Board Agenda Item 25

DATE: August 23, 2016

TO: Board of Supervisors

SUBMITTED BY: Lisa A. Smittcamp, District Attorney-Public Administrator

SUBJECT: Waiver of Extra-Help Maximum Hours Limitation

RECOMMENDED ACTION(S):

Authorize a waiver of the 960 hours per calendar year maximum hours limitation for the Extra-Help positions listed on Attachment A in the District Attorney-Public Administrator's Office, pursuant to the provisions set forth in Salary Resolution, section 1100 and Personnel Rules 2040 and 4240.

There is no additional Net County Cost associated with this action. Approval of the recommended action allows the District Attorney-Public Administrator's Office (DA-PA) to address operational needs to sustain essential services affecting public safety. The Extra-Help positions listed on Attachment A are expected to exceed the maximum hours limitations during Calendar Year 2016.

ALTERNATIVE ACTION(S):

There is no viable alternative to immediately fill these positions due to the need to sustain essential services affecting public safety.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Sufficient appropriations and estimated revenues for the appointments and for any additional cost which could be assessed under the Affordable Care Act (ACA) are included in the FY 2016-17 DA-PA Org 2860 Adopted Budget.

DISCUSSION:

On January 13, 2015 and June 7, 2016, your Board reiterated County policy that the use of Extra-Help employees should:

- be of limited duration;
- not be used as a first response to staffing requirements;
- not supplant work regularly performed by permanent employees; and,
- only be used to meet the critical, seasonal, or temporary work needs of departments on a limited basis.

On June 7, 2016, your Board approved Salary Resolution Amendments that provided departments with the requested flexibility, while limiting the use of most Extra Help employees. As provided in those Amendments, the DA-PA is recommending a waiver of the 960 hours per calendar year limitation for the positions listed on Attachment A due to the following:

Senior Investigators JCN 1760

The Senior Investigator assigned to the Misdemeanor Unit provides invaluable service to the unit, who in the past, had not had a designated investigator. The passage of Proposition 47 where most felony drug possession offenses were classified to misdemeanors, has impacted the case management of the unit. The part-time sworn investigator provides investigative services for up to fifteen misdemeanor attorneys throughout the various stages of the criminal prosecution process. The investigator conducts interviews, serves criminal subpoenas for trial, writes reports of investigation, assists the deputy district attorneys in court, including testifying, and serves body attachments for uncooperative witnesses. The use of a sworn investigator in the Misdemeanor unit has resulted in resolving the timely adjudication of cases in court.

The Senior District Attorney Investigator assigned to the Domestic Violence/ Violence Against Women Units assists the deputy district attorneys and three permanent senior investigators with the prosecution and reduction of domestic violence in the County. These types of cases are difficult to secure convictions due to the family crime dynamics, dating violence, stalking and sexual assault components. The investigator significantly develops cases involving reluctant victims and witnesses and obtains missing information needed for successful prosecutions. The experienced investigator conducts interviews in these sensitive cases; serves criminal subpoenas for trial; writes reports of investigation; provides testimony; assists victims, witnesses and deputy district attorneys in court; serves body attachments for uncooperative witnesses; and, provides for coverage when permanent staff is unavailable.

Student Worker JCN 9786

The Student Worker directly assists the Chief Deputy District Attorney and the Deputy District Attorneys assigned to the Misdemeanor Unit. The Misdemeanor Unit is the entry level assignment for new attorneys with voluminous caseloads. The Student Worker provide essential services to the judicial process by assisting the deputy district attorneys with caseload management, filing legal documents, and performing critical trial preparation tasks.

Your Board's approval of the recommended action will allow the positions listed in Attachment A in the DA-PA's Office to exceed the maximum hours limitations for Calendar Year 2016.

REFERENCE MATERIAL:

BAI #37 - June 7, 2016 - Extra-Help Employees and the Adoption of ACA Safe Harbors
BAI #19 - January 13, 2015 - Limiting the Use of Extra-Help Employees

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A

CAO ANALYST:

Jeannie Z. Figueroa