

COMPLIANCE REVIEW REPORT CALIFORNIA PRISON INDUSTRY AUTHORITY FINDINGS AND RECOMMENDATIONS JUNE 5, 2014

Examinations

During the period under review, May 1, 2011 through October 31, 2012 California Prison Industry Authority (CALPIA) conducted a total of 43 examinations. The SPB reviewed 13 of those examinations, which are listed below:

Classification	Exam Type	Exam Component	No. of Eligibles
Industrial Supervisor, Prison Industries (Mattress + Bedding)	Open	Education & Experience (E&E) ¹	1
Prison Industries Superintendent II (Dental Laboratory)	Open	E&E	4
Prison Industries Superintendent II (Mattress and Bedding)	Open	E&E	1
Industrial Supervisor, Prison Industries (Maintenance + Repair)	Open	Qualifications Appraisal Interview (QAP) ²	14
Industrial Warehouse & Distribution Supervisor, Prison Industries	Open	QAP	37
Prison Industries Administrator	Promotional	QAP	13
Prison Industries Superintendent II (Fabric Products)	Open	QAP	5
Supervising Program Tech II	Promotional	QAP	5
CEA 2, Assistant General Manager, Administration	CEA	Statement of Qualifications ³ and Interview	24

¹ In an Education and Experience (E&E) examination, one or more raters reviews the applicants' Standard 678 application forms, and scores and ranks them according to a predetermined rating scale that may include years of relevant higher education, professional licenses or certifications, and/or years of relevant work experience.

² The qualification appraisal panel (QAP) 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.

Classification	Exam Type	Exam Component	No. of Eligibles
CEA 2, Assistant General Manager, Marketing Division	CEA	Statement of Qualifications and Interview	15
CEA 2, Operation Branch Manager	CEA	Statement of Qualifications and Interview	4
CEA I, Chief of Administration	CEA	Supplemental and Interview	2
Industrial Supervisor, Prison Industries (Dairy)	Open	Supplemental Application	6

FINDING NO. 1 – CALPIA Did Not Conduct a Job Analysis for the Civil Service Examinations Reviewed

The Merit Selection Manual (MSM), which is incorporated in California Code of Regulations, title 2, section 50, mandates the development and use of a job analysis for the examination process. A "job analysis shall serve as the primary basis for demonstrating and documenting the job-relatedness of examination processes conducted for the establishment of eligible lists within the State's civil service." (MSM (Oct. 2003), § 2200, p. 2.) The MSM requires that job analyses adhere to the legal and professional standards outlined in the job analysis section of the MSM, and that certain elements must be included in the job analysis studies. (*Ibid.*) Those requirements include the following: (1) that the job analysis be performed for the job for which the subsequent selection procedure is developed and used; (2) the methodology utilized be described and documented; (3) the job analytic data be collected from a variety of current sources; (4) job tasks be specified in terms of importance or criticality, and their frequency of performance; (5) and job tasks must be sufficiently detailed to derive the requisite knowledge, skills, abilities (KSAs), and personal characteristics that are required to perform the essential tasks and functions of the job classification. (MSM, § 2200, pp. 2-3.)

³ In a Statement of Qualifications (SOQ) examination, applicants submit a written summary of their qualifications and experience related to a published list of desired qualifications. Raters, who are typically subject matter experts, evaluate the summaries according to a predetermined rating scale designed to assess an applicant's ability to perform the duties of the job classification for which he/she is testing. The raters also assign scores and rank the applicants on a list.

While a job analysis was not required for the CEA examinations that CALPIA administered, a job analysis was required for each of the civil service examinations. CALPIA did not develop a job analysis for any of the examinations that were reviewed. A job analysis ensures the examination process and selected procedures are based upon analytical data and are job related. Absent a job analysis, the SPB is unable to determine if an examination was given utilizing soundly developed, job related examination procedures.

