



County of Santa Cruz

PERSONNEL DEPARTMENT

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MICHAEL J. MCDUGALL, PERSONNEL DIRECTOR
AJITA PATEL, DEPUTY DIRECTOR

MEMORANDUM

DATE: November 8, 2012
TO: Civil Service Commission
FROM: Ajita Patel, Deputy Director of Personnel
RE: **Change to Civil Service designation of classification**

Pursuant to County Code 3.12.010, we are recommending that the unrepresented executive management classification of 'Medical Services Director / Health Officer' be designated as a non-Civil Service classification. This single-position classification is currently vacant, so no current incumbent will be impacted.

The Medical Services Director / Health Officer is a high-level management position responsible for directing and administering public health medical services and public health programs for the County and serves as the designated County Health Officer. County public health programs are shaped by the different visions/philosophies and approaches of each County administration and Board of Supervisors. (The job specification for this class is attached for your reference.)

By California statute each County Health Officer is appointed by the Board of Supervisors (California Health and Safety Code § 101000). Here in Santa Cruz County, the Health Services Agency Administrator makes a recommendation for appointment which must be approved by the Board of Supervisors. Therefore, this classification should be designated as non-Civil Service to reflect that the incumbent serves at the direction and will of the Board of Supervisors and the Health Services Agency Administrator.

Attachment

Cc: Michael J. McDougall, Personnel Director
Giang Nguyen, Health Services Agency Administrator

MEDICAL SERVICES DIRECTOR/HEALTH OFFICER

Job Specifications

Class Code: PT7

Analyst: CE, CJS

Date Originated: 5/79

Date Updated: 4/88, 11/12

SANTA CRUZ COUNTY

DEFINITION

Under general direction, to plan, organize, direct and administer public health medical services and public health programs for the County; to provide technical consultation to citizens, public officials, staff and community organizations and agencies on public health and preventive medicine issues; to serve as the designated County Health Officer; and to do other work as required.

DISTINGUISHING CHARACTERISTICS

This single position class is responsible to the Health Services Administrator for planning, organizing and directing the public health medical services and public health programs for the County including enforcement of applicable public health laws and regulations. Serves as the legally designated County Health Officer. Additionally, the incumbent serves as the County liaison and medical expert to the State, the local medical society, and other agency and community groups.

TYPICAL TASKS

Plans, organizes, directs and evaluates through subordinate managers the medical and administrative aspects of public health programs; provides administrative direction to subordinate managers who manage a variety of public health programs and clinics, including chronic and acute general medical services, public health nursing, emergency and disaster medical planning, public health education, indigent medical care, California Children's Service, maternal and child health services and detention medical services; assures enforcement of applicable public health laws and regulations including environmental health and sanitation; supervises, reviews and evaluates the work of physicians and other staff providing medical services for clinics and detention facilities; approves protocols and standardized procedures for new medical developments and procedures; coordinates the work of consultant medical specialists and other physicians; orients consultants to the objectives, operations and regulations of the contract program; may contact private physicians to arrange for their services in departmental clinics and programs; oversees the preparation, monitoring and control of budgets for the public health divisions; serves as an advocate to promote State wide public health policies which also benefit the County; keeps abreast of legislative changes and formulates policies and programs as required; serves as the liaison and medical expert in Public Health matters to the local medical society and community agencies; provides input to grant applications and other externally funded programs; provides medical consultation to private physicians and other personnel on matters related to the prevention, diagnosis and treatment of diseases of public health significance; confers with public officials, private physicians, community organizations and representatives of other agencies on public health matters; participates in programs of health education; addresses community groups and professional associations; evaluates medical and public health policies, programs and procedures and formulates improvements; may conduct medical and physical examinations, make diagnoses, and prescribe and administer treatments and medications; serves as an executive

management team member to coordinate with other divisions, departments and agencies to develop procedures and to resolve administrative and other problems; develops departmental policy and programs; keeps Health Services Administrator informed of changes and problems pertaining to divisional activities; may act for the Health Services Administrator as authorized; prepares reports and correspondence; inputs, accesses and analyzes data using a computer.

EMPLOYMENT STANDARDS

Knowledges:

- Thorough knowledge of current principles and practices of medicine;
- Thorough knowledge of the functions and services of local public health agencies;
- Thorough knowledge of accepted medical practices concerning the prevention and control of communicable diseases and other common public health programs;
- Working knowledge of epidemiology;
- Working knowledge of the laws and regulations governing local public health programs;
- Working knowledge of the interrelationships of services among local public and private and voluntary public health agencies and organizations;
- Working knowledge of the principles of public health administration;
- Working knowledge of the principles and techniques of supervision and training;
- Some knowledge of the general function of a State Department of Health Services.

Ability to:

- Plan, organize and direct, through subordinate supervisors, a broad range of public health programs;
- Exercise initiative, ingenuity and sound judgment in solving difficult technical, administrative and personnel problems;
- Develop and direct the implementation of improvements to enhance the effectiveness and efficiency of public health services and programs;
- Establish and maintain effective working relationships with physicians, representatives of community groups and professional organizations, State representatives and the general public;
- Analyze, evaluate, plan and implement public health programs and budgets;
- Understand and relate to others the aims, concepts, and principles of public health;
- Supervise, review and evaluate the work of professional staff;
- Coordinate public health programs and service activities with other divisions and departments;
- Prepare clear and concise written and oral report;
- Speak effectively before large groups;
- Perform medical diagnosis and treatment;
- Secure State certification to supervise and direct mid-level practitioner;
- Learn to input, access and analyze data using a computer terminal.

Training and Experience: Any combination of training and experience which would provide the required knowledges and abilities is qualifying. A typical way to obtain these knowledges and abilities would be:

- Three years of public health medical experience.

OR

- Certification or eligibility for certification by a recognized American Specialty Board, and two years of public health medical experience.

OR

- Possession of a Master's degree in public health from an accredited school of public health, and one year of public health medical experience.

SPECIAL REQUIREMENTS

- Possession of a valid Physician and Surgeon's certification issued by the State of California*.
- Possession or eligibility for possession of a State and/or Federal narcotic license for administration of narcotics to inmates and patients.
- Possess and maintain a valid California* Class C Driver's license.

(*Out of state candidates possessing a Physician and Surgeon's certification and driver license in their respective state may apply and go through the recruitment and examination process. Candidate must possess California certification and license by the start of employment.)

ORIG: 5/79 REV: 4/88, 11/12

JAD:sjh

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COUNTY PERSONNEL DEPT.

NOV 09 2012

2:43 PM

Jeffrey Smedberg
SEIU Shop Steward
Public Works Department
701 Ocean Street, Room 410
Santa Cruz, CA 95060

Delivered To Commission 11/15/12

November 9, 2012

Civil Service Commission
c/o County of Santa Cruz Personnel Department
701 Ocean Street, Room 310
Santa Cruz, CA 95060

SUBJECT: APPEAL OF EVALUATION PROCESS FOR ARTHUR MIER

Dear Commissioners:

On January 4, 2012, SEIU filed an appeal with your Commission on behalf of Arthur Mier, an employee of the Sheriff's Office. In a letter of January 12, your Commission's staff declined to forward the appeal to your Commission on the grounds that appeal rights had been exhausted. I addressed the Commissioners at your May 17 and September 20 meetings, arguing that yours is the proper venue for an appeal not of the evaluation, but of the evaluation process, and asking that you hear this case. On September 20 your acting Chair asked that this item be placed on the agenda for the next Commission meeting and that relevant information be provided to Commissioners upon which to base a decision to hear the case.

Commission staff Ajita Patel has agreed to forward to Commissioners items that Arthur Mier has authorized to be shared from his Personnel file, along with this cover letter.

We acknowledge that the three stages of appeal of Arthur Mier's June 2010-June 2011 performance evaluation have been exhausted. As we are arguing that the evaluation process itself was flawed, this cover letter attempts to provide some guidance to revealing sections in the attached documents.

We apologize for the volume of information attached, but the appeal process does generate a lot of paper, and we did not want to withhold any correspondence that you might consider relevant. An index of the 12 attached documents is at the end of this letter.

The appeal of the evaluation process, submitted to your Commission on 1/4/12, listed three points, which will be discussed below in reverse order:

1. Personnel upheld the rating based on the previous year's evaluation;
2. That merit employment principles were violated in that no corrective measures were offered to appellant to improve his alleged inadequate performance; and
3. That accepted standards were not followed in the preparation of this performance evaluation.

3. Standards. In his 2011 performance evaluation, Mr. Mier received an unsatisfactory rating on 3.A. Accuracy, the principal reason for which he was subsequently placed on Special Evaluation. Mr. Mier disputed the findings and questioned the basis of the ratings at length in his Response to Employee Performance Evaluation and Development Report (attached Document #2 and elsewhere). The questions we raised regarding the standards and their application is best summarized in the latter half of Mr. Smedberg's letter to Sheriff Wowak (attached Document #7), beginning with, "We would ask that you provide your department's policy on standards for accuracy and neatness..." This request for information was repeated in the subsequent meeting with the Sheriff, but it was completely ignored. The questions were restated in Mr. Smedberg's letter to Mr. McDougall (attached as Document #11) and were again ignored in Personnel's denial of the appeal (attached as Document #12). Would not the evaluation of an employee against a known and commonly applied standard be considered fair, as required by merit employment principles (County Code 2.46.070 D.)?

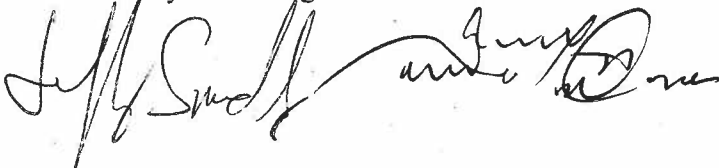
2. Merit employment principles (County Code 2.46.070 C.) require that corrective measures be employed in an attempt to improve any alleged inadequate performance. No Development Plan was included in Mr. Mier's 2010 evaluation to address ongoing performance problems, if any. At no time during the rating period were any performance issues regarding accuracy of work product raised with Mr. Mier until one week before he was handed his 2011 evaluation. No guidance or training was offered or provided to assist the employee in making improvements either before or after being placed on Special Evaluation.

1. Previous evaluation. Personnel upheld the rating based on the previous year's evaluation in contradiction to the Policy of the Civil Service Commission (Scope of Authority - Employee's Performance Evaluations, referenced in Personnel Regulations Section 130 X.E.). See attached Document #12, Conclusion, in which Ms. Phares wrote, "I found clear evidence that the performance issues/concerns that Sgt. Leonetti raised in your June 2011 evaluation were the same and/or very similar to those raised in your 2010 evaluation by a different supervisor, Sgt. Gombos." Actually, the performance standard for which Mr. Mier was placed on Special Evaluation was 3.A. Accuracy, on which he had never previously received a substandard mark in his several years with the Sheriff's Office. In that 2010 evaluation he did receive a "2" in 3.B. Thoroughness, but that evaluation contained no Development Plan, and none of his alleged shortcomings were brought to his attention during the next rating period. Furthermore, all of the substandard ratings in that evaluation were thoroughly refuted in Mr. Mier's written response, which is in his Personnel File. Due to the volume of attachments related to the 2011 evaluation, we are not burdening you with additional paperwork relating to prior evaluations at this time, but we look forward to presenting this case thoroughly at a hearing.

In conclusion, the evidence presented here in summary clearly raises questions about the fair application of merit employment principles during the process of Arthur Mier's 2011 performance evaluation. We ask that you schedule a hearing on this matter to allow us to develop the arguments fully.

Thank you for your consideration.

Jeffrey Smedberg & Arthur Mier

Handwritten signatures of Jeffrey Smedberg and Arthur Mier. The signature of Jeffrey Smedberg is on the left, and the signature of Arthur Mier is on the right, written in cursive.

Attachments from the Personnel File of Arthur Mier, as authorized by him on 11/2/12 for release to the Civil Service Commissioners:

1. Performance Evaluation for Arthur Mier for the period June 2010 to June 2011, due date 6/25/11.
2. Response to Employee Performance Evaluation and Development Report, by Arthur Mier, dated (on last page) 7/12/11.
3. Memo dated 7/18/11 from Fred Plageman, Sheriff's Lieutenant to Arthur Mier, re: Review of Evaluation for June 2010-June 2011.
4. Letter dated 7/27/11 from Jeffrey Smedberg to Sheriff Phil Wowak, re: Appeal of Performance Evaluation for Arthur Mier.
5. Letter dated 7/28/11 from Sheriff Phil Wowak to Arthur Mier, re: Appeal of Performance Evaluation for Arthur Mier.
6. Letter dated 8/1/11 from Sheriff Phil Wowak to Arthur Mier, re: Addendum to 7/28/12 letter.
7. Letter dated 8/4/11 from Jeffrey Smedberg to Sheriff Phil Wowak, re: Appeal of Performance Evaluation for Arthur Mier.
8. Addendum to Response to Employee Performance Evaluation and Development Report, dated 8/3/200 (sic) [actually 8/3/11] from Arthur Mier.
9. Letter dated 8/24/11 from Arthur Mier to Sheriff Phil Wowak.
10. Letter dated 8/1/11 (sic) [actually 9/1/11] from Sheriff Phil Wowak to Arthur Mier.
11. Letter dated 9/16/11 from Jeffrey Smedberg to Michael McDougall, re: Appeal of Performance Evaluation for Arthur Mier.
12. Letter dated 11/15/11 from Ana Venura Phares to Arthur Mier, re: Response to Appeal of your June 2011 Evaluation.

