

2024-2025 TUOLUMNE COUNTY CIVIL GRAND JURY

Differential Treatment and Hiring Practices in Tuolumne County Government

April 30, 2025



SUMMARY

Residents of Tuolumne County, your 2024-2025 Civil Grand Jury has completed an investigation on the Differential Treatment and Hiring Practices of the County. This report is broken down into eight sections:

1. Differential Treatment by Senior County Administration
2. Retribution by Superiors for Legitimate Action or Opinions
3. Treatment of the Board of Supervisors by County Employees
4. Misrepresentation of Information to and from the Board of Supervisors
5. Growth of the Executive Confidential Unit
6. Undue Control by Senior County Administration
7. High Performance Organization as a Framework Used by County Management
8. Hiring Irregularities.

There has not been a better name for a group to endeavor such a report than Grand Jury, as this was a very grand undertaking. What residents may not know is that there is a type of Grand Jury Investigation called a Carry-Over Investigation. That is when a prior Grand Jury provides information in the form of complaints, documentation or interview notes on a topic that the Grand Jury was not able to adequately investigate or complete a report about. A Grand Jury would not be able to complete and investigate a topic for many reasons; the most common reason would be that each Grand Jury is only empaneled for one year. Whatever does not get finished within that timeframe must either be dropped or carried over for the next Grand Jury. Again, the issue that could be carried over could be as simple as a letter to the Grand Jury or as massive as a report that was not completed in time.

The major issue with a Carry-Over investigation is that the new Grand Jury must start from scratch and must conclude and publish in one year. If any information was provided, this Grand Jury would have to do the entire investigation again; use of prior witness statements is strictly prohibited. These topics were brought to the 2024-2025 Grand Jury as a carry-over from the 2023-2024 Grand Jury and we would like to thank them for bringing this to our attention. This topic was not brought into the Grand Jury room from any one of the 2024-2025 Grand Jurors. This topic was not a grudge by any of your Grand Jurors. We make this point here and now because throughout our investigation, very senior members at the highest levels of Tuolumne County Government have made comments about this Grand Jury having a grudge against Tuolumne County or some senior employees. Nothing could be further from

the truth. Because of the rules your Grand Jury must follow, we are not permitted to list which senior employee made these comments, even though it could prove enlightening. At the beginning of our term each of us jurors had ideas about what we could investigate and what reports we could write. But when faced with the tremendous task outlined in this section, we all dropped every one of those topics because we all knew how important this would be to Tuolumne County residents.

BACKGROUND

Your Grand Jury received a Carry-Over request, and it was developed into this very wide-ranging report. Here are some of the many types of investigations and reports a Grand Jury can write.

- 1) Informing Tuolumne County residents about local government agencies that are doing an admirable job.
- 2) Open an investigation into a topic we received and choose not to write a report.
- 3) Investigate and write a report stating that we received information from a member of the community, investigated it and reached a conclusion.

A conclusion could be that the information was determined to be true, and the community should know about it. Or a conclusion could be that the information was determined to not be true. Another conclusion could be that the information contained some truths and some inaccurate information, and, again, the community should be aware.

In the case of this Report your Grand Jury received information from the prior Grand Jury that there was a pervasive feeling that some employees were treated better or worse than others based on cliques. These questions led to sections 1-7 of this report. The conclusion we reached for sections 1-7 was that there was significant evidence that certain employees were part of what several interviewees defined as the 'In Group.' We reach no conclusion other than to say the perception on this topic was so pervasive and county-wide and should be addressed.

Questionable hiring practices were also alleged. Regarding section 8, it is important to note that it is beyond the scope of a Grand Jury to address if a particular employee was not the best candidate. However, it is within our scope to indicate that there was a pervasive feeling among county employees that individuals with connections were hired. This is both a legitimacy and morale problem.

As stated earlier, your Grand Jury has taken steps to prevent the reader from knowing where a specific quote came from. This report uses four main types of information: witness statements, documents obtained through a Grand Jury request, public statements, and publicly available documents. Your Grand Jury is permitted only to identify public statements and publicly available documents. The report must protect the witness' statements and the information in documents through a Grand Jury request. If future Grand Juries desire to have the level of openness and forthrightness this Grand Jury received, witnesses must feel that they are protected in everything they say.

METHODOLOGY

Early in its term your Grand Jury received a complaint alleging that hiring and personnel practices in county government were unfair, unprofessional and created morale problems. It was alleged that individuals in senior positions were engaging in questionable behavior that was having a detrimental effect on government function and overall cohesion within county government.

Once your Grand Jury became aware of the allegations, a committee was formed to investigate the credibility of these claims.

