



## Legislative Fiscal Bureau

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February 12, 2020

TO: Members  
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Assembly Bill 501/Senate Bill 468: Public Defender Pay Progression

Assembly Bill 501 and Senate Bill 468 are companion bills related to public defender pay progression. Assembly Bill 501 was introduced on October 1, 2019, and referred to the Joint Committee on Finance. Senate Bill 468 was introduced on October 2, 2019, and referred to the Joint Committee on Finance. On October 31, 2019, the Joint Committee on Finance held a public hearing on both bills.

On January 16, 2020, SB 468 was withdrawn from the Joint Committee on Finance. On January 21, 2020, Senate Amendment 1 was introduced, adopted, and then passed by the Senate, as amended, by a voice vote. The Senate bill is now in the Assembly. On January 22, 2020, an identical amendment was introduced in the Assembly. The Assembly bill remains in the Joint Committee on Finance.

### **CURRENT LAW**

Under the 2017-19 state employee compensation plan established by the Division of Personnel Management in the Department of Administration (DOA), the minimum hourly salary for an Assistant State Public Defender (ASPD) is \$25.14 per hour (\$52,291 annually), while the maximum salary for these employees is \$60.74 per hour (\$126,339 annually). [Due to supervisory responsibilities, ASPD supervisors may earn up to an additional \$2.75 per hour (\$5,720 annually).] Generally, the compensation plan requires that Assistant District Attorneys (ADAs) be hired at the minimum salary level, while the State Public Defenders Office (SPD) is authorized to hire ASPDs at a rate up to \$42.94 per hour (\$89,315 annually).

The pay progression plan for these attorneys exists to increase employee retention by creating a path for experienced attorneys to move from the minimum salary level to the maximum salary level. The pay progression plan consists of 17 hourly salary steps, with each step equal to one seventeenth of the difference between the minimum salary level and the maximum salary level. One

full salary step totals \$2.09 per hour, or \$4,356 annually. Notwithstanding the creation these 17 steps, ASPDs may, at the discretion of their supervisor, receive up to a 10% increase in their salary on an annual basis until the attorney reaches the maximum allowable salary under the compensation plan. Once an attorney reaches the maximum salary level, the attorney may no longer receive salary adjustments under the pay progression plan. Under the pay progression plan, ASPDs are eligible to receive a salary adjustment after having been employed in such a position for 12 continuous months.

Under 2019 Act 9, \$300,300 GPR in 2019-20 and \$903,100 GPR in 2020-21 for ASPD pay progression was provided. This funding was meant to support a 2% general wage adjustment on January 1, 2020, and January 1, 2021. Assistant Attorney Generals were provided with funding meant to support a 2% general wage adjustment on January 1, 2020. Further, ADA's were provided with funding meant to support a one-step (\$2.09) increase on July 1, 2019, and July 1, 2020.

### **BILL SUMMARY AND FISCAL EFFECT**

The bill contains one non-statutory section which would increase the GPR funding for ASPD pay progression by \$1,404,400 GPR in 2019-20 and \$2,550,200 in 2020-21. This funding, in addition to the funding provided in 2019 Act 9, is meant to provide the incremental funding necessary to fund a one-step increase on July 1, 2019, and July 1, 2020, rather than just 2% annually. The first step would apply to eligible attorneys retroactively.

Senate Amendment 1 would provide \$468,200 GPR in 2019-20 as of March 1, 2020, for ASPD pay progression instead of \$1,404,400 GPR as of July 1, 2019. The amount in the amendment (\$468,200) is the amount in the bill (\$1,404,400) divided by 12 and multiplied by four and is intended to provide a one-step increase as of March 1, 2020 to eligible ASPD attorneys.

Prepared by: Sarah Wynn