

Pay Act Tutorial to the House Committee on Appropriations

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1/23/2014

Pay Act, without tears

Dialogue:

1. What is “pay act”?
 - a. Technically, it is the act that appropriates funding for salary raises.
 - b. Colloquially, the term “pay act” is used to mean the FUNDING for the bargained salary increases.
2. The Pay Act appropriations are for the one year of the Contract, i.e. FY 2015. It pays for the salary increases of that year.
3. How does “pay act” show up in department budgets?
 - a. Salary raises are NOT appropriated in the department budgets. The “pay act” is appropriated separately to the Secretary of Administration, for transfer “with due regard for availability of other funds ... as the Secretary may determine to be necessary” to the various departments to carry out the State/VSEA Contract provisions.
4. Why isn’t “pay act” appropriated in department budgets?
 - a. We don’t know what the bargained salary increase will be, as budgets for the coming fiscal year are formulated at the same time Human Resources is negotiating the contract.
 - b. We don’t know how much is actually needed until we do position-by-position salary projections at the beginning of the upcoming fiscal year. It may be that the amounts appropriated are more than (or less than) actually needed.
5. Why do we only appropriate General Fund and Transportation Fund?
 - a. Because other fund sources are generated by departments, and only they know how much might be available. About 50% of salaries is non-GF/TF (Special Funds, Federal Funds, Fish & Wildlife Fund, Enterprise Funds, Internal Service Funds).
6. What’s the difference between “full cost”, and “paid out” in year one?
 - a. See Example:

EX. In FY 2013 there was a 5.0% increase (2% COLA + 3% reduction replacement) for classified employees; Steps were also reinstated:

	% due to COLA	% due to Steps	Total %
Full year (“full cost”)	5.00	1.70	6.70
Year 1 (“pd out”)	<u>4.81</u>	<u>1.63</u>	<u>6.44</u>
Annualization factor	.19	.07	0.26

Derivation of Year 1 factors:

COLA + Add Back 3% reduction = 5.00% X 25/26 paydays = 4.81%

Steps = 2.58% for each step X 66% employees get steps each year = 1.70% X 25/26 paydays = 1.63%

Costing for the FY 2013 State/VSEA Contract:

A. Establish the value of 1%:

1. Actual salaries paid for FY 2011: Classified, exempt, temporaries
2. Subtract the value of FY 2011's 27th Pay Period.
3. Add back annualization of FY 2011 reductions (rest of COLA + Steps): establish base for FY 2012
4. Add full value of FY 2012 raise (COLA + steps ; 0%): establish base for FY 2013 raise
5. Benefits carried with salary (Total 0.25431 of Salary)
6. 1 % of salary base + benefits = \$5.54M (for FY 2012)

B. Apply it to the bargained agreement:

1. Value of COLA + Steps:
 - a. COLA + Add Back 3% reduction = $5.00\% \times 25/26$ paydays = 4.81%
 - b. Steps = 2.58% for each step \times 66% employees get steps each year = 1.70% \times 25/26 paydays = 1.63%
 - c. Total = 4.81% + 1.63% = 6.44% \times 1% (\$5.54M) = \$36.58M all funds **
2. GF @ 36.3% (from the Vantage, adjusted for availability of non-GF funds)
TF @ 13.29%
(Special, Federal, Enterprise, Internal Service funds comprise the remaining 50%, and have to be generated by the Depts themselves.)
3. Non-salary items in the Contract: Dependent Care subsidies, Tuition Reimbursement, special contract benefits (Corrections education incentives, special step advances, etc) = \$591K (use all GF)
4. Grand total FY 2013 pay act costing: \$37.17 all funds
GF = \$13.725M
TF = \$3.400M

C. Appropriate the "Pay Act":

1. FY 2013 appropriation to Secretary of Administration FY 2013 Appropriations Act 162 (Sec.B.1200)

Pay Act allocation and distribution:

1. At the beginning of FY 2013, we projected Department pay act salary requirements – that is, the value of the FY 2013 salary increases, individually, position-by-position, fund-by-fund, for all employees on payroll at the start of the fiscal year. The pay act associated with contractual overtime and temporary employees is also included, as is the value of the state share of benefits that attach to salary (FICA, Retirement, Life Insurance, and LTD).
2. The costs of non-salary contract items are added.
3. We communicate the calculated amount to departments, departments request what they need, and pay act is transferred from the Secretary of Administration's account to the various departments (usually sometime in the Spring).

