

# **ANNOTATED MINUTES**

Tuesday, July 2, 1996 - 9:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

## **REGULAR MEETING**

*Chair Beverly Stein convened the meeting at 9:32 a.m., with Commissioners Gary Hansen and Tanya Collier present, Commissioner Sharron Kelley excused, and Vice-Chair Dan Saltzman arriving at 9:38 a.m.*

**CHAIR STEIN INTRODUCED LINCOLN HIGH SCHOOL JUNIOR JASON FRANKLIN, SUMMER INTERN WORKING WITH CAROL WIRE TO ESTABLISH A YOUTH ADVISORY BOARD FOR THE MULTNOMAH COMMISSION ON CHILDREN AND FAMILIES.**

## **CONSENT CALENDAR**

**UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER COLLIER, THE CONSENT CALENDAR WAS UNANIMOUSLY APPROVED.**

## **NON-DEPARTMENTAL**

- C-1 Appointment of Terri Naito to the MULTNOMAH COUNTY LIBRARY BOARD

## **DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-2 ORDER Authorizing Execution of Deed D961301 Upon Complete Performance of a Contract to Howard Pulliam and Carlos Billingsley

**ORDER 96-118.**

- C-3 ORDER Authorizing Execution of Deed D961336 Upon Complete Performance of a Contract to Eileen M. Thompson

**ORDER 96-119.**

- C-4 Supplement 9 to Intergovernmental Agreement 30128-87 with the City of Wood Village, for Street Maintenance Services on Certain City Streets
- C-5 Supplement 9 to Intergovernmental Agreement 30129-87 with the City of Troutdale, for Street Maintenance Services on Certain City Streets
- C-6 Supplement 9 to Intergovernmental Agreement 30130-87 with the City of Fairview, for Street Maintenance Services on Certain City Streets

#### **DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

- C-8 Intergovernmental Agreement 100307 with Oregon Health Sciences University, to Purchase Adult Mental Health Psychiatric Consultation, Community Outpatient, Crises and Acute Care, and Alcohol and Drug Psychiatric Consultation Services
- C-9 Intergovernmental Agreement 101337 with Tri-Met, Providing Transportation Services for Persons with Developmental Disabilities
- C-10 Intergovernmental Revenue Agreement 102177 with the Housing Authority of Portland, Providing Alcohol and Drug Free Transitional Housing for Women in Recovery and Their Children

#### **REGULAR AGENDA**

#### **PUBLIC COMMENT**

- R-1 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

***NO ONE WISHED TO COMMENT.***

#### **DEPARTMENT OF ENVIRONMENTAL SERVICES**

- R-2 ORDER Restricting Vehicular Traffic from NE Glisan Street Between NE 242nd Avenue and NE 223rd Avenue for the Reconstruction of NE Glisan Street

***COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-2. JOHN DORST EXPLANATION. ORDER 96-120 UNANIMOUSLY APPROVED.***

R-3

First Reading and Adoption of an ORDINANCE Amending the Sectional Zoning Maps by Applying the Protected Aggregate and Mineral Resource (PAM) Zoning Overlay District to Lands In and Adjacent to the Angell Brothers Protected Mineral and Aggregate Site, Located in the West Hills Rural Area West of Highway 30 and the Sauvie Island Bridge, and Declaring an Emergency

*Commissioner Dan Saltzman arrived at 9:38 a.m.*

**ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF FIRST READING AND ADOPTION. GORDON HOWARD EXPLANATION. ARNOLD ROCHLIN TESTIMONY IN SUPPORT. HANK McCURDY AND COLLEEN RUGH TESTIMONY IN OPPOSITION. MR. HOWARD EXPLANATION OF CONDITIONAL USE PERMIT APPLICATION PROCESS IN RESPONSE TO CONCERNS OF MR. McCURDY AND MS. RUGH. MR. HOWARD RESPONSE TO BOARD QUESTIONS. BOARD DISCUSSION AND COMMENTS IN SUPPORT OF THE COLLABORATIVE EFFORTS OF SKIP ANDERSON OF ANGELL BROTHERS, ARNOLD ROCHLIN AND JOHN SHERMAN OF FRIENDS OF FOREST PARK, AND LAND USE PLANNING STAFF IN WORKING TOWARDS A NEGOTIATED SOLUTION TO THE PROPOSED EXPANSION. ORDINANCE 858 UNANIMOUSLY APPROVED.**

*The regular meeting was adjourned at 10:00 a.m. and the executive session convened at 10:05 a.m.*

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Tuesday, July 2, 1996 - 10:00 AM  
(OR IMMEDIATELY FOLLOWING REGULAR AGENDA)  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

### **EXECUTIVE SESSION**

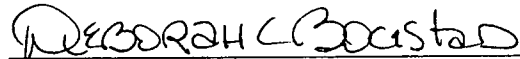
E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(d) for Labor Negotiator Consultation Concerning Labor Negotiations with the Multnomah County Prosecuting

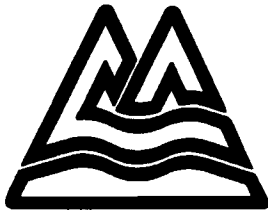
Attorneys Association for a Successor to the 1993-96 Agreement.  
Presented by Kenneth Upton.

***EXECUTIVE SESSION HELD.***

*There being no further business, the meeting was adjourned at 11:29  
a.m.*

*OFFICE OF THE BOARD CLERK  
FOR MULTNOMAH COUNTY, OREGON*

  
\_\_\_\_\_  
*Deborah L. Bogstad*



## MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK  
SUITE 1510, PORTLAND BUILDING  
1120 SW FIFTH AVENUE  
PORTLAND, OREGON 97204  
CLERK'S OFFICE • 248-3277 • 248-5222  
FAX • (503) 248-5262

BOARD OF COUNTY COMMISSIONERS		
BEVERLY STEIN •	CHAIR	•248-3308
DAN SALTZMAN •	DISTRICT 1	• 248-5220
GARY HANSEN •	DISTRICT 2	•248-5219
TANYA COLLIER •	DISTRICT 3	•248-5217
SHARRON KELLEY •	DISTRICT 4	•248-5213

# AGENDA

## MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

**JULY 1 1996 - JULY 5, 1996**

*Tuesday, July 2, 1996 - 9:30 AM - Regular Meeting ..... Page 2*

*Tuesday, July 2, 1996 - 10:00 AM - Executive Session..... Page 3*

*Thursday, July 4, 1996 HOLIDAY - COUNTY OFFICES CLOSED*

*Tuesday's regular meeting of the Multnomah County Board of Commissioners will be taped and can be seen by Cable subscribers in Multnomah County at the following times:*

*Friday, 10:00 PM, Channel 30*

*Sunday, 1:00 PM, Channel 30*

*\*Produced through Multnomah Community Television\**

**INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222, OR MULTNOMAH COUNTY TDD PHONE 248-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.**

**AN EQUAL OPPORTUNITY EMPLOYER**

Tuesday, July 2, 1996 - 9:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

**REGULAR MEETING**

**CONSENT CALENDAR**

**NON-DEPARTMENTAL**

- C-1      *Appointment of Terri Naito to the MULTNOMAH COUNTY LIBRARY BOARD*

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-2      *ORDER Authorizing Execution of Deed D961301 Upon Complete Performance of a Contract to Howard Pulliam and Carlos Billingsley*
- C-3      *ORDER Authorizing Execution of Deed D961336 Upon Complete Performance of a Contract to Eileen M. Thompson*
- C-4      *Supplement 9 to Intergovernmental Agreement 30128-87 with the City of Wood Village, for Street Maintenance Services on Certain City Streets*
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**DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

- C-8      *Intergovernmental Agreement 100307 with Oregon Health Sciences University, to Purchase Adult Mental Health Psychiatric Consultation, Community Outpatient, Crises and Acute Care, and Alcohol and Drug Psychiatric Consultation Services*
- C-9      *Intergovernmental Agreement 101337 with Tri-Met, Providing Transportation Services for Persons with Developmental Disabilities*
- C-10     *Intergovernmental Revenue Agreement 102177 with the Housing Authority of Portland, Providing Alcohol and Drug Free Transitional Housing for Women in Recovery and Their Children*

## **REGULAR AGENDA**

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- R-1      *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

### **DEPARTMENT OF ENVIRONMENTAL SERVICES**

- R-2      *ORDER Restricting Vehicular Traffic from NE Glisan Street Between NE 242nd Avenue and NE 223rd Avenue for the Reconstruction of NE Glisan Street*
- R-3      *First Reading and Adoption of an ORDINANCE Amending the Sectional Zoning Maps by Applying the Protected Aggregate and Mineral Resource (PAM) Zoning Overlay District to Lands In and Adjacent to the Angell Brothers Protected Mineral and Aggregate Site, Located in the West Hills Rural Area West of Highway 30 and the Sauvie Island Bridge, and Declaring an Emergency*
- 

*Tuesday, July 2, 1996 - 10:00 AM*  
**(OR IMMEDIATELY FOLLOWING REGULAR AGENDA)**  
*Multnomah County Courthouse, Room 602*  
*1021 SW Fourth, Portland*

### **EXECUTIVE SESSION**

- E-1      *The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(d) for Labor Negotiator Consultation Concerning Labor Negotiations with the Multnomah County Prosecuting Attorneys Association for a Successor to the 1993-96 Agreement. Presented by Kenneth Upton. 45 MINUTES REQUESTED.*

SHARRON KELLEY  
Multnomah County Commissioner  
District 4



Portland Building  
1120 S.W. Fifth Avenue, Suite 1500  
Portland, Oregon 97204  
(503) 248-5213

## MEMORANDUM

TO: Clerk of the Board  
Board of County Commissioners

FROM: Andrew Mooney, Commissioner Kelley's Office

RE: Absence from July 2, 1996 BCC Board meeting

DATE: June 25, 1996

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Commissioner Kelley cannot attend the July 2nd, 1996 BCC Board meeting at 9:30 am due to a prior commitment.

SEK:atm

BOARD OF  
COUNTY COMMISSIONERS  
96 JUN 25 AM 11:43  
MULTNOMAH COUNTY  
OREGON



MEETING DATE: JUL 0 2 1996

AGENDA #: E-1

ESTIMATED START TIME: \_\_\_\_\_

(Above Space for Board Clerk's Use ONLY)

### AGENDA PLACEMENT FORM

SUBJECT: Executive Session - Tuesday July 2, 1996

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_

REQUESTED BY: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: July 2, 1996

AMOUNT OF TIME NEEDED: 45 to 60 minutes

DEPARTMENT: Dept of Support Services DIVISION: Labor Relations

CONTACT: Kenneth W. Upton TELEPHONE #: 248-5053

BLDG/ROOM #: B106/1400

PERSON(S) MAKING PRESENTATION: \_\_\_\_\_

#### ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [X] POLICY DIRECTION [ ] APPROVAL [ ] OTHER

#### SUGGESTED AGENDA TITLE:

Executive Session under the provisions of ORS 192.660(1)(d) regarding labor negotiations with the Multnomah County Prosecuting Attorneys Association (MCPA) for a successor to the 1993-96 Agreement.

