

Grand Jury Report

REQUIRED RESPONSE FORM

Grand Jury Report Title : ACCOUNTABILITY AT THE COUNTY

Report Dated : June 21, 2023

Response Form Submitted By:

Mendocino County Board of Supervisors
501 Low Gap Road
Ukiah, CA 95482 (use address block as inserted on first page)

Response MUST be submitted, per Penal Code §933.05, no later than: September 19, 2023

I have reviewed the report and submit my responses to the FINDINGS portion of the report as follows:

- I (we) agree with the Findings numbered:
F1, F8, F10, F11, F12, F13, F14, F16, F17, F21, F22, F23

- I (we) disagree wholly or partially with the Findings numbered below, and have *attached* a statement specifying any portion of the Finding that are disputed with an explanation of the reasons therefore.
F2, F3, F4, F5, F6, F7, F9, F15, F18, F19, F20, F24, F25

I have reviewed the report and submit my responses to the RECOMMENDATIONS portion of the report as follows:

- The following Recommendation(s) have been implemented and **attached, as required**, is a summary describing the implemented actions:
R17, R19, R24

- The following Recommendation(s) have not yet been implemented, but will be implemented in the future; **attached, as required**, is a time frame for implementation:
R4, R5, R6, R7, R8, R9, R10, R16, R18

- The following Recommendation(s) require further analysis, and **attached, as required**, is an explanation and the scope and parameters of the planned analysis, and a time frame for the matter to be prepared, discussed and approved by the officer and/or director of the agency or department being investigated or reviewed: (This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report)

R1, R2, R3, R11, R12, R13, R14, R15, R20, R23

- The following Recommendations will NOT be implemented because they are not warranted and/or are not deemed reasonable; **attached, as required**, is an explanation therefore:

R21, R22

I have completed the above responses, and have attached, as required the following number of pages to this response form:

Number of Pages attached: 11

I understand that responses to Grand Jury Reports are public records. They will be posted on the Grand Jury website: www.mendocinocounty.org/government/grand-jury. The clerk of the responding agency is required to maintain a copy of the response.

I understand that I must submit this signed response form and any attachments as follows:

First Step: E-mail in pdf file format to:

- The Grand Jury Foreperson at: grandjury@mendocinocounty.org
- The Presiding Judge: grandjury@mendocino.courts.ca.gov

Second Step: Mail all originals to:

Mendocino County Grand Jury
P.O. Box 939
Ukiah, CA 95482

Printed Name: Glenn McGourty

Title: Chair, Board of Supervisors

Signed: 

Date: Sept. 12, 2023

MENDOCINO COUNTY BOARD OF SUPERVISORS' RESPONSE TO GRAND JURY REPORT TITLED:

ACCOUNTABILITY AT THE COUNTY

Discussion

The Board of Supervisors welcomes this opportunity to respond to the Grand Jury report titled "Accountability at the County". Current Grand Jury procedures state: "findings are the conclusions or judgments that logically flow from the verified facts." In that regard, the Board of Supervisors encourages the Grand Jury to focus on verified facts and avoid unsubstantiated opinions that tend to inflame instead of inform discussion of this critical issue.

Pursuant to the request of the Grand Jury, the Board is responding to the following:

HR Director - Instability in the HR Director position over the past 25 years has undermined the HR Department and its ability to support the rest of the County departments, specifically:

F1. The HR Department has not had consistent qualified leadership for the last 25 years.

Agree

F2. The constant turnover in the HR Director position prevents clear direction or policy objectives and obstructs any possibility of a long-term vision for the department.

Partially disagree

The hiring of unqualified HR Directors has impacted the direction, policy objectives, and long-term vision for the department. If the County had ensured the HR Directors appointed had actual HR experience and training, the likelihood of a relatively consistent direction and policy objectives would be maintained. The long-term vision may change slightly, but the basis of strategic direction would be grounded in well-established HR practices from an experienced HR professional as Director.

F3. The constant turnover in the HR Director position has led to staff confusion, inefficacy, discouragement, and job attrition within the HR department.

Partially disagree

Any staff confusion and discouragement would be attributed to the experience level of the HR Director and not knowing what to do, not the mere fact there was constant turnover of the position. The majority of HR staff had experience and/or training in HR and know the standard HR practices for the different areas within HR. When inexperienced HR Directors require staff to do things in conflict of

standard HR practices, it generates confusion and discouragement.

