



BOARD OF SUPERVISORS

CLERK OF THE BOARD OF SUPERVISORS

COUNTY ADMINISTRATIVE OFFICE

COUNTY COUNSEL

HUMAN RESOURCES DEPARTMENT

LOCAL AGENCY FORMATION COMMISSION

PUBLIC INFORMATION OFFICER

ADMINISTRATIVE COMMITTEE



ADMINISTRATIVE COMMITTEE

BOB WALLACE, DAVID KOCOT, NANCY AMARAL, NOEL PETERSON, MEL KORNBLATT,
VIRGINIA MARTINEZ, MARIANNE DELLAMARNA (CHAIR)

ADMINISTRATIVE COMMITTEE

The 2002-2003 Administrative Committee reviewed the following areas of County government:

- Board of Supervisors
- Clerk of the Board
- County Administrative Office
- County Counsel
- Human Resources Department
- Information Services Department
- Public Information Office
- Superintendent of Schools

Two representatives of this committee attended the weekly meetings of the Board of Supervisors and reported to the full Grand Jury on agenda issues and actions. These reports and the monthly status reports from the County Administrative Officer served as additional information for the Grand Jury.

Subcommittees were established to review the functions and operations of selected departments. Key staff members were interviewed and investigations were completed. Not all investigations resulted in recommendations.

The investigations completed by the Administrative Committee resulted in findings and, in some instances, recommendations, which follow.

HUMAN RESOURCES DEPARTMENT

BACKGROUND

Employee Relations Leave (commonly referred to as Administrative Leave) refers to the County's practice of paying salary and benefits to employees who have been relieved of their duties as a result of alleged misconduct pending investigation, pending termination or pending evaluation for fitness for duty. Placing individuals on Employee Relations Leave (ERL) has been a contentious problem for several years. This is a serious situation as it could lead to an employee's termination, and yet the cost of this program to the County has been enormous.

FINDINGS

During recent Safety Memorandum of Understanding (MOU) negotiations, Human Resources (HR) proposed language to provide for HR to place someone on unpaid Employee Relations Leave if an individual is charged with "egregious criminal misconduct", i.e., a felony. The Safety Employees' Benefit Association (SEBA) declined to have such language included, though they acknowledge that Human Resources may have the right to do so.

The question was asked, "Why can employees be carried on paid Employee Relations Leave for such a prolonged time?"

We were informed that employees could only be terminated by due process. This includes conducting a full and impartial investigation, including all relevant documents/evidence considered in determining what level of discipline to impose. An opportunity for the accused employee to respond to the charges being made is also afforded (a Skelly hearing).

The time it takes to conduct an investigation depends upon the complexity of the case. This time can be out of the hands of Human Resources when the investigation is referred to another entity.

The County is a large conglomerate with many different departments and a large employee population. While it has been mentioned in the past, reassignment is not considered during an investigation for serious misconduct.

In contrast, the Sheriff's Department has several avenues it can pursue. If a sworn officer is involved in an incident that requires investigation, the employee can be placed on ERL, and/or an assignment whereby his/her duties are limited in nature.

If a safety employee is involved in some type of misconduct, his/her department-issued gun and badge are removed from his/her possession and he/she is reassigned to another position pending the outcome of the investigation.

In the case of general employees accused of misconduct, every effort is made to transfer them to another area within the Sheriff's Department. This effort is successful in about 50 percent of cases.

In response to questions sent to Los Angeles, Riverside, San Diego and Orange counties, we found all have a policy identical to San Bernardino County's policy. However, it was learned that Orange County is reviewing its policy after learning that \$4.5 million was spent in the past five years on Administrative Leave (Employee Relations Leave).

The figures compiled for San Bernardino County show an expenditure of \$758,242 for Employee Relations Leave over the past two years and ten months.

RECOMMENDATION

03-01 THE HUMAN RESOURCES DEPARTMENT REVISE ITS POLICY ON EMPLOYEE RELATIONS LEAVE TO ALLOW SOME EMPLOYEES TO BE TEMPORARILY TRANSFERRED TO OTHER DEPARTMENTS RATHER THAN BEING PLACED ON PAID LEAVE.

INTERIM REPORT “NO GIFT” POLICY (Released February 2003)

INTRODUCTION

In recent years a number of scandals have occurred within San Bernardino County government to cast doubts on the integrity of the County.

FINDINGS

In the late 1970s and early 1980s, the city manager of the City of Victorville, by administrative decision, initiated a no gift policy for outside contractors doing business with the City of Victorville in order to prevent various builders and contractors seeking preferences in obtaining approval of their own specific projects. A copy of their no gift policy is as follows: *“The acceptance of gifts, favors or any other form of compensation or gratuity **may** [emphasis added] be viewed as an attempt to influence or compromise the judgment of an employee. Therefore, the City or contract employees shall be prohibited from accepting gifts, favors, or any form of compensation or gratuity. Gifts that are delivered at the workplace and can be shared with all, such as candy, flowers and food, may be viewed as a contribution or a gift to the City. Gifts presented to the City may not be taken from city hall or the workplace for any reason. Gifts, which are inappropriate to the work place or which of a personal nature, shall not be accepted under any circumstances.”*

The current County Treasurer-Tax Collector, upon taking office, conducted a comprehensive review of the Treasurer division’s policies and procedures as well as a review of various trades made by the prior County Investment Officer. It was confirmed that the former Treasurer-Tax Collector and former County Investment Officer were greatly influenced by gifts and free meals from security brokers with whom they used to conduct business. Ultimately, the investigation led to a lawsuit against Salomon Smith Barney and the CDC NVEST Mutual Fund for alleged bribery and other improprieties. The suit was successfully settled, resulting in \$8.5 million to the County.