#### SIGNATURES REQUIRED:

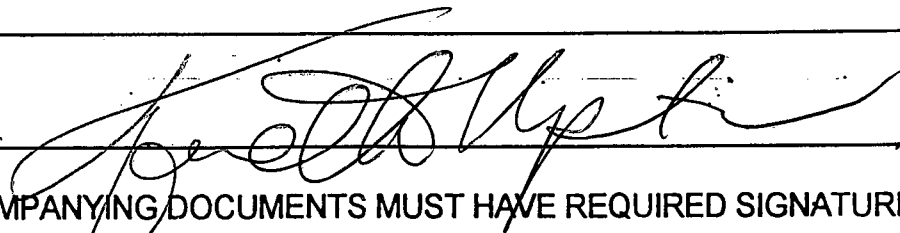
ELECTED

OFFICIAL: \_\_\_\_\_

(OR)

DEPARTMENT

MANAGER: \_\_\_\_\_



ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions. Call the Office of the Board Clerk 248-3277 or 248-5222

BOARD OF  
COUNTY COMMISSIONERS  
JUL 26 AM 11:55  
MULTNOMAH COUNTY  
OREGON



# MULTNOMAH COUNTY OREGON

→ Deb.

BEVERLY STEIN  
COUNTY CHAIR

EMPLOYEE SERVICES  
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LABOR RELATIONS  
PLANNING & BUDGET  
RISK MANAGEMENT

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(503) 248-5135  
(503) 248-3883  
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(503) 248-5170 TDD

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PORTLAND, OREGON 97214


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& CENTRAL STORES

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2505 S.E. 11TH, 1ST FLOOR  
PORTLAND, OREGON 97202

## MEMORANDUM

TO: Board of County Commissioners

FROM: Kenneth Upton, Labor Relations Manager 

DATE: July 1, 1996

SUBJECT: Executive Session regarding the Negotiations with the Multnomah County Prosecuting Attorneys Association (MCPAA) - July 2, 1996

BOARD OF  
COUNTY COMMISSIONERS  
96 JUL - 1 AM 11:35  
MULTNOMAH COUNTY  
OREGON

### 1. Introduction and Background.

At the last executive session with the Board I was authorized only to offer to MCPAA a legally conservative position in which no "make up" was provided for the effects of Ballot Measure 8. The net effect of such a proposal, even when combined with a CPI increase, was for a significant reduction in pay for MCPAA employees. Perhaps needless to say, this proposal was not positively received by the Association. The Board also authorized me to explore on an off the record basis, alternatives to our official position, based on the hope that the Measure would be overturned. These explorations were fruitless for a variety of reasons:

- The Association's preoccupation with the high level of compensation received by Clackamas County prosecutors appears to have created an unrealistic level of expectations on their part. They have stuck with their proposal for a CPI plus 4.5% for each year of the three year agreement. This would result in an increase of 14.1% in wages over the CPI for a three year contract.
- The Association is encouraged in its ambitions by the District Attorney's proposal, which was presented to the Board at the last Executive Session. This proposal, would raise wages for all MCPAA members by 6% over inflation immediately. Additionally, steps of 5% would be added to DDA 3 (Senior) and DDA 4 (Lead). The upper structure of the pay plan would thus be increased approximately 11% over the existing level.
- Labor Relations has viewed the above positions as excessive, unsupported by the data, and incompatible with the pattern of Board practice of "phasing in" any desired increase. 3,900 other County employees are not eligible for

any special increase this year. The vast bulk will receive no increase over CPI until 1998, except for the small .4% increase for July 1997. In light of the status of these employees, there is a perceived need to proceed with caution.

2. Guidance Needed from the Board.

This set of negotiations needs clear direction from the Board as to parameters. With both the Association and the District Attorney advocating for substantial increases, this matter only has a possibility of being resolved when MCPAA feels that there is a firm Board position. With the recent ruling by the Oregon Supreme Court that all of the key particulars of Measure 8 are unconstitutional, and with a bargaining session set with MCPAA for the evening of July 2, the stage is set to press on with the matter and answer some key questions:

- Will additional data help? (I will provide at the executive session additional data for DDA 1 and DDA 4, and review the total compensation data for DDA 3 (Senior), which was the benchmark classification discussed at the previous session.
- How much, if at all, do we wish to move in the market during the term of the contract? Should all levels move the same amount? (At least one level, DDA 4 (Lead), will be shown to be arguably already at market.)
- Should any market movement be immediate or phased it? If phased in, what should be the structure of the phase in? (Alternatives will be discussed.)

3. Legal Framework.

In light of the recent nature of the ruling of the Oregon Supreme Court regarding Measure 8, Sandra Duffy will be present to discuss any legal concerns you may have regarding the implications of this ruling and its implications for collective bargaining in light of a possible appeal to the U.S. Supreme Court.

I trust the above framework is satisfactory. I will attempt to touch base with each Board member and the District Attorney Monday to assure that if there are any preliminary questions, concerns, or need for data that these are addressed prior to the session.

F:\DATA\WP\CENTER\LABREL\JSKU0151

c: Michael Schrunk  
Kelly Bacon (for distribution to DA bargaining team)  
Karyne Dargan  
Sandra Duffy



# MULTNOMAH COUNTY OREGON

Board meeting 4/11/96  
Handouts

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COUNTY CHAIR

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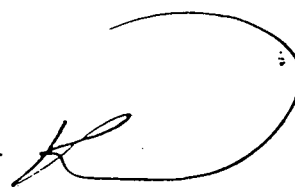
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& CENTRAL STORES

(503) 248-5111

2505 S.E. 11TH, 1ST FLOOR  
PORTLAND, OREGON 97202

## CONFIDENTIAL MEMORANDUM

TO: Board of County Commissioners  
Michael Schrunk, District Attorney

FROM: Kenneth Upton, Labor Relations Manager 

DATE: April 4, 1996

SUBJECT: Options for Consideration by the Board at the Executive Session of April 11, 1996 - Bargaining with the Multnomah County Prosecuting Attorneys Association (MCPAA)

As per prior correspondence, the Attorney for the Association has indicated off the record that he is willing to do a language "roll over" on the MCPAA Collective Bargaining Agreement if they could have a contract which provided not just for a "cost of living" increase, but for some movement toward a more reasonable relationship to comparables. (This approach was conditioned on an extension of a fair share clause to this agreement, a matter which I would take to be operational and thus subject to direction from the District Attorney.) However, it is up to the Board to decide who the relevant comparables are, what a reasonable relationship is, and what form any movement toward that relationship might take. To aid you in your decision making, information on the historical, legal, and economic factors influencing MCPAA compensation decisions is provided below, followed by some options for your consideration.

### *Historical Context*

The first MCPAA contract was ratified in 1980. Previously the Deputy District Attorneys (DDAs) were exempt employees and were covered by the exempt compensation and benefits ordinances, but they organized to address what they perceived to be equity problems in salary administration under a prior District Attorney. In recent decades there has been a trend for attorneys who enter public service to remain there, rather than to use public service as a venue for acquiring trial experience. Such has been the case at

Multnomah County, and as a result senior attorneys tend to be clustered at the tops of their salary ranges. Responsive to salary driven turnover, steps were added to the DDA 3 (Senior Prosecutor) and DDA 4 (Team Captain) ranges in 1987 and 1988, resulting in relatively long salary ranges, but the clustering continues. The ranges for each classification and the percent at the top step are shown in the table below:

<i>Class</i>	<i>Monthly Rate</i>	<i>Steps</i>	<i>N in Class</i>	<i>Percent at Top</i>
DDA 1	\$2,564 - \$3,606	6	15	0%
DDA 2	\$3,272 - \$4,174	6	22	32%
DDA 3	\$3,606 - \$5,074	8	24	63%
DDA 4	\$4,174 - \$5,893	8	15	73%

***Legal Considerations: Can They Go on Strike?***

A labor contract with MCPAA entails a tripartite agreement between the District Attorney for Multnomah County (an officer of the State), MCPAA, and the County. From a practical perspective, this has always been in a matter not only of labor relations but also of budgetary politics: "Where will any money over that budgeted come from?" This has been, and properly continues to be, a policy judgment to be determined by the affected elected officials. There remains, however, the legal question of what would happen if we could not resolve a dispute.

The issue of dispute resolution for Deputy District Attorneys was recently been decided by the Employment Relations Board (ERB) in a Declaratory Ruling involving Oregon Public Employees Union (OPEU) and Deschutes County (ERB DR-1-94, 15 PECBR 15/527). In sum, ERB determined that "County deputy district attorneys are not prohibited from striking under the PECBA and therefore are not entitled to binding interest arbitration of their collective bargaining dispute." ERB also summarized an analysis of the Oregon Code of Professional Responsibility, which stands for the proposition that a strike would be a bar ethics violation. It would thus appear that these employees are "employees" under the meaning of the collective bargaining act, but have neither the right to strike nor the right to interest arbitration. This anomaly was not lost on the ERB, as it commented in a footnote:

"We understand that the deputy district attorneys have little leverage at the bargaining table if they cannot strike or force arbitration. Certainly the PECBA was not intended to effect such a result. Nevertheless, we cannot "insert what

..... has been omitted" from the law in order to effectuate PECBA policy where, as here, the legislature expressed itself unambiguously."

It would thus appear that unless the Association were able to successfully challenge ERB in court, the Association must meet its needs by coming to agreement with the Board and the District Attorney. Since the Association has hired an attorney to represent them in bargaining, Steve Nemirow, Deputy County Council, has reviewed the above analysis and concurs. In fact, he checked the analysis of the Professional Responsibility matter directly with the Bar Association itself. The Association's attorney, while indicating that his Association has no plans to strike, claims that there may be a way around the apparent "strike prohibition" related to legal ethics by a process of volunteering to handle cases already on the docket. We will revisit that contention if needs be at a later date.

#### ***Legal Considerations: the Effect of Measure 8***

MCPAA is the only County bargaining unit which did not ratify the Measure 8 "fix" in November 1994. Therefore, until the expiration of the current contract they will still receive the PERS pick-up. As indicated in prior correspondence, I have been advised by Larry Kressel, County Counsel, that Measure 8 is still law in Multnomah County, despite what the Board may have heard regarding successful legal challenges in other counties such as Marion. Although the case was argued before the Supreme Court in October, it remains unresolved as of the writing of this memorandum. The upshot for us is that we are legally prohibited from "making up" the loss of the Pick-up in the successor contract for MCPAA, and are further prohibited from including the "Pick-up" in the successor contract. In conformance with law, my analysis will thus not be directed toward "making up," but toward matters of internal and external comparables. Analysis and actions so directed may be challenged, but any other approach would appear to leave us immobilized in the face of our continuing obligation to engage in good faith negotiations, despite the unresolved specter of Measure 8.

