

ERIE COUNTY ORDINANCE RATIONALE REQUEST

To: County Council Members

From: Public Defender

Date to be placed on Finance Agenda: July 19, 2022

Subject: Appropriation Request for Administrative Officer II

**Rationale summary should include the reason for ordinance request and the dollar amount.

Rationale

The Erie County Public Defender currently has 3 administrative secretaries (AC06) with a starting rate of \$13.58 an hour. Because of the low pay, the availability of opportunities to earn more in other jobs, and the increasing complexity and urgency of the tasks, there has been frequent turnover in these positions over the last several years. (Redacted exhibits "A", "B", "C".) Currently, the most experienced administrative secretary began working for the Public Defender's Office at the end of November of 2021.

Despite the inexperience of the administrative secretaries, the complexities of the job and the Constitutional right to effective counsel, the office does not have an administrative officer to train, ensure quality control, and complete the more complex aspects of office administration (i.e., entering requisitions, completing purchase orders, assisting with annual budgets, completing asset inventories, submitting payroll, submitting mileage reimbursements, and ensuring the accuracy of both the closed file scanning program and the Public Defender legal database containing client information and conflict data). The lack of an administrative officer has, on several occasions, compromised the ability of Public Defenders to provide consumers with effective assistance of counsel, the very service that the Public Defender has the duty to provide. Some of the mistakes made by inexperienced clerical staff (without a more experienced administrative officer to catch the errors and retrain) were discovered and corrected by attorneys before the mistakes compromised consumers. Many others were not discovered in time and clients were impacted.

See page 2

Department Public Defender
Name _____

Date 6/24/22

Name(s) Attending Finance Meeting

Nicole Sloane Kondrlik, Michael DeJohn

Compare the Public Defender's three AC06 administrative secretaries to the District Attorney's seven secretaries including an office manager and three senior administrative secretaries. The Public Defender has 10 full-time attorneys including the Chief and First Assistant who both continue to carry caseloads and 9 part-time Assistant Public Defenders. The District Attorney with a total of 13 full-time Assistant District Attorneys has the benefit of support from one NB12 Office manager, three AC07 Senior Administrative Secretaries, two AC06 Administrative Secretaries and two Administrative Clerks. (Exhibit "D").

While the Public Defender represents the majority of all criminal cases, it is different from the District Attorney in significant ways. The constant rotation of clerical staff and lack of an administrative officer compromises the Public Defender's mission to serve the Erie County consumer. Assistant Public Defenders must attend all preliminary hearings for clients regardless of location within the county. In contrast, District Attorneys attend Central Court and only significant hearings outside Central Court (the City of Erie and Millcreek). That means Public Defender secretaries and investigators must process applications for eligibility, conflict check using several methods, open files, enter appearances, notify both clients and judges of attorney case assignments, and get the attorney the file in a short amount of time based upon new criminal court rules requiring preliminary hearings to be scheduled soon after the date of arrest. The secretaries must do all this while fielding constant phone calls from clients, prospective clients, the courts and client family members.

The Erie County Public Defender staff processed 3,980 adult cases during the last year in addition to juvenile cases, involuntary commitments, and Board of Probation and Parole revocation hearings. In the first five months of 2022, the Public Defender opened 71 new juvenile cases while continuing to appear for hearings for existing juvenile clients with status reviews. Administrative secretaries are involved in all of the case assignments and conflict checks leaving no time for any clerical work for the attorneys or assistance during trials with videos or other evidence.

Erie County is not providing the support staff recommended for Public Defenders to provide effective assistance of counsel to indigent consumers. The **Eight Guidelines of Public Defense** published by the American Bar Association in August of 2009 recommends:

2.20.070 Support services.

(1) Standard. The legal representation plan should provide for adequate numbers of investigators, *secretaries, word processing staff*, paralegals, social work staff, mental health professionals and other support services, including computer system staff and network administrators. *These professionals are essential to ensure the effective performance of defense counsel during trial preparation, in the preparation of dispositional plans, and at sentencing.*

(a) Legal Assistants. *At least one full-time legal assistant should be employed for every four attorneys.* Fewer legal assistants may be necessary, however, if the agency has access to word processing staff, or other additional staff performing clerical work. Defenders should have a combination of technology and personnel that will meet their needs.

