

COMPLIANCE REVIEW REPORT

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Compliance Review Division
State Personnel Board
October 19, 2026

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INTRODUCTION

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

Pursuant to Government Code section 18661, the SPB's Compliance Review Division (CRD) conducts compliance reviews of appointing authorities' personnel practices in five areas: examinations, appointments, equal employment opportunity (EEO), personal services contracts (PSC's), and mandated training, to ensure compliance with civil service laws and Board regulations. The purpose of these reviews is to ensure state agencies are in compliance with merit related laws, rules, and policies and to identify and share best practices identified during the reviews.

Pursuant to Government Code section 18502, subdivision (c), the SPB and the California Department of Human Resources (CalHR) may "delegate, share, or transfer between them responsibilities for programs within their respective jurisdictions pursuant to an agreement." SPB and CalHR, by mutual agreement, expanded the scope of program areas to be audited to include more operational practices that have been delegated to departments and for which CalHR provides policy direction. Many of these delegated practices are cost drivers to the state and were not being monitored on a statewide basis.

As such, SPB also conducts compliance reviews of appointing authorities' personnel practices to ensure that state departments are appropriately managing the following non-merit-related personnel functions: compensation and pay, leave, and policy and processes. These reviews will help to avoid and prevent potential costly litigation related to improper personnel practices, and deter waste, fraud, and abuse.

The SPB conducts these reviews on a three-year cycle.

The CRD may also conduct special investigations in response to a specific request or when the SPB obtains information suggesting a potential merit-related violation.

It should be noted that this report only contains findings from this hiring authority's compliance review. Other issues found in SPB appeals and special investigations as well as audit and review findings by other agencies such as the CalHR and the California State Auditor are reported elsewhere.

EXECUTIVE SUMMARY

The CRD conducted a routine compliance review of the California Department of Fish and Wildlife (CDFW) personnel practices in the areas of examinations, appointments, EEO, PSC's, mandated training, compensation and pay, leave, and policy and processes. The following table summarizes the compliance review findings.

Area	Compliance	Finding
Examinations	Out of Compliance	Candidate Who Did Not Meet the Minimum Qualifications Was Admitted Into the Examination
Examinations	Out of Compliance	Cut Off Dates Were Not Established for Continuous Examinations
Examinations	Out of Compliance	Job Analysis Was Not Completed Prior to the Examination Process
Examinations	Out of Compliance	Department Did Not Comply With Documentation Requirements for Permanent Withhold Process
Appointments	Out of Compliance	Unlawful Appointment
Appointments	Out of Compliance	Probationary Evaluations Were Not Provided for All Appointments Reviewed and Some That Were Provided Were Untimely
Appointments	In Compliance	Unlawful Appointment Investigations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Equal Employment Opportunity	In Compliance	Equal Employment Opportunity Program Complied with All Civil Service Laws and Board Rules
Personal Services Contracts	Out of Compliance	Unions Were Not Notified of Personal Services Contracts

Area	Compliance	Finding
Mandated Training	Substantial Compliance	Ethics Training Was Provided for All Filers With One Exception
Mandated Training	Out of Compliance	Supervisory Training Was Not Provided for All Supervisors, Managers, and CEAs
Mandated Training	Out of Compliance	Sexual Harassment Prevention Training Was Not Provided for All Employees
Mandated Training	Out of Compliance	Tribal Consultations Training Was Not Provided for All Officials
Compensation and Pay	Substantial Compliance ¹	Salary Determinations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines with Two Exceptions
Compensation and Pay	In Compliance	Exception to Salary Rules Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	Substantial Compliance	Alternate Range Movements Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines With Three Exceptions
Compensation and Pay	Out of Compliance	Incorrect Authorization of Bilingual Pay
Compensation and Pay	In Compliance	Pay Differential Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	Out of Compliance	Incorrect Authorization of Out-of-Class Pay

¹ The department has achieved 90% or more compliance in this area and has provided a response sufficient to address full compliance in the future; therefore, no corrective action is required.

Area	Compliance	Finding
Leave	In Compliance	Positive Paid Employees' Tracked Hours Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	Out of Compliance	Administrative Time Off Was Not Properly Documented
Leave	Out of Compliance	Department Did Not Certify That All Leave Records Were Reviewed
Leave	In Compliance	Service and Leave Transactions Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	In Compliance	Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Out of Compliance	Injured Employee Did Not Receive Claim Form Within One Working Day of Notice or Knowledge of Injury
Policy	Out of Compliance	Performance Appraisals Were Not Provided to All Employees

BACKGROUND

The mission of the CDFW is to manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. The CDFW is dedicated to ensuring the sustainability of California's natural resources while providing opportunities for public enjoyment and engagement with these resources. This mission encompasses various responsibilities, including conservation, habitat management, and public education about the state's rich biodiversity. By focusing on both ecological integrity and public enjoyment, the CDFW aims to balance the needs of wildlife and plant species with the interests of California's residents and visitors. This mission is foundational to the department's policies and initiatives aimed at preserving the state's natural heritage for future generations.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the CDFW's examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave,

and policy and processes². The primary objective of the review was to determine if the CDFW's personnel practices, policies, and procedures complied with state civil service laws and Board regulations, Bargaining Unit Agreements, CalHR policies and guidelines, CalHR Delegation Agreements, and to recommend corrective actions where deficiencies were identified.

