



NEW MEXICO  
**LAW OFFICES OF THE  
PUBLIC DEFENDER**

Chief Public Defender  
Bennett J. Baur

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# **Fiscal Year 2023 Compensation & Classification Plan**

Submitted by:

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## 1. COMPENSATION & CLASSIFICATION PHILOSOPHY

The purpose of this plan is to develop compensation goals and strategies to support the Law Offices of the Public Defender's operational needs, competitive outlook, and human capital needs. Ensuring that employee pay is competitive, not just for new hires, but confirming that our long-term employees are being paid competitively with the market. Employee compensation should be equitable, fair, policy compliant and legal and achieve the following:

- Provide pay transparency and clearly communicate details to employees
- Motivate employees to perform at the best of their competencies, abilities, and skill sets.
- Recruit and retain key talent and reward high-performing employees.
- Maintain fiscal responsibility.

Our goal is to ensure that an employee's job duties accurately reflect the job classification description of their position and that the classification system supports recognizing professional development related to job duties. By improving the level of performance and professionalism of LOPD employees through accurate job classification, we will ultimately enhance client service.

The LOPD should not lose sight of our goals and should work diligently to respond to employee needs in accordance with this plan. Our focus is on creating a great place to work during in an increasingly complex society.

## 2. HISTORY of LOPD PAY INCREASES

Fiscal Year (FY)	Legislative Pay Increases <sup>1</sup>	LOPD Authorized Pay Adjustments <sup>2</sup>	Details
FY14	1%	0	All eligible state employees
FY15	3%	Geographic Pay Differential for rural offices was increased	Attorneys and social workers outside Albuquerque and Santa Fe received this pay differential.
FY16	0	Employee pay was raised to 90% compa-ratio	53 employees in 9 different pay ranges, whose pay was less than a 90% compa-ratio received pay raises.
FY17	0	0	LOPD initiates a classification and compensation study to create a salary structure supported by comparison to similar positions in like organizations.
FY18	0	Geographic Pay Differentials Increased  31 employees in 8 different pay ranges received pay increases.	LOPD attorneys and social workers in Alamogordo, Carlsbad, Clovis, Portales, Hobbs, Roswell, and Ruidoso offices were eligible.  Social worker pay was the primary focus.
FY19	2%  4.5% <b>Increase for LOPD employees</b>	0	All eligible State employees received the 2% increase.  All eligible LOPD employees received the 4.5% raise – not all State employees.  The LOPD class and comp study was implemented. 13 employees in four different PD job classifications received pay raises.
FY20	4%	2% Loyalty Increase	41 core-staff employees with 10 yrs. or more with LOPD received a 2% pay raise
FY21	1%	0  District Defenders & Managing Attorneys received varying pay raises.	Employees who completed probation and were earning under 50K received the pay 1% pay raise  Pay raises reflect appropriate placement and internal alignment.
FY22	1.5%	Deputy Chief Public Defenders and Investigator 2s received pay increases.	Pay raises for the Deputy Chiefs reflected competitive market value. Investigator 2 pay was increased to reflect appropriate placement and internal alignment.
FY22	3%	26 employees were approved to receive In Pay Range Adjustments  LOPD One-time 3% pay increase	Awarded only to employees hired on or before 06/30/22  Pursuant to Interpretive Memo 2021-01, In Pay Range Adjustments, supervisors submitted eligible employees for pay raises  Employees hired before April 12, 2022, received a raise. Pay raises were to remain competitive with the market.
FY23	4%	0	All eligible state employees hired before 7/1/2022

<sup>1</sup> The amount of funds available annually for salary increases will be determined by the Legislature. The amount varies each year dependent on the State budget and other legislative considerations. The Legislature typically identifies the employee eligibility criteria for these pay raises.

<sup>2</sup> These pay raises are authorized by the Chief Public Defender in accordance with New Mexico Administrative Code. The legislature did not grant additional funding.

### 3. SALARY ADMINISTRATION GUIDELINES

#### Overview

Salary Administration Guidelines are designed to establish and maintain fair and equitable salaries and make sound compensation decisions within a classification and compensation plan. The information provided is intended to be used as a tool, but does not create strict rules to achieve effective salary administration. Effective salary administration can be achieved by:

- Applying LOPD pay policies consistently;
- Understanding the salary ranges and market values;
- Understanding job duties and accountabilities within LOPD to set appropriate salaries;
- Maintaining pay equity for employees with comparable experience, who are performing similar duties and responsibilities within LOPD – as well as appropriate relativity for employees to the overall market;
- Monitoring and auditing employee compensation to ensure appropriate pay, and/or,
- Training and collaborating with supervisors to set appropriate salaries by providing tools and resources to make pay decisions for their employees.

