

READ AND CONSIDERED
DATE 9/19/22 BY [Signature]

Response to Grand Jury Report Form

Report Title: Department of Health Services
Report Date: June 14, 2022
Response by: James Gore Title: Chairperson
Agency/Department Name: Sonoma County Board of Directors

FINDINGS: F1, F2, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16, F17, F18, F19, F20, F21

I (we) agree with the findings numbered: F1

I (we) disagree wholly or partially with the findings numbered: F2, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16, F17, F18, F19, F20, F21

(Attach a statement specifying any portions of the findings that are disputed with an explanation of the reasons.)

RECOMMENDATIONS: R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16

- Recommendations numbered: _____ have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered: R15 have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered: R2, R8, R13, R14, R16 require(s) further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. ***This timeframe shall not exceed six months from the date of publication of the Grand Jury report.***)
- Recommendations numbered: R3, R4, R5, R6, R7, R9, R10, R11, R12 will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: September 13, 2022 Signed: [Signature]

Number of pages attached: 10

(See attached Civil Grand Jury Response Requirements)

Department of Health Services Report – Board of Supervisors Required Responses

Findings: F1, F2, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16, F17, F18, F19, F20, F21 F2. The strength of a public health system rests on its capacity to effectively deliver the ten essential public health services.

Response: The Board of Supervisors partially disagrees with this finding.

While the Centers for Disease Control has identified the 10 Essential Public Health Services as a best practice, additional factors can impact the success of a public health system meeting the needs of the community served.

F5. The goal of the Incident Command System is to provide a flexible, yet standardized mechanism for coordination and collaboration during an emergency, but this system was not consistently followed by the Department of Health Services.

Response: The Board of Supervisors partially disagrees with this finding.

The Board agrees with the County Administrator's response to this finding.

All County departments work toward consistently adhering to current policies under the evolving circumstances present during a natural disaster or public health emergency. The global COVID-19 pandemic presented a unique situation that did not neatly align with existing policies. DHS complied with applicable County emergency response policies to the extent feasible.

A complete after-action report from the Department of Health Services will be provided to the Board of Supervisors within the first quarter of 2023.

F6. Not all County staff have received regular training in emergency protocols, including the Incident Command System.

Response: The Board of Supervisors partially disagrees with this finding.

All county staff are not required to receive all levels of emergency management training.

Training requirements are determined based on the roles assigned to the individual. Some county staff assigned to an emergency work in support of activities that are directly aligned with the duties of their job class (ex. Transportation and Public Works road crews). Incident Command System training is provided to identified staff as necessary for their disaster roles (ex. Emergency Operations Center staff). The County has implemented a comprehensive staff development program to provide and track disaster training appropriate to the roles assigned to County employees. All County employees (full-time and part-time) are required to take the Disaster Service Worker orientation training every two years.

F7. The Department of Health Services' Department Operations Center did not demonstrate competency in the Incident Command System, nor value its use.

Response: The Board of Supervisors partially disagrees with this finding.

The Board agrees with the County Administrator's response to this finding.

The global COVID-19 pandemic presented a unique situation that did not neatly align with existing policies. DHS complied with applicable County emergency response policies to the extent feasible. A complete after-action report from the Department of Health Services will be provided to the Board of Supervisors within the first quarter of 2023.

F8. The Department of Health Services' Department Operations Center did not adhere to standard procurement and financial protocols.

Response: The Board of Supervisors partially disagrees with this finding.

The Board agrees with the County Administrator's response to this finding.

The global COVID-19 pandemic presented a unique situation that did not neatly align with existing policies. DHS complied with applicable County emergency response policies to the extent feasible. A complete after-action report from the Department of Health Services will be provided to the Board of Supervisors within the first quarter of 2023.

F9. The COVID-19 crisis exacerbated dysfunctions within the Department of Health Services and caused rifts between the Department of Health Services and the Department of Emergency Management at a time when the two departments needed to work closely together.

Response: The Board of Supervisors disagrees with this finding.

The Board of Supervisors agrees with the County Administrator's response to this finding.

Additional information is needed to validate this response. A complete after-action report from the Department of Health Services will be provided to the Board of Supervisors within the first quarter of 2023.

F10. Salaried disaster service workers worked for months on end, often seven days a week, without adequate compensation.

Response: The Board of Supervisors disagrees with this finding.

The Board of Supervisors agree with the County Administrator's response to this finding.

