

ANALYSIS

Public Defense Services Commission Compensation Plan Changes

Analyst: John Borden

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

Analysis: ORS 151.216(1)(e) directs the Public Defense Services Commission (PDSC) is to “Adopt a compensation plan, classification system and personnel plan for the office of public defense services that are commensurate with other state agencies.” As required under ORS 8.105(2), prior to implementing any compensation plan change, PDSC is to report either to the Joint Committee on Ways and Means when the Legislature is in session or the Emergency Board or the Joint Interim Committee on Ways and Means during the interim. The Joint Committee on Ways and Means was notified of PDSC’s compensation plan changes on January 14, 2022.

PDSC, on December 16, 2021, approved the following cost-of-living allowance adjustments (COLA)

Cost-of-Living Allowance	Effective Date
2.5%	February 1, 2022
One-time lumpsum COLA Payment	December 2021 and January 2022
3.1%	December 1, 2022

The COLA adjustments were negotiated by the agency with the American Federation of State, County, and Municipal Employees union (AFSCME) and have an estimated cost for the 2021-23 biennium of \$1 million General Fund. The 2023-25 cost is estimated to be \$1.7 General Fund. The COLAs, except for the lumpsum payment, are similar to those negotiated in the Executive Branch by the Service Employees International Union (SEIU) and AFSCME as well as those adopted by the Judicial Department.

In addition, the compensation plan provides for a one-time “pandemic recognition pay” for PDSC employees for work during the COVID-19 pandemic. A one-time lump sum payment of \$1,550 was approved for all employees required to work in PDSC offices from March 16, 2020 through June 30, 2021. This recognition pay is similar to what was adopted by the Judicial Department. The cost of the one-time lump-sum payments, including Other Payroll Expenses, is estimated to be \$46,500 General Fund.

The compensation plan changes adopted by the Commission do not include the new legal state holiday (“Juneteenth”), which was classified as a compensation plan change reported by the Executive Branch and Judicial Department. The Commission also did not adopt a policy authorizing 80 hours of paid leave for an employee whose residence is impacted by a natural disaster. This was an SEIU-negotiated benefit adopted by both the Executive Branch and the Judicial Department. PDSC states that the agency is still in collective bargaining with AFSCME and that these changes may be included under a future collective bargaining agreement.

Additional compensation plan changes made by PDSC include the following, which the agency has stated will be funded with budgetary savings (e.g., vacancy savings):

(1) Technical adjustments to two attorney classifications, in conformance with adjustments made by the Department of Justice, in order to maintain parity with the Assistant Attorney General and Senior Assistant Attorney General classifications. This change has an effective date of February 1, 2022. The cost of this change is estimated to be \$42,272 General Fund.

(2) Modify the Paralegal classification salary range by eliminating the bottom Step-1 and adding a new top step. The classification will remain at a nine-step salary range. This change is meant to maintain pay parity with the Executive Branch. The cost of this change is estimated to be \$13,552 General Fund.

(3) Modify the current classification salary range for the Program Analyst 4 classification to align with the PDSC's Research Analyst 4 salary range. PDSC incumbents are currently being paid a work-out-of-class differential for this change.

The Legislature in 2021 established in the Emergency Board a special purpose appropriation in the amount of \$198 million General Fund for employee compensation changes across all three branches of government. An Emergency Board or legislative decision to allocate this funding will be determined at a later date.

Recommendation: The Legislative Fiscal Office recommends acknowledging receipt of the report.



Oregon

Public Defense Services Commission

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January 14, 2022

The Honorable Representative Dan Rayfield, Co-Chair
The Honorable Senator Elizabeth Steiner Hayward, Co-Chair
Joint Committee on Ways and Means
900 Court Street NE
H-178 State Capitol
Salem, OR 97301-4048

Dear Co-Chairpersons:

Nature of the Request

In accordance with ORS 151.216(1)(e) the Public Defense Services Commission has adopted a compensation plan, classification system and personnel plan for the office of public defense services that are commensurate with other state agencies. HB 5030 (2021) using a budget note established a reporting requirement to the Joint Committee on Ways and Means that included all compensation plan changes. The Public Defense Services Commission submits this report and requests that the committee acknowledge receipt of this report.

Agency Action

The Public Defense Services Commission (PDSC) approved compensation adjustments consistent with the compensation adopted by Executive Branch and Oregon Judicial Department, outlined below:

Executive Branch:

Employees represented by AFSCME and SEIU, as well as those in management service, executive service, and unrepresented employees, will receiving the following adjustments to compensation for the 2021-2023 biennium:

- 2.5% cost of living increase on December 1, 2021
- 3.1% cost of living increase on December 1, 2022
- One-time Pandemic Recognition payment for employees designated as frontline workers between March 2020 and June 2021. Frontline workers who worked between 480 non-telecommuting hours and 1,039 non-telecommuting hours will receive a one-time payment of \$1,050. Frontline workers who worked 1,040 non-telecommuting hours or more will receive a one-time payment of one thousand \$1,550. In addition to qualifying for one of the two payments listed above, frontline workers who worked 200 or more hours of overtime during the period will receive an additional one-time payment of \$575.

