



STATE OF VERMONT
JOINT FISCAL OFFICE

MEMORANDUM

To: Joint Fiscal Committee Members
From: Nathan Lavery, Fiscal Analyst
Date: May 25, 2012
Subject: Grant Request

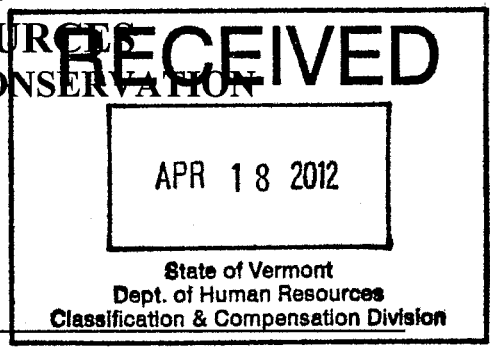
Enclosed please find one (1) limited service position request.

JFO #2565 – One (1) limited service position in the Department of Environmental Conservation (DEC). The position will be funded through grant funds included in the FY2013 budget (Act 162 of 2012). The purpose of this position is to provide administrative and paralegal support for five attorneys within DEC. Previously, this work was assigned to interns or temporary staff. DEC is requesting a limited service position in response to increased caseload.
[JFO received 5/16/12]

Please review the enclosed materials and notify the Joint Fiscal Office (Nathan Lavery at (802) 828-1488; nlavery@leg.state.vt.us) if you have questions or would like an item held for Joint Fiscal Committee review. Unless we hear from you to the contrary by June 8 we will assume that you agree to consider as final the Governor's acceptance of these requests.

JT=0 2565

STATE of VERMONT
AGENCY of NATURAL RESOURCES
DEPARTMENT of ENVIRONMENTAL CONSERVATION
~ Commissioners Office ~



MEMORANDUM

Tel: (802) 241-3810

TO: **Jeb Spaulding, Secretary, Agency of Administration**
THRU: **Jim Reardon, Commissioner, Dept. of Finance & Management**
THRU: **Jason Aronowitz, Budget Analyst, Dept. of Finance & Management**
THRU: **Molly Paulger, Director Employment Services, Dept. of Human Resources**
FROM: **David Mears, Commissioner, Dept. of Environmental Conservation**
DATE: **April 16, 2012**
SUBJECT: **Dept. of Environmental Conservation Limited Service Position Request**

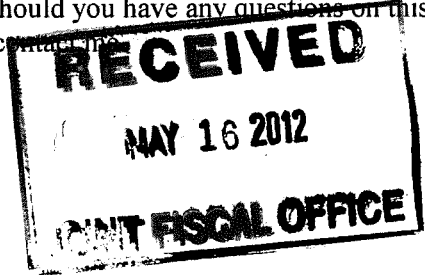
I am forwarding for your approval a completed limited service grant funded position request form along with the required supporting documentation. This request is for a limited service position that would be funded with our federal indirects earned from our Performance Partnership Grant (PPG) which is an ongoing grant that DEC has received for almost two decades now. This grant was included in our Department's SFY'12 budget which was approved by the legislature under Act 63 (H.441), and is also included in our current SFY'13 budget which is in the legislature at this time.

Over the last several years we have relied on using interns and temporary employees in an attempt to manage our growing legal caseload and related administrative filings. Based on our continued funding and our increased legal caseload volume including the workload associated with the review of the Entergy Nuclear Vermont Yankee thermal discharge permit renewal application, the permit decision making process, and the likely permit appeals this paralegal assistance is absolutely crucial to our staff to ensure sound and consistent process. It is extremely unmanageable to navigate this type of work with the inconsistencies that unfortunately derive from the use of interns and temporary employees. At this point in time it would be much more beneficial to the various programs and caseload data management integrity if this work could be accomplished with a limited service position. Should you have any questions on this request, or require additional information please do not hesitate to contact me.