- F4. The current interim HR director is commended for doing all she can to support the HR department's day-to-day functionality. However, leading the department forward is beyond her capacity because her time is split between five County departments and multiple other duties.

Partially disagree

A different model for HR leadership went into effect at the beginning of 2023 in which an Assistant HR Director position was filled to oversee the operations of the HR department, while the Interim HR Director position, was filled by a Deputy CEO who has extensive experience with the HR Department. With HR now receiving leadership from a fully qualified individual who is also a DCEO, all County Departments now have greater input into the workings of the HR Department, as the CEO's Office interacts directly with all "County Departments". Department titles are just labels; it's the person in the role that influences outcomes. Today, we have someone strong with structural connections across the Executive Office. This model allows the Deputy CEO to support HR while maintaining support to other departments and the CEO.

- F5. The HR department employees, particularly the four HR managers, are commended for keeping the HR Department functioning through years of transitory HR Directors (or the lack thereof). However, HR managers are unable to engage in long-term strategic planning or process improvement as their workdays are preoccupied with putting out daily fires and ensuring the basic functions of HR are completed.

Partially disagree

HR managers are able and have engaged in strategic planning and process improvement. The previous 2020 and current HR strategic plan has process improvement objectives as a main focus and there has been success in improvement of personnel transactions, recruiting, and moving from paper to online forms. Daily "fires" are a part of the HR routine and are expected, as HR does not have control over what personnel issues arise in an organization with 1,100 employees, and when HR must be responsive to personnel needs as they arise.

- F6. The challenges faced by the HR Department are likely to continue for the foreseeable future because the BOS and CEO have stopped recruiting a department director and have recently unfunded the position.

Wholly Disagree

A different model for HR leadership went into effect at the beginning of 2023 in which an Assistant HR Director position was filled to oversee the operations of the HR department, while the Interim HR Director position, which is filled by a fully qualified Deputy CEO, maintains the Director responsibilities. This model allows the Interim HR Director to focus on high-level HR strategies and

coordination with department heads and Executive Office while working with the Assistant HR Director who is ensuring the HR department operates smoothly and implements changes/improvements. This model has been working well, because both the Interim HR Director and Assistant HR Director have extensive experience in HR and have set a strategic vision for the HR department and are implementing improvements. Staff are not confused or discouraged, rather they know where the department is going and how they're going to get there.

Performance Management - Performance management strategies are underutilized by the County, and the current performance review process does not promote professional development of employees and does not promote accountability. Specifically:

- F7. Performance assessments are based solely on a numeric rating scale, severely limiting opportunities for constructive feedback. The lack of supporting information prevents sufficient accountability or a useful record of employee performance.

Partially disagree

Although the current performance evaluations have a numeric rating scale for 31 specific factors within nine categories of performance, the entire second page is for supervisors to provide comments and observations of the employee's performance as rated in those specific factors of performance. Employees with supervision responsibility do have the ability to provide constructive feedback.

- F8. There is no process within HR or most County departments to ensure that employee performance assessments are consistent and equitable across workgroups and organizations.

Agree

Human Resources is working towards an online performance review system that will allow the process to be easily tracked, provide consistency and equitability. Human Resources plans to have implemented in FY 24/25.

- F9. HR is unable to consistently ensure all performance assessments are completed, completed on time, and submitted to HR for the records.

Wholly disagree

HR lacks authority to enforce performance assessments are completed, completed on time, and submitted to HR for the records. It is the responsibility of the department heads to ensure performance assessments adhere to requirements. HR provides reports to all department heads of merit due dates, past due merits, and probation end dates, two indicators of required performance assessments. Departments are able to run reports on performance assessments at any time.

- F10. Once employees reach step 5 of the salary schedule, they often no longer receive performance assessments, which limits opportunities for growth and accountability for their work.

Agree

- F11. Managers do not receive sufficient training from HR or departmental leadership on effective performance assessment strategies. Neither HR nor departmental leadership participate in supervisor assessments of lower-level employees to evaluate supervisor's performance management and assessment skills.

Agree

- F12. The County PM process does not facilitate performance management strategies like SMART goal setting, continuous coaching, or 180- or 360-degree assessments. Workplace Culture - A fair and healthy workplace environment is critical to employee satisfaction, retention, and productivity.

