



To: Board of Supervisors  
From: Birgitta Corsello, County Administrator  
Date: January 12, 2015  
Subject: Significant Issues Update

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### **1) County Administrator's Update on Contracts**

The County Administrator did not sign any contracts of significance since the last Significant Issues Update on December 15, 2014.

### **2) Post Office Lease Extension**

The Real Estate Services division of the Department of General Services has successfully negotiated a new lease extension with the current tenant, the United States Postal Service, for the County-owned property at 600 Kentucky Street in Fairfield.

The new 5-year term is from April 1, 2016 to March 31, 2021. The negotiated rent schedule for the new term is exactly the same as the rent schedule for the current term, which results in \$108,209 more in rent over the 5-year term than if current fair market rents had been accepted.

The tenant agreed to the rent premium in exchange for the County completing already-funded repairs and capital building improvements. The Solano County Board of Supervisors delegated authority to the County Administrator to execute any lease extensions in 2009 when the current lease term was approved.

**Contact:** Keith Hanson, Real Estate Manager, General Services Department  
(707) 784-7906 | [kdhanson@solanocounty.com](mailto:kdhanson@solanocounty.com)

### **3) Unaccounted Fixed Assets**

Pursuant to Government Code Section 24051 and in accordance with the County's Fixed Assets Accountability and Control Policy, each County department head, elected or appointed, is responsible for all property purchased for, assigned to, or otherwise provided to his/her department. Each respective department is responsible for conducting an annual physical inventory of the fixed assets as of June 30 and is required to submit a signed copy of the inventory list to the Auditor-Controller by September 30.

On February 5, 2008, the Board of Supervisors delegated the authority to release a department head from accountability of unaccounted fixed assets to the County Administrator under the following conditions:

- 1) Unaccounted Fixed Asset has a Fair Market Value of less than \$5,000; or
- 2) Fixed Asset is stolen and has a Fair market Value of less than \$5,000, department has provided a copy of a police report and the CAO has determined no negligence.

The Fixed Asset Inventory for FY2013/14 identified five unaccounted items for a historical cost of \$17,272 all of which is for items more than five years old. Unaccounted items were reported from Sheriff, Parks and Health and Social Service departments. The Auditor-Controller's Office has reminded the departments of the County's Fixed Asset Policy as it relates to disposition of assets.

The fair market value of the unaccounted items is \$5,599 and meets the requirements of the authority delegated to the CAO. The County Administrator's Office is working with the affected departments to determine final disposition.

*(See attached 2013-14 Unaccounted Fixed Assets document – Attachment A)*

**Contact:** Sheila Turgo, Deputy Auditor-Controller, Auditor-Controller's Office  
(707) 784-2956 | [sturgo@solanocounty.com](mailto:sturgo@solanocounty.com)

#### **4) Human Resource Audit Verifies County's Personnel Systems are in Compliance with State and Federal Requirements**

The Human Resources Department was audited recently to verify that the County's personnel systems are in conformance with federal and state requirements. The audit was within the federal and state funded programs of social services and child support services, covering the six merit system principles. The audit, conducted under contract with the California Department of Human Resources (CalHR) by CPS HR Consulting, reviewed:

1. Recruitment and Selection – Employees are recruited, selected and advanced on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointments.
2. Compensation – Employees are paid equitable and adequate compensation.
3. Training – Employees are trained as needed to assure high quality performance.
4. Retention of Permanent Employees – Employees are retained on the basis of their adequacy of their performance, inadequate performance is corrected, and when inadequate performance cannot be corrected, employees are separated.
5. Fair Treatment – Applicants and employees are treated fairly in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, age or handicap and with proper regard to their privacy and constitutional rights as citizens. This "fair treatment" principle includes compliance with the Federal equal employment opportunity and nondiscrimination laws.
6. Political Rights and Prohibitions – Employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

The audit report (copy is attached) states, "Based upon a thorough assessment of the County's personnel system for both Health and Social Services and Child Support Services Departments in relationship to the six federal merit standards, the County is in full compliance."

*(See attached performance review document – Attachment B)*

**Contact:** Marc Fox, Director of Human Resources, Human Resources Department  
(707) 784-2552 | [mafox@solanocounty.com](mailto:mafox@solanocounty.com)

**COUNTY OF SOLANO  
UNACCOUNTED FIXED ASSET INVENTORY STATUS  
JUNE 30 2014**

Dept#	Department Name	TAG #	Description	Acquisition Date	Historical Cost Assets LESS 5 Years	Historical Cost Assets OVER 5 Years	Historical Cost Total	Book Value	Fair Market Value	EXPLANATION PROVIDED BY DEPARTMENT
6500	Sheriff	1004814	Motorola Portable Radio	8/30/2004		\$ 1,759.88	\$ 1,759.88		\$ 675.00	Last Deputy assigned to this radio stated it was turned in with his other property upon his resignation. Department-wide email was sent out but this item was not located.
6500	Sheriff	1013601	Motorola Portable Radio	5/3/2011		5,481.50	5,481.50		1,900.00	Radio reported lost during an OES Search & Rescue in the El Dorado National Forest.
7000	Parks	1003617	Night Vision Scope	2/1/1980		4,218.80	4,218.80		495.00	Believed to have sent to purchasing surplus but no paperwork to back that up.
7500	H&SS	1000175	Pulse Monitor	12/21/2000		2,601.16	2,601.16	-	1,579.00	Moved during remodeling in FY13/14 and unable to locate
7500	H&SS	1000274	Oracoptic Glasses	6/21/1993		3,210.51	3,210.51	-	950.00	Employee resigned, unable to locate glasses. Efforts to retrieve have been unsuccessful.
<b>GRAND TOTAL</b>					<b>\$ -</b>	<b>\$ 17,271.85</b>	<b>\$ 17,271.85</b>	<b>\$ -</b>	<b>\$ 5,599.00</b>	

