



# **COMPLIANCE REVIEW REPORT**

## **DEPARTMENT OF CHILD SUPPORT SERVICES**

Compliance Review Unit  
State Personnel Board  
June 13, 2016

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## INTRODUCTION

Established by the California Constitution, the State Personnel Board (the SPB or Board) is charged with enforcing and administering the civil service statutes, prescribing probationary periods and classifications, adopting regulations, and reviewing disciplinary actions and merit-related appeals. The SPB oversees the merit-based recruitment and selection process for the hiring of over 200,000 state employees. These employees provide critical services to the people of California, including but not limited to, protecting life and property, managing emergency operations, providing education, promoting the public health, and preserving the environment. The SPB provides direction to departments through the Board's decisions, rules, policies, and consultation.

Pursuant to Government Code section 18661, the SPB's Compliance Review Unit (CRU) conducts compliance reviews of appointing authority's personnel practices in four areas: examinations, appointments, equal employment opportunity (EEO), and personal services contracts (PSC's) to ensure compliance with civil service laws and board regulations. The purpose of these reviews is to ensure state agencies are in compliance with merit related laws, rules, and policies and to identify and share best practices identified during the reviews. The SPB conducts these reviews on a three-year cycle.

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

## EXECUTIVE SUMMARY

The CRU conducted a routine compliance review of Department of Child Support Services (DCSS) personnel practices in the areas of examinations, appointments, EEO, and PSC's from September 1, 2014, through May 31, 2015. The following table summarizes the compliance review findings.

Area	Finding	Severity
Examinations	Examinations Complied with Civil Service Law and Board Rules	In Compliance
Appointments	Probationary Evaluations Were Not Provided for All Appointments	Serious
Equal Employment Opportunity	Equal Employment Opportunity Program Complied with Civil Service Laws and Board Rules	In Compliance
Personal Services Contracts	Personal Services Contracts Complied with Procedural Requirements	In Compliance

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

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

## **BACKGROUND**

California's child support program works with parents and guardians to ensure children and families receive court-ordered financial and medical support. The program's mission is to promote parental responsibility to enhance the well-being of children by providing child support services to establish parentage and collect child support. Child support services are available to the general public through a network of 51 county and regional child support agencies that serve approximately 1.4 million children and families. Some of the services provided include locating a parent; establishing paternity; establishing, modifying, and enforcing a court order for child support; and establishing, modifying, and enforcing an order for health coverage.

## **SCOPE AND METHODOLOGY**

The scope of the compliance review was limited to reviewing DCSS examinations, appointments, EEO program, and PSC's from September 1, 2014, through May 31, 2015. The primary objective of the review was to determine if DCSS personnel practices, policies, and procedures complied with state civil service laws and board regulations, and to recommend corrective action where deficiencies were identified.

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

The review of the DCSS EEO program included examining written EEO policies and procedures; the EEO Officer's role, duties, and reporting relationship; the internal discrimination complaint process; the upward mobility program; the reasonable

accommodation program; the discrimination complaint process; and the Disability Advisory Committee (DAC).

DCSS PSC's were also selected to ensure that various types of contracted services and contract amounts were reviewed.<sup>1</sup> It was beyond the scope of the compliance review to make conclusions as to whether DCSS justifications for the contracts were legally sufficient. The review was limited to whether DCSS practices, policies, and procedures relative to PSC's complied with procedural requirements.

The CRU held an exit conference with the DCSS to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the DCSS's written response, which is attached to this final compliance 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.) Within a reasonable time before the scheduled date for the examination, the designated appointing power shall announce or advertise the examination for the establishment of eligible lists. (Gov. Code, § 18933, subd. (a).) the advertisement shall contain such information as the date and place of the examination and the nature of the minimum qualifications. (*Ibid.*) Every applicant for examination shall file an application in the office of the department or a designated appointing power as directed by the examination announcement. (Gov. Code, § 18934.) Generally, the final earned rating of each person competing in any examination is to be determined by the weighted average of the earned ratings on all phases of the examination. (Gov. Code, § 18936.) Each competitor shall be notified in writing of the results of the examination when the employment list resulting from the examination is established. (Gov. Code, § 18938.5.)

