

DELAWARE COMPENSATION COMMISSION

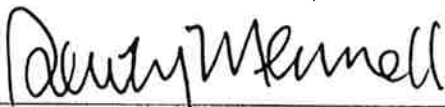
2021

Final Report

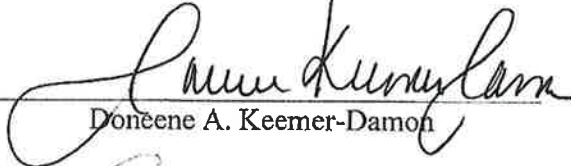
January 12, 2021



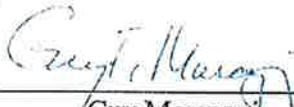
Michael A. Barlow, Chair



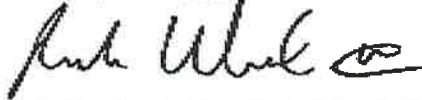
Drew Fennell



Donéene A. Keemer-Damon



Guy Marozzi



Rod Ward, III



Sandra Ross Johnson
Secretary, Department of Human Resources
Ex-Officio

By using this form, the parties acknowledge their agreement to conduct transactions by electronic means. A party's electronic signature for purposes of the Uniform Electronic Transactions Act, 6 Del. C. Ch. 12A, may be provided by checking the box as indicated, electronic initials or name, or e-mail confirmation.

TABLE OF CONTENTS

INTRODUCTION

- Creation of Commission
- Members
- Authorization
- Meetings and Hearings
- Attracting and Retaining Talent
- Past Commissions' Recommendations
- Compensation Comparisons with Other States
- Unique Circumstances Affecting the Work of the 2021 Commission
- Conceptual Framework for Analysis

RECOMMENDATIONS

EXECUTIVE BRANCH:

- Governor
- Cabinet
- Other Elected Officials

JUDICIAL BRANCH:

- Impact of the Judiciary on Delaware
- Judicial Salaries

LEGISLATIVE BRANCH:

- Legislative Pay, Supplements and Expense Allowances

TABLE A: Executive

TABLE B: Other Elected Officials

TABLE C: Judiciary

TABLE D: Legislative Pay, Supplements and Expense Allowances

SUMMARY

ACKNOWLEDGMENTS

APPENDICES

Office of Management and Budget Memo on DEFAC

Salary Survey Data (provided by Willis Towers Watson)

- Executive and Elected Officials
 - Book of States, 2019 (aged)
 - Additional State and Local Data, 2019 (aged)
- Judicial Branch
 - National Center for State Courts, 2019 (aged)
 - Federal Judicial Salaries, 2020
- Legislative Branch
 - Book of States, 2019 (aged)
 - Wilmington City Council, 2019 (aged)

Delaware Compensation Commission – Letter to M. Barlow 01.08.21

INTRODUCTION

Creation of Commission

In July 1984, Governor DuPont approved a law (29 Del. C. Sections 3301- 3304) creating the Delaware Compensation Commission. Emerging from the difficult financial times of the '70s, the establishment of the Commission was one of many reforms implemented to set Delaware on a future non-partisan course of setting policies and salaries for the Cabinet, Legislature, and Judiciary in such a way as to remove political considerations while attracting top talent to State government.

In January 1985, the first Commission submitted its recommendations as required under the statute, which were passed by the General Assembly and the recommendations became effective on February 1, 1985. In December 1988, in accordance with the statute, the 1989 Commission submitted its report and recommendations, which were passed and became effective on February 1, 1989.

In January 1993, the 1993 Commission submitted its report and recommendations. By joint resolution, the General Assembly rejected the report of the 1993 Commission. In April 1993, the General Assembly passed legislation adjusting salaries for members of the Judiciary, General Assembly, other Elected Officials, and the Cabinet.

In January 1997, the 1997 Commission submitted its report and recommendations, which were passed and became effective February 1, 1997. Likewise, in January 2001, the 2001 Commission submitted its report and recommendations, which were passed and adopted by the Legislature and became effective February 1, 2001. In January 2005, the 2005 Commission submitted its report and recommendations, which were passed and became effective February 1, 2005. In January 2009, the 2009 Commission submitted its report and recommendations; however, based on the economic condition of the State's budget and the national economic climate, the 2009 Commission recommended no salary increases for any of the positions covered by this Report. The effective date of the Commissions' reports was changed from February 1 to July 1 in the Fiscal Year 2009 Budget Act Epilogue, Section 35. The 2013 Commission submitted its report and recommendations in January 2013; however, per House Joint Resolution No. 2, the General Assembly voted to reject the report. The

2017 Commission submitted its report and recommendations in January 2017; however, per House Joint Resolution No. 2, the General Assembly voted to reject the report.

The Report of this Commission, referred to as the 2021 Commission, has the force and effect of law as of the first day of July following submission unless the General Assembly, by joint resolution, rejects the report in its entirety within 30 days following commencement of its 2021 session.

