

Onsite Review: July 16-17, 2014
Final Report Published: September 15, 2014

County of Santa Barbara Personnel Management Program Review

Report of Findings

SUBMITTED BY:

**CPS HR CONSULTING
MERIT SYSTEM SERVICES**

241 Lathrop Way
Sacramento, CA 95815
t: 916-263-3614 f: 916-648-1211
www.mss.ca.gov

Team Members:

**Lisa Conner
Judy Capaul
Don Benedetti**

Table of Contents

| | |
|--|----|
| Report of Findings..... | 1 |
| Highlights of Major Findings..... | 2 |
| Merit Principle 1 – Recruitment and Selection..... | 3 |
| Merit Principle 2 – Compensation..... | 8 |
| Merit Principle 3 – Training | 10 |
| Merit Principle 4 – Retention of Permanent Employees | 12 |
| Merit Principle 5 – Fair Treatment..... | 14 |
| Merit Principle 6 – Political Rights and Prohibitions..... | 17 |
| Appendix – Additional General Observations | 18 |

REPORT OF FINDINGS

Background

Under contract with the California Department of Human Resource (CalHR), Merit System Services (MSS) is charged with ensuring that the personnel systems of local agencies receiving federal and state funding for Social Services and Child Support Services programs are in conformance with the federal and state requirements. For counties operating an Approved Local Merit System, such as the County of Santa Barbara, MSS periodically conducts a personnel program review comparing its operations with the six federal merit principles. This report summarizes the results of the personnel program review of the County of Santa Barbara.

The information included in this report is based on:

- County Code
- County Ordinances, Policies, and Procedures
- County Civil Service Rules
- County Memoranda of Understanding
- Interviews with Human Resources, the Director of Social Services, the Director of Child Support Services, and the HR Manager in the Department of Social Services
- Responses to questions answered in advance of the onsite review
- Various personnel related files (examination, discipline, appeals) and printouts
- Prior final audit report for County of Santa Barbara, issued in June 2008

Overview of Santa Barbara County

The County of Santa Barbara is a general law county with approximately 3,900 employees within the classified service, 23 different departments, and 10 recognized employee organizations. In 1971, Santa Barbara passed a referendum ordinance to establish the Civil Service Commission and extend civil service coverage to all County employees. The civil service system is governed by the Civil Service Rules that ensure employees are hired through a merit-based competitive process. The Civil Service Rules also provide for such matters as the recruitment and appointment process, employee compensation, probationary periods, layoff provisions, and discipline and appeal procedures.

The five member Civil Service Commission is appointed by the Board of Supervisors. The Commission has responsibility for hearings on appeals of disciplinary actions as provided by the rules; hearings on discrimination complaints; conducting investigations concerning the administration of personnel or conditions of employment; making recommendations on Civil Service Rules; advising the Board of Supervisors; and submitting an annual report to the Board of Supervisors.

The Director of Human Resources reports to the County Executive Officer (CEO). Per the Code of Ordinances, the responsibilities of the Human Resources Director are outlined to include, but not limited to the following: administration of the provisions outlined in the Code of Ordinances; preparation of Civil Service Rules and regulations in consultation of the CEO for consideration by the Civil Service Commission and the Board of Supervisors; preparation, installation, and maintenance of a classification plan for approval by the administrative officer; making wage surveys at least annually to determine salaries paid for comparable work by organizations and agencies other than the county; assisting the

administrative officer in making recommendations to the Board of Supervisors; certifying to the auditor that appointment of any person to any position in the competitive service was in compliance with the applicable provisions of the civil service system; and with approval of the administrative officer, recommending to the Board of Supervisors the allocation of all positions in the classified service to an appropriate class in the classification plan.

In 2011, the Board of Supervisors moved the Equal Employment Office (EEO) function as a direct report to the County Executive Officer in order to clearly signal the County's commitment to a diverse workforce and non-discrimination program. The EEO Office works with Human Resources and other County staff to strengthen and sustain the County's commitment to a diverse workforce, and monitors the County's non-discrimination program and policy. The EEO Office ensures compliance with Federal, state, and local laws and ordinances, policies related to non-discrimination, anti-harassment, and retaliation, and conducts investigations and ongoing training to ensure a discrimination-free workplace.

The County of Santa Barbara Department of Social Services (DSS) provides social services programs, such as Adult and Children Services, Employment Services, and Eligibility Services. DSS has its own human resources staff person and has been delegated responsibility by the County Department of Human Resources (HR) for recruitment, selection, and examination activities for DSS specific classifications. DSS has 867 full-time positions and four part-time positions. The County of Santa Barbara Department of Child Support Services (CSS) does not have delegated recruitment and selection authority and relies on the County of Santa Barbara Human Resources (HR) for such services. CSS is a separate department from DSS and has 81 full-time positions and 10 part-time positions.