Additionally, there was a technical adjustment to the attorney salaries at Department of Justice for a clerical error in calculating salaries for the new range adopted in the 2019-2021 collective bargaining agreement. The following adjustments were made for the 2021-2023 collective bargaining agreement effective September 21, 2021:

Assistant Attorney General (AAG):

OLD	7886	8282	8688	9012	9532	9993	10477
NEW	7886	8282	8694	9129	9585	10041	N/A

Senior Assistant Attorney General (SAAG):

OLD	10362	10881	11420	11979	12573	13192	13846	14532	15252
NEW	10523	11028	11557	12112	12694	13303	13941	14611	15312

Oregon Judicial Department:

OJD is guided by statute to maintain an employee salary plan equitably applied and in “reasonable conformity” with the general salary structure of the executive branch. The following is a summary of the 2021-2023 compensation plan adjustments authorized by the Chief Justice for OJD employees:

- 2.5% cost of living increase effective December 1, 2021
- 3.1% cost of living increase on December 1, 2022
- Pandemic Recognition pay - one-time lump-sum payments on November 1, 2021, as follows:
 - All current staff who worked at any time between March 16, 2020, and August 1, 2020, as courts were transitioning to remote work while implementing budget reduction measures, will receive a one-time payment of \$750.00.
 - In addition, and in recognition of the increased risk of exposure to COVID by interacting with the public or coworkers, current staff who were required by their administrative authority to work onsite for more than 479 hours between March 16, 2020, and June 30, 2021, will receive one of the following payments:
 - Current staff who were required by their administrative authority to work onsite in any court facility or OSCA office for at least 480 hours but not more than 1,039 hours between March 16, 2020, and June 30, 2021, will receive a one-time payment of \$1,050.00; or
 - Current staff who were required by their administrative authority to work onsite in any court facility or OSCA office for 1,040 or more hours between March 16, 2020, and June 30, 2021, will receive a one-time payment of \$1,550.00.

Public Defense Service Commission

The PDSC approved the following adjustments that were agreed upon through a collective bargaining with AFSCME. Employees represented by AFSCME, as well as those in management service, will receive the following adjustments to compensation for the 2021-2023 biennium:

Pandemic Recognition Pay: One-time lump sum payment of \$1,550 to all employees required to work in OPDS offices from March 16, 2020 through June 30, 2021. The agency will use existing budgeted funds to cover these costs.

Cost of living increase:

- 2.5 percent cost of living increase on February 1, 2022.
- 3.1 percent cost of living increase on December 1, 2022.
- One-time lump sum payment, equivalent of two-months cost of living, for December 2021 and January 2022, of 2.5%, provided to all employees, for consistent distribution with the rest of state government.

The agency expects that these cost of living increases will be funded by the apportioned amount from the Special Purpose Appropriation to the Emergency Board for state compensation changes. If the amount provided is not sufficient the agency will use existing budgeted funds to cover the difference for the remainder of the 2021-23 biennium.

A one step adjustment will be made to the Paralegal salary range, by dropping step 1 and adding a new top step, to maintain parity with the Executive Branch equivalent. The classification will remain at a nine-step salary range. The cost of this change is estimated to be \$13,552. The agency plans to use existing budgeted funds to cover the difference for the remainder of the 2021-23 biennium.

A technical adjustment will be made to the Program Analyst 4 salary range to match the Research Analyst 4 salary range. Both classifications are a salary range 30, but the steps are not aligned. The incumbents are currently being paid a work-out-of-class differential so the agency does not expect an increase in current expenditures; however, any difference will be covered by existing budgeted funds for the remainder of the 2021-23 biennium.

Finally, technical adjustments will be made to attorney classifications, in conformance with the adjustments made by the Executive Branch and Department of Justice, to maintain parity with the AAG and SAAG classifications, with an effective date of February 1, 2022. These technical adjustments will be made prior to the applying the cost of living increase. The cost of this change is estimated to be \$42,272. The agency plans to use existing budgeted funds to cover the difference for the remainder of the 2021-23 biennium.

Deputy Defender PERS Salary Range:

OLD	7886	8282	8688	9102	9532	9993	10477
NEW	7886	8282	8684	9129	9585	10041	10524

Senior Deputy Defender PERS Salary Range:

OLD	10362	10881	11420	11979	12573	13192	13846	14532	15252
NEW	10523	11028	11557	12112	12694	13303	13941	14611	15312

Action Requested

The Public Defense Services Commission requests that the Joint Committee on Ways and Means acknowledge receipt of this report.

Legislation Affected

No legislation is affected.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stephen I. Singer".

Stephen I. Singer
Executive Director

cc:

John Borden, Principal Legislative Analyst, LFO
Amanda Beitel, Legislative Fiscal Officer
George Naughton, Chief Financial Officer
April McDonald, Policy and Budget Analyst, CFO