

**STATE OF VERMONT
ATTORNEY PAY PLAN**

It is the intent of the State of Vermont to compensate exempt attorneys equitably on the basis of experience, expertise, responsibilities, and meritorious performance. Accordingly, the following pay levels and plan provisions will govern the hiring level, compensation and promotion of exempt attorneys. Any Agency or Department adopting this pay plan may develop an addendum applicable to their particular needs, providing its terms and conditions do not contradict this pay plan, and providing the addendum has been reviewed and approved by the Department of Human Resources.

DEPARTMENT OF HUMAN RESOURCES

Effective Dates: July 1, 2017 to June 30, 2018

STAFF ATTORNEY I

Minimum Experience:

Admission to practice plus 0-2 years of lawyer experience relevant to the position.

	Annual	Hourly
<u>Staff Attorney I</u>		
Minimum Hiring Range	\$44,512	\$21.40
Maximum Hiring Range	\$55,619	\$26.74
Maximum Salary	\$62,254	\$29.93

Level I attorneys require admission to practice and are under direct supervision of senior counsel or supervising attorney for carrying out routine legal tasks with technical competence and professional skill commensurate with experience. Examples of specific responsibilities include: providing general procedural legal advice and informal opinions to clients and staff; pretrial motion, trial, and appellate practice before state and federal courts and administrative hearing panels; and research, pretrial and litigation support to senior staff. Level I attorneys are subject to direction, instruction, and periodic review by senior counsel.

STAFF ATTORNEY II

Minimum Experience:

Admission to practice plus 2-5 years of relevant lawyer experience at increasing levels of responsibility.

	Annual	Hourly
<u>Staff Attorney II</u>		
Minimum Hiring Range	\$52,936	\$25.45
Maximum Hiring Range	\$66,019	\$31.74
Maximum Salary	\$71,074	\$34.17

Entry at Staff Level II requires admission to practice and a minimum of two years of relevant lawyer experience at increasing levels of responsibility. At this level, individuals are responsible for carrying out both routine and non-routine legal tasks with practical and professional skill under the general supervision of senior counsel or supervising attorney. Examples of duties at this level include: providing general legal advice on potential and actual litigation issues and published formal opinions to Department and Board officials; general regulatory drafting and appearance before the Administrative Rules Committee; pretrial motion, trial, and appellate practice before all state and federal courts and administrative hearing panels on general legal matters; and providing support and assistance to more experienced staff in significant litigation.

STAFF ATTORNEY III

Minimum Experience:

Admission to practice plus 5-8 years of relevant lawyer experience.

	Annual	Hourly
<u>Staff Attorney III</u>		
Minimum Hiring Range	\$63,086	\$30.33
Maximum Hiring Range	\$75,587	\$36.34
Maximum Salary	\$84,448	\$40.60

Entry at Staff Level III requires admission to practice and at least five years of demonstrated relevant proficiency at increasing levels of complexity and responsibility. At this level, examples of responsibilities include: providing general legal advice and published formal opinions to Cabinet-level officials and Board executives, and interpretive assistance to the Legislature; general legislative drafting and appearance before legislative committees; and pretrial, motion, trial and appellate practice before all state and federal courts and administrative hearing panels on matters of significant impact.

STAFF ATTORNEY IV

Minimum Experience:

Admission to practice plus 8 or more years of relevant lawyer experience.

	Annual	Hourly
<u>Staff Attorney IV</u>		
Minimum Hiring Range	\$72,280	\$34.75
Maximum Hiring Range	\$80,704	\$38.80
Maximum Salary*	\$100,485	\$48.31
*or up to Department/Agency Maximum, whichever is lower.		

Entry at Staff Level IV requires admission to practice and at least eight years of demonstrated relevant proficiency at increasing levels of complexity and responsibility. At this level, examples of responsibilities include: providing specialized legal advice and published formal opinions to Cabinet-level officials, Board executives, and the Legislature; pretrial, motion, trial and appellate practice before all state and federal courts and administrative hearing panels on complex issues of fact and law; to function as lead counsel on major negotiations or complex team litigation; and to provide supervision of assigned litigation assistance and support.

GENERAL COUNSEL I

	Annual	Hourly
<u>General Counsel I</u>		
Minimum Hiring Range	\$72,280	\$34.75
Maximum Hiring Range	\$80,704	\$38.80
Maximum Salary*	\$100,485	\$48.31
*or up to Department/Agency Head's Salary, whichever is lower.		

Entry at General Counsel I requires admission to practice and demonstrated relevant proficiency at increasing levels of complexity and responsibility. At this level, examples of responsibilities include: direct supervision of other attorneys; managing a complex and varied caseload; providing legal advice and published formal opinions to Executive/Board/Department officials on extraordinary issues involving substantial public policy concerns or substantial financial impact; appearances before legislative committees on bills of particular importance and impact; and for the development, implementation, and execution of litigation strategies in state and federal forums on complex regulatory, civil, or criminal matters. Organizationally, General Counsel I attorneys are assigned to Boards, Departments and smaller Agencies and report directly to functional head.

