

**BOARD RESOLUTION ADOPTING THE COMPLIANCE REVIEW REPORT AND FINDINGS BY THE SPB COMPLIANCE REVIEW DIVISION OF THE EMERGENCY MEDICAL SERVICES AUTHORITY**

**WHEREAS**, the State Personnel Board (SPB or Board) at its duly noticed meeting of November 7, 2013, carefully reviewed and considered the attached Compliance Review Report of the Emergency Medical Services Authority submitted by SPB's Compliance Review Division.

**WHEREAS**, the Report was prepared following a baseline review of the Emergency Medical Services Authority'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



October 28, 2013

Howard Backer, M.D., Director  
Emergency Medical Services Authority  
10901 Gold Center Drive, Suite 400  
Rancho Cordova, CA 95670

RE: Baseline Compliance Review Report

Dear Dr. Backer,

The State Personnel Board (Board or SPB) conducted a baseline compliance review of the Emergency Medical Services Authority (EMSA) examinations, appointments, and Equal Employment Opportunity (EEO) program during the period of May 1, 2011 through November 1, 2012. The primary objective of the review was to determine if the EMSA'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 EMSA provided the documents that SPB requested. A cross-section of EMSA's examinations and appointments 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 EEO officer's role and duties, and the internal discrimination complaint process. The SPB also communicated with and asked questions of appropriate EMSA staff.

The Compliance Review Division (CRD) found no deficiencies in the reviews of EMSA's examinations and appointments. The CRD found that the EEO program was in compliance with one exception – the EEO Officer does not report directly to the EMSA's Director regarding EEO related matters. 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 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.) Accordingly, EMSA must reorganize its organizational structure to ensure that the EEO Officer reports directly to the Director of EMSA on EEO related matters.

It is therefore recommended that no later than 60 days after the Board's Resolution adopting these findings and recommendations, EMSA must reorganize its organizational structure to ensure that the EEO Officer reports directly to the Director on EEO related matters, and submit to the SPB a written report of compliance.

#### DEPARTMENTAL RESPONSE

The EMS Authority agrees that CalHR's Baseline Compliance Review Report reflects a reasonable suggestion for addressing the EEO officer reporting issue raised during the review. Within 60 days of the Board's Resolution adopting these findings and recommendations, EMSA will ensure that the EEO Officer reports directly to the Director on EEO related matters, and submit to the SPB a written report of compliance.

#### SPB REPLY

The SPB thanks the EMSA for their prompt departmental response with stated plans to correct the deficiency and submit a written report of compliance to the SPB. It is recommended that EMSA comply with the SPB's aforementioned recommendations, which are being 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, EMSA will be notified of the Board's final decision. The Board's Resolution will also be posted on our website.

Howard Backer, M.D.  
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We greatly appreciated the cooperation and assistance that the EMSA 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: Loretta Dillon  
Department of General Services