

**Office of the State Public Defender
Administrative Policies
Human Resources**

Subject:	Broadband Pay Plan	Policy No.:	540
Title	2	Pages:	10
Section:	18-301 to 18-303	Last Review Date:	8-24-18
Effective Date:	5-21-09	Revision Date:	Effective 8-24-18 Posted 11-20-18

PURPOSE

The purpose of this policy is to establish consistent application of the Broadband Pay Plan in accordance with 2-18-301 through 2-18-303, MCA.

1. Mission and Pay Philosophy:

Montana state government strives to recruit and retain the best state employees to serve the citizens of the State of Montana. The mission of the Office of the State Public Defender is to provide effective professional legal services with equal access to quality client-centered representation.

Our employees are essential to achieving our mission. Our pay policy helps us achieve our mission through the following pay objectives:

- *We strategically manage pay rates and ranges to support our recruitment and retention needs.*
- *We support a respectful, diverse workplace where we consistently apply equitable pay practices.*
- *We promote employee growth and career development through effective agency processes.*

Our agency ensures these pay objectives are achieved in a fiscally responsible manner.

2. Scope

This pay policy applies to our agency’s broadband employees. It does not apply to employees in positions specifically excluded under sections 2-18-103 MCA.

Our agency reviews our pay policy annually and submits its pay policy for approval by the State Human Resources division by October 1 in odd-numbered years following the

legislative session to ensure it complies with state law and our appropriated budget. Our pay schedule (Appendix A and Appendix B) may be revised as needed according to the provisions in Section 3 - Agency Pay Schedule.

Pay rates for our union employees are subject to collective bargaining. Our collective-bargaining agreements are listed in the reference section of this policy. Where this policy conflicts with our collective-bargaining agreements, the agreements take precedence to the extent applicable.

3. Agency Pay Schedule

Our agency's pay schedule is found in Appendix A and Appendix B. This pay schedule differs from the Department of Administration's occupational wage ranges based on our agency's budget constraints, recruitment and retention needs, and employee-development considerations.

We periodically review and revise our ranges as we monitor budget, workforce, and labor-market elements. If we approve more than two pay exceptions to a job code's range (see Section 7 - Exceptions), we review our pay schedule to determine if a permanent change is needed for our range. Before changing our pay schedule, we are required to obtain approval from the State Human Resources division. We provide notice on our agency website when our pay schedule's ranges change.

4. Establishing Base Pay

Our managers, in consultation with our human resources office, establish base-pay rates within the pay ranges listed in the agency's pay schedule (Appendix A and Appendix B) using the strategies contained in this section, except as provided in Section 7 - Pay Exceptions.

A. New Hires – The hiring rate for a newly hired employee not serving under a training assignment (see Section B - Training Assignment) is set by managers and the human resources office within the pay ranges contained in Appendix A and Appendix B. When setting new-hire rates, management and human resources consider:

- the employee's relevant qualifications (experience, competencies, etc.) compared to the minimum qualifications of the position;
- the agency's ability to pay; and
- base-pay rates of existing employees in similar jobs with similar skill sets.

B. Training Assignment – Employees new to a job may be placed in a training assignment if they do not meet minimum qualifications. Pay for an employee in a training assignment may be set below the pay range listed in Appendix A and Appendix B. The training assignment will:

- Be documented;
- Be signed by the employee, manager, and human resources staff;

- Include the base-pay rate at the beginning of the training assignment, any pay increases allowed during the training assignment, and the base-pay rate at the end of the training assignment;
- Provide the length of the training assignment (not to exceed one year);
- Describe the training, experience, and development goals that will be provided for successful completion of the assignment; and
- Include performance-review requirements.

Training assignments may be extended for up to one additional year, at the agency's discretion, if the employee has not successfully completed the training assignment by the prescribed length of time. Upon completion of the training assignment, the employee is paid at least the minimum of the pay range for the employee's job code listed in Appendix A and Appendix B.