Classification	List Active Date	List Expiration Date	No. of Eligibles	Number of Vacant Positions as of 11/29/13
Industrial Supervisor, Prison Industries (Mattress + Bedding)	1/11/2012	1/11/2014	0	0
Prison Industries Superintendent II (Dental Laboratory)	6/19/2009	6/19/2011	0	0
Prison Industries Superintendent II (Mattress and Bedding)	10/23/2012	10/23/2014	1	0
Industrial Supervisor, Prison Industries (Maintenance + Repair)	10/25/2012	10/23/2014	19	3
Industrial Warehouse & Distribution Supervisor, Prison Industries	8/23/2012	8/23/2016	36	1
Prison Industries Administrator	7/17/2012	7/17/2014	13	3
Prison Industries Superintendent II (Fabric Products)	10/4/2012	10/4/2014	5	1
Supervising Program Tech II	11/17/2011	11/17/2013	0	0
Industrial Supervisor, Prison Industries (Dairy)	11/28/2011	11/28/2013	0	2

To correct this deficiency, CALPIA must abolish the examination lists that have not expired for the following classifications:

- (1) Prison Industries Superintendent II (Mattress and Bedding)
- (2) Industrial Supervisor, Prison Industries (Maintenance + Repair)
- (3) Industrial Warehouse & Distribution Supervisor, Prison Industries

- (4) Prison Industries Administrator
- (5) Prison Industries Superintendent II (Fabric Products)

Within 60 days of the Board's Resolution adopting these findings and recommendations, CALPIA must submit to the SPB a written report of compliance verifying that the above-stated examination lists have been abolished. In addition, prior to CALPIA administering future examination, CALPIA must create and develop each examination based upon a job analysis meeting the requirements of the MSM.

Furthermore, the Compliance Review Division (CRD) finds the appointments that were made from the examinations that were administered without a job analysis were made in good faith, are over a year old and did not merit being voided.

The Board is aware of the complex nature of and amount of time required to develop and complete a job analysis. It is thus also recommended that within 60 days of the Board's Resolution adopting these findings and recommendations, the CALPIA submit to the SPB a written corrective action plan describing what steps will be taken to develop job analyses for any examinations that CALPIA conducts in the future.

FINDING NO. 2 – Interview Sheets Were Not Signed by the Interviewers

California Code of Regulations, title 2, section 199 (Rule 199) mandates that panel members rate each applicant on forms prescribed by the Board's Executive Officer. The panel members are also required to sign the forms. (*Ibid.*) The panel members for the Supervising Program Technician II examination did not sign any of the rating sheets.

Therefore, it is recommended that within 60 days of the Board's Resolution adopting these findings and recommendations CALPIA submit to the Board a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the requirements of Rule 199 in future examinations. All relevant documents should be attached to the report.

Appointments

During the compliance review period, CALPIA made 227 appointments. The SPB reviewed 55 of those appointments, which are listed below:

Classification	Appointment Type	Number
Associate Governmental Program Analyst	Certification List	2
Data Processing Manager II	Certification List	1
Heavy Equipment Mechanic, Correctional Facility	Certification List	2
Heavy Truck Driver, Correctional Facility	Certification List	9
Industrial Supervisor, Prison Industries Fabric Products	Certification List	6
Industrial Supervisor, Prison Industries Metal Fabrication	Certification List	1
Industrial Warehouse and Distribution Specialist, Prison Industries	Certification List	4
Industrial Warehouse and Distribution Supervisor, Prison Industries	Certification List	1
Prison Industries Manager	Certification List	3
Skilled Laborer	Certification List	1
Staff Information Systems Analyst	Certification List	1
Associate Governmental Program Analyst	List	4
Heavy Truck Driver, Correctional Facility	List	3
Prison Industries Manager	List	2
Accountant Trainee	Mandatory Reinstatement	1
Accounting Technician	Permissive Reinstatement	1
Industrial Supervisor, Prison Industries (Dairy)	Temporary Authorized (TAU)	3
Industrial Supervisor, Prison Industries (Wood Products)	TAU	1
Executive Assistant	Transfer	1
Heavy Truck Driver, Correctional Facility	Transfer	1
Industrial Supervisor, Prison Industries (Dairy)	Transfer	1
Industrial Supervisor, Prison Industries (Laundry)	Transfer	1
Management Services Technician	Transfer	1
Prison Industries Superintendent II (Laundry)	Transfer	1
Prison Industries Superintendent II (Laundry)	Transfer	1
Staff Services Analyst	Transfer	2

