

There were three important 'tools' that I outlined during last week's special meeting:

- 1) Do the right thing. (mandatory ethics training, intervention, culture assessment)
- 2) Exhaust your administrative remedies. (Enforcement of Personnel Policies, letters of warning, counseling, reprimands) and
- 3) The last and least desirable is the most costly to the taxpayers = LITIGATION. (65% of the General Fund is designated for law enforcement/legal recourse).

Before I focus on the effectiveness of this \$140,000 appropriation, I'd like to begin by quoting a succinct post by a Former Civil Servant to Chris Daley's article in Friday's Mtn. Democrat:

**Former Civil Servant January 26, 2014 - 1:45 pm** - *“As a recently departed Department Head and former member of the Board of Supervisors appointed Accountability and Culture Investment Team, until my departure from 20+ years of County service, I would like to share that in my opinion this is the single most important issue currently in El Dorado County Government. The nature of the culture in the workplace involves the Board, some elected department heads, HR, Risk Mgt., County Counsel and the CAO's Office. I have not met the new HR Director, but the citizens should not believe that she will receive the support she will need to address this problem from those above her. The reason bullying is so out of control in El Dorado County is that there are some of those members in charge that are in my opinion included in the inappropriate conduct. Even in the very influential position that I held in County service, I could not stop the bullies, although I really tried which resulted in the ending of my career. The County fights hard to protect its secrets and liability. I hope this HR Director is successful. However, I believe she will have to take on those who brought her to EDC in order to achieve her stated goal”.*

Now is the time to heed the messages of the civil servants who've paid the consequences for speaking the truth, and in so doing they forfeited their positions and moved on to a safer, and hopefully a healthier work environment.

During my 15 years of HR experience it's been proven that surveys/interviews are a waste of money because they never provide an accurate assessment of the root issues that need to be addressed. It's like trying to nail Jello to the wall. FEAR of retaliation or losing their job will cause employees to maintain the status quo just as the bully intended.

This is a problem that money and surveys can't fix. A \$140,000 appropriation to HR will NOT provide the remedy that Pam Knorr needs to achieve the goals she outlined last week. We need a Board of LEADERS to empower Pam without the fear that she'll be victim #12 in a long line of HR Directors over the past 11 years who've succumbed to the GOB “go along to get along” culture in this county.

It's time to "clean house" starting at the top of the org chart...

In closing, the last quote I'd like to share is from the article I mentioned initially when Phil Veerkamp addressed reporter Chris Daley - "*Chris, you note, "The county's District Attorney, Treasurer-Tax Collector, Sheriff, Auditor-Controller, Recorder-Clerk, Surveyor and Assessor are all positions elected to four-year terms. But Chris, you chose to not report on Chris McCaffree's revelations to the Board of Supervisors about the elected Auditor-Controller, Joe Harn's, abusive behavior. WHY?"*"

Phil continues: "*The Mountain Democrat has had a LONG time to investigate and report on Joe Harn. Why have you not? The taxpayers will pick up the bill if Joe's next victim displays enough moxy to sue. You are not doing your job, Mountain Democrat.*"

If one doesn't respect the law as a matter of principle and character, how can one be expected to abide by it? The Brown Act does permit brief dialog and this is an appropriate venue for addressing these core questions:

1. WHY has the Board failed in their fiduciary to address the problem for so long?
2. WHAT is the Board going to do about it?
3. WHO is going to be first bully to have their feet held to the fire?
4. WHEN can citizens expect to see this policy implemented within a reasonable time frame?
5. HOW exactly does HR plan to enforce policy E-5? As it currently stands, the fox is guarding the henhouse (i.e. CAO, Risk Management, County Counsel & DA Pierson)

**Mr./Madam Clerk:** I order you to enter these materials into the public record:

1. This transcript
2. 1/24/14 Mtn. Demo "*New HR director refines anti-bullying policy*"
3. 8/15/13 letter to Sheriff D'Agostini re: RMP & Bully Tactics



# New HR director refines anti-bullying policy

By [Chris Daley](#)

[From page A1](#) | January 24, 2014 |

On the job since September, Human Resources Director Pamela Knorr told El Dorado County Board of Supervisors Tuesday she was cautioned about taking her new position. She said “lots of people called and said, ‘Are you crazy?’” The county is perceived by folks in other jurisdictions as a place where HR managers go to fail, or perhaps more positively, a place just to get trained and move on, she said. The HR Department has had 11 different directors in fewer than 11 years.

