



# **COMPLIANCE REVIEW REPORT**

## **DEPARTMENT OF PARKS AND RECREATION**

Compliance Review Unit  
State Personnel Board  
September 30, 2019

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## **INTRODUCTION**

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

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

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

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

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

The SPB conducts these reviews on a three-year cycle.

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

### **EXECUTIVE SUMMARY**

The CRU conducted a routine compliance review of the Department of Parks and Recreation (PARKS)'s personnel practices in the areas of examinations, appointments, EEO, PSC's, mandated training, compensation and pay, leave, and policy and processes<sup>1</sup>. The following table summarizes the compliance review findings.

Area	Finding
Examinations	Examinations Complied with Civil Service Laws and Board Rules
Examinations	Permanent Withhold Actions Complied with Civil Service Laws and Board Rules
Appointments	Probationary Evaluations Were Not Provided for All Appointments Reviewed
Appointments	Appointments Documentation Was Not Kept for the Appropriate Amount of Time
Equal Employment Opportunity	Disability Advisory Committee Is Not Active
Personal Services Contracts	Unions Were Not Notified of Personal Services Contracts
Personal Services Contracts	Personal Services Contracts Did Not Comply with Procedural Requirements
Mandated Training	Ethics Training Was Not Provided for All Filers
Mandated Training	Supervisory Training Was Not Provided for All Supervisors
Mandated Training	Sexual Harassment Prevention Training Was Not Provided for All Supervisors
Compensation and Pay	Salary Determinations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	Alternate Range Movements Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	Incorrect Authorization of Hire Above Minimum Request

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

Area	Finding
Compensation and Pay	Incorrect Authorization of Bilingual Pay
Compensation and Pay	Pay Differential Documentation Was Not Kept for the Appropriate Amount of Time
Compensation and Pay	Out of Class Pay Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Leave	Positive Paid Employees' Actual Time Worked Exceeded Nine Months in a Twelve Consecutive Month Period
Leave	Administrative Time Off Documentation Was Not Kept for the Appropriate Amount of Time
Leave	Leave Activity and Correction Certification Forms Were Not Completed For All Leave Records
Leave	Incorrectly Posted Leave Usage and/or Leave Credit
Leave	Leave Reduction Plans Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Leave	715 Transactions Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Department Nepotism Policy Was Not Timely Reviewed and Updated
Policy	Workers' Compensation Process Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Performance Appraisals Were Not Provided to All Employees

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

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

### **BACKGROUND**

The PARKS is essential to the well-being of environments, economies and all people. California's state parks and the recreational programs supported by the PARKS and its divisions of Boating and Waterways, Off-Highway Motor Vehicle Recreation, and Office of Historic Preservation, are gateways to these benefits and to opportunities to connect with families, friends, and communities.

With 280 state park units, over 340 miles of coastline, 970 miles of lake and river frontage, 15,000 campsites, and 4,500 miles of trails, the department contains the largest and most diverse recreational, natural, and cultural heritage holdings of any state agency in the nation.

More than 67 million people annually visit California's state park system. The system includes: beaches, coastal beaches, conference centers, ghost towns, historic homes, historic monuments, historic parks, lakes and reservoirs, lighthouses, marine parks, museums, natural and cultural preserves, natural reserves, off-highway vehicle recreations areas, seashores, Spanish-era adobe buildings, and visitor centers.

State park system lands protect and preserve an unparalleled collection of culturally and environmentally sensitive structures and habitats, threatened plant and animal species, ancient Native American sites, and historic structures and artifacts - the best of California's natural and cultural history.

Additionally, the Office of Grants and Local Services (OGALS) develops grant programs to provide funding for local, state, and nonprofit organization projects. Since 1964, more than 7,400 local parks throughout California have been created or improved from OGALS' grant funding. Since 2000 the program has administered approximately \$3 billion in grant funding throughout California.

### **SCOPE AND METHODOLOGY**

The scope of the compliance review was limited to reviewing the PARKS's examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes<sup>2</sup>. The primary objective of the review was to determine if PARKS' 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 PARKS' 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 PARKS provided, which included examination plans, examination bulletins, job analyses, and scoring results. The CRU also reviewed

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

the PARKS' permanent withhold actions documentation, including withhold determination worksheets, State applications (STD 678), class specifications, and withhold letters.

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

The PARKS' appointments were also selected for review to ensure the PARKS applied salary regulations accurately and correctly processed employees' compensation and pay. The CRU examined the documentation that the PARKS provided, which included employees' employment and pay history and any other relevant documentation such as certifications, degrees, and/or the appointee's application. Additionally, the CRU reviewed specific documentation for the following personnel functions related to compensation and pay: hiring above minimum (HAM) requests, bilingual pay, monthly pay differentials, and out-of-class assignments.

During the compliance review period, the PARKS did not issue or authorize red circle rate requests and arduous pay.

The review of the PARKS'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 reasonable accommodation program; the discrimination complaint process; and the Disability Advisory Committee (DAC).

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

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<sup>3</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.

The PARKS' mandated training program was reviewed to ensure all employees required to file statements of economic interest were provided ethics training, and that all supervisors were provided supervisory training and sexual harassment prevention training within statutory timelines.

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

The CRU reviewed the PARKS' Leave Activity and Correction Certification forms to verify that the PARKS 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 PARKS' units in order to ensure they maintained accurate and timely leave accounting records. Part of this review also examined a cross-section of the PARKS' employees' employment and pay history, state service records, and leave accrual histories to ensure employees with non-qualifying pay periods did not receive vacation/sick leave and/or annual leave accruals or state service credit. Additionally, the CRU reviewed a selection of the PARKS employees who used Administrative Time Off (ATO) in order to ensure that ATO was appropriately administered. Additionally, the CRU reviewed a selection of PARKS employees tracked by actual time worked (ATW) during the compliance review period in order to ensure that ATW was appropriately utilized.

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

On September 5, 2019, an exit conference was held with the PARKS to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the PARKS's written response on September 20, 2019, which is attached to this final compliance review report.



## FINDINGS AND RECOMMENDATIONS

### Examinations

Examinations to establish an eligible list must be competitive and of such character as fairly to test and determine the qualifications, fitness, and ability of competitors to perform the duties of the class of position for which he or she seeks appointment. (Gov. Code, § 18930.) Examinations may be assembled or unassembled, written or oral, or in the form of a demonstration of skills, or any combination of those tests. (*Ibid.*) The Board establishes minimum qualifications for determining the fitness and qualifications of employees for each class of position and for applicants for examinations. (Gov. Code, § 18931.) Within a reasonable time before the scheduled date for the examination, the designated appointing power shall announce or advertise the examination for the establishment of eligible lists. (Gov. Code, § 18933, subd. (a).) The advertisement shall contain such information as the date and place of the examination and the nature of the minimum qualifications. (*Ibid.*) Every applicant for examination shall file an application with the department or a designated appointing power as directed by the examination announcement. (Gov. Code, § 18934, subd. (a)(1).) The final earned rating of each person competing in any examination is to be determined by the weighted average of the earned ratings on all phases of the examination. (Gov. Code, § 18936.) Each competitor shall be notified in writing of the results of the examination when the employment list resulting from the examination is established. (Gov. Code, § 18938.5.)

During the period under review, January 1, 2018 through September 30, 2018, the PARKS conducted 23 examinations. The CRU reviewed 17 of those examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Aquatic Pest Control Specialist	Open	Training and Experience (T&E) <sup>4</sup>	Continuous	5
Aquatic Pest Control Technician	Open	Education and Experience (E&E) <sup>5</sup>	1/2/2018	4

<sup>4</sup> The Training and Experience (T&E) examination is administered either online or in writing, and asks the applicant to answer multiple-choice questions about his or her level of training and/or experience performing certain tasks typically performed by those in this classification. Responses yield point values.

<sup>5</sup> In an education and experience examination, one or more raters reviews the applicants' Standard 678 application forms, and scores and ranks them according to a predetermined rating scale that may include years of relevant higher education, professional licenses or certifications, and/or years of relevant work experience.

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Career Executive Assignment (CEA) A, Chief Information Officer, Information Technology Office	Open	Statement of Qualifications (SOQ) <sup>6</sup>	6/6/2018	88
CEA A, Chief Interpretation and Education	Open	SOQ	5/22/2018	14
CEA A, Office of Partnerships	Open	SOQ	2/20/2018	8
Communication Operator	Open	Written <sup>7</sup>	3/7/2018	68
Communication Supervisor	Open	E&E	5/31/2018	3
Lifeguard	Open	T&E	4/9/2018	55
Museum Curator III	Open	T&E	4/4/2018	85
Museum Custodian	Open	Qualification Appraisal Panel <sup>8</sup>	6/1/2018	32
Park Maintenance Chief II	Promotional	T&E	2/1/2018	42
Park Maintenance Worker I	Open	Written	Continuous	213
Senior Land Surveyor	Open	E&E	11/9/2017	2
State Park Interpreter II	Open	T&E	4/20/2018	99
State Park Peace Officer (Lifeguard) Cadet	Open	Written	6/14/2018	99
State Park Peace Officer (Ranger) Cadet	Open	Written	5/31/2018	802

<sup>6</sup> In a Statement of Qualifications (SOQ's) examination, applicants submit a written summary of their qualifications and experience related to a published list of desired qualifications. Raters, typically subject matter experts, evaluate the responses according to a predetermined rating scale designed to assess their ability to perform in a job classification, assign scores and rank the competitors in a list.

<sup>7</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.

<sup>8</sup> The Qualification Appraisal Panel (QAP) interview is the oral component of an examination whereby competitors appear before a panel of two or more evaluators. Candidates are rated and ranked against one another based on an assessment of their ability to perform in a job classification.

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Water and Sewage Plant Supervisor	Open	T&E	Continuous	18

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

The CRU reviewed one departmental promotional and 16 open examinations which the PARKS administered in order to create eligible lists from which to make appointments. The PARKS published and distributed examination bulletins containing the required information for all examinations. Applications received by the PARKS 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 PARKS conducted during the compliance review period.

**Permanent Withhold Actions**

Departments are granted statutory authority to permit withhold of eligibles from lists based on specified criteria (Gov. Code, § 18935) Permanent appointments and promotions within the state civil service system are merit-based, ascertained by a competitive examination process. Once a candidate has obtained list eligibility, a department may discover information pertaining to that eligible, which raises concerns regarding his/her eligibility or suitability for employment with the state. (CalHR Withhold Manual, p. 3.) A permanent withhold action is valid for the duration of the eligible list eligibility. (*Ibid.*) Departments are required to maintain a separate file for each withhold action and the file should include a copy of the withhold notification letter sent to the eligible, as well as all supporting documentation which form the basis of the withhold action (CalHR Withhold Manual, p. 2.).

During the review period, the PARKS conducted 127 permanent withhold actions. The CRU reviewed 41 of these permanent withhold actions, which are listed below:

Exam Title	Exam ID	Date List Eligibility Began	Date List Eligibility Ended	Reason Employee Placed on Withhold	Number of Withhold Actions
State Park Peace Officer Cadet (Lifeguard)	6PR09	10/10/2016	10/20/2020	Background Investigation/Medical Program	1
State Park Peace Officer Cadet (Ranger)	6PR08	10/10/2016	10/20/2020	Background Investigation/Medical Program	40

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

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

**Appointments**

In all cases not excepted or exempted by Article VII of the California Constitution, the appointing power must fill positions by appointment, including cases of transfers, reinstatements, promotions, and demotions in strict accordance with the Civil Service Act and Board rules. (Gov. Code, § 19050.) The hiring process for eligible candidates chosen for job interviews shall be competitive and be designed and administered to hire candidates who will be successful. (Cal. Code Regs., tit. 2, § 250 (b).) Interviews shall be conducted using job-related criteria. (Ibid.) Persons selected for appointment shall satisfy the minimum qualifications of the classification to which he or she is appointed or have previously passed probation and achieved permanent status in that same classification. (Cal. Code Regs., tit. 2, § 250 (d).) While persons selected for appointment may meet some or most of the preferred or desirable qualifications, they are not required to meet all the preferred or desirable qualifications. (Ibid.) This section does not apply to intra-agency job reassignments. (Cal. Code Regs., tit. 2, § 250 (e).)

For the purposes of temporary appointments, an employment list is considered not to exist where there is an open eligible list that has three or fewer names of persons willing to accept appointment and no other employment list for the classification is available.

