

District Attorneys

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LFB Summary Items for Which an Issue Paper Has Been Prepared

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2	Pay Progression (District Attorneys, Justice, and Public Defender) (Paper #270)
3	Additional Assistant District Attorney Positions (Paper #271)



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Joint Committee on Finance

Paper #270 -- Revised

Pay Progression (District Attorneys, Justice, and Public Defender)

[LFB 2019-21 Budget Summary: Page 110, #2; Page 254, #11; and Page 311, #2]

CURRENT LAW

Under 2011 Act 238 and 2013 Act 20, assistant district attorneys (ADAs) and deputy district attorneys (DDAs) are compensated pursuant to a merit-based pay progression plan under which prosecutors may receive annual salary adjustments. Act 20 also established a pay progression plan for assistant state public defenders (ASPDs) and assistant attorneys general (AAGs) that mirrors the pay progression plan provided to assistant and deputy district attorneys. The merit-based pay progression plan consists of 17 hourly salary steps, with each step equal to one-seventeenth of the difference between an attorney's lowest hourly salary and the attorney's highest possible annual salary. Notwithstanding the creation of a 17 hourly salary step pay progression plan, District Attorneys, the State Public Defender, and the Attorney General may: (a) deny annual salary increases to individual ADAs, DDAs, ASPDs, and AAGs; or (b) increase the salary of individual ADAs, DDAs, ASPDs, and AAGs by up to 10% per year. In order to be eligible for pay progression, individuals generally must have served the state as an ADA, DDA, ASPD, or AAG for a continuous period of 12 months or more.

The District Attorney (DA) function has an annual GPR appropriation utilized to supplement salary and fringe benefit funding in order to support salary adjustments under the pay progression plan. The Office of the State Public Defender (SPD) had an annual GPR appropriation utilized to supplement salary and fringe benefit funding in order to support salary adjustments under the pay progression plan. Under 2017 Act 59, the SPD's annual GPR appropriation for salary adjustments for ASPDs was deleted. Instead, under the bill, funding for salary adjustments would be included in a biennial GPR appropriation utilized to support all operations of the SPD, but is separately accounted for within the appropriation. The Department of Justice (DOJ) had utilized existing resources, including discretionary settlement funds, to support salary adjustments for AAGs. Under 2017 Act 369, discretionary settlement funds are required to be deposited into the general

fund. This provision is currently under litigation.

The District Attorneys were authorized 363.45 ADA and DDA positions, including 314.15 GPR attorneys and 49.3 PR attorneys. The SPD is currently authorized 374.2 ASPDs, all of which are GPR-funded. The Department of Justice is currently authorized 101.40 AAG and AAG supervisor positions, including 78.25 GPR attorneys, 18.9 PR attorneys, and 4.25 FED attorneys.

GOVERNOR

Provide funding equal to a 2% increase for all ADAs, ASPDs, and AAGs on January 1, 2020 and 2021. No amounts are provided in compensation reserves for AAGs, ASPDs or ADAs for a general wage adjustment (2%/2% for other state employees in 2019-21). Rather, the 2%/2% amounts are included in the budgets of the three agencies and may be distributed at the discretion of the heads of the agencies.

Assistant Attorney Generals

Provide \$70,100 GPR, \$15,600 PR, and \$3,500 FED in 2019-20 and \$141,500 GPR, \$31,600 PR, and \$6,200 FED in 2020-21 to support pay progression plan for assistant attorney general attorneys.

Public Defender

Provide the State Public Defender \$320,600 GPR in 2019-20 and \$956,900 GPR in 2020-21 to support salary increases for assistant state public defenders under the pay progression plan.

District Attorneys

Provide \$307,300 GPR in 2019-20 and \$918,000 GPR in 2020-21 to support pay progression for assistant district attorneys and deputy district attorneys.

DISCUSSION POINTS

1. 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 ADAs, DDAs, and ASPDs 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, DDAs and ASPD supervisors may earn up to an additional \$2.75 per hour (\$5,720 annually).] Generally, the compensation plan requires that ADAs be hired at the minimum salary level, while the SPD and DOJ are authorized to hire ASPDs at a rate up to \$42.94 per hour (\$89,315 annually).

2. The pay progression plan for these individuals 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, ADAs, DDAs, ASPDs, and AAGs 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, ADAs, DDAs, ASPDs, and AAGs are eligible to receive a salary adjustment after having been employed in such a position for 12 continuous months.

3. Table 1 identifies funding provided to the District Attorneys and the SPD for pay progression during the 2013-15, 2015-17, and 2017-19 biennia, as well as a brief description of how the funding was utilized. Table 1 also identifies amounts recommended in the bill for pay progression during the 2019-21 biennium. Note that similar information for funding allocated for AAG's for pay progression from 2014-15 through 2017-18 is provided in Table 2.

TABLE 1

Funding Appropriated for Pay Progression for the District Attorneys and the State Public Defender, 2013-14 through 2020-21

Fiscal Year	District Attorneys		State Public Defender	
	Appropriated Amount	Utilization of Funding	Appropriated Amount	Utilization of Funding
2013-14	\$1,018,400	Increase salaries of eligible attorneys to the next hourly salary step.	\$997,000	Increase salaries of eligible attorneys to the next hourly salary step.
2014-15	3,625,500	Increase salaries of certain attorneys by, on average, 6.6%, and provide other attorneys a one-time lump sum of \$2,000.	1,978,600	Increase salaries of eligible attorneys by, on average, 4.4%.
2015-16	0		0	
2016-17	556,900	Increase salaries for eligible attorneys by, on average, 2%.	481,300	Increase salaries for eligible attorneys attorneys by, on average, 2%
2017-18	1,005,700	Amounts may be utilized at the discretion of the District Attorneys. However, funding was intended to increase salaries of eligible attorneys by \$1.97 per hour.	1,280,300	Amounts may be utilized at the discretion of the State Public Defender. However, funding was intended to increase salaries of eligible attorneys by, on average 5%.
2018-19	2,606,000	Amounts may be utilized at the discretion of the District Attorneys. However, funding was intended to increase salaries of eligible attorneys by \$1.97 per hour.	2,607,300	Amounts may be utilized at the discretion of the State Public Defender. However, funding was intended to increase the salaries of eligible attorneys by 5%.
2019-20*	307,300	Amounts may be utilized at the discretion of the District Attorneys. However, funding is intended to fund a, on average, 2% increase on January 1, 2020.	320,600	Amounts may be utilized at the discretion of the State Public Defender. However, funding is intended to fund a 2% increase on January 1, 2020.
2020-21*	918,000	Amounts may be utilized at the discretion of the District Attorneys. However, funding is intended to fund a, on average, 2% increase on January 1, 2021.	956,900	Amounts may be utilized at the discretion of the State Public Defender. However, funding is intended to fund a 2% increase on January 1, 2021.

*Information related to 2019-20 and 2020-21 are based on amounts included in the budget bill.

TABLE 2

**Funding Utilized for Pay Progression for the Assistant Attorneys General
2014-15 through 2017-18**

<u>Fiscal Year</u>	<u>Funded Amount</u>	<u>% Increase over Base</u>
2015	\$405,122	8.41%
2016	410,779	8.66
2017	384,550	6.59
2018	283,046	3.64

4. When budgeting for salary adjustments under the pay progression plan, greater amounts are typically appropriated in the second year of the biennium when compared to the first year of the biennium to support both: (a) any salary increases awarded in the first year of the biennium; and (b) any additional salary increases provided in the second year of the biennium. Ongoing support for any salary increases provided to ADAs, DDAs, or ASPDs during the 2019-21 biennium will likely be included in the DA's and SPD's full funding of continuing position salaries and fringe benefits standard budget adjustment included in the 2021-23 biennial budget bill.

5. Unlike the District Attorneys, the DOJ does not have a separate GPR appropriation to support salary adjustments for assistant attorneys general under the pay progression plan. Until 2018, DOJ supported salary adjustments through the utilization of existing resources, including discretionary settlement funds. Discretionary settlement funds were amounts received by DOJ as a result of certain litigation that may be expended by DOJ for any purpose permitted by state law, at the discretion of the Attorney General.

Attorney Retention

6. Table 3 provides information from the DOA's Division of Personnel Management (DPM) on the separation rates (rates of departure) from 2013-14 through 2017-18 for ADAs, ASPDs, and other nonsupervisory state attorneys.

TABLE 3**Rates of Separation by Non-Supervisory Attorneys**

	<u>FY12</u>	<u>FY13</u>	<u>FY14</u> ¹	<u>FY15</u>	<u>FY16</u>	<u>FY17</u>	<u>FY18</u>
Retirement							
ADA	1.1%	1.7%	1.7%	3.1%	2.9%	3.2%	1.7%
ASPD Attorneys	2.3	0.7	1.8	5.7	5.2	3.7	2.0
Classified Staff Attorneys	5.0	4.6	2.2	5.5	6.8	5.7	4.8
Non-Retirement Separations							
ADA ²	8.0%	7.1%	7.4%	6.3%	6.3%	10.7%	7.0%
ASPD Attorneys ²	4.5	4.6	3.9	5.0	9.6	9.0	8.4
Classified Staff Attorneys ²	5.4	4.2	2.2	3.7	6.1	6.1	3.2
Total Retirement and Non-Retirement Separations							
ADA	9.1%	8.7%	9.1%	9.4%	9.2%	13.8%	8.7%
ASPD Attorneys	6.8	5.3	5.7	10.7	14.8	12.7	10.7
Classified Staff Attorneys	10.3	8.8	4.4	9.2	12.9	11.9	8.0

¹ 2013-14 was the first fiscal year in which funding for pay progression was provided.

² These separations only include separations from state service. These separations do not include appointments to other positions in Wisconsin state service, such as appointment to a District Attorney position or state circuit court judgeship.

7. Appendix III and Appendix IV provide additional information compiled by DPM on separations from state service by permanent classified employees, by job group, (excluding the University of Wisconsin System) for 2016-17 and 2017-18, respectively. Note that the legal professionals and paralegals job group does not include ADAs and ASPDs, since ADAs and ASPDs are unclassified employees. As Appendix III indicates, the separation rate from state service by job group in 2016-17 ranged from 3.7% to 39.0%, while the average separation rate across all job groups was 13.8%. Appendix IV indicates that the separation rate from state service by job group ranged from 3.7% to 41.2% in 2017-18, while the average separation rate across all job groups was 13.6%. In comparing the separation data for the AAGs, ADAs and ASPDs (provided in Table 3) with other job groups in state service, it would appear as though the AAGs, ADA and ASPD separation rate has been similar to that of other job groups within state service. When comparing the data in Table 3 and Appendices III and IV, however, it should be noted that the job groups listed in Appendices III and IV vary in the level of professional training and education required to adequately perform the job.

8. While the salary provided to AAGs, ADAs and ASPDs has been identified as a key concern in the retention of these employees, there are many factors that may contribute to an employee's decision to remain employed with his or her current employer or seek opportunities elsewhere. The extent to which attorneys may leave state service due to dissatisfaction with salary levels cannot be answered based on the available data. It is likely that some resignations are related to salary issues, in whole or in part, while other resignations are unrelated to salary concerns.

9. The State Prosecutors Office (SPO) has provided data on employees vacating ADA positions from 2014 through April, 2019. During this time period, the SPO identified 341 ADA separations, of which 281 were departures (82.4%) and 59 were lateral transfers to other DA offices

(17.3%). Of these 281 departures, 28 (10.0%) were appointments to a deputy DA position or elections or appointments to a DA position. Further, 53 departures (18.9%) were due to retirement. In addition, 11 departures (3.9%) were due to layoff, position termination, health, disability, and death.

