



# County of Santa Cruz

## BOARD OF SUPERVISORS

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AGENDA: 12/11/12

November 28, 2012

BOARD OF SUPERVISORS  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

RE: REAPPOINTMENT TO CIVIL SERVICE COMMISSION

Dear Members of the Board:

I recommend the reappointment of Carmen Potro to the Civil Service Commission, in accordance with County Code Section 2.46.050, for a term to expire December 31, 2016.

Sincerely,

JOHN LEOPOLD, Supervisor  
First District

JL:mp

cc:  Carmen Potro  
 Civil Service Commission

1461C1

RECEIVED  
COUNTY PERSONNEL DEPT.  
DEC 12 2012  
8:39am

**APPOINTED**

12-11-12



HUMAN RESOURCE SERVICES FOR CALIFORNIA COUNTIES

*MSS is administered by CPS Human Resource Services*

December 5, 2012

Olivia Madrigal  
Civil Service Commission Chair  
701 Ocean Street, Room 310  
Santa Cruz, CA 95060

Dear Ms. Madrigal:

Merit System Services (MSS) has completed an onsite compliance review of the County of Santa Cruz's personnel system. The compliance review was conducted under the authority of Government Code Section 19802 and related provisions of the California Administrative Code titled Local Agency Personnel Standards (LAPS). The County of Santa Cruz, like other approved local agencies, must comply with these standards to receive State and Federal funding for its Social Services and Child Support Services programs.

The County was found to be in general compliance with the Local Agency Personnel Standards (LAPS), Chapter 1. In the area of EEO, as stated throughout the body of the report, the County has an EEO program integrated into all pertinent personnel related matters, which is commendable, but is based on outdated Census data due to the fact that the 2010 census data is not available yet. The current EEO and Cultural Competency Plan covers the period of 2008 through 2010 and is based on 2000 Census data. The 2010 census data is expected to be released at the end of the 2012 calendar year. The Personnel Department is to provide the audit staff with an updated County EEO Plan based on 2010 Workforce Utilization Census Data. The County of Santa Cruz will develop the next EEO Plan thereafter in collaboration with the operating departments. The 2008-2010 EEO Plan along with the 2011-2012 annual report to the Board of Supervisors, which includes workforce composition and utilization analysis of race, age, gender by occupational categories and a status update of those departments with more than 10% underutilization of women and/or minorities is considered a current working document until the next EEO plan is developed with the 2010 census data. The updated EEO Plan is to include its purposes, related policies, a workforce analysis, as well as any accomplishments and actions to address possible underutilization identified.

A plan of action is to be provided within 30 days of receiving the final report of findings. The mentioned action plan is to include the timeframe and milestones for completing the EEO Plan which incorporates updated census data. Additionally, after presenting the EEO Plan to the County Board of Supervisors for approval, which is tentatively scheduled for May 2013, the County is to submit a copy of the EEO Plan to MSS.

We appreciate the cooperation extended to the review team and the County's responsiveness in addressing questions. Please call me at 916-471-3402 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Lisa Schroffel". The signature is written in a cursive, flowing style.

Lisa Schroffel  
Senior Consultant

Enclosure

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County of Santa Cruz  
Personnel Management  
Program Review  
Report of Findings

**SUBMITTED BY:**

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**TEAM MEMBERS:**

*Gary Burkett - Lisa Schroffel - Jan Bentley -*

*Michael DeSousa - Don Benedetti*

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## REVIEW – REPORT OF FINDINGS

### Background

Under contract with the California State Personnel Board, Merit System Services (MSS) is charged with ensuring that the personnel systems of local agencies receiving federal and state funding for Social Services and Child Support Services programs are in conformance with the California Local Agency Personnel Standards (LAPS). For counties operating an Approved Local Merit System, such as the County of Santa Cruz, MSS periodically conducts a personnel program review comparing its operations with the merit principles outlined in LAPS Chapter 1. This report summarizes the results of the personnel program review of the County of Santa Cruz.

The information included in this report is based on:

- Review of County personnel materials including the County Code, Civil Service Rules, ordinances, administrative policies and procedures, memoranda of understanding, budget documents, and various personnel-related files (i.e. examination, classification, appeal, grievance) and computer printouts.
- Interviews conducted with Personnel, the Human Services Department, and the Child Support Services Department.

### General Description of the Organization

The County of Santa Cruz is a general law county with 2,338 full time equivalent positions. Within the Human Services Department, there are 440 full time equivalent positions. Within the Department of Child Support Services, there are 62 full time equivalent positions. The County Civil Service System was created by ordinance in 1954 to establish an equitable and uniform procedure for dealing with personnel matters through a Civil Service Commission and to place employment with the county on a merit basis for the purpose of obtaining the highest efficiency and assuring that the best qualified persons available are brought in the service of the county. The Commission is appointed by the Board of Supervisors and consists of five members. The Civil Service Commission prescribes, amends, and enforces rules for the classified service and oversees the recruiting, examining, selection, position classification and disciplinary systems of the classified service. The primary duties include the hearing of appeals of administrative personnel decisions, approving position classifications when there is not agreement between the County and the representation unit, and reviewing processes and outcomes of the County's Civil Service system.

The position of Personnel Director is established by the County Code. The County Administrative Officer (CAO) is the appointing authority for the Personnel Director. The County Code provides the Personnel Director to be the administrative head of the personnel department and shall perform all duties and exercise all powers and jurisdiction necessary to establish and maintain a program of personnel management for employees of the county.

Employee/Employer Relations is a Division of the personnel department. The current Deputy Director of Personnel oversees the day to day operations of the

Employee/Employer Relations Division. Labor negotiations and administering of Memoranda of Understanding with recognized employee organizations are conducted by personnel staff.

Within the Human Services Department, there is a Personnel Officer and Personnel Technician. While the County has a centralized personnel department, the Personnel Officer within HSD acts as a liaison as related to some recruitment and selection activities, provides guidance and works in collaboration with the Personnel Department as related to corrective actions, evaluations, and discipline. EEO matters are handled by the EEO Office. In order to maintain consistency in the application of all relevant personnel matters, the Personnel Officer and Technician are involved in weekly meetings with Personnel.

An Equal Employment Opportunity Officer (EEO) is appointed by the Personnel Director and EEO is a Division of the Personnel Department. The Equal Employment Opportunity Office is actively involved in ensuring that there is a diverse candidate pool and in outreach and recruitment efforts on a County wide basis. The Equal Employment Opportunity Office receives, reviews, evaluates, and monitors the County's Equal Employment Opportunity and non-discrimination program. The office conducts investigations and is involved in processing discrimination complaints. The EEO Office also handles reasonable accommodations for employees with disabilities and works to ensure that County facilities, programs, and services are accessible to persons with disabilities.

### **Highlights of Major Findings**

The County of Santa Cruz has a traditional Merit System and there is evidence of open communication with operating departments and a high degree of cooperative interaction. Departments interviewed indicated a close working relationship with Personnel Department management and analysts. Personnel Department and operating department staff interviewed are well qualified, professional, and have a clear understanding of their mission and how it is to be delivered. The review team was impressed with both the quality of the personnel program and with the cooperation and responsiveness of staff.

The Personnel Rules, Personnel Administration Manual, procedures, classification system, and other system fundamentals provide a solid base for administering the Personnel system. The County web site provides on line application processing.

The County was found to be in general compliance with the Local Agency Personnel Standards (LAPS), Chapter 1. In the area of EEO, as stated throughout the body of the report, the County has an EEO program integrated into all pertinent personnel related matters, which is commendable, but is based on outdated Census data due to the fact that the 2010 census data is not available yet. The current EEO and Cultural Competency Plan covers the period of 2008 through 2010 and is based on 2000 Census data. The 2010 census data is expected to be released at the end of the 2012 calendar year. The County of Santa Cruz will develop the next EEO Plan thereafter in collaboration with the operating departments. The 2008-2010 EEO Plan along with the 2011-2012 annual report to the Board of Supervisors, which includes workforce

composition and utilization analysis of race, age, gender by occupational categories and a status update of those departments with more than 10% underutilization of women and/or minorities is considered a current working document until the next EEO plan is developed with the 2010 census data. The updated EEO Plan is to include its purposes, related policies, a workforce analysis, as well as any accomplishments and actions to address possible underutilization identified.

A plan of action for obtaining compliance is to be provided within 30 days of receiving the final report of findings. The mentioned action plan is to include the timeframe and milestones for completing the EEO Plan which incorporates updated census data. Additionally, after presenting the EEO Plan to the County Board of Supervisors for approval, which is tentatively scheduled for May 2013, the County is to submit a copy of the EEO Plan to MSS.

## MERIT PRINCIPLE 1 – RECRUITMENT AND SELECTION

### General Requirement LAPS Section 17110

Recruiting, selecting, and advancing employees shall be on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment.

### Recruitment LAPS Section 17111

#### Discussion

Santa Cruz County's merit system is guided by County administrative policies and the Civil Service Commission Rules, which establish recruitment policies and procedures for the County. The central repository for recruitment, selection, promotions, establishing the eligible lists and certifying lists per the Civil Service Commission rules is the Personnel Department under the authority of the Personnel Director. The Personnel Department works with hiring managers/supervisors at the department level who assist in recruitment planning and basic logistics; the hiring manager/supervisor also serve as subject matter experts (SMEs) in examination steps such as oral panel questions, supplemental application questions or new written test items. The hiring manager/supervisor may also provide department staff input on any specialized outreach or channels for publicizing the employment opportunity.

Though recruiting volume has been impacted by current economic conditions, recent recruiting activity is relatively active. The table below reports selected activity levels for the current period July 1, 2011—June 30, 2012.

<b>Recruiting Activity</b>	<b># Conducted</b>
Applications Received	5018
Oral Examinations	308
Written Examinations	297
Training/Experience Ratings	599

Oral and written examination activity roughly balances T/E ratings indicating that formal examination tools are utilized with some frequency as opposed to predominant or excessive use of the T/E ratings.

Resulting appointment activity for fiscal year 2011-2012 is similarly summarized per the table below:

<b>Total # appointments to budgeted positions: County-wide</b>	91
<b>Total # appointments to budgeted positions: Human Services</b>	17
<b>Total # appointments to budgeted positions: Child Support Services</b>	4



<b>Total # appointments to Extra Help positions: County-wide</b>	82
<b>Total # appointments to Extra Help positions: Human Services</b>	3
<b>Total # appointments to Extra Help positions: Child Support Services</b>	1

County employment opportunities are widely communicated via both paper employment bulletins which are disseminated County-wide and digital announcements within the Personnel Department's employment web pages. Postings are minimally for seven days. The bulletin form used is comprehensive and reflective of good employment practices as it includes:

- Job duty details
- Minimum requirements for qualifying
- Examination process including the resulting eligible list process
- Directions of the application process
- Solicitation for qualified women, minority and disabled applicants
- Direction for requesting test accommodations
- Summary of County benefits and pay
- Identification of the County as an Equal Opportunity Employer (EOE)

Additionally, as part of recruitment outreach, other communication channels are used to include targeted websites, specialized publications, and direct mailings. The Personnel Department website, specifically under the "Employment Opportunities" subsection is a robust source of information for applicants on employment opportunities, job search filter capabilities, current job postings, compensation information and other content effectively marketing County employment opportunities.

