



JUDICIAL COUNCIL  
OF CALIFORNIA

WORKLOAD ASSESSMENT  
ADVISORY COMMITTEE

WORKLOAD ASSESSMENT ADVISORY COMMITTEE

MATERIALS FOR FEBRUARY 26, 2019

**Meeting Contents**

<b>Agenda</b> .....	1
<b>Minutes</b>	
Draft minutes from the October 22, 2018 Meeting .....	3
<b>Discussion and Possible Action Items</b>	
Item 1 – Work Year Value to be Used in Resource Assessment Study Model (Action Item) .....	6
<b>Information Only Items</b>	
Info 1 – Update on the Judicial Workload Study	



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## WORKLOAD ASSESSMENT ADVISORY COMMITTEE

### NOTICE AND AGENDA OF OPEN IN-PERSON MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e))

THIS MEETING IS BEING RECORDED

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**Date:** February 26, 2019  
**Time:** 12:00 p.m. - 1:00 p.m.  
**Location:** Via Teleconference  
**Public Call-in Number:** 1-877-820-7831; passcode 3826880 (Listen Only)

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Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to [waac@jud.ca.gov](mailto:waac@jud.ca.gov).

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

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#### I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

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##### Call to Order and Roll Call

##### Approval of Minutes

Approve minutes of the October 22, 2018, Workload Assessment Advisory Committee meeting(s).

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#### II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1)-(2))

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##### Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to [waac@jud.ca.gov](mailto:waac@jud.ca.gov) or mailed or delivered to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, California 94102, attention: Rose Butler. Only written comments received by 12:00 p.m. on February 25, 2019, will be provided to advisory body members prior to the start of the meeting.

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**III. DISCUSSION AND POSSIBLE ACTION ITEM (ITEM 1)**

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**Item 1**

**Work Year Value to be Used in Resource Assessment Study Model (Action Required)**

Review the assumptions (weekends, holidays, sick/leave) behind the work-year value used for determining full-time equivalents or FTEs in the courts.

Presenter(s)/Facilitator(s): Hon. Lorna A. Alksne, Chair  
Ms. Kristin Greenaway, Supervising Analyst, Budget  
Services, Judicial Council

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**IV. INFORMATION ONLY ITEM (NO ACTION REQUIRED)**

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**Info 1**

**Update on the Judicial Workload Study**

Provide update on the Judicial Workload Study.

Presenter(s)/Facilitator(s): Ms. Kristin Greenaway, Supervising Analyst, Budget  
Services, Judicial Council

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**V. ADJOURNMENT**

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**Adjourn**



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## WORKLOAD ASSESSMENT ADVISORY COMMITTEE

### MINUTES OF OPEN MEETING

October 22, 2018  
12:00 p.m. - 1:00 p.m.  
Via Teleconference

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**Advisory Body Members Present:** Hon. Lorna A. Alksne, Hon. Charles R. Brehmer, Hon. Kirk H. Nakamura, Hon. Lawrence P. Riff, Hon. Jennifer K. Rockwell, Hon. Garrett L. Wong, Ms. Sheri Carter, Ms. Stephanie Cameron, Mr. James Kim, Mr. Michael Planet, Ms. Bonnie Sloan

**Advisory Body Members Absent:** Hon. Joyce Hinrichs, Ms. Arlene D. Junior, Ms. Kim Turner

**Others Present:** Ms. Leah Rose-Goodwin, Ms. Kristin Greenaway, Ms. Savet Hong, Ms. Khulan Erdenebaatar, Ms. Anna Maves, Ms. Charlene Depner, Mr. Don Will, Mr. Zlatko Theodorovic

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#### OPEN MEETING

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##### **Call to Order and Roll Call**

The chair called the meeting to order at 12:01 p.m., and took roll call.

##### **Approval of Minutes**

The advisory body reviewed and approved the minutes of the September 19, 2018, Workload Assessment Advisory Committee meeting.

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#### DISCUSSION AND ACTION ITEMS (ITEMS 1-2)

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##### **Item 1 Proposed Methodology for Assembly Bill 1058**

Review the final report of the joint subcommittee established to renew the funding methodology for the AB 1058 program.

##### **Action:**

*Judge Alksne provided a brief background on the AB 1058 program while Ms. Anna Maves followed with a report on the funding methodology recommendations of the Joint AB 1058 Subcommittee. The committee unanimously supported the new recommendation to be adopted.*

**Item 2 Proposed Methodology for Assessing the Need for Court Reporters in Family Law per the 2018 Budget Act and In Civil Cases per Jameson v. Desta**

**Action:**

*Ms. Leah Rose-Goodwin gave a presentation of the issue. The committee reviewed and approved the following two recommendations:*

- 1. Starting with the 2019-20 workload estimates, approve applying the 1.25 to 1 ratio of court reporters to judicial officers needed in family law cases to quantify the workload estimate for court reporters in family law.*
- 2. Starting with 2019-20, approve a 1.25 to 1 ratio for court reporters in civil unlimited and probate cases, discounted by 50% to account for the smaller pool of eligible litigants, efficiencies realized through pooling, and efficiencies offset by the need to have reporters available in multiple locations simultaneously. Re-evaluate this workload model annually to see whether additional data can be used to increase the precision of the estimate.*

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**INFORMATION ONLY ITEMS (ITEMS 1 – 2)**

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**Info 1 WAAC Annual Agenda**

Receive an overview of the 2018 annual agenda; discuss pending items that should be added to the 2019 plan; suggest any new items for the 2019 plan. The annual agenda must be approved by the committee in late 2018.

