



# **COMPLIANCE REVIEW REPORT**

## **CALIFORNIA CIVIL RIGHTS**

### **DEPARTMENT**

Compliance Review Division  
State Personnel Board  
April 9, 2026

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## **INTRODUCTION**

Established by the California Constitution, the State Personnel Board (the SPB or Board) is charged with enforcing and administering the civil service statutes, prescribing probationary periods and classifications, adopting regulations, and reviewing disciplinary actions and merit-related appeals. The SPB oversees the merit-based recruitment and selection process for the hiring of over 200,000 state employees. These employees provide critical services to the people of California, including but not limited to, protecting life and property, managing emergency operations, providing education, promoting the public health, and preserving the environment. The SPB provides direction to departments through the Board's decisions, rules, policies, and consultation.

Pursuant to Government Code section 18661, the SPB's Compliance Review Division (CRD) conducts compliance reviews of appointing authorities' personnel practices in five areas: examinations, appointments, equal employment opportunity (EEO), personal services contracts (PSC's), and mandated training, to ensure compliance with civil service laws and Board regulations. The purpose of these reviews is to ensure state agencies are in compliance with merit related laws, rules, and policies and to identify and share best practices identified during the reviews.

Pursuant to Government Code section 18502, subdivision (c), the SPB and the California Department of Human Resources (CalHR) may "delegate, share, or transfer between them responsibilities for programs within their respective jurisdictions pursuant to an agreement." SPB and CalHR, by mutual agreement, expanded the scope of program areas to be audited to include more operational practices that have been delegated to departments and for which CalHR provides policy direction. Many of these delegated practices are cost drivers to the state and were not being monitored on a statewide basis.

As such, SPB also conducts compliance reviews of appointing authorities' personnel practices to ensure that state departments are appropriately managing the following non-merit-related personnel functions: compensation and pay, leave, and policy and processes. These reviews will help to avoid and prevent potential costly litigation related to improper personnel practices, and deter waste, fraud, and abuse.

The SPB conducts these reviews on a three-year cycle.

The CRD may also conduct special investigations in response to a specific request or when the SPB obtains information suggesting a potential merit-related violation.

It should be noted that this report only contains findings from this hiring authority's compliance review. Other issues found in SPB appeals and special investigations as well as audit and review findings by other agencies such as the CalHR and the California State Auditor are reported elsewhere.

### **EXECUTIVE SUMMARY**

The CRD conducted a routine compliance review of the California Civil Rights Department (CCRD) personnel practices in the areas of examinations, appointments, EEO, PSC's, mandated training, compensation and pay, leave, and policy and processes. The following table summarizes the compliance review findings.

Area	Compliance	Finding
Examinations	In Compliance	Permanent Withhold Actions Complied with Civil Service Laws and Board Rules
Appointments	Out of Compliance	Unlawful Appointment
Appointments	Substantial Compliance <sup>1</sup>	Probationary Evaluations Complied With Civil Service Laws, Board Rules, And CalHR Policies And Guidelines With One Exception
Equal Employment Opportunity	Out of Compliance	Complainants Were Not Notified of the Reasons for Delays in Decisions Within the Prescribed Time Period
Personal Services Contracts	Out of Compliance	Unions Were Not Notified of Personal Services Contracts
Mandated Training	Out of Compliance	Ethics Training Was Not Provided for All Filers
Mandated Training	Out of Compliance	Supervisory Training Was Not Provided for All Supervisors, Managers, and CEAs
Mandated Training	Out of Compliance	Sexual Harassment Prevention Training Was Not Provided for All Employees

<sup>1</sup> The department has achieved 90% or more compliance in this area and has provided a response sufficient to address full compliance in the future; therefore, no corrective action is required.

Area	Compliance	Finding
Mandated Training	Out of Compliance	Tribal Consultations Training Was Not Provided for New Officials
Compensation and Pay	Substantial Compliance	Salary Determinations Complied With Civil Service Laws, Rules, And CalHR Policies And Guidelines With One Exception
Compensation and Pay	Out of Compliance	Alternate Range Movements Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	Out of Compliance	Incorrect Authorization of Bilingual Pay
Compensation and Pay	Out of Compliance	Incorrect Authorization of Pay Differentials
Compensation and Pay	Out of Compliance	Incorrect Authorization of Out-of-Class Pay
Leave	Substantial Compliance	Positive Paid Employees' Tracked Hours Complied With Civil Service Laws, Board Rules, And/Or CalHR Policies And Guidelines With One Exception
Leave	In Compliance	Administrative Time Off Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	In Compliance	Leave Auditing and Timekeeping Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	In Compliance	Service and Leave Transactions Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	In Compliance	Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	In Compliance	Workers' Compensation Process Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

Area	Compliance	Finding
Policy	Out of Compliance	Performance Appraisals Were Not Provided to All Employees

## **BACKGROUND**

The CCRD is the institutional centerpiece of California’s broad policy against discrimination, harassment, and hate violence. Born out of a decades-long struggle to prohibit discrimination in employment, housing, and business establishments, the CCRD has been at the forefront of protecting civil rights in California since its inception. The CCRD employs approximately 360 staff and operates in a hybrid work environment with offices across California in Bakersfield, Fresno, Los Angeles, Oakland, Sacramento, and Riverside. The CCRD’s mission is to protect the people of California from unlawful discrimination in employment, housing, public accommodations, state-funded and state-administered programs and activities, and from hate violence and human trafficking. To accomplish this mission the CCRD receives, investigates, conciliates, mediates, and prosecutes complaints of alleged violations of the Fair Employment and Housing Act, Equal Pay Act, Unruh Civil Rights Act, Disabled Persons Act, Ralph Civil Rights Act, Trafficking Victims Protection Act, and statutes prohibiting discrimination in state-funded and state-administered programs and activities, among other civil rights laws.

## **SCOPE AND METHODOLOGY**

The scope of the compliance review was limited to reviewing the CCRD’s examinations, appointments, EEO program, PSC’s, mandated training, compensation and pay, leave, and policy and processes<sup>2</sup>. The primary objective of the review was to determine if the CCRD’s personnel practices, policies, and procedures complied with state civil service laws and Board regulations, Bargaining Unit Agreements, CalHR policies and guidelines, CalHR Delegation Agreements, and to recommend corrective actions where deficiencies were identified.

A cross-section of the CCRD’s examinations was selected for review to ensure that samples of various examination types, classifications, and levels were reviewed. The CRD examined the documentation that the CCRD provided, which included examination plans, examination bulletins, job analyses, and scoring results. The CRD also reviewed the CCRD’s permanent withhold actions documentation, including Withhold

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<sup>2</sup> Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

Determination Worksheets, State applications (STD 678), class specifications, and withhold letters.

A cross-section of the CCRD's appointments was selected for review to ensure that samples of various appointment types, classifications, and levels were reviewed. The CRD examined the documentation that the CCRD provided, which included Notice of Personnel Action forms, Request for Personnel Actions, vacancy postings, certification lists, transfer movement worksheets, employment history records, correspondence, and probation reports. The CCRD did not conduct any unlawful appointment investigations during the compliance review period.

The CCRD's appointments were also selected for review to ensure the CCRD applied salary regulations accurately and correctly processed employees' compensation and pay. The CRD examined the documentation that the CCRD provided, which included employees' employment and pay history and any other relevant documentation such as certifications, degrees, and/or the appointee's application. Additionally, the CRD reviewed specific documentation for the following personnel functions related to compensation and pay: bilingual pay, monthly pay differentials, alternate range movements, and out-of-class assignments. During the compliance review period, the CCRD did not issue or authorize red circle rate requests or arduous pay.

The review of the CCRD's EEO program included examining written EEO policies and procedures; the EEO Officer's role, duties, and reporting relationship; the internal discrimination complaint process; the reasonable accommodation program; the discrimination complaint process; and the Disability Advisory Committee.

The CCRD's PSC's were also reviewed.<sup>3</sup> It was beyond the scope of the compliance review to make conclusions as to whether the CCRD's justifications for the contracts were legally sufficient. The review was limited to whether the CCRD's practices, policies, and procedures relative to PSC's complied with procedural requirements.

