

LA Times

State auditor says California tax agency workers may have been overpaid by \$572,000

Another audit at the state Capitol, pictured, finds misuse of taxpayer resources. (Rich Pedroncelli / AP)

A state audit released Tuesday found that 25 managers at California's troubled tax collection agencies were overpaid by at least \$72,000 because they failed to record sufficient leave when absent for whole days.

The findings were included in a twice-yearly report on employee misconduct and waste throughout state government. The audit looked at payments made to supervisors since 2016 at the former State Board of Equalization, which was stripped of most of its power by Gov. Jerry Brown in 2017 following mismanagement allegations, and the California Department of Tax and Fee Administration, which was created that year to assume many of the tax collection duties formerly handled by the Board of Equalization.

"We also estimated that overpayments to other CDTFA employees in similar job classifications may have totaled more than \$500,000 during the same period," State Auditor Elaine Howle wrote in a letter to Gov. Gavin Newsom.

The new tax agency responded by saying it plans to audit the attendance records of the 25 employees identified in the report.

The report issued Tuesday also said that the Judicial Council of California mismanaged its Assigned Judges Program, which pays retired judges to help courts with backlogs. The program assigned and compensated retired judges to work in superior courts that already had surpluses of judges.

"In fact, the AJP spent nearly \$7 million of its \$27-million budget in 2016 to provide judges to the five counties that had the highest number of surplus judges," the audit said.

Howle said that the council has already made changes to better assess the need for help and control spending in the program.

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Full Article Here: <https://www.latimes.com/politics/la-pol-ca-state-workers-misused-state-time-20190409-story.html>

The Recorder

State Auditor Finds Temp Judge Program Reboot OK

The seal of the Judicial Council of California, the policymaking body of the California courts. (Photo the Judicial Council of California via YouTube)

(CN) – The state auditor in a [report](#) released Tuesday found that the Judicial Council of California had inefficiently run a program for temporary judges. However, the auditor was satisfied with an overhaul initiated by the state’s chief justice.

State Auditor Elaine Howle said her office launched an investigation of the Judicial Council after receiving a 2017 complaint that courts with “surpluses of judges” were overusing the program.

“The Judicial Council of California inefficiently administered the Assigned Judges Program (AJP) because it did not verify that superior courts requesting retired judges from the AJP attempted first to fill their needs either internally or reciprocally with other superior courts, as the Judicial Council’s policy requires,” Howle said.

“In fact, the AJP spent nearly \$7 million of its \$27 million budget in 2016 to provide judges to the five counties that had the highest number of surplus judges.”

Howle’s office interviewed Judicial Council staff and learned the program had no way of verifying that courts requesting judges from the program had first tried to use judges from their own court or other courts.

“Program staff consistently reported that they did not even question the courts’ requests but simply attempted to fill them as best they could. As a result, the chief justice approved the assignment of retired judges and the expenditure of state funds without sufficient supporting documentation that these represented the best use of AJP resources,” the audit says.

During her investigation, Howle learned California Supreme Court Chief Justice Tani Cantil-Sakauye had already ordered council staff to do its own review of the program.

This led to a [swath of changes](#) that upset both courts and retired judges in the program. The changes imposed a 1,320-day retroactive cap on the number of days a retired judge can work, the equivalent of a six-year term of an elected judge. After those 1,320 days are up, a retired judge is no longer eligible for assignment.

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The Recorder

Retired Judges Grumble at Assignment Program Reforms, as Audit Raises Questions
State Auditor Elaine Howle found that in 2016 the judiciary spent nearly \$7 million to send retired judges to five courts whose workloads suggested they should have had enough judges on hand.

California's assigned judges program, a [constitutionally provided](#) system that uses retired jurists to cover judicial absences, is under mounting scrutiny amid allegations of cost overruns, questionable practices and new rules that some judges say amount to age discrimination.

A [report](#) released Tuesday by state Auditor Elaine Howle found that in 2016 the judiciary spent nearly \$7 million to send retired judges, assigned by the chief justice, to five courts that [workload data](#) suggest should have had enough judges on the bench to handle absences due to illnesses, training sessions or case disqualifications. Howle's report concluded that the assigned judges program, with a \$27 million annual budget in 2016, lacked any procedures that would ensure courts requesting judicial temps had tried to find available in-house replacements or from other trial courts.

"Further, we found that the [program] had no mechanism for program staff to review whether the courts requesting additional resources already had more judicial positions than its workload justifies," Howle's audit said. "In fact, program staff consistently reported that they did not even question the courts' requests but simply attempted to fill them as best they could."

During Howle's review of a whistleblower complaint against the assigned judges program, investigators learned that judicial

administrators were already looking into similar problems with the assignment system, including a projected cost overrun in 2018, the audit said.