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STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF THE COMMISSIONER

Lori A. Weaver
Commissioner

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Morissa Henn
Deputy Commissioner

December 24, 2024

Her Excellency, Governor Kelly A. Ayotte
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Pursuant to RSA 94:6, the Department of Health and Human Services respectfully requests to place Tracie Gelbstein at Step 5 for the position of Supervising Staff Attorney, Division for Children, Youth and Families, Position #9U760, unclassified salary grade EE, earning \$97,435.00 effective January 24, 2025, upon Governor and Council approval. 36.8% Federal Funds and 63.2% General Funds.

EXPLANATION

The DCYF Legal Team is a dynamic group of experienced child protection attorneys and their legal assistants, who seek judicial protection for children subjected to abuse or neglect. The focus of our work is on the immediate protection of the child and strengthening, whenever possible, families to eliminate abuse and neglect in the home. The DCYF Legal Team provides in-house counsel to DCYF's staff in the eleven (11) District Offices throughout the State of New Hampshire.

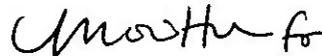
In accordance with HB 2, Chapter 79:218, Laws of 2023 the Department and the New Hampshire Attorney General's Office recommended, and the Korn Ferry Hay Group approved the labor grades establishing unclassified attorney positions within the Department of Health and Human Services, Division for Children, Youth and Families. Specifically, there are three (3) full-time unclassified Supervising Attorneys (Labor Grade FF) who will serve as supervising legal counsel for multiple DCYF District Office Child Protection Units; five (5) full-time unclassified Supervising Staff Attorney positions (Labor Grade EE) who will serve as the onsite lead legal counsel for five DCYF District Office Child Protection Service Units; and, twenty-four (24) full-time unclassified Staff Attorney positions (Labor Grade DD) who will serve as the onsite legal counsel for DCYF in a District Office Child Protective Service Unit. The Korn Ferry Hay Group determined the letter grades recommended by the Department are an appropriate letter grade assignment given the Department's business needs and the positions' responsibilities.

The Supervising Staff Attorney positions are new leadership positions within the DCYF Legal Team, which require technical and subject matter expertise and advanced education and experience. Supervising Staff Attorney's participate in the development of plans, priorities and processes to achieve DCYF objectives, and are guided by broad policies. They are responsible for providing sound legal guidance and training to Staff Attorneys, as well as navigating novel and unique cases and legal assessments.

Attorney Gelbstein graduated from Rutgers School of Law in 1997. She has practiced law since 1998 in New Jersey and in New Hampshire since 2017. Attorney Gelbstein's legal experience includes practicing law as disciplinary counsel for the New Jersey Supreme Court, as a litigator in private practice, and as a DCYF Staff Attorney (see resume). Attorney Gelbstein joined DCYF in 2019, prior to the COVID pandemic's impact on DCYF attorney salaries. Her current salary does not reflect the rate currently being paid to similarly experienced Staff Attorneys who have joined DCYF post-pandemic. In her current role as a DCYF Staff Attorney, Attorney Gelbstein frequently takes on additional work, not only in her office, but in other DCYF offices due to vacancies when there is an unmet legal need. In this newly created leadership position of Supervising Staff Attorney, she will take on even more responsibilities, while still carrying the same caseload as a Staff Attorney. A salary of \$97,435.00 acknowledges her years of experience as an attorney, including nearly 6 years of experience with DCYF, by providing a salary commensurate with her experience within the unclassified wage schedule. Additionally, placing her at this salary will assist with the retention of DCYF attorneys, including Attorney Gelbstein, as contemplated in RSA 94:3-b, by valuing longevity of professionals employed by the State of New Hampshire.

I respectfully request that Ms. Gelbstein be placed in the position of Supervising Staff Attorney, Division for Children, Youth and Families, unclassified salary grade EE, at step 5 with and effective start date of January 24, 2025.

