

COMPLIANCE REVIEW REPORT

CALIFORNIA MILITARY DEPARTMENT

Compliance Review Division
State Personnel Board
September 29, 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 Military Department (CMD) personnel practices in the areas of 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
Appointments	Out of Compliance	Probationary Evaluations Were Not Provided for All Appointments Reviewed
Appointments	Out of Compliance	Appointment Documentation Was Not Kept for the Appropriate Amount of Time
Equal Employment Opportunity	Out of Compliance	Complainants Were Not Notified of the Reasons for Delays in Decisions Within the Prescribed Time Period
Personal Services Contracts	Out of Compliance	Unions Were Not Notified of Personal Services Contracts
Mandated Training	Out of Compliance	Ethics Training Was Not Provided for All Filers
Mandated Training	Out of Compliance	Supervisory Training Was Not Provided for All Supervisors, Managers, and CEAs
Mandated Training	Out of Compliance	Sexual Harassment Prevention Training Was Not Provided for All Employees
Compensation and Pay	In Compliance	Salary Determinations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	Out of Compliance	Alternate Range Movements Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	Out of Compliance	Incorrect Authorization of Pay Differentials
Compensation and Pay	In Compliance	Out of Class Pay Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines

Area	Compliance	Finding
Leave	In Compliance	Positive Paid Employees' Tracked Hours Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	In Compliance	Administrative Time Off Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	In Compliance	Leave Auditing and Timekeeping Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	In Compliance	Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Out of Compliance	Workers' Compensation Policy Was Not Provided to New Employees by the End of First Pay Period
Policy	Out of Compliance	Performance Appraisals Were Not Provided to All Employees

BACKGROUND

The CMD is comprised of the California Army National Guard, Air National Guard, State Guard, and Youth and Community Programs. The CMD's full-time workforce includes approximately 1,200 state civil service and state active-duty members, alongside federal employees. These workforces are critical for administrative readiness - enhancing the CMD's ability to rapidly respond to emergencies.

The CMD is committed to improving, preparing, and protecting our communities, state, and nation by providing trained, equipped, and mission-ready forces for domestic civil support operations and federal mobilization. This ensures timely responses to emergencies, mitigating risks to Californians and their property, and involves collaborative work with other emergency response agencies. Additionally, service members deploy overseas for combat and humanitarian operations during times of conflict or distress.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the CMD's appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and

processes¹. The primary objective of the review was to determine if the CMD'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.

The CMD did not conduct any examinations and permanent withhold actions during the compliance review period.

A cross-section of the CMD'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 CMD 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 CMD did not conduct any unlawful appointment investigations during the compliance review period.

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

The review of the CMD'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 CMD's PSCs were also reviewed.² It was beyond the scope of the compliance review to make conclusions as to whether the CMD's justifications for the contracts were legally

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

² 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.

sufficient. The review was limited to whether the CMD's practices, policies, and procedures relative to PSC's complied with procedural requirements.

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

The CRD reviewed the CMD'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 CMD's units in order to ensure they maintained accurate and timely leave accounting records. Additionally, the CRD reviewed a selection of the CMD employees who used Administrative Time Off (ATO) in order to ensure that ATO was appropriately administered. Further, the CRD reviewed a selection of CMD positive paid employees whose hours are tracked during the compliance review period in order to ensure that they adhered to procedural requirements. During the compliance review period, the CMD did not have any employees with non-qualifying pay period transactions.

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

On September 4, 2025, an exit conference was held with the CMD to explain and discuss the CRD's initial findings and recommendations. The CRD received and carefully reviewed the CMD's written response on September 22, 2025, which is attached to this final compliance review report.

FINDINGS AND RECOMMENDATIONS

Appointments

In all cases not excepted or exempted by Article VII of the California Constitution, the appointing power must fill positions by appointment, including cases of transfers, reinstatements, promotions, and demotions in strict accordance with the Civil Service Act

and Board rules. (Gov. Code, § 19050.) The hiring process for eligible candidates chosen for job interviews shall be competitive and be designed and administered to hire candidates who will be successful. (Cal. Code Regs., tit. 2, § 250, subd. (b).) Interviews shall be conducted using job-related criteria. (*Ibid.*) Persons selected for appointment shall satisfy the minimum qualifications of the classification to which he or she is appointed or have previously passed probation and achieved permanent status in that same classification. (Cal. Code Regs., tit. 2, § 250, subd. (d).) While persons selected for appointment may meet some or most of the preferred or desirable qualifications, they are not required to meet all the preferred or desirable qualifications. (*Ibid.*) This section does not apply to intra-agency job reassignments. (Cal. Code Regs., tit. 2, § 250, subd. (e).)

