

51  
Bent

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

January 13, 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 February 5, 2016 to be paid on March 4, 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 2.25%. 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 2.25% average. (Three attorneys also received a promotion to Senior Assistant Attorney General, which comes with a \$3000 increase in pay that is not reflected in that 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.<sup>1</sup>

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 September 16, 2015, the statute sets an overall range for attorney pay from \$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	\$ 90,007
Associate Attorney General	\$109,041

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. Indeed, 46 out of 57 full-time staff attorneys earn less than the market anchor set by the statute even with the proposed pay increases.

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 2.25% 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 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 to Assistant Attorneys General.

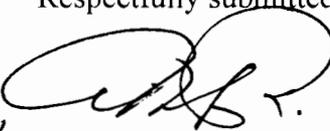
A significant amount of time, thought and energy was devoted to applying the statutory, merit-based criteria in recommending the attached raises. My senior staff has personally evaluated each attorney. I firmly believe that the attached raises are well-deserved and necessary to retain talented attorneys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

---

<sup>1</sup> 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.

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

#1336618

**Department of Justice  
APPENDIX A  
ATTORNEY PAY RAISES**

<b>Bureau</b>	<b>Pos #</b>	<b>Title</b>	<b>Current Salary</b>	<b>Increase Amount</b>	<b>New Salary</b>	<b>Percentage Increase</b>
Drug Task Force	9U361	Assistant Attorney General	63,000.00	\$1,250.00	64,250.00	1.98%
Administration	9U487	Associate Attorney General	100,500.00	\$2,000.00	102,500.00	1.99%
Criminal	9U289	Senior Assistant Attorney General	77,000.00	\$2,250.00	79,250.00	2.92%
Criminal	9U222	Attorney	80,000.00	\$500.00	80,500.00	0.63%
Criminal	9U056	Senior Assistant Attorney General	92,500.00	\$1,750.00	94,250.00	1.89%
Criminal	9U045	Assistant Attorney General	81,000.00	\$4,500.00	85,500.00	5.56%
Criminal	9U287	Assistant Attorney General	63,500.00	\$2,250.00	65,750.00	3.54%
Criminal	9U050	Attorney III	57,500.00	\$1,000.00	58,500.00	1.74%
Criminal	9U057	Assistant Attorney General	64,750.00	\$2,250.00	67,000.00	3.47%
Criminal	9U307	Senior Assistant Attorney General	76,500.00	\$1,500.00	78,000.00	1.96%
Criminal	9U499	Senior Assistant Attorney General	91,500.00	\$1,750.00	93,250.00	1.91%
Criminal	9U261	Assistant Attorney General	65,250.00	\$1,500.00	66,750.00	2.30%
Criminal	9U350	Senior Assistant Attorney General	98,000.00	\$2,000.00	100,000.00	2.04%
Criminal	9U035	Senior Assistant Attorney General	73,250.00	\$2,250.00	75,500.00	3.07%
Criminal	9U054	Assistant Attorney General	66,250.00	\$2,250.00	68,500.00	3.40%
Criminal	9U540	Assistant Attorney General	70,250.00	\$1,500.00	71,750.00	2.14%
Criminal	9U504	Assistant Attorney General	83,000.00	\$1,500.00	84,500.00	1.81%
Criminal	9U260	Associate Attorney General	100,500.00	\$2,000.00	102,500.00	1.99%
Criminal	9U604	Assistant Attorney General	61,000.00	\$1,500.00	62,500.00	2.46%
Consumer	9U552	Assistant Attorney General	86,500.00	\$1,750.00	88,250.00	2.02%
Consumer	9U500	Senior Assistant Attorney General	88,000.00	\$1,750.00	89,750.00	1.99%
Consumer	9U355	Attorney III	56,500.00	\$1,500.00	58,000.00	2.65%
Consumer	9U223	Assistant Attorney General	61,000.00	\$1,250.00	62,250.00	2.05%
Consumer	9U543	Assistant Attorney General	66,250.00	\$1,750.00	68,000.00	2.64%
Consumer	9U565	Assistant Attorney General	63,750.00	\$1,250.00	\$65,000.00	1.96%
Antitrust	9U290	Assistant Attorney General	73,000.00	\$1,500.00	74,500.00	2.05%
Environmental	9U038	Assistant Attorney General	69,000.00	\$2,500.00	71,500.00	3.62%

Bureau	Pos #	Title	Current Salary	Increase Amount	New Salary	Percentage Increase
Environmental	9U042	Senior Assistant Attorney General	85,000.00	\$2,500.00	87,500.00	2.94%
Environmental	9U216	Assistant Attorney General	62,750.00	\$1,500.00	64,250.00	2.39%
Environmental	9U503	Assistant Attorney General	80,000.00	\$1,500.00	81,500.00	1.88%
Environmental	9U220	Senior Assistant Attorney General	86,000.00	\$1,500.00	87,500.00	1.74%
Medicaid Fraud	9U284	Assistant Attorney General	70,500.00	\$1,500.00	72,000.00	2.13%
Civil	9U224	Attorney III	57,500.00	\$1,500.00	59,000.00	2.61%
Civil	9U041	Assistant Attorney General	75,500.00	\$4,500.00	80,000.00	5.96%
Civil	9U488	Assistant Attorney General	70,000.00	\$1,500.00	71,500.00	2.14%
Civil	9U215	Attorney	66,250.00	\$500.00	66,750.00	0.75%
Civil	9U047	Senior Assistant Attorney General	80,000.00	\$2,500.00	82,500.00	3.13%
Civil	9U375	Assistant Attorney General	62,750.00	\$2,250.00	65,000.00	3.59%
Civil	9U052	Assistant Attorney General	66,250.00	\$1,250.00	67,500.00	1.89%
Civil	9U360	Assistant Attorney General	63,000.00	\$2,000.00	65,000.00	3.17%
Civil	9U577	Assistant Attorney General Part Time	45,626.67	\$1,000.00	46,626.67	2.19%
Civil	9U048	Senior Assistant Attorney General	85,000.00	\$1,750.00	86,750.00	2.06%
Civil	9U531	Assistant Attorney General	93,000.00	\$1,750.00	94,750.00	1.88%
Civil	9U049	Attorney	63,000.00	\$4,250.00	67,250.00	6.75%
Civil	9U359	Attorney IV	73,000.00	\$4,500.00	77,500.00	6.16%
Civil	9U288	Senior Assistant Attorney General	98,250.00	\$1,750.00	100,000.00	1.78%
Civil	9U599	Attorney	63,750.00	\$1,250.00	65,000.00	1.96%
Charitable	9U258	Senior Assistant Attorney General	92,000.00	\$2,000.00	94,000.00	2.17%
Transportation	9U060	Assistant Attorney General	61,000.00	\$2,500.00	63,500.00	4.10%
Transportation	9U584	Assistant Attorney General	69,250.00	\$2,000.00	71,250.00	2.89%
Transportation	9U061	Assistant Attorney General	71,250.00	\$2,000.00	73,250.00	2.81%
Transportation	9U053	Senior Assistant Attorney General	82,000.00	\$2,000.00	84,000.00	2.44%
Transportation	9U357	Assistant Attorney General	67,750.00	\$4,250.00	72,000.00	6.27%
Debt Recovery	9U059	Assistant Attorney General	80,000.00	\$1,250.00	81,250.00	1.56%
Financial Fraud Unit	9U581	Assistant Attorney General	62,000.00	\$2,000.00	64,000.00	3.23%