



Quality Assurance Review

of the

DEPARTMENT OF GENERAL SERVICES

Final Report

August 2001



State of California

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State Personnel Board
Final Report of Quality Assurance Review
(August 2001)

DEPARTMENT OF GENERAL SERVICES

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I. Background

The State Personnel Board (SPB) conducted an on-site review of examinations administered by the Department of General Services (DGS) between July 1997 and July 1999 as a result of a resolution adopted by the Five-Member State Personnel Board (Board) at a public hearing held on July 7, 1999. After determining that 16 eligible lists created by DGS were not established in compliance with applicable laws and regulations, SPB scheduled this hearing to allow comments from interested parties on the recommendations of SPB staff.

On April 29, 1998, DGS issued an examination bulletin for the class of Office Technician (Typing), Sacramento. This examination bulletin indicated that applications would be accepted on an "open" basis and ultimately attracted approximately 1900 applicants. DGS reviewed the applications and determined that approximately 400 applicants did not meet the minimum qualifications for participation in the examination. As a result, the applications of these 400 individuals were rejected. All of the approximately 1500 remaining applicants were assigned a score of 94%¹ based solely on the fact that they met the minimum qualifications for the classification. Since no assessment was made of the relative knowledge, abilities or experience of the applicants, the process administered by DGS did not meet the lawful requirements for a competitive examination. DGS subsequently acknowledged that identical processes were used to create lists for the following classifications and locations:

- Office Technician (Typing), San Francisco
- Telecommunications Technician Trainee
- Telecommunications Technician, Northern California, Sacramento and Statewide
- Electrical Engineer
- Stationary Engineer, Fresno, Los Angeles, Sacramento, San Diego and San Francisco
- Electrician Supervisor
- Groundskeeper, San Francisco and Fresno
- Janitor, Redding

The SPB staff determined that, because of the lack of competitiveness in the examination process used to create the aforementioned 16 eligible lists, these processes were not in compliance with the provisions of the following statutes:

Article VII, Section 1(b), Constitution of the State of California states, "In the civil service permanent appointment and promotion shall be made under a general system based on merit ascertained by competitive examination" (emphasis added).

Government Code §18930 provides that, "Examinations for the establishment of eligible lists shall be competitive and of such character as fairly to test and determine the qualifications, fitness, and ability of competitors actually to perform the duties of the class of position for which they seek appointment..." (emphasis added).

¹ Eligible veterans received additional preference points.

California Code of Regulations §198 states, "Ratings of education, experience, and personal qualifications shall be made on a competitive basis in that each competitor shall be rated thereon in relation to the minimum qualifications for the class in question and in relation to the comparable qualifications of other competitors..." (emphasis added).

Since in each case a single score was assigned based solely on whether an individual met the minimum qualifications of each classification, the process did not provide for the required comparative assessment of competitors' qualifications or of the relative strength of the competitors' knowledge and abilities. Consequently, a basic premise of merit was violated in that there was no assurance that the best-qualified competitors were considered for and/or received appointments. SPB subsequently froze the 16 eligible lists so that no additional permanent appointments would be made. Approximately 150 individuals had already been appointed from these eligible lists in various departments.

A hearing was held on July 7, 1999 to allow comments from interested parties on the recommendations of SPB staff to invalidate the 16 eligible lists and to permit permanent appointments made from these lists to stand. Competitors remaining on these eligible lists, as well as those appointed, were notified of the hearing. After reviewing the recommendations from SPB staff and hearing testimony from affected individuals, the Board adopted, in part, the following resolutions:

...that permanent appointments which have been made prior to the freezing of the aforementioned eligible lists, be allowed to stand;

...that DGS will proceed with administering new examinations for these 16 eligible lists limited to the existing candidate pool. Where there is recruitment difficulty, the Department may expand their recruitment efforts with SPB approval;

...that limited-term appointments made from the aforementioned lists will be allowed to stand pending the expiration of these appointments. DGS will advise all limited-term appointees that in order to acquire permanent status, they will be required to re-compete in the new examinations;

...that the use of DGS's lists for limited-term appointments would extend to 19 Boards and Commissions for which DGS administers examinations;

...that DGS's authority to administer all examinations on a decentralized basis is rescinded between July 7, 1999 and July 6, 2001, thereby requiring SPB approval of all aspects of future selection;

...that DGS shall be required to have SPB review and monitor all examinations proposed by DGS between July 7, 1999 and July 6, 2001; and,

...that SPB will audit examinations that have been administered by DGS during the two preceding years.

II. Scope of Review and Methodology

To determine if the personnel practices of DGS adhere to State laws, regulations and policies pertaining to examinations, SPB reviewed examination files including examination planning documents, examination bulletins, state applications, selection instruments (qualifications appraisal interview [QAP] questions, written examinations, etc.), job analysis information, rating criteria, scoring methods, resulting eligible lists, and bottom-line hiring reports. Prior to the on-site review, a listing of examinations administered by DGS during the review period was produced via SPB's on-line system. DGS provided SPB with a listing of all Career Executive Assignment (CEA), Career Management Assignment (CMA) and Career Supervisory Assignment (CSA) examinations administered during the review period. DGS examinations were randomly selected for review, ensuring that samples of various classifications, levels and types of examinations were reviewed. Based on the listing of examinations produced by SPB and DGS, 78 civil service examinations and 138 CMA and CSA examinations were administered by DGS during the review period. Thirty-six examinations were selected for review by SPB, four of which were CEA examinations, five CMA examinations, eight CSA examinations, and 19 civil service examinations.

III. Summary of Findings

The SPB identified significant concerns with the manner in which DGS administers its examinations. A large number of examinations were administered as an evaluation of competitors' education and experience (E&E). These E&E examinations consisted solely of ratings based on a review of competitors' applications and were not appropriate examination methods for many classifications. However, after discussions with SPB staff, in early 1999, DGS issued a memorandum in April 1999 to its office/branch chiefs stating that it would be phasing out the use of E&E examinations for its open examinations and review its use in promotional examinations.

The DGS did not demonstrate that its examinations, rating criteria, and scoring methods are competitive and of such character as fairly to test and determine the qualifications, fitness, and ability of competitors to actually perform the duties of the class, as required by Government Code §§18900(a), 18930, and California Code of Regulations §§198 and 548.40. Sixteen examinations reviewed did not demonstrate how competitors were evaluated or rated. In two examinations, the rating criteria was not applied correctly. One examination awarded ten additional points to competitors who were current DGS employees. Based on documentation reviewed in four examination files, appointment documents identifying incumbents for the classification being tested were approved and dated prior to the final filing date of the examinations, which raises concern about the fairness and competitiveness of these examinations.

The minimum qualifications stated on three civil service examination bulletins were modified from the class specification without SPB Board approval. Government Code §18931 states, "The board shall establish minimum qualifications for determining the fitness and qualifications of employees for each class of position..."

Government Code §18990(a) allows persons employed by the Legislature for two or more consecutive years to apply for CEA examinations. The examination bulletin for a CEA 1 examination did not include the minimum qualification for Legislative employees.

The DGS did not consistently ensure that all competitors in its examinations met the minimum qualifications of the classification as required by Government Code §§18900(a) and 18932. Based upon applications and documentation reviewed by SPB, DGS could not demonstrate in 16 of the 36 examinations reviewed, that all competitors in DGS examinations met the minimum qualifications of the classification.

There was no evidence that DGS conducts job analyses prior to administering its examinations. In the absence of job analyses, it is not clear whether DGS uses appropriate examination methods or that examinations accurately assess the required knowledge, abilities, and qualifications of competitors.

The DGS's inability to demonstrate that it consistently complies with civil service laws and rules is, to a large extent, due to poor record keeping and lack of documentation in the examination files. Records were missing from 31 of the examination files reviewed, including examination bulletins, eligible lists, rating criteria, and competitive rating reports. Due to lack of documentation, DGS did not demonstrate that it publicizes its examinations within a reasonable period of time before the scheduled examination date, as required by Government Code §18933 and California Code of Regulations §171. DGS did not demonstrate that it consistently notifies applicants of the approval or disapproval of his/her application, as required by California Code of Regulations §175, or notifies competitors of their examination results, as required by Government Code §18938.5 and California Code of Regulations §549.6(c). Due to lack of documentation, DGS did not demonstrate that it reviews or analyzes data prior to or after the administration of each examination to determine if adverse impact resulted from the examination.

IV. SPB Significant Findings and Directives

The SPB reviewed 34 examinations administered by DGS between July 1997 and July 1999 and two examinations administered after July 1999. Nineteen of the 36 examinations reviewed were civil service, four were CEA, four were CMA, and nine were CSA examinations. Nineteen examinations were administered on an open basis and 17 were administered on a promotional basis. The 36 examinations reviewed were:

- Accountant I, Specialist (3/98)
- Accounting Officer (Specialist) (9/98)
- Administrative Law Judge II (3/98)
- Architectural Associate (6/98)
- Associate Mechanical Engineer (12/98)
- Automobile Mechanic, Oakland, Los Angeles, Fresno,
San Diego, Sacramento (10/97)
- Bookbinder II (2/99)
- CEA 1, Deputy Executive Director, Little Hoover Commission (6/97)
- CEA 1, Deputy Executive Director, Little Hoover Commission (3/99)

CEA 3, Chief Legal Counsel to Commission on State Mandates (3/99)
 CEA 4, Chief Deputy Director (10/99)
 CMA III, Regional Manager, Building and Property Management Branch (6/97)
 CMA V, Assistant Chief, Building and Property Management Branch (6/99)
 CMA V, Information Systems Manager, Procurement (7/98)
 CMA V, Program Manager, Project Management Branch (11/98)
 Construction Supervisor I (7/98)
 CSA II, Chief Engineer II, Building and Property Management (12/98)
 CSA II, Maintenance Supervisor, Office of State Publishing (11/98)
 CSA III, Audit Supervisor (6/99)
 CSA III, Equal Employment Officer, Executive Office (9/97)
 CSA IV, Electronic PrePress Digital Imaging (7/99)
 CSA IV, Office Building Manager III, Building and Property Management (12/98)
 CSA V, Assistant Office Chief, Staff Risk Manger (2/98)
 CSA V, School Facilities Program Administrator II (1/98)
 CSA V, Manager, Contract Management and Professional Services Contracts (7/98)
 District Structural Engineer (11/97)
 Electronics Technician (7/97)
 Field Representative, Board of Corrections (Continuous)
 Senior Architect (10/98)
 Systems Software Specialist I (Technical) (4/00)
 Telecommunications Technician (Continuous)
 Tree Maintenance Worker (3/99)

**A. *Job Analysis/
Examination
Method***

REQUIREMENT(S)

Government Code §18900(a) states, “Eligible lists shall be established as a result of free competitive examinations...”

Government Code §18930 states that examinations shall be “...competitive and of such character as fairly to test and determine the qualifications, fitness, and ability of competitors to actually perform the duties of the class for which they seek appointment...”

