

**BOARD RESOLUTION ADOPTING THE COMPLIANCE REVIEW REPORT AND
FINDINGS BY THE SPB COMPLIANCE REVIEW DIVISION OF
THE DEPARTMENT OF COMMUNITY SERVICES AND DEVELOPMENT**

WHEREAS, the State Personnel Board (SPB or Board) at its duly noticed meeting of December 5, 2013, carefully reviewed and considered the attached Compliance Review Report of the Department of Community Services and Development submitted by SPB's Compliance Review Division.

WHEREAS, the Report was prepared following a baseline review of the Department of Community Services and Development's personnel practices. It details the background, scope, and methodology of the review, and the findings and recommendations.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the Report, including all findings and recommendations contained therein. A true copy of the Report shall be attached to this Board Resolution and the adoption of the Board Resolution shall be reflected in the record of the meeting and the Board's minutes.



SUZANNE M. AMBROSE
Executive Officer



COMPLIANCE REVIEW REPORT DEPARTMENT OF COMMUNITY SERVICES AND DEVELOPMENT FINDINGS AND RECOMMENDATIONS NOVEMBER 26, 2013

Examinations

During the period under review, the Department of Community Services and Development (CSD) conducted two examinations. The SPB reviewed both examinations, which are listed below:

| Classification | Exam Component | Exam Type | No. Eligibles |
|--|-------------------------------|-------------|---------------|
| Staff Services Analyst Transfer Exam | Written | Promotional | 4 |
| CEA II, Deputy Director Administrative Services Division | Supplemental and Interview | CEA | 24 |

FINDING NO. 1 – CSD Properly Complied with Civil Service Laws and Board Rules for All Examinations That Were Conducted During the Compliance Review Period

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.) Every applicant for examination shall file a formal signed application in the office of the department or a designated appointing power within a reasonable length of time before the date of examination. (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.)

For both examinations that CSD administered during the compliance review period, CSD properly advertised the examinations, and received and reviewed applications. The examinations were conducted with security measures, and no discrepancies were found in the manner of scoring or rating results. Accordingly, the examinations were given in compliance with civil service laws and Board rules.

Appointments

During the compliance review period, CSD made 29 appointments. The SPB reviewed 25 of those appointments, which are listed below:

| Classification | Appointment Type | Number |
|--|--------------------------|--------|
| Associate Governmental Program Analyst | Intermittent | 1 |
| Management Services Technician | Intermittent | 1 |
| Program Technician | Intermittent | 2 |
| Seasonal Clerk | Intermittent | 2 |
| Senior Accounting Officer (Specialist) | Intermittent | 1 |
| Staff Services Analyst | Intermittent | 1 |
| Associate Governmental Program Analyst | Limited-Term | 1 |
| Associate Management Auditor | Limited-Term | 1 |
| Staff Services Manager I | Limited-Term | 1 |
| Associate Governmental Program Analyst | List | 5 |
| Data Processing Manager II | List | 1 |
| Staff Services Manager I | List | 4 |
| Program Technician II | Mandatory Reinstatement | 1 |
| Office Technician | Permissive Reinstatement | 1 |
| Associate Management Auditor | Transfer | 1 |
| Program Technician III | Transfer | 1 |

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FINDING NO. 2 – CSD Did Not Provide Sufficient Evidence Showing that It Gave Priority Consideration to CalWORKS Applicants Seeking the Seasonal Clerk Position

CSD filled a seasonal clerk position, which is a nontesting classification without giving priority consideration to CalWORKS applicants. Any person receiving state public assistance under the CalWORKS program (Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code) who meets the minimum qualifications for any civil service position as a seasonal or an entry level nontesting class that does not require an examination shall be given priority consideration. (Gov. Code, § 19063.) "Priority consideration" means "that after consideration has been made for all conditions," as specified in Government Code section 19063, the hiring department "shall hire all qualified job applicants who are receiving state public assistance before hiring any other applicant." (*Ibid.*)

Several applications for CalWORKS candidates were found in the appointment file for one of the two seasonal clerk positions; however, there was no documentation stating why the CalWORKS candidates were not selected or considered for interview or appointment as required by Government Code section 19063.

Therefore, it is recommended that within 60 days of the Board's Resolution adopting these findings and recommendations CSD submit to the Board a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the requirements of Government Code section 19063 in future appointments. Copies of any relevant documentation should be included with the plan.

