



County of Orange
California

James D. Ruth
County Executive Officer

July 26, 2004

Tom Staple, Foreman
FY 03/04 Grand Jury
Superior Court of California
700 Civic Center Drive West
Santa Ana, CA 92702

Subject: Response to Orange County Grand Jury Report,
"Administrative Leave – The Ultimate Job Security"

Dear Mr. Staple:

Per your request, and in accordance with Penal Code 993, 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 Brian Wayt at the County Executive Office who will either assist you or direct you to the appropriate individual.

Very truly yours,

A handwritten signature in cursive script that reads "James D. Ruth".

James D. Ruth
County Executive Officer

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2003-2004 Grand Jury Report
“Administrative Leave – The Ultimate Job Security”
Response to Findings and Recommendations

The 2003-2004 Grand Jury conducted a study regarding the County’s practices of using paid administrative leave during the investigation of certain disciplinary actions. In issuing their final report, the Grand Jury requested responses to all Findings and Recommendations from the County Executive Office, responses to Finding 3 and Recommendations 3-4 from County Counsel, and responses to Finding 6 and Recommendations 3-4 from the Probation Department. The following is the response to the Grand Jury’s Findings and Recommendations on behalf of the County and the requested departments.

Response to Findings:

1. The actual costs related to administrative leaves are much greater than the amount reported to the Board of Supervisors.

Response: Disagrees partially with the finding

Though there may be additional costs that are not included in the quarterly Administrative Leave Report prepared by the CEO’s Office, the Grand Jury’s report indicated that the report does not include the first 120 hours that are authorized by an agency/department head. In researching this information, it was determined that agencies/departments do include the first 120 hours when reporting information to the CEO for inclusion in the quarterly report.

2. The agencies/departments develop cases independently before submitting them to CEO/Employee Relations.

Response: Agrees with finding

3. County Counsel becomes involved in dismissal cases only when requested to do so by Employee Relations.

Response: Agrees with finding

4. Not all agencies/departments have the same human resources skill sets.

Response: Agrees with finding

5. The County accounting system is not designed to capture the actual costs of administrative leaves.

Response: Agrees with finding

6. The Probation Department is not in agreement with CEO/Employee Relations regarding sufficient cause for disciplinary action and the appropriate action required.

Response: Agrees with finding

7. The CEO's reports to the Board of Supervisors for the first two quarters of the 2003-2004 fiscal year indicate a significant reduction in cost of administrative leaves from the previous five years.

Response: Agrees with finding

8. Arbitration cases would be conducted more efficiently if all cases were assigned to the same individual in CEO/Employee Relations.

Response: Agrees with finding

Response to Recommendations:

1. The Auditor-Controller change the County Payroll and Accounting systems to accurately track all costs related to paid administrative leaves.

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

The Auditor-Controller and Human Resources are working together to establish new codes that can accurately track the costs associated with paid administrative leaves.

2. The CEO centralize some of the Human Resources functions that are currently within agencies/departments.

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

In correspondence dated February 5, 2004, the CEO advised all agency/department heads to "coordinate any proposed change that may have an impact on employee terms and conditions of employment, labor relations, or MOU provisions" with his office and CEO/Employee Relations. In addition, the CEO currently is studying the structure of Human Resources throughout the County, working toward re-

centralizing those human resources functions that will benefit from a more consistent and accurate approach and application.

3. The County Counsel, Employee Relations and the appropriate Agency/Department Head meet to discuss each dismissal case soon after the investigation has been completed and the case has been submitted to Employee Relations.

Response: The recommendation has not yet been implemented, but will be implemented in the future except that not all discharges require review by County Counsel, as explained below

Not all proposed discharges require such a meeting; however, when warranted, CEO/Employee Relations already facilitates meetings between County Counsel, the agency/department, and CEO/Employee Relations to discuss proposed discharges. This process could easily be formalized; however, to ensure efficiency and expedite the decision making process regarding discharges and other discipline, flexibility for all parties is important. For instance, certain proposed discharges are so well prepared, clear-cut, and uncomplicated that formally meeting to discuss the merits of the discharge would result in a delay in authorizing the discharge. However, in other instances, it would be more beneficial for the agency/department, CEO/Employee Relations, and County Counsel to meet prior to the start of an investigation or early in the investigation to ensure a mutual understanding of labor issues and legal concerns so that a comprehensive investigation can be conducted and appropriate disciplinary decisions can be made and agreed upon. This type of flexible, yet consistent coordination may be realized effectively and efficiently through the CEO's efforts to re-centralize certain Human Resources functions.

4. The County Counsel, Employee Relations, District Attorney's Office, Sheriff-Coroner and Probation Department representatives meet to determine what off-duty conduct standards might be applicable to employees with peace officer status. Representatives from employee organizations should also participate.

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

CEO/Employee Relations will bring the parties together to develop appropriate guidelines for determining when off-duty conduct may result in disciplinary action. CEO/Employee Relations will also include the impacted labor organizations in the process.

5. The Board of Supervisors continue to track administrative leaves approved by the CEO and determine the actual costs of paid administrative leaves.

Response: The recommendation has been implemented

6. CEO/Employee Relations assign a single individual to all dismissal arbitration cases.

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

Though CEO/Employee Relations is not currently staffed to provide a single individual as the point of contact for arbitrations, all are trained and successful in presenting arbitration cases, and efforts are currently underway to recruit someone to fulfill this assignment. To ensure adequate staffing during absences and workload demands, once this individual is hired, the plan would be to have one or two key contacts in Employee Relations assigned to arbitration cases.