(b) Social Work Staff. Social work staff should be available to assist in developing release, treatment, and dispositional alternatives.

(c) Mental Health Professionals. Each agency should have access to mental health professionals to perform mental health evaluations.

(d) Investigation staff should be available as provided in JCC 2.20.060.

Emphasis added.

In **Kuren v. Luzerne County**, 146 A.3d 715, (Pa. 2015), the Pennsylvania Supreme Court determined that because remedies for Sixth Amendment right to counsel violations need not await conviction and sentencing, a cause of action existed entitling a class of indigent criminal defendants to allege prospective, systemic violations of the right to counsel due to underfunding and to seek and obtain an injunction forcing a county to provide adequate funding to the Public Defender.

To improve the services provided to indigent consumers, we respectfully ask that the new position of Administrative Officer II at \$18.18/hour @37.5 hours/week be approved for an annual amount of \$35,451 in addition to benefits.

EXIT INTERVIEW SURVEY

#90

COMPLETE

Collector:

Started:

Last Modified:

Time Spent:

IP Address:

Web Link 1 (Web Link)
Tuesday, May 31, 2022 11:51:39 AM
Tuesday, May 31, 2022 12:00:36 PM
00:08:57
209.225.114.5

Page 1

Q1

Employee Name:

[REDACTED]

Q2

Hire Date:

Respondent skipped this question

Q3

Separation Date:

Date / Time

05/31/2022

Q4

Current department within the county

Public Defender

Q5

Position title

Administrative Secretary

Q6

Supervisor:

Nicole Sloan, Esq.

Q7

If your mailing address is changing, please enter your new information below. This information will be used to send any further checks, tax documents, and important materials you may need in the future.

Respondent skipped this question



EXIT INTERVIEW SURVEY

Q8

Please provide your personal e-mail address for us to update your access to the Employee Portal. This will allow you to still view your pay stubs and tax forms.

[REDACTED]

Q9

Length of Service

Less than One Year

Q10

Racial or Ethnic Group

[REDACTED] Hispanic Origin

Q11

Age Group

[REDACTED]

Q12

Are you Disabled?

No

Q13

Are you a Veteran?

Yes

Q14

What is your level of Education?

High School Diploma or Equivalent

Q15

What is your gender?

[REDACTED]

Page 2

Q16

Overall County Work Experience

1Very Satisfied

Q17

Overall communication with employees from administration

1Very Satisfied

EXIT INTERVIEW SURVEY

Q18

Perception of department communication with employees

1Very Satisfied

Q19

The amount of participation you had in making decisions that affected your position

1Very Satisfied

Q20

The job classification system

1Very Satisfied

Q21

The opportunity to enroll in staff development courses and workshops

1Very Satisfied

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Q22

What did you like most about your job?

great karma in the office

Q23

What did you like least about your job?

Training was spotty

Q24

How would you rate the morale among employees?

Excellent

Q25

How would you rate the cooperation within your department?

Excellent

Page 4

Q26

Work Load

Strong Influence



EXIT INTERVIEW SURVEY

Q27

Quality of supervision received

No Effect

Q28

Do you feel discipline you either witnessed or received was:

Fair

Q29

Job Security

No Effect

Q30

Flexibility of work hours

No Effect

Q31

Health insurance benefits

No Effect

Q32

Salary/Rate of Pay

Strong Influence



Q33

Non-work related/personal circumstances

No effect

Q34

Is your decision to leave the County Influenced by any of the following?

Self-Employment

Q35

Have you already secured other employment?

Yes,

If Yes, please describe:

[Redacted text]

Page 5

Q36

Would you recommend employment with the County of Erie?

Yes

Q37

Would you work for the County again in the future?

Yes

Q38

Would you work in the same department/office you are leaving?

No

Page 6

Q39

Please utilize this section to comment further on any work related experience and to make any suggestions to improve the quality of work life at the County of Erie.

Covid created a huge backlog and training suffered.

Q40

No

Would you like to further discuss your responses with someone from the Human Resources Staff?

