

MICHAEL P. VICTORINO
Mayor

DON S. GUZMAN
Acting Prosecuting Attorney

ROBERT D. RIVERA
First Deputy Prosecuting Attorney



RECEIVED
2019 APR -5 AM 10: 53
OFFICE OF THE
COUNTY COUNCIL

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2019 APR -3 PM 3: 13
OFFICE OF THE MAYOR

DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
150 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 • FAX (808) 270-7625

April 1, 2019

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, HI 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 4/4/19
Mayor Date

For Transmittal to:

Honorable Michael J. Molina
Chair, Governance, Ethics, and Transparency Committee
Maui County Council
200 South High Street
Wailuku, HI 96793

Honorable Keani Rawlins-Fernandez
Chair, Economic Development & Budget Committee
Maui County Council
200 South High Street
Wailuku, HI 96793

RE: PRE-BUDGET SESSION PRESENTATION (DEPARTMENT OF THE
PROSECUTING ATTORNEY) (GET-18(6))

Dear Chair Molina:

This letter is in response to the Governance, Ethics, and Transparency Committee letter dated, March 22, 2019. As requested, we are providing the following responses to your request:

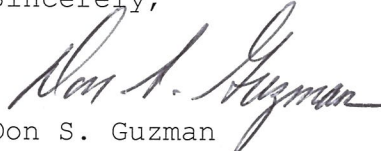
1. Overtime report showing the amount of overtime generated in your department, by program, by position, for Fiscal Year 2018 and 2019, to date.

Attached please find the overtime report along with our justification for overtime by programs for Fiscal Year 2018 and 2019. Due to the confidentiality of our civil service employees, we will not be able to provide this information by positions, but by programs and sections.

Honorable Michael P. Victorino
For Transmittal to:
Honorable Michael J. Molina
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If you have any further questions or require further information,
please do not hesitate to call me at 270-7777.

Sincerely,

A handwritten signature in black ink, appearing to read "Don S. Guzman". The signature is fluid and cursive, with a large initial "D" and "G".

Don S. Guzman
Acting Prosecuting Attorney

DEPARTMENT OF THE PROSECUTING ATTORNEY

Overtime from July 1, 2018 to March 20, 2019

Section	1.50 OT Hrs	1.50 OT \$ Amt	.50 OT Hrs	.50 OT \$ Amt	Night Diff .90 Hours	Night Diff .90 \$ Amt	Comp Time 1.50	CTO Est Payout	Meals Dinner \$	TA OT Hours	TA OT \$ Amt	Totals
ADMINISTRATION (906016)	700	\$34,720.22	0	\$0.00	116.25	\$104.63	41.5	\$2,234.79	\$970.00	0	\$0.00	\$38,029.64
GENERAL PROSECUTION (906156)												
District Court	314.75	\$13,027.42	10	\$110.34	39.13	\$35.24	1.5	\$45.95	\$450.00	41.5	\$1,108.09	\$14,777.04
Family Court	23.75	\$956.32	0	\$0.00	0.5	\$0.45	2.75	\$89.00	\$0.00	0	\$0.00	\$1,045.77
Appellate	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Circuit Court	1028.25	\$46,310.91	0	\$0.00	152.13	\$136.93	12.5	\$534.74	\$540.00	21.5	\$704.55	\$48,227.13
Felony Screening	0	\$0.00	0	\$0.00	0	\$0.00	19.75	\$795.26	\$0.00	7.5	\$230.33	\$1,025.59
Victim Witness	4.75	\$212.46	0	\$0.00	1.25	\$1.13	8.25	\$362.97	\$0.00	0	\$0.00	\$576.56
Investigative Services	27.25	\$1,447.40	0	\$0.00	5.5	\$4.95	13.5	\$495.70	\$60.00	0	\$0.00	\$2,008.05
TOTALS BY COLUMN:	1398.75	\$61,954.51	10	\$110.34	198.51	\$178.70	58.25	\$2,323.62	\$1,050.00	70.5	\$2,042.97	\$67,660.14