Sincerely,



Lori A. Weaver
Commissioner

TRACIE HALL GELBSTEIN

PROFESSIONAL EXPERIENCE

Staff Attorney, Division for Children, Youth and Families

September 2019 to present, Department of Health and Human Services, New Hampshire

- Effectively manage and prosecute a high volume of child welfare matters in district court
- Represent DCYF in administrative appeals of internal findings of abuse/neglect matters
- Develop legal strategies and convey a position in well organized and persuasive written and oral arguments
- Interpret and apply federal and state statutes, rules, case law, court protocols and secondary sources to present well reasoned recommendations to the courts, administrative hearings officers, and the client
- Identify and prepare fact and expert witnesses to testify at hearings
- Tactfully confer with DCYF staff, judges, court personnel, attorneys, law enforcement and other collaterals
- Mentor less experienced attorneys in child welfare law in multiple district offices
- Utilize strong interpersonal and communication skills to strengthen a team approach to all client matters

Disciplinary Counsel, Advisory Committee on Judicial Conduct, New Jersey Supreme Court,

July 2012 to December 2015, New Jersey Judiciary, Trenton, New Jersey

- Litigated well-prepared and highly organized judicial disciplinary matters before the NJ Supreme Court's Advisory Committee on Judicial Conduct
- Appeared before the New Jersey Supreme Court on multiple matters involving appeals of judicial ethics decisions
- Prepared and served pleadings, discovery and cogent legal briefs
- Interviewed and prepared fact witnesses for public hearings
- Tactfully conferred with judges, court personnel, attorneys, and law enforcement officers
- Provided clear guidance to the public and staff on practice and procedures

Staff Attorney, Highlands Water Protection and Planning Council, January 2009 to July 2012

Chester Township, New Jersey

- Practiced in areas of administrative law, land use law, environmental compliance, and affordable housing
- Evaluated legal responsibilities under new law and regulations and made recommendations to Chief Counsel for consideration by the Highlands Council
- Developed sound legal strategies and drafted appellate briefs in coordination with the Attorney General's Office
- Drafted resolutions and memoranda to assist in the implementation of legal responsibilities

Deputy Counsel, Office of Smart Growth, November 2004 to April 2008
New Jersey State Department of Community Affairs, Trenton, New Jersey

- Established and maintained effective working relationships with municipal, county and state agency representatives in order to coordinate future land use planning initiatives with State policy
- Appeared before the State Planning Commission to present new or amended policy initiatives
- Served as Ethics Liaison Officer for the State Planning Commission ensuring completion of mandatory filings and training and providing guidance to members on responsibilities under the Uniform Ethics Code
- Drafted administrative rules and agency directives to implement statutory responsibilities delegated to the Department of Community Affairs related to land use planning
- Monitored and evaluated bill proposals to determine impact to the State Plan, State Planning Commission and staff resources

Assistant Counsel, Governor's Authorities Unit, July 2003 to November 2004
Counsel's Office, Office of the Governor, Trenton, New Jersey

- Served as the Governor's liaison to monitor actions of various independent state agencies for consistency with state policy and initiatives
- Collaborated with state agency committee members and staff on issues regarding appointments, budgets, personnel issues, and land use and development projects to ensure a fiscally sound, ethical and transparent process
- Drafted clear and concise legal memoranda analyzing statutory and regulatory responsibilities of state agencies
- Established and maintained good working relationships with administrators and staff of various state agencies to develop a strategic plan for protection of New Jersey's environmentally sensitive Highlands Region.

Litigation Associate, 1998 to 2003

Ansell, Zaro, Grimm & Aaron, Ocean, New Jersey, August 2002 to July 2003

Smith, Stratton, Wise, Heher & Brennan, Princeton, New Jersey, September 1998 to August 2002

Practiced in areas of general civil litigation, insurance law, Municipal Land Use Law, and Local Redevelopment and Housing Law that included witness interviews and trial preparation, voluminous document reviews and depositions, developing case strategy, motion practice, research and interpret state and local law and procedure, drafted persuasive briefs.

Law Clerk, the Honorable James M. Havey, Presiding Judge, Superior Court, Appellate Division, New Jersey Judiciary, September 1997 to August 1998

EDUCATION AND CREDENTIALS

Bar Admissions

- State of New Hampshire (2017)
- State of New Jersey and U.S. District Court, District of New Jersey (1998)

Rutgers School of Law - Camden, Juris Doctor Degree, May 1997,

Cumulative Grade Point Average: 3.5

- **Dean's List - 1995-1997**
- **Teaching Assistant, First Year Legal Research and Writing Program**

Rutgers University, Bachelor of Science In Administration of Justice, May 1994

Bachelor of Arts In Psychology, May 1994

Cumulative Grade Point Average: 3.62 Graduated *With Honors*

- **Dean's List 1991-1994**
- **Psi Chi, National Honor Society for Psychology**
- **Internship teaching organizational study skills to at-risk students**
- **Volunteer, Somerset Home for Temporarily Displaced Children, Bridgewater NJ**
- **Volunteer, Victim Witness Advocate's Office, Ocean County Prosecutor's Office**