#### ***Comparability and Its Limitations***

There is a fundamental mindlessness built into much discussion of how pay rates for public employees are to be determined. Part of the difficulty lies in the fact that the law governing factfinding and interest arbitration focuses on the process of selecting "comparables" which are sometimes viewed as mechanistic guides to conduct. In reality, a more sophisticated analysis is in order. When one is determining the worth of a house involved in a condemnation proceeding, it makes perfectly good sense to gather a list of "comparables" in the directly relevant housing area, make

adjustments in the sales price based on differences of known value, and view the average as a good proxy for what the market would produce if the condemned house were indeed for sale. It makes good sense because there are usually enough comparable houses that quirks in any one sale would not significantly affect the overall result, and because the primary forces at work in determining the price of housing are market forces. This is not the case with wage rates for classifications of employees, such as criminal prosecutors, who are found only in the public sector.

There are four employers of prosecutors in the Metro area labor market: Clackamas, Clark, Washington, and Multnomah Counties. Not only are there too few data points to make comparisons with confidence, but each entity surveys the other three and, at least in part, bases its compensation decisions on the results. Also, Multnomah County employs as many prosecutors as the other three combined. Whether the kind of work done in the smaller prosecutorial offices is comparable to that in the larger offices, and, if not, who should be more highly compensated, are open questions. Therefore, in order to get more Oregon data points, we commonly survey Marion and Lane Counties; additionally, in order to get data from jurisdictions of comparable size we survey Pierce and King Counties. However, weighing the relevance of each comparable is more art than science.

Furthermore, salaries for prosecutors are not driven exclusively by market forces. Jurisdictions set salaries on the basis of values which may or may not be relevant to the others. Internal comparability, social values, and political considerations are examples. Also, everyone may want their compensation rates to be "average or above", which means that the average will inevitably rise, and quite rapidly when the number of comparables are few.

Despite these many difficulties, there is no doubt that paying consistently below the norm may lead to drift over time of the best employees to other employers and an erosion of morale among those who remain. That is why some employers judge that "staying well in the pack" is a prudent long term strategy.

### *The "Market" Data*

Preliminary survey data on monthly salaries plus retirement and other monetary compensation for journey level prosecutors with ten years of service is summarized in the table below. The column on the far right shows how current Multnomah County rates compare with those of the other jurisdictions. **A positive number indicates the amount by which Multnomah County rates would have to be raised to equal the rates in the comparable jurisdiction.** A negative number indicates the amount the rates would have to be lowered.

**Top Step Monthly Salary Rates  
for Career Prosecutors without Managerial Responsibility  
at Ten Years of Service**

<i><b>Jurisdiction</b></i>	<i><b>N DDA's</b></i>	<i><b>Top Step Rate</b></i>	<i><b>Employer Retirement Contribution</b></i>	<i><b>Other Monetary Benefits</b></i>	<i><b>Total</b></i>	<i><b>% Over Multnomah County</b></i>
Multnomah	76	\$5,074	15.24%	0	\$5,847	_____
Clackamas	22	\$6,115	13.76%	6.27%*	\$7,340	+25.5%
Clark	31	\$5,788	7.62%	0	\$6,229	+6.5%
King	105	\$4,975	7.62%	0	\$5,354	-8.4%
Lane	27	\$5,677	7.38%	0	\$6,096	+4.3%
Marion	27	\$5,099*	8.35%	7.7%*	\$5,917	+1.2%
Mult. Co. Counsel	7	\$5,671	9.24%	0	\$6,195	+6.0%
Oregon Asst. Atty. General*	8	\$5,765	8.46%	0	\$6,253	+6.9%
Pierce	87	\$5,310*	7.62%	0	\$5,715	-2.3%
Washington	25	\$5,472	7.5%	0	\$5,882	+6%
Average All Comparables						+4.5%
Average All Oregon Comparables						+7.4%

- Note: although the salary data is for the Deputy District Attorney III classification and its comparables only, the number of attorneys in the second column from the left is the total number of non-management attorneys in the jurisdiction.

- \* The Oregon Attorney General's Office has only eight attorneys who do criminal trial work; the title Assistant Attorney General encompasses a broad range of legal specialties.
- \* Marion County base rate includes a 2.25% ten year longevity step.
- \* The rate for Pierce County assumes that the prosecutors are called in one weekend per month, probably a generous estimate. The premium for weekend call-in is \$175.
- \* Clackamas County DDAs at the senior level receive 6.27% in County paid deferred compensation.
- \* Marion County DDAs are eligible to receive either an extra four weeks' pay or an extra four weeks of vacation annually. This comes to 7.7% of wages.



The survey results are volatile, and not only because of the number of comparables included. Multnomah County has four classifications, DDA I through DDA IV with distinctive sets of responsibilities. Some jurisdictions, such as Clackamas, Clark, and Washington Counties, and the State of Oregon have fewer classifications. Others, such as Lane, Pierce, and King Counties have more. Which classification is chosen as a match to the Multnomah County DDA III classification can significantly affect results. However, every effort has been made to identify the classifications in which most career prosecutors without supervisory responsibilities could be found.

Another significant factor in weighing the data is the amount paid for retirement benefits. Of course, the pick-up issue is the major one. In addition, however, Multnomah County pays more for PERS benefits than the other Oregon employers because it went into PERS later than many of the others, and it went in with a large unfunded liability from its previous retirement plan. Without the pick-up Multnomah County currently pays 9.24% while Lane County pays 7.38%, for example. The table above gives Multnomah County credit for the extra expenditure, although employees receive the same benefits as those working for counties who pay less for them.

Nevertheless two conclusions can be drawn from the data:

First, Clackamas County leads the market. Why Clackamas County pays as much as they do is puzzling, but it is unclear that there is much wisdom to be gained from their behavior, since it is so clearly aberrant. It cannot have been established by any attention to comparables, since the payment is roughly 20-25% above the amount paid by all other counties in Oregon.

Second, Multnomah County is behind all the Oregon comparables, even Marion and Lane Counties, where the cost of living is lower than in the Metro area. This pattern needs to be taken into account when striking the policy balance in the options which are outlined below.

### *Policy Options*

There are a variety of options available for the Board to consider in the above cited matter. The positives and negatives associated with each are in part a value and policy judgment, but I have at least attempted to lay out the rough outlines of possible reactions to these options in the discussion below. All of these options presuppose the same CPI formula for the second (July 1, 1997) and third (July 1, 1998) years as is contained in the formula in the existing contract, i.e. a Min 2.5%-Max 4.5 approach with a formula dealing with high inflation.

- **Option 1: The Cautious Option**

In this option employees would be given a 2.7% CPI increase on July 1, 1996, and would begin making their own PERS (6%) payments on that same date. These contributions would be tax sheltered with the IRS code shelter which we provide to other employees. This option focuses on avoiding any possibility of a Measure 8 legality challenge by taking a stance of not dealing with the issue of the loss of the "pick-up." In this option employees would be obliged to pay the full 6% previously paid by the County and thus would in effect receive a significant pay cut despite the CPI increase.

**Advantages:** This is clearly the option least subject to legal challenge. Some would also say that employees took the risk that the entire Measure 8 would be declared unconstitutional. Although many may now hypothesize that this legal outcome is a foregone conclusion, it is not yet a conclusion. In this view, these employees gambled for better treatment than that received by other employees; a gamble lost, at least for now. The County would save money in this option, since employees would be making the pension payments with no offsetting wage increase. COSTING FOR ALL OPTIONS IS CONTAINED IN MEMORANDA FROM KARYNE DARGAN, BUDGET DIVISION, ATTACHED.

**Disadvantages:** This result, if obtained, would clearly have a serious adverse effect on the morale of the DA's Office, particularly since they feel that they are not treated well in terms of salary relative to the principal comparables. While their comparison with others is overdrawn, there is some truth to their view at the margin, and this option would drop the County several additional percentage points below a position of last place among key comparables.

- **Option 2: The Internal Comparable Option**

In this option employees would be given a 2.7% increase for the CPI, as well as a 5.6% increase as per the treatment of other employees in December 1994. They would be obligated to make their own pension payments (6%), but would have the IRS shelter. In this option they also would be given a .4% "kicker" in 1998. This option is viewed as the "equal treatment approach" because it is focused on treating these employees the same as other employees as a matter of internal parity.

**Advantages:** This approach would treat these employees in terms of practical effect identically to others. In terms of the equity perceptions of other employees, they would not be viewed as "being treated better than others" or "rewarded for

not being cooperative" when the remainder of the County community was acted in concert. This solution would also seem to meet spot labor market needs, since there is no evidence of significant current adverse turnover in the District Attorney classifications.

**Disadvantages:** This approach will not meet the perceived inequity of the DA market position from a comparables perspective. It will leave untouched the "last place" position of the County relative to Oregon comparables. This approach, as are all other approaches below, is more subject to legal challenge as a "makeup" under Measure 8. Over three years this option would cost 5.74% or \$903,434 more than the cautious option.

- **Option 3: Market Targeted Option/Based on Assumption That We Are Significantly Behind the Market.**

This approach would increase the employees wages July 1, 1996, 2.7% for the CPI and 6% for reasons of internal equity comparison. The employees would be responsible for pension payments. Effective July 1, 1998, there would be an additional step of 5% added to top of the range of DDA 3 (Senior DA) and DDA 4 (Team Captain). Employees would be eligible for such a step on their anniversary date.

**Advantages:** This approach would be a significant step in the direction of dealing with the salary relationship of our Senior DA's to comparables. While it would not go all the way with dealing with this concern, it would be a good faith effort and would essentially put us at market for this level with the only significant adverse comparable being Clackamas County.

**Disadvantages:** This approach treats these employees better than other County Employees who may have equal or better rationales for better treatment. It does so, however, in 1998, when other contracts will be open and employee representatives can put forward their own cases for special classification adjustments. This option costs 6.54% or \$1,028,131 more over three years than the first option. This option will not deal with employees who view Clackamas County as the model. It also does not address any wage disparities in lower classifications, which the Association now claims are important.

- **Option 4: Enhanced Targeted Option/Based on Assumption that We are Significantly Behind the Market.**

This option is identical to Option 3, except two steps of 5% are added to the cited

classifications. The advantages and disadvantages of this option are similar to those of Option 3, and in three years the costs would be the same. However, there would be significant additional cost in year four, as the senior prosecutors advance into the second new step. This additional cost falls outside the scope of the three year costing framework. This option would make us a clear market leader on wages among county prosecutorial offices with the exception of Clackamas County.