# County of Solano Personnel Management Program Review

## Report of Findings

**SUBMITTED BY:**

CPS HR CONSULTING  
**MERIT SYSTEM SERVICES**

241 Lathrop Way  
Sacramento, CA 95815  
t: 916-263-3614 f: 916-648-1211  
[www.mss.ca.gov](http://www.mss.ca.gov)

**Team Members:**

Lisa Conner  
Judy Capaul  
Mike DeSousa

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# REPORT OF FINDINGS

## ***Background***

Under contract with the California Department of Human Resource (CalHR), Merit System Services (MSS) is charged with ensuring that the personnel systems of local agencies receiving federal and state funding for Social Services and Child Support Services programs are in conformance with the federal and state requirements. For counties operating an Approved Local Merit System, such as the County of Solano, MSS periodically conducts a personnel program review comparing its operations with the six federal merit principles. This report summarizes the results of the personnel program review of the County of Solano.

The information included in this report is based on:

- County Code
- County Civil Service Rules
- Personnel and Salary Resolution
- County Ordinances, Policies, and Procedures
- Employer-Employee Relations Rules and Regulations
- County Memoranda of Understanding
- Interviews with Human Resources Director and staff, the Director of Health and Social Services, and the Director of Child Support Services
- Responses to questions answered in advance of the onsite review
- Various personnel related files (examination, discipline, appeals) and printouts
- Prior final audit report for County of Solano, issued in August 2008

## ***Outline of Audit Process***

- On September 15, 2014, pre-audit materials were sent via email to the HR Director. Materials included the questions for advance response, a copy of the pertinent sections of the Code of Federal Regulations, and a cover memo outlining the audit process.
- On September 25, 2014, MSS had follow-up phone call with the HR Director and Assistant HR Director to clarify the audit process.
- On October 14, 2014, MSS had a pre-audit phone call with the HR Director and Assistant HR Director to address questions, clarify the audit process, materials needed, and logistics.
- On October 14, 2014, the HR Director emailed MSS the staff responses to the questions for advance response.
- On October 14, 2014, MSS sent the Requested Documents and Statistics document via email to the HR Director to ensure files and statistics were available for the audit team once onsite.

- On October 22<sup>nd</sup> and October 23<sup>rd</sup>, 2014, three audit team members conducted an onsite review of the County's personnel system.
- On December 10, 2014, the Draft Report of Findings was submitted to the HR Director and Assistant HR Director via email.
- On December 19, 2014, MSS received a response from the HR Director and Assistant HR Director with regard to the Draft Report of Findings. No substantive changes were suggested by the County; however, all edits provided by the County were made by MSS.
- On December 23, 2014, MSS submitted a Final Report of Findings to the HR Director, the Director of Health and Social Services, the Director of Child Support Services, the Chair of the Civil Service Commission, the Chair of the Board of Supervisors, the County Administrator, California Department of Human Resources, Department of Health Services, California Department of Social Services, and California Department of Child Support Services.

### ***Overview of Solano County***

Solano County is a general law county with approximately 2,800 allocated positions. Within the County, there are 19 Departments and 23 bargaining groups. The personnel system is established by County Code, which establishes a Civil Service Commission (CSC) and Civil Service Rules (CSRs). The Civil Services Rules were adopted under the authority of the Solano County Civil Service Ordinance. The intent of the Rules is to provide for equitable and uniform procedures for dealing with personnel matters. The Rules cover, but are not limited to recruitment, examination, and selection matters; certifications and appointments; classification; discipline, separation, and appeals; and employee performance evaluation considerations.

The five member Civil Service Commission is appointed by the Board of Supervisors. The Commission has responsibility for hearings on appeals of disciplinary actions as provided by the rules; hearings on allegations of discrimination complaints; advising the Board of Supervisors and the Director of Human Resources on issues concerning personnel policy and administration; and reviewing and approving new classifications and/or changes to classification specifications.

The Director of Human Resources is appointed by the County Administrator and is responsible for planning, organizing, and directing the County's human resource system. The Human Resources Director acts as the Executive Officer and the Secretary of the Civil Service Commission. The Department of Human Resources has 27 regular employees and is divided into three divisions: Personnel Services/Employee Benefits, Training and Organizational Development, and Risk Management. The Personnel/Employee Benefits Division provides for centralized human resources activities, to include, but not limited to the following: recruiting, testing, selection of applicants; ongoing review of the position classification and employees compensation; serving as staff to the Civil Service Commission; resolving employee grievances; employee/labor relations and negotiations; processing of personnel action forms, maintaining the position allocation list and list of classes and salaries; meeting with departments to assist with personnel related matters; overseeing the County's employee benefits program. Within Risk Management, staff are responsible for administering all County insurance programs to include liability, Workers' Compensation, Property, Unemployment, Medical Malpractice, and Vehicle.

The Health and Social Services Department has approximately 1,205 budgeted full-time equivalent (FTE) positions. The Health and Social Services Department provides Adult and Child Protective

Services, Employment and Eligibility Services, Public Health Services, Public Authority, Mental Health Services, Substance Abuse Services, and Fiscal and Administrative Services.

The Child Support Services Department has approximately 107 budgeted FTEs. The Child Support Services Department establishes and enforces orders for Child Support Services.

***Highlights of Major Findings***

Based upon a thorough assessment of the County's personnel system for both Health and Social Services and Child Support Services Departments in relationship to the six federal merit standards, the County is in full compliance.



