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Classification Study/Position
Review – Stacey Eads – Deputy
District Attorney IV

Final Report

County of Humboldt

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EXECUTIVE SUMMARY

Background

In November, 2018, the County of Humboldt (“County”) contracted with Koff & Associates (“K&A”) to conduct a classification study for the Deputy District Attorney IV position allocated to the District Attorney’s Office encumbered by Stacey Eads. All findings and recommendations are included in this report.

This position review process was precipitated by the incumbent’s assertion that the preponderance of her duties and responsibilities are not aligned with the current classification allocation, and therefore the County requested that the position be studied.

The goal of the study was to:

- Obtain detailed information about the position encumbered by Ms. Eads through a variety of techniques, including a written Job Analysis Questionnaire (JAQ) as well as interviews with the incumbent and her supervisor (Maggie Fleming);
- Analyze the work assigned to the position to identify the major duties and responsibilities;
- Analyze the County’s current description for Deputy District Attorney IV;
- Make a recommendation regarding the appropriateness of the current classification allocation of the position relative to the duties performed by the incumbent; and
- Make a recommendation regarding salary range placement for the classification.

CLASSIFICATION FINDINGS AND RECOMMENDATION

Findings

When positions are classified, the focus is on assigned job duties and the job-related requirements for successful performance, not on individual employee capabilities or volume of work performed. Positions are thus evaluated and classified on the basis of such factors as the nature and level of work performed, the complexity of the work, the authority delegated to make decisions and take action, the responsibility for the work of others and/or for budget expenditures, contacts with others (both inside and outside of the organization), the impact of the position on the organization, and the knowledge, skills, and abilities required to perform the work. Narrative on some of these factors is presented below.



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- Major duties and responsibilities of the position as detailed in the Job Analysis Questionnaire completed by the incumbent:
- Prosecution of criminal and civil cases (75% of time) – The incumbent acts as lead attorney in complex criminal and civil cases throughout all stages including evaluating cases, pretrial preparation, trial work including jury selection, examination and cross-examination, and argument of the prosecution case. To accomplish the work, Ms. Eads is responsible for assigning and coordinating the work of interdisciplinary teams including professional legal staff, sworn investigators, and legal and general administrative support staff involved in the various components of criminal and civil prosecution. Ms. Fleming shared that Ms. Eads' caseload consists almost entirely of difficult, high profile, highly sensitive criminal cases that are representative of the most complex cases that the District Attorney's Office prosecutes, and that she performs the work independently requiring very little oversight from the District Attorney.
 - Coordination of criminal investigations (10% of time) – Ms. Eads coordinates the investigative efforts of sworn departmental investigators as well as outside law enforcement agencies in their efforts to investigate crimes and gather the evidence needed for successful prosecution. The incumbent advises law enforcement investigators on the legal execution of search warrants to ensure that resultant evidence can be utilized in the prosecution of cases. In addition, Ms. Eads coordinates with law enforcement on interview strategies prior to conducting forensic interviews of victims and witnesses in an effort to ensure that interviews are conducted in an effective and legally sound manner.
 - Assisting with departmental administration – Ms. Eads participates in the overall administration of the department by assisting the District Attorney with the creating, implementing, and evolution of operational policies and procedures of the department; leading and directing the workflow of assigned staff including incumbents of the lower level classes within the Deputy District Attorney series, sworn district attorney investigators, and technical and clerical support staff; setting priorities for completion of work by others; providing input into employee performance evaluations; and participating in the selection process for new employees. Ms. Fleming indicated that the incumbent is called upon somewhat frequently to coordinate overall department activities in her absence in order to maintain a steady workflow in the office and is often delegated the responsibility of speaking with the news media and the general public on behalf of the District Attorney.
 - Leadership in interagency work groups (5% of time) – Ms. Eads is the lead prosecutor in the child abuse unit, and relative to the child abuse unit there are a



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number of collaborative efforts between the District Attorney's office and other agencies such as the mental health and child support departments, area law enforcement agencies, and local tribal representatives. The interagency task forces and work groups coordinate their efforts in investigating and prosecuting child abuse cases; providing victim care and support before, during, and after trials; and exploring methods of prevention. Ms. Eads provides leadership in these groups by advising on legal obligations and requirements as well as facilitating collaborative partnerships between agencies.