Budgeting pay act:

1. Pay act in the year of the salary raise (say, FY 2015) is NOT in department budgets. It is appropriated to the Secretary of Administration for transfer to departments.
2. In the following fiscal year's budget (FY 2016), FY 2015 pay act will show up as an adjustment to FY 2014 base salary and benefit expenditures.
3. Finance and Management's FY 2015 Budget Instructions directs departments that the FULL COST of FY 2014 salary increases will have to be borne in their FY 2015 funding level.
4. The budget process began with an assumption of level funding – which means that right away, departments must have considered how they would “absorb” the costs of the salary increases from the prior year. Then, in the course of budget meetings in our office, department funding levels may be adjusted to include those costs.

Costing for FY2013 State/VSEA Contract Example

	Classified(FI+PT)	Exempt	Temps	Gen Assembly	Total
x					
FY 2011 actuals w/o benefits (from VISION, Brad/Ruthellen) - confirmed by Harold Schwartz, using Discoverer) - see Keep:salary comparison: FY96- FY11					
FY 2011 Actuals Less 27th Payday	382,822,623	58,233,861	15,024,044	1,866,561	457,947,089
Add back annualization of FY 2011 reductions (-3.00%) COLA (0.0%), steps (0.0%) Base for FY 2012	368,644,007	56,077,051	14,467,598	1,702,080	440,890,737
	850,720	129,409	33,387		
	369,494,727	56,206,460	14,500,985	1,702,080	441,904,253
FY 2012 paid out	368,642,047	56,076,753	14,467,521	1,767,545	441,904,253
FY 2013 paid out - 2.0% COLA, .85% Steps, End 3.0% Reduction	390,278,806	56,647,465	14,614,762	1,767,545	463,308,577
FY 2014 paid out - 2.0% COLA, 1.7% Steps	403,608,328	58,582,194	15,113,912	1,767,545	479,071,979
FY 2013 - 1% of Salary Base + Benefits(1.25431)	4,634,609	705,003	181,887	21,349	5,542,849
FY 2013 - COLA 2%	1,923	1,923	1,846	-	
FY2013 - Steps 1.7%	1,635	1,635	-	-	
FY2013 - End Reduction (3% Classified, 5% exempts, 5.26% Temps)	2,885	4,625	2,769	5,260	
Total	6,442	8,183	4,615	5,260	
Pay Act Salaries - All Funds	29,857,579	5,768,825	839,480	112,298	36,578,181
GF (36.3%)	10,838,301	2,094,083	304,731	40,764	13,872,380
TF (13.29%)	3,400,000	-	-	-	3,400,000
Non-salary Pay Act items	594,500	-	-	-	594,500
Total Appropriated Pay Act	14,832,801	2,094,083,364	304,731	40,764	17,272,380
All Other Funds	15,024,778	3,674,741	534,749	71,534	18,711,302

**FY 2013 and FY 2014 Pay Act Appropriations (2012 Act 162 Sec.
B.1200, BB.1200)**

grants that enable farmers' markets to accept electronic benefit transfer funds and \$175,000 of this amount is to fund two (2) limited service working landscape staff positions in the agency.

Sec. B.1107 ONE-TIME MOBILE HOME AFFORDABILITY AND
TECHNICAL ASSISTANCE

(a) The amount of \$450,000 in general funds is appropriated in fiscal year 2013 to the department of economic, housing and community development for purposes described in Sec. 12 of S.99 of the 2012 legislative session.

Sec. B.1200 FISCAL YEAR 2013 PAY ACT APPROPRIATIONS

(a) Executive Branch. The two-year agreements between the state of Vermont and the Vermont State Employees' Association for the defender general, nonmanagement, supervisory, and corrections bargaining units for the period of July 1, 2012 through June 30, 2014; the collective bargaining agreement with the Vermont Troopers' Association for the period of July 1, 2012 through June 30, 2013; and salary increases for employees in the executive branch not covered by the bargaining agreement shall be funded in fiscal year 2013 as follows:

(1) Fiscal Year 2013.

(A) General Fund. The amount of \$11,729,056 is appropriated from the general fund to the secretary of administration for distribution to

departments to fund the collective bargaining agreements and the requirements of this act.

(B) Transportation Fund. The amount of \$3,400,000 is appropriated from the transportation fund to the secretary of administration for distribution to the agency of transportation, the transportation board, and the department of public safety to fund collective bargaining agreements and the requirements of this act.

(C) Other funds. The administration shall provide additional spending authority to departments through the existing process of excess receipts to fund collective bargaining agreements and the requirements of this act. The estimated amounts are \$16,236,181 from special fund, federal, and other sources.

(D) With due regard to the possible availability of other funds, for fiscal year 2013, the secretary of administration may transfer from the various appropriations and various funds and from the receipts of the liquor control board such sums as the secretary may determine to be necessary to carry out the purposes of this act to the various agencies supported by state funds.

(E) The appropriations authorized by this subsection shall include sufficient funding to ensure the administration of exempt pay plans authorized under 32 V.S.A. § 1020(c).

(b) Judicial Branch.

