

TECHNICAL AMENDMENT (2023-1)  
BY AND BETWEEN THE BOARD OF COUNTY COMMISSIONERS  
AND PUBLIC DEFENDERS - AFSCME LOCAL 176-PD

- A. Skagit County Washington (County) and AFSCME Local 176-PD (Union) are parties to a duly signed and adopted Collective Bargaining Agreement (CBA) applicable to the employment of County Public Defenders, and;
- B. The Parties have discovered the omission of provisions regarding Appendix A to that previously adopted CBA, and;
- C. The parties have conferred and bargained as required by law, and;
- D. The Parties wish to memorialize recent agreements regarding Appendix A that amend the current CBA and REPLACE the preceding Appendix A.

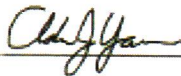
**NOW THEREFORE IT IS AGREED:**

- 1. The CBA shall remain in full force "as written and signed" provided that Document shall have Attachment A to this Technical Amendment replace the current Attachment A in its entirety in the "as written and signed" Document.
- 2. This Technical Amendment 2022-1 shall supersede any prior agreements wherever there shall be a conflict in any documents preceding this Document.


**THE FORGOING BEING THE AGREEMENT OF THE PARTIES IT IS DULY EXECUTED BY EACH OF THEM**

January 30, 2023


AFSCME LOCAL #176  
PUBLIC WORKS EMPLOYEES  
President, Local #176-PD



Representative, State Council #2

  
Joe Downes

BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON



Ron Wesen, Chair



Lisa Janicki, Commissioner



Peter Browning, Commissioner

ATTEST:



Clerk of the Board  
Skagit County Board of Commissioners

## Attachment A Classifications

(To be effective the pay-period following Adoption by the BOCC)

This Attachment A sets out the Classification structure for Public Defenders. The parties will continue to use the same 12- and 18-month step time frames and range structure as is included in the current county wage grid.

### Public Defender I

Entry level attorneys will be placed at steps 1-3 of range 28 based on the Director's assessment of experience and qualifications. The official title for such attorneys would be Public Defender I.

A Public Defender I entering service at range 28, step 1 would move to range 28, step 2 upon completion of one year of service; those entering at range 28, step 2, would move to step 3 upon completion of one year of service.

A Public Defender I entering service at range 28, step 3 would move to step 4 upon completion of 18 months of service.

After 2 years as a Public Defender I, a Public Defender I, who is not currently on disciplinary suspension or disciplinary leave, shall be automatically promoted to the position of Public Defender II. No action or nomination by the Director is needed provided however the Department is responsible for submitting the appropriate Progression Promotion paperwork and PIF to Human Resources to initiate the promotion. Promotions will become effective as of the employee's two-year anniversary date.

If an employee is not promoted to Public Defender II at their two year anniversary, the Director shall meet with and inform the employee of the specific reasons for which their performance was deemed "not satisfactory" and shall also inform the employee of the specific areas of job performance in which they need to improve in order to achieve a "satisfactory" performance determination to qualify for a promotion. This meeting shall be provided to the employee in a timely manner. A Public Defender I not promoted at the two year anniversary would again be eligible to be advanced to the level of Public Defender II with each subsequent anniversary date of their employment with the county.

Subsequent movements along this range would occur according to conventional county policy.

### Public Defender II

Public Defender II is a classification for attorneys with between 3 – 5 years of prior work experience as a licensed lawyer and/or substantial history working in the particular area of law they have been hired to perform for the Public Defender. Public Defender II is also a classification for attorneys with at least 2 prior years of satisfactory work history in the classification of Public Defender I.

An attorney advancing to the position of Public Defender II from Public Defender I shall begin service in such position at pay range 29. Movement from range 28 to 29 will always result in placement ~~in one step lower than current placement at range 28~~ **at the step in range 29 that is equivalent to a pay increase of 10.5%**. Subsequent movements along this range would occur according to conventional County policy.

An attorney hired as Public Defender II with three to five years of qualified work experience will be placed at steps 1-3 of range 29, or higher, based on the Director's assessment of experience and qualifications.

A Public Defender II entering service at range 29, step 1 would move to range 29, step 2 upon completion of one year of service; those entering at range 29, step 2, would move to step 3 upon completion of one year of service. A Public Defender II entering service at range 29, step 3 would move to step 4 upon completion of 18 months of service. Subsequent movements along this range would occur according to conventional County policy.