- F. **Supervision Required** – The amount of supervision needed to assure that the employee will perform his or her assigned duties in an acceptable manner.
- G. **Physical Condition** – The extent to which the employee is physically capable of performing the more strenuous aspects of the job.
- 2. **QUANTITY**
 - A. **Amount of Work Performed** – The volume of work produced in relation to the amount of work requiring completion or attention.
 - B. **Completion of Work on Schedule** – The extent to which an employee completes work within given or reasonable time limits.
- 3. **QUALITY**
 - A. **Accuracy** – The extent to which work is free from errors or omissions.
 - B. **Thoroughness** – The extent to which work is completed, with all details covered, avoiding the necessity to perform further work to complete it.
 - C. **Neatness of Work Product** – The extent to which a finished work product exceeds the acceptable standard for legibility, cleanliness and orderliness.
 - D. **Oral Expression** – The extent to which an employee is capable of verbally expressing himself or herself clearly, concisely and effectively to others.
 - E. **Written Expression** – The extent to which an employee is capable of expressing his or her thoughts in writing in a logical manner and sequence, using appropriate grammar, punctuation and sentence structure.
- 4. **WORK HABITS**
 - A. **Observance of Working Hours** – The extent to which an employee deviates, without permission, being prompt and/or present during designated work periods.
 - B. **Attendance** – The extent to which an employee absences himself or herself from the job.
 - C. **Observance of Rules and Procedures** – The extent to which an employee follows established County and departmental rules and procedures.
 - D. **Follows Instructions** – The ability to perform according to written or verbal instructions.
 - E. **Plans and Organizes Work** – The ability to develop an approach to work which will effectively utilize time, material and manpower in an equitable manner to achieve the greatest results with a minimum of time and effort.
 - F. **Coordinating With Others** – The extent to which the employee organizes his or her work activities to operate harmoniously with the work of others to achieve the best possible results for all.
 - G. **Attention to Duty** – The extent to which an employee accomplishes work goals with a minimum amount of time and effort.
 - H. **Care of Equipment** – The extent to which County equipment is properly expended, used and cared for.
 - I. **Exercises Proper Safety Practices** – The extent to which the employee practices rules of safety to protect self and others.
- 5. **ADAPTABILITY**
 - A. **Performance in New Situation** – The extent to which the employee adapts with a minimum of difficulty to new orders, policy changes, new personnel, different assignments, etc. and performs properly.
 - B. **Performance with Minimum Instructions** – The extent to which the employee effectively performs with brief instructions without further explanations.
 - C. **Performance Under Stress** – The extent to which the employee is able to react quickly and properly under adverse conditions or in emergencies.
- 6. **PERSONAL RELATIONS**
 - A. **Acceptance of Supervision** – The manner in which the employee carries out orders or suggestions relating to specific tasks or recurring responsibilities.
 - B. **Getting Along with Fellow Employees** – The extent to which the employee willingly cooperates with other employees when the job requires it.
 - C. **Meeting and Handling the Public** – The effectiveness of the employee in relating to the public for the mutual satisfaction of both in carrying out specific responsibilities.
- 7. **OTHER**

This section is to be used for the listing of additional factors of critical importance to the job. Describe the factors to be evaluated in the space provided. Use the comments section to describe the level of performance.
- 8. **SUPERVISORY ABILITY**
 - A. **Accepting Responsibility** – The extent to which the employee voluntarily performs assigned duties, accepts new duties and assumes responsibility for the actions of subordinates.
 - B. **Planning** – The extent to which the employee anticipates needs, preplans work, and establishes appropriate schedules.
 - C. **Organizational Skills** – The ability of the employee to effectively establish, coordinate and prioritize work assignments for the work group.
 - D. **Decision Making** – The ability to consider and interpret correctly all of the important facts in solving a problem and arriving at a prompt and effective decision.
 - E. **Directing Work** – The extent to which the employee gives appropriate direction and instruction to subordinates to effectively accomplish the work of the group.
 - F. **Improving Work Methods** – The extent to which the employee takes actions or provides recommendations which result in improved work efficiency or service.
 - G. **Training** – The extent to which the employee recognizes deficiencies in subordinates and provides personnel training through proper instruction.
 - H. **Evaluating Performance** – The extent to which the employee accurately evaluates the performance of subordinates, documents observations, and works with subordinates on correcting their deficiencies.
 - I. **Disciplinary Control** – The extent to which the employee maintains a consistent and impartial standard of acceptable conduct, performance and quality of work while exercising proper and effective discipline when required.
 - J. **Communication Skills** – The ability to organize thoughts and effectively express them verbally and/or in writing.
 - K. **Counseling Skills** – The extent to which the employee offers advice and guidance to employees on work areas that can be improved.
 - L. **Employee Complaints and Grievances** – The extent to which the employee successfully resolves complaints or grievances of subordinates.
 - M. **Approachability** – The extent to which others feel free to approach him or her for guidance, advice and counsel.
 - N. **Fairness and Impartiality** – the extent to which the employee judges subordinates honestly and on merit and interacts impartially toward each.
 - O. **Leadership and Motivational Ability** – The ability to inspire the confidence, loyalty and willing cooperation and compliance of subordinates in accomplishing the groups' responsibilities.

ACHIEVEMENTS RELATIVE TO OBJECTIVES FOR THIS APPRAISAL PERIOD:

<type here>

II. SUMMARY RATING

Overall Performance Rating – Considering the results obtained against established performance standards as well as overall job performance, the following rating is provided:

- Unsatisfactory Improvement needed Meets job standards Exceeds job standards Outstanding

Remarks:

<type here>

III. FUTURE OBJECTIVES AND DEVELOPMENT PLAN

A. OBJECTIVES

1. Specific objectives to be achieved for next appraisal period:

See attached narrative

B. DEVELOPMENT PLAN

1. Formalized education or training required/recommended:

2. Job assignments or experience

3. Other recommendations

Remarks by Employee: _____

Permanent Status Yes No Not Recommended Merit Step Increase Yes No Not Applicable

Signature of RATER *[Signature]* Title Sergeant Date 6/27/11

If applicable please check this box. I would like to discuss this report with the Reviewing Officer

In signing this report I do not necessarily agree with the conclusions of the rater.

[Signature]
 Signature of EMPLOYEE Date 6/27/11

As requested, Reviewing Officer discussed report with employee on 7-7-11 *[Initials]*
 (date) (initials)

I concur in the ratings given by the rater. I have made no change in the report.

[Signature]
 Signature of REVIEWING OFFICER Date 7-19-11

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An evaluation may be appealed as provided in the Civil Service Rules Section XI(E).

APPEAL OF EVALUATION RATINGS

1. Upon presentation of the employee performance evaluation, the employee should discuss it with the supervisor, including any rating or comments that he/she believes is improper. If still not satisfied, in addition to signing the evaluation, the employee should place an "X" in the space provided by his/her signature to indicate he/she wishes to discuss the report with the reviewing officer. The employee shall be given a copy of his/her performance evaluation at that time. The supervisor shall then notify the reviewing officer that the employee has requested a meeting.
2. The reviewing officer shall discuss the evaluation with the employee within ten (10) working days after the employee received his/her copy of the performance evaluation report.
3. If an employee wishes further consideration beyond the review by the reviewing officer (or if the reviewing officer fails to respond within the period specified above), the employee, within five (5) working days following the meeting with the reviewing officer, shall prepare a written request as follows to his/her appointing authority:
 - a. Identifies the report by stating the date of the report, the name of the rater, and the date the report was received;
 - b. Specifies that the ratings or comments which he/she believes are incorrect;
 - c. States the rating or comments he/she believes should be made on the report;
 - d. Gives facts substantiating each change requested;
 - e. Keeps a copy of his/her written request and sends the original to the appointing authority.

Upon receiving this request, the appointing authority has ten (10) working days to either sustain or change the report of performance and notify the employee of his/her decision in writing. In case of a change in the report, a copy shall be included with the decision.

An appeal to the Personnel Director for an informal hearing on a report of performance can be made only after the departmental remedies outlined above have been exhausted. Within ten (10) working days after receiving the appointing authority's decision, or within ten (10) working days after expiration of the ten day period for the appointing authority to respond and no response is received, the employee may present his/her appeal in writing to the Personnel Director. However, a report with an overall rating of "meets job standards," "exceeds job standards," or "outstanding" cannot be appealed to the Personnel Director.

CSO ARTHUR MIER – EVALUATION NARRATIVE

I have been CSO Mier's supervisor since the last week in July of 2010, 11 of the 12 months of this rating period. CSO Mier's prior supervisor was Sergeant Gombos from the Property Crimes Investigation Unit. CSO Mier's assignment during this rating period was as a CSO (Community Service Officer) assigned to the Live Scan and Registrant section of the office. CSO Mier's duties consist of Live Scan (fingerprints), sex registration, gang and drug registration. The registration and Live Scan are scheduled at different times throughout the week. CSO Mier's duties include handling money, completing deposits, completing registrations of sex, gang and drug registrants and filling out computerized forms for the Department of Justice (DOJ). He works from 8 a.m. to 5 p.m., Monday through Friday. He conducts Live Scan fingerprinting on Mondays, Wednesdays and Fridays from 9 a.m. to 12 p.m. and 1 p.m. to 4 p.m. , as well as from 1 p.m. to 4 p.m. on Tuesdays and Thursdays. Tuesday and Thursday mornings are dedicated to registrations for sex, drug and gang offenders. Although CSO Mier himself designed this schedule, he has expressed concern about having insufficient time to get his work done. Therefore, starting June 27th the schedule will change to better allow for service to the public as well as for CSO Mier to complete his daily work. I developed the new schedule and discussed it in detail with CSO Mier, who was allowed to have input.

JOB SKILLS AND ABILITY:

CSO Mier has been assigned to the Live Scan position for the past 17 months and has a good understanding and knowledge of the position. However, he has required excessive supervision during this evaluation period. On October 12, 2010, CSO Mier received a Documented Oral Counseling for violation of Sheriff's Policy C.02.I.A.1, Attention to Duty, due to his failure to comply with a direct order regarding money deposits. CSO Mier has since made the appropriate corrections and this no longer an issue. During this time Mier required direct supervision for a 30 day period. In addition, it was recently discovered that CSO Mier has an error rate of almost 45% when he processes sex and drug registrants, and his supervisor is now required to review each of his registrations. **(Supervision Required)**

QUANTITY:

Mier is performing at a standard level for the amount of work performed.

QUALITY:

The quality of CSO Mier's work is below minimum standards. He currently scores 1 (unsatisfactory) and 2 (improvement needed) in the categories of Accuracy, Thoroughness and Neatness of work product.

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OCT 14 2010

Registrants are required to register within 5 days of their birthday. The registration process requires a brief interview with the subject and sometimes a photograph. After the interview, CSO Mier must complete required State forms for each registrant. The Sheriff's Records division then manually inputs the data from each such form into a State system and submits it to the DOJ, and also scans the original form. The documents CSO Mier completes are State forms that require information such as a Criminal Information Identification (CII) number, name, DOB, social security number and other vital information. It is imperative that these forms be completed accurately, neatly and thoroughly. Failure to accurately complete the forms could lead to incorrect information being relayed to an officer on the street, which could in turn result in an inappropriate arrest or failure to arrest.

During this rating period, the months of January, February and March of 2011 were selected at random and the sex registrant files CSO Mier completed during those months were reviewed for accuracy. Of the 55 registrants CSO Mier processed in those three months, 25 files contained mistakes. These mistakes were very serious, and included misspelled names, incorrect social security numbers and incorrect CII numbers. In addition, CSO Mier failed to sign one file as required. **(Thoroughness & Accuracy)**

It was recently brought to my attention that an out of state law enforcement agency called to inquire about a wanted suspect in their jurisdiction. Their investigation led them to our agency as the suspect lives in the county and by law is required to register as a sex offender. The outside agency confirmed his last registration was in Santa Cruz County. The suspect's registrant file was pulled and reviewed in search for his current information and address. CSO Mier completed the registration form but failed to list the suspect's last known address as required. This created additional investigation in order to find the current address. **(Thoroughness & Accuracy)**

CSO Mier's job requires him to complete drug registrants as well as sex and gang registrants. At random, 14 drug registrant files from various times throughout the rating period were pulled and evaluated for accuracy. Of the 14 files reviewed, seven contained the same kinds of mistakes found in the sex registrant files. **(Accuracy & Thoroughness)** This reflects a 50% accuracy rate, which is well below standard. CSO Mier has been assigned to this position of Registrants for over three years and should not be making these mistakes.

