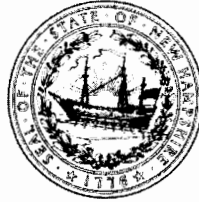


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**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

July 5, 2017

His Excellency, Governor Christopher T. Sununu  
and the Honorable Council  
State House  
Concord, NH 03301

Your Excellency and Members of the Council:

**REQUESTED ACTION**

1. Pursuant to RSA 94:3-b; Salary Adjustment for Recruitment or Retention, authorization is requested by the Department of Justice for the confirmation of the Joint Committee on Employee Classification's approval and recommendation of the establishment of a new salary range of \$210,000 to \$300,000 for the position of Chief Medical Examiner, from the current fixed salary of \$159,304.08 (Labor Grade QQ), effective upon the approval of the Governor and Executive Council or July 21, 2017 whichever is the latter.

2. Upon approval of requested action 1, further authorize the establishment of a new annual salary for Chief Medical Examiner Dr. Thomas Andrew (position # 9U221) of \$210,000, effective upon the approval of the Governor and Executive Council or July 21, 2017 whichever is the latter.

3. Pursuant to RSA 94:3-b; Salary Adjustment for Recruitment or Retention, authorization is requested by the Department of Justice for the confirmation of the Joint Committee on Employee Classification's approval and recommendation of the establishment of a new salary range of \$200,000 - \$260,000 for the position of Deputy Chief Medical Examiner, from the current fixed salary of \$137,681.96 (Labor Grade NN), effective upon the approval of the Governor and Executive Council or July 21, 2017 whichever is the latter.

4. Upon approval of requested action 3, further authorize the establishment of a new annual salary for Deputy Chief Medical Examiner Dr. Jennie Duval (position #9U427) of \$200,000, effective upon the approval of the Governor and Executive Council or July 21, 2017 whichever is the latter.

5. Pursuant to RSA 94:3-b; Salary Adjustment for Recruitment or Retention, authorization is requested by the Department of Justice for the confirmation of the Joint

Committee on Employee Classification's approval and recommendation of the establishment of a new salary range of \$160,000 to \$240,000 for the newly established position of Associate Medical Examiner, effective upon the approval of the Governor and Executive Council or July 21, 2017 whichever is the latter.

### **EXPLANATION**

Pursuant to RSA 611-B, the Office of Chief Medical Examiner is required to investigate and/or perform autopsies in cases of deaths under statutorily defined circumstances, including but not limited to suspicious deaths, sudden unexpected deaths of individuals in apparent good health, deaths due to accidental or unintentional injury, and any death associated with a public or private conveyance. The investigative exigencies in such cases require prompt availability of qualified medical examiners to perform the autopsies. Over the past twenty years, the number of autopsies has increased 104%, from 250 to over 500, but the number of medical examiners performing those autopsies has remained static. The Chief Medical Examiner and the Deputy Chief Medical Examiner perform approximately 95% of the approximately 500+ autopsies performed yearly. More autopsies should be performed but because they do not have the capacity to increase that amount, it has been necessary to triage which cases are autopsied and which are not. During the past six months, the Department of Justice, with the approval of the Governor and Executive Council, has contracted with a medical examiner from another state to perform autopsies in New Hampshire one week per month. At the Department's request, the legislature created a new temporary Associate Medical Examiner position in the newly enacted budgeted to address the workload demand on a more long term basis.

In March 2017, at the Department's request, then-Commissioner of Administrative Services Quiram, asked the Joint Committee on Employee Classification to authorize a review of the positions of Chief Medical Examiner, the Deputy Chief Medical Examiner, and the anticipated position of Associate Medical Examiner. The Department has been aware for several years that the current salary structure for those positions would make it exceedingly difficult to recruit and retain new medical examiners because the current salaries are significantly lower than the salaries for comparable positions in other surrounding or similarly sized jurisdictions. That concern was heightened by the recent announcement that Dr. Andrew, the Chief Medical Examiner, will be retiring in September.

