further assess the value and "findings" of the program.

It is requested that the timeline be modified to read, "Administrative Director interim update to the council at the June 2013 council meeting and final report at the October 2015 meeting".

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **138**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-67 and, once organizational changes are made as approved by the Judicial Council, evaluate and make recommendations to the Judicial Council regarding fiscal planning for facilities maintenance for new and existing facilities and revenue streams to fund increased costs for maintenance of court facilities.

SEC Recommendation **7-67**

Fiscal planning for facilities maintenance for new and existing facilities needs to become an immediate priority, and revenue streams to fund increased costs for maintenance of court facilities must be identified and obtained.

Reported By:	Real Estate and Facilities Management
Contact:	Burt Hirschfeld, Assistant Director

TASK

[ ] PENDING
[x] COMPLETED: **The Judicial Council renegotiated rent and generated revenues yielding gross expense reductions of $8 million during the prior 12-month period and a budget change proposal to use facility resources to fund a 10-year, $150 million appropriation in support of the Trial Court Facility Modifications program was approved.**

All efforts designed to implement this Directive have now been completed, including:

- The renegotiation of rent and generation of revenues, yielding gross expense reductions of over $8 million during the prior 12-month period.
- Approval of a Budget Change Proposal (BCP) to use Facility Program resources to fund a 10-year, $150 million appropriation in support of the Trial Court Facility Modifications program.

The Judicial Council subsequently approved the recommendation for additional resources to implement budgeted projects.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[x] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[ ] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **139**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts, once organizational changes are made as approved by the Judicial Council, to evaluate and make recommendations regarding staff reductions.

Sec Recommendation **7-68**

Staff reductions appear feasible in light of the slowdown in new court construction and should be made accordingly. The Chief Operating Officer should be charged with implementing necessary reductions.

Reported By:	Capital Program
Contact:	William Guerin, Director

TASK

[ ] PENDING

[x] COMPLETED: **The Capital Program has reviewed its staffing requirements in light of capital outlay projects and identified organizational changes and key findings regarding staffing.**

The Capital Program office director, in collaboration with the Chief Operating Officer, has completed organizational changes and an assessment of the staffing and resource requirements to execute the remainder of the $4.7 billion construction program without increasing risk to the branch. As indicated in the October 2013 interim report to the Judicial Council, the office was proceeding with critical hires to effectively manage the current program, which now has 32 active projects totaling $3.7 billion with 9 projects in construction totaling $1.6 billion.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED

[x] IMPLEMENTED AND ONGOING

[ ] IMPLEMENTED BUT IN PROGRESS

[ ] UNABLE TO IMPLEMENT

[ ] PENDING IMPLEMENTATION

This directive was reported as complete in November of 2013. A new director was hired to lead the Capital Program office in July, 2013, as it moves into a substantial management and execution phase with over 32 active projects, requiring adequate staff to ensure the program is delivered on time, within budget, and conforms to quality standards. The director has reviewed the staffing needs to complete program execution and determined that, at this time, 6 additional positions are needed—in addition to the 54 positions in the Capital Program office, to successfully execute the program. The six additional Capital Program office staff needed are:

- A Supervising Budget Analyst of the Business and Finance unit
- A Budget Analyst
- 2 Project Managers, and
- 2 Senior Construction Inspectors.

The office is currently recruiting for the Project Managers and the Budget Analyst.

There is also a need for one position in the Finance Accounting Administration unit, the Supervising Accountant, a vacancy which is essential to fill to expedite invoice processing. In addition to that position the Capital Program office has collaborated with our Finance division leadership to identify the staffing needed to more efficiently move the invoices in order to ensure that our vendors get paid in a timely way to keep the construction program moving forward. As a result, Business Services and Accounting has already filled three key positions and is making progress in reducing the backlog of both contracts and invoicing.

This status for this directive is currently under discussion.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- *Review Judicial Branch Capital Program Office Staffing Requirements AOC Directive #139*, November 18, 2013 Final Report

Review Judicial Branch Capital Program Office Staffing Requirements
AOC Directive #139
November 18, 2013 Final Report

1.1 Executive Summary.

The Judicial Council's AOC Restructuring Directive #139 directs the Chief Operating Officer to review the staffing requirements of the Judicial Branch Capital Program Office (the office) given the slowdown in new court construction. This report has been prepared in response to this directive.

The Chief Operating Officer has been reviewing the staffing requirements of the office since October 2012. His collaboration with the recently hired Director of the Judicial Branch Capital Program Office on organizational changes and final staffing requirements are presented in this final report to the Judicial Council. Key findings are as follows:

1.1 **The construction program is very large in scope** – the program currently has 36 active projects valued at $4.4 billion.[1] From 2009 to now, ongoing and one time construction fund redirections and loans have reduced available funding and the associated total scope of the construction program. Program scope reductions include 2 project cancellations, delays to several projects, indefinite delay of 11 projects, and cost reductions to the projects moving forward.

A nearly $5.0 billion construction program, involving 36 projects from the California-Mexico border in the south to the California-Oregon border in the north, is a very large program requiring adequate management to ensure it is delivered on time and within budget, meets quality standards, and avoids problems associated with the complexities of managing a multi-billion dollar construction program across the state.

1.2 **Ongoing hiring freeze has reduced office staffing** – Budget reductions and the resulting hiring freeze that began in 2009 have prevented the office from backfilling vacated positions and hiring additional staff necessary to run the program, which was originally valued at $6.0 billion. The office currently has 56.5 FTE, down from 68 FTE in July 2011.

1.3 **Pegasus 2012 Audit Report states program was understaffed** – the report by the independent outside oversight consultant hired by the Court Facilities Advisory Committee (CFAC) states that there was insufficient staff at the time of their analysis to

[1] This includes 4 projects that are recently completed and in the warranty or project close-out phase: the Governor George Deukmejian Courthouse in Long Beach (August 2013); the South County Justice Center in Porterville, Tulare County (October 2013); the Calaveras County Courthouse in San Andreas (November 2013), and the Superior Court of California San Benito County in Hollister (December 2013), and the Sacramento project for which only the Acquisition phase can be completed due to ongoing redirection of construction funds.

adequately oversee a $6.0 billion construction program located across the state of California.

1.4 **Original program without delays would have required 80 staff to execute** – Based on workload analyses prepared by staff, incorporating metrics consistent with the Pegasus 2012 Audit Report and standard industry practice of care and described in section 2.4 below, the office would have needed 80 staff to successfully oversee the originally planned program, which would have had an estimated 50 active projects in the summer of 2013 if there had been no delays. The office has never had 80 staff dedicated to implementing the capital program. The originally planned program would have needed 23 additional staff today to be properly executed.

1.5 **Organizational Changes** – In September 2013 the office made several organizational changes to streamline management and transfer two staff from another office that were performing work to support the capital program. The changes affect the current FTE by a net increase of one staff due to the recent loss of one staff person.

1.6 **Reduced program requires 67 staff** – Based on workload analyses prepared by staff, incorporating metrics consistent with the Pegasus 2012 Audit Report, the office needs 66 staff to successfully oversee the reduced-scope program of 36 currently active projects. Given the office currently has 56.5 FTEs, another 11 staff are required to manage the current scope of the capital program without increasing risk to the branch.

2.1 Status of Construction Program

Since 2009, $1.7 billion in construction funds—both SB 1732 and SB 1407 funds—have been either loaned or redirected on a one time or ongoing basis to the General Fund or the trial courts. In addition, the FY 2013–3014 Budget Act requires the new Long Beach Courthouse annual payment be funded from SB 1407 rather than the General Fund. These significant changes to the original plan for expenditure of SB 1407 funds has resulted in the Judicial Council canceling 2 projects, directing short-term delayed next phase starts for various projects since FY 2011–2012, indefinitely delaying 11 projects, and mandating cost reductions to all projects that are moving forward.

The scope of the original 59-project program gradually decreased to 45 total projects from when SB 1407 was enacted in 2008 to the present. First, the Judicial Council cancelled 2 projects and delayed the next phase starts of 4 projects in December 2011 to address cash shortfalls projected for FY 2012–2013. In October 2012 the Judicial Council indefinitely delayed 7 projects and forwarded one project to Trial Court Facilities Advisory Committee (then the Trial Court Facility Modifications Working Group) for consideration of funding. The council indefinitely delayed another 4 projects in January 2013. In February 2013 the council delayed the next phase starts of 11 projects due to cash shortfalls projected in FY 2013–2014.

Had no construction funds been redirected from the construction program, it is estimated that as of July 2013 there would be 50 projects underway in design, construction, or warranty. With the projects cancelled or indefinitely delayed, the office now oversees a total of 36 active capital projects, with a total estimated cost of about $4.4 billion. By the end of calendar year 2013, there will be 8 projects in acquisition (one of which is Sacramento, a project indefinitely delayed by the Judicial Council in January 2013 but allowed to complete property purchase), 5 ready to begin design, 8 in design, 11 in construction, and 4 completed projects in the warranty phase. Within the next few months, the 2 additional projects that proceed to construction this year bring the total value of construction currently underway to $1.7 billion.

In the past several years, the office has also managed between 40-60 complex Facility Modification projects and other special projects such as modular facilities for new judgeships, court funded projects to improve space in existing courthouses, and the build- out of court funded lease tenant improvements. Moving forward, the office will scale back its role in Facility Modifications and special projects, overseeing up to 30larger, complex projects each budget year. The Facility Modification projects that the Judicial Branch Capital Program Office will continue to oversee require a licensed architect to design in compliance with building codes, and require adequate project management and inspection staff to properly execute. These projects include reconfiguration of space for new functions, projects involving a structural component, and projects that require design and engineering to resolve overlapping codes.

2.2 Ongoing hiring freeze has reduced office staffing

The ongoing and one-time loans and redirections from construction funds that began in 2009 resulted in a hiring freeze that started the same year. The hiring freeze severely limited the ability of the office to fill positions that had been, or became, vacated even though the legislature had authorized additional staffing for the program in 2009. For example, during the past 19 months, 7 FTEs have left the office, one person was hired, and 2 staff persons from the Center for Judiciary Education and Research were transferred to the office, for a net reduction of 4 people.

In an effort to augment staff positions from 2009 to 2011, the office hired temporary administrative help and consultant project managers. Additional staff was needed to oversee the original program, the scope of which gradually decreased from December 2011 to its current status, as described above.

2.3 Pegasus 2012 Audit Report indicates program was understaffed

The Court Facilities Advisory Committee, formerly the Court Facilities Working Group, has overseen the scope definition, procurement, execution, and completion of a review and assessment of the Judicial Branch's construction program. The overall objective of the assessment was to evaluate the construction program within the AOC's Office of Court

Construction and Management (OCCM), now managed by the AOC's Judicial Branch Capital Program Office (JBCPO), and to determine opportunities to improve its efficiency and effectiveness. Specifically, the assessment had three objectives: to assess the overall management of the courthouse construction program compared to industry standards and best practices; to assess outcomes of six sample projects at various stages of completion; and to assess organizational structure, staff qualifications, and quality of project consultants, including architects, engineers, and general contractors.

To oversee the procurement of the outside oversight consultant and to make its final selection on behalf of the working group, the working group established its Independent Outside Oversight Consultant Subcommittee, who ultimately selected Pegasus Global Holdings, Inc. (Pegasus). Pegasus is an international consulting firm with extensive experience auditing project management and fiduciary processes in multi-billion dollar capital construction and infrastructure projects. Its clients include state, federal, and local government entities in numerous jurisdictions in the United States, Canada, Europe, and Australia.

The California Capital Construction Program Audit Report produced by Pegasus (Pegasus 2012 audit report) contains 26 findings and 137 recommendations to improve the policies, processes, and procedures of the judicial branch's courthouse construction program.[2] In assessing the organizational structure and staffing of the program, Pegasus found that the program has been understaffed from the beginning and was faced with executing projects immediately with a dedicated, but small, staff. With the enactment of SB 1407 in 2008, the program ballooned from 15 to 59 projects, with the expectation that all projects would advance at the same time.

The Pegasus 2012 audit report states the following:

> "… there was insufficient staff to execute all of the functions required for a megaproject..." (*Finding V1-F-4.2.6*). The report notes that JBCPO Project Managers currently manage two to three or more major projects and several facility modifications projects, in addition to other assignments relating to supporting program wide initiatives.
>
> "From Pegasus-Global's examination of the full responsibilities required under the enabling legislation, the industry best practices, and the interviews conducted at all levels of the AOC and OCCM staff there is simply too much work for the current staff (and in particular the project management staff) working under the current organization structure to successfully manage or control the projects and the Program."

The organizational structure was addressed by the Judicial Council in their adoption of an AOC-wide realignment plan. In this plan the OCCM was split into two separate offices: the Judicial Branch Capital Program Office and the Office of Real Estate and Facilities Management. This

[2] The Pegasus 2012 audit report is available on California Courts public web site: www.courts.ca.gov/documents/Pegasus-Global-AOC-OCCM-Final-Audit-Report.pdf.

Judicial Branch Capital Program Office concentrates on capital projects and major facility modifications projects. Certain services, including staffing, are shared between the two offices. The shared services are:

- Business and finance
- Risk management and quality management
- Inspection services
- Project management for facility modifications
- Real estate and environmental services related to acquisition of property

The Capital Program Office is now structured consistent with the recommendations contained in the Pegasus 2012 audit report. However, there is still a staff shortage for the reduced scope program, as presented below.

2.4 Original program without delays would have required 80 staff to execute

As confirmed by the Pegasus 2012 audit report, the AOC never hired adequate staff to successfully execute a $6.0 billion program across the state of California. The Pegasus 2012 audit report provides some guidance on how to adequately staff each project in the program:

> "Insofar as the Project Execution Division staff with the exception of large complex projects the Project Manager and the Project Clerk of the Works[3] would be part time, expected to oversee two or more projects simultaneously. For large, complex projects Pegasus-Global recommends that the Project Execution Division staff assigned be full time on those projects." [4]

The recommended number of staff needed to oversee the original program without any project cancellations for indefinite delays was developed by using several methodologies. These methodologies incorporate Pegasus's guidance and the industry standard practice of care and are designed to minimize risk to the program owner. Since the key driver to staffing needs is the number of project managers needed to oversee projects, staff first analyzed how many large and small projects can be effectively managed by one project manager using the Pegasus metric referred to above as a guideline. Secondly, staff considered how the program is currently staffed in four office locations (San Francisco, Sacramento, Fresno, and Burbank) and assigned new project managers to projects that currently do not have project managers assigned, based on which projects should logically be managed from one of the four office locations. Lastly, staff

[3] Traditionally a Clerk of the Works is an onsite field staff whose job is to ensure project is constructed to the owner's quality standards. The AOC uses onsite construction management staff to fulfill comparable duties of this position.
[4] California Capital Construction Program Management Audit-Final Draft", Dated July, 2012
Section 7.7.3.2.2, Project Execution Team, Page 419

completed a workload analysis that assigned hours to project-specific and program-wide duties to generate a staffing need.

Using the results of these methodologies, it is estimated that an additional 23 staff would have been required to manage the original program without any project cancellations or indefinite delays. More specifically if there had been no project cancellations or indefinite delays, the office would have required—in addition to the current staff—a quality manager, 3 senior construction inspectors, 17 additional project managers, and 2 more budget analysts for a total of 23 more staff. Based on the office's current 56.5 FTE, the office would require a total of 80 staff to manage the original program scope without increasing risk to the branch.

2.5 **Organizational Changes**

The new office director has collaborated with the Chief Operations Officer to institute several organizational changes to streamline management and incorporate two staff from another office that were performing work to support the capital program. The changes affect each of the office's three functional areas: Business and Planning Services, Design and Construction, and Risk Quality and Compliance. The changes are as follows and affect the current FTE by a net increase of one staff due to the recent loss of one staff person:

2.5.1 Although there continues to be a robust effort associated with ongoing work and future construction, a leveling off on new projects at this time has facilitated the elimination of the vacant supervising facilities planner position in the Business and Planning Services unit.

2.5.2 With the construction program entering into the execution stage—where project management is at the forefront of the program—the assistant division director position for Design and Construction unit has been eliminated, and the four primary managers will report directly to the office director, facilitating timely elevation and resolution of issues.

2.5.3 The Chief Operational Officer's review of units under his management identified two staff in the Center for Judicial Education and Research that were supporting the capital program nearly full time. These two staff persons were transferred to the capital program office's Risk Quality and Compliance unit in September 2013 to align staff functions with program management.

2.6 Reduced 36-project program requires 67 staff

Staff has applied this same analysis—described in section 2.4 above—to the current program scope to determine the current staff requirement given the reduction in active projects due to cancellations and indefinite delays. Today, to avoid increasing risk to the branch, the current

program requires 11 additional staff as follows: a quality manager, 2 senior construction inspectors, 6 additional project managers, and 2 more budget analysts. Based on the office's current 56.5 FTE, the office requires a total of 67 staff to adequately staff the current program scope of 36 active projects.

The 11 additional staff required to manage the program without increasing risk to the branch include 3 crucial positions to support construction inspections which are approved and in process to hire, and 7 other essential positions, as follows:

2.6.1 A total of three crucial inspection staff in the Risk Quality and Compliance unit. The office has only two on-staff construction inspectors to oversee all contract inspections for 11 capital projects in construction and numerous facility modifications projects across the state. To ensure necessary oversight during construction of current and new, approved court facilities, external recruitments to fill vacancies are moving forward for a supervisor/manager and two additional senior construction inspectors in the Risk Quality and Compliance unit.

2.6.2 A total of 8 essential positions to support program execution. These include:

2.6.2.1 A total of six project managers to support ongoing capital outlay projects. This includes 1 recently vacated position and 5 new hires. The program is moving into a period of substantial management and execution of projects in design and construction, with all but seven projects that have not currently acquired sites. At the direction of the Judicial Council, funding for design starts for 5 of these 7 projects has been requested for FY 2014–2015. The projects in design and construction require adequate project management to ensure they are delivered on time and within budget, and conform to quality standards.

2.6.2.2 A total of two budget analysts, one senior budget analyst and one budget analyst. The senior budget analyst is needed to support the updating and maintenance of the four facility fund condition statements which are regularly updated for internal planning and forecasting and for formal submissions to the state Department of Finance and the legislature at every key budget milestone each year. The budget analyst is essential to process utility invoices and accounts receivable invoicing and collection.

In summary, the reduction in program scope—from 50 active projects and 40-60 annual facility modifications and special projects to 36 active projects and up to 30 annual facility modifications and special projects—has reduced the additional need for staff in the Judicial Branch Capital Program Office from approximately 23 to 11.

Attachment 1

Prepared by JBCPO

Required Capital Program Staff With and Without Project Delays
Compared to Currently Available Staff
November 18, 2013

a	b	c	d	e = c-d		
				Additional Staff Needed		
Program and Staffing Summary	**Number of Projects**	**Staff Required to Execute Program (2)**	**Total Staff October 2013 (3, 4)**	**Back Fill Recently Vacated Positions**	**New Staff**	**Total**
A. Total Active Projects July 2013 if No Delays Had Occurred (1)	**50**	**79.8**	**56.5**	**2**	**21.3**	**23.3**
1 Acquisition	0					
2 Design	23					
3 Construction	25					
4 Warranty	2					
5 Total annual special projects and facility modifications (approximate)	40-60					
B Total Active Projects in December 2013 (With Delays)	**36**	**67.5**	**56.5**	**3**	**8**	**11**
1 Acquisition (includes Sacramento)	8					
2 Acquisition Complete Now - Design Starts July 2014	4					
3 Preliminary Plans Complete Now - Design Restarts July 2014	1					
4 Design	8					
5 Construction	11					
6 Warranty	4					
7 Total annual special projects and facility modifications (approximate)	up to 30					

Notes:

1. Estimated project status in July 2013 if there had been no delays to projects. Based on July 2011 schedule prepared by JBCPO.
2. Based on analysis consistent with Pegasus and industry standards of care. Excluded from this staff requirement are 3 additional staff needed in Budget and Finance team and Risk Management to support the OREFM. If these three positions were filled, capacity of the JBCPO staff would be indirectly increased. These 3 positions are: 1 Supervising Budget Analyst for the Business and Planning unit, and 1 Health & Safety Risk Analyst and 1 administrative support position for the Risk Quality and Compliance Management unit.
3. AOC employees and consulting project managers retained for program and project management services during the acquisition, design phases, or construction phases are part of the AOC staff count. Moving forward, staff count excludes hiring firms for design services, inspection services, materials testing, and construction management services. Note that Budget and Finance staff and Risk Management staff also serve the OREFM.
4. There are 60 authorized and established positions for the Judicial Branch Capital Program Office. This includes two positions transferred from Center for Judicial Education and Research.

Information on Judicial Council Directives

Council Directive **140**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the employment of temporary or other staff to circumvent a hiring freeze is not permitted. The Administrative Director must review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such as in the case of an emergency or to provide a critical skill set not available through the use of authorized employees.

SEC Recommendation **7-69**

The use of temporary or other staff to circumvent the hiring freeze should cease.

Reported By:	Human Resources
Contact:	Linda Cox, Senior Manager Curt Soderlund, Chief Administrative Officer

TASK

[ ] **PENDING**

[x] **COMPLETED: The Judicial Council has established guidelines to further restrict the use of agency temporary workers across the organization.**

The AOC has established guidelines to further restrict the use of agency temporary workers across the organization. Effective July 1, 2013, agency temporary staff can only be utilized under three circumstances:

1) The temporary assignment must be identified as a short-term (less than six months), critical, project-based assignment, not backfilling a vacant position.
2) The temporary assignment is backfilling an approved extended leave of absence and the position is supporting a critical core function.
3) The agency temporary worker is backfilling a position supporting a critical core function while the approval to conduct recruitment for the position is going through the council exemption process. The maximum duration for these assignments is three months.

Agency temporary worker assignments have a maximum duration of no more than six months and shall not continue past June 30 of each fiscal year, regardless of the assignment start date, without granting a request to extend.

If the assignment begins less than six months before June 30, the requesting office may formally request to extend the assignment beginning on July 1. The total timeframe the agency temporary worker may be on assignment with the council shall not exceed six months.

The Chief Administrative Officer is required to review and approve any requests to employ a temporary worker for longer than six months. Additionally, there is an extensive criteria that must be met prior to the review by the Executive Office who review each and every request.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED		UNABLE TO IMPLEMENT
	IMPLEMENTED AND ONGOING		PENDING IMPLEMENTATION
x	IMPLEMENTED BUT IN PROGRESS		

The ongoing review of requests to hire agency temporary employees as well a review of the duration of the assignments will continue as needed by the organization. Additionally, cost benefit analysis will now be utilized prior to hiring a temporary worker or contractors in response to a recommendation from the California State Auditor.

ASSESSMENT OF IMPLEMENTATION

As of April 30, 2013, the AOC had 30.5 agency temporary workers, compared to a peak of 141 in fiscal year 2010-2011. As of March 2013, this number has decreased to 8 agency temporary workers.

In its audit report dated January 7, 2015, the of the California State Auditor recommended that council implements a policy that requires it to conduct a cost-benefit analysis for using temporary workers, contractors, or consultants instead of state employees before employing temporary workers, contractors or consultants to do the work of AOC employees.

Judicial Council Personnel Policy 3.3–Job Categories was modified to include a requirement that prior to retaining a temporary worker council staff must conduct both a cost-benefit and critical-need analysis. “Temporary worker” includes temporary agency workers and independent contractors. The policy includes an annual reporting mechanism to the Judicial Council. Guidelines for conducting the cost benefit analysis are being developed and will be applied retroactively to existing temporary agency and independent contractors. The council anticipates that this recommendation will be fully implemented in the third quarter of 2015.

Additionally, the California State Auditor recommended that council follow its policies and procedures limiting the period of time it can employ temporary workers, and develop a similar policy to limit the use of contractors to a reasonable period of time, but no more than one year.

Judicial Council Personnel Policy 3.3–Job Categories was amended to specify that temporary agency workers may not exceed six-months in duration, and independent contractors may not exceed one year in duration unless preapproved by the Chief Administrative Officer and/or Administrative Director. To ensure that the Judicial Council has adequate information, the policy includes an annual reporting mechanism to the governing body for any exceptions.

OTHER INFORMATION

Attachments:

- *AOC Utilization of Agency Temporary Employees*
- *Agency Temporary Worker Guidelines and Procedures*
- Personnel Policies and Procedures, Policy Number 3.3: Job Categories

AOC Utilization of Agency Temporary Employees

Historical Information

The Administrative Office of the Courts (AOC) currently utilizes a single-vendor master contract, with low negotiated rates, to provide agency temporary staffing services. The AOC's practice of using a primary, contracted vendor has been in place since 1999. The Human Resources Services Office (HRSO), through its master contract, monitors agency temporary usage, controls costs and oversees the temporary staffing process.

In February 2008, when a limited number of recruitments were permitted, hiring managers began to employ an increased number of agency temporary staff to offset increasing workloads brought about by a lack of staffing resources. Agency temporary usage at the AOC hit its peak at 141 temporary assignments during fiscal year 2010-2011. During this time, the approval to employ an agency temporary worker was at the discretion of the Division Director and Executive Office.

Recent Use of Agency Temporary Employees

Beginning in late 2012, the AOC began to reduce its reliance on agency temporary staff and took the first steps by converting 32 temporary staff to regular employee positions.

MONTH	COUNT
12-Apr	82.0
12-May	71.0
12-Jun	56.0
12-Jul	55.0
12-Aug	54.0
12-Sep	51.0
12-Oct	51.2
12-Nov	47.1
12-Dec	17.5
13-Jan	20.5
13-Feb	24.5
13-Mar	26.5
13-Apr	30.5

In January 2013, HRSO, in conjunction with the Chief Administrative Officer, further restricted the process by implementing new parameters for securing agency temporary workers funded through the master contract. These parameters include:

- The temporary assignment must be less than six months in length, critical, and established on a project-only basis; or

The temporary assignment is backfilling a position in which the incumbent is on an approved extended leave of absence and only if the position is supporting a critical core function.

Before the agency temporary worker is funded through the master contract, the request must be reviewed by HRSO to determine if one of the above criteria is met.

Next Steps

While the need for agency temporary staffing exists, it is the goal of the AOC to implement stringent guidelines to decrease its dependence on agency temporary workers for long-term assignments.

These guidelines have been outlined in the attached document. The guidelines contain three requirements to determine whether an agency temporary worker may be brought on an assignment. It also includes up to a six-month maximum timeframe that agency temporary workers may remain on assignment.

In addition to addressing concerns raised by Judicial Council Directives 47 and 140, the maximum six-month timeframe was implemented to avoid a temporary agency worker potentially applying for California Public Employees Retirement System (CalPERS) membership under the common law employment factors. One of the requirements for CalPERS membership eligibility is that an individual must work more than 1000 hours, or equivalent to six months, for a state agency or state contracting agency.

The AOC will inform staff and apply these standards beginning July 1, 2013. The AOC will continue to assign HRSO oversight and enforcement responsibilities.

The AOC recently completed the solicitation of a new vendor to manage the agency temporary program. Effective, July 1, 2013, the AOC will initiate a master contract for use by the state judicial branch. In prior years, the master contract was limited to only the AOC. Under the new master contract, the Supreme Court, the Courts of Appeal, AOC, Habeas Corpus Resource Center, and the Commission on Judicial Performance will now be able to utilize agency temporary workers under a single contract.

Agency Temporary Worker Guidelines and Procedures

These guidelines and procedures outline criteria for the use of agency temporary workers as a reasonable resource to address staffing needs, provide guidance on how to complete the exemption request form, and provide assistance for the supervision of the agency temporary workers if the agency temporary worker request is granted.

I. DEFINITION

Agency temporary workers are not employees of the Administrative Office of the Courts (AOC). An agency temporary worker is an employee of an external employment agency; agency temporary workers receive compensation directly from the employment agency and carry out specific assignments. They are not eligible for any AOC benefits (sick leave, vacation, paid holidays, retirement, training, service credit, compensatory time, and transit passes, etc.), salary increases, reclassification or shift differential pay.

Agency temporary workers are hourly employees and must be paid for all hours worked, including overtime pay pursuant to applicable state and federal laws.

Agency temporary workers are not granted preferential treatment based on their temporary assignment with the AOC if they apply for an AOC employee position.

An agency temporary worker may be considered for employment as an AOC employee after working the minimum hours as governed by the current AOC Master Temporary Staffing Services Contract. <u>All agency temporary workers must meet the minimum qualifications of the AOC classification in order to be considered for employment.</u>

II. DURATION OF AGENCY TEMPORARY WORKER ASSIGNMENTS

Agency temporary worker assignments have a maximum duration of no more than six months **<u>and</u>** shall not continue past June 30 of each fiscal year, regardless of the assignment start date, without granting a request to extend.

If the assignment begins less than six months before June 30, the requesting office may formally request to extend the assignment beginning on July 1. The total timeframe the agency temporary worker may be on assignment with the AOC shall not exceed six months.

III. TYPES OF AGENCY TEMPORARY WORKER ASSIGNMENTS

1. Short-Term, Project-Based Assignments typically involve assistance on a special project (i.e., not for regularly assigned work).

   Under short-term, project-based assignments:

   - The agency temporary worker is not backfilling a position vacancy due to a planned separation or retirement;
   - The agency temporary worker receives compensation based on contracted rates in the Temporary Worker Salary Classification Schedule, as defined in the AOC Master Temporary Staffing Services Contract;
   - A former agency temporary worker may begin work on a new assignment with the AOC after a six-month break; and
   - No individual who retired under the California Public Employees' Retirement System (CalPERS) may work for the AOC as an agency temporary worker within 180 days of retirement.

2. Backfilling an approved Extended Leave of Absence is allowable when the incumbent is on an approved extended leave of absence and the incumbent supports an AOC critical core function.

   Under backfilling of approved extended leave of absence assignments:

   - The agency temporary worker is not backfilling a position vacancy due to a planned separation or retirement;
   - The agency temporary worker receives compensation based on contracted rates in the Temporary Worker Salary Classification Schedule, as defined in the master agreement;
   - A former agency temporary worker may begin work on a new assignment with the AOC after a six-month break; and
   - No individual who retired under CalPERS may work for the AOC as an agency temporary worker within 180 days of retirement.

3. Backfilling a Position Vacancy involves the use of an agency temporary worker to backfill a position that has been identified as supporting an AOC critical core function. Under backfilling a position vacancy assignments:

   - The agency temporary worker is backfilling the position while the approval to recruit for the position is being determined.

- The agency temporary worker receives compensation based on contracted rates in the Temporary Worker Salary Classification Schedule as defined in the master agreement;
- The agency temporary worker's assignment for back filling a vacancy has a maximum duration of no more than three months.
- A former agency temporary worker may begin work on a new assignment with the AOC after a six-month break; and
- No individual who retired CalPERS may work for the AOC as an agency temporary worker within 180 days of retirement.

IV. CRITERIA FOR REQUESTING AN AGENCY TEMPORARY WORKER

Before an agency temporary worker request is considered for approval, the requesting office should clearly demonstrate that:

a. The agency temporary worker is an essential staffing need for a project-based assignment, with a duration of no more than six months, **and** the specific work assignment cannot be performed by regular employees;

OR

b. The agency temporary worker is backfilling a position supporting a critical core function when the incumbent is on an approved extended leave of absence. The maximum duration of six months is still applicable, regardless of the incumbent's time on leave.

OR

c. The agency temporary worker is backfilling a position supporting a critical core function while the approval to conduct recruitment for the position is going through the AOC exemption process. The maximum duration for these assignments is three months.

V. PROCEDURE FOR REQUESTING AN AGENCY TEMPORARY WORKER

Offices must submit an exemption form to request an agency temporary worker. The Chief Administrative Officer ultimately has approval authority over all requests for agency temporary workers.

To submit a request for an agency temporary assignment, the requesting office must complete the following two forms and provide them to the Human Resources Services Office (HRSO):

1. *Request for Exemption - Temporary Help (link)*
2. *Temporary Agency Work Order (link)*

HRSO reviews the forms to ensure that the criteria for an agency temporary worker assignment have been met and that all sections of the exemption and work order forms have been accurately completed.

If the request successfully meets the criteria, HRSO forwards the forms to the Chief Administrative Officer for final approval. HRSO then informs the requesting office of the Chief Administrative Officer's decision. **Under all circumstances**, HRSO initiates contact with the agency; requesting offices may not directly contact the agency or prospective agency temporary workers.

VI. PROCEDURE FOR TERMINATION OF ASSIGNMENT OF AN AGENCY TEMPORARY WORKER

Hiring managers should contact HRSO before communicating assignment terminations with an agency temporary worker. HRSO will contact the agency temporary worker's employment agency and then provide guidance to the hiring manager on next steps.

VII. OFFICE PROCEDURES FOR AGENCY TEMPORARY WORKERS

The office requesting an agency temporary worker is responsible for determining cubicle space, securing a phone with Business Services, and computer and network setup with the Information Technology Services Office HelpDesk.

VIII. AOC SUPERVISOR RESPONSIBILITY

Only AOC employees in classifications designated as supervisor or above may serve as the "supervisor" of the agency temporary worker, with tasks such as:

- Approving weekly timecards;
- Approving any needed travel and lodging expenses and/or following AOC policies and procedures;
- Establishing guidelines regarding worker expectations and conduct (as long as they are reasonable and do not conflict with the AOC agency temporary guidelines); and
- Communicating and enforcing AOC safety practices.

Policy Number: **3.3**

Title: **Job Categories**

Contact: **Human Resources, Payroll and Benefits Administration Unit**

Human Resources, Classification and Compensation Unit

Finance, Office of Accounting and Business Services

Policy Statement: **The Judicial Council classifies employees as (1) regular or limited-term (temporary), (2) full-time, part-time, or intermittent, and (3) exempt or nonexempt from federal overtime law. Independent contractors and agency workers are not Judicial Council employees.**

Contents:

(A) Purpose of Policy
(B) Regular and Limited-Term (Temporary) Employment
(1) Regular Status
(2) Limited-Term (Temporary) Status
(C) Time Base
(1) Full Time
(2) Part Time
(3) Intermittent
(D) Exempt and Nonexempt Status
(E) Other Temporary Workers
(1) Temporary Agency Workers
(2) Independent Contractors or Outside Consultants

(A) Purpose of Policy

This policy sets forth the employment classifications to guide employees about their employment status and benefit eligibility.

(B) Regular and Limited-Term (Temporary) Employment

(1) Regular Status

Regular employees are those employees in Judicial Council positions that receive renewed funding each fiscal year.

(2) Limited-Term (Temporary) Status

Limited-term employees (also known as temporary employees) are hired by the Judicial Council for a particular project or for a limited duration. Funding for this type of position is generally scheduled to end on the last day of the fiscal year, or the appointment may be authorized only for a specific period of time. Some limited-term positions may be extended beyond the initial expiration date if funding is available. Other categories of temporary employment include the following:

- "Special consultant," "graduate student assistant," and "student assistant" are specifically designated temporary classifications (the special consultant classification is generally applied to individuals who work on special projects that require particular expertise). Appointment to these positions is limited to a specific period of time, which is typically the length of a project or, in the case of graduate student assistants and student assistants, through the end of a school term.

- Retired persons may return to work as "retired annuitants" on a temporary basis as long as they do not work beyond 960 hours in any fiscal year. For more information about requirements and restrictions on the appointment of retired annuitants, please refer to Policy 3.11(B).

Limited-term employees may not be eligible for certain benefits. For more information about eligibility for benefits, please refer to Employee Benefits, Chapter 6.

(C) Time Base

In addition to having a regular or limited-term status, all employees are designated with a full-time, part-time, or intermittent time base.

(1) Full Time

"Full time" means that the employee is scheduled to work a minimum of 40 hours per week.

(2) Part Time

"Part time" means that the employee is scheduled to work less than 40 hours per week. The term "ratio to full time" is used to describe a part-time employee's time base and refers to percentage of time, relative to a full-time schedule, that an employee is regularly scheduled to work. Examples of less than full-time employment include four-fifths time, half time, etc. An individual who is scheduled to work less than half time may not be eligible for certain benefits. For more information about eligibility for benefits, please refer to Employee Benefits, Chapter 6.

(3) Intermittent

"Intermittent" means that the employee has no established work schedule and works on an "as-needed" basis. The number of hours that an intermittent employee works often varies from one pay period to the next. Cumulative hours for intermittent employees must not exceed 1,500 per calendar year. Eligibility for certain benefits may be limited for intermittent employees; please refer to Employee Benefits, Chapter 6 for more information.

(D) Exempt and Nonexempt Status

"Exempt employees" are employees who are classified by the Judicial Council as exempt from the overtime provisions of the federal Fair Labor Standards Act (FLSA). "Nonexempt employees" are employees who are eligible to be compensated for overtime work in

accordance with the FLSA. Overtime pay provisions are set forth in Hours of Work, policy 4.4.

(E) Other Temporary Workers

Temporary agency workers or independent contractors (also known as outside consultants) may be retained by the Judicial Council on a temporary basis.

(1) Temporary Agency Workers

Human Resources maintains contracts with approved temporary employment agencies to provide short-term support. The duration of a temporary agency worker is dependent upon the purpose of the assignment.

The Chief Administrative Officer may grant exceptions to the duration limitation for agency workers for extreme circumstances affecting or impacting critical operations.

(2) Independent Contractors or Outside Consultants

These individuals are employed by an outside firm, are self-employed, or are a group of individuals established as a business to provide expertise and services in a specialized field. An independent contractor must satisfy IRS regulations defining independent contractor status.

For more information on retaining a temporary agency worker, please contact Human Resources. For more information about the requirements governing independent contractors, please refer to the Judicial Branch Contracting Manual.

Temporary agency workers and independent contractors or consultants are not Judicial Council employees. If such workers are interested in employment with the Judicial Council, they must follow the guidelines for external applicants as outlined in Hiring, policy 3.1(A).

Information on Judicial Council Directives

Council Directive **141**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to review, as part of the AOC-wide review of its contracting processes, the contracting process utilized by the Office of Court Construction and Management.

SEC Recommendation **7-70**

The contracting process utilized by OCCM needs to be improved. This process should be reviewed as part of the AOC-wide review of its contracting processes.

Reported By:	Finance
Contact:	Zlatko Theodorovic, Director

TASK

[ ] PENDING

[x] COMPLETED: **Finance has implemented requirements of the Judicial branch contracting manual resulting in better standardization and compliance with procurement practices for non-capital projects offices and continues to work with Capital Program and Real Estate and Facilities Management to improve contracting processes.**

This directive was addressed as part of the Judicial Council's ongoing contract process improvement efforts. In addition, the requirements of the Judicial Branch Contracting Manual has resulted in better standardization and better compliance with procurement practices for the non-capital projects offices.

For the capital projects area, recommendations by a competitively solicited consultant (Pegasus) for procurement, contract administration and project management have been implemented after review by the Judicial Council in January of 2014.

Business Services staff continues to work with Capital Program and Real Estate and Facilities Management staff to review and implement the Pegasus recommendations so that the current processes to the contracting process are improved.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED

[x] IMPLEMENTED AND ONGOING

[ ] IMPLEMENTED BUT IN PROGRESS

[ ] UNABLE TO IMPLEMENT

[ ] PENDING IMPLEMENTATION

It should be recognized that the administration and maintenance of policies and procedures is an ongoing process of continuous improvement, and although milestones can be achieved, this maintenance effort will be an ongoing process.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **142**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-80 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.

SEC Recommendation **7-80**

The Office of Governmental Affairs should be placed in the Executive Office, under the direction of the Chief of Staff. The OGA Manager position should be at the Senior Manager level.

Reported By:	Executive Office
Contact:	Jody Patel, Chief of Staff

TASK

[x] **PENDING: The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.**

[ ] **COMPLETED**

IMPLEMENTATION PROGRESS AS OF MAY 2015

[ ] **IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED**
[ ] **IMPLEMENTED AND ONGOING**
[ ] **IMPLEMENTED BUT IN PROGRESS**
[ ] **UNABLE TO IMPLEMENT**
[x] **PENDING IMPLEMENTATION**

Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.

- On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.
- In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.
- In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.
- In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.
- In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.
- In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.
- In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.
- In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and

discussed the selected comparator markets.

- In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.
- In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.
- In October 2014, Fox Lawson continued to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.
- All-staff meetings were held in November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees were provided with an overview of the new classification system and were given information on the reconsideration process.

In March 2015, staff received their new classifications. Approximately 244 requests for reconsiderations were submitted in April 2015. Following this effort, the Executive Office will review reconsideration requests with support from Human Resources, Legal Services, and Fox Lawson and Associates, as appropriate. After all requests are reviewed, final decisions made by the Administrative Director will be communicated to office leadership to be shared with individual employees.

The Classification & Compensation Study is scheduled to be adopted by the Judicial Council mid-calendar year 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will periodically update and consult with the E&P committee as needed. An implementation update will be provided at the October 2015 council meeting.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Information on Judicial Council Directives

Council Directive **143**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Office of Governmental Affairs (OGA) should represent the interests of the judicial branch on the clear direction of the Judicial Council and its Policy Coordination and Liaison Committee (PCLC), and take steps to ensure that the PCLC is apprised fully of varying viewpoints of the courts, court executive officers, and judges before determining legislation positions or proposals.

SEC Recommendation **7-81**

The OGA should represent the interests of the judicial branch on the clear direction of the Judicial Council and its Policy Coordination and Liaison Committee. The Chief of Staff should take steps to ensure that the PCLC is apprised fully of varying viewpoints of the courts, court executive officers, and judges before determining legislation positions or proposals.

Reported By:	Governmental Affairs
Contact:	Cory Jasperson, Director

TASK

[ ] PENDING

[x] COMPLETED: **In October of 2012, Governmental Affairs advocates were reminded and directed to ensure that they seek both the formal and informal participation of the trial and appellate courts on the impact legislative and budget proposals have on their courts through the existing committee structure.**

This recommendation called for ensuring that Policy Coordination and Litigation Committee (PCLC) is fully apprised of varying viewpoints of the courts, court executive officers and judges in determining legislative positions and proposals. This recommendation serves as an important reminder that the fiscal and policy impacts of legislation on the courts needs to continue to be an important concern of the PCLC in making their decisions.

Thus, as reported in October of 2012, Governmental Affairs advocates were reminded and directed to ensure that they seek both the formal and informal participation of the trial and appellate courts on the impact legislative and budget proposals have on their courts through the existing committee structure. All PCLC reports should continue to include the efforts made to obtain the courts' impact analysis and clearly state that impact on the courts. Advocates continue the practice of inviting advisory committee representatives to participate in PCLC meetings when deemed appropriate by the Chair. Finally, although there are no findings in the SEC report regarding seeking the participation of other branch stakeholders on legislation and budgetary issues, Governmental Affair advocates were reminded to continue to assist the appropriate Advisory Committees to ensure that other stakeholder impacts and interests are appropriately considered and presented to PCLC in their reports.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED

[x] IMPLEMENTED AND ONGOING

[ ] IMPLEMENTED BUT IN PROGRESS

[ ] UNABLE TO IMPLEMENT

[ ] PENDING IMPLEMENTATION

Governmental Affairs advocates will ensure that on an ongoing basis that PCLC is fully apprised of varying

viewpoint of the courts, court executive officers and judges in determining legislative positions and proposals.