(Cal. Code Regs., tit. 2, § 265.) In such a situation, an appointing power may make a temporary appointment in accordance with section 265.1 (*ibid.*) A Temporary Authorization Utilization (TAU) appointment shall not exceed nine months in a 12-month period. (Cal. Const., art. VII, § 5. ) In addition, when a temporary appointment is made to a permanent position, an appropriate employment list shall be established for each class to which a temporary appointment is made before the expiration of the appointment. (Gov. Code, § 19058.)

During the period under review, November 1, 2017 through July 31, 2018, the PARKS made 1,887 appointments. The CRU reviewed 135 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts
Accountant I(Specialist)	Certification List	Permanent	Full Time	2
Accountant Trainee	Certification List	Permanent	Full Time	1
Accounting Administrator I (Specialist)	Certification List	Permanent	Full Time	1
Accounting Officer (Specialist)	Certification List	Permanent	Full Time	2
Administrative Officer I, Resources Agency	Certification List	Permanent	Full Time	3
Assistant State Archeologist	Certification List	Permanent	Intermittent	1
Associate Budget Analyst	Certification List	Permanent	Full Time	1
Associate Civil Engineer	Certification List	Permanent	Full Time	1
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	4
Associate Information Systems Analyst (Specialist)	Certification List	Permanent	Full Time	1
Associate Personnel Analyst	Certification List	Permanent	Full Time	1
Automobile Mechanic	Certification List	Permanent	Full Time	1
Communications Operator	Certification List	Permanent	Full Time	1
District Superintendent I	Certification List	Permanent	Full Time	1
Engineer, Civil	Certification List	Permanent	Full Time	1
Environmental Scientist	Certification List	Permanent	Full Time	1
Groundskeeper	Certification List	Permanent	Full Time	1
Guide I Historical Monument	Certification List	Permanent	Intermittent	4
Information Technology Associate	Certification List	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts
Information Technology Specialist II	Certification List	Permanent	Full Time	1
Labor Relations Manager I	Certification List	Permanent	Full Time	1
Maintenance Mechanic	Certification List	Permanent	Full Time	1
Management Services Technician	Certification List	Permanent	Full Time	2
Museum Technician	Certification List	Permanent	Full Time	1
Office Assistant (General)	Certification List	Permanent	Intermittent	1
Office Assistant (Typing)	Certification List	Permanent	Full Time	2
Office Technician (Typing)	Certification List	Permanent	Intermittent	5
Park And Recreation Specialist	Certification List	Permanent	Full Time	1
Park Maintenance Assistant	Certification List	Permanent	Full Time	5
Park Maintenance Assistant	Certification List	Permanent	Intermittent	2
Park Maintenance Chief I	Certification List	Permanent	Full Time	1
Park Maintenance Chief III	Certification List	Permanent	Full Time	2
Park Maintenance Supervisor	Certification List	Permanent	Full Time	3
Park Maintenance Worker I	Certification List	Permanent	Full Time	6
Park Maintenance Worker I	Certification List	Permanent	Intermittent	1
Park Maintenance Worker II	Certification List	Permanent	Full Time	2
Pool Lifeguard	Certification List	Permanent	Full Time	1
Restoration Work Specialist	Certification List	Permanent	Full Time	1
Senior Environmental Scientist (Supervisory)	Certification List	Permanent	Full Time	1
Senior Environmental Scientist (Specialist)	Certification List	Permanent	Full Time	1
Senior Environmental Scientist (Specialist)	Certification List	Permanent	Intermittent	1
Senior Land Agent (Specialist)	Certification List	Permanent	Full Time	1
Skilled Laborer	Certification List	Permanent	Intermittent	1
Staff Management Auditor	Certification List	Permanent	Full Time	2
Staff Services Analyst	Certification List	Permanent	Full Time	5

Classification	Appointment Type	Tenure	Time Base	No. of Appts
Staff Services Analyst	Certification List	Permanent	Intermittent	2
Staff Services Management Auditor	Certification List	Permanent	Full Time	1
Staff Services Manager I	Certification List	Permanent	Full Time	1
Staff Services Manager II (Managerial)	Certification List	Permanent	Full Time	1
Staff Services Manager II (Supervisory)	Certification List	Permanent	Full Time	1
Staff Services Manager III	Certification List	Permanent	Full Time	1
State Park Equipment Operator	Certification List	Permanent	Full Time	2
State Park Interpreter I	Certification List	Permanent	Full Time	1
State Park Peace Officer Supervisor (Ranger)	Certification List	Permanent	Full Time	4
State Park Peace Officer Supervisor I (Lifeguard)	Certification List	Permanent	Full Time	2
State Park Superintendent III	Certification List	Permanent	Full Time	3
State Park Superintendent IV	Certification List	Permanent	Full Time	1
Transportation Surveyor (Caltrans)	Certification List	Permanent	Full Time	1
Water And Sewage Plant Supervisor	Certification List	Permanent	Full Time	1
State Park Peace Officer (Ranger)	Demotion	Permanent	Full Time	1
Administrative Officer II, Resources Agency	Reinstatement	Limited Term	Full Time	1
Civil Engineer	Reinstatement	Permanent	Full Time	1
Office Technician (Typing)	Reinstatement	Permanent	Full Time	1
Park Maintenance Supervisor	Reinstatement	Permanent	Full Time	1
Park Maintenance Worker I	Reinstatement	Permanent	Intermittent	1
Research Analyst I	Reinstatement	Limited Term	Full Time	1
State Park Peace Officer Supervisor (Ranger)	Reinstatement	Permanent	Full Time	1
Forestry Aide	Temporary	Temporary	Intermittent	1
Lifeguard I (Seasonal)	Temporary	Temporary	Intermittent	4
Lifeguard II (Seasonal)	Temporary	Temporary	Intermittent	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts
Maintenance Aide (Seasonal)	Temporary	Temporary	Intermittent	2
Park Aide (Seasonal)	Temporary	Temporary	Intermittent	5
Park Interpretive Specialist (Seasonal)	Temporary	Temporary	Intermittent	1
Senior Maintenance Aide (Seasonal)	Temporary	Temporary	Intermittent	2
Senior Park Aide (Seasonal)	Temporary	Temporary	Intermittent	3
Associate Governmental Program Analyst	Transfer	Permanent	Full Time	1
Environmental Program Manager I (Managerial)	Transfer	Permanent	Full Time	1
Management Services Technician	Transfer	Permanent	Full Time	1
Staff Services Analyst	Transfer	Permanent	Full Time	1
State Park Equipment Operator	Transfer	Permanent	Full Time	1
State Park Peace Officer (Ranger)	Transfer	Permanent	Full Time	1

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

**Summary:** The PARKS did not provide 103 probationary reports of performance for 55 of the 135 appointments reviewed by the CRU, as reflected in the table below.

Classification	Number of Appointments Missing Probation Reports	Total Number of Missing Probation Reports
Accountant I (Specialist)	2	4
Accountant Trainee	1	1
Accounting Officer (Specialist)	2	3
Administrative Officer I, Resources Agency	3	7
Associate Governmental Program Analyst	3	5



Classification	Number of Appointments Missing Probation Reports	Total Number of Missing Probation Reports
Associate Information Systems Analyst (Specialist)	1	3
Communications Operator	1	2
District Superintendent I	1	1
Engineer, Civil	1	3
Environmental Program Manager I (Managerial)	1	3
Forestry Aide	1	1
Groundskeeper	1	2
Guide I Historical Monument	1	1
Labor Relations Manager I	1	3
Management Services Technician	2	5
Museum Technician	1	1
Office Assistant (General)	1	2
Office Technician (Typing)	2	4
Park And Recreation Specialist	1	2
Park Maintenance Assistant	4	8
Park Maintenance Chief III	2	3
Park Maintenance Supervisor	4	6
Park Maintenance Worker I	5	9
Park Maintenance Worker II	2	5
Pool Lifeguard	1	1
Restoration Work Specialist	1	3
Senior Environmental Scientist (Specialist)	1	1
Senior Land Agent (Specialist)	1	2
Skilled Laborer	1	3
Staff Management Auditor	1	2
Staff Services Analyst	3	4
Staff Services Management Auditor	1	1
State Park Equipment Operator	1	2

**Criteria:** The service of a probationary period is required when an employee enters or is promoted in the state civil service by permanent

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

- Severity:** Serious. The probationary period is the final step in the selection process to ensure that the individual selected can successfully perform the full scope of their job duties. Failing to use the probationary period to assist an employee in improving his or her performance or terminating the appointment upon determination that the appointment is not a good job/person match is unfair to the employee and serves to erode the quality of state government.
- Cause:** The PARKS states that, despite their policy requiring the completion of three probationary reports, PARKS supervisors and managers did not submit probationary reports as required.
- Action:** It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the PARKS submit to the CRU a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the probationary requirements of Government Code section 19172.

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

- Summary:** The PARKS failed to retain personnel records such as NOPA's, job announcements/bulletins, interview notes for all applicants interviewed, and applications. Of the 135 appointments reviewed, the PARKS did not retain 38 NOPAs, four job announcement bulletins, 21 interview notes for all applicants interviewed, and one proposed organization chart. Additionally, in six of the 135 appointments reviewed, the entire appointment file was missing.
- Criteria:** As specified in section 26 of the Board's Regulations, appointing powers are required to retain records related to affirmative action, equal employment opportunity, examinations, merit, selection, and appointments for a minimum period of five years from the date the record is created. These records are required to be readily accessible and retained in an orderly and systematic manner. (Cal. Code Regs., tit. 2, § 26.)
- Severity:** Serious Without documentation, the CRU could not verify if the appointments were properly conducted.
- Cause:** PARKS states that due to high turnover there was an oversight in ensuring all appointment documentation was filed appropriately and timely.
- Action:** It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the PARKS submit to the CRU a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the record retention requirements of California Code of Regulations, title 2, section 26. Copies of any relevant documentation should be included with the plan.

**Equal Employment Opportunity**

Each state agency is responsible for an effective EEO program. (Gov. Code, § 19790.) The appointing power for each state agency has the major responsibility for monitoring the effectiveness of its EEO program. (Gov. Code, § 19794.) To that end, the appointing

power must issue a policy statement committed to EEO; issue procedures for filing, processing, and resolving discrimination complaints; and cooperate with the CalHR in accordance with Civil Code section 1798.24, subdivisions (O) and (P), by providing access to all required files, documents and data necessary to carry out these mandates. (*Ibid.*) In addition, the appointing power must appoint, at the managerial level, an EEO Officer, who shall report directly to, and be under the supervision of, the Director of the department to develop, implement, coordinate, and monitor the department's EEO program. (Gov. Code, § 19795, subd. (a).)

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

The CRU reviewed the PARKS EEO program that was in effect during the compliance review period.

#### **FINDING NO. 5 – Disability Advisory Committee Is Not Active**

**Summary:** The PARKS does not have an active DAC. .

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

**Severity:** Very Serious. The agency head does not have direct information issues of concern to employees or other persons with disabilities and input to correct any underrepresentation. The lack of a DAC may limit an agency's ability to recruit and retain a qualified workforce, impact productivity, and subject the agency to liability.

