



VIA ELECTRONIC EMAIL  
*kristine.rodriques@calhr.ca.gov*

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Kristine Rodrigues  
Assistant Deputy Director  
CA Department of Human Resources  
1515 S Street, North Building, Suite 500  
Sacramento, California 95811

Re: CASE Supports CalHR's Attorney Consolidation Proposal

Dear Kristine:

Thank you to you and your team for the extensive work you have done on the proposal to substantially consolidate and refine the Attorney classification. CASE is especially supportive of the modifications to the years of experience required for the Attorney III, IV, and V classes, as the new qualifications bring the state closer to the promotional patterns of other public sector legal employers – a step in the right direction toward ensuring California remains the employer-of-choice for the best and brightest legal minds.

Because the positive changes outweigh CASE's concerns with the proposal as currently drafted, CASE is pleased to support this proposal. It is important, however, to note for the record the following concerns that we have discussed with you:

- First, under the new Attorney class series, entry level attorneys will not receive any promotions for five years, and will be eligible for only a single range change during that five-year period. While it is true that they will be eligible for Merit Salary Adjustments

during that period, we do not believe that the intricacies of the MSA process are known among the broader pool of applicants, and thus we think the current scheme may impede recruitment. We would encourage a design that made it clear there was an opportunity for advancement every year.

- Second, while we understand the desire to have a series of classes that are consistent in their nomenclature, CASE members have been clear about their dislike for the planned renaming of the Supervising Deputy Attorney General (SDAG) class to Deputy Attorney General Supervisor (DAGS). The change is unnecessary and confusing, as it will inevitably be mistaken for the plural of DAG (DAGs). Similarly, the elimination of other department specific classifications (e.g., Deputy State Public Defender) will not be received well by our members in departments where their professional identity depends on a title other than mere "Attorney." While CalHR has indicated that departments *may* authorize our members to use working titles that differ from their official classifications, the fact that departments have discretion will inevitably result in some of our members being able to continue using their traditional titles, while other will have to change. CASE encourages CalHR to direct Departments to use working titles or to provide them with guidance on their use rather than leaving it to the whims of each department head with no criteria upon which to make the decision.
- Third, we note that both the new Attorney Supervisor and the Deputy Attorney General Supervisor are required to have eight years of experience, but their supervisory authority is apparently not congruent, with Supervising Attorneys only authorized to supervise Attorneys up to the IV level, whereas DAGS can supervise all rank-and-file attorneys, up to the V level. This discrepancy will create issues when attorneys are seeking to transfer into or out of DOJ.
- Fourth, we note that the proposed Attorney Manager classification requires work experience at either the Attorney IV or V level (or equivalent). Unfortunately, many departments still have few if any Attorney IV or V positions. The proposal as currently drafted runs the risk of boxing in those long-tenured, specialized Attorney IIIs who work at departments with no Attorney IV or V positions. Moreover, the proposal as written could privilege Attorney Manager applicants from *outside of the state service* since they can argue their experience meets the "or equivalent" requirement for experience at the Attorney IV and V level while current Attorney IIIs would need to first successfully file an out-of-class claim to have their experience counted. This seems to contradict the Board's recent direction to ensure that class specifications neither advantage nor disadvantage experience gained in or out of the state service. Currently, Attorney IIIs are eligible to promote to Assistant Chief Counsel – the class you propose to replace with Attorney Manager. Attorney IIIs wishing to advance to management may be worse off under this aspect of the proposal.
- Fifth, and related to the previous issue, we expressed concern that to the extent the Attorney Supervisor and Attorney Manager are new classifications with specified authority to supervise Attorney IVs and Vs respectively, departments may be discouraged from creating

more Attorney IV and V positions because they may erroneously believe that they also have to create a corresponding supervisory or managerial level attorney as well. We appreciate your assurances that nothing in these revised classifications, nor in the forthcoming allocation standards, will require a department to create an Attorney Manager or Attorney Supervisor position prior to, or as a condition precedent to, creating an Attorney IV or V position.

Again, we appreciate the work you and your team have done in preparing this proposal, and we look forward to working with you in the future to address our outstanding concerns and any implementation issues that may arise as we move forward.

Sincerely,

***Patrick Whalen***

Patrick J. Whalen  
CASE General Counsel