The CCRD's mandated training program was reviewed to ensure all employees required to file statements of economic interest were provided ethics training, that all supervisors, managers, and those serving in Career Executive Assignments (CEA) were provided leadership and development training, that all employees were provided sexual

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<sup>3</sup>If an employee organization requests the SPB to review any personal services contract during the SPB compliance review period or prior to the completion of the final compliance review report, the SPB will not audit the contract. Instead, the SPB will review the contract pursuant to its statutory and regulatory process. In this instance, none of the reviewed PSC's were challenged.

harassment prevention training, and that all officials with authority to represent the state in a tribal government-to-government consultation were provided tribal consultations training within statutory timelines.

The CRD reviewed the CCRD's monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely and ensure the department certified that all leave records have been reviewed and corrected if necessary. The CRD selected a small cross-section of the CCRD's units in order to ensure they maintained accurate and timely leave accounting records. Part of this review also examined a cross-section of the CCRD's employees' employment and pay history, state service records, and leave accrual histories to ensure employees with non-qualifying pay periods did not receive vacation/sick leave and/or annual leave accruals or state service credit. Additionally, the CRD reviewed a selection of the CCRD employees who used Administrative Time Off (ATO) in order to ensure that ATO was appropriately administered. Further, the CRD reviewed a selection of the CCRD positive paid employees whose hours are tracked during the compliance review period in order to ensure that they adhered to procedural requirements.

Moreover, the CRD reviewed the CCRD's policies and processes concerning nepotism, workers' compensation, and performance appraisals. The review was limited to whether the CCRD's policies and processes adhered to procedural requirements.

The CRD received and carefully reviewed the CCRD's written response on April 1, 2026, which is attached to this final compliance review report.

## **FINDINGS AND RECOMMENDATIONS**

### **Examinations**

Examinations to establish an eligible list must be competitive and of such character as fairly to test and determine the qualifications, fitness, and ability of competitors to perform the duties of the class of position for which he or she seeks appointment. (Gov. Code, § 18930.) Examinations may be assembled or unassembled, written or oral, or in the form of a demonstration of skills, or any combination of those tests. (*Ibid.*) The Board establishes minimum qualifications for determining the fitness and qualifications of employees for each class of position and for applicants for examinations. (Gov. Code, § 18931, subd. (a).) Within a reasonable time before the scheduled date for the examination, the designated appointing power shall announce or advertise the examination for the establishment of eligible lists. (Gov. Code, § 18933, subd. (a).) The

advertisement shall contain such information as the date and place of the examination and the nature of the minimum qualifications. (*Ibid.*) Every applicant for examination shall file an application with the department or a designated appointing power as directed by the examination announcement. (Gov. Code, § 18934, subd. (a)(1).) The final earned rating of each person competing in any examination is to be determined by the weighted average of the earned ratings on all phases of the examination. (Gov. Code, § 18936.) Each competitor shall be notified in writing of the results of the examination when the employment list resulting from the examination is established. (Gov. Code, § 18938.5.)

During the period under review, December 1, 2024, through August 31, 2025, the CCRD conducted one examination. The CRD reviewed this examination, which is listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
CEA A, Assistant Deputy Director	CEA	Statement of Qualifications <sup>4</sup>	4/7/2025	18

<b>FINDING NO. 1</b>	<b>EXAMINATIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES</b>
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The CRD reviewed one CEA examination which the CCRD administered in order to create eligible lists from which to make appointments. The CCRD published and distributed examination bulletins containing the required information for all examinations. Applications received by the CCRD were accepted prior to the final filing date. Applicants were notified about the next phase of the examination process. After all phases of the examination process were completed, the score of each competitor was computed, and a list of eligible candidates was established. The examination results listed the names of all successful competitors arranged in order of the score received by rank. The CRD found no deficiencies in the examinations that the CCRD conducted during the compliance review period.

Permanent Withhold Actions

Departments are granted statutory authority to permit withhold of eligibles from lists based on specified criteria. (Gov. Code, § 18935.) Permanent appointments and promotions

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<sup>4</sup> In a Statement of Qualifications examination, applicants submit a written summary of their qualifications and experience related to a published list of desired qualifications. Raters, typically subject matter experts, evaluate the responses according to a predetermined rating scale designed to assess their ability to perform in a job classification, assign scores and rank the competitors in a list.

within the state civil service system shall be merit-based, ascertained by a competitive examination process. (Cal. Const., art. VII, § 1, subd. (b).) If a candidate for appointment is found not to satisfy the minimum qualifications, the appointing power shall provide written notice to the candidate, specifying which qualification(s) are not satisfied and the reason(s) why. The candidate shall have an opportunity to establish that s/he meets the qualifications. (Cal. Code Regs., tit. 2, § 249.4, subd. (b).) If the candidate fails to respond or fails to establish that s/he meets the minimum qualification(s), the candidate's name shall be removed from the eligibility list. (Cal. Code Regs., tit. 2, § 249.4, subd. (b)(1), (2)), (HR Manual, section 1105.) The appointing authority shall promptly notify the candidate in writing and shall notify the candidate of his or her appeal rights. (*Ibid.*) A permanent withhold does not necessarily permanently restrict a candidate from retaking the examination for the same classification in the future; however, the appointing authority may place a withhold on the candidate's subsequent eligibility record if the candidate still does not meet the minimum qualifications or continues to be unsuitable. (HR Manual, Section 1105). State agency human resources offices are required to maintain specific withhold documentation for a period of five years. (*Ibid.*)

During the period under review, December 1, 2024, through August 31, 2025, the CCRD conducted seven permanent withhold actions. The CRD reviewed six of these permanent withhold actions, which are listed below:

Exam Title	Reason Candidate Placed on Withhold	No. of Withholds
Associate Governmental Program Analyst	Failed To Meet Minimum Qualifications	4
Special Investigator	Failed To Meet Minimum Qualifications	2

<b>FINDING NO. 2</b>	<b>PERMANENT WITHHOLD ACTIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES</b>
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The CRD found no deficiencies in the permanent withhold actions undertaken by the department during the compliance review period.

### **Appointments**

In all cases not excepted or exempted by Article VII of the California Constitution, the appointing power must fill positions by appointment, including cases of transfers, reinstatements, promotions, and demotions in strict accordance with the Civil Service Act and Board rules. (Gov. Code, § 19050.) The hiring process for eligible candidates chosen

for job interviews shall be competitive and be designed and administered to hire candidates who will be successful. (Cal. Code Regs., tit. 2, § 250, subd. (b).) Interviews shall be conducted using job-related criteria. (*Ibid.*) Persons selected for appointment shall satisfy the minimum qualifications of the classification to which he or she is appointed or have previously passed probation and achieved permanent status in that same classification. (Cal. Code Regs., tit. 2, § 250, subd. (d).) While persons selected for appointment may meet some or most of the preferred or desirable qualifications, they are not required to meet all the preferred or desirable qualifications. (*Ibid.*) This section does not apply to intra-agency job reassignments. (Cal. Code Regs., tit. 2, § 250, subd. (e).)

During the period under review, August 1, 2024, through April 30, 2025, the CCRD made 79 appointments. The CRD reviewed 24 of these appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
CEA A, Assistant Deputy Director	CEA	CEA	Full Time	1
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	1
Associate Governmental Program Analyst	Certification List	Limited Term	Full Time	1
Associate Personnel Analyst	Certification List	Permanent	Full Time	1
Attorney	Certification List	Permanent	Full Time	1
Attorney III	Certification List	Permanent	Full Time	1
Attorney IV	Certification List	Permanent	Full Time	2
Fair Employment and Housing Consultant III	Certification List	Permanent	Full Time	2
Information Technology Specialist I	Certification List	Permanent	Full Time	1
Labor Relations Manager I	Certification List	Permanent	Full Time	1
Legal Analyst	Certification List	Permanent	Full Time	1
Office Technician	Certification List	Permanent	Full Time	1
Research Data Specialist III	Certification List	Limited Term	Full Time	1
Staff Services Analyst	Certification List	Limited Term	Full Time	1
Staff Services Manager I	Certification List	Permanent	Full Time	1
Associate Accounting Analyst	Reinstatement	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Attorney III	Reinstatement	Limited Term	Full Time	1
Attorney IV	Reinstatement	Limited Term	Full Time	1
Attorney, Assistant Chief Counsel	Reinstatement	Limited Term	Full Time	1
Research Data Specialist II	Reinstatement	Limited Term	Full Time	1
Staff Services Analyst	Reinstatement	Permanent	Full Time	1
Staff Services Manager I	Reinstatement	Permanent	Full Time	1

<b>FINDING NO. 3</b>	<b>UNLAWFUL APPOINTMENT</b>
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**Summary:** The CRD found one unlawful appointment during the course of the compliance review. The CCRD made an appointment utilizing the certification list for the Legal Analyst. The hired candidate did not meet the minimum qualifications for the classification.

