

COMPLIANCE REVIEW REPORT

DEPARTMENT OF WATER RESOURCES

Compliance Review Division
State Personnel Board
October 21, 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 Department of Water Resources (DWR) 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	In Compliance	Appointments Complied with Civil Service Laws and Board Rules
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	Substantial 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	Substantial 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

Area	Compliance	Finding
Compensation and Pay	Substantial Compliance	Alternate Range Movements Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	In Compliance	Bilingual Pay Authorization Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	In Compliance	Pay Differential Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	Out of Compliance	Incorrect Authorization of Out-of-Class Pay
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	Out of Compliance	Department Did Not Certify That All Leave Records Were Reviewed
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	Substantial Compliance	Performance Appraisals Were Not Provided to All Employees

BACKGROUND

The DWR manages the water resources of California, in cooperation with other agencies, to benefit the State's people and protect, restore, and enhance the natural and human environments. The DWR employs approximately 3,600 employees within various divisions, offices, field divisions, and regional offices. Major responsibilities of the department are to:

1. Prepare and update the California Water Plan to guide development and management of the State's water resources.
2. Plan, design, construct, operate and maintain the State Water Resources Development System to supply good quality water for municipal, industrial, agricultural and recreational uses; and for fish and wildlife protection and enhancement.
3. Protect and restore the Sacramento-San Joaquin Delta by controlling salinity and providing water supplies for Delta water users; planning long-term solutions for environmental and water use problems facing the Delta; and administering levee maintenance reimbursements and special flood control projects.
4. Regulate dams, provide flood protection, and assist in emergency management to safeguard life and property by supervising design, construction, operation, and maintenance of more than 1,200 jurisdictional dams; encouraging preventive floodplain management practices; maintaining and operating Sacramento Valley flood control facilities; cooperating in flood control planning and facility development; and providing flood advisory information.
5. Educate the public about the importance of water and its proper use; and collect, analyze, and distribute water-related information to the general public and to the scientific, technical, educational and water management communities.
6. Serve local water needs by providing technical assistance; cooperating with local agencies on water resources investigations; supporting watershed and river restoration programs; encouraging water conservation; exploring conjunctive use of ground and surface water; facilitating voluntary water transfers; and, when needed, operating a State drought water bank.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the DWR's examinations, 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 DWR'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 DWR'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 DWR provided, which included examination plans, examination bulletins, job analyses, and scoring results. The CRD also reviewed the DWR's permanent withhold actions documentation, including Withhold Determination Worksheets, State applications (STD 678), class specifications, and withhold letters.

A cross-section of the DWR'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 DWR provided, which included Notice of Personnel Action forms, Request for Personnel Actions, vacancy postings, certification lists, transfer movement worksheets, employment history records, correspondence, and probation reports. The DWR did not conduct any unlawful appointment investigations during the compliance review period.

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

The review of the DWR's EEO program included examining written EEO policies and procedures; the EEO Officer's role, duties, and reporting relationship; the internal

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

discrimination complaint process; the reasonable accommodation program; the discrimination complaint process; and the Disability Advisory Committee.

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

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

Moreover, the CRD reviewed the DWR's policies and processes concerning nepotism, workers' compensation, performance appraisals, and Administrative Hearing and Medical Interpreter Program (only include if applicable). The review was limited to whether the DWR's policies and processes adhered to procedural requirements.

²If 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.

On August 28, 2025, an exit conference was held with the DWR to explain and discuss the CRD's initial findings and recommendations. The CRD received and carefully reviewed the DWR's written response on October 10, 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, May 1, 2024, through October 31, 2024, the DWR conducted 21 examinations. The CRD reviewed eight of those examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
CEA A, Head of Staff to the Director	CEA	Statement of Qualifications (SOQ) ³	7/30/24	1

