



# The State Bar of California

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## **OPEN SESSION**

### **AGENDA ITEM**

**50-7 NOVEMBER 2019**

### **FINANCE COMMITTEE III.A**

**DATE:** November 6, 2019

**TO:** Members, Finance Committee  
Members, Board of Trustees

**FROM:** Steve Mazer, Chief Administrative Officer

**SUBJECT:** Adoption of Employee and Judge Pay Schedules

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## **EXECUTIVE SUMMARY**

This item requests adoption of the State Bar employee pay schedule effective January 1, 2020, reflecting the 3.5 percent Cost of Living Adjustment agreed to by the State Bar and its employees' union in the January 1, 2018, Memorandum of Understanding (MOU). This item further requests adoption of State Bar Court Judge pay schedules retroactive to July 1, 2008, reflecting the updated salaries owed to State of California judges since state fiscal year 2008-2009, as ordered by the Superior Court of California, County of Los Angeles, in *Mallano v. Chiang*, [Case No. BC533770](#).

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## **BACKGROUND**

All compensation reported to CalPERS must be compliant with the California Public Employees' Retirement Law (PERL).

Government Code section 20636 requires that base pay rates be set pursuant to publicly available pay schedules. The California Code of Regulations section 570.5 clarifies the requirements of publicly available pay schedules, which includes approval and adoption by the employer's governing body.

## **DISCUSSION**

### **State Bar Employees**

The State Bar posts updated employee pay schedules on its public website every January. Attachment A is the employee pay schedule effective January 1, 2020, which reflects the 3.5 percent Cost of Living Adjustment to the 2019 salary ranges, agreed to by the State Bar and its employees' union in the January 1, 2018 MOU. The 3.5 percent range adjustment is applied to all classifications. It is anticipated that the COLA will be provided to all classifications, including those not subject to the MOU.

Negotiations are currently under way for a new MOU effective January 1, 2020. Any changes to pay schedules that may result from those negotiations will be brought to the Board for approval.

### **State Bar Court Judges**

Salaries for State Bar Court judges are set by statute. Business and Professions Code sections 6079.1(d) and 6086.65(a) set the salaries for the State Bar Court Presiding Judge and other Review Department judges at the same salary as Superior Court judges, and the salary for State Bar Court Hearing Department judges at 91.3225 percent of the salary of Superior Court judges. Between July and September of each year, the California Department of Human Resources sends an Exempt Pay Letter to the State Controller's Office and the Judicial Council of California, providing notice of adjustments to judicial officer salaries for the fiscal year, effective retroactively to July 1. The State Bar updates the salaries for State Bar Court judges based on that Pay Letter.

The process for establishing the salaries of California judges is provided in Government Code Sections 68202 and 68203. The formula for calculating salary increases for judges is based on the average percentage salary increase for State of California employees, as determined by the California Department of Human Resources. In 2014 California judges filed a class action lawsuit against the state (*Mallano v. Chiang*, Case No. BC533770, Superior Court of California, County of Los Angeles), alleging failure of the State to increase judicial salaries and benefits pursuant to Government Code section 68203, since the start of the 2008-2009 fiscal year. In 2016 the Superior Court ruled in favor of the plaintiffs. The Court of Appeal affirmed the decision in 2017, and the California Supreme Court declined review in 2018. In July 2019 the State Controller calculated and paid the back wages owed to California judges since fiscal year 2008-2009. The State Bar then calculated and paid back wages owed to former and current State Bar Court judges.

CalPERS has informed us that, because the back wages are reportable to CalPERS, the retroactive pay schedules need to be publicly posted. Additionally, CalPERS has informed us that pay schedules for State Bar Court judges must also be adopted by the Board, even though the salaries are set by statute, with the Board having no discretion over them. Attachment B provides the current State Bar Court Judge pay schedule, and all updated schedules retroactive to July 1, 2008.

## **FISCAL/PERSONNEL IMPACT**

Salary expenses for 2020, including the Cost of Living Adjustment, were included in the forecast prepared in support of the State Bar's 2020 fee increase request; funding for the 2020 COLA was included in the fee increase in this year's annual licensing fee legislation, SB 176 (Stats. 2019, ch. 698), and all salary expenses will be included in the 2020 budget planning process.

Back payments to State Bar Court Judges for 2008-2009 through 2015-2016 were paid in 2019, totaling \$69,113. Judges' salaries increased by 3.09 percent effective July 1, 2019, with an estimated annualized cost impact of \$42,600 from July 1, 2019 to June 30, 2020.

