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**Mono County Grand Jury 2013**  
**Final Report Regarding Mono County Employee - Complaints 1 - 5**  
**Case #2013.04**

**Summary:**

The initial investigation involved five citizen complaints from one Mono County employee. The employee had previously contacted the 2011/2012 Grand Jury at the end of its service year. The complaints were forwarded to the new Grand Jury.

The 2012/2013 Mono County Grand Jury reviewed the complaints; one was not accepted, as it had been referred to OSHA. Of the others, it appeared that the employee may not have fully understood County policies or procedures. Because of this, and the fact that many of the persons noted in the complaints had left the County, the Grand Jury decided to broaden the investigation into a review of Mono County policies and training. By focusing on this subject, an essential component of county government then became the subject of the investigation, and an overall Grand Jury goal of improving local government would occur. One of the complaints was investigated to see if any formal grievance or complaint had been filed, as it involved potential harassment or discrimination. On May 20, the Jury concluded its investigation.

The Grand Jury finds that County policies and procedures are in place and current. In particular, Information Technology (computer use) policies, procedures, training, and documentation are very effective and ongoing. Employee training records do not reflect that all employees have received training in Mono County policies, other than IT as previously noted. This is particularly true of non-permanent employees, and of employee orientation training. The Grand Jury also found; however, that completion of training is not well documented. The Jury recommends that documentation of employee training be reviewed to be sure that all training is documented, preferably in a searchable digital format.

**The Complaints:**

Four complaints were dated 10/2/2012, and one was dated 11/12/12.

1. "Crowley Lake Road Shop Roof project" (contract process complaint)
2. "Re: asbestos and lead paint hazard" (under OSHA investigation, therefore not accepted)
3. "Regarding Mono County CAO et al. Re: use of county vehicles to attend political event"
4. "Regarding Mono county CFO and CAO Re: use of county IT system for email forwarding"
5. CAO office investigation request (various subjects, including harassment of women)

The multiple complaints lacked specificity, were open to interpretation, and concerned several management employees who had either already left or were in the process of leaving Mono County. Therefore, the focus of the investigation was broadened to a more central question of Mono County policies: did written policies exist, did employees get training in the areas of complaint (vehicles, computers, political activity, harassment), and was training documented?

## **The Method:**

The investigative committee identified four steps necessary to investigate Mono County policies, training and documentation, and two additional steps to investigate if a harassment complaint had been reported.

1. Research the Mono County website to identify written policies; research the State of California Government Code for specific definitions noted in the complaint(s).
2. Interview the Acting CAO (County Counsel) to identify additional policy information.
3. Interview the Acting IT manager to identify computer policies.
4. Interview personnel staff concerning training given to various classifications of employees, and randomly check files to verify that training is documented.
5. Get verification from complainant that the harassment complaint was reported internally, as per written policy.
6. Interview personnel staff concerning grievance (complaint) process, documentation, and verify that the harassment complaint was filed, documented and in the appropriate personnel folder.

## **The Investigation:**

A preliminary review of each complaint involved Mono county policy questions. The complainant alleged in most cases that activities were “illegal” or in violation of Mono County policies. The last complaint revealed that the complainant was a “contract” (At-Will) employee, and that the work contract had five months to run. It was evident that the complainant had a general opinion of what the policies should contain, though it was not clear that the complainant had knowledge of the policies themselves. While specific allegations were made in the complaints, it was not clear that the situations as described were in violation of any of the policies, as many were open to interpretation. A detailed reading of each complaint raised questions pertaining to the County’s policies: were there written policies? If so, were employees trained? If so, were there records of the training? Also, it was not clear that the complainant had ever formally reported violations, particularly the last one pertaining to potential harassment and/or discrimination, to a supervisor or other management personnel. Because many of the employees noted in the complaint had left, or were in the process of leaving, the Grand Jury was hesitant to accept and investigate each complaint, and decided instead to broaden this case by looking to potential gaps in training on County policies. However, the complaint involving potential harassment was investigated further. The Grand Jury sent a letter asking if the complainant had formally reported any of the complaints internally, either verbally or in written form. Several months passed without a response, and a second letter was sent on 18 April, 2013, specifically referring to the potential harassment complaint. No reply had been received by the date of this report. In addition, the Acting CAO was asked to review the complaint files to see if a formal complaint had been filed, and no complaint was found.

