

ANALYSIS

Item 4: Public Defense Services Commission Executive Branch Transfer

Analyst: John Borden

Request: Allocate \$1,900,000 General Fund from the special purpose appropriation to the Emergency Board for transfer of the Public Defense Services Commission from the judicial to the executive branch of government and authorize the establishment of eleven positions (6.54 FTE).

Analysis: The Public Defense Services Commission (PDSC) is requesting supplemental resources for the agency's pending transfer from the judicial to the executive branch of government operative on January 1, 2025. The Legislature renamed PDSC to the Oregon Public Defense Commission (OPDC) with an operative date of January 1, 2024 (SB 337, 2023). For the purposes of this request and recommendation, the agency will continue to be referred to as PDSC to remain consistent with the agency's request letter and current Oregon chapter law.

PDSC is requesting an allocation of \$1.9 million General Fund from a special purpose appropriation for the transfer and authorization to establish 11 permanent full-time positions (6.54 FTE). The 2025-27 biennial cost totals \$3.8 million General Fund and 11 permanent full-time positions (11.00 FTE).

PDSC's request includes one permanent full-time Commission Administrator (0.63 FTE); one permanent full-time Records and Administrator Rules Coordinator (0.50 FTE); one permanent full-time Human Resources Analyst 2 (0.50 FTE); one permanent full-time Chief Data Officer (0.50 FTE); two permanent full-time Information Technology Specialist 4 positions (1.26 FTE); three permanent full-time Information Technology Specialist 3 positions (1.89 FTE); one permanent full-time Information Technology Specialist 2 (0.63 FTE); and one permanent full-time Information Technology Specialist 1 (0.63 FTE). The positions were requested for under the Executive Services Division. Except for the Commission Administrator position, the 10 other positions should have been requested either under the Compliance, Audit, and Performance Division or the Administrative Services Division, where the functionality and budget authority for the positions resides within the agency.

In 2023, the Legislature transferred the Commission from the judicial branch to the executive branch of government with an operative date of January 1, 2025 (SB 337). A key component of this transfer is the transitioning of the Commission's information technology to the executive branch. This effort is currently being overseen by a workgroup comprised of PDSC, the Oregon Judicial Department (OJD), and the Department of Administrative Services - Enterprise Information Services (DAS-EIS). An initial fit-gap analysis shows that at least 85% of PDSC's information technology can transition to the executive branch systems and services relatively easily. Of note, is that PDSC has been relying on OJD for servers, network infrastructure, and related technical services. In addition, PDSC has had a somewhat limited Information Technology Section after having been disbanded administratively by the agency in December 2019 and then reestablished by the 2021 Legislature. Furthermore, PDSC's Chief Information Officer (CIO) recently announced his retirement effective December 31, 2023. PDSC anticipates hiring a new CIO by March 2024.

On December 22, 2023, and after consultation with DAS-EIS, PDSC submitted a revised request, which now includes one permanent full-time Office Specialist-2 for the Multnomah County Courthouse (0.63 FTE); one permanent full-time Human Resources Analyst 2 (0.63 FTE); one permanent full-time Information Technology Specialist 4 for server support (0.63 FTE); one permanent full-time Information Technology Specialist 4 for Microsoft 365 support (0.63 FTE); one permanent full-time Information Technology Specialist 3 for webservices/Application Programming Interface support (0.63 FTE); and one permanent full-time Information Technology Specialist 3 for mobile device support (0.63 FTE). The revised request totals \$1.2 million General Fund and six positions (3.78 FTE). The 2025-27 biennial cost totals \$2 million General Fund and six permanent full-time positions (6.00 FTE).

PDSC's revised request also included the following positions; however, PDSC states that the approval of these positions could be deferred until a future Emergency Board. The positions include: one permanent full-time Information Technology Specialist 3 to serve as the Chief Data Officer (0.46 FTE); one permanent full-time Information Technology Specialist 3 for a Web Service Developer (0.46 FTE); one permanent full-time Information Technology Specialist 2 for a Desktop Support (0.46 FTE); and one permanent full-time Information Technology Specialist 1 for a Triage Support (0.46 FTE).

