

ADMINISTRATIVE OFFICE OF STATE COURTS

Minutes of Public Hearing

Date: Friday, October 26, 2007

Location: Bourcier Conference Room
7th Floor
Licht Judicial Complex
250 Benefit Street
Providence, Rhode Island 02903

Time: 2:30 PM

The above public hearing was called to order pursuant to Public Law 2007, Chapter 73, Article 1, Section 11, otherwise known as FY 2008 Budget Article 1, Section 11 which provides that:

“no agency or department may employ contracted employees or employee services where the contracted employees would work under state employee supervisors after October 1, 2007 without a determination of need by the Director of Administration acting upon the positive recommendation of the Budget Officer and the Personnel Administrator and fifteen (15) days after a public hearing.”

Since separation of powers and other state laws prevent the executive branch from exercising control over the Judiciary’s personnel, the Administrative Office of State Courts conducted a public hearing in fulfillment of the legislature’s intent.

Members present were Steve King, the Judiciary’s Assistance State Court Administrator for Personnel and Darlene Walsh, the Judiciary’s Director of Finance. Also in attendance was Erika Leigh Kruse, General Counsel for the Judiciary. Twelve (12) to fifteen (15) individuals attended the meeting, including administrators from courts in which the contract employees are assigned. The hearing was audio taped.

Mr. King provided an overview that summarized the purpose and structure of the hearing. In this introduction, it was noted that a copy of a two (2) page spreadsheet titled *Judiciary Contract Workers as of October 1, 2007* was available to all in attendance.

After the introduction, Finance Director Walsh presented information relating to the number of contract positions, the revenue sources that supports the positions (e.g., federal funds, COPS, and general revenue), and the annual cost for the positions. During the course of the presentation, each of the forty seven (47) contract employee job titles, work assignment (court), hours worked per week, and annual cost was read into the record from the spreadsheet that was available to the attendees. In summary, there are 47 contract workers (including vacancies) for all courts from all sources for an annual cost of \$1,686,800.06. Following is a breakdown of contract workers by funding category.

Federal Funds: Various federal grants fully support twenty (20) positions (both part and full time) at an annual cost of \$724,431.76. Seventeen (17) positions are assigned to Family Court at a cost of \$652,030.60, and three (3) positions are assigned to the Supreme Court at a cost of \$72,401.16.

Ongoing Review (Full Time): For all courts, there are nine (9) full and part-time (over 925 hours annually which is over 18 hours per week) contract worker positions that are funded by General Revenues at an annual cost of \$264,424.16 (15.7 percent of annual cost of the contract employees). These contract workers were hired due to the immediate need for services, but no FTE's were available. Supreme Court is assigned two (2) contract positions for facilities and maintenance positions at the Rhode Island Traffic Tribunal (RITT) at a cost of \$63,736.40. District Court is assigned three (3) contract positions (one investigator, one senior investigator, and one data entry operator) at a cost of \$98,767.76. Family Court is assigned four (4) data entry operators contract positions at a cost of \$101,920.00.

Seasonal Employees: For all courts, there are thirteen (13) part-time contract worker positions that can be classified as seasonal state employees due to the fact that these contract workers do not exceed 925 hours annually (18 hours per week). The general revenue annual cost for the thirteen (13) part-time positions is \$119,077.14 (7.1 percent of annual cost for contract employees). Nine (9) of these positions are authorized to work ten (10) or fewer hours each week. District Court is assigned five (5) seasonal contract employees at a cost of \$54,614.82. Family Court is assigned six (6) seasonal contract employees at a cost of \$45,526.00. Supreme Court is assigned two (2) seasonal contract employees at a cost of \$18,936.32.

Time Limited (COPS): COPS funding supports a significant portion of four (4) full-time contract workers assigned to the Judicial Technology Center (JTC). The total annual cost for these four (4) JTC contract workers is \$552,750 allocated as follows: two (2) computer programmers at \$320,000 (COPS funding); one (1) audio visual (a/v) specialist at \$98,000 (COPS funding); one (1) unix system administrator at \$134,750 (\$56,390 COPS funding, \$48,360 federal funding, and \$30,000 General Revenue).

Time Limited (Staff Medical Leave): Traffic Tribunal is assigned one (1) security services contract worker at an annual cost of \$26,117. The security service contract worker handles the duties of an employee who has been on extended medical leave. This employee is now in a leave without pay status (workers compensation). This contract worker could be converted to a limited term state employee (no benefits) until the return of the permanent employee.

On-call as needed:

Stenographic Services: RIGL § 8-5-5 states that court reporters shall report stenographically or electronic court reporters or similar recording personnel shall report electronically the proceedings in the trial of every action or proceeding, civil or criminal, in the Superior Court, Family Court, District Court and Traffic Tribunal. Each court reporter or electronic court reporter or similar recording personnel shall also, upon the order of any justice of the court, transcribe or otherwise reproduce his or her report to be filed with the papers in the case. To comply with the above law, the courts use various stenographic contract workers/agencies intermittently as needed basis. The annual cost is difficult to determine due to the on-call as needed status. During fiscal year 2007, the total cost for stenographic services for all courts from all sources was \$198,045.21.

Interpreters for deaf and hearing impaired persons: RIGL § 8-5-8 states that in all civil and criminal cases in the Superior Court, Family Court, District Court Workers' Compensation Court, and the Traffic Tribunal, and in any case in any municipal court pursuant to chapter 18 of this title, where a party or a witness is a person who is deaf or hard of hearing, he or she shall have the proceedings of the trial interpreted to him or her in a language that he or she can understand by a qualified interpreter appointed by the court. To comply with the above law, the courts use various interpreting contract

workers/agencies intermittently on an as-needed basis. The annual cost is difficult to determine due to the on-call as-needed status. During fiscal year 2007, the total cost for deaf and hard of hearing interpreting services for all courts from all sources was \$20,096.

Foreign language interpreters: RIGL § 8-19-1 declares it to be the policy of the state of Rhode Island to guarantee the rights of persons who, because of a non-English speaking background, are unable to readily understand or communicate in the English language, and who consequently need the assistance of an interpreter to be fully protected in legal proceedings in criminal matters before the Superior Court, District Court, and in juvenile matters in the Family Court. Court interpreters require a full command of two (2) languages, knowledge of the legal system, court and courtroom procedures, and legal vocabulary, as well as understanding of the role of an interpreter (e.g., responsibility to exactly interpreting every word that is spoken without abridging, editorializing, or amending. To comply with the above law, the courts employ various interpreting contract workers/agencies intermittently as needed basis. The annual cost is difficult to determine due to the on-call as needed status. During fiscal year 2007, the total cost for foreign language interpreting services for all courts from all sources was \$44,988.

After the information was presented by Ms. Walsh and Mr. King, an opportunity for public comment was provided. Ms. Claudia Porrazzo, representing the Rhode Island Laborer’s District Council, Local 808, took this opportunity to indicate that Local 808 believes that the Judiciary should create full-time state positions in Local 808 to perform some of the duties and responsibilities currently being carried out by contract employees. No other attendees asked to comment, and no written comments were received.

There being no further business, the meeting was adjourned at 2:52 pm.

Erika Leigh Kruse
General Counsel
Rhode Island Supreme Court
Licht Judicial Complex
250 Benefit Street
Providence, Rhode Island 02903
(401)222-3266 Tel.
(401)222-8634 Fax
www.courts.ri.gov.