- Decision making – Ms. Eads is responsible for independently leading and directing the work of a team of legal professionals who are assigned difficult and complex criminal cases for prosecution. She is responsible for directing the work flow and establishing priorities for the work within her assigned work unit as well as the other work units of the department. She has responsibility for making decisions and providing direction to others based on interpretation of a broad framework of guidelines with little oversight from her supervisor.
- Contacts – The position has contacts internally with coworkers, staff, and department management as well as management and staff from other County departments. Externally, the incumbent has contact with other municipalities, regulatory bodies, law enforcement agencies, victims, witnesses, news media, other stakeholders, and the general public.

Classification Recommendation

It is our assessment that the duties and responsibilities of this position are outside of the scope of Deputy District Attorney IV. We recommend that a Senior Deputy District Attorney classification be added to the Deputy District Attorney class series, and that the position encumbered by Ms. Eads be allocated to the new classification. A draft classification description for Senior Deputy District Attorney is included as Appendix I of this report.

In addition to consistently being assigned the most complex, sensitive prosecutorial caseload, Ms. Eads assists the District Attorney in departmental administrative matters outside of the duties that would typically be assigned to a Deputy District Attorney IV. There are aspects of lead-level work that are assigned to Deputy District Attorney IV positions insofar as incumbents at this level would provide functional direction to lower level Deputy District Attorney positions (i.e., I/II/III) of the same work unit relative to the technical aspects of prosecutorial work. By comparison, Ms. Eads is assigned responsibility for directing workflow, establishing work priorities, and providing broader administrative direction beyond the technical aspects of the work, and does so for staff members outside of her own work unit. These are duties that are outside of the scope of her current classification.



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Additionally, Ms. Eads assists the District Attorney with: i) departmental administrative matters related to policy and procedure development and revision, implementation, and administration; ii) selection of new employees; and iii) performance evaluations for departmental staff. Ms. Eads also coordinates operational and functional activities of the department in the absence of the District Attorney. The Assistant District Attorney position within the department has been vacant for a substantial amount of time, and Ms. Fleming indicated that it will not be filled in the foreseeable future. Consequently to the relatively flat organizational structure of the department, Ms. Eads' position has increasingly been assigned additional duties that would not typically be assigned to a Deputy District IV position.

It is important to note that Ms. Eads' role in departmental administration is assistive in nature, includes only some aspects of overall departmental administration, and is not tantamount to an assistant department director or a full supervisory classification. For instance, Ms. Eads does not have responsibility for budget development and administration, nor does she have full supervisory responsibilities such as conducting performance evaluations, authorizing leave time, or participating in disciplinary actions. Her duties are comparable to a lead-level classification.

When evaluating the allocation of a position, it is necessary to: (i) identify the duties that the incumbent is currently being required to perform; (ii) determine if those duties are captured in the current job description; and (iii) identify the percentage of duties being performed, if any, which are outside of the current classification. The test is not whether or not the current incumbent possesses the knowledge, skills, and qualifications for a given classification. Rather, the test is determining the duties performed and the level and scope of responsibility of the position itself regardless of who encumbers it.

Recommendation: Reallocate the Deputy District Attorney IV position encumbered by Stacey Eads to Senior Deputy District Attorney as described in Appendix I attached hereto.

Salary Recommendation

We utilized internal salary relationship theories to determine a salary recommendation for Senior Deputy District Attorney. When an individual classification or classification series is being studied or modified, utilizing market data to develop salary recommendations can create compaction between levels and bodies of work and can be inconsistent with the practices and philosophies of the current compensation system. Therefore, absent a study of an entire compensation system or a substantial portion thereof, internal salary relationships are used for analyzing salaries and developing recommendations.

Table 1 below displays the current internal salary relationships between classifications in the Deputy District Attorney class series as well as the Assistant District Attorney classification.



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Table 1.