To obtain the evidence needed to produce this report, your Grand Jury interviewed over 50 current and former Tuolumne County employees. In all, over 100 hours of interviews were conducted to obtain first-hand accounts regarding the claims made in the complaint. An incalculable number of hours were spent organizing and understanding the information obtained by your Grand Jury. In addition to interviews, your Grand Jury used the subpoena process available to it to compel Tuolumne County to provide documents the County was not willing to produce without subpoena. Finally, your Grand Jury made use of publicly available information. The interviews ranged from line-level employees to both current and former department heads, to current and former members of the Tuolumne County Board of Supervisors. These interviews were conducted in confidence, meaning that this report does not provide the names of those interviewed and your Grand Jury has done everything possible to eliminate any ability of the public from being able to identify who provided information. Otherwise, the usefulness of future Grand Juries would be in jeopardy.

Likewise, the information produced via subpoena has been used, but not identifiable. However, the information obtained from publicly available documents may be cited.

Finally, the bulk of this report is based on the testimony of county employees. The events communicated to your Grand Jury are accounts of these individuals. This report includes only the allegations that are supported by a preponderance of evidence and provided by at least two sources. Largely the preponderance of evidence standard is supported by a substantial number of individuals conveying similar views.

DISCUSSION

1. Differential Treatment by the Senior County Administration

The first section of your Grand Jury's carry-over report addresses the pervasive feeling by county employees that the Senior County Administration treated employees, department heads and supervisors differently. During your Grand Jury investigation on this topic, there were many witnesses to this pervasive feeling. The widespread feeling that some department heads were in an inner circle, while others were on the outside; those on the inside were able to meet more frequently and on shorter notice with the Senior County Administration employees. Additionally, those on the outside felt that the inner circle received preferential treatment when needing county approval. The better treatment appeared to exist in most facets of county employment. When confronted by these allegations those interviewed by your Grand Jury justified their actions by claiming they acted in the name of "team building," which rang hollow to those who have been subjected to this kind of class system.

While your Grand Jury conducted many interviews and decided to write this report. We give a note of caution to the residents of Tuolumne County: your Grand Jury is not making a blanket statement that all of the allegations made by every witness are true; it is reporting that there is such a pervasive belief that so much of this information is true, that the morale of County employees is suffering and the Board of Supervisors should look into this all-encompassing problem for the sake of better governance.

Different witnesses used different language to describe this situation. Several witnesses used the term "like mean girls from high school" to describe those on the inside. Others used the terms, "confidants," while others described "good old boys club versus the not good old boy club," still others used the term, "playing favorites." Regardless of the language used by the witnesses, they were all describing the same pattern of behavior: if you had friends in high places in Senior County Administration, you received better treatment and you did not have to face the backlash or retaliation given to those who were outside looking in.

Now that your Grand Jury had a complaint, it next looked at why one particular employee would receive those benefits. The most common language used by witnesses was that if an employee was “friends” with those in high places in Senior County Administration, that employee would get the benefits of friendship. While your Grand Jury encourages our government to be friendly with each other, when it becomes polarizing to others, this type of friendship is counterproductive to good governance.

If it were just a clique of friendship within Tuolumne County Government, that could be enough to create low morale. However, the benefits of friendship were far and wide. If you were a Department Head and there were issues with the quality of work in your department or if there were concerns from the Board of Supervisors or citizens during Board of Supervisors’ meetings, that friendship could protect you from fallout. If you were one of the “mean girls” and your position was up for a pay increase before the Board of Supervisors, that vote could be done on the consent calendar. Although these actions could be, and were, characterized by some as a time saving measure, using the consent calendar prevents the issues from being fully debated before the public. These pay increases for a “friend” could be tens of thousands of dollars along with double that in total compensation increases, and they were never debated. There were several comments from witnesses that questioned if the pay increases were approved on the consent calendar to keep them out of the public eye, or to hide them from the Board of Supervisors. Your Grand Jury does not seek to answer those questions, in an effort to avoid turmoil for County employees.

Other perceived benefits of being “on the inside” included the ability to get meeting time with Senior County Administration. The perception by many witnesses was that there was always time for ‘friends’ to get meetings with Senior County Administration, while those “on the outside” sent multiple emails, made multiple phone calls, had to jump through “multiple hoops” and could not get five minutes to discuss issues in their departments.

Lack of meeting time was not the only issue if you were not a “confidant.” Avoiding a Department Head is bad enough, but the many varieties of backlash from Senior County Administration enforced the adage that the best defense is a good offense. Senior County Administration used fear and retaliation toward employees, not just to lower-level employees, but those at the Department Head level suffered from this abuse as well.