Equal Employment Opportunity (EEO)

The SPB reviewed the CSD's EEO policies, procedures, and programs that were in effect during the compliance review period.

FINDING NO. 3 – CSD's EEO Program Complies with Civil Service Laws and Board Rules

Each state agency is responsible for an effective EEO program. (Gov. Code, § 19790.) The appointing power 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 equal employment opportunity; issue procedures for filing, processing, and resolving discrimination complaints; issue procedures for providing equal upward mobility and promotional opportunities; and cooperate with

CalHR by providing access to all required files, documents and data. (*Ibid.*) In addition, the appointing power must appoint, at the managerial level, an EEO officer, who shall report directly to, and be under the supervision of, the director of the department to develop, implement, coordinate, and monitor the department's EEO program. (Gov. Code, § 19795.)

Further, each state agency shall 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. (*Ibid*) 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 SPB reviewed CSD's EEO program that was in effect during the compliance review period and determined that the program provided employees with information and guidance on the EEO process, including instructions on how to file such claims. In addition, the EEO program outlined the roles and responsibilities of the EEO Officer, as well as supervisors and managers. The EEO officer reports directly to the director on EEO issues. The CSD provided evidence of its efforts to promote equal employment opportunity in its hiring and employment practices, to increase its hiring of persons with disabilities, and to offer upward mobility opportunities for its entry-level staff.

CSD also has an established Disability Advisory Committee (DAC) that advises the department's director on EEO issues. The SPB thus found that CSD's EEO program complies with civil service laws and rules.

DEPARTMENTAL RESPONSE

The Department of Community Services and Development (CSD) accepts the findings in the Compliance Review Report and is committed to developing an action plan to ensure they are in compliance. (Attachment 1)

SPB REPLY

The SPB thanks the CSD for their cooperation and assistance during the compliance review. SPB also thanks CSD for their commitment to developing an action plan and ensuring that they are in compliance in the future. After carefully reviewing CSD's response, it is still recommended that they comply with the corrective action plan recommended to the Board herein.



LINNÉ K. STOUT
DIRECTOR

State of California-Health and Human Services Agency
DEPARTMENT OF COMMUNITY SERVICES AND DEVELOPMENT
2389 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833
Telephone: (916) 576-7109 | Fax: (916) 263-1406
www.csd.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

November 14, 2013

Attachment 1

Michael Brunette
Compliance Review Division
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814

RE: Compliance Review Report Findings

Dear Mr. Brunette,

This is to document that the Department of Community Services and Development (CSD) accepts the Findings in the Compliance Review Report and we are committed to developing an action plan to ensure that we are compliant.

The CSD will take corrective measures in response to the State Personnel Board's (SPB) Compliance Review Findings where the *CSD Did Not Provide Sufficient Evidence Showing that It Gave Priority Consideration to CalWORKS Applicants Seeking the Seasonal Clerk Position.*

The CSD recognizes that there were some undocumented deficiencies in the hiring of Seasonal Clerks. As a result, effective immediately, the CSD's corrective action plan is to implement the following to ensure conformity with the requirements of Government Code section 19063 in future appointments.

As the CSD hires Seasonal Clerks, the Human Resources Office will forward the hiring manager, all CalWORKS candidate applications that have eligibility for appointment so they may be given "priority consideration". The hiring manager will need contact the Human Resources Office to identify the selected candidate for the position and receive final approval to hire. If the candidate selected for the Seasonal Clerk position is not a CalWORKS candidate, the hiring manager will document for the recruitment file and forward to the Human Resources Office why a CalWORKS candidate was not selected for the position. This information will include list of applications received, identify applicants in the CalWORKS program (including all qualified job applicants who are receiving other state public assistance), applicants invited for interview, and if applicable, why a CalWORKS candidate was not selected or considered for interview or appointment as required by Government Code section 19063. Once the appropriate documentation has been forwarded to the Human Resources Office, the hiring manager may receive approval to proceed with the hire.

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If you have questions or need additional information please contact me at Ed.Springer@csd.ca.gov or (916) 576-5299 or you may contact Sean Hammer-Hernandez, Administrative Operations Manager at Sean.Hammer-Hernandez@csd.ca.gov or (916) 576-5312.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Springer III", followed by a horizontal line and a small flourish.

Ed Springer III, Personnel Officer
Human Resources Office
Department of Community Services and Development