

County of Santa Clara
Office of the District Attorney



96678

DATE: August 13, 2019

TO: Board of Supervisors

FROM: Jeffrey F. Rosen, District Attorney

SUBJECT: Salary Ordinance Amendment Deleting one Criminal Investigator II/I position

RECOMMENDED ACTION

Adoption of Salary Ordinance No. NS-5.20.10 amending Santa Clara County Salary Ordinance No. NS-5.20 relating to compensation of employees deleting one Criminal Investigator II or Criminal Investigator I position in the Office of the District Attorney.

- Action to Introduce and Preliminarily adopt on August 13, 2019; Roll Call Vote to waive reading, Roll Call Vote to adopt.
- Action for Final Adoption on August 27, 2019; Roll Call Vote to adopt.

FISCAL IMPLICATIONS

Social Services Agency has been providing funding for the position through a transfer to the District Attorney's Office by way of a departmental charge. This reimbursement provided by Social Services Agency (SSA) in the amount of \$243,084 will be removed from the District Attorney's budget as part of SSA's request for appropriation for a new position within their budget unit in legislative file 97792.

CONTRACT HISTORY

Not applicable.

REASONS FOR RECOMMENDATION

The District Attorney's Office recommends the deletion of one vacant Criminal Investigator II/I position, formerly funded by the Social Services Agency (SSA). This position was responsible for the investigative process of Welfare Fraud, which is now fully performed by the classification of Welfare Fraud Investigator, assigned solely to SSA.

CHILD IMPACT

The recommended action will have no/neutral impact on children.

SENIOR IMPACT

The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

BACKGROUND

The District Attorney's Office underwent a reorganization of its Bureau of Investigation, which included shifting the investigation of Welfare Fraud to the Social Services Agency, as SSA directly oversees and is regularly involved with welfare requirements and compliance regulation.

Initially, all positions were transferred to the Social Services Agency. However, two incumbents objected, as they would lose peace officer status in the process. The County negotiated a settlement with the two incumbents, allowing them to remain in the Criminal Investigator II position within the DA's Office, but assigned to the Social Services Agency's Welfare Fraud Division. Under the settlement, the Social Services Agency was obligated to fund the positions until the incumbents retired. This Criminal Investigator II/I position became vacant in June 2019 with the retirement of the incumbent employee.

The District Attorney Investigators' Association (DAIA) is aware of the settlement agreement and concurs with the recommended action.

The Employee Services Agency supports the recommended action.

Social Services Agency has submitted Leg File 96779 requesting a new position within their budget.

CONSEQUENCES OF NEGATIVE ACTION

There will be a position without assignment within the Office of the District Attorney Bureau of Investigation.

STEPS FOLLOWING APPROVAL

The Clerk of the Board of Supervisors will send notification of completed processing to Peter Jensen, Financial and Administrative Services Manager, Office of the District Attorney.

LINKS:

- **Linked To: 97792** : Approve Request for Appropriation Modification No. 14 - \$67,960 decreasing revenue and expenditures in the Social Services Agency budget, relating to adding one Welfare Fraud Investigator position in the Social Services Agency, deleting one vacant Criminal Investigator II/I position in the District Attorney's Office, reducing intra-county cost in the Social Services Agency, and transferring funds to the General Fund Contingency Reserve. (4/5 Roll Call Vote).
- **Linked To: 96779** : Adoption of Salary Ordinance No. NS-5.20.07 amending Santa Clara County Salary Ordinance No. NS-5.20 relating to compensation of employees adding one Welfare Fraud Investigator position in the Social Services Agency.

ATTACHMENTS:

- NS-5.20.10 - DA - Delete one Criminal Investigator II (PDF)