Multiple witnesses informed your Grand Jury that Senior County Administration made disparaging comments about the “sub-par” work done by a few senior department employees. Through other interviews, we learned that those being disparaged were not in the “inner circle”. Through further interviews, we also learned that the disparaging comments were false. Specifically, the level of work being done by those senior department

employees was evaluated as “exceedingly professional” by peers and supervisors, not as characterized by the Senior County Administration.

Even elected county employees faced backlash. Multiple department heads, including several elected department heads indicated they felt Senior County Administration would go “behind my back” to Board Members and the Department Head would not have an opportunity to state their case. While an appointed department head would have to worry about losing their job if they found themselves on the outs; both the appointed and elected department heads had to worry about getting funding for their departments, getting the ability to hire new employees, and being undercut before the Board of Supervisors.

Other benefits to being on the “inside” came when new positions were created or filled when vacant. Your Grand Jury learned that there are multiple ways to fill a vacancy in Tuolumne County. Most of your Grand Jurors believed that job notices were made public, a reasonable amount of time was given, the County took in applications from all candidates regardless of where they lived or worked. Human Resources whittled down to a few very qualified candidates and those qualified candidates were interviewed. What your Grand Jury learned is that many vacancies were only ‘flown internally’ which means that if you were not already a Tuolumne County employee, you could not even apply for the job. We also learned that even with Department Head level positions, some vacancies were only made public for five days. This seems to only benefit those who knew the job was about to be posted. Both internally flown and short time limits gave the impression to many Tuolumne County employees that the decision on whom to hire was made before the job was announced. Your Grand Jury feels it is important to note that these were not solo or isolated events, they were prevalent.

Tuolumne County faced two major issues on how to spend some money in recent years. The two projects subject to the backlash discussed in this portion of the report were the homeless project in Columbia and the condition of the dispatch center. Both of these projects were brought forward in Tuolumne County Board of Supervisor meetings.

The homeless project was an attempt to house homeless people in a hotel near Columbia Elementary School. This project was supported by the Senior County Administration and the Homeless Coordination Department. The citizens of Columbia, especially those with students in that school, were very much against such a project. When multiple Tuolumne County employees spoke out publicly and privately against this project, they were harassed. This backlash was toward low- and high-level employees. This was not a case where each employee was entitled to their own opinion; it was a situation where ‘how dare you take sides against me’ was stated. That kind of reaction created not only fear for one’s job, but also as a warning to never speak against the Senior County Administration.

The subject of the dispatch center was also the focus of multiple Board meetings. It has been publicly stated that Tuolumne County has a dispatch center that is in poor and unsafe condition. The recruitment of well-trained dispatchers is challenging. Statements made publicly by Tuolumne County employees, including Department Heads, Assistant Department Heads, and those from non-law enforcement sectors, all agreed to the need for improvement. Those statements supporting funding for the dispatch center were used as justification for backlash by those opposed to spending money to improve conditions. Again, this was not a congenial disagreement, it was Senior County Administration lashing out using language to intimidate employees from disagreeing.

Your Grand Jury interviews uncovered the use of reclassification to benefit the “in crowd” while not afforded to others or delayed in the bureaucratic bog. Reclassification is when an employee is doing work that is beyond the scope and job description for their current classification. It is not uncommon in county government for employees to be doing actual work that is beyond the scope of their job description. However, when the work beyond the scope exceeds the work being done within the scope, a reclassification may be in order. Unfortunately, this report cannot give specific examples without violating privacy and confidentiality concerns.

According to very highly placed current and former employees, this process should only take a few months to complete. If there is an existing classification, it could be even briefer. If the new classification needs to be created, it might take a few months. However, when your Grand Jury investigated this topic, the kind of in-crowd vs. out-crowd discussed above was prevalent. When a “friend” wanted a reclassification, it was done with a take-home pay increase of more than tens of thousands of dollars, and a total compensation increase of over \$50,000. The process only took a few months.

When someone from an agency that was not one of the ‘friends’ wanted a reclassification, there were multiple meetings, multiple versions, multiple drafts, and multiples of time needed. Those in charge of reclassifications were quick to point out the difficulties in such work. However, those difficulties did not seem to hinder reclassifications for ‘friends.’

2. Retribution by Superiors for Legitimate Action or Opinions

Due to the organizational structure of Tuolumne County government, communication from non-elected county departments to the Board of Supervisors, other departments, or individuals is directed mainly through Senior County Administration. Likewise, any communication and direction from the Board of Supervisors to county departments is either done from the Board meetings or preferentially directed through Senior County

Administration. The same Senior County Administration currently provides oversight to all county departments run by non-elected officials with the exception of the County Counsel's department. This sets up a situation where many county employees, particularly Department Heads, report to Senior County Administration. This has created an environment where the Senior County Administration has hindered Department heads from performing their official duties and impeding these individuals from expressing views that may be counter to Senior County Administration. In fact, your Grand Jury interviews show that many county employees were not able to function autonomously without fear of retribution.

