



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

BRAD D. SCHIMEL  
ATTORNEY GENERAL

Paul W. Connell  
Deputy Attorney General

Delanie M. Breuer  
Chief of Staff

17 W. Main Street  
P.O. Box 7857  
Madison, WI 53707-7857  
www.doj.state.wi.us

Paul M. Ferguson  
Assistant Attorney General  
fergusonpm@doj.state.wi.us  
608/266-1221  
TTY 1-800-947-3529  
FAX 608/267-2779

September 27, 2017

Pay Inequity  
payinequity@gmail.com

Dear Pay Inequity:

This is in response to your correspondence, received on August 21, 2017, in which you requested "records relating to Wisconsin Department of Justice, Division of Criminal Investigation Special Agent compensation and pay equity." Specifically, you requested the following:

- Copies of all the official requests submitted for Discretionary Equity or Retention Adjustments (DERA) related to DOJ-DCI special agents for the time period of September 1, 2016 to present.
- The number of DERAs that were granted and the specific amount of money that was granted.
- The number of DERAs that were denied and the basis for the denial.

The Wisconsin Department of Justice (DOJ) construes your correspondence as a public records request pursuant to the Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39.

Regarding your first bullet point, this portion of your request is denied pursuant to Wis. Stat. § 19.36(10)(d), which prohibits access to records containing information relating to staff management planning.

Your second and third bullet points request information. Please note, the public records law "does not require an authority to provide requested information if no record exists, or to simply answer questions about a topic of interest to the requester." *Journal Times v. City of Racine Board of Police and Fire Commissioners*, 2015 WI 56, ¶ 55, 362 Wis. 2d 577, 866 N.W.2d 563; see also *State ex rel. Zinngrabe v. Sch. Dist. of Sevastopol*, 146 Wis. 2d 629, 431 N.W.2d 734 (Ct. App. 1988). However, as a courtesy, in this instance, we are able to provide you with the following information.

Regarding your second bullet point, since September 1, 2016, one DERA, for \$4.54 per hour, was granted to a special agent. One additional DERA for retention, for \$4.08 per hour, was approved but not granted because the employee chose not to stay with DOJ. DOJ has not granted any DERAs for equity to any special agents.

Regarding your third bullet point, on November 1, 2016, the Department of Administration denied 72 DERAs for equity because they were not being accepted at the time DOJ submitted them.

Pursuant to Wis. Stat. § 19.35(4)(b), this determination is subject to review by mandamus under Wis. Stat. § 19.37(1) or upon application to a district attorney or the Attorney General.

Sincerely,

A handwritten signature in black ink, appearing to read "P. M. Ferguson", written in a cursive style.

Paul M. Ferguson  
Assistant Attorney General  
Office of Open Government

PMF:pjm