

FILED

JUL 2 - 2009

SUPERIOR COURT OF CALIFORNIA
COUNTY OF TRINITY
BY: DONNA HANOVER, DEPUTY CLERK

DH

**TRINITY COUNTY GRAND JURY
2008-2009**

**DEVELOPMENT AND ENVIRONMENT COMMITTEE
FINAL REPORT**

TRINITY COUNTY BUILDING DEPARTMENT

**This Report Was Approved
On June 1, 2009**

**2008-2009 TRINITY COUNTY GRAND JURY
DEVELOPMENT AND ENVIRONMENT COMMITTEE
FINAL REPORT**

TRINITY COUNTY BUILDING DEPARTMENT

PURPOSE:

The Trinity County Grand Jury is charged each year with reviewing fiscal activities and operations of entities under its authorized purview to assure that residents are being well served.

BACKGROUND:

The 2008-2009 Grand Jury received and accepted a complaint that contained multiple charges against the county administration with regards to the Building, Planning, and Airport departments now currently organized under the Transportation department.

There were 5 main issues listed in the complaint:

- (1) Layoff of Building Department employee due to other than pure "reduction in force" reasons
- (2) A hostile workplace environment existed in the Building Department
- (3) A reorganization of the Building, Planning, and Airport Departments that was done by the Board of Supervisors (BOS) was done poorly
- (4) There were misuses of county funds in the Building Department
- (5) There are no current organizational charts available for the county

The 2008-2009 Grand Jury concluded that there was merit to the complaint and assigned the Development and Environment Committee (D/E) to investigate. It was realized by the entire Grand Jury from the onset of the investigation that the complaint encompassed issues that would fall outside of the typical concerns of the D/E committee. It was decided by the entire Grand Jury that the committee would investigate and report on all issues contained within the complaint.

The committee found that review of county employee performance and proper feedback was often not occurring in a timely and complete manner. Although it was not part of the original complaint, the employee annual review process became part of this investigation.

METHOD OF INVESTIGATION:

The Development and Environment Committee requested and received documents relating to the complaint that included:

1. Trinity County Policy and Procedures Manual
2. County records relating to specific personnel
3. DVD-based recordings of Board of Supervisor meetings
4. Updated organizational chart of county administration
5. County codes
6. A specific investigative report of a county employee

Interviews were conducted with county employees, departmental managers, former county employees, and a current member of the Board of Supervisors.

FINDING #1 – Reduction in Force

The investigation determined that a position had been eliminated from the Building Department due to budgetary deficiencies. The reduction in force had been accomplished using reasonable management practices and was performed using established county guidelines.

Recommendation #1

None

FINDING #2 - Building Department Director

The committee's investigation determined that the previous Director of the Building Department created a hostile workplace. He is no longer in the Director position. It appears that his current job will be eliminated due to budget cutbacks and seniority.

Recommendation #2

It is recommended that this former director should not be considered for rehire in any position by Trinity County in the future.

Finding #3 – County Reorganization of Departments

The D/E Committee looked at the reorganization of the Planning, Building, and Airport departments within the county that took place in the spring/summer of 2008.

Considering the budgetary constraints the county was facing, this investigation found that the reorganization was done appropriately. The reorganization has

saved the county money and had to be done in a timely manner. During the investigations, however, it was found that some departments that have to work together closely were spread out over several buildings making communication more difficult.

Recommendation #3

The committee understands that the reorganization will continue to be modified as needed. Functions of the Building, Planning, Long Range Planning and Environmental Health Departments need improved communications to assure smooth development in the county.

FINDING #4 – Misuse of Funds

It was determined that due to expediency, a decision was made to allow a vendor to remove scrap material without an attempt to recover some value from that material. Although the action was outside of normal county procedures, there was no intention of fraud.

Recommendation #4

None

FINDING #5 – Unavailability of County Organizational Chart

The committee's investigation determined that due to reorganization efforts occurring over the past two years, there have been periods of time when up-to-date organizational charts have not been available. Now that the reorganization has settled, there is an up-to-date chart available.

Recommendation #5

None

Finding #6 – County Employee Complaint Processes

The county was slow to respond to an employee complaint about the hostile workplace. Verbal complaints were poorly handled and were dealt with inadequately. There was no adequate paper trail and issues were not handled in a timely manner.

The committee determined that the process has some complexity due to defined different handling for each type of employee complaint. There is no central repository for complaints, and, therefore, complaints can get mishandled or lost. There is no defined function within the county that is responsible for the handling and final resolution of an employee complaint.

The committee found an example of a hostile work environment being allowed to exist where employees feared for their jobs, a complaint was mishandled, and the hostile environment was allowed to continue. Employees were reluctant to further pursue having the problem investigated for concern of their own employment status or believing that it was not their problem but some other department's problem.

The committee found that besides internal department complaint systems, there are three major complaint categories that are detailed in the Trinity County Employee Handbook. This document is received by every new county employee and is reviewed by every employee each year as part of a mandatory meeting.