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<sup>1</sup> If 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

During the period under review, the DCSS conducted 12 examinations. The CRU reviewed all of those examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Applications
Chief, Financial Officer	Career Executive Assignment (CEA)	Statement of Qualifications (SOQ) <sup>2</sup>	Until Filled	22
Chief, Financial Officer	CEA	SOQ	Until Filled	5
Child Support Specialist	Open	Training and Experience (T&E) <sup>3</sup>	Continuous	34
Child Support Specialist	Open	T&E	Continuous	15
Child Support Specialist	Open	T&E	Continuous	21
Child Support Specialist	Open	T&E	Continuous	28
Deputy Director, Administrative Services Division	CEA	SOQ's	Until Filled	12
Regional Administrator	CEA	SOQ's	Until Filled	13
Senior Child Support Analyst	Open	T&E	Continuous	17
Senior Child Support Analyst	Open	T&E	Continuous	12
Senior Child Support Analyst	Open	T&E	Continuous	0

<sup>2</sup> In a statement of qualifications 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.

<sup>3</sup> The training and experience examination is administered either online or in writing, and asks the applicant to answer multiple-choice questions about his or her level of training and/or experience performing certain tasks typically performed by those in this classification. Responses yield point values, which are totaled by the online system or a department exam analyst, and then assigned a percentage score.

Classification	Exam Type	Exam Components	Final File Date	No. of Applications
Staff Services Analyst	Promotional	Written <sup>4</sup>	2/20/2015	5

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

The CRU reviewed all 12 of the examinations the DCSS administered to create eligible lists from which to make appointments. The DCSS published and distributed examination bulletins containing the required information for all examinations. Applications received by the DCSS were accepted prior to the final filing date and were thereafter properly assessed to determine whether applicants met the minimum qualifications for admittance to the examinations. The DCSS notified applicants as to whether they qualified to take the examination, and those applicants who met the minimum qualifications were also 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. Competitors were then notified of their final scores.

The CRU found no deficiencies in the examinations that the DCSS conducted during the compliance review period. Accordingly, the DCSS fulfilled its responsibilities to administer those examinations in compliance with civil service laws and board rules.

**Appointments**

In all cases not excepted or exempted by Article VII of the California Constitution, the appointing power must fill positions by appointment, including cases of transfers, reinstatements, promotions, and demotions in strict accordance with the Civil Service Act and Board rules. (Gov. Code, § 19050.) Appointments made from eligible lists, by way of transfer, or by way of reinstatement, must be made on the basis of merit and fitness, which requires consideration of each individual’s job-related qualifications for a position, including his or her knowledge, skills, abilities, experience, and physical and mental fitness. (Cal. Code Regs., tit. 2, § 250, subd. (a).)

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<sup>4</sup> 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.

During the compliance review period, the DCSS made 179 appointments. The CRU reviewed 70 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appointments
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	14
Associate Information Systems Analyst (Specialist)	Certification List	Permanent	Full Time	11
Child Support Technician	Certification List	Permanent	Full Time	2
Data Processing Manager III	Certification List	Permanent	Full Time	1
Executive Assistant	Certification List	Permanent	Full Time	1
Office Technician	Certification List	Permanent	Full Time	2
Senior Information Systems Analyst (Specialist)	Certification List	Permanent	Full Time	10
Staff Management Auditor	Certification List	Permanent	Full Time	1
Staff Services Manager III	Certification List	Permanent	Full Time	1
Systems Software Specialist III (Supervisory)	Certification List	Permanent	Full Time	1
Systems Software Specialist III (Supervisory)	Certification List	Permanent	Full Time	6
Career Executive Assignment	Information List	CEA	Full Time	1
Office Technician (Typing)	Limited Employment Appointment Program (LEAP)	Temporary	Full Time	2
Child Support Specialist (DCSS)	Mandatory Reinstatement	Permanent	Full Time	4
Research Analyst II – General	Mandatory Reinstatement	Permanent	Full Time	1
Staff Information Systems Analyst (Specialist)	Mandatory Reinstatement	Permanent	Full Time	1



Classification	Appointment Type	Tenure	Time Base	No. of Appointments
Training Officer	Mandatory Reinstatement	Permanent	Full Time	2
Associate Personnel Analyst	Retired Annuitant	Limited Term	Intermittent	2
Senior Information Systems Analyst (Specialist)	Retired Annuitant	Limited Term	Intermittent	1
Administrative Assistant II	Transfer	Permanent	Full Time	1
Associate Accounting Analyst	Transfer	Permanent	Full Time	1
Associate Personnel Analyst	Transfer	Permanent	Full Time	1
Child Support Technician, Department of Child Support Services	Transfer	Permanent	Full Time	1
Staff Services Manager I	Transfer	Permanent	Full Time	1
Systems Software Specialist I (Technical)	Transfer	Permanent	Full Time	1

**FINDING NO. 2 – Probationary Evaluations Were Not Provided for All Appointments**

**Summary:** The DCSS did not prepare, complete, and/or retain required probationary appraisals of performance for 15 of the 70 appointments reviewed by the CRU.