³ 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
CEA B, Manager, Division of Flood Operations	CEA	SOQ	7/17/24	1
Chief of Utility Operations	Departmental Promotional	Training and Experience (T&E) ⁴	5/02/24	7
Hydroelectric Plant Technician III	Departmental Promotional	T&E	5/31/24	11
Program Manager III, California Bay Delta Authority	Open	T&E	7/31/24	6
Program Water and Power Dispatcher	Open	T&E	5/02/24	2
Assistant Utility Craftworker Superintendent, Water Resources	Departmental Promotional	Qualification Appraisal Panel ⁵	8/02/24	18
Hydroelectric Plant Electrical Supervisor	Departmental Promotional	QAP	8/09/24	14

FINDING NO. 1	EXAMINATIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES
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The CRD reviewed four departmental promotional, two open, and two CEA examinations which the DWR administered in order to create eligible lists from which to make appointments. The DWR published and distributed examination bulletins containing the required information for all examinations. Applications received by the DWR 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 DWR conducted during the compliance review period.

⁴ 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.

⁵ The Qualification Appraisal Panel interview is the oral component of an examination whereby competitors appear before a panel of two or more evaluators. Candidates are rated and ranked against one another based on an assessment of their ability to perform in a job classification.

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, May 1, 2024, through October 31, 2024, the DWR conducted five permanent withhold actions. The CRD reviewed all of these permanent withhold actions, which are listed below:

Exam Title	Reason Candidate Placed on Withhold	No. of Withholds
Associate Governmental Program Analyst	Failed to Meet Minimum Qualifications	1
Information Technology Specialist	Failed to Meet Minimum Qualifications	1
Senior Engineering Geologist	Failed to Meet Minimum Qualifications	1
Senior Environmental Scientist (Specialist)	Failed to Meet Minimum Qualifications	2

FINDING NO. 2	PERMANENT WITHHOLD ACTIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES
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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, November 1, 2023, through April 30, 2024, the DWR made 419 appointments. The CRD reviewed 64 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
CEA A, Head of Staff to the Director	CEA	Permanent	Full Time	1
CEA B, Manager, Division of Flood Operations	CEA	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Accounting Officer (Specialist)	Certification List	Permanent	Full Time	1
Associate Accounting Analyst	Certification List	Permanent	Full Time	1
Associate Control Engineer	Certification List	Permanent	Full Time	1
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	1
Electrical Engineer	Certification List	Permanent	Full Time	1
Engineer, Water Resources	Certification List	Permanent	Full Time	4
Engineer, Water Resources	Certification List	Limited Term	Full Time	1
Environmental Scientist	Certification List	Permanent	Full Time	4
Fish & Wildlife, Scientific Aide	Certification List	Temporary	Intermittent	1
Hydroelectric Plant Electrician I	Certification List	Permanent	Full Time	1
Hydroelectric Plant Electrician II	Certification List	Permanent	Full Time	1
Hydroelectric Plant Operator	Certification List	Permanent	Full Time	2
Information Technologist Specialist I	Certification List	Permanent	Full Time	2
Information Technologist Specialist II	Certification List	Permanent	Full Time	1
Mate, Fish and Game Vessel	Certification List	Permanent	Full Time	1
Materials and Stores Specialist	Certification List	Permanent	Full Time	1
Office Technician (Typing)	Certification List	Permanent	Full Time	1
Personnel Specialist	Certification List	Permanent	Full Time	1
Principal Engineer, Water Resources	Certification List	Permanent	Full Time	1
Research Data Analyst I	Certification List	Permanent	Full Time	1
Senior Environmental Scientist (Supervisory)	Certification List	Permanent	Full Time	1
Staff Services Analyst	Certification List	Permanent	Full Time	4
Staff Services Analyst	Certification List	Permanent	Intermittent	4
Staff Services Manager I	Certification List	Permanent	Full Time	1
Staff Services Manager II (Managerial)	Certification List	Permanent	Full Time	1
Supervising Engineer, Water Resources	Certification List	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Utility Craftsworker, Water Resources	Certification List	Permanent	Full Time	1
Water Resources Technician II	Certification List	Permanent	Full Time	1
Senior Hydroelectric Power Utility Engineer (Supervisor)	Reinstatement	Permanent	Full Time	1
Senior Engineering Geologist	Reinstatement	Permanent	Full Time	1
Fish and Wildlife Scientific Aide	Transfer	Temporary	Intermittent	1
Associate Governmental Program Analyst	Transfer	Permanent	Full Time	1
Engineer, Water Resources	Transfer	Permanent	Full Time	1
Engineering Geologist	Transfer	Permanent	Full Time	1
Hydroelectric Plant Mechanic Apprentice	Transfer	Permanent	Full Time	1
Hydroelectric Plant Operator	Transfer	Permanent	Full Time	1
Program Manager II, California Bay-Delta Authority	Transfer	Permanent	Full Time	1
Senior Engineer, Water Resources	Transfer	Permanent	Full Time	3
Utility Craftsworker, Water Resources	Training & Development	Permanent	Full Time	1
Chief, Field Division of Water Resources	Emergency	Emergency	Intermittent	1
Principal Engineer, Water Resources	Emergency	Emergency	Intermittent	1
Senior Engineer, Water Resources	Emergency	Emergency	Intermittent	2
Senior Hydroelectric Power Utility Engineer (Supervisor)	Emergency	Emergency	Intermittent	2
Supervising Hydroelectric Power Utility Engineer	Emergency	Emergency	Intermittent	1

