

**Grand Jury Report  
RESPONSE FORM**

**RE: Report Titled: Cover Your Asphalt**  
*Report Dated: June 6, 2011*

---

***Response Form Submitted By:***

Pat Meek, Director  
Human Resources Department  
Mendocino County  
579 Low Gap Road  
Ukiah, CA 95482

***Response MUST be submitted, per Penal Code §933.05, no later than: September 23, 2011***

***I have reviewed the report and submit my responses to the FINDINGS portion of the report as follows:***

- I (we) agree with the Findings numbered:

42

---

- I (we) disagree wholly or partially with the Findings numbered below, and have **attached, as required**, a statement specifying any portion of the Finding that are disputed with an explanation of the reasons therefore:

15, 17, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47,  
48, 49

---

***I have reviewed the report and submit my responses to the RECOMMENDATIONS portion of the report as follows:***

- The following Recommendation(s) have been implemented and **attached, as required**, is a summary describing the implemented actions:

14, 15

---

- The following Recommendation(s) have not yet been implemented, but will be implemented in the future, **attached, as required** is a time frame for implementation:
-

The following Recommendation(s) require further analysis, and attached as required, is an explanation and the scope and parameters of the planned analysis, and a time frame for the matter to be prepared, discussed and approved by the officer and/or director of the agency or department being investigated or reviewed: (This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report)

The following Recommendations will NOT be implemented because they are not warranted and/or are not deemed reasonable, attached, as required is an explanation therefore:

7, 11, 12

*I have completed the above responses, and have attached, as required the following number of pages to this response form:*

Number of Pages attached: 5

*I understand that responses to Grand Jury Reports are public records. They will be posted on the Grand Jury website: [www.co.mendocino.ca.us/grandjury](http://www.co.mendocino.ca.us/grandjury). The clerk of the responding agency is required to maintain a copy of the response.*

*I understand that I must submit this signed response form and any attachments as follows:*

First Step: E-mail (word documents or scanned pdf file format) to:

- The Grand Jury Foreperson at: [grandjury@co.mendocino.ca.us](mailto:grandjury@co.mendocino.ca.us)
- The Presiding Judge c/o Sally Nevarez: [sally.nevarez@mendocino.courts.ca.gov](mailto:sally.nevarez@mendocino.courts.ca.gov)
- The County's Executive Office: [angeloc@co.mendocino.ca.us](mailto:angeloc@co.mendocino.ca.us)

Second Step: Mail all originals to:

Mendocino County Grand Jury  
P.O. Box 939  
Ukiah, CA 95482

Printed Name: Pat Meek

Title: HR Director

Signed: Pat Meek

Date: 8/22/11

FINDINGS:

The Mendocino County Human Resources Director agrees with the Findings numbered:

42

42. Since 2006, more than 70 employees have left, transferred or retired from MCDOT.

Agree, since December 17, 2006, 82 employees (60 regular and 22 extra help) have left DOT for a variety of reasons.

The Mendocino County Human Resources Director disagrees partially or wholly with the findings numbered below and have attached as required, a statement specifying any portion of the Finding that are disputed with an explanation of the reasons therefore.

15, 17, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49

15. On May 14, 2011, the number of employees at MCDOT was 87 full-time and 8 extra help. Solid Waste has one half-time position for the Landfill Closure.

Disagrees wholly; in the pay period that included May 14, 2011 the number of MCDOT employees was 79 (78.8 FTE) regular allocated and 8 extra help. In the pay period that included May 14, 2011, the Position Allocation Table indicated, and currently indicates, Budget Unit 4510 Solid Waste currently has 1 FTE employee filling one (1) FTE position.

17. The MCDOT maintains a drug-free workplace and is responsible for administering the Safety Sensitive Driver Program (SSD). In one incident, the protocols associated with SSD were not followed, which resulted in an audit exception. Non-compliance threatens Federal funding.

Disagrees partially, in 2006, prior to MCDOT taking over administration of the SSD, there was one (1) audit exception which has been addressed. Human Resources is not aware of any audit exceptions since 2006.

34. There are significant inter/intra-departmental barriers, communication deficiencies, and poor decision-making practices.

