



COMPLIANCE REVIEW REPORT

DEPARTMENT OF CONSERVATION

Compliance Review Unit
State Personnel Board
August 17, 2018

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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 Department of Conservation (DOC) 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	Severity
Examinations	Examinations Complied with Civil Service Laws and Board Rules	In Compliance
Appointments	Probationary Evaluations Were Not Provided for All Appointments Reviewed	Serious
Appointments	Equal Employment Opportunity Questionnaires Were Not Separated from Applications	Very Serious
Appointments	Eligibility Preference Was Not Considered	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
Mandated Training	Sexual Harassment Prevention Training Was Not Provided for All Supervisors	Very Serious
Mandated Training	Ethics Training Was Not Provided to all Filers Within the Prescribed Timeline	Very Serious
Compensation and Pay	Application of Salary Determination Laws, Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines	In Compliance
Compensation and Pay	Alternate Range Movements Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines	Very Serious
Compensation and Pay	Arduous Pay Authorization Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines	In Compliance

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	Severity
Compensation and Pay	Out of Class Authorization Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines	Non-serious or Technical
Compensation and Pay	Red Circle Rate Authorization Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines	In Compliance
Leave	Actual Time Worked Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines	In Compliance
Leave	Administrative Time Off Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines	In Compliance
Leave	Department Has Implemented a Monthly Internal Audit Process to Verify Timesheets are Keyed Accurately and Timely	In Compliance
Leave	Leave Reduction Plans Were Not Provided to All Employees Whose Leave Balances Exceeded Established Limits	Non-serious or Technical
Leave	Incorrect Application of 715 Transaction	Very Serious
Policy	Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines	In Compliance
Policy	Injured Employee(s) Did Not Receive Workers' Compensation Claim Forms Within One Working Day of Notice or Knowledge of Injury	Very Serious
Policy	Performance Appraisals Were Not Provided to All Employees	Serious

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 DOC employs a team of scientists and other dedicated professionals, to administer a variety of programs vital to California's public safety, environment, and economy. The services the DOC provides are designed to balance today's needs with tomorrow's obligations by fostering the wise use and conservation of energy, land, and mineral resources. The DOC is comprised of five divisions which include, Land Conservation; Mine Reclamation; Geological Survey; Oil, Gas & Geothermal; and State Mining and Geology Board.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the DOC examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes² when applicable. The primary objective of the review was to determine if DOC 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 DOC'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 DOC provided, which included examination plans, examination bulletins, job analyses, and scoring results. The DOC did not conduct any permanent withhold actions during the compliance review period.

A cross-section of the DOC's appointments were selected to ensure that samples of various appointment types, classifications, and levels were reviewed. The CRU examined the documentation that the DOC provided, which included notice of personnel action (NOPA) forms, request for personnel actions (RPA's), vacancy postings, application screening criteria, hiring interview rating criteria, certification lists, transfer movement worksheets, employment history records, correspondence, and probation reports. The DOC did not conduct any unlawful appointment investigations during the compliance review period. Additionally, the DOC did not make any additional appointments during the compliance review period.

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

The DOC's appointments were also selected for review to ensure the DOC applied salary regulations accurately and correctly processed employee's compensation and pay. The CRU examined the documentation that the DOC provided, which included employee's 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: red circle rates, out of class pay and arduous pay. During the compliance review period, the DOC did not issue or authorize any, hiring above minimum (HAM) requests, bilingual pay or any other monthly pay differential.

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

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

The DOC'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 and managers were provided supervisory and sexual harassment prevention training within statutory timelines.

The CRU also identified the DOC 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 DOC to provide a copy of their leave reduction policy.

The CRU reviewed the DOC's Leave Activity and Correction certification forms to verify that the DOC 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 DOC'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 DOC's employee's 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 DOC employees who used Administrative Time Off (ATO) and Actual Time Worked (ATW) in order to ensure that both ATO and ATW was appropriately administered.

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

On July 13, 2018, an exit conference was held with the DOC to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the DOC's written response on August 1, 2018, 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.) Within a reasonable time before the scheduled date for the examination, the designated appointing power shall announce or advertise the examination for the establishment of eligible lists. (Gov. Code, § 18933, subd. (a).) the advertisement shall contain such information as the date and place of the examination and the nature of the minimum qualifications. (*Ibid.*) Every applicant for examination shall file an application in the office of the department or a designated appointing power as directed by the examination announcement. (Gov. Code, § 18934.) Generally, the final earned rating of each person competing in any examination is to be determined by the weighted average of the earned ratings on all phases of the examination. (Gov. Code, § 18936.) Each competitor shall be notified in writing of the results of the examination when the employment list resulting from the examination is established. (Gov. Code, § 18938.5.)

During the period under review, January 1, 2017, through September 30, 2017, the DOC conducted one examination. The CRU reviewed the one examination, which is listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Career Executive Assignment (CEA) B, Assistant Deputy Director	Open	Statement of Qualifications	6/9/2017	14

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

The CRU reviewed one departmental promotional examinations which the DOC administered in order to create eligible lists from which to make appointments. The DOC published and distributed examination bulletins containing the required information for all examinations. Applications received by the DOC 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 DOC conducted 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, subd. (a).)

During the period under review, January 1, 2017, through September 30, 2017, the DOC made 152 appointments. The CRU reviewed 55 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts
Administrative Assistant I	Certification List	Permanent	Full Time	1
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	4
Associate Oil and Gas Engineer	Certification List	Limited Term	Full Time	4
Engineering Geologist	Certification List	Permanent	Full Time	10
Office Assistant (Typing)	Certification List	Permanent	Full Time	2
Office Technician (Typing) - LEAP	Certification List	Temporary Authorization Utilization (TAU)	Full Time	2
Precision Electronics Specialist	Certification List	Permanent	Full Time	3
Research Program Specialist II (Economics)	Certification List	Permanent	Full Time	1
Senior Oil and Gas Engineer (Supervisor)	Certification List	Permanent	Full Time	4
Seismological Instrument Technician II	Certification List	Permanent	Full Time	4
Staff Information Systems Analyst (Specialist)	Certification List	Permanent	Full Time	2
Staff Services Manager I	Certification List	Permanent	Full Time	3
Systems Software Specialist II (Technical)	Certification List	Permanent	Full Time	1
Associate Business Management Analyst	Mandatory Reinstatement	Permanent	Full Time	1
Associate Governmental Program Analyst	Mandatory Reinstatement	Permanent	Full Time	1
Associate Gas and Oil Engineer	Mandatory Reinstatement	Permanent	Full Time	1
Information Officer I (Specialist)	Mandatory Reinstatement	Permanent	Full Time	1
Program Technician II	Mandatory Reinstatement	Permanent	Full Time	1
Information Officer I (Specialist)	Retired Annuitant	Temporary	Intermittent	1
Seasonal Clerk	Temporary	TAU	Intermittent	1
Student Assistant	Temporary	TAU	Intermittent	1
Associate Governmental Program Analyst	Transfer	Permanent	Full Time	1
Associate Oil and Gas Engineer	Transfer	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts
Engineer Geologist	Transfer	Permanent	Full Time	1
Senior Oil and Gas Engineer	Transfer	Permanent	Full Time	1
Staff Services Analyst (General)	Transfer	Permanent	Full Time	1
Systems Software Specialist II (Technical)	Transfer	Permanent	Full Time	1

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

Summary: The DOC did not provide three required probationary reports of performance.