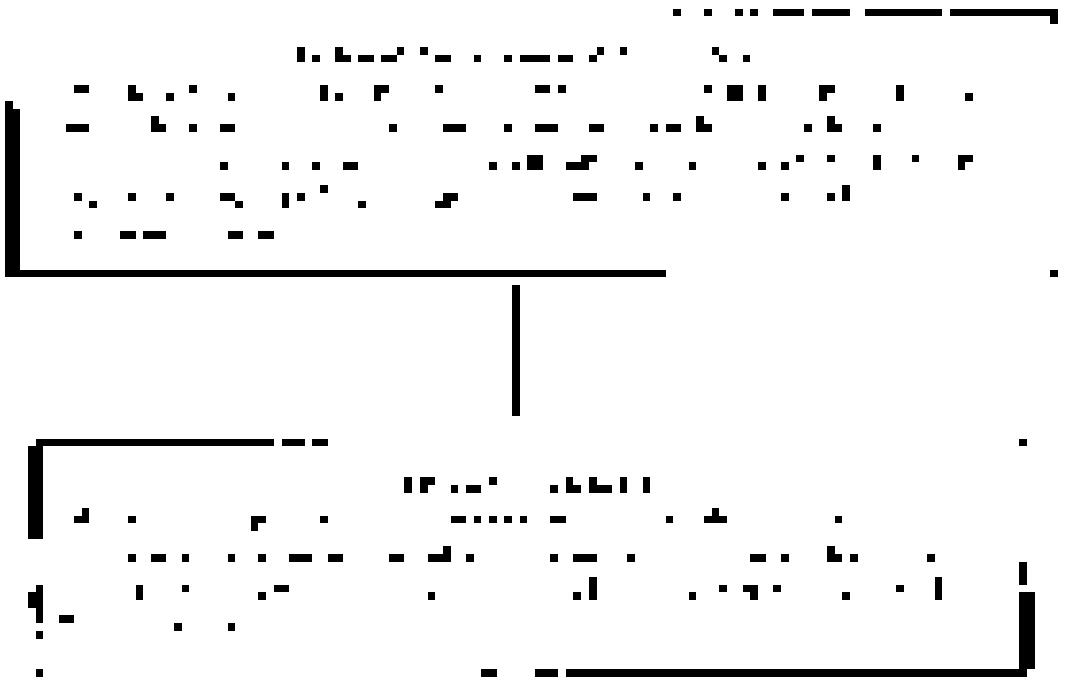
ASSESSMENT OF IMPLEMENTATION

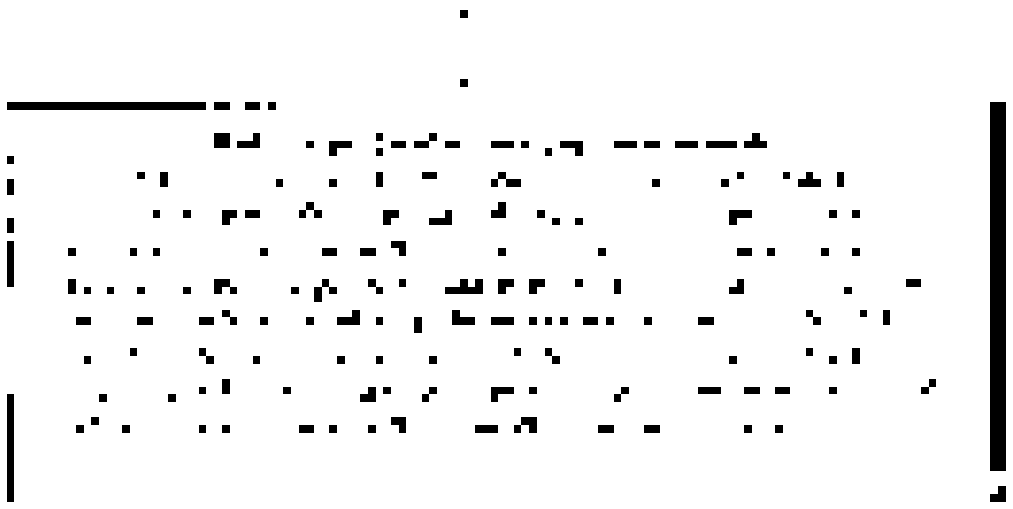
OTHER INFORMATION

Attachments:

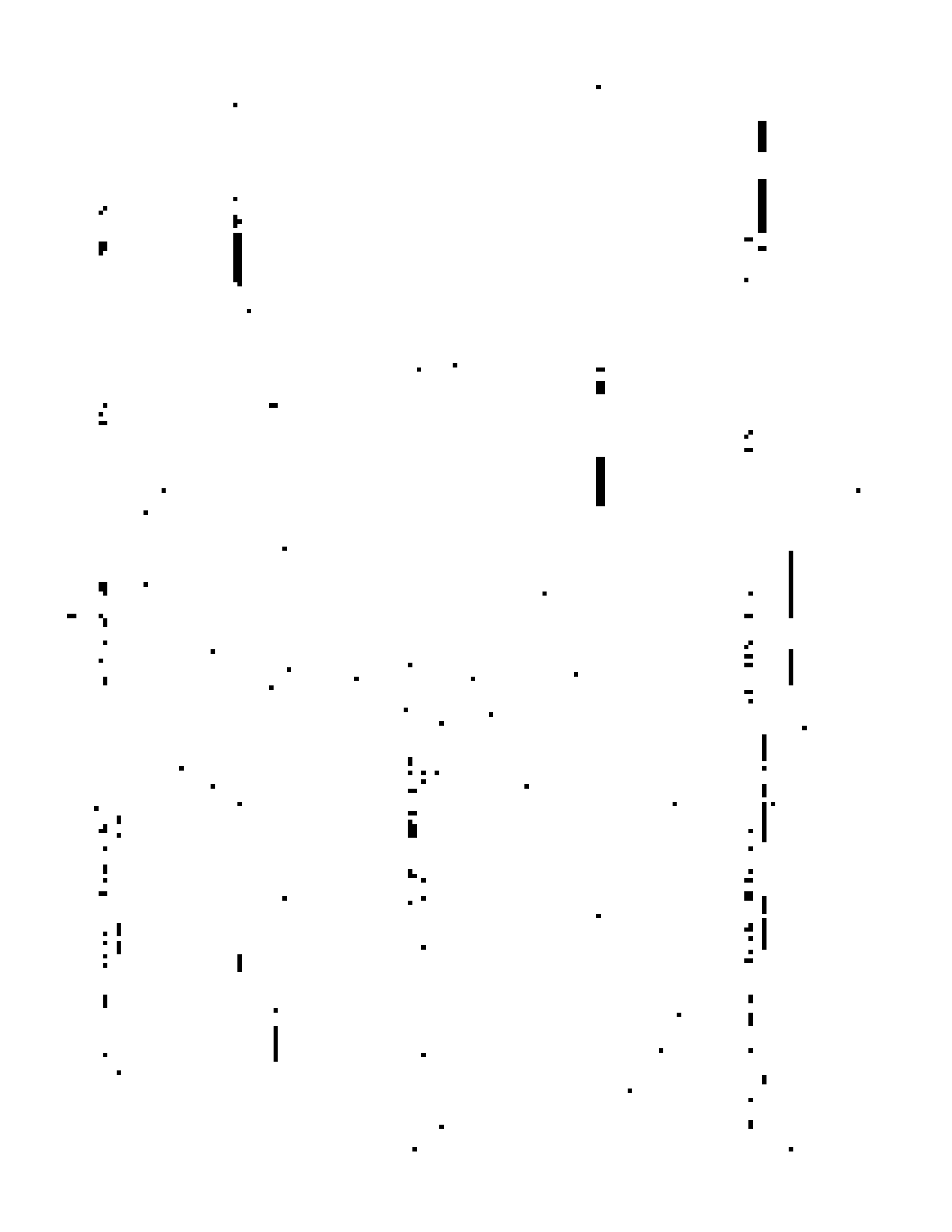
- Memo: Executive and Planning Committee Recommendations, from Curtis Child to Office of Governmental Affairs staff, September 28, 2012
- *Policy Coordination and Liaison Committee: Orientation Materials*, 2014

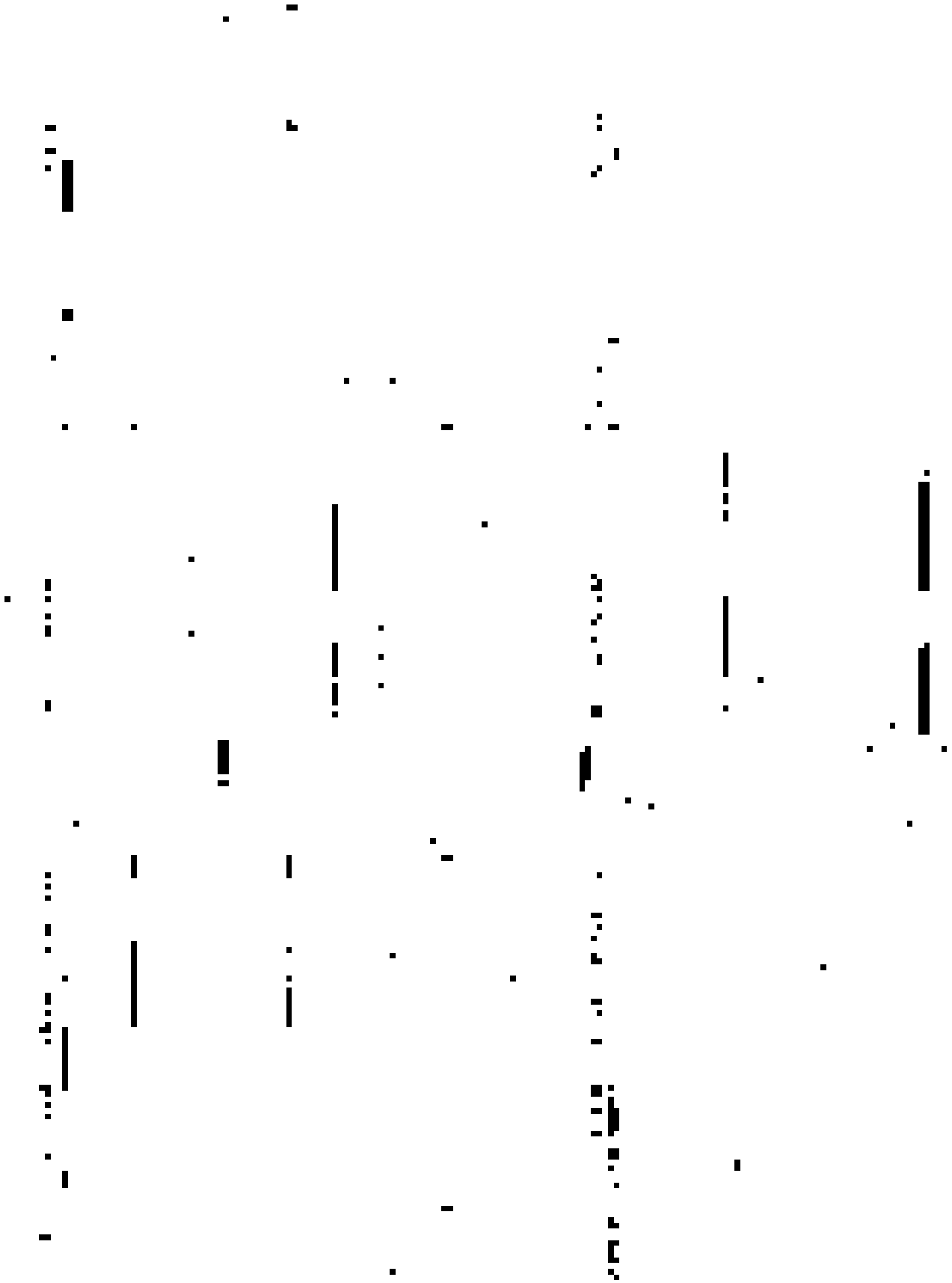
Policy Coordination and Liaison Committee