Disagrees partially, in that Human Resources is aware of some communication deficiencies at MCDOT and has assisted the department in the resolution of these deficiencies, but is not aware of inter/intra-departmental barriers and poor decision-making practices.

35. The clerical staff is centralized but must obtain approval from the Deputy Director of Administration, prior to performing tasks. This process impedes efficiency because the department director cannot assign clerical work to their own employees without the approval of the Deputy Director of Administration.

Disagrees wholly, Human Resources has no indication or information regarding this finding.

36. Management is performing routine clerical support tasks and errands that are typically performed by subordinates.

Disagrees partially, County departments in general, and MCDOT specifically, do not have unlimited clerical support and in many cases are understaffed. It is not uncommon for management level staff to perform some of their own clerical tasks.

37. Division stakeholders are not allowed timely input, resulting in inefficiency and mistakes; key players do not agree on departmental priorities.

Disagree wholly, Human Resources has no information that supports this finding.

38. There is staff confusion regarding departmental responsibilities and authority.

Disagree wholly, Human Resources has no indication that staff is confused about departmental responsibilities and authority.

39. The routine shifting of priorities within MCDOT is unnecessary and leads to inefficiency.

Disagree partially, Human Resources is not aware of routine shifting of priorities within MCDOT; if such shifting were taking place it is difficult to say that it is unnecessary or that it leads to inefficiency.

40. There is pervasive job discontent, leading to high turnover and loss of critical institutional knowledge.

Disagree partially, Human Resources is not aware of pervasive job discontent. MCDOT's turnover rate, while higher than normal for the period 7/2010 to 5/2011 due to budgetary layoffs and the privatization of Solid Waste, is comparable to the County's turnover rate. HR does agree that anytime the County loses an employee for any reason, some level of institutional knowledge is lost.

41. There is low staff morale within MCDOT due to management style.

Disagree wholly, Human Resources has no information supporting the finding that staff morale is low due to management style.

43. There are a number of current employees of MCDOT that are considering retiring, transferring, or seeking a new job outside MCDOT because of management practices.

Disagree partially, Human Resources is only aware of two current MCDOT employees seeking to transfer to another County department; however, HR does not have knowledge of why these two employees wish to transfer. Other than the two

aforementioned transfer requests, Human Resources has no knowledge that MCDOT employees are considering retiring, transferring or seeking jobs outside the County because of management practices.

44. Individual employee complaints are handled within MCDOT and not addressed by Human Resources.

Disagree partially, in accordance with negotiated language within employee's Bargaining Group MOUs, employees and departments are encouraged to resolve grievances and complaints at the lowest level possible, the first step being with the direct supervisor. Human Resources does provide support and assistance to MCDOT when MCDOT is addressing grievances and complaints. Specifically for the MCDOT employees represented by SEIU, in accordance with MOU language, in the 4-step Grievance Process described by the MOU, Human Resources does not have a direct role in addressing or handling grievances. Likewise for employees represented by the Management Association, in accordance with the 3-step process described in the MOU, Human Resources does not have a direct role in addressing or handling disputes, complaints and conflicts. Complaints regarding specific Civil Service Rules where an appeal process is in place are addressed by the Civil Service Commission via Human Resources. Other complaints such as EEO (Discrimination) Policy #10 and Sexual Harassment Policy #23 are addressed by Human Resources.

45. Annual Employee Performance Reports are not completed or forwarded to Human Resources in a timely manner.

Disagree partially, some Employee Performance Reports have been submitted to Human Resources untimely; the majority are submitted timely.

46. Management is practicing favoritism in hiring, personnel evaluations and training.

Disagree wholly, Human Resources promulgates eligibility lists in accordance with Civil Service rules; eligible candidates are then certified to MCDOT in accordance with Civil Service Rules; MCDOT considers and hires employees from these certifications. With regard to personnel evaluations and training, Human Resources has no information or knowledge indicating favoritism.

47. Grievances have been filed against MCDOT management.

Disagree partially, as with all departments, employee grievances are often against management. Since 2006, nine (9) grievances have been filed by MCDOT employees; however, only three (3) of those grievances were allegations of behaviors specifically against MCDOT management; the other six (6) were related to County policies that MCDOT management has no control of, or purview over.

