

Independent Ethics Commission's Response to JBC Questions:

1. The IEC evaluates its effectiveness by the number of opinions issued in a timely manner, its prompt handling of complaints and by its success in educating covered individuals in its opinions and processes. When the IEC first met in December 2007, there was already a backlog of requests for Advisory Opinions and Letter Rulings. Although many of the requests were duplicative, and several opinions covered more than one question, there were over 70 separate pending questions that required responses. As a result of this back log, several requestors waited over six months for a response. The Commission is now able to handle almost all requests within thirty days. Because of the necessity of timely responses, the Commission meets at least once per month, and frequently meets a second time as well.

With the addition of a second staff member, the IEC has been preparing a handbook for dissemination to public employees and has been reaching out to state and local agencies with training and educational programs.

Most of the complaints received by the Commission have been outside of its jurisdiction, but the Commission has conducted two hearings in the past 18 months, and is in the process of scheduling two additional hearings this fiscal year.

The IEC had its first meeting in December 2007. The Executive Director was hired effective July 1, 2008.

<u>FY</u>	<u># of Mtgs.</u>	<u>Opinions Issued</u>	<u>Complaints handled</u>	<u>Hearings</u>	<u>CORA Requests</u>	<u>Trainings</u>	<u>Informal advice calls</u>
FY 09	24	18	8	1	6	6	143
FY 10	17	20	10	1	8	8	175
FY 12	10	9	9	2 pending	7	3	@ 150

For each meeting an Agenda and Minutes must be prepared. Staff for the Commission also manages the Commission's web site and handles all budgetary and reimbursement processes for the Commission. Staff estimates that each Opinion takes an average of 14 hours of staff time to research and prepare.

2. The original Commission budget and the Executive Director's salary level were set by the General Assembly before any of the Commissioners were appointed and the nature of the IEC's work was fully appreciated. The Executive Director's position was set essentially as an administrative position, only. The Commission immediately recognized that an upgrade of the Executive Director's position was necessary. This was communicated to the Executive Director when she was offered the position. After the Commission was complete the members reviewed the budget and prepared a request for an emergency supplemental for an increase in operating funds, an increase in the legal services budget, a reallocation of the Executive Director's position to a more appropriate professional level and an additional staff position. All of these requests were approved by the JBC in September 2008. However, due to the hiring freeze, the Commission was not able to reallocate the Executive Director's position until

May, 2009, and at a lesser amount than had been budgeted by the JBC. (The legal services budget was also reduced as a result of mandatory budget cuts). The Commission was in the process of hiring the second staff member when a Department of Personnel and Administration employee was laid off and “bumped” into the Executive Director’s position. The Executive Director then was reallocated downward. As a result, the Executive Director was not given the salary she was promised, and makes significantly less than the other Commission employee although she is the functional supervisor of that position.

After the Commission was transferred to the Judicial Department pursuant to statute, the Commission asked the Judicial Department to do a compensation analysis of the Executive Director’s position. The attached report suggests that an appropriate salary is \$53,000 more than the Executive Director is currently earning. Because of the current fiscal situation, the Commission decided to ask the JBC to raise the Executive Director’s salary by less than half of the recommended increase. Attached is a copy of the Compensation Analysis Report prepared by the Human Resources Division of the Judicial Branch. The Commission also compared the Executive Director’s salary to positions within the Department of Law. Also attached is the most recent available salary survey for attorneys in the Department of Law. The current Executive Director was a First Assistant Attorney General from 2000-2003, and an Assistant Attorney General II from 1996-2000.

Because the Executive Director is an attorney, she is able to perform much of the work which otherwise would require the services of the Department

of Law. For example, if the Attorney General's Office researched and drafted the Commission's opinions, it would cost the Commission approximately \$1100 per opinion in legal costs, and would require a comparable increase in the Commission's legal services budget. The Executive Director also investigates all of the complaints, makes recommendations to the Commission and prepares the required orders. Some of those tasks would have to be performed by an attorney in the Department of Law if the Executive Director were not an experienced attorney with litigation experience. The Commission estimates that it would need an additional \$20,000-\$25,000 a year in its legal services budget if the Executive Director were not qualified to do this work.

