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July 10, 2023

Hon. Julie Su
Acting Secretary
Department of Labor

Hon. Kiran Ahuja
Director
Office of Personnel Management

President's Pay Agent
Office of Personnel Management
1900 E Street, NW
Washington D.C. 20415

Hon. Shalanda Young
Director
Office of Management and Budget

**RE: Level of Comparability Payments for January 2024 and Other Matters
Pertaining to the Locality Pay Program**

Dear Acting Secretary Su, Director Young, and Director Ahuja:

The National Association of Assistant United States Attorneys (NAAUSA)—representing the interests of over 6,400 Assistant U.S. Attorneys (AUSAs) working in the 94 U.S. Attorney Offices—writes to express our continued concern about the impact of disparate pay systems for Department of Justice employees.

AUSAs are paid on the Administratively Determined (AD) pay scale, which has historically resulted in lower pay and diminished AUSA morale. By contrast, nearly all DOJ attorneys and employees are paid under the General Schedule (GS) or are members of the Senior Executive Service (SES). As NAAUSA testified before the Federal Salary Council in the fall of 2022, the use of these disparate pay systems within the Department of Justice causes interagency competition, exacerbates external competition, and ultimately undermines the administration of justice.

For 30 years, NAAUSA has appealed to the Department of Justice to address these concerns. Only once, in 2016, has the Department acted to equalize the AD and GS scales. That year, DOJ made minor adjustments to the AD pay scale for early career AUSAs and the immediate result was an increase in the Partnership for Public Service's Best Places to Work in the Federal Government Survey score for U.S. Attorney Offices on pay satisfaction.

Unfortunately, this one-time adjustment did little to bridge the longstanding, systemic gap between the AD and GS scales. As a result, in 2022, U.S. Attorneys' Offices ranked 363 of 428 in agency subcomponents regarding attitudes toward pay. Despite above median and upper quartile scores in every other category, pay

satisfaction has fallen into the lowest quartile of scores in 12 of the last 13 survey years—with the exception being immediately after the 2016 adjustment.

While the consequences of this alternative pay system are felt strongly by our members, these issues exist across the federal government where alternative pay systems are adopted. The result is many employees who fail to receive equal pay for equal work.

In the absence of Departmental action, OPM must draft legislation to limit the use of alternative pay systems and develop a cohesive and coherent compensation system that brings balance to the federal workforce. No less than three organizations advocated for the Federal Salary Council to take action to address these systemic compensation challenges, and yet the Council's report continues to focus on discrete locality pay zones. We urge the President's Pay Agent to go beyond the Council's recommendations to propose a modern pay system that brings parity to employees across the federal workforce.

If you have any additional questions or wish to set up a meeting to discuss the issues raised in these comments, please reach out to our Washington Representative, Natalia Castro, at ncastro@shawbransford.com. Thank you for considering NAAUSA's perspective.

Sincerely,



Steven Wasserman

President