



Pierce County

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June 20, 2011

To: Rules and Operations Committee
From: Bill Vetter, Legislative Analyst
RE: Human Resources Training Planning Study

Background Information

Performance audit staff prepared this memo in response to Pierce County Council Ordinance No. 2010-77s, which requested that the Performance Audit Office conduct an independent analysis of “the existing training courses and opportunities offered by Pierce County departments to its employees.” The ordinance specified that the analysis include a review of the training courses offered by the County, related requirements, opportunities for cost sharing among local jurisdictions, and the potential for reorganization to result in efficiencies.

This memo provides basic information on the training function in the County to assist the Rules and Operations Committee in determining whether an audit is appropriate and, if so, to guide the direction of an audit.

The main objectives of this memo were to (a) identify the different types of training offered in the county, (b) provide information on local, state, and federal requirements for training, and (c) present information on training provided by other jurisdictions in the state for comparison. The memo focuses on training provided by the Human Resources department, as opposed to skills and certification training conducted in various departments throughout the County.

The review found the following:

- Training budget, staff, and classes have been reduced significantly since 2007. Remaining classes are predominantly in the “high-risk” areas of discrimination and harassment.
- State and federal law do not require local jurisdictions to provide specific training, but case law and EEOC guidance compel employers to provide training on discrimination and harassment. It appears that PC has sufficient training to be consistent with that guidance.



- Pierce County’s training program is comparable to that in other local jurisdictions.
- Direct cost comparisons are difficult without more detailed discussions with providers, but it appears that outsourcing training based on current requirements would not significantly reduce training expenditures.

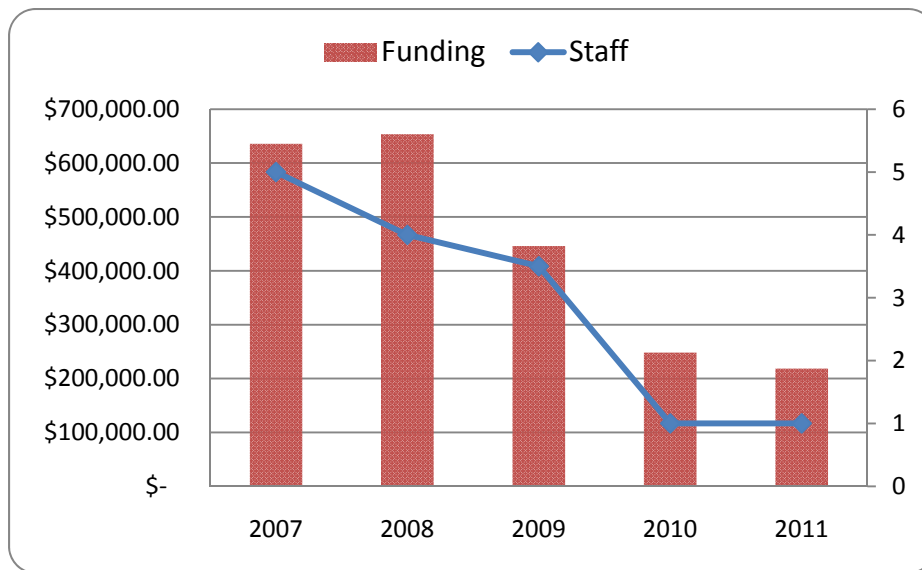
Human Resources Training

The Human Resources Organizational Development division provides training to Pierce County employees in three general areas: County policies, professional development, and leadership and supervision. For 2011, training is provided by one staff trainer in the Human Resources department at an annual cost of \$218,000, which includes materials, leased space, and information technology services.

Management and administrative support for the training function is presently provided by the Civil Service division of Human Resources, which has filled that role since the loss of training staff due to budget reductions. According to Human Resources, the Civil Service division has been able to provide support for the training function because of the reduction of hiring in the Sheriff’s department over the past few years.¹

Figure 1 shows the training budget and staff since 2007.

