



Board Agenda Item 24

DATE: May 23, 2023

TO: Board of Supervisors

SUBMITTED BY: Daniel C. Cederborg, County Counsel

SUBJECT: Retroactive Waiver of Extra-Help Maximum Hour Limitation

RECOMMENDED ACTION(S):

Retroactively authorize a waiver of the 28 hours per week maximum hours limitation for the Extra-Help position listed on Attachment A in the Department of County Counsel, Org 0710, 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 the recommended action, which will waive the 28 hours per week limitation for one extra-help position to ensure the Department's Child Welfare Services unit has adequate attorney staffing to continue to provide legal representation to the Department of Social Services. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action due to the need for ongoing legal representation.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Sufficient appropriations and estimated revenues are included in County Counsel Org 0710 FY 2022-23 Adopted Budget and will be included in subsequent budget requests.

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, County Counsel is recommending a waiver of the 28-hours per week maximum hours limitation for the positions listed on Attachment A due to the staffing needs.

County Counsel provides legal representation to the Department of Social Services (DSS), including Child

Welfare Services (CWS), formerly known as Child Protective Services. Historically, the Superior Court has had two Juvenile Dependency courtrooms with four-day calendars and one courtroom with a two-day calendar, leaving the other days open for longer trials. County Counsel provides two attorneys for each courtroom. The attorneys that cover the third courtroom, which is only a two-day calendar, also provide legal opinions, training to DSS, and coverage for other attorneys when they are absent.

As of April 10, 2023, the Superior Court now has all three Juvenile Dependency courtrooms operating on a four-day basis. This means that the two attorneys who were in court and providing other services will now have to be full-time in court. In addition, there is no attorney who can float to other courtrooms when there is an absence. The requested waiver allows County Counsel's newly hired CWS extra-help attorney to work a full-time schedule as long as it is needed pending hiring of full-time permanent attorneys. Despite such positions being advertised for over a month, County Counsel has not received any applications for the permanent positions.

REFERENCE MATERIAL:

BAI #37 - June 7, 2016
BA I#19 - January 13, 2015

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A

CAO ANALYST:

Ahla Yang