

Compendium of Budget Information for the 2014 General Session

Retirement and Independent Entities Appropriations Subcommittee

Agency: Career Service Review Office

Function

The Career Service Review Office (CSRO) is a quasi-judicial body that administers the state's grievance and appeals process. The office hears cases related to decisions about promotions, dismissals, demotions, suspensions, written reprimands, wages, salary, violations of personnel rules, issues concerning the equitable administration of benefits, reductions in force, and disputes concerning abandonment of position. The goal is to resolve grievances at the lowest possible managerial level. The Board has no jurisdiction over classification grievances, which are governed by Department of Human Resource Management.

The CSRO conducts pre-hearing conferences in an attempt to mediate many of the cases which come before them. When necessary it conducts jurisdictional, evidentiary, and appellate levels of adjudication as a means of resolving disputes.

The CSRO conducts hearings as efficiently as possible using contracted hearing officers. The only ongoing salary costs are for the administrator and a secretary.

Statutory Authority

UCA 67-19a-101 defines "grievance" as a complaint by a career service employee concerning any matter touching upon the relationship between the employee and his/her employer; and any dispute between a career service employee and his/her employer.

UCA 67-19a-201 requires the governor to appoint the administrator who may assign hearing officers to each case; subpoena witnesses, documents, and other evidence; and quash unreasonable subpoenas.

UCA 67-19a-202 gives the office jurisdiction to serve as the final administrative body to review appeals from career service employees and agencies.

UCA 67-19a-203 requires the office to make rules governing the appeals process.

UCA 67-19a-303 delineates employees' rights in a grievance and appeals procedure. Employees may have representation, use a reasonable amount of time during work hours to confer with the representative, and may not have reprisals taken against them for using grievance procedures.

UCA 67-19a-401 through 406 list the procedural steps to be followed by the employee and the employer, including the administrator's power to require a pre-hearing conference.

Intent Language

Under terms of Section 63J-1-603-(3)(a) Utah Code Annotated the Legislature intends that appropriations provided for Career Service Review Office in Item 1 of Chapter 7 Laws of Utah 2012 not lapse at the close of Fiscal Year 2013. The use of any non-lapsing funds is limited to the following: Grievance Resolution - \$15,000.

Performance

The Career Service Review Office has updated the grievance process to better meet statutory requirements. The updated process involves four steps instead of the previous six. This update requires new performance measures that will begin in fiscal year 2014.

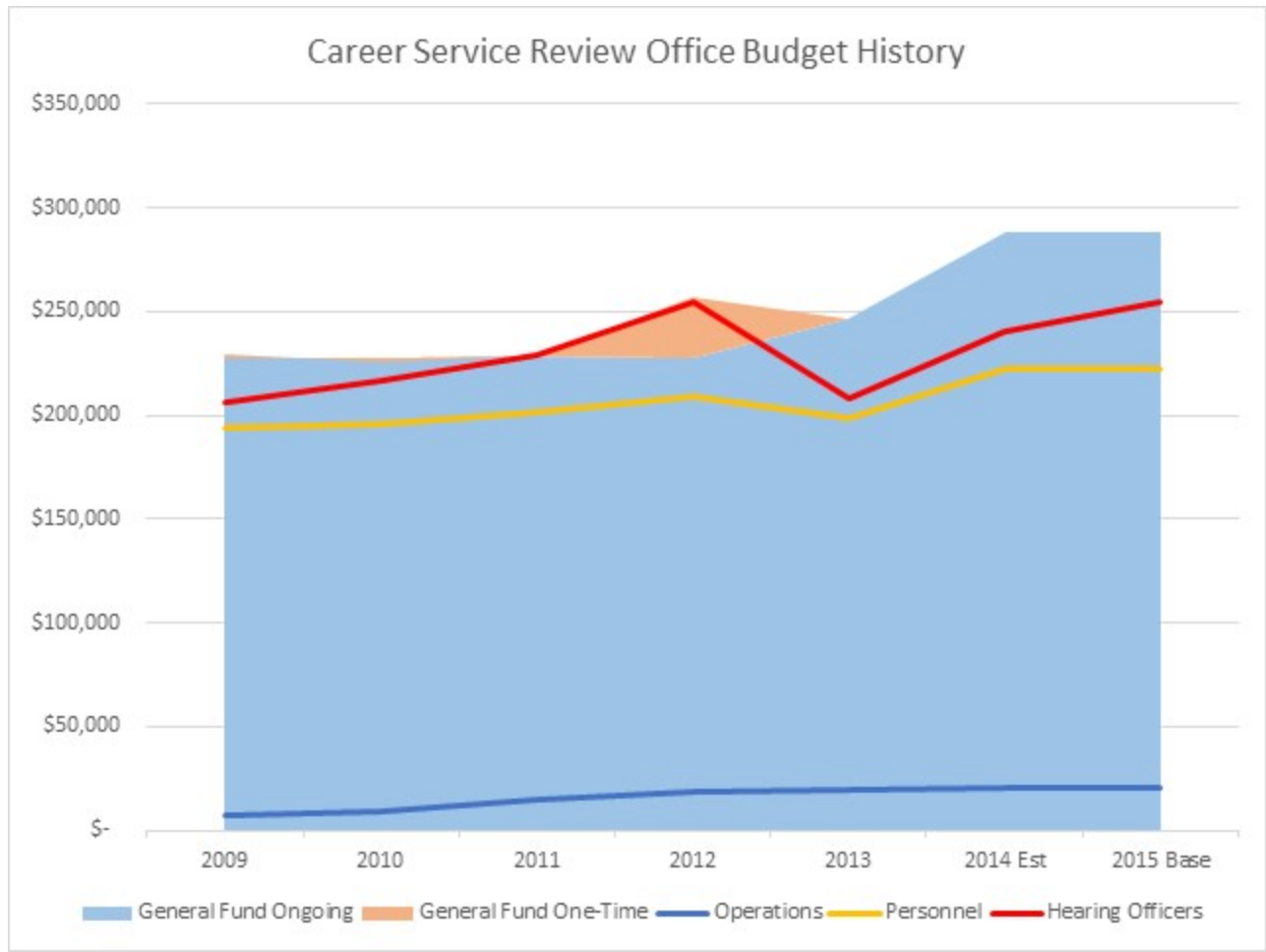
Measure 1: Percentage of Step 4 hearings conducted within 150 days of the date jurisdiction is established.