FINDING(S)

1. A large number of E&E examinations were administered by DGS during the review period. These E&E examinations consisted solely of ratings based on a review of competitors’ applications and were not appropriate examination methods for many classifications. In April 1999, DGS issued a memorandum to its office/branch chiefs stating that it would begin phasing out the use of E&E examinations for its open examinations and review its use in promotional examinations.

CONCLUSION(S)

The DGS did not demonstrate that it uses appropriate examination methods or that all examinations are competitive, and fairly assess the qualifications of competitors, and accurately assess the required knowledge and abilities of competitors as required by Government Code §§18900(a) and 18930.

SPB DIRECTIVE(S) REGARDING JOB ANALYSIS/EXAMINATION METHOD

The SPB requested and DGS provided, for SPB review and approval, a plan to conduct job analyses to ensure that future examinations are competitive and fairly test and determine the qualifications, fitness and ability of competitors actually to perform the duties of the classification as required by Government Code §§18900(a) and 18930. (*Ref. Finding A1*)

B. Examination Bulletins

REQUIREMENT(S)

Government Code §18900(a) provides that eligible lists shall be established as a result of competitive examinations open to persons who meet the minimum qualifications, "**...as prescribed by the specifications for the class or by board rule**" (emphasis added).

Government Code §18931 states, "The board shall establish minimum qualifications for determining the fitness and qualifications of employees for each class of position..."

Government Code §18933 states, "...the board or a designated appointing power shall announce or advertise examinations...Such announcement shall contain ...(c) The nature of the minimum qualifications."

FINDING(S)

Of the 36 examination files reviewed, the minimum qualifications stated on the examination bulletin were modified from the class specification without Board approval for the following three civil service examinations: Automobile Mechanic; Associate Mechanical Engineer; and Telecommunications Technician.

1. The Automobile Mechanic examination bulletin stated, "...Applicants must clearly identify on the application the type of work performed as a journeyman Automobile Mechanic." The minimum qualifications on the class specification do not require experience as a journeyman Automobile Mechanic. Requiring applicants to identify experience not required in the minimum qualifications, may have resulted in erroneously disqualifying applicants from the examination or prevented individuals from applying for the examination who otherwise were eligible.

2. The minimum qualifications for the Associate Mechanical Engineer require experience in several fields listed under “Typical Tasks” on the class specification. The examination bulletin identified five of the eight fields listed on the class specification. Not including all of the “fields” on the examination bulletin may have resulted in erroneously disqualifying applicants from the examination or prevented individuals from applying for the examination who otherwise were eligible.
3. The minimum qualifications on the Telecommunications Technician class specification lists five certificates or licenses of which candidates are required to possess at least one. The examination bulletin did not include one of the certificates, the NABER Two-way Radio Technician Certificate. This may have resulted in erroneously disqualifying applicants from the examination or prevented individuals from applying for the examination who otherwise were eligible.

CONCLUSION(S)

The DGS did not demonstrate compliance with Government Code §§18900(a), 18931 and 18933 when it modified the minimum qualifications for the Automobile Mechanic; Associate Mechanical Engineer; and Telecommunications Technician examinations.

REQUIREMENT(S)

Government Code §18990(a) states, “...persons employed by the Legislature for two or more consecutive years shall be eligible to apply for promotional civil service examinations, including examinations for career executive assignments, for which they meet the minimum qualifications...”

FINDING(S)

4. The examination bulletin for the CEA 1, Deputy Executive Director, Little Hoover Commission (3/99), did not state that persons employed by the Legislature for two or more consecutive years were eligible to apply. This may have resulted in erroneously disqualifying applicants from the examination or prevented individuals from applying for the examination who were otherwise eligible.

CONCLUSION(S)

The DGS did not demonstrate compliance with Government Code §18990(a) when it did not include a statement on the examination bulletin for the CEA 1, Deputy Executive Director, Little Hoover Commission (3/99) specifying that Legislative employees with two or more consecutive years are eligible to apply.

SPB DIRECTIVE(S) REGARDING EXAMINATION BULLETINS

Effective immediately, the minimum qualifications on all DGS civil service examination bulletins shall be verbatim from the class specification in

accordance with Government Code §§18900(a), 18931 and 18933. (*Ref. Findings B1-B3*)

The DGS shall re-evaluate the applications received for the Automobile Mechanic examination to identify any applicants who were adversely effected as a result of DGS requiring journey person experience, which is not part of the minimum qualifications. DGS shall, by October 1, 2001, notify SPB, in writing, of its findings and provide supporting documentation. (*Ref. Finding B1*)

The DGS shall re-evaluate the qualifications of all rejected applicants for the Associate Mechanical Engineer examination to identify any applicants who were disqualified from this examination as a result of missing information regarding the minimum qualifications on the examination bulletin. DGS shall, by October 1, 2001, notify SPB, in writing, of its findings and provide supporting documentation. (*Ref. Finding B2*)

The DGS shall re-evaluate the qualifications of all rejected applicants for the Telecommunications Technician examination to determine if applicants that possessed the NABER Two-way Radio Technician Certificate were rejected from the examination. DGS shall, by October 1, 2001, notify SPB, in writing, of its findings and provide supporting documentation. (*Ref. Finding B3*)

DGS shall re-evaluate the qualifications of all rejected applicants for the CEA I, Deputy Executive Director, Little Hoover Commission (3/99) examination to identify any Legislative employees who were disqualified from the examination as a result of DGS not including a statement on the examination bulletin permitting Legislative employees to apply. DGS shall, by October 1, 2001, notify SPB, in writing, of its findings and provide supporting documentation. (*Ref. Finding B4*)

Effective immediately, DGS shall include information regarding the eligibility of Legislative employees on all CEA and applicable civil service examination bulletins in accordance with Government Code §18990(a). (*Ref. Finding B4*)

**C. Rating Criteria/
Competitiveness**

REQUIREMENT(S)

Government Code §18900 (a) states, “Eligible lists shall be established as a result of...competitive examinations open to persons who...meet the minimum qualifications...as prescribed by the specifications for the class...”

Government Code §18930 states, “Examinations for the establishment of eligible lists shall be competitive and of such character as fairly to test and determine the qualifications, fitness, and ability of competitors actually to perform the duties of the class of position for which they seek appointment...”

Government Code §19889.3 states, “Eligibility for appointment to positions in the career executive assignment category shall be established as a result of competitive examination of persons with permanent status in the civil service who meet such minimum qualifications...”

California Code of Regulations §193 states, “In any examination, the appraisal of education and experience of the competitors may be made by formula applied to the information and data given on their official applications...”

California Code of Regulations §198 states, “Ratings of education, experience and personal qualifications shall be made on a competitive basis in that each competitor shall be rated thereon in relation to the minimum qualifications for the class in question and in relation to the comparable qualifications of other competitors...”

California Code of Regulations §549.6 requires examinations for positions classified as CMA and CSA be conducted pursuant to California Code of Regulations §§548.30 and 548.40 through 548.52 for Career Executive Assignments.

California Code of Regulations §548.40 states, “Examinations for appointments to positions shall be competitive and of such character as fairly to test and determine the qualifications... The person appointed as a result of a competitive examination must be well-qualified and carefully selected.”

FINDING(S)

1. There was no information in the examination files to document how competitors were rated in the Administrative Law Judge II; Telecommunications Technician; Field Representative, Board of Corrections; and Tree Maintenance Worker examinations, all administered as a QAP 100%. Thus, a determination of the competitiveness or fairness of these examinations could not be made.
2. The rating criteria for the Automobile Mechanic examination, administered as an E&E 100%, did not provide any distinction between Ranks 1, 2, or 3 for competitors who qualified for this examination under Pattern III. The rating criteria was the same for all three ranks. Because there was no distinction, competitors who met the minimum qualifications under Pattern III could obtain eligibility in any of the three ranks.
3. Based on the review of competitors’ applications, the rating criteria was not applied correctly in the Automobile Mechanic and Senior Architect examinations that were administered as an E&E 100%.
 - One competitor in the Automobile Mechanic, Sacramento examination received a score of 79% and was placed in Rank 3. The competitor’s application, however, cited over eight years of relevant

experience and possession of training certificates and vocational education. Based on documentation reviewed, the competitor should have received a rating of 91%, or Rank 1.

- Documentation reviewed in the Senior Architect examination revealed the following:
 - One competitor's application cited over 13 years of relevant experience outside of state service, which would place the competitor in Rank 1; however, the competitor was placed in Rank 3.
 - One competitor's application cited over 12 years of relevant experience outside state service, which would place the competitor in Rank 1; however, the competitor was placed in Rank 2.
 - One competitor's application cited three years, six months experience as an Associate Architect, which would place the competitor in Rank 2; however, the competitor was placed in Rank 1.
 - One competitor's application cited over nine years of relevant experience outside of state service, which would place the competitor in Rank 1; however, the competitor was placed in Rank 2.
4. Based on documentation reviewed in four CEA, five CMA, and eight CSA examinations, ratings of competitors were based solely on an application/resume review. Thirteen of the 17 examination files reviewed did not contain criteria to demonstrate how competitors' applications/resumes were rated: CEA 1, Deputy Executive Director, Little Hoover Commission (6/97 and 3/99); CEA 3, Chief Legal Counsel to Commission on State Mandates; CMA III, Regional Manager, Building and Property Management Branch; CMA V, Assistant Chief, Building and Property Management Branch; CMA V, Information Systems Manager, Procurement; CMA V, Program Manager, Project Management Branch; CSA II, Chief Engineer II, Building and Property Management; CSA III, Audit Supervisor; CSA IV, Office Building Manager III, Building and Property Management; CSA V, Assistant Office Chief, Staff Risk Manager; CSA V, School Facilities Program Administrator II; and CSA V, Manager, Contract Management and Professional Services.
5. The CMA III, Regional Manager, Building and Property Management Branch examination bulletin indicated the top applicants identified by a screening panel would proceed to an interview. Interview questions were

not contained within the examination file, nor was there information to document how competitors were rated. Thus, DGS did not demonstrate the competitiveness or fairness of the examination.

6. The CSA III, Equal Employment Officer, Executive Office examination was administered on a servicewide promotional basis. Based on documentation reviewed, the rating criteria awarded ten additional points to DGS employees, disadvantaging those competitors who did not work for DGS.
7. Documentation reviewed in the examination files for the CEA 1, Deputy Executive Director, Little Hoover Commission (6/97); CMA V, Information Systems Manager, Procurement; CSA IV, Electronic PrePress Digital Imaging; and CSA V, School Facilities Program Administrator II, included appointment documents (Request for Personnel Action) and other documentation identifying the individuals subsequently hired for these positions. These documents were approved and/or dated prior to the final filing date of these examinations, which raises concern about the competitiveness or fairness of these examinations.

CONCLUSION(S)

Due to lack of documentation in the Administrative Law Judge II; Telecommunications Technician; Field Representative, Board of Corrections; and Tree Maintenance Worker examination files, DGS did not demonstrate these examinations were competitive and fairly tested the qualifications and abilities of competitors as required in Government Code §§18900(a) and 18930.

