

# **COMPLIANCE REVIEW REPORT**

## **CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION**

Compliance Review Division  
State Personnel Board  
October 3, 2025

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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 Department of Corrections and Rehabilitation (CDCR) 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	Examinations Complied with Civil Service Laws and Board Rules
Examinations	In Compliance	Permanent Withhold Actions Complied with Civil Service Laws and Board Rules
Appointments	Out of Compliance	Probationary Evaluations Were Not Provided for All Appointments Reviewed and Some That Were Provided Were Untimely
Appointments	Out of Compliance	Appointment Documentation Was Not Kept for the Appropriate Amount of Time
Appointments	In Compliance	Unlawful Appointment Investigations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Equal Employment Opportunity	In Compliance	Equal Employment Opportunity Program Complied with All Civil Service Laws and Board Rules
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

Area	Compliance	Finding
Compensation and Pay	Substantial Compliance	Incorrect Application of Salary Determination Laws, Rules, and CalHR Policies and Guidelines for Appointment
Compensation and Pay	In Compliance	Alternate Range Movements Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	Out of Compliance	Incorrect Authorization of Out-of-Class Pay
Compensation and Pay	Out of Compliance	Incorrect Authorization of Bilingual Pay
Compensation and Pay	In Compliance	Pay Differential Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Leave	Out of Compliance	Positive Paid Temporary Employees' Work Exceeded Time Limitations
Leave	Out of Compliance	Administrative Time Off Was Not Properly Documented
Leave	Out of Compliance	Department Has Not Implemented a Monthly Internal Audit Process to Verify All Leave Input is Keyed Accurately and Timely
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
Policy	Out of Compliance	Performance Appraisals Were Not Provided to All Employees

### **BACKGROUND**

The CDCR enhances public safety and promotes successful community reintegration through education, treatment and active participation in rehabilitative and restorative justice programs. The mission of the CDCR is to facilitate the successful reintegration of incarcerated individuals in its care back to their communities; equipping these individuals with the tools to be drug-free, healthy, and employable members of society by providing

education, treatment, rehabilitative, and restorative justice programs in a safe and humane environment. The CDCR employs approximately 41,000 employees statewide, which includes 322 civil service classifications.

## **SCOPE AND METHODOLOGY**

The scope of the compliance review was limited to reviewing the CDCR's examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes<sup>1</sup>. The primary objective of the review was to determine if the CDCR'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 action where deficiencies were identified.

A cross-section of the CDCR'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 CDCR provided, which included examination plans, examination bulletins, job analyses, and scoring results. The CRD also reviewed the CDCR's permanent withhold actions documentation, including Withhold Determination Worksheets, State applications (STD 678), class specifications, and withhold letters.

A cross-section of the CDCR'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 CDCR provided, which included Notice of Personnel Action (NOPA) forms, Request for Personnel Actions, vacancy postings, certification lists, transfer movement worksheets, employment history records, correspondence, and probation reports. The CRD also reviewed the CDCR's policies and procedures concerning unlawful appointments to ensure departmental practices conform to state civil service laws and Board regulations.

The CDCR's appointments were also selected for review to ensure the CDCR applied salary regulations accurately and correctly processed employees' compensation and pay. The CRD examined the documentation that the CDCR 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

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<sup>1</sup> Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

pay: bilingual pay, monthly pay differentials, alternate range movements, and out-of-class assignments. During the compliance review period, the CDCR did not authorize red circle rate requests, or arduous pay.

The review of the CDCR'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 CDCR's PSC's were also reviewed.<sup>2</sup> It was beyond the scope of the compliance review to make conclusions as to whether the CDCR's justifications for the contracts were legally sufficient. The review was limited to whether the CDCR's practices, policies, and procedures relative to PSC's complied with procedural requirements.

The CDCR'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 harassment prevention training, within statutory timelines.

The CRD reviewed the CDCR'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 CDCR'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 CDCR'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 CDCR employees who used Administrative Time Off (ATO) in order to ensure that ATO was appropriately administered. Further, the CRD reviewed a selection of CDCR positive paid employees whose hours are tracked during the compliance review period in order to ensure that they adhered to procedural requirements.

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<sup>2</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.

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

On September 9, 2025, an exit conference was held with the CDCR to explain and discuss the CRD's initial findings and recommendations. The CRD received and carefully reviewed the CDCR's written response on September 23, 2025, 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, January 1, 2024, through June 30, 2024, the CDCR conducted 110 examinations. The CRD reviewed 20 of those examinations, which are listed below:



Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Assistant Correctional Food Manager, Department of Corrections	Departmental Open	Training and Experience (T&E) <sup>3</sup>	2/9/24	100
Captain, Adult Institution	Departmental Promotional	Written <sup>4</sup>	3/8/24	884
CEA A, Associate Director, Staffing Solutions and Retention	CEA	Statement of Qualifications (SOQ) <sup>5</sup>	10/27/23	23
CEA B, Assistant Deputy Director, Programs Operations	CEA	SOQ	12/18/23	10
CEA B, Associate Director, Capital Planning & Project Services Branch	CEA	SOQ	3/21/24	3
CEA B, Chief, Field Operations	CEA	SOQ	4/2/24	2
CEA B, Assistant Deputy Director, Community Re-Entry	CEA	SOQ	1/23/24	10
CEA B, Assistant Deputy Director, Field Operations	CEA	SOQ	1/29/24	10
CEA C, Associate Deputy Director, Office of Internal Affairs	CEA	SOQ	10/30/23	77
CEA C, Peace Officer Selection & Employee Development	CEA	SOQ	1/23/24	15
Chief, Day Labor Program, Correctional Facility	Departmental Open	T&E	4/12/24	11

<sup>3</sup> The Training and Experience examination is administered either online or in writing and asks the applicant to answer multiple-choice questions about his or her level of training and/or experience performing certain tasks typically performed by those in this classification. Responses yield point values.

<sup>4</sup> A written examination is a testing procedure in which candidates' job-related knowledge and skills are assessed through the use of a variety of item formats. Written examinations are either objectively scored or subjectively scored.

<sup>5</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.

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Correctional Administrator, Department of Corrections	Departmental Promotional	Written	12/8/23	330
Correctional Counselor I	Departmental Open	Written	11/17/23	2,000
Correctional Food Manager I, Department of Corrections	Departmental Open	T&E	3/29/24	56
Correctional Sergeant	Departmental Open	Written	10/20/23	5,388
Mobile Equipment Superintendent II	Departmental Open	T&E	8/11/23	3
Parole Administrator I, Adult Parole	Departmental Promotional	Written	4/5/24	169
Parole Service Associate	Departmental Open	Written	2/16/24	693
Senior Special Agent	Departmental Open	T&E	8/25/23	150
Warehouse Manager I, Correctional Facility	Departmental Open	T&E	3/1/24	60

<b>FINDING NO. 1</b>	<b>EXAMINATIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOAD RULES</b>
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The CRD reviewed eight CEA, three departmental promotional, and nine open examinations which the CDCR administered in order to create eligible lists from which to make appointments. The CDCR published and distributed examination bulletins containing the required information for all examinations. Applications received by the CDCR 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 CDCR 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 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, January 1, 2024, through June 30, 2024, the CDCR conducted 132 permanent withhold actions. The CRD reviewed 35 of these permanent withhold actions, which are listed below:

Exam Title	Reason Candidate Placed on Withhold	No. of Withholds
Accounting Officer (Specialist)	Failed to Meet Minimum Qualifications (MQs)	3
Associate Governmental Program Analyst	Failed to Meet MQs	8
Business Service Officer I (Supervisor)	Failed to Meet MQs	1
Heavy Equipment Mechanic, Correctional Facility	Failed to Meet MQs	1
Information Technology Associate	Failed to Meet MQs	1
Information Technology Specialist I	Failed to Meet MQs	1
Labor Relations Analyst	Failed to Meet MQs	2
Legal Secretary	Failed to Meet MQs	1
Materials and Stores Supervisor I, Correctional Facility	Failed to Meet MQs	2
Office Technician (Typing)	Failed to Meet MQs	12

Exam Title	Reason Candidate Placed on Withhold	No. of Withholds
Personnel Specialist	Failed to Meet MQs	1
Research Data Analyst II	Failed to Meet MQs	1
Stationary Engineer	Failed to Meet MQs	1

<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).)

