

May 2007

Fish and Game Warden Staffing and Compensation

LEGISLATIVE ANALYST'S OFFICE

Presented to:

Assembly and Senate Budget Committees





Introduction

- ☑ ***History of Legislative Concern.*** In recent years, several issues have been raised related to Fish and Game wardens.
 - Warden staffing levels reportedly are less than those of other states under various types of measures and may affect the state's ability to enforce fish, wildlife, and habitat protection laws.
 - Warden pay levels may be inadequate to recruit and retain qualified peace officers for warden positions.

- ☑ ***Recent Pay Increases.*** The *2006-07 Budget Act* included \$30 million for the administration to address recruitment and retention issues in various departments.
 - The administration used a small part of the funds to provide an additional 10 percent pay increase to wardens in 2006-07, and a renegotiated Unit 7 agreement includes an additional 10 percent increase in wardens' pay ranges beginning in 2007-08.
 - Including previously scheduled pay increases, wardens' minimum and maximum pay levels will rise more than 25 percent during the three years of the current Unit 7 agreement, which expires June 30, 2008.

- ☑ ***Purposes of This Presentation.*** This presentation provides (1) an update for legislators on the Fish and Game warden staffing and compensation issues discussed above and (2) LAO comments for the Legislature's consideration as it deliberates these issues.



Fish and Game Wardens: Background Information

- Law Enforcement Responsibilities.** Fish and Game wardens make up the law enforcement staff of the Department of Fish and Game (DFG). They enforce fish, wildlife, and habitat protection laws, including criminal and civil statutes.
- Sworn Peace Officers.** Like other sworn peace officers (all of which have certain state hiring and training requirements), wardens secure and serve search warrants, make arrests, and testify in court. Wardens sometimes perform their duties alone in the field and, like some other peace officers, may be armed.
- Minimum Educational Requirements.** Two years (60 semester units) of college, including 18 units in biological sciences, police science or law enforcement, conservation, ecology, or related fields.
- Part of Larger Employee Bargaining Unit.** Rank-and-file wardens make up under 4 percent of the membership of Bargaining Unit 7, which is represented by CAUSE—The Statewide Law Enforcement Association. Unit 7 includes both peace officer and non-peace officer classifications, such as California Highway Patrol (CHP) dispatchers, Department of Motor Vehicles licensing-registration examiners, Department of Justice (DOJ) special agents, Department of Mental Health hospital police officers, and park rangers. Many other peace officers are in Bargaining Unit 5 (CHP officers) and Bargaining Unit 6 (correctional peace officers).

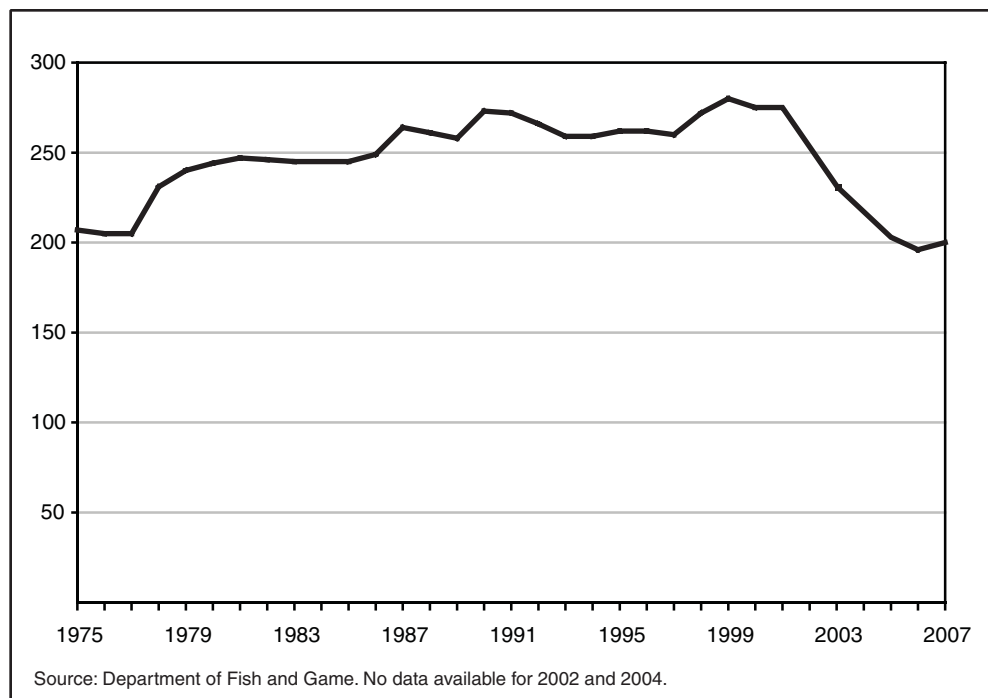


What Has Been the Trend for Warden Staffing?