Figure 1: Human Resources Organizational Development Budget and Staff, 2007-2010



Source: Performance Audit Analysis of HR Data

¹ The Civil Service division is responsible for personnel administration for the Sheriff’s Department.

As the figure shows, between 2007 and 2011 the organizational development budget declined from \$635,760 to \$218,380, or by \$417,380. Over the same period, staff was reduced from 5 to 1. The reduced positions included one trainer, the training manager, an office assistant, and the wellness coordinator.

The total number of classes taught by training staff, including new employee orientation classes, declined from 221 to 97 between 2007 and 2010.² As discussed below, the decline in the number of classes has occurred mainly in the area of professional development.

County Policy Training

Training staff conduct classes on County policies, including the Equal Employment Opportunity (EEO), sexual harassment, domestic violence, and workplace violence policies. Until 2009, training was provided on the County's ethics policy. Training is based on General County policies, which appear in the Pierce County Employee Handbook and in the County Code.³

County policy states that the County working environment "provides for equal opportunity regardless of race, religion, creed, color, national origin, sex, age, physical, mental or sensory disability or veteran status." In addition, employees "have the right to work in an environment free from sexual harassment or inappropriate behavior of a sexual nature on the job."⁴

These policies are derived from various federal regulations, including Title 7 of the Civil Rights Act of 1964 and the Washington State Law Against Discrimination. The regulations prohibit discrimination because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability.⁵

Training classes in this area are intended to comply with federal regulations and recommendations surrounding the Civil Rights Act (discussed below), as well as to educate employees in order to avoid potential litigation. County employees filed 83 EEO complaints between 2007 and 2010. In internal investigations into EEO complaints, investigators establish the training attendance of employees involved in alleged incidents.

Classes are instructed by a professional trainer, and include one class on sexual harassment (3.5 hours each), one class on discrimination and harassment (3.5 hours), and 13 classes on EEO (or diversity) topics such as age discrimination, gender discrimination, racial discrimination, and cultural discrimination (2 hours each).

² These numbers reflect an estimate of 10 classes per year for the Leadership/Supervision training series.

³ Pierce County Code, Title 3, Chapters 3.12-3.17

⁴ Pierce County Employee Handbook, January 1993, rev. January 2005.

⁵ Title VII of the Civil Rights Act of 1964 SEC. 2000e-2. [Section 703]; RCW 49.60.010.

Table 1 displays information on the number of classes and attendees in this area. The numbers reflect that employees are required to take a diversity class every two years, and that class sizes range from 10 to 30 participants.

Table 1. EEO/Sexual Harassment Policy Classes and Attendees, 2007-2010

	Classes	Attendees
2007	86	1475
2008	59	902
2009	89	1425
2010	52	945

Source: Performance Audit Staff Analysis of HR Data

Training in other County policies ranged from 39 classes in 2007 to 2 in 2010. The large decline reflects the suspension of County ethics policy training until the new policy is clarified.

Professional Development Training

Training staff conduct voluntary professional development classes covering a range of topics, including conflict resolution, customer service, and time management. The purpose of these classes is to build internal organizational capacity and provide additional opportunities for employees to develop skills without incurring outside training costs.

Table 2 displays information on the number of classes and attendees in this area. As can be seen from the table, the number of professional development classes has declined since 2007.