Highlights of Major Findings

Based upon a thorough assessment of the County's personnel system for both Social Services and Child Support Services in relationship to the six federal merit standards, the County is in full compliance. MSS commends the County for its innovative and professional human resources practices, which are consistent with the Civil Service Rules, Code of Ordinances, MOUs, and related policies and procedures.

MERIT PRINCIPLE 1

RECRUITMENT AND SELECTION

Recruitment and Selection

Employees are recruited, selected, and advanced on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment

Discussion

Recruitment

Related Rules, Policies, and Procedures

The County of Santa Barbara has comprehensive Civil Service Rules which address recruitment and selection activities. Specifically, the Rules¹ provide for provisions related to the timeframe in which announcements are posted, requiring a minimum posting period of seven days in which applications may be filed. Further, Rules² require specific content on announcements, to include the following: class title and compensation; a general statement of duties and responsibilities; the place and final date to file applications unless the examination is continuous; established minimum qualification requirements; scope of the examination; and the minimum qualifying score as defined in the Rules³.

Overview of Practices

The audit team reviewed a total of 10 recruitment and examination files (four Child Support classifications and six Social Services classifications). The sampling of files included both open competitive as well as promotional recruitments.

All files included job bulletins which incorporated the pertinent information outlined in the Civil Service Rules, to include, but not limited to the following: class specification; a recruitment plan outlining the recruitment timelines; marketing/outreach plan; notations to indicate Subject Matter Expert (SME) involvement; information as to what and how the selection tools were used; documentation from the recruiter about the exam questions; specific KSAs being assessed; accommodations; appeals/protest notes; and any additional notes relevant to the specified recruitment.

It was evident in the files reviewed and in speaking with staff both in HR and the departments that there was SME involvement at the onset of a recruitment, prior to the announcement being posted. It was also clear in reviewing the files that the County complies with the posting requirements of a minimum of seven days for all recruitments. Additionally, the files indicated compliance with incorporating the required detail on the job bulletin, and conducting appropriate outreach to ensure a competitive process took place for both open and promotional opportunities. As noted above, the marketing/outreach plan documents that the job bulletins are widely distributed. Human Resources advertises in a number of different venues, to include, but not limited to newspapers, job boards, professional journals, professional websites, the County's website, and university career centers. Further, Human Resources may use the Recruiter Platform on LinkedIn as an additional tool to highlight recruitments.

¹ County of Santa Barbara Civil Service Rules revised 2010, Rule 501

² County of Santa Barbara Civil Service Rules revised 2010, Rule 502

³ County of Santa Barbara Civil Service Rules revised 2010, Rule 601

As previously noted, there are delegated recruitment and selection activities for DSS. DSS has a designated recruiter who is a departmental employee and is responsible for recruitment and selection activities for DSS specific classifications only. The Human Resources Department is responsible for conducting recruitments for county-wide classifications as well as all recruitments within CSS. As a resource for the recruiter in DSS, the Human Resources Department supplies a comprehensive "Recruiting Partnership Binder" to the DSS recruiter. The binder includes the Civil Service Rules, the Uniform Guidelines on Employee Selection Practices, and a procedure manual for all steps of recruitment planning, developing job bulletins, constructing and rating supplemental application screening questions, and standards for documentation.

To aid in the consistency of application of the Rules and practices, HR instituted checkpoints for DSS delegated recruitment activities. Input from staff indicates that a requisition received by Human Resources as a requisite initial step to filling a vacancy. As such, HR is aware of any departmental specific recruitments, prior to publication or outreach. Checkpoints occur upon specification revisions (if the "spirit" of the overall job description, distinguishing characteristics, employment standards, or knowledge, skills, and abilities need to be modified), and/or if a written examination is included in the exam plan. Other HR checkpoints include the review of the job bulletin, the recruitment plan, the supplemental questionnaire and associated rating criteria, the Advertising Authorization Form, and the eligible list for approval.

Examination

Related Rules, Policies, and Procedures

Civil Service Rules⁴ specify that, "Examinations for entrance into the classified service shall be on an open, competitive basis." Further, it is stated that the selection devices utilized shall be job related, and that whenever feasible, selection methods shall confirm to the American Psychological Association's Division 14 (Industrial/Organizational) current standards for exam preparation, administration and scoring⁵.

Overview of Practices

Both CSS and DSS utilize a variety of assessment tools to assess the relative knowledge, skills, and abilities of candidates, including an initial screening of minimum qualifications as outlined on each class specification.