The three major complaint categories are:

1. Sexual harassment (Sexual Harassment Policy)
2. Hostile workplace (Workplace Violence Policy)
3. Unethical/illegal behavior (Policy Statement: Report of Unethical or Illegal Activity)

County policy allows for the complaint to be handled on an informal basis upon verbal permission of the complainant.

Recommendation #6

A form for sexual harassment should be defined and made part of the employee handbook.

The complaint forms should be reviewed for reasonable content of the format and information and reissued as revisions. The form should include details of where the employee complaint should be sent.

The handling process for each type of complaint should be detailed in the employee handbook so that an employee can set his/her expectations as to when a complaint will be handled.

Copies of the three complaint forms should be made readily available to all employees at their work locations.

Supervisors should advise any employee with a complaint to put it in writing or no action can be made. The employee should be provided with the appropriate form, or alternatively, the manager or fellow employee can assist in completing the complaint form.

All complaints should be sent to the Personnel Department. The Personnel Department should register the complaint into a central database or ledger. A

hard or electronic copy of the complaint should be filed. Depending on the type of complaint, the Personnel Department should enlist the assistance of the appropriate authority to investigate the complaint. The Personnel Department is responsible for timely handling of every complaint.

The County Administrative Officer (CAO) should report statistics to the Board of Supervisors on a monthly basis with regard to new complaints, open previously reported complaints, and closed complaints by type of complaint and by department. Investigations of open complaints that are late in resolution must be highlighted to the board. The BOS can determine if it needs further information in closed session for any employee complaints.

Annual employee retraining should include discussion highlighting the point that all employees are responsible for the county's entire work environment – not just their department or location. The Workplace Violence Policy training should emphasize that it covers a hostile work environment where no physical violence has occurred, but verbal abuse and threatening physical gestures and postures have occurred.

FINDING #7 – Annual Review Due Dates

This committee determined that the personnel officer is not aware of missing or late annual reviews.

RECOMMENDATION #7:

The personnel officer must provide tracking for all county employees with respect to their annual review due dates.

FINDING # 8 – Annual Review Content

The content of the annual review meeting with the employee is not specified for managers. The performance appraisal portion of the meeting is standardized by nature of the form used, but there is no requirement to review the employee's pay grade, pay status, and future outlook for pay increases.

RECOMMENDATION #8

A salary review should be part of the review meeting. An employee's pay status, and future pay increase must be reviewed verbally and discussed.

FINDING # 9 – Annual Review Completion:

This committee found that successful and timely completion of annual reviews is explicitly required for managers. Employee annual performance appraisals are not necessarily reviewed for appropriateness and informational value. One set of

appraisals for an employee was observed to have not been changed in content for three years in a row.

RECOMMENDATION #9:

Upper management must review written employee performance appraisals written by subordinate managers. The CAO is ultimately responsible for all employees' annual reviews being performed in a timely manner and that the written performance appraisals are of a quality that provides valuable feedback to the employee.

FINDING # 10 – Employee Job Enhancement:

This committee found that employees are not afforded the knowledge and experience of the involved manager with regards to future job enhancement through change in job area, outside education, or county-supplied training.

RECOMMENDATION #10:

The written performance appraisal should include an area for the reviewing manager to make recommendations for future enhancement of the employee's career.

FINDING # 11 – Annual Reviews – Manager Training:

Since the annual reviews are a product of the manager and qualitatively reflect that manager's ability and training, manager training on providing quality annual reviews is required in the current county administrative environment. It was not found to be part of the required manager training at this time.

RECOMMENDATION #11:

Managers should have a required periodic training session on providing quality annual reviews for employees. The training material should meet specific county requirements.

CONCLUSION:

Most remedies for the observed situations are part of existing county policies and procedures. County administration needs to update policies regarding employee complaint and reviews and to provide more specific required training for managers on policies and procedures. Policies and procedures currently on the books need to be followed consistently.

RESPONSES REQUIRED:


<u>Entity</u>	<u>Finding/Recommendation</u>	<u>Respond in</u>
Board of Supervisors	2, 3, 6, 7, 8, 9, 10, 11	90 days
Building Department	2, 3	60 days
Personnel Department	2, 6, 7, 8, 9, 10, 11	60 days
CAO	2, 3, 6, 7, 8, 9, 10, 11	60 days



TRINITY COUNTY
Office of the County Administrator
DERO B. FORSLUND
County Administrative Officer
P.O. BOX 1613, WEAVERVILLE, CALIFORNIA 96093-1613
PHONE (530) 623-1382 FAX (530) 623-8365

RECEIVED
SEP 21 2009
TRINITY COUNTY
SUPERIOR COURT

TO: The Honorable James Woodward,
Presiding Judge of the Superior Court

FROM: Dero B. Forslund, CAO 

SUBJECT: Response to Recommendations of 2008-09
Grand Jury Development and Environment Committee Final Report
Re: Trinity County Building Department

DATE: 09/18/2009

The Grand Jury Development and Environment Committee has requested a written response to their final report on the Trinity County Building Department. In my capacity as County Administrative Officer, my response is as follows:

Finding #1: The investigation determined that a position had been eliminated from the Building Department due to budgetary deficiencies. The reduction in force had been accomplished using reasonable management practices and was performed using established county guidelines

Response: We agree

Recommendation #1: None

Response: None Required

Finding #2: The committee's investigation determined that the previous Director of the Building Department created a hostile workplace. He is no longer in the Director position. It appears that his current job will be eliminated due to budget cutbacks and seniority.

