

MENDOCINO COUNTY OFFICE OF EDUCATION

Mission Statements Are Made to be Followed

June 2, 2014

SUMMARY

During the economic downturn, the State of California made severe funding reductions to education. As a result, Mendocino County Office of Education made cuts in important programs. Whenever cuts are made, students are adversely affected. Nevertheless, the Mendocino County Board of Education saw fit to raise the superintendent's salary in 2011, 2012, and 2013.

During that time, the superintendent found sufficient funds to increase the salaries of more than 20 management positions by adding days and/or responsibilities to their job descriptions. While salary increases were given, cuts were made in student programs and services.

Cuts made to programs and services were approved by the Mendocino County Board of Education. The Board President stated to the Grand Jury, there were "no major cuts" rather, cuts were made "around the edges."

The Grand Jury's investigation concluded that the Mendocino County Office of Education leadership is not following its Human Resources Division's Mission Statement. The Mission Statement promises to value its clients, employees, and the public through service, efficiency, teamwork, and integrity.

The Grand Jury investigation determined that employee morale has gone down in recent years as evidenced, in part, by the increase in the number of grievances filed. As a result of the cuts in programs and services, a number of employees were laid off or reassigned. The Grand Jury found that the Human Resources Division, while responsible for handling those changes, acted insensitively and unprofessionally toward some employees. The Grand Jury also found other instances of unprofessional conduct by the Human Resources Director.

Employees expressed their many concerns about working conditions, treatment of employees, and other issues at a Mendocino County Board of Education meeting held on January 14, 2013. The Grand Jury found that the Board President had "no knowledge" of the low morale of the employees even after presiding over that meeting.

The Grand Jury recommends that the Mendocino County Office of Education's superintendent, directors, managers, and supervisors value their employees, clients, and the public, as stated in the Mendocino County Office of Education Human Resources Division's Mission Statement. The Grand Jury also recommends that the Mendocino County Board of Education adopt the Human Resources Division's Mission Statement as its own.

GLOSSARY

Cal SAFE	California School Age Families Educations Program
Tech Ed	Career Technical Education
HR	Human Resources Division
LCFF	Local Control Funding Formula

MCOE	Mendocino County Office of Education
River School	River Community School
SARB	School Attendance Review Board
Step and Column	The automatic salary increases for contract employees for longevity and additional education
YPP	Young Parent Program

BACKGROUND

The Grand Jury conducted an investigation of the Mendocino County Office of Education (MCOE) after receiving a complaint.

APPROACH

The Grand Jury conducted more than a dozen interviews, reviewed documents, viewed videos of Mendocino County Board of Education (Board) meetings, and researched the MCOE website.

FACTS

MCOE is responsible for providing administrative and educational support services to school districts in Mendocino County. MCOE is responsible for educating students who are placed or referred to MCOE schools by the Probation Department or individual Mendocino County school districts.

The Local Control Funding Formula (LCFF) is California’s new method for funding education, which gives both county offices of education and individual school districts more control over how the funds are used.

River Community School

River Community School (River School), located at the MCOE Talmage campus, serves students who:

- Have been expelled from school or referred by the School Attendance Review Board (SARB)
- May be on juvenile probation
- Are wards of the court

MCOE reduced the funding for services and programs at River School.

At the start of the school year, River School had two classrooms, one for middle school students and one for high school students. This may be adjusted later, depending on enrollment. Students expelled, who must be enrolled at River School, contribute to over-crowding in those classrooms.

Career Technical Education

Career Technical Education (Tech Ed) provides training in technical skills which leads to employment, upgrading of skills, and advanced training for high school and adult students countywide. Tech Ed continually develops new classes to respond to the needs of students, schools, and the local labor market. Tech Ed programs include Regional Occupational Programs.

Before Local Control Funding Formula (LCFF), the State had already cut funding for Tech Ed by 20%. A fully equipped woodshop exists at the River School campus. Due to budget cuts, the woodshop is no longer being used.

Young Parent Program

The Young Parent Program (YPP) was managed and administered by MCOE with a grant from the California School Age Families Education Program (Cal-SAFE), a comprehensive, integrated, community-linked, school based program that serves expectant and parenting students and their children.

Cal-SAFE is not funded under LCFF. YPP is now managed and administered by individual school districts where applicable. Although the State is not looking at young parent students as MCOE's responsibility, MCOE will provide funding for child care for children of the students enrolled in YPP.

In the 2013-2014 school year, YPP is being funded by Ukiah Unified School District and held at its current location at Ukiah High School.

