

Workload Allocation Funding Model (WAFM) Adjustment Request Process

1. Purpose and Definition of the WAFM Adjustment Request Process:

The primary purpose of the WAFM Adjustment Request Process is to provide trial courts the opportunity to identify factors that they believe the Workload Allocation Funding Model (WAFM) does not yet address and to assist in the evolution and refinement of WAFM in order to insure the continued improvement in equity of trial court funding and equal access to justice throughout California.

WAFM is based on the measurement of workload in the trial courts. However, while WAFM accounts for most of the workload of the trial courts, it may not account for all, and there may be factors which are not yet accounted for in WAFM but are essential to the fundamental operation of a trial court. The WAFM Adjustment Request Process is intended to provide trial courts the opportunity to identify those factors not yet accounted for in WAFM and request ongoing adjustments to WAFM funding need.

The WAFM Adjustment Request Process is not intended to address one time emergency circumstances nor supplement funding for urgent needs which is the exclusive domain of the Government Code section 68502.5 set-aside and reallocation process for the 2% reserve taken from the Trial Court Trust Fund. The WAFM Adjustment Request Process is also not intended to address shortfalls in court security funding that is allocated directly from the State to each County.

Additionally, inadequacy of funding, cost of labor issues, and/or a trial court's local decision to provide specialized services for discrete court populations will not constitute sufficient factors to warrant adjustment.

2. WAFM Adjustment Request Procedures:

- a. This process provides an opportunity for trial courts to identify factors not yet accounted for in WAFM but essential to the fundamental operation of a trial court(s) and request ongoing adjustment to funding need determined under WAFM.
- b. The submission, review and approval process shall be under the direction of the Judicial Council.
 - i. Initial requests shall be submitted to the Administrative Director of the Courts either by the trial court's Presiding Judge or CEO. The Administrative Director of the

- Courts shall forward the request to the AOC Director of the Fiscal Services Office and the Chair(s) of the Trial Court Budget Advisory Committee (TCBAC). The AOC Director of Fiscal Services in consultation with the Chair(s) of the TCBAC shall review each request, obtain additional information from the trial court as needed and prepare a preliminary report to the TCBAC and the requesting court. (The timeline for submission and consideration of requests is set forth in section v, below.)
- ii. The TCBAC, through the Funding Methodology sub-committee, shall review all requests and present its recommendations to the TCBAC which, in turn, shall present its recommendations to the Judicial Council.
 - iii. The review of WAFM Adjustment Requests shall include a three-step process including initial review to determine whether the factor identified in a court's request should form the basis of a potential modification to WAFM, a second step to evaluate whether and how the modification should occur, and a third step to evaluate whether, for those circumstances where it is determined that the factor should ultimately be included in the underlying Resource Assessment Study model (RAS), an interim adjustment should be made to a trial court's WAFM funding need pending a more formal adjustment to the RAS model.
 - iv. Upon approval by the Judicial Council of an adjustment to WAFM, the Director of the Fiscal Services Office, in consultation with the TCBAC, shall notify all trial courts to allow the opportunity to demonstrate eligibility for similar adjustment (note: in some circumstances, the nature of the adjustment will automatically apply to all courts. Notification will still occur, but demonstration of eligibility may not be necessary).
 - v. The timeline for application and review of WAFM Adjustment Requests shall be as follows: Trial court requests shall be submitted no later than October 15 of each year, commencing October 15, 2013. The Department of Fiscal Services shall review the requests and submit a preliminary report to the Funding Methodology Subcommittee no later than January 15. The Funding Methodology Subcommittee shall review any requests and submit a recommendation(s) to the TCBAC no later than March 15. The TCBAC shall make final recommendations to the Judicial Council for consideration at the April Judicial Council meeting. Any requested adjustments that are approved by the Judicial Council shall be included in the July and/or August allocation.
- c. Adjustments to WAFM will impact the funding need for each trial court that is subject to the adjustment, along with the overall statewide funding need. Therefore final allocations will be implemented consistent with the WAFM allocation implementation plan as approved by the Judicial Council or as amended in the future. (Note: Because funding need is currently greater than available funding and because only a portion of Trial Court Funding is currently allocated under the WAFM, allocated funding will not equal, and

may be substantially less than, the funding need identified for the adjustment being made. Just as the allocated funding is substantially less than the entire WAFM funding need.)

REQUIRED INFORMATION TO SUPPORT REQUEST

Trial courts requesting adjustment in accordance with the WAFM Adjustment Request Process shall be required to submit detailed information documenting the need for such adjustment. The Director of Fiscal Services shall develop an application form that solicits the following information:

1. A description of how the factor is not currently accounted for in WAFM.
2. Identification and description of the basis for which adjustment is requested.
3. A detailed analysis of why the adjustment is necessary.
4. A description of whether the unaccounted for factor is unique to the applicant court(s) or has broader application.
5. Detailed description of staffing need(s) and/or costs required to support the unaccounted for factor. *Employee compensation must be based on WAFM compensation levels, not the requesting court's actual cost.
6. Description of the consequence to the public and access to justice without the funding.
7. Description of the consequences to the requesting court(s) of not receiving the funding.
8. Any additional information requested by the Fiscal Services Office, Funding Methodology sub-committee or TCBAC deemed necessary to fully evaluate the request.

2013–2014 Allocation for Projects and Programs from the State Trial Court Improvement and Modernization Fund and Trial Court Trust Fund (Programs 30.05 and 30.15)

(The meeting materials include a description and the purpose of each project/program and an explanation and/or justification for any proposed increase or decrease from the 2012–2013 allocation level.)

Issue

With enactment of the state budget, FY 2013–2014 funding allocations for those projects and programs supported by the State Trial Court Improvement and Modernization Fund (STCIMF) and the Trial Court Trust Fund (TCTF) Programs 30.05 and 30.15 still need to be approved by the Judicial Council, which is scheduled to meet on August 23, 2013. The council will consider the recommendations of the Trial Court Budget Advisory Committee (TCBAC). This report provides the recommendations of the Revenue and Expenditure Subcommittee (subcommittee) to the TCBAC.

Background

As part of its meeting materials and also provided in the materials for the TCBAC meeting on August 14, 2013, the subcommittee considered 2013–2014 allocation levels for various projects/programs recommended by AOC staff, including several new allocations. AOC staff proposed a total allocation of \$77.5 million from the STCIMF and \$23.4 million from the TCTF (Programs 30.05 and 30.15). Thirteen members of the TCBAC, seven judges and six court executive officers, volunteered to serve on the subcommittee. The subcommittee convened on August 1, 2013, with presentations provided by applicable offices of the AOC on project and program narratives, discussion on the impacts of funding options, and additional information was provided to subcommittee members as requested. Based on this review, recommendations regarding allocations were developed.

Subcommittee Recommendations

STCIMF

Recommendation 1

Approve proposed program and project allocations totaling \$58,352,669 (refer to column 4, row 82 of the “Proposed 2013–14 STCIMF Allocations” chart). All recommendations were approved unanimously or with one or two no votes, except for the Treasury program. Four members opposed increased funding of \$14,000 for the Treasury Services – Cash Management program (refer to column 4, row 54 of the chart). As part of this recommendation, the subcommittee is recommending the following:

- Approve allocation levels as proposed by AOC staff, except where the subcommittee is recommending a partial or full reduction.