

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

348



FROM: Executive Office

SUBMITTAL DATE:
June 26, 2012

SUBJECT: 2011-12 Grand Jury Report: Riverside County Human Resources Department, Temporary Assignment Program / Medical Assignment Program (TAP/MAP)

RECOMMENDED MOTION: That the Board instruct Riverside County Human Resources Department, Temporary Assignment Program / Medical Assignment Program (TAP/MAP) to forward to the Executive Office – within 30 days – a draft of the Board’s response to the findings and recommendations of the Grand Jury that pertain to the Department’s operational areas; and direct the Executive Office to submit draft responses to the Board within 60 days.

BACKGROUND: The attached report has been issued by the Grand Jury.

Section 933 (c) of the Penal Code requires that the Board of Supervisors comment on the Grand Jury’s recommendations pertaining to matters under the control of the Board, and that a response be provided to the Presiding Judge of Superior Court within 90 days.

Draft responses received from the affected department will be consolidated and presented for the Board’s consideration; the response ultimately approved by the Board will then be forwarded to the Grand Jury as required by statute.

Attachment
30dayHRTAP06.12

Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:
	Current F.Y. Net County Cost:	\$	Budget Adjustment:
	Annual Net County Cost:	\$	For Fiscal Year:

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY: 
George A. Johnson

County Executive Office Signature

Dep't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: _____ **District:** _____ **Agenda Number:** _____

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.4



RIVERSIDE COUNTY GRAND JURY

(951) 955-8990 OFFICE • (951) 955-8989 FAX

June 13, 2012

Jay Orr, Executive Officer
Riverside County Executive Office
4080 Lemon Street
Riverside, CA 92501

Subject: 2011-12 Grand Jury Report: Riverside County Human Resources Department,
Temporary Assignment Program / Medical
Assignment Program (TAP/MAP)

Dear Mr. Orr:

Please note that Penal Code Section 933 et seq. specifies that you respond within ninety days. Further, it specifies that this report be kept **confidential for a minimum of two working days** prior to public release. The contents of this report will be made public after the close of business **June 15, 2012**.

Sincerely,

A handwritten signature in cursive script that reads "Nelson Fowlkes". The signature is written in black ink and is positioned above the printed name and title.

Nelson Fowlkes, Foreperson
2011-12 Riverside County Grand Jury

NF:gs
Attach.

2011-2012 GRAND JURY REPORT

Riverside County Human Resources Department Temporary Assignment Program/ Medical Assignment Program (TAP/MAP)

Background

The major divisions of the County of Riverside (County) Human Resources Department (HR) are: Administration, Employee Relations/Labor Relations, Center for Government Excellence, Exclusive Care, Department Services, and Risk Management. As of this writing, HR is staffed with 337 employees. The current department budget for FY 2011/2012 is \$165 million.

The Temporary Assignment Program (TAP) was organized in 1998 under the HR Department Services Division. It was established to combine and coordinate the County's efforts in hiring temporary employees and to function as the County's temporary personnel agency. In 2004 the Medical Assignment Program (MAP) was added to facilitate hiring temporary medical personnel. These programs are intended to consolidate requests for temporary employees and create a ready pool for anticipated needs. They were to operate as an enterprise unit that would not only save money by eliminating use of outside employment agencies, but would also generate revenue.

The focus of this report is workplace bullying in the HR Department of TAP/MAP. There is no single formal definition of workplace bullying; however, several researchers have endeavored to define it. Workplace bullying can be defined as an abuse or misuse of power such that "...behavior creates feelings of defenselessness and injustice in the target and undermines an individual's right to dignity at work." This definition is documented in the April 2011 report #87-2-2011 of the Safety & Health Assessment and Research for Prevention Program, an independent research program under the Washington State Department of Labor & Industries. Characteristics of bullying are the repeated and unreasonable actions of an individual or group directed toward another individual or group with the intent to intimidate the target(s), thereby creating a health and safety risk for the employee(s). Bullying boils down to a power dynamic in which the bully habitually disempowers the target employees. It may occur between supervisor and subordinate or between co-workers.

Methodology

Using information obtained by the sworn testimony of seven complainants, the Grand Jury initiated an investigation of the employees and managers of the TAP/MAP unit of the HR Department. The investigation involved 23 interviews of past and present employees and supervisors (under oath, lasting 1-2 hours each), more than 50 phone conversations, an unscheduled visit, time sheets, emails, documentation and personnel records of the employees and management personnel. This investigation continued from November 2011 through May 2012. The information reviewed concerned employees' and supervisors' performance evaluations, letters of formal and informal discipline, reprimands, performance improvement plans, and medical certifications. In every interview employees and supervisors were admonished that there is zero tolerance for retaliation. After the Grand Jury analyzed this data, findings and recommendations were developed.