Classification	Current Salary Range	Differential From Next Highest Classification
Deputy District Attorney I	426	-17.5%
Deputy District Attorney II	461	-15.5%
Deputy District Attorney III	492	-16.5%
Deputy District Attorney IV	525	-16.5%
<i>Assistant District Attorney*</i>	558	

**Position is expected to remain vacant.*

Recommended salary differentials between types and levels of work vary based on factors such as the specific body of work, education and training qualification requirements, and agency pay philosophies; however, the following are standard human resources practices that are commonly applied when making salary recommendations based upon internal relationships:

- Paraprofessional classes are typically placed 30% to 50% below the professional classifications within the body of work.
- The differential between a trainee and experienced (or journey) class in a series (I/II or Trainee/Experienced) is generally 10% to 15%;
- A lead or advanced journey-level (e.g., Senior-level) class is generally placed 10% to 15% above the journey-level.
- A full, first-level supervisory class is normally placed at least 10% to 25% above the highest level supervised depending upon the breadth and scope of supervision.
- A manager-level class is typically placed at least 15% to 20% above the highest level supervised depending upon the scope of overarching managerial responsibilities.

Based on these criteria as well as the current internal salary relationships displayed in Table 1, we recommend that the Senior Deputy District Attorney classification be allocated to Range 540, which is 7.5% above Deputy District Attorney IV and 9% below Assistant District Attorney. A typical class structure would consist of an entry-level, one or two working tiers of journey-level, and an advanced journey/lead-level whereby the class that is serving in the lead level capacity is also serving as the advanced journey level to which the most difficult and complex work is assigned. The Deputy District Attorney class series is unique insofar as the Deputy District Attorney IV serves in a capacity similar to an advanced journey-level relative to the complexity of the work performed and providing technical direction and training to lower level professional legal staff. (Of note, this is a commonly utilized structure in professional attorney class series and is not a practice unique to the County.) As a result, the characteristics that distinguish the Senior



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Deputy District Attorney from the Deputy District Attorney IV class is not relative to the complexity of the work performed but instead correlates to the duties performed in support of administration of the department. For this reason, a differential between the Senior Deputy District Attorney and the Deputy District Attorney IV that is narrower than the best practice guidelines as provided above is appropriate. Moreover, although the Assistant District Attorney position is currently unencumbered, it is advisable that an appropriate differential be maintained between Assistant District Attorney and the Senior Deputy District Attorney.

Recommendation: Set the salary for Senior Deputy District Attorney at Range 540 (\$7731.07-\$9920.71/month).

CONCLUSION

This Final Report presents the process, methodologies and findings with respect to the Deputy District Attorney IV position encumbered by Stacey Eads. We want to thank the County and its staff for their cooperation and participation in study activities to ensure the study is a success.

Once the County has had an opportunity to review this report, we can arrange to discuss any comments, concerns or issues within the report. In the meantime, should you require any clarification on the contents of this report, please do not hesitate to contact me.

Respectfully submitted by,
Koff & Associates

Kari Mercer
Project Manager



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Appendix I

Draft Classification Description

SENIOR DEPUTY DISTRICT ATTORNEY

DEFINITION

Under general direction, leads, assigns, directs, and reviews the work of professional legal duties in support of the District Attorney's Office and the prosecution of criminal activities; represents the District Attorney's Office and litigates assigned cases in courts of law; plans and coordinates investigations for the prosecution of legal cases; provides guidance to individuals and team lead direction to Deputy District Attorneys; assists management with the creation, implementation and evolution of policy; and performs related duties as assigned.

DISTINGUISHING CHARACTERISTICS

This is the fifth working, and lead-level classification in the Deputy District Attorney series responsible for providing technical and functional direction to an assigned team of Deputy District Attorneys and for performing the most complex and difficult professional legal work within the District Attorney's Office; typical cases would include those assigned to the Deputy District Attorney IV level. Incumbents may also function as a liaison to law enforcement, task forces, and grand jury. This class is distinguished from the Assistant District Attorney in that the latter is a management-level classification, and may act for the District Attorney on a relief basis.

EXAMPLES OF DUTIES (Illustrative Only)

- Provides lead direction, guidance, and training to team of lower-level Deputy District Attorneys and law enforcement personnel; reviews cases and evaluates their work product; and sets priorities and follows up to ensure coordination and timely completion of assigned work.
- Directs the work and leads teams of attorneys on projects requiring interdisciplinary skills and policy development.
- Provides technical leadership for staff and projects, which includes oversight of an assigned team of Deputy District Attorneys as well as various task force and liaison functions of the department.

