

Stanislaus County Community Services Agency
Grand Jury Case No. 02-10-C
July 10, 2002

REASON FOR INVESTIGATION

The Stanislaus County Civil Grand Jury received a written complaint from four (4) employees of the Stanislaus County Community Services Agency (SCCSA) regarding reclassification of employees within the agency.

THE COMPLAINT:

1. Employees who elected to accept an internship position as part of the new reclassification system were given a two percent (2%) raise. Two months later some employees had this two percent (2%) raise rescinded by the County without explanation.
2. The reclassification plan is unfair to existing employees, and there is no method of "grandfathering" those employees who are currently "doing the job".

BACKGROUND

The SCCSA has approximately 850 employees who were affected by job reclassifications resulting from a study carried out during a three-year period (1998-2001). The reclassification was undertaken principally for these reasons:

1. The Workforce Investment Act and the Work Opportunities Reconciliation Act, commonly referred to as "welfare reform" or "welfare to work," was passed by Congress in 1996. The act created major changes in the culture and mission of the welfare system administered by SCCSA. It shifted the focus of the department's services to clients from determination of benefits and eligibilities to that of moving recipients out of the welfare system toward employment and self-sufficiency.
2. Changes in the system required a more comprehensive focus on families and their needs. This, in turn, required SCCSA workers to have improved skills in dealing with a more complex range of issues affecting families as they moved toward independence. In many cases it was necessary for SCCSA staff to attend specialized education classes.

SCCSA is operated as a single agency under the authority of Stanislaus County Board of Supervisors (SCBOS) with an agency director. SCBOS gave ultimate approval of the reclassification plan in July 2001.

PROCEDURES FOLLOWED

1. The Civil Grand Jury interviewed:
 - a. The complainants.
 - b. The former director of SCCSA.
 - c. The Deputy Director of SCCSA.

2. The Civil Grand Jury reviewed the following documents and records:
 - a. Family Services Specialist (FSS) Salary Schedules (effective July 15, 2001).
 - b. Employee Roster by Classification as of September 2001.
 - c. Letter to an eligibility supervisor from a section manager dated July 10, 2001 regarding SCBOS action - reclassification of FSS employees, effective July 15, 2001.
 - d. Agreement on Voluntary Internship.
 - e. Document regarding FSS series project and choices given to Director of SCCSA via a top level manager from an eligibility supervisor dated July 12, 2001.
 - f. Memorandum to certify an eligibility supervisor in the reclassification process effective July 15, 2001.
 - g. Memorandum dated August 30, 2001 from an eligibility worker regarding the process of reclassification. Attachments include agreements on voluntary internship.
 - h. Reclassification Information Meeting notice dated July 16, 2001.
 - i. Document that compares twelve (12) current Eligibility Worker (EW) classifications to the six (6) new FSS classifications.
 - j. Memorandum dated September 19, 2001 regarding July 2001 FSSIV intern reclassification payroll adjustment.

- k. Memorandum regarding EWIII vacancy announcement.
- l. Personnel Action Form for eligibility workers, pp. 1-2.
- m. Document provided by Cooperative Personnel Services (CPS) to SCCSA on or about April 2000, explaining rationales for not grandfathering employees into new FSS classifications.
- n. Reclassification Information, pp. 1-2.
- o. Nine (9) evaluations for the position of Eligibility Supervisor.
- p. Complete documentation of the reclassification process contained in a booklet provided by SCCSA's former director.
- q. Job descriptions for: EWIII and FSSIII.

COMPLAINT #1

Employees who elected to accept an internship position as part of the new reclassification plan were given a two percent (2%) raise. Two (2) months later, some employees had this two percent (2%) raise rescinded by the County without explanation.

FINDINGS

1. Reclassifications were based on the intent SCBOS to simplify SCCSA staff structure, streamline overall department operations, and produce a workforce better equipped to provide client services. These changes not only met the legal requirements of the new system, but also reflected the spirit of welfare reform.
2. SCCSA employed a consulting firm, CPS, to assist in the reclassification study. The CPS study involved meetings with a panel composed of management and non-management employees. Periodic informational meetings with employees and their bargaining units were held during the development of the reclassification plan and after its implementation to familiarize SCCSA employees with the new system.
3. As part of the reclassification plan, an internship position was created. This internship was created to provide an interim job classification until new educational

requirements were met to become an FSS. An employee who meets the experience requirements of the new position, but does not meet educational requirements, may elect to become an intern. As an intern, an employee will receive a two percent (2%) pay increase until educational requirements are met. Once educational requirements are met, an employee is given the FSS title and moved to the FSS salary range.

4. Each new job classification has five (5) pay steps. For example, FSSIII is a new classification with five (5) pay steps. If employees do not meet the education requirements of an FSSIII, they can become an FSSIII intern.
5. When employees were moved from their current classification to an internship, they were given internship pay. Some employees were inadvertently placed in the third step rather than the second step of the pay scale. This administrative error was discovered after two (2) pay periods and explained to the affected employees in a letter dated September 19, 2001. All errors were subsequently corrected.

