



County of Orange  
California

**Thomas G. Mauk**  
County Executive Officer

August 12, 2008

Ann Avery Andres, Foreperson  
Superior Court of California  
700 Civic Center Drive West  
Santa Ana, CA 92702

Subject: Response to Orange County Grand Jury Report, "Orange  
County Human Resources Out of Date, Out of Time"

Dear Ms. Andres:

Per your request, and in accordance with Penal Code 933, enclosed please find the County of Orange response to the subject report as approved by the Board of Supervisors. If you have any questions, please contact Theresa Stanberry at (714) 834-3727 in the County Executive Office who will either assist you or direct you to the appropriate individual.

Very truly yours,

Thomas G. Mauk  
County Executive Officer

Enclosure

TGM/tts

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**2007-08 Grand Jury Report**  
**"Orange County Human Resources Procedures - Out of Date, Out of Time"**  
**Response to Findings and Recommendations**

**Response to Findings**

- F-1 Selection Rules and Appeals Procedure (SRAP):** The Orange County Merit System Selection Rules and Appeals Procedure (SRAP) was last revised November 20, 1978. The Grand Jury found that:
- The SRAP contains outdated terminology.
  - The SRAP does not reflect the current decentralized structure of the Human Resources function.
  - The SRAP is inconsistently interpreted among County agencies and departments.
  - The oversight and audit procedures of Orange County Human Resources (OCHR) are marginally effective.
  - The appeals process described in SRAP does not reflect current practice.
  - The SRAP references government programs which have evolved or been redefined.
  - The SRAP does not reference government programs which have been established since 1978.
  - The SRAP does not reflect current practice in reference to computerized or on-line capability and utilization.

***Response: Disagrees partially with the finding.***

The Human Resources Department (HRD) acknowledges that there are some inconsistencies in interpretation of Orange County's Merit Systems Selection Rules and Appeals Procedure. The varied interpretations may be attributed to the age of the document as outlined in this report. These interpretations impact the style versus the substance of recruitment processes. For example, the recruitment/selection methods used are not outside the intent of the SRAP or Merit System Principles. Cooperative Personnel Services/Merit System Services recognized this in the Performance Management Program Review dated May 2004, which found that Orange County was not out of compliance with the Local Agency Personnel Standards (LAPS) requirements specific to Merit System Principle 1--Recruitment and Selection. In the event inconsistency of interpretation leads to a violation, the SRAP provides for a Selection Complaint Procedure.

The Selection Appeals Procedure as described in Orange County's Selection Rules and Appeals Procedure Article IX *does* reflect current practice including Section 3, which specifically provides the process for Appeals.

HRD's Compliance Team audits a 5% sampling of recruitment related data. In 2002, the Compliance Team began to focus audits on those transactions with the highest impact of error in relation to frequency of error. For example, hire, rehire and promotion actions

are audited to ensure that candidates are hired through a competitive process and Merit System Principles are followed. This methodology reduces the sample size needed to ensure compliance. Additionally, a number of specific auditing reports have been created so departments have the ability to self audit.

The audits are one part of a multi-pronged, proactive approach to ensuring compliance. The approach also includes:

- o Daily processing consultation for every County Agency and Department. The service is focused on recruitment and selection processing that is aligned with Orange County's Merit System Selection Rules and Appeals Procedure;
- o One-on-one training for Departments; and
- o Onsite support. The Compliance Team routinely conducts site visits to departmental Human Resources teams that emphasize auditing requirements. Onsite visits by HRD to all County Agencies and Departments have steadily increased and expanded. Within the last year, Compliance Team site visits have included Recruitment Program participation. HRD's 2008 Business Plan recognizes the value of continued site visits by HRD staff.

Another aspect of HRD's proactive approach is the work done by the Recruiting Program. The Recruiting Program operates as an internal consultant focused on recruiting, marketing, and selection. Specifically the focus is on best practices that are fair, legally compliant and solution oriented. The Recruiting Program does this by promoting recruiting partnerships across departments, leading recruiter forums, and supporting and developing recruitment related initiatives, training and tools to meet department hiring goals.

**F-2 Staffing Levels:** The Human Resources function in Orange County has lost over 22% of its staff since 1996 and continues to shrink.

***Response: Disagrees partially with the finding.***

Orange County's Human Resources Function is composed of a Corporate Department (HRD) and Agency and Department Teams. Although HRD was unable to verify the countywide number of Human Resources staff in 1996, we disagree that Orange County's Human Resources function continues to shrink. In November 1999, the countywide Human Resources staff total was 246; as of March 2008, the number was 243, a difference of less than 1%. During this period, the County has streamlined HR processes and leveraged technology to support recruiting efficiencies. The County has also won multiple recruiting awards including receipt of an Innovation Award in 2005 and recognition for Leadership in Strategic HR in 2007.

**F-3 Background Screening:** Background screening of job applicants is inconsistent and not verified in most cases.

***Response: Disagrees partially with the finding.***

County employees undergo a standard background check that includes checking for misdemeanors and felony convictions in the State of California. Screenings beyond the standard differ from department to department as deemed appropriate. However, whenever a specific degree or license is required for a position that information is always verified.

- F-4** **Agency Practices:** Recruitment, hiring and promotion practices are inconsistent from agency to agency, deviating from the merit principles governing recruitment, selection and career advancement procedures, as defined in California Local Agency Personnel Standards (LAPS).