The study resulted in a recommendation of Labor Grade JJ for the Chief Medical Examiner and Labor Grade HH for the Deputy Chief Medical Examiner, both of which are significantly lower than the current labor grades and correlating salaries. (See attached Unclassified Salary Matrix Effective January 6, 2017). The report acknowledged that the recommendations are based on job content alone and the State will "likely have to supplement the salar[ies] . . . based on supply and demand in the marketplace and the fact that this is a very market driven position."

Pursuant to RSA 94:3-b, the Department submitted a request (copy attached) to the Joint Committee on Employee Classification to increase the salary ranges of all three

positions in order to recruit and retain qualified medical examiners. The Joint Committee on Employee Classification voted to approve a new salary range for the Chief Medical Examiner of \$210,000-\$300,000; for the Deputy Chief Medical Examiner of \$200,000-\$260,000; and for the Associate Medical Examiner of \$160,000-\$240,000.

1. As requested action #1, the Department is requesting confirmation of the new salary range approved by the Joint Committee on Employee Classification for the position of Chief Medical Examiner, \$210,000 - \$300,000, upon a finding that the increase is necessary to recruit or retain qualified personnel.

2. Upon confirmation of the new salary range for the position of Chief Medical Examiner, the Department is asking, as requested action #2, that a new annual salary for Chief Medical Examiner Thomas Andrew (position # 9U221) be established at \$210,000.

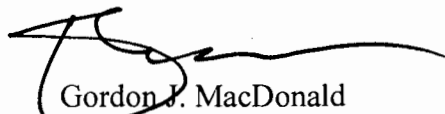
3. As requested action #3, the Department is requesting confirmation of the new salary range approved by the Joint Committee on Employee Classification for the position of Deputy Chief Medical Examiner, \$200,000 - \$260,000, upon a finding that the increase is necessary to recruit or retain qualified personnel.

4. Upon confirmation of the new salary range for the position of Deputy Chief Medical Examiner, the Department is asking, as requesting action #4, that a new annual salary for Deputy Chief Medical Examiner Jennie Duval (position #9U427) be established at \$200,000.

5. As requested action #5, the Department is requesting confirmation of the salary range approved by the Joint Committee on Employee Classification for the position of Associate Medical Examiner, \$160,000 - \$240,000, upon a finding that the increase is necessary to recruit or retain qualified personnel. This will enable the Department to begin recruiting for the new position with a salary that is competitive.

Please let me know if you have any questions concerning this request. Your consideration is greatly appreciated.

Respectfully submitted,



Gordon J. MacDonald  
Attorney General

#1752001

**Unclassified Salary Matrix, effective January 6, 2017**

**94:1-a Salaries Established. –**

I. (a) The following salary ranges shall apply to the following grades:

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
AA	53,800.24	57,308.68	60,817.12	64,324.00	67,831.40	71,339.84
BB	55,942.12	59,589.40	63,238.76	66,888.12	70,536.44	74,184.76
CC	58,537.44	62,361.52	66,184.56	70,008.12	73,831.16	77,655.24
DD	61,630.92	65,657.80	69,685.72	73,713.64	77,740.52	81,766.88
EE	65,271.96	69,544.28	73,815.56	78,087.36	82,359.16	86,632.52
FF	69,786.08	74,358.44	78,931.84	83,504.72	88,078.64	92,649.44
GG	75,331.88	80,272.40	85,213.44	90,153.44	95,094.48	100,035.52
HH	82,027.92	87,414.60	92,801.28	98,187.96	103,574.64	108,961.32
II	86,725.60	92,424.80	98,125.56	103,825.28	109,525.00	115,224.72
JJ	91,422.24	97,434.48	103,447.76	109,460.52	115,473.28	121,487.60
KK	93,759.12	99,928.40	106,097.68	112,266.96	118,436.24	124,606.04
LL	0.00	0.00	0.00	0.00	128,259.56	
MM	0.00	0.00	0.00	0.00	132,592.72	
NN	0.00	0.00	0.00	0.00	137,681.96	
OO	0.00	0.00	0.00	0.00	143,631.80	
PP	0.00	0.00	0.00	0.00	150,744.88	
QQ	0.00	0.00	0.00	0.00	159,304.08	

