

Department of State's Attorneys & Sheriffs
Bram Kranichfeld, Executive Director

ACCESSING AND MONITORING ON-CALL COMPENSATION

July 16, 2014

This report is made pursuant to Section C.106(12) of Act 179 of 2014, which granted the Department of State's Attorneys & Sheriffs (the "Department") a one-time supplemental appropriation of \$25,000 for a pilot program to compensate Deputy State's Attorneys for their on-call work. This Section requires the Executive Director of the Department to report to the Joint Fiscal Committee in July of 2014, "regarding the conditions under which these funds can be accessed and the procedures put in place to ensure that the use of these funds comport with the conditions identified."

A. On-Call Work

On-call work encompasses a State's Attorney's responsibilities to respond to emergency situations outside the regular scope of business and usually outside of regular business hours. Every State's Attorney's office is required to be available 24 hours per day, 7 days a week to attend to emergencies. Most of the State's Attorneys rotate these after-hour "on-call" duties among their deputies. While on-call, a deputy must remain in their county, have access to a vehicle, and be available to respond to any emergency situation at any time. The tasks facing a deputy while on-call are among the most important the Department deals with, including reviewing and coordinating search warrants; coordinating law enforcement, the judiciary, and Department of Children and Families to address juvenile emergencies; confirming probable cause for weekend lodgings; traveling to and observing potential homicide scenes; and troubleshooting questions from law enforcement.

B. History of the Pilot Project

Prior to this appropriation, the Department has not been able to provide additional compensation to deputies for being on-call. Other law enforcement and government attorneys receive additional compensation for analogous work. In our discussions with the Deputy State's Attorneys, on-call compensation was identified as one of their most important priorities. The failure to provide additional compensation to the deputies for this work undervalues their service to the community and takes them out of parity with other law enforcement and regular parties working in the court system.

Last year, we drafted and proposed a compensation plan in which a deputy would be compensated the equivalent of one day’s pay per week of being on-call plus additional compensation at their hourly rate for time spent physically responding to calls. Given the number of hours on-call that we expected deputies to work and their average hourly rate, we estimated the amount of funding required for this compensation plan to be roughly \$200,000.

For Fiscal Year 2015, the Legislature appropriated \$25,000 in one-time supplemental funding for a compensation plan. Although this is insufficient for an adequately realized compensation plan, it is an important first step that has allowed us to implement the necessary infrastructure to administer such a plan should the necessary funding become available. The Department sees this appropriation as an important opportunity to build the necessary logistical support for this type of compensation and as a positive first step toward adequate funding.

C. The Compensation Plan

Given the limited funding available, the Department has adopted a flat rate compensation policy in regard to these funds. The policy is as follows: during Fiscal Year 2015, for every day that a deputy is assigned to being on-call, that deputy is entitled to \$6.43 in compensation. This daily rate was reached based on the total available funding of \$25,000 and the estimated days that we expect our deputies to work on-call. We estimate that our deputies will spend 3,883 days on-call this fiscal year.¹ See below. At a daily rate of \$6.43, we estimate the Department will distribute a total of \$24,967.69 in on-call compensation.

County	DSA On-Call Days per Year	Daily Rate	County Total
Addison	84	\$6.43	\$540.12
Bennington	365	6.43	2,346.95
Caledonia	365	6.43	2,346.95
Chittenden	365	6.43	2,346.95
Essex	0	6.43	0.00
Franklin	365	6.43	2,346.95
Grand Isle	0	6.43	0.00
Lamoille	365	6.43	2,346.95
Orange	365	6.43	2,346.95
Orleans	365	6.43	2,346.95
Rutland	293	6.43	1,883.99
Washington	288	6.43	1,851.84
Windham	298	6.43	1,916.14
Windsor	365	6.43	2,346.95
TOTALS	3,883	\$6.43	\$24,967.69

¹ Each elected State’s Attorney assigns on-call responsibilities to their deputies and sets their schedules at their discretion. In every county, the elected State’s Attorney is understood to be ultimately responsible for on-call availability.

D. Accessing and Monitoring On-Call Compensation

The Department has worked with the Department of Human Resources to include the reporting and approval of on-call time through the time entry process in the Vermont Human Resources (“VTHR”) Online Resource Center. VTHR is the State of Vermont’s secure, web-based, Human Resource information system. (available at http://humanresources.vermont.gov/vthr/resource_center). It is the system by which the Department’s employees currently report their payable time. The VTHR system allows our employees to submit electronic time-sheets documenting their payable time for each pay period. Their supervisor must then review and verify the time sheet. Only at that point does the Department of Human Resources process the time sheet and issue a paycheck in accordance with the employee’s rate of pay.

By July 26, 2014, on-call time reporting will be included in this process. Deputy State’s Attorneys will log into the VTHR system and will report on their electronic time sheets the days on which they were on-call. The time will need to be entered before the end of the relevant pay period. The time sheets, now including the on-call days, will be reviewed by their supervisors to verify the deputy was actually on-call during the reported time period. If the timesheet is approved by the supervisor, then the Department of Human Resources will process the time sheet and include in the deputy’s paycheck the additional compensation for the days in which they were on-call. This process and the related coding will be available to deputies in the pay period ending on July 26, 2014. Deputies will be entitled to retroactive on-call compensation for time spent on-call after July 1, 2014 but before the implementation of this process. We expect all compensation to be caught up under this plan by August 7, 2014.