



COMMUNITY HEALTHCARE

D I S T R I C T

September 19, 2012

The Honorable Ricardo Cordova, Presiding Judge
Stanislaus County Superior Court
P.O.Box 3488
Modesto, Ca. 95353

Re: Response to 2011-2012 Grand Jury Report 12-26C

Dear Judge Cordova:

The Westside Community Healthcare District is in receipt of the Stanislaus County Civil Grand Jury's completed report "Westside Healthcare District Case No. 12-26C" dated June 27, 2012. The report was presented to the Full Board of Directors at our July 24, 2012 meeting

Pursuant to California Penal Code Sections 933(c) and 933.5, the following is our response.

Findings:

F1. The WSHD provides a vital service that meets response time requirements to the people within the districts they serve in Merced and Stanislaus counties.

Response: The Board agrees with this finding.

F2. The WSHD board has difficulty keeping the board member seats occupied. As board members resign, new members appointed by a majority vote replace them. Few citizens in the district express interest in running for an elected board position. Because of this lack of interest the person with the most seniority on the board has greater control of the board and the district, thereby, creating a dysfunctional board and higher probability of poor administration.

Response: The Board agrees with this finding.

This issue was discovered following the resignation of The President of the Board in December of 2010 and was the catalyst that plunged our District into turmoil which we are now getting back under control.

Page 1 of 5



D I S T R I C T

During the first months of 2011, I found myself getting phone calls on an almost daily basis from our Ambulance Director informing me of Operations and Personnel Issues and wanting me to tell him what I wanted him to do. I explained to our Ambulance Director that what he wanted was not my decision as President of the Board to make; it was his duty and responsibility as the Ambulance Director to address the day to day operations of the District and make decisions based on what was best for the District, The Citizens of the District and our Employee's.

- F3. The WSHD board has close personal relationships within the existing board members, and between board members and the employees. This creates conflicts of interest in making decisions and resolving business issues.

Response: The Board agrees with this finding.

At this time one of our Board Members is married to our "Chief of Operations" and another is the Brother In-Law of one of our Full Time Employee's. We are well aware of the potential for creating a conflict of interest situation and whenever any matter involving a family member of a Board Member arises, that Board Member is not allowed to vote on the matter.

- F4. Prior to the recent harassment allegations there has been little sexual harassment awareness and prevention training provided to employees and management as required by the CA Department of Fair Employment & Housing (DFEH) which states, "All employees must receive from their employers a copy of the DFEH pamphlet "Sexual Harassment is Forbidden by Law..." (Fair Employment and Housing - Sexual Harassment, 2010).

Response: The Board agrees with this finding.

This was an issue that did not come to the Boards attention until after a Complaint Alleging Sexual Harassment by Two of our Female Employee's against our Assistant Ambulance Director. The subsequent investigation into the Complaint of Sexual Harassment conducted by an outside Agency discovered numerous Personnel and Training Issues that our Ambulance Director was not Properly Complying with. The Board immediately brought in an Outside Agency to Review all of the District's Policies and Procedures and then to take the necessary action to correct the areas where the District was deficient. Many of the issues have already been rectified and those few that remain are being handled as of the writing of this response.



COMMUNITY AMBULANCE

D I S T R I C T

- F5. There is a conflict of interest in the proposed recommendation to implement a process where at the time of annual reviews each employee and board member will sign a document stating they have not been a victim of sexual harassment or are aware of any harassment issues going on. SCCGJ finds that this proposed recommendation is an intimidating review process for the employees or board members.

Response: The Board disagrees with this finding.

I brought this issue to the Boards attention because The County of Merced requires every employee to complete and sign the same document every year during their annual performance evaluation. If this issue was in fact creating a "Conflict of Interest" then County Counsel and the Personnel Director would not allow the continued use this form.

- F6. The principal qualifications for assuming the role and responsibilities of the Ambulance Director position were living in the district, expected long-term commitment with the organization, and did not working for multiple companies which could lead to a conflict-of interest. Professionalism and supervisory skills were apparently not paramount in determining qualifications for the position as Director. SCCGJ also finds that the candidates interviewed for the Directors position were current district employees.