For the purposes of temporary appointments, an employment list is considered not to exist where there is an open eligible list that has three or fewer names of persons willing to accept appointment and no other employment list for the classification is available. (Cal. Code Regs., tit. 2, § 265.) In such a situation, an appointing power may make a temporary appointment in accordance with section 265.1 (*Ibid.*) A Temporary Authorization Utilization (TAU) appointment shall not exceed nine months in a 12-month period. (Cal. Const., art. VII.) In addition, when a temporary appointment is made to a permanent position, an appropriate employment list shall be established for each class to which a temporary appointment is made before the expiration of the appointment. (Gov. Code, § 19058.)

During the period under review, July 1, 2023, through December 31, 2023, the CDCR made 1,309 appointments. The CRD reviewed 91 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Accountant Trainee	Certification List	Permanent	Full Time	1
Accounting Administrator I (Specialist)	Certification List	Permanent	Full Time	1
Assistant Correctional Manager, Department of Corrections	Certification List	Permanent	Full Time	1
Associate Construction Analyst	Certification List	Permanent	Full Time	1
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	1
Attorney	Certification List	Permanent	Full Time	1
Automobile Mechanic Correctional Facility	Certification List	Permanent	Full Time	1
Business Manager I	Certification List	Permanent	Full Time	1
Captain, Adult Institution	Certification List	Permanent	Full Time	1
Carpenter II, Correctional Facility	Certification List	Permanent	Full Time	1
Case Records Technician	Certification List	Permanent	Full Time	1
Case Records Technician	Certification List	Limited Term	Full Time	1
Construction Supervisor III, Correctional Facility	Certification List	Permanent	Full Time	1
Correctional Administrator, Department of Corrections	Certification List	Permanent	Full Time	1
Correctional Business Manager I, Department of Corrections	Certification List	Permanent	Full Time	1
Correctional Counselor I	Certification List	Permanent	Full Time	1
Correctional Food Manager II, Department of Corrections	Certification List	Limited Term	Full Time	1
Correctional Lieutenant	Certification List	Permanent	Full Time	2
Correctional Plant Supervisor, Department of Corrections	Certification List	Permanent	Full Time	1
Correctional Sergeant	Certification List	Permanent	Full Time	1
Correctional Supervising Cook, Correctional Facility	Certification List	Limited Term	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Digital Print Operator II	Certification List	Permanent	Full Time	1
Electrician II, Correctional Facility	Certification List	Permanent	Full Time	1
Electronics Technician Correctional Facility	Certification List	Permanent	Full Time	1
Executive Assistant	Certification List	Permanent	Full Time	1
Groundskeeper, Correctional Facility	Certification List	Permanent	Full Time	1
Heavy Truck Driver, Correctional Facility	Certification List	Limited Term	Full Time	1
Information Technology Associate	Certification List	Permanent	Full Time	1
Information Technology Specialist II	Certification List	Permanent	Full Time	1
Information Technology Supervisor II	Certification List	Permanent	Full Time	1
Lead Groundskeeper I, Correctional Facility	Certification List	Permanent	Full Time	1
Librarian, Correctional Facility	Certification List	Permanent	Full Time	1
Maintenance Mechanic, Correctional Facility	Certification List	Permanent	Full Time	1
Management Services Technician	Certification List	Permanent	Full Time	1
Materials and Stores Supervisor II, Correctional Facility	Certification List	Permanent	Full Time	1
Mechanical and Technical Occupational Trainee	Certification List	Temporary	Intermittent	1
Mobile Equipment Superintendent II	Certification List	Permanent	Full Time	1
Office Assistant (General)	Certification List	Permanent	Full Time	1
Office Assistant (Typing)	Certification List	Permanent	Full Time	1
Parole Agent II, Adult Parole (Specialist)	Certification List	Permanent	Full Time	1
Personal Specialist	Certification List	Permanent	Full Time	1
Plumber II, Correctional Facility	Certification List	Permanent	Full Time	1
Procurement and Services Officer II, Correctional Facility	Certification List	Permanent	Full Time	1
Research Data Specialist I	Certification List	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Senior Special Agent	Certification List	Limited Term	Full Time	1
Special Agent	Certification List	Permanent	Full Time	1
Special Agent In-Charge	Certification List	Permanent	Full Time	1
Staff Services Management Auditor	Certification List	Permanent	Full Time	1
Staff Services Manager I	Certification List	Permanent	Full Time	1
Stationary Engineer, Correctional Facility	Certification List	Permanent	Full Time	2
Supervisor of Building Trades, Correctional Facility	Certification List	Permanent	Full Time	1
Teacher (High School General Education), Correctional Facility	Certification List	Permanent	Full Time	2
Vocational Instructor (Office Services and Related Technologies), Correctional Facility	Certification List	Limited Term	Full Time	1
Vocational Instructor (Painting), Correctional Facility	Certification List	Permanent	Full Time	1
Warehouse Manager II, Correctional Facility	Certification List	Permanent	Full Time	1
Accounting Officer (Specialist)	Transfer	Limited Term	Full Term	1
Attorney III	Transfer	Permanent	Full Time	1
Business Service Assistant (Specialist)	Transfer	Permanent	Full Time	1
Business Service Officer I (Supervisor)	Transfer	Permanent	Full Time	1
Captain, Adult Institution	Transfer	Limited Term	Full Time	1
Catholic Chaplin	Transfer	Permanent	Full Time	1
Chief Engineer I, Correctional Facility	Transfer	Permanent	Full Time	1
Correctional Administrator, Department of Corrections	Transfer	Permanent	Full Time	1
Correctional Case Records Analyst	Transfer	Permanent	Full Time	2
Correctional Counselor I	Transfer	Permanent	Full Time	1
Correctional Lieutenant	Transfer	Limited Term	Full Time	1
Correctional Lieutenant	Transfer	Permanent	Full Time	1
Correctional Officer	Transfer	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Correctional Sergeant	Transfer	Permanent	Full Time	1
Groundskeeper, Correctional Facility	Transfer	Permanent	Full Time	1
Lead Groundskeeper I, Correctional Facility	Transfer	Permanent	Full Time	1
Maintenance Mechanic, Correctional Facility	Transfer	Permanent	Full Time	1
Materials and Stores Supervisor I, Correctional Facility	Transfer	Permanent	Full Time	2
Materials and Stores Supervisor I, Correctional Facility	Transfer	Limited Term	Full Time	1
Office Technician (Typing)	Transfer	Permanent	Full Time	1
Parole Service Associate	Transfer	Limited Term	Full Time	1
Prison Canteen Manager II	Transfer	Permanent	Full Time	1
Special Agent	Transfer	Permanent	Full Time	1
Staff Services Analyst	Transfer	Limited Term	Full Time	1
Stationary Engineer, Correctional Facility	Transfer	Permanent	Full Time	1
Supervising Correctional Cook, Department of Corrections	Transfer	Limited Term	Full Time	1
Teacher (Elementary Multiple Subjects), Correctional Facility	Transfer	Permanent	Full Time	1
Teacher (High School General Education), Correctional Facility	Transfer	Permanent	Full Time	1
Youth Correctional Counselor	Transfer	Permanent	Full Time	1
Correctional Case Records Analyst	Training & Development	Permanent	Full Time	1
Materials and Stores Supervisor I, Correctional Facility	Training & Development	Permanent	Full Time	1

<b>FINDING NO. 3</b>	<b>PROBATIONARY EVALUATIONS WERE NOT PROVIDED FOR ALL APPOINTMENTS REVIEWED AND SOME THAT WERE PROVIDED WERE UNTIMELY<sup>6</sup></b>
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<sup>6</sup> Repeat finding; see reports dated June 24, 2021, and January 26, 2018.



**Summary:** The CDCR did not provide 84 probationary reports of performance for 30 of the 91 appointments reviewed by the CRD. In addition, the CDCR did not provide six probationary reports of performance in a timely manner.

**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; upon reinstatement after a break in continuity of service resulting from a permanent separation; or after any other type of appointment situation not specifically excepted from the probationary period. (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).)

**Corrective Action:** Within 90 days of the date of this report, the CDCR must submit to the SPB a written corrective action response which addresses the corrections the department will implement to demonstrate conformity with the probationary requirements of Government Code section 19172 and California Code of Regulations, title 2, section 599.795. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

<b>FINDING NO. 4</b>	<b>APPOINTMENT DOCUMENTATION WAS NOT KEPT FOR THE APPROPRIATE AMOUNT OF TIME<sup>7</sup></b>
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**Summary:** Of the 91 appointments reviewed, CDCR did not retain 20 NOPAs.

