

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

August 7, 2018

His Excellency Governor Christopher T. Sununu
And the Honorable Council
State House
Concord, NH 03301

Your Excellency and Members of the Council:

REQUESTED ACTION

That approval be and hereby is given for the salary increases referenced in Appendix A for attorneys in the Department of Justice, effective for the pay period beginning August 31, 2018, to be paid on September 28, 2018, upon Governor and Executive Council approval, as authorized by 2001 Laws of NH Chapter 158, sec. 101, and 2018 Laws of NH, Chapter 162, sec. 13.

EXPLANATION

This request seeks your approval to implement salary increases for the attorneys listed in Appendix A. As explained below, the proposed increases were determined based on the merit-based system established by the Legislature in 2001.

By way of background, in 2000, the Legislature examined state salaries with the aid of the HayGroup consulting firm. HayGroup specifically examined the compensation for attorneys in unclassified positions within the Department of Justice. HayGroup recommended the establishment of an open-range, broadband salary structure that contained market anchors. A market anchor designation for a position is the reference point within the overall range to aid in salary management and recruitment when done at a level other than entry level. 2001 Laws of NH Chapter 158, sec. 101(c)(2) (Appendix B). The purpose of this structure was to enhance the effective operation of the Department of Justice.

As a result, in 2001, the Legislature changed the salary structure for the unclassified attorney positions in the Department of Justice in order to address longstanding recruitment and retention concerns. The change eliminated both cost-of-living and step increases. A market

anchor pay structure and merit-based criteria were established.

The merit-based criteria are as follows:

- (A) Tenure and progressive experience.
- (B) The nature of the work performed.
- (C) Increased independence of work performed and judgment exercised.
- (D) Achievement of pre-determined performance standards.
- (E) The acquisition and application of further education and training.
- (F) Demonstration of an increased frequency of undertaking the type and complexity of work normally associated with the next position level.
- (G) Fulfilling a leadership or management role.

Id. I employed these seven criteria for the proposed salary increases. They are within the appropriations made to this agency.¹

2018 Laws of NH Chapter 162, sec. 13, amended the relevant statute and reset the market anchors and ranges for the attorney positions in the Department. Effective June 8, 2018, the overall statutory range for attorney pay was set at \$50,562 to \$120,681. The statute designates four positions: attorney, assistant attorney general, senior assistant attorney general, and associate attorney general. Each position was assigned the following market anchor:

Attorney	\$60,950
Assistant Attorney General	\$83,024
Senior Assistant Attorney General	\$102,502
Associate Attorney General	\$112,891

As set forth in Attachment A, I recommend that all Department of Justice attorneys receive merit-based salary increases. Because of the application of the criteria above, some increases are higher than others. There are several attorneys who are so exemplary and achieve such high marks that I recommend significant salary increases commensurate with their exceptional level of excellence, and, in several cases, their significant leadership in management roles. You will also note that in several instances, the proposed salaries exceed the market anchor salary. This is permitted by the statute. 2001 Laws of NH Chapter 158, sec. 101(c)(2).

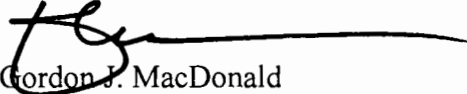
Nonetheless, despite the merit-based salary increases I seek herein, the Department of Justice will remain at a significant competitive disadvantage. In many circumstances, other state agencies and other public sector employers pay similarly situated attorneys higher salaries. This creates workforce retention and recruitment difficulties for the Department which, I believe, must be addressed on an ongoing basis, starting with the increases requested here.

¹ The merit-based salary structure does not apply to the Attorney General or the Deputy Attorney General, who both remain in the traditional step plan with cost-of-living adjustments applicable to most unclassified State employees.

His Excellency Governor Christopher T. Sununu
And the Honorable Council
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Thank you for your consideration. I will certainly answer any questions that you have.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gordon J. MacDonald", with a long horizontal flourish extending to the right.

