

ITEM 20
Salary Adjustment and Revision of CEA Level
Attorney to the Commission on State Mandates
Chief Legal Counsel (CEA B)
Government Code Section 17529

Executive Summary

The Chief Legal Counsel position is established at a CEA B level. Ms. Shelton was appointed to her current position on December 9, 2005. Generally, the salary range for a CEA B is \$8,594–\$10,237. However, state policy authorizes the salary of CEA incumbents, whose duties require membership in the State Bar of California, to be increased above the applicable CEA range to a maximum of \$13,782/month. Ms. Shelton's current monthly salary is \$12,211, which is above the CEA B salary range generally, but below the maximum salary for incumbents whose duties require membership in the State Bar of California. Any salary above the respective range of the CEA level requires prior approval of the California Department of Human Resources (CalHR).¹

In December 2009, the Commission approved a 10 percent pay increase for Ms. Shelton. However, that increase was subject to approval by the [then] Department of Personnel Administration (DPA), because she was in the "restricted zone". At the time, the "restricted zone" meant those salaries above \$10,520 reserved for engineers, attorneys, and physicians.² The approval was not granted, so Ms. Shelton did not receive the pay increase. Following the denial of that request, the Commission approved a five percent salary adjustment in March 2010. Again, approval was not granted by DPA.

In January 2013, the Commission approved a five percent pay increase for Ms. Shelton, but approval was not granted by CalHR. However, she did receive an automatic three percent increase on July 1, 2013 along with those civil service and CEA employees at the top of their classes. Other than this automatic increase, Ms. Shelton has not received a salary adjustment since January 2008. State policy provides that the annual salary movement for CEAs shall not exceed five percent in any 12 months.³

¹ California Department of Human Resources Memorandum, 2013-27, "Changes to the Career Executive Assignment (CEA) Program." Supersedes 2008-012. Online at <http://www.calhr.ca.gov/PML%20Library/2013027.pdf>

² Department of Personnel Administration Memorandum, 2008-012, "CEA Salary Program" Online at <http://www.calhr.ca.gov/PML%20Library/PML2008012.pdf>

³ California Department of Human Resources Memorandum, 2013-27.

The Commission may direct staff to submit a request to CalHR to change the level of the Chief Legal Counsel position from CEA B to CEA C. However, even if the request were approved and the position changed to a level C, because the incumbent's current salary is within the range reserved for engineers, attorneys, and physicians, any future salary adjustments would continue to require CalHR approval.

Recommendation

If the Commission decides to adjust the Chief Legal Counsel's salary, the following motion and action must be taken:

“I move to adjust the Chief Legal Counsel's salary by ___ percent, effective _____.”