

**CHANGING OF THE GUARDIAN:  
LIFE AFTER REORGANIZATION OF  
THE PUBLIC ADMINISTRATOR AND  
PUBLIC GUARDIAN OFFICES**



**GRAND JURY 2015-2016**



## Table of Contents

<b>EXECUTIVE SUMMARY .....</b>	<b>4</b>
<b>BACKGROUND .....</b>	<b>5</b>
<b>PAST GRAND JURY REPORTS .....</b>	<b>7</b>
<b>SCOPE.....</b>	<b>9</b>
<b>METHODOLOGY .....</b>	<b>9</b>
<b>INVESTIGATION AND ANALYSIS.....</b>	<b>10</b>
<b>PUBLIC GUARDIAN LEADERSHIP.....</b>	<b>10</b>
<i>Public Guardian Staffing.....</i>	<i>11</i>
<i>Public Guardian Performance Management .....</i>	<i>14</i>
<i>Public Guardian Staff Morale .....</i>	<i>16</i>
<i>Public Guardian Communication.....</i>	<i>17</i>
<i>Public Guardian Integration into the Health Care Agency .....</i>	<i>18</i>
<b>PUBLIC ADMINISTRATOR LEADERSHIP.....</b>	<b>20</b>
<i>Public Administrator Extra Help Hires.....</i>	<i>21</i>
<i>Public Administrator Merit Selection Rule Violations .....</i>	<i>21</i>
<i>Public Administrator Personnel Administration Best Practice Violations .....</i>	<i>22</i>
<i>Public Administrator Staff Morale .....</i>	<i>23</i>
<b>PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN CASE MANAGEMENT SYSTEM .....</b>	<b>25</b>
<b>PUBLIC GUARDIAN TRAINING AND CERTIFICATION .....</b>	<b>31</b>
<b>PUBLIC GUARDIAN POLICY AND PROCEDURES .....</b>	<b>34</b>
<b>PUBLIC GUARDIAN QUALITY ASSURANCE ACTIVITIES .....</b>	<b>39</b>
<b>FINDINGS .....</b>	<b>43</b>
<b>RECOMMENDATIONS.....</b>	<b>46</b>
<b>REQUIRED RESPONSES.....</b>	<b>49</b>
<b>WORKS CITED.....</b>	<b>52</b>
<b>WORKS CONSULTED .....</b>	<b>53</b>

**APPENDIX A: Office of the District Attorney – Public Administrator ..... 54**

**APPENDIX B: Health Care Agency ..... 55**

**APPENDIX C: Behavioral Health Services Public Guardian ..... 56**

**APPENDIX D: Essential Features Required for a New Case Management System ..... 57**

**APPENDIX E: List of Acronyms ..... 59**

## EXECUTIVE SUMMARY

The 2015-2016 Orange County Grand Jury took an in-depth look at the Public Guardian and Public Administrator Offices to determine whether issues found by the 2008-2009 Grand Jury report entitled, *The Guardian of Last Resort*, had been resolved. In 2008-2009, the Grand Jury found lack of financial accountability, lack of current and meaningful policies and procedures, questionable personnel administration, an outdated case management database, and unmanageable deputy caseload sizes (Orange, 2008). During the course of this investigation, the current Grand Jury found that serious problems identified in the 2008-2009 Grand Jury report continue to affect the efficiency and morale of the Public Administrator and Public Guardian Offices. Numerous staff interviews and document reviews point to a number of serious longstanding issues in both the Public Guardian and Public Administrator's Offices. Some of the concerns have become more significant over time. A few of the major findings include:

- Unfulfilled commitments to replace a 17 year old case management database used by the Public Administrator and Public Guardian Offices that is barely functional and limited in its abilities.
- Low staff morale in both the Public Administrator and Public Guardian Offices.
- Questionable hiring practices in the Public Administrator's Office.
- Ineffective leadership in the Public Guardian's Office.
- Failure to implement necessary processes to prevent and correct instances of unprofessional staff conduct in the Public Guardian's Office.

These concerns and others are individually addressed throughout the body of this report.

Despite the numerous issues that still exist seven years after they were initially identified by a previous Grand Jury, the current Grand Jury concluded that, with a few notable exceptions, the deputies who represent the Public Administrator and Public Guardian, and who are sworn to uphold the laws associated with guardianship, express a strong desire to help people who can't help themselves.

This report is intended to facilitate resolution to longstanding issues in the Public Guardian's Office first and foremost, and secondarily, in the Public Administrator's Office as it relates to hiring practices and staff morale. The Grand Jury provides a number of findings and recommendations for resolving these issues.

## BACKGROUND

Imagine a workplace with morale so low one staff member refers to the Public Guardian's Office as their "own little asylum." Another indicated it wouldn't be a surprise if something tragic happened given the in-house fighting, tension, and stress level of employees. Then imagine the anxiety of daily reliance on a seventeen-year-old conservatorship database that houses case management information for thousands of conserved individuals but is in constant danger of becoming non-functional due to its outdated platform. This follows a legacy of leadership that has made newspaper headlines and people who were either locked out of, or escorted from their offices. This is the current Public Guardian's Office.

In late January, 2012, the Public Administrator/Public Guardian was locked out of his office after refusing to retire on the date that, according to the County, he had negotiated with the Board of Supervisors. This followed a lengthy period of criticism of the department including two Grand Jury reports, a claim filed against the County that accused the department of negligence in the handling of a multimillion dollar estate (Edds, July 2011).

Some staff from the Public Guardian's Office told the Grand Jury that operational problems continued under the appointed replacement who retired in March, 2014, after three years on the job, which coincided with the Public Administrator and Public Guardian separation of offices.

An Interim Public Guardian served from February 2014 through December 2015, coinciding with the placement of the Public Guardian Office under the Health Care Agency. The Interim's short tenure was compounded by the perceived notion of many staff that all decisions regarding the Public Guardian's Office were being made by the Health Care Agency/Behavioral Health Services management team, rendering the Interim Public Guardian position powerless to advocate for staff.

A new Public Guardian was appointed permanently in January 2016. Staff appears divided on this change in leadership. According to some Public Guardian employees, they are wary and distrustful of leadership in general, having been disappointed too many times, and regardless of who leads in that role, they will continue to function under the larger umbrella of what they perceive as the far-removed Health Care Agency/Behavioral Health Services. Additionally, they carry forward a well-entrenched dysfunctional legacy, so positive changes may continue to come slowly to this department.

The Public Administrator's Office fared much better in the 2014 split from the Public Guardian's Office, but it did not escape unscathed. Most notably, the current Grand Jury found evidence that Merit Selection Rule guidelines were not followed when management hired extra help to catch

up on outdated caseloads. The Grand Jury also found evidence that staff morale was adversely affected by the hiring of people who had a known relationship with top District Attorney Officials.

The Public Guardian and Public Administrator Offices have distinct functions. The Public Guardian's Office employs approximately 40 employees, with approximately 24 deputized employees. This compares to the Public Administrator's Office, which employs approximately 20 staff, with approximately nine deputized employees. According to interviews with senior staff members, being deputized gives an employee authority to perform investigative and administrative duties under the jurisdiction of the Public Guardian and Public Administrator, including managing the affairs and arranging for care and treatment services. According to the Class Specifications for Public Guardians, dated February 5, 2016, positions in this series perform a wide variety of activities and services to fulfill the legal mandates of the Public Guardian. They are responsible and accountable for performing investigations related to conservatorships and for managing the estates of conservatees determined by the courts to fall within the jurisdiction of the public guardian.

The Public Guardian's Office attends to the welfare of County residents who do not have the capacity to take care of their own needs and have no one else to look after them, or who have a mental illness so acute that they are unable to function independently. The Public Administrator's Office, on the other hand, manages estates of individuals who die without a will or without an appropriate person willing or able to act as the estate administrator. The Public Administrator/Public Guardian Offices manage over \$46 million of combined cash assets and they process approximately 60,000 financial transactions for all programs annually (Orange, 2015).

In the 2005 reorganization, the Public Administrator, then an elected position under the Coroner's Office, absorbed the responsibility of Public Guardian, making it one fulltime shared position. However, in February, 2014, the Board of Supervisors initiated another reorganization. They determined that the Public Administrator/Public Guardian role would be separated into two distinct fulltime positions that would function under separate umbrella departments. The Public Administrator relies on a fulltime Chief Deputy to manage day-to-day operations, while the Public Guardian utilizes a team of mid-level managers and supervisors (refer to Appendices A, B, and C for Organization Chart information).

The Public Guardian position is appointed by the Orange County Board of Supervisors and reports to the Director of the Health Care Agency. The Public Guardian's Office receives approximately 800 referrals and administers approximately 1,600 conservatorship and trust cases annually. Day-to-day caseload duties are assigned to approximately 19 Deputy Public Guardians, who each have an approximate caseload of 60 clients. Their work is monitored by three immediate supervisors and one mid-level manager. Deputies are responsible for

individuals who are either under Lanterman-Petris-Short (LPS) or Probate conservatorship. LPS conserved individuals are deemed gravely disabled due to mental illness. Probate conserved individuals are generally referred for services by Adult Protective Services, local law enforcement agencies, and the Superior Court when persons (usually elderly and/or disabled) are unable to care for themselves. Each case may remain open for several years, depending upon the severity of the physical and/or mental disability of the person. In some instances, Deputies are only responsible for the estate, while in others, their responsibilities include care for the person's well-being, which includes finding them a safe and comfortable place to live.

Conserved individuals are particularly vulnerable and depend upon the integrity and competence of the Deputy Public Guardians to keep them physically and financially safe, and ultimately ensuring their estates are legally, ethically, and appropriately handled after death.

The Public Administrator is an elected position, and has been assigned to the District Attorney. The Public Administrator Office receives an average of 1,300 referrals, handles approximately 1,000 investigations, and administers an average of 150 decedent trust estates annually. A Chief Deputy Public Administrator, appointed by the District Attorney, oversees the operations of the Department. Day-to-day caseload duties are assigned to approximately six Deputy Public Administrators, who are responsible for making a diligent search for the next of kin, a will, and arranging any documents for the disposition of the decedent's remains. Deputies are monitored by two tiers of supervisors and the Chief Deputy Public Administrator.

The 2014 separation resulted in the Public Guardian's Office being absorbed into the massive Health Care Agency under the sub-department of Behavioral Health Services. The Public Administrator's Office was moved under the much smaller auspices of the District Attorney (refer to Appendices A, B and C for Organization Chart information). Early in 2015, the Public Administrator operations physically moved from an office building it shared with the Public Guardian's Office to the District Attorney's Office building. The Public Guardian operations did not move into the Health Care Agency building, but remain isolated in a building several miles away. Some staff members from both the Public Guardian and the Public Administrator Offices expressed feelings that the Public Administrator got the better deal, including relocation of Real Property and Estate Inventory staff to their office, although these entities still provide services to both offices and are heavily relied upon by the Public Guardian staff.

## **PAST GRAND JURY REPORTS**

The Grand Jury previously investigated the Public Administrator/Public Guardian Office in 2008-2009 in a report entitled *The Guardian of Last Resort*. This report included a separate,



supplemental report which dealt specifically with increased management costs and additional inappropriate personnel practices. Although there were many unsettling findings, the incumbent Public Administrator/Public Guardian strongly defended his leadership of the agency. In his rebuttal, he “wholly disagreed” with several of the Grand Jury’s findings, which included the following two unresolved issues:

1. “The management of Public Administrator/Public Guardian has become top heavy, which complicates communication with employees, increases costs and lowers morale and department performance.”
2. “Public Administrator/Public Guardian policies and procedures are outdated, confusing and are not being adhered to as written, making it difficult to effectively implement the Public Administration/Public Guardian stated mission.” (Orange, 2008)

The 2011-2012 Grand Jury revisited the Public Administrator/Public Guardian with a report entitled, *Elder Abuse: The Perfect Storm*. Two relevant recommendations were made that were pertinent to the Public Administrator/Public Guardian Office.

1. By October 1, 2012, the Board of Supervisors should direct the Office of Performance Audit Director to evaluate...the Public Guardian.
  - a. 2016 update per the County Executive Office (CEO): The Office of the Performance Audit Director has not conducted an evaluation of the Public Guardian.
2. By October 1, 2012, the County Executive Officer should direct the Information Technology Department to evaluate the computer system of the Public Administrator/Public Guardian to insure this agency has a full capacity to report, coordinate and monitor elder abuse (Orange, 2011).
  - a. 2016 update per the County Executive Office (CEO): The Health Care Agency released a Request for Proposal (RFP) for replacing the case management computer system in February 2015. The RFP was cancelled in November 2015, due to lack of acceptable bids. The Health Care Agency will continue to explore options for replacement of the case management computer system, which may include the issuance of another RFP.

## SCOPE

This report focuses on the six current issues the Grand Jury feels have the most significant impact on the ability of the Public Administrator and Public Guardian Offices to effectively and efficiently carry out their duties.

1. Public Guardian Leadership and Employee Morale
2. Public Administrator Leadership and Employee Morale
3. Public Administrator and Public Guardian Electronic Case Management System
4. Public Guardian Training and Certification
5. Public Guardian Policy and Procedures
6. Public Guardian Quality Assurance Activities

## METHODOLOGY

In preparation for this study the Grand Jury researched information using a variety of investigative techniques, including interviews and document reviews. Interviews were conducted with a wide variety of well-represented entities in both the Public Guardian and Public Administrator Offices, from deputies who perform the day-to-day caseload functions to top officials in the Health Care Agency and District Attorney's Office. The Grand Jury feels this well-rounded staff representation provides an objective and accurate portrayal of the agency's culture, inner workings, issues, and solutions. The Grand Jury also interviewed staff and reviewed documents from other County entities who work with these two groups.