(1) The chief justice of the Vermont supreme court may extend the provisions of the judiciary's collective bargaining agreement to judiciary employees who are not covered by the bargaining agreement.

(2) The two-year agreements between the state of Vermont and the Vermont State Employees' Association for the judicial bargaining unit for the period of July 1, 2012 through June 30, 2014 and salary increases for employees not covered by the bargaining agreement shall be funded in fiscal year 2013 as follows:

(A) Fiscal Year 2013: General Fund. The amount of \$1,720,000 is appropriated from the general fund to the judiciary to fund the collective bargaining agreement and the requirements of this act.

(c) Legislative Branch. For the period of July 1, 2012 through June 30, 2013, the legislature shall be funded as follows:

(1) Fiscal Year 2013: The amount of \$285,000 is appropriated from the general fund to the legislature.

Sec. BB.1200 FISCAL YEAR 2014 PAY ACT APPROPRIATIONS

(a) Executive Branch. The two-year agreements between the state of Vermont and the Vermont State Employees' Association for the defender general, nonmanagement, supervisory, and corrections bargaining units for the period of July 1, 2012 through June 30, 2014; and salary increases for

employees in the executive branch not covered by the bargaining agreement shall be funded in fiscal year 2014 as follows:

(1) Fiscal Year 2014.

(A) General Fund. The amount of \$7,171,193 is appropriated from the general fund to the secretary of administration for distribution to departments to fund the collective bargaining agreements and the requirements of this act.

(B) Transportation Fund. The amount of \$2,200,000 is appropriated from the transportation fund to the secretary of administration for distribution to the agency of transportation, the transportation board, and the department of public safety to fund the collective bargaining agreements and the requirements of this act.

(C) Other funds. The administration shall provide additional spending authority to departments through the existing process of excess receipts to fund the collective bargaining agreements and the requirements of this act. The estimated amounts are \$11,591,844 from special fund, federal, and other sources.

(D) With due regard to the possible availability of other funds, for fiscal year 2014, the secretary of administration may transfer from the various appropriations and various funds and from the receipts of the liquor control

board such sums as the secretary may determine to be necessary to carry out the purposes of this act to the various agencies supported by state funds.

(E) The appropriations authorized by this subsection shall include sufficient funding to ensure the administration of exempt pay plans authorized under 32 V.S.A. § 1020(c).

(b) Judicial Branch.

(1) The chief justice of the Vermont supreme court may extend the provisions of the judiciary's collective bargaining agreement to judiciary employees who are not covered by the bargaining agreement.

(2) The two-year agreements between the state of Vermont and the Vermont State Employees' Association for the judicial bargaining unit for the period of July 1, 2012 through June 30, 2014 and salary increases for employees not covered by the bargaining agreement shall be funded in fiscal year 2014 as follows:

(A) Fiscal Year 2014: General Fund. The amount of \$893,972 is appropriated from the general fund to the judiciary to fund the collective bargaining agreement and the requirements of this act.

(c) Legislative Branch. For the period of July 1, 2013 through June 30, 2014, the legislature shall be funded as follows:

(1) Fiscal Year 2014. The amount of \$180,000 is appropriated from the general fund to the legislature.

FY 2013 Pay Act Distribution – JFC Report (3 VSA Sec. 2281(4))