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<sup>7</sup> Repeat finding; see report dated June 24, 2021.

**Criteria:** As specified in section 26 of the Board's Regulations, appointing powers are required to retain records related to affirmative action, equal employment opportunity, examinations, merit, selection, and appointments for a minimum period of five years from the date the record is created. These records are required to be readily accessible and retained in an orderly and systematic manner. (Cal. Code Regs., tit. 2, § 26.)

**Corrective Action:** Within 90 days of the date of this report, the CDCR must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with the record retention requirements of California Code of Regulations, title 2, section 26. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

#### Unlawful Appointment Investigations

Departments that entered into an Unlawful Appointment Investigation Delegation Agreement between their executive management and the CalHR have the authority to manage their own unlawful appointment investigations. The Delegation Agreement defines the reporting requirements, responsibilities, obligations, and expectations of the department in this process. The delegation agreement mandates that departments maintain up-to-date records on each unlawful appointment investigation including, at a minimum: the specific facts surrounding the appointment in question, a description of the circumstances which may have resulted in the unlawful appointment, copies of relevant appointment documents, and any documentation which may demonstrate that the agency and employee acted in good faith when the appointment was offered and accepted. Departments must also maintain a tracking system to monitor its unlawful appointments.

During the period under review, January 1, 2024, through June 30, 2024, the CDCR conducted one unlawful appointment investigation. The CRD reviewed the unlawful appointment investigation, which is listed below:

Classification	Date Investigation Initiated	Date Investigation Concluded
Office Technician (Typing)	6/25/24	7/15/24

<b>FINDING NO. 5</b>	<b>UNLAWFUL APPOINTMENT INVESTIGATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES</b>
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The CDCR's unlawful appointment investigation was found to comply with the rules set forth in the signed Delegation Agreement with the CalHR.

### **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. 6</b>	<b>EQUAL EMPLOYMENT OPPORTUNITY PROGRAM COMPLIED WITH ALL CIVIL SERVICE LAWS AND BOARD RULES</b>
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After reviewing the policies, procedures, and programs necessary for compliance with the EEO program's role and responsibilities according to statutory and regulatory guidelines, the CRD determined that the CDCR's EEO program provided employees with information and guidance on the EEO process including instructions on how to file discrimination claims. Furthermore, the EEO program outlines the roles and responsibilities of the EEO Officer, as well as supervisors and managers. The EEO Officer, who is at a managerial level, reports directly to the Secretary of the CDCR. The CDCR also provided evidence of its efforts to promote EEO in its hiring and employment practices and to increase its hiring of persons with a disability.

## **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, January 1, 2024, through June 30, 2024, the CDCR had 165 PSC's that were in effect. The CRD reviewed 30 of those, which are listed below:

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Andrada & Associates	Legal Services	\$118,600	Yes	Yes
Book Systems, Inc	Integrated Library System Services	\$485,299	Yes	Yes
Burke, Williams and Sorensen, LLP	Legal Services	\$145,820	Yes	Yes
Burke, Williams, and Sorensen, LLP	Legal Services	\$198,700	Yes	Yes
Burke, Williams, and Sorensen, LLP	Legal Services	\$111,285	Yes	Yes
Cal Interpreting and Translations	Communication Access Real-Time Translation	\$250,000	Yes	No

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Cool City Air Conditioning, LLC	HVAC Services	\$168,150	Yes	Yes
County of Imperial	Day Reporting Center Services	\$241,600	Yes	No
Cregger Law, LLP	Legal Services	\$65,275	Yes	Yes
Cregger Law, LLP	Legal Services	\$143,135	Yes	Yes
Cregger Law, LLP	Legal Services	\$69,215	Yes	Yes
CVE Contracting Group, Inc	Asbestos Abatement, Lead-Based Paint, Lead-Containing Materials, & Mold Removal Services	\$450,000	Yes	No
Enviropros USA, LLC	Brine Removal and Disposal Services	\$806,940	Yes	No
Five Keys Schools and Programs	Long Term Offender Re-Entry Recovery	\$1,599,576	Yes	No
Forensic Protection Inc	Forensic Video Expert Witness Consulting Services	\$25,000	Yes	No
Forensic Protection Inc	Forensic Video Expert Witness Consulting Services	\$10,000	Yes	No
Hanson Bridgett, LLP	Legal Services	\$10,589,190	Yes	Yes
Harrison Temblador Hungerford	Legal Services	\$272,700	Yes	Yes
Harrison Temblador Hungerford	Legal Services	\$79,000	Yes	Yes
Jackson Lewis, PC	Legal Services	\$744,480	Yes	Yes
Kronick Moskowitz Tiedemann	Legal Services	\$147,150	Yes	Yes
Kronick Moskowitz Tiedemann	Legal Services	\$143,300	Yes	Yes
Lebeau Thelen, LLP	Legal Services	\$99,500	Yes	Yes

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Mertz Enterprises, Inc	Boiler Maintenance, Inspection, Calibration, & Repair	\$1,268,360	Yes	No
Nield Law Group, APC	Legal Services	\$135,250	Yes	Yes
Porter Boiler Services Inc	Steam Boiler Installation and Rental Services	\$1,120,728	Yes	No
Reily and Jeffery, Inc	Legal Services	\$135,875	Yes	Yes
University of Cincinnati Research	Cognitive Behavioral Interventions	\$9,750	Yes	No
Veterans Transition Center	Long Term Offender Reentry Recovery	\$3,077,568	Yes	No
Viking Shred, LLC	Recycling Services	\$336,960	Yes	No

<b>FINDING NO. 7</b>	<b>UNIONS WERE NOT NOTIFIED OF PERSONAL SERVICES CONTRACTS<sup>8</sup></b>
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**Summary:** The CDCR did not notify unions prior to entering into 12 of the 30 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.)

**Corrective Action:** Departments are responsible for notifying all organizations that represent state employees who perform or could perform the type of work to be contracted prior to executing a PSC. The PSC's reviewed

<sup>8</sup> Repeat finding; see report dated June 24, 2021.

during this compliance review involved several services and functions which various rank-and-file civil service classifications perform. Within 90 days of the date of this report, the CDCR must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with the requirements of California Code of Regulations section 547.60.2. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

### **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 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 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 CDCR's mandated training program that was in effect during the compliance review period, July 1, 2022, through December 31, 2023.

<b>FINDING NO. 8</b>	<b>ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS<sup>9</sup></b>
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**Summary:** The CDCR did not provide ethics training to 28 of 100 existing filers. In addition, the CDCR did not provide ethics training to 18 of 100 new filers within 6 months of their appointment.

**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).)

**Corrective Action:** Within 90 days of this report, the CDCR must submit to the SPB a written corrective action response which addresses the corrections the department will implement to demonstrate conformity with Government Code section 11146.3. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

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<sup>9</sup> Repeat finding; see reports dated June 24, 2021, and January 26, 2018.



<b>FINDING NO. 9</b>	<b>SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL EMPLOYEES<sup>10</sup></b>
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**Summary:** The CDCR did not provide sexual harassment prevention training to 47 of 83 new supervisors within 6 months of their appointment. In addition, the CDCR did not provide sexual harassment prevention training to 24 of 117 existing supervisors every 2 years.

The CDCR did not provide sexual harassment prevention training to 18 of 100 existing non-supervisors 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.)

**Corrective Action:** Within 90 days of the date of this report, the CDCR must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that all employees are provided sexual harassment prevention training in accordance with Government Code section 12950.1. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

<b>FINDING NO. 10</b>	<b>SUPERVISORY TRAINING WAS NOT PROVIDED FOR ALL SUPERVISORS, MANAGERS, AND CEAs</b>
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**Summary:** The CDCR did not provide basic supervisory training to 145 of 535 new supervisors within 12 months of appointment; did not provide manager training to any of its 124 new managers within 12 months of appointment; and did not provide CEA training any of its 24 new CEAs within 12 months of appointment.

<sup>10</sup> Repeat finding; see reports dated June 24, 2021, and January 26, 2018.

**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 managerial position, each employee must receive 40 hours of leadership training within 12 months of appointment. (Gov. Code, § 19995.4, subd. (d).)

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).)

**Corrective Action:** Within 90 days of the date of this report, the CDCR must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that new supervisors, managers, and CEAs are provided leadership and development training within 12 months of appointment as required by Government Code section 19995.4. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

## **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>11</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>11</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, July 1, 2023, through December 31, 2023, the CDCR made 1,309 appointments. The CRD reviewed 41 of those appointments to determine if the CDCR applied salary regulations accurately and correctly processed employees' compensation.