Based on documentation reviewed in the Automobile Mechanic and Senior Architect examination files, DGS did not demonstrate these examinations were competitive and fairly tested the qualifications and abilities of competitors as required by Government Code §§18900(a), 18930 and California Code of Regulations §§193 and 198.

Due to lack of documentation in the examination files for the CEA 1, Deputy Executive Director, Little Hoover Commission (6/97 and 3/99); CEA 3, Chief Legal Counsel to Commission on State Mandates; CMA III, Regional Manager, Building and Property Management Branch; CMA V, Assistant Chief, Building and Property Management Branch; CMA V, Information Systems Manager, Procurement; CMA V, Program Manager, Project Management Branch; CSA II, Chief Engineer II, Building and Property Management; CSA III, Audit Supervisor; CSA IV, Office Building Manager III, Building and Property Management; CSA V, Assistant Office Chief, Staff Risk Manager; CSA V, School Facilities Program Administrator II; and CSA V, Manager, Contract Management and Professional Services, DGS did not demonstrate these examinations were competitive and fairly tested the

qualifications and abilities of competitors as required by Government Code §19889.3 and California Code of Regulations §548.40.

Based on documentation reviewed in the CEA 1, Deputy Executive Director, Little Hoover Commission (6/97); CMA V, Information Systems Manager, Procurement; CSA III, Equal Employment Officer, Executive Office; CSA IV, Electronic PrePress Digital Imaging; and the CSA V, School Facilities Program Administrator II, DGS did not demonstrate these examinations were competitive and fairly tested the qualifications and abilities of competitors as required by Government Code 19889.3 and California Code of Regulations §548.40.

***SPB DIRECTIVE(S) REGARDING RATING CRITERIA/
COMPETITIVENESS***

Effective immediately, DGS shall establish and maintain rating criteria for every civil service examination and ensure those ratings are made on a competitive basis as required by Government Code §§18900(a) and 18930. All rating criteria shall be maintained in the appropriate examination file and in accordance with SPB's Selection Manual Section 3120, Examination Security and Records Retention Guidelines. (*Ref. Finding C1*)

The DGS shall identify the criteria used to rate competitors in the following examinations: Administrative Law Judge II; Telecommunications Technician; Field Representative, Board of Corrections; Tree Maintenance Worker; CEA 1, Deputy Executive Director, Little Hoover Commission (6/97 and 3/99); CEA 3, Chief Legal Counsel to Commission on State Mandates; CMA III, Regional Manager, Building and Property Management Branch; CMA V, Assistant Chief, Building and Property Management Branch; CMA V, Information Systems Manager, Procurement; CMA V, Program Manager, Project Management Branch; CSA II, Chief Engineer II, Building and Property Management; CSA III, Audit Supervisor; CSA IV, Office Building Manager III, Building and Property Management; CSA V, Assistant Office Chief, Staff Risk Manager; CSA V, School Facilities Program Administrator II; and CSA V, Manager, Contract Management and Professional Services. DGS shall, by October 1, 2001, notify SPB, in writing, of its findings and provide supporting documentation. (*Ref. Finding C1, C4 & C5*)

The DGS shall, by October 1, 2001, notify SPB, in writing, and provide supporting documentation of the ratings assigned to competitors who qualified under Pattern III in the Automobile Mechanic examination. (*Ref. Finding C2*)

The DGS shall review the ratings assigned to all competitors in the Automobile Mechanic, Sacramento and Senior Architect examinations to determine the accurateness of the assigned ratings. DGS shall, by October 1, 2001, notify SPB, in writing, of its findings and provide supporting documentation. (*Ref. Finding C3*)

The DGS shall review the rating criteria for the CSA III, Equal Employment Officer, Executive Office examination and clarify why DGS employees were awarded 10 additional points. DGS shall, by October 1, 2001, notify SPB, in writing, of its findings and provide supporting documentation. (*Ref. Finding C6*)

The DGS shall, by October 1, 2001, notify SPB, in writing, and provide supporting documentation to clarify why appointment documents identifying incumbents for the CEA I, Deputy Executive Director, Little Hoover Commission (6/97); CSA V, School Facilities Program Administrator II; CMA V, Information Systems Manager, Procurement; and CSA IV, Electronic PrePress Digital Imaging examinations were approved and dated prior to the final filing date of these examinations. (*Ref. Finding C7*)

***D. Application
Review***

REQUIREMENT(S)

Government Code §19889.3 states, "Eligibility for appointments to positions in the career executive assignment category shall be established as a result of competitive examination..."

California Code of Regulations §549.6 requires examinations for positions classified as Career Management Assignment and Career Supervisory Assignment be conducted pursuant to California Code of Regulations §548.30 and 548.40 through 548.52 for Career Executive Assignments.

California Code of Regulations §548.40 states, "Examinations for appointments to Career Executive Assignment positions shall be competitive and of such character as fairly to test and determine the qualifications, fitness and ability of competitors actually to perform the duties of the position to be filled...The person appointed...must be well qualified."

FINDING(S)

1. Candidates in the CMA III, Regional Manager, Building and Property Management Branch and CSA V, Manager, Contract Management and Professional Services Contracts examinations were instructed in the examination bulletin to submit, in addition to a resume, a separate statement of qualifications specifically stating why they believe they are qualified for this position. Based on documentation reviewed, one application for the CMA III, Regional Manager, Building and Property Management Branch and two applications in the CSA V, Manager, Contract Management and Professional Services Contracts examinations were accepted without a statement of qualifications.

CONCLUSION(S)

The DGS did not demonstrate compliance with Government Code §19889.3 and California Code of Regulations §§549.6 and 548.40 when it did not

require all applicants to submit the documentation requested in the examination bulletin.

REQUIREMENT(S)

Government Code §18900(a) states, "Eligible lists shall be established as a result of...competitive examinations open to persons... who meet the minimum qualifications..."

Government Code §18932 states, "...Any person possessing all the minimum qualifications for any state position is eligible...to take any civil service examination..."

California Code of Regulations §171.1 requires applicants to complete the minimum time required by the experience component in the minimum qualifications prescribed for the class.

FINDING(S)

The SPB reviewed randomly selected accepted and rejected applications from each examination file. The following findings are a result of SPB's review:

2. Some of the applications and/or resumes reviewed for the Architectural Associate; Automobile Mechanic; Construction Supervisor I; District Structural Engineer; Field Representative, Board of Corrections; Senior Architect; Systems Software Specialist I (Technical); CSA II, Chief Engineer II, Building and Property Management; CSA II, Maintenance Supervisor, Office of State Publishing; CSA III, Equal Employment Officer, Executive Office; CSA V, Manager, Contract Management and Professional Services Contracts; CMA III, Regional Manager, Building and Property Management Branch; and CMA V, Assistant Chief, Building and Property Management Branch examinations did not indicate whether applicants' experience was full-time, part-time or intermittent. Some applications/resumes did not specify beginning and ending dates of employment. There was no indication on these applications how DGS determined if applicants met minimum qualifications.
3. Six applicants were accepted into the Architectural Associate examination that did not meet the minimum qualifications of the class.
4. Four applicants were accepted into the Automobile Mechanic, Sacramento examination who did not meet the minimum qualifications of the class.
5. One applicant was accepted into the Automobile Mechanic, San Diego examination who did not meet the minimum qualifications of the class.
6. One applicant was rejected from the Automobile Mechanic, Sacramento examination who met the minimum qualifications.

7. The minimum qualifications for the Automobile Mechanic classification include, “possession of a Class III California driver’s license valid for the operation of any two-axle single-motor vehicle and one towed vehicle...Applicants who do not possess the license will be admitted to the examination, but must secure the license prior to appointment...” An additional note was included on the examination bulletin that stated, “Applicants must show their California driver’s license number and expiration date on their application.” Based on the applications reviewed, some of the applicants did not include this information on their application. These applications were not “flagged” by DGS to ensure all requirements are met prior to appointment.
8. The minimum qualifications for the Automobile Mechanic classification allow substitution of experience with vocational education or completion of training courses offered by a recognized or accredited institution. Many applicants indicated possession of education and/or training on their application; however, there was no indication if candidates were given appropriate credit.
9. Six applicants accepted into the Construction Supervisor I examination did not meet the minimum qualifications of the class.
10. One applicant accepted into the Field Representative, Board of Corrections examination did not meet the minimum qualifications of the class.
11. One applicant accepted into the Senior Architect examination did not meet the minimum qualifications of the class.
12. Three applicants accepted into the Telecommunications Technician examination did not meet the minimum qualifications of the class.
13. Two applicants accepted into the Tree Maintenance Worker examination did not meet the minimum qualifications of the class.
14. Nine applicants accepted into the CMA III, Regional Manager, Building and Property Management Branch examination did not meet the minimum qualifications of the class.
15. One applicant accepted into the CMA V, Assistant Chief, Building and Property Management Branch did not meet the minimum qualifications of the class.
16. Two applicants accepted into the CSA V, Manager Contract Management and Professional Services Contracts examination did not meet the minimum qualifications of the class.

CONCLUSION(S)

The DGS did not demonstrate that it consistently required candidates to meet the minimum qualifications of the classification for which they were examined as required by Government Code §§18900(a), 18932 and California Code of Regulations §171.1, or that it accurately determined if minimum qualifications were met in nine civil service examinations, four CSA and two CMA examinations.

REQUIREMENT(S)

Government Code §18940 specifies that examinations be rescheduled for candidates who make the request due to religious reasons.

FINDING(S)

17. Based on documentation reviewed in the Construction Supervisor I examination, an individual's application had box 2c checked, which indicates an applicant cannot take an examination on Saturday due to religious beliefs. Attached to the application was a letter from the competitor requesting to be rescheduled from taking the examination on Saturday; however, a notification was mailed to the applicant instructing him/her to appear for the examination on Saturday.

CONCLUSION(S)

There was no documentation in the examination file to demonstrate DGS complied with Government Code §18940.

