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SUPERIOR COURT

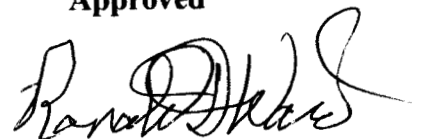
**TRINITY COUNTY GRAND JURY
2009-2010**

**Development and Environment Committee
DER2009/2010-002
Final Report**

**Trinity County Building Department
Review**

This Report was Approved
On May 12, 2010

Approved



Ronald D. Ward

2009-2010 Trinity County Grand Jury
Development and Environment Committee
Building Department Review

Summary

Under Penal Codes 919 and 925 the function of the Grand Jury is to act as the public “watchdog” by investigating and reporting upon the affairs of local government. In this capacity Trinity County Grand Jury elected to review the Building Department. The review was performed to determine the implementation status of the recommendations made by the 2008-2009 Grand Jury in its Final Report. The majority of the recommendations have been implemented.

Background

The 2008-2009 Grand Jury Development and Environment (D&E) Committee acted on a complaint received regarding the Building, Planning and Airports Departments. These departments are currently organized under the Transportation Department. A total of five issues were listed in the complaint investigated by the Committee. The Committee’s Final Report contained findings and recommendations directed specifically to the Building Department. These findings and recommendations focused on personnel and workplace environment issues.

Method of Investigation

Various department heads and other county officials were interviewed. Documents were obtained and examined. The interviews and documents were used to verify and substantiate the implementation of the recommendations made by the 2008-2009 D&E Committee.

Discussion

On the following page is a listing of the 2008-2009 recommendations for implementation that are italicized to differentiate them from the 2009-2010 recommendations.

Recommendation 6

- Item 1 A form for sexual harassment should be defined and made part of the employee handbook. (See Finding 1)*
- Item 2 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. (See Finding 2)*
- Item 3 Handling process for sexual harassment, hostile workplace/violence and illegal activity complaints should be defined and made part of the employee handbook. (See Finding 3)*
- Item 4 Copies of the three complaint forms listed should be made readily available to all employees at their workstations. (See Finding 4)*
- Item 5 Supervisors should advise any employee with a complaint to put it in writing or no action could be taken. Appropriate complaint form should be provided. (See Finding 5)*
- Item 6 All complaints should be sent to the Personnel Department and the department should register the complaint into a central database or register. A hard/electronic copy of the complaint should be filed. Depending on the type of complaint, the Personnel Department enlists the assistance of the appropriate authority to investigate the complaint. (See Finding 6)*
- Item 7 Recommend that the County Administrative Officer (CAO) should report complaint statistics to the Board of Supervisors (BOS) each month regarding new, open, and previously reported complaints by type and department. (See Finding 7)*
- Item 8 During annual employee training, the Workplace Violence Policy training should emphasize that this policy also covers a hostile work environment in which no physical violence has occurred, but verbal abuse and threatening physical gestures/posture have occurred. (See Finding 8)*

Findings/Recommendations

Finding 1 for Item 1:

A sexual harassment complaint form has not been developed and included in the Employee Handbook. At this time it appears there is no plan for including a sexual harassment complaint form. County, state, and federal laws do not require a form be used for informal sexual harassment complaints.

Recommendation 1:

Implement recommendation made by the 2008-2009 Grand Jury.

Finding 2 for Item 2:

The current employee complaint forms do not provide information as to where and to whom they should be sent.

Recommendation 2:

Implement recommendation made by the 2008-2009 Grand Jury.

Finding 3 for Item 3:

The handling process for each type of complaint is included in the employee handbook, however, the timeline for handling each process is not stated.

Recommendation 3:

Implement recommendation made by the 2008-2009 Grand Jury.

Finding 4 for Item 4:

The Committee was not able to substantiate that all complaint forms are readily available at the employees work location. However, a copy of the hostile workplace/violence form is located in the back of Section 13 – “Workplace Violence Policy” and the illegal activity complaint form maybe found in the back of Section 15 – “Process for Reporting of Illegal Activities Observed in the Workplace.”

Recommendation 4:

Implement recommendation made by the 2008-2009 Grand Jury.

Finding 5 for Item 5:

The Committee was not able to substantiate if supervisors have been directed to advise any employee with a complaint to put it in writing or no action can be taken.

Recommendation 5:

Implement recommendation made by the 2008-2009 Grand Jury.

Finding 6 for Item 6:

The BOS has been made aware that all departments have been notified to direct all complaints to Administration for action and tracking.

Recommendation: 6:

None.

Finding 7 for Item 7:

The Committee was not able to substantiate if reporting statistics on new, open and closed complaints, by type of complaint, and by department, are made by CAO and provided to the BOS. The Committee was unable to determine whether investigations of open complaints, which are late in resolution, are highlighted before presentation to the BOS.

Recommendation 7:

Implement recommendation made by the 2008-2009 Grand Jury.

