



COMPLIANCE REVIEW REPORT

CALIFORNIA HIGHWAY PATROL

Compliance Review Unit
State Personnel Board
November 5, 2019

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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.

Effective July 1, 2012, the Governor's Reorganization Plan Number One (GRP1) of 2011 consolidated all of the functions of the Department of Personnel Administration and the merit-related operational functions of the State Personnel Board (SPB) into the California Department of Human Resources (CalHR).

Pursuant to Government Code section 18502(c), CalHR and SPB may "delegate, share, or transfer between them responsibilities for programs within their respective jurisdictions pursuant to an agreement." CalHR and SPB, 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.

EXECUTIVE SUMMARY

The CRU conducted a routine compliance review of the California Highway Patrol (CHP)'s personnel practices in the areas of examinations, appointments, EEO, PSC's, mandated training, compensation and pay, leave, and policy and processes¹. The following table summarizes the compliance review 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	Unlawful Appointment
Appointments	Probationary Evaluations Were Not Provided for All Appointments Reviewed
Appointment	Probationary Evaluations Were Not Timely
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 Services Contracts
Mandated Training	Supervisory Training Was Not Provided for All Supervisors
Mandated Training	Ethics Training Was Not Provided for All Filers
Mandated Training	Sexual Harassment Prevention Training Was Not Provided for All Supervisors
Compensation and Pay	Incorrect Application of Salary Determination Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	Exceptions to Salary Rules Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	Department Did Not Provide Documentation Demonstrating Employees Met Alternate Range Criteria

¹ Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

Area	Finding
Compensation and Pay	Alternate Range Movements Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	Hire Above Minimum Request Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	Bilingual Pay Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	Incorrect Authorization of Pay Differentials
Leave	Department Did Not Properly Monitor Time Worked for All Positive Paid Employees
Leave	Administrative Time Off Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	Leave Auditing and Timekeeping Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	Leave Reduction Plans Were Not Provided to Employees Whose Leave Balances Exceeded Established Limits
Leave	Incorrect Application of 715 Transaction
Policy	Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Workers' Compensation Process Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
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 CHP is the largest state law enforcement agency in the nation with approximately 7,500 sworn officers and 3,500 civilian employees statewide. As a department within the

California State Transportation Agency, the CHP's primary mission is providing traffic safety, service and security to the people of California as they use the state's highway transportation system. In total, the CHP currently patrols approximately 380,000 lane miles of roadway throughout California. As a statewide criminal justice agency, the CHP provides law enforcement assistance to local governments and allied agencies when situations exceed the limits of local resources. While not all inclusive, the CHP serves as the leader for statewide vehicle theft prevention and recovery efforts; holds the primary authority for enforcing laws and regulations relating to commercial vehicle safety and the commercial vehicle industry; and provides security and protective services to elected state officials, state government employees, and state facilities. The CHP also maintains a leadership role in educating the public concerning driver safety issues.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the CHP's examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes². The primary objective of the review was to determine if CHP 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 CHP's 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 CHP provided, which included examination plans, examination bulletins, job analyses, and scoring results. The CRU also reviewed the CHP's Permanent Withhold Actions documentation, including Withhold Determination Worksheets, State applications (STD 678), class specifications, and Withhold letters.

A cross-section of the CHP's 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 CHP 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 CHP's policies and procedures concerning unlawful appointments to ensure departmental practices conform to state civil service laws and Board regulations.

² Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

The CHP did not make any additional appointments during the compliance review period.

The CHP's appointments were also selected for review to ensure the CHP applied salary regulations accurately and correctly processed employees' compensation and pay. The CRU examined the documentation that the CHP 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, and monthly pay differentials.

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

The CHP's PSC's were also reviewed.³ It was beyond the scope of the compliance review to make conclusions as to whether the CHP's justifications for the contracts were legally sufficient. The review was limited to whether the CHP's practices, policies, and procedures relative to PSC's complied with procedural requirements.

The CHP's 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 CHP's 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 CHP to provide a copy of their leave reduction policy.

The CRU reviewed the CHP's Leave Activity and Correction Certification forms to verify that the CHP 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 CHP's units in order to ensure they maintained accurate and timely

³If 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.

leave accounting records. Part of this review also examined a cross-section of the CHP's 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 CRU reviewed a selection of the CHP employees who used Administrative Time Off (ATO) in order to ensure that ATO was appropriately administered. Additionally, the CRU reviewed a selection of CHP's positive pay employees during the compliance review period in order to ensure that time worked was appropriately monitored and did not exceed limitations as stipulated by Board rules and CalHR policy.

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

On September 24, 2019, an exit conference was held with the CHP to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the CHP's written response on October 24, 2019, 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 CHP conducted 25 examinations. The CRU reviewed 10 of those examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Assistant Commissioner, CHP	Career Executive Assignment	Statement of Qualifications (SOQ) ⁴	2/26/18	6
Automatic Technician III	Departmental Promotional	Qualification Appraisal Panel (QAP) ⁵	10/26/17	13
Commercial Vehicle Inspection Specialist	Open	Written ⁶	11/4/17	196
Maintenance Worker, CHP	Open	Supplemental Application	11/16/17	28
Program Manager, Transportation Services (Supervisory)	Departmental Promotional	Education and Experience ⁷	11/16/17	2
Property Inspector (Specialist)	Open	QAP	10/19/17 (Extended to 11/2/17)	14
Public Safety Dispatcher, CHP (Central Division)	Open	Written and Performance	12/28/18	197

⁴ In a Statement of Qualifications (SOQ's) examination, applicants submit a written summary of their qualifications and experience related to a published list of desired qualifications. Raters, typically subject matter experts, evaluate the responses according to a predetermined rating scale designed to assess their ability to perform in a job classification, assign scores and rank the competitors in a list.

⁵ 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.

⁶ 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.

⁷ In an education and experience examination, one or more raters reviews the applicants' Standard 678 application forms, and scores and ranks them according to a predetermined rating scale that may include years of relevant higher education, professional licenses or certifications, and/or years of relevant work experience.

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Public Safety Dispatcher, CHP (Valley Division)	Open	Written and Performance	1/23/18	206
School Pupil Transportation Safety Coordinator	Open	Supplemental Application	Continuous (Quarterly)	10
Supervisor of Building Trades	Open	Training and Experience (T&E)	11/2/2017	13

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

The CRU reviewed two departmental promotional and eight open examinations which the CHP administered in order to create eligible lists from which to make appointments. The CHP published and distributed examination bulletins containing the required information for all examinations. Applications received by the CHP 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 CHP 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).) Once a candidate has obtained list eligibility, a department may discover information pertaining to that eligible which raises concerns regarding his/her eligibility or suitability for employment with the state. (CalHR Withhold Manual, p. 3.) A permanent withhold action is valid for the duration of the eligible’s list eligibility. (*Ibid.*) Departments are required to maintain a separate file for each withhold action and the file should include a copy of the withhold notification letter sent to the eligible, as well as all supporting documentation which form the basis of the withhold action. (CalHR Withhold Manual, p. 2.)

During the review period, the CHP conducted one permanent withhold action. The CRU reviewed the permanent withhold action, which is listed below:

Exam Title	Exam ID	Date List Eligibility Began	Date List Eligibility Ended	Reason Employee Placed on Withhold
Associate Governmental Program Analyst	9PB04	8/3/17	8/3/18	Failed to Meet Minimum Qualifications

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

The CRU found no deficiencies in the permanent withhold action 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.) Appointments made from eligible lists, by way of transfer, or by way of reinstatement, must be made on the basis of merit and fitness, which requires consideration of each individual’s job-related qualifications for a position, including his or her knowledge, skills, abilities, experience, and physical and mental fitness. (Cal. Code Regs., tit. 2, § 250.)

During the period under review, October 1, 2017 through March 30, 2018, the CHP made 725 appointments. The CRU reviewed 138 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Accountant I (Specialist)	Certification List	Permanent	Full Time	2
Accountant Trainee	Certification List	Permanent	Full Time	1
Accounting Officer (Specialist)	Certification List	Permanent	Full Time	1
Assistant Chief, CHP	Certification List	Permanent	Full Time	4
Assistant Information Systems Analyst	Certification List	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Associate Accounting Analyst	Certification List	Permanent	Full Time	1
Associate Architect	Certification List	Permanent	Full Time	1
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	4
Associate Information Systems Analyst (Specialist)	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
Attorney IV	Certification List	Permanent	Full Time	1
Automotive Technician II	Certification List	Permanent	Full Time	2
Business Services Officer I (Specialist)	Certification List	Permanent	Full Time	1
Captain, CHP	Certification List	Permanent	Full Time	3
Chief, CHP	Certification List	Permanent	Full Time	1
Commercial Vehicle Inspection Specialist	Certification List	Permanent	Full Time	3
Custodian	Certification List	Permanent	Full Time	1
Groundskeeper	Certification List	Permanent	Full Time	1
Lieutenant, CHP	Certification List	Permanent	Full Time	11
Maintenance Worker, CHP	Certification List	Permanent	Intermittent	1
Materials and Stores Specialist	Certification List	Permanent	Full Time	1
Motor Carrier Specialist I, CHP	Certification List	Permanent	Full Time	3
Office Assistant (Typing)	Certification List	Permanent	Full Time	8
Office Services Supervisor I (Typing)	Certification List	Permanent	Full Time	2
Office Services Supervisor II	Certification List	Permanent	Full Time	1
Office Technician (Typing)	Certification List	Permanent	Full Time	2