**Action:**

*Ms. Rose-Goodwin provided a summary of the items completed in 2018 and items that have yet to be completed. Proposed 2019 projects were discussed and the committee was asked to provide input separately following the meeting on any additional agenda items for 2019.*

**Info 2 Report to the Legislature: 2018 Judicial Needs Assessment**

The Judicial Council must report to the Legislature on or before November 1 of even-numbered years on the Need for New Judgeships in Superior Courts. The 2018 study will be reissued once the new judicial workload study caseweights have been finalized in the fall of 2019.

**Action:**

*Ms. Khulan Erdenebaatar gave a presentation on the 2018 preliminary Judicial Needs Assessment. A new assessment will be run once the caseweights from the judicial workload study are updated. The report will be posted in compliance with the legislative mandate but will be caveated so that it's clear that a new assessment will be forthcoming.*

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There being no further business, the meeting was adjourned at 12:50 p.m.

Approved by the advisory body on enter date.

## **Committee Direction**

Last year, WAAC directed staff to bring back additional data concerning the computation of the staff year value. The current adopted year value of 1,856 hours/111,360 minutes was intended to align the Judicial Branch with other state agencies but lacks a solid empirical foundation for its continued usage. The following memo details how the year value was calculated and compares the current value with that of other state agencies for the committee's consideration.

## **Staff Work-year Value**

The Resource Assessment Study (RAS) is a tool to estimate resource need in the trial courts. There are three factors that contribute to this tool: case weights (minutes), case filings, and staff work-year value. The staff work-year value is the component addressed in this report.

The staff work-year value can be defined as the amount of time available for case-related work on an annual basis. To calculate a staff work-year value, it is necessary to (1) know how many days are available in a year and (2) the time court staff have available each day for all duties and responsibilities (e.g., case-related work, staff meetings, work-related travel).

## **Background**

The staff workload studies conducted prior to the 2017 RAS Study Update were conducted by the National Center for State Courts (NCSC) and utilized data gathered from the time study to construct a year value. The 2005 model used a value of 96,300 minutes (1,605 hours) and the 2013 model update used a value of 95,900 minutes (1,598 hours). The NCSC found that these values were consistent with those reported by other states that had done similar workload analyses, with California falling well within the mid-point of the range of reported year values.

## **2017 Approved Work-year Value**

In 2017, the Workload Assessment Advisory Committee (WAAC) took a different approach. Instead of using the study data, which indicated that available staff time was 98,500 minutes (1,643 hours), the committee approved a staff work-year value of 111,360 minutes (1,856 hours) with the intent of aligning the RAS year value to that utilized by the Department of Finance (DOF). The main differences between the two work-year values are the assumptions used for (1) sick/leave days and (2) working hours available per day. *See Table 1.*

### *Sick/leave Days*

The 2017 RAS Study Update work-year value of 1,643 applied a value of 29 days based on sick/leave time given to new employees at the Judicial Council of California (JCC). The DOF value of 1,856 hours is based on 15 hours of sick/leave days, after adjusting for the other work year assumptions (105 weekend days, 13 holidays and an 8-hour work day). *See Table 1.*

### *Work Hours per Day*

In addition to leave/vacation time, the other major area of difference between the two models is found in the assumed working hours per day. The time study work-year value presumes that employees work a nine-hour day, with a one-hour lunch break and two 15-minute breaks, as required by the Fair Labor Standards Act for nonexempt employees. The DOF work year assumes an eight-hour workday.

**Table 1: 2017 Work-year Value Calculations**

	<b>2017 RAS Study Update</b>	<b>2017 Approved (based on DOF)</b>
Days in year	365	365
Less weekend days	104	105
Less holidays	13	13
Less sick/leave days	29	15
Total days available	219	232
Total hours per day	7.5	8.0
Work year = days*hours*60(min)	98,550 minutes (1,643 hours)	111,360 minutes (1,856 hours)

### **Reference Data**

In response to questions raised about the current, approved staff work-year value, JC staff collected work-year data from multiple sources to assess if the current work-year value is appropriate for use in the RAS: (1) Sick/leave data was collected from 10 California trial courts (obtained in 2017 as part of the 2017 RAS Study Update), (2) work-year values were collected from other California state agencies using public Budget Change Proposals (BCPs) including the Department of Justice (DOJ) and the Department of Human Resources (DHR) for fiscal year 2019-20, and (3) staff work-year values were collected from 10 other states (using data from the National Center for State Courts (NCSC)).

