



SPECIAL INVESTIGATION

**Additional Appointments
of
Supervisory and Managerial Employees**

**California Department of Corrections and
Rehabilitation**

Prepared By:
State Personnel Board
Compliance Review Division
May 16, 2013

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INTRODUCTION

Established by the California Constitution, the State Personnel Board (the SPB or board) is charged with enforcing and administering the civil service statutes, prescribing probationary periods and classifications, adopting regulations, and reviewing disciplinary actions and merit-related appeals. The SPB oversees the merit-based recruitment and selection process for the hiring of over 200,000 state employees. These employees provide critical services to the people of California, including but not limited to, protecting life and property, managing emergency operations, providing education, promoting the public health, and preserving the environment. The SPB provides direction to departments through the board's decisions, rules, policies, and consultation.

In addition, the SPB may review an appointing authority's personnel practices to ensure compliance with civil service laws, rules, and policies. The four major areas of review are examinations, appointments, equal employment opportunity (EEO), and personal services contracts.

The SPB may also conduct special investigations of an appointing authority's personnel practices to ensure compliance with civil service laws, rules, and policies. Special investigations may be initiated in response to a specific request or when SPB obtains information suggesting a potential merit-related violation.

EXECUTIVE SUMMARY

In response to a request by the Legislature, the SPB reviewed the California Department of Corrections and Rehabilitation (CDCR)'s personnel policies and practices related to supervisory and/or managerial employees who held an additional appointment in a rank-and-file position on January 11, 2013. On that date, CDCR's records reflect that 227 full-time permanent Supervisory/Managerial employees held 240 additional appointments by way of transfer, reinstatement, and temporary authorized appointment (TAU). Some of the 227 employees held up to three additional appointments, bringing the total number of additional appointments to 240.

Regardless of whether an appointment is an additional appointment, civil service laws and rules apply to the appointment, unless the appointment is expressly exempted from civil service. Generally, those laws and rules require hiring departments to ensure a competitive and fair selection process that includes advertising for the position; determining whether an eligible list for the classification exists; collecting applications; and conducting hiring interviews.

An appointment by way of transfer or reinstatement must be determined by candidate performance in selection procedures, including, but not limited to, hiring interviews, reference checks, background checks, and/or any other procedures assessing job-related qualifications. Selection procedures must be designed and administered to select those individuals who best meet the selection need. Further, temporary authorized utilization (TAU) appointments may only be used if no eligible employment list exists for the position.

In addition, all applications for a state civil service position must be maintained and preserved on file for at least two years. The two-year retention requirement is mandatory.

SPB reviewed 240 additional appointments involving 227 supervisory and managerial employees appointed to an additional rank-and-file position. CDCR provided insufficient documentation to verify that its recruitment strategy for the additional appointments was as broad and inclusive as necessary to ensure the identification of an appropriate candidate group. Further, CDCR provided insufficient documentation to verify that the selection process adequately assessed the candidates' job-related qualifications. In addition, CDCR did not maintain copies of the hiring documentation, including employment applications, for a minimum of two years. An order of corrective action is thus warranted.

It is recommended that CDCR verify the effective dates for all the additional appointments and report to California Department of Human Resources (CalHR) its findings. CDCR and CalHR should work cooperatively to determine whether any of the additional appointments may be voided or otherwise resolved.

In addition, while departments are currently prohibited from appointing managers and supervisors to additional appointments (CalHR's Policy Memo 2013-015), this policy could be changed or modified in the future. Accordingly, it is recommended that CDCR review, and if necessary, update its personnel policies and procedures to ensure that all additional appointments, regardless of the funding source, comply with civil service laws and rules, and merit principles, unless the additional appointment is expressly exempt from civil service. CDCR should also ensure that its personnel policies and procedures include a minimum two-year retention requirement for all hiring documents, including documents related to employees placed in additional appointments. Further, CDCR should provide its personnel managers and staff with information and/or training on the laws, rules, and policies related to additional appointments and retention of hiring documents.

The CDCR must comply with the afore-stated recommendations within 60 days of the Board's Resolution and submit to the SPB a written report of compliance.

BACKGROUND

Section 350 of the SPB's Personnel Management Policy and Procedures Manual on "Appointments and Status" (300-911 (1/79) Rev. 10/30/86) states, in pertinent part, that an additional appointment is subject to civil service laws and rules, as follows:

Additional appointment is the term used when a State civil service employee is appointed to a second position in State service. The term is descriptive only since the fact that an appointment is held as an additional appointment does not change the civil service law and rule provisions that would otherwise apply to it.