Knorr’s remarks were prelude to a larger discussion about creating and maintaining a “Respectful Workplace” through development of enforceable policies and procedures. Often and commonly categorized under the heading of “anti-bullying,” the county initiated formal policies to counter bullying in the workplace last April. Due to the issue’s complexity, Chief Administrative Officer Terri Daly asked for more time to work on the matter. Tuesday’s special board meeting fine-tuned some personnel policy issues and directed staff to incorporate disparate and redundant policies or procedures into a single document of Personnel Rules. When finalized, the Respectful Workplace policy will reside there.

The cost in money and lost productivity for not setting and enforcing “anti-bullying” policies or other variations on workplace harassment, intimidation and the like can be a huge liability to the county, Knorr said. She described a recent case in Sacramento’s San Juan School District. For failing to follow up on and take appropriate action on allegations of “harassment and retaliation” against the former superintendent, the district is now having to deal with \$17 million in claims. That is on top of the more than \$175,000 spent on investigating the allegations and the district’s response, she said. An elected school board member also was “censured” over the issue.

While there are federal civil rights laws and regulations in place, such as non-discrimination for race, religion, gender, ethnicity or other circumstances that are a “protected class of people,” Knorr noted that the county does not have a “policy or procedure to report disrespectful conduct violations.” And “this is not about one employee parking in another employee’s parking spot,” she emphasized.

Complaints are handled under the federal Equal Employment Opportunity system if they involve a member of a “protected class,” Knorr said. However, dealing with non-EEO cases requires a less formal approach. “We’ll sit down with the department heads if we hear a number of complaints,” she said, adding that the process typically involves a “workplace culture assessment.” That is, look to see if there is a systemic problem caused by or influenced by personalities or traditions that may have developed over time within a particular department or the county governmental structure as a whole.

Supervisor Ron Mikulaco expressed concern over who would actually make a determination that a complaint warranted any action regarding bullying or disrespect and posited that an employee could potentially use it as a ruse to justify failure to carry out a supervisor’s legitimate instructions.

“Who makes the decision about whether it has impaired the effectiveness of the county; is it when we can’t carry on the business of the county in an efficient and cost-effective way?” he asked.

Revisiting an earlier theme, Assistant Chief Administrative Officer Kim Kerr responded that “not everyone is professional, so we need a mechanism to address when they aren’t.”



Allegations of “disrespectful behavior” or bullying are investigated by representatives of Human Resources, Risk Management and the County Counsel, Knorr explained.

Supervisor Ron Briggs, responding to Mikulaco’s seeming concern with the minutiae in the foregoing conversation, said, “Why are we picking pepper out of a manure pile? This is about policy.”

“The HR director says it’s a badge of honor to get fired from El Dorado County,” Supervisor Ray Nutting immediately interjected. “It’s stunning — 11 HR directors — what’s wrong?”

Board chairwoman Norma Santiago drew a broader picture of what is needed countywide. She called it a “bottom line foundational structure to (establish) a policy and procedure ... to make county employment a positive environment. We want to create a place of productivity and creativity,” she said.

Knorr pointed out that there is a blueprint, what she called a “span of medicine for all this we’re talking about” within current industry practices. She described the first tenet as developing a workplace culture in which “staff hold each other accountable.” Typically, harassment or bullying occurs within sight or earshot of others in the workplace she said. Therefore, it is the responsibility of more than just the “victim” to report the bad behavior. Assessing the “culture” may be done by sending out surveys or questionnaires to employees or providing an online version. The immediate value of such surveys is to get a quick picture of staff views on the work environment.

Knorr described a more formal approach to a cultural assessment by conducting “interactive interviews” with employees and noted that there are competent, professional consulting organizations that could be contracted by the county to perform such a project. The cost for surveys and formal interviews she estimated at about \$60,000. One company with which she is familiar would conduct “assessment, coaching and intervention” for about the same amount. A program to provide conflict resolution and communication training would cost about \$20,000, she said.

Again Mikulaco voiced objections over the potential loss of time and productivity by employees participating in and completing surveys or participating in lengthy interviews and again asked, “What are we trying to accomplish?”

Daly responded, “You’re losing productivity with people who are afraid,” citing earlier data from Knorr’s slide presentation.

Titled “Symptoms of an Unhealthy Workplace Environment,” the list included “high turnover, increased leave usage or work avoidance.” While fear, anxiety or hopelessness are common expressions of unhealthiness at work, they also are less tangible and more difficult to detect and address. On the other hand, “raised voices, yelling, screaming and intimidation” are more easily recognized and easier to report.

Bullying takes different forms through action or inaction. The former may take place directly in a meeting or public setting, while the latter may be passive such as planting rumors, Knorr explained.