FINDING NO. 3	APPOINTMENTS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES
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The DWR measured each applicant's ability to perform the duties of the job by conducting hiring interviews and selecting the best-suited candidates. For each of the 44 list appointments reviewed, the DWR ordered a certification list of candidates ranked competitively. After properly clearing the certification lists including SROA, the selected candidates were appointed based on eligibility attained by being reachable within the first three ranks of the certification lists.

The CRD reviewed 12 DWR appointments made via transfer. A transfer of an employee from a position under one appointing power to a position under another appointing power may be made if the transfer is to a position in the same class or in another class with substantially the same salary range and designated as appropriate by the executive officer. (Cal. Code Regs., tit. 2, § 425.) The DWR verified the eligibility of each candidate to their appointed class.

Eligibility for training and development (T & D) assignments are limited to employees who (1) have permanent status in their present class, or (2) who have probationary status and who previously have had permanent status and who, since such permanent status, have had no break in service due to a permanent separation. (Cal. Code Regs., tit. 2, § 438, subd. (a).) The CRD reviewed seven training and development appointment(s), and determined them to be in compliance with applicable civil service laws and Board rules.

The CRD reviewed the seven appointments made to positions via emergency appointment. When emergency appointments are made under Government Code Section 19888.1, the appointing power shall establish and retain records consisting of the name of the appointee, the duties of the position, the reason for the appointment and such further data as may be required by the executive officer for the purpose of ensuring compliance with the provisions of this article. (Cal. Code of Regs., tit. 2, § 301.) No person may serve under an emergency appointment for more than 60 working days in any 12 consecutive calendar months. (Cal. Code of Regs., tit. 2, § 303.) Service for extreme emergencies under section 302.1 may be exempted from this limit by the CalHR. The DWR followed applicable laws and rules in making the emergency appointments.

The CRD found no deficiencies in the appointments that the DWR initiated during the compliance review period. Accordingly, the CRD found that the DWR's appointments processes and procedures utilized during the compliance review period satisfied civil service laws and Board rules.

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. 4	EQUAL EMPLOYMENT OPPORTUNITY PROGRAM COMPLIED WITH ALL CIVIL SERVICE LAWS AND BOARD RULES
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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 DWR'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 Executive Director of the DWR. The DWR 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, § 547.60.2.) 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 October 31, 2024, the DWR had 80 PSC's that were in effect. The CRD reviewed 30 of those, which are listed below:

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
American Association for Laboratory Accreditation A2LA	Environmental Laboratory Accreditation Program Services	\$9,999	Yes	Yes
Ben Toilet Rentals, Inc.	Rental and Service of Portable Toilets	\$136,500	Yes	No
Bidwell Canyon Marina	Boat Mooring Services	\$7,680	Yes	Yes
California Surveying and Drafting Supply	Service and Repair of Survey Equipment	\$50,000	Yes	Yes
Cintas Corporation	Garments Laundry and Rental	\$200,000	Yes	No