Members

The 2021 Commission consisted of six members and was chaired by Michael A. Barlow, appointed by the Governor, John C. Carney. Other members include Guy Marcozzi, appointed by the President Pro Tempore of the Senate; Rod Ward III, Chair of the Delaware Business Roundtable; Doneene A. Keemer-Damon, appointed by the Governor; and Drew Fennell, appointed by Rep. Schwartzkopf, Speaker of the House. Sandra Ross Johnson, Secretary, Department of Human Resources, serves as an Ex-Officio and non-voting member.

Authorization

Under its enabling statute, the Commission was authorized to study the "remuneration" of key office holders within the Executive, Judicial, and Legislative branches of State government. It was also authorized to issue a report no later than January 12, 2021, establishing "remuneration" for these public officials.

Meetings and Hearings

The 2021 Commission met on November 17, 2020, December 7, 2020, December 23, 2020, January 7, 2021 and January 11, 2021. In addition, the 2021 Commission held a public WebEx hearing on December 23, 2020. There were neither speakers nor public comment at the hearings.

The 2021 Commission members were provided with information showing a historical view of salaries, budgets, positions, and general salary increases (GSI) from Fiscal Year 2017 through the present (2020).

Willis Towers Watson was engaged as a consultant to the 2021 Commission, providing and interpreting salary survey data requested by the 2021 Commission. Theresa Lynch, Consulting Director, was the team lead for the consultant.

Based on the information received from the consultants and the 2021 Commission members' own deliberations and experience, the 2021 Commission submits unanimously the following findings and determinations.

Attracting and Retaining Talent

The 2021 Commission, as was the case with the previous Commissions, believes strongly that the quality of State government depends largely upon its ability to attract and retain highly talented individuals to lead its various programs and activities. The 2021 Commission agrees with and concluded that reasonable compensation, set by an impartial body such as the Commission, plays an important role in attracting and retaining top talent.

This is particularly the case for Delaware government leadership positions since many services that are offered statewide in Delaware are either not offered by other government entities or are offered in other states at a local level. The State of Delaware has a nationally respected, fair, high quality, and efficient court system; a responsive State Legislature; and a dedicated and effective Executive Branch of State government. The individuals who agree to represent the people in those positions are entitled to earn competitive and appropriate wages.

Past Commissions' Recommendations

The Compensation Commission was created in 1984 and was in large part able to remove deliberations on executive level salaries from the political arena. The recommendations of the 1985, 1989, 1997, 2001, and 2005 Commissions, which were accepted by the State Legislature, improved considerably the compensation for most of the positions that this report evaluates. From that, Delaware was able to continue to attract highly qualified individuals to the three branches of government.

After rejecting the 1993 Commission report, the General Assembly passed legislation providing 4% increases for members of the Judiciary, 3% for members of the General Assembly and other Elected Officials, and an average of 4.1% increases for members of the Cabinet. The legislation also increased legislative supplements for members of the General Assembly by 3%.

Due to the economic condition of the State's budget and the national economic climate, the 2009 Commission recommended no salary increase for any of the positions covered by the Commission.

With the 2009 Commission recommending no salary increases and the rejection of the 2013 and 2017 Commission recommendations/reports, the positions covered by the Delaware Compensation Commission have not received salary adjustments through the Commission since 2005. These positions have been provided the same general salary increases given to other State employees. The exception to this rule is the Governor, whose position is restricted, by law, from receiving these increases.

Through the work of prior Commissions, much progress has been made in providing more appropriate compensation to those within the Commission's jurisdiction. However, the Commission is of the view that the decisions not to implement Commission recommendations since 2005 risks the future ability of State government to attract and retain talented leaders. This Commission is of the firm view that the proposal is not thought of as salary increases but reflects appropriate salary adjustment for positions covered in this report.

Compensation Comparisons with Other States

The 1989, 1993, and 1997 Commissions compared Delaware salaries for the offices under review with the states of New Jersey, Pennsylvania, Maryland, Virginia, New York, North Carolina, and Massachusetts. Although there is no requirement to do so, the 2021 Commission also reviewed and evaluated these seven states as one of their references. Because of its concern as to the significant demographic differences between some of the states in this comparative group, the 2021 Commission felt it appropriate to examine other

states of comparable size. Consequently, the 2021 Commission identified and considered salary data from three states with similar budgets (Rhode Island, New Hampshire, and Vermont), as additional references. We want to emphasize, however, that throughout our deliberations and in this Report, we were not constrained by rigid comparisons, as statewide comparisons can be difficult because of the numerous differences among the states. The 2021 Commission also considered salary survey data from local entities in Delaware, Maryland, and Pennsylvania. The 2021 Commission considered salary survey data from all the entities referenced above as well as (for the judiciary) the states of Georgia, California, Florida, and Illinois due to the similarity of their judicial structure for adjudicating corporate law. When considering the salary survey data from other states, as provided by Willis Towers Watson in their recommendations, this Commission considered similarities in the State's job responsibilities compared to the survey states as well as the impact of the job on the State's revenues. The salary recommendations of the 2021 Commission reflect these factors.