FY 2013 PAY ACT REPORT: 3 VSA SEC 2281(4)**

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Description	Pay Act need - GF by approp	Pay Act need - TF by approp	Pay Act need - GF + TF by approp	GF Pay Act allocation	TF Pay Act allocation
Secretary's Office	25,667	0	25,667	25,667	0
AGENCY OF ADMIN SECRETARY'S OFFICE					
Information & Innovation	0	0	0	0	0
INFORMATION AND INNOVATION					
Budget and Management	44,893	0	44,893	44,893	0
Financial Operations	0	0	0	0	0
FINANCE & MANAGEMENT					
Operations	143,690	0	143,690	143,690	0
Employee Benefits & Wellness	0	0	0	0	0
HUMAN RESOURCES					
Libraries	49,550	0	49,550	49,550	0
LIBRARIES					
Administration / Collection	618,921	0	618,921	618,921	0
TAX DEPT					
Administration	0	0	0	0	0
Engineering	0	0	0	0	0
Information Centers	95,173	0	95,173	95,173	0
Purchasing	38,285	0	38,285	38,285	0
Public Records	0	0	0	0	0
Postal Services - External	0	0	0	0	0
Copy Center	0	0	0	0	0
Fleet Management Services	0	0	0	0	0
Federal Surplus Property	0	0	0	0	0
State Surplus Property	0	0	0	0	0
Property Management	0	0	0	0	0
Workers' Compensation Insurance	0	0	0	0	0
Fee For Space	0	0	0	0	0
BUILDINGS & GEN SERVICES					
Governor's Office	85,000	0	85,000	85,000	0
EXECUTIVE OFFICE					
Legislative Council	123,642	0	123,642	123,642	0
LEGISLATIVE COUNCIL					
Legislature	62,455	0	62,455	62,455	0
LEGISLATURE					
Legislative Information Technology	15,171	0	15,171	15,171	0
LEGISLATIVE INFORMATION TECHNOLOGY					
Joint Fiscal Committee	62,501	0	62,501	62,501	0
JOINT FISCAL COMMITTEE					
Sergeant at Arms	21,233	0	21,233	21,233	0
SERGEANT AT ARMS					
Lieutenant Governor	10,317	0	10,317	10,317	0
LIEUTENANT GOVERNOR					
Auditor of Accounts	78,425	0	78,425	78,425	0
AUDITOR OF ACCOUNTS					
Office of the Treasurer	0	0	0	0	0
Unclaimed Property	0	0	0	0	0
STATE TREASURER					
State Labor Relations Board	3,634	0	3,634	3,634	0
STATE LABOR RELATIONS BD					
VOSHA Review Board	1,797	0	1,797	1,797	0
VOSHA REVIEW BD					
Attorney General	293,828	0	293,828	293,828	0
ATTORNEY GENERAL					
Public Defense	365,155	0	365,155	365,155	0
Assigned Counsel	5,156	0	5,156	5,156	0
DEFENDER GENERAL					
Judiciary	1,720,000	0	1,720,000	1,720,000	0
JUDICIARY					
State's Attorneys	461,447		461,447	461,447	0
STATE'S ATTORNEYS					
Sheriffs	29,464		29,464	29,464	0
SHERIFFS					
State Police	2,456,666	1,386,667	3,843,333	2,456,666	1,386,667
Criminal Justice Services	0	0	0	0	0

FY 2013 PAY ACT REPORT: 3 VSA SEC 2281(4)**

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Description	Pay Act need - GF by approp	Pay Act need - TF by approp	Pay Act need - GF + TF by approp	GF Pay Act allocation	TF Pay Act allocation
Emergency Management	0	0	0	0	0
Fire Safety	44,669	0	44,669	44,669	0
Administration	40,781	0	40,781	40,781	0
Homeland Security	0	0	0	0	0
Radiological Emergency Response Program	0	0	0	0	0
PUBLIC SAFETY					
Administration	16,899	0	16,899	16,899	0
Air Service Contract	10,722	0	10,722	10,722	0
Army Service Contract	6,495	0	6,495	6,495	0
Building Maintenance	18,314	0	18,314	18,314	0
Veterans' Affairs	2,787	0	2,787	2,787	0
MILITARY					
Criminal Justice Training Council	11,461	0	11,461	11,461	0
CRIMINAL JUSTICE TRAINING COUNCIL					
Administration	49,845	0	49,845	49,845	0
Food Safety and Consumer Protection	74,483	0	74,483	74,483	0
Agricultural Development	47,801	0	47,801	47,801	0
Labs, Agri Resource Mgmt & Envir Stewardship	36,425	0	36,425	36,425	0
AGRICULTURE					
Banking	0	0	0	0	0
Insurance	0	0	0	0	0
Captive	0	0	0	0	0
Securities	0	0	0	0	0
Health Care Administration	0	0	0	0	0
Administration	0	0	0	0	0
FINANCIAL REGULATION					
Secretary of State	60,000	0	60,000	60,000	0
SECRETARY OF STATE					
Regulation & Energy	0	0	0	0	0
PUBLIC SERVICE DEPT					
Public Service Board	0	0	0	0	0
PUBLIC SERVICE BD					
Enhanced 9-1-1 Board	0	0	0	0	0
E9-1-1 BOARD					
Human Rights Commission	32,021	0	32,021	32,021	0
HUMAN RIGHTS COMMISSION					
Enforcement & Licensing	0	0	0	0	0
Administration	0	0	0	0	0
Warehousing and Distribution	0	0	0	0	0
LIQUOR CONTROL					
Lottery Commission	0	0	0	0	0
LOTTERY COMMISSION					
Secretary's Office Admin Costs	0	0	0	0	0
Rate Setting	0	0	0	0	0
Develop Disabilities Council	0	0	0	0	0
Human Services Board	0	0	0	0	0
AHS SECRETARY'S OFFICE					
DVHA - Administration	0	0	0	0	0
DEPARTMENT OF VT HEALTH ACCESS					
Administration	6,781	0	6,781	6,781	0
Public Health	74,245	0	74,245	74,245	0
Alcohol & Drug Abuse	44,947	0	44,947	44,947	0
DEPT HEALTH					
Mental Health	16,447	0	16,447	16,447	0
Vermont State Hospital	0	0	0	0	0
MENTAL HEALTH					
DCFS Admin & Support Services	631,618	0	631,618	631,618	0
DCFS - Family Services	0	0	0	0	0
DCFS - Child Development	310,581	0	310,581	310,581	0
DCFS - Child Support Services	0	0	0	0	0
DCFS - OEO Ofc of Economic Opp	0	0	0	0	0
DCFS - Woodside Rehab Center	198,133	0	198,133	198,133	0
DCFS - DDS	0	0	0	0	0
DEPT FOR CHILDREN & FAMILIES					
Administration & Support	442,089	0	442,089	442,089	0