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Personnel Specialist	Certification List	Permanent	Full Time	1
Personnel Supervisor I	Certification List	Permanent	Full Time	1
Program Manager, Transportation Services (Supervisory)	Certification List	Permanent	Full Time	1
Program Technician II	Certification List	Permanent	Full Time	1
Public Safety Dispatch Supervisor I, CHP	Certification List	Permanent	Full Time	1
Public Safety Dispatch Supervisor II, CHP	Certification List	Permanent	Full Time	1
Public Safety Dispatcher, CHP	Certification List	Permanent	Full Time	10
Research Analyst II (General)	Certification List	Permanent	Full Time	1
Senior Accounting Officer (Specialist)	Certification List	Permanent	Full Time	1
Senior Accounting Officer (Supervisor)	Certification List	Permanent	Full Time	1
Sergeant, CHP	Certification List	Permanent	Full Time	16
Staff Information Systems Analyst (Supervisor)	Certification List	Permanent	Full Time	1
Staff Programmer Analyst (Specialist)	Certification List	Permanent	Full Time	1
Staff Services Analyst	Certification List	Permanent	Full Time	5
Staff Services Manager I	Certification List	Permanent	Full Time	1
Staff Services Manager II	Certification List	Permanent	Full Time	1
Supervising Program Technician II	Certification List	Permanent	Full Time	1
Supervisor of Building Trades	Certification List	Permanent	Full Time	1
Systems Software Specialist I	Certification List	Permanent	Full Time	1
Systems Software Specialist I (Technician)	Certification List	Permanent	Full Time	1
Telecommunications Systems Analyst II	Certification List	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Warehouse Worker	Certification List	Permanent	Full Time	1
Office Assistant (Typing)	Permissive Reinstatement	Permanent	Full Time	1
Office Technician (Typing) - LEAP	Temporary (TAU)	Temporary	Full Time	3
Maintenance Mechanic	Training and Development	Permanent	Full Time	1
Accountant I (Specialist)	Transfer	Permanent	Full Time	1
Associate Governmental Program Analyst	Transfer	Permanent	Full Time	2
Automotive Technician II	Transfer	Permanent	Full Time	1
Commercial Vehicle Inspection Specialist	Transfer	Permanent	Full Time	2
Custodian	Transfer	Permanent	Full Time	1
Executive Secretary I	Transfer	Permanent	Full Time	1
Maintenance Worker	Transfer	Permanent	Full Time	1
Motor Carrier Specialist I, CHP	Transfer	Permanent	Full Time	1
Office Assistant (Typing)	Transfer	Permanent	Full Time	3
Office Technician (Typing)	Transfer	Permanent	Full Time	2
Personnel Specialist	Transfer	Permanent	Full Time	1
Program Technician	Transfer	Permanent	Full Time	1
Property Controller I	Transfer	Permanent	Full Time	1
Public Safety Dispatch Supervisor I	Transfer	Permanent	Full Time	1
Public Safety Operator, CHP	Transfer	Permanent	Full Time	1
Staff Services Analyst	Transfer	Permanent	Full Time	2
Word Processing Technician	Transfer	Permanent	Full Time	1

FINDING NO. 3 – Unlawful Appointment

Summary:

An employee appointed to an Associate Governmental Program Analyst (AGPA) position on December 5, 2017 did not meet the minimum qualifications of the classification. The employee had not served as a Staff Services Analyst (Range C) and therefore did not meet pattern I and did not possess the work and educational experience needed to meet pattern II. On October 10, 2018, the CRU notified the CHP of the potential unlawful appointment via email. The CHP stated that they discovered the potential unlawful appointment on September 3, 2018, but did not send the employee a preliminary determination letter until November 2, 2018. On December 17, 2018, the CHP sent the employee a final determination letter, finding that the appointment was unlawful but made in good faith. Based on the date the final determination letter was sent, CalHR ordered the CHP to invalidate the voided appointment because the one year statutory limitation had expired. This appointment will be allowed to stand pursuant to California Code of Regulations section 243.2.

The CHP failed to complete the unlawful appointment investigation in a prompt and timely manner in accordance with its delegated responsibility to conduct a proper investigation. As such, the CHP failed to ensure that all appointments are based on merit and comply with the laws and rules governing equitable administration of the civil service merit system.

Criteria:

Pursuant to Government Code section 18931, subdivision (a), the Board shall establish the minimum qualifications for determining the fitness and qualifications of employees for each class of position.

Except as otherwise provided by law or regulation, any person who establishes that he or she satisfies the minimum qualifications for any state position, as defined in Government Code section 18522, is eligible, regardless of his or her age, to take any civil service examination given for that position. (Cal. Code Reg., tit. 2, § 171.2.)

According to Government Code section 19050, appointments to vacant positions shall be made from employment lists except in cases of transfer, reinstatements, promotions and demotions.

Severity: Very Serious. An unlawful appointment provides the employee with an unfair and unearned appointment advantage over other employees whose appointments have been processed in compliance with the requirements of civil service law. Unlawful appointments which are not corrected also create appointment inconsistencies that jeopardize the equitable administration of the civil service merit system.

When an unlawful appointment is voided, the employee loses any tenure in the position, as well as seniority credits, eligibility to take promotional examinations, and compensation at the voided appointment level. If “bad faith” is determined on the part of the appointing power, civil or criminal action may be initiated.

Cause: The CHP states that the unlawful appointment was an oversight on the part of an employee in the Selection Standards and Examinations Section (SSES) of the CHP when the employee was determining whether an applicant met the minimum qualifications.

Action: The CRU referred this unlawful appointment to the CalHR Personnel Management Division. The Personnel Management Division worked with the CHP on the findings with instructions to investigate and take corrective action. Within 60 days of the Executive Officer’s approval of these findings and recommendations, the CHP must submit to the CRU a written corrective action plan that addresses the results of the investigation and any corrective action taken. Copies of any relevant documentation should be included with the plan.

FINDING NO. 4 – Probationary Evaluations Were Not Provided for All Appointments Reviewed

Summary: The CHP did not provide eight probationary reports of performance for seven of the 138 appointments reviewed, as reflected in the table below:

Classification	Appointment Type	No. of Appointments Missing Probation Reports	No. of Uncompleted Probation Reports
Accounting Administrator I (Supervisor)	Certification List	1	1
Assistant Chief, CHP	Certification List	1	1
Associate Governmental Program Analyst	Certification List	2	2
Chief, CHP	Certification List	1	2
Lieutenant, CHP	Certification List	1	1
Staff Services Manager III	Certification List	1	1
Total		7	8

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. (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 CHP states that the department has approximately 173 separate offices consisting of headquarters, field areas, and division which are responsible for completing probationary reports of performance. Of the 138 appointments reviewed, eight probationary reports were untimely or not provided due to staffing shortages, or an unforeseen event (e.g., the employee and/or supervisor were providing service and security during periods of activation of emergency services).

Action: It is recommended that within 60 days of the Executive Officer’s approval of these findings and recommendations, the CHP submit to the CRU a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the probationary requirements of Government Code section 19171 and 19172.

FINDING NO. 5 – Probationary Evaluations Were Not Timely

Summary: The CHP did not provide in a timely manner eight probationary reports of performance of the 138 appointments reviewed by the CRU, as reflected in the table below.

Classification	Appointment Type	Number of Appointments	Total Number of Late Probation Reports
Assistant Chief, CHP	Certification List	1	1
Associate Governmental Program Analyst	Certification List	1	1
Captain, CHP	Certification List	1	1
Commercial Vehicle Inspection Specialist	Certification List	1	1
Maintenance Worker	Certification List	2	2

Classification	Appointment Type	Number of Appointments	Total Number of Late Probation Reports
Motor Carrier Specialist I, CHP	Certification List	1	1
Sergeant, CHP	Certification List	1	1
Total		8	8

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. (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 CHP states that of the 138 appointments reviewed, eight probationary reports were not provided timely due to staffing shortages, or an unforeseen event (e.g., the employee and/or supervisor were providing service and security during periods of activation of emergency services).

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the CHP submit to the CRU a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the probationary requirements of Government Code section 19171 and 19172.

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).)

After reviewing the policies, procedures, and programs necessary for compliance with the EEO program's role and responsibilities according to statutory and regulatory guidelines, the CRU determined that the CHP EEO program provided employees with information and guidance on the EEO process including instructions on how to file discrimination claims. Furthermore, the EEO program outlines the roles and responsibilities of the EEO Officer, as well as supervisors and managers. The EEO Officer, who is at a managerial level, reports directly to the Executive Director of the CHP. In addition, the CHP has an established DAC, which reports to the Director on issues affecting persons with disabilities.

However, the CRU identified one deficiency in the CHP's EEO program.

FINDING NO. 6 – Complainants Were Not Notified of the Reasons for Delays in Decisions Within the Prescribed Time Period

- Summary:** The CHP provided evidence that six discrimination complaints related to a disability, medical condition, or denial of reasonable accommodation were filed during the compliance review period. One of the six complaint investigations exceeded 90 days and the CHP failed to provide written communication to the complainant 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 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 CHP states that during the review period, there was not a system in place to ensure the 90-day notice was provided to complainants. It was expected that individual investigators assigned by their respective Divisions would provide notification as they were interacting directly with complainants.
- Action:** It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the CHP submit to the CRU a written corrective action plan that 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 any relevant documentation should be included with the plan.

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, October 1, 2017 through March 30, 2018, the CHP had 318 PSC's that were in effect. The CRU reviewed 61 of those, which are listed below:

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?
Apollo Principal dba National Security Lock	Service/Maintenance	4/1/18 - 3/31/20	\$24,360.00	Yes
Aramark Uniform & Career Apparel LLC	Service/Maintenance	4/1/18 - 4/30/20	\$25,000.00	Yes
Aramark Uniform & Career Apparel LLC	Service/Maintenance	4/1/18- 4/30/20	\$7,500.00	Yes
Aramark Uniform & Career Apparel LLC	Service/Maintenance	2/1/18 - 1/31/20	\$5,420.00	Yes
Beach and Son Towing	Service/Maintenance	5/1/18 - 4/30/20	\$50,000.00	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?
Bernardini Enterprises, Inc.	Service/Maintenance	11/8/17 - 9/30/19	\$61,834.00	Yes
Cartwright Termite & Pest Control, Inc.	Service/Maintenance	1/1/18 - 12/31/19	\$21,520.32	Yes
Consolidated Security Integration	Service/Maintenance	2/1/18 - 1/31/20	\$5,000.00	Yes
Continental Landscape, Inc.	Service/Maintenance	12/15/17 - 11/30/18	\$40,640.00	Yes
Cosco Fire Protection, Inc.	Service/Maintenance	12/1/17 - 11/30/20	\$26,330.00	Yes
CP Aviation	Training	1/1/18 - 12/31/18	\$50,000.00	Yes
Cranmer Engineering, Inc.	Service/Maintenance	3/1/18 - 2/28/21	\$19,116.00	Yes
D.T. Brown, Inc. dba Shred Pros	Service/Maintenance	11/1/17 - 10/31/19	\$1,560.00	Yes
Darren's Pool Service	Service/Maintenance	1/8/18 - 2/28/18	\$4,999.00	Yes
Dewey Services, Inc. dba Dewey Pest Control	Service/Maintenance	1/1/18 - 12/31/19	\$4,992.00	Yes
Dunrite Services	Service/Maintenance	1/1/18 - 12/31/19	\$20,740.00	Yes
Elements Mountain Company	Service/Maintenance	1/1/18 - 6/30/19	\$23,010.00	Yes
FedEx Corporate Services	Service/Maintenance	1/1/18 - 12/31/18	\$500,000.00	Yes
Flagship Marketing	Service/Maintenance	12/1/17 - 9/30/18	\$20,000.00	Yes
Food Medic, Inc. dba Showcase Carpet Cleaning	Service/Maintenance	2/26/18 - 1/31/21	\$42,870.00	Yes
Frasure & Son Cleaning	Service/Maintenance	7/1/18 - 6/30/19	\$9,456.24	Yes
G&O Body Shop, Inc	Service/Maintenance	12/1/17 - 11/30/19	\$100,000.00	Yes
Grounds Keep	Service/Maintenance	4/1/17 - 3/31/19	\$34,800.00	Yes
I-5 Rentals, Inc.	Service/Maintenance	10/1/17 - 9/30/20	\$75,000.00	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?
Impact Teen Drivers Fund	Service/Maintenance	10/1/17 - 9/30/18	\$467,623.00	Yes
JPBJ Enterprises dba 360 Janitorial	Service/Maintenance	10/24/16 - 9/30/18	\$45,715.00	Yes
Loewen's Farrier Service	Service/Maintenance	2/1/16 - 1/31/18	\$60,000.00	Yes
Metler & Michael Inc. dba Media Solutions	Service/Maintenance	11/1/17 - 6/30/19	\$1,600,000.00	Yes
Melzak Media	Service/Maintenance	4/15/16 - 3/31/18	\$65,000.00	Yes
Michelli Measurement Group, Inc.	Service/Maintenance	10/1/17 - 9/30/19	\$37,180.00	Yes
Mission Linen Supply	Service/Maintenance	2/1/18 - 2/28/21	\$24,000.00	Yes
Mission Linen Supply	Service/Maintenance	3/1/18 - 3/31/21	\$7,200.00	Yes
Natomas Bike Shop	Service/Maintenance	7/1/18 - 6/30/20	\$1,000.00	Yes
Northern California Regional Public Safety Training Authority	Training	1/1/18 - 12/31/19	\$6,350.00	Yes
Oak Tree Gun Club LLC	Service/Maintenance	4/1/18 - 3/31/19	\$4,999.00	Yes
Oak Tree Gun Club LLC	Training	11/8/17 - 3/31/18	\$4,275.00	Yes
Ocean Park Hotels - BLT, LLC dba Hampton Inn & Suite Buelton/Santa Ynez Valley	Emergency Lodging	1/10/18 - 1/26/18	\$27,477.80	Yes
Palace Garage, Inc.	Service/Maintenance	1/1/18 - 12/31/19	\$50,000.00	Yes
People Services, Inc.	Service/Maintenance	6/1/17 - 5/31/19	\$20,600.00	Yes
Pestmaster Services, Inc.	Service/Maintenance	2/1/18 - 1/31/21	\$32,567.04	Yes
Pharmatech, Inc.	Service/Maintenance	7/1/18 - 6/30/20	\$60,000.00	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?
Piru Holdings, LLC dba California Tactical Academy	Service/Maintenance	6/1/16 - 5/31/19	\$8,100.00	Yes
Prudential Overall Supply	Service/Maintenance	3/1/18 - 2/28/21	\$18,000.00	Yes
Reliable Cleaning Services	Service/Maintenance	1/1/18 - 12/31/18	\$22,592.00	Yes
San Diego County Fish and Game dba P2K Range	Service/Maintenance	4/1/18 - 3/31/20	\$30,000.00	Yes
Sashadow Inc. dba Image Pros Photo	Service/Maintenance	7/1/17 - 10/31/19	\$50,000.00	Yes
Sierra Security & Fire	Service/Maintenance	1/1/18 - 12/31/20	\$2,700.00	Yes
South Bay Landscaping Inc.	Service/Maintenance	9/19/16 - 8/31/18	\$37,550.00	Yes
South Bay Landscaping Inc.	Service/Maintenance	10/15/17 - 9/30/18	\$18,400.00	Yes
Southside Unlimited	Service/Maintenance	4/1/18 - 9/30/19	\$3,402.00	Yes
Sun Mountain Gun Club	Service/Maintenance	1/1/18 - 12/31/19	\$4,800.00	Yes
Tactical K9 LLC	Training	4/9/18 - 6/8/18	\$49,500.00	Yes
Team One Management	Service/Maintenance	12/1/16 - 11/30/18	\$50,538.24	Yes
Teel Inc.	Service/Maintenance	8/1/17 - 6/30/18	\$15,800.00	Yes
Tehama County Opportunity Center, Inc. dba North Valley Services	Service/Maintenance	7/1/17 - 6/30/19	\$10,200.00	Yes
The Inn Group LLC dba Pea Soup Andersen's Inn	Emergency Lodging	1/12/18 - 1/30/18	\$34,532.00	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?
Tibbett & Associates, Inc. dba American Pest Control	Service/Maintenance	1/1/18 - 12/31/19	\$4,248.00	Yes
Total Control Training, Inc.	Service/Maintenance	1/14/215 - 12/31/19	\$8,525,000.00	Yes
Troy Alarm, Inc.	Service/Maintenance	10/1/17 - 9/30/20	\$4,999.00	Yes
United Site Services of California, Inc.	Service/Maintenance	1/1/17 - 6/30/19	\$4,500.00	Yes
Wallace Towing	Service/Maintenance	1/1/18 - 12/31/20	\$50,000.00	Yes

The total dollar amount of all the PSC’s reviewed was \$12,632,995.64. It was beyond the scope of the review to make conclusions as to whether CHP justifications for the contract were legally sufficient. For all PSC’s reviewed, the CHP provided specific and detailed factual information in the written justifications as to how each of the 61 contracts met at least one condition set forth in Government Code section 19131, subdivision (b).

However, in reviewing the CHP’s PSC’s executed during the compliance review period, the CRU determined the following:

FINDING NO. 7 – Unions Were Not Notified of Personal Services Contracts

Summary: The CHP did not notify unions prior to entering into 18 of 61 PSC’s reviewed by CRU.

Criteria: Government Code section 19132, subdivision (b)(1), mandates that “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.”

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 CHP states union notification was not provided as there were no known union representatives for these types of services. The CHP is aware and understands the requirements of Government Code Section 19130 to notify the union (unless otherwise exempt) once a contractor is identified for personal services contracts. Since this audit, the CHP notifies the union of any type of personal services regardless of whether there are known union representatives.

Action: It is the contracting department's responsibility to identify and notify any unions whose members could potentially perform the work to be contracted prior to executing the PSC. It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the CHP submit to the CRU a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the requirements of Government Code section 19132 and AB 906. Copies of any relevant documentation should be included with the plan.

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 biannual 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.

In reviewing the CHP's mandated training program that was in effect during the compliance review period, the CRU determined the following:

FINDING NO. 8 – Supervisory Training Was Not Provided for All Supervisors

Summary: The CHP did not provide basic supervisory training to nine of 145 new supervisors within twelve months of appointment.

Criteria: Each department must provide its new supervisors a minimum of 80 hours of supervisory training within the probationary period. Upon completion of the initial training, supervisory employees shall receive a minimum of 20 hours of leadership training biannually. (Gov. Code, § 19995.4, subds. (b) and (c).)

Severity: Very Serious. The department does not ensure its leaders are properly trained. Without proper training, leaders may not properly carry out their leadership roles, including managing employees.

Cause: The CHP states that one supervisor retired prior to receiving the training, and the remaining eight were overlooked due to a change in their assigned duties or they did not attend their originally scheduled training date.

Action: The CHP must take appropriate steps to ensure that new supervisors are provided supervisory training within the twelve months.

It is therefore recommended that no later than 60 days after the SPB Executive Officer's approval of these findings and recommendations, the CHP must establish a plan to ensure compliance with supervisory training mandates and submit to the SPB a corrective action plan.

FINDING NO. 9 – Ethics Training Was Not Provided for All Filers

Summary: The CHP did not provide ethics training to two of 365 existing filers. In addition, The CHP did not provide ethics training to five of 130 new filers within six 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 CHP states the department's Conflict of Interest coordinator manually tracks and reminds filers of the requirements to complete the ethics training for first-time filers and biennial training. The cause for this finding is either failure on the part of the employee to take the course or forward a completion certificate to the CHP's Conflict of Interest coordinator.

Action: The CHP must take appropriate steps to ensure that filers are provided ethics training within the time periods prescribed.

It is therefore recommended that no later than 60 days after the SPB Executive Officer's approval of these findings and recommendations, the CHP must establish a plan to ensure compliance with ethics training mandates and submit to the SPB a corrective action plan.

FINDING NO. 10 – Sexual Harassment Prevention Training Was Not Provided for All Supervisors

Summary: The CHP did not provide sexual harassment prevention training to 151 of 364 new supervisors within six months of their appointment. In addition, the CHP did not provide sexual harassment prevention training to 124 of 1519 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 its new supervisors are properly trained to respond to sexual harassment conduct or complaints in the work environment. This limits the department's ability to retain a quality workforce, impacts employee morale and productivity, and subjects the department to liability.

Cause: The CHP states that managers and supervisors should be scheduled for the Middle Management Training Course (MMTC) and First Line Supervisor Academy (FSA) after promotion. It has been the CHP's practice to provide sexual harassment prevention training during the time managers and supervisors are scheduled to attend one of those training courses. The CHP's Organizational Development Section is responsible for scheduling the MMTC and FSA courses. During the period covered by the audit, the CHP could not verify if all supervisors completed the training. However, the CHP indicates that, moving forward, it has implemented a roster and tracking system to prevent such occurrences.

Action: The CHP must take appropriate steps to ensure that its supervisors are provided sexual harassment prevention training within the time periods prescribed.

It is therefore recommended that no later than 60 days after the SPB Executive Officer’s approval of these findings and recommendations, the CHP must establish a plan to ensure compliance with sexual harassment training mandates and submit to the SPB a corrective action plan.

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 30, 2018, the CHP made 725 appointments. The CRU reviewed 64 of those appointments to determine if the CHP applied salary regulations accurately and correctly processed employees’ compensation, which are listed below:

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Accountant I (Specialist)	Certification List	Permanent	Full Time	\$3,120
Accountant I (Specialist)	Certification List	Permanent	Full Time	\$3,120
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	\$5,661
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	\$7,631
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	\$5,229

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 (CA CCR Section 599.666).

