



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
C-11

For the meeting of: July 18, 2017

Date: June 26, 2017
To: Board of Supervisors
From: David G. Marcus, Public Defender *DM*
Subject: Advance Salary Request and Department change for Deputy Public Defender (DPD), Jason Sheets

RECOMMENDATION(S):

That the Board of Supervisors:

1. Approve a retroactive advance salary step for Jason Sheets to Deputy Public Defender (DPD) III, Step E, effective at the beginning of the next payroll cycle, pursuant to Section 7 of the Humboldt County Salary Resolution (4/5 vote required).
2. Transfer the payroll funds that were taken from Measure Z budget unit 292, to pay for Jason Sheets' salary in the correct budget unit, Public Defender 219.

SOURCE OF FUNDING: General Fund

DISCUSSION: Jason Sheets has been selected to fill an extra help position as a Deputy Public Defender at the Public Defender's Office. He began working on June 5, 2017. Upon hire, his position was incorrectly processed as a Measure Z-funded extra help Deputy Public Defender I (DPD), Step A1. The hiring paperwork indicated that Mr. Sheets was to start as a DPD III, but did not indicate the step at which he was to begin. Payroll corrected his step from DPD I, Step A1 to DPD III, Step A1 on June 18, 2017 to correct the internal error. This extra help position was created due to a long-term absence of a full-time DPD IV,

Prepared by Stacey Costa

CAO Approval *[Signature]*

REVIEW: Auditor MBM County Counsel _____ Human Resources _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor Fennell Seconded by Supervisor Wilson
Ayes Fennell, Wilson, Bass, Bohn, Sundberg
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: July 18, 2017
By: [Signature]
Kathy Hayes, Clerk of the Board

Step E attorney, who has been out of the office since January of 2017. The extra help position was approved to be funded using salary savings from that employee's vacancy, in the Public Defender 219 budget. Mr. Sheets was employed as a Deputy District Attorney for three years and nine months and was then employed as a Deputy County Counsel for one year and six months. The request for a Step Level E is to obtain parity, uniformity and consistency in the office, in addition to compensating Mr. Sheets fairly for his qualifications. Mr. Sheets' experience and knowledge of the law is equal to that of other attorneys in the office that are currently at a Deputy Public Defender (DPD) III, Step E. Mr. Sheets has the experience, knowledge and years of a practicing attorney which qualify him for a DPD III, Step E.

Pursuant to *Goleta Educators Assn. v. Dall'armi* (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. Sheets has been an attorney since June of 2011. During that time he has developed the necessary legal qualifications and experience to warrant an advanced step. This experience includes working on trials, directing investigative teams to prepare cases, misdemeanor and felony case experience, and working on adult criminal, juvenile and civil cases.

Mr. Sheets has drafted numerous pleadings and briefs, communicates well with experts regarding criminal matters and in addition to his work as a litigator, Mr. Sheets is a skilled negotiator.

Because of the above stated reasons, it is requested that Mr. Sheets be advanced to a Deputy Public Defender III Step E and that the pay increase be calculated retroactively to June 5, 2017, since this was an error that was made when the hiring paperwork was processed.

FINANCIAL IMPACT: Mr. Sheets was classified as a DPD I Step 1A (salary range 412) for one pay period. The difference between this job class and a DPD III Step E (salary 478), his appropriate job class, is \$1,476.41 for this pay period. Mr. Sheets was changed to DPD III Step 1A on June 5, 2017. The difference between Step 1A and Step E, his appropriate step, is \$741.79 per pay period.

In total, the financial impact would be \$2488.17 in retroactive pay. Going forward, as described above, the increase per pay period from DPD III Step 1A to Step E would be \$741.79.

The placement of Mr. Sheets at an advanced step will not have a significant impact on the Public Defender allocations. Allocations for the Deputy Public Defender who has been absent since January 2017 were for a DPD IV Step E and Mr. Sheets will be paid as a DPD III Step E. A savings of approximately \$1,200 per pay period, not including the savings seen in employee benefits, which extra help employees do not receive.

OTHER AGENCY INVOLVEMENT: None

ALTERNATIVES TO STAFF RECOMMENDATIONS: Board discretion

ATTACHMENTS: