

COUNTY EMPLOYEE PERFORMANCE EVALUATIONS, PERSONNEL FILES AND HIRING PROCEDURES



SUMMARY

While investigating Sonoma County government personnel issues, the Civil Grand Jury became aware that each county department is responsible for maintaining its own employee personnel files. After interviewing employees of various classifications from different departments and by reviewing Human Resource Department (HR) documents and information, the Grand Jury noted actual and potential deficiencies in:

- Maintaining and securing employee files,
- Tracking the completion of performance evaluations,
- Requiring contracts for all department directors, and
- Requiring exit interviews.

These HR issues can be solved by the development and implementation of new or updated policies and procedures. The Director of HR, the County Administrative Officer and the Board of Supervisors are required to respond to the Grand Jury's recommendations presented in this report.

GLOSSARY

HR – Sonoma County Human Resources (Personnel) Department

BACKGROUND

The Sonoma County Civil Grand Jury (GJ) began its jury year investigating the controversial termination of the Director of Animal Care and Control (ACC) in the late summer of 2010. Based on what was learned, the GJ then began an investigation of the Agricultural Commissioner's Office because of questions raised about the management of this department. Over 12 people were interviewed who were employed by the Agricultural Department as well as elsewhere in county government. During these investigations, it became apparent that changes should be made in how personnel files are handled and administered and how performance evaluations are made as required by county policy. In addition, the county has hired the Agricultural Commissioner and the County Counsel by only a resolution of the Board of Supervisors without the use of a formal contract spelling out expectations. This practice has made it more difficult to evaluate and, if necessary, dismiss persons in these two job classifications. Also, the county does not have an exit interview policy applying to employees leaving county government positions.

APPROACH

The GJ interviewed more than a dozen county and former county employees, including those in non-supervisory, supervisory and management positions, to understand the functioning of management-employee relationships. Additionally, the GJ received written information from HR on personnel file management, performance evaluations, employment contracts and exit interviews.

DISCUSSION

In our investigations we learned the following:

The Director of Animal Care and Control did not receive a formal mid-year performance evaluation as required by county policy in the months prior to being terminated. The county does have a policy on performance evaluations requiring evaluations (2007 Administrative Policy 4-1). Every department head is required to see that the policy is followed. However, HR does not monitor to see that the performance evaluations are, in fact, done. Further, Policy 4-1 does not address where completed performance evaluations are to be kept and who has access to them. It is presumed by HR that performance evaluations are kept in the personnel file.

The county does not have a policy that requires every appointed department director have an employment contract, nor what should be included in the contract. Generally, employment contracts should include performance evaluation and terms of severance if the director is dismissed. The county has not used contracts for the job classifications of County Counsel and Agricultural Commissioner.

After employees are hired, there are periodic merit-based salary increases if they meet job performance requirements. Merit increases are tied to the completion of the employees' performance evaluations. Employees can receive merit increases with just their supervisors' agreement even if the performance evaluations are not formally completed. HR is not aware whether or not each needed performance evaluation is completed. HR has a new

computer program (Human Resources Management Information System) that was installed this year. A component of this new program will allow HR to monitor the completion of the required evaluations, but this component has not yet been implemented.

Within the past year, the Director of the Agricultural Department allegedly requested and obtained copies made of the department's employee personnel files. Employee personnel files are kept within each department rather than in a central HR office. HR has Personnel File Guidelines (1-31-1992, Dept. Memo 92-1-P) that state "access to the files should be on a need-to-know basis. Precautions should be taken to ensure their confidentiality." The guidelines do not specifically address the copying of files, nor do these guidelines address which job position in each department should maintain and secure the files, how the files should be secured and when the HR should be contacted for guidance in file maintenance and security.

The Personnel File Guidelines give a list of items that should not be kept in the personnel files, but do not indicate where they should be kept and who should have access. These items include grievances, reasonable accommodations, conflicts of interest, medical information and immigration forms.

One interviewee, who was promoted to supervisor, claimed that a department manager or HR never told her that she was in a new probationary period. Rather, she learned this information from a co-worker. There appeared to be a lack of communication between the employee, the employee's department and HR.

The county does not have a policy requiring that employees, who are leaving county employment, have an "exit interview." Such interviews can yield valuable information that can be used to improve department operations and county services.

FINDINGS

- F1. There is a 2007 county policy addressing performance evaluations, but there is no monitoring system to see that it is followed.
- F2. Personnel File Guidelines were developed in 1992, but there is no up-to-date policy and the guidelines do not cover securing employee files, which are actually kept in each county department and not at HR. The guidelines do not specifically prohibit the copying of employee files as happened in the Agricultural Department.
- F3. There is no policy on where and how department directors' contracts and hiring resolutions are to be kept, what they are to contain, who has access and how they are to be secured.
- F4. HR has the responsibility of informing department managers and supervisors of personnel policies, procedures and practices with regard to employee files. A great deal of information is conveyed via training sessions and communications. However, implementation and oversight are still lacking.
- F5. There is no policy that requires exit interviews.
- F6. HR management recognizes that more written policies are needed, or that current policies need updating, but HR staffing resources have been, and will be, cut making it less likely that these get done.
- F7. Employees can be promoted, but not be told when their new position began or that they are on probation.

- F8. A review of the Personnel File Guidelines suggests that discretion for employee file security and maintenance, and where to file employee information that should not be in the personnel file, is left with each department director.
- F9. The County Board of Supervisors does not use employment contracts for hiring every department director. Two director positions have been filled by Board of Supervisor hiring resolution only.

RECOMMENDATIONS

- R1. The 2007 performance evaluation policy should be updated to include where written evaluations are to be kept, and that HR should be assigned the role of monitoring the completion the evaluations.
- R2. Although personnel file guidelines exist, a policy on securing employee files is needed and should include policy on who is in charge of files, who has access and for what purposes they may have access.
- R3. A policy is needed on maintaining and securing hiring contracts and resolutions and what should be included in these contracts/resolutions.
- R4. A policy is needed on completing exit interviews. The policy should stipulate HR's responsibility for ensuring that exit interviews are done. (This can be a form of questions that the exiting employee fills out.)
- R5. The HR Director should prioritize policies that need to be written or updated. New and updated policies should be announced and made available via paper or electronic copy to all departments.
- R6. HR and county departments should develop a system to assure that promoted employees are informed of their new probationary period at the time that their new positions begin.
- R7. There is need for a hiring policy for department directors, which requires a signed contract between the Board of Supervisors and the candidate. No director should be hired by resolution alone. A policy on contracts should include information regarding salary ranges, performance evaluation procedures, exit clauses and severance packages. In addition, a new policy on contracts should include information on whether the director will be covered by any civil services rules or state regulations and, if so, a reference to those rules and regulations should be provided.

REQUIRED RESPONSES

- For R1, R2, R5 and R6, the Director of HR.
- For R1, R2, R3 and R4, the County Administrative Officer.
- For R3 and R7, the County Board of Supervisors.

BIBLIOGRAPHY

- Personnel File Guidelines (1-31-1992, Dept. Memo 92-1-P)
- Policy for Performance Evaluations (2007, Administrative Policy 4-1)