



**STATE OF VERMONT**  
JOINT FISCAL OFFICE

**MEMORANDUM**

To: Joint Fiscal Committee members  
From: Daniel Dickerson, Senior Fiscal Analyst  
Sorsha Anderson, Staff Associate  
Date: July 26, 2021  
Subject: Grant Request – JFO #3057

Enclosed please find one (1) item, which the Joint Fiscal Office has received from the Administration.

**JFO #3057** – Eight (8) limited-service positions within the Office of the Defender General (DGO). The DGO is requesting these positions in order to manage the workload that is anticipated as part of the Judiciary’s Pandemic Response and Recovery Plan dated March 15, 2021. The DGO is requesting two IT (2) positions for tech support and training, five (5) administrative positions for caseload scheduling and support, and one (1) position to manage federal funds.

The DGO submitted a request for funding to the General Assembly during the 2021 session, which included funding for limited-service positions, and received a \$2.7 million appropriation of ARPA<sup>1</sup> dollars in Act 74 of 2021. However, no limited-service positions were authorized in the legislation. The positions in this request will be funded using the ARPA dollars that were appropriated to the DGO in Act 74.

*{JFO received 7/23/2021}*

Please review the enclosed materials and notify the Joint Fiscal Office (Sorsha Anderson: sanderson@leg.state.vt.us) if you have questions or would like this item held for legislative review. Unless we hear from you to the contrary by July 23, 2021, we will assume that you agree to consider as final the Governor’s acceptance of this request.

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<sup>1</sup> American Recovery Plan Act

STATE OF VERMONT
Joint Fiscal Committee Review
Limited Service - Grant Funded
Position Request Form

This form is to be used by agencies and departments when additional grant funded positions are being requested. Review and approval by the Department of Human Resources must be obtained prior to review by the Department of Finance and Management. The Department of Finance will forward requests to the Joint Fiscal Office for JFC review. A Request for Classification Review Form (RFR) and an updated organizational chart showing to whom the new position(s) would report must be attached to this form. Please attach additional pages as necessary to provide enough detail.

Agency/Department: Office of the Defender General Date: 7/8/2021

Name and Phone (of the person completing this request): Lora Evans, 802-828-0074

Request is for:

- Positions funded and attached to a new grant.
Positions funded and attached to an existing grant approved by JFO # ARPA Funds

1. Name of Granting Agency, Title of Grant, Grant Funding Detail (attach grant documents):

Act No. 74 (2021) Sec. G.300(a)(5) appropriated \$2,700,000 to the Office of the Defender General in one-time funding of the first two years (FY 22 and FY 23) of a four-year plan for the purposes outlined in the ODG Response to the Judiciary's Pandemic Response and Recovery Plan, which included 8 limited service positions (2 IT, 5 Administrative Secretaries and 1 Administrative Services Tech).

2. List below titles, number of positions in each title, program area, and limited service end date (information should be based on grant award and should match information provided on the RFR) position(s) will be established only after JFC final approval:

Title\* of Position(s) Requested # of Positions Division/Program Grant Funding Period/Anticipated End Date

IT Specialist I Pay Grade 20 (2 positions); Administrative Secretary Pay Grade 17 (5 positions); Administrative Services Tech III Pay Grade 17 (1 position) all through 12/31/2024

\*Final determination of title and pay grade to be made by the Department of Human Resources Classification Division upon submission and review of Request for Classification Review.

3. Justification for this request as an essential grant program need:

Please see attached Office of the Defender General Response to the Judiciary's Pandemic Response and Recovery Plan. The Legislature authorized the funding as requested for FY 2022 and FY 2023, but did not establish the positions identified in the request. The ODG is therefore requesting that the 8 positions identified in the request be approved.

I certify that this information is correct and that necessary funding, space and equipment for the above position(s) are available (required by 32 VSA Sec. 5(b)).

Signature of Agency or Department Head: Aimee Pope Date: 07/09/2021

Approved/Denied by Department of Human Resources: Adam Greshin Date: 2021.07.12

Approved/Denied by Finance and Management: Kristin Clouser Date: 2021.07.14

Approved/Denied by Secretary of Administration: Kristin Clouser Date: 2021.07.15

Approved/Denied by Governor (required as amended by 2019 Leg. Session): Date: 7/21/21

Comments: DHR has discussed job classes with DG, ok to rec'v RFRs after positions are approved. DHR - 08/12/2019

**Office of the Defender General**  
**Response to the Judiciary's Pandemic Response and Recovery Plan**  
**April 20, 2021**

The Judiciary has submitted its Pandemic Response and Recovery Plan dated March 15, 2021, proposing to extend the resources provided to the Judiciary through the first round of Coronavirus Relief Funds that were made available to the state in FY 2020, and proposing additional resources to deal with recovery from the pandemic into FY 2025.