During the period under review, February 1, 2024, through October 31, 2024, the CMD made 47 appointments. The CRD reviewed 18 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 (Supervisor)	Certification List	Permanent	Full Time	1
Associate Accounting Analyst	Certification List	Permanent	Full Time	1
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	1
Building Maintenance Worker	Certification List	Permanent	Full Time	1
Chief Engineer I	Certification List	Permanent	Full Time	1
Construction Supervisor II	Certification List	Permanent	Full Time	1
Custodian I	Certification List	Permanent	Full Time	1
Custodian Supervisor I	Certification List	Permanent	Full Time	1
Information Technology Specialist I	Certification List	Permanent	Full Time	2
Personnel Specialist	Certification List	Permanent	Full Time	1
Staff Services Analyst	Certification List	Permanent	Full Time	1
Staff Services Manager I	Certification List	Permanent	Full Time	1
Staff Services Manager II (Managerial)	Certification List	Permanent	Full Time	1
Utility Shops Supervisor	Certification List	Permanent	Full Time	1
Staff Services Analyst	Reinstatement	Permanent	Full Time	1
Stationary Engineer	Transfer	Permanent	Full Time	1

FINDING NO. 1	PROBATIONARY EVALUATIONS WERE NOT PROVIDED FOR ALL APPOINTMENTS REVIEWED³
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Summary: The CMD did not provide 15 probationary reports of performance for 5 of the 18 appointments reviewed by the CRD.

Criteria: The service of a probationary period is required when an employee enters or is promoted in the state civil service by permanent appointment from an employment list; 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 CMD 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 19172. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

FINDING NO. 2	APPOINTMENT DOCUMENTATION WAS NOT KEPT FOR THE APPROPRIATE AMOUNT OF TIME⁴
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Summary: Of the 18 appointments reviewed, the CMD did not retain 4 NOPAs and 1 duty statement.

³ Repeat finding; see reports dated December 5, 2021, March 22, 2019, and August 28, 2015.

⁴ Repeat finding; see reports dated December 5, 2021, and March 22, 2019.

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 CMD 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.

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).)

FINDING NO. 3	COMPLAINANTS WERE NOT NOTIFIED OF THE REASONS FOR DELAYS IN DECISIONS WITHIN THE PRESCRIBED TIME PERIOD
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Summary: The CMD provided evidence that two discrimination complaints related to disability, medical condition, or denial of reasonable accommodation were filed during the compliance review period of April 15, 2024, through April 16, 2025. Both of the complaint investigations reviewed exceeded 90 days and the CMD failed to provide written communication to the complainant regarding the status of the complaint.

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

Corrective Action: Within 90 days of the date of this report, the CMD 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, title 2, section 64.4, subdivision (a). Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

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, May 1, 2024, through January 31, 2025, the CMD had 79 PSC's that were in effect. The CRD reviewed 32 of those, which are listed below:

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Advantage Total Protection Inc	Alarm Monitoring	\$2,340	Yes	Yes
Advantage Total Protection Inc	Fire Alarm System Monitoring	\$1,996	Yes	Yes
Archies Aloha Pest Management	Emergency Bee Removal	\$6,800	Yes	Yes
Camp San Luis Obispo Billeting Office	Billeting Services	\$55,050	Yes	Yes
Catalyst Diving Inc	Portable Water Tank Inspections	\$9,750	Yes	Yes
County of San Luis Obispo	Dispatch	\$75,000	Yes	No
Cuesta College	Medical	\$102,494	Yes	Yes
Doc's Towing Service Inc	Towing	\$1,980	Yes	Yes
Environmental Treatment & Technology, Inc	Effluent Wastewater Sampling and Testing	\$11,688	Yes	Yes
GP Crane and Hoist Services	Crane Maintenance Inspections - Sacramento	\$35,389	Yes	Yes
Grace Environmental Services	Drinking Water Sampling	\$72,000	Yes	Yes
Greene backflow	Backflow Device Testing	\$240	Yes	No

