

**Office of the State Public Defender  
Administrative Policies  
Human Resources**

<b>Subject: Broadband Pay Plan</b>	<b>Policy No.: 540</b>
<b>Title</b>	<b>Pages: 4</b>
<b>Section:</b>	<b>Last Review Date: 4-11-12</b>
<b>Effective Date: 5-21-09</b>	<b>Revision Date: 5-17-12</b>

**1. PURPOSE**

The purpose of this policy is to establish consistent application of the Broadband Pay Plan in accordance with 2-18-301 through 2-18-303, MCA.

**2. SCOPE**

This policy applies to all Office of the State Public Defender (OPD) employees excluding positions listed under 2-18-103 MCA: the chief public defender and the chief appellate defender appointed by the public defender commission pursuant to the Montana Public Defender Act, Title 47, chapter 1, and the employees in the positions listed in 47-1-201(3)(a), who are appointed by the chief public defender.

If this policy conflicts with collective bargaining agreements, the collective bargaining agreements take precedence.

**3. OBJECTIVE**

OPD believes that competent employees are a critical component in the agency's ability to fulfill its mission and goals, and that the Broadband Pay Plan will enhance employees' opportunities for rewards and recognition. Relevant market factors, employee competence and contributions should be important considerations in determining compensation that is fair and equitable. The main objectives of the OPD Broadband Pay Plan are to be internally equitable, externally competitive and sufficiently motivating to more closely reflect an employee's true value to the organization; to provide a closer relationship to the marketplace; and recognize knowledge and performance levels that contribute to the agency mission while remaining fiscally responsible.

This pay plan is not a contract between the department and its employees but is intended to provide direction to employees and managers.

**4. OCCUPATIONS AND MARKET SALARY INFORMATION**

OPD will use the occupations and market salary information established by the State Human Resources Division and union contract. OPD will be proactive in working with the State Human Resources Division and Labor Relations to ensure that markets are appropriate for occupations employed by OPD.

## **5. ESTABLISHING BASE PAY**

### **5.1 BASE PAY**

The Agency will utilize the State Human Resource Division's established pay ranges unless exceptional circumstances dictate otherwise. Pay ranges must fit within the state broad pay bands. The ability to pay will be a primary factor when establishing base pay ranges.

### **5.2 MINIMUM SALARY**

An employee's base pay may be no less than the salary of the pay band for the employee's assigned classification, except as provided in section 5.5, "Training Assignment."

### **5.3 NEW HIRE**

The base pay will be set at a rate commensurate with similar positions taking into consideration internal equity, incumbent education and experience.

### **5.4 PROBATIONARY PAY RATE**

A probationary pay rate may be set at a rate lower than the rate commensurate with similar positions until the employee has successfully completed the probationary period.

### **5.5 TRAINING ASSIGNMENT**

Training assignments will be administered in accordance with MOM 03-0501. At the end of the training assignment, the base pay will be set as detailed in the training assignment agreement. Training assignments may be set for up to one year with the possibility of a one year extension.

### **5.6 PROMOTIONS AND DEMOTIONS**

The base pay of an employee who is promoted or demoted shall be set in the same manner as new hires. Except for temporary promotions, a promotion into a different position must be as a result of a competitive, internal or external, hiring process.

### **5.7 DEMOTIONS**

The base salary for an employee moving to a lower occupation or lower pay band will normally be set by considering the employee's relative job-related qualifications (experience, knowledge, skills and abilities). The salary of an employee who is demoted will be determined by the Chief Public Defender up to the maximum salary for the occupation, based on existing salary relationships within the agency, the agency's ability to pay, and internal equity. OPD may at its discretion protect the employee's current base salary for a period not to exceed 180 calendar days. At the end of the protected period, if applicable, the agency must set the employee's base salary between the entry of the pay band up to the maximum of the new pay band.

The employee must be notified in writing of the wage rate prior to the change.

This rule does not apply to disciplinary and/or voluntary demotions.

#### 5.8 RECLASSIFICATION

The base pay for an employee whose position has been reclassified to a different pay band or occupation shall be set in the same manner as new hires, dependent on funding availability and taking into consideration internal equity, and when possible, external equity.

### 6. WAGE ADJUSTMENTS

Wage adjustments must be approved by the Chief Public Defender, the Human Resource Officer and the Administrative Director and properly recorded in SABHRS. All wage adjustments must be documented and maintained in the employee's permanent personnel record and in the State HR system.

The following wage adjustments may be given based upon the availability of agency funds:

#### 6.1 COMPETENCY PAY

Employees may be eligible to receive additional pay based on their competency. Competencies must be identifiable, observable, and measurable and compared to like positions for internal equity. Competency pay may be given as a bonus or as an increase to the base salary.

#### 6.2 MARKET ADJUSTMENT

Employees whose base salary is below their occupation's competitive pay zone may be eligible for a market adjustment. Market pay adjustments may be used to address recruitment and retention issues. Market pay must be given as an increase to base pay.

#### 6.3 RESULTS ADJUSTMENT

Employees may be eligible to receive a pay adjustment based on the results of their individual efforts or team efforts that can be measured by comparing accomplishments to established goals. Results pay must be given as a lump-sum.

#### 6.4 SITUATIONAL ADJUSTMENT

Employees may be eligible to receive additional pay based on atypical situations or working conditions. OPD may use situational pay to address recruitment or retention issues related to certain requirements of the position such as location, extensive travel, unusual work hours, or unusual physical demands. Situational pay may be given as a lump-sum or as an increase to the base salary.

**6.5 SUPERVISORY ADJUSTMENT**

Employees may be eligible to receive a pay adjustment when performing supervisory duties if:

6.5.1 An employee occupying a position in a non-supervisory classification may be eligible for a pay adjustment when the position includes supervisory duties.

6.5.2 When an employee who is performing supervisory duties is classified in the same occupation and band as their subordinates an agency may recognize these additional duties with a pay adjustment.

The level of supervisory duties performed (i.e. lead worker, supervisor or manager), internal equity and the agency's ability to pay will determine the percentage increase that will be granted. This percentage will be between 4 percent for a lead worker up 12 percent for a manager.

**7. EFFECTIVE DATES**

The effective date for pay actions will be the first day of the pay period in which the request for a reclassification or wage adjustment has been approved by the Chief Public Defender, the Human Resource Officer and the Administrative Director.

**8. CROSS REFERENCE GUIDE**

The following laws, rules or policies may contain provisions that might modify a decision relating to the Broadband Pay Plan. The list should not be considered exhaustive; other policies may apply.

State Laws

2-18-303 MCA	Procedures for administering broadband pay plan.
39-31-305 MCA	Duty to bargain collectively -- good faith.

State Personnel Policies

MOM 3-0115	State Performance Management and Evaluation Policy
MOM 3-0501	Broadband Pay Plan Policy

**9. CLOSING**

This policy shall be followed unless it conflicts with negotiated labor contracts or specific statutes, which shall take precedence to the extent applicable.

Questions concerning this policy can be directed to your immediate supervisor or the Human Resource Office at:

Office of the State Public Defender  
Administrative Service Division  
44 West Park  
Butte, MT 59701  
Phone 406-496-6091