

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 1/12/23

Weekly Agenda Date: 1/24/23

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: James Loomis, County Attorney

WORDING FOR AGENDA ITEM:

Requesting for the Board to take action on certain proposals to address 5 vacant attorney positions. With the retirement of First Assistant Mark Campbell, we will have 6 vacant positions by mid-February, 2023.

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

During the January 10th Board of Supervisors Meeting I informed the Board of the need to fill the 6 vacant attorney positions. That this shortage in attorneys has been an issue since June, 2022. There have been only 4 applicants over that time period, with only one hire. Attorneys have been moved around to ensure all areas of responsibility are covered, and support staff has taken on extra duties to help the attorneys. My concern is that our office cannot continue like this and expect to serve Woodbury County like we need to. We need to fill the positions as soon as possible. It is my belief that the lack of a competitive salary package is a reason why we are seeing so few applicants and very few quality applicants. I shared my thoughts on long term proposals with an internship program and creating a new deputy percentage attorney. I shared my thoughts on short term proposals to help address the issue: 1) 4%-5% wage increase across the board for all 12 steps; 2) permit the County Attorney to start a new hire at a step equal to their prosecutorial experience versus being limited to starting anybody at any step higher than 4, which is what the union contract provides for now. (If a new hire would have 6 years experience, I would be permitted to start them at Step 6.); 3) new hires would start with 1 week of vacation in the bank and immediately begin accruing more vacation; and 4) bonus to new hires. I am proposing action on certain items that will be proposed.

BACKGROUND:

Since June, 2022 the County Attorney's Office has been dealing with attorney shortages and very few applicants to consider in filling those vacancies. We soon will have 6 vacant positions - 4 felony prosecutors and 2 indictable misdemeanor prosecutors. Attorneys have been moved around to ensure all areas of responsibility are covered, and support staff has taken on extra duties to help the attorneys. The County Attorney's Office is tasked with working hand in hand with law enforcement and community leaders to hold criminals accountable, obtain justice for victims, deter others from committing crimes, and ultimately keeping our communities as safe as possible. In short, we are tasked with serving. My concern is that the longer this issue continues, the ability to serve Woodbury County will be impacted. Action needs to be taken as soon as possible.

Long term proposals: 1) Create a paid internship program, paying \$18.00/hr., which will in turn hopefully generate a future pools of applicants. The Attorney General's Office offers matching funds up to \$1,200.00 if eligible and upon application. I intend to make application for matching funds. 2) Requesting the Board of Supervisors to turn one of the current assistant county attorney positions into an 85% deputy position (see Iowa Code section 331.323(2)(g)(Board determines how many deputies the county attorney has) and section 331.904 (salary shall not exceed 85% of county attorney). I believe creating this new position is important to the structure of the office because it is very likely that we will fill these positions with new attorneys who have little to no experience. My time will be spent training the new felony attorneys and will need that assistance and oversight in the misdemeanor division. Short term proposals with :1) A 4% wage increase for all the attorneys in the office - all 12 steps of the union contract. 2) Permit the County Attorney to start a new hire at a step equal to their prosecutorial experience, but not in excess of their experience, versus being limited to starting anybody at any step higher than 4, which is what the union contract provides for now. 3) New attorney hires would start with one week of vacation in the bank and begin accrual immediately. And, 4) Pay a \$1,500.00 retention payment to current attorneys and new hires at the end of one year employment. To expire when current contract expires June 30, 2024. The request for payment would be to use federal funds (ARPA) for the wage increases and retention pay. For the wage increase, I rely upon rule 3.1 from ARPA. For the retention pay, I rely upon rule 4.1 from ARPA. The payment of an intern and creation of a new percentage deputy would be part of the general budget, which from unpaid salaries is approximately \$429,000.

FINANCIAL IMPACT:

1. Internship Program - 40 hrs./week at \$18.00 per hour for approximately 12 weeks. Anticipating that we will receive \$1,200.00 in matching funds.
2. Creation of new deputy attorney position at 85% - I believe the funding was already approved at the January 17th board meeting.
3. 4% wage increase - See Exhibit #1 which are numbers obtained from Michelle in the Auditor's Office.
4. New hires at step commensurate with their prosecutorial experience - I am unsure of the impact as that will be dependent on the applicants we receive.
5. \$1,500.00 retention bonus for current and new hires - See Exhibit #2 which are numbers obtained from Michelle in the Auditor's Office.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

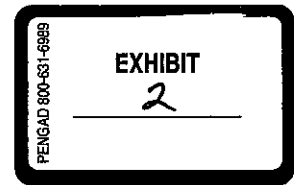
Yes No

RECOMMENDATION:

My recommendation is that the Board of Supervisors take up for consideration all four proposals and pass all 5 proposals to attract applicants for the 5 vacant positions and soon to be 6 vacant positions.

ACTION REQUIRED / PROPOSED MOTION:

1. Internship Program; 2) Second Deputy Position; 3) 4% wage increase; 4) start new hires at step equal to their prosecutorial experience; 5) One week vacation in the bank upon hire and immediately begin to accrue; and 6) \$1,500.00 retention pay.