(b) The salary ranges in subparagraph (a) shall be for the positions set forth in the following grades:

....  
NN Department of justice deputy chief medical examiner  
....  
QQ Department of justice chief medical examiner

**RSA Section 94:3-b**

**94:3-b Salary Adjustment for Recruitment or Retention.** – Notwithstanding any other provisions of law to the contrary, upon the request of an appointing authority submitted to the commissioner of administrative services for review and evaluation and upon approval by the joint committee on employee classification, the governor and council is hereby authorized and empowered upon a finding by them that it is in the best interests of the state and is necessary in order to recruit and retain or recruit or retain qualified personnel to increase the salary ranges of unclassified positions.

**Source.** 1969, 500:15. 1970, 14:8. 2001, 158:105. 2006, 290:19, eff. June 15, 2006.



# State of New Hampshire

GENERAL COURT

CONCORD

June 29, 2017

Commissioner Charles Arlinghaus  
Department of Administrative Services  
25 Capitol Street, Room 120  
Concord, NH 03301

Dear Commissioner Arlinghaus,

This is to inform you that pursuant to RSA 94:3-b, the Joint Committee on Employee Classification (RSA 14:14-c) voted on June 28, 2017 to approve the following salary ranges for the unclassified positions listed below:

Associate Medical Examiner, Department of Justice (new position),  
salary range between \$160,000 - \$240,000

Deputy Chief Medical Examiner, Department of Justice  
salary range between \$200,000 - \$260,000

Chief Medical Examiner, Department of Justice  
salary range between \$210,000 - \$300,000

We plan on filing legislation in the upcoming session to codify these changes.

Sincerely,

A handwritten signature in cursive script that reads "Frank Byron/dm".

Rep. Frank Byron, Chairman  
Joint Committee on Employee Classification



# State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES  
25 Capitol Street - Room 120  
Concord, New Hampshire 03301

Charles M. Arlinghaus  
Commissioner  
(603) 271-3201

Joseph B. Bouchard  
Assistant Commissioner  
(603) 271-3204

June 30, 2017

Ms. Meagan Rose  
Liaison to the Governor & Council  
State House, Rm 208  
Concord, NH 03301

Dear Ms. Rose:

Please find enclosed a copy of the letter from the Joint Committee on Employee Classification (JCEC) regarding the KornFerry/Hay Group recommendations for three positions that has been approved by the JCEC at their meeting on June 28, 2017.

## Department of Justice

Associate Medical Examiner, (new position)  
Salary range between \$160,000 - \$240,000

Deputy Chief Medical Examiner  
Salary range between \$200,000 - \$260,000

Chief Medical Examiner  
Salary range between \$210,000 - \$300,000

Please don't hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Charles M. Arlinghaus".

Charles M. Arlinghaus  
Commissioner

Attachment

Cc: Gordon MacDonald, DOJ

CMA/rjk

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

June 9, 2017

Joseph Bouchard, Acting Commissioner  
Department of Administrative Services  
25 Capitol Street  
Concord, NH 03301

Re: Salary Structure for Medical Examiners

Dear Mr. Bouchard:

On May 10, 2017, the Hay Group issued a letter in response to former Commissioner Quiram's request for a review of the following three forensic pathologist positions: Chief Medical Examiner (CME), Deputy Chief Medical Examiner (DCME), and Associate Medical Examiner (AME). The CME and DCME are existing positions in the Department of Justice. The AME is a new position that was included in DOJ's budget.

The DOJ's request was prompted by a significant and growing concern for its ability to hire and retain a medical examiner. This concern was heightened by the recent announcement that Dr. Andrew, the CME, will be retiring in September.

Both the CME and the DCME are grossly underpaid in comparison to their counterparts in other states. The CME is currently Grade QQ with a set salary of \$159,304.08. The DCME is currently Grade NN, with a salary of \$134,982.12. Attached is a spreadsheet of comparable positions in other surrounding or similarly sized jurisdictions, all of which reflect either job postings within the last 18 months or current salaries. With the exception of Honolulu and San Diego County, which appear to be outliers, the current New Hampshire salaries are at the very least \$40,000 below the market.

