

Dane County Issue Briefing

Issue: Staff Attorneys

Problem Description

Former Dane County Staff attorneys feel that they have not been appropriately compensated. Recently, the County Board Amended Chapter 18 of the Dane County Code of Ordinances. As a part of that amendment, the Board removed the LTE designation from Dane County Staff Attorneys and County Staff were to commission a survey regarding compensation for Staff Attorneys. The results of that survey are compiled in a separate document. This document describes the issue and potential solutions.

Background

Dane County's Judiciary and Clerk of Courts has a Staff Attorney program for recent law school graduates. The program is intended to be an educational experience that launches new lawyers into their careers. In this program, Staff Attorneys conduct legal research, consult with judges, and write opinions. The work of a Dane County Staff Attorney is similar to the work of a Law Clerk for various state and federal judges. Staff Attorneys generally stay on the job for about two years.

Prior to the Board of Supervisors current action, Staff Attorneys were considered Limited Term Employees (LTEs) and paid \$21.17 per hour. An hourly rate of \$21.17 for a full-time position would represent an annual wage of \$44,033.60. LTEs are capped at 1,200 hours per year but the County has ignored this cap for Staff Attorneys.

As LTE positions, Staff Attorneys did not earn vacation, paid holidays, or sick leave. Typically, LTEs do not receive the County's health insurance and dental insurance and LTEs are not able to participate in the County's optional insurance programs (disability, vision, life, etc.). However, an exception is made for Staff Attorneys and these employees are able to participate in the County's Health Insurance plan as if they were employed in part-time position. Staff Attorneys are able to participate in the Wisconsin Retirement System after roughly a year of service time.

Since the individuals in this program were considered Limited Term Employees, there is no position authority for these employees; only funding for LTEs is included in the budget. The 2019 Budget has funding of \$301,800 for the Staff Attorney program. This allocation is intended to support 8,139 hours of work. The program typically over spends this allocation. In 2017 Staff Attorneys worked 11,741 hours and in 2018, Staff Attorneys worked 11,242 hours.

Alternatives

The table on the next page summarizes a number of adjustments that could be made.

The first group of adjustments could be made to the hours or rate of pay of Staff Attorney. In this group of adjustments, the County would not be adding position authority and the program would remain as neither "LTE" nor as full-time staff.

Potential Alternatives

	FTE/LTE		FTE	Salary	Benefits	Total Cost	Change to Base
	Hours	Hourly Rate					
2020 Base Budget	8,139	\$ 21.17	0.00	\$ 176,300	\$ 125,500	\$ 301,800	\$ -
LTE Adjustments							
Adjust Hourly Rate only	8,139	\$ 29.42	0.00	\$ 243,500	\$ 136,000	\$ 379,500	\$ 77,700
Keep Current Rate; Add Hours	11,139	\$ 21.17	0.00	\$ 239,900	\$ 152,000	\$ 391,900	\$ 90,100
Adjust Hourly Rate; Add Hours	11,139	\$ 29.42	0.00	\$ 331,800	\$ 166,400	\$ 498,200	\$ 196,400
Convert Positions to FTE							
Convert to 4.0 FTE at Current Rate	8,384	\$ 21.17	4.00	\$ 178,000	\$ 127,300	\$ 305,300	\$ 3,500
Convert to 4.0 FTE at Increased Rate	8,384	\$ 29.42	4.00	\$ 245,900	\$ 138,000	\$ 383,900	\$ 82,100
Convert to 5.0 FTE at Current Rate	10,480	\$ 21.17	5.00	\$ 221,500	\$ 158,900	\$ 380,400	\$ 78,600
Convert to 5.0 FTE at Increased Rate	10,480	\$ 29.42	5.00	\$ 306,300	\$ 172,400	\$ 478,700	\$ 176,900
Attorney Employee Group Proposals							
Increase rate; add some hours	8,619	\$ 26.07	0.00	\$ 228,900	\$ 133,700	\$ 362,600	\$ 60,800
Increase rate; add more hours	10,480	\$ 26.07	0.00	\$ 277,400	\$ 157,900	\$ 435,300	\$ 133,500

One adjustment in this area is to raise the hourly rate of Staff Attorneys. If the hourly rate was raised to \$29.42 and the number of hours remained constant, then this effect would cost an additional \$77,700 in addition to the base budget, with a total cost of \$379,500. A second adjustment would leave the hourly rate but raise the number of hours to be more in line with the number of hours used by the program. This alternative would cost \$90,100 in addition to the base budget, with a total cost of \$391,900. Finally, one could combine both of these adjustments with an increase to the base cost of \$196,400 and a total cost of \$498,200.

The second group of adjustments is to convert the existing LTE authority into position authority. Under this group of options, Employee Relations would have to amend the position schedule to create one for the newly created Staff Attorney Position. This could be done in a couple of different ways. One way is to convert the LTE line into 4.0 FTE at the existing rate of pay. This costs \$3,500 in addition to the base budget, with a total cost of \$305,300. Additionally, while converting these positions to 4.0 FTE the County could increase the rate of pay. This would cost \$82,100 in addition to the base budget, with a total cost of \$383,900.

Further, instead of converting the LTE line to 4.0 FTE, the County could convert the LTE line into 5.0 FTE to better reflect the hours spent in the program. Converting these positions to 5.0 FTE without increasing the rate of pay, costs \$78,600 in addition to the base budget; for a total cost of \$380,400. The County could also increase the rate of pay at the same time. This would cost 176,900 in addition to the base budget, raising the total cost to \$478,700.

One potential issue with converting the existing LTE authority is the educational nature of the program. As currently designed, the program intends for individuals to serve for two years or less before going on to take another job. If the County converts the LTE funding into FTE authority, then it may undermine the time limited educational nature of this job. Once an individual becomes a full-time employee, then it is possible that the individual could remain in that position for longer than two years.

A third group of options comes from the Attorney's Employee Group. The Attorney's Employee Group has proposed that these positions be paid at 80% of the probationary rate for Attorney's (\$26.07). Further, under the proposal these positions would receive future raises as the County provides cost of living increases to other Attorney employees in the County. Also, the Staff attorneys would be given 12 paid days off and would be eligible to participate in the Attorney's Employee Group, with the terms and conditions of employment for Staff Attorneys being established by the Dane County Judiciary. If the number of hours remain the same, this proposal would cost \$60,800 in addition to the base budget, for a total cost of \$362,600. If the hours were adjusted to be in line with their current usage, then the proposal would cost \$133,500 in addition to the base budget, for a total cost of \$435,300.

Prepared by: Nick Bubb

266-8477