Deferring the legislative authorization of the second-tier positions is prudent to allow the agency's information technology transfer plan to be finalized and for the agency's new CIO to have input on any needed positions, especially since some work may be outsourced to either DAS' managed services or possibly a third-party vendor.

The Legislative Fiscal Office will need to work with PDSC to breakout the agency's request by appropriations, as is standard budget protocol, and as should have been done in both the agency's original and revised requests.

Recommendation: The Legislative Fiscal Office recommends that the Joint Interim Committee on Ways and Means recommend appropriating \$1,238,810 General Fund, with a corresponding decrease in the special purpose appropriation to the Emergency Board for the transfer of the Public Defense Services Commission to the executive branch, and authorizing the establishment of six permanent full-time positions (3.78 FTE) for the Public Defense Services Commission in a budget reconciliation bill during the 2024 legislative session for transfer from the judicial to the executive branch of government.

Public Defense Services Commission Gehring

Request: Allocate \$1,893,205 from the Special Purpose Appropriation made to the Emergency Board for the transfer of the Public Defense Services Commission (PDSC) to the Executive Branch and establish 11 permanent, full-time positions (6.54 FTE) identified in gap analysis for the agency transfer.

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

Discussion: PDSC is requesting allocation from a Special Purpose Appropriation dedicated for transferring PDSC to the Executive Branch in Senate Bill 5506 (2023) to fund strategic agency positions identified through a gap analysis at an estimated cost of \$1.9 million General Fund for 11 positions (6.54 FTE) for the remainder of the 2023-25 biennium.

Information Technology positions

PDSC requests seven permanent IT positions (4.41 FTE) priced at \$1.3 million, which were identified through a comprehensive information technology services plan submitted to the Legislature in 2022. These positions will fulfill IT functions to support the transition and ongoing maintenance of the PDSC IT infrastructure to the Executive Branch. This analysis assessed the services the Oregon Judicial Department was providing PDSC alongside IT services that could be provided by the Oregon Department of Administrative Services (DAS) if the Department no longer had support from OJD.

Classification / Positions (#)	Purpose(s)	2023-25 Total FTE	2023-25 Cost (\$)
Information Technology Specialist 1 / 1	Triage, tier 1 issue support	0.63	134,099
Information Technology Specialist 2 / 1	Desktop support, hardware/software	0.63	170,551
Information Technology Specialist 3 / 3	Web services development and integration, mobile device management, backup all other IT	1.89	571,686
Information Technology Specialist 4 / 2	Server support, M365 administration	1.26	427,146
			\$1,303,482

Administrative positions

PDSC has also identified several administrative positions to assist in the move to the Executive Branch through modernization and reporting efforts. PDSC requests \$0.6 million and permanent position authority for a Chief Data Officer (0.50 FTE), Commission Administrator (0.63 FTE), a Records and Administrative Rules Coordinator (0.50 FTE), and a Human Resources Analyst 2 (0.50 FTE).

Classification / Positions (#)	Purpose(s)	2023-25 Total FTE	2023-25 Cost (\$)
Chief Data Officer / 1	Oversight, management, policy development, "data security and independence"	0.50	170,214
Commission Administrator / 1	Commission support	0.63	152,965
Human Resources Analyst 2 / 1	Recruitment support, FMLA/OFLA expertise, and employee engagement	0.50	131,596
Records and Administrative Rules Coordinator / 1	Administrative rules oversight, policy and procedure review and update, record retention, training	0.50	134,948
			\$589,723

PDSC estimates the cost of these positions at \$3.75 million General Fund (11 positions, 11.00 FTE) for the 2025-2027 biennium.

Legal Reference: Increase the General Fund appropriation made by chapter 481, section 1(1), Oregon Laws 2023, for the Public Defense Services Commission, Executive Division, by \$1,893,205 for the 2023-25 biennium.

