

Department of Legislative Services
 Maryland General Assembly
 2001 Session

FISCAL NOTE

Senate Bill 886 Senators Mitchell and Baker)
 Budget and Taxation and Judicial Proceedings

**State Personnel - Compensation of Lawyers and Administrative Law Judges
 Employed by the State**

This bill provides that a lawyer employed in a lawyer position, and an administrative law judge employed by the Office of Administrative Hearings, in the Standard Pay Plan or the Executive Pay Plan will have a pay rate comparable to that of lawyer positions in the Office of the Attorney General. The bill also requires that the budget be sufficient to pay the positions, salaries, and expenses necessary to perform the duties of the Office of the Public Defender.

The bill is effective July 1, 2001.

Fiscal Summary

State Effect: General fund expenditure increase of \$4.7 million in FY 2002. Future year estimates reflect salary increases and turnover. No effect on revenues.

(\$ in millions)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	4.7	4.8	5.1	5.3	5.5
Net Effect	(\$4.7)	(\$4.8)	(\$5.1)	(\$5.3)	(\$5.5)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: There is no statutory provision providing salary parity among lawyers or administrative law judges in different State agencies, and no statutory provision requiring sufficient funding for the Office of the Public Defender (OPD).

Background: In fiscal 2001 lawyers in the Office of the Attorney General received the equivalent of a two-grade increase. Assistant Attorney Generals are compensated at approximately two grades higher in the State standard pay plan than Assistant Public Defenders performing similar jobs with similar levels of responsibility. For example, OPD entry level attorney positions are grades 18, 19, and 20, while entry level Attorney General attorney positions are grades 20, 21, and 22. Similar two-grade disparities exist for attorneys in each agency who serve as supervisors and who are senior or principal attorneys. The fiscal 2002 allowance does not include sufficient funding for a comparable salary increase in the OPD.

In fiscal 2001 lawyers in the Office of the Attorney General received the equivalent of a two-grade increase. Assistant Attorney Generals are compensated at approximately two grades higher in the State standard pay plan than Assistant Public Defenders performing similar jobs with similar levels of responsibility. For example, OPD entry level attorney positions are grades 18, 19, and 20, while entry level Attorney General attorney positions are grades 20, 21, and 22. Similar two-grade disparities exist for attorneys in each agency who serve as supervisors and who are senior or principal attorneys. The fiscal 2002 allowance does not include sufficient funding for a comparable salary increase in the OPD. Administrative law judge positions in the Office of Administrative Hearings (OAH) are grades 19, 21, and 22.

State Fiscal Effect: According to the Department of Budget and Management (DBM) the cost of a two-grade increase for the 431 lawyers in the OPD is \$3.9 million for the first full year.

DBM also advises that the cost of a two-grade increase for the 34 comparable positions in the Office of the State Prosecutor, the State Human Relations Commission, the State Ethics Commission, and the Department of Human Resources' Social Security Administration would be \$200,000 for the first full year.

The Public Service Commission, which has independent salary setting authority, advises that a two-grade increase for the 22 lawyers working for the commission would cost \$200,000 for the first full year.

OAH advises that a two-grade increase for the 72 lawyers and administrative law judge positions would cost \$790,500 for the first full year. However, DBM, which has final approval of any increase, advises that comparability for an administrative law judge is only a one-grade increase. This results in a cost for the first full year of \$386,700.

In total, salary expenditures would increase by \$4.7 million fiscal 2002. Later years would reflect salary increases and turnover.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Legislative Services

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