



County of Santa Cruz

PERSONNEL DEPARTMENT

AJITA PATEL, DIRECTOR
701 OCEAN STREET, SUITE 510, SANTA CRUZ, CA 95060-4073
(831) 454-2600 FAX: (831) 454-2411 TDD: 711

MEMORANDUM

DATE: October 14, 2021
TO: Civil Service Commission
FROM: Ajita Patel, Personnel Director *CIB for AP*
RE: Civil Service Designation – Director of Information Services & Chief Deputy Public Defender

County Code section 3.12.040 identifies those officers and employees that are not included within the County's Civil Service System. The Information Services Department will be experiencing turnover, due to the retirement of the long held unrepresented executive management Director of Information Services position. As this position becomes vacant, it has been reviewed for non-civil service designation. In addition to requesting the designation of the Director of Information Services, the newly created Public Defender's Office has a Chief Deputy Public Defender (Assistant Department Head) position, which has also been reviewed for non-civil service designation.

The Director of Information Services provides leadership for the County on all matters involving County information technology, including public safety radio communication systems, and directs the activities of the Information Services Department. This position manages an internal service fund budget of approximately \$17 million and oversees a staff of 60. The Director leads the County on the overall strategic direction of information technology solutions, data and technology policies, and technology resources. 13 of the 18 department head positions are designated as non-civil service at-will positions, and the remaining 5 positions are elected officials. The Director of Information Services is currently a Civil Service position and staff would like to request that position be designated as an at-will non-civil service position when the position becomes vacant, to better align with all other similarly situated department head positions.

On October 19, 2021, the Board of Supervisors approved the creation of a Chief Deputy Public Defender for the Public Defender's Office. During a survey of our eight comparison Counties, it was revealed that seven out of the eight Counties have non-civil service Assistant/Chief Deputy Public Defender positions. Also, an internal alignment of similarly situated positions within the District Attorney and County Counsel Offices confirm the desired designation of non-civil service. Staff would like to request that the Chief Deputy Public Defender be designated as a non-civil service position to bring parity amongst similar assistant department head classifications.

The Chief Deputy Public Defender is also an integral part of the leadership team through assisting in carrying out the policy directives of the federal and state law as it pertains to the criminal defense of indigent clients. This position will be responsible for directing the operations of the Criminal Defense and/or Administrative Services for the Public Defender's Office, as well as defend the most complex or sensitive cases, and serve as an Assistant Department Head to the Public Defender.

A four-fifths vote of the Commission is required to suspend competitive examinations pursuant to 3.12.010. Subsequent to your Commission's approval, a four-fifths vote by the Board of Supervisors is required to amend County Code section 03.12.040, this is pursuant to 03.04.030.

Thank you in advance for your consideration.

cc: Nicole Coburn, Assistant County Administrative Officer
Heather Rogers, Public Defender



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M E M O R A N D U M

DATE: October 14, 2021
TO: Civil Service Commission
FROM: Ajita Patel, Personnel Director *CIPD for AP*
RE: Proposal to Increase the Length of Probationary Periods for New Classifications

Pursuant to County Code 3.28.090, the Personnel Department is recommending that the Civil Service Rules, Section VI (E), Length of Probationary Period, be amended to include the Attorney I - Public Defender, Public Defender Investigator I, Public Defender Investigator II, and Public Defender Investigator III.

The Attorney I – Public Defender is the entry level position in the Public Defender Attorney series. In this position incumbents gain experience related to court procedures, office policy and the application of laws and legal procedures in providing criminal/civil defense for clients, as well trial experience. The Attorney I position gives incumbents an opportunity to grow on the job and gain the necessary experience to progress. Considering an internal review of similar classifications (i.e., Attorney I – District Attorney), a year probation period appears necessary to allow management the bandwidth required to provide a thorough review and proper consideration of the employee’s skills and knowledge obtained.

The Public Defender Investigator I, Public Defender Investigator II, and Public Defender Investigator III are newly created classifications. These positions require a unique blend of technical proficiency, education, and certifications that are acquired over an extended period through on-the-job experience and attending trainings.

The Public Defender Investigator I and Public Defender Investigator II will work under specified levels of direction conducting investigations to support the legal defense of a wide variety of cases involving minor felony, misdemeanor charges, and civil actions. This position will also conduct interviews with those involved with investigations, serve subpoenas on those required to testify or submit evidence before the court, as well as obtain, preserve, record, and analyze evidence for the defense of clients represented by the Office of the Public Defender.

The Public Defender Investigator II is the journey level class, responsible for performing the full range of duties under minimal supervision. Incumbents are expected to exercise a high degree of initiative and independent judgment within established guidelines and legal requirements to secure information and conduct complex investigations.

Under general direction, the Public Defender Investigator III classification will assist the Chief Public Defender Investigator by planning and organizing the activities of one or more investigative units in the Public Defender's Office. This class will also direct and/or conduct the more complex investigations.

The Public Defender Investigator I/II will be tasked with learning the departmental and legal parameters required to conduct thorough investigations. The required knowledge of the California Penal Code and the proper application of general concepts of criminal law could take up to six months to understand and may require additional time to effectively incorporate new skills.