10. During the five and a half-year period, 79 departures (22.4%) were due to ADAs taking government positions with local units of government, the state, and the federal government, including 23 who became judges or elected representatives, 28 who took other state legal positions, and one who became a court commissioner. While these departures may have been motivated, in part, by salary dissatisfaction, they may also have been motivated by a desire for career advancement while still working in government, or for other reasons.

11. The remaining cases, which represent resignations from ADA positions for other reasons, total 68, or 21.4% of departures. Table 4 summarizes the variety of reasons provided for these remaining 68 resignations.

TABLE 4

Reasons for Certain ADA Resignations, 2014 Through April, 2019

<u>Reason for Resignation</u>	<u>Number</u>
Private sector (leaving state service)	44
Not Re-elected	7
Family	5
Moved out of state	3
Personal reasons	3
Military service	3
Financial Concerns	1
Lost Recall Election	1
Other work	<u>1</u>
Total	68

12. As with the ADAs, it would appear as though attorney departures from the SPD likely occurred for a variety of reasons. Due to a change in data systems, the SPD does not have the ability to provide updated detailed information. The information from the last biennium is the latest available. The SPD identified 126 assistant state public defender departures from 2012-13 through 2015-16. Of these 126 ASPD departures, 42 were the result of retirements, six were the result of the attorney moving out of state or away from his or her home, two were the result of an attorney's family issue or a desire to stay at home, one was the result of a death, and one was the result of an attorney's desire to attend medical school.

13. Further, 33 attorneys separated from the SPD for a new job with another state agency, a District Attorney's office, a local corporation counsel or city attorney, the courts, a federal agency, or the Legislature. In addition, 24 attorneys separated from the SPD to accept either an unspecified position or a position in the private sector. While it is likely that salary dissatisfaction was a

contributing factor in several of these attorneys' resignation, it is also likely that career advancement or other personal decisions were a contributing factor. [Note that for the remaining 17 attorney separations from 2012-13 through 2015-16, information does not exist regarding the reason for resignation.] In total, during exit surveys conducted by the SPD, 69 attorneys separating from the SPD identified salary as a contributing factor for the reason for separation (although it should be noted that, according to the SPD, complete data from exit surveys does not exist).

14. Retention information for AAG's from 2011 through 2015 indicates that 45 assistant attorneys general departed from the Department of Justice. Of these 45 departures, 17 were the result of retirement, 21 were the result of the attorneys transferring to another state agency or other local or federal public sector entities, one was the result of the attorney accepting a job in the private sector, one departure was the result of the attorney failing to return from a leave of absence, one departure was the result of the attorney moving away from his or her home, and four departures were for unspecified reasons.

15. The Bureau of Labor Statistics (BLS), U.S. Department of Labor, publishes monthly estimates of Wisconsin Occupational Employment and Wage Estimates. These occupational employment and wage estimates are calculated with data collected from employers in all industry sectors in metropolitan and nonmetropolitan areas in Wisconsin. Published monthly data on employer costs for employee compensation based on its National Compensation Survey. The surveys are conducted quarterly. The most recent published data for the four surveys conducted in 2018, indicates that for attorneys, wages and salaries averaged \$47.91 per hour. In addition, hourly wages in the 10th percentile were \$24.51, 25th were \$32.05, 75th were \$74.14, and 90th were over \$100.00 per hour.

16. During the same time period (2018) wages for ADAs, DDAs, ASPDs, and AAGs ranged from a minimum of \$24.15 to a maximum of \$58.37 per hour. The average salary of ASPDs was \$34.71 on April 15, 2018. The average salary of DAs and DDAs was \$34.46 on April 15, 2018. The average salary of AAGs was \$47.62 on April 15, 2018.

Pay Progression Provisions Under the Bill

17. Both the District Attorneys and the State Public Defender have identified the recruitment and retention of attorneys as an issue, and have identified compensation levels as a significant cause of the issue. The value of individual attorneys to DA offices and the SPD increases with time of service. With experience, the ability of these attorneys to address an increased caseload improves, and the quality of service that these attorneys can provide to the state and affected individuals also improves. In addition, when attorney turnover is reduced, DA offices and the SPD can minimize the resources that must be applied to the recruitment and training of new attorneys. Finally, in retaining quality staff, increased compensation can be a tangible way for the DAs and the SPD to indicate to the staff that the staff, and the work the staff performs, is valued.

18. The bill provides the District Attorneys, SPD, and Department of Justice with funding in order to support salary increases for assistant and deputy DAs, ASPDs, and AAGs under the pay progression plan. While the respective agencies would have discretion in administering pay progression amounts, the appropriated amounts under the bill are intended to support a 2% per hour pay increase to ADAs, DDAs, ASPDs, and AAGs eligible under the pay progression plan on January

1, 2020 and 2021. Total funding for pay progression for the DAs, SPDs, and DOJ is provided on a one-time basis, and would, therefore, not be included in the agencies base budget for the 2021-23 biennium.

19. *Budget Bill.* Given the benefits of reducing attorney turnover, the Committee could provide funding to both the DAs, SPD, and DOJ to support salary adjustments under the pay progression plan. Funding could be provided in the manner recommended by the budget bill [Alternative 1]. This alternative is intended to provide a 2% increase in 2019-20 and another 2% increase in 2020-21. This would result in DA pay progression funding totaling \$307,300 GPR in 2019-20 and \$918,000 GPR in 2020-21, SPD pay progression funding totaling \$320,600 GPR in 2019-20 and \$956,900 GPR in 2020-21, and AAG pay progression funding totaling \$70,100 GPR, \$15,600 PR, and \$3,500 FED in 2019-20 and \$141,500 GPR, \$31,600 PR, and \$6,200 FED in 2020-21. Funding for pay progression would be provided on a one-time basis.

20. *Bill and Technical Modifications.* Amounts calculated for pay progression under the bill are based on payroll data from August, 2018. In addition, the amounts included in the bill do not account for the fact that pay progression funding provided to the DAs and the SPD is typically reduced in order to account for vacant positions. In addition, a number of ADA positions are PR funded and are technically unable to accept GPR supplements for pay progression. When authorized, additional amounts are billed to the authority providing the grant for pay progression. Further, funding for AAGs under the bill was intended to support a 2% increase on January 1, 2020 and 2021, but would only support a 2% increase on January 1, 2020.

If the Committee wishes to provide the pay progression levels recommended by the budget bill for the DAs, AAGs, and the SPD, but also wishes to account for these issues, the Committee could modify pay progression funding to support a 2% salary increase in January 2020 and 2021 by doing the following: (a) reduce DA funding under the bill by \$33,700 GPR in 2019-20 and \$100,600 GPR in 2020-21; (b) reduce the SPD's funding under the bill by \$20,300 GPR in 2019-20 and \$53,800 GPR in 2020-21; and (c) increase AAG funding by \$12,900 GPR, \$1,200 PR, and \$1,600 FED in 2019-20 and \$110,600 GPR, \$20,400 PR, and \$9,200 FED in 2020-21 [Alternative 2]. Alternative 2 would result in DA pay progression funding totaling \$273,600 GPR in 2019-20 and \$817,400 GPR in 2020-21, SPD pay progression funding totaling \$300,300 GPR in 2019-20 and \$903,100 GPR in 2020-21, and AAG pay progression funding totaling \$83,000 GPR, \$16,800 PR, and \$5,100 FED in 2019-20 and \$252,100 GPR, \$52,000 PR, and \$15,400 FED in 2020-21.

21. If the Committee wishes to provide pay progression, but at a lower level than that recommended by the budget bill for the DAs, AAGs, and the SPD, the Committee could modify pay progression funding to support a 1% salary increase in January 2020 and 2021 by doing the following: (a) reduce DA funding under the bill by \$170,500 GPR in 2019-20 and \$506,300 GPR in 2020-21; (b) reduce the SPD's funding under the bill by \$170,400 GPR in 2019-20 and \$504,900 GPR in 2020-21; and (c) reduce AAG funding by \$28,600 GPR, \$7,200 PR, and \$900 FED in 2019-20 and \$15,400 GPR, \$5,700 PR, and increase by \$1,500 FED in 2020-21 [Alternative 3]. Alternative 3 would result in DA pay progression funding totaling \$136,800 GPR in 2019-20 and \$411,700 GPR in 2020-21, SPD pay progression funding totaling \$150,200 GPR in 2019-20 and \$452,000 GPR in 2020-21, and AAG pay progression funding totaling \$41,500 GPR, \$8,400 PR, and \$2,600 FED in 2019-20 and

\$126,100 GPR, \$25,900 PR, and \$7,700 FED in 2020-21.

22. *One-Step Increase for DAs and SPD.* The Committee could increase the amounts provided to the SPD, DAs, and AAGs and support a one-step increase (\$2.09 per hour) on July 1, 2019-20 and 2020-21. In order to provide a step increase (and account for the issues identified under discussion point #20), the Committee could: (a) increase DA funding under the bill by \$1,212,900 GPR in 2019-20 and \$2,130,700 GPR in 2020-21; (b) increase SPD funding under the bill by \$1,384,100 GPR in 2019-20 and \$2,496,400 GPR in 2020-21; and (c) increase AAG funding by \$292,500 GPR, \$52,300 PR, and \$17,800 FED in 2019-20 and \$553,500 GPR, \$93,800 PR, and \$28,900 FED in 2020-21 [Alternative 4]. This alternative would result in DA pay progression funding totaling \$1,520,200 GPR in 2019-20 and \$3,048,700 GPR in 2020-21, SPD pay progression funding totaling \$1,704,700 GPR in 2019-20 and \$3,453,300 GPR in 2020-21, and AAG pay progression funding totaling \$362,600 GPR, \$67,900 PR, and \$21,300 FED in 2019-20 and \$695,000 GPR, \$125,400 PR, and \$35,100 FED in 2020-21.

23. *Various Percentage Increase.* Alternatively, the Committee may wish to provide the DAs, SPD, and AAG with funding to support a different level of pay increase, as compared to what is provided under the bill. Under the pay progression plan, the maximum annual salary increase that may be provided to an ADA, DDA, ASPD, or AAG is 10%. Appendix I identifies the cost of providing the DAs, the SPD, and DOJ funding to support pay increases between 1% and 10% in July, 2019, and 2020 (rather than January 1, 2020, and 2021, under the bill) for ADAs, DDAs, and ASPDs, as a reflection of a change to the base. Appendix I also identifies the cost of providing one-full step under the pay progression plan (\$2.09 per hour). Appendix I identifies these costs if: (a) pay increases are provided in both years of the biennium; (b) pay increases are only provided in 2019-20; and (c) pay increases are only provided in 2020-21. Appendix II provides similar information for non-GPR fund sources within the Department of Justice.

24. *Delete Funding.* On the other hand, the Committee could decide to eliminate all funding for pay progression for ADAs, DDAs, ASPDs, and AAGs [Alternative 5]. This alternative would reduce funding under the bill for DAs by \$307,300 GPR in 2019-20 and \$918,000 GPR in 2020-21, reduce for SPDs by \$320,600 GPR in 2019-20 and \$956,900 GPR in 2020-21, and reduce DOJ funding by \$70,100 GPR, \$15,600 PR, and \$3,500 FED in 2019-20 and \$141,500 GPR, \$31,600 PR, and \$6,200 FED in 2020-21.

