

FINAL REPORT

CASE #0303 COUNTY OFFICE OF SUBSTANCE ABUSE

REASON FOR INVESTIGATION:

Several articles highlighting complaints about the Office of Substance Abuse (OSA) appeared in The Record, the local newspaper in July, August and September 2003. In one article a former OSA employee complained about abuses at the county's Drinking and Driving Program (DDP). Allegations were made that staff routinely arrived late to work, ran personal errands on county time and were allowed to leave early every Friday while others covered for them. Allegations were also made that files stored in the basement of the DDP were out of compliance and that thousands of dollars were not being collected from clients.

Another article detailed a continuous problem with mold at the county's Family Ties Program, which provides services to women with substance abuse problems who are pregnant and/or have children. The article alleged that the mold was so severe that some clients were suffering from respiratory infections and one building could not be occupied.

The severity of the allegations raised questions about the OSA's leadership and whether the staff had the ability or capacity to successfully oversee the agency. The 2003-2004 Grand Jury agreed to review the responses to the prior Grand Jury and Maximus recommendations. The Grand Jury agreed to open an investigation into the additional allegations made against the OSA and chose to focus on Alternative Treatment Services (ATS) and Family Ties.

BACKGROUND AND ANALYSIS:

Newspaper articles and employee complaints received by the San Joaquin County Board of Supervisors prompted the 2002-2003 Grand Jury to investigate the OSA.

The prior Grand Jury conducted an investigation into allegations of favoritism, discrimination, harassment and employee complaints at OSA. The Grand Jury investigation focused on ATS and recommendations made by the Maximus Consulting Firm.

The prior Grand Jury identified 20 findings in the areas of leadership, direction, and motivation of ATS supervisors and staff. Fourteen recommendations requiring a response were included in the 2002-2003 Final Report. The 2002-2003 Grand Jury concluded that many of the problems identified in the Maximus Report still persisted. The 2002-2003 Grand Jury suggested that reports submitted to the San Joaquin

County Board of Supervisors to track Maximus recommendations were "vague and lacked specific details." There was insufficient time remaining in their term for a complete investigation.

OFFICE OF SUBSTANCE ABUSE

The OSA is a division of San Joaquin County Department of Health Care Services. OSA has a staff of approximately 300 employees and consists of 17 programs that provide a wide range of services to populations dealing with substance abuse and related issues. Unlike other counties that contract out for substance abuse services, OSA is unique in that San Joaquin County runs the program.

Mr. Dan Bava is Chief Deputy Director of the OSA division of Health Care Services. Mr. Bava is responsible for overseeing the operations of OSA programs and has authority to make budgetary decisions and personnel recommendations for OSA. Mr. Al Murillo is a Deputy Director assigned to oversee implementation of the Maximus recommendations. The San Joaquin County Board of Supervisors appointed Mr. Manuel Lopez, County Administrator, to have oversight of OSA in September 2003.

OSA is divided into four core programs with coordinators responsible for each program. Three Program Coordinators oversee the Alcohol and Drug, Outpatient Services and Residential Programs. A fourth Division Coordinator is responsible for overseeing several programs and writing grants. Each of these four core programs was typically staffed with a director, manager, supervisor and various assistants as needed to fit the needs of the program. Although the Grand Jury heard testimony that the OSA had too many layers of management, the structural hierarchy at OSA did not seem out of line for an organization of 300 people.

George Feicht is the Alcohol and Drug Program Coordinator. Mr. Feicht oversees Alternative Drug and Alcohol Program (ADAP), Drug Court, Prevention Services and Prop 36 and has a total staff of approximately 55 employees.

Guadalupe Guns is the Outpatient Services Program Coordinator. Ms. Guns oversees Chemical Dependency Counseling Center (CDCC), A Better Choice (ABC), Alternative Treatment Services (ATS), Substance Abuse and Family Education (SAFE), and the Aurora Street Clinic. At the time of the Grand Jury investigation, Ms. Guns had a staff of approximately 88 employees.

Alfonso Jones is the Residential Program Coordinator. Mr. Jones has oversight of Community Works, Family Ties, Hermanas Transitional Housing, Recovery House, Residential Drug Program (RDP), Residential Treatment Program (RTC), and Starting

Point which has been consolidated into another residential program. In the fall of 2003, Mr. Bruce Mahan assumed responsibility for the Family Ties program.

At the time of the Grand Jury investigation, Mr. Jones had oversight of approximately 110 employees.

Ms. Frances Hutchins is a Division Program Coordinator and oversees Allies, Central Intake, Southeast Asian Project (SEAP) and Un Paso. Ms. Hutchins had a staff of approximately 20 employees.