***Response:*** *Disagrees partially with the finding.*

HRD acknowledges that there are some inconsistencies in interpretation of Orange County's Merit Systems Selection Rules and Appeals Procedure. The varied interpretations may be attributed to the age of the document as outlined in this report. These interpretations impact the style versus the substance of recruitment processes. For example, the recruitment/selection methods used are not outside the intent of the SRAP or Merit System Principles. Cooperative Personnel Services/Merit System Services recognized this in the Performance Management Program Review dated May 2004, which found that Orange County was not out of compliance with the Local Agency Personnel Standards (LAPS) requirements specific to Merit System Principle 1--Recruitment and Selection. In the event inconsistency of interpretation leads to a violation, the SRAP provides for a Selection Complaint Procedure. HRD works proactively as a team to continuously educate Agencies and Departments on conducting recruiting and selection activities within a fair and legally compliant framework. In the event inconsistency leads to a misapplication or violation, the SRAP provides for a Selection Complaint Procedure.

- F-5** **Material Misrepresentations:** Material misrepresentations by job candidates in the hiring/promotion process may not result in termination.

***Response:*** *Agrees with the finding.*

Any material misrepresentation by job candidates in the hiring/promotion process may not result in termination; however, each instance is evaluated on a case-by-case basis. The current Certificate of Applicant on Orange County's job application states:

I certify that all statements made in this application and the attachments are true and I agree and understand that misstatements or omissions of any material fact may be cause for disqualification or dismissal. I also grant permission for the County to verify any and all information contained within by contacting former employers and schools, etc.<sup>1</sup>

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<sup>1</sup> County of Orange, Application for Employment

Although the language allows the County to dismiss immediately an employee for any material misrepresentation, relevant court and arbitration decisions must be considered before taking action against an employee.

### **Response to Recommendations**

**R-1 Selection Rules and Appeals Procedure (SRAP):** Rewrite the Orange County Merit System Selection Rules and Appeals Procedure without further delay.

**Response:** *The recommendation has not yet been implemented, but will be implemented in the future.*

A Countywide Selection Rules Project Team was formed in April 2008 to achieve this objective. It is anticipated that the Team will have a new SRAP drafted and ready for submission to the State for consideration by April 2009. Preparation for State submission will include prior meet-and-confer discussions with seven labor organizations.

**R-2a Staffing Levels:** Authorize the County Internal Auditor to perform a study of Human Resources department structure and staffing levels, comparing Orange County to surrounding Approved Local Merit System (ALMS) counties, and provide recommendations to the Board of Supervisors.

**Response:** *The recommendation will not be implemented because it is not warranted or not reasonable.*

An external consultant completed such a study in September 2007. The study was reviewed by the County Executive Officer and many of the recommendations have been or are in the process of being implemented across the County's Human Resources function including within HRD. Additionally, Human Resources will be studied in the future by the Office of the Performance Audit Director pending Board of Supervisors approval.

**R-2b Staffing Levels:** Provide appropriate funding and staffing to rewrite Orange County Merit System Selection Rules and Appeals Procedure (SRAP).

**Response:** *The recommendation will not be implemented because it is not warranted or not reasonable.*

Current staffing is appropriate to rewrite Orange County's Merit System Selection Rules and Appeals Procedure. The Countywide Selection Rules Project Team, made up of representatives from several departments, is committed to achieving this objective and such a collaborative approach will help ensure the success of the Project. It is anticipated that the Team will have new Rules drafted and ready for submission to the State by April 2009, which will include prior discussions with seven labor organizations. Since this effort

has a specific, short-term duration, it does not warrant bringing on additional staff.

- R-3 Background Screening:** Redefine background screening procedures to verify job applicant qualifications, experience and credentials.

**Response:** *The recommendation has not yet been implemented, but will be implemented in the future.*

The County will develop a Guide by May 2009 to obtain more consistency between departments. Guide development will take into consideration business needs of County Agencies and Departments and include guidelines for verification of application materials.

- R-4 Agency Practices:** Implement consistent recruitment, hiring and promotion practices throughout County government in accordance with merit principles as defined in California Local Agency Personnel Standards (LAPS).

**Response:** *The recommendation has not yet been implemented, but will be implemented in the future.*

Implementing more consistent recruitment, hiring and promotion practices throughout County government will be accomplished with the SRAP project that is underway. It is anticipated that the SRAP Team will have a new document drafted and ready for submission to the State by April 2009, which will include prior discussions with seven labor organizations. The new SRAP will memorialize what is already in practice and reinforced through recruiter forums, involving Agencies and Departments, increased site visits, and training. The new SRAP will help ensure department's recruitment and selection activities remain fair, legally compliant, and focused on the spirit of Merit System Principles.

- R-5 Material Misrepresentations:** OCHR coordinate with County Counsel to draft new language which would be included as a standard statement in each posting, further defining the County's right to terminate any employee upon discovery of a material omission or misrepresentation during the employment process.

**Response:** *The recommendation has been implemented.*

HRD has worked with County Counsel to draft new language to be incorporated into the application process. Such is with the understanding that each situation will continue to be evaluated on a case-by-case basis in relation to current labor law and relevant court and arbitration decisions.