



COMPLIANCE REVIEW REPORT

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

Compliance Review Unit
State Personnel Board
May 19, 2015

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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 Unit (CRU) conducts compliance reviews of appointing authority's personnel practices in four areas: examinations, appointments, equal employment opportunity (EEO), and personal services contracts (PSC's) 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. The SPB conducts these reviews on a three-year cycle.

The CRU may also conduct special investigations in response to a specific request or when the SPB obtains information suggesting a potential merit-related violation.

EXECUTIVE SUMMARY

The CRU conducted a routine compliance review of California Department of Corrections and Rehabilitation (CDCR) personnel practices in the areas of examinations, appointments, EEO, and PCS's from July 1, 2013, to September 30, 2013. The following table summarizes the compliance review findings.

Area	Finding	Severity
Examinations	Job Analyses Were Not Developed or Used for All the Civil Service Examinations Reviewed	Very Serious
Appointments	Appointments Complied With Civil Services Laws and Board Rules	In Compliance
Equal Employment Opportunity	Equal Employment Opportunity Program Properly Complied With Civil Service Laws and Board Rules	In Compliance

Area	Finding	Severity
Personal Services Contracts	Personal Services Contracts Complied with Civil Service Laws and Board Rules	In Compliance

A color-coded system is used to identify the severity of the violations as follows:

- Red = Very Serious
- Orange = Serious
- Green = In Compliance

BACKGROUND

The CDCR’s mission is to enhance public safety through safe and secure incarceration of offenders, effective parole supervision, and rehabilitative strategies to successfully reintegrate offenders into the community. The CDCR currently operates 34 adult correctional institutions, three juvenile facilities, and dozens of conservation/fire camps across the state. In total, the CDCR’s total custody population is approximately 135,000 adult offenders and fewer than 700 juvenile offenders. In addition, the CDCR supervises approximately 44,000 parolees throughout the state. Currently, the CDCR employs 42,581 staff in numerous classifications.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing CDCR examinations, appointments, EEO program, and PSC’s from July 1, 2013, to September 30, 2013. The primary objective of the review was to determine if CDCR personnel practices, policies, and procedures complied with state civil service laws and board regulations, and to recommend corrective action where deficiencies were identified.

A cross-section of CDCR examinations and appointments were selected for review to ensure that samples of various examinations and appointment types, classifications, and levels were reviewed. The CRU examined the documentation that the CDCR provided, which included examination plans, examination bulletins, job analyses (JA’s), 511b’s, scoring results, notice of personnel action (NOPA) forms, vacancy postings, application screening criteria, hiring interview rating criteria, certification lists, transfer movement worksheets, employment history records, correspondence, and probation reports.

The review of the CDCR EEO program included examining written EEO policies and procedures; the EEO officer’s role, duties, and reporting relationship; the internal

discrimination complaint process; the upward mobility program; the reasonable accommodation program; the discrimination complaint process; and the Disability Advisory Committee (DAC). The CRU also interviewed appropriate CDCR staff.

CDCR PSC's were also reviewed. The CDCR contracted for consulting services, medical and substance abuse treatment services, sanitation services, legal services, and various personal services.¹ It was beyond the scope of the compliance review to make conclusions as to whether CDCR justifications for the contracts were legally sufficient. The review was limited to whether CDCR practices, policies, and procedures relative to PSC's complied with procedural requirements.

On February 26, 2015, an exit conference was held with the CDCR to explain and discuss the CRU's initial findings and recommendations, and to provide the CDCR with a copy of the CRU's draft report. The CDCR was given until March 13, 2015, to submit a written response to the CRU's draft report. On March 11, 2015, the CRU received and carefully reviewed the written response, which was updated on May 12, 2015, and 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 (MQs) for determining the fitness and qualifications of employees for each class of position and for applicants for examinations. (Gov. Code, § 18931.) 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 MQs. (*Ibid.*) Every applicant for examination shall file an application in the office of the department or a designated appointing power as

¹If 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.

directed in the examination announcement. (Gov. Code, § 18934.) Generally, 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 of review, the CDCR conducted 45 examinations. The CRU reviewed all of these examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Applications
Associate Director, Office of Program Accountability and Support, Division of Rehabilitative Programs, Career Executive Assignment (CEA) B	CEA	QAP	Continuous	3
Chief Deputy Administrator, Correctional Program, CEA A	CEA	QAP	Continuous	19
Chief, Office of Workforce Planning, CEA A	CEA	QAP	Continuous	3
Deputy Director, Audits and Court Compliance, CEA B	CEA	QAP	Continuous	6
Associate Budget Analyst	Dept. Promotional	Qualifications Appraisal Panel (QAP) ²	Continuous	54
Community Resources Manager	Open	QAP	Continuous	100
Director, Television Communication Center (Specialist)	Open	QAP	10/25/2013	60
Librarian, CF	Open	QAP	Continuous	20
Library Technical Assistant (Safety)	Open	QAP	Continuous	3
Office Services Supervisor I (General/Typing)	Dept. Promotional	QAP	9/20/2013	240
Personnel Supervisor I/II	Open	QAP	Continuous	20
Personnel Technician I	Dept. Promotional	QAP	10/18/2013	70

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 Components	Final File Date	No. of Applications
Program Technician II & III	Dept. Promotional	QAP	9/20/2013	368
Research Manager III (Social/Behavioral)	Open	QAP	10/18/2013	7
Resource Specialist, Special Education	Open	QAP	Continuous	5
School Psychologist	Open	QAP	Continuous	6
Senior Librarian, CF	Open	QAP	Continuous	1
Senior Personnel Specialist	Dept. Promotional	QAP	Continuous	20
Teacher, Elementary - Multiple Subjects, CF	Open	QAP	Continuous	26
Teacher, Emotional/Learning Handicapped, CF	Open	QAP	Continuous	9
Teacher, English Language Development, CF	Open	QAP	Continuous	8
Teacher, High School - Arts & Crafts, CF	Open	QAP	Continuous	4
Teacher, High School - English Language Arts, CF	Open	QAP	Continuous	9
Teacher, High School - General Education	Open	QAP	Continuous	46
Teacher, High School - Math, CF	Open	QAP	Continuous	6
Teacher, High School - Physical Education	Open	QAP	Continuous	5
Teacher, High School - Science, CF	Open	QAP	Continuous	7
Teacher, High School - Social Science, CF	Open	QAP	Continuous	9
Training Officer	Dept. Promotional	QAP	10/4/2013	14
Vocational Instructor - Auto Body & Fender Repair, CF	Open	Education & Experience (E&E) ³	Continuous	2
Vocational Instructor - Auto Mechanics, CF	Open	E&E	Continuous	4
Vocational Instructor - Building Maintenance, CF	Open	E&E	Continuous	7

³ 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.