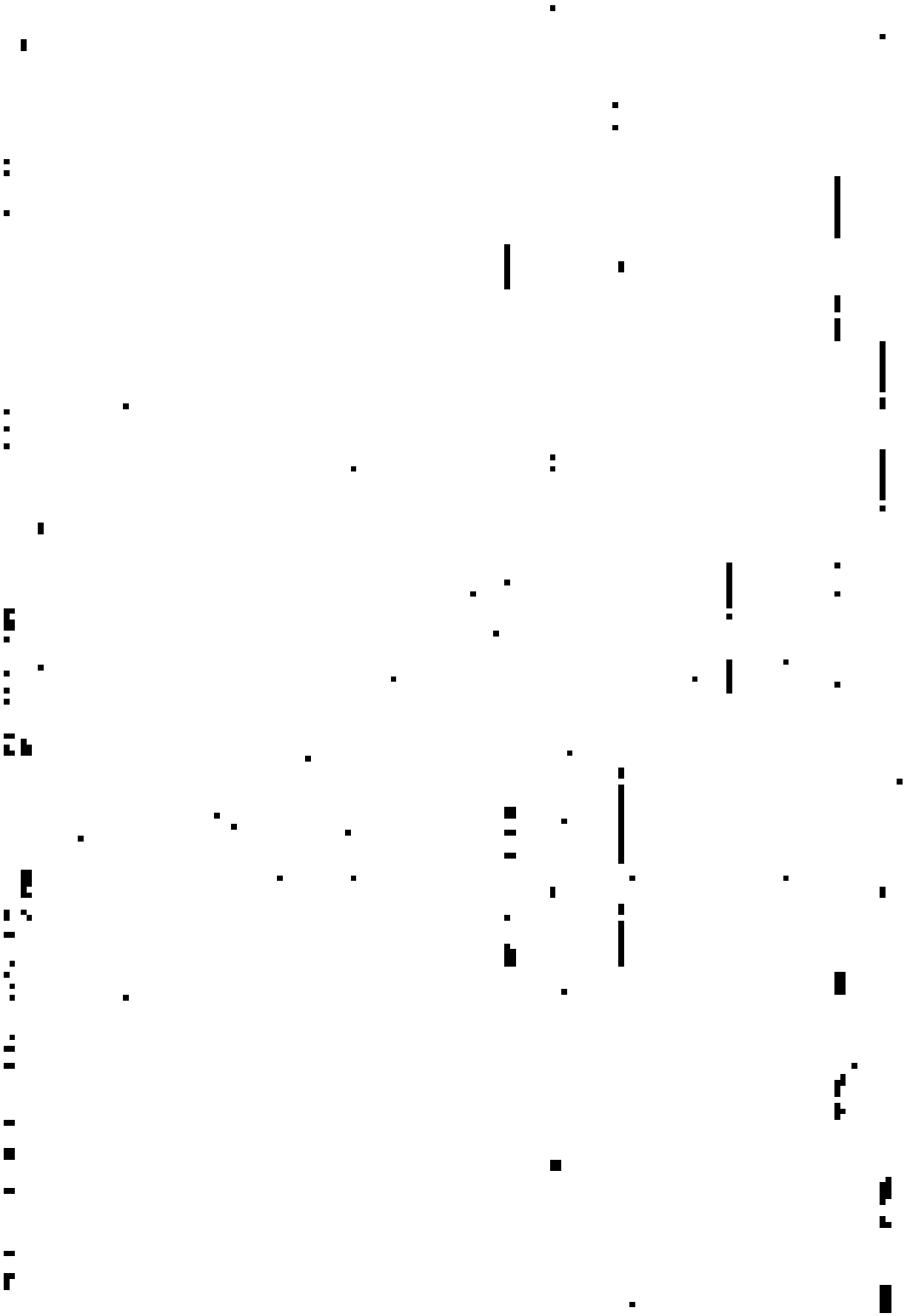


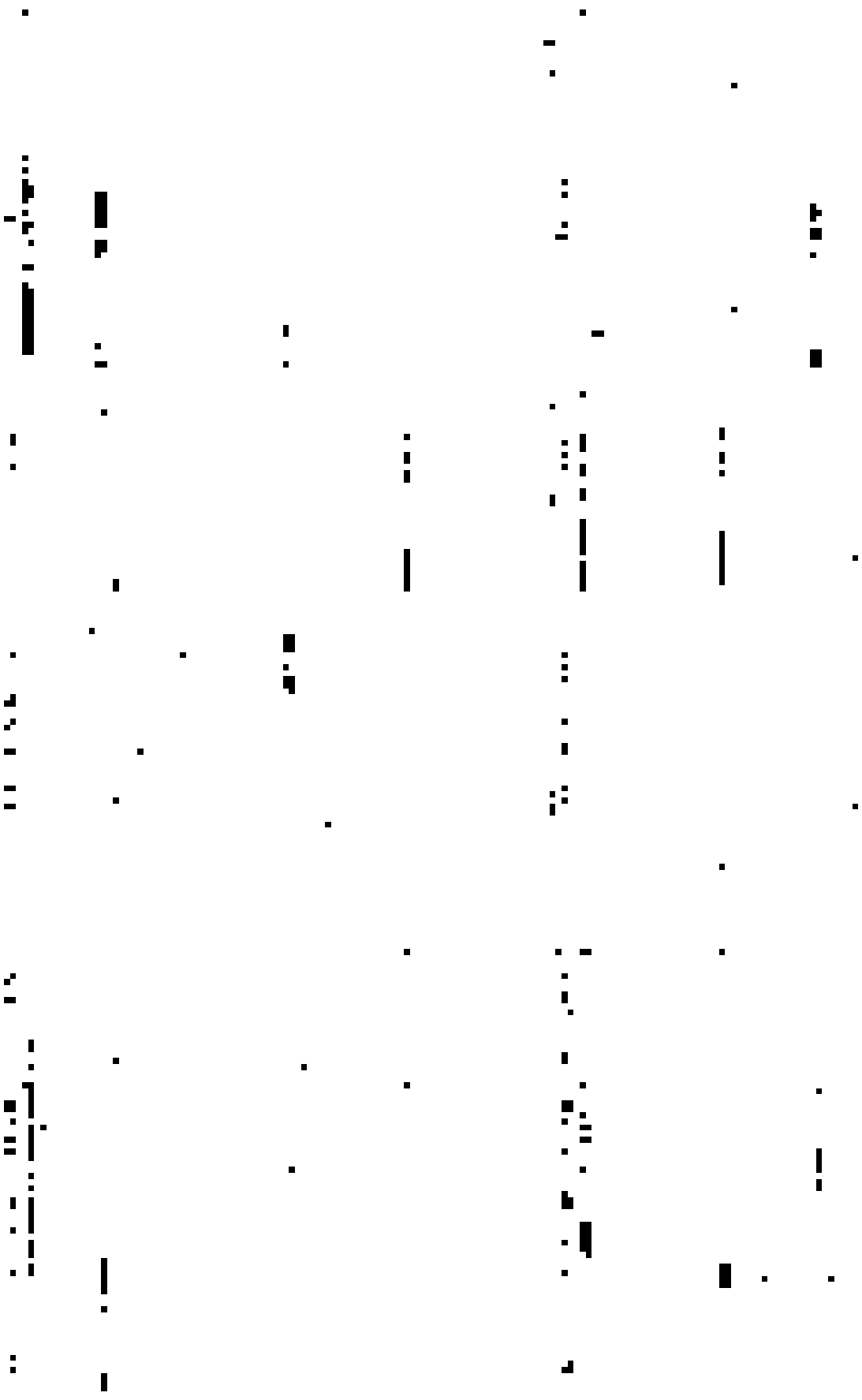


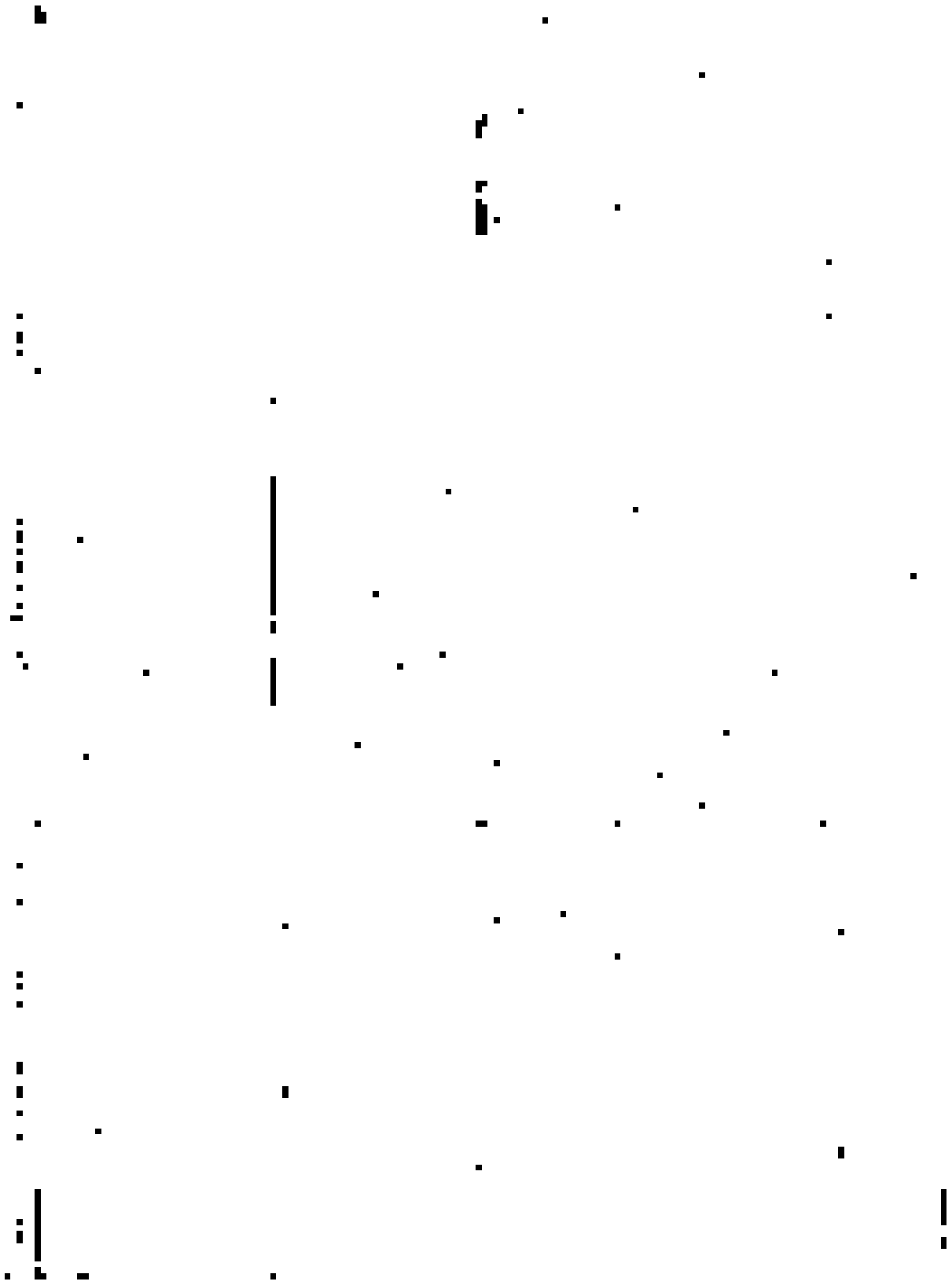
2011 Legislative Policy Guidelines

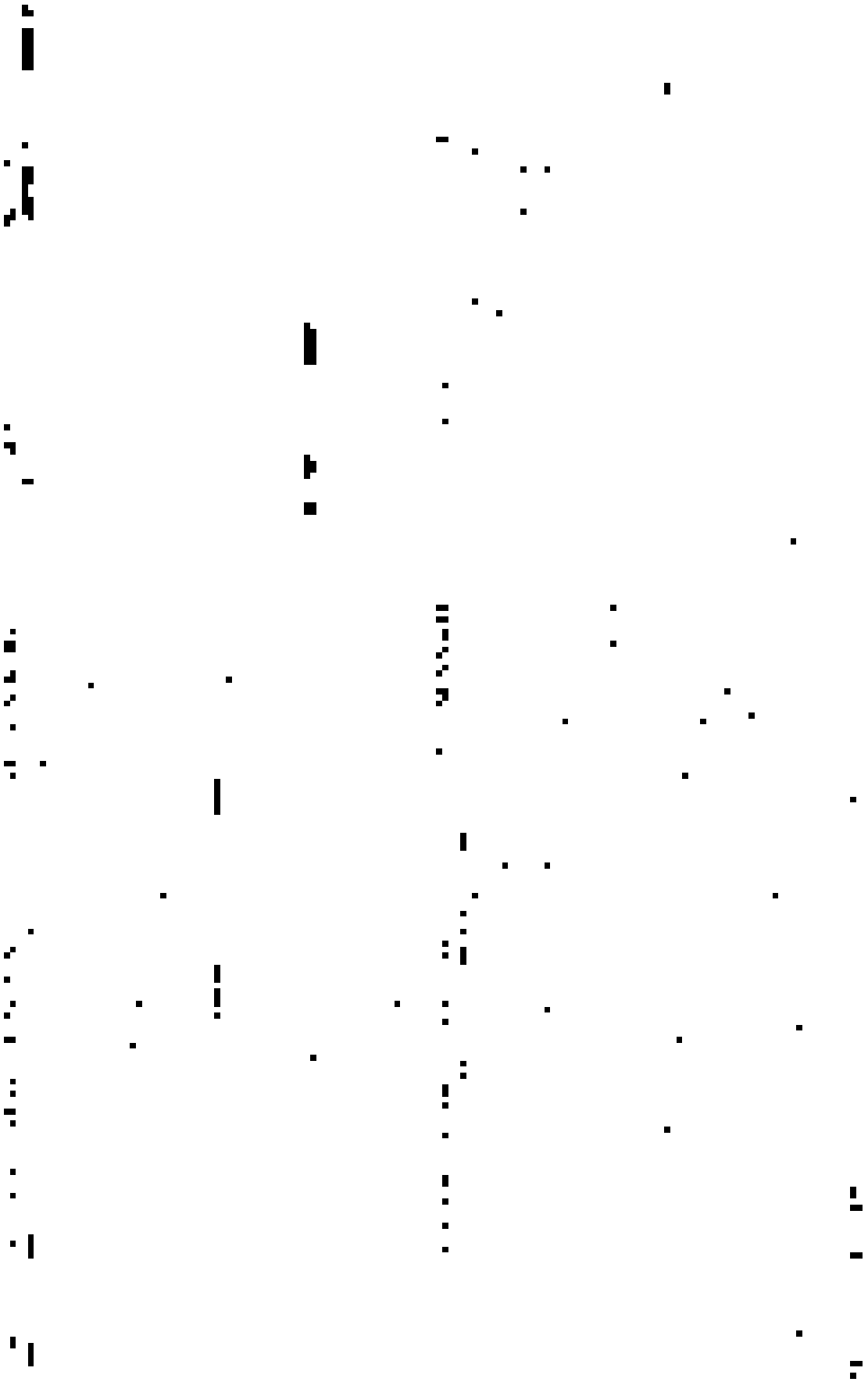


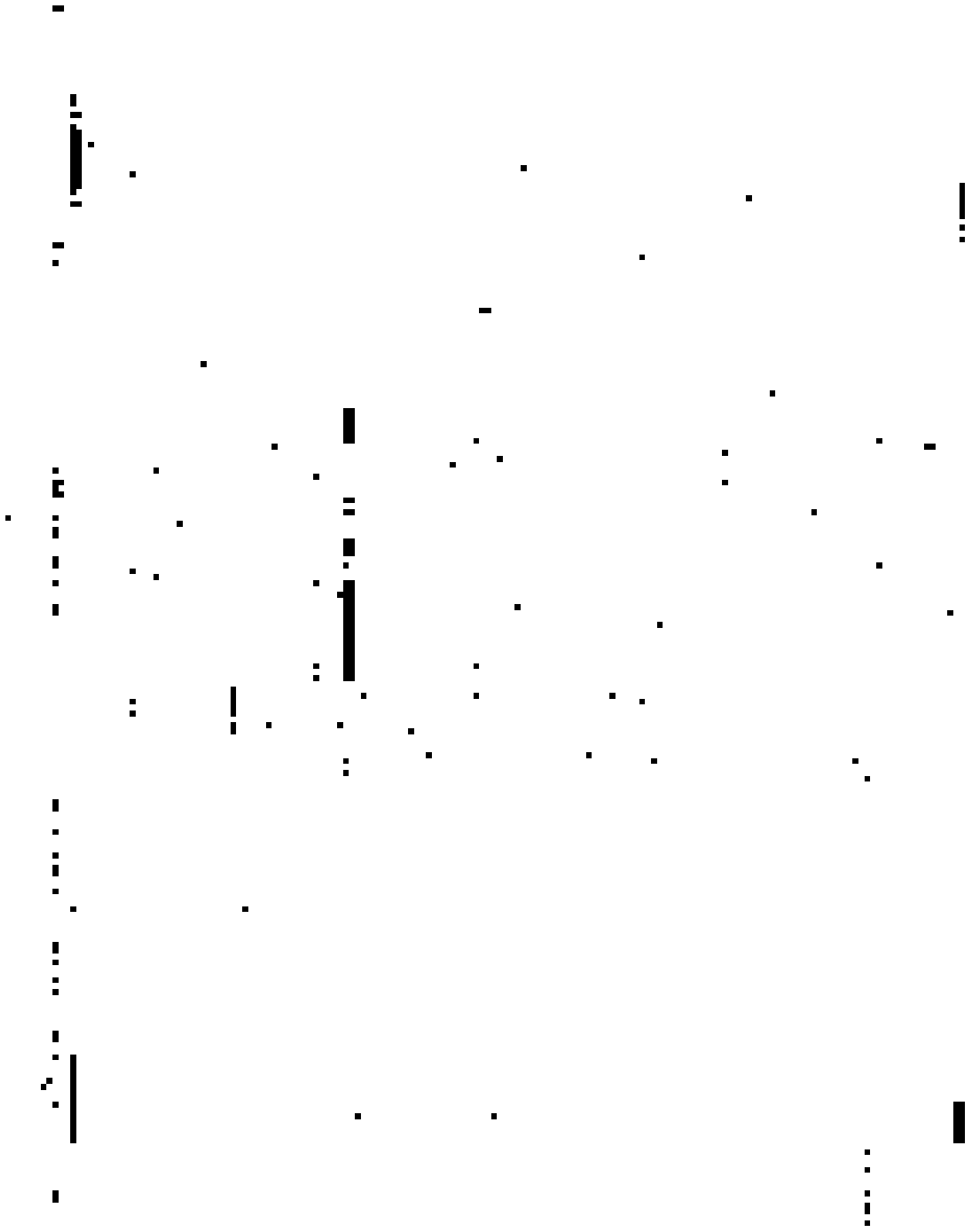


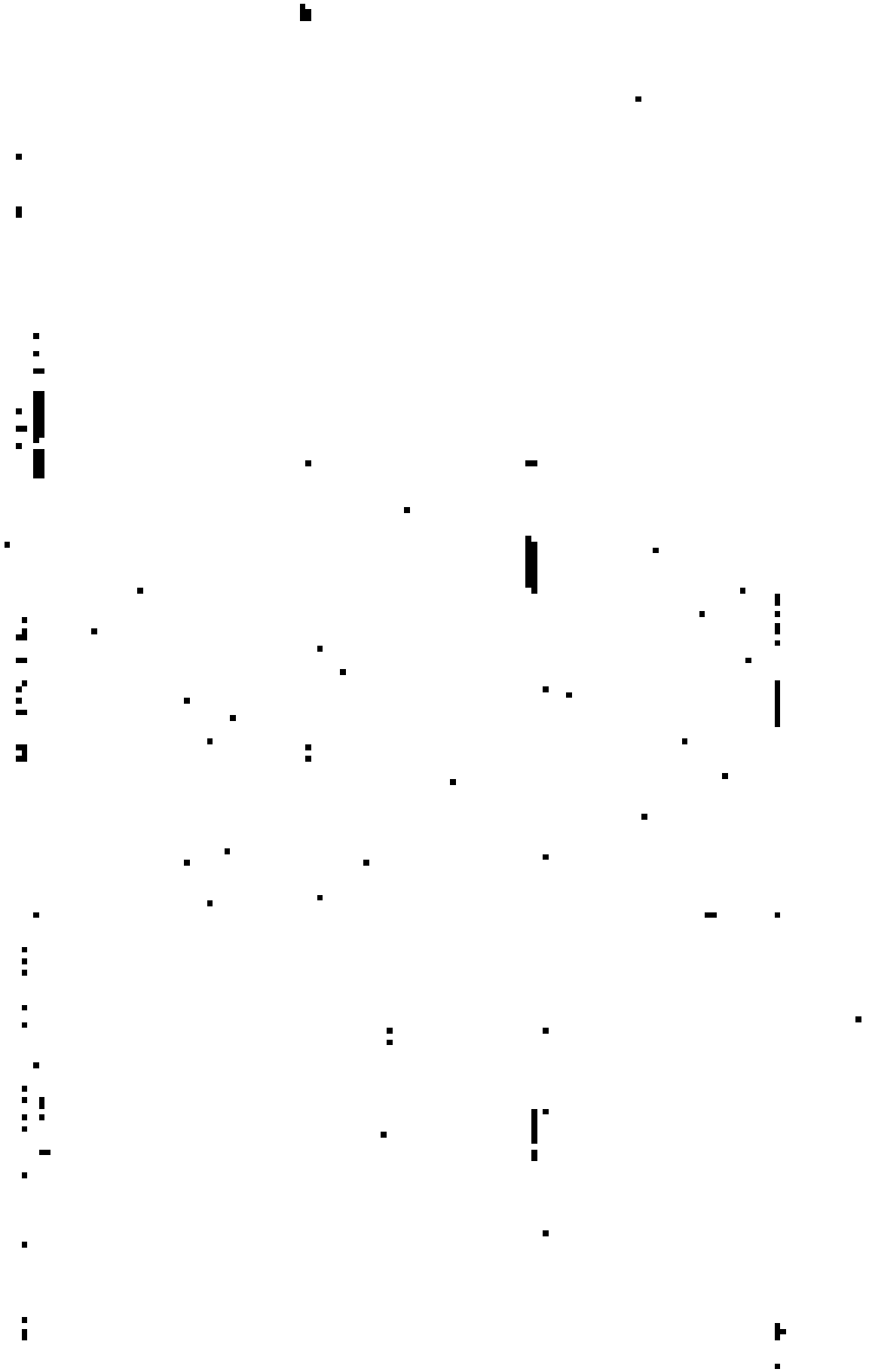


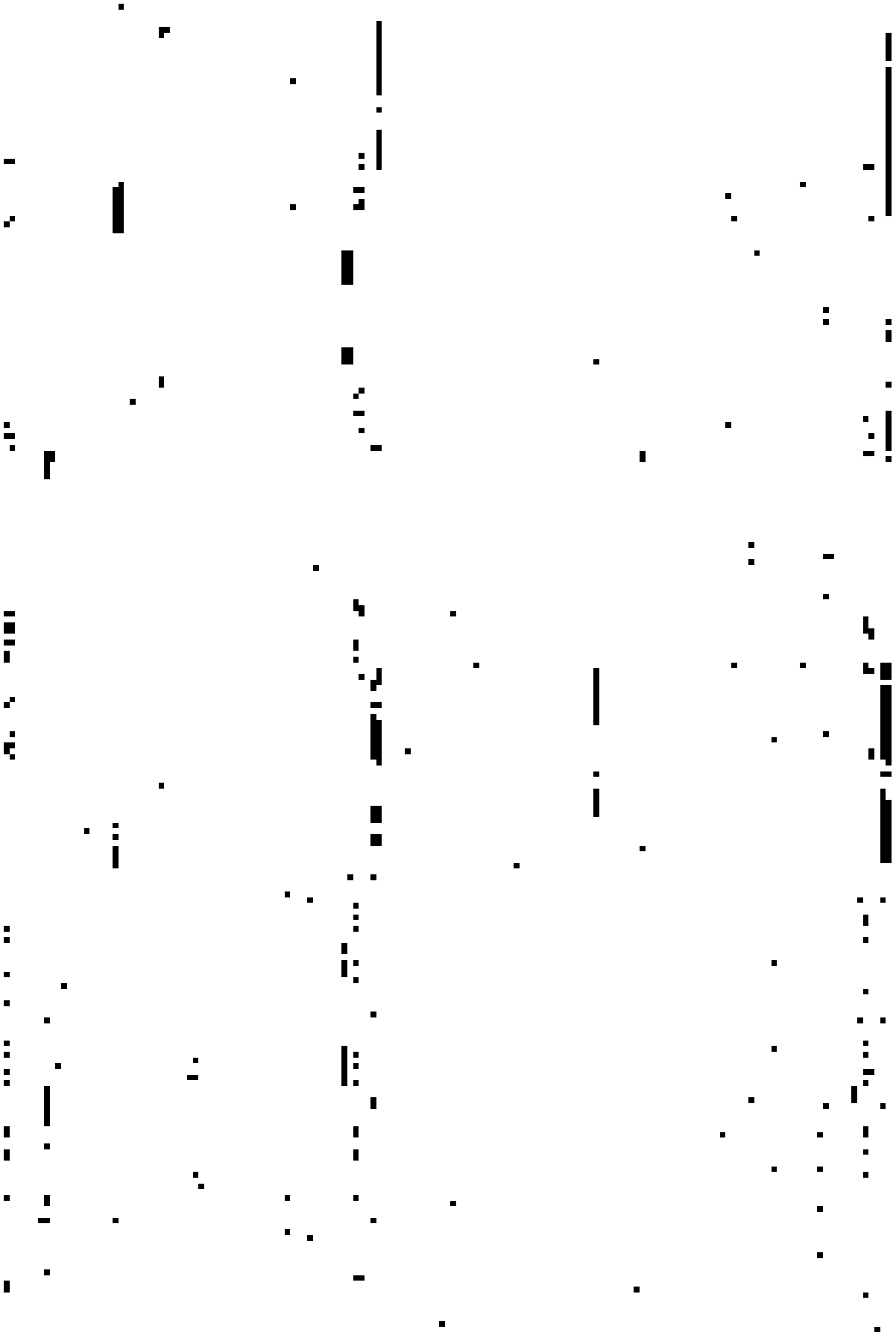


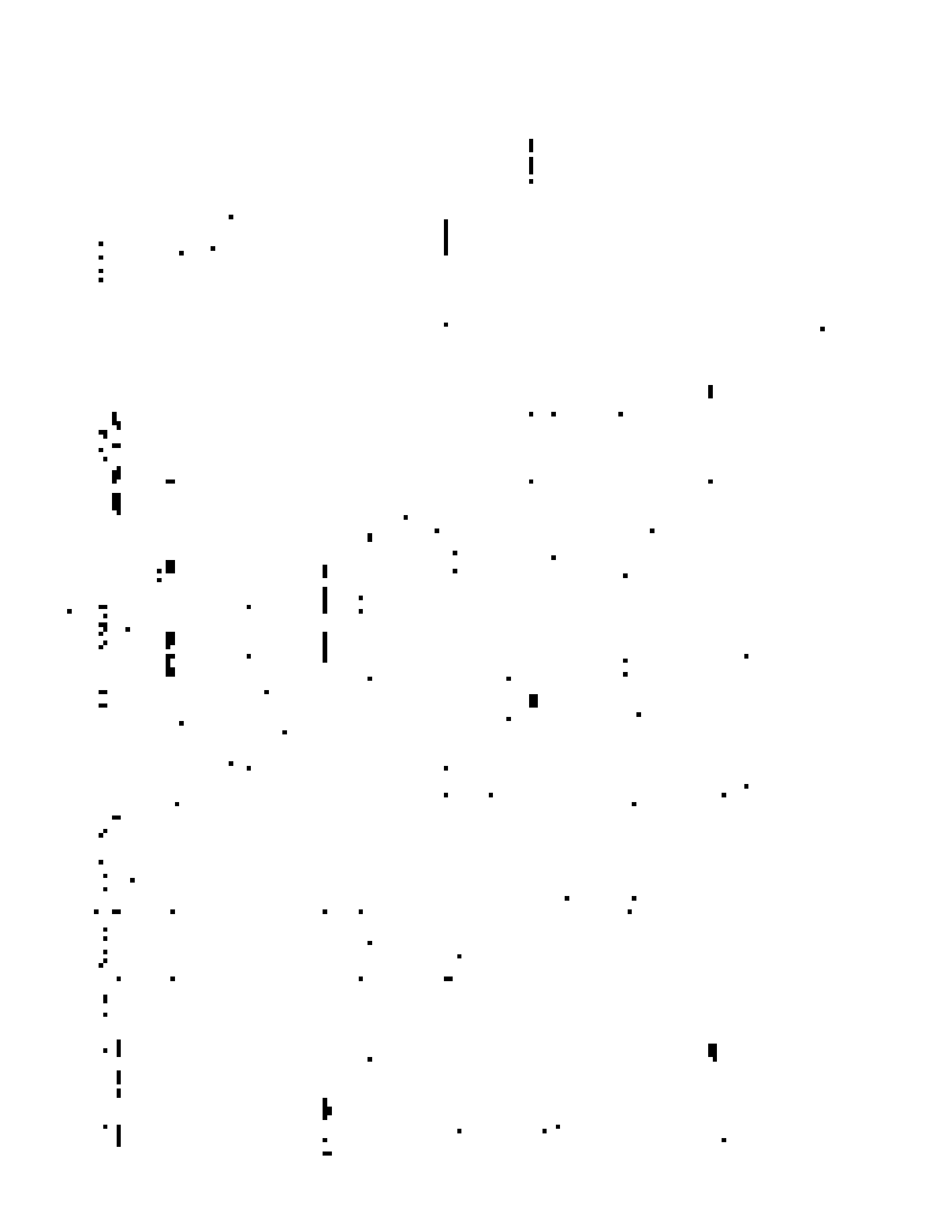


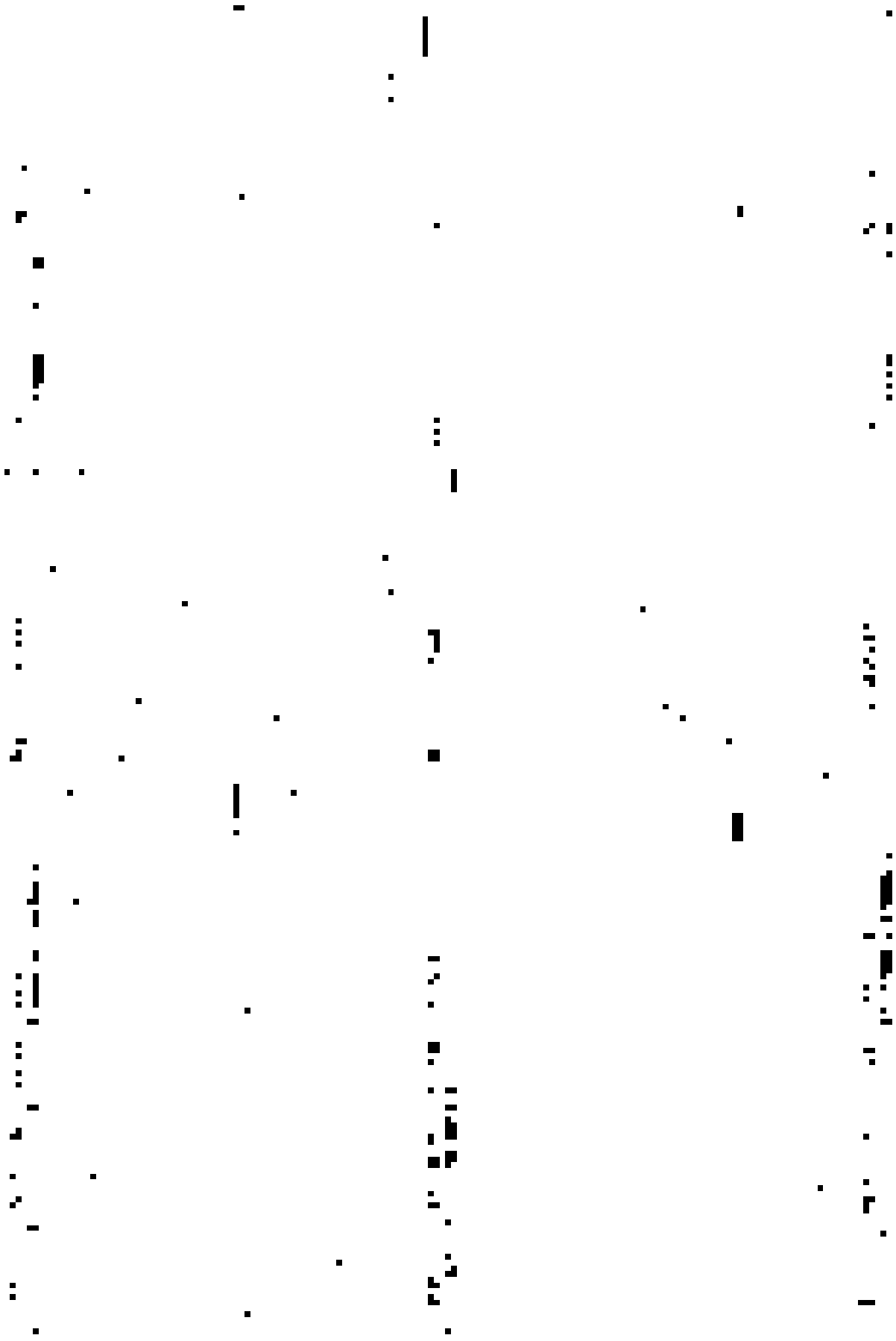


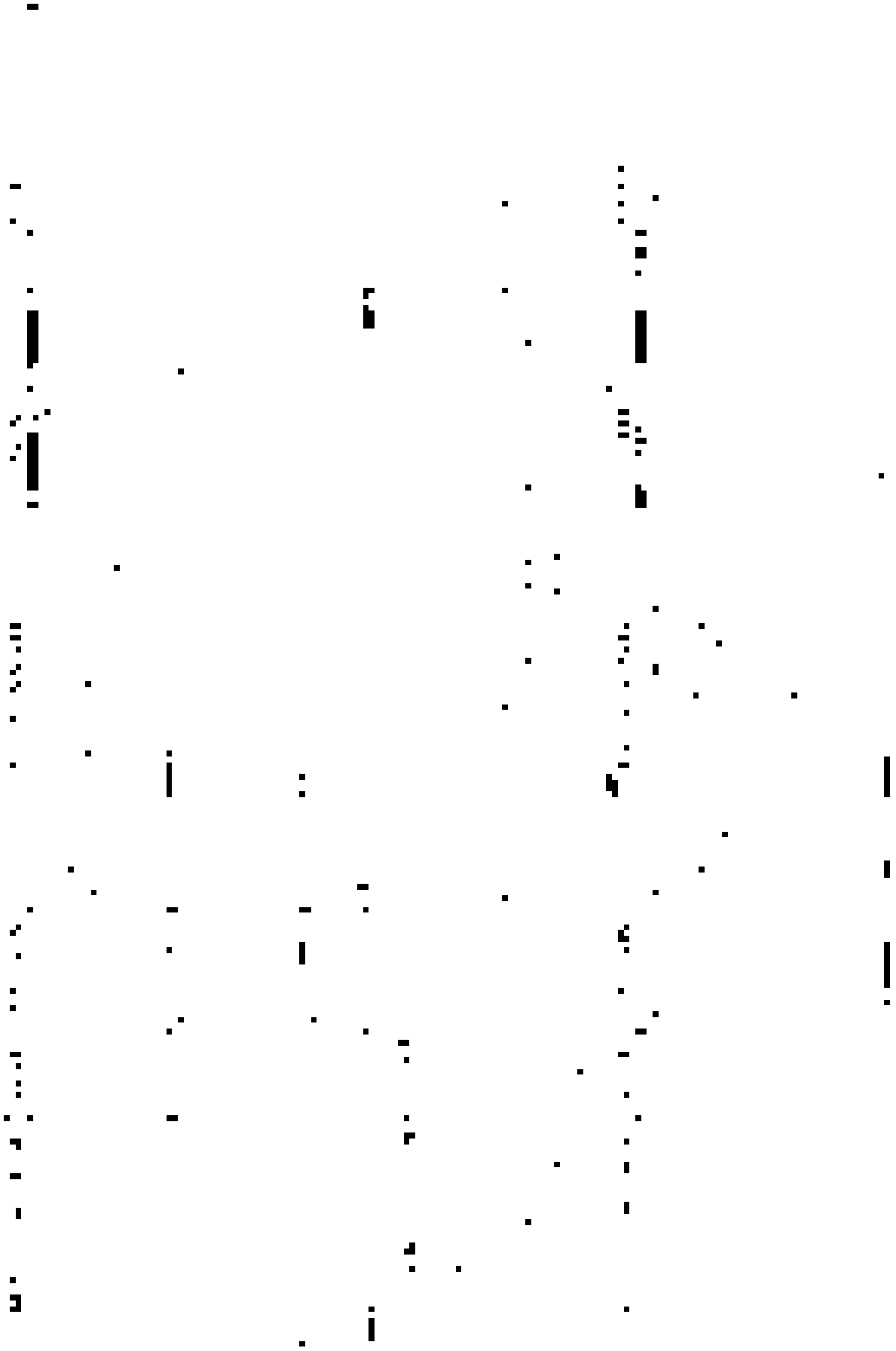


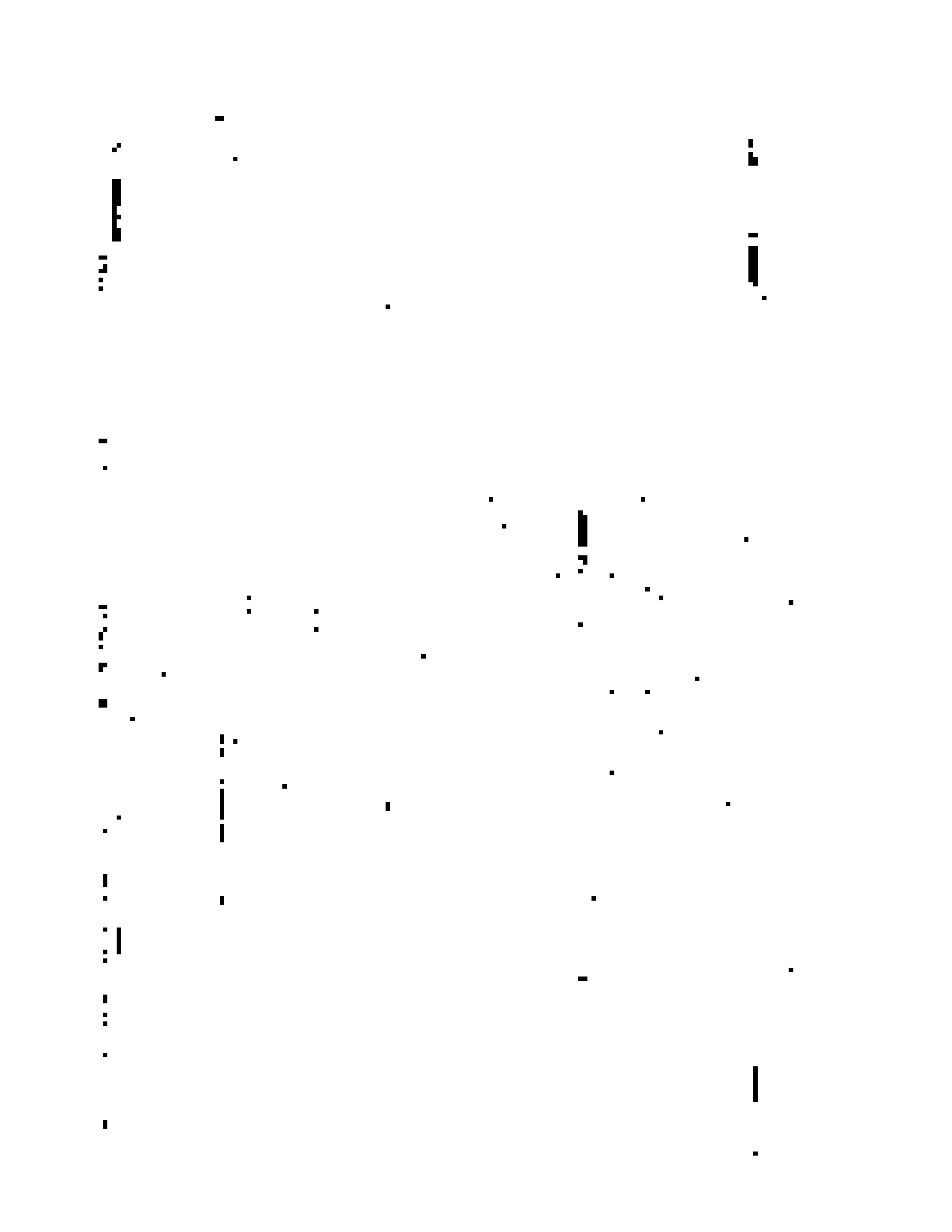


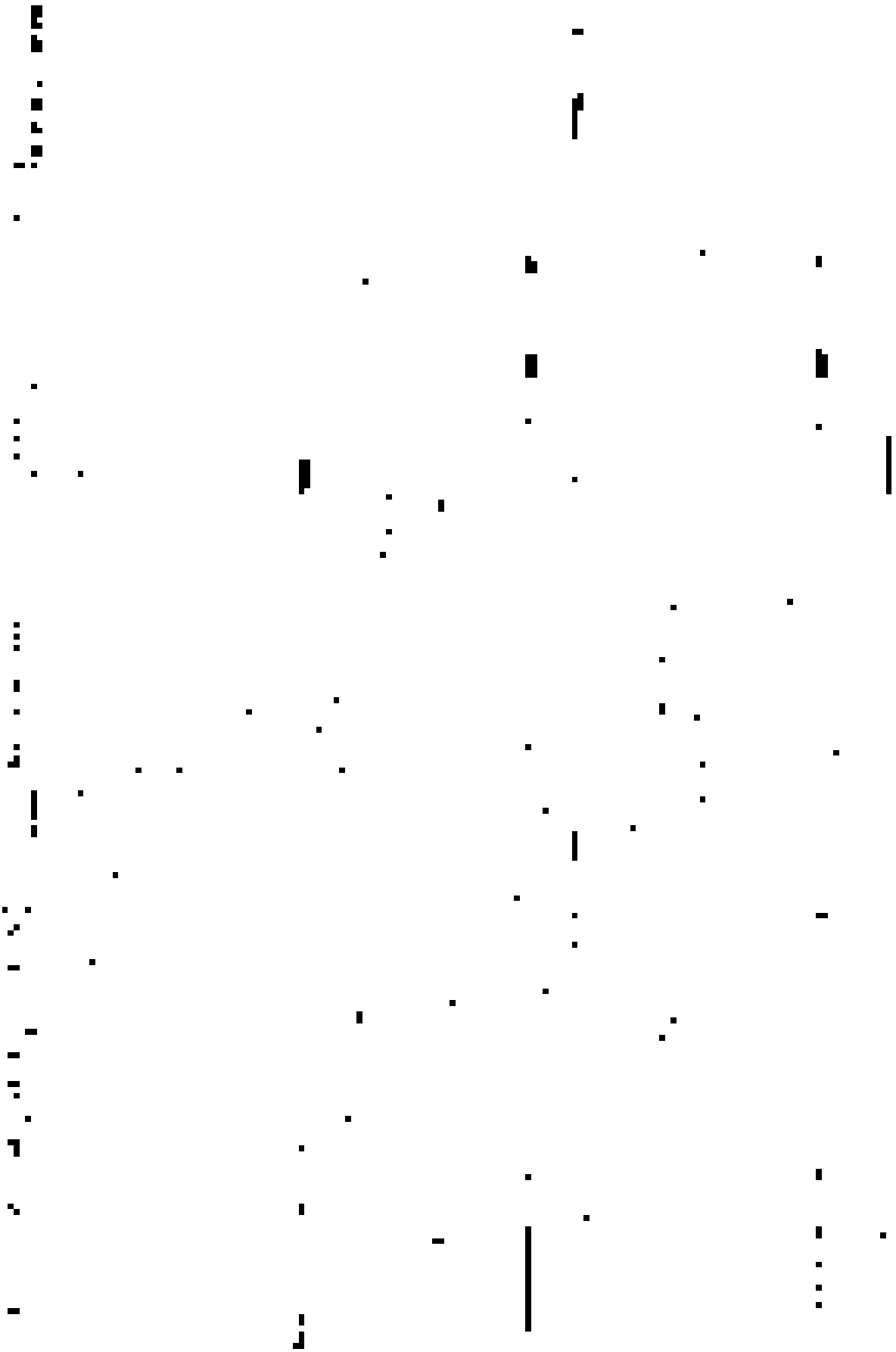


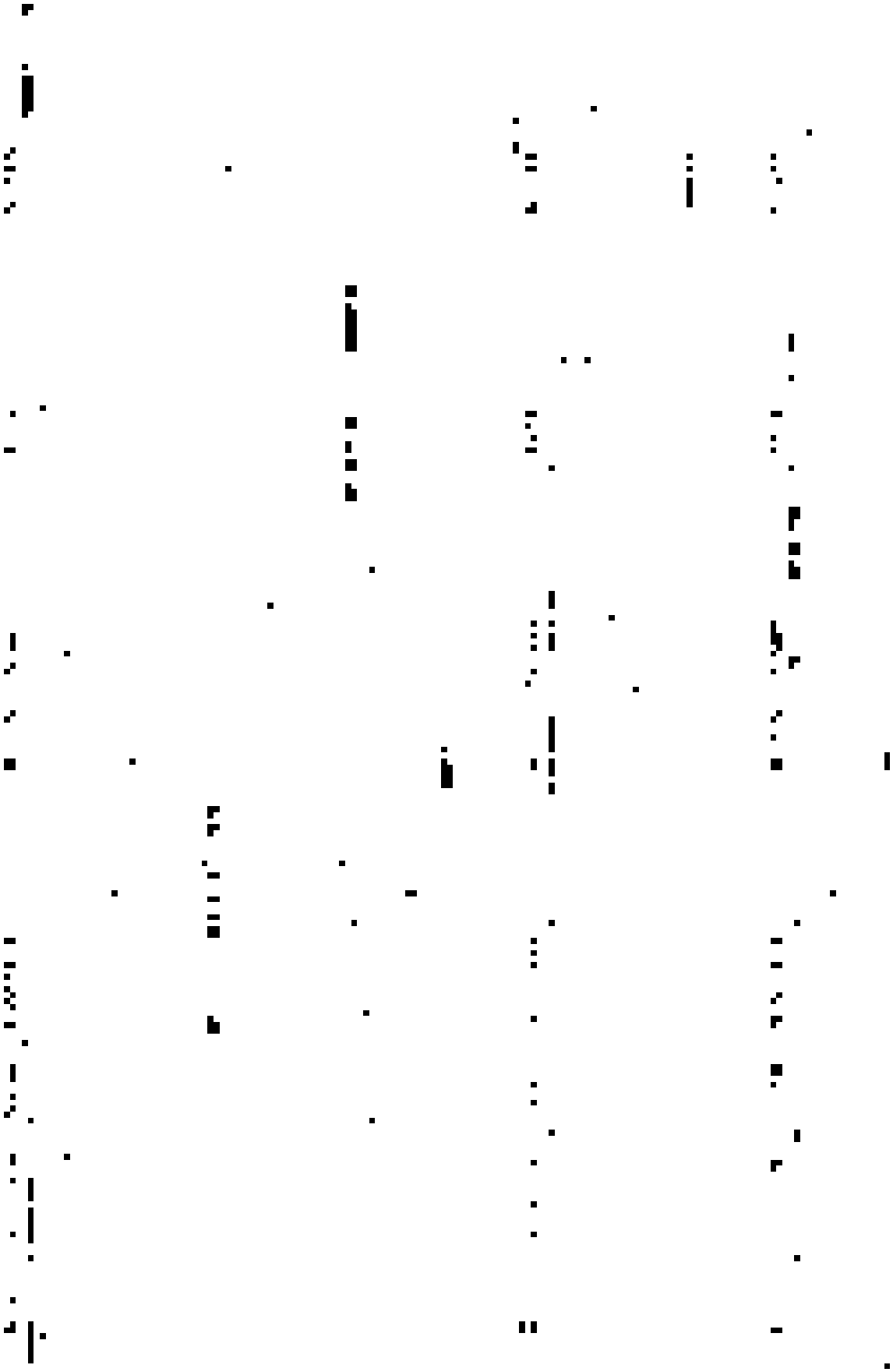


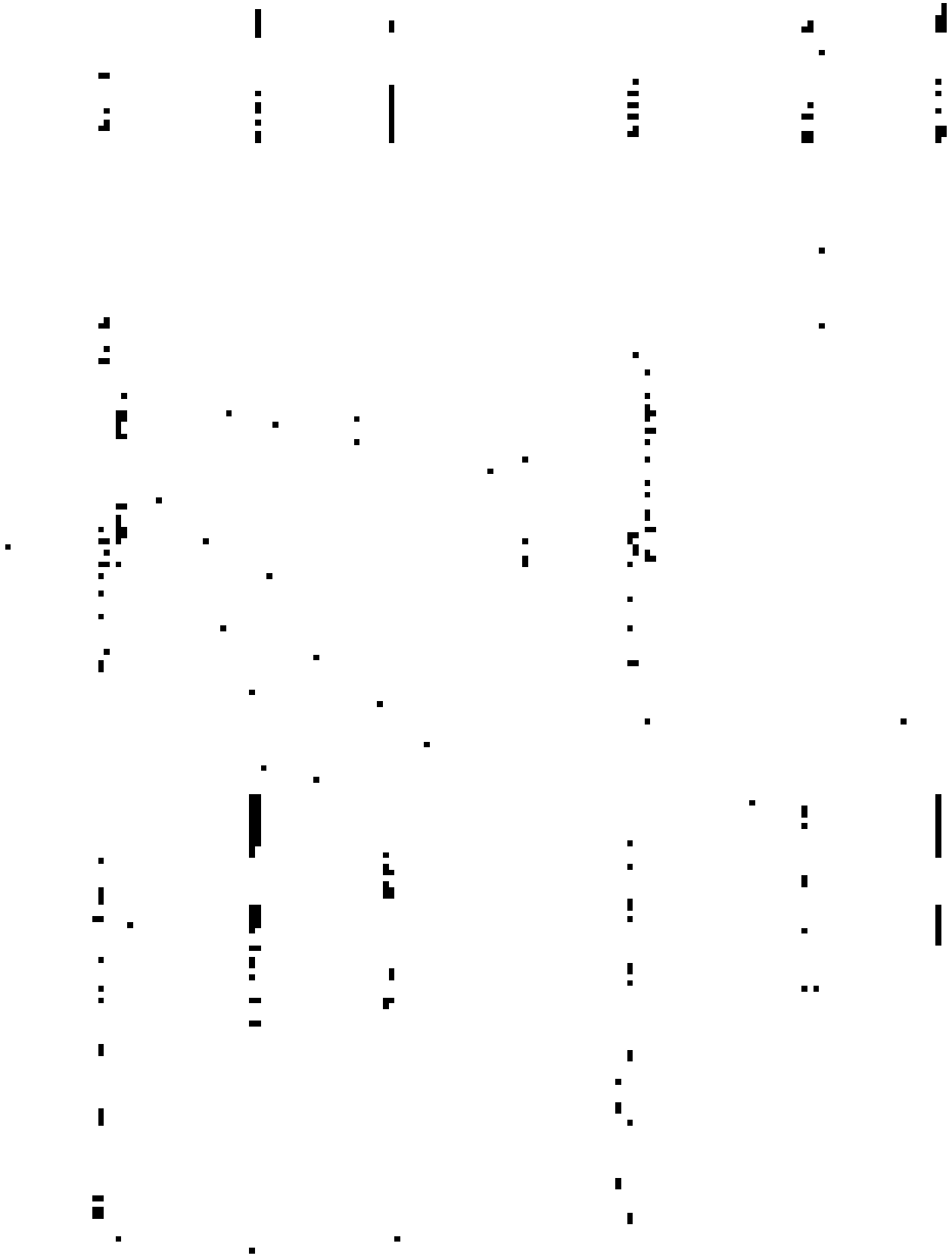


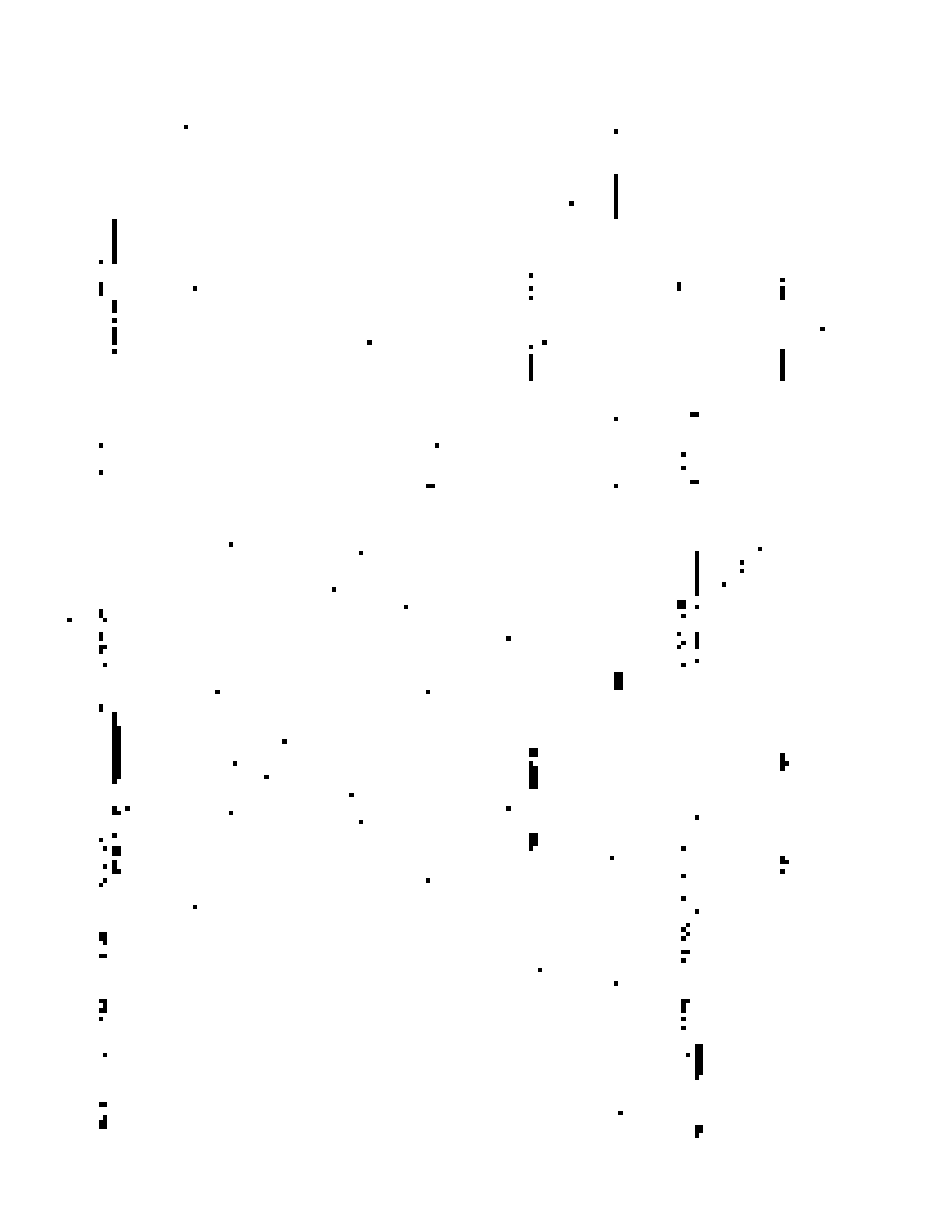


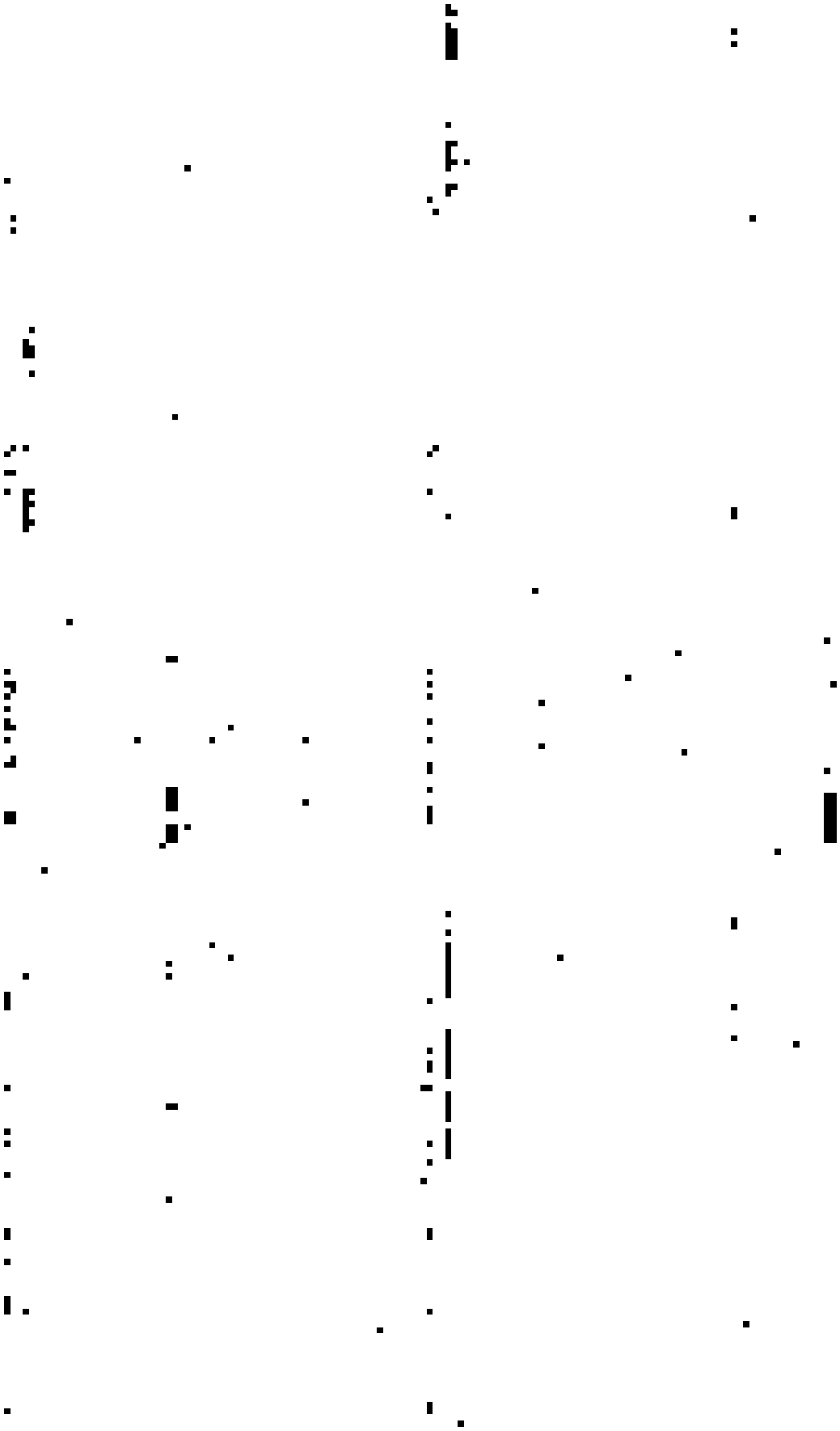


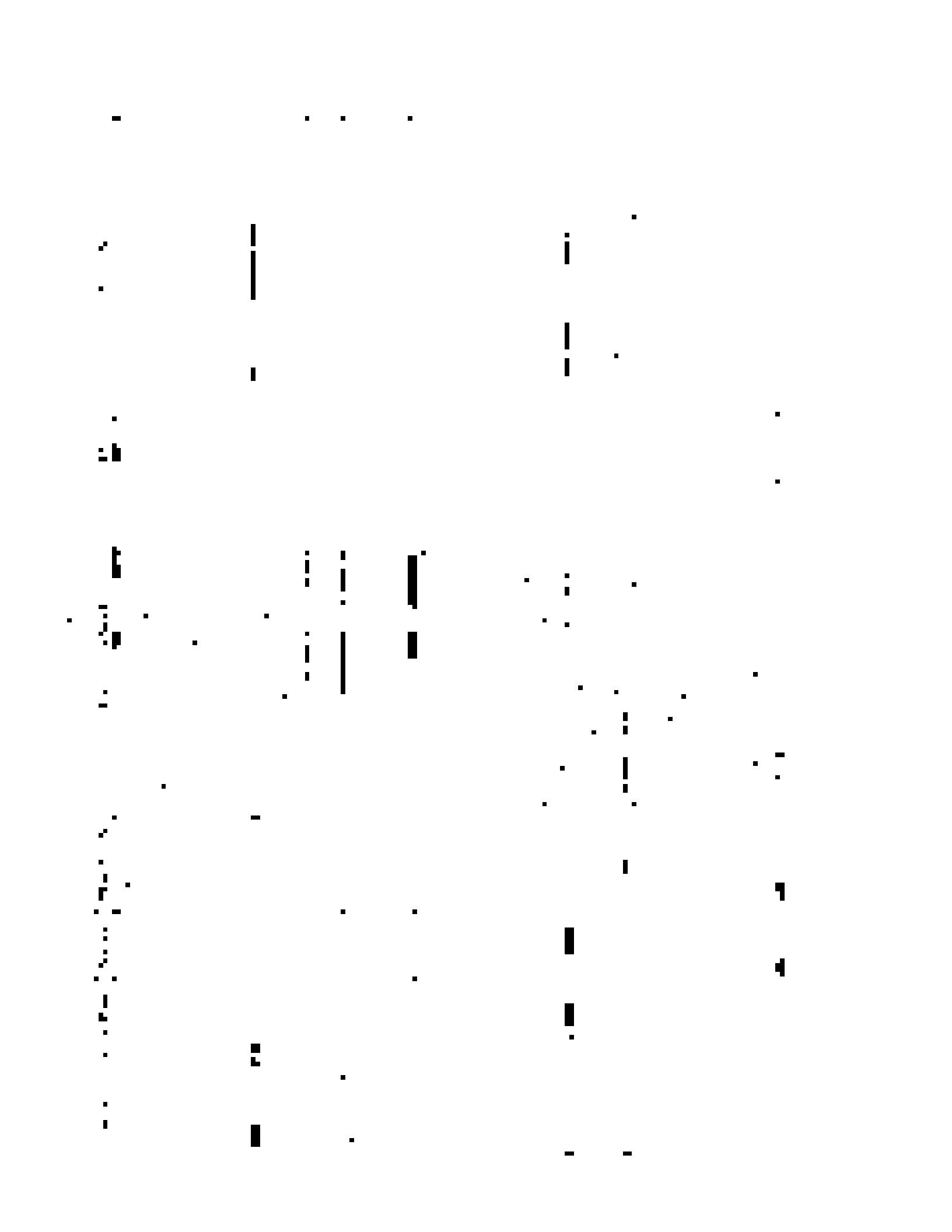


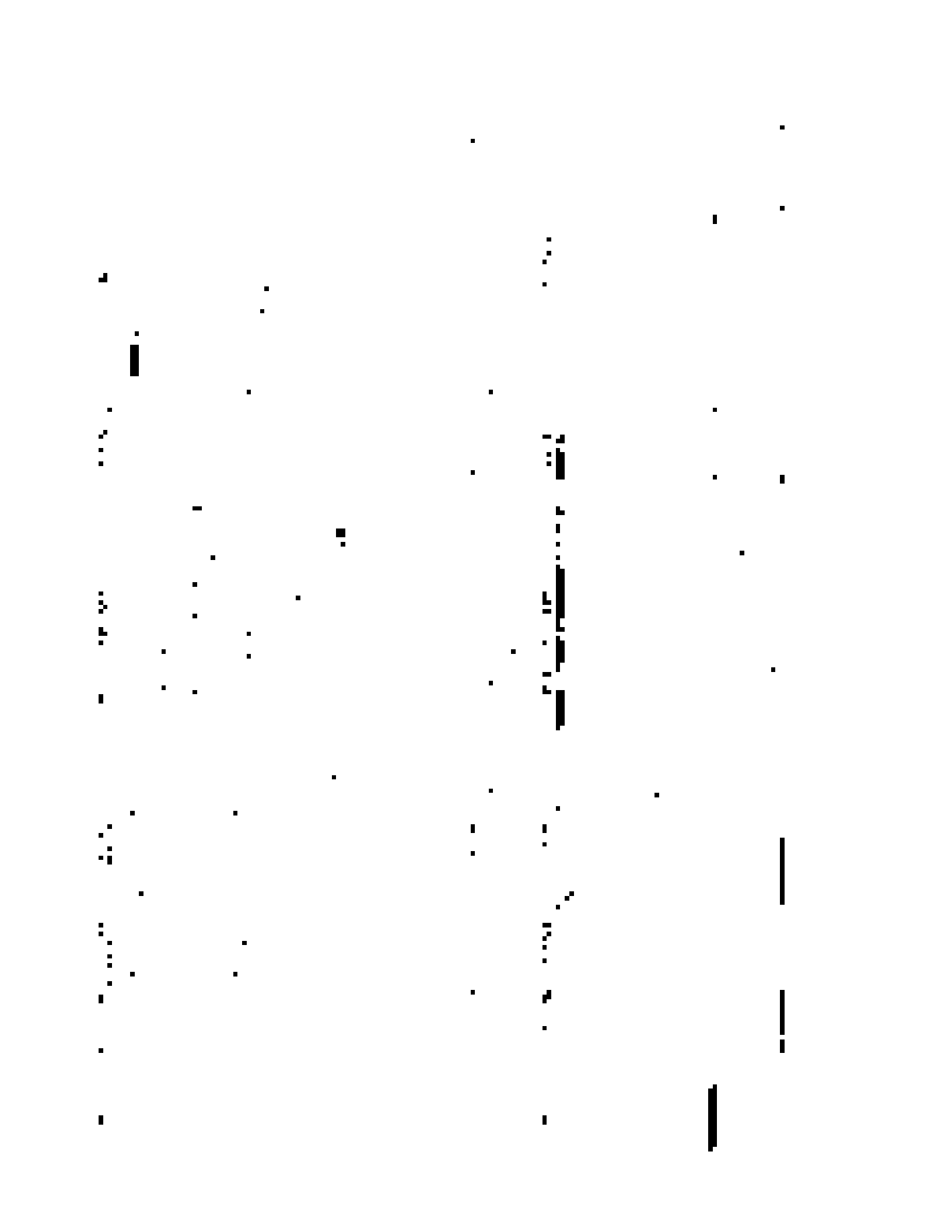


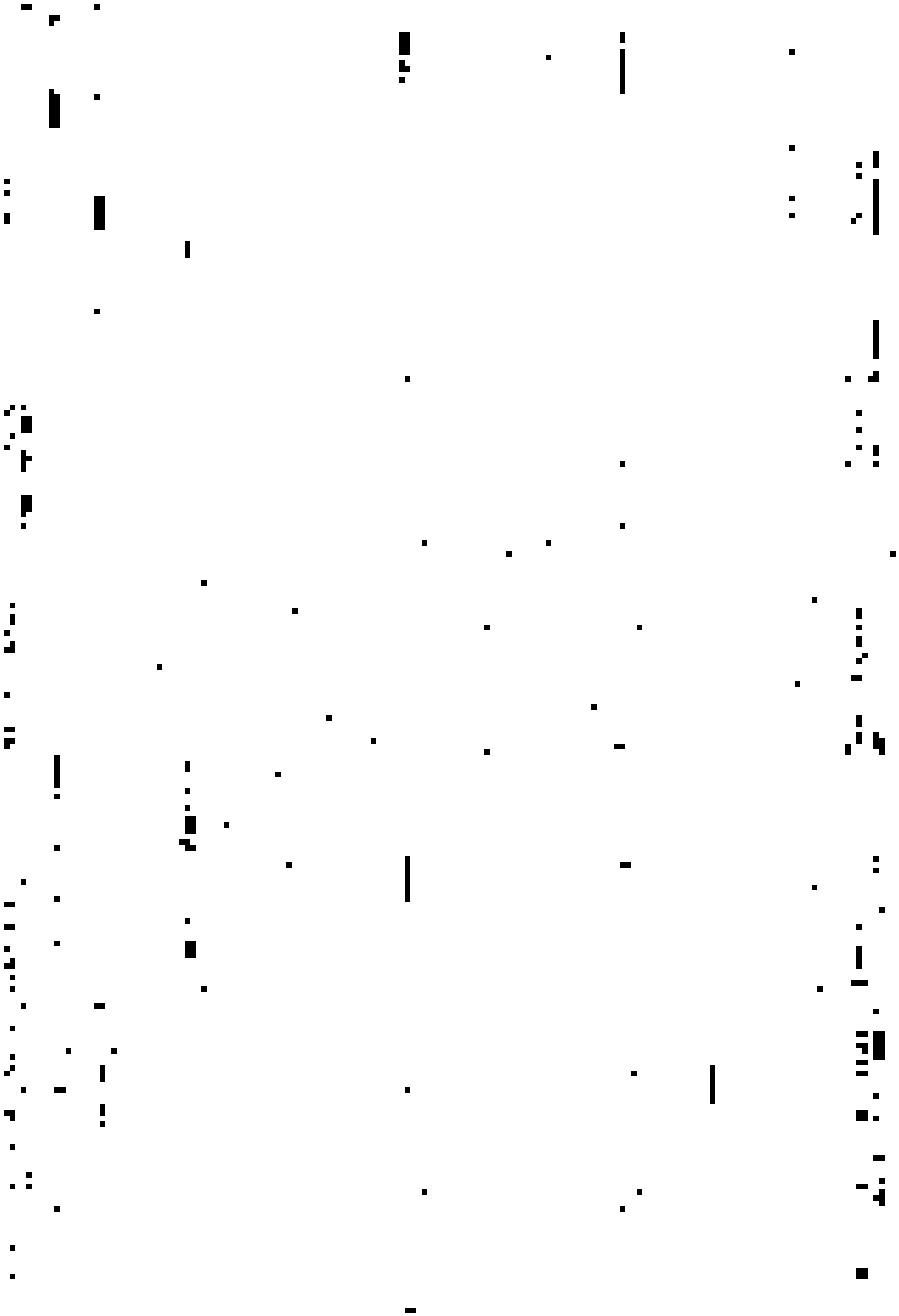


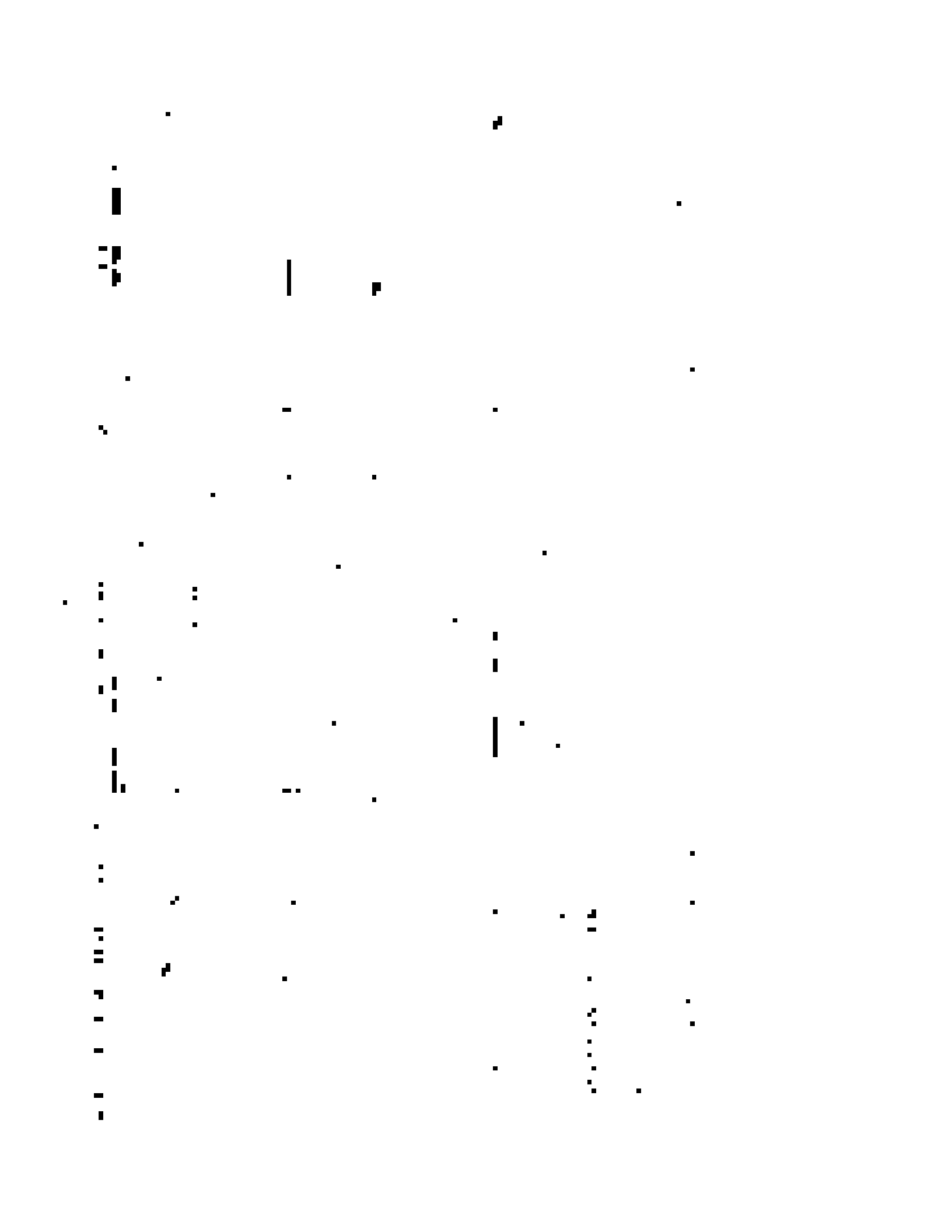


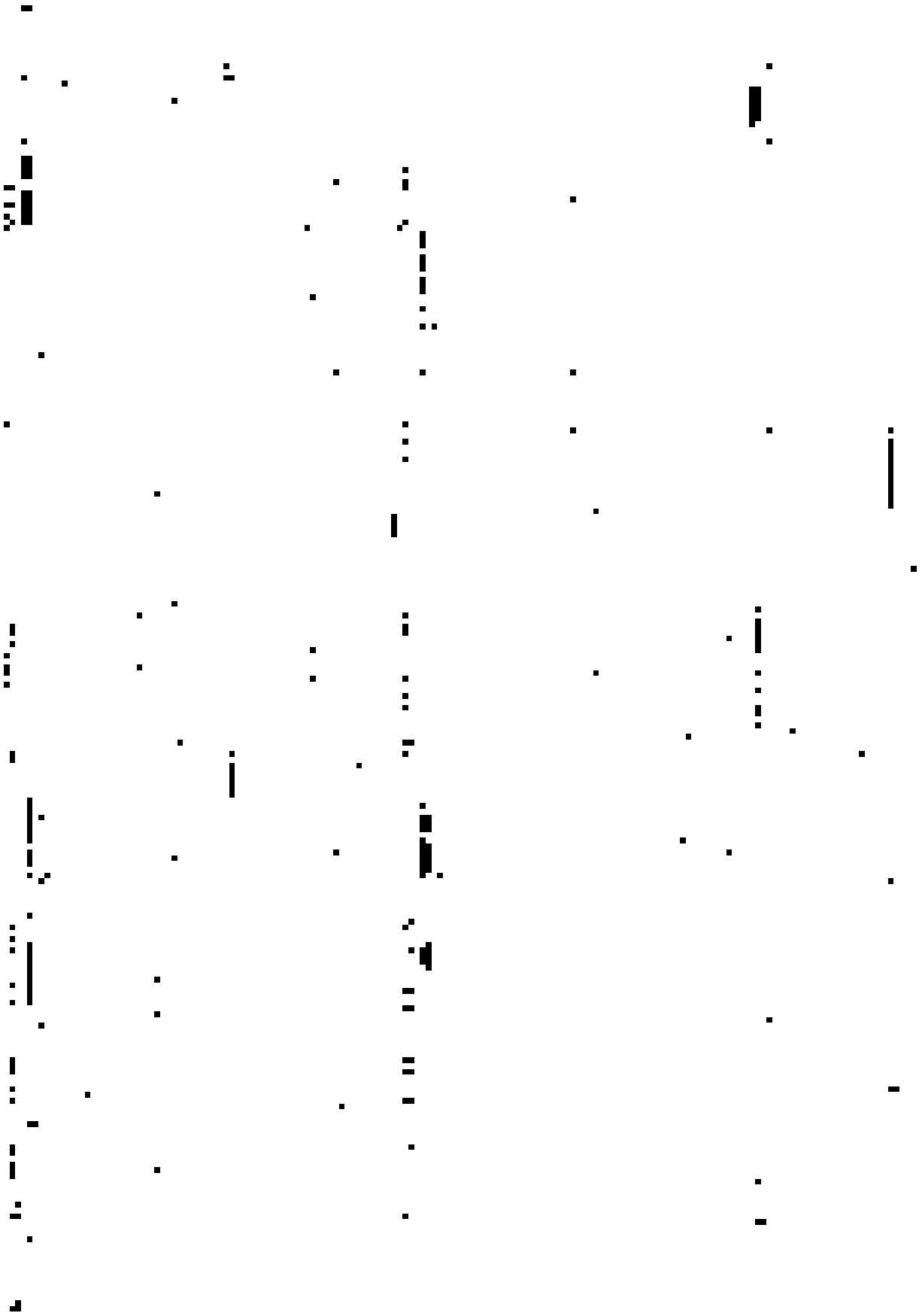


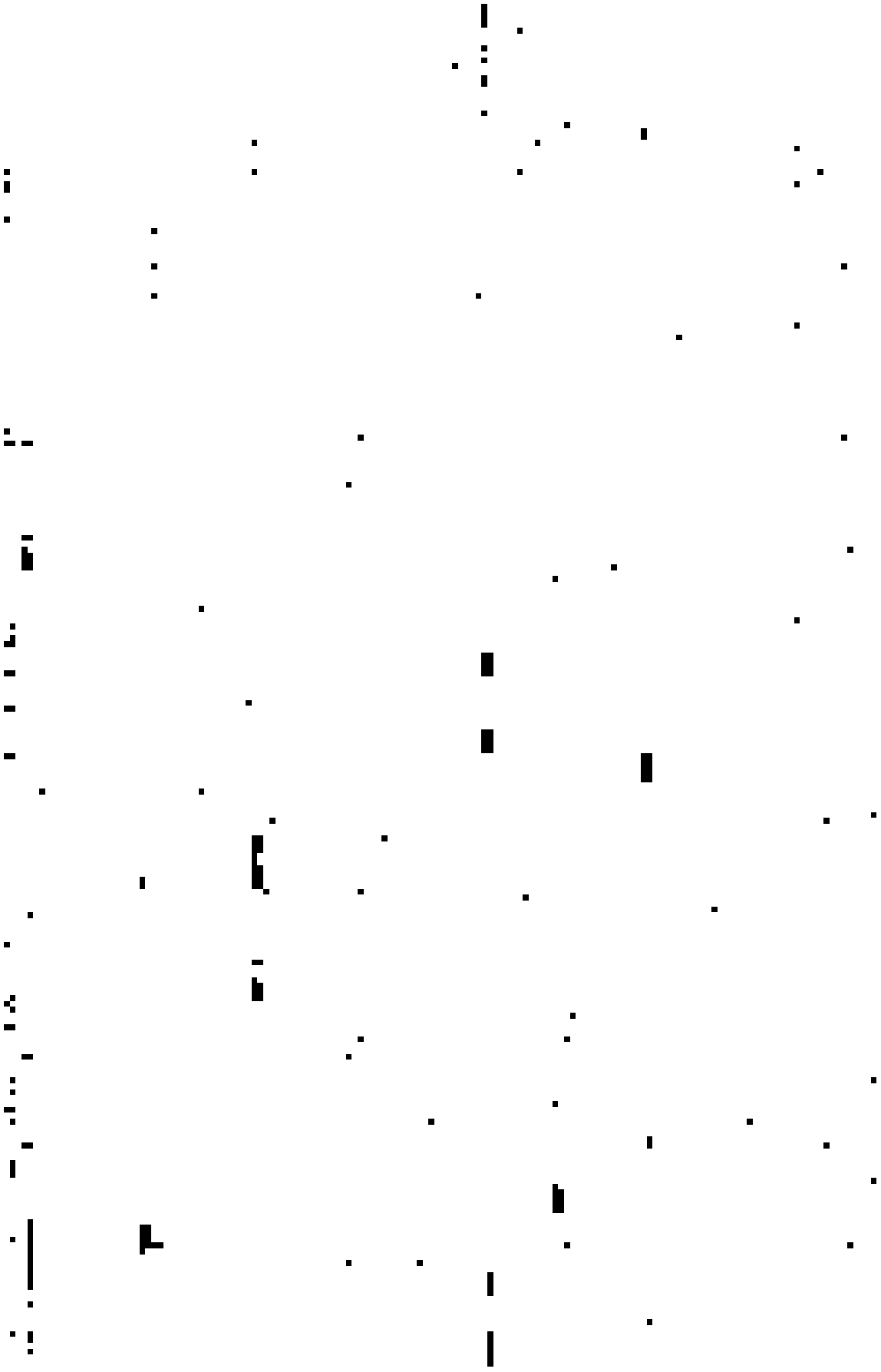


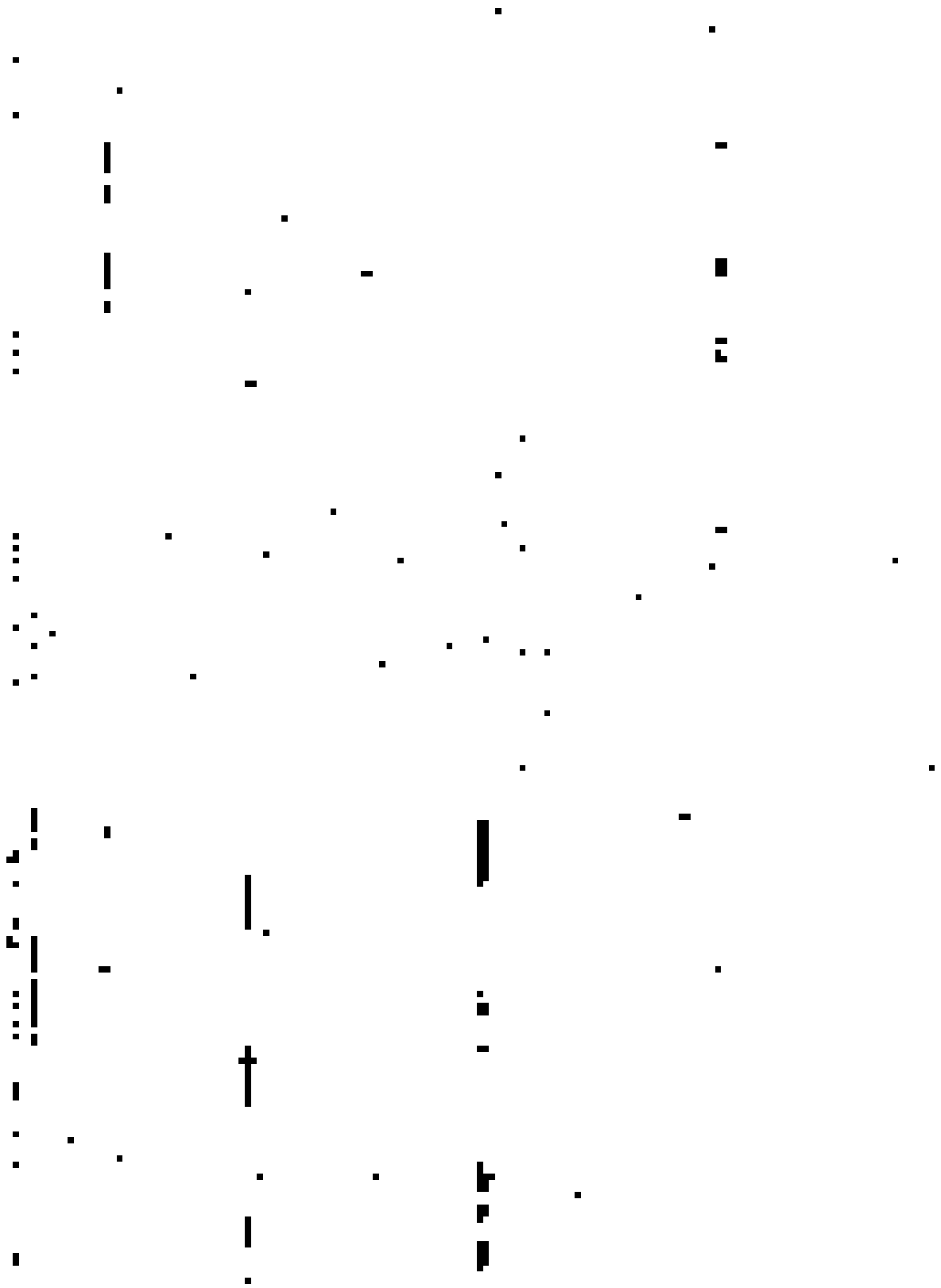


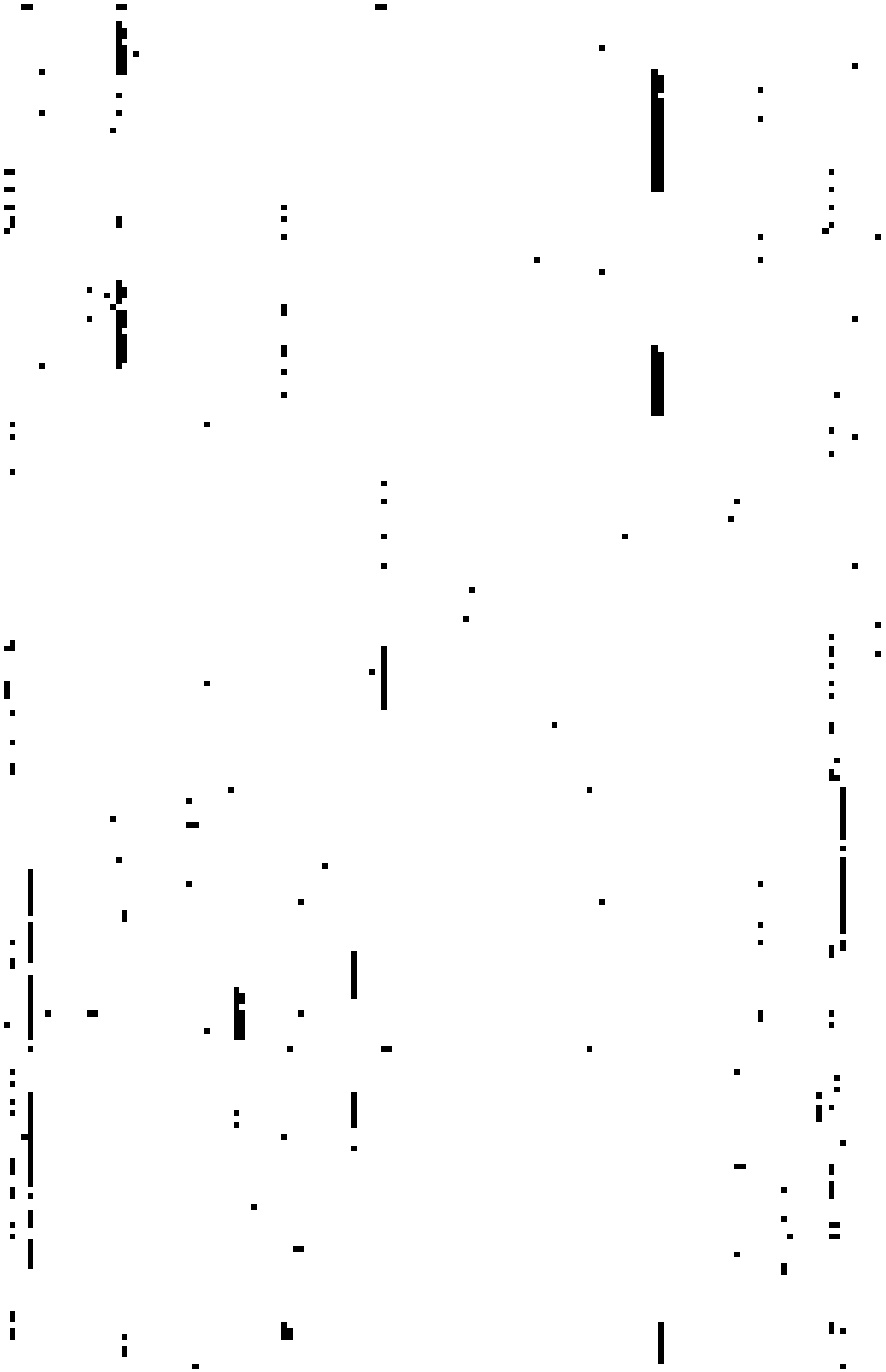


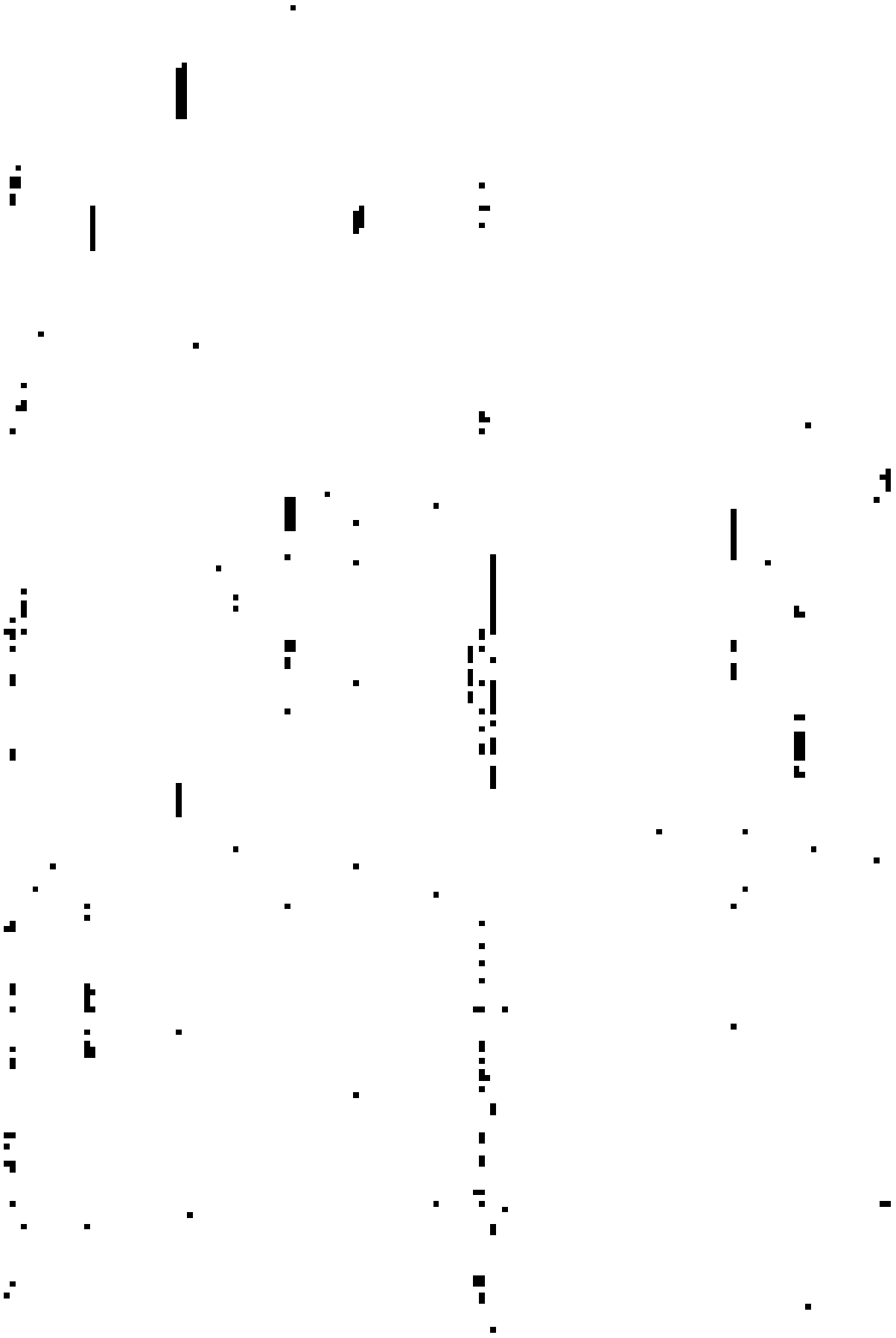


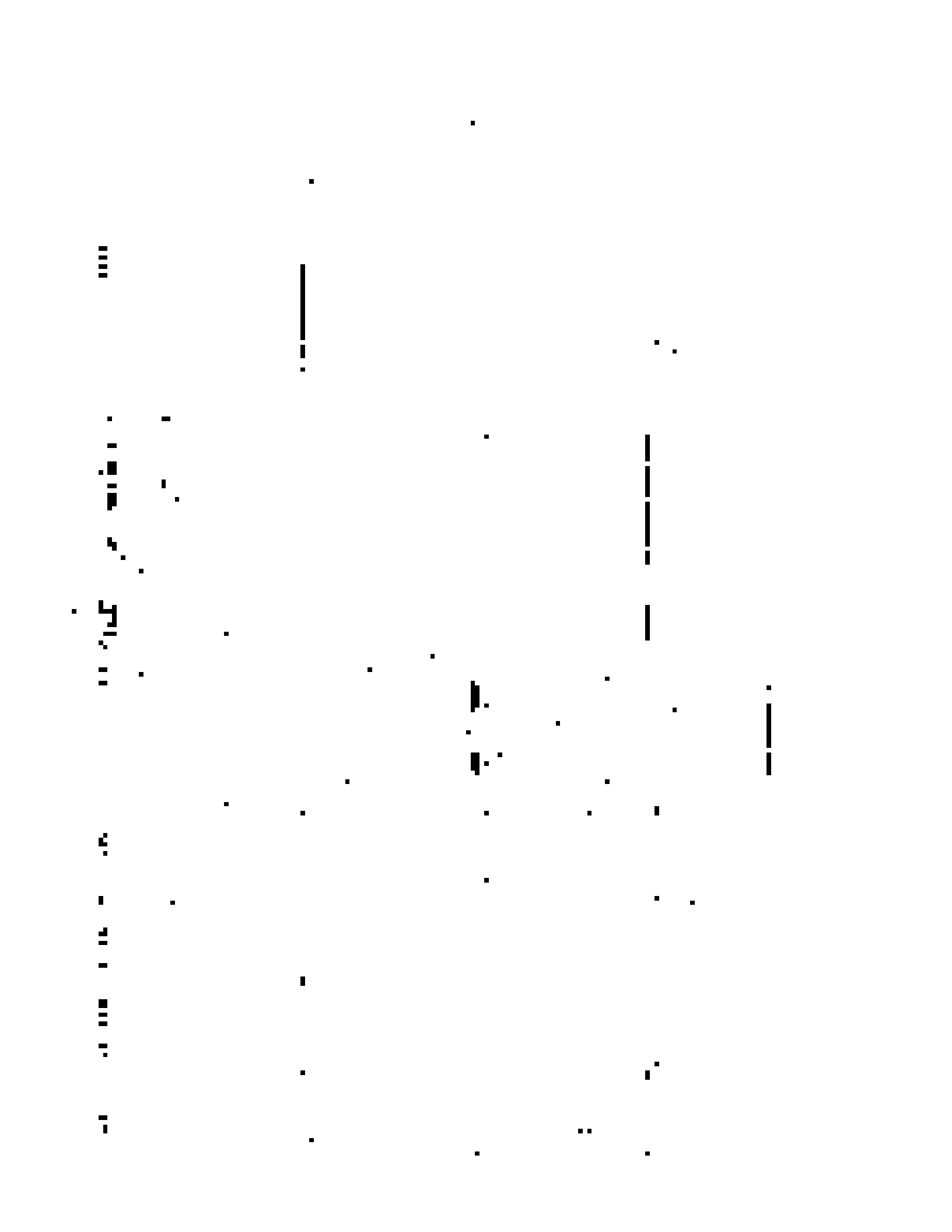


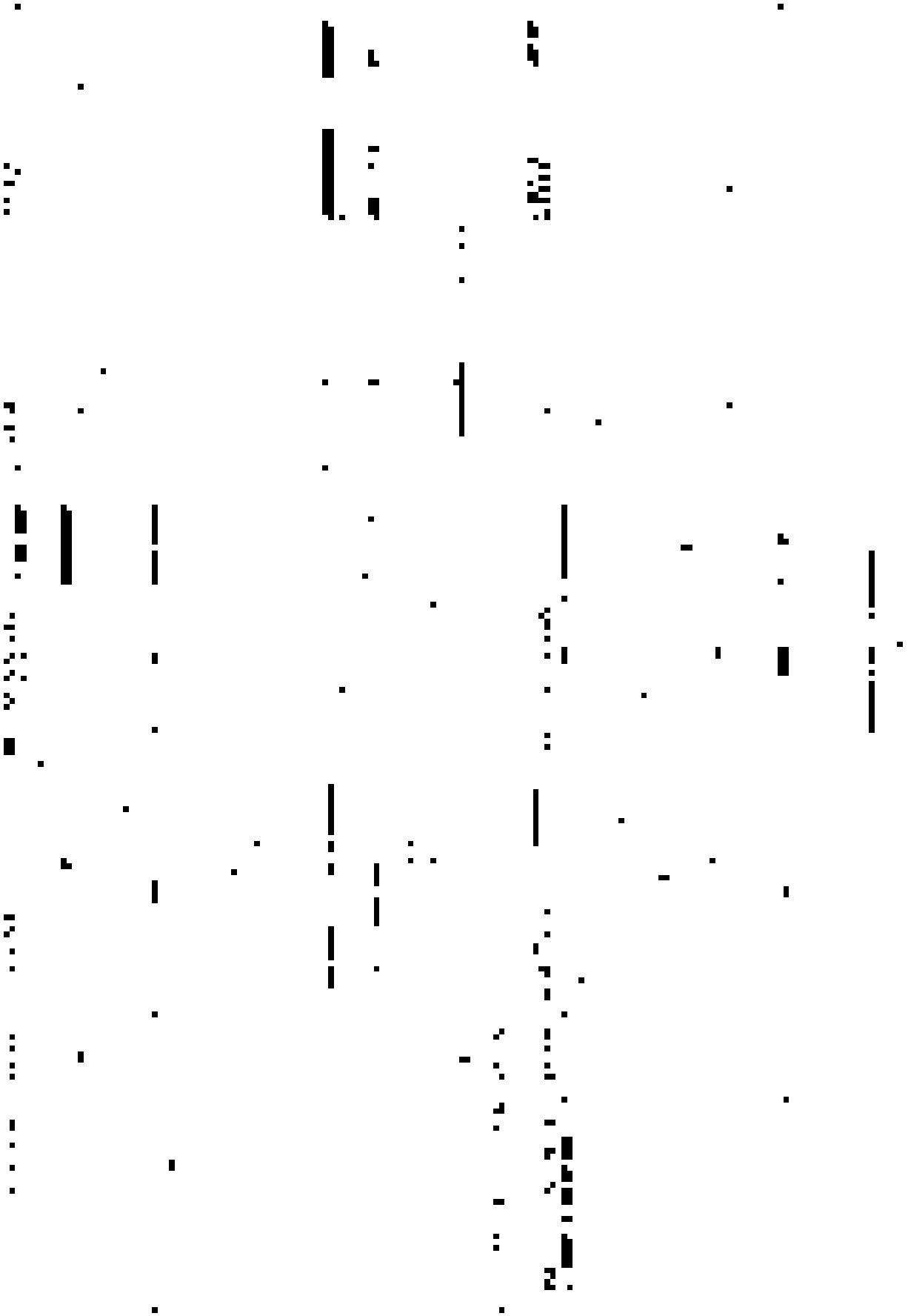












Policy Coordination and Liaison Committee

ORIENTATION MATERIALS

TUESDAY, OCTOBER 28, 2014

JUDICIAL COUNCIL OF CALIFORNIA
GOVERNMENTAL AFFAIRS

Judicial Council of California
Governmental Affairs

Policy Coordination and Liaison Committee
Resource Materials

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Policy Coordination and Liaison Committee

The role of the Policy Coordination and Liaison Committee (PCLC) is to represent the council before the legislative and executive branches of government, build consensus with stakeholders and individuals outside the branch and coordinate an annual plan for communication and interaction with other agencies and entities.

The charge and duties of the committee, set forth in California Rules of Court, rule 10.12, including the following:

1) Take positions on behalf of the council on pending legislative bills, after evaluating input from the council advisory bodies and the courts, provided that the position is consistent with the council's established policies and precedents;

2) Make recommendations to the council on all proposals for council-sponsored legislation and on an annual legislative agenda after evaluating input from council advisory bodies and the courts;

3) Represent the council's position before the Legislature and other bodies or agencies and acting as liaison with other governmental entities, the bar, the judiciary, and the public regarding council-sponsored legislation, pending legislative bills, and the council's legislative positions and agendas;

4) Build consensus on issues of importance to the judicial branch consistent with the council's strategic plan with entities and individuals outside the branch;

5) Develop an annual plan for communication and interaction with other branches and levels of government, components of the judicial system, the bar, the media, and the public; and

6) Direct any advisory committee to provide it with analysis or recommendations on pending or proposed legislation.

Judicial Council–sponsored Legislation Calendar

Month	Judicial Council
Jan – March	• Advisory committees, in consultation with Governmental Affairs staff, develop proposals for council–sponsored legislation.
April – May	• Advisory committee, in consultation with Governmental Affairs staff, circulates draft proposals for council–sponsored legislation to interested and affected parties.
June	• Deadline for public comment on proposed council–sponsored legislation.
June – August	• Advisory committee consults with Governmental Affairs staff regarding responses to comments and further development of proposals for council–sponsored legislation.
September – October	• Deadline for advisory committee and Governmental Affairs staff to jointly submit finalized draft proposals for council–sponsored legislation to the Policy Coordination and Liaison Committee (PCLC).
October	• PCLC makes recommendations for council action on council–sponsored legislative proposals for upcoming legislative year.
December	• Judicial Council acts on PCLC recommendations for council–sponsored legislation for upcoming legislative year.

Guidelines for Development of Judicial Council–sponsored Legislation

This summary describes the typical process the Judicial Council follows when developing and approving proposals for sponsored legislation. It also describes how Governmental Affairs advocates for enactment of these proposals in the Legislature.

I. Judicial Council Process

A. Sources of Legislative Proposals

Because it often takes several months to fully develop a legislative proposal, the process should begin early in the year. *(See the Judicial Council–sponsored Legislation Calendar.)* Judicial Council advisory committees are well situated to identify and develop proposals for statutory change. Committee members have extensive expertise in the committee's subject area and often have ideas for improving statutory law. In addition, advisory committees may receive requests for council sponsorship of legislative proposals from outside sources.

Suggestions for how an advisory committee may wish to identify proposals for council–sponsored legislation include:

- The advisory committee chair may devote a portion of one or more meetings each year to identifying legislative proposals for the following year's legislative session.

- The advisory committee may establish a working group or task force composed of committee members responsible for reviewing the relevant codes, or specific subjects or issues within those codes, to identify potential legislation.

- Advisory committees may receive legislative proposals from outside sources. When a person or organization submits a legislative proposal to the Judicial Council, staff forwards the proposal to the appropriate advisory committee and Governmental Affairs staff for consideration.

B. Advisory Committee Process for Developing Proposals

This section describes the steps an advisory committee takes to develop and review legislative proposals for substantive merit.

1. Assess Viability of Proposal – For each legislative proposal, the advisory committee takes the following actions:

    - The advisory committee, in consultation with Governmental Affairs staff, determines a time frame for consideration of the proposal, keeping in mind

the September/October deadline for submission of legislative proposals to PCLC.

- If the advisory committee rejects a proposal submitted by an outside source, committee staff will notify the proponent of that action.

- If the advisory committee accepts or modifies a proposal from an outside source, or decides to recommend sponsorship of an internally generated proposal, the committee proceeds to the next steps.

2. Coordination with Governmental Affairs – Advisory committee staff will work with Governmental Affairs staff to coordinate work on all aspects of the proposals.

3. Review and Analyze – Advisory committees review proposals for substantive merit before transmitting them to PCLC. A typical analysis of a proposal should include:

- A description of the problem to be addressed, including its scope.

- A description of how the problem affects the judicial branch.

- A description of the proposed solution.

- A discussion of any alternative solutions, including an analysis of why the recommended solution is preferable.

- A discussion of any minority viewpoints.

- A description of any foreseeable problems with the proposed solution.

- Draft language for the proposed legislation.

- A determination whether the Judicial Council and/or the Legislature should give the proposal urgent consideration and the reasons for this.

A worksheet that advisory committees may use for laying out this analysis and other important considerations can be found on page 16.

4. Evaluate Sponsorship Criteria – Once an advisory committee determines that a particular proposal has merit, the committee should consider certain criteria in assessing whether Judicial Council sponsorship is appropriate and desirable. Limited resources, competing priorities, and political realities impose practical

limitations on the council's ability to sponsor every worthwhile legislative proposal presented. The advisory committee and Governmental Affairs should jointly consider each of the following questions:

- Is the proposal within the Judicial Council's purview?

  Council–sponsored measures should involve only those issues that are central to the council's mission and goals as stated in the Judicial Council's Strategic Plan.

- Should the proposal be addressed through the Judicial Council's rulemaking authority rather than by a change in statute?

  The council prefers to implement changes through rules of court wherever appropriate.

- Is the Judicial Council the best sponsor?

  The advisory committee and Governmental Affairs may determine that a proposal more closely serves the mission or objectives of another organization such as the State Bar. A Judicial Council–sponsored proposal should address issues fundamental to the administration of justice and broadly serve the needs of the courts statewide.

- What political factors are associated with the proposal?

  Governmental Affairs is responsible for providing advice about the political factors associated with a proposal.

5. Circulate for Comment – If an advisory committee wishes to circulate a proposal for comment, the committee staff consults with Governmental Affairs. If it is determined that the proposal is appropriate for circulation, the committee submits the proposal to PCLC for consideration. If PCLC agrees with the advisory committee's recommendation, the proposal may be circulated for public comment. After the comment deadline, committee staff and Governmental Affairs jointly review the comments. Advisory committee staff then summarizes and presents the comments to the committee. Following consideration of the comments, the advisory committee may modify the proposal based on the comments, recommend adoption of the proposal as originally presented, or recommend non-adoption based on the comments received.

6. Advisory Committee Action – Upon completion of the review procedures and consideration of the evaluation criteria above, the advisory committee may adopt one of the following actions:

- Approve the proposal as submitted.
- Approve the proposal with modifications.
- Reject the proposal. The advisory committee should inform the source of the proposal of this decision.

If the advisory committee approves the proposal, the committee forwards the proposal to PCLC for consideration. Final proposals must be submitted to PCLC using the template for memos to Judicial Council internal committees by the September/October deadline in order to be considered for Judicial Council sponsorship during the following legislative year. All advisory committee proposals submitted to PCLC are referred to Governmental Affairs, which may prepare a separate analysis and recommendation for PCLC.

C. Policy Coordination and Liaison Committee Action

