

Response to Grand Jury Report

Report Title: **3.1 Mendocino County Office of Education**

Report Date: **June 2, 2014**

Response by: **Richard Lamken, Executive Director, Human Resources**

Findings

I (we) agree with the findings numbered: **F5 and F12**

Please see the attached document.

I (we) disagree wholly or partially with the findings numbered: **F1, F6, F7, F8, F9, F13, F14, F15, F16, F17, F18**

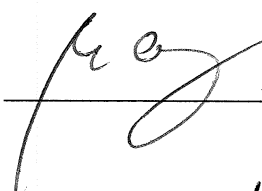
Please see the attached document.

Recommendations

Recommendations numbered **R4, R7, R8 and R9** will not be implemented because they are not warranted or are not reasonable.

Please see the attached document.

Signature: _____



Date: _____

8-1-14

Number of pages attached: _____

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Mendocino County Office of Education

Richard A. Lamken, Executive Director, Human Resources/Technology

August 1, 2014

Findings:

"F1. Cuts in funding at River School have resulted in a number of classified employee layoffs."

Disagree

There were no classified employee layoffs at River School for the 2013-14 school year. The teachers, instructional paraprofessionals, student accountability specialist and school counselor positions have been maintained at the same level for the last three years. Yes, a classified employee at River School suffered the effects of the layoff in another program -- the Young Parent Program (YPP) due to seniority and bumping. This layoff was later rescinded.

The reduction of incarcerated students in the juvenile hall, fewer referrals by juvenile probation, fewer expulsions by school districts and fewer referrals by school districts for truancy has decreased the enrollment in the overall Alternative Education Program. This reduction in enrollment necessitated the elimination of the Alternative Education classified program secretary position in 2012-2013. The elimination of this position is a result of the cumulative reduction of ADA over the last five years.

Due to a dramatic drop in enrollment, state funding to the MCOE Alternative Education has decreased. However, there have been no reductions in services or programs at River School in the 2013-2014 school year. In fact, since the 2010-11 school year, MCOE has continually operated two regular classrooms at River School. MCOE opened a third classroom during the second semester when expulsion and other referrals deem it necessary. As enrollment increased during the second semester of this 2013-2014 school year, the third classroom re-opened in March and served 11 students.

The MCOE Alternative Education Program provides educational services beyond River Community School. In 2013-2014 MCOE provided instruction to incarcerated youth at the West Hills School at juvenile hall, students enrolled in the both Young Parent Program and Community School classroom at Ukiah High School, the New Beginnings classroom serving probation referred students and an Independent Study Program.

In school year 2008-09 the Average Daily Attendance (ADA) for Alternative Education was 214 students per day. By 2012-13 it had been reduced by almost half to 116 ADA. Fewer youth were being incarcerated in the juvenile hall, fewer students were being expelled by school districts, fewer students were being referred by school districts for truancy and school districts were providing intervention services to keep their students. In addition, Trinity School closed at which MCOE operated two classrooms.

This dramatic drop in enrollment led to decreased funding by the state to the MCOE Alternative Education Program. During this period, five classrooms were closed, two Assistant Principal positions were eliminated and the program secretary position in the Alternative Education office was also eliminated. In 2013, the instructional paraprofessional position at the Young Parent Program was eliminated due to an ADA of approximately 8 students and the elimination of Cal SAFE.

"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."

Agree. The contract allows for paid leave for a "compelling personal concern" but does not specify the definition of a "compelling personal concern."

"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."

Agree. Employees have been denied personal necessity leave if they failed to supply/identify a specific "compelling personal concern." That is the definition of personal necessity leave.

Disagree that the "contract language protects and does not require" a specific compelling personal concern. There have been no grievances on filed on this item.

"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."

Disagree.

This is incorrect information. The Executive Director, Human Resources, did not deliver a notice of release to an employee under these circumstances. The layoff referenced involved two employees who individually and in sequence exercised their bumping rights in accordance with the classified employees' contract. The notice of release to the third employee was personally delivered by the program manager to the employee rather than sending it via certified mail. This is consistent with MCOE's procedure of meeting with an employee who is affected by a layoff rather than have them be notified by mail. This was considered to be a more personal and thoughtful approach. The timing was unfortunate, but unavoidable since timelines are established by law.

"F8. Leadership does not follow the HR Division's Mission Statement in the way it treats its contract employees."

Disagree.

MCOE does not agree with this statement; there is no proof to substantiate this accusation.

"F9. The HR Director failed to follow the contract when a Supplementary Time Card was altered to the detriment of an employee."

Disagree.

The Executive Director, Human Resources, together with the Business Office, rectified an error on a submitted timecard and made sure that proper procedure and policy were followed and that the employee was correctly paid their daily rate.

"F12. Low employee morale affects job performance."

Agree.

"F13. MCOE administrators' dismissive behavior toward employees and their concerns contributes to the employee low morale."

Disagree.

MCOE administrators are not dismissive in their behavior towards employees. No evidence has been presented to support this finding.

"F14. Feeling fear of retribution for voicing one's concerns is unacceptable."

Agree with this statement; **Disagree** as a "finding."

In spite of numerous requests, we never been given an example of an employee suffering retribution for voicing their opinion.

"F15. The administration's disrespectful treatment of contract employees has caused an increase in grievance."

Agree. Grievances have increased. **Disagree** that it is in direct relation to alleged disrespectful treatment of employees.

"F16. The self-evaluation process is not being used for the betterment of employees."

Disagree.

The Executive Director of Human Resources is not aware of any issues with self-evaluation. Administrative evaluations and self-evaluations do not always agree. Self-evaluation is only one part of the whole process.

"F17. Administration is not making two-way communication with employees a priority."

Disagree.

All-staff meetings have been changed to allow for all staff to attend and they are video-conferenced to off-campus locations. We offered to meet with MCFSE regarding morale and work environment five months ago and continue to extend the offer for facilitated work sessions.

"F18. The Grand Jury was unable to obtain needed information when potential witnesses declined to be interviewed for fear of being identified."

MCOE has no information to determine whether or not this is true.

Recommendations:

"R4. Human Resources read and abide by the MCOE Human Resources Division's Mission Statement. (F6, F7, F8, F17)"

The Executive Director, Human Resources, believes Human Resources does abide by the MCOE Human Resources Division's mission statement.

"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)"

MCOE leadership believes we do this; the Human Resources Division's mission statement is modeled after the MCOE mission statement.

"R8. Human Resources use the employee self-evaluation process for the betterment and/or improvement of the employee's work performance. (F16)"

The Executive Director of Human Resources and all management believe we do use the self-evaluation tool as part of the total evaluation process to improve an employee's work performance.

"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)"

As noted earlier, the Superintendent has moved the monthly all-staff meetings to after school hours and is video conferencing to two county-wide off-site locations. Leadership offered to meet with MCFSE regarding morale and working environment five months ago and we continue to extend the offer for a facilitated work session on these topics. We have and are providing professional development training for all managers.