The CCRD is conducting the unlawful appointment investigation, which is still in process. The CCRD will provide the outcome of the investigation in their Corrective Action Response.

**Criteria:** Pursuant to Government Code section 18931, subdivision (a), the Board shall establish minimum qualifications for determining the fitness and qualifications of employees for each class of position. In accordance with California Code of Regulations, title 2, section 249.4, appointing powers shall verify that the candidate satisfies the minimum qualifications of the classification before the candidate is appointed.

<b>FINDING NO. 4</b>	<b>PROBATIONARY EVALUATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES WITH ONE EXCEPTION</b>
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**Summary:** The CCRD did not provide in a timely manner 1 probationary report of performance for 1 of the 24 appointments reviewed by the CRD.

**Criteria:** The service of a probationary period is required when an employee enters or is promoted in the state civil service by permanent appointment from an employment list. (Gov. Code, § 19171.) During the probationary period, the appointing power shall evaluate the work

and efficiency of a probationer in the manner and at such periods as the department rules may require. (Gov. Code, § 19172.) A report of the probationer's performance shall be made to the employee at sufficiently frequent intervals to keep the employee adequately informed of progress on the job. (Cal. Code Regs., tit. 2, § 599.795.) A written appraisal of performance shall be made to the Department within 10 days after the end of each one-third portion of the probationary period. (*Ibid.*) The Board's record retention rules require that appointing powers retain all probationary reports for five years from the date the record is created. (Cal. Code Regs., tit. 2, § 26, subd. (a)(3).)

### **Equal Employment Opportunity**

Each state agency is responsible for an effective EEO program. (Gov. Code, § 19790.) The appointing power for each state agency has the major responsibility for monitoring the effectiveness of its EEO program. (Gov. Code, § 19794.) To that end, the appointing power must issue a policy statement committed to EEO; issue procedures for filing, processing, and resolving discrimination complaints; and cooperate with the CalHR, in accordance with Civil Code section 1798.24, subdivisions (o) and (p), by providing access to all required files, documents and data necessary to carry out these mandates. (*Ibid.*) In addition, the appointing power must appoint, at the managerial level, an EEO Officer, who shall report directly to, and be under the supervision of, the director of the department to develop, implement, coordinate, and monitor the department's EEO program. (Gov. Code, § 19795, subd. (a).)

Each state agency must establish a separate committee of employees who are individuals with a disability, or who have an interest in disability issues, to advise the head of the agency on issues of concern to employees with disabilities. (Gov. Code, § 19795, subd. (b)(1).) The department must invite all employees to serve on the committee and take appropriate steps to ensure that the final committee is comprised of members who have disabilities or who have an interest in disability issues. (Gov. Code, § 19795, subd. (b)(2).)

<b>FINDING NO. 5</b>	<b>COMPLAINANTS WERE NOT NOTIFIED OF THE REASONS FOR DELAYS IN DECISIONS WITHIN THE PRESCRIBED TIME PERIOD</b>
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**Summary:** The CCRD provided evidence that two discrimination complaints related to a disability, medical condition, or denial of reasonable accommodation were filed during the compliance review period of

January 1, 2025, through December 31, 2025. One of the two complaint investigations exceeded 90 days and the CCRD failed to provide written communication to the complainant regarding the status of the complaint.

**Criteria:** The appointing power must issue a written decision to the complainant within 90 days of the complaint being filed. (Cal. Code Regs., tit. 2, § 64.4, subd. (a).) If the appointing power is unable to issue its decision within the prescribed time period, the appointing power must inform the complainant in writing of the reasons for the delay. (*Ibid.*)

### **Personal Services Contracts**

A PSC includes any contract, requisition, or purchase order under which labor or personal services is a significant, separately identifiable element, and the business or person performing the services is an independent contractor that does not have status as an employee of the state. (Cal. Code Regs., tit. 2, § 547.59.) The California Constitution has an implied civil service mandate limiting the state's authority to contract with private entities to perform services the state has historically or customarily performed. Government Code section 19130, subdivision (a), however, codifies exceptions to the civil service mandate where PSC's achieve cost savings for the state. PSC's that are of a type enumerated in subdivision (b) of Government Code section 19130 are also permissible. Subdivision (b) contracts include, but are not limited to, private contracts for a new state function, services that are not available within state service, services that are incidental to a contract for the purchase or lease of real or personal property, and services that are of an urgent, temporary, or occasional nature.

For cost-savings PSC's, a state agency is required to notify SPB of its intent to execute such a contract. (Gov. Code, § 19131.) For subdivision (b) contracts, the SPB reviews the adequacy of the proposed or executed contract at the request of an employee organization representing state employees. (Gov. Code, § 19132.)

During the period under review, December 1, 2024, through August 31, 2025, the CCRD had 33 PSC's that were in effect. The CRD reviewed 19 of these, which are listed below:

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Cal Interpreting & Translations, Inc.	Interpretation Services	\$10,000	Yes	No
CoreLogic Solutions, LLC	Online Data Services	\$25,000	Yes	Yes
Digital Mountain, Inc.	Forensic Services	\$50,000	Yes	Yes
First Security Services	Door Installation	\$9,892	Yes	Yes
Inter-Con Security Systems, Inc.	Security Guard Services	\$503,458	Yes	Yes
Jade Howe	Illustrator	\$10,000	Yes	Yes
Jilo-Ryan Court Reporters	Court Reporter Services	\$10,000	Yes	Yes
Language Line Solutions	Telephonic Interpretation Services	\$300,000	Yes	Yes
Mission Analytics Group, Inc.	Pay Data Reporting Services	\$250,000	Yes	No
Mixteco/Indigena Community Organizing Project	Indigenous Interpretation Services	\$10,000	Yes	No
National Security Industries	Security Guard Services	\$153,000	Yes	No
National Security Industries	Security Guard Services	\$152,077	Yes	Yes
Platinum Security, Inc.	Security Guard Services	\$172,000	Yes	No
Platinum Security	Security Guard Services	\$190,200	Yes	Yes
Rachel Berger	Graphic Design	\$10,000	Yes	Yes
Tech Masters, LLC.	Information Technology Services	\$249,000	Yes	No
U.S. Legal Support Inc. DBA TrailQuest	Trial Presentation	\$50,000	Yes	No
Video Vets	Educational Videos	\$160,000	Yes	No
Vinick Hyams, LLC	Expert Witness	\$50,000	Yes	No

**FINDING NO. 6****UNIONS WERE NOT NOTIFIED OF PERSONAL SERVICES CONTRACTS<sup>5</sup>**

**Summary:** The CCRD did not notify unions prior to entering into 9 of the 19 PSC's reviewed.

**Criteria:** Before a state agency executes a contract or amendment to a contract for personal services conditions specified within Government Code section 19130, subdivision (b), the agency shall notify all organizations that represent state employees who perform or could perform the type of work that is called for within the contract, unless exempted under Government Code section 19132, subdivision (b)(1). (Cal. Code Regs., tit. 2, § 547.60.2.)

**Mandated Training**

Each member, officer, or designated employee of a state agency who is required to file a statement of economic interest (referred to as "filers") because of the position he or she holds with the agency is required to take an orientation course on the relevant ethics statutes and regulations that govern the official conduct of state officials. (Gov. Code, §§ 11146 & 11146.1.) State agencies are required to offer filers the orientation course on a semi-annual basis. (Gov. Code, § 11146.1.) New filers must be trained within six months of appointment and at least once during each consecutive period of two calendar years, commencing on the first odd-numbered year thereafter. (Gov. Code, § 11146.3.)