Interviews were conducted with:

- Staff associated with the Public Guardian and Public Administrators Offices
- Staff from the District Attorney's Office
- Staff from the Health Care Agency
- Staff from both Centralized Human Resources and District Attorney Human Resources Offices
- Staff from Information Technology (IT)
- Staff from the County Executive Office (CEO)
- Staff from the County's Internal Auditor Office

- The California Association of Public Administrators/Public Guardian/Public Conservators (CAPAPGPC) and review of associated documents

Documents reviewed included:

- Previously published Grand Jury reports
- Internal County audits related to the Public Guardian/Public Administrator
- Human Resource policies related to hiring practices
- Internal District Attorney recruitment and hiring documents
- County documents related to Employee Appraisal processes and Performance Improvement Plans
- Current Public Administrator/Public Guardian policies and procedures
- Documents related to deputy training and certification requirements
- Documents related to procurement attempts to upgrade the current electronic case management database system (E-CMDS)
- Research articles related to the Public Administrator/Public Guardian

## **INVESTIGATION AND ANALYSIS**

### **PUBLIC GUARDIAN LEADERSHIP**

Effective leadership is fundamental to ensure the vision and mission of an organization is successfully met and that it fosters an environment where an agency can thrive. Unfortunately, this has not been the story for Orange County's Public Administrator/Public Guardian Office, which has been in a constant state of transition.

In February 2014, the Board of Supervisors placed the Public Guardian's Office under the auspices of the Health Care Agency, concurrent with the appointment of an Interim Public Guardian. After what some staff described as an initially warm reception by the Health Care Agency/Behavioral Health Services leadership team, which included promises of additional funding and increased resources, many Public Guardian staff were left disappointed. They reported that the reforms resulted in increased red tape, a reduction in basic office equipment, and a neglected workforce. Several Public Guardian staff members described themselves as the stepchildren of the Health Care Agency and their direct supervising department, Behavioral Health Services, stating that the top leaders of the organization have yet to make a second appearance to the office since the initial welcome speech. In addition to Behavioral Health Services, the Health Care Agency consists of smaller departments which, in part provide direct care clinical services. In sharp contrast, the Public Guardian's Office fulfills a primarily

fiduciary function and must follow strict Probate Codes. This difference in focus adds to the perceived disconnect between the Public Guardian and most other Health Care Agency departments. Some Health Care Agency officials told the Grand Jury that they did engage with the Public Guardian staff during staff meetings and a luncheon event to bring the Public Guardian's Office into the organization, but conceded that the office hasn't yet been fully integrated into the Health Care Agency.

At the beginning of 2016, a permanent Public Guardian was appointed by the Board of Supervisors, replacing the Interim Public Guardian who had been in place for 22 months, leaving the Public Guardian staff to adjust to yet another new leadership style. This revolving door approach makes it challenging to achieve balance in an environment that provides critical support to some of Orange County's most vulnerable citizens. According to some staff, the lack of consistency as each new Public Guardian comes in armed with their own unique vision, philosophy, priorities and rulebook is evident. The agency is left dealing with antiquated case management systems, extreme personality conflicts, a mix of over-inflated and ineffective mid-level management positions, and no effective internal system in place for measuring deputy compliance with strict probate codes and other expected workplace standards.

It is apparent to the Grand Jury that the leadership history within the Public Guardian's Office has created a workforce left to their own devices. One top official in Orange County government told the Grand Jury that the Public Guardian's Office is almost unsalvageable in its current state. Senior staff at the Health Care Agency/Behavioral Health Services told members of the Grand Jury that they have made a commitment to Public Guardian staff that they will provide a stable foundation for the recently appointed Public Guardian to make a smooth transition with the least amount of disruption.

In conducting its investigation, this Grand Jury explored several critical components under the leadership banner, including Public Guardian staffing, Public Guardian performance management, Public Guardian staff morale, Public Guardian communication, and integration of Public Guardian staff into the Health Care Agency.

### *Public Guardian Staffing*

Staffing in the Public Guardian Office has been an ongoing issue since at least 2008-2009 according to a previous Grand Jury investigation entitled *The Guardian of Last Resort*. Listed below are a few of the issues identified seven years ago, along with the current Grand Jury's observations:

<b>2008-09 Recommendations</b>	<b>Public Guardian's Response</b>	<b>2015-16 Observations</b>
<p>The PG should comply with the OC Human Resources request and eliminate the Administrative Manager Level III classifications at the PG.</p>	<p>The PG will work with Human Resources to determine an appropriate administrative management classification structure for PG within the next 6 months.</p>	<p>The Public Administrator/Public Guardian are now separate agencies thus requiring the need to duplicate Administrative Manager Level III positions. The PG continues to have one additional Admin Manager III, who reports to PG. This position is currently under review by Centralized Human Resources.</p>
<p>The PA/PG should reduce the number of management positions in the Administrative Services Department.</p>	<p>Recommendation will not be implemented because it is not warranted or reasonable. The three Managers in the Administrative Services Unit all perform necessary duties which include Human Resources, Procurement, Payroll, Information Technology and Facility/Operations.</p>	<p>Centralized Human Resources assessed and is addressing the management positions identified in 2008/09 for reclassification. In addition, a member of the leadership team shared that more resources are now available to the PG under the auspice of HCA, such as payroll, budget management, personnel and billing.</p>
<p>The PA/PG should perform an in-depth top-to-bottom review of all communication systems. Develop a corrective action plan and review monthly with senior management staff.</p>	<p>This recommendation has been implemented. Communication methods are in place. There are general staff meetings, unit meetings, supervisor meetings and management meetings. Labor Management committee meetings, training and email blasts that all occur within PA/PG.</p>	<p>There is a general perception among most PG staff that communication from the top down continues to be an issue, stating that meetings are unproductive and lack purpose or direction. The Grand Jury reviewed the Public Guardian staff meeting minutes and determined that meetings appear to occur monthly and cover relevant topics.</p>

Some of the current Public Guardian staffing issues were inherited, including the questionable management promotions revealed in the 2008-2009 Grand Jury report. Some are a result of cumbersome hiring practices, while others stem from simply not having the right people in the right positions.

The 2008-2009 Grand Jury report revealed that Public Guardian management positions were created without justification and temporary promotions were awarded. Three mid-level managers were temporarily promoted. Although their terms were supposed to be extended no longer than eighteen months, due to lack of proper oversight they have remained in place under the temporary status for 5-7 years. The appointment of these positions did not escape the notice of the Public Guardian deputies. As noted in the 2008-2009 Grand Jury report, and confirmed by numerous staff members, titles and promotions were not only subjective and unnecessary but resulted in an agency that was top heavy with managers. This resulted in an insufficient amount of line staff to manage the conservatorship caseloads, which quickly escalated into a backlog of outdated, unresolved cases. One Public Guardian management position, currently staffed by a “temporary” manager, is not assigned to supervise any staff. Although that position is in an administrative support role for the deputies, several staff members in the Public Guardian’s Office aren’t aware of the job duties assigned to that position. Additionally, one official in the Public Guardian Office opined that several mid-level Public Guardian managers are often late, disappear, don’t answer e-mails, or simply don’t show up when expected. The official stated that despite alerting top level management to these issues, none of the issues have been acted upon.

Health Care Agency/Behavioral Health Services leadership has addressed the staffing imbalance and is still working to resolve the excess of middle management issues. One position was reclassified in late 2015, a second position was reclassified in early 2016, and a third position study is underway as of the writing of this report. Additionally, the Human Resources Department has changed the practice of granting temporary promotions for an extended length of time. The Human Resources policy entitled *Temporarily Filling a Position*, which was effective as of April 2010, now reads, “Temporary position classifications of full-time positions should be limited to nine months and cannot be extended.”

The Grand Jury learned that other staffing issues in the Public Guardian’s Office stem from the agency’s inability to replace vacant positions in a timely manner. Positions have been left unfilled for months, and for more than a year for a much needed social worker position. Due to the approval, funding, recruitment, selection, and background check processes, any hiring request becomes a lengthy process. The recruiting process for the vacant Social Worker position began in late 2015 even though this is an essential position to assist the deputies with mandated visits to check on the physical and emotional welfare of people on probate conservatorship. Some deputies reported that due to the lack of a social worker, site visits are not being completed in accordance with established policy because the deputies have had to assume this duty and do not have time in their schedule to comply. Another example of staffing delays is that of a long vacant office receptionist position. Other staff have been pulled from their primary tasks to cover this position, creating an increase in their workload to ensure all assignments are completed within the department. Key deputy positions have also been vacated with no recruitment efforts to fill those positions, creating an added burden to existing deputies by adding

to their already full caseload. This imbalance results in less service time spent on each conserved individual.

The Interim Public Guardian who served from March 2014 through December 2015 was charged with bringing greater stability, structure and direction to the embattled and struggling workforce of the Public Guardian Office. Many Public Guardian staff members said the Interim made an effort to increase communication via staff meetings and one-on-one conversations. Documents provided to the Grand Jury also showed that the Interim initiated the arduous process of reviewing and updating the Public Guardian Policies and Procedures Manual that had been left in disarray. Several staff in the Public Guardian's Office were of the opinion that the Interim was given the title without the authority, due to the multi-layered oversight structure of Health Care Agency/Behavioral Health Services. This may have impeded a successful transition from the start.

Based on a number of staff interviews, it is clear to the Grand Jury that there is a strong perception among some staff that a few personnel in the Public Guardian's Office are not well-suited to be in leadership positions. The Grand Jury was told about and observed examples of high ranking Public Guardian staff who lacked effective communication skills, regularly participated in and even initiated office gossip and drama, misused power through blatant favoritism, and regularly elected not to adhere to established policies and procedures.

#### *Public Guardian Performance Management*

There is a well-documented and comprehensive Performance Incentive Plan (PIP) Manual used throughout the County Government that outlines the elements of core competencies, performance planning, coaching feedback, final review, timelines and improvement plans. However, the Grand Jury identified both non-adherence to performance appraisal guidelines and lack of disciplinary action as weaknesses within the Public Guardian's Office. According to an interview with a top administrator, Human Resources staff met with mid-level managers and supervisors early on to review performance appraisal expectations, but there is no evidence of follow-up by the Health Care Agency or Public Guardian leadership to ensure the expectations were implemented. Several staff interviewed by the Grand Jury confirmed that performance appraisals in the Public Guardian's office are an ineffective tool for providing feedback of work performance.

The Grand Jury was also provided with Public Administrator/Public Guardian Policy 1.12 related to Performance Evaluation, however, this policy was not included in the Table of Contents for the Public Guardian Policy Manual and the Grand Jury learned it has been purged. The purpose of Policy 1.12 was to establish uniform guidelines for evaluating employee

performance in a fair, consistent, and objective manner within appropriate timelines. The deleted policy also emphasized the need and importance for evaluating employees based on the quantity and quality of work performance. This policy would be beneficial for managers and supervisors as a guideline when preparing for and meeting with staff to review performance objectives.

The Grand Jury found few aspects of the Public Guardian's Office to be consistent or objective. According to some supervisors and deputy staff interviewed, performance appraisals are meaningless. One staff member stated there has been very little verbal communication with the direct supervisor due to ongoing conflicts and that a performance appraisal consisted of looking at each other, the supervisor reading the appraisal, which had no negative comments, then both of them getting up and walking out of the room. Another official stated that an Improvement Plan section was not included as part of the Performance Appraisal form, which limited the opportunity to provide the employee with meaningful feedback on performance issues.

The Grand Jury was also told by several supervisors that there was no formal policy for progressive discipline, yet the Grand Jury was provided with the County of Orange Disciplinary Process Manual, which includes specific progressive steps of discipline. The Health Care Agency published a Code of Conduct Guide in October 2015 that provides employees with information on the Health Care Agency's mission, vision, and core values, along with specific instructions for preventing fraud, waste, and abuse. Clearly, there is a disconnect regarding available resources and some of the Public Guardian's staff willingness or ability to utilize these resources.

Given the unprofessional conduct that some staff states is commonplace in the Public Guardian's Office, clear communication between managers, supervisors, and deputy staff should be of paramount concern, yet Grand Jury interviews paint a picture of some supervisors and managers who are either too timid or feel powerless to address poor staff performance. Several staff in leadership roles stated that it is futile to apply progressive discipline because there is no follow-through and no consequences, they don't have the time required for documentation of poor performance by deputies, or they fear retaliation by employees. On the other hand, some deputies wonder why poor performing peers, or peers that demonstrate unprofessional conduct are allowed to continue their behavior because their negative attitude and performance affects the entire office. Examples of purported staff misconduct told to the Grand Jury during staff interviews include a staff member threatening to run another staff member over with a car, a subordinate threatening and intimidating a supervisor, an employee yelling at a conserved individual over the phone, and blatant favoritism that results in inequitable delegation of work and easier caseloads for some deputies.

A critical tool used by supervisors to gauge performance is the required Case Administration Review. These reviews ensure individual case administration is up-to-date, organized, and meet



the mandates of the applicable statutory codes. While some of the supervising deputies acknowledge that Public Guardian Policy 10.1 Supervisor Review of Cases should be followed, they also stated that they had no opportunity for input on this policy and there is simply no time in their day to conduct this task. Some of the supervisors did state that they have makeshift methods of tracking deputy performance, accolades, and suggestions for ongoing professional growth. The information gathered throughout the year is used in Public Guardian deputies' annual performance appraisals. To aid in this area, a top official told the Grand Jury that Human Resources recently conducted meetings with the Public Guardian managers to review performance appraisal standards and expectations. Human Resources also implemented a training course for Public Guardian managers on how to write a performance review, however, there is no indication that any follow-up was completed to ensure competency or adherence to agency expectations. According to an official with the Public Guardian's Office, new requirements have recently been set by the Public Guardian for supervisors to meet monthly with staff to discuss performance, attendance, and core competencies.

#### *Public Guardian Staff Morale*

Staff morale is one factor that can greatly impact productivity and job satisfaction in an agency. Several staff members describe employee morale in the Public Guardian's Office as being at an all-time low, due in part to the incorporation of the office into the Health Care Agency structure. The lack of stability, direction, and consistent managerial competency has taken its toll and manifests itself in ways that test the limits of the agency to function as a cohesive team. The Public Guardian's Office has been described by one staff member as a "pressure cooker." According to some staff, underlying reasons include undeserved managerial promotions, lack of communication on all levels, rampant gossip and innuendo, personality conflicts and in-fighting between managers/supervisors/deputies, perceived favoritism, and inequitable workloads. One person described the environment as being so toxic that "it feels like a helmet and shield are required" every time the person interacts with other Public Guardian staff. Another admits that it wouldn't be surprising if something tragic happened given the in-house fighting, tension, and stress. The message that something is terribly amiss doesn't get much stronger than these two sentiments.