After 2 years as a Public Defender II, a Public Defender I, who is not currently on disciplinary suspension or disciplinary leave, shall be automatically promoted to the position of Public Defender III. No action or nomination by the Director is needed provided however the Department is responsible for submitting the appropriate Progression Promotion paperwork and PIF to Human Resources to initiate the promotion. Promotions will become effective as of the employee's two-year anniversary date.

### **Public Defender III**

Public Defender III is a classification for attorneys with more than 5 years of prior work experience as a licensed lawyer and/or significant history in the particular area of law they have been hired to perform for the Public Defender. Public Defender III is also a classification for attorneys with at least 2 prior years of satisfactory work history in the classification of Public Defender II.

An attorney advancing to the position of Public Defender III from Public Defender II shall begin service in such position at pay range 30. Movement from range 29 to 30 will always result in placement in one step lower than current placement at range 29. Subsequent movements along this range would occur according to conventional County policy.

An attorney hired as Public Defender III who has at least 5 years of qualified work experience will be placed at steps 1-3 of range 30, or higher, based on the Director's assessment of experience and qualifications.

A Public Defender III entering service at range 30, step 1 would move to range 30, step 2 upon completion of one year of service; those entering at range 30, step 2, would move to step 3 upon completion of one year of service. A Public Defender III entering service at range 30, step 3 would move to step 4 upon completion of 18 months of service, with subsequent step increases every 18 months thereafter. Subsequent movements along this range would occur according to conventional County policy.

A Public Defender III shall be eligible to be promoted to the position of Senior Public Defender after serving a minimum of one year as a Public Defender III. While one year is the minimum, it is not anticipated that most PD IIIs will be nominated by the Director after only one year. Not being nominated for promotion to Senior Deputy after one year as a PD III is not an indication of unsatisfactory performance.

Factors for consideration for promotion from Public Defender III to Senior Deputy include, but are not limited to, the following enumerated factors. All factors need not be met, nor be weighed equally.

1. Years of service/employment with Skagit County;
2. Years of experience as an attorney and/or in a specific practice area;
3. Significant trial experience;
4. Significant motions experience;
5. Demonstrated competent and/or exceptional trial skills;
6. Demonstrated competent and/or exceptional legal analysis skills;
7. Demonstrated competent and/or exceptional legal writing ability;
8. Demonstrated ability to handle cases in a competent and timely manner;

9. Specialized knowledge/skills/experience that contributes to the functioning and performance of the mission of the Public Defender's Office;
10. Demonstrated leadership and/or mentoring within the Office or legal community;
11. A demonstrated history of exceeding performance expectations in the current position;
12. The ability and willingness to take on additional duties, tasks, and/or special projects, as assigned by the Director, that further the mission of the Public Defender's Office.

The Director may nominate a PD III to Senior Deputy any time after one year of employment as a Public Defender III. The nomination need not occur on the employee's anniversary date. It shall be the responsibility of the Director to notify HR of nominations for promotion to Senior Deputy.

Final approval or denial of any nomination for promotion to Senior Public Defender must be given by the BOCC after the first nomination by the Director. Such determination shall be made within 3 months of the nomination being submitted to HR and shall be based on a specific evaluation of the employee's qualifications and work history with the County.

If the BOCC does not approve the nomination for promotion to Senior Public Defender, the BOCC shall advise the Director of the specific reasons for the denial. These reasons shall be shared with the employee so the employee can take appropriate measures to improve their job performance and/or address any deficiencies in their candidacy. The director shall again nominate that Public Defender III one year after the first nomination, provided that the candidate has continued to demonstrate the necessary qualities for promotion.

If the BOCC does not approve the second nomination for promotion to Senior Public Defender the BOCC shall advise the Director of the specific reasons for the denial. These reasons shall be shared with the employee so the employee can take appropriate measures to improve their job performance and/or address any deficiencies in their candidacy.

A Public Defender III whose second nomination to Senior Public Defender is not approved by the BOCC shall be renominated by the Director one year after the second nomination, provided that the candidate has continued to demonstrate the necessary qualities for promotion. The employee shall be promoted to Senior Public Defender by the BOCC after this third nomination. Subsequent movement along this range would occur according to conventional County policy.

If an employee is not nominated for promotion to Senior Public Defender at his or her three-year anniversary of becoming a Public Defender III, the Director shall meet with and inform the employee of the specific reasons for which they have not been nominated. The Director shall inform the employee of specific areas of job performance in which they need to improve, and/or of the enumerated factors above that are impacting their nomination. This meeting shall be provided to the employee in a timely manner.

#### Senior Public Defender

A Senior Public Defender shall be paid at range 32. **Movement from range 30 to range 32 will always result in placement at the step in range 32 that is equivalent to a pay increase of 10.5%.**