Response: We disagree with the finding. No determination of a hostile workplace has been made.

Recommendation #2: It is recommended that this former director should not be considered for rehire in any position by Trinity County in the future.

Response: The former director has retired from County service.

Finding #3: The D/E Committee looked at the reorganization of the Planning, Building, and Airport departments within the county that took place in the spring/summer of 2008.

Considering the budgetary constraints the county was facing, this investigation found that the reorganization was done appropriately. The reorganization has saved the county money and had to be done in a timely manner. During the investigations, however, it was found that some departments that have to work together closely were spread out over several buildings making communication more difficult.

Response: We Agree

Recommendation #3: The committee understands that the reorganization will continue to be modified as needed. Functions of the Building, Planning, Long Range Planning and Environmental Health Departments need improved communications to assure smooth development in the county.

Response: Reorganization will continue as some levels. Communication between smaller departments is critical. Infrastructure changes are being initiated that will aid in that communication

Finding #4: It was determined that due to expediency, a decision was made to allow a vendor to remove scrap material without an attempt to recover some value from that material. Although the action was outside of normal county procedures, there was no intention of fraud.

Response: We agree

Recommendation #4: None

Response: None required

Finding #5: The committee's investigation determined that due to reorganization efforts occurring over the past two years, there have been periods of time when up-to-date organizational charts have not been available. Now that the reorganization has settled, there is an up-to-date chart available.

Response: We agree

Recommendation #5: None

Response: None required

Finding #6: The County was slow to respond to an employee complaint about the hostile workplace. Verbal complaints were poorly handled and were dealt with inadequately. There was no adequate paper trail and issues were not handled in a timely manner.

The committee determined that the process has some complexity due to defined different handling for each type of employee complaint. There is no central repository for complaints, and, therefore, complaints can get mishandled or lost. There is no defined function within the county that is responsible for the handling and final resolution of an employee complaint.

The committee found an example of a hostile work environment being allowed to exist where employees feared for their jobs, a complaint was mishandled, and the hostile environment was allowed to continue. Employees were reluctant to further pursue having the problem investigated for concern of their own employment status or believing that it was not their problem but some other department's problem.

The committee found that besides internal department complaint systems, there are three major complaint categories that are detailed in the Trinity County Employee Handbook. This document is received by every new county employee and is reviewed by every employee each year as part of a mandatory meeting.

The three major complaint categories are:

1. Sexual harassment (Sexual Harassment Policy)
2. Hostile workplace (Workplace Violence Policy)
3. Unethical/illegal behavior (Policy Statement: Report of Unethical or Illegal Activity)

County policy allows for the complaint to be handled on an informal basis upon verbal permission of the complainant.

Response: We agree in part and disagree in part. While complaints were not always handled consistently, the complaint process was open and action was taken on the complaints. Again we do not concur that there has been any finding of a hostile work place.

Recommendation #6: A form for sexual harassment should be defined and made part of the employee handbook.

The complaint forms should be reviewed for reasonable content of the format and information and reissued as revisions. The form should include details of where the employee complaint should be sent.

The handling process for each type of complaint should be detailed in the employee handbook so that an employee can set his/her expectations as to when a complaint will be handled.

Copies of the three complaint forms should be made readily available to all employees at their work locations.

Supervisors should advise any employee with a complaint to put it in writing or no action can be made. The employee should be provided with the appropriate form, or alternatively, the manager or fellow employee can assist in completing the complaint form.

All complaints should be sent to the Personnel Department. The Personnel Department should register the complaint into a central database or ledger. A hard or electronic copy of the complaint should be filed. Depending on the type of complaint, the Personnel Department should enlist the assistance of the appropriate authority to investigate the complaint. The Personnel Department is responsible for timely handling of every complaint.

The County Administrative Officer (CAO) should report statistics to the Board of Supervisors on a monthly basis with regard to new complaints, open previously reported complaints, and closed complaints by type of complaint and by department. Investigations of open complaints that are late in resolution must be highlighted to the board. The BOS can determine if it needs further information in closed session for any employee complaints.

Annual employee retraining should include discussion highlighting the point that all employees are responsible for the county's entire work environment – not just their department or location. The Workplace Violence Policy training should emphasize that it covers a hostile work environment where no physical violence has occurred, but verbal abuse and threatening physical gestures and postures have occurred.

Response: The recommendation will be implemented with the change that all complaints will be directed to Administration for action and tracking.

Finding #7: This committee determined that the personnel officer is not aware of missing or late annual reviews.

