

Memo

To: Board of Trustees
From: John R. Stroh, Manager
CC: Chris Eley, Legal Counsel
Date: 4/21/98
Re: Status of employment related issues submitted by SJPEA

The following is a status report of my investigation of the employment-related issues submitted by SJPEA in their letter of 3/12/98:

1. I met with SJPEA representative Kay DeGeest and employee representatives Duane Bridgewater, Keith Neinhuis, and James Sheffield on March 25 to discuss the concerns outlined in their letter of March 12. At this time employee representative Bridgewater provided several additional concerns that were not included in the original letter. The meeting lasted approximately one and one-half hours, with most of my participation limited to listening to new issues raised, and to ask for clarification on issues previously discussed. Although no date was set for another meeting, it was agreed that additional meetings would be held once I had reviewed certain items and could respond with proper information.
2. I met with Kay DeGeest on April 9 to seek further clarification on several of the issues raised at the March 25 meeting. I provided her with some of the preliminary results of my investigation into the concerns about wastewater handling, employee performance evaluations, and procedures to promote district personnel. I explained to her at this time that it was apparent that a large portion of the concerns raised at the March 25 meeting appeared to be from one person, and that some of these were trivial and would not be responded to.
3. Concerning the issues stated in the March 12 letter, my initial response to each item is provided in written form and attached to this memo.

I will continue to update the Board on the status of my investigation of the employment-related issues raised by SJPEA. Do not hesitate to contact me if you need additional information on this subject.

**SAN JOAQUIN COUNTY
MOSQUITO & VECTOR CONTROL
DISTRICT**

April 14, 1998

Manager's response to issues raised by SJPEA (letter of 3/12/98)

Item #1 – *“...the most recent catalyst for this letter is your meeting wherein the employees were told to give written statements stating what would make their jobs beneficial to them. The employees feel more than 5 minutes should have been given to collect their thoughts and therefore give you more helpful answers. While the employees were given a laundry list of what was written, they believe frank discussion of ideas would be beneficial to the District. However, because of the current atmosphere they fear reprisals.”*

This exercise, conducted at a general staff meeting on December 4, 1997, was for soliciting comments and suggestions from employees. This action is but one of many opportunities that have been available not only recently but also for many years to all employees to communicate ideas, concerns, etc. The district maintains suggestion boxes for anonymous communications; periodic general staff meetings are held, with time allowed for employees to discuss both agenda and non-agenda items; region supervisors provide routine “tail-gate” meetings to discuss operations, current events, and issues discussed at specific supervisor’s meetings; and finally, both the Manager and Assistant Manager support and provide for an “open door” policy, allowing all employees, regardless of position, to discuss any issue. Although these opportunities may be mocked or trivialized by some of the concerned employees, it has been my experience as a technician, supervisor, assistant manager and manager, that most employees will take the opportunity to use at least one of these communication opportunities if there is an issue needing resolution or recognition.

With regards to the lack of opportunity (5 minutes at the last meeting), it was not my intent to stymie interested employees from providing constructive ideas and feed-back on any issue of interest to them, and I would support the idea of providing a forum with additional time and resources to further examine any and all issues of concern. With regards to the fear of reprisal for participating in a frank discussion of ideas that could benefit the district, I feel this comment is unwarranted. If there are factual incidents of this type of action that have happened in the past, it would be incumbent upon the Manager and/or Board of Trustees to investigate and prevent them from reoccurring. It would be prudent for any employee who feels this has happened to them to come forward and have the incident examined.

Item #2 - *"While it may be the personnel style of you and your assistant to make comments pertaining to the employees being complainers, why not ask specifically what the problem is? Your current practice of stating 'if they don't like it, there were over 600 applications for one job', 'maybe they would be happy somewhere else' and 'I look out for number one' does not improve the perception that you do not care about your employee."*

It is not the personnel style of either the manager or assistant manager to make comments pertaining to employees being complainers. As stated in the response to item 1, employees are given every consideration and opportunity to speak out and identify problems. With regards to the two comments related to "600 applicants for one job" and "maybe they would be happy somewhere else", it is not known as to the context in which these statements were made to SJPEA representatives. At no time were these comments addressed to specific individuals or groups, let alone as an official response to an individual or group complaint or concern. The comment of "I look out after number one" as an example of uncaring attitude towards other employees is confusing. Again, the context in which the original comment was delivered versus the way it is portrayed in the letter makes it difficult to reply.