Unique Circumstances Affecting the Work of the 2021 Commission

As the 2021 Commission began its deliberations, the Commission acknowledged the emergency situation created by the COVID-19 pandemic and its effects on the national, state, and local economic climate. At the same time, the Commission recognized while the immediate concerns created by the pandemic were considerable, the responsibility of the Commission was to focus on the long-term competitiveness of the compensation of State leadership to continue to attract and retain talented leaders into State government. The 2021 Commission acknowledged that while the economic climate had improved somewhat, recovery has been slow, and revenues forecasted less than anticipated. The DEFAC FY '22 revenue estimates are forecast to be 3% less than FY '21. Specifically, DEFAC estimates are expected to grow 8.3% in FY '21 (\$4.90 billion), but then decline 2.7% (\$4.76 billion) in FY '22, per the OMB report attached. To address current events, the Commission proposes that its proposals be implemented only when the General Assembly determines that the economic health of the State is such that a general salary increase (GSI) for non-union State employees is appropriate.

The 2021 Commission considered a variety of courses of action in an effort to balance their strong commitment to maintain competitive and fair salaries to attract and retain the highest

caliber of top state management officials. The salaries under consideration by the 2021 Commission have not been increased since 2005 other than the general salary increases provided to most State employees. The recommendations of this Commission for salary adjustments reflect the effect of the 16-year gap since any market adjustments have been implemented for these positions. To address the effects of that 16-year gap, most salary changes are recommended in a phased-in four (4)-year approach with consideration of budget projections. In many cases, the phased-in four (4)-year approach will result in salaries at the end of the period more commensurate with present median salaries for comparable positions.

Per 29 Del. Code § 3304, the salary increases in the Delaware Compensation Commission report are to be effective in July of the Fiscal Year in which State employees, who are not covered by a finalized compensation collective bargaining agreement, are provided a general salary increase. However, Budget Act Epilogue provides for implementation on the first day of the first pay period of the fiscal year. These two laws need to be reconciled. Salary increases are recommended on Tables A, B, C, and D.

Conceptual Framework for Analysis

Before beginning its deliberations on specific salary recommendations, the 2021 Commission discussed compensation for State executives and agreed upon the following principles:

1. In determining salary increases, market data, median and average salaries, as well as similarities in job responsibilities comparable to other State of Delaware agency leaders and among the survey states, and the impact of a job on the State's revenues should be considered.
2. Executive Branch tiers should be collapsed into two (2) tiers.
3. Executive Branch compensation should consider full-time equivalents (FTEs), budgets, responsibility, risk, re-organizations, impact on State revenues, and any circumstances unique to this Commission.
4. Some phasing-in of salary increases should be considered over a four (4)-year period, due to economic realities but as a rule should not exceed five percent (5%) in one year.

5. Although the State's financial climate is a factor, the primary emphasis is the need for salaries to maintain competitiveness in recruiting and retaining top talent.
6. The Governor should continue to have some flexibility in making salary offers to Cabinet secretaries.
7. Judicial salaries need to be reviewed with an emphasis on attracting top talent for these positions.
8. The concept of a supplement for administrative duties continues to be valid for leadership positions within the Legislature.
9. Consideration should be given to all public comments.
10. Since the 2009 Commission recommended no salary increases due to the national financial crisis, and the reports issued by the 2013 and 2017 Commissions were rejected by the General Assembly, other than general salary increases provided to most State employees, the salaries under consideration by the 2021 Commission have not been adjusted since 2005.
11. Consideration should be given to how GSI provided to other non-union State employees may affect any recommendations.
12. Consideration should be given to how any recommendations would be implemented with attention to the State's economic status and revenue projections.

RECOMMENDATIONS

The 2021 Commission considered a variety of courses of action in an effort to balance its strong commitment to maintain competitive and fair salaries to attract and retain the highest caliber of top state management officials and recent events affecting the State economy. The positions' salaries under consideration by the 2021 Commission have not been adjusted since 2005, other than the general salary increases provided to most State employees. The current status of Delaware salaries in these covered positions reflect the effect of that 16-year gap. The market adjustment recommendations of this Commission aim to close that gap, avoid any negative effects resulting from the current salary situation, and preserve the State's ability to attract and retain top talent in these positions.

In deliberating on the implementation of market adjustment recommendations, the 2021 Commission considered the State's current economic status still in a public health crisis and

the organization's revenue projections. It was decided that implementation recommendations would include a phased-in four (4)-year approach for most salary adjustments.

Salary increases in this report are to be effective July of the appropriate Fiscal Year. These recommendations include an implementation date, or trigger, that begins the rollout of these market adjustments coinciding with the first fiscal year in which State non-union employees are provided a general salary increase through the Budget Act. (Non-union employees are defined for this document as those who are not covered by a finalized compensation collective bargaining agreement.) This trigger recommendation is an integral part of the Commission's approach and the phase-in is meant to move forward only when the State is in a position to increase salaries for State employees.

Positions covered in this report will receive either the designated fiscal year amount recommended in this Report or the general salary increases approved by the Legislature for other State non-union employees, whichever is higher. Although the GSI in a given year may bring the incumbent's salary to a higher amount than designated for that fiscal year in the Tables A, B, C, or D, it will not compound or increase the next fiscal year's amount. That is, the fiscal year amount listed in the tables is the amount the incumbent will receive even if, in an earlier year, the amount may have been higher due to the GSI.