A situation was created where a single person is responsible for gatekeeping large amounts of communication and decision making in County Government. Examples that your Grand Jury learned about included fear of retribution or some form of punishment. During interviews a theme emerged that spoke to the consolidation of authority and the discouragement of dissent. Public officials repeatedly relayed accounts of retaliation to individuals who stepped out of line. Organizational problems also existed. Due to this issue, there was no protection to the Whistle Blower from retaliation if not a member of the, "In Group". However, if you were one of the "In Group" a more intensive evaluation of the issue was conducted.

As an example, hiring irregularities have been documented elsewhere in this report. The ability of individuals to express an opinion and be heard regarding this practice was minimal. Individuals tasked with ensuring ethical conduct in hiring had their opinion disregarded by Senior County Administration. Your Grand Jury heard testimony from multiple individuals tasked with ensuring fairness in hiring and from employees who resigned. The stated reason for leaving was due to the Senior County Administration ignoring complaints of favoritism and questionable management practices.

The conclusion of this is that the Senior County Administration office has had control over which concerns or complaints would be addressed.

3. Treatment of the Board of Supervisors by County Employees

Regardless of whether members of County Administration disagree with board members or not, showing disrespect towards Board Members and the districts that members represent is inappropriate. After multiple hours of interviews your Grand Jury concluded that there was a major conflict between Senior County Administration and at least one Board Member. Your Grand Jury soon realized Senior County Administration would call out one or more Members and treat them differently than other Board Members. For example, when a

Department Head which was part of the “inner circle” came to Senior County Administration complaining that a Board of Supervisor member was creating a hostile work environment. The Senior County Administration hired an outside special investigator at \$70,000. After many hours of review, the outside investigator concluded there was no hostile work environment as alleged by the Department Head against the Board Member.

Senior County Administration characterized some Members of the Board of Supervisors as being “immature” and inexperienced with unrealistic expectations. Senior County Administration rebuked the Member in non-public meetings. Those same employees claimed that the supervisors turned meetings into a "debating club." According to witnesses, this created frustration for many other county employees and created a dysfunctional workplace.

The unequal treatment of the Board of Supervisors caused conflict among the Board as well as in the Senior County Administration. Several witnesses claimed that some Members of the Board of Supervisors showed blanket trust in Senior County Administration; according to some witnesses this was enough to abdicate their responsibility to make decisions that could have fallen into the Board’s purview.

Senior County Administration, by disparaging one or more Members of the Board of Supervisors directly encouraged rumors and gossiping. This behavior created an environment that undermined the authority of the Board of Supervisors. Such action is an impediment to good governance.

4. Misrepresentation of Information Coming to and From the Board of Supervisors

Over the course of its investigation your Grand Jury learned of repeated instances of misrepresentation of information by Senior County Administration. The misrepresentation was regarding information going through Senior County Administration to the Board of Supervisors from Department Heads and of information going through Senior County Administration to Department Heads from the Board of Supervisors. This represents a communication failure in several directions. One can appreciate that the presence of this type of situation is neither healthy nor efficient for an organization and may very well have been intentional to control the narrative.

During individual interviews many county employees provided examples of misinformation being provided to the Board of Supervisors by Senior County Administration during publicly held Board of Supervisor meetings. Multiple County employees expressed concern that what was presented to the Board of Supervisors was presented in such a way, that if not aware of the details, it would leave a false impression. The subject matter of this

misrepresentation included actual costs of pay raises, grants, funding sources and other information.

Frequently, Senior County Administration presented Grant Funded positions as not impacting the General Fund when in fact it did. Grant Funded positions always impact the General Fund as stated by senior officials.

Pay raises, when presented to the Board of Supervisors, did not represent the full cost to the county on multiple occasions. In one instance, a specific department received an 8% increase just prior to the approved 5% Cost of Living Adjustment thus creating a two-fold increase for employees in the Senior County Administrations department. This information was not presented to the board.

Senior County Administration repeatedly presented information minimizing fiscal impact as opposed to the actual cost to both Budget Team and the Board of Supervisors. In one instance this cost was double what the actual financial burden was reported to be. For example, a particular employee was to get a raise. What was presented to the board was that the total cost would be \$21,000, the total cost was actually over \$50,000.

Individual members of the Board of Supervisors were also misled during day-to-day interactions with Senior County Administration. Members of the Board of Supervisors would frequently be led to believe that Department Heads had one specific position. Later they learned that those views were misrepresented to the Board of Supervisors.

