



AGENDA ITEM NO.

C-21

COUNTY OF HUMBOLDT

For the meeting of: August 15, 2017

Date: July 12, 2017

To: Board of Supervisors

From: Maggie Fleming, District Attorney *M Fleming*

Subject: Advanced Step Increase for Lawrence Truitt, Deputy District Attorney IV (extra help)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Approve an retroactive advanced step increase for Lawrence Truitt, Deputy District Attorney IV (class 0602, position X1) from Step 1A (range 521) to Step E (range 521), effective the beginning of the pay period following approval, pursuant to Section 7 of the Humboldt County Salary Resolution (4/5 Vote Required); and
2. Provide an approved item reflecting the advance step increase to the Human Resources and Payroll departments

SOURCE OF FUNDING:

General Fund

DISCUSSION:

Lawrence Truitt has been selected to fill an extra help position as a Deputy District Attorney at the Deputy District Attorney's office. He began working on July 3, 2017. His position was incorrectly processed as a Deputy District Attorney IV (DDA), Step 1A. The hiring paperwork indicated that Mr. Truitt was to start

Prepared by Rachelle Davis CAO Approval 

REVIEW: Auditor  County Counsel _____ Human Resources _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
 Upon motion of Supervisor Wilson Seconded by Supervisor Sundberg
 Ayes Wilson, Sundberg, Bass, Bohn, Fennell
 Nays _____
 Abstain _____
 Absent _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: August 15, 2017

By: 
Kathy Hayes, Clerk of the Board

as a DDA IV, Step E. Due to an internal error the prior approval for hiring Mr. Truitt at a DDA IV, Step E was not received until after his July 3, 2017, hire date.

Pursuant to *Goleta Educators Assn V Dall'armt* (1977) 68 Cal App 3d 830 and other case law, retroactive salary increases do not constitute unconstitutional extra compensation for services already rendered, and is therefore allowable in this instance.

Mr. Truitt has worked as a criminal attorney for over 25 years both in the Public Defender's Office and District Attorney's Office. During his employment as an attorney Mr. Truitt in a skilled negotiator who has prepared numerous cases for trial by drafting pleadings and briefs, communicating well with investigators and criminal experts. While working in the Public Defender's office he handled the Early Resolution Court assignment for a number of years as well as handling complex criminal cases including homicides. As an Extra Help Deputy District Attorney his assignment will be Early Resolution Court. Mr. Truitt's skill and knowledge of the law is equal to that of Deputy District Attorneys IV position at a step E level and he has been applying this level of work since his employment with the District Attorney's office.

For the reasons stated above, it is requested that Mr. Truitt be advanced to a Deputy District Attorney IV, Step E and that the pay increase be calculated retroactively to July 3, 2017, since this was an error that was made when the hiring paperwork was processed.

FINANCIAL IMPACT:

There is no increased impact to the General Fund. Prior to Mr. Truitt's hire date, his position was held by an extra help Deputy District Attorney IV at the advanced step E. There are sufficient funds in District Attorney Budget (1100205) as the anticipated position was taken into account during the FY 17/18 budget planning.

This item supports the Boards Strategic Framework by providing county core services at community appropriate levels of service, manage county resources to ensure sustainability of services and investing in county employees.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board could choose to not approve the request. This alternative is not recommended because it would not provide fair compensation to the employee who has extensive knowledge and expertise based on his history with the County.

ATTACHMENTS: No attachments