SPB DIRECTIVE(S) REGARDING APPLICATION REVIEW

Effective immediately, DGS shall ensure applicants submit all documentation required in the examination bulletin to demonstrate compliance with Government Code §19889.3 and California Code of Regulations §§548.40 and 549.6. (*Ref. Finding D1*)

DGS shall, by October 1, 2001, notify SPB, in writing, and provide supporting documentation to demonstrate that competitors in the CMA III, Regional Manager, Building and Property Management Branch and CSA V, Manager, Contract Management and Professional Services Contract examinations who did not submit the required Statement of Qualifications were evaluated and rated on the same basis as other competitors. (*Ref. Finding D1*)

Effective immediately, DGS shall carefully review each applicant's qualifications to ensure that minimum qualifications are met prior to allowing applicants to participate in any current or future examinations as required by Government Code §§18900(a), 18932 and California Code of Regulations §171.1. DGS staff who review applications for minimum qualifications should indicate on the application how applicants met or did not meet the minimum qualifications of each examination. Clarification of an applicant's time-base (full-time, part-time, or intermittent) and dates worked (month/day/year) should also be noted on the application since this may impact whether minimum qualifications are met. Clarification of credit given

for the substitution of education and/or training for experience should also be noted on the application since this may impact whether minimum qualifications are met. (*Ref. Findings D2 & D8*)

To ensure minimum qualifications were met, DGS shall re-evaluate the qualifications of all competitors who participated in the following examinations: Architectural Associate; Automobile Mechanic (Sacramento and San Diego); Construction Supervisor I; District Structural Engineer; Field Representative, Board of Corrections; Senior Architect; Systems Software Specialist I (Technical); Telecommunications Technician; Tree Maintenance Worker; CSA II, Chief Engineer II, Building and Property Management; CSA II, Maintenance Supervisor, Office of State Publishing; CSA III, Equal Employment Officer, Executive Office; CSA V, Manager, Contract Management and Professional Services Contracts; CMA III, Regional Manager, Building and Property Management Branch; and CMA V, Assistant Chief, Building and Property Management Branch to avoid potential illegal appointments. DGS shall, by October 1, 2001, notify SPB, in writing, of its findings and provide supporting documentation, including all appointments made as a result of these examinations. If illegal appointments are identified, DGS shall work with SPB to take the appropriate corrective action. (*Ref. Findings D2 -5, D9-16*)

The DGS shall re-evaluate the qualifications of applicants rejected in the Automobile Mechanic, Sacramento examination to ensure minimum qualifications were not met. DGS shall, by October 1, 2001, notify SPB, in writing, of its findings and provide supporting documentation. (*Ref. Finding D6*)

The DGS shall review the qualifications of all appointments made as a result of the Automobile Mechanic, Oakland, Los Angeles, Fresno, San Diego, and Sacramento examinations to ensure all requirements of the classification were met to avoid potential illegal appointments. DGS shall, by October 1, 2001, notify SPB, in writing, of its findings and provide supporting documentation. If illegal appointments are identified, DGS shall work with SPB to take the appropriate correction action. (*Ref. Finding D7*)

Effective immediately, applications for all DGS examinations that do not demonstrate that specific license requirements have been met shall be “flagged” by DGS to ensure all requirements of the classification are met prior to appointment. (*Ref. Findings D7*)

Effective immediately, DGS shall ensure that all applicants who indicate on their state application that religious beliefs prevent them from participating in examinations on Saturday, shall be rescheduled to take the examination on a day other than Saturday. DGS shall maintain documentation in the examination file to demonstrate compliance. DGS shall, by October 1, 2001,

notify SPB, in writing, and provide supporting documentation to demonstrate the applicant who indicated inability to participate in the Construction Supervisor I examination on Saturday, due to religious beliefs, was rescheduled as required by Government Code §18940. (*Ref. Finding D17*)

E. Scoring

REQUIREMENT(S)

Government Code §18936 states, "The final earned rating of each person competing in any examination shall be determined by the weighted average of earned ratings on all phases of the examination..."

California Code of Regulations §206 provides information regarding the minimum rating required.

FINDING(S)

1. Based on documentation reviewed in the CSA III, Equal Employment Officer, Executive Office examination file, a competitor proceeded to the interview portion of the examination that failed the application review process.

CONCLUSION(S)

Based on documentation reviewed in the examination file, DGS did not demonstrate that it used appropriate scoring methods or that it complied with the requirements of Government Code §18936 and California Code of Regulations §206.

SPB DIRECTIVE(S) REGARDING SCORING

The DGS shall re-evaluate the scoring methods used in the CSA III, Equal Employment Officer, Executive Office examination. DGS shall, by October 1, 2001, notify SPB, in writing, and provide supporting documentation to clarify the basis for allowing a competitor to proceed to the interviews, who, based on documentation in the examination file, did not pass the application review process. (*Ref. Finding E1*)

V. SPB Additional Findings and Directives

A. Job Analysis/ Examination Method

REQUIREMENT(S)

Government Code §18900(a) states, "Eligible lists shall be established as a result of free competitive examinations..."

"Government Code §18930 states that examinations will be "...competitive and of such character as fairly to test and determine the qualifications, fitness, and ability of competitors to actually perform the duties of the class for which they seek appointment...."

Government Code §19702.2 states, “Educational prerequisites or testing or evaluation methods which are not job-related shall not be employed as part of hiring practices or promotional practices conducted pursuant to this part unless there is no adverse effect....”

California Code of Regulations §548.40 states, “Examinations for appointment to Career Executive Assignment positions shall be competitive and of such character as fairly to test and determine the qualifications of candidates actually to perform the duties of the position to be filled.”

FINDING(S)

Of the 19 civil service examinations, 13 were administered as E&E 100%; four were QAP 100%; and two were written examinations 100%.

1. There was no documentation in two CEA, five CMA and five CSA examination files reviewed to demonstrate what, if any, examination instrument was used.
2. There was no information in any of the examination files reviewed to demonstrate that DGS examinations were based on job analyses.
3. Two examinations consisted of questions that were not job-related. The following examples were some of the QAP interview questions used in the CEA 3, Chief Legal Counsel to the Commission on State Mandates and in the Field Representative, Board of Corrections examinations.
 - “How did you come to apply for this position?”
 - “What attracted you to the job announcement?”
 - “Why do you think you might enjoy this job?”

These questions are more appropriate for job interview settings than examinations, are not clearly related to the knowledge and abilities of the classifications, and are so unstructured that it is nearly impossible to fairly rate competitors’ responses. In addition, there was no criteria to competitively rate competitors’ responses.

CONCLUSION(S)

In the absence of job analyses, DGS did not demonstrate that it used appropriate examination methods or that examinations were competitive and fairly assessed the qualifications of competitors as required by Government Code §§18900(a), 18930, and 19702.2.

Due to lack of documentation in the examination files, DGS did not demonstrate that the evaluation methods used in 12 of the examinations were competitive and fairly tested the qualifications of competitors as required by California Code of Regulations §548.40.

SPB DIRECTIVE(S) REGARDING JOB ANALYSIS/EXAMINATION METHOD

In order to demonstrate that examinations are job-related, DGS shall maintain all examination instruments (e.g. interview questions) and application review criteria in the appropriate examination file in accordance with SPB's Selection Manual Section 3120, Examination Security and Records Retention Guidelines. (*Ref. Finding A1*)

The SPB requested and DGS provided, for SPB review and approval, a plan to conduct job analyses to ensure that examinations fairly test and determine the qualifications, fitness and ability of competitors actually to perform the duties of the classification as required by Government Code §18930. (*Ref. Findings A2 & A3*)

B. Publicity

REQUIREMENT(S)

Government Code §18933 states, "Within a reasonable time before the scheduled date...a designated appointing power shall announce or advertise examinations for the establishment of eligible lists."

California Code of Regulations §171 states, "...The executive officer shall direct the preparation of every examination and the publication of an announcement thereof..."

California Code of Regulations §548.41 states, "It is the policy of the State Personnel Board that examinations for appointment to Career Executive Assignment positions shall be publicized as widely as appears practical..."

FINDING(S)

1. There was no documentation found in 17 of the 36 examination files reviewed to demonstrate the publicity of examinations or distribution of examination bulletins.
2. Two of the 36 examination files reviewed contained bulletin distribution forms; however, the examination bulletins were not distributed appropriately and/or adequately.
 - The CSA IV, Electronic PrePress Digital Imaging examination was administered on a departmental promotional basis. The bulletin distribution form did not indicate the examination bulletin was placed on the DGS Website or distributed throughout the Department.
 - The CSA II, Chief Engineer, Building and Property Management examination was administered on an open basis. The bulletin distribution form indicated the examination bulletin was not advertised with SPB.

CONCLUSION(S)

The DGS did not demonstrate that it publicizes its examinations as required by Government Code §18933 and California Code of Regulations §§171 and 548.41.

SPB DIRECTIVE(S) REGARDING PUBLICITY

Effective immediately, DGS shall maintain information regarding the publicity of each examination and distribution of examination bulletins in every examination file. DGS has recently provided to SPB, for review and approval, a publicity plan for all future examinations to demonstrate that examinations will be publicized in accordance with Government Code §18933 and California Code of Regulations §§171 and 548.41. (*Ref. Finding B1 & B2*)

Effective immediately, DGS shall, at a minimum, distribute examination bulletins for all departmental promotional examinations on the DGS website and distribute bulletins throughout DGS to provide the opportunity for qualified departmental employees to participate in promotional examinations. (*Ref. Finding B2*)

Effective immediately, DGS shall, at a minimum, advertise all open examination bulletins on the SPB and DGS website, SPB telephone information line, and provide copies of the examination bulletins to SPB's Service Center for posting. (*Ref. Finding B2*)

C. Examination Bulletins

REQUIREMENT(S)

Government Code §18933 states, "Within a reasonable time before the scheduled date...a designated appointing power shall announce or advertise examinations for the establishment of eligible lists...such announcement shall contain such information as the board deems proper and information concerning: (a) The date and place of the examination; (b) The nature of the minimum qualifications; (c) The general scope of the examination..."

California Code of Regulations §171 states, "...Each announcement shall state the title, salary range, and where appropriate, the duties of the class; the method of evaluating the education, experience, and personal qualifications of the competitors; such information as is required by the act and these rules; and such additional information as the executive officer may deem proper."

FINDING(S)

1. The Accountant I (Specialist) and Systems Software Specialist I (Technical) examination bulletins did not contain the scope of the examination.

CONCLUSION(S)

The DGS did not demonstrate compliance with Government Code §18933 and California Code of Regulations §171 when it did not include the scope of the examination on two of the 36 examination bulletins reviewed.

REQUIREMENT(S)

Government Code §18936 states, “The final earned rating of each person competing in any examination shall be determined by the weighted average of the earned ratings on all phases of the examination, according to the weights for each phase established by the board or a designated appointing power in advance of the giving of the examination and published as a part of the announcement of the examination.” (emphasis added). The board or a designated appointing power may set minimum qualifying ratings for each phase of an examination and may provide that competitors failing to achieve such ratings in any phase shall be disqualified from any further participation in the examination.”

California Code of Regulations §171 states, “...Each announcement shall state the title, salary range, and where appropriate, the duties of the class; the method of evaluating the education, experience, and personal qualifications of the competitors; such information as is required by the act and these rules; and such additional information as the executive officer may deem proper.”

FINDING(S)

2. Nine of the civil service examination bulletins reviewed did not indicate the final earned rating a competitor must attain in order to obtain a position on the eligible list as required by Government Code §18936 and California Code of Regulations §171.

CONCLUSION(S)

The DGS did not demonstrate compliance with Government Code §18936 and California Code of Regulations §171 when it did not indicate on nine civil service examination bulletins the final earned rating a competitor must attain in order to obtain a position on the eligible list.

REQUIREMENT(S)

California Code of Regulations §548.41 states, “...The executive officer may authorize appointing powers...to establish standards for the review and interpretation of such minimum qualifications as the board may establish for the Career Executive Assignment category...”

California Code of Regulations §549.6 states, “...(a) The examination announcements specified by Section 548.41 shall specify the general minimum qualifications for the position as prescribed in the class specification and thew [sic] other job-related qualifications described in the key position statement established for the particular position within the class...”