¶...¶

There are no laws or rules that relate specifically to additional appointments. The authorities for making additional appointments are the same as for making any other appointment. These include the provisions on list appointments, transfers, reinstatements, etc. For example, an Office Assistant II who was reachable on the promotional list for Stenographer could receive an additional appointment as a Stenographer in the same manner as any other reachable eligible.

Section 350 also addresses two areas of "particular concern" regarding the good faith of an additional appointment:

1. The intent of the appointment must not be to circumvent the full-time appointment process; for example, making two part-time appointments of an individual who is eligible for part-time, but not full-time employment.
2. The intent of the appointment must not be to circumvent the overtime provisions.

Additionally, to ensure the proper use of additional appointments, Section 350 provides these examples: an additional appointment "to a distinctly different employment situation than the employee's initial appointment; typically, this would involve appointment to a different class, department or State facility."

The following departments had supervisors and/or managers who held additional appointments in rank-and-file positions within the same department on January 11, 2013:

Department	Count
California Department of Consumer Affairs	1
California Department of Corrections and Rehabilitation	227
California Department of Education	2

California Department of Food and Agriculture	2
California Department of Forestry and Fire Protection	1
California Department of Motor Vehicles	2
California Department of State Hospitals	173
California Department of Social Services	101
California Public Employees' Retirement System	56
California Department of Veterans Affairs	2
Employment Development Department (CUIAB)	4
Total	571

Source: State Controller's Office

The Legislature requested that SPB and CalHR review those additional appointments.¹ In order to provide a comprehensive review in the most expeditious manner, CalHR focused on compliance with classification, compensation and labor laws, rules, and policies, while SPB focused on compliance with civil service laws, rules, and policies.

This report contains only the results from the SPB's review.

SCOPE AND METHODOLOGY

The scope of this special investigation was limited to reviewing the 240 additional appointments of 227 supervisory and managerial employees to additional rank-and-file positions on January 11, 2013, within the same department. The primary objective of the review was to determine if CDCR's personnel practices complied with state civil service laws and board regulations, and to recommend corrective action where deficiencies were identified.

On March 5, 2013, a letter and preliminary survey were sent to CDCR to determine what information and documentation would be needed for the investigation. SPB held an entrance conference with CDCR on March 20, 2013, to explain the special investigation process. SPB examined the documentation that CDCR provided, which included requests for personnel action, applications, justifications, exemption requests, duty statements, bulletins, and Notices of Personnel Actions. The SPB also interviewed appropriate CDCR staff.

¹In January 2013, CalHR issued Policy Memo 2013-007 to Personnel Management Liaisons (PML) prohibiting departments from processing any new additional appointments. On April 25, 2013, CalHR issued Policy Memo 2013-015 instructing that effective immediately departments were no longer authorized to make any additional appointments for managers and supervisors. Policy Memo 2013-015 also sets forth options departments can consider in lieu of appointing managers and supervisors to additional positions.

On April 23, 2013, an exit conference was held with CDCR to explain and discuss the SPB's initial findings and recommendations. CDCR was also provided a copy of the SPB's draft report. CDCR was given until April 24, 2013, to submit a written response. On April 24, 2013, the SPB received and carefully reviewed the department's response, which is attached to this final compliance review report.

FINDINGS

As to custody staff, CDCR stated that additional appointments were necessary for maintaining adequate ratio levels between correctional officers and inmates in the institutions. In addition, CDCR allowed current full-time employees to hold additional appointments as a cost effective way to fill vacant positions in hard to recruit geographical areas. CDCR also stated that the use of additional appointments allowed CDCR to lessen mandatory orders for overtime.

The following table lists the appointment type, tenure, and time base for the additional appointments:

Number	Appointment Type	Tenure	Time Base
11	TAU ²	Temporary	Intermittent
1	Transfer	Limited Term	Part-Time (1/5 Time)
23	Transfer	Limited Term	Intermittent
1	Transfer	Permanent	Intermittent
1	Transfer	Temporary	Intermittent
32	Reinstatement	Temporary	Intermittent
49	Reinstatement	Permanent	Intermittent
1	Reinstatement	Permanent	Part-Time (1/5 Time)
50	Reinstatement	Limited Term	Intermittent
2	List	Permanent	Part-Time (1/2 Time)

² All the TAU appointments were for the Self-Help Sponsor classification, which is a non-testing classification. Consequently, the additional appointments by way of TAU were appropriate because there are no eligible lists for non-testing classifications.