CSO Mier's penmanship is sometimes difficult to read. **(Neatness of Work Product)** The Sheriff's Records employees who input registrant files and send them to DOJ indicate that it can be difficult reading CSO Mier's hand-written paperwork due to his poor penmanship and many misspelled words.

All the above-described mistakes were discovered in early June and immediately brought to CSO Mier's attention.

CSO Mier also completes department deposit forms that document vital information from the money he receives from the Live Scan Fees. CSO Mier is required to complete a deposit form daily. Over the course of this rating period CSO Mier has improved in completing the deposit forms more accurately. **(Accuracy and Thoroughness)** He is currently averaging approximately two mistakes a month on deposit forms, which is an improvement from his last rating period. I was unable to rate CSO Mier on written expression as his position does not require him to write reports.

WORK HABITS:

CSO Mier shows up to work on time and sometimes flexes his hours by staying late or working through lunch in order to better serve the public and complete **ALL** the Live Scan or registrant customers. I believe the need for these schedule changes could be reduced if CSO Mier were to work a little more diligently and efficiently. I believe CSO Mier is very capable keeping up with his work load. I have taken into consideration that Live Scan has busier times during the year which is usually 3 months out of the year. In recent years State Law is requiring more and more job positions to be finger printed prior to employment which has and will in the future create more of a demand for Live Scan.

During this rating period CSO Mier had just over 200 hours of vacation time. CSO Mier has no issues of abuse of sick leave.

CSO Mier takes care of his equipment and exercises proper safety practices.

ADAPTABILITY:

CSO Mier has not been given any additional or new tasks during this rating period. Therefore, during this evaluation period, I did not observe him or rate him under, "Performance in new situations." I also did not rate his performance in the category of, "Performance under stress," as I never observed him in stressful situations.

PERSONAL RELATIONS:

CSO Mier gets along great with fellow employees and staff members. During this rating period CSO Mier has not received one complaint from the public. This is a significant improvement from his last rating period. Mier has improved in public relations as well as the service he

provides. During this evaluation period I spoke with several of CSO Mier's Live Scan customers, who all told me that CSO Mier was polite, courteous and professional.

REMARKS:

CSO Mier has improved in some areas that were previously addressed with him, but is performing below minimally acceptable job standards in other areas. CSO Mier was recently informed of his paperwork error rate and acknowledges that a 49% error rate is unacceptable and needs immediate attention. CSO Mier assures me he will address this issue and make the appropriate corrections. As a result of his high error rate, CSO Mier's overall performance rating is below standard. "Improvement Needed" (*The employee's work performance is occasionally below the minimum standards of the position. Serious effort is needed to improve performance.*) As a result CSO Mier will be placed on special evaluation. During the special evaluation period, he will be re-evaluated every two months, for a maximum period of six consecutive months on special evaluation.

CSO Mier is a very intelligent employee who has the ability to excel in his current position. The ratings reflected in this evaluation could improve dramatically over the next rating period if CSO Mier diligently addresses the performance issues identified in this evaluation and makes the appropriate corrections.

OBJECTIVES:

CSO Mier shall remain in his current position and job assignment, and over the next rating period he shall minimize or eliminate clerical errors. A good standard to be at in this Live Scan and Registrant position is a 5% error rate.

DEVELOPMENT PLAN:

CSO Mier has an excessive error rate on paperwork that is required in his position. The errors consist of misspelled names, incorrect social security numbers, incorrect CII numbers and incorrect dates of birth, all of which is essential information for the required State forms. The deposit forms he completes have errors such as misspelled names, incorrect account information and incorrect amount of cash and check deposits.

In order to help CSO Mier to improve his performance to minimally acceptable job standards, the following measures will be taken:

1. Registration hours will be extended an additional three hours per week to allow CSO Mier more time to assist each registrant and thereby reduce his error rate.
2. CSO Mier must proofread all documents before submitting them.

3. CSO Mier must type all forms required by his position in order to avoid penmanship errors. He shall use spell check and/or the dictionary if he is uncertain how to spell a word correctly.
4. CSO Mier must submit all registrant files he completes to his supervisor for review prior to filing them.
5. CSO Mier shall participate in weekly supervision meetings with his supervisor during the special evaluation period. At these meetings, CSO Mier's progress will be reviewed and he will be provided with feedback and guidance on how to improve his performance. In his supervisor's absence, CSO Mier will meet with Sergeant Liberty. A set time and day for the supervision meetings will be determined.

The special evaluation will begin June 25th and will continue in two month increments, up to a maximum of six consecutive months. If CSO Mier improves his work performance to "Meets Job Standards" in a shorter amount of time the special evaluation may be discontinued.

RECEIVED
COUNTY PERSONNEL DEPT.

Oct 1 2017

RESPONSE TO
EMPLOYEE PERFORMANCE EVALUATION AND DEVELOPMENT REPORT
Arthur Mier
Date: 06-17- 2011
Rated by Sgt. Leonetti
Received on June, 24, 2011

I firmly believe and have substantial evidence to show that the rating and the attached narrative to my performance evaluation is incorrect, extremely exaggerated, and is not a fair evaluation of my skills and performance. In order to demonstrate the extent of my concerns and to aid in the making of corrections, my responses are directed to the relevant sections of the narrative.

CSO ARTHUR MIER - EVALUATION NARRATIVE

I have been CSO Mier's supervisor since the last week in July of 2010, 11 of the 12 months of this rating period. CSO Mier's prior supervisor was Sergeant Gombos from the Property Crimes Investigation Unit. CSO Mier's assignment during this rating period was as a CSO (Community Service Officer) assigned to the Live Scan and Registrant section of the office. CSO Mier's duties consist of Live Scan (fingerprints), sex registration, gang and drug registration. The registration and Live Scan are scheduled at different times throughout the week. CSO Mier's duties include handling money, completing deposits, completing registrations of sex, gang and drug registrants and filling out computerized forms for the Department of Justice (DOJ). He works from 8 a.m. to 5 p.m., Monday through Friday. He conducts Live Scan fingerprinting on Mondays, Wednesdays and Fridays from 9 a.m. to 12 p.m. and 1 p.m. to 4 p.m., as well as from 1 p.m. to 4 p.m. on Tuesdays and Thursdays. Tuesday and Thursday mornings are dedicated to registrations for sex, drug and gang offenders. Although CSO Mier himself designed this schedule, he has expressed concern about having insufficient time to get his work done. Therefore, starting June 27th the schedule will change to better allow for service to the public as well as for CSO Mier to complete his daily work. I developed the new schedule and discussed it in detail with CSO Mier, who was allowed to have input.

The description of my duties omits the task of arson registration which is assigned to me. Additional tasks include photographing and fingerprinting registrants; responding to request and inquires from local and state law enforcement agencies; sorting and filing of registration notifications from state parole, DOJ, CYA, and other local and out of state agencies; processing returned and undeliverable false address envelopes; monitoring sex registrants' files for up to date information, arrest notification, and compliance with the PC 290.; returning phone messages from two separate phones; organizing, filling, and preparing forms; retrieving Live Scan Fingerprinting results from DOJ; updating county wide Live Scan office hours and information; reviewing sex offenses and charges on registrants' RAP sheets; checking, retrieving, and confirming information and photo updates on Megan's Law website (law enforcement site); providing updates and detailed information to sex crime Detectives in regard to failure to register on time, false information, and out of compliance with PC 290 law; providing feedback regarding sex offenders to field Deputies and other local, state and out of state law enforcement agencies; and filling out FI cards for suspicion of being affiliated with street gangs on narcotic registrants and other registrants who make admission to or display gang tattoos. An extra duty was coordination of a countywide meeting of Live Scan operators.

I have not designed nor been allowed input to my schedule, and the schedule I requested from my previous supervisor was never approved. I requested and designed the schedule that CSO Tauriac had for Live Scan hours: Monday, Wednesday, and Friday 9:00 AM to 11:30 AM by appointments only and 1:15 PM to 4:00 PM walk-in. For registration I also proposed the hours that I was operating prior to my transfer to this unit: Tuesday and Thursday from 9:00 AM to 11:00 AM and from 1:15 to 4:00 PM. A modified version of this schedule that I requested was approved by my previous Sergeant and Lieutenant. Under the modified schedule, which lasted for a very short time, I was allowed to have the Live Scan window closed during appointment hours and was given the flexibility to complete the Live Scan account deposits on different days. Subsequently, when Sgt. Leonetti became my supervisor he ordered me to have the Live Scan window open from 9:00 AM to 12:00 PM and process both applicants who had appointments and those applicants who walked-in for fingerprinting request, with no exception. He also ordered me not to send any applicant away despite the time of the day or after the posted schedule hours. In addition, the number of non fingerprinting and registration questions and visits by the public dramatically increased at my window due to cubicles being placed in the records area which made the records personnel invisible and not readily available to the public. For further discussion of the new schedule, see my comments on Development Plan #1.

JOB SKILLS AND ABILITY:

CSO Mier has been assigned to the Live Scan position for the past 17 months and has a good understanding and knowledge of the position. However, he has required excessive supervision during this evaluation period. On October 12, 2010, CSO Mier received a Documented Oral Counseling for violation of Sheriff's Policy C.02.I.A.1, Attention to Duty, due to his failure to comply with a direct order regarding money deposits. CSO Mier has since made the appropriate corrections and this no longer an issue. During this time Mier required direct supervision for a 30 day period. In addition, it was recently discovered that CSO Mier has an error rate of almost 45% when he processes sex and drug registrants, and his supervisor is now required to review each of his registrations. (Supervision Required)

As the issue raised in the Documented Oral Counseling was resolved, it is completely inappropriate to raise it in an evaluation destined to be part of my permanent record. Since the issue has been raised, I will provide my full response here.

On Tuesday, October 12, 2010, Sgt. Leonetti came in to my office with a memo titled, "INTER-OFFICE CORRESPONDENCE, Documented Oral Counseling." He stated that he was frustrated that the Live Scan deposit was not completed the previous day. I explained to him that the previous day was Monday, October 11, 2010, Columbus Day, a county holiday and my first day back from the long weekend, and Tuesday and Thursday mornings were being dedicated to registration as had been approved by Lt. Hart and Sgt. Gombos. It had also been arranged with Lisa Di Girolamo to process the Monday's deposit on Wednesday and Wednesday's deposit on Friday due to serving registrants on Tuesdays and Thursdays. I also said to Sgt. Leonetti that this was the first time he had met with me and was not allowing me to explain what arrangement I had with my previous Sergeant and accountant Lisa Di Girolamo whom I was instructed to turn in deposit to, not Michelle Rodriguez. I said it was not right and certainly not fair that he did

not speak to me and did not collect the actual facts prior to writing this oral counseling and asking me to sign it. Regarding the charge that I left money unattended, I told him that I had locked the drawer that contains the Live Scan deposit every day ever since he asked me to. However, on this day I was still here and I merely stepped out for a short break, and my office is inside a secure Sheriff's office next to records and other Sheriff's office members. I said I did not understand that he wanted me to keep this drawer that I access every minute locked even when I am in the office or step out for few minutes. I also told him that he instructed me to not to keep the deposits in the drawer while I go on vacation and I should stay after work and make sure to process the Live Scan deposit. I responded to him, "Yes sir, since you told me now, it is not going to happen again." He even said, "I will not ding you for the extra hour you stay to process the deposit before your vacation." Note that Sgt. Leonetti did not offer to authorize overtime for this work he expected me to complete after regular working hours. I felt that he did not show any interest in my explanations. He responded by saying that this document was not a write-up and it was not going to be placed in my file, it was just going to stay in his drawer. He did not give me any other response or explanation after I refreshed his memory on what exactly happened. Therefore, per his command, and without any delay, I signed the "Oral Counseling" he handed to me and he took it back. I asked him if he could please give me a direction on what was my work priority for each day since I have multiple assignments, and each assignment has multiple Sergeants involved and different expectations from the Sex crime unit and records personnel, and my assignments are varied each day and by the hour. I asked him to please instruct me as what is my priority because I was never given any direction by my Sergeant or Lieutenant even when I asked which assignment I should tackle each morning. I pointed out to him, though he was well aware of my situation, that I don't have any time to process the Live Scan deposit at end of day due to fingerprinting applicants until nearly 5:00 PM closing time. He said, "As I instructed you in this," pointing out the oral counseling memo, "from now on, process the Live Scan deposit every morning by 9:00 AM. And then begin work on registrations." Since receiving a clear direction and instruction I have been working on the Live Scan deposit every morning by not starting registration until 9:00 AM. As he noted in my present evaluation, "CSO Mier has since made the appropriate corrections and this no longer an issue." Soon after the verbal change in my schedule by not opening the registration window on Tuesday and Thursday before 9:00 AM, I was questioned by Sheriff records personnel and by Sgt. Liberty as to why I was not opening the registration window at 8:00 or 8:30 AM. I told them that on October 12, 2010, I was instructed by Sgt. Leonetti to work on the Live Scan deposit prior to assisting registrants. Sgt. Liberty accepted my explanation and responded, "Even on the registration days?" I answered, "Yes sir, everyday." He responded, "I will talk to Shon."