Administration (906016) = \$ 38,029.64

General Prosecution (906156) = \$ 67,660.14

DEPARTMENT OF THE PROSECUTING ATTORNEY

Overtime from July 1, 2017 to June 30, 2018

Section	1.50 OT Hrs	1.50 OT \$ Amt	.50 OT Hrs	.50 OT \$ Amt	Night Diff .90 Hours	Night Diff .90 \$ Amt	Comp Time 1.50	CTO Est Payout	Meals Dinner \$	TA OT Hours	TA OT \$ Amt	Totals
<u>ADMINISTRATION (906016)</u>												
Administration	1002.5	\$44,239.44			165.5	\$148.96	68.75	\$3,576.26	\$1,170.00			\$49,134.66
<u>GENERAL PROSECUTION (906156)</u>												
District Court	555.88	\$21,292.70	57.5	\$617.17	102.88	\$92.60	59	\$1,829.22	\$585.00	109.25	\$3,514.36	\$27,931.05
Family Court	47.75	\$1,877.08	0	\$0.00	2	\$1.80	0	\$0.00	\$0.00	67	\$2,580.08	\$4,458.96
Appellate												\$0.00
Circuit Court	1736.13	\$76,990.68	0.5	\$0.45	152.38	\$137.15	108	\$3,775.12	\$1,115.00	103.75	\$4,373.50	\$86,391.90
Felony Screening							0	\$0.00	\$0.00	3	\$85.14	\$1,515.22
Victim Witness	18.5	\$704.35	0	\$0.00	11.5	\$10.35	24.5	\$1,013.32	\$70.00	0	\$0.00	\$1,798.02
Investigative Services	12.5	\$639.41	0	\$0.00	1	\$0.90	5	\$178.17	\$20.00	0	\$0.00	\$838.48
TOTALS BY COLUMN:	2370.76	\$101,504.22	58	\$617.62	269.76	\$242.80	196.5	\$6,795.83	\$1,790.00	283	\$10,553.08	\$122,933.63

Administration (906016) = \$ 49,134.66

General Prosecution (906156) = \$ 122,933.63

Overtime Justification

Administration

- The Victim Witness Director, Law Office Manager, Administrative Officer, Personnel Clerk, and Account Clerk III all have unique duties based on their job description. With that, the administrative staff is strapped with a very limited period for taking leaves. Each staff must do their filing and copying of documents which reduces their time in concentrating on time-sensitive reports and meeting deadlines. The Administrative staff has a constant flow of daily requests from employees and outside agencies that require research and gathering information. The demands of the administrative staff have increased with implementing policies and procedures in changes with legal procedures with the courts and the Attorney General's Office, Federal and State Reporting of grants and interfacing with new state-wide criminal data tracking systems together with the Maui Police Department's ILEADS data tracking system. Administrative staff must continuously respond to employees and public complaints, grievance issues, maintenance, and repair of office equipment, building maintenance, and participate in database testing with the various State criminal data tracking systems.
- Additionally, there has been an increase of total cases received within the last three years which requires a constant reorganization of staff resources, office space, and seeking innovative solutions to the daily crisis of meeting deadlines with the courts, personnel needs, and lack of office space. The Law Office Manager and Administrative Officer has been working overtime regularly to keep up with their regular work duties due to constant Justware errors, personnel issues, counseling and investigations, trainings and meetings throughout the day which interferes with their daily responsibilities, as well as absorbing the duties of vacant positions and filling-in for supervisors on leave in other General Prosecuting divisions, thus, overtime is needed in order to keep up with the constant daily demands and deadlines. One full-time expansion position and three part-timers is needed to reduce overtime.
- Changes in technology involving new and/or upgrade of systems which consist in working with agencies before upgrade and/or new system including training which involve the Law Office Manager and/or Administrative Officer:
 - JEFS/JIMS/EBW systems (Courts Systems)
 - ILEADS (Police System)
 - Upgrade of Justware system (Prosecuting Attorney)
 - o Auditing reports that are generated after the upgrade are completed
 - Upgrade of JJIS
 - Upgrade of CJIS
 - Ongoing HIJIS system program
- The goal is for the administrative staff to be responsive to the public and its employees with efficiency and quality of services.