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Clean King, Inc.	Janitorial Services	\$173,712	Yes	Yes
FC Safety, aka Mithril Enterprises	Medical Oversight, Legal/Training for External Defibrillators	\$400,000	Yes	Yes
Fountainhead Consulting Corporation	Labor Compliance Program	\$679,550	Yes	Yes
Fresh Air Media, Inc.	Multi-faceted Audio/Video Media Support	\$249,999	Yes	Yes
Global Leadership Alliance	Meeting Facilitation and Award Program Services	\$199,634	Yes	Yes
Gregg Drilling, LLC	Hydrogeological Exploration and Well Drilling Services	\$1,000,000	Yes	Yes
HIS Workplace Compliance Solutions, Inc.	Training, Certification and Online Support	\$500,000	Yes	Yes
Integrated Power Services, LLC	Maintain, Test and Inspect Proprietary and Incidental Equipment	\$45,000,000	Yes	Yes
Land IQ, LLC	Crops Technical Expertise	\$12,614,501	Yes	Yes
Montague DeRose & Associates	Litigation and Settlement Activities	\$6,163,100	Yes	Yes
Mt. Diablo Resource Recovery, dba Delta Debris Box Service	Trash Removal	\$1,200,000	Yes	No
Mt. Diablo Resource Recovery, dba Delta Debris Box Service	Trash Removal Amendment	\$1,200,000	Yes	No
Platinum Security, Inc.	Security Services	\$10,500,000	Yes	No

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Quadient	Postage Meter Rental	\$1,991.40	Yes	Yes
Santana's Pumping and Plumbing, Inc.	Pyramid Lake Septic Pumping	\$750,000	Yes	Yes
SGS US West Coast, LLC	Underwater Diving Services	\$3,000,000	Yes	Yes
Smile Business Products, Inc.	Copier Maintenance	\$5,099	Yes	Yes
Stantec Consulting Services, Inc.	Facilitation Support Services	\$6,750,000	Yes	Yes
Stantec Consulting Services, Inc.	Consultation Services - Sustainable Groundwater Management Act	\$6,750,000	Yes	Yes
Statewide Traffic Safety & Signs, DBA Statewide Safety Systems	Traffic Control	\$750,000	Yes	Yes
Spiegel & McDiarmid, LLP	Legal Services - Federal Energy Regulatory Commission	\$9,000,000	Yes	Yes
Symsoft Solutions, LLC	Web Development and Remediation Services	\$4,500,000	Yes	Yes
ThinkDev, LLC	Leadership and Coaching Services	\$221,000	Yes	Yes
Weck Laboratories, Inc. aka Analytical Environmental Services	Laboratory Analysis	\$2,500,000	Yes	Yes

FINDING NO. 5	UNIONS WERE NOT NOTIFIED OF PERSONAL SERVICES CONTRACTS
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Summary: The DWR did not notify unions prior to entering into 5 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 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 DWR 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 Career Executive Assignment (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 nonfederally 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 DWR's mandated training program that was in effect during the compliance review period, November 1, 2022, through October 31, 2024. The DWR's tribal consultations training was found to be in compliance, while the DWR's ethics, supervisor, and sexual harassment prevention training were found to be out of compliance.

FINDING NO. 6	ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS
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Summary: The DWR did not provide ethics training to 1 of 589 existing filers.

Criteria: 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: 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

FINDING NO. 7	SUPERVISORY TRAINING WAS NOT PROVIDED FOR ALL SUPERVISORS, MANAGERS, AND CEAS
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Summary: The DWR did not provide basic supervisory training to 1 of 84 new supervisors within 12 months of appointment; and did not provide manager training to 3 of 17 new managers 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 DWR must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that new supervisors are provided supervisory 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. 8	SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL EMPLOYEES
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Summary: The DWR did not provide sexual harassment prevention training to 3 of 129 new supervisors within 6 months of their appointment. In addition, the DWR did not provide sexual harassment prevention training to 38 of 1174 existing supervisors every 2 years.