Attached is a projection for the \$1500.00 retention payments.

I added it under the Atty budget, but maybe this could be an ARPA expense – that would be for the Board and Dennis to decide. I projected this for 16 Asst Attorneys (did not include the HIDTA position). Total expense is \$24,000 retention payment and \$1,836.00 for the employer portion of FICA for a grand total of \$25,836. (total per person would be \$1,614.75). As per our previous emails, the way this is described, this would not be IPERS eligible.

I projected it under the assumption that all attorneys would be paid in FY24 (thinking the new ones might be hired and have their year anniversary during FY24. .

Best,

-Michelle



		FY23/24 Payroll Budget
Account Number	Account Name	FY24 \$1500 Retention
Fund: 0001 - GENERAL BASIC		
Function: 1100 - LEGAL SERVICE/COUNTY ATTORNEY		
0001-04-1100-000-11000	FICA - CNTY CONTRIBUTION	1,319.62
0001-04-1100-000-11401	Retention Pay	17,250.00
	Total Function: 1100 - LEGAL SERVICE/COUNTY ATTORNEY:	18,569.62
Function: 1102 - LEGAL SERVICE/GR EDWARD BYRNE		
0001-04-1102-000-11000	FICA - CNTY CONTRIBUTION	114.75
0001-04-1102-000-11401	Retention Pay	1,500.00
	Total Function: 1102 - LEGAL SERVICE/GR EDWARD BYRNE:	1,614.75
Function: 1104 - LEGAL SERVICE/CO. ATTORNEY - COLLECTION		
0001-04-1104-000-11000	FICA - CNTY CONTRIBUTION	57.38
0001-04-1104-000-11401	Retention Pay	750.00
	Total Function: 1104 - LEGAL SERVICE/CO. ATTORNEY - COLLECTION:	807.38
Function: 1610 - LEGAL SERVICE/JUVENILE ACTIVITY		
0001-04-1610-000-11000	FICA - CNTY CONTRIBUTION	344.25
0001-04-1610-000-11401	Retention Pay	4,500.00
	Total Function: 1610 - LEGAL SERVICE/JUVENILE ACTIVITY:	4,844.25
	Total Fund: 0001 - GENERAL BASIC:	25,836.00
# of Accounts: 8	Report Total:	25,836.00



James Loomis

From: Michelle Skaff
Sent: Thursday, January 12, 2023 4:27 PM
To: James Loomis
Subject: Part 1 - 4% Increase to Asst Attys
Attachments: FY24 4% increase on contracts PB Budget Report.pdf; FY23 Atty Wages.xlsx

Hi James,

Here is the 1st part of your requests, I will send the others separately. Please let me know if you have questions or if you need any changes or additional info.

There are a couple of parts to the 4% projections for the County Attorneys. 1 – the FY24 projections and 2 - the FY23 remainder of the fiscal year projections. Each of these projections include wages for 16 Asst County Attorneys (15 AFSCME contract and one civil – currently Joshua- that follows contract wages). I did not include the HIDTA position since I believe it is 100% reimbursed with grant funding. I have projected unfilled positions at Step 3 and included family coverage for insurance and all other county paid benefits (IPERS, dental, etc). These projections are based on the current board approved staff numbers that were verified with HR.

- 1) You will attached a report that shows FY24 projections. The first column is what is currently projected for the 16 attorneys in the FY24 budget using the current contract wages. The 2nd column shows a 4% increase to the contract wages. The final 2 columns provides you the dollar change and the percent change. Total for the 4% increase is \$73,269.86 and the PDF will give you more detail on the line items.
- 2) The next part of the 4% is what it would cost if everyone received a 4% increase effective 01-23-23 (paydate 2-10-23). I chose this date because I think it would be the most feasible to pull off on the payroll side. I would think this might be where the ARPA funds might be able to be used for the increase because that is what they did with Sec Roads, the Sheriff, and EMS. For those depts, they paid the increase out of ARPA and then FY24 is back to their own budgets. The total for the remainder of FY23 is \$28,908.66. This includes 5 unfilled positions which most likely would not all be filled by 1-23-23 so the total is actually on the conservative side. Here is the quick snapshot and the attached spreadsheet has a tab with the current projections for the end of this fiscal year and 4% projections thru the end of this fiscal year. It does not take into account if anyone has a step between now and 7-1-23.