**Cause:** The PARKS states that all prior DAC members have retired and they did not conduct a new recruitment.

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

### **Personal Services Contracts**

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

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

During the period under review, January 1, 2018 through September 30, 2018, the PARKS had 719 PSC's that were in effect. The CRU reviewed 52 of those, which are listed below:

Vendor	Services	Contract Dates	Contract Amount	Justification Identified	Union Notified
A+Superior Sanitation, Inc.	Portable Chemical Toilet Service	3/1/2018-2/29/2020	\$98,870	Yes	Yes
Alpha Analytical Laboratories, Inc.	Water Testing and Analyses Services	8/14/2018-8/14/2020	\$101,481	Yes	No
American Conservation Experience	Facility and Trail Rehabilitation	6/26/2018-4/1/2020	\$435,000	Yes	No
American Conservation Experience	Parks Maintenance	7/13/2018-8/9/2018	\$10,000,000	Yes	No
Andy's Roofing Company	Roof Replacement	10/5/2018	\$116,320	No	No
Apex Waste Systems, Inc	Bi-Monthly on Call Hauling and Disposal of Refuse	3/7/2018-3/7/2020	\$121,132	Yes	No
Area Restroom Solutions, Inc.	Vault Toilet and Septic Tank Pumping	3/1/2018-3/1/2021	\$128,911	Yes	Yes
ASM Affiliates, Inc.	Archaeologist/Historian Services	8/30/2018	\$1,720,000	Yes	No
Ben Toilet Rentals	Chemical Toilet Rental and Service	2/24//2018-2/23/2021	\$96,942	Yes	No
Bloom Biological Inc.	Trap and Relocate Problem Predators	3/1/2018-3/1/2021	\$428,979.75	Yes	No
Conduent State & Local Solutions	Recreation and Reservations Sales Service.	1/31/2018-7/31/2022	\$84,000,000	Yes	No
CR and R, Inc	Refuse Collection and Disposal	1/12/2018-1/12/2021	\$3,764,643.32	Yes	No
Data Ticket, Inc	Parking Citation Processing	9/13/2017-9/12/2018	\$350,000	Yes	No
Dependable Alarm Systems, Inc.	Alarm Monitoring Services	9/1/2018-8/31/2020	\$149,999.99	Yes	No

Vendor	Services	Contract Dates	Contract Amount	Justification Identified	Union Notified
Diamond Environmental Services	Portable Restroom Rental Services	6/1/2018-5/31/2021	\$136,141.40	Yes	No
EJ Harrison And Sons, Inc	Weekly Refuse Services	2/1/2018-11/30/2020	\$157,222.74	Yes	No
ECORP Consulting, Inc	Environmental Specialist Services	8/30/2018-8/30/2021	\$968,615	Yes	No
Empire Waste Management	Refuse and Recycling Services	2/8/2018-2/8/2020	\$216,792.14	Yes	No
Environmental Land Management	Goat Browsing	4/19/2018-3/30/20120	\$407,500	Yes	No
Far Western Anthropological Research Group, Inc	Archaeologist/Historian Services	4/5/2018-4/5/2021	\$2,000,000	Yes	No
Gabriela Gallegos Deep Forest Services	Weed Control, Fuel Reduction, and Forest Protection	3/26/2018-6/30/2020	\$99,720	Yes	No
Green Waste Recovery Inc	Refused and Mixed Recycling Disposal	1/1/2018-12/31/2020	\$432,835.25	Yes	No
Harris Blade Rental	Rental of Large Rubber Track Tractor, Dump Scraper, Full Size Excavator	12/30/2017-11/30/2018	\$190,191.25	Yes	No
Humboldt Sanitation Co., Inc	Refuse Disposal	1/1/2018-12/31/2019	\$87,450	Yes	No
Intermountain Disposal, Inc	Refuse and Disposal Services	1/9/2018-	\$107,959	No	No
Island Packers Corp	Junior Lifeguard Program	6/20/2018-6/21/2020	\$129,735	Yes	No
K38, LLC	Rescue Water Craft Training for Peace Officers	4/25/2018-Current	\$547,500	Yes	No

Vendor	Services	Contract Dates	Contract Amount	Justification Identified	Union Notified
Lake County Waste Solutions	Refuse Collection and Disposal Services	3/7/2018-3/7/2020	\$144,283.99	Yes	No
Marconi Conference Center Operating Corporation	Provide Meals, Loading Equipment and Conference Facilities	5/1/2018-12/31/2019	\$149,999	Yes	No
Nitram, Inc. Everguard Systems	Convert Existing Fire Alarms to Cellular Service Programs	3/19/2018	\$16,885.92	Yes	No
O'Banion & Ritchey, LLP	Legal Services – Consultation	7/1/2018-12/31/2020	\$100,000	Yes	No
Page and Turnbull, Inc.	Develop Historic Context for American and Pacific Islanders	5/16/2018-5/15/2019	\$100,000	Yes	No
Point Blue Conservation Science	Endangered Avian Banding Management	2/28/2018-3/7/2018	\$9,576.16	Yes	No
Point Reyes Bird Observatory	Breeding and Tracking of Enlarged Avian Species	1/1/2018-1/1/2021	\$395,562	Yes	No
Recology Eel River	Refuse Disposal and Recycling Services	1/19/2018-12/31/2019	\$150,759.25	Yes	No
Recology Sonoma Marin	Refuse and Recycling Services	3/29/2018-3/29/2020	\$146,884.36	Yes	No
Reliable Environmental, Inc	Chemical Toilet and Septic Tank Pumping	2/1//2018-1/31/2012	\$2,422,100	Yes	No
Reliable Environmental Services, Inc	Pumping Services to Chemical Toilet Septic Tanks	9/30/2018-9/30/2020	\$350,342	Yes	No



Vendor	Services	Contract Dates	Contract Amount	Justification Identified	Union Notified
Rural Pig Management, Inc	Wild Pig and Turkey Removal	4/1/2018-3/31/2020	\$40,000	Yes	No
Savage Day	Legal Representation	5/3/2017-5/3/2018	\$140,000	Yes	Yes
Savage Day	Amendment for Reassignment	6/30/2015-5/1/2018	\$220,750	Yes	No
Solid Waste of Willits, Inc	Refuse and Recycling Services	1/19/2018-1/19/2020	\$162,632.61	Yes	No
South County Sanitary Service, Inc	Provide Refuse and Recycle Receptacles	9/1/2018-8/31/2020	\$137,487.53	Yes	No
Southwest Wetlands Interpretive Association	Various Support Services	7/1/2018-12/31/2018	\$359,085	Yes	No
The Acorn Group, Inc	Development of Interpretive Master Plan	3/1/2018-3/1/2021	\$131,244	Yes	No
Un/Common Advertising	Boating Safety	3/22/2016-3/31/2019	\$1,600,000	Yes	No
Un/Common Advertising	Graphic Design, Digital Media/Website Application	5/23/2018-1/31/2021	\$1,000,000	Yes	No
Tracy Delta Solid Waste Management, Inc	Refuse Disposal	9/24/2018-10/31/2020	\$223,740	Yes	No
Unites Sites Services of California	Chemical Toilet Rentals	1/2/2018-1/2/2021	\$234,015	Yes	No
University Enterprises	Interpretive/ Graphic Design	4/19/2018	\$100,000	Yes	Yes
USA Waste of California Waste Management	Weekly Refuse Services	6/1/2018-3/31/2021	\$304,647	Yes	No
Waste Connection of California, Inc	Refuse and Recycling Disposal Services	4/1/2018-3/31/2021	\$151,587	Yes	No

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

- Summary:** The PARKS did not notify unions prior to entering into 48 of the 52 PSC's.
- Criteria:** The contract shall not be executed until the state agency proposing to execute the contract has notified all organizations that represent state employees who perform the type of work to be contracted." (Government Code section 19132, subdivision (b)(1).)
- Severity:** Serious. Unions must be notified of impending PSC's in order to ensure they are aware contracts are being proposed for work that their members could perform.
- Cause:** The PARKS states that the organizations representing state employees were not properly notified pursuant to Government Code section 19132, subdivision (b)(1), due to a training oversight.
- Action:** It is the contracting department's responsibility to identify and notify any unions whose members could potentially perform the work to be contracted prior to executing the PSC. It is recommended that, within 60 days of the Executive Officer's approval of these findings and recommendations, the PARKS submit to the CRU a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the requirements of Government Code section 19132. Copies of any relevant documentation should be included with the plan.

## **FINDING NO. 7 – Personal Services Contracts Did Not Comply with Procedural Requirements**

- Summary:** For two out of the 52 PSCs reviewed, the PARKS provided no justification identifying the contract as permissible in accordance with Government Code section 19130, subdivisions (a) or (b).
- Criteria:** Whenever an agency executes a PSC under Government Code section 19130, subdivision (b), the agency shall document, with specificity and detailed factual information, the reasons why the contract satisfies one or more of the conditions specified in Government Code section 19130, subdivision (b). (Cal. Code Reg.,

tit. 2, § 547.60, subd. (a).) The agency shall maintain the written justification for the duration of the contract and any extensions of the contract or in accordance with the record retention requirements of section 26, whichever is longer. (Cal. Code Reg., tit. 2, § 547.60.)

**Severity:** Serious. Without properly documenting the reasons why a PSC satisfies one or more conditions specified in Government Code section 19130, the CRU could not substantiate that the department's PSC's complied with current procedural requirements.

**Cause:** The PARKS states that not all PSC's identified a justification in accordance with Government Code section 19130 due to a training oversight.

**Action:** It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the PARKS submit to the CRU a written corrective action plan that ensures conformity with the requirements of Government Code section 19130. Copies of any relevant documentation should be included with the plan.

### **Mandated Training**

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

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

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

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

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

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

#### **FINDING NO. 8 – Ethics Training Was Not Provided for All Filers**

**Summary:** The PARKS did not provide ethics training to 386 of 554 existing filers. In addition, the PARKS did not provide ethics training to 251 of 413 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 all of its filers are aware of prohibitions related to their official position and influence.

**Cause:** The PARKS states that, despite the various methods used to inform and remind supervisors of the ethics training requirement, not all employees completed the training.

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

It is therefore recommended that no later than 60 days after the Executive Officer's approval of these findings and recommendations, the PARKS must submit a corrective action plan to the CRU that ensures conformity with ethics training mandates. Copies of any relevant documentation should be included with the plan.

**FINDING NO. 9 – Supervisory Training Was Not Provided for All Supervisors**

**Summary:** The PARKS did not provide basic supervisory training to 60 of 194 new supervisors within twelve months of appointment.

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

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

**Cause:** The PARKS states that despite the various methods used to inform and remind supervisors of the supervisory training requirement, not all employees completed the training.

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

It is therefore recommended that no later than 60 days after the Executive Officer's approval of these findings and recommendations, the PARKS must submit a corrective action plan to the CRU that ensures conformity with basic supervisory training mandates. Copies of any relevant documentation should be included with the plan.

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

**Summary:** The PARKS did not provide sexual harassment prevention training to 42 of 151 new supervisors within six months of their appointment. Additionally, the PARKS did not provide sexual harassment prevention training to 105 of 407 existing supervisors every two years.

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

**Severity:** Very Serious. The department does not ensure its new supervisors are properly trained to respond to sexual harassment 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 PARKS states that despite offering annual regional make-up sexual harassment prevention trainings, natural disasters have negatively impacted and postponed on-location district training schedules and attendance.

**Action:** The PARKS 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 Executive Officer's approval of these findings and recommendations, the PARKS must submit a corrective action plan to the CRU that ensures conformity with sexual harassment training mandates.

Copies of any relevant documentation should be included with the plan.

## **Compensation and Pay**

### **Salary Determination**

The pay plan for state civil service consists of salary ranges and steps established by CalHR (Cal. Code Regs., tit. 2, § 599.666). Several salary rules dictate how departments calculate and determine an employee’s salary rate<sup>9</sup> upon appointment depending on the appointment type, the employee’s state employment and pay history, and tenure.

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

During the period under review, November 1, 2017 through July 31, 2018, the PARKS provide 135 appointments. The CRU reviewed 66 of those appointments to determine if the PARKS applied salary regulations accurately and correctly processed employees’ compensation, which are listed below:

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Accountant I (Specialist)	Certification List	Permanent	Full Time	\$3,120
Accountant I (Specialist)	Certification List	Permanent	Full Time	\$3,162
Accountant Trainee	Certification List	Permanent	Full Time	\$3,276
Accounting Administrator I (Specialist)	Certification List	Permanent	Full Time	\$6,290
Accounting Officer (Specialist)	Certification List	Permanent	Full Time	\$4,177
Accounting Officer (Specialist)	Certification List	Permanent	Full Time	\$4,177
Administrative Officer I, Resources Agency	Certification List	Permanent	Full Time	\$4,435

<sup>9</sup> “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)
Administrative Officer I, Resources Agency	Certification List	Permanent	Full Time	\$3,592
Administrative Officer I, Resources Agency	Certification List	Permanent	Full Time	\$3,857
Assistant State Archeologist	Certification List	Permanent	Intermittent	\$3,969
Associate Civil Engineer	Certification List	Permanent	Full Time	\$7,664
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	\$4,784
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	\$4,975
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	\$4,784
Associate Personnel Analyst	Certification List	Permanent	Full Time	\$5,438
Environmental Scientist	Certification List	Permanent	Full Time	\$5,641
District Superintendent I	Certification List	Permanent	Full Time	\$9,978
Guide I, Historical Monument	Certification List	Permanent	Intermittent	\$3,343
Guide I, Historical Monument	Certification List	Permanent	Intermittent	\$3,343
Guide I, Historical Monument	Certification List	Permanent	Intermittent	\$3,343
Guide I, Historical Monument	Certification List	Permanent	Intermittent	\$3,343
Information Technology Associate	Certification List	Permanent	Full Time	\$4,604
Information Technology Specialist II	Certification List	Permanent	Full Time	\$6,516
Labor Relations Manager I	Certification List	Permanent	Full Time	\$7,421
Maintenance Mechanic	Certification List	Permanent	Full Time	\$4,254
Management Services Technician	Certification List	Permanent	Full Time	\$3,381
Management Services Technician	Certification List	Permanent	Full Time	\$3,489



Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Office Assistant (General)	Certification List	Permanent	Intermittent	\$2,479
Park Maintenance Assistant	Certification List	Permanent	Full Time	\$2,965
Park Maintenance Assistant	Certification List	Permanent	Full Time	\$2,965
Park Maintenance Assistant	Certification List	Permanent	Full Time	\$2,965
Park Maintenance Assistant	Certification List	Permanent	Intermittent	\$2,965
Park Maintenance Assistant	Certification List	Permanent	Intermittent	\$2,965
Park Maintenance Chief III	Certification List	Permanent	Full Time	\$5,842
Park Maintenance Chief III	Certification List	Permanent	Full Time	\$5,712
Park Maintenance Supervisor	Certification List	Permanent	Full Time	\$3,867
Park Maintenance Supervisor	Certification List	Permanent	Full Time	\$4,969
Park Maintenance Worker I	Certification List	Permanent	Full Time	\$3,713
Park Maintenance Worker I	Certification List	Permanent	Full Time	\$3,432
Park Maintenance Worker I	Certification List	Permanent	Intermittent	\$3,567
Staff Management Auditor	Certification List	Permanent	Full Time	\$7,253
Staff Management Auditor (Specialist)	Certification List	Permanent	Full Time	\$6,934
Staff Services Analyst	Certification List	Permanent	Full Time	\$3,977
Staff Services Analyst	Certification List	Permanent	Full Time	\$3,977
Staff Services Analyst	Certification List	Permanent	Full Time	\$3,977
Staff Services Analyst	Certification List	Temporary	Intermittent	\$4,136
Staff Services Analyst	Certification List	Temporary	Intermittent	\$3,977
Staff Services Management Auditor	Certification List	Permanent	Full Time	\$3,067
Staff Services Manager I	Certification List	Permanent	Full Time	\$6,287

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
State Park Peace Officer Supervisor (Ranger)	Certification List	Permanent	Full Time	\$6,228
State Park Peace Officer Supervisor (Ranger)	Certification List	Permanent	Full Time	\$6,671
State Park Peace Officer Supervisor I (Lifeguard)	Certification List	Permanent	Full Time	\$7,010
State Park Peace Officer Supervisor I (Lifeguard)	Certification List	Permanent	Full Time	\$6,194
State Park Superintendent III	Certification List	Permanent	Full Time	\$8,864
State Park Superintendent III	Certification List	Permanent	Full Time	\$8,820
State Park Superintendent III	Certification List	Permanent	Full Time	\$8,864
State Park Superintendent IV	Certification List	Permanent	Full Time	\$10,193
Transportation Surveyor	Certification List	Permanent	Full Time	\$7,631
Associate Governmental Program Analyst	Transfer	Permanent	Full Time	\$5,988
Civil Engineer	Transfer	Permanent	Full Time	\$9,548
Environmental Program Manager I	Transfer	Permanent	Full Time	\$13,002
Management Services Technician	Transfer	Permanent	Full Time	\$3,838
Park Maintenance Supervisor	Transfer	Permanent	Full Time	\$4,969
Park Maintenance Worker I	Transfer	Permanent	Intermittent	\$4,038
Research Analyst I	Transfer	Limited Term	Full Time	\$4,177
Staff Services Analyst	Transfer	Permanent	Full Time	\$4,902
State Park Peace Officer Supervisor (Ranger)	Transfer	Permanent	Full Time	\$6,539

**FINDING NO. 11 – Salary Determinations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines**

The CRU found no deficiencies in the 67 salary determinations that were reviewed. The PARKS appropriately calculated and keyed the salaries for each appointment and correctly determined employees’ anniversary dates ensuring that subsequent merit salary adjustments will satisfy civil service laws, Board rules and CalHR policies and guidelines.

Alternate Range Movement Salary Determination (within same classification)

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

During the period under review, November 1, 2017 through July 31, 2018, the PARKS made 50 alternate range movements within a classification<sup>10</sup>. The CRU reviewed 25 of those alternate range movements to determine if the PARKS applied salary regulations accurately and correctly processed employee’s compensation, which are listed below:

Classification	Prior Range	Current Range	Time Base	Salary (Monthly Rate)
Aquatic Pest Control Technician	B	C	Full Time	\$2,764
Communications Operator	A	B	Full Time	\$4,006
Engineer Civil	B	D	Full Time	\$7,631
Engineer Civil	B	D	Full Time	\$7,631
Environmental Scientist	A	B	Intermittent	\$4,245
Information Technology Specialist	B	C	Full Time	\$7,616
Information Technology Specialist	B	C	Full Time	\$7,616

<sup>10</sup> 335 transactions.

Museum Technician	A	B	Full Time	\$3,049
Park and Recreation Specialist	B	C	Intermittent	\$4,566
Park and Recreation Specialist	B	C	Intermittent	\$4,566
Personnel Specialist	C	D	Full Time	\$4,539
Personnel Specialist	C	D	Full Time	\$3,995
Personnel Specialist	A	B	Full Time	\$3,812
Personnel Specialist	B	C	Full Time	\$3,843
Research Analyst I	B	C	Intermittent	\$4,177
Staff Services Analyst	B	C	Full Time	\$4,232
Staff Services Management Auditor	B	C	Full Time	\$4,177
State Park Peace Officer (Lifeguard)	A	B	Full Time	\$4,634
State Park Peace Officer (Lifeguard)	A	B	Full Time	\$4,634
State Park Peace Officer (Lifeguard)	A	B	Full Time	\$4,634
State Park Peace Officer (Ranger)	A	B	Full Time	\$4,724
State Park Peace Officer (Ranger)	A	B	Full Time	\$4,634
State Park Peace Officer (Ranger)	A	B	Full Time	\$4,634
State Park Peace Officer (Ranger)	A	B	Full Time	\$4,634
State Park Peace Officer (Ranger)	A	B	Full Time	\$4,634

**FINDING NO. 12 – Alternate Range Movements Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines**

The CRU found that the alternate range movements the PARKS made during the compliance review period satisfied civil service laws, Board rules and CalHR policies and guidelines.

Hiring Above Minimum Requests

CalHR may authorize payment at any step above-the minimum limit to classes or positions to meet recruiting problems, or to obtain a person who has extraordinary

qualifications. (Gov. Code § 19836.) For all employees new to state service, departments are delegated to approve HAMs for extraordinary qualifications. (Human Resources Manual Section 1707.) Appointing authorities may request HAMs for current state employees with extraordinary qualifications. (*Ibid.*) Delegated HAM authority does not apply to current state employees. (*Ibid.*)

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

If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action.<sup>11</sup> (Gov. Code § 19836 subd. (b).)

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

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<sup>11</sup> Except that if the provisions of the memorandum of understanding requires the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

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

During the period under review, November 1, 2017 through July 31, 2018, the PARKS authorized three HAM requests. The CRU reviewed all of those authorized HAM requests to determine if the PARKS correctly applied Government Code section 19836 and appropriately verified, approved and documented candidates’ extraordinary qualifications and subsequent salaries, which are listed below:

Classification	Appointment Type	Status	Salary Range	Salary (Monthly Rate)
Senior Environmental Scientist (Specialist)	List Appointment	Permanent	\$6,182-\$7,690	\$6,491
Senior Land Agent (Specialist)	List Appointment	Permanent	\$6,154-\$7,702	\$6,213
Communications Operator	Permissive Reinstatement	Permanent	\$3,529-\$4,861	\$3,633

**FINDING NO. 13 – Incorrect Authorization of Hire Above Minimum Request**

**Summary:** The PARKS authorized pay above the minimum rate to a Communications Operator with prior permanent state employment without demonstrating how their extraordinary qualifications contributed to the work of the department significantly beyond that of other applicants. In addition, the PARKS failed to show that the employee possessed a specific extraordinary skill for which it is difficult to recruit. In order for prior state employees to qualify for a higher rate of pay, “they should clearly have enhanced their qualifications above those they possessed in the prior state employment.” (Human Resources Manual Section 1707) The PARKS did not provide documentation demonstrating that the employee enhanced their qualifications above what they possessed in their prior state employment.

As such, the PARKS incorrectly adjusted the salary rate for the employee permissively reinstated on 1/25/2018. The employee was overcompensated. The employee's previous rate in the same class was \$3,527. The employee should have been appointed to range A with a salary rate of \$3,633 if a 3% general salary increase was included. However, the employee was appointed with a salary rate of \$4,005, a 10.2% pay increase above the rate last received. (Cal. Code Reg., tit. 2, § 599.677.)

**Criteria:** "The department may authorize payment at any step above the minimum salary limit to classes or positions in order to meet recruiting problems, to obtain a person who has extraordinary qualifications." (Gov. Code, § 19836.)

**Severity** Very Serious. The PARKS failed to comply with state civil service laws and rules by applying an incorrect HAM salary. This resulted in the employee receiving incorrect pay.

**Cause:** The PARKS states that clear guidance was not available on the online Human Resources Manual regarding the HAM process for prospective employees with prior state service until February 6, 2018.

**Action:** The CRU confirmed that the Human Resources Manual has included the additional guidance on HAM determinations for prospective employees with prior state service since November 11, 2016, when the policy was created.

It is therefore recommended that no later than 60 days after the Executive Officer's approval of these findings and recommendations, the PARKS must submit to the CRU documentation demonstrating that they have implemented a process requiring an additional review of all HAM authorizations to ensure that all future HAM authorizations are processed properly. In addition, the PARKS must set up an accounts receivable for the overcompensation and correct the employee's employment history.

## Bilingual Pay

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

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

During the period under review, November 1, 2017 through July 31, 2018, the PARKS issued bilingual pay to 16 employees. The CRU reviewed 11 of these bilingual pay authorizations to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Bargaining Unit	Time Base
Administrative Officer III, Resources Agency	S01	Full Time
Communications Operator	R07	Full Time
Guide I Historical Monument	R01	Full Time
Office Technician (Typing)	R04	Full Time
Park Maintenance Assistant	R12	Full Time
Park Maintenance Chief III	S12	Full Time
State Park Interpreter I	R01	Full Time
State Park Interpreter I	R01	Full Time
State Park Peace Officer (Lifeguard)	R07	Full Time
State Park Peace Officer (Ranger)	R07	Full Time
State Park Superintendent V	M07	Full Time

### **FINDING NO. 14 – Incorrect Authorization of Bilingual Pay**

**Summary:** The CRU found nine errors in the PARKS's authorization of bilingual pay:



Classification	Description of Finding(s)	Criteria
Administrative Officer III, Resources Agency	The department failed to supply supporting documentation (STD.Form 897) to justify bilingual pay differential. Additionally, the department failed to provide employee's oral fluency exam results to certify that employee is a qualified bilingual employee.	Differential 14 & Gov. Code, § 7296
State Park Interpreter I	The department failed to supply supporting documentation (STD.Form 897) to justify bilingual pay differential. Additionally, the department failed to provide employee's oral fluency exam results to certify that employee is a qualified bilingual employee.	Differential 14 & Gov. Code, § 7296
State Park Superintendent V	The department failed to supply supporting documentation (STD.Form 897) to justify bilingual pay differential. Additionally, the department failed to provide employee's oral fluency exam results to certify that employee is a qualified bilingual employee.	Differential 14 & Gov. Code, § 7296
Guide I Historical Monument	The department failed to supply supporting documentation (STD.Form 897) to justify bilingual pay differential. Additionally, the department failed to provide employee's oral fluency exam results to certify that employee is a qualified bilingual employee.	Differential 14 & Gov. Code, § 7296
Park Maintenance Chief II	The department failed to supply supporting documentation (STD.Form 897) to justify bilingual pay differential. Additionally, the department failed to provide employee's oral fluency exam results to certify that employee is a qualified bilingual employee.	Differential 14 & Gov. Code, § 7296
State Park Peace Officer (Ranger)	The department failed to provide employee's oral fluency exam results to certify that employee is a qualified bilingual employee.	Differential 14 & Gov. Code, § 7296

Classification	Description of Finding(s)	Criteria
State Park Peace Officer (Lifeguard)	The department failed to supply supporting documentation (STD.Form 897) to justify bilingual pay differential. Additionally, the department failed to provide employee's oral fluency exam results to certify that employee is a qualified bilingual employee.	Differential 14 & Gov. Code, § 7296
Park maintenance Assistant	The department failed to supply supporting documentation (STD.Form 897) to justify bilingual pay differential. Additionally, the department failed to provide employee's oral fluency exam results to certify that employee is a qualified bilingual employee.	Differential 14 & Gov. Code, § 7296
Communications Operator	The department failed to provide employee's oral fluency exam results to certify that employee is a qualified bilingual employee.	Differential 14 & Gov. Code, § 7296

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

**Severity:** Serious. Without proper documentation, the CRU is unable to verify if the positions met the requirements of Pay Differential 14.