25. As pay progression is a commitment to move ADAs, DDAs, ASPDs, and AAGs from the minimum hourly salary available to these employees (currently \$25.14 per hour) to the maximum available hourly salary available to these employees (currently \$60.74 per hour), pay progression is a substantial ongoing financial commitment for the state. Further, since the state must continue to support the cost of past salary increases, the annual cost of supporting the pay progression plan builds on itself. For example, the cost of supporting a 5% annual salary increase for ADAs, DDAs, ASPDs, and AAGs under the pay progression plan would be \$3,164,000 GPR in 2019-20 and \$6,342,100 GPR in 2020-21. It is estimated that providing a similar 5% annual salary increase during the 2021-23 biennium would cost \$9,388,200GPR in 2021-22 and \$12,350,100 GPR in 2022-23 through full funding of salary and fringe benefits and additional funding for pay progression. The cost of pay progression for ADAs, DDAs, ASPDs, and AAGs would still be higher than these estimates if

funding is provided for 10% annual pay progression increases, as is allowable under current law.

26. The ultimate annual cost of pay progression, however, depends on turnover rates. A higher turnover rate reduces the annual cost of pay progression as more highly compensated attorneys would be replaced by lower compensated attorneys. It should be noted, however, that one of the goals of the pay progression plan is to reduce attorney turnover.

ALTERNATIVES

1. *Budget Bill.* Include the administration's recommendation to provide the DA pay progression funding totaling \$307,300 GPR in 2019-20 and \$918,000 GPR in 2020-21, SPD pay progression funding totaling \$320,600 GPR in 2019-20 and \$956,900 GPR in 2020-21, and AAG pay progression funding totaling \$70,100 GPR, \$15,600 PR, and \$3,500 FED in 2019-20 and \$141,500 GPR, \$31,600 PR, and \$6,200 FED in 2020-21. Funding would be provided on a one-time basis. Funding under the bill was intended to support a 2% per hour pay increase to ADAs, DDAs, ASPDs, and AAGs eligible under the pay progression plan on January 1, 2020 and 2021.

ALT 1	Change to	
	Base	Bill
<u>For DAs</u>		
GPR	\$1,225,300	\$0
<u>For SPD</u>		
GPR	\$1,277,500	\$0
<u>For AAGs</u>		
GPR	\$211,600	\$0
PR	47,200	0
FED	<u>9,700</u>	<u>0</u>
Subtotal	\$268,500	\$0
Total	\$2,771,300	\$0

2. *Budget Bill with Technical Modification.* Provide DA pay progression funding totaling \$273,600 GPR in 2019-20 and \$817,400 GPR in 2020-21, SPD pay progression funding totaling \$300,300 GPR in 2019-20 and \$903,100 GPR in 2020-21, and AAG pay progression funding totaling \$83,000 GPR, \$16,800 PR, and \$5,100 FED in 2019-20 and \$252,100 GPR, \$52,000 PR, and \$15,400 FED in 2020-21. Funding would be provided on a one-time basis. Funding is intended to support a 2% per hour pay increase to ADAs, DDAs, ASPDs, and AAGs eligible under the pay progression plan on January 1, 2020 and 2021.

ALT 2	Change to	
	Base	Bill
<u>For DAs</u>		
GPR	\$1,091,000	- \$134,300
<u>For SPD</u>		
GPR	\$1,203,400	- \$74,100
<u>For AAGs</u>		
GPR	\$355,100	\$123,500
PR	68,800	21,600
FED	<u>20,500</u>	<u>10,800</u>
Subtotal	\$424,400	\$155,900
Total	\$2,718,800	- \$52,500

3. *1% Increase.* Provide DA pay progression funding totaling \$136,800 GPR in 2019-20 and \$411,700 GPR in 2020-21, SPD pay progression funding totaling \$150,200 GPR in 2019-20 and \$452,000 GPR in 2020-21, and AAG pay progression funding totaling \$41,500 GPR, \$8,400 PR, and \$2,600 FED in 2019-20 and \$126,100 GPR, \$25,900 PR, and \$7,700 FED in 2020-21. Funding would be provided on a one-time basis. Funding is intended to support a 1% per hour pay increase to ADAs, DDAs, ASPDs, and AAGs eligible under the pay progression plan on January 1, 2020 and 2021.

ALT 3	Change to	
	Base	Bill
<u>For DAs</u>		
GPR	\$548,500	- \$676,800
<u>For SPD</u>		
GPR	\$602,200	- \$675,300
<u>For AAGs</u>		
GPR	\$167,600	- \$44,000
PR	34,300	- 12,900
FED	<u>10,300</u>	<u>600</u>
Subtotal	\$212,200	- \$56,300
Total	\$1,362,900	- \$1,408,400

4. *One-Step Increase.* Provide DA pay progression funding totaling \$1,520,200 GPR in 2019-20 and \$3,048,700 GPR in 2020-21, SPD pay progression funding totaling \$1,704,700 GPR in 2019-20 and \$3,453,300 GPR in 2020-21, and AAG pay progression funding totaling \$362,600 GPR, \$67,900 PR, and \$21,300 FED in 2019-20 and \$695,000 GPR, \$125,400 PR, and \$35,100 FED in 2020-21. Funding would be provided on a one-time basis. Funding is intended to support a one step (\$2.09) pay increase to ADAs, DDAs, ASPDs, and AAGs eligible under the pay progression plan on July 1, 2019 and 2020.

ALT 4	Change to	
	Base	Bill
<u>For DAs</u>		
GPR	\$4,568,900	\$3,343,600
<u>For SPD</u>		
GPR	\$5,158,000	\$3,880,500
<u>For AAGs</u>		
GPR	\$1,057,600	\$846,000
PR	193,300	146,100
FED	<u>56,400</u>	<u>46,700</u>
Subtotal	\$1,307,300	\$1,038,800
Total	\$11,034,200	\$8,262,900

5. Take no action.

ALT 5	Change to	
	Base	Bill
<u>For DAs</u>		
GPR	\$0	- \$1,225,300
<u>For SPD</u>		
GPR	\$0	- \$1,277,500
<u>For AAGs</u>		
GPR	\$0	- \$211,600
PR	0	- 47,200
FED	<u>0</u>	<u>- 9,700</u>
Subtotal	\$0	- \$268,500
Total	\$0	- \$2,771,300

Prepared by: Sarah Wynn
 Appendices

APPENDIX I

Summary of Pay Progression Costs During the 2019-21 Biennium for the District Attorneys, the Office of the State Public Defender, and Department of Justice By Percent Increase Pay Increases in 2019-20 and 2020-21, Change to Bill*

Percent Increase	District Attorneys			State Public Defender			Assistant Attorney Generals			Total		
	2019-20	2020-21	2019-21 Biennium	2019-20	2020-21	2019-21 Biennium	2019-20	2020-21	2019-21 Biennium	2019-20	2020-21	2019-21 Biennium
Pay Increases in 2019-20 and 2020-21, Change to Bill*												
1%	-\$37,900	-\$368,200	-\$406,100	-\$26,800	-\$353,300	-\$380,100	\$12,900	\$27,800	\$40,700	-\$51,800	-\$693,700	-\$745,500
2%	231,400	169,600	401,000	267,100	248,700	515,800	96,000	196,500	292,500	594,500	614,800	1,209,300
3%	495,200	693,200	1,188,400	560,900	835,700	1,396,600	178,300	345,000	523,300	1,234,400	1,873,900	3,108,300
4%	753,100	1,210,200	1,963,300	847,600	1,416,600	2,264,200	259,900	485,700	745,600	1,860,600	3,112,500	4,973,100
5%	1,005,900	1,717,500	2,723,400	1,128,300	1,987,100	3,115,400	331,800	621,100	952,900	2,466,000	4,325,700	6,791,700
6%	1,255,800	2,221,700	3,477,500	1,407,500	2,554,500	3,962,000	402,900	744,200	1,147,100	3,066,200	5,520,400	8,586,600
7%	1,503,200	2,713,400	4,216,600	1,684,500	3,116,100	4,800,600	470,300	861,700	1,332,000	3,658,000	6,691,200	10,349,200
8%	1,748,300	3,196,400	4,944,700	1,956,900	3,661,500	5,618,400	537,100	975,500	1,512,600	4,242,300	7,833,400	12,075,700
9%	1,987,400	3,671,300	5,658,700	2,224,800	4,202,200	6,427,000	601,400	1,086,400	1,687,800	4,813,600	8,959,900	13,773,500
10%	2,225,900	4,139,500	6,365,400	2,490,700	4,737,300	7,228,000	664,900	1,188,000	1,852,900	5,381,500	10,064,800	15,446,300
One Step Increase**	\$1,212,900	\$2,130,700	\$3,343,600	\$1,384,100	\$2,496,400	\$3,880,500	\$292,500	\$553,500	\$846,000	\$2,889,500	\$5,180,600	\$8,070,100
Pay Increase in 2019-20 Only, Change to Bill*												
1%	-\$37,900	-\$644,400	-\$682,300	-\$26,800	-\$656,600	-\$683,400	\$12,900	-\$57,300	-\$44,400	-\$51,800	-\$1,358,300	-\$1,410,100
2%	231,400	-370,900	-139,500	267,100	-356,300	-89,200	96,000	26,900	122,900	594,500	-700,300	-105,800
3%	495,200	-102,900	392,300	560,900	-56,000	504,900	178,300	110,400	288,700	1,234,400	-48,500	1,185,900
4%	753,100	159,200	912,300	847,600	237,200	1,084,800	259,900	193,200	453,100	1,860,600	589,600	2,450,200
5%	1,005,900	416,100	1,422,000	1,128,300	524,400	1,652,700	331,800	266,300	598,100	2,466,000	1,206,800	3,672,800
6%	1,255,800	670,300	1,926,100	1,407,500	810,000	2,217,500	402,900	338,500	741,400	3,066,200	1,818,800	4,885,000
7%	1,503,200	921,900	2,425,100	1,684,500	1,093,500	2,778,000	470,300	407,100	877,400	3,658,000	2,422,500	6,080,500
8%	1,748,300	1,171,100	2,919,400	1,956,900	1,372,400	3,329,300	537,100	475,100	1,012,200	4,242,300	3,018,600	7,260,900
9%	1,987,400	1,414,500	3,401,900	2,224,800	1,646,800	3,871,600	601,400	540,500	1,141,900	4,813,600	3,601,800	8,415,400
10%	2,225,900	1,657,200	3,883,100	2,490,700	1,919,200	4,409,900	664,900	605,300	1,270,200	5,381,500	4,181,700	9,563,200
One Step Increase**	\$1,212,900	\$634,000	\$1,846,900	\$1,384,100	\$795,900	\$2,180,000	\$292,500	\$226,500	\$519,000	\$2,889,500	\$1,656,400	\$4,545,900

APPENDIX I (continued)

**Summary of Pay Progression Costs During the 2019-21 Biennium for the District Attorneys,
the Office of the State Public Defender, and Department of Justice By Percent Increase
Pay Increases in 2019-20 and 2020-21, Change to Bill***