QUANTITY:

Mier is performing at a standard level for the amount of work performed.

I was threatened with special evaluation nearly 4 months ago while I was seeking a response to my last year's evaluation. I was told that in a week I needed to attend a meeting with my Sergeant, Lieutenant, and someone from personnel to sign a form laying out minimum expectation from my Sergeant which was being typed and prepared at the time. The reason given was given was that I am slow at my work, and I process less Live

Scan applicants compared to other Live Scan locations or that Julie did. A few weeks later I was told that I was slower than my predecessor, who was only running the Live Scan Fingerprinting section. I researched, collected data and compared the number of applicants I processed in January – April of 2010 to January – April of 2009. I discovered that the number of applicant I processed was 20-25 % higher than my predecessor. I furnished the findings in an organized chart to the Sergeant, and the only feedback I received was that he acknowledged that the other Live Scan locations have different Live Scan machines and set-ups and can not be compared to what the Sheriff's office has. After that interchange, I never again heard that my work was slow.

QUALITY:

The quality of CSO Mier's work is below minimum standards. He currently scores 1 (unsatisfactory) and 2 (improvement needed) in the categories of Accuracy, Thoroughness and Neatness of work product.

Registrants are required to register within 5 days of their birthday. The registration process requires a brief interview with the subject and sometimes a photograph. After the interview, CSO Mier must complete required State forms for each registrant. The Sheriff's Records division then manually inputs the data from each such form into a State system and submits it to the DOJ, and also scans the original form. The documents CSO Mier completes are State forms that require information such as a Criminal Information Identification (CII) number, name, DOB, social security number and other vital information. It is imperative that these forms be completed accurately, neatly and thoroughly. Failure to accurately complete the forms could lead to incorrect information being relayed to an officer on the street, which could in turn result in an inappropriate arrest or failure to arrest.

During this rating period, the months of January, February and March of 2011 were selected at random and the sex registrant files CSO Mier completed during those months were reviewed for accuracy. Of the 55 registrants CSO Mier processed in those three months, 25 files contained mistakes. These mistakes were very serious, and included misspelled names, incorrect social security numbers and incorrect CII numbers. In addition, CSO Mier failed to sign one file as required. (Thoroughness & Accuracy)

I processed over 147 registrants of all types during the months of January, February, and March of 2010. I was not given any evidence that supports the claim that I made very serious mistakes, including misspelled names and incorrect CII numbers. I reviewed the registration files for these months and was unable to find any misspelled names or incorrect CII numbers. However, I was given copies of forms that indicate mistakes of one or two FBI numbers. I also have received a copy of one form which I failed to sign as required and one typo on an FBI number. I fully accept responsibility of the mistakes I made. Just for the record, as I explained to my Sergeant who is well aware of the fact, a typo in FBI number, CII number or Social Security number on a registration form is very minor and is not serious, and under no circumstances will it result in an inappropriate arrest or failure to arrest. The registration forms I fill out are informational, and a copy of each form goes to Sheriff's records for quality control and to be entered into the system for purpose of updating and verifying that the individual appeared at the particular jurisdiction.

The stated error rate is an exaggerated number. For example, I found a discrepancy in the "mistakes" that were brought to my attention. I was told by my Sergeant that I had

miswritten Mr. Fernando Sanchez's Social Security number as 557-91-5104 vs. 557-71-9104 on his PC 290 registration form. In fact, Mr. Sanchez has two SS#s listed on his criminal records print-out, and he confirmed that the number that I had written on his form was the correct number. Please note, most of the time I fill out the majority of the forms by relying on the information that I am given by the registering person. I have very little or no other information to rely on but to accept what I am being told by the registrant.

I have very few typos or unfilled information boxes on the forms as the evidence I collected proves. Each and every time I fill out a registration form I submit a copy to records clerk Lena Gerber for verification and entry into the state and local computer database. I always respectfully ask her to please inform me if there are any typos or if she has any question on the forms I fill out. During the last 3 years I was never approached by her in regards to any typos, missing information or illegible hand written forms. However, the records clerk did approach me and asked me to provide her with information and copies of registration forms that the sex crime detectives processed and never turned in to the records department. I happily assisted her on numerous occasions and provided her the information and copies of registration forms that were filled out by other member of the Sheriff's office who at some point in time handled registration or covered registration while I was on vacation.

It was recently brought to my attention that an out of state law enforcement agency called to inquire about a wanted suspect in their jurisdiction. Their investigation led them to our agency as the suspect lives in the county and by law is required to register as a sex offender. The outside agency confirmed his last registration was in Santa Cruz County. The suspect's registrant file was pulled and reviewed in search for his current information and address. CSO Mier completed the registration form but failed to list the suspect's last known address as required. This created additional investigation in order to find the current address.
(Thoroughness & Accuracy)

I was never told about this incident prior to receiving my evaluation. I was surprised and shocked by way it was presented. I retrieved a copy of the form to find that in the box for the address I had written "not staying elsewhere" to indicate no change, and I marked the appropriate box for "annual update." I admit to a mistake in that I should have entered the full address. However, the very next page in the file listed the registrant's current address clearly. The only "additional investigation" work that my entry possibly created was to turn the page.

I remember this incident vividly, and the circumstances are important to consider. The registrant had waited in line for over an hour and was belligerent. He reached my window right at 12:00 PM, and I chose to serve him during my lunch hour to avoid any further outbursts from him. The encounter was particularly stressful for me and might account for why I made a minor error.

CSO Mier's job requires him to complete drug registrants as well as sex and gang registrants. At random, 14 drug registrant files from various times throughout the rating period were pulled and evaluated for accuracy. Of the 14 files reviewed, seven contained the same kinds of mistakes found in the sex registrant files. (Accuracy & Thoroughness) This reflects a 50% accuracy rate, which is well below standard. CSO Mier has been assigned to this position of Registrants for over three years and should not be making these mistakes.

See my response to accuracy of sex registration, above.

CSO Mier's penmanship is sometimes difficult to read. (Neatness of Work Product) The Sheriff's Records employees who input registrant files and send them to DOJ indicate that it can be difficult reading CSO Mier's hand-written paperwork due to his poor penmanship and many misspelled words.

I have been very careful and extra sensitive to a second party being able to read my writing. Therefore I always print and write in block writing. I have never received any complaints or returned forms from the Sheriff's office records employee who does the registration updates. Records personnel are never required to send my files to DOJ. I am the person who frequently sends certain forms to DOJ, when I serve a new or out of state registrant by filling out "CJIS 8047 notice of sex offender registration requirement" along with fingerprint cards, photos, and other identification information. I am closely in contact with the member of the DOJ sex offenders programs. I also fill out dozens of Live Scan forms, receipts and forms for other agencies. I have never received any complaints or returned forms from DOJ or fingerprint clients due to "penmanship," neatness of products or inaccuracy.

All the above-described mistakes were discovered in early June and immediately brought to CSO Mier's attention.

CSO Mier also completes department deposit forms that document vital information from the money he receives from the Live Scan Fees. CSO Mier is required to complete a deposit form daily. Over the course of this rating period CSO Mier has improved in completing the deposit forms more accurately. (Accuracy and Thoroughness) He is currently averaging approximately two mistakes a month on deposit forms, which is an improvement from his last rating period. I was unable to rate CSO Mier on written expression as his position does not require him to write reports.

A dedicated hour in the morning schedule for preparing deposits has allowed for undivided attention to detail. The time period allotted is, unfortunately, arbitrary, since the number of Live Scan clients can vary widely. To be clear, for the last 17 months that I have been processing Live Scan deposits, I have never had any issues or discrepancy with the amount of cash and check deposits. However, due to rushing to complete the deposit data entry, and creating a list and dispersing the information on the forms on a very short time and under strict deadline every morning, and with plenty of interruptions, I have made very honest and very minor errors by placing the names and the check amounts in different boxes (one box over) on the spreadsheet, which was brought to my attention by the accounting clerk and it was immediately fixed by a click of the computer mouse. Some of the errors that were reported on the forms were not errors at all, but simply marks by the accounting clerk because she preferred to receive the spreadsheets in certain ways and she made notes for herself on the printouts that I supplied to her, as she explained to me. The accounting clerk specifically told me that she just recently told Sgt. Leonetti that these marks which he perceived as errors did not indicate actual errors. For example when I fingerprint an applicant twice and he or she writes one check for two applications, I list the name twice but with one check number and the total amount of money deposited on one box. The total number of checks indicates "out balance." However, the accountant

knows the explanation behind it as she already discussed it with me. The accountant Linda Bingham and I have previously spoken about them and she okayed the formats. I was told by the accounting clerk, that Sgt. Leonetti was upset at her in regards to why she was not supplying him with forms that have typos on them. She expressed her frustration and stated, "I am sorry Arthur, I don't know why they are picking on you."

WORK HABITS:

CSO Mier shows up to work on time and sometimes flexes his hours by staying late or working through lunch in order to better serve the public and complete ALL the Live Scan or registrant customers. I believe the need for these schedule changes could be reduced if CSO Mier were to work a little more diligently and efficiently. I believe CSO Mier is very capable keeping up with his work load. I have taken into consideration that Live Scan has busier times during the year which is usually 3 months out of the year. In recent years State Law is requiring more and more job positions to be finger printed prior to employment which has and will in the future create more of a demand for Live Scan.

To clarify, "flex time" means the extension one part of a schedule which is compensated by a reduction in another part of a schedule. I am expected to work into lunch or after hours. On multiple occasions I have had to work approximately 80-85% of my lunch hour due to request for assistance right before 12:00 or at 12:00 PM and with out any time allowance for breaks. Please note that the public expects service, and I feel obligated to serve as the schedule indicates, up to and including 12:00 PM on an almost daily basis. I clearly remember that when I was asked to continue working into lunch and work after hours Sgt. Leonetti told me that on the days that are slow I could flex my time by going home half an hour early. I told him that the work is never slow. He said he would work it out with me. I have rarely been compensated in any way for the extra time worked.

Live Scan is busy 9 months out of the year, not 3 months. Please refer to the statistic I have submitted to Sgt. Leonetti in December of 2010 and February of 2011.

During this rating period CSO Mier had just over 200 hours of vacation time. CSO Mier has no issues of abuse of sick leave.

Why, may I ask, is the issue of abuse of sick leave even mentioned in this narrative? I have gone home sick and stayed home only one time during the past 17 months, and that was due to a severe infection that I contracted as a result of close contact with ill clients.

CSO Mier takes care of his equipment and exercises proper safety practices.

ADAPTABILITY:

CSO Mier has not been given any additional or new tasks during this rating period. Therefore, during this evaluation period, I did not observe him or rate him under, "Performance in new situations." I also did not rate his performance in the category of, "Performance under stress" as I never observed him in stressful situations.

I have adapted to a significant increase in Live Scan requests in recent years by continuing to courteously serve all members of the public who come to my windows. Unfortunately the department has not been so adaptable, ignoring my repeated recommendations for accommodating the additional workload. As a result, I have been

placed under a high level of stress. My unbearable situation due to high demand for service without being given a reasonable amount of time for the excessive amount of work has been observed by numerous member of our agency. For example, Latent Print Examiner Lauren Zephro expressed her frustration with the lack of support and unfair treatment that I was going through. On Monday 11/12/2010 she took the initiative and proposed a change of schedule with allowance for time and observance of posted hours to Sgt. Leonetti. But she was unsuccessful achieving any accommodation for my situation, nor, apparently, in directing his attention to my daily level of stress. In spite of this stress, I continue to diligently and patiently carry out the multiple assigned tasks and proudly serve the office and the public.

