

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General

KARL A. RACINE
Attorney General



January 4, 2022

Councilmember Elissa Silverman
Chairperson of the Committee on Labor and Workforce Development
1350 Pennsylvania Avenue, N.W., Suite 408
Washington, D.C. 20004

Re: Compensation Agreement between the District of Columbia and the Office of the Attorney General and the American Federation of Government Employees, Local 1403, AFL-CIO (Compensation Unit 33) Approval Resolution of 2021

Dear Chairperson Silverman:

The Office of the Attorney General (OAG) respectfully submits this letter in lieu of live testimony for the January 5, 2022 hearing on the above-captioned matter. OAG participated in the bargaining for the October 1, 2020 through September 30, 2023 successor compensation agreement (CBA) alongside the Mayor's Office of Legal Counsel (MOLC) and the Office of Labor Relations and Collective Bargaining (OLRCB). Given that the Mayor authorizes and pays for Districtwide benefits, including cost of living adjustments (COLA), OLRCB—rather than OAG—led the bargaining.

The parties reached agreement on the CBA terms in July 2021, but the agreement was not submitted for Council approval until December 8, 2021. OAG had no role in this delay. Indeed, throughout the four-month period, OAG sought information regarding the reason for delay and did not receive satisfactory responses from OLRCB. OAG supports efforts to ensure that these agreements are timely submitted in the future, which helps recruitment and retention efforts.

Nevertheless, OAG supports the CBA and urges Council approval of it. The CBA is largely similar to its predecessor. It includes cost-of-living adjustments (COLAs) (2% for FY2021, 4.6% for FY2022, and 2% for FY 2023), performance-based bonuses (2% for those who receive an excellent or an outstanding performance review), and increases overtime pay for attorneys who have to handle court matters on Saturdays, Sundays, or holidays. The COLAs ensure pay parity between the District's union and non-union attorneys, as well as ensure that the pay scale remains competitive with the federal government's, as is required under D.C. Code § 1-608.58(2). OAG is supportive of these efforts.

OAG believes that the CBA is a step forward in ensuring that we can recruit and retain the best lawyers. The major issue that remains regarding OAG's competitiveness for talent is that our pace of promotions is slower than the federal government's due to a lack of funding. This means that

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OAG lawyers wait for years longer than their federal counterparts to move to a higher grade, which in turn creates retention issues that departing lawyers have expressly noted as their reason for leaving OAG. We urge the Council to provide adequate funding to OAG to ensure that we can promote and retain qualified lawyers.

Please contact Chief Deputy Attorney General Vikram Swaruup at vikram.swaruup@dc.gov if you have any questions regarding this matter.

Sincerely,



Karl A. Racine
Attorney General for the District of Columbia