FINDING(S)

3. A Key Position Description is established for each CEA, CMA, and CSA examination on a position-by-position basis, which identifies minimum qualifications, duties and responsibilities, in addition to the desired knowledge, abilities and personal characteristics of each position. A Key Position Description was not found in the following four examination files reviewed: CSA II, Chief Engineer II, Building and Property Management; CEA 1, Deputy Executive Director, Little Hoover Commission (6/97 and 3/99); and CEA 3, Chief Legal Counsel to Commission on State Mandates.

CONCLUSION(S)

Due to lack of documentation, DGS did not demonstrate that the examination bulletins for four of the 17 CEA, CMA, and CSA examinations reviewed contained the appropriate minimum qualifications or other job-related qualifications as required by California Code of Regulations §§548.41 and 549.6(a).

REQUIREMENT(S)

Government Code §§18973, 18973.5, 18974.5, and 18978 pertain to the granting of veterans' preference credit in entrance examinations for state civil service.

Government Code §18973.5 states, "...an entrance examination is any open competitive examination other than one for a class having a requirement of both college graduation and two or more years of experience..."

Government Code §18973.5(b) states, "...credits shall be awarded in all qualifying examinations in which the veteran competes..."

FINDING(S)

4. The examination bulletin for the Field Representative, Board of Corrections, which was administered on an open basis stated, "Veteran's preference credit will be added to the final score of competitors who are successful in this examination..." This statement is incorrect, as the requirements for this classification do not meet the definition of an entrance examination.

CONCLUSION(S)

Based on information contained on the examination bulletin, DGS did not comply with Government Code §18973.5(b) when it announced veterans' preference credits would be added to successful competitors' scores for an examination that does not qualify as an entrance examination.

REQUIREMENT(S)

California Code of Regulations §548.40 states, "Examinations for appointment...shall be competitive and of such character as fairly to test and determine the qualifications of candidates...The appointing power shall

promulgate the job-related evaluation criteria that will be used to assess the qualifications of each candidate for the position...”

The SPB Board Item establishing the CMA/CSA demonstration project, approved on October 8, 1998, states, “Each position will have its own minimum qualifications. These qualifications are described in detail in the key position descriptions for each position. Each position has a promotional pattern as well as an outside pattern, which may or may not include an additional education requirement.”

FINDING(S)

The CMA/CSA classes were established to provide alternatives to the traditional methods of examining, selecting, appointing, promoting, compensating, and removing employees in all positions designated managerial, excluding CEA and selected designated supervisory classifications. Although the demonstration project does not elaborate on specific guidelines for developing minimum qualifications, there are concerns with the job-relatedness and fairness of examinations where significant modifications were made to the minimum qualifications on CMA/CSA examination bulletins from those listed on the corresponding civil service class specifications.

5. Of the 13 CMA/CSA examination files reviewed, the minimum qualifications on one CMA and two CSA examination bulletins were significantly modified from the corresponding civil service class specification for the following examinations and did not demonstrate job-relatedness: CMA III, Regional Manager, Building and Property Management Branch; CSA IV, Electronic PrePress Digital Imaging; and CSA V, Assistant Office Chief, Staff Risk Manager.
 - The corresponding civil service class for the CSA IV, Electronic PrePress Digital Imaging position is the Printing Plant Superintendent. The minimum qualifications listed on the CSA IV, Electronic PrePress Digital Imaging examination bulletin required experience in a “PrePress department” while the minimum qualifications for the Printing Plant Superintendent do not. This modification may have resulted in erroneously disqualifying applicants from the examination or prevented candidates from applying who were otherwise eligible.
 - The corresponding civil service class for the CSA V, Assistant Office Chief, Staff Risk Manager position is the Staff Services Manager II (Supervisor). The minimum qualifications listed on the CSA V, Assistant Office Chief, Staff Risk Manager examination bulletin were significantly different from those listed in the corresponding class specification and did not demonstrate job-relatedness. The CSA V, Assistant Office Chief, Staff Risk Manager examination bulletin did not include two of the promotional experience requirements contained

on the corresponding class specification and required ten years of technical experience in lieu of four years of analytical experience. These significant modifications may have negatively impacted otherwise eligible candidates.

6. The minimum qualifications listed on the examination bulletin for the CMA V, Information Systems Manager, Procurement, departmental promotional examination did not contain an outside pattern. Thus, individuals with comparable experience obtained outside of state service were unable to use that experience to qualify, disadvantaging those employees whom might otherwise be qualified to participate in promotional examinations.
7. The CMA class specification identifies specific knowledge and abilities that are to be included on all CMA examination bulletins. The knowledge and abilities listed on the CMA III, Regional Manager, Building and Property Management Branch examination bulletin were not those developed for the CMA classification, but rather those of the CEA classification. Placing incorrect knowledge and abilities on an examination bulletin may provide unfairness to competitors, as the knowledge and abilities may be used to prepare for examinations.

CONCLUSION(S)

Due to lack of supporting documentation, DGS did not demonstrate that one CMA and two CSA examinations were job-related or competitive and of such character as fairly to test and determine the qualifications of the competitors as required by California Code of Regulations §548.40.

The DGS did not demonstrate compliance with the SPB Board Item adopted October 8, 1998, which established the CMA/CSA Demonstration Project when it did not include an outside pattern on one CMA examination bulletin.

SPB DIRECTIVE(S) REGARDING EXAMINATION BULLETINS

Effective immediately, DGS shall include on all examination bulletins the scope of the examination and all essential information as required by Government Code §18933 and California Code of Regulations §171. (*Ref. Finding C1*)

Effective immediately, DGS shall indicate on all examination bulletins the final earned rating needed by competitors to obtain a position on the eligible list. (*Ref. Finding C2*)

Effective immediately, to comply with California Code of Regulations §§548.41 and 549.6(a) and to ensure appropriate minimum qualifications and other job-related qualifications are contained on examination bulletins, DGS shall establish and maintain in all examination files the Key Position Description for all CEA, CMA, and CSA examinations. (*Ref. Finding C3*)

The DGS shall re-evaluate how veterans' preference points were applied in all Field Representative, Board of Corrections examinations that were administered since July 1997. If veterans' preference points were applied, DGS shall notify all individuals on the current eligible list of the error and of their change in score, if applicable. A copy of DGS's proposed notification letter to eligibles shall be provided to SPB. DGS shall work with SPB staff to correct the scores of all affected individuals. DGS shall provide SPB with the names of all individuals appointed from these examinations since July 1997, including their scores and ranks, and if their scores were affected by application of veterans' preference points. DGS shall, by October 1, 2001, notify SPB, in writing, of its findings and provide supporting documentation. (*Ref. Finding C4*)

The DGS shall re-evaluate the minimum qualifications identified on the examination bulletins for the CSA IV, Electronic PrePress Digital Imaging and CSA V, Assistant Office Chief, Staff Risk Manager and clarify why the minimum qualifications were modified from the corresponding civil service class to demonstrate the job-relatedness of these requirements. DGS shall, by October 1, 2001, notify SPB, in writing, of its findings and provide supporting documentation, including the number of applicants accepted and rejected in each of the aforementioned examinations. (*Ref. Finding C5*)

Effective immediately, DGS shall ensure the specific knowledge and abilities established for the CMA classification are included on all CMA examination bulletins. (*Ref. Finding C5*)

The DGS shall review the minimum qualifications for the CMA V, Information Systems Manager, Procurement examination and clarify why an outside pattern was not included. DGS shall, by October 1, 2001, notify SPB, in writing, of its findings and provide supporting documentation. (*Ref. Finding C6*)

Effective immediately, DGS shall ensure the knowledge and abilities on all CMA and CSA examination bulletin are in accordance with those listed on the class specification. (*Ref. Finding C7*)

**D. Rating Criteria/
Competitiveness**

REQUIREMENT(S)

Government Code §18900 (a) states, "Eligible lists shall be established as a result of...competitive examinations open to persons who...meet the minimum qualifications...as prescribed by the specifications for the class..."

Government Code §18930 states, "Examinations for the establishment of eligible lists shall be competitive and of such character as fairly to test and determine the qualifications, fitness, and ability of competitors actually to perform the duties of the class of position for which they seek appointment..."

California Code of Regulations §193 states, “In any examination, the appraisal of education and experience of the competitors may be made by formula applied to the information and data given on their official applications...”

California Code of Regulations §198 states, “Ratings of education, experience and personal qualifications shall be made on a competitive basis in that each competitor shall be rated thereon in relation to the minimum qualifications for the class in question and in relation to the comparable qualifications of other competitors...”

California Code of Regulations §549.6 requires examinations for positions classified as CMA and CSA conducted pursuant to California Code of Regulations §§548.30 and 548.40 through 548.52 for Career Executive Assignments.

California Code of Regulations §548.40 states, “Examinations for appointments to positions shall be competitive and of such character as fairly to test and determine the qualifications...The person appointed as a result of a competitive examination must be well-qualified and carefully selected.”

FINDING(S)

1. The Senior Architect examination file contained a rating sheet that outlined each competitor’s education and experience. The evaluator entered remarks/comments on the rating sheet such as, “Lacks private design experience,” “Lack of state experience,” “Lacks state design experience,” and “Good military experience,” which were not part of the rating criteria.
2. Fifteen of the 17 CEA, CMA, and CSA examination bulletins reviewed stated that interviews may be conducted. Interview questions with rating criteria were not found in any of these examination files, nor was there documentation to determine if interviews were conducted. Thus, a determination of the competitiveness or fairness of the examination could not be made.
3. In the CSA II, Maintenance Supervisor, Office of State Publishing examination file, a “Hiring Interview Plan” form indicated a 20-minute written examination would be administered to competitors prior to interviews. The written examination and rating criteria were not in the examination file; thus, a determination of the competitiveness or fairness of this examination could not be made. Additionally, personal notations regarding one competitor were found on a panel member’s notes. These notations were not related to the competitor’s responses to the interview questions and contained inappropriate comments regarding the competitor’s past and present behavior. It is unknown how or if these personal notations adversely affected this competitor’s rating. The

examination bulletin stated the examination would consist of a QAP 100%.

4. There was no rating criteria for the interview questions contained in the examination file reviewed for the CSA II, Maintenance Supervisor, Office of State Publishing examination.

CONCLUSION(S)

Based on documentation reviewed in the Senior Architect examination file, DGS did not demonstrate this examination was competitive and fairly tested the qualifications and abilities of competitors as required by Government Code §§18900(a), 18930 and California Code of Regulations §198.

Due to lack of documentation, DGS did not demonstrate in 15 of the 17 CEA, CMA and CSA examination files reviewed that it fairly tested and determined the qualifications of competitors as required by California Code of Regulations §548.40.

Based on the documentation reviewed in the CSA II, Maintenance Supervisor, Office of State Publishing examination file, DGS did not demonstrate this examination was competitive and fairly tested the qualifications and abilities of competitors as required by California Code of Regulations §548.40.

