

#### 28 U.S.C. § 548

Subject to sections 5315 through 5317 of title 5, the Attorney General shall fix the annual salaries of ...assistant United States attorneys ...at rates of compensation not in excess of the rate of basic compensation provided for Executive Level IV of the Executive Schedule.

Pay Cap - Schedule	- \$100 less	s than Ex	ecutive
	Salary Tab Rates of Basic Pay for t	ole No. 2020-EX the Executive Schedule	e (EX)
	Effective	January 2020	
	Level Level I Level II Level III Level IV Level V	Rate           \$219,200           \$197,300           \$181,500           \$170,800           \$160,100	

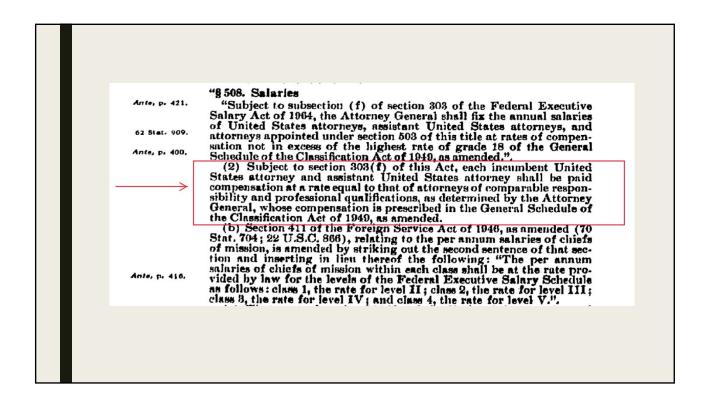
2020 Ba	se Pay St	ructure	Administra	atively Detern	nined (AD) P		ective: Janua	ry 5, 2020
				2.6% Structur	e Increase			
	AD Grade	Years Experience	Minimum	Q-2 25th Perc't	Midpoint	Q-4 75th Perc't	Maximum	]
				Recruitin	g Ranges			
				Succ	essful			_
					Outst	anding		
	AD-21	0-2	\$55,204	\$64,865	\$74,525	\$84,186	\$93,846	
	AD-23	3-4	\$59,313	\$69,693	\$80,073	\$90,453	\$100,833	
GREEN	AD-25	5	\$63,730	\$74,883	\$86,035	\$97,188	\$108,340	RED
CIRCLED	AD-26	6	\$68,474	\$80,458	\$92,441	\$104,424	\$116,407	CIRCLED RATES
RATES	AD-27	7	\$73,573	\$86,449	\$99,324	\$112,200	\$125,075	
	AD-28	8	\$79,051	\$92,885	\$106,719	\$120,553	\$134,387	
	AD-29	9+	\$84,936	\$99,800	\$114,664	\$129,528	\$144,392	

#### Locality Pay

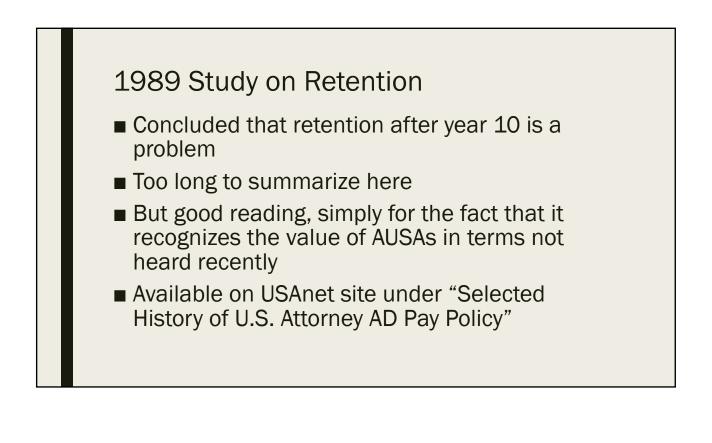
- By law, locality pay and January across-the-board increases are <u>not</u> entitlements of AD employees
- Deputy Attorney General had to grant locality pay and cost of living raises every year
- After August 2009, DAG authorized "prospective" adjustments to the AD pay system to match the GS and EX systems
- See OPM.gov for locality rates and area definitions

UNITED STATES	USAP	No. 3-4.534.001
ATTORNEYS' PROCEDURES	Administratively D	etermined (AD) Pay Handbook
	Effective Date: Last Updated:	Sep. 14, 2001 Mar. 25, 2019
I. PURPOSE		
To provide policy and procedural guidance under 28 U.S.C. 548.	for the Administratively De	etermined pay plan
2. SCOPE		
All United States Attorneys' offices (USAOs Attorneys (EOUSA).	i) and the Executive Office	for United States
3. REFERENCES		
<ul> <li><u>28 U.S.C. 548, Salaries</u></li> <li>United States Attorneys' Manual 3-4.</li> </ul>	524 Day Under Other Sy	stoms
<ul> <li>Changes to the Supervisory AUSA a</li> </ul>		
November 6, 2007, memorandum fro		
Amendment to OARM's Delegation of Attorneys and Law Clerks, June 30, 3		
OARM	2005, memorandum nom	the Director,
<ul> <li>Changes to Delegation of Authority to</li> </ul>	o Approve Attorney Reass	signments, June 5,
2006, memorandum from the Directo		