Agree

Workplace culture issues are significantly impairing the County's functionality. Specifically:

- F13. Workplace culture issues are a significant concern among employees and these issues have led directly to attrition.

Agree

- F14. Employees feel that County leadership has not done enough to address workplace culture issues in some departments.

Agree

- F15. Employees do not trust the existing process for reporting harassment and discrimination.

Partially disagree

The County maintains an effective policy against discrimination and harassment consistent with Government Code 12940(k) and section 11203 of Title 2 of the California Code of Regulations. Under Mendocino County Policies 10 and 23, any employee can report harassment or discrimination to any manager, supervisor, or department head, regardless of whether they are in the same department as the reporting employee. Reports may be verbal or in writing and can also be made directly to Human Resources. Investigations are conducted independently by Human Resources or an outside investigator, and may include interim protective measures to avoid retaliation, prevent harassment, and protect

witnesses. Complaints are kept confidential, to the extent possible.

The Board agrees that some employees have expressed distrust of the existing process but believes that Finding 15 is worded too broadly. The Board is committed to maintaining an effective policy and supports efforts to improve employee trust in the reporting process.

- F16. There is no formal protected process for employees to report other types of workplace culture issues, which contributes to limited reporting due to fear of retaliation.

Agree

- F17. There is no formal process for employees to report other types of workplace culture issues, therefore employees state they do not report because they see no meaningful change as a result.

Agree

- F18. Workplace culture and management issues cause attrition across departments and reduce applicants for County jobs.

Partially disagree

Workplace culture and management issues may be things that internal County applicants are aware of and may impact their decision whether to apply for County jobs. However, external applicants would more likely be unaware of management issues and workplace culture. Number of applicants for County jobs have maintained relatively consistent with the exception of COVID's impact. Since the workplace culture and management issues have been chronic for years, it's not been established that an increase in applicants would occur with better culture and less management issues.

Understaffing is an ongoing issue with ripple effects throughout the County. Many of these issues were reported in the 2013 GJ "Human Resources" report. Specifically:

- F19. Understaffing across departments has caused underperformance, slow progress, and service failures at the County.

Partially disagree

This may be true for some departments, but it may not be the major cause. Some departments are close to being fully staffed and still have issues with underperformance, slow progress, and service failures. Although understaffing can be a major contributor, there are multiple factors to consider as to the cause.

- F20. The County has a 27.5% vacancy rate overall, with some departments

experiencing vacancy rates as high as 49%.

Partially disagree

The vacancy data was accurate at the time information was provided to Grand Jury but had yet to be defined down to funded/unfunded status of vacant positions. Unfunded vacant positions should not be used in calculations for vacancy rate because it is not possible to fill due to lack of funding. The vacancy rate has been updated since and with consideration of counting only funded vacant positions, the County vacancy rate is at approximately 15%. When the budget was approved for Fiscal Year 23/24 the positions authorized for funding was for 1,100 with a 15% vacancy rate. The adopted budget, with a \$7 million structural deficit, did not assume all these positions would be filled and funded for the entire fiscal year.

- F21. The hiring process is reported to average 2-4 months before an applicant is notified of a job offer, sometimes up to 6 months, resulting in the loss of qualified applicants.

Agree

After a recruitment (minimum of two-weeks posted) closes, Human Resources provides a referral list of candidates to departments. Departments then receive the referral and have 30 days to schedule interviews, interview, and extend an offer to candidates and they then need to onboard their new hires. Referral lists are typically sent to a department within 72 hours pending other factors such as they are still interviewing from a previous referral.

- F22. Hiring managers average over a month to interview the approximately 10 people on the list of qualified candidates received from HR.

Agree

- F23. The County is experiencing major challenges retaining employees. Average turnover rate in the County was 30.6% in 2022, with turnover among some job classifications up to 120% in a year.

Agree

- F24. Understaffing issues have been exacerbated by the instability within HR. Consistent turnover in HR leadership has impaired HR's ability to effectively handle recruitment and on-boarding duties for other County departments.

Wholly disagree

There has been no instability in HR Recruitment staffing regardless of the consistent turnover in HR leadership. There have been occasions when there has been a surge in recruitment activity which have delayed candidate lists to department. HR has in the past and currently adjusts staffing to address processing of recruitment activity. HR conducts new employee orientation every

two weeks to onboard staff to the County. Departments, not HR, are responsible for onboarding of staff in their respective departments.

