

BOARD RESOLUTION ADOPTING THE COMPLIANCE REVIEW REPORT AND FINDINGS BY THE SPB COMPLIANCE REVIEW DIVISION OF THE MENTAL HEALTH SERVICES OVERSIGHT AND ACCOUNTABILITY COMMISSION

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 Mental Health Services Oversight and Accountability Commission submitted by SPB's Compliance Review Division.

WHEREAS, the Report was prepared following a baseline review of the Mental Health Services Oversight and Accountability Commission'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



801 Capitol Mall Sacramento, CA 95814 | www.spb.ca.gov

Governor Edmund G. Brown Jr.

November 12, 2013

Ms. Sherri Gaugher
Executive Director
Mental Health Services Oversight and Accountability Commission
1300 17th Street, Ste. 1000
Sacramento, CA 95822

RE: Compliance Review Report

Dear Ms. Gaugher,

The State Personnel Board (Board or SPB) conducted a baseline compliance review of the Mental Health Services Oversight and Accountability Commission's (MHSOAC) 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 MHSOAC'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 MHSOAC provided the documents that SPB requested. A cross-section of MHSOAC's appointments was 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 MHSOAC staff.

The Compliance Review Division (CRD) has found no deficiencies in the reviews of the MHSOAC's examinations and appointments. The CRD found that the EEO program was in compliance with one exception – the MHSOAC does not have a Disability Advisory Committee (DAC). 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).)

Accordingly, MHSOAC must invite all employees to serve on a DAC 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.

It is therefore recommended that no later than 30 days after the Board's Resolution adopting these findings and recommendations, MHSOAC must invite all its employees to serve on the DAC, and no later than 60 days after the Board's Resolution adopting these findings and recommendations, MHSOAC must establish the DAC and submit to the SPB a written report of compliance.

If you would like to request an exit conference, please do not hesitate to contact Luisa Doi at (916) 653-1401 no later than November 5, 2013. The exit conference provides you an opportunity to discuss the afore-state findings and recommendation and to ask any questions you have. You will also be afforded the opportunity to provide a written response to the findings and recommendations, 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 recommendations 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.

DEPARTMENTAL RESPONSE

MHSOAC recognized their deficiency and on August 20, 2013 emailed an Online Disability Survey to all staff to provide each employee with the opportunity to self-identify any disabilities. On August 28, 2013 a memorandum was emailed to all staff which explained the role of a DAC, and requested volunteers to reply by September 11, 2013, if they were interested in serving on a DAC. Subsequently, MHSOAC has established a DAC, and the first meeting will be on November 25, 2013.

SPB REPLY

The SPB appreciates the MHSOAC's proactive approach to correct its DAC deficiency as soon as possible. After reviewing MHSOAC's memoranda, it is deemed that MHSOAC is in compliance with Gov. Code section 19795. Therefore no corrective action is necessary.

We greatly appreciated the cooperation and assistance provided by MHSOAC personnel. If you have questions or comments, please contact me at (916) 651-0924.

Sincerely,



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

Cc: Aaron Carruthers, Chief Deputy Executive Director
Norma Pate, Chief, Administrative Services



Mental Health Services
Oversight & Accountability Commission



STATE OF CALIFORNIA
EDMUND G. BROWN JR., Governor

RICHARD VAN HORN
Chair

DAVID PATING, M.D.
Vice Chair

SHERRI GAUGER
Executive Director

November 5, 2013

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

Dear Mr. Murray

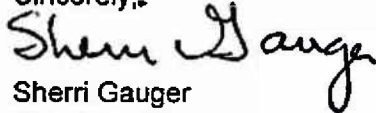
The Mental Health Services Oversight and Accountability Commission (MHSOAC) has received the letter regarding the compliance review conducted May 1, 2011 through November 1, 2012. We are pleased that there were no deficiencies in the review of our examinations and appointments. The MHSOAC also understands that that our Equal Employment Opportunity (EEO) program is in compliance with one exception, the need for a Disability Advisory Committee (DAC).

The MHSOAC recognizes the importance of such a committee and necessary steps have already been taken to ensure the formation and success of a DAC. On August 20, 2013 a memorandum with a link to the MHSOAC Online Disability Survey was emailed to all staff to provide employees the opportunity to self-identify any disabilities. The survey was available until September 4, 2013. On August 28, 2013 a Disability Advisory Committee memorandum was emailed to all staff explaining the role of a DAC and requesting staff participation. Employees were asked to reply by September 11, 2013 if they were interested in serving on the DAC. The MHSOAC's current DAC members are Lauren Quintero, Christina Call and Kristal Carter. The first DAC meeting will take place on November 25, 2013. Unfortunately, being a small agency with less than thirty employees, it has proved difficult to encourage more than a few employees to be a member of the DAC.

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James L. Murray, Chief

MHSOAC staff are currently working together to determine how to encourage more employees to participate in the DAC and look forward to finding new ways to promote the employment of individuals with disabilities. For the past several years, with the exception of this year, the MHSOAC has been involved in the Disability Capitol Action Day Resource Fair and looks forward to participating again in 2014.

Sincerely,



Sherri Gauger
Executive Director
Mental Health Services
Oversight and Accountability Commission