Upon the initial appointment of any employee designated in a supervisory position, the employee shall be provided a minimum of 80 hours of training, as prescribed by the CalHR. (Gov. Code, § 19995.4, subd. (b).) The training addresses such topics as the role of the supervisor, techniques of supervision, performance standards, and sexual harassment and abusive conduct prevention. (Gov. Code, §§ 12950.1, subds. (a) and (b), & 19995.4, subd. (b).) Additionally, the training must be successfully completed within the term of the employee's probationary period or within six months of the initial appointment, unless it is demonstrated that to do so creates additional costs or that the training cannot be completed during this time period due to limited availability of supervisory training courses. (Gov. Code, § 19995.4, subd. (c).)

Within 12 months of the initial appointment of an employee to a management or CEA position, the employee shall be provided leadership training and development, as

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<sup>5</sup> Repeat finding; see reports dated January 23, 2020, and October 1, 2023.

prescribed by CalHR. (Gov. Code, § 19995.4, subds. (d) & (e).) For management employees the training must be a minimum of 40 hours and for CEAs the training must be a minimum of 20 hours. (*Ibid.*)

New employees must be provided sexual harassment prevention training within six months of appointment. Thereafter, each department must provide its supervisors two hours of sexual harassment prevention training and non-supervisors one hour of sexual harassment prevention training every two years. (Gov. Code, § 12950.1, subds. (a) and (b); Gov. Code, § 19995.4.)

The Legislature encourages the state and its agencies to consult on a government-to-government basis with federally recognized tribes and with non-federally recognized tribes and tribal organizations in order to allow tribal officials the opportunity to provide meaningful and timely input in the development of policies, programs, and projects that have tribal implications. (Gov. Code, § 11019.81, sub.(c).) Each official specified in Government Code section 11019.81 subdivision (f)<sup>6</sup> shall complete tribal consultations training by January 1, 2025, or, for officials appointed after that date, within six months of their appointment or confirmation of appointment, whichever is later. (Gov. Code, § 11019.81, sub. (h).) Each official shall retake the training annually. (*Ibid.*)

The Board may conduct reviews of any appointing power's personnel practices to ensure compliance with civil service laws and Board regulations. (Gov. Code, § 18661, subd. (a).) In particular, the Board may audit personnel practices related to such matters as selection and examination procedures, appointments, promotions, the management of probationary periods, and any other area related to the operation of the merit principle in state civil service. (*Ibid.*) Accordingly, the CRD reviews documents and records related to training that appointing powers are required by the afore-cited laws to provide its employees.

The CRD reviewed the CCRD's mandated training program that was in effect during the compliance review period, September 1, 2023, through August 31, 2025.

<b>FINDING NO. 7</b>	<b>ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS<sup>7</sup></b>
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<sup>6</sup> Within the executive branch, the following officials have authority to represent the state in a tribal government-to-government consultation: the governor, the attorney general, each constitutional officer and statewide elected official, the director of each state agency and department, the chair and executive officer of each state commission and task force, and the chief counsel of any state agency. (Gov. Code, § 11019.81, sub. (f) (1).) Each authorized official may formally designate another agency official to conduct preliminary tribal consultations, and each designated official may have the authority to act on behalf of the state during a government-to-government consultation. (Gov. Code, § 11019.81, sub. (f) (2).)

<sup>7</sup> Repeat finding; see report dated October 19, 2023.

**Summary:** The CCRD did not provide ethics training to 18 of 53 new filers within 6 months of their appointment. In addition, the CCRD did not provide ethics training timely to 4 of 62 existing filers.

**Criteria:** New filers must be provided ethics training within six months of appointment. Existing filers must be trained at least once during each consecutive period of two calendar years commencing on the first odd-numbered year thereafter. (Gov. Code, § 11146.3, subd. (b).)

<b>FINDING NO. 8</b>	<b>SUPERVISORY TRAINING WAS NOT PROVIDED FOR ALL SUPERVISORS, MANAGERS, AND CEAS<sup>8</sup></b>
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**Summary:** The CCRD did not provide basic supervisory training to 3 of 8 new supervisors within 12 months of appointment.

The CCRD provided CEA training to their 1 new CEA within 12 months of appointment.

**Criteria:** Each department must provide its new supervisors a minimum of 80 hours of supervisory training within the probationary period.(Gov. Code, § 19995.4, subd. (b).)

Upon initial appointment of an employee to a Career Executive Assignment position, each employee must receive 20 hours of leadership training within 12 months of appointment. (Gov. Code, § 19995.4, subd. (e).)

<b>FINDING NO. 9</b>	<b>SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL EMPLOYEES<sup>9</sup></b>
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**Summary:** The CCRD provided sexual harassment prevention training to all 59 existing supervisors every 2 years. However, the CCRD did not provide sexual harassment prevention training timely to 4 of 10 new supervisors within 6 months of their appointment.

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<sup>8</sup> Repeat finding; see report dated October 19, 2023.

<sup>9</sup> Repeat finding; see report dated October 19, 2023.

The CCRD did not provide sexual harassment prevention training to 1 of 84 existing non-supervisory employees every 2 years.

**Criteria:** Each department must provide its supervisors two hours of sexual harassment prevention training every two years and non-supervisory employees one hour of sexual harassment prevention training every two years. New employees must be provided sexual harassment prevention training within six months of appointment. (Gov. Code, § 12950.1, subds. (a) and (b); Gov. Code § 19995.4.)

<b>FINDING NO. 10</b>	<b>TRIBAL CONSULTATIONS TRAINING WAS NOT PROVIDED FOR NEW OFFICIALS</b>
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**Summary:** The CCRD provided tribal consultations training to three of three existing officials annually. However, the CCRD did not provide tribal consultations training to its' one new official within six months of their appointment.

**Criteria:** Each department must provide annual tribal consultations training to its officials with authority to represent the state in a tribal government-to-government consultation. New officials must be provided tribal consultations training within six months of their appointment or confirmation, whichever is later. (Gov. Code, § 11019.81, sub. (h).)

## **Compensation and Pay**

### **Salary Determination**

The pay plan for state civil service consists of salary ranges and steps established by CalHR. (Cal. Code Regs., tit. 2, § 599.666.) Several salary rules dictate how departments calculate and determine an employee's salary rate<sup>10</sup> upon appointment depending on the appointment type, the employee's state employment and pay history, and tenure.

Typically, agencies appoint employees to the minimum rate of the salary range for the class. Special provisions for appointments above the minimum exist to meet special recruitment needs and to accommodate employees who transfer into a class from another civil service class and are already receiving salaries above the minimum.

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<sup>10</sup> "Rate" is any one of the salary rates in the resolution by CalHR which establishes the salary ranges and steps of the Pay Plan (Cal. Code Regs., tit. 2, section 599.666).

During the period under review, August 1, 2024, through April 30, 2025, the CCRD made 79 appointments. The CRD reviewed 11 of these appointments to determine if the CCRD applied salary regulations accurately and correctly processed employees' compensation.

<b>FINDING NO. 11</b>	<b>SALARY DETERMINATIONS COMPLIED WITH CIVIL SERVICE LAWS, RULES, AND CALHR POLICIES AND GUIDELINES WITH ONE EXCEPTION</b>
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**Summary:** The CRD found 1 error in the 11 salary determinations reviewed:

Classification	Description of Finding	Criteria
Attorney, Assistant Chief Counsel	Employee did not receive a Merit Salary Adjustment upon extension of limited term appointment, resulting in the employee being undercompensated.	Cal. Code Regs., tit.2 section 599.683

**Criteria:** Departments are required to calculate and apply salary rules for each appointed employee accurately based on the pay plan for the state civil service. All civil service classes have salary ranges with minimum and maximum rates. (Cal. Code Regs., tit. 2, § 599.666.)

