

# Mariposa County 2020/2021 Grand Jury Interim Report

Pursuant California Penal Code §925 and §933(a), “each Grand Jury shall submit to the Presiding Judge of the Superior Court, a final report of its findings and recommendations that pertain to county government matters during the fiscal, or calendar year.”

## **INTERIM REPORT June 2, 2021**

### **Mariposa County Civil Grand Jury 2020/21 Investigation of Public Works**

#### **SUMMARY:**

The 2020-2021 Mariposa County Civil Grand Jury (MCCGJ) investigated the Public Works Department (PWD) Road Crews and found five major areas of concern that must be addressed: A hostile working environment, questionable Human Resources structure and behavior, inefficient operational performance, potential fiscal malfeasance and safety violations. The following report outlines the details of our investigation.

#### **BACKGROUND:**

The MCCGJ received information regarding a possible hostile working environment within our county's Public Works Department, specifically amongst the road crews. This issue initially came to the attention of the MCCGJ when, during introductory meetings with county officials, no fewer than three spoke of ongoing concerns regarding the road crews. This matter arose again during inquiries made by the MCCGJ in response to citizens' complaints.

#### **GLOSSARY:**

BOS – Board of Supervisors

HR – Human Resources

MCCGJ – Mariposa County Civil Grand Jury

OSHA – Occupational Safety & Health Administration

PWD – Public Works Department

PWC – Public Works Committee

SO – Sheriff's Office

Hostile Work Environment – per the US Equal Opportunity Commission: “To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.”

#### **METHODOLOGY:**

Based on the initial information mentioned in the background section, the MCCGJ voted to investigate the Public Works' Department (PWD) road crews and assigned the Public Works Committee (PWC) with the task. The PWC then scheduled interviews with complainants, and the head of the PWD. In addition, the MCCGJ requested contact information from the PWD to schedule interviews with crew supervisors, however, after several weeks the requested information had still not been provided. As a result, alternative means were required to schedule the necessary meetings.

Initially, all active employees either declined to meet with us, or failed to respond, some telling the MCCGJ, “off the record” that they were afraid of jeopardizing their careers, were they to speak with the grand jury. We then reached out to former employees, many of whom agreed to be interviewed. What they told us raised great concerns of favoritism, a hostile workplace, potential financial malfeasance and a cavalier attitude toward safety.

## **DISCUSSION:**

The evidence we collected from the interviews created considerable concern, as follows:

1. The county could incur financial, and/or legal liability from current, or former employees resulting from a hostile work environment. Former employees indicated they had retired early, due to the hostile working conditions. These individuals claimed, and provided supporting documentation of being treated differently, and unfavorably when compared to other employees within the road crews. They were chastised for insignificant matters, unrelated to their assigned duties. Interviewees stated “some of the best and hardest working employees were treated particularly poorly.” This information was consistent with what the MCCGJ heard from a number of sources, throughout our investigation.
2. Mariposa County Human Resources (HR) did not provide an adequate forum for county employees to express their concerns and allowed the alleged hostile work environment to persist, for many years. Consequently, there was no function to protect the county from potential liability due to breach of employment laws. The MCCGJ asked interviewees about the role HR played in the concerns raised by the employees. Each interviewee told us the same story: no corrective action was evident with the exception of the supervisor involved being notified of the complaints, potentially making working conditions even worse. Finally, we asked the former employees whether or not HR had performed an exit interview which is a standard practice, used to understand why employees are leaving. Exit interviews were not performed. These included employees with years, sometimes decades of service to the county who loved their jobs and who left before their full retirement age.
3. MCCGJ heard repeated stories of significant loss of operational efficiency, and performance within the road crews. Actions such as sending road crews a significant distance to work on a project that a crew in the target area was already working on, reduced the efficiency of both teams. This hostile environment, along with poor communication, naturally led to a lack of motivation among the employees.
4. The PWD purportedly has a serious problem with timecard falsification. Allegations were made by former employees that one crew, considered to be “a favorite” of one supervisor, submitted timecards indicating they were working, when in fact, they were out of the office or on leave. Another interviewee provided documentation that his timecard had been altered

following submission, resulting in a reduction of pay. This employee was able to provide evidence that the timecard had, in fact, been altered.

5. All interviewees relayed instances of Occupational Safety and Health Administration (OSHA) safety violations including not providing water, ice, shade or required safety and work equipment. For example, one crew ran out of water and was told by firefighters that cases of water were available for them at the fire camp. When they went to the camp to get water, they were told by a supervisor to return to the job and were not allowed to take the water with them. Another crew working on a bridge was forced to share one safety harness. The length of the tether on the harness was longer than the height of the bridge, rendering it useless as fall protection. On this same bridge project, the crew requested scaffolding and was told to “make do” without it. As a result, the crew was forced to use an improvised scaffolding system, made from wooden planks.