Gordon J. MacDonald
Attorney General

#2111849

APPENDIX A

Department of Justice Attorney Salary Raise Sheet

Pos #	Title	Current Annual Salary	% Raise	\$ Raise	New Salary
9U035	ASSISTANT ATTORNEY GENERAL	\$63,731.25	1.00%	\$637.31	\$64,368.56
9U038	SENIOR ASSISTANT ATTORNEY GENERAL	\$77,554.50	5.00%	\$3,877.73	\$81,432.23
9U041	SENIOR ASSISTANT ATTORNEY GENERAL	\$84,810.00	3.00%	\$2,544.30	\$87,354.30
9U042	SENIOR ASSISTANT ATTORNEY GENERAL	\$93,018.75	2.50%	\$2,325.47	\$95,344.22
9U045	SENIOR ASSISTANT ATTORNEY GENERAL	\$91,155.00	5.00%	\$4,557.75	\$95,712.75
9U047	SENIOR ASSISTANT ATTORNEY GENERAL	\$88,920.00	2.50%	\$2,223.00	\$91,143.00
9U048	SENIOR ASSISTANT ATTORNEY GENERAL	\$91,737.50	2.50%	\$2,293.44	\$94,030.94
9U049	ASSOCIATE ATTORNEY GENERAL	\$99,182.50	9.88%	\$9,799.37	\$108,981.87
9U050	ASSISTANT ATTORNEY GENERAL	\$65,920.00	5.00%	\$3,296.00	\$69,216.00
9U052	ASSISTANT ATTORNEY GENERAL	\$74,340.00	4.50%	\$3,345.30	\$77,685.30
9U053	SENIOR ASSISTANT ATTORNEY GENERAL	\$89,150.00	2.50%	\$2,228.75	\$91,378.75
9U054	SENIOR ASSISTANT ATTORNEY GENERAL	\$75,075.00	20.00%	\$15,015.00	\$90,090.00
9U056	SENIOR ASSISTANT ATTORNEY GENERAL	\$97,947.50	1.00%	\$979.48	\$98,926.98
9U057	ATTORNEY	\$62,500.00	1.50%	\$937.50	\$63,437.50
9U059	ASSISTANT ATTORNEY GENERAL	\$84,915.00	1.00%	\$849.15	\$85,764.15
9U060	ATTORNEY	\$62,500.00	1.50%	\$937.50	\$63,437.50
9U061	SENIOR ASSISTANT ATTORNEY GENERAL	\$77,925.00	8.00%	\$6,234.00	\$84,159.00
9U215	ATTORNEY	\$85,000.00	2.00%	\$1,700.00	\$86,700.00
9U216	ASSISTANT ATTORNEY GENERAL	\$69,160.00	5.00%	\$3,458.00	\$72,618.00
9U217	ATTORNEY	\$74,000.00	1.50%	\$1,110.00	\$75,110.00
9U220	ATTORNEY	\$60,000.00	1.50%	\$900.00	\$60,900.00
9U222	ATTORNEY	\$62,500.00	1.50%	\$937.50	\$63,437.50
9U223	ASSISTANT ATTORNEY GENERAL	\$66,273.75	2.00%	\$1,325.48	\$67,599.23
9U224	ASSISTANT ATTORNEY GENERAL	\$66,435.00	2.00%	\$1,328.70	\$67,763.70
9U225	ASSISTANT ATTORNEY GENERAL	\$65,730.00	1.50%	\$985.95	\$66,715.95
9U258	SENIOR ASSISTANT ATTORNEY GENERAL	\$98,415.63	2.50%	\$2,460.39	\$100,876.02
9U261	ASSISTANT ATTORNEY GENERAL	\$66,787.50	4.50%	\$3,005.44	\$69,792.94
9U284	ASSISTANT ATTORNEY GENERAL	\$88,108.13	2.00%	\$1,762.16	\$89,870.29
9U287	ASSISTANT ATTORNEY GENERAL	\$70,126.88	4.50%	\$3,155.71	\$73,282.59
9U288	SENIOR ASSISTANT ATTORNEY GENERAL	\$103,783.75	2.50%	\$2,594.59	\$106,378.34
9U289	SENIOR ASSISTANT ATTORNEY GENERAL	\$85,593.75	5.00%	\$4,279.69	\$89,873.44
9U290	ASSISTANT ATTORNEY GENERAL	\$84,810.00	1.00%	\$848.10	\$85,658.10
9U307	SENIOR ASSISTANT ATTORNEY GENERAL	\$82,055.63	2.00%	\$1,641.11	\$83,696.74
9U350	ASSOCIATE ATTORNEY GENERAL	\$104,039.38	4.75%	\$4,942.49	\$108,981.87
9U355	ASSISTANT ATTORNEY GENERAL	\$65,662.50	2.50%	\$1,641.56	\$67,304.06
9U357	ATTORNEY	\$62,500.00	1.50%	\$937.50	\$63,437.50
9U359	ASSISTANT ATTORNEY GENERAL	\$78,000.00	5.00%	\$3,900.00	\$81,900.00
9U360	SENIOR ASSISTANT ATTORNEY GENERAL	\$75,871.25	2.50%	\$1,896.78	\$77,768.03
9U361	ASSISTANT ATTORNEY GENERAL	\$82,200.00	2.00%	\$1,644.00	\$83,844.00
9U375	ASSISTANT ATTORNEY GENERAL	\$70,121.25	5.00%	\$3,506.06	\$73,627.31
9U487	ASSOCIATE ATTORNEY GENERAL	\$106,845.00	2.00%	\$2,136.87	\$108,981.87
9U488	ASSISTANT ATTORNEY GENERAL	\$77,107.50	2.50%	\$1,927.69	\$79,035.19
9U499	SENIOR ASSISTANT ATTORNEY GENERAL	\$97,410.00	2.50%	\$2,435.25	\$99,845.25
9U500	ASSOCIATE ATTORNEY GENERAL	\$94,095.00	15.82%	\$14,886.86	\$108,981.86
9U503	ASSISTANT ATTORNEY GENERAL	\$85,170.00	1.00%	\$851.70	\$86,021.70