The Grand Jury heard testimony from numerous witnesses regarding what action should be taken to improve operations at the OSA. The Grand Jury heard credible testimony that the agency was well run with minimal problems and was staffed with dedicated people who wanted to do a good job. Although OSA had some disgruntled employees, the overall opinion of witnesses was that employee dissatisfaction only affected a small number of employees and the agency suffered from an employee perception problem.

Some witnesses felt that employees with issues needed closer supervision and should be given every opportunity to change. It was the opinion of several witnesses that hiring people in recovery was valuable to OSA since they knew the denial process and could be sympathetic to their clients.

Town Hall meetings held by management with 70 OSA staff elicited only two e-mail complaints. According to senior management, client surveys revealed some complaints, but were usually good.

Overall, the OSA was proud of its programs and believed they were valuable and met the specific needs of their client population.

The Grand Jury heard substantial testimony from several credible witnesses that OSA required a change in leadership, suffered from minimal supervision and had:

- a culture of manipulation by staff
- excessive layers of management
- a lack of basic skill development at the supervisor level
- billing problems
- inconsistent policies between programs
- poor communication
- a lack of sufficient physical presence from senior management

During announced and unannounced visits, Grand Jury members attempted to randomly interview staff members at the Residential Treatment Center (RTC) in French Camp. However, there were very few staff members onsite. Grand Jury members observed counselors and clients socializing on grounds outside the facility.

During an unannounced visit to RTC and the 620 Aurora Street Clinic, the Grand Jury observed a white board used for tracking time and attendance. Even though all employees were signed in for the day, the board did not accurately reflect their status or activity.

The Grand Jury heard testimony that group sessions were more like social gatherings and no more than five minutes would be spent with each client during individual sessions. Counselors would ask how a client was doing and end the session.

The Grand Jury reviewed evidence that supervisors and directors documented employee performance issues according to department policy. There was evidence that supervisors, coordinators and directors shared written information with each other about personnel issues and recurring performance problems. Documentation methods ranged from Corrective Interview Reports and Written Reprimands to a chronological journal of events. Serious performance and behavior problems were identified and documented repeatedly over several years for several ATS employees. This behavior had a negative impact on department morale and client perception. At the time of our investigation, the Grand Jury saw no evidence that corrective action had been taken by senior management. While the decision to take disciplinary action is left to the discretion of senior management, the Grand Jury saw nothing to support a decision to take no action at all.

Management staff gave credible testimony they made attempts to have employees drug tested or required to provide proof of illness, but was discouraged from doing so by senior management. Senior management gave no reasons as to why drug testing was not requested. OSA employees were aware of county policies on drug and alcohol abuse. Staff indicated they had problems referring co-workers to the same program where they worked.

ALTERNATIVE TREATMENT SERVICES

ATS is a program designed for opiate detoxification and methadone maintenance. ATS has a staff of 37 and serves approximately 400 clients. The detoxification program serves 60-70 clients and is difficult to monitor for success.

The Grand Jury heard credible testimony that performance evaluations for probationary employees were late or edited by senior management. As a result, the department was forced to retain employees with performance issues.

The Grand Jury heard credible testimony that a counselor came to work on several occasions under the influence of a substance that interfered with the counselor's ability to perform assigned duties. Additional testimony and evidence detailed the counselor's behavior and attendance.

The Grand Jury reviewed credible evidence that the same counselor posed as a Central Intake employee and falsified documentation for a client to present in court. ATS and Central Intake staff verified the falsification of documents. At the time of our investigation, the Grand Jury found no evidence that action was taken against the counselor.

The Grand Jury reviewed credible evidence the same counselor assaulted and hit a staff member in the face. On another occasion the counselor was allowed to drive a client and her infant child home after exhibiting signs of being under the influence. The incidents were verified, documented and reported to management. At the time of our investigation, once again no evidence was found that action was taken against this employee.

Testimony revealed the same counselor was asked to go home and rest after exhibiting signs of being under the influence. The counselor left multiple prescription medications in a desk at the work-site and called a co-worker to bring the medications to the counselor's home.

