

SOCIAL SERVICES COMMITTEE

El Dorado County Department of Social Services

Citizen Complaints #01/02-C-019 and #01/02-C-026

Reason for the Report

The Grand Jury received complaints about improper and late claims payments, refusal to pay claims, lack of training, poor supervision, inconsistent application of policies and procedures, misuse of resources, hostile work environment, and other serious problems in the Department of Social Services (DSS). As a result, the Grand Jury investigated the complaints and also conducted a general investigation of DSS, with particular focus on units called Adult & Child Protective Services (CPS), Staff Services, and Eligibility Services. The Grand Jury also requested and received approval and funding from the County Board of Supervisors (Board) for a Management Audit of CPS, which was performed by a private firm hired as a Consultant. The Management Audit is contained in an Appendix attached to this report.

The Grand Jury, and the Social Services Committee specifically, make note of the fact that this investigation and the Management Audit were significantly hindered by a concerted and defiant lack of cooperation on the part of some management level employees in DSS and CPS. There were unnecessary delays in responding to requests for information. There were other improper acts and conduct, which the Grand Jury believes were requested by CPS managerial employees and members of the El Dorado County Employees Association, Local No.1 (Local No.1), its officers, staff, and legal counsel. These delays resulted in litigation that used up the Grand Jury's time, caused unnecessary expense to members of Local No. 1, and wasted the taxpayers' money.

Scope of the Investigation

Members of the Grand Jury toured the Department of Social Services, Placerville.

The following documents were reviewed:

- 2001/2002 County Proposed Budget and Workplan (2001/2002 Budget/Workplan);
- Memorandum of Understanding (MOU) with Local No.1;
- Grand Jury Reports for 1999/2000 and 2000/2001;
- DSS organizational chart;
- State Welfare and Institutions Code;
- DSS policies and procedures;

- Newspaper articles;
- Letter from County Auditor to caregivers;
- Letters from County Counsel to Grand Jury;
- Board of Supervisors Agendas;
- W-9 forms (August 22, 2001);
- Director of DSS performance evaluation (November 15, 1999);
- Current Merit Systems job descriptions for the DSS Director, Deputy Director, and Office Assistants;
- DSS clerical positions vacancies (November 29, 2001)
- Releases for Grand Jury to view several personnel files;
- Several revocations of permission to view personnel files;
- Dismissal letters;
- Letters from terminated employees to the Grand Jury;
- Employee performance appraisals;
- Letter from County Counsel, regarding personnel files (October 5, 2001);
- Local No.1 Newsletter (January 2002);
- Various records of duplicate payments from DSS;
- Memorandum to Auditor (April 19, 2001);
- Correspondence to and from:
 - County Auditor and Auditor's Administrative Technician to DSS Director, Supervisor of Accounts & Audits, and Accounting staff;
 - DSS Director to Board of Supervisors and County Auditor;
 - DSS Staff Services Manager to County Auditor's Administrative Technician;
 - Unpaid Vendors; and
 - Chief Probation Officer to DSS Director.
 - Employment applications;
 - Department of Fair Employment & Housing Accepted Notice of Discrimination Complaint;
 - Letters and memoranda for General Assistance Vouchers for Sheriff's Office;
 - Welfare to Work Program Directive; and
 - Various pieces of correspondence relating to contracts and complaints.

The following persons were interviewed:

- DSS Director;
- DSS Deputy Director;
- CPS Supervisor;
- CPS Social Worker;
- CPS Office Assistants;

- Contract Employee in the Employment Training Division on loan from the Department of Public Health (DPH) to DSS;
- Terminated employees;
- Local No.1 representative;
- County Auditor;
- Superior Court Judge;
- Sheriff's Deputies;
- Supervisor, CalWORKs, State DSS; and
- Complainants.