- In FY 2013, the Career Service Review Office conducted 100% of evidentiary hearings on time. Only one case extended beyond 150 days and that was at the mutual request of both parties.

Measure 2: Percentage of written decisions issued within 20 working days after the close of an evidentiary hearing.

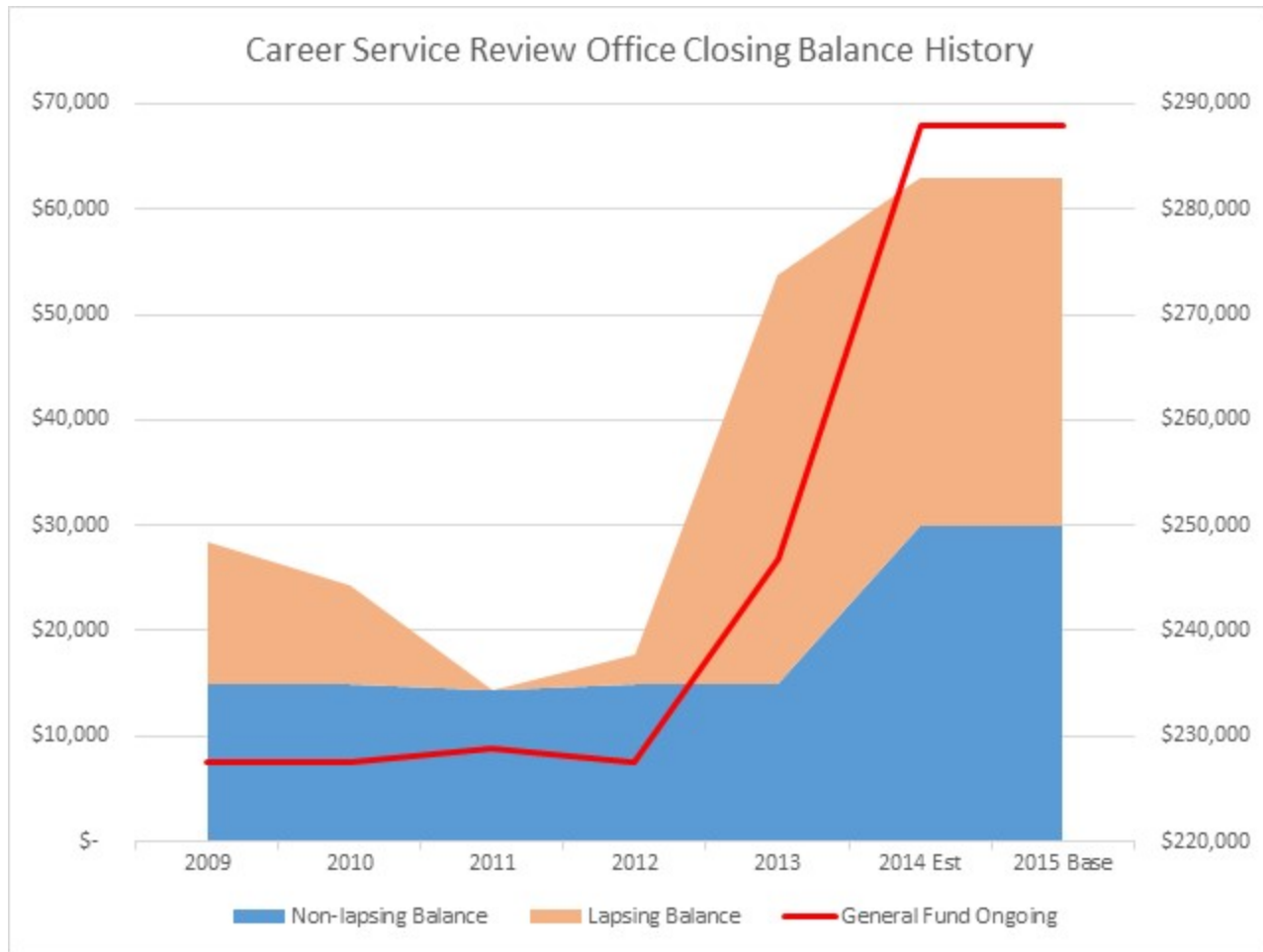
- During FY 2013, the Career Service Review Office issued 100% of written decisions within the 20 working day deadline.

