

This document is an extract of a larger publication.

civilgrandjury.org is a project of UnGovr.org, a US-based 501(c)(3) nonprofit dedicated to government transparency and public accountability.



Photograph 3



CITY OF SAN BERNARDINO

MUNICIPAL WATER DEPARTMENT

BACKGROUND

The 2017-2018 Grand Jury received a complaint alleging policy violations within the City of San Bernardino Municipal Water Department (Department). After reviewing the complaint, the Grand Jury determined there was enough information provided to warrant an investigation. The Grand Jury has jurisdiction to investigate this matter pursuant to Penal Code §925a.

METHODOLOGY

The Grand Jury utilized the following methodologies in the investigation of a citizen's complaint regarding irregularities within the Department: personal interviews and sworn testimony from current and former employees, review of Department records and interviews of City legal staff.

FACTS

The Department has policies and procedures which are available online and through Human Resources. The Department provided the Grand Jury with a thumb-drive containing a copy of the Policies and Procedures Manual (Attachment A). Review of the manual revealed that 65 out of the 79 policies have not been updated since 2010 which is 82% of the policies. (Table 1)

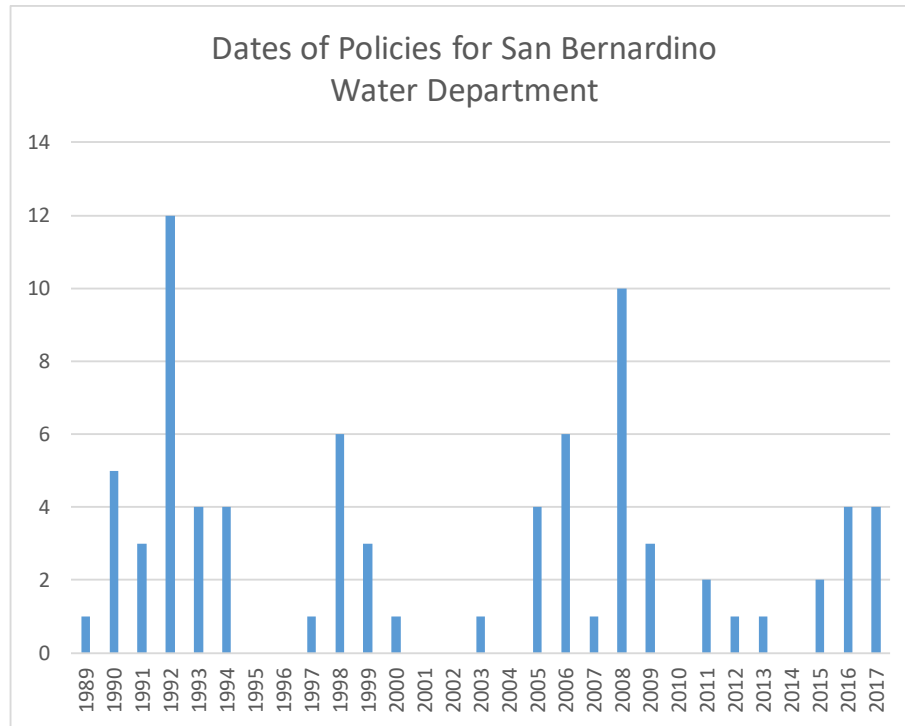


Table 1

SOURCE: Data compiled by the Grand Jury from City Water Department

The Department operated pursuant to a Memorandum of Understanding (MOU) between the City of San Bernardino Board of Water Commissioners and the San Bernardino Water Department Employees' Association, which expired on June 30, 2016. Water Department employees interviewed indicated that Department's policies had not been reviewed with them in several years; some as many as twenty years.

FINDINGS

F1: The Memorandum of Understanding has expired; therefore, there is no agreement in place regarding terms and conditions of employment.

F2: The Policy and Procedures are not reviewed and updated on an annual basis; therefore, employees may not be conducting themselves in accordance with policies.

