



STATE OF NEW HAMPSHIRE



GOVERNOR'S OFFICE

for

EMERGENCY RELIEF AND RECOVERY

October 8, 2020

His Excellency, Governor Christopher T. Sununu
State House
Concord, NH 03301

REQUESTED ACTION UNDER RSA 21-P:43; RSA 4:45; RSA 4:47; AND EXECUTIVE ORDER 2020-04 AS EXTENDED BY EXECUTIVE ORDER 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, 2020-15, 2020-16, 2020-17, AND 2020-18; AND EXECUTIVE ORDER 2020-06

Dear Governor Sununu:

- 1. The Governor's Office for Emergency Relief and Recovery (GOFERR) requests that the Governor, under his emergency authority and in support of Paragraph 3 of Executive Order 2020-06 creating the GOFERR, establish a full time unclassified state employee legal counsel position within GOFERR to serve at the pleasure of the Director at grade FF under RSA 94:1-a.. This position will be 100% funded from the GOFERR administrative budget with Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding.
2. Contingent upon approval of Action Item #1, authorize GOFERR to hire the attorney whose resume is attached^ at grade FF under RSA 94:1-a at step 6, \$95,450.16, notwithstanding RSA 94:6. 100% Federal Funds.

Funds for FY 2021 position salary and benefit costs are available in 01-02-02-020210 – Governor's Office for Emergency Relief & Recovery, 19110000 – Office of the Director, as follows:

Table with 3 columns: CLASS, ACCOUNT, BUDGET REQUEST. Rows include: 050 - Personal Service Temp Appointment (\$95,451), 060 - Benefits (FICA) (\$5,708), 060 - Benefits (Health Insurance) (\$17,707), 060 - Benefits (Life Insurance) (\$20), 060 - Benefits (Employee's Retirement) (\$11,454), 060 - Benefits (Dental Insurance) (\$968), 060 - Benefits (Medicare Coverage) (\$1,337), and Total Position Salary and Benefit Cost: \$132,645.

EXPLANATION

^ The resume and attorney name must remain confidential until this action is approved and the hiring process is complete.

The Governor established GOFERR by Executive Order 2020-06, which included in paragraph 3 authority for the Director, with prior approval of the Governor, to appoint such additional staff as the Director deems necessary to carry out the operations of GOFERR. To the maximum extent feasible, the staff of GOFERR were to be made up of current State employees. Particularly as GOFERR moves into the compliance, monitoring and reporting phases, the Director has determined that a second, full time attorney to assist the GOFERR General Counsel is necessary to accomplish the work of GOFERR. The Treasury Office of the Inspector General has extended the reporting deadlines for the CARES Act CRF funds through October 2021. There is also continuing discussion in Washington of further federal funding to support recovery from COVID-19 for states, local government and business. Continuity and knowledge of the unique circumstances governing the use of the CARES Act CRF funds will be critical throughout the closeout phase. GOFERR has attempted unsuccessfully to identify an existing state employee in an attorney position that can be spared from their appointing agency. GOFERR has the opportunity to obtain the identified attorney, but must have a position in order to extend an offer to the candidate.

This position would be unclassified and serve at the pleasure of the Director of GOFERR. This would mean that the position would end, at the latest, when there is no longer a need for GOFERR. While every effort would be made to assist the attorney in transitioning to a vacant state attorney position, if that is desired, it is understood that there is no guarantee of such a transition.

Given the candidate's current salary, it will also be necessary to extend an offer at step 6 of grade FF in order to obtain the candidate. Given the attorney's experience level and proven track record, this is a reasonable starting salary and necessary for successful recruitment. Grade FF covers other unclassified positions at several state agencies for agency legal counsel, so GOFERR must be able to compete with other agencies for the candidate. Therefore, it is also respectfully requested that RSA 94:6 requiring filling of a vacancy at the minimum of the salary range, be waived.

As all of the functions of GOFERR are directly related to the COVID-19 pandemic response, creation and filling of this position would be exempt from Executive Order 37 under paragraph 2.

Respectfully submitted,



Taylor Caswell  
Director, GOFERR

I hereby approve this request pursuant to RSA 4:45, RSA 21-P:43, and Section 3 of Executive Order 2020-06, and waive the requirements of RSA 94:6.

Oct. 12, 2020  
Date

  
Name: Governor Christopher T. Sununu