FINDING NO. 3 – CALPIA Did Not Retain Applications for All of the Appointments Reviewed

In relevant part, civil service laws require that the employment procedures of each state agency shall conform to the federal and state laws governing employment practices. (Gov. Code, § 18720.) State agencies are required to maintain and preserve any and all applications, personnel, membership, or employment referral records and files for a minimum period of two years after the records and files are initially created or received. (Gov. Code, § 12946.)

CALPIA failed to maintain applications for 23 of the 55 appointments. Therefore, it is recommended that within 60 days of the Board’s Resolution adopting these findings and recommendations CALPIA submit to the Board a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the record retention requirements of Government Code section 12946. Copies of all relevant documentation should be included with the plan.

Equal Employment Opportunity

The SPB reviewed CALPIA's EEO policies, procedures, and programs that were in effect during the compliance review period. In addition, the SPB interviewed appropriate CALPIA staff.

FINDING NO. 4 – CALPIA Does Not Have a Disability Advisory Committee

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 equal employment opportunity; issue procedures for filing, processing, and resolving discrimination complaints; issue procedures for providing equal upward mobility and promotional opportunities; and cooperate with CalHR by providing access to all required files, documents and data. (*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.)

Each state agency must also 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).)

CALPIA's EEO program that was in effect during the compliance review period provided employees with information and guidance on the EEO process, including instructions on how to file such claims. The EEO officer reports to the director of the department. In addition, the EEO program outlines the roles and responsibilities of the EEO Officer, as well as supervisors and managers. CALPIA provided evidence of its efforts to promote equal employment opportunity in its hiring and employment practices, to increase its hiring of persons with disabilities, and to offer upward mobility opportunities for its entry-level staff.

CALPIA, however, does not have a Disability Advisory Committee (DAC). (Gov. Code, § 19795, subd. (b)(2).) Accordingly, CALPIA 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. No later than 60 days after the Board's Resolution adopting these findings and recommendations, CALPIA must establish the DAC and submit to the SPB a written report of compliance. Copies of all relevant documentation should be attached to the report.

FINDING NO. 5 – The EEO Officer Does Not Monitor the Composition of Oral Panels

The EEO officer at each department must monitor the composition of oral panels during departmental examinations (Gov. Code § 19795 subd. (a)). CALPIA did not provide evidence that the EEO officer monitors the composition of oral panels. The EEO officer's duty statement made no mention of monitoring oral panels and no other documentation showed evidence that the EEO officer monitors the oral panels.

Therefore, it is recommended that within 60 days of the Board's Resolution adopting these findings and recommendations CALPIA submit to the Board a written corrective action plan that addresses the corrections the department will implement to ensure the EEO officer monitors the composition of oral panels during examinations. Copies of all relevant documentation should be attached to the report.

DEPARTMENTAL RESPONSE

CALPIA agrees with the findings and has already taken steps to ensure compliance in future reviews. (Attachment 1)

SPB REPLY

Based upon CALPIA's written response, CALPIA will abolish the lists created without a job analysis, ensure rating sheets are signed by panel members, revise its records retention policies, establish a DAC and ensure the EEO officer monitors oral panels. SPB thanks CALPIA for the steps CALPIA has already taken to ensure compliance in future reviews.

It is recommended that CALPIA comply with the afore-stated recommendations within 60 days of the Board's Resolution and submit to the SPB a written report of compliance.

The SPB appreciates the professionalism and cooperation of CALPIA during this compliance review.