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Joint Forces Training Base Morale Welfare & Recreation	Dining Facility Services	\$844,300	Yes	No
Life Options, Vocation & Resources Center	Food Services	\$3,500,570	Yes	Yes
Life Options Vocational & Resources Center	Food Services	\$2,041,999	Yes	Yes
Lincoln Training Center & Rehabilitation	Dining Facility Services	\$4,044,524	Yes	Yes
Little Mendelson Co	Legal Services	\$45,000	Yes	No
Lux Bus America Co	Emergency Transportation	\$19,700	Yes	Yes
Lux Bus America Co	Emergency Transportation	\$24,000	Yes	Yes
Lux Bus America Co	Emergency Transportation	\$15,000	Yes	Yes
Lux Bus America Co	Emergency Transportation	\$20,100	Yes	Yes
Lux Bus America Co	Emergency Transportation	\$23,300	Yes	Yes
Lux Bus America Co	Emergency Transportation	\$17,400	Yes	Yes
NorCal Linen Supply Dba Ronald J. Gibson	Linen Cleaning	\$183,330	Yes	Yes
Nosebeard Enterprises LLC	Charter Bus	\$111,941	Yes	Yes
Rocket Restrooms & Fencing Inc	Portable Restroom Services	\$3,240	Yes	Yes
San Joaquin Health Centers	Medical Healthcare Services	\$221,253	Yes	Yes
So Cal Land Maintenance Inc.	Landscaping Maintenance	\$346,720	Yes	Yes
South County Industrial Emergency Council	Live Fire Trainer	\$19,900	Yes	Yes
The Arc of Fresno Madera Counties	Grounds Maintenance	\$124,862	Yes	No
Titan Water Technology Inc	Water Treatment	\$17,820	Yes	Yes
Troy Alarm Inc	Fire Monitoring	\$65,691	Yes	Yes

FINDING NO. 4	UNIONS WERE NOT NOTIFIED OF PERSONAL SERVICES CONTRACTS⁵
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Summary: The CMD did not notify unions prior to entering into 5 of the 32 PSCs 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 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 CMD 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.)

⁵ Repeat finding; see report dated December 5, 2021.

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

⁶ Within the executive branch, the following officials have authority to represent the state in a tribal government-to-government consultation: the governor, the attorney general, each constitutional officer and statewide elected official, the director of each state agency and department, the chair and executive officer of each state commission and task force, and the chief counsel of any state agency. (Gov. Code, § 11019.81, sub. (f) (1).) Each authorized official may formally designate another agency official to conduct preliminary tribal consultations, and each designated official may have the authority to act on behalf of the state during a government-to-government consultation. (Gov. Code, § 11019.81, sub. (f) (2).)

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 CMD's mandated training program that was in effect during the compliance review period, February 1, 2023, through January 31, 2025. The CMD's tribal consultations training was found to be in compliance, while the CMD's ethics training, supervisory training, and sexual harassment prevention training, were found to be out of compliance.

FINDING NO. 5	ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS⁷
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Summary: The CMD did not provide ethics training to 5 of 55 existing filers. In addition, the CMD did not provide ethics training to 4 of 19 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 CMD 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.

⁷ Repeat finding; see reports dated December 5, 2021, and March 22, 2019.

FINDING NO. 6	SUPERVISORY TRAINING WAS NOT PROVIDED FOR ALL SUPERVISORS, MANAGERS, AND CEAs
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Summary: The CMD provided manager training for 2 of the 2 new managers within 12 months of appointment. However, the CMD did not provide basic supervisory training to 1 of 6 new supervisors within 12 months of appointment.

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

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

Corrective Action: Within 90 days of the date of this report, the CMD 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.

FINDING NO. 7	SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL EMPLOYEES⁸
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Summary: The CMD did not provide sexual harassment prevention training to 2 of 20 new supervisors within 6 months of their appointment. In addition, the CMD did not provide sexual harassment prevention training to 4 of 30 existing supervisors every 2 years.

The CMD did not provide sexual harassment prevention training to 18 of 85 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

⁸ Repeat finding; see reports dated December 5, 2021, and March 22, 2019.

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 CMD 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.

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 rate⁹ 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.