EXECUTIVE BRANCH

The 2021 Commission concludes that the salaries for the Executive Branch should be as established in Table A: Executive. The recommended tiers for the various offices within the Executive Branch are a reflection of each office's level of responsibility and authority. The 2021 Commission used the salary market data provided by Willis Towers Watson in its evaluation of salary recommendations.

Governor

Delaware's Constitution prohibits the Governor from receiving any salary increases or decreases during the period for which he or she shall have been elected (Article III, § 7).

Therefore, under the State's Constitution, the 2021 Commission's recommendations will have no impact on the salary of the 2021 Governor-Elect. However, a recommendation for the next/2025 Governor's salary is included in this Report.

The 2005 Commission, in its report of January 2005, proposed a salary that was 10% above the highest base salary (\$155,450) paid to an Executive Branch official, the agency heads of the Department of Technology & Information and the Department of Education at the time, effective when the Governor took office in 2009 which resulted in a salary of \$171,000. That Commission also recommended that prior to January 18, 2005, the General Assembly entertain legislation to increase the salary of the incoming Governor to 10% above the highest paid Executive Branch official. The salary of the Governor has not changed since 2009 and remains \$171,000.

To continue to keep the salary of the Governor above those of other Executive Branch officials, albeit not 10% above, the 2021 Commission supports a salary policy that adds 2.0% market adjustment each year for four (4) years that would be implemented in FY 2025. This recommendation will require its inclusion into the FY 2025 Budget Act Epilogue.

Cabinet

Cabinet members currently receive salaries that fall into four tiers. The salaries were clustered into those four tiers by prior Commissions based upon a combination of factors including the size of the agency as measured by budget and personnel employed, and the impact of the agency on the citizens and economy of the State. The 2021 Commission recognizes the advantages of such a tiered pay scale and believes that, in general, all Cabinet members should be placed in an appropriate tier; however, the Commission believes the number of tiers should be decreased. The 2021 Commission also gave consideration to other factors, such as risk, 24/7 operations, and major organizational changes. The 2021 Commission recommends moving to a two-tier system for Cabinet members.

After reviewing the impact of the agencies on the citizens (safety, security, social services, families, juvenile justice, and transportation) and economy of the State (revenues generated, jobs created, and businesses attracted to the State), as well as recent events including the ongoing public health threat, the size of the agencies as measured by budget and personnel

employed, salaries paid to comparable positions in the surrounding states, and the direct service provided to constituents by the departments, the 2021 Commission recommends the following:

1. Reduce the number of tiers from the current four (4) to two (2). The Commission recommends the following tier structure:

Tier 1:

Chief Information Officer
Secretary of Education
Secretary of Health & Social Services
Director, Office of Management & Budget
Secretary of Finance
Secretary of State
Commissioner of Correction
Secretary of Safety & Homeland Security
Secretary of Services for Children, Youth & Their Families
Secretary of Transportation

Tier 2:

Secretary of Human Resources
Secretary of Natural Resources & Environmental Control
Adjutant General
Secretary of Agriculture
Secretary of Labor
Director, Delaware State Housing Authority

The rationale for the above Tier 1 groupings and salary adjustments are based upon the following:

- The Secretary of the **Department of Health and Social Services** (DHSS) administers the State's largest department of approximately 4,000 employees in 11 divisions, including the Delaware Psychiatric Center, a long-term care facility, and the Stockley Center for developmentally-disabled persons, with a total budget of almost \$2 billion, and its leadership in the continued management of the COVID-19 public health threat is recognized by recommending a market adjustment that brings this position's salary in line with the Secretary of Education and the Chief Information Officer.
- The Director of the **Office of Management & Budget** (OMB) who leads this office with the central role in designing and implementing the State budget, allocating State resources, and supporting government services, and the Secretary of the **Department of Finance** (DOF), where forecasting, generating, collecting and accounting for funds is conducted, were both moved into Tier 1 from their

current Tier 2 placement with similar salaries. This is due to these positions having significant fiscal responsibilities for the State.