Classification	Exam Type	Exam Components	Final File Date	No. of Applications
Vocational Instructor - Carpentry, CF	Open	E&E	Continuous	10
Vocational Instructor - Computer & Related Technology, CF	Open	E&E	Continuous	7
Vocational Instructor - Cosmetology, CF	Open	E&E	Continuous	6
Vocational Instructor - Culinary Arts, CF	Open	E&E	Continuous	2
Vocational Instructor - Electrical Work, CF	Open	E&E	Continuous	13
Vocational Instructor - Machine Shop Practices, CF	Open	E&E	Continuous	1
Vocational Instructor - Masonry, CF	Open	E&E	Continuous	5
Vocational Instructor - Office Services and Related Technologies, CF	Open	E&E	Continuous	5
Vocational Instructor - Painting, CF	Open	E&E	Continuous	3
Vocational Instructor - Plumbing, CF	Open	E&E	Continuous	10
Vocational Instructor - Refrigeration and Air Conditioning Repair, CF	Open	E&E	Continuous	3
Vocational Instructor - Small Engine Repair, CF	Open	E&E	Continuous	6
Vocational Instructor - Welding, CF	Open	E&E	Continuous	6

FINDING NO. 1- Job Analyses Were Not Developed or Used for All the Civil Service Examinations Reviewed

Summary: The CDCR provided JAs for 27 of 45 civil service examinations; however, the CDCR did not provide JAs for the Resource Specialist, School Psychologist, and all 16 Vocational Instructor examinations.

Classification	List Active Date	List Expiration Date	No. of Eligibles
Resource Specialist	Merged List ⁴	Merged List	15
School Psychologist	Merged List	Merged List	9
Vocational Instructor - Auto Body & Fender Repair, CF	Merged List	Merged List	3
Vocational Instructor - Auto Mechanics, CF	Merged List	Merged List	25
Vocational Instructor - Building Maintenance, CF	Merged List	Merged List	34
Vocational Instructor - Carpentry, CF	Merged List	Merged List	16
Vocational Instructor - Computer & Related Technology, CF	Merged List	Merged List	17
Vocational Instructor - Cosmetology, CF	Merged List	Merged List	6
Vocational Instructor - Culinary Arts, CF	Merged List	Merged List	7
Vocational Instructor - Electrical Work, CF	Merged List	Merged List	13
Vocational Instructor - Machine Shop Practices, CF	Merged List	Merged List	1
Vocational Instructor - Masonry, CF	Merged List	Merged List	13
Vocational Instructor - Office Services and Related Technologies, CF	Merged List	Merged List	56
Vocational Instructor - Painting, CF	Merged List	Merged List	5
Vocational Instructor - Plumbing, CF	Merged List	Merged List	11
Vocational Instructor - Refrigeration and Air Conditioning Repair, CF	Merged List	Merged List	13
Vocational Instructor - Small Engine Repair, CF	Merged List	Merged List	5
Vocational Instructor - Welding, CF	Merged List	Merged List	12

⁴ A Merged List is a continuous examination with eligibles coming on at different times before, during, and after the review period.

The examination lists have not expired for the following classifications:

- (1) Resource Specialist
- (2) School Psychologist
- (3) Vocational Instructor - Auto Body & Fender Repair, CF
- (4) Vocational Instructor - Auto Mechanics, CF
- (5) Vocational Instructor - Building Maintenance, CF
- (6) Vocational Instructor - Carpentry, CF
- (7) Vocational Instructor - Computer & Related Technology, CF
- (8) Vocational Instructor - Cosmetology, CF
- (9) Vocational Instructor - Culinary Arts, CF
- (10) Vocational Instructor - Electrical Work, CF
- (11) Vocational Instructor - Machine Shop Practices, CF
- (12) Vocational Instructor - Masonry, CF
- (13) Vocational Instructor - Office Services and Related Technologies, CF
- (14) Vocational Instructor - Painting, CF
- (15) Vocational Instructor - Plumbing, CF
- (16) Vocational Instructor - Refrigeration and Air Conditioning Repair, CF
- (17) Vocational Instructor - Small Engine Repair, CF
- (18) Vocational Instructor - Welding, CF

Criteria:

The Merit Selection Manual (MSM), which is incorporated in California Code of Regulations, title 2, section 50, mandates the development and use of a JA for the examination process. A JA 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 JAs adhere to the legal and professional standards outlined in the JA section of the MSM, and that certain elements must be included in the JA studies. (*Ibid.*) Those requirements include the following: (1) that the JA 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 JA 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.)

Severity: Very Serious. The examination may not have been job-related or legally defensible.

Cause: The CDCR states that they did not conduct JA's for E&E exams based on their interpretation of applicable law and rule.

Action: To correct this deficiency the CDCR must abolish the examination lists that have not expired, within 60 days of the Executive Officer's approval of this compliance review report. Furthermore, the CRU finds that the appointments made from the examinations that were administered without a JA were made in good faith, and did not merit being voided.

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.) Appointments made from eligible lists, by way of transfer, or by way of reinstatement, must be made on the basis of merit and fitness, which requires consideration of each individual's job-related qualifications for a position, including his or her KSAs, experience, and physical and mental fitness. (Cal. Code Regs., tit. 2, § 250, subd. (a).)

