

**BOARD RESOLUTION ADOPTING THE COMPLIANCE REVIEW REPORT AND
FINDINGS BY THE SPB COMPLIANCE REVIEW UNIT OF
THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PREVENTION**

WHEREAS, the State Personnel Board (SPB or Board) at its duly noticed meeting of March 3, 2014, carefully reviewed and considered the attached Compliance Review Report of the California Department of Forestry and Fire Prevention submitted by SPB's Compliance Review Unit.

WHEREAS, the Report was prepared following a baseline review of the California Department of Forestry and Fire Prevention'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

CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

FINDINGS AND RECOMMENDATIONS

MARCH 3, 2014

Appointments

During the compliance review period, the California Department of Forestry and Fire Protection (CAL FIRE) made 6849 appointments. The SPB reviewed 127 of those appointments, which are listed below:

| Classification | Appointment Type | Number of Appointments |
|--|--------------------|------------------------|
| Accounting Officer (Specialist) | Certification List | 1 |
| Aviation Officer II (Flight Operations) | Certification List | 1 |
| Carpenter Supervisor | Certification List | 1 |
| Communications Operator | Certification List | 8 |
| Deputy State Fire Marshall III (Specialist) | Certification List | 1 |
| Division Chief, California State Fire Marshal's Office | Certification List | 1 |
| Fire Captain (Paramedic) | Certification List | 10 |
| Fire Fighter II | Certification List | 11 |
| Fire Prevention Specialist I | Certification List | 2 |
| Forester II (Supervisory) | Certification List | 4 |
| Forestry Cook I | Certification List | 1 |
| Forestry Equipment Manager I | Certification List | 3 |
| Heavy Equipment Mechanic (Correctional Facility) | Certification List | 2 |
| Personnel Specialist | Certification List | 4 |
| Staff Information Systems Analyst (Specialist) | Certification List | 2 |
| Staff Programmer Analyst (Specialist) | Certification List | 2 |
| Staff Services Analyst (General) | Certification List | 12 |
| Staff Services Manager I | Certification List | 5 |

| Classification | Appointment Type | Number of Appointments |
|--|--|------------------------|
| Unit Chief | Certification List | 2 |
| Forester II (Supervisory) | Certification List | 1 |
| Staff Services Manager I | Certification List | 1 |
| Limited Examination and Appointment Program Candidate (Identified Class) | Certification List (LEAP) | 1 |
| Office Technician (Typing) | Certification List (LEAP) | 1 |
| Account Clerk II | Mandatory Reinstatement | 2 |
| Forestry Technician | Mandatory Reinstatement | 1 |
| Senior Personnel Specialist | Mandatory Reinstatement | 3 |
| Fire Fighter II | Permissive Reinstatement | 1 |
| Fire Prevention Specialist II | Permissive Reinstatement | 2 |
| Heavy Equipment Mechanic (Correctional Facility) | Permissive Reinstatement | 1 |
| Office Assistant (Typing) | Permissive Reinstatement | 3 |
| Personnel Specialist | Permissive Reinstatement | 1 |
| Senior Environmental Scientist (Specialist) | Permissive Reinstatement | 1 |
| Fire Lookout -Seasonal- | Temporary Authorized Utilization (TAU) | 6 |
| Mechanical and Technical Occupational Trainee | TAU | 2 |
| Skilled Trades Journeyperson (Casual Employment) (Plumber) | TAU | 2 |
| Supervising Land Surveyor | TAU | 1 |
| Accountant I (Specialist) | Transfer | 1 |
| Accounting Technician | Transfer | 3 |
| Associate Governmental Program Analyst | Transfer | 1 |
| Carpenter II | Transfer | 1 |
| Carpenter Supervisor | Transfer | 1 |
| Data Processing Manager III | Transfer | 1 |
| Fire Captain | Transfer | 1 |
| Forestry Fire Pilot | Transfer | 1 |
| Forestry Logistics Officer I | Transfer | 1 |
| Office Assistant (Typing) | Transfer | 1 |
| Office Technician (Typing) | Transfer | 1 |
| Programmer II | Transfer | 1 |
| Senior Arson and Bomb Investigator | Transfer | 1 |

| Classification | Appointment Type | Number of Appointments |
|--|------------------|------------------------|
| Senior Environmental Scientist (Specialist) | Transfer | 1 |
| Staff Services Analyst (General) | Transfer | 2 |
| Transportation Engineer (Civil) | Transfer | 4 |
| Unit Chief | Transfer | 1 |
| Water and Sewage Plant Operator, Department of Forestry and Fire Protection (Safety) | Transfer | 1 |

FINDING NO. 1 – CAL FIRE Did Not Retain Applications for All of the Reviewed Appointments

In relevant part, civil service laws require that the employment procedures of each state agency shall conform to the federal and state laws governing employment practices. (Gov. Code, § 18720.) State agencies are required to maintain and preserve any and all applications, personnel, membership, or employment referral records and files for a minimum period of two years after the records and files are initially created or received. (Gov. Code, § 12946.)

