

# HUMAN RESOURCES

## HELP WANTED: A SPEEDIER WAY TO HIRE



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### **SUMMARY**

The Civil Grand Jury (CGJ) investigated procedures within the Human Resources Department (HRD) focusing on the recruitment and hiring practices of the County's workforce, the length of the hiring process, the maintenance and retention of staff, and the relevant legal requirements pertaining to hiring practices. The CGJ found that the HRD staff process applications in accordance with the legal requirements of being an equal opportunity employer and within the mandates of the Garza Consent Decree. However, the process is cumbersome and can take more than a year to hire qualified staff. The CGJ found that no compensation is offered to those serving on recruitment and hiring panels and recommends implementing such a policy to fill panels more quickly. The CGJ found that the HRD website is incomplete.

The County underutilizes hiring bonuses and relocation reimbursement. The County has no individual exit interviews when employees separate, no requirements for succession planning, and employees can be considered “temporary” indefinitely. The County should update its policies regarding these issues and examine closely the continued necessity of the Garza Consent Decree (court ordered in 1975) in meeting its goals regarding the diversity of its workforce. The Civil Rights Office has current plans and policies in place to ensure that Monterey County has a diverse workforce.

## **BACKGROUND**

During its 2022-23 term, the CGJ conducted investigations of several county departments that expressed significant frustration and dissatisfaction regarding the hiring process. During these investigations, the CGJ determined that it should take a closer look at the centralized Human Resources Department (HRD) processes, in part because it learned that the County’s hiring practices can be lengthy. To quote a previous Grand Jury’s report title, “building and maintaining a productive workforce is the lifeblood of the organization.” County services cannot be adequately provided without well-trained, fully staffed personnel in each department. The CGJ explored the County’s hiring processes to determine the reasons for delays in filling positions, examined policies and practices to maintain and retain a healthy workforce, and reviewed rates of success in achieving a workforce reflective of the diversity of County residents.

## **METHODOLOGY**

Documents researched and reviewed included: Monterey County’s current overall Equal Employment Opportunity Plan (EEOP), current EEOPs specific to each department, the HRD’s 3-year Strategic Plan (2018-21), the 2019-20 CGJ Report on the HRD, and the Garza Consent Decree. The CGJ also reviewed the County’s HRD and Civil Rights Office (CRO) websites, federal and California state employment laws and legislation pertaining to equal opportunity, civil rights, mandatory reporting, and mandatory training

requirements. Finally, the CGJ conducted interviews with County staff knowledgeable about human resources and civil rights.

## **DISCUSSION**

The County of Monterey is one of the largest employers in the county with a workforce of 5,349 as of 1/1/22. Monterey County has two departments that are responsible for ensuring that it has a competent, well prepared, diverse workforce, and that it complies with all relevant federal and state employment laws: the Human Resource Department (HRD) and the Civil Rights Office (CRO).

### The Human Resources Department

According to its Strategic Plan, the mission of the HRD reads as follows: “Through collaborative partnerships, the Human Resources Department fosters organizational excellence in attracting, developing and retaining a diverse and talented workforce to effectively serve our community.”

As of July 2022, the HRD had a full-time equivalent staff of 41 employees. According to the EEOP, “the HRD is responsible for developing and maintaining the County of Monterey’s personnel system including the recruitment, selection, classification, testing and compensation programs, and for ensuring that these systems are adhered to in accordance with federal and state mandates.”

Monterey County government has 25 different departments; eight of these are “decentralized” with department HRD staff doing their own recruitment.

### The Civil Rights Office

According to the home page of its website, the CRO’s purpose is to “help the County respect civil rights, provide equal opportunity for all, and pursue equity in all operations by developing a culture of diversity and inclusion.”