Finding 8 for Item 8:

During annual employee retraining a review of current policies and procedures and any changes addressing those areas is presented. The Employee Handbook, under Work Place Violence Section 13, does not define "hostile work environment". It does state that acts of violence in the workplace include: "any intimidating behavior perceived as a threat, including, but not limited to yelling, shouting, swearing in anger, throwing things or slamming doors".

Recommendation 8:

None.

Recommendation 7

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

Finding 7:

The new software for tracking of annual review due dates has been implemented and its use is improving the ability for accurate and timely tracking for all departments.

Recommendation 7:

None.

Recommendation 9

Upper management must review written employee performance appraisals written by subordinate managers.

Finding 9:

Examination of five employees' Performance Reviews from various departments confirmed that the mandate that upper management should review the employee's Performance Reviews written by subordinate managers is being followed.

Recommendation 9:

None.

Recommendation 11

Managers should have required periodic training on providing quality annual performance reviews for employees.

Finding 11:

Trinity County Leadership and Supervisor Training Program offers training courses in "Performance Coaching," "Managing Performance Through Evaluation," and "Supervisory Skill". These courses are being used to educate supervisors and management in improving their management skills.

Recommendation 11:

None.

Responses Requested

In accordance with California Penal Code 933.05 a response is required as indicated below.

<u>Respondent</u>	<u>Finding/Recommendation</u>	<u>Due Date</u>
Personnel Department	6 Items 1,2,3,4,5	60 Days
Risk Management Department	6 Items 1,2,3,4,5	60 Days
County Administrator	6 Items 1,2,3,4,5,7	60 Days
Board of Supervisors	6 Items 1,2,3,4,5,7	90 Days

The governing bodies indicated above should be aware that comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.



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

TO: The Honorable Anthony Edwards,
Presiding Judge of the Superior Court

FROM: Dero B. Forslund, CAO

SUBJECT: Response to Recommendations of 2009-10
Grand Jury Development and Environment Committee DER 2009/2010-002 Final
Report
Re Trinity County Building Department Review

DATE: July 19, 2010

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

Finding #1 for Item 1:

A sexual harassment complaint form has not been developed and included in the Employee Handbook. At this time it appears there is no plan for including a sexual harassment complaint form. County, state, and federal laws do not require a form be used for informal sexual harassment complaints.

Response: We agree

Recommendation #1 Implement recommendation made by the 2008-2009 Grand Jury

Response: Requires further review. In reviewing the recommendation that a form be provided to report sexual harassment it appears that this might be counter productive to the intent of the policy. The policy is written to encourage employees to initiate complaints of sexual harassment in any way they feel comfortable. Requiring that all complaint be in a specific form may limit the willingness of an employee to file the complaint without which no corrective action can be taken.

Finding #2. for Item 2:

The current employee complaint forms do not provide information as to where and to whom they should be sent.

Response: Requires further review. While there is no complaint form as mentioned in finding #1 the policy does state that “If an informal investigation does not successfully resolve the issue, with the filing of a written complaint by the employee to the department head or the County Personnel Officer or the County Administrative Officer, a formal investigation will be initiated.

Recommendation #2 Implement recommendation made by the 2008-2009 Grand Jury.

Response: The recommendation is being implemented with the current policy.

Finding #3. for Item 3:

The handling process for each type of complaint is included in the employee handbook, however, the timeline for handling each process is not stated

Response: Requires further review. Depending in the nature of the complaint the time to properly investigate will vary from a few hours to several months. In the event of an extended investigation the complainant should be made aware of the time that might be required to complete an investigation

Recommendation #3 Implement recommendation made by the 2008-2009 Grand Jury

Response: Will not be implemented. The varying nature of each complaint makes it unlikely that any specific time for resolution can be included in the policy manual. The employee should be made aware of amount of time necessary to complete an investigation at the time the complaint is made.

Finding #4. for Item 4:

The Committee was not able to substantiate that all complaint forms are readily available at the employees work location. However, a copy of the hostile workplace/violence form is located in the back of Section 13 – “Workplace Violence Policy” and the illegal activity complaint form maybe found in the back of Section 15 – “Process for Reporting of Illegal Activities Observed in the Workplace

Response: We agree

Recommendation #4 Implement recommendation made by the 2008-2009 Grand Jury

Response: Is being implemented. While the complaint forms do not exist the procedure for making a complaint is detailed in the policy manual.

Finding #5. for Item 5:

The Committee was not able to substantiate if supervisors have been directed to advise any employee with a complaint to put it in writing or no action can be taken

Response: We disagree. The policy does not always require a written complaint and the complainants concerns need resolution even if he/she is not willing to put the complaint in writing.

Recommendation #5 Implement recommendation made by the 2008-2009 Grand Jury

Response: The recommendation will not be implemented as it limits the employees access to the complaint process.

