

JOB EVALUATION REPORT

City Service Commission Meeting Date: December 9, 2014
 Department: City Attorney

-Summary-

This report recommends creating two more levels in the classification series for Assistant City Attorney. The additional levels will provide more flexibility in the recruitment, hiring and promotion of Assistant City Attorneys and help the City Attorney address some recruitment and retention challenges. Further, the additional levels will establish a viable career path with fiscally reasonable promotional opportunities and levels that better reflect differences in complexity of work. As a result of this recommendation, the number of levels increases from three to five as shown in the chart below. Promotional criteria and minimum requirements for the new levels will be determined by the City Attorney taking into consideration scope of responsibility, complexity of assignment, oversight and guidance received, as well as years of experience.

Current Classification and Pay Range	Proposed Classification and Pay Range	Comments
Assistant City Attorney I PR 2IX (\$58,462-\$81,844) Recruitment at any rate	Assistant City Attorney I PR 2IX (\$58,462-\$81,844) Recruitment at any rate	Entry Level requiring 0 to 3 years of experience. Scope of work is restricted and responsibilities are performed within established framework under general instructions and supervision.
	Assistant City Attorney II 2KX (\$66,435-\$93,010) Recruitment at any rate	Criteria for promotion to this level to be determined by the City Attorney.
Assistant City Attorney II PR 2MX (\$75,478-\$105,669) Recruitment at any rate	Assistant City Attorney III PR 2MX (\$75,478-\$105,669) Recruitment at any rate	Intermediate Level requiring at least 5 years of experience. Specialized scope of work requiring in-depth knowledge of subject area. Limited guidance provided in the form of stated objectives.
	Assistant City Attorney IV PR 2OX (\$85,757-\$120,064) Recruitment at any rate	Criteria for promotion to this level to be determined by the City Attorney.
Assistant City Attorney III PR 2QX (\$97,420-\$136,395) Recruitment up to \$131,024	Assistant City Attorney V PR 2QX (\$97,420-\$136,395) Recruitment up to \$131,024	Advanced Level requiring over 7 years of experience. Assignments involve the highest level of legal complexity carrying policy ramifications of a highly visible and sensitive nature.

This report also recommends a change to Part II Section 5 of the Salary Ordinance to add a provision that would, contingent upon the availability of funds as determined by the Budget and Management Division, authorize language for a merit pay plan for Assistant City Attorneys similar to the one in existence under provisions of the labor contract between the City and the Municipal Attorneys prior to Act 10. This change authorizes the language for the creation of the plan but does not authorize funding for implementation.

Background and Analysis

Earlier this year, Grant Langley, City Attorney, requested the creation of two new levels in the Assistant City Attorney classification series. The additional levels were needed to better distinguish between the different levels of experience and proficiency among the Assistant City Attorneys and to create a viable career ladder to address recruitment and retention difficulties expected in the upcoming year.

The City Attorney also requested a change to Part II Section 5 of the Salary Ordinance to add a provision that would, contingent upon the availability of funds as determined by the Budget and Management Division, authorize language for the creation of a merit pay plan for Assistant City Attorneys similar to the one in existence under provisions of the labor contract between the City and the Municipal Attorneys prior to Act 10. This report only addresses the creation of the language in the Salary Ordinance but does not authorize funding for implementation as that would be at the discretion of the Budget and Management Analysis Division subject to the availability of funds within the City Attorney's Office budget.

In May of 2012 a new Assistant City Attorney series was created that included three levels of Assistant City Attorney as shown in the first column in the above chart. These ranges were equivalent to the former Management Pay Plan Salary Grades 8, 12, and 16. The new structure was created to help address the fact that not all Assistant City Attorney positions require the same level of knowledge, skill, and ability and that the complexity of the assignments varies significantly across the legal sections: Litigation/Employment/Benefits (LEB), Education/Development/Labor (EDL), and Ordinance Enforcement/General Services (OE/GS).

The creation of three levels and the resulting pay ranges provided flexibility to recruit and hire legal professionals with varied backgrounds, from recent graduates with no experience to seasoned legal professionals with specific areas of expertise. Once hired, Assistant City Attorneys have no opportunity for pay progression as they are not part of a competency-based or skill-based pay plan.

The lack of pay progression since the expiration of the labor agreement between the City and the Municipal Attorneys have resulted in a significant peer pay compression problem with the salaries of recently hired attorneys frozen at or near the minimum of the pay range for Assistant City Attorney I and II and the salaries of tenured employees at or near the maximum of Assistant City Attorney III.

Promotions of recently hired individuals at the low-end of the pay ranges to Assistant City Attorney II or Assistant City Attorney III are financially challenging due to the 30% spread between pay ranges. For example, an Assistant City Attorney I hired in 2012 with limited experience has remained at the minimum of the pay range with an annual salary of \$58,462. Promotion into Assistant City Attorney II would result in a salary of \$75,478, a difference of \$17,016. Several of these promotions within any given year can have a significant impact in the City Attorney's salary account.

Recommendation

The current Assistant City Attorney classification structure allows for some promotions but because salaries for recent hires are compressed towards the bottom of the pay ranges, promotions are budget prohibitive given that a promotional increase can result in a \$15,000 to \$20,000 salary increase.