Response: We agree

Recommendation #7: The personnel officer must provide tracking for all county employees with respect to their annual review due dates.

Response: The recommendation will be implemented. Software has been installed to accomplish the recommendation.

Finding #8: The content of the annual review meeting with the employee is not specified for managers. The performance appraisal portion of the meeting is standardized by nature of the form used, but there is no requirement to review the employee's pay grade, pay status, and future outlook for pay increases.

Response: We do not agree with the finding. One of the main reasons for the performance evaluation is review pay grades and is a requirement when employees have increases in pay grade and status. Future growth is a part of each evaluation.

Recommendation #8: A salary review should be part of the review meeting. An employee's pay status, and future pay increase must be reviewed verbally and discussed.

Response: The recommendation is in place

Finding #9: This committee found that successful and timely completion of annual reviews is explicitly required for managers. Employee annual performance appraisals are not necessarily reviewed for appropriateness and informational value. One set of appraisals for an employee was observed to have not been changed in content for three years in a row.

Response: We agree

Recommendation #9: Upper management must review written employee performance appraisals written by subordinate managers. The CAO is ultimately responsible for all employees' annual reviews being performed in a timely manner and that the written performance appraisals are of a quality that provides valuable feedback to the employee.

Response: Is being implemented. As part of upper level management the CAO reviews the performance appraisals of that manager's staff.

Finding #10 This committee found that employees are not afforded the knowledge and experience of the involved manager with regards to future job enhancement through change in job area, outside education, or county-supplied training.

Response: We disagree, part of the employee evaluation process is a review of the opportunities for advancement and training.

Recommendation #10: The written performance appraisal should include an area for the reviewing manager to make recommendations for future enhancement of the employee's career.

Response: The evaluation form includes a section to review possible future enhancement of the employee's career.

Finding #11: Since the annual reviews are a product of the manager and qualitatively reflect that manager's ability and training, manager training on providing quality annual reviews is required in the current county administrative environment. It was not found to be part of the required manager training at this time.

Response: We agree that there should be more training for managers in how to properly perform the employee evaluation.

Recommendation #11: Managers should have a required periodic training session on providing quality annual reviews for employees. The training material should meet specific county requirements.

Response: Recommendation will be implemented. Plans are being prepared to provide the suggested training.



TRINITY COUNTY
Office of the County Administrator

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RECEIVED

APR 20 2010

**TRINITY COUNTY
SUPERIOR COURT**

Date: March 30, 2010
To: The Honorable Anthony Edwards, Presiding Judge of the Superior Court
From: Dero Forslund, County Administrative Officer
Subject: Supplemental response to Recommendations of 2008-09 Grand Jury
Development and Environment Committee Final Report

Finding # 2: The committee's investigation determined that the previous Director of the Building Department created a hostile workplace. He is no longer in the Director position. It appears that his current job will be eliminated due to budget cutbacks and seniority'

Response: Investigations completed by the County Administration did not come to the same finding as the Grand Jury and actions were taken based on the County's findings once investigations were complete. Reorganization did take place and the position of Director of the Building Department was assigned to the Director of Transportation.

Finding #3: The D/E Committee looked at the reorganization of the Planning, Building, and Airport departments within the county that took place in the spring/summer of 2008. Considering the budgetary constraints the county was facing, this investigation found that the reorganization was done appropriately. The reorganization has saved the county money and had to be done in a timely manner. During the investigations, however, it was found that some departments that have to work together closely were spread out over several building making communications more difficult.

Response: We agree that the reorganization was necessary and effective. Communications between many of the County functions has been an important consideration for administration. Upgraded communication between all of the departments will be greatly improved when network connections between the various County offices has been converted to fiber optic connectivity. It is expected that most of this work will be completed in the summer of 2010.

Finding #6 — County Employee Complaint Processes

The county was slow to respond to an employee complaint about the hostile workplace. Verbal complaints were poorly handled and were dealt with inadequately. There was no adequate paper trail and issues were not handled in a timely manner.

The committee determined that the process has some complexity due to defined different handling for each

type of employee complaint. There is no central repository for complaints, and, therefore, complaints can get mishandled or lost. There is no defined function within the county that is responsible for the handling and final resolution of an employee complaint.

The committee found an example of a hostile work environment being allowed to exist where employees feared for their jobs, a complaint was mishandled, and the hostile environment was allowed to continue. Employees were reluctant to further pursue having the problem investigated for concern of their own employment status or believing that it was not their problem but some other department's problem.

The committee found that besides internal department complaint systems, there are three major complaint categories that are detailed in the Trinity County Employee Handbook. This document is received by every new county employee and is reviewed by every employee each year as part of a mandatory meeting.

The three major complaint categories are:

1. Sexual harassment (Sexual Harassment Policy)
2. Hostile workplace (Workplace Violence Policy)
3. Unethical/illegal behavior (Policy Statement: Report of Unethical or Illegal Activity)

County policy allows for the complaint to be handled on an informal basis upon verbal permission of the complainant.