Alternate Range Movement Salary Determination (within same classification)

If an employee qualifies under established criteria and moves from one alternate range to another alternate range of a class, the employee shall receive an increase or a decrease equivalent to the total of the range differential between the maximum salary rates of the alternate ranges. (Cal. Code Regs., tit. 2, § 599.681.) However, in many instances, the CalHR provides salary rules departments must use when employees move between alternate ranges. These rules are described in the alternate range criteria. (CalHR Pay Scales). When no salary rule or method is cited in the alternate range criteria, departments must default to Rule 599.681.

During the period under review, August 1, 2024, through April 30, 2025, the CCRD employees made eight alternate range movements within a classification. The CRD reviewed six of those alternate range movements to determine if the CCRD applied salary regulations accurately and correctly processed each employee's compensation, which are listed below:

Classification	Prior Range	Current Range	Salary (Monthly Rate)
Attorney	A	B	\$9,866
Attorney	A	B	\$9,666
Information Technology Specialist I	A	B	\$8,475
Information Technology Specialist I	B	C	\$9,456
Legal Secretary	A	B	\$5,162
Staff Services Analyst	B	C	\$4,868

<b>FINDING NO. 12</b>	<b>ALTERNATE RANGE MOVEMENTS DID NOT COMPLY WITH CIVIL SERVICE LAWS, RULES, AND CALHR POLICIES AND GUIDELINES</b>
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**Summary:** The CRD found one error in the six alternate range movements reviewed:

Classification	Description of Finding	Criteria
Information Technology Specialist I	Incorrect salary determination resulting in the employee being undercompensated.	Cal. Code Regs., tit. 2, section 599.674(b)

**Criteria:** Alternate ranges are designed to recognize increased competence in the performance of class duties based upon experience obtained while in the class. The employee gains status in the alternate range as though each range were a separate classification. (Classification and Pay Guide Section 220.)

Departments are required to calculate and apply salary rules for each appointed employee accurately based on the pay plan for the state civil service. All civil service classes have salary ranges with minimum and maximum rates. (Cal. Code Regs., tit. 2, § 599.666.)

### Bilingual Pay

A certified bilingual position is a position where the incumbent uses bilingual skills on a continuous basis and averages 10 percent or more of the total time worked. According to the Pay Differential 14, the 10 percent time standard is calculated based on the time spent

conversing, interpreting, or transcribing in a second language and time spent on closely related activities performed directly in conjunction with the specific bilingual transactions.

Typically, the department must review the position duty statement to confirm the percentage of time performing bilingual skills and verify the monthly pay differential is granted to a certified bilingual employee in a designated bilingual position. The position, not the employee, receives the bilingual designation and the department must verify that the incumbent successfully participated in an Oral Fluency Examination prior to issuing the additional pay.

During the period under review, August 1, 2024, through April 30, 2025, the CCRD issued bilingual pay to 32 employees. The CRD reviewed 19 of these bilingual pay authorizations to ensure compliance with applicable CalHR policies and guidelines, which are listed below:

Classification	No. of Appts.
Associate Governmental Program Analyst	2
Attorney	2
Attorney III	1
Fair Employment and Housing Consultant III	4
Information Officer I	1
Legal Analyst	1
Legal Secretary	1
Office Technician	1
Staff Services Analyst	2
Staff Services Manager I	2
Staff Services Manager II	2

<b>FINDING NO. 13</b>	<b>INCORRECT AUTHORIZATION OF BILINGUAL PAY</b>
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**Summary:** The CRD found 11 errors in the 19 bilingual pay authorizations reviewed:

Classification	Description of Findings	Criteria
Associate Governmental Program Analyst	Department failed to provide certification that the employees' duties required use of bilingual skills for at least 10% of their time.	Pay Differential 14

Classification	Description of Findings	Criteria
Fair Employment and Housing Consultant III (2 positions)	Department failed to provide certification that the employees' duties required use of bilingual skills for at least 10% of their time.	Pay Differential 14
Information Officer I	Department failed to provide certification that the employees' duties required use of bilingual skills for at least 10% of their time.	Pay Differential 14
Legal Analyst	Department failed to provide certification that the employees' duties required use of bilingual skills for at least 10% of their time.	Pay Differential 14
Legal Secretary	Department failed to provide certification that the employees' duties required use of bilingual skills for at least 10% of their time.	Pay Differential 14
Office Technician	Department failed to provide certification that the employees' duties required use of bilingual skills for at least 10% of their time.	Pay Differential 14
Staff Services Analyst (2 positions)	Department failed to provide certification that the employees' duties required use of bilingual skills for at least 10% of their time.	Pay Differential 14
Staff Services Manager I	Department failed to provide certification that the employees' duties required use of bilingual skills for at least 10% of their time.	Pay Differential 14
Staff Services Manager II	Department failed to provide certification that the employees' duties required use of bilingual skills for at least 10% of their time.	Pay Differential 14

**Criteria:** An individual must be in a position that has been certified by the department as a position which requires the use of bilingual skills on a continuing basis averaging 10 percent of the time spent either conversing, interpreting or transcribing in a second language and time spent on closely related activities performed directly in conjunction with specific bilingual transactions. (Pay Differential 14.)

## Pay Differentials

A pay differential is special additional pay recognizing unusual competencies, circumstances, or working conditions applying to some or all incumbents in select classes. A pay differential may be appropriate in those instances when a subgroup of positions within the overall job class might have unusual circumstances, competencies, or working conditions that distinguish these positions from other positions in the same class. Typically, pay differentials are based on qualifying pay criteria such as: work locations or shift assignments; professional or educational certification; temporary responsibilities; special licenses, skills or training; performance-based pay; incentive-based pay; or, recruitment and retention. (Classification and Pay Manual Section 230.)

California State Civil Service Pay Scales Section 14 describes the qualifying pay criteria for the majority of pay differentials. However, some of the alternate range criteria in the pay scales function as pay differentials. Generally, departments issuing pay differentials should, in order to justify the additional pay, document the following: the effective date of the pay differential, the collective bargaining unit identifier, the classification applicable to the salary rate and conditions along with the specific criteria, and any relevant documentation to verify the employee meets the criteria.

During the period under review, August 1, 2024, through April 30, 2025, the CCRD authorized three pay differentials<sup>11</sup>. The CRD reviewed all three of these pay differentials to ensure compliance with applicable CalHR policies and guidelines, which are listed below:

Classification	Pay Differential	Monthly Amount
Information Technology Specialist I	441	\$250
Legal Secretary	141	5%
Senior Legal Typist	141	5%

### **FINDING NO. 14 | INCORRECT AUTHORIZATION OF PAY DIFFERENTIALS**

**Summary:** The CRD found one error in the three pay differentials reviewed:

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<sup>11</sup> For the purposes of CRD's review, only monthly pay differentials were selected for review at this time.

Classification	Description of Finding	Criteria
Information Technology Specialist I	The employee's classification is not eligible to receive the monthly work location pay differential of \$250. Employee was overcompensated.	Pay Differential 441

**Criteria:** A pay differential may be appropriate when a subgroup of positions within the overall job class might have unusual circumstances, competencies, or working conditions that distinguish these positions from other positions in the same class. Pay differentials are based on qualifying pay criteria such as: work locations or shift assignments; professional or educational certification; temporary responsibilities; special licenses, skills or training; performance-based pay; incentive-based pay; or recruitment and retention. (CalHR Classification and Pay Manual Section 230.)

### Out-of-Class Assignments and Pay

For excluded<sup>12</sup> and most rank-and-file employees, out-of-class (OOC) work is defined as performing, more than 50 percent of the time, the full range of duties and responsibilities allocated to an existing class and not allocated to the class in which the person has a current, legal appointment. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(2).) A higher classification is one with a salary range maximum that is any amount higher than the salary range maximum of the classification to which the employee is appointed. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(3).)

According to the Classification and Pay Guide, OOC assignments should only be used as a last resort to accommodate temporary staffing needs. All civil service alternatives should be explored first before using OOC assignments. However, certain MOU provisions and the California Code of Regulations, title 2, section 599.810 allow for short-term OOC assignments to meet temporary staffing needs. Should OOC work become necessary, the assignment would be made pursuant to the applicable MOU provisions or salary regulations. Before assigning the OOC work, the department should have a plan to correct the situation before the time period outlined in applicable law, policy or MOU expires. (Classification and Pay Guide Section 375.)