<b>FINDING NO. 11</b>	<b>INCORRECT APPLICATION OF SALARY DETERMINATION LAWS, RULES, AND CALHR POLICIES AND GUIDELINES FOR APPOINTMENT</b>
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**Summary:** The CRD found 2 errors in the 41 salary determinations reviewed:

Classification	Description of Findings	Criteria
Accountant Trainee	Incorrect salary determination resulting in the employee being overcompensated.	Cal. Code Regs., tit.2 section 599.676
Correctional Case Records Analyst	Incorrect salary determination resulting in the employee being undercompensated.	Cal. Code Regs., tit.2 section 599.674

**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.)

**Corrective Action:** Substantial Compliance. 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.

#### 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, July 1, 2023, through December 31, 2023, the CDCR employees made 230 alternate range movements within a classification. The CRD

reviewed 30 of those alternate range movements to determine if the CDCR applied salary regulations accurately and correctly processed each employee's compensation, which are listed below:

Classification	Prior Range	Current Range	Salary (Monthly Rate)
Business Service Assistant (Specialist)	B	C	\$4,694
Case Records Technician	A	B	\$3,409
Case Records Technician	A	B	\$3,546
Correctional Case Records Analyst	A	B	\$5,178
Correctional Case Records Analyst	B	C	\$5,526
Correctional Counselor I	J	K	\$8,806
Correctional Counselor I	J	K	\$9,068
Correctional Officer	J	K	\$6,900
Correctional Officer	J	K	\$6,900
Correctional Officer	J	K	\$6,900
Information Technology Associate	C	D	\$6,851
Information Technology Specialist I	A	B	\$7,107
Labor Relations Analyst	A	B	\$5,883
Materials and Stores Supervisor II, Correctional Facility	A	S	\$5,857
Parole Agent II, Adult Parole (Specialist)	B	C	\$6,541
Parole Service Associate	B	C	\$6,002
Personnel Specialist	B	C	\$4,519
Personnel Specialist	B	C	\$4,969
Personnel Specialist	A	B	\$4,548
Special Agent	A	B	\$11,356
Staff Services Agent	B	C	\$5,028
Staff Services Agent	A	C	\$4,723
Staff Services Management Auditor	B	C	\$5,211
Teacher (Elementary Multiple Subjects), Correctional Facility	A	7	\$10,923
Teacher (High School General Education), Correctional Facility	7	7 <sup>12</sup>	\$8,335
Teacher (High School General Education), Correctional Facility	7	7	\$10,553
Teacher (High School General Education), Correctional Facility	7	7	\$8,335

<sup>12</sup> There are several steps within range 7 of ARC 11 for this classification. Movement within each step of range 7 is determined by continued education, work experience and/or licenses which the employee earns. Transactions are conducted for each salary step within range 7 until the salary limit of this range (step 10) is reached.

Classification	Prior Range	Current Range	Salary (Monthly Rate)
Vocational Instructor (Office Services and Related Technologies), Correctional Facility	A	7	\$10,553
Vocational Instructor Painting, Correctional Facility	A	7	\$6,551
Vocational Instructor Refrigeration and Air Conditioning Repair, Correction Facility	7	7	\$10,923

<b>FINDING NO. 12</b>	<b>ALTERNATIVE RANGE MOVEMENTS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES</b>
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The CRD determined that the alternate range movements the CDCR made during the compliance review period, satisfied civil service laws, Board rules and CalHR policies and guidelines.

### 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, July 1, 2023, through December 31, 2023, the CDCR issued bilingual pay to 94 employees. The CRD reviewed 25 of these bilingual pay authorizations to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	No. of Appts.
Assistant Correctional Food Manager	1
Associate Governmental Program Analyst	2
Correctional Case Records Analyst	1

Classification	No. of Appts.
Correctional Counselor I	1
Correctional Counselor II (Specialist)	1
Correctional Counselor III	1
Correctional Lieutenant	1
Executive Assistant	1
Licensed Clinical Social Worker	1
Licensed Vocational Nurse	1
Materials and Stores Supervisor I, Correctional Facility	1
Parole Agent I	4
Parole Agent II (Supervisor)	2
Parole Agent III	1
Property Controller II, Correctional Facility	1
Psychologist Clinical, Correctional Facility	1
Special Agent	1
Staff Services Manager I	1
Teacher (High School General Education), Correctional Facility	1
Teaching Assistant, Correctional Facility	1

<b>FINDING NO. 13</b>	<b>INCORRECT AUTHORIZATION OF BILINGUAL PAY<sup>13</sup></b>
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**Summary:** The CRD 7 errors in the 25 bilingual pay authorizations reviewed:

Classification	Description of Finding	Criteria
Assistant Correctional Food Manager	The department failed to provide certification that the employees' duties require use of bilingual skills for at least 10% of their time.	Pay Differential 14
Licensed Clinical Social Worker		
Materials and Stores Supervisor I, Correctional Facility		
Psychologist Clinical, Correctional Facility		
Special Agent		
Staff Services Manager I		
Teacher (High School General Education), Correctional Facility		

**Criteria:** For any state agency, a "qualified" bilingual employee, person, or interpreter is someone who CalHR has tested and certified, someone who was tested and certified by a state agency or other approved testing authority, and/or someone who has met the testing or certification standards for outside or contract interpreters as

<sup>13</sup> Repeat finding; see report dated June 24, 2021.

proficient in both the English language and the non-English language to be used. (Gov. Code, § 7296, subd. (a)(3).)

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.)

**Corrective Action:** Within 90 days of the date of this report, the CDCR must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Government Code section 7296, and/or Pay Differential 14. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

### 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, July 1, 2023, through December 31, 2023, the CDCR authorized 2,991 pay differentials<sup>14</sup>. The CRD reviewed 23 of these pay differentials to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Pay Differential	Monthly Amount
Administrative Law Judge	884	5%
Attorney III	337	\$900
Chief Engineer I, Correctional Facility	436	9%
Clinical Social Worker (Health/Correctional Facility) Safety	242	\$500
Correctional Administrator	420	6%
Correctional Counselor II (Supervisor)	165	2%
Correctional Counselor III	155	\$200
Correctional Officer	44	\$197
Correctional Officer (2 positions)	164	2%
Correctional Officer (2 positions)	44	\$197
Correctional Sergeant	474	\$200
Custodian I	67	\$190
Electrician II, Correctional Facility	409	5%
Fire Captain, Correctional Institution	474	\$200
Fire Captain, Correctional Institution	44	\$197
Fire Captain, Correctional Institution	474	\$200
Locksmith I, Correctional Facility	409	5%
Skilled Trades Supervisor (Casual Employment)	170	\$1.50/hr
Stationary Engineer, Correctional Facility (3 positions)	436	\$100

<b>FINDING NO.14</b>	<b>PAY DIFFERENTIAL AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES</b>
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The CRD found no deficiencies in the pay differentials that the CDCR authorized during the compliance review period. Pay differentials were issued correctly in recognition of unusual competencies, circumstances, or working conditions in accordance with applicable rules and guidelines.

#### Out-of-Class Assignments and Pay

<sup>14</sup> For the purposes of CRD's review, only monthly pay differentials were selected for review at this time.



For excluded<sup>15</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.)

During the period under review, July 1, 2023, through December 31, 2023, the CDCR issued OOC pay to 362 employees. The CRD reviewed 20 of these OOC assignments to ensure compliance with applicable MOU provisions, salary regulations, and CalHR policies and guidelines. These are listed below:

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
Associate Budget Analyst	R01	Business Manager I	8/28/23-12/17/23
Captain (Adult Institution)	M06	Correctional Administrator	8/22/22-2/21/23
Chief Deputy Administrator, Correctional Program, CEA	M06	Associate Director, Female Offender Program & Services	12/23/23-2/23/24
Correctional Administrator	M06	Chief, Allegation Investigation Unit	5/30/23-5/28/24
Correctional Counselor II, Supervisor	S06	Correctional Counselor III	1/9/23-7/07/23
Correctional Lieutenant	S06	Captain, Adult Institution	9/11/23 -1/8/24
Correctional Lieutenant	S06	Captain, Adult Institution	10/30/23-6/25/24

<sup>15</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.