Date: May 29, 2014

To: Michael Brunette
Compliance Review Manager, State Personnel Board

From: California Prison Industry Authority • 560 East Natoma Street • Folsom, California 95630-2200

Subject: **STATE PERSONNEL BOARD COMPLIANCE REVIEW - DEPARTMENTAL RESPONSE**

In response to the five findings identified in the March 3, 2014, State Personnel Board (SPB) Compliance Review Report, please find California Prison Industry Authority's (CALPIA) responses below.

FINDING NO. 1 – CALPIA Did Not Conduct a Job Analysis for the Civil Service Examinations Reviewed.

Recommendation: CALPIA must abolish the examination lists that have not expired for the following classifications: Prison Industries Superintendent II (Mattress and Bedding); Industrial Supervisor, Prison Industries (Maintenance & Repair); Industrial Warehouse & Distribution Supervisor, Prison Industries; Prison Industries Administrator; and Prison Industries Superintendent II (Fabric Products).

CALPIA utilizes Subject Matter Experts to develop examination material which includes duty statement, examination questions, examination bulletin, etc. Please see the attached Exam Process Task/Action Taken checklist which demonstrates the order in which our exam analysts begin the process. The examinations for the review period have been abolished per the recommendations stated on the Compliance Review Report. CALPIA will utilize other methods for filling vacancies i.e. Out of Class Assignments, Temporary Authorization Utilization, etc. CALPIA is currently in the process of developing job analyses for each of the examinations, with the expected completion date prior to next fiscal year.

FINDING NO. 2 – Interview Sheets Were Not Signed by the Interviewers.

Recommendation: Within 60 days of the Board’s Resolution adopting these findings and recommendations, CALPIA is to submit to the Board a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the requirements of Rule 199 in future examinations. All relevant documents should be attached to the report.

The rating sheet for the Supervising Program Technician examination was completed and signed at the time of the examination (see attached). The form was completed, signed, and filed in a subject reference file, not in the examination documents file. The rating sheets are now filed with the examination documents.

FINDING NO. 3 - CALPIA Did Not Retain Applications for All of the Appointments Reviewed.

Recommendation: CALPIA failed to maintain applications for 23 of the 55 appointments. Therefore, it is recommended that within 60 days of the Board’s Resolution adopting these findings and recommendations CALPIA submit to the Board a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the record retention requirements of Government Code section 12946. Copies of all relevant documentation should be included with the plan.

In regard to record retention requirements for applications, a memorandum has been sent out to all supervisors and managers (see attached). CALPIA is in the process of revising the hiring process to include the retention of all applications. The revision to the policy is scheduled to be completed and in place prior to next fiscal year.

FINDING NO. 4 – CALPIA Does Not Have a Disability Advisory Committee.

Recommendation: CALPIA must invite all employees to serve on a Disability Advisory Committee (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. No later than 60 days after the Board’s Resolution adopting these findings and recommendations, CALPIA must establish the DAC and submit to the SPB a written report of compliance. Copies of all relevant documentation should be attached to the report.

As of 10/08/2013 CALPIA has been a member of the California Department of Corrections and Rehabilitation (CDCR) DAC. CALPIA has partnered with CDCR as a member of the DAC because of our business needs and the established working relationships.

FINDING NO. 5 – The EEO Officer Does Not Monitor the Composition of Oral Panels.

Recommendation: Within 60 days of the Board's Resolution adopting these findings and recommendations it is recommended that CALPIA submit to the Board a written corrective action plan that addresses the corrections the department will implement to ensure the EEO officer monitors the composition of oral panels during examinations. Copies of all relevant documentation should be attached to the report.

CALPIA has revised the Qualifications Appraisal Interview Panel form to include the signature of the EEO Officer (see attached), signifying his/her approval. The EEO Officer will review and sign the form as part of the oral examination process.

If you have additional questions or need additional information, please contact Jaclyn Padilla at (916) 358-1784 or email at Jaclyn.padilla@calpia.ca.gov or Teresa Ott at (916) 358-1781 or email at Teresa.ott@calpia.ca.gov.

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