- At the **Department of State (DOS)**, the Division of Corporations generates millions of dollars through its diverse businesses and is the legal home of more than half of all U.S. publicly traded companies and 64% of the Fortune 500 in the State. These significant revenues are in addition to State and local taxes. DOS administers the Delaware Veterans Home, Professional Regulation, the Public Service Commission, the Public Advocate, the Merit Employee Relations Board, the Public Employment Relations Board, and the Public Integrity Commission. Although the Secretary of DOS has diverse responsibilities, those that involve revenue matters align with work conducted by the OMB Director and DOF Secretary. This position was placed on the same tier with a similar market adjustment. The Commission recommended increases slightly over 5% for this position and unanimously supports the recommendation based on the responsibilities of this position.
- The Commissioner of the **Department of Correction (DOC)**, as the largest law enforcement agency in the State supervising up to 5,000 inmates and approximately 13,000 probationers under a unified correctional system, where all correctional facilities and institutions fall under the State's jurisdiction, was brought into Tier 1 due to these significant adult incarceration responsibilities.
- The Secretary of the **Department of Services for Children, Youth and Their Families (DSCYF)** has responsibilities of serving at-risk children and families; administering 24/7 crisis operations, suicide prevention programs, child abuse intervention, and five secure-care youth facilities; adjudicated youth; is the fourth largest department by positions; and overseeing the development and implementation of an integrated, department-wide, client-based information system. Functions supervised by this Secretary for the State's youth correlate with work at the DOC; therefore, this agency head was placed at a similar market adjustment amount.
- The Commission views the **Department of Safety and Homeland Security**, that oversees State Police, Emergency Management, Forensics, Alcohol and Tobacco Enforcement, and Capitol Police forces, as providing comparable public safety services to the DOC and DSCYF and placed this position in this grouping in Tier 1 with comparable market adjustments. The Commission noted the addition of the Division of Forensic Science to the work of the Department in 2014.
- The Secretary of the **Department of Transportation** is recommended for Tier 1 due to responsibilities for overall transit redesign; its focus on customer service and innovation; project prioritization; focus on performance management; greenways planning and development; right of way section restructuring; internal restructuring of tolls administration and Transportation Solutions; expanded DMV customer service enhancements; implemented electronic plan submittals; and continued emphasis on multi-modal forms of transportation.

Tier 2 includes:

- Secretary of Human Resources moved from current Tier 3.
 - Secretary of Natural Resources & Environmental Control moved from current Tier 3.
 - Adjutant General moved from current Tier 3.
 - Secretary of Agriculture moved from current Tier 4.
 - Secretary of Labor moved from current Tier 4.
 - Director, Delaware State Housing Authority moved from current Tier 4.
2. To achieve the recommended structure, salary increases are phased in over four (4) years.
 3. The trigger to move into the target amounts in each year is the first year after the 2021 Commission when the State Budget Act provides a general salary increase (GSI) for non-union State employees. This trigger recommendation is an integral part of the Commission's approach and is meant to move forward only when the State is in a position to increase salaries for State employees.
 4. As did recent Commissions, the 2021 Commission believes that Governors should have some flexibility to set the salaries of Cabinet officials to ensure the recruitment and retention of talented people. The 2005 Commission report provided the Governor the flexibility to pay Cabinet officials a salary that is within a range of 5% below to 5% above the recommended salary of the position. To provide the Governor increased flexibility, effective July of 2020, for new hires or appointments only, this Commission believes that the Governor should be able to pay Cabinet officials a salary that is within a range of 5% below to 5% above the recommended salary for the position, provided that the maximum of the range does not exceed the 20% cap required by law.¹
 5. Positions covered in this Report will receive either the designated fiscal year amount recommended in this Report or the general salary increases approved by the Legislature for other State non-union employees, whichever is greater.
 6. Although the GSI in a given year may bring the incumbent's salary to a higher amount than designated for that fiscal year in the Tables A, B, C, or D, it will not compound or increase the next fiscal year's amount. That is, the fiscal year amount listed in the tables

¹ 29 Del. Code § 3303(b) Remuneration study; report: "...The rate of remuneration established in the report for offices which salaries are more than \$25,000, except for the Governor shall not exceed 120% of the remuneration received in the fiscal year in which the report is submitted."

is the amount the incumbent will receive even if, in an earlier year, the amount may have been higher due to the GSI.

7. Please see recommendations in Table A: Executive for the salary recommendations of the 2021 Commission.
8. The 2021 Commission recommends no revisions to the pension plans of Cabinet officials.

Other Elected Officials

1. The 2021 Commission recognizes the individual considerable responsibilities of the Insurance Commissioner, the State Treasurer, and the State Auditor in their respective offices and the varied boards and commissions upon which these elected officials serve. In turn, the Attorney General, the State's chief law enforcement officer, with broad responsibility to combat crime, safeguard families, fight fraud, and protect consumers in the State, and head of the Office of Defense Services, which provides legal services to indigent and incarcerated clients statewide, are recommended for market adjustments that recognize these responsibilities. The 2021 Commission recommends salary adjustments for the State Auditor, the State Treasurer, and the Insurance Commissioner to bring them in line with market and each other. Please see recommendations on Table B: Other Elected Officials.
2. The 2021 Commission reviewed the market and significant responsibilities of the Attorney General and the head of the Office of Defense Services and recommends salary adjustments in Table B: Other Elected Officials.
3. The Lieutenant Governor's responsibilities and pay is divided by specific work. This work was reviewed, and the 2021 Commission recommends increasing each portion of the work by 2%. Recommendations can be found in Table B: Other Elected Officials.
4. The trigger to move into the target amounts in each year is the first year after the 2021 Commission when the State Budget Act provides a general salary increase (GSI) for non-union State employees. This trigger recommendation is an integral part of the Commission's approach and the phase-in is meant to move forward only when the State is in a position to increase salaries for State employees.