Although DSS has delegated recruitment and selection responsibilities for departmental specific classifications, a review of the files indicate that similar processes occur in both DSS and central HR to determine which assessment tools are most appropriate. HR acts as a consultant to DSS regarding the exam plan; however, DSS has final authority as to how the final exam plan is executed.

Files and input from both HR and DSS indicate that the following processes and factors are considered in determining the exam plan for a specified recruitment: meetings with SMEs to review the classification specification to ensure it is up to date and accurate; a review of recruitment history files to determine what selection tools were previously utilized; SME input as to the weighting of exams; a review of data to determine how well candidates performed in the prior exam(s); and a review and determination of the knowledge, skills, and abilities (KSAs) to be assessed. Based upon a review of files and in discussions with both HR and DSS, oral examinations are typically not

⁴ County of Santa Barbara Civil Service Rules revised 2010, Rule 601

⁵ County of Santa Barbara Civil Service Rules revised 2010, Rule 602

utilized. More commonly used are online technical skills and competency assessment tools, rated supplemental application questionnaires, and/or written examinations to determine the most highly qualified candidates. The following outlines the different assessment tools that are utilized within DSS and CSS:

Competency Based Assessments:

This assessment tool is based upon seven different job families identified as a part of a comprehensive criterion validation study by a national testing vendor. Job families were defined and assessment tools constructed based upon comparison to national norms. This assessment can be administered online in an un-proctored environment. The hiring departments have the flexibility to use the results of the assessment as a pass/fail hurdle or as advisory when making hiring decisions.

Computer Skills Assessments:

There are different computer assessments that may be used as either a pass/fail hurdle or for scoring purposes (weighted within the overall exam plan). The Computer Skills Assessments are unproctored online assessments of technical skills developed by a national testing vendor. The technical skills to be assessed are determined from SME and HR staff analysis of the KSA's identified in the classification specification. Examples of technical skills assessed are computer skills, time management skills and customer contact skills. Passing scores and score bands for ranking purposes have been predefined based on national norms.

Rated Supplemental Questions:

Rated supplemental questions and rating criteria are developed by SME's and HR staff prior to the announcement being posted. Based upon information provided to the audit team, the rating of the supplemental questions is a blind process, includes two subject matter experts, and does not require consensus in ratings. While consensus is not required, HR advises the departments to have discussions if scores differ from one another.

Written Examinations:

Written examinations are developed using the Western Region Item Bank (WRIB) or outside agencies. For written exams, notes in the files indicate that there are meetings with SMEs, and questions are reviewed, modified or deleted based upon exam statistics of prior administrations. A review of a sampling of exam files by the MSS audit team verified that exam questions were reviewed and modified based on past performance and relevance to the job.

With the exception of the computer assessment tools utilized, where the 31 percentile has been determined as the minimum passing score for all administrations based on national norms, HR utilizes a flexible pass point per administration. Further, HR sets the pass point for all DSS administrated exams. For both rated supplemental questionnaires and written examinations, various factors are considered in setting pass points, to include, but not limited to natural breaks, business factors, standard deviation, and adverse impact implications.

Selection, Certification, and Appointments

Related Rules, Policies, and Procedures

Candidates are ranked on eligible lists based on their relative ability as measured by examination results. If there are ten or fewer qualified applicants, the Civil Service Rules allow all those qualified to be grouped into one rank.⁶

⁶ County of Santa Barbara Civil Service Rules revised 2010, Rule 610

The Human Resources Director has responsibility for certification of names from established lists of eligibles to appointing authorities.⁷ The Civil Service Rules provide for certification in rank order, of nine more names than the vacancies to be filled.⁸ More individuals may be certified if there are tied scores at the last certifiable name. If multiple types of eligible lists exist (reemployment, departmental promotional, open, etc.), the Civil Service Rules define a specific order of use.⁹

As an alternative to appointment from an eligible list, a position may be filled by transfer, voluntary demotion or reinstatement. Santa Barbara County Civil Service Rules also allow for lateral transfer of individuals from other California public agencies if the agency operates a merit system and other criteria are met.¹⁰

After an appointment, promotion, demotion or transfer to a permanent position, employees are subject to a probationary period of one year as the final step in the selection process¹¹ (with the exception of at-will and extra help employees and some flexibly staffed positions).

Overview of Practices

The Human Resources Department is responsible for establishing ranked eligible lists and the subsequent list management and certification. Applicants are ranked on eligible lists based on their performance on examinations designed to assess job qualifications. Applicants may be ranked by their exam score or, in the case of Competency Assessments, grouped in bands of five or more percentile scores.

All certification for approved hires, management of eligible names on lists, and tracking of appointments are performed and controlled centrally in CEO-Human Resources. The MSS audit team reviewed eligible lists associated with sample exam files and found compliance with the County's rules.