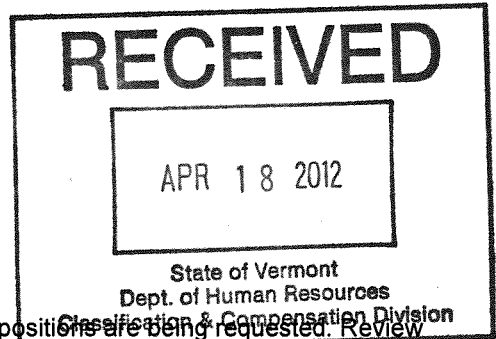
Thank you.

Attachment

Cc: Joanna Pallito, DEC Financial Director



**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: Natural Resources/Environmental Conservation Date: 4/16/2012

Name and Phone (of the person completing this request): Joanna Pallito, Financial Director (802) 583-7111

Request is for:

- Positions funded and attached to a new grant.
- Positions funded and attached to an existing grant approved by JFO # Legis. Act 63

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

U.S. Environmental Protection Agency, Performance Partnership Grant (PPG). The VT DEC is awarded this funding to administer a number of environmental programs for air, water and waste with flexibility to direct resources where they are most needed to address environmental and public health priorities.

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
Paralegal Technician II	1 position	Commissioner's Office -- Grant is a base federal funded program which runs in 5 year "blocks" & has been in place for almost 2 decades now. Is renewed each year and assigned a new grant award number every 5 yrs. Current PPG grant period runs through 9/30/12 plus new federal fiscal year 2013 to be applied for and is in SFY13 budget which will run through 9/30/13.	

*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:

See attached justification memo.

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] _____ Date 4/16/12
Signature of Agency or Department Head

[Signature: Molly Paul] _____ Date 4/18/12
Approved/Denied by Department of Human Resources

[Signature] _____ Date 5/4/12
Approved/Denied by Finance and Management

[Signature] _____ Date 05/10/12
Approved/Denied by Secretary of Administration


Comments:

APR 20 2012

Agency of Natural Resources
Department of Environmental Conservation
Commissioner's Office
802-241-3810

MEMORANDUM

To: David Mears, Commissioner, DEC

From: Catherine Gjessing, DEC Associate General Counsel 

Date: April 16, 2012

Subject: Request to establish a limited service paralegal technician II position

The purpose of this memo is to request establishment of a position within the Commissioner's Office dedicated to the legal services unit and the management of an increasing work load. Provided in the following is background, a statement and substantiation of need, suggested position title and organizational placement, and recommended funding source.

Background

This position is necessary because there is no dedicated administrative support for 5 attorneys within the Department. As a consequence, these attorneys spend a significant amount of their work time performing clerical or basic legal work. These tasks are performed at the expense of other pressing legal projects, such as rule making and timely legal review of critical program and permitting issues. The workload of legal staff has increased significantly over the last decade but the Department has not acquired any new legal or administrative staff. In addition, there is a significant workload associated with the review of the Entergy Nuclear Vermont Yankee thermal discharge permit renewal application, the permit decision making process, and the likely permit appeals. We need paralegal assistance now to ensure that the permit is legally sound and that we are prepared for the inevitable litigation associated with the permit.

Estimated Costs & Source of Funds

The estimated cost of a Paralegal Technician II (PG 20) is estimated to be approximately \$52,000 annually, based on salary at step one, plus 50% fringe and indirect costs. These federal indirect funds are available from out U.S. Environmental Protection Agency, Performance Partnership Grant. For several years now, the Department has been receiving these grant funds. Typically these funds support interns and various temporary staff, however as described above the current legal caseload and related administrative duties are no longer manageable through these options and thus we are requesting a limited service position to help meet our needs.

Thank you for your support in this regard.

Aronowitz, Jason

From: Pallito, Joanna
Sent: Friday, May 04, 2012 1:59 PM
To: Aronowitz, Jason; Paulger, Molly
Cc: Morway, Barb; Lafrance, Tracy; Lanphear, Stephanie; Gjessing, Catherine
Subject: RE: Limited Service Position Request

Hello Jason – great question and here is our assessment and why we still felt comfortable putting forth this limited service position request:

Our federal indirects which are the planned source of funds for this limited service position are in large part earned off many our EPA grants as well as other federal agency grants we receive (FEMA, Army Corps, US F&W, etc.). At this point in time, we still have not learned of the actual cuts to any particular grant, but these funds were anticipated in building our FY12 and FY13 budgets except that they've been historically used to fund temporaries and interns to help manage this legal work as detailed in our back-up documentation. With that said, we feel that although there is some uncertainty of what we'll experience in federal funding cuts we do believe we'll still be able to manage this limited service position. In addition, we also have our fee bill which appears to be intact for the most part as it comes close to a final vote out from this legislative session. As you know we had built increases within this fee bill in anticipation the potential federal cuts which will aid our budget in dealing with these should they fully materialize.