C. Supervisory or Manager Pay – An employee who is in a non-supervisory classification may be eligible for additional pay when performing supervisory or managerial duties. Our agency tracks supervisory and managerial pay for our employees. The number of employees supervised and the level of supervisory or management duties is considered when determining additional pay. Pay may be adjusted up to:

- 10% for supervisory duties; or
- 12% for managers.

If supervisory or managerial duties end, any pay added to an employee's base rate for supervisory or managerial duties also ends, effective the first day of the pay period after the elimination of supervisor or managerial duties.

D. Demotion – Demotions may occur for reasons including, but not limited to, inability to perform the duties of a position, voluntarily assuming a lower-level position, or as the result of disciplinary action.

An involuntarily demoted employee's pay may be protected up to 180 days. At the end of the pay protection, the demoted employee's pay is established within the pay range for the job code listed in Appendix A and Appendix B. Managers and human resources consider the employee's job-related qualifications and the base-pay rates of similarly situated employees in similar jobs when setting the demoted employee's pay. Demoted employees receive statutorily required pay increases.

E. Promotion – A promoted employee may receive a pay increase when advancing to a higher-level job. The employee's manager, human resources office, and our agency head or designee establish a promoted employee's pay within the agency's schedule for the job code by considering:

- The employee's job-related qualifications and competencies;
- The agency's ability to pay; and
- Comparison to employees in similar jobs who have similar qualifications and competencies.

F. Reclassification – Pay for employees reclassified into a new occupation and level is set within our agency’s pay schedule for that job code, effective the first day of the pay period in which the reclassification request was received in our human resources office. We consider the pay of similarly situated employees in similar jobs when setting a reclassified employee’s pay. If an employee’s classification is changed as the result of a classification appeal filed under the rules of the Board of Personnel Appeals, ARM 24.26.501 et seq., the base pay is set no lower than the minimum salary of our agency’s pay schedule for the position’s new classification.

5. Pay Adjustments

When fiscally able, our agency may award pay adjustments to our employees. Pay increases are not guaranteed. Requests for pay increases above the occupational wage range must be reviewed and approved as required in Section 7 - Pay Exceptions. The following pay adjustments may be provided contingent on review and approval by the manager, human resources office, and our agency head or designee.

A. Performance – Managers requesting performance pay adjustments (employee’s new qualifications, performance rating, job-specific competencies, etc.) shall submit the performance measurement with the pay-approval form to the human resources office.

Pay increases for exceptional or acceptable performance components may be suspended based on fiscal constraints after providing 30-days’ notice to affected employees, or whenever practical. Performance pay amounts may be removed due to poor performance upon notifying the employee.

The human resources office tracks the number and amount of pay adjustments by performance level.

B. Retention – Our agency may award a pay increase at its discretion to employees in critical or hard-to-fill jobs or jobs with high turnover to encourage employees to remain in their jobs. Before awarding a retention increase for employees in critical jobs, the human resources office identifies key jobs and employees with unique skill sets critical to the success of the agency’s mission.

Before awarding a retention increase for hard-to-fill jobs or jobs with high turnover, the human resources office analyzes our agency’s workforce to determine if other similarly situated employees should also receive pay increases. The human resources office monitors applicant pool size, compares our turnover statistics to the average turnover statistics published by the State Human Resources division, and tracks the length-of-service measurements to identify the success of this retention strategy. The human resources office additionally tracks reasons for employee departures through exit-interview data.

C. Move to Entry of the Range – Due to fiscal constraints, ranges in our agency’s pay schedule are below the Department of Administration’s occupational wage ranges. At its discretion, employees whose pay is below the occupational wage range for the position may receive an increase to the entry (minimum) of an occupational wage range upon

review of the agency's finances after considering the agency's strategic-workforce needs.