Response: We disagree with the determination that the County did not act in a timely manner. The County contracted with an investigator who completed interviews with the employees and provided findings to the Board regarding the investigation. The County took action based on the information provided through the investigation by the outside investigator and consultation with counsel.

We agree that there is complexity in the different types of employee complaints but do not agree that there is no defined function within the county that is responsible for the handling and final resolution of an employee complaint. That function lies with the County Administrative Officer.

We do not agree that the County allowed a hostile work environment to exist. Employee complaints were investigated by the County which did not find that a hostile work place environment existed. The results of the investigation were reviewed by the Board and Counsel. The County took action based in its review.

We agree with the finding that there are three major complaint categories as described in the Employee handbook.

Recommendation #6

A form for sexual harassment should be defined and made part of the employee handbook.

Response: The Employee handbook contains Policy Statement #1-89 Re: Sexual Harassment. The handbook is reviewed annually in employee orientation sessions.

The complaint forms should be reviewed for reasonable content of the format and information and reissued as revisions. The form should include details of where the employee complaint should be sent.

Response: Employee complaint forms will be reviewed during fiscal year 2009-2010 to determine that they are current as to County policy and State law. County policy

The handling process for each type of complaint should be detailed in the employee handbook so that an employee can set his/her expectations as to when a complaint will be handled.

Response: We agree. A review of the employee handbook will be completed in fiscal 2009-2010 to include additional information as to expectations of an employee as to when a complaint will be handled.

Copies of the three complaint forms should be made readily available to all employees at their work locations.

Response: We agree. Employee complaint forms will be distributed to all employee work locations in the current fiscal year.

Supervisors should advise any employee with a complaint to put it in writing or no action can be made. The employee should be provided with the appropriate form, or alternatively, the manager or fellow employee can assist in completing the complaint form.

Response: We do not agree that a complaint be required to be in writing. We feel this would limit the employee's access to the complaint process. However, we do agree that once a complaint is made that it should be written up in a formal manner, if not by the employee making the complaint then by the manager who has received the complaint, to allow for tracking and follow up by administration.

All complaints should be sent to the Personnel Department. The Personnel Department should register the complaint into a central database or ledger. A hard or electronic copy of the complaint should be filed. Depending on the type of complaint, the Personnel Department should enlist the assistance of the appropriate authority to investigate the complaint. The Personnel Department is responsible for timely handling of every complaint.

Response: We agree that all complaints should be tracked by the Personnel Department. However, all complaints should be handled at the Administrative level and the County Administrator should be responsible for the timely handling of every complaint. Currently each complaint is reviewed by the County Administrative Officer, Personnel and the Department Head of the employee making the complaint.

The County Administrative Officer (CAO) should report statistics to the Board of Supervisors on a monthly basis with regard to new complaints, open previously reported complaints, and closed complaints by type of complaint and by department. Investigations of open complaints that are late in resolution must be highlighted to the board. The BOS can determine if it needs further information in closed session for any employee complaints.

Response: We agree that the Board must be kept current on the status of complaints. The recommendation will be forwarded to County Counsel for an opinion as to how complaints can be handled in open session and closed session unless disciplinary action is required

Annual employee retraining should include discussion highlighting the point that all employees are responsible for the county's entire work environment — not just their department or location. The Workplace Violence Policy training should emphasize that it covers a hostile work environment where no physical violence has occurred, but verbal abuse and threatening physical gestures and postures have occurred.

Response: We agree. The County Workplace Violence Prevention Policy references “any intimidating behavior perceived as a threat, including, but not limited to, yelling, shouting,

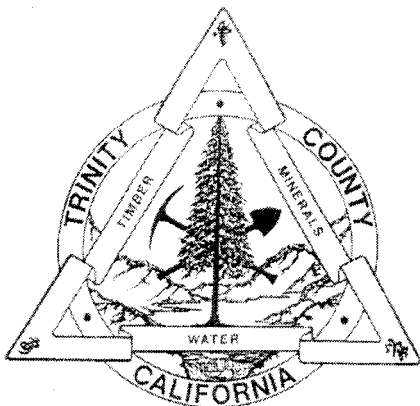
swearing in anger, throwing things or slamming doors”. This policy is review with each employee annually.

Finding #8: The content of the annual review meeting with the employee is not specified for managers. The performance appraisal portion of the meeting is standardized by nature of the form used, but there is no requirement to review the employee’s pay grad, pay status, and future outlook for pay increases.

Response: We disagree. The annual performance evaluation is specifically to determine if an employee has meet the standards to receive the next step increase as called for in the salary schedules. The action to approve or deny a step increase in included on the form and the employee is required to sign the form right below that action item. In addition the section on Development Plan or Corrective Action Plan is used to describe the objectives, education, training, and other assistance planned during the next evaluation period. When an employee is eligible for a step increase as called for in the salary schedules a performance evaluation must be completed with both the employee, evaluator and department head signing the evaluation form. The application of the pay grades described in the salary schedules in included in the County information booklet which is review annually with each employee.22

Finding #10: This committee found that employees are not afforded the knowledge and experience of the involved manager with regards to future job enhancement through change in job area, outside education, or county-supplied training.

