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BOARD

801 Capitol Mall Sacramento, CA 95814 | www.spb.ca.gov

Governor Edmund G. Brown Jr.

BOARD RESOLUTION ADOPTING THE COMPLIANCE REVIEW REPORT AND FINDINGS BY THE SPB COMPLIANCE REVIEW DIVISON OF THE AGRICULTURAL LABOR RELATIONS BOARD

WHEREAS, the State Personnel Board (SPB or Board) at its duly noticed meeting of November 7, 2013, carefully reviewed and considered the attached Compliance Review Report of the Agricultural Labor Relations Board submitted by SPB's Compliance Review Division.

WHEREAS, the Report was prepared following a baseline review of the Agricultural Labor Relations Board's personnel practices. It details the background, scope, and methodology of the review, and the findings and recommendations.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the Report, including all findings and recommendations contained therein. A true copy of the Report shall be attached to this Board Resolution and the adoption of the Board Resolution shall be reflected in the record of the meeting and the Board's minutes.

For SUZANNE M. AMBROSE
Executive Officer

CALIFORNIA
STATE PERSONNEL BOARD

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Governor Edmund G. Brown Jr.

October 29, 2013

Ms. Sylvia Torres-Guillén
General Counsel
Agricultural Labor Relations Board
1325 J Street, Suite 1900
Sacramento, CA 95814

RE: Compliance Review Report

Dear Ms. Torres-Guillén,

The State Personnel Board (Board or SPB) conducted a baseline compliance review of the Agricultural Labor Relations Board's (ALRB)'s appointments, and Equal Employment Opportunity (EEO) program during the period of May 1, 2011 through November 1, 2012. The primary objective of the review was to determine if the ALRB's personnel practices, policies, and procedures complied with state civil service laws and board regulations, and to recommend corrective action where deficiencies were identified.

The ALRB provided the documents that SPB requested. A cross-section of ALRB's examinations and appointments were selected for review to ensure that samples of various examinations and appointment types, classifications, and levels were analyzed. The SPB also communicated with and asked questions of appropriate ALRB staff.

The Compliance Review Division (CRD) has found no deficiencies in the reviews of the ALRB's examinations and appointments. The CRD found that the EEO program was in compliance with one exception – the ALRB does not have a Disability Advisory Committee (DAC). 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).)

Accordingly, ALRB must invite all employees to serve on a DAC 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.

It is therefore recommended that no later than 30 days after the Board's Resolution adopting these findings and recommendations, ALRB must invite all its employees to serve on the DAC, and no later than 60 days after the Board's Resolution adopting these findings and recommendations, ALRB must establish the DAC and submit to the SPB a written report of compliance.

On October 9, 2103, a telephone conference was held with ALRB to explain and discuss the SPB's initial findings and recommendations. On October 18, 2013, the SPB received and carefully reviewed the response, which is attached to this final compliance report.

You should also be aware that this compliance review letter and any written response and reply of the CRD will be provided to the Board at its next available meeting for their evaluation and determination. The Board may issue a Resolution adopting the findings and recommendations. In either event, you will be notified of the Board's final decision. The Board's Resolution will also be posted on our website.

Department Response

The ALRB's General Counsel, Board Chair and key departmental personnel held a formal meeting to address SPB's Compliance Review Report. An email has been sent out to all staff to invite them to join the DAC. Furthermore, ALRB intends to hold its first official quarterly DAC meeting within 30 days of the Board's adopted resolution for this report.

SPB Reply

The SPB appreciates the ALRB's proactive approach to correct its DAC deficiency as soon as possible. However, it is still recommended that ALRB comply with the

aforementioned recommendations, as they have yet to establish their own DAC and hold their first official meeting.

We greatly appreciated the cooperation and assistance provided by ALRB personnel. If you have questions or comments, please contact me at (916) 651-0924.

Sincerely,

James L. Murray, Chief
Compliance Review Division
State Personnel Board

Cc: Genevieve Shiroma, Board Chair, Agricultural Labor Relations Board
Jonathan Bernstein, Personnel Officer

STATE OF CALIFORNIA EDMUND G. BROWN, JR., *Governor*

AGRICULTURAL LABOR RELATIONS BOARD

Office of the General Counsel
1325 J Street, Suite1900A
SACRAMENTO, CA 95814
(916) 651-7608
FAX (916) 653-2743

October 18, 2013

James Murray, Chief
Compliance Review Division
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814

RE: Agricultural Labor Relations Board -- Compliance Review Report; Agency Response

Dear Mr. Murray:

The Agricultural Labor Relations Board (ALRB) has received and reviewed the draft Compliance Review Report issued from your office and accepts the findings contained therein. The ALRB takes compliance issues very seriously and has already taken multiple steps to address the findings you transmitted via letter dated October 9, 2013. We are pleased the State Personnel Board Compliance Review Division (CRD) found no deficiencies in the ALRB's examinations and appointments and, to the extent that our EEO program was deficient in only one area, speaks well to our Agency's efforts to ensure each department is operating within compliance of state law, code and regulations.

To the extent that the ALRB's EEO program lacks a Disability Advisory Committee (DAC), on October 10, the ALRB's General Counsel and Board Chair, along with key departmental personnel, held a formal meeting to address the Compliance Review Report and to lay the groundwork for establishing a DAC. Since that meeting, and well ahead of schedule, an email has been transmitted to all staff, including those in our regional offices, inviting them to join the Committee. In an effort to be proactive, the ALRB intends, well within the 30 days of the State Personnel Board's adopted resolution of the ALRB Compliance Review Report, to hold our first official quarterly DAC meeting.

The ALRB recognizes the purpose and importance of establishing a Disability Advisory Committee, and will make every effort to ensure the Committee is comprised of members who have disabilities, or those with an interest in disability issues. We look forward to submitting our formal compliance report for your review within 60 days detailing our successes.

If you have any questions or need further information, please do not hesitate to contact me directly at 916-651-7608.

Sincerely,

Sylvia Torres-Guillén
General Counsel

CC: Genevieve Shiroma, Board Chair
Jonathan Bernstein, Personnel Officer
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