

Yolo County Promotion Practices: Need for Standards and Oversight

SUMMARY

The Grand Jury reviewed rules pertaining to department promotions in Yolo County and, specifically, how they are applied at the Department of Planning and Public Works, Roads Division.

The Grand Jury found:

- No countywide policies or procedures exist for departments to follow once Department of Human Resources sends them a list of candidates eligible for a promotion.
- There is little to no oversight of department promotion practices by Human Resources. In this vacuum each department is left to develop its own methods for handling promotions. These methods vary greatly with some departments following a comprehensive, written promotion process and others relying on a past practice that is inconsistently applied.
- While the oral interview is the most important determinant in the promotional process, some departments do not apply any minimum standards for selection or training of oral interview panelists, have no consistent procedure in place for vetting panelists for bias, maintaining confidentiality of interview materials or communicating promotion selections to candidates.

The Grand Jury calls on Yolo County to develop policies and procedures covering department promotions and to require greater oversight, education and guidance in this area from the Department of Human Resources. This will ensure a promotional process countywide that provides greater uniformity, fairness and decreases potential legal risk to the county.

BACKGROUND

The Grand Jury received multiple complaints regarding departmental promotion practices at the Department of Planning and Public Works, Roads Division (Roads Division) alleging:

- Department promotional interviews were conducted in an unfair manner resulting in promotions based on favoritism rather than merit;
- Morale among some employees had deteriorated within the Roads Division due to perceived favoritism and failure of department managers and Human Resources (HR) to address these concerns.

There are limits to the Grand Jury's "watchdog" function as set forth in California Penal Code Section 925. The Grand Jury does not review specific personnel decisions. However, these complaints prompted a review of countywide rules and practices pertaining to department promotions and, more specifically, how they are applied at Roads Division. This Grand Jury investigation focused specifically on department promotions.

METHODOLOGY

The Grand Jury interviewed managers and staff from several Yolo County departments including: Department of Public Works, Human Resources, Yolo County Library, Child Support Services and Auditor/Controller. The Grand Jury also reviewed the following documents:

- Yolo County, CA Code of Ordinance, Chapter 6, Personnel Merit System;
- County of Yolo Personnel Rules and Regulations, Draft (Rules and Regulations);
- Yolo County Oral Interview Panel Examination Outline for Panel Members, revised November 2010 (HR Outline)
- Candidate Promotional Files from Roads Division
- Notes and emails from HR regarding: 1) department hiring managers, 2) HR liaisons, 3) Roads Division inquiry;
- Yolo Training Academy Course Description;
- Yolo County Values Statement, adopted July 24, 2012;
- Flyer for “Avenues for Yolo County Employees.”

Note: the last interviews for this report were completed on January 21, 2014.

DISCUSSION

Overview of County Personnel Rules for Department Promotions

The Yolo County “Personnel Director”¹ is responsible for administering the county’s system of recruitment and promotion based on merit and for establishing methods and procedures needed for the merit system to function (County Code, Section 2-6.03). These methods and procedures are found in the Yolo County Personnel Rules and Regulations, Draft (Rules and Regulations).

Yolo County currently operates under Rules and Regulations that have been in draft form for several years. HR has not been able to complete the draft due to staffing shortages and other priorities. Once complete, HR will submit the draft Rules and Regulations to the ten county employee union groups for review and then to the Board of Supervisors for adoption. There is no definite timeline for final adoption of the Rules and Regulations.

The draft Rules and Regulations set forth principles for selection and recruitment by which the county abides. They include the statement that selection for hire and promotion “.....*shall be on the basis of job-related skills, knowledge, demonstrated abilities and quality of performance.*”

According to the draft Rules and Regulations, when a county department has a position open for promotion, the department notifies HR which posts the opening along with a statement of the Minimum Qualifications (MQ’s) for that position. HR receives the applications, screens them to identify candidates meeting the MQ’s and sends a list of eligible candidates to the department hiring authority. Generally, the department hiring authority is a department head. The department

¹ The job title “Yolo County Personnel Director” no longer exists. The position currently is known as “Director of Human Resources”. Human Resources is a division of the County Administrator’s Office.

head may designate other managers or supervisors to oversee hiring and promotions in that department.