- D. Market Adjustment** – Employees in highly skilled or high-demand occupations may receive a pay adjustment to allow our agency to remain competitive with the external labor market. The human resources office monitors applicant pool size, turnover statistics, and length-of-service measurements to identify the success of this strategy.
- E. Temporary Duties Assignment** – An employee's base pay may be adjusted to a different pay rate or range due to a temporary assignment. Temporary assignments can be no longer than two years. The agency may alternatively provide lump-sum amounts to the employee during the temporary assignment. Upon returning to the employee's regular assignment, the employee's pay is set as if the employee was not temporarily reassigned and includes any pay adjustments that would have occurred absent the temporary assignment.

6. Lump-Sum Payments

Our agency may provide lump-sum payments to our employees for the following reasons:

- A. Employee Incentive Award** – Our agency encourages our managers and employees to provide good ideas for improved customer service, efficiencies in operations, innovative ideas, and cost-savings measures to our employee incentive award committee. Ideas implemented at our agency, meeting the criteria in 2-18-11, MCA, may result in a monetary award or equivalent recognition. See agency Policy 180, Incentive Rewards.
- B. Performance Payments** – Our agency may provide lump-sum payments to employees who meet predetermined performance objectives established through written or electronic agreements. Examples of when we may provide performance lump-sum payments include, but are not limited to:
 - temporary assignments or special projects;
 - completing a project ahead of time and/or under budget;
 - an exceptional performance rating;
 - exceeding production goals by an established amount;
 - achieving specified milestones established by agreement.

Performance payments are contingent on funding, and agreements can be discontinued upon 30-day notification to affected employees.

- C. Natural Resource Energy Development Payments** – Our agency has locations impacted by natural resource energy development. To attract employees in those hard-to-fill locations, we may provide the following lump-sum payments:
 - Travel subsidies to help offset the cost of travel for employees who cannot find adequate, affordable housing within 50 one-way miles of the employee's assigned work location.

- Housing-allowance payments to help offset the high-cost of rent or housing in the high-cost location.

Eligibility criteria and details for these payments are included in an MOU attached to the attorney bargaining unit contract. See Section 9 - Reference.

7. Pay Exceptions

An employee's pay rate may be set or adjusted differently than the range in the agency's pay schedule for the agency's strategic needs. Our agency does not guarantee employees will receive different pay based on this section. Reasons we may set or adjust pay differently than the schedule's range include, but are not limited to:

- Pay protection associated with a demotion, as described in Section 4 D – Demotions;
- Attracting or retaining specific skill sets in support of critical agency operations;
- Our employee performs a unique, hybrid job;
- Statutorily required increases;
- As the result of a signed agreement approved by the director's office.

An employee's base pay rate may only be adjusted above the maximum of the employee's occupational wage range at the review and approval of the director's office, the human resources office, and the Office of Budget and Program Planning (OBPP) using the form and procedures established by the OBPP.

We compare the pay rate to existing employees in similar positions with similar performance and qualifications in our agency. The pay amount will additionally be:

- Recorded in an electronic or paper file;
- Reported to the Legislative Finance committee; and
- Produced upon request by an auditor.

8. Recordkeeping

Employee pay is public information. An employee, manager, auditor, or the public may request information about an employee's pay rate and can be provided with our documentation about an employee's pay adjustments.

All pay documentation is maintained in a written or electronic record at the human resources office. Our agency maintains an electronic copy of a new employee's starting pay-offer letter with the employee's recruitment file. Examples of our pay-adjustment documentation are included in the Action Reason Code guide produced by State Human Resources division.

9. References

- Agency Pay-Adjustment Form
- Action-Reason Code Guide
- Public Defenders and Natural Resource Development MOU (091) State of Montana, Office of the State Public Defender and American Federation of State, County and Municipal Employees (AFSCME), Council 9 July 1, 2017 through June 30, 2019.
- Public Defenders - Support, Social Workers, and Criminal Investigators and MOA (094-095) State of Montana, Office of the State Public Defender and American Federation of State, County and Municipal Employees (AFSCME), Council 9 July 1, 2017 through June 30, 2019
- Office of the Public Defender, Incentive Awards, Policy 108

Signatures

Agency Approval:

Rhonda Schaffer 11/16/18
(signature and date)

Department of Administration Approval

Bonnie Shremaker 11/19/18
(signature and date)

Appendix A

Office of the State Public Defender, Non-union Pay Schedule Public Defender, Conflict Defender and Central Services Divisions

Upward Pay Range Movement. Absent additional funding no upward pay range movement shall occur.