Routing: 1) Dept. Head, 2) Personnel Director, 3) Finance Director, 4) County Executive, 5) Personnel Office - completed forms for distribution

fyi
COUNTY OF ERIE
PERSONNEL CHANGE AND PAYROLL
AUTHORIZATION

Personnel Office
use only:
checked by: _____

NOTE: All forms should be typed and all changes made to this form must be initialed.

EMPLOYEE NAME: _____

LAST

FIRST

PAYROLL FILE NO.: _____

M.I.

EFFECTIVE DATE OF THIS

ACTION: 02/28/2022

ADD TO PAYROLL ____ Addition ____ Replacement ____ Temporary complete section B	<input checked="" type="checkbox"/> TRANSFER OR RECLASSIFICATION ____ Addition <input checked="" type="checkbox"/> Replacement ____ Temporary complete sections A & B in section B: if no change in data from section A, type "same"	CHANGE IN RATE/SALARY complete sections A & B	LEAVE OF ABSENCE ____ paid ____ unpaid complete sections A & C	REMOVE FROM PAYROLL ____ voluntary ____ involuntary complete sections A & D
--	--	---	--	---

Department: Public Defender's Office

Bureau: _____

Budget Acct. No.: 001-003600-001020 ✓

Bargaining Unit: AC ✓

Job Title: Administrative Secretary ✓

Grade: AC06 ✓

Budget Position No.: 003600-018 ✓

full time ☒

part time _____

Rate: \$ 22.46 ✓

hour

\$ 43,797 ✓

/ year

Hours per week: 37.5 ✓

temporary/per diem _____

w/pension _____ w/o pension _____

Department: Courts

Bureau: MDJ Paul Bizzaro

Budget Acct. No.: 001-0061040-001010 ✓

Bargaining Unit: Non ✓

Job Title: District Justice Secretary ✓

Grade: NB07 ✓

Budget Position No.: 061040-003 ✓

full time ☒

part time _____

Rate: \$ 23.78 ✓

hour

\$ 46,371 ✓

/ year

Hours per week: 37.5 ✓

temporary/per diem _____

w/pension _____ w/o pension _____

DATES OF ABSENCE:

from _____

to _____

REASON: _____

REASON: _____

Retiring with County pension? yes _____ no _____

Last day worked: _____

Eligible leave: Vacation hours _____

Personal hours _____

Sick hours _____

As of pay period ending date: _____

ADDITIONAL COMMENTS AND / OR JUSTIFICATION: _____

REQUESTED BY: _____

Department Head

DATE: 2/2/22

Personnel Director

DATE: 2/9/22

Finance Director

DATE: 2-10-22

County Executive

DATE: _____

Personnel

Payroll

Department

County Council

Controller

Personnel

APPROVED BY



Routing: 1) Dept. Head, 2) Personnel Director, 3) Finance Director, 4) County Executive, 5) Personnel Office - completed forms for distribution

COUNTY OF ERIE
PERSONNEL CHANGE AND PAYROLL
AUTHORIZATION

Personnel Office
use only:
checked by:

NOTE: All forms should be typed and all changes made to this form must be initialed.

EMPLOYEE NAME:
LAST FIRST M.I. PAYROLL FILE NO.: EFFECTIVE DATE OF THIS ACTION: 01/31/2022

<input type="checkbox"/> ADD TO PAYROLL ____ Addition ____ Replacement ____ Temporary complete section B	<input checked="" type="checkbox"/> TRANSFER OR RECLASSIFICATION ____ Addition <input checked="" type="checkbox"/> Replacement ____ Temporary complete sections A & B <i>in section B: if no change in data from section A, type "same"</i>	<input type="checkbox"/> CHANGE IN RATE/SALARY complete sections A & B	<input type="checkbox"/> LEAVE OF ABSENCE ____ paid ____ unpaid complete sections A & C	<input type="checkbox"/> REMOVE FROM PAYROLL ____ voluntary ____ involuntary complete sections A & D
--	--	---	--	---