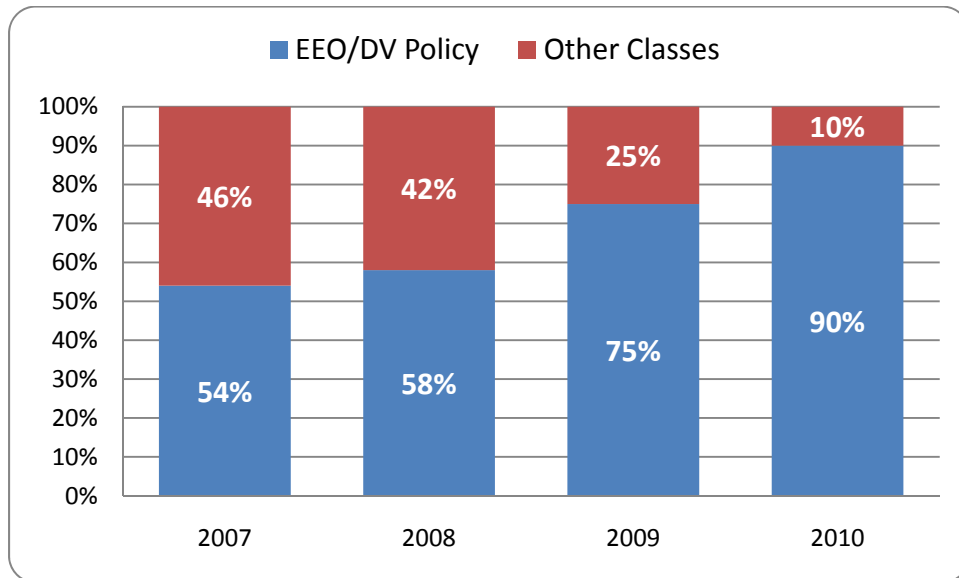
Table 2. Human Resources Professional Development Classes and Attendees, 2007-2010

	Classes	Attendees
2007	35	446
2008	34	500
2009	29	364
2010	6	79

Source: Performance Audit Staff Analysis of HR Data

Figure 2 shows the distribution of EEO/sexual harassment policy versus other training courses since 2007. The total number of classes has declined from 160 to 60, and the vast majority of classes are now in the high-risk area of EEO/sexual harassment policy.

Figure 2: Human Resources Training Course Distribution, 2007-2010



Source: Performance Audit Staff Analysis of HR Data

Leadership & Supervision Training

In addition to policy and professional development training, Human Resources provides a voluntary series of classes on leadership and supervision. This series includes classes instructed by staff from various departments and consists of the following modules:

- HR Issues (interviewing, employee development, benefits and leaves, ADA, EEO)
- Leadership Skills (communication, conflict resolution, mentoring)
- Pierce County Systems
- Process and Change (project management, strategic planning)

The classes are aimed at potential or recently promoted supervisors and managers in Pierce County, and are intended to provide training in operational and system issues (such as HR and IT processes) as well as professional skills (such as communication and planning).

Each of these modules consists of three to four days of class work, and the entire series is run two to three times per year. At least 60 participants have attended some part of the series each year.

Training Requirements

Pierce County

Based on recommendations from the Human Resources department, the Pierce County Executive's office has directed executive branch employees to complete the following classes related to the County's antidiscrimination and domestic violence policies:

- Beyond Sexual Harassment (3.5 hours)
- Stopping Sexual Harassment (3.5 hours)
- Diversity Training (2 hours, every two years)
- Domestic Violence Prevention (half-hour)

Washington State

Washington State has no regulations applying to local jurisdictions regarding training related to sexual harassment and discrimination. However, there are several regulations that apply to state employees.⁶ These regulations require that:

- Employees complete sexual harassment awareness and prevention training at least every five years, and within the first six months of employment.
- General government managers and supervisors complete additional training on managers' roles and responsibilities regarding sexual harassment every three years, and within six months of becoming a manager or supervisor.
- Departments set requirements for the content of the training.

In addition, state employees appointed to a permanent supervisory or management position must successfully complete entry-level supervisory or managerial training consisting of performance management, compensation practices, labor relations, and recruitment processes.⁷

Federal Law

Under Title 7 of the Civil Rights Act of 1964, the federal government prohibits discrimination "against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin."⁸ This Act does not require employers to provide specific training regarding discrimination.

⁶ WAC 357-34-100 through WAC 357-34-115.

⁷ WAC 357-34-055.

⁸ Title VII of the Civil Rights Act of 1964 SEC. 2000e-2. [Section 703]. The Washington State Law Against Discrimination, RCW 49.60, contains similar prohibitions.

In practice, Supreme Court decisions relating to the Act, and ensuing lower court decisions, compel employers to reasonably seek “to prevent and correct harassing conduct.”⁹ By doing so, employers can establish an affirmative defense that limits their liability in discrimination cases.