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
Correctional Sergeant	S06	Correctional Counselor I	9/25/23-1//22/24
Correctional Supervising Cook	R15	Supervising Correctional Cook	1/16/23-5/15/23
Groundskeeper, Correctional Facility	R12	Carpenter II	8/14/23-2/9/24
Materials and Stores Supervisor I, Correctional Facility	R12	Locksmith I	8/14/23-2/9/24
Office Assistant (Typing)	R04	Procurement and Services Officer	12/15/23-2/12/24
Office Technician (Typing)	R04	Health Program Specialist I	6/22/23-8/20/23
Office Technician (Typing)	R04	Staff Services Analyst	9/19/23-12/17/23
Office Technician (Typing)	R04	Executive Assistant	5/2/23-8/29/23
Personnel Specialist	R01	Personnel Supervisor I	7/18/23-11/14/23
Staff Services Manager II (Supervisory)	S01	Chief, Administration	2/27/23-9/15/23
Staff Services Manager III	M01	Associate Director, Capital Planning & Project Services Branch	5/30/23-1/24/24
Supervisor of Academic Instruction, Correctional Facility	S03	Supervisor of Correctional Education Programs	12/19/22-4/30/23
Supervisor of Building Trades, Correctional Facility	S12	Correctional Plant Supervisor	3/27/23-8/6/23

**FINDING NO. 15 | INCORRECT AUTHORIZATION OF OUT-OF-CLASS PAY<sup>16</sup>**

**Summary:** The CRD found 7 errors in the 20 OOC pay assignments reviewed:

Classification	Out-of-Class Classification	Description of Findings	Criteria
Correctional Counselor II, Supervisor	Correctional Counselor III	Incorrect OOC pay determined resulting in the employee being overcompensated for the August 2023 pay period, and undercompensated for the September 2023, through December 2023 pay periods.	Pay Differential 92

<sup>16</sup> Repeat finding; see report dated June 24, 2021.

Classification	Out-of-Class Classification	Description of Findings	Criteria
Correctional Lieutenant	Captain, Adult Institution	Incorrect OOC pay determined resulting in the employee being undercompensated.	Pay Differential 92
Correctional Supervising Cook	Supervising Correctional Cook	Incorrect OOC pay determined resulting in the employees being overcompensated.	Pay Differential 91
Office Assistant (Typing)	Procurement and Services Officer II, Correctional Facility	Incorrect OOC pay determined resulting in the employees being overcompensated.	Pay Differential 91
Office Technician (Typing)	Health Program Specialist I	Incorrect OOC pay determined resulting in the employees being overcompensated.	Pay Differential 91
Office Technician (Typing)	Staff Services Analyst	Incorrect OOC pay determined resulting in the employees being overcompensated.	Pay Differential 91
Supervisor of Building Trades, Correctional Facility	Correctional Plant Supervisor		Pay Differential 236

**Criteria:** An employee may be temporarily required to perform out-of-class work by his/her department for up to one hundred twenty (120) calendar days in any twelve (12) consecutive calendar months when it determines that such an assignment is of unusual urgency, nature, volume, location, duration, or other special characteristics; and, cannot feasibly be met through use of other civil service or administrative alternatives. Departments may not use out-of-class assignments to avoid giving civil service examinations or to avoid using existing eligibility lists created as the result of a civil service examination.

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).)

**Corrective Action:** Within 90 days of the date of this report, the CDCR must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with California Code of Regulations, title 2, section 599.810, and Pay Differential 91, 92 and 236. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

## 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>17</sup>

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<sup>17</sup> For example, two hours or ten hours count as one day.

worked and paid absences<sup>18</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).)

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 CDCR had 477 positive paid employees whose hours were tracked. The CRD reviewed 25 of those positive paid appointments to ensure compliance with applicable laws, regulations, policies and guidelines, which are listed below:

Classification	Tenure	Time Frame	Time Worked (Hours)
Associate Governmental Program Analyst	Retired Annuitant	7/1/23-6/30/24	958
Capital Outlay Program Manager	Retired Annuitant	7/1/23-6/30/24	961
Captain, Adult Institution	Retired Annuitant	7/1/23-6/30/24	1,000.25
Chief Deputy Administrator, Correctional Program, CEA	Retired Annuitant	7/1/23-6/30/24	958.25
Chief Deputy Administrator, Correctional Program, CEA	Retired Annuitant	7/1/23-6/30/24	958.5

<sup>18</sup> For example, vacation, sick leave, compensating time off, etc.

Classification	Tenure	Time Frame	Time Worked (Hours)
Correctional Counselor II (Specialist)	Retired Annuitant	7/1/23-6/30/24	960
Correctional Counselor II (Specialist)	Retired Annuitant	7/1/23-6/30/24	950
Correctional Lieutenant	Retired Annuitant	7/1/23-6/30/24	956.5
Materials and Stores Supervisor II, Correctional Facility	Retired Annuitant	7/1/23-6/30/24	934
Mechanical and Technical Occupational Trainee	Temporary	10/2/23-9/30/24	1,251
Mechanical and Technical Occupational Trainee	Temporary	6/12/23-6/30/24	1,829
Mechanical and Technical Occupational Trainee	Temporary	5/22/23-4/30/24	1,434.75
Mechanical and Technical Occupational Trainee	Temporary	1/25/23-12/31/23	1,324.5
Mechanical and Technical Occupational Trainee	Temporary	1/23/23-12/30/23	1,257.85
Mechanical and Technical Occupational Trainee	Temporary	2/1/22-1/31/23	1,671
Personnel Technician II	Retired Annuitant	7/1/23-6/30/24	961
Self-Help Sponsor (Part-Time)	Temporary	10/1/23-9/30/24	410
Self-Help Sponsor (Part-Time)	Temporary	1/30/23-1/30/24	115.5
Self-Help Sponsor (Part-Time)	Temporary	6/30/23-6/30/24	1,162.5
Senior Special Agent	Retired Annuitant	7/1/23-6/30/24	958
Special Agent	Retired Annuitant	7/1/23-6/30/24	960
Stational Engineer, Correctional Facility	Retired Annuitant	7/1/23-6/30/24	960
Student Assistant	Temporary	9/1/22-8/31/23	1,976
Student Assistant	Temporary	7/1/24-6/30/24	1,194.75

<b>FINDING NO. 16</b>	<b>POSITIVE PAID TEMPORARY EMPLOYEES' WORK EXCEEDED TIME LIMITATIONS<sup>19</sup></b>
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**Summary:** The CDCR did not consistently monitor the actual number of days and/or hours worked to ensure that 5 of the 25 positive paid employees reviewed did not exceed the 189-day or 1,500-hour limitation in any 12-consecutive month period.

<sup>19</sup> Repeat finding; see report dated June 24, 2021.

Additionally, the CDCR did not consistently track and monitor three retired annuitant total hours worked, allowing employees 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.

**Corrective Action:** Within 90 days of the date of this report, the CDCR must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with California Code of Regulations, title 2, section 265.1, and Government Code section 21224. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

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, April 1, 2023, through March 31, 2024, the CDCR authorized 1,015 ATO transactions. The CRD reviewed 25 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 WAS NOT PROPERLY DOCUMENTED<sup>20</sup></b>
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**Summary:** The CDCR did not grant ATO in conformity with the established policies and procedures. Of the 25 ATO authorizations reviewed by the CRD, 7 were found to be out of compliance for failing to document justification for ATO.

**Criteria:** Appointing authorities are authorized to approve ATO for up to five (5) working days. (Gov. Code, § 19991.10.) Furthermore, they “have delegated authority to approve up to 30 calendar days.” (Human Resources Manual Section 2121.) Any ATO in excess of 30 calendar days must be approved in advance by the CalHR. (*Ibid.*) In most cases, if approved, the extension will be for an additional 30 calendar days. (*Ibid.*) The appointing authority is responsible for submitting ATO extension requests to CalHR at least 5 working days prior to the expiration date of the approved leave. (*Ibid.*)

When requesting an ATO extension, the appointing authority must provide a justification establishing good cause for maintaining the employee on ATO for the additional period of time. (*Ibid.*) ATO may not be used and will not be granted for an indefinite period. (*Ibid.*) If CalHR denies a request to extend ATO, or the appointing authority fails to request approval from CalHR to extend the ATO, the employee must be returned to work in some capacity. (*Ibid.*)

Regardless of the length of ATO, appointing authorities must maintain thorough documentation demonstrating the justification for the ATO, the length of the ATO, and the approval of the ATO. (*Ibid.*)

**Corrective Action:** Within 90 days of the date of this report, the CDCR must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Government Code section 19991.10 and Human Resources Manual

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<sup>20</sup> Repeat finding; see report dated June 24, 2021.