Non-Status Appointments

Related Rules, Policies, and Procedures

Santa Barbara County uses several types of non-status appointments to meet various needs.

- Provisional Appointment – Used when an appropriate employment list contains fewer than three available names. A provisional appointment may not exceed six months or more than thirty days after a new list is established.¹²
- Temporary or Limited Term Appointment – An appointment to a regular position on a temporary or limited term basis. The appointee must have qualified in an appropriate exam and be eligible and available for the limited term appointment. Limited term appointments are limited to one day less than twelve months.¹³
- Extra Help Appointment – An appointment to a non-regular position established on a temporary basis to meet peak loads, season work, intermittent assignments, or other unusual

⁷ County of Santa Barbara Civil Service Rules revised 2010, Rule 801

⁸ County of Santa Barbara Civil Service Rules revised 2010, Rule 804

⁹ County of Santa Barbara Civil Service Rules revised 2010, Rule 708 and 803

¹⁰ County of Santa Barbara Civil Service Rules revised 2010, Rule 713

¹¹ County of Santa Barbara Civil Service Rules revised 2010, Rule 908

¹² County of Santa Barbara Civil Service Rules revised 2010, Rule 902

¹³ County of Santa Barbara Civil Service Rules revised 2010, Rule 904

work situations. An extra help appointment need not be made from an eligible list and may not exceed 1040 hours in a twelve month period.¹⁴

Another civil service rule allows temporary appointments to positions vacant due to a leave of absence.¹⁵ These appointments must be made from appropriate eligible lists in the same manner as permanent appointments but are temporary until the return of the individual who is on leave.

Santa Barbara County Code allows department heads, assistant department heads and other specified positions to be exempt from civil service provisions ~~except those provisions related to selection~~¹⁶.

Overview of Practices

The Departments of Child Support Services and Social Services use non-status appointments in moderation as shown in the table below. The table shows current, active appointments as of July 2014. A check of historical use demonstrated limited use of provisional, limited term, and temporary appointments since the last MSS audit in 2008 (17 provisional for DSS and none for CSS; nine limited term for DSS and two for CSS; 51 backfill of leave of absences for DSS and none for CSS). The MSS audit team reviewed appointment records and found no extensions beyond the durations defined in the Civil Service Rules. The county's payroll system is used to monitor extra help appointments to ensure they do not exceed 1040 hours in a twelve-month period.

| Department | Total Budgeted Positions July 2014 | Active Extra Help | Active Provisional | Active Limited Term/ Temporary | Active Backfill of LOA |
|------------------------|------------------------------------|-------------------|--------------------|--------------------------------|------------------------|
| Social Services | 867 FT 4 PT | 133 | 0 | 0 | 0 |
| Child Support Services | 81 FT 10 PT | 2 | 0 | 0 | 0 |

Regarding appointed management and other positions exempt from civil service, only the department heads and assistant department heads are exempt in the DSS and CSS departments.

Findings

Meets the federal standards as related to Recruitment and Selection

¹⁴ County of Santa Barbara Civil Service Rules revised 2010, Rule 905

¹⁵ County of Santa Barbara Civil Service Rules revised 2010, Rule 1414

¹⁶ Santa Barbara County Code of Ordinances, Section 27-25

MERIT PRINCIPLE 2 COMPENSATION

Employees are paid equitable and adequate compensation.

Discussion

Related Rules, Policies, and Procedures

The County of Santa Barbara's compensation plan is approved by the Board of Supervisors, as recommended by the County Executive Officer and assisted by the Human Resources Director. The Civil Service Rules include provisions for the County to give appropriate consideration annually to:

- Maintain an equitable relationship between related classes, based on their relative duties and responsibilities;
- The general level of rates in appropriate labor markets for comparable work under similar working conditions; and
- Current recruitment and retention experience

Civil Service Rules¹⁷ provide for provisions to be applied to personnel transactions such as computation of salaries; salaries for new employees; salaries on reemployment and reinstatement; application of salary for increases, promotions, demotions, and transfers; and other transactions.

Salaries and benefit recommendations are made by the Human Resources Director to the County Executive Officer based on salary surveys to gauge market status of job classifications and negotiations with recognized employee organizations.

