

An Open Letter to the Board of Supervisors ...

May 6, 2016

Via Facsimile & U.S. Mail:

Chair & Supervisor Candace Andersen – District II
Supervisor John Gioia – District I
Supervisor Mary Piepho – District III
Supervisor Karen Mitchoff – District IV
Supervisor Federal Glover – District V

Mr. David J. Twa, Esq., County Administrator

Dr. William B. Walker, Health Services Director

Ms. Jami Napier, Chief Assistant Clerk of the Board of Supervisors

**RE: LETTER OF PUBLIC COMMENT IN SUPPORT OF
BOARD OF SUPERVISORS (BOS) AGENDA ITEM C. 38
CALENDARED FOR THE MAY 10, 2016 MEETING**

To Chairperson Andersen, The Honorable Members of the Board of Supervisors,
County Administrator Twa, Dr. Walker and Ms. Napier:

I write in support of the request made by the Health Services Department to add a “Utilization Review Manager” position to the Behavioral Health Division’s Administration Unit, which is led by Director Cynthia Belon.

I. INTRODUCTION.

Health Services Director William Walker, MD states that if this request is not approved, the consequence of negative action is that the Behavioral Health Division will not be able to have the “appropriate level of supervision” necessary for its Utilization Review Unit. I will now elaborate on some unfortunate events leading up to Dr. Walker’s accurate conclusion to the Board of Supervisors.

II. WORKPLACE BULLYING LEADS TO EMPLOYEE DISABILITY.

I am the son of an outgoing Utilization Review Coordinator Nurse who is now on disability as a result of unrelenting “Workplace Bullying” which commenced in the county’s problematic Utilization Review Unit. Her name is Diane Renton. Diane’s official personnel file describes her as an “**Excellent Employee [who] does great work**”. Despite her standing as an “Excellent Employee” Diane ultimately became the highest paid county employee under orders not to perform “**any work**”.

When Diane asked her Medical Director, Ross Andelman, MD if the order that she not perform “**any work**” was disciplinary related, he issued her a written warning on December 10, 2014 notifying her that “*this is in [the] hands of Personnel*” and “*we will await their determination and recommendations*”. The county still has not tendered any explanation for taking this adverse job action against Diane. Meanwhile her department continues to await the “*determination and recommendations*” of Personnel. To date the only determination rendered by Personnel has been a finding that this highly unorthodox “*do nothing*” employment arrangement was entirely “*satisfactory*” to the county, which resulted in Diane receiving a 5% pay raise and bringing her annual salary to \$111,290.

Ten months into this humiliating and degrading “*do nothing*” job Diane was commuting to her county office when she buckled under the job-related stress and collapsed in the middle of the street outside of my building in Seattle, Washington. She was rushed to the nearby University of Washington Harborview Medical Center and admitted to cardiac critical care. Diane has been unable work following this medical emergency on September 20, 2015. In short, the once vibrant career of this “Excellent Employee” has been extinguished.

III. LEGAL INQUIRY INTO THE ORDER NOT TO PERFORM “ANY WORK”.

Seventeen months after issuing the devastating order that Diane not perform “*any work*” the county continues in its efforts to oppose Diane’s legal Petition. Said legal action was filed in the Solano County Superior Court and served upon Contra Costa County within hours of the order that she not perform “*any work*” being handed down. The case was filed as an intermediate-level action because Diane does not seek financial damages against the county and instead asks the court to compel production of employment-related records that could shed light on why she was involuntarily demoted into a shameful “*do nothing*” job which decimated not only her career, but also her health. I note here that Diane has been clinically diagnosed as suffering from being the Target of Adverse Discrimination or Persecution secondary to her county employment.

IV. PROGRAM FAILURES IN THE UTILIZATION REVIEW UNIT.

Historically there has been a string of critical failures within the problematic Utilization Review Unit, which is responsible for monitoring all programs within the Behavioral Health Administration, to include Children’s Mental Health. Some relevant examples of the program failures inside of the problematic Utilization Review Unit are as follows:

1. ***Child Molester.*** The longtime Program Manager, Grace Marlar, had a Registered Sex Offender and convicted child molester with a history of sexually violent crimes working as her “assistant”. I understand she had befriended him through a church or faith-based program. At the office this convicted child molester, Michael Anthony Moore would spend work time articulating his great interest in children and youth activities. To my knowledge, this convicted child molester did not have any work restrictions imposed upon him and was free to interface with and enter into the Children’s Mental Health Clinics where the county’s most vulnerable clients receive services.
2. ***Workplace Bullying: The Diary.*** During her tenure in the problematic Utilization Review Unit, Diane became the subject of false and highly defamatory allegations published in an “*employment diary*” and broadcast by county personnel – on paid county worktime – and using county resources, to include county office equipment. The false and defamatory allegations contained in said diary were reasonably calculated to lead to Diane’s immediate termination from county employment, carried the further potential to jeopardize her nursing license, which was her sole means of financial support, and resulted in a claim being filed with her private medical malpractice carrier. Diane became aware of the publication and broadcast of said diary on the morning of December 6, 2013 at which time she immediately engaged in the protected concerted activity of associating with her labor union for assistance and the first step to a union grievance was initiated by an outside law firm. In response, Diane was immediately stripped of nearly all her work duties by the Behavioral Health Administration. However, she did maintain some limited and perfunctory job functions until she was ultimately ordered not to perform “*any work*” on the morning of December 1, 2014.

3. ***Negligent Supervision of Personnel.*** Aside from the entire issue of the child molester controversy and Michael Moore's subsequent job transfers around to various different offices, the Utilization Review Unit has impermissibly allowed a management structure in direct contra-version of existing county policy. In the Utilization Review Unit, a significant amount of the work is performed by Utilization Review Coordinators (Job Classification "VWSD"). Utilization Review Coordinators are Registered Nurses who carry active licensure through the Board of Registered Nursing. According to the county's official Job Description, Utilization Review Coordinators "are supervised by a Nurse Manager or higher nursing management classification". In violation of this county requirement, the Behavioral Health Division allowed a Program Manager (Grace Marlar) and later a Program Supervisor (Charlene Bianchi), neither of whom are licensed nurses, to lead the Utilization Review Unit where they impermissibly purported themselves to supervise the Utilization Review Coordinators. Here, Dr. Walker's proposal to replace the position of Program Manager (which does not require licensure as a nurse) with a Utilization Review Manager (a position which does require a nursing license) is a responsible and sound recommendation because it finally ensures that the problematic Utilization Review Unit comes into compliance with existing county policy.

V. CALL TO ACTION.

The annual costs of \$29,805 associated with the position adjustment recommendation of Dr. Walker appears to be a relatively small price to pay given the issues which have historically plagued the county's problematic Utilization Review Unit. Further, the primary responsibilities of the Utilization Review Manager, to include: (1) staff supervision; and (2) policy and procedural development; are both reasonable and necessary services which have been lacking in the Utilization Review Unit.

Most importantly, I ask you to consider the critical issue of children's safety. The Utilization Review Unit monitors all programs within the Behavioral Health Division, including Children's Mental Health. It is therefore inappropriate, if not repulsive, to have had a child molester working as the Program Manager's "assistant". Dr. Walker is of the opinion that having a Utilization Review Manager would better assist the organizational needs of this problematic unit. As such, his constructive recommendation deserves not merely approval, but the symbolic gesture of unanimous approval from the elected Board of Supervisors.

Very truly yours,



JAMES RENTON

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