

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

478



FROM: Executive Office

SUBMITTAL DATE:
September 12, 2006

SUBJECT: Response to 2005-2006 Grand Jury Report: Riverside County Human Resources Department – Riverside County Sheriff's Department

RECOMMENDED MOTION: That the Board of Supervisors:

1) Approve with or without modifications, the Board's attached response to the Grand Jury's recommendations regarding Riverside County Human Resources Department – Riverside County Sheriff's Department.

BACKGROUND: On July 11, 2006, the Board directed staff to prepare a draft of the Board's response to the Grand Jury's report regarding the Riverside County Human Resources Department – Riverside County Sheriff's Department.

Section 933 (c) of the Penal Code requires that the Board of Supervisors comment on the Grand Jury's recommendations pertaining to the matters under the control of the Board, and that a response be provided to the Presiding Judge of the Superior Court within 90 days. In addition, as an independently elected official, the Sheriff has transmitted his response to the Grand Jury's findings and recommendations, and a copy is attached for your information.

Attached are the following:

1. Response from the Board of Supervisors; and
2. Response from the Sheriff, an elected official.

Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget: Budget Adjustment: For Fiscal Year:
	Current F.Y. Net County Cost:	\$	
	Annual Net County Cost:	\$	

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE.

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Wilson, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that the above matter is as recommended.

Ayes: Buster, Stone, Wilson and Ashley
 Nays: None
 Absent: Tavaglione
 Date: September 12, 2006
 xc: E.O., Grand Jury, HR Dept., Sheriff's Dept. Presiding Judge,
 Co. Clk. & Recorder

Nancy Romero
 Clerk of the Board
 By: Deputy

Prev. Agn. Ref.: 3.8 – 8/29/06

District:

Agenda Number:

3.9

Dept's Recomm.: Consent Policy
 Per Exec. Ofc.: Consent Policy

**RIVERSIDE COUNTY HUMAN RESOURCES RECRUITMENT PROCESS
RELATED TO THE RIVERSIDE COUNTY SHERIFF'S DEPARTMENT
Response to Findings and Recommendations**

FINDINGS:

Number 1:

In an effort to solicit interest in promotional opportunities within the Sheriff's Department, the County of Riverside issues Class Specification Bulletins listing:

- **Salary Range**
- **Class concept**
- **Representation unit**
- **Essential duties**
- **Recruiting guidelines**
- **Educational requirements**

Response:

Respondent agrees with the finding. Explanation:

The Human Resources Department conducts recruitments to fill vacant positions for the County of Riverside. All County job descriptions are posted on the Human Resources Department website or can be obtained through Human Resources personnel. As described by the Grand Jury report in Finding Number 1, all recruitments conducted by the Human Resources Department include detailed information about the positions to be filled.

To advertise promotional recruitments within the Sheriff's Department, the Human Resources Department prepares a Sheriff's Department Memorandum (distributed to all Sheriff's Department personnel) that includes detailed information about the position's "minimum requirements" related to the education and experience necessary to be qualified to hold the position, and details about the selection process for the position.

Number 2:

Grand Jury investigation revealed that Human Resources personnel did not verify, as required, the educational background of two Sheriff's Department employees. This allowed them to be placed on the Human Resources Certification List, even though they lacked the academic requirements for promotion.

Response:

Respondent agrees with the finding. Explanation:

The Human Resources Department personnel assigned to the Sheriff's Department to administer recruitment and selection processes did not verify the academic information provided by Sheriff's applicants for promotion. Human Resources did not routinely verify college attendance or accreditation on a Countywide basis. However, Human Resources personnel has, since 2004, verified current accreditation of the college or university attended.

The purpose of verifying the accreditation status of the college or university attended is to determine the educational value of the degree earned and to quell the utilization of unaccredited diploma mills to qualify for County of Riverside jobs. The County's Human Resources Department will continue to insure the integrity of the County's hiring and promotional processes by eliminating questionable degrees as qualifying for promotional and executive positions.