A cross-section of the CDFW's examinations was selected for review to ensure that samples of various examination types, classifications, and levels were reviewed. The CRD examined the documentation that the CDFW provided, which included examination plans, examination bulletins, job analyses, and scoring results. The CRD also reviewed the CDFW's permanent withhold actions documentation, including Withhold Determination Worksheets, State applications (STD 678), class specifications, and withhold letters.

A cross-section of the CDFW's appointments was selected for review to ensure that samples of various appointment types, classifications, and levels were reviewed. The CRD examined the documentation that the CDFW provided, which included Notice of Personnel Action (NOPA) forms, Request for Personnel Actions (RPA's), vacancy postings, certification lists, transfer movement worksheets, employment history records, correspondence, and probation reports. The CRD also reviewed the CDFW's policies and procedures concerning unlawful appointments to ensure departmental practices conform to state civil service laws and Board regulations.

The CDFW's appointments were also selected for review to ensure the CDFW applied salary regulations accurately and correctly processed employees' compensation and pay. The CRD examined the documentation that the CDFW provided, which included employees' employment and pay history and any other relevant documentation such as certifications, degrees, and/or the appointee's application. Additionally, the CRD reviewed specific documentation for the following personnel functions related to compensation and pay: bilingual pay, monthly pay differentials, alternate range movements, and out-of-class assignments. During the compliance review period, the CDFW did not issue or authorize red circle rate requests and arduous pay.

The review of the CDFW's EEO program included examining written EEO policies and procedures; the EEO Officer's role, duties, and reporting relationship; the internal discrimination complaint process; the reasonable accommodation program; the discrimination complaint process; and the Disability Advisory Committee (DAC).

² Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

The CDFW's PSC's were also reviewed.³ It was beyond the scope of the compliance review to make conclusions as to whether the CDFW's justifications for the contracts were legally sufficient. The review was limited to whether the CDFW's practices, policies, and procedures relative to PSC's complied with procedural requirements.

The CDFW's mandated training program was reviewed to ensure all employees required to file statements of economic interest were provided ethics training, that all supervisors, managers, and those serving in Career Executive Assignments (CEA) were provided leadership and development training, that all employees were provided sexual harassment prevention training, and that all officials with authority to represent the state in a tribal government-to-government consultation were provided tribal consultations training within statutory timelines.

The CRD reviewed the CDFW's monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely and ensure the department certified that all leave records have been reviewed and corrected if necessary. The CRD selected a small cross-section of the CDFW's units in order to ensure they maintained accurate and timely leave accounting records. Part of this review also examined a cross-section of the CDFW's employees' employment and pay history, state service records, and leave accrual histories to ensure employees with non-qualifying pay periods did not receive vacation/sick leave and/or annual leave accruals or state service credit. Additionally, the CRD reviewed a selection of the CDFW employees who used Administrative Time Off (ATO) in order to ensure that ATO was appropriately administered. Further, the CRD reviewed a selection of the CDFW positive paid employees whose hours are tracked during the compliance review period in order to ensure that they adhered to procedural requirements.

Moreover, the CRD reviewed the CDFW's policies and processes concerning nepotism, workers' compensation, and performance appraisals. The review was limited to whether the CDFW's policies and processes adhered to procedural requirements.

The CRD received and carefully reviewed the CDFW's written response on September 24, 2026, which is attached to this final compliance review report.

³If an employee organization requests the SPB to review any personal services contract during the SPB compliance review period or prior to the completion of the final compliance review report, the SPB will not audit the contract. Instead, the SPB will review the contract pursuant to its statutory and regulatory process. In this instance, none of the reviewed PSC's were challenged.

FINDINGS AND RECOMMENDATIONS

Examinations

Examinations to establish an eligible list must be competitive and of such character as fairly to test and determine the qualifications, fitness, and ability of competitors to perform the duties of the class of position for which he or she seeks appointment. (Gov. Code, § 18930.) Examinations may be assembled or unassembled, written or oral, or in the form of a demonstration of skills, or any combination of those tests. (*Ibid.*) The Board establishes minimum qualifications for determining the fitness and qualifications of employees for each class of position and for applicants for examinations. (Gov. Code, § 18931, subd. (a).) Within a reasonable time before the scheduled date for the examination, the designated appointing power shall announce or advertise the examination for the establishment of eligible lists. (Gov. Code, § 18933, subd. (a).) The advertisement shall contain such information as the date and place of the examination and the nature of the minimum qualifications. (*Ibid.*) Every applicant for examination shall file an application with the department or a designated appointing power as directed by the examination announcement. (Gov. Code, § 18934, subd. (a)(1).) The final earned rating of each person competing in any examination is to be determined by the weighted average of the earned ratings on all phases of the examination. (Gov. Code, § 18936.) Each competitor shall be notified in writing of the results of the examination when the employment list resulting from the examination is established. (Gov. Code, § 18938.5.)