There are likely many contributing factors to the low employee morale, including relatively new leadership, dysfunctional norms developed over time, and personnel issues not addressed by supervisors and managers. Several staff members stated that morale has gotten worse since the Public Administrator/Public Guardian split and has been aggravated by a perceived disconnect from the Health Care Agency/Behavioral Health Services management. In addition, deputies have the added burden of some superiors who are setting an adverse tone by agitating situations, displaying ambiguous and ineffective communication styles, and lacking decision-making power. While these statements are based on staff opinion, and while some people in leadership

were praised for their skill, knowledge, and hard work, the fact that the same negative sentiments came from multiple sources both within and outside of the Public Guardian's Office lends credibility to the existence and genesis of the low morale.

One additional component that contributes to low morale is a commonly held belief that even with a strong work ethic, above average performance, and high productivity, promotions are unlikely. The general perception is that "it's who you know, not what you know." Seemingly qualified, experienced employees are bypassed for promotion and there is no succession plan or formal mentorship program to develop staff for promotional and leadership opportunities. One employee, an exception, was provided the opportunity to participate in the Orange County Leadership Academy and found it very helpful to ongoing professional growth.

#### *Public Guardian Communication*

Effective communication between the Health Care Agency and the Public Guardian's Office as one cohesive entity is an ongoing problem. Staff complaints are less centered on the occurrence of staff meetings but rather that those meetings are not effective in producing reasonable answers to questions, solutions to issues, and actions that result in positive change. A number of employees have been unhappy with the changes instituted by what they view as a bureaucratic Health Care Agency and are struggling to adjust, while others claim that leadership simply doesn't listen or is unresponsive because the chain of command is missing some links. Some staff expressed concern that they do not feel supported by management and that they are receiving ambiguous direction, resulting in a closed-off rather than transparent leadership team. One staff member did not feel supported by the direct supervisor, and even after mediation for ongoing issues between the two of them, they continue to barely speak to one another, using emails as their primary form of communication.

Many Public Guardian employees acknowledged that staff meetings are now occurring on a monthly basis, as requested, but that those meetings often become unproductive forums for venting, quickly turning into uncomfortable and even ugly confrontations. Many interviewees reported to the Grand Jury that staff meetings often had no agenda, little preparation or organization, and were not well-received. The Grand Jury was provided staff meeting minutes which demonstrate that relevant Public Guardian topics are discussed, but the minutes didn't convey the morale and tone of the meetings that was expressed during numerous staff interviews. Many staff members interviewed stated they do not have access to minutes of staff meetings as they are not distributed or posted anywhere. Several Public Guardian staff told the Grand Jury that some of the Public Guardian managers are not good communicators, in or out of meetings, and that it causes anxiety in the staff as they don't receive clear direction on important issues, leaving them to their own devices.

The most blatant example of communication breakdown is the reporting structure of the Lanterman-Petris-Short (LPS) unit supervisors and their assigned deputies. LPS deputies assist conserved individuals who are deemed gravely disabled due to mental illness. They are currently split into two sections, each consisting of 7-8 employees reporting to two different supervisors, even though their functions are identical. Over time, a significant lack of cohesion has developed between the groups. Rather than joining forces to implement best practices, offer support, and share resources, they function as two completely independent units, which has, along with other factors, resulted in an atmosphere of pitting one set of deputies against the other.

Additionally, numerous staff members reported that some employees with significant responsibilities are at odds with one another. According to one staff member, this conflict results in multiple interpersonal relationship issues throughout the office. Public Guardian management is well-aware of this antagonistic situation and according to some staff, they have elected to ignore it. What began as a simple difference in leadership style has become one of the root causes of conflict, low morale, unhealthy competition, and adversarial relationships in the agency. Clearly this is a problem that has gone unaddressed too long and a sensible resolution is long overdue. The Grand Jury spoke to a Public Guardian official who is very much aware of this ongoing issue and this person assured the Grand Jury a plan is in place to correct the situation. At the time of this interview, the plan had not yet been implemented.

#### *Public Guardian Integration into the Health Care Agency*

The Public Guardian's Office was absorbed into the Health Care Agency on short notice and with little explanation after a decision to split the Public Guardian from the Public Administrator was made in 2014 by the Board of Supervisors. The Grand Jury was told by a member of the Behavioral Health Services leadership team that their responsibility was to provide oversight only as it relates to budget and human resources, not to tend to the daily operations of the Public Guardian's Office. When the Public Guardian's Office was absorbed by the Health Care Agency/Behavioral Health Services, many Public Guardian staff found themselves needing to acclimate quickly and follow new protocols set by their new parent agency. Several Public Guardian employees told the Grand Jury they feel more like a burden than an asset to the Health Care Agency, and that they don't fit in. However, members of the Health Care Agency leadership team told the Grand Jury the change was not completed in a vacuum and that they worked closely with the Public Guardian management team to bring the organization on board. They also explained that coming to the Health Care Agency meant the Public Guardian's Office had to come into compliance with County regulations that may not have been firmly enforced prior to the move. This difference of perspective did not help ease the transition.

From a budget perspective, many staff members recalled the initial message given by the Health Care Agency leadership was that the Public Guardian's Office would have the budget to meet its needs. Since then, however, many staff members of the Public Guardian's Office say they have been advised there is no money available to them and their budget is in the red. An official with the Health Care Agency/Behavioral Health Services stated that Public Guardian's Office has its own budget that can't be intermingled with other budget money within the Health Care Agency/Behavioral Health Services. According to many staff, every time the Public Guardian's Office asks for money for purchasing they are denied, even for items as basic as chairs and printers. One staff member shared that the Health Care Agency considered removing some of their individual printers and scanners, claiming it is more cost effective for them to share a network printer. Public Guardian deputy staff scan and print documents all day long. Many of these documents are sent to the courts. A shared network printer would hamper their ability to do their basic job functions in an efficient manner. Additionally, when equipment breaks, it usually takes several days for repair. According to several Public Guardian staff this is another example of how out of touch the Health Care Agency is with their needs and day-to-day work tasks. The Health Care Agency leadership shared with the Grand Jury that after a routine review of expenses and needs, they decided not to make changes to Public Guardian printers and scanners. The potential for imposition of onerous Behavioral Health Services decisions that may adversely affect Public Guardian staff work processes underscores the existing mistrust.

Some Public Guardian staff stated during interviews that the separation of the Public Administrator/Public Guardian was necessary in order to establish an adequate infrastructure that was previously missing. Others believe the separation of the Public Administrator and Public Guardian Offices was a waste of money given the expense of duplicative entities (Chief Deputy Public Administrator and Public Guardian), as well as demoralizing to the Public Guardian Office because they feel they are not a good fit for this department. The Health Care Agency leadership told the Public Guardian team they could tap into the resources and funding of the Health Care Agency and that money would not be a problem, but according to some Public Guardian employees, no resources have been forthcoming. The Grand Jury learned that the Health Care Agency/Behavioral Health Services has provided additional administrative resources to the Public Guardian's Office, including payroll, budget management, and medical billing. An investment company has also been hired to consult with and train deputies to better manage estates. A new vendor is in place to review complex tax and trust issues.

Certain staff members from the Public Guardian's Office expressed concern that the Health Care Agency does not understand the fiduciary structure, the probate code, and the legal nature of the Deputy Public Guardians' job functions. In addition, there is a belief among several Public Guardian staff that the District Attorney's Office dictated the terms of the split, handpicked the best and the brightest when they separated, and stripped the Public Guardian's Office of much of its talent.

With any merger comes the anxiety of new leadership, budgetary concerns, a change in priorities and a change in the workforce. This merger was no different, as it occurred within a day after the abrupt exit of the previous leader. Employees of the Public Guardian's Office were left reeling after a whirlwind of changes that happened to them, not with them.

## **PUBLIC ADMINISTRATOR LEADERSHIP**

During the course of the Grand Jury's investigation, allegations surfaced regarding questionable hiring practices in the Public Administrator's Office around the time of the Public Administrator/Public Guardian split. The concern involved staff perceptions that hiring decisions were being influenced by candidates' personal relationships with officials from the District Attorney's Office. The information raised the Grand Jury's interest in the matter and led to an investigation into the District Attorney's formal hiring procedures and practices.

At the conclusion of the investigation, the Grand Jury found evidence to support the allegations, including evidence that the District Attorney's internal Human Resources Department did not follow Merit Selection Rule guidelines when hiring extra help. The Grand Jury also found evidence that Public Administrator staff morale was adversely affected by the hiring of people who had known relationships with top District Attorney Officials.

Due to the sensitive nature of the allegations, the Grand Jury took extra caution in protecting the confidentiality of all sources. As a result, many of the details surrounding the allegations that readers may expect to see in this report are not present. The Grand Jury interviewed a wide variety of Public Administrator and other County employees and verified all documents obtained in order to present unbiased and accurate findings regarding these serious allegations.

A previous Orange County Grand Jury Report questioned hiring and promotional practices within the District Attorney's office. The 2001-2002 Grand Jury published a report entitled "*Office of the District Attorney – An In-Depth Investigation.*" Findings from that report determined the District Attorney's Office deviated from standard hiring practices, including hiring people who did not have supervisory experience commensurate with their positions, and hiring people into top positions who had a known personal relationship with Senior District Attorney Officials.

The District Attorney does not utilize the County's Centralized Human Resources Department. Elected officials have the option of using their own internal Human Resource staff. One advantage of an independent Human Resources staff is that it eliminates some layers of the approval process, allowing for vacancies to be filled more quickly. Additionally, it gives the elected official's office more discretion and autonomy in selecting candidates. Regardless of

whether the District Attorney's Office utilizes its own Human Resources or the County's Centralized Human Resources Department, the Orange County Merit Selection Rules (MSR) apply to all hiring and promotional practices.

#### *Public Administrator Extra Help Hires*

An Extra Help hire is utilized by an agency to assist with a specific project or to temporarily fill a particular role. The Grand Jury was told that Extra Help is usually applied to clerical type positions rather than specialty positions, such as Public Administrator or Public Guardian deputies, unless the specialty position is filled by someone who has retired from or previously held that position. A spokesperson for the District Attorney's Office stated it is common practice for them to hire Extra Help Deputy District Attorneys. The process for hiring temporary Extra Help for any Orange County Government Agency is simple. All that is required of the hiring authority is to complete a hiring form, write a justification for the position they wish to fill, and submit it to the County's Centralized Human Resources Department for processing. No recruitment efforts are required. This practice, although allowed within Merit Selection Rule guidelines, is an open invitation for misuse. Therefore, the District Attorney's Office should use this type of hiring sparingly, and should adhere to clear, ethical boundaries closely.

#### *Public Administrator Merit Selection Rule Violations*

The County's Merit Selection Rules (MSR) state, "Any person receiving a temporary promotion or a provisional appointment, or who is appointed to an Extra Help, limited-term or regular position, must possess the Minimum Qualifications (MQ) for the applicable class." The Merit Selection Rules contain the hiring guidelines that both the County Human Resource Services and the District Attorney's Human Resources are expected to adhere to. Choosing to deviate from this standard calls into question the judgment and motive of the hiring entity given the hiring standard protocol outlined by the County.

The Grand Jury reviewed application information against the Minimum Qualifications for the available Extra Help positions in the Public Administrator's Office. During an interview with the Grand Jury, a subject matter expert for the District Attorney's Human Resources Department affirmed there was some discretion used in the District Attorney's Office in determining if Extra Help candidates met all of the minimum qualifications. This practice is contrary to Merit Selection Rule guidelines. A subject matter expert also told the Grand Jury that the District Attorney Human Resources Department is only required to verify a candidate's degree or license, as required, in order to determine eligibility for an Extra Help position. Other aspects of a candidate's application are taken at face value and there is no follow-up by the District Attorney Human Resources Department to verify previous employment information.

Additionally, the Grand Jury was told by the District Attorney's Human Resources Department that they had concerns about one candidate's qualifications due to the type of experience listed. The District Attorney Human Resource department screened the candidate through despite this concern because they were told by the District Attorney's Office that the Public Administrator needed help quickly. The Grand Jury determined that established protocols were not followed when the District Attorney's Office used the Extra Help process without regard for Merit Selection Rule guidelines.

The Grand Jury further determined during their investigation that the District Attorney/Public Administrator's Office did not follow County's Centralized Human Resources Department protocol when an Extra Help employee was reassigned to a different position within the Public Administrator's Office. The reassignment violated Article VII, Section 1B of the Merit Selection Rules which states, "Extra Help employees are not eligible for reassignments or reductions." According to several staff interviews, Extra Help hires can be released from employment at any time, with or without cause. According to a District Attorney Human Resources Department spokesperson, employment was terminated, and the person was rehired into a new position. This explanation conflicts with evidence reviewed by the Grand Jury that strongly suggests that the person was not correctly vetted for the reassignment and that Human Resources took shortcuts during the reassignment process.

#### *Public Administrator Personnel Administration Best Practice Violations*

Staff members from the District Attorney's Human Resources Department reviewed materials submitted for an Extra Help position in the Public Administrator's Office to see if applicants met all Minimum Qualifications. The Grand Jury made inquiries as to how the minimum qualifications and previous job experience are verified. Staff responded that there is no form to validate how District Attorney Human Resources Department staff concludes that a person meets all minimum qualifications. It is a subjective process. District Attorney Human Resources Department staff does not verify past employment.

The candidates hired for the Extra Help positions, who also had personal relationships with District Attorney officials, were the only ones who submitted an application. Although this recruiting practice meets the Merit Selection Guidelines for Extra Help hires, it severely limited the candidate pool. It also created a situation in which possibly better qualified candidates were not given an opportunity to apply.

Another unintended negative consequence to the Extra Help hiring decision is that in the absence of a hiring list or advertisement for the position, persons interested in working for the Public Administrator never had the opportunity to apply. Only those who were made aware of the

position were able to take advantage of the opportunity to acquire experience that may well lead to permanent County employment.

The Grand Jury determined the new Extra Help hires were given authority that was unprecedented given the fiduciary, probate, and conservatorship training and knowledge Public Administrator staff must develop before acting independently. The standard practice for receiving added authority is a demonstrated competence in the position, as well as an earned promotion. Promotional Standards for Deputy II provided to the Grand Jury, along with staff interviews, confirmed that the first year of hire is generally a training period and that staff become deputized upon completing this training period. This gives staff time to learn more advanced skills and develop good judgment. Yet Extra Help hires, who had personal relationships with District Attorney Office officials, were afforded this privilege immediately upon hire.

According to a District Attorney spokesperson, no special consideration was given to these Extra Help hires. The District Attorney's Office felt it was prudent to deputize the new hires immediately so they could properly conduct their duties.