FY 2013 PAY ACT REPORT: 3 VSA SEC 2281(4)**

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Description	Pay Act need - GF by approp	Pay Act need - TF by approp	Pay Act need - GF + TF by approp	GF Pay Act allocation	TF Pay Act allocation
Developmental Services	0	0	0	0	0
DISABILITIES & INDEPENDENT LIVING					
Corrections - Administration	107,703	0	107,703	107,703	0
Corrections - Parole Board	10,679	0	10,679	10,679	0
Corrections - Education	0	0	0	0	0
Correctional Services	3,271,694	0	3,271,694	3,271,694	0
Correctional Fac - Rec Fund	0	0	0	0	0
Admin - VT Offender Work Prog	0	0	0	0	0
CORRECTIONS					
Care and Support Services	0	0	0	0	0
VT VETERANS' HOME					
Vermont Commission on Women	13,568	0	13,568	13,568	0
VT COMMISSION ON WOMEN					
Green Mountain Care Board	90,499	0	90,499	90,499	0
GREEN MOUNTAIN CARE BOARD					
VDOL Program	0	0	0	0	0
LABOR					
Finance and Administration	216,320	0	216,320	216,320	0
Education Services	0	0	0	0	0
Tobacco Litigation	0	0	0	0	0
Act 117 Cost Containment	0	0	0	0	0
DEPT EDUCATION					
Administration	109,195	0	109,195	109,195	0
ANR ADMINISTRATION					
Support & Field Services	539,541	0	539,541	539,541	0
FISH & WILDLIFE					
Administration	61,576	0	61,576	61,576	0
Forestry	259,119	0	259,119	259,119	0
State Parks	0	0	0	0	0
Lands Administration	23,163	0	23,163	23,163	0
FORESTS, PARKS & RECREATION					
Management and Support Services	47,062	0	47,062	47,062	0
Air and Waste Management	114,815	0	114,815	114,815	0
Office of Water Programs	227,112	0	227,112	227,112	0
DEPT ENVIRONMENTAL CONSERVATION					
AGENCY OF NAT RESOURCES	0	0	0	0	0
Natural Resources Board	48,882	0	48,882	48,882	0
NATURAL RESOURCES BD					
Administration Division	19,812	0	19,812	19,812	0
ACCD ADMINISTRATION					
Economic, Housing, and Community Development	26,324	0	26,324	26,324	0
Historic Sites Operations	0	0	0	0	0
Downtown Transp and Capital Imp Fund	734	0	734	734	0
ECONOMIC, HOUSING & COMMUNITY DEVELOPMENT					
Tourism & Marketing	6,972	0	6,972	6,972	0
Vermont Life	0	0	0	0	0
TOURISM & MARKETING					
Transportation Board	0	0	0	0	0
TRANSPORTATION BOARD					
Finance and Administration	0	329,095	329,095	0	329,095
Aviation	0	17,583	17,583	0	17,583
Program Development	0	346,807	346,807	0	346,807
Maintenance State System	0	849,213	849,213	0	849,213
Department of Motor Vehicles	0	396,362	396,362	0	396,362
Policy and Planning	0	36,344	36,344	0	36,344
Rail	0	35,222	35,222	0	35,222
Public Transit	0	2,707	2,707	0	2,707
Central Garage	0	0	0	0	0
AOT					
TOTAL	14,184,382	3,400,000	17,584,382	14,184,382	3,400,000
\$\$ Available/Allocated					
	GF	TF	Total GF/TF		
Non-salary contract items:					