Classification	Appointment Type	No. of Appointments	No. of Uncompleted Prob. Reports
Engineering Geologist	Certification List	10	2
Associate Governmental Program Analyst	Certification List	4	1
Total		14	3

Criteria: The service of a probationary period is required when an employee enters 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 California Department of Human Resources (CalHR) may require. (Gov. Code § 19172) CalHR’s regulatory scheme provides that “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.” (Code Reg., tit. 2, § 599.795.) Specifically, 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, however, require that appointing powers retain all probationary reports. (Code Reg., titl. 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 DOC states it did not have adequate measures in place to track and notify supervisors and managers to complete and submit probation reports and was allowing combined probation reports to be submitted.

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

FINDING NO. 3 – Equal Employment Opportunity Questionnaires Were Not Separated from Applications

Summary: Out of 55 appointments reviewed, nine appointment files included applications where EEO questionnaires were not separated from the STD 678 employment application.

Criteria: Government Code section 19704 makes it unlawful for a hiring department to require or permit any notation or entry to be made on any application indicating or in any way suggesting or pertaining to any protected category listed in Government Code section 12940, subdivision (a) (e.g., a person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status). Applicants for employment in state civil service are asked to provide voluntarily ethnic data about themselves where such data is determined by the CalHR to be necessary to an assessment of the ethnic and sex fairness of the selection process and to the planning and monitoring of affirmative action efforts. (Gov. Code, § 19705.) The EEO questionnaire of the state

application form (STD. 678) states, "This questionnaire will be separated from the application prior to the examination and will not be used in any employment decisions."

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

Cause: The DOC states it was not always removing the questionnaires from applications that were not being provided to supervisors and managers for consideration.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the DOC submit to the CRU a written corrective action plan that the department will implement to ensure that EEO questionnaires are separated from all applications.

FINDING NO. 4 – Eligibility Preference Was Not Considered

Summary: The CRU found that the DOC was not considering the mandated preference given to qualified applicants, such as foster, homeless, or formally incarcerated youth when hiring for internships and student assistant positions.

Criteria: Government Code section 18220 (a) states: "State agencies, when hiring for internships and student assistant positions, shall give preference to qualified applicants who are, or have been, dependent children in foster care, homeless youth, or formerly incarcerated youth. The preference shall be granted to applicants up to 26 years of age." For the purpose of this section, "preference" means priority over similarly qualified applicants for placement in the position.

Severity: Serious. Not properly applying hiring preference for student assistants and internships is a violation of law and does not serve to provide the intended support for specific youth.

Cause: The DOC states it did not have appropriate protocols in place to assure that eligibility preference would be provided when hiring students and interns.

Action: It is recommended that within 60 days of the SPB's Executive Officer's approval of these findings and recommendations, the DOC submit to SPB a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the mandated preference of Government Code section 18220. CRU.

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).)

FINDING NO. 5 – 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 DOC 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 the DOC. In addition, the DOC has an established DAC which reports to the Director on issues affecting persons with disabilities. The DOC 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 DO 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 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, January 1, 2017, through September 30, 2017, the DOC had 22 PSC's that were in effect. The CRU reviewed all 22 contracts which are listed below:

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?
American Chiller Service, Inc.	AC Maintenance and Repair	4/10/17-4/9/19	\$18,760	Yes
Bauer's Intelligent Transportation, Inc.	Charter Bus Services	5/8/17-5/31/17	\$1,622	Yes
Board of Regents of the Nevada System of Higher Education on behalf of the University of Nevada, Reno	Geothermal Reservoir Engineering Course	5/29/17-8/15/17	\$14,400	Yes
C. Case Company, Inc.	Oil Well Plugging Services	7/1/17-5/31/18	\$219,790	Yes
California Institute of Technology	Seismographic Network Support	7/1/17-6/30/17	\$10,560	Yes
Catalysis Group, Inc.	Project Management Training	6/8/17-12/31/17	\$39,616	Yes
CSU Chico Research Foundation	Scientific Study on Soil and Vegetation	7/24/17-6/30/19	\$49,406	Yes
CSU Chico Research Foundation	Scientific Study on Soil and Vegetation	7/1/14-12/29/17	\$145,894	Yes
Drone University USA	Drone Certification Training	9/8/17-10/31/17	\$23,850	Yes
EA Principals	Enterprise Architecture Training	7/1/17-6/30/19	\$30,000	Yes
IS Inc.	Computer-Based Training	9/11/17-9/15/17	\$1,500	Yes
Kaiser HAZMAT and Construction Safety Training	OHSA HAZWOPER Training	4/1/17-3/10/18	\$49,000	Yes
Laurie Johnson Consulting	Tsunami Hazard Mitigation Consulting	5/1/17-9/17/18	\$30,006	Yes
Lawrence Livermore National Security, LLC	Oil and Gas Studies	2/1/17 – 1/31/18	\$249,234	Yes
LexisNexis, A Division of Reed Elsevier, Inc.	Legal Database Subscriptions	7/1/17-12/31/17	\$11,322	Yes
Petralogix Engineering, Inc.	Strong Motion Data Study	4/3/17-6/1/17	\$34,000	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?
Proactive Safety and Training Management, LLC	First Aid Training	8/10/16-8/9/18	\$15,000	Yes
Santa Barbara Airbus Inc.	Charter Bus Services	6/15/16-8/30/18	\$7,000	Yes
Solid Ground Consulting	Consulting Services	6/12/17-2/2/19	\$174,919	Yes
UC Davis One Health Institute	Graduate Student Fellowship Program	6/26/17-6/30/19	47,450	Yes
University Enterprises	Temporary Student Staffing Services	7/1/17-6/30/20	\$1,257,000	Yes
University of Texas at Austin	Training Curriculum for Oil and Gas Field Inspectors	1/1/17-12/31/18	\$780,000	Yes
University of Texas at Austin	Training Workshops for Oil and Gas Field Inspectors	6/1/17-5/31/18	\$610,000	Yes

FINDING NO. 6 – Personal Services Contracts Complied with Procedural Requirements

When an agency executes a personal services contract under Government Code section 19130, subdivision (b), the department must document 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.) In addition to a written justification, under Government Code section 19132, subdivision (b), the department shall not execute any contract until they have notified all organizations that represent state employees who perform the type of work to be contracted.