Number 3:

Further Grand Jury investigation revealed that during 2002 to 2004, these two Sheriff's Department employees had been promoted—one to the rank of Chief Deputy Sheriff and the other to the rank of Sheriff's Captain. When this fact became known, Human Resources Management contacted the Sheriff to advise him of the promotional errors. A mutual decision was made that, "it was no fault of the applicants and that they were not required to revert back [sic]."

Response:

Respondent disagrees partially with the finding. Explanation:

The Human Resources Department was notified by Sheriff's Executives in the Fall of 2004 that an issue of accreditation had been raised about some Sheriff's personnel that may have been promoted to higher ranks of the sworn chain of command even though the academic requirements to be eligible for the promotional positions were not met. More specifically, a question had been raised that there was a possibility that a Chief Deputy and a Sheriff's Captain were previously placed on eligibility lists for promotional positions (by Human Resources) where the incumbents had received their required college degrees (and/or required college credits) from universities/colleges that were not accredited by an accrediting body "recognized" by the U.S. Department of Education.

Once this information was known to the Human Resources staff assigned to the Sheriff's Department, an inquiry was made to verify whether Human Resources had certified for promotion (past or present) any individuals based on college credits and/or degrees that were issued by a university/college that was not

recognized by a U.S. Department of Education accrediting body. The Human Resources Department found only a small number of incumbents erroneously made eligible for promotion on previous eligibility lists. It was determined that no adverse action would be taken against any individual previously certified for their current position, but that those individuals would not be considered for further promotion unless or until the academic requirements set forth in the classification specifications were met. In part, that decision was based upon situational factors regarding each school, and/or the meaning of "recognized" in the County's job specifications.

Although some may believe that the Human Resources Department had changed the standard for acceptable academic qualifications (i.e., some individuals have challenged that the term "recognized" in the job specifications did not mean "accredited" since Human Resources had accepted unaccredited academic work in the past), it is Human Resources position that the term "recognized" has always, and continues to mean that the school's accrediting body is recognized by the U.S. Department of Education. The fact that some Sheriff's personnel (who had obtained required academic credits from unaccredited schools) were considered qualified to promote in previous promotional processes, in error, does not negate the intent and meaning of the term "recognized" in the County's job specifications.

According to the U.S. Department of Education's website (<http://www.ed.gov>), the "goal of accreditation is to ensure that education provided by institutions of higher education meets acceptable levels of quality." The website further explains:

...the Secretary of Education is required by law to publish a list of nationally recognized accrediting agencies that the Secretary determines to be reliable authorities as to the quality of education or training provided by the institutions of higher education and the higher education programs they accredit. An agency seeking national recognition by the Secretary must meet the Secretary's procedures and criteria for the recognition of accrediting agencies, as published in the Federal Register. Some of the criteria for recognition, such as the criterion requiring a link to Federal programs, have no bearing on the quality of an accrediting agency; however, they do have the effect of making some agencies ineligible for recognition for reasons other than quality. The recognition process involves not only filing an application with the U. S. Department of Education but also review by the National Advisory Committee on Institutional Quality and Integrity, which makes a recommendation to the Secretary regarding recognition. The Secretary, after considering the Committee's recommendation, makes the final determination regarding recognition.

Thus, the term "recognized," as found in the County's job specifications, is used throughout the text of the U.S. Department of Education's website indicating that

to have academic merit, colleges and universities must be accredited by bodies "recognized" by the U.S. Secretary of Education.

Number 4:

On March 29, 2006, the Grand Jury submitted to the Human Resources Department a written request for copies of resumes of the two promoted employees. The Grand Jury received a written response dated April 11, 2006 from the Assistant CEO/Human Resources Director advising, "...that it appears that those records (promotional recruitment) have been purged." Human Resources staff later revealed that these files had actually been shredded two to three months prior to the Grand Jury's request, coinciding with the beginning of this investigation in January 2006.

Response:

Respondent disagrees partially with the finding. Explanation:

It is true that on March 29, 2006, the Human Resources Department sent a response to a Grand Jury records request that indicated that the requested documents were likely purged earlier in 2006. The Human Resources Department disagrees that there is any correlation between the promotional documents being shredded and the 2006 Grand Jury investigation.

