



Legislation Text

File #: 2019-1590, **Version:** 1

To: Sonoma County Board of Supervisors

Department or Agency Name(s): District Attorney

Staff Name and Phone Number: Jill Ravitch 565-3098; Renate Amantite 565-3150

Vote Requirement: 4/5th

Supervisorial District(s): Countywide

Title:

Authorization to Implement Layoff Procedures with the District Attorney's Office

Recommended Action:

- A) Authorize the District Attorney's Office, in coordination with and oversight by the Human Resources Department, to administer layoff proceedings and to mitigate layoffs, to the extent possible, in accordance with Civil Service Rule 11: Layoffs.
- B) Adopt a resolution to authorize Human Resources to delete 3.0 full-time equivalent District Attorney position allocations (1.0 FTE Victim Claims Supervisor and 2.0 FTE Victim Claims Specialists).
- C) Adopt a budget resolution to reduce the District Attorney's Office FY19-20 salary and benefit expenditure appropriations and reduce offsetting State revenue appropriations by \$175,074.

(4/5th Vote Required)

Executive Summary:

The California Victim Compensation Board (CalVCB) is the state agency charged with providing compensation for victims of violent crime and eligible victims with reimbursement for crime related expenses. CalVCB has three contracts with the Sonoma County District Attorney's Office to assist the state in the processing of victim claims and to provide a fund for specific urgent victim financial needs. On September 30, 2019, California Victim Compensation Board (CalVCB) notified the District Attorney of the cancellation of two of the three contracts that support County of Sonoma staff in assisting the state and victims of crime to receive compensation related to criminal events. CalVCB will take over the process currently handled by the specialized unit within the District Attorney's Office. The termination deadline for both contracts has been extended from a 30-day notice up to, but not to extend beyond, 90 days, a December 30, 2019 end date. The cancellation of the contract results in a need to reduce three District Attorney positions and a reduction of \$175,073 in revenue and expenses. There will be no impact to the victims and community as CalVCB is implementing an on-line application system and promises to meet or exceed the current turnaround time of requests.

Discussion:

The California Victim Compensation Board (CalVCB) is an agency under the Government Operations Agency

and administers the Victim Compensation Program, the Revenue Recovery Program, Claims of Erroneously Convicted Felons, the Good Samaritan Act and the Missing Children Reward Program. The Victim Compensation program is a state program dedicated to providing reimbursement for many crime-related expenses to eligible victims who suffer physical injury or the threat of physical injury as a direct result of a violent crime. CalVCB funding comes from restitution paid by criminal offenders through fines, orders, penalty assessments, and federal funds. The statutes governing the Victim Compensation Program include: General Provisions: Government Code §§ 13950-13951; Applications for Compensation: [Government Code §§ 1395213954](http://leginfo.ca.gov/faces/codes_displayText.xhtml?division=3.&chapter=5.&part=4.&lawCode=GOV&title=2.&article=2.) <http://leginfo.ca.gov/faces/codes_displayText.xhtml?division=3.&chapter=5.&part=4.&lawCode=GOV&title=2.&article=2.>; Eligibility for Compensation: [Government Code §§ 1395513956](http://leginfo.ca.gov/faces/codes_displayText.xhtml?division=3.&chapter=5.&part=4.&lawCode=GOV&title=2.&article=3.) <http://leginfo.ca.gov/faces/codes_displayText.xhtml?division=3.&chapter=5.&part=4.&lawCode=GOV&title=2.&article=3.>; Scope of Compensation: [Government Code §§ 1395713958](http://leginfo.ca.gov/faces/codes_displayText.xhtml?division=3.&chapter=5.&part=4.&lawCode=GOV&title=2.&article=4.) <http://leginfo.ca.gov/faces/codes_displayText.xhtml?division=3.&chapter=5.&part=4.&lawCode=GOV&title=2.&article=4.>; Administration: [Government Code §§1396213966](http://leginfo.ca.gov/faces/codes_displayText.xhtml?division=3.&chapter=5.&part=4.&lawCode=GOV&title=2.&article=6.) <http://leginfo.ca.gov/faces/codes_displayText.xhtml?division=3.&chapter=5.&part=4.&lawCode=GOV&title=2.&article=6.>; Victims of Crime Recovery Center: [Government Code §13974.5](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=13974.5.&lawCode=GOV) <http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=13974.5.&lawCode=GOV>

Sonoma County has assisted CalVCB in the processing of victim claims since FY1986-1987 when the first Victim Compensation agreement was entered into. Unique claims processing positions and a claims supervisor position were created to support the work of the Victim Compensation contract. Under the contract, CalVCB reimbursed the District Attorney's Office for the full cost of these three full-time positions. CalVCB also provided the Sonoma County claims staff with necessary training, work instruction, policies and guidelines, access to the state claims processing computer system and daily work direction.

Sonoma County's Victim and Witness Advocates work with victims to educate them on reimbursable expenses and losses, help them complete reimbursement applications, answer their questions and keep them informed on the status of their claims. Once a claim is completed, the claims processing staff review the application to ensure the situation and reimbursement request meet the state designated eligibility requirements. They also submit requests for CalVCB to issue payments for qualifying expenses.

CalVCB initially started the Victim Compensation local victim claims processing program with 15 counties and eventually entered into agreements with all 58 counties to process victim claims. Over the years, contracts have ended and the state agency currently has 19 counties continuing to assist CalVCB in processing victim claims. CalVCB recently decided to reassign the claims processing work for Sonoma County victims' claims back to the state agency's main headquarters in Sacramento and to cancel the contract that provides both the body of work and funding for 3.0 FTE victim claims staff positions that are part of the District Attorney's Office.