Percent Increase	District Attorneys			State Public Defender			Assistant Attorney Generals			Total		
	<u>2019-20</u>	<u>2020-21</u>	<u>2019-21 Biennium</u>	<u>2019-20</u>	<u>2020-21</u>	<u>2019-21 Biennium</u>	<u>2019-20</u>	<u>2020-21</u>	<u>2019-21 Biennium</u>	<u>2019-20</u>	<u>2020-21</u>	<u>2019-21 Biennium</u>
Pay Increase in 2020-21 Only, Change to Bill*												
1%	-\$307,300	-\$644,400	-\$951,700	-\$320,600	-\$656,600	-\$977,200	-\$70,100	-\$57,300	-\$127,400	-\$698,000	-\$1,358,300	-\$2,056,300
2%	-307,300	-370,900	-678,200	-320,600	-356,300	-676,900	-70,100	26,900	-43,200	-698,000	-700,300	-1,398,300
3%	-307,300	-102,900	-410,200	-320,600	-56,000	-376,600	-70,100	110,400	40,300	-698,000	-48,500	-746,500
4%	-307,300	159,200	-148,100	-320,600	237,200	-83,400	-70,100	193,200	123,100	-698,000	589,600	-108,400
5%	-307,300	416,100	108,800	-320,600	524,400	203,800	-70,100	266,300	196,200	-698,000	1,206,800	508,800
6%	-307,300	670,300	363,000	-320,600	810,000	489,400	-70,100	338,500	268,400	-698,000	1,818,800	1,120,800
7%	-307,300	921,900	614,600	-320,600	1,093,500	772,900	-70,100	407,100	337,000	-698,000	2,422,500	1,724,500
8%	-307,300	1,171,100	863,800	-320,600	1,372,400	1,051,800	-70,100	475,100	405,000	-698,000	3,018,600	2,320,600
9%	-307,300	1,414,500	1,107,200	-320,600	1,646,800	1,326,200	-70,100	540,500	470,400	-698,000	3,601,800	2,903,800
10%	-307,300	1,657,200	1,349,900	-320,600	1,919,200	1,598,600	-70,100	605,300	535,200	-698,000	4,181,700	3,483,700
One Step Increase**	-\$307,300	\$634,000	\$326,700	-\$320,600	\$795,900	\$475,300	-\$70,100	\$226,500	\$156,400	-\$698,000	\$1,656,400	\$958,400

*The bill provides the DA's with \$1,066,100 GPR in 2017-18 and \$2,645,300 GPR in 2018-19 for pay progression and \$66,400 GPR in 2018-19 for pay progression.

**One step under the pay progression plan totals \$2.09 per hour, or \$4,347 annually.

APPENDIX II

Summary of Pay Progression Costs During the 2019-21 Biennium for the Attorney Generals Pay Increases in 2019-20 and 2020-21, Change to Bill*

Percent Increase	Assistant Attorney Generals (PR)			Assistant Attorney Generals (FED)		
	2019-20	2020-21	2019-21 Biennium	2019-20	2020-21	2019-21 Biennium
Pay Increases in 2019-20 and 2020-21						
1%	\$1,200	\$3,400	\$4,600	\$1,600	\$4,100	\$5,700
2%	18,100	38,700	56,800	6,700	14,500	21,200
3%	34,900	63,900	98,800	11,800	20,000	31,800
4%	51,800	88,900	140,700	16,900	25,500	42,400
5%	63,900	110,200	174,100	19,800	31,100	50,900
6%	75,500	128,100	203,600	22,500	36,700	59,200
7%	87,200	142,800	230,000	25,100	42,400	67,500
8%	98,700	155,000	253,700	27,800	46,100	73,900
9%	108,600	167,200	275,800	30,500	49,800	80,300
10%	118,200	178,300	296,500	33,100	53,600	86,700
One Step Increase**	\$52,300	\$93,800	\$146,100	\$17,800	\$28,900	\$46,700
Pay Increase in 2019-20 Only						
1%	\$1,200	-\$14,200	-\$13,000	\$1,600	-\$1,100	\$500
2%	18,100	3,200	21,300	6,700	4,000	10,700
3%	34,900	20,600	55,500	11,800	9,100	20,900
4%	51,800	38,000	89,800	16,900	14,200	31,100
5%	63,900	50,600	114,500	19,800	17,100	36,900
6%	75,500	62,800	138,300	22,500	19,800	42,300
7%	87,200	75,000	162,200	25,100	22,400	47,500
8%	98,700	87,100	185,800	27,800	25,100	52,900
9%	108,600	97,500	206,100	30,500	27,800	58,300
10%	118,200	107,700	225,900	33,100	30,400	63,500
One Step Increase**	\$1,290,900	\$1,313,300	\$2,604,200	\$1,704,700	\$1,752,800	\$3,457,500
Pay Increase in 2020-21 Only						
1%	-\$15,600	-\$14,200	-\$29,800	-\$3,500	-\$1,100	-\$4,600
2%	-15,600	3,200	-12,400	-3,500	4,000	500
3%	-15,600	20,600	5,000	-3,500	9,100	5,600
4%	-15,600	38,000	22,400	-3,500	14,200	10,700
5%	-15,600	50,600	35,000	-3,500	17,100	13,600
6%	-15,600	62,800	47,200	-3,500	19,800	16,300
7%	-15,600	75,000	59,400	-3,500	22,400	18,900
8%	-15,600	87,100	71,500	-3,500	25,100	21,600
9%	-15,600	97,500	81,900	-3,500	27,800	24,300
10%	-15,600	107,700	92,100	-3,500	30,400	26,900
One Step Increase**	-\$15,600	\$1,313,300	\$1,297,700	-\$3,500	\$1,752,800	\$1,749,300

*The bill provides the AAG pay progression with \$15,600 PR and \$3,500 FED in 2019-20 and \$31,600 PR and \$6,200 FED in 2020-21.

**One step under the pay progression plan totals \$2.09 per hour, or \$4,347 annually.

APPENDIX III

Separations from State Service by Job Group 2016-17 Permanent Classified Employees Excluding UW System

<u>Job Group</u>	<u>Average Count in Job Group*</u>	<u>Non-Retirement Separations</u>		<u>Retirements</u>		<u>Total All Separations</u>	
		<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Personal Care Aides	548	196	35.8%	20	3.7%	216	39.5%
Production Laborers	242	49	20.2	17	7.0	66	27.3
Health Care Technicians	1,830	377	20.6	56	3.1	433	23.7
Inspectors, Investigators, and Compliance	360	40	11.1	24	6.7	64	17.8
Power Plant	92	14	15.2	2	2.2	16	17.4
Food Production	398	57	14.3	12	3.0	69	17.4
Education Supervisors	30	1	3.4	4	13.6	5	16.9
Mechanical Equipment, Maintenance, Repair	397	32	8.1	34	8.6	66	16.6
Claims Determination	442	64	14.5	9	2.0	73	16.5
Administrative Support	2,889	294	10.2	142	4.9	436	15.1
Administrative Support-Fiscal	433	41	9.5	23	5.3	64	14.8
Health Care Professionals	1,246	134	10.8	50	4.0	184	14.8
Public Safety	5,395	610	11.3	165	3.1	775	14.4
Education/Training	692	61	8.8	33	4.8	94	13.6
Legal Professionals and Paralegals	371	28	7.6	22	5.9	50	13.5
Mechanical and Maintenance Supervisors	135	6	4.5	12	8.9	18	13.4
Social Services Professionals	2,965	299	10.1	95	3.2	394	13.3
IS Support, Program and Service Technicians	116	3	2.6	11	9.5	14	12.1
Program Specialists	284	20	7.0	13	4.6	33	11.6
Physicians and Health Care Practitioners	105	6	5.7	6	5.7	12	11.4
Service, Quality Control & Compliance Supervisors	194	10	5.2	11	5.7	21	10.9
Administrators-Senior Executives	536	19	3.5	39	7.3	58	10.8
Policy, Planning and Research	680	49	7.2	24	3.5	73	10.7
Mid-Level Supervisors	960	44	4.6	59	6.1	103	10.7
Business Professionals	325	16	4.9	18	5.5	34	10.5
Business and Program Area Supervisors	332	14	4.2	20	6.0	34	10.2
Fiscal	1,652	96	5.8	67	4.1	163	9.9
Natural Science and Laboratory Technicians	252	18	7.2	6	2.4	24	9.5
Craft and Trade	130	8	6.2	4	3.1	12	9.3
IS Professionals	1,258	50	4.0	65	5.2	115	9.1
Health and Social Services Supervisors	506	23	4.5	21	4.2	44	8.7
Science Professionals	249	10	4.0	10	4.0	20	8.0
Protective Services Supervisors	589	13	2.2	33	5.6	46	7.8
Physical, Natural and Social Science Supervisors	170	5	2.9	8	4.7	13	7.7
Environmental Specialists	813	31	3.8	31	3.8	62	7.6
Architects and Engineers	1,295	51	3.9	47	3.6	98	7.6
Public Relations and Media Technicians	116	5	4.3	3	2.6	8	6.9
Property Management	110	3	2.7	3	2.7	6	5.5
Architect/Engineer Supervisors	123	1	0.8	5	4.1	6	4.9
Financial Supervisors	<u>161</u>	<u>2</u>	<u>1.2</u>	<u>4</u>	<u>2.5</u>	<u>6</u>	<u>3.7</u>
Total	29,250	2,798	9.6%	1,224	4.2%	4,022	13.8%

*Average counts for each job group are based on the average number of positions in each job group in September and June of the fiscal year.

APPENDIX IV

Separations from State Service by Job Group 2017-18 Permanent Classified Employees Excluding UW System

<u>Job Group</u>	<u>Average Count in Job Group*</u>	<u>Non-Retirement Separations</u>		<u>Retirements</u>		<u>Total All Separations</u>	
		<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Personal Care Aides	551	213	38.7%	14	2.5%	227	41.2%
Education Supervisors	27	3	11.1	5	18.5	8	29.6
Food Production	395	77	19.5	18	4.6	95	24.1
Production Laborers	232	45	19.4	7	3.0	52	22.4
Health Care Technicians	1,785	323	18.1	40	2.2	363	20.3
Administrative Support	2,791	318	11.4	136	4.9	454	16.3
Mechanical Equipment, Maintenance, Repair	391	38	9.7	23	5.9	61	15.6
Administrative Support-Fiscal	445	43	9.7	25	5.6	68	15.3
Public Safety	5,352	647	12.1	169	3.2	816	15.2
Education/Training	689	55	8.0	43	6.2	98	14.2
Health Care Professionals	1,283	149	11.6	33	2.6	182	14.2
Physicians and Health Care Practitioners	100	7	7.0	7	7.0	14	14.1
IS Support, Program and Service Technicians	111	6	5.4	9	8.1	15	13.6
Inspectors, Investigators, and Compliance	352	32	9.1	14	4.0	46	13.1
Property Management	104	8	7.7	5	4.8	13	12.6
Claims Determination	424	44	10.4	9	2.1	53	12.5
Power Plant	97	7	7.2	5	5.2	12	12.4
Public Relations and Media Technicians	114	12	10.6	2	1.8	14	12.3
Fiscal	1,676	127	7.6	74	4.4	201	12.0
Social Services Professionals	2,976	269	9.0	85	2.9	354	11.9
Physical, Natural and Social Science Supervisors	171	5	2.9	15	8.8	20	11.7
Mechanical and Maintenance Supervisors	139	8	5.8	8	5.8	16	11.5
Craft and Trade	130	5	3.9	9	6.9	14	10.8
Policy, Planning and Research	713	56	7.9	21	2.9	77	10.8
Architects and Engineers	1,236	61	4.9	65	5.3	126	10.2
Service, Quality Control & Compliance Supervisors	201	14	7.0	6	3.0	20	10.0
IS Professionals	1,280	78	6.1	49	3.8	127	9.9
Business Professionals	304	20	6.6	10	3.3	30	9.9
Health and Social Services Supervisors	513	30	5.9	20	3.9	50	9.8
Legal Professionals and Paralegals	372	17	4.6	17	4.6	34	9.1
Administrators-Senior Executives	532	20	3.8	28	5.3	48	9.0
Business and Program Area Supervisors	355	17	4.8	15	4.2	32	9.0
Program Specialists	289	19	6.6	6	2.1	25	8.7
Natural Science and Laboratory Technicians	235	9	3.8	10	4.3	19	8.1
Mid-Level Supervisors	1,003	30	3.0	50	5.0	80	8.0
Architect/Engineer Supervisors	119	4	3.4	4	3.4	8	6.7
Environmental Specialists	821	17	2.1	35	4.3	52	6.3
Protective Services Supervisors	610	10	1.6	28	4.6	38	6.2
Science Professionals	259	8	3.1	6	2.3	14	5.4
Financial Supervisors	<u>161</u>	<u>2</u>	<u>1.2</u>	<u>4</u>	<u>2.5</u>	<u>6</u>	<u>3.7</u>
Total	29,325	2,853	9.7%	1,129	3.8%	3,982	13.6%

*Average counts for each job group are based on the average number of positions in each job group at the beginning and end of the fiscal year.