- ☑
Currently About 200 Wardens in the Field. As of February 2007, DFG reports that there were 200 filled warden positions and 14 warden cadets. (In addition to the warden positions, other filled DFG law enforcement positions—such as supervisors—numbered 103.)

- ☑
Budget Cuts Have Resulted in Recent Declines. Budget cuts have been the principal reason for the nearly 30 percent decline in warden staffing since 1999, primarily from budgetary requirements for elimination of vacant positions in DFG and other departments. The long-term trend of warden staffing is shown below.

Fish and Game Warden Staffing





What Has Been the Trend for Warden Staffing?

(Continued)



Department's Statutory Enforcement Duties Have

Increased. While warden field staffing has declined in recent years, DFG's statutory resources protection duties have increased. New state fish and game protection responsibilities include the Marine Life Protection Act Program (Chapter 1015, Statutes of 1999 [AB 993, Shelley]) and the DFG Invasives Program (which aims to prevent the spread of quagga mussels, among other activities).



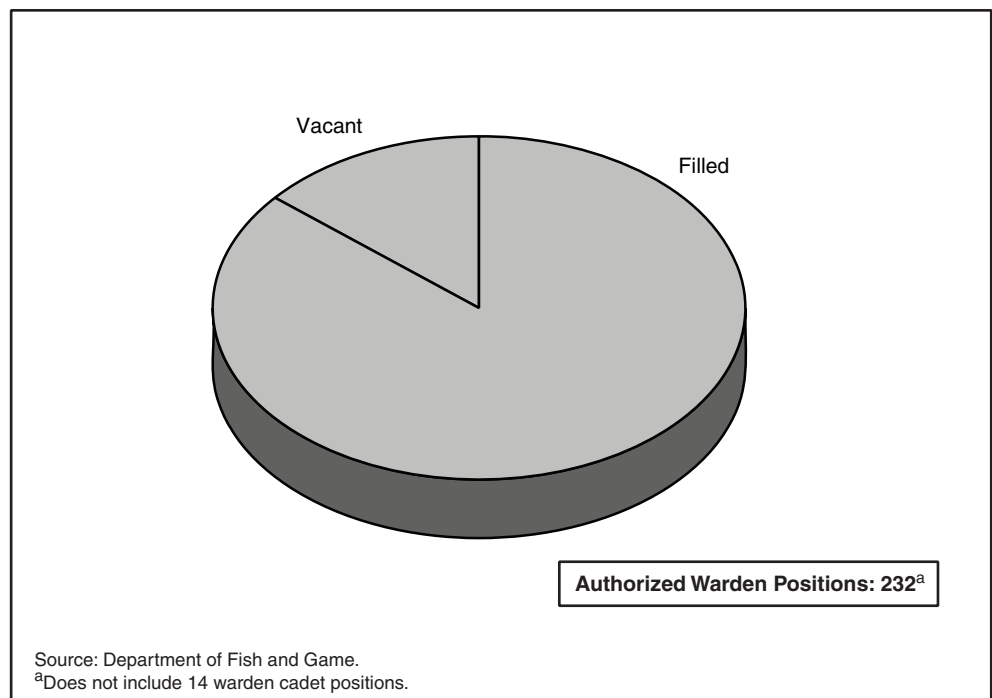
How Many Warden Positions Are Vacant?



Vacancy Rate. According to February 2007 DFG data, the vacancy rate is about 14 percent.

- The warden vacancy rate varies substantially by region, with the Northern Enforcement District (with a lower cost of living) having a vacancy rate under 3 percent and other districts having a vacancy rate of 17 percent or more.

Fish and Game Warden Vacancy Rate: 14 Percent of Authorized Positions



About Average for State Government. According to December 2006 State Controller's Office (SCO) data, the statewide vacancy rate is also about 14 percent.

- Data provided by departments and SCO often varies, with departmental data generally considered more reliable.



How Many Warden Positions Are Vacant?

(Continued)

- Other Peace Officers Have Higher Vacancy Rates.*** The Department of Personnel Administration has stated that vacancy rates for other Unit 7 peace officer classifications (including DOJ special agents, state park peace officers, Department of Alcoholic Beverage Control investigators, and Department of Insurance investigators) are well over 20 percent each. The vacancy rate for all of Unit 7, including wardens, is about 20 percent, according to SCO data.

- Other Peace Officers Have Lower Vacancy Rates.*** According to SCO data, the vacancy rate for CHP officers is 9 percent, and the vacancy rate for correctional peace officers is 11 percent.



What Has Been the Recent Progress in Filling Vacancies?

