

## *San Joaquin County Grand Jury*



### **SAN JOAQUIN COUNTY HUMAN RESOURCES DEPARTMENT Hiring Practices and Employee Performance Evaluation 2008/2009 San Joaquin County Grand Jury Case No. 09-08**

#### **SUMMARY**

The 2008/2009 San Joaquin County Grand Jury found that a significant number of county employees are not receiving timely performance evaluations. In accordance with County policy, Department Heads are responsible for the completion of performance reviews, under the supervision of the Director of Human Resources.

The Grand Jury reviewed citizen complaints in relation to county employment. Among the allegations against the Director of Human Resources are: the improper hiring of a three-time convicted felon as a civil service employee; policies are being manipulated and unfairly applied. The allegation that yearly performance evaluation reports are not being prepared for civil service and exempt-position employees was found to have merit.

#### **REASON FOR INVESTIGATION**

This Grand Jury received citizen complaints alleging a three-time convicted felon was hired as a civil service employee. Yearly performance reports are not being prepared; and policies and procedures regarding outside employment are being manipulated and unfairly applied by the Human Resources Director.

#### **BACKGROUND**

The County Administrator and 26 Department Heads are responsible for over 6,000 employees who provide services to San Joaquin County's 650,000 residents. Civil Service Rules and Regulations are adopted by the Civil Service Commission and approved by the Board of Supervisors.

**The Director of Human Resources is responsible for the hiring process and enforcement of periodic employee performance evaluation reviews.**

**Classified Service** defines all positions in the county service that are not specifically excluded in Section 4 of the Civil Service Ordinance. **Exempt Position** defines a position not included in the Classified Service.<sup>1</sup>

In any examination for employment, the Director may make special inquiries into past records of all applicants and any other investigations as deemed necessary. Any person whose record or reputation, *which in the judgment of the Director so warrants*, shall be disqualified from taking such examination. The Director may refuse to examine or after examination refuse to certify as eligible or may remove from the eligibility list any person who has been convicted of a felony.<sup>2</sup>

As outlined in The County Work Rules, employees shall not conduct personal business on county time. *The County may limit an employee's employment in other jobs* if (a) the outside employment interferes with the performance of the employee's county job, OR (b) there is a conflict of interest as specified in Government Code 1126. Employees have an obligation to inform their department heads (or designee) of outside employment so the above determinations can be made.<sup>3</sup> A written copy of policies and procedures is presented to new employees at a 4-hour orientation session to familiarize them with county employment requirements.

## **METHOD OF INVESTIGATION**

The Grand Jury examined relevant documentation, interviewed witnesses and reviewed general policies of other governmental agencies and private companies.

## **CONCLUSIONS**

Human Resources best practices suggest that employees receive performance evaluations once per year.

Evaluations should be completed annually whether a step increase is available or not. The formal evaluation interview is of great importance since it focuses on employee performance and future potential with the County.

One aspect of performance evaluation is providing employees with performance feedback. Such feedback should reinforce the link between employee performance and employer expectations. It encourages supervisors to clearly set and communicate expectations for every position, gather data, and communicate how well employees are meeting expectations on an ongoing basis.

An ideal performance evaluation system would provide a key means of communicating how employees are successfully achieving the organization's goals. Evaluations should reflect an employee's contributions and performance. They may also identify areas for

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<sup>1</sup> San Joaquin County Civil Service Rules and Regulations

<sup>2</sup> San Joaquin County Civil Service Rules and Regulations

<sup>3</sup> San Joaquin County Work Rules

improvement. Key judgments for professional development should result from the evaluation.

There may be no mechanism to gather all important information in any system of performance evaluation. One must consider the benefits of an effective system and the consequences of an ineffective system. Creating a system that addresses the needs and expectations of most employees is worth doing.

## **FINDINGS**

1. Procedures were followed in the hiring of a convicted felon. According to San Joaquin County Work Rules, The Director of Human Resources, by policy, has discretionary authority to determine if an individual's criminal background would disqualify them from County employment.
2. Hiring policies were not manipulated, nor were they unfairly applied. Employment guidelines are presented to new employees during training and orientation. The complainant was aware of policies regarding outside employment at the time they were hired.
3. A number of department heads and supervisors are not complying with Civil Service Rule 13 as outlined in the San Joaquin County Employee Performance Guidelines. Rule 13 mandates employee performance evaluations be completed at least annually for permanent Classified Service employees.
4. San Joaquin County Employee Performance Guidelines lack mandates for performance evaluations for Exempt-Position employees.
5. The Human Resources Department is in the process of implementing software enhancements to record dates and status of all employee performance reviews.
6. The County Human Resources software currently lacks the capacity for tracking compliance of performance evaluations.

## **RECOMMENDATIONS**

1. Enforce annual performance evaluation review policy for all Classified Service position county employees, and by all County departments, as outlined in the San Joaquin County Employee Performance Guidelines, Civil Service Rule 13.
2. The Director of Human Resources monitor and strictly enforce compliance of the employee performance review policy by utilizing the enhanced features of the Human Resources software.

3. The current San Joaquin County Performance Report Form be revised to provide comprehensive assessments of goals met; indicators of current performance; and to establish objectives for the forthcoming review period.
4. San Joaquin County employee performance guidelines be amended to include annual performance evaluation reviews for all Exempt-Position employees.

**RESPONSE REQUIRED**

**Pursuant to Section 933.05 of the California Penal Code:**

The San Joaquin County Board of Supervisors shall report to the Presiding Judge of the San Joaquin County Superior Court, in writing and within 90 days of publication of this report, with a response as follows:

As to each finding in the report a response indicating one of the following:

- a. The respondent agrees with the finding.
- b. The respondent disagrees with the finding, with an explanation of the reasons therefore.

As to each recommendation, a response indicating one of the following:

- a. The recommendation has been implemented, with a summary of the action taken.
- b. The recommendation has not yet been implemented, but will be with a time frame for implementation.
- c. The recommendation requires further analysis, with an explanation of the scope of analysis and a time frame not to exceed six (6) months.
- d. The recommendation will not be implemented, with an explanation therefore.