PERSONAL RELATIONS:

CSO Mier gets along great with fellow employees and staff members. During this rating period CSO Mier has not received one complaint from the public. This is a significant improvement from his last rating period. Mier has improved in public relations as well as the service he provides. During this evaluation period I spoke with several of CSO Mier's Live Scan customers, who all told me that CSO Mier was polite, courteous and professional.

The only reference to complaints from the public was in the narrative attached to last year's performance evaluation dated 7/14/2010. I was never provided any documentation to substantiate that any of these complaints were directed at me, and they were thoroughly refuted in my response to that evaluation, which by now should have been made a part of my permanent file. (As of July 9, 2011 the attachment was not in my personnel file.) I dispute the insinuation that my relations with the public have ever been less than exemplary.

REMARKS:

CSO Mier has improved in some areas that were previously addressed with him, but is performing below minimally acceptable job standards in other areas. CSO Mier was recently informed of his paperwork error rate and acknowledges that a 49% error rate is unacceptable and needs immediate attention. CSO Mier assures me he will address this issue and make the appropriate corrections. As a result of his high error rate, CSO Mier's overall performance rating is below standard. "Improvement Needed" (The employee's work performance is occasionally below the minimum standards of the position. Serious effort is needed to improve performance.) As a result CSO Mier will be placed on special evaluation. During the special evaluation period, he will be re-evaluated every two months, for a maximum period of six consecutive months on special evaluation.

CSO Mier is a very intelligent employee who has the ability to excel in his current position. The ratings reflected in this evaluation could improve dramatically over the next rating period if CSO Mier diligently addresses the performance issues identified in this evaluation and makes the appropriate corrections.

On several occasions I have addressed the performance issues by proposing a schedule which would allow any employee doing my job the time to achieve the recently raised standards of accuracy now demanded. These proposals have fallen on deaf ears.

OBJECTIVES:

CSO Mier shall remain in his current position and job assignment, and over the next rating period he shall minimize or eliminate clerical errors. A good standard to be at in this Live Scan and Registrant position is a 5% error rate.

I have been in charge of registration for the last 5 years. I have developed policy and procedure for the sex registration and I have trained the sex unit Sergeants, and Detectives in the PC 290 registration process, notification, compliance and violations of PC 290. I have been approached by our sex crime Detectives, outside law enforcement agencies, parole and probation departments to assist and clarify registration and compliance questions. I have initiated, researched and collaborated with state law enforcement agencies, District Attorneys' offices, and the Department of Justice to develop gang registration for the Sheriff's office. I have successfully implemented created forms and documentation, and put in place a comprehensive, clear to follow and competent policy and procedure for gang registration for the whole county including allied law enforcement agencies. To whom am I being compared who maintains a 5% error rate?

DEVELOPMENT PLAN:

CSO Mier has an excessive error rate on paperwork that is required in his position. The errors consist of misspelled names, incorrect social security numbers, incorrect ell numbers and incorrect dates of birth, all of which is essential information for the required State forms. The deposit forms he completes have errors such as misspelled names, incorrect account information and incorrect amount of cash and check deposits.

In order to help CSO Mier to improve his performance to minimally acceptable job standards, the following measures will be taken:

1. Registration hours will be extended an additional three hours per week to allow CSO Mier more time to assist each registrant and thereby reduce his error rate.

The change of schedule that Sgt. Leonetti stated in my 2011 evaluation, does not suit my needs at all. He instead increased the hours for service for the public and reduced the hours that I can process the work it creates each time I serve an individual, either for Live Scan Fingerprints or registration. My inputs were not considered nor included in this schedule. I am making a plea to the department to consider allowing me a reasonable amount of time as requested numerous times in order to be able to serve the public in other capacities by returning their phone calls within an appropriate time, completing data entry, account balancing for the Live Scan Fingerprinting deposit, and working on registration files and forms.

2. CSO Mier must proofread all documents before submitting them.

Proof reading is a perfectly acceptable task. However, it cannot be accomplished without sufficient time allotted in the schedule.

3. CSO Mier must type all forms required by his position in order to avoid penmanship errors. He shall use spell check and/or the dictionary if he is uncertain how to spell a word correctly.

As there are no appropriate tools available, it is impossible for me to type all forms and fingerprint cards as my evaluation directs. I have taken the forms and fingerprint cards that I filled out for an out of state sex registrant to Sgt. Liberty and he told me to continue filling them out by hand.

4. CSO Mier must submit all registrant files he completes to his supervisor for review prior to filing them.

5. CSO Mier shall participate in weekly supervision meetings with his supervisor during the special evaluation period. At these meetings, CSO Mier's progress will be reviewed and he will be provided with feedback and guidance on how to improve his performance. In his supervisor's absence, CSO Mier will meet with Sergeant Liberty. A set time and day for the supervision meetings will be determined.


As would any human being, and especially someone working under a tremendous amount of pressure, constantly racing against time and handling multiple tasks with continuous interruption, I acknowledge that I make minor mistakes. I welcome honest criticism and I am happy and appreciative when anyone points out my errors that I make or made in the past. However, I was surprised by the Sergeant's sudden disclosure of an unacceptably high error rate on the registration forms in a meeting that I had been requesting for months to address my last year's evaluation, which is still unresolved, and my frustration with not being given enough time and an appropriate schedule to serve the public in a better capacity.

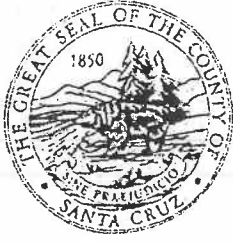
The special evaluation will begin June 25th and will continue in two month increments, up to a maximum of six consecutive months. If CSO Mier improves his work performance to "Meets Job Standards" in a shorter amount of time, the special evaluation may be discontinued.

My performance does not warrant punishment and special evaluation. I have worked for this office for over 5 years. I have been assigned and carried out many difficult duties that all required filling out forms, handling money, accounting, writing reports and interacting with member of public and other county departments and law enforcement agencies. I have completed all my tasks with accuracy and efficiency and never heard any complaints from the Sergeants, Lieutenants and even Chiefs I reported to.

In Closing, I repeat that is only appropriate and indispensable that the current evaluation be thrown out and the office impartially and truthfully reevaluate my true work performance and rewrite my evaluation. I am strongly convinced that department review will find my performance above job standards. I would also like to respectfully request that you examine my workload issues and consider adjusting my schedule and take into account that reasonable time allowance is essential in order to complete any critical assignment.

Respectfully,
Arthur Mier

 7/12/2011



COUNTY OF SANTA CRUZ
SHERIFF'S OFFICE
INTER-OFFICE CORRESPONDENCE

DATE: Monday, July 18, 2011

TO: Arthur Mier, CSO

FROM: Fred Plageman, Lieutenant *FJP*

SUBJECT: Review of Evaluation for June 2010-June 2011

On Thursday, July 7, 2011 at approximately 0930 hours I met with you and your representative, Jeffrey Smedberg in my office. You received your annual performance evaluation for June 2010-2011 from Sergeant Leonetti on Friday, June 24, 2011. At your request you took the evaluation with you over the weekend. You returned the evaluation on Monday, June 27, 2011 after signing it. You marked the checkbox stating that you wanted to discuss the report with the Reviewing Officer. You and your representative related the following information summarized as follows:

Mr. Smedberg stated that you had difficulty getting a meeting to discuss your concerns during the past evaluation period. He characterized you as an employee who willingly has taken on many projects. As an outside observer he perceived that you were a well-liked employee but that something had changed. He felt you were being treated improperly and that the department was using tactics to "push you out the door," according to Smedberg. He stated that the basis of the unfavorable remarks in the annual performance evaluation was based on false pretenses. Further he had suspicions that there were violations of the union contract and federal labor law.

Mr. Smedberg insisted on commenting on last year's evaluation prior to proceeding further. I had advised Mr. Smedberg in writing that I would not be able to consider this matter because the time had passed for this to be completed. Nevertheless, Mr.

Smedberg insisted and provided me with a written response to the Performance Evaluation for 2009-2010. Mr. Smedberg indicated that failure to complete the evaluation process properly would result in the filing of a grievance. Mr. Smedberg said that he would "expect it to be placed in the file."

I researched the 2009-2010 Evaluation. Sergeant Gombos issued the evaluation to you. You went directly to Sheriff Wowak and asked him if he had a few minutes without an appointment or stating in advance what issue you were there to discuss. After a few minutes of conversation, Sheriff Wowak learned that you had been given a Performance Evaluation and were unhappy with it. You bypassed the chain of command. You were properly referred to the Reviewing Officer, Lieutenant Bob Payne. Lt. Payne conducted a review with you, making no changes in the evaluation. You did not follow-up with a written request to meet with the appointing authority. You did not submit a written response to be placed in your personnel file in a timely manner. The written response was not included in your personnel file.

Mr. Smedberg said that in addition to the past evaluation that the union was conducting an investigation into other issues for grievance that included wage and hour laws, right to take breaks and that employees be paid overtime when working more than 8 hours per day. Mr. Smedberg also said that the union was investigating harassment charges that would create a hostile work environment.

Mr. Smedberg said that your evaluation was based on "exaggerations, half truths, misstatements," and that you were being "falsely accused." Mr. Smedberg said he had concerns that some of this may have been done with "forethought" and that if so, "these false statements are lies."

Mr. Smedberg said that an example of this was when Sgt. Leonetti said he had never observed you under stress. Smedberg represented that you are also pleasant and respectful despite being under stress. Mr. Smedberg said this was a complete misrepresentation of the facts.

Mr. Smedberg said that when the evaluation noted that you had input into your schedule that this was false.

Mr. Smedberg said that you are not able to flex time and that you have worked uncompensated overtime.

Mr. Smedberg said that the evaluation did not accurately and completely define your job duties because it did not include Arson Registration as one of your duties.

Mr. Smedberg said that the evaluation was accurate about your personal relations but it was tainted because it refers to a prior evaluation about prior complaints from the public. There was an allegation of no documentation.

Mr. Smedberg said the Special Evaluation was based on ½ truths and selective evidence. He said there was no mention of work that had been done 1 ½ years before and that his previous supervisor knew about the stress associated with the position.

Mr. Smedberg said that there is quality control built in and that it works. He said that there are records clerks that can check your work. The quality of your work should not be an issue. The claim of a 5% error rate is disparate.

Mr. Smedberg said that you need more time to proofread and that if mistakes are brought to your attention that you need sufficient time to make corrections.

You stated that you are not getting enough time to catch minor mistakes. You said you are seeing poor customer service because there are too many people needing service. You said you have been efficient but that you have asked repeatedly to receive direction for priorities between fingerprinting and registration. Again, you emphasized that the quantity of work is too much.

You admitted that you make typographical errors but added that you are willing to correct them if given sufficient notice and time to do so. You admitted that you sometimes make mistakes on the deposits but that it is due to constant interruption by phones and colleagues.

You said that new laws have increased demands from you. You were concerned that Sgt. Leonetti was negative with you from the beginning because he gave you a Documented Oral Counseling (DOC) soon after becoming your supervisor. You said you are concerned that the poor evaluation is "a personal attack."

You said that your work is not appreciated by the department and that the department is unfamiliar with your dedication to this important assignment.

Mr. Smedberg echoed this and stated that it appeared that the department was "trying to get rid of Arthur completely."

This was the one point in the meeting that I responded and told you with earnest that I did not feel this was true. I informed you that no one is trying to "get rid of you." I also told you that your work is appreciated and that many of your co-workers and supervisors understand the value of not only your position/assignment within this Office but of each and every employee's contribution.

Both you and Mr. Smedberg told me that you wanted the current evaluation to be "thrown out," and that a new evaluation be prepared.

At the conclusion of my meeting with you and Mr. Smedberg, at approximately 1130 hours (2 hours total), you indicated that you wanted to provide me with a written rebuttal to the errors that were used as a basis for the Special Evaluation. You said you needed sufficient time to prepare the rebuttal.

I said that I needed your rebuttal with sufficient time for me to consider it. Mr. Smedberg indicated that you would be willing to allow more time if necessary for me to comply with the review. You, Mr. Smedberg and I agreed that you would try and get me your rebuttal by Tuesday, July 12, 2011.

On Thursday, July 14, 2011, you provided me with your written rebuttal, titled "Response to employee performance evaluation and development report." I have attached this rebuttal to this review as a reference.

Response:

The purpose of the meeting on July 7, 2011 with you and Mr. Smedberg was to discuss the evaluation period for 2010-2011. Your written response to the 2009-2010 evaluation will not be included in your personnel file.

The 2010-2011 evaluation does have factual basis for the ratings provided. It appears to be based on job performance.

With regard to Sgt. Leonetti indicating he had not observed you under stress, this appears not to mean that your job is not stressful in general but that he had not witnessed something extraordinary. This position, as with many other assignments within the Office and throughout County Government has a built-in stress with meeting the demands of the job. The fact that you are "pleasant and respectful" under the stress of performing your job duties is commendable and is reflected appropriately as "Meets Job Standards" and "Exceeds Jobs Standards" in your evaluation in "Section 4 Work Habits" and "Section 5 Adaptability."