Please let me know if you have any further questions and we truly appreciate your assistance on this position request.

Thank you,

Joanna Pallito
Financial Director
Department of Environmental Conservation
103 South Main Street, Building 1 South
Waterbury, VT 05671-0401
(802) 241-3810 Phone
(802) 583-7111 Waitsfield Phone
Physical Location: Waitsfield, VT
joanna.pallito@state.vt.us

From: Aronowitz, Jason
Sent: Friday, May 04, 2012 1:39 PM
To: Pallito, Joanna; Paulger, Molly
Cc: Morway, Barb; Lafrance, Tracy; Lanphear, Stephanie; Gjessing, Catherine
Subject: RE: Limited Service Position Request

I have one question on this one, otherwise it looks good.

Question: How does this request relate to possible EPA cuts, and if it is tied into that, what is the backup plan? Thanks - Jason

From: Pallito, Joanna
Sent: Friday, May 04, 2012 1:18 PM
To: Paulger, Molly; Aronowitz, Jason
Cc: Morway, Barb; Lafrance, Tracy; Lanphear, Stephanie; Gjessing, Catherine
Subject: RE: Limited Service Position Request

Oh thank you so much Molly! Jason, can you please let me know the status of our request?

DEPARTMENT OF ENVIRONMENTAL
CONSERVATION
ORGANIZATION CHART
OFFICE OF THE COMMISSIONER

March 20, 2012

Paralegal Tech
II (PG 20)