#### **REFERENCES:**

Six interviewees: former and current county employees and a union representative.  
Documentation including written grievances, contemporaneous notes, timecards, citizen complaints, interviews and an organizational chart.

#### **FINDINGS:**

- F1. Historically, the county Human Resources department has not been regarded as a safe, unbiased or effective resource for employees.
- F2. Employees of the Public Works Department have resigned, or retired due to an unchanging hostile work environment.
- F3. Many employees are unwilling to speak to the Grand Jury for fear of retaliation.
- F4. Multiple allegations of timecard falsification were made.
- F5. Multiple allegations of OSHA, and safety protocol violations were alleged.
- F6. After repeated requests for PWD policies and procedures, the PWD director indicated there were none.

**RECOMMENDATIONS:**

- R1. The Board of Supervisors should ensure that the HR department be restructured, and effectively empowered to protect the best interests of the county, and its employees within 90 days of the publication of this report.  
[the MCCGJ learned in May, 2021 that corrective actions are underway]
- R2. The Board of Supervisors should investigate the allegations of favoritism, and a hostile work environment in the PWD within 90 days of this report.
- R3. The Sheriff’s Office should audit, and investigate specific allegations of the falsification of timecards and if verified, the BOS should take corrective actions up to, and including termination and prosecution, within 90 days of the publication of this report.
- R4. The Board of Supervisors should make changes in the PWD management structure and establish a work environment improvement plan to increase unity, and effectiveness of the Public Works teams within 90 days of the publication of this report.
- R5. The PWD should establish a policy and procedures manual, specific to the PWD within 90 days of the publication of this report. The manual should be made available upon request.

**REQUIRED RESPONSE:**

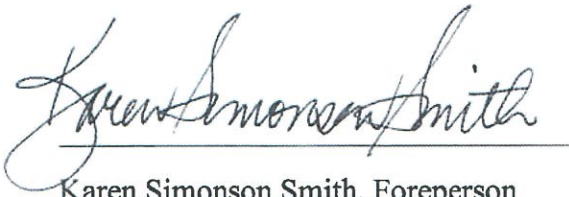
Pursuant to Penal Code sections §933, and §933.05, the Grand Jury requires a response from the following governing bodies within 90 days of the publication of this report:

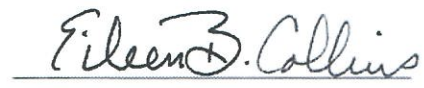
Board of Supervisors	R1, R2, R3, R4, R5
Sheriff’s Office	R3

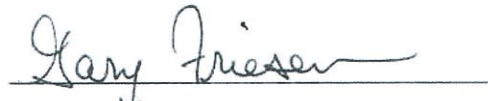
**INVITED RESPONSE:**

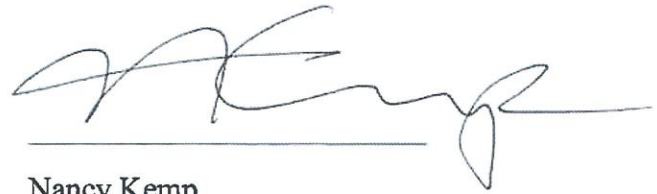
From the following within 90 days of the publication of this report:


County Administrator	R1, R2, R4
Public Works Department	R1, R2, R3, R4, R5
Human Resources	R2, R4, R5

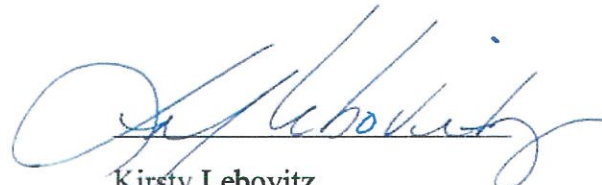
  
Karen Simonson Smith, Foreperson


  
Eileen Collins, Pro Tem

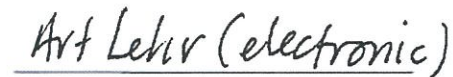
  
Gary Friesen


  
Nancy Kemp


  
Mike Henderson

  
Kirsty Lebovitz

  
Liana Belair

  
Art Lehr (electronic)  
Art Lehr

  
Tom Habeck

  
Adam Andersen

  
Pam Leonard (electronic)  
Pam Leonard