During the period under review, February 1, 2024, through October 31, 2024, the CMD made 18 appointments. The CRD reviewed eight of those appointments to determine if the CMD applied salary regulations accurately and correctly processed employees' compensation.

⁹ "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).

FINDING NO. 8	SALARY DETERMINATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRD found no deficiencies in the salary determinations that were reviewed. The CMD appropriately calculated and keyed the salaries for each appointment and correctly determined employees' anniversary dates ensuring that subsequent merit salary adjustments will satisfy civil service laws, Board rules and CalHR policies and guidelines.

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, February 1, 2024, through October 31, 2024, the CMD employees made eight alternate range movements within a classification. The CRD reviewed seven of those alternate range movements to determine if the CMD applied salary regulations accurately and correctly processed each employee's compensation, which are listed below:

Classification	Prior Range	Current Range	Salary (Monthly Rate)
Custodian II	No Range	A	\$4,120
Custodian II	No Range	A	\$4,120
Custodian II	No Range	A	\$4,120
Custodian II	No Range	A	\$4,120
Information Technology Specialist I	A	B	\$7,491
Staff Services Analyst	B	C	\$5,110
Staff Services Analyst	B	C	\$5,282

FINDING NO. 9	ALTERNATE RANGE MOVEMENTS DID NOT COMPLY WITH CIVIL SERVICE LAWS, RULES, AND CALHR POLICIES AND GUIDELINES¹⁰
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Summary: The CRU found one error in the seven alternate range movements reviewed:

Classification	Description of Finding	Criteria
Staff Services Analyst	Incorrect range change date resulting in the employee being undercompensated.	ARC # 069

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

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

Corrective Action: Within 90 days of the date of this report, the CMD must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that employees are compensated correctly. The CMD must establish an audit system to correct current compensation transactions as well as future transactions. 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,

¹⁰Repeat finding; see report dated December 5, 2021.

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, February 1, 2024, through October 31, 2024, the CMD authorized 112 pay differentials.¹¹ The CRD reviewed 25 of these pay differentials to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Pay Differential	Monthly Amount
Associate Construction Analyst	245	4%
Associate Governmental Program Analyst	441	\$250
Associate Governmental Program Analyst	441	\$250
Associate Governmental Program Analyst	441	\$250
Associate Governmental Program Analyst	441	\$250
Associate Governmental Program Analyst	441	\$250
Associate Governmental Program Analyst	441	\$250
Building Maintenance Worker	233	\$100
Building Maintenance Worker	409	5%
Captain Firefighter/Security Officer	244	5%
Carpenter I	409	5%
Construction Supervisor II	433	5.50%
Electrician I	409	5%
Electrician II	409	5%
Firefighter	244	5%
Maintenance Mechanic	409	5%
Maintenance Mechanic	409	5%

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

Classification	Pay Differential	Monthly Amount
Military Department Heavy Equipment Operator	409	5%
Plumber I	409	5%
Senior Structural Engineer	261	\$300
Staff Services Manager I	441	\$250
Stationary Engineer	435	\$100
Stationary Engineer	435	\$100
Stationary Engineer	435	\$100
Stationary Engineer	435	\$100

FINDING NO. 10	INCORRECT AUTHORIZATION OF PAY DIFFERENTIALS
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Summary: The CRD found 5 errors in the 25 pay differentials reviewed:

Classification	Description of Finding	Criteria
Electrician II	The employees' work location is not eligible to receive the 5% recruitment and retention pay. Employees were overcompensated.	Pay Differential 409
Carpenter I		
Maintenance Mechanic		
Military Department Heavy Equipment Operator		
Plumber I		

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

Corrective Action: Within 90 days of the date of this report, the CMD must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Pay Differential 409 and ensure that employees are compensated correctly and that transactions are keyed accurately. Copies of relevant documentation demonstrating that the corrective action has

been implemented must be included with the corrective action response.

Out-of-Class Assignments and Pay

For excluded¹² 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, February 1, 2024, through October 31, 2024, the CMD issued OOC pay to three employees. The CRD reviewed all of the 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 Governmental Program Analyst	R01	Information Technology Associate	9/26/24-11/22/24
Staff Services Manager II (Supervisory)	S01	Staff Services Manager III	9/3/24-4/30/25
Supervisor of Building Trades	S12	Chief of Plant Operations II	1/1/24-4/30/24

¹² “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.

