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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

August 9, 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

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 1, 2017 to be paid on September 29, 2017 upon Governor and Executive Council approval, as authorized by 2001 Laws of NH Chapter 158 and 2015 Session Laws, Ch. 274, sec. 10.

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 2.76%. 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 2.76% 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. It was the Hay Group's conclusion 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. 2001 Laws of NH Chapter 158. See Appendix B.¹

2015 Session Laws, Ch. 274, sec. 10, amended the relevant statute and reset the market anchors and ranges for the various attorney positions in the Department. Effective on January 6, 2017, the overall statutory range for attorney pay was set at \$49,814 to \$118,897. 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	\$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. However, since the enactment of a system merit-based raises for attorneys, there were a number of years when no funds were appropriated to the Department for salary raises. As a result, it has been difficult to award raises based on merit and to adjust salaries upward toward the established market anchors.

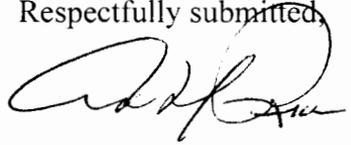
In determining the proposed salaries set forth in Appendix A, we considered and applied the seven statutory criteria but also made adjustments to alleviate some salary compression caused by the years of no or minor pay adjustments. As a result, certain attorneys did not receive the average 2.76% pay 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.

We have devoted a significant amount of time, thought and energy to applying the statutory, merit-based criteria in recommending the attached raises. The Deputy Attorney General, in consultation with bureau chiefs, has personally evaluated each attorney. I firmly believe that the attached raises are well deserved and necessary to retain talented attorneys in our Office and, in turn, to help recruit talented attorneys when others depart.

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.

Thank you for your attention to this important matter. It is intended to retain the individuals who are the backbone of this Office and will be 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 "Gordon J. MacDonald". The signature is fluid and cursive, with a large initial "G" and "M".

for Gordon J. MacDonald
Attorney General

Enc.