In early 2006, the Human Resources staff assigned to the Sheriff's Department found it necessary to increase office space at the Sheriff's Ben Clark Training Center (where their offices are located). As such, the Human Resources team had to vacate an office used primarily for the storage of recruitment records. The recruitment records determined to be old enough were purged, and the records determined to be retained, were transferred to another location or sent to the Country's Records Management storage facility.

RECOMMENDATIONS:

Number 1:

Sheriff's Department employees comply with General Order 200.04, which states that employees, "...shall meet the Departmental and state requirements for employment or placement in their job classification or position."

Response:

The Human Resources Department cannot respond to a recommendation for the Sheriff's Department. However, the Human Resources Department will continue to verify only qualified applicants are certified for hire or promotion.

Number 2:

During the promotion process within the Sheriff's Department, Human Resources follow Sheriff's Department General Order 211.04, which reads: "Only qualified members will be allowed to take a promotional examination."

Response:

The Recommendation will not be implemented because it is not warranted or is not reasonable. Explanation:

The Human Resources Department is not subject to Sheriff's General Orders. The policies and procedures for recruitment and selection are governed by the County Board of Supervisors Salary Ordinance No. 440, or the various contracts between the County of Riverside and labor unions.

The Human Resources Department will continue to follow the well established merit guidelines and minimum qualification guidelines for the recruitment and selection of Sheriff's Department personnel.

Number 3:

The Sheriff's Department comply with General Order 211.03, which reads: "A department member shall meet the requirements for the position prior to the final filing date."

Response:

The Human Resources Department cannot respond to a recommendation for the Sheriff's Department. However, the Human Resources Department will continue to verify that only qualified applicants are certified for hire or promotion.

Number 4:

Sheriff's Department recruitment files, including resumes, be maintained in accordance with the proposed Human Resources Department Records Retention Schedule. The proposed schedule would require that recruitment files be maintained for three years after termination of employment.

Response:

The recommendation requires further analysis. Explanation:

The Human Resources Department has yet to finalize a formal records retention schedule. The Human Resources Department is working with the County's Assessor and County Counsel to develop a records retention schedule/policy

that conforms to applicable law(s). Once finalized, the Human Resources Department will notify all Human Resources personnel of the records retention schedule.

1 it is necessary to provide some additional background information prior to responding to the
2 specific findings and recommendations contained in the report. Respondent would have preferred
3 the opportunity mandated in Penal Code § 933.05(e) to meet with the Grand Jury and clarify
4 some of the factual errors and misunderstandings that ended up in this report and is hopeful that
5 in future inquiries this opportunity will be afforded.

6 Since the Grand Jury Report limits its scope to two specific positions, an unidentified
7 Sheriff's Captain and Chief Deputy Sheriff, this response will likewise be so limited. This
8 should, however, in no way be interpreted to imply that it is Respondent's position that there are
9 no other positions within the County of Riverside that raise similar questions.

10 Sheriff's Department archives indicate that the first published criteria for the positions of
11 Sheriff's Captain and Sheriff's Chief Deputy occurred prior to 1987. In 1987, the County
12 published eligibility requirements for the position of Sheriff's Captain (Class Code 37617). The
13 education requirements included "Completion of 60 semester or 90 quarter units at a recognized
14 college...." Likewise, the 1987 educational qualifications for the position of Chief Deputy
15 Sheriff (Class Code 37620) included "Graduation from a recognized college with a Bachelor's
16 degree...." This specific language has remained in every description since 1987 including the
17 current Job Class Specification Bulletins. Although Human Resources now claims that there
18 existed a specific standard for what constituted a "recognized college," A diligent inquiry has
19 resulted in the inability to locate any published criteria by Human Resources for what would
20 satisfy the requirement of a "recognized college" as set forth in the Job Class Specification
21 Bulletins. For at least 20 years, the County of Riverside has established a pattern and practice of
22 accepting all schools licensed to provide education and confer degrees without distinguishing
23 among the various accreditations.