The San Joaquin County Alcohol and Drug Policy (ADP) outlines responsibilities of San Joaquin County managers and employees. (See Attachment 2) The ADP applies to all full, part-time contract and temporary employees of the county and to any substance which could impair an employee's ability to safely and effectively perform the functions of the particular job. (ADP Section I. PURPOSE, subsection 1.2 and 4.0 APPLICATION) The ADP applies to alcohol, illegal or prescription drugs. The ADP states that "an employee taking prescription drugs that may interfere with safe work performance shall be required to provide written documentation from the prescribing physician indicating the level of interference with job performance . . ." The ADP further states that an employee's immediate supervisor or department head shall determine on a case-by-case basis the employee's ability to perform employment responsibilities. The employee is responsible for ascertaining from the prescribing physician whether medication would interfere with job performance. The policy states "if the medication causes an impairment, the immediate supervisor or department head will determine the employee's fitness for duty." (ADP Section 5.0 EMPLOYEE

RESPONSIBILITIES, subsection 5.5) The ADP states that "An employee believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and shall be directed to remain at the work site until transportation arrangements can be made." (ADP Section II. POLICY, subsection 2.2)

The ADP outlines very specific ways in which management is expected to reasonably enforce this policy. Management responsibilities include monitoring job performance and referring employees for intervention of possible chemical dependencies and rehabilitation. Drug/alcohol testing is used as a last resort when an employee has refused an Employee Assistance Program (EAP) referral or EAP recommendations are rejected.

The OPTIONS program is designed to assist employees dealing with personal issues including substance abuse. Assistance from OPTIONS is confidential and voluntary, although a supervisor may recommend an employee utilize the program.

The Grand Jury reviewed credible evidence that counselors were sharing prescription drugs and in some instances stealing them from each other.

During the course of our investigation, the Grand Jury saw evidence that management took some steps to address these performance and behavior issues.

However, the Grand Jury disagrees with the actions taken in light of the existing county ADP and the negative impact on client and employee morale at ATS.

FAMILY TIES

Family Ties has the capacity to serve 72 women and children. The program focuses on reunification of mothers with children in the foster care system and teaches skills that help women live responsible, clean and sober lives. When the Grand Jury made an unannounced visit, only 28 clients were participating in the program. One building was not occupied because of severe mold conditions that contributed to respiratory problems for some clients.

Testimony and site visits verified the program provides a valuable service. Staff was actively involved with clients and their children, while helping women develop basic living and coping skills. During our visit, clients were working with staff to prepare a Christmas luncheon for the clients and their children.

It was apparent from interviewing staff that leadership and communication problems existed between the Director, Residential Program Coordinator and Chief Deputy Director. Budget requests were submitted for comfort items, educational material for

the children, and miscellaneous repairs. Staff indicated that they had very little information about their approved budget. Staff did not know how much money was allocated for their annual budget; whether their financial goals were met and believed client monies were not being handled appropriately. The Grand Jury found no evidence to support this belief.

The Grand Jury heard credible testimony that staff was encouraged to have a car wash to raise funds for repairs and clients were asked to perform routine maintenance duties. We reviewed documentation that management did not respond in a timely manner to repeated requests for services and repair issues, even when safety concerns were present.

The program director testified that working conditions and insufficient support from upper management prompted her to consider retirement. The director retired from county employment effective March 2004.

METHOD OF INVESTIGATION:

- The Grand Jury reviewed the working files of the 2002-2003 Grand Jury and miscellaneous articles from The Record. The Grand Jury reviewed the OSA Maximus recommendations and the county's response to the Grand Jury Final Report, Case No. 0901, Office of Substance Abuse. OSA disagreed with eleven of the 20 findings of the Grand Jury.
- The Grand Jury reviewed the OSA Policy and Procedure Manual, Employee Handbook, Job Descriptions, San Joaquin County Alcohol and Drug Abuse Policy, miscellaneous memos to and from staff and the Plan of Action submitted to the County Board of Supervisors for implementation of the Maximus recommendations.
- The Grand Jury performed unannounced visits to OSA Administration on the campus of San Joaquin General Hospital, Family Ties, ATS, Residential Treatment Center (RTC) and the Aurora Street Clinic. Members of the Grand Jury interviewed employees regarding services, programs and issues.
- The Grand Jury interviewed:

Board of Supervisors Members: Sieglock, Mow, Marengo and Gutierrez
Members of OSA management
Manuel Lopez, County Administrator
Complainant

CONCLUSION:

During the course of this investigation, the Grand Jury addressed serious allegations regarding the OSA. It is the opinion of the Grand Jury that employees, witnesses and management were concerned about the future of the agency, were willing to cooperate and sought closure to real and perceived problems at OSA.

Employees produced requested documents and volunteered information they felt would benefit the Grand Jury investigation. County Administrator, Manuel Lopez met with the Grand Jury several times and kept us informed about ongoing developments at OSA. Mr. Lopez ensured that personnel matters were kept confidential, while dealing with allegations about the OSA. Mr. Lopez handled the mold problem at Family Ties in an aggressive manner. He ensured that the mold remediation efforts were performed correctly. At this time, the affected building at Family Ties is still not ready for client occupancy.

