

ANALYSIS

Item 8: Public Defense Services Commission Facilities Manager Reclassification

Analyst: John Borden

Request: Reclassify a Procurement Analyst 1 position to a Manager 2 and allocate \$95,155 General Fund support for the remainder of the 2021-23 biennium.

Analysis: The Public Defense Services Commission (PDSC) is requesting that the Emergency Board retroactively fund the reclassification of a Procurement Analyst 1 position to a Manager 2 at an incremental cost of \$95,155 General Fund for the 2021-23 biennium, with a similar incremental cost assumed for future biennia. PDSC's Manager 2 is approximately equivalent to a Principal Executive Manager D classification in the Executive Branch.

PDSC administratively reclassified the position in August 2020 outside of the budget process. PDSC has acknowledged missing at least two opportunities to formally reclassify the position in the state budget system. The position action was an internal promotion and not part of an open competitive recruitment process. The Manager 2 position has no direct reports. Since August of 2020, PDSC has been self-funding the differential cost of the reclassification at an estimated cost of \$47,078 General Fund per year. The following table summarizes the cost difference between the two classifications.

Classification	Salary Range	Step	Budgeted Step	Salary and Wages	Other Payroll Expense	Biennial Total Cost	Annual Total Cost
Procurement Analyst 1	24	8	\$6,870	\$164,880	\$79,601	\$244,481	\$122,241
Manager 2	30	8	\$10,014	\$240,336	\$98,300	\$338,636	\$169,318
Difference			<\$3,144>	<\$75,456>	<\$18,699>	<\$94,155>	<47,078>

Since the submission of the agency's letter, a discrepancy was noted and PDSC has requested to modify the request to \$94,155 General Fund or \$1,000 less than originally requested.

PDSC currently leases a total of 31,463 square feet of office space, including 26,401 square feet for in two buildings located in Salem, Oregon and 5,062 square foot in the Multnomah County Courthouse, located in Portland, Oregon. The Multnomah County Courthouse space is for a "Public Defense Resource Center (PDRC)," whose purpose is to provide meeting space for Portland public defenders as well as offices for state Appellate Division staff and managing trial-level provider or hourly attorneys. PDSC Human Resources reviewed the position classification after the number of agency locations expanded to three and the requested increase aligns budgeted resources with the current position classification.

Recommendation: The Legislative Fiscal Office recommends that the Emergency Board allocate \$94,155 from the Emergency Fund to the Public Defense Services Commission - Administrative Services Division to fund the reclassification of a Procurement Analyst 1 position to a Manager 2.

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Public Defense Services Commission
Gibson

Request: Allocate \$0.1 million from the State Emergency Fund and reclassify one permanent, full-time position from a Procurement Analyst 1 position to a Manager 2 for purposes of providing building management to all three building locations.

Recommendation: The Public Defense Services Commission is not under Executive Branch budgetary authority.

Discussion: The Public Defense Services Commission (PDSC) underwent a restructuring of its administrative positions in 2020. During the restructure, PDSC opened two additional locations. The opening of these locations increased the duties and responsibilities of the current position managing the facilities. A formal classification review was conducted by the Human Resources Office, which determined the current Procurement Analyst 1 position was more accurately classified as a Manager 2.

The Agency acknowledges inadvertently missing this specific position in the prior permanent finance plan submitted in August 2020, as well as during the 2021-23 biennial budget development. PDSC is now requesting an allocation of \$94,155 General Fund to finalize the reclassification of the Procurement Analyst 1 position to a Manager 2.

To date, the Agency has self-funded the financial difference between the two classifications but indicates concerns over the ability to self-fund in the future. PDSC is anticipating potentially increasing expenses related to post-pandemic court activity increases.

Legal Reference: Allocation of \$94,155 from the State Emergency Fund to supplement the appropriation made by chapter 444, section 1(8), Oregon Law 2021, for the Public Defense Services Commission, Administrative Services Division for the 2021-23 biennium.



Oregon

Public Defense Services Commission

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May 2, 2022

The Honorable Senator Peter Courtney, Co-Chair
The Honorable Representative Dan Rayfield, Co-Chair
Joint Emergency Board
900 Court Street NE
H-178 State Capitol
Salem, OR 97301-4048

Dear Co-Chairpersons:

Nature of Request

The 2021-23 Legislatively Adopted Budget, HB 5030, established the operating budget authority for the Public Defense Service Commission (PDSC). HB 5030 (2021) changed the way the PDSC was structured and how it delivers services. Among the newly created divisions, was the Administrative Services Division, which is tasked with providing agency-wide administrative support for central services. During the restructuring of PDSC the reclassification of one of the key positions that supports the PDSC by providing facilities management to all of its three building locations, and by supporting the agency in basic agency procurement, was not completed. The purpose of this letter is to request the approval for the position reclassification of a Procurement Analyst 1 position to a Manager 2, and the General Fund support for the second fiscal year of the 2021-23 biennium.

Agency Action

In June of 2019, all business services classifications were reviewed by the Human Resources office for the first time in the history of the PDSC. This position was classified as a procurement analyst based on the duties assigned at the time of the review.

In July of 2020, the PDSC opened two new locations, for a total of three, and the Executive Director at that time requested a classification review for this position with consideration of changes due to the expansion of locations. The Human Resources office upon completing a classification review determined that the position was clearly that of a facilities manager based on the new level of responsibility and needed increase of decision making and spending authority. In accordance with PDSC policy the incumbent was authorized to be paid at that Manager 2 level since the duties associated with position were important and necessary for the success of the agency.

In August of 2020, the PDSC submitted a permanent finance plan, and this position was inadvertently not considered in that process. As this action was not taken in the agency's

permanent finance plans, it was not brought forward at any subsequent Joint Emergency Board nor was it considered as a part of a policy option package for the 2021-23 biennial budget build. In fairness to the employee and the significant increase in the duties and responsibilities the employee now handles, the classification of those similarly situated in other state agencies, as well as to maintain the fairness and integrity of the agency's internal pay structure, this reclassification is long overdue and need to be addressed now. The agency has been self-funding the difference between the classification levels until now. However, given the agency's overall budget picture, and particularly the significant risk that moving out of the pandemic will lead to significant increases in court activity and therefore agency costs which may potentially lead to a significant budget deficit, it is important to address the reclassification and associated funding now.

Action Requested

The PDSC requests the position reclassification of a Procurement Analyst 1 position to a Manager 2, and the \$95,155 General Fund support for remainder of the 2021-23 biennium.

Legislation Affected

Oregon Law 2021 Chapter 444, section 1 (8).

Sincerely,



Stephen I. Singer
Executive Director

cc:

Amanda Beitel, Legislative Fiscal Officer
John Borden, Principal Legislative Analyst, LFO
George Naughton, Chief Financial Officer
Wendy Gibson, Policy and Budget Analyst, CFO