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FISCAL IMPACT REPORT



SPONSOR: Sanchez, B. DATE TYPED: 02/12/02 HB _____

SHORT TITLE: Public Defenders' Pay Scale SB SJM95

ANALYST: Gonzales

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
			(See Narrative)		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Response Received From
State Personnel Office (SPO)

Response Not Received From
Public Defender Department

SUMMARY

Synopsis of Bill

Senate Joint Memorial 95 requests the State Personnel Office to develop an implementation plan to provide an equitable pay scale for the employees of the public defenders department with a pay scale similar to that received by assistant district attorneys. The memorial also requests that SPO present its recommendation to the appropriate legislative interim committee prior to December 2002.

Significant Issues

The Public Defender Department is an executive branch agency governed by Personnel Board rules and pay plan. The District Attorney is an exempt agency with its own pay plan.

FISCAL IMPLICATIONS

There is no appropriation provided in this joint memorial. There could be a future impact on the Public Defenders Department if the salaries of the employees of the Public Defenders Department are increased.

ADMINISTRATIVE IMPLICATIONS

Current staff of the State Personnel Office could provide the analysis required in this joint memorial.

OTHER SUBSTANTIVE ISSUES

The State Personnel Office submitted the following analysis regarding the issues raised in this memorial:

- The joint memorial requires the State Personnel Office to develop a pay scale similar to that of assistant district attorneys and does not require the Administrative Office of the District Attorney to do anything on their end. This joint memorial assumes that the District Attorney's system is on target and that the system used by the State Personnel Office is incorrect. The Office feels that that assumption is incorrect.
- The Legislative Finance Committee (as well as the State Personnel Office, the Administrative Office of the District Attorneys, and the Administrative Office of the Courts) have had an ongoing relationship with Mr. Neville Kenning of the HayGroup. A primary directive of the Legislature to Mr. Kenning was to start to bring the three different classification and pay systems into line with each other. Mr. Kenning has reviewed the job content points assigned to similar jobs in the different organizations, as well as salary structures, and has moved in the direction of bringing all three systems into line with HayGroup standards.
- The State Personnel Office has recently implemented an enhanced classification and compensation system that is comparable to our comparative market (which includes district attorney and judicial branch jobs). This system is based on solid job evaluations using the Hay Guide-Chart Method of Job Evaluation under the strict guidance of Mr. Kenning and solid market pricing and salary survey practices.
- One of the advantages to this system is that it recognizes all types of work performed in the United States, and groups the work into general categories. In the example of attorneys, all attorneys are grouped into the SOC group for Lawyers. All attorneys in the classified service are grouped into the Technical Occupation Group called Lawyers. If they are managing they are placed into the Attorney Manager Field of Work utilized by one of the five categories of managers. This has resulted in a simpler, more efficient system.
- Higher salaries for public defenders may have a snowball affect in other legal services areas. If public defenders get an increase, we will almost certainly see increased efforts to increase salaries for other types of attorneys in the classified service, district attorneys and attorneys in the judicial branch of state government, etc.
- The average compa-ratios for Lawyers at the Public Defenders Office for the Basic, Operational and Advanced Roles are 75.5%, 84.9%, and 99.4% respectively. These compa-ratios are relatively low compared to the statewide average compa-ratios for Lawyers in all three roles. The Public Defender currently has a vacancy rate of 5.9%

Senate Joint Memorial 95 -- Page 3

for Lawyers (only 8 vacancies out of 135 Lawyer positions), compared to 12.8% for all classified agencies. This indicates to us that the Public Defenders are able to attract and retain competent Lawyers (Public Defenders) with the pay structure that currently exists.

JMG/njw