

**FY 2010 BUDGET REDUCTIONS - SUMMARY OF ISSUES
BOARD OF FINGERPRINTING**

ALL NON-GENERAL FUNDS

FY 2010 All Non-General Funds Budget (less Federal Funds) **560,000**

AGENCY REDUCTION TARGET - ALL NON-GENERAL FUNDS (w/o Federal Funds) **\$84,000**

Fund	Reductions Amount	Percent Reductions
Board of Fingerprinting Fund	\$84,239	100.3%
Total	\$84,239	

All Non-General Funds Total as a Percentage of Agency Non-GF Reduction Target 100%

**FY 2010 BUDGET REDUCTIONS - SUMMARY OF ISSUES
BOARD OF FINGERPRINTING**

BOARD OF FINGERPRINTING FUND

FY 2010 All Non-General Funds Budget (less Federal Funds)	560,000
AGENCY REDUCTION TARGET - ALL NON-GENERAL FUNDS (w/o Federal Funds)	\$84,000

Priority	Issue Title¹	Reductions Amount
1	Eliminate one administrative assistant (1.0 FTE)	\$23,982
2	Eliminate one hearing officer (0.75 FTE)	\$26,325
3	Terminate conference-room lease	\$10,936
4	Reduce all remaining positions but executive director from 1.0 to 0.8 FTE	\$18,904
5	Terminate Westlaw subscription	\$4,092
	Issues Total	\$84,239
	Fund Total as a Percentage of Non-General Fund Reduction Target	100%

¹ Please complete the attached Description and Impact Statement for each issue.

**STATE OF ARIZONA
FY 2010 BUDGET REDUCTIONS - ISSUE DESCRIPTIONS**

Board of Fingerprinting

Issue Title: Eliminate one administrative assistant (1.0 FTE)

Issue Priority: 1

Reduction Amounts:

Board of Fingerprinting Fund: \$23,981.66

Total: \$23,981.66

Issue Description and Statement of Effects

The Board would eliminate one Administrative Assistant II (hereafter "AA"), representing 1.0 FTE. For administrative support, the Board would be left with 0.8 FTE (the Board also proposes to reduce most FTEs that aren't eliminated from 1.0 to 0.8; see Issue 4). This position currently does data entry and customer service in support of the Board's good-cause-exception determinations under A.R.S. § 41-619.55.

Currently, the Board requires applicants to submit copies of the letters from DPS denying or suspending their fingerprint clearance cards. The AA reviews the letters to ensure that the applicant is eligible to request a good cause exception, enters data from the letter into the Board's tracking database, and produces and sends application packages to the applicants. These functions help ensure that the Board has a complete administrative record and help avoid problems associated with receiving good-cause-exception applications from individuals who are not eligible to apply. However, the functions are not essential. Instead, the Board proposes to make its application package available online to anyone who wishes to download it. (Individuals who don't have Internet access can call the Board office.) Although there are administrative difficulties with this practice, they are surmountable. The other duties performed by the AA, such as answering telephones and ordering criminal-history records from DPS, can be transferred to the remaining AA.

Apart from the surmountable administrative difficulties of implementing this option, eliminating one AA will affect the Board's ability to respond to citizens. The Board would have one AA to answer all calls, which we receive a significant number of. In the past, when the Board was not permitted by ADOA to fill a vacant AA position, applicants complained about a perceived lack of responsiveness, although the Board staff responded to almost all inquiries within 2-3 business days.

October 9, 2009

The calculation of savings includes personal services and ERE (totaling \$22,181.66) and an estimate of savings from administrative costs, such as office supplies and postage (\$1,800).

Alternatively, the Board could raise its fee by \$1.00 and generate approximately \$80,000 a year (nearly the entire 15% target). This money could then be used to offset the budget reduction.

DRAFT

**STATE OF ARIZONA
FY 2010 BUDGET REDUCTIONS - ISSUE DESCRIPTIONS**

Board of Fingerprinting

Issue Title: Eliminate one hearing officer (0.75 FTE)

Issue Priority: 2

Reduction Amounts:

Board of Fingerprinting Fund: \$26,325.00

Total: \$26,325.00

Issue Description and Statement of Effects

The Board would eliminate one Hearing Officer II (also known as an administrative law judge; hereafter "ALJ"), representing 0.75 FTE. The Board currently has two ALJs, one full time and one 0.75 FTE. Thus, the Board would be left with 0.8 FTE (the Board also proposes to reduce most FTEs that aren't eliminated from 1.0 to 0.8; see Issue 4) and the executive director to conduct administrative hearings. (The Board uses the executive director occasionally when the caseload is high. Prior to establishing the ALJ positions, the Board used the executive director exclusively.) This position currently conducts administrative hearings and prepares recommended orders in support of the Board's good-cause-exception determinations under A.R.S. § 41-619.55.

The Board is subject to time frames under A.R.S. § 41-619.55(B) and (E). The Board does not believe it can comply with these times frames with the proposed reduction in staff. Therefore, the Board recommends that the statute be amended to eliminate the time frames.

