



Salary Commission

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Date: May 25, 2010

To: Multnomah County Board of County Commissioners

From: 2010 Salary Commission

Nancy Drury, Employee Services Director, Clackamas County

Sue Fischer, HR and Compensation Consultant, Cascade Employers Association

Jan Lambert, Senior Compensation Analyst, Pacificorp

Chair David Rhys, Classification/Compensation Manager, City of Portland

Mary Rowe, Human Resources Director, METRO

Re: Report and Recommendation regarding the District Attorney's Salary

Under the authority of Section 4.30 of the Multnomah County Home Rule Charter as amended November 2004, the 2008 Multnomah County Salary Commission (Commission) was appointed by the County Auditor to set salaries for the Board of County Commissioners (BOCC). Additionally, the Commission was given the authority, under the BOCC Resolution No. 05-169 dated October, 2005, to recommend salary adjustments to the District Attorney's salary in future years and has done so since 2006.

Enclosed is our report and recommendation for the salary for the District Attorney for fiscal years 2010/11 and 2011/12. We will be happy to answer questions or provide additional information upon request.

Executive Summary

The Commission analyzed the methodology used in 2006 and 2008 for making a recommendation for the District Attorney's salary. The methodology essentially gives more weight to internal equity (salaries of department directors and the District Attorney's subordinates) than to external market considerations (salaries of other OR and WA District Attorneys). The 2006 and 2008 Commissions recommended, and the BOCC approved, that the salary for the District Attorney be placed at the 75th percentile of the Department Director II salary range. This Commission, in re-considering all factors, believes this methodology continues to be valid and appropriate. We believe that it is more accurate to use the following description: 75% of the Department Director II salary range.

The Commission recommends that the salary of the District Attorney remain at 75% of the Department Director II salary range for fiscal years 2010/11 and 2011/12, or the current salary rate, whichever is greater.

Respectfully submitted this 25th day of May, 2010.

By the Multnomah County Salary Commission:

Nancy Drury, Sue Fischer, Jan Lambert, David Rhys, and Mary Rowe.

SALARY COMMISSION BACKGROUND

In November 1984 the Home Rule Charter was amended to establish a five-member salary commission. The first Commission was appointed in 1986 and a new Commission has been appointed in each even year up to the current 2010 Commission.

In November 2004 the Home Rule Charter was amended as follows:

“The auditor shall appoint a five-member salary commission, composed of qualified human resource professionals with compensation experience, by January 1 of each even year. The salary commission shall set the salaries for the chair of the board of county commissioners and the county commissioners, documenting the basis of its decisions....”

In October, 2005 the Commission was given the authority, under BOCC Resolution No. 05-169, to recommend salary adjustments to the District Attorney’s salary in future years. Included in BOCC Resolution 05-169 is a provision that the District Attorney receive annual cost of living increases, based on the total salary, granted to other management staff in the County.

SALARY HISTORY

Oregon district attorneys receive a salary from the State of Oregon. Some district attorneys in the State, including Multnomah County, also receive a supplemental salary from the County jurisdiction.

For ten years, 1994-2004, the Multnomah County District Attorney did not receive a cost of living increase from either the State or County. The resulting inequity was addressed by the 2006 Commission.

The State currently contributes \$104,832 annually to the District Attorney’s salary. In 2009, the County supplement was \$50,348, thus the combined annual salary currently is \$155,180, which is the currently above 75% of the Department Director II salary range.

METHODOLOGY AND FINDINGS

The Commission collected and reviewed current data from a number of sources. The data is summarized below.

1. District Attorney’s salaries in counties in Oregon and Washington:

The larger counties in Oregon and Washington, as follows, were considered for external market data comparisons.

Oregon:	Clackamas, Lane, Marion, and Washington
Washington:	Clark, Pierce, Snohomish, and Thurston

This Salary Commission chose to remove King County from consideration as a comparator, given its much larger population size, although it has been considered by prior salary commissions.

Salary data was collected from these jurisdictions and is shown in Exhibit A. The current Commission revised the geographic adjustment to a single index used by the County Human Resources Office, from the Economic Research Institute, rather than the average of multiple indexes used by the prior Commission.

The Multnomah County District Attorney's Office was contacted by the 2006 Commission to determine if there are differences in district attorney duties in OR and WA counties that would be important for the Commission to know. The office did cite differences in responsibilities with other Oregon counties in that other counties are responsible only for prosecuting the crimes that have occurred within their county's jurisdictional boundaries.

**Exhibit A: District Attorney Salaries adjusted for Geographical Differences
Winter, 2010**

County	Major City	Actual Salary	Geographic adjustment*	Equivalent Portland Salary
Clackamas, OR	Oregon City	\$141,168	None—Ptld Metro area	\$141,168
Lane County, OR	Eugene	\$138,507	3.7%	\$143,655
Marion County, OR	Salem	\$130,479	7.4%	\$149,129
Washington County, OR	Beaverton	\$136,536	None—Ptld Metro area	\$136,536
Clark County, WA	Vancouver	\$148,832	None—Ptld Metro area	\$148,832
Pierce County, WA	Tacoma	\$148,830	-2.1%	\$145,692
Snohomish County, WA	Everett	\$148,830	-6.9%	\$138,633
Thurston County, WA	Olympia	\$148,836	-0.2%	\$148,496
Average:				\$144,018
Multnomah Co.				\$155,180
Differential:				107.8%

**Geographic adjustment via Economic Research Institute data through Multnomah County Human Resources Office.*

Salary Data Source: Multnomah County Auditor's Office Salary Survey 2010

2. Comparability between the District Attorney and Multnomah County department directors:

There are six (6) department directors in the County in two pay scales. In 2005 the Multnomah County Human Resources Office concluded that the position of District Attorney is comparable in classification to Department Director II.