It is the opinion of the Grand Jury that the proposed reorganization of OSA will improve the effectiveness and sustainability of the agency.

FINDINGS:

The 2003-2004 Grand Jury found that:

1. There continues to be a lack of effective senior management support at the ATS.
2. There is no effective system or procedure in place to track or monitor hours worked or sick leave usage.
3. Attendance guidelines are missing or not adequately communicated to all employees. There is no evidence that guidelines are adhered to or that employees are held accountable for their performance in this area.
4. Performance is not formally monitored for all employees; expectations are not clearly defined and no formal plans for improvement are in place for employees who do not meet the department standard.
5. ATS continues to have a problem with Employee Performance Evaluations that are not current, timely and do not reflect actual performance.
6. OSA has added training modules for their supervisors, but training is not specific to the challenges faced by inexperienced supervisors and managers or those who lack basic skills.
7. ATS has not adequately prepared and empowered supervisors and directors with effective leadership, problem solving and conflict management tools. The mentoring that was provided was minimal and lacked structure.
8. Lower level supervisors, managers and directors have insufficient knowledge about the county budgetary process including preparation, accountability, tracking costs and requesting funds for necessary expenditures.

9. Clients continue to complain that group sessions are not meeting their needs and counselors are compromising the success of the program. As a result, employee and client morale has been negatively impacted.
10. Employees functioning as Substance Abuse Counselors are dealing with personal addiction problems while continuing to interact with clients and conduct group sessions.
11. Civil Service Rule 18, regarding conduct unbecoming a county employee, Intoxication while on duty, dishonesty and neglect of duty is being violated and in some cases ignored by management. (See Attachment 1)
12. Environmental conditions, specifically mold, existed at the Family Ties Program at 322 N. California Street, and were ignored by OSA upper management for over one year until exposed in The Record.
13. Uncollected accounts receivables were found in the basement of the 622 Aurora Street Clinic in excess of \$6,000.00.
14. Management at the ATS did not consistently follow the existing San Joaquin County Alcohol and Drug Abuse Policy or utilize available resources to assist troubled employees.
15. Recommendations from the 2000 Maximus Report were partially implemented even though the county spent a significant amount of money in an effort to overhaul OSA.
16. The OSA consolidated several programs, privatized the DDP and under the direction of County Administrator, Manuel Lopez, is actively considering reorganization of the agency.

RECOMMENDATIONS:

1. The Grand Jury recommends that an independent financial audit be conducted of client records at ATS and Family Ties. The results of this audit should be forwarded to the San Joaquin County Board of Supervisors.
2. The Grand Jury recommends the OSA create an automated, centralized billing process to track and monitor all client accounts.
3. The Grand Jury recommends the OSA expand supervisor and management training to include basic skill development, budget preparation, mentoring, leadership and substance abuse specific courses.
4. The Grand Jury strongly recommends that the OSA consider an alternative to self-reporting of time and attendance. One option would be to install time clocks at main employee entrances and restrict access to other entrances.
5. The Grand Jury recommends the OSA create an Employee Assistance Program (EAP) outside of the division to assist staff with substance abuse and related issues.

6. The Grand Jury strongly recommends the OSA refer all cases of suspected employee substance abuse to Human Resources or OPTIONS for review.
7. The Grand Jury recommends that attendance and sick leave guidelines be incorporated into general annual orientation for all ATS employees.
8. The Grand Jury recommends that management ensure evaluations for probationary employees are scheduled and completed in a timely manner and review all performance evaluations for accuracy and consistency.
9. The Grand Jury strongly recommends that a formal process be implemented to address staff and client complaints as well as all health and safety issues. This process should include automatic notification, monitoring and resolution of complaints.

RESPONSE REQUIRED:

Pursuant to Section '933.05 of the Penal Code:

The San Joaquin County Board of Supervisors and County Administrator shall report to the Presiding Judge the San Joaquin Superior Court, in writing and within 90 days of publication of this report, with a response as follows:

As to each finding in the report a response indicating one of the following:

- a. The respondent agrees with the finding.
- b. The respondent disagrees with the finding, with an explanation of the reasons therefore.

As to each recommendation, a response indicating one of the following:

- a. The recommendation has been implemented, with a summary of the action taken.
- b. The recommendation has not yet been implemented, but will be with a time frame for implementation.
- c. The recommendation requires further analysis, with an explanation of the scope of the analysis and a time frame not to exceed (6) six months.
- d. The recommendation will not be implemented, with an explanation therefore.