#### *Public Administrator Staff Morale*

The Grand Jury conducted multiple interviews with a wide variety of Public Administrator staff, from entry level deputies to top District Attorney officials. These interviews provided evidence confirming that Extra Help staff members hired in the Public Administrator's Office indeed had personal relationships with Senior District Attorney Personnel. The Grand Jury also found evidence to suggest that these individuals were given preferential treatment based on those relationships, as evidenced by the deference demonstrated toward these individuals with respect to hiring, supervision, and mobility within the Public Administrator's Office. Deviation from standard hiring practices has created tension, apprehension, and a sense of resignation in the Public Administrator's Office.

Morale was adversely affected when the decision was made to bring in Extra Help without most staff members' knowledge. Senior District Attorney/Public Administrator personnel stated during interviews that staff had requested help as a high priority to close long-standing cases. Some staff, however, stated they did not think the extra help was necessary and it took valuable time away from their duties to invest in the training of temporary staff members who could be released from service at any time. Additionally, several staff members discovered almost immediately that the new Extra Help had personal relationships with District Attorney Officials, which left them feeling they had to be careful with their interactions. Some staff also felt pressure to treat individuals with personal relationships with District Attorney officials



differently, which included not correcting these individuals on Public Administration policy implementation, as well as a hesitancy to advise their supervisor of any observations on office decorum lapses, or uncomfortable personal interactions that may have occurred.

This feeling to proceed cautiously played out when a staff member who had a known personal relationship with a senior District Attorney official, and who was still in an early training stage with the Public Administrator's Office, was promoted past several levels of regular and supervisory positions to a management position. The Public Administrator staff who were still providing basic training to this person found themselves in the position of receiving high level direction from this new person. The promotional position awarded would normally take many years to achieve, with selection based on leadership, performance, interpersonal skills, and technical knowledge of laws and process intricacies. Not only did this appointment lead to a permanent position with the County, it came with a significant pay increase and all the benefits associated with permanent County employment.

Other employees with years of experience were also candidates for this position. In fact, they had to go through the entire recruitment and interview process twice. The first recruitment effort included only County employees. After all candidates had been interviewed, the recruitment was nullified because one of the applicants was determined not to be a County employee. Instead of simply excluding that person as a candidate, the process was re-initiated to include out-of-County applicants. Everyone who had previously applied had to resubmit documents and go through an additional interview. This open recruitment allowed the person who was eventually awarded the position to apply.

The hiring and promotional decisions that give the appearance of being motivated by personal connections with officials in the District Attorney's Office have been a blow to staff morale and left many employees feeling undervalued, with few opportunities for advancement and recognition. It also affirmed for them that they might get passed over for promotions based on merit, in favor of individuals with personal connections to District Attorney Office officials. A spokesperson for the District Attorney's Office stated that no one on the interviewing panel was aware that the candidate who was selected had applied until the actual interview was conducted. Furthermore, this spokesperson stated that this candidate was selected on experience and ability to answer questions knowledgeably and comprehensively. A spokesperson also said this interviewer did not participate in the final selection. However, the Grand Jury determined the final selection was influenced by the interviewer's scoring. Additionally, the interviewer who ultimately made the hiring decision was a subordinate of the District Attorney official who knew and interviewed the candidate awarded the position.

**PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN CASE MANAGEMENT SYSTEM**

An electronic case management database system (E-CMDS), designed for Public Administrator and Public Guardian functions, is used to perform essential fiduciary services. The system tracks millions of dollars in estate funds, facilitates court hearing preparation, processes hundreds of standard legal documents and judicial forms, assists with benefit processing and manages copious legal, placement, health, property and financial information for people who are dependent upon the Public Administrator and Public Guardians for their estate management (Case Management, 2005)

Both the Public Guardian and the Public Administrator utilize E-CMDS to meet their legal obligations and to manage the vast amount of data required for case management and accounting needs. This 17 year old case management system was introduced to the Public Administrator/Public Guardian in 1999 and little has been done to enhance its original capabilities, while staff’s dependency on E-CMDS has increased. The most significant improvement to date was the addition of a back-up system to help prevent loss of valuable case management data. This improvement corrected a severe system risk but provided none of the capability upgrades needed.

While the Public Administrator/Public Guardian has promised total system replacement and upgraded applications on many occasions, neither of these promises has yet to be fulfilled.

<b>2008-09 GJ Initial Findings/Recommendations</b>	<b>2008-09 PA/PG Response</b>	<b>2015-16 GJ Observations</b>
<p>The current E-CMDS computer program is no longer supported by the software supplier and is inadequate for its intended task. Implementation of a replacement system, recommended by a County Internal Audit in 2005 is severely delayed and is now scheduled for release in 2009.</p>	<p>The PA/PG agrees with this finding. The E-CMDS replacement project is a top priority for the PA/PG Office. The new system being developed is a complex software application that integrates the financial asset and case management functions of the office. PA/PG has been working collaboratively with the CEO/IT, who is the project manager, to expedite implementation. PA/PG is very happy with the services being provided by CEO/IT. A steering committee is in place</p>	<p>The new E-CMDS replacement project has not yet been implemented to date, and as of the writing of this report there is no formal plan in place to expedite implementation. Additionally, the CEO/IT is no longer the project manager and the steering committee disbanded after the writing of the 2008/2009 report.</p>

2008-09 GJ Initial Findings/Recommendations	2008-09 PA/PG Response	2015-16 GJ Observations
	that reviews the progress on a monthly basis to ensure the success of the project.	
The lack of business metrics used to measure the effectiveness of PG internal operations and its delivery of those services described in their mission statement makes it difficult to manage and continuously improve agency operations.	The PA/PG partially disagrees with this finding. The current computer system was not designed as an expandable program, nor is it able to produce reports of any great value. The new computer system, which will roll out in February 2010, provides an upgraded application that will document the standards and measure the effectiveness through a comprehensive report structure. Until implementation of the new computer system, manual measurements are in use.	There continues to be a lack of business metrics to measure the effectiveness of internal operations. There is a complete lack of structured quality assurance or quality improvement activities.
The PA/PG should immediately form an independent task force reporting directly to the Agency head to develop and launch the E-CMDS replacement program.	The recommendation has been implemented. The “task force” currently exists in the form of a steering committee that is comprised of the PA/PG, the County information Technology Officer, the CEO Project Management Office and staff who are involved on a daily basis with the project. The committee meets once a month to review the progress of the project.	This committee has been disbanded. The PG and PA may be pursuing separate options to replace E-CMDS.
From outside the PA/PG organization, the PA/PG should assign a professional information technology (IT) individual with strong business management experience. This individual would head the task force identified in recommendation	The recommendation has been implemented. The County Project Management Office has an individual who is serving as the Project Manager for this project. This individual does not “head” a task force but is a primary participant in the steering	The PA/PG has an E-CMDS Project Manager, who also provides all support to the current E-CMDS system. He has done an admirable job keeping the current system running despite the program’s severe limitations. He has also been involved in trying to

2008-09 GJ Initial Findings/Recommendations	2008-09 PA/PG Response	2015-16 GJ Observations
3a during development, trials and conversion to the replacement system.	committee.	move RFPs forward to replace the current E-CMDS system.
In 2005, the County Internal Auditor recommended a new software system for the PA/PG. It missed several self-imposed implementation deadlines, including June 2008, and will miss the deadline of July 2009. The current management staff has been unable to implement a new computer software system in a timely and reasonable period.	The PA/PG wholly disagrees with this finding. The IT project is moving forward under the supervision of CEO IT with the full and complete cooperation of the PA/PG.	As of the writing of this report, the E-CMDS project is at a complete standstill. CEO/IT is no longer involved in the project. Responsibility has been transferred to HCA for a joint case management system involving the PA and PG, however, the PA has indicated that they may be initiating their own plan for a case management database system, without the partnership of the PG.
By October 1, 2012, the County Executive Officer should direct the Information Technology Department to evaluate the computer system of the Public Administrator/ Public Guardian to insure that this agency has full capacity to report, coordinate and monitor elder abuse.	<p><b>March 2013 update:</b> Upgrade of the Public Guardian computer system is going to RFP by February 2013. System selection will be done by June 2013, pending budget and Board of Supervisor approval.</p> <p><b>November 2015 update:</b> In a document provided to the Grand Jury via the County Executive Office (CEO), the following update was provided: The Office of the Public Guardian (PG) was moved to HCA in February 2014. HCA released an RFP for the PG computer system on February 18, 2015, with proposal submitted that was deemed unacceptable by the evaluation panel. The RFP was cancelled on November 9, 2015. HCA will continue to</p>	The November 2015 update from the CEO in the column to the immediate left accurately describes the state of the PA/PG computer system.

2008-09 GJ Initial Findings/Recommendations	2008-09 PA/PG Response	2015-16 GJ Observations
	explore options to update the computer system, which may include issuance of another RFP.	

Given the enormous amount of information stored in a database that operates on an antiquated DOS system, the Grand Jury was especially troubled to hear a number of staff who depend on E-CMDS use words like exasperating, nightmarish, and horrifying to describe the current state of the system. There is a general sense of impending doom among users that E-CMDS is near its breaking point and no viable back-up plan exists. Deputies report constant freezing of the program, creating an endless cycle of logging back into the system, itself a time consuming process. At times several staff have been told to log off the system immediately, or limit the amount of scanning because E-CMDS was “close to crashing.” On its best days the system is slow and only one employee can access a specific case file at a time. If someone else needs to access the same case file they must either wait, or investigate who is currently accessing the file and ask them to close it. Sometimes the system shuts down completely for hours and even full workdays. The Public Administrator deputies are further hampered since their physical move from the Public Guardian’s Office several months ago. They must log on remotely, because the server is located with the Public Guardian’s Office. The remote log-on system has proved unreliable and time-consuming on top of an already unreliable and time-consuming process.

The issues listed above are inconvenient and inefficient by any standard, but numerous staff have become so resigned to these constant delays and interruptions that they accept them as part of their daily business processes. Some staff report using a dual system, one electronic, one handwritten into a caseload file, as a type of insurance. Recently, the E-CMDS system has developed a much bigger stability issue. Several staff have reported inexplicable accounting variances, where transactions have been entered correctly but show up in the database incorrectly, resulting in a false accounting balance. Alert staff were able to work with IT to fix the problems individually, but the source of the problem cannot be traced back through the E-CMDS system, making it likely that it will continue to occur. The likelihood also exists that other errors of this nature may have slipped past less experienced users.

Employee fears regarding the total demise of the E-CMDS system are not unfounded. As far back as 2005, the Public Administrator/Public Guardian Strategic Financial Plan listed E-CMDS upgrade as a priority, stating:

E-CMDS is quickly approaching the end of its effective lifecycle. As Public Administrator/Public Guardian data processing requirements change, failed

hardware is replaced, or its technical backbone is updated to meet County standards, processes within E-CMDS are not able to adapt, leaving an information system that is swiftly becoming unstable, unusable and outdated. The E-CMDS application vendor has not provided support to the System since 2003. System upgrades and/or modifications cannot be performed internally or by another vendor due to the unavailability of the software's source files.

Eleven years, three Request for Proposals (RFPs), and many thousands of wasted dollars later, the Public Administrator/Public Guardian has been unable to produce a new case management system. In February 2014, the Internal Audit Department was in the process of completing an audit of the Public Administrator/Public Guardian Offices but due to the separation of the two agencies, the audit was terminated mid-stream. The Internal Audit Department wrote and distributed a memo to the District Attorney's Office and Health Care Agency listing the issues that came to the auditor's attention during the partially completed audit. The findings include the following excerpt:

Information Technology: Public Administrator/Public Guardian uses E-CMDS as its case management and accounting application. While this system helps the Public Administrator/Public Guardian fulfill its responsibilities, it has significant limitations requiring additional workarounds, and does not contain an asset management module to provide data used for Court Accountings and physical inventory needs.

Although major issues were documented as early as 2005, the first attempt to replace the existing E-CMDS occurred in 2008. Unfortunately, despite a rigorous and expensive RFP process, the contract procured did not ultimately result in a replacement system. The Grand Jury 2008-2009 report findings and recommendations listed above point to the inefficiencies and delays in implementation despite the institution of an oversight committee. After three years of work on the project, countless hours of employee time wasted, and wasted taxpayer money, the contract was terminated and the steering committee disbanded. All completed work was discarded.

In 2012, a new RFP was initiated under the County Executive Office (CEO) Information Technology (IT) Department for fiscal year (FY) 2013-2014. After another lengthy and expensive process, the RFP was approved by the CEO but was cancelled by the Board of Supervisors due to lack of funding, despite a statement made in the 2013-2014 budget request warning "the current E-CMDS system has reached end-of-life." The Public Administrator/Public Guardian was informed that the RFP would be deferred for one year and then reinstated.

In February 2014, CEO IT staff were removed from the E-CMDS RFP process and the project was re-initiated jointly for the Public Administrator and Public Guardian Offices, this time through the Health Care Agency (HCA). Although a spokesperson for the CEO Information

Technology Office stated they provided the Health Care Agency with all the important information used in the previous CEO Information Technology RFP, the Health Care Agency chose to start from the beginning once again. No suitable vendor was found, and the RFP was cancelled in November 2015 for the third time. The Health Care Agency has indicated that other options are being explored, including initiation of a fourth RFP, but no firm plan has been submitted as of the writing of this report.

An official from the Public Administrator's Office indicated they may proceed with procuring their own separate "off the shelf," or non-customized system, which would eliminate any partnership with the Public Guardian's Office in terms of a case management system. An official with historical knowledge of this issue indicated that this was a questionable path for a couple of reasons. First, it does not make sound fiscal sense to have two separate databases with the same potential vendor involved, and second, the Public Administrator and Public Guardian Offices currently share information through E-CMDS that allows them to do business efficiently. A Health Care Agency official stated that they are actively pursuing replacement of the current E-CMDS, which may or may not include partnership with the District Attorney's Office.

The limited amount of money budgeted to the new system, approximately \$2.2 million, may be unrealistic. According to an employee familiar with the E-CMDS RFP process, any new case management database may end up costing at least \$3-5 million. Additionally, this employee stated that the current E-CMDS vendor is still in business, and that it is the most well-established in building case management databases, but their estimated cost may also be greater than less established companies. The County usually accepts the lowest bid, even though they may not be the best fit for the project. It is difficult and time-consuming for the hiring entity to prove that the lowest bidder will be unable to satisfactorily complete the job. Although less expensive, non-customized case management database systems are available, they will require heavy customization to meet the needs of Orange County Public Administrator/ Public Guardian, which will raise costs considerably. The cost of customization could make an off the shelf system less attractive than it might appear at first sight.