**Cause:** The PARKS states that the process and procedures to validate bilingual positions and certify bilingual employees were not updated.

**Action:** The PARKS must take appropriate steps to ensure that bilingual pay employees are compensated correctly. It is therefore recommended that no later than 60 days after the Executive Officer's approval of these findings and recommendations, the PARKS must submit a written corrective action plan that addresses the corrections the department will implement to ensure conformity with Pay Differential 14. Copies of any relevant documentation should be included with the plan.

### Pay Differentials

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

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

During the period under review, November 1, 2017 through July 31, 2018, the PARKS issued pay differentials<sup>12</sup> to 2,515 employees. The CRU reviewed 144 of these pay differentials to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

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<sup>12</sup> For the purposes of CRU's review, only monthly pay differentials were selected for review at this time.

Classification	Pay Differential	Monthly Amount	Number of Employees
Communications Operator	205	\$350	1
Firefighter/Security Officer	Uniform Allowance <sup>13</sup>	\$950	1
Firefighter/Security Officer	58	\$1	2
Firefighter/Security Officer	245	\$100.88	1
Forester II (Supervisory)	73	3%	1
Forestry Aid	Uniform Allowance	\$490	1
Groundskeeper	6	\$50	1
Lifeguard I (Seasonal)	Uniform Allowance	\$165	1
Lifeguard I (Seasonal)	Uniform Allowance	\$55	1
Lifeguard I (Seasonal)	243	\$175	15
Lifeguard II (Seasonal)	Uniform Allowance	\$220	1
Lifeguard II (Seasonal)	243	\$175	4
Lifeguard II (Seasonal)	82	Hourly Rate <sup>14</sup>	1
Maintenance Aide (Seasonal)	Uniform Allowance	\$80	1
Maintenance Aide (Seasonal)	Uniform Allowance	\$200	1
Maintenance Mechanic	233	\$100	1
Museum Curator I	Uniform Allowance	\$670	1
Park Landscape Maintenance Technician	6	\$50	1
Park Maintenance Supervisor	Uniform Allowance	\$670	2
Park Maintenance Worker I	82	Hourly Rate	1
Park Maintenance Worker II	6	\$50	1
Personnel Specialist	240	\$2,400	2
Senior Personnel Specialist	240	\$2,400	1
State Park Peace Officer (Lifeguard)	42	\$9	1
State Park Peace Officer (Lifeguard)	244	\$125	3
State Park Peace Officer (Lifeguard)	21	\$189	1
State Park Peace Officer (Lifeguard)	142	\$220	1

<sup>13</sup> See BU (7, 8 and 12) Compensation Plus- A summary of benefits for managers, supervisors, confidential, and excluded employees.

<sup>14</sup> Equivalent hourly rate of a one-step differential above the equivalent monthly hourly salary rate of the maximum step at Range B of a state Park Ranger for time assigned to Motorcycle Patrol.

Calculate Rate: Max of Range B for State Park Ranger x 1.05= one-step above. Then subtract rate of one-step above from max to determine rate.

Motorcycle differential shall be paid in four-hour increments; eight hours maximum for employees on a 5/8/40 schedule, ten hours maximum for employees on a 4/10/40 schedule. Any hours beyond the eight or ten-hour maximum shall be based on an hour-for-hour basis.

Classification	Pay Differential	Monthly Amount	Number of Employees
State Park Peace Officer (Lifeguard)	142	\$300	3
State Park Peace Officer (Lifeguard)	243	\$175	3
State Park Peace Officer (Lifeguard)	245	\$362.82	1
State Park Peace Officer (Lifeguard)	82	Hourly Rate	2
State Park Peace Officer (Ranger)	243	\$175	5
State Park Peace Officer (Ranger)	245	\$124.56	2
State Park Peace Officer (Ranger)	245	\$311.40	1
State Park Peace Officer (Ranger)	245	\$483.76	1
State Park Peace Officer (Ranger)	82	Hourly Rate	9
State Park Peace Officer (Ranger)	Uniform Allowance	\$950	2
State Park Peace Officer (Ranger)	61	Two Steps	1
State Park Peace Officer (Ranger)	42	\$9	1
State Park Peace Officer (Ranger)	244	\$100	2
State Park Peace Officer (Ranger)	244	\$75	3
State Park Peace Officer (Ranger)	244	\$125	9
State Park Peace Officer (Ranger)	21	\$189	2
State Park Peace Officer (Ranger)	142	\$220	2
State Park Peace Officer (Ranger)	142	\$300	9
State Park Peace Officer Supervisor I (Lifeguard)	42	\$9	1
State Park Peace Officer Supervisor I (Lifeguard)	244	\$125	1
State Park Peace Officer Supervisor I (Lifeguard)	142	\$350	2

Classification	Pay Differential	Monthly Amount	Number of Employees
State Park Peace Officer Supervisor I (Lifeguard)	243	\$175	1
State Park Peace Officer Supervisor I (Lifeguard)	245	\$137.32	1
State Park Peace Officer Supervisor (Ranger)	243	\$175	1
State Park Peace Officer Supervisor (Ranger)	82	Hourly Rate	1
State Park Peace Officer Supervisor (Ranger)	245	\$210.30	2
State Park Peace Officer Supervisor (Ranger)	Uniform Allowance	\$950	1
State Park Peace Officer Supervisor (Ranger)	244	\$75	1
State Park Peace Officer Supervisor (Ranger)	244	\$125	4
State Park Peace Officer Supervisor (Ranger)	142	\$350	2
State Park Superintendent I	245	\$153.88	1
State Park Superintendent II	243	\$175	1
State Park Superintendent II	245	\$169	1
State Park Superintendent II	245	\$394.70	1
State Park Superintendent II	245	\$709.12	1
State Park Superintendent II	142	\$350	1
State Park Superintendent II	Uniform Allowance	\$950	1
State Park Superintendent II	243	\$175	1
State Park Superintendent III	245	\$168.84	1
State Park Superintendent III	245	\$380.88	1
State Park Superintendent III	142	\$350	1
State Park Superintendent V	243	\$175	1
State Park Superintendent V	Uniform Allowance	\$950	1
Water and Sewage Plant Supervisor	338	\$238.60	1
Water and Sewage Plant Supervisor	338	\$119.30	2
Water and Sewage Plant Supervisor	233	\$100	1
Water and Sewage Plant Supervisor	234	Unknown	2

**FINDING NO. 15 – Pay Differential Documentation Was Not Kept for the Appropriate Amount of Time**

**Summary:** The PARKS failed to retain documentation showing employees passed the requisite course required in order to receive pay differential 82 for the seven following employees: one Lifeguard II (Seasonal), two State Park Peace Officers (Lifeguard), and four State Peace Officers (Ranger).

**Criteria** Employees must have successfully completed the PARKS' Motorcycle Operations and Maintenance course and be assigned to motorcycle or ATV patrol. "Assigned" includes any time actually operating or specifically directed to operate a motorcycle or ATV. "Assigned" does not include leave time such as sick leave, vacation, etc. (Pay Differential 82.)

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

**Cause:** The PARKS states that they did not have a practice in place to ensure documentation was attached with the requests.

**Action:** It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the PARKS submit to the CRU a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the record retention requirements of California Code of Regulations, title 2, section 26. Copies of any relevant documentation should be included with the plan.

## Out-of-Class Assignments and Pay

For excluded<sup>15</sup> and most rank and file employees, out of class (OOC) work is defined as performing, more than 50 percent of the time, the full range of duties and responsibilities allocated to an existing class and not allocated to the class in which the person has a current, legal appointment (Cal. Code Regs., tit. 2, § 599.810).

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 the California Code of Regulations, title 2, section 599.810 allow for short-term OOC assignments to meet temporary staffing needs. Should OOC work become necessary, the assignment would be made pursuant to the applicable MOU provisions or salary regulations. Before assigning the OOC work, the department should have a plan to correct the situation before the 120-day time period expires (Classification and Pay Guide Section 375).

During the period under review, November 1, 2017 through July 31, 2018, the PARKS issued OOC pay<sup>16</sup> to 34 employees. The CRU reviewed 17 of these OOC assignments to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
Accounting Administrative I (Supervisor)	S01	Accounting Administrative II	12/1/2017-3/30/2018
Administrative Officer I, Resources Agency	S01	Staff Services Manager I	12/1/2017-11/30/2018
Park Maintenance Chief I	S12	Park Maintenance Chief III	9/29/2017-5/31/2018
Park Maintenance Chief III	S12	Senior Park and Recreation Specialist	4/1/2018-3/2019
Park Maintenance Worker I	R12	Park Maintenance Supervisor	12/27/2017-12/26/2018
Park Maintenance Worker I	R12	Park Maintenance Chief I	10/2/2017-10/1/2018

<sup>15</sup> "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.

<sup>16</sup> Excluding bilingual and arduous pay.



State Park Peace Officer (Ranger)	R07	State Park Peace Officer Supervisor (Ranger)	2/14/2018-6/14/2018
State Park Peace Officer (Ranger)	R07	State Park Peace Officer Supervisor (Ranger)	12/5/2017-5/30/2018
State Park Peace Officer (Ranger)	R07	State Park Peace Officer (Ranger) Supervisor	1/31/2018-1/30/2019
State Park Peace Officer (Ranger)	R07	State Park Peace Officer Supervisor (Ranger)	9/14/2017-9/13/2018
State Park Peace Officer Supervisor (Ranger)	S07	State Park Superintendent I	10/1/2017-9/30/2018
State Park Superintendent II	S07	District Superintendent II	10/1/2017-9/30/2018
State Park Superintendent II	S07	District Superintendent II	9/6/2017-9/6/2018
State Park Superintendent II	S07	State Park Superintendent III	4/19/2018-8/17/2018
State Park Superintendent II	S07	State Park Superintendent IV	11/2017-7/2018
State Park Superintendent II	S07	State Park Superintendent III	11/2017-6/2018
Staff Services Manager II (Supervisor)	S01	Staff Services Manager III	9/2017-12/20217

**FINDING NO. 16 – Out of Class Pay Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines**

The CRU found no deficiencies in the 17 OOC pay assignments that the PARKS authorized during the compliance review period. OOC pay was issued appropriately to employees performing, more than 50 percent of the time, the full range of duties and responsibilities allocated to an existing class and not allocated to the class in which the person has a current, legal appointment.

**Leave**

**Positive Paid Employees**

Actual Time Worked (ATW) is a method that can be used to keep track of a Temporary Authorization Utilization (TAU) employee’s time to ensure that the Constitutional limit of

nine months in any 12 consecutive months is not exceeded. The ATW method of counting time is used in order to continue the employment status for an employee until the completion of an examination, for seasonal type work, while attending school, or for consulting services.

An employee is appointed TAU-ATW when he/she is not expected to work all of the working days of a month. When counting 189 days, every day worked, including partial days<sup>17</sup> worked and paid absences,<sup>18</sup> is counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day is not limited by this rule. (*Ibid.*) The 12-consecutive month timeframe begins by counting the first pay period worked as the first month of the 12-consecutive month timeframe. (*Ibid.*) The employee shall serve no longer than 189 days in a 12 consecutive month period. (*Ibid.*) A new 189-days working limit in a 12-consecutive month timeframe may begin in the month immediately following the month that marks the end of the previous 12-consecutive month timeframe. (*Ibid.*)

It is an ATW appointment because the employee does not work each workday of the month, and it might become desirable or necessary for the employee to work beyond nine calendar months. The appointing power shall monitor and control the days worked to ensure the limitations set forth are not exceeded.<sup>19</sup> (Cal. Code Regs., tit. 2, § 265.1, subd. (f).)

For student assistants, graduate student assistants, youth aides, and seasonal classifications a maximum work-time limit of 1,500 hours within 12 consecutive months may be used rather than the 189-day calculation. (Cal. Code Regs., tit. 2, § 265.1, subd. (d).)

Generally, permanent intermittent employees may work up to 1,500 hours in any calendar year. (Applicable Bargaining Unit Agreements.) However, Bargaining Unit 6 employees may work up to 2000 hours in any calendar year.

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

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<sup>17</sup> For example, two hours or ten hours counts as one day.

<sup>18</sup> For example, vacation, sick leave, compensating time off, etc.

<sup>19</sup> "California Code of Regulation section 265.1 became effective July 1, 2017, and did not apply at the time of all of these appointments. The current regulation sets forth the method for counting time for temporary appointments. The cap under the current regulation is 189 days.