The total dollar amount of the PSC reviewed was \$3,820,329. It was beyond the scope of the review to make conclusions as to whether DOC justifications for the contracts were legally sufficient. For the PSCs reviewed, the DOC provided specific and detailed factual information in the written justifications as to how each of the 22 contracts met at least one condition set forth in Government Code section 19131, subdivision (b). Accordingly, the DOC PSCs complied with civil service laws and board rules.

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), & (c), & 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.

The CRU reviewed the DOC's mandated training program that was in effect during the compliance review period. The DOC's supervisory training was found to be in compliance. However, the DOC's sexual harassment prevention training and ethics training were found to be out of compliance.

FINDING NO. 7 – Sexual Harassment Prevention Training Was Not Provided for All Supervisors Within the Prescribed Timeline

Summary: The DOC provided sexual harassment prevention training to 39 new supervisors within six months of appointment, and sexual harassment prevention training to its 88 existing supervisors every two years. However, the DOC did not provide sexual harassment prevention training to 14 new supervisors within six months of their appointment.

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

Cause: The DOC states that due to the change of both the personnel officer and the training officer within the department in 2017, the tracking and processes that were in place were not continuously utilized, which caused 14 new supervisors to not complete the sexual harassment prevention training within the prescribed timeline.

Action: The DOC 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's Executive Officer's approval of these findings and recommendations, the DOC must submit a written corrective action plan to ensure compliance with sexual harassment prevention training mandates.

FINDING NO. 8 – Ethics Training Was Not Provided to all Filers Within the Prescribed Timeline

Summary: The DOC provided ethics training to its 387 existing filers and 27 new filers. However, the DOC did not provide ethics training to 15 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 DOC states that due to the change of both the personnel officer and the training officer within the Department in 2017, the tracking and processes that were in place were not continuously utilized which caused 15 new filers to not complete the ethics training within six months of their appointment.

Action: The DOC 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's Executive Officer's approval of these findings and recommendations, the DOC must submit a written corrective action plan to ensure compliance with ethics training mandates.

Compensation and Pay

Salary Determination

The pay plan for state civil service consists of salary ranges and steps established by CalHR (Cal. Code Reg., tit. 2, § 599.666). Several salary rules dictate how departments calculate and determine an employee's salary rate⁴ upon appointment depending on the appointment type, and the employee's state employment pay history and tenure.

During the period under review, January 1, 2017, through September 30, 2017, the DOC made 152 appointments. The CRU reviewed 18 of those appointments to determine if the DOC applied salary regulations accurately and correctly processed employees' compensation transactions. These appointments are listed below:

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Administrative Assistant II	Certification List	Permanent	Full Time	\$4,748
Office Technician (Typing) - LEAP	Certification List	TAU	Full Time	\$2,921
Precision Electronics Specialist	Certification List	Permanent	Full Time	\$5,971
Precision Electronics Specialist	Certification List	Permanent	Full Time	\$5,971
Precision Electronics Specialist	Certification List	Permanent	Full Time	\$5,971
Seismological Instrument Technician II	Certification List	Permanent	Full Time	\$4,481
Seismological Instrument Technician II	Certification List	Permanent	Full Time	\$3,984
Seismological Instrument Technician II	Certification List	Permanent	Full Time	\$3,760
Seismological Instrument Technician II	Certification List	Permanent	Full Time	\$3,760

⁴ "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)
Staff Information Systems Analysts (Specialist)	Certification List	Permanent	Full Time	\$5,324
Staff Information Systems Analysts (Specialist)	Certification List	Permanent	Full Time	\$6,932
System Software Specialist II (Technical)	Certification List	Permanent	Full Time	\$6,130
Associate Business Management Analyst	Mandatory Reinstatement	Permanent	Full Time	\$5,325
Information Officer I (Specialist)	Mandatory Reinstatement	Temporary	Full Time	\$4,784
Information Officer I (Specialist)	Retired Annuitant	Temporary	Intermittent	\$5,988
Student Assistant (Engineering and Architectural Sciences)	Temporary	TAU	Intermittent	\$2,611
Associate Governmental Program Analyst	Transfer	Permanent	Full Time	\$6,347
Staff Services Analysts (General)	Transfer	Permanent	Full Time	\$3,193

FINDING NO. 9 – Application of Salary Determination Laws, Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CRU found no deficiencies in the 18 salary determinations that the DOC made during the compliance review period. The DOC 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.

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 Reg., tit. 2, § 599.681). However, in many instances, CalHR provides salary rules departments must use when employees move between alternate ranges. They 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 16, 2016, through June 30, 2017, the DOC made 12 alternate range movements within a classification⁵. The CRU reviewed seven of those alternate range movements to determine if the DOC applied salary regulations accurately and correctly. However, the DOC did not process one employee's compensation correctly, which are listed below:

Classification	Prior Range	Current Range	Time Base	Salary
Engineering Geologist	Range B	Range C	Permanent	\$7,518

⁵ 335 transactions.

FINDING NO. 10 – Alternate Range Movements Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

Classification	Description of Finding(s)	Criteria
Engineering Geologist	<p>The employee previously served as a Research Program Specialist II earning a maximum salary of \$6778. On October 8, 2014, the employee was appointed via certification list to an Engineering Geologist (EG) and placed into Range B. However, it was determined that the employee was entitled to receive a one-step increase and be placed in Range C at the time of the initial appointment with a starting salary rate of \$7117 and receive a new anniversary date of 10/08/2015. Instead, the DOC reduced the employee's salary and placed the employee in Range B citing that they did not meet the Alternate Range criteria to place the employee in Range C at the time of appointment in 2014. The DOC performed the Alternate Range movement to Range C on 10/8/2016, which resulted in the employee not getting the best benefit. The DOC should have placed the employee in Range C based on Salary Rule 599.676 and 599.690, at the time of the appointment on 10/8/14 and not on 10/08/2017. As such, the employee was underpaid from 10/8/2014 to 11/19/2017 and is entitled to all GENs and MSAs based on correct salary.</p>	<p>CCR 599.676 and 599.690;</p>

Severity: Very Serious. The DOC 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 compensation.