keep:Pay act distribution - FY 2013 - for JFC report 11-15-12

FY 2013 PAY ACT REPORT: 3 VSA SEC 2281(4)**

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Description	Pay Act need - GF by approp	Pay Act need - TF by approp	Pay Act need - GF + TF by approp	GF Pay Act allocation	TF Pay Act allocation
Human Resources					
Dependent care (Non-Mgmt Art 8)	115,000	.0	115,000		
Tuition:					
Non-mgmt (Non-Mgmt Art 37) (incl 15% admin)	180,000	0	180,000		
Supervisory (Sup Art 41) (incl 15% admin)	30,000	0	30,000		
Managers	30,000	0	30,000		
Contract printing	0	0	0		
Human Resources Operations Admin Support	36,000	0	36,000		
Contract implementation costs	200,000	0	200,000		
Total Human Resources	591,000	0	591,000		
Vermont Historical Society - Pay Increase per 22 VSA Sec. 285	55,925	0	55,925		
Total non-salary items	646,925	0	646,925		
FY 2013 PAY ACT AVAILABLE					
EXECUTIVE BRANCH					
Appropriated in 2012 Act 162 Sec B.1200 (a)(1)(A)	11,729,056	3,400,000	15,129,056		
Total appropriation	11,729,056	3,400,000	15,129,056		
Total pay act available	11,729,056	3,400,000	15,129,056		
Total pay act remaining for Depts	11,082,131	3,400,000	14,482,131		
Allocated/transferred to Depts	(12,179,382)	(3,400,000)	(15,579,382)		
Balance	(1,097,251)	0	(1,097,251)		
Potential Carryforward Available from FY 2012	638,362	0	638,362		
Balance after Carryforward	(458,889)	0	(458,889)		
JUDICIAL BRANCH					
Appropriated in 2012 Act 162 Sec B.1200 (b)(1)	1,720,000		1,720,000		
Judiciary Pay Act Need	1,720,000		1,720,000		
Projected Judiciary Pay Act Balance	0		0		
LEGISLATIVE BRANCH					
Appropriated in 2012 Act 162 Sec B.1200 (c)(1)	285,000		285,000		
Legislative Pay Act Need	285,000		285,000		
Projected Legislative Pay Act Balance	0		0		

** Final Pay Act transfers occur near the end of the fiscal year and may differ from transfers listed above.

Non-Appropriation Pay Act Items Example – 2012 Act 130

No. 130. An act relating to compensation for certain state employees.

(H.780)

It is hereby enacted by the General Assembly of the State of Vermont:

* * * Exempt Employees in the Executive Branch * * *

Sec. 1. RESTORATION OF SALARY

(a) The amount equal to the three-percent reduction in salaries taken on July 1, 2010 by exempt employees in the executive branch who earned less than \$60,000.00 annually may be restored to those salaries in fiscal year 2013.

(b) The amount equal to the five-percent reduction in salaries taken on January 1, 2009 by exempt employees in the executive branch who earned \$60,000.00 or more annually may be restored to those salaries in fiscal year 2013.

(c) If the secretary of administration determines that the salary of an exempt employee in the executive branch who earns less than \$60,000.00 annually and was hired or promoted after July 1, 2010 reflects a three-percent reduction in pay, the secretary may restore the amount equal to the three-percent reduction to that salary in fiscal year 2013.

(d) If the secretary of administration determines that the salary of an exempt employee in the executive branch who earns \$60,000.00 or more annually and was hired or promoted after January 1, 2009 reflects a

five-percent reduction in pay, the secretary may restore the amount equal to the five-percent reduction to that salary in fiscal year 2013.

Sec. 2. COST-OF-LIVING ADJUSTMENTS

(a) Exempt employees in the executive branch earning less than \$60,000.00 annually may receive a cost-of-living adjustment in fiscal year 2013 of two percent.

(b) Exempt employees in the executive branch earning \$60,000.00 or more annually may or may not receive a cost-of-living adjustment in fiscal year 2013.

(c) Exempt employees in the executive branch may receive a cost-of-living adjustment in fiscal year 2014.

Sec. 3. RATE OF ADJUSTMENT

For purposes of determining annual salary adjustments, special salary increases, and bonuses under 32 V.S.A. §§ 1003(b) and 1020(b), the “total rate of adjustment available to classified employees under the collective bargaining agreement” shall be deemed to be 2.85 percent in fiscal year 2013 and 3.7 percent in fiscal year 2014.

* * * Defender General and Veterans’ Home * * *

Sec. 4. 32 V.S.A. § 1003(b)(1) is amended to read:

(1) Heads of the following departments, ~~offices~~ and agencies:

Base Base

	Salary	Salary
	as of	as of
	July 8,	July 1,
	2007	2012
(A) Administration	\$90,745	\$90,745
(B) Agriculture, food and markets	90,745	90,745
(C) Banking, insurance, securities, and health care administration <u>Financial</u> <u>regulation</u>	84,834	84,834
(D) Buildings and general services	84,834	84,834
(E) Children and families	84,834	84,834
(F) Commerce and community development	90,745	90,745
(G) Corrections	84,834	84,834
(H) Defender general	76,953	84,834
(I) Disabilities, aging, and independent living	84,834	84,834
(J) <u>Economic, housing, and community</u> development	76,953	76,953
(K) Education	84,834	84,834
(L) Environmental conservation	84,834	84,834
(M) Finance and management	84,834	84,834
(N) Fish and wildlife	76,953	76,953