## **RULE AMENDMENTS**

None

## **BOARD OF TRUSTEES POLICY MANUAL AMENDMENTS**

None

## **STRATEGIC PLAN GOALS & OBJECTIVES**

Goal: None - core business operations

## **RECOMMENDATIONS**

**The Finance Committee recommends that the Board of Trustees approve the following resolution:**

**RESOLVED**, that the Board of Trustees approves the employee pay schedule included as Attachment A, as described herein; and it is

**FURTHER RESOLVED**, that the Board of Trustees approves the State Bar Court Judge pay schedules included as Attachment B, as described herein.

## **ATTACHMENT(S) LIST**

- A. Employee Pay Schedule Effective January 1, 2020
- B. State Bar Court Judge Pay Schedules, July 1, 2008 to June 30, 2020

**ATTACHMENT A**  
**The State Bar of California**  
**2020 Employee Annual Salary Ranges by Job Classification\***

Classification Title	Unit	Effective Date	Minimum Annual Salary	Maximum Annual Salary
Attorney	Attorney	1/1/2020	\$ 102,341	\$ 153,387
Senior Attorney	Attorney	1/1/2020	\$ 117,692	\$ 176,401
Supervising Attorney	Attorney	1/1/2020	\$ 129,466	\$ 194,038
Administrative Assistant I	General	1/1/2020	\$ 54,561	\$ 72,744
Administrative Assistant II	General	1/1/2020	\$ 60,013	\$ 80,022
Administrative Supervisor	General	1/1/2020	\$ 69,316	\$ 92,417
Clinical Rehabilitation Coordinator	General	1/1/2020	\$ 71,937	\$ 95,907
Court Specialist	General	1/1/2020	\$ 64,745	\$ 86,319
Financial Analyst	General	1/1/2020	\$ 81,798	\$ 109,060
Fiscal Services Specialist	General	1/1/2020	\$ 64,745	\$ 86,319
General Services Specialist I	General	1/1/2020	\$ 52,437	\$ 69,912
General Services Specialist II	General	1/1/2020	\$ 58,275	\$ 77,675
General Services Specialist III	General	1/1/2020	\$ 64,745	\$ 86,319
Investigator I	General	1/1/2020	\$ 71,812	\$ 95,746
Investigator II	General	1/1/2020	\$ 78,991	\$ 105,322
Investigator III	General	1/1/2020	\$ 86,890	\$ 115,854
IT Analyst I	General	1/1/2020	\$ 75,861	\$ 101,136
IT Analyst II	General	1/1/2020	\$ 84,282	\$ 112,376
IT Business Systems Analyst I	General	1/1/2020	\$ 75,861	\$ 101,136
IT Business Systems Analyst II	General	1/1/2020	\$ 84,282	\$ 112,376
IT Support Technican I	General	1/1/2020	\$ 58,237	\$ 77,650
IT Support Technican II	General	1/1/2020	\$ 64,696	\$ 86,269
Legal Secretary I	General	1/1/2020	\$ 54,561	\$ 72,744
Legal Secretary II	General	1/1/2020	\$ 60,013	\$ 80,022
Legal Secretary III	General	1/1/2020	\$ 63,019	\$ 84,021
Office Assistant I	General	1/1/2020	\$ 44,513	\$ 59,343
Office Assistant II	General	1/1/2020	\$ 48,960	\$ 65,280
Office Assistant III	General	1/1/2020	\$ 54,561	\$ 72,744
Paralegal	General	1/1/2020	\$ 62,224	\$ 82,953
Paralegal Supervisor	General	1/1/2020	\$ 68,447	\$ 91,250
Probation Case Specialist	General	1/1/2020	\$ 64,745	\$ 86,319
Program Analyst	General	1/1/2020	\$ 81,798	\$ 109,060
Program Assistant I	General	1/1/2020	\$ 47,196	\$ 62,920
Program Assistant II	General	1/1/2020	\$ 52,450	\$ 69,912
Program Assistant III	General	1/1/2020	\$ 58,275	\$ 77,675
Program Coordinator	General	1/1/2020	\$ 71,937	\$ 95,907
Program Specialist	General	1/1/2020	\$ 64,745	\$ 86,319
Program Supervisor	General	1/1/2020	\$ 98,987	\$ 131,963
Public Information Officer	General	1/1/2020	\$ 81,798	\$ 109,060
Public Service Representative I	General	1/1/2020	\$ 44,389	\$ 59,194
Public Service Representative II	General	1/1/2020	\$ 48,835	\$ 65,106
Public Service Representative III	General	1/1/2020	\$ 53,717	\$ 71,626
Senior Administrative Assistant	General	1/1/2020	\$ 63,019	\$ 84,021
Senior Financial Analyst	General	1/1/2020	\$ 89,983	\$ 119,977
Senior IT Analyst	General	1/1/2020	\$ 88,505	\$ 118,002