In some cases, HR works with a department hiring manager to develop and apply what is known as “Best Qualified Screening Criteria” to the list of candidates who meet the MQ’s for the open position. The “Best Qualified Screening” is an undefined process by which HR and department hiring managers identify qualifications most important and apply them to the list of employees who meet the MQ’s to determine those “best qualified” for the open position. There is no definition of “Best Qualified Screening Criteria” in any county rule or regulation. There is no written procedure defining when or how the criteria is developed or used. The Grand Jury learned that some department hiring managers were not aware that such a procedure existed. The Grand Jury also learned that promotion candidates who otherwise met the MQ’s were not advised that the use of Best Qualified Screening Criteria eliminated them from the list of eligible candidates.

HR’s required oversight of the promotion process ends when it sends the list of eligible candidates to a department hiring authority. At that point, a department is required to offer each eligible candidate an opportunity for an oral interview to be conducted by a panel. The Grand Jury learned that the oral interview is the single most important determinant of a promotion. The Rules and Regulations do not contain:

- minimum qualifications for oral interview panelists;
- minimum standards for experience or knowledge regarding the open position;
- requirements or guidelines for recusal or removal of a panelist for bias;
- requirements or guidelines for securing interview materials; or
- standard procedure for notifying candidates of the results of the promotional process.

A six page written guideline entitled, “Yolo County Oral Interview Panel Examination Outline for Panel Members” (HR Outline) is HR’s only written guidance to department hiring managers and oral interview panelists. The HR Outline is included in a binder of interview materials given to the panelists on the day of interviews. The HR Outline sets forth the responsibilities of the panel members and contains an overview of the candidate rating process. The Grand Jury also learned that department hiring managers do not always review this HR Outline with panel members or verify that they read, understand and apply it to their role as a panelist when interviewing candidates.

Department Promotional Practices Vary

In the absence of countywide policies and HR oversight, each county department has been allowed to develop its own methods and practices for handling department promotions. The Grand Jury conducted an audit of Roads Division and three other county departments to gain an understanding as to how each handled promotions. The Grand Jury learned that the structure and integrity of the promotion process varied widely among these departments.

During the audit, the Grand Jury learned of one department that had developed internal written guidelines for selection and training of oral interview panelists, required panelists to sign confidentiality agreements and routinely met with non-selected candidates in order to provide feedback. Two departments had less formal procedures in place. These department hiring

managers participated in the promotion process from beginning to end; selected experienced interview panelists; had procedures for securing interview materials; and, provided feedback to non-selected candidates.

The audit further revealed that the department promotion process at Roads Division was informal, based on past practice and not well understood or communicated among employees and managers. The hiring manager at Roads Division has delegated much of the oversight of the promotion process to other managers or supervisors who have no training in employment matters.

The Grand Jury learned that Roads Division:

- did not apply any minimum standards for selection of oral interview panelists;
- did not provide training to panelists but did provide them with the HR Outline at the time of the interviews;
- did not consistently screen interview panelists for potential personal bias for or against promotion candidates, relying on panelists to bring these issues to the department's attention; and
- did not follow a consistent practice for notifying non-selected candidates of the outcome of the promotion.

The Grand Jury learned of an instance where a newly hired probationary road worker was selected to serve on an interview panel for a supervisory position. Additionally, this probationary road worker was a personal friend of one of the candidates for promotion. The Grand Jury also learned of an occurrence in which the non-selected candidates first became aware of the outcome of a promotion during a group safety meeting at which the name of the successful candidate was announced.

Roads Division has not violated any county policy or code in managing its department promotions since none exists. Roads Division's practices, which lack written minimum standards, consistency and transparency, have led to the perception, expressed by some employees, that they do not have a fair opportunity to earn a promotion and that to take any measures to increase chances at future promotions would be futile.