To lessen the fiscal impact of a promotion yet allow an increase in compensation commensurate with an increase in responsibility and complexity of work we recommend creating two new levels in the Assistant City Attorney classification series. One of the levels would be between the current levels I and II and the other new level would be between the current levels II and III. The new proposed levels would be equivalent to the former Management Pay Plan Salary Grades 10 and 14. The rates for the beginning, middle and top levels would stay the same. We recommend the structure be recreated as follows:

Proposed Classification and Pay Range*
Assistant City Attorney I PR 2IX (\$58,462-\$81,844) Recruitment at any rate
Assistant City Attorney II 2KX (\$66,435-\$93,010) Recruitment at any rate
Assistant City Attorney III PR 2MX (\$75,478-\$105,669) Recruitment at any rate
Assistant City Attorney IV PR 2OX (\$85,757-\$120,064) Recruitment at any rate
Assistant City Attorney V PR 2QX (\$97,420-\$136,395) Recruitment up to \$131,024

*Pay Range equivalencies under the former Management Pay Plan: SG 08, 10, 12, 14, and 16.

Using the same example described above, a promotion of an Assistant City Attorney I with an annual salary of \$58,462 to Assistant City Attorney II would result in an increase of \$7,973 under the recommended structure. This promotional increase is more reasonable and will allow the City Attorney to use the career ladder created in 2012 the way it was intended.

This report also recommends amending Part II Section 5 of the Salary Ordinance to create language for a merit pay plan for Assistant City Attorneys contingent upon the availability of funds within the City Attorney's budget as determined and authorized by the Budget and Management Division.

The new classification series will continue to be characterized by the provisions described below.

Budget and Position Authority:

- All positions will be authorized at the Assistant City Attorney V level. This however does not mean that all positions will be filled at that level or that all Assistant City Attorneys independent of work assignment are eligible for promotion to the Assistant City Attorney V level.
- The City Attorney will have discretion and authority to determine the level at which vacant positions will be filled within established budget authority and resources.

Initial Appointment:

- Appointment of new Assistant City Attorneys with no prior legal experience shall be at the Assistant City Attorney I level.
- Appointment of new Assistant City Attorneys with experience shall be at the I, II, III, IV or V level. Consistent with existing recruitment provisions, the City Attorney shall retain flexibility to appoint at the I, II, III and IV levels anywhere in the range. However, appointment of a new Assistant City Attorney at a rate above the minimum shall not create internal equity problems.
- Appointment at the Assistant City Attorney V level can be made at a rate that does not exceed \$131,024.40.

Promotion:

- Promotion after under-fill will be consistent with applicable civil service rules.
- Promotional criteria and minimum requirements for the new levels will be determined by the City Attorney taking into consideration scope of responsibility, complexity of assignment, oversight and guidance received, as well as years of experience.
- Salary after promotion will result in 5% adjustments or the minimum of the new grade, whichever is greater, consistent with existing provisions of the Salary Ordinance.

Pay Progression:

- Salary adjustments based upon merit may be authorized as determined by the Budget and Management Division.

This adjustment in the classification structure will still require the Office of the City Attorney to use established criteria in assessing performance and measuring competencies in order to promote individuals to the Assistant City Attorney II, III, IV and V levels. This adjustment will also provide the City Attorney more flexibility in determining the appropriate level at which vacant Assistant City Attorney positions should be filled based on the needs of the Office and the availability of candidates with varied levels of experience.

It is important to note that promotion actions will be contingent upon availability of funds as determined by the Budget Office for 2015. Employees with the current title of Assistant City Attorney II will receive a title change to Assistant City Attorney III and employees with the current title of Assistant City Attorney III will receive a title change to Assistant City Attorney V upon implementation of this report.

In order to implement recommendations contained in this report, it will be necessary to amend the Salary and Positions Ordinance as follows:

In the Salary Ordinance,

Under Pay Range 2KX, add the title "Assistant City Attorney II (5)" with footnote designation (5) to read: "(5) Recruitment is at any rate in the Pay Range at the discretion of the City Attorney."

Under Pay Range 2MX, delete the title "Assistant City Attorney II (1)" and add the title "Assistant City Attorney III (1)".

Under Pay Range 2OX, add the title "Assistant City Attorney IV (3)" with footnote designation (3) to read: "(3) Recruitment is at any rate in the Pay Range at the discretion of the City Attorney."

Under Pay Range 2QX, delete the title "Assistant City Attorney III (1)" and add the title "Assistant City Attorney V (1)".

Under Part II Section 5, add letter G as follows:

"G. Merit Adjustments: The City Attorney is authorized to create a merit pay plan for Assistant City Attorneys. Salary adjustments based on merit shall not exceed 4% of an eligible employee's salary. Merit adjustment for eligible employees shall be contingent upon the availability of funds within the City Attorney's Office budget as determined by the Budget and Management Analysis Division."

In the Positions Ordinance, under City Attorney, Legal Division, delete 34 positions of "Assistant City Attorney III (A)(Y)" and add 34 positions of "Assistant City Attorney V (A)(Y)"; and delete 2 positions of "Assistant City Attorney III (0.8 FTE)(Y)" and add 2 positions of "Assistant City Attorney V (0.8 FTE)(Y)".

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