Item #3 - *"The employees feel a job should be created and the competition for the position be held without grooming an individual for it. The person who received the public education job had volunteered for the job without pay or classification for a year before promoted to the post. This practice seems to place employees whom you favor in the capacity to advance at a greater pace than others."*

The concern over the practice of "grooming" an individual for advancement, in any position, is unclear. In any organization that utilizes existing staff for filling new or advanced positions, there exists some form of "grooming". Currently, within the District's organizational structure, there are several people who are working as "volunteers" in new or non-routine assignments, i.e., GPS/mapping, mosquito fish culture, mosquito lab assistance, etc. Am I to assume that certain individuals will have received an unfair "advantage" due to their volunteer positions, and will create an unfair advantage over other employees if a new or enhanced position becomes available? If every person who has volunteered to work in a non-routine work assignment were classified as ineligible, who would be left to be considered as eligible? As an example, do people in the current position of MCT II become ineligible for promotion to MCT III because they have been "groomed" for potential advancement, and thus have an "advantage" over personnel in the position of MCT I? This would be ludicrous, based on the fact that if a MCT III position would be become available, all employees meeting the minimum requirements of the position would be eligible, not just employees in the category of MCT I.

With regards to the position of Community Education/Mosquito Control Technician, the current employee in that position did volunteer to participate at

many levels of community education prior to being selected for the position, but the person was not selected based on volunteering to perform some of those duties prior to advancement. Several other employees have volunteered their services in the community education program also, both before and after filling the position. Listed below are the actions that were taken to fill the Community Education/Mosquito Control Technician position:

1. July 21, 1997 – the Board of Trustees adopted the FY1997/98 budget, which included the development and implementation of the position of Mosquito Control/Community Education Technician.
2. August 20, 1997 – The District sent SJPEA a memo regarding position development and notice of availability. In the memo, it states that the position would be filled from existing employees if possible, but that we could also consider outside candidates. The memo also stated the selection criteria and the examination process.
3. October 10, 1997 – The District posted an Inter-district Memorandum (cc. SJPEA) regarding the announcement of the availability of the position of Mosquito Control/Community Education Technician. Included with the announcement was a current job description for the position. The announcement and job description included minimum qualifications and job responsibilities; the announcement also included aspects of the selection process.
4. October 14, 1997 – The District received a letter notifying that SJPEA found no problems with the job specifications.
5. October 21, 1997 – The District sent a memo to three interested applicants/candidates of the scheduled exams for the position.
6. October 28, 1997 – The candidates participated in two written tests, one for basic skills and one for service ability.
7. October 29, 1997 – The candidates participated in an oral presentation, with basic mosquito biology as the subject matter. The mosquito biology information was gleaned from the current training manual used by all employees. All candidates received the same presentation information and time limits. A panel of five employees (of different classifications and tenure) comprised the review and grading panel.
8. Upon conclusion of the written tests, the oral presentation, and review of past performance, it was determined that one candidate scored higher than the other two, and was ultimately promoted to the position.

The District maintains a complete file on this matter, and would be happy to meet with any concerned individual or group to review the matter in-depth.

Item #4 – *“If you have rules in place they should be enforced equally. The summer vacation rules are not the same for all employees. What is the status of the Tech IV? This employee was given enhanced vacation while another was given a written reprimand.”*

The summer vacation rules (per the current M.O.U., and for all positions represented by SJPEA) are enforced equally. In addition, all employees are given equal opportunity to request and receive consideration for time off due to unusual circumstances. In the case of represented employee positions, this opportunity exists in Section 4.1(D) of the current M.O.U., and has been available for use since December 1993.

With regards to the status of the position of Mosquito Control Technician IV, I think this issue has been adequately described to SJPEA several times in the past. For the record, the position of MCT IV is recognized as part of the non-represented employee group, which consists of the positions of Assistant Manager, Office Manager, Secretary, Biologist, and MCT IV.

With regards to an employee receiving a written reprimand, it is my understanding that this individual utilized vacation time in excess of 32 hours during the summer vacation period, and the employee did not notify his supervisor that he would be exceeding the 32 hour limit. This would be a violation of District policy and M.O.U. Section 4.1(C).

Item #5 – *“...the items of extreme interest are all the City Sewer Treatment facilities and White Slough. The employees feel these constitute a dangerous working environment. They feel you possibly have two ill employees due to contact with this water, it seems to be both treated and untreated wastewater. I will need written proof of the regulations governing the use of water that is not acceptable for food crops and the ability of employees to be in contact with such. Is there some form of standardized monitoring? There has not been any special training for working in contact with the substances in this water.”*

I contacted the following agencies to ascertain their understanding of the laws, regulations, or operating procedures regarding treated wastewater and human contact:

1. City of Lodi, White Slough Wastewater Treatment Facility, Treatment Plant Supervisor Del Kerlin, (209) 333-6749.
2. City of Stockton, Municipal Utilities Department, Plant Maintenance Supervisor Michael McDonald, (209) 937-8731.
3. State of California, Industrial Relations Department, Occupational Safety and Health Division (CAL OSHA), Consultation Services Representative Bill Horge, (916) 263-2855.
4. State of California, Health and Welfare Agency, Department of Health Services/Department of Industrial Relations, Hazard Evaluation System and Information Service, Associate Industrial Hygienist/Acting Chief HYSIS Elizabeth Katz, (510) 540-3482.

