



STATE OF ARKANSAS
**Department of Finance
and Administration**

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August 17, 2016

Senator Uvalde Lindsey, Co-Chairperson
Representative Lanny Fite, Co-Chairperson
Uniform Personnel Classification and
Compensation Plan Subcommittee
Arkansas Legislative Council
State Capitol Building, Room 315
Little Rock, Arkansas 72201

Dear Co-Chairs:

The Office of Personnel Management (OPM) submits a statewide salary administration grid for attorney classifications for your review and approval. Salary administration grids are established in accordance with Ark. Code Ann. §21-5-222(a) which states:

- (1) *A state agency of institution may request that a salary administration grid be approved for specific classifications of positions assigned to the career service compensation plan if the:*
 - (A) *State agency or institution has documented the need for a salary administration grid for specified positions or classifications;*
 - (B) *Terms and conditions of the grid proposed by the agency or institution address the needs of the targeted positions;*
 - (C) *Cost of implementing and maintaining a salary administration grid is within the agency's or institution's existing appropriation and implementation does not use funds specifically set aside for other programs within the agency or institution; and*
 - (D) *Salary administration grid has been approved by the Chief Fiscal Officer of the State after review by the Personnel Committee.*
- (2)
 - (A) *Special salary rates may be authorized up to the maximum pay level authorized for the grade assigned to the classification of a career service position for specific classifications only.*
 - (B) *An approved salary administration grid shall be used for establishing a starting salary for an employee in an individual position.*
 - (C) *A person hired above the entry pay level shall meet or exceed the minimum qualifications for the job classification.*
 - (D) *Subsequent salary determinations within a salary administration grid shall be based on the employee's qualifications, relevant competitive compensation rates, professional or education achievements, and internal equity within the agency or institution.*

- (E) A plan of implementation and salary progression must be approved by the office on a biennial basis.*
- (3) An approved grid may be amended only upon approval by the office after review by the Personnel Committee.*
- (4) Compensation differentials that are included in an agency or institution's grid plan may not exceed rates provided in §21-5-221.*

The following classifications are included in this salary administration grid:

<u>CLASS CODE</u>	<u>JOB TITLE</u>	<u>GRADE</u>
G073C	Attorney	C124
G065C	Public Defender Attorney I	C124
G047C	Attorney Specialist	C126
G042C	DHS Administrative Law Judge	C126
G024C	Department Administrative Law Judge	C127
G025C	Attorney Supervisor	C127
G019C	General Counsel	C127
G004C	Managing Attorney	C129
G025N	Public Defender I	N901
G022N	Public Defender II	N902
G012N	Public Defender III	N905
G008N	Chief Public Defender	N907

Over the course of the last year, OPM has received feedback from a number of different agencies regarding high turnover in attorney classifications. In response to this feedback, OPM reviewed labor market data and turnover rates. A review of local labor market data revealed that the current compensation structure was significantly below the prevailing labor market rates. OPM performed a turnover analysis with a sample size of four agencies: the Arkansas Department of Finance & Administration, the Arkansas Department of Human Services, the Arkansas Department of Environmental Quality, and the Arkansas Public Defender Commission. This turnover study showed that the 318 authorized positions in attorney classifications had turned over 237 times, resulting in a turnover rate of 74.53%.

It is OPM's position that all state agencies face prevailing labor market conditions with regard to attorneys. Therefore, OPM proposes a statewide salary administration grid for these classifications. This grid established labor market rates and step increases. Each year, incumbents that otherwise meet eligibility requirements may receive a step increase of up to 8%, effective on the incumbent's career service date. No increase awarded as a result of this salary administration grid shall exceed the maximum salary level authorized for the respective grade. Movement within the grid is contingent upon incumbents scoring Above Average or higher during the last ratings period and not scoring unsatisfactory in any duty area within the past two ratings periods. Incumbents must also have no instances of discipline at a level of written reprimand or higher within the previous two years.