During the compliance review period, the CDCR made 3,736 appointments. The CRU reviewed 347 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appointments
Academic Teacher	Certification List	Permanent	Full Time	1
Accountant I	Certification List	Permanent	Full Time	1
Accounting Administrator II	Certification List	Permanent	Full Time	1
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	5

Classification	Appointment Type	Tenure	Time Base	No. of Appointments
Associate Personnel Analyst	Certification List	Permanent	Full Time	1
Automobile Mechanic	Certification List	Permanent	Full Time	1
Baker II	Certification List	Permanent	Full Time	1
Business Services Assistant	Certification List	Permanent	Full Time	1
Captain	Certification List	Permanent	Full Time	1
Carpenter II	Certification List	Permanent	Full Time	2
Case Records Technician	Certification List	Permanent	Full Time	4
Catholic Chaplain	Certification List	Permanent	Full Time	1
Community Resources Manager	Certification List	Permanent	Full Time	1
Cook Specialist II	Certification List	Permanent	Full Time	1
Correctional Administrator	Certification List	Permanent	Full Time	3
Correctional Case Records Analyst	Certification List	Permanent	Full Time	3
Construction Supervisor III	Certification List	Limited Term	Full Time	1
Correctional Case Records Manager	Certification List	Limited Term	Full Time	2
Correctional Counselor I	Certification List	Permanent	Full Time	12
Correctional Counselor I	Certification List	Limited Term	Full Time	2
Correctional Counselor II	Certification List	Permanent	Full Time	4
Correctional Lieutenant	Certification List	Permanent	Full Time	4
Correctional Lieutenant	Certification List	Limited Term	Full Time	2
Correctional Officer	Certification List	Permanent	Full Time	12
Correctional Sergeant	Certification List	Permanent	Full Time	10
Correctional Supervising Cook	Certification List	Permanent	Full Time	2
Custodian I	Certification List	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appointments
Electrician II	Certification List	Permanent	Full Time	1
Executive Assistant	Certification List	Permanent	Full Time	2
Fire Chief	Certification List	Permanent	Full Time	1
Graduate Legal Assistant	Certification List	Permanent	Full Time	1
Heavy Equipment Mechanic	Certification List	Permanent	Full Time	1
Heavy Truck Driver	Certification List	Permanent	Full Time	1
Information Systems Technician	Certification List	Permanent	Full Time	1
Instructional Designer	Certification List	Permanent	Full Time	1
Labor Relations Analyst	Certification List	Permanent	Full Time	2
Legal Secretary	Certification List	Permanent	Full Time	1
Library Technical Assistant	Certification List	Permanent	Full Time	2
Licensed Vocational Nurse	Certification List	Permanent	Full Time	1
Locksmith I	Certification List	Limited Term	Full Time	2
Maintenance Mechanic	Certification List	Permanent	Full Time	2
Materials & Stores Supervisor I	Certification List	Permanent	Full Time	3
Materials & Stores Supervisor II	Certification List	Permanent	Full Time	1
Muslim Chaplain	Certification List	Permanent	Full Time	1
Native American Spiritual Leader	Certification List	Permanent	Intermittent	1
Office Assistant	Certification List	Permanent	Full Time	1
Office Services Supervisor I	Certification List	Permanent	Full Time	1
Office Technician (Typing)	Certification List	Permanent	Full Time	4
Office Technician (Typing)	Certification List	Limited Term	Full Time	1
Painter III	Certification List	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appointments
Parole Administrator	Certification List	Permanent	Full Time	1
Parole Agent I	Certification List	Limited Term	Full Time	6
Personnel Specialist	Certification List	Permanent	Full Time	2
Personnel Technician I	Certification List	Permanent	Full Time	2
Personnel Technician Supervisor II	Certification List	Limited Term	Full Time	2
Pest Control Technician	Certification List	Permanent	Full Time	1
Plumber III	Certification List	Permanent	Full Time	1
Program Administrator	Certification List	Permanent	Full Time	1
Project Director	Certification List	Permanent	Full Time	1
Self Help Sponsor	Certification List	Permanent	Full Time	1
Senior Accounting Officer, Supervisor	Certification List	Permanent	Full-Time	1
Senior Personnel Specialist	Certification List	Permanent	Full Time	1
Sergeant, Youth Authority	Certification List	Limited Term	Full Time	1
Staff Services Manager I	Certification List	Permanent	Full Time	1
Staff Services Analyst	Certification List	Permanent	Full Time	5
Staff Services Manager I	Certification List	Permanent	Full Time	2
Staff Services Manager II	Certification List	Permanent	Full Time	1
Staff Services Manager III	Certification List	Permanent	Full Time	1
Stationary Engineer	Certification List	Permanent	Full Time	2
Supervisor, Correctional Education Programs	Certification List	Permanent	Full Time	1
Teacher-Elementary School, Multiple Subjects	Certification List	Permanent	Full Time	1
Teacher-High School, General Education	Certification List	Permanent	Full Time	2
Teacher-High School, General Education	Certification List	Limited Term	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appointments
Television Specialist	Certification List	Permanent	Full Time	1
Vocational Instructor	Certification List	Permanent	Full Time	3
Warehouse Worker	Certification List	Permanent	Full Time	1
CEA - Associate Director, OBS	Information List	Permanent	Full Time	1
CEA - Chief, OWPS	Information List	Permanent	Full Time	1
CEA - Chief Deputy Administrator	Information List	Permanent	Full Time	1
CEA - Chief Deputy Warden	Information List	Permanent	Full Time	3
CEA - Deputy Chief, OPEC	Information List	Permanent	Full Time	1
CEA - Deputy Director	Information List	Permanent	Full Time	1
CEA - Deputy Regional Administrator	Information List	Permanent	Full Time	1
CEA - Parole Administrator I	Information List	Permanent	Full Time	1
Associate Governmental Program Analyst	Mandatory Reinstatement	Permanent	Full Time	1
Case Records Technician	Mandatory Reinstatement	Permanent	Full Time	1
Correctional Administrator	Mandatory Reinstatement	Permanent	Full Time	1
Correctional Case Records Analyst	Mandatory Reinstatement	Permanent	Full Time	1
Correctional Counselor I	Mandatory Reinstatement	Permanent	Full Time	1
Correctional Sergeant	Mandatory Reinstatement	Permanent	Full Time	1
Office Assistant	Mandatory Reinstatement	Permanent	Full Time	1
Office Technician	Mandatory Reinstatement	Permanent	Full Time	3
Personnel Specialist	Mandatory Reinstatement	Permanent	Full Time	2
Staff Services Analyst	Mandatory Reinstatement	Permanent	Full Time	1
Teacher, English	Mandatory Reinstatement	Permanent	Full Time	1
Academic Teacher	Reinstatement	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appointments
Associate Governmental Program Analyst	Reinstatement	Limited Term	Full Time	1
Case Records Technician	Reinstatement	Permanent	Full Time	1
Case Records Technician	Reinstatement	Limited Term	Full Time	1
Correctional Counselor I	Reinstatement	Limited Term	Intermittent	1
Correctional Officer	Reinstatement	Limited Term	Full Time	7
Correctional Officer	Reinstatement	Permanent	Full Time	10
Correctional Sergeant	Reinstatement	Limited Term	Intermittent	1
Groundskeeper -Correctional Facility-	Reinstatement	Permanent	Full Time	1
Office Assistant	Reinstatement	Permanent	Full Time	1
Office Services Supervisor I	Reinstatement	Permanent	Full Time	1
Office Technician	Reinstatement	Limited Term	Full Time	1
Personnel Specialist	Reinstatement	Permanent	Full Time	1
Property Controller II	Reinstatement	Permanent	Full Time	1
Research Analyst II	Reinstatement	Permanent	Full Time	1
Senior Personnel Officer	Reinstatement	Permanent	Full Time	1
Substitute Academic Teacher	Reinstatement	Limited Term	Intermittent	2
Supervisor, Groundskeeper II	Reinstatement	Permanent	Full Time	1
Teacher (High School-General Education)	Reinstatement	Permanent	Full Time	2
Teacher, Elementary-Multi Subject	Reinstatement	Permanent	Full Time	1
Vocational Instructor	Reinstatement	Permanent	Full Time	2
Vocational Instructor	Reinstatement	Limited Term	Full Time	1
Correctional Lieutenant	Temporary Authorization	Temporary Authorization	Intermittent	1
Office Technician (Typing)	Temporary Authorization	Temporary Authorization	Intermittent	3
Self Help Sponsor	Temporary Authorization	Temporary Authorization	Intermittent	1
Skilled Trades Apprentice	Temporary Authorization	Temporary Authorization	Intermittent	2
Skilled Trades Journeyman	Temporary Authorization	Temporary Authorization	Intermittent	4
Substitute Academic Teacher	Temporary Authorization	Temporary Authorization	Intermittent	2
Associate Governmental Program Analyst	Training & Development	Permanent	Full Time	1
Correctional Counselor I	Training & Development	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appointments
Correctional Lieutenant	Training & Development	Permanent	Full Time	1
Personnel Supervisor I	Training & Development	Permanent	Full Time	1
Accounting Officer (Specialist)	Transfer	Permanent	Full Time	1
Associate Governmental Program Analyst	Transfer	Permanent	Full Time	1
Associate Hazardous Materials Specialist	Transfer	Permanent	Full Time	3
Automobile Mechanic	Transfer	Permanent	Full Time	1
Case Records Technician	Transfer	Permanent	Full Time	3
Correctional Administrator	Transfer	Permanent	Full Time	1
Correctional Case Records Analyst	Transfer	Permanent	Full Time	4
Correctional Counselor I	Transfer	Permanent	Full Time	10
Correctional Counselor I	Transfer	Limited Term	Full Time	3
Correctional Counselor II	Transfer	Permanent	Full Time	2
Correctional Counselor III	Transfer	Permanent	Full Time	1
Correctional Lieutenant	Transfer	Permanent	Full Time	4
Correctional Officer	Transfer	Permanent	Full Time	20
Correctional Officer	Transfer	Limited Term	Intermittent	14
Correctional Officer	Transfer	Permanent	Intermittent	7
Correctional Sergeant	Transfer	Permanent	Full Time	1
Correctional Supervising Cook	Transfer	Permanent	Full Time	1
Electrician II	Transfer	Permanent	Full Time	1
Executive Assistant	Transfer	Permanent	Full Time	1
Fire Captain	Transfer	Permanent	Full Time	4
Groundskeeper	Transfer	Permanent	Full Time	1
Labor Relations Analyst	Transfer	Permanent	Full Time	3
Labor Relations Analyst	Transfer	Limited Term	Full Time	1
Library Technical Assistant	Transfer	Permanent	Full Time	1
Maintenance Mechanic	Transfer	Permanent	Full Time	1
Maintenance Mechanic	Transfer	Limited Term	Full Time	1
Materials & Stores Supervisor I	Transfer	Permanent	Full Time	2
Personnel Specialist	Transfer	Permanent	Full Time	1
Personnel Technician I	Transfer	Permanent	Full Time	1
Plumber II	Transfer	Permanent	Full Time	1
Procurement & Services Officer II	Transfer	Permanent	Full Time	1
Senior Special Agent	Transfer	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appointments
Special Agent	Transfer	Permanent	Full Time	1
Staff Services Manager I	Transfer	Permanent	Full Time	1
Staff Services Analyst	Transfer	Permanent	Full Time	6
Staff Services Analyst	Transfer	Limited Term	Full Time	1
Stationary Engineer	Transfer	Permanent	Full Time	1
Teacher, (Elementary-Multiple Subjects)	Transfer	Permanent	Full Time	1

