



Monterey County Board of Supervisors

Response to the

2019 - 2020 Monterey County Civil Grand Jury

Topic: "Sexual Harassment Prevention, Training Compliance"

**2019 - 2020 Monterey County Civil Grand Jury Final Report –
Topic: "Sexual Harassment Prevention, Training Compliance"**

Juan P. Rodriguez, Civil Rights Officer, Civil Rights Office

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REPORT TITLE: 2019 - 2020 Monterey County Civil Grand Jury Final Report - "Sexual Harassment Prevention, Training Compliance "

RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Findings F44, F45, F46 and F47

FINDINGS

- F44. Monterey County Civil Rights Office (MCCRO) has a strong, professional understanding of all requirements to comply with AB 1825 training in the Monterey County government, and delivers high quality, compliant AB 1825 training to County supervisory employees in both online and classroom/in-person settings.

Response F44:

The respondent agrees with the finding.

The Civil Rights Office (CRO) believes a high-quality AB 1825-compliant training is the cornerstone to helping the County respect civil rights, provide equal opportunity for all, and pursue equity in all operations by developing a culture of diversity and inclusion. The CRO is grateful to the Civil Grand Jury for recognizing the effort made in providing the organization with a strong training.

- F45. MCCRO's AB 1825 compliance records management is inadequate. The office (1) lacks a unified interface for accessing or directly managing all past training, and (2) lacks sufficient access to individual personnel records to actively track ongoing AB 1825 training deadlines for current or new supervisors.

Response F45:

The respondent disagrees partially with the finding.

Since the Civil Grand Jury investigation, there are new developments. Recently, the CRO, in conjunction with the Information Technology Department (ITD), completed the first load of historical compliance records for current employees. The County now has a unified interface for accessing AB 1825 training compliance records dating back to August 1, 2018, and managing current and future compliance in its learning management system (LMS), Learn. The second historical load is expected in the Fall where records will date back to 2015, longer than what is legally required. In addition, the CRO and departmental LMS Coordinators have access to Learn to monitor training compliance for current and new employees.

- F46. MCCRO's AB 1825 compliance records management process is a complex series of push-pull actions—requiring careful, ongoing interaction between the MCCRO and other County departments. Each department has Learning Management Specialists to help make this process work, but the MCCRO itself does not have sufficient staff to keep up with the

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coordination and planning work of ensuring AB 1825 training requirements are met for supervisors in all departments.

Response F46:

The respondent partially disagrees with the finding.

The process to keep accurate compliance records is complex. Given the size of the organization and the size of CRO staff, the CRO must rely on departments for tracking support and providing accurate management employee information. For example, while an employee, given their title, might appear as a supervisor to CRO staff, it could be that, in that department, their job classification does not supervise other employees. Conversely, a job classification that does not appear to have supervisor duties might have those duties in certain departments and, without information from the department, that employee might not be required to complete the appropriate AB 1825 training.

It is for this – and other reasons – that CRO staff relies on a complex system of recordkeeping: because compliance is, by its nature, complex.

The CRO relies on departmental learning management coordinators to keep an accurate list of their management and non-management employees. With this information, the CRO can appropriately assign AB 1825 training, accurately report quarterly compliance reports to Department Heads, and determine overall compliance for the organizations. The CRO can accomplish these tasks when fully staffed with its current allocated positions. The CRO concedes that it would unlikely accomplish these responsibilities at reduced staffing levels.

- F47. Monterey County Civil Rights Office leadership and staff displayed a high degree of professionalism and personal commitment to the spirit as well as the letter of the AB 1825 law. All office personnel were forthcoming, honest, and helpful for this investigation.

Response F47:

The respondent agrees with the finding.

The CRO appreciates and recognizes the very important task carried out by the Civil Grand Jury. The Office understands that local government has a duty to respond to the people it serves and that, by investigating and providing unbiased findings and recommendations regarding local government operations, the Civil Grand Jury is an essential partner in that mission. CRO staff was also pleased by the high degree of professionalism and personal commitment exhibited by the jurors in carrying out the Civil Grand Jury's mission.

REPORT TITLE: 2019 - 2020 Monterey County Civil Grand Jury Final Report - "Sexual Harassment Prevention, Training Compliance "

RESPONSE BY: Monterey County Board of Supervisors

RESPONSE TO: Recommendations R30

RECOMMENDATIONS

- R30. The Monterey County Civil Rights Office should review and revise the processes used to manage AB 1825 supervisory employee records to include the following: (1) develop a unified interface for accessing and directly managing all past training; (2) develop a method either with Learning Management Specialists, or centralized with an automated and trackable notice or tickler for AB 1825 training due dates; and (3) increase staffing and authority for personnel responsible for tracking and coordinating AB 1825 training and compliance data. This recommendation should be completed within 18 months of the publication of this report.

Response R30:

Recommendation R30(1) has been partially implemented and will be fully implemented within the next 6 months.

- 1) *Currently, there is a unified interface for accessing and directly managing all past trainings. Recently, the CRO and ITD completed the load of historical training data where all current employees should have accurate historical records dating back to August 1, 2018. Records dating back to 2015 will be implemented in the Fall of 2020.*

Recommendation R30(2) has been implemented.

- 2) *Learn, the County's learning management system, has reminder – aka tickler – capability for AB 1825 due dates. This should allow a greater degree of automation in the reminder system. In addition, the CRO started to issue quarterly compliance reports to Departments Heads this year notifying them of their department's overall compliance with training. The CRO will continue to issue quarterly reports.*

Recommendation R30(3) will not be implemented because it is not warranted at this time.

- 3) *Although increased staffing would certainly facilitate the process, the CRO believes it can maintain accurate AB 1825 records if current staffing levels are not reduced. The CRO will commit to seek increased funding or staffing levels if it is unable to keep accurate records given these new developments.*

The CRO believes that we can always work towards improving processes and it continually reviews its processes and workflows, including AB 1825 compliance management, for efficiencies and improvements.



Monterey County Board of Supervisors

Board Order

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A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary L. Adams to:

- a. Approve the response to the 2019 - 2020 Monterey County Civil Grand Jury Report: "Sexual Harassment Prevention, Training Compliance" and
- b. Authorize the County Administrative Officer to submit the approved response to the Judge of the Superior Court, County of Monterey, by September 25, 2020.

PASSED AND ADOPTED on this 1st day of September 2020, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Parker and Adams

NOES: None

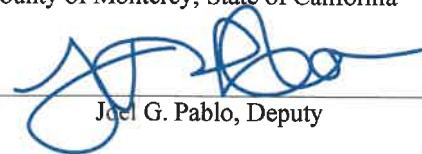
ABSENT: None

(Government Code 54953)

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting September 1, 2020.

Dated: September 1, 2020
File ID: 20-673
Agenda Item No.: 11

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California



Joel G. Pablo, Deputy