The Personnel Department website also posts a large amount of other informational content than can be applicable to employment applicant's interests including:

- Career and job resources within the County
- County position salary schedules
- Job specifications
- Personnel Department organization chart
- Volunteer Initiative Program
- Reasons to consider County employment

Applicants may apply using the on-line application within the JobAps employment application system or can use a paper-based application that is configured for scanning. A notable feature is that both on-line and paper-based application packets feature responses to FAQ-type questions that will aid the applicant in understanding the recruitment and potential employment process that follows.

For specialized, professional positions requiring more detailed marketing materials (e.g., Psychiatrist position) the Personnel Department also prepares more detailed recruitment fliers or brochures to solicit qualified candidates for higher level or more specialized professional positions.

Based on a sampling of recruitment timeline data (2011-2012 period) for Human Services and Child Support Services, the Personnel Department is responsive and timely in the completion of recruitment plans. Data reporting timelines from the date the recruitment was requested to the certification of the list showed a turnaround time (TAT) ranging from 22-100 days with an average of 65 days.

As an additional observation of a service delivery aspect, the Personnel Department is completing a MOU revision with the Human Services Department (HSD) to station a Personnel Department Analyst at HSD permanently. This grew out of a temporary assignment of an analyst to HSD in July 2010 due to the loss of an HSD recruiting analyst. As the change has enhanced HSD services from the Personnel Department, HSD wants to make the arrangement a regular feature of service delivery. The MOU revision is being completed as of the timing of this audit.

The training process for new Personnel Department analysts is predominantly on the job training working in tandem job-shadowing with a senior analyst. The work of junior analysts is reviewed by the senior team member and more autonomy is granted as the analyst demonstrates competences in key job tasks. Personnel also utilizes regional training seminars and on-line training like webinars to supplement training for both new and experienced analysts.

There is a process in place if the applicant contests the outcome of some stage of the recruitment or selection process. The appeal is made to the Personnel Director with the provision that the appeal must be made before the closing step of the examination process. While a complaint could also be filed with the Civil Service Commission (Personnel Regulations Section 130, 1:D "Appeals to the Civil Service Commission) if the decision of the Personnel Director is still not accepted, in actual practice this would be very unusual and no recent examples of this type of applicant selection process complaint could be provided.

Equal Employment Opportunity is supported via multiple practices that ensure a wider communication of employment opportunities to qualified candidates who may be part of underrepresented classes in the County work place. At the initiation of a recruitment, department staff members consult with the Personnel Department regarding the need for a potential outreach plan for the recruitment that may entail targeted advertising or other outreach efforts.

Additionally, the County's EEO plan is reviewed pertinent to the classification and job category being recruited to determine if technical underutilization

versus the available labor pool is an issue. A review of recruitment files showed that the currently available EEO utilization data and applicant flow data are systematically included as part of the recruitment plan including data on applicant flow, application referral rates, test pass/fail rates and job offers. Files also document on-going hiring department-Personnel Department consultation on targeted use of specialized job fairs or internet sites specialized in outreach to qualified disabled persons or members of other underutilized classes.

Findings

Meets standards.

**Selection Procedures LAPS Section 17112 (a)**

Selection procedures, including appropriate ranking for entry to the career service, shall be job related and shall maximize to the extent practicable validity, reliability, and objectivity. The Uniform Guidelines on Employee Selection Procedures, as published in the Consolidated Federal Register (at 5 CFR, 900, Subpart F, appendix B), are incorporated into these rules.

Discussion

Examinations are based on the job requirements and may include a written, oral, oral and written, or training and experience evaluation which is a rated screening. As a general aide to selection process administration and tracking the Personnel Department uses a standardized "Recruitment/Exam Stat. Folder Check-Off Sheet" which serves as the entry point to the very comprehensive recruiting files. The check off sheet documents recruiting demographics, filing period activities, dates and documents examination activities, documents any qualifications appraisals, or completed training and experience (T/E) reviews, EEO applicant flow data, and documents the eligible list chronology. It is a very useful introduction to file content and alerts the reviewer to the documentation that will follow in the files. Several dozen files were reviewed in the course of audit activities and the check-off sheet was routinely very accurate it that it indexed the file content very completely.

Various testing modes were utilized in the one year period prior to the audit as the table below indicates:

<b>Testing modes- County overall</b>	<b># Conducted</b>
Oral Examinations	308
Written Examinations	297
Training/Experience Ratings	599

The County recognizes in the Personnel Administrative Manual ("Recruitment and Examination Process Elements and Timelines IV.1) five categories of examination phases:

- Standard/one test—a single test event
- Standard/two tests—two test events
- Standard/three tests—three test events
- Training and Experience rating—paper screening only
- Qualification Appraisal-no test given

Sample training/experience ratings were reviewed which indicated that meaningful competitive reviews are conducted, commonly including years or experience, level of experience and detailed review of supplemental responses when those were requested. The standardized T/E rating form utilized, while customized for different classifications, includes clear documentation of standards for meeting minimum qualifications, a matrix for rating points beyond the MQs, points values for supplemental questions, if used, and a point matrix for a writing sample, if that is used.

It is notable as a prompt for consistency that the work sheet includes a section for recording the calculations used by the rater to determine total amounts of qualifying work experience—this is a great aid to clarifying discussions if raters diverge of some aspects of the candidate's employment history. Reviews of sample T&E evaluations showed that personnel and the hiring departments are highly interactive partners in the review process and take the time to discuss and reconcile differences in rating point assessments as was noted in email streams included in recruiting files.

Regarding written tests, the Personnel Department uses the Western Regional Item Bank (WRIB) as a resource for whole written tests or for the use of items to develop new written exams. Departmental subject matter experts (SMEs) are commonly used for input on test question to ensure job relevance and comprehensibility of items.

In oral panels, the Personnel Department is selective in the qualification of panel members. Members are experts in the duties of the position being recruited at the same or higher level of work, are neutral and objective evaluators of candidates, and have been trained in observing and rating behaviors from the oral panel. A review of sample recruitment folders verified that oral board panel members are qualified by virtue of the level of position occupied. The Personnel Department also endeavors to have panels routinely reflect demographic diversity of the candidate population.

Under County rules, an oral exam may be waived if ten or less qualified candidates meet the minimum qualifications; it is also possible to still hold an exam in these cases if it is department preference and the Personnel Department recommends it. Oral panel items are determined to be appropriately job-related via their correlation to the knowledge, skills and abilities of the classification as recorded in the job specification. Before an oral board is held, the Personnel Department provides to panel members an overview briefing of the oral panel process. The briefing includes coverage of the following relevant content:

- Role of the position being recruited for and critical KSAs
- Recruitment process and application demographics to this point
- Use of the rating forms, scale and dimensions
- Review of the structured questions being used
- The recording of notes and use of behavioral statements
- Requirements for recording failing scores
- Confidentiality requirements
- Role of the chairperson

There is not a requirement that ratings be within a specific point value to each other (e.g., not greater than 2 points apart on a 7 point scale), but inter-rater discussion usually addresses issues where raters differ more significantly in an oral panel. While not a compliance issue, a recommendation is to consider a standard requiring a reconciliation of oral board rating numbers that are significantly divergent (e.g., greater than a two point difference on the 7 point scale). As part of continuous improvements, the oral boards are evaluated using a feedback form from Personnel; the forms request panel member input on the pre-oral board briefing provided, the effectiveness of questions, the rating form, time allowed for the exam, and other suggestions for future improvement.

In oral boards, an exam-specific rating form is used to record panel member ratings and to provide guidance on the standards for evaluating candidates. While only a limited number of rating forms were reviewed, an observation not a finding is that the content for evaluating candidate responses could be more systematic and provide more guidance for evaluators on what comprises an effective response.

The “Example” prompts in the rating sheets were typically very general (E.g., from *Planning and Organizational Skills* Dimension: “Can cite personal examples demonstrating acceptable organizational skills.”) and not indicative of differentiations between a “passing” response (4 on the 7 point scale) and more successful responses. While the written materials were not indicative of the differentiations, ideal responses to the questions are discussed during panel member briefing sessions. More detailed answer guidelines with examples of responses corresponding to the scale levels would be useful and would enhance inter-rater reliability.

The weightings of the components of testing processes do not have standard default values but may be adjusted to meet the specific needs and emphases of a specific recruitment. For example, in a recruitment in which oral communication skills may be a more critical KSA (Knowledge, Skill or Ability) the oral board (oral exam) portion of testing versus written exam may be adjusted to a higher overall percentage than a more standard 50/50 written/oral weighting. Failure of any part of the examination (e.g., T&E, oral board, written examination) disqualified the applicant for the examination process. Exam

scoring is not subject to a default percentage (e.g., 70%) but results from a consideration of the test sub-dimensions, the applicant pool size, the number of vacancies, and standard statistical analysis of exam scores consistent with industry practices.

In accordance with Civil Service Rules due regard may be given to the number of candidates and to the number of vacancies which may reasonably be expected to occur in the life of the eligible list when setting pass points. Furthermore, there is an overall review of the factors that may have impacted a particular administration of the exam such as errors related to the administration of the examination that may lead to reasons for lowering the pass-point and to avoid adverse impact to a particular group. Generally speaking, a review of the item analysis report and how candidates performed (score mean, mode and distribution) overall is taken into consideration.

Findings

Meets standards.

**Limiting Competition LAPS Section 17112 (b):**

Competition for appropriate positions may be limited to facilitate the employment of persons with a disability or participants in employment or rehabilitation program authorized by Congress or the California Legislature.

Discussion

The County does not have a specific provision to limit competition for appropriate positions, to facilitate the employment of handicapped or participants in employment or rehabilitee programs authorized by Congress or the California Legislature, but does practice effective outreach in the recruitment planning process to publicize opportunities to qualified disabled applicants or members of underutilized categories per the County EEO plan. Competition is not strictly limited but may be influenced from a qualified pool perspective in that outreach encourages more targeted applicants to enter the employment process. While the County does not have any other program in place, this is not a requirement per LAPS and therefore the County is in compliance.

Findings

Meets standards.

**Appointments from Eligible Lists LAPS Section 17112 (c)**

Appointments to permanent career service positions shall be made through selection from appropriately ranked eligible lists. Appointment procedures may not allow appointment either beyond the top ten eligibles or the top ten-percent of eligibles, or the top predetermined score group of those on an eligible list who are willing to accept the conditions of employment.

Discussion

The audit staff reviewed a sampling of eligibility lists and analyzed the manner in which the County recorded and used its eligibility lists. The primary certification rule for the County is the rule of ten—ten names are certified for one vacant position in descending order of exam score. When there is greater than one vacancy, an additional name is certified for each additional vacancy.

Tied scores are certified at the same rank order. In the event of tied scores “the names of all eligibles with the same (tied score will be certified together” (Section 130, Civil Service Rules, section V.,Q. “Establishing of Eligible Lists” Audit review concluded the County is consistent in the application of the rule.