Findings

Structure and Organization

- F1: After a lengthy period of public criticism, the Director of DSS resigned in December 2001 after five years of service in the position. The Deputy Director of DSS was appointed Acting Director by the Board of Supervisors (Board) in January 2002. The Deputy Director had served as Acting Director during a previous vacancy in the Director's position.
- F2: DSS is organized in three major divisions: County Aid Payments, State Aid Payments, and Administration. There are approximately 235 employees in DSS, and the annual budget is approximately \$30M. DSS is one of the larger departments in the County, both in budget and number of staff.
- F3: The division called Administration is divided into four sections: Eligibility Services, Fraud/Fair Hearing Services, Employment Services, and Social Services. This report primarily addresses concerns in Eligibility Services and Social Services.
- F4: Eligibility Services staff receive applications and determine eligibility for programs such as CalWORKs, Medi-Cal, County Medical Services Program (CMSP), General Assistance (GA), and Non-Assistance Food Stamps (NAFS). Continuing cases are monitored, and when appropriate, eligibility is recalculated in response to changes in the client(s) circumstances, as mandated by State and federal regulations.
- F5: According to the 2001/2002 Budget/Workplan, the section of DSS called Social Services is comprised of seven programs: In Home Support, Adult Protective Services, Child Protective Services, Adoptions, Foster Care Licensing, Family Preservation Planning, and the Child Abuse Prevention Grant. In practice, the DSS internal organization chart is different from the chart in the 2001-2002 Budget/Workplan.
- F6: According to the DSS organization chart, there are four Program Managers, one Staff Services Manager, one Administrative Services Officer, and one Chief Welfare Investigator for the following programs:

- Adult & Child Protective Service is headed by a Program Manager with supervisors assigned for each of these units:
- CPS Emergency Response Unit;
- CPS On-going Unit;
- CPS South Lake Tahoe Unit;
- Adoptions Unit; and
- Adult Protective Services Unit, which includes Homemaker Services.
- Staff Services is headed by a Staff Services Manager with supervisors assigned to the following units:
 - Accountant/Auditor (2 units); and
 - Clerical.
 - Administrative Services -- Placerville -- is headed by one Program Manager in charge of four units.
 - Administrative Services -- South Lake Tahoe -- is headed by one Administrative Services Officer.
 - Eligibility Services, called Income Maintenance in the DSS organizational chart, is headed by one Program Manager in charge of nine units. Six units are in Placerville and three units are in South Lake Tahoe.
 - Special Investigations, also called Fraud/Fair Hearing Services, is headed by a Chief Welfare Investigator. There are two units, one in Placerville and one in South Lake Tahoe.
 - Employment Services is headed by a Program Manager for four units. In Placerville, two units are headed by Employment and Training Supervisors and one unit is headed by a Social Services Supervisor. In South Lake Tahoe, there is one unit headed by an Employment and Training Supervisor.

F7: The structure described in F5 in the 2001/2002 Budget/Workplan and the structure described in F6, which is the DSS organization chart, are mutually inconsistent.

F8: Social Services staff members perform the following functions:

- Investigate allegations of abuse to children and adults;
- Provide prevention services to families whose children are in danger of removal from their own homes;
- Offer reunification services to families whose children have been removed; and
- Obtain In-Home Support Services (IHSS) to low income adults who have long term or terminal disabilities and who would require placement in board and care or nursing homes if in-home services were not available.

- F9: All positions in DSS are filled from eligibility lists established by a State-sanctioned, quasi-public, non-profit, independent authority called Cooperative Personnel Services, usually referred to as the "Merit System." The Merit System screens applicants, handles testing, and maintains eligibility lists for many job categories. Job openings in DSS are posted on County bulletin boards and web sites; positions are not filled in DSS, however, without the candidate's eligibility having been determined by the Merit System.
- F10: The County's Department of Human Resources (HRD) assists DSS in handling disciplinary actions.
- F11: DSS employees are supposed to be reviewed and given annual performance appraisals according to Merit System standards, which may differ from the County's Memorandum of Understanding (MOU) agreement with Local No. 1.
- F12: Typically, DSS management employees have not received annual performance appraisals during the past five years. After the Grand Jury made initial inquiries, however, at least one Program Manager received an "annual" performance appraisal for a four-year period in one performance evaluation dated in December 2001.
- F13: DSS policies are written in the form of Program Directives. Each Program Directive explains the rules and allowances for a specific program. Program Directives are revised periodically, but they are not followed consistently and are misinterpreted by untrained employees and the general public.
- F14: Program Directives, for example, establish eligibility criteria and are used to instruct Eligibility Workers how to determine what claims meet the requirements for financial assistance.