APPENDIX A**Department of Justice Attorney Salary Raise Sheet**

Pos #	Title	Current Annual Salary	% Raise	\$ Raise	New Salary
9U504	ASSISTANT ATTORNEY GENERAL	\$88,918.75	3.50%	\$3,112.16	\$92,030.91
9U531	ASSISTANT ATTORNEY GENERAL	\$98,940.00	1.50%	\$1,484.10	\$100,424.10
9U540	SENIOR ASSISTANT ATTORNEY GENERAL	\$80,220.00	5.00%	\$4,011.00	\$84,231.00
9U541	ATTORNEY	\$67,500.00	1.50%	\$1,012.50	\$68,512.50
9U543	ASSISTANT ATTORNEY GENERAL	\$72,952.50	4.00%	\$2,918.10	\$75,870.60
9U552	ASSISTANT ATTORNEY GENERAL	\$92,565.00	1.00%	\$925.65	\$93,490.65
9U577	PART TIME ASSISTANT ATTORNEY GENERAL	\$51,315.63	3.00%	\$1,539.47	\$52,855.10
9U583	ASSISTANT ATTORNEY GENERAL	\$70,980.00	4.00%	\$2,839.20	\$73,819.20
9U584	ATTORNEY	\$61,500.00	1.50%	\$922.50	\$62,422.50
9U599	ASSISTANT ATTORNEY GENERAL	\$73,840.00	4.00%	\$2,953.60	\$76,793.60
9U600	ASSISTANT ATTORNEY GENERAL	\$72,006.25	1.50%	\$1,080.09	\$73,086.34
9U602	ASSISTANT ATTORNEY GENERAL	\$68,328.75	4.00%	\$2,733.15	\$71,061.90
9U604	ASSISTANT ATTORNEY GENERAL	\$70,980.00	4.50%	\$3,194.10	\$74,174.10
9U607	ASSISTANT ATTORNEY GENERAL	\$66,191.25	4.00%	\$2,647.65	\$68,838.90
9U608	ASSISTANT ATTORNEY GENERAL	\$66,435.00	5.00%	\$3,321.75	\$69,756.75
		\$4,710,857.03	3.43%	\$168,975.65	\$4,879,832.68

APPENDIX B

2001 Laws of NH Chapter 158

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

.....

(c)(2) The attorney general shall have the authority to place all attorneys of the department of justice in the appropriate position within the overall range, above, at, or below the market anchor salary. A market anchor designation for a position is the reference point within the overall range to aid in salary management and recruitment when done at a level other than entry level. The attorney general shall consider the following criteria in considering compensation for department attorneys:

- (A) Tenure and progressive experience.
- (B) The nature of the work performed.
- (C) Increased independence of work performed and judgment exercised.
- (D) Achievement of pre-determined performance standards.
- (E) The acquisition and application of further education and training.
- (F) Demonstration of an increased frequency of undertaking the type and complexity of work normally associated with the next position level.
- (G) Fulfilling a leadership or management role.

(3) Designation of position, salary levels, and salary increases for attorneys in the department of justice shall be determined by the attorney general, subject to approval of the governor and council, within appropriations made to the department of justice. The provisions of RSA 94:3 shall not apply to attorney positions governed by this subparagraph.