



RETIREMENT & INDEPENDENT ENTITIES AGENCY QUESTIONNAIRE

PLEASE COMPLETE AND RETURN TO BRIAN FAY (BFAY@LE.UTAH.GOV) OR
ANGELA OH (AOH@LE.UTAH.GOV) BY END OF BUSINESS ON WEDNESDAY, JANUARY 22, 2014.

ORGANIZATION

1. What are your organization's mission / purpose?
 - a. Mission: The Career Service Review Office (CSRO) administers the Utah State Employees' Grievance and Appeals Procedures for executive branch employees as set forth at *Utah Code* §§67-19a-101 through 408.
 - b. The United States Supreme Court has held that career service employees have a property right in their continued employment. Governmental employers must therefore provide due process to career service employees both before and after they are disciplined (i.e., discharged, demoted or suspended). Specifically, career service employees must be afforded an opportunity to be heard before discipline is imposed, and a full evidentiary hearing after the discipline takes effect. *Cleveland v. Loudermill*, 470 U.S. 532 (1985). The CSRO administers that process and provides those mandatory evidentiary hearings for the State of Utah. Additionally, following the 2013 amendments to the Utah Protection of Public Employees' Act, State employees may now file "whistleblower" claims with the CSRO, as an alternative forum to the district courts.
2. How do you measure the success of your organization? (Please include specific metrics and measurements for FY 2013 and the first half of FY 2014.)
 - a. The CSRO measures success by whether it is able to conduct an evidentiary hearing within 150 days of the date that it establishes jurisdiction. The statute allows one extension beyond 150 days if "extraordinary circumstances" exist. In FY 2013, the CSRO achieved 100% success in this endeavor. Only one case extended beyond 150 days, but it was at the mutual request of both parties and under extraordinary circumstances. For the first half of FY 2014, all cases have been scheduled or conducted within the 150-day deadline.
 - b. The CSRO also measures success by whether it is able to issue written decisions within 20 working days after the close of an evidentiary hearing. The CSRO has met this deadline in 100% of cases in FY 2013 and the first half of FY 2014.
3. What have you done to become more productive?
 - a. In 2013, we updated our website with links to forms and a section on "Frequently Asked Questions." This has greatly reduced telephone calls and emails regarding basic procedural matters.
 - b. In 2013, we eliminated unnecessary status conferences and hearings. Status conferences are typically necessary in 70% of cases and are now scheduled when appropriate (compared to the prior practice of status conferences in 100% of cases).
 - c. In 2013, we allowed the parties the option of telephonic appearances for procedural hearings (compared to the prior practice of mandatory in person appearances for all hearings).
4. Who else does similar things to what you do, (State, federal or local; public or private; etc.), how do you coordinate efforts with those other entities, and where do you overlap?

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- a. No other entity performs duties similar to the CSRO. The Labor Commission provides an administrative forum for complaints of discrimination against employers but this does not overlap with the CSRO, which does not have jurisdiction over complaints of discrimination.

BUDGET

5. Please explain any changes between your FY 2014 budget and the proposed base budget.
 - a. There are no changes.
6. What is the status of projects or programs for which you received budget increases in FY 2013 or FY 2014? Did they cost as much as you thought? (If not, what did you do with the funding difference?)
 - a. The CSRO received a budget increase of \$35,000 for FY 2014 as a result of the amendments to the Utah Protection of Public Employees Act, which now allows State employees to file "whistleblower" retaliation claims with the CSRO (previously, these claims could only be filed in the district courts). As of this date, the projected cost increase for the CSRO for FY 2014 will be between \$20,000 and \$25,000. However, it is likely that the number of claims filed with this office will continue to rise as employees become increasingly aware of their options under the amended statute. Additionally, the cost of hearings conducted by the CSRO fluctuates from year to year (see 9(a) below). Therefore, the CSRO will request to keep the entire \$35,000 in its budget for FY 2014. Notwithstanding, if the Committee intends to cut money from the CSRO's budget, this is the only potential excess.
7. How is federal funding changing and what is your contingency plan for loss of federal funds?
 - a. The CSRO does not receive any federal funds.
8. Which areas of your budget present opportunities for savings? (Please be specific.)
 - a. The CSRO has two (2) FTEs and the budget is extremely lean. In FY 2013, the only expenditure that could have been eliminated without a detrimental effect on services was \$18.94 (for the year) spent on bottled water.

BALANCES

9. Please explain any balances your organization has lapsed back to the General Fund.
 - a. The second biggest line item for the CSRO is the cost of evidentiary hearings (Hearing Officer, court reporter, incidental costs), which is variable. The cost drivers are the total number of hearings conducted and the complexity of each hearing. Typically, the CSRO conducts hearings in 1/10 of the cases it processes. There is no method, however, of predicting how many hearings will become necessary each year. In years when fewer evidentiary hearings are conducted, the CSRO lapses funds (\$38,804.00 lapsed to the general fund in FY 2013). However, the CSRO has an ongoing need for access to those funds because the number of hearings fluctuates from year to year. Already in the first half of FY 2014, the CSRO has scheduled more hearings than it conducted in the entire FY 2013. Since the CSRO has a statutory mandate to provide hearings, its budget needs to accommodate for that fluctuation.
10. Please explain your organization's need for non-lapsing balances and how the amounts have been determined.

- a. The CSRO has a \$15,000.00 non-lapsing balance. That money is specifically earmarked for evidentiary hearings. Because the cost of hearings is variable and unpredictable (see 9(a) above), those non-lapsing funds are extremely important for the CSRO to maintain in reserve. Those funds become necessary only when the CSRO conducts more than the average number of hearings and exceeds its average hearing costs.

EXPENDITURES

11. Please explain your organization's need for out-of-state travel and identify any opportunities for savings.
 - a. The CSRO Administrator must be a licensed attorney and in Utah, attorneys are required to complete and report 24 hours of continuing legal education every two years. Once a year travel for CLE makes sense because: 1) the Utah State Bar does not offer CLE opportunities that are both relevant and also fulfill the reporting requirement for an entire year in one program; 2) there are no Utah CLE programs dedicated exclusively to public sector employment law and administrative law; and 3) the cost of CLE in Utah is generally as expensive as the more relevant programs offered by nationally accredited programs like the American Bar Association and the National Employment and Labor Law Institute. Nonetheless, this office recognizes that travel is not always necessary and has kept a low CLE budget of \$2,000. This amount is necessary even if the CLE hours are filled in Utah.
12. Please explain any employee positions that have been funded but are unfilled.
 - a. No positions are unfilled.