



COMPLIANCE REVIEW REPORT

DEPARTMENT OF FISH AND WILDLIFE

Compliance Review Unit
State Personnel Board
July 21, 2016

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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 five areas: examinations, appointments, equal employment opportunity (EEO), and 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. 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 Fish and Wildlife (CDFW) personnel practices in the areas of examinations, appointments, EEO, PSC's from June 1, 2015 through November 30, 2015, and mandated training from November 30, 2013 to November 30, 2015. The following table summarizes the compliance review findings.

Area	Finding	Severity
Examinations	Job Analysis Was Not Developed or Used for the Examination Process	Very Serious
Appointments	Equal Employment Opportunity Questionnaires Were Not Separated from Applications	Very Serious
Appointments	Probationary Evaluations Were Not Provided for All Appointments	Serious

Area	Finding	Severity
Appointments	Applications Were Not Date Stamped and/or Accepted After the Final File Date	Non-Serious or Technical
Equal Employment Opportunity	A Disability Advisory Committee Has Not Been Established	Very Serious
Personal Services Contracts	Personal Services Contracts Complied with Procedural Requirements	In Compliance
Mandated Training	Mandated Training Complied with Statutory Requirements	In Compliance

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

- Red = Very Serious
- Orange = Serious
- Yellow = Non-serious or Technical
- Green = In Compliance

BACKGROUND

The mission of the CDFW is to manage California’s diverse fish, wildlife, and plant resources, and the habitats upon which they depend for their ecological values and for their use and enjoyment by the public. Throughout California there are seven divisions including administration, data and technology, wildlife and fisheries, ecosystem conservation, law enforcement, regional operations, and office of spill prevention and response. As of 2015, the CDFW employed 2,364 employees including law enforcement officers, environmental scientists, managers, analysts, and clerical staff.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing CDFW examinations, appointments, EEO program, PSC’s from June 1, 2015, through November 30, 2015, and mandated training from November 30, 2013 to November 30, 2015. The primary objective of the review was to determine if CDFW 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 CDFW 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 CDFW provided, which included examination plans, examination bulletins, job analyses,

511b's, scoring results, notice of personnel action 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 CDFW 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).

CDFW PSC's were also reviewed.¹ It was beyond the scope of the compliance review to make conclusions as to whether CDFW justifications for the contracts were legally sufficient. The review was limited to whether CDFW practices, policies, and procedures relative to PSC's complied with procedural requirements.

In addition, the CDFW mandated training program was reviewed to ensure all employees required to file statements of economic interest were provided ethics training, and that all supervisors were provided supervisory and sexual harassment training within statutory timelines.

On June 27, 2016, an exit conference was held with the CDFW to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the CDFW's written response on July 15, 2016, 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

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.

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 minimum qualifications. (*Ibid.*) Every applicant for examination shall file an application in the office of the department or a designated appointing power as directed by 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 under review, the CDFW conducted 11 examinations. The CRU reviewed seven of those examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No of Applications
Career Executive Assignment (CEA) A, Chief Habitat Conservation Branch	CEA	Statement of Qualifications (SOQ) ²	7/1/2015	5
CEA A, Regional Manager	CEA	SOQ	4/17/2015	4
CEA A, Regional Manager	CEA	SOQ	6/2/2015	5
Fish and Game Lieutenant (Supervisor)	Departmental Promotional	Supplemental Application (SA) ³	6/15/2015	46

² In a statement of qualifications (SOQ's) 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.

³ In a supplemental application (SA) examination, applicants are not required to present themselves in person at a predetermined time and place. Supplemental applications are in addition to the regular application and must be completed in order to remain in the examination. Supplemental applications are also known as "rated" applications.

Classification	Exam Type	Exam Components	Final File Date	No of Applications
Fish and Game Warden	Open	Written	6/26/2015	82
Management Services Technician	Departmental Promotional	Written ⁴	10/19/2015	19
Veterinarian Specialist (General)	Departmental Promotional	Education and Experience (E&E) ⁵	8/13/2015	3

FINDING NO. 1 – Job Analysis Was Not Developed or Used for the Examination Process

Summary: A job analysis is required for each civil service examination. The CDFW did not complete a job analysis for the Fish and Game Warden civil service examination.

Classification	List Active Date	List Expiration Date	No. of Eligibles
Fish and Game Warden	10/30/2015	10/30/2016	23

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 job analysis for the examination process. A "[j]ob 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

⁴ A written examination is a testing procedure in which candidates' job-related knowledge and skills are assessed through the use of a variety of item formats. Written examinations are either objectively scored or subjectively scored.