Several members of the audience spoke in support of a strong policy for reporting and dealing with disrespect in the workplace. Melody Lane from Coloma noted that “there are many tools available” then simplified the overall concepts, reiterating something Mikulako had said earlier: “Do the right thing.”

Former employees Sam Koch and Kris Payne related examples of past incidents wherein the county had to pay out significant sums for having mishandled cases of bullying despite the existence of some related policies and procedures.

“I’ve seen things that should have been prevented by policies already in the system,” Payne said.



Koch described a former employee who prevailed in one case, came back to work and eventually won another, even larger settlement with the county based on similar circumstances.

Briggs and Supervisor Brian Veerkamp were on board early as supporters for seeing the county spend the funds as generally recommended by Knorr and complete development of the policies. Veerkamp pointed out that the county needed to “invest in the process for our most valuable and expensive assets,” especially to avoid the kind of costs Knorr presented from the San Juan School District. Briggs also made it clear that any Respectful Workplace policy would have to apply to all those departments that are headed by elected officials as well as those who are appointed by the board. The county’s District Attorney, Treasurer-Tax Collector, Sheriff, Auditor-Controller, Recorder-Clerk, Surveyor and Assessor are all positions elected to four-year terms. Because most county employees are represented by unions or other bargaining units, Knorr pointed out that any proposed policies would need to be considered relative to issues that might be negotiable or already elements in various labor contracts and Memoranda of Understanding.

Nutting had announced before the discussion that he had a particularly emotional reaction for the issue because of his sister Nancy, who is developmentally delayed and suffered from bullying in childhood. With barely concealed emotion, just before the board voted unanimously to move ahead with the staff recommendations, Nutting said, “I want to bring my family into this.” Holding up a photograph of the Nutting clan, he said, “I dedicate my vote to my sister Nancy ... This agenda item will get us there — to treat everyone with dignity. This is a big day for El Dorado County.”

No deadline was set for completion of a draft policy or ordinance, however supervisors make it clear they wanted to see something sooner rather than later.

## . Phil Veerkamp January 23, 2014 - 8:25 pm

Chris, you note, "The county's District Attorney, Treasurer-Tax Collector, Sheriff, Auditor-Controller, Recorder-Clerk, Surveyor and Assessor are all positions elected to four-year terms. But Chris, you chose to not report on Chris McCaffree's revelations to the Board of Supervisors about the elected Auditor-Controller, Joe Harn's, abusive behavior. WHY? ~~~[LINK - Chris McCaffree names JOE HARN, cites sexual abuse, in OPEN-ON-THE-RECORD BOS meeting](#) ~~~ Three relevant statements by Chris McCaffree at ~~~ 00:27:50 ~~~ 01:19:43 ~~~ 03:04:17

[Reply](#) | [Report abusive comment](#)

## . Phil Veerkamp January 23, 2014 - 8:32 pm

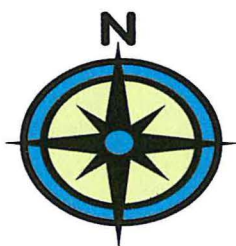
... and here is a published account by Chris McCaffree from June 27 2013 ~~~ [LINK - Creating a climate of fear and intimidation with County employees - June 27 2013](#) The Mountain Democrat has had a LONG time to investigate and report on Joe Harn. Why have you not. The taxpayers will pick up the bill if Joe's next victim displays enough moxy to sue. You are not doing your job, Mountain Democrat.

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## . James E. January 23, 2014 - 8:48 pm

Phil, there are no investigative reporters on the MtDemocrat. There will be, sorry to say, no rocking of the boat.





# Compass2Truth

*Citizens Serving God in Truth and Liberty*

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August 15, 2013

Sheriff John D'Agostini  
El Dorado County Sheriff's Office  
300 Fair Lane  
Placerville, CA 95667

RE: Follow Up to 9/4/12 Meeting – RMP Code & Law Enforcement

Dear Sheriff D'Agostini,

We have been attempting to have another good-faith meeting with you and county staff since March of 2013.

During our last meeting September 4, 2012 I was assured that you'd be willing to meet every 3 months in order to resolve long-standing issues affecting Public Safety, Code and Law Enforcement which repeatedly come up at RMAC. Your refusal to meet with constituents causes great concern in the fact that it would appear you may have something to hide that might be brought up at our meeting.

*"...Hold their feet to the fire. Mine too. **I work for you.**"* -- Those are your exact words.