Decrease General Fund special purpose appropriation made to the Emergency Board by chapter 605, section 113(1), Oregon Laws 2023 for the transfer of the Public Defense Services Commission to the executive branch, by \$1,893,205 for the 2023-25 biennium.



Oregon

Public Defense Services Commission

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December 4, 2023

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

Dear Co-Chairs:

Nature of the Request

The Public Defense Services Commission (PDSC) is requesting access to the \$5 million Special Purpose Appropriation for transferring the Public Defense Services Commission to the executive branch in SB 5506 (2023) to fund strategic agency positions identified through a gap analysis at an estimated cost of \$1.9 million General Fund for 11 positions (6.54 FTE) for the remainder of the 2023-2025 biennium. The 2025-2027 biennial costs are estimated at \$3.75 million General Fund for 11 positions (11.00 FTE).

Agency Action

Strategic Positions

Through a GAP analysis based on the legislatively requested agency remediation plan, the agency has determined the need for various positions that will help with the smooth transition of the Public Defense Services Commission into the Executive Branch.

1. Information technology services are required to ensure the agency has the staffing to address the move to the Executive Branch. An additional \$1.3 million in General Fund will create seven Information Technology Specialists (ITS) for a combined 4.41 FTE. These positions were identified through a gap analysis of what services the Oregon Judicial Department is currently providing vs. what services will be provided by the Oregon Department of Administrative Services (DAS). The remaining set of work will be done by the agency with the addition of these positions. This request directly ties to the remediation issue of evaluating the current IT structure and identifying needs. These positions will have a 2025-2027 roll up costs of \$2.5 million General Fund (7 positions and 7.00 FTE).

The positions include:

- a. **ITS4 (1 position, 0.63 FTE)** A server support IT position involves maintaining the integrity and smooth operation of an organization's server systems. This

includes installing, configuring, updating, and troubleshooting servers to ensure optimal performance. Additionally, the role may involve implementing backup procedures, assessing system performance, and collaborating with other IT professionals to optimize server functionality. - (Server)

- b. **ITS4 (1 position, 0.63 FTE)** A Microsoft 365 (M365) administrator is responsible for managing the day-to-day operations of the M365 environment, which includes adding new users, creating groups, and setting permissions, managing the deployment of new features or functionality. Additionally, this position will manage OneDrive, ensuring that files are stored, shared, and synced across devices efficiently and handle the management of third-party licenses. M365/Licensing/One Drive /3rd party licensing [Adobe, Snaggit, etc.]
 - c. **ITS3 (1 position, 0.63 FTE)** A web services integration specialist is a key technical role that focuses on the seamless integration of diverse web systems and applications. This professional ensures that various web services and APIs interact effectively, enabling smooth data flow and functionality across platforms. Expertise in API protocols, data formats, and integration methodologies is crucial for the efficient operation of interconnected web systems. Additionally, this position will act as server support backup. (Integrations)
 - d. **ITS3 (1 position, 0.63 FTE)** A mobile device management specialist oversees the entire spectrum of mobile device management, which includes configuring, deploying, and scheduling updates for iDevices. This role ~~also~~ extends to managing enterprise antivirus and antimalware solutions across all devices, including workstations, ensuring a secure and efficient digital environment.
 - e. **ITS3 (1 position, 0.63 FTE)** A web services developer oversees configuring and managing access to SharePoint, ensuring a secure and efficient collaborative environment. Additional duties include designing and maintaining online forms using tools like Nintex, facilitating easy access and service requests for both internal and external parties. (Web Services)
 - f. **ITS2 (1 position, 0.63 FTE)** A desktop support position to cover increases in staff and additional locations. This position will assist the other desktop support positions with workstation installations, hardware setup and troubleshooting. (Desktop)
 - g. **ITS 1 (1 position, 0.63 FTE)** A triage specialist is responsible for handling incoming calls, creating and routing tickets as necessary. This position serves as the primary internal tier 1 support, ensuring that all issues are addressed promptly and efficiently. (Triage/Ticketing)
2. Administratively the agency requires \$152,965 in General Fund for a **Commission Administrator (0.63 FTE)** to support the agency's Commission. The addition of a commission administrator will streamline Commission communications, meeting materials, and scheduling for the new Commission. The complexity of issues the Commission is addressing increasingly requires additional staff work to prepare for meetings. The agency currently has one executive assistant that is supporting the Commission, the Executive Director, the Deputy Director as well as providing general support for the central office staff.

