

Ventura County Employee Recruitment and Promotion

Summary

The 2006-2007 Ventura County Grand Jury (Grand Jury) received a complaint regarding the promotion of an employee. The complainant alleged that the successful candidate was pre-selected by the hiring department for the position prior to a job announcement being posted, a practice sometimes referred to as “wiring”. The complainant also alleged that the person promoted did not have appropriate qualifications for the position (i.e., educational degree or experience).

The Grand Jury found insufficient evidence to proceed with the issues presented in the complaint as no blatant abuse was discovered. However, significant inconsistencies were found between the County of Ventura *Personnel Rules and Regulations*, November 2002 (Personnel Rules) and actual practice.

The Grand Jury concluded that the delegation of hiring authority by the Ventura County Human Resources Department (HR) to certain departments (“decentralized recruitment”) has led to problems with inconsistencies in the following:

- posting of job announcements
- determination of the required number of job applicants
- delegation of the authority to determine the type of recruitment, whether it be from department personnel only or open to the public
- whether nomination of one person rather than promotion by competition between several applicants could be perceived as unfair

The Grand Jury recommends revising the Ventura County Personnel Rules to return the final authority for recruitment to HR, to improve oversight of decentralized recruitment, and to provide for exit interviews in order to receive valuable feedback from departing employees.

Background

The Ventura County Human Resources Department (HR) administers and trains those County employees responsible for recruitment and hiring. Its activities are regulated by County of Ventura *Personnel Rules and Regulations*, November 2002 (Personnel Rules).

Until a few years ago, HR was the only department that posted available positions, screened applications, administered written exams, and organized oral exams. HR’s workload increased as County employment grew. Departments and agencies began to complain that HR was too slow in filling their open positions.

To resolve this problem, in late 2004 and early 2005 HR delegated much of its hiring authority to certain county agencies while maintaining responsibility for

oversight and training. This delegation is referred to as “decentralized recruitment”. Personnel Analysts in both HR and agencies with decentralized recruitment authority are responsible for managing the process with minimal administrative direction.

Methodology

The Grand Jury interviewed the complainant, read pertinent parts of the Personnel Rules, interviewed personnel from HR, and reviewed applicable job announcements.

Findings

F-01. Ventura County uses three methods of employee recruitment:

- Open Recruitment – open to any applicant
- Countywide Recruitment – open to any applicant already employed by Ventura County
- Agency/Departmental Recruitment – open only to those who are employed in the applicable agency/department.

(Personnel Rules Article 3, §306)

F-02. In response to complaints that HR was not sufficiently responsive to countywide recruitment and hiring needs, HR has granted decentralized recruitment and hiring authority to certain county agencies and departments.

F-03. Personnel Rules §304 states, “Each county agency/Department and each major division thereof, as well as each recognized employee organization, shall receive a minimum of one (1) copy of each announcement for distribution and posting.”

F-04. It was alleged by the complainant that thorough distribution and posting of announcements in accordance with §304 requirements do not occur consistently in decentralized agency/department recruitments.

F-05. There is no written guideline “... to insure that a sufficient number of qualified persons apply to meet the employment needs of the County” as specified in §304 of the Personnel Rules.

F-06. Personnel Rules §307 states, “... the Director-HR shall determine whether an agency/Departmental promotional, Countywide promotional or open recruitment shall be conducted.” Instead, this determination has been delegated to staff Personnel Analysts within HR and also to those in the hiring agencies/departments.

F-07. Personnel Rules §307 further states, “Where a sufficient number of employees holding status in lower positions have the requisite skills, knowledge and abilities for the vacancies, a strong consideration shall be given to conducting a Countywide promotional or agency/ Departmental promotional recruitment.” Personnel Analysts have been determining the type of recruitment to be used.