⁵ 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.

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.)

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

Cause: The CDFW states that the personnel analyst administering the job analysis took another position prior to completing the full analysis.

Action: To correct this deficiency, the CDFW must abolish the Fish and Game Warden examination list, which has not yet expired. Within 60 days of the SPB's Executive Officer's approval of these findings and recommendations, the CDFW must submit to the CRU a written report of compliance verifying that the above-stated examination list has been abolished. Additionally, prior to administering any future examinations, the CDFW must create and develop each examination based upon a job analysis that meets the requirements of the MSM.

Furthermore, the CRU finds the appointments that were made from the Fish and Game Warden examination were made in good faith, were not the fault of the appointed employees, and do 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 knowledge, skills, abilities, experience, and physical and mental fitness. (Cal. Code Regs., tit. 2, § 250, subd. (a).)

During the compliance review period, the CDFW made 388 appointments. Of these, 160 were temporary and/or seasonal appointments. The CRU reviewed 50 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appointments
Administrative Officer III, Resources Agency	Certification List	Permanent	Full Time	1
Associate Personnel Analyst	Certification List	Permanent	Full Time	2
Attorney IV	Certification List	Permanent	Full Time	1
Fish and Game Assistant Chief	Certification List	Permanent	Full Time	1
Fish and Game Lieutenant (Specialist)	Certification List	Permanent	Full Time	3
Fish Hatchery Manager I	Certification List	Permanent	Full Time	1
Office Technician (General)	Certification List	Permanent	Full Time	1
Office Technician (Typing)	Certification List	Permanent	Full Time	1
Office Technician (Typing)	Certification List	Permanent	Intermittent	1
Office Technician (Typing)	Certification List	Permanent	$\frac{3}{4}$ Time	1
Office Technician (Typing)	Certification List	Permanent	Part-Time	1
Research Program Specialist I (Geographic Information Systems)	Certification List	Permanent	Full Time	2
Senior Information Systems Analyst (Supervisor)	Certification List	Permanent	Full Time	1
Staff Services Manager II (Supervisory)	Certification List	Permanent	Full Time	2

Classification	Appointment Type	Tenure	Time Base	No. of Appointments
Staff Services Manager III	Certification List	Permanent	Full Time	1
Veterinarian Specialist (General)	Certification List	Permanent	Full Time	1
Associate Accounting Analyst	Mandatory Reinstatement	Permanent	Full Time	1
Fish and Game Warden	Mandatory Reinstatement	Permanent	Full Time	1
Personnel Specialist	Mandatory Reinstatement	Permanent	Full Time	1
Program Technician II	Mandatory Reinstatement	Permanent	Full Time	1
Senior Personnel Specialist	Mandatory Reinstatement	Permanent	Full Time	1
Environmental Scientist	Permissive Reinstatement	Permanent	Full Time	3
Seasonal Clerk	Temporary Authorization Utilization (TAU)	Temporary	Intermittent	6
Student Assistant	TAU	Temporary	Intermittent	3
Environmental Scientist	Transfer	Permanent	Full Time	2
Fish and Wildlife Interpreter II	Transfer	Permanent	Intermittent	1
Fish and Wildlife Interpreter II	Transfer	Temporary	Intermittent	1
Management Services Technician	Transfer	Permanent	Full Time	3
Senior Personnel Specialist	Transfer	Permanent	Full Time	1
Staff Services Analyst (General)	Transfer	Permanent	Full Time	2
Tractor Operator-Laborer	Transfer	Permanent	Full Time	1
Associate Governmental Program Analyst	Training and Development	Permanent	Full Time	1

FINDING NO. 2 – Equal Employment Opportunity Questionnaires Were Not Separated From Applications

Summary: The CDFW did not separate 239 EEO questionnaires from 964 STD. 678 employment applications.

Criteria: Government Code section 19704 makes it unlawful for a hiring department to require or permit any notation or entry to be made on any application indicating or in any way suggesting or pertaining to any protected category listed in Government Code section 12940, subdivision (a) (e.g., a person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status). Applicants for employment in state civil service are asked to provide voluntarily ethnic data about themselves where such data is determined by the California Department of Human Resources (CalHR) to be necessary to an assessment of the ethnic and sex fairness of the selection process and to the planning and monitoring of affirmative action efforts. (Gov. Code, § 19705.) The EEO questionnaire of the state application form (STD. 678) states, "This questionnaire will be separated from the application prior to the examination and will not be used in any employment decisions."

