



OFFICE OF THE DISTRICT ATTORNEY  
WESTCHESTER COUNTY

MIRIAM E. ROCAH  
DISTRICT ATTORNEY

WESTCHESTER COUNTY COURTHOUSE  
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August 22, 2022

Honorable Catherine Borgia  
Chairwoman of the Board  
Westchester County Board of Legislators  
148 Martine Avenue - 8<sup>th</sup> floor  
White Plains, NY 10601

Re: Pay Plan Amendment - Assistant District Attorneys

Dear Hon. Borgia:

Please let this letter serve as a formal request that a Pay Plan Amendment be enacted by the Board of Legislators reflecting an adjustment to our 2022 Pay Plan for all Assistant District Attorney positions with the exception of the First Deputy District Attorneys. This Amendment will not result in any additional cost to the county for 2022. The cost will be paid through already achieved savings due to unanticipated vacancies in 2022 at the District Attorney's Office. These vacancies resulted from departures of our experienced ADAs to other offices for greater salaries than they could be paid in Westchester, and our corresponding inability to effectively recruit new and lateral ADAs because our pay scale is not competitive with our surrounding peer offices. The Amendment also reflects proposed salary increases of 3% for 2023 (with a slightly higher percentage for our First Deputy District Attorneys in order to make up the amount that they are foregoing in 2022 in order to give all available funds to our ADAs), and 3% for 2024. This Amendment also eliminates salaries for the Jr. Assistant District Attorney title, which we have determined no longer meets the needs of the office, and attempts to keep us competitive with the surrounding district attorney's offices in Rockland, the Bronx, Manhattan, and Queens. I have attached a copy of the proposed District Attorney Pay scales for 2022, 2023, 2024 reflecting the Amendment for your convenience. I am also attaching an earlier memo written to the County Executive and his team explaining the rationale for our original request for salary increases for 2022. The Pay Plan Amendment we are submitting is a reduction from that original request.

Thank you for your anticipated cooperation in moving this matter forward.

Very truly yours,

MIRIAM E. ROCAH  
DISTRICT ATTORNEY

cc: Melanie Montalto  
Malika Vanderberg

## District Attorney Salary Schedule

Effective January 1, 2022

	Minimum	Maximum
Assistant District Attorney	\$78,500	\$135,000
Senior Assistant District Attorney	\$137,500	\$143,500
Deputy Chief of Bureau- DA	\$144,000	\$157,000
Chief of Bureau	\$167,000	\$177,000
Deputy District Attorney	\$170,000	\$178,200
Second Deputy District Attorney	\$181,500	\$186,900
First Deputy District Attorney	\$184,764	\$193,287

**Above salaries were developed to alleviate turnover and increase recruitment, the 2022 Assistant District Attorney salary line increased will have no 2022 cost to the county.**

## District Attorney Salary Schedule

Effective January 1, 2023

	Minimum	Maximum
Assistant District Attorney	\$80,855	\$139,050
Senior Assistant District Attorney	\$141,625	\$147,805
Deputy Chief of Bureau- DA	\$148,320	\$161,710
Chief of Bureau	\$172,010	\$182,310
Deputy District Attorney	\$175,100	\$183,546
Second Deputy District Attorney	\$186,945	\$192,507
First Deputy District Attorney	\$194,926	\$203,198

Above salaries are computed by taking the 2022 approved Assistant District Attorney salaries and increasing by 3%.

## District Attorney Salary Schedule

Effective January 1, 2024

	Minimum	Maximum
Assistant District Attorney	\$83,281	\$143,222
Senior Assistant District Attorney	\$145,874	\$152,239
Deputy Chief of Bureau- DA	\$152,770	\$166,561
Chief of Bureau	\$177,170	\$187,779
Deputy District Attorney	\$180,353	\$189,052
Second Deputy District Attorney	\$192,553	\$198,282
First Deputy District Attorney	\$200,774	\$210,035

Above salaries are computed by taking the 2023 Assistant District Attorney salaries and increasing by 3%.

# FISCAL IMPACT STATEMENT

SUBJECT: 2022-24 DA PAY PLAN AMENDMENT  NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

GENERAL FUND  AIRPORT FUND  SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 1,383,829

Total Current Year Revenue \$ -

Source of Funds (check one):  Current Appropriations  Transfer of Existing Appropriations

Additional Appropriations  Other (explain)

Identify Accounts: DA Salary (101\_37\_1000\_1010) & Advance to Grants (101\_37\_1000\_4912)

Fringe (101\_52\_1000\_Various)

Potential Related Operating Budget Expenses: Annual Amount \$1,383,829

Describe: 2022 DA Account Salaries: 101\_37\_1000\_1010 - \$1,037,825

2022 DA Account Advance to Grants (For Trust Positions): 101\_37\_1000\_4912 - \$ 57,410

2022 Fringes: 101\_52\_1000\_Various - \$ 288,594

Potential Related Operating Budget Revenues: Annual Amount \$ -0-

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Anticipated Savings to County and/or Impact on Department Operations:

Current Year: 2022 increased expenses impacting salaries, advance to grants and fringe

\$1,383,829

Next Four Years: 2023 Additional expenses of \$2,100,516 impacting DA (\$1,662,458) and

Fringes (\$438,058)

2024 Additional Expenses of \$2,808,179 impacting DA (\$2,222,540) and Fringes (\$585,639)

Prepared by: Mark Medwid

Title: Associate Budget Director

Department: Budget

Date: August 19, 2022

Reviewed By:

Budget Director

Date: 8/19/22

As requested, I am writing to follow-up on our meetings of May 16 and May 26, 2022, in which the District Attorney requested a salary increase for all Assistant District Attorneys in the Westchester County District Attorney's Office. As we reported in those meetings, we are currently facing a retention and recruitment crisis due to the fact that our salary scale is significantly lower than our peer offices of the Bronx, Manhattan, Queens, and Rockland.<sup>1</sup> These offices all have raised salaries in the last year, and are expected to make additional salary increases in the coming year.<sup>2</sup> Without a comparable increase in our salary scale, we will continue to face an inability to fill our vacancies which will have a negative effect on the prosecution of criminal offenses in our county, and on the corresponding safety of our community.

In the last six months, since the city offices began increasing their salaries, and Rockland began the process of removing its residency requirement, we have: (1) lost trained and experienced ADAs to other offices for the sole reason that they will be making more money in their new position; (2) lost new ADA candidates to other offices for the sole reason that they would make more money if they accepted the competing offer; (3) saw the number of resumes for lateral ADAs from other offices significantly decrease; and (4) had a lateral candidate withdraw his accepted offer because the salary increases in his current office made the financial component of our offer significantly less than he would be making if he stayed in his current office. And while there is some flexibility within our current scale within the Jr. ADA and ADA lines to change the offers that we give to potential lateral and 3L candidates, that is not a feasible solution to our current crisis because it would either prevent regular annual increases, which Rockland and the city offices all give, or it will cause internal moral issues because there is a lack of consistency in our salary scale for ADAs who have graduated from law school at the same time.

We are asking for a \$12,000 across the board salary increase for all of our ADAs to bring us closer to the salaries that our peer offices are netting on an annual basis, either via the salary they offer, or the combined salary and annual bonus. We believe this increase will allow us to retain our more junior ADAs who are within or have recently completed their three-year commitment to the office, and who we have invested significant financial and personnel resources to train. We also believe this increase will allow us to retain our senior and supervisory level ADAs, several of whom we have lost in the last year to other prosecutorial offices, or who we know to be interviewing currently. These senior and supervisory ADAs have the opportunity to make approximately \$10,000 to \$34,000 per year more in the city offices. Finally, the salary increases will allow us to recruit recent law school graduates based on all of the factors that we believe set our office apart from Rockland and the city offices, and without salary impacting the decision of the potential candidates.

We understand and appreciate that salary increases for our ADAs are not made in a vacuum, and that you are also currently working with the PBA and CSEA unions on salary increases in connection with current contract negotiations. We also understand that our ADAs have historically been viewed as comparable to attorneys in other departments in the county.<sup>3</sup> We believe, however, that the changes in

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<sup>1</sup> Our current starting salaries are just over \$4500 below the Rockland District Attorney's Office ("Rockland"), and approximately \$14,500 below the salaries that Rockland anticipates will be approved in the coming weeks in their county. We are similarly below the city offices starting salaries by approximately \$7-8000.

<sup>2</sup> These salary increases are separate from the bonus payments that are also given in the city offices on top of the normal yearly salary.

<sup>3</sup> We look forward to continuing the discussion raised in the second call on adjustments to our lines to potentially eliminate the category of "Jr. ADA" and to also raise the possibility of potentially merging the pay lines for our

the discovery laws, and the fact that our ADAs are essentially always on call, sets what they do apart from other attorneys in the county, and accordingly, supports the need for a salary increase for them to reflect the realities of the positions they occupy and the demands they face in those positions. By adjusting the salary scale to better compete with Rockland and the city offices, we will be better able to retain and hire ADAs to handle the prosecution of criminal conduct in our county, and keep our communities safe.

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Senior ADAs and Deputy Bureau Chiefs, in line with our efforts to allow our senior ADAs to have the opportunity to continue to earn meaningful salary increment increases without having a supervisory title. We have worked in the last 17-months to make sure our supervisory titles actually reflect supervisory work, but have used more senior pay lines parenthetically to allowed valued senior ADAs to have salary increases that would otherwise not have been possible, and could have caused us to lose them to other offices.