Statutory Pay Increases. Employees will receive a 1% salary increase each year of the biennium. Wage increases will become effective the first full pay period that included February 15 of each year of the biennium.

w/ 1% Increase in February 2018				Competent		
Classification Titles	Band	Entry	Target	1 year	4 years	5 years
Accountant	5	34,705.22	42,856.32	38,780.77	40,818.54	42,856.32
Accountant	6	43,389.60	53,711.80	48,550.70	51,131.25	53,711.80
Accountant	7	58,265.69	72,306.91	65,286.30	68,796.60	72,306.91
Accounting Technician	3	29,492.00	36,339.80	32,915.90	34,627.85	36,339.80
Administrative Assistant	3	30,262.83	37,303.34	33,783.09	35,543.21	37,303.34
Administrative Assistant	4	36,200.02	44,724.82	40,462.42	42,593.62	44,724.82
Administrative Services Mgr.	7	75,301.56	93,601.75	84,451.66	89,026.70	93,601.75
Administrative Specialist	5	32,449.28	40,036.40	36,242.84	38,139.62	40,036.40
Administrative Support Supervisor	5	48,483.23	60,078.84	54,281.04	57,179.94	60,078.84
Child Family Social Worker	6	37,168.00	45,934.80	41,551.40	43,743.10	45,934.80
Compliance Technician	4	45,285.37	53,943.09	48,758.86	51,350.98	53,943.09
Computer Support Specialist	5	38,130.33	47,137.71	42,634.02	44,885.86	47,137.71
Computer Systems Analyst	6	54,459.20	67,548.80	61,004.00	64,276.40	67,548.80
Computer Systems Analyst	7	65,004.41	80,730.31	72,867.36	76,798.83	80,730.31
Crime Investigator	6	57,054.50	70,792.92	63,923.71	67,358.31	70,792.92
Eligibility Assistant	3	31,851.36	39,289.00	35,570.18	37,429.59	39,289.00
Eligibility Technician	4	39,762.69	47,313.45	42,792.19	45,052.82	47,313.45
Human Resource Specialist	5	36,560.38	45,175.28	40,867.83	43,021.56	45,175.28
Human Resource Specialist	6	44,637.96	55,272.25	49,955.11	52,613.68	55,272.25
Lawyer (Contracts/Quality Control)	7	79,635.67	99,019.39	89,327.53	94,173.46	99,019.39
Lawyer (Training Development Coord.)	7	79,635.67	99,019.39	89,327.53	94,173.46	99,019.39
Legal Secretary	3	30,366.26	37,432.62	33,899.44	35,666.03	37,432.62
Network Administrator	6	51,053.48	63,291.65	57,172.57	60,232.11	63,291.65
Paralegal/Legal Assistant	4	31,689.76	39,087.00	35,388.38	37,237.69	39,087.00
Secretary	2	21,815.19	26,743.79	24,279.49	25,511.64	26,743.79