Response: We disagree. Section VI. DEVELOPMENT PLAN or CORRECTIVE ACTION PLAN Describe objectives, education, training and other assistance planned during the next evaluation period. (If overall evaluation is “Needs improvement” a Corrective Action Plan is mandatory) is specifically to provide the exact information the finding is requesting.



TRINITY COUNTY

Board of Supervisors

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RECEIVED

OCT 16 2009

**TRINITY COUNTY
SUPERIOR COURT**

TO: The Honorable James Woodward,
Presiding Judge of the Superior Court

FROM: Trinity County Board of Supervisors *Wendy Reiss*

SUBJECT: Response to Recommendations of 2008-09
Grand Jury Development and Environmental Committee Final Report
Re: Trinity County Building Department

DATE: October 6, 2009

The Grand Jury Development and Environmental Committee has requested a written response to their final report on the Trinity County Building Department. The Board of Supervisors' response is as follows:

Finding #1: Reduction in Force

The investigation determined that a position had been eliminated from the Building Department due to budgetary deficiencies. The reduction in force had been accomplished using reasonable management practices and was performed using established county guidelines.

Response: The Board of Supervisors agrees with the finding.

Recommendation #1: None

Response: None required

Finding #2 - Building Department Director

The committee's investigation determined that the previous Director of the Building Department created a hostile workplace. He is no longer in the Director position. It appears that his current job will be eliminated due to budget cutbacks and seniority.

Response #2: The Board of Supervisors disagrees with part of the finding. No determination of a hostile workplace has been made.

JUDY PFLUEGER
DISTRICT 1

JUDY MORRIS
DISTRICT 2

ROGER JAEGEL
DISTRICT 3

HOWARD FREEMAN
DISTRICT 4

WENDY REISS
DISTRICT 5

Recommendation #2

It is recommended that this former director should not be considered for rehire in any position by Trinity County in the future.

Response: The former Director has retired from County employment, therefore no further action is necessary.

Finding #3 – County Reorganization of Departments

The D/E Committee looked at the reorganization of the Planning, Building, and Airport departments within the county that took place in the spring/summer of 2008.

Considering the budgetary constraints the county was facing, this investigation found that the reorganization was done appropriately. The reorganization has saved the county money and had to be done in a timely manner. During the investigations, however, it was found that some departments that have to work together closely were spread out over several buildings making communication more difficult.

Response # 3: The Board of Supervisors agrees with the finding.

Recommendation #3

The committee understands that the reorganization will continue to be modified as needed. Functions of the Building, Planning, Long Range Planning and Environmental Health Departments need improved communications to assure smooth development in the county.

Response: Modifications to reorganizing the County departments will continue when and where appropriate. The Board of Supervisors is supportive of infrastructure changes that are being put into place to facilitate better communications between departments.

FINDING #4 – Misuse of Funds

It was determined that due to expediency; a decision was made to allow a vendor to remove scrap material without an attempt to recover some value from that material. Although the action was outside of normal county procedures, there was no intention of fraud.

Response: The Board of Supervisors agrees with the finding.

Recommendation #4

None

Response #4: None

FINDING #5 – Unavailability of County Organizational Chart

The committee's investigation determined that due to reorganization efforts occurring over the past two years, there have been periods of time when up-to-date organizational charts have not been available. Now that the reorganization has settled, there is an up-to-date chart available.

Response # 5: The Board of Supervisors agrees with the finding.

Recommendation #5

None

Response: None

Finding #6 – County Employee Complaint Processes

The county was slow to respond to an employee complaint about the hostile workplace. Verbal complaints were poorly handled and were dealt with inadequately. There was no adequate paper trail and issues were not handled in a timely manner.

The committee determined that the process has some complexity due to defined different handling for each type of employee complaint. There is no central repository for complaints, and, therefore, complaints can get mishandled or lost. There is no defined function within the county that is responsible for the handling and final resolution of an employee complaint.

The committee found an example of a hostile work environment being allowed to exist where employees feared for their jobs, a complaint was mishandled, and the hostile environment was allowed to continue. Employees were reluctant to further pursue having the problem investigated for concern of their own employment status or believing that it was not their problem but some other department's problem.

The committee found that besides internal department complaint systems, there are three major complaint categories that are detailed in the Trinity County Employee Handbook. This document is received by every new county employee and is reviewed by every employee each year as part of a mandatory meeting.

The three major complaint categories are:

1. Sexual harassment (Sexual Harassment Policy)
2. Hostile workplace (Workplace Violence Policy)
3. Unethical/illegal behavior (Policy Statement: Report of Unethical or Illegal Activity)

County policy allows for the complaint to be handled on an informal basis upon verbal permission of the complainant.

Response #6: The Board of Supervisors agrees with part of the finding and disagrees with part of the finding. The complaint process was open and action was taken on the complaints, however, the complaints were not always handled consistently. The Board of Supervisors does not concur with the finding as it relates to a hostile work place.

