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**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

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CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
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July 1, 2014

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 July 11, 2014, to be paid on August 8, 2014, upon Governor and Council approval, as authorized by RSA 94:1-a, I (c) and 2013 Session Law Ch. 144, sec. 161.

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 3.6%. 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 3.6% 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

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.

2013 Session Laws, Ch. 144, sec. 161, amended the relevant statute and reset the market anchors and ranges for the various attorney positions in the Department. Effective on July 11, 2014, the statute sets an overall range for attorney pay from \$46,826 to \$111,766. 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	\$ 56,447
Assistant Attorney General	\$ 76,891
Senior Assistant Attorney General	\$ 94,930
Associate Attorney General	\$104,551

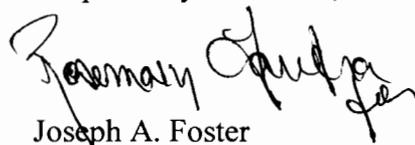
The statute authorizes the placement of the salary of each attorney “within the overall range, above, at, or below the market anchor salary.” The salary structure was designed to allow the Department to retain and recruit effectively. Past pay freezes and determinations not to appropriate funds to the Department made merit-based raises and meaningful distinctions essentially impossible to achieve. As a result, it was and remains rare that an attorney makes the same or more than the market anchor. Instead, 35 out of 56 full-time staff attorneys earn less than the market anchor set by the statute even with the proposed pay increases. However, the appropriations made in the current budget did permit merit based distinctions, which are reflected in the proposal.

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 3.6% pay increase as doing so would result in their earning more than comparably performing and experienced peers. These smaller pay increases should not be considered to reflect negatively on the excellent work that those attorneys do. In addition, \$185,000 was appropriated for pay increases of which only approximately \$143,000 will be allocated with these proposed salaries. The remaining funds will be used to fund pay increases associated with anticipated promotions for some Assistant Attorneys General to Senior Assistant Attorneys General and some Attorneys to Assistant Attorneys General.

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.

We 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. Thank you for your consideration.

Respectfully submitted,



Joseph A. Foster
Attorney General

JAF/p

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**DEPARTMENT OF JUSTICE
APPENDIX A
Attorney Pay Raise**

<u>Bureau</u>	<u>Position #</u>	<u>Title</u>	<u>Current Salary</u>	<u>New Salary</u>	<u>Percentage Increase</u>
Administration	9U487	Associate Attorney General	97,500	100,500	3.08%
Antitrust	9U290	Asst. Attorney General	69,771	73,000	4.63%
Charitable	9U258	Asst. Attorney General	72,000	75,000	4.17%
Civil	9U488	Associate Attorney General	97,500	100,500	3.08%
Civil	9U359	Senior Asst. Attorney General	96,628	99,500	2.97%
Civil	9U288	Senior Asst. Attorney General	95,939	98,250	2.41%
Civil	9U047	Senior Asst. Attorney General	94,548	97,000	2.59%
Civil	9U049	Senior Asst. Attorney General	87,550	93,000	6.23%
Civil	9U531	Asst Attorney General	90,251	93,000	3.05%
Civil	9U048	Asst. Attorney General	74,603	78,000	4.55%
Civil	9U041	Asst. Attorney General	73,024	75,500	3.39%
Civil	9U224	Asst Attorney General	64,851	69,250	6.78%
Civil	9U052	Asst. Attorney General	64,500	66,250	2.71%
Civil	9U375	Asst. Attorney General	60,065	62,750	4.47%
Civil	9U360	Attorney	58,500	60,000	2.56%
Civil	9U215	Attorney	57,500	59,000	2.61%
Consumer	9U500	Senior Asst. Attorney General	85,000	88,000	3.53%
Consumer	9U552	Asst. Attorney General	84,460	86,500	2.42%
Consumer	9U543	Asst. Attorney General	62,749	66,250	5.58%
Consumer	9U355	Asst. Attorney General	60,900	62,250	2.22%
Consumer	9U565	Asst. Attorney General	62,200	63,750	2.49%
Criminal	9U260	Associate Attorney General	97,500	100,500	3.08%
Criminal	9U350	Senior Asst. Attorney General	95,169	98,000	2.97%
Criminal	9U056	Senior Asst. Attorney General	90,493	92,500	2.22%
Criminal	9U499	Senior Asst. Attorney General	88,816	91,500	3.02%
Criminal	9U050	Senior Asst. Attorney General	88,065	91,000	3.33%
Criminal	9U222	Asst. Attorney General	81,187	83,500	2.85%
Criminal	9U504	Asst. Attorney General	80,000	83,000	3.75%
Criminal	9U045	Asst. Attorney General	77,765	81,000	4.16%
Criminal	9U307	Senior Asst. Attorney General	74,033	76,500	3.33%
Criminal	9U289	Asst. Attorney General	70,000	74,000	5.70%
Criminal	9U035	Asst. Attorney General	66,500	70,250	5.64%
Criminal	9U540	Asst. Attorney General	66,950	70,250	4.93%

<u>Bureau</u>	<u>Position #</u>	<u>Title</u>	<u>Current Salary</u>	<u>New Salary</u>	<u>Percentage Increase</u>
Criminal	9U054	Asst. Attorney General	62,830	66,250	5.44%
Criminal	9U541	Asst. Attorney General	62,830	65,750	4.65%
Criminal	9U057	Asst. Attorney General	61,255	64,750	5.71%
Criminal	9U287	Attorney	59,000	60,500	2.54%
Debt Recovery	9U059	Asst. Attorney General	79,238	80,000	0.96%
Drug Task Force	9U361	Attorney	58,500	60,000	2.56%
Environmental	9U220	Senior Asst. Attorney General	84,484	86,000	1.79%
Environmental	9U042	Senior Asst. Attorney General	79,220	85,000	7.30%
Environmental	9U225	Senior Asst. Attorney General	81,805	82,000	0.24%
Environmental	9U503	Asst. Attorney General	78,830	80,000	1.48%
Environmental	9U216	Asst. Attorney General	61,800	65,250	5.58%
Financial Fraud	9U581	Attorney	57,500	59,000	2.61%
Medicaid Fraud	9U217	Asst. Attorney General	70,040	73,000	4.23%
Medicaid Fraud	9U284	Attorney	58,500	60,000	2.56%
Traffic Res. Prosc.	9U537	Asst. Attorney General	65,294	67,750	3.76%
Transportation	9U053	Asst. Attorney General	79,310	82,000	3.39%
Transportation	9U584	Asst. Attorney General	65,595	69,250	5.57%
Transportation	9U061	Asst. Attorney General	65,500	68,250	4.20%
Transportation	9U357	Asst. Attorney General	62,800	67,750	7.88%
Transportation	9U060	Asst. Attorney General	61,195	62,750	2.54%

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 July 1, 2013:

	<u>Minimum</u>	<u>Market Anchor</u>	<u>Maximum</u>
Attorney	\$45,796	\$ 55,205	\$109,306
Assistant Attorney General		\$ 75,199	
Senior Assistant Attorney General		\$ 92,841	
Associate Attorney General		\$102,250	

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.