The COVID-19 emergency and pandemic was extraordinary in that it was a significantly extended and drawn-out emergency response unlike fire, flood, earthquakes in which emergency operations presumably are short-term and would shift to non-emergent recovery operations within weeks of the event. The length of the pandemic was also inconceivable.

County employees, particularly DHS employees, performed under the most difficult of circumstances and there is no disputing of the toll the pandemic had on County staff. Salaried employees received straight-time overtime pay through June 1, 2020. At that time, the County learned many other County agencies were not paying overtime to salaried employees. Additionally, County employees know their legal obligation to be disaster service workers. The County was compelled to make the decision to end the overtime pay due to significant budgetary impacts of the increase in salaries and the lack of assurance that these additional costs would be reimbursed by the Federal government. When the County received the ARPA monies, a \$1,500 payment was provided to County employees to help offset the impact the pandemic had on their work duties.

The County's Salary Resolution has the following:

Overtime In a Board-Designated Emergency (Amended 6/12/19)

Unrepresented Administrative Management employees and appointed Department Heads shall be eligible for straight-time overtime when working beyond forty (40) hours in a week due to a local, state or federal disaster declaration by the Board of Supervisors, and as authorized by the

County Administrator. Under no circumstances, shall an employee designated as Unrepresented Administrative Management or an appointed Department Head be paid or be compensated in any manner for overtime except under such conditions as may be set forth by the Board of Supervisors.

The County learned from the pandemic that emergency operations and sufficient staffing needs to be scalable to long-term, sustained emergencies. The Department of Emergency services is working collaboratively with County departments to ensure an adequate "bench" of trained and available staff to provide sustainable relief and coverage for emergency operations and continuity of operations during EOC activation.

A complete after-action report from the Department of Health Services will be provided to the Board of Supervisors within the first quarter of 2023.

F11. The Brown Act requirements make it difficult for the Board of Supervisors to directly supervise County departments.

Response: The Board of Supervisors disagrees with this finding.

The Board of Supervisors have a statutory duty under Government Code § 25303 to oversee all department heads listed in Government Code § 24000. The Board can fulfill this duty and comply with the Brown Act through their performance evaluation of any department head who reports to them. Day-to-day oversight can (and has) been delegated to the CAO.

The Board can only delegate day-to-day oversight to the CAO, since the Board is statutorily responsible for ensuring that the department heads listed in Government Code § 24000 are properly performing their duties.

F12. The Board of Supervisors has the ability to change the supervisory structure of all departments within the County; modifying this structure could improve oversight.

Response: The Board of Supervisors partially disagrees with this finding.

As stated above in response to Finding 11, the Board of Supervisors have a statutory duty under Government Code § 25303 to oversee all department heads listed in Government Code § 24000. The Board can fulfill this duty and comply with the Brown Act through their performance evaluation of any department head who reports to them. Day-to-day oversight can (and has) been delegated to the CAO.

The Board can only delegate day-to-day oversight to the CAO, since the Board is statutorily responsible for ensuring that the department heads listed in Government Code § 24000 are properly performing their duties.

F13. Many Department of Health Services employees are fearful to report harassment, bullying, toxic work environment, and safety issues to their executive team due to a fear of retaliation.

Response: The Board of Supervisors partially disagrees with this finding.

The Board of Supervisors agree with the County Administrator's response to this finding: *It is difficult to completely substantiate this claim. The County Administrator will collaborate with the Health Services and Human Resources Departments to further understand and investigate the extent of employee concerns.*

F14. Many employees in the Department of Health Services do not trust their departmental Human Resources team or its processes.

Response: The Board of Supervisors partially disagrees with this finding.

The Board of Supervisors agree with the County Administrator's response to this finding:

It is difficult to completely substantiate this claim. The County Administrator will collaborate with the Health Services and Human Resources Departments to further understand and develop action plans, if necessary, to mitigate this finding.

F15. A review of Department of Health Services exit interviews shows a distrust of upper management.

Response: The Board of Supervisors partially disagrees with this finding.

The Board of Supervisors agree with the County Administrator's response to this finding:

It is difficult to completely substantiate this claim. The County Administrator will collaborate with the Health Services and Human Resources Departments to further understand and develop action plans to mitigate this finding.

F16. Exit interviews can be done by either the County Human Resources Department or by individual departments, potentially leading to a lack of effectiveness and accountability at the department level.

Response: The Board of Supervisors disagrees with this finding.