Classification	Appointment Type	No. of Appointments	No. of Uncompleted Prob. Reports
Associate Governmental Program Analyst	Certification List	5	7
Associate Information Systems Analyst (Specialist)	Certification List	1	3
Data Processing Manager III	Certification List	1	1
Senior Information Systems Analyst (Specialist)	Certification List	7	13

Classification	Appointment Type	No. of Appointments	No. of Uncompleted Prob. Reports
Systems Software Specialist III (Supervisory)	Certification List	1	1
Total		15	25

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

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

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

**Cause:** The DCSS states that the missing probationary evaluation forms are the result of a lack of understanding the mandatory requirements and internal controls.

**Action:** The DCSS has submitted a corrective action plan for ensuring compliance in meeting the probationary requirements of Government Code section 19172; therefore, no further action is required at this time.

### **Equal Employment Opportunity**

Each state agency is responsible for an effective EEO program. (Gov. Code, § 19790.) The appointing power for each state agency has the major responsibility for monitoring the effectiveness of its EEO program. (Gov. Code, § 19794.) To that end, the appointing power must issue a policy statement committed to EEO; issue procedures for filing, processing, and resolving discrimination complaints; issue procedures for providing equal upward mobility and promotional opportunities; and cooperate with the California Department of Human Resources by providing access to all required files, documents and data. (*Ibid.*) In addition, the appointing power must appoint, at the managerial level, an EEO Officer, who shall report directly to, and be under the supervision of, the director of the department to develop, implement, coordinate, and monitor the department's EEO program. (Gov. Code, § 19795.)

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

Each state agency must establish a separate committee of employees who are individuals with a disability, or who have an interest in disability issues, to advise the head of the agency on issues of concern to employees with disabilities. (Gov. Code, § 19795, subd. (b)(1).) The department must invite all employees to serve on the committee and take appropriate steps to ensure that the final committee is comprised of members who have disabilities or who have an interest in disability issues. (Gov. Code, § 19795, subd. (b)(2).)

The CRU reviewed the DCSS's EEO program that was in effect during the compliance review period.

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

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 DCSS's 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 Director of DCSS. In addition, the DCSS has an established DAC which reports to the Director on issues affecting persons with disabilities. The DCSS also provided evidence of its efforts to promote EEO in its hiring and employment practices, to increase its hiring of persons with disabilities, and to offer upward mobility opportunities for its entry-level staff. Accordingly, the DCSS EEO program complied with civil service laws and board rules

**Personal Services Contracts**

A PSC includes any contract, requisition, or purchase order under which labor or personal services is a significant, separately identifiable element, and the business or person performing the services is an independent contractor that does not have status as an employee of the State. (Cal. Code Reg., tit. 2, § 547.59.) The California Constitution has an implied civil service mandate limiting the state's authority to contract with private entities to perform services the state has historically or customarily performed. Government Code section 19130, subdivision (a), however, codifies exceptions to the civil service mandate where PSC's achieve cost savings for the state. PSC's that are of a type enumerated in subdivision (b) of Government Code section 19130 are also permissible. Subdivision (b) contracts include private contracts for a new state function, services that are not available within state service, services that are incidental to a contract for the purchase or lease of real or personal property, and services that are of an urgent, temporary, or occasional nature.

For cost-savings PSC's, a state agency is required to notify the SPB of its intent to execute such a contract. (Gov. Code, § 19131.) For subdivision (b) contracts, the SPB reviews the adequacy of the proposed or executed contract at the request of an employee organization representing state employees. (Gov. Code, § 19132.)

During the compliance review period, the DCSS had nine PSC's that were in effect and subject to the Department of General Services (DGS) approval. The CRU reviewed all nine, which are listed below:

Vendor	Services	Contract Dates	Contract Amount	Justification Identified
ACS (Xerox) State & Local Solutions	SDU Operation	4/1/2011 – 3/31/2016	\$65,585,096	Yes
Cushman Computer Consulting	Statewide Audit Tool Software	9/9/2013 – 9/8/2015	\$249,000	Yes
Deloitte Consulting, LLP	Child Support Enforcement System M & O	5/1/2011 – 4/30/2016	\$71,734,464	Yes
Elite Analytics, LLC	Predictive Analytics	6/1/2014 – 4/30/2015	\$245,880	Yes
Inter-Con Security Services Inc.	Unarmed Security Guards	1/1/2014 – 12/31/2014	\$475,000	Yes
Language Line Services	Interpreting	1/2/2013 – 12/31/2015	\$160,000	Yes
LexisNexis	Accurint Reporting Systems	7/1/2014 – 6/30/2016	\$500,000	Yes
TALX Corporation	Employment and Income Verification	4/1/2011 – 3/31/2014	\$1,200,000	Yes
TALX Corporation	Employment and Income Verification	6/10/2014 – 5/31/2017	\$1,706,400	Yes

