

ANALYSIS

Item 8: Public Defense Services Commission Compliance, Audit, and Performance Management Division Positions

Analyst: John Borden

Request: Allocate \$305,051 General Fund and establish three limited duration positions (0.87 FTE) for the Compliance, Audit, and Performance Management Division.

Analysis: The Public Defense Services Commission (PDSC) is requesting \$305,051 General Fund and the establishment of three limited duration positions (0.87 FTE) for the Compliance, Audit, and Performance Management Division (CAP). The Emergency Board is also considering a budget note report from PDSC on a comprehensive program plan for the CAP, which informs this analysis and recommendation (Item #5).

The 2021-23 legislative approved budget for CAP totals \$4.7 million General Fund includes 13 positions (11.27 FTE). The positions include: two permanent full-time Research Analyst-4 (1.50 FTE); two limited duration Operations and Policy Analyst-2 (1.76 FTE); and two permanent full-time Internal Auditors (1.76 FTE). The CAP budget temporarily houses legal operational staff of the Trial Criminal and Juvenile Divisions, including the Chief Trial Criminal Defender (0.75 FTE) and three Deputy Defenders (2.50 FTE) and the Chief Juvenile Defender (1.00 FTE) and two Deputy Defenders (2.00 FTE), who are responsible for direct program administration and to establish policy, procedure, and guidelines for each division as well as provide training and other assistance to providers. These non-CAP positions will be transferred to their respective programs, as part the 2023-25 budget process.

The requested limited duration positions include: one General Counsel attorney for Legal Program Manager/implementation management (0.29 FTE); one Program Manager 3/Research Manager (0.29 FTE); and one Operations and Policy Analyst-4 for policy development (0.29 FTE). The positions have a proposed start date of December 1, 2022. The CAP division has a forecasted General Fund surplus of \$352,533 through the end-of-the biennium, which would be sufficient for the agency to self-fund this request.

PDSC states that the three positions would be integral to the development of the Financial and Case Management System, however, the development of that system resides in the Administrative Services Division. In addition, the 2022 Legislature fully funded PDSC's budget request to restart the Financial and Case Management System by appropriating \$743,588 General Fund and authorizing the establishment of two positions (1.26 FTE).

The Legislative Fiscal Office (LFO) recommends that only the General Counsel position be approved, but as a permanent full-time position rather than limited duration. The recommendation is for the position to have an effective date of January 1, 2023 (0.25 FTE), thereby providing PDSC's newly appointed permanent executive director the ability to hire the position. This position, if approved, would place the management of the CAP division and the compliance function on par with most other legal program division chiefs within PDSC. This General Counsel position is needed to redress the material deficiencies noted in the CAP report to the Emergency Board and to manage and supervise the existing resources within the division. Additional position authority may be needed for the CAP division in the future, but

only after a comprehensive program plan for CAP can be reconciled with legislative direction. Consideration of additional positions for CAP should take place when the agency's budget is under development by the 2023 Legislature.

Recommendation: The Legislative Fiscal Office recommends that the Emergency Board allocate \$121,649 General Fund to the Public Defense Service Commission and authorize the establishment of one permanent full-time General Counsel position (0.25 FTE) to serve as the Division Chief of the Compliance, Audit, and Performance Management Division.

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Public Defense Services Commission
Gibson

Request: Allocate \$0.3 million from the State Emergency Fund and establishment of three limited duration, full-time positions (0.87 FTE) for the Compliance, Audit, and Performance Management Division.

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

Discussion: The Public Defense Services Commission is requesting three limited duration positions (0.87 FTE) in the Compliance, Audit, and Performance (CAP) Division. The positions will collectively focus on incorporating the required data elements necessary to develop the Financial Case Management System by May 2023. The funding request assumes a start date of December 1, 2022.