The DWR provided sexual harassment prevention training to all of its 100 existing non-supervisors reviewed 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: 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.

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 rate⁷ 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, November 1, 2023, through April 30, 2024, the DWR made 419 appointments. The CRD reviewed 29 of those appointments to determine if the DWR applied salary regulations accurately and correctly processed employees' compensation.

FINDING NO. 9	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 DWR 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.

⁷ "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).

(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, November 1, 2023, through April 30, 2024, the DWR employees made 135 alternate range movements within a classification. The CRD reviewed 30 of those alternate range movements to determine if the DWR applied salary regulations accurately and correctly processed each employee's compensation, which are listed below:

Classification	Prior Range	Current Range	Salary (Monthly Rate)
Hydroelectric Plant Mechanic Apprentice	C	D	\$5,283
Hydroelectric Plant Operator Apprentice	C	D	\$5,856
Hydroelectric Plant Operator Apprentice	D	E	\$5,856
Engineer, Water Resources	B	C	\$8,468
Hydroelectric Plant Mechanic Apprentice	D	E	\$5,690
Utility Craftsworker Apprentice, Water Resources	E	E	\$5,363
Hydroelectric Plant Mechanic Apprentice	D	E	\$5,690
Utility Craftsworker Apprentice, Water Resources	D	E	\$5,363
Mechanical Engineer	A	B	\$7,071
Utility Craftsworker Apprentice, Water Resources	B	C	\$4,693
Environmental Scientist	A	B	\$5,037
Hydroelectric Plant Mechanic Apprentice	B	C	\$4,877
Engineer, Water Resources	C	D	\$9,345
Hydroelectric Plant Operator Apprentice	B	C	\$5,856
Hydroelectric Plant Electrician Apprentice	D	E	\$5,690
Hydroelectric Plant Operator Apprentice	B	C	\$5,856
Hydroelectric Plant Operator Apprentice	B	C	\$5,856
Staff Services Analyst	B	C	\$5,180
Environmental Scientist	B	C	\$6,375
Engineer, Water Resources	B	C	\$8,468
Personnel Specialist	A	B	\$4,366
Engineer, Water Resources	B	C	\$8,468
Legal Secretary	A	B	\$4,327
Administrative Officer I, Resources Agency	A	B	\$5,531
Information Technology Specialist I	B	C	\$9,500
Environmental Scientist	B	C	\$6,375
Utility Craftsworker Apprentice, Water Resources	B	C	\$4,693
Engineer, Water Resources	A	B	\$7,071
Engineer, Water Resources	A	B	\$7,071
Personnel Specialist	A	B	\$4,366

FINDING NO. 10	ALTERNATE RANGE MOVEMENTS DID NOT COMPLY WITH CIVIL SERVICE LAWS, RULES, AND CALHR POLICIES AND GUIDELINES
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Summary: The CRD found 1 error in the 30 alternate range movements reviewed:

Classification	Description of Findings	Criteria
Engineer, Water Resources	Incorrect salary determination resulting in the employee being overcompensated	Cal. Code Regs., tit. 2, section 599.675

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

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

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.

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, November 1, 2023, through April 30, 2024, the DWR issued bilingual pay to one employee. The CRD reviewed the bilingual pay authorization to ensure compliance with applicable CalHR policies and guidelines. This is listed below:

Classification	No. of Appts.
Information Officer II	1

FINDING NO. 11	BILINGUAL PAY AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRD found that the bilingual pay authorized to the employee during the compliance review period, satisfied civil service laws, Board rules and CalHR policies and guidelines.