- **Option 5: Additional Across the Board Increase/Initial Association "Quick Contract" Suggestion.**

This proposal would add approximately 2.5% each year to the "Equal Treatment" option cited as Option 2 above.

**Advantages:** This approach was suggested by the Association's attorney before further consultation with his client and a more generous approach was proffered as Option 6 below. This option would probably settle the contract immediately, since it meets their central claim of "being behind" in an across-the-board way. There was earlier little expressed interest in the lower classified District Court Deputies, so this focus on extra money for these employees was a bit of a surprise. This proposal would place us at the end of the three year period with a compounded 7.7% increase over CPI for the three year period over comparables except for Clackamas.

**Disadvantages:** This proposal would cost 11.24% or \$1,766,915 more than the first option over three years. It would treat all DDAs consistently better than other employees, including lower DA classifications who have not been an issue to date.

- **Option 6: More generous Version of Across the Board Increase Proposal**

This proposal would be identical to Option 5 except that the annual additional increase would be 4.5% rather than 2.5%, for a compounded increase over the three years of 14.1% over the CPI.

The advantages and disadvantages of this option are exaggerated versions of those related to Option 5. The additional cost of this option over the first option would be \$2,445,048 or 15.56%.

- **Option 7: An Alternative Level System**

A suggestion made by certain managers in the Office of the District Attorney

BCC

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would involve creating six responsibility levels of Deputy District Attorney instead of the current four. The DDA 3 level would be divided into DDA 3A and DDA 3B, and the DDA 4 level into DDA 4A and DDA 4B. The salary ranges associated with the "B" levels would have two more 5% steps than the "A" ranges. About half the incumbents would be advanced to the "B" ranges. This system would enable the District Attorney to decide who would go into the upper tiers based on his assessment of the difficulty and quality of their work.

**Advantages:** This approach would allow a significant increase in salary for certain employees without as great a cost as Option 6, since only half, instead of all, the incumbents would be placed in the "B" ranges. (Note: the cost estimate of this range is not available at this time.) The total increase of 10% in the range would address comparability issues.

**Disadvantages:** Other than disadvantages cited elsewhere, this approach might exacerbate some current issues regarding the fairness of allocations to levels. Unless the criteria for advancement into the "B" levels are specified in advance, perceived inequities will continue to exist. If the criteria are specified, one cannot necessarily guarantee that only 50% would be allocated to the "B" levels in the future.

### *Concluding Remarks*

In reading and considering the above options, I would suggest that you do so as a way of exploring what you deem to be the interests of this government rather than needlessly focusing on any particular position. My central concern with this bargaining is that the Association appears to have locked in on a rather ambitious fiscal position based on a fixation on one data point, Clackamas County. This positionality of approach does not bode well for resolution of this matter, and I would hope that we would be cautious and not exacerbate the matter by mirroring their approach.

On a final note, there are a few issues concerning health and welfare matters which I would like to discuss in the context of this bargaining, but which may have implications for other bargaining units. These matters will be addressed in a separate memorandum.



# MULTNOMAH COUNTY, OREGON

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**BOARD OF COUNTY COMMISSIONERS**

BEVERLY STEIN  
DAN SALTZMAN  
GARY HANSEN  
TANYA COLLIER  
SHARRON KELLEY

**BUDGET & QUALITY**

PORTLAND BUILDING  
1120 S.W. FIFTH - ROOM 1400  
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PORTLAND, OR 97214  
PHONE (503)248-3883

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TO: Ken Upton, Labor Relations  
FROM: Karyne Dargan, Budget Analyst  
DATE: April 4, 1996  
SUBJECT: DA Bargaining Options Projected Expense Data

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Attached please find *DA Bargaining Options Projected Expense Data*. The projected expense data is based upon the option parameters provided in your 3/27/96 email. The first page of the packet provides summary information for FY's 96-97, 97-98, and 98-99. The pages following the summary provide a more detailed account for each option.

The following table provides comparative expense information to Option 1 (base option) for FY 1996-97:

	<b>Total Cost</b>	<b>Difference Over Option 1</b>	<b>Percentage Difference</b>
<i>Option 1</i>	\$ 5,103,219	\$ -	
<i>Option 2</i>	\$ 5,389,000	\$ 285,780	5.60%
<i>Option 3</i>	\$ 5,409,413	\$ 306,193	6.00%
<i>Option 4</i>	\$ 5,409,413	\$ 306,193	6.00%
<i>Option 5</i>	\$ 5,536,993	\$ 433,774	8.50%
<i>Option 6</i>	\$ 5,639,058	\$ 535,838	10.50%

This table provide comparative aggregate expense information to Option 1 (base option) for the three fiscal years:

	<b>Total Cost</b>	<b>Difference Over Option 1</b>	<b>Percentage Difference</b>
<i>Option 1</i>	\$15,726,739		
<i>Option 2</i>	\$16,630,173	\$ 903,434	5.74%
<i>Option 3</i>	\$16,754,870	\$1,028,131	6.54%
<i>Option 4</i>	\$16,754,870	\$1,028,131	6.54%
<i>Option 5</i>	\$17,493,654	\$1,766,915	11.24%
<i>Option 6</i>	\$18,171,787	\$2,445,048	15.56%

April 4, 1996

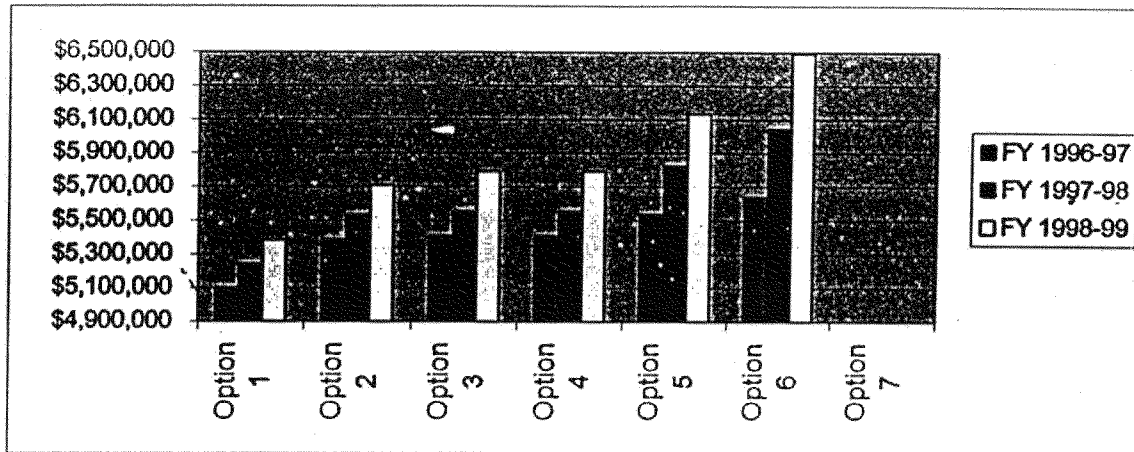
Please note the assumptions that are built into all options:

- \* Assumes a constant 2.7% COLA for each of the three years.
- \* Assumes that the fringe rate will remain at 21.41% for each of the three years.
- \* Assumes that there will be no turn over in each of the three years.
- \* Assumes that the DA I, II, III, and IV ratios will remain constant over the three years.
- \* For Option 3 and 4 assumes that half of the DA III's and IV's will be eligible for 5% step increase in year 3 (based on probability that 50% of the anniversary dates will occur prior to December 31 and 50% of the anniversary dates will prior to June 30.)

Note: Base salary information for FY 1996-97 incorporates projected step increases.

# Summary

	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6	Option 7
FY 1996-97	\$ 5,103,219	\$ 5,389,000	\$ 5,409,413	\$ 5,409,413	\$ 5,536,993	\$ 5,639,058	
FY 1997-98	\$ 5,241,006	\$ 5,534,503	\$ 5,555,467	\$ 5,555,467	\$ 5,824,917	\$ 6,045,070	
FY 1998-99	<del>\$ 5,382,514</del>	<del>\$ 5,706,670</del>	<del>\$ 5,789,990</del>	<del>\$ 5,789,990</del>	<del>\$ 6,131,744</del>	<del>\$ 6,487,659</del>	
Totals	\$15,726,739	\$16,630,173	\$16,754,870	\$16,754,870	\$17,493,654	\$18,171,787	





**Option 1 -****Eliminate Pick-Up/Provide IRS Shelter****1996-97**

	<i>No. FTE's</i>	<i>Requested Base Salary</i>	<i>COLA (2.7%)</i>	<i>Adjusted Base Salary</i>	<i>Fringe (21.41%)</i>	<b>TOTAL</b>
Deputy District Attorney 1	13.00	506,781	13,683	520,464	111,431	\$ 631,896
Deputy District Attorney 2	24.50	1,160,639	31,337	1,191,977	255,202	\$ 1,447,179
Deputy District Attorney 3	24.25	1,491,392	40,268	1,531,659	327,928	\$ 1,859,588
Deputy District Attorney 4	13.00	933,976	25,217	959,194	205,363	\$ 1,164,557
<b>TOTAL</b>	<b>74.75</b>	<b>\$ 4,092,789</b>	<b>\$ 110,505</b>	<b>\$ 4,203,294</b>	<b>\$ 899,925</b>	<b>\$ 5,103,219</b>

**1997-98**

	<i>No. FTE's</i>	<i>Requested Base Salary</i>	<i>COLA (2.7%)</i>	<i>Adjusted Base Salary</i>	<i>Fringe (21.41%)</i>	<b>TOTAL</b>
Deputy District Attorney 1	13.00	520,464	14,053	534,517	114,440	\$ 648,957
Deputy District Attorney 2	24.50	1,191,977	32,183	1,224,160	262,093	\$ 1,486,253
Deputy District Attorney 3	24.25	1,531,659	41,355	1,573,014	338,782	\$ 1,909,797
Deputy District Attorney 4	13.00	959,194	25,898	985,092	210,908	\$ 1,196,000
<b>TOTAL</b>	<b>74.75</b>	<b>\$ 4,203,294</b>	<b>\$ 113,489</b>	<b>\$ 4,316,783</b>	<b>\$ 924,223</b>	<b>\$ 5,241,006</b>