The Board of Supervisors agree with the County Administrator's response to this finding:

Employees may request exit interviews with central HR as central HR may be seen as a neutral party in which individuals may be more forthcoming with information. If concerning information is shared with central HR, appropriate action is taken which may include sharing the concerns with County leadership or DHS management/leadership.

Central HR is currently piloting a new exit interview process with three County departments. As part of this pilot, new reporting features are being developed that will improve department's ability to analyze information and Central HR's capability to monitor exit interview information more easily. If the Pilot is successful, when launched Countywide there will be a better exit interview process and tool that departments may use to understand what helped to retain County employees or why employees left County employment.

F17. The practices of human resource management in the Department of Health Services is not regularly or consistently reviewed by the County Human Resources Department.

Response: The Board of Supervisors partially disagrees with this finding.

The Board of Supervisors agree with the County Administrator's response to this finding:
Departmental HR specific positions are accountable to their department head/appointing authority in the current organizational and service delivery structure.

The Human Resource Department (Central HR) provides training to new departmental HR "Liaison" staff on best human resources practices and County practices and processes. Then, through the day-to-day advisory relationship that Central HR has to County departmental staff, central HR guides and advises department on related matters, which over time provides an HR

Liaison with on-the-job training and experience. Additionally, there are monthly meetings with departmental HR Liaisons in which HR covers relevant information and departmental staff may seek guidance in a round table Q&A, there are many available online resources on policy/procedures, and there are available trainings on special topics that HR Liaison's may take advantage of in learning and practicing departmental HR duties.

F18. In the Department of Health Services, essential human resource processes such as performance appraisals, supervision, conflict resolution, etc. are performed irregularly, inconsistently, and are not in alignment with County standards.

Response: The Board of Supervisors disagrees with this finding.

The Board of Supervisors agree with the County Administrator's response to this finding: *Additional information is needed to validate this finding. Department heads are responsible for following and implementing County policies and there is an existing County policy regarding performance appraisals. Department heads are also responsible for ensuring their supervisors and managers are appropriately trained and carrying out their duties as supervisors and managers.*

This fiscal year, the Department of Health Services internal HR staff implemented a system of reminder notifications to assist with due dates on employee performance evaluations and mandatory employee trainings. Existing DHS-HR policies are also being reviewed to include equity language and other enhancements for employee working conditions, which is part of the DSH initiative on diversity, equity, an inclusion (DEI) being launched this current fiscal year. A department-wide Equity Manager was hired with a support staff of 3 FTE's to engage the DHS workforce in DEI training and other programs to more closely integrate the DHS mission and employees with the diverse community it serves.

F19. In the Department of Health Services there are numerous unfilled positions due to slow recruitment efforts and other deficiencies.

Response: The Board of Supervisors disagrees with this finding.

The Board of Supervisors agree with the County Administrator's response to this finding:

The large number of vacancies in the healthcare field is a state and nation-wide issue.

The County Administrator's Office and Human Resources Department are already evaluating the County's Compensation Philosophy and conducting a comprehensive total compensation comparison study for the County's benchmark job classifications.

F20. The Department of Health Services' perceived hostile work environment may be causing extra challenges in the recruitment of senior Department of Health Services staff.

Response: The Board of Supervisors disagrees with this finding.

The Board of Supervisors agree with the County Administrator's response to this finding:

The large number of vacancies in the healthcare field is a state and nation-wide issue. The Department of Health Services will review this issue in coordination with Central HR to take actions to address issues that may affect the work environment, culture, and employee morale.

F21. The Department of Health Services has failed to execute on their commitment to a communication plan between the executive team and their employees.

Response: The Board of Supervisors disagrees with this finding.

The Board of Supervisors agree with the County Administrator's response to this finding:
The Department of Health Services Director and management team have implemented a multi-tiered communications plan for departmental staff:

- 1. Starting a new employee newsletter called One-DHS News. An internal work group from throughout the department was created to gather content for the newsletter.*
 - 2. Producing video clips of various DHS teams throughout the organization and sharing via social media (e.g., Facebook) to inform staff of all the contributions made by different groups within DHS.*
 - 3. Issuing regular communications informing staff of various DHS initiatives and items of interest.*
 - 4. Releasing information via the DHS intranet/SharePoint.*
 - 5. Developing a Mentor Program, which will launch around October 2022.*
- The department will periodically evaluate the plan through employee surveys.*

Recommendations: R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16

R2. By December 1, 2022, the Board of Supervisors reinforce that the existing mandate for FEMA's Incident Command System will be utilized for all disasters in County Department Operations Centers. (F5, F6, F7, F8)

Recommendation 2 requires further analysis.