General Prosecution

- Employees follow our department's overtime directive memorandum dated on April 12, 2018. (See Attached)
- In our Circuit Court division, we have a total of 16 legal and clerical support positions. Currently, we have two vacancies which we are planning to fill by May 16, 2019. In our District/Family Court Section we have a total of 12 legal and clerical support positions. Currently, all positions are filled in this section. Within the last seven years, our department lost seven very experienced and extremely knowledgeable employees due to retirements. We had three employees who had more than 30 years of service and four employees with more than 22 years of service. Our department has been proactive in the training and retraining of our current and newer staff with the ongoing task to keep up with the demands of running an efficient and productive workflow in each division.
- Due to Electronic filing (efiling) and the judiciary's goal of going completely paperless, our legal and clerical support staff are now required to assume many of the voluminous filing duties that were once performed by the Judiciary's clerical staff. This requires our staff to search through 100's of email notifications in or order to begin the process of efiling. This initial process itself is extremely time consuming even before our office can even begin to file a charge.
- Efiling also requires our office to prepare Felony Informational Charging and Warrants of Arrest, significant duties that were once performed by court staff. Electronic filing in all divisions also involved revising all of our legal forms in order to comply with the Efiling rules. Numerous trainings and testing were conducted in order to ensure that all staff members were competent to complete their efiling duties.
- The efiling of Criminal and/or Traffic Citations has also created additional work for our clerical staff assigned to the district courts. They are now required to retrieve almost one thousand efiled citations on a monthly basis in order to properly prepare the necessary court documents for our attorneys.
- Clerical duties have also greatly increased because all of our clerical staff are now required to print out the majority of MPD reports and connect-up reports through the ILEADS system within the district court. As noted above, district court cases are the most voluminous within the department.
- Felony/Information charging has also dramatically increased the number of felony cases that are being prosecuted in circuit court. This increase in felony cases has also created the necessity of overtime among clerical staff.

- Due to retirement/resignation vacancies, family leave situations and leave without pay, the clerical staff have been in need of overtime hours in order to keep up with the constant demands daily court proceedings and deadlines and the increased volume of cases and changes created by the court's electronic filing system.
- Training new employees or employees who have been promoted requires numerous hours of instruction and training. Senior staff members who have been tasked with this are offered overtime in order to maintain their normal heavy workloads.
- Clerical staff who are assigned to family/circuit court have the heaviest and most voluminous trial assignments within circuit court. For this reason, they have been undermanned for quite some time and overtime is a must in order to keep up with pretrial and trial deadlines. The staff also handles Mental Health Court with cases coming from all the other felony courtrooms.

ALAN M. ARAKAWA
Mayor



JOHN D. KIM
Prosecuting Attorney
ROBERT D. RIVERA
First Deputy Prosecuting Attorney

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MEMORANDUM

TO: All Clerical Staff, Investigators, and Counselors
FROM: John D. Kim, Prosecuting Attorney *John Kim*
DATE: April 12, 2018
RE: **OVERTIME DIRECTIVE**

This week we presented our FY19 Budget to County Council, they questioned our department's overtime, and asked if we can do a study on our overtime cost. We also received an overtime directive from the Mayor back in July, asking each department to make every effort to limit overtime. Granted, there are times when overtime may be necessary, when completion of an essential service in a timely manner is critical and no alternatives are available.

Authorization of overtime must include detailed documentation of work to be performed and the anticipated number of hours required. Detailed justification must include quantity and case names/numbers (to be audited). Any changes to the approved overtime request must be done prior to overtime worked. We need to have accurate records of overtime worked in our office to comply with any payroll audit request.

1. Below is a list of items that are justifiable request for overtime.

- Rush answering a brief
- Short staffed, clericals out on leave and/or vacant positions, helping and being assigned to someone's work load assignments.
- Helping other courtrooms or divisions ex: rushes, leaves, etc.

Memorandum: Overtime Directive

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- Last minute rushes due by the end of the day as requested by attorneys.
- Rush reviewing, formatting, and eFiling of legal documents due that day or the next day.
- Rush Rule 40 due within 48 hours.
- Rush Trial Preparation due immediately as requested by attorney.
- Courtroom 4 (CC and FC) due to courtroom shortage and excessive caseload will be allowed overtime if needed.
- Assigned to Projects by supervisors.
- For special circumstances please see your supervisor for pre-approval.

2. Overtime can be denied based on the following reasons.

- Did not provide a detailed justification (Quantity and/or case name/numbers depending on justification) for overtime requested.
- When an employee is on LWOP status.
- An employee must have physically worked an 8 hour day. No vacation/sick/comp time/LWOP taken for that day
- Non-rushes, no court dates, future court dates deadline that is not a rush.
- Saturday/Sunday overtime will not be approved, unless for trial preparation that is requested by attorneys, and/or group projects, and/or emergencies requested by supervisors, attorneys or administration.
- Per Mayors overtime directive (see attached), No overtime shall be authorized until employees have worked a regular forty-hour work week.

Thank you for your hard work and dedication. We are committed to operating an efficient and cost effective department.