

2013 DRAFTING REQUEST

Bill

Received: 2/13/2014 Received By: rchampag
 Wanted: Soon Same as LRB:
 For: Glenn Grothman (608) 266-7513 By/Representing: Michael Murphy
 May Contact: Drafter: rchampag
 Subject: Employ Pub - civil service Addl. Drafters:
 Extra Copies: PJH

Submit via email: YES
 Requester's email: Sen.Grothman@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Initial Compensation for ADAs who held DA Positions

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rchampag 2/13/2014			_____			
/1		csicilia 2/14/2014	jmurphy 2/14/2014	_____	lparisi 2/14/2014	lparisi 2/19/2014	State

FE Sent For:
 → A+ Intro.

<END>

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/?	rchampag	1 cjs 2/14 14					

gm
2/14

FE Sent For:

<END>

Hurley, Peggy

From: Murphy, Michael
Sent: Thursday, February 13, 2014 8:47 AM
To: Hurley, Peggy
Subject: RE: DA Rehire Above Base Rate

Thank you, Peggy!

Michael P. Murphy
Office of Sen. Glenn Grothman
20th Senate District
800-662-1227

From: Hurley, Peggy
Sent: Wednesday, February 12, 2014 5:59 PM
To: Murphy, Michael
Subject: Re: DA Rehire Above Base Rate

Hi,

I think this may be drafted by the ERISA drafters; I'll ask around tomorrow and get the request entered right away.

Peggy

On Feb 12, 2014, at 5:42 PM, "Murphy, Michael" <Michael.Murphy@legis.wisconsin.gov> wrote:

Hello Peggy,

Could you get this change into drafting for us with some expedition?

Thanks!

Michael P. Murphy
Office of Sen. Glenn Grothman
20th Senate District
800-662-1227

This follows our conversation about the ability to hire a former district attorney at a salary above the minimum.

The District Attorney of Winnebago County, would like to hire an existing elected DA from another county. This person has experience prosecuting all types of felonies and misdemeanors, and would be much more valuable to his office than an entry level lawyer. The Winnebago County DA's Office currently has 10 prosecutors, however according to the most recent DOA Needs Assessment they

should be staffed with 19. Clearly, having an experienced prosecutor is a significant advantage.

Under the State Compensation Plan, there is no ability to hire an ADA above the minimum without certifying that there are no existing candidates capable of taking the job. While there is a provision to 'hire above minimum,' the system is rarely used as it is difficult to work with.

As the head of their offices, DAs commonly try the most difficult and heinous cases themselves. The State spends the same amount of money to train them as it does each ADA. An ADA who leaves one office and moves to another county is able to keep their salary and benefits. However, if an elected DA with the same years of state service and exactly the same level of prosecutorial experience would like to work as an ADA elsewhere, they have to start at the bottom of the pay scale. Under this scheme few DAs have ever returned to prosecution, instead taking their experience to the defense bar. There is no logic to this.

We are asking that a DA be given the freedom to hire a former DA, and pay them the same salary that an ADA with the same prosecutorial experience would receive. This would almost always be a significant decrease from the former salary of that DA, but it would likely be above entry level.

We believe this change can be accomplished by adding an amendment to section 4.00 of the State Compensation plan:

(2.5) An attorney who held the position of elected District Attorney but who separates from that position and returns to state service as an assistant district attorney within 5 years may receive a base pay rate calculated as if the employee were reinstated to a position in classified service under s. ER 29.03(6), Wis. Adm. Code, crediting any prior years of service as an assistant district attorney and providing the same credit for any years of service as an elected District Attorney. Compensation and benefits shall be the same as those of an assistant district attorney with the same years of cumulative service.

The current language reads:

4.00 Pay on Appointment

Pay on Appointment, except for Assistant District Attorney positions, shall be determined in accordance with Section I, 4.04 of this Plan.