RECOMMENDATIONS

18-2: Approve and maintain a current Memorandum of Understanding.

18-3: Review all Department policies and the Memorandum of Understanding on an annual basis with employees. Employees should acknowledge receipt of this review.

<u>AGENCY</u>	<u>RECOMMENDATIONS</u>	<u>DUE DATE</u>
City of San Bernardino City Manager	18-2 through 18-3	9/27/18

ATTACHMENT A

Policy #	Description of Policy	Date
10.010	Public Information Officer	Sept. 6, 2011
20.010	Adoption - Amendment of Human Relations	Aug. 12, 1992
20.020	General Manager Authorizing the Deputy General Manager & Division Directors to Sign	Feb. 29, 2008
20.030	Personal Mail-Magazines Etc.	Sept. 1992
20.040	Check Cashing for Employee	Sept. 9, 2015
20.050	Records Retention Policy	Mar. 5, 1991
20.070	Selling Goods and Materials at the Workplace	May 14, 1993
20.080	Posting-Bulletin Boards	June 17, 1998
20.090	Claims Handling	May 20, 2008
20.100	Naming of SBMWD Prop	Dec. 6, 2011
21.100	Fair and Accurate Credit Transactions Act	Nov. 4, 2008
31.010	Equal Opportunity-Affirmative Action	Aug. 12, 1992
31.020	Seniority-Transfer from City Departments	Sept. 24, 1990
31.030	New Employee Orientation	July 1, 2006
31.040	Time Off to Vote	Oct. 30, 1990
31.050	Light Duty Program	June 17, 1998
31.060	Acceptance of Gifts, Favors and/or Other Considerations	April 30, 1990
31.070	Status Change-Insurance Change	Aug. 16, 1990
31.080	Employee Consultation/Commendation	August 1, 2008
31.090	Mandatory Retirement Contributions for PST Employees	July 12, 1991
31.100	Voluntary Training Conducted on Water Department Time	Feb. 12, 1986
31.110	Personnel Records and Release of Information	June 17, 1998
31.120	Outside Employment	May 12, 1993
31.130	Higher Acting Classification	Apr. 1, 2009

31.140	Business Casual Attire	June 23, 2016
31.160	Classification-Compensation Plan Maintenance	June 24, 2016
31.170	Tattoos Piercings and Body Jewelry	Aug. 5, 2008
32.015	Vacation Time Upon Resignation or Retirement	Sept. 30, 2005
32.025	Transfer of Benefit Hours	May 3, 2012
32.030	Jury Duty Compensation	Feb. 1, 1994
32.040	Personal Leave	July 13, 1992
32.050	Special Performance Evaluation	Oct. 2, 1992
32.060	Leave Usage Slips	Jan. 23, 2007
32.070	Family Medical and Pregnancy Disability	Jan. 2017
32.080	Paid Sick Leave Part-Time, Temporary Employees	June 10, 2015
32.100	Preapproval Form	
32.100	Take Your Daughter-Son to Work Day	Aug. 24, 2005
33.010	Drug Free Workplace Act Implementation	June 6, 1989
33.020	Prohibition Against Smoking and Use of Smokeless Tobacco in all City/Department Owned Vehicles	June 22, 2017
33.035	Drug Alcohol and Substance Use	July 1, 2008
33.050	Sexual Harassment	Feb. 11, 2008
33.060	Nepotism	July 18, 2008
33.070	Non-Discrimination-Harassment	July 30, 2008
41.010	New Employee Driving Evaluation	Sept. 1992
43.010	Cashiering Alarm System	May 12, 1992
43.020	Access to Yards 195 D Street	Oct. 13, 1992
43.100	Access to Yards 195 D Street	
51.010	Petty Cash Procedure	Apr. 18, 2006
51.020	Modification to Professional Services & Competitive Bid Contracts	Aug. 3, 1993
51.030	Purchasing	Jan. 1, 2017
51.040	Goods and Materials Receiving Water Reclamation Plan	Oct. 1992