DHS anticipates providing the Board of Supervisors with an after-action report within the first quarter of 2023. DHS is also developing a Pandemic Annex to the County's Emergency Operations Plan (EOP) which will identify the DOC organization, processes, and systems needed to address the broader and more sustained scope of work required by a pandemic event. DHS will evaluate an ICS-based organization its DOC operations for non-pandemic incidents such as wildfire or earthquake within this process.

R3. By March 1, 2023, the Board of Supervisors work with the County Administrator's Office to develop an equitable plan to provide for overtime pay for salaried employees during a disaster. (F1, F10, F19)

Recommendation 3 will not be implemented because this is not warranted.

The Board of Supervisors agree with the County Administrator's response to this recommendation:

The County currently has a provision in the County's Salary Resolution for salaried employees to receive overtime pay in a disaster. This provision has been implemented in the County's major declared emergencies including the 2017-2021 fires, and for approximately three months for the COVID-10 pandemic emergency. Although the COVID-19 pandemic is expected to be a "once in a generation" type disaster, the County may assess the potential for refining the County's pay provision for salaried employees.

R4. By June 1, 2023, the Board of Supervisors direct the Department of Health Services' Department Operations Center to prepare and complete an after-action report for the County's COVID-19 response. (F5, F7, F8, F9)

Recommendation 4 will not be implemented because the request is not warranted.

After-action reports are standard practice after an event and the Department of Health Services anticipates providing the Board of Supervisors with an after-action report within the first quarter of 2023.

R5. By December 31, 2022, the Board of Supervisors direct the County Administrator's Office and County Counsel to initiate a discussion to determine if the Board of Supervisors can effectively supervise County departments within the confines of the Brown Act. (F11, F12)

Recommendation 5 will not be implemented because it is not warranted.

As stated in response to Findings 11 and 12, the Board of Supervisors have a statutory duty under Government Code § 25303 to oversee all department heads listed in Government Code § 24000. The Board can fulfill this duty and comply with the Brown Act through their performance evaluation of any department head who reports to them. Day-to-day oversight can (and has) been delegated to the CAO.

The Board can only delegate day-to-day oversight to the CAO, since the Board is statutorily responsible for ensuring that the department heads listed in Government Code § 24000 are properly performing their duties.

Additionally, the Sonoma County Board of Supervisors adopted a 5-year Strategic Plan in 2021. One of the strategic pillars is focused on the evaluation of Organizational Effectiveness and recommendations are presented to the Board of Supervisors annually.

R6. By March 1, 2023, the Board of Supervisors, County Administrator's Office, and the Department of Health Services review the Department of Health Services' budget to ensure funding for sufficient staffing. (F10, F19)

Recommendation 6 will not be implemented because it is not warranted.

The Board of Supervisors agree with the County Administrator's response to this recommendation:

Department budgets are continually reviewed by the County Administrator's Office and the Board of Supervisors through the County's budget process.

R7. By December 31, 2022, the Board of Supervisors direct the County Human Resources Department to initiate a comprehensive and expedited salary survey for critical Department of Health Services staff positions and present their findings upon completion. (F2, F19)

Recommendation 7 will not be implemented because it is not warranted.

The County Administrator's Office and Human Resources Department are currently evaluating the County's Compensation Philosophy and conducting a comprehensive total compensation comparison study for the County's benchmark job classifications and the County's negotiated comparison agencies in preparation for the upcoming cycle of bargaining. DHS positions are included in this study, and through the County's preparation process for MOU bargaining, the data will be presented to the Board of Supervisors in Closed Session consistent with Government Code Section §54957.6.

R8. By December 31, 2022, the Board of Supervisors consult with the County Human Resources Department to consider establishing an Ombudsperson for County employees to provide a neutral means to voice issues of concern. (F9, F13, F14, F15, F18, F19, F20, F21)

Recommendation 8 requires further analysis.

The County has an Equal Employment Officer and an anti-discrimination, anti-harassment policy and procedure as the avenues for voicing complaints related to concerns that may fall into these areas. Discrimination/harassment is a specialized area of law and procedure that must be handled appropriately by individuals trained and experienced in this area. There are many other aspects of compliance and law in the area of Human Resources management that must be handled thoughtfully and often with a multi-faceted and collaborative approach. Further evaluation may be explored through the county's strategic plan work focused on organizational effectiveness. Recommendations are presented to the Board of Supervisors annually.