Issues/Analysis



CSRO expenditures for contracted hearing officers has averaged \$24,000 per year over the past five years. In Fiscal Year 2012, CSRO experienced an unusual spike in these expenditures to \$45,700, nearly twice the average. This was met by the Legislature with a one-time appropriation of \$30,000 for FY 2012 and a \$15,000 increase in the ongoing appropriation beginning in FY 2013.

Hearing officer costs dropped dramatically in Fiscal Year 2013, finishing at a mere \$9,400, well below half of the average. This unusually low cost, coupled with the increased appropriation, resulted in \$38,800 lapsing back to the General Fund.



During the 2013 General Session, the Legislature passed Senate Bill 95 (Whistleblower Amendments) and appropriated an additional \$35,000 ongoing from the General Fund to cover a potential increase in cases that will require hearing officers. While only 8 months have passed since the implementation of Senate Bill 95, it does not appear to be increasing expenditures as much as originally estimated.

The analyst recommends increasing the non-lapsing balance authority of CSRO from \$15,000 to \$30,000 to cover fluctuations in hearing officer costs and reducing the ongoing General Fund appropriation by \$33,000 to bring the budget in line with historical trends. This will result in a non-lapsing balance that grows during low cost years and provides enough reserves to cover a year in which hearing officer costs more than double.

Proposed Intent Language

Under terms of Section 63J-1-603-(3)(a) Utah Code Annotated the Legislature intends that appropriations provided for Career Service Review Office in Item 1 of Chapter 9 Laws of Utah 2013 not lapse at the close of fiscal year 2014. The use of any non-lapsing funds is limited to the following: Grievance Resolution - \$30,000.

Funding Detail

For more detail about a particular source of finance or organizational unit, click a linked entry in the left column of the table(s) below.

Table 1: Operating and Capital Budget Including Expendable Funds and Accounts

Sources of Finance	2013 Actual	2014 Approp	2014 Change	2014 Revised	2015 Change	2015 Approp
General Fund	\$246,900	\$288,000	\$0	\$288,000	(\$27,500)	\$260,500
General Fund, One-time	\$0	\$0	\$700	\$700	\$700	\$1,400
Dedicated Credits Revenue	\$0	\$100	(\$100)	\$0	\$0	\$0
Beginning Nonlapsing	\$15,000	\$0	\$15,000	\$15,000	(\$15,000)	\$0
Closing Nonlapsing	(\$15,000)	\$0	\$0	\$0	\$0	\$0
Lapsing Balance	(\$38,800)	\$0	\$0	\$0	\$0	\$0
Total	\$208,100	\$288,100	\$15,600	\$303,700	(\$41,800)	\$261,900

Line Items	2013 Actual	2014 Approp	2014 Change	2014 Revised	2015 Change	2015 Approp
Career Service Review Office	\$208,100	\$288,100	\$15,600	\$303,700	(\$41,800)	\$261,900
Total	\$208,100	\$288,100	\$15,600	\$303,700	(\$41,800)	\$261,900

Categories of Expenditure	2013 Actual	2014 Approp	2014 Change	2014 Revised	2015 Change	2015 Approp
Personnel Services	\$178,800	\$233,000	(\$29,700)	\$203,300	\$5,900	\$209,200

Out-of-state Travel	\$400	\$0	\$400	\$400	\$0	\$400
Current Expense	\$23,400	\$48,400	\$46,100	\$94,500	(\$47,900)	\$46,600
DP Current Expense	\$5,500	\$6,700	(\$1,200)	\$5,500	\$200	\$5,700
Total	\$208,100	\$288,100	\$15,600	\$303,700	(\$41,800)	\$261,900

Other Indicators	2013 Actual	2014 Approp	2014 Change	2014 Revised	2015 Change	2015 Approp
Budgeted FTE	2	2	0	2	0	2
Actual FTE	2	0	0	0	0	0

COBI contains unaudited data as presented to the Legislature by state agencies at the time of publication. For audited financial data see the State of Utah's Comprehensive Annual Financial Reports.