5. Positions covered in this Report will receive either the general salary increases approved by the Legislature for other State non-union employees or the designated fiscal year amount recommended in this Report, whichever is higher.
6. Although the GSI in a given year may bring the incumbent's salary to a higher amount than designated for that fiscal year in the Tables A, B, C, or D, it will not compound or increase the next fiscal year's amount. That is, the fiscal year amount listed in the tables is the amount the incumbent will receive even if, in an earlier year, the amount may have been higher due to the GSI.

JUDICIAL BRANCH

The 2021 Commission concludes that the salaries of the Judicial Branch should be as listed in recommendations on Table C: Judiciary.

Impact of the Judiciary on Delaware

The 2021 Commission recognizes that Delaware has gained a national and increasingly international reputation for its outstanding courts and highly qualified Judiciary. The Delaware Judiciary adjudicates sensitive issues faced by Delaware citizens in their daily lives and renders decisions of major importance that affect corporate governance, stockholders' rights, and the business marketplace in the United States and around the world. Therefore, recruiting and retaining outstanding, diverse, and high caliber judges is essential to the quality of life and economic well-being of the people of Delaware. Further, significant revenues can be attributed to Delaware's renowned legal system and Judiciary.

Judicial Salaries

In addition to the stature and reputation of Delaware's Judiciary, the 2021 Commission considered the fact that no Commission recommendations have been implemented since 2005, inflation increases in the past 16 years, maintaining the Judiciary's national ranking, the salaries of Federal judges as benchmarks, along with the states' commercial litigation jurisdictions for which Delaware competes for candidates, namely New York, Illinois, California, and Pennsylvania.

The 2021 Commission spent a considerable amount of time reviewing and discussing the appropriate benchmarks to use for setting judicial salaries: the salaries of Federal court judges, the salaries of judges in states which also have renowned commercial litigation courts, State median salary survey data for the Judiciary, as well as the relationship of Delaware's courts to each other. It is the recommendation of this Commission that the salaries of Federal judges be used as an initial benchmark for setting the salaries of Delaware's judges due to the prestige of Delaware's courts not only nationally but internationally and the role our courts play in the economy of the state. Delaware's court

system is well-known for being expeditious and equitable and having the highest level of integrity and well-thought out defensible decisions.

1. To achieve salaries in the future closer to parity with Federal benchmarks, this Commission recommends the phasing in of market adjustments for the State's Judiciary over several years.
2. The trigger to move into the target amounts in each year is the first year after the 2021 Commission when the State Budget Act provides a general salary increase (GSI) for non-union State employees. This trigger recommendation is an integral part of the Commission's approach, and the phase-in is meant to move forward only when the State is in a position to increase salaries for State employees.
3. Positions covered in this Report will receive either the general salary increases approved by the Legislature for other State non-union employees or the designated fiscal year amount recommended in this Report, whichever is higher. Please see Table C: Judiciary for our recommendations.
4. Although the GSI in a given year may bring the incumbent's salary to a higher amount than designated for that fiscal year in the Tables A, B, C, or D, it will not compound or increase the next fiscal year's amount. That is, the fiscal year amount listed in the tables is the amount the incumbent will receive even if, in an earlier year, the amount may have been higher due to the GSI.

The 2021 Commission believes its recommendations are fair and reasonable based on the information and the data it examined and the significance of recognizing the hierarchy within Delaware's Judiciary.

LEGISLATIVE BRANCH

The 2021 Commission recommends market adjustments in recognition of the enormous amount of time spent working with constituents, serving on committees which have significant impact upon the citizens of the State, as well as holding key leadership positions within the caucuses of their respective parties within the Legislative Branch. The Commission did not endorse multi-year increases because of the absence of strong comparables that would suggest an increase is warranted. That said, the Commission believed a modest increase was warranted to reflect the absence of changes since 2005 (other than GSI).

1. The 2021 Commission recommends the salaries, supplements, and expense allowances of the Legislative Branch as established in Table D: Legislative.
2. The trigger to move into the target amounts in each year is the first year after the 2021 Commission when the State Budget Act provides a general salary increase (GSI) for non-union State employees. This trigger recommendation is an integral part of the Commission's approach and the phase-in is meant to move forward only when the State is in a position to increase salaries for State employees.
3. Positions covered in this Report will receive either the general salary increases approved by the Legislature for other State non-union employees or the designated fiscal year amount recommended in this Report, whichever is higher.
4. Although the GSI in a given year may bring the incumbent's salary to a higher amount than designated for that fiscal year in Tables A, B, C, or D, it will not compound or increase the next fiscal year's amount. That is, the fiscal year amount listed in the tables is the amount the incumbent will receive even if, in an earlier year, the amount may have been higher due to the GSI.