At the time of the review, the PARKS had 3,000 employees on ATW. The CRU reviewed 50 of those ATW appointments to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Classification	Time Base	Time Frame	Time Worked
Forestry Aid	Intermittent	5/16/2017-5/16/2018	1194.5
Forestry Aid	Intermittent	5/16/2017-5/16/2018	1094
Forestry Aid	Intermittent	5/16/2017-5/16/2018	1187
Forestry Aid	Intermittent	4/3/2017-4/3/2018	1672.5
Forestry Aid	Intermittent	4/3/2017-4/3/2018	1272
Guide Trainee Historical monument	Intermittent	4/25/2017-4/25/2018	1411.5
Laborer	Intermittent	4/1/2017-12/31/2017	1496
Laborer	Intermittent	2/1/2017-10/15/2017	1400
Lifeguard I (Seasonal)	Intermittent	6/28/2017-6/28/2018	414.5
Lifeguard I (Seasonal)	Intermittent	6/27/2017-6/27/2018	337.5
Lifeguard II (Seasonal)	Intermittent	7/1/2017-7/1/2018	446.5
Lifeguard II (Seasonal)	Intermittent	4/16/2017-4/16/2018	814.5
Lifeguard II (Seasonal)	Intermittent	6/16/2017-6/16/2018	451.5
Lifeguard II (Seasonal)	Intermittent	6/1/2017-6/1/2018	46.5
Maintenance Aide (Seasonal)	Intermittent	7/11/2017-7/11/2018	1210
Maintenance Aide (Seasonal)	Intermittent	5/2/2017-5/2/2018	1669.5
Maintenance Aide (Seasonal)	Intermittent	5/11/2017-5/11/2018	1256
Maintenance Aide (Seasonal)	Intermittent	5/2/2017-5/2/2018	1424
Maintenance Aide (Seasonal)	Intermittent	6/16/2017-6/16/2018	1125.5
Office Technician (Typing)	Intermittent	1/1/2017-12/31/2017	1514.75
Park Aide (Seasonal)	Intermittent	3/21/2017-3/21/2018	1362
Park Aide (Seasonal)	Intermittent	12/4/2017-9/30/2018	1426
Park Aide (Seasonal)	Intermittent	6/1/2017-6/12/2018	1093
Park Aide (Seasonal)	Intermittent	5/2/2017-5/2/2018	834
Park Aide (Seasonal)	Intermittent	5/16/2017-5/16/2018	409.25
Park Aide (Seasonal)	Intermittent	4/10/2017-4/10/2018	1025
Park Aide (Seasonal)	Intermittent	5/8/2017-5/8/2018	1299
Park Aide (Seasonal)	Intermittent	4/28/2017-4/28/2018	218.75
Park Aide (Seasonal)	Intermittent	6/2/2017-6/2/2018	1325.2

Classification	Time Base	Time Frame	Time Worked
Park Aide (Seasonal)	Intermittent	6/19/2017-6/19/2018	472
Park Aide (Seasonal)	Intermittent	4/27/2017-4/27/2018	4
Park Aide (Seasonal)	Intermittent	6/30/2017-6/30/2018	430
Park Aide (Seasonal)	Intermittent	5/12/2017-5/12/2018	1530
Park Aide (Seasonal)	Intermittent	6/3/2017-6/3/2018	93
Park Aide (Seasonal)	Intermittent	6/3/2017-6/3/2018	74
Park Interpretive (Specialist) Seasonal	Intermittent	6/28/2017-6/28/2018	1427
Senior Maintenance Aide (Seasonal)	Intermittent	6/6/2017-6/6/2018	1070
Senior Maintenance Aide (Seasonal)	Intermittent	5/23/2017-5/23/2018	1588
Senior Maintenance Aide (Seasonal)	Intermittent	5/1/2017-5/1/2018	1488
Senior Park Aide (Seasonal)	Intermittent	10/1/2017-10/1/2018	1429.5
Senior Park Aide (Seasonal)	Intermittent	4/1/2017-4/1/2018	1400.75
Senior Park Aide (Seasonal)	Intermittent	6/1/2017-6/1/2018	1594
Senior Park Aide (Seasonal)	Intermittent	5/2/2017-5/2/2018	1365.5
Senior Park Aide (Seasonal)	Intermittent	5/9/2017-10/10/2018	683.5
Skilled Laborer	Intermittent	3/2/2017-12/31/2017	1742.5
Skilled Laborer	Intermittent	3/2/2017-12/31/2017	1535.5
Skilled Laborer	Intermittent	4/1/2017-12/31/2017	1592
Skilled Laborer	Intermittent	1/1/2017-12/31/2017	797.5
Staff Services Analyst	Intermittent	3/1/2017-12/31/2017	1456
State Park Superintendent II	Intermittent	7/1/2017-6/31/2018	250

**FINDING NO. 17 – Positive Paid Employees’ Time Worked Exceeded the Nine Month in a Twelve Consecutive Month Period**

**Summary:** The PARKS did not consistently monitor the actual number of days and/or hours worked in order to ensure that eight applicable positive paid employees did not exceed the 189 days, or 1,500 hours, in any

12 consecutive month period limitation. Specifically, the following employees exceeded the 1,500-hour limitation.

Classification	Tenure	Time Base	Time Frame	Hours Worked	Hours Over
Forestry Aid	Temporary	Intermittent	5/2/2017-5/2/2018	1672.5	172.5
Maintenance Aide (Seasonal)	Temporary	Intermittent	5/2/2017-5/2/2018	1669.5	169.5
Office Technician (Typing)	Permanent	Intermittent	1/17/2017-12/31/2017	1514.75	14.75
Park Aide (Seasonal)	Temporary	Intermittent	5/12/2017-5/12/2018	1530	30
Senior Maintenance Aide (Seasonal)	Temporary	Intermittent	5/23/2017-5/23/2018	1588	88
Skilled Laborer	Permanent	Intermittent	3/2/2017-12/31/2017	1742.5	242.5
Skilled Laborer	Permanent	Intermittent	3/2/2017-12/31/2017	1535.5	35.5
Skilled Laborer	Permanent	Intermittent	4/3/2017-12/31/2017	1592	92
TOTAL					844.5

**Criteria:** If any employee is appointed to an intermittent time base position on a TAU basis, there are two controlling time limitations that must be considered. The first controlling factor is the constitutional limit of nine months in any 12 consecutive months for temporary appointments that cannot be extended for any reason. (Cal Const., art VII § 5.) The nine-month period may be computed on a calendar or actual basis. When computing time worked, 189 days equals nine months. (Cal. Code Regs., tit. 2, § 265.1 subd. (b).)<sup>20</sup> Another controlling factor limits the maximum work time for student, youth, and seasonal classifications to 1500 hours. (Cal. Code Regs., tit. 2, § 265.1, subd. (d).)

<sup>20</sup> California Code of Regulation section 265.1 became effective July 1, 2017, and did not apply at the time to all of these appointments, however the 1500-hour limitation in 12 consecutive months applied to all temporary, intermittent appointments made prior to July 1, 2017. The current regulation sets forth the method for counting time for temporary appointments.

**Severity:** Serious. The number of days or hours an individual may work in a temporary appointment is limited in the state civil service. TAU appointments are distinguished from other appointments as they can be made in the absence of an appropriate employment list. Intermittent appointments are not to be used to fill full-time or part-time positions. Such use would constitute illegal circumvention of these eligible lists.

**Cause:** The PARKS states that their Personnel Transactions Unit sends out monthly reminders informing supervisors of which employees are reaching the maximum allowed hours worked, however their supervisors continued to authorize the TAU employees to work beyond the maximum hours allowed.

**Action:** It is recommended that, within 60 days of the Executive Officer's approval of these findings and recommendations, the PARKS submit to the CRU a written corrective action plan that addresses the corrections the department will implement to ensure all positive paid employees' hours are tracked and processed in conformity with California Code of Regulations, title 2, section 265.1, subdivision (a). Copies of any relevant documentation should be included with the plan.

### Administrative Time Off

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

During the period under review, July 1, 2017 through June 30, 2018, the PARKS placed 144 employees on ATO. The CRU reviewed 38 of these ATO appointments to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Classification	Time Frame	No. of Days on ATO
Aquatic Pest Control Technician	7/10/2017 - 8/2/2017	24
Associate Governmental Program Analyst	9/5/2017 - 1/30/2018	148
Associate Governmental Program Analyst	10/9/2017	1
Associate Governmental Program Analyst	3/29/2018	1
Associate Personnel Analyst	8/22/2017 - 8/23/2017	2
Communications Supervisor	8/18/2017 - 11/16/2017	91
Engineering Geologist	1/5/2018, 1/19/2018, 1/26/2018	3
Guide I Historical Monument	3/14/2018 - 3/17/2018	4
Laborer	8/2/2017 - 8/7/2017	5
Limited Examination and Appointment Program Candidate (Identified Class)	3/29/2018	1
Office Technician (Typing)	6/11/2018 - 6/25/2018	7
Office Technician (Typing)	3/29/2018	1
Park Maintenance Assistant	2/22/2018 - 2/28/2018	5
Park Maintenance Worker I	7/1/2017 - 2/6/2018	221
Park Maintenance Worker I	10/26/2017 - 5/11/2018	198
Park Maintenance Worker I (Angel Island)	2/2/2018 - 6/30/2018	149
Park Maintenance Worker I	7/21/2017 - 7/28/2017	5
Park Maintenance Supervisor	1/11/2018 - 6/30/2018	171
Restoration and Maintenance Lead Worker, Historic Railroads	2/23/2018 - 2/24/2018	2
Senior Maintenance Aid (Seasonal)	1/4/2018 - 1/5/2018, 1/9/2018 - 1/12/2018	6
Senior Park Aide (Seasonal)	4/25/2018	1
Staff Park and Recreation Specialist	11/21/2017 - 12/29/2017	39
Staff Services Analyst	5/11/2018 - 6/1/2018	7
Staff Services Analyst	2/27/2018, 4/2/2018, 4/9/2018, 4/12/2018, 4/27/2018, 5/8/2018, 5/29/2018	7
State Park Equipment Operator	3/7/2018 - 3/10/2018, 1/18/2018 - 1/19/2018	6
State Park Peace Officer (Lifeguard)	8/5/2017 - 2/20/2018	200

Classification	Time Frame	No. of Days on ATO
State Park Peace Officer (Ranger)	9/24/2017 - 6/30/2018	280
State Park Peace Officer (Ranger)	4/14/2018 - 6/13/2018	61
State Park Peace Officer (Ranger)	7/14/2017 - 9/30/2017	79
State Park Peace Officer (Ranger)	5/11/2018 - 6/30/2018	51
State Park Peace Officer (Ranger)	4/6/2018 - 5/31/2018	36
State Park Peace Officer (Ranger)	1/25/2018 - 2/28/2018	35
State Park Peace Officer Supervisor (Ranger)	5/27/2017 - 1/18/2018	84
State Park Peace Officer Supervisor I (Lifeguard)	7/1/2017 - 7/31/2017	30

**FINDING NO. 18 – Administrative Time Off Was Not Properly Documented**

**Summary:** The PARKS did not grant ATO in conformity with established policies and procedures. Of the 38 ATO authorizations reviewed by the CRU, 11 were found to be out of compliance for failing to document justification for ATO. Additionally, the PARKS did not obtain approval from CalHR prior to authorizing ATO in excess of 30 days for one employee.

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

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



employee must be returned to work in some capacity. (*Ibid.*) Regardless of the length of ATO, appointing authorities must maintain thorough documentation demonstrating the justification for the ATO, the length of the ATO, and the approval of the ATO. (*Ibid.*)

**Severity:** Serious. Because an employee on ATO is being paid while not working, a failure to closely monitor ATO usage could result in costly abuse. Use of ATO is subject to audit and review by CalHR and by other control agencies to ensure it is being utilized appropriately. Failure to grant ATO in conformity with the procedures in this policy may result abuse and be cause for CalHR revoking the appointing authority's delegation to utilize ATO without first obtaining approval from CalHR.

**Cause:** The PARKS states that ATO was not properly documented due to an oversight.

**Action:** It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the PARKS submit to the CRU a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the requirements of GC 19991.10 and CalHR Manual Section 2121. Copies of any relevant documentation should be included with the plan.