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. However, there are special provisions for appointments that 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.

Cause: The DOC states it was following direction provided in good faith that if the employee did not meet the qualifications of the Alternate Range Criteria (ARC) for the classification they were appointed to, it was not allowable for the department to put them in a range in which they did not meet the ARC criteria.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the DOC submit to the SPB a written corrective action plan that addresses the corrections the department will implement to ensure conformity with California Code of Regulations, title 2, sections 599.676, and 599.690. The DOC must work with CalHR and the State Controller's Office (SCO) to correct the salary and range issues in order ensure the employee is compensated correctly including any backpay.

Arduous Pay

Effective July 1, 1994, appointing authorities were provided the discretion to provide additional compensation for employees exempt from the Fair Labor Standards Act (FLSA) who perform arduous work that exceeds the normal demands of state service employment. (CalHR's Online Manual Section 1702). The work must be extraordinarily demanding, time consuming, and significantly exceed employees' normal workweek. The employee cannot be entitled to receive any other sort of compensation such as overtime. Eligible employees are FLSA-exempt employees who do not receive compensation in recognition of hours worked in excess of 40 hours per week. The duration of the arduous period must be at least two weeks or more (*Ibid.*).

Excluded and represented employees who are FLSA-exempt and assigned to Work Week Group E are eligible to receive up to four (4) months of pay per fiscal year, or per event for emergencies, if the following conditions are met⁶:

- There is a nonnegotiable deadline or extreme urgency;
- Work exceeds normal work hours and normal productivity;
- Work is unavoidable;
- Work involves extremely heavy workload;
- Employee is eligible for no other compensation, and

⁶ Applicable Memorandum of Understandings or Bargaining Unit Agreements detail other specific criteria.

- The circumstances that support this pay differential are documented.

Departments have delegated authority to approve arduous pay for excluded employees who are FLSA-exempt, but CalHR approval is required for any arduous pay issued to represented employees.

Although departments have delegated authority to approve arduous pay⁷, they are required to fill out CalHR Form 777, documenting the circumstances, assessment and rationale behind all arduous pay approvals. A new Form 777 should be filled out for every employee receiving the pay differential, every time an employee is approved to receive a new pay differential, and every time an employee wants to extend their arduous pay. Extensions are only granted in rare circumstances. Departments must keep the Form 777 on file and retain the form for five years after the approval date (*ibid.*).

During the period under review, October 16, 2016, through June 30, 2017, the DOC issued Arduous Pay to one employee. The CRU reviewed the arduous pay authorization, listed below, to ensure compliance with applicable CalHR policies and guidelines:

Classification	Bargaining Unit	Work Week Group	Time Base	Total Compensation	Number of Months Received
Senior Engineering Geologist	U09	E	Full Time	\$600	1

FINDING NO. 11 – Arduous Pay Authorization Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CRU found that the one arduous pay authorization that the DOC made during the compliance review period, satisfied civil service laws, board rules and CalHR policies and guidelines.

⁷ Pay Letter 94-32 established Pay Differential 62 regarding arduous pay for Bargaining Units 1, 7, 9, 17, 19, and 21, and Excluded employees.

Out-of-Class Assignments (OOC)

For excluded⁸ and most rank and file employees, out of class work is defined as performing, more than 50 percent of the time, the full range of duties and responsibilities allocated to an existing class and not allocated to the class in which the person has a current, legal appointment (CA Code of Regulations § 599.810).

According to CalHR's Classification and Pay Guide, OOC assignments should only be used as a last resort to accommodate temporary staffing needs. All civil service alternatives should be explored first before using OOC assignments. However, certain MOU provisions and DPA Rule 599.810 allow for short-term OOC assignments to meet temporary staffing needs. Should OOC work become necessary, the assignment would be made pursuant to the applicable MOU provision or DPA regulation. Before assigning the OOC work, the department should have a plan to correct the situation before the 120-day time period expires (Section 375).

During the period under review, October 1, 2016 to June 30, 2017, the DOC issued out-of-class pay⁹ to one employee. The CRU reviewed this out-of-class assignment to ensure compliance with applicable CalHR policies and guidelines. This is listed below:

Classification	Collective Bargaining Identifier	Out-of-Class Classification	Time Frame
Associate Oil and Gas Engineer	R09	Senior Oil and Gas Engineer	5/1/17-7/25/17

FINDING NO. 12 – Out-of-Class Pay Authorization Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

Summary: The CRU found the following error in the DOC's salary computation while the employee was serving in an OOC assignment.

⁸ "Excluded employee" means an employee as defined in section 3572(b) of the Government Code (Ralph C. Dills Act) except those excluded employees who are designated managerial pursuant to section 18801.1 of the Government Code.

⁹ Excluding bilingual and arduous pay.

Classification	Description of Finding(s)	Criteria
Associate Oil and Gas Engineer	The employee was underpaid for the July 2017 pay period as the 5% General Salary Increase (GEN) the employee was to receive in July 2017 was not considered. The employee was correctly paid during the May and June 2017 pay periods at the OOC salary. However, effective July 1, 2017, the employee's base salary increased. As such, the employee should have been compensated for the 17 days worked in the OOC assignment at the higher rate of pay.	Pay Differential 92

Criteria: In the CalHR online manual, Pay differential 92 for OOC assignment pay for units 06, 07, and 09 states. "If a department head or designee requires an employee, in writing, to work in a higher classification for more than 15 consecutive calendar days, the employee shall receive a pay differential of 5% over his/her normal daily rate of the class to which he/she is appointed for that period in excess of 15 calendar days. If a department head or designee requires, in writing, an employee to work in a higher classification for 30 consecutive calendar days or more, the employee shall receive a pay differential of 5% over his/her normal daily rate of the class to which he/she is appointed from the first day of the assignment."

Severity: Non-Serious or Technical. The DOC failed to calculate the employee's GEN during the OOC assignment. Effective July 1, 2017, a 5% increase should have been given to the employee based on the Out of Class Assignment Pay for Bargaining Units 06, 07, and 09 (Pay Differential 92). This resulted in the civil service employee receiving incorrect compensation.