Your Grand Jury repeatedly heard many reports of Senior County Administration “controlling the narrative” or similar statements made by county employees. Senior County Administration was repeatedly labeled as a narrative controller. For example, Members of the Board of Supervisors were told by Senior County Administration, “boy, the department heads are really angry with you...” when this statement was not true.

There were also cases where individual members of the Board of Supervisors were given false information regarding the position taken by another Supervisor. A particular Supervisor later learned that a different Supervisor shared similar positions on an issue. Senior County Administration would then make contradictory comments such as, “a majority is not in support of that,” or “you’re the only one bringing this to me,” when those statements were not true.

During individual interviews a multitude of county employees provided examples of misinformation that they believe was being provided as coming from the Board of Supervisors when in fact, the Board had not conveyed this information. Senior County

Administration would indicate to Department Heads, and staff, what the Board of Supervisors' position was on certain issues, even if this took place during closed sessions, or during one-on-one meetings with Supervisors. The information that was conveyed was often false.

It appears Senior County Administration mis-labeled a closed session, after the failure of Measure Z, as "Labor Negotiations" on the Board of Supervisors Agenda. The following morning a text was sent to Department Heads to attend an impromptu meeting about the previous day's closed session and receive directions from the Board involving "Budget" not "Labor Negotiations." In addition to discussing Budget issues, Senior County Administration stated positions of the Board that were not accurate positions of the Board. Several of those involved also interviewed with your Grand Jury. Those involved were adamant that the closed session was about "labor negotiations," but also admitted that the conversations with Department Heads at the impromptu meeting were about budget.

To summarize this section, Senior County Administration had a dysfunctional relationship and struggled with at least one Supervisor. Senior County Administration negatively influenced Department Heads regarding at least one Supervisor, indicating at least one supervisor was always the outlier. Senior County Administration did not accurately relay information back and forth between the Board of Supervisors and Department Heads and lower-level employees. Additionally Senior County Administration sometimes inaccurately relayed information between different Board Members.

5. Growth of the Executive Confidential Unit

In accordance with the Executive Confidential Unit Compensation Plan dated Feb 7, 2017, page 1, 1 (c) defines "Confidential Employee" as an employee who could responsibly have access to information that could affect employer – employee relations. This designation comes with additional benefits for these employees. There are exempt and non-exempt personnel in the Executive Confidential Unit.

Funding Retirement plans and salary rates for this designation are some of the most lucrative for county employees. Your Grand Jury witness statements uncovered a large discrepancy in how various Department Heads viewed and defined the Executive Confidential designation. The criteria used as a determination for being in the unit also varied among Department Heads.

Your Grand Jury heard repeated claims that this designation was being used as a means for employees favored by Senior County Administration to receive additional benefits. This is clearly not the intended purpose of this designation. Your Grand Jury also heard multiple

allegations that many positions that are currently categorized as Executive Confidential, do not belong in this classification. In addition, your Grand Jury heard testimony that individuals who were handling confidential information were denied an Executive Confidential designation with the stated reason being that “we’re trying to shrink this unit.” The totality of the testimony presented to your Grand Jury leads to the conclusion that regardless of whether this designation has been applied in a way that does not serve its intended purpose or not, the perception of bias by many Tuolumne County employees created a poor work environment and low morale.

In addition to alleged misuse of the designation, your Grand Jury found a surprising lack of understanding or clarity in current and former members of the Board of Supervisors and Department Heads as to the nature and intended use of this classification.

6. Undue Control by Senior County Administration

Documented events, and many interviews support claims that Senior County Administration officials sought to micromanage departments and events in a way that caused morale problems in employees. This micromanagement was not perceived to be the overall good of the county but instead was directed to benefit Senior County Administration and was far less frequent toward those of the in-crowd.

Senior County Administration used differing approaches to, and provided differing levels of assistance to, Department Heads. Evidence obtained by your Grand Jury suggests a lack of consistency in how departments were supported. Some departments appeared to have more leeway for discretion than other departments, which raises concerns about fairness and transparency in county leadership as addressed in Section 1 of this report.

Several incidents illustrate a breakdown in communication. As an example, during a Board retreat focused on strategic planning, a Department Head sparked a negative reaction, and a public berating from the Senior County Administration. The cause of this public display was simply announcing via email that a key county employee was on leave. This incident underscores the challenges Department Heads face as they try to act in the organization's best interest while risking backlash when their actions do not align with Senior County Administration's expectations.

Your Grand Jury was informed repeatedly of discouragement of County Staff and Department Heads from speaking out regarding a variety of issues. These warnings were not because the issue was not valid; it was because they were counter to Senior County Administration's objectives. Individuals came forward and spoke of instances where sharing information with higher ups was discouraged if there were any chance it would frame Senior County Administration in a bad light. This is indicative of a culture of fear within the

organization discussed by many witnesses. This type of environment stifles innovation and open communication.