Management of CPS

- F15: The Director and Deputy Director of DSS have not been attentive to the administration and management of CPS, according to the complaints received and the documents reviewed by the Grand Jury.
- F16: The Deputy Director is responsible for administration of employee performance evaluations, according to the Merit System job description for that position. Annual performance evaluations have not been completed for CPS management employees or staff.
- F17: The Program Manager for CPS does not provide consistent support, training, or discipline for all CPS employees. Inappropriate decisions by the Program Manager, based on contentious personal relationships, were supported by the Director and Deputy Director of DSS. These decisions resulted in discriminatory actions against individual CPS employees. These actions were documented and have created serious morale problems, job terminations, and litigation for the County.

F18: The Supervisor for the Adoptions Unit is the assigned supervisor for the office assistance staff in CPS. This Supervisor does not have recent office administration experience and is not required to devote sufficient time to Office Assistants (OA) supervision functions, such as:

- Perform clerical duties as a "back-up" when needed;
- Supervise all OA responsibilities;
- Conduct on-going training for new and continuing employees;
- Evaluate probationary OA's on a monthly basis with goals and objectives;
- Gather information from OA's on problems and solutions;
- Respond immediately to stated needs and requests; and
- Offer employees immediate access to supervision with an "open door" policy.

F19: The Adoptions Unit had vacancies in two positions for caseworkers, and those vacancies required the Adoptions Supervisor's time and attention, leaving inadequate time for the management and training of CPS Office Assistants.

F20: According to the 2001/2002 Budget/Workplan, positions are authorized for 12 Office Assistants III (OA III) and 27.5 Office Assistants II (OA II) in DSS. As of August, 2001, DSS has assigned these positions as follows:

- Adult & Child Protective Services -- four OA III's and two OA II's;
- Staff Services -- two OA III's and nine OA II's;
- Administrative Services, Placerville -- two OA III's and two OA II's;
- Administrative Services, South Lake Tahoe -- two OA III's and nine OA II's;
- Income Maintenance -- three OA II's;
- Special Investigations -- one OA III; and
- Employment Services -- three OA II's.

F21: As of August 2001, CPS had filled positions for three OA III's and three OA II's. All of the OA III and two of the OA II positions provided administrative and clerical support for between 16 and 22 Social Workers in the Emergency Response Unit, the On-going Unit, and the Adoptions Unit. One OA II position was assigned to provide administrative and clerical support for the Adult Protective Services Unit.

F22: Job descriptions for CPS OA III and OA II positions are set forth by the Merit System, not the County. Candidates for OA III and OA II positions are tested and screened by the Merit System. A list of the top five candidates for a position is submitted to the County. DSS selects the candidates to be interviewed from this list. In the event that none of the first five candidates is selected, a new list of the next five top candidates is submitted to the County. The process is highly competitive.