The order of use of lists is stipulated in Civil Service Rules VI.B.3 and elaborated in the Personnel Administrative Manual, “Hierarchy of Employment Lists,” V.2.A. as:

1. Department Overfill Lists
2. Departmental Reemployment Lists
3. County-wide Overfill Lists
4. County-wide Reemployment Lists
5. Open, Competitive, and Promotional Eligible Lists
6. Transfer, Intra-departmental Transfer, Reinstatement, Re-Entry and Employment Training Lists
7. Alternate Eligible Lists
8. Alternate Employment Lists

Selective certification may be made for recruitments entailing bilingual skills and for promotion-only cases. Veteran’s preference points (5% of examination value) may be added for applicants submitting proof of veteran’s status. Processes are in place for formal removal from Open, Competitive, Promotional, and Extra Help lists, including removal by the applicants request, inappropriate applicant actions during the recruitment and selection processes, waiving an interview three or more times, disqualifying results from the background investigation, and other factors stipulated in Civil Service Rules (Section VI, Appointment and Probation,” C.6.a).

#### Findings

Meets Standard

#### **Permanent Appointments LAPS Section 17112 (d)**

Permanent appointment for entry to the career service will be contingent upon satisfactory performance by the employee during a reasonable, time-limited probationary period. As a general rule, probationary periods may not exceed one year.

#### Discussion

Probationary service requirements are detailed pursuant to County Code 3.28.10, “Probationary Period,” Civil Service Rules Section VI.E, “Probation” and clarified administratively in the Personnel Administrative Manual, VII.E,

“Probationary Period.” The County mandates a probationary period of six months (1040 hours) for most positions with a subset of classes for which a one year (2080 hour) probationary period is required. Written evaluations are required for the six-month probationary period at three and six months; the 12 month probationary period requires formal evaluation at three, six and twelve months. A two month extension may be granted upon mutual agreement of the employee and County. Per consultation with the Personnel Department, probation extensions of this sort are quite rare. County-wide such extensions have not exceeded more than 2-3 a year in recent years.

A probationary period is required for all regular and limited-term positions, both full-time and part-time. For part-time positions, the probationary service period is extended to follow the requisite six or twelve month (1040/2080) hours standard. The probationary period is required for any class in which the individual has not already held permanent status in the class including:

- Reinstatement
- Substitute appointment
- Appointment to a former higher classification
- Appointment to a classified position from a non-civil service position
- Appointment from a County re-employment list

Personnel Department reporting and tracking practices support the requirements for timely completion of the probationary reports.

#### Findings

Meets standards.

#### **Non-status Appointment LAPS Section 17112 (e)**

Non-status appointments shall not be used as a way of defeating the purpose of the career service and shall have a reasonable time limit. As a general rule, reasonable time limit is one year. If lists of eligibles are available, they shall be used for filling temporary positions. Short-term, emergency appointments may be made without regard to the other provisions of this section, to provide for maintenance of essential services in an emergency situation when normal procedures are not practical.

#### Discussion

The rules regarding any non-status appointments are clear and unequivocal. Civil Service Rule 130 VI.E.2 states that “No employee shall attain permanent status in any County classification without first having successfully completed the probation period for that classification.” The percentage of employees in non-status appointments at any time is limited to less than 5%.

Non-status appointments are identified in the County as:

- Provisional appointment with a limitation of 90 days and one 90 day extension if granted (180 days appointment and one time extension for department head positions)



- Substitute appointments are limited to one year
- Non-civil service appointment are not limited
- Emergency appointments (limited to preventing service cessation, loss or life or property)

Non-status appointment are not apparently used in any frequency that would appear to circumvent career service and regular appointments as indicated in the table below indicating such appointment in the most recent fiscal year:

<b>Appointment type</b>	<b>Human Services</b>	<b>Child Support</b>	<b>County overall</b>
Substitute appointments	1	2	5
Emergency appointments	0	0	0
Provisional appointments	0	0	5

There are limitations and restrictions on the use of non-status appointments including that provisional appointments are limited to 90 days (180 days for a department head). Emergency appointments are allowed only to prevent cessation of public services, and loss of life or personal and property damage. Emergency appointments must complete a competitive examination as the earliest opportunity for a regular appointment. A list is used if available for a non-status or temporary appointments; if no list exists recruitments are conducted except for provisional appointments per Civil Service Rules especially Section 130, VI.G "Provisional Appointments." While provisional appointments may be made when there are less than five qualified eligibles on a list without regard to the individual being on an eligible list, this appointment is still pending the establishment of an eligible list.

Findings

Meets standards.

**Career Advancement LAPS Section 17113**

Formal promotional examination processes are encouraged when filling higher-level career service positions. Such processes shall maximize to the extent practicable validity, reliability, and objectivity.

Discussion

Formal promotional examination processes occur within the County of Santa Cruz when there is approval to fill a vacancy, as well as a likely pool of qualified applicants to fill the vacancy. Promotional examinations were reviewed as part of general recruitment file review; promotional examinations are most common in multi-level job families as advancement to the journey or advanced journey levels or first level supervisory positions. Promotional opportunities are comprehensively publicized as part of hard copy and web-based employment announcements.

Findings  
Meets standards.

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## MERIT PRINCIPLE 2 - CLASSIFICATION

### General Requirement LAPS Section 17120

Equitable and adequate compensation will be provided.

### Classification LAPS Section 17121

Classification plans shall be maintained on a current basis, and shall:

- Be the foundation for selection, compensation, training, promotion, demotion, reduction in force, reemployment, and related decisions;
- Include class specifications formally adopted by the local agency's governing board or its authorized representative; and
- Include job-related minimum qualifications or employment standards of education, experience, knowledge, and abilities.

### Discussion

The County of Santa Cruz has a centralized classification system administered by the Personnel Department (Personnel). County Code (Section 2.46.080) states that "the (Civil Service) Commission shall oversee the recruiting, examining, selection, position classification and disciplinary systems of the classified service." Both the Code (Section 3.16.120), as well as the Civil Service Rules (Section III-J), delegate the authority to classify or reclassify positions, and to create, modify and abolish classes and class specifications to the Personnel Director. Some specific changes in County staffing/organization require Board of Supervisors' approval. Thus, the Board approves the creation of new classes or the abolishment of existing classes as part of the position allocation process.

The Employee Relations and Salary Administration (ERSA) Division within Personnel includes a "classification unit" that is currently staffed with one (1) Senior Analyst and two (2) Associate Analysts. In addition, various staff in County departments (including a small number of out stationed Personnel Analysts) may participate in the classification process by gathering information and coordinating various activities. However, all classification-related activities are administered through the central classification unit.

The County's classification policies, procedures and guidelines are found in the County Code (Titles 2 and 3), the Personnel Administrative Manual, and the County Procedures Manual (Title II), including Section 130 which is the County's Civil Service Rules. Various Memoranda of Understanding (union contracts) also reference certain classification-related agreements and procedures. All of these resources are available on the Personnel Intranet and Internet websites.

As of June 2012, the County has a total of 2,072 employees allocated to 356

classes. Within the Human Services Department (HSD) and the Department of Child Support Services (DCSS), the class and position breakdowns are as follows:

<u>Department</u>	<u># of Classes</u>	<u># of FTE's</u>
Human Services	65	406
Child Support Services	17	57

The County's class specifications, including class-specific compensation information, are published on the County's website and are therefore accessible to County employees as well as the general public. Each class specification includes the following components: the job title and job code; an introduction/general definition of the class; a description of distinguishing features of the class, often including some comparison to other classes in the same series or job family; a listing of the typical tasks assigned to positions in the class; and the employment standards, including essential knowledge, abilities, education, experience and special requirements. The specifications also list any previous title used, the assigned bargaining unit, the EEO category assigned, the occupational group assignment, and the worker's compensation code assignment.

Most personnel-related actions are made based on the class specifications. Applicants for County jobs must meet the minimum qualifications listed in the specifications. Examination methods/standards are determined based on the duties and competencies required by the class. The classification structure identifies promotional lines and career paths and provides employees with the minimum qualifications required for promotions and transfers. Demotions, reductions in force, and re-employment lists, are primarily determined by classification (in addition to other factors). Class minimum qualifications are also used to identify the training needs of staff desiring promotional opportunities (see discussion in Merit Principle 3). Performance appraisals and employee development plans are also based the content of the class specifications.

Although the minimum qualifications for each class specify the standards of education, experience, knowledge and abilities, and employees must meet the minimum qualifications of any class they hold, the audit team noted that the employment standards include an "equivalency" statement; namely, they state that "any combination of education and experience, which would provide the required knowledge and abilities, is qualifying, unless otherwise specified". The County explained that, in practice, the "typical" patterns listed on the class specifications are considered to be the standard and that any deviation from the standard is reviewed by classification unit staff to verify equivalency and consistency.

Due to budgetary and economic restrictions, most of the County's current efforts to maintain the classification structure are "reactive", in that they occur in response to requests and/or perceived problems. Classification maintenance

activities typically fall into the following categories:

- (a) Amend an Existing Classification: Requests may be submitted by Department Heads using a Classification Request Form (Form 3116), or may be initiated by Personnel. When initiated by Personnel, they are most often a result of issues identified during a recruitment, though class amendments may also result from a position classification study. All requests and/or proposed actions are reviewed by the County Administrative Office (CAO) for budgetary purposes. With CAO concurrence, Personnel staff evaluates the need to amend a classification using whole job analysis methods. Notice is provided to the appropriate labor union(s) a minimum of ten (10) days prior to final authorization and implementation of changes by the Personnel Director.
- (b) Develop a New Classification: Requests may be formally submitted by a Department Head (using Form 3116) or may result from a position classification study. New class requests may also result from the annual budget process. The methods of analysis are similar to those described in (a) above; however, in addition to the classification analysis, a compensation analysis is conducted, and a salary is proposed, subject to an appropriate meet and confer process with labor representatives. The Board of Supervisors must approve the new classification and salary prior to its implementation.
- (c) Reclassify a Vacant Position (to an Existing Class): Similar to (a) above, departments submit a Form 3116, as well as supporting documentation to explain the change in responsibilities. (Allocation changes may also be requested during the budget process). After appropriate union notice, the Personnel Director has authority to implement the allocation change.
- (d) Reclassify an Encumbered Position (to an Existing Class): This type of position classification study may be requested by a Department Head or initiated by Personnel, but the County's Memorandum of Understanding (MOU) with Service Employees International Union (SEIU) also specifies that up to 30 SEIU-covered employees may submit a request in January of each year as well. Personnel seeks Department Head input on such employee-initiated requests, prior to conducting the whole job analysis.

When receiving a request for these types of classification activities, the Personnel Director has authority to determine whether or not a classification study is needed and warranted. If the Personnel Director approves the request, Personnel staff typically utilize a "whole job analysis" process that includes, but is not limited to: a review of written documentation (Position Description Form); a review of current and proposed organizational charts and other organizational information; desk audits with incumbents and supervisors; a review of comparable classes from other agencies; and a thorough analysis of standard classification factors such as complexity of the work, supervision received/exercised, decision making, authority, work related contacts, and consequence of error.

The County provided documentation showing that the following classification activities have been performed\* since January of 2010.

Class Spec Amendments	New Classes	Reclassify Vacant Positions	Reclassify Encumbered Positions	Other
51	10	31	11	102

\*Some studies resulted in no change.