While Orange County appears reticent to commit the money necessary to ensure a quality vendor, the constant delays bring the antiquated 1999 E-CMDS system closer and closer to the brink. Current workarounds include:

- **Financial Outputs** (i.e., bill pay, year-end reconciliation, taxes). Currently the IT Dept. extracts data from E-CMDS and copies it into an Excel spreadsheet in order to interface with the Auditor Controller.
- **Reports.** Some report functions were built into E-CMDS in 1999, but were designed in an antiquated report generating system program. The person who built the reports is no longer employed by the County, so there was no transfer of information to the IT person

who supports E-CMDS. Statistical information is available to a limited degree, but any information inputted that does not follow strict formatting guidelines won't be included, making it highly unreliable data. Additionally, Public Administrator/Public Guardian staff depends upon the Information Technology staff to retrieve data that is available. When requested data isn't available by report, staff must review cases by hand, one by one.

- **Court Inventory and Assets Reports:** This critical function is completed manually in MS Word, leaving the door open for human error when inputting data. Additionally, the MS Word format does not comply with the Judicial Council format consistent with Rule of Court 7.575 requirements, which suggest that Inventory and Asset items must be listed and sub-totaled in "categorized" format by similar class of assets, i.e. cash, bank accounts, marketable securities, real properties, business interests, notes receivable, etc.

The most recent RFP from February 2015 listed several state-of-the-art features deemed essential for the updated case management system. (Please refer to Appendix D for Essential Features Required). For now, these critical items remain a wish list, with no solutions offered to Public Administration and Public Guardian staff in the foreseeable future.

## **PUBLIC GUARDIAN TRAINING AND CERTIFICATION**

All Public Administrator and Public Guardian deputies are required by Probate Code (Division 4, Part 5, Chapter 3, 2923) to comply with continuing education requirements that are established by the California Association of Public Administrators/Public Guardians/Public Conservators (CAPAPGPC/Association). The CAPAPGPC, often referred to simply as "the Association," is a non-profit association representing public administrators, guardians and conservators from each of California's 58 counties. According to their website, the Association's mission is to foster communication between counties, provide education and certification to its members, and provide legislative advocacy on behalf of individuals served by these programs.

This requirement is reiterated in Public Guardian Policy 1.01 Public Guardian Certification and Continuing Education, which states, "Public Guardian Deputy staff are required to obtain and maintain certification by the Association within 18 months of employment." Some of the courses that lead to certification include Ethics, Investigations, Laws and Codes, Administration and Case Management, Identifying and Marshaling Assets, Taxes, and Elder Abuse – all critical aspects of the Public Guardian deputy responsibilities. The expectation and process for keeping membership dues current and the reimbursement process for dues is not specified in the policy despite this being a major issue for most Public Guardian deputies.



The majority of Public Guardian deputies interviewed stated that they were not currently certified due to the cumbersome process the Health Care Agency has in place for reimbursement, creating a significant litigious liability for the Health Care Agency, the County, and ultimately, the public. Prior to the Public Guardian's Office moving to the Health Care Agency their certification dues, which total \$60 annually, were paid by the Agency. This continues to be the case for the Public Administrators, whose certification dues are fully paid by the District Attorney's Office. The Health Care Agency says it is standard practice for all employees who hold a specialty license to pay the costs up front. A spokesperson for the Association stated that most counties pay for their employees' dues.

Many Public Guardian deputies have rebelled against what they claim is an unfair practice in comparison to Public Administrator benefits by refusing to pay their certification dues. To make matters worse, several Public Guardian staff told the Grand Jury that the reimbursement process is so complicated it is almost impossible to maneuver. Additionally, they stated it takes a very long time, even up to a year, to receive their reimbursement check. Others stated that completed reimbursement forms are returned to them several times, with the notation that it was completed incorrectly. Many have given up on submitting the reimbursement form altogether, either paying their own way or refusing to participate in the certification process.

The Health Care Agency is in a difficult position in terms of reimbursement. Unlike the Public Administrators, who report to an elected official who operates under a separate set of rules, the Health Care Agency is part of a large County bureaucracy. The Health Care Agency must follow strict reimbursement guidelines for all Agency sections. Yet at face value, there appears to be a clear inequity for two different sets of deputies who before 2014 had always been treated similarly. According to staff interviewed, when the Public Guardian deputies present their reimbursement concerns to management and senior officials, they go unheeded. Some Public Guardian deputies have responded by refusing to pay their dues, adversely affecting their certification status. It also means they are not adhering to Probate Code, which states, "The Public Guardian shall comply with the continuing education requirements that are established by the CAPAPGPC." By extension, they are not in compliance with established Public Guardian Policy 1.01 that requires them to be in good standing with certification. Top management has not addressed this issue with Public Guardian deputies, nor are there any penalties for non-compliance with certification, which would lead deputies to believe that their lack of certification is not a cause for concern, when it appears to the Grand Jury it should be a paramount concern.

Interviews with top Public Guardian and Health Care Agency officials revealed that several professional entities under the Health Care Agency are required to be licensed by their respective professional groups and are personally responsible for keeping that license in good standing. These other groups do not have the issues with completing the reimbursement paperwork that have been expressed by the Public Guardian staff. The Grand Jury was told the new Public Guardian has recently initiated a process for assisting deputies with reimbursement paperwork to

help expedite the process. Additionally, the Health Care Agency has recently made a commitment to Public Guardian deputies that all reimbursements will occur within 31 days of submission.

After several requests by the Grand Jury over an extended period of time, the Public Guardian's Office provided a list of certification status for Public Guardian deputies, which indicated that almost half the Public Guardian staff are not currently certified. However, this did not correlate with Public Guardian staff interviews, where some officials stated that almost no one in the Public Guardian's Office was current with their certification. The Grand Jury attempted to verify the list provided by the Public Guardian's Office with the Association records, but the Association declined to provide a list of currently certified deputies despite multiple requests.

The person assigned to oversee education and certification for the Public Guardian's Office was on extended leave for several months prior to this investigation. According to interviews, during this person's absence most assigned work tasks were not completed, including tracking certification status.

According to the Association's website, entry level guardians seeking to obtain initial certification are required to complete 40 hours of training in coursework approved by the Association within a four year period. Once certified, the guardian is required to complete 20 hours of training within a two year period, from the time of initial certification. If this timeframe is not met, the guardian must begin again with the 40 hour requirement.

Training can be implemented through three different avenues. First, outside training is any training, course, workshop or other form of professional training that is not presented by the Association, but which is given by another entity. Second, in-house training is any training, course, workshop or other form of professional training that is presented by a Public Administrator, Public Guardian or Public Conservator office for its deputies and staff. Third, regional training is any training, course, workshop or other form of professional training that is presented by the Association. A top official in the Public Guardian's Office stated that it is the deputy's responsibility to ensure their training is current. The Grand Jury has concluded that putting the onus on deputy staff has proven to be unreliable.

The \$60 dues fee is required at the beginning of each fiscal year to maintain certification. If the dues are not current, any training courses completed will not be acknowledged by the Association.

Some deputies have the opportunity to attend annual conferences hosted by the Association, where they can earn several credits toward certification. The District's Attorney's Office sponsors Public Administrator deputy staff to attend these conferences. Several Public Guardian staff stated during interviews that they either do not attend, they pay their own expenses, or they

attempt reimbursement from the Health Care Agency, although they indicated the latter option was almost too cumbersome to consider.

The Health Care Agency has made it easier for Public Guardian staff to obtain credits toward certification by scheduling frequent in-house training by County Counsel on a range of Public Guardian related subjects, which is provided free of charge and approved by the Association. Many Public Guardian staff stated they are also required to attend mandatory Health Care Agency training that doesn't count toward their certification, but because it is clinically based it is not relevant to their fiduciary duties. In fact, several staff interviewed stated the mandated Health Care Agency clinical training delays them from completing their regular job duties.

The Training Coordinator is responsible for scheduling Public Guardian staff training and ensuring the sign-in sheets and membership dues are forwarded to the Association so the deputy can receive credit toward recertification. A Public Guardian official interviewed stated part of the training and certification issue lies squarely with the Association. Because the Association is a non-profit organization they employ only two part-time office help positions. If someone disputes training credits, the Association will research the issue and make a determination on whether or not to credit the person with the training. The Association spokesperson stressed that compliance with certification through their agency ensures Public Administrators and Public Guardians provide consistency in government services as laws and statutes change, and that Best Practices and standards are well-maintained. The spokesperson also cautioned that when a County faces litigation that involves the Public Administrator or Public Guardian Office, the first question asked to the Public Administrator or Public Guardian by the defendant's attorney is, "Are you certified?"

**PUBLIC GUARDIAN POLICY AND PROCEDURES**

The foundation of any successful business includes a complete and comprehensive set of policies and procedures that provide employees with a clear understanding of laws, statutes, and regulations. Policies also assist in translating vision and mission statements into the practical conduction of day-to-day business by establishing consistent guidelines and work processes. The 2008-2009 Grand Jury identified several weaknesses in Public Guardian's Office policies and procedures in their report entitled *The Guardian of Last Resort*, including the development, distribution, and maintenance of the policies and procedures.

2008-09 GJ Findings/Recommendations	2008-09 PA/PG Response	2015-16 Observations
Public Guardian policies and procedures are outdated, confusing and are not being	The PA/PG wholly disagrees with this finding. Policies and procedures should be	After several attempts that never came to fruition, the PG department reviewed and

2008-09 GJ Findings/Recommendations	2008-09 PA/PG Response	2015-16 Observations
<p>adhered to as written, making it difficult to effectively implement the PA/PG stated mission.</p>	<p>reviewed constantly to ensure the business needs are being met. Currently, there is a committee in place that reviews and modifies all policies and procedures. As laws change, so must our P&amp;Ps. A policy may be old but it does not mean it is outdated. Some policies may still apply even if they are several years old. The Grand Jury may have found them confusing because they are complex documents that required extensive training to understand. Employees also have desk references that are “companions” to the Policies and Procedures that assist them with their duties and responsibilities.</p>	<p>revised their policies in late 2015. It remains questionable whether or not policies are being adhered to as written. There is no organized committee in place to review policies, although policy revisions are reviewed by a selected staff. Employees do not have a current desk reference. Numerous staff do not have confidence that the revised policies are accurate or meaningful, nor have they received training, “extensive” or otherwise on the revised policies.</p>
<p>A policy for distributing newly written or updated policies or procedures should be developed. Appropriate training based on these documents should be given and that action documented.</p>	<p>The recommendation has been implemented. The PA/PG currently has a system in place to maintain, update and distribute new and/or revised policies and procedures through the PA/PG Internal Audit Unit that was implemented in July 2008.</p>	<p>The presentation of the new policies to staff lacks structure. Some staff questioned whether they had been published or not. The Internal Audit Unit was disbanded several years ago and there are no plans to reinstate it. There is no PG specific policy in place for reviewing and revising policies on a regular basis.</p>
<p>Old policies and procedures need to be removed from operations manuals as soon as the new ones are written and put into effect.</p>	<p>The recommendation has been implemented. Old policies and procedures are removed from operations manual as soon as new ones are written and put in place.</p>	<p>This recommendation was recently implemented in late 2015.</p>

The Grand Jury was advised by the Public Guardian's Office that all policies were reviewed and revised in late 2015 under the Health Care Agency's leadership and are available to staff via the Public Guardian's shared drive. The Grand Jury was also advised that Public Guardian staff are expected to follow general Health Care Agency/Behavioral Health Services general policies. Desktop policies, which are abbreviated versions of other policies, or staff instructions that do not rise to the level of an official policy, are planned for future reference, but are not in place at the writing of this report. The Grand Jury received a copy of the Public Guardian Policy and Procedure Table of Contents, along with copies of requested policies.

The Table of Contents is divided into organized sections, which includes the policy number, title by category (e.g., Accounting, General Estate Administration, LPS Conservatorship, Probate Conservatorship), and status (new/reviewed/revised/deleted). The status column was blank on the copy provided to the Grand Jury, so it was unclear as to which policies are new and which ones are simply reviewed and/or revised. Individual policies reviewed by the Grand Jury were well-organized and included the current status (new or revised), date of final management approval, law/regulation/statute matrix to support the content of the policy, definition of terms, and procedures that provide guidance to staff on how to implement the policy.

Although the response from the Public Guardian at the time of the 2008-2009 Grand Jury report wholly disagreed with the finding that "Guardian policies and procedures are outdated, confusing and are not being adhered to as written," several staff interviewed indicated that this was clearly the case until 2015, and with the exception of being outdated, the issues of "confusion" and "not being adhered to" linger.

Numerous Public Guardian staff had mixed reviews on the newly revised policy manual. Some staff felt confident that the manual revisions had been completed, while others were under the impression that the revisions were still a work in progress. Most indicated to the Grand Jury that they didn't care one way or the other because they intend to use whatever approach works best for them, within the confines of fiduciary and probate laws. A good example of this mentality is Policy 1.01 Public Guardian Certification and Continuing Education, which some staff have chosen to ignore almost completely, and have not been held accountable to adhere to by supervisor or managers.

When the Grand Jury requested the current policies from Public Guardian management they were not readily available in electronic format and not all had received final approval, lending credence to the concern that the revised policy process had not been completed. Most staff interviewed stated they would not refer to the existing policies to guide their daily tasks or decision making. In general, most staff found the revised policies generic and poorly written,

they did not trust them to be correct, or thought they were meant as a reference guide for new employees. Some staff even speculated that the policies were only revised to pacify Grand Jury concerns. Some staff indicated they had been offered the opportunity to provide input on the policies, or review drafts prior to final approval. Others stated that although their input was solicited to ensure the information in the policies were correct, their input went unheeded, which several staff believes renders the policies and/or procedures incorrect. Concern was also noted that law/statute/regulation citations were incorrect in individual policies, and that passages of some policies had been borrowed from the Los Angeles Public Guardian's Office and do not reflect Orange County practices.