TABLE A: Executive

Executive*							
	FY 2021		FY 2021	FY 2022**	FY 2023	FY 2024	FY 2025
	FTE***	Budget****	CURRENT				
Governor*****			\$ 171,000	\$ 171,000	\$ 171,000	\$ 171,000	\$ 185,096
Tier 1							
Secretary of Education (Does not include school districts)	218	\$ 34,449.1	\$ 165,055	\$ 170,007	\$ 173,407	\$ 176,875	\$ 178,644
Department of Technology and Information	310	\$ 85,888.4	\$ 165,055	\$ 170,007	\$ 173,407	\$ 176,875	\$ 178,644
Department of Health and Social Services	3,925.1	\$ 1,386,044.4	\$ 152,088	\$ 159,692	\$ 166,080	\$ 172,391	\$ 178,644
Department of Finance	304	\$ 141,244.0	\$ 152,088	\$ 155,890	\$ 159,008	\$ 161,397	\$ 163,011
Secretary of State	626	\$ 96,772.1	\$ 132,011	\$ 139,008	\$ 146,375	\$ 154,133	\$ 163,011
Office of Management & Budget	319	\$ 180,346.6	\$ 152,088	\$ 155,890	\$ 159,008	\$ 161,397	\$ 163,011
Department of Correction	2645	\$ 354,011.7	\$ 152,088	\$ 155,130	\$ 157,457	\$ 159,031	\$ 160,625
Department of Services for Children, Youth, and Families	1288	\$ 211,082.9	\$ 137,240	\$ 143,416	\$ 149,152	\$ 155,119	\$ 160,625
Department of Safety & Homeland Security	1259	\$ 177,721.1	\$ 137,240	\$ 143,416	\$ 149,152	\$ 155,119	\$ 160,625
Department of Transportation	1820	\$ 336,290.8	\$ 142,572	\$ 146,136	\$ 149,059	\$ 152,040	\$ 155,081
Tier 2							
Department of Human Resources (New Cabinet FY19)	252	\$ 28,553.6	\$ 132,011	\$ 135,971	\$ 139,371	\$ 142,158	\$ 145,001
Department of Natural Resources	735	\$ 141,987.0	\$ 132,011	\$ 135,971	\$ 139,371	\$ 142,158	\$ 145,001
Adjutant General	120	\$ 4,959.9	\$ 126,156	\$ 131,202	\$ 136,450	\$ 141,908	\$ 145,001
Delaware State Housing Authority	5	\$ 21,388.7	\$ 123,333	\$ 129,500	\$ 135,327	\$ 140,097	\$ 145,001
Department of Labor	472	\$ 26,987.8	\$ 123,333	\$ 129,500	\$ 135,327	\$ 140,097	\$ 145,001
Department of Agriculture	141	\$ 16,066.3	\$ 123,333	\$ 129,500	\$ 135,327	\$ 140,097	\$ 145,001
KEY:							
* Recommendations are based on fiscal year amounts or positions will be eligible for general salaries increase (GSI) provided by the Budget Act, whichever provides the greater amount.							
** Trigger proposed: The FY Increases would begin with first year GSI is implemented for non-union employees (no compensation bargaining CBA) in the Budget Act.							
*** Full time equivalency							
**** Budget expressed in thousands							
***** Per Delaware's Constitution, Article III, §7. Term Of Office which states "The Governor shall, at stated times, receive for his or her services an adequate salary to be fixed by law, which shall be neither increased nor diminished during the period for which he or she shall have been elected."							
ORGANIZATIONAL CHANGES							
DHR = Department of Human Resources (moved from OMB (except for Pensions) into separate Cabinet dept in FY19 budget)							
DEDO= Delaware Economic & Development Office (abolished FY2019 budget; most functions privatized; Small Business and Tourism moved into the Department of State)							

TABLE B: Other Elected Officials

ELECTED*						
	Current	FY 2022**	FY 2023	FY 2024	FY 2025	
Lt. Governor**	\$ 82,239	\$ 83,884				
Attorney General	\$ 149,893	\$ 152,891	\$ 155,949	\$ 159,068	\$ 162,249	
Defense Services (Appointed)	\$ 144,769	\$ 147,664	\$ 150,618	\$ 153,630	\$ 156,703	
State Treasurer	\$ 117,582	\$ 122,285	\$ 127,177	\$ 132,264	\$ 136,947	
Auditor	\$ 112,667	\$ 118,300	\$ 124,215	\$ 130,426	\$ 136,947	
Insurance Commissioner	\$ 112,667	\$ 118,300	\$ 124,215	\$ 130,426	\$ 136,947	

KEY:

* Recommendations are based on fiscal year amounts or positions will be eligible for general salary increases (GSI) provided by the Budget Act, whichever provides the greater amount.

** Per Del. Constitution, Article III, Executive, subsection 19: Lieutenant Governor; election, term and qualifications; President of the Senate; compensation. "The Lieutenant Governor, for his or her services as President of the Senate, shall receive the same compensation as the Speaker of the House of Representatives; the Lieutenant Governor, for his or her services as a member of the Board of Pardons and for all other duties of the said office which may be provided by law, shall receive such compensation as shall be fixed by the General Assembly." 47,291 * 2% (\$48,237 - Legislator) + 19,893 * 2% (\$20,291 - Supplement for Speaker of House) = \$68,528 (this matches the Speaker's salary) and remainder is \$15,356 (\$15,055 * 2%) for remainder of duties.