The Hay Group recommended a Grade JJ for the CME, Grade HH for the DCME—both of which are less than current Grade--and Grade GG for the AME (salary range of \$75,331.88 - \$100,035.52). The report acknowledged that these grades are based on job content only and the State will "likely have to supplement the salar[ies] . . . based on supply and demand in the marketplace and the fact that this is a very market-driven position." An average of forty new forensic pathologists enter the market place each year, so the pool of potential candidates is very small and the demand is high, particularly with the on-going opioid crisis.

RSA 94:3-b provides that upon a request submitted to the DAS Commissioner and approval the Joint Committee on Employee Classification, the Governor and Council is authorized to increase the salary ranges of unclassified positions if they find that "it is in the best interests of the state and is necessary in order to retain or recruit and retain qualified personnel." We believe that an upwards salary adjustment is essential to our efforts to recruit and retain qualified forensic pathologists. With salaries as they are, or as recommended by the Hay Group, New Hampshire simply cannot compete for qualified candidates.

Under current law, there is not a salary range for either the CME or DCME; rather it is a fixed salary. We believe that it may be helpful for recruitment purposes to establish a range, so there is room to negotiate. The ranges being proposed are drawn from the attached salary chart adjusted to New Hampshire's cost of living:

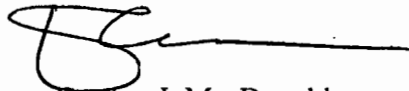
- CME - \$210,00 - \$300,000
- DCME - \$200,000 - \$260,000
- AME - \$160,000 - \$240,000

Alternatively, we request that the salary be established as follows:

- CME - \$257,000
- DCME - \$210,00
- AME \$190,000

Thank you for your attention to this important matter.

Sincerely,



Gordon J. MacDonald  
Attorney General

#1723218



JURISDICTION	Chief Medical Examiner Salary	COLA NH\$	Deputy Medical Examiner Salary	COLA NH\$	Associate Medical Examiner Salary	COLA NH\$
Cleveland	225,000	256,703	190,000	221,698	198,361	
Delaware	235,000	272,405	203,000	236,874		
Kentucky	208,000	273,069	160,000	208,053	133,000	169,043
Raliegh, NC	225,000	298,747	219,000	285,758	160,000-191,000	208,000-247,000
Unk (pop. 835k)	303,000				188,000	
North Dakota (pop. 500K)	395,000	453,274	240,000-285,000	280,000-348,673	180,000-250,000	209,000-302,183
Jefferson Parish, LA	220,000	272,293			175,000-180,000	210,000-222,785
Palm Beach Co.	269,860	277,997				
Cobb Co, GA	220,000	276,344	195,000	238,661		
Pima Co. (Tucson) AZ	240,000	302,109	210,000	264,345	170,000	213,994
Hillsborough Co. (Tampa) FL	251,000-285,750	322,598-374,214	223,000-256,433	283,886-322,598	178,442-216,465	232,271-283,886
Iowa	194,438-276,744	237,651-350,222	150,000-251,950	181,365-312,698	150,000-251,950	181,365-312,698
Milwaukee Co.	225,000-286,718	268,902-339,050	200,000	233,828	185,000	222,136
New Mexico	285,000	357,808	209,000	259,102	199,000	246,764
Connecticut	300,000-318,000	283,680-302,592	265-272,000	236,400-255,312	220,000	
San Diego Co.	220,000	189,449	205,000	172,976	195,000	164,739
Honolulu	275,000	178,994	220,000	140,638	180,000	115,068
Rhode Island	240,890	230,073				
Vermont*	216,000	206,477	220,000	211,071		
Maine#	240,000	248,842	189,000	197,000		
Duval Co., (Jacksonville) FL					185,000	215,126

\* Complex compensation scheme with base pay augmented by "on-call" pay. Deputy Chief is eligible for "overtime" pay, but Chief is not, hence the higher take-home pay for the Deputy last year

# Chief's salary is not on the state pay grade grid and is negotiated with the governor. The deputy's salary is on the grid at \$174,200, but is augmented by "on-call" and "stand-by" pay.