The representatives of Lodi and Stockton stated that they were unaware of any specific regulation regarding human contact with treated wastewater. Both stated that employees are provided Hepatitis inoculations (type unknown) and personal protection equipment (PPE), including rubber gloves, clean clothing, eye protection, respirators, face shields, and rubber boots. Both said that personal hygiene is advocated at all times, including the routine use of soap and water for hand washing after contact with treated water. The City of Stockton provides anti-bacterial soap for use at the wastewater treatment plant. Both cities perform routine water analysis for bacteria in untreated and treated effluent. Mike McDonald is aware of only one case of hepatitis at the City of Stockton Wastewater Treatment Plant during his 21 years of service, but the cause of the infection was never determined.

With regards to bloodborne pathogens, I asked Bill Horge of Cal/OSHA about bloodborne pathogen standards and compliance information. He is unaware of any laws regarding human contact with treated wastewater, but felt that if the condition (human contact w/treated wastewater) was a hazard, that it should be identified in the employer's Injury and Illness Prevention Plan (IIPP). He stated that the employer should provide training to employees with regards to personal hygiene and PPE. In addition, he felt that the employer should evaluate and possibly implement a bloodborne pathogen programs, including training and information on methods of reducing exposure. I reviewed Cal/OSHA's Bloodborne Pathogens Standards (T8, CCR, GISO Section 5193) to further examine the district's responsibilities regarding worker safety requirements involving human contact with treated wastewater. These regulations state that it is the employer's responsibility to conduct an exposure determination, to determine which employees and which tasks present a risk of potential occupational exposure to bloodborne pathogens. Cal/OSHA has predetermined which type of facilities or operations are presumed to have occupational exposure, and wastewater treatment facilities, sewage operations, etc., are not included. They also determined that sewage plant, wastewater workers and non-healthcare facility plumbers are not ordinarily covered, since material they contact is not visibly contaminated with blood. The district provides extensive PPE and two (2) types of voluntary blood tests for all employees. PPE includes rubber gloves and boots, two (2) forms of eye protection (safety glasses and goggles) waterproof jacket and pants, respirators, clean uniforms (daily), and adequate clean water and soap for personal hygiene. With regards to blood testing, the first test is a voluntary Hepatitis "B" vaccine program; currently, all but four employees have participated in the plan. The second test is an annual comprehensive blood test for toxicosis. Testing includes chemistry screening panel, routine urinalysis, complete blood count, general anemia, and hematological disorders. Results of the second test are known only between the employee and the doctor, thus preventing the district from knowing if any individual could be affected by occupational risks.

The Hazard Evaluation System and Information Service (HYSIS) of the State Department of Health Services provided the most information regarding human contact with wastewater. The District received information on infectious disease hazards of wastewater, General Industry Safety Orders for workers

involved with wastewater, and other relative information. In reviewing this information, it is apparent that the District will be required to implement several procedures to comply with the General Industry Safety Orders; these will be implemented immediately.

As a final aspect of the investigation of this issue, I reviewed three (3) resource manuals on the subject of reclaimed wastewater. The manuals were provided by City of Lodi. Following are the titles of these manuals:

1. *Use of Reclaimed Water and Sludge in Food Crop Production*, National Academy Press, Washington, D.C., 1996
2. *Water Reuse, Assessment Report, Project 92-WRE-1*, Water Environment Research Foundation, Alexandria, Virginia, 1994
3. *Evaluation of Agricultural Irrigation Projects Using Reclaimed Water*, Office of Water Recycling, California Water Resources Control Board, 1981

Each manual provided basic information about the use of wastewater for irrigation. Although they provided safety information on handling wastewater, the specific recommendations were consistent with the information provided by the cities of Lodi and Stockton, primarily using available PPE and personal hygiene.

Item #6 – *“My understanding is the problems between management and the employees are continually building.”*

I have no comment at this time.

Item #7 – *“The employees truly want a resolution and would even be willing to bring the Board into the discussions.”*

This is a moot subject, since the Board was copied the original SJPEA letter, and the letter was provided to the Board by staff at the March 17, 1998 Board of Trustees meeting. Additionally, several Trustees received copies of the letter addressed to them at their home address. As manager, I will communicate the status of these issues to the Board at every opportunity.

The Board's Executive Committee is charged with personnel issues, and it may be prudent to include the Committee in a forum with employees as the process continues. I will discuss the aspect of a joint meeting (employees and Committee, or employees, management and Committee) with the Association's representative as soon as possible.