Number	Appointment Type	Tenure	Time Base
1	List	Limited term	Intermittent
1	Unknown (No documentation)	Limited Term	Part-Time (1/2 Time)
1	Unknown (No documentation)	Limited Term	Part-Time (1/5 Time)
9	Unknown (No documentation)	Limited Term	Intermittent
21	Unknown (No documentation)	Permanent	Intermittent
36	Unknown (No documentation)	Temporary	Intermittent

Prior to January 11, 2011, CDCR made 124 of the 240 additional appointments. The remaining 116 additional appointments were made between January 11, 2011, and January 11, 2013, with 57 of those appointments being made within 12 months of January 11, 2013. The SPB specifically requested documentation related to the advertisement and selection process for all these additional appointments. In response to the document request, CDCR only provided minimal, written information and materials.

In state civil service, “permanent appointment and promotion shall be made under a general system based on merit ascertained by competitive examination.” (Cal. Const., Art. VII, § 1, subd. (b).) Departments must have recruitment strategies designed to be “as broad and inclusive as necessary to ensure the identification of an appropriate candidate group.” (Merit Selection Manual [MSM], § 1100, p. 1100.2 (Oct. 2003); Cal. Code Reg., tit. 2, § 50.)

Departments must have recruitment strategies designed to be “as broad and inclusive as necessary to ensure the identification of an appropriate candidate group.” (Merit Selection Manual [MSM], § 1100, p. 1100.2 (Oct. 2003); Cal. Code Reg., tit. 2, § 50.) Generally, the typical steps a department takes after determining that approval to fill a vacant position has been secured include: determining whether there is an eligible list for the classification; determining whether an eligible list is necessary to fill the position; advertising the position, which may include certifying the eligible list; receiving

applications, and if no applications are received, re-advertising the position with increased recruitment efforts; screening applications to determine which candidates meet minimum qualification requirements and are eligible for appointment; and conducting hiring interviews. (MSM, § 1200, pp. 1200.7-1200.8; Cal. Code Reg., tit. 2, § 50.)

SPB rules also require appointments to positions in state civil service by way of reinstatement must be made on the “basis of merit and fitness, defined exclusively as the consideration of each individual’s job-related qualifications for a position...as determined by candidate performance in selection procedures, including, but not limited to, hiring interviews, reference checks, background checks, and/or any other procedures, which assess job-related qualifications...” (Cal. Code Reg., tit. 2, § 250, subd. (a).)

In addition, all applications for a state civil service position must be maintained and preserved on file for at least two years. (Gov. Code, § 12946; Cal. Code Reg., tit. 2, §174.) The two-year retention requirement is mandatory.

The Self-Help Sponsor classification is a non-testing classification and allows CDCR to appoint employees without the use of a competitive examination. The only minimum qualification for the Self-Help Sponsor is that the applicant be currently working in a state correctional institution.

CDCR stated that all Self-Help Sponsor additional appointments were advertised and applications were accepted and reviewed. Informal interviews may not have been conducted. CDCR maintained that everyone who applied for a Self-Help Sponsor position was normally accepted. CDCR, however, produced minimal, if any, documentation to verify the recruitment and selection process that was actually used to make these additional appointments.

CDCR stated that for custody staff additional appointments recruitment includes distributing and/or posting memoranda, posting on the daily inmate movement sheet, and verbal advisement by supervisory staff. CDCR also stated that standard state applications are used by candidates, and those applications are reviewed for current performance, training, and attendance. CDCR further maintained that a candidate’s eligibility for an additional appointment in a custody staff classification is reviewed and confirmed before the additional appointment is made. SPB, however, was unable to verify the recruitment and selection process that CDCR actually used to make the custody staff additional appointments given the lack of supporting documentation.

For non-custody (medical, mental, and dental) additional appointments, CDCR asserted that a similar process of recruitment and selection is used. CDCR also explained that pursuant to various lawsuits, CDCR must ensure that inmates are afforded adequate access to medical, mental, and dental services. As with the other additional appointments, SPB was unable to verify the recruitment and selection process that was

actually used for non-custody additional appointments given the lack of supporting documentation.

CDCR failed to produce sufficient documentation to verify that its recruitment and selection process for the afore-stated additional appointments complied with civil service laws and board rules. In addition, CDCR did not properly retain copies of a majority of the hiring documentation, including employment applications, for a minimum of two years. Consequently, corrective action is warranted.

