



# Board Agenda Item 31

DATE: September 26, 2017

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 the calendar year ending December 31, 2017.

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 2017-18 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 Senior Investigator positions listed on Attachment A.

The Domestic Violence Unit is experiencing a surge in criminal cases. The permanent investigative staff receive invaluable assistance from the two extra help Senior District Attorney Investigators charged with locating difficult victims and witnesses needed for court, serving legal processes to hostile and uncooperative subjects and performing essential follow-up investigations for successful prosecutions. 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.

Due to the nature and complexity of their caseloads, the District Attorney is requesting the waiver of 960 hours for these two extra help Senior Investigators in order to maintain a consistent process. The success of the unit requires staffing with no gap in coverage caused by exhaustion of hours. Both Investigators will continue working under 28 hours per week but are on track to exceed the 960 hour limit before the end of the calendar year.

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 hour limitations for calendar year 2017.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A

CAO ANALYST:

Jeannie Z. Figueroa