Position Requested and Purpose	Position	FTE	General Fund
General Counsel Provide leadership, oversight and legal expertise required to implement the first stage of the CAP program plan.	1	0.29	\$ 125,344
Program Manager 3 Provide leadership, oversight and research expertise required to implement the first stage of the CAP program plan.	1	0.29	\$ 98,658
Operations and Policy Analyst 4 Develop CAP policies and procedures required to implement the first stage of the CAP program plan	1	0.29	\$ 81,049
Request Total:	3	0.87	\$ 305,051

Legal Reference: Allocation of \$305,051 from the State Emergency Fund to supplement the appropriation made by chapter 444, section 1(2), Oregon Laws 2021, for the Public Defense Services Commission, Compliance, Audit and Performance Division for the 2021-23 biennium.



Oregon

Public Defense Services Commission

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August 26, 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-Chairs:

Nature of the Request

The Public Defense Service Commission (PDSC), through the Office of Public Defense Services (OPDS), Compliance and Audit Division requests \$305,051 General Fund and position authority for three limited duration positions: one limited duration General Counsel, one limited duration Program Manager 3, and one limited duration Operations and Policy Analyst 4 position for the remainder of the 2021-23 biennium. This request is to ensure that the agency can make timely progress on the Compliance, Audit, and Performance Division plan, which is necessary to ensure that data elements essential to CAP's implementation are incorporated into the development of the Financial Case Management System (F/CMS). The data elements and specifications for the F/CMS must be in place no later than May 2023.

Agency Action

The agency requests limited duration funding for the following positions through the end of the biennium:

General Counsel: The PDSC is requesting a limited duration Legal Program Manager (General Counsel/1FTE) to provide legal expertise, leadership, oversight and implement the first stages of the Compliance, Audit, and Performance Five-Year Program Plan. As the CAP Program lead this position is essential to the successful implementation of the CAP Program Plan. This position works collaboratively with Trial Division Leadership, the Research Manager, and the Program and Policy Design Manager, Finance Manager and the IT/Data teams. The plan requires that the agency have metrics and measures necessary for the monitoring and evaluation of public defense services in place by early spring of 2023 in order to inform the development of the F/CMS.

Program Manager 3: The PDSC is requesting a limited duration Research Manager (Program Manager 3) to provide research expertise, leadership, and oversight and implement the first stages of the Compliance, Audit, and Performance Five-Year Program Plan. This position will

work closely with the Legal Program Manager and Policy Manager to ensure successful implementation of the CAP Five-Year Program Plan and HB 2003. HB 2003 requires that the agency develop workload models for all types of cases that the agency contracts for, including but not limited to adult criminal, juvenile dependency, and juvenile delinquency case types. Research expertise is necessary to guide the development of these workload and program evaluation models and ensure that the data elements are incorporated into the F/CMS no later than May 2023.

Operations and Policy Analyst 4: The PDSC is requesting a limited duration Operations and Policy Analyst 4 position to develop policies and processes to support the development and build-out of the Compliance Audit and Performance Division and implementation of the initial stages of the CAP Program Plan. This position will collaborate with the F/CMS project leaders and the Policy Team to ensure deadlines for policy and process needed for reporting and other CAP goals that intersect with the development of the F/CMS are met.

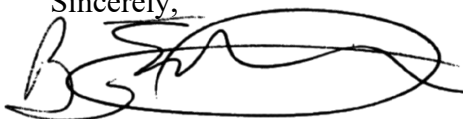
Action Requested

Public Defense Services Commission that the committee approve this request for \$305,051 General Fund, (0.87) FTE and position authority for one limited duration General Counsel (\$125,344.- 0.29 FTE), one limited duration Program Manger 3 (\$98,658 – 0.29 FTE), and one limited duration Operation and Policy Analyst 4 (\$81,049 - 0.29 FTE), for the remainder of the 2021-23 biennium.

Legislation Affected

Oregon Law 2021 Chapter 444, Section 1, (2)

Sincerely,

A handwritten signature in black ink, appearing to read "B. DeForest", written over a horizontal line.

Brian E. DeForest
Deputy 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