Recently, Roads Division has been working more collaboratively with HR to improve its promotion practices. Roads Division has included HR in the process of selecting and training panelists, drafting interview questions and sitting in on interviews. HR and Roads Division believe this will make the process fairer, both in practice and in perception.

Human Resources: Advisory or Regulatory?

HR sees itself as having an advisory, not a regulatory, role in overseeing department promotions. HR does not routinely monitor or intervene in department promotion practices for two reasons: 1) lack of enforceable countywide policies and procedures and 2) lack of resources and resulting limitations on staff availability.

Lack of Policies and Procedures:

County Code mandates the Director of Human Resources develop policies and procedures to administer the county's promotional system.² As discussed in the previous section, policies and procedures do exist up to the point the list of eligible candidates is sent to the department for interview and promotion selection. The Director of HR has the mandate to adopt policies for departments to follow in the promotional interview and selection process but, thus far, has not done so.

Lack of Resources and Staff:

Even if policies on department promotions were adopted, HR currently does not have the resources or staff to ensure compliance by all county departments. HR has taken steps to meet the need for more oversight of county promotions within its limited budget and staffing. HR recently developed curriculum for two courses to be offered in February, April and June 2014 through the Yolo Training Academy.³ The courses are entitled: "Coordinating Effective Hiring Interviews" and "Hiring Interview Panel". The course descriptions cover some of the problem areas identified in this Grand Jury report. Course attendance is not mandatory and it is not known whether the courses will be offered beyond 2014. As of February 2014, six (6) employees were registered for the February class, two (2) for the April class and none for the June class.

Need for Countywide Policies on Department Promotions:

There are compelling reasons for the county to enact minimum standards for department promotion practices and to require HR oversight to ensure:

- **Legal Compliance:** The HR Outline lists nine state and federal anti-discrimination laws that apply to the oral interview process which, if violated, may place the county at legal risk;
- **Fairness:** In the absence of fair and consistent promotional practices, employees may decline to interview at Yolo County believing their chances for promotion or hire are based on factors other than merit;
- **Morale:** Employee morale suffers when the promotion process is not fair, systematic and transparent. Employees may give up on improving skills and education if they do not believe they have a fair chance at earning a promotion. This would be a loss to employees, managers, and to the county. Poor and inconsistent promotion practices may lead to promotion of less qualified individuals which may, in turn, lead to other personnel issues later, such as discipline, demotion, resignation or termination.

Human Resources: Need for prescribed complaint process

During this investigation, the Grand Jury learned that HR assumes departmental promotion practices are fair unless it learns otherwise. What HR does if it learns of a potential problem or receives a complaint is not well defined. Currently, the county has no prescribed process for

² Yolo County Code Section 2-6.03

³ Yolo Training Academy provides classroom training to county employees and partner agencies in subjects relevant to county employment tasks.

employees to file a formal or informal complaint regarding personnel issues, for HR to conduct any type of investigation or for HR to bring the issue to closure with affected employees and managers.

Yolo County has shown its intention to create an environment where employee concerns can be raised. The Yolo County Values Statement provides that it is “...committed to doing right by others through public service and maintaining the trust of our residents and peers. Together, we will continue to foster a healthy, supportive and professional environment, striving always for excellence.”

Yolo County also has developed a program called “Avenues” for Yolo County employees to report workplace issues through various resources including supervisors, HR and/or the Employee Assistance Program (EAP). The “Avenues” program opens the door for employees to seek assistance with workplace issues. The Grand Jury could find nothing in the description of the “Avenues” program that would address how an employee issue, such as alleged impropriety in departmental personnel practices, could be investigated and resolved.

The Grand Jury learned that employees of Roads Division met with HR to voice concerns over the promotion practices of Roads Division. HR assured the employees that it would look into the concerns but would not conduct a formal investigation. The Grand Jury learned that the employees believed that HR would inquire into their concerns and report back to them.