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

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

The total amount of all the PSC’s reviewed was \$142,330,840.00. It was beyond the scope of the review to make conclusions as to whether DCSS justifications for the contract were legally sufficient. For all PSC’s subject to DGS approval, the DCSS provided specific and detailed factual information in the written justifications as to how each of the nine contracts met at least one condition set forth in Government Code section 19131, subdivision (b). Accordingly, DCSS PSC’s complied with procedural requirements.

## **DEPARTMENTAL RESPONSE**

The DCSS's written response is attached as Attachment 1.

## **SPB REPLY**

Based upon the DCSS's written response, the DCSS will comply with the CRU recommendations and findings. The DCSS submitted a corrective action plan for the one departmental finding that was out of compliance. Therefore, no further action is required.

**CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES**

P.O. Box 419064, Rancho Cordova, CA 95741-9064



November 23, 2015

Mr. Alton Ford  
Compliance Review Manager  
State Personnel Board  
800 Capital Avenue  
Sacramento, California 95814

**SUBJECT: STATE PERSONNEL BOARD COMPLIANCE REVIEW RESPONSE**

Dear Mr. Ford:

Enclosed is the Department of Child Support Services response to the recommendation contained in the State Personnel Board Compliance Review Draft Report. We concur with the finding and have fully implemented corrective action.

We appreciate the opportunity to include our response in your report and thank your staff for the efficiency in which they conducted the review of our personnel practices. If you have any questions or need further information, please contact Karen Dailey, Audit Manager, at (916) 464-5520.

Sincerely,

A handwritten signature in black ink, appearing to read "Alisha A. Griffin".

Alisha A. Griffin  
Director

Enclosures

cc: Mark Beckley, Chief Deputy Director  
Kathleen Hrepich, Chief Counsel  
Irene Briggs, Deputy Director, Administrative Services Division  
Karen Dailey, Audit Manager

DEPARTMENT OF CHILD SUPPORT SERVICES  
RESPONSE TO SPB COMPLIANCE REVIEW REPORT  
NOVEMBER 2015

Finding No. 2 – Probationary Evaluations Were Not Provided for All Appointments

The Department of Child Support Services (DCSS) agrees to the findings and understands the importance of evaluating the work and efficiency of its probationary employees as evidenced by written procedure and reminder notices to managers. Missing probationary evaluation forms are the result of lack of understanding the mandatory requirements and internal controls. DCSS has implemented steps necessary to ensure supervisors and managers understand both the importance and the requirement to complete probationary evaluations timely.

DCSS provided training in July and August 2015 to supervisors and managers on the department's hiring procedure practices. This training included discussion on the importance and requirements of evaluating the work and efficiency of its probationary employees through completion of the Report of Performance for Probationary Employee, form STD. 636 (Rev 8/2002). Supervisors and managers are reminded that this process serves as the final phase of the selection process by documenting the individual can successfully perform the full scope of duties of the position to which appointed. This training is to be offered to supervisors and managers every six months, or as needed.

In addition, DCSS Personnel Services Section has implemented tracking steps necessary to ensure probation reports are completed timely by the supervisors and manager, collected, and maintained in the employee's Official Personnel File. The tracking steps are as follows:

- The Personnel Specialist sends a reminder notice memo to the immediate supervisor one month in advance of the probation report due date.
- The Position Control and Special Projects Analyst tracks all newly appointed employees and the probation reports due dates.
- The Position Control and Special Projects Analyst sends an email to the first line (immediate) supervisor if probation reports are not completed and turned in to Personnel Services Section by the due date.
- The Position Control and Special Projects Analyst sends an email to the second line supervisor if probation reports are not completed and turned in to Personnel Services Section within one week after the due date.
- The Position Control and Special Projects Analyst sends an email to the Division Deputy Director if probation reports are not completed and turned in to Personnel Services Section within one week after the last notice.
- A final report of delinquent reports is sent to the Chief Deputy Director for action on an as needed basis.

A sample tracking log and the desk procedures are included for your reference.