- F-08.** In County-only or department-only recruitments, the hiring entity establishes the number of applicants from which a candidate may be selected. HR prefers at least five candidates. However, no minimum number is required and it could be as few as one.
- F-09.** HR recognizes there may be a problem in an open recruitment if there is only one applicant and it has been determined that there are multiple qualified and capable employees. The concern is that an adequate number of people did not have the opportunity to apply. However, HR has not acted on such concerns.
- F-10.** HR does not consider it to be a problem if the recruitment is department-only and for a special period, and only one or two candidates apply.
- F-11.** The complainant testified that a new position was created and an individual was pre-selected prior to any official posting of the opening. HR agrees that there have been allegations of “wired” (pre-determined) appointments but states that they have never been proven.
- F-12.** The hiring entity and the assigned Personnel Analyst determine the appropriate amount of work experience or education required for a position; however, the Personnel Analyst is responsible for developing minimum qualifications. Normally one year of experience equals one year of education.
- F-13.** The Personnel Analyst screens applications to determine which applicants meet minimum position requirements.
- F-14.** The typical recruitment is open for a minimum ten-day period. Some particularly difficult recruitments (i.e., law enforcement officers, nurses, or those positions with high turnover, such as entry-level clerical staff) are open for continuous recruitment in order to establish lists of prospective candidates.
- F-15.** Personnel Rules §510 states, “Whenever an employee is filling a position in a classification lower than that of the authorized allocation, an underfill situation exists.” To be eligible for promotion to a higher classification a candidate must participate in a formal recruitment.
- F-16.** Personnel Rules §511 provides for a selection interview rather than the normal examination process when, upon written justification by the hiring agency/department and approval by the Director of HR, there are three or fewer applicants for a position.
- F-17.** It is an unwritten County policy to promote from within and then conduct an open recruitment if the internal recruitment is unsuccessful.
- F-18.** An employee who perceives that there has been an unfair recruitment may file a complaint either with his or her supervisor, HR, the Civil Service Commission, his or her union representative, or with the Auditor-Controller’s Waste and Abuse Hotline.
- F-19.** Exit interviews, held upon the separation of an employee regarding their reason for leaving, have not been consistently conducted.

- F-20.** To ensure countywide consistency and uniformity, new policy is being developed by HR for decentralized departments to outline completely their written recruitment process and obtain HR's approval in advance before opening the recruitment.

Conclusions

- C-01.** Adherence to the Personnel Rules has become inconsistent and inequitable as a consequence of decentralizing HR functions. (F-02, F-04 through F-07)
- C-02.** As an additional result of decentralization, HR's control and oversight have been compromised. (F-04 through F-07)
- C-03.** Recruitment announcements are not always posted in accordance with Personnel Rules, which has resulted in allegations that not all potential applicants are aware of recruitments. (F-03, F-04, F-09, F-11)
- C-04.** Delegation of authority by the HR Director to Personnel Analysts for determining which type of recruitment is appropriate (open, county, or agency/departmental) appears to be contrary to §307 of the Personnel Rules. (F-06, F-07)
- C-05.** In Countywide or agency/departmental recruitments where there is only one applicant, there is a perception of favoritism. (F-04, F-05, F-09, F-11)
- C-06.** Policies regarding internal promotion and recruitment should be made part of the written Personnel Rules in order to prevent misinterpretation or misuse. (F-17)
- C-07.** Using the ambiguous term "sufficient" instead of a specific number in §304 of the Personnel Rules creates the opportunity for "pre-selected" appointments. (F-05, F-07)
- C-08.** Under §511 of the Personnel Rules (Promotion by Nomination), it is possible for the appointing authority to interview only one applicant. (F-16)
- C-09.** Occasionally there are fewer than three internal applicants for a promotion when more qualified personnel might exist. This may indicate that qualified personnel were not encouraged to apply, that the recruitment targeted too few potential applicants, or that the recruitment was "wired" for a predetermined candidate. (F-05, F-08, F-09, F-11)
- C-10.** Exit interviews are beneficial in that they provide an opportunity for departing employees to relate their experiences regarding improper or biased recruitment practices without fear of retaliation. Exit interviews can also provide the opportunity for valuable feedback on other issues that may warrant further review. (F-19)

Recommendations

- R-01.** The Ventura County Human Resources Department (HR) should take appropriate action to reestablish oversight and control of the County's HR function. (C-01 through C-04)
- R-02.** HR should consider revising the County of Ventura *Personnel Rules and Regulations* (Personnel Rules) to eliminate inconsistencies and ambiguities and to formalize practices based on unwritten policies. (C-01 through C-07, C-09)
- R-03.** The Director of HR must either stop delegating authority where the Personnel Rules do not provide for delegation or revise the Personnel Rules to authorize the delegation of authority. Revised Personnel Rules need to specify limits on any delegated authority. (C-04)
- R-04.** HR should re-establish and maintain control of recruitments and promotions to ensure that decentralized hiring authorities are following Personnel Rules. (C-01 through C-07, C-09)
- R-05.** Personnel Rules §511 should be revised to require final approval by the Director of Human Resources of a promotion by nomination. The Director must not delegate the authority to approve such promotions. (C-08, C-09)
- R-06.** Exit interviews should be consistently conducted for all terminating employees. The interview should be conducted by a supervisor or manager from a department or agency other than where the terminating employee worked. The results of these interviews should be forwarded to the exiting employee's department and to HR for analysis in order to improve personnel practices countywide. (C-10)

Responses

Responses Required From:

Ventura County Board of Supervisors (R-01 through R-06)

Responses Requested From:

Ventura County Human Resources Department (R-01 through R-06)

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