



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on May 17, 2019:

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Title	Agenda Item Type
Trial Courts : Resource Assessment Study	Action Required
Model Work-Year Value	Effective Date
Rules, Forms, Standards, or Statutes Affected	May 17, 2019
n/a	Date of Report
Recommended by	May 9, 2019
Workload Assessment Advisory Committee	Contact
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### **Executive Summary**

The Workload Assessment Advisory Committee recommends that the Judicial Council approve a change to the Resource Assessment Study (RAS) model's work year value, which is used to estimate staff full-time equivalents (FTE) needed in the trial courts. The current year value of 1,856 hours (111,360 minutes) was intended to align the Judicial Branch's workload model with model inputs used by other state agencies but lacks a solid empirical foundation for its continued usage within the Judicial Branch. The proposed year value of 1,642.5 hours (98,550 minutes) is based on data collected during the staff time study in 2016. Using the study-derived year value is consistent with the approach taken the previous two times the Council approved the RAS model.

### **Recommendation**

The Workload Assessment Advisory Committee recommends that the Judicial Council approve a staff year value of 1,642.5 hours (98,550 minutes) for use in computing the staff full time equivalents needed in the trial courts. If approved, this action would take effect immediately and would be used in computing 2019-20 trial court workload formula allocations.

## Relevant Previous Council Action

In 2000, the Judicial Council's Office of Court Research was directed to develop workload measures for nonjudicial trial court staff with the goal of developing a method for allocating resources to the trial courts that takes into account workload. The council first approved the Resource Assessment Study (RAS) model at its July 20, 2005 meeting.<sup>1,2</sup> In February 2013, the council approved an updated version of RAS with caseweights and other model parameters derived from the previous time study.<sup>3</sup> In the same time period, the Workload Assessment Advisory Committee adopted a policy of updating the RAS model approximately every five years to keep pace with changes in the law, technology, and case processing practices. The RAS model was updated and approved by the council at its July 27, 2017 meeting.<sup>4</sup>

## Analysis/Rationale

### *Computation of Staff Year Value*

RAS has three major components that are utilized to measure staff workload need in trial courts: 1) case weights (the average number of minutes that cases of various types take from initial filing through disposition and including any post-disposition activity); 2) annual filings averaged over a three-year period; and, 3) a staff work-year value that quantifies the amount of time that staff have for their work, expressed as an annual number of hours or minutes. It is this last element of the RAS model that is the primary focus of this report.

To calculate a staff work-year value, it is necessary to know: 1) 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). The staff workload studies conducted prior to the 2016 update were conducted wholly or in part 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.

### *2016 Time Study Update*

To understand the rationale for the present recommendation, it is important to briefly revisit the committee's decision concerning the staff year value that was proposed following the 2016 study. As with previous RAS studies, a staff year value was derived from the time study data. At the same time, the branch was undertaking various initiatives to align its practices with other

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<sup>1</sup> See <http://www.courts.ca.gov/documents/0705item1.pdf>.

<sup>2</sup> At the time, the RAS model was an acronym for Resource Allocation Study model—later revised to Resource Assessment Study model—to better reflect the model's use in assessing, not allocating, workload.

<sup>3</sup> See <http://www.courts.ca.gov/documents/jc-20130226-itemM.pdf>.

<sup>4</sup> <https://jcc.legistar.com/LegislationDetail.aspx?ID=3080094&GUID=EC7E39D1-AAD1-4E4E-9A08-ACC94EB16DC0>

state agencies, and the staff year value was one of the areas where such alignment seemed appropriate. In the end, the committee opted to adopt a year value that was based on what was understood to be state Department of Finance-approved assumptions and inputs (See table 1).

**Table 1: Work Year Value Calculations Considered for 2016 RAS Update**

	<b>2016 Study Work Year Value Calculations</b>	<b>2016 Approved Work Year Value</b>
<b>Days in year</b>	365	365
<b>Weekend days</b>	104	105
<b>Less holidays</b>	13	13
<b>Less leave/sick/vacation days</b>	29	15
<b>Total working days available</b>	219	232
<b>Working hours per day</b>	7.5	8
<b>Work year= working days*working hours</b>	1,642.5 hours/98,550 minutes	1,856 hours/111,360 minutes

***2018 Review***

Last year, WAAC directed staff to bring back additional data concerning the computation of the staff year value. At the same time, further discussion with new DOF staff indicated that the year value adopted by the committee was higher than what was being used by other state agencies and that there was variation in the year values utilized by state agencies for Budget Change Proposals (BCPs) submitted to DOF, with the only requirement being that year values be justified with empirical data.

With this context, the committee met in February 2019 to review the assumptions contained in the approved year value and the 2016 study year value. The main differences between the two models are in the amounts of time allocated for leave/vacation time and the number of working hours per day. The approved year value assumes 15 days (three weeks) for leave/sick/vacation; it is unclear whether the approved work year value assumptions regarding leave were also intended to account for absences allowed under the Family and Medical Leave Act and other similar types of leave.

Courts that participated in the 2016 time study confirmed the higher leave accrual with data from their personnel management systems. Leave data was collected from 10 study courts, with those courts reporting a median value of 34 days of accrued leave and 38 days of used leave.

The other major area of difference between the two models is found in the assumed working hours per day. The time study 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, as most court clerical staff are classified. The approved work year assumes an eight-hour workday.

***Other Workload Study Work-year Values***

The staff year value was compared to other year values utilized by state agencies through the BCP process. Three BCPs submitted in the 2018-19 fiscal year, two from the Department of Human Resources and one from the Department of Justice showed year values in the range of 1,776 to 1,800 hours.

Data obtained from the National Center for State Courts (NCSC) provides context on year values utilized by other states to measure court staff workload need. Data from workload studies conducted between 2011 to 2017 shows the average staff work-year value to be 1,656 hours or 99,352 minutes (see table 2).

**Table 2: 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

**Policy implications**

Adopting the study work year value of 1,642.5 hours is consistent with the approach taken in previous versions of the RAS model. The committee further recommends this approach because it is based on empirical data collected through the time study process and reflects more accurately the available work hours of case processing staff.

Adopting this recommendation would change the workload formula; absent any other changes to drivers in the workload formula, there would be a greater gap between trial court allocations and workload funding. This does not imply that the Department of Finance will propose additional funding for the trial courts solely on the basis of the change in the workload formula as a result of the new year value. Discussions would be required with the DOF regarding the potential for additional funds and could highlight the differences between the leave/vacation time accrued and hours worked in trial courts to that of other mainstream government agencies and constitutional offices.

**Comments**

There were no public comments received when WAAC met to review this item at its February 26, 2019 meeting. The motion to recommend use of the study year value was approved unanimously.

**Alternatives considered**

One option the committee considered was to adopt one of the more common and generally accepted year values (e.g. 1,776 hours or 1,800 hours as noted above) used by other state agencies in order to stay consistent with the approach taken in 2017. Ultimately, the committee determined that adopting one of these year values would be an arbitrary decision, without an empirical foundation.

**Fiscal and Operational Impacts**

The new workload standards would take effect upon approval by the Judicial Council and would become effective for calculation of the 2019-20 RAS FTE need and Workload Formula funding. The main fiscal impact would be to the calculation of the branch's Workload Formula. Adopting the proposed study year value would reduce the amount of available work time for court case processing staff in the RAS model by about 10%. This change would increase the statewide RAS FTE need by approximately the same percentage, holding constant all other potential sources of variation in the model.

There are no operational impacts to trial courts.