After speaking with Roads Division hiring managers and reviewing documents, HR concluded that Roads Division did not violate any county rules in the promotion. The Grand Jury learned that HR’s review raised “red flags” about Roads Division’s promotion practices prompting it to work more closely with Roads Division hiring managers to provide advice in selecting and training interview panelists, draft interview questions and sit in on interviews. None of this was clearly communicated to the affected employees. As a result, they believed their concerns had been ignored.

FINDINGS

- F1:** Yolo County currently operates according to Personnel Rules and Regulations that have been in draft form for a number of years. There is no definite timeline for completion by HR, review by employee union groups or adoption by the Board of Supervisors.
- F2:** Although the oral interview is required and is one of the most important events in a departmental promotion process, Yolo County has no written rules, regulations or guidelines covering the selection or training of oral interview panelists, the confidentiality of interview materials or feedback to selected and non-selected candidates.
- F3:** HR provides no oversight of department promotion practices unless requested to do so by a department. In this area, HR acts in an advisory role and assumes county departments are conducting promotional practices in a fair manner unless it learns otherwise.

- F4:** Human Resources has failed to adopt rules and regulations addressing departmental promotion processes. As a result, HR's role in the departmental promotional process has been solely advisory.
- F5:** In the absence of countywide rules and HR oversight, department hiring managers develop their own methods for conducting the oral interview and promotion selection process, which vary widely.
- F6:** The department promotion process within Roads Division lacks written minimum standards for selection and training of oral interview panelists, method for recusal for bias, requirements for confidentiality or a process for meaningful feedback to non-selected candidates.
- F7:** Although Roads Division has not violated any policy or code relating to promotions, the lack of standards, consistency and transparency in Roads Division's promotion practices has led to a perception among some employees that the promotion process itself is unfair and biased.
- F8:** Development of countywide policies covering promotion practices, including use of objective screening criteria, along with more HR oversight for policy compliance, would ensure a standardized promotional process, improving uniformity between departments, increasing fairness and decreasing potential legal risk to the county.
- F9:** HR has taken steps to meet the need for more oversight of County promotions by offering elective courses through Yolo Training Academy in 2014.
- F10:** Currently, HR reviews department promotion practices only if a problem is reported. HR has no prescribed complaint process that requires investigation, accountability and communication of investigation results to concerned employees.

RECOMMENDATIONS

- R1.** Within the next 90 days, HR should conduct a survey of each department's current promotion practices to identify problem areas and to learn from departments that have created successful internal models that address promotional processes.
- R2.** By October 1, 2014, HR should use the information obtained from the survey to develop and adopt, as part of its Personnel Rules and Regulations, unified policies that create minimum written standards for department promotion processes. These policies should address selection and training of oral interview panelists, confidentiality and feedback to selected and non-selected candidates.
- R3.** HR should work with Roads Division immediately to create comprehensive written guidelines covering department promotion and hiring and to provide training to department hiring managers and oral interview panelists. These guidelines should be shared with

Roads Division employees to restore transparency and trust that the department promotion process is operating in a fair manner.

- R4.** HR should ensure that courses recently added to the Yolo Training Academy on how to properly conduct hiring or promotional interviews become part of the Academy's permanent curriculum and that all county staff participating in hiring or promotion interviews be required to attend.
- R5.** Within the next 60 days, HR should develop and publicize a process by which complaints regarding personnel issues can be reviewed, evaluated and acted upon with results reported to complainants.
- R6.** By December 1, 2014, HR should complete the Personnel Rules & Regulations and develop a specific timeline for review by employee union groups and adoption by the Board of Supervisors. HR should report bi-monthly to the Board of Supervisors on its progress until such time as the Rules & Regulations are finally adopted.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

From the following individuals and departments:

- Director, Human Resources Department: Recommendations R1, R2, R3, R4, R5 and R6
- County Administrative Officer: Recommendation R4.
- Director, Department of Planning and Public Works, Roads Division: Recommendation R3

From the following governing bodies:

- Yolo County Board of Supervisors: Recommendation R6

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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