



COMPLIANCE REVIEW REPORT

CALIFORNIA DEPARTMENT OF TRANSPORTATION

Compliance Review Unit
State Personnel Board
April 17, 2020

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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 authorities' personnel practices in five areas: examinations, appointments, equal employment opportunity (EEO), 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.

Pursuant to Government Code section 18502, subdivision (c), the SPB and the California Department of Human Resources (CalHR) may "delegate, share, or transfer between them responsibilities for programs within their respective jurisdictions pursuant to an agreement." SPB and CalHR, by mutual agreement, expanded the scope of program areas to be audited to include more operational practices that have been delegated to departments and for which CalHR provides policy direction. Many of these delegated practices are cost drivers to the state and were not being monitored on a statewide basis.

As such, SPB also conducts compliance reviews of appointing authorities' personnel practices to ensure that state departments are appropriately managing the following non-merit-related personnel functions: compensation and pay, leave, and policy and processes. These reviews will help to avoid and prevent potential costly litigation related to improper personnel practices, and deter waste, fraud, and abuse.

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.

It should be noted that this report only contains findings from this hiring authority’s compliance review. Other issues found in SPB appeals and special investigations as well as audit and review findings by other agencies such as the CalHR and the California State Auditor are reported elsewhere.

EXECUTIVE SUMMARY

The CRU conducted a routine compliance review of the Department of Transportation’s (Caltrans) personnel practices in the areas of examinations, appointments, EEO, PSC’s, mandated training, compensation and pay, leave, and policy and processes. Additionally, the CRU conducted a special investigation into allegations of improper hiring practices and the practice of nepotism within the Caltrans Legal and Administration Divisions. The following table summarizes the compliance review and special investigation findings.

Area	Finding
Examinations	Examinations Complied with Civil Service Laws and Board Rules
Examinations	Permanent Withhold Actions Complied with Civil Service Laws and Board Rules
Appointments	Probationary Evaluations Were Not Provided for All Appointments Reviewed
Appointments	Appointment Documentation Was Not Kept for the Appropriate Amount of Time
Equal Employment Opportunity	Complainants Were Not Notified of the Reasons for Delays in Decisions Within the Prescribed Time Period
Personal Services Contracts	Unions Were Not Notified of Personal Service Contracts
Mandated Training	Ethics Training Was Not Provided for All Filers
Mandated Training	Supervisory Training Complied with Statutory Requirements
Mandated Training	Sexual Harassment Prevention Training Was Not Provided for All Supervisors
Compensation and Pay	Incorrect Application of Salary Determination Laws, Rules, and CalHR Policies and Guidelines
Compensation and Pay	Alternate Range Movements Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

Area	Finding
Compensation and Pay	Hire Above Minimum Requests Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	Incorrect Authorization of Bilingual Pay
Compensation and Pay	Incorrect Authorization of Pay Differential
Compensation and Pay	Out of Class Pay Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	Positive Paid Employees Tracked Hours Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	Administrative Time Off (ATO) Was Not Properly Documented
Leave	Leave Auditing and Timekeeping Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	Leave Reduction Plan Was Not Provided to Employees Whose Leave Balances Exceeded Established Limits
Leave	Service and Leave Transactions Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Neptotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Workers' Compensation Policy Was Not Provided to New Employees by the End of First Pay Period
Policy	Performance Appraisals Were Not Provided to All Employees

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 Caltrans carries out its mission of providing a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability, with six

primary programs: Aeronautics, Highway Transportation, Mass Transportation, Transportation Planning, Administration and the Equipment Service Center. The Caltrans manages 50,486 lane miles in the state's highway system, 13,063 state-owned bridges and structures, and 422 public use airports and hospital heliports. The Caltrans employs approximately 20,000 employees statewide to support its mission. These employees are engineers, planners, maintenance workers, equipment staff, administrative staff, right of way agents, attorneys, and investigators.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the Caltrans' examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes. The primary objective of the review was to determine if the Caltrans' personnel practices, policies, and procedures complied with state civil service laws and Board regulations, Bargaining Unit Agreements, CalHR policies and guidelines, CalHR Delegation Agreements, and to recommend corrective action where deficiencies were identified.

A cross-section of the Caltrans' examinations were selected for review to ensure that samples of various examination types, classifications, and levels were reviewed. The CRU examined the documentation that the Caltrans provided, which included examination plans, examination bulletins, job analyses, and scoring results. The CRU also reviewed the Caltrans' Permanent Withhold Actions documentation, including Withhold Determination Worksheets, State applications (STD. 678), class specifications, and Withhold letters.

A cross-section of the Caltrans' appointments were selected for review to ensure that samples of various appointment types, classifications, and levels were reviewed. The CRU examined the documentation that the Caltrans provided, which included Notice of Personnel Action (NOPA) forms, Request for Personnel Actions (RPA's), vacancy postings, certification lists, transfer movement worksheets, employment history records, correspondence, and probation reports. The CRU also reviewed the Caltrans' policies and procedures concerning unlawful appointments to ensure departmental practices conform to state civil service laws and Board regulations. The Caltrans did not make any additional appointments during the compliance review period.

The Caltrans' appointments were also selected for review to ensure the Caltrans applied salary regulations accurately and correctly processed employees' compensation and pay. The CRU examined the documentation that the Caltrans provided, which included employees' employment and pay history and any other relevant documentation such as

certifications, degrees, and/or the appointee's application. Additionally, the CRU reviewed specific documentation for the following personnel functions related to compensation and pay: hiring above minimum (HAM) requests, bilingual pay, monthly pay differentials, and out-of-class assignments. During the compliance review period, the Caltrans did not issue or authorize red circle rate requests or arduous pay.

The review of the Caltrans EEO program included examining written EEO policies and procedures; the EEO Officer's role, duties, and reporting relationship; the internal discrimination complaint process; the reasonable accommodation program; the discrimination complaint process; and the Disability Advisory Committee (DAC).

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

The Caltrans' 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 training and sexual harassment prevention training within statutory timelines.

The CRU also identified the Caltrans' employees whose current annual leave, or vacation leave credits, exceeded established limits. The CRU reviewed a cross-section of these identified employees to ensure that employees who have significant "over-the-cap" leave balances have a leave reduction plan in place. Additionally, the CRU asked the Caltrans to provide a copy of their leave reduction policy.

The CRU reviewed the Caltrans Leave Activity and Correction Certification forms to verify that the Caltrans created a monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely. The CRU selected a small cross-section of the Caltrans' units in order to ensure they maintained accurate and timely leave accounting records. Part of this review also examined a cross-section of the Caltrans employees' employment and pay history, state service records, and leave accrual histories to ensure employees with non-qualifying pay periods did not receive vacation/sick leave and/or annual leave accruals or state service credit. Additionally, the

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.

CRU reviewed a selection of the Caltrans employees who used Administrative Time Off (ATO) in order to ensure that ATO was appropriately administered. Additionally, the CRU reviewed a selection of Caltrans positive paid employees whose hours are tracked during the compliance review period in order to ensure that they adhered to procedural requirements.

Moreover, the CRU reviewed the Caltrans' policies and processes concerning nepotism, workers' compensation, and performance appraisals. The review was limited to whether the Caltrans policies and processes adhered to procedural requirements.

On February 21, 2020, an exit conference was held with the Caltrans to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the Caltrans written response on March 11, 2020, 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 of employees for each class of position and for applicants for examinations. (Gov. Code, § 18931, subd. (a).) 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 with the department or a designated appointing power as directed by the examination announcement. (Gov. Code, § 18934, subd. (a)(1).) 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, November 1, 2017, through April 30, 2018, the Caltrans conducted 147 examinations. The CRU reviewed 22 of those examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Associate Environmental Planner	Open	Qualification Appraisal Panel ²	12/30/17	3
Caltrans Electrician II	Open	Training and Experience (T&E) ³	Continuous	60
CEA A, D3 Division Chief, North Region Environmental	Open	Statement of Qualifications (SOQ) ⁴	8/30/17	9
CEA B, Chief, Application Development and Support Division	Open	SOQ	12/7/17	16
CEA C, D4 District Director	Open	SOQ	3/27/18	8
CEA B, Chief, DPAC	Open	SOQ	11/29/17	16
Drawbridge Operator	Open	T&E	Continuous	43
Operator Tunnels and Tubes	Open	T&E	Continuous	14
Principal Transportation Engineer, Caltrans	Open	SOQ	Continuous	4

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.

³ The Training and Experience (T&E) examination is administered either online or in writing, and asks the applicant to answer multiple-choice questions about his or her level of training and/or experience performing certain tasks typically performed by those in this classification. Responses yield point values.

⁴ In a SOQ 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.

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Senior Engineering Geologist	Departmental Promotional	T&E	12/20/17	11
Staff Services Manager III	Departmental Promotional	QAP	11/27/17	4
Structural Design Technician I	Open	Written ⁵	12/1/17	22
Structural Steel Painter	Open	QAP	Continuous	12
Supervising Right of Way Agent	Departmental Promotional	QAP	11/27/18	6
Supervising Transportation Electrical Engineer	Departmental Promotional	QAP	1/18/18	12
Supervising Transportation Engineer	Departmental Promotional	QAP	12/26/17	18
Supervising Transportation Engineer	Departmental Promotional	QAP	3/22/18	17
Supervising Transportation Engineer	Departmental Promotional	QAP	10/23/17	41
Supervising Transportation Engineer	Departmental Promotional	QAP	10/23/17	43
Supervising Transportation Engineer	Departmental Promotional	QAP	10/20/17	43
Toll Sergeant	Departmental Promotional	QAP	2/26/18	28
Tree Maintenance Worker, Caltrans	Departmental Promotional	T&E	Continuous	29

⁵ 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.

FINDING NO. 1 – Examinations Complied with Civil Service Laws and Board Rules

The CRU reviewed 11 departmental promotional and 11 open examinations which the Caltrans administered in order to create eligible lists from which to make appointments. The Caltrans published and distributed examination bulletins containing the required information for all examinations. Applications received by the Caltrans were accepted prior to the final filing date. Applicants were notified about the next phase of the examination process. After all phases of the examination process were completed, the score of each competitor was computed, and a list of eligible candidates was established. The examination results listed the names of all successful competitors arranged in order of the score received by rank. The CRU found no deficiencies in the examinations that the Caltrans conducted during the compliance review period.

Permanent Withhold Actions

Departments are granted statutory authority to permit withhold of eligibles from lists based on specified criteria (Gov. Code, § 18935.) Permanent appointments and promotions within the state civil service system shall be merit-based, ascertained by a competitive examination process. (Cal. Const., art. VII, § 1, subd. (b).) If a candidate for appointment is found not to satisfy the minimum qualifications, the appointing power shall provide written notice to the candidate, specifying which qualification(s) are not satisfied and the reason(s) why. The candidate shall have an opportunity to establish that s/he meets the qualifications. (Cal. Code Regs., tit. 2, § 249.4, subd. (b).) If the candidate fails to respond, or fails to establish that s/he meets the minimum qualification(s), the candidate's name shall be removed from the eligibility list. (Cal. Code Regs., tit. 2, § 249.4, subd. (b)(1), (2)), (HR Manual, section 1105). The appointing authority shall promptly notify the candidate in writing, and shall notify the candidate of his or her appeal rights. (*Ibid.*) A permanent withhold does not necessarily permanently restrict a candidate from retaking the examination for the same classification in the future; however, the appointing authority may place a withhold on the candidate's subsequent eligibility record if the candidate still does not meet the minimum qualifications or continues to be unsuitable. (HR Manual, section 1105). State agency human resources offices are required to maintain specific withhold documentation for a period of five years. (*Ibid.*)

During the review period, November 1, 2017, through April 30, 2018, the Caltrans conducted 12 permanent withhold actions. The CRU reviewed five of these permanent withhold actions, which are listed below:

Exam Title	Exam ID	Date List Eligibility Began	Date List Eligibility Ended	Reason Employee Placed on Withhold
Dispatcher-Clerk, Caltrans	7TR96	10/2/17	10/2/19	Failed Pre-employment Drug Test
Caltrans Equipment Operator II	PB171	12/3/17	12/3/18	Failed to meet Minimum Qualifications (MQ's)
Caltrans Landscape Maintenance Worker	0PB30	8/11/17	8/11/19	Failed Pre-employment Drug Test
Safety Specialist, Caltrans	7TR63	8/31/17	8/31/19	Failed to Meet MQ's
Transportation Engineering Technician	5PB17	10/31/17	10/31/18	Failed to Meet MQ's

FINDING NO. 2 – Permanent Withhold Actions Complied with Civil Service Laws and Board Rules

The CRU found no deficiencies in the permanent withhold actions undertaken by the department during the compliance review period.

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.) The hiring process for eligible candidates chosen for job interviews shall be competitive and be designed and administered to hire candidates who will be successful. (Cal. Code Regs., tit. 2, § 250, subd. (b).) Interviews shall be conducted using job-related criteria. (*Ibid.*) Persons selected for appointment shall satisfy the minimum qualifications of the classification to which he or she is appointed or have previously passed probation and achieved permanent status in that same classification. (Cal. Code Regs., tit. 2, § 250, subd. (d).) While persons selected for appointment may meet some or most of the preferred or desirable qualifications, they are not required to meet all the preferred or desirable qualifications. (*Ibid.*) This section does not apply to intra-agency job reassignments. (Cal. Code Regs., tit. 2, § 250, subd. (e).)

During the period under review, October 1, 2017, through March 31, 2018, the Caltrans made 502 appointments. The CRU reviewed 74 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Assistant Chief, Legal Division	Certification List	Permanent	Full-Time	1
Associate Chemical Testing Engineer	Certification List	Permanent	Full-Time	1
Associate Governmental Program Analyst	Certification List	Permanent	Full-Time	1
Associate Management Auditor	Certification List	Permanent	Full-Time	1
Associate Programmer Analyst (Specialist)	Certification List	Permanent	Full-Time	1
Associate Safety Engineer	Certification List	Permanent	Full-Time	1
Associate Telecommunications Engineer	Certification List	Permanent	Full-Time	1
Associate Transportation Planner	Certification List	Permanent	Full-Time	1
Bookbinder III	Certification List	Permanent	Full-Time	1
Career Executive Assignment	Certification List	Permanent	Full-Time	1
Caltrans Heavy Equipment Mechanic	Certification List	Permanent	Intermittent	2
Caltrans Heavy Equipment Mechanic Leadworker	Certification List	Permanent	Full-Time	1
Caltrans Highway Mechanic Supervisor	Certification List	Permanent	Full-Time	1
Caltrans Maintenance Area Superintendent	Certification List	Permanent	Full-Time	1
Deputy Attorney, Caltrans	Certification List	Permanent	Full-Time	1
Equipment Material Specialist	Certification List	Permanent	Intermittent	2
Executive Assistant	Certification List	Permanent	Full-Time	1
Foundation Driller Leadworker	Certification List	Permanent	Full-Time	1
Highway Equipment Superintendent II	Certification List	Permanent	Full-Time	1
Information Technology Specialist I	Certification List	Permanent	Full-Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Information Technology Supervisor II	Certification List	Permanent	Full-Time	1
Legal Analyst	Certification List	Permanent	Full-Time	1
Legal Secretary	Certification List	Permanent	Full-Time	1
Materials and Stores Supervisor	Certification List	Permanent	Full-Time	1
Office Technician (Typing)	Certification List	Limited Term	Full-Time	2
Office Technician (Typing)	Certification List	Permanent	Full-Time	1
Personnel Specialist	Certification List	Permanent	Full-Time	1
Photogrammetrist II	Certification List	Permanent	Full-Time	1
Principal Landscape Architect	Certification List	Permanent	Full-Time	1
Principal Transportation Engineer	Certification List	Permanent	Full-Time	1
Program Technician II	Certification List	Limited Term	Full-Time	1
Rail Transportation Manager I	Certification List	Limited Term	Full-Time	1
Research Data Analyst II	Certification List	Permanent	Full-Time	1
Research Analyst II (Geographic Information System)	Certification List	Permanent	Full-Time	1
Research Program Specialist II (Geographic Information System)	Certification List	Permanent	Full-Time	1
Senior Architect	Certification List	Limited Term	Full-Time	1
Senior Bridge Engineer	Certification List	Permanent	Full-Time	1
Senior Environmental Planner	Certification List	Permanent	Full-Time	1
Senior Equipment Material Specialist	Certification List	Permanent	Full-Time	1
Senior Information Systems Analyst (Specialist)	Certification List	Permanent	Full-Time	1
Senior Landscape Architect	Certification List	Permanent	Full-Time	1
Senior Transportation Engineer (Specialist)	Certification List	Limited Term	Full-Time	1
Staff Information Systems Analyst (Specialist)	Certification List	Permanent	Full-Time	1
Staff Services Analyst (General)	Certification List	Permanent	Full-Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Supervising Highway Equipment Superintendent	Certification List	Permanent	Full-Time	1
Supervising Right of Way Agent	Certification List	Permanent	Full-Time	1
Supervising Transportation Engineer, Caltrans	Certification List	Permanent	Full-Time	1
Supervising Transportation Planner	Certification List	Permanent	Full-Time	1
Transportation Engineer (Civil)	Certification List	Permanent	Full-Time	1
Transportation Engineer (Electrical)	Certification List	Permanent	Full-Time	1
Transportation Planner	Certification List	Permanent	Full-Time	1
Associate Governmental Program Analyst	Training & Development	Permanent	Full-Time	1
Research Analyst II	Training & Development	Limited Term	Full-Time	2
Staff Services Analyst (General)	Training & Development	Permanent	Full-Time	1
Staff Services Manager III	Training & Development	Permanent	Full-Time	1
Accounting Administrator I (Supervisor)	Transfer	Permanent	Full-Time	1
Associate Accounting Analyst	Transfer	Permanent	Full-Time	1
Associate Bridge Engineer	Transfer	Permanent	Full-Time	1
Associate Information Systems Analyst	Transfer	Permanent	Full-Time	1
Associate Personnel Analyst	Transfer	Limited Term	Full-Time	1
Executive Assistant	Transfer	Permanent	Full-Time	1
Office Technician (Typing)	Transfer	Limited Term	Full-Time	1
Photogrammetrist	Transfer	Permanent	Full-Time	1
Rail Transportation Associate	Transfer	Permanent	Full-Time	1
Research Program Specialist II	Transfer	Limited Term	Full-Time	1
Senior Right of Way Agent	Transfer	Permanent	Full-Time	1
Senior Transportation Engineer	Transfer	Permanent	Full-Time	1
Special Investigator	Transfer	Permanent	Full-Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Systems Software Specialist III	Transfer	Permanent	Full-Time	1
Transportation Engineer	Transfer	Permanent	Full-Time	1

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

Summary: The Caltrans did not provide 22 probationary reports of performance for 18 of the 74 appointments reviewed by the CRU, as reflected in the table below.

Classification	Appointment Type	Number of Appointments	Total Number of Missing Probation Reports
Associate Programmer Analyst (Specialist)	List Appointment	1	1
Associate Telecommunications Engineer	List Appointment	1	1
Bookbinder III	List Appointment	1	1
Caltrans Heavy Equipment Mechanic	List Appointment	1	1
Caltrans Heavy Equipment Mechanic Leadworker	List Appointment	1	2
Caltrans Highway Mechanic Supervisor	List Appointment	1	1
Caltrans Maintenance Area Superintendent	List Appointment	1	1
Equipment Material Specialist	List Appointment	2	2
Foundation Driller Leadworker	List Appointment	1	2
Program Technician II	List Appointment	1	1
Research Analyst II (Geographic Information System)	List Appointment	1	2
Senior Bridge Engineer	List Appointment	1	1
Senior Environmental Planner	List Appointment	1	2

Classification	Appointment Type	Number of Appointments	Total Number of Missing Probation Reports
Senior Landscape Architect	List Appointment	1	1
Supervising Highway Equipment Superintendent	List Appointment	1	1
Transportation Engineer (Electrical)	List Appointment	1	1
Transportation Planner	List Appointment	1	1
Total		18	22

Criteria: The service of a probationary period is required when an employee enters or is promoted in the state civil service by permanent appointment from an employment list; upon reinstatement after a break in continuity of service resulting from a permanent separation; or after any other type of appointment situation not specifically excepted from the probationary period. (Gov. Code, § 19171.) During the probationary period, the appointing power shall evaluate the work and efficiency of a probationer in the manner and at such periods as the department rules may require. (Gov. Code, § 19172.) A report of the probationer’s performance shall be made to the employee at sufficiently frequent intervals to keep the employee adequately informed of progress on the job. (Cal. Code Regs., tit. 2, § 599.795.) A written appraisal of performance shall be made to the Department within 10 days after the end of each one-third portion of the probationary period. (*Ibid.*) The Board’s record retention rules require that appointing powers retain all probationary reports for five years from the date the record is created. (Cal. Code Regs., tit. 2, § 26, subd. (a)(3).)

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 Caltrans acknowledges that supervisors and managers did not provide feedback to their employees due to the lack of an effective tracking system and notification process. Since the review, the Caltrans has been working to develop a process to track and inform supervisors and managers of probationary report deadlines.

Corrective Action: This is the second consecutive report identifying Caltrans' non-compliance in this area⁶. Within 90 days of the date of this report, the Caltrans must submit to the SPB a written corrective action response which addresses systemic corrections the department will implement to ensure conformity with Government Code section 19172. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

FINDING NO. 4 – Appointment Documentation Was Not Kept for the Appropriate Amount of Time

Summary: The Caltrans failed to retain personnel records such as NOPA's, duty statements, job announcements/bulletins, and applications. Of the 74 appointments reviewed, the Caltrans did not retain the following: 37 NOPA's; 1 limited-term appointment justification; and 5 applications. Specifically, 1 of the 74 appointments reviewed was missing 5 applications in the Examination and Certification Online System.

Criteria: As specified in section 26 of the Board's Regulations, appointing powers are required to retain records related to affirmative action, equal employment opportunity, examinations, merit, selection, and appointments for a minimum period of 5 years from the date the record is created. These records are required to be readily accessible and retained in an orderly and systematic manner. (Cal. Code Regs., tit. 2, § 26.)

Severity: Non-Serious or Technical. Without documentation, the CRU could not verify if the appointments were properly conducted.

⁶ April 17, 2015, Caltrans' Compliance Review Report identified missing probation reports in 49 of 265 appointment files reviewed.

Cause: The Caltrans acknowledges that some documents were not available during the review period due to an ineffective filing system for Official Personnel Files.

Corrective Action: This is the second consecutive report identifying Caltrans' non-compliance in this area⁷. Within 90 days of the date of this report, the Caltrans must submit to the SPB a written corrective action response which addresses systemic corrections the department will implement to ensure conformity with the record retention requirements of California Code of Regulations, title 2, section 26. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

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; and cooperate with the CalHR, in accordance with Civil Code section 1798.24, subdivisions (o) and (p), by providing access to all required files, documents and data necessary to carry out these mandates. (*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, subd. (a).)

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).)

⁷ April 17, 2015, Caltrans' Compliance Review Report identified missing documents in appointment and personnel files.

FINDING NO. 5 – Complainants Were Not Notified of the Reasons for Delays in Decisions Within the Prescribed Time Period

Summary: The Caltrans provided evidence that 15 discrimination complaints related to a disability, medical condition, or denial of reasonable accommodation were filed during the compliance review period, November 1, 2017, through April 30, 2018. The department confirmed that 15 complaint investigations exceeded 90 days and the Caltrans failed to provide written communication to the complainants in a timely manner regarding the status of the complaint.

Criteria: The appointing power must issue a written decision to the complainant within 90 days of the complaint being filed. (Cal. Code Regs., tit. 2, § 64.4, subd. (a).) If the appointing power is unable to issue its decision within the prescribed time period, the appointing power must inform the complainant in writing of the reasons for the delay. (*Ibid.*)

Severity: Very Serious. Employees were not informed of the reasons for delays in decisions for discrimination complaints. Employees may feel their concerns are not being taken seriously, which can leave the agency open to liability and low employee morale.

Cause: The Caltrans states that it failed to provide written notification to complainants due to staff oversight.

Corrective Action: Within 90 days of the date of this report, the Caltrans must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with the requirements of California Code of Regulations, title 2, section 64.4, subdivision (a). Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

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 Regs., 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, but are not limited to, 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 period under review, November 1, 2017, through April 30, 2018, the Caltrans had 608 PSC’s that were in effect. The CRU reviewed 50 of those, which are listed below:

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
AGBW Corporation	Service/Maintenance	01/18 – 01/20	\$62,920	Yes	Yes
Anderson Landfill Corporation, Inc.	Service/Maintenance	03/18 – 03/21	\$79,428	Yes	Yes
Bernardini Enterprises, Inc.	Expert Witness	03/18 – 05/18	\$1,570,500	Yes	Yes
Biomedical Forensics	Expert Witness	01/18 – 06/20	\$50,000	Yes	Yes
BRM Construction	Service/Maintenance	12/17 – 11/18	\$89,500	Yes	Yes
BRM Construction	Service/Maintenance	02/18 – 01/19	\$77,000	Yes	Yes
Brown & Winters	Expert Witness	11/17 – 06/20	\$200,000	Yes	Yes
California Psychological Associates	Expert Witness	12/17 – 06/20	\$20,000	Yes	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
Castaneda Engineering, Inc.	Expert Witness	12/17 – 06/20	\$12,000	Yes	Yes
Center for Social Inclusion, Inc.	Training	01/18 – 01/19	\$15,000	Yes	Yes
City of Bakersfield	Other	05/18 – 02/20	\$177,060	Yes	No
Coombs Service Group	Service/ Maintenance	12/16 – 03/17	\$48,156	Yes	Yes
CPRescue	Service/ Maintenance	03/18 – 03/20	\$35,880	Yes	Yes
Cranmer Engineering, Inc.	Service/ Maintenance	11/17 – 03/18	\$15,450	Yes	Yes
Edynamic.com, Inc.	Training	01/18 – 12/18	\$46,998	Yes	Yes
Engineering Systems, Inc.	Expert Witness	08/17 – 08/20	\$65,000	Yes	Yes
Epic Pest Control and Landscape Services, Inc.	Service/ Maintenance	12/17 – 11/19	\$772,000	Yes	Yes
Executive Mental Health, Inc.	Expert Witness	11/17 – 06/20	\$60,000	Yes	Yes
Graffiti Protective Coatings, Inc.	Service/ Maintenance	02/18 – 01/21	\$1,230,000	Yes	Yes
GRE Management LLC	Other	03/18 – 03/18	\$26,955	Yes	Yes
Innerline Engineering, Inc.	Service/ Maintenance	04/18 – 04/20	\$393,400	Yes	Yes
Innovative Solutions, Inc.	Training	01/18 – 12/18	\$3,355	Yes	Yes
JDI Electrical Services, Inc.	Other	11/17 – 10/18	\$33,349	Yes	Yes
Jetex Corporation	Service/ Maintenance	07/18 – 06/20	\$192,738	Yes	Yes
JM Fiber Optics, Inc.	Training	12/17 – 05/18	\$40,800	Yes	No

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
M.R.K. Medical Consultants	Expert Witness	12/17 – 06/20	\$60,000	Yes	Yes
MEA Forensics Engineers & Scientists Inc.	Expert Witness	04/18 – 06/20	\$50,000	Yes	Yes
Ocean Blue Environmental Services	Service/Maintenance	05/17 – 05/17	\$28,358	Yes	Yes
Pacific Coast Seed, Inc.	Other	04/18 – 11/19	\$235,000	Yes	Yes
Patriot Environmental Services, Inc.	Service/Maintenance	01/17 – 01/17	\$27,353	Yes	Yes
Rancho Purisima LLC	Other	05/18 – 08/18	\$1,566,000	Yes	Yes
Robert B. Post, Ph.D	Expert Witness	11/17 – 06/20	\$25,000	Yes	Yes
Sharp Rees-Stealy Medical Group, Inc.	Other	09/17 – 04/18	\$234,000	Yes	Yes
Sheltering Wings Corp.	Service/Maintenance	04/18 – 03/21	\$607,146	Yes	Yes
SLS Property Solutions, Inc.	Service/Maintenance	12/17 – 12/20	\$149,040	Yes	Yes
Stewart Title – California	Other	01/18 – 12/23	\$85,750	Yes	No
Studebaker Brown Electric	Service/Maintenance	10/17 – 04/18	\$254,200	Yes	Yes
The Los Angeles Athletic Club Inc.	Other	04/18 – 04/18	\$46,249	Yes	Yes
The Professional Tree Service Company	Service/Maintenance	02/18 – 01/20	\$1,914,500	Yes	Yes
Thomas L. Hedge, M.D.	Expert Witness	12/17 – 06/20	\$25,000	Yes	Yes
U.S. Fish and Wildlife Service	Service/Maintenance	02/18 – 02/23	\$5,168,381	Yes	Yes
U.S. Forest Service	Service/Maintenance	10/17 – 09/20	\$81,990	Yes	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
United Rentals (North America) Inc.	Service/Maintenance	12/17 – 12/19	\$656,822	Yes	Yes
Valley Institute of Prosthetics and Orthotics, Inc.	Expert Witness	02/18 – 06/20	\$75,000	Yes	Yes
Various, Multiple Provider/Award	Service/Maintenance	11/17 – 01/18	\$500,000	Yes	Yes
Various-Multiple Provider	Service/Maintenance	01/18 – 01/21	\$1,349,850	Yes	Yes
Various-Multiple Provider	Service/Maintenance	12/17 – 12/20	\$516,800	Yes	Yes
Water Resources Consulting Services, Inc.	Expert Witness	01/18 – 06/20	\$30,000	Yes	Yes
Wetland Training Institute, Inc.	Training	04/18 – 10/18	\$28,350	Yes	Yes
WS Management, Inc.	Conference	01/18 – 01/18	\$5,601	Yes	Yes

FINDING NO. 6 – Unions Were Not Notified of Personal Services Contracts

Summary: The Caltrans did not notify unions prior to entering into 3 of the 50 PSC's.

Criteria: The contract shall not be executed until the state agency proposing to execute the contract has notified all organizations that represent state employees who perform the type of work to be contracted. (Gov. Code, § 19132, subd. (b)(1).)

Severity: Serious. Unions must be notified of impending personal services contracts in order to ensure they are aware contracts are being proposed for work that their members could perform.

Cause: The Caltrans acknowledges its system for notifying unions prior to entering PSC's was inadequate and prone to mistakes. The Caltrans' PSC's were sent internally with the intent that Labor Relations would review the PSC's and forward them to the appropriate union. There was a disconnect in the process.

Corrective Action: Within 90 days of the date of this report, the Caltrans must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with the requirements of Government Code section 19132. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Mandated Training

Each member, officer, or designated employee of a state agency who is required to file a statement of economic interest (referred to as "filers") because of the position he or she holds with the agency is required to take an orientation course on the relevant ethics statutes and regulations that govern the official conduct of state officials. (Gov. Code, §§ 11146 & 11146.1.) State agencies are required to offer filers the orientation course on a semi-annual basis. (Gov. Code, § 11146.1.) New filers must be trained within six months of appointment and at least once during each consecutive period of two calendar years, commencing on the first odd-numbered year thereafter. (Gov. Code, § 11146.3.)

Upon the initial appointment of any employee designated in a supervisory position, the employee shall be provided a minimum of 80 hours of training, as prescribed by the CalHR. (Gov. Code, § 19995.4, subd. (b).) The training addresses such topics as the role of the supervisor, techniques of supervision, performance standards, and sexual harassment and abusive conduct prevention. (Gov. Code, §§ 12950.1, subds. (a), (b), & 19995.4, subd. (b).)

Additionally, the training must be successfully completed within the term of the employee's probationary period or within six months of the initial appointment, unless it is demonstrated that to do so creates additional costs or that the training cannot be completed during this time period due to limited availability of supervisory training courses. (Gov. Code, § 19995.4, subd. (c).) As to the sexual harassment and abusive-conduct prevention component, the training must thereafter be provided to supervisors once every two years. (Gov. Code, § 12950.1.)

Within 12 months of the initial appointment of an employee to a management or Career Executive Assignment (CEA) position, the employee shall be provided leadership training and development, as prescribed by CalHR. (Gov. Code, § 19995.4, subds. (d) & (e).) For management employees the training must be a minimum of 40 hours and for CEAs the training must be a minimum of 20 hours. (*Ibid.*) Thereafter, for both categories of appointment, the employee must be provided a minimum of 20 hours of leadership training on a biennial basis. (*Ibid.*)

The Board may conduct reviews of any appointing power's personnel practices to ensure compliance with civil service laws and Board regulations. (Gov. Code, § 18661, subd. (a).) In particular, the Board may audit personnel practices related to such matters as selection and examination procedures, appointments, promotions, the management of probationary periods, and any other area related to the operation of the merit principle in state civil service. (*Ibid.*) Accordingly, the CRU reviews documents and records related to training that appointing powers are required by the afore-cited laws to provide its employees.

The CRU reviewed all the training records for the Caltrans' mandated training program that was in effect during the compliance review period, November 1, 2017, through April 30, 2018. The Caltrans' supervisory training complied with statutory requirements; however, ethics training, and sexual harassment prevention training were found to be out of compliance with applicable rules.

FINDING NO. 7 – Ethics Training Was Not Provided for All Filers

Summary: The Caltrans did not provide ethics training to 37 of 1,626 existing filers. In addition, the Caltrans did not provide ethics training to 20 of 1,464 new filers within 6 months of their appointment.

Criteria: New filers must be provided ethics training within six months of appointment. Existing filers must be trained at least once during each consecutive period of two calendar years commencing on the first odd-numbered year thereafter. (Gov. Code, § 11146.3, subd. (b).)

Severity: Very Serious. The department does not ensure that its filers are aware of prohibitions related to their official position and influence.

Cause: The Caltrans states that due to the training being “employee driven” where employees are notified and held accountable for training requirements, some employees missed timely completing the ethics training.

Corrective Action: Within 90 days of the date of this report, the Caltrans must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that all filers are provided ethics training within the time periods prescribed. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

FINDING NO. 8 – Supervisory Training Complied With Statutory Requirements

Summary: The Caltrans provided basic supervisory training to 131 of 228 new supervisors within twelve months of appointment. The Caltrans made an effort to register 97 additional new supervisors for training, but there was a lack of training offerings. In January 2020, the Caltrans contracted with CalHR to deliver supervisory training. In addition, two new positions were created to provide supervisory training statewide for all new Caltrans supervisors.

FINDING NO. 9 – Sexual Harassment Prevention Training Was Not Provided for All Supervisors

Summary: The Caltrans did not provide sexual harassment prevention training to 3 of 18 new supervisors within 6 months of their appointment. In addition, the Caltrans did not provide sexual harassment prevention training to 327 of 3,596 existing supervisors every two years.

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

Severity: Very Serious. The department does not ensure that all new and existing supervisors are properly trained to respond to sexual harassment or unwelcome sexual advances, requests for sexual

favors, and other verbal or physical harassment of a sexual nature. This limits the department's ability to retain a quality workforce, impacts employee morale and productivity, and subjects the department to litigation.

Cause: The Caltrans states that during the review period it was in the process of securing SHPT that was consistent with the recent changes in law. Further, operational restrictions such as training location and availability of instructors were a barrier to compliance in this area.

Corrective Action: Within 90 days of the date of this report, the Caltrans must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that supervisors are provided sexual harassment prevention training within the time periods prescribed. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Compensation and Pay

Salary Determination

The pay plan for state civil service consists of salary ranges and steps established by CalHR. (Cal. Code Regs., tit. 2, § 599.666.) Several salary rules dictate how departments calculate and determine an employee's salary rate⁸ upon appointment depending on the appointment type, the employee's state employment and pay history, and tenure.

Typically, agencies appoint employees to the minimum rate of the salary range for the class. Special provisions for appointments above the minimum exist to meet special recruitment needs and to accommodate employees who transfer into a class from another civil service class and are already receiving salaries above the minimum.

During the period under review, October 1, 2017, through March 31, 2018, the Caltrans made 502 appointments. The CRU reviewed 55 of those appointments to determine if the Caltrans applied salary regulations accurately and correctly processed employees' compensation, which are listed below:

⁸ "Rate" is any one of the salary rates in the resolution by CalHR which establishes the salary ranges and steps of the Pay Plan (Cal. Code Regs., tit. 2, section 599.666).

Classification	Appointment Type	Salary (Monthly Rate)
Associate Program Analyst (Specialist)	Certification List	\$5,022
Assistant Chemical Testing Engineer	Certification List	\$5,837
Associate Governmental Program Analyst	Certification List	\$4,784
Associate Information Systems Analyst (Specialist)	Certification List	\$6,604
Associate Management Auditor	Certification List	\$6,604
Associate Safety Engineer	Certification List	\$9,433
Associate Telecommunications Engineer	Certification List	\$8,207
Associate Transportation Planner	Certification List	\$5,273
Bookbinder III	Certification List	\$4,104
Caltrans Heavy Equipment Mechanic	Certification List	\$4,550
Caltrans Heavy Equipment Mechanic	Certification List	\$4,550
Caltrans Heavy Equipment Mechanic Leadworker	Certification List	\$5,506
Caltrans Highway Mechanic Supervisor	Certification List	\$5,980
Caltrans Maintenance Area Superintendent	Certification List	\$5,479
Deputy Attorney, Caltrans	Certification List	\$8,583
Equipment Material Specialist	Certification List	\$3,786
Equipment Material Specialist	Certification List	\$3,786
Executive Assistant	Certification List	\$3,576
Foundation Driller Leadworker	Certification List	\$4,452
Highway Equipment Superintendent II	Certification List	\$6,131
Information Technology Specialist I	Certification List	\$6,733
Information Technology Supervisor II	Certification List	\$8,360
Legal Analyst	Certification List	\$4,560
Legal Secretary	Certification List	\$3,848
Materials and Stores Supervisor	Certification List	\$3,995
Office Technician (LEAP)	Certification List	\$2,921
Office Technician (LEAP)	Certification List	\$2,921

Classification	Appointment Type	Salary (Monthly Rate)
Office Technician (Typing)	Certification List	\$2,921
Photogrammetrist II	Certification List	\$7,196
Principal Landscape Architect, Caltrans	Certification List	\$12,399
Principal Transportation Engineer, Caltrans	Certification List	\$13,020
Program Technician II	Certification List	\$2,925
Rail Transportation Associate	Certification List	\$6,431
Research Data Analyst II	Certification List	\$5,274
Research Analyst II (Geographic Information System)	Certification List	\$6,290
Research Program Specialist II (Geographic Information System)	Certification List	\$5,772
Senior Architect	Certification List	\$10,025
Senior Bridge Engineer	Certification List	\$9,963
Senior Environmental Planner	Certification List	\$6,935
Senior Equipment Material Specialist	Certification List	\$4,576
Senior Information Systems Analyst (Specialist)	Certification List	\$7,422
Staff Services Analyst (General)	Certification List	\$4,198
Supervising Transportation Engineer, Caltrans	Certification List	\$11,809
Supervising Transportation Planner	Certification List	\$8,148
Transportation Engineer (Civil)	Certification List	\$5,098
Transportation Engineer (Electrical)	Certification List	\$7,631
Transportation Planner	Certification List	\$4,386
Accounting Administrator I (Supervisor)	Transfer	\$7,068
Associate Accounting Analyst	Transfer	\$6,054
Associate Bridge Engineer	Transfer	\$9,592
Associate Personnel Analyst	Transfer	\$5,763
Executive Assistant	Transfer	\$4,475
Office Technician (Typing)	Transfer	\$3,593
Research Program Specialist II (Geographic Information System)	Transfer	\$6,907
Special Investigator	Transfer	\$6,639

The CRU found no deficiencies in 53 out of 55 salary determinations that were reviewed. The Caltrans appropriately calculated and keyed the salaries for each appointment and correctly determined employees' anniversary dates ensuring that subsequent merit salary adjustments will satisfy civil service laws, Board rules and CalHR policies and guidelines.

However, the Caltrans incorrectly applied compensation laws, rules and/or CalHR policies and guidelines for two salary determinations reviewed.

FINDING NO. 10 – Incorrect Application of Salary Determination Laws, Rules, and CalHR Policies and Guidelines

Summary: The CRU found the following errors in the Caltrans' salary determination of employee compensation:

Classification	Description of Findings	Criteria
Associate Telecommunications Engineer	The Caltrans improperly utilized the actual salary rather than using the employee's base salary for salary determination purposes resulting in an overpayment. Although the employee was entitled to a pay differential, it should not have been included in the salary determination.	California State Service Pay Scales, Section 6
Staff Services Analyst (General)	An employee should have received an increase of the range differential and an accelerated anniversary date based on the salary comparison of an Employment Program Representative to Staff Services Analyst (General).	Cal. Code Regs., tit. 2, § 599.674, subd. (a)

Criteria: Departments are required to calculate and apply salary rules for each appointed employee accurately based on the pay plan for the state civil service. All civil service classes have salary ranges with minimum and maximum rates. (Cal. Code Regs., tit. 2, § 599.666.)

Severity: Very Serious. The Caltrans failed to comply, in several circumstances, with the state civil service pay plan. Incorrectly applying compensation laws and rules in accordance with CalHR's policies and guidelines results in the civil service employees receiving incorrect and/or inappropriate pay amounts.

Cause: The Caltrans acknowledges this finding and states it has since modified its processes to include supervisory review of accuracy.

Corrective Action: Within 90 days of the date of this report, the Caltrans must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that employees are compensated correctly. The Caltrans must establish an audit system to correct current compensation transactions as well as future transactions. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response. In addition, the Caltrans must provide any relevant documentation showing the correction(s) that were made and that accounts receivable(s) were created to collect the overpayment(s).

Alternate Range Movement Salary Determination (within same classification)

If an employee qualifies under established criteria and moves from one alternate range to another alternate range of a class, the employee shall receive an increase or a decrease equivalent to the total of the range differential between the maximum salary rates of the alternate ranges. (Cal. Code Regs., tit. 2, § 599.681.) However, in many instances, the CalHR provides salary rules departments must use when employees move between alternate ranges. These rules are described in the alternate range criteria. (CalHR Pay Scales). When no salary rule or method is cited in the alternate range criteria, departments must default to Rule 599.681.

During the period under review, October 1, 2017, through March 31, 2018, the Caltrans made 186 alternate range movements within a classification. The CRU reviewed 28 of those alternate range movements to determine if the Caltrans applied salary regulations accurately and correctly processed employee's compensation, which are listed below:

Classification	Prior Range	Current Range	Time Base	Salary (Monthly Rate)
Deputy Attorney, Caltrans	Range C	Range D	Full-time	\$8,583
Deputy Attorney, Caltrans	Range B	Range C	Full-time	\$6,500
Equipment Engineer	Range C	Range D	Full-time	\$8,869
Equipment Engineer	Range C	Range D	Full-time	\$8,869

Classification	Prior Range	Current Range	Time Base	Salary (Monthly Rate)
Heavy Equipment Mechanic Apprentice, Caltrans	Range E	Range F	Full-time	\$3,683
Heavy Equipment Mechanic Apprentice, Caltrans	Range E	Range F	Full-time	\$3,683
Information Technology Associate	Range B	Range D	Full-time	\$4,928
Information Technology Specialist I	Range B	Range C	Full-time	\$7,616
Information Technology Specialist I	Range B	Range C	Full-time	\$7,616
Information Technology Specialist I	Range B	Range C	Full-time	\$7,616
Legal Secretary	Range A	Range B	Full-time	\$3,641
Personnel Specialist	Range C	Range D	Full-time	\$4,539
Personnel Specialist	Range B	Range C	Full-time	\$3,623
Personnel Specialist	Range A	Range B	Full-time	\$3,335
Research Data Analyst I	Range B	Range C	Full-time	\$4,177
Senior Bridge Engineer	Range A	Range S	Full-time	\$11,247
Senior Bridge Engineer	Range S	Range A	Full-time	\$11,247
Senior Bridge Engineer	Range A	Range S	Full-time	\$11,247
Senior Transportation Engineer, Caltrans	Range S	Range A	Full-time	\$11,247
Special Investigator	Range B	Range C	Full-time	\$5,916
Staff Services Analyst (General)	Range B	Range C	Full-time	\$3,977
Staff Services Analyst (General)	Range A	Range B	Full-time	\$3,913
Staff Services Management Auditor	Range A	Range B	Full-time	\$4,233
Transportation Engineer (Civil)	Range C	Range D	Full-time	\$7,631
Transportation Engineer (Civil)	Range C	Range D	Full-time	\$8,869
Transportation Engineering Technician	Range B	Range C	Full-time	\$4,430
Transportation Engineering Technician	Range B	Range C	Full-time	\$4,264
Transportation Surveyor (Caltrans)	Range C	Range D	Full-time	\$8,869

The CRU found no deficiencies in 25 out of 28 salary determinations for alternate range movements that the Caltrans made during the compliance review period. The Caltrans appropriately calculated and processed the salaries for each alternate range movement and correctly determined employees' anniversary dates ensuring that subsequent merit salary adjustments will satisfy civil service laws, Board rules and CalHR policies and guidelines.

However, the Caltrans incorrectly applied compensation laws, rules, and/or CalHR policies and guidelines for three alternate range movements reviewed.

FINDING NO. 11 – Alternate Range Movements Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

Summary: The CRU found the following errors in the Caltrans' determination of employee compensation:

Classification	Description of Finding(s)	Criteria
Deputy Attorney, Caltrans	The employee's anniversary date was incorrectly determined when keying the employee's alternate range change resulting in the employee receiving a merit salary adjustment one month early.	Alternate Range Criteria 219, Cal. Code Regs., tit. 2, § 599.676
Deputy Attorney, Caltrans	The employee's anniversary date was incorrectly determined when keying the employee's alternate range change resulting in the employee receiving a merit salary adjustment eight months early.	Alternate Range Criteria 219, Cal. Code Regs., tit. 2, §§ 599.673 and 599.676
Personnel Specialist	The employee's anniversary date was incorrectly determined when keying the employee's alternate range change resulting in the employee receiving a merit salary adjustment 12 months early.	Alternate Range Criteria 219, Cal. Code Regs., tit. 2, §§ 599.673 and 599.676

Criteria: Alternate ranges are designed to recognize increased competence in the performance of class duties based upon experience obtained while in the class. The employee gains status in the alternate range

as though each range were a separate classification. (Classification and Pay Guide Section 220.)

Departments are required to calculate and apply salary rules for each appointed employee accurately based on the pay plan for the state civil service. All civil service classes have salary ranges with minimum and maximum rates. (Cal. Code Regs., tit. 2, § 599.666.)

Severity: Very Serious. The Caltrans failed to comply, in three instances, with the state civil service pay plan by incorrectly applying compensation laws and rules in accordance with CalHR's policies and guidelines. This results in civil service employees receiving incorrect and/or inappropriate pay amounts.

Cause: The Caltrans acknowledges this finding and states it has since modified its processes to include supervisory review of accuracy.

Corrective Action: Within 90 days of the date of this report, the Caltrans must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that employees are compensated correctly. The Caltrans must establish an audit system to correct current compensation transactions as well as future transactions. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response. In addition, the Caltrans must provide any relevant documentation showing the correction(s) that were made and that accounts receivable(s) were created to collect the overpayment(s); and/or accounts payable(s) were made to compensate employees for underpayment(s).

Hire Above Minimum Requests

The CalHR may authorize payment at any step above-the minimum limit to classes or positions to meet recruiting problems, or to obtain a person who has extraordinary qualifications. (Gov. Code § 19836.) For all employees new to state service, departments are delegated to approve HAM's for extraordinary qualifications. (Human Resources Manual Section 1707.) Appointing authorities may request HAM's for current state employees with extraordinary qualifications. (*Ibid.*) Delegated HAM's authority does not apply to current state employees. (*Ibid.*)

Persons with extraordinary qualifications should contribute to the work of the department significantly beyond that which other applicants offer. (*Ibid.*) Extraordinary qualifications may provide expertise in a particular area of a department's program. (*Ibid.*) This expertise should be well beyond the minimum qualifications of the class. (*Ibid.*) Unique talent, ability or skill as demonstrated by previous job experience may also constitute extraordinary qualifications. (*Ibid.*) The scope and depth of such experience should be more significant than its length. (*Ibid.*) The degree to which a candidate exceeds minimum qualifications should be a guiding factor, rather than a determining one. (*Ibid.*) When a number of candidates offer considerably more qualifications than the minimum, it may not be necessary to pay above the minimum to acquire unusually well-qualified people. (*Ibid.*) The qualifications and hiring rates of state employees already in the same class should be carefully considered, since questions of salary equity may arise if new higher entry rates differ from previous ones. (*Ibid.*) Recruitment difficulty is a factor to the extent that a specific extraordinary skill should be difficult to recruit, even though some applicants are qualified in the general skills of the class. (*Ibid.*)

If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Government Code section 3517.5, the memorandum of understanding shall be controlling without further legislative action.⁹ (Gov. Code § 19836 subd. (b).)

Appointing authorities may request and approve HAM's for former legislative employees who are appointed to a civil service class and received eligibility for appointment pursuant to Government Code section 18990. (Human Resources Manual Section 1707.) The salary received upon appointment to civil service shall be in accordance with the salary rules specified in the California Code of Regulations. (*Ibid.*) A salary determination is completed comparing the maximum salary rate of the former legislative class and the maximum salary rate of the civil service class to determine applicable salary and anniversary regulation. (*Ibid.*) Typically, the legislative employees are compensated at a higher rate of pay; therefore, they will be allowed to retain the rate they last received, not to exceed the maximum of the civil service class. (*Ibid.*)

Appointing authorities may request/approve HAM's for former exempt employees appointed to a civil service class. (Human Resources Manual Section 1707.) The salary received upon appointment to civil service shall be competitive with the employee's salary in the exempt appointment. (*Ibid.*) For example, An employee appointed to a civil service class which is preceded by an exempt appointment may be appointed at a salary rate

⁹ Except that if the provisions of the memorandum of understanding requires the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

comparable to the exempt appointment up to the maximum of the salary range for the civil service class. (*Ibid.*)

During the period under review, October 1, 2017, through March 21, 2018, the Caltrans authorized 51 HAM requests. The CRU reviewed 16 of those authorized HAM requests to determine if the Caltrans correctly applied Government Code section 19836 and appropriately verified, approved and documented candidates' extraordinary qualifications, which are listed below:

Classification	Appointment Type	Status	Salary Range	Salary (Monthly Rate)
Information Officer I (Specialist)	Certification List	New to the State	Range A	\$5,274
Landscape Associate, Caltrans	Certification List	New to the State	Range C	\$6,890
Transportation Engineer (Civil)	Certification List	New to the State	Range C	\$6,751
Transportation Engineer (Civil)	Certification List	New to the State	Range D	\$9,548
Transportation Engineer (Civil)	Certification List	New to the State	Range D	\$9,548
Transportation Engineer (Civil)	Certification List	New to the State	Range D	\$8,012
Transportation Engineer (Civil)	Certification List	New to the State	Range D	\$9,548
Transportation Engineer (Civil)	Certification List	New to the State	Range D	\$9,548
Transportation Engineer (Civil)	Certification List	New to the State	Range D	\$9,548
Transportation Engineering Technician	Certification List	New to the State	Range C	\$5,337
Transportation Surveyor (Caltrans)	Certification List	New to the State	Range C	\$8,447
Transportation Surveyor (Caltrans)	Certification List	New to the State	Range C	\$7,088
Transportation Surveyor (Caltrans)	Certification List	New to the State	Range C	\$8447
Transportation Surveyor (Caltrans)	Certification List	New to the State	Range C	\$7,443
Transportation Surveyor (Caltrans)	Certification List	New to the State	Range D	\$9,548

Classification	Appointment Type	Status	Salary Range	Salary (Monthly Rate)
Transportation Surveyor (Caltrans)	Certification List	New to the State	Range D	\$9,548

FINDING NO. 12 – Hire Above Minimum Requests Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines

The CRU found that the HAM requests the Caltrans made during the compliance review period satisfied civil service laws, Board rules and CalHR policies and guidelines.

Bilingual Pay

A certified bilingual position is a position where the incumbent uses bilingual skills on a continuous basis and averages 10 percent or more of the total time worked. According to the Pay Differential 14, the 10 percent time standard is calculated based on the time spent conversing, interpreting, or transcribing in a second language and time spent on closely related activities performed directly in conjunction with the specific bilingual transactions.

Typically, the department must review the position duty statement to confirm the percentage of time performing bilingual skills and verify the monthly pay differential is granted to a certified bilingual employee in a designated bilingual position. The position, not the employee, receives the bilingual designation and the department must verify that the incumbent successfully participated in an Oral Fluency Examination prior to issuing the additional pay.

During the period under review, October 1, 2017, through March 31, 2018, the Caltrans issued bilingual pay to 11 employees. The CRU reviewed all of these bilingual pay authorizations to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Bargaining Unit	Time Base
Associate Governmental Program Analyst	R01	Full Time
Associate Governmental Program Analyst	R01	Full Time
Caltrans Heavy Equipment Mechanic	R12	Full Time
Information Technology Associate	R01	Full Time
Office Technician (Typing)	R04	Full Time
Personnel Specialist	R01	Full Time

Personnel Specialist	R01	Full Time
Personnel Technician I	R01	Full Time
Special Investigator	R07	Full Time
Transportation Engineering Technician	R11	Full Time
Warehouse Worker	R12	Full Time

In reviewing the Caltrans bilingual pay practices that were in effect during the compliance review period, the CRU determined the following:

FINDING NO. 13 – Incorrect Authorization of Bilingual Pay

Summary: The CRU found 11 errors in the Caltrans’ authorization of bilingual pay:

Classification	Description of Finding(s)	Criteria
Associate Governmental Program Analyst	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Gov. Code, § 7296 and Pay Differential 14
Associate Governmental Program Analyst	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Gov. Code, § 7296 and Pay Differential 14
Caltrans Heavy Equipment Mechanic	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Gov. Code, § 7296 and Pay Differential 14
Information Technology Associate	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Gov. Code, § 7296 and Pay Differential 14
Office Technician (Typing)	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Gov. Code, § 7296 and Pay Differential 14
Personnel Specialist	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Gov. Code, § 7296 and Pay Differential 14
Personnel Specialist	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Gov. Code, § 7296 and Pay Differential 14
Personnel Technician I	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Gov. Code, § 7296 and Pay Differential 14
Special Investigator	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Gov. Code, § 7296 and Pay Differential 14

Classification	Description of Finding(s)	Criteria
Transportation Engineering Technician	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Gov. Code, § 7296 and Pay Differential 14
Warehouse Worker	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Gov. Code, § 7296 and Pay Differential 14

Criteria: For any state agency, a “qualified” bilingual employee, person, or interpreter is someone who CalHR has tested and certified, someone who was tested and certified by a state agency or other approved testing authority, and/or someone who has met the testing or certification standards for outside or contract interpreters as proficient in both the English language and the non-English language to be used. (Gov. Code, § 7296, subd. (a)(1), (2) & (3).) An individual must be in a position that has been certified by the department as a position which requires the use of bilingual skills on a continuing basis averaging 10 percent of the time spent either conversing, interpreting or transcribing in a second language and time spent on closely related activities performed directly in conjunction with specific bilingual transactions. (Pay Differential 14.)

Severity: Very Serious. Failure to comply with the state civil service pay plan by incorrectly applying compensation rules in accordance with CalHR’s policies and guidelines results in civil service employees receiving incorrect and/or inappropriate pay.

Cause: The Caltrans acknowledges the finding that occurred when newer Personnel Specialists were not yet sufficiently trained on the requirements of bilingual pay differentials. The Caltrans states it has updated its processes and forms to require HR staff to verify appropriateness of employee pay differentials.

Corrective Action: Within 90 days of the date of this report, the Caltrans must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Government Code section 7296 and Pay Differential 14. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Pay Differentials

A pay differential is special additional pay recognizing unusual competencies, circumstances, or working conditions applying to some or all incumbents in select classes. A pay differential may be appropriate in those instances when a subgroup of positions within the overall job class might have unusual circumstances, competencies, or working conditions that distinguish these positions from other positions in the same class. Typically, pay differentials are based on qualifying pay criteria such as: work locations or shift assignments; professional or educational certification; temporary responsibilities; special licenses, skills or training; performance-based pay; incentive-based pay; or, recruitment and retention. (Classification and Pay Manual Section 230.)

California State Civil Service Pay Scales Section 14 describes the qualifying pay criteria for the majority of pay differentials. However, some of the alternate range criteria in the pay scales function as pay differentials. Generally, departments issuing pay differentials should, in order to justify the additional pay, document the following: the effective date of the pay differential, the collective bargaining unit identifier, the classification applicable to the salary rate and conditions along with the specific criteria, and any relevant documentation to verify the employee meets the criteria.

During the period under review, October 1, 2017, through March 30, 2018, the Caltrans issued pay differentials¹⁰ to 874 employees. The CRU reviewed 39 of these pay differentials to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Pay Differential	Monthly Amount
Assistant Chemical Testing Engineer	261	\$200
Assistant Chemical Testing Engineer	261	\$200
Associate Architect	191	\$1,800
Associate Bridge Engineer	191	\$1,800
Associate Electronics Engineer	261	\$300
Associate Information Systems Analyst (Specialist)	13	5%
Associate Sanitary Engineer	261	\$300

¹⁰ For the purposes of CRU's review, only monthly pay differentials were selected for review at this time.

Classification	Pay Differential	Monthly Amount
Associate Telecommunications Engineer	261	\$300
Associate Telecommunications Engineer	261	\$300
Caltrans Heavy Equipment Mechanic	145	\$200
Caltrans Heavy Equipment Mechanic	33	\$187
Caltrans Heavy Equipment Mechanic Leadworker	145	\$200
Caltrans Heavy Equipment Mechanic Leadworker	145	\$200
Caltrans Highway Mechanic Supervisor	145	\$200
Caltrans Highway Mechanic Supervisor	145	\$200
Caltrans Maintenance Supervisor	78	\$100
Caltrans Maintenance Supervisor	78	\$100
Caltrans Maintenance Supervisor	78	\$100
Deputy Attorney, Caltrans	139	\$200
Deputy Attorney, Caltrans	145	\$200
Deputy Attorney, Caltrans	145	\$200
Deputy Attorney, Caltrans	145	\$200
Equipment Material Manager I	145	\$200
Equipment Material Manager I	145	\$200
Mechanical Engineer	191	\$1,800
Senior Transportation Electrical Engineer (Specialist)	261	\$300
Senior Transportation Electrical Engineer (Specialist)	191	\$1,800
Supervising Special Investigator I (Non-Peace Officer)	244	\$125
Systems Software Specialist I (Technical)	13	5%
Transportation Engineer (Civil)	191	\$1,800
Transportation Engineer (Civil)	191	\$1,800
Transportation Engineer (Electrical)	261	\$300
Transportation Engineer (Electrical)	261	\$300

Classification	Pay Differential	Monthly Amount
Transportation Engineering Technician	271	\$424
Transportation Engineering Technician	271	\$424 and \$241
Transportation Engineering Technician	271	\$424 and \$241
Transportation Engineering Technician	42 and 271	\$12 and \$424
Transportation Engineering Technician	271	\$424
Transportation Engineering Technician	253	\$1,800

In reviewing the selected pay differentials in effect during the compliance review period, the CRU determined the following:

FINDING NO. 14 – Incorrect Authorization of Pay Differential

Summary: The CRU found one error in the authorization of pay differentials.

Classification	Area	Description of Finding(s)	Criteria
Supervising Special Investigator I (Non-Peace Officer)	Education Differential	The employee's classification is not eligible to receive the education pay differential.	Pay Differential 244

Criteria: A pay differential may be appropriate when a subgroup of positions within the overall job class might have unusual circumstances, competencies, or working conditions that distinguish these positions from other positions in the same class. Pay differentials are based on qualifying pay criteria such as: work locations or shift assignments; professional or educational certification; temporary responsibilities; special licenses, skills or training; performance-based pay; incentive-based pay; or, recruitment and retention. (CalHR Classification and Pay Manual Section 230.)

Severity: Very Serious. The Caltrans failed to comply with the state civil service pay plan by incorrectly applying compensation laws and rules in accordance with CalHR's policies and guidelines. This results in

civil service employees receiving incorrect and/or inappropriate compensation.

Cause: The Caltrans acknowledges the finding that occurred when newer Personnel Specialists were not yet sufficiently trained on the requirements of certain pay differentials. The Caltrans states it has updated its processes and forms to require HR staff to verify appropriateness of employee pay differentials.

Corrective Action: Within 90 days of the date of this report, the Caltrans must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Pay Differential 244 and ensure that employees are compensated correctly and that transactions are keyed accurately. Copies of relevant documentation demonstrating that the corrective action has been implemented, including documentation showing that accounts receivables were created to collect overpayments where applicable, must be included with the corrective action response.

Out-of-Class Assignments (OOC) and Pay

For excluded¹¹ and most rank and file employees, out-of-class (OOC) work is defined as performing, more than 50 percent of the time, the full range of duties and responsibilities allocated to an existing class and not allocated to the class in which the person has a current, legal appointment. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(2).) A higher classification is one with a salary range maximum that is any amount higher than the salary range maximum of the classification to which the employee is appointed. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(3).)

According to the Classification and Pay Guide, OOC assignments should only be used as a last resort to accommodate temporary staffing needs. All civil service alternatives should be explored first before using OOC assignments. However, certain MOU provisions and the California Code of Regulations, title 2, section 599.810 allow for short-term OOC assignments to meet temporary staffing needs. Should OOC work become necessary, the assignment would be made pursuant to the applicable MOU provisions or salary regulations. Before assigning the OOC work, the department should have a plan

¹¹ “Excluded employee” means an employee as defined in section 3527, subd. (b) of the Government Code (Ralph C. Dills Act) except those excluded employees who are designated managerial pursuant to section 18801.1 of the Government Code.

to correct the situation before the 120-day time period expires. (Classification and Pay Guide Section 375.)

During the period under review, October 1, 2017, through March 30, 2018, the Caltrans issued OOC pay to 244 employees. The CRU reviewed 25 of these OOC assignments to ensure compliance with applicable MOU provisions, salary regulations, and CalHR policies and guidelines. These are listed below:

Classification	Bargaining Unit ¹²	Out-of-Class Classification	Time Frame
Associate Bridge Engineer	R09	Senior Bridge Engineer	8/21/17 – 6/30/18
Associate Governmental Program Analyst	R01	Staff Services Manager I	1/22/18 – 4/13/18
Associate Personnel Analyst	R01	Staff Services Manager I	12/8/17 – 1/15/18
Associate Personnel Analyst	R01	Staff Services Manager I	5/15/17 – 6/30/17
Associate Telecommunications Engineer	R09	Senior Telecommunications Engineer	11/14/17 – 2/14/18
Caltrans Equipment Operator	R12	Caltrans Highway Maintenance Leadworker	8/1/17 – 3/2/18
Engineering Geologist	R09	Senior Engineering Geologist Specialist	8/1/17 – 7/31/18
Equipment Material Manager III	S12	Highway Equipment Superintendent II	8/21/17 – 10/8/17
Equipment Material Specialist	R12	Equipment Material Manager II	5/2/18 – 5/13/18
Heavy Equipment Bodyworker/Painter	R12	Lead Bodyworker/Painter	12/6/17 – 1/27/18
Heavy Equipment Mechanic Leadworker	R12	Heavy Equipment Mechanic	3/26/18 – 9/23/18
Highway Equipment Superintendent I	S12	Highway Equipment Superintendent II	1/1/18 – 2/28/18
Information Systems Technician	R01	Associate Governmental Program Analyst	8/7/17 – 12/4/17

¹² Bargaining Units 9 and 12 permit authorization for employees to be given OOC assignments beyond 120 days up to 1 year. Additionally, California Code of Regulations, title 2, section 599.810, subd. (e), allows excluded employees to work for more than 120 days during any 12-month period under specific conditions.

Classification	Bargaining Unit ¹²	Out-of-Class Classification	Time Frame
Office Technician (Typing)	R04	Staff Services Analyst	10/16/17 – 2/12/18
Principal Transportation Planner	M01	CEA – B	5/22/17 – 9/21/17
Senior Bridge Engineer	S09	Supervising Bridge Engineer	9/25/17 – 1/22/18
Senior Landscape Architect, Caltrans	S09	Supervising Landscape Architect, Caltrans	11/13/17 – 3/13/18
Senior Transportation Engineer, Caltrans	R09	Supervising Transportation Engineer	7/19/17 – 2/16/18
Senior Transportation Planner	S01	Supervising Transportation Planner	9/1/17 – 3/15/18
Staff Information Systems Analyst (Specialist)	R01	Data Processing Manager II	1/2/18 – 2/28/18
Staff Services Analyst (General)	R01	Associate Governmental Program Analyst	2/1/18 – 6/1/18
Staff Services Manager II (Supervisory)	S01	Staff Services Manager III	12/10/17 – 2/9/18
Structural Steel Inspector	R11	Lead Structural Steel Inspector	12/1/17 – 12/11/17
Transportation Engineer (Civil)	R09	Senior Transportation Engineer	9/5/17 – 11/30/17
Transportation Planner	R01	Associate Transportation Planner	2/1/18 – 5/31/18

FINDING NO. 15 – Out of Class Pay Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines

The CRU found no deficiencies in the OOC pay assignments that the Caltrans authorized during the compliance review period. OOC pay was issued appropriately to employees performing, more than 50 percent of the time, the full range of duties and responsibilities allocated to an existing class and not allocated to the class in which the person has a current, legal appointment.

Leave

Positive Paid Employees

Actual Time Worked (ATW) is a method that can be used to keep track of a Temporary Authorization Utilization (TAU) employee's time to ensure that the Constitutional limit of 9 months in any 12 consecutive months is not exceeded. The ATW method of counting time is used in order to continue the employment status for an employee until the completion of an examination, for seasonal type work, while attending school, or for consulting services.

An employee is appointed TAU-ATW when he/she is not expected to work all of the working days of a month. When counting 189 days, every day worked, including partial days¹³ worked and paid absences,¹⁴ is counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day is not limited by this rule. (*Ibid.*) The 12-consecutive month timeframe begins by counting the first pay period worked as the first month of the 12-consecutive month timeframe. (*Ibid.*) The employee shall serve no longer than 189 days in a 12 consecutive month period. (*Ibid.*) A new 189-days working limit in a 12-consecutive month timeframe may begin in the month immediately following the month that marks the end of the previous 12-consecutive month timeframe. (*Ibid.*)

It is an ATW appointment because the employee does not work each workday of the month, and it might become desirable or necessary for the employee to work beyond nine calendar months. The appointing power shall monitor and control the days worked to ensure the limitations set forth are not exceeded. (Cal. Code Regs., tit. 2, § 265.1, subd. (f).)

For student assistants, graduate student assistants, youth aides, and seasonal classifications a maximum work-time limit of 1500 hours within 12 consecutive months may be used rather than the 189-day calculation. (Cal. Code Regs., tit. 2, § 265.1, subd. (d).)

Generally, permanent intermittent employees may work up to 1500 hours in any calendar year. (Applicable Bargaining Unit Agreements.) However, Bargaining Unit 6 employees may work up to 2000 hours in any calendar year.

¹³ For example, two hours or ten hours counts as one day.

¹⁴ For example, vacation, sick leave, compensating time off, etc.

Additionally, according to Government Code section 21224, retired annuitant appointments shall not exceed a maximum of 960 hours in any fiscal year (July-June), regardless of the number of state employers, without reinstatement, loss or interruption of benefits.

At the time of the review, the Caltrans had nine positive paid employees. The CRU reviewed three of those positive paid appointments to ensure compliance with applicable laws, regulations, policies and guidelines, which are listed below:

Classification	Time Base	Time Frame	Time Worked
Digital Print Operator II	Full Time	5/1/18 – 8/30/18	88 Days
Custodian	Intermittent	9/1/17 – 8/30/18	129 Days
Ferryboat Master	Intermittent	11/1/17 – 8/30/17	161 Days

FINDING NO. 16 – Positive Paid Employees Tracked Hours Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CRU found no deficiencies in the employees reviewed who were positive paid during the compliance review period. The Caltrans provided sufficient justification and adhered to applicable laws, regulations and CalHR policy and guidelines for positive paid employees.

Administrative Time Off

ATO is a form of paid administrative leave status initiated by appointing authorities for a variety of reasons. (Human Resources Manual Section 2121.) Most often, ATO is used when an employee cannot come to work because of a pending investigation, fitness for duty evaluation, or when work facilities are unavailable. (*Ibid.*) ATO can also be granted when employees need time off for reasons such as blood or organ donation; extreme weather preventing safe travel to work; states of emergency; voting; and when employees need time off to attend special events. (*Ibid.*)

During the period under review, February 1, 2017, through January 30, 2018, the Caltrans placed 1,363 employees on ATO. The CRU reviewed 100 of these ATO appointments to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Classification	Time Frame	No. of Days on ATO
Associate Accounting Analyst	1/19/17	1 Day
Associate Accounting Analyst	6/19/17	1 Day
Associate Accounting Analyst	10/11/17	1.5 Hours
Associate Environmental Planner	1/30/18	5 Hours
Associate Environmental Planner	9/29/17	1 Hour
Associate Governmental Program Analyst	1/4/18 – 1/11/18	6 Days
Associate Governmental Program Analyst	1/23/18 – 1/30/18	6 Days
Associate Governmental Program Analyst	10/9/17 – 10/11/17	3 Days
Associate Governmental Program Analyst	1/29/17 – 1/30/17	8 Hours
Associate Governmental Program Analyst	5/5/17	4 Hours
Associate Governmental Program Analyst	5/3/17	1 Hours
Associate Governmental Program Analyst	9/27/17	1 Day
Associate Governmental Program Analyst	8/2/17	2 Hours
Associate Governmental Program Analyst	9/12/17 – 9/18/17	7 Days
Associate Governmental Program Analyst	3/6/17 – 3/7/17	2 Days
Associate Information Systems Analyst (Specialist)	7/21/17	1 Day
Associate Information Systems Analyst (Specialist)	2/13/17 – 2/14/17	2 Days
Associate Information Systems Analyst (Specialist)	2/13/17 – 2/14/17	2 Days
Associate Right of Way Agent	2/13/17 – 2/14/17	2 Days
Associate Right of Way Agent	2/13/17 – 2/14/17	2 Days
Associate Transportation Engineer, Caltrans (Registered)	2/13/17 – 2/14/17	2 Days
Bookbinder III	12/29/17	1 Day

Classification	Time Frame	No. of Days on ATO
Caltrans Electrical Supervisor	5/18/17	5 Hours
Caltrans Electrician II	10/11/17	1 Day
Caltrans Equipment Operator II	2/15/17 – 2/22/17	6 Days
Caltrans Equipment Operator II	4/3/17 – 4/4/17	2 Days
Caltrans Equipment Operator II	1/23/18 – 2/7/18	16 Days
Caltrans Equipment Operator II	2/13/17 – 2/14/17	2 Days
Caltrans Equipment Operator II	10/12/17	6 Hours
Caltrans Equipment Operator II	10/12/17	6 Hours
Caltrans Equipment Operator II	12/8/17	1 Day
Caltrans Equipment Operator II	10/9/17	1 Day
Caltrans Equipment Operator II	12/8/17	1 Day
Caltrans Equipment Operator II	3/30/17 – 4/11/17	9 Days
Caltrans Equipment Operator II	8/23/17 – 8/25/17	3 Days
Caltrans Equipment Operator II	10/9/17 – 10/10/17	2 Days
Caltrans Equipment Operator II	2/13/17 – 2/14/17	2 Days
Caltrans Equipment Operator II	4/3/17 – 4/14/17	12 Days
Caltrans Equipment Operator II	2/13/17 – 2/14/17	2 Days
Caltrans Equipment Operator II	2/1/17 – 2/24/17	24 Days
Caltrans Equipment Operator II	11/2/17 – 11/6/17	12 Hours
Caltrans Equipment Operator II	2/1/17	4 Hours
Caltrans Equipment Operator II	12/7/17	5 Hours
Caltrans Equipment Operator II	5/2/17	4 Hours
Caltrans Equipment Operator II	4/14/17	4 Hours

Classification	Time Frame	No. of Days on ATO
Caltrans Heavy Equipment Mechanic	1/5/18	1 Day
Caltrans Heavy Equipment Mechanic	2/13/17 – 2/14/17	2 Days
Caltrans Heavy Equipment Mechanic	10/12/17	3 Hours
Caltrans Heavy Equipment Mechanic	1/29/18 – 1/30/18	13.5 Hours
Caltrans Heavy Equipment Mechanic	11/1/17	2 Hours
Caltrans Heavy Equipment Mechanic	2/13/17	1 Day
Caltrans Highway Maintenance Leadworker	2/14/17	1 Day
Caltrans Highway Maintenance Leadworker	2/7/17	2 Hours
Caltrans Highway Maintenance Worker	8/4/17	1 Day
Caltrans Highway Maintenance Worker	4/13/17 – 4/28/17	15 Days
Caltrans Highway Maintenance Worker	2/1/17 – 3/1/17	28 Days
Caltrans Highway Maintenance Worker	3/13/17	2 Hours
Caltrans Highway Maintenance Worker	4/21/17	4 Hours
Caltrans Highway Mechanic Supervisor	5/24/17 – 5/31/17	7 Days
Caltrans Highway Mechanic Supervisor	10/9/17 – 10/11/17	3 Days
Caltrans Landscape Maintenance Worker	1/18/18	4 Hours
Caltrans Maintenance Supervisor	10/12/17	6 Hours
Data Processing Manager II	10/9/17 – 10/10/17	2 Days
Environmental Planner	6/5/17 – 6/28/17	24 Days
Landscape Associate, Caltrans	2/13/17 – 2/14/17	2 Days
Lead Structural Steel Painter	1/23/17 - 1/25/17	3 Days
Legal Secretary	10/9/17	1 Day

Classification	Time Frame	No. of Days on ATO
Materials and Research Engineering Associate (Specialist)	10/24/17	1 Day
Materials and Stores Specialist	6/15/17	1 Hour
Office Technician (Typing)	1/17/18	4.5 Hours
Office Technician (Typing)	8/31/17	2.5 Hours
Right of Way Agent	2/13/17 – 2/14/17	2 Days
Senior Accounting Officer (Specialist)	2/13/17	1 Day
Senior Accounting Officer (Specialist)	6/19/17	1 Hour
Senior Environmental Planner	2/13/17 – 2/14/17	2 Days
Senior Transportation Engineer, Caltrans	10/11/17 – 10/12/17	2 Days
Senior Transportation Engineer, Caltrans	10/9/17 – 10/13/17	4 Days
Senior Transportation Engineer, Caltrans	8/31/17	6 Hours
Staff Services Analyst (General)	2/13/17 – 2/14/17	2 Days
Staff Services Analyst (General)	2/13/17 – 2/14/17	2 Days
Staff Services Analyst (General)	12/5/17 – 12/6/17	13 Hours
Structural Steel Painter	4/24/17 – 4/27/17	4 Days
Supervising Transportation Engineer, Caltrans	5/5/17	1 Day
Supervising Transportation Planner	2/13/17 – 2/17/17	5 Days
Transportation Engineer (Civil)	5/11/17 – 5/19/17	8 Days
Transportation Engineer (Civil)	12/7/17	1 Day
Transportation Engineer (Civil)	2/1/17	1 Day
Transportation Engineer (Civil)	2/21/17 – 2/28/17	7 Days
Transportation Engineer (Civil)	10/9/17 – 10/11/17	3 Days

Classification	Time Frame	No. of Days on ATO
Transportation Engineer (Civil)	7/28/17	3 Hours
Transportation Engineer (Civil)	9/19/17 – 9/25/17	15 Hours
Transportation Engineer (Civil)	2/13/17 – 2/14/17	2 Days
Transportation Engineer (Civil)	10/24/17	1 Day
Transportation Engineer (Electrical)	10/13/17	1 Day
Transportation Engineering Technician	5/18/17	6 Hours
Transportation Engineering Technician	10/24/17	3.5 Hours
Transportation Surveyor (Caltrans)	2/13/17 – 2/14/17	2 Days
Transportation Surveyor (Caltrans)	2/13/17 – 2/14/17	2 Days
Warehouse Worker	6/15/17	1 Day
Warehouse Worker	10/11/17	6 Hours

In reviewing the ATO, the CRU found the following:

FINDING NO. 17 – Administrative Time Off (ATO) Was Not Properly Documented

Summary: The Caltrans did not grant ATO in conformity with the established policies and procedures. Of the 100 ATO authorizations reviewed by the CRU, 6 were found to be out of compliance for failing to provide justification for ATO. While the Caltrans acknowledges the error, the corrections were not processed until after the SPB compliance review.

Criteria: Appointing authorities are authorized to approve ATO for up to five (5) working days. (Gov. Code, § 19991.10.) Furthermore, they “have delegated authority to approve up to 30 calendar days.” (Human Resources Manual Section 2121.) Any ATO in excess of 30 calendar days must be approved in advance by the CalHR. (*Ibid.*) In most cases, if approved, the extension will be for an additional 30 calendar days. (*Ibid.*) The appointing authority is responsible for submitting

ATO extension requests to CalHR at least 5 working days prior to the expiration date of the approved leave. (*Ibid.*)

When requesting an ATO extension, the appointing authority must provide a justification establishing good cause for maintaining the employee on ATO for the additional period of time. (*Ibid.*) ATO may not be used and will not be granted for an indefinite period. (*Ibid.*) If CalHR denies a request to extend ATO, or the appointing authority fails to request approval from CalHR to extend the ATO, the employee must be returned to work in some capacity. (*Ibid.*)

Regardless of the length of ATO, appointing authorities must maintain thorough documentation demonstrating the justification for the ATO, the length of the ATO, and the approval of the ATO. (*Ibid.*)

Severity: Serious. Because an employee on ATO is being paid while not working, a failure to closely monitor ATO usage could result in costly abuse. The use of ATO is subject to audit and review by CalHR and other control agencies to ensure policy compliance. Findings of non-compliance may result in the revocation of delegated privileges.

Cause: The Caltrans acknowledges the finding. Since the review, changes were instituted to prevent efforts to use ATO for unauthorized reasons.

Corrective Action: Within 90 days of the date of this report, the Caltrans must submit to the SPB a written corrective action response which addresses the corrections the department will implement to demonstrate conformity with Government Code section 19991.10 and Human Resources Manual Section 2121. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Leave Auditing and Timekeeping

Departments must keep complete and accurate time and attendance records for each employee and officer employed within the agency over which it has jurisdiction. (Cal. Code Regs., tit. 2, § 599.665.)

Departments are directed to create a monthly internal audit process to verify all leave input into any leave accounting system is keyed accurately and timely. (Human Resources Manual Section 2101.) Departments shall create an audit process to review and correct leave input errors on a monthly basis. The review of leave accounting records shall be completed by the pay period following the pay period in which the leave was keyed into the leave accounting system. (*Ibid.*) If an employee’s attendance record is determined to have errors or it is determined that the employee has insufficient balances for a leave type used, the attendance record must be amended. (*Ibid.*) Attendance records shall be corrected by the pay period following the pay period in which the error occurred. (*Ibid.*) Accurate and timely attendance reporting is required of all departments and is subject to audit. (*Ibid.*)

During the period under review, November 1, 2017, through January 30, 2018, the Caltrans reported 586 units comprised of 19,653 active employees. The pay period and timesheets reviewed by the CRU are summarized below:

Timesheet Leave Period	Number of Units Reviewed	Number of Employees	Number of Attendance Records Reviewed	Number of Missing Attendance Records
January 2018	86	341	341	0

FINDING NO. 18 – Leave Auditing and Timekeeping Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CRU reviewed employee leave records from one leave period to ensure compliance with applicable laws, regulations and CalHR policy and guidelines. Based on our review, the CRU found no deficiencies. The Caltrans kept complete and accurate time and attendance records for each employee and officer employed within the department and utilized a monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely.

Leave Reduction Efforts

Departments must create a leave reduction policy for their organization and monitor employees’ leave to ensure compliance with the departmental leave policy; and ensure employees who have significant “over-the-cap” leave balances have a leave reduction plan in place. (Human Resources Manual Section 2124.)

Applicable Memorandums of Understanding and the California Code of Regulations prescribe the maximum amount of vacation or annual leave permitted. “If a represented employee is not permitted to use all of the vacation to which he or she is entitled in a calendar year, the employee may accumulate the unused portion.”¹⁵ (Cal. Code Regs., tit. 2, § 599.737.) If it appears an excluded employee will have a vacation or annual leave balance that will be above the maximum amount¹⁶ as of January 1 of each year, the appointing power shall require the supervisor to notify and meet with each employee so affected by the preceding July 1, to allow the employee to plan time off, consistent with operational needs, sufficient to reduce their balance to the amount permitted by the applicable regulation, prior to January 1. (Cal. Code Regs., tit. 2, § 599.742.1.)

It is the intent of the state to allow employees to utilize credited vacation or annual leave each year for relaxation and recreation, ensuring employees maintain the capacity to optimally perform their jobs. (Cal. Code Regs., tit. 2, § 599.742.1.) For excluded employees, the employee shall also be notified by July 1 that, if the employee fails to take off the required number of hours by January 1, the appointing power shall require the employee to take off the excess hours over the maximum permitted by the applicable regulation at the convenience of the agency during the following calendar year. (*Ibid.*) To both comply with existing civil service rules and adhere to contemporary human resources principles, state managers and supervisors must cultivate healthy work- life balance by granting reasonable employee vacation and annual leave requests when operationally feasible. (Human Resources Manual Section 2124.)

As of December 2017, 2,595 Caltrans employees exceeded the established limits of vacation or annual leave. The CRU reviewed 93 of those employees’ leave reduction plans to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Classification	Collective Bargaining Identifier	Total Hours Over Established Limit	Leave Reduction Plan Provided
Assistant Chief Legal Division Department of Transportation	S02	766	No
Assistant Deputy Director	E99	1,129.5	Yes

¹⁵ For represented employees, the established limit for annual or vacation leave accruals is 640 hours, however for Bargaining Unit 06 there is no established limit and for Bargaining Unit 05 the established limit is 816 hours.

¹⁶ Excluded employees shall not accumulate more than 80 days.

Classification	Collective Bargaining Identifier	Total Hours Over Established Limit	Leave Reduction Plan Provided
Associate Governmental Program Analyst	R01	767	No
Associate Right of Way Agent	R01	757	No
Associate Transportation Engineer, Caltrans (Registered)	E09	1,133	No
Caltrans Electrical Area Superintendent	R12	1,671	No
Caltrans Electrician II	R12	1,161	No
Caltrans Electrician II	R12	865.5	No
Caltrans Electrician II	R12	680.25	Yes
Caltrans Equipment Operator II	R12	1,832	No
Caltrans Equipment Operator II	R12	776	No
Caltrans Equipment Operator II	R12	762.5	No
Caltrans Equipment Operator II	R12	562.5	No
Caltrans Highway Maintenance Leadworker	R12	658	No
Caltrans Highway Maintenance Worker	R12	724.5	Yes
Caltrans Highway Mechanic Supervisor	S12	586.5	Yes
Caltrans Landscape Maintenance Leadworker	R12	564.5	Yes
Caltrans Landscape Maintenance Worker	R12	828.5	Yes
Caltrans Maintenance Area Superintendent	S12	1,899	No
Caltrans Maintenance Area Superintendent	S12	976.5	No
Caltrans Maintenance Area Superintendent	S12	715.5	No
Caltrans Maintenance Area Superintendent	S12	685.5	No
Caltrans Maintenance Area Superintendent	S12	664	Yes
Caltrans Maintenance Manager I	S12	794.5	No
Caltrans Maintenance Manager I	S12	686	Yes
Caltrans Maintenance Supervisor	S12	972.5	No
Caltrans Maintenance Supervisor	S12	960.5	No
Career Executive Assignment	M01	2,431	No
Chief Information Officer	E99	867.25	Yes

Classification	Collective Bargaining Identifier	Total Hours Over Established Limit	Leave Reduction Plan Provided
Electrical Engineering Technician II	R11	1,040	No
Equipment Materiel Manager I	S12	768.5	Yes
Equipment Materiel Manager I	S12	611.5	Yes
Lead Structural Steel Painter	S12	1,131	Yes
Senior Bridge Engineer	R09	583	Yes
Senior Environmental Planner	S01	681	Yes
Senior Materials and Research Engineer	E48	1,049.5	No
Senior Transportation Electrical Engineer (Supervisor)	S09	620	No
Senior Transportation Electrical Engineer (Supervisor)	S09	601.5	No
Senior Transportation Engineer, Caltrans	S09	1,275.5	No
Senior Transportation Engineer, Caltrans	S09	1,124	Yes
Senior Transportation Engineer, Caltrans	S09	860.7	Yes
Senior Transportation Engineer, Caltrans	S09	811.3	Yes
Senior Transportation Engineer, Caltrans	S09	761	Yes
Senior Transportation Engineer, Caltrans	S09	705	No
Senior Transportation Engineer, Caltrans	S09	669	No
Senior Transportation Engineer, Caltrans	S09	654	No
Senior Transportation Engineer, Caltrans	S09	614	No
Senior Transportation Engineer, Caltrans	S09	601	No
Senior Transportation Engineer, Caltrans	S09	576	Yes
Senior Transportation Engineer, Caltrans	S09	557	No
Staff Services Manager I	S01	923	No
Staff Services Manager I	S01	718	Yes
Staff Services Manager II (Supervisory)	S01	773.5	Yes

Classification	Collective Bargaining Identifier	Total Hours Over Established Limit	Leave Reduction Plan Provided
Staff Services Manager III	M01	1,369.5	No
Structural Steel Painter	R12	639.5	Yes
Structural Steel Painter Superintendent	S12	1,326.5	Yes
Structural Steel Painter Supervisor	S12	1,113	Yes
Structural Steel Painter Supervisor	S12	636	Yes
Supervising Environmental Planner	M01	1,812	No
Supervising Environmental Planner	M01	601.5	No
Supervising Transportation Engineer, Caltrans	M09	1,502.7	No
Supervising Transportation Engineer, Caltrans	M09	1,210	No
Supervising Transportation Engineer, Caltrans	M09	1,064	Yes
Supervising Transportation Engineer, Caltrans	M09	906	No
Supervising Transportation Engineer, Caltrans	M09	852	No
Supervising Transportation Engineer, Caltrans	M09	793	Yes
Supervising Transportation Engineer, Caltrans	M09	555	No
Supervisor, Tunnels and Tubes	S13	592.5	No
Systems Software Specialist II (Technical)	R01	754.5	No
Systems Software Specialist III (Technical)	R01	770.5	No
Toll Sergeant	S04	967.5	No
Transportation Engineer (Civil)	R09	2,105	Yes
Transportation Engineer (Civil)	R09	1,165.5	No
Transportation Engineer (Civil)	R09	968	Yes
Transportation Engineer (Civil)	R09	864	Yes
Transportation Engineer (Civil)	R09	819	Yes
Transportation Engineer (Civil)	R09	768.5	No
Transportation Engineer (Civil)	R09	765	No
Transportation Engineer (Civil)	R09	754	No
Transportation Engineer (Civil)	R09	756	Yes
Transportation Engineer (Civil)	R09	731	No
Transportation Engineer (Civil)	R09	670	Yes
Transportation Engineer (Civil)	R09	623	No

Classification	Collective Bargaining Identifier	Total Hours Over Established Limit	Leave Reduction Plan Provided
Transportation Engineer (Civil)	R09	608	No
Transportation Engineer (Civil)	R09	610	No
Transportation Engineer (Civil)	R09	560.5	No
Transportation Engineer (Electrical)	R09	712	No
Transportation Engineer (Electrical)	R09	650	No
Transportation Engineer (Electrical)	R09	639	No
Transportation Engineering Technician	R11	1,258	Yes
Transportation Engineering Technician	R11	1,129	No
Transportation Surveyor Party Chief (Caltrans)	S09	741	No
Tree Maintenance Supervisor, Caltrans	S12	920.5	Yes
Total		82,869.2	

FINDING NO. 19 – Leave Reduction Plan Was Not Provided to Employees Whose Leave Balances Exceeded Established Limits

Summary: The Caltrans did not provide leave reduction plans for 59 of 93 employees reviewed whose leave balances significantly exceeded established limits. Additionally, Caltrans did not provide a general departmental policy addressing leave reduction.

Criteria: It is the policy of the state to foster and maintain a workforce that has the capacity to effectively produce quality services expected by both internal customers and the citizens of California. (Human Resources Manual Section 2124.) Therefore, appointing authorities and state managers and supervisors must create a leave reduction policy for the organization and monitor employees’ leave to ensure compliance with the departmental leave policy. Employees who have significant “over-the-cap” leave balances must have a leave reduction plan in place and be actively reducing hours. (*Ibid.*)

Severity: Non-Serious or Technical. California state employees have accumulated significant leave hours creating an unfunded liability for departmental budgets. The value of this liability increases with each passing promotion and salary increase. Accordingly, leave balances exceeding established limits need to be addressed immediately.

Cause: The Caltrans acknowledges the finding and states it has strengthened its notification and tracking system for excess leave balances.

Corrective Action: Within 90 days of the date of this report, the Caltrans must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure employees who have significant “over-the-cap” leave balances have a leave reduction plan in place. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

State Service

The state recognizes two different types of absences while an employee is on pay status; paid or unpaid. The unpaid absences can affect whether a pay period is considered to be a qualifying or non-qualifying pay period for state service and leave accruals.

An employee who has 11 or more working days of service in a monthly pay period shall be considered to have a complete month, a month of service, or continuous service.¹⁷ (Cal. Code Regs., tit. 2, § 599.608.) Full time and fractional employees who work less than 11 working days in a pay period will have a non-qualifying month and will not receive state service or leave accruals for that month.

Hourly or daily rate employees working at a department in which the full-time workweek is 40 hours who earn the equivalent of 160 hours of service in a monthly pay period or accumulated pay periods shall be considered to have a complete month, a month of service, or continuous service. (Cal. Code Regs., tit. 2, § 599.609.)

¹⁷ Except as provided in sections 599.609 and 599.776.1, subd. (b) of these regulations, in the application of Government Code sections 19143, 19849.9, 19856.1, 19858.1, 19859, 19861, 19863.1, 19997.4 and sections 599.682, 599.683, 599.685, 599.687, 599.737, 599.738, 599.739, 599.740, 599.746, 599.747, 599.787, 599.791, 599.840 and 599.843 of these regulations.

For each qualifying monthly pay period, the employee shall be allowed credit for vacation with pay on the first day of the following monthly pay period. (Cal. Code Regs. tit. 2, § 599.608.) When computing months of total state service to determine a change in the monthly credit for vacation with pay, only qualifying monthly pay periods of service before and after breaks in service shall be counted. (Cal. Code Regs. tit. 2, § 599.739.) Portions of non-qualifying monthly pay periods of service shall not be counted nor accumulated. (*Ibid.*) On the first day following a qualifying monthly pay period, excluded employees¹⁸ shall be allowed credit for annual leave with pay. (Cal. Code Regs., tit. 2, § 599.752.)

Permanent intermittent employees also earn leave credits on the pay period following the accumulated accrual of 160 hours worked. Hours worked in excess of 160 hours in a monthly pay period, are not counted or accumulated towards leave credits.

During the period under review, October 1, 2017, through March 31, 2018, the Caltrans had 41 employees with qualifying and non-qualifying pay period transactions. The CRU reviewed 30 transactions to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Type of Transaction	Time base	Number Reviewed
Non-Qualifying Pay Period	Full Time	23
Qualifying Pay Period	Full Time	7

FINDING NO. 20 – Service and Leave Transactions Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CRU determined that the Caltrans ensured employees with non-qualifying pay periods did not receive vacation/sick leave, annual leave, and/or state service accruals. The CRU found no deficiencies in this area.

Policy and Processes

Nepotism

¹⁸ As identified in Government Code sections 19858.3, subd. (a), 19858.3, subd. (b), or 19858.3, subd. (c), or as it applies to employees excluded from the definition of state employee under Government Code section 3513, subd. (c), or California Code of Regulations section 599.752 subd. (a), and appointees of the Governor as designated by the Department and not subject to section 599.752.1.

It is the policy of the State of California to recruit, hire and assign all employees on the basis of merit and fitness in accordance with civil service statutes, rules and regulations. (Human Resources Manual Section 1204.) Nepotism is expressly prohibited in the state workplace because it is antithetical to California's merit based civil service. (*Ibid.*) Nepotism is defined as the practice of an employee using his or her influence or power to aid or hinder another in the employment setting because of a personal relationship. (*Ibid.*) Personal relationships for this purpose include but are not limited to, association by blood, adoption, marriage and/or cohabitation. (*Ibid.*) In addition, there may be personal relationships beyond this general definition that could be subject to these policies. (*Ibid.*) All department nepotism policies should emphasize that nepotism is antithetical to a merit-based personnel system and that the department is committed to the state policy of recruiting, hiring and assigning employees on the basis of merit. (*Ibid.*)

FINDING NO. 21 – Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CRU verified that a nepotism policy was disseminated to all staff and emphasized the Caltrans' commitment to the state policy of recruiting, hiring and assigning employees on the basis of merit. Additionally, the Caltrans' nepotism policy was comprised of specific and sufficient components intended to prevent favoritism, or bias, based on a personal relationship from unduly influencing employment decisions.

Workers' Compensation

Employers shall provide to every new employee, either at the time of hire or by the end of the first pay period, written notice concerning the rights, benefits, and obligations under workers' compensation law. (Cal. Code Regs., tit. 8, § 9880 subd. (a).) This notice shall include the right to predesignate their personal physician or medical group; a form that the employee may use as an optional method for notifying the employer of the name of employee's "personal physician," as defined by Labor Code section 4600. (Cal. Code Regs., tit. 8, § 9880 subds. (c)(7) & (8).) Additionally, within one working day of receiving notice or knowledge that the employee has suffered a work related injury or illness, employers shall provide a claim form and notice of potential eligibility for benefits to the injured employee. (Labor Code, § 5401 subd. (a).)

Public employers may choose to extend workers' compensation coverage to volunteers that perform services for the organization. (Human Resources Manual Section 1415.) Workers' compensation coverage is not mandatory for volunteers as it is for employees. (*Ibid.*) This is specific to the legally uninsured state departments participating in the Master Agreement. (*Ibid.*) Departments with an insurance policy for workers'

compensation coverage should contact their State Compensation Insurance Fund (State Fund) office to discuss the status of volunteers. (*Ibid.*)

FINDING NO. 22 – Workers’ Compensation Policy Was Not Provided to New Employees by the End of First Pay Period

Summary: The Caltrans extends Workers’ Compensation benefits to volunteers but does not provide specific notices to inform them of their rights and responsibilities under CA Workers’ Compensation law. While the Caltrans provided the proper notice to their new paid employees, they failed to provide the notice to volunteers entitled to the same benefits.

Criteria: Employers shall provide to every new employee at the time of hire or by the end of the first pay period, written notice concerning the rights, benefits, and obligations under Workers’ Compensation Law (California Code of Regulations, tit. 8, § 9880).

If volunteers are covered, they will be entitled to the same benefits as any paid staff (Human Resources Manual Section 1415).

Severity: Very Serious. The Caltrans does not ensure that its volunteers are aware of policies and procedures concerning workers’ compensation.

Cause: The Caltrans disagrees with the finding and states that it provides volunteer employees with the following statement: “I understand that I am an employee of the Department for purposes of Workers’ Compensation Insurance only.”

SPB Response: While Caltrans specifically notified volunteers that they are covered by Workers’ Compensation Insurance, it did not provide the specificity of coverage required under Workers’ Compensation law.

Corrective Action: Within 90 days of the date of this report, the Caltrans must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with California Code of Regulations, title 8, section 9880. Copies of relevant documentation demonstrating that the corrective action has

been implemented must be included with the corrective action response.

Performance Appraisals

According to Government Code section 19992.2, subdivision (a), appointing powers must “prepare performance reports.” Furthermore, California Code of Regulations, title 2, section 599.798, directs supervisors to conduct written performance appraisals and discuss overall work performance with permanent employees at least once in each twelve calendar months after the completion of the employee’s probationary period.

The CRU selected 80 permanent Caltrans employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations, policies and guidelines.

In reviewing the Caltrans performance appraisals policies and processes, the CRU determined the following:

FINDING NO. 23 – Performance Appraisals Were Not Provided to All Employees

Summary: The Caltrans did not provide performance appraisals to 14 of 80 non-probationary employees.

Classification	Date Performance Appraisals Due
Mechanical Engineer	10/25/17
Plumber I	7/31/17
Principal Bridge Engineer	8/23/17
Program Technician	11/22/17
Safety Specialist, Caltrans	1/19/17
Senior Environmental Planner	3/31/17
Senior Right of Way Agent	6/30/17
Senior Transportation Electrical Engineer (Specialist)	11/29/17
Supervising Transportation Electrical Engineer	5/31/17
Transportation Planner	6/30/17
Transportation Surveyor (Caltrans)	7/13/17

Criteria: “Appointing powers shall prepare performance reports and keep them on file as prescribed by department rule.” (Gov. Code, § 19992.2, subd. (a).) Each supervisor, as designated by the appointing power, shall make an appraisal in writing and shall discuss with the employee overall work performance at least once in each twelve calendar months following the end of the employee's probationary period. (Cal. Code Regs., tit. 2, § 599.798.)

Severity: Serious. The department does not ensure that all of its employees are apprised of work performance issues and/or goals in a systematic manner.

Cause: The Caltrans acknowledges that supervisors and managers did not provide feedback to their non-probationary employees due to the lack of an effective tracking system and notification process. Since the review, the Caltrans has been working to develop a process to track and inform supervisors and managers of performance appraisal deadlines.

Corrective Action: Within 90 days of the date of this report, the Caltrans must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Government Code section 19992.2 and California Code of Regulations, title 2, section 599.798. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

DEPARTMENTAL RESPONSE

The Caltrans' response is attached as Attachment 1.

SPB REPLY

Based upon the Caltrans' written response, the Caltrans will comply with the corrective actions specified in these report findings. Within 90 days of the date of this report, a written corrective action response including documentation demonstrating implementation of the corrective actions specified, must be submitted to the CRU.

DEPARTMENT OF TRANSPORTATION

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ATTACHMENT 1



*Making Conservation
a California Way of Life.*

March 2, 2020

Ms. Suzanne Ambrose
Executive Officer
State Personnel Board
801 Capitol Mall, Suite 1200
Sacramento, CA 95814

Dear Ms. Ambrose:

The California Department of Transportation (Caltrans) submits this letter in response to the State personnel Board (SPB) Compliance Review Unit's (CRU) compliance review. As requested, Caltrans acknowledges the findings and provides the cause for each of the CRU's findings as follows.

Finding No. 3 – Probationary Evaluations Were Not Provided for All Appointments Reviewed

CRU Summary:

Caltrans did not provide 22 probationary reports of performance for 18 of the 74 appointments reviewed by the CRU, as reflected in the table below.

Caltrans Cause/Response:

As part of Caltrans' strategic planning process, we established an Organizational Excellence goal to increase compliance in this area. In 2018, Caltrans revamped all its performance evaluation forms and provided statewide training to more than 3700 supervisors and managers. In addition to the training and revised performance evaluation forms, Caltrans has been working to develop a technology solution for electronic completion and tracking. The process will notify supervisors/managers when a probation report or annual performance evaluation is due, track completed evaluations, and notify a supervisors/manager, supervisor of an overdue performance evaluation. We anticipate this solution being implemented in fiscal year 2021.

Finding No. 4- Appointment Documentation Was Not Kept for the Appropriate Amount of Time

CRU Summary:

Caltrans failed to retain personnel records such as NOPA's, duty statements, job announcements/bulletins, and applications. Of the 74 appointments reviewed, Caltrans did not retain the following: 37 NOPA's; 1 limited-term appointment justification; and 5 applications. Specifically, 1 of the 74 appointments reviewed was missing 5 applications in the Examination and Certification Online System.

Caltrans Cause/Response:

Caltrans strives to follow retention policy for all documents and retain appropriately. We acknowledge these documents were not available during the audit period. Caltrans is working to improve its filing systems for Official Personnel Files. In response to this finding, staff will be reminded of the policy and trained to ensure all documents are retained for the correct period.

For Job Control 91308, Senior Equipment Materiel Specialist, we can account for all 10 applications.

Finding No. 5 – Complainants Were Not Notified of the Reasons for Delays in Decisions Within the Prescribed Time Period

CRU Summary:

Caltrans provided evidence that 15 discrimination complaints related to a disability, medical condition, or denial of reasonable accommodation were filed during the compliance review period, November 1, 2017, through April 30, 2018. The department confirmed that 15 complaint investigations exceeded 90 days and Caltrans failed to provide written communication to the complainants in a timely manner regarding the status of the complaint.

Caltrans Cause/Response:

Employee oversight led to this shortcoming. Prior to the State Personnel Board's finding on this matter, Caltrans added the 90-day notification requirement as a checklist item on a relevant form and have updated its 90-day notification letter to be sent to complainants. These steps, along with emphasizing this requirement during discrimination complaint investigator training, will help eliminate future non-compliance.

Finding No. 6 – Unions Were Not Notified of Personal Services Contracts

CRU Summary:

Caltrans did not notify Unions prior to entering into 3 of the 50 Personal Services Contracts.

Caltrans Cause/Response:

When GC 19132 b 1 was enacted, DPAC sent commercial services contracts to all the Unions. As the Unions were receiving many service contracts outside of their purveyance, Labor Relations intervened by creating an email box for DPAC AB906@dot.ca.gov and AB906Notification@dca.ca.gov. DPAC sent commercial service contracts to these boxes with the intent that Labor Relations would forward them to the proper Unions. In November 2019, it was discovered there was a disconnect surrounding emails being sent to the two email boxes, this has since been corrected. DPAC now sends service contracts to Labor Relations via one email, ask.lr@dot.ca.gov, Labor Relations reviews the service contract and forwards it to the proper Unions for review.

Finding No. 7 – Ethics Training Was Not Provided for All Filers

CRU Summary:

Caltrans did not provide ethics training to 37 of 1,626 existing filers. In addition, Caltrans did not provide ethics training to 20 of 1,464 new filers within 6 months of their appointment.

Caltrans Cause/Response:

The Ethics Training is an online course completed through the Attorney General's Office website. Caltrans converted its Form 700 process and filings to an electronic modality in 2017 using eDisclosure Docs. Employees are sent an email notification of the required Ethics training upon appointment to a filing position, when their position and job information is entered in to the eDisclosure database. Due to the training being "employee driven" where employees are notified and held accountable for their training requirements, some employees missed the deadline of completing trainings by specific time periods. Caltrans has identified Form 700 Coordinators in each District or Division to assist with tracking compliance.

Caltrans currently provides initial emails to employees with instructions and link to the Attorney General's Office to take the course. The notifications that are sent via eDisclosure are:

- 1st Notice- Initial Appointment
- 2nd notice- 10 days prior to the due date,
- 3rd notice- they get a non-filing notice 1 day after being late,
- 4th notice- a 2nd reminder is sent after 30 days late.

In response to this finding, we have worked with the Form 700 coordinators to follow up with employees on all notifications and increase monitoring of employee compliance with Ethics Training requirements.

Finding No. 8 – Supervisory Training Was Not Provided for All Supervisors

CRU Summary:

Caltrans did not provide basic supervisory training to 97 of 228 new supervisors within twelve months of appointment.

Caltrans Cause/Response:

Caltrans lacked adequate training offerings to train new supervisors within 12 months of appointment.

In 2019, Caltrans acknowledged this oversight, entered into a Memorandum of Understanding with CalHR in January 2020 to deliver supervisory training, and created two positions to conduct this critical training statewide for all new Caltrans supervisors within 6-12 months of appointment. In addition, Caltrans created a process to notify new supervisors of their requirement to complete 80 hours of mandatory supervisory training and sends reminders several times throughout the year.

Finding No. 9 – Sexual Harassment Prevention Training Was Not Provided for All Supervisors

CRU Summary:

Caltrans did not provide sexual harassment prevention training to 3 of 18 new supervisors within 6 months of their appointment. In addition, Caltrans did not provide sexual harassment prevention training to 327 of 3,596 existing supervisors every two years.

Caltrans Cause/Response:

During the period reviewed, Caltrans was in the process of transitioning its Supervisory Training Program (STP) to the California Department of Human

Resources' (CalHR) Supervisor Development Program (SDP). CalHR's SDP, which became effective January 1, 2020, was specifically designed to meet the required training needs of newly appointed supervisors within six months of the employee's initial appointment. (Gov. Code, § 19995.4). CalHR's SDP includes Sexual Harassment Prevention Training (SHPT) which, through a Memorandum of Understanding between CalHR and Caltrans, will be administered by Caltrans SHPT trainers. Caltrans has dedicated their efforts to adhere to recent legal changes to SHPT requirements for existing supervisors (pursuant to Gov. Code, § 12950 and 12950.1). During the period reviewed, Caltrans was in the process of securing online SHPT that was consistent with the recent changes in law. Once an offer was received, the two-year timeframe had passed for a number of existing supervisors. Classroom training classes were offered to existing supervisors, however a number of existing supervisors could not be trained within the timeframe due to internal operational restrictions such as physical training locations and availability of eligible, qualified trainers. Caltrans has prioritized its effort to train all staff statewide through in-person classroom training and anticipates a combination of online and in-person classroom training will help eliminate future non-compliance.

Finding No. 10- Incorrect Application of Salary Determination Laws, Rules, and CalHR Policies and Guidelines

CRU Summary:

The CRU found errors in Caltrans' salary determination of employee compensation.

Caltrans Cause/Response:

Caltrans utilizes the resources provided by CalHR and State Controller's Office (SCO) training for calculating both range movement and salary determination. Caltrans acknowledges this finding. In response to this finding, the training worksheet provided by SCO was modified by Caltrans to include the required review and signature of the supervisor verifying accuracy and compliance.

Finding No. 11- Alternate Range Movements Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

CRU Summary:

The CRU found errors in Caltrans' determination of employee compensation.

Caltrans Cause/Response:

Caltrans utilizes the resources provided by CalHR and SCO training for calculating both range movement and salary determination. Caltrans acknowledges this finding. In response to this finding, the training worksheet provided by SCO was modified by Caltrans to include the required review and signature of the supervisor verifying accuracy and compliance.

Finding No. 13- Incorrect Authorization of Bilingual Pay

CRU Summary:

The CRU found six errors in Caltrans' authorization of bilingual pay.

Caltrans Cause/Response:

Caltrans acknowledges this finding, which occurred when newer Personnel Specialists were not yet sufficiently trained on the requirements of bilingual pay differentials. In response to this finding, Caltrans has updated its processes and forms to require that HR staff verify if an employee has a pay differential and if the pay differential should remain in the new position.

Finding No. 14- Incorrect Authorization of Pay Differential

CRU Summary:

The CRU found one error in the authorization of pay differentials.

Caltrans Cause/Response:

Caltrans acknowledges this finding, which occurred when newer HR staff were not yet sufficiently trained on the requirements of certain pay differentials. In response to this finding, Caltrans has updated its processes and forms to require that HR staff verify if an employee has a pay differential and if the pay differential should remain. Caltrans is currently developing a pay differential tool for HR staff to utilize when identifying and processing pay differential. We expect this tool will eliminate pay differential errors.

Finding No. 17 – Administrative Time Off (ATO) Was Not Properly Documented

CRU Summary:

Caltrans did not grant ATO in conformity with the established policies and procedures. Of the 100 ATO authorizations reviewed by the CRU, 6 were found to be out of compliance for failing to provide justification for ATO. While Caltrans

acknowledges the error, the corrections were not processed until after the SPB compliance review.

Caltrans Cause/Response:

Caltrans acknowledges this finding. In 2018, immediately after being alerted to this issue by the SPB Compliance audit, Caltrans instituted changes to its automated timekeeping system, Staff Central. Caltrans supervisors and employees are now only able to use and track ATO for approved reasons. This prevents anyone from trying to use ATO for incorrect reasons. We provided an updated Personnel Management Bulletin on this subject to all managers and supervisors, alerting them of the requirement to review and approve all ATO usage.

Finding No. 18- Department Has Not Implemented a Monthly Internal Audit Process to Verify All Leave Input Is Keyed Accurately and Timely

CRU Summary:

Caltrans failed to provide Leave Activity and Certification forms for all 86 units reviewed for the January 2018 pay period. Additionally, the leave that three employees used was incorrectly entered into the Uniform State Payroll System, which resulted in the employees receiving inaccurate pay.

Caltrans Cause/Response:

Caltrans utilizes a monthly reconciliation Attendance Action Report (AAR) to reconcile staff leave with SCO's leave record. The Attendance Action Reports (AAR's) in Staff Central notates both leave and payroll corrections and the dates they were made. SCO has a View Direct report named Earned Benefit Audit (EBA) Report. This report lists any earned and/or credit adjustments made to any earned leave benefit with an excessively high balance.

According to CalHR's Branch Manager, Kim Herlache, both AAR and EBA reports satisfy the CalHR 139 form requirement.

Finding No. 19- Leave Reduction Plan Was Not Provided to Employees Whose Leave Balances Exceeded Established Limits

CRU Summary:

Caltrans did not provide leave reduction plans for 59 employees reviewed whose leave balances significantly exceeded established limits. Additionally, Caltrans did not provide a general policy addressing leave reduction.

Caltrans Cause/Response:

Caltrans acknowledges this finding. Caltrans provides notice to all employees twice a year via its Personnel Information Bulletins which explains that those employees' over 640 hours of vacation or annual leave must complete a Leave Reduction Plan, and have it approved by their supervisor. A second Personnel Information Bulletin entitled, Employee Leave Management is sent to all employees which explains the order of leave that must be taken from CalHR. Additionally, in spring 2019, Caltrans Chief Deputy Director issued direction to all District Directors and Deputy Directors to ensure their staff complied with these requirements. Caltrans HR sends monthly reports of leave overage to District Directors and Deputy Directors to help them track compliance.

Finding No. 22 – Workers' Compensation Policy Was Not Provided to New Employees by the End of First Pay Period

CRU Summary:

Caltrans extends Workers' Compensation benefits to volunteers but does not provide specific notices to inform them of their rights and responsibilities under CA Workers' Compensation law. While Caltrans provided the proper notice to their new paid employees, they failed to provide the notice to volunteers entitled to the same benefits.

Caltrans Cause/Response:

The Division of Human Resources, Caltrans Volunteer Program provides new volunteers a series of documents and a checklist during the onboarding process. Within these documents, the Volunteer Service Agreement notifies the employee the following statement.

"I understand that I am an employee of the Department for purposes of Worker's Compensation Insurance coverage only"

SPB asserts Workers Compensation documentation is not provided to volunteers and the Department has immediately implemented a process in which all volunteers will receive State Compensation Insurance Fund Form e12546 "New State of California Employee's Guide to Workers' Compensation" during the onboarding process of the volunteer program, informing volunteers of their rights regarding Workers Compensation.

Finding No. 23 – Performance Appraisals Were Not Provided to All Employees

CRU Summary:

Caltrans did not provide performance appraisals to 14 of 80 non-probationary employees.

Caltrans Cause/Response:

As part of Caltrans' strategic planning process, we established an Organizational Excellence goal to increase compliance in this area. In 2018, Caltrans revamped all its performance evaluation forms and provided statewide training to more than 3700 supervisors and managers. In addition to the training and revised performance evaluation forms, Caltrans has been working to develop a technology solution for electronic completion and tracking. The process will notify supervisors/managers when a probation report or annual performance evaluation is due, track completed evaluations, and notify a supervisors/manager, supervisor of an overdue performance evaluation. We anticipate this solution being implemented in fiscal year 2021.

We appreciate the opportunity to provide a response to the compliance report. If you have any questions or require further information, please, contact Erin Holbrook at (916) 654-4096.

Sincerely,



TOKS OMISHAKIN
Director