



County of Monterey

Board of Supervisors Response to the

***2022-2023 Monterey County Civil Grand Jury Final Report –
"Human Resources, Help Wanted: A Speedier Way to Hire"***

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"Human Resources, Help Wanted: A Speedier Way to Hire"

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REPORT TITLE: 2022 - 2023 Monterey County Civil Grand Jury

Topic "Human Resources, Help Wanted: A Speedier Way to Hire"

RESPONSE BY: Human Resources Department

RESPONSE TO: *Findings and Response* F1, F2, F3, F4, F5, F6, F7, F8 and F9

FINDINGS

With respect to each finding, pursuant to Penal Code, section 933 (c), the Department shall indicate one of the following:

- 1) That the Board agrees with the finding; or
- 2) That the Board disagrees wholly or partially with the finding, in which case the Board must specify the portion of the finding that is disputed and shall include in the response an explanation of the reasons for the disagreement.

F1		The incomplete nature of the HRD website results in lost opportunities to provide prospective candidates with information pertinent to the application process.
F1 Response: The Board wholly disagrees with the finding. The Human Resources website contains the following resources and tools for prospective applicants: • Online posting of open recruitments with the ability to apply online Human Resources Department website • Informational videos on the following: ▪ Starting your Career with the County of Monterey ▪ How to Apply for a Job with the County of Monterey ▪ How to Answer Supplemental Questions • Ability to submit job interest cards • Comprehensive Internship Opportunities website • Online Employment Application Guide to guide applicants through the process of setting up a NEOGOV account and apply online • Tips on writing cover letters • Resume Guide to help applicants build their resume • Effective interviewing guide		
F2		The recruitment process is lengthy and labor intensive for many County positions. Therefore, qualified candidates may be lost due to excessive delays.
F2 Response: The Board partially disagrees with the finding. The recruitment processes must adhere to multiple federal and state mandates including: • Uniform Guidelines on Employee Selection • Age Discrimination in Employment Act of 1967 (ADEA) prohibits discrimination against persons aged 40 to 70 • Title VI, Section 503 of the Vocational Rehabilitation Act of 1973, protects persons with disabilities from discrimination based upon their disability • The Veteran's Preference Act of 1944; and the Vietnam Era Veteran's Readjustment Assistance Act of 1974, provides for employment preference for veterans applying for Federal jobs, with specific protection for Vietnam-era Veterans		

- Pregnancy Discrimination Amendment of 1978, provides protection for females from discrimination based on pregnancy
- Americans with Disabilities Act (ADA) of 1990, amended in 1991, prohibits discrimination against persons with physical or mental disabilities
- Civil Rights Act of 1991, Amended Title VII, Section 1981, the Rehabilitation Act, the ADA, and the ADEA; allowed for compensatory and punitive damages as well as jury trials under Title VII, the ADA and the Rehabilitation Act
- California Fair Employment and Housing Act (FEHA)
- California Labor Code
- The California Military and Veterans Code sections 394 et. seq. protects veterans from employment discrimination and grants certain rights to veterans and active service members

In addition, recruitment delays may occur for some positions due to factors associated with delays in receiving the Job Analysis Form from the subject matter expert, the required posting period due to the requirements of the Garza Consent Decree, lack of qualified applicants, etc.

F3		Subject matter experts serving on screening panels receive no compensation or incentive, which makes them reluctant to serve and contributes to delays in the recruitment process.
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F3 Response: The Board partially disagrees with the finding.

It is agreed the County does not have a compensation or incentive program for individuals to serve as subject matter experts on screening panels. However, the County is not aware subject matter experts are reluctant to serve on screening panels due to no compensation or incentives or that it even contributes to delays in the recruitment process. The Human Resources Department in collaboration with the Civil Rights Office, the Equal Opportunity and Civil Rights Advisory Commission (EO CRAC) and the Information Technology Department recently developed a Screeners Portal for community members to indicate interest and their qualifications to serve as subject matter experts for purposes of recruitment efforts.

F4		The County has no policies regarding succession planning; thus, valuable institutional knowledge and training opportunities are lost when turnover occurs.
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F4 Response: The Board agrees with the finding.