Legislative Fiscal Bureau

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May, 2019

Joint Committee on Finance

Paper #271

Additional Assistant District Attorney Positions (District Attorneys)

[LFB 2019-21 Budget Summary: Page 111, #3]

CURRENT LAW

Prior to January 1, 1990, District Attorneys (DAs), assistant district attorneys (ADAs), and deputy district attorneys (DDAs) were county employees. Under 1989 Act 31, prosecutors became state employees on January 1, 1990. As a result, the state currently supports the costs of prosecutors' salaries and fringe benefits. These costs are primarily supported by the District Attorneys' salaries and fringe benefits annual GPR appropriation [s. 20.475(1)(d)]. Other costs associated with the operations of the District Attorney offices (such as support personnel and office supplies) are supported directly by the county.

On the date of transition to state service, 332.05 prosecution positions became state employees. As of March, 2019, 431.46 prosecutor positions were authorized, including 384.46 funded from general purpose revenue and 47.0 funded from program revenue. Of the 431.46 prosecutors statewide, 69.8 are elected DAs, 25 are Deputy DAs, and the remaining 336.66 are ADAs. Salary and fringe benefit funding for DAs, ADAs, and deputy DAs in 2018-19 is \$46,317,800 GPR and \$2,739,100 PR.

GOVERNOR

Provide \$2,498,400 GPR in 2019-20, \$2,986,400 GPR in 2020-21, and 34.0 GPR positions annually, to provide additional prosecutors to District Attorney Offices across the state. In addition, modify funding by -\$608,200 PR in 2019-20, and -\$632,500 PR in 2020-21 and -7.50 PR positions annually. Funding assumes new positions would start on October 1, 2019. [Note that the GPR funding for new positions includes funding for pay progression in 2020-21.] Funding and positions would be provided as follows:

New State Prosecutor Positions. Provide \$1,069,500 GPR in 2019-20, \$1,466,900 GPR in 2020-21, and 19.6 GPR-funded positions annually, to provide an additional ADA with an anticipated start date of October 1, 2019 to the following 20 offices: Barron, Bayfield (0.6), Brown, Dunn, Eau Claire, Forest, Jackson, La Crosse, Langlade, Lincoln, Manitowoc, Monroe, Outagamie, Ozaukee, Polk, Portage, Racine, Sawyer, Washington, and Wood.

Convert PR-Funded ADA Positions. Provide \$608,200 GPR, and -\$608,200 PR in 2019-20, and \$632,500 GPR and -\$632,500 PR in 2020-21, and 7.5 GPR positions and -7.5 PR positions annually, to convert funding for certain prosecutor positions from program revenue to general purpose revenue. The 7.5 GPR positions would include 1.0 ADA position in Fond du Lac County, 2.5 ADA positions in Marathon County, and 4.0 ADA positions in Milwaukee County. The administration indicates that funding currently supporting the positions is not available for the 2019-21 biennium.

Increase Existing Part-Time ADA Positions. Provide \$820,700 GPR in 2019-20, \$887,000 GPR in 2020-21, and 6.9 GPR positions annually, to increase part-time prosecutor positions in the following 14 counties: Adams (0.80), Buffalo (0.20), Burnett (0.75), Columbia (0.25), Douglas (0.50), Green Lake (0.50) Iowa (0.25), Juneau (0.50), Marinette (0.40), Pierce (0.50), Rusk (0.50), Sheboygan (0.50), Washburn (0.75), and Waupaca (0.50). Note that Buffalo has a 0.5 elected DA and a 0.5 ADA. The recommended 0.2 position in Buffalo County would be used to increase two 0.5 positions to 0.6 positions. Note that one 0.5 ADA splits time between Burnett and Washburn Counties. Under the bill, both Burnett and Washburn Counties would have a full-time ADA.

DISCUSSION POINTS

1. In addition to GPR, local and federal grants are utilized to support program revenue positions in certain prosecutorial units. Prosecutorial units typically receive these grants directly, and utilize the funding to reimburse the state for the costs of the prosecutors' salaries and fringe benefits. [Each county is its own prosecutorial unit, except Shawano and Menominee Counties which form one prosecutorial unit.] The state receives these reimbursement payments in the District Attorneys' gifts and grants annual PR appropriation.

2. Attachment 1 identifies the prosecutor positions (including DAs, ADAs, and DDAs) authorized for each District Attorney office, as of August, 2018, (the date of the last workload analysis) by fund source. As indicated, the District Attorney function was authorized 425.45 prosecutor positions, comprised of 385.45 GPR prosecutors and 40.0 PR prosecutors. In reviewing the attachment, note that the number of PR-funded prosecutor positions changes throughout the year as position authority for certain grant-funded project positions expires and position authority for new grant-funded positions is authorized by the Joint Committee on Finance under s. 16.505 of the statutes.

3. Of the 40.0 PR prosecutor positions currently authorized for the District Attorney function, 39.0 PR positions are funded from various local and federal grants. The remaining 1.0 PR position (assigned to the Milwaukee County DA office) is supported by state revenue from the crime laboratory and drug law enforcement surcharge and DNA surcharge. While this prosecutor position is assigned to Milwaukee County, the position acts as a statewide DNA evidence prosecutor position. In addition, the 1.0 ADA sex predator prosecutor position in Brown serves approximately 20 other

DA offices.

4. Of the 39.0 PR positions funded from various local and federal grants, 5.0 PR positions are supported by grants from the corresponding county. These 5.0 PR positions are identified below in Table 1. Note that the grant-funded positions identified in the table are those positions for which a grant is provided directly from a county agency. Additional grant-funded positions may be supported by federal grants for which the county provides a match requirement or grants from other agencies for which the county provides indirect support. Further, positions supported by grants that only "pass through" the county are not included in Table 1.

TABLE 1

Program Revenue Funded Prosecutor Positions Supported by County Grants

<u>DA Office</u>	<u>FTE</u>	<u>Grant Funding Source(s)</u>
Dane	1.0	Dane County Narcotics Task Force
Marathon	2.5	Marathon County Board
Sheboygan	0.5	Sheboygan County Board
Waukesha	1.0	Waukesha County Drug Enforcement Grant

5. From the 2005-06 through 2017-18, 9.05 new GPR positions have been added to the District Attorney function under 2005 Act 25, 2007 Act 20, 2013 Act 20, and 2015 Act 59. The counties to which these 9.05 GPR positions were allocated, as well as the legislative action that authorized these positions, are identified in Table 2. None of the new GPR positions provided under these legislative actions resulted in a corresponding decrease in program revenue position authority. Note, however, that it is possible that some of these positions were authorized to replace a grant-funded prosecutor position for which grant funding was eliminated or fully expended.

TABLE 2**New GPR Prosecutor Positions Authorized, 2005-06 through 2015-16**

<u>DA Office</u>	<u>GPR Prosecutors Authorized</u>	<u>Legislative Action</u>
Ashland	0.25	2013 Act 20
Chippewa	1.25	1.0 position under 2005 Act 25 and 0.25 position under 2013 Act 20
Columbia	0.25	2013 Act 20
Kenosha	2.00	2007 Act 20
Marinette	0.50	0.4 project position and 0.1 position at an April, 2018, 13.10 meeting
Oconto	0.50	2013 Act 20
Polk	1.00	2007 Act 20
Rock	0.50	2007 Act 20
Sauk	0.50	2013 Act 20
St. Croix	1.30	0.5 position under 2007 Act 20 and 0.8 position under 2013 Act 20
Trempealeau*	0.40	2007 Act 20
Vernon*	0.10	2007 Act 20
Waushara	0.50	2013 Act 20
Total	9.05	

*The 0.4 position provided to the Trempealeau County DA office and the 0.1 position provided to Vernon County DA office were provided to increase the elected District Attorney to full-time status.

6. As noted above, under 1989 Act 31, prosecutors became state employees. Further, according to the State Prosecutors Office (SPO), some counties have also utilized county resources to assist the District Attorney and his or her staff prosecute cases. For example, the SPO indicates that county corporation counsel in certain counties handle some children in need of protection or services (CHIPS) and juveniles in need of protection or services (JIPS) cases. Further, some counties provide payment to public service special prosecutors for further prosecutorial assistance. Public service special prosecutors are attorneys appointed by the District Attorney who are willing to serve as a special prosecutor without state compensation. The extent to which these additional resources are utilized by each county is not tracked on a statewide basis.

7. In addition to county provided resources, the state provides additional resources to prosecutors resources through DOJ. The Department identified the following positions providing direct assistance to DAs : (a) 6.0 general criminal litigation assistance positions; (b) 2.0 traffic safety resource prosecutor positions; (c) 2.0 Milwaukee district attorney gun unit positions; (d) 4.0 drug enforcement resource prosecutor positions assigned to Eau Claire, Wausau, Appleton and Madison; (e) 1.0 sexual assault kit initiative (SAKI) Prosecutor position; (f) 3.0 sex predator prosecutor positions; (g) 3.0 white collar crime positions; (h) 1.0 unemployment and worker's compensation fraud positions; and (i) 1.0 statewide prosecutors education and training coordinator and electronic

evidence resource prosecutor position.

Workload Analysis

8. The Wisconsin District Attorneys Association (WDAA) is an association of elected DAs that meets to discuss various issues that affect DAs. Since DAs do not have an official state governing board, the WDAA acts, de facto, on behalf of elected DAs. The WDAA utilizes a caseload measurement of prosecutorial workload to estimate the need for prosecutors in the 71 DA offices across the state. Changes to the caseload measurement of prosecutorial workload and the methodology employed to make these changes are determined solely by the WDAA. The WDAA caseload measurement of prosecutorial workload is intended to identify the number of prosecutors that could be added to or deleted from DA offices across the state to permit prosecutors, on average, to work 40-hour work weeks.

9. Under the WDAA caseload measurement, a full-time prosecutor begins with 2,080 hours per year available for prosecution (this assumes a 40 hour work week). The caseload measurement then reduces this estimate of available time by seven and a half weeks per year (300 hours) attributable to the number of state holiday hours, personal hours, sick leave, and vacation time per prosecutor. The caseload measurement then reduces the estimate of available time by an additional 15 and a half weeks per year (626 hours) associated with various other responsibilities of prosecutors that do not involve the prosecution of criminal and other cases for which prosecutors receive credit under the WDAA's caseload measurement of prosecutorial workload.