Severity: Very Serious. The applicants' protected classes were visible, subjecting the agency to potential liability.

Cause: The CDFW states that in some programs applications were routed to the hiring supervisor who did not separate the EEO questionnaires from the applications.

Action: It is recommended that within 60 days of the SPB's Executive Officer's approval of these findings and recommendations, the CDFW submit to the CRU a written corrective action plan that the department will implement to ensure that future EEO questionnaires are separated from all applications. Copies of any relevant documentation should be included with the plan.

FINDING NO. 3 – Probationary Evaluations Were Not Provided for All Appointments

Summary: The CDFW did not prepare, complete, and/or retain required probationary reports of performance for four of the 50 appointments reviewed, which is reflected in the table below.

Classification	Appointment Type	No. of Appointments Missing Reports	No. of Uncompleted Probation Reports
Associate Personnel Analyst	Certification List	1	2
Fish and Game Lieutenant (Specialist)	Certification List	2	2
Management Services Technician	Transfer	1	1
Total		4	5

Criteria: A new probationary period is not required when an employee is appointed by reinstatement with a right of return. (Cal. Code Regs., tit. 2, § 322, subd. (d)(2).) However, the service of a probationary period is required when an employee enters state civil service by permanent appointment from an employment list. (Cal. Code Regs., tit. 2, § 322, subd. (a).) In addition, unless waived by the appointing power, a new probationary period is required when an employee is appointed to a position under the following circumstances: (1) without a break in service in the same class in which the employee has completed the probationary period, but under a different appointing power; and (2) without a break in service to a class with substantially the same or lower level of duties and responsibilities and salary range as a class in which the employee has completed the probationary period. (Cal. Code Regs., tit. 2, § 322, subd. (c)(1) & (2).)

During the probationary period, the appointing power is required to evaluate the work and efficiency of a probationer at sufficiently frequent intervals to keep the employee adequately informed of progress on the job. (Gov. Code, § 19172; Cal. Code Regs., tit. 2, § 599.795.) The appointing power must prepare a written appraisal of

performance each one-third of the probationary period. (Cal. Code Regs., tit. 2, § 599.795.)

Severity: Serious. The probationary period is the final step in the selection process to ensure that the individual selected can successfully perform the full scope of their job duties. Failing to use the probationary period to assist an employee in improving his or her performance or terminating the appointment upon determination that the appointment is not a good job/person match is unfair to the employee and serves to erode the quality of state government.

Cause: The CDFW states that some of the first level supervisors did not ensure that probationary evaluations were completed.

Action: It is recommended that within 60 days of the SPB's Executive Officer's approval of these findings and recommendations, the CDFW submit to the CRU a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the probationary requirements of Government Code section 19172.

FINDING NO. 4 – Applications Were Not Date Stamped and/or Accepted After the Final File Date

Summary: Out of the 964 applications received, the CDFW accepted and processed 194 applications that were not date stamped, as well as 144 applications that were date stamped after the final filing date.

Criteria: California Code Regulations, title 2, section 174 (Rule 174) requires timely filing of applications: All applications must be filed at the place, within the time, in the manner, and on the form specified in the examination announcement.

Filing an application 'within the time' shall mean postmarked by the postal service or date stamped at one of the department's offices (or appropriate office of the agency administering the examination) by the date specified.

An application that is not postmarked or date stamped by the specified date shall be accepted, if one of the following conditions

as detailed in Rule 174 apply: (1) the application was delayed due to verified error; (2) the application was submitted in error to the wrong state agency and is either postmarked or date stamped on or before the specified date; (3) the employing agency verifies examination announcement distribution problems that prevented timely notification to an employee of a promotional examination; or (4) the employing agency verifies that the applicant failed to receive timely notice of promotional examination. (Cal. Code Reg., tit. 2, § 174, suds. (a), (b), (c), & (d).) The same final filing date procedures are applied to the selection process used to fill a job vacancy.

Severity: Non-Serious or Technical. Final filing dates are established to ensure all applicants are given the same amount of time in which to apply for a job vacancy and to set a deadline for the recruitment. Therefore, although the acceptance of applications after the final filing date may give some applicants more time to prepare their application than other applicants who meet the final filing date, the acceptance of late applications will not impact the results of the job vacancy selection.