The County does not have a succession policy in place; however, some departments are providing career development opportunities as a means towards succession planning. The County also has other opportunities for employees to increase their knowledge and skills such as Temporary Special Assignment Pay and Working Out of Class pay, in addition employees may also serve in an "Acting" capacity while a recruitment for a vacant position is underway. The Human Resources Department also has a comprehensive website titled the Leadership Learning Exchange which provides employees professional and career development tools including leadership topics, online training and a coaching program as well as Career Development Resources, Career Planning and Career Development Tools. The Human Resources Department is also exploring a Partial Service Retirement Program that will provide departments tools to retain institutional knowledge.

F5		The County policy regarding the length of time an employee can work in a temporary employment capacity is not monitored or enforced. Working without full benefits results in increased turnover.
F5 Response: The Board wholly disagrees with the finding. The County of Monterey does not have a policy on the employment of temporary employees. However, the County of Monterey Personnel, Policies and Practices Resolution No. 98-394 defines a Temporary Employee as “An employee appointed to a temporary assignment with a planned end date.” This definition does not define the length of time a County temporary employee may be employed and does not constitute a policy. The County is not aware there is turnover of temporary employees due to no benefits. Temporary employees receive or are eligible for the following: • Sick leave accruals as mandated by the Healthy Workplace Healthy Family Act of 2014 (AB 1522) • Employee Assistance Program (EAP) • Bilingual Pay depending on bargaining unit • 457 Deferred Compensation Plan • The County will contribute the employer and employee share toward CalPERS retirement if/once the temporary employee works 1000 hours.		
F6		Despite acknowledged delays in recruitment, there is no tracking system to monitor the length of time it takes to fill open positions and remedy the process, causing frustration to both applicants and County staff.
F6 Response: The Board partially disagrees with the finding. The Human Resources Department has implemented the Human Resources Tracker to a pilot group of departments that Human Resources provides services. The Human Resources Tracker has a module specific to tracking the recruitment process from beginning to end and it provides valuable feedback for continuous improvement. It is important to note that the Department of Social Services and Child Support Services are Merit Systems Services (MSS) departments and are required to receive recruitment services from the State of California Department of Human Resources (CalHR).		
F7		The EEOPs as currently required by state and federal law, and approved by the Board of Supervisors, are an effective way to ensure a diverse workforce within Monterey County Departments and meet Federal and State EEO requirements.

F7 Response: The Board disagrees partially with the finding.

While the Civil Rights Office agrees that the County's equal opportunity plan (EOP) is a document that aids in having a diverse workforce in the County and helps meet Federal and State requirements, alone it is insufficient to ensure diversity in the County's workforce.

Much of the content of the EOP is derived from the practices implemented by the Garza Consent Decree (Garza), practices that are considered best practices in the area of diversity, equity, and inclusion (DE&I). Throughout the EOP, there are references and instances of dependence of the EOP on Garza, without which there would not be the necessary tools to work toward a workforce genuinely representative of the community; without the EOP, Garza is difficult to operationalize.

While the department shares the optimistic view of the future held by the Civil Grand Jury, discriminatory practices still exist in many institutions; therefore, the availability of tools to dismantle institutional practices that, known or unbeknownst to us, perpetuate inequities are needed.

F8		After 48 years, the intent of the Garza Consent Decree has been met, has served its purpose, and has been superseded by the EEOP, which is more inclusive and up to date.
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F8 Response: The Board disagrees wholly with the finding.

Garza is essential because, as seen in the County's latest EOP, eight out of twenty job groups are underutilized. At the departmental level, eighteen out of twenty-eight departments have at least one underutilized job group. An argument is that Garza hinders quick recruitment because the Civil Rights Office must review the plan and it increases the time to hire; however, the review is completed in 1.4 business days. A feature of Garza is that the County cannot impose education requirements for jobs that do not need a formal education. Only 26.5% of the community residents have a four-year degree. The County of Monterey is the largest employer in the County and provides a livable salary, benefits, and a pension. Ending Garza and its education clause may deprive 73.5% of the community residents of a job that provides a livable wage in the County and may result in the elimination of experienced and qualified candidates in turn of a quick recruitment.