The County also provided the audit team with the following class study files for review:

Year	Dept	Class(es)	Request
2011	DHS	Account Clerk I/II	Reclassify vacant position to Senior Account Tech
2011	CSS	Investigative Assistant	Reclassify vacant position to Child Support Investigator I/II
2009	DHS	Welfare Fraud Investigator I/II	Revise class specifications
2008	DHS	Senior Human Services Analyst	Reclassify vacant position to Administrative Services Officer I/II

Based on a review of these documents and files, Personnel staff are responding to classification issues and organizational changes, and needed changes are being addressed in a generally methodical and timely manner. The County is to be commended on the quality of the documentation provided, particular the class study files which contained a tracking "checklist" showing the progressive steps taken during the study as well as all of the supporting documentation. However, an effective classification maintenance plan should include some proactive efforts to perform regular, planned classification studies and job analyses in order to validate the currency, relevancy, and consistency of the overall classification structure. The County indicated that proactive activities were more common in the past. However, due to fiscal constraints, such activities are currently very limited. Also, the audit team noted that the County does not maintain a report of all classes and their last review/action date (e.g., the date of adoption or last amendment). Although some of this information could be extrapolated from other sources (such as the classification action log), the audit team recommends that the County consider developing a report to help identify classifications that have not been reviewed or updated recently. This would assist the County in developing a more proactive plan to review and possibly update classes on a more regular basis.

The Civil Service Commission has final jurisdiction over appeals of proposed allocations and, in accordance with Section III-K of the Civil Service Rules, any employees affected by any change in the classification plan or in the allocation of their position shall be notified of the intent to take such action by their

department and shall be given a reasonable opportunity to be heard by the Personnel Director or, on appeal, by the Commission. Appeal procedures are outlined in the Civil Service Rules.

Section III-L of the Civil Service Rules describes alternate (flexible) staffing procedures, and stipulates that the Personnel Director will maintain records of alternately-staffed positions to ensure their consistent use throughout the County. Section III-M also describes the effect of upward classification on a position incumbent, making it clear that the incumbent must meet the minimum qualifications for the new class in order to be promoted. The Personnel Director may waive the requirement that the incumbent compete successfully in a qualifying examination if it is clear that the duties of the position have evolved without any purpose on the part of anyone to evade the competitive principle of the merit system, and certain other conditions are met.

Provisions to minimize the impact of a downward classification on a position incumbent are outlined in various MOU's. These provisions specify that an incumbent may be Y-rated or placed in an "overfill" status, which allows the incumbent to retain the previous class salary for a limited period of time. The training of new classification analysts primarily involves shadowing an experienced analyst for several months to learn about classification processes and procedures. The new analyst initially performs the more routine classification studies, e.g., reclassification of vacant positions, and gradually learns to do comparability studies and more difficult projects. Classification reports are always reviewed by the classification supervisor and the Deputy Director of Personnel.

In summary, there is a visible link between classification and other personnel-related practices. The County's classification structure is used as the foundation for selection, compensation, training, promotion, demotion, reduction in force, reemployment and related decisions. Class specifications are formally adopted by the County Board of Supervisors and include job-related minimum qualifications or employment standards of education, experience, knowledge and abilities, which are validated through an adequate job analysis process. Routine classification issues appear to be handled in a timely fashion, although classification maintenance continues to be limited by staffing and fiscal constraints.

#### Findings

Meets standards.

#### **Compensation LAPS Section 17122**

To maintain a high quality public workforce and to assure equitable compensation for comparable work, the compensation plan shall take into account the responsibility and difficulty of the work, the compensation needed to compete in the labor market, and other pertinent factors.

Discussion (includes response to LAPS Section 17120)

The County's ERSA Division administers the County's Employee Relations Program, including labor relations and assisting with negotiation of labor agreements, handling meet and confer sessions, contract interpretation, salary classification and compensation, employee performance, grievances, employee training, employee processing, and personnel files. This division also manages the County's Personnel Payroll System including training for payroll clerks. With regard to compensation development, the County participates regularly in salary surveys from other jurisdictions and initiates compensation studies as needed to ensure market competitiveness. The County's regional labor market consists of the following counties: Contra Costa, Marin, Monterey, Napa, Solano, Sonoma, San Mateo, and Santa Clara. These counties are used as the primary source of labor market data.

The County currently has 10 labor contracts expiring at different times and compensation development is an ongoing process. The County conducts compensation studies based on benchmark classifications as MOU's expire and as part of the meet-and-confer process. Salaries and equity adjustments are negotiated in accordance with bargaining unit contracts, as are salaries for newly developed classifications. In addition to market surveys, the County also looks at internal parity.

The County has historically negotiated salaries based on total compensation. However, there are no "fixed" differentials or other agreements in the various memoranda of understanding that limit the ability of the parties to negotiate compensation for any classifications.

The County maintains a robust website for communication to employees and the public regarding classification and compensation practices and activities, as well as to expedite participation with other agencies in surveys and other information exchanges regarding classification and compensation issues. MOU's, as well as the Salary Ordinance, are posted on the Personnel website.

Findings

Meets standards.



## MERIT PRINCIPLE 3 - TRAINING

### Training LAPS Section 17130

Employees will be trained as needed to assure high-quality performance. In addition to providing training to improve performance, training should also be provided as needed to prepare employees for more responsible assignments and to implement affirmative action plans for equal employment opportunity.

#### Discussion

The Employee Relations and Salary Administration (ERSA) Division within the County Personnel Department administers the County-wide training program and is responsible for the development and delivery of certain types of mandated and optional training to employees, supervisors and managers. Individual County Departments also provide program-specific mandated and other training as required and/or desired, with consultative assistance provided by County Personnel.

In the County's Civil Service Rules, Rule IX states that the Personnel Director is responsible for "developing courses of training to instruct employees in the better performance of their duties, in the policies and objectives of the County government, in good safety practices, and to prepare those in the lower ranks for advancement into the position of higher responsibility". The County Equal Employment Opportunity (EEO) Officer advises the Personnel Director regarding the need for EEO training programs and plans. Other Personnel employees also assist the Personnel Director in determining which personnel policies and practices are most important for all County employees to know and where training may be needed. Finally, County supervisors and managers are responsible for assessing the training needs of each employee they supervise based not only on the person's job assignment but also taking into consideration any performance deficits they may have as well as any career goals they may have identified.

In addition to the Civil Service Rules, Sections II.15 and VIII of the County's Personnel Administrative Manual establish the County's policies and practices pertaining to training and staff development, and similar provisions are also described in various County Memoranda of Understanding (MOU's, or union contracts). Several key standards are summarized as follows:

- The County-wide Training Program provides in-service training for regular (non-extra help) County employees at all levels in a variety of subject matter areas which may include, but are not limited to: specific job skills development; supervisory and management training, safety training and First Aid; Spanish language; equal employment opportunity/non-discrimination; sexual harassment prevention; disability and cultural awareness; and career development.
- Pursuant to Board of Supervisors' direction, the County will establish a

leadership training program that includes six core supervisory and six core management classes. The purpose of these classes is to provide all regular (non-extra help) supervisory and management employees with a common basis for Santa Cruz County operations. The subjects to be covered by these classes are clearly defined in Section VIII.2 of the Manual. Priority for attending these classes is given to new and current supervisors/managers.

- The County will establish a Training Task Force (TTF) comprised of representatives from various unions, the County Administrative Office, and the EEO Office. The TTF is charged with developing training courses to assist employees in improving work skills; reviewing in-house training programs for promotional opportunities; establishing programs that will assist individual employees with clarifying career paths within the County service; establishing programs that will both identify and assist employees in overcoming barriers to career advancement; and discussing and making recommendations to the Personnel Department regarding ways to improve upward mobility and promotional opportunities for current County employees.
- The Personnel Department will track and arrange for new employees in budgeted positions to attend New Employee Orientation (NEO) on a quarterly basis.
- The County may set aside money for reimbursing employees in the General Representation Unit for tuition costs and/or costs of non-required licenses certificates, and for reimbursement for dues for professional associations that are inseparable from certification and/or licensure. The specific amount available may vary from year to year.

Due to fiscal limitations, the delivery of County-wide training has been scaled back for the last several years. In order of priority, training has focused on: 1) legally mandated training as required by law, e.g. biannual supervisory training on sexual harassment prevention; 2) training considered mandatory per County policy, e.g. non-discrimination and ethics training, as well as sexual harassment prevention for non-supervisory employees; 3) training considered necessary for employees to perform their job duties, e.g., leadership training for supervisors and managers and essential training for human resources professional staff; and 4) skill building classes designed to hone or enhance employees' skills and/or improve employees' opportunities for advancement. Based on these priorities, the County trained approximately 1164 employees on "Promoting Respect and Prevention of Harassment/Discrimination" between January 2011 and July of 2012. During that same period, approximately 43 employees were trained to serve as departmental EEO Liaisons.

Between July 1, 2011 and June 30, 2012, the County also offered the following specialized County-wide trainings for supervisors and managers:

Date	Subject	Presenter	Live Training	Webinar	Approx # Attendees
8/30/11	Building an Inclusive and Accessible HR System	SSB Bart Group		x	6
9/13/11	Leadership Strategies in Times of Crisis	NA		x	NA
9/20/11	Evaluation/Discipline (for Probation Dept)	Personnel staff	x		30
9/28/11	Preventing Workplace Harassment, Discrimination & Retaliation	Liebert Cassidy Whitmore	x		8
9/28/11	Difficult Conversations	Liebert Cassidy Whitmore	x		NA
10/27/11	Managing the Marginal Employee	Liebert Cassidy Whitmore	x		NA
10/27/11	Terminating the Employment Relationship	Liebert Cassidy Whitmore	x		NA
12/8/11	Shop Steward Training	SEIU & Personnel Dept staff	x		25
1/18/12	Disability Disclosure	Job Accommodation Network		x	8
2/15/12	Situational Judgment	NA		x	NA
2/16/12	Harassment & Discrimination Strategies	NA		x	NA
2/22/12	Super Manager or Super Spy: The Use of Technology in Monitoring Employee Conduct	Liebert Cassidy Whitmore		x	6
2/24/12	FMLA & Reasonable Accommodation (for General Svcs Dept)	Personnel & County Counsel staff	x		10
3/14/12	Creating a Positive Work Environment	MHN	x		30
3/15/12	Sick and Disabled Employees	Liebert Cassidy Whitmore	x		NA
4/13/12	FMLA & Reasonable Accommodation (for General Svcs Dept) – session 2	Personnel & County Counsel staff	x		10
5/9/12	Productive Labor Relations & Negotiations	NA		x	NA
5/17/12	Workplace Bullying & Violence – Information HR Needs to Know	Workplace Answers		x	10
6/13/12	Stress Reduction	MHN	x		30

NA = Information not available

Most of the above trainings were provided as part of the County-wide Training Program. The County Personnel Department also coordinates a Leadership Academy which is a special training for managers and supervisors that lasts two full days and covers topics such as performance evaluation, grievance handling, disciplinary actions, ethics, budget, safety, worker's compensation, unfair labor practices, EEO investigations, reasonable accommodations and more. ERSA staff is also available to offer shorter refresher courses on

individual topics upon request, to provide one-on-one coaching to interested supervisors and managers as needed, and to serve as internal consultants to help departments with strategic training directions such as work force planning and succession planning. The County also belongs to the Liebert Cassidy Whitmore (LCW) training consortium, through which approximately six trainings per year are offered to managers and supervisors on a variety of personnel topics.