10. The WDAA caseload measurement estimates that, on average, a prosecutor spends: (a) five weeks per year (200 hours) reviewing law enforcement referrals for cases that are not charged and investigative work with law enforcement; (b) more than four weeks per year (169 hours) on general administrative duties, prosecutor training, community service, service on boards and commissions, and providing training for law enforcement; (c) two and a half weeks per year (100 hours) on contested civil ordinance and civil traffic cases; (d) 50 hours per year on criminal appeals; (e) 30 hours per year on search warrants; (f) 25 hours per year on post-conviction hearings; (g) 20 hours per year on John Doe proceedings; (h) 20 hours per year on document subpoenas; and (i) 12 hours per year on wage claims, public record requests, writs, weatherizations, and probation revocations.

11. In total, the WDAA estimates that for approximately 23 working weeks per year (926 hours) a full-time prosecutor's time is reserved for the activities and leave time addressed above. The WDAA estimates that a full-time prosecutor has the remaining 29 working weeks per year (1,162 hours) available to prosecute specific cases for which a prosecutor receives credit under the WDAA caseload measurement of prosecutorial workload, including all criminal cases. Based on recommendations included in the 1995 LAB audit, the WDAA caseload measurement of prosecutorial workload then estimates the number of prosecutorial hours required for different types of cases.

12. Finally, the WDAA caseload measurement of prosecutorial workload multiplies the number of annual cases for each case type by the estimated number of hours required to complete the case type, to determine the annual number of prosecutorial hours for each prosecutorial office and

statewide. This estimate of prosecutorial hours is divided by 1,162 hours (the number of hours available per year per full-time prosecutor for prosecution) to estimate the number of prosecutors needed for each prosecutorial office and statewide. The last workload analysis was completed in August, 2018.

New GPR positions

13. The bill provides 34.0 GPR ADA positions annually and funding to support these positions. Of the 34.0 positions, 19.6 are new GPR ADA positions, 7.5 are ADA positions converted from PR to GPR and 6.9 ADA positions are included to add on to existing part-time positions. Note that the additional 6.9 ADA positions represents the full request for part-time increases under the individual office agency requests. Under the bill these additions and conversions would affect 37 of 71 county DA offices.

14. The Department of Administration indicates that the 19.6 positions are provided to the specified counties whose GPR and PR staffing level was at 60% or less of the staffing suggested by the WDAA workload analysis. These counties who made requests for increased position authority received a either one additional position or the position authority requested by the DA, whichever was lower. The Administration indicates that any requests to increase part-time position authority were included in the bill.

15. Without the increase proposed in the bill, 30 of 71 counties are below 60% of the staffing level suggested by the WDAA workload analysis and nine of 71 counties are below 50%. The lowest staffing level at a DA office is 35% (Adams County) of the staffing level suggested by the workload analysis.

16. The proposed staffing would bring all but nine (including one county that did not request an increase in position authority) of 71 counties to 60% of the suggested staffing level and would bring all at or above 53% of the suggested staffing level.

Conversion of PR Positions

17. In addition, any requests for conversion of permanent PR positions to GPR positions were included in the bill. Specifically, the administration indicates that 7.5 PR positions in three counties were created on a permanent basis funded from what was anticipated to be on-going PR funding. However, federal or county grant funding has declined and, therefore, funding may no longer be available. These counties are identified below.

18. *Milwaukee*. One of four positions for which funding is recommended, an ADA on a drug team for the Milwaukee County speedy trial drug courts, currently is funded by a federal Byrne JAG grant from the Wisconsin Department of Justice to the Milwaukee Metropolitan Drug Enforcement Group (MMDEG). The federal Byrne JAG program grant from DOJ to MMDEG currently provides full PR funding for 4.0 ADAs and 5.0 law enforcement officers. Although federal Byrne JAG funding has declined in recent years, DOJ has made funding of multi-jurisdictional drug enforcement task forces a priority and provided level funding for the state's drug enforcement task forces from 2012 to 2018. Funding for all 4.0 ADAs was maintained over the last biennium because law enforcement

agreed to new larger reductions in their part of the award. According to the Milwaukee DA's office, funding through the award is expected to continue to decline and law enforcement cannot be expected to take additional reductions to maintain the 4.0 ADA prosecutor positions. This means that funding for the one of the four positions may only be available for six to nine months. These four positions are four of nine positions that staff three speedy trial felony drug courts. One other position is funded by a separate grant and the remaining four are funded by GPR. These nine prosecutors are assigned to three, three person teams, which staff one speedy trial drug court. The administration indicates that reducing one team to two instead of three would significantly hinder the team's ability to review and prosecute cases due to the volume of court orders reviewed by the teams, the number of felony drug arrests and law enforcement referrals, and the volume of early intervention referrals. In a three person team two attorneys review referrals while the other conducts preliminary hearings on felony drug cases. Current staffing of the teams does not account for staff vacation time.

19. The bill recommends the conversion of an additional 3.0 PR positions to GPR funding for the violent crimes unit in Milwaukee County. Funding is currently provided by a grant from the North Central High Intensity Drug Trafficking area and office of National Drug Control Policy. The Milwaukee County DA's office has been advised that the three positions will no longer be funded after December 31, 2019. These three positions are half of six ADA positions that provided legal assistance and advice in support of HIDTA initiative in order to help target drug trafficking organizations and violent gangs. The ADAs work with HIDTA officers during investigations including: drafting, reviewing and approving applications for search warrants, subpoenas for records, wiretap orders, and electronic surveillance orders, and prosecute criminal cases in state court. The ADAs help coordinate referrals for federal prosecution when that venue is more appropriate. In addition, HIDTA ADAs work to identify non-violent, low level offenders, whose criminal activity is motivated by substance abuse, in order to redirect them into alternatives to traditional prosecution.

20. *Fond Du Lac.* The Fond Du Lac PR position is currently paid for by the county and funding is not guaranteed from year to year in the county budget. Until June 30, 2012, the position was funding through a federal Violence Against Women Act (VAWA) grant and since that time has been county funded. The request is to convert this county PR funding to a state GPR funded position. The positions prosecutes domestic violence and sexual assault cases. The DA office indicates that "If the position ceased to exist, the cases would have to either be disbursed to every ADA in the office, or another ADA would be assigned this dedicated caseload, and create a shortfall in another area of the office."

21. *Marathon County.* Marathon County DA indicated in the office's agency request that this budget cycle is critical to the DA's Office because of the concern that county funding for 2.5 positions may end due to a budget shortfall in Marathon County. One of the county funded positions had received VAWA funding from 2002 until 2015, when a change in the grant structure meant that the office no longer received VAWA funding. Marathon County funded this prosecutor position. The Office has received county funding for a prosecutor specialized in restorative justice and community conferencing. The Marathon DA's office indicates that this program gives a greater voice to victims by facilitating discussions with the defendant. Defendants who choose to participate may receive charging or penalty reductions. Through these charging or penalty reductions, the program reduces the jail population. The Office indicates that it will not be able to maintain a specialized restorative

justice prosecutor if funding for the position is discontinued. Further, a position that is funded half through the county and half from GPR specializes in traffic and operating while intoxicated (OWI) prosecutions. Marathon County indicates that this position is the attorney for the county's OWI Court as part of a concerted effort to address OWI issues in the county. If the position drops down to the current state funded half-time position, the office indicates that it will have retention and recruitment issues.

Funding and Staffing Alternatives

22. In order to bring staffing levels at county DA to approximately 60% of WDAA suggested staffing levels and convert 7.5 positions from PR to GPR, the Committee could approve the modifications recommended in the bill and provide \$2,498,400 GPR in 2019-20, \$2,986,400 GPR in 2020-21, and 34.0 GPR positions annually, to provide additional prosecutors to District Attorney offices across the state as shown in Attachment 1. In addition, funding would be modified by -\$608,200 PR in 2019-20, and -\$632,500 PR in 2020-21 and -7.50 PR positions annually. [Alternatives A1, B1, B2, and B3] This alternative would provide positions to 37 DA offices which requested additional positions and require the positions to achieve an increased staffing level as indicated by the WDAA workload analysis.

23. The 2018 workload analysis suggested that an additional 166 prosecutors would be necessary to handle the average workload from 2015-2017. If the Committee, however, wished to provide additional ADA positions above that recommended under the bill, but at a more moderate number than identified by the WDAA, positions and funding identified in Attachment 2 would result in staffing levels of at least 70% to counties who requested additional positions. [Alternative A2] This alternative would provide \$2,796,400 GPR in 2019-20, \$3,803,100 GPR in 2020-21, and 51.25 GPR positions annually, to provide additional prosecutors to 45 DA Offices across the state.

24. A coalition of justice organizations including Assistant District Attorneys, have recommended providing 60.85 new ADAs. Assembly Bill 145/Senate Bill 127 reflects the position authority recommended by this agreement. Given that this was an agreement made between multiple state justice agencies, the Committee may wish to provide the additional ADA positions as shown in Attachment 3. [Alternative A3] This alternative would provide \$3,320,200 GPR in 2019-20, \$4,515,900 GPR in 2020-21, and 60.85 GPR positions annually, to provide additional prosecutors to DA Offices across the state.

25. Given that PR funding may not be available for PR funded positions discussed above, the Committee may wish to convert funding for one or multiple counties. [Alternative B1, B2, and/or B3]

26. It should be noted that the DA caseload data is unaudited, and two DA's offices may choose to charge similar situations differently. For example, a situation where a person hits two different individuals but within the same time frame, may be charged as two counts of battery in one case or two separate cases with one count of battery each. Since DA's make their own charging decisions to a certain extent and, therefore, determine their own caseloads, the Committee could decide to take no action. [Alternatives A4 and B4] As a result, caseloads would continue to be addressed utilizing base resources.

ALTERNATIVES

A. GPR Positions

1. Provide \$1,890,200 GPR in 2019-20, \$2,353,900 GPR in 2020-21, and 26.5 GPR positions annually, to provide additional prosecutors to District Attorney Offices across the state. New GPR positions would have an anticipated start date of October 1, 2019.

ALT A1	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	\$4,244,100	26.50	\$0	0.00

2. Provide \$2,796,400 GPR in 2019-20, \$3,803,100 GPR in 2020-21, and 51.25 GPR positions annually, to provide additional prosecutors to District Attorney Offices across the state. New GPR positions would have an anticipated start date of October 1, 2019.

ALT A2	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	\$6,599,600	51.25	\$2,355,500	24.75

3. Provide \$3,320,200 GPR in 2019-20, \$4,515,900 GPR in 2020-21, and 60.85 GPR positions annually, to provide additional prosecutors to District Attorney Offices across the state. New GPR positions would have an anticipated start date of October 1, 2019.

ALT A3	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	\$7,835,800	60.85	\$3,591,700	34.35

4. Take no action.

ALT A4	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	\$0	0.00	-\$4,244,100	- 26.50

B. PR Positions [Choose B1, B2, and/or B3, or B4]

1. *Milwaukee County*. Provide \$346,500 GPR, and -\$346,500 PR in 2019-20, and \$353,500 GPR and -\$353,500 PR in 2020-21, and 4.0 GPR positions and -4.0 PR positions annually, to convert funding for certain prosecutor positions from program revenue to general purpose revenue.