(O) Forests, parks and recreation	76,953	<u>76,953</u>
(P) Health	84,834	<u>84,834</u>
(Q) Housing and community affairs	76,953	<u>76,953</u> [Repealed.]
(R) Human resources	84,834	<u>84,834</u>
(S) Human services	90,745	<u>90,745</u>
(T) Information and innovation	84,834	<u>84,834</u>
(U) Labor	84,834	<u>84,834</u>
(V) Libraries	76,953	<u>76,953</u>
(W) Liquor control	76,953	<u>76,953</u>
(X) Lottery	76,953	<u>76,953</u>
(Y) Mental Health	84,834	<u>84,834</u>
(Z) Military	84,834	<u>84,834</u>
(AA) Motor vehicles	76,953	<u>76,953</u>
(BB) Natural resources	90,745	<u>90,745</u>
(CC) Natural resources board chairperson	76,953	<u>76,953</u>
(DD) Public Safety	84,834	<u>84,834</u>
(EE) Public service	84,834	<u>84,834</u>
(FF) Taxes	84,834	<u>84,834</u>
(GG) Tourism and marketing	76,953	<u>76,953</u>
(HH) Transportation	90,745	<u>90,745</u>
(II) Vermont health access	84,834	<u>84,834</u>

(JJ) ~~Veterans~~ Veterans' home 76,953 84,834

* * * Judicial Branch * * *

Sec. 5. 32 V.S.A. § 1003(c) is amended to read:

(c) The annual salaries of the officers of the judicial branch named below shall be as follows:

	Annual	<u>Annual</u>	<u>Annual</u>
	Salary	<u>Salary</u>	<u>Salary</u>
	as of	<u>as of</u>	<u>as of</u>
	July 8,	<u>July 1,</u>	<u>July 14,</u>
	2007	<u>2012</u>	<u>2013</u>
(1) Chief justice of supreme court	\$135,421	<u>\$139,280</u>	<u>\$144,434</u>
(2) Each associate justice	129,245	<u>132,928</u>	<u>137,847</u>
(3) Administrative judge	129,245	<u>132,928</u>	<u>137,847</u>
(4) Each superior judge	122,867	<u>126,369</u>	<u>131,045</u>
(5) Each district judge	122,867	[Repealed.]	
(6) Each magistrate	92,641	<u>95,281</u>	<u>98,807</u>
(7) Each judicial bureau hearing officer	92,641	<u>95,281</u>	<u>98,807</u>

Sec. 6. 32 V.S.A. § 1141 is amended to read:

§ 1141. ASSISTANT JUDGES .

(a)(1) The compensation of each assistant judge of the superior court shall be ~~\$142.04~~ \$146.09 a day as of ~~July 8, 2007,~~ July 1, 2012 and \$151.49 a day as of July 14, 2013 for time spent in the performance of official duties and necessary expenses as allowed to classified state employees. Compensation under this section shall be based on a two-hour minimum and hourly thereafter.

* * *

Sec. 7. 32 V.S.A. § 1142 is amended to read:

§ 1142. PROBATE JUDGES

(a) The annual salaries of the probate judges in the several probate districts, which shall be paid by the state in lieu of all fees or other compensation, shall be as follows:

		<u>Annual</u>	<u>Annual</u>
		<u>Salary</u>	<u>Salary</u>
		<u>as of</u>	<u>as of</u>
		<u>July 1,</u>	<u>July 14,</u>
		<u>2012</u>	<u>2013</u>
(1) Addison	\$48,439	<u>\$49,820</u>	<u>\$51,663</u>
(2) Bennington	61,235	<u>62,980</u>	<u>65,310</u>
(3) Caledonia	42,956	<u>44,180</u>	<u>45,815</u>

(4) Chittenden	91,395	<u>105,104</u>	<u>108,993</u>
(5) Essex	12,000	<u>12,342</u>	<u>12,799</u>
(6) Franklin	48,439	<u>49,820</u>	<u>51,663</u>
(7) Grand Isle	12,000	<u>12,342</u>	<u>12,799</u>
(8) Lamoille	33,816	<u>34,780</u>	<u>36,067</u>
(9) Orange	40,214	<u>41,360</u>	<u>42,890</u>
(10) Orleans	39,300	<u>40,420</u>	<u>41,916</u>
(11) Rutland	86,825	<u>89,300</u>	<u>92,604</u>
(12) Washington	66,718	<u>68,619</u>	<u>71,158</u>
(13) Windham	53,923	<u>55,460</u>	<u>57,512</u>
(14) Windsor	73,116	<u>75,200</u>	<u>77,982</u>

* * *

(c) A probate judge whose salary is less than 50 percent of the salary of the most highly paid probate judge shall be eligible only for the least expensive medical benefit plan option available to state employees or may apply the state share of the premium for which the judge is eligible toward the purchase of another state or private health insurance plan. A probate judge whose salary is less than 50 percent of the salary of the most highly paid probate judge may participate in other state employee benefit plans All probate judges, regardless of the number of hours worked annually, shall be eligible to participate in all

employee benefits that are available to exempt employees of the judicial department.