Exhibit B: Department Directors' Salaries:

Department	Classification	2009/10 Salary	Pay Scale Minimum	Pay Scale Midpoint	Pay Scale Maximum
Community Justice	Department Director I	\$138,988	\$ 93,199	\$118,609	\$144,020
Community Services	Department Director I	\$144,020	\$ 93,199	\$118,609	\$144,020
Library	Department Director II	\$135,000	\$107,932	\$137,263	\$166,593
County Management	Department Director II	\$152,082	\$107,932	\$137,263	\$166,593
Human Services	Department Director II	\$154,035	\$107,932	\$137,263	\$166,593
Health Services	Department Director II	\$154,035	\$107,932	\$137,263	\$166,593
Sheriff		\$135,000			
District Attorney		\$155,180			

The midpoint of the Department Director II salary range is \$137,263 and three positions are paid above the midpoint. In fact all but one of the department director positions are paid above their midpoint. In order to maintain internal equity, the District Attorney should also be paid above the midpoint.

3. Comparability between the District Attorney and his direct reports:

The second highest level positions in the office are two Chief Deputy District Attorneys. Two incumbents are currently paid \$149,575 each. The spread between the District Attorney's salary and his highest paid direct reports is only 3.7%.

Compensation theory suggests the spread between the supervisor and subordinate should be 10% to 25%. However, since the position is comparable to Department Director II and already above 75% of that range, that decision should be made with a great deal of caution.

4. Tenure in the job:

Generally speaking, salary will increase based in part on tenure in the position. This is an elected position and presumably, should a new District Attorney be elected, he/she would receive the salary of the outgoing District Attorney. Consequently, tenure in the position should not be a factor in considering an appropriate salary.

5. Benefits considerations:

Of the data available to this Commission, there are differences in benefits packages provided to Oregon district attorneys. However, the level of benefits is not within the scope of the Salary Commission authorized review.

6. Internal equity versus external market considerations:

Greater weight is being given to internal equity considerations than to the external market for a couple of reasons:

- a. internal equity (data regarding department directors and subordinates) is a professionally acceptable method for assigning a salary;
- b. external market data (data regarding Oregon and Washington county district attorney salaries) is not directly comparable to Multnomah County.

7. CPI considerations:

CPI data is an integral part of the information base in the data presented. It has influenced the market data from both outside sources such as other counties and from within the county in determining an appropriate salary range for department directors.

8. Compensation philosophy:

Typically an organization will consider three factors when designing compensation programs. These are the ability for an organization to 1) attract, 2) retain and 3) motivate employees. Attracting talent for the DA's position is limited to the local area, and to those with who meet the professional requirements of the office, so salary comparability with other jurisdictions to a certain extent is not relevant. Nevertheless, although it cannot be proven, this Commission believes that an equitable and competitive salary will attract a larger number of highly qualified individuals to run for, and be willing to serve in, this and other elected offices.

RECOMMENDATIONS AND REASONS

The salaries of district attorneys in Oregon and Washington jurisdictions are closely aligned to this position when in fact, this position has greater responsibility than most, if not all, of the counties listed. Accordingly it should be paid more.

The Chief Deputys to the District Attorney are paid a salary closely comparable to that of the District Attorney, creating a salary compression problem. This Commission is aware this compression problem has existed for a number of years. It needs to be carefully watched and reviewed when the Salary Commission is next convened.

In comparison with the elected Chair of the BOCC, the recommended salary for the District Attorney is greater than the Chair's salary which is being set by this Commission at the midpoint of the Department Director II salary range. Both are elected officials of the County. However, the District Attorney is required to have professional credentials, including a law degree, not required of other County elected positions and that justifies the higher salary.

2010/2011 and 2011/2012 SALARY

The Commission recommends that the salary of the District Attorney remain at 75% of the Department Director II salary range for 2010/11 and 2011/12, or the current salary rate, whichever is greater.

Additionally the Commission recommends that the salary be considered the combined total salary including both the County's and State's contributions. Should the State increase or decrease its level of contribution, the County will then subsequently adjust its level of contribution to return it to the recommended total salary.

The Salary Commission notes that the current combined total salary of the District Attorney has risen slightly above the recommended target of 75% of the Department Director II salary range due to unique circumstances involving an increase of the State portion of the salary during a freeze of County salaries. We recommend that the current salary be continued until such time as rate of 75% of the Department Director II range is greater than the current combined salary.

ENHANCING SERVICE TO THE PUBLIC

The Commission recommends that the BOCC accept the recommendations in total for the following reasons:

1. the recommendations come from professionals in the field of compensation and are based on (to the best of our knowledge) accurate, relevant and appropriate data and methodologies;
2. the salary recommendations relate to the office and not to the person; in other words, the salary is based on what the *job* is worth and because it does not include a "pay for performance" model it is not a measure of the worth of the *individual* who occupies the position;
3. being paid for what the job is objectively worth is extremely vital to maintaining high quality leadership for the District Attorney and his/her successor; thus the public will be better served.

REVISIONS TO THE DATA

The Commission understands that a salary survey of county management is being considered. Should this significantly modify the data used to make this recommendation, the Commission would be willing to meet mid-term, if invited by the BOCC, to revise and reframe the recommendation based on the new data.

LAST BUT CERTAINLY NOT LEAST

The Commission wishes to thank Joi Doi and Travis Graves of the County Human Resources Office for collecting and sharing valuable information regarding management salaries and the County's compensation structure.

The Commission wishes to thank Agnes Sowle, County Counsel, for discussing with us legal issues.

The Commission also wishes to extend its appreciation to the Multnomah County Auditor and his staff. We could not have completed our work without their research and data collection.

Cc: Michael Schrunk, District Attorney