Monterey has codified four distinct policies relating to its workforce: Nondiscrimination, Sexual Harassment, Language Access and Effective Communication, and Reasonable Accommodation. It is the responsibility of the CRO to implement these policies by

providing mandatory training for each department and investigating any related complaints. The County's department heads are required to ensure department employees complete the training provided by the CRO. To further help implement these policies, the County has an Equal Opportunity Advisory Commission and a Commission on Disabilities. The CRO is responsible for ensuring that individual departments submit their own Equal Employment Opportunity Plans (EEOPs), for the preparation and dissemination of the County's overall EEOP, and for submitting mandatory annual reports to the federal Equal Opportunity Commission. Further discussion of the EEOP may be found below.

### Recruitment

The County uses multiple ways to recruit its workforce. These are spelled out in detail in the EEOP, on the HRD and CRO websites, and in the Garza Consent Decree. During the annual County budget process, department heads submit "Request to Classify Forms" for new staff positions. Once the budget is approved by the Board of Supervisors (BOS), an analyst within the HRD works with the department head to develop a position description. Monterey County uses a classification system that has been developed by staff in the HRD. Every position is assigned to a class which dictates the position title, job duties, and compensation. There are currently 841 different classifications.

Recruitment does not immediately begin when a vacancy occurs. A department head must initiate and submit a request to open the position. In accordance with the EEOP and the Garza Consent Decree, staff within the HRD then conduct an analysis of the position to determine if there is a change in classification and whether the percentage of women and people of color among permanent employees in the department correspond to the percentage of women and people of color in the labor force within the community. If it is determined to be lower, then the HRD must conduct outreach to women and people of color. The posting for the position must remain open for a minimum of 30 days per the Garza Consent Decree.

The CGJ found that the County uses social media platforms, advertising, and position postings for recruitment. The HRD website includes sections that are incomplete, and it

is unclear how long this has been the case. There are sections that have no content and state “coming soon”. In addition, there are broken links on the site.

### Employment Eligibility and Selection Process

Every applicant goes through a certification process to determine eligibility for specific positions. If minimum qualifications are met, they are placed on an eligibility list. An eligibility list for a specific position lasts for six months and then expires. Those on the list are eligible for further screening. This screening consists of supplemental questions tailored for each position by the HRD and the hiring department. Applicant responses are reviewed by a diverse panel of subject matter experts who may or may not include County employees. It can take time to find a full panel of qualified subject matter experts as well as time for them to review responses. There are no incentives for County employees to serve in this capacity. No monetary compensation is offered to those who are not county employees.

Applicants deemed qualified or certified become eligible for an oral interview. Another diverse panel is required to conduct the oral interview thus extending the hiring process. The oral interview list expires after 12 months but may be extended at the HRD’s discretion for a further 12 months. Once eligibility lists expire, applicants must reapply. Department heads have discretion over whether an additional hiring panel is necessary to make the final decision. In addition, references and background checks must be completed, which adds time to the process.

The HRD uses an electronic tracking system from an outside vendor, NEOGOV, to track applicants. However, an in-house electronic tracking system for the recruitment of specific positions is a work in progress. Completion of such a system would reveal where the delays in recruitment are occurring and enable steps that could be taken to reduce such delays.

### Employee Incentives and Retention

*Telework:* The flexibility of being able to work remotely is a valuable incentive for workers and became a necessity during the pandemic. Telework is available to Monterey County employees whose duties do not necessitate that they be physically

present at a job site. A request form, available on the County website, may be submitted by eligible employees to department heads for consideration. The CGJ was unable to determine the number of employees currently taking advantage of this opportunity and whether it is offered to new employees.

*Bonuses:* The County has the option of using hiring bonuses for difficult-to-fill positions. The amounts are set by the County Administrator's Office (CAO) in consultation with the Department head. Referral bonuses are also available. However, both types of bonuses are infrequently utilized recruitment tools.

*Exit Interviews:* Exit surveys rather than individual exit interviews are used when employees resign, retire or separate. The CGJ was unable to determine what information is included in the exit surveys or how it is used to enhance HRD recruitment and retention.