# MERIT PRINCIPLE 1 RECRUITMENT AND SELECTION

## ***Recruitment and Selection***

***Employees are recruited, selected, and advanced on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment.***

### **Discussion**

#### **Recruitment**

##### **Related Rules, Policies, and Procedures**

The County of Solano has Civil Service Rules (Rules) which address recruitment and examination activities. Specific to recruitment, the Rules<sup>1</sup> have provisions related to the timeframe in which announcements must be posted for all open competitive examinations. The Rules require a minimum posting period of at least five working days. Further, Rules<sup>2</sup> require specific content on announcements, to include the following: class title; compensation for the classification; a statement of duties and responsibilities; the time and last date on which applications may be filed; the location of where completed applications must be returned; the qualification guidelines for the class; a statement explaining the examination/selection process; the notice that a minimum exam score of 70% is required to pass; other information to help applicants understand the nature of employment and procedure for participating in the examination.

##### **Overview of Practices**

The audit team reviewed a total of 16 recruitment and examination files (four Child Support classifications, eleven Social Services classifications, and one countywide classification of Office Assistant). The sampling of files included both open competitive as well as promotional recruitments. Additionally, since not all of the hard copy files included the certification lists and outcomes, a sampling of eleven certification lists were reviewed by the audit team.

The audit team examined both hard copy recruitment/exam files and online files, using the County's JobAps applicant tracking system. Files included job announcements, information about the selection process, examination materials, item analyses when applicable, and relevant documentation regarding the recruitment and selection process. In the audit team's review of the files, it was confirmed that the job announcements were posted for a minimum of five working days, and that the announcements included the information required by County's Rules. Further, job announcements reviewed had language to note that "all employment decisions and personnel policies will be applied equally to all County employees and applicants and be based upon the needs of County service, job related merit, and ability to perform the job." Job announcements also stated that the County is an Equal Opportunity Employer (EOE) and that applicants with disabilities who need special testing arrangements may contact the HR Department.

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<sup>1</sup> County of Solano Civil Service Rules, Section IV, §4.01

<sup>2</sup> County of Solano Civil Service Rules, Section IV, §4.01

County staff regularly attends job fairs at Travis Air Force Base, Solano Community College and Workforce Investment Board. In some of the exam files reviewed, there was evidence of outreach targeted to that specific classification; however, most of the files did not include information as to the County's outreach strategies. In reviewing the Child Support Program Manager recruitment and selection file, evidence of outreach included the use of various resources, such as printed publications (Jobs Available, newspapers); online websites, such as Craigslist and CSAC; Professional Association Websites, such as CSDA; and email distribution lists, such as CA Cities and CA Counties.

Advertising and recruiting strategies are normally decided by the HR Analyst; however, feedback and recommendations from the Department are considered prior to posting. Human Resources staff and CSS and HSS department heads confirmed SME involvement at the onset of a recruitment, prior to the announcement being posted. HR Analysts meet with the Departments to review the class specification and discuss the recruitment plan, with consideration of the Department's needs, as well as reasonable limitations such as time and budget.

Further, HR staff conducts bi-monthly meetings with the HSS and CSS departments for the purposes of monitoring any current or upcoming vacancies, progress on current recruitments and examinations, as well as other personnel matters. Attendance at the meetings includes the designated HR Analyst, the department director and/or other pertinent HSS and CSS executive and/or senior management.

### **Examination**

#### **Related Rules, Policies, and Procedures**

Civil Service Rules<sup>3</sup> specify that, "All examinations shall be competitive. An examination shall be deemed to be competitive when applicants are tested as to their relative qualifications and abilities or when a single applicant's score is compared to a set standard score." Further, the Rules indicate that all examinations shall be competitive in nature, but may consist of one or more of the following examinations: written tests; oral interview appraisal; evaluation of education and experience; performance of tasks required; and other recognized objective methods of determining proficiency.

#### **Overview of Practices**

Both CSS and DSS utilize similar assessment tools to assess the relative knowledge, skills, and abilities of candidates, including an initial screening of minimum qualifications as outlined on each class specification.

As noted above, HR Analysts meet with the SMEs to review the classification specification prior to the start of a recruitment and selection process. Additionally, an examination plan is discussed with SME's prior to posting. Files and input from HR staff indicate that the following processes and factors are discussed with SME's in determining the exam plan:

- review of the classification specification to ensure it is up to date and accurate;
- review and determination of the knowledge, skills, and abilities (KSAs) to be assessed;
- review of the proposed selection tools with the Subject Matter Experts; and

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<sup>3</sup> County of Solano Civil Service Rules, Section V, §5.03

- outreach considerations

Based upon a review of files and in discussions with HR, more commonly used examinations are written examinations and oral examinations to determine the most highly qualified candidates. Less frequently used are Supplemental Questions (SQs) as a part of the selection process. While HR was not able to produce a report to note how many exams over a period of time included rated supplemental questions versus written exams, and/or oral boards, discussions with HR indicate that the County is moving toward using more orals in conjunction with the written examinations. Additionally, the County is in the process of implementing Development Dimensions International (DDI) – Targeted Selection, an on-line computer based assessment system. The system will match Solano County job families to the DDI competency data base and recommend appropriate job-related competencies and behavioral based oral examination questions for review by HR staff and SME's. Because of the automated review process, it is the understanding of the audit team that documentation to note SME involvement in the examination process will be enhanced.