#### Classification and Salary Range Assignments

Salary Ranges exist to support fair and equitable salary decisions. LOPD has established a set of both salary grades and ranges for each of its job classifications. Each classification is assigned a **salary grade** based on similar classifications with comparable job content as determined through the position leveling process. The **salary range** reflects competitive market pay value and internal relativity differences in job responsibilities and requirements. Each Salary Range consists of a Minimum, Market Placement Position (MPP), and Maximum, dollar amounts.

- Salary Range Minimums: Employees whose qualifications and/or education and experience meet the minimum requirements for the job class should normally be paid at least the minimum of the assigned salary range.
- Salary Range MPP: The position in the salary range that reflects the competitive market value of an experienced and fully competent employee whose classification is assigned to that salary range. When hiring a new employee from outside of LOPD, there can be justification for paying below the MPP until they have obtained relevant and applicable job knowledge in the LOPD environment.
- Salary Range Maximums: Employees should typically be paid at a level less than or equal to the maximum of the assigned salary range. Human Resources must approve salaries above the maximum of the salary range.

For Attorney classifications, a Pay Band has been established with Market Anchors based on the market value for each classification. Both minimum and maximum values have been established for the Attorney Pay Band.

Click [here](#) to view the salary grades and ranges for each classification. The chart is also available on our website.

## Pay Factors

When determining and setting an appropriate salary for ANY reason as set out in other sections of this document, the following pay factors shall be taken into consideration:

- Market Relativity: a comparison of an employee's pay relative to the MPP or Market Anchor for their position that can be calculated by dividing an employee's salary by the MPP or Market Anchor. This is commonly known as the comparative-ratio or "compa-ratio".
- Internal equity: a fairness criterion that considers the relationship of one employee's salary to the salaries of other employees performing similar duties and responsibilities.
- Work Experience or Education: an employee's relevant work history and academic qualifications.
- Special Qualifications: special qualifications or licensures needed to perform the tasks required of a position successfully.
- Recruitment and Retention Issues: related to hard-to-fill positions or positions that may warrant higher salaries than the MPP or Market Anchor, due to difficulties recruiting and/or retaining employees.
- Budget or Funding: Allocated funds for each position to pay for salaries during a fiscal year.
- Performance: the incumbent's performance in the job compared to the performance goals as mutually agreed upon between the employee and their supervisor/manager.

## Hiring Salary

The salary upon hiring will be dependent upon the level of knowledge, education, skills, and experience that the employee being hired brings to LOPD and the position. In addition, other factors to be taken into consideration may include the employees' current salary and the pay levels of other employees already in the classification being filled. As a general guideline, the hiring range should be between the range's minimum and MPP. For the Attorney Pay Band classifications, the hiring salary should not be set above the Market Anchor established for the corresponding classification. Human Resources will recommend the salary upon hiring to ensure appropriate placement relative to comparable employees.

## Promotion

A promotion is defined as a move from one classification to another with greater job content, responsibility, and accountability than the previous classification. Promotion is achieved through the posting of the promotional position and the filling of that position assigned to the classification. Promotions are only available to employees who meet the minimum qualifications of the position. Compensation in the new position is based on consideration of the current salary range of the employee and the pay range of the classification to which the employee is being promoted. The only "rule" for promotion increases is that the incumbent should be paid at an amount that is no less than the minimum or not to exceed the maximum of the salary range of the new classification. Once that criterion is met, the following factors should be taken into consideration in determining a promotional increase:

- The level of skill of the employee being promoted
- The amount of the increase between the salary range of the current position and the new position
- The employees most recent performance rating
- The salaries of other incumbents in the position
- Internal alignment

## In Pay Range Adjustments

An In Pay Range Adjustment is an increase to an employee's salary within the current classification and salary range. In Pay Range Adjustments may be given to:

- Recognize substantial changes in duties within the classification;
- Recognize the acquisition and application of additional job-related qualifications, certifications or licenses;
- Maintain equitable salary relationships (appropriate placement & internal alignment);
- Encourage pay for Performance; and/or,
- Respond to changes in labor market conditions.

The adjustment **shall not** move an employee's salary above the salary range maximum and/or create significant salary inequities.

Click on the links to review the [In Pay Range Adjustment Interpretive Memo 2021-01](#) and [Request Form](#)

- In Pay Range Adjustments received in February 2022 were deferred until February 2023.
- In Pay Range Adjustments will **not** be accepted for the September 2022 Submission Period

**Refer to the REMINDERS/Updates section on pages 6 & 7 for details.**

## Demotions

A demotion is a move from one classification another that has lesser job content, responsibility and accountability than the previous position within a classification. When an employee voluntarily elects to take a demotion, it is recommended that the employee's salary be reduced by the amount of the promotional increase received when assigned into the higher-level position, if the promotion/appointment occurred within the previous 12 months. If the promotion occurred beyond 12 months of the current assignment or the employee has been in their current classification for more than 12 months, appropriate placement in the new salary range will be based on the relevancy of their qualification and experience to the classification to which they have taken a voluntary demotion. This latter provision will also apply when an employee applies for and is appointed to a position that is at a lower salary range.

