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01/08/87

Memorandum 87-8

Subject: Special Salary Increase

A recent memorandum from the Department of Personnel Administration asks all state agencies to identify any critical management problems that can be effectively addressed by a special salary adjustment. I recommend that the Commission request a salary adjustment for the position of Executive Secretary, California Law Revision Commission.

I recommend that the salary for the Executive Secretary be the same as for the position of Deputy Legislative Counsel IV. Current salary for the Executive Secretary is \$5543 per month. The salary range for Deputy Legislative Counsel IV (effective July 1, 1986) is \$4900 - 5138 - 5393 - 5654 - 5933. If this request is approved, the increase in salary for the current Executive Secretary would be \$390 per month (the difference in the current maximum salary and the proposed maximum salary).

The management problem that prompts this request is that I am 63 and expect to retire within the next few years. Unless the salary of the Executive Secretary is set at an adequate level, it will not be possible for the Commission to recruit a replacement of the expertise and experience needed for the position. Recruitment from outside state service will probably not be an option, since the Department of Personnel Administration is implementing the State Restrictions of Appointment process to require new appointments only from within state service. If the Commission requests that the salary for this position be increased, the increase probably could not be made effective before July 1, 1987.

Placing the salary for the position of Executive Secretary at the same level as Deputy Legislative Counsel IV would significantly improve the Commission's options in filling a vacancy in this position.

The most likely choice of the Commission would be to promote the existing Assistant Executive Secretary to Executive Secretary and to promote an existing staff member to the vacant position of Assistant Executive Secretary. However, given the present salary structure the Assistant Executive Secretary would not be motivated to apply for the position. In 1986, the salary of the current Assistant Executive Secretary, when combined with the bonus awarded under the Managerial Performance Appraisal Program, exceeded the salary of the Executive Secretary.

Another option would be to seek to fill the position of Executive Secretary with an outstanding member of the staff of the office of the Legislative Counsel or, perhaps, to fill the position of Executive Secretary by promoting the Assistant Executive Secretary and filling the then vacant position of Assistant Executive Secretary from the office of the Legislative Counsel. Given the present salary structure, it is unlikely that a highly qualified Legislative Counsel attorney would apply for either the position of Executive Secretary or Assistant Executive Secretary. This is because that attorney can expect to advance to a position at a higher salary level than the current salary of either the Assistant Executive Secretary or the Executive Secretary. Almost one-third of the legal positions in the office of the Legislative Counsel are at a salary level above that of the position of Executive Secretary. (In the Office of the Legislative Counsel, there are 25 legal positions above and 41 below the current salary of the Executive Secretary. If the salary adjustment for the position of Executive Secretary were approved, there would be 15 positions above, 10 equal to, and 41 below the current salary of the Executive Secretary.)

In addition to improving the Commission's position when the time comes to recruit a person to fill the position of Executive Secretary, the recommended salary increase for the position of Executive Secretary will establish a fairer salary structure within the Law Revision Commission and a salary structure for the Commission that is more equitable when compared to the most comparable other state agency (office of the Legislative Counsel). A number of years ago, the salary level for the position of Assistant Executive Secretary was the same as for the position of Deputy Legislative Counsel IV.

The Commission currently must absorb a 2% cut in its overall budget for 1986-1987 and a 1% cut in its 1987-1988 budget. The Commission is clearly faced with a marginal operating budget. However, I believe the fiscal impact of this request to be minimal based on the fact that it can be supported by both budgets, and the consequences of not making the request--of not obtaining quality legal professionals for the Commission's top legal positions--will substantially impact on the work of the Commission to its detriment.

Therefore, I respectfully request that the Commission recommend that the salary for the position of Executive Secretary be the same as for the position of Deputy Legislative Counsel IV. The Commission's recommendation would be sent to the Department of Personnel Administration for consideration in connection with other requests for special salary adjustments and would become effective only if approved by that department.

Respectfully submitted,

John H. DeMouilly
Executive Secretary