The CDCR measured each applicant's ability to perform the duties of the job by conducting hiring interviews and selecting the best-suited candidates. For each list appointment, the CDCR ordered a certification list of candidates ranked competitively. After properly clearing the certification list including SROA, the selected candidates were appointed based on eligibility attained by being reachable within the first three ranks of the certification list. Accordingly, these appointments complied with civil service laws and board rules.

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 Reg., tit. 2, § 425.) The CDCR verified the eligibility of each candidate to their appointed class, and thus complied with civil service laws and board rules regarding transfers.

An appointing power may, in his or her discretion, reinstate any person having probationary or permanent status who was separated from his or her position by: (1) resignation; (2) service retirement; (3) termination from limited-term, temporary, career executive assignment, or exempt appointment; (4) absence without leave, as defined; or (5) without a break in continuity of state service to accept another civil service or exempt appointment. (Gov. Code, § 19140.)

Generally, when no employment list exists from which a position may be filled, an appointing power may fill the position by temporary appointment. (Gov. Code, § 19058.) If fewer than three names of persons willing to accept an appointment are on the open eligible list for the class to which a position belongs and no other employment list for such class is available, a temporary appointment may be allowed. (Cal. Code Regs., tit. 2, § 265) A TAU appointment shall not exceed nine months in a 12-month period. (Cal. Const., art. VII, § 5.) 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.)