The following outlines the different assessment tools that are utilized within DSS and CSS:

**Use of Supplemental Questions:**

Applications are routinely screened to determine if applicants possess the minimum requirements for the job. Supplemental questions with rating criteria may be used to elicit more detail relating to minimum or desirable requirements. According to the responses provided by Human Resources staff, supplemental questions are infrequently used. However, when used, the questions are collaboratively developed by SME's and HR staff prior to the announcement being posted, and based upon the classification specification. Further, the HR Analyst works with the hiring department to determine which knowledge, skills, and/or abilities need to be highlighted and are most relevant to the current vacancy.

The use of supplemental questions as a rated assessment is usually a pass/fail component in the selection process. The Analyst determines how to rate the questions prior to the recruitment being posted. A typical rating will be "Unsatisfactory", "Good", "Very Good", or "Outstanding". Each rating scale point is given a numeric value (1, 2, 3, 4, or 5) and after all scores have been calculated, a pass point is established. In terms of rating, a single SME is normally used to rate the supplemental questions. If multiple raters are reviewing the responses, an average rating is determined based on the individual rater's score. While HR staff may serve as a rater, this is usually not the case.

**Written Examinations:**

Written examinations are typically developed using an outside agency or the Western Region Item Bank (WRIB). Based upon discussions with HR, it was noted that there are meetings with SMEs, and exam questions are reviewed, modified based upon the knowledge, skills, and abilities required for the position. A review of a sampling of exam files by the MSS audit team verified that written examinations are being utilized for some classifications.

Based upon discussions with HR and in reviewing the item analyses, HR utilizes a true 70% pass point per administration, which is typically based upon the raw score, not a rescaled score. The pass point may be adjusted, if needed, after assessing the performance of the candidate pool and/or consideration adverse impact implications and business factor considerations.

### **Oral Examinations:**

Oral examinations are developed in collaboration with the Department. A review of the classification specification determines what knowledge, skills, and abilities are to be assessed in the oral examination component. As mentioned above, the County is working towards implementing DDI Targeted Selection, which is expected to result in enhanced documentation of SME involvement in the development, review, and approval of the behaviorally based questions. Currently, discussions with the SMEs may be informal or formal in nature, dependent upon the recruitment and needs of the department. The audit team reviewed a sampling of files where an oral examination was included as a selection tool. While the specified assigned score ranges and categories are ultimately decided upon by the HR Analyst assigned to the Department, the scoring concept is similar across all exams. Candidates are rated numerically against pre-determined rating criteria and guidelines on a range from unsatisfactory to outstanding.

Typically, the oral exam board consists of three panelists. Human Resources staff conducts a panel orientation to ensure a structured and standardized oral exam process occurs. Additionally, the panel orientation content includes an overview of illegal questions, per California and Federal fair employment laws. The Human Resources Analyst does not act as a rater, but does debrief with the panel.

While HR encourages consensus among the panelists, consensus ratings are not required. Per the CSRs<sup>4</sup>, if there are panelists on the oral board who provide the candidate with ratings of 70 or higher while other panelists provide the candidate with ratings below 70, the majority rating will govern, regardless of the average. However, when this is not the case, the average rating is the candidate's final score for the oral examination component.

### **Selection, Certification, and Appointments**

#### **Related Rules, Policies, and Procedures**

At the conclusion of a competitive exam process, candidates are ranked on employment lists in order of their final ratings.<sup>5</sup> Final ratings are determined based on scores on examination parts plus application of Veterans preference points and promotional preference points for county employees on open competitive exams. Tie scores in the last ranked position are included in the total names certified for consideration. If multiple types of eligible lists exist (reemployment, departmental promotional, open, etc.), the Civil Service Rules define a specific order of use<sup>6</sup>. The life of an employment list is normally one year but the HR Director has the authority to determine a longer or shorter life based on list viability.

The appointing authority receives the top three ranks or a minimum of four names plus the number of approved vacancies for hiring consideration.<sup>7</sup> The appointing authority is required to consider all candidates who respond to the notice of certification.<sup>8</sup> If an appointing authority cannot find an acceptable hire within the initial certification, he/she can request a second certification after completing a justification questionnaire. If such a request is made, the HR

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<sup>4</sup> County of Solano Civil Service Rules, Section V, §5.17

<sup>5</sup> County of Solano Civil Service Rules, Section VI, §6.01

<sup>6</sup> County of Solano Civil Service Rules, Section VI, §6.10

<sup>7</sup> Solano County Code, Chapter 20, Section 20-15 (i)

<sup>8</sup> County of Solano Civil Service Rules, Section VI, §7.03

Analysts review the hiring interview questions and the interviewing supervisor(s) notes from each candidate's interviews. If justification is adequate, HR may approve processing a second certification.

After a new appointment, re-employment, promotion or transfer to a permanent position, employees within the civil service are subject to a probationary period as the final step in the selection process. The duration of the probationary period is either 13 or 26 pay periods depending upon the classification, representation unit and the type of appointment<sup>9</sup>. The probationary period may be extended in accordance with the CSR's or per the MOU. A probationary employee may be rejected from the service at any time during the probationary period without the right of appeal unless the employee alleges that the rejection is based on discrimination.

### **Overview of Practices**

All certification for approved hires, management of eligible names on lists, and tracking of appointments are centrally performed and controlled in the HR Department. The MSS on-site review team examined a sample of eleven different certification records of open and promotional employment lists for entry, professional and supervisory classifications in CSS and HSS. All were found to be in compliance with the Civil Service Rules related to certification and employment list management.