- F25. The County as an employer has suffered due to the workplace culture, which makes the County less attractive to potential applicants.

Partially disagree

The County's workplace culture varies by department and a challenging workplace culture is not consistent throughout the County. The County recognizes there are some departments with challenging workplace cultures due to varied reasons such as vacant management and leadership positions, lack of trained supervisors and managers, lack of accountability, and challenges in filling vacant positions. Depending upon the current or previous department employee the potential applicants talk to, the applicant could be influenced equally as to whether they apply for County employment in certain departments due to concerns of workplace culture.

Response to Recommendations:

The Mendocino Civil GJ recommends that the BOS and CEO:

- R1. Explore ways to encourage longer tenure for the HR Director role, such as including a bonus clause in the contract for a time commitment, or other incentives to stay. (F1, F2, F3, F4, F5, F6)

Will not be implemented

Not warranted. The County is operating under a different model of HR leadership with HR Director duties performed by Deputy CEO and an Assistant HR Director responsible for HR operations.

- R2. Prioritize hiring an HR Director, and target hiring by the end of 2023. Candidates must have HR specific education and qualifications, and either HR Director or significant HR Department experience (preferably for a county or municipality). Job posting should be live by September 30, 2023. Use all resources including recruitment agencies to get qualified candidates. (F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16, F17, F18, F19, F20, F21, F22, F23, F24, F25)

Will not be implemented

Not warranted. The County is operating under a different model of HR leadership with HR Director duties performed by Deputy CEO and an Assistant HR Director responsible for HR operations.

The Mendocino Civil Grand Jury recommends that the CEO and BOS work with and support the Deputy CEO/interim HR Director, incoming HR Director, and HR staff to:

Improve the performance management process to address workplace culture issues, improve accountability, and grow and support employees. Specifically:

- R3. Reinforce that assessments are mandatory for all employees, all levels, even step 5. Assessments should be audited and tracked by HR across the organization to ensure all are completed. This should be completed by EOY 2023. (F9, F10)

Requires further analysis

Determine if the current Munis system is capable of tracking assessments and audits by 10/31/23.

- R4. Direct the department heads (for department level) and HR (at County level) to perform oversight/audit of performance assessments to ensure consistent, equitable, and standardized assessments across workgroups, and to assess and develop managers' performance assessment skills. This should be conducted annually beginning EOY 2023. (F8, F11, F12)

Implement in future

Depends upon R3 completion, by 11/30/23.

- R5. Implement 180-degree assessments and employee assessments of their supervisors within 12 months of the new HR Director's hire date. (F12)

Implement in future

Determined new HR model of operations 6/1/23, implement 180-degree assessments by 5/1/24.

- R6. Write procedural guidelines describing the updated Performance Management policy, including the recommended changes to the assessment process, as well as guidelines on implementing formal goal-setting and ongoing coaching check-ins during the year. Complete within 12 months of hiring an HR Director. (F7, F8, F11, F12)

Implement in future

Due to new HR model of operations 6/1/23, implement updated Performance Management policy and procedural guidelines by 4/1/24.

- R7. Update the performance assessment form before EOY 2023 to include open text boxes under appropriate ratings to require supporting details, relevant qualitative feedback, and examples that justify the rating for all employees. (F7)

Implement in future

By 12/15/23.

- R8. Update the performance assessment form before EOY 2023 to include additional sections where managers can list the goals and expectations of the past year

that the employee is being assessed against, a summary and assessment of their completed work, the short and long-term objectives, and steps for improvement when necessary. (F7, F11, F12)

Implement in future

By 12/15/23.

- R9. Develop follow-up training on effective performance management for all employees (manager and frontline). This training should take the basics learned in the current Vector Solutions training and connect them to each employee's particular workplace and the County's specific PM process. Training development should begin by EOY 2023 and should be implemented in 2024. (F11)

Implement in future

Begin training development by 12/1/23.

- R10. Develop a formal process for managers to implement and track ongoing coaching sessions with their direct reports within six months of the HR Director's hire date. (F11, F12)

Implement in future

Determined new HR model of operations 6/1/23, implement coaching sessions tracking by 12/1/23.