The CRU found no deficiencies in the appointments that the CDCR conducted during the compliance review period. Accordingly, the CRU found that all the appointments the CDCR made 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 committing 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 the California Department of Human Resources 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 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).)

The CRU reviewed CDCR EEO policies, procedures, and programs in effect during the compliance review period. In addition, the CRU interviewed appropriate CDCR staff.

FINDING NO. 3 – Equal Employment Opportunity Program Properly Complied With Civil Service Laws and Board Rules

After reviewing CDCR's EEO policies, procedures, and programs that were in effect during the compliance review period the CRU determined that the CDCR provided employees with guidance on the EEO process, including instructions on how to file

discrimination claims. The EEO policy also outlines the roles and responsibilities of the EEO Officer, as well as supervisors and managers. The EEO Officer, who is at the managerial level, reports directly to the Director of the CDCR. The CDCR provided evidence showing its efforts to promote EEO 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. In addition, the CDCR has an established DAC. The CDCR submitted a workforce analysis, which was submitted to the CRU. Accordingly, the CDCR EEO program complied with civil service laws and Board rules.

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 Reg., tit. 2, § 547.59.) The California Constitution has an implied civil service mandate limiting the state’s authority to contract with private entities to perform services the state has historically or customarily performed. Government Code section 19130, subdivision (a), however, codifies exceptions to the civil service mandate where PSC’s achieve cost savings for the state. PSCs that are of a type enumerated in subdivision (b) of Government Code section 19130 are also permissible Subdivision (b) contracts include 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 the 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 compliance review period, the CDCR had 227 PSC’s that were in effect. 174 of the PSC’s were subject to Department of General Services (DGS) approval and thus CRU procedural review, and are listed below:

Vendor	Services	Contract Dates	Contract Amount	Justification Identified
A&A Portables	Portable Sanitation	4/1/2012 - 3/31/2014	\$186,016	Yes
About Face	Sex-Offender Treatment Program	6/1/2010 - 6/30/2013	\$1,817,280	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified
All American Rentals	Power Tool Repair Services	1/1/2011 - 12/1/2012	\$66,675	Yes
All Pro Pumping	Bathroom Facilities	4/1/2012 - 3/31/2014	\$96,000	Yes
Allied Waste Services	Garbage Removal	7/29/2010 - 12/31/2012	\$46,800	Yes
Allied Waste Services	Garbage Removal	4/1/2012 - 3/31/2014	\$420,001	Yes
Allied Waste Services	Garbage Removal	4/24/2012 - 3/31/2014	\$240,000	Yes
Allied West Service of NA	Garbage Removal	4/1/2012 - 3/31/2014	\$640,477	Yes
Alpha Site Logistics	Portable Sanitation	4/7/2012 - 3/31/2014	\$98,698	Yes
Alta LA Hospital	Immediate Medical Service	1/18/2011 - 6/31/2013	\$149,985	Yes
American Cooling Tower	Installation of Cooling Tower	4/1/2013 - 3/31/2015	\$65,800	Yes
American Correctional Association	Accreditation Audit	2/28/2011 - 5/31/2015	\$76,500	Yes
Amity Foundation of CA	Substance Abuse Consultant	1/4/2010 - 6/30/2012	\$2,399,939	Yes
Amity Foundation of CA	Substance Abuse Consultant	7/1/2009 - 6/30/2011	\$1,884,098	Yes
Andrada and Associates	Legal Defense	7/1/2009 - 6/30/2013	\$3,000,000	Yes
Angelo, Kilday, Kilduff	Legal Defense	1/1/2011 - 12/31/2012	\$252,060	Yes
Area Restroom Solutions	Bathroom Facilities	4/1/2012 - 3/31/2014	\$79,575	Yes
Atkinson Assessment Center	Sex-Offender Treatment Program	6/1/2010 - 6/30/2013	\$1,412,500	Yes
Atkinson Assessment Center	Sex-Offender Treatment Program	6/1/2010 - 6/30/2013	\$1,412,500	Yes
Barry Krisberg	Expert Witness	7/1/2011 - 6/30/2013	\$266,940	Yes
Beeson Terhorst, LLP	Legal Defense	7/1/2010 - 6/30/2013	\$2,000,000	Yes
Behavioral Systems South West	Day Reporting Services	8/1/2010 - 6/30/2013	\$2,557,278	Yes
Benz Sanitation	Garbage Removal	4/1/2011 - 3/31/2013	\$935,658	Yes
BI, Inc.	Day Reporting Center	4/1/2010 - 6/30/2013	\$4,050,272	Yes
BI, Inc.	Day Reporting Center	4/1/2010 - 6/30/2013	\$3,624,440	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified
BI, Inc.	Day Reporting Services	8/1/2010 - 6/30/2013	\$2,993,439	Yes
CA Association of Alcohol & Drug	Substance Abuse Treatment Services	8/1/2011 - 6/30/2014	\$885,174	Yes
CA-CHCS	Funding of Two Executive Level Positions	7/26/2012 - 6/30/2013	\$100,000	Yes
California Generator Service	Emergency Generator Maintenance	11/1/2012 - 6/30/2014	\$193,115	Yes
California Hazardous Services	Fuel Tank Maintenance	10/1/2010 - 9/30/2013	\$94,421	Yes
Cannon Design	Design of 150 Bed Facility at CSP-Sac	8/30/2010 - 12/31/2013	\$740,359	Yes
Casham Enterprises	Fire Sprinkler Maintenance	12/14/2010 - 9/30/2013	\$76,124	Yes
Center for Restorative Justice	Transportation Services	12/1/2009 - 12/31/2011	\$694,960	Yes
Center Point	Substance Abuse Treatment	7/1/2009 - 6/30/2013	\$63,936,552	Yes
Center Point	Substance Abuse Treatment	1/4/2010 - 6/30/2013	\$2,947,048	Yes
Center Point	Substance Abuse Treatment	7/1/2010 - 6/30/13	\$4,576,278	Yes
City and County of San Francisco	24/7 Service to Mentally Ill Parolees	8/1/2009 - 7/31/2013	\$2,264,533	Yes
City and County of San Francisco	24/7 Service to Mentally Ill Parolees	7/31/2009 - 7/31/2013	\$2,504,794	Yes
City of Delano	Garbage Removal	4/1/2012 - 3/31/2014	\$551,021	Yes
City of Delano	Garbage Removal	7/1/2012 - 6/30/2014	\$611,442	Yes
City of Galt	Firing Range for CO Training	7/1/2010 - 6/30/2015	\$350,000	Yes
City of Oakland	Transitional Employment to Parolees	5/1/2011 - 6/30/2013	\$2,367,688	Yes
City of Waco	Garbage Removal	7/1/2011 - 6/30/2014	\$990,828	Yes
Community Education Centers	Substance Abuse Treatment	1/4/2010 - 6/30/2013	\$2,414,879	Yes
Community Education Centers	Substance Abuse Treatment	1/4/2010 - 6/30/2013	\$2,411,192	Yes
Concord Police Association	Firing Range for CO Training	8/11/2011 - 6/30/2013	\$135,765	Yes
Consolidated Disposal Services	Garbage Removal	4/1/2012 - 3/31/2014	\$57,601	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified
Contra Costa County Office of Education	Computer Training to Parolees	7/1/2010 - 6/30/2013	\$9,015,108	Yes
Contra Costa County Office of Education	Computer Training to Parolees	7/1/2010 - 6/30/2013	\$7,616,091	Yes
Contractors Career Centers	ICC & IBC Training	12/1/2010 - 11/30/2012	\$97,461	Yes
Counseling and Pysch Center	Sex-Offender Treatment Program	6/1/2010 - 6/30/2013	\$2,445,374	Yes
Counseling and Pysch Center	Sex-Offender Treatment Program	6/1/2010 - 6/30/2013	\$2,454,974	Yes
County of LA, DHS	Emergency Medical Services	2/7/2011 - 6/30/2013	\$300,000	Yes
County of Merced Sheriff's Office	Housing and Supervision	7/1/2010 - 6/30/2013	\$4,228,916	Yes
County of Orange	Substance Abuse Treatment	7/1/2010 - 6/30/2013	\$2,704,036	Yes
County of Sacramento	Substance Abuse Treatment	1/1/2011 - 6/30/2013	\$13,844,552	Yes
County of San Diego	Treatment to Parolees	2/1/2011 - 1/31/2014	\$4,499,355	Yes
County of SB Sheriff	Day Reporting Services	7/1/2010 - 6/30/2012	\$3,223,999	Yes
CR&R Incorporated	Garbage Removal	4/1/2012 - 3/31/2014	\$624,952	Yes
Desert Business Machines	Copier Maintenance & Repair	2/9/2011 to 1/31/2013	\$184,776	Yes
DGS	IA Agreement	7/1/2010 to 6/30/2014	\$4,511,440	Yes
DLR Group	Design 630 Bed Facility at Paso Robles YCF	7/19/2010 to 7/31/2013	\$1,141,218	Yes
DLR Group	Design CA Health Care Facility	9/07/2010 to 8/31/2013	\$844,069	Yes
DMH	IA Agreement	7/1/2011 to 6/30/2013	\$2,967,566	Yes
Donald Sauter, DDS	Expert Witness	1/1/2011 to 12/31/2012	\$397,200	Yes
Donald Sauter, DDS	Expert Witness	1/1/2011 to 12/31/2012	\$397,200	Yes
Downey Brand, LLP	Legal Defense	2/9/2011 to 6/30/2013	\$298,200	Yes
DPH	IA Agreement	7/1/2011 to 6/30/2014	\$260,562	Yes
Eclipse Solutions	IT Database Services	6/4/2009 to 12/31/2012	\$2,754,855	Yes
EJ Harrison & Sons	Garbage Removal	4/1/2012 to 3/31/2014	\$167,076	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified
Executive Business Services	Office Equipment Repair	4/1/2011 to 3/31/2013	\$94,000	Yes
Folsom Shooting Club	Firing Range for CO Training	8/31/2010 to 6/30/2013	\$528,750	Yes
Global Power Group	Emergency Generator Maintenance	9/21/2012 to 6/30/2014	\$1,418,749	Yes
HBMV&R, LLP	Legal Defense	11/26/2008 to 6/30/2011	\$500,000	Yes
Hampton Tedder Electric	Maintenance of High Mast Lighting	2/25/2011 - 3/31/2013	\$170,368	Yes
Healthcare Services	Housing & Supervision	7/1/2010 - 6/13/2013	\$4,467,336	No
Hewlett-Packard	Strategic Offender Management System	5/1/2009 - 9/30/2013	\$244,551,183	Yes
Honeywell Building Solutions	HEPA Filter Replacement	4/15/2010 - 12/31/2012	\$81,922	Yes
Human Performance Institute	Medical Screening of CO Applicants	7/1/2010 - 6/30/2012	\$1,970,086	Yes
HW Sessoms Construction	Emergency Generator Test, Inspection	9/24/2010 - 3/31/2013	\$139,000	Yes
James Ulm	Emergency Generator Repair	10/17/2012 - 6/30/2014	\$142,360	Yes
JLS Concrete Pumping	Concrete	1/01/2011 - 12/31/2012	\$52,350	Yes
John Berner	Compliance Evaluation	5/1/2010 - 6/30/2013	\$402,500	Yes
John W Kohls	Survey Design and Analysis	5/1/2010 - 6/30/2013	\$450,000	Yes
Joseph L Goldenson	Expert Witness	7/1/2011 - 6/30/2013	\$172,400	Yes
LA Countrywide CJCC	Women's Reentry Court Program	7/1/2011 - 6/30/2013	\$1,000,000	Yes
