

Department of Transportation

The County Department of Transportation (DOT) is responsible for maintenance of approximately 1,020 miles of County roads and management of the County Surveyor's office and the County airports. The Board of Supervisors (BOS) recently shifted the Solid Waste Division to the DOT. The Grand Jury reviewed the DOT in regard to management, equipment, security and housekeeping practices, safety procedures, and personnel policies.

Method of Investigation

The Grand Jury interviewed the DOT Director and staff members, including department managers, the Office Administrator and clerks, the Senior Road Engineer, a civil engineer, equipment superintendents, the Safety Coordinator, senior and junior equipment operators, and crew supervisors. The Grand Jury also interviewed members of the BOS, the County Director of Human Resources, and the Service Employees International Union County Representative. The Grand Jury reviewed accident reports, the DOT's "Mendocino County Goals and Issues," the "Management Audit of the Mendocino County Department of Transportation" (Audit), and equipment maintenance and tracking reports. The Grand Jury observed the state of equipment, visited maintenance yards in Booneville, Point Arena, Fort Bragg, Covelo, Ukiah, Laytonville, and Willits, and observed operations of road crews and the condition of roads in various parts of the County.

Background Information

The Grand Jury last reviewed the DOT in 1989. At that time, the Grand Jury looked at the Road Division of the Department of Public Works, which became the DOT in 1998.

Findings

Management

1. The DOT has had five changes of directors since the 1997 resignation of the former, long-term director, resulting in some uncertainties and confusion among DOT personnel.
2. The DOT has reputation, both within and outside the department, of continuing management practices foster arbitrary – sometimes self-serving – decision-making by supervisory personnel, to the possible detriment of the DOT mission.
3. The current DOT Director requested and received authorization from the BOS for an internal management audit with the aim of ensuring that the DOT is functioning effectively and efficiently to carry out its mission. Five committees, made up of mostly DOT personnel, representatives from other County departments, and the public, met over a six-week period.

The committees presented “Management Audit of the Mendocino County Department of Transportation” dated March 12, 2002, to the BOS on April 17. The Audit identifies critical issues and makes recommendations for DOT interaction with various agencies and increases in staffing levels and workload. The Audit looked at staff perceptions of efficiencies and inefficiencies in DOT operations and their fiscal impact. The Audit also details issues and recommendations about DOT organizational structure, emphasizing reporting relationships, lines of authority, decision-making processes, and inter-divisional coordination.

4. According to County Supervisors and DOT management personnel, the DOT top managers make decisions without consulting line staff who have knowledge of daily operations and needs. These decisions have often been contrary to the best functioning of the organization. A similar finding in the Audit states: “There is a perception that an attitude of inflexibility exists within the Department when working toward mutually acceptable solutions to specific issues or projects.”
5. As noted in the Audit, DOT does have an “informal policy and procedure for handling complaints on road conditions and hazards.” However, DOT does not have a written policy and procedure for handling citizen or employee complaints. (For more information about County-wide complaint policies, see “Complaint Policies and Procedures for Mendocino County, “p. 9)

Equipment

6. Review of equipment records and visits to DOT yards reveal equipment in use that is out of date (more than 10 years old), inefficient, and potentially dangerous. For example, DOT uses compacting rollers lacking modern tracking ability that are difficult and dangerous to operate. DOT staff states that some of the equipment in use is suitable only for museum display.
7. DOT upper management and supervisors do not consult with the Equipment Supervisor, who is most knowledgeable about equipment needs and availability, concerning equipment procurement. The Equipment Supervisor neither initiates new equipment requests nor appears before the BOS to justify such requests.
8. DOT keeps adequate records for tracking equipment and equipment maintenance but does not consult these records in determining what equipment needs replacement and when.
9. As repair parts for much of the older, often outdated, equipment are no longer available, mechanics cannibalize parts from non-functional units, manufacture parts, or buy high priced custom-manufactured parts.
10. DOT and the BOS have not established a capital reserve fund for replacement or modification of equipment before maintenance and repair

costs exceed the value of the equipment. Consequently, DOT is unable to take timely advantage of equipment sales by other agencies.