In October, PCLC will review the proposal(s), the advisory committee recommendation(s), and any analyses and recommendations prepared by Governmental Affairs. PCLC may recommend the proposal for Judicial Council sponsorship and forward it to the Judicial Council, send it back to the advisory committee for further consideration, or take other action as necessary. If PCLC modifies or rejects the proposal, Governmental Affairs will return the proposal to the submitting advisory committee. The advisory committee may either accept PCLC's action or request that the full council review PCLC's recommendation.

D. Judicial Council Action

The sponsored-legislation proposal is presented by PCLC to the Judicial Council in December for consideration. The Judicial Council reviews the proposal, along with PCLC's recommendation contained in a report prepared by Governmental Affairs. Once the council approves a proposal, it becomes "sponsored" legislation. If the Judicial Council does not approve the proposal for sponsorship, or takes some other action on the proposal, Governmental Affairs will communicate the action to the submitting advisory committee.

E. Delegation of authority to PCLC to sponsor legislative proposals on behalf of the council

The Judicial Council has delegated to PCLC the authority to take positions to sponsor legislative proposals on behalf of the council when time is of the essence. This situation most often will arise in the context of the budget and related "trailer bill language." Acting under this delegation, PCLC notifies the chairs of the Executive and Planning Committee and the Rules and Projects Committee of any PCLC meetings at which such actions will be considered so that they may participate if available. PCLC is also required to notify all other Judicial Council members, if feasible, of the intended action. After acting under this delegation, PCLC is required to notify the Judicial Council of all actions taken.

II. Advocacy Process

A. Legislative Author

Governmental Affairs staff will seek a legislator to introduce the council–sponsored proposal. An appropriate author for the bill is one who:

- Has substantial experience with the subject of the bill; often the author is the chair or a member of the policy committee with subject-matter jurisdiction over the bill.
- Understands Judicial Council needs and objectives.
- Has experience with the legislative process.
- Is an effective negotiator with members of both parties.

B. Governmental Affairs Responsibilities

Governmental Affairs acts as the primary advocate for Judicial Council–sponsored legislation. Responsibilities include, among other things:

- Preparing background material for the bill, including analyses for the author. The analyses include a description of the problem the bill seeks to address, an explanation of how the bill corrects that problem, the likely supporters and opponents of the bill, questions the bill raises that may need further research, and any other information that explains the issue.
- Communicating information about the bill to the appropriate legislative committee with subject-matter jurisdiction. This means working extensively with committee staff as well as the legislators who are members of those committees. In moving through the legislative process, a bill will be heard by at least one policy committee (such as the Judiciary Committee), and, if

appropriate, a fiscal committee, before being debated and voted upon by the full membership on the floor of each house.

- Coordinating with supporters to build a broad coalition in support of the bill.

- Coordinating the content and timing of correspondence between all supporters and the Legislature.

- Negotiating with the proposal's opponents to determine whether amendments can eliminate opposition and still achieve the council's objectives.

- Meeting with the Governor and/or his or her staff to advocate that the bill be signed into law.

Formulating a Position on Pending Legislation (<u>not</u> sponsored by Judicial Council)

The Judicial Council, acting through the Policy Coordination and Liaison Committee (PCLC), strives to improve the administration of justice by representing the interests of the judicial branch to the Legislature, the executive branch, other entities involved in the legislative process or interested in the judiciary, and the general public.

The Judicial Council supports the integrity and independence of the judicial branch and seeks to ensure that judicial procedures enhance efficiency and access to the courts. The council generally does not take a position on substantive law/policy. However, the council may take a position on legislation that involve issues central to the council's mission and goals as stated in the Judicial Council's Strategic Plan. The council may also take a position on an apparent issue of substantive law if issues presented directly affect court administration or negatively affect existing judicial services by imposing unrealistic burdens on the judicial branch.

The following are procedures Governmental Affairs uses in developing recommendations for and carrying out PCLC and council directives regarding legislation.

Positions on Legislation

Governmental Affairs reviews all introduced and amended legislation to determine whether a bill is of interest to the judicial branch. For each bill of interest, staff determines whether the council is likely to take, or may want to take a position on the bill. One or more council advisory committees (or subcommittees) within the appropriate subject area review each bill on which the council may want to take a position. The advisory committees either recommend a position or recommend that the council take no position.

Governmental Affairs presents bills on which an advisory committee recommends a position to PCLC for determination of a council position. Additionally, staff may also choose to bring a bill before PCLC on which an advisory committee has recommended no position. Staff presents each bill to PCLC with an analysis that includes a summary of the bill, a recommended position from one or more advisory committees and, if different, the Governmental Affairs recommendation, the rationale for the recommendation(s), positions the council has taken on related bills, fiscal and workload impacts, and other relevant information.

The council has established several positions PCLC may take on a bill. These positions do not indicate the relative strength of the council's support or opposition, but the aims of Governmental Affairs advocacy efforts. The positions are:

1) **<u>Oppose</u>**: An oppose position may be taken on a bill that conflicts with established council policies, and for which obvious changes would not resolve the conflict.

2) **Oppose unless amended (or unless funded)**: This position may be taken on a bill that the council will oppose unless identified amendments are taken to address those provisions that conflict with council policy, or unless funding issues are resolved.

3) **Neutral**: A neutral position taken on a bill the substance of which does not implicate council policy, but on which technical corrections would improve the measure.

4) **Support in concept**: This position may be taken on a bill that, in concept, furthers council policy, but that is not yet drafted in sufficient detail for the council to support.

5) **Support if amended (or if funded)**: This position may be taken on a bill that, with specified amendments or funding, would further the council's policies. Absent the amendments or necessary funding the council position is neutral.

6) **Support:** Position taken on a bill that furthers council policy.

7) **No position:** PCLC may choose to take no position on a bill that addresses substantive issues on which the council takes no position, though the measure may affect the courts.

PCLC may also combine several of the above positions. PCLC may also provide instruction to Governmental Affairs to do further research or work with the author prior to taking a position on a bill.

PCLC Meeting Schedule and Agenda

PCLC meets regularly during the legislative session, usually by conference call. Beginning in late February or early March, the committee sets a schedule of meetings at least every three weeks. If a meeting is not needed, Governmental Affairs will notify PCLC members by e-mail of the cancellation. Late in the legislative session, and during budget negotiations, it is sometimes necessary to schedule several meetings on short notice to discuss or resolve late-breaking issues. All PCLC meetings must be in compliance with California Rule of Court, Rule 10.75 governing meetings of advisory bodies.

Governmental Affairs prepares a written analysis of each bill for PCLC. Governmental Affairs may place bills that do not appear to require discussion or deliberation on PCLC's consent calendar. The consent calendar saves the committee time by eliminating the need to review bills that are consistent with clearly established council policies and positions. However, any committee member may remove an item from the consent calendar to discuss the bill's merits or the recommended action.

Bills that are on the discussion agenda include those that require discussion, and those bills on which the staff recommendation differs from the recommendation of an advisory committee or when the recommendations from two or more advisory committees differ. In the latter instances, staff will request that a representative of the advisory committee(s) participate in the PCLC

meeting. The representatives will present the advisory committee's views, and take questions from PCLC members. PCLC may then excuse the guest and deliberate further and prior to taking action.

Legislative Advocacy

Once PCLC adopts a position on a bill, it is the position of the Judicial Council. That position and associated policies become the cornerstone of Governmental Affairs advocacy efforts. The adopted position is presented in subsequent negotiating sessions, discussions with interested parties, and meetings with legislators. A letter setting forth the position and policies is sent to the bill's author, legislative committee members, and other interested parties.

Generally, PCLC's initial guidance and position is sufficient to direct Governmental Affairs advocacy throughout the legislative process. Occasionally, as a bill progresses or is amended, staff will request further direction from PCLC because of a particular bill's significance, complexity, the sensitivity of an issue, or the direction taken by the amendments. PCLC may be asked to reconsider the matter at a subsequent meeting.

Coordination with other groups

The Judicial Council advances its position on legislation most successfully when it allies itself with other entities such as county government representatives, law enforcement, attorneys, and consumer advocates. Governmental Affairs will work to develop coalitions on issues of common interest. These coalitions often last for years, effectively supporting and opposing a variety of bills. For example, the council's efforts regarding trial court facilities legislation involved close coordination with the California State Association of Counties. Other groups with which the council has long-standing working coalitions include the Consumer Attorneys of California, the Bench-Bar Coalition, California Defense Counsel, the California Judges Association (CJA), the State Bar of California, and others. These and other working relationships have evolved during many years of cooperative effort.