**1998-99**

	<i>No. FTE's</i>	<i>Requested Base Salary</i>	<i>COLA (2.7%)</i>	<i>Adjusted Base Salary</i>	<i>Fringe (21.41%)</i>	<b>TOTAL</b>
Deputy District Attorney 1	13.00	534,517	14,432	548,949	117,530	\$ 666,479
Deputy District Attorney 2	24.50	1,224,160	33,052	1,257,212	269,169	\$ 1,526,382
Deputy District Attorney 3	24.25	1,573,014	42,471	1,615,486	345,875	\$ 1,961,361
Deputy District Attorney 4	13.00	985,092	26,597	1,011,690	216,603	\$ 1,228,292
<b>TOTAL</b>	<b>74.75</b>	<b>\$ 4,316,783</b>	<b>\$ 116,553</b>	<b>\$ 4,433,336</b>	<b>\$ 949,177</b>	<b>\$ 5,382,514</b>

Eliminates PERS Pick-up  
Provides IRS Shelter

## Option 2 -

## Equal Treatment Option

1996-97

	No. FTE's	Requested Base Salary	Salary Adjustment 5.60%	COLA (2.7%)	Adjusted Base Salary	Fringe (21.41%)	TOTAL
Deputy District Attorney 1	13.00	508,781	28,380	14,449	549,610	117,672	\$ 667,282
Deputy District Attorney 2	24.50	1,160,839	64,996	33,092	1,258,727	269,494	\$ 1,528,221
Deputy District Attorney 3	24.25	1,491,392	83,518	42,523	1,617,432	348,292	\$ 1,963,725
Deputy District Attorney 4	13.00	933,976	52,303	26,630	1,012,909	216,864	\$ 1,229,772
<b>TOTAL</b>	<b>74.75</b>	<b>\$ 4,092,789</b>	<b>\$ 229,196</b>	<b>\$ 116,694</b>	<b>\$ 4,438,679</b>	<b>\$ 950,321</b>	<b>\$ 5,389,000</b>

1997-98

	No. FTE's	Requested Base Salary	Salary Adjustment -0-	COLA (2.7%)	Adjusted Base Salary	Fringe (21.41%)	TOTAL
Deputy District Attorney 1	13.00	549,610		14,839	564,450	120,849	\$ 685,298
Deputy District Attorney 2	24.50	1,258,727		33,986	1,292,713	278,770	\$ 1,569,483
Deputy District Attorney 3	24.25	1,617,432		43,671	1,661,103	355,642	\$ 2,016,745
Deputy District Attorney 4	13.00	1,012,909		27,349	1,040,257	222,719	\$ 1,262,976
<b>TOTAL</b>	<b>74.75</b>	<b>\$ 4,438,679</b>		<b>\$ 119,844</b>	<b>\$ 4,558,523</b>	<b>\$ 975,980</b>	<b>\$ 5,534,503</b>

1998-99

	No. FTE's	Requested Base Salary	Salary Adjustment (0.4%)	COLA (2.7%)	Adjusted Base Salary	Fringe (21.41%)	TOTAL
Deputy District Attorney 1	13.00	564,450	2,258	15,301	582,009	124,608	\$ 706,617
Deputy District Attorney 2	24.50	1,292,713	5,171	35,043	1,332,927	285,380	\$ 1,618,306
Deputy District Attorney 3	24.25	1,661,103	6,644	45,029	1,712,777	366,705	\$ 2,079,482
Deputy District Attorney 4	13.00	1,040,257	4,161	28,199	1,072,618	229,647	\$ 1,302,265
<b>TOTAL</b>	<b>74.75</b>	<b>\$ 4,558,523</b>	<b>\$ 18,234</b>	<b>\$ 123,572</b>	<b>\$ 4,700,330</b>	<b>\$ 1,006,341</b>	<b>\$ 5,706,670</b>

Eliminates PERS pickup  
Increases salary 5.4% on July 1, 1996  
Provides IRS shelter  
Increases salary 0.4% on July 1, 1998

**Option 3 - Modest Market Targeted Option****1996-97**

	No. FTE's	Requested Base Salary	Salary Adjustment (6.00%)	COLA (2.7%)	Adjusted Base Salary	Fringe (21.41%)	TOTAL
Deputy District Attorney 1	13.00	506,781	30,407	14,504	551,692	118,117	\$ 669,809
Deputy District Attorney 2	24.50	1,160,639	69,638	33,218	1,263,495	270,514	\$ 1,534,010
Deputy District Attorney 3	24.25	1,491,392	89,484	42,684	1,623,559	347,604	\$ 1,971,163
Deputy District Attorney 4	13.00	933,976	56,039	26,730	1,016,745	217,685	\$ 1,234,431
<b>TOTAL</b>	<b>74.75</b>	<b>\$ 4,092,789</b>	<b>\$ 245,567</b>	<b>\$ 117,136</b>	<b>\$ 4,455,492</b>	<b>\$ 953,921</b>	<b>\$ 5,409,413</b>

**1997-98**

	No. FTE's	Requested Base Salary	Salary Adjustment -0-	COLA (2.7%)	Adjusted (21.41%)	Fringe (21.41%)	TOTAL
Deputy District Attorney 1	13.00	551,692		14,896	566,588	121,306	\$ 687,894
Deputy District Attorney 2	24.50	1,263,495		34,114	1,297,610	277,818	\$ 1,575,428
Deputy District Attorney 3	24.25	1,623,559		43,836	1,667,395	356,989	\$ 2,024,384
Deputy District Attorney 4	13.00	1,016,745		27,452	1,044,198	223,563	\$ 1,267,760
<b>TOTAL</b>	<b>74.75</b>	<b>\$ 4,455,492</b>		<b>\$ 120,298</b>	<b>\$ 4,575,790</b>	<b>\$ 979,677</b>	<b>\$ 5,555,467</b>

**1998-99**

	No. FTE's	Requested Base Salary	Salary Adjustment 5% DA III & IV's	COLA (2.7%)	Adjusted (21.41%)	Fringe (21.41%)	TOTAL
Deputy District Attorney 1	13.00	566,588		15,298	581,886	124,582	\$ 706,467
Deputy District Attorney 2	24.50	1,297,610		35,035	1,332,645	285,319	\$ 1,617,964
Deputy District Attorney 3	24.25	1,667,395	41,685	46,145	1,755,225	375,794	\$ 2,131,019
Deputy District Attorney 4	13.00	1,044,198	26,105	28,898	1,099,201	235,339	\$ 1,334,540
<b>TOTAL</b>	<b>\$ 75</b>	<b>\$ 4,575,790</b>	<b>\$ 67,790</b>	<b>\$ 125,377</b>	<b>\$ 4,768,957</b>	<b>\$ 1,021,034</b>	<b>\$ 5,789,990</b>

Eliminate PERs pickup

Increase salary 6% on July 1, 1996

Adds one step (5%) to top of range for DA III &amp; IV's on July 1, 1998

**Option 4 - Moderate Market Targeted Option**

1996-97

	No. FTE's	Requested Base Salary	Salary Adjustment 6.00%	COLA (2.7%)	Adjusted Base Salary	Fringe (21.41%)	TOTAL
Deputy District Attorney 1	13.00	506,781	30,407	14,504	551,692	118,117	\$ 669,809
Deputy District Attorney 2	24.50	1,160,639	69,638	33,218	1,263,495	270,514	\$ 1,534,010
Deputy District Attorney 3	24.25	1,491,392	89,484	42,684	1,623,559	347,604	\$ 1,971,163
Deputy District Attorney 4	13.00	933,976	56,039	26,730	1,016,745	217,685	\$ 1,234,431
<b>TOTAL</b>	<b>74.75</b>	<b>\$ 4,092,789</b>	<b>\$ 245,567</b>	<b>\$ 117,136</b>	<b>\$ 4,455,492</b>	<b>\$ 953,921</b>	<b>\$ 5,409,413</b>

1997-98

	No. FTE's	Requested Base Salary	Salary Adjustment -0-	COLA (2.7%)	Adjusted Base Salary	Fringe (21.41%)	TOTAL
Deputy District Attorney 1	13.00	551,692		14,896	566,588	121,306	\$ 687,894
Deputy District Attorney 2	24.50	1,263,495		34,114	1,297,610	277,818	\$ 1,575,428
Deputy District Attorney 3	24.25	1,623,559		43,836	1,667,395	356,989	\$ 2,024,384
Deputy District Attorney 4	13.00	1,016,745		27,452	1,044,198	223,563	\$ 1,267,760
<b>TOTAL</b>	<b>74.75</b>	<b>\$ 4,455,492</b>		<b>\$ 120,298</b>	<b>\$ 4,575,790</b>	<b>\$ 979,677</b>	<b>\$ 5,555,467</b>

1998-99

	No. FTE's	Requested Base Salary	Salary Adjustment 5% DA III & IV's	COLA (2.7%)	Adjusted Base Salary	Fringe (21.41%)	TOTAL
Deputy District Attorney 1	13.00	566,588		15,298	581,886	124,582	\$ 706,467
Deputy District Attorney 2	24.50	1,297,610		35,035	1,332,645	285,319	\$ 1,617,964
Deputy District Attorney 3	24.25	1,667,395	41,685	46,145	1,755,225	375,794	\$ 2,131,019
Deputy District Attorney 4	13.00	1,044,198	\$ 26,105	28,898	1,099,201	235,339	\$ 1,334,540
<b>TOTAL</b>	<b>74.75</b>	<b>\$ 4,575,790</b>	<b>\$ 67,790</b>	<b>\$ 125,377</b>	<b>\$ 4,768,957</b>	<b>\$ 1,021,034</b>	<b>\$ 5,789,990</b>

Eliminate PERs pickup

Increase salary 6% on July 1, 1996

Adds two steps (5% for each step) to top of range for DA III &amp; IV's on July 1, 1998

**Option 5 - Less Expensive Version of MCPAA "catch-up proposal"**

1996-97

	No. FTE's	Requested Base Salary	Salary Adjustment (2.5%), (6.00%)	COLA (2.7%)	Adjusted Base Salary	Fringe (21.41%)	TOTAL
Deputy District Attorney 1	13.00	506,781	43,076	14,846	564,704	120,903	\$ 685,607
Deputy District Attorney 2	24.50	1,160,639	98,654	34,001	1,293,295	276,894	\$ 1,570,189
Deputy District Attorney 3	24.25	1,491,392	126,768	43,690	1,661,851	355,802	\$ 2,017,653
Deputy District Attorney 4	13.00	933,976	79,388	27,361	1,040,725	222,819	\$ 1,263,545
<b>TOTAL</b>	<b>74.75</b>	<b>\$ 4,092,789</b>	<b>\$ 347,887</b>	<b>\$ 119,898</b>	<b>\$ 4,560,574</b>	<b>\$ 976,419</b>	<b>\$ 5,536,993</b>