ITD Service

COMMISSIONER
DAVID HEARS
EX
667001

DEPUTY COMMISSIONER
JUSTIN JOHNSON
EX
667010

LEGAL

STAFF ATTORNEY IV
CATHERINE CLESSING
EX
667016

DEP SR ATTORNEY
ANNE WHITELEY
EX
667009

STAFF ATTORNEY IV
ELIANE GORRARD
EX
667015

STAFF ATTORNEY III
MATT GHAMANI
EX
667014

STAFF ATTORNEY III
STEPHANIE BOND
EX
667015

ENVIRONMENTAL
PROSECUTION SECTION

STAFF ATTORNEY II
JOHN ZANCONSKI
EX
667008

STAFF ATTORNEY III
EX
667017

ENVIRONMENTAL
INVESTIGATION SECTION

CHIEF ENVIRONMENTAL OFFICER
SEAN McVEIGH
EX
666027

ENVIRONMENTAL OFFICER II
DARYL URICH
EX
666090

ENVIRONMENTAL OFFICER I
DANIEL MASON
EX
666086

ENVIRONMENTAL OFFICER II
REGINALD SMITH
EX
666089

ENVIRONMENTAL
COMPLIANCE SECTION

SAVAGE YARD UNIT
ENV ANALYST IV
JOHN BRISBART
EX
664132

ENVIRONMENTAL OFFICER II
TIMOTHY MCHAMARA
EX
666088

ENVIRONMENTAL DIRECTOR I
EX
666086

ENVIRONMENTAL OFFICER II
EDMOND CANTWELL
EX
666084

ENVIRONMENTAL OFFICER
PATRICK LOWMES
EX
666188

ENVIRONMENTAL PROGRAM
MANAGER
NANCY MANLEY
EX
666077

DIC SYSTEMS COORD
INTEGRATION LIAISON
EX
666092

PERMIT COORDINATOR
ENV ANALYST IV
DENNER BRYAN
EX
666200

ENVIRONMENTAL
LABORATORY SUPERVISOR
EX
666035

ENV TECH IV
JACQUELINE CABR
EX
666204

ENV TECH IV
JEFFREY MCGAHON
EX
666202

ENV SCIENTIST III
DANIEL McCONNIEY
EX
666016

ENV SCIENTIST V
DANIEL MELLEN
EX
666073

ENV SCIENTIST V
CHRISTINA RUSSO
EX
666074

ENV SCIENTIST V
DANIEL MEDHAK
EX
666275

VERMONT GEOLOGICAL
SURVEY

STATE GEOLOGIST
LORANCE BECKER
EX
666206

ENV TECH IV
FREDERICK COBERGICH
EX
666203

ENV TECH IV
JOHN MILLER
EX
666201

ENV SCIENTIST V
KIM JORIE SHUE
EX
666201

ENV SCIENTIST V
JONATHAN KIM
EX
666241

FINANCIAL
FINANCIAL DIRECTOR I
JOANNA PALLITO
EX
666011

FINANCIAL MANAGER III
TRACY LANRANCE
EX
666078

FINANCIAL MANAGER III
STEPHANIE LANPHEAR
EX
666014

FINANCIAL SPECIALIST II
KATHLEEN RUSSELL
EX
666079

FINANCIAL TECHNICIAN II
DEBORAH HENSTAD
EX
666208

ADMIN SERVICES COORD I
STEPHANIE LANPHEAR
EX
666014

- WASTE MANAGEMENT DIVISION
- WATER QUALITY DIVISION
- FACILITIES ENGINEERING DIVISION
- WATER/WATER MANAGEMENT DIVISION
- AIR QUALITY DIVISION
- WATER SUPPLY DIVISION

Request for Classification Action
New or Vacant Positions
EXISTING Job Class/Title ONLY
Position Description Form C/Notice of Action
For Department of Personnel Use Only

Notice of Action # _____	<p>Date Received (Stamp) RECEIVED APR 18 2012 State of Vermont Dept. of Human Resources Classification & Compensation Division</p>
Action Taken: _____	
New Job Title _____	
Current Class Code _____ New Class Code _____	
Current Pay Grade _____ New Pay Grade _____	
Current Mgt Level _____ B/U _____ OT Cat. _____ EEO Cat. _____ FLSA _____	
New Mgt Level _____ B/U _____ OT Cat. _____ EEO Cat. _____ FLSA _____	
Classification Analyst _____ Date _____ Effective Date: _____	
Comments: _____ Date Processed: _____	
Willis Rating/Components: Knowledge & Skills: _____ Mental Demands: _____ Accountability: _____ Working Conditions: _____ Total: _____	

Position Information:

Incumbent: **Vacant or New Position**

Position Number: _____ Current Job/Class Title: Paralegal Technician II

Agency/Department/Unit: Department of Environmental Conservation (DEC) GUC: 66042

Pay Group: 20 Work Station: Waitsfield Zip Code: 05673

Position Type: Permanent Limited Service (end date) Indefinitely - at least until a final decision is rendered on the Entergy Nuclear Vermont Yankee thermal discharge renewal permit and all appeals are concluded.

Funding Source: Core Sponsored Partnership. For Partnership positions provide the funding breakdown (% General Fund, % Federal, etc.) Federal Indirect funds

Supervisor's Name, Title and Phone Number: Catherine Gjessing DEC Associate General Counsel 802-583-7115

Check the type of request (new or vacant position) and complete the appropriate section.

New Position(s):

- REQUIRED: Allocation requested: Existing Class Code _____ Existing Job/Class Title: _____
- Position authorized by: _____

- Joint Fiscal Office – JFO # Approval Date:
 Legislature – Provide statutory citation (e.g. Act XX, Section XXX(x), XXXX session)
 Other (explain) -- Provide statutory citation if appropriate.

Vacant Position:

- a. Position Number:
b. Date position became vacant:
c. Current Job/Class Code: Current Job/Class Title:
d. REQUIRED: Requested (existing) Job/Class Code: Requested (existing) Job/Class Title:
e. Are there any other changes to this position; for example: change of supervisor, GUC, work station? Yes No If Yes, please provide detailed information:

For All Requests:

1. List the anticipated job duties and expectations; include all major job duties: Specialized legal and technical work involving legal research, interpretation, analysis, and drafting; case organization and investigation; document management and other forms of assistance for attorneys of the department or agency. Duties include handling public document requests; case document organization; case preparation; statutory and caselaw research, interviewing witnesses; preparation of legal documents such as, court notices, discovery requests and responses, and motions; monitoring the progress of legal and quasi-legal hearings, and liaison with other departments, agencies or private legal firms. Work is performed under the supervision of an attorney.