1961 Salaries		
Recommended Salar	y Scale for United States A	ttorneys
Rank of Office for Fiscal Year 1960 Based on Available Statistics	Authorized	Becommended
<ol> <li>California, Southern</li> <li>District of Columbia</li> <li>New York, Southern</li> <li>Illinois, Northern</li> </ol>	\$ 20,000 20,000 20,000 20,000	\$ 20,000 20,000 20,000 20,000
<ol> <li>New York, Eastern</li> <li>Florida, Southern</li> <li>California, Northern</li> <li>New Jersey</li> <li>Minnesota</li> <li>Michigan, Eastern</li> <li>Pennsylvania, Eastern</li> <li>Massachusetts</li> </ol>	18,000 17,500 18,000 18,000 17,500 18,000 18,000 18,000	18,500 18,500 18,500 18,500 18,500 18,500 18,500 18,500



	DEPARIMENT OF JUSTICE
	WASHINGTON, D. C.
	October 17, 1962
	Memo No. 323
MEMORANDUM TO ALL EMPLOYEE	S (Except FBI, Immigration & Naturalization Service, and Bureau of Prisons)
SUBJECT: Salary Reform Ac	t of 1962
Salary Reform Act of 1962. 14, will be reflected in t	py of the pay rates established by the Federal The new rates, which become effective October he check you receive on November 9 (November 2 rneys' and Marshals' offices). The next fective January 5, 1964.
basis, <u>comparability</u> with within the government to p	ablishes a system of insuring on a continuing pay in private enterprise and <u>intermal alignmen</u> rovide equal pay for substantially equal work.
	in keeping with distinctions in responsibility ere is no change in the way positions or person



### April 28, 1997: AUSAs Make Too Much Money

"9 or more years" range being the two exceptions. Management benefits too. The rate ranges are better aligned with local labor market rates offered in the non-Federal sector for attorneys with comparable experience. While filling AUSA vacancies has never been a problem, AUSA salaries drew criticism because they were frequently higher than those paid to other attorneys in the Department or outside the Federal Government. Being more conservative in fixing starting salaries is also a benefit, since district managers can use savings gained from conservative salary setting to increase funds available for APRs and bonuses paid out each year.

# May 21, 2009: Problem Solved!

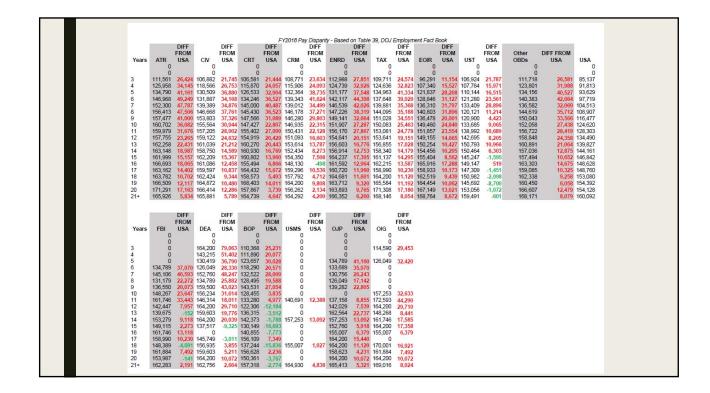
DISCUSSION: Pursuant to 28 U.S.C. §§ 548 and 587, the Attorney General "shall fix" the annual salaries of United States Attorneys, Assistant United States Attorneys, United States Trustees, and Assistant United States Trustees at rates of compensation not in excess of EX Level IV (\$153,200 in 2009). Annually, these components submit a request to the Deputy Attorney General for approval to make pay adjustments in line with annual adjustments to the GS and EX pay scales. (Note: This memo does not address the issue of the disparity between the pay of AUSAs and attorneys paid at General Schedule rates. How to correct that disparity will be addressed separately in the future.)