Collective Bargaining

The Human Resources Employee Relations Office negotiates wages, hours, and benefits and other terms and conditions of employment within the scope of representation as required by the State Law (Myers/Milias Brown Act). The County estimates 90% of County employees are in 22 bargaining units represented by 10 recognized employee organizations. Resolutions of the Board of Supervisors are adopted for management, confidential, and unrepresented Attorneys and Elected officials. Memoranda of Understanding for represented employees include Service Employees International Union, Local 721, and Service Employees International Union, Local 620. Represented units include Human Services, (Supervisory and Non-Supervisory employees), and Child Support Services employees.¹⁸

The Board of Supervisors has adopted a performance based compensation program for Managers and Executives¹⁹. The program has minimum, anchor-point, and maximum salary based on market surveys. The program differs from the traditional five-step plan inasmuch as ~~salaries~~ salary increases are based on performance ratings on annual evaluations. The program encompasses

¹⁷ County of Santa Barbara Civil Service Rules revised 2010, Rule 4

¹⁸ MOU's set to expire July 3, 2016.

¹⁹ Leadership Project Performance Management System, Effective December 11, 2007

department heads, assistant department heads²⁰, and Enterprise Leaders, as well as Program/Business Leaders, Team/Project Leaders, and Administrative Leaders, which are in the classified service. The program is utilized in DSS and CSS as well as other County Departments. The program is based on performance planning and goal setting through an individual development plan, an optional mid-year evaluation, and an annual evaluation and meetings between employees and their supervisors.

The Program is administered by the County Executive Officer and Human Resources Director. Department heads are responsible for ensuring fair, accurate, and timely assessments of job performance within their department. Salary increases are dependent upon funding action by the Board of Supervisors.

Compensation Surveys

The County uses salary surveys to gauge market status of job classifications. Survey data is used to compare County salaries to the mean or median of the organizations surveyed. Survey organizations typically include the following comparison Counties: Marin, Santa Cruz, San Luis Obispo, Sonoma, Monterey, Placer, Solano, and Ventura. Collective bargaining agreements with SEIU Local 620 and SEIU Local 721, which cover all represented employees in the departments of Social Services and Child Support Services, stipulate the comparison agencies. The same agencies are typically included in any market surveys for management classifications. Other factors taken into consideration may include internal salary relationships, difficulties in recruiting/retaining, skills in high demand, etc. Ultimately, salaries are set by the Board of Supervisors and typically based on factors that include market surveys, internal salary relationships, and available funding.

The Local 620 MOU has agreed to request "Salary Inequity Studies" in February of each year for the County to review the salary placement of 12 classifications that meet the below criteria. Local 721 has a similar provision to review two job series. The criteria includes:

- a. Significant turnover;
- b. Difficulty recruiting;
- c. Internal misalignment with classifications; and
- d. Range of compaction and/or external misalignment with classifications with similar responsibilities or duties with comparison counties.

The County Human Resources staff is well versed in the Classification/Compensation plan and issues and are aware of traditional relationships between classes in CSS and DSS and have identified areas of concern. Based upon conversations with the Department Heads and Human Resources, there are some compensation inequities amongst specified classifications within both the Social Services and Child Support Services Departments. As noted, Human Resources is aware of the issues. In an effort to address such inequities, the County Human Resources Labor Relations staff are currently in negotiations regarding market data that takes into account areas of concern.

Benefits

Benefits are established for employees through collective bargaining for represented employees and by Board Resolution for unrepresented employees. Employees qualify for benefits when they are appointed into to a benefit-eligible position. All employees represented by Local 620 and Local 721

²⁰ At-will employees.

receive the same medical and dental benefit options, and have the same levels of sick leave accruals. Vacation leave accruals are dependent upon years of service.

Findings

Meets the federal standards as related to Compensation

MERIT PRINCIPLE 3 TRAINING

Employees are trained as needed to assure high quality performance

Discussion

Related Rules, Policies, and Procedures

Each Department Head has the responsibility for orientation, induction, job training, and for the continuing development of each employee in the department.²¹ The Human Resources Director's role is to assist department heads in carrying out this responsibility and in meeting any special training needs.

Overview of Processes and Practices

Santa Barbara County has a robust training and development program anchored by its Employees' University (EU). The EU provides training on interpersonal, leadership, and compliance topics that are pertinent to a countywide audience. County managers and other subject matter experts develop and/or deliver the curriculum for many of the EU classes. Private vendors provide other specialized and/or online training.

Two courses are specifically designed to help prepare employees for promotion and leadership. The Foundations of Operational Leadership for rising leaders and the Foundations' of Strategic Leadership for supervisors, managers, and executives train participants on working with others in a leadership role, adapting to change and preparing for greater responsibility in public service. These Foundations courses are part of the Supervisor and Management Development Program, an extensive academy for supervisors and managers that includes classes on selection, all aspects of performance management, employment law, harassment prevention, and ethics.

The EU partners with the EEO Manager to offer various EEO training topics such as harassment prevention, working in a diverse environment and reasonable accommodation to comply with the Americans with Disabilities Act. Supervisors, managers, and lead workers take an on-line course on preventing workplace harassment to comply with CA AB1825.