### **Non-Status Appointments**

#### **Related Rules, Policies, and Procedures**

County Civil Service Rules exclude extra help employees from the civil service but state that extra help appointments shall not be used to circumvent filling of regularly allocated positions except on a temporary basis (defined as no more than 999 hours in a fiscal year).<sup>10</sup> Solano County rules require, when an extra help employee is appointed into a regular position, that the extra help employees be hired from an eligibility list.<sup>11</sup> Incumbents of limited term positions, which are established for a project or assignment with a termination date, are included in the civil service but have some limitations on certain seniority provisions.<sup>12</sup>

The Civil Service Rules also allow provisional appointments in the absence of an employment list. A provisional appointment is limited to 30 days after the establishment of a new eligible list or a maximum of six months in any twelve consecutive months<sup>13</sup>. Provisional appointments are rarely used in Solano County.

In addition, County Code defines employees included and excluded from the civil service<sup>14</sup>. Excluded categories relevant to this MSS review include, "Employees designated as executive management, senior management, and mid-management, except those required by state law to be included in the county civil service." Attorneys are also excluded by County Code.

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<sup>9</sup> County of Solano Personnel and Salary Resolution and MOU's

<sup>10</sup> County of Solano Civil Service Rules, Section II, §2.25

<sup>11</sup> County of Solano Civil Service Rules, Section VII, §7.02

<sup>12</sup> County of Solano Civil Service Rules, Section II, §2.31.1

<sup>13</sup> County of Solano Civil Service Rules, Section VII, §7.04

<sup>14</sup> Solano County Code, Chapter 20, §20-13

### Overview of Practices

In practice, Solano County makes few extra help or provisional appointments. As of the date of the MSS on-site review, CSS had no extra help employees. HSS had two extra help employees currently assigned within the divisions of CSW, EES, and ODA. The single provisional appointment is the interim Director of Health and Social Services Department.

HR staff reported that extra help appointments are typically made from individuals on regular employment lists who are willing to accept extra help assignments. If no one on relevant existing lists is available, a 5-day extra help recruitment will be posted and an extra help list established.

As allowed by County Code, Solano County exempts executive, senior and mid-management from the civil service. The major impact to exempt employees is they are at-will without access to the seniority, layoff procedures and discipline appeals processes available to civil service employees. The County routinely conducts selection procedures for exempt positions in accordance with Civil Service Rules, although there is no requirement to do so.

One of the findings of the 2008 MSS review of Solano County's personnel program, was that there were a number of exempt mid-management classifications in HSS that were beyond the scope of exempted positions allowed by LAPS. Subsequent agreements between the County and the Executive Officer of the State Personnel Board resulted in transferring positions in CWS, ODA and EES in nine mid-management classifications to civil service coverage. This change was made effective May 2010.

As of the current MSS review, the exempt management positions within CSS and the CWS, ODA, and EES divisions of HSS are:

- Director of Child Support Services
- Assistant Director of Child Support Services
- Deputy Director E&E Programs
- Deputy Director Social Programs CWS
- Deputy Director Social Programs ODA
- Employment/Eligibility Administrator (2 positions)
- Social Services Administrator-CWS

The Director, Assistant Director, and Deputy Director positions are executive management positions, responsible for a department or major operations function. After the 2008 MSS review, the Executive Officer of the California State Personnel Board (SPB) confirmed that the deputy positions were appropriately exempted from the LAPS standards. The Administrator positions are senior management that direct one or more programs and assist the Deputy Directors in overall operations and division administration.

### Findings

Meets the federal standards as related to Recruitment and Selection

## MERIT PRINCIPLE 2 COMPENSATION

*Employees are paid equitable and adequate compensation.*

### Discussion

#### Related Rules, Policies, and Procedures

The County of Solano's compensation plan and attendant pay practices are codified within the Personnel and Salary Resolution and implemented at the direction of the HR Director. The resolution specifies all aspects of pay practices and benefits, such as establishment of salary ranges, salary upon changes to employment status, longevity pay, out of class pay, incentives, and differential pay and paid leave conditions.

The regulation of the salary range of compensation for officers and employees is fixed by resolution of the Board of Supervisors as noted section 4.4 of the Resolution. The HR Director makes recommendations to the Board of Supervisors on related aspects pay practices, the establishment of ranges and any requirements to adjust ranges to retain the skills required by the County.

Resolutions of the Board of Supervisors are adopted for designated executive and senior management levels, legislative employees, and elected officials.

#### Collective Bargaining

The HR Department's Employee Relations Division negotiates wages, hours, and benefits and other terms and conditions of employment within the scope of representation as required by the State Law (Myers/Milias Brown Act). As noted<sup>15</sup> ... a recognized employee organization shall have the right to meet and confer in good faith with appropriate level of County management regarding wages, hours and other terms and conditions of employment..."

The County encompasses 23 bargaining units, 19 of which are represented by 9 recognized employee organizations. Memoranda of Understanding for represented employees within the scope of this review include Service Employees International Union, Local 1021, Unit #5; Public Employees Union Local One, Unit #6; Service Employees International Union Local 1021, Units #2,7, 9; Public Employees Union Local One, Unit #16; Professional and Technical Engineers Local 21, Unit #19.

#### Compensation Surveys

The County regularly conducts compensation surveys (both base pay and total compensation surveys, including benefits). The surveys are conducted to ensure a competitive position with the relevant labor market. For most positions, the relevant labor market includes the regional neighboring cities of Concord, Fairfield, Richmond, Sacramento, Vacaville, Vallejo, and Walnut Creek. Additionally, various Counties are used for some of the management classifications. The County maintains a specific labor market list for compensation surveys for the employment

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<sup>15</sup> County of Solano, Employer-Employee Relations Rules and Regulations, Section 10,A

subgroups: non-management/non-exempts employees; professional and mid-management employees; executives and senior management; elected officials.