Mono County policies for vehicles, computers, political activities, and harassment were first secured from the Internet. Some appeared dated, but the content was adequate. The Information Technology (IT) policy had an acknowledgement form for employee signature. One was a Board Resolution from the 1990’s.

A meeting with County Counsel (Acting CAO) on January 18, 2013 provided the investigative

committee with further information concerning County policies. The policies had recently been updated and consolidated into two documents: "Mono County Personnel System" (adopted by resolution R11-68), dated October 4, 2011, and "Amendment to Policy Regarding Benefits of Management Level Officers and Employees" (R11-56), dated August 16, 2011.

At the January 18, 2013 meeting, the Acting CAO/County Counsel stated that all employees get a one-day orientation and a copy of the personnel rules. They sign a receipt that they have received and read the policies.

The Acting CAO/County Counsel gave the investigative committee a time sheet which indicated a space allotted for management employees (or those assigned county vehicles) to document vehicle use. The Finance department manages these records.

The Acting CAO/County Counsel stated that the computer policy is reinforced each time an employee signs on to the network, as the screen describes appropriate e-mail use. The employee must acknowledge this policy before they are allowed to access the system.

The Acting CAO/County Counsel stated that discrimination and anti-harassment policies require immediate reporting by employee to supervisor or other management personnel. When asked for a definition of "improper political activity", the committee was told that this definition is found in the CA Government Code. This government code was reviewed, but no definition was found.

The investigative committee contacted the IT department, which had an "Acting" director in place. The computer use policy is current, and each employee is given a copy of the policy, and must sign an acknowledgement form that they have received and read the policy. The acknowledgement form is then filed in the employee's personnel file. Each time that the employee starts to log on to the County's network, a message advises the employee of computer use responsibilities, random monitoring of computer use, and notes that by logging on and using the computer, the employee acknowledges that responsibility. This log on message has been in place since 2006 at the latest, and the investigative committee retained a copy of the message.

The system use is monitored in a variety of ways, including network monitors, e-mail server monitors e-mail capacity levels, and anti-virus and e-mail filters give data on virus/malware issues at a user's PC. Individual users are not monitored in real time, but if an unusual situation arises, or upon a manager's request, IT will then take appropriate action to focus upon an individual.

The investigative committee contacted the Acting CAO, and made an appointment to inspect personnel files at random in Bridgeport. A series of questions were sent to the Administrative Office Manager in preparation for the visit, and the answers helped prepare for the files review. After first meeting with the Office Manager and the Personnel Technician to clarify any remaining questions, and to learn about employee orientation training, three employee training records for each of six employee classifications\* were pulled at random and reviewed. Training records in the individual employee file are those that are furnished by the employee, such as certificates, acknowledgements of training (e.g. IT policy, Employee MOU packet, "Personnel Rules", etc.). A separate database is maintained by the Office Manager for training furnished by the County, with training and attendance based upon sign-in sheets manually entered into the database. The database has been in effect since 2009, and is required by the County's Insurance provider, Trindel, a JPA consisting of many counties.

\*Permanent full-time, Permanent part-time, Temporary full-time, Temporary part-time, "At-Will", and "Electeds"

The Office Manager later provided individual records for the randomly chosen employees.

Six of the eighteen did not have any training recorded in the database; however, two of those were hired in February, 2013.

Sheriff's Department personnel training files are not maintained in the Administrative Office, and are found in the Sheriff's Office. The Office Manager noted that this has been a long-standing practice. However, whenever the County offers the training, this is entered into the electronic training records database.

The Personnel Technician explained how orientation training is provided to each employee. When the employee reports to work on the first day and signs required paperwork, a large and very complete Orientation Binder is given for review. The formal orientation training is given to one or more employees within the next 6 weeks when possible. Because of scheduling difficulties and differing work schedules, this may be at a longer interval. Temporary or short-term employees without benefits receive a shorter version of the training. This training is documented in an informal manner by the Personnel Technician, noting the employee name, hiring date, scheduled orientation training date, and whether the training is completed or not. Sheriff's Office employees are included in this list.

