

Fiscal Estimate Narratives

SPD 3/6/2012

LRB Number	11-3936/3	Introduction Number	AB-0648	Estimate Type	Original
Description Establishing an assistant state public defender pay progression plan					

Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal and certain commitment proceedings. The SPD plays a critical role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions.

This bill establishes a pay progression for assistant state public defender attorneys (ASPDs). The pay progression is entirely based on merit. This bill establishes the pay progression for these positions; however, does not authorize funding for the pay progression. The office of the state public defender has 374.20 authorized FTE that would be affected by this pay progression plan.

The pay progression plan identified in the bill allows for 17 hourly salary steps, with each equal to 1/17 (approximately \$1.973/hour) of the difference between the lowest hourly salary rate and the highest hourly salary rate for the ASPD salary range.

Effective July 1, 2013, each ASPD with at least 12 months of continuous service and who is not paid at the maximum for the pay range, shall be paid an hourly salary at the step that is immediately above their hourly salary on June 30, 2013. The estimated salary cost for FY14 would be approximately \$903,361. This figure was calculated by determining the difference between each ASPD's hourly rate of pay and the closest but higher pay step, then multiplying this amount by 2088 hours times 331.70 filled FTE. In addition, the variable fringe rate of 14.65% (retirement, Social Security/Medicare, and sick leave conversion) must be included in the estimate. $\$903,361 \times 14.65\% = \$132,342$. The total estimated FY14 cost is approximately \$1,035,703.

In FY15, the salary and fringe benefit cost to continue the step granted in FY14 equates to an amount equal to that of FY14, or \$1,035,703.

All ASPDs who were not eligible for the pay progression due to the 12 month continuous service would qualify for the pay progression after they have completed 12 months of continuous service.

Effective July 1, 2014, all ASPDs who have served for at least 12 months and who are not paid at the pay range maximum, may, at the discretion of the state public defender (SPD), be paid an hourly salary at any step above their hourly salary on the preceding June 30. There is no model to determine how many steps the SPD could award. The bill limits the amount of salary adjustment for ASPDs to no more than 10 percent of their base pay during a fiscal year. The SPD is unable to estimate the financial impact of this discretionary pay progression due to the uncertainty of how many steps the SPD will award to ASPDs.

Long-Range Fiscal Implications