SPB DIRECTIVE(S) REGARDING RATING CRITERIA/ COMPETITIVENESS

Effective immediately, DGS shall ensure that all panel members participating in every examination receive proper orientation, including inappropriate consideration of information not presented in the examination and proper note taking. (*Ref. Findings D1 & D3*)

With the exception of the CEA 3, Chief Legal Counsel, Commission on State Mandates, and the CSA II, Maintenance Supervisor, Office of State Publishing examinations, DGS shall, by October 1, 2001, identify the CEA, CMA, and CSA examinations for which interviews were conducted. DGS shall provide the interview questions for these examinations, clarify why they were not maintained in the examination files and provide SPB with supporting documentation to demonstrate the competitiveness and fairness in each of these examinations. (*Ref. Finding D2*)

DGS shall, by October 1, 2001, provide SPB with a copy of the written examination and rating criteria used in the CSA II, Maintenance Supervisor, Office of State Publishing examination. (*Ref. Finding D3*)

DGS shall clarify the rating criteria used in the CSA II, Maintenance Supervisor, Office of State Publishing interview portion of the examination. DGS shall, by October 1, 2001, notify SPB, in writing, of its findings and provide supporting documentation. (*Ref. Finding D4*)

Effective immediately, DGS shall establish and maintain rating criteria for every examination and ensure ratings are made on a competitive basis as required by California Code of Regulations §§548.40 and 549.6. All rating criteria shall be maintained in the appropriate examination file and in accordance with California Code of Regulations 548.40 (amended 10/23/00). (Ref. Finding D2 & D4)

***E. Application
Review***

REQUIREMENT(S)

California Code of Regulations §174 requires that applications for state examinations be maintained for two years.

California Code of Regulations §548.40 (amended 10/23/00) states, "...Examinations for appointment to Career Executive Assignment positions shall be competitive...For each examination, the appointing power shall maintain an examination file for a period of three years that includes, but is not limited to, the specific job-related evaluation criteria and selection procedures that were used..."

FINDING(S)

A random sample of applications was compared to lists of individuals interviewed, rated, or identified on eligible lists in the examination files reviewed.

1. Applications were missing from the following examination files: Automobile Mechanic (Los Angeles and Fresno); CMA V, Information Systems Manager, Procurement; CSA III, Equal Employment Officer, Executive Office; and CSA IV, Office Building Manager III, Building and Property Management.

CONCLUSION(S)

Applications were missing from one CMA, and two CSA examination files reviewed.

REQUIREMENT(S)

Government Code §18934 states, "Every applicant for examination shall file a formal signed application..."

FINDING(S)

2. Although the Architectural Associate examination bulletin indicated that a state application must be filed, DGS accepted resumes from applicants in lieu of state applications.
3. The DGS accepted applications that did not contain applicants' signatures for the Associate Mechanical Engineer; Electronics Technician; Field Representative, Board of Corrections; and Senior Architect examinations.

4. Also, DGS accepted applications that were not signed by applicants and accepted resumes in lieu of state applications for the CEA 1, Little Hoover Commission, Deputy Executive Director (3/99); CEA 3, Chief Legal Counsel to the Commission on State Mandates; CMA III, Regional Manager, Building and Property Management Branch; CMA V, Information Systems Manager, Procurement; CMA V, Program Manager, Project Management Branch; CSA II, Chief Engineer II, Building & Property Management; CSA II, Maintenance, Supervisor, Office of State Publishing; CSA III, Audit Supervisor; CSA III, Equal Employment Officer, Executive Office; CSA IV, Office Building Manager III, Building and Property Management; and CSA V, Assistant Office Chief, Staff Risk Manager examinations.

CONCLUSION(S)

The DGS did not comply with Government Code §18934 when it accepted applicants into five civil service examinations who did not submit signed state applications. DGS also did not require all applicants to file signed state applications in two CEA, three CMA, and six CSA examinations.

REQUIREMENT(S)

California Code of Regulations §174 states, "All applications must be filed...within the time...specified in the examination announcement...Filing an application 'within the time' shall mean postmarked by the postal service or date stamped at... (or the appropriate office of the agency administering the examination) by the date specified."

FINDING(S)

5. Not all of the applications/resumes reviewed were date stamped or included proof of postmark for the following civil service examinations: Accounting Officer (Specialist); Administrative Law Judge II; Architectural Associate; Associate Mechanical Engineer; Automobile Mechanic; Bookbinder II; Construction Supervisor I; District Structural Engineer; Electronics Technician; Field Representative, Board of Corrections; Senior Architect; Systems Software Specialist I (Technical); Telecommunications Technician; and Tree Maintenance Worker.
6. Also, not all of the applications/resumes reviewed were date stamped or included proof of postmark for the following CEA, CMA, and CSA examinations: CEA 1, Little Hoover Commission, Deputy Executive Director (3/99); CEA 3, Chief Legal Counsel to the Commission on State Mandates; CEA 4, Chief Deputy Director; CMA III, Regional Manager, Building and Property Management Branch; CMA V, Assistant Chief, Building and Property Management Branch; CMA V, Program Manager, Project Management Branch; CSA II, Chief Engineer II, Building & Property Management; CSA II, Maintenance, Supervisor, Office of State Publishing; CSA III, Equal Employment Officer, Executive Office; CSA V, Assistant Office Chief, Staff Risk Manager; CSA V, Manager, Contract

Management and Professional Services Contracts; and CSA V, Schools Facilities Program Administrator II.

CONCLUSION(S)

The DGS did not demonstrate compliance with California Code of Regulations §174 when it did not date stamp applications or attach proof of postmarked envelopes in 14 of the 19 civil service examinations reviewed.

The DGS also did not demonstrate that all competitors met the filing requirements in three CEA, three CMA, and six CSA examinations.

REQUIREMENT(S)

California Code of Regulations §174 identifies conditions that must be met in order for applications to be accepted after the final filing date.

FINDING(S)

7. There was no information in the examination files reviewed to support that any of the conditions identified in California Code of Regulations §174 were met when applications for the Accounting Officer (Specialist); Administrative Law Judge II; Architectural Associate; Automobile Mechanic; Construction Supervisor I; District Structural Engineer; Senior Architect; and Telecommunications Technician examinations were accepted after the final filing dates of the examinations.
8. The DGS also accepted applications that were date stamped after the final filing dates for the CEA 1, Deputy Executive Director, Little Hoover Commission (3/99) and CEA 3, Chief Legal Counsel to Commission on State Mandates examinations. There was no information in the examination files to support the acceptance of these applications after the final filing dates of the examinations.

CONCLUSION(S)

The DGS did not demonstrate that all competitors met the filing requirements or that it complied with California Code of Regulations §174 in eight of the 19 civil service examinations. DGS also did not demonstrate that all competitors met filing requirements in two CEA examinations.

REQUIREMENT(S)

Government Code §18900(a) states, "Eligible lists shall be established as a result of free competitive examinations open to persons...who meet the minimum qualifications..."

Government Code §18932 states, "...Any person possessing all the minimum qualifications for any state position is eligible...to take any civil service examination..."

FINDING(S)/CONCLUSION(S)

The information listed on Form 511B, Competitive Application Review Standards section, is developed and used by departments to document standards for reviewing applications to determine if minimum qualifications are met.

9. The minimum qualifications listed on the Form 511B, Competitive Application Review Standards section for the Architectural Associate examination differed from those listed on the examination bulletin and the class specification. The Form 511B did not indicate that Range B experience was required; thus, applicants not at the required Range B level may have been erroneously accepted into the examination.
10. The Form 511B contained inaccurate information in the Competitive Application Review Standards section for the Automobile Mechanic examination. The minimum qualifications listed were not consistent with the minimum qualifications of the class specification and the experience listed as “approved” was incorrect. Thus, the use of Form 511B for application review may have resulted in erroneous acceptance and rejection of applicants for the examination.

REQUIREMENT(S)

Government Code §19230(c) states, “...a department shall make reasonable accommodations to the known physical or mental limitations of an otherwise qualified applicant or employee who is an individual with a disability. A department shall not deny any employment opportunity to a qualified applicant or employee who is an individual with a disability if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the applicant...”

FINDING(S)/ CONCLUSION(S)

11. Box 2 of the state application is used for applicants to check mark when reasonable accommodations are needed. Box 2 of one of the applications reviewed in the Telecommunications Technician examination was check marked. There was no documentation in the examination file to demonstrate that DGS contacted the competitor to make arrangements for reasonable accommodations or that it complied with Government Code §19230(c).

REQUIREMENT(S)

Government Code §§19704 and 19705 and California Code of Regulations §174.8 prohibit an applicant’s ethnic, gender, disability and other confidential information from being disclosed or available to any member of an examination panel, appointing power or individual empowered to influence the appointment prior to the offer of employment.

FINDING(S)

12. Voluntary ethnic, gender, disability and other confidential information provided by applicants was not removed from applications reviewed in the Accounting Officer (Specialist); Automobile Mechanic; Construction Supervisor I; District Structural Engineer; Senior Architect; Systems Software Specialist I (Technician); CEA 1, Deputy Executive Director, Little Hoover Commission (3/99); CEA 3, Chief Legal Counsel to Commission on State Mandates; CEA 4, Chief Deputy Director; CMA III, Regional Manager, Building and Property Management Branch; CSA II, Chief Engineer II, Building & Property Management; CSA III, Equal Employment Officer, Executive Office; CSA V, Manager, Contract Management and Professional Services Contracts; and CSA V, Schools Facilities Program Administrator II examination files prior to proceeding with the examination process.

CONCLUSION(S)

The DGS did not comply with Government Code §§19704 and 19705 and California Code of Regulations §174.8 when it did not remove voluntary ethnic, gender, disability and other confidential information provided by applicants in the aforementioned examinations.