The Commission also promulgated procedural rules in 2008 and is in the process of revising those rules. The Executive Director has taken the lead in the redrafting of those rules.

3. The Commission has a staff of two employees, one of whom is an attorney.



Gerald A. Marroney
State Court Administrator

Carol M. Haller
*Deputy State Court Administrator
Legal Counsel*

Troy C. Singleton
Administrative Assistant

DIRECTORS

Mindy Masias
Human Services

David Kribs, CFO
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*Judicial Business Integrated
With Technology Services*

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Thomas Quinn
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Salary Analysis

Executive Director, Independent Ethics Commission

A request was made to analyze the Executive Director, Independent Ethics Commission position and make a salary recommendation to the Commission. This document is the result of that analysis.

Following usual practice, benchmarks for the position above were researched. Specifically, the positions of Executive Director, Judicial Discipline Commission, and Executive Director, Judicial Performance, were evaluated.

In accordance with job functions found in the Executive Director, Independent Ethics Commission (IEC) PDQ, the position manages the daily operation of the IEC. The position implements the IEC's policies, rules and regulations. The position assists with the training of state and local officials and employees throughout state. Position develops and monitors the IEC's budget and supervises the budget requests and reimbursement processes. Position is the main point of contact for state and local public officials and employees at all levels of government, and the public on ethics issues, and discusses the applicability of IEC opinions in particular situations. Position may also assist in media requests. Position is responsible for recommending rule changes to the Commission, and working with the Attorney General's Office on effecting those changes, and working with the AGO on all legal issues affecting the Commission. The position is responsible for legal research and drafting, investigations, serves as the interpretive authority, manages the administrative functions for the IEC, develops and tracks the agency budget, and researches and drafts proposed rules and policies. The Position advises the Commission on proposed changes to rules and statutes, and on policy issues as appropriate.

The Executive Director, Judicial Discipline Commission and the Executive Director, Judicial Performance are substantially similar to this position. All report directly to a Commission, with no intermediaries, and serve at the pleasure of the Commission. This reporting relationship is unique to these positions, and is not found in any other positions under the Judicial Department umbrella. Each have budgetary, administrative, and policy implementation responsibilities. Each position is responsible for implementing the policies, rules and regulations as directed by the respective Commission. The positions are the highest level of the respective organizations, and have wide discretion and significant decision making authority when running the day to day operations of the business.



*Together we will
reach new heights.*

Based upon these substantial similarities in responsibility, decision making, and scope of work, as well as the unique reporting structure, these positions are appropriate benchmarks for the Executive Director, Independent Ethics Commission.

Recommendation:

The salary for the Executive Director, Judicial Discipline Commission and the Executive Director, Judicial Performance is set at \$10,716.00. Therefore the recommendation for the Executive Director, Independent Ethics Commission is:

- Salary: \$10,716.00

Analysis completed by Marci Sannes (09/14/10).

Attorney Salary Ranges FY09

Position	Grade	Ranges	Ranges Annualized	Range%
Attorney I	AA	\$4,515 to \$5,147	\$54,176 to \$61,760	14%
Assistant AG I	A1	\$5,192 to \$7,580	\$62,302 to \$90,961	46%
Assistant AG II	A2	\$6,126 to \$8,944	\$73,516 to \$107,333	46%
1st Assist AG	A3	\$7,229 to \$10,555	\$86,749 to \$126,654	46%
Deputies	A4	\$8,530 to \$12,454	\$102,364 to \$149,451	46%

