

Analysis

Item 4: Public Defense Services Commission

Compensation Plan Changes

Analyst: Gregory Jolivette

Request: Acknowledge receipt of a report on compensation plan changes.

Analysis: ORS 151.216(e) directs the Public Defense Services Commission (PDSC) to adopt a compensation plan, classification system and personnel plan for the Office of Public Defense Services (OPDS) that are commensurate with other state agencies. As required under ORS 8.105(1), prior to implementing changes, OPDS is reporting on compensation plan changes for the 2019-21 biennium.

The 2019-21 biennium compensation plan changes for PDSC employees (represented and non-represented) include the following:

- A 2.15% cost-of-living salary increase effective July 1, 2019
- A 3.0% cost-of-living salary increase effective October 1, 2020
- An additional top step for each compensation range effective July 1, 2020

In addition, effective December 1, 2020, the plan changes appellate attorney classifications to achieve compensation parity with their Department of Justice counterparts. For Deputy Public Defender 1 positions, the parity adjustment equates to a 15% salary increase. For Deputy Public Defender 2 positions, the parity adjustment equates to a 9% salary increase. Management classifications will be adjusted for compression and parity effective December 1, 2020.

PDSC estimates the total cost of these changes in the 2019-21 biennium will be \$1.2 million total funds (\$1.2 million General Fund and \$0.03 million Other Funds). For the 2021-23 biennium, OPDS estimates the full 24-month cost of the compensation changes will be \$2.96 million total funds (\$2.89 million General Fund and \$0.07 million Other Funds).

Legislative Fiscal Office Recommendation: Acknowledge receipt of the report.

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**Public Defense Services Commission
McDonald**

Request: Report on compensation plan changes for the Public Defense Services Commission's Office of Public Defense Services for the 2019-21 biennium.

Recommendation: The Public Defense Services Commission is not under executive budgetary authority.

Discussion: In accordance with ORS 8.105(1), the Office of Public Defense Services (OPDS) is providing a report on prospective staff compensation plan changes during the 2019-21 biennium. The prospective changes do not include adjustments to represented appellate legal secretary staff, as collective bargaining negotiations are still active with the union. OPDS will report the compensation changes at the next available opportunity once negotiations conclude.

Non-Represented Staff Changes:

ORS 151.216(e) directs the Public Defense Services Commission (PDSC) to adopt a compensation plan, classification system, and personnel plan for OPDS commensurate with other state agencies. In order to comply with this statute, PDSC plans to follow the general timing and magnitude of changes made statewide. For non-represented staff, this includes two cost of living adjustments (COLAs), effective July 1, 2019 (retroactively applied) and October 1, 2020 for 2.15 percent and 3.00 percent, respectively. Additionally, a new top step will be added to the salary scale of each non-represented classification and the current bottom step will be removed, effective July 1, 2020.

Represented Appellate Attorney Staff:

Senate Bill 5532 (2019) granted the Appellate Division \$603,237 General Fund for employee compensation adjustments. As indicated in the budget report, this funding is to move toward parity in attorney compensation between PDSC and the Department of Justice (DOJ). Through recent collective bargaining with the appellate attorney staff bargaining unit and with the provided funding, the agency will reach full parity with DOJ by December 1, 2020. Compensation adjustments to reach parity include the two COLAs and step adjustments as described above for non-represented staff, as well as reclassification of the represented appellate attorney staff from three classifications to two, similar to DOJ. Compensation plans will be made comparable with DOJ counterparts at the time of the classification changes, effective December 1, 2020. PDSC approved these compensation plan changes for represented appellate attorney staff during the December 19, 2019 commission meeting.

OPDS Management:

The PDSC authorized additional increases for management, intended to alleviate compression caused by increasing attorney salaries. The additional management increases will also bring OPDS to pay parity with Oregon Judicial Department (OJD) management. This was approved by the Commission on June 19, 2019 and revisited for an implementation date during the December 2019 commission meeting. The classifications were adjusted to correspond to OJD and DOJ counterparts and take effect December 1, 2020.

OPDS Classification Changes:

The agency has adopted several new classifications, commensurate with other state agencies, to meet the evolving needs of OPDS. These include classifications for Accountants (1 through 4), IT Analysts (1 through 4), Research Analysts (1 through 4), Human Resource Analysts (1 through 3), and Operations and Policy Analysts (1 through 4), among others. There is no additional cost associated with adding these classifications at this time.

Fiscal Impact of Compensation Plan Changes:

The cost projected for these compensation changes is \$1,160,273 General Fund and \$31,584 Other Funds for the 2019-21 biennium, increasing to \$2,889,336 General Fund and \$71,353 Other Funds in the 2021-23 biennium. In addition to the \$603,237 General Fund received for the purpose of pay parity in Senate Bill 5532 (2019), the agency anticipates funding may be addressed through the Special Purpose Appropriation for state employee compensation plan changes.