Many of the above listed classes were conducted in a classroom setting. However, the County is moving toward a more "online" training model, where web-based programs and webinars will be the primary training tools. It is hoped that this will allow the County to make more efficient use of limited training resources.

Most County departments have internal training requirements for staff, based on legal mandates and/or departmental policy. In the Human Services Department, there are numerous State-mandated training requirements. For example, all Social Workers, Eligibility Workers, and CalWORKs employees are required to complete an induction (Core) training program, and some classifications must complete an intensive refresher training on a periodic basis. Additional training is required for supervisors, as well as employees who work with the CalWIN computer system, and all employees must be trained on document security and ethics. In addition to these mandated trainings, approximately 1609 "supplemental" training hours were delivered to 297 Human Services employees during the 2011/2012 fiscal year. Human Services also has detailed policies with specific instructions regarding the availability of training, the notification of employees regarding training opportunities, and the documentation of completed training. Compliance with these policies is monitored by the State Department of Social Services through regular reporting and audits.

Child Support Services also must comply with State training requirements that include: a Child Support Orientation Program (held once at the beginning of employment); Federal Tax Information (FTI) Confidentiality (annually); and Complaint Resolution Processes (one time only). Employees also receive technical training that varies with their job assignment. As with Human Services, Child Support Services must provide evidence of compliance with these trainings as a condition of funding.

During the audit, the County acknowledged that, compared to previous years, the variety and number of County-wide course offerings have been reduced because of fiscal limitations. For the same reasons, the TTF has been inactive for two years, and the County's ability (and need) to conduct NEO sessions has been restricted (County-wide new employee orientation has not been conducted since 2009). Similarly, Personnel does not currently publish a county training calendar or course catalog, and does not currently post training opportunities on the Personnel website (though notifications for some classes, e.g., those offered through the LCW training consortium, are e-mailed to those

employees eligible to attend). The departmental training liaisons also assist Personnel by publicizing training opportunities within the departments, notifying/scheduling employees for training, and generally coordinating training-related administrative activities. They may also help coordinate department-specific technical training activities.

Departments are responsible for monitoring and tracking employee attendance at department-specific trainings. The Equal Employment Office (within Personnel) tracks attendance at County-wide sexual harassment prevention trainings and ensures that all employees receive training as required by Federal and State law. Attendance at other County-wide trainings is monitored by ERSA staff, with the help of departmental training "liaisons" (generally, two in each department). Currently, the County does not have a centralized training database that tracks the training histories of individual employees, nor does the County track attendance by EEO category.

Training activities are linked to the County's performance evaluation system. The County's standard performance evaluation form includes a development plan where the supervisor is required to specify the "formalized education or training required/recommended" for the employee during the next evaluation rating period. The development plan for each employee is individually designed and includes training intended to meet the common needs of all employees in that position/classification, as well as remedial training designed to help the employee overcome identified performance deficits and other training intended to strengthen and broaden the employee's overall knowledge and skills, thereby improving the employee's opportunities for upward mobility.

The tuition reimbursement program, which is only available to employees in the bargaining unit represented by Service Employees International Union (SEIU), also supports upward mobility by encouraging employees to develop new skills. In the current two-year contract (expiring September 2013), \$16,000 has been allocated to the program. To date, eight employees have participated in the program and have claimed \$1,331 in reimbursements. While this number seems low at this point, there may be several employees who are holding their claims until the completion of a school term. In any case, the audit team encourages the County to publicize this program so that eligible employees are made aware of tuition reimbursement opportunities.

Likewise, one role of the TTF is to ensure that training programs include classes that help employees gain the skills needed to promote. The County classification plan is also designed to support this goal; many County positions exist in a series that allow an employee to promote through three or four levels as they hone and expand their knowledge and skills. Additionally, some of the multi-level classifications may be alternately staffed to allow flexibility for the department heads to use the classes to meet work load changes or changes in available labor workforce, and to enhance the retention of an employee hired at a lower class level. This delegation increases the department head's responsibility for: (a) maintaining proper balance between duties and class

level; (b) provision of training and supervision appropriate to the level of the employee; and (c) hiring and promoting employees based on level of difficulty of assignments and proficiency rather than only an attainment of minimum experience required for the higher class.

Overall, the County's training program is sufficiently active and robust to meet legal requirements and maintain an adequately trained workforce. Clearly, fiscal limitations have reduced the County's ability to provide non-mandatory training, and therefore few classes geared toward "upward mobility" are currently being offered. Fiscal constraints also appear to have prevented Personnel from implementing a number of training-related programs and activities that are required by County policy. Personnel staff indicated that additional training funds have been allocated for the 2012/2013 fiscal year which should allow for an increase in the number and variety of County-wide classes offered, reactivation the TTF, and reinstatement of regular NEO sessions.

The audit team recognizes that, in severe fiscal conditions, training programs can be severely impacted. We are pleased that, in 2012/2013, Personnel expects to restore some of the training activities that have been cut in the last few years. We encourage the County to continue to recognize the importance of training when it comes to the recruitment and retention of quality employees, and the role that training plays in the provision of quality County services.

Findings

Meets standards.

## **MERIT PRINCIPLE 4 – RETENTION OF PERMANENT EMPLOYEES**

### **General Requirement LAPS Section 17140**

Employees shall be retained on the basis of the adequacy of their performance, and provision shall be made for correcting inadequate performance and separating employees whose inadequate performance cannot be corrected.

#### Discussion

The Civil Service Commission Rules (Rules) and County Code provide guidelines for addressing disciplinary actions. The system is based on progressive discipline principles from informal counseling (oral counsel/oral reprimand) to formal dismissal. Supervisors are directed to counsel employees. In Stage 1 (Counseling) as noted in the Rules, the immediate supervisor usually counsels the employee in an effort to clarify information or solve problems. Under Stage 1, oral reprimand, the supervisor makes a note of the date, time, and content of the reprimand, however no record is placed in the permanent personnel file unless subsequent action is needed. Further, Stage 1 actions are excluded from appeal. If inadequate performance continues, written reprimands, suspension/demotion, and finally, dismissal is implemented. Appeals of Stage II (Written Reprimand) may be made to the Personnel Director, whose decision is final. Appeals at Stage III (Suspension/Demotion) and Stage IV (Dismissal) actions to the appointing authority are governed by "case law, as stated in the Notice of Intent, and for certain employees, State Law (Public Safety Officers Procedural Bill of Rights)." Upon further inquiry for clarification, in practice, such written notice is served at least five business days prior to the effective date of any disciplinary action under Stage III or IV as defined in the Rules. A review of the files indicates that such practice is applied as stated.

#### Findings

Meets standards.

### **Separation and Layoff LAPS Section 17141**

Employees who have acquired permanent status shall not be subject to separation except for cause or such reason as curtailment of work or lack of funds. Procedures will be established to provide for the transfer, demotion, or separation of employees whose performance continues to be inadequate after reasonable efforts have been made to correct it. Retention of employees in classes affected by reduction in force shall be based upon systematic consideration of type of appointment and other relevant factors.

#### Discussion

Layoff procedures and rules are noted in the applicable Memorandum of Understandings (MOUs) and the County Code (Section 3.24.020, Layoffs). Permanent employees may be separated for cause based on conduct and performance and may be laid off due to lack of funds, lack of work, reorganization, in the interest of economy, or otherwise as determined by the

Board of Supervisors to be in the best interest of "the County and to the public service" (Refer to County Code 3.24.020, Layoffs).

Employees not having permanent status are laid off first. The order of layoff is as follows:; extra-help employees; a call for volunteers, provisional employees; probationary employees; permanent employees. For those employees covered in the Middle Management Representation Unit, the MOU provides that employees in the affected job class(es) who have received a substandard evaluation on their last two scheduled performance evaluations be laid off before employees in the affected job class(es) who have received a standard evaluation of better on at least one of their last two evaluations. Such provisions are outlined in the Mid-Management MOU, Section 33.5 Order of Layoff. For all other relevant labor groups, evaluations do not affect layoff. In all relevant bargaining groups, the order of layoff for permanent employees is based upon seniority calculations for the affected class(es). More specifically 80 hours of service = 1 point. Ties are broken by reviewing total county service hours and/or date of hire.

#### Findings

Meets standards.

#### **Employee Evaluation LAPS Section 17142**

Local agencies should establish a systematic method of evaluating employee performance, which should influence such personnel management decisions as merit salary adjustments, need for training, and order of layoff.

#### Discussion

The County Personnel Department administers and manages the County-wide performance management system in accordance with the Civil Service Rules (Rule VI.E and Rule X), the Personnel Administrative Manual (Section VII), and various Personnel Regulations. County employees (including supervisors and managers) are to receive performance appraisals based on the following schedule:

- At three months and six months while serving a six month probationary period;
- At three, six and twelve months while serving a twelve month probationary period;
- At least annually when having permanent status in their job class;
- At two months intervals if placed on a six month special evaluation period.

Employees must be evaluated in order to be eligible for advancement to the next step in the salary range for their job class. Also, the Board of Supervisors has directed that department heads must be evaluated annually by the County Administrative Officer or other appointing authority using the standard County performance evaluation process and forms.



If layoffs are required, evaluations are not relevant to the order of layoff of any employees other than those in the Middle Management representation unit. Middle Management employees whose last two evaluations have been unsatisfactory will be laid off before those whose last two evaluations have included at least one that was satisfactory.

To assist departments in ensuring that employees receive performance evaluations in accordance with the above requirements, the County's payroll system automatically tracks evaluation due dates and sends notifications to payroll staff who are responsible for monitoring the timely completion of the evaluations. If a performance evaluation is not completed within 30 days of the due date, it will be presumed that the employee's performance is "satisfactory" and any merit increase that is due will be implemented. Personnel also prepares a regular report to the Board of Supervisors that identifies any departments where performance evaluations were not completed in a timely manner.

Personnel has established an "Employee Performance Evaluation and Development Report" form, which is used by all departments (including Child Support and Human Services). The form allows raters to provide a numerically scored rating of the following:

- Job skills and ability
- Quantity of work
- Quality of work
- Work habits
- Personal relations
- Supervisory ability (if applicable)

In addition, raters determine an "overall performance rating" (unsatisfactory, improvement needed, meets job standards, exceeds job standards, or outstanding) and must complete a narrative section describing the specific objectives to be achieved for the next appraisal period and a development plan (e.g., education, special job assignments or experience, or other recommendations). The form includes detailed instructions regarding completion. In addition, comprehensive performance appraisal training is included as part of the "Leadership Academy" training that is provided to all managers and supervisors. The form includes a section where the employee being evaluated may provide comments, and a box that the employee can check if he/she wants to discuss the rating with the reviewing officer. The form must be signed by the employee, the rater (usually the employee's supervisor), and a reviewing officer. The form also includes detailed and specific instructions on how the employee may appeal the rating.