24 During the 2004 application cycle, employees motivated by the desire to eliminate their
25 potential competitors raised for the first time the issue of "accreditation." This action prompted

1 Human Resources to review the accreditation of the colleges attended by the applicants for the
2 position of Chief Deputy. Up to this point, accreditation had not been a factor considered by
3 Human Resources in evaluating applicants for these positions. The review by Human Resources
4 centered on three individuals; one chief deputy and two applicants for chief deputy. Human
5 Resources determined that the three did not meet the educational requirements because the
6 colleges they attended did not have regional accreditation.¹ The two applicants who were in the
7 current promotional cycle were disqualified. The third individual was promoted in a previous
8 promotion cycle. It is important to note that the educational credentials of each of these three
9 individuals had been reviewed on a multitude of occasions in previous cycles each time receiving
10 certification for promotion by Human Resources. Each of the three applicants had Associate and
11 Bachelor's degrees from colleges licensed to provide education and confer degrees under the
12 provisions of the California Education Code and one applicant had a Juris Doctorate degree and
13 was licensed and certified by the State of California as an attorney. It is also important to point
14 out that the decision to change the educational criteria from the long-standing practice was
15 without notice or explanation to the employees and did not provide them with an opportunity to
16 take corrective measure to meet the newly established criteria. To date no official published
17 criteria has yet been made available to notify potential candidates as to what is required to meet
18 the "recognized college" criteria for the County of Riverside.

19 It is Respondent's position that the above actions, however well intentioned, were at best
20 injudicious. The move away from the long-standing practice without any notice to employees
21 resulted in an extreme hardship to those who had detrimentally relied on the many previous
22 decisions. The goal of the Riverside County Sheriff's Department is to seek the most qualified
23

24 ¹ The Sheriff authorizes and sets the desired qualifications for positions within the Sheriff's Department and works
25 in a joint effort with Human Resources in processing the applicants. The new standard informally adopted for the
first time in 2004 by Human Resources specified that to be a "recognized college" the college must have regional
accreditation. Respondent does not dispute that regional accreditation is a reasonable standard.

1 individual for each position. Respondent agrees with Human Resources that there should be a
2 universally accepted standard in place to evaluate the candidates for promotion and that regional
3 accreditation is a reasonable standard. Whatever the educational requirement is, however, should
4 be adequately noticed to potential candidates seeking to meet the criteria. This is especially true
5 when it impacts long-term employees who have dedicated their careers to the Department and
6 the citizens of Riverside County. Each of these three individuals impacted by the above action
7 have served in excess of 20 years and sought out educational experiences at great expense to
8 themselves both of time and money. In fact, two of the three candidates have since and at their
9 own expense, obtained a second Bachelor's degree from different (regionally accredited)
10 colleges. In the absence of published standards, they have no assurance that they will meet the
11 criteria for the next promotional cycle.

12 With due consideration of the above background information, the following are the
13 specific responses to the findings and recommendations contained in the above aforementioned
14 Grand Jury Report.

15 **Grand Jury Finding #1**

16 In an effort to solicit interest in promotional opportunities within the Sheriff's
17 department, the County of Riverside issues Class Specification Bulletins listing:

- 18 • Salary range
- 19 • Class concept
- 20 • Representation unit
- 21 • Essential duties
- 22 • Recruiting guidelines
- 23 • Educational requirements

24 **Riverside County Sheriff's Department**

25 **Response to Grand Jury Finding #1:**

The respondent disagrees partially with the finding. Respondent agrees that the County of
Riverside issues Job Class Specification Bulletins containing general descriptions of the listed

1 items. Respondent disagrees, however, in that the bulletins lack the necessary information to
2 enable an individual to determine if the educational requirements have been met. Utilizing such
3 general terms as "recognized college" without publishing associated standards is insufficient to
4 enable an applicant to determine if eligibility requirements have been met; this is especially true
5 when the criteria suddenly changes without notice.