Cause: The DOC states that there was an oversight on the pay for an OOC assignment for 17 days in the month of July 2017. This was due to a failure to recalculate the OOC payroll amount after a general pay increase had gone into effect on July 1, 2017.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the DOC submit

to the SPB a written corrective action plan that addresses the corrections the department will implement to ensure conformity with California Code of Regulations, title 2, sections 599.810, and Pay Differential 92. It is also recommended that within 90 days of the Executive Officer's approval of these findings and recommendations, the DOC will correct the transaction, and reimburse the employee.

Red Circle Rates

A red circle rate is a rate of pay authorized for an individual above the maximum salary for his or her class (Government Code § 19837). Departments may authorize a red circle rate in the following circumstances: management initiated change¹⁰, lessening of abilities¹¹, downward reclassification¹², split-off¹³, allocation standard changes¹⁴, or changes in salary setting methods¹⁵ (*Ibid.*).

If a salary reduction is the result of split-off, changes in allocation standards, changes in salary setting methods, or a downward reclassification initiated by SPB or CalHR staff determination, the affected employee may receive a red circle rate regardless of the employee's State service total. The employee may retain it until the maximum salary of his or her class equals or exceeds the red circle rate (Classification and Pay Guide Section 260).

If an employee is moved to a position in a lower class because of management-initiated changes, he or she may receive a red circle rate provided he or she has a minimum of ten years' State service¹⁶ and has performed the duties of the higher class satisfactorily¹⁷. The length of the red circle rate resulting from a management-initiated

¹⁰ Any major change in the type of classes, organizational structure, and/or staffing levels in a program.

¹¹ Refers to an employee who, after many years of satisfactory service, no longer possess the ability to perform the duties and responsibilities of his/her position.

¹² Downward reclassification is when, as a result of SPB action or a CalHR staff determination, an incumbent's position is moved to a lower class without the duties being changed.

¹³ Split off is when one class is split into two or more classes, one of which is at a lower salary level than the original class.

¹⁴ Allocation standards for two or more classes may change to the degree that a position originally allocated to one class may be reallocated to a class with a lower salary without a change in duties.

¹⁵ Revised valuation standards applied in setting the salary for a class may result in reducing the salary of a class.

¹⁶ As calculated by the State Service and Seniority Unit at CalHR. An employee with nine years' State service qualifies if the employee had been laid off or had been on a leave of absence for one or more years to reduce the effect of a layoff (CCR § 599.608).

¹⁷ The latter requirement is normally satisfied by the successful completion of a probationary period, unless there is compelling evidence to suggest otherwise.

change is based on the affected employee's length of State Service. The red circle rate ends when the maximum salary of the class equals or exceeds the red circle rate or at the expiration of eligibility (*Ibid.*).

An employee whose position is blanketed into the state civil service from another public jurisdiction may receive a red circle rate regardless of the length of service in the other jurisdiction (Cal. Code Reg., tit. 2, § 275). The employee may retain the red circle rate until the maximum salary of the class to which the employee's position is allocated equals or exceeds the red circle rate.

Additionally, a red circle rate may be authorized for a former CEA appointee who is reinstating to a civil service classification, a CEA with no prior civil service in a promotional exam and is being appointed from a list without a break in service, or a CEA appointee who is being reduced to a lower CEA salary rate (CalHR Class and Pay Guide Section 440). If an employee, with ten years of State service, has one or more years of State service under a CEA appointment, has been terminated from a CEA appointment, and the termination was not voluntary nor was it based on unsatisfactory performance, CA Code of Regulations Section 599.988 mandates a red circle rate. In those cases where the employee's CEA termination was voluntary, but all of the other criteria above are met, Rule 599.988 allows the employee to be permissively granted a red circle rate. This rate is based upon the CEA salary rate received at the time of the termination. Government Code Section 13332.05 limits the duration of the red circle rate to no more than 90 calendar days following termination of a CEA appointment.

As of April 1, 2005, departments have delegated authority to approve red circle rates for general civil service employees and CEA positions for up to 90 days (PML, "Delegation of Personnel Management Functions," 2005-012). Current Bargaining Unit agreements also provide guidelines and rules on red circle rates that may supersede applicable laws, codes, rules, and/or CalHR policies and guidelines.

During the period under review, October 1, 2016 to June 30, 2017, the DOC authorized one Red Circle request. The CRU reviewed the Red Circle request, listed below, to determine if the DOC correctly verified, approved and documented the Red Circle authorization process:

Classification	Prior Classification	Salary without RCR	Total Salary
Staff Services Manager II (Supervisory)	CEA A	\$7,245	\$7,452.75

FINDING NO. 13 – Red Circle Rate Authorization Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

In reviewing the DOC's Red Circle policies and procedures that were in effect during the compliance review period, the CRU determined the DOC assignment made satisfied civil service laws, board rules and CalHR policies and guidelines

Actual Time Worked

Actual Time Worked (ATW) is a method that can be used to keep track of a Temporary Authorization (TAU) employee's time to ensure that the Constitutional limit of nine months in any 12 consecutive months is not exceeded (Cal. Const., art. VII § 5.). 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. Time is accrued by months so that the immediate prior 12-calendar months are the ones used to count the 194 working days. ATW includes any day on which the employee physically worked, regardless of the length of time worked on that day¹⁸, any day for which the employee is on paid absence¹⁹, and any holiday for which the employee receives either full or partial pay. If the employee works on the holiday, the day is counted only once regardless of the rate of pay²⁰.

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. Therefore, departments must monitor the actual number of days worked in order to ensure that they do not exceed 194 days in any 12-consecutive month period (CalHR Online Manual, section 1202).

During the period under review, June 30, 2016 to June 30, 2017, the DOC reported 26 employees on ATW. The CRU reviewed 11 of the 26 ATW appointments to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

¹⁸ For example, two hours or ten hours counts as one day.

¹⁹ For example, vacation, sick leave, compensating time off, etc.

²⁰ For example, straight time, time and one-half, double time, etc.

Classification	Time Base	Time Frame	No. of Days on ATW
Associate Governmental Program Analyst	Intermittent	07/17/17-10/17/17	270
Associate Governmental Program Analyst	Intermittent	2/17/17-8/17/17	698.5
Information Officer I (Specialist)	Intermittent	7/26/17-9/30/17	143
Seasonal Clerk	Intermittent	12/1/16-10/31/17	1465.50
Seasonal Clerk	Intermittent	12/1/16-10/31/17	1448
Seasonal Clerk	Intermittent	4/3/17-10/31/17	1342.75
Seasonal Clerk	Intermittent	4/3/17-10/31/17	1192.25
Seasonal Clerk	Intermittent	12/1/16-10/31/17	1320
Seasonal Clerk	Intermittent	11/1/16-10/31/17	1426.95
Seasonal Clerk	Intermittent	12/1/16-10/31/17	1400
Senior Engineering Geologist	Intermittent	03/02/17-11/30/17	268

FINDING NO. 14 – Actual Time Worked Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CRU found no deficiencies with the 11 employees' on ATW during the compliance review period. The DOC provided the proper documentation justifying the use of ATW and adhered to applicable laws, regulations and CalHR policy and guidelines.