- F23: The OA I position is an entry-level position, and there is not an authorized OA I position in the CPS unit.
- F24: The OA II job description requires the employee to perform general and specialized activities, obtain information related to confidential department records, perform initial applicant screening in the Statewide Automated Welfare System (SAWS) computer program, and perform related work as required. In practice, in order to meet Court calendar requirements and state and federal regulations, this work is highly technical and time-sensitive.
- F25: The OA III job description requires the employee, under general supervision, to do the following:
- Perform highly responsible, specialized and technical office support functions;
 - Explain rules, policies and operations related to records, programs and services;
 - Serve as a lead worker and provide training and assignments to office support staff; and
 - Perform initial applicant screening and initiate cases in the SAWS system.
- F26: According to the County MOU with Local No. 1, a supervisor is required to have an initial interview with the probationary employee immediately and give the employee information on rules and procedures for the job. The supervisor is required to enter the information on the form provided by the department, and the probationer is supposed to receive a copy of the completed form. The original form is to be filed in the employee's personnel file.
- F27: Members of the Grand Jury reviewed personnel files for two probationary employees and did not find documents reporting initial interviews in their files.
- F28: The County MOU with Local No. 1 stipulates that monthly reviews will be documented for probationary employees with written copies of monthly reviews sent to HRD. Records of these required monthly reviews were not found in the personnel files of these two probationary employees.
- F29: The only documents found by members of the Grand Jury were identified as six month performance evaluations for two probationary employees. It was noted that one "six month evaluation" was dated much later than the sixth month of one employee's 12-month probationary period. Both performance evaluations were "satisfactory." One of the "satisfactory" performance evaluations was completed two weeks before the probationary employee was terminated.
- F30: Both of these probationary employees were terminated after completing eleven months of the 12-month probationary period. Probationary employees can be dismissed "without cause."

- F31: Several employees in DSS wrote letters to the Program Manager of CPS, the Adoptions Unit Supervisor, and the Director of HRD indicating strong disagreement with the dismissals of these two probationary employees. They received no responses.
- F32: Exit interviews were not conducted for the terminated probationary employees. Typically, exit interviews are not conducted at DSS by the CPS supervisors, the program managers, or the Deputy Director.
- F33: Local No. 1 did not investigate these terminations or take action. Probationary employees are represented by Local No. 1, according to the County's MOU.
- F34: Most performance evaluations are marked "meets standards." Therefore, an evaluation reporting "meets standards" means the probationary employee meets requirements for job performance. If a monthly face-to-face review does not take place, the assumption is job performance "meets standards."
- F35: Terminations of these probationary OA's, who were "meeting standards" in 2001, left the CPS unit with insufficient clerical support to perform required functions for the Court. These terminations also created a significant delay in processing six-month foster home re-certifications. Timely payment of foster care claims did not occur because of delayed re-certifications.
- F36: The CPS supervisor for OA's did not anticipate, assign, and manage clerical work loads properly. Social Workers with heavy caseloads in CPS were required to perform clerical functions because of the re-occurring OA vacancies. New probationary OA's were not yet trained or proficient in their duties at the time they were placed in their positions.
- F37: OA's in CPS do not receive formal training, except for a few days at a workshop in Sacramento on a state-wide computer program called Child Welfare Services/Case Management System (CWS/CMS). By intent, new OA's are sent to this workshop as soon as workshop schedules permit, but in practice, the clerical supervisor dictates if and when the workload at CPS will allow new OA's to attend CWS/CMS training. Frequently, OA's do not attend this CWS/CMS training early in their probation periods.
- F38: The small amount of training OA's receive in CPS is "on the job training" (OJT) without structure. Typically, OJT is provided informally by other OA's and Social Workers when they have the time and inclination. The organizational "duty chart" for CPS, however, identifies specific duties for each of the OA II and OA III employees. The chart does not indicate whether or not there are any overlapping duties or cross-training responsibilities for OA's. The chart does not specify line responsibilities for filling the duties of vacant positions, performing functions for absent OA 's, or training for OA III positions.