While County policies clearly state that performance evaluations are not to be used as discipline, employees with permanent status who receive a rating that is less than "meets job standards" must be placed on a special evaluation period. In order to implement such a special evaluation process, the operating department must provide a memo notifying the employee and copying the Personnel

Director. The memo must include a statement of the special performance problems leading to the special evaluation, the date that the performance problems were discussed with the employee, the type of performance improvements that are necessary, and the date that the special evaluation period is to begin. The special evaluation period is six months, and during that time, the employee must be evaluated at two month (or shorter) intervals. Employees who are unsuccessful in attaining an overall performance evaluation rating of "meets standards" or better by the end of the six month period are subject to disciplinary action.

All performance evaluations are appealable, and the appeal process is outlined in Civil Service Rule X. As the first step, the employee may request a meeting with the reviewing officer. If, after meeting with the reviewing officer, the employee wants further consideration, he/she has five days to submit a request for reconsideration to the appointing authority. If all departmental remedies are exhausted, the employee may appeal to the Personnel Director, who will schedule an informal hearing. However, a report with an overall rating of "meets job standards," "exceeds job standards," or "outstanding" cannot be appealed to the Personnel Director. The Personnel Director's decision shall be final and binding.

Sample performance evaluations were reviewed for employees in both the Department of Human Services Agency and the Department of Child Support Services. While there was some variance between the style and amount of detail in the narrative portions of the evaluations, the appraisals reviewed were generally constructive, job-related, and reinforcing of positive performance. The appraisals usually included specific training goals and employee growth plans. The appraisals had been given timely and in accordance with the schedule outlined above. Overall, the County's performance appraisal system is being implemented in a manner consistent with established policy and LAPS requirements.

Findings

Meets standards.

## MERIT PRINCIPLE 5 – FAIR TREATMENT

### General Requirement LAPS Section 17150

Fair treatment of applicants and employees in all aspects of personnel administration will be assured, without discrimination and without regard to political affiliation, and with proper regard to their privacy and constitutional rights as citizens.

### Equal Employment Opportunity LAPS Section 17151

- a). Equal opportunity shall exist in recruitment, examination, appointment, training, promotion, retention, discipline, or any other aspect of employment.

#### Discussion

The County promotes equal employment opportunity through the promulgation of policy, distribution, posting and education to its workforce through training and distribution of documents. The Personnel Department has a comprehensive website which includes access to the EEO/Non Discrimination Program Policy and EEO/Non Discrimination Brochure, which is provided to new employees as well. The County of Santa Cruz's Equal Employment Opportunity/Nondiscrimination Policy outlines the County Administrative Officer's responsibility of ensuring the "achievement of the policy of equal employment opportunity as established by the Board." Included in the Policy is a Harassment Policy, Sexual Harassment Policy, Disability Non-Discrimination Policy, and Reasonable Accommodation Policy. Further, the EEO Officer and the duties and responsibilities are in the said Policy. Applicants are provided access to the County's EEO Non-Discrimination Policy and Brochure on the Personnel Department EEO webpage, accessed through the Personnel Department webpage.

On the Employment Services job opportunities website, the Personnel Department's mission statement is noted as follows: *In collaboration with our customers, we will recruit, develop, support, and retain an ethical, professional and diverse workforce dedicated to serving the community.* Additionally, on the EEO webpage, the following language is included to promote equal opportunity: *The County of Santa Cruz is an Equal Opportunity Employer committed to building a diverse workforce.* The County Personnel Department's webpage also includes a TDD number for persons with hearing impairments, and a statement in Spanish inviting interested persons to call for more information in Spanish. Applicants with disabilities are also offered reasonable accommodation during the application and testing processes. The Personnel Department's contact information is provided for hearing impaired applicants. Further, the Personnel Department provides contact information for those applicants who have a disability that requires test accommodation. On the online job announcements, information does note that "women, minorities, and people with disabilities are encouraged to apply."

Within the Personnel Administrative Manual, there are numerous policies to include a Reasonable Accommodation Policy, as there is for EEO Outreach,

EEO Training Programs, Departmental EEO Sexual Harassment, ADA Liaisons, and Responsibilities for Attaining EEO Non-Discrimination Objectives.

Within the new employee packet provided by the Personnel Department staff, included in the packet are items such as the Form I-9, which incorporates an anti-discrimination notice, an EEO Questionnaire (voluntary form to note race/ethnicity and whether or not the new employee has a disability), the notification of policies of checklist for the employee to sign off that he/she has received and read the Santa Cruz County policies for EEO, Harassment, Disability, Non-Discrimination, and a Brochure on Sexual Harassment from the California Department of Fair Employment and Housing. On the mentioned notification of policies checklist, there is also an area for the new employee to note that he/she understands that if there is a violation of the policies on Sexual Harassment, that he/she may be held personally liable and disciplinary action may be taken up to and including termination.

The EEO/Non-Discrimination and Reasonable Accommodation Policy and the Sexual Harassment Policy are also distributed as part of relevant training. Supervisors and managers are required to complete their bi-annual sexual harassment and discrimination training. Non-Supervisory employees also receive such training every three years and once the online training is completed, all employees, regardless of position, will be required to complete the above mentioned training every two years. Further, additional training is provided by the EEO Office to those designated department EEO Liaisons to include training and updates related to sexual harassment and other EEO topics.

Findings

Meets standards.

- b). Prohibitions against discrimination consistent with the Civil Rights Act of 1964 as amended (42 U.S.C. § 2000e et seq.), the Rehabilitation Act of 1973 as amended (29 U.S.C. § 791 et seq.), the Age Discrimination in Employment Act of 1967 as amended (29 U.S.C. § 621 et seq.), the Equal Pay Act of 1963 (29 U.S.C. § 206 (d)(1)), and other relevant statutes shall be established and enforced.

Discussion

The County is an equal opportunity employer with a very comprehensive system that promotes fair treatment and employment opportunities including policy, procedure, and training. Although the County-wide EEO Plan is from 2008-2010, the County provided the 2011-2012 annual report that reviews the status of the workforce and utilization of occupational categories by race, age, and gender and reviewed those departments with more than 10% underutilization of women and minorities. As noted below, new countywide and department workforce statistics are issued every quarter and administrative practices have been implemented where there is an indication of underutilization (see below in subsection c).

The EEO Office is a division of the Personnel Department and manages the EEO training curriculum. As noted above, there are numerous policies and procedures in place to prohibit discrimination consistent with the Civil Rights act of 1964 as amended, the Rehabilitation Act of 1973 as amended, etc. (as specified above). Further, the EEO Office has multiple responsibilities to ensure that such prohibitions of discrimination are adhered to for all departments within the County. For example, as reported by staff in their responses to the Typical Questions, the EEO Office reviews exam statistics to determine whether there is adverse impact, reviews new and revised classifications to ensure that there are no artificial barriers to employment, and that all noted duties, KSAs, etc. are job related. Further, as previously stated, the EEO Office provides ongoing training regarding general EEO obligations and sexual harassment prevention, is involved in classification decisions, collaborates with the Employment Services Division for career days, and assists in promoting various jobs to include those positions where there may be underutilization and/or mandatory bilingual skills required.

Additionally, the County maintains effective channels for addressing the informal and formal workplace discrimination complaints by employees or applicants. Employees and applicants have several avenues for complaint reviews. As specified below, discrimination complaints go through the EEO Officer not through the grievance procedure. The process for filing discrimination complaints is outlined in the specified Memorandum of Understanding. Further, the County's EEO/Non-Discrimination and Reasonable Accommodation Policy outlines the process and procedures for filing a discrimination or harassment complaint, as stipulated in Personnel Regulations Section 192. Data and case complaint files filed by Human Services Department employees and/or Child Support Services employees, or complaints filed through the State DFEH and Federal EEOC were reviewed in this audit. (See Alleged Discrimination, Section 17153 b).

#### Findings

Meets standards.

- c). Equal employment opportunity programs shall be developed and implemented to include the following:
- (1) Removal of artificial barriers to equal employment opportunity.
  - (2) Assessment of the local agency's work force, including a comparison of the local agency's work force composition with the relevant labor force composition. Records of such assessments and comparisons shall be provided annually and at such other time as required to the State Personnel Board Executive Officer.
  - (3) Where there is statistically significant underutilization of any group based on race, ethnicity or gender as shown by the work force-labor force comparison, the local agency shall:
    - Develop and implement written recruitment plans which will ensure all-inclusive outreach and equal opportunity for all groups. Copies of such

- recruitment plans shall be made available, upon request, to the State Personnel Board Executive Officer.
- Assess selection processes to ensure that they are based solely on job-related criteria and are free of illegal adverse impact as defined in the Uniform Guidelines on Employee Selection Procedures (Guidelines), incorporated in Section 17112, against any group. Such assessments shall be conducted consistent with procedures outlined in the Guidelines. Where illegal adverse impact is found, the local agency shall identify the cause and take appropriate corrective action on a timely basis.
  - Comply with all equal employment opportunity requirements mandated by federal agencies as a condition for obtaining or maintaining federal funding of programs.

#### Discussion

As specified on the County's website, the County has an Equal Employment Opportunity Commission established under the authority of Government Code Section 31000.1. Further, the Commission consists of 10 members appointed by the Board of Supervisors. The EEO Commission has a variety of responsibilities to achieve equal employment opportunity, regardless of "political affiliation, race, color, creed, religion, national origin, ancestry, disability, medical condition, marital status, sex, sexual orientation, gender, age (over 18), veteran status, pregnancy, or any other non-merit factor. More specifically, the Commission's responsibilities include the following, as stipulated in the County Code, Section 2.40.050:

- (A) Receive, review, evaluate and monitor the County's equal employment opportunity and nondiscrimination plan;
- (B) Advise the Personnel Director and equal employment opportunity officer on methods of accomplishing equal employment opportunity and nondiscrimination objectives;
- (C) Perform an active role, in conjunction with the civil service commission, the equal employment opportunity officer, County administration, and employee organizations, to provide input for the establishment of improved systems, procedures and activities, including grievance procedures, which will enhance the effectiveness of the equal employment opportunity/nondiscrimination policy and plan;
- (D) Work with the equal employment opportunity officer to assure that the County's equal employment opportunity contract compliance obligations are met, consistent with Federal law;
- (E) Work with the equal employment opportunity officer, County administration, employee organizations, and other interested parties, to implement the goals and objectives of equal employment opportunity and nondiscrimination;
- (F) Report its findings at least semi-annually to the Board of Supervisors regarding progress made toward equal employment opportunity and nondiscrimination;

(G) Have access to all relevant information, materials and data which are necessary to carry out its charges;

(H) Exercise any other responsibilities which may be set forth in the Commission's bylaws as approved by the Board of Supervisors. [Ord. 4533 § 4, 1999; Ord. 2217, 1975; prior code § 3.39.020].

The County does not have an updated EEO Plan; however, the 2008-2010 EEO Plan is considered a current document to review along with the 2011-2012 EEO annual report outlined above. The most updated EEO and Cultural Competency Plan covers the period of 2008 through 2010 and is based on 2000 Census Data. In accordance the responses provided by staff, the County EEO Plan will be updated when the 2010 census workforce numbers are released and available. As such, the Personnel Department is to provide the audit staff with an updated EEO Plan to include its purposes, related policies, a workforce analysis, as well as any accomplishments and actions to address possible underutilization identified.