Response: The Board disagrees with this finding.

As of the writing of this response, the Board has not hired a full time Ambulance Director to replace our last Ambulance Director. When our last full time Ambulance Director chose to leave the District, the Board of Directors added the duties and responsibilities of the Ambulance Director to the Assistant Ambulance Director on an Interim Basis. This decision allowed the Board of Directors to determine what course of action to take in regards to hiring a full time Ambulance Director. In May of this year, the Board entered into a six month contract with the Ambulance Director from Patterson District Ambulance to take over the Administrative functions and assist Interim Ambulance Director in the daily operations of Westside Community Ambulance.

RECOMMENDATIONS

- R1. The district is meeting service requirements and there are no recommendations in this regard.

Response: The Board agrees with this recommendation.



D I S T R I C T

- R2. SCCGJ recommends that WSHD board explore offering a stipend of some kind to future board members to attract and encourage candidates for future board positions.

Response: The Board disagrees with this recommendation.

The Board has addressed this issue many times including a recent consideration as a result of this recommendation. Every time this issue is addressed including the most recent consideration, the Board of Directors has unanimously rejected the issue of providing a Stipend to the Board of Directors.

- R3. SCCGJ recommends that tighter controls be implemented to avoid personal conflicts-of interest as recognized in the make-up of the existing WSHD board relationships.

Response: The Board disagrees with this recommendation.

The Board of Directors has never been accused of a Valid Complaint involving a Conflict of Interest between a Member of the Board of Directors and an Employee. We have always taken a very serious evaluation of any situation where a potential existed to create a Conflict of Interest as evidenced by the fact the Board of Directors has never been found to have created a Valid Conflict of Interest as a result of our actions.

- R4. SCCGJ recommends that an external party such as the California's Fair Employment and Housing Commission do further investigation into the sexual harassment and hostile work environment allegations. In addition, an anonymous survey should be administered to all employees and board members to help in determining the validity and scope of the allegations. The external investigation party should have background knowledge of human resources rules and regulations regarding sexual harassment and hostile work environment claims.

Response: The Board disagrees with this recommendation.

The Complaint of Sexual Harassment was initially investigated by our Ambulance Director and ultimately turned over to an outside firm to conduct the investigation into the Allegations of Sexual Harassment. It is the position of the Board of Directors that the individual assigned to conduct the investigation did a very thorough and professional investigation into the Allegations of Sexual Harassment and has no intention of conducting any additional investigation into the Allegations of Sexual Harassment.



D I S T R I C T

- R5. Because of the serious nature of the sexual harassment allegations the WSHD board, although it may have fewer than 50 employees, should immediately implement the provisions of Government Code 12950.1, "...an employer having 50 or more employees shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees..." (Legislative Counsel State of California).

Response: The Board agrees with this recommendation.

The Board of Directors has determined that this training will not only be required by our Supervisory Personnel but will also include appropriate training for ALL EMPLOYEES AND MEMBERS OF THE BOARD OF DIRECTORS.

- R6. SCCGJ recommends that the proposed policy requiring employees's to sign a document stating they have not been a victim of sexual harassment or is aware of any harassment issues going on at WSHD is coercive, intimidating, and could result in false statements. The proposed policy should be rescinded immediately.

Response: The Board disagrees with this recommendation.

This "Proposed Policy" has not been implemented and as a result of the recommendations from the "SCCGJ" we are reviewing the "Proposed Policy" before implementation.

- R7. SCCGJ recommends that an updated job description and job qualifications be documented for the Ambulance Director position to meet the job scope and responsibilities of the position. The Director's position should require education and administrative skills appropriate to the responsibilities of the job. It is further recommended that vacant WSHD administration jobs be published to the public through a media of general distribution to allow a broader application and candidacy pool.

Response: The Board agrees with this recommendation.

Sincerely,

Richard A. Daniel
President of the Board
Westside Community Healthcare District