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Classification Title	Unit	Effective Date	Minimum Annual Salary	Maximum Annual Salary
Senior IT Business Systems Analyst	General	1/1/2020	\$ 88,505	\$ 118,002
Senior Program Analyst	General	1/1/2020	\$ 89,983	\$ 119,977
Translator-Interpreter	General	1/1/2020	\$ 71,937	\$ 95,907
Assistant Chief Trial Counsel	Executive	1/1/2020	\$ 157,138	\$ 235,520
Chief Administrative Officer	Executive	1/1/2020	\$ 185,816	\$ 278,506
Chief Financial Officer	Executive	1/1/2020	\$ 185,816	\$ 278,506
Chief of Mission Advancement	Executive	1/1/2020	\$ 185,816	\$ 278,506
Chief of Programs	Executive	1/1/2020	\$ 185,816	\$ 278,506
Chief Trial Counsel	Executive	1/1/2020	\$ 185,816	\$ 278,506
Controller	Executive	1/1/2020	\$ 140,917	\$ 187,890
Deputy Chief Trial Counsel	Executive	1/1/2020	\$ 168,924	\$ 253,194
Deputy General Counsel	Executive	1/1/2020	\$ 168,924	\$ 253,194
Director, General Services	Executive	1/1/2020	\$ 155,014	\$ 206,681
Director, Human Resources	Executive	1/1/2020	\$ 155,014	\$ 206,681
Executive Director	Executive	1/1/2020	\$ 276,863	\$ 276,863
Finance Manager	Executive	1/1/2020	\$ 117,059	\$ 156,057
General Counsel	Executive	1/1/2020	\$ 185,816	\$ 278,506
IT Director	Executive	1/1/2020	\$ 170,514	\$ 227,348
IT Manager I	Executive	1/1/2020	\$ 108,886	\$ 145,165
IT Manager III	Executive	1/1/2020	\$ 125,827	\$ 167,757
Manager, General Services	Executive	1/1/2020	\$ 108,886	\$ 145,165
Principal Program Analyst	Executive	1/1/2020	\$ 108,886	\$ 145,165
Program Director I	Executive	1/1/2020	\$ 140,917	\$ 187,890
Program Director II	Executive	1/1/2020	\$ 155,014	\$ 206,681
Program Director III	Executive	1/1/2020	\$ 170,514	\$ 227,348
Program Manager I	Executive	1/1/2020	\$ 108,886	\$ 145,165
Program Manager II	Executive	1/1/2020	\$ 117,059	\$ 156,057
Program Manager III	Executive	1/1/2020	\$ 125,827	\$ 167,757
Special Assistant Chief Trial Counsel	Executive	1/1/2020	\$ 168,924	\$ 253,194
Administrative Assistant I	Confidential	1/1/2020	\$ 54,561	\$ 72,744
Administrative Assistant II	Confidential	1/1/2020	\$ 60,013	\$ 80,022
Administrative Supervisor	Confidential	1/1/2020	\$ 69,316	\$ 92,417
Attorney I	Confidential	1/1/2020	\$ 93,038	\$ 139,439
Attorney II	Confidential	1/1/2020	\$ 102,341	\$ 153,387
Attorney III	Confidential	1/1/2020	\$ 117,692	\$ 176,401
Attorney IV	Confidential	1/1/2020	\$ 129,466	\$ 194,038
Fiscal Services Specialist	Confidential	1/1/2020	\$ 64,745	\$ 86,319
Human Resources Analyst	Confidential	1/1/2020	\$ 81,798	\$ 109,060
Human Resources Coordinator	Confidential	1/1/2020	\$ 71,937	\$ 95,907
Human Resources Specialist	Confidential	1/1/2020	\$ 64,745	\$ 86,319
Human Resources Supervisor	Confidential	1/1/2020	\$ 98,987	\$ 131,963
IT Analyst I	Confidential	1/1/2020	\$ 75,861	\$ 101,136
IT Analyst II	Confidential	1/1/2020	\$ 84,282	\$ 112,376

**ATTACHMENT A**  
**The State Bar of California**  
**2020 Employee Annual Salary Ranges by Job Classification\***

Classification Title	Unit	Effective Date	Minimum Annual Salary	Maximum Annual Salary
Legal Secretary I	Confidential	1/1/2020	\$ 54,561	\$ 72,744
Legal Secretary II	Confidential	1/1/2020	\$ 60,013	\$ 80,022
Legal Secretary III	Confidential	1/1/2020	\$ 63,019	\$ 84,021
Paralegal	Confidential	1/1/2020	\$ 62,224	\$ 82,953
Principal Program Analyst	Confidential	1/1/2020	\$ 108,886	\$ 145,165
Program Analyst	Confidential	1/1/2020	\$ 81,798	\$ 109,060
Program Coordinator	Confidential	1/1/2020	\$ 71,937	\$ 95,907
Program Supervisor	Confidential	1/1/2020	\$ 98,987	\$ 131,963
Senior Administrative Assistant	Confidential	1/1/2020	\$ 63,019	\$ 84,021
Senior Financial Analyst	Confidential	1/1/2020	\$ 89,983	\$ 119,977
Senior Human Resources Analyst	Confidential	1/1/2020	\$ 89,983	\$ 119,977
Senior Program Analyst	Confidential	1/1/2020	\$ 89,983	\$ 119,977

**\*Notes**

(1) 2020 salary ranges reflect a 3.5% Cost of Living Adjustment effective 1/1/2020, which was agreed to in the January 1, 2018 Memorandum of Understanding (MOU) between the State Bar and its represented employees (MOU Section 22.D.2).

(2) In 2017 the State Bar completed a comprehensive classification and compensation study. A new job classification system and a new compensation structure were implemented for Executive and Confidential staff in July 2017, and for represented staff (Attorney Unit and General Unit) in January 2018. Those employees whose prior salaries exceeded the maximum annual salary of their new classifications were “red circled,” i.e., they retained their prior, higher salaries. Employees may receive wages in excess of the maximum of the salary range for their position in the following instances: (i) They are red-circled as stated above; (ii) If a red-circled employee is granted a promotion to a job classification with a higher salary range, but his or her red-circled salary still exceeds the salary maximum for the promotional position, that employee shall receive a 5% salary increase at the time of the promotion; or (iii) Every employee who expressly has and routinely exercises supervisory authority over subordinate employees shall earn at least a 5% wage differential over his or her highest paid subordinate employee. This standard applies even when a supervising employee is red-circled. An asterisk indicates a classification with a higher maximum salary for one or more “red circled” employees, with the actual maximum salary noted. [NOT INCLUDED HERE. THIS INFORMATION WILL BE CALCULATED AND ADDED TO THE SALARY SCHEDULE THAT IS POSTED ON 1/1/2020 BASED ON THE ACTUAL EMPLOYEE ROSTER AS OF THAT DATE]

**ATTACHMENT B-1**  
**The State Bar of California**  
**Annual Salaries for State Bar Court Judges, 7/1/2016 to 6/30/2020**

Classification Title	Unit	Effective Date*	Minimum Annual Salary**	Maximum Annual Salary**
Presiding Judge	Judge	7/1/2019	\$ 213,833	\$ 213,833
Review Judge	Judge	7/1/2019	\$ 213,833	\$ 213,833
Hearing Judge	Judge	7/1/2019	\$ 195,278	\$ 195,278
Presiding Judge	Judge	7/1/2018	\$ 207,424	\$ 207,424
Review Judge	Judge	7/1/2018	\$ 207,424	\$ 207,424
Hearing Judge	Judge	7/1/2018	\$ 189,425	\$ 189,425
Presiding Judge	Judge	7/1/2017	\$ 200,042	\$ 200,042
Review Judge	Judge	7/1/2017	\$ 200,042	\$ 200,042
Hearing Judge	Judge	7/1/2017	\$ 182,683	\$ 182,683
Presiding Judge	Judge	7/1/2016	\$ 191,914	\$ 191,914
Review Judge	Judge	7/1/2016	\$ 191,914	\$ 191,914
Hearing Judge	Judge	7/1/2016	\$ 175,260	\$ 175,260

\***7/1/2019:** Per 8/19/2019 Exempt Pay Letter from the California Department of Human Resources to the State Controller's Office, adjusting statutory judicial salaries retroactive to 7/1/2019

\***7/1/2018:** Per 11/5/2018 Exempt Pay Letter from the California Department of Human Resources to the State Controller's Office, adjusting statutory judicial salaries retroactive to 7/1/2018 (update to previous Exempt Pay Letter issued on 8/28/2018).

