

LFD Request re: Agency Personal Services

Questions (Answer based on snapshot as of 7/12/22)

1) How many vacant FTE exist in your agency? Identify the vacant positions by program and job title.

The Judicial Branch reported 67 vacancies as of 7/12/22. Please see the attached spreadsheet, *2022 Snapshot Vacancy Details for LFD*, for program and job title details.

2) For each vacant FTE, state when the position was last filled.

Please see the attached spreadsheet with indication of when the position became vacant. 16 positions show N/A under the Vacancy Date, which means they have not been previously filled.

3) For each vacant FTE, state when the position was last advertised/posted in an attempt to hire a person to fill it.

Please see the attached spreadsheet with indication of Advertise Date.

34 positions indicate N/A under the Advertise Date because they have not been advertised.

Six Law Clerk positions indicate Non-competitive because Judges (MT Supreme Court, District Courts, Water Court) have the discretion to hire their legal staff through a competitive or non-competitive process.

4) To the extent possible, state whether contractors are performing the duties that would be performed if employees were in the place. If a contractor is performing the duties, state (a) the amount paid per week to engage the contract for this work and (b) whether the contract is performing duties beyond those that would be performed by an employee if the position were filled.

The Judicial Branch utilizes contract court reporters in our District Courts when needed to cover a vacancy or absence. Contract court reporters may cover a full or half-day of court proceedings or a trial that lasts several days or (rarely) weeks. We pay contract court reporters \$375 for a full day and \$187.50 for a half day. If they perform work before 8 a.m. or after 5 p.m., we pay \$40/hour. They do not perform duties beyond those that would be performed by an employee if the position were filled.

The 13th Judicial District, Family Program contracts with a custody evaluator. We pay custody evaluators \$1,500 for a standard case, and for cases that do not require the standard level of services we pay \$50/hour. They do not perform duties beyond those that would be performed by an employee if the position were filled.

The OCA, Finance Division, currently utilizes a contract employee through Weststaff. The rate of pay is \$20.00 per hour plus a 42% administrative fee to the agency. She currently works approximately

40 hours per week. She does not perform duties beyond those that would be performed by an employee if the position were filled.

5) How many modified FTE did you utilize in the current biennium? What was the funding source and authority? Are any of these FTE expected to continue into the next biennium, and if so, for how long?

Please see the attached spreadsheet, *Modified FTE Analysis as of 09282022*, showing a current total of 18.37 modified FTE for FY23. This spreadsheet indicates the funding source for each position, as well as the corresponding grant expiration date.

Public Information Request Questions

1. How much time and money does each agency spend on public right to know requests?

The Judicial Branch does not have a public information officer or a staff attorney so the work of responding to right to know requests falls to the court administrator. The Branch has seen a significant increase in requests since 2020. Most requests have come from one person. The Branch makes every effort to respond to requests without charge. In addition to the court administrator, staff time is provided by information technology staff and fiscal staff. Recently, the Branch has struggled, due to short staffing in financial services, to timely respond to requests for fiscal information. There is one very large request for e-mails pending a charge – it would require more than 250 hours of staff time and thousands of copies. Please note requests for court files and case information are handled by county clerks of court with statutory fee schedules.

2. How much revenue do agencies collection from entities requesting public right to know information?

The Branch has not charged for any requests at this point and makes every effort to provide public information for free. No revenue has been reported.