

BOARD RESOLUTION ADOPTING THE COMPLIANCE REVIEW REPORT AND FINDINGS BY THE SPB COMPLIANCE REVIEW DIVISION OF THE CALIFORNIA DEPARTMENT OF TECHNOLOGY

WHEREAS, the State Personnel Board (SPB or Board) at its duly noticed meeting of November 21, 2013, carefully reviewed and considered the attached Compliance Review Report of the California Department of Technology submitted by SPB's Compliance Review Division.

WHEREAS, the Report was prepared following a baseline review of the California Department of Technology'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



November 6, 2013

Carlos Ramos
Director and State Chief Information Officer
California Department of Technology
1325 J Street, Suite 1600
Sacramento, CA 95814

RE: Compliance Review Findings and Recommendation

Dear Mr. Ramos:

The State Personnel Board (Board or SPB) conducted a baseline compliance review of the California Department of Technology (Department)'s examinations, appointments, and equal employment opportunity (EEO) program during the period of May 1, 2011, through October 31, 2012. The primary objective of the review was to determine if the Department's personnel practices, policies, and procedures complied with state civil service laws and board regulations, and to recommend corrective action where deficiencies were identified.

The Department provided the documents that SPB requested. A cross-section of the Department's examinations and appointments were selected for review to ensure that samples of various examinations and appointment types, classifications, and levels were analyzed. The review of the EEO program included examining written policies and procedures, the internal discrimination complaint process, and the EEO officer's role and duties. The SPB also interviewed appropriate Department staff.

The Compliance Review Division (CRD) of the SPB found no deficiencies in the examinations that the Department administered or in the appointments that the Department made during the compliance review period. A deficiency, however, was found in the Department's EEO program. The law requires that an EEO officer must report directly to, and be under the supervision of, the director of the department. (Gov. Code, § 19795, subd. (a).) The Department's EEO officer does not report directly to the Director and Chief Information Officer. Instead, the Department's EEO Officer reports directly to the Undersecretary, Policy. Corrective action is therefore warranted.

To comply with the law, the Department should establish a direct reporting relationship between the Director and the EEO Officer. The Department must implement this organizational change within 60 days of the Board's Resolution adopting these findings and recommendation, and submit to the SPB a written report of compliance that includes copies of any relevant documentation.

If you would like to request an exit conference, please do not hesitate to write to CRD@spb.ca.gov, and one will be arranged. The exit conference provides you an opportunity to discuss the afore-stated findings and recommendation and to ask any questions you may have. You will also be afforded the opportunity to provide a written response to the findings and recommendation, if you choose. A written response, however, is not required. If you do not request an exit conference, we will assume that you agree with the findings and recommendation and will implement the recommended corrective action as outlined above.

You should also be aware that this compliance review letter and any written response and reply of the CRD will be provided to the Board at its next available meeting for their evaluation and determination. The Board may issue a Resolution adopting the findings and recommendation as stated herein, or the Board may order its own recommendations. In either event, you will be notified of the Board's final decision. The Board's Resolution will also be posted on our website.

We greatly appreciated the cooperation and assistance that the Department's staff provided throughout the compliance review. If you have questions, please contact me at (916) 651-0924.

Sincerely,



James L. Murray, Chief
Compliance Review Division
State Personnel Board

cc: Melissa Matsuura, Assistant Secretary, Office of Administration
Janice Campbell, Equal Employment Opportunity Officer