You have requested that the notation you have no abuses of sick time be removed from your evaluation. The report that you have no abuses is positive commentary and factual. This is a point that is important to reviewers of the evaluation.

With regard to work hours you and Mr. Smedberg both noted that you had no input into your schedule. I was present in during a meeting where a new schedule was presented to you by Sgt. Leonetti. You were provided the opportunity to review it and to have input. You were provided a copy of the schedule and encouraged to further review it, taking time to make considerations and to provide suggestions for changes. You know that you can contact Sgt. Leonetti daily and raise issues of concern to him. You know that you can schedule a more formal meeting. On this issue you were invited to schedule a meeting with Sgt. Leonetti and me if you needed to address concerns. You provided no further input.

With regard to working extra hours, overtime. Sgt. Leonetti has discussed with you privately and in my presence of common techniques and methods to handle your workload as well as customer service without incurring overtime. If you need to work

overtime it must be pre-approved by Sgt. Leonetti or in his absence, his designee or another supervisor. You have been directed to take your breaks, take your lunch and to adhere to the schedule. If you choose to go into your break time to complete a task, you will "flex" the time by taking your break after the completing the task. You should insure that you take your breaks, including your lunch break to which you are entitled. Your dedication is commendable, but your breaks are important to your health, well being and ultimately will positively contribute to your job performance. If you are working extra time, it is without authorization and not under direction or expectation of your supervisor.

Your schedule has been designed with careful consideration to minimum job standards and includes sufficient time at the beginning and end of each day for you to complete your job tasks.

You received "Meets Job Standards" for "Section 2 Quantity," to include "Meets Job Standards" for "Amount of work performed," and "Completion of work on schedule." All county employees, including employees at the Sheriff's Office are under heavy workloads. Your performance to the quantity of work performed meets jobs standards.

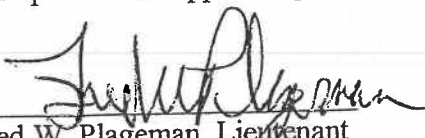
The quality of your work has been audited by your supervisor. Under Section 2 you received "Improvement Needed" on "Neatness of work product." Sgt. Leonetti based this upon his investigation that included personal observation, input from Sgt. Yanez (Drug Registrants), Sgt. Liberty (Sex Registrants), detectives in the Sexual Assault Unit and from records clerks. The evaluation directs you to type your work product when possible. When filling out forms by hand, you are expected to write legibly and meet minimum standards for neatness.

By investigation from Sgt. Leonetti, your work product lacks accuracy and thoroughness. While typographical errors and even omissions or errors in fact can occur, it is the frequency and consistency of the errors that are the basis for the "Unsatisfactory" ratings in this area. Your work must contain a minimum acceptable quality. The paperwork that you process is not only used for investigative information but for court. You must insure that your work product is reliable. Quality control is not intended to be a duplication of your job tasks. It is not unreasonable to expect your paperwork to be completed and to not contain errors, particularly with your experience.

Permanent employees may be placed on a special two-month evaluation schedule at any time when performance problems exist. After conducting this review, I have determined that the evaluation is proper and sufficient facts provide the basis for Special Evaluation. I encourage you to work with your supervisor openly and to address the concerns for meeting minimum standards.

You may refer to Section X Employee Performance Evaluation of the Personnel Administrative Manual for further process. In part, Section X.E.3 states that if an employee wishes further consideration beyond the review by the reviewing officer, the

employee, within 5 working days following the meeting with the reviewing officer, shall prepare a written request to the appointing authority.



Reviewer: Fred W. Plageman, Lieutenant
Investigation Division

7-18-11
Date

Jeffrey Smedberg
SEIU Shop Steward
Public Works Department
701 Ocean Street, Room 410
Santa Cruz, CA 95060

July 27, 2011

Sheriff Phil Wowak
Santa Cruz County Sheriff's Office
701 Ocean Street, Room 340
Santa Cruz, CA 95060

SUBJECT: APPEAL OF PERFORMANCE EVALUATION FOR ARTHUR MIER

Dear Sheriff Wowak,

I would like to express my regret that the case of Arthur Mier's performance evaluation has escalated to the point that it demands your attention. I am sure you have other pressing business in the public interest that also vies for your time.

Your administrative assistant Lisa Marr informed me on Monday, July 25, that our scheduled meeting with you on Tuesday had been cancelled without explanation, and that you advised Arthur Mier to submit a request for appeal. Please note that Mr. Mier, upon the advice of his Union, has followed the appropriate steps in the appeal process by submitting a written request for appeal on July 13, which was within 5 working days of meeting on July 7 with Lt. Fred Plageman in his role as the Reviewing Officer. According to the appeal timeline, your written decision is due by July 27, which is within 10 working days of receipt of Mr. Mier's request for appeal. We considered Lt. Plageman's written response to our July 7 meeting as a courtesy which is not required in the appeal process.

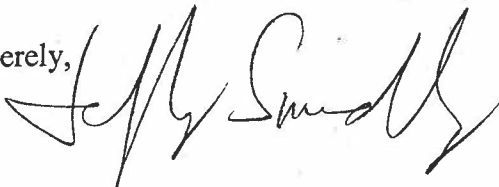
Unfortunately, Lt. Plageman's response did not add any new information but merely attempted to defend an obviously flawed evaluation.

In the evaluation process, for both last year and this year, as well as in the supervisory practices that Mr. Mier has been subjected to in your department during the intervening period of time, your staff has provided the Union with a wealth of material to work with.

In the interest of seeking resolution of these issues at the department level and to avoid their airing outside the department and in perhaps more public arenas, we would like to offer you the courtesy of extending the timeline to allow for a face to face meeting with you and time for you to prepare a thoughtful response to Mr. Mier's thorough and detailed response to his evaluation, which he submitted on July 13.

If you do not care to take us up on this offer, we will expect your written response on Wednesday, July 27.

Sincerely,



cc: Arthur Mier, SEIU



County of Santa Cruz

Sheriff-Coroner

701 Ocean Street, Suite 340, Santa Cruz, CA 95060
(831) 454-2985 FAX: (831) 454-2353

Phil Wowak
Sheriff-Coroner

July 28, 2011

Arthur Mier, Community Service Officer (CSO)
Santa Cruz Sheriff's Office

Jeffrey Smedberg
Public Works Department

Subject: Appeal of performance evaluation for Arthur Mier

Dear Sirs;

I am in receipt of your letter dated July 27, 2011 regarding the appeal of a performance evaluation for CSO Arthur Mier (**attachment A**). In response, I am writing to advise you of the appropriate steps to take to resolve this matter in accordance with County Personnel Rules. I have enclosed a copy of Section X of the County of Santa Cruz Personnel Regulations to assist you in understanding how this process must be handled (**attachment B**).

First, I will recap what I know about CSO Mier's evaluation and appeal to date. On June 24, 2011 CSO Mier received an annual performance evaluation from Sergeant Shon Leonetti and on that same date requested a review of the evaluation by Lieutenant Fred Plageman (**attachment C**). On July 7, 2011 you both (CSO Mier and Representative Jeffrey Smedberg) met with Lieutenant Plageman to review the evaluation. In addition to comments made at the July 7, 2011 meeting, CSO Mier provided a 10 page written rebuttal to the evaluation, dated 6/17/11 (**attachment D**).

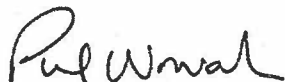
Lieutenant Plageman authored a 6 page response to the oral and written comments provided in rebuttal to this year's evaluation (**attachment E**) and provided you both with copies of this response on July 18, 2011. Lieutenant Plageman's response recapped the review meeting and upheld the evaluation and its recommendation to begin a special two month evaluation period as described by personnel regulations. Later that same day, July 18, 2011, CSO Mier contacted my assistant, Lisa Marr, to schedule an appointment with me regarding further appeal of the evaluation. Ms. Marr scheduled us to meet on Tuesday July 26, 2011. Neither of you provided a written request for further consideration as required in **Section E. 3.a through e.** of the attached personnel regulations.

On Monday July 25, 2011 I became aware of our scheduled appointment and was troubled by the lack of any written correspondence for the meeting. I directed Ms. Marr to cancel the scheduled meeting and contact both of you to request a response in writing including comments. A written response is necessary to request further review of the evaluation and must contain your comments on the topics you agree and disagree with in Lieutenant Plageman's review including reasons why.

Your letter dated July 27, 2011 is the first and only written correspondence I have received from either of you regarding this matter. Unfortunately, the tone of your letter was perceived as harsh and, made me believe you are both frustrated with and somewhat adversarial to the review process. I assure you my request to adhere to the rules of appeal are to achieve the overall goal of achieving the most efficient and effective workforce possible.

Now that the process is clear for everyone, I would invite you to take the next five working days to formulate a written response to Lieutenant Plageman's review as outlined in the personnel rules. If you choose to do so, I should have that response no later than close of business on Friday August 5, 2011. If I receive such a request in the time allowed I will have a written response back to you by close of business on Friday August 19, 2011.

Sincerely,



Phil Wowak, Sheriff – Coroner
County of Santa Cruz

Attachments enclosed

cc.

Chief Bradley
Co. Personnel
file



County of Santa Cruz

Sheriff-Coroner

701 Ocean Street, Suite 340, Santa Cruz, CA 95060
(831) 454-2985 FAX: (831) 454-2353

Phil Wowak
Sheriff-Coroner

August 1, 2011

Arthur Mier, Community Service Officer (CSO)
Santa Cruz Sheriff's Office

Jeffrey Smedberg
Public Works Department

Dear Sirs;

I am writing to follow up on my letter to you of July 28, 2011, regarding your request for an appeal meeting regarding Arthur Mier's evaluation. In that letter, I stated that if you wish to appeal the decision of the review officer to me, you must provide me with a written statement of appeal on or before this Friday, August 5, 2011. In that letter, I did not address Mr. Smedberg's claim that Mr. Mier had submitted a written appeal on July 13. The purpose of this communication is to inform you that no such appeal was directed to me. I am aware that Mr. Mier did submit a lengthy written "response" (not "appeal") to his performance evaluation on July 14 (not July 13, as stated in your letter). This response was submitted not to me, as an appeal, but rather to the first level review officer, Lt. Plageman, as a "rebuttal" to the evaluation. You informed Lt. Plageman during the July 7 review meeting that this document would be coming and, at your request he delayed preparing his written response to until receiving and considering the written rebuttal.

Following Lt. Plageman's detailed 6-page response to the request for review; Mr. Mier contacted my secretary and requested to meet with me. However, he never submitted anything in writing to me stating that he wished to appeal Lt. Plageman's decision or specifying what aspects of that decision he believes should be changed and facts to support the requested changes.

I am not opposed to meeting with Mr. Mier regarding his evaluation, but I do expect Mr. Mier to follow the appeal processes set forth in the Personnel Regulations (as well as on the evaluation form itself). Again, if Mr. Mier wishes to appeal the evaluation to me, I must receive his written appeal by 5:00 p.m. this Friday, August 5, 2011.

Sincerely,

Phil Wowak, Sheriff - Coroner
County of Santa Cruz

cc.
Chief Bradley
Co. Personnel
File

Jeffrey Smedberg
SEIU Shop Steward
Public Works Department
701 Ocean Street, Room 410
Santa Cruz, CA 95060

August 4, 2011

Sheriff Phil Wowak
Santa Cruz County Sheriff's Office
701 Ocean Street, Room 340
Santa Cruz, CA 95060

SUBJECT: APPEAL OF PERFORMANCE EVALUATION FOR ARTHUR MIER

Dear Sheriff Wowak,

The union will adhere to our interpretation of the evaluation appeal process described in Subsection X, Section 130 of the County of Santa Cruz Personnel Regulations. However, we are happy to extend the timeline to allow a meeting with you and to accommodate your interpretation of the regulations. In this manner there will be no need for us to quibble over the proper interpretation of the rules.

You may consider this letter to be Arthur Mier's formal request for an appeal of his performance evaluation by Sgt. Shon Leonetti, dated 6/17/11, which he received on 6/24/11. Mr. Mier's document titled "Response to Employee Performance Evaluation and Development Report," which you already have in your possession, meets the requirements of a request for appeal to the department's appointing authority, was submitted in a timely manner, and describes his specific concerns with the content of his recent evaluation.

At our meeting, in addition to discussing those concerns raised in Mr. Mier's response, we hope you will be able to answer several question regarding the special evaluation under which you have placed Mr. Mier. The stated reasons for the special evaluation were Mr. Mier's deficiencies in accuracy and neatness in filling out LiveScan and Registration forms. The evaluation narrative stated, "A good standard to be at in this LiveScan and Registration position is a 5% error rate."