w/ 1% Increase in February 2019						
Classification Titles	Band	Entry	Target	Competent 1 year	4 years	5 years
Accountant	5	35,052.27	43,284.88	39,168.58	41,226.73	43,284.88
Accountant	6	43,823.50	54,248.92	49,036.21	51,642.56	54,248.92
Accountant	7	58,848.34	73,029.98	65,939.16	69,484.57	73,029.98
Accounting Technician	3	29,786.92	36,703.20	33,245.06	34,974.13	36,703.20
Administrative Assistant	3	30,565.46	37,676.37	34,120.92	35,898.65	37,676.37
Administrative Assistant	4	36,562.02	45,172.07	40,867.04	43,019.56	45,172.07
Administrative Services Mgr.	7	76,054.58	94,537.77	85,296.17	89,916.97	94,537.77
Administrative Specialist	5	32,773.77	40,436.76	36,605.27	38,521.02	40,436.76
Administrative Support Supervisor	5	48,968.06	60,679.63	54,823.85	57,751.74	60,679.63
Social Worker	6	37,539.68	46,394.15	41,966.91	44,180.53	46,394.15
Compliance Technician	4	45,738.22	54,482.52	49,246.45	51,864.49	54,482.52
Computer Support Specialist	5	38,511.63	47,609.09	43,060.36	45,334.72	47,609.09
Computer Systems Analyst	6	55,003.79	68,224.29	61,614.04	64,919.16	68,224.29
Computer Systems Analyst	7	65,654.45	81,537.61	73,596.03	77,566.82	81,537.61
Criminal Defense Investigator	6	57,625.04	71,500.85	64,562.95	68,031.90	71,500.85
Eligibility Assistant	3	32,169.87	39,681.89	35,925.88	37,803.89	39,681.89
Eligibility Technician	4	40,160.32	47,786.58	43,220.11	45,503.35	47,786.58
Human Resource Specialist	5	36,925.99	45,627.03	41,276.51	43,451.77	45,627.03
Human Resource Specialist	6	45,084.34	55,824.97	50,454.66	53,139.81	55,824.97
Lawyer (Contracts/Quality Control)	7	80,432.03	100,009.58	90,220.81	95,115.20	100,009.58
Lawyer (Training Development Coord.)	7	80,432.03	100,009.58	90,220.81	95,115.20	100,009.58
Legal Secretary	3	30,669.92	37,806.95	34,238.43	36,022.69	37,806.95
Network Administrator	6	51,564.01	63,924.57	57,744.29	60,834.43	63,924.57
Paralegal/Legal Assistant	4	32,006.66	39,477.87	35,742.26	37,610.07	39,477.87
Secretary	2	22,033.34	27,011.23	24,522.29	25,766.76	27,011.23

Appendix B

Pay ranges. The following pay ranges are for the Appellate Defender Division.

Upward Pay Range Movement. Absent additional funding no upward pay range movement shall occur.

Statutory Pay Increases. Employees will receive a 1% salary increase each year of the biennium. Wage increases will become effective the first full pay period that included February 15 of each year of the biennium.

ATTORNEYS

Rank	Experience	January 15, 2017	February 15, 2018	February 15, 2019
1	No License	\$ 45,655	\$ 46,111.55	\$ 46,572.67
1	0	55,676	56,232.76	56,795.09
1	1	58,763	59,350.63	59,944.14
2	2	60,645	61,251.45	61,863.96
2	3	64,983	65,632.83	66,289.16
2	4	69,820	70,518.20	71,223.38
2	5	74,661	75,407.61	76,161.69
2	6	76,330	77,093.30	77,864.23
2	7	77,310	78,083.10	78,863.93
2	8 and above	78,290	79,072.90	79,863.63
3	5	76,330	77,093.30	77,864.23
3	6	78,001	78,781.01	79,568.82
3	7	79,499	80,293.99	81,096.93
3	8	82,726	83,553.26	84,388.79
3	9	85,951	86,810.51	87,678.62
3	10 and above	89,177	90,068.77	90,969.46

February 15, 2018				Entry	Competent		
1% Pay Adjustment							
Position	Band	Entry	Target		1 Year	4 Year	5 Years
Administrative Assistant	3	30,262.63	37,303.34	30,262.63	33,783.49	35,542.91	37,303.34
Administrative Assistant	4	36,200.42	44,724.82	36,200.42	40,462.62	42,593.72	44,724.82
February 15, 2019				Entry	Competent		
1% Pay Adjustment							
Position	Band	Entry	Target		1 Year	4 Years	5 Years
Administrative Assistant	3	30,565.26	37,676.37	30,565.26	34,121.32	35,898.34	37,676.37
Administrative Assistant	4	36,562.42	45,172.07	36,562.42	40,867.25	43,019.66	45,172.07