Section 2121. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

### 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, January 1, 2024, through March 31, 2024, the CDCR reported 262 units. The CRD reviewed 30 units within 2 pay periods to ensure compliance with applicable laws, regulations and CalHR policy and guidelines.

<b>FINDING NO. 18</b>	<b>DEPARTMENT HAS NOT IMPLEMENTED A MONTHLY INTERNAL AUDIT PROCESS TO VERIFY ALL LEAVE INPUT IS KEYED ACCURATELY AND TIMELY</b>
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**Summary:** The CDCR failed to implement a monthly internal audit process to verify all timesheets were keyed accurately and timely and to certify that all leave records have been reviewed and corrected if necessary.

**Criteria:** Each appointing power shall keep complete and accurate time and attendance records for each employee and officer employed within the agency over which it has jurisdiction. (Cal. Code Regs., tit. 2, § 599.665.) Departments are directed to create an audit process to verify all leave input is keyed accurately and timely. (Human Resources Manual Section 2101.) Departments shall identify and record all errors found and shall certify that all leave records for the unit/pay period identified have been reviewed and all leave errors identified have been corrected. (*Ibid.*) Attendance records shall be

corrected by the pay period following the pay period in which the error occurred. (*Ibid.*)

**Corrective Action:** Within 90 days of the date of this report, the CDCR must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that their monthly internal audit process was documented and that all leave input is keyed accurately and timely. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

### 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>21</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 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.

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<sup>21</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.

(*Ibid.*) On the first day following a qualifying monthly pay period, excluded employees<sup>22</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, January 1, 2024, through June 30, 2024, the CDCR had 368 employees with qualifying and non-qualifying pay period transactions. The CRD reviewed 30 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 CDCR 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 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

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<sup>22</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.

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 CDCR's commitment to the state policy of hiring, transferring, and promoting employees on the basis of merit. Additionally, the CDCR'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 office to discuss the status of volunteers. (*Ibid.*)

<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 CDCR 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 CDCR 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 100 permanent CDCR 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<sup>23</sup></b>
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**Summary:** The CDCR did not provide annual performance appraisals to 73 of 100 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.)

**Corrective Action:** Within 90 days of the date of this report, the CDCR must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Government Code section 19992.2 and California Code of Regulations, title 2, section 599.798. Copies of relevant

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<sup>23</sup> Repeat finding; see report dated June 24, 2021.

documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

### **DEPARTMENTAL RESPONSE**

The CDCR's departmental response is attached as Attachment 1.

### **SPB REPLY**

Based on the CDCR's written response, the department will comply with the corrective actions specified in the report findings. The causes of each finding are detailed in the departmental response attached at the end of this report. Within 90 days of the date of this report, a written corrective action response, including documentation demonstrating implementation of the specified corrective actions, must be submitted to the CRD.

**OFFICE OF THE SECRETARY**

PO Box 942883

Sacramento, CA 94283-0001



September 23, 2025

Suzanne M. Ambrose  
 Executive Officer  
 State Personnel Board  
 801 Capitol Mall, Suite 1200  
 Sacramento, CA 95814

Dear Ms. Ambrose:

The California Department of Corrections and Rehabilitation (CDCR) is submitting this letter to respond to the State Personnel Board's (SPB) compliance review of the CDCR personnel areas and time periods stated in the table below:

Examinations	January 1, 2024 – June 30, 2024
Appointments	July 1, 2023 – December 31, 2023
Equal Employment Opportunity (EEO)	July 1, 2023 – December 31, 2023
Personal Services Contracts (PSC)	January 1, 2024 – June 30, 2024
Mandated Training	July 1, 2022 – December 31, 2023
Compensation and Pay	July 1, 2023 – December 31, 2023
Leave	February 1, 2022 – September 30, 2024
Policy and Processes	Current

Of the 22 findings identified by the SPB's Compliance Review Division (CRD), 12 were found to be non-compliant. The CDCR takes these findings very seriously and appreciates the opportunity to respond. We are committed to remedying the findings to prevent them from occurring in the future and will issue statewide communication accordingly. Please see our causes and responses to each of the reviewed areas below.

**Finding 1: Examinations complied with civil service laws and board rules.**

**Cause/Response:** No response is needed as CDCR was found to be in compliance.

**Finding 2: Permanent withhold actions complied with civil service laws and board rules.**

**Cause/Response:** No response is needed as CDCR was found to be in compliance.

**Finding 3: Probationary evaluations were not provided for all appointments reviewed and some that were provided were untimely.**

**Cause/Response:** CDCR acknowledges that 84 probationary reports for 30 of the 91 appointments reviewed by the CRD were not provided, and that CDCR did not provide 6 probationary reports in a timely manner. The cause for this finding is due to insufficient education on required action, high turnover, and inconsistent oversight and monitoring to ensure consistent practice, enforcement and verifiable compliance. Managers and supervisors are responsible for providing probationary evaluations for all employees who complete a probationary period. This requirement is outlined as part of the basic supervision for all new managers and supervisors. In addition to the probationary evaluation requirement, this training component is addressed to include the length of time for probationary periods for state employees and the responsibility of each supervisor or manager to review and be familiar with their employee's respective Memorandum of Understanding (MOU). CDCR will continue to outline performance expectations to managers and supervisors and send out reminders to obtain these reports in a timely manner. We have also incorporated this expectation into the Hiring Guide for Evaluating the Employee During the Probationary Period. A memo will be sent to Hiring Authorities as a reminder of the roles and responsibilities of the managers and supervisors to ensure that probationary reports are tracked, completed, and provided to employees in a timely manner. It will also be reiterated that the final reports shall be sent to the personnel office to be filed in the Official Personnel File (OPF). CDCR Headquarters (HQ) has established a departmental SharePoint site for all HQ supervisors, managers and personnel liaisons to review monthly probationary reports that are due. A monthly standardized format for a Management Information Retrieval System (MIRS) report has also been shared with all institution HR offices to assist in tracking these reports. In addition, we will request an internal audit in 2026 to assist with compliance for this finding, subject to available resources.

**Finding 4: Appointment documentation was not kept for the appropriate amount of time.**

**Cause/Response:** CDCR acknowledges that of the 91 appointments reviewed by CRD, 20 NOPAs were not retained. The cause of this finding is due to staff turnover, departmental resource issues, and lack of verifying proof of practice. On July 31, 2024, HQ HR issued Personnel Information Bulletin (PIB) 2024-030 reminding all HR staff of several policy practices regarding appointments, compensation, leave, and validating state service. In part, the PIB advised staff to mail a copy of the NOPA to the employee, then create a "Pending NOPA" file for each Personnel Specialist. The Personnel Specialist is to perform a monthly review to identify outstanding NOPAs not signed by employees. If NOPAs remained outstanding for 60 days, the Personnel Specialist is to indicate "Employee did not return NOPA" on the signature line, date the document, and file the NOPA in the OPF. These practices are to align with state retention requirements and will ensure documentation is properly maintained moving forward.



**Finding 5: Unlawful appointment investigations complied with civil service laws, board rules, and CalHR policies and guidelines.**

**Cause/Response:** No response is needed as CDCR was found to be in compliance.

**Finding 6: Equal Employment Opportunity (EEO) program complied with all civil service laws and board rules.**

**Cause/Response:** No response is needed as CDCR was found to be in compliance.

**Finding 7: Unions were not notified of Personal Services Contracts (PSC).**

**Cause/Response:** During the audit, it was found that CDCR did not notify unions prior to entering 12 of the 30 PSCs reviewed. To ensure compliance with this requirement (as outlined in California Code of Regulations (CCR), Tit. 2, § 547.60, State Contracting Manual, Vol. 1, Section 7.05, and Government Code (GC) 19130-19132, et al.) CDCR Office of Business Services (OBS), Contracts Management Branch, will review our Contracting Out Notification Process Guidelines and update to ensure clarity and ease of understanding of union notice requirements. We will work with CDCR HR and the Office of Labor Relations to develop and maintain a matrix of common services and corresponding civil service classifications capable of performing those services. The civil service justification form utilized for documenting justification for contracting out under GC 19130 will be updated to include specific questions to help requesting programs better identify where civil service positions exist and to document efforts to utilize civil service first. Updated training will be provided to the field (CDCR Programs) and our contract analyst staff and managers to ensure understanding and compliance with requirements going forward. Our manager review checklist will be updated to ensure this information is diligently reviewed and monitored for compliance for all personal service contract requests during the contract review and approval processes.

