



Legislation Text

File #: 2019-0218, **Version:** 1

To: Sonoma County Board of Supervisors
Department or Agency Name(s): Law Office of the Public Defender
Staff Name and Phone Number: Kathleen Pozzi, 707-565-2791
Vote Requirement: Majority
Supervisory District(s): All

Title:

Law Office of the Public Defender Re-hire of Retiree Extra-Help

Recommended Actions:

Pursuant to Government Code §7522.56 approve the re-hire of Michael Perry as a Chief Deputy Public Defender Retiree Extra-Help, in order to fill a critically needed position within 180 days of his retirement.

Executive Summary:

Pursuant to the California Public Employees' Pension Reform Act (Pension Reform Act), Government Code §7522.56, an exception can be made to reappoint a retiree as extra-help provided the governing body certifies that the appointment is necessary to fill a critically needed position, in those circumstances where 180 days from the date of retirement has not yet passed. This approval must be in a noticed public meeting and not on a consent calendar. The Pension Reform Act includes other requirements in order for a retiree to be eligible for an extra-help appointment, such as not having accepted a retirement incentive and not having accepted unemployment arising out of a prior public appointment. The individual and delegated agency staff have completed the Extra-Help Compliance Form certifying the appropriateness of the appointment.

Discussion:

Michael Perry, Chief Deputy Public Defender, retired March 15, 2019. Mr. Perry entered employment with the Sonoma County Law Office of the Public Defender in March of 1995 as a Public Defender I. He has matriculated and was eventually promoted to Chief Deputy Public Defender on February 13, 2007. At the time of his retirement, he was responsible for the following functions for the Public Defender:

1. Supervision of all misdemeanor attorneys.
2. Management and program coordination of Veteran's Court, Drug and DUI Courts as well as representation of clients in these court programs.
3. Program administration including but not limited to; Jail Alternatives, Pre-Trial Work Group, and Minimum Continuing Legal Education Program.

Mr. Perry supervised 11 of the current 51 full-time employees. Recruitment and training of his replacement including the administrative and supervisory tasks will require a substantial effort. The Department feels that Mr. Perry's nearly 25 years' experience in our office is invaluable during this transition. The management team generally consists of one Administrative Services Officer, managing the administrative functions, two Chief Deputies (one supervising misdemeanor attorneys and the other felony attorneys), the Senior Investigator in charge of the investigation units and the Public Defender. Each of the three managing attorneys also represent clients in full caseloads. Training and transition of Mr. Perry's duties is critical. A Chief Deputy Public Defender recruitment is currently underway. However, the hiring process may not be complete until April, 2019, or a date thereafter. Mr. Perry is needed to assist in daily activities until the recruitment is complete and for

approximately 2-3 weeks after for training.

The Department has consulted with the Human Resources Department and County Administrator's Office and both are supportive of the recommended action.

In accordance with Government Code §7522.56, The Law Office of the Public Defender is asking the Board to certify as follows:

- Michael Perry's appointment to Chief Deputy Public Defender, Retiree Extra-Help is necessary to fill a critically needed position within 180 days of his retirement date;
- Michael Perry did not accept retirement incentives upon his retirement; and
- Michael Perry's appointment shall not exceed 960 hours per year.
- Per Internal Revenue Code §401(a)(36), Michael Perry meets the requirement of being of normal retirement age.

If the Board of Supervisors makes the forgoing certifications, Michael Perry will be hired as of March 26, 2019, as a Chief Deputy Public Defender, Retiree Extra-Help.

Prior Board Actions:

None.

FISCAL SUMMARY

Expenditures	FY 18-19 Adopted	FY19-20 Projected	FY 20-21 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

The Department anticipates a cost of \$22,660 in FY 18-19, which is included in the mid-year estimate.

Staffing Impacts:			
Position Title (Payro	Monthly Salary Range (A - I Step)	Additions (number)	Deletions (number)

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Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

None.

Related Items “On File” with the Clerk of the Board:

None.