Recommendation #6

A form for sexual harassment should be defined and made part of the employee handbook.

The complaint forms should be reviewed for reasonable content of the format and information and reissued as revisions. The form should include details of where the employee complaint should be sent.

The handling process for each type of complaint should be detailed in the employee handbook so that an employee can set his/her expectations as to when a complaint will be handled.

Copies of the three complaint forms should be made readily available to all employees at their work locations.

Supervisors should advise any employee with a complaint to put it in writing or no action can be made. The employee should be provided with the appropriate form, or alternatively, the manager or fellow employee can assist in completing the complaint form.

All complaints should be sent to the Personnel Department. The Personnel Department should register the complaint into a central database or ledger. A hard or electronic copy of the complaint should be filed. Depending on the type of complaint, the Personnel Department should enlist the assistance of the appropriate authority to investigate the complaint. The Personnel Department is responsible for timely handling of every complaint.

The County Administrative Officer (CAO) should report statistics to the Board of Supervisors on a monthly basis with regard to new complaints, open previously reported complaints, and closed complaints by type of complaint and by department. Investigations of open complaints that are late in resolution must be highlighted to the board. The BOS can determine if it needs further information in closed session for any employee complaints.

Annual employee retraining should include discussion highlighting the point that all employees are responsible for the county's entire work environment – not just their department or location. The Workplace Violence Policy training should emphasize that it covers a hostile work environment where no physical violence has occurred, but verbal abuse and threatening physical gestures and postures have occurred.

Response: The Board of Supervisors have been made aware that recommendation #6 will be implemented and all complaints will be directed to Administration for action and tracking.

FINDING #7 – Annual Review Due Dates

This committee determined that the personnel officer is not aware of missing or late annual reviews.

Response # 7: The Board of Supervisors agrees with the finding, while recognizing that funding issues are such that the Personnel Department is severely understaffed, which impacts the amount and level of work that is produced from the department.

RECOMMENDATION #7:

The personnel officer must provide tracking for all county employees with respect to their annual review due dates.

Response: The Board of Supervisors is aware that the software necessary to implement the recommendation has been installed in the Personnel department. We repeat our statement from the response to finding #7: The Board of Supervisors recognizes that funding issues are such that the Personnel Department is severely understaffed, which impacts the amount and level of work that is produced from the department.

FINDING # 8 – Annual Review Content

The content of the annual review meeting with the employee is not specified for managers. The performance appraisal portion of the meeting is standardized by nature of the form used, but there is no requirement to review the employee’s pay grade, pay status, and future outlook for pay increases.

Response # 8: The Board of Supervisors disagrees with the finding. The annual performance evaluations include the opportunity for the discussion regarding future growth, as well as a review of pay grades.

RECOMMENDATION #8

A salary review should be part of the review meeting. An employee’s pay status, and future pay increase must be reviewed verbally and discussed.

Response: The recommendation is already in place. Therefore the recommendation will not be implemented.

FINDING # 9 – Annual Review Completion:

This committee found that successful and timely completion of annual reviews is explicitly required for managers. Employee annual performance appraisals are not necessarily reviewed for appropriateness and informational value. One set of appraisals for an employee was observed to have not been changed in content for three years in a row.

Response # 9: The Board of Supervisors agrees with the finding.

RECOMMENDATION #9:

Upper management must review written employee performance appraisals written by subordinate managers. The CAO is ultimately responsible for all employees' annual reviews being performed in a timely manner and that the written performance appraisals are of a quality that provides valuable feedback to the employee.

Response: This recommendation is being implemented. The CAO is responsible to review upper level managements performance reviews of their management staff

FINDING # 10 – Employee Job Enhancement:

This committee found that employees are not afforded the knowledge and experience of the involved manager with regards to future job enhancement through change in job area, outside education, or county-supplied training.

Response # 10: The Board of Supervisors disagrees with the finding. The performance evaluations forms clearly offer a place for and the opportunity to discuss future job enhancement.

RECOMMENDATION #10:

The written performance appraisal should include an area for the reviewing manager to make recommendations for future enhancement of the employee's career.

Response: The performance evaluations forms clearly offer a place for and the opportunity to discuss future job enhancement.

FINDING # 11 – Annual Reviews – Manager Training:

Since the annual reviews are a product of the manager and qualitatively reflect that manager's ability and training, manager training on providing quality annual reviews is required in the current county administrative environment. It was not found to be part of the required manager training at this time.

Response # 11: The Board of Supervisors agrees with the finding.

RECOMMENDATION #11:

Managers should have a required periodic training session on providing quality annual reviews for employees. The training material should meet specific county requirements.

Response: The recommendation will be implemented, with mandatory attendance at training sessions on providing a quality annual review.



TRINITY COUNTY

Board of Supervisors

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APR 20 2010

TRINITY COUNTY
SUPERIOR COURT

A handwritten signature in black ink, appearing to read "J. Pflueger", is written over the "RECEIVED" stamp.

