

September 21, 2004

believes that the new General Plan Water Resources Element will be the most appropriate mechanism to address water resource issues that are under the Board's jurisdiction.

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## HOLES IN THE EMPLOYEE BENEFIT SAFETY NET

### *RECOMMENDATIONS: Page 64*

***R1. The Board of Supervisors should create a new position for an independent employee advocate who has medical and legal expertise to guide ill/injured employees who are unsure of their options through the various benefit systems to ensure they receive the appropriate outcomes.***

RESPONSE: The recommendation will not be implemented because it is not warranted.

The County currently provides a number of employees and contractors through Risk Management, who are available to assist injured and ill employees regarding the various benefits available to them. In addition, the State of California, Division of Industrial Relations provides extensive staffing and support through its Information and Assistance Offices throughout the State available to assist injured workers with the goal that injured workers should not have to hire an attorney to assist them through the workers compensation process.

Risk Management is responsible for the administration of the County's self-insured workers compensation program and oversees the long-term disability (LTD) program provided through Standard Insurance. There are eight full-time County and contracted staff responsible for oversight and administration of the County's workers compensation program and three full-time staff assigned to the County's LTD claims at Standard. Feedback from both employees and labor organizations regarding the County's LTD program through Standard is that they are doing a good job and have been very responsive in addressing issues, which have been few.

Risk Management reports that while most injured workers are able to understand and receive workers compensation benefits timely and appropriately, and return back to work quickly, there are some cases where disputes arise regarding the nature and extent of the injury. In these situations, an employee can retain an attorney to promote and advocate their position. Employees can also obtain assistance from their labor representatives. Risk Management has confirmed that less than 17% of all workers compensation claims filed in 2003 with the County resulted in litigation and a small portion of these claims involve an actual dispute between the County and the employee.

***R4. Evaluation of the results of the pilot Safety and Loss Prevention and the Transitional Duty/Return to Work Program in the five major departments (Sheriff, Probation, Health Services, Public Works and Human Services) should be analyzed and if cost effective, implemented countywide.***

RESPONSE: The recommendation will be implemented.

As outlined in the "Report on the Board of Supervisors of the County of Sonoma's Self-Insured Workers Compensation Program" presented in May 2003, it is the County of Sonoma's intention to analyze the effectiveness of the Transitional Duty/Return to Work Program within the five major departments and if cost effective, to implement this program countywide.

The Board of Supervisors expects to evaluate the progress of this program in an updated report on Workers Compensation, which will be presented in the fall of 2004. It is our understanding that County staff have

experienced delays in negotiating consensus with each of the labor organizations on the Transitional Duty Policy, thus full implementation of this pilot program in the five major departments has not yet been achieved. The Board of Supervisors will continue to monitor this progress.

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## **MENTAL HEALTH MANAGEMENT ILLS**

### ***FINDINGS: Pages 66-68***

***F1.b During the current grand jury tenure, eighteen interviews with staff from several programs and various levels of supervisory duties were conducted. Nearly all interviewees expressed negative appraisals of management. Interview specifically indicate that the degree of discouragement stemming from management practices would now be higher in contrast with the year-old survey cited above.***

RESPONSE: The Board of Supervisors neither agrees nor disagrees with the finding.

The Board of Supervisors does not participate in the interview process nor is it provided any records related to interviews; therefore, it cannot respond one way or another to the finding. The Board does appreciate the feedback from the Grand Jury and has requested the CAO work with the Department to determine if further steps need to be taken on any of the Findings.

***F1.f Fear of retaliation from management for various reasons was reported by a significant number of employees interviewed.***

RESPONSE: The Board of Supervisors neither agrees nor disagrees with the finding.

The Board of Supervisors does not participate in the interview process nor is it provided any records related to interviews; therefore, it cannot respond one way or another to the finding. As indicated by the Department, its Compliance Program includes information on anti-retaliation laws and resources for reporting suspected retaliation.

***F2.e No record of Norton Center safety monthly committee meeting for the year 2003 could be produced for the grand jury.***

RESPONSE: The Board of Supervisors neither agrees or disagrees with the finding

The Board of Supervisors is not involved in the Norton Center safety committee meetings nor does it receive copies of records related to the meetings; therefore it cannot respond one way or another to the finding. The Department indicated that it did provide a copy of the Safety Committee minutes to the Grand Jury and that only one meeting had been held in 2003.

***F3.a Most MHS medical staff support other employees' complaints regarding management practices. Nearly all of the psychiatrists were signatory to a statement critical of MHS management.***

RESPONSE: The Board of Supervisors disagrees partially with the finding.

The Board of Supervisors is in receipt of the psychiatrists' statement, but has not received or heard complaints from other employees.