Language Services Associates	Foreign Language Translation	7/1/2010 - 6/30/2013	\$148,416	Yes
Law Office of Oviedo & Tookoian	Legal Defense	1/1/2009 - 6/30/2012	\$80,000	Yes
Logan Hopper	Expert Witness	7/1/2011 - 6/30/2013	\$167,896	Yes
Longyear, O'Dea, Larva	Legal Defense	1/1/2011 - 12/31/2012	\$906,159	Yes
Los Angeles County Sheriff	Revocation Hearings	7/1/2010 - 6/30/2013	\$19,468,899	Yes
Madeleine LaMarre	Expert Witness	7/1/2011 - 6/30/2013	\$194,620	Yes
Madera Disposal Systems	Garbage Removal	4/01/2010 - 3/31/2013	\$947,254	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified
Marin Sanitary Service	Garbage Removal	9/1/2010 - 3/31/2013	\$873,695	Yes
McGeorge School of Law	Legal Defense	4/1/2009 - 6/30/2012	\$5,325,461	Yes
McManis Associates	Mental Health Professionals	1/1/2010 - 12/31/2012	\$359,400	Yes
Mediscan, Inc.	Physical Therapy	1/12/2011 - 12/31/2013	\$76,188	Yes
Medtox Labs	Parolee Lab Services	1/1/2011 - 12/31/2012	\$446,754	Yes
Mental Health Systems	Substance Abuse Treatment	7/1/2009 - 6/30/2011	\$9,128,325	Yes
Mental Health Systems	Substance Abuse Treatment	7/1/2009 - 6/30/2011	\$8,208,694	Yes
Mental Health Systems	Substance Abuse Treatment	7/1/2009 - 6/30/2013	\$83,349,527	Yes
MHCM Legal Services	Legal Defense	10/1/2008 - 9/30/2011	\$484,405	Yes
Mid Valley Disposal	Garbage Removal	8/01/2010 - 3/31/2013	\$1,030,540	Yes
Miller Star Regalia	Legal defense	12/1/2009 - 11/30/2012	\$206,000	Yes
Moreno and Rivera	Legal Defense	1/1/2007 - 6/30/2012	\$1,789,805	Yes
MSLL Legal	Legal Defense	1/1/2007 - 6/30/2013	\$795,950	Yes
NCIA	Suicide Prevention Program	8/6/2010 - 8/30/2013	\$52,800	Yes
NGAP	Equipment Rental	1/1/2011 - 12/31/2012	\$348,436	Yes
Nield Law Group	Legal Defense	7/1/2009 - 6/30/2015	\$1,900,000	Yes
North American Power	Emergency Generator Maintenance	9/19/2012 - 6/30/2014	\$1,312,891	Yes
Oviedo Tookoian, LLP	Legal Defense	11/1/2009 - 3/31/2015	\$191,500	Yes
Pacific Forensic Psych Assoc.	Sex-Offender Treatment Program	6/1/2010 - 6/30/2013	\$1,580,465	Yes
Pacific Forensic Psych Assoc.	Sex-Offender Treatment Program	6/1/2010 - 6/30/2013	\$1,547,065	Yes
Pacific Forensic Psych Assoc.	Sex-Offender Treatment Program	6/1/2010 - 6/30/2013	\$1,782,565	Yes
Pacific Power Testing	Switchgear Maintenance	11/18/2010-12/31/2012	\$67,300	Yes
Performance Based Standards	Compliance Review	7/1/2010 - 6/30/2013	\$180,000	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified
Pharmatech	Drug Testing	12/1/2011 - 6/30/2013	\$188,376	Yes
Phoenix Houses of California	Substance Abuse Treatment	1/4/2010 - 6/30/2013	\$2,752,484	Yes
Phoenix Houses of California	Substance Abuse Treatment	1/4/2010 - 6/30/2013	\$2,608,086	Yes
Physicians Immun. Labs	Parolee Lab Services	7/1/2010 - 6/30/2013	\$167,764	Yes
Porter Scott	Legal Defense	11/1/2008 - 6/30/2011	\$332,650	Yes
PSA Dewberry	Conversion of Facility	12/30/2010 - 1/31/2013	\$2,486,833	Yes
Quality Group Homes	24/7 Service to Mentally Ill Parolees	10/5/2009 - 7/31/2013	\$4,496,567	Yes
Rankin Sproat Mires Beaty	Legal Defense	1/1/2010 - 12/31/2012	\$88,325	Yes
Rapiscan Systems	X-ray Equipment Maintenance	1/1/2012 - 12/31/2013	\$1,075,689	Yes
Regents of UC-Irvine	Consulting on Crime Reduction	7/1/2010 - 12/31/2012	\$424,950	Yes
Regents of UC-Irvine	Consulting on Crime Reduction	7/15/2010 - 1/31/2012	\$150,000	Yes
Regents of UC-Irvine	Criminal Behavior Research	7/1/2008 - 6/30/2014	\$4,267,923	Yes
Retrofit Technology	Centravac Equipment Maintenance	10/01/2010 - 9/30/2013	\$123,936	Yes
Rex Moore Electrical	Fire Alarm Installation	9/28/2012 - 11/13/2012	\$131,421	Yes
Roto Rooter	Sewer and Drain Cleaning	4/1/2011 - 3/31/2013	\$91,300	Yes
S&S Portable Services	Portable Sanitation	1/1/2012 - 12/31/2013	\$23,877	Yes
Sacramento Valley Shooting Center	Firing Range for CO Training	8/31/2010 - 6/30/2013	\$528,750	Yes
Santa Clara County MHD	Mental Health Intervention	7/1/2011 - 6/30/2013	\$2,918,232	Yes
Satellite Tracking of People	GPS Tracking	10/1/2009 - 7/31/2013	\$30,427,200	Yes
SDMA LLP	Legal Defense	8/1/2009 - 6/30/2012	\$172,800	Yes
Sentinel Fire Equipment	Fire Extinguisher Maintenance	3/1/2011 - 2/28/2013	\$70,664	Yes
Siemens Water Technologies	Water Purification System	3/4/2011 - 12/31/2012	\$92,760	Yes
Siemens Water Technologies	Water Purification System	3/11/2011 - 12/31/2012	\$176,886	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified
Solpac Construction	50 Bed Facility Construction	1/5/2011 - 6/30/2012	\$19,800,000	Yes
Spectrum Human Services	Curriculum for Sex Behavior Treatment	1/11/2011 - 12/31/2012	\$265,226	Yes
Spectrum West	Fire Alarm Maintenance	09/07/2010-12/31/2011	\$153,200	Yes
Stanzler Funderburk Castellon	Legal Defense	3/25/2005 - 6/30/2013	\$125,760	Yes
State of CA- DHS	IA agreement	7/1/2010 - 6/30/2013	\$465,210	Yes
State Personnel Board	IA agreement	9/1/2009 - 6/30/2012	\$90,000	Yes
StonyCreek Garbage Services	Garbage Removal	4/1/2012 - 3/31/2014	\$54,912	Yes
Telecare Corporation	24/7 Service to Mentally Ill Parolees	7/14/2009 - 7/31/2013	\$4,977,092	Yes
Telecare Corporation	24/7 Service to Mentally Ill Parolees	7/14/2009 - 7/31/2013	\$93,655	Yes
Telecare Corporation	24/7 Service to Mentally Ill Parolees	7/14/2009 - 7/31/2013	\$93,655	Yes
Telecare Corporation	24/7 Service to Mentally Ill parolees	7/14/2009 - 7/31/2013	\$4,977,092	Yes
Thomas John O'Rourke	Expert Witness	7/1/2011 - 6/30/2013	\$122,500	Yes
Transcription Resource	Transcription of Legal Proceedings	6/01/2010 - 12/31/2012	\$64,467	Yes
Turning Point of Central CA	Integrate Services for Mentally Ill	12/29/2009 - 7/31/2013	\$2,142,104	Yes
United Rentals	Equipment Rental	1/1/2011 - 12/31/2012	\$305,719	Yes
United Rentals	Equipment Rental	1/1/2011 - 12/31/2012	\$357,496	Yes
United Site Services of CA	Portable Sanitation	4/1/2012 - 3/31/2014	\$1,406,000	Yes
United Waste System	Bathroom Facilities	4/1/2012 - 3/31/2014	\$374,500	Yes
University Enterprises	Student Assistants	7/1/2011 - 6/30/2013	\$294,002	Yes
University Enterprises Corp	Parolee Lab Services	10/26/2010 - 6/30/2013	\$4,794,000	Yes
University of Cincinnati	Expert Witness	2/1/2011 - 1/31/2013	\$125,000	Yes
URS Corporation	Design of CHCF Conversion	1/20/2011 - 7/31/2014	\$3,488,774	Yes
Vanir Construction Management	Construction	12/08/2010-12/31/2013	\$2,255,000	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified
Vistam, Inc.	Electric Switchgear maintenance	3/1/2011 - 2/28/2013	\$62,200	Yes
W & K Consulting Engineering	Potable Water System	12/28/2009-12/31/2012	\$404,463	Yes
Walden House	Substance Abuse Treatment	7/1/2009 - 6/30/2011	\$6,274,877	Yes
Walden House	Substance Abuse Treatment	7/1/2009 - 6/30/2011	\$7,349,881	Yes
Walden House	Substance Abuse Treatment	7/1/2009 - 6/30/2011	\$91,432,800	Yes
Walden House	Substance Abuse Treatment	1/4/2010 - 6/30/2010	\$3,643,440	Yes
Walden House	Substance Abuse Treatment	4/1/2010 - 6/30/2013	\$3,252,568	Yes
Ware Disposal	Garbage Removal	4/1/2012 - 3/31/2014	\$591,724	Yes
WestCare California	Housing for Alternate Sentencing	7/1/2009 - 6/30/2012	\$4,405,080	Yes
WestCare California	Housing for Alternate Sentencing	7/1/2009 - 6/30/2013	\$85,538,329	Yes
WestCare California	Housing for Alternate Sentencing	9/1/2010 - 6/30/2013	\$2,806,002	Yes
Williams and Associates	Legal Defense	7/1/2007 - 6/30/2014	\$1,806,332	Yes