Regardless of whether the policies are accurate or not, several staff do not have confidence in them and therefore do not find them usable. This is a concern for several reasons. First, their lack of confidence speaks to the over-arching authority and trust issue in the Public Guardian's Office. The message from management should be clear that these policies are legitimate, they reflect the expectations of the department, and they are to be adhered to uniformly throughout the organization. Instead, the message has been that the revised policies may or may not be fully completed or accurate, and that staff should feel free to use them or not, as they wish.

This leads to the second issue, which is the constant in-fighting within the Public Guardian's Office. The purpose of establishing policies and procedures is to clearly define the organizational vision and mission, then provide a roadmap of how to achieve those within existing laws/statutes/regulations. Staff arguments could be quickly settled by adhering to accurate policies and procedures. Documentation of non-adherence to established policies could also be used as substantiation of insubordination during disciplinary meetings.

An explanation of the new policies and expectations for daily use could have been easily addressed through training. When asked how staff were made aware of the new and revised policies, the Public Guardian's Office said they were advised by supervisors. However, one supervisor told the Grand Jury the policies just appeared on the shared drive and that they hadn't been officially told they were complete and ready for use. Some of the supervisors did not agree with the content of some policies and were hesitant to instruct their staff to follow the new policy changes. One supervisor stated that staff received an e-mail advising them the new policy revisions were available.

It is clear to the Grand Jury that the some Public Guardian supervisors have not completely embraced the revised policies. According to Policy 10.1 Supervisor Review of Cases, "The case administration review shall be a systematic assessment to assure the individual case administrations are up to date, organized, and meet the mandates of the applicable statutory codes." Policy 10.1 does not provide guidance as to how many cases should be reviewed for each deputy, or how often it should be completed, yet it does indicate that the results will be

utilized as part of the employee's performance evaluation and to determine possible training needs. This is the only policy that provides guidance specific to the supervisor's responsibilities to ensure deputy competency in adhering to other policies and procedures. When asked about this policy, some supervisors did not appear to know that such a policy existed. After reading it, those supervisors stated that they monitor employee's work performance in their own ways but that it is not feasible within their current workload to adhere to the monitoring process described in Policy 10.1.

A few notable policies that are not included in the Public Guardian's Office manual are:

- Vision or Mission Statement
- Code of Conduct/Progressive Supervision
- Process or Requirements for being Deputized
- Process/Expectations for Conducting Performance Appraisals
- Orientation Guidelines
- Special Incident Reporting
- Continuous Quality Improvement

The Health Care Agency provided the Grand Jury documents from their agency that included these topics, but they have not been included in the Public Guardian's Office policy manual. Several members of the Public Guardian staff told the Grand Jury that they do not consider Health Care Agency policies relevant to their department.

Perhaps the most glaring omission in the policy and procedure process is a system to ensure that policies are:

- Systematically reviewed and revised
- New laws/statutes/regulations are incorporated into the existing policies
- New policies are established as needed
- Policies are distributed in a systematic way that employees are trained on new and/or revised policies
- A filing system is established for revised and deleted policies so they can be referenced in the future due to lawsuits, audits, etc.

According to the Public Administrator/Public Guardian response to the Grand Jury's recommendation in 2008-2009 to have an organized system for policy management, this recommendation was implemented in July 2008. In fact, the recommendation was never implemented. The Health Care Agency/Behavioral Health Services Department does have an organized system for reviewing policy and procedure annually and according to an official from Behavioral Health Services, the Public Guardian's Office will fall into that process in 2016.

A Health Care Agency policy related to Policies and Procedures (I-21.02) was provided to the Grand Jury. This policy spoke to the need "To establish a uniform and consistent method for

developing and reviewing the Office of Compliance policies and procedures for the Health Care Agency.” The Grand Jury was also provided with Public Administrator/Public Guardian Policy and Procedure 1.13 to “Establish, Revise and Review of Departmental Policies and Procedures,” however, this is an outdated policy that is not included in the current Public Guardian Policy and Procedure Manual.

According to an official from the Public Administrator’s Office, Public Administrator staff are currently working from the policies established by the Public Guardian’s Office but they are in the process of editing those policies to better match-up to the Public Administrator needs and requirements. Many Deputy Public Administrator staff interviewed had similar feelings regarding the need for policies and procedures in that they don’t feel it necessary to refer to them to properly implement their day to day tasks.

**PUBLIC GUARDIAN QUALITY ASSURANCE ACTIVITIES**

Successful organizations rely on clear, objective data to measure the quantity and quality of work processes. They also engage in ongoing activities that analyze and reduce or eliminate risks that lead to negative outcomes or financial loss and liability. This has not been the case with the Public Guardian’s Office.

2008-09 GJ Initial Findings/ Recommendations	Public Administrator/Public Guardian Response	2015-16 GJ Observations
<p>The PA/PG should make the agency internal audit group permanent and report directly to the department head. The group should be expanded to include a person with LPS experience. Additionally, yearly internal audit schedules should be developed, covering all areas of operation and audit results should be published in written reports to senior management for required action.</p>	<p>The recommendation will not be implemented because it is not warranted or is not reasonable. The PA/PG respectfully disagrees with this recommendation. There are no plans to discontinue the Internal Audit unit. The Internal Audit Unit serves as a quality assurance/monitoring entity that reports directly to the Assistant PA/PG. The head of the Internal Audit unit has nearly 10 years of experience with the LPS Unit of the office. Audits are ongoing and results documented and provided to senior management.</p>	<p>The Internal Audit unit was disbanded after the release of the 2008-2009 report and has not been reinstated.</p>



2008-09 GJ Initial Findings/ Recommendations	Public Administrator/Public Guardian Response	2015-16 GJ Observations
The PA/PG should develop a method of tracking to measure improvements of service and reduction of costs.	The recommendation has been implemented. The process is taking place as part of the budget and business planning process. Administration, Program and the Finance Units all collaborate on measuring results and implementing efficiencies.	The PG Office has no evidence that tracking of any quality measures are in place.

2011-12 GJ Findings/ Recommendations	CEO Response	2015-16 GJ Observations
By October 1, 2012, the Board of Supervisors should direct the Office of the Performance Audit Director to evaluate Adult Protective Services, the Office on Aging, Adult Mental Health Services, and the Public Guardian. The evaluation would determine their individual effectiveness; assess their coordination and communication; and discover any overlap in services among them.	Update from CEO in November 2015: The Office of the Performance Audit Director has not been directed to conduct an evaluation of the Office on Aging, Adult Mental Health Services, and the Public Guardian, either as an ad hoc audit/advisory assignment or as part of its annual work plan. A review of the Public Administrator/ Public Guardian was recommended by the CEO's Office in 2011 but was not included due to other competing priorities and budget constraints.	The Office of the Performance Audit Director completed a partial audit in February 2014, but it was not completed due to the separation of the PA and PG Offices. A new audit from the Office of the Performance Audit Director was initiated in January 2016.

Behavioral Health Services is responsible for the day-to-day management of Public Guardian's Office. They have an established Quality Assurance Department that is primarily responsible for health care compliance. According to an official in the Behavioral Health Services Quality Assurance (QA) Department, Public Guardian services are not treatment oriented (excluding

LPS services), so they don't fit into the current Behavioral Health Services quality assurance environment. The Behavioral Health Services Quality Assurance Department provides staff training, documentation auditing, acts as liaison for State contracts, reviews departmental policy and procedure, etc. Additionally, they conduct two quality assurance projects annually. Behavioral Health Services has established standard metrics and collects data on an ongoing basis, including the monitoring of grievances and complaints, but nothing specific to the Public Guardian's Office. They report information gathered to a Quality Improvement Committee (QIC) that meets every other month. The Public Guardian's Office has not yet been integrated into the Behavioral Health Services Quality Assurance activities and there is no plan or timeframe for inclusion. After two years under the leadership of the Health Care Agency/ Behavioral Health Services the sole interaction with Behavioral Health Services Quality Assurance Department has been a review of the Public Guardian's Office revised policies and procedures to ensure they meet the Health Care Agency formatting guidelines. According to a Behavioral Health Services spokesperson, the Quality Assurance Department provided no input on the Public Guardian's Office policy content as they are not familiar with Probate Codes, which have strict fiduciary guidelines.

The Public Administrator/Public Guardian briefly had its own internal audit section but it was disbanded several years ago under previous leadership. When the internal audit section was functioning, its primary role was to audit and evaluate Inventory and Appraisal (I&A) Reports, but they had other assignments as well. According to one official, the expectation is that Public Guardian supervisors will manage deputies through structured audits of their work products and discuss the results at performance appraisal review; however, the Grand Jury learned from some supervisors that they are not completing this task consistently. Additionally, several interviews confirmed that when issues with a deputy's performance are identified, little or no action is taken. An audit of a specific deputy's work may improve that person's performance, but it doesn't produce any quantitative or qualitative data or analysis to identify trends in the department.

The Information Technology Department has the ability to run a limited number of reports in E-CMDS, but it did not appear to the Grand Jury that reports are utilized for any quality assurance or risk management purposes. There is no designated person within the Public Guardian's Office or Behavioral Health Services to track data or identify trends. Additionally, the data stored in E-CMDS cannot be reliably collected and analyzed by the existing outdated report generating system, thus making statistical trending and analysis difficult.

The Public Guardian is responsible for determining if deputies are meeting their case management responsibilities. The best way to do this would be to have a system in place for collecting and analyzing data that reflects compliance with Probate Codes, court documents, and site visits. Additionally, given the layers of management over the Public Guardian, which

includes the Health Care Agency and Behavioral Health Services, coupled with the recent hiring of a new Public Guardian, standard measures would provide a comprehensive, fact-based process for identifying the strengths, weaknesses, and most pressing issues in the Public Guardian Department. There is good reason to suspect that some Public Guardian deputies may not be meeting industry standard best practices since many of them are not current with their certification. The stark omission of quality assurance and risk management activities put the Public Guardian's Office, Health Care Agency, and County at risk for lawsuits and unwanted negative publicity.

Audits initiated outside of the Health Care Agency, Behavioral Health Services, or the Public Guardian's Office are currently the only formal process for determining compliance with Probate Codes and for identifying internal issues. The County's Internal Audit Department began an audit of the Public Administrator/Public Guardian Offices in February, 2014, but the initiation of this audit coincided with the realignment of the Public Administrator and Public Guardian Offices, so the audit was never completed. A memo with partial findings detailing some of the issues that came to their attention during the uncompleted audit was sent to the Chief Deputy Public Administrator, the Public Guardian, the District Attorney and the Health Care Agency Director. There were a total of ten unofficial findings, including concerns such as limitations with the E-CMDS system, a significant backlog (176) of court accounting documents, outdated policies and procedures, lack of inventory of personal property stored in the warehouse, and a backlog of 650 outstanding payment requests totaling approximately \$490,000. Each of these preliminary findings should have had processes in place to prevent their occurrence. At the writing of this report there remain no formal processes, monitors, or reporting structure in place by the Public Guardian's Office to prevent reoccurrence of these significant issues. The Grand Jury learned during the course of their investigation that the Internal Audit Department initiated another audit of the Public Administrator and Public Guardian Offices in January 2016. The results of that audit were not available prior to the filing of this report.

## **FINDINGS**

In accordance with California Penal Code Sections 933 and 933.05, the 2015-2016 Grand Jury requires (or as noted, requests) responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled “Changing of the Guardian: Life After Reorganization of the Public Administrator and Public Guardian Offices,” the 2015-2016 Orange County Grand Jury has arrived at 25 (twenty-five) principal findings, as follows:

### **Leadership:**

- F1.** The Public Guardian’s Office does not work with Human Resources to fill vacancies for permanent and temporary positions in a timely manner. This results in some tasks not being completed, as well as placing an additional workload on existing staff to ensure all conserved individuals receive mandated services.
- F2.** Behavioral Health Services/Public Guardian leadership does not have a process in place to ensure managers and supervisors adhere to the Performance Incentive Plan (PIP) Manual standards for conducting quality performance appraisals.
- F3.** The Public Guardian Policy 1.12, Performance Evaluation, provided to the Grand Jury, is not included in the current Public Guardian policy manual and therefore, the Public Guardian managers and supervisors lack clear direction on the elements of an effective performance evaluation.
- F4.** The Public Guardian’s Office does not utilize the County of Orange Disciplinary Process Manual, which includes specific progressive steps of discipline to ensure mid-level managers and supervisors hold staff accountable. This has resulted in incidents of unprofessional staff conduct and inconsistent compliance with established protocols.
- F5.** The Public Guardian’s Office has not ensured that all supervisors consistently follow established Policy 10.1 Supervisor Review of Cases to conduct quality reviews of deputy casework.
- F6.** Health Care Agency/Behavioral Health Services has failed to fully organizationally integrate the Public Guardian function, resulting in a fragmented and isolated Public Guardian Office.
- F7.** Some Health Care Agency/Behavioral Health Service/Public Guardian leadership staff do not effectively communicate with Public Guardian staff, resulting in mistrust, in-fighting, and low morale.

- F8.** The Public Guardian Lanterman-Petris-Short (LPS) supervisory unit operates as two independent groups serving the same purpose, resulting in ongoing office conflicts and interpersonal issues.

### **Public Administrator Hiring Practices**

- F9.** The Office of the District Attorney/Public Administrator did not ensure that one candidate who was hired met minimum qualifications when filling Extra Help positions by not conducting an investigation of past employment or experience.
- F10.** The District Attorney Human Resources Department does not have a process in place to verify that a candidate meets all minimum qualifications (MQs), nor do they verify employment history that qualifies candidates for a position in the District Attorney's office.
- F11.** The Office of the District Attorney/Public Administrator violated County Merit Selection Rules (MSR) when an employee was reassigned from one temporary position to another within the Public Administrator's Office.
- F12.** The Office of the District Attorney demonstrated questionable leadership when a newly hired temporary employee was promoted into a leadership position, resulting in the new hire managing the staff members who were still providing orientation training for the new hire.
- F13.** The Public Administrator's Office has no established mentorship training or leadership program in place for developing talented current employees. This has resulted in experienced Public Administrator employees being passed over for promotional and leadership opportunities.

### **Case Management System (E-CMDS)**

- F14.** The E-CMDS case management system is antiquated, unreliable, does not have the ability to quickly and accurately cull reliable data, and does not meet the current business needs of the Public Administrator/Public Guardian deputies. Although there have been several attempts to replace the current E-CMDS, each has failed to produce tangible results.
- F15.** The Public Administrator's Office is considering pursuing the purchase of a case management system that will be completely separate from whatever case management system the Public Guardian pursues, which has the potential to result in fragmented communication and duplicative processes when cases are handed over from the Public Guardian to the Public Administrator.

