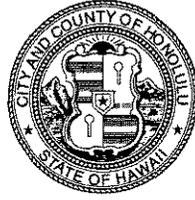


DEPARTMENT OF THE CORPORATION COUNSEL
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR

CARRIE K.S. OKINAGA
CORPORATION COUNSEL

DONNA M. WOO
FIRST DEPUTY CORPORATION COUNSEL

April 23, 2008

RECEIVED

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CITY CLERK
HONOLULU, HAWAII

The Honorable Todd Apo, Chair
and Members of the Budget Committee
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Re: Bill 18, CD1; Proposed Salary Structure for Deputies Corporation Counsel

Dear Chair Apo and Committee Members:

This is written in regard to Bill 18, CD1, specifically, in response to the suggestion made by Councilmember Rod Tam at the April 10, 2008 Council Budget Committee Hearing that the Department of the Corporation Counsel ("COR") explore the possibility of developing and implementing a salary scale for attorneys which could be used to assist in determining the level of funding required for deputies' salaries and pay raises.

DEVELOPMENT OF SALARY SCALE FOR DEPUTIES

We have consulted with the Department of Human Resources ("DHR") regarding the development of a salary scale for deputies and have been reminded that a salary schedule for deputy prosecuting attorneys and deputy corporation counsels had existed in the past, but had been done away with in 2006, and replaced with a range (minimum to maximum), which would afford the departments more flexibility in setting salaries and pay increases. The LS schedule that was in place prior to 2006, however, also had not been tied to any objective criteria, e.g., years of experience, years of City service, job responsibilities, so that it was not particularly helpful in determining the appropriate level of, or ensuring fair compensation for City attorneys.

The State of Hawaii Department of Human Resource Development ("DHRD") agrees that the most difficult aspect of devising any type of salary structure is the identification and development of a mechanism, and/or criteria upon which the scale is based. The process is oftentimes an arduous one, ideally involving the collection of

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and Members of the Budget Committee
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information from sources within the industry or profession, which must be analyzed and applied to the positions within the department.

Thus far, the following salary information which may be pertinent to the development of a salary structure for COR deputies has been collected from local government law offices.

DEPUTY SALARIES IN OTHER JURISDICTIONS

As related at the April 10, 2008 Council Budget Committee Hearing, attorney salaries paid by our neighbor island counterparts based on the salary structures described below, exceed those paid to our deputies.

Corporation Counsel, County of Hawaii

The County of Hawaii Salary Commission authorizes deputies to be paid up to 95% of the higher of the Corporation Counsel's or the Prosecuting Attorney's salary. As a result, all but one of the 13 Big Island deputies corporation counsel are paid in the \$90,000 range, with 10 out of the 12 deputies earning salaries of \$99,000 per year, or higher. The one deputy paid in the mid-\$60,000 range has clerked for one year, but has no practical experience.

Corporation Counsel, County of Maui

In Maui, the salaries of deputies corporation counsel and deputies prosecuting attorney are determined by Section 2.44.015 of the Maui County Code. Pursuant to the arrangement set out in the Code, the allocated amount for a deputy's salary is dependent upon the number of full years that has elapsed since the deputy was admitted to the practice of law. Maui deputies corporation counsel who have nine or more years of experience (10 out of 14 total deputies) are presently paid at least \$94,000 annually.

Corporation Counsel, City and County of Honolulu

In comparison to the county offices above, 23 out of the 35 deputies in this department have practiced law for more than ten years, but earn less than \$94,000 per year. In fact, two-thirds (66%) of our deputies (more than half of which have over nine years of experience) make less than \$80,000 annually, which is now the starting salary figure paid by top private law firms in Hawaii. Additionally, the starting salary for Honolulu deputies with at least a year of clerkship experience, was raised just last year

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and Members of the Budget Committee
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from \$42,000 to \$50,000 annually, which is still substantially less than what their counterparts earn in Maui and on the Big Island.

PROPOSED SALARY STRUCTURE FOR COR

Based on the comparative information above, and until a more formal scale may be developed and implemented, we have attached possible alternative salary structures for deputies similar to the structures implemented by the corporation counsels on the outer islands, which is based primarily on years of legal experience. Based on the proposed structures, the salaries of deputies with ten or more years of experience would generally be adjusted up to a set amount, e.g., \$80,000 (entry level at top firms in Hawaii) or \$94,000 (comparable Maui COR deputy salary). Salaries of all deputies regardless of years of experience, as well as merit increases based on deputy evaluations, would still be subject to the discretion of the Corporation Counsel.

Alternative versions of the proposed salary structure (taking into account different factors such as years of experience, levels of pay), including the associated cost of each alternative, have been prepared and the calculations contained in the table attached hereto for your review. Please note that a five percent (5%) increase was factored into each scenario based on the increase in salary ranges of Deputy Prosecuting Attorneys and Deputy Corporation Counsels currently pending before the City and County of Honolulu Salary Commission. We have included the amount of additional salary monies needed in COR's FY09 budget to implement each alternative structure.

We thank you for your assistance and your consideration of this Department's budget issues, and as always, welcome the opportunity to meet with you and your staff, or other members of the Council to further discuss this matter.

Very truly yours,


CARRIE K.S. OKINAGA
Corporation Counsel

Attachment

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and Members of the Budget Committee
April 23, 2008
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FORWARDED:



 _____
Mary Pat Waterhouse, Director
Department of Budget & Fiscal Services

APPROVED:



Wayne M. Hashiro, P.E.
Managing Director

**DEPARTMENT OF THE COPORATION COUNSEL
 PROPOSED DEPUTY SALARY STRUCTURE
 April 23, 2008**

	DEPUTIES' BASE SALARIES AS OF 04/22/08	DEPUTIES' SALARIES (INCREASED BY 5% - RECOMMENDATION OF SALARY COMMISSION)	DEPUTIES W/10+YRS EXPERIENCE (ADJUSTMENT TO \$80,000 - ENTRY LEVEL AT FIRMS)	DEPUTIES W/10+YRS EXPERIENCE (ADJUSTMENT TO \$94,000 - MAUI COR)
AMOUNT	2,987,831	3,137,223	3,207,668	3,432,004
ADDITIONAL SALARY MONIES NEEDED IN FY09 BUDGET		149,392	219,837	444,173