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<sup>12</sup> "Excluded employee" means an employee as defined in Government Code section 3527, subdivision (b) (Ralph C. Dills Act) except those excluded employees who are designated managerial pursuant to Government Code section 18801.1.

During the period under review, August 1, 2024, through April 30, 2025, the CCRD issued OOC pay to one employee. The CRD reviewed the OOC assignment to ensure compliance with applicable MOU provisions, salary regulations, and CalHR policies and guidelines, which is listed below:

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
Staff Services Manager II	S01	CEA B	1/31/25 – 3/31/25

<b>FINDING NO. 15</b>	<b>INCORRECT OF OUT-OF-CLASS PAY</b>
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**Summary:** The CRD found one error in the OOC pay assignment reviewed:

Classification	Out-of-Class Classification	Description of Finding	Criteria
Staff Services Manager II	CEA B	Employee was overcompensated for 21 days of OOC pay while performing the duties at the higher level classification.	Pay Differential 91

**Criteria:** Employees may be compensated for performing duties of a higher classification provided that: the assignment is made in advance in writing and the employee is given a copy of the assignment; and the duties performed by the employee are not described in a training and development assignment or by the specification for the class to which the excluded employee is appointed and, are fully consistent with the types of jobs described in the specification for the higher classification; and the employee does not perform such duties for more than 120 days in a fiscal year. (Cal. Code Regs., tit. 2, § 599.810, subd. (b)(1)(3)(4).)

For excluded employees, there shall be no compensation for assignments that last for 15 consecutive working days or less. (Cal. Code Regs., tit. 2, § 599.810, subd. (c).) An excluded employee performing in a higher class for more than 15 consecutive working days shall receive the rate of pay the excluded employee would receive if appointed to the higher class for the entire duration of the assignment, not to exceed one year. (Cal. Code Regs., tit. 2, § 599.810, subd. (d).) An excluded employee may be assigned out-of-class work for more than 120 calendar days during any 12-month

period only if the appointing power files a written statement with the CalHR certifying that the additional out-of-class work is required to meet a need that cannot be met through other administrative or civil service alternatives. (Cal. Code Regs., tit. 2, § 599.810, subd. (e).)

## Leave

### Positive Paid Employees

Actual Time Worked (ATW) is a method that can be used to keep track of a Temporary Authorization Utilization (TAU) employee's time to ensure that the Constitutional limit of 9 months in any 12 consecutive months is not exceeded. The ATW method of counting time is used to continue the employment status for an employee until the completion of an examination, for seasonal type work, while attending school, or for consulting services.

An employee is appointed TAU-ATW when he/she is not expected to work all the working days of a month. When counting 189 days, every day worked, including partial days<sup>13</sup> worked and paid absences<sup>14</sup>, are counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day are not limited by this rule. (*Ibid.*) The 12-consecutive month timeframe begins by counting the first pay period worked as the first month of the 12-consecutive month timeframe. (*Ibid.*) The employee shall serve no longer than 189 days in a 12 consecutive month period. (*Ibid.*) A new 189-days working limit in a 12-consecutive month timeframe may begin in the month immediately following the month that marks the end of the previous 12-consecutive month timeframe. (*Ibid.*)

It is an ATW appointment because the employee does not work each workday of the month, and it might become desirable or necessary for the employee to work beyond nine calendar months. The appointing power shall monitor and control the days worked to ensure the limitations set forth are not exceeded. (Cal. Code Regs., tit. 2, § 265.1, subd. (f).)

For student assistants, graduate student assistants, youth aides, and seasonal classifications a maximum work-time limit of 1,500 hours within 12 consecutive months may be used rather than the 189-day calculation. (Cal. Code Regs., tit. 2, § 265.1, subd. (d).)

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<sup>13</sup> For example, two hours or ten hours count as one day.

<sup>14</sup> For example, vacation, sick leave, compensating time off, etc.

Additionally, according to Government Code section 21224, retired annuitant appointments shall not exceed a maximum of 960 hours in any fiscal year (July-June), regardless of the number of state employers, without reinstatement, loss or interruption of benefits.

At the time of the review, the CCRD had 14 positive paid employees whose hours were tracked. The CRD reviewed 11 of these positive paid appointments to ensure compliance with applicable laws, regulations, policies and guidelines, which are listed below:

Classification	Tenure	Time Frame	Time Worked
Associate Governmental Program Analyst	Retired Annuitant	Fiscal Year	963 Hours
Associate Personnel Analyst	Retired Annuitant	Fiscal Year	381 Hours
Attorney III	Retired Annuitant	Fiscal Year	848 Hours
Attorney IV	Retired Annuitant	Fiscal Year	185 Hours
Attorney IV	Retired Annuitant	Fiscal Year	97.5 Hours
Fair Employment and Housing Consultant III	Retired Annuitant	Fiscal Year	955.5 Hours
Fair Employment and Housing Consultant III	Retired Annuitant	Fiscal Year	42.5 Hours
Information Technology Specialist I	Retired Annuitant	Fiscal Year	959 Hours
Staff Services Manager I	Retired Annuitant	Fiscal Year	960 Hours
Staff Services Manager I	Retired Annuitant	Fiscal Year	88 Hours
Seasonal Clerk	Temporary	12 Consecutive Months	752 Hours

<b>FINDING NO. 16</b>	<b>POSITIVE PAID EMPLOYEES' TRACKED HOURS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES WITH ONE EXCEPTION</b>
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**Summary:** The CCRD did not consistently track and monitor one retired annuitant's total hours worked, allowing the employee to work over the 960-hour limitation in any fiscal year.

**Criteria:** If any employee is appointed to an intermittent time base position on a TAU basis, there are two controlling time limitations that must be considered. The first controlling factor is the constitutional limit of

nine months in any 12 consecutive months for temporary appointments that cannot be extended for any reason. (Cal Const., art. VII, § 5.) Time worked shall be counted on a daily basis with every 21 days worked counting as one month or 189 days equaling nine months. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) Another controlling factor limits the maximum work time for student, youth, and seasonal classifications to 1,500 hours. (Cal. Code Regs., tit. 2, § 265.1, subd. (d).)

According to Government Code Section 21224, retired annuitant appointments shall not exceed a maximum of 960 hours in any fiscal year (July-June) for all state employers without reinstatement or loss or interruption of benefits.

### Administrative Time Off

ATO is a form of paid administrative leave status initiated by appointing authorities for a variety of reasons. (Human Resources Manual Section 2121.) Most often, ATO is used when an employee cannot come to work because of a pending investigation, fitness for duty evaluation, or when work facilities are unavailable. (*Ibid.*) ATO can also be granted when employees need time off for reasons such as blood or organ donation, extreme weather preventing safe travel to work, states of emergency, voting, and when employees need time off to attend special events. (*Ibid.*)

During the period under review, June 1, 2024, through May 31, 2025, the CCRD authorized 17 ATO transactions. The CRD reviewed 15 of these ATO transactions to ensure compliance with applicable laws, regulations, and CalHR policy and guidelines.

<b>FINDING NO. 17</b>	<b>ADMINISTRATIVE TIME OFF AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRD found no deficiencies in the ATO transactions reviewed during the compliance review period. The CCRD provided the proper documentation justifying the use of ATO and adhered to applicable laws, regulations and CalHR policy and guidelines.

### Leave Accounting

Departments are directed to create a monthly internal audit process to verify all leave input into any leave accounting system is keyed accurately and timely. (Human

Resources Manual Section 2101.) Departments shall create an audit process to review and correct leave input errors on a monthly basis. The review of leave accounting records shall be completed by the pay period following the pay period in which the leave was keyed into the leave accounting system. (*Ibid.*) If an employee’s attendance record is determined to have errors or it is determined that the employee has insufficient balances for a leave type used, the attendance record must be amended. (*Ibid.*) Attendance records shall be corrected by the pay period following the pay period in which the error occurred. (*Ibid.*) Accurate and timely attendance reporting is required of all departments and is subject to audit. (*Ibid.*)

During the period under review, March 1, 2025, through May 31, 2025, the CCRD reported 18 total units. The CRD reviewed 13 of these units within 1 pay period to ensure compliance with applicable laws, regulations and CalHR policy and guidelines.