It is recommended that CDCR verify the effective dates for all the additional appointments and report to CalHR its findings. CDCR and CalHR should work cooperatively to determine whether any of the additional appointments may be voided or otherwise resolved.

In addition, while departments are currently prohibited from appointing managers and supervisors to additional appointments (CalHR's Policy Memo 2013-015), this policy could be changed or modified in the future. Accordingly, it is recommended that CDCR review, and if necessary, update its personnel policies and procedures to ensure that all additional appointments, regardless of the funding source, comply with civil service laws and rules, and merit principles, unless the additional appointment is expressly exempt from civil service. CDCR should also ensure that its personnel policies and procedures include a minimum two-year retention requirement for all hiring documents, including documents related to employees placed in additional appointments. Further, CDCR should provide its personnel managers and staff with information and/or training on the laws, rules, and policies related to additional appointments and retention of hiring documents.

DEPARTMENTAL RESPONSE

CDCR was provided a draft copy of the initial report to review. A copy of CDCR's written response is attached.

SPB REPLY

SPB has carefully reviewed and considered CDCR's written response. However, given the lack of verifying documentation, SPB's findings and recommendations remain unchanged.

It is further recommended that CDCR comply with the afore-stated recommendations within 60 days of the Board's Resolution and submit to the SPB a written report of compliance.

SPB appreciates the professionalism and cooperation of CDCR during this special investigation.

ATTACHMENT 1

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS AND REHABILITATION
G. BROWN JR., GOVERNOR

EDMUND

OFFICE OF THE SECRETARY

P.O. Box 942883
Sacramento, CA 94283-0001



April 24, 2013

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

Dear Mr. Murray:

The California Department of Corrections and Rehabilitation (CDCR) submits this letter in response to the State Personnel Board's (SPB) report titled *Special Investigation, Additional Appointments of Supervisorial and Managerial Employees, California Department of Corrections and Rehabilitation*. The report states CDCR did not advertise, collect applications, and competitively select applicants to appropriately appoint individuals to fill the rank-and-file positions for 165 of the 238 additional appointments held by 227 supervisors and/or managers.

The following is provided as additional clarifying information specific to the selection process used for Correctional Officer (CO) and Mental/Dental/Medical additional appointments. CDCR utilizes additional appointments to create a pool of individuals to temporarily fill work assignments when permanent full time employee, permanent intermittent employee and voluntary overtime resources are not available and the assignment cannot be delayed or deferred due to public safety concerns. The CDCR dual appointment process is secondary local hiring component of a comprehensive statewide hiring process that is used to meet immediate operational needs. All staff in dual appointments have been certified as eligible for that classification per civil service standards. Furthermore, no applicant has been denied employment and no employee has been denied overtime because another employee held an additional appointment.

In filling vacancies for any position, CDCR follows a very formal selection process. This process includes extensive recruitment advertising of the need to fill statewide vacancies, a structured selection process, formal interview, and eligibility verification. The process to fill vacant

positions is either lateral transfers or promotion/new hires from a certification list, in compliance with labor union agreements and selection manual requirements. Specific to CO, the recruitment includes distributing flyers within the community, institutions and departmental programs and colleges; as approved and governed by the California Department of Human Resources. This advertisement advises of an upcoming examination as the only mechanism to become a CO is through an examination/selection process. The selection process includes a physical test, written test, background investigation, medical screening, and psychological screening; and completion of a formal Basic Correctional Officer Academy (currently a 16-week instructional program). This is an extensive process requiring 9 to 20 months to complete and must align with Penal Code 13510; Government Code 1029, 1031; California Code of Regulations, Title 11, Sections 9050-9055; and the Bargaining Unit 6 Labor Union Agreement. The fact that some employees have additional appointments does not prevent filling vacant authorized positions in those classifications.

When there are not enough available resources at an institution within the CO classification to fill the required posts (work assignments that supervise offenders) either due to vacancy or various leaves (sick, medical, long-term sick, FMLA, etc.), the institution will use a variety of resource pools to fill the need. Consistent with Bargaining Unit agreement, posts are filled utilizing a variety of resources in the following priority order: another permanent full time employee hired specifically to cover a vacancy (Relief), a permanent intermittent employee, voluntary overtime, voluntary overtime of employee in an additional appointment, or involuntary overtime.

