



The Sonoma County Grand Jury

EVALUATION, DISCIPLINE AND TERMINATION

July 1, 2004

Summary

This year's 2003-2004 Sonoma County grand jury investigated the evaluation, discipline and termination processes in the five largest departments: Human Services, Health Services, Transportation and Public Works, Probation, and the Sheriff's Department, and 6 smaller departments. This came as a result of last year's grand jury uncovering some poor personnel practices in one department. This year's grand jury found the processes to be complex and time consuming due to overlapping laws and established county policy and protocol, along with numerous levels of jurisdiction and authority. Because the department heads are ultimately responsible for the adequate completion of these processes, a concern exists as one-third of the department heads will be retiring between June 2004 and June 2005.

Employee evaluations done by department managers and supervisors were found to vary in format and methods of rating. Two departments used computer programs to do evaluations; the remainder used the traditional paper form. Approximately 85% of employee evaluations were done on time. This jury believes department managers and supervisors must strive to maintain this level of on-time performance during personnel changes. Further, the Department of Human Resources should have all departments implement a county-wide computer employee evaluation system by the end of fiscal year 2006, similar to those programs currently being used by Human Services and Health Services.

The discipline and termination processes were found to be complex and time consuming. Choices and decisions about what action to take included problems in the workplace such as: budget cuts, hiring freezes, an employee's seniority, retirement status, whether or not the employee violated a law or was a chronically poor performer. As a result some staff did not follow the progressive steps as laid out in the Recommended Disciplinary Action Procedures. This jury believes that this practice caused additional problems. The Department of Human Resources must remind all department heads to follow the established Recommended Disciplinary Action Procedure, especially for chronically poor performing employees.

Reason for Investigation

This investigation was self generated in response to a recommendation made by the 2002-2003 grand jury regarding county personnel practices.

Background

The 2002-2003 Sonoma County grand jury identified incomplete personnel files, poor procedural methods, lax supervision, and a lack of documentation of poor performance as issues needing further investigation. A chronically poor performing employee was not

Sonoma County Grand Jury

Evaluation, Discipline and Termination (continued)

terminated, but was transferred to another position in the department. Since the previous study was limited to one department in the county, this jury decided to enlarge the scope of the investigation to the 5 largest departments and 6 smaller ones. For this report, termination will refer to discharge, resignation or retirement, and will include illness or disability issues as they pertain to termination.

Investigative Procedures

The grand jury:

Interviewed the following Sonoma County employees:

- Director, Department of Human Resources
- Director, Department of Health Services
- Assistant Director, Department of Health Services
- Director, Department of Human Services
- Director, Probation Department
- Director, Transportation and Public Works
- Administrative Services Officer II, Transportation and Public Works
- County Counsel
- Administrator, Risk Management
- Agricultural Commissioner
- Chief Deputy Director, Animal Regulation Division
- Shelter Supervisor, Animal Regulation Division
- Retirement Benefits Manager, Retirement Board
- General Manager, Sonoma County Water Agency
- Director of Personnel Bureau, Sheriff's Department

Reviewed the following Sonoma County documents:

- Department of Human Resources memo No. 00-003-P: Recommended Disciplinary Action Procedures, October 20, 2000
- Various department evaluation forms
- Probation Department, Performance Improvement Plan
- Various Essential Functions Worksheets
- Documents from 2002-2003 grand jury files
- 2002-2003 Sonoma County Grand Jury Final Report
- Responses to the 2002-2003 Sonoma County Grand Jury Final Report
- County of Sonoma Performance Evaluation form
- Various Management Performance Appraisal Forms

Findings

F1. The employee evaluation, discipline and termination processes are governed by and follow federal, state and county laws: workers' compensation, the Americans with Disabilities Act, Civil Service Rules, and union contracts. County policy and protocol are established and the processes involve personnel and offices from County Administration, the 28 county department heads, union representatives, the Retirement Board, and the Civil Service Commission. There are approximately 4,000 employees in the county, 90% in just 5 of the 28 departments, and 90% are covered by union contracts.