The most recent county-wide survey was a total compensation survey entailing 55 benchmark classes completed in 2012 ("Total Compensation Study June 2012—October 2012"). The survey included the following core elements of total compensation: maximum value of health and welfare benefits; value of employer paid retirement; and base pay top step of the range for benchmark classes.

The aforementioned 2012 county-wide survey was conducted internally by senior HR Department staff. Another broad county-wide survey is currently planned for 2015 indicating a continued commitment to compensation competitiveness.

A sampling of five classifications from the Child Support Services and Health and Social Services Departments (Child Support Specialist, Child Support Attorney IV, Eligibility Benefits Specialist, Welfare Fraud Investigations Manager, Employment/Eligibility Services Manager) showed that the County was essentially comparable (within 5%) to the medians of the labor market for the other agencies surveyed, meaning the County is providing total competitive compensation. Such data was provided in the aforementioned 2012 county-wide study. Additionally, the HR Department will also conduct smaller targeted compensation analyses for specific classes, as required for the purpose of market competitiveness issues or internal equity considerations among specific classifications.

### **Benefits**

Benefits are established for employees through collective bargaining for represented employees and by Board Resolution for unrepresented employees. As noted above, the County, through the HR Department, ensures relative competitiveness of benefits via County-wide compensation surveys that will commonly include total compensation, including benefits, in data gathering and subsequent analysis.

### **Findings**

Meets the federal standards as related to Compensation



## MERIT PRINCIPLE 3 TRAINING

*Employees are trained as needed to assure high quality performance*

### Discussion

#### Related Rules, Policies, and Procedures

The County of Solano has no formal training policy but operates a centralized county training program within the Human Resources Department. The program is managed by the Organizational Development (OD) and Training Officer, who reports to the HR Director. Some MOU's have training provisions relating to time off to attend continuing education courses required for licensing. The County also offers a tuition reimbursement benefit.

The OD/Training Officer manages a series of mandated and elective classes designated for line staff, supervisors and managers. The delivery method may be on-line instruction, webinar or instructor led in a classroom depending upon the curriculum. The county partners or contracts for about half of their offerings through Targeted Solutions, Liebert Cassidy Whitmore, Managed Health Network, and CSAC-EIA.

#### Overview of Processes and Practices

Solano County's Leadership Development Model drives its countywide training program. The model includes five core organizational values that guide work for all employees in the county. Additional competencies are identified for those interested in advancement and for those in middle, senior and executive leadership roles.

The OD/Training Officer publishes a guide of mandated and suggested training for line staff, lead workers, supervisors, and managers so employees and their supervisors can plan staff development. This guide is distributed to departmental training coordinators and directly to new employees at the New Employee Orientation (NEO). Employees access the current offerings and registration information on the county intranet.

The countywide curriculum includes training available to all staff to improve performance. In addition, there are classes relating to the federal merit principles of selection, training, retention, and fair treatment. For example, mandated training for all staff and supervisors includes harassment prevention and diversity training, which incorporates training on state laws and the county EEO and harassment prevention policies. Elective classes on principles of supervision and leadership, hiring and interviewing, and all stages of performance management and discipline, are offered to all levels of supervisors and managers in a 9-course Leadership Academy.

The OD/Training Officer meets with departmental training coordinators to monitor attendance in both the mandated and elective classes. A review of attendance for a sampling of two elective supervisory development classes corroborates that the Departments of Child Support Services and Health and Social Services are using the county training program. The table below shows the number of current employees who attended the classes from 2008 to current.

Class Title	Number attending CSS	Number attending HSS
Conducting Effective Employee Evaluations	11	185
Introduction to Progressive Discipline	11	185

The OD/Training Officer is responsible for a monthly NEO. The MSS review team examined the contents of the NEO and found it thorough in its coverage of County policies and employee complaint procedures, disability accommodations, and mandated and elective trainings. Attendees in NEO receive a hard copy packet of County policies. The County's policy on political rights and prohibitions is not provided in the NEO policy packet but is sent to all employees prior to election dates.

**Findings**

Meets federal standards related to training

## MERIT PRINCIPLE 4 RETENTION OF PERMANENT EMPLOYEES

***Employees are retained on the basis of adequacy of their performance, inadequate performance is corrected, and when inadequate performance cannot be corrected, employees are separated***

### **Discussion**

### **Related Rules, Policies, and Procedures**

### **Evaluation of Performance (Performance Planning and Evaluation)**

Civil Service Rules specify that Department Heads are responsible for the evaluation of each employee in their department but the HR Director is responsible for establishing evaluation forms and procedures<sup>16</sup>. Departments are required to generate evaluation reports for both civil service and civil service exempt employees as follows<sup>17</sup>:

- Twice during a probationary period
- Just prior to the date of eligibility for a merit salary increase
- Annually, for those at the top step of their salary range

An employee may appeal a performance evaluation in writing to the Appointing Authority, who has the authority to either sustain or change the evaluation<sup>18</sup>.

### **Progressive Discipline and Separation**

Rules<sup>19</sup> specify the nature of disciplinary action, grounds for taking disciplinary action and the terms for various appeal processes within progressive discipline. Discipline is defined to include the following: dismissal, demotion, suspension, salary reduction, and formal written reprimand, which is housed in the employee's personal file in the HR Department. Grounds for discipline include the customary range of fraudulent and illegal behaviors, incompetence, willful disregard of property and authorized work direction, abusive personal behaviors directed to employees or the public, etc.