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APPENDIX A
Attorney Raises

Pos #	Title	Annual Salary	Raise	New Annual Salary	% Increase
9U035	Attorney	\$77,000.00	\$1,540.00	\$78,540.00	2.00%
9U038	Assistant Attorney General	\$74,500.00	\$3,054.50	\$77,554.50	4.10%
9U041	Senior Assistant Attorney General	\$82,500.00	\$2,310.00	\$84,810.00	2.80%
9U042	Senior Assistant Attorney General	\$90,750.00	\$2,268.75	\$93,018.75	2.50%
9U045	Senior Assistant Attorney General	\$88,500.00	\$2,655.00	\$91,155.00	3.00%
9U047	Senior Assistant Attorney General	\$85,500.00	\$3,420.00	\$88,920.00	4.00%
9U048	Senior Assistant Attorney General	\$89,500.00	\$2,237.50	\$91,737.50	2.50%
9U049	Senior Assistant Attorney General	\$74,750.00	\$1,121.25	\$75,871.25	1.50%
9U050	Assistant Attorney General	\$64,000.00	\$1,920.00	\$65,920.00	3.00%
9U052	Assistant Attorney General	\$72,000.00	\$2,340.00	\$74,340.00	3.25%
9U053	Senior Assistant Attorney General	\$87,250.00	\$1,900.00	\$89,150.00	2.18%
9U054	Assistant Attorney General	\$71,500.00	\$2,860.00	\$74,360.00	4.00%
9U056	Senior Assistant Attorney General	\$96,500.00	\$1,447.50	\$97,947.50	1.50%
9U059	Assistant Attorney General	\$83,250.00	\$1,665.00	\$84,915.00	2.00%
9U060	Assistant Attorney General	\$66,500.00	\$2,660.00	\$69,160.00	4.00%
9U061	Assistant Attorney General	\$76,000.00	\$1,925.00	\$77,925.00	2.53%
9U215	Assistant Attorney General	\$72,000.00	\$2,520.00	\$74,520.00	3.50%
9U216	Assistant Attorney General	\$67,000.00	\$1,340.00	\$68,340.00	2.00%
9U217	Assistant Attorney General	\$67,760.00	\$1,863.40	\$69,623.40	2.75%
9U222	Assistant Attorney General	\$85,750.00	\$2,358.13	\$88,108.13	2.75%
9U223	Assistant Attorney General	\$64,500.00	\$1,773.75	\$66,273.75	2.75%
9U224	Assistant Attorney General	\$64,500.00	\$1,935.00	\$66,435.00	3.00%
9U225	Attorney	\$61,500.00	\$1,230.00	\$62,730.00	2.00%
9U258	Senior Assistant Attorney General	\$96,250.00	\$2,165.63	\$98,415.63	2.25%
9U260	Associate Attorney General	\$104,750.00	\$2,095.00	\$106,845.00	2.00%
9U261	Assistant Attorney General	\$69,000.00	\$1,794.00	\$70,794.00	2.60%
9U287	Assistant Attorney General	\$68,250.00	\$1,876.88	\$70,126.88	2.75%
9U288	Senior Assistant Attorney General	\$102,250.00	\$1,533.75	\$103,783.75	1.50%
9U289	Senior Assistant Attorney General	\$82,500.00	\$3,093.75	\$85,593.75	3.75%
9U290	Assistant Attorney General	\$82,500.00	\$2,310.00	\$84,810.00	2.80%
9U307	Senior Assistant Attorney General	\$80,250.00	\$1,805.63	\$82,055.63	2.25%
9U350	Senior Assistant Attorney General	\$102,250.00	\$1,789.38	\$104,039.38	1.75%
9U355	Assistant Attorney General	\$63,750.00	\$1,912.50	\$65,662.50	3.00%
9U360	Associate Attorney General	\$97,000.00	\$2,182.50	\$99,182.50	2.25%
9U361	Assistant Attorney General	\$80,000.00	\$2,200.00	\$82,200.00	2.75%
9U375	Assistant Attorney General	\$67,750.00	\$2,371.25	\$70,121.25	3.50%
9U487	Associate Attorney General	\$104,750.00	\$2,095.00	\$106,845.00	2.00%
9U488	Assistant Attorney General	\$74,500.00	\$2,607.50	\$77,107.50	3.50%
9U499	Senior Assistant Attorney General	\$95,500.00	\$1,910.00	\$97,410.00	2.00%
9U500	Senior Assistant Attorney General	\$92,250.00	\$1,845.00	\$94,095.00	2.00%
9U503	Assistant Attorney General	\$83,500.00	\$1,670.00	\$85,170.00	2.00%
9U504	Assistant Attorney General	\$86,750.00	\$2,168.75	\$88,918.75	2.50%
9U531	Assistant Attorney General	\$97,000.00	\$1,940.00	\$98,940.00	2.00%
9U537	Attorney	\$59,250.00	\$1,481.25	\$60,731.25	2.50%
9U540	Assistant Attorney General	\$74,250.00	\$2,970.00	\$77,220.00	4.00%
9U541	Assistant Attorney General	\$66,500.00	\$2,161.25	\$68,661.25	3.25%
9U543	Assistant Attorney General	\$71,000.00	\$1,952.50	\$72,952.50	2.75%
9U552	Assistant Attorney General	\$90,750.00	\$1,815.00	\$92,565.00	2.00%
9U565	Assistant Attorney General	\$67,500.00	\$2,025.00	\$69,525.00	3.00%
9U577	Part Time Assistant Attorney General	\$49,821.00	\$1,494.63	\$51,315.63	3.00%
9U581	Assistant Attorney General	\$79,000.00	\$2,212.00	\$81,212.00	2.80%
9U583	Assistant Attorney General	\$68,250.00	\$2,730.00	\$70,980.00	4.00%
9U584	Assistant Attorney General	\$70,000.00	\$2,660.00	\$72,660.00	3.80%
9U599	Assistant Attorney General	\$71,000.00	\$2,840.00	\$73,840.00	4.00%
9U600	Assistant Attorney General	\$70,250.00	\$1,756.25	\$72,006.25	2.50%
9U602	Assistant Attorney General	\$64,000.00	\$1,760.00	\$65,760.00	2.75%
9U604	Assistant Attorney General	\$65,000.00	\$1,787.50	\$66,787.50	2.75%
9U605	Assistant Attorney General	\$74,250.00	\$2,970.00	\$77,220.00	4.00%
9U607	Attorney	\$61,500.00	\$1,691.25	\$63,191.25	2.75%
9U608	Assistant Attorney General	\$64,500.00	\$1,935.00	\$66,435.00	3.00%
9U615	Assistant Attorney General	\$66,500.00	\$1,828.75	\$68,328.75	2.75%
Total Dollars and Average Percentage Raise:		\$4,727,081.00	\$127,781.66	\$4,854,862.66	2.76%

2001 Laws of NH Chapter 158

158:101 Compensation for Certain State Officers; Unclassified State Employees;
December 28, 2001. RSA 94:1-a, I is repealed and reenacted to read as follows:

....

(c)(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.
- (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.

2015 Session Laws, Ch. 274, sec. 10

274:10 Department of Justice; Attorney Salaries; January 8, 2016. RSA 94:1-a(c) is repealed and reenacted to read as follows:

I. (c) 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:

Minimum	Market anchor	Maximum
\$49,814	\$118,897	
Attorney	\$60,049	
Assistant attorney general	\$81,797	
Senior assistant attorney general	\$100,987	
Associate attorney general	\$111,222	