The Department of Human Resources offers monthly training, informational updates, and speakers on HR topics through its Human Resources Leadership Team. All departmental HR managers and professionals are encouraged to attend for development and to ensure consistent application of HR policies and practices. Such offered trainings demonstrate good practices to ensure staff are adequately trained, particularly when there are decentralized departments performing personnel related activities. The audit team recognizes the positive efforts made here and would recommend that all departmental HR staff be required to regularly attend offered trainings.

The County reports that the EU provided live training on 109 topics in 2013. In addition, 671 online classes were accessed. The Training and Organizational Development Manager reported to the MSS audit team that both DSS and CSS staff regularly attend EU classes.

²¹ County of Santa Barbara Civil Service Rules, revised 2010, Rule 1601

In addition, DSS and CSS provide job specific training in-house and through state sponsored webinars and/or training vendors. DSS offers an in-house Leadership Professional Development Program. This is a mentorship program that offers approximately 25 employees at a time the opportunity to be paired with mentors to develop professional skills and expose them to leadership situations.

Each department is responsible for new employee orientation. The MSS audit team confirmed that both DSS and CSS provide a new employee orientation. DSS offers a new employee orientation in a group setting once per month. In addition, supervisors have a checklist of county and departmental policies to review with new employees. Employees are provided links to locations of the policies on the county intranet. Since CSS has fewer hires, the new employee orientation may be offered in a group setting, one-on-one with the departmental training officer or by the immediate supervisor. The person conducting the new hire training completes a checklist to ensure employees are informed of important topics. Since each department is responsible for its own new employee orientation, there are different emphases, content and methods used. Additionally, inconsistencies of message will naturally occur when departmental representatives or supervisors who have different levels of knowledge of countywide policies provide the orientation.

While the departments are successfully meeting their responsibility to provide orientation and training to new hires, a centralized program for the portions of new employee orientation devoted to countywide policies and information would improve the consistency of message and delivery.

Findings

Meets the federal standards as related to Training

MERIT PRINCIPLE 4 RETENTION OF PERMANENT EMPLOYEES

Employees are retained on the basis of adequacy of their performance, inadequate performance is corrected, and when inadequate performance cannot be corrected, employees are separated

Discussion

Related Rules, Policies, and Procedures

Evaluation of Performance (Performance Planning and Evaluation)

Evaluation of performance is the responsibility of Santa Barbara County department heads. Civil Service Rules require each department head to provide at least an annual evaluation of all regular employees in the department and a quarterly evaluation for probationary employees²². MOU's reiterate the requirement for each employee to receive a performance evaluation at least once on an annual basis. SEIU Local 620 represented employees can use the County mediation program to appeal less than satisfactory performance evaluations.

Progressive Discipline and Separation

Civil Service Rules²³ provide that disciplinary action may be imposed by an appointing authority on any employee holding a permanent position in the classified service, for cause, as listed in the Civil Service Rules²⁴. Disciplinary Action is defined as dismissal, suspension, and disciplinary demotion, reduction in salary disciplinary, or formal written reprimand.

Causes for discipline and separation include inefficiency, incompetence, and negligence in the performance of duties among others²⁵. As noted above, performance appraisals are required on a scheduled basis, or as needed, to identify causes to address performance not meeting job standards.

Civil Service Rules 1204 – 1214 outline disciplinary procedures including Skelly notification and due process requirements²⁶.

Permanent employees have the right to appeal discipline to the Civil Service Commission. Following the acceptance of an appeal, the Commission shall commence a hearing on an appeal of a disciplinary action at the next regularly scheduled Civil Service Commission meeting. The Commission may assign the conduct of the hearing to a qualified hearing officer who conducts a hHearing and upon conclusion prepares a proposed decision pursuant to the Civil Service Rules. The Commission, at the conclusion of the hearing shall affirm, modify, or revoke the order. Hearings are conducted in accordance with the State of California Administrative Procedures Act²⁷.

²² County of Santa Barbara Civil Service Rules, revised 2010, Rule 1503 and 908

²³ County of Santa Barbara Civil Service Rules, revised 2010, Rule 12

²⁴ County of Santa Barbara Civil Service Rules, revised 2010, Rule 1203

²⁵ County of Santa Barbara Civil Service Rules, revised 2010, Rule 1203

²⁶ Skelly v. State Personnel Board (1975) 15 Cal. 3d 194

²⁷ California Government Code Sections 11370, et seq.

Overview of Practices

Evaluation of Performance (Performance Planning and Evaluation)

The Human Resources Department developed and administers three performance management systems for use within the departments.