*Succession Planning:* According to Performance Measures posted on the HRD website, in 2017/18 over 30% of the workforce was eligible to retire. This number has not been updated since then, but several senior position holders retired just in the last year. The County does not have a policy regarding succession planning for any of its departments or positions, which means that valuable institutional knowledge and training opportunities could be lost when turnover occurs.

*Temporary vs Permanent Employees:* The County regularly hires temporary workers. They are ineligible for benefits such as health insurance and paid time off afforded to permanent employees. By law, temporary workers are eligible to participate in CalPERS (the Public Employee Retirement System) after working a certain number of hours. There is no limit as to how long an employee remains employed in a temporary capacity. County policy states that all temporary positions must have an end date; however, those dates may be extended and are not monitored or enforced. Periods of one year or more are not unusual. If an employee can find similar work for similar pay elsewhere that includes full benefits, they are more likely to leave the County's workforce.

## Monterey County Equal Employment Opportunity Plans

The current EEOP, approved by the Board of Supervisors (BOS), is in effect from January 1, 2022, to December 31, 2023, and is publicly available on the Civil Rights Office (CRO's) website. Current departmental plans, and prior countywide plans going back to 2015, may also be found on the website. The EEOP states the County's commitment to "maintaining a meaningful, result-oriented Equal Opportunity Plan in order to achieve a balanced workforce that reflects the sex and people of color workforce composition of the County's relevant labor market." The plan provides details of the current workforce and steps to ensure diversity through classification, recruitment, screening, and testing, all of which are also described in the Garza Consent Decree.

According to Page 115 of the EEOP, as of 1/1/22, the County employed 5,349 people in 27 departments. Of these 1,654 (30.8%) were male, 3,704 (69.2%) were female, and 3,877 (72.5%) were people of color. The number and ethnic composition of the Monterey County workforce by department, labor force and county residents are shown in the table below:

<b>Ethnicity</b>	<b>County Employees in all Departments (2021)</b>	<b>County Employees in all Departments (2021)</b>	<b>Employees in Labor Force (2015*)</b>	<b>Monterey County Residents (2020)</b>
<b>Hispanic</b>	3,047	57%	54.5%	60.4%
<b>White</b>	1,472	27.5%	34.%	27.6%
<b>African American</b>	149	2.8%	2.2%	2.2%
<b>Asian</b>	603	11.3%	6.3%	5.6%
<b>Native American</b>	28	0.5%	0.2%	0.2%
<b>Pacific Islander</b>	8	0.1%	0.6%	0.5%
<b>2 or more ethnicities</b>	42	0.8%	2.1%	3%

\* Most recent available from EDD

Sources: [Monterey County 2021-23 EEOP](#), [CensusReporter.org](#), [EDD Labor Force Data for Affirmative Action/EEO Plans](#)

In addition to listing the number and percentage of women and people of color by department, the current EEOP lists 20 different job groups. Seven of these job groups fall short of achieving parity in terms of incumbency to availability and placement goals

of women and people of color. However, the CRO and HRD maintain consistent efforts towards encouraging and tracking the hiring and promotion of women, people of color, and those with disabilities, across all departments and job groups. Because the County receives federal funding, mandatory reports are filed by the CRO annually with the Federal Equal Opportunity Commission.

### **Garza Consent Decree**

A civil rights violation lawsuit filed in 1973 against Monterey County by Garza et al resulted in a Consent Decree that was ordered by the US District Court for the Northern District of California in 1975. The purpose of the decree was “to continue to increase the number of qualified minority persons employed by Monterey County so that parity with the Monterey County labor force is achieved throughout defendants’ labor force, in all job categories, and in all departments.” It also states that “for the purposes of determining racial or ethnic balance, all departments having 25 or fewer permanent positions are combined and treated as one department for the life of the decree.”