On most court-related issues, Governmental Affairs maintains close contact with representatives of CJA and the State Bar. Additionally, Governmental Affairs confers regularly with the California Court Association Legislation Committee (CCALC) to discuss or request analytical information about pending legislation with members of the court community. The CCALC members are court employees who provide vital input related to the operational impact of proposed legislation.

Legislative fiscal analysis

In addition to its legislative screening process, Governmental Affairs identifies bills that require a fiscal analysis. In the years since the State assumed responsibility for trial court funding, Governmental Affairs has, through joint efforts with the Finance Division, developed a process to

ensure that both timely and accurate fiscal analyses are submitted to the Legislature. The legislative advocate works with the fiscal analyst to develop an accurate fiscal analysis. The fiscal analyst confirms the cost issues and, if necessary, works with the advocate to determine an appropriate approach and methodology, identify available resources, and clarify any technical issues affecting the analysis.

There are a variety of resources available to assist in the development of fiscal and workload analyses. The Office of Court Research assists in data collection and analysis. Governmental Affairs also works closely with other council program areas (e.g., civil, criminal, family, and juvenile law, jury service, traffic programs, and the court interpreter program). Staff also works with local courts to assist in the development of fiscal analyses. The Operational and Budget Impact Working Group of the Court Executives Advisory Committee has identified court staff with whom Governmental Affairs may consult to get input in large, medium, small, urban, and rural courts on the fiscal impact of pending legislation.

Judicial Council Legislative Policy Summary

The Judicial Council Legislative Policy Summary sets forth the council's historical policies on key legislative issues. The summary helps to ensure that council members, advisory committee members, and council staff have a common understanding of council policy on issues presented in proposed legislation. The summary reflects the council's most recent positions on legislative issues and identifies how those positions are derived from the Judicial Council's strategic plan. The Legislative Policy Summary also defines the Judicial Council's limited purview when considering pending legislation.

Formulating a Judicial Council Position on Legislation (<u>not</u> sponsored by Judicial Council)

Governmental Affairs

When bills are introduced in the Legislature, Governmental Affairs identifies those that may affect the judicial branch. Governmental Affairs summarizes the bill, describes key aspects of the legislation and, if within Judicial Council purview, forwards the bill to a Judicial Council advisory committee for review and recommendation.

Advisory Committee

The advisory committee (or its subcommittee) reviews the legislation and recommends a position. The advisory committee recommendation along with Governmental Affairs analysis and recommendation are presented to the PCLC for review.

Policy Coordination and Liaison Committee

PCLC reviews the bill, Governmental Affairs analysis, and recommendation(s). The committee, on behalf of the Judicial Council, may adopt one of the following positions on the bill:

- oppose
- oppose unless amended (or funded)
- neutral
- support if amended (or funded)
- support
- some combination of these
- no position

In an unusual circumstance, PCLC may refer the bill to the full Judicial Council for review and position. Once PCLC or the Judicial Council has taken a position, Governmental Affairs advocates that position throughout the legislative process.

Proposal for Judicial Council–Sponsored Legislation

Advisory Committee: _____ Date: _____

Contact Person: _____

Governmental Affairs Liaison: _____

1. Describe the problem to be addressed.
2. How does this problem affect the judicial branch?
3. What is the proposed solution?
4. Discuss Alternative solutions. Why is the recommended solution preferable?
5. Minority viewpoints.
6. Any foreseeable problems with the proposed solution?
7. Should the Judicial Council give this proposal urgent consideration? If so, why?
8. Is the proposal within the Judicial Council's purview?
9. Should the proposal be carried out by amending the California Rules of Court instead of legislation?
10. Why is the Judicial Council the best sponsor?
11. What political factors are associated with the proposal?

Please attach draft language.

Governmental Affairs

The mission of Governmental Affairs is to promote and maintain effective relations with the legislative and executive branches and to present the Judicial Council's recommendations on legislative matters pursuant to constitutional mandate. (Cal. Const., art. VI, § 6). Governmental Affairs staff are responsible for the following subject matter areas:

Subject Matter	Contact
General Advocacy	Cory Jasperson
Access to Justice/Self-represented Litigants	Alan Herzfeld
Appellate Law	Andi Liebenbaum, Daniel Pone, Sharon Reilly
Bench-Bar Coalition	Dia Poole
Budget	Cory Jasperson, Andi Liebenbaum
Civil Procedure	Daniel Pone
Communications Liaison	Dia Poole
Court Closures/Service Reduction	Cory Jasperson
Court Facilities	Cory Jasperson
Court Interpreters	Cory Jasperson, Alan Herzfeld
Court Reporters	Laura Speed, Alan Herzfeld
Court Security	Sharon Reilly
Criminal Procedure	Sharon Reilly
Day on the Bench	Dia Poole
Employment & Benefit Issues	Laura Speed
Family Law	Alan Herzfeld
Fiscal Impact of Legislation	Andi Liebenbaum
Judgeships and Subordinate Judicial Officers	Alan Herzfeld
Judicial Administration Fellowship Program	Dia Poole
Judicial Conduct	Laura Speed
Judicial Education	Laura Speed
Judicial Elections	Laura Speed
Judicial Service	Laura Speed
Jury Issues	Sharon Reilly
Juvenile Delinquency	Alan Herzfeld
Juvenile Dependency	Alan Herzfeld
Probate and Mental Health	Daniel Pone
Redistricting/Judicial Redistricting	Sharon Reilly
State Bar/Practice of Law	Daniel Pone
Traffic Law	Sharon Reilly

Staff Biographies

Cory Jasperson was chosen to lead the judicial branch's legislative and executive advocacy efforts as the Director of Governmental Affairs in December 2012. Mr. Jasperson worked in the State Capitol for 12 years, holding positions in both the Assembly and Senate. Prior to joining the Judicial Council, he served as Chief of Staff to Senator Joe Simitian (D-Palo Alto). Mr. Jasperson also held the position of Chief of Staff to the Assembly Speaker pro Tempore. Before joining the Legislature in 2000, Mr. Jasperson worked at the Santa Clara County Board of Supervisors, Stanford University, and the Greenlining Institute, a statewide multi-ethnic public policy and advocacy center. He has a BA in International Relations from the University of California, Davis.

Laura Speed became Assistant Director of Governmental Affairs in October 2013. As assistant director, Laura joins Cory Jasperson, in managing the office's legislative and budget advocacy operations. Ms. Speed has served as the governmental relations and legislative officer for the County of Sacramento, as division chief in the Office of Stakeholder Relations with the California Public Employees Retirement System, as deputy chief of external affairs at the California Department of Corrections and Rehabilitation, and as a policy consultant for the Senate Republican Policy Office. In addition, she serves as an adjunct professor at the University of the Pacific, McGeorge School of Law, where she currently teaches a course in practical and persuasive legal writing. Ms. Speed earned her bachelor's degree in political science from San Jose State University and her juris doctorate from McGeorge School of Law.

Katie Asher is an Administrative Coordinator with Governmental Affairs. Prior to joining the Judicial Council, Ms. Asher worked for Electronic Data Systems (EDS). While employed with EDS, she worked as a public affairs coordinator for the Office of Governmental Affairs, as an administrative coordinator for Global Marketing Operations, and as a regional coordinator for the Americas Communications division. Ms. Asher has a bachelor's degree in communications from UC Davis.

Luz Bobino is an Executive Secretary to the Director and Assistant Director of Governmental Affairs. She began working at Governmental Affairs in 2000 as a receptionist and in 2007 was promoted to her current position. Prior to that, Ms. Bobino was an application support analyst for Sutter Health Information Services providing assistance in system analysis, design, development, documentation, and configuration as well as testing and training of the product. Ms. Bobino also worked for the Stockton Fire Department Executive Office as an office clerk, while attending San Joaquin Delta College, majoring in Psychology.

Yvette Casillas-Sarcos is an Administrative Coordinator with Governmental Affairs and has been employed by the Judicial Council since 1997. She is responsible for coordinating bill tracking and screening criminal and traffic legislation, as well as supporting the work of three advocates and the Policy Coordination and Liaison Committee (PCLC). Ms. Casillas-Sarcos

relocated to Sacramento in 1995 from Southern California and attended Sacramento City College, majoring in administration of justice.

Noemi Cordova is a Secretary at Governmental Affairs. Prior to joining the Judicial Council, Ms. Cordova worked as an executive assistant at a Political Consulting Firm. She has a BA in Government with a concentration in International Relations from the California State University, Sacramento.

Alan Herzfeld is an Associate Attorney at Governmental Affairs. Mr. Herzfeld advocates on behalf of the Judicial Council on issues of family law, juvenile dependency and delinquency, and access to justice. Before joining Governmental Affairs, Mr. Herzfeld worked in private practice in San Francisco in the areas of estate planning, probate, and probate and trust litigation. Mr. Herzfeld attended the University of California at San Diego (UCSD), receiving degrees in Political Science/Public Law and History, received his J.D. from Northeastern University School of Law, and an L.L.M. in Taxation with honors from Golden Gate University. Mr. Herzfeld's background includes work with the Boston Juvenile Court, UCSD Office of Government and Community Relations, a lobbying group in Washington, D.C., the California Appellate Project, and the Alameda County Social Services Agency's Office of Agency Planning. During law school, Mr. Herzfeld interned with the Judicial Council's Center for Children, Families, and the Courts, assisting in the early stages of the Elkins Family Law Task Force. He rejoined the Judicial Council as an attorney in May 2013.

Monica LeBlond has been the Supervising Administrative Coordinator at Governmental Affairs since January 2002. Prior to joining the Judicial Council, she worked as an administrative and quality manager for an environmental consulting firm in Sacramento. Ms. LeBlond has a bachelor's degree from the State University of New York.

Andi Liebenbaum is a Senior Governmental Affairs Analyst. Prior to joining the Judicial Council in 2012, Ms. Liebenbaum served as senior legislative consultant to Assembly Member Jared Huffman, and prior to that, she worked in the nonprofit workforce development and youth advocacy sectors for 16 years throughout California and as a consultant to the US Department of State undertaking program development and capacity building in Central and South America. Ms. Liebenbaum started her legal career as an attorney in dependency cases and representing juveniles in delinquency matters. She graduated from Loyola Law School in Los Angeles.

Daniel Pone is a Senior Attorney with Governmental Affairs and has been with the Judicial Council since 2001. Prior to joining the Judicial Council, he worked for four years as a principal consultant for the California Assembly Judiciary Committee, working in areas of civil rights, constitutional law, general civil law, contracts, probate, mental health, consumer protection, and privacy. Prior to working in the Assembly, Mr. Pone worked for more than 11 years as a Senior Attorney for Protection & Advocacy, Inc., specializing in mental health law. Mr. Pone has a bachelor's degree in psychology from the University of Oklahoma and a juris doctorate from University of California at Davis.

Dia Poole joined Governmental Affairs in January 2004 as a Senior Governmental Affairs Analyst and serves as the office's communication liaison. She previously held a four-year appointment as the Public Affairs Director for the California Department of Fair Employment and Housing (DFEH). Prior to her appointment at DFEH, Ms. Poole served as a policy consultant in several legislative and committee assignments at the State Capitol. Ms. Poole graduated from California State University of San Bernardino and worked for the County of San Bernardino for 13 years before accepting a California State Assembly fellowship and relocating to Sacramento in 1994.

Sharon Reilly has been with the Judicial Council since January 2013 as the Senior Attorney for criminal law and traffic policy and legislation. Ms. Reilly previously served as chief counsel for the California Bureau of State Audits (BSA) for 13 years and served as a deputy legislative counsel in the California Office of Legislative Counsel for 9 years. As chief counsel with BSA, Ms. Reilly was the executive responsible for the Investigations Division, and also oversaw issues involving the criminal justice system, including juvenile justice realignment, campus crime statistics, the Three Strikes law, and probation requirements. While working at the Legislative Counsel Bureau she served as counsel to several legislative committees, including the Senate Appropriations Committee, the Joint Legislative Budget Committee, and the Constitutional Revision Commission. A University of California, Berkeley graduate, Ms. Reilly earned her juris doctorate degree from the University of California at Davis.

Outreach Activities

Governmental Affairs seeks to promote effective communications within California's judicial branch, and with the legislative and executive branches of government. To enhance these efforts, Governmental Affairs has established outreach programs that inform the Governor, members of the Legislature, and the legal community about the judicial branch and issues of mutual concern.

State of the Judiciary Address and the Judicial-Legislative-Executive Forum

The Chief Justice of California typically delivers an annual State of the Judiciary address early in the calendar year to a joint session of the Legislature. The address focuses on significant issues and challenges facing the judiciary in the upcoming year. (Following the address, a meet-and-greet is conducted, providing an opportunity for members of the Legislature, the executive branch, appellate and trial courts, and the Bench-Bar Coalition to discuss issues and meet informally with the Chief Justice and other judicial branch leaders.)

Legislative Visits

Governmental Affairs coordinates legislative visits for council members in January and February and a reception for legislators in January, as well as any legislative visits for the Trial Court Presiding Judges Advisory Committee or the Court Executive Officers Advisory Committee.

Liaison Program

Working with interested groups toward achieving common goals has been a long-standing component of Governmental Affairs' advocacy work. The liaison program is the office's ongoing effort to work cooperatively with stakeholders involved with and important to the judicial branch, including the Attorney General, the California Judges Association, the California State Association of Counties, the California District Attorneys Association, the California Public Defenders Association, the State Bar of California, civil plaintiffs and defense bars, legal services organizations, and others. Where our positions on issues concur, we form alliances to enhance our advocacy efforts. When our positions on issues differ, we negotiate to reach agreements whenever possible. In support of this ongoing liaison effort, the Chief Justice hosts annual meetings with the leadership of several external organizations to discuss issues of mutual concern.

Statewide Bench-Bar Coalition

The Judicial Council and the State Bar of California coordinate the statewide Bench-Bar Coalition (BBC). The BBC enhances communication and coordinates the activities of the judicial community with the State Bar, including: local, minority and specialty bars associations

and legal services organizations regarding issues of common interest, particularly in the legislative arena.

Day on the Bench Program

The Day on the Bench program is an event in which a legislator spends a day (or portion of a day) in court with a judge in the legislator's district. This program, cosponsored with the California Judges Association, is designed to give legislators an understanding of the volume, complexity, variety, and difficulty of a trial court judge's daily duties and responsibilities.

California Court Association Legislation Committee (CCALC)

The California Court Association Legislation Committee is composed of professional court staff from various courts throughout the state, including court managers, supervisors, and technical staff. Throughout the legislative session, OGA staff confers with CCALC to exchange information on pending legislation and help inform Judicial Council positions.

Publications and Information Services

To facilitate communication, staff distributes the following information on current legislative developments.

Legislative Status Chart –Governmental Affairs prepares a chart that provides an easy reference to all council actions on pending legislation, including Judicial Council-Sponsored legislation.

Table of Bills Affecting Appellate Courts –Governmental Affairs prepares a chart of legislative bills that affect the appellate courts or that respond to California appellate court decisions.

Each year, Governmental Affairs publishes a comprehensive summary of enacted legislation that affects the courts or is of general interest to the legal community. The Legislative Summary includes brief descriptions of the measures, organized by subject. Current and prior-year summaries can be downloaded from the California Courts Website, Court-related Legislation page: http://www.courts.ca.gov/4121.htm

To view bills being tracked by Governmental Affairs visit the California Courts website at *http://www.courts.ca.gov/4121.htm*

A copy of any legislative measure may be obtained from the Bill Room in the State Capitol building by calling (916) 445-2323. Bills and legislative analyses can also be accessed on the Internet at *www.leginfo.ca.gov/bilinfo.html* free of charge.

Information on Judicial Council Directives

Council Directive **144**

E&P recommends that the Judicial Council direct the Administrative Director of the Courts that attorney resources in the AOC be utilized to best leverage and draw on subject matter expertise, which may assist OGA as legislative demands may require.

SEC Recommendation **7-82**

The Administrative Director should direct that attorney resources in the AOC be utilized to best leverage and draw on subject matter expertise, which may assist OGA as legislative demands may require.

Reported By:	Governmental Affairs
Contact:	Cory Jasperson, Director

TASK

[ ] PENDING

[x] COMPLETED: **It has long been the Governmental Affairs practice to utilize Legal Services attorneys and others with subject matter expertise on budgetary and policy issues. All Governmental Affairs advocates routinely and frequently utilize other council staff including Legal Services counsel and have been advised to do so in the future.**

It has long been the Governmental Affairs practice to utilize Legal Services attorneys and others with subject matter expertise on budgetary and policy issues. All Governmental Affairs advocates routinely and frequently utilize other council staff including Legal Services counsel and have been advised to do so in the future.

A memorandum was distributed to all Governmental Affairs staff on September 28, 2012 to advise staff of the recommendation adopted by the Judicial Council regarding the utilization of subject matter expertise outside of Governmental Affairs to assist in legislative advocacy.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

[ ] IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED
[x] IMPLEMENTED AND ONGOING
[ ] IMPLEMENTED BUT IN PROGRESS
[ ] UNABLE TO IMPLEMENT
[ ] PENDING IMPLEMENTATION

Governmental Affairs advocates will ensure that on an ongoing basis they will continue utilize existing subject matter resources in Legal Services and other areas of the organization in their advocacy work as they have done in the past.

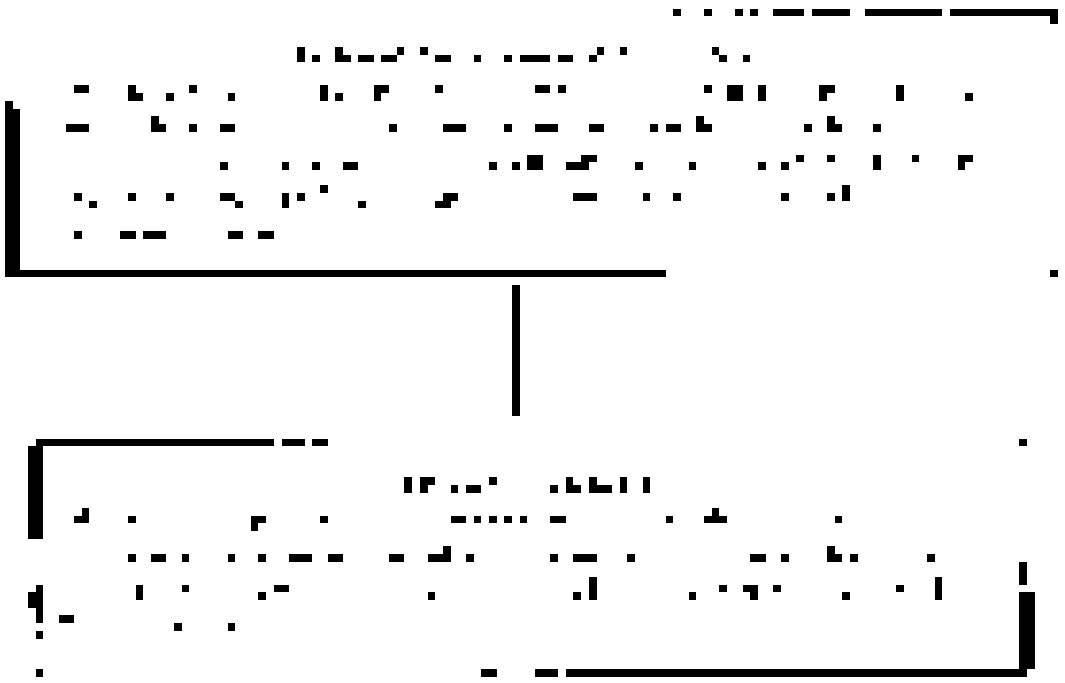
ASSESSMENT OF IMPLEMENTATION

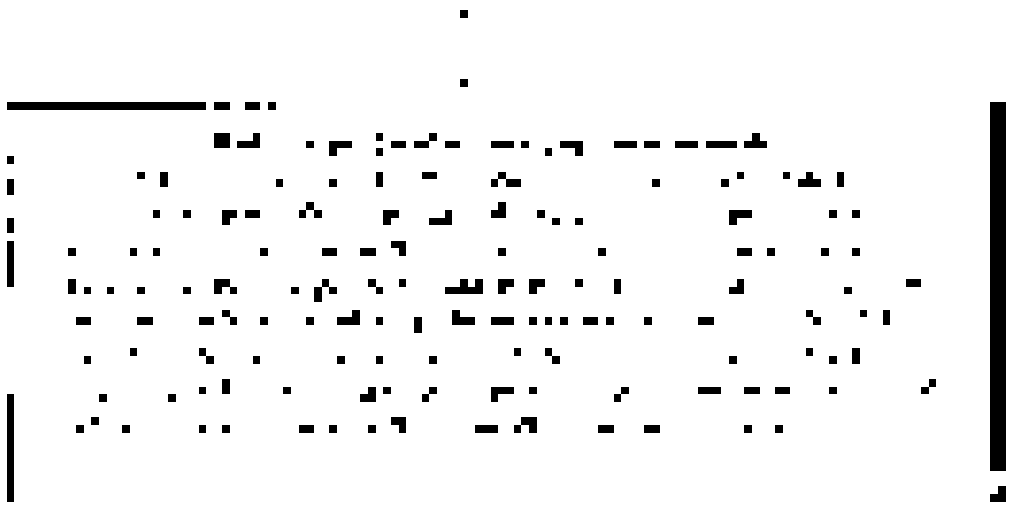
OTHER INFORMATION

Attachments:

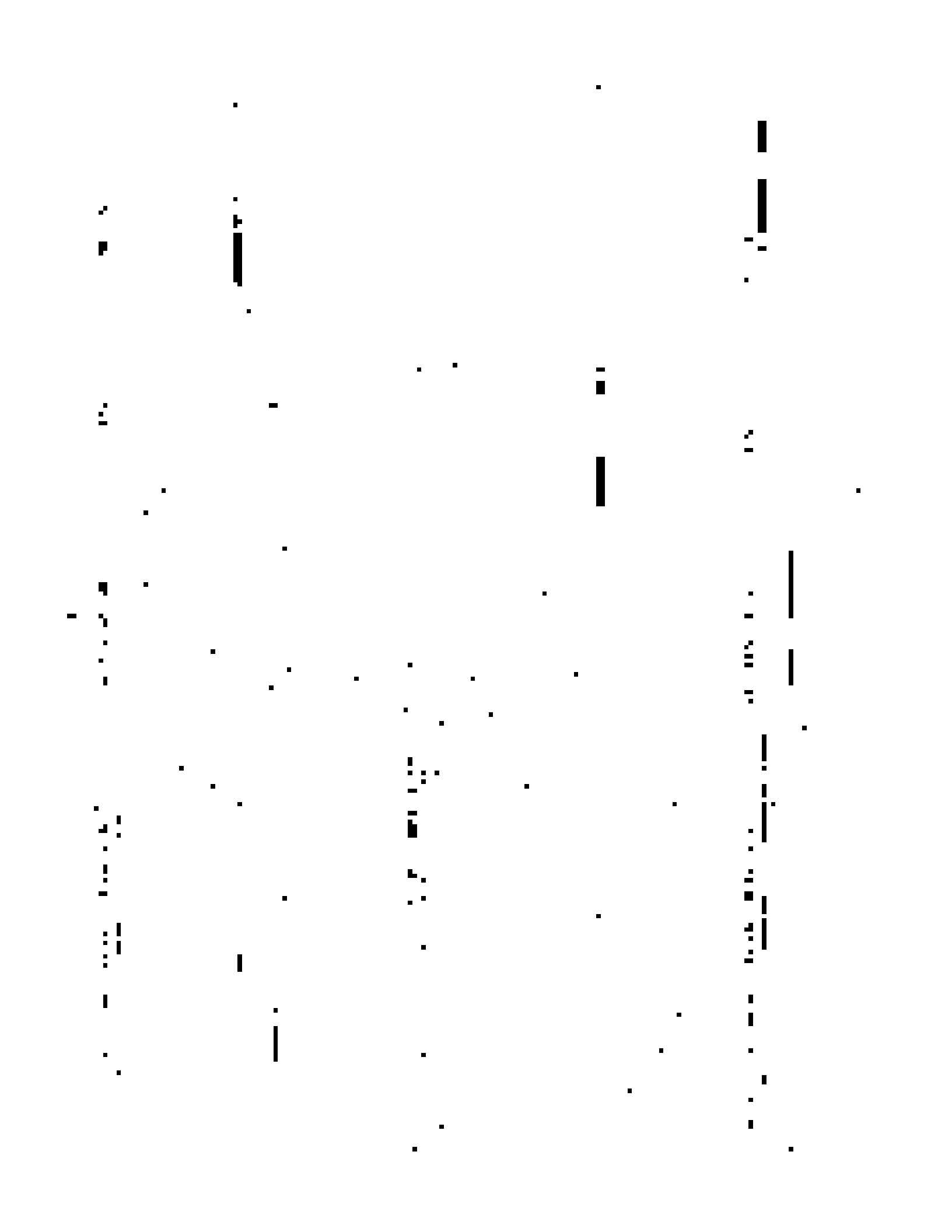
- Memo: Executive and Planning Committee Recommendations, from Curtis Child to Office of Governmental Affairs staff, September 28, 2012
- *Policy Coordination and Liaison Committee: Orientation Materials*, 2014

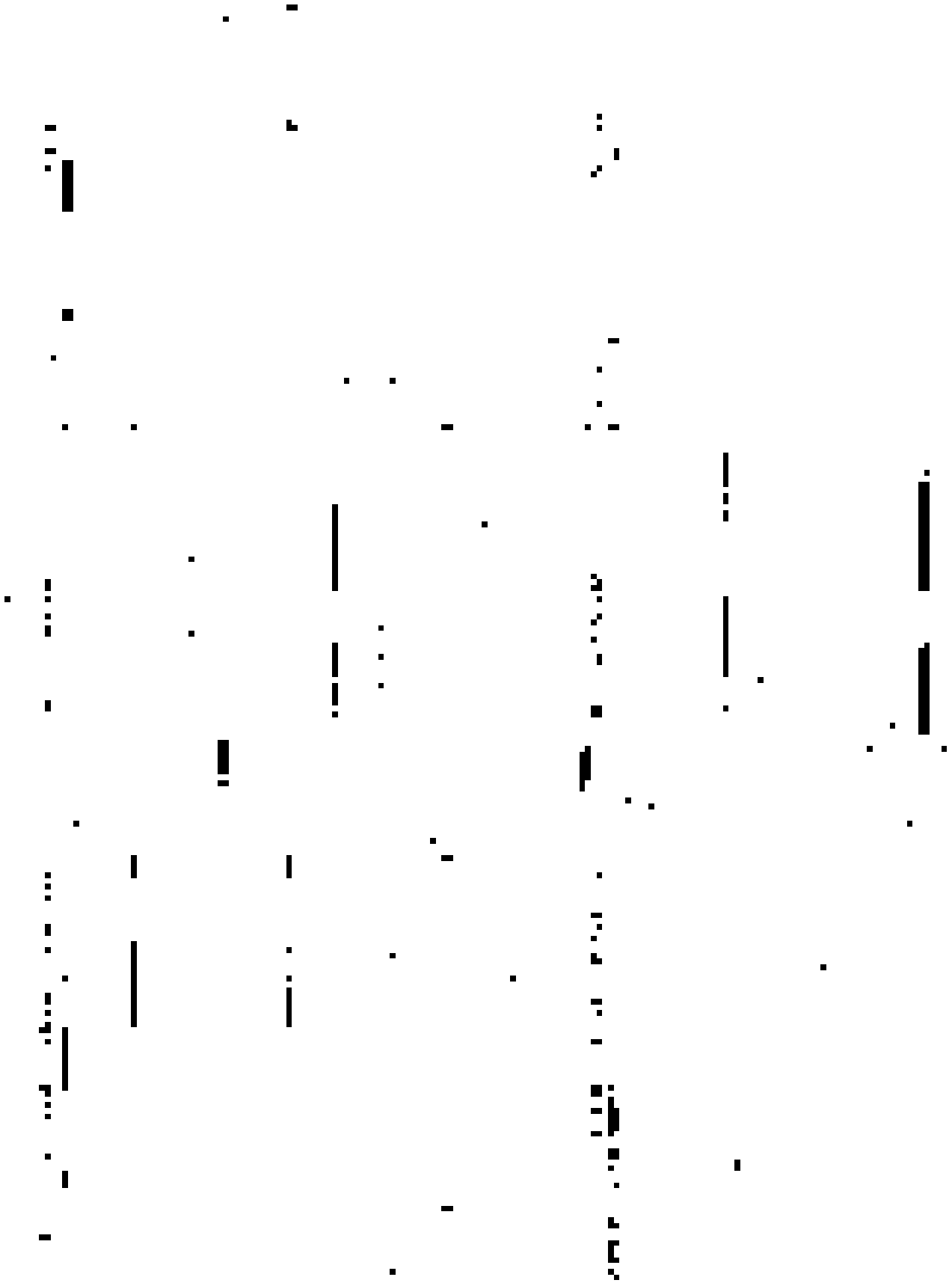
Policy Coordination and Liaison Committee