We would ask that you provide your department's policy on standards for accuracy and neatness, including criteria such as error rates that would equate to "meets job standards," "exceeds job standards," and "outstanding."

Please list job duties in the department that are subject to evaluation according to these accuracy and neatness standards.

Please list the names of employees who have been judged by these standards, and the dates of such evaluations.

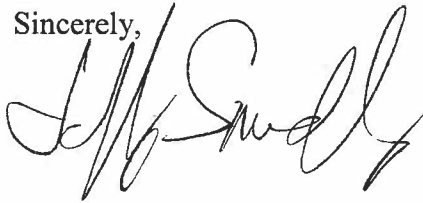
Please provide the date when this standards policy was established and any dates of revision to the standards.

Please describe your procedure on the investigation of the origin of an error so as to properly attribute the mistake to the responsible party.

Finally, please provide the date on which you informed Mr. Mier of the department's accuracy and neatness standards policy.

We look forward to meeting with you. Please contact me to set up an appointment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeff Swedley".

cc: Arthur Mier, SEIU

Rec'd
8-4-11

Addendum

August 3, 200

RESPONSE TO
EMPLOYEE PERFORMANCE EVALUATION AND DEVELOPMENT REPORT

Arthur Mier

Date: 06-17-2011

Rated by Sgt. Leonetti

Received on June, 24, 2011

Dear Sheriff Wowak,

Per your written request titled "Appeal of performance evaluation for Arthur Mier" that I received on Friday July 29, 2011 and Monday August 1, 2011, you instructed me to write a response to Lt. Plageman's 6-page response titled "Review of Evaluation for June 2010-June2011."

In my written response that I turned in to Lt. Plageman on Wednesday, July 13, 2011, at approximately 1648 hours, I clearly stated my disagreement with the evaluation, the absence of facts and exaggeration of my shortcomings, disregard of my multitude of duties including serving an overwhelming number of customers at two different windows each day with very limited time allowance to perform each task, and indifference to my hard work and dedication to the office. I am confident that upon reviewing the facts and evidence that I have gathered, you will be convinced that I am a very skillful, talented, and hardworking employee. In addition, considering my job duties and lack of time and support from my superior, you will realize that I work well under stress, and I have great skill in time management and multitasking. You will see that I attend to and provide excellent service to members of the public who are not there by choice. These include people who are required by law to pay to be fingerprinted as well as sex offenders, drug offenders, gang members, and arson offenders who have no desire to come in and register other than to adhere to the law, and none of them appreciate waiting in a long line for a number of hours.

Although I thank Lt. Plageman for his time in our review meeting, I am unsatisfied with his failure to review the facts and evidence that I presented. I feel he was not being impartial in his refusal to correct the evaluation written by Sgt. Leonetti.

Lt. Plageman stated in his response that I did not follow County policy on last year's evaluation. As I am sure you are aware, I carefully followed the procedure for appeal of my evaluation. I met with reviewing officer Lt. Pain. Within 2 days of receiving a copy of my evaluation that he signed under "I concur in the ratings given by the rater. I have made no changes in the report," I prepared a written request to the appointing authority. Accompanied by a witness, I delivered my written request for appeal to your secretary Lisa Marr, and she assured us that she would hand it to you. After waiting for a long period without receiving any response from you, I called your secretary Lisa Marr and

made an appointment to meet with you on Tuesday, November 23, 2010 at 0830 hours. During our meeting I explained my desire to complete the appeal. You thanked me for bringing the issue to your attention and handling it with professionalism. You also assured me that you would instruct Chief Deputy Bradley to investigate my case and that you would get back to me. Regrettably, no one ever contacted me about my appeal.

Lt. Plageman stated on his response in regards to work hours that I was provided the opportunity to review the new schedule and have input. In fact, in the presence of Lt. Plageman and Sgt. Liberty, I expressed my frustration with not being given enough time to process the work that is created after each person I serve at the windows. I requested time for processing LiveScan deposits, processing registration files and photos, listening to the large number of phone messages I receive each day while I am processing fingerprints or performing registration, not to mention Megan's law, DOJ updates, law enforcement agencies' inquiries, and serving as an information booth for records. I clearly pointed out that the new schedule increased the hours of service for the public while ignoring the time that I need to complete the work created after servicing each individual. I also spoke to Sgt. Leonetti and addressed to him my concerns regarding the new schedule. However, my input was not considered and no changes were made to the given schedule.

It is important to mention that I greatly appreciate the generosity of Sgt. Leonetti and Lt. Plageman that after 18 months they included 30 minutes of break time in my schedule during each day. And I also appreciate that Lt. Plageman has given me the authority to close the windows for breaks and lunch hours and enforce the posted hours for Live Scan and Registration windows, and that he has pledged to support me if any member of public complains in regards to closing of the windows.

For my complete comments, please refer to my previously submitted RESPONSE TO EMPLOYEE PERFORMANCE EVALUATION AND DEVELOPMENT REPORT.

Sincerely,



Arthur Mier, CSO
Santa Cruz County Sheriff's Office

SANTA CRUZ COUNTY
SHERIFF'S OFFICE

August 24, 2011

2011 AUG 25 PM 3: 29

Sheriff Phil Wowack
Santa Cruz County Sheriff's Office
701 Ocean Street, Room 340
Santa Cruz, CA 95060

Dear Sheriff Wowack,

In your email of August 22 you requested additional information about when I was notified of substandard performance. Regarding purported errors in filling out paperwork, I was first informed this was a problem in a meeting with Sgt. Leonetti, Sgt. Liberty, and Lt. Plageman on June 7, 2011. Please note that this meeting occurred because I had been asking for a meeting for several months to discuss my evaluation from June 2010 and to address my concern about having sufficient time to complete registration and Live Scan paperwork.

At the beginning of the meeting I was told the purpose of the meeting had been changed. My previous evaluation was history. I was presented with copies of 11 sex registration forms with purported mistakes and told my accuracy and quality of work was substandard. I was not given an opportunity to describe to these officers who have never taken registrations some of the intricacies and inaccuracies inherent in the registration process which could look like mistakes to the untrained eye. While I admit to a few actual mistakes on my part, others who assist with registrations when I am extremely busy or off duty make many more and more serious mistakes than I do. I do not see any scrutiny of their work.

This meeting at which I was informed of deficiencies in accuracy was held 10 days before the evaluation was prepared. Taking into account my leave and furlough days and the weekend, the period was 6 working days. While purported errors were pointed out at the meeting, I was given no guidance, written or oral, as to what exactly was the department policy or standard regarding accuracy. I had never previously encountered such a policy on accuracy in my five years with the department. This must therefore be a new department policy. How can I be placed on special evaluation for retroactively failing to meet new standard? Or how can special evaluation be appropriate one week from the date a new policy is established?

The evaluation which was produced shortly after the meeting did not cite the 11 errors presented to me. Rather, it stated 25 files contained mistakes out of 55 sex registrations during an arbitrary 3-month study period and concluded an error rate of 45%. I actually completed over 147 registrations during this January through March 2011 period. Even if all 11 of the documents presented to me were my errors, which I dispute, the correctly calculated error rate is 7.5%, barely above the arbitrary standard of 5% announced in the evaluation.

I had previously been given an indication that management was unhappy with my performance. When I requested a meeting to discuss my 2010 evaluation and a change of schedule to accommodate my paperwork load, Lt. Plageman told me on 3/8/11 that I was being considered for special evaluation because I was "slow" in the processing of Live Scan fingerprint applications. Again, in a meeting with Sgt. Leonetti on 5/18/11, I asked him if he had any

problems with me. He replied no, except that he thought I was slower at fingerprinting than the previous employee with this assignment. After I provided documentation that my productivity was higher than the previous Live Scan operator, this problem was never again mentioned and did not appear on my evaluation.

The evaluation contains exaggerations as well as fictitious statements. The document states that all the mistakes it describes "were discovered in early June and immediately brought to CSO Mier's attention." This statement is blatantly false as several issues I first learned of when reading the evaluation.

The evaluation describes a random investigation of 14 drug registration files in which 7 were found with errors. These purported errors were not brought to my attention before I received the evaluation, and the documentation has never been presented to me.

The evaluation also refers to an error rate on my Live Scan deposits of 2 per month. This problem had not been brought up prior to or at the June 7 meeting. However, after the June 7 meeting, Sgt. Leonetti made copies of 9 of my Live Scan reports during the rating period, noted supposed errors, and dropped them on my desk without comment except to say that he didn't want there to be any surprises. Some of these were not actually errors. Others had already been corrected before he brought them to my attention. He was not interested in hearing from me any explanation as to the reason for the apparent discrepancies. He did not cite any policy or standard related to Live Scan reporting. If his intention was to improve quality, he offered no assistance, and he turned a deaf ear to my repeated requests for adjustments in the schedule to allow me sufficient time to complete the considerable paperwork more carefully. In any event, I studied the errors in order to avoid making them in the future. Even if I grant that all 9 of these Live Scan reports actually contained errors, in light of the 1784 fingerprints I took during that period, my error rate was one half of one percent (0.5%).

One of the charges cited in my evaluation was of a mistake on a report that caused "additional investigation" in order to apprehend a suspect. Sgt. Leonetti wrote in the evaluation dated 6/17/11 that this situation "was recently brought to my attention." He actually learned of it on June 23. He must have immediately revised the evaluation, which he gave to me on June 24. After I signed the document on June 27, he hand-corrected the document date from June 17 to June 24. Obviously I was not advised of this event prior to the evaluation but learned of it when reading the document.

To clarify the severity of this "error," instead of filling in the registrant's address on this annual update form, I wrote "no change." The "additional investigation" required that the investigator turn the page in the same file to see the still-current address as listed on the previous year's annual registration form, which I had completed in May of 2010. The suspect was immediately apprehended at that address.

The evaluation claims I entered incorrect CII numbers on registration forms. I have seen no documentation of this claim and have never found such an instance myself. Poor penmanship is also claimed based on Sgt. Leonetti's difficulty in deciphering one character on one form.

I question the value of the special evaluation process. My evaluation enumerates a development plan of 5 items during the special evaluation period. I have been assiduously adhering to my part of the arrangement: I am abiding by the new schedule; I am proofreading all documents; I am continuing to type forms when possible, which I have always done; I have been submitting all completed registration files to my supervisor for review. The department has been lax in upholding it's side of the bargain: completed registrants' files have accumulated for a month at a time before review, and the review has been cursory at best, as I have discovered, after the files have been returned, mistakes made by others; only one supervision meeting has occurred in 8 weeks, and that one was called spontaneously and took up the entire lunch hour.

Thank you for carefully considering this information which you have requested.

Arthur Mier

A handwritten signature in black ink, appearing to read 'Arthur Mier', with a long horizontal flourish extending to the right.



County of Santa Cruz

Sheriff-Coroner

701 Ocean Street, Suite 340, Santa Cruz, CA 95060
(831) 454-2985 FAX: (831) 454-2353

Phil Wowak
Sheriff-Coroner

↘ August 1, 2011

Arthur Mier, Community Service Officer (CSO)
Santa Cruz Sheriff's Office

Jeffrey Smedberg
Public Works Department

Dear Sirs;

This letter is to provide documentation of our meeting this date where I advised you both of my decision to uphold Lieutenant Plageman's review of CSO Mier's performance evaluation, written by Sergeant Leonetti's and dated June 27, 2011. The result of that evaluation was to place CSO Mier on special evaluation for performance related issues spelled out by Sergeant Leonetti.

Additionally, the purpose of this communication is to inform you that the Sheriff's Office will begin a two month special evaluation process with CSO Mier immediately. The evaluation process will not simply test CSO Mier in his performance rather, it will contain a plan designed to improve CSO Mier's performance in an effort to achieve a consistent, acceptable performance level in his assignment. The performance improvement plan will be approved and monitored by Lieutenant Plageman under the direction of Chief Deputy Don Bradley.

Section 130, X of the County of Santa Cruz Personnel Regulations grants Mr. Mier further appeal rights regarding this evaluation and my decision. Should Mr. Mier elect to further the appeal processes set forth in the Personnel Regulations, he must request in writing an informal hearing with County Personnel Director Michael McDougall. This request must be made within ten (10) working days of the receipt of this letter.