FROM / Current data
Department: Public Defender's Office Bureau:
Budget Acct. No.: 001-003600-001020 ✓ Bargaining Unit: AFSCME ✓
Job Title: Administrative Secretary ✓ Grade: AC06 ✓
Budget Position No.: 03600-017 ✓ full time ☒ part time temporary/per diem
Rate: \$ 15.29 ✓ / hour \$ 29,816 ✓ / year Hours per week: 37.5 ✓
w/pension w/o pension

TO / New data
Department: Courts Bureau: MDJ Stuck-Lewis
Budget Acct. No.: 001-063060-001010 ✓ Bargaining Unit: Non ✓
Job Title: District Justice Secretary ✓ Grade: NB07 ✓
Budget Position No.: 063060-004 ✓ full time ☒ part time temporary/per diem
Rate: \$ 16.19 ✓ / hour \$ 31,570.50 ✓ / year Hours per week: 37.5 ✓
w/pension w/o pension

DATES OF ABSENCE: from to

REASON:

REASON:

Retiring with County pension? yes no Last day worked:

Eligible leave: Vacation hours Personal hours

Sick hours As of pay period ending date:

ADDITIONAL COMMENTS AND / OR JUSTIFICATION: Ms. replaces

REQUESTED BY: Robert J Catalde /js
Department Head

DATE: 1-27-22

APPROVED BY:
Personnel Director Finance Director County Executive
DATE: 2/1/22 DATE: 2-2-22 DATE:
Personnel Payroll Department County Council Controller Personnel