**Finding 8: Ethics Training was not provided for all filers.**

**Cause/Response:** CDCR agrees that 18 of 100 new filers did not complete ethics training within 6 months of their appointment, and that 28 of 100 existing filers did not complete ethics training within 6 months of their appointment. The cause of non-compliance occurred due to insufficient supervisor oversight.

CDCR provides ethics training to new and existing Conflict of Interest (COI) filers through an eLearning course in the Learning Management System (LMS) database. New filers are enrolled in the LMS Ethics training upon designation. Existing filers are automatically re-enrolled in the LMS

Ethics training 180 days prior to their two-year expiration date. Upon initial enrollment and re-enrollment, COI filers receive an automated re-enrollment email alerting them of the requirement to complete the training and their specific compliance due date.

As of March 2022, bi-weekly Status Reports are provided to CDCR's Hiring Authorities, In-Service Training (IST) Offices, and HQ Training Coordinators (TC) to provide reminders to staff who need to complete the training. Each IST Office or TC is responsible for tracking and monitoring the training requirements, and each IST office and TC can generate a completion report at any time to check compliance.

In 2023, the LMS enabled a feature which sends periodic reminders to staff enrolled in the ethics course. There are 15 separate email reminders that are sent every 20 days leading up to the due date until the training is completed. Automated enrollment and reminder messages include the government code sections mandating the training, and the timeframe for completion for new and existing filers.

To further reinforce the need for staff to comply with the mandated training requirement, a manual email reminder is sent by the LMS unit to individuals when the due date of the training is approaching and once it has expired to encourage completion. These reminders will continue to be sent to COI filers to aid in the completion of their required ethics training.

CDCR and California Correctional Health Care Services (CCHCS) distributed a memorandum dated October 24, 2024, via email to Hiring Authorities reminding them of their responsibility to ensure all mandated training is completed by their staff on or before the due date. Hiring Authorities were also provided with resources to assist with monitoring and tracking mandated training. Hiring Authorities are responsible for disseminating the information to their staff for awareness, and ensuring their staff are in compliance with the government codes.

CDCR and CCHCS distributed a memorandum dated January 2, 2025, via email to all CDCR and CCHCS staff announcing the filing requirements for designated positions. The memorandum provided staff with a link to the COI Code resource page which contains Frequently Asked Questions (FAQ) for COI filers. The FAQs notify staff that designated State officials must complete the *Ethics Training for State Officials* course within six months of their hire date into a designated COI position, and every two years thereafter. The FAQs also explain that filers will be automatically enrolled in the ethics training via LMS.

In January 2025, CDCR implemented a comprehensive web-based Supervisor Portal housed on the department's intranet as a resource for supervisors and managers in various topics such as HR, performance management, labor relations, and training and development. CDCR and CCHCS

emailed a memorandum dated January 15, 2025, to all supervisors and managers announcing the portal and how to access. The Supervisor Portal includes mandated training requirements and timeframes as identified in GC 11146.3, along with links for information on ethics training.

**Finding 9: Sexual Harassment Prevention training was not provided for all employees.**

**Cause/Response:** CDCR agrees that 47 of 83 new supervisors did not complete Sexual Harassment Prevention (SHP) Training within 6 months of their appointment. CDCR also agrees that 50 out of 117 existing supervisors, and 30 out of 100 existing non-supervisory staff did not complete SHP training every 2 years. The cause of any non-compliance occurred due to insufficient supervisor oversight and employee incognizance.

CDCR provides SHP training to supervisors and non-supervisors through eLearning courses in the LMS database on an annual basis. All new and existing non-supervisors and supervisors are enrolled in SHP training in LMS and sent automated enrollment emails from the LMS which alerts them to complete the course.

The automated email messages for supervisors and non-supervisors include the GC 12950.1 requirements and staff's specific completion due date. To further reinforce the need for staff to comply with the mandated training requirement, supervisors receive automated email reminders from the LMS every 20 days reminding them to complete the training. Non-supervisors receive automated email alerts from LMS every 30 days reminding them to complete the training.

As of March 2022, bi-weekly Status Reports are provided to CDCR Hiring Authorities, IST Offices, and HQ TCs to provide reminders of the staff that need to complete the training. Each IST Office or TC is responsible for tracking and monitoring the training requirements, and each IST office and TC can generate a completion report at any time to check compliance.

CDCR and CCHCS emailed a memorandum dated October 24, 2024, to Hiring Authorities reminding them of their responsibility to ensure all mandated training is completed by their staff on or before the due date. Hiring Authorities were also provided with resources to assist with monitoring and tracking mandated training. Hiring Authorities are responsible for disseminating the information to their staff for awareness, and ensuring their staff are in compliance with the GC 12950.1.

Non-supervisors and supervisors must complete SHP training in LMS annually, per CDCR and CCHCS policy. Completion of SHP training annually is intended to achieve departmental compliance with GC 12950.1. The annual training schedules are distributed to Hiring Authorities

via email who are then responsible for distributing and communicating the requirements to their staff.

In January 2025, CDCR implemented a comprehensive web-based Supervisor Portal housed on the department's intranet as a resource for supervisors and managers in various topics such as HR, performance management, labor relations, and training and development. CDCR and CCHCS emailed a memorandum dated January 15, 2025, to all supervisors and managers announcing the portal and how to access. The Supervisor Portal includes mandated training requirements and timeframes as identified in GC 12950.1, along with information on SHP training.

**Finding 10: Supervisory Training was not provided for all supervisors, managers, and Career Executive Assignments (CEAs).**

**Cause/Response:** The audit identified that CDCR did not provide basic supervisory training to 145 of 535 supervisors, managerial training to any of its 124 new managers, or CEA training to any of its 24 new CEAs within 12 months of appointment. The Supervisor Development Program (SDP) is available to all new first-line supervisors, excluding custody sergeants, to meet the requirements of GC 19995.4. Custody sergeants are required to complete Basic Supervision Training for Sergeants and the Sergeants Academy prior to assuming their post assignment. Institutional Hiring Authorities and In-Service Training Managers are responsible for enrolling newly promoted sergeants in the mandatory training courses. The cause of non-compliance occurred due to insufficient supervisor oversight and fiscal limitations.

The CDCR continues to take steps to ensure full compliance, including tracking training completion utilizing promotional dates, creation of monthly out of compliance reports, regular reminders to supervisors and their managers to complete required training, and memorandums provided to Hiring Authorities to remind them of supervisory training requirements.

CDCR and CCHCS emailed a memorandum dated October 24, 2024, to Hiring Authorities reminding them of their responsibility to ensure all mandated training is completed by their staff on or before the due date. Hiring Authorities were also provided with resources to assist with monitoring and tracking mandated training. Hiring Authorities are responsible for disseminating the information to their staff for awareness, and ensuring their staff are in compliance with GC 19995.4.

CDCR provides additional leadership training opportunities for managers and CEAs and will continue to explore ways to ensure all managers receive corrections-focused training to increase critical skills necessary to lead programs, build a resilient culture, and appropriately leverage

resources. Additionally, CDCR is finalizing updates to the required 20-hours of biennial leadership training which will be available to all managers and CEAs in 2026.

In January 2025, CDCR implemented a comprehensive web-based Supervisor Portal housed on the department's intranet as a resource for supervisors and managers in various topics such as HR, performance management, labor relations, and training and development. CDCR and CCHCS emailed a memorandum dated January 15, 2025, to all supervisors and managers announcing the portal and how to access. The Supervisor Portal includes mandated training requirements and timeframes as identified in GC 19995.4, along with links for information on SDP and other training opportunities.

**Finding 11: Incorrect application of salary determination laws, rules, and CalHR policies and guidelines for appointment.**

**Cause/Response:** The CRD identified 2 errors of the 41 salary determinations reviewed and determined the department has achieved 90% or more compliance; therefore, no response is needed as CDCR was found to be substantially compliant.