### **Overview of Practices**

### **Evaluation of Performance (Performance Planning and Evaluation)**

The HR Department provides two performance evaluation forms – one for management level employees and one for all other employees. Both forms include a section for setting goals and objectives for the next evaluation period and for reviewing progress on previous goals. The management evaluation links to the core values and competencies identified in the Solano County Leadership Development Model described in this report, Merit Principle 3. Management

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<sup>16</sup> Civil Service Rules, County of Solano, Section XII, §12.01

<sup>17</sup> Ibid

<sup>18</sup> Civil Service Rules, County of Solano, Section XII, §12.04

<sup>19</sup> Civil Service Rules, County of Solano, Section IX

employees are rated on a 5-point scale ranging from Unsatisfactory to Distinguished; other employees are rated as either meets or does not meet expectations. A performance improvement plan is required for a rating of “does not meet expectations”. Departments initially had been given a choice to use the management level evaluation form or continue using the employee form for all; however, both CSS and HSS have recently begun using the management form.

The MSS review team examined a sampling of seventeen performance evaluations. The sample included evaluations of line workers, lead workers, mid-management and executive management. All were thorough and followed stated procedures. Performance improvement plans were included when an employee received a rating of does not meet expectations.

Both HSS and CSS Department Heads are responsible for monitoring their compliance with the Civil Service Rule standards relating to frequency and timing of performance evaluations. In Solano County, merit salary increases are not granted unless an evaluation has been completed. Retroactive pay is processed if a late evaluation results in a late merit salary increase. The MSS review team examined records for the CSS and HSS departments to determine if these departments were meeting the Civil Service Rule standards for evaluations for regular employees. A past due date of September 1 was chosen to allow for those that may be in progress in September and October but are not yet processed (i.e., if the date of the last evaluation was prior to September 1, 2013, it was tallied as past due). The results are shown below:

<b>Performance Evaluations Past Due</b> (Evaluation due date before September 1)		
<b>Dept. or Division</b>	<b>No. Past Due</b>	<b>No. Allocated FTE Positions<sup>20</sup></b>
CSS	28	105
HSS-Child Welfare Services	50	124
HSS-Employment & Eligibility Services	12	387.5
HSS-Older & Disabled Adult Services	21	60.5

As can be seen by the above table, compliance with the Civil Service Rule relating to frequency of performance evaluation is inconsistent. The Employment and Eligibility Services (EES) Division is mostly meeting the standards but the other divisions are late on approximately one-third of their evaluations. Of the total employees with past due evaluations, over 30 individuals have not had a performance evaluation since 2012 or earlier. While the County’s performance management policy, program design and management tools provided by the HR Department meet the intent of this merit principle, the operations departments need to adhere to implementing the program in accordance with the Civil Service Rules.

<sup>20</sup> County of Solano, Position Allocation Report Summary, FY2013/14 – Third Qtr as of April 22, 2014

**Correction of Performance, Discipline and Separation**

Reviewed records for the approximate four-year period noted below verify that appointing authorities use separation in cases where corrective action (via coaching, performance improvement plan, and/or training) cannot be successfully achieved. For example, the table below indicates recent dismissals for cause for HSS and CSS Departments, respectively.

<b>Employment Termination for Cause--2010 to Present (October 2014)</b>	
<b>Department</b>	<b>Number of Terminations</b>
HHS	13*
CSS	2

\*3 resigned in lieu of termination

The County's disciplinary appeal process includes an appeal to the appointing authority and a subsequent appeal to the Civil Service Commission via the HR Director for all disciplinary actions except the written reprimand. The written reprimand does not include appeal rights beyond those to the appointing authority.<sup>21</sup> In addition, disciplinary appeal processes are afforded via the MOUs, which includes an adjustment board and binding arbitration step.

In support of consistent disciplinary practices, supervisory and manager training is regularly provided (e.g., "Introduction to Progressive Discipline Processes") as part of the HR Leadership Academy curriculum. Review of the training materials showed the training to be comprehensive, very cognizant of employee engagement in the corrective action process, and consistent with stated disciplinary action standards in Civil Service Rules and the Memoranda of Understanding (MOUs) with the bargaining units. Current training roster records reviewed also confirmed the regular completion of such training by HSS and CSS supervisors and managers.

In addition to training, standardized forms and templates are provided to County departments to have more consistent disciplinary coaching and corrective action processes. One example is the template "Counseling Memo and Performance Improvement Plan" form. The form stipulates content themes for the management of the performance improvement process including:

- Identification of performance deficiencies and required standards
- Scheduled cycle of follow-up meeting to review progress
- Citation of objective and measured work behaviors under review
- Recommendations and directions for improvement
- Clear citation of consequence for failure to make improvements

**Findings**

Meets the federal standards as related to Retention of Permanent Employees.

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<sup>21</sup> Civil Service Rules, County of Solano, Section IX.04,C

## **MERIT PRINCIPLE 5 FAIR TREATMENT**

***Applicants and employees are treated fairly in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, age or handicap and with proper regard to their privacy and constitutional rights as citizens.***

***This “fair treatment” principle includes compliance with the Federal equal employment opportunity and nondiscrimination laws.***

### **Discussion**

### **Related Rules, Policies, and Procedures**

#### **Equal Employment Opportunity**

The County is an Equal Opportunity Employer with comprehensive policy and program elements to: 1) prevent discrimination/harassment via policy stances and training; 2) investigate and implement corrective actions arising from complaints when warranted by findings. The HR Department, through the EEO Compliance Officer, investigates complaints, makes recommendations for policy changes, provides prevention and complaint process training, and is the point of contact for departmental EEO representatives and state or federal fair employment agencies.