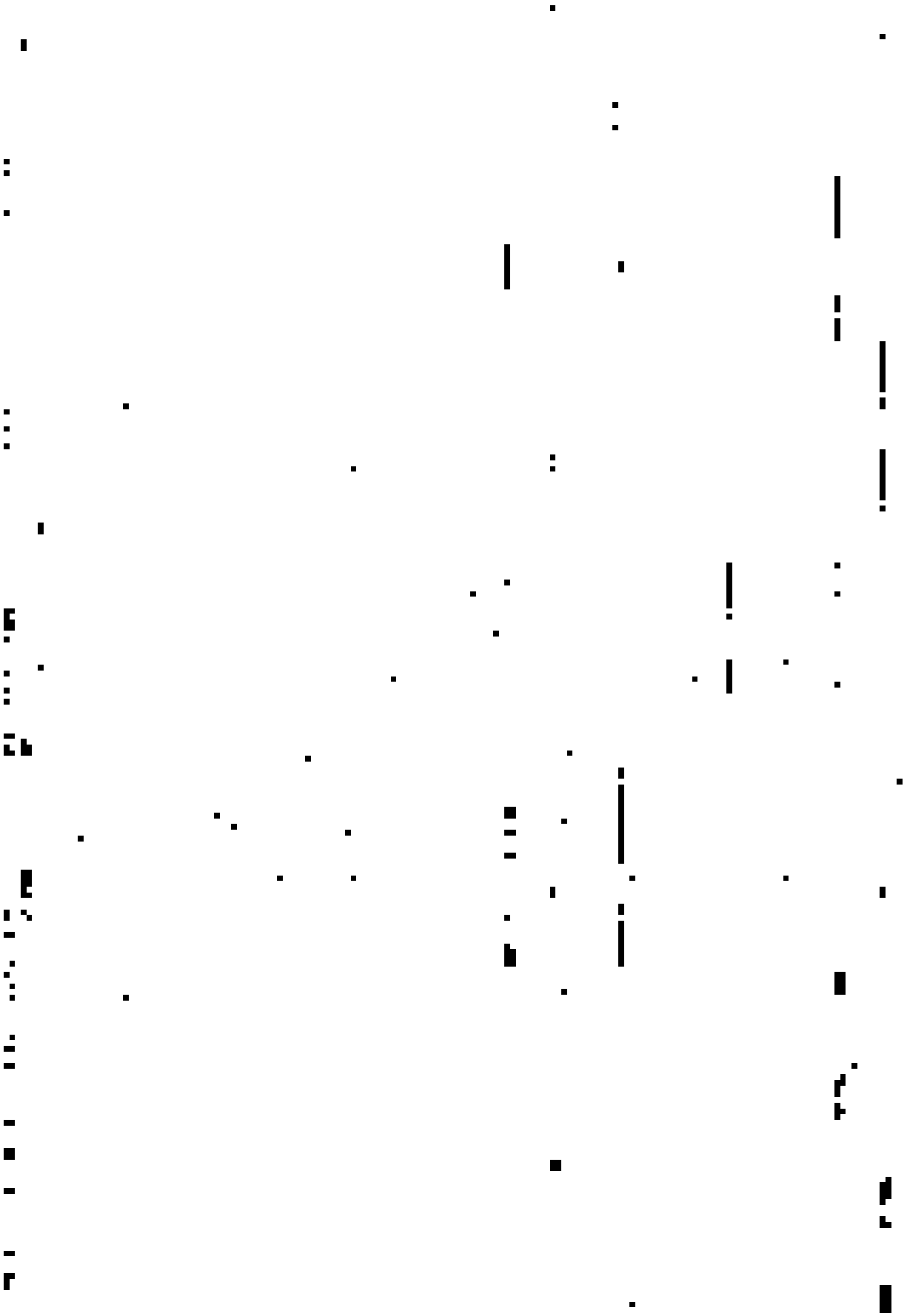


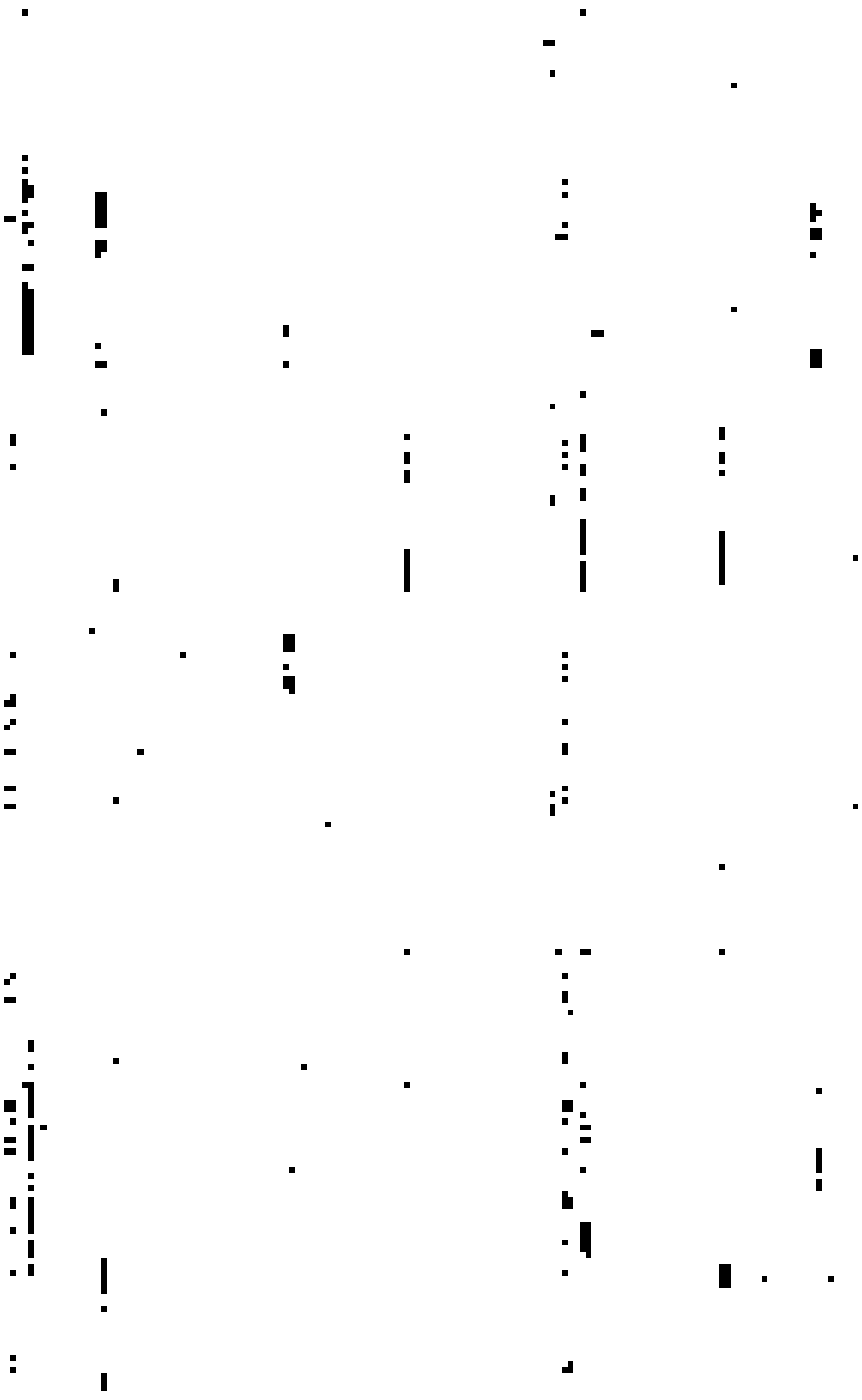


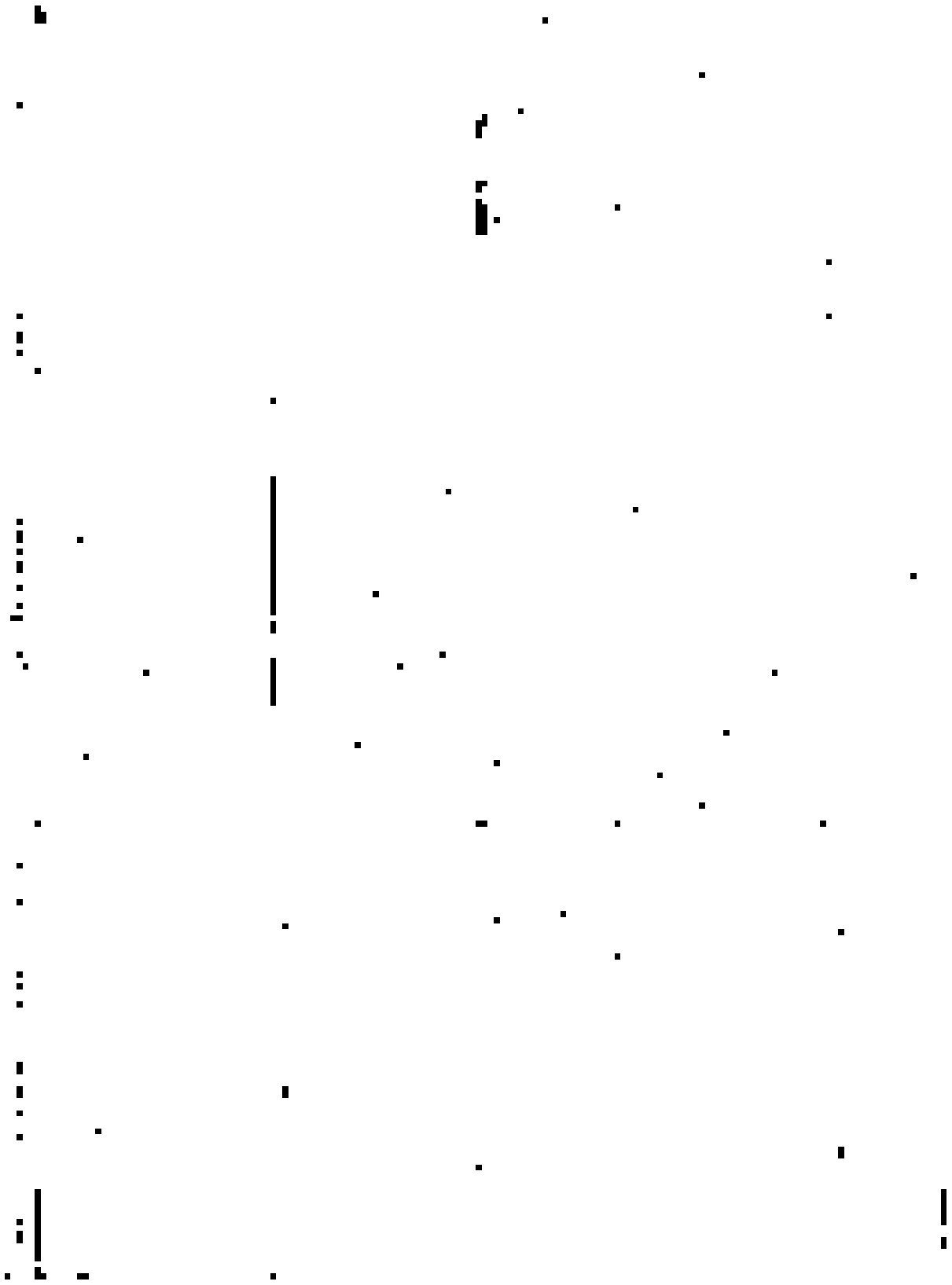
2011 Legislative Policy Guidelines

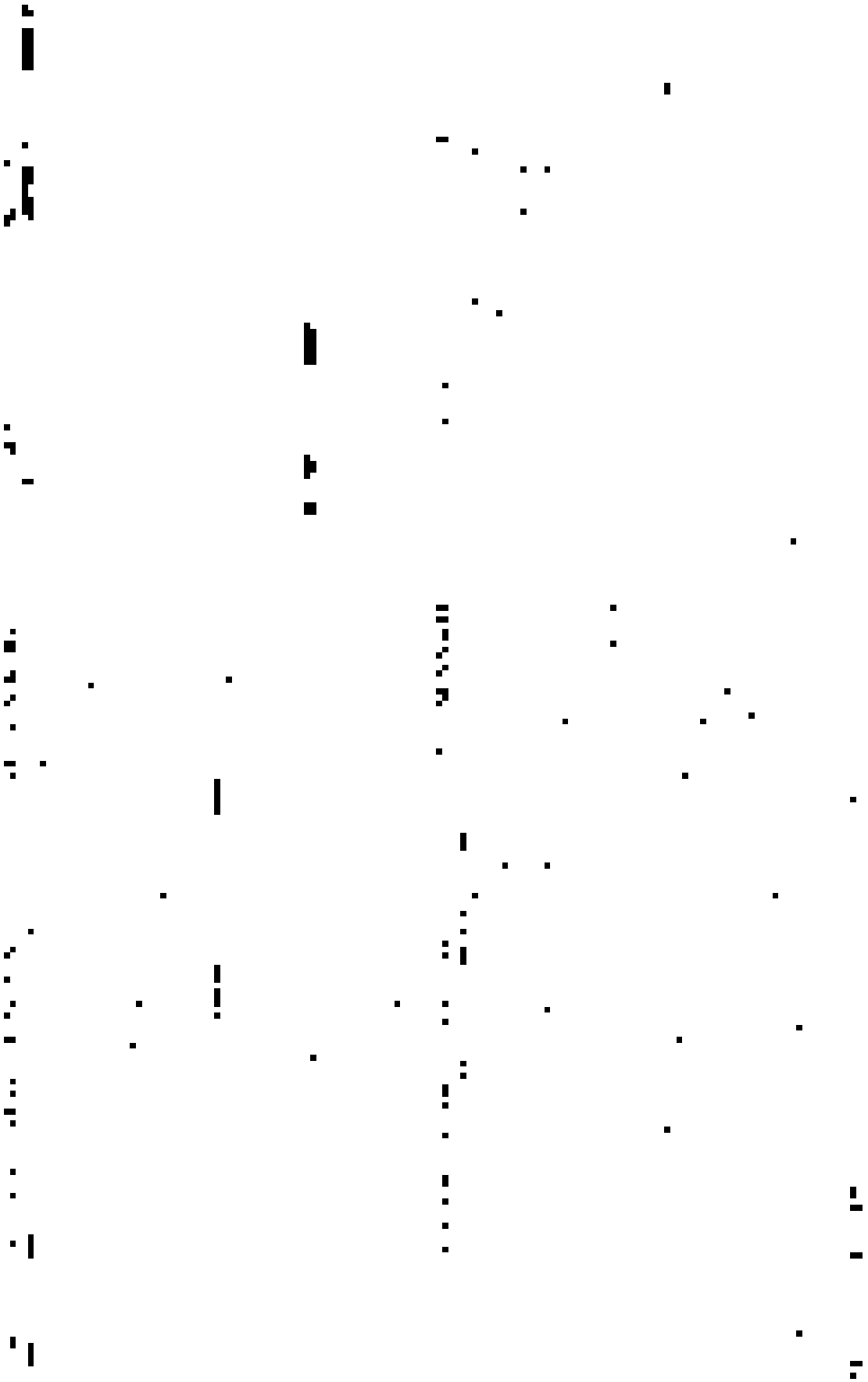


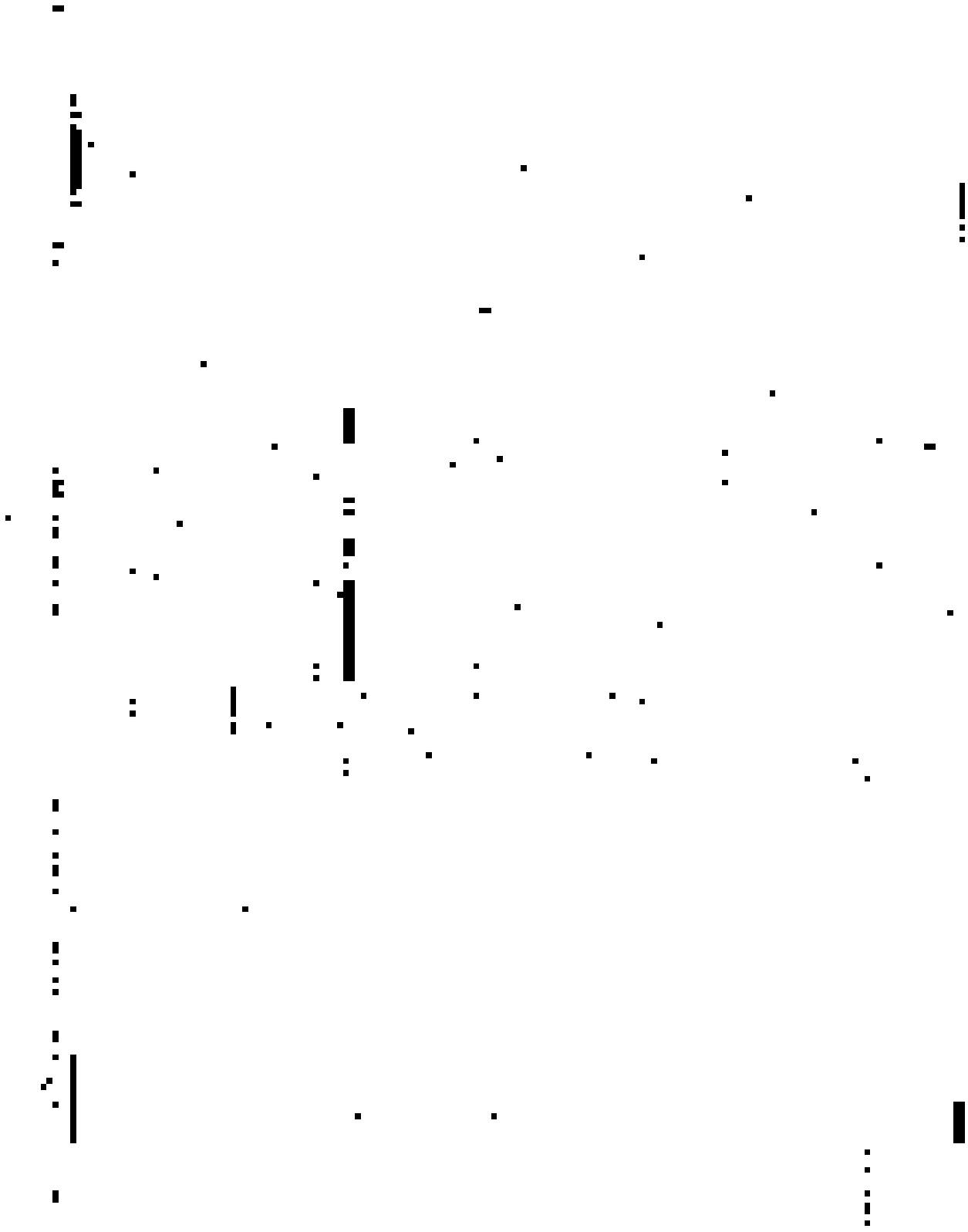


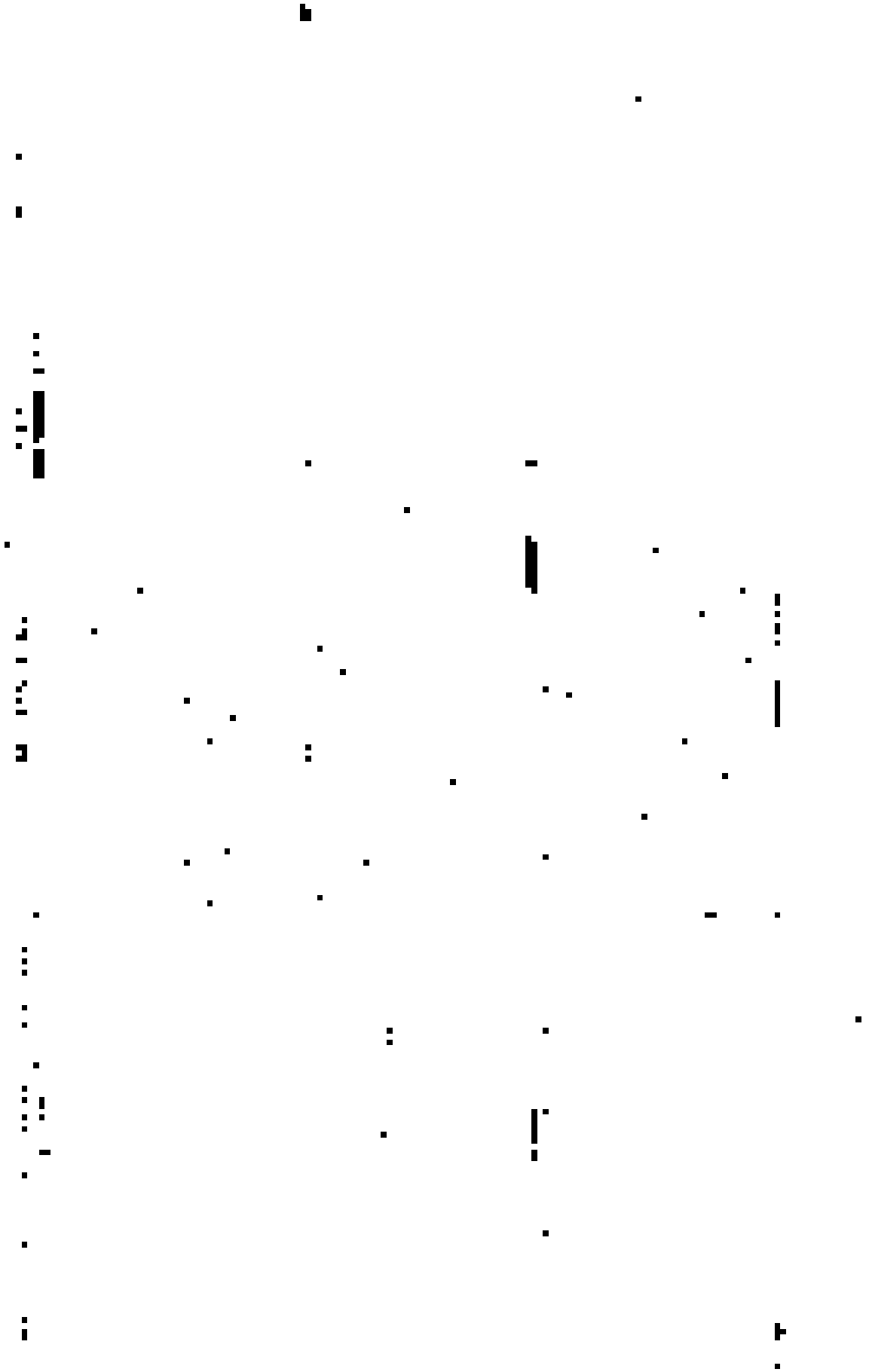


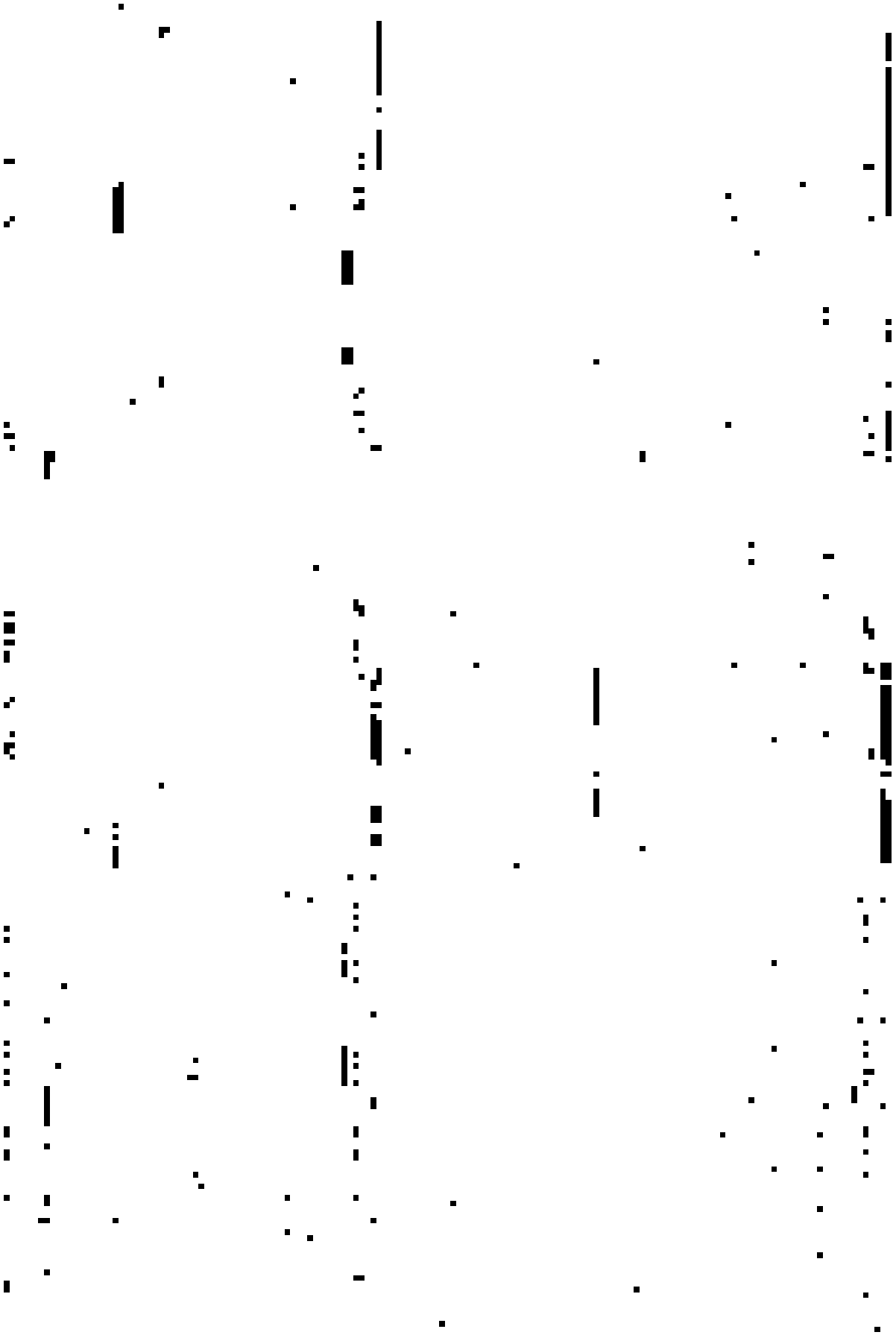


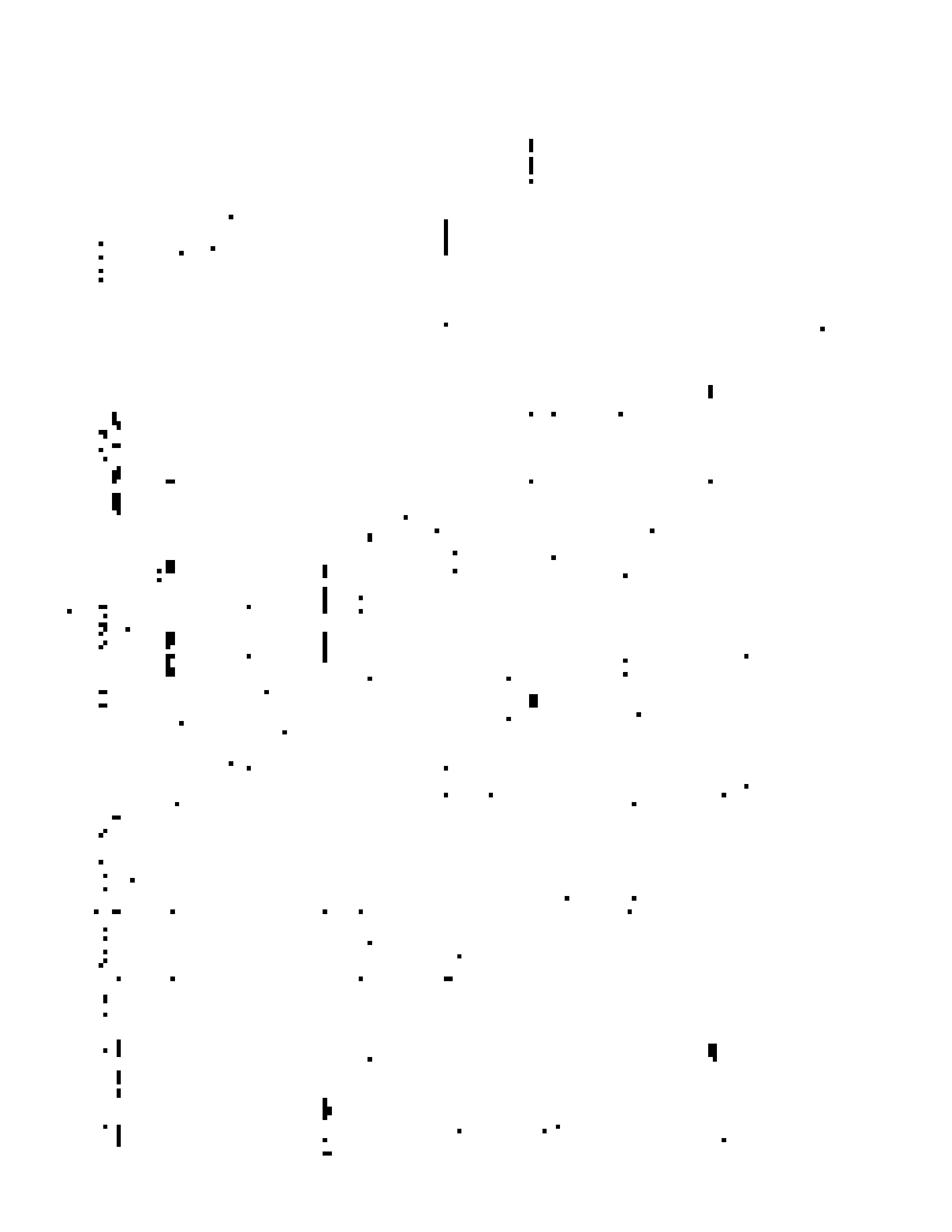


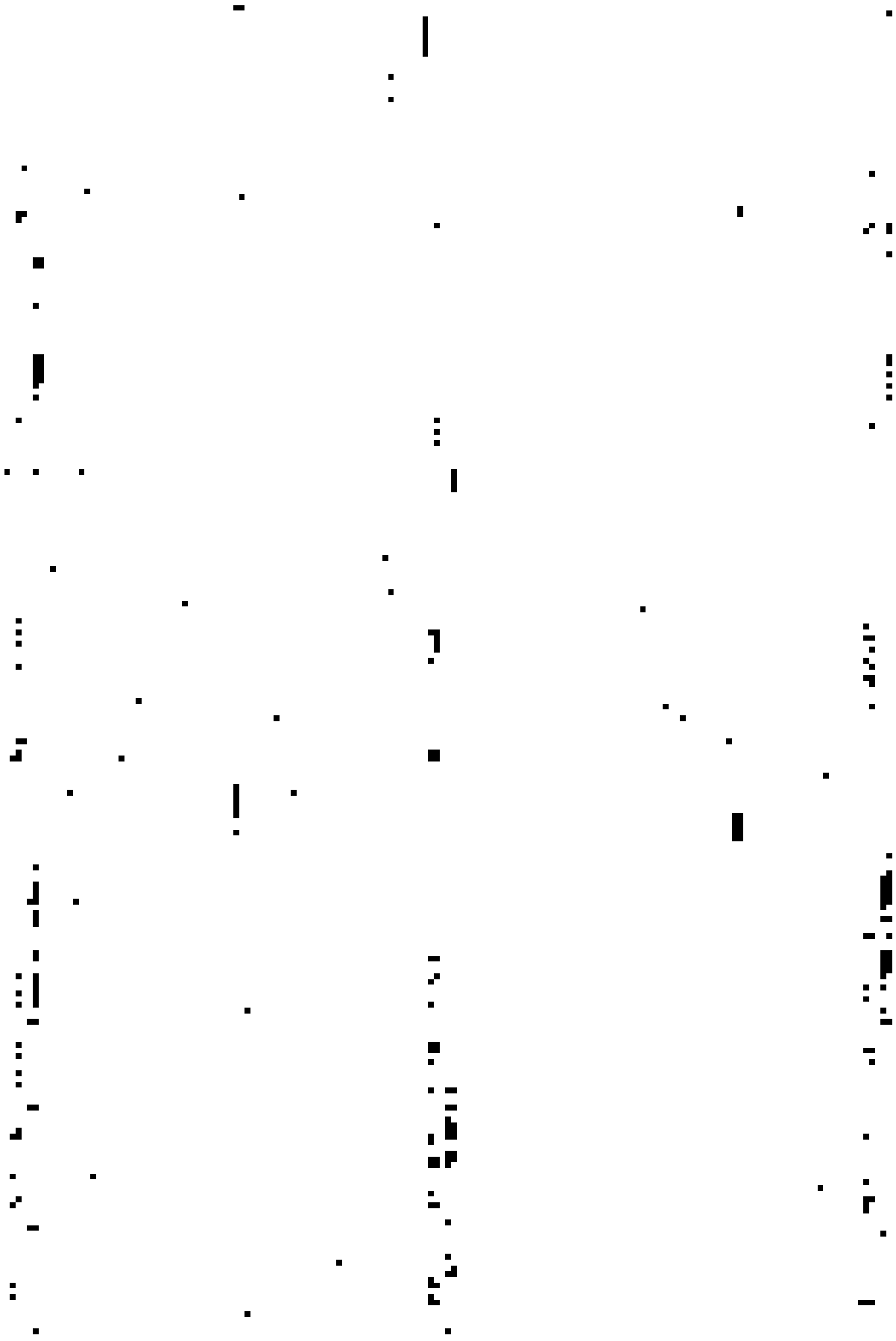


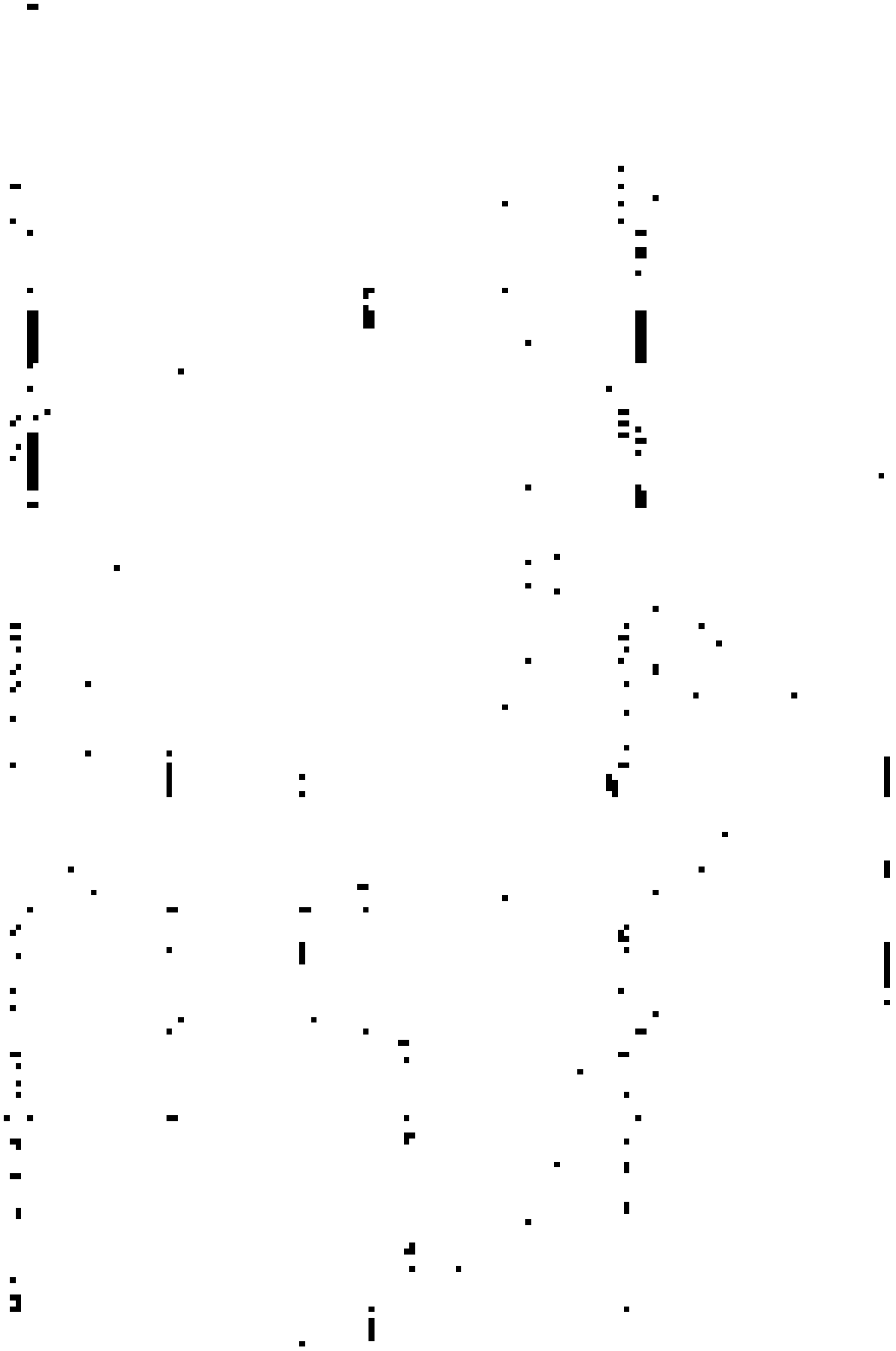


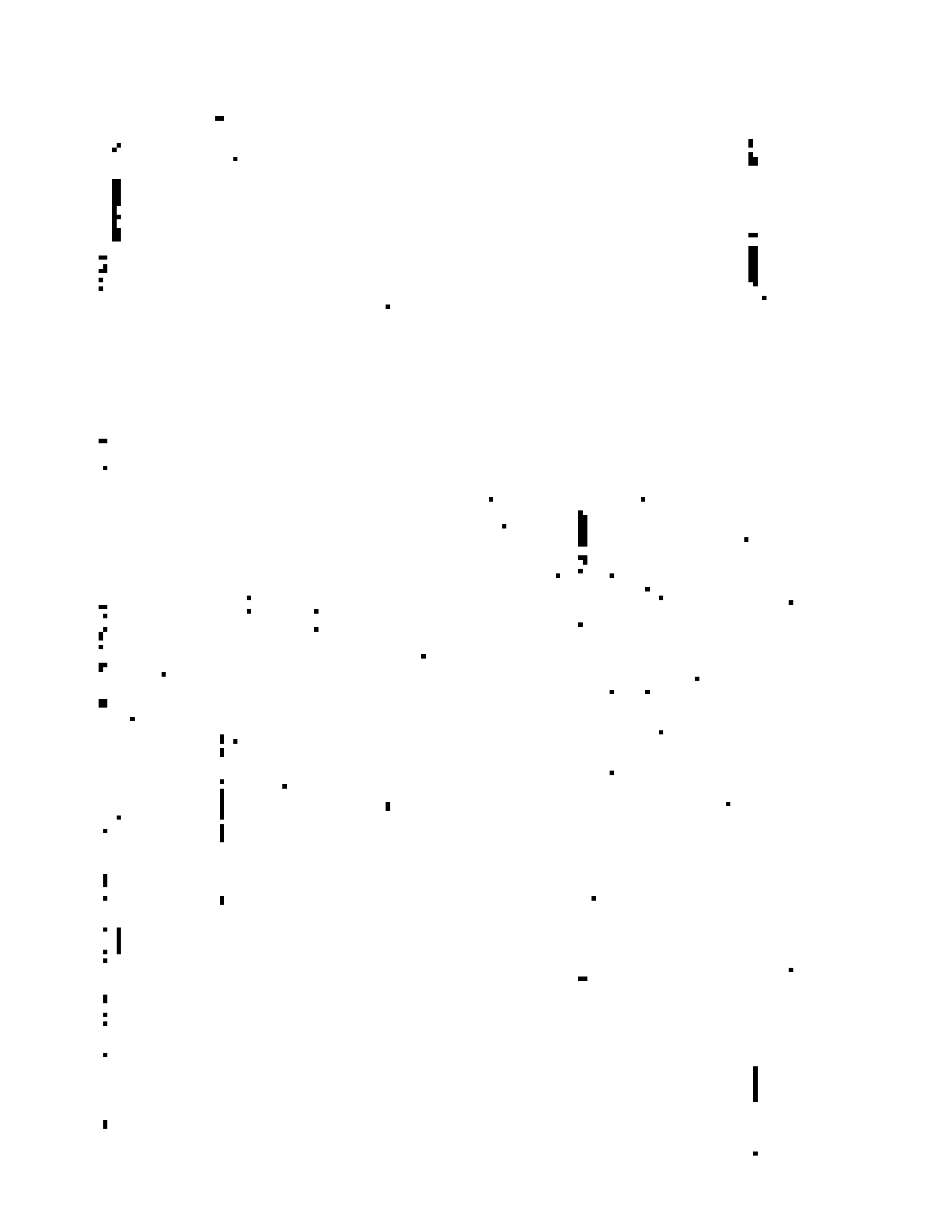


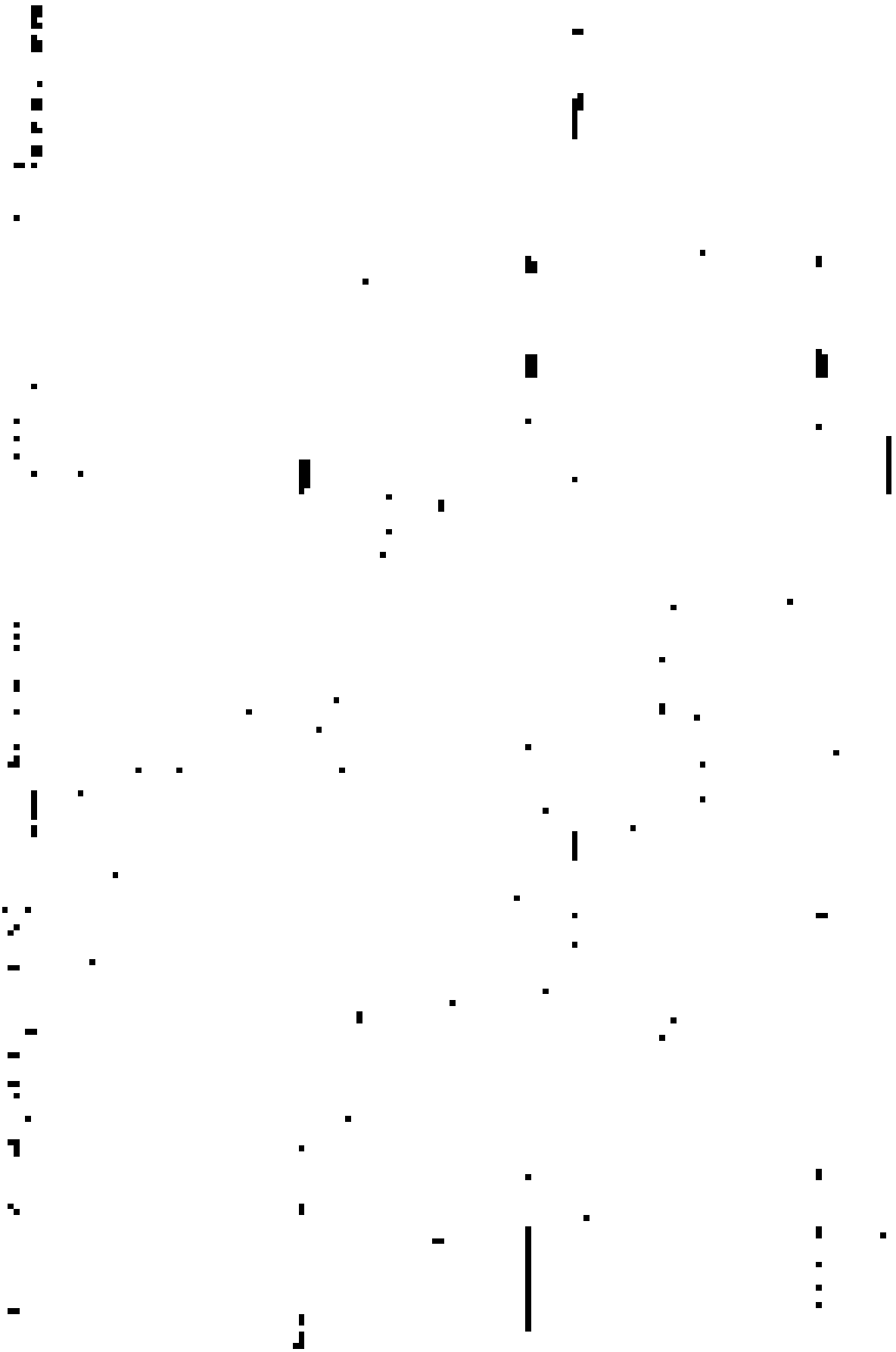


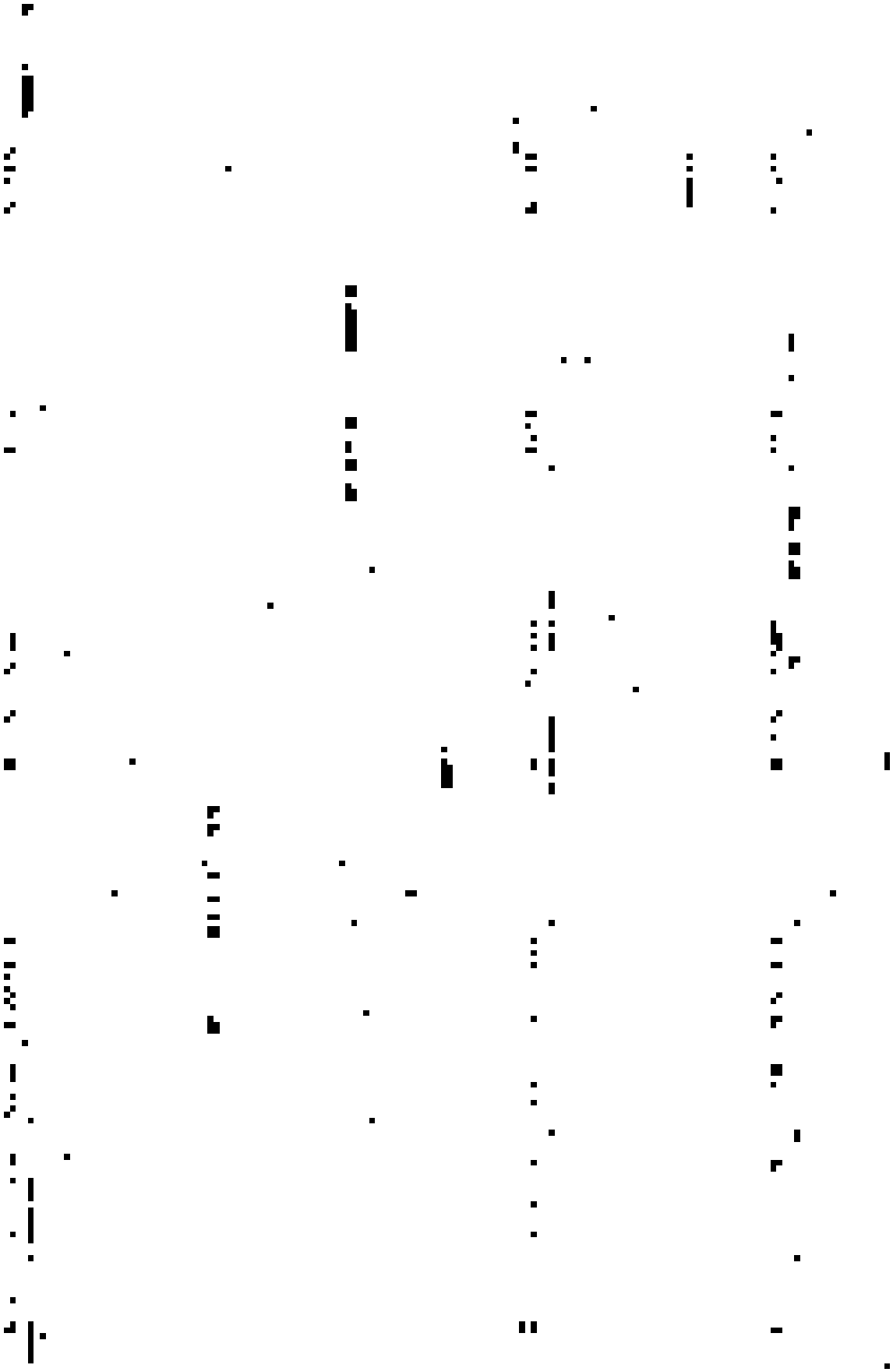


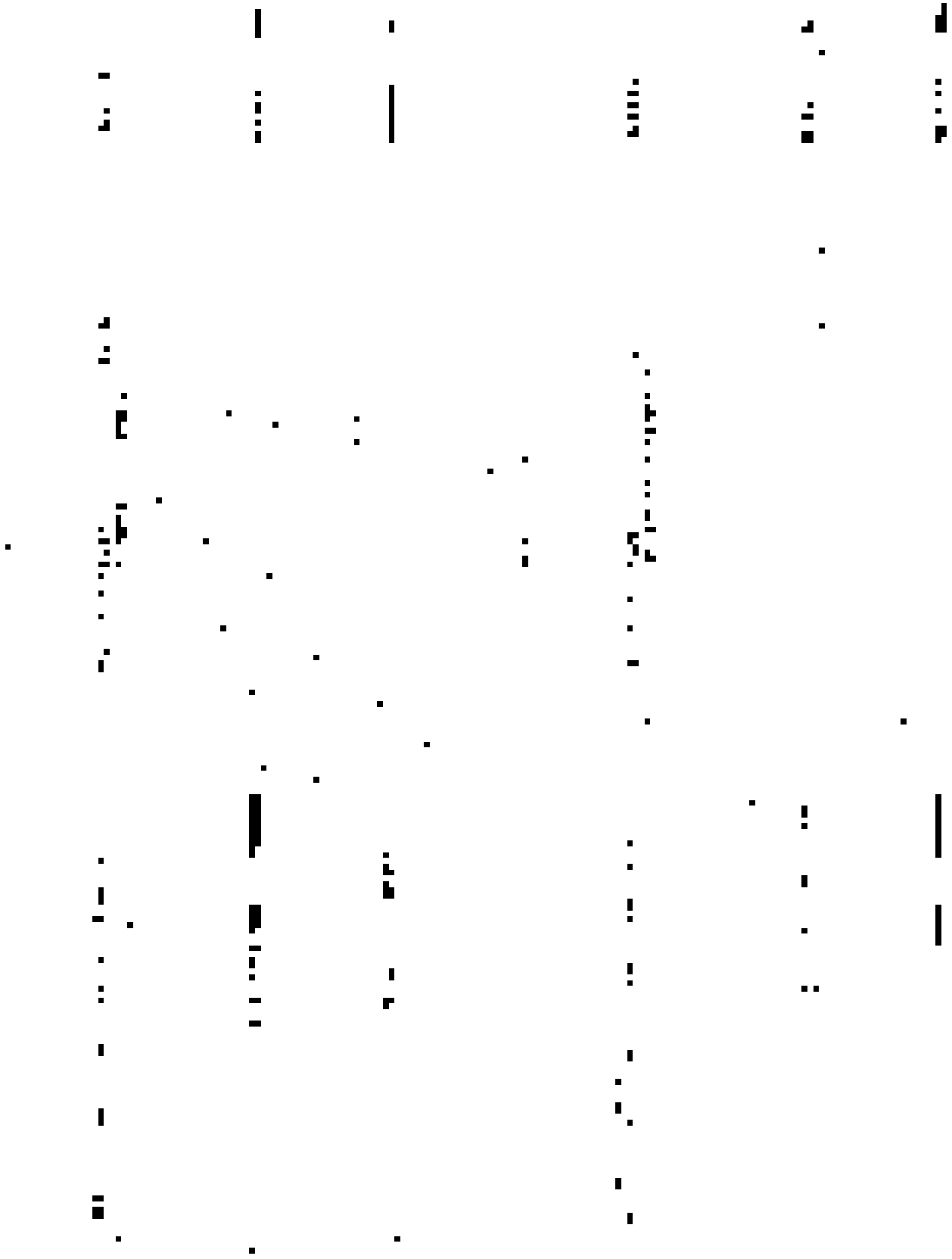


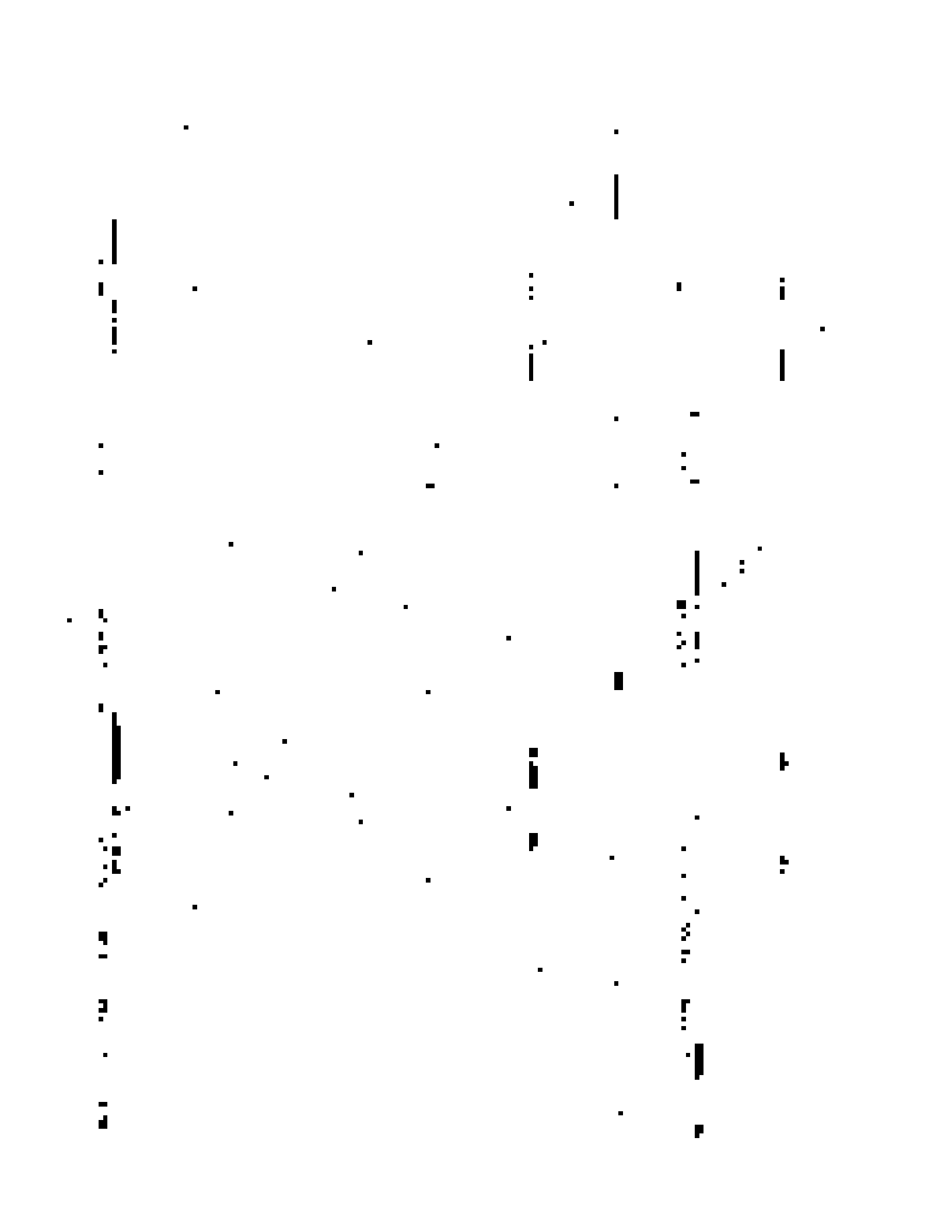


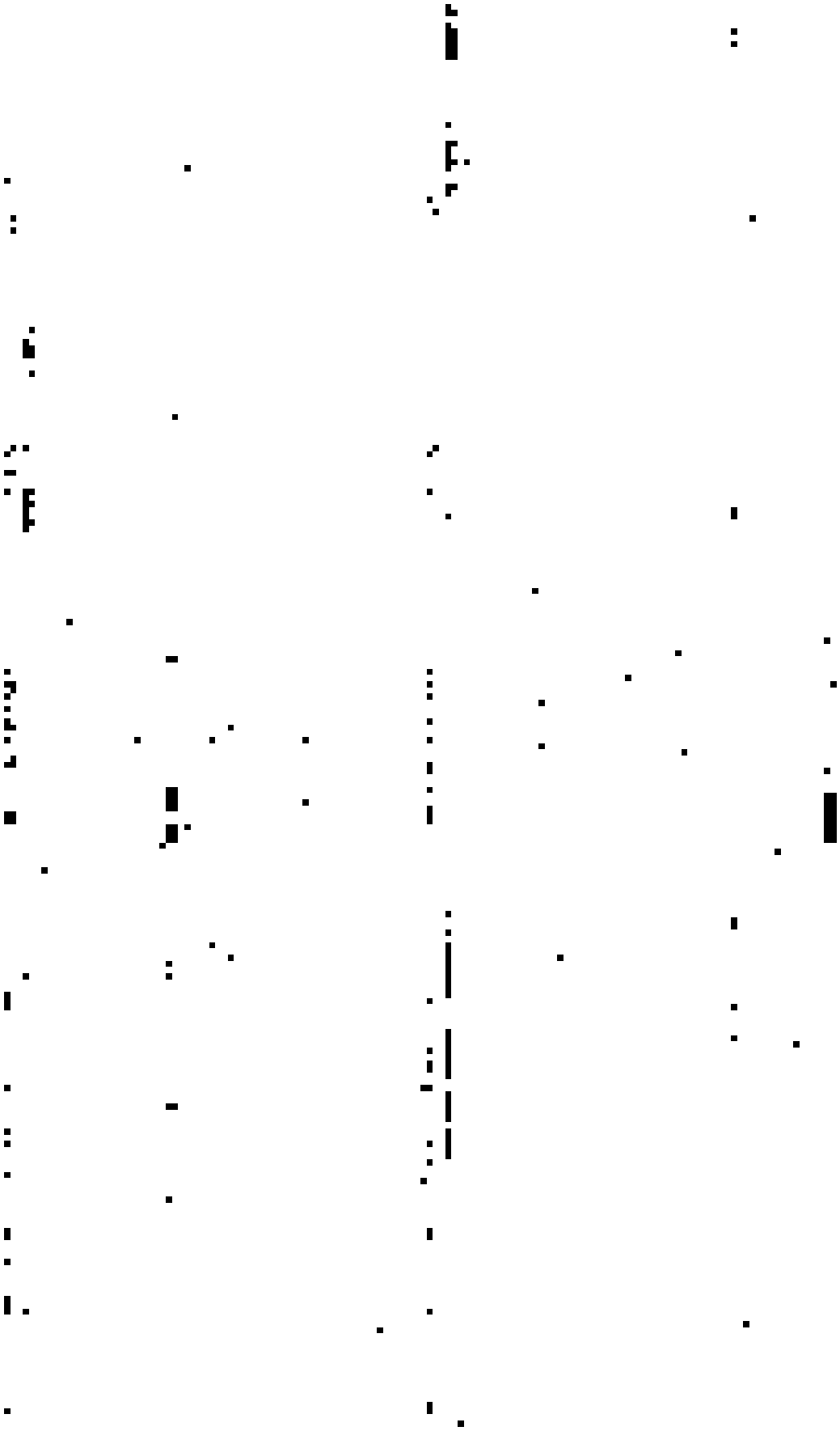


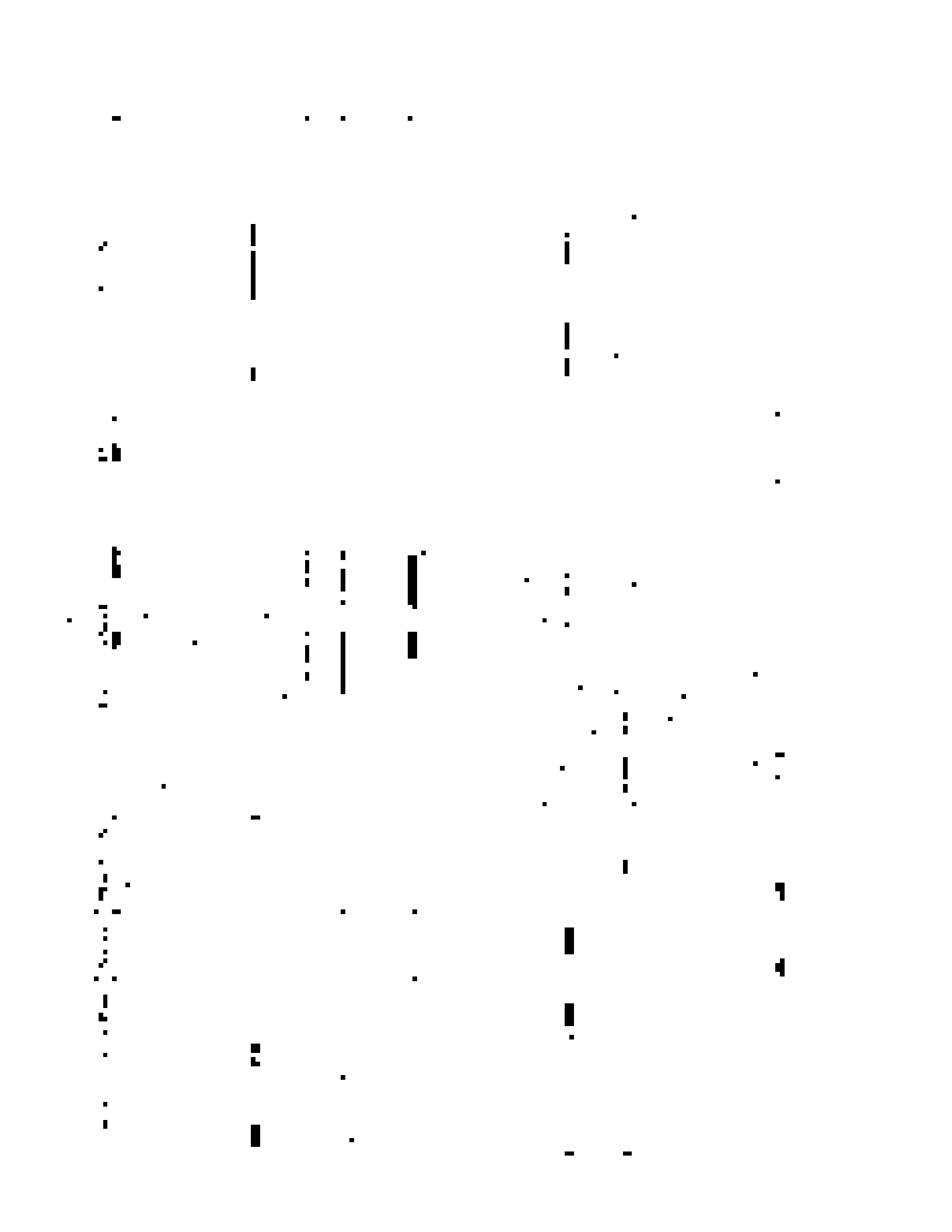


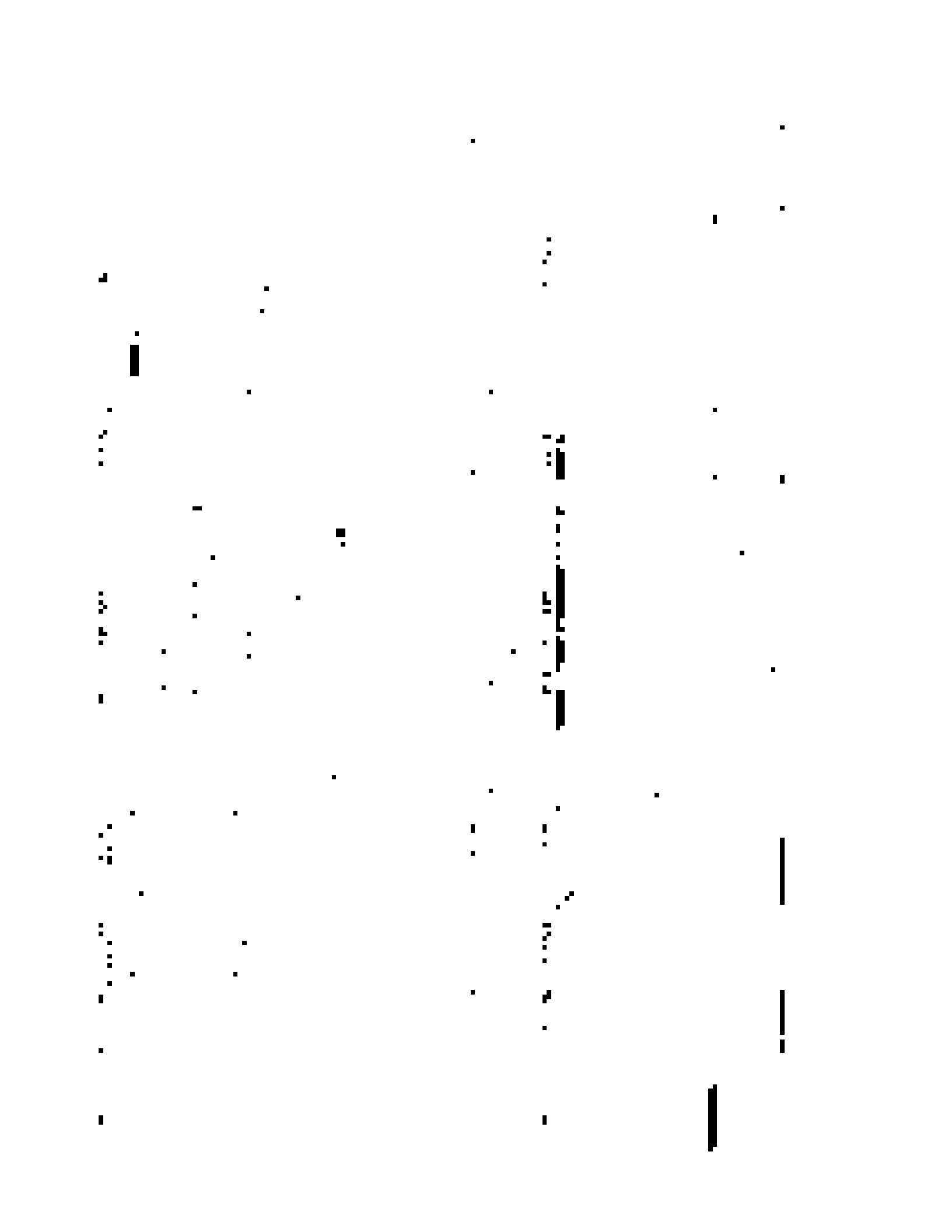


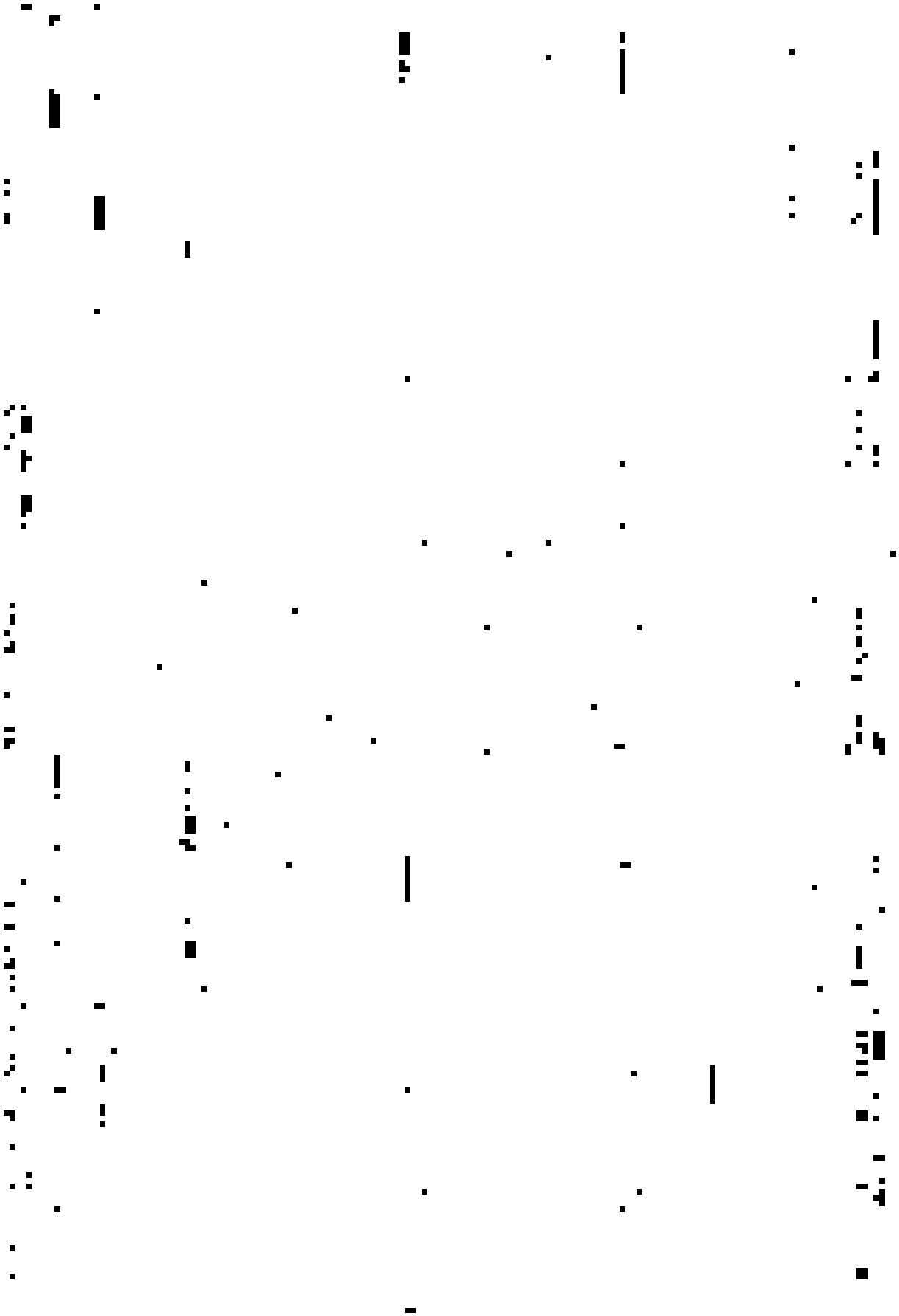


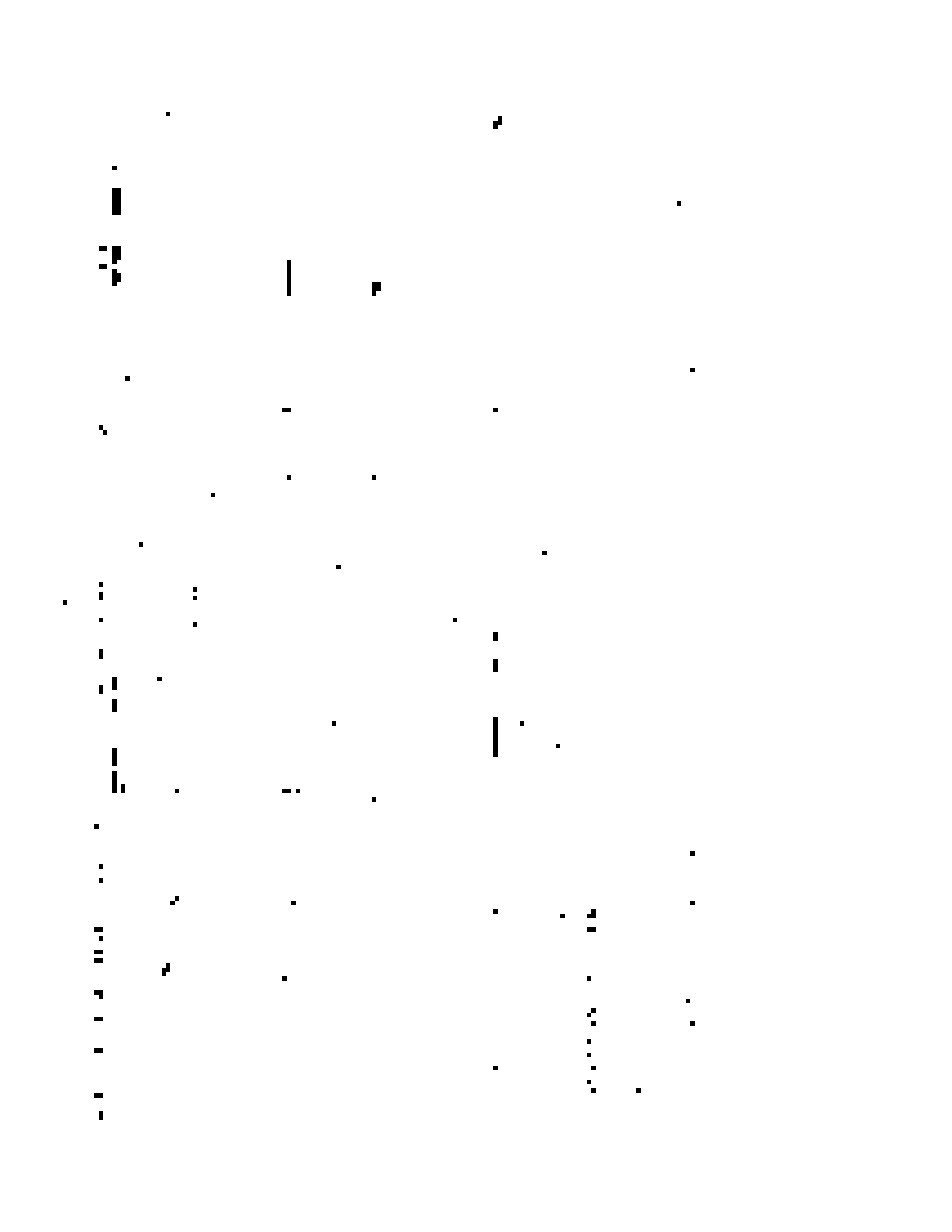


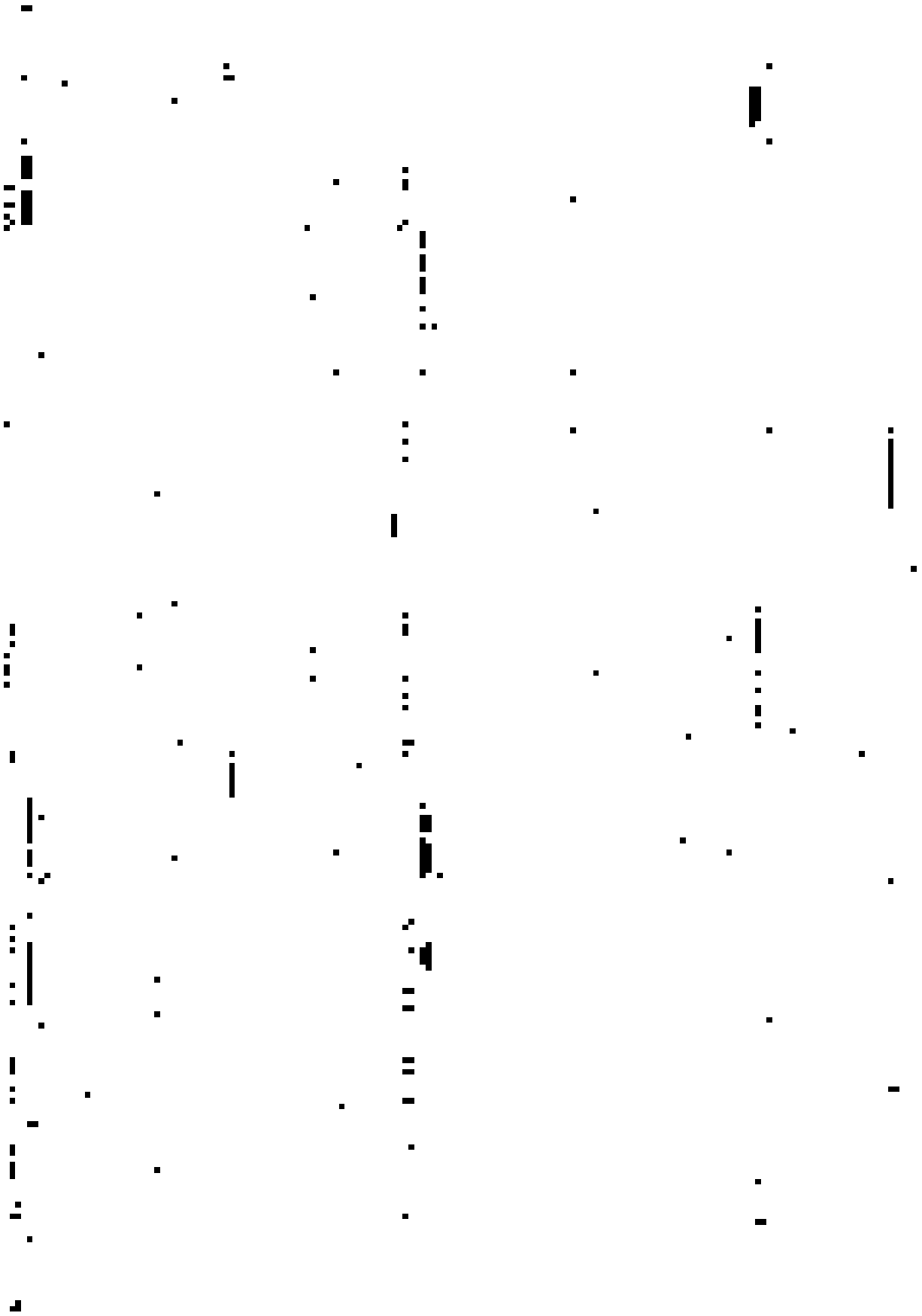