Senator Uvalde Lindsey, Co-Vice Chairperson
Representative Lanny Fite, Co-Chairperson
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The salary administration grid establishes the following labor market rates:

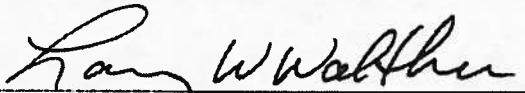
<u>CLASS CODE</u>	<u>JOB TITLE</u>	<u>GRID RATE</u>
G073C	Attorney	\$50,847
G065C	Public Defender Attorney I	\$55,156
G047C	Attorney Specialist	\$61,500
G042C	DHS Administrative Law Judge	\$61,500
G024C	Department Administrative Law Judge	\$64,157
G025C	Attorney Supervisor	\$64,157
G019C	General Counsel	\$64,157
G004C	Managing Attorney	\$69,811
G025N	Public Defender I	\$69,063
G022N	Public Defender II	\$71,825
G012N	Public Defender III	\$80,794
G008N	Chief Public Defender	\$87,386

Incumbents at the time of grid implementation will receive the labor market rate if their rates of pay are currently below the proposed labor market rate, or increases of 8% if their current rates of pay exceed the proposed labor market rate. No increase awarded as a result of this salary administration grid shall exceed the maximum pay level authorized for the respective grade. The cost of implementation for this grid is approximately \$1,412,000.

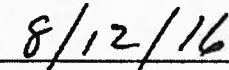
Your consideration of this request is greatly appreciated.

Sincerely,

Kay Barnhill
State Personnel Administrator



Chief Fiscal Officer of the State



Date

STATEWIDE SALARY ADMINISTRATION GRID
FOR ATTORNEY CLASSIFICATIONS

Applicability Date

This grid shall be in full force and effect for Fiscal Year 2016-2017, upon approval by the Personnel Subcommittee of the Arkansas Legislative Council, subject to annual renewal.

Classifications Covered by this Grid

The following classifications are covered by this salary administration grid:

<u>CLASS CODE</u>	<u>JOB TITLE</u>	<u>GRADE</u>
G073C	Attorney	C124
G065C	Public Defender Attorney I—Full-time and Part-time	C124
G047C	Attorney Specialist	C126
G042C	DHS Administrative Law Judge	C126
G024C	Department Administrative Law Judge	C127
G025C	Attorney Supervisor	C127
G019C	General Counsel	C127
G004C	Managing Attorney	C129
G025N	Public Defender I	N901
G022N	Public Defender II	N902
G012N	Public Defender III	N905
G008N	Chief Public Defender	N907

Agencies Covered by This Grid

This salary administration grid is applicable to the above classifications in all agencies covered by the Uniform Compensation & Classification Act. Use of the grid is at the discretion of each agency's director; however, if the agency director opts to use the grid, the grid must be used for all positions in the covered classifications at the agency. Once an agency opts to use this salary administration grid, it must continue to do so, provided the grid remains in effect.

Positions Covered by This Grid

All regularly appropriated positions assigned to the above classifications, whether by authorization, crossgrade, or downgrade, are covered by this salary administration grid. Extra help positions are not covered by this grid.

How This Grid Is Administered

- (A) This grid establishes rates of pay for incumbents in the covered classifications based on a labor market rate. The following labor market rates are established:
- a. Attorney: \$50,847
 - b. Attorney Specialist/DHS Administrative Law Judge: \$61,500
 - c. Attorney Supervisor/Department Administrative Law Judge/General Counsel: \$64,157
 - d. Managing Attorney: \$69,811
 - e. Public Defender Attorney I: \$55,156
 - f. Public Defender I: \$69,063
 - g. Public Defender II: \$71,825
 - h. Public Defender III: \$80,794
 - i. Chief Public Defender: \$87,386
- (B) With each completed year of state service, incumbents will receive a step increase of 8%, provided they are otherwise eligible. This increase will become effective on the incumbent's career service date. No increase awarded as a result of this salary administration grid shall exceed the maximum salary level authorized for the respective grade.
- (C) For incumbents at the time of grid implementation:
- a. If the incumbent's salary is less than the labor market rate assigned for the classification, the incumbent will receive an increase to the approved labor market rate or 8%, whichever is greater.
 - b. If the incumbent's salary is more than the labor market rate assigned for the classification, the incumbent will receive an increase of 8%, not to exceed the maximum salary level assigned for the classification.
- (D) If an incumbent is promoted to another classification within this salary administration grid, the incumbent's salary will be increased to the labor market rate of pay indicated in (A) or 10%, whichever is greater, not to exceed the maximum salary level assigned for the classification. EWQ or LMR requests for classifications within this salary administration grid will receive enhanced scrutiny and will only be granted after careful review by the OPM Administrator.
- (E) In order to qualify for advancement in accordance with this salary administration grid, an incumbent must have received a score on a performance evaluation rating of at least Above Average (A) during the last ratings period and not scored Unsatisfactory (U) in any duty area within the last two ratings periods. An incumbent must also have no instances of discipline at the level of written reprimand or higher within the previous 2 years, dated from the incumbent's career service date.