Establishing the pool of available resources to fill required posts through the additional appointment process is necessary when all other resources are not available. In addition to having met all civil service requirements when employees were originally appointed to the classification, the CDCR additional appointment process also ensures civil service protections. This recruitment includes:

- Advertising. Focused recruitment is completed at the local institution when comprehensive statewide efforts do not result in sufficient resources to fill all posts. Focused recruitment is the most effective means to establish and maintain the pool of additional resources because of the nature and complexity of each institution operations, and physical location of the institution. The recruitment can include distributing/posting a memo advising of the need (example of a memo used at Wasco State Prison - Reception Center is attached), posting on the daily inmate movement sheet, which is provided to all custody staff at a prison, verbal advisement by supervisory staff, or surveying upon appointment to a higher level custody position (i.e., upon appointment to Sergeant).

- Selection. Personnel Assignment staff are advised of the interested applicants via standard state applications. A review is completed to ensure that an unmet need exists, current performance meets the standard, necessary training has been completed, and attendance is verified.
- Certification of Eligibility. Eligibility is evaluated by local Personnel staff to ensure applicants have civil service eligibility pursuant to applicable codes and regulations for the classification.

Additionally, the additional appointments are processed for approved employees to provide a mechanism to compensate employees at a level commensurate with the duties being performed. Rather than compensate a Sergeant at a higher pay rate, the employee is compensated at the appropriate classification pay level for the CO duties being performed. As the need arises, the individuals on the list are contacted for consideration of the assignment and compensated at the appropriate overtime rate.

It should be noted these individuals are currently peace officers who have completed a very comprehensive selection process, including an evaluation of physical fitness to perform the essential functions, medical screening, psychological screening, and background investigation prior to being appointed to the Department as a peace officer, pursuant to the various Codes and Regulations identified above, and must have maintained a peace officer appointment without a break in service. A permanent break would require the employee to update the selection components specific to medical screening, psychological screening, and background investigation. As such, their eligibility to hold a peace officer position, including an additional appointment to CO, must comply with said Codes and Regulations.

For non-custody (medical, mental, dental) dual appointments, a similar process is followed to fulfill the needs of a vacant position in lieu of other types of resources (i.e., contract resources). Pursuant to various lawsuits, CDCR must ensure adequate access to medical, mental and dental services. As such, when a position is vacant, that need must be met with existing resources. This is accomplished through the use of overtime and/or dual appointments. These dual appointments address a temporary need behind various leave and while extensive recruitment is conducted to fill actual vacancies. Historically, CDCR utilized contract staff to fill these needs, but due to labor union agreement, contract staff cannot be utilized in lieu of existing resources.

CDCR would like to thank SPB for the opportunity to respond to the draft report. Should you have any questions or concerns, please contact me at (916) 323-6001.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott R. Carney". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

SCOTT R. CARNEY Director
Administrative Services

Attachment

cc: Jeffrey Beard, Secretary

ATTACHMENT 2

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USE OF ADDITIONAL POSITIONS FOR OVERTIME PURPOSES (CORRECTIONAL OFFICER AND CORRECTIONAL SERGEANT)

:

Pursuant to the August 8, 2005, Deputy Director Division of Adult Operations memorandum, by Mike Knowles, Deputy Director, the use of additional positions for overtime purposes will be used to avoid forced overtime.

Any Correctional Counselor I (CCI), Correctional Counselor II (CCII) Specialist, (CCII) Supervisor, Correctional Sergeant, or Correctional Lieutenant, who has prior experience in the class of Correctional Officer (CO) or Correctional Sergeant may submit a state application, a copy of the last performance evaluation, and an interest memorandum to the Staff Services Manager I in the Personnel Office for consideration of a secondary appointment as a CO or Correctional Sergeant for the purpose of working voluntary overtime.

The applicants must meet range/baton qualifications and any other training requirements. They shall contact the In-Service-Training (IST) department to schedule any required training. When the training is complete, they will be reassigned by personnel to the second position.

Once qualified, the second appointment staff can sign up for overtime with the Watch Sergeant. Once voluntary overtime shifts have been made to eligible CO's, remaining overtime shall be offered to individuals holding second appointment, prior to Forcing Overtime (FOT) by inverse seniority. **Total state service** shall be used to determine seniority for employees with a second appointment in the CO classification.

Staff will be required to wear the appropriate CO or Correctional Sergeant uniform and are not eligible for uniform allowance for the secondary position.

MARTIN BITER
Warden
Kern Valley State Prison



ATTACHMENT 3

MEMORANDUM

Date: August 12, 2005

To: **CORRECTIONAL COUNSELORS CORRECTIONAL SERGEANTS
CORRECTIONAL LIEUTENANTS**

**Subject: Voluntary OVERTIME
OPPORTUNITY**

Wasco State Prison Reception Center *is* currently canvassing eligible employees occupying the above job classifications or other eligible classifications (e.g. Fire Captain) in an effort to determine who may be interested in working overtime as a Correctional Officer or Correctional Sergeant.