From 1977 through 1986, the Court ordered that semi-annual progress reports be submitted to the plaintiffs’ attorneys detailing “the name, race, or national origin, job category, department, date of hire and monthly salary of each county employee as of the last day in each pay period.” The EEOP requires that the HRD and CRO track this information. The Court did not set an expiration date for the Garza Consent Decree stating only that it has jurisdiction on the subject matter of the action and “shall retain jurisdiction until such time as the goals and timetables are met.”

In addition to the goal of achieving parity in terms of the County workforce reflecting the available labor force in terms of its composition of women and people of color, the Decree requires that:

- Qualifications for the Personnel Officer (HR Director) include having an understanding and commitment to equal opportunity; knowledge and sensitivity to the characteristics of racial and ethnic minorities; and the ability to speak Spanish. In the event of a vacancy, the County must actively recruit racial or ethnic minority applicants.



- Thirteen specific criteria may NOT be used in hiring and promotion decisions. These include “unvalidated” testing, education (academic degrees), experience (which can be a factor but not a bar to hiring), licenses, certificates, or credentials (unless required by law).
- Oral interviews must have “at least one minority person on each panel” for panels of up to four panel members. Panels of five or more must have increased minority representation.
- Recruitment time for permanent positions must be not less than 30 days.

### Conclusion

The CGJ found that the biannual EEOP meets the goals described in the Garza Consent Decree regarding recruitment efforts toward the hiring and promotion of women and people of color. Currently almost 70% of County employees are women and more than 72% are people of color. The EEOP includes detailed workforce analysis and reporting on the composition of Monterey County’s workforce and complies with federal EEOP reporting requirements. Providing that the Board of Supervisors continues to commit to its stated goal of workplace diversity, and it requires biannual EEOPs, the precise methods of recruitment and screening should be left to the professional staff in the HRD and CRO.

## **FINDINGS**

- F1. The incomplete nature of the HRD website results in lost opportunities to provide prospective candidates with information pertinent to the application process.
- F2. The recruitment process is lengthy and labor intensive for many County positions. Therefore, qualified candidates may be lost due to excessive delays.
- F3. Subject matter experts serving on screening panels receive no compensation or incentive, which makes them reluctant to serve and contributes to delays in the recruitment process.
- F4. The County has no policies regarding succession planning; thus, valuable institutional knowledge and training opportunities are lost when turnover occurs.

- F5. The County policy regarding the length of time an employee can work in a temporary employment capacity is not monitored or enforced. Working without full benefits results in increased turnover.
- F6. Despite acknowledged delays in recruitment, there is no tracking system to monitor the length of time it takes to fill open positions and remedy the process, causing frustration to both applicants and County staff.
- F7. The EEOs as currently required by state and federal law, and approved by the Board of Supervisors, are an effective way to ensure a diverse workforce within Monterey County Departments and meet Federal and State EEO requirements.
- F8. After 48 years, the intent of the Garza Consent Decree has been met, has served its purpose, and has been superseded by the EEO, which is more inclusive and up to date.
- F9. Requirements in the Garza Consent Decree, such as the makeup of panels and mandatory posting period, affect the timeliness of hiring.

## **RECOMMENDATIONS**

- R1. The HRD regularly update and enhance the content of its website to maximize effective recruitment.
- R2. The HRD streamline its hiring procedures to reduce the number of steps and time needed to fill positions by March 31, 2024.
- R3. The HRD develop an incentive plan for both County and non-County employee subject matter experts and individuals to serve on panels for employee recruitment by September 30, 2023.
- R4. The HRD develop a County-wide policy regarding succession planning for key personnel in each department by December 31, 2023.
- R5. Implement the HRD's in-house electronic recruitment tracking system by September 30, 2023.
- R6. The County monitor and enforce the policy regarding the utilization of temporary employees for essential, ongoing day-to-day operations by September 30, 2023.
- R7. The County develop strategies to limit the use of temporary employees to meet essential, ongoing day-to-day operations by December 31, 2023.
- R8. The Board of Supervisors request that a report be prepared by appropriate staff by October 31, 2023, to evaluate whether the goals and timelines of the Garza

Consent Decree, originally approved in 1975, have been met sufficiently to request the Court vacate the Decree.