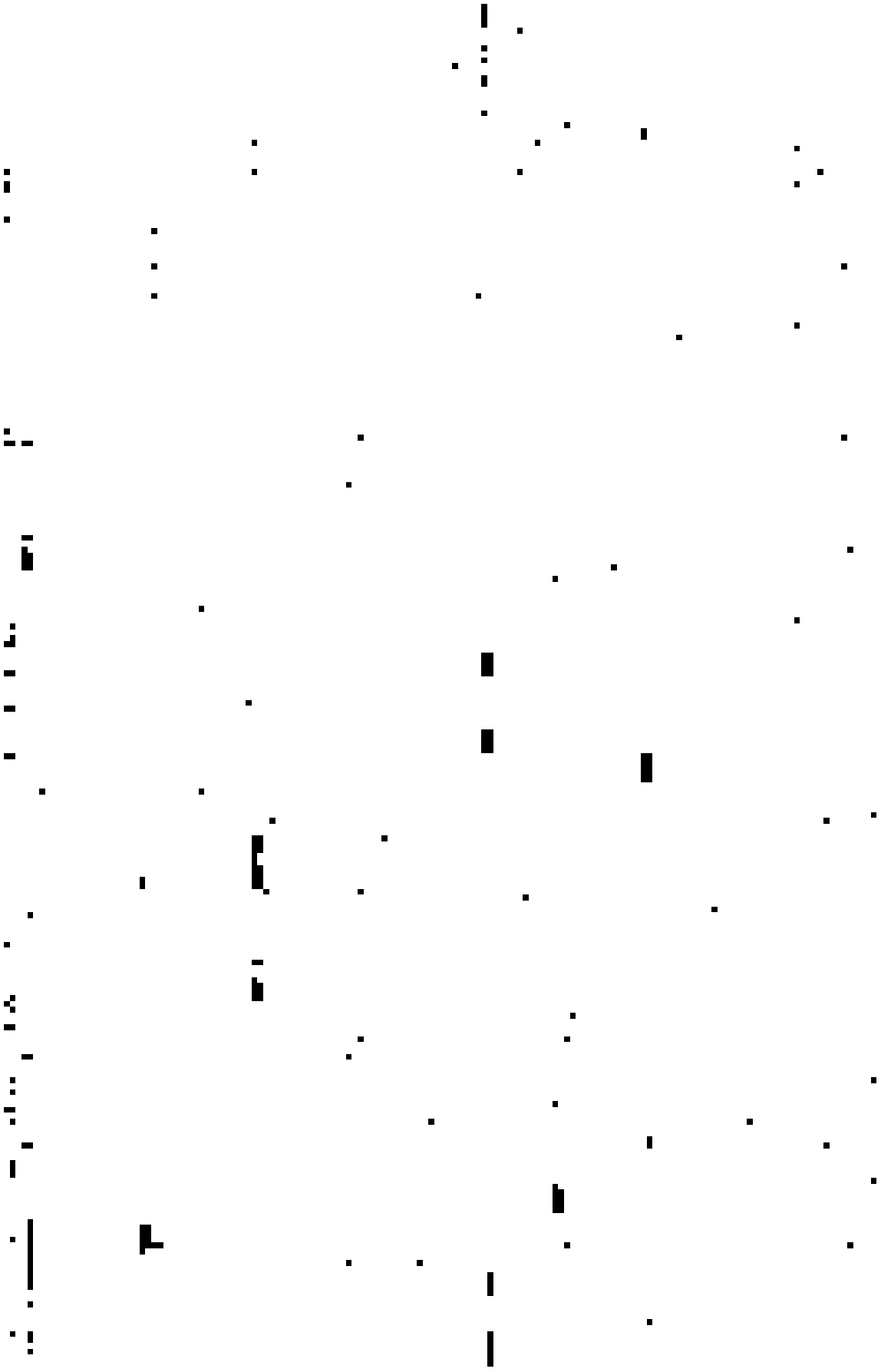


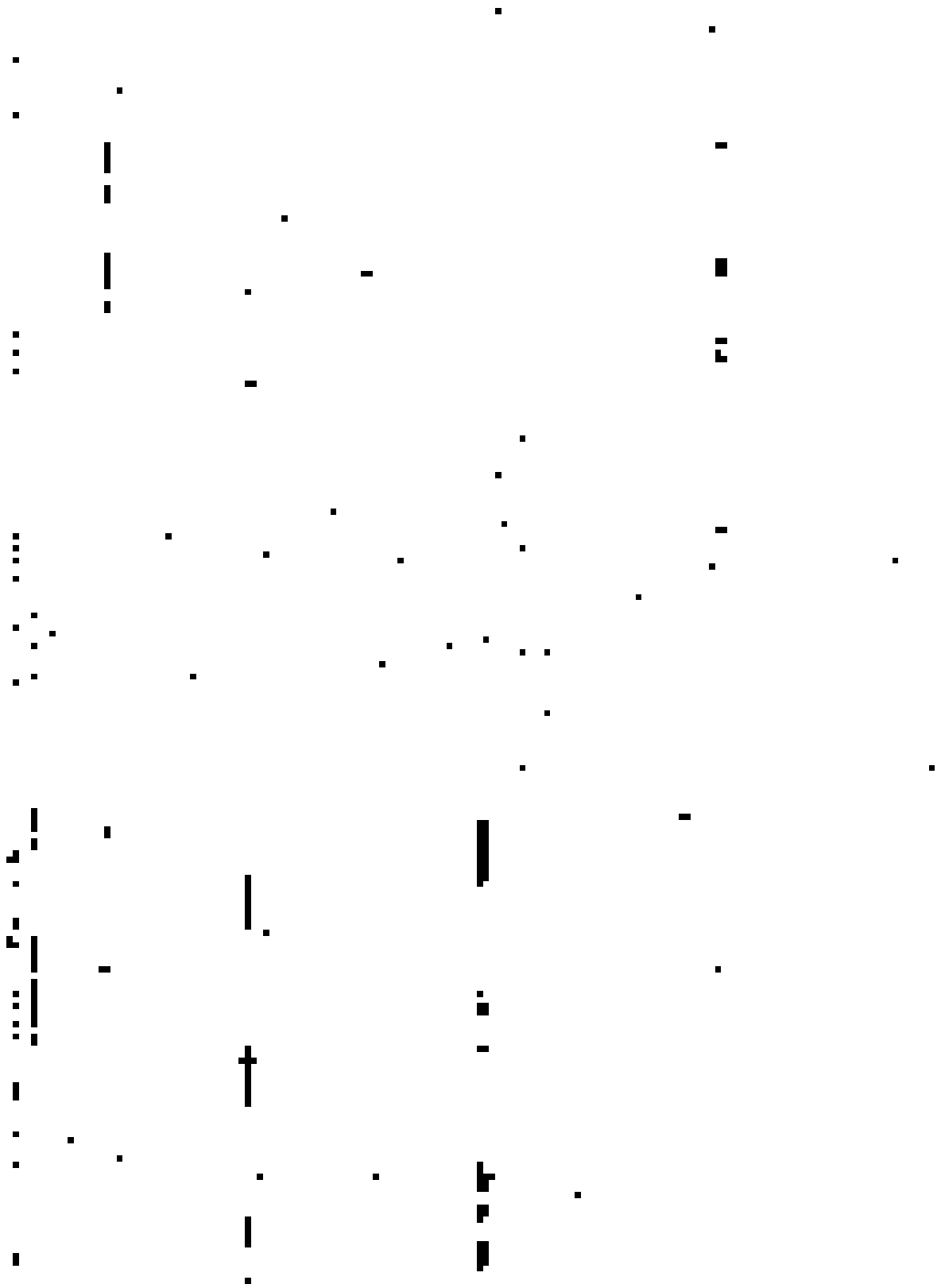


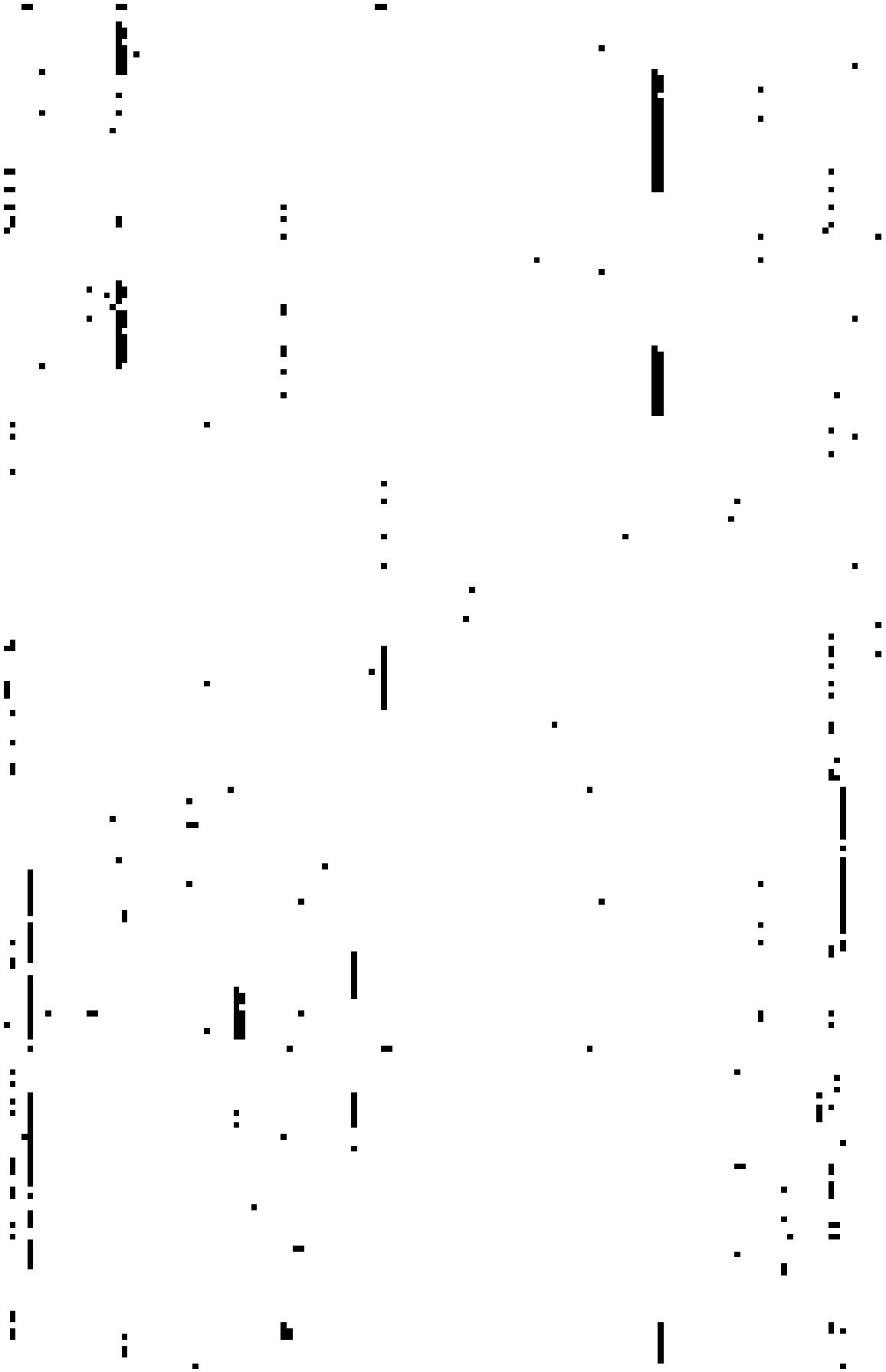


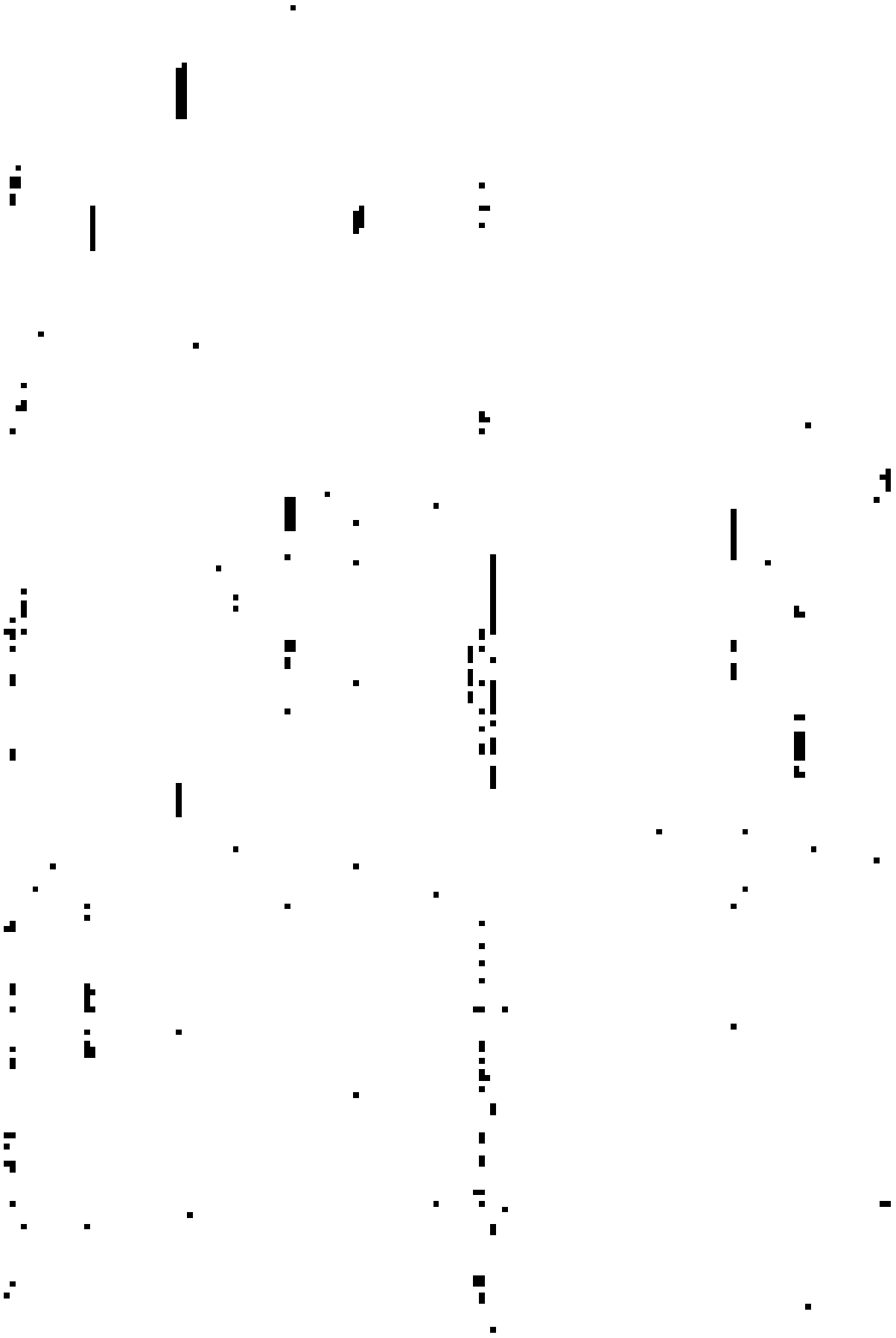


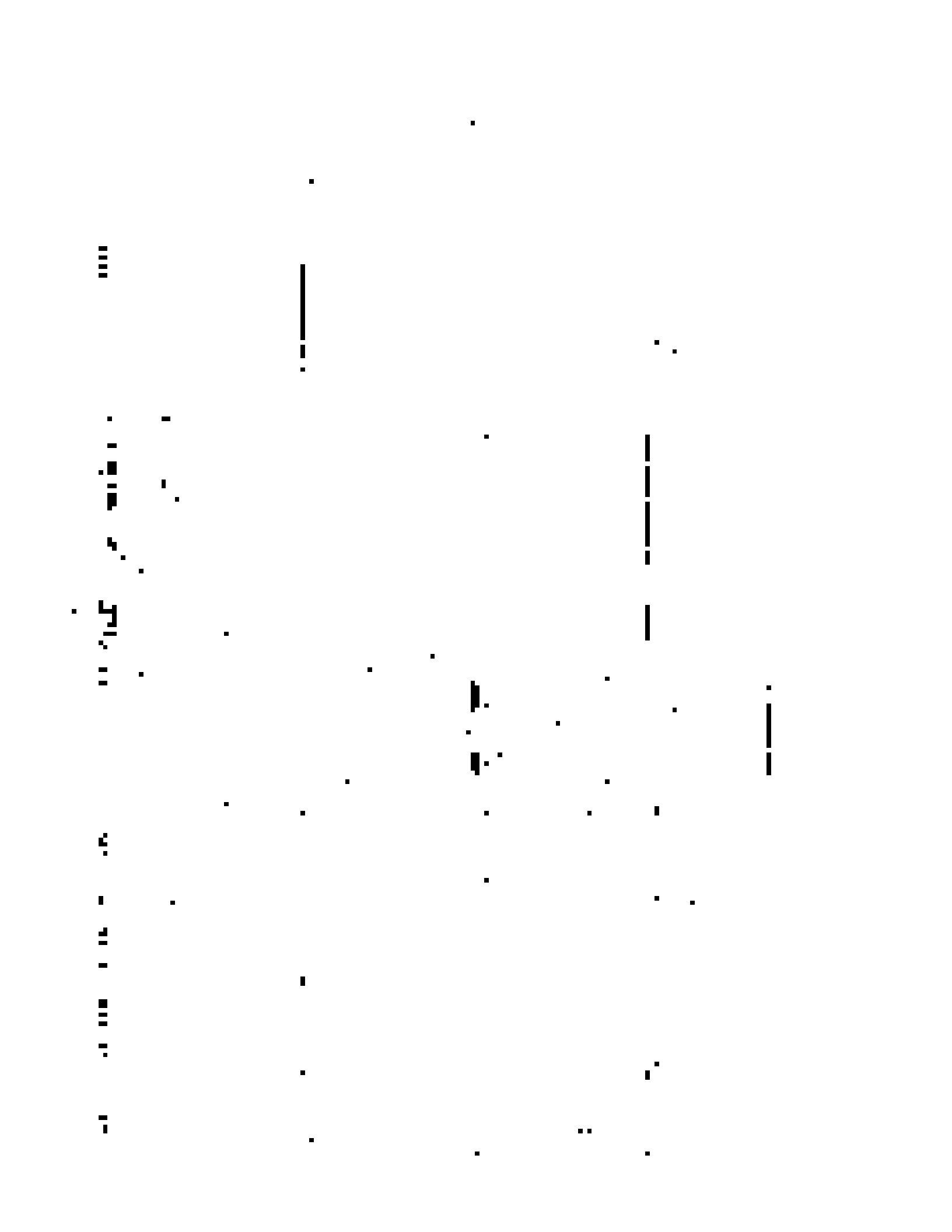


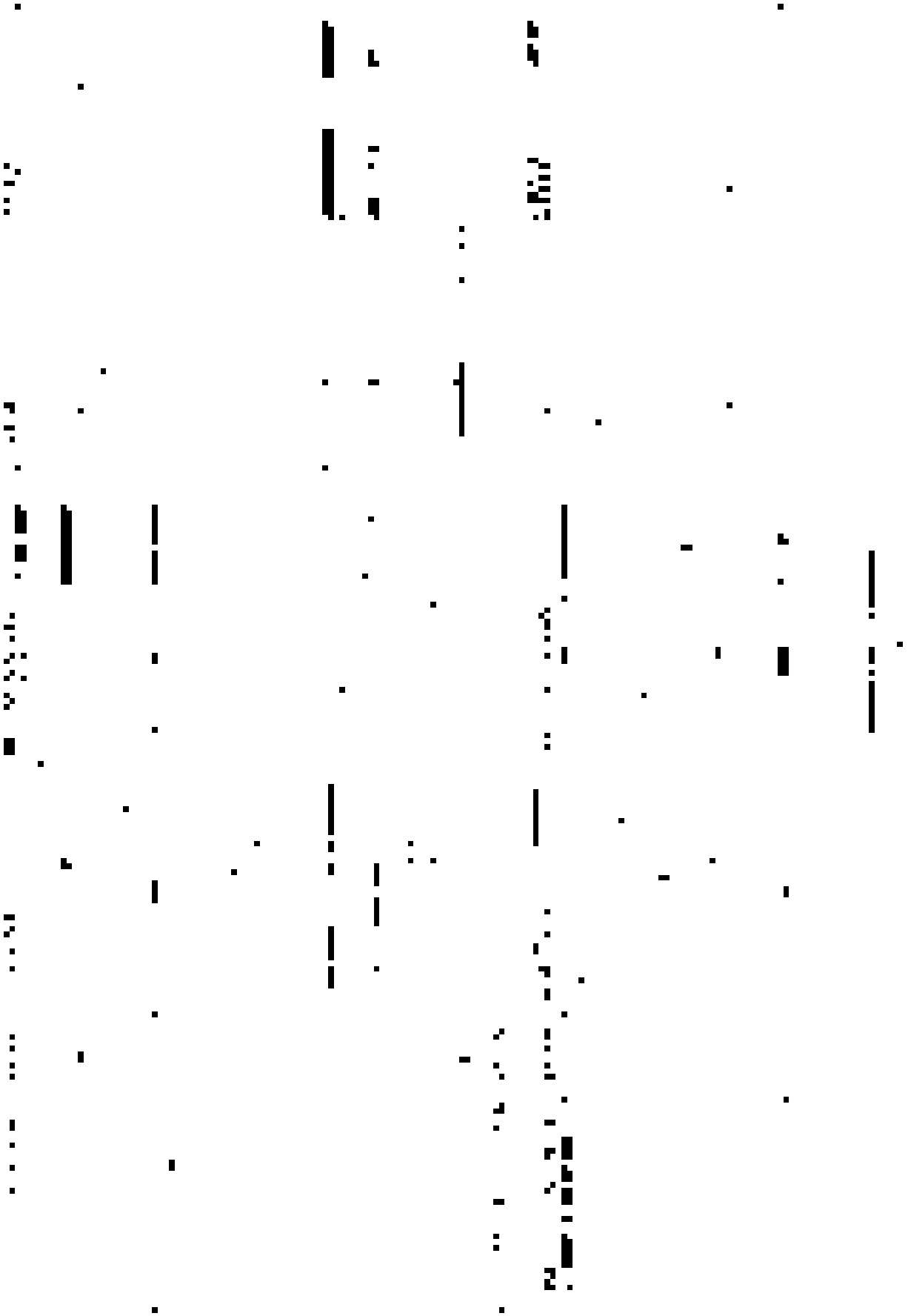












Policy Coordination and Liaison Committee

ORIENTATION MATERIALS

TUESDAY, OCTOBER 28, 2014

JUDICIAL COUNCIL OF CALIFORNIA
GOVERNMENTAL AFFAIRS

Judicial Council of California
Governmental Affairs

Policy Coordination and Liaison Committee
Resource Materials

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Policy Coordination and Liaison Committee

The role of the Policy Coordination and Liaison Committee (PCLC) is to represent the council before the legislative and executive branches of government, build consensus with stakeholders and individuals outside the branch and coordinate an annual plan for communication and interaction with other agencies and entities.