The Equal Employment Opportunity Commission (EEOC) has provided guidelines for establishing an affirmative defense. EEOC guidelines encourage employers to:

- Establish, publicize, and enforce anti-harassment policies and complaint procedures
- Provide training to all employees to ensure that they understand their rights and responsibilities
- Conduct periodic training of supervisors and managers on anti-harassment policies and procedures¹⁰

Regarding sexual harassment specifically, EEOC Guidelines encourage employers to develop “methods to sensitize” employees to issues of harassment.¹¹ The Guidelines go on to state that:

“An effective preventive program should include an explicit policy against sexual harassment that is clearly and regularly communicated to employees and effectively implemented. The employer should affirmatively raise the subject with all supervisory and non-supervisory employees, express strong disapproval, and explain the sanctions for harassment.”¹²

Employers are thus encouraged to have a training program in place to prevent discrimination and harassment in the workplace and to provide them with an affirmative defense in the case of litigation.

Comparisons with Other Jurisdictions

Performance audit staff contacted several local jurisdictions, including Snohomish County, King County, Thurston County, Spokane County, Tacoma, and the State of Washington, to identify the types of training they offer, how that training is provided, and training requirements for staff.

The results are summarized in Table 3. All of the jurisdictions surveyed provide some form of training in the areas of EEO, leadership/supervision, and professional development, although training was not required in all areas.

⁹ 524 U.S. 775, 118 S.Ct. 2275

¹⁰ *Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors*, EEOC Notice 915.002, June 18, 1999

¹¹ 29 C.F.R. § 1604.11(f).

¹² *Policy Guidance on Current Issues of Sexual Harassment*, EEOC Notice N-915-050, March 19, 1990

Washington State provides extensive training to its employees through the Department of Personnel. Training required by state regulations can also be provided by agencies themselves. In contrast, King County has recently reduced their training due to budget constraints. The jurisdictions surveyed indicated that class sizes ranged from 20 to 30 participants per class.

Relative to other jurisdictions, Pierce County appears to be about average regarding number of staff, while requiring slightly more training hours for employees.

Table 3: Human Resources Training Offered in Local Jurisdictions

Jurisdiction	Required Training			Training Staff	Required Training Time (including new employee orientation)
	EEO	Leadership/ Supervision	Professional Development		
Pierce County	✓			1	Orientation: 4 hours Discrimination/Harassment: 7 Hours Domestic Violence Policy: .5 hours Domestic Violence Policy (managers): 1.5 hours Diversity: 2 hours/2 years
Tacoma	✓	✓		3	Orientation: 6 hours Domestic Violence Policy: .75 hours Sexual Harassment: 3.5 hours Cultural Awareness: 3.5 hours Leadership (managers): 20 hours
Snohomish County	✓	✓		2	Orientation: 6 hours Harassment/Violence: 1.5 hours Disability Accommodations (managers): 3.5 hours Drug Free Workplace (managers): 4 hours Harassment (managers): 2 hours
King County	✓			1	Orientation: 8 Hours EEO training: 1 hour
Spokane County	✓			1	Orientation: 4.5 hours (includes sexual harassment)
Thurston County	✓			1	Orientation: 2.5 hours Harassment/Diversity: 3 hours (first year) Harassment/Diversity: 2 hours/3 years
State of Washington	✓	✓	✓	n/a	Orientation: Varies based on agency Customer Service: 1 day Diversity: 7.5 hours Sexual Harassment: 4 hours/5 years Violence in the Workplace: 1 day Supervisor /Management: 24 hours Sexual Harassment (managers): 4 hours/3 years

Source: Performance Audit Staff Survey of local jurisdictions

Alternate Training Models

Opportunities for Cooperative Training

Since 1999, Pierce County has participated with other local jurisdictions in the Training Resource and Information Network (TRAIN). The purpose of TRAIN is to allow local jurisdictions to share training resources. Cooperating entities include Fife, Lakewood, Steilacoom, Pierce County Fire Districts, Pierce Transit, and Metro Parks Tacoma, among many others. The network also sponsors an annual conference covering topics such as supervision and leadership and administrative staff skills.