FINDING NO. 11	OUT OF CLASS PAY AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRD found no deficiencies in the OOC pay assignments that the CMD authorized during the compliance review period. OOC pay was issued appropriately to employees 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

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 days¹³ worked and paid absences¹⁴, 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).)

¹³ For example, two hours or ten hours count as one day.

¹⁴ For example, vacation, sick leave, compensating time off, etc.

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 CMD had two positive paid employees whose hours were tracked. The CRD reviewed both of the positive paid appointments to ensure compliance with applicable laws, regulations, policies and guidelines, which are listed below:

Classification	Tenure	Time Frame	Hours Worked
Associate Governmental Program Analyst	Retired Annuitant	7/2023-6/2024	495.80
Associate Governmental Program Analyst	Retired Annuitant	7/2023-6/2024	229.50

FINDING NO.12	POSITIVE PAID EMPLOYEES' TRACKED HOURS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRD found no deficiencies in the positive paid employees reviewed during the compliance review period. The CMD provided sufficient justification and adhered to applicable laws, regulations and CalHR policy and guidelines for positive paid employees.

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, November 1, 2023, through October 31, 2024, the CMD authorized nine ATO transactions. The CRD reviewed eight of these ATO transactions to ensure compliance with applicable laws, regulations, and CalHR policy and guidelines

FINDING NO.13	ADMINISTRATIVE TIME OFF AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRD found no deficiencies in the ATO transactions reviewed during the compliance review period. The CMD provided the proper documentation justifying the use of ATO and adhered to applicable laws, regulations and CalHR policy and guidelines.

Leave Accounting

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

During the period under review, August 1, 2024, through October 31, 2024, the CMD reported 36 units. The CRD reviewed 14 units within 3 pay periods to ensure compliance with applicable laws, regulations and CalHR policy and guidelines.

FINDING NO.14	LEAVE ACCOUNTING COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRD reviewed leave records from three different leave periods to ensure compliance with applicable laws, regulations and CalHR policy and guidelines. Based on our review, the CRD found no deficiencies. The CMD utilized a monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely.

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 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.*)

FINDING NO.15	NEPOTISM POLICY COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRD verified that the policy was disseminated to all staff and emphasized the CMD's commitment to the state policy of hiring, transferring, and promoting employees on the basis of merit. Additionally, the CMD's nepotism policy was comprised of specific and sufficient components intended to prevent favoritism, or bias, based on a personal relationship from unduly influencing employment decisions.

Workers' Compensation

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

Public employers may choose to extend workers' compensation coverage to volunteers that perform services for the organization. (Human Resources Manual Section 1415.) Workers' compensation coverage is not mandatory for volunteers as it is for employees.

(*Ibid.*) This is specific to the legally uninsured state departments participating in the Master Agreement. (*Ibid.*) Departments with an insurance policy for workers' compensation coverage should contact their State Compensation Insurance Fund (State Fund) office to discuss the status of volunteers. (*Ibid.*)

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

FINDING NO.16	WORKERS' COMPENSATION POLICY WAS NOT PROVIDED TO NEW EMPLOYEES BY THE END OF THE FIRST PAY PERIOD
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Summary: The CMD does not provide specific notices to their employees to inform them of their rights and responsibilities under California's Workers' Compensation Law.

Criteria: Employers shall provide to every new employee 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 of Regs., tit. 8, § 9880.)

Corrective Action: Within 90 days of the date of this report, the CMD 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 8, section 9880. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

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 63 permanent CMD employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations, policies and guidelines.

FINDING NO. 17	PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES¹⁵
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Summary: The CMD did not provide annual performance appraisals to 30 of 63 employees reviewed after the completion of the employee's probationary period.

Criteria: Appointing powers shall prepare performance reports and keep them on file as prescribed by department rule. (Gov. Code, § 19992.2, subd. (a).) Each supervisor, as designated by the appointing power, shall make an appraisal in writing and shall discuss with the employee overall work performance at least once in each twelve calendar months following the end of the employee's probationary period. (Cal. Code Regs., tit. 2, § 599.798.)

DEPARTMENTAL RESPONSE

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

SPB REPLY

Based on the CMD'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.

¹⁵ Repeat finding; see reports dated December 5, 2021, and March 22, 2019.