Findings

Policies and Procedures

1. Sworn testimony from multiple witnesses, coupled with an unscheduled visit to the TAP/MAP site, confirmed that no written recruitment policies and procedures or formal job training is provided to TAP/MAP recruiters. These recruiters seek out and place temporary employees for the County. The lack of these written procedures was originally identified in the Riverside County Internal Audit Report 2004-22 of January 29, 2005. The former HR director, in his written response, assured the Riverside County Board of Supervisors (Board) that written procedures would be developed and used. Seven years later the written procedures are yet to be published. Current management responded, under oath, that "written policies and procedures are not a high priority." Currently, procedures are given verbally and change frequently without notice. Verbal procedures are not applied equally to all TAP/MAP recruiters. Claims were made that management overlooks mistakes made by favored employees, but not for others. In sworn testimony TAP/MAP recruiters testified that they are unsure of their duties and fearful they will be reprimanded or terminated for doing the wrong thing.

Bullying

2. The Grand Jury initiated an investigation into the alleged existence of bullying within the TAP/MAP unit. After an extensive examination, it is the considered judgment of the Grand Jury that workplace bullying by supervisors and managers has become pervasive in the TAP/MAP section of HR. Bullying by leads (a supervisor without administrative duties) and supervisors in TAP/MAP is causing fear and intimidation among employees, as reported in seven complaints. The County has no written policy or employee training specifically directed against

bullying in the workplace. A group of TAP/MAP recruiters are frequently and routinely referred to as “the wild, wild, West” in a negative manner by management assigned to TAP/MAP in 2010-2011. Under oath before the Grand Jury, one HR manager admitted to coining the phrase “wild, wild, West.” These targeted employees view this reference as verbal abuse and feel it isolates them from other employees. Former TAP/MAP recruiters testified they have escaped supervisor bullying by leaving their positions, while others testified they feel trapped in their positions and fear termination. Others testified they have asked for transfer or demotion; their requests have been ignored or denied.

Sworn testimony revealed that during the period 2007 through 2011, senior TAP/MAP recruiters’ performance was judged by their supervisors and managers overseeing the unit as “out of control,” “doing their own thing,” abusing time and attendance regulations, taking long breaks, and making errors. Customer surveys taken during the same time period contradict the supervisory judgment. These surveys show that various departments using the services of TAP/MAP recruiters were provided a high quality of service. It is these same senior recruiters who were targeted and labeled “the wild, wild West.”

Data received from HR by the Grand Jury showed the results of the annual HR Customer Satisfaction Survey clearly demonstrate that on a scale of one to five, with five being the highest score and one the lowest, the TAP/MAP unit scored very high over the five calendar years surveyed.

**HR Customer Satisfaction Survey
TAP/MAP Quality of Service**

Calendar Year	Survey Responses	Percent Approval	Percent Approval of 4 or 5
2007	27	89	67
2008	24	92	54
2009	41	94	63
2010	41	93	66
2011	25	100	76

Workplace Admonitions

3. Documentation provided by HR management for calendar year 2011 indicated seven out of thirteen TAP/MAP recruiters have been placed on a Performance Improvement Plan (PIP) and/or a Medical/Certification (MED/CERT) requirement. These employees were in the targeted group labeled “the wild, wild West.” After reviewing documents the Grand Jury found that the language contained in them

showed disrespect to employees beyond what would be considered reasonable, (e.g., in order to meet the MED/CERT requirement, an employee must leave his/her sick bed and report to a doctor's office, thus exposing others to the illness. On some occasions, a doctor may ask that a child not be brought into the doctor's office for the child's well-being, as well as the well-being of others.) PIPs and MED/CERTS are being used as punitive rather than corrective measures. Disciplinary letters are written by TAP/MAP management and are placed in employee's official personnel files; however, letters of appreciation, commendation, and thank you, are not. This indicates disregard and lack of recognition for quality work performed by these employees.

Documentation provided by complainants, and verified by documentation obtained from HR management, confirmed that formal and informal disciplinary letters and memorandums written by TAP/MAP management were written in an unduly negative, condescending, and accusatory manner. A similar issue was addressed in Grand Jury Report 2004-2005, "Riverside County Regional Medical Center Human Resources and Employee Relations," in which the respondent admitted to this practice.

Employees interviewed testified that when employees freely admit to their supervisors about making inadvertent errors, they are later reprimanded and accused of making the mistakes intentionally. The Grand Jury reviewed extensive documentation, which showed that employees are reprimanded for minor infractions, e.g., not responding in a timely manner to an email from a department. Witnesses stated that recruitment packages submitted for review to a lead or supervisor before a new hire's documentation is finalized, have later been found to contain errors; however, blame is assigned to the recruiter, not to the reviewing supervisor. Investigations are initiated for serious infractions without telling employees why they are being investigated and without evidence that they were involved.