Between 2007 and 2010, 781 participants from other jurisdictions attended Pierce County training classes. These participants were primarily from local cities (e.g., Lakewood, Roy, and Bonney Lake) and agencies such as the Pierce County Library System and Metro Parks Tacoma. They attended Pierce County training on diversity, leadership, and professional development.

The Human Resources department does not track the attendance of Pierce County employees in training classes held by other jurisdictions. According to department staff, the network has primarily provided smaller jurisdictions with the opportunity to attend training provided by the larger jurisdictions.

In interviews with training staff in other large jurisdictions, they indicated that they were less willing to send employees to other jurisdictions for required policy training because (a) training would not be tailored to their own policies, (b) they would not be able to consistently accommodate their entire workforce, and (c) they prefer to have in-house expertise on training issues.

Pierce County Human Resources staff expressed willingness to participate with other jurisdictions in developing a regional system that would allow for shared training, but noted that it would require an initial investment of resources and ongoing administrative and coordination expenses.

In past years, Pierce County training staff has trained classes in other jurisdictions, resulting in revenue for Pierce County. This revenue ranged from \$14,000 to \$18,000 between 2007 and 2010. Human Resources no longer provides this service due to staff constraints.

External Providers

Performance audit staff interviewed two training firms, both of whom conduct training for the state of Washington in the area of EEO and sexual harassment policy. One firm is an individual training provider and the other has litigation experience in the area of employment discrimination. Staff also interviewed a representative from Washington State University Extension. All provided information on recommended training, class size, and general cost estimates.

Each recommended initial and recurring training in the areas of harassment and discrimination, suggested limiting class size to no more than 30 participants, and indicated that the purpose of training was to change behavior to prevent discrimination in addition to providing an affirmative defense in discrimination lawsuits.

Although the providers recommended recurring training, they noted that there is flexibility in remaining consistent with EEOC's guidance to "reasonably" prevent harassing conduct. They suggested that the budget of an organization influences what could be seen as "reasonable," and that judges in discrimination cases will frequently look at similarly sized organizations for comparison.

One provider suggested that best practices include harassment training for employees every 2-3 years, and more frequently for managers. In addition, they asserted that in-person training had been more effective than passive training (e-learning) in preventing discrimination lawsuits.

The firms provided general cost estimates for conducting training according to our current policies. Based on information provided by these consultants and the past experiences of Human Resources, the cost of using external providers ranges from \$900 – \$1,500 for a half-day class with 30 participants, or between roughly \$90,000 and \$150,000 for all Pierce County employees.

These estimates would not significantly reduce current expenses, due to administrative costs and participation from Human Resources to ensure that training reflected County policies. However, without entering into negotiations with these or any other firm on cost or alternate program designs, it is difficult to generate a reliable cost comparison.

The Human Resources and Information Technology departments have been jointly researching the feasibility of expanding the e-learning system that provides employees with the ability to take classes online. The potential for policy classes in this system has yet to be determined, although employees can currently take the required domestic violence policy class online.

Conclusions

Based on conversations with the Prosecuting Attorney's Office and EEO staff, it appears that County training is sufficient to comply with local, state, and federal regulations, and is comparable with that provided in other local jurisdictions.

The Rules and Operations Committee could pursue one of two courses based on the information provided in this memo.

1. The memo has sufficiently answered the questions posed in Ordinance No. 2010-77s, and there is no need for subsequent audit work.
2. Subsequent audit work is desired. Objectives of an audit could include the following:

- a. An analysis of the training courses provided to Pierce County employees covering the appropriateness of classes with regard to County policies and risk of litigation, and review of best practices
- b. An analysis of potential cost savings of different training structures, including different requirements and alternative providers
- c. An analysis of the costs and benefits associated with initiating a shared training resource with other local jurisdictions