<b>FINDING NO. 18</b>	<b>LEAVE ACCOUNTING COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRD reviewed leave records from one leave period to ensure compliance with applicable laws, regulations and CalHR policy and guidelines. Based on our review, the CRD found no deficiencies. The CCRD utilized a monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely.

State Service

The state recognizes two different types of absences while an employee is on pay status, paid or unpaid. The unpaid absences can affect whether a pay period is a qualifying or non-qualifying pay period for state service and leave accruals.

Generally, an employee who has 11 or more working days of service in a monthly pay period shall be considered to have a complete month, a month of service, or continuous service.<sup>15</sup> (Cal. Code Regs., tit. 2, § 599.608.) Full-time and fractional employees who work less than 11 working days in a pay period will have a non-qualifying month and will not receive state service or leave accruals for that month.

Hourly or daily rate employees working at a department in which the full-time workweek is 40 hours who earn the equivalent of 160 hours of service in a monthly pay period or

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<sup>15</sup> Government Code sections 19143, 19849.9, 19856.1, 19858.1, 19859, 19861, 19863.1, and 19997.4 and California Code of Regulations, title 2, sections 599.609, 599.682, 599.683, 599.685, 599.687, 599.737, 599.738, 599.739, 599.740, 599.746, 599.747, 599.776.1, 599.787, 599.791, 599.840 and 599.843 provide further clarification for calculating state time.

accumulated pay periods shall be considered to have a complete month, a month of service, or continuous service. (Cal. Code Regs., tit. 2, § 599.609.)

For each qualifying monthly pay period, the employee shall be allowed credit for vacation with pay on the first day of the following monthly pay period. (Cal. Code Regs., tit. 2, § 599.608.) When computing months of total state service to determine a change in the monthly credit for vacation with pay, only qualifying monthly pay periods of service before and after breaks in service shall be counted. (Cal. Code Regs., tit. 2, § 599.739.) Portions of non-qualifying monthly pay periods of service shall not be counted nor accumulated. (*Ibid.*) On the first day following a qualifying monthly pay period, excluded employees<sup>16</sup> shall be allowed credit for annual leave with pay. (Cal. Code Regs., tit. 2, § 599.752.)

Permanent intermittent employees also earn leave credits on the pay period following the accumulated accrual of 160 hours worked. Hours worked in excess of 160 hours in a monthly pay period, are not counted or accumulated towards leave credits.

During the period under review, November 1, 2024, through July 31, 2025, the CCRD had two employees with qualifying and non-qualifying pay period transactions. The CRD reviewed four transactions to ensure compliance with applicable laws, regulations and CalHR policy and guidelines.

<b>FINDING NO. 19</b>	<b>SERVICE AND LEAVE TRANSACTIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRD determined that the CCRD ensured employees with non-qualifying pay periods did not receive vacation/sick leave, annual leave, and/or state service accruals. The CRD found no deficiencies in this area.

## **Policy and Processes**

### **Nepotism**

It is the policy of the State of California to hire, transfer, and promote all employees on the basis of merit and fitness in accordance with civil service statutes, rules and regulations. Nepotism is expressly prohibited in the state workplace because it is

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<sup>16</sup> As identified in Government Code sections 19858.3, subdivisions (a), (b), or (c), or as it applies to employees excluded from the definition of state employee under Government Code section 3513, subdivision (c), or California Code of Regulations, title 2, section 599.752, subdivision (a), and appointees of the Governor as designated by the Department and not subject to section 599.752.1.

antithetical to California’s merit based civil service. (Cal. Code Regs., tit. 2, § 87.) (*Ibid.*) All appointing powers shall adopt an anti-nepotism policy that includes the following components: (1) a statement that the appointing power is committed to merit-based hiring and that nepotism is antithetical to a merit-based civil service system; (2) a definition of “nepotism” as an employee’s use of influence or power to hire, transfer, or promote an applicant or employee because of a personal relationship; (3) a definition of “personal relationship” as persons related by blood, adoption, current or former marriage, domestic partnership or cohabitation; (4) a statement that prohibits participation in the selection of an applicant for employment by anyone who has a personal relationship with the applicant, as defined in section 83.6; (5) a statement that prohibits the direct or first-line supervision of an employee with whom the supervisor has a personal relationship, as defined in section 83.6; (6) a process for addressing issues of direct supervision when personal relationships between employees exist. (*Ibid.*)

<b>FINDING NO. 20</b>	<b>NEPOTISM POLICY COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRD verified that the policy was disseminated to all staff and emphasized the CCRD’s commitment to the state policy of hiring, transferring, and promoting employees on the basis of merit. Additionally, the CCRD’s nepotism policy was comprised of specific and sufficient components intended to prevent favoritism, or bias, based on a personal relationship from unduly influencing employment decisions.

Workers’ Compensation

Employers shall provide to every new employee, either at the time of hire or by the end of the first pay period, written notice concerning the rights, benefits, and obligations under workers’ compensation law. (Cal. Code Regs., tit. 8, § 9880, subd. (a).) This notice shall include the right to predesignate their personal physician or medical group; a form that the employee may use as an optional method for notifying the employer of the name of employee’s “personal physician,” as defined by Labor Code section 4600. (Cal. Code Regs., tit. 8, § 9880, subd. (c)(7) & (8).) Additionally, within one working day of receiving notice or knowledge that the employee has suffered a work-related injury or illness, employers shall provide a claim form and notice of potential eligibility for benefits to the injured employee. (Labor Code, § 5401, subd. (a).)

Public employers may choose to extend workers' compensation coverage to volunteers that perform services for the organization. (Human Resources Manual Section 1415.) Workers’ compensation coverage is not mandatory for volunteers as it is for employees. (*Ibid.*) This is specific to the legally uninsured state departments participating in the

Master Agreement. (*Ibid.*) Departments with an insurance policy for workers' compensation coverage should contact their State Compensation Insurance Fund (State Fund) office to discuss the status of volunteers. (*Ibid.*)

In this case, the CCRD did not employ volunteers during the compliance review period.

<b>FINDING NO. 21</b>	<b>WORKERS' COMPENSATION PROCESS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRD verified that the CCRD provides notice to their employees to inform them of their rights and responsibilities under California's Workers' Compensation Law. Furthermore, the CRD verified that when the CCRD received workers' compensation claims, they properly provided claim forms within one working day of notice or knowledge of injury.

#### Performance Appraisals

According to Government Code section 19992.2, subdivision (a), appointing powers must "prepare performance reports." Furthermore, California Code of Regulations, title 2, section 599.798, directs supervisors to conduct written performance appraisals and discuss overall work performance with permanent employees at least once in each twelve calendar months after the completion of the employee's probationary period.

The CRD selected 47 permanent CCRD employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations, policies and guidelines.

<b>FINDING NO. 22</b>	<b>PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES</b>
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**Summary:** The CCRD did not provide annual performance appraisals to 16 of 47 employees reviewed after the completion of the employee's probationary period.

**Criteria:** Appointing powers shall prepare performance reports and keep them on file as prescribed by department rule. (Gov. Code, § 19992.2, subd. (a).) Each supervisor, as designated by the appointing power, shall make an appraisal in writing and shall discuss with the employee overall work performance at least once in each twelve

calendar months following the end of the employee's probationary period. (Cal. Code Regs., tit. 2, § 599.798.)

### **DEPARTMENTAL RESPONSE**

The CCRD's response is attached as Attachment 1.

### **CORRECTIVE ACTIONS**

A written corrective action response addressing all areas identified as out of compliance, along with supporting documentation demonstrating the implementation of the specified corrective actions, must be submitted to the CRD within 90 days of the date of this report.



## Civil Rights Department

651 Bannon Street, Suite 200 | Sacramento | CA | 95811  
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711  
www.calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

April 1, 2026

State Personnel Board  
Attn: Alton Ford  
Compliance Review Division  
801 Capitol Mall  
Sacramento, CA 95814

### **RE: State Personnel Board Compliance Review Report – Departmental Response**

The California Civil Rights Department (CCRD) acknowledges the findings identified in the State Personnel Board (SPB) Compliance Audit Report, received on March 2, 2026. CCRD appreciates the opportunity to respond to the findings and is committed to regularly evaluating practices and procedures to ensure compliance with all applicable laws, rules, and regulations.