Attorney Salary Ranges FY08

Position	Grade	Ranges	Ranges Annualized	Range%
Attorney I	AA	\$4,366 to \$4,977	\$52,394 to \$59,729	14%
Assistant AG I	A1	\$5,021 to \$7,331	\$60,254 to \$87,970	46%
Assistant AG II	A2	\$5,925 to \$8,650	\$71,099 to \$103,804	46%
1st Assist AG	A3	\$6,991 to \$10,207	\$83,897 to \$122,490	46%
Deputies	A4	\$8,250 to \$12,045	\$98,998 to \$144,537	46%

Attorney Salary Ranges FY07

Position	Grade	Ranges	Ranges Annualized	Range%
Attorney I	AA	\$4,178 to \$4,763	\$50,138 to \$57,157	14%
Assistant AG I	A1	\$4,805 to \$7,015	\$57,659 to \$84,182	46%
Assistant AG II	A2	\$5,670 to \$8,278	\$68,037 to \$99,334	46%
1st Assist AG	A3	\$6,690 to \$9,768	\$80,284 to \$117,215	46%
Deputies	A4	\$7,895 to \$11,526	\$94,735 to \$138,313	46%

Attorney Salary Ranges FY06

Position	Grade	Ranges	Ranges Annualized	Range%
Attorney I	AA	\$4,178 to \$4,745	\$50,138 to \$56,940	14%
Assistant AG I	A1	\$4,576 to \$6,678	\$54,913 to \$80,138	46%

Assistant AG II	A2	\$5,509 to \$8,040	\$66,108 to \$96,475	46%
1st Assist AG	A3	\$6,590 to \$9,617	\$79,076 to \$115,400	46%
Deputies	A4	\$7,142 to \$10,423	\$85,703 to \$125,070	46%

Attorney Salary Ranges FY05

Position	Grade	Ranges	Ranges Annualized	Range%
Attorney I	AA	\$3,942 to \$4,476	\$47,300 to \$53,717	14%
Assistant AG I	A1	\$4,317 to \$6,300	\$51,805 to \$75,602	46%
Assistant AG II	A2	\$5,197 to \$7,584	\$62,366 to \$91,014	46%
1st Assist AG	A3	\$6,217 to \$9,072	\$74,600 to \$108,868	46%
Deputies	A4	\$6,738 to \$9,833	\$80,852 to \$117,991	46%

Attorney Salary Ranges FY04

Position	Grade	Ranges	Ranges Annualized	Range%
Attorney I	AA	\$3,808 to \$4,325	\$45,700 to \$51,900	14%
Assistant AG I	A1	\$4,171 to \$6,087	\$50,053 to \$73,045	46%
Assistant AG II	A2	\$5,021 to \$7,328	\$60,257 to \$87,936	46%
1st Assist AG	A3	\$6,006 to \$8,766	\$72,077 to \$105,186	46%
Deputies	A4	\$6,510 to \$9,500	\$78,118 to \$114,001	46%

Attorney Salary Ranges FY03

Position	Grade	Ranges	Ranges Annualized	Range%
Attorney I	AA	\$3,808 to \$4,179	\$45,700 to \$50,145	10%
Assistant AG I	A1	\$4,171 to \$5,881	\$50,053 to \$70,575	41%
Assistant AG II	A2	\$5,021 to \$7,080	\$60,257 to \$84,962	41%
1st Assist AG	A3	\$6,006 to \$8,469	\$72,077 to \$101,629	41%
Deputies	A4	\$6,510 to \$9,179	\$78,118 to \$110,146	41%

Attorney Salary Ranges FY02

Position	Grade	Ranges	Ranges Annualized	Range%
Attorney I	AA	\$3,330 to \$4,057	\$39,960 to \$48,684	22%
Assistant AG I	A1	\$3,719 to \$5,335	\$45,492 to \$64,020	41%
Assistant AG II	A2	\$4,610 to \$6,485	\$55,320 to \$77,820	41%
1st Assist AG	A3	\$5,601 to \$7,878	\$67,212 to \$94,536	41%
Deputies	A4	\$6,485 to \$9,123	\$77,820 to \$109,476	41%

last modified on: 07-15-08