Sincerely,

Phil Wowak, Sheriff - Coroner
County of Santa Cruz

cc.
Cc. Personnel Director Michael McDougall
Chief Bradley
Lt. Plageman
File

SEP 16 PM 3:36

Jeffrey Smedberg
SEIU Shop Steward
Public Works Department
701 Ocean Street, Room 410
Santa Cruz, CA 95060

September 16, 2011

Michael McDougall, Director
Santa Cruz County Personnel Department
701 Ocean Street, Room 310
Santa Cruz, CA 95060

SUBJECT: APPEAL OF PERFORMANCE EVALUATION FOR ARTHUR MIER

Dear Mr. McDougall,

Sheriff's Department employee Arthur Mier received an annual performance evaluation on June 24, 2011, rating his performance as below standards and placing him on special evaluation. Mr. Mier did not believe the rating was fair and has followed the appropriate steps in the appeal process. On September 6, 2010, he received a response from his appointing authority, Sheriff Phil Wowak, which upheld the original rating with no changes. You may consider this letter to be Arthur Mier's formal request for an appeal of his performance evaluation to the Personnel Director.

During the appeal process Mr. Mier has submitted voluminous documentation refuting inaccuracies in the evaluation narrative. Relevant documents are enumerated at the end of this letter. Please let us know if this material has not been supplied to you and we will immediately provide it. This background material will be useful in understanding this case.

Due to the preponderance of inaccuracies, misrepresentations, exaggerations, and surprises in the evaluation narrative, Mr. Mier had requested of both the reviewing officer and the appointing authority that the entire narrative be discarded and be replaced by a more fair and balanced document that acknowledges his assets and value to the department while framing any shortcoming in the context of their truly minimal significance to departmental operations. His request has been denied. We understand that you, being from outside the department and not personally acquainted with the employee and his performance, will not be in a position to accurately revise the narrative. Therefore, we ask that you strike the entire narrative from the record.

Regarding the special evaluation, the stated justification was Mr. Mier's deficiencies in accuracy and neatness in filling out LiveScan and Registration forms. The evaluation narrative stated, "A good standard to be at in this LiveScan and Registration position is a 5% error rate."

When we met with the Sheriff, we asked him a number of questions regarding the special evaluation under which he had placed Mr. Mier. We asked him to provide the Sheriff's

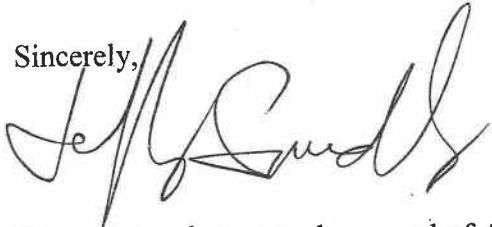
Department policy on standards for accuracy and neatness, including criteria such as error rates that would equate to "meets job standards," "exceeds job standards," and "outstanding." We asked the Sheriff to list job duties in the department that are subject to evaluation according to these accuracy and neatness standards. We asked him to list the names of employees who have been judged by these standards, and the dates of such evaluations. We asked him to provide the date when this standards policy was established and any dates of revision to the standards. We asked him to describe his procedure on the investigation of the origin of an error so as to properly attribute the mistake to the responsible party. And finally, we asked if he would provide the date on which Mr. Mier was informed of the department's accuracy and neatness standards policy.

The Sheriff was unable to provide an answer to even the first of these questions. The facts relating to the last question are telling. Never in Mr. Mier's five years as a Sheriff's Department employee, during which time he had been filling out some of the same type of paperwork as he currently does, had the issues of neatness and accuracy been brought to his attention until June 7, 2011, barely two weeks before he was presented with a damning evaluation. Mr. Mier was judged retroactively for infraction of an arbitrary unwritten policy that applied only to him and was created, as far as we can tell, solely to impact his evaluation.

Since Mr. Mier was placed on special evaluation, the department has not been serious about its responsibilities in the development plan. In ten weeks, Mr. Mier's supervisor engaged him in only one supervision meeting, and that one was called spontaneously. Such meetings were supposed to be weekly affairs. The supervisor has offered no assistance in improving performance, because in fact no improvement was needed. Evidence suggests that placement of Mr. Mier on special evaluation was a punitive action.

You must immediately release Mr. Mier from the unwarranted special evaluation and establish his annual salary step increase effective on the date of the evaluation, June 17, 2011.

Sincerely,



Documents relevant to the appeal of Arthur Mier's performance evaluation:

- Response to Employee Performance Evaluation: from Arthur Mier dated 7/12/11.
- Appeal of Performance Evaluation for Arthur Mier: Letter from Jeffrey Smedberg to Sheriff dated 7/27/11.
- Addendum to Response to Employee Performance Evaluation: from Arthur Mier dated 8/3/11 [document actually says "August 3, 200"].
- Appeal of Performance Evaluation for Arthur Mier: Letter from Jeffrey Smedberg to Sheriff dated 8/4/11.
- Letter from Arthur Mier to Sheriff dated 8/24/11.

cc: Arthur Mier, SEIU



COUNTY OF SANTA CRUZ

PERSONNEL DEPARTMENT

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(831) 454-2600 FAX: (831) 454-2411 TDD: (831) 454-2123
MICHAEL J. MCDUGALL, PERSONNEL DIRECTOR
AJITA PATEL, DEPUTY DIRECTOR

November 15, 2011

Arthur Mier
800 Hillsdale Ave., #434
San Jose, CA 95136

Re: Response to Appeal of your June 2011 Evaluation

Dear Mr. Mier:

On September 16, 2011, your SEIU representative Jeffrey Smedberg appealed your June 2011 performance evaluation to Personnel Director Michael McDougall. On October 14th, I met with you and Mr. Smedberg to hear your appeal. I conducted this appeal meeting as the Personnel Director's designee. This is the formal written response to your appeal.

Your June 2011 annual evaluation rated your overall performance as "improvement needed", thereby triggering the special evaluation process.

On June 24, 2011, your supervisor, Sgt. Shon Leonetti, provided you with your annual evaluation which rated your work performance below standards and placed you on special evaluation. You provided a written response regarding the evaluation ratings and appealed the evaluation to reviewing officer Lieutenant Fred Plageman. After meeting with you, Lt. Plageman sent you a written response dated July 18th, upholding the initial ratings of your evaluation. You then appealed to Sheriff Wowak, and you received a letter from him on September 6th also upholding the initial evaluation.

I have reviewed the following documents provided by you and/or the Sheriff's Office:

- Your evaluation from 2010 written by Sgt. Frank Gombos and your June 2011 evaluation written by Sgt. Leonetti.
- Your Response to the Evaluation which you signed and dated on July 12, 2011
- Review of Evaluation from Reviewing Officer Lt. Plageman dated July 18, 2011
- Letter re: the evaluation appeal from Mr. Smedberg to Sheriff Wowak dated July 27, 2011
- Letter from Sheriff Wowak to you regarding the appeal dated July 28, 2011
- Letter from Sheriff Wowak to you dated August 1, 2011
- Addendum Response to the Evaluation to Sheriff Wowak dated August 3, 2011
- Appeal of Evaluation from Mr. Smedberg to Sheriff Wowak dated August 4, 2011

- Letter from you to Sheriff Wowak re: the evaluation dated August 24, 2011
- Appeal response letter from Sheriff Wowak received by you on September 6, 2011
- Appeal letter to the Personnel Director dated September 16, 2011
- Sgt. Leonetti's information regarding the post evaluation weekly meetings with Mr. Mier
- Memo dated October 20, 2011 from Mr. Smedberg clarifying that Sgt Leonetti began supervising you on August 20, 2010, and not as stated in the narrative evaluation in which Sgt. Leonetti indicated that he started supervising you in the last week of July of 2010. (A copy of your time card showing that Sgt. Leonetti signed as your supervisor on August 21, 2010)
- Memo dated November 1, 2011, from Mr. Smedberg asking that I read, just for background purposes, your response to your evaluation received in September, 2011

You and Mr. Smedberg contend that Sgt. Leonetti's evaluation narrative is fraught with inaccuracies, misrepresentations, exaggerations, and surprises and request that I strike the entire narrative of the evaluation. You state that Sgt. Leonetti did not inform you of the errors during the rating period until right before the evaluation were given to you and that you felt that this was intentional, although you did not give a reason as to what his motivation might be for doing this. You state that you thought you were doing very well during this last year. Specifically, you contend that Sgt. Leonetti's review of your files included mistakes made by other members of the Sheriff's Office who processed forms when you were out or needed assistance. You acknowledge making some of the mistakes, however you state that those mistakes were either not your fault (for example because the public provided incorrect numbers) or they were minor and do not cause serious consequences.

At our meeting, you showed me a few forms completed by other Sheriff's staff that you state were included in the files reviewed by your supervisor and which resulted in an error rate of 45%. You state that the 5% error rate standard noted in your evaluation was never mentioned to you, and that the Sheriff's Office did not provide a reason as to why they are using that standard.

In your 2010 evaluation, your supervisor Sgt. Gombos gave you an overall meets standards rating, however, he noted in the narrative that while most of the paperwork you completed was done properly, often he found that some of your paperwork was missing information. He also noted that the Sheriff's Office had received at least 8 complaints about you from members of the public. Sgt. Gombos rated you with a "needs improvement" rating of "2" in the following areas:

- Quantity- B. Completion of work on schedule
- Quality -B. Thoroughness
- Quality- C. Neatness of work product
- Personal Relations- C. Meeting and handling the public

You contend that you did not have prior knowledge of your poor performance in these categories before receiving your June 2011 evaluation; however, your 2010 evaluation shows that your prior supervisor, Sgt. Gombos, also noted these performance concerns and rated you "improvement needed" in these areas. In the June 2011 evaluation narrative, Sgt. Leonetti indicates he selected at random files that you processed from January through March of 2011. Of the 55 sex registrants you processed in those three months, 25 files contained mistakes. Sgt. Leonetti also reviewed 14 of your drug registrant files from the rating period and found 7 files contained mistakes. The error rates in the reviews were 45% and 50% respectively. Although

you state that other employees make similar mistakes, and some of those employees' mistakes were included in the files attributed to you, the Sheriff's Office asserts that the files they reviewed were yours only, and not those processed by other staff, and you did not prove otherwise.

You also argue that you should not have received a "2" (improvement needed) in neatness of work product because you have legible block writing and thought you were improving in this area.

Your evaluation appeal response from Lt. Plageman found that the "neatness of work product" rating of 2 was based on Sgt. Leonetti's personal observation, input from Sgts. Yanez and Liberty, detectives, and the record clerks in the Sheriff's office who enter the information into the computer databases. Your 2010 evaluation narrative also rated you a "2" (improvement needed) in this area as well.

On October 20, 2011, you submitted a memo to Personnel contending that Sgt Leonetti did not begin to supervise you until August 22, the day after Sgt Gombos introduced you to him and that in the evaluation, Sgt. Leonetti states he began supervising you in July 2010. You contend that this is just one more document that demonstrates the department's disregard for truth and accuracy. You provided a copy of your timecard that shows that Sgt. Leonetti began supervising you on the pay period starting August 21, 2010.

The one month difference between when Sgt Leonetti began supervising you and what he wrote in your evaluation has no bearing on the contents or ratings of your June evaluation.

You also contend that since you were placed on special evaluation, the Sheriff's Office has not been serious about its responsibilities in the development plan. You state that in ten weeks, your supervisor only had one spontaneous supervision meeting and has offered you no assistance in improving your performance, because no improvement was needed. You add that the evidence suggests that your placement on the special evaluation was a punitive action.

The scope of this appeal is in regards to the June 2011 special evaluation, which includes the development plan in the narrative of the evaluation. Your contentions regarding supervisor Sgt. Leonetti's actual compliance with that plan (not having adequate meetings with you) is not within the scope of my review, but rather for the next rating period, or the 2 month evaluation review. Because the two month evaluation rated your performance as meets standards, it is not appealable to the Personnel Director.

Conclusion

The scope of authority for the Personnel Director/designee in the appeal of performance evaluation is limited. I can uphold the evaluation, refer the matter back to the department for further review, or can strike inappropriate, misleading, or nonessential phrases. Your evaluation covers your performance over a period of a year, and among other duties, refers to your ability to process sex and drug registrants with the Sheriff's Office and to complete deposit forms from Live Scan fees.

Response to Appeal of June 2011 Evaluation

Upon my review of all the documents and statements presented by both you and the Sheriff, I found clear evidence that the performance issues/concerns that Sgt. Leonetti raised in your June 2011 evaluation were the same and/or very similar to those raised in your 2010 evaluation by a different supervisor, Sgt. Gombos. The Sheriff's Office documents presented in response to your initial appeals and other materials and information from the department provide considerable support to uphold the evaluation ratings as originally submitted. Therefore I propose no further changes to this evaluation.

This decision and the appeal documents you previously submitted will be attached to and filed with your evaluation in your Personnel file.

Sincerely,



Ana Ventura Phares
Sr. Personnel Analyst
Personnel Department

cc: Personnel Director Michael J. McDougall
Sheriff Phil Wowak