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	\$5,047
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	\$4,784
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	\$5,249
Associate Management Auditor	Certification List	Permanent	Full Time	\$6,605
Associate Programmer Analyst (Specialist)	Certification List	Permanent	Intermittent	\$5,022
Automotive Technician II	Certification List	Permanent	Full Time	\$2,770
Business Service Officer I (Specialist)	Certification List	Permanent	Full Time	\$4,360
Business Service Officer I (Specialist)	Certification List	Permanent	Full Time	\$4,784
Commercial Vehicle Inspection Specialist	Certification List	Permanent	Full Time	\$3,170
Commercial Vehicle Inspection Specialist	Certification List	Permanent	Full Time	\$3,170
Custodian	Certification List	Permanent	Intermittent	\$2,469
Motor Carrier Specialist I, CHP	Certification List	Permanent	Full Time	\$4,287
Motor Carrier Specialist I, CHP	Certification List	Permanent	Full Time	\$4,685
Office Assistant (Typing)	Certification List	Permanent	Full Time	\$2,526
Office Assistant (Typing)	Certification List	Permanent	Full Time	\$2,526
Office Assistant (Typing)	Certification List	Permanent	Full Time	\$2,331
Office Assistant (Typing)	Certification List	Permanent	1/2	\$2,331
Office Assistant (Typing)	Certification List	Permanent	Full Time	\$2,526
Office Services Supervisor I (Typing)	Certification List	Permanent	Full Time	\$3,323

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Office Services Supervisor I (Typing)	Certification List	Permanent	Full Time	\$3,594
Office Services Supervisor II	Certification List	Permanent	Full Time	\$3,381
Office Technician (Typing)	Certification List	Permanent	Full Time	\$3,070
Program Manager, Transportation Services (Supervisory)	Certification List	Permanent	Full Time	\$4,977
Program Technician I	Certification List	Permanent	Full Time	\$3,072
Program Technician II	Certification List	Permanent	Full Time	\$3,387
Public Safety Dispatch Supervisor I, CHP	Certification List	Permanent	Full Time	\$5,911
Public Safety Dispatch Supervisor II, CHP	Certification List	Permanent	Full Time	\$6,207
Public Safety Dispatcher, CHP	Certification List	Permanent	Full Time	\$3,915
Public Safety Dispatcher, CHP	Certification List	Permanent	Full Time	\$3,915
Public Safety Dispatcher, CHP	Certification List	Permanent	Full Time	\$3,915
Public Safety Dispatcher, CHP	Certification List	Permanent	Full Time	\$3,915
Public Safety Dispatcher, CHP	Certification List	Permanent	Full Time	\$3,915
Public Safety Dispatcher, CHP	Certification List	Permanent	Full Time	\$3,915
Public Safety Dispatcher, CHP	Certification List	Permanent	Full Time	\$3,915
Public Safety Dispatcher, CHP	Certification List	Permanent	Full Time	\$3,915
Research Analyst II (General)	Certification List	Permanent	Full Time	\$5,022
Senior Accounting Officer (Specialist)	Certification List	Permanent	Full Time	\$4,708
Senior Accounting Officer (Supervisor)	Certification List	Permanent	Full Time	\$5,799
Staff Information Systems Analyst (Supervisor)	Certification List	Permanent	Full Time	\$5,537

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Staff Services Manager I	Certification List	Permanent	Full Time	\$6,287
Systems Software Specialist I (Technician)	Certification List	Permanent	Full Time	\$6,105
Systems Software Specialist II (Tech)	Certification List	Permanent	Full Time	\$6,410
Telecommunications Facilities Technician II	Certification List	Permanent	Full Time	\$5,580
Warehouse Worker	Certification List	Permanent	Full Time	\$3,805
Maintenance Worker	Permissive Reinstatement	Permanent	Full Time	\$3,041
Accountant I (Specialist)	Transfer	Permanent	Full Time	\$3,276
Associate Governmental Program Analyst	Transfer	Permanent	Full Time	\$5,023
Automotive Technician II	Transfer	Permanent	Full Time	\$4,462
Executive Secretary I	Transfer	Permanent	Full Time	\$3,839
Motor Carrier Specialist I	Transfer	Permanent	Full Time	\$5,359
Motor Carrier Specialist I	Transfer	Permanent	Full Time	\$4,317
Office Assistant (Typing)	Transfer	Permanent	Full Time	\$2,037
Office Assistant (Typing)	Transfer	Permanent	Full Time	\$3,165
Office Technician (Typing)	Transfer	Permanent	1/2	\$3,498
Office Technician (Typing)	Transfer	Permanent	Full Time	\$2,921
Personnel Specialist	Transfer	Permanent	Full Time	\$3,630
Program Technician II	Transfer	Permanent	Full Time	\$3,165
Property Controller I	Transfer	Permanent	Full Time	\$3,950

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Public Safety Dispatcher (Supervisor I)	Transfer	Permanent	Full Time	\$5,911
Staff Services Analyst (General)	Transfer	Permanent	Full Time	\$3,656

The CRU found no deficiencies in 61 out of 64 salary determinations that the CHP made during the compliance review period. The CHP appropriately calculated and processed 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 CHP incorrectly applied compensation laws, rules and/or CalHR policies and guidelines for three salary determinations reviewed.

FINDING NO. 11 – Incorrect Application of Salary Determination Laws, Board Rules, and/or CalHR Policies and Guidelines

Summary: The CRU found three errors in the CHP's determination of employee compensation:

Classification	Description of Finding(s)	Criteria
Associate Governmental Program Analyst	Incorrect MSA date determined. Employee was overcompensated. CHP acknowledged the error and stated that they will correct and set-up an accounts receivable.	CCR 599.683
Commercial Vehicle Inspection Specialist	Incorrect SISA date determined, however no correction needed as the SISA transaction was voided.	CCR 599.685

Classification	Description of Finding(s)	Criteria
Property Controller I	Incorrect MSA date determined. Employee was overcompensated. CHP acknowledged the error and stated that they will correct and set-up an accounts receivable.	CCR 599.683

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.)

Any employee who is not paid at the maximum step of the salary range shall receive an MSA equivalent to one step in the salary range on the first of the next monthly pay period following completion of 12 months of qualifying service after movement between classes which resulted in a salary increase of one or more steps. (Cal. Code Regs., tit. 2, § 599.683.) Certain classes designated by CalHR are eligible for a special in-grade salary adjustment (SISA). Any employee appointed to a SISA class who is paid at the minimum step of the salary range may receive a special in-grade salary adjustment to the second step of the salary range effective on the first of the next monthly pay period following completion of six months of qualifying service. (Cal. Code Regs., tit. 2, § 599.685.)

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

Cause: The CHP states the cause of these incorrect determinations was human error. The incorrect Special In-Grade Salary Adjustment was voided, the two Merit Salary Adjustment dates were corrected, and accounts receivables were created to collect the overpayments.

Action: The CHP must take appropriate steps to ensure that employees are compensated correctly and timely. It is therefore recommended that no later than 60 days after the SPB Executive Officer's approval of these findings and recommendations, the CHP must submit a written corrective action plan that addresses the audit and correction system the department will implement to ensure compliance with the state civil service pay plan. In addition, the CHP must provide any relevant documentation showing the corrections that were made and that accounts receivables were created to collect the overpayments.

Exceptions to Salary Rules

California Code of Regulations sections 599.674 and 599.676 allow employees to receive a salary rate up to one step (5%) above the salary rate they last received. In those instances when these rules do not provide employees with the equivalent rate last received (1) upon transfer to a deep class or (2) in their former class, then under the authority of Government Code section 19836, an exception to these salary rules can be made.

For those affected employees incurring salary loss upon transfer to a deep class, CalHR recommends placing the employee on a T&D Assignment for a period of time sufficient to meet the higher alternate range criteria. Upon successful completion of the T&D assignment, the employee may be transferred to the transferable range, and then moved to the next higher alternate range effective the same day. If this does not provide the employee their current salary, departments may process an exception so the employee does not incur a salary loss. (Human Resources Manual Section 1704.)

Additionally, California Code of Regulations section 599.677 grants departments the discretion to provide employees re-entering state service after a permanent separation a salary above the minimum limit.

During the period under review, October 1, 2017 through March 30, 2018, the CHP authorized three salary exception requests. The CRU reviewed three of those authorized salary exception requests, listed below, to determine if the CHP correctly verified, approved and documented the salary exception authorization process:

Classification	Prior Classification	T&D Assignment? (Y/N)	Approved Salary
Office Technician	Word Processing Technician	N	\$3,656
Public Safety Dispatcher	Public Safety Dispatcher	N	\$3,917
Public Safety Dispatcher	Public Safety Dispatcher	N	\$5,391

FINDING NO. 12 – Exceptions to Salary Rules Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines

The CRU found that the exception to salary determinations the CHP made during the compliance review period, satisfied civil service laws, Board rules and CalHR policies and guidelines.

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 30, 2018, the CHP made 63 alternate range movements within a classification⁹. The CRU reviewed 25 of those alternate range movements to determine if the CHP applied salary regulations accurately and correctly processed employee’s compensation, which are listed below:

Classification	Prior Range	Current Range	Time Base	Salary (Monthly Rate)
Attorney	B	C	Full Time	\$6,500
Business Service Assistant (Specialist)	B	C	Full Time	\$3,550
Commercial Vehicle Inspection Specialist	A	B	Full Time	\$3,602
Commercial Vehicle Inspection Specialist	A	B	Full Time	\$3,602
Commercial Vehicle Inspection Specialist	A	B	Full Time	\$3,602
Commercial Vehicle Inspection Specialist	A	B	Full Time	\$3,602
Commercial Vehicle Inspection Specialist	A	B	Full Time	\$3,602
Commercial Vehicle Inspection Specialist	A	B	Full Time	\$3,602
Commercial Vehicle Inspection Specialist	A	B	Full Time	\$3,602
Commercial Vehicle Inspection Specialist	A	B	Full Time	\$3,602
Commercial Vehicle Inspection Specialist	A	B	Full Time	\$3,602
Commercial Vehicle Inspection Specialist	A	B	Full Time	\$3,602
Commercial Vehicle Inspection Specialist	A	B	Full Time	\$3,602
Mailing Machines Operator I	A	B	Full Time	\$2,733
Officer, CHP	B	C	Full Time	\$9,783
Officer, CHP	A	B	Full Time	\$8,745
Personnel Specialist	C	D	Full Time	\$3,995

⁹ 335 transactions.

Classification	Prior Range	Current Range	Time Base	Salary (Monthly Rate)
Personnel Specialist	C	D	Full Time	\$3,995
Personnel Specialist	B	C	Full Time	\$3,786
Personnel Specialist	C	D	Full Time	\$4,539
Sergeant, CHP	A	B	Full Time	\$10,664
Staff Services Analyst	B	C	Full Time	\$4,282
Staff Services Analyst	B	C	Full Time	\$3,977
Staff Services Analyst	B	C	Full Time	\$4,360
Staff Services Analyst	B	C	Full Time	\$4,360

FINDING NO. 13 – Department Did Not Provide Documentation Demonstrating Employees Met Alternate Range Criteria

Summary: The CHP was unable to provide documentation demonstrating that three employees met the alternate range criteria that they were appointed to during the compliance review period.

Classification	Description of Finding	Criteria
Officer, CHP	Employee did not meet the alternate range criteria of range C. The documentation provided did not demonstrate that the employee served as a full-time pilot in the CHP's pilot program during the compliance review period. A memorandum dated March 14, 2016 stated that the employee was eligible for the flight officer pay, but did not confirm that the employee worked full-time as a pilot.	Alternate Range Criteria 45
Officer, CHP	Employee did not meet the alternate range criteria of range C. The documentation provided did not demonstrate that the employee served as a full-time pilot in the CHP's pilot program during the compliance review period.	Alternate Range Criteria 45
Sergeant, CHP	Employee did not meet the alternate range criteria of range B. The documentation provided did not demonstrate that the employee served as a full-time flight observer in the CHP's pilot program during the compliance review period.	Alternate Range Criteria 45

Criteria: Alternate Range Criteria 45 requires that those CHP employees who are assigned full time as flight observers in the CHP's flight program shall move to alternate range B. Similarly, those employees who are assigned full time as pilots in the CHP's flight program shall move to alternate range C.

Severity: Very Serious. The CHP failed to provide documentation demonstrating how the employees met the alternate range criteria to which they were appointed. This may result in civil service employees receiving inappropriate and unwarranted compensation.

Cause: The CHP states that the department did not provide supporting documentation to prove that two of the employees served as full-time pilots in the CHP's pilot program or that the third served as a full-time flight observer during the period under review. The CHP has since obtained the documentation from the Area commands, thereby satisfying all criteria and ensuring all range changes were appropriate.

Action: The CHP must take appropriate steps to ensure that employees meet alternate range criteria prior to approving and keying range changes. It is therefore recommended that no later than 60 days after the SPB Executive Officer's approval of these findings and recommendations, the CHP must submit a written corrective action plan that addresses the audit and correction system the department will implement to ensure employee compensation is calculated correctly and can be substantiated with proper documentation. Copies of any relevant documentation including any proof that the three employees cited in the finding meet the alternate range criteria should be included with the plan.

FINDING NO. 14 – Alternate Range Movements Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

Summary: The CRU found three errors in the CHP's compensation determinations:

Classification	Description of Finding	Criteria
Commercial Vehicle Inspector (Specialist)	Incorrect 335 transaction calculation resulting in an erroneous MSA date. Employee was overcompensated. CHP acknowledged the error and stated that they will correct and set-up an accounts receivable.	CCR 599.676
Personnel Specialist	Incorrect 335 transaction calculation resulting in an erroneous MSA date. Employee was overcompensated. CHP acknowledged the error and stated that they will correct and set-up an accounts receivable.	CCR 599.676
Personnel Specialist	Incorrect 335 transaction calculation resulting in an erroneous salary rate. Employee was overcompensated.	CCR 599.674(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 CHP 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 CHP states the cause of the three incorrectly keyed 335 transactions was human error, resulting in the employees receiving an alternate range change earlier than they should have. Each of the three incorrect 335 transactions have been corrected, and accounts receivables have been established to correct the overpayments.

Action: The CHP must take appropriate steps to ensure that employees are compensated correctly. It is therefore recommended that no later than 60 days after the SPB Executive Officer's approval of these findings and recommendations, the CHP must submit a written corrective action plan that addresses the audit and correction system the department will implement to ensure compliance with the state civil service pay plan. In addition, the CHP must provide any relevant documentation showing the corrections that were made and that accounts receivables were created to collect the overpayments.

Hiring Above Minimum Requests

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 HAMs for extraordinary qualifications. (Human Resources Manual Section 1707.) Appointing authorities may request HAMs for current state employees with extraordinary qualifications. (*Ibid.*) Delegated HAM 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 Section 3517.5, the memorandum of understanding shall be controlling without further legislative action.¹⁰ (Gov. Code § 19836 subd. (b).)

Appointing authorities may request and approve HAMs 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

¹⁰ 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.

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

During the period under review, September 1, 2017 through February 28, 2018, the CHP authorized one HAM request. The CRU reviewed the authorized HAM request to determine if the CHP correctly applied Government Code section 19836 and appropriately verified, approved and documented the candidate’s extraordinary qualifications, which is listed below:

Classification	Appointment Type	Status	Salary Range	Salary (Monthly Rate)
Attorney III	Certification List	Permanent	\$8,434 - \$10,820	\$9,493

FINDING NO. 15 – Hire Above Minimum Request Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines

The CRU found that the HAM request the CHP 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 ten percent or more of the total time worked. According to the Pay Differential 14, the ten 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 CHP issued bilingual pay to three employees. The CRU reviewed three of these bilingual pay authorizations to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Bargaining Unit	Time Base
Commercial Vehicle Inspection Specialist	R12	Full Time
Motor Carrier Specialist I, CHP	R07	Full Time
Public Safety Dispatcher, CHP	R07	Full Time

FINDING NO. 16 – Bilingual Pay Authorization Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CRU found that the bilingual pay authorized during the compliance review period, satisfied civil service laws, Board rules and CalHR policies and guidelines.

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

Classification	Pay Differential	Monthly Amount
Captain, CHP	112	\$130
Captain, CHP	112	\$130
Captain, CHP	112	\$130
Lieutenant, CHP	112	\$130
Lieutenant, CHP	112	\$130
Lieutenant, CHP	112	\$130
Lieutenant, CHP	112	\$130
Lieutenant, CHP	112	\$130
Lieutenant, CHP	112	\$130
Lieutenant, CHP	112	\$130
Sergeant, CHP	112	\$130
Sergeant, CHP	112	\$130
Sergeant, CHP	112	\$130
Sergeant, CHP	112	\$130
Sergeant, CHP	112	\$130
Sergeant, CHP	112	\$130
Sergeant, CHP	112	\$130
Sergeant, CHP	112	\$130
Sergeant, CHP	112	\$130
Sergeant, CHP	112	\$130
Sergeant, CHP	112	\$130
Sergeant, CHP	112	\$130
Sergeant, CHP	112	\$130
Sergeant, CHP	112	\$65
Officer, CHP	116	\$165
Officer, CHP	116	\$165
Officer, CHP	116	\$165
Officer, CHP	116	\$165
Sergeant, CHP	116	\$230
Sergeant, CHP	116	\$230
Public Safety Dispatcher, CHP	205	\$300
Public Safety Dispatcher, CHP	205	\$300
Public Safety Dispatcher, CHP	205	\$300
Public Safety Dispatcher, CHP	205	\$300
Public Safety Dispatcher, CHP	205	\$300
Public Safety Operator, CHP	205	\$300
Public Safety Operator, CHP	205	\$300
Automotive Technician II	262	\$150
Sergeant, CHP	277	\$1,380

FINDING NO. 17 – Incorrect Authorization of Pay Differentials

Summary: The CRU found two errors in the 100 pay differentials reviewed:

Classification	Type of Differential	Description of Findings	Criteria
Officer, CHP	Physical Performance Incentive Pay – Unit 05	The employee was entitled to the higher rate of the pay differential as of the November, 2017 pay period. CHP did not award the higher rate at that time. CHP acknowledged the error and stated that they will correct and issue retroactive pay.	Pay Differential 111
Officer, CHP	Physical Performance Incentive Pay – Unit 05	The employee received the pay differential one month prior to being eligible. CHP acknowledged the error and stated that they will correct and set-up an accounts receivable.	Pay Differential 111

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.)

Specifically, Pay Differential 111 stipulates that CHP Officers who successfully pass the Physical Performance Program shall receive \$65 per pay period. Those Officers that have successfully passed the Physical Performance Program and served for 60 months shall receive \$130 per pay period.

Severity: Very serious: The CHP 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 CHP states that the cause of the two incorrect transactions was human error, and both errors have since been corrected. A retro-pay has been issued to the first employee and an accounts receivable is pending creation with the State Controller's Office (SCO) for the second employee.

Action: The CHP must take appropriate steps to ensure that employees are compensated correctly and that transactions are keyed accurately. It is therefore recommended that no later than 60 days after the SPB Executive Officer's approval of these findings and recommendations, the CHP must submit a written corrective action plan that addresses the corrections the department will implement to ensure conformity with Pay Differential 111. In addition, the CHP must provide any relevant documentation showing the corrections that were made and that accounts receivables were created to collect the overpayments.

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 nine 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 days¹² worked and paid absences,¹³ 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.*)

¹² For example, two hours or ten hours counts as one day.

¹³ For example, vacation, sick leave, compensating time off, etc.

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.¹⁴ (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.

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

At the time of the review, the CHP had 61 positive paid employees. The CRU reviewed 23 of those positive pay employees to ensure the time worked complied with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Classification	Tenure	Time Base	Time Frame	Hours Worked
Custodian	Permanent	Intermittent	1/1/17 - 12/31/17	866
Custodian	Permanent	Intermittent	1/1/18 - 12/31/18	532
Food Service Technician I	Permanent	Intermittent	1/1/18 - 12/31/18	283
Food Service Technician I	Permanent	Intermittent	1/1/18 - 12/31/18	1469.75
Food Service Technician I	Permanent	Intermittent	1/1/18 - 12/31/18	283
Maintenance Worker, CHP	Permanent	Intermittent	1/1/18 - 12/31/18	628

¹⁴ “California Code of Regulation section 265.1 became effective July 1, 2017, and did not apply at the time of all of these appointments. The current regulation sets forth the method for counting time for temporary appointments. The cap under the current regulation is 189 days.

Classification	Tenure	Time Base	Time Frame	Hours Worked
Maintenance Worker, CHP	Permanent	Intermittent	1/1/18 - 12/31/18	594
Maintenance Worker, CHP	Permanent	Intermittent	1/1/18 - 12/31/18	734
Maintenance Worker, CHP	Permanent	Intermittent	1/1/18 - 12/31/18	594
Maintenance Worker, CHP	Permanent	Intermittent	1/1/18 - 12/31/18	194
Public Safety Dispatcher, CHP	Permanent	Part Time	1/1/18 - 12/31/18	524
Associate Governmental Program Analyst	Retired Annuitant	Intermittent	7/1/17 - 6/30/18	960
Associate Governmental Program Analyst	Retired Annuitant	Intermittent	7/1/17 - 6/30/18	735
Associate Governmental Program Analyst	Retired Annuitant	Intermittent	7/1/17 - 6/30/18	684
Associate Governmental Program Analyst	Retired Annuitant	Intermittent	7/1/17 - 6/30/18	954.5
Associate Governmental Program Analyst	Retired Annuitant	Intermittent	7/1/17 - 6/30/18	960
Associate Governmental Program Analyst	Retired Annuitant	Intermittent	7/1/17 - 6/30/18	901
Associate Governmental Program Analyst	Retired Annuitant	Intermittent	7/1/17 - 6/30/18	959
Associate Governmental Program Analyst	Retired Annuitant	Intermittent	7/1/17 - 6/30/18	908
Associate Governmental Program Analyst	Retired Annuitant	Intermittent	7/1/17 - 6/30/18	888
Associate Governmental Program Analyst	Retired Annuitant	Intermittent	7/1/17 - 6/30/18	833.5
Associate Governmental Program Analyst	Retired Annuitant	Intermittent	7/1/17 - 6/30/18	960
Training Officer I	Retired Annuitant	Intermittent	7/1/17 - 6/30/18	960

FINDING NO. 18 – Department Did Not Properly Monitor Time Worked for All Positive Paid Employees

Summary: The CHP did not consistently track and monitor a retired annuitant's total hours worked, allowing the employee to work 129 hours over the 960-hour limitation within the 2017 – 2018 Fiscal Year. However,

the retired annuitant requested to retract the May 2018 timesheet along with 129 hours paid and the CHP reversed the pay issued.

Additionally, the CRU found three payroll and/or timekeeping errors when reviewing positive paid employees:

Classification	Description of Findings
Governmental Program Analyst	Employee received five hours of overpayment. The CHP acknowledged the error and stated that they will set-up an accounts receivable.
Associate Governmental Program Analyst	Employee received two hours of overpayment. The CHP acknowledged the error and stated that they will set-up an accounts receivable.
Associate Governmental Program Analyst	Employee did not receive pay for 10 hours of work. The CHP acknowledged the error and stated that the difference in pay has been keyed.

Criteria: According to Government Code Section 21224, retired annuitant appointments shall not exceed a maximum of 960 hours in any fiscal year (July-June) without reinstatement, loss or interruption of benefits for all state employers.

Moreover, each appointing power shall 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.)

Severity: Serious. Failure to properly monitor attendance records and employees' time worked results in civil service employees receiving incorrect and/or inappropriate compensation and/or benefits.

Cause: The CHP states that the department acknowledges its procedures were deficient related to the tracking of time worked by retired annuitants. This was due, in part, to the fact that, until recently, there were few retired annuitants working for the CHP.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the CHP submit to the CRU a written corrective action plan that addresses the corrections the department will implement to ensure all positive paid employees' hours are tracked and processed in conformity with

Government Code Section 21224 and California Code of Regulations, title 2, section 599.665.

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 31, 2018, the CHP placed 52 employees on ATO. The CRU reviewed 20 of these employees placed on ATO to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Classification	Date ATO Began	Date ATO Ended	No. of Days on ATO
Associate Governmental Program Analyst	7/27/2017	12/28/2017	155
Cadet, CHP	9/22/2017	10/13/2017	22
Cadet, CHP	1/11/2018	4/9/2018	89
Cadet, CHP	1/22/2018	2/12/2018	22
Officer, CHP	2/22/2017	3/15/2017	22
Officer, CHP	2/2/2017	3/16/2017	43
Officer, CHP	2/9/2017	4/19/2017	70
Officer, CHP	4/4/2017	8/10/2017	129
Officer, CHP	5/25/2017	6/28/2017	35
Officer, CHP	5/29/2017	6/19/2017	22
Officer, CHP	7/19/2017	8/23/2017	36

Classification	Date ATO Began	Date ATO Ended	No. of Days on ATO
Officer, CHP	9/29/2017	4/23/2018	207
Officer, CHP	10/30/2017	11/21/2017	23
Officer, CHP	11/27/2017	3/7/2018	101
Officer, CHP	12/1/2017	12/28/2017	28
Officer, CHP	12/18/2017	1/4/2018	18
Officer, CHP	1/31/2018	2/26/2018	27
Public Safety Dispatcher, CHP	4/28/2017	5/12/2017	15
Public Safety Dispatcher, CHP	3/8/2017	3/10/2017	3
Staff Services Analyst	7/5/2017	12/28/2017	177

FINDING NO. 19 – Administrative Time Off Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CRU found no deficiencies in the ATO transactions reviewed during the compliance review period. The CHP provided the proper documentation justifying the use of ATO and adhered to applicable laws, regulations and CalHR policy and guidelines.

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.) 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, January 31, 2018, the CHP reported 180 units comprised of 10615 active employees. The units and timesheets reviewed by the CRU are summarized as follows:

Agency Code	Unit Reviewed	Number of Employees	Number of Timesheets Reviewed	Number of Missing Timesheets
388	007	4	4	0
389	007	3	3	0
388	013	6	6	0
389	013	9	9	0
388	025	21	21	0
389	025	106	106	0
388	029	6	6	0
389	029	9	9	0
388	101	32	32	0
389	101	82	82	0
388	130	3	3	0
389	130	26	26	0
388	135	20	20	0
389	135	50	50	0
388	160	25	25	0
389	160	25	25	0
388	222	31	31	0
389	222	31	31	0
388	250	115	115	0
388	260	37	37	0
389	260	37	37	0
388/389	280	47	47	0
388	301	55	55	0
389	301	150	150	0

Agency Code	Unit Reviewed	Number of Employees	Number of Timesheets Reviewed	Number of Missing Timesheets
388	320	12	12	0
389	320	82	82	0
388	370	11	11	0
389	370	98	98	0
388	425	3	3	0
389	425	25	25	0
388	481	2	2	0
389	481	29	29	0
388	618	58	58	0
388	620	4	4	0
389	620	23	23	0
388	725	6	6	0
389	725	49	49	0
388	735	3	3	0
389	735	25	25	0
388	820	2	2	0
389	820	27	27	0
388	834	2	2	0
389	834	22	22	0
388	870	3	3	0
389	870	19	19	0
Total	25	1435	1435	0

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

The CRU reviewed employee leave records from the January, 2018 pay period to ensure compliance with applicable laws, regulations and CalHR policy and guidelines. Based on

our review, the CRU found no deficiencies¹⁵. The CHP 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 Bargaining Unit (BU) Agreements 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."¹⁶ (Cal. Code Regs., tit. 2, § 599.737.) "If it appears an exempt employee will have a vacation or annual leave balance that will be above the maximum amount¹⁷ 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. (Cal. Code Regs., tit. 2, § 599.742.1.), ensuring employees maintain the capacity to optimally perform their jobs. For exempt 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.)

¹⁵ Overtime use was not included in the CRU's review of the CHP's timekeeping.

¹⁶ 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.

¹⁷ Excluded employees shall not accumulate more than 80 days.

As of December 2017, 908 CHP employees exceeded the established limits of vacation or annual leave. The CRU reviewed 250 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
Accounting Administrator II	S01	430.5	No
Assistant Chief, CHP	M05	301	No
Assistant Chief, CHP	M05	209	No
Assistant Chief, CHP	M05	206	No
Assistant Chief, CHP	M05	509.5	No
Assistant Chief, CHP	M05	276.5	No
Assistant Chief, CHP	M05	182	No
Assistant Chief, CHP	M05	185.5	No
Assistant Chief, CHP	M05	265.5	No
Assistant Chief, CHP	M05	565	No
Assistant Chief, CHP	M05	217.5	No
Assistant Commissioner, CHP (CEA)	M05	964	No
Assistant Commissioner, CHP (CEA)	M05	329	No
Associate Governmental Program Analyst	R01	233	No
Associate Governmental Program Analyst	R01	120	No
Associate Governmental Program Analyst	R01	516.25	No
Automotive Technician II	R12	222.5	No
Automotive Technician II	R12	126	No
Automotive Technician II	R12	148.5	No
Business Manager II	S01	318	No
C.E.A	M01	225	No
Captain, CHP	M05	224.5	No
Captain, CHP	M05	151	No
Captain, CHP	M05	543	No
Captain, CHP	M05	186	No
Captain, CHP	M05	282	No
Captain, CHP	M05	423	No
Captain, CHP	M05	156	No
Captain, CHP	M05	157	No
Captain, CHP	M05	422.5	No
Captain, CHP	M05	264	No
Captain, CHP	M05	155	No
Captain, CHP	M05	189	No

Classification	Collective Bargaining Identifier	Total Hours Over Established Limit	Leave Reduction Plan Provided
Captain, CHP	M05	794.5	No
Captain, CHP	M05	279.5	No
Captain, CHP	M05	152.5	No
Captain, CHP	M05	159	No
Chief Counsel I (CEA)	M02	139.5	No
Chief of Plant Operations I	S12	104.25	No
Chief, CHP	M05	590	No
Chief, CHP	M05	560	No
Chief, CHP	M05	267	No
Chief, CHP	M05	273	No
Chief, CHP	M05	371	No
Chief, CHP	M05	348.5	No
Chief, CHP	M05	328	No
Chief, CHP	M05	167	No
Chief, CHP	M05	268	No
Chief, CHP	M05	290	No
Cook Specialist II	R15	97.75	No
Custodian	R15	272.5	No
Lead Automotive Mechanic	R12	105	No
Lieutenant, CHP	M05	114.5	No
Lieutenant, CHP	M05	387.5	No
Lieutenant, CHP	M05	356	No
Lieutenant, CHP	M05	158.5	No
Lieutenant, CHP	M05	165	No
Lieutenant, CHP	M05	177.5	No
Lieutenant, CHP	M05	227.5	No
Lieutenant, CHP	M05	244	No
Lieutenant, CHP	M05	244	No
Lieutenant, CHP	M05	187	No
Lieutenant, CHP	M05	160.5	No
Lieutenant, CHP	M05	162	No
Lieutenant, CHP	M05	352	No
Lieutenant, CHP	M05	337	No
Lieutenant, CHP	M05	234	No
Lieutenant, CHP	M05	342	No
Lieutenant, CHP	M05	301	No
Lieutenant, CHP	M05	148.5	No
Lieutenant, CHP	M05	470	No
Lieutenant, CHP	M05	294.5	No
Lieutenant, CHP	M05	154	No

Classification	Collective Bargaining Identifier	Total Hours Over Established Limit	Leave Reduction Plan Provided
Lieutenant, CHP	M05	203.5	No
Lieutenant, CHP	M05	194.75	No
Lieutenant, CHP	M05	372	No
Lieutenant, CHP	M05	385.5	No
Lieutenant, CHP	M05	376.5	No
Lieutenant, CHP	M05	254.5	No
Lieutenant, CHP	M05	157	No
Lieutenant, CHP	M05	78	No
Lieutenant, CHP	M05	194.5	No
Lieutenant, CHP	M05	509.5	No
Lieutenant, CHP	M05	178	No
Lieutenant, CHP	M05	183	No
Lieutenant, CHP	M05	89.5	No
Lieutenant, CHP	M05	309	No
Lieutenant, CHP	M05	182.75	No
Maintenance Worker, CHP	R12	95.5	No
Motor Carrier Specialist I, CHP	R07	333.5	No
Motor Carrier Specialist II, CHP	S07	118	No
Motor Carrier Specialist III, CHP	S07	128	No
Office Assistant (Typing)	R04	103.75	No
Office Services Supervisor I (Typing)	S04	108	No
Office Services Supervisor I (Typing)	S04	196.5	No
Office Services Supervisor II (General)	S04	395	No
Office Services Supervisor II (General)	S04	108.75	No
Officer, CHP	R05	303	No
Officer, CHP	R05	186.75	No
Officer, CHP	R05	199	No
Officer, CHP	R05	337	No
Officer, CHP	R05	236.5	No
Officer, CHP	R05	218	No
Officer, CHP	R05	227	No
Officer, CHP	R05	151	No
Officer, CHP	R05	82	No
Officer, CHP	R05	181	No
Officer, CHP	R05	189.5	No
Officer, CHP	R05	200.5	No
Officer, CHP	R05	202	No
Officer, CHP	R05	208	No
Officer, CHP	R05	391.5	No
Officer, CHP	R05	316.5	No

Classification	Collective Bargaining Identifier	Total Hours Over Established Limit	Leave Reduction Plan Provided
Officer, CHP	R05	320.5	No
Officer, CHP	R05	233.5	No
Officer, CHP	R05	241.5	No
Officer, CHP	R05	297	No
Officer, CHP	R05	181	No
Officer, CHP	R05	224	No
Officer, CHP	R05	148.5	No
Officer, CHP	R05	149	No
Officer, CHP	R05	162.5	No
Officer, CHP	R05	170	No
Officer, CHP	R05	177	No
Officer, CHP	R05	162.5	No
Officer, CHP	R05	170.5	No
Officer, CHP	R05	225	No
Officer, CHP	R05	279.5	No
Officer, CHP	R05	278.5	No
Officer, CHP	R05	166	No
Officer, CHP	R05	182	No
Officer, CHP	R05	340	No
Officer, CHP	R05	396	No
Officer, CHP	R05	318	No
Officer, CHP	R05	258	No
Officer, CHP	R05	181	No
Officer, CHP	R05	186	No
Officer, CHP	R05	238	No
Officer, CHP	R05	260	No
Officer, CHP	R05	184	No
Officer, CHP	R05	194	No
Officer, CHP	R05	201	No
Officer, CHP	R05	653	No
Officer, CHP	R05	307.5	No
Officer, CHP	R05	285.5	No
Officer, CHP	R05	153	No
Officer, CHP	R05	205.5	No
Officer, CHP	R05	311.5	No
Officer, CHP	R05	271	No
Officer, CHP	R05	289	No
Officer, CHP	R05	291.5	No
Officer, CHP	R05	183	No
Officer, CHP	R05	184.5	No

Classification	Collective Bargaining Identifier	Total Hours Over Established Limit	Leave Reduction Plan Provided
Officer, CHP	R05	184.5	No
Officer, CHP	R05	189	No
Officer, CHP	R05	310.5	No
Officer, CHP	R05	165	No
Officer, CHP	R05	166.5	No
Officer, CHP	R05	229.5	No
Officer, CHP	R05	763	No
Officer, CHP	R05	366	No
Officer, CHP	R05	414.5	No
Officer, CHP	R05	469	No
Officer, CHP	R05	157	No
Officer, CHP	R05	158	No
Officer, CHP	R05	159	No
Officer, CHP	R05	163	No
Officer, CHP	R05	173	No
Officer, CHP	R05	215.5	No
Officer, CHP	R05	148	No
Officer, CHP	R05	493	No
Officer, CHP	R05	273	No
Officer, CHP	R05	-7.5	No
Officer, CHP	R05	181.5	No
Officer, CHP	R05	199	No
Officer, CHP	R05	225.5	No
Officer, CHP	R05	1184	No
Officer, CHP	R05	203	No
Officer, CHP	R05	207	No
Officer, CHP	R05	226.5	No
Officer, CHP	R05	263	No
Officer, CHP	R05	275	No
Officer, CHP	R05	294.75	No
Officer, CHP	R05	151	No
Officer, CHP	R05	156	No
Officer, CHP	R05	155	No
Officer, CHP	R05	156	No
Officer, CHP	R05	229	No
Officer, CHP	R05	859.75	No
Officer, CHP	R05	293	No
Officer, CHP	R05	157	No
Officer, CHP	R05	199.5	No
Officer, CHP	R05	326	No

Classification	Collective Bargaining Identifier	Total Hours Over Established Limit	Leave Reduction Plan Provided
Officer, CHP	R05	148.5	No
Officer, CHP	R05	173	No
Officer, CHP	R05	195.5	No
Officer, CHP	R05	446	No
Officer, CHP	R05	236	No
Officer, CHP	R05	243	No
Officer, CHP	R05	1816.75	No
Officer, CHP	R05	206.5	No
Officer, CHP	R05	149	No
Personnel Specialist	R01	110	No
Public Safety Dispatcher, CHP	S07	105.75	No
Public Safety Dispatcher, CHP	R07	291.25	No
Sergeant, CHP	S05	379	No
Sergeant, CHP	S05	362	No
Sergeant, CHP	M05	309.5	No
Sergeant, CHP	S05	258.5	No
Sergeant, CHP	S05	168.5	No
Sergeant, CHP	S05	156.5	No
Sergeant, CHP	S05	216.5	No
Sergeant, CHP	S05	348.5	No
Sergeant, CHP	S05	189	No
Sergeant, CHP	S05	303.5	No
Sergeant, CHP	S05	245.5	No
Sergeant, CHP	S05	158	No
Sergeant, CHP	S05	391	No
Sergeant, CHP	S05	178.5	No
Sergeant, CHP	S05	357	No
Sergeant, CHP	S05	181.5	No
Sergeant, CHP	S05	186	No
Sergeant, CHP	S05	188.5	No
Sergeant, CHP	S05	432.5	No
Sergeant, CHP	S05	226	No
Sergeant, CHP	S05	153.5	No
Sergeant, CHP	S05	179	No
Sergeant, CHP	S05	216.5	No
Sergeant, CHP	S05	169	No
Sergeant, CHP	S05	276	No
Sergeant, CHP	S05	234	No
Sergeant, CHP	S05	237	No
Sergeant, CHP	S05	255	No

Classification	Collective Bargaining Identifier	Total Hours Over Established Limit	Leave Reduction Plan Provided
Sergeant, CHP	S05	293.5	No
Sergeant, CHP	S05	183.5	No
Sergeant, CHP	S05	715	No
Sergeant, CHP	S05	261	No
Sergeant, CHP	S05	203.25	No
Sergeant, CHP	S05	683.5	No
Sergeant, CHP	S05	272	No
Sergeant, CHP	S05	277	No
Sergeant, CHP	S05	151	No
Sergeant, CHP	S05	337	No
Sergeant, CHP	S05	304	No
Sergeant, CHP	S05	378	No
Sergeant, CHP	S05	392	No
Staff Services Manager II	S01	112	No
Staff Services Manager III	M01	125.5	No
Total		65,927.5	

FINDING NO. 21 – Leave Reduction Plans Were Not Provided to Employees Whose Leave Balances Exceeded Established Limits

Summary: The CHP did not provide 2017 leave reduction plans for all 248 employees reviewed whose leave balances significantly exceeded established limits.

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; and; ensure employees who have significant “over-the-cap” leave balances have a leave reduction plan in place and are 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 CHP states that the department provided timely communication to all commands instructing them to ensure employees prepare and return leave reduction plans to the Human Resources Section (HRS) for all employees over their leave balance cap. However, the HRS did not track and confirm all leave reduction plans were returned by the commands. The HRS has since implemented a process to track and monitor all leave reduction plans to ensure each command returns the leave reduction plans to the HRS.

Action: The CHP must take appropriate steps to ensure employees who have significant “over-the-cap” leave balances have a leave reduction plan in place and are actively reducing hours. It is therefore recommended that no later than 60 days after the SPB Executive Officer’s approval of these findings and recommendations, the CHP must establish a policy and plan to address leave reduction efforts.

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.¹⁸ (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.)

¹⁸ Except as provided in sections 599.609 and 599.776.1(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 employees¹⁹ 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 30, 2018, the CHP had 32 employees with non-qualifying and/or qualifying pay period transactions. The CRU reviewed 35 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	26
Qualifying Pay Period	Full Time	9
Total		35

FINDING NO. 22 – Incorrect Application of State Service and Leave Transactions

Summary: The CRU found two errors in the CHP’s state service transactions:

Type of Transaction	Pay Period	Description of Finding
Qualifying Pay Period	November, 2017	Employee did not receive leave accruals for a qualifying pay period.
Qualifying Pay Period	December, 2017	Employee did not receive state service for a qualifying pay period.

Criteria: In the application of Government Code section 19837, an employee shall be considered to have a month of state service if the employee

¹⁹ As identified in Government Code sections 19858.3(a), 19858.3(b), or 19858.3(c) or as it applies to employees excluded from the definition of state employee under Government Code section 3513(c) or California Code of Regulations section 599.752 subdivision (a), and appointees of the Governor as designated by the Department and not subject to section 599.752.1.

either: (1) has had 11 or more working days of service in a monthly pay period; or (2) would have had 11 or more working days of service in a monthly pay period but was laid off or on a leave of absence for the purpose of lessening the impact of an impending layoff. (Cal. Code of Regs., tit.2, § 599.608.) Absences from state service resulting from permanent separation for more than 11 consecutive working days which fall into two consecutive pay periods shall disqualify one of the pay periods. (*Ibid.*)

Hourly or daily rate employees working in a state agency 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.) When an employee has a break in service or changes to full-time, any combination of time worked which does not equal one qualifying month of full-time service shall not be accumulated or counted. (*Ibid.*)

Severity: Very Serious. For audit purposes, accurate and timely attendance reporting is required of all departments. If the length of an informal leave results in a non-qualifying pay period, a state service transaction must be processed. Inappropriately authorizing state service credits and leave accruals to employees who did not earn them results in a monetary loss for the department.

Cause: The CHP states that the cause of these incorrect transactions was human error, and the leave accruals and the state service credits have since been corrected.

Action: The CHP must take appropriate steps to ensure state service transactions are keyed accurately. It is therefore recommended that no later than 60 days after the SPB Executive Officer's approval of these findings and recommendations, the CHP must establish an audit system to key and correct state service transactions. In addition, the CHP must provide any relevant documentation showing the transactions were corrected.

Policy and Processes

Nepotism

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. 23 – Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CRU verified that the policy was disseminated to all staff and emphasized the CHP's commitment to the state policy of recruiting, hiring and assigning employees on the basis of merit. Additionally, the CHP's 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 subd. (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.*) In this case, the CHP did not employ volunteers during the compliance review period.

FINDING NO. 24 – Workers' Compensation Process Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CRU verified that when the CHP provides notice to their employees to inform them of their rights and responsibilities under CA Workers' Compensation Law. Furthermore, the CRU verified that when the CHP received worker's compensation claims, the CHP properly provided claim forms within one working day of notice or knowledge of injury.

Performance Appraisals

According to Government Code section 19992.2, departments 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 200 permanent CHP employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations, policies and guidelines.

FINDING NO. 25 – Performance Appraisals Were Not Provided to All Employees

Summary: The CHP did not provide performance appraisals to six of the 200 employees reviewed at least once in each twelve calendar months after the completion of the employee's probationary period, which are listed below:

Classification	Date Performance Appraisals Due
Automotive Technician III	3/2/2017
Automotive Technician III	10/5/2017
Chief, CHP	12/31/2017
Office Technician (Typing)	4/30/2017
Officer, CHP	10/16/2017
Officer, CHP	10/1/2017

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 appraised of work performance issues and/or goals in a systematic manner.

Cause: The CHP states that performance appraisals were not provided to six employees of the 200 reviewed due to staffing shortages, military leave, or an unforeseen event (e.g., the employee and/or supervisor were providing service and security during periods of activation of emergency services). The CHP is in the process of implementing controls to reduce or eliminate these errors in the future.

Action: It is recommended that within 60 days of the Executive Officer’s approval of these findings and recommendations, the CHP submit to the SPB a written corrective action plan that 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 any relevant documentation should be included with the plan.

DEPARTMENTAL RESPONSE

The CHP’s response is attached as Attachment 1.

SPB REPLY

Based upon the CHP's written response, the CHP will comply with the CRU recommendations and findings and provide the CRU with an action plan.

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

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Ms. Suzanne Ambrose
Executive Officer
State Personnel Board
801 Capitol Mall
Sacramento, CA 95818

Dear Ms. Ambrose:

The California State Personnel Board (SPB), Compliance Review Unit conducted a Compliance Review of the California Highway Patrol (CHP) pursuant to Article VII, Section 3, of the California Constitution, Government Code (GC) Section 18661, and GC Section 18502.

The CHP reviewed the draft compliance review report dated September 25, 2018, as provided by the SPB and agrees with the findings. The following are the findings and the CHP's response to each finding.

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

The CHP is compliant, and no response is required.

FINDING NO. 2—Permanent Withhold Action Complied with Civil Service Laws and Board Rules

The CHP is compliant, and no response is required.

FINDING NO. 3—Unlawful Appointment—AGREE

Cause/Response: The cause of the unlawful appointment was an oversight on the part of an employee in the Selection Standards and Examinations Section (SSES) of the CHP when the employee was determining whether an applicant met the minimum qualifications. Selection Standards and Examinations Section has reviewed the appointment and concurs with the SPB that it was an unlawful appointment.



The CHP has completed the investigation and reported the unlawful appointment to the California Department of Human Resources (CalHR) pursuant to the delegation agreement. Selection Standards and Examinations Section will establish additional minimum qualifications review training for Classification and Hiring analysts as well as additional management-level review of appointment packages to avoid unlawful appointments in the future.

FINDING NO. 4—Probationary Evaluations Were Not Provided for All Appointments Reviewed—AGREE

Cause/Response: The CHP has approximately 173 separate offices consisting of headquarters, field areas, and divisions which are responsible for completing probationary reports of performance. Of the 138 appointments reviewed, eight probationary reports were untimely or not provided due to staffing shortages, or an unforeseen event (e.g., the employee and/or supervisor were providing service and security during periods of activation of emergency services):

- One command did not adhere to the requirement of issuing the first probationary report of performance.
- One command did not adhere to the requirement of issuing the second probationary report of performance.
- One command did not adhere to the requirement of issuing either a first or second probationary report of performance.
- Four commands issued the probationary report of performance either untimely or as a combined first and second probationary report of performance.

The CHP is in the process of implementing controls to reduce or eliminate these errors in the future.

FINDING NO. 5—Probationary Evaluations Were Not Timely—AGREE

Cause/Response: Of the 138 appointments reviewed, eight probationary reports of performance were not provided timely due to staffing shortages, or an unforeseen event (e.g., the employee and/or supervisor were providing service and security during periods of activation of emergency services). The CHP is in the process of implementing controls to reduce or eliminate these errors in the future.

FINDING NO. 6–Complainants Were Not Notified of the Reasons for Delays in Decisions Within the Prescribed Time Period–AGREE

Cause/Response: During the review period, there was not a system in place to ensure the 90-day notice was provided to complainants. It was expected that individual investigators assigned by their respective Divisions would provide notification as they were interacting directly with complainants. The Office of Equal Employment Opportunity (OEEEO) determined the most appropriate way to ensure the notifications are made is for the OEEEO analyst assigned to the case to complete the notification. In every case, the OEEEO-assigned analyst tracks and maintains a record of each complaint's progress. As such, the date the notification is due is known within the OEEEO, and the written notification can be accomplished with certainty.

FINDING NO. 7–Unions Were Not Notified of Personal Services Contracts–AGREE

Cause/Response: For the contracts noted within this audit, union notification was not provided as there were no known union representatives for these types of services. The CHP is aware and understands the requirements of GC Section 19130 to notify the union (unless otherwise exempt) once a contractor is identified for personal services contracts. Since this audit, the CHP notifies the union of any type of personal services regardless of whether there are known union representatives.

FINDING NO. 8–Supervisory Training Was Not Provided for All Supervisors–AGREE

Cause/Response: One supervisor retired prior to receiving the training, and the remaining eight were overlooked due to a change in their assigned duties or they did not attend their originally scheduled training date. The CHP initiated a technology solution to track compliance dates and it will be tested and modified accordingly to ensure there are no future training gaps. With the exception of the retired employee, the remaining eight supervisors were provided the training within 20 months of their appointment date.

FINDING NO. 9–Ethics Training Was Not Provided for All Filers–AGREE

Cause/Response: The CHP's Conflict of Interest coordinator manually tracks and reminds filers of the requirements to complete the Ethics Training for first-time filers and biennial training. The Conflict of Interest coordinator ensures notifications are sent, via electronic mail, to the new filers on the date of their appointment. The notification advises they must complete the training and the Statement of Economic Interest (Form 700) within 30 days of appointment. Additionally, the Conflict of Interest coordinator sends reminder notifications to current filers 6 weeks prior to the due date advising when their biennial training is due.

October 24, 2019

All employees required to file statements of economic interest were provided a notice with information and instructions for initial and biennial ethics training. The cause for this finding is either failure on the part of the employee to take the course or forward a completion certificate to the CHP's Conflict of Interest coordinator. To improve future compliance of the ethics training requirements, the CHP will implement notification and follow-up procedures to the Division training coordinators of filers who have not completed the training.

FINDING NO. 10–Sexual Harassment Prevention Training Was Not Provided for All Supervisors–AGREE

Cause/Response: Managers and supervisors should be scheduled for the Middle Management Training Course (MMTC) and First Line Supervisor Academy (FSA) after promotion. It has been the CHP's practice to provide Sexual Harassment Prevention Training during the time managers and supervisors are scheduled to attend one of these training courses. As such, trainers from the OEEO complete the required training at that time. The CHP's Organizational Development Section is responsible for scheduling the MMTC and FSA courses. During the period covered by the audit, we cannot verify if all supervisors completed the training. However, moving forward, we have implemented a roster and tracking system to prevent such occurrences. Additionally, we have an online training system that complies with Assembly Bill 1825 and reminders will be sent out annually for all departmental staff to complete, as required by law.

FINDING NO. 11–Incorrect Application of Salary Determination Laws, Board Rules, and/or CalHR Policies and Guidelines–AGREE

Cause/Response: The cause of these incorrect determinations was human error. The incorrect Special In-Grade Salary Adjustment was voided, the two Merit Salary Adjustment dates were corrected, and accounts receivables were created to collect the overpayments.

FINDING NO. 12–Exceptions to Salary Rules Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines

The CHP is compliant, and no response is required.

FINDING NO. 13–Department Did Not Provide Documentation Demonstrating Employees Met Alternate Range Criteria–AGREE

Cause/Response: The CHP did not provide supporting documentation to prove that two of the employees served as full-time pilots in the CHP's pilot program or that the third served as a full-time flight observer during the period under review.

The CHP has since obtained the documentation from the Area commands, thereby satisfying all criteria and ensuring all range changes were appropriate.

FINDING NO. 14–Alternate Range Movements Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines–AGREE

Cause/Response: The cause of the three incorrectly keyed 335 transactions was human error, resulting in the employees receiving an alternate range change earlier than they should have. Each of the three incorrect 335 transactions have been corrected, and accounts receivables have been established to correct the overpayments.

FINDING NO. 15–Hire Above Minimum Request Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines

The CHP is compliant, and no response is required.

FINDING NO. 16–Bilingual Pay Authorization Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CHP is compliant, and no response is required.

FINDING NO. 17–Incorrect Authorization of Pay Differentials–AGREE

Cause/Response: The cause of the two incorrect transactions was human error, and both errors have since been corrected. A retro-pay has been issued to the first employee and an accounts receivable is pending creation with the State Controller's Office (SCO) for the second employee.

FINDING NO. 18–Department Did Not Properly Monitor Time Worked for All Positive Paid Employees–AGREE

Cause/Response: The CHP acknowledges its procedures were deficient related to the tracking of time worked by retired annuitants. This was due, in part, to the fact that, until recently, there were few retired annuitants working for the CHP. This deficiency has been rectified by providing formal training to all Personnel Specialists regarding permanent intermittent positions and retired annuitants, as well as tracking retired annuitants' hours worked in the California Leave Accounting System. Additionally, the California Public Employees' Retirement System has initiated a tracking mechanism to notify both the employee and the CHP when the number of hours worked by a retired annuitant approaches the maximum they are allowed to work in a fiscal year. This mechanism supplements the CHP's own tracking system.

The cause of these incorrect transactions was human error, and the errors have since been corrected. Accounts receivables have been created for the two overpaid employees, and ten additional hours for the third employee was keyed into the SCO's payroll system for payment.

FINDING NO. 19—Administrative Time Off Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CHP is compliant, and no response is required.

FINDING NO. 20—Leave Auditing and Timekeeping Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CHP is compliant, and no response is required.

FINDING NO. 21—Leave Reduction Plans Were Not Provided to Employees Whose Leave Balances Exceeded Established Limits—AGREE

Cause/Response: The CHP provided timely communication to all commands instructing them to ensure employees prepare and return leave reduction plans to the Human Resources Section (HRS) for all employees over their leave balance cap. However, the HRS did not track and confirm all leave reduction plan memorandums were returned by the commands. The HRS has since implemented a process to track and monitor all leave reduction plans to ensure each command returns the leave reduction plans to the HRS.

FINDING NO. 22—Incorrect Application of State Service and Leave Transactions—AGREE

Cause/Response: The cause of these incorrect transactions was human error, and the leave accruals and the state service credits have since been corrected.

FINDING NO. 23—Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CHP is compliant, and no response is required.

FINDING NO. 24—Workers' Compensation Process Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CHP is compliant, and no response is required.

FINDING NO. 25–Performance Appraisals Were Not Provided to All Employees-AGREE

Cause/Response: Performance appraisals were not provided to six employees of the 200 reviewed due to staffing shortages, military leave, or an unforeseen event (e.g., the employee and/or supervisor were providing service and security during periods of activation of emergency services). The CHP is in the process of implementing controls to reduce or eliminate these errors in the future.

We appreciate the opportunity to provide a response to the compliance report. If you have any questions or require further information, please contact Commander Hai Luc at (916) 843-3700 or Inspector General Roger Ikemoto at (916) 843-3160.

Sincerely,



W. A. STANLEY
Commissioner

cc: California State Transportation Agency
Office of the Assistant Commissioner, Staff
Administrative Services Division
Personnel and Training Division
Office of Equal Employment Opportunity
Office of the Inspector General
Business Services Section
Human Resources Section
Organizational Development Section
Selection Standards and Examinations Section