Administrative Time Off

Administrative Time Off (ATO) is a form of paid administrative leave status initiated by appointing authorities for a variety of reasons. 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. Additionally, ATO may be granted when employees need time off for any of the following: donating blood, extreme weather that makes getting to work impossible, and/or, when employees need time off to attend special events. Any ATO requests lasting over 30 days must be submitted and approved by CalHR. Approval will generally be given in 30 calendar day increments and any extension must

be approved prior to the expiration of the 30 calendar days. Departments must properly document and track ATO for any length of time (PML, "Administrative Time Off (ATO) – Policy, Procedure and Documentation Requirements", 2012-008).

Employees may also be granted a paid leave of absence of up to five days by their appointing power when the employee works or resides in a county where a state of emergency has been proclaimed by the Governor (§ 599.785.5. Administrative Time Off - During State of Emergency).

During the period under review, June 30, 2016, through June 30, 2017, the DOC placed 14 employees on ATO. The CRU reviewed seven of the 14 employees placed on ATO to ensure the department complied with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Classification	Time Frame	No. of Days on ATO
CEA	4/26/17 - 5/6/17	10
CEA	6/16/16 – 7/6/16	20
Engineering Geologist	10/31/16 – 11/1/16	1
Energy & Mineral Resources Engineer	11/9/16 – 11/10/16	1
Office Assistant (Typing)	11/9/16 - 11/10/16	1
	11/10/16 -11/11/16	1
	11/23/16 -11/24/16	1
Senior Oil & Gas Engineer (Supervisor)	1/18/17 - 1/31/17	10
	2/1/17 - 2/17/2017	13
Systems Software Specialist III (Technical)	4/19/16 – 4/25/16	10

FINDING NO. 15 – Administrative Time Off Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CRU found no deficiencies in the seven employees placed on ATO during the compliance review period. The DOC provided the proper documentation justifying the use of ATO and adhered to applicable laws, regulations and CalHR policy 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 Reg., tit. 2, § 599.665).

Additionally, in accordance with CalHR Online Manual Section 2101, departments must create a monthly internal audit process to verify all leave input into any leave accounting system is keyed accurately and timely. 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. Attendance records shall be corrected by the pay period following the pay period in which the error occurred. Accurate and timely attendance reporting is required of all departments and is subject to audit.

During the period under review, April 1, 2017, through June 30, 2017, the DOC reported six units comprised of 76 active employees during the May 2017. The pay periods and timesheets reviewed by the CRU are summarized as follows:

Timesheet Leave Period	Number of Units Reviewed	Number of Employees	Number of Timesheets Reviewed	Number of Missing Timesheets
May 2017	6	76	76	0

FINDING NO. 16 – Department Has Implemented a Monthly Internal Audit Process to Verify Timesheets are Keyed Accurately and Timely

The CRU reviewed employee leave records from one leave period to ensure compliance with applicable laws, regulations and CalHR policy and guidelines. Based on our review, the CRU found no deficiencies. The DOC 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 comply with the regulations and CalHR policies that require a leave plan for every employee with vacation or annual leave hours over the maximum amount

permitted (Cal. Code Regs., tit. 2, § 599.742.1 and applicable Bargaining Unit Agreements). Bargaining Unit Agreements and California Code of Regulations prescribe the maximum amount of vacation or annual leave permitted. For instance, according to California Code of Regulations, title 2, section 599.737, if a represented employee does not use all of the vacation to which he or she is entitled in a calendar year, “the employee may accumulate the unused portion, provided that on January 1st of a calendar year, the employee shall not have more than” the established limit as stipulated by the applicable bargaining unit agreement²¹. Likewise, if an excluded employee does not use all of the vacation to which he or she is entitled in a calendar year, the “employee may accumulate the unused portion of vacation credit, provided that on January 1st of a calendar year, the excluded employee shall not have more than 80 vacation days.” (Cal. Code Regs., tit. 2, § 599.738).

In accordance with CalHR Online Manual Section 2124, 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.

As of June 30, 2016, 37 DOC employees exceeded the established limits of vacation or annual leave. The CRU reviewed 15 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 ²²	Leave Reduction Plan Provided
Associate Oil & Gas Engineer	R09	31	Yes
C.E.A.	M01	845	Yes
Energy & Mineral Resources	R09	20	Yes
Legal Analyst	R01	12	Yes
Senior Engineering Geologist	S09	148	Yes
Senior Engineering Geologist	R09	366	Yes
Senior Environmental Scientist (Specialist)	R10	462	Yes
Senior Information Systems Analyst (Supervisor)	S01	245	Yes

²¹ For represented employees, the established limit for annual or vacation leave accruals is 640 hours, however for bargaining units 06 there is no established limit and bargaining unit 5 the established limit is 816 hours.

²² As of March 31, 2016.

Classification	Collective Bargaining Identifier	Total Hours Over Established Limit ²²	Leave Reduction Plan Provided
Senior Oil & Gas Engineer (Supervisor)	S09	48	Yes
Sr. Civil Engineer	S09	318	Yes
St Oil & Gas Supervisor	S09	453	Yes
Staff Services Analyst (General)	R01	154.9	Yes
Supervisor Oil & Gas Engineer	S09	48.5	No
Supervisor Oil & Gas Engineer	S09	315.5	Yes
System Software Specialist III	R01	16	Yes
Total Hours		48.5	

FINDING NO. 17 – Leave Reduction Plans Were Not Provided to All Employees Whose Leave Balances Exceeded Established Limits

Summary: The DOC provided a leave reduction policy included in their department’s online Administrative Manual. Additionally, the DOC disseminated a November 21, 2016 memorandum demonstrating that they encourage their employees to participate in the leave balance reduction plan in an effort to reduce “over the cap” leave balances. However, the DOC failed to adhere to their own internal policy and did not provide leave reduction plans for one employee reviewed whose leave balances exceeded established limits.

Criteria: 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. 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 for reasons other than those listed in sections 599.737 and 599.738 of these regulations 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. (Cal. Code Regs., tit. 2, § 599.742.)