### Leave Auditing and Timekeeping

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

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

During the period under review, June 2018, the PARKS reported 232 units comprised of 4,091 active employees. The pay periods, units, and timesheets reviewed by the CRU are summarized as follows

Agency Code	Unit Reviewed	Timesheet Leave Period	Number of Employees	Number of Timesheets Reviewed
548	916	June 2018	6	6
548	950	June 2018	1	1
548	951	June 2018	4	4
548	955	June 2018	3	3
548	927	June 2018	21	21
549	649	June 2018	9	9
549	649	June 2018	38	38
549	252	June 2018	24	24
549	027	June 2018	13	13
548	252	June 2018	7	7
548	250	June 2018	8	8
548	259	June 2018	5	5
548	642	June 2018	9	9
548	684	June 2018	5	5
548	732	June 2018	6	6
548	803	June 2018	6	6
548	912	June 2018	8	8
355	300	June 2018	2	2
549	954	June 2018	9	9
549	754	June 2018	10	10
548	696	June 2018	19	19
549	936	June 2018	48	48
549	687	June 2018	5	5
548	068	June 2018	4	4

**FINDING NO. 19 – Leave Activity and Correction Certification Forms Were Not Completed For All Leave Records Reviewed**

- Summary:** The PARKS provided documentation certifying the accuracy of the timekeeping to verify a time and attendance report. However, the PARKS failed to provide completed Leave Activity and Correction Certification forms for all 24 units reviewed during the June 2018 pay period.
- Criteria:** Departments are responsible for maintaining accurate and timely leave accounting records for their employees. (Cal. Code Regs., tit. 2, § 599.665.) Departments shall identify and record all errors found using a Leave Activity and Correction form. (Human Resources Manual Section 2101.) Furthermore, departments shall certify that all leave records for the unit/pay period identified on the certification form have been reviewed and all leave errors identified have been corrected. (*Ibid.*)
- Severity:** Non-serious or Technical. Departments must document that they reviewed all leave inputted into their leave accounting system to ensure accuracy and timeliness. For post-audit purposes, the completion of Leave Activity and Correction Certification forms demonstrates compliance with CalHR policies and guidelines.
- Cause:** The PARKS states that leave activity and correction certification forms were not completed due to a training oversight.
- Action:** The PARKS must take appropriate steps to ensure that their monthly internal audit process is documented. It is therefore recommended that no later than 60 days after the Executive Officer’s approval of these findings and recommendations, the PARKS must submit to the CRU documentation demonstrating that they incorporate completion of Leave Activity and Correction Certification forms for all leave records even when errors are not identified or corrected.

## FINDING NO. 20 – Incorrectly Posted Leave Usage and/or Leave Credit

- Summary:** The PARKS did not correctly enter two of the timesheets into the Leave Accounting System (LAS) during the June 2018 pay period. As a result, one employee lost a total of 10 hours of leave, and one employee retained leave hours despite having used leave credits.
- Criteria:** In accordance with CalHR Manual Section 2101, departments must create a monthly internal audit process to verify that 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.
- Severity:** Very serious. Errors in posting leave usage and/or leave credits puts the department at risk of incurring additional costs from the initiation of collection efforts on overpayment, the risk of litigation related to recovering inappropriately credited leave hours and funds, and/or the increase of state’s pension payments.
- Cause:** The PARKS states that they did not accurately maintain leave usage and credits due to a training oversight.
- Action:** It is recommended that within 60 days of the Executive Officer’s approval of these findings and recommendations, the PARKS submit to the CRU a written corrective action plan that addresses the corrections the department will implement to ensure conformity with Human Resources Manual Section 2101. Copies of any relevant documentation should be included with the plan.

### Leave Reduction Efforts

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

Applicable Bargaining Unit (BU) Agreements and California Code of Regulations prescribe the maximum amount of vacation or annual leave permitted. “If a represented employee is not permitted to use all of the vacation to which he or she is entitled in a calendar year, “the employee may accumulate the unused portion”. (Cal. Code Regs., tit. 2, § 599.737.). “If it appears an exempt employee will have a vacation or annual leave balance that will be above the maximum amount<sup>21</sup> as of January 1 of each year, the appointing power shall require the supervisor to notify and meet with each employee so affected by the preceding July 1, to allow the employee to plan time off, consistent with operational needs, sufficient to reduce their balance to the amount permitted by the applicable regulation, prior to January 1. (Cal. Code Regs., tit. 2, § 599.742.1.).

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

As of December 2017, 303 PARKs employees exceeded the established limits of vacation or annual leave. The CRU reviewed 60 of those employees’ leave reduction plans to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Classification	Collective Bargaining Identifier	Total Hours Over Established Limit	Leave Reduction Plan Provided
Accounting Administrator II	S01	401	No
Administrative Officer I, Resources Agency	S01	663.5	No
Administrative Officer III, Resources Agency	S01	371.75	No

<sup>21</sup> Excluded employees shall not accumulate more than 80 days.

Classification	Collective Bargaining Identifier	Total Hours Over Established Limit	Leave Reduction Plan Provided
Aquatic Pest Control Specialist	R11	461	No
Associate Governmental Program Analyst	R01	531.25	No
Associate Management Auditor	R01	759	No
CEA	M01	1,418	No
CEA	M01	820	No
CEA	M01	665	No
Communications Operator	R07	475	No
Department Director	E99	2658	No
Groundskeeper	R12	355.5	No
Information Technology Manager I	M01	334.75	No
Information Technology Specialist I	R01	371.5	No
Park Maintenance Assistant	R12	411	No
Park Maintenance Worker II	R12	784	No
Park Maintenance Chief I	S12	553	No
Park Maintenance Chief I	S12	312.5	No
Park Maintenance Chief I	S12	411.5	No
Park Maintenance Chief I	S12	355	No
Park Maintenance Chief II	S12	450	No
Park Maintenance Chief II	S12	250	No
Park Maintenance Chief II	S12	484	No
Park Maintenance Chief II	S12	307	No
Park Maintenance Chief III	S12	645.5	No
Park Maintenance Chief III	S12	341	No
Park Maintenance Supervisor	S12	1256	No
Park Maintenance Supervisor	S12	1,130.25	No
Park Maintenance Supervisor	S12	753.75	No
Regional Interpretive Specialist	R01	1,128	No
Senior Environmental Scientist (Supervisory)	S10	389	No
Senior Park and Recreation Specialist	M01	1,394	No
Senior Park and Recreation Specialist	M01	1,560	No
Senior Park and Recreation Specialist	M01	1,134	No
Senior Park and Recreation Specialist	M01	677	No
Senior Park Aide (Seasonal)	E	439	No
Staff Park and Recreation Specialist	S01	335	No

Classification	Collective Bargaining Identifier	Total Hours Over Established Limit	Leave Reduction Plan Provided
Staff Park and Recreation Specialist	S01	375	No
Staff Services Manager II (Supervisory)	S01	314.5	No
Staff Services Manager III	M01	454.5	No
State Park Equipment Operator	R12	520	No
State Park Interpreter II	R01	332	No
State Park Peace Officer (Lifeguard)	R07	697.25	No
State Park Peace Officer (Lifeguard)	R07	274	No
State Park Peace Officer (Ranger)	R07	549	No
State Park Peace Officer (Ranger)	R07	343.5	No
State Park Peace Officer (Ranger)	R07	403.5	No
State Park Superintendent II	S07	753	No
State Park Superintendent III	S07	422	No
State Park Superintendent III	S07	789	No
State Park Peace Officer Supervisor (Ranger)	S07	876.5	No
State Park Peace Officer Supervisor (Ranger)	S07	291.5	No
State Park Superintendent V	M07	864.5	No
State Park Superintendent V	M07	522.5	No
State Park Superintendent V	M07	502	No
State Park Superintendent V	M07	296.5	No
Stationary Engineer	R13	1036	No
Water and Sewage Plant Supervisor	R13	693.5	No
Water and Sewage Plant Supervisor	R13	755.5	No
Water and Sewage Plant Supervisor	R13	682	No
<b>Total</b>		<b>38,513.5</b>	

**FINDING NO. 21 – Leave Reduction Plans Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines**

The CRU reviewed employee vacation and annual leave balances to ensure that those employees who have significant “over-the-cap” leave balances have a leave reduction

plan in place and are actively reducing hours. In addition, the CRU reviewed the department's leave reduction policy to verify its compliance with applicable rule and law, and to ensure its accessibility to employees. Based on our review, the CRU found no deficiencies in this area.

### 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 service<sup>22</sup> (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 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 employees<sup>23</sup> shall be allowed credit for annual leave with pay (Cal. Code Regs., tit. 2, § 599.752).

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

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<sup>22</sup> 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.

<sup>23</sup> 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.



During the period under review, November 1, 2017 through July 31, 2018 the PARKS had eight employees with non-qualifying pay period 715 transactions<sup>24</sup>. The CRU reviewed 15 715 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	15

**FINDING NO. 22 – 715 Transactions Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines**

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

**Policy and Processes**

Nepotism

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 Manual Section 1204).

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<sup>24</sup> 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.

**FINDING NO. 23 – Department Nepotism Policy Was Not Timely Reviewed and Updated**

**Summary:** The PARKS maintains a written nepotism policy, however it was last updated in 2005. Departments should timely review and update their policy to ensure consistency with statewide guidance on preventing nepotism.

Additionally, after reviewing the PARKS' nepotism policy, the CRU found it to be missing the following components outlined in CalHR's statewide guidance on nepotism policies:

1. Whether the policy mentions or eludes to the principles of merit as the basis of the hiring system and how nepotism can negatively affect that.
2. Whether the policy requires notification to employment candidates and new employees that they will be required to certify they do not currently have a personal relationship that is in violation of the policy.
3. Whether the policy includes guidelines for addressing nepotism complaints from employees such as to whom to report complaints, who will investigate allegations, etc.

**Criteria:** 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 (Human Resources Manual Section 1204). Departments should review their policies to determine if there is any need to update their statements or make them more specific to the needs of their organizations. A nepotism policy should be 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 Manual Section 1204.

**Severity:** Very Serious. Departments must take proactive steps to ensure that the recruitment, hiring, and assigning of all employees is done on the basis of merit and fitness in accordance with civil service statutes.

Maintaining a current written nepotism policy and disseminating it to all staff is the basis for achieving these ends.

**Cause:** The PARKS states that the previous nepotism policy did not address all points required by CalHR.

**Action:** It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the PARKS submit to the CRU an updated nepotism policy, which conforms with PML 2015-14.

### 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.

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

After reviewing the PARKS's workers' compensation process that was in effect during the compliance review period, the CRU verified that when the PARKS provides notice to their employees to inform them of their rights and responsibilities under CA Workers'

Compensation Law. Furthermore, the CRU verified that when the PARKS received worker’s compensation claims, the PARKS properly provided claim forms within one working day of notice or knowledge of injury.

Performance Appraisals

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

The CRU selected 40 permanent PARKS employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations and guidelines, which are listed below:

Classification	Date Performance Appraisals Due
Administrative Officer I	1/10/2018
Administrative Officer III	1/13/2018
Aquatic Pest Control Technician	1/21/2018
Aquatic Pest Control Technician	1/24/2018
Associate Architect	3/1//2018
Associate Budget Analyst	2/21/2018
Associate Governmental Program Analyst	2/28/2018
Associate Landscape Architect (Specialist)	7/5/2018
Associate Personnel Analyst	3/1/2018
Associate State Archeologist	1/26/2018
Associate Toxicologist	2/7/2018
Communications Operator	3/11/2018
Heavy Equipment Mechanic	3/14/2018
Information Technology Specialist I	3/20/2018
Information Technology Specialist I	3/31/2018
Maintenance Mechanic	3/31/2018
Management Services Technician	3/31/2018
Museum Curator II	3/31/2018
Office Technician (Typing)	4/13/2018

Classification	Date Performance Appraisals Due
Office Technician (Typing)	4/14/2018
Park Maintenance Worker I	6/11/2018
Park Maintenance Worker I	6/18/2018
Park Maintenance Worker I	6/21/2018
Park Maintenance Worker I	6/23/2018
Personnel Specialist	6/23/2018
Personnel Supervisor I	6/26/2018
Park Maintenance Chief II	6/30/2018
Park Maintenance Supervisor	6/30/2018
Skilled Laborer	6/30/2018
State Park Interpreter I	7/14/2018
State Park Interpreter I	7/17/2018
State Park Interpreter I	8/31/2018
Senior State Archeologist	6/30/2017
State Park Peace Officer Ranger	9/1/2018
State Park Peace Officer Ranger	9/5/2018
State Park Peace Officer Supervisor (Ranger)	9/6/2018
Staff Services Manager I	9/11/2018
Staff Services Manager I	9/26/2018
State Park Equipment Operator	9/30/2018
State Park Equipment Operator	9/30/2018

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

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

**Summary:** The PARKS did not provide performance appraisals to 34 of 40 employees reviewed at least once in each twelve calendar months after the completion of the employee’s probationary period.

**Criteria:** Departments are required to “prepare performance reports and keep them on file as prescribed by department rule.” (Gov Code 19992.2.). Each supervisor, as designated by the appointing power, shall make an appraisal in writing and shall discuss with the employee overall

work performance at least once in each twelve calendar months following the end of the employee's probationary period. (Cal. Code Regs., tit.2, § 599.798.)

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

**Cause:** The PARKS states that despite departmental policy requiring the annual completion of performance appraisals for all employees, their supervisors and managers did not always submit performance appraisals as required.

**Action:** It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the PARKS submit to the CRU a written corrective action plan that addresses the corrections the department will implement to ensure conformity with Government Code section 19992.2 and California Code of Regulations, title 2, section 599.798. Copies of any relevant documentation should be included with the plan.

### **DEPARTMENTAL RESPONSE**

The PARKS' response is attached as Attachment 1.

### **SPB REPLY**

Based upon the PARKS' written response, the PARKS will comply with the CRU's recommendations and findings.

It is further recommended that the PARKS 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.



September 12, 2019

Ms. Suzanne Ambrose  
Executive Director  
State Personnel Board  
801 Capitol Mall  
Sacramento, CA 95814

RE: Department of Parks and Recreation's Response to State Personnel Board  
Compliance Review

Dear Ms. Ambrose:

Thank you for the opportunity to provide comment to the Department's Compliance Review. The Department of Parks and Recreation (PARKS) appreciates the State Personnel Board's (SPB/Board) collaboration and professionalism throughout the compliance review process. PARKS is committed to improving our efforts with regard to personnel practices in the areas of examinations, appointments, equal employment opportunity (EEO), personal services contracts, and mandated training, to ensure compliance with civil service laws and Board regulations. We strive to be an employer of choice among prospective candidates and employees. Below are PARKS's responses to each finding as presented by SPB Compliance Review.

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

Cause: Despite Departmental Policy requiring the completion of three probationary reports at regular intervals for each probationary employee, and notices sent to each supervisor advising them of their probationary employee's probation report due dates along with the evaluation forms, on occasion supervisors and managers do not submit probationary reports as required.

PARKS Response: PARKS will continue to notify supervisors and managers of their probationary employee's probation report due dates and send them the evaluation forms. PARKS will also remind supervisors and managers, on an annual and monthly basis, of their responsibility to conduct employee evaluations timely and submit the completed evaluations for proper record retention.

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

Cause: PARKS acknowledges the importance of retention requirements for appointment documentation. There was an oversight in ensuring all appointment documentation was filed appropriately and timely due to high turnover.

PARKS Response: PARKS will take necessary steps to, where possible supply the absent documentation for those individuals cited. However, in some cases, some documentation cannot be recreated, such as hiring documentation, interview notes, etc. PARKS will provide essential training to District Administrative Officers to ensure that the documents are included in future files. Further, the Human Rights Office will cross check that these essential documents are received for each hire upon completion.

#### **Finding No. 5 – A Disability Advisory Committee Has Not Been Established**

Cause: PARKS has experienced considerable transition over the past few years. The prior members of our Disability Advisory Committee (DAC) have all retired, and a new recruitment has been needed.

PARKS Response: PARKS plans to begin recruitment for DAC this fiscal year after recruitment for Upward Mobility. We currently have draft DAC recruitment documents available and plan on soliciting through September, with the first in-person meeting of the new DAC tentatively planned for December.

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

Cause: PARKS acknowledges that organizations representing state employees were not properly notified pursuant to Government Code (GC) § 19132, subdivision (b)(1). This was a training oversight.

PARKS Response: PARKS will take necessary steps to ensure contracts are provided to organizations representing state employees prior to execution of work performed unless deemed an emergency.

#### **Finding No. 7 – Personal Services Contracts Did Not Comply with Procedural Requirements**

Cause: PARKS acknowledges that not all contracts identified a justification for use of a personal service contract. This was a training oversight.

PARKS Response: PARKS will take necessary steps to ensure a justification is identified as permissible for personal service contracts in accordance with GC § 19130.

#### **Finding No. 8 – Ethics Training Was Not Provided for All Filers**

Cause: PARKS recognizes the importance of ethics training throughout the department. Despite the various methods used to inform and remind supervisors of this requirement, not all employees completed the training.



PARKS Response: The PARKS's Training Section began running quarterly compliance reports to determine which PARKS employees need to take ethics training. The Training Section now shares these reports with training coordinators in each district, explicitly instructing training coordinators to notify all non-compliant and soon-to-be-non-compliant district employees of the need to take ethics training. This communication includes a link to the ethics training so that employees can click directly into ethics training.

### **Finding No. 9 – Supervisory Training Was Not Provided for All Supervisors**

Cause: PARKS recognizes the importance of basic supervisory training throughout the department. Despite the various methods used to inform and remind supervisors of this requirement, not all supervisors attended the training.

PARKS Response: The PARKS's Training Section began running quarterly compliance reports to determine which PARKS employees need to take basic supervisory training. The Training Section now shares these reports with training coordinators in each district, explicitly instructing training coordinators to notify all non-compliant and soon-to-be-non-compliant district employees of the need to take basic supervisory training. This communication includes a link to the preferred vendors who offer basic supervisory training so that employees can quickly and easily register.

### **Finding No. 10 – Sexual Harassment Prevention Training Was Not Provided for All Supervisors**

Cause: While PARKS tries to ensure that district trainings on the two-year schedule fall within the two year timeframe; on-location district training may be postponed due to natural disasters, such as wildfires, mudslides, or flooding. For the last four consecutive years, natural disasters have impacted the Department's district training schedule. However, staff that are unable to make training in their district are able to attend regional (Southern, Central and Northern) make-up trainings held yearly.

PARKS Response: PARKS provides a robust EEO training program, with classes for both rank and file staff, and supervisors. All PARKS employees in supervisory, management and lead positions are provided a two hour Sexual Harassment Prevention for Supervisors and Lead Staff (SHPSLS) course that meets the requirements of GC § 12950. In 2018, PARKS provided 30 SHPSLS classes, and in 2019 (year to date), PARKS has provided 26 SHPSLS classes.

While PARKS provides sufficient classes to train all supervisory staff, the Department acknowledges that compliance is an issue. PARKS is addressing the issue by providing monthly reminders to out-of-compliance staff and their immediate supervisors, regular advertisement of upcoming classes, and written notification of departmental leadership's expectation that all supervisors are required to keep their training up to date in compliance with the law.

**Finding No. 13 – Incorrect Authorization of Hire Above Minimum Request**

Cause: PARKS acknowledges the importance of complying with state civil service laws and rules pertaining to Hire Above Minimum (HAM) request. At the time of the determination, clear guidance was not available on the CalHR Online Human Resources (HR) Manual.

PARKS Response: On February 6, 2018, CalHR updated the Online HR Manual to provide additional guidance for the new HAM process. In part, it clarified that prospective employees with prior state service should be evaluated in the same manner as other applicants. However, to qualify for a higher rate of pay than they received in prior state employment, they should clearly have enhanced their qualifications above those they possessed in the prior state employment. PARKS has been applying the new rules appropriately since the new rules and guidance from CalHR.

**Finding No. 14 – Incorrect Authorization of Bilingual Pay**

Cause: PARKS is updating the process and procedures for bilingual services to validate positions and determine if employees are tested, certified, and documented on the required bilingual survey.

PARKS Response: PARKS will be publishing data gathered from the fall 2018 bilingual survey which will serve to justify the need of bilingual positions. The Personnel Office and the Human Rights Office will work closely together on updates to the authorization of bilingual pay procedures to ensure all required documentation (STD 897, oral fluency exam results, duty statements reflected with bilingual duties) are collected and kept on file for all bilingual positions identified. In addition, the Personnel Office will work with program areas to terminate differentials where they are no longer justified.

**Finding No. 15 – Pay Differential Documentation Was Not Kept for the Appropriate Amount of Time**

Cause: PARKS acknowledges the importance of maintaining documentation for specific pay differentials. PARKS did not have a practice in place to ensure documentation is attached with the request.

PARKS Response: The PARKS's Personnel Transactions will implement an internal procedure to ensure compliance with the requirement of maintaining documentation for specific pay differentials. The Motorcycle Patrol Differential Request Form (DPR 257) will be submitted to the Personnel Specialist. Upon receipt of DPR 257, the Personnel Specialist will ensure the required documentation is attached. If the required documentation is not complete or sufficient, the Personnel Specialist will obtain the necessary information from the District Administrative Officer prior to keying the pay differential. In addition, the Personnel Office will work with program areas to terminate differentials where they are no longer justified.

**Finding No. 17 – Positive Paid Employees' Time Worked Exceeded the Nine Month in a Twelve Consecutive Month Period**

Cause: The PARKS's Personnel Transactions sends out monthly reminders informing supervisor of which employees are reaching the maximum allowed hours worked, supervisors continue to allow the TAU employees to work beyond the maximum allowed hours.

PARKS Response: PARKS has revised procedures for positive paid employees to include the provisions of California Code of Regulations, title 2, § 265.1 "Counting Time for Temporary Employees." A new audit system has been put in place to track the hours worked on a continuous basis, providing a more pro-active approach to managing and monitoring hour worked for TAU employees.

**Finding No. 18 – Administrative Time Off Was Not Properly Documented**

Cause: This was an oversight in properly documenting ATO.

PARKS Response: The PARKS's Personnel Transactions will ensure ATO hours are properly documented on the employee's timesheet (DPR 921) and are supported by a written justification (memorandum or email) to accompany the DPR 921.

**Finding No. 19 – Leave Activity and Correction Certification Forms Were Not Completed For All Leave Records Reviewed**

Cause: PARKS understands the importance of maintaining accurate and timely leave accounting records for all employees. This was a training oversight.

PARKS Response: The PARKS's Personnel Transactions has included an additional step in the process of reviewing all leave inputted in the leave accounting system as outlined in the HR Online Manual Section 2101 to ensure they are correct. The timekeepers complete the second review and e-mail any errors to the Personnel Specialist to review and correct. Timekeepers are to e-mail the Personnel Specialist by the following month's LAS cutoff date. The Personnel Specialist will now attach the

e-mail to the Leave Activity and Correction Certification (CalHR 139) form and complete the form by noting the errors, reviewing the errors and correcting if necessary. The form will be filed with the Time and Attendance (STD 672) form and timesheets.

**Finding No. 20 – Incorrectly Posted Leave Usage and/or Leave Credit**

Cause: PARKS acknowledges the importance of maintaining accurate leave usage and credits. This was a training oversight.

PARKS Response: The PARKS's Personnel Transactions has included an additional step in the process of reviewing all leave inputted in the leave accounting system as outlined in the HR Online Manual Section 2101 to ensure they are correct. The timekeepers complete the second review and e-mail any errors to the Personnel Specialist to review and correct. Timekeepers are to e-mail the Personnel Specialist by the following month's LAS cutoff date. The Personnel Specialist will now attach the e-mail to the Leave Activity and Correction Certification (CalHR 139) form and complete the form by noting the errors, reviewing the errors and correcting if necessary. The form will be filed with the Time and Attendance (STD 672) form and timesheets.

**Finding No. 23 – Department Nepotism Policy Was Not Timely Reviewed and Updated**

Cause: PARKS acknowledges that the previous nepotism policy did not address all points required by CalHR.

PARKS Response: The nepotism policy is currently in the process of being updated to reflect current statewide policy. Once approved by executive management, the Personnel Office will send a departmental notification and a self-reporting form to all current employees to notify them of the current nepotism policy. Employees will be required to sign an acknowledgement of receipt and understanding of PARKS's Nepotism Policy to be filed in the Official Personnel File.

**Finding No. 25 – Performance Appraisals Were Not Provided to All Employees**

Cause: Despite Departmental Policy requiring the annual completion of performance appraisals for all permanent full-time, part-time and intermittent employees, supervisors and managers do not always submit performance appraisals as required.

PARKS Response: PARKS will remind supervisors and managers, on an annual and monthly basis, of their responsibility to conduct annual employee performance evaluations and to submit the completed evaluations for proper record retention.

Again, we appreciate the collaboration and professionalism throughout the compliance review process. Should you have any further questions regarding our responses, please feel free to contact me for further explanation at [Will.Schaafsma@parks.ca.gov](mailto:Will.Schaafsma@parks.ca.gov) or at (916) 653-0528.

Sincerely,

Will Schaafsma  
Deputy Director  
Administrative Services Division