48. Senior Management at MCDOT was required to and did attend communications classes to improve communication skills between management and subordinates.

Disagree partially, certain senior management staff AND subordinate staff at MCDOT were required to attend, and did attend, communication classes to improve communications between each other.

49. The BOS has not adopted an anti-bullying policy which would help alleviate low staff morale and productivity due to inappropriate or illegal management actions.

Disagrees partially, the BOS has not adopted a specific anti-bullying policy. While a policy communicates an agency's position on a particular issue, as well as offers prevention measures and processes for bringing forth complaints and resolving such complaints, the presence of "anti" policies does not necessarily change morale, productivity or behaviors. It is difficult to predict if such a policy would help alleviate low staff morale and productivity.

While bullying is inappropriate and should not be tolerated, it is not illegal. Likewise, not all "inappropriate or illegal management actions" fall under the definition of "bullying". Bullying should not be confused with activities that are illegal, such as those activities that constitute sexual harassment, harassment of a protected class, or discrimination of a protected class. Any illegal actions by management, or by any employee, should be reported through the proper channels.

The BOS has adopted Policy #10, Equal Employment Opportunity (Anti-Discrimination) and Policy #23, Sexual Harassment Policy. The BOS has also adopted a Workplace Violence Prevention Plan (7/2002). In addition, Human Resources provides to new employees during New Employee Orientation, California Department of Fair Employment & Housing brochure DFEH187 "Violent Crimes and Civil Rights" which offers a complaint process and resources for complaints that could include bullying.

#### RECOMMENDATIONS:

The following Recommendation/s have been implemented; attached, as required, is a summary describing the implemented actions:

14, 15

14. The Mendocino County Human Resources Department develop a statistical report documenting employee complaints and their resolution.

This recommendation has already been implemented by Human Resources in that since 2006, Human Resources has maintained a log of grievances and complaints that includes the date of the grievance or complaint, the issue, the step at which it was resolved (for grievances) and the resolution.

15. The Mendocino County Auditor-Controller, Chief Executive Officer, General Services Agency, and Human Resource Department, foster a professional and healthy

relationship between each department and with the Mendocino County Department of Transportation.

This recommendation has already been implemented by Human Resources in that Human Resources currently and has always maintained and fostered professional and healthy relationships with the department heads and staff of all County departments including the Mendocino County Auditor-Controller, Executive Office, the General Services Agency and the Department of Transportation. Human Resources continuously strives to maintain and improve upon those relationships.

The following Recommendations will NOT be implemented because they are not warranted and /or are not deemed reasonable, attached as required is an explanation therefore:

7, 11, 12

---

7. Mendocino County Department of Transportation, in order to minimize staff turnover and potential legal liability, secure the use and oversight of Human Resource staff to improve compliance with Mendocino County Policies and Procedures regarding the management of personnel.

This recommendation will not be implemented by Human Resources. MCDOT does regularly utilize the assistance of the Human Resources Department regarding personnel matters. Human Resources has always provided support and assistance to MCDOT when called upon in all matters regarding personnel management. Human Resources administers the Civil Service rules on behalf of the Civil Service Commission, which include issues regarding personnel management. However, for the most part, Human Resources' role with County Departments is in an advisory capacity. The Director of Transportation reports to the CEO; the CEO is responsible for the oversight of MCDOT's activities, including those issues related to compliance with County policies.

11. The Mendocino County Department of Transportation management direct their employees to Human Resources whenever an employee complaint arises.

This recommendation will not be implemented by the Human Resources Department. With regard to employee complaints / grievances and their resolution, the procedures and processes as negotiated and outlined in the employee's bargaining group MOUs must be followed.

12. The Mendocino County Human Resources Department take a direct role in resolving any MCDOT employee complaints.

This recommendation will not be implemented by the Human Resources Department. With regard to employee complaints / grievances and their resolution, the procedures and processes as negotiated and outlined in the employee's bargaining group MOUs

must be followed. Although Human Resources assists the Department when handling grievances and complaints, these processes as outlined in the MOUs do not call for direct involvement from Human Resources, nor do the processes call for resolution by Human Resources.