Date: April 20, 2010
To: The Honorable Anthony Edwards, Presiding Judge of the Superior Court
From: Trinity County Board of Supervisors
Subject: Supplemental response to the 2008-09 Grand Jury
Development and Environment Committee Final Report
Trinity County Building Department

Finding # 2: The committee's investigation determined that the previous Director of the Building Department created a hostile workplace. He is no longer in the Director position. It appears that his current job will be eliminated due to budget cutbacks and seniority'

Response: Investigations reviewed by the Board of Supervisors did not come to the same finding as the Grand Jury. Actions were taken based on the County's findings once the investigations were complete. The reorganization took place in order to meet budgetary and fiscal accountability needs.

Finding #3: The D/E Committee looked at the reorganization of the Planning, Building, and Airport departments within the county that took place in the spring/summer of 2008. Considering the budgetary constraints the county was facing, this investigation found that the reorganization was done appropriately. The reorganization has saved the county money and had to be done in a timely manner. During the investigations, however, it was found that some departments that have to work together closely were spread out over several building making communications more difficult.

Response: We agree that the reorganization was necessary and effective. Communications between many of the County functions has been an important consideration for administration. Upgraded communication between all of the departments will be greatly improved when network connections between the various County offices has been converted to fiber optic connectivity. It is expected that most of this work will be completed in the summer of 2010.

Recommendation #3: The committee understands that the reorganization will continue to be modified as needed. Functions of the Building, Planning, Long Range Planning and Environmental Health Departments need improved communications to assure smooth development in the county.

Response: Modification to reorganizing the County departments will continue when and where appropriate. The Board of Supervisors is supportive of infrastructure changes that are being put into place to facilitate better communications between departments. These infrastructure changes

JUDY PFLUEGER
DISTRICT 1

JUDY MORRIS
DISTRICT 2

ROGER JAEGEL
DISTRICT 3

HOWARD FREEMAN
DISTRICT 4

WENDY REISS
DISTRICT 5

require access to funding sources not yet identified. Once funding becomes available enhanced communication between the departments will become available.

Finding #6: The County was slow to respond to an employee complaint about the hostile workplace. Verbal complaints were poorly handled and were dealt with inadequately. There was no adequate paper trail and issues were not handled in a timely manner.

The committee determined that the process has some complexity due to defined different handling for each type of employee complaint. There is no central repository for complaints, and, therefore, complaints can get mishandled or lost. There is no defined function within the county that is responsible for the handling and final resolution of an employee complaint.

The committee found an example of a hostile work environment being allowed to exist where employees feared for their jobs, a complaint was mishandled, and the hostile environment was allowed to continue. Employees were reluctant to further pursue having the problem investigated for concern of their own employment status or believing that it was not their problem but some other department's problem.

The committee found that besides internal department complaint systems, there are three major complaint categories that are detailed in the Trinity County Employee Handbook. This document is received by every new county employee and is reviewed by every employee each year as part of a mandatory meeting.

The three major complaint categories are:

1. Sexual harassment (Sexual Harassment Policy)
2. Hostile workplace (Workplace Violence Policy)
3. Unethical/illegal behavior (Policy Statement: Report of Unethical or Illegal Activity)

County policy allows for the complaint to be handled on an informal basis upon verbal permission of the complainant.

Response: We disagree with the finding that the County did not act in a timely manner. The County contracted with an investigator who completed interviews with the employees and provided findings to the Board regarding the investigation. The County took action based on the information provided through the investigation by the outside investigator and consultation with counsel.

We agree that there is complexity in the different types of employee complaints but do not agree that there is no defined "central repository" within the county that is responsible for the handling and final resolution of an employee complaint. That function lies with the County Administrative Officer.

We do not agree with the finding that the County allowed a hostile work environment to exist. Employee complaints were investigated by the County which did not find that a hostile work place environment existed. The results of the investigation were reviewed by the Board and Counsel. The County took appropriate action based on the information provided from the investigation and consultation with counsel.

We agree with the finding that there are three major complaint categories as described in the Employee handbook. Each employee is responsible for his/her personal review of the Trinity County Employee handbook each year as mandated.

Finding #8: The content of the annual review meeting with the employee is not specified for managers. The performance appraisal portion of the meeting is standardized by nature of the

form used, but there is no requirement to review the employee's pay grad, pay status, and future outlook for pay increases.

Response: We disagree with the finding. The annual evaluation form does contain a section on the employees step increase. The pay grades and future outlook for pay increases are described in the County Personnel Guidelines and in the County Code. The evaluation process is one step in implementing the pay schedule in the County Code.

Finding #10: This committee found that employees are not afforded the knowledge and experience of the involved manager with regards to future job enhancement through change in job area, outside education, or county-supplied training.

Response: We disagree. Section VI. DEVELOPMENT PLAN or CORRECTIVE ACTION PLAN Describe objectives, education, training and other assistance planned during the next evaluation period. (If overall evaluation is "Needs improvement" a Corrective Action Plan is mandatory) is specifically to provide the exact information the finding is requesting.