### **Training and Certification:**

- F16.** The Public Guardian's Office does not have a reliable system for tracking Public Guardian deputy training and membership status to ensure guardians maintain certification as stated in Probate Code.
- F17.** The Public Guardian's Office does not hold deputy staff accountable for adhering to Policy 1.01- Public Guardian Certification and Continuing Education. This has resulted in the majority of deputies being out of compliance with certification which could have negative consequences and/or impact their ability to best serve their clients.
- F18.** The Public Guardian's Office has not provided clear guidance or assistance to ensure deputies understand the financial reimbursement process, resulting in deputies not pursuing recertification.

### **Policy & Procedure**

- F19.** The Public Guardian's Office has worked diligently to update policies and procedures, however, some of the staff responsible for implementing these policies do not agree with some of the content, are not aware that they have been completed, and/or do not intend to comply with the policies.
- F20.** The Public Guardian's Office has not effectively communicated the expectation that deputy staff are required to adhere to updated Public Guardian policies.
- F21.** Behavioral Health Services has a policy review structure in place. Although it is the intention to integrate the Public Guardian Office into Behavioral Health Services processes, two years have gone by without this integration occurring. Behavioral Health Services is not knowledgeable about Public Guardian processes and can only review Public Guardian specific policies for style and format compliance.
- F22.** Public Guardian policies are not reviewed and revised on a regular basis and there is no clear system in place for distribution of new or revised policies.
- F23.** The Public Guardian staff is expected to follow general Behavioral Health Services policies, which address over-arching expectations for all Behavioral Health Services staff. However, some Public Guardian staff do not feel like they are an integral part of the Behavioral Health Services culture and do not acknowledge that Behavioral Health Services policies are relevant to their job. The Public Guardian manual, which is the primary reference for deputies, does not include several policies that would be considered as staples for most organizations.

### **Quality Assurance:**

- F24.** The Public Guardian's Office has no internal Quality Assurance unit, and the department is not represented or included in Behavioral Health Services quality assurance activities

two years after the reorganization of the Public Guardian Office. The Public Guardian's Office depends upon external audits to evaluate their performance.

- F25.** The Public Guardian's Office does not initiate any internal quality assurance activities to measure job performance, or adherence to Probate Codes and Best Practices to ensure excellent customer service.

## **RECOMMENDATIONS**

In accordance with California Penal Code Sections 933 and 933.05, the 2015-2016 Grand Jury requires (or as noted, requests) responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

As a follow-up to the Grand Jury "Changing of the Guardian: Life after Reorganization of the Public Administrator and Public Guardian Offices," the 2015-2016 Orange County Grand Jury makes the following 24 (twenty-four) recommendations:

- R1.** The Public Guardian's Office should coordinate monthly meetings with Human Resources to discuss and take action on personnel needs, including anticipated short-term and actual vacancies, as well as opportunities for promotion to be initiated by December 31, 2016. (F.1)
- R2.** The Public Guardian's Office should provide training to all managers and supervisors related to the expectations for and mechanics of writing Performance Appraisals. Upon completion of this training the Public Guardian should incorporate implementation and adherence into a Quality Assurance process to ensure compliance with expected standards all to be initiated by December 31, 2016. (F.2)
- R3.** The Public Guardian's Office should re-evaluate Policy & Procedure 1.12 Performance Evaluations for potential inclusion into the current Public Guardian Policy Manual by December 31, 2016. (F.3)
- R4.** The Public Guardian's Office should develop curricula and initiate training for all levels of Public Guardian staff regarding the Health Care Association's mission and vision statement and the Health Care Association's Code of Conduct, with emphasis on how these topics relate to the role of the Public Guardian and the need to follow established protocol, by December 31, 2016. (F.4)
- R5.** The Public Guardian's Office should develop and initiate training for all managers and supervisors related to the County of Orange Disciplinary Manual by December 31, 2016. (F.4)

- R6.** Senior Executive Public Guardian personnel should meet with managers and supervisors individually monthly to discuss and take action on disciplinary issues within the department with these meetings to be initiated by December 31, 2016. (F.4)
- R7.** The Public Guardian's Office should implement a consistent process for objectively evaluating Public Guardian casework that includes a standardized audit form to objectively measure Public Guardian deputy performance with implementation to be initiated by December 31, 2016. (F.5)
- R8.** The Health Care Agency/Behavioral Health Services should have a management representative attend monthly Public Guardian staff meetings to directly communicate the Health Care Agency's vision and mission, as well as to address any Public Guardian concerns with such meetings to be initiated by December 31, 2016. (F.6, F.7)
- R9.** The Public Guardian's Office should ensure minutes from Public Guardian staff meetings are made available to all Public Guardian staff on the internal Public Guardian portal by December 31, 2016. (F.6, F.7)
- R10.** The Public Guardian's Office should establish quarterly team meetings with Public Guardian staff, which should incorporate a positive recognition program, state of the business, and team building events with such meetings to be started by December 31, 2016. (F.6, F.7)
- R11.** The Public Guardian's Office should have one supervisor directing a consolidated Lanterman-Petris-Short (LPS) team by December 31, 2016. (F.8)
- R12.** The District Attorney's Office should coordinate with County Centralized Human Resources to develop and initiate training to ensure the District Attorney Human Resources Department complies with the Merit Selection Rules (MSR) for both temporary and permanent positions by December 31, 2016. (F.9, F.11)
- R13.** The District Attorney's Office should instruct the District Attorney Human Resources Department to develop and implement a formal process for validating that candidates meet all minimum qualifications for any Public Administrator position advertised, as well as validating work experience relevant to any Public Administrator position advertised, regardless of whether the position is temporary or permanent with such process to be in place by December 31, 2016. (F.10)
- R14.** The District Attorney's Office should develop a plan to implement a mentorship/leadership program for Public Administrator deputies by December 31, 2016. (F.13)
- R15.** The Public Administrator and Public Guardian Offices, in conjunction with the IT Project Manager, should meet with the County Executive Office (CEO) by December 31, 2016 to recommend to the Board of Supervisors the purchase of a new case management system



that will meet the business needs and interface with both the Public Administrator and Public Guardian deputy staff. (F.14)

- R16.** The Public Administrator and Public Guardian Offices should re-establish a steering committee, with a designated Project Manager, by December 31, 2016 to acquire a replacement case management system. (F.14, F.15)
- R17.** The Public Administrator and Public Guardian Offices should work together with the IT Project Manager to ensure the new case management system meets the Public Administrator and Public Guardian business needs through a comprehensive report function that can accurately track data and produce meaningful reports by June 30, 2017. (F.14)
- R18.** The Public Guardian Office should initiate a process to ensure Public Guardian training records coincide with the California Association of Public Administrators Public Guardians Public Conservators Association (CAPAPGPC) records, that deputies are current with their training and certification, and that consequences for not being in compliance are clearly communicated and addressed by December 31, 2016. (F.16, F.17)
- R19.** The Public Guardian Office should develop clear guidelines, with examples, for Public Guardian deputies to utilize when requesting reimbursement for training and membership dues. The Public Guardian Office should provide training on the guidelines and provide a designated manager to assist in the process by December 31, 2016. (F.18)
- R20.** The Public Guardian Office should develop a process to reimburse Public Guardian staff within 30 working days of submission for reimbursement of out-of-pocket costs for training and membership dues by December 31, 2016. (F.18)
- R21.** The Public Guardian Office should provide immediate training on all new and revised Public Guardian policies as well as Behavioral Health Services policies that pertain to Public Guardian staff. Training should include management expectations on adherence to policies, along with a question and answer period for deputies to express any concerns about the accuracy of policies or their ability to carry out the policies. The training should be implemented by December 31, 2016. (F.19, F.20)
- R22.** The Public Guardian Office should ensure Public Guardian policies are reviewed and revised on a regular basis, including solicitation of knowledgeable staff input to ensure accuracy. The assigned manager/supervisor should ensure communication of new or revised policies, as well as initiate documented Public Guardian staff training on new and revised policies to ensure understanding and compliance by December 31, 2016. (F.21, F.22)
- R23.** The Public Guardian Office should ensure that Behavioral Health Services policies that pertain to Public Guardian deputies are easily accessible to them by December 31, 2016. (F.23)

- R24.** The Public Guardian Office should integrate a Public Guardian manager or supervisor into the Behavioral Health Services quality assurance structure, with a defined role of initiating quality assurance and risk management activities, including regularly conducted internal audits specific to the Public Guardian role by December 31, 2016. (F.24, F.25)

## **REQUIRED RESPONSES**

The California Penal Code Section 933 requires the governing body of any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court). Additionally, in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such elected County official shall on the findings and recommendations pertaining to the matters under that elected official's control within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section 933.05 subdivisions (a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

(a) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the

governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

(c) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary /or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code Section 933.05 are required or requested from:

Responses Required:

Responses are required from the following governing bodies within 90 days of the date of the publication of this report:

90 Day Required Responses:	F 1	F 2	F 3	F 4	F 5	F 6	F 7	F 8	F 9	F 10	F 11	F 12	F 13	F 14	F 15	F 16	F 17	F 18	F 19	F 20	F 21	F 22	F 23	F 24	F 25
OC Board of Supervisors	X	X	X	X	X	X	X	X					X	X	X	X	X	X	X	X	X	X	X	X	X

90 Day Required Responses:	R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 8	R 9	R 10	R 11	R 12	R 13	R 14	R 15	R 16	R 17	R 18	R 19	R 20	R 21	R 22	R 23	R 24	R 25
OC Board of Supervisors	X	X	X	X	X	X	X	X	X	X	X				X	X	X	X	X	X	X	X	X	X	X

Changing of the Guardian: Life After the Reorganization of the PA and PG Offices

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Responses are required for the following elected agency or department head within 60 days of the date of the publication of this report.

<b>60 Day Required Responses:</b>	F 1	F 2	F 3	F 4	F 5	F 6	F 7	F 8	F 9	F 10	F 11	F 12	F 13	F 14	F 15	F 16	F 17	F 18	F 19	F 20	F 21	F 22	F 23	F 24	F 25	
<b>OC District Attorney</b>									X	X	X	X	X	X												

<b>60 Day Required Responses:</b>	R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 8	R 9	R 10	R 11	R 12	R 13	R 14	R 15	R 16	R 17	R 18	R 19	R 20	R 21	R 22	R 23	R 24	R 25	
<b>OC District Attorney</b>												X	X	X	X	X	X									

Responses are requested from the following non-elected agency or department heads:

<b>Requested Responses:</b>	F 1	F 2	F 3	F 4	F 5	F 6	F 7	F 8	F 9	F 10	F 11	F 12	F 13	F 14	F 15	F 16	F 17	F 18	F 19	F 20	F 21	F 22	F 23	F 24	F 25	
<b>Public Guardian</b>	X	X	X	X	X	X	X	X						X	X	X	X	X	X	X	X	X	X	X	X	X
<b>Orange County CEO</b>													X													

<b>Requested Responses:</b>	R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 8	R 9	R 10	R 11	R 12	R 13	R 14	R 15	R 16	R 17	R 18	R 19	R 20	R 21	R 22	R 23	R 24	R 25	
<b>Public Guardian</b>	X	X	X	X	X	X	X	X	X	X	X				X	X	X	X	X	X	X	X	X	X	X	X
<b>Orange County CEO</b>														X												

## WORKS CITED

- Arevalo, P. "O.C. Public Guardian Resigns One Day After Being Replaced." *The Patch*. 13 March 2014. Web. 2 September 2015. <http://patch.com>.
- California Association of Public Administrators, Public Guardians and Public Conservators. 1981-2010. Web. November 2015. <http://capapgpc.org>
- Coker, M. "Orange County District Attorney Absorbs Once-Shamed Public Administrator's Office." *OC Weekly*. Duncan McIntosh Co. 6 February 2014. Web. 2 September 2015. <http://www.ocweekly.com>.
- Cowan, J. "Public Guardian to Retire." *The Daily Pilot*. LA Times. 13 March 2014. Web. 2 September 2015. <http://articles.dailypilot.com>.
- Edds, K. "New Public Guardian Starts Work." *The Orange County Register*. Freedom Communications, Inc., 29 July 2011. Web. 2 Sept. 2015. <http://www.ocregister.com>.
- "E-CDMS Case Management and Accounting System Replacement." OCgov.com. County of Orange (CA), 2005. Web. 5 December 2015.
- Hughes, P. "Withdrawal from Internal Control Audit at the Public Administrator/Public Guardian." *OCgov.com*. County of Orange (CA), 19 February 2014. Web. <http://ocgov.com>. November 2015.
- Human Resource Services. "County of Orange Classification Specifications". *OCgov.com*. 23 August 2002. Web. October 2015. <http://ocgov.com>.
- Orange County Board of Supervisors. "County Of Orange Merit Selection Rules." n.p. 16 March 2010. Web. October 2015. <http://bos.ocgov.com>.
- Orange County Grand Jury. "Elder Abuse: The Perfect Storm." 2011-2012. Print.
- Orange County Grand Jury. "Office of the District Attorney – An In-Depth Investigation." 2001-2002. Print.
- Orange County Grand Jury. "The Guardian of Last Resort." 2008-2009. Print.
- Orange County Public Guardian/Public Administrator Conservatorship System. 2015. Executive Summary RFP Bid 042-C001919-AF. County of Orange (CA). Print.

## WORKS CONSULTED

Briggs, Margaret. "Automatic Temporary Fill List." *County of Orange*. 8 September 2015. Web November 2015. <https://Bos.ocgov.com>.

Health Care Agency. "Organization of Public Guardian in Behavioral Health Services." 25 March 2014. Web. November 2015. <https://cams.ocgov.com>.