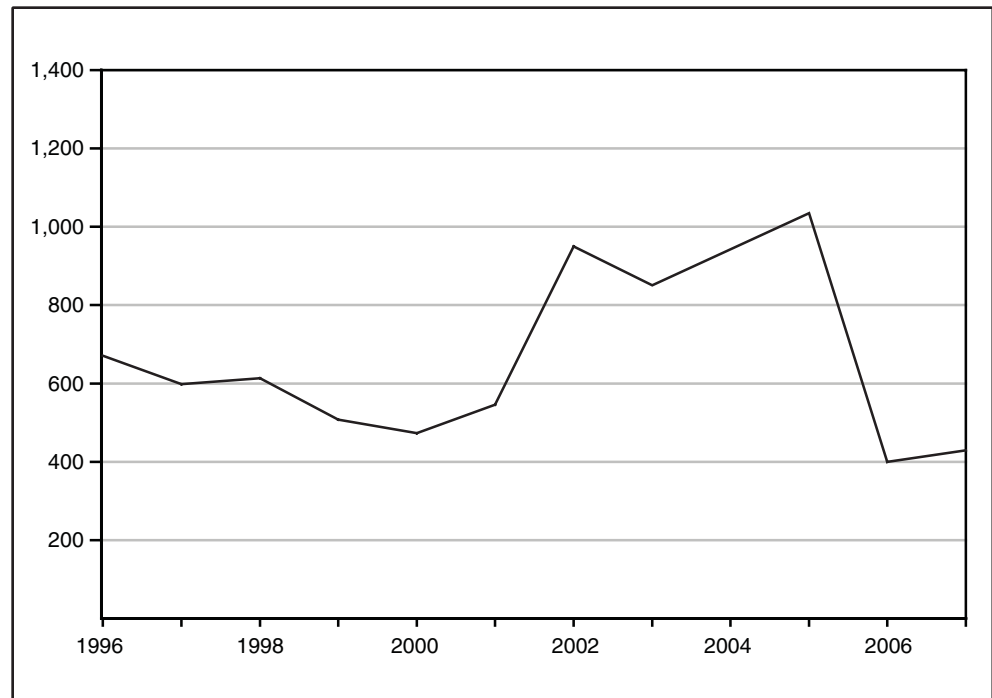
- Slight Progress Is Evident Over the Past Year.*** According to DFG data, filled warden positions dropped as low as 191 in March 2006. Filled positions climbed to 203 by January 2007 and were reported to number 200 as of February 2007.

- Unclear That DFG Has the Funding to Fill Authorized Positions.*** While the Legislature authorizes a certain number of positions for each classification in each department, over time, unallocated budget cuts and decisions to have departments absorb various costs often erode the purchasing power of departmental baseline appropriations. For this reason, DFG most likely does not have available funding to increase staffing to the authorized personnel levels envisioned in the budget without reducing other program spending.



How Is the Warden Application Process Working?

Trend of Warden Cadet Applications



- ☑ **Plenty of Applicants.** Far more people apply to be a warden cadet each year than there are vacant positions available.

- ☑ **But Many of Them Are Not Qualified.** The following recruitment statistics were applicable for the 2005-06 DFG warden academy recruitment year:
 - 400 cadet applicants.
 - 266 “acceptances” of complete applications and 200 exam participants.
 - 159 passed exam and 128 of those in ranks 1 through 6 were contacted.
 - 89 responded and continued with the hiring process.



How Is the Warden Application Process Working? *(Continued)*

- 62 underwent background checks.
 - Since 2005, only about 26 percent of candidates who start the background process pass.

- 14 hired.



Lateral Transfers. In 2006, DFG began accepting lateral transfers of other peace officers without applicants having to attend full warden academy training. In 2006, there were 31 applicants and 9 hires from this pool.

- Only about 42 percent of lateral transfer candidates who start the background check process pass.



Some Improvements in Size of Application Pool Recently. According to DFG, the number of cadet applicants increased slightly in 2006-07 to 429 (up 7 percent). This year, there have been 94 lateral transfer applicants, up significantly from the last recruitment cycle.



Department Has Increased Recruiting Efforts. The DFG has converted one Fish and Game lieutenant (specialist) position into a part-time recruiting position. There is also a DFG-wide recruiter position that is currently unfilled. The department reports that it plans to use enforcement personnel in each district to enhance recruitment efforts, but notes that this will reduce the amount of time they can devote to field enforcement.



How Is the Warden Application Process Working?

(Continued)

- ☑ ***Application Process Is Laborious and Lengthy.*** The state hiring process often is filled with delays, which may cause some qualified applicants to leave the process out of sheer frustration. The DFG reports that it took approximately one year for its applicants to go “from application to academy” in 2006, with several months needed for processing the various parts of the background checks alone.