1. Clerical system, which includes an individual performance/development plan, a mid-year check-in on progress and an annual evaluation. The performance plan identifies performance expectations and training/development goals. Specific training classes are defined in the performance plan as a requirement in order for clerical employees to be eligible to advance to the next level in flexibly allocated classifications.
2. Line/Supervisor system, which requires quarterly evaluations for probationary employees and at least an annual evaluation thereafter.
3. Manager/Executive system, which includes performance planning and goal setting, an optional mid-year check-in and annual evaluation meetings.

Each of the three systems has defined evaluation factors and rating scale (either a 3- or a 5-point scale, depending upon the system). Each system also encourages narrative comments from the supervisor in order to clarify expectations and performance.

The MSS audit team reviewed DSS and CSS departmental records and found ~~very good compliance~~ consistent with the county requirement for performance evaluations. A sample monthly report from April 2014 from DSS reported only 13 late annual or final probation reports ~~late~~. Annual reports from CSS confirmed no late evaluations by the end of each fiscal year. CSS managers discuss pending evaluations every two weeks at departmental management meetings.

Correction of Performance, Discipline and Separation

The MSS audit team reviewed a sampling of evaluations from each of the three evaluation systems from both DSS and CSS departments. The sampling included evaluations of employees who had adequate performance and some who did not meet expectations. Those evaluations for employees who did not meet expectations included a subsequent performance improvement plan with expectations, goals and timelines for improvement. If improvement occurred, the next evaluation reflected that. In one case, improvement was not noted and termination was recommended.

Discipline case files were also inspected by the MSS audit team. Case files were found to be well documented, contained proposed notice of disciplinary action, and the final notice of disciplinary action.

Findings

Meets the federal standards as related to Retention of Permanent Employees

MERIT PRINCIPLE 5 FAIR TREATMENT

Applicants and employees are treated fairly in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, age or handicap and with proper regard to their privacy and constitutional rights as citizens.

This “fair treatment” principle includes compliance with the Federal equal employment opportunity and nondiscrimination laws.

Discussion

Related Rules, Policies, and Procedures

Equal Employment Opportunity

The Santa Barbara County Equal Employment Opportunity (EEO) Office (EEO) provides services countywide through its main programs of investigations and workforce compliance²⁸, training, and Civil Service Commission support. It is the goal of the office to enforce federal, state, and local laws, ordinances, and policies related to non-discrimination, anti-harassment and retaliation.

The Office ~~EEO~~ Office evaluates and processes complaints filed by applicants and employees alleging discrimination, harassment or retaliation in County Employment as provided by the County Code.²⁹

Anti-Harassment Policy

The County Anti-Harassment Policy, as well as state and federal laws prohibit all of the following:

- a. Harassment in any aspect of County employment based on legally protected characteristics or status including sex, sexual orientation, race, color, national origin, ancestry, religion, age, marital status, physical disability, mental disability, or medical condition;
- b. Retaliation for opposing, filing a complaint about, or participating in an investigation of any such harassment;
- c. Aiding, abetting, inciting, compelling, or coercing any such harassment or retaliation, or attempting to do so.

The Policy indicates that the County will take all reasonable steps necessary to prevent such misconduct from occurring, and to remedy and punish any occurrence. County employees found to have engaged in such misconduct will be subject to disciplinary action³⁰, up to and including termination, and will be deemed to have acted outside of the course and scope of County employment.

The Policy provides a description and examples of prohibited harassment, procedures for reporting harassment or retaliation, the investigation process, and possible recommendations for resolution. Any supervisor, manager, or departmental EEO coordinator who receives a report, or who becomes aware of conduct prohibited by the policy must report it to the County EEO Officer. The Officer is

²⁸ The last Workforce Report was adopted by the Board of Supervisors in 2011. The Report is based on 2000 census data. EEO Officer advised that a new report is in the process utilizing 2010 census data and will be presented to the Board of Supervisors in September 2014.

²⁹ County Code. Chapter 27, Article 11, Section 27-30

³⁰ Appealable to Civil Service Commission Rule 12.

responsible for conducting investigations or delegating that responsibility to a qualified investigator. The results of the investigation must be communicated to the complainant, the accused, and as appropriate, all others directly concerned.

Appeal and Hearing Procedures

Appeal and Hearing Procedures authorized by the Initiative Ordinance are established by the Civil Service Commission Rule Thirteen "Appeal and Hearing Procedures". Civil Service Commission Rule 1304 (Discrimination Complaints) provides: "Persons alleging discrimination under County Code Section 27-30 and Civil Service Rule Five³¹ shall have the right to challenge the alleged discrimination at a hearing before the Commission, but shall first file a complaint with the County Affirmative Action Officer³², who is required to perform an investigation and file a factual report with the Commission....." The Commission shall consider accepting the complaint at its next Commission meeting, and if accepted, a hearing shall be set within 20 calendar days. Hearings are governed by Rule 1303."