SPB DIRECTIVE(S) REGARDING APPLICATION REVIEW

Effective immediately, DGS shall maintain all applications for CMA and CSA examinations for three years in the examination files as specified in California Code of Regulations 548.40 (amended 10/23/00). (Ref. Finding E1)

Effective immediately, DGS shall ensure that all competitors for current and future civil service examinations submit signed state applications as required by Government Code §18934. (Ref. Findings E2 & E3)

Effective immediately, DGS should require signed state applications for all CEA, CMA, and CSA examinations. (Ref. Finding E4)

Effective immediately, DGS shall date stamp all applications/resumes for examinations or maintain postmarked envelopes to demonstrate competitors met filing requirements and that it complies with California Code of Regulations §174. (Ref. Findings E5 & E6)

Effective immediately, DGS shall ensure that all competitors' applications received after the final filing date meet the conditions outlined in California Code of Regulations §174 for accepting late applications. For civil service examinations, DGS shall retain documentation with each corresponding application for at least two years or until the next administration of the examination, whichever is later, to demonstrate how the conditions were met. For CEA examinations, DGS shall retain documentation with each corresponding application in accordance with California Code of Regulations §548.40 (amended 10/23/00). (Ref. Findings E7 & E8)

DGS shall, by October 1, 2001, provide to SPB, in writing, the condition(s) that were met when it accepted late applications into the Accounting Officer (Specialist); Administrative Law Judge II; Architectural Associate; Automobile Mechanic; Construction Supervisor I; District Structural Engineer; Senior Architect; Telecommunications Technician; CEA 1, Deputy Executive Director, Little Hoover Commission (3/99); and CEA 3, Chief Legal Counsel to Commission on State Mandates examinations. DGS shall provide documentation to support its findings, including all hires made from the aforementioned examinations. (*Ref. Findings E7 & E8*)

Effective immediately, DGS shall ensure that the Competitive Application Review Standards section of Form 511B contains the correct minimum qualifications and approved experience for all current and future examinations. DGS shall review and correct the Form 511B's in the Architectural Associate and the Automobile Mechanic examinations, and provide documentation of these corrections to SPB by October 1, 2001. DGS shall also document these corrections in the Architectural Associate and the Automobile Mechanic examination files. (*Ref. Findings E9 & E10*)

Effective immediately, DGS shall ensure all reasonable accommodation requests are acknowledged and reviewed to accommodate the needs of competitors as required by Government Code §19230(c). DGS shall, by October 1, 2001, provide documentation to SPB, to demonstrate competitor(s) requesting reasonable accommodation in the Telecommunications Technician examination were contacted. (*Ref. Finding E11*)

Effective immediately, DGS shall remove the ethnic, gender, and disability document/flap attached to the state application prior to forwarding the applications to the examination panel, appointing power or the appointing power's representative as required by Government Code §§19704 and 19705 and California Code of Regulations §174.8. (*Ref. Finding E12*)

***F. Competitive
Rating Report***

REQUIREMENT(S)

California Code of Regulations §199 states, "In qualifications appraisal interviews, ratings accorded competitors shall be expressed in percentages with 70 percent being the minimum...ratings shall be made independently by each interviewer either before or after discussion with other interviewers if there is a panel interviewing the candidate. Ratings shall be made on forms prescribed by the executive officer, which shall be signed by the interviewer."

FINDING(S)

1. Four of the 19 civil service examinations reviewed consisted of QAP interviews. Competitive Rating Reports indicating each competitor's score were not found in the Telecommunications Technician and Field

Representative, Board of Corrections, examination files to document the panel members' ratings of competitors.

2. Nine civil service examinations reviewed were administered as an E&E. Rating reports were not found in four of the nine E&E examination files reviewed. The Systems Software Specialist I (Technical) examination file contained handwritten names of the competitors and their scores on a piece of paper. There was no documentation of who the raters were or that these scores reflected their determinations.

CONCLUSION(S)

The DGS did not demonstrate compliance with California Code of Regulations §199 when it did not maintain appropriate rating documentation and rating reports in two QAP examination files. DGS did not maintain competitive rating reports in four E&E examination files reviewed.

SPB DIRECTIVE(S)/RECOMMENDATION(S) REGARDING COMPETITIVE RATING REPORT

Effective immediately, DGS shall ensure that panel members of QAP interviews complete competitive rating reports for each competitor, for scoring documentation, as required by California Code of Regulations §199. DGS shall maintain all competitive rating reports in its examination files. Such documentation shall be maintained in accordance with SPB's Selection Manual Section 3120, Examination Security and Records Retention Guidelines. (*Ref. Finding F1*)

It is recommended that DGS develop and maintain rating reports for all E&E examinations and obtain signatures of all raters for scoring documentation. Such documentation should be maintained in its examination files and in accordance with SPB's Selection Manual Section 3120, Examination Security and Records Retention Guidelines. (*Ref. Finding F2*)

G. Scoring

REQUIREMENT(S)

Government Code §18936 states, "The final earned rating of each person competing in any examination shall be determined by the weighted average of earned ratings on all phases of the examination..."

California Code of Regulations §§205 and 206 provide information regarding scoring and scoring results of examinations.

FINDING(S)

1. Based on the documentation reviewed in the Automobile Mechanic (Sacramento) examination file, the E&E rating report shows a score of 79% for one competitor whose name does not appear on the informational listing of eligibles contained in the examination file. There was no documentation to clarify this discrepancy.

2. Eligible lists were not found in five of the 19 civil service examination files reviewed to demonstrate the scoring results of the examinations. A copy of an informal certification list was found in the Accounting Officer (Specialist) examination file, however, this list did not contain competitors' scores and may not contain the names of all eligibles.

CONCLUSION(S)

Due to lack of documentation and based on information reviewed in the examination files, DGS did not demonstrate that it consistently uses appropriate scoring methods or that it complies with the requirements of Government Code §18936 and California Code of Regulations §§205 and 206.

SPB DIRECTIVE(S) REGARDING SCORING

The DGS shall clarify the discrepancy between the scores listed on the rating report and the informational listing of eligibles contained in the Automobile Mechanic (Sacramento) examination file. DGS shall, by October 1, 2001, notify SPB, in writing, of its findings and provide supporting documentation. (*Ref. Finding G1*)

Effective immediately, DGS shall maintain in every examination file, the final list of all successful eligibles. This final result list shall be maintained in accordance with SPB's Selection Manual Section 3120, Examination Security and Records Retention Guidelines. (*Ref. Finding G2*)

H. Notices

REQUIREMENT(S)

Government Code §18938.5 states, "...each competitor shall be notified in writing of the results of the examination.

California Code of Regulations §175 states, "Each applicant shall be notified of the approval or disapproval of his application..."

California Code of Regulations §549.6 (c) states, "The appointing power shall send a notification indicating the results of the selection process to all applicants for the position..."

FINDING(S)

Several notices are sent to applicants and competitors throughout the examination process and may include notices of rejection for not meeting minimum qualifications, notices of a scheduled qualification appraisal interview, and notices of examination results (either a passing score or disqualification).

1. There was no documentation in one of the 19 civil service examination files reviewed to demonstrate whether competitors were notified of their scheduled interviews.

2. There was no documentation in ten of the 19 civil service examination files reviewed to demonstrate that all applicants were notified of the approval or disapproval of their application as required by California Code of Regulations §175.
3. There was no documentation in five of the 19 civil service examination files reviewed to demonstrate that all competitors were notified of their examination results as required by Government Code §18938.5.
4. There was no documentation in nine of the 13 CMA/CSA examination files reviewed to demonstrate that all competitors were notified of the results of the selection process as required by California Code of Regulations §549.6 (c).

CONCLUSION(S)

The DGS did not demonstrate that it appropriately notifies applicants or competitors as required by Government Code §18938.5 and California Code of Regulations §§175 and 549.6(c).

SPB DIRECTIVE(S) REGARDING NOTICES

Effective immediately, DGS shall maintain documentation in every examination file to demonstrate how and when all competitors are notified of their scheduled interviews. (*Ref. Finding F1*)

Effective immediately, DGS shall maintain documentation in every examination file to demonstrate that all applicants for civil service examinations are notified of the approval or disapproval of his/her application as required by California Code of Regulations §175. Such documentation shall be maintained in accordance with SPB's Selection Manual Section 3120, Examination Security and Records Retention Guidelines. (*Ref. Finding F2*)

Effective immediately, DGS shall maintain documentation in every examination file to demonstrate that all competitors in civil service examinations are notified of examination results as required by Government Code §18938.5. Such documentation shall be maintained in accordance with SPB's Selection Manual Section 3120, Examination Security and Records Retention Guidelines. (*Ref. Finding F3*)

Effective immediately, DGS shall maintain documentation in every CMA/CSA examination file to demonstrate that all applicants are notified of the results of the selection process as required by California Code of Regulations §549.6 (c). Such documentation shall be maintained for three years with examination documentation specified in California Code of Regulations §548.40 (amended 10/23/00). (*Ref. Finding F4*)

I. Eligible Lists**REQUIREMENT(S)**

California Code of Regulations §548.30 states, "...Lists of persons who apply for announced examinations shall be maintained by the appointing power as long as the results of the competition are to be used. These lists shall be kept for the purpose of facilitating future competition and for reducing the need for repetitive evaluation and for the purpose of providing a record of the results of competitive examinations..."

FINDING(S)/ CONCLUSION(S)

1. The CEA, CMA and CSA examination bulletins reviewed stated that the results of the examination may be used for subsequent appointments to positions within the next 12 months. There were no lists of persons who applied in any of the CEA, CMA, or CSA examination files reviewed to demonstrate that DGS complied with California Code of Regulations §548.30.

SPB DIRECTIVE(S) REGARDING ELIGIBLE LISTS

Effectively immediately, DGS shall implement procedures to maintain lists of persons who apply for all CEA, CMA, and CSA examinations in its examination files to demonstrate that it complies with California Code of Regulations §548.30. Such documentation shall be maintained in accordance with California Code of Regulations §548.40 (amended 10/23/00). (*Ref. Finding F1*)

J. Adverse Impact**REQUIREMENT(S)**

Government Code §19702.2 states, "Educational prerequisites or testing or evaluation methods which are not job-related shall not be employed as part of hiring practices or promotional practices conducted pursuant to this part unless there is no adverse effect."

Government Code §19705 states, "...the State Personnel Board may, after public hearing, adopt a system in which applicants for employment in the state civil service shall be asked to provide, voluntarily, ethnic data about themselves where such data is determined by the board to be necessary to an assessment of the ethnic and sex fairness of the selection process..."

Government Code §19792 states, "The State Personnel Board shall...(h) Maintain a statistical information system designed to yield the data and the analysis necessary for the evaluation of progress in...equal employment opportunity within the state civil service...(i) Data analysis shall include... (5) Data on the number of women and minorities recruited for, participating in and passing state civil service examinations..."

California Code of Regulations §174.7 (a) states, “(a) Ethnic, sex and disability information shall not be used in a discriminatory manner in the selection process. (b) Such information shall only be used for one or more of the following purposes: (1) research and statistical analysis to assess the fairness of the selection process in regard to ethnicity, sex, and the disabled; or (2) to provide a basis for corrective action when adverse effect is present...”

FINDING(S)/CONCLUSION(S)

1. There was no indication in 13 of the 19 civil service examination files reviewed that DGS reviewed or analyzed data prior to or after the administration of each examination to determine if adverse impact resulted from the examination.
2. Adverse impact was identified in the written test data reviewed in the Bookbinder II examination file. There was no raw score tab or evidence to demonstrate that DGS considered minority, gender, and disability data in the setting of the pass point for the written test. There was no evidence that DGS reviewed or analyzed data prior to or after the administration of this examination to determine if adverse impact resulted from the examination. This analysis is necessary to ensure examinations are not discriminatory. Absent a job analysis to identify the job-relatedness of the selection process, DGS did not demonstrate that it complied with Government Code §19702.2.

SPB DIRECTIVE(S) REGARDING ADVERSE IMPACT

Effective immediately, DGS shall review and maintain applicant and hiring data for every examination administered to determine if adverse impact has resulted from any phase of the selection process. Such documentation shall be maintained in accordance with SPB’s Selection Manual Section 3120, Examination Security and Retention Guidelines. Where adverse impact is identified, DGS will either re-evaluate selection procedures prior to releasing eligible lists or identify the job-relatedness of selection processes by a supportable job analysis. (*Ref. Finding J1*)

The DGS shall, by October 1, 2001, notify SPB, in writing, of the steps taken to address the adverse impact identified in the Bookbinder II examination and provide supporting documentation. (*Ref. Finding J2*)

VI. SPB Review of DGS Examinations

The DGS has been working in cooperation with SPB on the administration of all examinations since July 7, 1999. DGS initially implemented a number of procedures to ensure that their examinations are competitive and in compliance with applicable laws, regulations, and merit principles. In September 2000, DGS agreed to implement greater oversight of examinations by requiring higher

level management review of all examinations prior to submittal to SPB for approval. Although this additional oversight has improved the quality and fairness of DGS examinations, there continues to be concerns with examinations proposed. Following are examples of recent SPB concerns with proposed DGS examinations, which were subsequently addressed by DGS.