6 Although the Grand Jury Report lacks sufficient particularities for a more specific
7 response, the report appears to rest on the educational background of two specific Sheriff's
8 Department employees. At issue is the acceptability of the college experience or degree required
9 for the indicated positions. While the job bulletins mentioned provide a general listing of the
10 particular number of college units or degree required, they lacked any particular criteria as to the
11 specific accreditation that would be required to be "recognized" by the County of Riverside. In
12 fact accreditation is never even mentioned in any of the bulletins for the past 20 years. While
13 Human Resources now claim that "recognized college" has always meant that the schools
14 accrediting body is recognized by the U.S. Department of Education, this position is inconsistent
15 with their custom and practice. The County of Riverside has a long-established practice of
16 accepting a wide variety of educational institutions with little or no regard to accreditation. It was
17 only after internal competition and political maneuvering that the issue of accreditation became
18 the subject of controversy. The response by Human Resources to now attribute a different
19 meaning to the term "recognized college" not only singled out the two specific employees
20 mentioned but also eliminated other candidates that had previously qualified for promotion. In
21 doing so, they excluded schools licensed to provide education and confer degrees by the State of
22 California that were historically accepted by the County of Riverside. The Job Specification
23 Bulletins referenced did not contain any notice of the change in policy by Human Resources and
24 since these job bulletins are the only notice to employees of the eligibility requirements for
25 promotion to new positions, they lack critical information necessary to notify the Respondent

1 and its employees of the changes that were made. As a result, potential candidates had no notice
2 of the policy change until it was too late and had no opportunity to comply with the sudden
3 change.

4 **Grand Jury Finding #2**

5 Grand Jury investigation revealed that Human Resources personnel did not verify, as
6 required, the educational background of two Sheriff's Department employees. This allowed them
7 to be placed on the Human Resources Certification List, even though they lacked the academic
8 requirements for promotion.

8 **Riverside County Sheriff's Department**

9 **Response to Grand Jury Finding #2:**

10 The Respondent disagrees with the finding. First, since no standard has been published, it
11 will be assumed that the standard used by the Grand Jury in reaching their determination is that
12 the college must meet some unspecified accreditation standard². While the Grand Jury Report did
13 not specifically identify the two individuals, Human Resources was able to confirm their
14 identification. The Respondent finds that the Grand Jury Report is in error. The Captain referred
15 to in their report more than satisfies the 60 college units required for the position including units
16 from regionally accredited colleges and had obtained an Associates degree from the College of
17 the Desert in the 1970's prior to being hired by this department. The College of the Desert was
18 regionally accredited in 1963. This finding is in error.

19 The accuracy of the report as it relates to the Chief Deputy must be determined based
20 upon the standard and criteria that existed at the time the employee applied for the position of
21 Chief Deputy, in 2002. As related above, there was and is no published standard regarding what
22 constituted a "recognized college." When the applicant applied for the position, Human
23 Resources utilized the same standards and practice that had existed for many years and certified

24
25 ² Respondent acknowledges that there are a multitude of accreditations that may be obtained by colleges including regional and national. The topic is far too extensive and complicated to be the focus of this response especially since there is no published criteria within which to evaluate.

1 the applicant as meeting the eligibility requirements. It was not until this employee had
2 expressed interest in applying for a higher position in 2004 that the issue of accreditation was
3 raised and the practice changed to require regional accreditation. The Grand Jury Report fails to
4 distinguish between the standards that were in place prior to 2004 and those subsequent to 2004.
5 After the adoption of the new standard, the individuals were excluded from the Certification List
6 by Human Resources.

7 **Grand Jury Finding #3**

8 Further Grand Jury investigation revealed that during 2002 to 2004, these two Sheriff's
9 Department employees had been promoted-one to the rank of Chief Deputy Sheriff and the other
10 to the rank of Sheriff's Captain. When this fact became known, Human Resources Management
11 contacted the Sheriff to advise him of the promotional errors. A mutual decision was made that,
12 "It was no fault of the applicants and that they were not required to revert back [sic]."

13 **Riverside County Sheriff's Department**

14 **Response to Grand Jury Finding #3:**

15 The Respondent disagrees with the finding. This finding is factually in error. The
16 Sheriff's Captain referred to in the report was promoted to the position in 2000 not 2002. In
17 addition, the applicant possessed the requisite educational requirements notwithstanding
18 accreditation. The Chief Deputy Sheriff met the requirements in 2002 and was certified by
19 Human Resources. It was only in 2004 when the issue of accreditation was raised that Human
20 Resources changed their standard and practice that was in place at the time. Both individuals met
21 their respective criteria at the time the promotion list was certified and at the time they received
22 their promotion. The fact that this controversy arose and Human Resources has now adopted a
23 new standard of review does not undue their certification for previous promotional cycles. To
24 apply this change in policy retroactively not only would be unfair, it would likely subject the
25 County of Riverside to civil liability.

