

**2011 – 2012 Stanislaus County Civil Grand Jury
Westside Healthcare District
Case No. 12-26C**

SUMMARY

On March 29, 2012, the Stanislaus County Civil Grand Jury (SCCGJ) received a complaint alleging sexual harassment at the West Side Community Healthcare District (WSHD) offices and the board of directors had not taken that disciplinary action. It was further alleged that following a preliminary investigation initiated and conducted by the Ambulance Director and later by an external Human Resources Specialist, the Ambulance Director chose to take a leave of absence and later resigned. The complainant requested that the SCCGJ investigate the actions of the board and the make-up of the board members.

GLOSSARY

SCCGJ – Stanislaus County Civil Grand Jury
WSHD – West Side Community Healthcare District

BACKGROUND

West Side Community Healthcare District was originally formed in 1957 as a hospital serving Gustine, Newman, and the west side area. As a result of an economic downturn, the hospital closed operations in and about 1993 but continued providing emergency ambulance services to parts of Merced and Stanislaus counties. The ambulance service covers five geographical zones: zone 1 – Rural Newman; zone 2 – Newman City; zone 3 – Stevinson; Zone 4 – City of Gustine; and zone 5 – Rural Gustine. The maximum zone population is 4,521 residents. The ambulance services are funded through property taxes, a special Measure A tax, and ambulance service fees.

WSHD provides ambulance service to the WSHD service area. It has a contract with Riggs Ambulance, which was retained by the Emergency Medical Services (EMS) Agency as the sole provider of ambulance services to Merced County, to answer calls within its service area, as well as surrounding unincorporated areas, in the event that the local ambulance is unable to answer the call.

According to the contract, WSHD pays Riggs Ambulance to dispatch WSHD ambulances. In addition, Riggs Ambulance pays WSHD a monthly fee to cover rent for a facility in Santa Nella. The facility provides a local base for WSHD personnel and equipment, which helps to improve response time to the Santa Nella and Los Banos areas. If the local ambulance is unable to answer the call, WSHD provides service to these areas, some of which are outside the District's service boundary.

The District owns and maintains a 19,000-square-foot building as well as equipment, including five ambulances and two 24-hour cars. The district does not share any facilities or equipment. District staff states that facilities and equipment are adequate to meet current demand and that funding is available to make needed improvements.

A five-member elected board governs WSHD. Two members are from Newman and Stanislaus County and three others are within the districts of Merced County. The WSHD is administered by a Director responsible to the WSHD board. The district employs nineteen part-time and six full-time paramedics, and fifteen part-time and four full-time emergency medical technicians (EMT), and two administrative employees.

METHODOLOGY OF INVESTIGATION

1. Reviewed the complaint made to the Stanislaus County Civil Grand Jury
2. Reviewed WSHD board meeting minutes for months September 2011 through March 2012
3. Interviewed complainant
4. Interviewed WSHD board members and employees
5. Interviewed former Ambulance Director

FINDINGS

- F1. The WSHD provides a vital service that meets response time requirements to the people within the districts they serve in Merced and Stanislaus counties.
- F2. The WSHD board has difficulty keeping the board member seats occupied. As board members resign new members appointed by a majority vote replace them. Few citizens in the district express interest in running for an elected board position. Because of this lack of interest the person with the most seniority on the board has greater control of the board and the district, thereby, creating a dysfunctional board and higher probability of poor administration.
- F3. The WSHD board has close personal relationships within the existing board members, and between board members and the employees. This creates conflicts of interest in making decisions and resolving business issues.
- F4. Prior to the recent harassment allegations there has been little sexual harassment awareness and prevention training provided to employees and management as required by the CA Department of Fair Employment & Housing (DFEH) which states, "All employees must receive from their employers a copy of the DFEH pamphlet "Sexual Harassment is Forbidden by Law..." (Fair Employment and Housing - Sexual Harassment, 2010).
- F5. There is a conflict of interest in the proposed recommendation to implement a process where at the time of annual reviews each employee and board member will sign a document stating they have not been a victim of sexual harassment or are aware of any harassment issues going on. SCCGJ finds that this proposed recommendation is an intimidating review process for the employees or board members.
- F6. The principal qualifications for assuming the role and responsibilities of the Ambulance Director position were living in the district, expected long-term commitment with the organization, and did not working for multiple companies which could lead to a conflict-of-interest. Professionalism and supervisory skills were apparently not paramount in determining qualifications for the position as Director. SCCGJ also finds that the candidates interviewed for the Directors position were current district employees.

RECOMMENDATIONS

- R1. The district is meeting service requirements and there are no recommendations in this regard.
- R2. SCCGJ recommends that WSHD board explore offering a stipend of some kind to future board members to attract and encourage candidates for future board positions.
- R3. SCCGJ recommends that tighter controls be implemented to avoid personal conflicts-of-interest as recognized in the make-up of the existing WSHD board relationships.
- R4. SCCGJ recommends that an external party such as the California's Fair Employment and Housing Commission do further investigation into the sexual harassment and hostile work environment allegations. In addition, an anonymous survey should be administered to all employees and board members to help in determining the validity and scope of the allegations. The external investigation party should have background knowledge of human resources rules and regulations regarding sexual harassment and hostile work environment claims.
- R5. Because of the serious nature of the sexual harassment allegations the WSHD board, although it may have fewer than 50 employees, should immediately implement the provisions of Government Code 12950.1, "...an employer having 50 or more employees shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees..." (Legislative Counsel State of California).
- R6. SCCGJ recommends that the proposed policy requiring employees's to sign a document stating they have not been a victim of sexual harassment or is aware of any harassment issues going on at WSHD is coercive, intimidating, and could result in false statements. The proposed policy should be rescinded immediately.
- R7. SCCGJ recommends that an updated job description and job qualifications be documented for the Ambulance Director position to meet the job scope and responsibilities of the position. The Director's position should require education and administrative skills appropriate to the responsibilities of the job. It is further recommended that vacant WSHD administration jobs be published to the public through a media of general distribution to allow a broader application and candidacy pool.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following organizations:

- West Side Community Healthcare District Board

The 2011-2012 Stanislaus County Civil Grand Jury issues this report of case 12-26c. No members of the grand jury recused themselves due to perceived conflict of interest.

BIBLIOGRAPHY

Legislative Counsel State of California. (n.d.). *Official California Legislative Information*. Retrieved June 14, 2012, from <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=12001-13000&file=12940-12951>

CA.GOV. (2010). *Fair Employment and Housing - Sexual Harassment*. (2010). Retrieved June 21, 2012, from http://www.dfeh.ca.gov/Publications_StatLaws_SexHarrass.htm

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