



# COUNTY OF HUMBOLDT

## Legislation Text

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**File #:** 21-1510, **Version:** 1

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**To:** Board of Supervisors

**From:** District Attorney

**Agenda Section:** Departmental

**SUBJECT:**

Advanced Salary Step Request for Deputy District Attorney Positions and Resolution for the Temporary Employment of Retired Annuitant as Departmental Information System Analyst for the District Attorney's Office (4/5 vote required)

**RECOMMENDATION(S):**

That the Board of Supervisors:

- 1) Approve an advanced salary step increase for Deputy District Attorney IV Trenton Timm (class 0602D, position 07, salary range 529) from step C to step E, effective as of October 31, 2021, pursuant to Section 7 of the Humboldt County Salary Resolution (4/5 vote required);
- 2) Approve an advanced salary step increase for Deputy District Attorney IV Luke Bernthal (class 0602D, position 10, salary range 529) from step C to step E, effective as of October 31, 2021, pursuant to Section 7 of the Humboldt County Salary Resolution (4/5 vote required);
- 3) Approve an advanced salary step increase for Deputy District Attorney Whitney Timm IV (class 0602D, position 02, salary range 529) from step C to step E, effective as of October 31, 2021, pursuant to Section 7 of the Humboldt County Salary Resolution (4/5 vote required);
- 4) Approve an advanced salary step increase for Deputy District Attorney IV Shelly Small (class 0602D, position 13, salary range 529) from step C to step E, effective as of October 31, 2021, pursuant to Section 7 of the Humboldt County Salary Resolution (4/5 vote required);and
- 5) Adopt the attached resolution authorizing an exception to the 180-day wait period of the California Public Employees Retirement System for the employment of Thomas Pinto as a temporary retired annuitant Department Information System Analyst (class 0762, salary range 422, step E) with the District Attorney's Office, as necessary to fill a critically needed position (4/5 vote required).

**SOURCE OF FUNDING:**

District Attorney Budget Units 1100-205, 1100-211 and 1100-295

**DISCUSSION:**

Due to the national pandemic, vacant Deputy District Attorney (DDA) positions within the Humboldt County District Attorney's Office have become increasingly difficult to fill, resulting in larger, more complex caseloads often requiring extra hours of work for current DDAs. The pandemic, in limiting

court capacity, has also necessitated an even greater focus on serious violent felonies, including prosecuting homicide cases. This focus has necessitated rapid advances in knowledge and ability by DDAs, which has further increased the time needed to complete assigned duties.

In homicide cases, less experienced DDA's typically fill the role of second chair to another more experienced DDA, who serves as the lead attorney, or first chair. In the majority of cases, DDA's who routinely serve as the lead attorney in homicide cases have years of experience, expertise in the most complex legal cases, and as such have risen to the top of their salary ranges in terms of compensation. Due to staffing shortages, Trenton Timm, Luke Bernthal, Whitney Timm and Shelly Small each have been required to routinely serve as lead attorneys in homicide cases over the last year, and they have been successful in those roles. In this specific case, the District Attorney's Office is requesting these employees receive an advanced step to step E as DDA IV's.

Mr. Pinto retires on Nov. 5, 2021. The District Attorney's Office does not anticipate his replacement in time for a new person to overlap with him for training. Mr. Pinto provides critical informational technology support, including, without limitation, time-sensitive work during court trials and hearings. His work includes daily responsibilities that he is uniquely capable of describing to the person who replaces him. His knowledge reflects over 30 years of experience with information technology within the judicial system. Retaining the ability to address critical information technology issues within the District Attorney's Office is particularly important now, given the shortage of staff in the County's Information Technology Department. The requested approval of Mr. Pinto as a temporary retired annuitant Department Information System Analyst, step E, to fill a critically needed position requires that the Board of Supervisors resolve that Mr. Pinto's employment is needed and authorize an exception to the California Public Employees Retirement System (CalPERS) 180 day wait period (California Government Code Section 7522.56(f)(1)). Adoption of the attached resolution will satisfy CalPERS requirements for an exception to the 180-day wait period for post-retirement employment as an extra help retired annuitant Department Information System Analyst (class 0762, salary range 422, step E).

#### FINANCIAL IMPACT:

Mr. Timm, Mr. Bernthal, Ms. Timm and Ms. Small are classified as Deputy District Attorneys, Step C (class 0602D, positions 07, 10, 02 and 13, salary range 529). The requested salary step increases to Step E will increase their current pay rate of Forty-Nine Dollars and Four Cents (\$49.04) per hour to Fifty-Four Dollars and Eighteen Cents (\$54.18) per hour. The estimated increased salary cost for the Deputy District Attorneys will total Twenty-Seven Thousand Nine Hundred Fifty-Eight Dollars (\$27,958.00). Vacant Deputy District Attorney positions provide savings that cover all requested step increases within District Attorney budget units 1100-205, 1100-211 and 1100-295 for the remainder of fiscal year 2021-2022.

Mr. Pinto will be hired as extra-help in his existing job class as a Department Information System Analyst (class 0762, salary range 422, step E), with a designated wage assignment of Thirty-One Dollars and Seventy-Six Cents (\$31.76) per hour. Funds to support the extra-help position will come from Mr. Pinto's vacant position after his retirement (salary and benefits) and the probable lower salary of his replacement. Such savings should be sufficient to cover the anticipated relatively brief extra-

help assignment.

**STRATEGIC FRAMEWORK:**

The recommended actions support the Board of Supervisors' Strategic Framework by managing resources to ensure sustainability of services.

**OTHER AGENCY INVOLVEMENT:**

None

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

The Board may choose decline staff's recommendations. However, this alternative is not recommended since it may result in the loss of excellent employees from the District Attorney's Office and a subsequent decline in the ability of the Office to meet its mission of achieving justice and enhancing public safety for Humboldt County citizens.

**ATTACHMENTS:**

1. Resolution Authorizing an Exception to the One Hundred Eighty (180) Day Wait Period of the California Public Employees Retirement System

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: N/A

Meeting of: N/A

File No.: N/A