\***7/1/2017:** Per 7/21/2017 Exempt Pay Letter from the California Department of Human Resources to the State Controller's Office, adjusting statutory judicial salaries for 2017-2018 retroactive to 7/1/2017, and adjusting 2016-2017 salaries retroactive to 7/1/2016.

\***7/1/2016:** Per 7/21/2017 Exempt Pay Letter from the California Department of Human Resources to the State Controller's Office, adjusting statutory judicial salaries for 2017-2018 retroactive to 7/1/2017, and adjusting 2016-2017 salaries retroactive to 7/1/2016.

\*\*The State Bar Court Presiding Judge and Review Department (appeals level) judges are paid the same salary as Superior Court judges; State Bar Court Hearing Judges (trial level) are paid 91.3225 percent of the salary of Superior Court judges (Business and Professions Code Sections 6079.1(d) and 6086.65(a)). Salaries of Superior Court judges are set pursuant to Government Code Section 68203.

**ATTACHMENT B-2**  
**The State Bar of California**  
**Annual Salaries for State Bar Court Judges, 7/1/2008 - 6/30/2016**

Classification Title	Unit	Effective Date*	Minimum Annual Salary**	Maximum Annual Salary**
Presiding Judge	Judge	7/1/2015	\$ 189,050	\$ 189,050
Review Judge	Judge	7/1/2015	\$ 189,050	\$ 189,050
Hearing Judge	Judge	7/1/2015	\$ 172,645	\$ 172,645
Presiding Judge	Judge	7/1/2014	\$ 184,619	\$ 184,619
Review Judge	Judge	7/1/2014	\$ 184,619	\$ 184,619
Hearing Judge	Judge	7/1/2014	\$ 168,599	\$ 168,599
Presiding Judge	Judge	7/1/2013	\$ 181,301	\$ 181,301
Review Judge	Judge	7/1/2013	\$ 181,301	\$ 181,301
Hearing Judge	Judge	7/1/2013	\$ 165,569	\$ 165,569
Presiding Judge	Judge	7/1/2012	\$ 180,903	\$ 180,903
Review Judge	Judge	7/1/2012	\$ 180,903	\$ 180,903
Hearing Judge	Judge	7/1/2012	\$ 165,205	\$ 165,205
Presiding Judge	Judge	7/1/2011	\$ 180,903	\$ 180,903
Review Judge	Judge	7/1/2011	\$ 180,903	\$ 180,903
Hearing Judge	Judge	7/1/2011	\$ 165,205	\$ 165,205
Presiding Judge	Judge	7/1/2010	\$ 180,903	\$ 180,903
Review Judge	Judge	7/1/2010	\$ 180,903	\$ 180,903
Hearing Judge	Judge	7/1/2010	\$ 165,205	\$ 165,205
Presiding Judge	Judge	7/1/2009	\$ 180,704	\$ 180,704
Review Judge	Judge	7/1/2009	\$ 180,704	\$ 180,704
Hearing Judge	Judge	7/1/2009	\$ 165,023	\$ 165,023
Presiding Judge	Judge	7/1/2008	\$ 180,523	\$ 180,523
Review Judge	Judge	7/1/2008	\$ 180,523	\$ 180,523
Hearing Judge	Judge	7/1/2008	\$ 164,858	\$ 164,858

\*Per the court's decision in *Mallano v. Chiang* (Case No. BC533770, Superior Court of California, County of Los Angeles), adjusting statutory judicial salaries for 2008-2009 to 2015-2016.

\*\*The State Bar Court Presiding Judge and Review Department (appeals level) judges are paid the same salary as Superior Court judges; State Bar Court Hearing Judges (trial level) are paid 91.3225 percent of the salary of Superior Court judges (Business and Professions Code Sections 6079.1(d) and 6086.65(a)). Salaries of Superior Court judges are set pursuant to Government Code Section 68203.