**Finding 12: Alternative range movements complied with civil service laws, board rules, and CalHR policies and guidelines.**

**Cause/Response:** No response is needed as CDCR was found to be in compliance.

**Finding 13: Incorrect authorization of bilingual pay.**

**Cause/Response:** CDCR acknowledges that CRD identified 7 errors in the 25 bilingual pay authorizations reviewed. These discrepancies are because CDCR's use of bilingual services uniquely differs from the standard bilingual guidelines governed by CalHR, as CDCR's organizational structure is designed and driven by staffing ratios and incarcerated population demographics. CDCR is the largest civil service agency in California and multiple external authorities impact its operational mandates (e.g., legislation, government code, litigation decisions). As a result, there is constant change and required action(s) within the institutions and overarching operations. To efficiently address these dynamic changes, CDCR is unable to designate a specific number of positions as "bilingual." Rather, CDCR identifies bilingual staff for bilingual services which include services for the incarcerated population, their families, state-supervised participants, the public, etc. Communication/translations may include but is not limited to daily operations for incarcerated persons, appeal hearings, discipline hearings, and investigations. Identified employees, hiring managers, and human resource staff follow the bilingual guidelines along with governing MOU language to determine employee eligibility and

operational need based on the number of existing bilingual staff and population demographics. Approved employees receive the associated pay differential for bilingual services. Because of this process, CDCR's bilingual services/pay is not tied to a specific position. Therefore, in our process the STD 897 is not required for miscellaneous position movement (e.g., employees moving from an unfunded position to a budgeted position).

CDCR is currently conducting an audit of all employees receiving bilingual pay and will update policies and procedures, including ensuring a new form is signed upon any position changes. CDCR is currently in communication with CalHR to capture CDCR's unique structure and gain their approval as CDCR updates their Bilingual Policy. Following the audit, CDCR will also create a SharePoint site to assist with tracking compliance as well as strategically ensuring compliance with fluency exams and form completion.

**Finding 14: Pay Differential authorizations complied with civil service laws, board rules, and CalHR policies and guidelines.**

**Cause/Response:** No response is needed as CDCR was found to be in compliance.

**Finding 15: Incorrect authorization of Out-of-Class (OOC) pay.**

**Cause/Response:** CDCR acknowledges the CRD identified 7 errors within the 20 OOC pay assignments reviewed. The cause of this finding is due to outdated procedures and OOC processing knowledge gaps. On July 31, 2024, CDCR released PIB 2024-030 which detailed compensations instructions for OOC, Alternate Range Movement, and Pay Differentials Calculations. Our Personnel Operations Manual (POM) Section 702-704 covers the following for OOC: assignments, compensation, experience, and exams. We are currently developing updates to the POM, now referred to as the Electronic Personnel Operations Manual (ePOM) that will include a department wide OOC checklist for transactions staff for documentation and substantiation purposes including: department/program approval paperwork, salary determination, calendar, signed supervisor authorization form, monthly time statement, pay history for each applicable month, and OOC completion memo. The OOC packet is to be reviewed by an analyst/supervisor or manager for accuracy. Upon completion of the OOC assignment an audit will be conducted by a designated transaction staff member to ensure compliance. Guidance for computing OOC pay is detailed within PIB 2024-030 and the department is currently developing a robust training to provide staff with additional resources to ensure compliance.

**Finding 16: Positive paid temporary employees' work exceeded time limitations.**

**Cause/Response:** CDCR acknowledges that CRD identified the department did not consistently monitor the actual number of days and/or hours worked to ensure that 5 of the 25 positive paid employees reviewed did not exceed the 189-day or 1,500-hour limitation in any 12-consecutive month period and that the CDCR did not consistently track and monitor 3 retired annuitant total hours worked.

The cause of this finding is due to lack of automated tracking tools and the absence of a standardized process of monitoring intermittent work hours. CDCR distributes a statewide annual memo to personnel staff and managers regarding the appropriate use of Temporary Help and Seasonal Employees. This memo covers Student Assistants, Graduate Assistants, Seasonal Clerks, Mechanical & Technical Occupational Trainees, Casual Employment, and Self-Help Sponsor Classifications and provides the applicable California Code of Regulations (CCR) regarding work hour restrictions. In a similar manner, staff are reminded of the work hour restriction for retired annuitants during the annual retired annuitant renewal process. CDCR memo dated December 31, 2024, provides directions to all departmental staff on the appropriate use of staff in those classifications along with their responsibility of tracking hours per the CCR Title 2 Section 265.1. Management will remind staff of this expectation to ensure tracking is completed and employees are notified timely when approaching their maximum hours.

**Finding 17: Administrative Time Off (ATO) was not properly documented.**

**Cause/Response:** CDCR acknowledges that of the 25 ATO authorizations reviewed, 7 did not contain the appropriate ATO approval documentation. This is due to documentation not being received and/or retained by personnel. Personnel staff will be reminded of the importance of reviewing the ATO policy, which identifies the documentation expectations such as ensuring monthly timesheets with all required supporting documentation are received. Verification of this substantiation is part of the monthly audit process listed in ePOM Section 730.

**Finding 18: Department has not implemented a monthly internal audit process to verify all leave input is keyed accurately and timely.**

**Cause/Response:** CDCR acknowledges the CRD identified the department failed to implement a monthly internal audit process to verify all timesheets were keyed accurately and timely, and to certify that all leave records have been reviewed and corrected, if necessary. Due to staff turnover and departmental resource issues, staff were not completing monthly audits of submitted timesheets. CDCR currently has ePOM Section 730: Accurate and Timely Leave Records available as a resource to HR staff to assist with reviewing leave records. Furthermore,

departmental form HR 1013 – Leave Activity and Corrections Certification was created to assist personnel staff with the monthly audit of timesheets for receipt, leave accruals, and leave usage. The HR 1013 is to be reviewed and signed off by a lead transactions staff or supervisor. Training for this requirement was provided to HQ staff in June 2024. On July 31, 2024, CDCR released PIB 2024-030 which includes guidance to HR Managers to ensure every payroll unit has completed the HR 1013 in addition to the instructions for HR offices to complete the monthly audit process listed in ePOM Section 730. CDCR will send out a biannual reminder to the HR offices of the importance of completing the HR 1013 for every payroll unit under their agency as well as adding the requirement to do so to the monthly Personnel Calendar. The HR manager will be reminded that the forms shall be maintained for audit purposes. In addition, we will request an internal audit in 2026 to assist with compliance for this finding, subject to available resources.

**Finding 19: Service and Leave transactions complied with civil service laws, board rules, and/or CalHR policies and guidelines.**

**Cause/Response:** No response is needed as CDCR was found to be in compliance.

**Finding 20: Nepotism policy complied with civil service laws, board rules, and/or CalHR policies and guidelines.**

**Cause/Response:** No response is needed as CDCR was found to be in compliance.

**Finding 21: Workers' Compensation process complied with civil service laws, board rules, and/or CalHR policies and guidelines.**

**Cause/Response:** No response is needed as CDCR was found to be in compliance.

**Finding 22: Performance appraisals were not provided to all employees.**

**Cause/Response:** CDCR acknowledges the CRD audit finding that the department did not provide annual performance appraisals to 73 of 100 employees after the completion of the employee's probationary period. The issue occurred due to the absence of a standardized processes, system controls monitoring the completion of appraisals, and placement of appraisals in the employee OPF.

CDCR managers and supervisors are responsible for providing annual performance appraisals. This requirement is outlined as part of the basic supervision for all new managers and supervisors. CDCR will continue to outline performance expectations for managers and supervisors and send out reminders to obtain these reports in a timely manner. A memo will be



sent to Hiring Authorities as a reminder of the roles and responsibilities of the managers and supervisors to ensure that annual performance reports are tracked, completed, and provided to employees in a timely manner. It will also be reiterated that the final reports will be sent to the personnel office to be filed in the OPF. CDCR HQ has established a SharePoint site for all HQ supervisors, managers and personnel liaisons to review monthly annual performance reports that are due. A monthly standardized format for a MIRS report has also been shared with all institution HR offices to assist in tracking these reports. In addition, we will request an internal audit in 2026 to assist with compliance for this finding, subject to available resources.

We appreciate SPB's review and the opportunity to respond.

If you have questions or need additional information, please contact Catherine Lucero, Staff Services Manager (SSM) III, HR's Compliance and Audit Support Unit (CASU), at (916) 531-3346.

Sincerely,



MADELYNN MCCLAIN  
Director, Division of Administration Services

Enclosures

cc: Jennifer Barretto, Undersecretary of Administration  
Chris Chambers, Director, Division of Correctional Policy Research and Internal Oversight  
Marc Wilson, Deputy Director, Audits and Court Compliance  
Joanna Cagle, Deputy Director, Office of Employee Health Management  
Jamie Moss, Deputy Director, Business Services  
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