TABLE C: Judiciary

Judiciary*						
	FY 2021	FY 2022**	FY 2023	FY 2024	FY 2025	
	Current					
Chief Justice	\$206,148	\$214,394	\$221,898	\$228,999	\$236,327	
Supreme Court Justice	\$197,245	\$205,135	\$212,315	\$217,623	\$223,064	
Chancellor	\$196,738	\$204,608	\$211,769	\$217,063	\$222,490	
President Judge Superior	\$196,738	\$204,608	\$211,769	\$217,063	\$222,490	
Vice Chancellor - Chancery	\$185,444	\$192,862	\$199,612	\$205,401	\$211,358	
Associate Judge - Superior	\$185,444	\$192,862	\$199,612	\$205,401	\$211,358	
Chief Judge - Family	\$196,738	\$204,608	\$211,769	\$217,063	\$222,490	
Associate Judge - Family	\$185,444	\$192,862	\$199,612	\$205,401	\$211,358	
Chief Judge - Court of Common Pleas	\$194,541	\$200,377	\$205,587	\$210,932	\$210,932	
Associate Judge - Court of Common Pleas	\$179,066	\$184,438	\$189,049	\$193,775	\$193,775	
Justice of the Peace - 3rd term	\$81,507	\$83,952	\$86,051	\$88,202	\$88,202	
Justice of the Peace - 2nd term	\$79,101	\$81,474	\$83,429	\$85,431	\$85,431	
Justice of the Peace - 1st term	\$76,488	\$78,783	\$80,595	\$82,449	\$82,449	
Chief Magistrate	\$129,816	\$135,917	\$142,305	\$148,993	\$155,847	
Commissioners - Superior	\$115,452	\$121,109	\$127,043	\$133,141	\$139,532	
Commissioners - Family	\$115,452	\$121,109	\$127,043	\$133,141	\$139,532	
Commissioners - CCP	\$111,516	\$116,646	\$122,012	\$127,625	\$133,496	
* Recommendations are based on fiscal year amounts or positions will be eligible for general salary increases (GSI) provided by the Budget Act, whichever provides the greater amount.						
**Trigger Proposed: The FY increases begin with first year GSI is implemented for non-union employees (compensation bargaining CBA) in the Budget Act.						

TABLE D: Legislative

Legislative*		
	FY 2021	FY 2022**
	CURRENT	
State Senator/Representative Base Salary	\$47,291	\$48,237
<i>Supplements***</i>		
Speaker of the House	\$19,893	\$20,291
Pres Pro Temp of Senate	\$19,893	\$20,291
House/Senate Majority Leader	\$12,376	\$12,624
House/Senate Minority Leader	\$12,376	\$12,624
House/Senate Majority Whip	\$7,794	\$7,950
House/Senate Minority Whip	\$7,794	\$7,950
Chair and Vice-Chair Joint Finance Committee	\$11,459	\$11,688
Members of Joint Finance Committee	\$9,626	\$9,819
Chair and Vice-Chair of Capital Improvement Program Committee	\$4,578	\$4,670
Members of Capital Improvement Committee	\$3,852	\$3,929
Chair and Vice Chair of Joint Sunset Committee	\$4,578	\$4,670
Members of Joint Sunset Committee	\$3,852	\$3,929
Senate/House - Expense Allowance	\$7,334	\$ 7,481

*Recommendations are based on fiscal year amounts or positions will be eligible for general salary increases (GSI) provided by the Budget Act, whichever provides the greater amount.

**Trigger Proposed: The FY increases begin with first year GSI is implemented for non-union employees (compensation bargaining CBA) in the Budget Act.

***A member of the General Assembly shall be entitled to receive the higher of any one of the above supplements and receive one-half of the amount of a second stipend of an equal or lesser amount. Eligible recipients of a second stipend may choose not to accept such additional stipend. Supplements have not changed since 2005.

SUMMARY

As stated by the 1985 Commission, "[I]t is important, however, that compensation be provided to avoid unreasonable sacrifice by these public servants." The 2021 Commission feels strongly that the recommendations presented in this Report reflect this tenet tempered by caution regarding revenue projections. The 2021 Commission sincerely hopes that the recommendations for market adjustments to the salaries of the positions covered by this Report are accepted with the objective of attracting top talent to the State of Delaware.

While the Compensation Commission is charged by statute to examine and make salary recommendations on a quadrennial basis, the 2021 Commission also recognizes that market forces affect certain positions, and the Governor and General Assembly should remain aware of the need to address these forces as appropriate.

Quality performance requires quality people with reasonable compensation. As a result of our fact-finding, analysis, deliberations, and judgment, the 2021 Commission is of the unanimous opinion that the remuneration and levels found in Table A, Table B, Table C, and Table D of this Report, and incorporated in this Report by this reference, should take effect in July of the Fiscal Year indicated.

If any provision of this Report or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Report which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

ACKNOWLEDGMENTS

The Commission wishes to thank Sandra Ross Johnson and her staff, Monica Gonzalez-Gillespie, Lisa Allison, Toni Gillis, Joy Olshefsky, Abbey Feierstein, Jennifer Rush, and Mary Darby for their assistance in preparing background information, briefing materials, drafting reports, and staff support for the Commission's meetings, and to thank Theresa Lynch and her team at Willis Towers Watson for their assistance in providing and interpreting salary survey data.