11. Due to the lack of proper equipment, operators must use some equipment for inappropriate purposes, for example application of asphalt paving mix by graders, which leads to uneven surfaces and varying asphalt thickness, and using of crawler tractors for snow removal, which is costly and causes surface degradation resulting in an unstable road base.
12. In violation of California Occupational Health and Safety Agency (CalOSHA) Code of Regulations, Title 8, §1526, Subchapter 4, Article 3, DOT lacks portable toilets for use of crews when working in areas with no nearby toilet facilities. In addition, production time is lost when employees take vehicles and leave the job site to find toilet facilities.
13. In violation of CalOSHA, Code of Regulations, Title 8, §1524, Subchapter 4, Article 3, only one of the DOT's 25 trucks has a drinking water container.

Security and Housekeeping

14. Equipment yards County-wide and some materials and fuel lockers remain unlocked during the day when no DOT personnel are on the premises. Yards are susceptible to theft, pilferage, and vandalism.
15. The County Department Building and Grounds maintains physical facilities at DOT yards. Many security lights at the yards are non-functional.
16. Site inspections revealed inadequate buildings and materials storage facilities, spillage of fuel and oil, and poor housekeeping, including overflowing trash receptacles and empty alcoholic beverage cans and bottles in office areas. This gives the perception that alcohol is consumed on the premises.

Safety: Reporting and Training

17. DOT experienced fatal employee accidents involving equipment in 1984 and 1991. Reports for these accidents included no recommendation for prevention of further such accidents.
18. Accident reports for 2000 (66) and 2001 (76) do not meet common requirements for accident reports. They lack details about the cause of accident and possible accident prevention and reference to any follow-up investigation. In many reports reviewed, sections were left blank.
19. The DOT does not use "Employer's Report of Occupational Injury or Illness" Form 5020, Rev.6 as required by Penal Code 14004. Until recently, DOT used a DOT form for reporting accidents. Currently, DOT is using a standard County form for reporting accidents.

20. Crews take part in CalOSHA required “tailgate” safety meetings about once every ten days or two weeks. Crew supervisors or sometimes the DOT Safety Coordinator conducts those meetings. Employees reported receiving inadequate review or discussion of accidents or prevention at the “tailgate” meetings.
21. The Safety Coordinator is a DOT employee and is not a disinterested third party.
22. The Safety Coordinator does not give accident reports to the County Risk Manager.
23. While new operators receive hands-on training on equipment from experienced operators, there is no formal, classroom training such as might take place in a comprehensive apprenticeship program.
24. DOT employees are Service Employees International Union (SEIU) members.
25. The SEIU does not have an apprentice program.

Personnel Policies

26. DOT is allotted 119 road crew workers. In April 2002, 101 positions were filled, with applications for 12 positions being processed.
27. The process for filling positions, either by new hire, transfer, or promotion, which takes an average of three to four months, is as follows, except where the DOT Director initiates transfers:
 - DOT has an opening;
 - DOT sends a “Request to Fill” to Human Resources (HR);
 - HR advertises the opening (including posting at DOT sites, screens applications, administers a written test, and provides DOT with a list of those who have passed;
 - DOT, with help from HR, schedules a performance test;
 - DOT and HR obtain outside evaluations, which HR evaluates, along with test scores and added points (veterans, etc.);
 - HR establishes an eligibility list for the specific position and gives that to DOT;
 - DOT sets up interviews with the area foreman who selects from the list;
 - DOT Director gives final approval for the hire.
28. In violation of the above procedure, DOT supervisors sometimes pre-screen potential employees and send to HR the name(s) of a person(s) the supervisor wants to have included on the list. Then the supervisor hires a person he put on the list.