CAL FIRE failed to maintain applications for 29 of the 127 appointments for the minimum two year period of time. Therefore, it is recommended that within 60 days of the Board's Resolution adopting these findings and recommendations CAL FIRE submit to the Board a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the record retention requirements of Government Code section 12946. Copies of any relevant documents should be attached to the plan.

FINDING NO. 2 – CAL FIRE Did Not Separate Equal Employment Opportunity (EEO) Forms from Applications

Government Code section 19704 makes it unlawful for a hiring department to require or permit any notation or entry to be made on any application indicating or in any way suggesting or pertaining to any protected category listed in Government Code section 12940, subdivision (a) (e.g., a person's race, religious creed, color, national origin, age, or sexual orientation). Applicants for employment in state civil service are asked to provide voluntarily ethnic data about themselves where such data is determined by the California Department of Human Resources (CalHR) to be necessary to an assessment

of the ethnic and sex fairness of the selection process and to the planning and monitoring of affirmative action efforts. (Gov. Code, § 19705.) The EEO questionnaire of the state application form (STD 678) states, "This questionnaire will be separated from the application prior to the examination and will not be used in any employment decisions."

CAL FIRE did not properly separate the EEO questionnaire from the STD 678 application for 23 of the 127 appointments. Therefore, it is recommended that within 60 days of the Board's Resolution adopting these findings and recommendations CAL FIRE submit to the Board a written corrective action plan that addresses the corrections the department will implement to ensure that the EEO questionnaire is separated from all applications. Copies of any relevant documentation should be included with the plan.

Equal Employment Opportunity

The SPB reviewed CAL FIRE's EEO policies, procedures, and programs that were in effect during the compliance review period. In addition, the SPB interviewed appropriate CAL FIRE staff.

FINDING NO. 3 – CAL FIRE'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 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 committing 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.)

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).)

After reviewing the policies, procedures, and programs necessary for compliance with the EEO program's role and responsibilities according to statutory and regulatory guidelines, the SPB determined that the EEO program provided employees with information and guidance on the EEO process including instructions on how to file discrimination claims. In addition, the EEO program outlines the roles and responsibilities of the EEO Officer, as well as supervisors and managers. The EEO officer reports to the director on EEO issues. CAL FIRE 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. CAL FIRE also has an active disability advisory committee that advises the director on issues of concern to employees with disabilities.

DEPARTMENTAL RESPONSE

CAL FIRE was provided a copy of the draft compliance review report. CAL FIRE submitted a written response stating that they concur with the compliance review findings and will submit a corrective action plan once adopted. (Attachment No. 1)

SPB REPLY

In its written response CAL FIRE states that they concur with the findings of the baseline compliance review report and are in the process of developing a hiring retention guide to assist their hiring managers and supervisors during the recruitment process. Additionally, CAL FIRE states that they will submit a written corrective action plan once the Board issues its resolution adopting the findings and recommendations of this report.

The SPB recommends that within 60 days of the Board's Resolution adopting the findings and recommendations of this report, CAL FIRE submit to the Board a written corrective action plan addressing the recommendations stated herein.

The SPB thanks CAL FIRE for their cooperation and assistance during this compliance review.



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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December 2, 2013

Attachment No. 1

Mr. James L. Murray
Chief, Compliance Review Division
State Personnel Board
801 Capitol Mall
Sacramento, California 95814

Dear Chief Murray:

On November 4, 2013, the State Personnel Board (SPB) issued the preliminary findings and recommendations of its Baseline Compliance Review Report of appointments and the Equal Employment Opportunity (EEO) program within the California Department of Forestry and Fire Protection (CAL FIRE). CAL FIRE has now completed its review of these findings and recommendations and submits the following Department response:

Findings

1. CAL FIRE did not retain applications for all appointments that were reviewed;
2. CAL FIRE did not separate Equal Employment Opportunity (EEO) forms from applications; and
3. CAL FIRE EEO's Program complies with civil service laws and board rules.

CAL FIRE Response

CAL FIRE concurs with the findings of the SPB preliminary Baseline Compliance Review Report.

In response, CAL FIRE is in the process of developing a Hiring Retention Guide that will assist hiring managers and supervisors during the recruitment process and will detail the steps to be taken, documentation required to be retained, and expectations when recruiting for vacant positions.

Once the SPB issues its Resolution adopting these findings and recommendations, CAL FIRE will submit its written correction action plan, which will include additional information on and timelines for specific corrective actions.

On behalf of CAL FIRE, we appreciate the assistance and guidance offered during your review. If you have additional questions or concerns, please feel free to contact Tina Ramirez at (916) 327-7207 via telephone or via email at tina.ramirez@fire.ca.gov.

Sincerely,

KRISTINE M. RODRIGUES, Assistant Deputy Director
Labor and Human Resource Management
CAL FIRE

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