ALT B1	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	\$700,000	4.00	\$0	0.00
PR	<u>- 700,000</u>	<u>- 4.00</u>	<u>0</u>	<u>0.00</u>
Total	\$0	0.00	\$0	0.00

2. *Marathon County*. Provide \$180,000 GPR, and -\$180,000 PR in 2019-20, and \$195,700 GPR and -\$195,700 PR in 2020-21, and 2.5 GPR positions and -2.5 PR positions annually, to convert funding for certain prosecutor positions from program revenue to general purpose revenue.

ALT B2	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	\$375,700	2.50	\$0	0.00
PR	<u>- 375,700</u>	<u>- 2.50</u>	<u>0</u>	<u>0.00</u>
Total	\$0	0.00	\$0	0.00

3. *Fond du Lac County*. Provide \$81,700 GPR, and -\$81,700 PR in 2019-20, and \$83,300 GPR and -\$83,300 PR in 2020-21, and 1.0 GPR positions and -1.0 PR positions annually, to convert funding for certain prosecutor positions from program revenue to general purpose revenue.

ALT B3	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	\$165,000	1.00	\$0	0.00
PR	<u>- 165,000</u>	<u>- 1.00</u>	<u>0</u>	<u>0.00</u>
Total	\$0	0.00	\$0	0.00

4. Take no action.

ALT B4	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	\$0	0.00	-\$1,240,700	- 7.50
PR	<u>0</u>	<u>0.00</u>	<u>1,240,700</u>	<u>7.50</u>
Total	\$0	0.00	\$0	0.00

Prepared by: Sarah Wynn
Attachments

ATTACHMENT 1

Alternatives A1, B1, B2, and B3: Prosecutor Positions Authorized, By Prosecutorial Unit and Fund Source, as of August, 2018 and Recommendations in the Budget Bill

Prosecutorial Unit	GPR-Funded Prosecutors	PR-Funded Prosecutors	Total Prosecuor Positions Authorized	Staffing Rate	Budget Bill			New Prosecuor Positions Authorized	Staffing Rate
					New FTE	Increased Part-Time	Converted PR to GPR		
Adams	1.20	0.00	1.20	35%	0.00	0.80	0.00	2.00	58%
Ashland	2.00	0.00	2.00	61	0.00	0.00	0.00	2.00	61
Barron	3.00	0.00	3.00	51	1.00	0.00	0.00	4.00	68
Bayfield	1.00	0.00	1.00	53	0.60	0.00	0.00	1.60	85
Brown ¹	12.00	1.00	13.00	54	1.00	0.00	0.00	14.00	58
Buffalo ²	1.00	0.00	1.00	54	0.00	0.20	0.00	1.20	65
Burnett ³	1.25	0.00	1.25	36	0.00	0.75	0.00	2.00	58
Calumet	2.00	0.00	2.00	61	0.00	0.00	0.00	2.00	61
Chippewa	5.00	0.00	5.00	67	0.00	0.00	0.00	5.00	67
Clark	2.00	0.00	2.00	90	0.00	0.00	0.00	2.00	90
Columbia	4.75	0.00	4.75	56	0.00	0.25	0.00	5.00	59
Crawford	1.00	0.00	1.00	98	0.00	0.00	0.00	1.00	98
Dane	26.85	2.00	28.85	85	0.00	0.00	0.00	28.85	85
Dodge	4.00	0.00	4.00	65	0.00	0.00	0.00	4.00	65
Door	2.00	0.00	2.00	93	0.00	0.00	0.00	2.00	93
Douglas	3.50	0.00	3.50	48	0.00	0.50	0.00	4.00	55
Dunn	3.00	0.00	3.00	49	1.00	0.00	0.00	4.00	65
Eau Claire	8.00	1.00	9.00	56	1.00	0.00	0.00	10.00	62
Florence	0.50	0.00	0.50	128	0.00	0.00	0.00	0.50	128
Fond du Lac	5.00	2.00	7.00	61	0.00	0.00	1.00	7.00	61
Forest	1.00	0.00	1.00	48	1.00	0.00	0.00	2.00	97
Grant ⁴	2.00	0.00	2.00	61	0.00	0.00	0.00	2.00	61
Green	2.00	0.00	2.00	71	0.00	0.00	0.00	2.00	71
Green Lake	1.50	0.00	1.50	58	0.00	0.50	0.00	2.00	78
Iowa	1.75	0.00	1.75	52	0.00	0.25	0.00	2.00	60
Iron	1.00	0.00	1.00	135	0.00	0.00	0.00	1.00	135
Jackson	2.00	0.00	2.00	56	1.00	0.00	0.00	3.00	84
Jefferson	5.30	0.00	5.30	69	0.00	0.00	0.00	5.30	69
Juneau	2.50	0.00	2.50	75	0.00	0.50	0.00	3.00	90
Kenosha	15.00	1.00	16.00	70	0.00	0.00	0.00	16.00	70
Kewaunee	1.50	0.00	1.50	120	0.00	0.00	0.00	1.50	120
La Crosse	8.00	0.00	8.00	58	1.00	0.00	0.00	9.00	65
Lafayette	1.00	0.00	1.00	73	0.00	0.00	0.00	1.00	73
Langlade	1.50	0.00	1.50	41	1.00	0.00	0.00	2.50	68
Lincoln	2.00	0.00	2.00	55	1.00	0.00	0.00	3.00	83
Manitowoc	5.00	0.00	5.00	51	1.00	0.00	0.00	6.00	62
Marathon	8.50	2.50	11.00	62	0.00	0.00	2.50	11.00	62
Marinette	3.00	0.00	3.00	100	0.00	0.40	0.00	3.40	113
Marquette	1.00	0.00	1.00	68	0.00	0.00	0.00	1.00	68
Milwaukee ⁵	87.00	27.50	114.50	119	0.00	0.00	4.00	114.50	119

Prosecutorial Unit	GPR-Funded Prosecutors	PR-Funded Prosecutors	Total Prosecuor		Budget Bill			New Prosecuor	
			Positions Authorized	Staffing Rate	New FTE	Increased Part-Time	Converted PR to GPR	Positions Authorized	Staffing Rate
Monroe	3.00	0.00	3.00	41%	1.00	0.00	0.00	4.00	55%
Oconto	2.00	0.00	2.00	77	0.00	0.00	0.00	2.00	77
Oneida ⁴	2.50	0.00	2.50	56	0.00	0.00	0.00	2.50	56
Outagamie	9.00	0.00	9.00	53	1.00	0.00	0.00	10.00	58
Ozaukee	3.00	0.00	3.00	51	1.00	0.00	0.00	4.00	68
Pepin	0.80	0.00	0.80	127	0.00	0.00	0.00	0.80	127
Pierce	2.50	0.00	2.50	58	0.00	0.50	0.00	3.00	70
Polk	3.00	0.00	3.00	59	1.00	0.00	0.00	4.00	79
Portage	4.00	0.00	4.00	59	1.00	0.00	0.00	5.00	74
Price	1.00	0.00	1.00	88	0.00	0.00	0.00	1.00	88
Racine	18.00	0.00	18.00	57	1.00	0.00	0.00	19.00	60
Richland	1.80	0.00	1.80	97	0.00	0.00	0.00	1.80	97
Rock	14.00	0.00	14.00	86	0.00	0.00	0.00	14.00	86
Rusk	1.50	0.00	1.50	65	0.00	0.50	0.00	2.00	86
Saint Croix	6.00	0.00	6.00	70	0.00	0.00	0.00	6.00	70
Sauk	5.00	1.00	6.00	90	0.00	0.00	0.00	6.00	90
Sawyer	2.00	0.00	2.00	46	1.00	0.00	0.00	3.00	69
Shawano/ Menominee	3.00	0.00	3.00	62	0.00	0.00	0.00	3.00	62
Sheboygan	7.50	0.00	7.50	62	0.00	0.50	0.00	8.00	67
Taylor	1.00	0.00	1.00	65	0.00	0.00	0.00	1.00	65
Trempealeau	2.00	0.00	2.00	87	0.00	0.00	0.00	2.00	87
Vernon	2.00	0.00	2.00	96	0.00	0.00	0.00	2.00	96
Vilas	2.00	0.00	2.00	70	0.00	0.00	0.00	2.00	70
Walworth	5.00	0.00	5.00	64	0.00	0.00	0.00	5.00	64
Washburn ³	1.25	0.00	1.25	54	0.00	0.75	0.00	2.00	86
Washington	5.00	0.00	5.00	57	1.00	0.00	0.00	6.00	68
Waukesha	14.50	2.00	16.50	65	0.00	0.00	0.00	16.50	65
Waupaca	3.50	0.00	3.50	64	0.00	0.50	0.00	4.00	73
Waushara	2.00	0.00	2.00	61	0.00	0.00	0.00	2.00	61
Winnebago	10.00	0.00	10.00	64	0.00	0.00	0.00	10.00	64
Wood	<u>4.00</u>	<u>0.00</u>	<u>4.00</u>	43	<u>1.00</u>	<u>0.00</u>	<u>0.00</u>	<u>5.00</u>	53
TOTALS	383.45	40.00	423.45		19.60	6.90	7.50	449.95	

¹ In Brown the total positions used is 13.00 rather than 14.00 because the 1.0 ADA sex predator position in Brown is excluded because it also serves approximately 20 other DA offices.

² In Buffalo the increase of 0.2 positions would be used to bring both part-time positions up to 0.6 positions which are then eligible for benefits.

³ The 0.5 GPR position in Washburn (0.25 position) that also serves Burnett (0.25 position) is divided by the position shown in parentheses.

⁴ DA did not request additional position authority.

⁵ In Milwaukee, the total positions used is 114.5 rather than higher due to the following factor: (a) the 1.0 DNA position serves the entire state; so, showing it as a Milwaukee position distorts the data; and (b) various PR positions had no federal funding and were vacant.

ATTACHMENT 2

Alternative A2: Prosecutor Positions Authorized, By Prosecutorial Unit and Fund Source, as of August, 2018

<u>Prosecutorial Unit</u>	<u>GPR-Funded Prosecutors</u>	<u>PR-Funded Prosecutors</u>	<u>Total Prosecutor Positions Authorized</u>	<u>Staffing Rate</u>	<u>New FTE</u>	<u>New Total Prosecutor Positions Authorized</u>	<u>New Staffing Rate</u>
Adams	1.20	0.00	1.20	35%	1.40	2.60	75%
Ashland	2.00	0.00	2.00	61	0.60	2.60	79
Barron	3.00	0.00	3.00	51	1.00	4.00	68
Bayfield	1.00	0.00	1.00	53	0.60	1.60	85
Brown ¹	12.00	1.00	13.00	54	4.00	17.00	70
Buffalo	1.00	0.00	1.00	54	0.60	1.60	86
Burnett ²	1.25	0.00	1.25	36	1.35	2.60	76
Calumet	2.00	0.00	2.00	61	0.60	2.60	79
Chippewa	5.00	0.00	5.00	67	0.60	5.60	76
Clark	2.00	0.00	2.00	90	0.00	2.00	90
Columbia	4.75	0.00	4.75	56	1.20	5.95	70
Crawford	1.00	0.00	1.00	98	0.00	1.00	98
Dane	26.85	2.00	28.85	85	0.00	28.85	85
Dodge	4.00	0.00	4.00	65	0.60	4.60	75
Door	2.00	0.00	2.00	93	0.00	2.00	93
Douglas	3.50	0.00	3.50	48	1.50	5.00	69
Dunn	3.00	0.00	3.00	49	1.60	4.60	75
Eau Claire	8.00	1.00	9.00	56	2.60	11.60	72
Florence	0.50	0.00	0.50	128	0.00	0.50	128
Fond du Lac	5.00	2.00	7.00	61	1.00	8.00	69
Forest	1.00	0.00	1.00	48	0.60	1.60	77
Grant ³	2.00	0.00	2.00	61	0.00	2.00	61
Green	2.00	0.00	2.00	71	0.00	2.00	71
Green Lake	1.50	0.00	1.50	58	0.70	2.20	85
Iowa	1.75	0.00	1.75	52	0.85	2.60	78
Iron	1.00	0.00	1.00	135	0.00	1.00	135
Jackson	2.00	0.00	2.00	56	0.60	2.60	73
Jefferson	5.30	0.00	5.30	69	0.30	5.60	73
Juneau	2.50	0.00	2.50	75	0.00	2.50	75
Kenosha	15.00	1.00	16.00	70	0.00	16.00	70
Kewaunee	1.50	0.00	1.50	120	0.00	1.50	120
La Crosse	8.00	0.00	8.00	58	1.60	9.60	70
Lafayette	1.00	0.00	1.00	73	0.00	1.00	73
Langlade	1.50	0.00	1.50	41	1.10	2.60	71
Lincoln	2.00	0.00	2.00	55	0.60	2.60	72
Manitowoc	5.00	0.00	5.00	51	1.80	6.80	70
Marathon	8.50	2.50	11.00	62	1.60	12.60	71
Marinette	3.00	0.00	3.00	100	0.00	3.00	100
Marquette	1.00	0.00	1.00	68	0.00	1.00	68
Milwaukee ⁴	87.00	27.50	114.50	119	0.00	114.50	119