Address workplace culture issues to cultivate a positive working environment and reduce attrition. Specifically:

- R11. Look into the feasibility of creating an Ombuds program or similar by March 2024. Responsibilities of the Ombuds would initially include training of all management staff on the process of appropriate handling of reported issues, underlining program principles of impartiality, confidentiality, independence, and informality to build trust that those raising concerns are legally protected. (F13, F14, F15, F16, F17, F18)

Implement in future

Look into Ombuds program feasibility by 11/1/23.

- R12. Authorize formal Ombuds training/certification (such as International Ombuds Association) for Ombuds at minimum, immediately following the creation of the Ombuds program. Ombuds may then train any other staff responsible for accepting or working on employee reports. (F13, F14, F15, F16, F17, F18)

Requires further analysis

Dependent upon determination of R11.

- R13. Communicate Ombuds program to all County employees underlining program

principles of impartiality, confidentiality, independence, and informality to build trust that anyone raising concerns is legally protected. Complete within three months of program creation. (F13, F14, F15, F16, F17, F18)

Requires further analysis

Dependent upon determination of R11.

- R14. Direct the Ombuds to track and trend reported issues and report to leadership every six months to identify issues that may be becoming widespread. (F13, F14, F15, F16, F17, F18)

Requires further analysis

Dependent upon determination of R11.

- R15. Direct the Ombuds to document results of investigations of reported issues, as well as any action taken to address the issue. Ombuds and their leadership should regularly review and ensure that corrective actions taken are appropriate in scale and effectively remedy the issue. (F13, F14, F15, F16, F17, F18)

Requires further analysis

Dependent upon determination of R11.

- R16. Communicate in 2023, and annually thereafter, with all employees to improve the awareness and understanding of the current discrimination and harassment policy and reporting options. (F15)

Implement in future

Implement communication by 10/1/23.

Address staffing issues by reducing the time from application submission to hire notification, and the total time from job requisition approval to hire. Specifically:

- R17. Set timeline expectations and track the hiring timeline with a standardized report from year to year, and report on them at department level and to the HR Director. Key metrics should include:
- Time elapsed between when job was requested by department and approved, and when job was posted for hire
 - Time elapsed between when listing is posted and when list of approved applicants is given to hiring manager
 - Time elapsed between when the hiring manager receives a list of eligible applicants and when job offer is extended

(F19, F20, F21, F22)

Has been implemented

Annual reporting has been implemented with the exception of when the job offer is extended due to current system capabilities.

- R18. Provide training for department hiring managers on effective and timely hiring and interviewing to reduce the time required to interview qualified candidates. (F21, F22)

Implement in future

Provide training by 3/1/24.

- R19. Follow-up with hiring managers if interviews have not been completed within the expected timeline of receiving the list of qualified candidates. If hiring managers fail to conduct interviews in a timely way, HR should escalate to department heads. (F21, F22)

Has been implemented

Standard process is to reach out to the department employee resources liaisons.

- R20. Collect data on why applicants decline job offers. This data should be reported to the HR Director every six months. If there is a trend in reasons for declining, this must be reported to the BOS and to the CEO. (F21, F22, F25)

Requires further analysis

Assess ability to collect data by 12/31/23.

- R21. Assign a relocation support person for new employees within six months of publication of this report. Similar to a “concierge” type concept, they will help new employees adapt to, get connected with, and settled into our County. (F23, F24)

Will not be implemented

Not reasonable. Professional assistance is available through realtors, Chamber of Commerce, online sources such as Visit Mendocino and Visit Ukiah.

- R22. Reestablish the collapsed MCELT Recruitment and Retention team to review the prior team notes and progress, add their own recommendations, and combine those with the GJ’s recommendations to determine how best to enact the recommendations they select. Reform the team by October of 2023. (F19, F20, F21, F22, F23, F24, F25)

Will not be implemented

Not warranted. Retention is incorporated in the MCELT Engagement team. For recruitment, an HR-led cross-departmental team is more appropriate.

- R23. Identify positions that are particularly difficult to find applicants for due to widespread state and national shortages (such as Social Services), and research ways to support local training and certification at both high school and college

level, as well as with the Mendocino County Office of Education's Institute of Career Education. (F19, F20, F23)

Requires further analysis

Research for local training and certification by 12/15/23.

- R24. Track vital staffing statistics such as job vacancy rates and turnover rates in the County and include those statistics in the public CEO report. (F19, F20, F21, F22, F23)

Has been implemented

Scheduled reporting to be included in CEO reports.