Examples of work performed represent the range of duties typically performed by paralegal positions in this class. Assists attorneys with preparation of legal documents, legal opinions, filings in administrative and court hearings, and trial or hearing preparation. Assists with discovery requests/responses. Schedules depositions and client and witness meetings. Assists with witness interviews and witness preparation. Meets with parties and interview involved parties to gather information and evidence. Facilitates settlement discussions.

Interprets assembled information, makes recommendations for legal action, drafts motions and other legal documents, prepares paper and electronic trail exhibits and prepares cases for trial or hearing. May handle an individual caseload with considerable independence. Conducts correspondence with parties, attorneys and the public which may require creating and maintaining databases to track requests and replies. Serves as liaison with other state agencies. Organizes and maintains case and research files, public document and records management; and assists attorneys and technical staff with the development of environmental program policies, procedures, rules and legislative initiatives. Conducts legal research and analyzes legal issues and environmental caselaw. Drafts legal memorandum, reviews and drafts contract language, researches legal issues to find supportive arguments, case documentation, and law library references. Evaluates, selects and compiles legal opinions, documents, and synopses of statutes. Performs related duties as required. Must have excellent legal analytical, writing, communication, organizational skills and the ability to work independently. Must have a paralegal degree and training or, a JD. Must be familiar with court procedures and rules and legal ethical standards. Must be able to adhere to deadlines. Position entails some overtime and travel.

2. Provide a brief justification/explanation of this request: This position is necessary because there is no dedicated administrative support for 5 attorneys within the Department. As a consequence, these attorneys spend at least 25% of their work time performing clerical or basic legal work which could be performed by a paralegal at a lower salary. These tasks are performed at the expense of other pressing legal projects, such as rule making and timely legal review of critical program and permitting issues. The workload of legal staff has increased significantly over the last decade but the Department has not acquired any new legal or administrative positions (in fact we have lost at least one legal position). In addition, there is a significant workload associated with the review of the Entergy Nuclear Vermont Yankee thermal discharge permit renewal application, the permit decision making process, and the likely permit appeals. We need paralegal assistance now to ensure that the permit is legally sound and that we are prepared for the inevitable litigation associated with the permit.

3. If the position will be supervisory, please list the names and titles of all classified employees reporting to this position (this information should be identified on the organizational chart as well). N/A

Personnel Administrator's Section:

4. If the requested class title is part of a job series or career ladder, will the position be recruited at different levels? Yes No

5. The name and title of the person who completed this form: Catherine Gjessing DEC Associate General Counsel

6. Who should be contacted if there are questions about this position (provide name and phone number): Catherine Gjessing 802-583-7115

7. How many other positions are allocated to the requested class title in the department: None

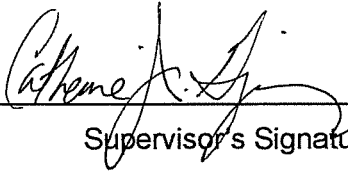
8. Will this change (new position added/change to vacant position) affect other positions within the organization? (For example, will this have an impact on the supervisor's management level designation; will duties be shifted within the unit requiring review of other positions; or are there other issues relevant to the classification process.) This will not change or impact on the supervisor's management level designation as Catherine already has 4 direct reports and this position will simply bring that number to 5.

Attachments:

- Organizational charts are **required** and must indicate where the position reports.
- Class specification (optional).
- For new positions, include copies of the language authorizing the position, or any other information that would help us better understand the program, the need for the position, etc.
- Other supporting documentation such as memos regarding department reorganization, or further explanation regarding the need to reallocate a vacancy (if appropriate).

Barbara Mosway
Personnel Administrator's Signature (required)*

4/16/12
Date



Supervisor's Signature (required)*

4/9/12
Date



Appointing Authority or Authorized Representative Signature (required)*

4/9/12
Date

* Note: Attach additional information or comments if appropriate.