By banning all gifts from brokers to employees, the current Treasurer-Tax Collector was seeking to change the culture of the office. Just as importantly, a clear message was sent to the brokerage community that the office couldn't be influenced by gifts.

The County of Orange has a no gift policy: *"The Board of Supervisors finds that the receipt of gifts by public officials from persons who do business with the County erodes public confidence in the impartiality of decisions made by those officials"*. Section 1-3-23. "Prohibitions" reads:

- (a) *No person who is doing business with the County shall make any gift to any County officer.*
- (b) *No person who is doing business with the County shall make any gift to any designated employee who, by virtue of his County employment, could make a governmental decision, participate in making a governmental decision, or use his or her official position to influence a governmental decision regarding the pending business of the donor, or who has done any of the above during the twelve (12) months preceding the donation.*
- (c) *No County officer shall solicit or accept any gift from any person whom he knows, or has reason to know, is doing business with the County.*
- (d) *No designated employee shall solicit or accept any gift from any person whom he knows, or has reason to know, is doing business with the County, when such employee, by virtue of his County employment, could make a governmental decision, participate in making a governmental decision, or use his or her official position to influence a governmental decision regarding the pending business of the donor, or has done any of the above during the twelve (12) months preceding the donation.*
- (e) *No public official shall accept any gift when the identity of the donor is not known to the public official.*

In discussing a "no gift" policy with members of the County, opinion was divided. However, one of those individuals who seemed to be opposed did admit that such a policy would improve the public's perception of honesty and integrity within the County.

RECOMMENDATION

03-02 THE COUNTY ADOPT A NO GIFT POLICY REGARDING PEOPLE DOING BUSINESS WITH THE COUNTY OF SAN BERNARDINO.

USE OF VOLUNTEERS

BACKGROUND

Many public and private entities make use of volunteers to enhance the work of regular employees.

FINDINGS

A division of the Chief Administrative Office coordinates Los Angeles County's volunteer program. This division, employing a staff of nine, develops policies on the use of more than 50,000 volunteers who work over 3.9 million hours a year. Los Angeles County estimates its volunteer labor to be worth approximately \$16.50 per hour, or \$65 million annually. The county also conducts an annual Volunteer Recognition and Awards luncheon.

Los Angeles County provides for coordinators in each department to oversee that department's use of volunteers within the guidelines set by the Chief Administrative Office. The CAO provides for an "open door policy" for volunteers who have a need for conflict resolution between their actual treatment and the written policy provisions. In addition, L.A. County has set in place provisions to assure that the volunteers do not displace any full-time employee. Within the broad outlines set by the CAO each department may establish its own rules and procedures.

In contrast, San Bernardino County has no centralized volunteer coordinator. An unaudited survey of County departments revealed that at least 18 departments use volunteers. Three departments make extensive use of volunteers; however, many departments, due to the nature of their work, cannot use volunteers. Several of the respondents stated that they would be willing to use volunteers but do not have the resources to recruit them. A County policy adopted in 1991 requires departments to obtain permission from the Board of Supervisors to use volunteers, but leaves the recruiting and record keeping responsibilities to the departments. Each department employs its own standards and policies in recruiting, screening and placing volunteers.

RECOMMENDATION

03-03 THE COUNTY ADMINISTRATIVE OFFICER ESTABLISH A CENTRALIZED VOLUNTEER COORDINATOR OFFICE TO RECRUIT, QUALIFY, PLACE AND MAINTAIN SAN BERNARDINO COUNTY'S VOLUNTEER POOL.

PAPER USAGE

BACKGROUND

Copies of documents originated at about the time of the written word and progressed from monks laboriously making elaborate copies by hand through carbon paper, wet copying machines to the modern dry copier, computer printer and facsimile machines.

With the increasing ease with which copies are made, came an increased need for copies. Copies were required even though they were thrown away or filed without being read. Receiving a copy has become a status symbol.

It has been observed that some County departments, Purchasing among them, have instituted a program of posting routine reports, and even catalogs, on-line, making a paperless distribution

FINDINGS

The County of San Bernardino uses approximately 363,002 reams of copy paper per year, at an average cost of \$2.28 per ream, for a total cost of \$826,274.08 annually. The County consumes 18,646 toner cartridges per year, at an average cost of \$67.67 per cartridge, for a total of \$1,261,826.88 annually. The cost of electricity, wear and tear on the copy machines, repair and replacement costs, and employee hours expended in making copies has not been calculated, but are factors to be considered.

It has been observed that in many instances, more copies than are necessary have been produced and that many persons who have no need for copies either receive or request them. Further, many of the documents provided to this Grand Jury have not been copied on both sides of the page.

RECOMMENDATIONS

- 03-04 EACH DEPARTMENT EXPLORE WAYS TO LIMIT THE NUMBER OF COPIES MADE OF EACH DOCUMENT PRODUCED.

- 03-05 EACH DEPARTMENT LIMIT DISTRIBUTION OF COPIES OF DOCUMENTS TO ONLY THOSE WHO HAVE AN ACTUAL NEED FOR THEM.

- 03-06 WHEREVER PRACTICAL, ALL DEPARTMENTS PRINT MULTIPLE PAGE DOCUMENTS ON BOTH SIDES OF THE PAPER.

- 03-07 THE COUNTY ADMINISTRATIVE OFFICER ENCOURAGE ALL COUNTY DEPARTMENTS TO MAKE USE OF PAPERLESS DISTRIBUTION OF INFORMATION WHENEVER POSSIBLE.