Additionally, the EEO Compliance Officer provides needed compliance reports, to include the required federal EEO-4 report, and the EEOP Short Form report that may be required for federal grants for specialized funding. An example EEOP Short Form report for a Sheriff’s Department grant in FY12 was reviewed. The report included a county workforce utilization report via-a-vis the County labor market for that period.

#### **Anti-Harassment Policy**

The County Anti-Harassment Policy<sup>22</sup> as well as state and federal laws prohibit all of the following conduct affecting job applicants, employees, and persons providing County services under contract:

- Conduct which harasses or discriminates based on the protected status of the person(s) receiving the harassing or discriminatory conduct
- Retaliation due to the affected persons’ opposition to the harassing or discriminatory conduct

The Policy details the how affected persons may file complaint alleging harassment or discriminatory conduct, the means through which the policy shall be publicized and promulgated throughout the County, and the responsibilities of the supervisor and managers to both prevent discriminatory conduct and act to resolve violations of the Policy. The Policy continues to set

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<sup>22</sup> “Equal Employment Opportunity Harassment/Discrimination Policy,” revised 8-13-13

training requirements for supervisors and managers (every two years and within six months of promotion to supervision), and non-management employees (every three years). The Policy is subject to annual review in March, to ensure the Policy is consistent with any new state or federal requirements.

Finally, the Policy establishes an EEO Committee whose role is to review related policies and programs, and to make recommendations to the EEO Compliance Officer regarding improvements and the reduction of barriers to equal opportunity employment. A review of recent EEO Committee agendas (October and September 2014) show that the Committee continues to be active and supporting its advisory role to the County.

The County disseminates the Policy via employee orientation materials, employee handbook content, supervisory/manager required training, posting on the HR website and communication center postings, and refresher training for departmental EEO representatives. A review of recent EEO representative training content verified the emphasis on understanding County, state and federal law requirements, clarification of the complaint process, and the EEO representative role in prevention and supporting fair and thorough investigations.

### **Appeal and Hearing Procedures**

Appeal and hearing procedures pertinent to discriminatory and harassing conduct complaints are referenced in the Rules.<sup>23</sup> The complaint procedures include the following:

- The completion of the complaint form
- Review of the complaint and investigation by the EEO Compliance Officer or designee—findings are referred to the appropriate County official, appointing authority regarding corrective actions
- Complainant rights for appeal to the Civil Services Commission after investigation findings and proposed corrective actions are determined

In practice, investigations are conducted by the EEO Compliance Officer or an expert investigator appointed by the Officer, such as an attorney. Department EEO Representatives serve the role as initial intake persons who may gather certain core information (i.e., identification of the complainant, identification of the alleged discriminator), for forwarding to the EEO Compliance Officer. Departmental EEO Representatives meet periodically with the EEO Compliance Officer to receive refresher training on EEO Policy and complaint processes.

### **Overview of Practices**

Protections include, as noted above, active communication and distribution of the EEO Discrimination/Harassment Policy and complaint procedure, ongoing training for management and non-management employees to prevent inappropriate conduct, full and thorough investigations, and implementation of corrective actions when the finding support the allegations. Levels of discrimination complaints indicate, as noted in the table below and other reviewed records, that employees do use the complaint procedures, and that complaints represent the normal range of potential harassment or discrimination topics:

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<sup>23</sup> Civil Service Rules, County of Solano, Sections I, 031-033.

**County Overall EEO Complaints 2009--October, 2014**

<b>Year</b>	<b>Total Discrimination Complaints Received</b>	<b>Complaint Source: DFEH/EEOC</b>	<b>Complaint Source: Internal</b>	<b>Complaint Source: Other</b>
2014	7	2	5	0
2013	15	10	5	0
2012	23	11	10	2
2011	5	0	5	0
2010	14	4	10	0
2009	10	5	5	0

Of the total complaints in the table above, CSS originated only one complaint while HSS originated 17 complaints.

The nature of the complaints concerned the following:

- Race discrimination
- Medical-ADA-Disability discrimination
- Sexual harassment
- Gender discrimination
- Retaliation for making the complaint
- Military service status
- National origin discrimination

Complainants also represented a range of job classifications throughout the County including non-management employees, professional classifications, as well as supervisory and management level employees. Filing a complaint within County policy does not preclude the filing with a state or federal fair employment agency as well.

**Investigation Process**

The County maintains a robust and thorough process for the investigation and tracking of discrimination and harassment complaints. A review of six recent complaint case files showed them to be complete and well-organized records of case information and collateral documents. Case files included the following:

- initial complaint forms
- EEO Officer notes



- inter-county email correspondence regarding the case
- phone logs for calls regarding the case
- external agency (e.g., State DFEH and federal EEOC) complaint forms and requests for County response
- records of County certified mail communications
- acknowledgement of advisement forms regarding meetings with the EEO Officer
- investigations findings
- County decisions regarding corrective actions when required.

The review of cases also verified that external attorney investigators, when used, provided very thorough reporting of the investigation process.

**Findings**

Meets the federal standards as related to Fair Treatment

## MERIT PRINCIPLE 6 POLITICAL RIGHTS AND PROHIBITIONS

*Employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.*

### Discussion

The Board of Supervisors adopted County Policy, C-10 (Political Activities), on October 13, 1992. The Policy states County officers and employees political rights and prohibitions during working hours and/or on the premises of the County. In addition to the Policy, the audit team was provided with a recent memorandum (dated August 29, 2014), from the Director of Human Resources, reminding employees of their political rights and prohibitions pursuant to County Policy and the Federal Hatch Act. A copy of the aforementioned Policy was attached to the memorandum.

### Findings

Meets the federal standards as related to Political Rights and Prohibitions