



Board Agenda Item 26

DATE: October 8, 2019

TO: Board of Supervisors

SUBMITTED BY: Lisa A. Smittcamp, District Attorney

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's Office, pursuant to the provisions set forth in the Salary Resolution, section 1100 and Personnel Rules 2040 and 4240.

There is no additional Net County Cost associated with the recommended action. Approval of the recommended action allows the District Attorney's Office 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 2019. This item is countywide.

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 appointment(s) and for any additional cost which could be assessed under the Affordable Care Act (ACA) are included in the FY 2019-20 District Attorney 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 District Attorney's Office is recommending a waiver of the 960 hours per calendar year limitation for the position(s) listed on Attachment A due to:

Senior Investigators JCN 1760:

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.

Investigative Technicians JCN 1758:

Investigative Technicians assist Senior District Attorney Investigators in the Major Crimes, General Investigations, and Special Operations divisions of the Bureau of Investigations. Investigative Technicians are responsible for listening to and transcribing jail calls, watching and transcribing surveillance video, and testifying in court on the validity of handled evidence. Cases generated from these high-volume violent crime units involve homicide, aggravated assault, and weapon possession.

REFERENCE MATERIAL:

BA #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