1 **Grand Jury Finding #4**

2 On March 29, 2006, the Grand Jury submitted to the Human Resources Department a
3 written request for copies of resumes of the two promoted employees. The Grand Jury received a
4 written response dated April 11, 2006 from the Assistant CEO/Human Resources Director
5 advising, "...that it appears that those records (promotional recruitment) have been purged."
6 Human Resources staff later revealed that these files had actually been shredded two to three
7 months prior to the Grand Jury's request, coinciding with the beginning of this investigation in
8 January 2006.

9 **Riverside County Sheriff's Department**

10 **Response to Grand Jury Finding #4:**

11 This finding is solely within the realm of Human Resources. The Riverside County
12 Sheriff's Department is not the custodian of records for these documents and is not in a position
13 to respond to this finding.

14 **Grand Jury Recommendation #1**

15 Sheriff's Department employees comply with General Order 200.04, which states that
16 employees, "...shall meet the Departmental and state requirements for employment or placement
17 in their job classification or position."

18 **Riverside County Sheriff's Department**

19 **Response to Grand Jury Recommendation #1:**

20 This recommendation has been implemented. Contrary to the implications of the Grand
21 Jury Report, at no time did any department member fail to meet the Departmental or state
22 requirements for employment or placement in their job classification or position. The
23 requirements that are the subject of this report are the educational requirements for promotion to
24 specified positions which are controlled at the county level. None of the issues presented in this
25 report involve state-mandated requirements. These educational requirements are established by
the Sheriff in cooperation with Human Resources. These educational standards may change with
adequate notice to affected employees; however, the changes may not be implemented
retroactively as suggested in the report. To do so would be contrary to established law and
subject the County of Riverside to unnecessary civil liability.

1 **Grand Jury Recommendation #2**

2 During the promotion process within the Sheriff's Department, Human Resources follow
3 Sheriff's Department General Order 211.04, which reads: "Only qualified members will be
4 allowed to take a promotional examination."

5 **Riverside County Sheriff's Department**

6 **Response to Grand Jury Recommendation #2:**

7 The recommendation requires further analysis. General Orders govern the conduct of
8 Sheriff's Personnel and not Human Resources personnel. Human Resources personnel work in
9 cooperation with the Sheriff's Department; however, their conduct is regulated via the policies of
10 the County of Riverside and not the Sheriff's Department. The Sheriff's Department continues to
11 utilize the services of Human Resources in verifying such things as educational requirements and
12 is confident that they will be able to carry out this responsibility in the future.

13 **Grand Jury Recommendation #3**

14 The Sheriff's Department comply with General Order 211.03, which reads: "A
15 department member shall meet the requirements for the position prior to the final filing date."

16 **Riverside County Sheriff's Department**

17 **Response to Grand Jury Recommendation #3:**

18 This recommendation has been implemented. Contrary to the implications contained in
19 the Grand Jury Report, the cited examples did in fact meet the requirements at the time of the
20 final filing date for the reasons previously articulated.

21 **Grand Jury Recommendation #4**

22 Sheriff's Department recruitment files, including resumes, be maintained in accordance
23 with the proposed Human Resources Department Records Retention Schedule. The proposed
24 schedule would require that recruitment files be maintained for three years after termination of
25 employment.

1 **Riverside County Sheriff's Department**

2 **Response to Grand Jury Recommendation #4:**

3 This recommendation does not directly apply to the Respondent. The storage of Human
4 Resources files are exclusively within the responsibility of Human Resources. Respondent makes
5 no conclusions regarding the assumptions contained within this recommendation.
6

7 Submitted this 24th day of August, 2006.

8
9 

10 Bob Doyle, Sheriff-Coroner
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25