Assistant District Attorney positions will be appointed at the minimum of the pay range, except:

- (1) A current state employee not in an elected position may be hired at a rate not to exceed the employee's current base pay;
- (2) A classified or unclassified attorney not in an elected position who separates from the position and returns within 5 years may receive a base pay rate calculated as if the employee were reinstated to a position in classified service under s. ER 29.03(6),

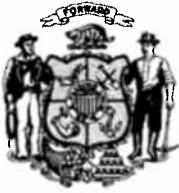
Wis. Adm. Code;

(3) When appointed using Hiring Above the Minimum in accordance with Section E of this Plan;

(4) (1) through (3) above are subject to the pay range maximum, and the appointing authority has the discretion to determine which provision to use if more than one could occur;

(5) An Assistant District Attorney granted a leave of absence to act as a Special Prosecutor or as a Governor appointee to a District Attorney position upon return will be paid as if restoring to classified service under s. ER 29.03(7), Wis. Admin. Code.

<http://oser.state.wi.us/docview.asp?docid=7642>



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-4270/1
RAC:/:....
g's

Jason
2013 BILL

SA ✓

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1 **AN ACT ...; relating to:** base pay paid to a former district attorney appointed to
2 an assistant district attorney position.

position

Analysis by the Legislative Reference Bureau

five

This bill provides that if a district attorney separates from that position and within 5 years is appointed to an assistant district attorney, the person must receive credit for his or her years of service as a district attorney and any years of service as an assistant district attorney, if applicable, for purposes of calculating his or her new base pay as an assistant district attorney. Currently, under the state compensation plan, with exceptions, the person would be appointed at the minimum of the pay range for assistant district attorneys, regardless of his or her years of prior service.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

as affected by 2013 Wisconsin Act 20

3 **SECTION 1.** 230.12 (10) (title) of the statutes is amended to read:
4 230.12 (10) (title) DEPUTY AND ASSISTANT DISTRICT ATTORNEY PAY PROGRESSION
5 PLAN; CALCULATION OF BASE PAY FOR CERTAIN ASSISTANT DISTRICT ATTORNEYS.

History: 1971 c. 55, 125, 215; 1971 c. 270 ss. 20, 27, 28, 30 to 32; 1971 c. 336; Stats. 1971 s. 16.086; 1973 c. 12, 51, 90; 1975 c. 28, 39, 199, 224; 1977 c. 29, 44; 1977 c. 196 ss. 36, 130 (3), (5), (11), 131; 1977 c. 272, 418, 449; Stats. 1977 s. 230.12; 1979 c. 221; 1981 c. 20 s. 2202 (33) (b); 1981 c. 153; 1983 a. 27 ss. 1611am to 1612am, 2200

BILL

(15); 1983 a. 140; 1985 a. 29, 34, 42, 119, 332; 1987 a. 33, 83, 340, 399, 403; 1989 a. 39, 56, 117, 119, 124, 153, 336, 359; 1991 a. 269; 1995 a. 37, 88; 1997 a. 14, 237; 1999 a. 42, 102; 2001 a. 16, 29, 35; 2003 a. 33, 91, 117; 2009 a. 28; 2011 a. 10, 32, 238; 2013 a. 20.



1 **SECTION 2.** 230.12 (10) (d) of the statutes is created to read:

2

230.12 (10) (d) Beginning on the effective date of this paragraph ...[LRB
inserts date], if a district attorney separates from that position and within 5 years
is appointed to an assistant district attorney position, the person shall receive credit
for his or her years of service as a district attorney and any years of service as an
assistant district attorney, if applicable, for purposes of calculating his or her new
base pay as an assistant district attorney.

8

(END)

Parisi, Lori

From: Sen.Grothman
Sent: Wednesday, February 19, 2014 1:17 PM
To: LRB.Legal
Subject: Draft Review: LRB -4270/1 Topic: Initial Compensation for ADAs who held DA Positions

Please Jacket LRB -4270/1 for the SENATE.