The Public Defender Investigator III is required to handle the most complex investigations, in addition to leading teams of investigators with considerable caseloads. This position acts as a guide and resources for state laws and regulations, in addition to departmental policy. Although this position requires prior knowledge and investigative skills, the required information related specifically to this department will take time to learn, absorb, and apply.

A one-year probationary period is necessary to allow these classifications adequate time to efficiently grasp on the job knowledge and experience, as well as complete any required trainings. In addition, this time will allow the department the opportunity to fully evaluate the incumbent's proficiency and aptitude in performing the duties involved with investigations.

Thank you in advance for your consideration.

cc: Heather Rogers, Public Defender
Nicole Coburn, Assistant County Administrative Officer

SUMMARY FOR DELEGATED CLASSIFICATIONS
July - September 2021

Department	Action	Proposed Class (if applicable)	Class After Personnel Study
Health Services	Vacant Reclassification of Public Health Nurse II	Public Health Nurse III	Public Health Nurse III
Public Defender	Create new classification	Public Defender	Public Defender
Public Defender	Create new classification	Public Defender Investigator I-III	Public Defender Investigator I-III
Public Defender	Create new classification	Chief Public Defender Investigator	Chief Public Defender Investigator
Public Defender	Create new classification	Assistant Investigator - Public Defender	Assistant Investigator - Public Defender
Public Defender	Create new classification	Attorney I - Public Defender	Attorney I - Public Defender
Public Defender	Create new classification	Attorney II - Public Defender	Attorney II - Public Defender
Public Defender	Create new classification	Attorney II - Public Defender	Attorney II - Public Defender
Public Defender	Create new classification	Attorney IV - Public Defender	Attorney IV - Public Defender

**PROVISIONAL REPORT
July 2021 – September 2021**

Appointment Date	Department	Classification	Reason for Filling Position	Type of Appointment	Recruitment Plan/Status
7.10.21	HSA	Clinic Nurse I	COVID-19 coverage; case investigations, contact tracing, etc.	Provisional	Limited Term ends 12.31.21
7.10.21	HSD	Clerical Supervisor I	COVID-19 coverage for vulnerable Adult Protective Services clients	Provisional Promotion	Recruitment completed
7.10.21	HSA	Clerk II	COVID-19 related clerical activities and support	Provisional	Limited Term ends 12.31.21
8.21.21	HSD	Office Assistant III	Coverage for an incumbent on a medical leave	Provisional Substitute	Will be separated when incumbent returns or at expiration of Provisional assignment
8.21.21	DPW	Lead Heavy Equipment Operator	Coverage for an incumbent on extended medical leave	Provisional Substitute Promotion	Recruitment pending
8.21.21	Planning	Assistant Planning Director	Executive team coverage of vacant Director for Recovery Permit Center and policy aspects related to CZU fire recovery	Provisional Promotion	Recruitment under discussion
9.18.21	HSD	Clerical Supervisor II	Position approved by the Board to provide continuity to COVID-19 pandemic response	Provisional Promotion	Limited Terms ends 12/31/21

Civil Service Rule 130.VI.G: When there are less than five (5) qualified eligibles on any appropriate employment list, the Personnel Director may authorize the provisional appointment of any individual meeting the established standards for the position pending the establishment of an eligible list, but in any event, no such provisional appointment shall continue for longer than the following except as noted below under Section 2: Successive provisional appointments shall not be allowed, except that one additional temporary authorization for the same length of time as the original provisional appointment may be authorized by the Personnel Director provided that due diligence was exercised to establish an eligible list, or that other valid reasons exist to justify the extended provisional appointment which do not evade the competitive principles of the merit system. In the event that a provisional appointment is made for a COVID-19 pandemic response assignment (i.e., staffing shelters, public health response, fiscal reimbursement support, recruitment support, logistics, etc.), the appointment may be extended for the duration of the emergency as declared by federal, state, or county government. (Res. 144-2021, 5/25/21)

Number of Provisional Appointments

Type of Appointment	July - September 2020	July - September 2021
Provisional	1	2
Provisional Promotion	1	3
Provisional Substitute	0	1
Provisional Substitute Promotion	0	1
Provisional to Probationary	0	4

Civil Service Rule 130.VI.G: When there are less than five (5) qualified eligibles on any appropriate employment list, the Personnel Director may authorize the provisional appointment of any individual meeting the established standards for the position pending the establishment of an eligible list, but in any event, no such provisional appointment shall continue for longer than the following except as noted below under Section 2: Successive provisional appointments shall not be allowed, except that one additional temporary authorization for the same length of time as the original provisional appointment may be authorized by the Personnel Director provided that due diligence was exercised to establish an eligible list, or that other valid reasons exist to justify the extended provisional appointment which do not evade the competitive principles of the merit system. In the event that a provisional appointment is made for a COVID-19 pandemic response assignment (i.e., staffing shelters, public health response, fiscal reimbursement support, recruitment support, logistics, etc.), the appointment may be extended for the duration of the emergency as declared by federal, state, or county government. (Res. 144-2021, 5/25/21)