Cause: The CDFW states that the regional offices did not ensure that all applications were date stamped and/or accepted after the final filing date.

Action: It is recommended that within 60 days of the SPB's Executive Officer's approval of these findings and recommendations, the CDFW submit to the CRU a written corrective action plan that the department will implement to ensure conformity with Rule 174. Copies of any relevant documentation should be included with the plan.

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; issue procedures for providing equal upward mobility and promotional opportunities; and cooperate with the 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.)

Because the EEO Officer investigates and ensures proper handling of discrimination, sexual harassment and other employee complaints, the position requires separation from the regular chain of command, as well as regular and unencumbered access to the head of the organization.

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 the CDFW EEO program that was in effect during the compliance review period.

FINDING NO. 5 – A Disability Advisory Committee Has Not Been Established

Summary: The CDFW does not have an active DAC.

Criteria: 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).)

Severity: Very Serious. The agency head does not have direct information on issues of concern to employees or other persons with disabilities and input to correct any underrepresentation. The lack of a DAC

may limit an agency's ability to recruit and retain a qualified workforce, impact productivity, and subject the agency to liability.

Cause: The CDFW states that there were several vacancies in the EEO office, which led to the DAC not remaining active.

Action: The CDFW must take immediate steps to ensure the establishment of an active DAC, comprised of members who have disabilities or who have an interest in disability issues. The CDFW must submit to the CRU a written report of compliance, including the DAC roster, agenda, and meeting minutes, no later than 60 days from the date of the SPB's Executive Officer's approval of these findings and recommendations.

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. PSC's 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 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 CDFW had 25 PSC's that were in effect and subject to the Department of General Services (DGS) approval, and thus our procedural review. The CRU reviewed six of those PSC's, which are listed below:

Vendor	Services	Contract Dates	Contract Amount	Sufficient Justification
Air Shasta Rotor & Wing, Inc.	Helicopter Services for Wildlife Surveys	9/1/2015 – 6/30/2017	\$690,837	Yes
Ascent Environmental, Inc.	State Wildlife Action Plan Update 2015, Phase II	5/16/2014 – 6/30/2016	\$749,909	Yes
Hubbs Sea World Research Institute	Carlsbad Marine Hatchery Operations	7/1/2014 - 10/31/2017	\$4,288,542	Yes
JetExe Aviation	Airframe and Power Plant Repair Services	7/1/2015 – 6/30/2017	\$249,999	Yes
Pacific States Marine Fisheries Commission	Provide Biological/Technical/Statistical Assistant to CDFW	7/1/2015 – 6/30/2016	\$322,925	Yes
Regents of the University of California	Hyperspectral Imagery Study on Submerged Aquatic Vegetation Throughout the Delta	10/3/2014 – 7/30/2016	\$622,512	Yes

FINDING NO. 6 – 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 total amount of the PSC’s reviewed was \$6,924,724. It was beyond the scope of the review to make conclusions as to whether CDFW justifications for the contracts were legally sufficient. For all PSC’s subject to DGS approval, the CDFW provided specific and detailed factual information in the written justifications as to how each of the six contracts met at least one condition set forth in Government Code section 19131, subdivision (b). Accordingly, the CDFW PSC’s complied with procedural requirements.

Mandated Training

Each state agency shall offer at least once during each consecutive period of two calendar years an orientation course on the relevant ethics statutes and regulations that govern the official conduct of state officials. New filers must be trained within six months. (Gov. Code, § 11146.3.)

Each department must provide its new supervisors supervisory training within twelve months of appointment. (Gov. Code, § 19995.4, subd. (b) and (c).) The training must be a minimum of 80 hours, 40 of which must be structured and given by a qualified instructor. The other 40 hours may be done on the job by a higher-level supervisor or manager. (Gov. Code, § 19995.4, subd. (b).)

Additionally, each department must provide its supervisors two hours of sexual harassment training every two years. New supervisors must be provided supervisory training within six months of appointment. (Gov. Code, § 12950.1, subd. (a).)

The CRU reviewed the CDFW mandated training program that was in effect during the compliance review period.

FINDING NO. 7 – Mandated Training Complied with Statutory Requirements

The CDFW provided ethics training to its 70 new filers within six months of appointment, and semiannual ethics training to its 352 existing filers during two-year calendar year period commencing in 2014. The CDFW also provided supervisory training to its 43 new supervisors within 12 months of appointment. In addition, the CDFW provided sexual harassment training to its 43 new supervisors within six months of appointment, and semiannual sexual harassment training to its 318 supervisors every two years. Thus, the CDFW complied with mandated training requirements within statutory timelines.