7. High Performance Organization as a framework used by County management

Prior to Covid-19, Senior County Administration championed a campaign to train executives, Department Heads, supervisors, and staff in a leadership program called High Performance Organizations (hereinafter HPO). This was not a new concept; in fact, this methodology began in the 1990s. However, after this Senior County Administration was able to champion this path with the Board of Supervisors approval, they moved ahead by sending staff to the training to change the culture of how the county functions.

To put this into perspective, an HPO company strives to achieve strong results through their culture, structure, and processes. HPOs are known for their agility, adaptability, and commitment to continuous improvement. The goal is to have a clear and inspiring mission that guides the organization by developing strong leaders who encourage collaboration and involvement. It's an ongoing process where staff are coached to focus on performance. A change in culture which looks for ways to improve processes, products, and services by utilizing both a top-down approach and a bottom-up approach. By focusing on understanding and building relationships with customers, both internal and external.

As with all training, there is a price tag. Your Grand Jury was informed of county employees being sent to South Carolina for a weeklong course costing approximately \$15,000 per person. Eventually the county brought in an instructor several times to teach county employees. In total an undisclosed number of personnel received training in this methodology. To date, that cost has been over \$67,000 that your Grand Jury is aware of. Your Grand Jury believes this figure is likely well more than \$100,000 because there were several that we became aware of that took this course in South Carolina, and we did not receive all invoices. The reason your Grand Jury cannot provide the reader with an exact cost for this training is that the County's process for tracking these costs is ineffective.

During our interview process we found most of the trainees were excited, "fired up" as one employee stated after returning from training. This employee said they looked forward to putting what they learned into practice and to promoting the use of HPO within their sphere of influence within the county. Not only engaging employees in leadership at every level, but where staff have an opportunity to participate in making decisions on how their department not only manages issues but also being part of an empowering organization.

Your Grand Jury learned through the interview process that HPO was practiced at different levels and at different rates of success by various departments within county government.

Your Grand Jury learned that some departments, specifically Health and Human Services, Public Works and IT embraced this methodology and seemed to have success. Your Grand Jury also found that while HPO can be used in many departments, it is not an appropriate system for others. However, your Grand Jury also found that a Department Head bragged that they went to out of state training twice, while simultaneously indicating that they did not use, or need, HPO.

Your Grand Jury notes that the deficiencies found elsewhere in this report are reflective of an organization that is not invested in or practicing HPO philosophies in any meaningful way. Sections 1 through 7 show that the most problematic portions of Tuolumne County Government are the same portions that regularly fail to adequately utilize HPO.

Your Grand Jury also interviewed past and current supervisors about the use of HPO in the county. Your Grand Jury was alarmed at the result of this inquiry. Supervisors were unaware of the cost, effectiveness and inconsistent implementation of HPO.

8. Hiring Irregularities

The most pervasive complaint expressed by County employees regarded hiring practices for senior positions in the county. Your Grand Jury interviews uncovered multiple individuals who had close personal ties with Senior County Administration who were hired or moved into executive positions despite nearly unanimous reservations expressed during the hiring process or after the hiring. Most Tuolumne County employees interviewed by your Grand Jury questioned the hiring of these favored employees and discussed the low morale created by this situation. In addition, after the hiring of these individuals your Grand Jury heard evidence that these favored employees received protection and promotion by the same Senior County Administration that hired them.

Tuolumne County uses hiring panels to evaluate candidates for positions. These panels are composed of individuals who are stakeholders in the organization, Department Heads or individuals knowledgeable of the requirements of the position. In some cases, candidates may be required to interview with more than one panel. One panel may evaluate their fit within an organization while another panel may evaluate the candidate's competency to perform the duties required of the position.

Your Grand Jury received statements from multiple interviewees that individuals with close personal ties to Senior County Administration were hired despite committees declining to endorse the candidate. After committees failed to endorse a candidate, that position was closed. The position was moved from the original department to a different department reporting directly to the Senior County Administration. Then the rejected candidate was

hired. Upon hiring, the individual may even be given a job classification of Executive Confidential. That classification would receive deferred compensation benefits and did not have to wait a year, which is the usual protocol. Many witnesses indicated that in at least one case an individual was then promoted to a position where they did not meet the minimum qualifications. Your Grand Jury cannot and does not claim that any candidate was not qualified for the job, as that is beyond the scope of Grand Jury investigations; however, the overwhelming belief by County employees indicated this type of perceived cronyism creates low morale.