The commission administrator would provide all support for the commissioners including subcommittees. This position would directly help address the identified remediation issues of strengthening the relationship between the agency and commission, as well as helping the commission to better address issues within the public defense system. With the formation, or planned formation, of multiple subcommittees, and the commitment by the agency to provide all meeting materials ten days in advance, this position is essential to meeting those goals. This position will have a 2025-2027 roll up cost of \$298,806 General Fund (1 position and 1.00 FTE).

3. The agency is requesting \$134,948 General Fund for one **Records and Administrative Rules Coordinator (0.50 FTE)**. The transfer of the agency to the Executive Branch on January 1, 2025, will require the agency to adhere to new rules and processes. This position would be responsible for overseeing agency administrative rules, ensuring that rules are filed in accordance with Oregon Revised Statutes, ensuring staff are trained in how to write administrative rules, preparing annual rules reports to the legislature. As the records coordinator this position will be responsible for coordinating with agency leadership to create and maintain a records retention schedule as well as managing the disposition of all records no matter the format. This position fills the gap identified for the issue "Review and update as necessary statutes, policies, and procedures that govern the commission and agency." This position will have a 2025-2027 roll up cost of \$220,481 General Fund (1 position and 1.00 FTE)
4. There is a need for an additional \$170,214 General Fund that will be used to establish one **Chief Data Officer (0.50 FTE)**. This is another requirement the agency will be responsible for with the transition to the Executive Branch. This position's responsibilities include overseeing the collection, management, and storage of data across the organization. Responsible for developing data storage policies, ensuring the security, preservation, and legal compliance of data. Maintaining a myriad of disparate data systems, including provider registries, contract management systems, payment systems, and case management systems. This position was identified as a need in response to the issue "Evaluate current data security and independence". This position will have a 2025-2027 roll up cost of \$426,911 General Fund (1 position and 1.00 FTE).
5. To ensure recruitment (OPDS is committed to a recruitment and selection process, including reemployment lists and other various appointment types resulting in the retention of a diverse, qualified and competent workforce), special leaves, FMLA/OFLA, and employee engagement are addressed, the agency is requesting \$131,596 General Fund to add one **Human Resources Analyst 2 (0.50 FTE)**. This position will help the agency address the issues of "Improving agency culture and morale to become an employer of choice," and, "adhering to hiring and human resource management professional standards, including competitive recruitments, up-to-date job descriptions, and performance reviews". This position will have a 2025-2027 roll up cost of \$312,455 General Fund (1 position and 1.00 FTE).

Action Requested

The PDSC is requesting access to the Executive Transition SPA set aside in SB 5506 (2023) \$1.9 million General Fund appropriation and expenditure authority for eleven (11) positions (6.54 FTE) for the 2023-2025 biennium to ensure a smooth transition to the Executive Branch. The 2025-2027 biennial costs are estimated at \$3.75 million General Fund (11 positions and 11.00 FTE).

Legislation Affected

Oregon Laws 2023, chapter 481, section 1 (1). + \$1,900,000.00
Oregon Laws 2023, chapter 605, section 113 (1). - \$1,900,000.00

Sincerely,



Jessica Kampfe
Executive Director

cc:

Amanda Beitel, Legislative Fiscal Officer
John Borden, Principal Legislative Analyst, LFO
Kate Nass, Chief Financial Officer
Zack Gehringer, Policy and Budget Analyst, CFO