According to CalHR Online Manual Section 2124, “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. 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”.

Severity: Non-serious/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 DOC states that due to the change of the personnel officer and staff within the department in 2017, the tracking and processes that were in place were not continuously utilized. Thus, not all employees whose balances exceeded the established limits were provided a plan for leave reduction as required.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the DOC submit to the SPB a written corrective action plan that addresses the corrections the department will implement to ensure conformity with California Code of Regulations, title 2, section 599.742 and CalHR Online Manual Section 2124.

State Service

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 service²³ (Cal. Code Regs., tit. 2, § 599.608).

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

²³ 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.

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).

For each additional qualifying monthly pay period as defined in section 599.608, the employee shall be allowed credit for vacation with pay on the first day of the following monthly pay period. 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. Portions of non-qualifying monthly pay periods of service shall not be counted nor accumulated (Cal. Code Regs., tit. 2, § 599.739). On the first day following a qualifying monthly pay period, excluded employees²⁴ shall be allowed credit for annual leave with pay (Cal. Code Regs., tit. 2, § 599.752).

Permanent Intermittent employees earn vacation according to the preceding schedule for each increment of 160 hours worked. Hours worked in excess of 160 hours in a monthly pay period are not counted or accumulated.

During the period under review, October 1, 2016, through June 30, 2017, the DOC had two employees with 715 transactions²⁵. The CRU reviewed both employees' 715 transactions to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Type of 715 Transaction	Time base	Number Reviewed
Non-Qualifying Pay Period	Full Time	3

FINDING NO. 18 – Incorrect Application of 715 Transaction

Summary: During the period under review, an employee received state service for a non-qualifying pay period.

Criteria: The state recognizes two different types of absences while an employee is on pay status: paid and unpaid. Unpaid absences can affect whether a pay period is considered be a qualifying or non-

²⁴ As identified in Government Code sections 19858.3(a), 19858.3(b), or 19858.3(c) as it applies to employees excluded from the definition of state employee under section Government Code 3513(c), and appointees of the Governor as designated by the Department and not subject to section 599.752.1.

²⁵ 715 transaction code is used for: temporary leaves of 30 calendar days or less (per SPB Rule 361) resulting in a non-qualifying pay period; used for qualifying a pay period while on NDI; used for qualifying a pay period while employee is on dock and furlough.

qualifying pay period for State Service and leave accruals. In the application of Government Code section 19837, an employee shall be considered to have a month of state service if the employee 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. 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. (California Code of Regulations, title 2, section 599.608). 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. Hourly or daily rate employees who work less than 160 hours in a pay period will have a non-qualifying month and not be eligible to receive State Service or Leave Accruals for that month. (California Code of Regulations, title 2, section 599.609).

Severity: Very Serious. Failure to accurately apply 715 transactions resulted in an employee receiving incorrect state service and/or leave accruals.

Cause: The DOC states that the 715 was keyed in error with information that was provided at the time.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the DOC submit to the SPB a written corrective action plan that addresses the corrections the department will implement to ensure conformity with California Code of Regulations, title 2, section 599.608, 599.609 and Government Code 19837.

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.

Nepotism is expressly prohibited in the state workplace because it is antithetical to California's merit based civil service. 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. Personal relationships for this purpose include but are not limited to, association by blood, adoption, marriage and/or cohabitation. In addition, there may be personal relationships beyond this general definition that could be subject to these policies. Overall, departmental nepotism policies should aim to prevent favoritism or bias based on a personal relationship when recruiting, hiring or assigning employees. Departments have the discretion, based on organizational structure and size, to develop nepotism policies as they see fit (CalHR Online Manual Section 1204).

FINDING NO. 19 – Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

After reviewing the DOC's nepotism policy in effect during the compliance review period, the CRU verified that the policy was disseminated to all staff and emphasized the DOC's commitment to the state policy of recruiting, hiring and assigning employees on the basis of merit. Additionally, the DOC'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 as outlined in CalHR's Online Manual Section 1204.

Workers' Compensation

Pursuant to California Code of Regulations, title 8, section 9880, employers shall provide to every new employee at the time of hire or by the end of the first pay period, written notice concerning the rights, benefits, and obligations under workers' compensation law. This notice shall also contain a form that the employee can use to pre-designate their personal physician or medical group as defined by Labor Code section 4600. Additionally, employers shall also provide a claim form and notice of potential eligibility to their employee within one working day of notice or knowledge that the employee has suffered a work related injury or illness (Labor Code, § 5401).

According to Labor Code section 3363.5, public employers may choose to extend workers' compensation coverage to volunteers that perform services for the organization. Workers' compensation coverage is not mandatory for volunteers as it is for employees. This is specific to the legally uninsured state departments participating in the Master Agreement. Departments with an insurance policy for workers'

compensation coverage should contact their State Compensation Insurance Fund (SCIF) office to discuss the status of volunteers (PML, “Workers’ Compensation Coverage for Volunteers,” 2015-009). Those departments that have volunteers should have notified or updated their existing notification to the SCIF by April 1, 2015, whether or not they have decided to extend workers’ compensation coverage to volunteers. In this case, the DOC did not employ volunteers during the compliance review period.

During the period under review, October 1, 2016, through June 30, 2017, the DOC had five workers’ compensation claims. The CRU reviewed all five to ensure compliance was with applicable laws, regulations and CalHR policy and guidelines.

After reviewing the DOC’s workers’ compensation process that was in effect during the compliance review period, the CRU verified that the DOC provides notice to their employees to inform them of their rights and responsibilities under CA workers’ compensation law. However, one of the employees was not provided the claim form DWC 1 according to Labor Code Section 5401, to the employee within one working day of notice or knowledge of injury which is listed below:

Classification	Date of Injury	Claim Form Provided (DWC 1)
Staff Services Analyst (General)	10/16/2017	No

FINDING NO. 20 – Injured Employee(s) Did Not Receive Workers’ Compensation Claim Forms Within One Working Day of Notice or Knowledge of Injury.

Summary: During the review period, the CRU found that one employee had an injury on 10/16/2017. The employee notified the DOC of the injury on 10/17/2017. At the time of notification, the DOC should have provided the DWC 1 form to the employee. The DOC failed to do so and the employee was not given the form until three days later.

Criteria: Employers shall provide a claim form and notice of potential eligibility for workers’ compensation to their employee within one working day of notice or knowledge that the employee has suffered a work related injury or illness (Labor Code § 5401).