Sec. 8. COURT ADMINISTRATOR; WEIGHTED CASELOAD STUDY

The court administrator shall conduct a weighted caseload study of the probate division and report its findings to the senate and house committees on government operations by January 31, 2013.

* * * Sheriffs * * *

Sec. 9. 32 V.S.A. § 1182 is amended to read:

§ 1182. SHERIFFS

(a) The annual salaries of the sheriffs of all counties except Chittenden shall be ~~\$65,812.00~~ \$67,688.00 as of ~~July 8, 2007~~ July 1, 2012 and ~~\$70,192.00~~ \$71,631.00 as of July 14, 2013. The annual salary of the sheriff of Chittenden County shall be ~~\$69,646.00~~ \$71,631.00 as of ~~July 8, 2007~~ July 1, 2012 and ~~\$74,281.00~~ \$74,281.00 as of July 14, 2013.

(b) Compensation under subsection (a) of this section shall be reduced by 10 percent for any sheriff who has not completed the full-time training requirements under 20 V.S.A. § 2358.

* * * State's Attorneys * * *

Sec. 10. 32 V.S.A. § 1183 is amended to read:

§ 1183. STATE'S ATTORNEYS

(a) The annual salaries of state's attorneys shall be:

	Annual	<u>Annual</u>	<u>Annual</u>
	Salary	<u>Salary</u>	<u>Salary</u>
	as of	<u>as of</u>	<u>as of</u>
	July 8,	<u>July 1,</u>	<u>July 14,</u>
	2007	<u>2012</u>	<u>2013</u>
(1) Addison County	\$89,020	<u>\$91,557</u>	<u>\$94,945</u>
(2) Bennington County	89,020	<u>91,557</u>	<u>94,945</u>
(3) Caledonia County	89,020	<u>91,557</u>	<u>94,945</u>
(4) Chittenden County	93,069	<u>95,721</u>	<u>99,263</u>
(5) Essex County	66,766	<u>68,669</u>	<u>71,210</u>
(6) Franklin County	89,020	<u>91,557</u>	<u>94,945</u>
(7) Grand Isle County	66,766	<u>68,669</u>	<u>71,210</u>
(8) Lamoille County	89,020	<u>91,557</u>	<u>94,945</u>
(9) Orange County	89,020	<u>91,557</u>	<u>94,945</u>
(10) Orleans County	89,020	<u>91,557</u>	<u>94,945</u>
(11) Rutland County	89,020	<u>91,557</u>	<u>94,945</u>
(12) Washington County	89,020	<u>91,557</u>	<u>94,945</u>
(13) Windham County	89,020	<u>91,557</u>	<u>94,945</u>
(14) Windsor County	89,020	<u>91,557</u>	<u>94,945</u>

(b) In settlement of their accounts the commissioner of finance and management shall allow the state's attorneys the expense of printing briefs in

cases in which the state's attorney has represented the state and their necessary and actual expenses under the rules and regulations pertaining to classified state employees.

* * * Appropriations * * *

Sec. 11. PAY ACT FUNDING

The compensation provided in this act shall be funded by appropriations made in H.781 of the 2011–2012 session of the general assembly in Sec. B.1200 for fiscal year 2013 and in Sec. BB.1200 for fiscal year 2014.

* * * Study * * *

Sec. 12. COMMISSIONER OF HUMAN RESOURCES; CASELOAD AND WORKLOAD STUDY; ATTORNEYS IN THE EXECUTIVE BRANCH; PAY PLANS

(a) The commissioner of human resources shall conduct a caseload and workload study that assesses the caseloads and workloads of deputy state's attorneys, public defenders, assistant attorneys general, and staff attorneys in the executive branch and shall report his or her findings to the general assembly on or before March 15, 2013.

(b) The secretary of administration shall create a new pay plan for all exempt attorneys in the executive branch employed by the state who perform legal services in order to create parity and equity in the compensation paid to these attorneys. In creating the pay plan, the secretary shall consider the

results of the study in subsection (a) of this section and the relative caseloads and workloads of the attorneys. Notwithstanding any provision of law to the contrary, the secretary shall have final authority over and shall be required to approve all salaries paid to exempt attorneys employed by the state in the executive branch and shall administer the pay plan to ensure that parity and equity in compensation are maintained.

Sec. 13. EFFECTIVE DATE

This act shall take effect on July 1, 2012.

Approved: May 11, 2012