The charge and duties of the committee, set forth in California Rules of Court, rule 10.12, including the following:

1) Take positions on behalf of the council on pending legislative bills, after evaluating input from the council advisory bodies and the courts, provided that the position is consistent with the council's established policies and precedents;

2) Make recommendations to the council on all proposals for council-sponsored legislation and on an annual legislative agenda after evaluating input from council advisory bodies and the courts;

3) Represent the council's position before the Legislature and other bodies or agencies and acting as liaison with other governmental entities, the bar, the judiciary, and the public regarding council-sponsored legislation, pending legislative bills, and the council's legislative positions and agendas;

4) Build consensus on issues of importance to the judicial branch consistent with the council's strategic plan with entities and individuals outside the branch;

5) Develop an annual plan for communication and interaction with other branches and levels of government, components of the judicial system, the bar, the media, and the public; and

6) Direct any advisory committee to provide it with analysis or recommendations on pending or proposed legislation.

Judicial Council–sponsored Legislation Calendar

Month	Judicial Council
Jan – March	• Advisory committees, in consultation with Governmental Affairs staff, develop proposals for council–sponsored legislation.
April – May	• Advisory committee, in consultation with Governmental Affairs staff, circulates draft proposals for council–sponsored legislation to interested and affected parties.
June	• Deadline for public comment on proposed council–sponsored legislation.
June – August	• Advisory committee consults with Governmental Affairs staff regarding responses to comments and further development of proposals for council–sponsored legislation.
September – October	• Deadline for advisory committee and Governmental Affairs staff to jointly submit finalized draft proposals for council–sponsored legislation to the Policy Coordination and Liaison Committee (PCLC).
October	• PCLC makes recommendations for council action on council–sponsored legislative proposals for upcoming legislative year.
December	• Judicial Council acts on PCLC recommendations for council–sponsored legislation for upcoming legislative year.

Guidelines for Development of Judicial Council–sponsored Legislation

This summary describes the typical process the Judicial Council follows when developing and approving proposals for sponsored legislation. It also describes how Governmental Affairs advocates for enactment of these proposals in the Legislature.

I. Judicial Council Process

A. Sources of Legislative Proposals

Because it often takes several months to fully develop a legislative proposal, the process should begin early in the year. *(See the Judicial Council–sponsored Legislation Calendar.)* Judicial Council advisory committees are well situated to identify and develop proposals for statutory change. Committee members have extensive expertise in the committee's subject area and often have ideas for improving statutory law. In addition, advisory committees may receive requests for council sponsorship of legislative proposals from outside sources.

Suggestions for how an advisory committee may wish to identify proposals for council–sponsored legislation include:

- The advisory committee chair may devote a portion of one or more meetings each year to identifying legislative proposals for the following year's legislative session.

- The advisory committee may establish a working group or task force composed of committee members responsible for reviewing the relevant codes, or specific subjects or issues within those codes, to identify potential legislation.

- Advisory committees may receive legislative proposals from outside sources. When a person or organization submits a legislative proposal to the Judicial Council, staff forwards the proposal to the appropriate advisory committee and Governmental Affairs staff for consideration.

B. Advisory Committee Process for Developing Proposals

This section describes the steps an advisory committee takes to develop and review legislative proposals for substantive merit.

1. Assess Viability of Proposal – For each legislative proposal, the advisory committee takes the following actions:

    - The advisory committee, in consultation with Governmental Affairs staff, determines a time frame for consideration of the proposal, keeping in mind

the September/October deadline for submission of legislative proposals to PCLC.

- If the advisory committee rejects a proposal submitted by an outside source, committee staff will notify the proponent of that action.

- If the advisory committee accepts or modifies a proposal from an outside source, or decides to recommend sponsorship of an internally generated proposal, the committee proceeds to the next steps.

2. Coordination with Governmental Affairs – Advisory committee staff will work with Governmental Affairs staff to coordinate work on all aspects of the proposals.

3. Review and Analyze – Advisory committees review proposals for substantive merit before transmitting them to PCLC. A typical analysis of a proposal should include:

- A description of the problem to be addressed, including its scope.

- A description of how the problem affects the judicial branch.

- A description of the proposed solution.

- A discussion of any alternative solutions, including an analysis of why the recommended solution is preferable.

- A discussion of any minority viewpoints.

- A description of any foreseeable problems with the proposed solution.

- Draft language for the proposed legislation.

- A determination whether the Judicial Council and/or the Legislature should give the proposal urgent consideration and the reasons for this.

A worksheet that advisory committees may use for laying out this analysis and other important considerations can be found on page 16.

4. Evaluate Sponsorship Criteria – Once an advisory committee determines that a particular proposal has merit, the committee should consider certain criteria in assessing whether Judicial Council sponsorship is appropriate and desirable. Limited resources, competing priorities, and political realities impose practical

limitations on the council's ability to sponsor every worthwhile legislative proposal presented. The advisory committee and Governmental Affairs should jointly consider each of the following questions:

- Is the proposal within the Judicial Council's purview?

  Council–sponsored measures should involve only those issues that are central to the council's mission and goals as stated in the Judicial Council's Strategic Plan.

- Should the proposal be addressed through the Judicial Council's rulemaking authority rather than by a change in statute?

  The council prefers to implement changes through rules of court wherever appropriate.

- Is the Judicial Council the best sponsor?

  The advisory committee and Governmental Affairs may determine that a proposal more closely serves the mission or objectives of another organization such as the State Bar. A Judicial Council–sponsored proposal should address issues fundamental to the administration of justice and broadly serve the needs of the courts statewide.

- What political factors are associated with the proposal?

  Governmental Affairs is responsible for providing advice about the political factors associated with a proposal.

5. Circulate for Comment – If an advisory committee wishes to circulate a proposal for comment, the committee staff consults with Governmental Affairs. If it is determined that the proposal is appropriate for circulation, the committee submits the proposal to PCLC for consideration. If PCLC agrees with the advisory committee's recommendation, the proposal may be circulated for public comment. After the comment deadline, committee staff and Governmental Affairs jointly review the comments. Advisory committee staff then summarizes and presents the comments to the committee. Following consideration of the comments, the advisory committee may modify the proposal based on the comments, recommend adoption of the proposal as originally presented, or recommend non-adoption based on the comments received.

6. Advisory Committee Action – Upon completion of the review procedures and consideration of the evaluation criteria above, the advisory committee may adopt one of the following actions:

- Approve the proposal as submitted.
- Approve the proposal with modifications.
- Reject the proposal. The advisory committee should inform the source of the proposal of this decision.

If the advisory committee approves the proposal, the committee forwards the proposal to PCLC for consideration. Final proposals must be submitted to PCLC using the template for memos to Judicial Council internal committees by the September/October deadline in order to be considered for Judicial Council sponsorship during the following legislative year. All advisory committee proposals submitted to PCLC are referred to Governmental Affairs, which may prepare a separate analysis and recommendation for PCLC.

C. Policy Coordination and Liaison Committee Action

In October, PCLC will review the proposal(s), the advisory committee recommendation(s), and any analyses and recommendations prepared by Governmental Affairs. PCLC may recommend the proposal for Judicial Council sponsorship and forward it to the Judicial Council, send it back to the advisory committee for further consideration, or take other action as necessary. If PCLC modifies or rejects the proposal, Governmental Affairs will return the proposal to the submitting advisory committee. The advisory committee may either accept PCLC's action or request that the full council review PCLC's recommendation.

D. Judicial Council Action

The sponsored-legislation proposal is presented by PCLC to the Judicial Council in December for consideration. The Judicial Council reviews the proposal, along with PCLC's recommendation contained in a report prepared by Governmental Affairs. Once the council approves a proposal, it becomes "sponsored" legislation. If the Judicial Council does not approve the proposal for sponsorship, or takes some other action on the proposal, Governmental Affairs will communicate the action to the submitting advisory committee.

E. Delegation of authority to PCLC to sponsor legislative proposals on behalf of the council

The Judicial Council has delegated to PCLC the authority to take positions to sponsor legislative proposals on behalf of the council when time is of the essence. This situation most often will arise in the context of the budget and related "trailer bill language." Acting under this delegation, PCLC notifies the chairs of the Executive and Planning Committee and the Rules and Projects Committee of any PCLC meetings at which such actions will be considered so that they may participate if available. PCLC is also required to notify all other Judicial Council members, if feasible, of the intended action. After acting under this delegation, PCLC is required to notify the Judicial Council of all actions taken.

II. Advocacy Process

A. Legislative Author

Governmental Affairs staff will seek a legislator to introduce the council–sponsored proposal. An appropriate author for the bill is one who:

- Has substantial experience with the subject of the bill; often the author is the chair or a member of the policy committee with subject-matter jurisdiction over the bill.
- Understands Judicial Council needs and objectives.
- Has experience with the legislative process.
- Is an effective negotiator with members of both parties.

B. Governmental Affairs Responsibilities

Governmental Affairs acts as the primary advocate for Judicial Council–sponsored legislation. Responsibilities include, among other things:

- Preparing background material for the bill, including analyses for the author. The analyses include a description of the problem the bill seeks to address, an explanation of how the bill corrects that problem, the likely supporters and opponents of the bill, questions the bill raises that may need further research, and any other information that explains the issue.
- Communicating information about the bill to the appropriate legislative committee with subject-matter jurisdiction. This means working extensively with committee staff as well as the legislators who are members of those committees. In moving through the legislative process, a bill will be heard by at least one policy committee (such as the Judiciary Committee), and, if

appropriate, a fiscal committee, before being debated and voted upon by the full membership on the floor of each house.

- Coordinating with supporters to build a broad coalition in support of the bill.

- Coordinating the content and timing of correspondence between all supporters and the Legislature.

- Negotiating with the proposal's opponents to determine whether amendments can eliminate opposition and still achieve the council's objectives.

- Meeting with the Governor and/or his or her staff to advocate that the bill be signed into law.

Formulating a Position on Pending Legislation (<u>not</u> sponsored by Judicial Council)

The Judicial Council, acting through the Policy Coordination and Liaison Committee (PCLC), strives to improve the administration of justice by representing the interests of the judicial branch to the Legislature, the executive branch, other entities involved in the legislative process or interested in the judiciary, and the general public.

The Judicial Council supports the integrity and independence of the judicial branch and seeks to ensure that judicial procedures enhance efficiency and access to the courts. The council generally does not take a position on substantive law/policy. However, the council may take a position on legislation that involve issues central to the council's mission and goals as stated in the Judicial Council's Strategic Plan. The council may also take a position on an apparent issue of substantive law if issues presented directly affect court administration or negatively affect existing judicial services by imposing unrealistic burdens on the judicial branch.

The following are procedures Governmental Affairs uses in developing recommendations for and carrying out PCLC and council directives regarding legislation.

Positions on Legislation

Governmental Affairs reviews all introduced and amended legislation to determine whether a bill is of interest to the judicial branch. For each bill of interest, staff determines whether the council is likely to take, or may want to take a position on the bill. One or more council advisory committees (or subcommittees) within the appropriate subject area review each bill on which the council may want to take a position. The advisory committees either recommend a position or recommend that the council take no position.

Governmental Affairs presents bills on which an advisory committee recommends a position to PCLC for determination of a council position. Additionally, staff may also choose to bring a bill before PCLC on which an advisory committee has recommended no position. Staff presents each bill to PCLC with an analysis that includes a summary of the bill, a recommended position from one or more advisory committees and, if different, the Governmental Affairs recommendation, the rationale for the recommendation(s), positions the council has taken on related bills, fiscal and workload impacts, and other relevant information.

The council has established several positions PCLC may take on a bill. These positions do not indicate the relative strength of the council's support or opposition, but the aims of Governmental Affairs advocacy efforts. The positions are:

1) **<u>Oppose</u>**: An oppose position may be taken on a bill that conflicts with established council policies, and for which obvious changes would not resolve the conflict.

2) **Oppose unless amended (or unless funded)**: This position may be taken on a bill that the council will oppose unless identified amendments are taken to address those provisions that conflict with council policy, or unless funding issues are resolved.

3) **Neutral**: A neutral position taken on a bill the substance of which does not implicate council policy, but on which technical corrections would improve the measure.

4) **Support in concept**: This position may be taken on a bill that, in concept, furthers council policy, but that is not yet drafted in sufficient detail for the council to support.

5) **Support if amended (or if funded)**: This position may be taken on a bill that, with specified amendments or funding, would further the council's policies. Absent the amendments or necessary funding the council position is neutral.

6) **Support:** Position taken on a bill that furthers council policy.

7) **No position:** PCLC may choose to take no position on a bill that addresses substantive issues on which the council takes no position, though the measure may affect the courts.

PCLC may also combine several of the above positions. PCLC may also provide instruction to Governmental Affairs to do further research or work with the author prior to taking a position on a bill.

PCLC Meeting Schedule and Agenda

PCLC meets regularly during the legislative session, usually by conference call. Beginning in late February or early March, the committee sets a schedule of meetings at least every three weeks. If a meeting is not needed, Governmental Affairs will notify PCLC members by e-mail of the cancellation. Late in the legislative session, and during budget negotiations, it is sometimes necessary to schedule several meetings on short notice to discuss or resolve late-breaking issues. All PCLC meetings must be in compliance with California Rule of Court, Rule 10.75 governing meetings of advisory bodies.

Governmental Affairs prepares a written analysis of each bill for PCLC. Governmental Affairs may place bills that do not appear to require discussion or deliberation on PCLC's consent calendar. The consent calendar saves the committee time by eliminating the need to review bills that are consistent with clearly established council policies and positions. However, any committee member may remove an item from the consent calendar to discuss the bill's merits or the recommended action.

Bills that are on the discussion agenda include those that require discussion, and those bills on which the staff recommendation differs from the recommendation of an advisory committee or when the recommendations from two or more advisory committees differ. In the latter instances, staff will request that a representative of the advisory committee(s) participate in the PCLC

meeting. The representatives will present the advisory committee's views, and take questions from PCLC members. PCLC may then excuse the guest and deliberate further and prior to taking action.

Legislative Advocacy

Once PCLC adopts a position on a bill, it is the position of the Judicial Council. That position and associated policies become the cornerstone of Governmental Affairs advocacy efforts. The adopted position is presented in subsequent negotiating sessions, discussions with interested parties, and meetings with legislators. A letter setting forth the position and policies is sent to the bill's author, legislative committee members, and other interested parties.

Generally, PCLC's initial guidance and position is sufficient to direct Governmental Affairs advocacy throughout the legislative process. Occasionally, as a bill progresses or is amended, staff will request further direction from PCLC because of a particular bill's significance, complexity, the sensitivity of an issue, or the direction taken by the amendments. PCLC may be asked to reconsider the matter at a subsequent meeting.

Coordination with other groups

The Judicial Council advances its position on legislation most successfully when it allies itself with other entities such as county government representatives, law enforcement, attorneys, and consumer advocates. Governmental Affairs will work to develop coalitions on issues of common interest. These coalitions often last for years, effectively supporting and opposing a variety of bills. For example, the council's efforts regarding trial court facilities legislation involved close coordination with the California State Association of Counties. Other groups with which the council has long-standing working coalitions include the Consumer Attorneys of California, the Bench-Bar Coalition, California Defense Counsel, the California Judges Association (CJA), the State Bar of California, and others. These and other working relationships have evolved during many years of cooperative effort.

On most court-related issues, Governmental Affairs maintains close contact with representatives of CJA and the State Bar. Additionally, Governmental Affairs confers regularly with the California Court Association Legislation Committee (CCALC) to discuss or request analytical information about pending legislation with members of the court community. The CCALC members are court employees who provide vital input related to the operational impact of proposed legislation.

Legislative fiscal analysis

In addition to its legislative screening process, Governmental Affairs identifies bills that require a fiscal analysis. In the years since the State assumed responsibility for trial court funding, Governmental Affairs has, through joint efforts with the Finance Division, developed a process to

ensure that both timely and accurate fiscal analyses are submitted to the Legislature. The legislative advocate works with the fiscal analyst to develop an accurate fiscal analysis. The fiscal analyst confirms the cost issues and, if necessary, works with the advocate to determine an appropriate approach and methodology, identify available resources, and clarify any technical issues affecting the analysis.

There are a variety of resources available to assist in the development of fiscal and workload analyses. The Office of Court Research assists in data collection and analysis. Governmental Affairs also works closely with other council program areas (e.g., civil, criminal, family, and juvenile law, jury service, traffic programs, and the court interpreter program). Staff also works with local courts to assist in the development of fiscal analyses. The Operational and Budget Impact Working Group of the Court Executives Advisory Committee has identified court staff with whom Governmental Affairs may consult to get input in large, medium, small, urban, and rural courts on the fiscal impact of pending legislation.

Judicial Council Legislative Policy Summary

The Judicial Council Legislative Policy Summary sets forth the council's historical policies on key legislative issues. The summary helps to ensure that council members, advisory committee members, and council staff have a common understanding of council policy on issues presented in proposed legislation. The summary reflects the council's most recent positions on legislative issues and identifies how those positions are derived from the Judicial Council's strategic plan. The Legislative Policy Summary also defines the Judicial Council's limited purview when considering pending legislation.

Formulating a Judicial Council Position on Legislation (<u>not</u> sponsored by Judicial Council)

Governmental Affairs

When bills are introduced in the Legislature, Governmental Affairs identifies those that may affect the judicial branch. Governmental Affairs summarizes the bill, describes key aspects of the legislation and, if within Judicial Council purview, forwards the bill to a Judicial Council advisory committee for review and recommendation.

Advisory Committee

The advisory committee (or its subcommittee) reviews the legislation and recommends a position. The advisory committee recommendation along with Governmental Affairs analysis and recommendation are presented to the PCLC for review.

Policy Coordination and Liaison Committee

PCLC reviews the bill, Governmental Affairs analysis, and recommendation(s). The committee, on behalf of the Judicial Council, may adopt one of the following positions on the bill:

- oppose
- oppose unless amended (or funded)
- neutral
- support if amended (or funded)
- support
- some combination of these
- no position

In an unusual circumstance, PCLC may refer the bill to the full Judicial Council for review and position. Once PCLC or the Judicial Council has taken a position, Governmental Affairs advocates that position throughout the legislative process.

Proposal for Judicial Council–Sponsored Legislation

Advisory Committee: _____ Date: _____

Contact Person: _____

Governmental Affairs Liaison: _____

1. Describe the problem to be addressed.
2. How does this problem affect the judicial branch?
3. What is the proposed solution?
4. Discuss Alternative solutions. Why is the recommended solution preferable?
5. Minority viewpoints.
6. Any foreseeable problems with the proposed solution?
7. Should the Judicial Council give this proposal urgent consideration? If so, why?
8. Is the proposal within the Judicial Council's purview?
9. Should the proposal be carried out by amending the California Rules of Court instead of legislation?
10. Why is the Judicial Council the best sponsor?
11. What political factors are associated with the proposal?

Please attach draft language.

Governmental Affairs

The mission of Governmental Affairs is to promote and maintain effective relations with the legislative and executive branches and to present the Judicial Council's recommendations on legislative matters pursuant to constitutional mandate. (Cal. Const., art. VI, § 6). Governmental Affairs staff are responsible for the following subject matter areas:

Subject Matter	Contact
General Advocacy	Cory Jasperson
Access to Justice/Self-represented Litigants	Alan Herzfeld
Appellate Law	Andi Liebenbaum, Daniel Pone, Sharon Reilly
Bench-Bar Coalition	Dia Poole
Budget	Cory Jasperson, Andi Liebenbaum
Civil Procedure	Daniel Pone
Communications Liaison	Dia Poole
Court Closures/Service Reduction	Cory Jasperson
Court Facilities	Cory Jasperson
Court Interpreters	Cory Jasperson, Alan Herzfeld
Court Reporters	Laura Speed, Alan Herzfeld
Court Security	Sharon Reilly
Criminal Procedure	Sharon Reilly
Day on the Bench	Dia Poole
Employment & Benefit Issues	Laura Speed
Family Law	Alan Herzfeld
Fiscal Impact of Legislation	Andi Liebenbaum
Judgeships and Subordinate Judicial Officers	Alan Herzfeld
Judicial Administration Fellowship Program	Dia Poole
Judicial Conduct	Laura Speed
Judicial Education	Laura Speed
Judicial Elections	Laura Speed
Judicial Service	Laura Speed
Jury Issues	Sharon Reilly
Juvenile Delinquency	Alan Herzfeld
Juvenile Dependency	Alan Herzfeld
Probate and Mental Health	Daniel Pone
Redistricting/Judicial Redistricting	Sharon Reilly
State Bar/Practice of Law	Daniel Pone
Traffic Law	Sharon Reilly

Staff Biographies

Cory Jasperson was chosen to lead the judicial branch's legislative and executive advocacy efforts as the Director of Governmental Affairs in December 2012. Mr. Jasperson worked in the State Capitol for 12 years, holding positions in both the Assembly and Senate. Prior to joining the Judicial Council, he served as Chief of Staff to Senator Joe Simitian (D-Palo Alto). Mr. Jasperson also held the position of Chief of Staff to the Assembly Speaker pro Tempore. Before joining the Legislature in 2000, Mr. Jasperson worked at the Santa Clara County Board of Supervisors, Stanford University, and the Greenlining Institute, a statewide multi-ethnic public policy and advocacy center. He has a BA in International Relations from the University of California, Davis.

Laura Speed became Assistant Director of Governmental Affairs in October 2013. As assistant director, Laura joins Cory Jasperson, in managing the office's legislative and budget advocacy operations. Ms. Speed has served as the governmental relations and legislative officer for the County of Sacramento, as division chief in the Office of Stakeholder Relations with the California Public Employees Retirement System, as deputy chief of external affairs at the California Department of Corrections and Rehabilitation, and as a policy consultant for the Senate Republican Policy Office. In addition, she serves as an adjunct professor at the University of the Pacific, McGeorge School of Law, where she currently teaches a course in practical and persuasive legal writing. Ms. Speed earned her bachelor's degree in political science from San Jose State University and her juris doctorate from McGeorge School of Law.

Katie Asher is an Administrative Coordinator with Governmental Affairs. Prior to joining the Judicial Council, Ms. Asher worked for Electronic Data Systems (EDS). While employed with EDS, she worked as a public affairs coordinator for the Office of Governmental Affairs, as an administrative coordinator for Global Marketing Operations, and as a regional coordinator for the Americas Communications division. Ms. Asher has a bachelor's degree in communications from UC Davis.

Luz Bobino is an Executive Secretary to the Director and Assistant Director of Governmental Affairs. She began working at Governmental Affairs in 2000 as a receptionist and in 2007 was promoted to her current position. Prior to that, Ms. Bobino was an application support analyst for Sutter Health Information Services providing assistance in system analysis, design, development, documentation, and configuration as well as testing and training of the product. Ms. Bobino also worked for the Stockton Fire Department Executive Office as an office clerk, while attending San Joaquin Delta College, majoring in Psychology.

Yvette Casillas-Sarcos is an Administrative Coordinator with Governmental Affairs and has been employed by the Judicial Council since 1997. She is responsible for coordinating bill tracking and screening criminal and traffic legislation, as well as supporting the work of three advocates and the Policy Coordination and Liaison Committee (PCLC). Ms. Casillas-Sarcos

relocated to Sacramento in 1995 from Southern California and attended Sacramento City College, majoring in administration of justice.

Noemi Cordova is a Secretary at Governmental Affairs. Prior to joining the Judicial Council, Ms. Cordova worked as an executive assistant at a Political Consulting Firm. She has a BA in Government with a concentration in International Relations from the California State University, Sacramento.

Alan Herzfeld is an Associate Attorney at Governmental Affairs. Mr. Herzfeld advocates on behalf of the Judicial Council on issues of family law, juvenile dependency and delinquency, and access to justice. Before joining Governmental Affairs, Mr. Herzfeld worked in private practice in San Francisco in the areas of estate planning, probate, and probate and trust litigation. Mr. Herzfeld attended the University of California at San Diego (UCSD), receiving degrees in Political Science/Public Law and History, received his J.D. from Northeastern University School of Law, and an L.L.M. in Taxation with honors from Golden Gate University. Mr. Herzfeld's background includes work with the Boston Juvenile Court, UCSD Office of Government and Community Relations, a lobbying group in Washington, D.C., the California Appellate Project, and the Alameda County Social Services Agency's Office of Agency Planning. During law school, Mr. Herzfeld interned with the Judicial Council's Center for Children, Families, and the Courts, assisting in the early stages of the Elkins Family Law Task Force. He rejoined the Judicial Council as an attorney in May 2013.

Monica LeBlond has been the Supervising Administrative Coordinator at Governmental Affairs since January 2002. Prior to joining the Judicial Council, she worked as an administrative and quality manager for an environmental consulting firm in Sacramento. Ms. LeBlond has a bachelor's degree from the State University of New York.

Andi Liebenbaum is a Senior Governmental Affairs Analyst. Prior to joining the Judicial Council in 2012, Ms. Liebenbaum served as senior legislative consultant to Assembly Member Jared Huffman, and prior to that, she worked in the nonprofit workforce development and youth advocacy sectors for 16 years throughout California and as a consultant to the US Department of State undertaking program development and capacity building in Central and South America. Ms. Liebenbaum started her legal career as an attorney in dependency cases and representing juveniles in delinquency matters. She graduated from Loyola Law School in Los Angeles.

Daniel Pone is a Senior Attorney with Governmental Affairs and has been with the Judicial Council since 2001. Prior to joining the Judicial Council, he worked for four years as a principal consultant for the California Assembly Judiciary Committee, working in areas of civil rights, constitutional law, general civil law, contracts, probate, mental health, consumer protection, and privacy. Prior to working in the Assembly, Mr. Pone worked for more than 11 years as a Senior Attorney for Protection & Advocacy, Inc., specializing in mental health law. Mr. Pone has a bachelor's degree in psychology from the University of Oklahoma and a juris doctorate from University of California at Davis.

Dia Poole joined Governmental Affairs in January 2004 as a Senior Governmental Affairs Analyst and serves as the office's communication liaison. She previously held a four-year appointment as the Public Affairs Director for the California Department of Fair Employment and Housing (DFEH). Prior to her appointment at DFEH, Ms. Poole served as a policy consultant in several legislative and committee assignments at the State Capitol. Ms. Poole graduated from California State University of San Bernardino and worked for the County of San Bernardino for 13 years before accepting a California State Assembly fellowship and relocating to Sacramento in 1994.

Sharon Reilly has been with the Judicial Council since January 2013 as the Senior Attorney for criminal law and traffic policy and legislation. Ms. Reilly previously served as chief counsel for the California Bureau of State Audits (BSA) for 13 years and served as a deputy legislative counsel in the California Office of Legislative Counsel for 9 years. As chief counsel with BSA, Ms. Reilly was the executive responsible for the Investigations Division, and also oversaw issues involving the criminal justice system, including juvenile justice realignment, campus crime statistics, the Three Strikes law, and probation requirements. While working at the Legislative Counsel Bureau she served as counsel to several legislative committees, including the Senate Appropriations Committee, the Joint Legislative Budget Committee, and the Constitutional Revision Commission. A University of California, Berkeley graduate, Ms. Reilly earned her juris doctorate degree from the University of California at Davis.

Outreach Activities

Governmental Affairs seeks to promote effective communications within California's judicial branch, and with the legislative and executive branches of government. To enhance these efforts, Governmental Affairs has established outreach programs that inform the Governor, members of the Legislature, and the legal community about the judicial branch and issues of mutual concern.

State of the Judiciary Address and the Judicial-Legislative-Executive Forum

The Chief Justice of California typically delivers an annual State of the Judiciary address early in the calendar year to a joint session of the Legislature. The address focuses on significant issues and challenges facing the judiciary in the upcoming year. (Following the address, a meet-and-greet is conducted, providing an opportunity for members of the Legislature, the executive branch, appellate and trial courts, and the Bench-Bar Coalition to discuss issues and meet informally with the Chief Justice and other judicial branch leaders.)

Legislative Visits

Governmental Affairs coordinates legislative visits for council members in January and February and a reception for legislators in January, as well as any legislative visits for the Trial Court Presiding Judges Advisory Committee or the Court Executive Officers Advisory Committee.

Liaison Program

Working with interested groups toward achieving common goals has been a long-standing component of Governmental Affairs' advocacy work. The liaison program is the office's ongoing effort to work cooperatively with stakeholders involved with and important to the judicial branch, including the Attorney General, the California Judges Association, the California State Association of Counties, the California District Attorneys Association, the California Public Defenders Association, the State Bar of California, civil plaintiffs and defense bars, legal services organizations, and others. Where our positions on issues concur, we form alliances to enhance our advocacy efforts. When our positions on issues differ, we negotiate to reach agreements whenever possible. In support of this ongoing liaison effort, the Chief Justice hosts annual meetings with the leadership of several external organizations to discuss issues of mutual concern.

Statewide Bench-Bar Coalition

The Judicial Council and the State Bar of California coordinate the statewide Bench-Bar Coalition (BBC). The BBC enhances communication and coordinates the activities of the judicial community with the State Bar, including: local, minority and specialty bars associations

and legal services organizations regarding issues of common interest, particularly in the legislative arena.

Day on the Bench Program

The Day on the Bench program is an event in which a legislator spends a day (or portion of a day) in court with a judge in the legislator's district. This program, cosponsored with the California Judges Association, is designed to give legislators an understanding of the volume, complexity, variety, and difficulty of a trial court judge's daily duties and responsibilities.

California Court Association Legislation Committee (CCALC)

The California Court Association Legislation Committee is composed of professional court staff from various courts throughout the state, including court managers, supervisors, and technical staff. Throughout the legislative session, OGA staff confers with CCALC to exchange information on pending legislation and help inform Judicial Council positions.

Publications and Information Services

To facilitate communication, staff distributes the following information on current legislative developments.

Legislative Status Chart –Governmental Affairs prepares a chart that provides an easy reference to all council actions on pending legislation, including Judicial Council-Sponsored legislation.

Table of Bills Affecting Appellate Courts –Governmental Affairs prepares a chart of legislative bills that affect the appellate courts or that respond to California appellate court decisions.

Each year, Governmental Affairs publishes a comprehensive summary of enacted legislation that affects the courts or is of general interest to the legal community. The Legislative Summary includes brief descriptions of the measures, organized by subject. Current and prior-year summaries can be downloaded from the California Courts Website, Court-related Legislation page: http://www.courts.ca.gov/4121.htm

To view bills being tracked by Governmental Affairs visit the California Courts website at *http://www.courts.ca.gov/4121.htm*

A copy of any legislative measure may be obtained from the Bill Room in the State Capitol building by calling (916) 445-2323. Bills and legislative analyses can also be accessed on the Internet at *www.leginfo.ca.gov/bilinfo.html* free of charge.

Information on Judicial Council Directives

Council Directive 145

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to propose to the council a process and policies for pursuing grants. The process should mandate a detailed impact analysis for every grant proposal, including consideration of all anticipated impacts on the workload and resources of the courts and the impacts to the AOC as a whole. Until a process of review and oversight is finalized, the Administrative Director of the Courts must approve the AOC's engagement in all grant proposals and agreements.

SEC Recommendation 6-9

The Executive Leadership Team must develop and make public a description of the AOC's process for determining which grants to pursue. The process should mandate a detailed impact analysis for every grant proposal, including consideration of all anticipated impacts on the workload and resources of the courts and the impacts to the AOC as a whole. Only after such analysis should the Executive Leadership Team make a determination whether the AOC should pursue grant funding.

SEC Recommendation 7-5

The Judicial Council should exercise oversight to assure that grant-funded programs are undertaken only when consistent with predetermined, branch-wide policy and plans. The fiscal and operational impacts of grant-funded programs on the courts should be considered as part of the fiscal planning process.

SEC Recommendation 7-12

The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following.

(f) The Fund Development Group concerns itself with training to obtain grants, seeking grants, and grant reporting. As is the case with other divisions in the AOC, grants should be sought in accordance with well-articulated AOC-wide priorities, as established by the Judicial Council. The Administrative Director and the Judicial Council should develop written policies and guidelines that control the pursuit and acceptance of grants and other funding, including utilizing a cost-benefit analysis.

Reported By:	Court Operations Services
Contact:	Donna Hershkowitz, Director

TASK

[ ] **PENDING**

[x] **COMPLETED: In July of 2013, the Administrative Director of the Courts approved a staff recommendation regarding a new process and policy requiring the use of an AOC Competitive Grant Application Worksheet for pursuing competitive grants. This form was subsequently integrated into a cost-benefit analysis form developed by Finance.**

In July of 2013, the Administrative Director of the Courts approved a staff recommendation regarding a new process and policy requiring the use of an AOC Competitive Grant Application Worksheet for pursuing competitive grants. With respect to the impact analysis, Finance also led a broader review and policy discussion relating to the development of a cost- benefit analysis proposal for the entire council, which affects Directives 7-13, 21, 40, 91, and 145. That new cost-benefit analysis was approved. Because the two forms were in large part seeking the

same information, and to eliminate confusion as to which form needed to be completed, Finance and COS worked together to integrate the two forms. COS staff has worked with directors and offices that have the most history of grant seeking, including CFCC and CJS, to ensure they understand the importance of, and how to use the form. COS staff will continue to reach out to directors and offices to ensure complete understanding of the form and process requirements.

IMPLEMENTATION PROGRESS AS OF MARCH 2015

☐	IMPLEMENTED WITH NO FURTHER ACTION REQUIRED/NEEDED	☐	UNABLE TO IMPLEMENT
x	IMPLEMENTED AND ONGOING	☐	PENDING IMPLEMENTATION
☐	IMPLEMENTED BUT IN PROGRESS		

When considering applying for a competitive grant, the council will continue to utilize Request for Approval of Proposed Project form to fully analyze costs and benefits to ensure that impacts to local courts and the council are identified and that appropriate approvals are provided.

ASSESSMENT OF IMPLEMENTATION

OTHER INFORMATION

Attachments:

- Memo: Judicial Council Directive 145 re Grant Seeking, from Curtis Child to Hon. Steven Jahr, July 30, 2013
- *Revised Joint Request for Approval of Project Proposal/Request for Approval for Seeking Grant Funding*

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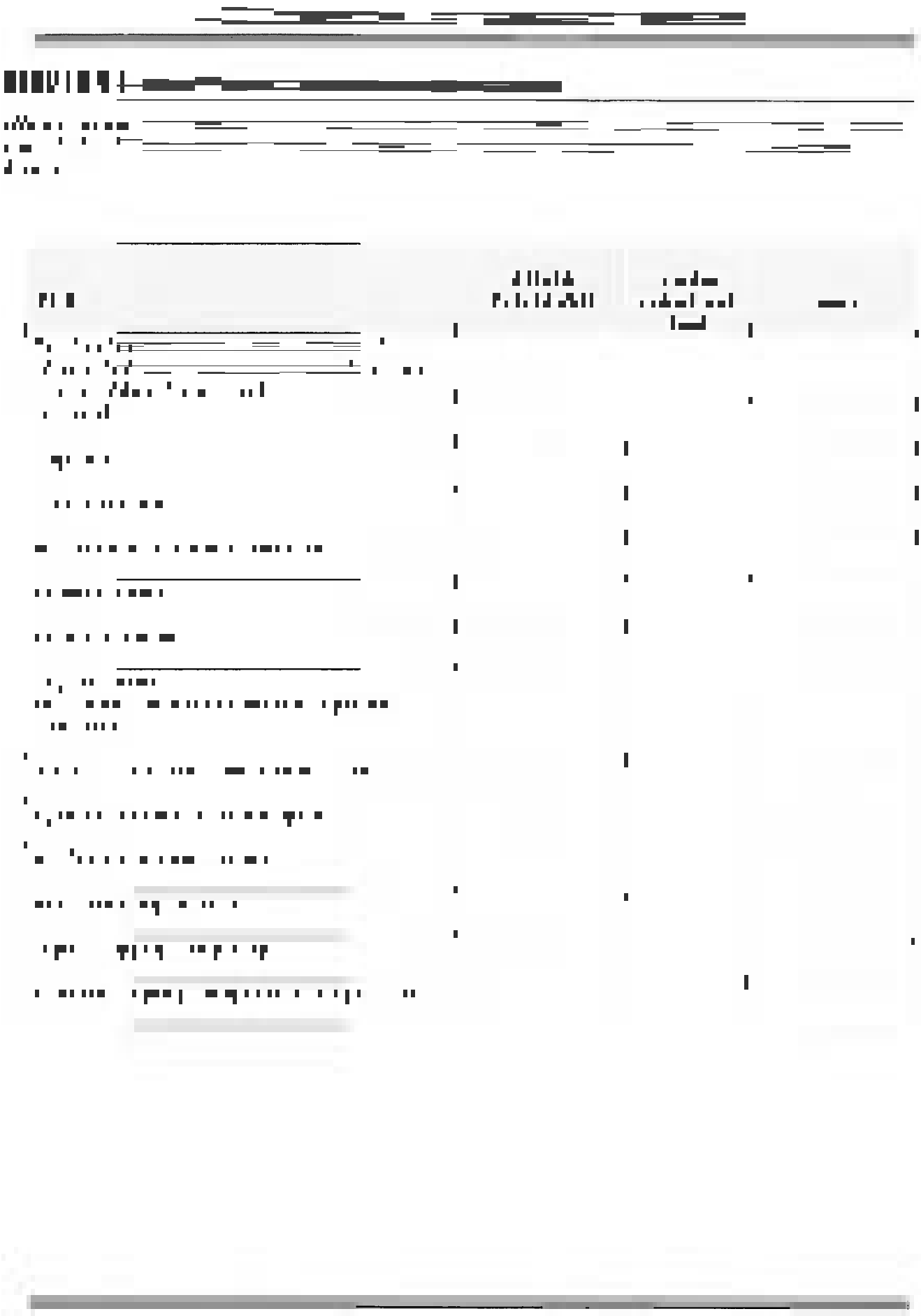

REQUEST FOR APPROVAL OF PROJECT PROPOSAL
REQUEST FOR APPROVAL FOR SEEKING GRANT FUNDING

Rev. 11/25/14

This Project Proposal worksheet is intended to provide key information necessary for leadership to approve, in concept, a proposal to implement a new project or grant. This worksheet can be used across divisions as a cover for any existing process or work order proposal that may already be in place for a particular unit or office. Generally, the worksheet should be used when proposing any new project that will:

- utilize Judicial Council staff time across divisions,
- include local court participation and/or
- require the Judicial Council to enter into a new contract.

Contact fund development staff for assistance with initial approvals and completing this worksheet.

Requesting Office or Division	
Date Prepared	
Contact Information	
Project / Grant Title	
Summary *(Please provide 3 to 4 sentences briefly describing the project/ grant funded activity.)*	
Summarized Estimated Costs *(Please differentiate between one-time and ongoing costs, if applicable.)*	
Proposal Review Routing *(Please select as applicable.)*	_____Human Resources Office _____Legal Services Office _____Fiscal Services Office _____Information Technology Services Office _____Office of Governmental Affairs _____Other _____ _____Other _____
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please describe the scope and direction of the project, including timeline. This description should establish the business case for investment of branch resources and analyze costs and benefits.

Court Partners / Stakeholders

Please list your project's court partners or other stakeholders and what input they have provided in planning and development. Include any steps you took to inform and collaborate with courts and other stakeholders about your project and whether they have agreed to participate.

Impact Analysis

Please describe the anticipated effect on workload and resources on the AOC, courts or other stakeholders directly or indirectly if this project is approved. Consider staff time, additional funding, and other requirements involved in successfully administering and implementing this project. Include offsets where applicable.

Documentation of Decision-Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide attachments where applicable.

Cost Considerations *(If this project is to be grant funded skip to next page)*

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Augmentation Required?								
	N							
	Y		**If YES, indicate fiscal year(s) and associated amount:**					
			FY		**FY**		**FY**		**FY**	
			$		**$**		**$**		**$**	

PROJECT COSTS

1	**Fiscal Year**				**TOTAL**
2	**One-Time Cost**				**$**
3	**Continuing Costs**				**$**
4	**TOTAL PROJECT**	**$**	**$**	**$**	**$**

PROJECT FINANCIAL BENEFITS

5	**Cost Savings/Avoidances**	**$**	**$**	**$**	**$**
6	**Revenue Increase**	**$**	**$**	**$**	**$**

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.

_____ _____

Name (Office Director or Designee) **Date**

For Grant Funded Projects

Funder Name:

Grant Award Range and Amount Requested:

Duration of Funding:

Has the AOC ever received funding from this source before? If so, please describe:

Application due date (for submission on line, or by mail?):

Draft project deliverables and timeline:

**Provide link or attach word document and also please list in box on next page*

Draft budget forms required by the funder:

**Provide link or attach*

Does your budget request indirect or administrative costs? If so, please describe.

List any AOC or court staff positions to be created or proposed as matching contributions:

Position	*New hire/Agency temp/ Redirect existing staff*

Are there any restrictions on/additional issues imposed by funder to consider?

- ☐ Assurances/certifications need to be completed
- ☐ Unique/additional reporting requirements
- ☐ Unique/additional provisions or contracting requirements
- ☐ Specific financial restrictions
- ☐ Match requirements
- ☐ Supplantation issues