DEPARTMENTAL RESPONSE

The CDFW's response is attached as Attachment 1.

SPB REPLY

Based upon the CDFW's written response, the CDFW will comply with the CRU recommendations and findings and provide the CRU a corrective action plan.

It is further recommended that the CDFW 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.



State of California – Natural Resources Agency
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EDMUND G. BROWN JR., Governor
 CHARLTON H. BONHAM, Director



July 14, 2016

Alton Ford, Chief
 Compliance Review Division
 State Personnel Board

Dear Mr. Ford:

RE: Compliance Review Report Response to Findings and Recommendations

The California Department of Fish and Wildlife (CDFW), Human Resources Branch (HRB) has completed a thorough review of the State Personnel Board's Compliance Review Report. Below are the actions CDFW will take to ensure the Department is in compliance and maintains the integrity of the State of California's merit system.

Finding No. 1

Job Analysis not developed or used for the Examination Process

The CDFW did complete a substantial part of the job analysis in preparation for the Fish and Game Warden examination. The components included the collection of job analytic data, job tasks documented in terms of their criticality and frequency of performance and were detailed to derive the requisite knowledge, skills and abilities (KSAs) and subject matter experts (SMEs) linked the essential tasks to the required upon-entry KSAs. At that time, the final report was the only incomplete component of the job analysis. The final report has been completed.

The CDFW currently conducts job analysis for all examinations as it serves as the primary basis for demonstrating and documenting job-relatedness of examination processes.

Finding No. 2

Equal Employment Opportunity Questionnaires Were Not Separated from Applications

Our current process allows recruitment applications to go directly to hiring supervisors/personnel liaisons in our regional offices.

Over the next year, the CDFW plans to provide statewide training on "Best Hiring Practices" to educate department staff on the appropriate handling of applications/EEO questionnaires. This training includes a "Best Hiring Practices Instructional Guide" that will be posted on the department's intranet site.

Additionally, a memorandum will be sent to all CDFW administrative officers/personal liaisons reminding them that EEO questionnaires are to be removed prior to submission to hiring programs for consideration.

Finding No. 3

Probationary Evaluations were not provided for all appointments

The CDFW acknowledges that not all supervisors and managers consistently meet this requirement. Notifications are provided to the supervisory staff.

Over the next year, the CDFW plans to provide statewide training on "Best Hiring Practices" to educate managers and supervisors on the importance of completing probationary evaluations. This training includes a "Best Hiring Practices Instructional Guide" that will be posted on the department's intranet site. CDFW will also send an annual memorandum reminding supervisors of their responsibility.

Finding No. 4

Applications were not date stamped and/or accepted after the final file date

Applications previously received by regional personnel were not consistently date stamped upon receipt.

The headquarters personnel office has implemented procedures to retain the envelope attached to the application. If the postmark date is after the final file date, the applicant receives a notice that he/she did not submit the application in a timely manner.

Over the next year, the CDFW plans to provide statewide training on Best Hiring Practices to educate department staff on the appropriate handling of applications. This training includes a "Best Hiring Practices Instructional Guide" that will be posted on the department's intranet site. Additionally, a memorandum will be sent to all CDFW administrative officers/personal liaisons reminding them that applications must be date stamped and not accepted after the final file date.

Finding No. 5

A Disability Advisory Committee has not been established

CDFW is working to re-establish its Disability Advisory Committee (DAC). The committee's first meeting will be held in July 2016 and will include members from the department's various regional and field office locations throughout the state. The purpose of the DAC will be to help raise awareness with management and staff regarding persons with disabilities and the contributions they bring to our workforce and community. The committee will assist in exploring ways to make all CDFW sites accessible to all members of the public, and help identify any potential barriers to applicants and employees with disabilities. The committee will also assist in the development of a questionnaire to be used for conducting the department's annual staff disability survey later this year.

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The CDFW would again like to thank the SPB Compliance Review team and appreciate the opportunity to respond to the findings. CDFW will continue to educate and train our staff on the best hiring practices and requirements to ensure compliance with the State's civil service merit system.

If you have any questions or need additional information, please contact Trayce Gilkey, Chief of Human Resources at (916) 838-8978.

Sincerely,



Gabe Tiffany, Deputy Director
Administration Division