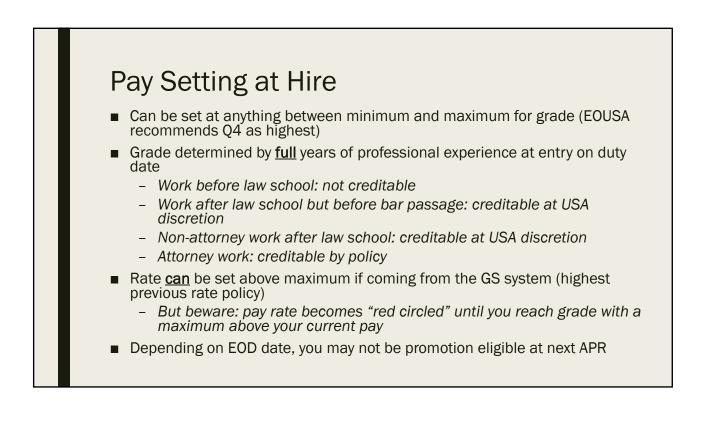
# 2015 Whitepaper

- Produced by Office of Justice Programs and working group
- Concluded that no significant pay disparity existed
- Problems
  - No apples-to-apples comparison because of lack of data
  - Compared AUSAs to Department's non-litigating attorneys
  - Looked at years of DOJ service rather than years of attorney experience

#### 2016 Reforms

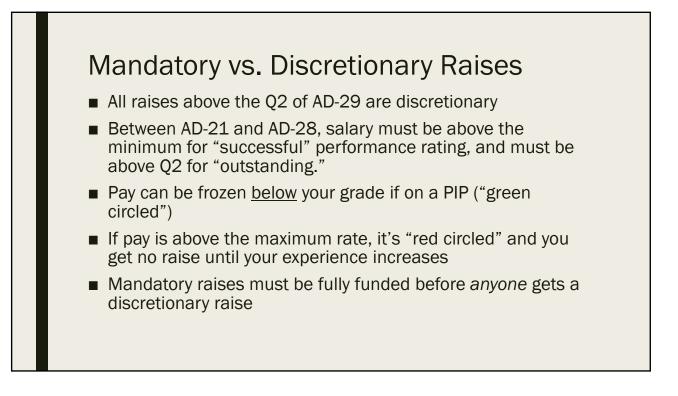
- Good year for newer AUSAs
- Minimum AUSA pay set at GS-11 level
- Grades realigned: AD-24 eliminated
- Upward adjustments (~\$15k raises for some)
- EOUSA centrally funded realignment





# Annual Pay Review (APR) Usually announced in March or April of each year

- AUSAs promoted based on additional year of experience (until 9 years' experience)
- Roughly \$5,000 \$7,000 increase if moving from Q2 of one grade to Q2 of next
- United States Attorneys authorized to increase pay by up to 10% of base (anything higher requires EOUSA Director approval)
- Size of raise pool is based on a fixed percentage of an office's non-capped AUSA salaries
  - 2020: 2.5%
  - 2019: 2.5%
  - 2018: 1.75%
  - 2017: 1.25%
  - 2016: 3.0% (structure change)



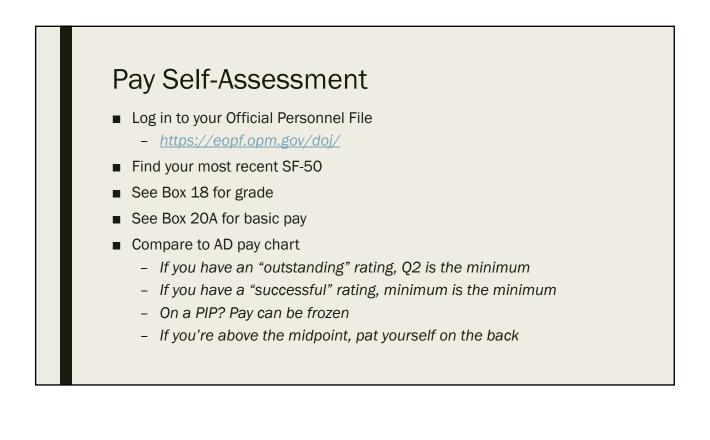
# Mandatory vs. Discretionary Raises (continued)

- Offices with high rates of "outstanding" performance evaluations have less discretion with raises
- These offices probably tend to move people up in lockstep to rates just above the Q2 number in each grade

# **Miscellaneous Pay Issues**

- Supervisory Pay
  - 14% of FTE rule
  - "Supervise six" (with many exceptions)
  - "Aging" salary upon demotion
- Switching Offices
  - Raises must be approved by Director
  - Voluntary decrease requires OARM consult

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12A. B	Basic Pay												
		ation of Position's	Organization				22. Name	and Locati	ion of Position	s Organization	í		

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#### Increasing your Pay

- Know the office culture
- Let your supervisor know that you understand the pay system
- Compare your pay history against the midpoint
  - Are you moving closer to the midpoint?
  - Falling behind the midpoint?
- Compliment others
- Politely ask for a raise