HR Report without Employee Name

Scenario: 2022 ADMIN PROPOSAL

Department: 003400 - DISTRICT ATTORNEY

Fund: 001 - GENERAL FUND

Department	Position #	Title	Grade	2021 Salary NON-Barg	2021 Salary Barg	NON-Barg Increase	Barg Increase	NON-Barg BONUS	Barg BONUS	NON-Bargaining Add on pay	Bargaining Add on pay	2022 Salary NON-Barg	2022 Salary Barg	2022 Wages NON-Barg	2022 Wages Barg
Department: 003400 - DISTRICT ATTORNEY															
	003400-001	DISTRICT ATTORNEY	00000	\$185,664.93								\$191,234.88	\$76,612.22	\$191,234.88	\$78,766.94
	003400-002	CLASS "A" DETECTIVE	00000		\$74,380.80					\$2,154.72					
	003400-003	ASSISTANT DISTRICT ATTORNEY	NB17	\$69,556.50								\$71,643.20	\$76,612.22	\$71,643.20	\$78,766.94
	003400-004	ASSISTANT DISTRICT ATTORNEY	NB17	\$69,556.50								\$71,643.20	\$76,612.22	\$71,643.20	\$78,766.94
	003400-005	ASSISTANT DISTRICT ATTORNEY	NB17	\$69,556.50								\$71,643.20	\$76,612.22	\$71,643.20	\$78,766.94
	003400-006	1ST ASSISTANT DISTRICT ATTORNEY	NB19	\$88,462.40								\$91,116.27	\$91,116.27	\$91,116.27	\$98,462.40
	003400-008	ASSISTANT DISTRICT ATTORNEY	NB17	\$71,643.00								\$73,792.29	\$73,792.29	\$73,792.29	\$78,766.94
	003400-009	CHIEF COUNTY DETECTIVE	00000		\$96,990.40				\$2,247.72	\$2,079.96		\$102,147.83	\$102,147.83		\$104,227.79
	003400-010	CLASS "A" DETECTIVE	00000		\$59,966.40					\$320.64		\$61,765.39	\$61,765.39		\$62,086.03
	003400-011	ASSISTANT DISTRICT ATTORNEY	NB17	\$69,556.50								\$71,643.20	\$71,643.20		
	003400-012	ASSISTANT DISTRICT ATTORNEY	NB17	\$69,556.50								\$71,643.20	\$71,643.20		
	003400-013	OFFICE MANAGER	NB12	\$39,858.00								\$41,053.74	\$41,053.74		
	003400-014	CLASS "A" DETECTIVE	00000		\$60,569.60				\$1,091.64	\$2,079.96		\$63,478.33	\$63,478.33		\$65,558.29
	003400-017	ASSISTANT DISTRICT ATTORNEY	NB17	\$76,011.00								\$78,291.33	\$78,291.33		
	003400-019	CLASS "A" DETECTIVE	00000		\$80,132.80					\$619.44		\$81,936.78	\$81,936.78		\$82,556.22
	003400-020	SENIOR ADMINISTRATIVE SECRETARY	AC07		\$28,060.50							\$28,902.32	\$28,902.32		\$28,902.32
	003400-021	ADMINISTRATIVE SECRETARY	AC06		\$28,059.50							\$28,942.49	\$28,942.49		\$28,942.49
	003400-022	SENIOR ADMINISTRATIVE SECRETARY	AC07		\$35,548.50							\$36,614.96	\$36,614.96		\$36,614.96
	003400-023	ADMINISTRATIVE CLERK	AC05		\$24,979.50							\$25,728.89	\$25,728.89		\$25,728.89
	003400-024	ASSISTANT DISTRICT ATTORNEY	NB17	\$69,556.50								\$71,643.20	\$71,643.20		
	003400-025	ASSISTANT DISTRICT ATTORNEY	NB17	\$69,556.50								\$71,643.20	\$71,643.20		
	003400-026	ASSISTANT DISTRICT ATTORNEY	NB17	\$69,556.50								\$71,643.20	\$71,643.20		
	003400-027	ADMINISTRATIVE CLERK	AC05		\$32,604.00							\$33,582.12	\$33,582.12		\$33,582.12
	003400-028	DETECTIVE SERGEANT	00000		\$104,291.20					\$6,815.40		\$107,419.94	\$107,419.94		\$114,235.34
	003400-029	SENIOR ADMINISTRATIVE SECRETARY	AC07		\$29,757.00							\$30,649.71	\$30,649.71		\$30,649.71
	003400-030	ASSISTANT DISTRICT ATTORNEY	NB17	\$50,251.50								\$51,759.05	\$51,759.05		
Department: 003400 - DISTRICT ATTORNEY															
Fund: 001 - GENERAL FUND															
	003400-031	ADMINISTRATIVE SECRETARY	AC06		\$28,938.00							\$29,806.14	\$29,806.14		\$29,806.14
	003400-032	COUNTY DETECTIVE ASSISTANT	NB07	\$34,515.00								\$35,550.45	\$35,550.45		\$35,550.45
	003400-033	CLASS "A" DETECTIVE	00000		\$92,331.20					\$3,566.28		\$95,101.14	\$95,101.14		\$98,667.42
	003400-034	ASSISTANT DISTRICT ATTORNEY	NB17	\$69,556.50								\$71,643.20	\$71,643.20		\$71,643.20
	003400-035	ASSISTANT DISTRICT ATTORNEY	NB17	\$65,559.00								\$67,525.77	\$67,525.77		\$67,525.77
				\$1,237,973.33	\$756,649.40				\$3,339.36	\$17,636.40	\$1,275,112.53	\$792,688.24	\$1,275,112.53	\$800,324.64	\$800,324.64

HR Report without Employee Name

Scenario: 2022 ADMIN PROPOSAL

Department: 003400 - DISTRICT ATTORNEY

Fund: 001 - GENERAL FUND

003400-031	ADMINISTRATIVE SECRETARY	AC06		\$28,938.00								\$29,806.14	\$29,806.14		\$29,806.14
003400-032	COUNTY DETECTIVE ASSISTANT	NB07		\$34,515.00								\$35,550.45	\$35,550.45		\$35,550.45
003400-033	CLASS "A" DETECTIVE	00000			\$92,331.20					\$3,566.28		\$95,101.14	\$95,101.14		\$98,667.42
003400-034	ASSISTANT DISTRICT ATTORNEY	NB17		\$69,556.50								\$71,643.20	\$71,643.20		\$71,643.20
003400-035	ASSISTANT DISTRICT ATTORNEY	NB17		\$65,559.00								\$67,525.77	\$67,525.77		\$67,525.77
				\$1,237,973.33	\$756,649.40				\$3,339.36	\$17,636.40	\$1,275,112.53	\$792,688.24	\$1,275,112.53	\$800,324.64	\$800,324.64