Human Resources Division

The following statement appears on the MCOE website:

“The mission of the Human Resources Division of the Mendocino County Office of Education (MCOE) is to ensure that all students are served by the best qualified personnel committed to excellence in education. We affirm that our mission is among the most worthwhile of human endeavors; and in knowing such, we value:

- “Service: Providing responsive, courteous service of the highest quality to all clients (employees and the public).
- “Efficiency: Providing timely responses to requests from clients.
- “Teamwork: Valuing collaboration and interdependence while recognizing individual contributions; trusting one another.
- “Integrity: Modeling honesty, sincerity and dependability.”

The negotiated contract between both certificated and classified employees with MCOE states that the employees may take personal necessity leave for eight separate and defined criteria including, but not limited to: “A matter of compelling personal concern that cannot be conducted outside regular working hours. The use shall be limited to four days per year.” This contract language is supported by the California Education Code §45191 and §45207. Leaves approved by an immediate supervisor, at times, have been denied by the Human Resources Division (HR) Director.

While on sick leave, an employee received a letter of release of employment, personally delivered by the HR Director on the evening before a scheduled major surgery.

Some employees believed they were targeted for speaking out about issues of concern.

Some employees who disagreed with HR's position(s) feared retribution and felt intimidated.

After a summer training for which employees were to receive compensation at a negotiated rate of pay, documentation shows the HR Director manually changed a Supplementary Time Card to direct a "stipend only" payout, which was less than the negotiated rate of pay of the employee. The business office later reversed the action.

Salary Increases

The Board sets the superintendent's salary annually. The Board raised the superintendent's salary in 2011, 2012, and 2013.

The superintendent has sole discretion over the *Management Salary Schedule*.

Over the course of three years, in 2011, 2012, and 2013, more than 20 managers, directors, and/or supervisors received various increases in their salaries, justified by the assignment of additional days or responsibilities. Certificated and classified union employees received step and column increases.

After five years with no raises, on July 1, 2013 the following raises went into effect for contract employees:

- 5% for certificated employees
- 4.5% for classified employees

When contract employees received their raises in July of 2013, the managers, directors, and supervisors also received a 5% raise.

Employee Morale

Based on numerous interviews, videos of Board meetings, and employee comments on a union survey, the Grand Jury found that employee morale has gone down.

The number of grievances filed by contract employees has increased.

Employees stated that they could not speak out for fear of disciplinary action, dismissal, or other retaliation.

The certificated and classified union contracts allow for "self-evaluation" to be used as part of the employees' evaluation. Interviewees stated that some supervisors used the self-evaluation process in a punitive manner.

In 2013, the union conducted a survey of union employees to which 41 of 99 employees responded.

The survey included the following employee concerns:

- The lack of a sense of job security
- The absence of loyalty to long term employees by management

- The failure of management to hear employee concerns
- The absence of feeling valued by management
- The lack of communication between managers and staff
- Limited opportunities for training

Of those who responded:

- 66% were dissatisfied with the work environment
- 85% felt morale was low among colleagues
- 75% did not feel they had the respect of MCOE administration, including their immediate supervisors

Mendocino County Board of Education

The following language from the MCOE website states:

“In accordance with the California Education Code and other regulations and laws, the Mendocino County Board of Education serves as the governing board for the schools and programs operated by the County Superintendent of Schools. The MCOE Board website states:

- “Approves policies, regulations and curriculum for the schools and educational programs operated by the County Superintendent of Schools.
- “Adopts policies and regulations governing the Office of the County Superintendent of Schools.
- “Approves the annual budget of the County Superintendent of Schools and sets the superintendent's salary.
- “Receives the annual audit.
- “Maintains an awareness of financial conditions and operations of school districts in the county.
- “Approves the purchase or lease of property for County Office programs.
- “Acts as the County Committee on School District Organization which reviews proposed changes in school district boundaries and trustee areas.
- “Serves as an appeal board for the adjudication of expulsion appeals, inter-district attendance appeals, and Charter Schools.
- “Informs local communities about the programs and achievements of the County Office of Education.”

The Board President has been a member of the Board for more than twenty years.

The Board President had no knowledge of the recent union survey, or the state of staff morale.

At a Board meeting, in which the Board President participated by video conference, MCOE staff members who attended expressed their concerns relative to staff morale to the Board members and the superintendent.

When asked about cuts in programs or services made in the past five years, the Board President stated that funding from the State had been reduced by 20%. The Board President stated that there were no “major cuts” made to programs, but rather, the cuts were made "around the edges." The Board voted on where cuts were to be made. Though cuts happened, the Board President was unaware of how many employees the cuts affected or what criteria were used to determine who was laid off or reassigned.