The investigative committee used a manual checklist/spreadsheet to note the training listed in the individual personnel files, and later reviewed a print-out of the orientation training records to add that to the spreadsheet. Once the individual electronic records were received, a second manual checklist/spreadsheet was used to note training received. The two spreadsheets were then compared.

### **Findings and Recommendations:**

The Grand Jury issues the following findings and recommendations as a result of this investigation:

1. Finding: the original complainant did not file a written harassment/discrimination complaint, nor is there any record of a report of a complaint.
  - **Recommendation: none**
2. Finding: Mono County has written personnel and PC policies on the internet which have been in effect and available for many years; although some of the posted documents have been superseded.
  - **Recommendation: the County should review the policies posted on the County web site and make sure that they are the most current versions. All older versions should be removed.**
3. Finding: In 2011, Mono County reviewed and updated its personnel policies ("Mono County Personnel System" and "Mono County Policy Regarding Benefits of Management-Level Officers and Employees). These packets are given to employees, and an

acknowledgement form is signed and filed in the employee's personnel folder. It is not clear that every employee receives this packet, as only permanent employee training files contain the acknowledgement form, and one was missing from the six permanent employees which were randomly selected.

- **Recommendation: none**

4. Finding: the IT Department's Computer Use policy is complete and has been updated, and each employee authorized for computer use is given a copy of this policy. The employee signs an acknowledgement form to be filed in the employee's personnel folder. The random check of those files showed that this is the most consistently filed document in those files, with fourteen of eighteen having this in their personnel records. Some long-term employees had two on file.

- **Recommendation: none**

5. Finding: the IT Department's log on screen acknowledgement notifies the employee of computer use policy each time that the employee logs on to the network; a most effective policy reminder.

- **Recommendation: none**

6. Finding: the IT Department has a system in place to effectively monitor network use on a large scale, and is also able to monitor individual use as required or requested by management.

- **Recommendation: none**

7. Finding: the orientation training binder is complete and detailed, including harassment, ethics, expected conduct, and other important County policies. A power point presentation incorporates the information found in the binder, and the Personnel Technician is very knowledgeable about and involved with the contents and training procedures.

- **Recommendation: none**

8. Finding: documentation of orientation training attendance is informal and appears incomplete. Of the eighteen employees randomly chosen, only three were on the orientation training list. Two of the three did not have a notation that they had attended orientation training, and the third had a question mark (?) in that column.

- **Recommendation: as a minimum, have each employee sign an acknowledgement form that they have reviewed the orientation book, and file this in the personnel file. An alternative might be to have the training sign-in sheet submitted to the Office Manager for entry into the electronic data base.**

9. Finding: of the eighteen employees randomly chosen, the employee personnel file spreadsheet showed that the most effective record of training was the IT acknowledgement form (fourteen out of eighteen employees); some long-term employees had two of these forms. Next most consistent was the "Disaster Services" acknowledgement for a majority of employees. All but one permanent employee file held the acknowledgement form for the "Personnel Rules" packet, and the MOU packet for employees covered by a union contract.

- **Recommendation: continue and expand use of acknowledgement forms.**

10. Finding: of the eighteen employees randomly chosen, the electronic training database showed that six employees had no training noted. Two of these were new-hires of less than one year, but others were longer term employees. The majority were not permanent employees, and the database went back to 2007 or earlier, incorporating earlier training records.

- **Recommendation: incorporate orientation training records into this database, as the orientation training is a complete and detailed overview of County policies and procedures and is required for each County employee.**

11. Finding: documentation of employee training is incomplete and fragmented. While appropriate training may be taking place, the current record keeping does not clearly demonstrate which employees have or have not completed required training on County policies and procedures.

- **Recommendation: the Grand Jury recommends that all employee training be documented in a single searchable electronic file. The file should be audited annually to assure that all required policy and procedure training has been offered and completed. This file should cover new and existing employees, "At-Will" and temporary employees, and elected and appointed officials and should include initial training and required updates to training.**

The Mono County Grand Jury closed the investigation of this matter on May 20, 2013