MILITARY DEPARTMENT
OFFICE OF THE ADJUTANT GENERAL
10601 Bear Hollow Drive
Rancho Cordova, California 95670-6350



NGCA-JSD-SP

19 September 2025

MEMORANDUM THRU Director, J-1 Manpower & Personnel, California Military
Department, Rancho Cordova, CA, 95670

ROGGOW.AARON.J
AMES.1187970071
Digitally signed by
ROGGOW.AARON.JAMES.1187970071
Date: 2025.09.22 09:21:41 -0700

FOR Compliance Review Manager, SPB Compliance Review Division, 801 Capitol Mall,
Sacramento, CA, 95814

SUBJECT: Departmental Response to State Personnel Board Compliance Review
Report

1. Reference. Draft CMD Compliance Review Report.
2. Departmental Response feedback for out-of-compliance findings:
 - a. **Finding No. 1: Probationary Evaluations Were Not Provided for All Appointments Reviewed.** The cause for this finding was staff turnover, which resulted in a lack of knowledge transfer and training for new personnel.
 - b. **Finding No. 2: Appointment Documentation Was Not Kept for The Appropriate Amount of Time.** Similar to the first finding, this issue was also caused by staff turnover, leading to a lack of knowledge transfer and training.
 - c. **Finding No. 3: Complainants Were Not Notified of The Reasons for Delays in Decisions Within the Prescribed Time Period.** This delay was due to complications from a dual filing, which initiated months of cross-functional discussion between the Civil Rights Department (CRD) and the California Military Department (CMD). An additional 45-day delay occurred when the notice of filing was sent to CMD's old address in July 2024. While CMD was granted a 30-day extension to submit questions, the parties requested mediation. The mediation, which was calendared for December 2024, concluded in April 2024.
 - d. **Finding No. 4: Unions Were Not Notified of Personal Services Contracts.** The cause for this finding was inadvertent administrative errors.
 - e. **Finding No. 5: Ethics Training Was Not Provided for All Filers.** Although the responsibility for ethics training oversight is shared by multiple CMD entities, lack of clear tracking onus, staff turnover in SP and the Legal Office created a lack of transferred knowledge, training, and awareness of the governing authority.

NGCA-JSD-SP

SUBJECT: Departmental Response for State Personnel Board Compliance Review Report

f. **Finding No. 6: Supervisory Training Was Not Provided for All Supervisors, Managers, and CEAs.** This finding was a result of a lack of staff to support department-wide training coordinator responsibilities.

g. **Finding No. 7: Sexual Harassment Prevention Training Was Not Provided for All Employees.** The failure to provide this training was due to a combination of multiple factors, including an increased operations tempo, the relocation of various parts of the organization, and critical personnel being on extended leave. These combined factors resulted in a knowledge shortfall regarding departmental compliance.

h. **Finding No. 9: Alternate Range Movements Did Not Comply with Civil Service Laws, Rules, And Calhr Policies and Guidelines.** Staff turnover resulted in a lack of awareness of the range change date, which caused this finding.

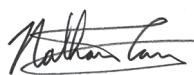
i. **Finding No. 10: Incorrect Authorization of Pay Differentials.** This finding is due to Camp Roberts' unique geographic location, situated in both San Luis Obispo and Monterey Counties. Given the complexity of its location and the fact that State Civil Service (SCS) employees do not have clearly defined worksites within a single county's boundaries, CMD has been applying Pay Differential criteria for both counties to SCS employees based on their bargaining units since July 2020.

j. **Finding No. 16: Workers' Compensation Policy Was Not Provided to New Employees by the End of the First Pay Period.** This failure was caused by staff turnover and a lack of knowledge transfer and awareness of the legal obligation.

k. **Finding No. 17: Performance Appraisals Were Not Provided to All Employees.** The cause for this finding was staff turnover, a lack of knowledge transfer, and inadequate training.

3. The CMD's Corrective Action Response (CAR) phase will begin after the final compliance report is posted, and CMD will have 90 days to submit its CAR for each finding.

4. The point of contact for this memorandum is the undersigned at nathan.lavy@cmd.ca.gov.

 Digitally signed by
LAVY.NATHAN.THOMAS.12567
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NATHAN T. LAVY
Lieutenant Colonel, California Army National Guard
Director, State Personnel Programs

CF:
Chief of Staff, Joint Staff, CMD