#### *Sick/leave Data from California Trial Courts*

Sick/leave data was collected from 10 California trial courts (2017). The data, obtained from the courts personnel management systems, shows a much higher sick/leave value than the estimated



15 days in the approved 1,856 work-year value. The 10 courts that provided data have a median value of 34 days (accrued) and 38 days (used). *See Table 2.*

**Table 2. Sample Courts Accrued and Used Sick/Leave Days (2017)**

Sick/Leave	Court A	Court B	Court C	Court D	Court E	Court F	Court G	Court H	Court I	Court J	Median
Accrued	21	27	36.0	37	33	39	47	38	32	26.0	34
Used	28	27	41.0	37	28	39	38	45	48	34.0	38

*Other State Agency Work-year Values*

The work-year value data obtained from the California DOJ and California DHR (aka CalHR), using publicly available BCPs (FY 2019-20), assume a lower work-year value than the approved 2017 work-year value of 1,856. The staff work-year values obtained from the BCPs were 1,776 (DOJ), 1,781 (DHR), and 1,800 (DHR) (DHR had two different year values in a single BCP). *See Table 3.*

**Table 3. Other State Agency Work-Year Values (2019-20)**

CA State Agencies: Staff-year Values	Fiscal Year	Days	Hours	Total Hours	Total Minutes
Department of Justice	2019-20	N/A	N/A	1,776	106,650
Department of Human Resources	2019-20	N/A	N/A	1,781	106,860
Department of Human Resources	2019-20	N/A	N/A	1,800	108,000

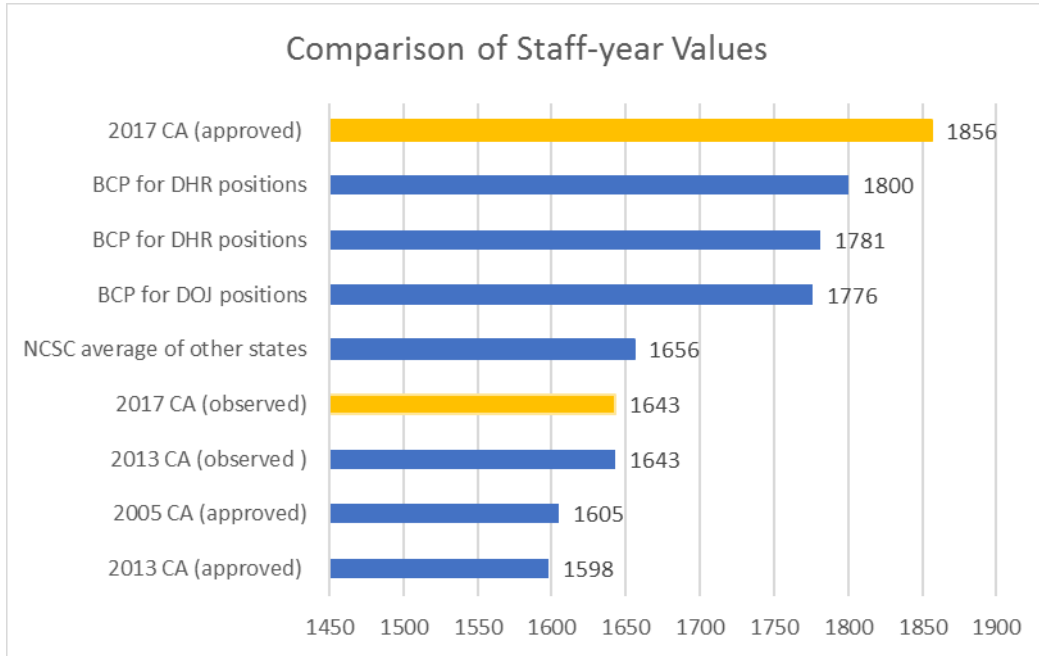
*Other State Workload Study Work-year Values*

The average staff work-year value data obtained from the National Center for State Courts (NCSC), based on studies they conducted in 10 other State jurisdictions, is similar to the 2017 RAS Study Update work-year value of 1,643. The average staff work-year value used for workload studies in those 10 courts was 1,656 hours (99,352 hours). *See Table 4.*

**Table 4. Other State Workload Study Work-Year Values (2011 through 2017)**

NCSC Workload Studies: Staff-year Values	Study Year	Court Type	Days	Hours	Hours	Minutes
10 State Workload Studies (NCSC) - AVG	2011 thru 2017	Varied	216.5	7.65	1,656	99,352

**Graph 1. Comparison of Staff Year Values**



**Recommendation**

Please consider the information provided in this report and make a determination on a staff work-year value for use in the Resource Assessment Study.