GENERAL COUNSEL II

	Annual	Hourly
<u>General Counsel II</u>		
Hiring Range	\$79,685	\$38.31
Maximum Salary*		
*Up to Agency Head's Salary		

Entry at General Counsel II requires admission to practice and demonstrated relevant proficiency at increasing levels of complexity and responsibility. Examples of responsibility include: direct supervision of other attorneys; managing a complex and varied caseload; providing legal advice and published formal opinions to Executive/Board/Department officials on extraordinary issues involving substantial public policy concerns or substantial financial impact; appearances before legislative committees on bills of particular importance and impact; and for the development, implementation, and execution of litigation strategies in state and federal forums on complex regulatory, civil, or criminal matters. Organizationally, General Counsel II attorneys are assigned to larger Agencies and report to cabinet-level Secretaries.

LAW CLERKS

(The following provision regarding law clerks applies only to those agencies or departments who may hereafter request the Department of Human Resources, in writing, to be bound by its terms. The following provision does not preclude any office from hiring student law clerks at salaries less than the sums indicated below).

Law Clerks may be hired to perform research with emphasis on appeals before the Vermont Supreme Court, lower court issues of statewide import and ramifications, and ad hoc legal issues arising during trial. They may also provide administrative assistance and legal support in a variety of areas as may be directed by a supervising attorney. Limited trial practice opportunities will be available to admitted Law Clerks to facilitate their transition to Level I Attorney.

	Annual	Hourly
<u>Law Clerk</u>		
Admitted Clerk	\$41,288	\$19.85
Un-admitted Clerk	\$38,896	\$18.70

Upon completion of 6 months as Admitted Clerk:

Staff Attorney Level I

SUPERVISION

Attorneys assigned specific responsibility for the training, supervision and evaluation of other attorneys, in addition to caseload responsibility, may receive an annual increment, subject to any agency/department limit on earnings, as follows:

1-3 Attorneys Up to \$1,500

4 or more Attorneys Up to \$2,000

This additional pay increment shall be effective only as long as the incumbent is assigned supervisory duties.

CONDITIONS AND OPERATIONS

1) New Appointees: Salaries for new appointees shall not exceed the minimums of the Staff Level Hiring Range without prior and specific approval, for good cause shown, from the Department of Human Resources as the Governor's designee. All requests must include a completed Exempt Salary Approval Form along with copies of the applicant's resume, interviewer's comments, and any other information (e.g., reference checks of past employers) which substantiate the salary and staff level being requested. No specific salary offer may be extended until the Department of Human Resources as the Governor's designee has approved the request.

2) End Of Probation Increase: At the completion of the probationary period (normally, six months), new appointees may receive an increase in base salary of up to 3% for satisfactory performance, and up to an additional 3% merit for performance which exceeds what is normally expected of the position. The individual's supervisor should submit a completed Exempt Salary Approval Form and an evaluation of the individual's performance which supports the request.

3) Merit Pay: Staff shall be eligible for a non-recurring bonus of up to 8%, or base salary increase of up to 7% for documented short or long-term commendable performance. Both an Exempt Salary Approval Form and an evaluation of the individual's performance must be prepared by the appropriate supervisor and submitted to the Department Head or Appointing Authority for review and approval. If approved, the request must then be submitted to the Department of Human Resources as the Governor's designee for final review and approval. Effective dates of any merit pay adjustment will be the first pay period following the Department of Human Resources' approval. Absent extraordinary circumstances, no more than one merit pay increase will be approved within any 12-month period.

4) Annual Increase (COLA): Staff may, for satisfactory performance, receive an increase of up to the cost of living percentage increase approved by the legislature for salary adjustment to exempt employees. When approved by the Appointing Authority/Department Head, either an Exempt Salary Approval Form or a memorandum authorizing cost of living increases for affected staff shall be forwarded to the Department of Human Resources for final review and approval.

5) Promotion: Upon recommendation by the appropriate level of supervision and approval by the Department Head/Appointing Authority, those promoted to a higher staff level or position shall be eligible for a base salary increase of between 5% and 8% (based on performance), but not less than the minimum hiring rate for the new staff level. Promotions and related salary adjustments shall be based on time in service, job responsibilities, merit, and the needs of the department. A completed Exempt Salary Approval Form along with written recommendations by the appropriate supervisor are required.

6) Approval Process: No specific salary offers or changes in salary or staff level may be extended to the applicant/employee nor become effective unless or until approved by both the Department Head/Appointing Authority and the Department of Human Resources as the Governor's designee. All requests should include a completed Exempt Salary Approval Form, and appropriate supporting documentation as specified in sections 1-5 above. All requests for salary and staff level changes should be submitted in a timely manner.

7) Legislative Reporting: The Department of Human Resources is responsible for reporting any pay actions for which there may be a statutory or administrative requirement to report to any Legislative or Administrative body, and will also forward a copy of the notification to the appropriate Department Head if the action is approved.

8) Maximum Salary: In no event shall a salary exceed the maximum salary for the applicable staff level unless otherwise approved by law.

9) Budgetary Constraints: Any and all salary adjustments as set forth in this Plan are subject to the discretion of the Department Head/Appointing Authority and to the budgetary constraints as deemed appropriate by that individual.

10) No Vested Interest: The terms and conditions of this Pay Plan notwithstanding, all participants in this Plan serve exclusively at the pleasure of the applicable Department Head/Appointing Authority and without vested interest in, nor expectation of, any right to continuation of either position or salary. Promotion, meritorious increases or bonuses, demotion, reduction in salary, suspension with or without pay, and dismissal shall remain at the pleasure of that Department Head/Appointing Authority.