- F39: According to the CPS "duty chart," one of the OA II positions supports three units in CPS by performing 11 assigned duties and five temporary duties. The other OA II position has five assigned duties and three temporary duties. These additional temporary assignments create an unbalanced workload for OA staff because they must perform their assigned duties. Apparently, these temporary duties, such as phone duty, Court calendar, supply orders, facility requests, entering Minutes orders, and responding to Probation and School Attendance Review Board (SARB) requests, are assigned because of inadequate staffing.
- F40: One of the three OA III positions supports three units in CPS by performing eight assigned duties and two temporary duties. The second OA III has five assigned duties and two temporary duties. The third OA III is assigned duties for CWS/CMS and deals with complex placement changes and problems, high-risk placements, and complicated issues. This third position has additional responsibilities for on-going computer training for staff, program reports, developing and updating forms and templates, solving computer problems, maintaining printers, and checking laptop computers in and out for Social Workers.
- F41: The OA II's and OA III's in CPS are supervised by the Adoptions Unit Supervisor, a Social Worker. By comparison, the nine OA II's and two OA III's in Staff Services are supervised by an Office Assistance Supervisor (OAS).
- F42: CPS staff has a critical need for more computers with ISAWS/SAWS access and Zip drives. This computer equipment was requested by staff in previous years. This need has not been met. For reasons unknown to the Grand Jury, the management declined to pursue the requests of staff.
- F43: OA's, who do not have computers with dedicated access to SAWS, can be "bumped" from a computer while in the process of data input and file clearing when an Eligibility Worker needs the same computer. The Eligibility Worker's job duties take precedence over the OA's duties.
- F44: Storage of confidential records is inadequate. Many sensitive records are stored in and near the DSS mailroom, and they are not secure. A secure new file storage system costing \$30,000 was in the budget for DSS for the past two years, and because of the budget cycle and delays in placing purchase orders, the new storage system was not installed.
- F45: Because of the open floor plan and cubicle arrangement of DSS work spaces, there is little privacy or security in individual work cubicles for CPS staff. Employees from other departments appear to have easy access to the offices of DSS employees.
- F46: Social Workers in CPS have not been treated in a fair, equitable manner by the CPS Program Manager. Some have been directed to spend personal funds on County business. Some have been denied vacation requests, personal bereavement leaves, and tuition reimbursement without adequate explanation. Some have been given

notices for work schedule changes with less than the required two pay periods notice. Some have been asked and expected to perform multiple additional duties without payment of overtime or adjustments of schedules and caseloads.

- F47: Some CPS Social Workers have been instructed to ignore requirements for monthly visitations with children in foster care, contradicting the policies of the County DSS and state and federal program requirements.
- F48: The State DSS audits stated that the County DSS was out of compliance in 1998, 1999, and 2000. DSS was required to submit a corrective action plan. The Grand Jury Final Report for 1999/2000 noted these compliance issues in DSS, and they have not been resolved.

Staff Services -- Audit and Accounting Functions

- F49: During the past three years, the DSS Director made repeated promises to the County Auditor that DSS would correct errors in processing payment claims for clients and vendors. In 2001, however, the County Auditor rejected 20% of the claims submitted for payment in one month. This was the highest percentage of rejected claims in any one month in 2001.
- F50: The County Auditor assigned Administrative Technicians the responsibility for initial claims review for DSS. They have returned a tremendous number of claims to DSS for correction of errors in the past three years. This has resulted in late payments for clients and vendors. Some vendors have declined to do business with the County as a result of late payments.
- F51: In reports to the Grand Jury from DSS, the number of rejected claims listed by DSS differs significantly from the number of rejected claims in the County Auditor's records.
- F52: DSS employees in Staff Services are responsible for processing claims within the department when they receive them from the program units. Some units leave claims in "pending files" or in-baskets, file them incorrectly, or generally misplace them. Sometimes, months pass before a claim is handled by the responsible DSS employee and then forwarded to the County Auditor's staff. DSS managers acknowledge full responsibility for errors in processing claims, which cause payment delays.
- F53: Claims are prepared by automated processing methods and equipment in DSS and then forwarded to the County Auditor's office. In recent months, DSS prepared 62 hand-typed claims, which would normally be done only in cases of emergency. 75% of the hand-typed claims appeared to be made out to vendors that do on-going business with the County and are only emergencies because of lack of timely processing.