For purposes of clarification, please provide a written explanation to the following inquiries:

1. Your secretary Laura Lyons contacted me over five months ago requesting I submit a proposed agenda for our 3-month follow up meeting. I complied with her request as follows: **1) RMAC 2) Code & Law Enforcement 3) Public Safety 4) Transparency & Accountability 5) Bully Tactics.** I also explained that I would be accompanied by another community leader. Laura called informing me that you'd only agree to a telephone call to discuss select agenda items. I replied that a telephone call was not acceptable and repeated my request to meet in person as originally requested. Does your refusal imply you've slammed shut the door on the citizens that elected you to office?
2. In your email dated 7/22/13 @ 12:05 PM you wrote, *"Laura will not be arranging your requested meeting with the other departments. I don't work for them and they don't work for me. If you have an issue with any of those departments, please contact them directly to arrange a meeting with you."* That statement is contrary to what you professed during our meeting last September. What caused you to change your mind?
3. As a Constitutional Sheriff it is your duty to coordinate code & law enforcement with the various departments and agencies described in Sections 6-8 of the River Management Plan (RMP). We have discussed these issues at great length in meetings with you that began in 2011. When Lt. Tim Becker was assigned as EDSO representative to RMAC he was clearly overwhelmed about his new roles and responsibilities. By the content of Lt. Becker's email dated 8/13/13 @ 10:04 AM, does that mean he has

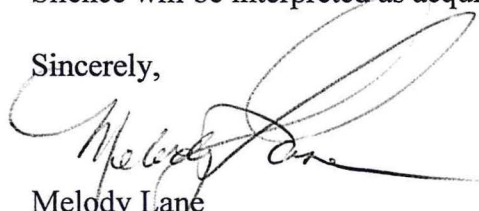


reinterpreted his responsibilities as EDSO representative outlined in the RMP in an attempt to brush me off?

4. You've been made aware that RMAC minutes have been deliberately falsified and public comments routinely censored prior to submission to the BOS (see attached). Erroneous data impairs the ability of the BOS to make properly informed decisions affecting the entirety of EDC. Despite multiple requests to make necessary corrections, the July 16<sup>th</sup> RMAC minutes *again* falsely conveyed what actually transpired concerning **Code & Law Enforcement**. This item is under Consent on the 8/20/13 RMAC agenda. In so doing, Noah Rucker-Triplett under the direction of the CAO determined "*what is good for the people to know, and what is not good for the people to know.*" Considering you're cognizant of EDSO legal implications, then how do you propose to address constituent concerns in this regard?
5. SUPs for special events are issued either by Planning or EDSO. Violations of noise ordinances and SUP/TSUPs in the Quiet Zone of the S. Fork American River are under the jurisdiction of EDSO to enforce as discussed during the July 16<sup>th</sup> RMAC meeting and obfuscated in the minutes. Will you accept your responsibility as a Constitutional Sheriff to contribute to the solution, or will EDSO continue to be part of the merry-go-round problem?
6. The Quiet Zone of the SFAR in Coloma has been described as "the environmental belly of the beast" and the RMP has been referred to as "River Mafia Politics." The Chicago-style bully tactics have driven many residents—*women especially*—to move out of the region. I've asked this question of you before but never received a reply: How would you react if your wife Janine was similarly treated by the GOB?
7. You are aware of the Citizen Complaints submitted to EDSO concerning Deputy Terri Cessna, Deputy Brian Schaub, and Sgt. Bernie Morton. ***These deputies and their actions are a direct reflection of you.*** After awaiting a full year in each case the typical form letter was received stating, "*The investigation has been completed and it has been determined that there was no misconduct on the part of the Officer and no further action will be taken.*" It has been apparent that thorough investigations by Internal Affairs were not conducted. In that regard how do you suggest we address the unprofessional conduct of Lt. Tim Becker?
8. Who is the EDSO delegate to the August 20<sup>th</sup> RMAC meeting when Code/Law Enforcement and the falsified minutes will be addressed?
9. Are we to conclude that EDSO will no longer meet or cooperate with the **Compass2Truth** mission, goals, principles and concerns contained in the materials that were hand delivered to your office July 22, 2013 @ 2:00 PM?

Your personal written response to this correspondence is expected no later than **Monday, August 19, 2013**. Silence will be interpreted as acquiescence to the concerns contained herein.

Sincerely,



Melody Lane  
Founder - **Compass2Truth**  
Conservatives Serving God in Truth & Liberty

Attachment: 11/8/12 Annual RMAC Meeting + RMAC 11/12/09 Annual Mtg.

Cc: District Attorney Vern Pierson