CALIFORNIA
STATE PERSONNEL 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 CALIFORNIA WORKFORCE INVESTMENT BOARD

WHEREAS, the State Personnel Board (SPB or Board) at its duly noticed meeting of December 5, 2013, carefully reviewed and considered the attached Compliance Review Report of the California Workforce Investment Board submitted by SPB's Compliance Review Division.

WHEREAS, the Report was prepared following a baseline review of the California Workforce Investment 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.

SUZANNE M. AMBROSE
Executive Officer

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Governor Edmund G. Brown Jr.

November 26, 2013

Tim Rainey
Executive Director
California Workforce Investment Board
777 12th Street, Suite 200
Sacramento CA 95814

RE: Compliance Review Report

Dear Mr. Tim Rainey,

The State Personnel Board (Board or SPB) conducted a baseline compliance review of the California Workforce Investment Board (CWIB)'s examinations and appointments during the period of May 1, 2011 through November 1, 2012. During the review period, the Employment Development Department (EDD) processed the CWIB's examination and appointments and acted on its behalf for purposes of this review. The primary objective of the review was to determine if the CWIB'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 CWIB and EDD provided the documents that SPB requested. A cross-section of CWIB's examinations and appointments was selected for review to ensure that samples of various appointment types, classifications, and levels were analyzed. The SPB also communicated with and asked questions of appropriate CWIB and EDD staff.

The CRD found that the examinations and appointments were in compliance with one exception – the CWIB appointed an applicant to a limited-term position from a certification for a full-time position. The applicant did not have eligibility under limited-term as the applicant did not select that preference. California Code of Regulations, title 2, section 254 (Rule 254) mandates that the appointing power can only fill a vacancy by someone in the highest three ranks under the condition of employment specified. Using a certification of eligibility for a permanent position to fill a limited-term vacancy violates Rule 254. However, the applicant would have been eligible for the position if they would have changed the time base preference on their application.

It is thus recommended that within 60 days of the Board's Resolution adopting these findings and recommendations CWIB submit to the Board a written corrective action plan that addresses the corrections the department will implement to ensure conformity with Rule 254 on future appointments.

The CWIB was given an opportunity for an exit conference, but felt the nature of the finding was not necessary to hold an official exit conference and instead provided a response to the compliance review report.

DEPARTMENTAL RESPONSE

The CWIB agrees with this finding and thanks SPB for bringing this error to ours and EDD's attention. After the error was identified, the EDD updated the individual's certification record to reflect the limited-term preference and the documentation has now been corrected to be in compliance with Rule 254. (Attachment 1)

SPB REPLY

The SPB thanks CWIB and EDD for their cooperation and assistance during the compliance review. The SPB additionally wants to thank the CWIB and EDD for updating the certification and documentation. However, it is still recommended that CWIB and EDD comply with the aforementioned recommendations.

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 recommendation as stated herein, or the Board may order its own 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.

We greatly appreciated the cooperation and assistance that the CWIB and EDD staff provided throughout the compliance review. If you have questions, please contact me at (916) 651-0924.

Sincerely,

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

California WORKFORCE INVESTMENT BOARD

Tim Rainey, Executive Director | Michael Rossi, Chair | Edmund G. Brown, Jr., Governor

November 20, 2013

James L. Murray
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814

Dear Mr. Murray:

The California Workforce Investment Board (CWIB) is submitting its written response to the State Personnel Board's (SPB) draft Compliance Review Report dated November 14, 2013. Specifically, the report found that the CWIB appointed an applicant to a limited-term position from a certification for a permanent full-time position in violation of California Code of Regulations, Title 2, §254 (Rule 254). The CWIB agrees with this finding and thanks SPB for bringing this error to ours and EDD's attention.

After the error was identified, the EDD updated the individual's certification record to include the preference of limited-term (LT)/full-time (FT) and then completed a "write in" on the LT/FT certification list in which he should have been appointed. Therefore, the documentation has now been corrected to be in compliance with Rule 254.

The CWIB is relieved by SPB's acknowledgment that this error had no negative impact on the applicant that was selected.

Once the SPB formally approves the Compliance Review Report, the State Board will submit a formal Corrective Action Plan to ensure compliance with Rule 254 on future appointments.

Please feel free to contact our Chief of Operations Douglas Sale (916) 324-3369 douglas.sale@cwib.ca.gov if you have any questions.

Sincerely,

Tim Rainey, Executive Director

Cc: Douglas Sale
Holly Ramsey, HRSD