The purpose of the canvassing is to prepare for future vacancy deficiencies that may result in mandatory overtime for regularly assigned staff. In order to reduce the possibility of mandatory overtime, employees may be allowed to work voluntary overtime in their former job classifications (Officer or Sergeant). Employees meeting transfer eligibility requirements may also be allowed to work overtime in the classification of correctional officer. However, employees wishing to work overtime as a Correctional Sergeant must have previous supervisory experience.

For example, a Correctional Counselor ■ (CCI) who previously was a Correctional Officer and/or Sergeant may qualify to work overtime as an Officer or Sergeant. However, a Correctional Counselor ■ who had not previously held a position as a supervisor (e.g. Sergeant) would not qualify to work overtime as a Sergeant.

Employees selected to work overtime will be reinstated or appointed to a second position either in their former classification or a classification consistent with eligibility requirements. Prior to being offered overtime, employees must attend required training necessary for the particular post assignment (e.g. chemical agents, 3 Round 40MI\1training).

Eligible employees who are interested in working overtime as an Officer or Sergeant must submit a brief written request to Personnel Assignment Office.

Once it has been determined how many employees are interested in this opportunity, a final administrative decision will be made along with a detailed interim policy.

Any employees having questions concerning this contingency plan may contact Correctional Sergeants Richmond or Correctional Lieutenant C. Lawless at extension 5025.

C. LAWLESS

Personnel	Assignment
Lieutenant	
Wasco State	Prison-Reception
Center	

ATTACHMENT 4

KERN VALLEY STATE PRISON
REQUEST FOR ADDITIONAL POSITION
CHECKLIST

EMPLOYEE:

POSITION REQUESTED:

- MEMO REQUESTING ADDITIONAL POSITION
- STATE APPLICATION

POSITION CONTROL

- LOG PACKET
- NEED EXISTS VERIFIED
- CURRENT PERFORMANCE EVALUATION
- IST TRAINING VERIFIED
- ATTENDANCE VERIFIED
- PREPARE 647
- PREPARE HFE
- ROUTED FOR APPROVAL
- ROUTE TO SSM I FOR EFFECTIVE DATE
- EMPLOYEE/PERSONNEL ASSIGNMENTS NOTIFIED APPROVED/DENIED
- APPROVED 647 ROUTED TO PERSONNEL SPECIALIST

ATTACHMENT 5

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**AGREEMENT TO VOLUNTARILY RESIGN FROM 2ND APPOINTMENT
AS A CORRECTIONAL OFFICER/SERGEANT UPON
TRANSFER/APPOINTMENT TO ANOTHER INSTITUTION**

In accepting this second appointment in the following classification:

- Correctional Officer
- Correctional Sergeant

I agree to voluntarily resign from my second appointment upon transfer to another institution or office. I further understand that this secondary appointment may be terminated by the Warden at anytime.

(Employee's Signature)

(Print Name)

**BOARD RESOLUTION ADOPTING
SPECIAL INVESTIGATION REPORT AND FINDINGS BY SPB
COMPLIANCE REVIEW DIVISION OVER ADDITIONAL APPOINTMENTS OF
SUPERVISORIAL AND MANAGERIAL EMPLOYEES IN
THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION**

WHEREAS, the State Personnel Board (SPB or the Board) at its duly noticed meeting of May 16, 2013, carefully reviewed and considered the attached Special Investigation Report submitted by SPB's Compliance Review Division concerning additional appointments of supervisory and managerial employees in the California Department of Corrections and Rehabilitation.

WHEREAS, the Report was prepared following a special investigation that was conducted in response to the Legislature's request to examine whether the practice of appointing supervisory and/or managerial employees in additional rank-and-file positions within the California Department of Corrections and Rehabilitation violates civil service laws.

WHEREAS, each Report details the background, scope and methodology of the review, the findings and recommendations, and the affected department's response.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the Report, including all findings and recommendations contained therein, and authorizes the issuance of the Report to the Legislature in response to its request for review. 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.

* * * * *

The foregoing Board Resolution was made and adopted by the State Personnel Board during its meeting on May 16, 2013, as reflected in the record of the meeting and Board minutes.



SUZANNE M. AMBROSE
Executive Officer