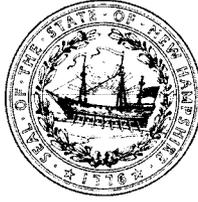


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**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

August 25, 2016

Her Excellency Governor Margaret Wood Hassan
And the Honorable Council
State House
Concord, NH 03301

Your Excellency and Members of the Council:

REQUESTED ACTION

That approval be and hereby is given for the salary increases referenced in Appendix A for attorneys in the Department of Justice, effective for the pay period beginning September 16, 2016 to be paid on October 14, 2016 upon Governor and Executive Council approval, as authorized by RSA 94:1-a, I (c) and 2015 Session Law Ch. 274, sec. 9.

EXPLANATION

This request seeks your approval to implement salary increases for the attorneys listed in Appendix A. The raises will result in an average overall increase of approximately 3.25%. The increases were distributed in accordance with the merit-based system established by the legislature in 2001. Because the attorneys are compensated on a merit-based system, some received a very modest increase while others received an amount significantly above the 3.25% average.

I am proud of the effort and productivity of this Office. Our attorneys have and will continue to diligently represent the State in so many capacities. Their dedication and hard work serve the people of New Hampshire well.

By way of background, in 2000, the Legislature examined state salaries in general with the aid of the Hay Group, a consulting firm, and specifically examined the compensation for attorneys in unclassified service with the Attorney General's Office. The Hay Group's conclusion was that the range and structure of the step system for attorneys inhibited the effectiveness of the operation of the Attorney General's Office.

As a result, in 2001, the Legislature changed the salary structure for the unclassified attorney positions in this Office in order to address longstanding recruitment and retention problems. The change eliminated increases based on both cost of living and steps. A market anchor pay structure and a set of merit-based criteria were established, which we have used to designate salary levels, and salary increases, subject to your approval and within the appropriations made to this agency. RSA 94:1-a, (c)(1-3). See Appendix B.¹

2015 Session Laws, Ch. 274, sec. 9, amended the relevant statute and reset the market anchors and ranges for the various attorney positions in the Department. Effective on January 8, 2016, the overall statutory range for attorney pay was set at \$48,838 to \$116,566. The statute covers four different positions: attorney, assistant attorney general, senior assistant attorney general, and associate attorney general. Each position has been assigned a market anchor:

Attorney	\$ 58,871
Assistant Attorney General	\$ 80,193
Senior Assistant Attorney General	\$ 99,007
Associate Attorney General	\$109,041

Effective January 6, 2017, the overall statutory range for attorney pay will be \$49,814 to \$118,897. The market anchors will be set as follows:

Attorney	\$60,049
Assistant Attorney General	\$81,797
Senior Assistant Attorney General	\$100,987
Associate Attorney General	\$111,222

The statute authorizes the placement of the salary of each attorney “within the overall range, above, at, or below the market anchor salary.” The salary structure was designed to allow the Department to retain and recruit effectively. Unfortunately, since the enactment of a system merit-based raises for attorneys, due to economic conditions there were a number of pay freezes and legislative decisions not to appropriate funds to the department for salary raises. As a result, it has been difficult both to award raises based on merit and to adjust salaries upward toward the established market anchors.

In determining the proposed salaries set forth in Appendix A, we considered and applied the seven statutory criteria but also made adjustments to alleviate some salary compression caused by the years of no or minor pay adjustments. As a result, certain attorneys did not receive the average 3.25% pay increase as doing so would result in their earning more than comparably performing and experienced peers, or because they were already high on the overall pay scale. These smaller pay increases should not be

¹ The merit based salary structure does not apply to the Attorney General or the Deputy Attorney General who both remain in the traditional step plan with cost of living adjustments applicable to most unclassified State employees.

considered to reflect negatively on the excellent work that those attorneys do. In addition, some funds appropriated for pay raises are being held back, to be used to fund pay increases associated with anticipated promotions for some Attorneys.

A significant amount of time, thought and energy was devoted to applying the statutory, merit-based criteria in recommending the attached raises. My senior staff has personally evaluated each attorney. I firmly believe that the attached raises are well-deserved and necessary to retain talented attorneys at our Office and, in turn, to help recruit talented attorneys when others depart.

Thank you for your attention to this vitally important matter, which is designed to retain the individuals who are the backbone of this Office and its future. I will be happy to answer any questions you may have. Your consideration of this request is greatly appreciated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joe Foster", written in a cursive style.

