

ANALYSIS

Item 32: Employment Department Office of Administrative Hearings

Analyst: Michelle Deister

Request: Increase Other Funds expenditure limitation by \$183,362 and establish one permanent full-time Legal Secretary position (1.00 FTE) to restore an Office of Administrative Hearings position that was erroneously eliminated.

Analysis: During development of the 2023-25 budget, the Employment Department submitted a budget for the Office of Administrative Hearings that inadvertently eliminated a permanent Legal Secretary position, due to an error in keying position information into the Position Information Control System during the 2023-25 budget development process. The agency's request for restoration of that position is for the entire 24 months of the current biennium and includes associated services and supplies.

The position is currently vacant, so Other Funds expenditure limitation to support a full 1.00 FTE in the 2023-25 biennium is unnecessary. In addition, there is no evidence that limitation for services and supplies expenditures associated with the position were removed from the agency's current service level budget. The Legislative Fiscal Office factors both of these issues into its recommendation, providing Other Funds limitation to cover position costs for the remaining 15 months of the biennium.

Recommendation: The Legislative Fiscal Office recommends that the Joint Interim Committee on Ways and Means recommend including an increase of \$99,436 in the Other Funds expenditure limitation and authorizing the establishment of one permanent full-time position (0.63 FTE) for the Employment Department in a budget reconciliation bill during the 2024 legislative session to restore an Office of Administrative Hearings position that was erroneously eliminated.

Request: Increase Other Funds expenditure limitation by \$183,362 and establish one permanent, full-time Legal Secretary position (1.00 FTE) in the Office of Administrative Hearings.

Recommendation: Approve the request during the 2024 Legislative Session, with the following modification: increase Other Funds expenditure limitation by \$99,436 and establish one permanent, full-time Legal Secretary position (0.63 FTE) in the Office of Administrative Hearings.

Discussion: The Oregon Employment Department (OED) requested one permanent, full-time Legal Secretary position (1.00 FTE) for the Office of Administrative Hearings (OAH) to correct the inadvertent elimination of one Legal Secretary position during the 2023-25 budget development process. OED requested the position be established for 24 months to provide additional Other Funds expenditure limitation to mitigate unbudgeted Personal Services costs.

Since OAH Legal Secretary positions are difficult to fill, the agency hires temporary workers and provides training to enable the individuals to meet the minimum qualifications to fill future vacancies.

OAH has five vacant Legal Secretary positions, four of which are funding the employment of unbudgeted temporary workers. Due to the number of existing vacant positions, the recommendation was modified to establish one permanent, full-time Legal Secretary position for 15 months (0.63 FTE) with an estimated cost of \$99,436.

Legal Reference: Increase the Other Funds expenditure limitation established by chapter 379, section 1(2), Oregon Laws 2023, for the Employment Department, Office of Administrative Hearings for \$99,436 for the 2023-25 biennium.



Oregon

Tina Kotek, Governor

Employment Department

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December 4, 2023



Senator Elizabeth Steiner
Representative Tawna Sanchez
Joint Interim Committee on Ways and Means
900 Court Street NE
H-178 State Capitol
Salem, Oregon 97301-4048

RE: Restoration of one OAH position

Dear Co-Chairpersons,

Nature of the Request

The Oregon Employment Department is requesting the restoration of one position eliminated during the budget development process. The position was erroneously removed from the Office of Administrative Hearings (OHA).

The Office of Administrative Hearings provides Oregonians and businesses an independent and impartial forum to dispute actions against them. The Office of Administrative Hearings holds contested case hearings (dispositions) referred by over 80 Oregon agencies, boards, and commissions. These hearings are constitutionally required to give Oregonians and businesses a chance to dispute actions taken by the state that may affect their individual interests.

Although the Office of Administrative Hearings is established within the Employment Department, and the agency is responsible for providing administrative services to the Office of Administrative Hearings, the Chief Administrative Law Judge is appointed by the Governor and has independent statutory authority to manage the Office of Administrative Hearings.

This request is for the restoration of a Legal Secretary (1 position, 1.0 full-time-equivalent) with an approximate value of \$183,362 other funds that was erroneously phased out in the 2023-25 budget development process.

The legal secretary position does complex administrative secretarial work for judges, attorneys, investigators, and hearings officers. Duties completed by this position support legal proceedings, which includes the preparation of legal documents, records maintenance, researching legal information, docketing, and coordination with parties or their legal representation.

Agency Action

During the development of the department's current service level budget, there was one permanent full-time position in the Office of Administrative Hearings that was phased out in error during the review of the agency's positions, specifically position #2104028 Legal Secretary (OAH C0110 AP). In order to mitigate the duplication of this error in future biennial periods, OED has identified additional steps in our process to enhance this process. These steps include adding a refresher training at the beginning of our development process and a quality assurance review.

Action Requested

OED respectfully requests your review and approval to restore one permanent full-time Legal Secretary position (1.0 FTE) within the Office of Administrative Hearings, SCR number 47100-010-40-00-00000.

Legislation Affected

The approval of this request increases Chapter 379 Section 1 (2) by \$183,362 in Other Funds for a revised total of \$40,035,160 Other Funds.

Sincerely,



David Gerstenfeld, Director
Oregon Employment Department

cc: Amanda Beitel, Legislative Fiscal Officer
Kate Nass, Chief Financial Officer
Tamara Brickman, Department of Administrative Services
Michelle Deister, Legislative Fiscal Office
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