Prosecutorial Unit	GPR-Funded Prosecutors	PR-Funded Prosecutors	Total Prosecutor Positions Authorized	Staffing Rate	New FTE	New Total Prosecutor Positions Authorized	New Staffing Rate
Monroe	3.00	0.00	3.00	41%	2.00	5.00	69%
Oconto	2.00	0.00	2.00	77	0.00	2.00	77
Oneida ³	2.50	0.00	2.50	56	0.00	2.50	56
Outagamie	9.00	0.00	9.00	53	3.00	12.00	70
Ozaukee	3.00	0.00	3.00	51	1.00	4.00	68
Pepin	0.80	0.00	0.80	127	0.00	0.80	127
Pierce	2.50	0.00	2.50	58	0.50	3.00	70
Polk	3.00	0.00	3.00	59	0.60	3.60	71
Portage	4.00	0.00	4.00	59	0.80	4.80	71
Price	1.00	0.00	1.00	88	0.00	1.00	88
Racine	18.00	0.00	18.00	57	4.00	22.00	70
Richland	1.80	0.00	1.80	97	0.00	1.80	97
Rock	14.00	0.00	14.00	86	0.00	14.00	86
Rusk	1.50	0.00	1.50	65	0.10	1.60	69
Saint Croix	6.00	0.00	6.00	70	0.00	6.00	70
Sauk	5.00	1.00	6.00	90	0.00	6.00	90
Sawyer	2.00	0.00	2.00	46	1.00	3.00	69
Shawano/ Menominee	3.00	0.00	3.00	62	0.60	3.60	75
Sheboygan	7.50	0.00	7.50	62	0.70	8.20	68
Taylor	1.00	0.00	1.00	65	0.00	1.00	65
Trempealeau	2.00	0.00	2.00	87	0.00	2.00	87
Vernon	2.00	0.00	2.00	96	0.00	2.00	96
Vilas	2.00	0.00	2.00	70	0.00	2.00	70
Walworth	5.00	0.00	5.00	64	0.60	5.60	71
Washburn ²	1.25	0.00	1.25	54	0.35	1.60	69
Washington	5.00	0.00	5.00	57	1.00	6.00	68
Waukesha	14.50	2.00	16.50	65	1.10	17.60	70
Waupaca	3.50	0.00	3.50	64	0.70	4.20	77
Waushara	2.00	0.00	2.00	61	0.60	2.60	79
Winnebago	10.00	0.00	10.00	64	1.00	11.00	70
Wood	<u>4.00</u>	<u>0.00</u>	<u>4.00</u>	43	<u>2.60</u>	<u>6.60</u>	70
TOTALS	383.45	40.00	423.45		51.25	474.70	

¹ In Brown the total positions used is 13.00 rather than 14.00 because the 1.0 ADA sex predator position in Brown is excluded because it also serves approximately 20 other DA offices.

² The 0.5 GPR position in Washburn (0.25 position) that also serves Burnett (0.25 position) is divided by the position shown in parentheses.

³ DA did not request additional position authority.

⁴ In Milwaukee, the total positions used is 114.5 rather than higher due to the following factor: (a) the 1.0 DNA position serves the entire state; so, showing it as a Milwaukee position distorts the data; and (b) various PR positions had no federal funding and were vacant.

ATTACHMENT 3

Alternative A3: Prosecutor Positions Authorized, By Prosecutorial Unit and Fund Source, as of August, 2018

<u>Prosecutorial Unit</u>	<u>GPR-Funded Prosecutors</u>	<u>PR-Funded Prosecutors</u>	<u>Total Prosecutor Positions Authorized</u>	<u>Staffing Rate</u>	<u>New FTE</u>	<u>New Total Prosecutor Positions Authorized</u>	<u>New Staffing Rate</u>
Adams	1.20	0.00	1.20	35%	0.80	2.00	58%
Ashland	2.00	0.00	2.00	61	0.60	2.60	79
Barron	3.00	0.00	3.00	51	1.00	4.00	68
Bayfield	1.00	0.00	1.00	53	0.40	1.40	74
Brown ¹	12.00	1.00	13.00	54	3.00	16.00	62
Buffalo	1.00	0.00	1.00	54	0.20	1.20	65
Burnett ²	1.25	0.00	1.25	36	0.75	2.00	58
Calumet	2.00	0.00	2.00	61	1.00	3.00	91
Chippewa	5.00	0.00	5.00	67	1.00	6.00	81
Clark	2.00	0.00	2.00	90	0.00	2.00	90
Columbia	4.75	0.00	4.75	56	1.25	6.00	70
Crawford	1.00	0.00	1.00	98	0.00	1.00	98
Dane	26.85	2.00	28.85	85	0.15	29.00	86
Dodge	4.00	0.00	4.00	65	1.00	5.00	81
Door	2.00	0.00	2.00	93	0.00	2.00	93
Douglas	3.50	0.00	3.50	48	1.50	5.00	69
Dunn	3.00	0.00	3.00	49	2.00	5.00	81
Eau Claire	8.00	1.00	9.00	56	2.00	11.00	68
Florence	0.50	0.00	0.50	128	0.10	0.60	154
Fond du Lac	5.00	2.00	7.00	61	2.00	9.00	78
Forest	1.00	0.00	1.00	48	1.00	2.00	97
Grant ³	2.00	0.00	2.00	61	0.00	2.00	61
Green	2.00	0.00	2.00	71	0.50	2.50	88
Green Lake	1.50	0.00	1.50	58	0.50	2.00	78
Iowa	1.75	0.00	1.75	52	0.25	2.00	60
Iron	1.00	0.00	1.00	135	0.00	1.00	135
Jackson	2.00	0.00	2.00	56	1.00	3.00	84
Jefferson	5.30	0.00	5.30	69	0.70	6.00	78
Juneau	2.50	0.00	2.50	75	0.50	3.00	90
Kenosha	15.00	1.00	16.00	70	1.00	17.00	75
Kewaunee	1.50	0.00	1.50	120	0.00	1.50	120
La Crosse	8.00	0.00	8.00	58	2.00	10.00	73
Lafayette	1.00	0.00	1.00	73	0.00	1.00	73
Langlade	1.50	0.00	1.50	41	1.00	2.50	68
Lincoln	2.00	0.00	2.00	55	1.00	3.00	83
Manitowoc	5.00	0.00	5.00	51	2.00	7.00	72
Marathon	8.50	2.50	11.00	62	2.00	13.00	73
Marinette	3.00	0.00	3.00	100	0.00	3.00	100
Marquette	1.00	0.00	1.00	68	0.60	1.60	110
Milwaukee ⁴	87.00	27.50	114.50	119	0.00	114.50	115

Prosecutorial Unit	GPR-Funded Prosecutors	PR-Funded Prosecutors	Total Prosecutor Positions Authorized	Staffing Rate	New FTE	New Total Prosecutor Positions Authorized	New Staffing Rate
Monroe	3.00	0.00	3.00	41%	2.00	5.00	69%
Oconto	2.00	0.00	2.00	77	0.00	2.00	77
Oneida ³	2.50	0.00	2.50	56	0.00	2.50	56
Outagamie	9.00	0.00	9.00	53	2.00	11.00	64
Ozaukee	3.00	0.00	3.00	51	1.70	4.70	80
Pepin	0.80	0.00	0.80	127	0.00	0.80	127
Pierce	2.50	0.00	2.50	58	0.50	3.00	70
Polk	3.00	0.00	3.00	59	1.00	4.00	79
Portage	4.00	0.00	4.00	59	2.00	6.00	88
Price	1.00	0.00	1.00	88	0.50	1.50	133
Racine	18.00	0.00	18.00	57	2.00	20.00	64
Richland	1.80	0.00	1.80	97	0.00	1.80	97
Rock	14.00	0.00	14.00	86	0.00	14.00	86
Rusk	1.50	0.00	1.50	65	0.50	2.00	86
Saint Croix	6.00	0.00	6.00	70	1.00	7.00	81
Sauk	5.00	1.00	6.00	90	0.00	6.00	86
Sawyer	2.00	0.00	2.00	46	1.00	3.00	69
Shawano/ Menominee	3.00	0.00	3.00	62	1.00	4.00	83
Sheboygan	7.50	0.00	7.50	62	2.00	9.50	79
Taylor	1.00	0.00	1.00	65	0.50	1.50	97
Trempealeau	2.00	0.00	2.00	87	0.00	2.00	87
Vernon	2.00	0.00	2.00	96	0.00	2.00	96
Vilas	2.00	0.00	2.00	70	0.00	2.00	70
Walworth	5.00	0.00	5.00	64	1.00	6.00	77
Washburn ²	1.25	0.00	1.25	54	0.75	2.00	86
Washington	5.00	0.00	5.00	57	1.00	6.00	68
Waukesha	14.50	2.00	16.50	65	2.50	19.00	75
Waupaca	3.50	0.00	3.50	64	0.50	4.00	73
Waushara	2.00	0.00	2.00	61	0.60	2.60	79
Winnebago	10.00	0.00	10.00	64	2.00	12.00	76
Wood	<u>4.00</u>	<u>0.00</u>	<u>4.00</u>	43	<u>2.00</u>	<u>6.00</u>	64
TOTALS	383.45	40.00	423.45		60.85	484.30	

¹ In Brown the total positions used is 13.00 rather than 14.00 because the 1.0 ADA sex predator position in Brown is excluded because it also serves approximately 20 other DA offices.

² The 0.5 GPR position in Washburn (0.25 position) that also serves Burnett (0.25 position) is divided by the position shown in parentheses.

³ DA did not request additional position authority.

⁴ In Milwaukee, the total positions used is 114.5 rather than higher due to the following factor: (a) the 1.0 DNA position serves the entire state; so, showing it as a Milwaukee position distorts the data; and (b) various PR positions had no federal funding and were vacant.

DISTRICT ATTORNEYS

LFB Summary Item for Which No Issue Paper Has Been Prepared

<u>Item #</u>	<u>Title</u>
1	Standard Budget Adjustments