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December 31, 2019

The Honorable Senator Betsy Johnson, Co-Chair
The Honorable Senator Elizabeth Steiner Hayward, Co-Chair
The Honorable Representative Dan Rayfield, Co-Chair
Interim Joint Committee on Ways and Means
900 Court Street NE
H-178 State Capitol
Salem, OR 97301

Dear Co-Chairpersons:

Nature of Request

The Office of Public Defense Services (OPDS) requests that you acknowledge receipt of this report on planned OPDS compensation plan changes for the 2019-21 biennium. This report is made pursuant to ORS 8.105 (1) which directs OPDS to submit any changes to its compensation plan to the Legislative Assembly or one of its interim budget entities.

Agency Action

The Public Defense Services Commission (PDSC) is the governing body for the OPDS. ORS 151.216 (e) directs the PDSC to adopt a compensation plan, classification system and personnel plan for the OPDS that are commensurate with other state agencies.

OPDS Compensation Plan Actions

Non-Represented Staff Changes

In order to mirror the changes being made statewide, the PDSC will be asked to approve, for non-represented staff, three compensation changes for the 2019-21 biennium. Effective July 1, 2019 (to be retroactively applied), a 2.15% cost of living increase; effective July 1, 2020, the addition of a new top step and removal of current bottom step to each non-represented classification; and, effective October 1, 2020, a 3% cost of living increase.

Represented Appellate Attorney Staff

During the 2019 regular legislative session, OPDS was provided \$603,237 of General Fund appropriation for employee compensation adjustments in the Appellate Division. It was noted in the budget report of Senate Bill 5532 that the aim of this funding is to move toward parity, specifically as it relates to attorney compensation between the Public Defense Services Commission and the Department of Justice (DOJ). OPDS engaged in collective bargaining negotiations with the appellate attorney staff bargaining unit in the fall of 2019. Through these negotiations, with the funding provided, a ratified agreement has been reached that will bring OPDS to full parity with DOJ effective December 1, 2020; the agreement also aligned the number of OPDS represented attorney classifications to that of DOJ.

The PDSC approved, for represented appellate attorney staff, four compensation changes for the 2019-21 biennium. Effective July 1, 2019 (to be retroactively applied), a 2.15% cost of living increase; effective July 1, 2020, the addition of a new top step and removal of current bottom step to each represented appellate attorney classification; effective October 1, 2020, a 3% cost of living increase; and, effective December 1, 2020, classification and compensation changes to represented attorney classifications to achieve parity with DOJ counterparts. The Agency shall move from three to two bargaining unit classification to match DOJ, these classifications shall be titled Deputy Defender and Senior Deputy Defender; at the time of these classification changes, compensation plans will change to match DOJ counterparts.

The PDSC approved, for management, additional increases due to compression created with the increase in attorney salaries and parity with OJD management classifications, effective December 1, 2020. The increase to these management classifications creates compression up to the Director level. These classifications were adjusted appropriately to match the counterparts within DOJ and OJD respectively.

Represented Appellate Legal Secretary Staff

As of the writing of this letter, the agency is still in active collective bargaining negotiations for represented appellate legal secretary staff. OPDS will report compensation changes for these staff at the next available reporting opportunity once negotiations are complete.

Fiscal Impact for Compensation Plan Changes

The anticipated increase in cost associated with these changes is summarized below. In addition to funding provided in Senate Bill 5532 in the 2019 legislative session, it is

anticipated that funding may be addressed through the legislative emergency board reservation for state employee compensation plan changes.

Biennium	General Fund Impact	Other Funds Impact
2019-21 Biennium	\$1,160,273	\$31,584
2021-23 Biennium	\$2,889,336	\$71,353

OPDS Classification Changes

In addition to the above discussed compensation plan changes, the agency is adding the following new classifications which will not have fiscal impact.

- Accountant Series (1-4): an advanced level accounting classification series for budget management consistent with other branches of government.
- Business Analyst 1: a professional level administrative classification with a wide-range of characteristics for business related duties and responsibilities.
- IT Analyst Series (1-4): a technical level series of positions specifically related to IT infrastructure and help desk support for the agency as it continues to grow.
- Research Analyst Series (1-4): a series of positions specifically related to perform advanced analytics consistent with other branches of government.
- Human Resource Analyst Series (1-3): a professional level management series of positions specifically related to human resource consistent with other branches of government.
- Operations and Policy Analyst Series (1-4): a professional level series specifically used for project, policy, and program related duties consistent with other branches of government.
- Manager Series (1-4): a management series used widely throughout the state.
- Procurement Analyst Series (1-2): a professional level series specifically adopted for positions that handle state procurement activities.
- Program Analyst Series (1-4): a professional level series used in business service programs widely throughout the state. This series will be used in areas where program coordination, development and analysis are primary functions of day to day operations.
- Training and Development Specialist Series (1-2): a professional level series specifically used to provide formal training, consistent with other branches of government.

Action Requested

The Office of Public Defense Services requests acknowledgment of this report of the changes announced as provided in ORS 8.105 (1) and ORS 151.216(e).

Legislation Affected

None.

Sincerely,

A handwritten signature in black ink, appearing to read 'C Lane Borg', with a stylized flourish at the end.

C Lane Borg, Executive Director
Office of Public Defense Services