Examination Title: CSA V, Supervisor of Database and Web Development

Date of Concern: 10/4/00

Interview Questions/Rating Criteria: Two separate QAP interview questions in one examination were comprised of more than one part, however, the proposed suggested responses did not address the second part of the question.

Application Review Criteria: One factor required experience in the “State’s IT projects,” which would have resulted in the granting of additional points/credit to current State employees. Since this was an “open” examination and in order to ensure a fair examination, SPB recommended the reference to “State” experience be eliminated to avoid disadvantaging non-State competitors.

Examination Title: Associate Civil Engineer

Date of Concern: 10/25/00

Examination Bulletin - Veterans Preference Credits: The examination bulletin indicated that veterans’ preference credits would be applied; however, this examination does not meet the requirements of an entrance examination for applying veterans’ preference credit. SPB advised DGS that veterans’ preference points were not to be applied in this examination.

Rating Criteria: SPB recommended DGS revise the rating criteria to include more clear and less subjective distinctions between ratings in order to fairly assess the competitors. The criteria proposed by DGS was as follows:

“Well Qualified - ... candidate has thorough understanding of ... and has extensive experience...”

Qualified - ...candidate has an understanding of...candidate’s response may not be as complete as that provided by the well-qualified candidate. Candidate may have limited experience in...

Not Qualified - ... candidate has limited understanding of... and has little or no experience in...”

Examination Title: CEA 3, Program Manager, Energy Conservation

Date of Concern: 11/03/00

Competitiveness of Examination Process – Key Position Description: SPB raised concerns with the competitiveness and fairness of this examination because the Key Position Description form stated “proposed incumbent is a retired annuitant who formerly held a high level CEA appointment.” The proposed incumbent was not appointed.

Examination Title: CSA III, Engineering Analytical Support Manager

Date of Concern: 12/10/00

Examination Bulletin – Desirable Qualifications: One of the desirable qualifications listed on the examination bulletin was “Experience with Procurement Divisions laboratory procedures and guidelines.” SPB recommended revision to this specific desirable qualification to avoid disadvantaging or excluding otherwise qualified individuals for this examination.

Examination Title: CSA IV, Area Supervisor, Radio Maintenance Telecommunications Division

Date of Concern: 12/21/00

QAP Interview Questions/Rating Criteria: A QAP interview question asks competitors to describe relevant experience, however, one suggested response indicated “**coursework** in...” SPB also questioned why a competitor with three years related experience was rated “Not Qualified” when minimum qualifications required two years of experience.

Examination Title: Electrician I (Open - Spot: Los Angeles)

Date of Concern: 12/14/00

Minimum Qualifications, Interpretation of: Form 511B contained inaccurate information in the “Definition of Terms” section. DGS included as part of the minimum qualifications, the requirement that applicants’ experience must have been working in commercial or industrial building applications. The class specification for the Electrician I does not include this specific requirement. SPB recommended removal of this inappropriate requirement.

Examination Title: Associate Architect (Open/Spots - Sacramento, Oakland, Los Angeles, and San Diego)

Date of Concern: 12/27/01

Minimum Qualifications, Interpretation of: Form 511B contained inaccurate information under “unapproved experience,” which could have resulted in qualified applicants being eliminated from participation in this examination. The class of Architectural Assistant is included in the minimum qualifications of the class specifications but was listed on the Form 511B as “unapproved experience” if at the Range A level. The minimum qualifications do not exclude Range A level experience.

Examination Title: Proofreader

Date of Concern: January 2001

Minimum Qualifications, Interpretation of: Form 511B contained inaccurate information under the “approved experience.” In Pattern I, DGS added the requirement that experience must have been performed as an integral part of the publication process. However, the minimum qualifications in the class specification do not require this. Also, Pattern II minimum qualifications in the class specification state, “...experience in the California State Service performing the duties of the class of Copyholder.” DGS listed four different classifications as approved experience towards meeting this pattern, which potentially could have resulted in individuals participating in the examination that did not possess the minimum qualifications.

Examination Title: Offset Press Assistant (Spot: Sacramento)

Date of Concern: 1/09/01

Minimum Qualifications, Interpretation of: Form 511B contained inaccurate information by including under “approved experience” an inappropriate classification, potentially resulting in individuals participating in the examination who did not meet the minimum qualifications. The Pattern II minimum qualifications for this classification requires experience “performing the duties of a Printing Trades Assistant I or Bookbinder I.” DGS listed the classification of Printing Trades Specialist Trainee as approved experience for this pattern on the Form 511B. SPB recommended removal of this classification from the approved experience section.

Examination Title: Office Technician (T) Open/Spot: San Francisco

Date of Concern: 03/05/01

Minimum Qualifications, Interpretation of: Form 511B contained inaccurate information by including the classification of Interagency Messenger under “approved experience,” which could potentially result in individuals participating in the examination who did not meet minimum qualifications. SPB recommended removal of this classification as approved experience and requested that DGS review the applications of competitors in the prior examination to determine if any were impacted. DGS reported that there were no list eligibles impacted by the inaccurate interpretation of minimum qualifications.

Examination Title: CSA III, Supervisor-Scheduling Unit, Cost Control Section

Date of Concern: 04/05/01

QAP Interview Questions: Statements within the Well-Qualified and Qualified rating criteria such as, “considerable, extensive, less extensive, and limited experience” were not defined. There were no measurable distinctions between the Well-Qualified and Qualified rating criteria.

Examination Title: CSA III- 9-1-1 Program, Telecommunications Division

Date of Concern: 2/16/01

QAP Interview Rating Criteria: A QAP interview question asked competitors to describe their presentation skills. The rating criteria provided for this question would rate a competitor “Not Qualified” if they provided four or less examples. Thus, based on the rating criteria, a competitor who indicated they had experience in four different types of presentations and possessed 10 years of full-time experience would receive a “Not Qualified” rating for this question.

Title of Examination: CSA V, Supervisor, CMA/CSA Transition Team

Date of Concern: 4/11/01

Examination Bulletin: The examination bulletin stated the examination base was “Departmental Promotional” but other examination documents indicated the examination was “Servicewide Promotional.” After discussion with DGS, it was determined that the examination bulletin should have stated the examination base as “Servicewide Promotional.” DGS subsequently issued an amendment to the examination bulletin via a “rider.”

Title of Examination: Legal Assistant

Date of Concern: 3/28/01

No Prior SPB Approval: SPB approved QAP interview questions to be used in this examination; however, this examination was administered as an E&E 100%. Although the examination bulletin indicated that if conditions warrant, an E&E examination may be administered, DGS did not notify SPB or receive approval of the criteria to be used.

DGS Examinations - Continuous Improvement

The DGS continues to work with SPB on resolving the aforementioned concerns as well as other issues involving the examinations reviewed by SPB staff. DGS has committed to develop guidelines for establishing rating criteria used in CEA, CMA and CSA examinations. DGS will also establish guidelines to be used by their staff in the development of minimum qualifications for CMA and CSA classes. These guidelines should include establishment of both promotional and open patterns within the minimum qualifications as specified in the CMA and CSA Board Item. DGS has implemented procedures for standard publicity and distribution of examination bulletins.



M E M O R A N D U M

Date: May 4, 2001

To: Walter Vaughn, Executive Officer
State Personnel Board
801 Capital Mall
Sacramento, California 95814

From: Department of General Services
Executive Office

Subject: DEPARTMENT OF GENERAL SERVICES DELEGATION

The Department of General Services (DGS) received the draft preliminary report of the State Personnel Board's (SPB) Quality Assurance review of our department's examinations administered between 1997 and 1999, as well as the examinations administered since delegation was withdrawn. Lynn Catania of my staff met with Martha Esmael of your staff on Monday, April 30th to discuss the specifics of the draft report.

The preliminary audit report covered 78 civil service exams and 138 Career Management Assignment (CMA) and Career Supervisory Assignment (CSA) exams administered by DGS between July 1997 and July 1999. The SPB randomly selected 36 exams for audit: 4 CEA exams; 5 CMA exams; 8 CSA exams; and 19 civil services exams.

Since July 1999, DGS has improved its examination and selection processes in response to SPB review. The DGS has made a number of changes to its selection program since July 1999 as a result of the rescission of our delegation that addresses the concerns identified by SPB. The changes including the following:

- Implemented a late application acceptance policy that is in compliance with SPB regulations, including date-stamping all applications;
- Implemented a filing and records retention procedure that is in compliance with SPB requirements;
- Developed a standardized bulletin distribution process for exam bulletins to ensure appropriate publicity is carried out;
- Standardized our examination bulletin formats to ensure that all required information is included;
- Required all applicants for CEA, CMA, and CSA exams to submit a state application with their resume and statement of qualifications;
- Changed our format for test material to ensure that competitive rating criteria is included for all exams ;
- Required that all applications are detailed when reviewed to ensure that all relevant information such as applicant's eligibility or lack thereof, request for reasonable accommodation or religious convictions are documented;

Walter Vaughn
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- Developed a procedure for ensuring that all ethnicity flaps are removed prior to application review;
- Require the review of bottom line hiring data from previous exam to determine if adverse impact existed; and
- DGS has enrolled its Selection staff in the SPB's Technical Training program for Selection Analysts. Four of the staff have completed the program. The remaining staff should finish the program during next fall's session.

Recent review of feedback from the SPB indicates that concerns are fewer in number, of a relatively minor nature, and easily corrected.

SPB issued a number of directives regarding some of the exams, which require a response by June 18, 2001. Some of these involve reviewing exam applications to determine if applicants were erroneously included/excluded from the exam and providing information regarding the hires made from the resulting eligible list. We will prepare a response to each of the findings and directives, including providing the required documentation (where available) that the SPB requested.

I would appreciate the return of our delegation on a probationary basis under the terms we previously agreed with you and your staff as soon as possible. The DGS is committed to administering examinations in the manner in which SPB has directed us through the last 22 months and as called for under the merit principles. My Executive Management Team and Office of Human Resources staff are committed to administering examinations within the civil service system to ensure selection for employment is based on merit.

I appreciate being able to appear before the Five-Member Board and want to reiterate my commitment to the changes made in our processes and the accomplishments that staff have made during the last 22 months.



Barry D. Keene, Director
Department of General Services

BDK:LC:lc

cc: Dennis Dunne, Chief Deputy Director
Rosamond Bolden, Chief Deputy Director
Sandra Duvencak, Deputy Director, Management Services Division
Debra Boulter, Chief, Office of Human Resources