- Provides input for performance evaluation of employees; participates into the selection and hiring of new employees.
- Assists management with the creation, implementation and evolution of policy.
- Performs legal activities involving the investigation and prosecution of complex, high profile, and highly sensitive criminal or civil cases with minimal supervision; prepares and presents cases in court.
- Performs complex trial work, including jury selection, examination and cross-examination, and argument of the prosecution case.
- Evaluates incoming law enforcement reports involving juvenile and adult offenders; reviews reports and files cases and handles all aspects of prosecution from arraignment to sentencing.
- Reviews, analyzes, and researches allegations; makes determinations on the appropriate charge following receipt of agency reports; files criminal charges; keeps victims and witnesses informed of the status of legal proceedings.
- Interviews witnesses and victims; reviews and analyzes evidence, police reports, and other material related to pending cases.
- Provides direction to law enforcement and investigative personnel related to investigation of criminal offenses; provides advice as to applicable laws, court decisions, and legal authorities.
- Negotiates with defense counsel at pre-trial hearings regarding case disposition or modification.
- Prepares and appears in court for trials, hearings, and pleadings.
- Makes recommendations regarding sentencing, and presents the position at sentencing and revocation hearings.
- Assists and advises district attorney investigators and law enforcement agencies regarding investigations in progress.
- Researches law and precedents to obtain information needed to prosecute pending cases.
- Performs appellate research and drafts appellate briefs, pleadings, bail recommendations, motions, and other legal documents; appears in the designated court of appeal.
- Manages court calendars to ensure that cases are resolved quickly; prepares for weekly settlement conferences; conducts in-chambers discussions with court staff and defense attorneys to facilitate case settlement.
- Maintains accurate records and files, and compiles reports of work performed.
- Monitors legal developments, including proposed legislation and court decisions; evaluates their impact on the prosecution of civil and criminal cases and recommends appropriate action.

- Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles of providing functional direction and training.
Principles and practices of leadership.
Civil and criminal law and procedures, particularly as related to areas of legal specialty.
Advanced pleading procedures.
Advanced appellate court procedures.
Advanced practices and effective techniques in presentation of complex court cases.
Judicial procedures and rules of evidence.
Responsibilities and obligations of public officials and administrative agencies.
Applicable state and federal laws, criminal law, constitutional law, and provisions affecting the prosecution of alleged criminals.
Advanced principles, practices, and methods of legal research, legal writing, and investigation techniques.
Procedures, practices, and effective techniques in presentation of court cases.
Principles and techniques for working with groups and fostering effective team interaction to ensure teamwork is conducted smoothly.
Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors, and County staff.
The structure and content of the English language, including the meaning and spelling of words, rules of composition, and grammar.
Modern equipment and communication tools used for business functions and program, project, and task coordination.
Computers and software programs (e.g., Microsoft software packages) to conduct, compile, and/or generate documentation.

Skill in:

Planning, organizing, and coordinating the work of professional, technical, and administrative support staff.
Providing staff leadership and work direction.
Training staff in work procedures.

Defining issues, performing legal research, analyzing complex problems, evaluating alternatives, and making appropriate recommendations.

Exercising sound, independent judgment within general policy guidelines and legal parameters.

Handling difficult situations and responding quickly to changing situations.

Conducting effective negotiations.

Interviewing and preparing witnesses for testimony.

Preparing clear, concise, and legally sufficient resolutions, ordinances, contracts, leases, permits, reports, correspondence, and other written material.

Presenting statements of fact, law, and argument clearly and logically.

Understanding, interpreting, and applying all pertinent laws, codes, regulations, policies and procedures, and standards relevant to work performed.

Effectively representing the department and the County in hearings, courts of law, meetings with governmental agencies, community groups, various business, professional, and regulatory organizations, and in meetings with individuals.

Independently organizing work, setting priorities, meeting critical deadlines, and following up on assignments.

Effectively using computer systems, software applications, and modern business equipment to perform a variety of work tasks.

Communicating clearly and concisely, both orally and in writing, using appropriate English grammar and syntax.

Using tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.

Establishing, maintaining, and fostering positive and effective working relationships with those contacted in the course of work.

Other Requirements:

Must possess a valid California driver's license.

Must be a current member of the California State Bar Association.

Desirable Education and Experience:

A typical way to obtain the knowledge and skills outlined above is:

Equivalent to a bachelor's degree from an accredited four-year college or university, plus a Juris Doctorate from an accredited school of law, and seven (7) years of legal experience, preferably in the area of criminal prosecution with demonstrated ability to prosecute complex and high penalty cases with a minimum of supervision.