Julie Nauman Executive Director of California's Victim Compensation Board, advised that the decision to cancel the Victim Compensation agreement with Sonoma County is a business decision due to the cost effectiveness of the Sonoma County victim claims unit. The CalVCB main headquarters team processes the claims for all victims in Sonoma County's two neighboring counties of Marin and Napa. CalVCB shared that they are actively seeking ways to improve their operational efficiencies with the adoption of new technologies. Last year, CalVCB implemented a change ending the outdated process of claims and supporting documentation submission via fax and moved to scanned and electronic submission. CalVCB has developed a new online claims submission portal for victims to more easily allow them to submit claims themselves directly to the state. CalVCB is developing a special claims portal for Victim Advocates in which advocates will work with victims and complete their claim form online, which will go directly into the CalVCB main claims

system. CalVCB is also looking for ways to improve the victim claims processing experience for victims and will soon launch a new app to allow victims to track progress of their claim.

In 1997, CalVCB developed the JP Revolving fund program to provide readily available funding to meet time sensitive payment needs for victims with qualifying expenses such as funeral/burial expenses. A review of the special fund transaction history reflects that this fund was used 11 times in the past 11 years, averaging once per year. With the cancellation of the JP Revolving Fund agreement, CalVCB will work with Sonoma County victims directly to meet their qualifying urgent financial needs.

CalVCB originally provided a termination date of October 30, 2019 for the two agreements. The District Attorney requested an extension of time of up to an additional sixty days due to the County of Sonoma Civil Service and SEIU Memorandum of Understanding requirements, and the timeline involved in completing a layoff process. CalVCB agreed to the extension but requested that Sonoma County make every effort to terminate the programs as early as possible, no later than the extended deadline of December 30, 2019. CalVCB will grant the District Attorney's Office an additional 30 days after the termination date to submit a final invoice for the reimbursement of expended position costs.

The union representing the three impacted employees, Service Employees International Union Local 1021 (SEIU), was notified on October 1, 2019 of the state's decision to terminate the victim claims contracts and the impact to the three SEIU positions.

Authorization to Administer Layoff Proceedings

The Sonoma Victim Claims unit currently consists of three positions, a claims processing supervisor and two claims processing specialists. These positions were created to support this contract work. As a result of the cancellation of the Victim Compensation state contract and the loss of this body of work, the District Attorney's Office and Human Resources is requesting authorization to begin layoff proceedings with these employees as well as requesting approval to reduce the District Attorney's position allocations by three fulltime positions. Total FY2019-2020 District Attorney allocated staff FTE is 131.35. The reduction of the 3.0 FTE victim claims positions reduces the District Attorney position allocation to 128.35 FTE.

If approved, the Board's authorization will result in the Department, in coordination with the Human Resources Department, developing a timeline, creating and auditing seniority lists and issuing layoff notices, and engaging SEIU in the meet and confer process. The District Attorney's Office currently has two full-time legal processor vacancies, which the department will hold vacant in an effort to mitigate staff layoffs.

Prior Board Actions:

Agreements with the California Victim Compensation Board have received Board of Supervisor approval since 1986.

FISCAL SUMMARY

Expenditures	FY 19-20 Adopted	FY20-21 Projected	FY 21-22 Projected
Budgeted Expenses	\$350,147	0	0
Appropriation Adjustment Requested	(\$175,073)		

Total Expenditures	\$175,074	0	0
Funding Sources			
General Fund/WA GF	\$554		
State/Federal	\$174,520		
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	\$175,074	0	0

Narrative Explanation of Fiscal Impacts:

For the Victim Compensation contract, the current FY2019-2020 budget includes \$349,038 of state revenue, anticipated salary and benefit cost of \$350,147 and general fund cost for salary and benefits of \$1,108. Contract termination is six months into the fiscal year and contract funding will be reduced by half, \$174,520 for state revenue, general fund expense reduction of \$554 and salary and benefits costs will be a reduction of \$175,073.

For the cancellation of the JP Revolving agreement, there is no fiscal impact to the County as the fund is held in a trust account, which has been established for the sole purpose of paying verified victim claims. The Revolving Fund holds the assets to use on behalf of CalVCB for victims, and is not used to cover any governmental expenses. The full balance of the fund, including accumulated interest, will be returned to CalVCB. Total fund balance as of October 11th, 2019 was \$53,779.74.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)
Victim Claims Specialist II	\$4,089 - \$4,971		(2)
Victim Claims Supervisor	\$4,661 - \$5,667		(1)

Narrative Explanation of Staffing Impacts (If Required):

The termination of this contract will necessitate the District Attorney's office to eliminate three encumbered positions at the end of the calendar year. Approval of this item will authorize the District Attorney's office, in coordination with and oversight by the Human Resources Department, to administer layoff proceedings and to mitigate layoffs, to the extent possible, in accordance with Civil Service Rule 11: Layoffs.

Attachments:

1. Resolution Authorizing Human Resources to Reduce the District Attorney Position Allocation Table
2. Resolution Authorizing Budget Adjustments for the District Attorney's FY2019-2020 Budget

Related Items "On File" with the Clerk of the Board:

1. California Victim Compensation Revolving Fund Agreement
2. California Victim Compensation Board Agreement July 1, 2017 to June 30, 2020