Finding #7. for Item 7:

The Committee was not able to substantiate if reporting statistics on new, open and closed complaints, by type of complaint, and by department, are made by CAO and provided to the BOS. The Committee was unable to determine whether investigations of open complaints, which are late in resolution, are highlighted before presentation to the BOS

Response: We agree

Recommendation #7 Implement recommendation made by the 2008-2009 Grand Jury

Response: Recommendation will not be implemented as written. The number of complaints are few and a report in open session would likely infringe on the privacy of the employees involved in the complaint. On occasion when discipline is warranted the action is reviewed by the Board of Supervisors in closed session.

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TRINITY COUNTY

Board of Supervisors

P.O. BOX 1613, WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1217 FAX (530) 623-8365

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

FROM: Trinity County Board of Supervisors

SUBJECT: Response to 2009-10 Trinity County Grand Jury
Development and Environment Committee
Building Dept. Review Final Report

DATE: September 7, 2010

*Reviewed
9/14/10*

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

Finding #1: A sexual harassment complaint form has not been developed and included in the Employee Handbook. At this time it appears there is no plan for including a sexual harassment complaint form. County, state, and federal laws do not require a form be used for informal sexual harassment complaints.

Response: Agree

Recommendation #1: Implement recommendation made by the 2008-2009 Grand Jury.

Response: Needs further analysis. Will review with County Counsel. Due to the nature of a sexual harassment complaint, if complaints do not feel comfortable filing a written complaint, they may not report a situation at all that really needs to be reported. Therefore designing a specific form that has to be completed may deter reporting.

Finding #2: The current employee complaint forms do not provide information as to where and to whom they should be sent.

Response: Disagree in part. Forms do advise who the forms are to be filed with, but do not contain mailing or physical addresses.

JUDY PFLUEGER
DISTRICT 1

JUDY MORRIS
DISTRICT 2

ROGER JAEGEL
DISTRICT 3

HOWARD FREEMAN
DISTRICT 4

WENDY OTTO
DISTRICT 5

With respect to the reporting of illegal activities observed in the workplace (policy 4-97(p)) it states in the employee handbook the complaints are to be filed with the CAO, and if filed by employees with the department head, supervisors, manager, or elected official, then that party will report to the CAO within 10 days. Agree there is no mailing or physical address on the form.

Workplace violence prevention policy 5-99(P) also states employee shall report incidents to immediate supervisor, or a supervisor. A reporting form is included in the Employee handbook and the on the bottom of the form it states to send form to Trinity County Administration Office / Risk Management. Agree there is no mailing address or physical address on the form..

With respect to Sexual Harassment, there is no “formal” form in the Employee Handbook, but it gives direction to the complaint to meet with the department head, Personnel Officer or the County Administration Officer.

There is in the front of each Employee Handbook a list which includes Personnel, Risk Manager, and Privacy Officer/Clerk of the Board's names, address, telephone numbers, and email addresses.

Recommendation #2: Implement recommendation made by the 2008-2009 Grand Jury .

Response: Will be partially implemented. As forms are updated, addresses will added..

Finding #3: The handling process for each type of complaint is included in the employee handbook, however, the timeline for handling each process is not stated.

Response: Agree

Recommendation #3: Implement recommendation made by the 2008-2009 Grand Jury.

Response: Will not be implemented. Every complaint is different and the depth the complaints take is unknown therefore, it would be impossible to predict a time frame until more information is known.

Finding #4: The Committee was not able to substantiate that all complaint forms are readily available at the employees work location. However, a copy of the hostile workplace/violence form is located in the back of Section 13 – “Workplace Violence Policy” and the illegal activity complaint form maybe found in the back of Section 15 – “Process for Reporting of Illegal Activities Observed in the Workplace.”

Response: Agree

Recommendation #4: Implement recommendation made by the 2008-2009 Grand Jury.

Response: Is being implemented.

Finding #5: The Committee was not able to substantiate if supervisors have been directed to advise any employee with a complaint to put it in writing or no action can be taken

Response: Disagree. If an employee has a complaint, some are afraid to put it in writing, yet the complaint needs to be looked into anyway.

Recommendation #5: Implement recommendation made by the 2008-2009 Grand Jury.

Response: Will not be implemented as the county needs to be aware of all complaints whether written or not.

Finding #7: The Committee was not able to substantiate if reporting statistics on new, open and closed complaints, by type of complaint, and by department, are made by CAO and provided to the BOS. The Committee was unable to determine whether investigations of open complaints, which are late in resolution, are highlighted before presentation to the BOS.

Response: Agree

Recommendation #7: Implement recommendation made by the 2008-2009 Grand Jury.

Response: Will not be implemented in whole. Employee matters are confidential and can not be disclosed or reported on at the open Board of Supervisors meetings. This information can only be reviewed in closed session and then under very strict rules. With regard to regular reporting to the Board, the CAO keeps the board informed as necessary.