Physical Demands:

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer; to operate a motor vehicle and to visit various County and meeting sites; vision to read printed materials and a computer screen; and hearing and speech to communicate in person, before groups, and over the telephone. This is primarily a sedentary office classification although standing and walking between work areas may be required. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate standard office equipment. Positions in this classification occasionally bend, stoop, kneel, reach, push, and pull drawers open and closed to retrieve and file information. Employees must possess the ability to lift, carry, push, and pull materials and objects up to 25 pounds. Reasonable accommodations will be made for individuals on a case-by-case basis.

Environmental Conditions:

Employees work in an office and court environment with moderate noise levels, controlled temperature conditions, and no direct exposure to hazardous physical substances. Employees also work in a court room environment and may interact with members of the public under emotionally stressful conditions and situations. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.



ADDENDUM

Deputy District Attorney IV Classification Report Dated January 22, 2019 Study of Stacy Eads' Position

SUMMARY:

Subsequent to delivery of the final classification report on the study of the Deputy District Attorney IV position encumbered by Stacy Eads, Koff & Associates (K&A) was contacted by Ms. Maggie Fleming, District Attorney for the County of Humboldt, to inquire about the study results. Specifically, Ms. Fleming requested that the salary placement recommendation for the newly created Senior Deputy District Attorney classification be reconsidered.

The bases for Ms. Fleming's requests as well as K&A's responses follow.

1. Ms. Fleming believes that the differential between the Senior Deputy District Attorney and Deputy District Attorney IV classifications is insufficient given the duties and responsibilities of the classifications.

K&A Response: Table 1 in the report summarizes the salary relationships between the Deputy District Attorney series and the Assistant District Attorney. There is a narrow 16.5% difference between the DDA IV and the Assistant DA classes. Although the Assistant DA position is not currently encumbered, it continues to be an active classification in the County's classification and compensation systems, and must therefore be taken into consideration when adding an additional level in the DDA series between the IV level and the Assistant DA. Setting the salary for Senior DDA at range 540 provides a 7.5% differential from DDA IV and a 9% differential from Assistant DA. A 9% differential for these classes is narrower than we would typically recommend and is narrower than best practice models for salary differentials of management classifications, so to narrow that differential even further by increasing the recommended salary range for the Senior DDA classification is not advisable.

Further, the differences in the duties and responsibilities between the DDA IV and Senior DDA classes are not as great as we might see in other classification series with a Senior level because the DDA series is deeper than most class series. At the IV level, incumbents are expected to assume responsibility for the most challenging casework assigned to the series and also to provide technical and functional direction to lower level staff on a project basis. The key differences between the Senior DDA and the DDA IV are that the Senior DDA has ongoing responsibility for leading the work of others (versus doing so on a project basis),

assists the District Attorney in developing and reviewing departmental policies, procedures, and operational objectives, and may represent the District Attorney in her absence with County management, outside agencies, and the media.

Although Ms. Fleming anticipates that Ms. Eads will eventually assume a greater role in the development and administration of the department's operational budget and participation in employee performance evaluations, these were not functions of the position at the time of this study. The intent of a classification study is to make "whole" an employee who has been assigned duties and responsibilities which are outside of the scope of the position's classification on an ongoing basis, and which represent a significant amount of work time for the position. We cannot make recommendations based on duties that are not currently assigned to the position on an ongoing basis since that would, in effect, circumvent the County's processes for position allocation.

Based on the salary structure of the series and the duties assigned to the Senior DDA position, we believe that the salary relationships for the classification are appropriate.

2. Ms. Fleming believes that the Senior Deputy District Attorney classification should have parity with the Supervising Attorney classification with respect to the salary relationships within their respective classification series.

K&A Response: Based on a review of the classification description for the Supervising Attorney classification and the positions allocated to the Public Defender's office, we do not agree that the Senior Deputy District Attorney and Supervising Attorney classifications have comparable levels of responsibility. The Supervising Attorney classification is responsible for the administration of the day-to-day operations of the Alternate Counsel's Office including fiscal management, budget development, and performance evaluation of staff. These responsibilities represent a higher level of responsibility than that of the Senior DDA classification, and justify a larger differential between the Supervising Attorney and its direct reports.

RECOMMENDATION:

Maintain the recommendation made in the report dated January 22, 2019 and allocate the Senior DDA classification to salary range 540.