In addition, at least one candidate who was considered highly qualified by multiple Department Heads was not selected for a County position and Tuolumne County lost such employees to other counties because of this decision. “Astounding,” was the way one Senior County official described the decision to not hire someone with pertinent certifications for the position. When questioned regarding this series of events numerous current and former county employees expressed dismay regarding this process. It is clear from the responses that the way this process was handled had a lasting effect on the way employees view their workplace.

The events cited above are not isolated incidents. County employees interviewed expressed concern regarding this, and multiple other hiring practices. These practices relate to personal and familial relationships and appear to influence decisions of Senior County Administration. There is significant evidence that county employees felt that the transparency and quality in hiring practices and treatment of employees was imbalanced in favor of the “in-crowd.”

Interviews with both former and current Board Members indicate that this apparent disparity in the treatment of employees was known to the Tuolumne County Board of Supervisors. In fact, multiple County Supervisors revealed that they had expressed concern to the Senior County Administration regarding this matter. The concerns were reportedly ignored.

FINDINGS

Findings for Section # 1:

F 1-1

There is an overall belief and feeling by Tuolumne County Employees that “friends” of those highly placed in Tuolumne County Administration were given pay raises hidden from the public, and possibly from the Board of Supervisors on the consent calendar.

F 1-2

There is an overall belief and feeling by Tuolumne County Department Heads that some Department Heads were not given the necessary access and time by Tuolumne County Administration and/or Board of Supervisors. Another significant issue in this finding is that many of those interviewed told your Grand Jury that the Tuolumne County Administration policy is to meet with each Department Head at least once per month. Unfortunately, the reality was that the policy was not followed for a multitude of reasons. Sometimes the Department Head held the belief that the meetings were not productive. Sometimes the Department Heads held the belief that Senior County Administration did not support the Department Head's positions. Sometimes the Department Head held the belief that Senior County Administration actively attempted to hinder the Department Head.

F 1-3

Some Tuolumne County employees felt that Senior County Administration was spreading rumors about poor work by Senior Department employees, including Department Heads. Your Grand Jury found through a great many interviews that these rumors, according to other Department Heads, were frequently false and spread for reasons to support "friends."

F 1-4

Tuolumne County has used the practice of posting job positions only internally and for very limited durations. While some jobs do not require highly specialized training or education, other jobs do require such training or education. It appears from interviews that management level jobs, the ones that require the most specialization and experience, were the same jobs that were only posted internally and only for the minimum time. We find that obtaining the best candidate for high level positions, including Department Heads, is not done by limiting the number of applicants or only posting those positions for a limited time.

F 1-5

There was differential treatment between the "in crowd" and the "out crowd" in how reclassifications were done.

Findings for Section # 2:**F 2-1**

The current reporting structure for complaints creates concerns when the complaint is about someone in the chain of command for the complainant. Your Grand Jury has interviewed multiple employees who have received backlash for making valid complaints.

Findings for Section # 3:

F 3-1

Senior County Administration did not behave in a professional manner regarding at least one member of the Board of Supervisors.

Findings for Section # 4:

F 4-1

Your Grand Jury heard from several witnesses that the Board of Supervisors appeared to allow Senior County Administration to function with little or no oversight.

F 4-2

Your Grand Jury heard from several witnesses that Senior County Administration misled the Board of Supervisors during Board meetings by misrepresenting the total amount of specific employees' raises and if Grant funded positions were impacting the General Fund.

F 4-3

Your Grand Jury learned that Senior County Administration caused confusion and mistrust among the individual Board of Supervisor members by misleading them as to the opinions of individual Board members on pertinent issues to be voted on.

F 4-4

Your Grand Jury learned that Senior County Administration misrepresented instructions from the Board of Supervisors to Department Heads. This caused misalignment of direction for County Employees.

Findings for Section #5:

F 5-1

Your Grand Jury finds that the Tuolumne County government does not consistently interpret and apply the definition given in the Executive Confidential Unit Compensation Plan when hiring and reclassifying for an Executive Confidential position.

Findings for Section #6:

F 6-1

Your Grand Jury has found that there is inconsistency in Senior County Administration's support for department heads, leading to concerns about fairness and transparency.

F 6-2

Your Grand Jury found a breakdown in communication between Senior County Administration and department heads, leading to significant tension and distrust.

F 6-3

Your Grand Jury found systemic discouragement of staff and department heads for speaking out that suggests a culture of fear within the organization.

F 6-4

Your Grand Jury found an inability to gain consensus on urgent issues with employees' reluctance to speak out for fear of reprisals.

Findings for Section #7**F 7-1**

Your Grand Jury found that Senior Leadership at the County did not practice High Performance Organizations methodology.

F 7-2

Your Grand Jury found that implementation of the High Performance Organizations methodology was not uniform across county departments for whom this would be appropriate.