R9. Effective December 31, 2022, the Board of Supervisors direct the County Administrator's Office and the County Human Resources Department to require all exit interviews be conducted by the County Human Resources Department. (F13, F14, F15, F16, F17, F18, F19, F20)

Recommendation 9 will not be implemented because it is not warranted.

The best practice is for departments to conduct and monitor this information. The Human Resources Department is currently piloting an exit interview program that will be implemented countywide when the coding for reports is completed. This new tool will provide departments with a better process and better visibility and data. Additionally, through this new process, there will be the option to request an exit interview with central HR. The pilot program should be implemented Countywide within six months.

R10. Effective October 1, 2022, the Board of Supervisors direct the County Administrator's Office and the County Human Resources Department to require exit interviews be conducted for Department and Division level management, with a summary provided to the County Administrator's Office and Board of Supervisors. (F13, F14, F15, F16, F17, F18, F19)

Recommendation 10 will not be implemented because it is not reasonable.

As stated in response to recommendation 9, the Human Resources Department is currently piloting an exit interview program that will be implemented countywide when the coding for reports is completed. This new tool will provide departments with a better process and better visibility and data. Additionally, through this new process, there will be the option to request an exit interview with central HR. The pilot program should be implemented Countywide within six months.

R11. By January 1, 2023, the Board of Supervisors direct the County Administrator's Office to require annual employee training and verification tracking regarding bullying, harassment, and threat assessment. (F13, F14, F18, F20)

Recommendation 11 will not be implemented because it is not warranted.

The County provides statutorily required trainings such as AB1825 which requires bi-annual training on harassment and bullying that is required of all employees and compliance is already monitored. The County has a workplace safety and security program and a list of available related classes on the online Learning Management System that is accessible to all County employees. County HR-Risk ensures departmental staff know how to request a threat assessment and how to identify threatening behaviors via the County's safety and security policy for County employees.

R12. By March 1, 2023, the Board of Supervisors direct the County's Human Resource Department to require that countywide regular performance evaluations are completed in accordance with County policy. (F18)

Recommendation 12 will not be implemented because it is not warranted.

There is an existing Performance Evaluation Policy. This policy requires departments to conduct regular performance evaluations. Department heads are responsible for following County policies. HR will issue a communication in the next 30 days to County department heads to remind them of this policy and the importance of performance evaluations for purposes of employee development and employee accountability.

R13. By December 31, 2022, the Board of Supervisors and County Administrator's Office work with the Department of Health Services executive leadership team in developing an actionable plan to address work culture issues, including retaliation, harassment and bullying. (F9, F13, F14, F15, F18, F19, F20, F21)

Recommendation 13 requires further analysis.

The Board of Supervisors agree with the County Administrator's response to this recommendation:

The County Administrator will collaborate with the Health Services and Human Resources Departments to further understand this issue.

R14. By December 31, 2022, the Board of Supervisors direct the County Administrator's Office to work with the Department of Health Services' executive leadership team to develop a clearly defined and actionable plan for internal communication that includes greater transparency and staff participation throughout the department. (F15, F18, F19, F21)

Recommendation 14 requires further analysis.

The County Administrator will collaborate with the Health Services and Human Resources Departments to further understand this issue.

R15. By March 1, 2023, the Board of Supervisors direct the County Administrator's Office and the County Human Resources Department to review the effectiveness of having departmental human resources units versus one centralized human resources department. (F13, F14, F15, F16, F17, F18)

Recommendation 15 is not yet implemented but will be by December 31, 2023.

The Board of Supervisors agree with the County Administrator's response to this recommendation:

The County Administrator will work with the Human Resource Department to put forward a scope of work to review a centralized human resources structure. Further evaluation may be explored through the county's strategic plan work focused on organizational effectiveness. Recommendations are presented to the Board of Supervisors annually. Year 2 funding will potentially be reviewed in January 2023.

R16. By March 1, 2023, the Board of Supervisors direct the County Administrator's Office and the County Human Resources Department to develop a plan for the Board's review and consideration whereby the County Human Resources Department has oversight authority over all satellite human resource divisions. (F9, F13, F14, F15, F16, F17, F18)

Recommendation 16 requires further analysis.

As stated in response to Recommendation 15, the County Administrator will work with the Human Resource Department to put forward a scope of work to review a centralized human resources structure. Further evaluation may be explored through the county's strategic plan work focused on organizational effectiveness. Recommendations are presented to the Board of Supervisors annually. Year 2 funding will potentially be reviewed in January.