Joe Joseph A. Foster
Attorney General

Enc.
#1486462

Department of Justice
APPENDIX A
Attorney Pay Raises

Bureau/Unit	Pos #	Title	Current Annual Salary	Increase Amount	New Annual Salary	Percentage Increase
Administration	9U487	Associate Assistant Attorney General	\$102,500.00	\$2,250.00	\$104,750.00	2.20%
Criminal	9U289	Senior Assistant Attorney General	\$79,250.00	\$3,250.00	\$82,500.00	4.10%
Criminal	9U541	Assistant Attorney General	\$64,000.00	\$2,500.00	\$66,500.00	3.91%
Criminal	9U222	Attorney	\$83,500.00	\$2,250.00	\$85,750.00	2.69%
Criminal	9U056	Senior Assistant Attorney General	\$94,250.00	\$2,250.00	\$96,500.00	2.39%
Criminal	9U045	Senior Assistant Attorney General	\$85,500.00	\$3,000.00	\$88,500.00	3.51%
Criminal	9U287	Assistant Attorney General	\$65,750.00	\$2,500.00	\$68,250.00	3.80%
Criminal	9U050	Assistant Attorney General	\$61,500.00	\$2,500.00	\$64,000.00	4.07%
Criminal	9U057	Assistant Attorney General	\$67,000.00	\$2,750.00	\$69,750.00	4.10%
Criminal	9U307	Senior Assistant Attorney General	\$78,000.00	\$2,250.00	\$80,250.00	2.88%
Criminal	9U499	Senior Assistant Attorney General	\$93,250.00	\$2,250.00	\$95,500.00	2.41%
Criminal	9U261	Assistant Attorney General	\$66,750.00	\$2,250.00	\$69,000.00	3.37%
Criminal	9U350	Senior Assistant Attorney General	\$100,000.00	\$2,250.00	\$102,250.00	2.25%
Criminal	9U054	Assistant Attorney General	\$68,500.00	\$3,000.00	\$71,500.00	4.38%
Criminal	9U540	Assistant Attorney General	\$71,750.00	\$2,500.00	\$74,250.00	3.48%
Criminal	9U504	Assistant Attorney General	\$84,500.00	\$2,250.00	\$86,750.00	2.66%
Criminal	9U260	Associate Assistant Attorney General	\$102,500.00	\$2,250.00	\$104,750.00	2.20%
Criminal	9U577	Attorney	\$48,321.00	\$1,500.00	\$49,821.00	3.10%
Criminal	9U035	Assistant Attorney General	\$72,000.00	\$1,000.00	\$73,000.00	1.39%
Criminal	9U604	Assistant Attorney General	\$62,500.00	\$2,500.00	\$65,000.00	4.00%
Consumer	9U552	Assistant Attorney General	\$88,250.00	\$2,500.00	\$90,750.00	2.83%
Consumer	9U500	Senior Assistant Attorney General	\$89,750.00	\$2,500.00	\$92,250.00	2.79%
Consumer	9U355	Assistant Attorney General	\$61,000.00	\$2,750.00	\$63,750.00	4.51%
Consumer	9U223	Assistant Attorney General	\$62,250.00	\$2,250.00	\$64,500.00	3.61%
Consumer	9U543	Assistant Attorney General	\$68,000.00	\$3,000.00	\$71,000.00	4.41%

Bureau/Unit	Pos #	Title	Current Annual Salary	Increase Amount	New Annual Salary	Percentage Increase
Consumer	9U600	Assistant Attorney General	\$68,000.00	\$2,250.00	\$70,250.00	3.31%
Consumer	9U565	Assistant Attorney General	\$65,000.00	\$2,500.00	\$67,500.00	3.85%
Consumer	9U608	Attorney	\$60,000.00	\$1,500.00	\$61,500.00	2.50%
Antitrust	9U290	Attorney	\$78,000.00	\$1,500.00	\$79,500.00	1.92%
Environmental	9U038	Assistant Attorney General	\$71,500.00	\$3,000.00	\$74,500.00	4.20%
Environmental	9U042	Senior Assistant Attorney General	\$87,500.00	\$3,250.00	\$90,750.00	3.71%
Environmental	9U216	Assistant Attorney General	\$64,250.00	\$2,750.00	\$67,000.00	4.28%
Environmental	9U503	Assistant Attorney General	\$81,500.00	\$2,000.00	\$83,500.00	2.45%
Environmental	9U220	Senior Assistant Attorney General	\$87,500.00	\$2,000.00	\$89,500.00	2.29%
Medicaid Fraud	9U284	Assistant Attorney General	\$72,000.00	\$3,000.00	\$75,000.00	4.17%
Medicaid Fraud	9U217	Attorney	\$58,000.00	\$1,250.00	\$59,250.00	2.16%
Medicaid Fraud	9U583	Attorney	\$62,250.00	\$3,000.00	\$65,250.00	4.82%
Civil	9U224	Assistant Attorney General	\$62,000.00	\$2,500.00	\$64,500.00	4.03%
Civil	9U605	Assistant Attorney General	\$71,250.00	\$3,000.00	\$74,250.00	4.21%
Civil	9U041	Senior Assistant Attorney General	\$80,000.00	\$2,500.00	\$82,500.00	3.13%
Civil	9U488	Assistant Attorney General	\$71,500.00	\$3,000.00	\$74,500.00	4.20%
Civil	9U215	Attorney	\$66,750.00	\$2,250.00	\$69,000.00	3.37%
Civil	9U047	Senior Assistant Attorney General	\$82,500.00	\$3,000.00	\$85,500.00	3.64%
Civil	9U375	Assistant Attorney General	\$65,000.00	\$2,750.00	\$67,750.00	4.23%
Civil	9U360	Assistant Attorney General	\$65,000.00	\$2,750.00	\$67,750.00	4.23%
Civil	9U048	Senior Assistant Attorney General	\$86,750.00	\$2,750.00	\$89,500.00	3.17%
Civil	9U359	Assistant Attorney General	\$77,500.00	\$2,250.00	\$79,750.00	2.90%
Civil	9U607	Attorney	\$60,500.00	\$1,000.00	\$61,500.00	1.65%
Civil	9U531	Assistant Attorney General	\$94,750.00	\$2,250.00	\$97,000.00	2.37%
Civil	9U049	Assistant Attorney General	\$67,250.00	\$2,750.00	\$70,000.00	4.09%
Civil	9U288	Senior Assistant Attorney General	\$100,000.00	\$2,250.00	\$102,250.00	2.25%
Civil	9U599	Assistant Attorney General	\$68,000.00	\$3,000.00	\$71,000.00	4.41%

