

TO: Personnel Board
FROM: William Wick, Human Resources Analyst
DATE: September 13, 2022
SUBJECT: Assistant City Attorney

At the request of the Madison City Attorneys Association (MCAA) and the City of Madison Labor Relations Unit, a salary study was completed in February 2022 to compare City of Madison Assistant City Attorney pay with Assistant City Attorney pay among peer employers in Wisconsin at the local, county, and state levels. The goal of the study was to identify minimum pay, median pay, maximum pay, whether or not each employer participates in the State of Wisconsin or Wisconsin Public Employer Group health insurance program, and whether or not starting pay is negotiable. Peer organizations included in the study were Dane County, State of Wisconsin, City of Milwaukee, City of Green Bay, City of Kenosha, and City of Racine. Based on the findings of that study, I recommend the following:

- Delete Step 1 and Step 2 of the current CG 23 Salary Schedule, and
- Recreate the current Steps 3 through 16 of the CG 23 Salary Schedule as the new Steps 1 through 14, and
- Reallocate employee J. Donker to the new Step 1, and
- Reallocate all other active CG23 employees to the new Step that is two steps below their current Steps in the CG23 Salary Schedule

Per the City of Madison's Salary Schedule* for Compensation Group 23, the classification of Assistant City Attorney has minimum annual pay of \$69,072.12 (Step 1), median pay (Step 8 with 3% Longevity Pay) of \$103,182.82 (\$100,177.48 Base + \$3,005.34 Longevity), and maximum pay (Step 16 with 12% Longevity Pay) of \$162,212.70 (\$144,832.74 Base + \$17,379.96 Longevity Pay). Starting pay is not negotiable and falls at Step 1. Step increases and Longevity Pay are applied per the terms of the Madison General Ordinances (MGO) which are summarized in the MCAA Employee Benefits Handbook**. The City of Madison participates in the Wisconsin Public Employer Group health insurance program administered by the State of Wisconsin Department of Employee Trust Funds (ETF).

Per the Dane County Employee Benefit Handbook Wage Appendixes***, the classification of Assistant Corporation Counsel has minimum annual pay of \$71,926.00 (Step 22), median pay (Step 31, after obtaining 110.5 Longevity Credits) of \$102,232.00, and maximum pay (Step 40, after obtaining 227.5 Longevity Credits) of \$148,158.00. One half (1/2) Longevity Credit is earned for each biweekly period in which an employee receives compensation. Starting pay is not negotiable. Step increases are applied per the terms of the Dane County Employee Benefit Handbook. Dane County does not participate in the Wisconsin Public Employer Group health insurance program.

Per the State of Wisconsin's Classified and Covered Unclassified Employee Pay Schedules for the 2021-2023 Biennium†, the classifications of Classified Attorney, Assistant District Attorney, and Public Defender have minimum pay of \$55,536.00 (Step 0) and maximum pay of \$134,098.00 (Step 17). Starting pay is negotiable – the maximum appointment rate is \$92,955.00. The starting salary for State of Wisconsin Assistant Attorney General is typically between \$70,720 and \$112,320 dependent on the candidate's background, training, and experience, according to

<https://www.doj.state.wi.us/dms/attorney-employment-opportunities>. Health insurance is offered through the State of Wisconsin group health insurance program administered by ETF.

The City of Milwaukee has five classifications of Assistant City Attorney (ACA I, II, III, IV, and V). Minimum annual pay is \$58,462.30 for ACA I, \$66,434.68 for ACA II, \$75,478.26 for ACA III, \$85,757.10 for ACA IV, and \$97,420.44 for ACA V. Maximum annual pay is \$81,844.36 for ACA I, \$93,009.80 for ACA II, \$105,669.20 for ACA III, \$120,063.84 for ACA IV, and \$136,395.22 for ACA V. Recruitment is at any rate in the pay range at the discretion of the City Attorney † †. The City of Milwaukee does not participate in the Wisconsin Public Employer Group health insurance program.

Per the City of Green Bay's Pay Plan for Salaried (Exempt) Employees†††, the classification of Assistant City Attorney has minimum annual pay of \$70,241.00 (Step 1), median pay of \$82,638.00 (Step 7 – compensation above this rate falls in the Performance Range), and maximum annual pay of \$95,035.00. The City of Green Bay does not participate in the Wisconsin Public Employer Group health insurance program.

The City of Kenosha has two classifications of Assistant City Attorney (ACA I and II). Minimum annual pay is \$73,224.00 for ACA I‡ and \$82,668.00 for ACA II‡‡. Maximum annual pay is \$94,176.00 for ACA I and \$106,296.00 for ACA II. Progression to ACA II requires three years of experience as an ACA I with City of Kenosha. The City of Kenosha does not participate in the Wisconsin Public Employer Group health insurance program.

Per the City of Racine's classification specification for Assistant City Attorney‡‡‡, the minimum annual pay is \$75,296.00 and the maximum annual pay is \$96,824.00. The starting pay rate is negotiable. The City of Racine does not participate in the Wisconsin Public Employer Group health insurance program.

The mean average minimum pay for the six peer employers, excluding classifications higher than ACA I, is \$67,447.45, which is in line with the City of Madison's minimum ACA pay of \$69,072.12. The mean average maximum pay for the six peer employers, including classifications higher than ACA I and excluding classifications lower than the highest classification for each respective peer employer, is \$119,467.70.

Of the seven employers compared, the minimum annual salary for City of Madison ACA's ranks fifth and falls about 8% lower than the highest minimum annual salary for an ACA I among peer employers, while coming in about 24% higher than the lowest minimum annual salary for an entry level Assistant Attorney among peer employers.