The Board would rely more heavily on the executive director to conduct hearings and avoid a backlog of hearings from developing. As necessary, the Board may conduct hearings on its own when the caseload demands, although the caseload already places a high demand on the Board members' time.

The calculation of savings includes personal services and ERE (totaling \$26,325).

Alternatively, the Board could raise its fee by \$1.00 and generate approximately \$80,000 a year (nearly the entire 15% target). This money could then be used to offset the budget reduction.

**STATE OF ARIZONA
FY 2010 BUDGET REDUCTIONS - ISSUE DESCRIPTIONS**

Board of Fingerprinting

Issue Title: Terminate conference-room lease

Issue Priority: 3

Reduction Amounts:

Board of Fingerprinting Fund: \$10,936.14

Total: \$10,936.14

Issue Description and Statement of Effects

The Board would terminate the lease on its conference room. Since the Board proposes to eliminate positions (see Issues 1 and 2), the Board will be able to use vacated office space for its conference room.

This proposal assumes that ADOA will approve the lease termination on the basis of funds no longer being available for the lease.

Alternatively, the Board could raise its fee by \$1.00 and generate approximately \$80,000 a year (nearly the entire 15% target). This money could then be used to offset the budget reduction.

**STATE OF ARIZONA
FY 2010 BUDGET REDUCTIONS - ISSUE DESCRIPTIONS**

Board of Fingerprinting

Issue Title: Reduce all remaining positions but executive director from 1.0 to 0.8 FTE

Issue Priority: 4

Reduction Amounts:

Board of Fingerprinting Fund: \$18,903.87

Total: \$18,903.87

Issue Description and Statement of Effects

The Board would convert its remaining employees, except for the executive director, from 1.0 to 0.8 FTE. Since the executive director's duties would be increased (see below and Issue 2), and since a reduction in the executive director's hours could have FLSA implications, the Board proposes to keep the executive director at 1.0 FTE. The affected positions would be one Hearing Officer II position, two Investigator III positions, and one Administrative Assistant II position. These positions currently support the Board's function of determining good cause exceptions under A.R.S. § 41-619.55.

The Board is subject to time frames under A.R.S. § 41-619.55(A), (B) and (E). With the reductions proposed in Issues 1 and 2, as well as the conversions to part-time employees, the Board would not be able to comply with the time frames. Therefore, the Board recommends that the statute be amended to eliminate the time frames. The Board's ability to meet the time-frame requirements of A.R.S. § 41-619.55(B) and (E) is discussed under Issue 2. The time-frame requirement of A.R.S. § 41-619.55(A) is that the Board conduct an expedited review (i.e., an initial review of the application, without having an administrative hearing) within 20 days of receiving an application. "Application" is defined under A.A.C. R13-11-104(A) to mean a complete application. Twenty calendar days is the maximum time that the Board has to conduct an expedited review, so the Board actually has less time in most cases, even though the Board currently meets every other week. In practice, the investigators, who prepare summaries of cases for the Board and determine whether applications are complete, have as few as two business days to prepare a case for the Board. These time frames already are demanding; reducing the two investigators to 0.8 FTEs would make the time frames impossible to meet in many cases.

The Board may need to change its application requirements to make sure that a backlog doesn't develop. The Board would review all cases closely, but it would focus its

October 9, 2009

scrutiny on cases that have more recent offenses, more extensive criminal histories, or more serious crimes. The Board would focus less on cases with old or minor offenses. For example, the Board would not focus its attention as closely on an applicant who committed a single shoplifting offense in 1965.

The Board may rely more heavily on the executive director to serve as an investigator when one of the FTEs is on leave or when the caseload is high.

The Board's investigators receive a high number of calls and inquiries from applicants. The ability of the investigators to quickly respond to these contacts will be diminished.

The calculation of savings includes personal services and ERE (totaling \$18,903.87). Although not included in the calculation, the Board notes that its annual-leave liability would also decrease.

Alternatively, the Board could raise its fee by \$1.00 and generate approximately \$80,000 a year (nearly the entire 15% target). This money could then be used to offset the budget reduction.

**STATE OF ARIZONA
FY 2010 BUDGET REDUCTIONS - ISSUE DESCRIPTIONS**

Board of Fingerprinting

Issue Title: Terminate Westlaw subscription

Issue Priority: 5

Reduction Amounts:

Board of Fingerprinting Fund: \$4,092.48

Total: \$4,092.48

Issue Description and Statement of Effects

The Board has a legal-services subscription to Westlaw. The service is used by three FTEs (two administrative law judges and the executive director). Relative to the Board's other non-personnel expenditures, the subscription is costly. The Board proposes to terminate the subscription, which would have little negative impact on the Board but would generate a notable amount of savings.

The Board is currently about two years into a three-year contract for the service. Since Westlaw provides a service with limited competition, the State Procurement Office has not been able to negotiate a state contract with terms favorable to an agency terminating the service. The Board's attempts so far to terminate the contract have been unsuccessful. However, appropriate language about vendor contracts in a budget-reconciliation bill might empower the Board to terminate the service.

Alternatively, the Board could raise its fee by \$1.00 and generate approximately \$80,000 a year (nearly the entire 15% target). This money could then be used to offset the budget reduction.