CONCLUSIONS

The Civil Grand Jury concluded that:

1. There were errors regarding the placement of some employees within their new salary schedules. These errors were discovered and corrected. All other pay increases were proper and given in accordance with reclassification implementation.
2. There were no improprieties on the part of the County.

RECOMMENDATIONS

None.

COMPLAINT #2

The reclassification plan is unfair to existing employees, and there is no method of “grandfathering” those employees who are currently “doing the job”.

FINDINGS

1. SCCSA conducted a reclassification of job titles and duties.
2. SCBOS approved the reclassification plan July 10, 2001.
3. The reclassification plan became effective July 15, 2001 which was reflected in paychecks beginning August 15, 2001.
4. Using the new educational requirements, if employees do not meet the criteria to enter a new classification, they will either:
 - a. Remain in the current classification. When the top pay step is reached, there are no future step increases. The employee may receive cost-of-living increases.
 - b. Enter an internship classification and obtain the required education for the new position. SCCSA will assist the employee in obtaining the required education.
5. SCCSA hired a consulting firm, CPS, to assist in the reclassification plan.
6. CPS recommended against the concept of grandfathering for the following reasons:
 - a. While SCCSA's rationale for the grandfathering is that some employees are "already doing the job", the scope of these jobs is expanding significantly in most areas.
 - b. If grandfathering is allowed, employees will be going into a new classification when they do not meet the minimum qualifications. These employees will not have met the educational requirements to be promoted to any higher class in the series.
 - c. Job titles and duties from current positions to new positions are often different. Many employees in the new job classification plan will have more diverse duties requiring greater skills.
 - d. SCCSA desires to promote education within the ranks and feels that education in certain areas will enhance an employee's performance in their new job classification.
7. SCCSA, realizing that some employees did not meet educational requirements of their new classification, assisted these employees by providing work time for study and funds for purchasing books.
8. SCCSA provided instructors and on-site classrooms so employees could take their required college courses.

9. Employees desiring to meet new educational requirements may have to spend some of their own money and attend courses on off-duty time.
10. The reclassification plan took three years to implement.
11. Employee labor groups participated in the reclassification process.
12. Informational newsletters were printed and distributed to employees throughout the reclassification process.

CONCLUSIONS

1. SCCSA demonstrated that the duties of their employees are changing and expanding. The reclassification process was an enormous undertaking which involved several hundred employees.
2. SCCSA considered grandfathering certain employees; however, CPS recommended against this concept.
3. SCCSA addressed the needs of employees by assisting them in obtaining the required education. While employees were required to take certain classes, SCCSA was under no obligation to provide on-site college classes or help with books and tuition.
4. SCCSA took appropriate and equitable actions during the reclassification process. The overwhelming majority of employees have been positively affected by this reclassification process.

RECOMMENDATIONS

None.

RESPONSE REQUIRED

per Section 933 [c] and 933.05 of the California Penal

Code:

Stanislaus County Community Services Agency (SCCSA).

This final report will be available for public review on the Civil Grand Jury website located at: <http://www.co.stanislaus.ca.us/COURTS/courts/grandjury/index.html> and at the Stanislaus County Main Library, 1500 I Street, Modesto, California 95354.

§933. Comments and Reports on Grand Jury Recommendations

- [c] No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elective county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All such comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

§933.05 Response to Grand Jury Recommendations--Content Requirements

- A. Section 933.05 of the California Penal Code requires that a responding person or entity shall indicate one of the following:
- (1) The respondent agrees with the finding(s); or
 - (2) The respondent disagrees wholly or in part with the finding(s). If this response is chosen, the respondent will specify that portion of the finding(s) which is disputed and shall include an explanation of the reasons for the disagreement.

- B. As to each Grand Jury recommendation, the responding public officer or agency shall indicate one of the following:
- (1) The recommendation has been implemented and set forth a summary of the implemented action;
 - (2) The recommendation has not been implemented but will be implemented in the future with a time frame for implementation;
 - (3) The recommendation requires further analysis with an explanation as to the scope of the analysis and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department or governing body being investigated. The time frame shall not exceed six (6) months from the date of publication of the Grand Jury report; and
 - (4) The recommendation will not be implemented because it is either not warranted or not reasonable with an explanation as to why the recommendation will not be implemented.
- C. If a finding or recommendation addresses budgetary or personnel matters of a department headed by an elected official, both the Department Head and the Board of Supervisors will respond. The Board of Supervisors response shall be limited to those budgetary or personnel matters over which it possesses decision making authority.

RESOLUTION

WHEREAS, the 2001-2002 Stanislaus County Civil Grand Jury has conducted an investigation and has reached certain conclusions and made recommendations; and

WHEREAS, the Stanislaus County Civil Grand Jury desires to make its *FINAL REPORT* thereof;

THEREFORE BE IT RESOLVED, by the Stanislaus County Civil Grand Jury that the report is hereby adopted as *FINAL REPORT, PART SIX*.

Robert E. Johnson
Civil Grand Jury Foreperson
Fiscal Year 2001-2002
Released on July 10, 2002