FINDING NO. 4 – Personal Services Contracts Complied with Procedural Requirements

When a state agency requests approval from the DGS for a subdivision (b) contract, the agency must include with its contract transmittal a written justification that includes *specific and detailed factual information* that demonstrates how the contract meets one or more conditions specified in Government Code section 19131, subdivision (b). (Cal. Code Reg., tit. 2, § 547.60.)

The CDCR had 174 PSC's in effect for a total amount of \$891,938,232. It was beyond the scope of the review to make conclusions as to whether the CDCR's justifications for the contract were legally sufficient. For all PSC's subject to DGS approval, the CDCR provided specific and detailed factual information in the written justifications as to how each contract met at least one condition set forth in Government Code section 19131, subdivision (b). Accordingly, the CDCR PSC's complied with procedural requirements.

DEPARTMENTAL RESPONSE

The CDCR's response is attached as Attachment 1.

SPB REPLY

Based upon the CDCR's written response, the CDCR will comply with the CRU recommended action and abolish the examination lists noted within 60 days of the Executive Officer's approval of this compliance review report.

It is further recommended that the CDCR comply with the afore-stated recommendations within 60 days of the Executive Officer's approval and submit to the CRU a written report of compliance.

OFFICE OF THE SECRETARY

P.O. Box 942883
Sacramento, CA 94283-0001



May 12, 2015

Ms. Lori Gillihan, Division Chief
Policy & Compliance Review Division
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814

Dear Ms. Gillihan:

The California Department of Corrections and Rehabilitation (CDCR or Department) submits this letter in response to the State Personnel Board's (SPB) compliance review of the Department's personnel practices related to examinations, appointments, equal employment opportunity, and personal services contracts.

Although CDCR complies with civil service laws and regulations in appointments, equal employment opportunity, and personal services contracts practices, the SPB's review identified concerns with certain examinations. Specifically, SPB requested CDCR provide the reason it did not develop or use job analyses for the Resource Specialist, School Psychologist, and Vocational Instructor civil service examinations.

CDCR did not conduct job analyses for these examinations based on the Department's interpretation of Government Code Section 18930 and the California Code of Regulations Section 193. The Department utilized the Education and Experience (E&E) selection process rather than job analyses because it considered the E&E examination an unbiased testing instrument, which assesses a candidate's eligibility for placement on the certification list solely upon his or her ability to meet the minimum qualifications for the classification rather than the job related tasks, knowledge, skills, and abilities identified through job analysis. However, as detailed in your March 23, 2015 letter, which clarified why the E&E examination process does not exempt the job analyses requirement, CDCR will now develop job analyses prior to administering new examinations for these classifications.

We would like to thank SPB for their work on this report and will fully address the recommendation in a 60-day corrective action plan. If you have further questions, please contact me at (916) 323-6001.

Sincerely,

ALENE SHIMAZU

Director

Division of Administrative Services