Severity: Very Serious. Injured employees were not provided the DWC 1 form within the 24-hour time period. A work related injury can result

in lost time beyond the employee’s work shift at the time of injury or result in medical treatment beyond first aid. “First aid” means any one-time treatment, and any follow-up visit for the purpose of observation of minor scratches, cuts, burns, splinters, or other minor industrial injury, which do not ordinarily require medical care. The importance of providing the DWC 1 form within 24-hours is to prevent any delay in treatment allowed to the employee.

Cause: The DOC states that the supervisor who was made aware of the injury, failed to provide the appropriate claim form within the prescribed period.

Action: It is recommended that within 60 days of the Executive Officer’s approval of these findings and recommendations, the DOC submit to the SPB a written corrective action plan that addresses the corrections the department will implement to ensure conformity with Labor Code Section 5401.

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 23 permanent DOC employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations and CalHR policy and guidelines.

FINDING NO. 21 – Performance Appraisals Were Not Provided to All Employees

Summary: The DOC did not provide performance appraisals to two of 23 employees reviewed at least once in each twelve calendar months after the completion of the employee’s probationary period.

Classification	Date Performance Appraisal(s) due
Accounting Administrator I (Specialist)	3/1/2017

Classification	Date Performance Appraisal(s) due
Office Technician	3/30/2017

Criteria: Departments are required to “prepare performance reports and keep them on file as prescribed by department rule” (Government Code section 19992.2). 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.

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

Cause: The DOC states that due to the change of the personnel officer and staff within the department in 2017, the tracking and processes that were in place were not continuously utilized. Thus, not all managers provided timely performance appraisals to their staff.

Action: It is recommended that within 60 days of the Executive Officer’s approval of these findings and recommendations, the DOC 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.

DEPARTMENTAL RESPONSE

The DOC’s response is attached as Attachment 1.

SPB REPLY

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

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



State of California • Natural Resources Agency
Department of Conservation
Division of Administration
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Sacramento, CA 95814
(916) 323-2950 • FAX (916) 322-0607

Attachment 1
Edmund G. Brown Jr., Governor
Clayton Haas, Assistant Director

August 1, 2018

Ms. Suzy Ambrose, Executive Officer
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814

Dear Ms. Ambrose:

RESPONSE TO COMPLIANCE REVIEW – DEPARTMENT OF CONSERVATION

The Department of Conservation (DOC), Division of Administration, Human Resources Office, has completed our review of the Compliance Audit conducted by the State Personnel Board. Below are the actions that the DOC has taken to ensure compliance with the State of California's personnel practices and requirements.

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

The DOC acknowledges that some probation reports were combined and some were not issued. This audit was the first time DOC was made aware that combined probationary reports are now not allowable based upon Title 2 subsection 599.795. The DOC has developed a process that will track all probationary report due dates and will require the supervisor to provide the report within the regulated period and not combine reports.

Finding No. 3: Equal Employment Opportunity Questionnaires were not separated from Applications

The DOC agrees with this finding. The DOC has implemented a check and balance system that is being put in place in the Human Resources Office during the receiving of applications, hiring process, and during the closure of the RPA folder. This check and balance system will guarantee that all EEO Questionnaires will be separated from the STD 678.

Finding No. 4: Eligibility Preference was not Considered

The DOC agrees with this finding. The DOC is developing an internal review process and training to ensure that appropriate Eligibility Preference is Considered moving forward.

Finding No. 7: Sexual Harassment Prevention Training Was Not Provided For All Supervisors within the Prescribed Time Line

The DOC acknowledges that not all Supervisors took the prescribed training within the designated time period. The Department required **ALL** staff to take sexual harassment and prevention training in early 2018 to establish a baseline for all employees. The Department will utilize and implement the appropriate processes to ensure the training is completed in the prescribed time line.

Ms. Ambrose
August 1, 2018
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Finding No. 8: Ethics Training Was Not Provided to all Filers Within the Prescribed Time Line

The DOC acknowledges that not all filers took the prescribed ethics training during their designated time period. The Department has recently filled our Training Officer position and has implemented a new tracking process to ensure all training is completed.

Finding No. 10: Alternate Range Movements Did Not Comply With Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The DOC disagrees with this finding. DOC was working within CalHR requirements to provide the best benefit to the employee. The employee was placed in a Training and Development (T&D) position for a year in order to meet the ARC criteria and be placed into the appropriate range without a loss of salary. If it is determined that salary alone and not meeting the Specification Minimum Qualifications allows the Department to place a candidate in a range in which they don't meet the ARC, DOC will place the candidate in the range that would allow for the promotional payroll increase as specified in CCR 599.676 and 599.690.

Finding No. 12: Out-of-Class Pay Authorization Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The DOC acknowledges that one employee was underpaid during an Out-of-Class assignment. The DOC has implemented a process in the transactions unit to ensure that all Out-of-Class assignments are reviewed and recalculated after any General Increase occurs in order to make sure all employees are paid accurately.

Finding No. 17: Leave Reduction Plans Were Not Provided to All Employees Whose Balances Exceeded Established Limits

The DOC acknowledges that not all employees who were required to submit leave reduction plans did so in a timely manner. The Department has a new Training Officer and Personnel Officer and fixed the lapse by requiring all staff who have exceeded 640 hours to complete and submit a leave reduction training plan in a timely manner. The Department will continue to require the leave reduction to occur and plans to be provided a minimum of once a year.

Finding No. 18: Incorrect Application of 715 Transaction

The DOC acknowledges that one employee 715 transaction was not keyed in the proper manner. The DOC will better monitor keying transactions to ensure this does not happen in the future.

Finding No. 20: Injured Employee Did Not Receive Workers' Compensation Claim Forms Within One Working Day of Notice or Knowledge of Injury

The DOC acknowledges that one employee was not provided with Workers' Compensation paperwork timely. The DOC is providing ongoing training with supervisors to ensure that all supervisors are aware of the requirement to provide paperwork within the prescribed time frame.

Ms. Ambrose
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Finding No. 21: Performance Appraisals Were Not Provided to All Employees

The DOC acknowledges that Performance Appraisals were not provided to all employees in a timely manner. The DOC has a new Personnel Officer and has instituted checks and balances to ensure all non-probationary staff receive performance appraisals annually by March of each year. The HRO will track the performance appraisals that are received to ensure timely submittal.

If you have any questions or need additional information, please contact me at 323-2950.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clayton Haas', with a long horizontal flourish extending to the right.

Clayton Haas
Assistant Director, Division of Administration