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code (Sect) 933 and 933.05, the CGJ requests required responses:

From the following governing bodies within 90 days:

- Monterey County Board of Supervisors
  - Findings F1-F9
  - Recommendations R1-R8

## **INVITED RESPONSES**

From the following individuals:

- Human Resource Director
  - Findings F1-F9
  - Recommendations R1-R7
- Civil Rights Officer
  - Findings F7-F8

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

## **GLOSSARY**

BOS Board of Supervisors

CGJ Civil Grand Jury

CRO Civil Rights Office

EEOP Equal Employment Opportunity Plan

HRD Human Resources Department

## **BIBLIOGRAPHY**

County of Monterey Human Resource Department Website

<https://www.co.monterey.ca.us/government/departments-a-h/human-resources#lle>

Monterey County Human Relations Department Strategic Plan, 2018-2021

<https://www.co.monterey.ca.us/home/showpublisheddocument/67804/636749319290730000>

Monterey County Code, Chapter 2.19 Civil Rights Officer

[https://library.municode.com/ca/monterey\\_county/codes/code\\_of\\_ordinances?nodeId=TIT2AD\\_CH2.19CIRIOF](https://library.municode.com/ca/monterey_county/codes/code_of_ordinances?nodeId=TIT2AD_CH2.19CIRIOF)

County of Monterey Civil Rights Office Website

<https://www.co.monterey.ca.us/government/departments-a-h/civil-rights-office>

Monterey County 2021-2023 Equal Opportunity Plan

<https://www.co.monterey.ca.us/home/showpublisheddocument/111942/637883888487030000>

29 CFR 1607 – Uniform Guidelines on Employee Selection Process

<https://www.govinfo.gov/content/pkg/CFR-2022-title29-vol4/pdf/CFR-2022-title29-vol4-part1607.pdf>

## **APPENDIX**

Equal Employment Opportunity Plan 2021-2023, pages 114-115: Workforce Analysis Summary.



**County of Monterey  
Workforce Analysis Summary**

Snapshot Date: 01/01/2022

Organizational Unit	Total				Male							Female						
	EMP	M	F	MIN	W	AA	H	A	NA	PI	2+	W	AA	H	A	NA	PI	2+
SHERIFF-CORONER	438	301	137	281	124	11	145	19	1	0	1	33	4	80	20	0	0	0
SOCIAL SERVICES	798	152	646	682	30	3	105	13	0	0	1	86	27	500	20	2	0	11
TREASURER/TAX COLLECTOR	37	6	31	30	2	0	4	0	0	0	0	5	0	25	1	0	0	0
WATER RESOURCES AGENCY	37	22	15	11	16	0	5	1	0	0	0	10	0	3	2	0	0	0
<b>Total (#)</b>	<b>5,349</b>	<b>1,645</b>	<b>3,704</b>	<b>3,877</b>	<b>582</b>	<b>51</b>	<b>806</b>	<b>186</b>	<b>7</b>	<b>2</b>	<b>11</b>	<b>890</b>	<b>98</b>	<b>2,241</b>	<b>417</b>	<b>21</b>	<b>6</b>	<b>31</b>
<b>Total (%)</b>		<b>30.8</b>	<b>69.2</b>	<b>72.5</b>	<b>10.9</b>	<b>1.0</b>	<b>15.1</b>	<b>3.5</b>	<b>0.1</b>	<b>0.0</b>	<b>0.2</b>	<b>16.6</b>	<b>1.8</b>	<b>41.9</b>	<b>7.8</b>	<b>0.4</b>	<b>0.1</b>	<b>0.6</b>