The majority of Board meetings occur during daytime work hours.

According to the Board minutes, Board members review their objectives every six months. Those discussions are not reflected in the minutes.

The majority of Board meetings are held at the MCOE site. In 2013, four of 11 meetings, and in 2014, five of 13 meetings were held at other locations in Mendocino County. Only two meetings per year were conducted after school hours.

FINDINGS

- F1. Cuts in funding at River School have resulted in a number of classified employee layoffs.
- F2. Due to budgetary cuts, some services and programs have become unavailable to the River School students.
- F3. The absence of woodshop classes is a loss to students, who could reap great benefits from them.
- F4. Reductions in services in YPP have resulted in a waiting list of young parents who would like to enroll in the program.
- F5. The MCOE contract language for its union employees does not state a requirement to further specify a “compelling personal concern” when a request is made for personal necessity leave.
- F6. Employees have been denied personal necessity leave if they failed to supply a specific “compelling personal concern” which contract language protects and does not require.
- F7. The HR Director acted unprofessionally and without sensitivity, by delivering a notice of release of employment at the home of an employee on the evening before the employee’s scheduled major surgery.
- F8. Leadership does not follow the HR Division’s Mission Statement in the way it treats its contract employees.
- F9. The HR Director failed to follow the contract when a Supplementary Time Card was altered to the detriment of an employee.
- F10. At the Board’s discretion, the superintendent has the opportunity to receive a salary increase yearly, regardless of the availability of funds for increases for any other employees.

- F11. For three consecutive years, the superintendent increased the salaries of more than 20 managers, directors, and supervisors, who also received step and column increases. During that time, contract employees received only step and column increases.
- F12. Low employee morale affects job performance.
- F13. MCOE administrators' dismissive behavior toward employees and their concerns contributes to the employee low morale.
- F14. Feeling fear of retribution for voicing one's concerns is unacceptable.
- F15. The administration's disrespectful treatment of contract employees has caused an increase in grievances.
- F16. The self-evaluation process is not being used for the betterment of employees.
- F17. Administration is not making two-way communication with employees a priority.
- F18. The Grand Jury was unable to obtain needed information when potential witnesses declined to be interviewed for fear of being identified.
- F19. The Board President does not have a working knowledge of MCOE functions.
- F20. The Board President is not aware of staff morale.
- F21. The Board President voted to approve cuts to programs and services, but did not fully understand the ramifications of the cuts.
- F22. The majority of Board meetings occur when neither staff nor working parents can attend them.

RECOMMENDATIONS

The Grand Jury recommends that:

- R1. The reinstatement of woodshop classes at River School be made a priority. (F2, F3)
- R2. Young Parent Program classes be funded according to the number applicants for the classes, thus eliminating the need for a waiting list. (F4)
- R3. Human Resources follow contract language. (F5, F6, F9)
- R4. Human Resources read and abide by the MCOE Human Resources Division's Mission Statement. (F6, F7, F8, F17)
- R5. When considering the superintendent's salary, the Board also consider the availability of funds for all employees, programs, and services. (F1, F2, F3, F4, F10)
- R6. When considering the salaries for directors, managers, and supervisors, the superintendent also consider the availability of funds for all contract employees, programs and services. (F1, F2, F3, F4, F11)
- R7. The superintendent, directors, managers, supervisors, and the Human Resources Division abide by the MCOE Human Resources Mission Statement in their relationships with employees. (F12, F13, F14, F15)
- R8. Human Resources use the employee self-evaluation process for the betterment and/or improvement of the employee's work performance. (F16)

- R9. All MCOE employees in positions of authority or supervision of others make it a priority to improve communication and relationships with employees. (F12, F13, F14, F15, F16, F17, F18)
- R10. All MCOE Board members have an in depth and working knowledge of all programs and services provided by MCOE. (F19, F20)
- R11. All MCOE Board members take the time to understand the state of employee morale. (F8, F9, F10, F11, F12, F13, F14, F15, F16, F17)

RESPONSES

Pursuant to Penal Code §933.05, responses are required from the following individuals:

- Superintendent, Mendocino County Office of Education (All findings and All recommendations)
- Director, Human Resources, Mendocino County Office of Education (F1, F5, F6, F7, F8, F9, F12, F13, F14, F15, F16, F17, F18 and R4, R7, R8, R9)

Pursuant to Penal Code §933.05, responses are required from the following governing bodies:

- President, Mendocino County Board of Education (F1, F2, F3, F4, F8, F9, F10, F11, F12, F13, F14, F15, F16, F17, F19, F20 and R1, R2, R5, R10, R11)

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.