## Ongoing Accountabilities

The amount of funds available annually for salary increases is determined through the legislative process. The amount varies each year, dependent on the budget. LOPD Leadership will decide if alternative pay raises, such as In Pay Range Adjustments, are viable based on advice and input from the Human Resources and Fiscal Divisions.

Within these approved Salary Administration guidelines, managers, supervisors, and Human Resources will be accountable for the following:

- Communicating Salary Administration guidelines to subordinate supervisors and employees to help them understand the LOPDs classification and compensation program
- Adhering to and administering LOPD pay policies
- Ensuring all pay factors are taken into consideration in making pay recommendations or decisions
- Making appropriate compensation decisions
- Avoiding any significant variations from one compensation recommendation or decision to another
- Setting starting salaries appropriately
- Applying promotional increase guidelines equitably and consistently
- Advising on pay recommendations and decisions that are sound and defensible in accordance with relevant New Mexico statutes and are non-discriminatory

## 4. REMINDERS/Updates:

- 1) **In Pay Range Adjustments received in February 2022 were deferred until February 2023.** The Interpretive Memorandum 2021-01, regarding In Pay Range Adjustments, established guidelines for the request and approval of In Pay Range Adjustments for eligible LOPD employees. A memo dated April 29, 2022, from Bennett J. Baur, Chief Public Defender, changes the directions from that memo (2021-



01). It requires deferring, reviewing, and implementing the request for In Pay Range Adjustments submitted in February 2022. If the department has a budget available before February 2023, the February 2022 submittals will be eligible for review and approval.

- 2) **In Pay Range Adjustment, September 2022 Submission Period Closed:** The **Interpretive Memorandum 2021-01**, regarding In Pay Range Adjustments, established a September 2022 Submission period for the request and approval of In Pay Range Adjustments for eligible LOPD employees. **Due to budget restraints**, Chief Baur changed the directions from that memo (2021-01) and **will not accept new submissions of In Pay Range Adjustment forms in September 2022.**
- 3) Although compensation is crucial for attracting and talent, it is not the only essential component. Non-monetary intrinsic rewards are also vital, particularly learning and development opportunities, to assist employees in advancing their careers. Employees should have a positive outlook on their opportunities to learn and grow with the department.

## 5. FY23 COMPENSATION & CLASSIFICATION GOALS and PLANS

- A. In accordance with **Subsection D of 10.12.4.8 Pay Plan**, develop a method for communicating LOPD's Total Compensation package for use as a recruitment and retention tool. Also, a baseline for annual reporting going forward. The Total Compensation package will show both potential employees and employees how much the LOPD is investing (salary, and non-cash incentives, benefits, leave accruals) in them.

Estimated Date of Completion: **October 1, 2022**

- B. In accordance with **Subsection C of 10.12.4.11 Salary Schedules**, HR will conduct a market analysis to determine if adjusting the salary ranges for the LOPD job classifications in relation to changing economic and competitive conditions, and legislative salary increases is appropriate. Changes will be made based upon the recommendation of Human Resources and following approval by the Chief Public Defender. Please note, salary range adjustments alone may not justify granting salary increases to employees.

- Using the data collected through market analysis, LOPD will recommend to the Chief Public Defender if the starting pay for Public Defender 2s with 6 months or less experience should be adjusted. Currently, the starting hourly wage for PD2s is \$28.77.

Estimated Date of Completion: **December 1, 2022**

- C. In coordination with the Fiscal Division, HR will determine if the department has sufficient funding to process In Pay Range Adjustments received during the February

2022 Submission Period and if In Pay Range Adjustments will or will not be accepted during the February 2023 Submission Period.

- HR will submit recommendations to the Chief Public Defender **no later than January 3, 2023.**

D. In accordance with **Subsection A and B of 10.12.4.13 Pay Differentials**: the Chief will continue to monitor the variable recruitment and retention (geographical) pay differential based on geographic location for effectiveness. Upon further review, the dollar amounts may be adjusted higher or lower based on geographic location, or certain locations could be added or removed from the program.

E. In accordance with **Subsection E of 10.12.3.8 Classification Plan**, HR will develop a procedure for LOPD managers and supervisors to submit requests to reclassify vacant positions to an appropriate job classification.

- Estimated Date of Completion: **March 1, 2023**

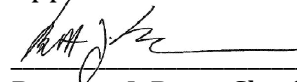
I acknowledge and understand that the department has recently awarded all employees a one-time, three percent pay increase, which has caused a tremendous strain on the LOPD's budget. Also, predicting any future funding allocated by the Legislature is challenging. Therefore, the Fiscal Division and HR will carefully review any proposed pay increases before submitting them to you for a decision.

Sincerely,



Ronald Herrera,  
Director of Human Resources  
Law Offices of the Public Defender

Approved:



Bennett J. Baur, Chief Public Defender,  
Law Offices of the Public Defender

8/3/2022

Date