F 7-3

Your Grand Jury found that no effort has been made to evaluate the effectiveness and benefit of High Performance Organizations

F 7-4

Your Grand Jury found that no effort has been made to determine how much has been spent on High Performance Organizations implementation in the county. Your Grand Jury has estimated the cost was over \$100,000.

F 8-1

Your Grand Jury has uncovered credible allegations of nepotism and favoritism in hiring for the county of Tuolumne. This includes many examples of relatives and friends of relatives leading to a profound appearance of improprieties. This also included hirings completed against recommendations for hiring panels.

RECOMMENDATIONS

R 1-1

The Tuolumne County Board of Supervisors should consider eliminating all pay raises on the consent calendar. While this could lengthen some Board of Supervisors' meetings, there would be a significant benefit to Tuolumne County Employee morale.

R 1-2

Your Grand Jury knows that there is no easy answer to Finding 1-2. The greatest limitation to Grand Jury Investigations and Recommendations is the one-year time frame. Your Grand Jury had enough time to investigate this problem with morale but did not have enough time to provide answers, even suggested answers. The best we can do is request the Board of Supervisors conduct interviews through annual evaluations themselves or by a hired consultant to better understand the issue of Department Heads feeling they are being hindered by Senior County Administration. Because this is such a large undertaking, your Grand Jury requests this be accomplished within 12 months of publication of this report.

R 1-3 No recommendation

R 1-4

Your Grand Jury recommends that the Board of Supervisors create a policy that all management level positions be posted internally and externally and increase the minimum time those positions are posted to three weeks. Your Grand Jury requests that this policy be created and enacted within 90 days of the publication of this report.

R 1-5

Your Grand Jury recommends that the Board of Supervisors creates a reclassification policy that must be followed by all employees. This policy should be created by November 2025.

R 2-1

The Board of Supervisors should review the current complaint reporting structure and update to allow for additional reporting paths. The updated reporting structure, particularly regarding Human resources, should provide a secure means of reporting complaints or concerns that are outside the control of the chain of command of the complainant. Your Grand Jury requests that this structure be updated within 90 days of the publication of this report.

R 3-1

The Board of Supervisors should discuss during employee evaluations the requirement to act in a professional manner. That direction should include requiring Department Heads to

likewise instruct their employees. Your Grand Jury requests that this structure be updated within 90 days of the publication of this report.

R 4-1

The Board of Supervisors should add to the Tuolumne County Board of Supervisor's Governance Manual, that the Board of Supervisors is to maintain oversight of the Senior County Administration. Your Grand Jury requests that this structure be updated within 90 days of the publication of this report.

R 4-2

The Board of Supervisors should amend the Tuolumne County Board of Supervisors Governance Manual, to ensure that information they are receiving from only one source is accurate. Your Grand Jury requests that this structure be updated within 90 days of the publication of this report.

R 4-3

No recommendation.

R 4-4

The Board of Supervisors should amend the Tuolumne County Board of Supervisors Governance Manual to implement a system to ensure the directions communicated through Senior County Administration to the Department Heads are not being misrepresented. Your Grand Jury requests that this structure be updated within 90 days of the publication of this report.

R 5-1

The Board of Supervisors should direct Human Resources and Senior County Administration to consistently interpret and apply the standard for what positions are in the Executive Confidential Unit. Your Grand Jury requests that this structure be updated within 90 days of the publication of this report.

R 6-1 and 6-2

The Board of Supervisors should update the Tuolumne County Board of Supervisors Governance Manual to develop and communicate clear expectations for Senior County Administration on how to communicate with and support department heads consistently. Your Grand Jury request that this structure be updated within 180 days of the publication of this report.

R 6-3

The Board of Supervisors should develop a policy that allows staff to voice concerns without fear of retaliation. Your Grand Jury requests that this structure be updated within 90 days of the publication of this report.

R 6-4

No recommendation.

R 7-1 through 7-4

The Board of Supervisors should determine if Tuolumne County is going to use HPO in some, all or none of the Departments. Then create a policy or procedure that enacts this position. Your Grand Jury request that this structure be updated within 180 days of the publication of this report.

R 8-1

Update the Tuolumne County Personnel Rules and Regulations manual. This manual has not been updated since 1997. Your Grand Jury requests that this structure be updated within 360 days of the publication of this report.

REQUIRED RESPONSES

Pursuant to Penal Code section 933.05, the following responses are required:

The Tuolumne County Board of Supervisors is required to respond to all findings and recommendations within 90 days of receipt of this report.

BIBLIOGRAPHY

<https://www.tuolumnecounty.ca.gov/DocumentCenter/View/11761/Classification-Listing>