



SPECIAL INVESTIGATION

CALIFORNIA DEPARTMENT OF TRANSPORTATION

Compliance Review Unit
State Personnel Board
July 16, 2015

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INTRODUCTION

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

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

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

EXECUTIVE SUMMARY

The State Personnel Board's Compliance Review Unit (CRU) received a request to review the Caltrans Maintenance Supervisor examination given on December 13, 2014 by the California Department of Transportation (Caltrans). Specifically the complaint alleges that the security of the examination was compromised and that two recruitment efforts for the position were manipulated in order to wait for one individual to become reachable on the eligible list.

Based upon the review of the information contained in the examination file and other relevant materials, the CRU found no evidence of examination tampering or of recruitment manipulation. The CRU uncovered no evidence to suggest that the two previous recruitment efforts for the Caltrans Maintenance Supervisor were rigged. Programs have the authority to cancel recruitment efforts and to wait for the release of a new eligible list in order to select from a more robust candidate pool. The position has

been vacant since March 2014 and has had several individuals serving in an out-of-class assignment.

Based upon the CRU's review and the afore-stated information provided by the Caltrans, the CRU found no evidence that the examination security for the Caltrans Maintenance Supervisor examination given on December 13, 2014 was compromised nor in violation of any civil service laws and board rules.

The following table summarizes the compliance review findings.

Area	Finding	Severity
Examinations	Two Qualified Applicants Were Not Permitted to Participate in the Examination Process and Two Unqualified Applicants Were Permitted to Participate in the Examination Process	Serious

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

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

BACKGROUND

The Caltrans mission is to provide a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability. The Caltrans manages 50,486 lane miles in the state's highway system, 13,063 state-owned bridges and structures, and 422 public use airports and hospital heliports. The Caltrans employs approximately 20,000 employees statewide to support its mission. These employees are engineers, planners, maintenance workers, equipment staff, administrative staff, Right of Way Agents, attorneys, and investigators. The Caltrans major program areas include aeronautics, capital outlay support, local assistance, research and innovation, transportation system information, programming, legal, traffic operations, maintenance, mass transportation and rail, planning, administration, and equipment.

SCOPE AND METHODOLOGY

The scope of the compliance review included reviewing the Caltrans Maintenance Supervisor examination given on December 13, 2014. The primary objective of the review was to determine if there were any violations of civil service rules pertaining to Caltrans's practices relating to recruitment and examination for the Caltrans Maintenance Supervisor position and to recommend corrective action where deficiencies were identified.

The CRU examined the documentation that the Caltrans provided, which included the examination plan, examination bulletin, job analyses, 511b, scoring results, application screening criteria, and the eligible list with ranks.

The Caltrans declined to have an exit conference. The Caltrans was given until July 14, 2015, to submit a written response to the CRU's draft report. On July 14, 2015, the CRU received and carefully reviewed the response, which is attached to this final compliance report.

FINDINGS AND RECOMMENDATIONS

Examinations

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

competitor shall be notified in writing of the results of the examination when the employment list resulting from the examination is established. (Gov. Code, § 18938.5.)

Based on the complaint, the CRU reviewed the Caltrans Maintenance Supervisor examination, which is listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Applications
Caltrans Maintenance Supervisor	Departmental Promotional	Written ¹	11/06/2014	583

FINDING NO. 1 – Two Qualified Applicants Were Not Permitted to Participate in the Examination Process and Two Unqualified Applicants Were Permitted to Participate in the Examination Process

Summary: Two qualified applicants were inaccurately rejected from the Caltrans Maintenance Supervisor examination for not meeting the minimum qualifications. Two unqualified applicants were permitted to participate in the examination.

Criteria: Government Code section 18932 provides in part, any person possessing all the minimum qualifications for any state position is eligible, regardless of his or her age, to take any civil service examination given for that position, except as provided in this section.

Severity: Serious. Not permitting the qualified applicant to take the examination was a violation of his or her rights.

Cause: Inadvertent misapplication of minimum qualifications.

Action: Despite the inappropriate screening of a small number of applicants (less than 1%), the CRU finds that the Caltrans did not violate the merit principle and thus fulfilled its responsibilities to administer the examination in compliance with civil service laws and board rules. The CRU has already spoken with the Caltrans and the two

¹ 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.

individuals who were not allowed to take the examination will be allowed to take the examination within a reasonable amount of time, while the other two individuals who were inappropriately permitted to take the examination did not receive passing scores and thus are not on the eligible list. Within 60 days of the Executive Officer's approval of these findings and recommendations, the Caltrans must submit to the CRU a written corrective action plan that addresses the corrections the department will implement to ensure the department will improve its minimum qualification practices. Copies of any relevant documentation should be included with the plan.

DEPARTMENTAL RESPONSE

The Caltrans Division of Human Resources (DHR) has reviewed the Findings related to the State Personnel Board's Special Investigation into the Caltrans Maintenance Supervisor examination. The DHR has taken the following steps as a result of the investigation: conducted an additional examination administration on July 18, 2015, for those candidates who were inadvertently denied admittance into the examination; scored and placed passing competitors onto the Caltrans Maintenance Supervisor eligible list on July 24, 2015; and created a plan of action to ensure future misapplications are further minimized.

The DHR will ensure that all applications submitted for entrance into civil service examinations receive a review by a minimum of three (3) individuals prior to a final determination. This shall include at least one review conducted at the management level (SSM I or above). Any application that receives a conflicting determination will receive a review by a minimum of four (4) individuals. This shall include at least two reviews conducted by individuals at the management level (SSM I or above). If a conflicting determination exists among the two individuals at the management level (SSM I or above), an additional review shall be conducted by an individual at the upper management level (SSM II or above) before a final determination is rendered.

The DHR thanks the State Personnel Board for their professionalism exhibited throughout this process and for the opportunity to better the services we provide to our customers.

SPB REPLY

Based upon the Caltrans's written response, the Caltrans will comply with the CRU recommendations and findings and provide the CRU a corrective action plan.

It is further recommended that the Caltrans 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.