Pay dates 02-10-23 thru 06-30-23

	Wages	Benefits	Total
Current Contract	617,870.99	214,284.41	832,155.40
4% increase to current contract	642,586.78	218,477.28	861,064.06
Change			28,908.66

Please feel free to call if you want to talk any of this through,

Best,

-Michelle
Ext 1460



Account Number	Account Name	FY23/24 Payroll Budget	FY23/24 Payroll Budget	FY24 4% AFSCME ATTY	\$ Difference	% Difference
Fund: 0001 - GENERAL BASIC						
Function: 1100 - LEGAL SERVICE/COUNTY ATTORNEY						
0001-04-1100-000-10005	ASSISTANT CO. ATTORNEYS	111,677.00	116,144.00		4,467.00	4.00 %
0001-04-1100-000-10007	ORGANIZED EMPLOYEES	958,848.84	997,204.20		38,355.36	4.00 %
0001-04-1100-000-11000	FICA - CNTY CONTRIBUTION	80,532.52	83,808.46		3,275.94	4.07 %
0001-04-1100-000-11100	IPERS - CNTY CONTRIBUTION	101,057.63	105,100.05		4,042.42	4.00 %
0001-04-1100-000-11300	EMPLOYEE HOSPITALIZATION	171,808.32	171,808.32		0.00	0.00 %
0001-04-1100-000-11701	LIFE INSURANCE	441.60	441.60		0.00	0.00 %
0001-04-1100-000-11702	DENTAL INSURANCE	4,053.06	4,053.06		0.00	0.00 %
0001-04-1100-000-11703	LTD INSURANCE	3,167.10	3,167.10		0.00	0.00 %
Total Function: 1100 - LEGAL SERVICE/COUNTY ATTORNEY:		1,431,586.07	1,481,726.79		50,140.72	3.50 %
Function: 1102 - LEGAL SERVICE/GR EDWARD BYRNE						
0001-04-1102-000-10007	ORGANIZED EMPLOYEES	104,057.42	108,219.72		4,162.30	4.00 %
0001-04-1102-000-11000	FICA - CNTY CONTRIBUTION	7,708.21	8,026.63		318.42	4.13 %
0001-04-1102-000-11100	IPERS - CNTY CONTRIBUTION	9,823.02	10,215.94		392.92	4.00 %
0001-04-1102-000-11300	EMPLOYEE HOSPITALIZATION	18,526.08	18,526.08		0.00	0.00 %
0001-04-1102-000-11701	LIFE INSURANCE	38.40	38.40		0.00	0.00 %
0001-04-1102-000-11702	DENTAL INSURANCE	352.44	352.44		0.00	0.00 %
0001-04-1102-000-11703	LTD INSURANCE	275.40	275.40		0.00	0.00 %
Total Function: 1102 - LEGAL SERVICE/GR EDWARD BYRNE:		140,780.97	145,654.61		4,873.64	3.46 %
Function: 1104 - LEGAL SERVICE/CO. ATTORNEY - COLLECTION						
0001-04-1104-000-10007	ORGANIZED EMPLOYEES	55,838.50	58,072.00		2,233.50	4.00 %
0001-04-1104-000-11000	FICA - CNTY CONTRIBUTION	4,211.99	4,382.85		170.86	4.06 %
0001-04-1104-000-11100	IPERS - CNTY CONTRIBUTION	5,271.16	5,482.00		210.84	4.00 %
0001-04-1104-000-11300	EMPLOYEE HOSPITALIZATION	9,263.04	9,263.04		0.00	0.00 %
0001-04-1104-000-11701	LIFE INSURANCE	19.20	19.20		0.00	0.00 %
0001-04-1104-000-11702	DENTAL INSURANCE	176.22	176.22		0.00	0.00 %
0001-04-1104-000-11703	LTD INSURANCE	137.70	137.70		0.00	0.00 %
Total Function: 1104 - LEGAL SERVICE/CO. ATTORNEY - COLLECTION:		74,917.81	77,533.01		2,615.20	3.49 %
Function: 1610 - LEGAL SERVICE/JUVENILE ACTIVITY						
0001-04-1610-000-10007	ORGANIZED EMPLOYEES	333,941.84	347,299.35		13,357.51	4.00 %
0001-04-1610-000-11000	FICA - CNTY CONTRIBUTION	25,095.53	26,117.38		1,021.85	4.07 %
0001-04-1610-000-11100	IPERS - CNTY CONTRIBUTION	31,524.11	32,785.05		1,260.94	4.00 %
0001-04-1610-000-11300	EMPLOYEE HOSPITALIZATION	43,481.52	43,481.52		0.00	0.00 %
0001-04-1610-000-11701	LIFE INSURANCE	115.20	115.20		0.00	0.00 %
0001-04-1610-000-11702	DENTAL INSURANCE	1,057.32	1,057.32		0.00	0.00 %
0001-04-1610-000-11703	LTD INSURANCE	826.20	826.20		0.00	0.00 %
Total Function: 1610 - LEGAL SERVICE/JUVENILE ACTIVITY:		436,041.72	451,682.02		15,640.30	3.59 %
Total Fund: 0001 - GENERAL BASIC:		2,083,326.57	2,156,596.43		73,269.86	3.52 %
# of Accounts: 29	Report Total:	2,083,326.57	2,156,596.43		73,269.86	3.52 %

	Wages	Benefits	Total
Current Contract	617,870.99	214,284.41	832,155.40
4% increase to current contract	642,586.78	218,477.28	861,064.06
Change			28,908.66