F2. Between June 2004 and June 2005, including the County Administrator, one-third of the department heads will be retiring.

Sonoma County Grand Jury
Evaluation, Discipline and Termination (continued)

- F3. Department heads have the responsibility for making sure employee evaluations are done at the appropriate times: 6 months for new employees who are on probation, once a year until an employee reaches the top of his/her pay scale, and biennially thereafter. "On the spot" oral evaluations are used as necessary. Managers and supervisors do the evaluations for their employees. There are differences from one department to another in criteria to be evaluated, formats, methods of rating, and in the quality of the recording. Approximately 85% of employee evaluations are completed on time.
- F4. Two of the largest departments, Health Services and Human Services, use computer programs to do their evaluations. Their programs are interactive. They guide and prompt the evaluator in a comprehensive manner resulting in a more thorough, time saving and objective evaluation.
- F5. The disciplinary process is complex and time consuming. The Recommended Disciplinary Action Procedures document provides guidelines on informal and formal means of discipline. Informal refers to supervisor-employee talks or written documentation (write-ups). Formal refers to actions of suspension, reduction in pay, demotion or discharge. A "Skelly" hearing is the first step in the formal proceedings. The employee, the employee's supervisor and the employee's chosen representative meet with the department head, and the employee is informed of the intended disciplinary action. The employee then responds. If the employee chooses to appeal the management decision, the Civil Service Commissioner sets up a settlement conference, and attempts mediation. In these very few cases, 1/3-1/2 reach a settlement and the employee returns to work, takes retirement, resigns, or is discharged. In unresolved cases, the process proceeds under the auspices of the Civil Service Commission.
- F6. Decisions and choices that staff make for chronically poor performing employees are open to uncertainty and a wide range of possible actions. Decisions are not only based upon employee performance, but are affected by other considerations such as: budget constraints, program cuts, department workload, an employee's seniority and retirement status. Staff may not follow the usual progressive disciplinary actions, and instead may chose to transfer the employee into another position in the Department.
- F7. "Last chance" agreements, usually those referring to drug or alcohol abuse by an employee, quickly focus then shorten the disciplinary process. Though termination can be immediate, most agreements take progressive steps of discipline that focus on specific behavioral changes. If the objectives of the agreement are not reached, the employee is terminated.

Conclusions

The well established policies and protocol provide the quality and uniformity needed for this county's systems of evaluation, discipline and termination. Though the autonomy placed into the hands of each department head allows for discretionary decisions, the process involves multiple services and is a collaborative effort. Consequently, it is no surprise that the process is complex and time consuming. If the progressive steps of discipline for chronically poor performing employees are suspended, the process may become even more time-consuming, costly and affect the workplace adversely.

The jury gives special recognition to department heads, managers, and supervisors for their efforts and time spent completing employee evaluations in a timely manner.

Sonoma County Grand Jury

Evaluation, Discipline and Termination (continued)

Recommendations

- R1. When the head of a department retires, Human Resources must notify all department managers and supervisors that they are expected to continue monitoring and performing the evaluation, discipline and termination processes during the time of transition.
- R2. Within the next 2 years, the Department of Human Resources, Sheriff's, Probation, Transportation and Public Works, and all other departments should implement a computer program for employee evaluations comparable to that used by Health Services and Human Services.
- R3. Human Resources and department heads should continue to see that all supervisors and managers are trained in the following: performing employee evaluations, using the progressive steps of disciplinary action, writing objective behavioral goals and setting time limits on needed improvements.
- R4. The Human Resources Department must remind, in writing, all 28 of the Heads of the Departments that chronically poor performing employees should receive progressive discipline as outlined in the county Memo 00-003-00P Recommended Disciplinary Action Procedures.
- R5. Staff should strive to complete all employee evaluations on-time.

Required Responses to the Findings:

None

Required Responses to the Recommendations

Director, Human Resources - R1, R2, R3, R4 and R5

Sheriff - R2

Director, Personnel, Sheriff's Department - R2

Director, Transportation and Public Works - R2

Director, Probation - R2