1997-98

	No. FTE's	Requested Base Salary	Salary Adjustment 2.50%	COLA (2.7%)	Adjusted Base Salary	Fringe (21.41%)	TOTAL
Deputy District Attorney 1	13.00	564,704	14,118	15,247	594,068	127,190	\$ 721,258
Deputy District Attorney 2	24.50	1,293,295	32,332	34,919	1,360,546	291,293	\$ 1,651,839
Deputy District Attorney 3	24.25	1,661,851	41,546	44,870	1,748,267	374,304	\$ 2,122,571
Deputy District Attorney 4	13.00	1,040,725	26,018	28,100	1,094,843	234,406	\$ 1,329,249
<b>TOTAL</b>	<b>74.75</b>	<b>\$ 4,560,574</b>	<b>\$ 114,014</b>	<b>\$ 123,136</b>	<b>\$ 4,797,724</b>	<b>\$ 1,027,193</b>	<b>\$ 5,824,917</b>

1998-99

	No. FTE's	Requested Base Salary	Salary Adjustment 2.50%	COLA (2.7%)	Adjusted Base Salary	Fringe (21.41%)	TOTAL
Deputy District Attorney 1	13.00	594,068	14,852	16,441	625,361	133,890	\$ 759,250
Deputy District Attorney 2	24.50	1,360,546	34,014	37,653	1,432,213	306,637	\$ 1,738,850
Deputy District Attorney 3	24.25	1,748,267	43,707	48,383	1,840,357	394,020	\$ 2,234,377
Deputy District Attorney 4	13.00	1,094,843	\$ 27,371	30,300	1,152,514	246,753	\$ 1,399,267
<b>TOTAL</b>	<b>74.75</b>	<b>\$ 4,797,724</b>	<b>\$ 119,943</b>	<b>\$ 132,777</b>	<b>\$ 5,050,444</b>	<b>\$ 1,081,300</b>	<b>\$ 6,131,744</b>

Eliminate PERs pickup

Increase salary 6% on July 1, 1996

Increases salary and additional 2.4% for each of three years

**Option 6 - More Expensive Version of MCPAA "catch-up proposal"****1996-97**

	No. FTE's	Requested Base Salary	Salary Adjustment (4.50%), (6.00%)	COLA (2.7%)	Adjusted Base Salary	Fringe (21.41%)	TOTAL
Deputy District Attorney 1	13.00	506,781	53,212	15,120	575,113	123,132	\$ 698,245
Deputy District Attorney 2	24.50	1,160,639	121,867	34,628	1,317,134	281,998	\$ 1,599,133
Deputy District Attorney 3	24.25	1,491,392	156,596	44,496	1,692,484	362,361	\$ 2,054,844
Deputy District Attorney 4	13.00	933,976	98,068	27,865	1,059,909	226,927	\$ 1,286,836
<b>TOTAL</b>	<b>74.75</b>	<b>\$ 4,092,789</b>	<b>\$ 429,743</b>	<b>\$ 122,108</b>	<b>\$ 4,644,640</b>	<b>\$ 994,417</b>	<b>\$ 5,639,058</b>

**1997-98**

	No. FTE's	Requested Base Salary	Salary Adjustment 4.50%	COLA (2.7%)	Adjusted Base Salary	Fringe (21.41%)	TOTAL
Deputy District Attorney 1	13.00	575,113	25,880	15,528	616,521	131,997	\$ 748,518
Deputy District Attorney 2	24.50	1,317,134	59,271	35,563	1,411,968	302,302	\$ 1,714,270
Deputy District Attorney 3	24.25	1,692,484	76,162	45,697	1,814,343	388,451	\$ 2,202,793
Deputy District Attorney 4	13.00	1,059,909	47,696	28,618	1,136,223	243,265	\$ 1,379,488
<b>TOTAL</b>	<b>74.75</b>	<b>\$ 4,644,640</b>	<b>\$ 209,009</b>	<b>\$ 125,405</b>	<b>\$ 4,979,054</b>	<b>\$ 1,066,015</b>	<b>\$ 6,045,070</b>

**1998-99**

	No. FTE's	Requested Base Salary	Salary Adjustment 4.50%	COLA (2.7%)	Adjusted Base Salary	Fringe (21.41%)	TOTAL
Deputy District Attorney 1	13.00	616,521	27,743	17,395	661,660	141,661	\$ 803,321
Deputy District Attorney 2	24.50	1,411,968	63,539	39,839	1,515,345	324,435	\$ 1,839,781
Deputy District Attorney 3	24.25	1,814,343	81,645	51,192	1,947,180	416,891	\$ 2,364,071
Deputy District Attorney 4	13.00	1,136,223	\$ 51,130	32,059	1,219,411	261,076	\$ 1,480,487
<b>TOTAL</b>	<b>74.75</b>	<b>\$ 4,979,054</b>	<b>\$ 224,057</b>	<b>\$ 140,484</b>	<b>\$ 5,343,596</b>	<b>\$ 1,144,064</b>	<b>\$ 6,487,659</b>

Eliminate PERs pickup

Increase salary 6% on July 1, 1996

Increases salary and additional 4.5% for each of three years

**Top Step Monthly Salary Rates  
for Career Prosecutors without Managerial Responsibility  
at Ten Years of Service**

<i>Jurisdiction</i>	<i>N DDA's</i>	<i>Top Step Rate</i>	<i>Pick- up</i>	<i>Employer Retirement Contribution</i>	<i>Other Monetary Benefits</i>	<i>Total</i>	<i>% Over Multnomah County With Pick-up</i>	<i>% Over Multnomah Co., No Pick-up</i>
Multnomah	76	\$5,074	6.0%	9.24%	0	\$5,875	_____	_____
Clackamas	22	\$6,176	6.0%	7.76%	6.27%*	\$7,497	+27.6%	+35.3%
Clark	31	\$5,962	0	7.62%	0	\$6,416	+9.2%	+15.7%
King	105	\$4,975	0	7.62%	0	\$5,354	-8.9%	-3.4%
Lane	27	\$5,677	0	7.38%	0	\$6,096	+3.8%	+10.0%
Marion	27	\$5,099*	0	8.35%	7.7%; 1.5%*	\$6,033	+2.7%	+8.8%
Mult. Co. Counsel	7	\$5,671	0	9.24%	0	\$6,195	+5.4%	+11.8%
Oregon Asst. Atty. General*	7	\$5,765	0	8.46%	0	\$6,253	+6.4%	+12.8%
Pierce	87	\$5,445	0	7.62%	0	\$5,860	-.3%	+5.7%
Shington	25	\$5,472	0	7.5%	0	\$5,882	+1.1%	+6.1%
Average All Comparables							+5.1%	+11.4%
Average All Oregon Comparables							+7.7%	+14.1%
Average all Oregon except Clackamas							+3.7%	+9.9%

Note: although the salary data is for the Deputy District Attorney III classification and its comparables only, the number of attorneys in the second column from the left is the total number of non-management attorneys in the jurisdiction.

- \* The Oregon Attorney General's Office has only eight attorneys who do criminal trial work; the title Assistant Attorney General encompasses a broad range of legal specialties.
- \* Marion County base rate includes a 2.5% ten year longevity step.
- \* Clackamas County base rate includes a 1% ten year longevity step.
- \* Pierce County prosecutors receive a premium for weekend call-in of \$175, which is not included above. They receive the premium one to two times a year on the average.
- \* Clackamas County DDAs at the senior level receive 6.27% in County paid deferred compensation.
- \* Marion County DDAs are eligible to receive either an extra four weeks' pay or an extra four weeks of vacation annually. This comes to 7.7% of wages. They also receive a 1.5% contribution toward a 401k plan.

It is surprising that King County rates are so much below the others. This may be attributable to difficulty in matching classifications. King County has seven relevant classifications, while Multnomah County has four. If Multnomah County DDA III's were matched with the next class up in the King County system, King County would be .8% ahead of Multnomah County with pick-up.

WHAT'S THE RUMBLING IN OFC  
SAME TIME LINE / EXPIRATION

**Total Monthly Compensation for Career Non-managerial Prosecutors  
At the Top Step and With Ten Years of Service**

<i>Jurisdiction</i>	<i>Cash Comp.</i>	<i>Paid Days Off</i>	<i>Health and Welfare</i>	<i>Total</i>	<i>% Over Multnomah County With Pick-up</i>	<i>% Over Multnomah Co., No Pick-up</i>
Multnomah	\$5,875	\$810	\$399*	\$7,084	_____	
Clackamas	\$7,479	\$997	\$498	\$8,974	+26.7%	+33.8%
Clark	\$6,416	\$855	\$399*	\$7,670	+8.3%	+14.4%
King	\$5,354	\$738*	\$399*	\$6,491	-8.4%	-3.2%
Lane	\$6,096	\$869	\$440	\$7,427	+4.8%	+10.7%
Marion	\$6,033	\$619	\$442	\$7,094	+1.1%	+5.8%
Mult. Co. Counsel	\$6,195	\$854	399	\$7,448	+5.1%	+11.0%
Oregon Asst. Atty. General	\$6,253	\$703	\$377	\$7,333	+3.5%	+9.3%
Pierce	\$5,860	\$690	\$400	\$6,950	-1.9%	+3.6%
Washington	\$5,882	\$620	\$335	\$6,837	-3.5%	+1.9%
Average all Comparables					+3.9%	+9.7%
Average all Oregon Comparables					+6.1%	+12.1%
Average all Oregon except Clackamas					+2.0%	+7.7%

\* Other jurisdictions calculate the cost of medical and dental benefits using a composite rate, a weighted average of the costs of individual, two party, and family coverages. The rate used for Multnomah County (both prosecutors and county counsel) is the weighted average, but weighted by MCPAA participation rates.

\* The Multnomah County health and welfare rate was used as a proxy for Clark and King Counties, for which data is unavailable.

\* The Multnomah County number of paid days off was used as a proxy for King County, for which data is unavailable.

The percentage figures in the two left-hand columns indicate the amount by which Multnomah County salaries would have to be raised (positive) or lowered (negative) to equal that of the comparable.





# MULTNOMAH COUNTY OREGON

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COUNTY CHAIR

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## MEMORANDUM

TO: Kenneth Upton  
Labor Relations Manager

FROM: Ellen Ullrick *ELU*  
Labor Relations Specialist

DATE: July 2, 1996

SUBJECT: Monthly salary data on Deputy District Attorney I, III, and IV

Attached is the data you requested on salaries for Deputy District Attorney I, III, and IV. The County's position relative to the other jurisdictions surveyed is summarized below:

	<i>Deputy DA I (at six months)</i>	<i>Deputy DA III (at ten years)</i>	<i>Deputy DA IV (at maximum)</i>
Percent Mult. Co. is ahead of all jurisdictions surveyed	-5.9%	-7.1%	1.1%
Percent Mult. Co. is ahead of Oregon jurisdictions	-11.7%	-9.9%	-.3%
Percent Mult. Co. is ahead of Oregon jurisdictions except Clackamas Co.	-8.6%	-6.0%	-.3%

The data above takes into account all cash compensation: base salary, PERS pick-up, deferred compensation, 401K contributions, and any applicable longevity pay. It

does not include employers' contributions to PERS, the value of paid days off, or the cost of health and welfare benefits. The value of vacation and holiday leave and of health and welfare benefits has been calculated for the Deputy DA III classification. See page 3 of the attachments for specific information.