29. Historically, the DOT Director has rubber-stamped the foreman's personnel decisions. The new DOT Director has indicated that he wants to have an increasingly active role in personnel decisions.
30. Less than one percent of road crew workers are women or minorities, which leads to the perception that DOT hiring practices discriminate against women and minorities.
31. Witnesses stated that women employees have been subject to incidents of sexual harassment, but those incidents have not been reported.
32. DOT conducts drug screening by means of urine tests on randomly selected employees; the DOT contracts with a private lab to evaluate the results. The process involves tests that are not always reliable.
33. DOT policy is to suspend an employee who tests positive for drugs.
34. Test results showing false positive or tainted by prescription medication have in the past led to loss of work and the necessity for payment of back wages for employees innocent of illegal drug use.

Recommendations

- A. The DOT Director ensure that supervisory personnel receive training in modern, collaborative management practices. (Finding 2)
- B. The DOT Director ensure that top managers consult line staff before making decisions about issues, needs, and projects. (Finding 4)
- C. The DOT Director ensure that managers and supervisors receive training regarding Recommendation B. (Finding 4)
- D. The DOT develop and implement written policies and procedures for responding to citizen and employee complaints. (Finding 5)
- E. DOT refer to its equipment use and maintenance records, including information on hours of use, repair history, downtime, maintenance records and estimated useful life, to establish a 10-year equipment replacement schedule and a system of procurement for new equipment needed. (Findings 6 – 9, 11)
- F. Upper management and supervisors rely on the Equipment Supervisor for information concerning equipment maintenance repair and replacement needs. (Finding 7)
- G. BOS give DOT authorization and budget support to establish and maintain a capital reserve fund dedicated to replacing outdated equipment and procuring new equipment as appropriate. (Findings 6, 9, 10, 11)

- H. DOT provide portable toilet facilities in accordance with CalOSHA regulations for use by road crews when nearby facilities are not available (Finding 12)
- I. In accordance with CalOSHA regulations, DOT provide potable drinking water for all road crews. (Finding 13)
- J. DOT establish responsible and effective security measures to ensure that facilities, materials and equipment are secure from theft, pilferage, and vandalism (Finding 14, 15)
- K. DOT assume responsibility for minor yard maintenance, such as replacement of security lighting. (Finding 15)
- L. DOT direct Yard Supervisors to ensure that grounds are maintained in clean and orderly conditions and that alcohol not be brought on County premises. Recycle empty containers promptly. (Finding 16)
- M. DOT ensure that accident reports include details from follow-up investigations as well as in-depth treatment of the causes of accidents and suggestions for training on causes and prevention of such accidents (Finding 18)
- N. DOT use OSHA forms to report accidents. (Finding 19)
- O. DOT train employees to fill out accident report forms completely and accurately. (Findings 18, 20)
- P. DOT crew supervisors and the Safety Officer discuss accidents and accident prevention as regular topics at all safety meetings. (Finding 20)
- Q. DOT Safety Coordinator be an employee of the County Risk Manager. (Finding 21)
- R. DOT Safety Coordinator give accident reports to the County Risk Manager. (Finding 22)
- S. DOT establish a comprehensive training program for equipment operators. (Finding 23)
- T. DOT step up efforts to fill all funded positions. (Finding 26)
- U. When job openings occur, DOT follow the procedures and not allow supervisors to forward names to Human Resources. (Findings 27, 28)
- V. The Director make the final determination on all hiring decisions based on non-arbitrary factors. (Finding 29)
- W. DOT collaborate with Human Resources to create means of increasing the proportion of women and minorities hired. (Finding 30)
- X. DOT follow County policies and procedures regarding sexual harassment. (Finding 31)

Y. DOT not suspend an employee for drug use unless and until reliable testing has proven such use beyond any doubt. DOT place employees testing positive on administrative leave until the issue is resolved.
(Findings 32–34)

Comment

The morale of the road crews is low because of low pay, arbitrary decisions on job assignment, frequent loss of time due to the need to travel to toilet facilities, and work stoppage due to shortage of road crew members.

The Grand Jury commends the many DOT personnel, who despite low morale and often inadequate funding and old equipment, perform their jobs efficiently and safely, with little turnover of personnel.

Response Required

Mendocino County Board of Supervisors

Response Requested

Department of Transportation Director

Human Resources Department Director