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, November 1, 2023, through April 30, 2024, the DWR authorized 175 pay differentials⁸. 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 Electrical Engineer	261	\$300
Associate Telecommunications Engineer	261	\$300
Chief Hydroelectric Plant Operator	409	5%
Chief of Utility Operations, Water Resources	433	5.5%
Electrical Engineer	261	\$300
Electrical Engineer	261	\$300
Engineer, Water Resources	433	5.5%
Engineer, Water Resources	433	5.5%
Engineer, Water Resources	432	\$250
Engineer, Water Resources	432	\$250
Hydroelectric Plant Electrician I	409	5%
Hydroelectric Plant Mechanic I	409	5%
Legal Secretary	141	5%
Mechanical Engineer	432	\$250
Senior Electrical Engineer Hydraulic Structures	261	\$300
Senior Engineer Water Resources	433	5.5%
Senior Engineer Water Resources	433	5.5%
Senior Engineering Geologist	433	5.5%
Senior Hydroelectric Power Utility Engineer (Supervisor)	432	\$250
Supervising Engineer Water Resources	433	2%
Supervising Hydroelectric Power Utility Engineer	432	\$250
Utility Craftsworker, Water Resources	297	\$200
Utility Craftsworker, Water Resources	297	\$200
Utility Craftsworker, Water Resources	297	\$200
Utility Craftsworker, Water Resources	409	5%

FINDING NO. 12	PAY DIFFERENTIAL AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRD found no deficiencies in the pay differentials that the DWR 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.

⁸ For the purposes of CRD's review, only monthly pay differentials were selected for review at this time.

Out-of-Class Assignments and Pay

For excluded⁹ 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, November 1, 2023, through April 30, 2024, the DWR issued OOC pay to 83 employees. The CRD reviewed six of these OOC assignments to ensure compliance with applicable MOU provisions, salary regulations, and CalHR policies and guidelines. These are listed below:

Classification	Collective Bargaining Identifier	Out-of-Class Classification	Time Frame
Assistant Utility Craftworker Superintendent, Water Resources	S12	Utility Craftworker Superintendent	3/5/24 – 9/3/24
Hydroelectric Plant Electrician I	R12	Hydroelectric Plant Electrician	2/21/23 – 2/12/24
Hydroelectric Plant Operator	R12	Senior Hydroelectric Plant Operator	9/5/23 – 3/4/24

⁹ “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	Collective Bargaining Identifier	Out-of-Class Classification	Time Frame
Hydroelectric Plant Operator	R12	Senior Hydroelectric Plant Operator	10/15/23 – 4/13/24
Senior Environmental Scientist (Specialist)	R10	Environmental Program Manager I (Specialist)	11/23 – 4/24
Staff Services Manager II (Managerial)	M01	Staff Services Manager III	1/01/2023 – 12/31/2023

FINDING NO. 13	INCORRECT AUTHORIZATION OF OUT-OF-CLASS PAY
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Summary: The CRD found one error in the six OOC pay assignments reviewed:

Classification	Out-of-Class Classification	Description of Findings	Criteria
Assistant Utility Craftworker Superintendent, Water Resources	Utility Craftworker Superintendent, Water Resources	Employee was paid incorrectly for the months of 04/2024 – 06/2024 while performing the duties at the higher-level classification, resulting in employee being undercompensated.	Pay Differential 101

Criteria: If an employee is required in writing to work in a higher classification, the employee shall be entitled to receive the difference between their salary and the salary of the higher class at the same salary rate the employee would receive if the employee were to be promoted to that class along with any differentials currently earned in the lower classification. Out of class assignments will typically be made in one (1) week increments. Filling in for a supervisor on a short-term basis (less than one week) does not constitute out of class work. No employee may be assigned for more than one year of out of classification for any one assignment.

Corrective Action: Within 90 days of the date of this report, the DWR 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 236 and Pay Differential 101. 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 days¹⁰ worked and paid absences¹¹, 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 1500 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.

¹⁰ For example, two hours or ten hours count as one day.

¹¹ For example, vacation, sick leave, compensating time off, etc.