The employer contribution to PERS is an especially controversial figure because Multnomah County, which is amortizing the unfunded liability from the old Multnomah County retirement plan, pays more than other Oregon jurisdictions for PERS benefits. Multnomah County pays 9.24%; the average for other Oregon jurisdictions is 7.89%. The average including Washington PERS jurisdictions is 7.79%. Employees often argue that although PERS benefits cost Multnomah County more than other jurisdictions, the benefits are the same, and should be given the same, and not more, weight when compensation packages are being compared.

Multnomah County's vacation plan is a little more generous than others, but the exact difference varies by years of service. At ten years of service Multnomah County Deputy District Attorneys accrue about 3 vacation and holiday days off per month; the average for other jurisdictions is about 2.7 days. The difference comes to about 1.3% of salary.

The cost of Multnomah County's health and welfare benefits package as calculated for the Deputy DA III level is about \$14 a month less than the average expenditure for jurisdictions for which data was available. Excluding Clackamas County, Multnomah County is exactly average.

There has been controversy regarding classification matches between King County Prosecuting Attorneys and Multnomah County Deputy DA's and matches between Clackamas County Deputy District Attorneys and Multnomah County's. See the last two notes on page 2 and the second note on page 6 of the attachments for a discussion of this issue.

**Top Step Monthly Salary Rates  
for Career Prosecutors without Managerial Responsibility  
at Ten Years of Service  
with and without the Employer PERS Contribution**

<i>Jurisdiction</i>	<i>Top Base Rate</i>	<i>Pick-up, Other Retire.</i>	<i>Total</i>	<i>% Mult. Co. is Ahead</i>	<i>Employer PERS Contrib.</i>	<i>Total</i>	<i>% Mult. Co. is Ahead</i>
<b>Multnomah (76)</b>	<b>\$5,074</b>	<b>6.0%</b>	<b>\$5,378</b>	<b>_____</b>	<b>9.24%</b>	<b>\$5,875</b>	<b>_____</b>
Clackamas (22)	\$6,176	6.0% 6.27%*	\$6,957	-29.4%	7.76%	\$7,497	-27.6%
Clark (31)	\$5,962	0	\$5,962	-10.9%	7.62%	\$6,416	-9.2%
King (128)	\$4,975	0	\$4,975	+7.5%	7.62%	\$5,354	+8.9%
Lane (27)	\$5,677	0	\$5,677	-5.6%	7.38%	\$6,096	-3.8%
Marion (27)	\$5,492*	0 1.5%*	\$5,568	-3.5%	8.35%	\$6,033	-2.7%
Mult. Co. Counsel (7)	\$5,671	0	\$5,671	-5.4%	9.24%	\$6,195	-5.4%
Oregon Asst. Atty. General* (7)	\$5,765	6.0%	\$6,111	-13.6%	8.46%	\$6,628	-12.8%
Pierce (87)	\$5,445	0	\$5,445	-1.2%	7.62%	\$5,860	+ .3%
Washington (25)	\$5,472	0	\$5,472	-1.7%	7.5%	\$5,882	-.1%
Average All Jurisdictions			\$5,760	-7.1%		\$6,217	-5.8%
Average all Oregon Jurisdictions			\$5,909	-9.9%		\$6,388	-8.7%
Average all Oregon except Clackamas			\$5,700	-6.0%		\$6,167	-5.0%

**Note:** although the salary data is for the Deputy District Attorney III and like classifications only, the number of attorneys in parentheses in the first column is the total number of non-management attorneys in the jurisdiction.

\* The employer retirement contribution is higher for Multnomah County than for the other Oregon PERS employers because of a larger than average unfunded liability from the previous retirement plan.

- \* The Oregon Attorney General's Office has only eight attorneys who do criminal trial work; the title Assistant Attorney General encompasses a broad range of legal specialties.
- \* Marion County base rate includes a 2.5% ten year longevity step. Marion County DDAs are eligible to receive either an extra four weeks' pay or an extra four weeks of vacation annually. This comes to 7.7% of wages, which is also included in base wages shown. They also receive a 1.5% contribution toward a 401k plan, which is shown in the third column from the left.
- \* Clackamas County base rate includes a 1% ten year longevity step.
- \* Pierce County prosecutors receive a premium for weekend call-in of \$175, which is not included above. They receive the premium one to two times a year on the average.
- \* Clackamas County DDAs at the senior level receive 6.27% in County paid deferred compensation.
- \* It is surprising that King County rates are so much below the others. This may be attributable to difficulty in matching classifications. King County has seven relevant classifications, while Multnomah County has four. If Multnomah County DDA III's were matched with the next class up in the King County system, King County would be .8% ahead of Multnomah County when the employer contribution to the Oregon and Washington PERS is included.
- \* Clackamas County rates are surprisingly high. Again classifications are difficult to match, since Clackamas has three non-management classifications of Deputy District Attorney where Multnomah County has four. The highest classification at Clackamas County, Senior Deputy District Attorney, are not trial team leaders like Multnomah County Deputy District Attorney IV, so the Clackamas County Senior Deputy DA has been matched to Multnomah County Deputy DA III. If the Clackamas County Deputy DA II had been matched to Multnomah County Deputy DA III, Clackamas County would be 5.2% ahead of Multnomah County not including the employer retirement contribution and 3.7% ahead including it.

**Total Monthly Compensation for Career Non-managerial Prosecutors  
At the Top Step and With Ten Years of Service**

<i>Jurisdiction</i>	<i>Cash Comp.</i>	<i>Vacation, Holidays</i>	<i>Health and Welfare</i>	<i>Total</i>	<i>% Multnomah County is Ahead</i>
Multnomah	\$5,875	\$810	\$399*	\$7,084	_____
Clackamas	\$7,479	\$997	\$498	\$8,974	-26.7%
Clark	\$6,416	\$855	\$399*	\$7,670	-8.3%
King	\$5,354	\$738*	\$399*	\$6,491	+8.4%
Lane	\$6,096	\$869	\$440	\$7,427	-4.8%
Marion	\$6,033	\$619	\$442	\$7,094	-.1%
Mult. Co. Counsel	\$6,195	\$854	\$399	\$7,448	-5.1%
Oregon Asst. Atty. General	\$6,628	\$703	\$377	\$7,708	-8.8%
Pierce	\$5,860	\$690	\$400	\$6,950	+1.9%
Washington	\$5,882	\$620	\$335	\$6,837	+3.5%
Average all Jurisdictions					-4.5%
Average all Oregon Jurisdictions					-7.0%
Average all Oregon except Clackamas					-3.1%

\* Other jurisdictions calculate the cost of medical and dental benefits using a composite rate, a weighted average of the costs of individual, two party, and family coverages. The rate used for Multnomah County (both prosecutors and county counsel) is the weighted average, but weighted by MCPAA participation rates.

\* The Multnomah County health and welfare rate was used as a proxy for Clark and King Counties, for which data is unavailable.

\* The Multnomah County number of paid days off was used as a proxy for King County, for which data is unavailable.

**Monthly Salaries Including PERS Pick-up  
for Entry Level Deputy District Attorneys  
from Hire to 24 Months of Service  
as of June 30, 1996**

	<i>Time Since Hire</i>				
<i>Jurisdiction</i>	<i>0 mos.</i>	<i>6 mos.</i>	<i>12 mos.</i>	<i>18 mos.</i>	<i>24 mos.</i>
Clackamas (6)	\$3,219	\$3,583	\$3,583	\$3,762	\$3,762
Clark (7)	\$2,719	\$2,719	\$3,127	\$3,127	\$3,596
King (31)	\$3,008	\$3,117	\$3,317	\$3,317	\$3,708
Lane (8)	\$3,139	\$3,297	\$3,297	\$3,461	\$3,461
Marion (7)	\$3,023	\$3,174	\$3,174	\$3,332	\$3,332
Pierce (18)	\$2,905	\$2,905	\$3,356	\$3,356	\$3,535
Washington (9)	\$3,187	\$3,187	\$3,694	\$3,694	\$3,879
<b>Average</b>	<b>\$3,029</b>	<b>\$3,140</b>	<b>\$3,364</b>	<b>\$3,436</b>	<b>\$3,611</b>
Multnomah Co. (15)	\$2,796	\$2,964	\$3,254	\$3,254	\$3,469
% <u>above</u> average	-8.3%	-5.9%	-3.4%	-5.6%	-4.1%

The negative numbers in the bottom row indicate how much Multnomah County is behind the average of all jurisdictions listed.

**Notes:**

- \* The number in parentheses following the jurisdiction name indicates the number of employees in the entry classification.
- \* At six months Multnomah County is 11.7% behind the Oregon jurisdictions, and 8.6% behind the Oregon jurisdictions except Clackamas County.
- \* Rates shown for Clackamas and Multnomah Counties at 6 months and thereafter include PERS pick-up. Note that Washington PERS II employees pay 4.85% (not 6.0%) into their retirement plans.
- \* Although State of Oregon Assistant Attorney General's salaries were surveyed, they are not included here because they generally join the criminal division with substantial experience. Multnomah County Deputy County Counsel also typically join the County with experience, and

are not included.

\* Marion County has a compensation credit plan under which employees may choose four weeks' pay or four weeks' additional vacation. The rates shown above assume the extra four weeks' pay. The County also contributes 1.5% of base into a 401K plan, and that amount is included above.

\* Lane County typically hires prosecutors at the Deputy District Attorney II, Step 1. (The Deputy District Attorney I classification is not used.) Clark and Multnomah Counties hire at the second step of the entry range. The step most commonly used at entry is shown above.