The following are CCRD's responses to the findings:

#### **Finding No. 3 – Unlawful Appointment**

Cause: CCRD erroneously made an appointment utilizing the certification list for the Legal Analyst and subsequently hired a candidate who did not meet the minimum qualifications for the classification. Initially, the Human Resources Office (HRO) determined the selected candidate did not meet the minimum qualifications for the classification. However, at the time of hire, the previous Classification and Pay/Recruitment Supervisor had a verbal conversation with the hiring manager, which led to the candidate being hired.

Response: CCRD's HRO is currently implementing an exhaustive checklist that includes a thorough review of the minimum qualifications for all classifications. As well as a final determination analysis form to ensure the Classification and Pay/Recruitment Unit complies with all applicable employment laws, rules, and regulations to avoid unlawful appointments in the future.

#### **Finding No. 5 – Complainants Were Not Notified of the Reasons for Delays Decisions Within the Prescribed Time Period**

Cause: CCRD's Equal Employment Opportunity Office did not provide written notification to one complainant that their investigation would not be completed within

ninety (90) days due to an inadvertent oversight.

Response: CCRD acknowledges that written notification to a participating complainant is required for any investigation into discrimination complaints related to a disability, medical condition, or denial of reasonable accommodation that will take longer than 90 days. Therefore, the EEO Office has implemented procedures to closely monitor and track these types of investigations and will issue a 90-day notice if investigations are not completed within the timeframe. Furthermore, CCRD is reviewing our EEO Policy and updating it to include the requirements set forth in California Code of Regulations, Title 2, sections 64.1-64.4.

### **Finding No. 6 – Unions Were Not Notified of Personal Services Contracts**

Cause: CCRD's Business Services Office (BSO) oversees Personal Service Contracts and is aware of the requirement to notify unions prior to entering those types of contracts. Although procedures are in place to notify unions for such contracts, the findings resulted from a new employee being unfamiliar with the required process.

Response: The employee received coaching and training to ensure a full understanding of the procedures and the requirement for union notifications regarding Personal Service Contracts. Additionally, steps have been taken to prevent the issue from happening again.

### **Finding No. 7 – Ethics Training Was Not Provided For All Filers**

Cause: CCRD's Development & Training Unit (D&TU) was not consistently notified of new or promotional staff, which resulted in D&TU not notifying certain employees of their requirement to take the Ethics training.

Response: In December 2023, Ethics training was added to the employees' onboarding curriculum, and instructions were included to help new employees determine whether they were required to file a Form 700. Also, in August 2024, CCRD launched E-Employee, a centralized tracking system for new hires, promotions, and staff changes to ensure the required training is taken. For existing staff returning from an extended leave, an E-Employee ticket is submitted, and any mandatory training missed during their leave must be completed within 30 days of their return. For existing staff, a field was added to our Learning Management System, Cornerstone, to indicate whether they are Form 700 filers, so they are assigned the Ethics training.

### **Finding No. 8 – Supervisory Training Was Not Provided for All Supervisors, Managers, and CEAs**

Cause: CCRD's Development & Training Unit (D&TU) was not consistently notified of new or promotional staff, which resulted in D&TU not notifying certain employees of their requirement to take leadership training. In August 2024, CCRD launched E-Employee, a centralized tracking system, for new hires, promotions, and staff changes.

This tool improves visibility and accountability for training compliance. The information is automatically sent to the D&TU email inbox via an E-Employee ticket being submitted. Now D&TU is aware when a new supervisor, manager, or CEA is hired or promoted, and ensures the required leadership training is taken.

**Finding No. 9 – Sexual Harassment Prevention Training Was Not Provided for All Employees**

Cause: CCRD's Development & Training Unit (D&TU) was not consistently notified of promotions of existing staff to supervisory positions and/or the return of staff as retired annuitants, which caused D&TU to be unaware of those employees' requirement to take the Sexual Harassment Prevention Training (SHPT).

Response: In August 2024, CCRD launched E-employee, a centralized tracking system, for new hires, including retired annuitants, promotions, and staff changes. This system improves awareness and ensures training compliance by automatically sending information to the D&TU email inbox when a new E-employee ticket is submitted. As a result, D&TU is aware when new staff are hired, including retired annuitants, and/or when staff are promoted. Thereby, will assign SHPT for employees and SHPT for supervisors.

**Finding No. 10 – Tribal Consultations Training Was Not Provided for New Officials**

Cause: CCRD's Development & Training Unit (D&TU) notified the new official to the Commission on the State of Hate of their requirement to take the Tribal Consultations Training numerous times. However, D&TU was unsuccessful in its attempts.

Response: The D&TU has implemented new procedures for notifying new officials of Tribal Consultations Training, including sending weekly emails to the Chair of the Commission on the State of Hate to remind them of overdue training. In addition, D&TU will update the Deputy Director of the Division that supports the Commission on the State of Hate monthly to ensure the training is taken in a timely manner.

**Finding No. 12 – Alternate Range Movements Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines**

Cause: CCRD's Human Resources Office (HRO) has procedures in place to track alternate range changes. However, there were no initial alternate range change procedures in place for initial appointments.

Response: The HRO is developing a Hiring Checklist with a section that includes a review and determination of any alternate ranges that candidates qualify for to ensure employees' ranges change accordingly.

### **Finding No. 13 – Incorrect Authorization of Bilingual Pay**

Cause: CCRD's Human Resources Office (HRO) inconsistently processed bilingual pay requests, which resulted in updated duty statements not being received that stated the required percentage of bilingual services to support the pay. Also, when there was a change in position, new duty statements did not include the bilingual services.

Response: The HRO is developing new procedures for processing bilingual pay, which will include completing the Bilingual Pay Authorization forms (STD. 897) for new and revised requests due to new duties and/or position number changes. As well as the requirement of current, proposed, and revised duty statements to support the business need for the requests. Additionally, all required documentation will be reviewed the appropriate HR manager prior to the effective date.

### **Finding No. 14 – Incorrect Authorization of Pay Differentials**

Cause: CCRD's Human Resources Office (HRO) researched the employee's transactional history in the State Controller's Office (SCO) system and determined the employee has been receiving the pay differential since their appointment to the classification. However, there is no supporting documentation for the pay differential. Since the staff person who processed the appointment no longer works at CCRD, so it is unknown why the pay differential was processed.

Response: The HRO is developing a Hiring Checklist with a Salary Determination section to ensure the Classification & Pay/Recruitment Unit verifies Pay Differentials for candidates who meet the qualifications to receive. In addition, the Salary Determination Worksheet is being updated to capture any potential Pay Differentials, Alternate Range Changes, and Hiring Above Minimums.

### **Finding No. 15 – Incorrect Authorization of Out-of-Class Pay**

Cause: CCRD's Human Resources Office (HRO) reviewed the transaction and determined the out-of-class (OOC) salary calculation was incorrect due to a human error.

Response: The HRO is developing OOC procedures to ensure all required forms and salary determination worksheets are completed accurately. Also, HR management will review salary calculations to ensure they are correct prior to the effective date.

### **Finding No. 22 – Performance Appraisals Were Not Provided to All Employees**

Cause: Although CCRD's Human Resources Office (HRO) notified management of their responsibility to complete and submit performance appraisals for staff monthly in 2024, compliance was not tracked.

Response: In February 2025, the HRO updated tracking processes for submission of

performance appraisals, and from February 2025 through April 2025, attempted to collect past-due performance appraisals for calendar year 2024. Currently, the HRO continues to notify management of their responsibility to complete and submit performance appraisals and tracks to ensure appraisals are submitted in a timely manner.

Should you have any questions or need additional information, please contact me at (916) 628-1218 or via email at [crystal.neal-cornelius@calcivilrights.ca.gov](mailto:crystal.neal-cornelius@calcivilrights.ca.gov).

Sincerely,

*C.L. Neal-Cornelius*

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Chief, Human Resources Branch  
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