Income Maintenance (Eligibility Services)

- F54: CalWORKs is a County-administered, State-funded program which assists welfare recipients to remain in, return to, or enter the work force. Responsibility for administering the CalWORKs program is assigned to the Income Maintenance (Eligibility Services) division of DSS.
- F55: DSS annually submits a plan to the State DSS outlining expenditures required for the CalWORKs program in the County. The plan does not include details, such as limits for individual recipients, or how much an individual may receive as allowances for clothes, tools, travel, and meals.
- F56: The State DSS does not have specific policies regarding the amounts that can be spent for:
- Transportation, including car repairs, taxis, bus fares, or private carriers;
 - Personal hygiene, such as hair cuts; or
 - Temporary board and care.
- F57: The State DSS audits the County's CalWORKs program expenditures, but this audit is not performed annually.
- F58: Eligibility Workers and contract employees without sufficient training in issuing spending vouchers for DSS have permitted clients in the CalWORKs program to have personal vehicles repaired without three repair estimates. Program Directive ES PD 9, page 10, requires three repair estimates.
- F59: On several occasions in 2001, Eligibility Workers approved excessive vehicle repairs for CalWORKs clients within a period of four months, even though the costs of those repairs exceeded the Blue Book values of the clients' vehicles. These expenditures appeared to be excessive and unjustified.
- F60: A contract employee assigned to the Eligibility Services program allowed the expenditure of \$135 for hair styling for one client with the justification that the allowance was important in assisting the client in maintaining self-esteem and a current job placement. The \$135 expenditure appeared to be excessive.
- F61: Within the six months preceding the resignation of the DSS Director in December 2001, the Board of Supervisors expressed grave concerns about the repeated appearances of poor judgment on the part of DSS employees and the lack of administrative and management controls in DSS.

Recommendations

- R1: In selecting a person to be Director of DSS, the Board should consider the ability to exercise strong management skills as the most important factor in the selection process.
- R2: Managers and supervisors in DSS should be given annual performance evaluations. Such a practice should be established and observed rigorously for all employees in DSS.
- R3: DSS administrators and managers should consider contracting with a Consultant that specializes in quality reviews for Program Directives.
- R4: DSS should establish a Director's "hotline" to receive reports, which could be made anonymously, on unfair and inequitable treatment.
- R5: DSS administrators should consider rotation of Program Managers and Supervisors to address the need for substantive management changes in CPS.
- R6: DSS should request and the Board should authorize a position for an Office Assistance Supervisor in CPS, similar to the Office Assistance Supervisor position in Staff Services, to train and supervise OA's.
- R7: DSS should request and the Board should authorize an increase in the OA staff positions in CPS to provide adequate support for Social Workers.
- R8: DSS and the Board should require compliance with the County's MOU agreement and enforce the agreed upon procedure for reviewing performance of probationary employees on a monthly basis.
- R9: CPS should require OA's to attend CWS/CMS training within one month of their employment and placement in OA positions.
- R10: CPS should develop and implement a formal OJT plan with a qualified instructor to conduct ongoing training for new and experienced OA's.
- R11: DSS should provide enough computers to meet adequately the job requirements for OA's needing access to SAWS. This is a priority in the Program Manager's 2002-2003 budget request and should be authorized by the Board.
- R12: DSS should expedite the purchase and installation of a secure new filing system.
- R13: DSS should immediately address security and privacy issues in the building and not allow unauthorized County employees or other persons access to work areas.

- R14: Eligibility Workers should follow the Program Directives without exception when approving payment claims and vouchers for clients and vendors.
- R15: Program Managers should review claims carefully and should be sensitive to excessive costs for services provided to CalWORKs clients.
- R16: The Director of DSS should create a fair and equitable system for reimbursements for all employees entitled to tuition payments for approved higher education courses and degrees.
- R17: The Director should hold subordinates accountable for holding claims, vouchers and invoices longer than required for processing, and the Director should initiate disciplinary action for managers and supervisors who refuse to comply with Program Directives.
- R18: The Board should hold the Director of DSS directly accountable for claims rejected by the County Auditor's office. Program Directives should be followed.

Responses Required to Findings

F1 through F61 Board of Supervisors
Director or Acting Director of the Department of Social Services

Responses Required to Recommendations

R1 through R18 Board of Supervisors
Director or Acting Director of the Department of Social Services