Bureau/Unit	Pos #	Title	Current Annual Salary	Increase Amount	New Annual Salary	Percentage Increase
Civil	9U052	Assistant Attorney General	\$72,000.00	\$2,000.00	\$74,000.00	2.78%
Charitable Trust	9U258	Senior Assistant Attorney General	\$94,000.00	\$2,250.00	\$96,250.00	2.39%
Transportation	9U060	Assistant Attorney General	\$63,500.00	\$3,000.00	\$66,500.00	4.72%
Transportation	9U584	Assistant Attorney General	\$67,500.00	\$2,500.00	\$70,000.00	3.70%
Transportation	9U061	Assistant Attorney General	\$73,250.00	\$2,750.00	\$76,000.00	3.75%
Transportation	9U357	Senior Assistant Attorney General	\$72,000.00	\$2,750.00	\$74,750.00	3.82%
Transportation	9U053	Senior Assistant Attorney General	\$84,000.00	\$3,250.00	\$87,250.00	3.87%
Debt Recovery	9U059	Assistant Attorney General	\$81,250.00	\$2,000.00	\$83,250.00	2.46%
Drug Task Force	9U361	Attorney	\$76,000.00	\$1,000.00	\$77,000.00	1.32%
Drug Task Force	9U615	Assistant Attorney General	\$64,000.00	\$2,500.00	\$66,500.00	3.91%
Drug Task Force	9U602	Attorney	\$60,000.00	\$1,000.00	\$61,000.00	1.67%
Financial Fraud	9U581	Assistant Attorney General	\$75,000.00	\$1,000.00	\$76,000.00	1.33%

APPENDIX B

1. RSA 94:1-a, I(c)(1) For attorney positions in the department of justice, except for the attorney general and deputy attorney general, the following shall apply commencing on January 8, 2016:

	<u>Minimum</u> <u>Maximum</u>	<u>Market Anchor</u>
	\$48,838 \$116,556	
Attorney		\$ 58,871
Assistant Attorney General		\$ 80,193
Senior Assistant Attorney General		\$ 99,007
Associate Attorney General		\$109,041

2. RSA 94:1-a, I(c)(1) For attorney positions in the department of justice, except for the attorney general and deputy attorney general, the following shall apply commencing on January 6, 2017:

	<u>Minimum</u> <u>Maximum</u>	<u>Market Anchor</u>
	\$49,814 \$118,897	
Attorney		\$ 60,049
Assistant Attorney General		\$ 81,797
Senior Assistant Attorney General		\$100,987
Associate Attorney General		\$111.222

3. 2001 Chapter Law 158:101(c) (2)-(3) provides:

(2) The attorney general shall have the authority to place all attorneys of the department of justice in the appropriate position within the overall range, above, at, or below the market anchor salary. A market anchor designation for a position is the reference point within the overall range to aid in salary management and recruitment when done at a level other than entry level. The attorney general shall consider the following criteria in considering compensation for department attorneys.

- (a) Tenure and progressive experience;
- (b) The nature of the work performed;
- (c) Increased independence of work performed and judgment exercised;
- (d) Achievement of pre-determined performance standards;
- (e) The acquisition and application of further education and training;
- (f) Demonstration of an increased frequency of undertaking the type and complexity of work normally associated with the next position level; and
- (g) Fulfilling a leadership or management role.

(3) Designation of position, salary levels, and salary increases for attorneys in the department of justice shall be determined by the attorney general, subject to approval of the governor and council, within appropriations made to the department of justice. The provisions of RSA 94:3 shall not apply to attorney positions governed by this subparagraph.