- ☑ ***One Academy Class With About 15 Spots Per Year.*** Currently, DFG reports that it has one academy class with only about 15 slots per year for new cadets. The overall academy process for cadets typically lasts about six months.



What Has Happened With Warden Pay Recently?

Significant Recent Pay Increases. Pursuant to collective bargaining agreements funded by the Legislature, wardens have received and are slated to receive significant pay increases during the life of the current Unit 7 agreement, as shown below.

Fish and Game Warden Salary Trends^a

	Prior to July 2006	July 2006 Through December 2006	January 2007 Through December 2007	Beginning January 2008 ^b
Cadets	\$35,964-\$42,420	\$39,432-\$46,548	\$41,304-\$48,768	\$45,224-\$53,434
Wardens	\$39,228-\$55,284	\$43,020-\$60,720	\$45,072-\$63,648	\$49,369-\$69,803
Lieutenant (Specialists)	\$51,528-\$61,428	\$56,580-\$67,500	\$59,304-\$70,776	\$65,024-\$77,644

Source: Department of Personnel Administration

^a Includes base salary plus \$2,100 statewide recruitment and retention (R&R) differential. Wardens in certain Southern California, Bay Area, and Central Coast counties receive additional R&R differentials.

^b Planned pay increases pursuant to collective bargaining agreements currently in force.

Pay Raises May Have Helped With Retention Somewhat. In testimony to an Assembly Budget Subcommittee, DFG officials said that the 2006 pay increase program appears to have helped retain employees to some extent. Pay increases may help with retention by (1) enticing some employees who might otherwise have considered seeking employment elsewhere to remain with DFG and/or (2) encouraging some career employees to delay their retirements so as to benefit from a year or more of higher salaries and an increase in future retirement income.



LAO Comments

- Pay Increases Alone Are Not Likely to Solve Vacancy Problem.*** Substantial pay increases for wardens may help reduce the vacancy rate in this employee classification, but there are *many* other issues that contribute to difficulties with warden recruitment and retention—such as the hiring and academy processes. Pay increases alone are not likely to reduce vacancies to a minimal level.
- Substantial Changes to Hiring Process Are Needed.*** The DFG and other state departments cannot compete effectively in the modern labor market when they sometimes take a year or more to make a final hiring decision.

 - ***Systemic Civil Service Issues.*** Some of these process issues are systemic in the state civil service—common to many state departments—and need to be addressed in the context of overall civil service reform. Systemic civil service issues are one reason for elevated vacancy rates across many state classifications—not just wardens.
 - ***DFG Hiring Issues.*** At DFG in particular, additional resources for recruitment, changes in the process for background checks, and added annual sessions of the warden academy likely would be required to substantially reduce vacancies and/or increase warden-staffing levels.
- Increasing Warden Staffing Substantially Requires More Funding.*** Additional funding for DFG likely would be required to increase warden staffing levels.



LAO Comments

(Continued)

- ☑ ***What Is the “Right” Amount of Warden Staffing?*** Wardens’ groups have provided data showing that several other states have significantly more wardens than California does. We note that DFG never has conducted a study to determine the needed amount of warden staffing to meet its statutory law enforcement responsibilities. (A June 2006 report by the International Association of Chiefs of Police found that Florida needed to increase its warden officer staffing from 472 to 677 in order to enforce that state’s fish and wildlife laws.) The Legislature may find it valuable to require an independent study prior to authorizing a substantial increase in authorized warden staffing levels.
- ☑ ***Substantial Hikes in Warden Pay May Have a Labor Market Effect.*** Wardens comprise a very small part of the state’s overall peace officer labor force. Nevertheless, implementing very large pay increases for wardens may result in an inflationary effect for some peace officer classifications at the state and local levels. Other state and local peace officer bargaining units—including Bargaining Unit 7, in representing its nonwarden members—likely would cite warden pay increases as one reason necessitating additional pay increases for their employees.
- ☑ ***LAO Recommends Ending All Automatic Pay Formulas.*** Some have proposed linking warden pay to that of CHP or other peace officers through the budget or statute. In *The 2007-08 Budget: Perspectives and Issues*, we recommended ending all formulas that automatically link pay and benefits of state employees to another group of public employees. Such formulae result in unpredictable expenditures and reduce the flexibility that the Legislature has during each year’s budget process.



Summary

- If the Legislature wished to reduce warden vacancies or increase staffing, we recommend giving DFG resources to:
 - Expand size and frequency of cadet classes.
 - Expand recruitment staff, primarily with nonuniformed personnel.
 - Expand staff to process applications and speed hiring process, especially background checks (in coordination with the State Personnel Board).

- The Legislature would also need to ensure that the department had sufficient budget resources to fill currently authorized positions.

- We recommend these efforts be attempted before considering pay increases or other departmental budget augmentations for warden staffing.