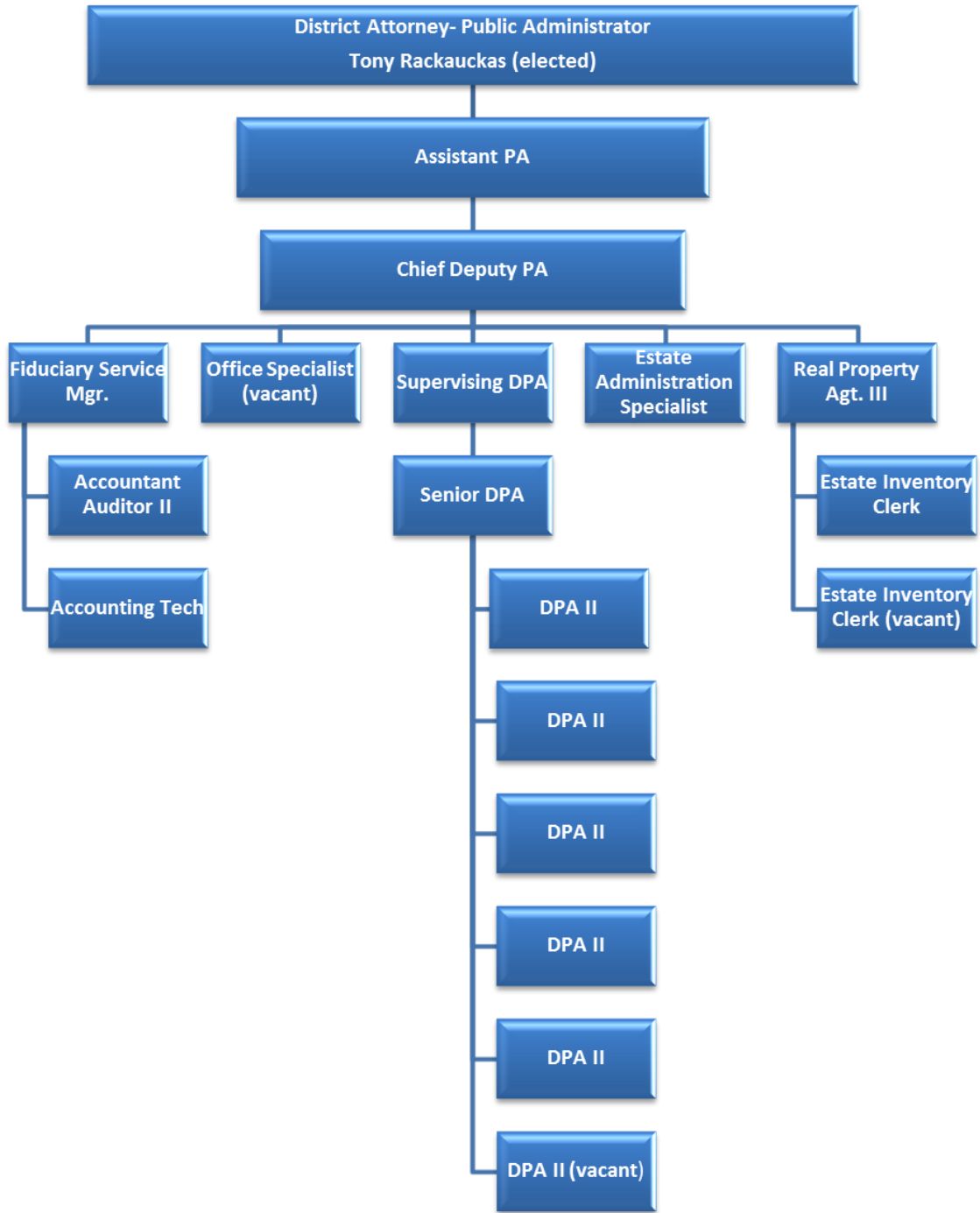
Health Care Agency. "Appointment of Public Guardian." 15 December 2015. Web. January 2016. <https://cams.ocgov.com>.

OCgov.com. OC Public Guardian. n.d. County of Orange (CA). Web. <http://papg.ocgov.com> October 2015.

Orange County Auditor Controller. 2013 Business Plan Update Report. Santa Ana, CA. Web December 2015. <https://ocgov.com>.

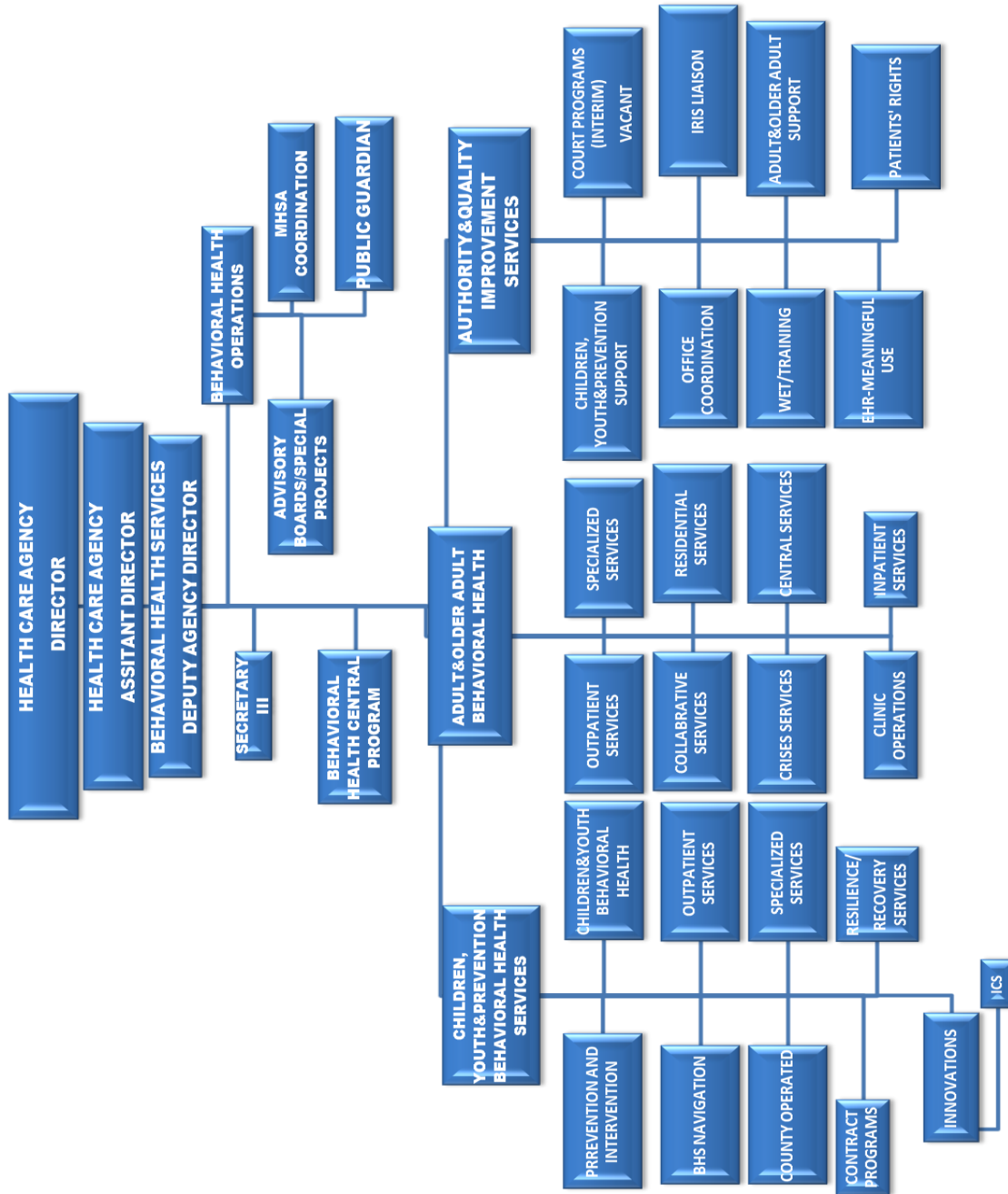
## APPENDIX A: Office of the District Attorney – Public Administrator

Organization Chart – November 2015



## APPENDIX B: Health Care Agency

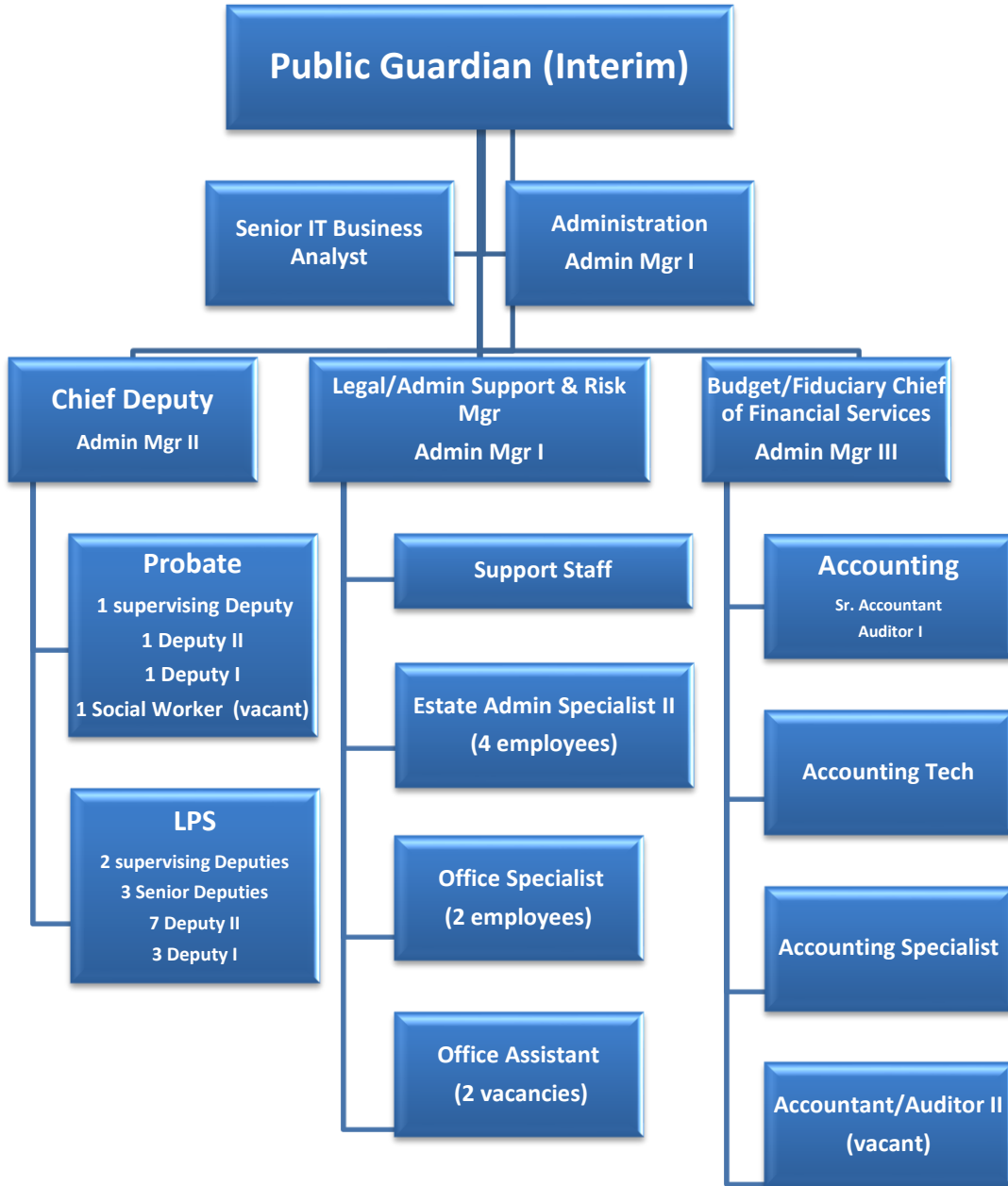
Organization Chart – September 2015





### APPENDIX C: Behavioral Health Services Public Guardian

Organization Chart – September 2015



## **APPENDIX D: Essential Features Required for a New Case Management System**

- Management of all case activities from the rejection, referral, investigation, and administration, through closure across all different case types.
- The system's "Program/Case Management Module" shall have a platform to manage targeted case management (TCM) activities including the ability to capture and electronically upload TCM encounter statistics and other related information to the State of California.
- The system's financial module shall demonstrate conformity and adherence with all accounting principles applicable to a fiduciary type operation, segregation of duties, internal control standards, security practices, and tiered approvals consistent with industry and fiduciary fiscal guidelines and as prescribed by OCPG/OCPA's business rules.
- The financial module shall incorporate accounting rules and functionalities to facilitate the Segregation of Corpus/Principal versus Income activities consistent with the Uniform Principal and Income Act (UPIA) requirements.
- The financial module shall accommodate the new Rule of Court 7.575 court accounting schedule, and form requirements pertaining to a conservatorship estate.
- The system's asset module shall demonstrate compliance with industry standards/practices for asset management including but not limited to the recording, tracking, storage, sale of assets, and the corresponding impact to accounting transactions and reporting.
- The system shall have the capability to compile, prepare, and generate court inventory and appraisal reports (I&A), in Judicial Council format consistent with Rule of Court 7.575 requirements.
- The system's asset module shall be capable of managing typical auction processes including but not limited to the bidding process, awarding of winning bid, invoicing for items sold, payment and receipting process, release of assets, facilitation of sales tax collection, as well as the corresponding accounting sales transactions and treatment.
- The system's reporting module shall have the ability to accurately and quickly pull results and agile management of case and statistics.
- The system shall be comprehensive in which case data spanning from entry of case to accounting through assets back through case or accounting as applicability of data meets
- Public Administrator/Public Guardian business needs.
- The system shall meet all federal, state and local regulatory compliance requirements for the applicable use of information and data.
- The system shall have barcoding and asset traceability from entry to disposal, complying with standard chain of custody, images, inventory, release auditability and reporting.

- The system shall possess a user-friendly interface that allows for easy data entry, maintenance, and management of cases.
- The system shall be agile and scalable to meet evolving industry requirements in the area of OCPG/OCPA legislative changes and mandates.
- Interface capability to meet the evolution of state, local judicial and agency requirements, and their interactive data exchanges and statistical and 5270 Welfare & Institutions Code requirements.

## **APPENDIX E: List of Acronyms**

BHS	Behavioral Health Services
CAPAPGPC	California Association of Public Administrators, Public Guardians and Public Conservators
CEO	County Executive Office
DA	District Attorney
E-CMDS	Electronic Case Management Database System
HCA	Health Care Agency
HR	Human Resources
I&A	Inventory and Appraisal
IT	Information Technology
LPS	Lanterman-Petris Short
MQ	Minimum Qualifications
MSR	Merit Selection Rules
PA	Public Administrator
PG	Public Guardian
PIP	Performance Incentive Plan
QA	Quality Assurance
QIC	Quality Improvement Committee
RFP	Request for Proposal
UPIA	Uniform Principal and Income Act