Although filling recruitments soon is desired, proper and thorough recruitments are a key asset to invest in our community and equal opportunities are preserved

F9		Requirements in the Garza Consent Decree, such as the makeup of panels and mandatory posting period, affect the timeliness of hiring.
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F9 Response: The Board partially disagrees with the finding.

The makeup of panels does not typically affect the timeliness of hiring. However, the length of time of 30 or 60 days for the posting of recruitments due to the requirements of the Garza Consent Decree does lengthen the recruitment process.

REPORT TITLE: 2022 - 2023 Monterey County Civil Grand Jury

Topic "Human Resources, Help Wanted: A Speedier Way to Hire"

RESPONSE BY: Human Resources Department

RESPONSE TO: *Recommendations and Response R1, R2, R3, R4, R5, R6, R7 and R8*

RECOMMENDATIONS:

Response

With respect to each recommendations pursuant to Penal Code, section 933 (c), the Department shall indicate one of the following:

- 1) That the recommendation has been implemented, with a summary regarding the implemented action;
- 2) That the recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation; or
- 3) That the recommendation requires further analysis, with 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 Board (this timeframe not to exceed six months from the date of publication).
- 4) The recommendations will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

R1		The HRD regularly update and enhance the content of its website to maximize effective recruitment.
R1 Response: This recommendation has been implemented and is ongoing. The Human Resources Department has and will continue updating the website to maximize effective recruitment and will continue to add resources.		
R2		The HRD streamline its hiring procedures to reduce the number of steps and time needed to fill positions by March 31, 2024.
R2 Response: This recommendation will require further analysis including studying other comparable agencies to identify best practices. The Human Resources Department is continually looking for ways to streamline the hiring procedures including the steps and time needed to fill positions. The analysis will be completed by March 31, 2024.		
R3		The HRD develop an incentive plan for both County and non-County employee subject matter experts and individuals to serve on panels for employee recruitment by September 30, 2023.
R3 Response: This recommendation will require further analysis. The Human Resources Department will conduct a study, including County financial feasibility, with comparable agencies on potential incentive plans for both County and non-County employees to serve as subject matter experts on recruitment panels. The anticipated completion of the study is March 31, 2024. A status report will be completed by September 30, 2023.		

R4		The HRD develop a County-wide policy regarding succession planning for key personnel in each department by December 31, 2023.
R4 Response: This recommendation will require further analysis. The Human Resources Department is currently facilitating a workgroup comprised of Department Heads/Assistant Department Heads to implement a succession planning program/strategies. The anticipated completion of the study is December 31, 2023.		
R5		Implement the HRD's in-house electronic recruitment tracking system by September 30, 2023.
R5 Response: The Human Resources Department Tracking System has been rolled out as a pilot to the departments to which the Human Resources Department provides services. Next steps are to refine the system based on feedback received during the pilot and then roll out to the rest of the County departments by September 30, 2023.		
R6		The County monitor and enforce the policy regarding the utilization of temporary employees for essential, ongoing day-to-day operations by September 30, 2023.
R6 Response: As indicated above, the County does not have a policy for the length of time a temporary employee can be employed. This recommendation requires further analysis. The definition of Temporary Employee in the Personnel, Policies and Practices Resolution No. 98-394 states "An employee appointed to a temporary assignment with a planned end date." The Human Resources Department will evaluate implementing a process to monitor and enforce the definition of a temporary employee having a planned end date in coordination with Response 7 below.		
R7		The County develop strategies to limit the use of temporary employees to meet essential, ongoing day-to-day operations by December 31, 2023.
R7 Response: This recommendation requires further analysis. The Human Resources Department will collaborate with departments that employ temporary employees to identify how they fit in the departments' operational structure and will develop strategies to ensure they are being utilized only to meet essential, ongoing day-to-day operations by December 31, 2023.		
R8		The Board of Supervisors request that a report be prepared by appropriate staff by October 31, 2023, to evaluate whether the goals and timelines of the Garza Consent Decree, originally approved in 1975, have been met sufficiently to request the Court vacate the Decree.
R8 Response: The recommendation requires further analysis of available data. The Civil Rights Officer will present a status report regarding analysis to the Board of Supervisors by October 31, 2023.		