**Monthly Salaries for top Step Deputy District Attorney IV  
Including PERS Pick-up and Other Monetary Compensation  
as of June 30, 1996**

<i><b>Jurisdiction</b></i>	<i><b>Top Salary</b></i>	<i><b>% &lt; Multnomah County</b></i>
<b>Multnomah (14)</b>	<b>\$6,247</b>	<b>-----</b>
Clark (6)	\$6,263	-.3%
King (24)	\$5,883	+5.8%
Lane (4)	\$6,271	-.4%
Marion (4)	\$6,287	-.6%
Oregon Attorney General (3)	\$6,421	-2.8%
Pierce (8)	\$6,074	+2.8%
Washington (6)	\$6,039	+3.3%
<i><b>Average</b></i>	<i><b>\$6,177</b></i>	<i><b>+1.1%</b></i>

**A negative number in the right-hand column means that Multnomah County is behind.**

Notes:

- \* The number in parenthesis following the jurisdiction name indicates the number of employees in the Trial Team Leader classification.
- \* Clackamas County is not included above because the top non-management classification, Senior Deputy District Attorney, was previously matched with Deputy District Attorney III. The top rate for that classification, including PERS pick-up, 6.27% deferred compensation, and 1.0% for ten year longevity, comes to \$6,957 per month. This is 11.4% higher than Multnomah County's DDA IV. Including Clackamas County's Sr. DDA classification as a match for DDA IV would raise the average to \$6,274 and put Multnomah County .4% behind the average.
- \* Multnomah County and the Oregon Attorney General's Office have PERS pick-up, which is included in the figures above.
- \* Marion County has a compensation credit plan under which



employees may choose four weeks' pay or four weeks' extra vacation. The rates shown reflect an additional four weeks' pay. Marion County also has 2.5% longevity pay increments at 10 and 15 years of service. The rate shown is for 15 years of service. The County also contributes 1.5% into a 401K plan, and that amount is included above.

C:\wpdata\ku960701

# Office Memorandum MICHAEL D. SCHRUNK, District Attorney

**TO** : Michael D. Schrunk

**FROM** : Kelly Bacon

**DATE** : July 2, 1996

**SUBJECT** : DDA Compensation

As requested I have conducted a review of the pay situation of the DDAs. Most of the material generated thus far has been prepared by either MCPAA or the County as part of the current negotiations. *The methodologies are similar and the jurisdictions used as comparables are ones generally used by the county when conducting such studies: Clackamas OR, Lane OR, Washington OR, Marion OR, Clark WA, Pierce WA, King WA, and Sacramento CA.*

## Pay Issues

1. DDA salary has lagged behind comparable jurisdictions to the extent that it is beginning to effect retention rates. As Attachment 1 shows, since 1987, a year of significant budget reductions, the rate has plummeted to essentially single digits. However during the last two years there has been a perceptible increase in the number of DDAs who have chosen to leave the office, most often for a significant increase in pay.

2. The number of DDAs who are attempting to make prosecution a career are now confronting the double bind of having to live within an outdated compensation schedule and frozen at the highest step within that system. Within the ranks of the felony trial units almost 75% of the most senior DDAs are topped out, as are 63% of the felony trial attorneys and a third of the least senior felony trial lawyers. *Over 50% of all felony attorneys are frozen in pay.*

3. In the last few years the job of a DDA has become more complicated and harried. The complexities of conducting criminal prosecutions have been dramatically altered with the passage of Ballot Measure 11. The Measure's shift in focus from judicial discretion to prosecutorial discretion has required new oversight systems and constant evaluation of deputy decisionmaking. In terms of volume Multnomah County felony courts account for some 26,000 felony, misdemeanor and juvenile cases in contrast to the next busiest county criminal court, Marion county (11,000 cases).

## Starting Salary

The 1996 ODAA salary survey of county DA offices clearly shows that the largest, most urban county in the state offers a starting DDA salary that is simply not competitive with its neighbors. Combined with other out-of-state offices the situation worsens.

### Begining Salaries for DDAs

<u>Jurisdiction</u>	<u>Salary</u>
Clackamas OR	\$41,818.00
Sacramento CA	\$41,660.00
Washington OR	\$38,244.00
King WA	\$36,100.00
Pierce WA	\$33,659.00
Multnomah OR	<b>\$33,554.00</b>
Lane OR	\$33,550.00
Marion OR	\$33,216.00
Clark WA	\$32,630.00

### DDA Salaries

A market survey is only as good as the units which are compared. Comparing dissimilar positions invalidates the work, but coming to an agreement on comparables is difficult. For example, the county and MCPAA have done their own salary surveys in order to determine market placement for DDAs. The Oregon District Attorneys Association conducts its own annual survey. The following table lists what each has determined as the top base salary for DDAs who have been practicing for at least ten years and who are not tasked with supervisory responsibilities. *Regardless of which survey one uses, and the table in no way tells the full story, it is clear that Senior Multnomah County DDAs are underpaid in comparison to their peers, somewhere between 10-14% below the average and 24% behind the highest paid comparable*

<u>Jurisdiction</u>	<u>MCPAA</u>	<u>County</u>	<u>ODAA</u>
Lane	\$ 75,252.00	\$ 68,124.00	\$ 71,656.00
Clackamas	\$ 73,368.00	\$ 74,112.00	\$ 73,944.00
Washington	\$ 65,664.00	\$ 65,664.00	\$ 65,664.00
Marion	\$ 62,736.00	\$ 61,188.00	\$ 59,700.00
AVG	\$ 69,255.00	\$ 67,272.00	\$ 67,741.00
Multnomah	\$ 60,672.00	\$ 60,888.00	\$ 60,907.00
% Behind Highest	-24%	-21.70%	-21.40%
% Behind Avg	-14%	-10%	-11.20%

As pointed out earlier, not only are Multnomah County DDAs paid less, the current pay structure now has locked in over half of them.

### Reommendation for Reform

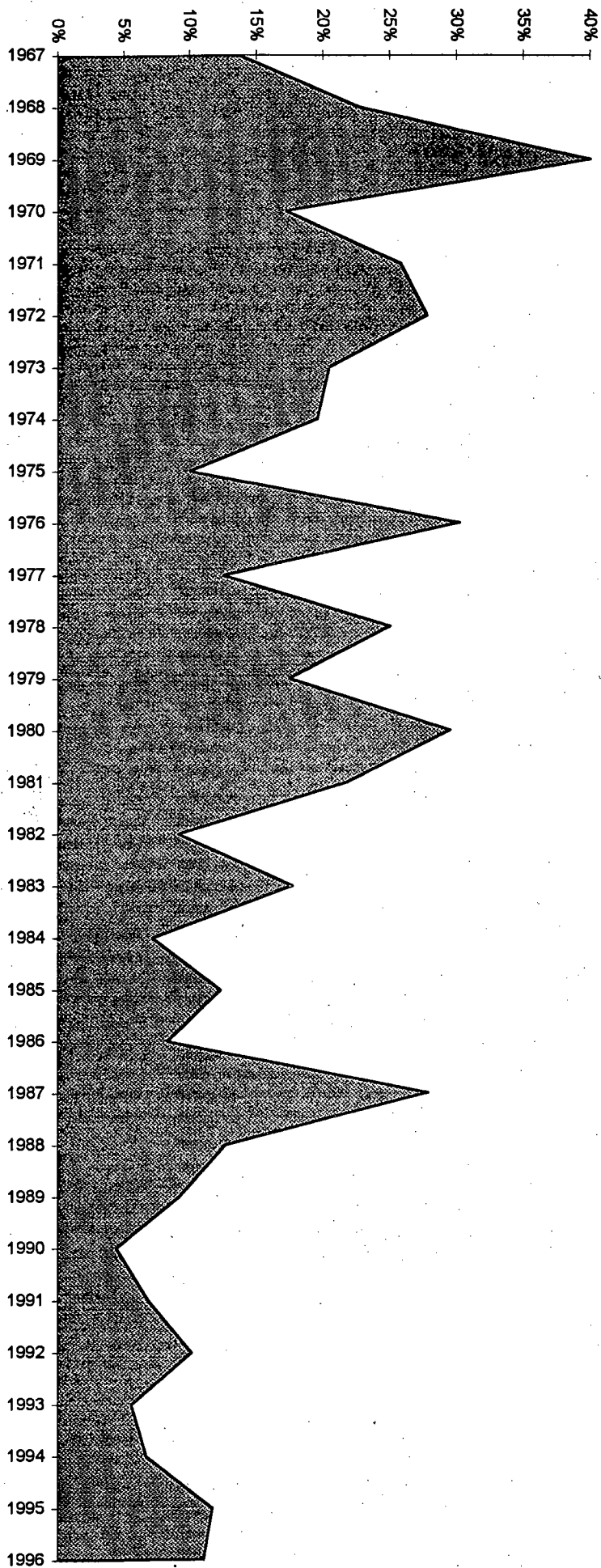
1. Increase starting salaries to the \$38,000 per year range. The costs associated with this would most likely be absorbed during the course of FY 96-97.

2. Provide a market "catch up" increase of 6% across-the-board (also include funds for DDA PERS amounts which are either picked up by the county or paid by the employee).

3. Adjust annually salaries by the COLA as specified in the collective bargaining agreement.

4. Provide a performance incentive to "locked" DDA3s and DDA4s equal to 2.5% of personal services budgeted amount which can be allocated among Sr. DDAs in increments of 5%.

DDA Turnover





# MULTNOMAH COUNTY OREGON

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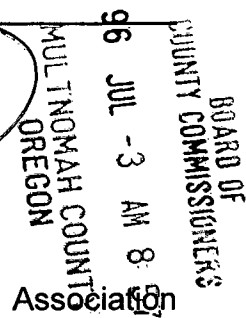
## CONFIDENTIAL MEMORANDUM

TO: Board of County Commissioners

FROM: Kenneth Upton, Labor Relations Manager 

DATE: July 2, 1996

SUBJECT: Bargaining with Multnomah County Prosecuting Attorneys Association (MCPAA)



This is to confirm, as per our discussion, this date authority in the above cited matter, as well as give a few technical clarifications.

### July 1, 1996

- Increase base 6% as an offset to employees paying their own PERS. IRS Tax shelter as per Local 88 and others, as well as payment to new employees who are not PERS eligible at 94.3% of stated rate until PERS eligibility begins as per Local 88 and others. (NOTE: As per question from Board, I called Association Attorney and he indicated Association did not have final position on "Pick-Up").
- Elimination of the unused Step 1 of DDA1.
- Increase rates 4.8% (2.8% CPI, plus 2% equity adjustment)

### July 1, 1997

- CPI Formula as per prior contract (Min 2.5% - Max 4.5%) with override clause for high inflation.
- Eliminate bottom step for all levels. Employees are placed in next step in accordance with the rules for reclassification.

Board of County Commissioners  
July 2, 1996  
Page 2

- Step added at top of range (4%) all levels. Employees are eligible for advancement to new step immediately if they have served one year or more in the prior step (old high step), or upon anniversary date if they have served at that step less than a year.

**July 1, 1998**

- CPI Formula, same structure as above.

**July 1, 1999**

- New Contract

I trust the above is a helpful summary for both attending Board members and Commissioner Kelley. If you have any questions, concerns, or need for additional information, please call.

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c: Michael Schrunk  
Kelly Bacon (For distribution to Mgt. DA Bargaining Team)

File: MCPAA Binder