Although the County does not have an updated EEO Plan, new countywide and department workforce statistics are issued every quarter and are used to review along-side both the EEO Plan and the annual report. In accordance to the staff's responses to the Typical Questions document and in confirming while audit staff were onsite, those departments who have over 10% underutilization in women and/or minorities as compared to the rate at which those groups are available in the local workforce, there is additional EEO administrative review in the recruitment/outreach plans and hiring processes. Further, such departments must also have a memo to note the hiring manager's decision for selecting the preferred candidate. It is the responsibility of the EEO Officer to review and approve such memos before an offer is presented to the prospective new hire.

The EEO Office provides an annual report to the Board of Supervisors regarding the County workforce analysis and the status of departments under administrative review; however, without the availability of the 2010 census workforce numbers for an updated EEO Plan, it is difficult to reflect the available labor pool and/or whether or not there is significant underutilization which warrants further administrative review.

The County's current EEO Plan is not currently available online; however, the existing EEO Plan was submitted to the audit team for review. (Please note: The annual EEO report is available online.) The Plan appears to be comprehensive, providing countywide workforce statistics, countywide activities and recommendations, departmental EEO and Cultural Competence Plans, and a dissemination plan.

Further, the Personnel Department provides the Board of Supervisors with annual reports since the EEO Plan was approved on March 18, 2008, and will begin the process for a new plan as soon as the 2010 census data is available (anticipated date of completion is during the latter part of the 2012 fiscal year).

Further, an annual report was provided to the Board of Supervisors on June 19, 2012, which covers information between the period of April 1, 2011 through March 31, 2012. Included in the Annual Report is Workforce Composition (by race, gender, age, disability, occupational category, and department/administrative review, as well as additional detail by department where women and minorities are significantly underutilized. None of the departments where there is mention of underutilization are covered under LAPS, Chapter 1.

Additional information regarding EEO Office's role as related to ADA and FEHA is also included in this annual report. The audit team commends the County for providing the annual report to the Board of Supervisors for review in an effort to maintain up to date statistics and address any EEO considerations.

Overall, with the exception of the County not having an up to date EEO Plan based on 2010 Census Data, the County's EEO Program is thorough and focused, reflecting the County's very real commitment to the value of a strong EEO Plan and Program within an organization. Updates to the Board of Supervisors to include review and monitoring of underutilization are indicators that the County of Santa Cruz is committed to applying fair employment practices amongst a diverse workforce.

#### Findings

The County is substantially in compliance with the standards. The Personnel Department is to provide the audit staff with an updated County EEO Plan based on 2010 Census Data. The updated EEO Plan is to include its purposes, related policies, a workforce analysis, as well as any accomplishments and actions to address possible underutilization identified. **A plan of action for obtaining compliance is to be provided within 30 days of receiving the final report of findings. The mentioned action plan is to include the timeframe and milestones for completing the EEO Plan which incorporates updated census data. Additionally, after presenting the EEO Plan to the County Board of Supervisors for approval, which is tentatively scheduled for May 2013, the County is to submit a copy of the EEO Plan to MSS.**

#### **Employee/Management Relations LAPS Section 17152**

- a). Nothing in a local agency employee-management relation's agreement shall conflict with these standards.

#### Discussion

The Board of Supervisors has an adopted Employer-Employee Relations Policy as part of the Personnel Regulations (Section 181). The Resolution establishes formal policies and procedures providing a reasonable method of resolving disputes regarding wages, hours, and other terms and conditions of employment between the County and its employees and their employee organization. Further, it is also the purpose of the said Policy to "promote the improvement of personnel management and employer-employee



relations within the County government by providing a uniform basis for recognizing the right of County employees to join employee organizations of their own choice and to be represented by such organizations in their employment relationships with the County." Unit determination is the responsibility of the Employee Relations Officer in accordance with the Employee/Employer Relations Policy. The Employee Relations Officer registers employee organizations; establishes units; conducts elections; and certifies choices according to election results. Disputes may be appealed to Board of Supervisors.

Memoranda of Understanding (MOU) between the County of Santa Cruz and the unions include classifications of County employees in Human Services and Child Support Services. There are eleven units in the County, including the executive management unrepresented unit; Human Services employees are covered by General Representation and Middle Management Memorandum of Understanding (MOUs); Child Support Services employees are covered by General Representation, District Attorney/Child Support Attorney Representation Unit, and Middle Management MOUs.

Memoranda of Understanding are negotiated in accordance with Section 3500 of the Government Code. Agreements are consistent with merit system standards and do not conflict with LAPS.

#### Findings

Meets standards.

- b). There shall be written procedures for resolving employee grievances and discrimination complaints. To the maximum extent possible, the procedures should include steps to resolve discrimination and all other types of employee grievances without recourse to formal appeals procedures.

#### Discussion

The definition of a grievance as defined in the Memoranda of Understanding is as follows: "A management interpretation or application of the MOU which adversely affects an employee's wages, hours or conditions of employment" unless specifically excluded from the grievance procedure: An interpretation of the of the County Procedures Manual (the Salary, Compensation, and Leave Provisions) which adversely affect an employee's wages, hours, or conditions of employment."

The Memoranda of Understanding negotiated grievance procedures vary by bargaining unit. There is a formal three step grievance procedure for the General Rep Unit. The initial informal step is one in which employees are encouraged to meet informally with their supervisor to resolve the matter. The first step of the formal process is one in which, the employee may file a grievance with the department head/designee within 30 days of the occurrence. At Step 2, the employee may appeal the Department Head's decision to the Personnel Director, who shall issue a decision within 14 calendar days of the

appeal, meeting with the employee and union (unless mutually waived). The grievant may then within 14 calendar days, appeal the Personnel Director's decision within 14 calendar days to the hearing officer, selected by mutual agreement or from list provided by State Conciliation and Mediation Services. At the end of the hearing, parties are offered the option of mediation. If parties declined or unsuccessful, the Hearing Officer issues the final and binding decision.

For the Extra-Help General Rep Unit, the Personnel Director issues written decision and that decision is final. Details as to the three step process (which includes Step 1, informal grievance) is noted under MOU Article 40).

Within the Mid-Management Rep Unit and the District Attorney/Child Support Attorney Association MOUs (identical grievance procedures), there is an informal process in which employees may meet informally with their supervisor to resolve the matter. There are four formal steps within the grievance procedures as well, as outlined in MOU Article 34 and Article 15, respectively. At Step 3 of the procedures, the grievant may appeal the Personnel Director's decision to the Hearing Officer. Mediation is offered and if declined the Hearing Officer's decision is final and binding.

Complaints alleging discrimination are referred to the EEO Officer and are processed in the County's Discrimination/Harassment Complaint Procedure described in Personnel Regulation 192, which is separate from the grievance procedure. (Discrimination appeals are discussed in Section 17153 (b), Alleged Discrimination)

A review of grievance file was conducted. Files reviewed were complete with grievance forms, statement of the issue, investigation and interview notes, written communication, and other information relative to the grievance. Summary of Grievances are as follows:

Grievances	FY 06-07	FY 07-08	FY 08-09	FT 09-10	FY 10-11	FY 11-12
Human Services Department	4	3	2	1	0	0
Child Support Services	0	1	0	0	0	0

Findings

Meets standards.

**Appeals LAPS Section 17153**

*Separation for Cause*

- a). In the event of separation for cause or demotion for cause, local agencies shall provide permanent employees in covered programs with the right to appeal through an impartial process that results in timely, enforceable decisions.

### Discussion

Civil Service Rules, Section 130 have comprehensive policies and procedures governing the processing of disciplinary actions. The County Code also speaks to disciplinary actions and per Section 3.24.030 of the County Code (disciplinary action is defined as dismissals, suspensions, or demotions.) Specified MOU's define "adverse action" as dismissal, demotion, suspension, placement at a lower salary step in the salary range of the employee, written reprimand, or transfer for purposes of punishment.

Further, as stated on the Santa Cruz County Civil Service Commission Appeal Rules and Form, the "County Civil Services Rules set forth the process for an appeal, including specific timelines that must be met for an appeal to be valid." The said mentioned form is a document used to initiate the process for appealing a disciplinary action involving a County employee. As such, the employee is to file the form within seven days of the action or decision being appealed. The form must be submitted to the Secretary of the Civil Service Commission (HR Director).

As stipulated in the Employee/Employer Relations Policy and designated MOUs, dismissals, suspension, or reduction in rank or classification is specifically excluded from the grievance procedure. MOU's have provisions mutually agreeing to union representation, proper notification of proposed action, and right to appeal, all of which are consistent with the Civil Service Rules.

As specified in the relevant MOUs for the purposes of this audit, employees have the right to file a written response to any written reprimand entered in his/her personnel file, and is afforded the opportunity to meet with the appointing authority regarding the reprimand, with a representative of his/her choice. Formal levels of the disciplinary process are initiated by a letter of intent to impose discipline which contain grounds for the disciplinary action and the opportunity for the employee to respond. Following a "Skelly Hearing" the appointing authority makes a final determination regarding discipline and advises the employee of the right to appeal to the Commission. For the General Representation Unit members, an alternate disciplinary appeal process is noted in the MOU. As such, members of the General Unit, with Union approval, may use an arbitrator for disciplinary actions but must waive their right to appeal before the Civil Service Commission. Arbitrators must be mutually selected by the County and Union from the State Mediation and Conciliation Service.

### Human Services Department

Discipline Cases						
Year	Written Reprimand	Dismissal	Suspension	Suspension & Demotion in Lieu of Dismissal (settlement)	Suspension & Last Chance Agreement in Lieu of Dismissal (Settlement)	Civil Service Commission Appeal (dismissed for lack of jurisdiction)
FY 06-07	2	1	0	0	0	0
FY 07-08	4	4	0	0	0	0
FY 08-09	1	0	1	0	0	0
FY 09-10	1	0	1	1	0	0
FY 10-11	0	0	1	0	1	0
FY 11 -12	2	0	1	0	0	1

### Child Support Services

Discipline Cases				
Year	Written Reprimand	Suspension	Dismissal	Civil Service Commission Appeal
FY 06-07	2	0	0	0
FY 07-08	5	1	1	0
FY 08-09	1	0	1	0
FY 09-10	0	0	0	0

\*Note – No disciplinary cases went through arbitration.

#### Findings

Meets standards.

#### Alleged Discrimination

- b). Local agencies shall provide for appeals of alleged discrimination, by an applicant or employee, through an impartial process that results in timely, enforceable decisions.

#### Discussion

The County Code, Civil Service Commission Rules, the Equal Employment Opportunity Plan, Memoranda of Understanding, and various policies and procedures provide rules and procedures to address equality of employment rights. As specified in the MOU's there is a No Discrimination or Fair Employment Practices subsection which outlines that the County and the Union "agree that no person employed or applying for employment shall be discriminated against on the basis of race, color, religion, disability, medical condition (cancer related or genetic characteristics), national origin, ancestry,

marital status, sex, sexual orientation, age (over 18), pregnancy, gender, veteran's status, or any other non-merit factor except where sex or physical capability is determined to be a bona fide occupational qualification after consideration of reasonable accommodation factors in relation to the essential job duties of the position." As specified above, the County also has Personnel Regulations, Section 192 that reiterate the above mentioned language and that specifically outline the submission, investigation, and handling of discrimination or harassment complaints.