It was confirmed by testimony from numerous witnesses that HR management, at all levels, was aware of the bullying behavior; however, no corrective action was taken. It was also discovered and documented by an email, that a supervisor had violated California Labor Code §230.8 by denying a recruiter a short period of time off at the end of the workday to attend her daughter's honor roll award at school. It had been requested four weeks in advance of the event and denied two weeks later by the supervisor.

Two recruiters testified that they were stressed enough to take extended stress leave due to the hostile work environment.

Evaluations

4. Grand Jury Reports 1991-1992, 2001-2002, 2003-2004 and a study by an outside consultant reported a failure to conduct timely, annual, written performance evaluations. Despite acknowledgment by HR of this failure and despite the mandate contained in County Policy C-21, performance evaluations are frequently not being conducted by managers and supervisors. In some cases, years have elapsed since the last written evaluation. TAP/MAP recruiters have assumed they were performing at least satisfactorily until, without warning and after years of not receiving a performance rating, they are given an unsatisfactory performance evaluation followed by a PIP. It is the considered judgment of the Grand Jury, from review of the records, that it is when a disciplinary action is anticipated, that TAP/MAP supervisors conduct a performance evaluation. County Policy C-21 states that it is of the utmost importance that the employee receives a performance evaluation annually.

Management Training

5. Sworn testimony by HR management revealed that supervisors and managers are not required to complete a comprehensive supervisorial or managerial training course, which is offered by the County. Further testimony noted that without sound and comprehensive supervisorial and managerial training, a supervisor or manager can put the County at risk by making an error in administering a law or policy. The HR Center for Government Excellence provides two academies covering comprehensive supervisorial and managerial training that are not being used to their greatest potential. This training is provided to departments at minimal cost.

Recommendations

**Riverside County Board of Supervisors
Riverside County Executive Office
Riverside County Human Resources Department**

1. TAP/MAP management must immediately discontinue verbalizing ambiguous policies and procedures; written policies and procedures must be established. They must be applied equally to all personnel and be provided to each employee at the time of hire.
2. The Board must issue a policy against bullying for all branches of County government. The Board must establish an independent process to report cases of bullying.

a. This policy must require the County to consider workplace bullying unacceptable and it will not be tolerated under any circumstances. This includes, but is not limited to:

1. Failing to recognize quality work by the target(s),
2. Making false accusations or exaggerating the seriousness of “errors” made by target(s),
3. Exhibiting nonverbal displays of intimidation (e.g., staring, glaring, finger pointing, and eye rolls toward target(s)),
4. Undermining the opinions of a target(s) in a public setting,
5. Excluding or social isolating of target(s),
6. Displaying apparent uncontrolled mood swings,
7. Spreading malicious rumors about the target(s), and
8. Making excessive demands of the target(s).

b. The County must encourage and require employees to report workplace bullying. Managers and supervisors must ensure that employees who make complaints, or witness bullying, are not victimized or subjected to retaliation.

c. Reports of workplace bullying must be treated seriously and investigated promptly, confidentially, and impartially. Employees found to be in violation of the newly-written bullying policy will be subjected to provisions of Riverside County HR levels of corrective action, per County of Riverside Manager and Supervisors Disciplinary Process Manual.

3. The directive for sick leave must be revised to require that an employee be placed on MED/CERT only when abuse is shown, not just by the number of hours or times used. HR must recognize that sick-leave abuse patterns occur when sick days are taken:

- before and/or after holidays.
- before and/or after weekends or regular days off.
- after paydays.
- on any one specific day.
- on an absence following overtime worked.
- on half days.
- on a continued pattern of maintaining zero or near zero leave balances.
- using excessive absenteeism.

Medical certificates will be required only after absences of three consecutive days, under any circumstances. Consideration must be given to the unnecessary requirement to see a doctor for every sick hour used while on a MED/CERT.

TAP/MAP management must use a positive approach with the issuance of corrective action, e.g., Written Reprimands, MED/CERTs, Corrective Memorandums, and especially with Directive Memorandums. Written discipline and corrective actions including reprimands, PIPs, corrective memorandums and investigations will not be written with demeaning, disrespectful, or condescending language.

Discipline must be applied equally to all employees without discrimination or targeting. When discipline is necessary, it must be justified and not for a trivial occurrence. Investigators must immediately reveal the nature of an inquiry to the employee being investigated.

4. Conducting performance evaluations is a vital part of a supervisor's or manager's job responsibility, but if they are not performed the supervisor or manager must receive a negative rating on his/her own performance evaluation.
5. Development and training of managers and supervisors must become a priority. Completion of Supervisory and/or Management Excellence Academy courses must be mandatory for current and newly-appointed supervisors and managers. Training must be completed within 180 calendar days of enactment of this policy by the Board or upon entry into a supervisorial or managerial position.

Report Issued: 06/13/12
Report Public: 06/15/12
Response Due: 09/11/12