The Judiciary's proposal will impact other parts of the criminal justice system, specifically, the State's Attorneys and the Office of the Defender General. While we are working to determine exactly where there are criminal and juvenile case backlogs, and how the Judiciary's use of retired judges may impact the processing of criminal and juvenile cases, it is incumbent upon the Office of the Defender General to identify its needs to be able to respond appropriately and continue to serve its clients consistent with its ethical obligations.

The Judiciary has proposed to use retired judges and dedicated docket clerks to help clear case backlogs, to continue to maximize remote technology, and review court processes and develop strategies to resolve cases, among other things.

In summary, the Office of the Defender General can identify the following needs:

**Case Backlog and Influx of New Cases**

- Public Defense: Continue the existing caseload relief contracts in place throughout the state and add additional caseload relief in Washington and Orleans/Caledonia counties.
- Nights/weekends court time proposal is unknown and the need for resources in ODG is unknown.
- Public defense: Two limited service IT positions to support continued remote technology including creating and staffing a helpdesk, installing additional equipment/software, Odyssey E-File & Serve processing, and providing training for Public Defense and Assigned Counsel conflict contractors.
- Public defense: Five limited service administrative support positions to provide support for anticipated influx of additional caseload, conflict checking, scheduled hearings, and Odyssey E-File & Serve processing; and one limited service administrative services technician to provide support to ODG Central financial management in implementing, managing and reporting use of funds to support this proposal.

**Continued Technology Needs**

- Assigned counsel contract attorneys: Additional reimbursements to conflict contractors for IT upgrades to support remote technology, including Webex conferencing.
- Public Defense: Additional IT hardware/software to support continued remote technology.
- Public Defense: Workspace/operating needs to support limited service positions.

**Office of the Defender General**

	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025 (1/2)</b>	<b>Total Cost</b>
PD caseload relief contractors (7.5 FTE) (includes most current contracts and Washington County and .5 NEK Law)	\$750,000	\$750,000	\$750,000	\$375,000	\$2,625,000
Judiciary's proposed nights/weekends (unknown)					
Limited service IT positions (tech support and training) PG 20 (2)	\$145,500	\$145,500	\$145,500	\$72,750	\$509,250
Limited service Admin Support PD offices PG 17 (5) and Limited service Admin Services Tech Central Office PG 17 (1)	\$387,900	\$387,900	\$387,900	\$193,950	\$1,357,650
Assigned Counsel Contractors reimbursement to upgrade IT for remote technology	\$50,000				\$50,000
Public Defense IT Hardware/Software additional needs for remote connections	\$50,000				\$50,000
Limited Service positions workspace /operating (furniture, tech, etc.)	\$10,000				\$10,000
<b>Totals</b>	<b>\$1,393,400</b>	<b>\$1,283,400</b>	<b>\$1,283,400</b>	<b>\$641,700</b>	<b>\$4,601,900</b>

## OFFICE OF THE DEFENDER GENERAL

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Matthew F. Valerio, Defender General

### MEMORANDUM

TO: Rep. Mary Hooper, Chair; Sen. Jane Kitchel, Vice Chair; and  
Members of the Joint Fiscal Committee

FROM: Matthew Valerio, Defender General



DATE: July 9, 2021

RE: Request for Limited Service Positions Associated with American Rescue Plan Act Funds

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Attached is a request for the establishment of eight limited service positions associated with funding appropriated to the Office of the Defender General by the Legislature from the American Rescue Plan Act funds allocated to the State of Vermont. This office submitted a Response to the Judiciary's Pandemic Response and Recovery Plan to the legislature at the request of Senator Dick Sears. That response, attached, included a proposal for eight limited service positions (2 IT specialists, 5 administrative support, and 1 administrative services tech). The legislature appropriated \$2.7 mil to this office in ARPA funds for FY 2022 and FY 2023 (Act No. 74, Sec. G.300(a)(5)), but did not include any limited service positions. Specifically, the proposed limited service positions were for:

- Two IT positions to support continued remote technology including creating and staffing a helpdesk, installing additional equipment/software, Odyssey E-File & Serve processing, and providing training for Public Defense and Assigned Counsel contractors.
- Five administrative support positions to provide support for anticipated influx of additional caseload, conflict checking, scheduled hearings, and Odyssey E-File & Serve processing.
- One administrative services technician to provide support to ODG Central financial management in implementing, managing and reporting use of funds to support this proposal.

We are therefore requesting the creation of the limited service positions.

Please feel free to contact me with any questions or additional information regarding this request.

Thank you for your consideration.

cc Adam Greshin, Commissioner, Finance and Management  
Susanne Young, Secretary of Administration  
Stephen Klein, Joint Fiscal Office  
Maria Belliveau, Joint Fiscal Office