



County of San Mateo

Inter-Departmental Correspondence

Department: HUMAN RESOURCES

File #: 24-552

Board Meeting Date: 6/25/2024

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Rocio Kiryczun, Human Resources Director
Michelle Kuka, Deputy Director, Human Resources

Subject: Resolutions Establishing Salaries and Benefits for the Unrepresented Attorney Unit

RECOMMENDATION:

Adopt a resolution authorizing an amendment to Resolution 078718 establishing the Salary and Benefits of Unrepresented Attorney employees of the County of San Mateo for the term of February 20, 2022 through October 5, 2024.

BACKGROUND:

Unrepresented attorneys for the County are unclassified employees and therefore are at-will. As such, the unrepresented attorneys do not currently have a probationary period or the right to an appeal hearing if they are demoted or dismissed from County employment.

DISCUSSION:

The recommended resolution changes will add two additional sections to the Unrepresented Attorney Resolution. With the addition of Section 24, all newly hired Attorneys will have a 2,080 hour probationary period, which equates to a year of full-time work. The probationary period serves as the last step of the recruitment process and allows the hiring department to evaluate the new employee's performance and conduct to ensure they are able to successfully carry out the duties of the Attorney position.

The addition of Section 25 adds a right for Unrepresented Attorneys who are issued a decision to demote or dismiss them from County employment to submit a written request to appeal the decision to an impartial hearing officer. The appeal shall consist of an impartial hearing conducted by an Administrative Law Judge employed by the California Department of General Services, Office of Administrative Hearings. The hearing officer will provide a binding decision as to whether or not there was cause for demotion or termination based on the facts presented at a hearing. This appeal procedure will apply to employees covered by the Unrepresented Attorney Resolution, as well as employees occupying the following classifications: Chief Deputy County Attorney and Assistant

County Attorney. However, Chief Deputy County Attorneys and Assistant County Attorneys may be demoted to the highest Deputy County Attorney position and salary step without cause or a right to the outlined appeal procedure.

The probationary period and appeal process will not apply to Attorneys in Extra Help or Extra Help-Limited Term positions.

The County Attorney has reviewed and approved the resolution as to form.

FISCAL IMPACT:

There are no fiscal impacts for making these changes to the unrepresented attorney resolution.