Complaint and appeals procedures and printed guidelines for resolution are comprehensive and accessible to employees, supervisors and managers, applicants for employment, and applicants for service. If an applicant for employment alleges discrimination during any part of the selection process or is disqualified at any stage in the examination, selection or appointment process, the person who is disqualified may appeal to the Civil Service Commission.

A County employee has the option of filing an informal complaint of discrimination or harassment with his/her supervisor or directly with the EEO Office. The EEO Office, as outlined in Personnel Regulations 192, may refer the complaint, whenever appropriate, to the Appointing Authority for investigation and resolution of the complaint. The employee does have the right to file the complaint directly with the Department first, and such findings by the Department would be forwarded to the EEO Office. The employee and/or the Appointing Authority may then appeal the EEO Officer's decision to the County Administrative Officer. For those members who are in the General Representation Unit, complainants and respondents have the right to request arbitration of the CAO decision, if submitted within 7 calendar days of receipt of the decision of the CAO. The decision of the arbitrator shall be final and binding. For the Non- General Rep Unit employees, both permanent and probationary, from the Human Services Department and Department of Child Support Services, decisions of the EEO Officer's decision may be appealed through the Personnel Director to the Civil Service Commission, if such requests are submitted in writing within seven calendar days of receipt of the decision of the CAO. The Civil Service Commission's decision shall be final.

Also, employees and applicants for employment have the option of filing a complaint with either, or both, the state and federal compliance agencies: California Department of Fair Employment and Housing (DFEH) and US Equal Employment Opportunity Commission (EEOC).

Employee Discrimination Complaints filed with Civil Service Commission, DFEH, or EEOC (within Human Services and Child Support Services) by Calendar Year.

Time Period	2007	2008	2009	2010	2011	2012
Human Services	One DFEH complaint received – closure letter filed	None	None	None	None	None
DCSS	None	Two EEOC complaints from same EE – received closure letters	None	One DFEH complaint with notice that no initial charge issued	None	None

Findings

Meets standards

*Reduction in Force*

- c). In the event of reduction in force, employees with permanent status shall have the right to appeal the application of reduction in force rules as they relate to the establishment of and certification from layoff and re-employment lists. Such appeals shall be through an impartial process that may be recommendatory or enforceable on the appointing authority. This provision shall not be construed to provide for employee appeals of management rights to identify the classes of layoff, number of positions to be reduced and effective date of the layoffs.

Discussion

As noted above in Section 17141, Layoff procedures and rules are negotiated in the applicable Memorandum of Understandings (MOUs) with recognized employee organizations in accordance with the County Code (Section 3.24.020, Layoffs).

The order of layoff, as well as how seniority is calculated is included above in Section 17141. As indicated in the staff's responses to the Typical Responses and in follow-up discussions, the Board of Supervisors approves layoffs. The last layoff in the Human Services Department was in August of 2010 and within Child Support Services, in January 2012.

The decision to reduce staff is class specific depending on the needs of the department and availability of funds as determined by the Board of Supervisors. Departments identify positions to be eliminated and coordinate with the Personnel Department. A layoff can also be for a specific unit or division, depending on what is approved in the budget; however, an employee may only bump within their own department which in turn does not affect other departments. In terms of process, it is the understanding of the audit team that the Personnel Department, based on automated time records, calculates seniority. Typically, towards the end of the fiscal year, the Personnel

Department starts working with the respective departments during the Spring months to determine if layoffs are imminent.

There is no formal appeal process as related to the layoff procedure; however in further discussing with Personnel staff, the County is required to meet and confer over the impacts as a result of reduction in force. As such, a copy of the seniority report is provided and seniority calculations are further explained for transparency and discussion purposes. Further, if there is any violation to a respective Memorandum of Understanding, the grievance procedure is available. As such, the County meets the requirement of having an impartial process available as related to the layoff procedures (final hearing body is either arbitration or the Civil Service Commission, depending upon the respective bargaining unit).

Findings

Meets standards.

## **MERIT PRINCIPLE 6 – POLITICAL RIGHTS AND PROHIBITIONS**

### **Political Rights and Prohibitions LAPS Section 17160**

The provisions of the Federal Hatch Act and applicable State statutes shall be followed. All employees shall be informed of their political rights and prohibited practices under the Hatch Act and applicable state laws.

#### Discussion

The Human Services Department provides employees at each performance evaluation period, an Employee Expectations Checklist, to include information regarding the Hatch Act and their political rights and prohibitions during election time. The employee must read and sign off that he/she has read through the information regarding such. For those employees within Child Support Services, there are bulletins and an email that goes out to employees to notify them of their political rights and prohibitions as related to the Hatch Act.

#### Findings

Meets standards.



## ADMINISTRATION

### Employment Covered and Exempted from Standards LAPS Section 17200

- a). These standards apply to personnel engaged in the administration of federally aided programs which by law or regulation require a merit system of personnel administration that meets standards published by the United States Office of Personnel Management. These rules are applicable to all positions in such programs, irrespective of the source of funds for their individual salaries, except those exempted by this section.

#### Discussion

The County Code extends merit system coverage to positions in the classified service. The unclassified service consists of the Elected Officials, County Administrator, Assistant CAO, Chief Deputy District Attorney, some department heads, and other officers and persons employed in County Departments.

#### Findings

Meets standards.

- b). The following positions may be exempted from application of these standards: Members of policy, advisory, review, and appeals boards or similar bodies who do not perform administrative duties as individuals; officials serving ex officio and performing incidental administrative duties; one confidential assistant or secretary to any of the foregoing exempted officials; attorneys serving as legal counsel or conducting litigation; the executive head of an independent local agency or department administering programs covered by these rules; deputies who share with executive head authority over all major functions in covered local agencies or departments; time-limited positions established for the purpose of conducting a special study or investigation; and unskilled labor.

#### Discussion

The Department Heads for Human Services and Child Support Services are included in the classified service.

#### Findings

Meets standards.

- c). County Welfare Directors and Deputy Directors who had permanent status in such classes on the date these regulations became effective shall continue to retain the rights of permanent status as long as they continue to occupy positions they held on the effective date of these regulations.

#### Discussion

Does not apply to current office holders.

#### Findings

Meets standards.

- d). Additional exemptions of positions must receive the prior approval of the State Personnel Board Executive Officer.

Discussion

Additional exemptions have not been requested.

Findings

Meets standards.

- e). Waivers from specific provisions of these regulations may be granted by the State Personnel Board Executive Officer, at the request of local agency, for time-limited experimental or research projects designed to improve merit systems or their operations. To the extent such a waiver also involves waiving provisions of the Federal Standards for a Merit System of Personnel Administration, the State Personnel Board Executive Officer shall review the request and make a recommendation in the manner required by the United States Office of Personnel Management.

Discussion

Waivers have not been requested.

Findings

Meets standards.

**Requirement for Records and Reports LAPS Section 17220**

Appropriate records shall be maintained and available to permit determination by the State Personnel Board that a jurisdiction conforms to these requirements and its own rules and regulations. Decisions on selection, classification and certification require documentation.

Discussion

The County of Santa Cruz confirms to the general requirements of maintaining appropriate records and files. Decisions as they pertain to selection, classification, discrimination complaints, and certification were available to for review and documented.

Findings

Meets standards.



# COUNTY OF SANTA CRUZ

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## PERSONNEL DEPARTMENT

MICHAEL J. MCDOUGALL, DIRECTOR

AJITA PATEL, DEPUTY DIRECTOR

701 OCEAN STREET, SUITE 310, SANTA CRUZ, CA 95060-4073

(831) 454-2600 FAX: (831) 454-2411 TDD: (831) 454-2123

December 20, 2012

Merit System Services  
241 Lathrop Way  
Sacramento, CA 95815

RE: 2013 EEO Plan Process and Timeline

Ms. Schroffel:

As you know, at the time of the Santa Cruz County audit, the 2010 Census Data on workforce statistics had not been released, and thus our most recent plan and reports did not include the latest data. With the Census EEO workforce data scheduled to be released late this month, as soon as it is available, we will expeditiously move toward the development of our 2013-2015 plan which we expect to submit to you in May 2013 after presenting to our Board of Supervisors.

The Equal Employment Opportunity (EEO) and Cultural Competency (CC) Plan will be developed through a collaborative process involving Department Directors, departmental EEO liaisons, the Equal Employment Opportunity Commissioners, the Employment Services Division staff, and the EEO Officer. Working together, we will review each department's workforce statistics, outreach, recruitment, hiring and promotional practices and develop accomplishments and action steps to promote equal employment opportunity, diversity and inclusion within each department. We will compare the 2010 census workforce statistics to our County workforce composition, and will provide County-wide underutilization statistics for women and minorities, and by the designated occupational category. The Plan will include the County EEO and ADA policies, workforce analysis for each department and the entire County government, along with statistics on age, and the ten year comparisons based on occupational category, gender and race. The County will also provide Countywide EEO activities and recommendations, a dissemination plan, and Cultural Competency plans for each department similar to our 2008-2010 EEO Plan. In addition, the Latino Affairs Commission, the Disabilities Commission and the Women's Commission will review the proposed plan and provide input before it reaches the Board of Supervisors for review and approval which we anticipate to be in May of 2013.

The following is the planned timeframe for completing the EEO plan:

1. January 2013- Census workforce statistics reviewed and compared to County workforce. Develop workforce charts for each department, countywide stats on gender, age, and race, and ten year comparison of utilization of minorities and women by occupational categories. The EEO Commission will review the timeline, process and assign representatives for the department meetings.

2. February-March, 2013 - Meet with all Department Heads to review their statistics and develop each department EEO and CC plan. Meet with Personnel Director to review and develop County Wide recommendations and provide overview review status on departments on administrative review (those departments with greater than 10% underutilization in either women or minorities). Finalize plans for each Department and obtain Department Directors signatures.

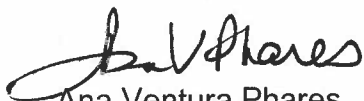
3. March 2013- Provide Title I and Title II updates in the plan, i.e. number of accommodations, and accessibility ADA compliance updates since last EEO annual report.

4. April 2013- Prepare draft EEO/CC Plan, present to EEO Commission and receive any further input from the Women's, Disabilities, and Latino Affairs Commissions. Review and incorporate recommendations.

5. May 2013- Present proposed EEO and CC plan to the Board of Supervisors for review and approval. Submit EEO Plan to Merit System Services.

Please note that the above timeline may be pushed out if the census data is not available as expected. If you have any questions, please feel free to contact me at (831) 454-2935.

Sincerely,



Ana Ventura Phares  
Equal Employment Opportunity Officer

cc: John Leopold, Chair of the Board of Supervisors  
Susan A. Mauriello, County Administrative Officer  
Olivia Madrigal, Chair of the Civil Service Commission  
Cecilia Espinola, Human Services Director  
Katherine Sokolik, Child Support Services Director  
Michael J. McDougall, Personnel Director  
Ajita Patel, Deputy Director Personnel  
Nisha Patel, Employment Services Manager