At the time of the review, the DWR had 144 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
Office Technician (Typing)	Retired Annuitant	7/01/23-6/30/24	898.5 hours
Senior Engineer Water Resources	Retired Annuitant	7/01/23-6/30/24	960 hours
Senior Engineer Water Resources	Retired Annuitant	7/01/23-6/30/24	960 hours
Senior Engineering Geologist	Retired Annuitant	7/01/23-6/30/24	957 hours
Senior Engineering Geologist	Retired Annuitant	7/01/23-6/30/24	700 hours
Senior Hydroelectric Power Utility Engineer (Specialist)	Retired Annuitant	7/01/23-6/30/24	128.5 hours
Supervising Engineer Water Resources	Retired Annuitant	7/01/23-6/30/24	606 hours
Transportation Surveyor (Cal Trans)	Retired Annuitant	7/01/23-6/30/24	929 hours
Utility Crafts worker, Water Resources	Retired Annuitant	7/01/23-6/30/24	858 hours
Fish & Wildlife Scientific Aid	Temporary	11/01/23-10/30/24	193 days
Fish & Wildlife Scientific Aid	Temporary	9/01/23-8/29/24	183 days
Fish & Wildlife Scientific Aid	Temporary	12/01/23-10/30/24	151 days
Fish & Wildlife Scientific Aid	Temporary	9/01/23-8/29/24	183 days
Fish & Wildlife Scientific Aid	Temporary	8/26/24-10/30/24	30 days
Fish & Wildlife Scientific Aid	Temporary	8/19/24-10/30/24	52 days
Fish & Wildlife Scientific Aid	Temporary	8/08/24-10/30/24	43 days
Fish & Wildlife Scientific Aid	Temporary	8/07/24-10/30/24	56 days
Fish & Wildlife Scientific Aid	Temporary	6/03/24-10/30/24	67 days
Fish & Wildlife Scientific Aid	Temporary	5/15/24-10/30/24	66 days
Fish & Wildlife Scientific Aid	Temporary	3/02/23-2/29/24	186 days
Student Assistant-Engineering & Architectural Sciences	Temporary	3/21/23 – 3/20/24	325.5 hours
Student Assistant-Engineering & Architectural Sciences	Temporary	7/19/23 – 7/18/24	635 hours
Student Assistant	Temporary	7/5/23 – 7/4/24	730 hours
Youth Aid	Temporary	1/28/23 -1/27/24	758.5 hours
Youth Aid	Temporary	7/6/23 – 7/5/24	1189 hours

FINDING NO. 14	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 DWR 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, August 1, 2023, through July 31, 2024, the DWR authorized 144 ATO transactions. The CRD reviewed 25 of these ATO transactions to ensure compliance with applicable laws, regulations, and CalHR policy and guidelines.

FINDING NO. 15	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 DWR 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, May 1, 2024, through July 31, 2024, the DWR reported 38 units. The CRD reviewed 15 units within 2 pay periods to ensure compliance with applicable laws, regulations and CalHR policy and guidelines.

FINDING NO. 16	DEPARTMENT DID NOT CERTIFY THAT ALL LEAVE RECORDS WERE REVIEWED
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Summary: The DWR failed to certify that all leave records have been reviewed and corrected if necessary for the 15 units reviewed.

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 DWR 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 is documented and that all leave input is keyed accurately and timely. The DWR must incorporate completion of Leave Activity and Correction Certification forms for all leave records even when errors are not identified or corrected. 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.¹² (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. (*Ibid.*) On the first day following a qualifying monthly pay period, excluded employees¹³ 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, May 1, 2024, through October 1, 2024, the DWR had 18 employees with qualifying and non-qualifying pay period transactions. The CRD reviewed

¹² 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.

¹³ 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.

nine transactions to ensure compliance with applicable laws, regulations and CalHR policy and guidelines.

FINDING NO. 17	SERVICE AND LEAVE TRANSACTIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRD determined that the DWR 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 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. 18	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 DWR's commitment to the state policy of hiring, transferring, and promoting employees on the basis of merit. Additionally, the DWR'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 DWR did not employ volunteers during the compliance review period.

FINDING NO. 19	WORKERS' COMPENSATION PROCESS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRD verified that the DWR 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 DWR 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 DWR 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. 20	PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES
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Summary: The DWR did not provide annual performance appraisals to 10 of 102 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: 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.

