



DEPARTMENT OF JUSTICE

Justice Building
1162 Court Street NE
Salem, Oregon 97301-4096
Telephone: (503) 378-4400

May 4, 2015

The Honorable Chip Shields, Co-Chair
The Honorable Jennifer Williamson, Co-Chair
Joint Committee on Ways and Means, Public Safety Subcommittee
900 Court Street NE
H-178 State Capitol
Salem, OR 97301-4048

Dear Co-Chairpersons:

Please accept this letter as response to questions raised by the Subcommittee during the Department of Justice's (DOJ) budget presentation on April 15 and 16, 2015.

Q1. How much has DOJ expended on workers' compensation claims to date?

A1.

Year	Paid Workers' Comp Losses
2014*	\$9,888
2013	\$70,966
2012	\$66,317
2011	\$12,730
2010	\$32,794
2009	\$73,297

*Pending claims may still result in losses.

Q2. Provide more information on the workload justification for the human resource positions?

A2. In 2011, DOJ made changes to the way it handled safety and workers' compensation claims and created a position that was assigned the agency's Safety duties as well as the agency position classification and compensation duties. As a result of those changes, paid workers' compensation claims were reduced from amounts of \$73,297 incurred in 2009 to \$12,730 in 2011. At that time, the position was able to spend at least 50% or more of the time on Safety issues, i.e., focusing on the education of staff, managing existing workers' compensation claims, and providing guidance and support to agency staff, so as to keep safety a priority. As the classification workload grew larger due to projects related to HB2020/4131, the Oregon Management Project, and a growing agency need for re-classification of existing positions due to agency downsizing, limited time to work on safety and workers' compensation duties decreased substantially and paid workers' compensation losses rose to \$66,317 in 2012 and \$70,966 in 2013.

Additionally, this position acts as the Safety Officer for the Department of Justice and provides training and support for 41 Site Safety Officers in 20 DOJ locations throughout Oregon. Under the training and direction provided by this position, Site Safety Officers are assigned management employees who are responsible holding legislative and OSHA required earthquake and evacuation drills, establishing location specific evacuation and threat response plans, training first aid, CPR and AED responders, and coordinating emergency response with local fire and police departments. Without an effective presence to coordinate and bring consistency to this program, safety becomes a secondary issue across the agency and an increase in injuries results.

This position also acts as the Chair of the OR-OSHA required DOJ Safety Committee, maintains the agency's Emergency Action Guide, coordinates OSHA required hearing testing, coordinates the agency's flu shot clinics, coordinates Standard Insurance's ADA related Stay At Work program, provides training to staff in regard to ergonomic related issues in order to reduce motion related injuries, acts as the OR-OSHA Liaison, and is responsible for all OR-OSHA required safety reporting.

When these duties cannot be performed appropriately, safety and wellness is not maintained and the result is demonstrated directly by an increase in Workers' Compensation claims.

Q3. Are 990s on-line?

A3. We have a searchable database that includes summary information taken from the 990. <http://www.doj.state.or.us/charigroup/pages/searchcharities.aspx>. In addition, people can request copies by telephone or email and we will send the reports to them at no charge. The reports filed with our office sometimes include information in addition to the 990, such as audited financial statements, and we generally have the reports before the 990s are available on websites like Guidestar.

Q4. Has DOJ considered all options concerning the legal case management system replacement, and is LFO involved?

A4. Currently the legal divisions use an in-house, custom-built case management tool that is customized into 15 different implementations to support the various divisions and individual sections within each legal division. In addition to the in-house built case management system, the divisions also use a document management system, a time and billing system, e-discovery tools, an invoicing system and the Microsoft Office suite. Each of these systems is partially integrated together using custom batch systems and custom-built interfaces. These solutions were architected in the late 1990s and early 2000s and at the time were considered modern tools that enabled the performance of DOJ legal staff. Now 15 years later, these systems present a disjointed, cumbersome and difficult to use experience for the staff in the various divisions. Much of the work performed by staff in this environment is manual, which in turn is directly related to the lack of automated and integrated tools for the legal profession.

In our work developing this project concept we looked at all of the systems used by the legal divisions, analyzed the critical problems with, and shortcoming of, these systems, and worked to understand the current and changing needs of the legal business processes. We also researched the COTS market for products that offer integrated functionality that could meet the needs of our many diverse legal divisions and work units, this functionality includes such things as document management, case management, event calendaring, email integration, and time and billing. This research confirmed that there are COTS products on the market that will meet the business needs; we also discovered that these products are not inexpensive nor are the infrastructure pieces and professional services necessary to implement them. Implementing COTS products dramatically reduces the need for internal DOJ staff to support and maintain the system, and eliminates our current risk of personnel retiring who are the only ones who understand and know how to support and maintain the current, antiquated system.

LFO and the Office of the State CIO are both aware of this project and, should funding approval be gained, both will be involved in the oversight of this project as will an independent Quality Assurance provider.

Q5. What is driving the change in personal services included in the legal rate (e.g., percent of COLA, merits, etc.)?

A5. The change in personal services from the 2013-15 biennium to the 2015-17 current service level within the Legal Fund totals \$9.1 million. Of that amount, 41%, or \$3.8 million, is attributable to the cost of living adjustments granted during the biennium. Merit increases accounted for 37%, or \$3.3 million, of the increase. Of the authorized positions, 24% received two merit increases, 12% received one merit increase, and 34% received no merit. The remaining positions, 29%, included changes such as attrition, new positions, or deleted

May 4, 2015

Page 4

positions. Further, the proposed hourly rate for attorneys includes a prospective estimate for cost of living adjustments and merits that will be subject to bargaining.

Q6. Do charities pay fee based on net or gross revenue?

A6. Fees are paid on gross revenue. In addition, there is an asset fee based on investment assets and savings, as opposed to buildings used for charitable programs.

Q7. How many hours are dedicated to capital cases?

A7. The 2013-15 legislatively adopted budget included an estimate of 19,183 hours. As of April 15, 2015, a total of 10,992 hours have been billed to capital cases.

If we can provide additional information on any of these topics, do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Frederick M. Boss".

FREDERICK M. BOSS
Deputy Attorney General

Cc: John Borden, Legislative Fiscal Office