Overview of Practices

Discrimination – What protections are there?

The EEO Office evaluates and investigates complaints filed by applicants and employees who believe they are experiencing discrimination, harassment, or retaliation in County employment. Employees are encouraged to report incidents immediately so an evaluation and investigation may be conducted and the appropriate remedy can be implemented. Employees may pursue a complaint informally with a department head, supervisor, or department EEO representative, or directly with the EEO Office, County Counsel, or Human Resources. Employees may also file directly with the EEOC or DFEH.

The EEO Office policy is that employees who wish to initiate a complaint will contact the EEO Office to discuss the issue and request relief. The EEO Office determines if the complaint is within a protected class and determines if the employee wishes to file a formal complaint that may be ultimately appealed to the Civil Service Commission. The employee may opt to request the complaint be discussed and investigated within the EEO Office informally. The EEO Office determination and recommendation is submitted for final resolution. If the complainant is not satisfied with the EEO recommendation, a formal complaint may be appealed to the Civil Service Commission.

Investigation Process

The County EEO Office investigation and resolution process contains the following steps for discrimination, harassment, rights of persons with disabilities, and fair treatment of applicants (where applicable), and employees, as related to EEO Policy. County Counsel, Human Resources, or appropriate operating department personnel assist and/or take a lead role in the investigation, which includes the following steps:

- a. Interview the complainant, accused, or any other person;
- b. Gather and review available written or electronic documents, or physical evidence relative to the charges;
- c. Determine whether the charges can or cannot be substantiated;
- d. Develop recommendation(s) for appropriate remedial action.

³² Organizational title change to EEO Officer.

Following the investigation, if the employee has chosen a formal process, the employee may appeal to the Civil Service Commission in accordance with Rule Thirteen of the Civil Service Rules.

Discrimination investigation files were reviewed. Files contained a contact log, notes relating to interviews conducted, investigative reports, and communications. The County Counsel processes EEOC and DFEH cases. Three complaints related to fair treatment of applicants were received by the EEO Office since the last audit³³.

Findings

Meets the federal standards as related to Fair Treatment.

³³ Date of prior audit: 2008

MERIT PRINCIPLE 6 POLITICAL RIGHTS AND PROHIBITIONS

Employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

Discussion

Civil Service Rule 1801 and County Code 27-29 outlines the rules and prohibitions associated with political rights for both County officers and employees. Additionally, the Department of Social Services within the Manual of Administrative Policies and Procedures outlines the political activity policy, and what is permitted and prohibited under the Federal Hatch Act.

Findings

Meets the federal standards as related to Political Rights and Prohibitions

APPENDIX

ADDITIONAL GENERAL OBSERVATIONS

While it is clear that the County of Santa Barbara operates a professional and sound personnel system, there are some areas the audit team highlighted to note where changes could be made to streamline and enhance the overall HR system. As noted above, the Department of Social Services has delegated responsibility for recruitment, selection, and examination activities, for departmental specific classifications. The June 20, 2011 memorandum issued from HR to the DSS and the other departments where recruitment and examination activities are decentralized, established responsibilities and HR's intent to provide training, oversight, and a transition plan.

In order for a decentralized process to be successful, both central HR and DSS have responsibilities to ensure professional recruitment and selection practices are used and civil service rules are adhered to. The foundation of this success includes ongoing training and communication, a collaborative relationship, and a sufficient number of staff with the necessary knowledge and background to execute such practices. In speaking with DSS and Central HR, both indicated that improvements to the decentralized activities are needed. More specifically, in order for a decentralized system to be most effective, the following key elements must be in place: a) professional HR staff within the department. While department specific program knowledge is an asset, human resources knowledge and experience is critical; b) a commitment from the department to support departmental HR staff in all human resources related trainings; and c) a strong dotted line relationship between the decentralized departmental staff and Central HR. It is recommended that additional efforts be made to ensure adequate staffing is provided to support professional recruitment and selection activities.

Additionally, the audit team observed some inconsistencies in the communication of countywide policies to new hires due to the decentralization of the new employee orientation. It is recognized that some new hire orientation content specific to program operations may be best delivered at the department level. However, it was unclear to the audit team through conversations with departmental and HR staff if all countywide policies and procedures, to include, but not limited to the discrimination complaint process, are being consistently addressed during the new employee orientation (i.e., discrimination complaint process). As stated below under the Training principle, inconsistencies of message will naturally occur when departmental representatives or supervisors who have different levels of knowledge of countywide policies provide the orientation. To improve the consistency of message and delivery, it is recommended that a centralized program for the portions of new employee orientation devoted to countywide policies and information be provided.