Of the seven employers compared, the maximum annual salary for City of Madison ACA's ranks first, coming in about 9% higher than the next highest maximum annual salary for ACA's among peer employers. Please note that it is possible that there may be pay provisions for peer employers' Assistant Attorneys that are not reflected within their respective salary schedules that could potentially affect their maximum pay.

Carlson Dettmann Consulting provided private sector attorney pay data aggregated from their custom survey, the GMA SHRM survey, Willis Towers Watson, CompData, ERI, and PayFactors. Accounting for variability across the surveys, entry level market pay was estimated at \$91,300, with an estimated range of \$77,600-\$105,000; market pay for attorneys with approximately 5 years of experience was estimated at \$111,000, with an estimated range of \$94,400-\$127,600; and market pay for attorneys with approximately 10 years of experience was estimated at \$135,300, with an estimated range of \$115,000-\$155,600. Ranges reflect an estimated hiring rate equivalent to 85% of the market estimate and an estimated max rate equivalent to 115% of the market estimate.

Following the presentation of the draft summary of the study's findings, MCAA requested that attorney positions at UW-Madison be included as a comparable. UW-Madison recently conducted a Title and Total Compensation (TTC) project that "spanned five years and included engagement with multiple stakeholder groups including shared governance, subject matter experts, human resources partners, and campus leadership. More information may be found on the [TTC Project website.](https://hr.wisc.edu/title-and-total-compensation-study/2021/12/03/ttc-project-and-long-term-strategies/)" (<https://hr.wisc.edu/title-and-total-compensation-study/2021/12/03/ttc-project-and-long-term-strategies/>). As of December 3, 2021, the new job title and compensation structure is in place. The salary range for Attorney I is \$84,800-\$157,600. The salary range for Attorney II is \$97,600-\$181,200. The salary range for Attorney III is \$112,200-\$208,400. Actual current salaries are unknown.

The highest paid attorney within UW-Madison's Office of Legal Affairs received wages of \$167,284 in calendar year 2020, which is the most recent year for which records are publicly available. The highest paid attorney with the Office in 2020 has been employed by the Office since 2003. Other 2020 top four paid attorneys within the Office have been employed by the UW System/UW-Madison since 1993, 1998, and 2008, with the 2008 hire presently serving as Assistant Vice Chancellor for the Office. It is unknown at this time whether UW-Madison attorneys' actual salaries have increased since the new compensation structure was put in place – this may merit further study. As of May 6, 2022, two out of the 14 City of Madison Assistant City Attorneys receive the maximum allowable pay of \$162,212.70, which is about 3% less than the earnings of the 2020 highest paid attorney within the UW-Madison Office of Legal Affairs, though the difference may be greater if UW-Madison attorneys have since received actual salary increases.

Seven out of 14 City of Madison Assistant City Attorneys have achieved the top step (Step 16) in the salary schedule and, of those seven, one ACA receives 8% longevity pay, one ACA receives 9% longevity pay, one ACA receives 10% longevity pay, two ACAs receive 11% longevity pay, and two receive the maximum 12% longevity pay. The average length of employment for current City of Madison ACAs who have completed at least one full year of service is 16.57 years. Three of the current 14 ACAs were hired within the past 12 months. Since 1997, the average length of employment at termination for an ACA has been 12.56 years, when excluding ACAs who were discharged due to failing probation. From 1997 through 2021, an average of 0.96 City of Madison ACA has terminated employment per calendar year, with no more than two terminations in any one calendar year. The average annual turnover rate of 6.85% during that time is significantly less than the industry average (recent estimates are 18-20% turnover for attorneys) and, when considered in combination with the average longevity of City of Madison ACAs, the City has little problem retaining ACAs. Of the 23 permanent (not hourly) ACAs who have terminated employment since 1997, eight have retired, six resigned to take a different job, four

resigned due to moving outside of the Madison area, three resigned due to personal/other reason(s), and two failed probation.

In the interest of remaining competitive in hiring Assistant City Attorneys, City Human Resources' recommendations, based on the review of both public sector and private sector attorney pay data, are as follows:

- Delete Step 1 and Step 2 of the current CG 23 Salary Schedule, and
- Recreate the current Steps 3 through 16 of the CG 23 Salary Schedule as the new Steps 1 through 14, and
- Reallocate employee J. Donker to the new Step 1, and
- Reallocate all other active CG23 employees to the new Step that is two steps below their current Steps in the CG23 Salary Schedule
- Use the existing Step 3 (new Step 1) of the Compensation Group 23 Salary Schedule only for new hires with less than 3 years of experience; and
- Use the existing Step 4 (new Step 2) of the Compensation Group 23 Salary Schedule for newly hired attorneys with 3 or more years of experience

The Resolution necessary to implement this recommendation has been prepared.

Editor's Note:

Compensation Group/Range	2022 Annual Minimum (Step 1)	2022 Annual Maximum (Step 16)	2022 Annual Maximum (+ 12% Longevity)
23/00 (Current)	\$69,417.40	\$145,556.84	\$163,023.64
23/00 (Proposed)	\$77,403.04	\$145,556.84	\$163,023.64

SOURCES

*<https://www.cityofmadison.com/sites/default/files/city-of-madison/finance/documents/salary/CG23.pdf>

**<https://www.cityofmadison.com/sites/default/files/city-of-madison/human-resources/documents/EmployeeBenefitsMCAA.pdf>

***<https://admin.countyofdane.com/documents/emprel/pdf/EBH-Wage-Appendixes.pdf>

† https://dpm.wi.gov/Documents/BCER/Compensation/Section_Z_21-23.pdf

†† <https://city.milwaukee.gov/ImageLibrary/User/tmacdo/2021SalaryOrdinance1-19-217.pdf>

†††<https://greenbaywi.gov/DocumentCenter/View/303/City-Pay-Plan-PDF>