DEPARTMENTAL RESPONSE

The DWR's response is attached as Attachment 1.

SPB REPLY

Based on the DWR'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.

State of California

California Natural Resources Agency

Memorandum

Date: October 10, 2025

To: Diana Campbell, Compliance Manager
Policy & Compliance Review Division
State Personnel Board
801 Capitol Mall
Sacramento, California 95814

From: Department of Water Resources

Subject: DWR Compliance Review Report Response

The State Personnel Board's (SPB) Compliance Review Unit conducted a routine compliance review of the Department of Water Resources (DWR) personnel practices in the areas of examinations, appointments, equal employment opportunity, personnel services contracts, mandated training, compensation and pay, leave, and policy and processes. DWR has reviewed the draft compliance report and has provided the following responses to the compliance review findings.

Finding No. 5 – Unions Were Not Notified Of Personal Services Contracts (PSCs)

DWR agrees that DWR did not notify unions prior to entering into five of 30 PSCs. This occurred because the Contract Specialist and the Division of Operations and Maintenance Contract Analysts either failed to properly notify the Labor Relations Unit or the Labor Relations Manager failed to properly notify the unions. As the result of this finding, on February 21, 2025, the DWR Division of Business Services and Division of Human Resources (DHR) released a joint Procurement Broadcast to DWR Administrative Officers, Requisitioners, Requisition Creators, Buyers, Contract Specialists, Contract Coordinators, and Authorizing Officials reminding them that DWR is required to notify and provide a full copy of any proposed IT or non-IT service contract or amendment before it is signed to all Bargaining Units (BU) that may represent State employees who perform the type of work to be contracted out and outlined procedures to do so going forward.

Finding No. 7 – Supervisory Training Was Not Provided For All Supervisors, Managers, and CEAs

During the audit period of November 1, 2022, to October 31, 2024, SPB found that one out of 84 new supervisors and three out of 17 new managers did not complete their mandatory supervisory training within the first twelve months of their appointment.

This occurred because three employees did not register for training before the twelve-month deadline. The last employee registered on time but completed their training six days after the twelfth month.

Diana Campbell, Compliance Manager
October 10, 2025
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All employees listed on the audit report completed the required training by August 19, 2025.

From January 2022 to May 2025, DWR has implemented several improvements including streamlined enrollment, monthly reminders and compliance reports, proactive reminders six and three months before due dates, step-by-step guides, and directly reaching out to non-compliant leaders to assist with registration.

Finding No. 13 – Incorrect Authorization of Out-of-Class Pay

SPB found one error in the six Out-of-Class (OOC) Pay assignments reviewed.

This error occurred when an employee was underpaid in April 2024, May 2024, and June 2024 for an out-of-class assignment. This error occurred because staff overlooked the employees' Merit Salary Adjustment for the April 2024 pay period. Once the error was discovered, the correction was keyed in February 2025, and the employee received their correct pay. Staff have been reminded to double-check anniversary dates going forward.

Finding No. 16 – Department Did Not Certify That All Leave Records Were Reviewed

SPB found that DWR failed to certify all leave records have been reviewed and corrected if necessary for 13 out of the 15 units.

DWR agrees DWR failed to certify all leave records in eight of these instances. This occurred because staff were unable to complete the monthly audit form in a timely manner. To mitigate this issue in the future, DWR will provide staff additional training and DWR is looking to hire an additional Senior Personnel Specialist who will serve as the Monthly Audit Report Coordinator to ensure these reports are completed timely.

For the other five instances, SPB noted that DWR should audit the forms the following month. DWR audits these records as promptly as the system allows and has hired an additional staff member to review these records.

Thank you for the opportunity to respond to the draft Compliance Review Report. If you have any questions or would like to discuss further, please contact me at (916) 820-7555 or Jennifer.Dong@water.ca.gov.

Jennifer Dong Kawate

Jennifer Dong Kawate, Personnel Officer
Division of Human Resources