During the period under review, October 1, 2025, through March 31, 2026, the CDFW conducted 28 examinations. The CRD reviewed 11 of these examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Administrative Officer II	Departmental Promotional	Training and Experience (T&E) ⁴	1/1/2026	6

⁴ The Training and Experience examination is administered either online or in writing, and asks the applicant to answer multiple-choice questions about his or her level of training and/or experience performing certain tasks typically performed by those in this classification. Responses yield point values.

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Associate Right of Way Agent	Departmental Promotional	Education and Experience (E&E) ⁵	3/9/2026	5
Director, TV Communications Center (Specialist)	Departmental Promotional	E&E	Continuous	10
Fish and Game Assistant Chief	Departmental Promotional	T&E	Continuous	6
Fish and Game Lieutenant Supervisor	Departmental Promotional	T&E	Continuous	22
Fish and Wildlife Interpreter II	Open	T&E	Continuous	5
Fish Hatchery Manager I	Open	T&E	Continuous	3
Master, Fish and Game Vessel	Open	T&E	Continuous	2
Oil Spill Prevention Specialist	Open	T&E	Continuous	2
Wildlife Forensic Specialist	Open	T&E	Continuous	7
Wildlife Habitat Supervisor II	Open	T&E	Continuous	4

FINDING NO. 1	CANDIDATE WHO DID NOT MEET THE MINIMUM QUALIFICATIONS WAS ADMITTED INTO THE EXAMINATION
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Summary: The CDFW admitted one candidate who did not meet minimum qualifications into the Fish and Game Lieutenant (Supervisor) exam. Specifically, evidence that the candidate met the educational requirements was not provided.

⁵ In an Education and Experience examination, one or more raters reviews the applicants' Standard 678 application forms, and scores and ranks them according to a predetermined rating scale that may include years of relevant higher education, professional licenses or certifications, and/or years of relevant work experience.

Criteria: According to Human Resources Manual Section 3002, during the examination process and before appointment, information submitted in the application process from all candidates, except those who are on reemployment lists or who have reinstatement rights, must be evaluated for verification of meeting the minimum qualifications of the classification established by the Board.

Additionally, except as otherwise provided by law or regulation, any person who establishes that he or she satisfies the minimum qualifications for any state position, as defined in Government Code section 18522, is eligible, regardless of his or her age, to take any civil service examination given for that position. (Cal. Code Reg., tit. 2, § 171.2.)

FINDING NO. 2	CUT OFF DATES WERE NOT ESTABLISHED FOR CONTINUOUS EXAMINATIONS
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Summary: The CDFW did not establish cut off dates on the continuous examination announcements and at the time of exam for 9 of the 11 examinations reviewed.

Criteria: Pursuant to California Code of Regulations, title 2, section 170, subdivision (b)(2), announcements for civil service examinations shall provide final filing dates for applications. Where the examination is given on a continuous basis, the announcement shall state and identify the cut off date(s) for applications. (Cal. Code Reg., tit. 2, § 170, (b)(2).)

FINDING NO. 3	JOB ANALYSIS WAS NOT COMPLETED PRIOR TO THE EXAMINATION PROCESS
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Summary: The CDFW used an incomplete job analysis for the Director, Television Communications Center (Specialist) examination. The job analysis did not include all required components as listed in the Merit Selection Manual.

Criteria: The Merit Selection Manual (MSM), which is incorporated in California Code of Regulations, title 2, section 50, mandates the development and use of a job analysis for the examination process. "Job analysis shall serve as the primary basis for demonstrating and

documenting the job-relatedness of examination processes conducted for the establishment of eligible lists within the State's civil service." (MSM, § 2200, p. 2.) The MSM requires that job analyses adhere to the legal and professional standards outlined in the job analysis section of the MSM, and that certain elements must be included in the job analysis studies. (*Ibid.*) Those requirements include the following: (1) the job analysis be performed for the job for which the subsequent selection procedure is developed and used; (2) the methodology utilized be described and documented; (3) the job analytics data be presented in writing; (4) the job analytic data be collected from a variety of current sources; (5) the sample size of subject matter expert participants in the data collection activities be representative of the jobs within the classification for which the job analysis is conducted, as well as of sufficient size to yield adequate data; (6) job tasks be specified in terms of importance or criticality, and their frequency of performance, as well as determination of the essential job tasks; (7) job tasks be sufficiently detailed to derive the requisite knowledge, skills, abilities (KSAs); (8) specify the critical KSAs required upon entry for successful job performance; (9) the KSAs be operationally defined; and (10) document linkage between the essential tasks and the important KSAs required upon entry. (MSM, § 2200, pp. 2-3.)

Permanent Withhold Actions

Departments are granted statutory authority to permit withhold of eligibles from lists based on specified criteria. (Gov. Code, § 18935.) Permanent appointments and promotions within the state civil service system shall be merit-based, ascertained by a competitive examination process. (Cal. Const., art. VII, § 1, subd. (b).) If a candidate for appointment is found not to satisfy the minimum qualifications, the appointing power shall provide written notice to the candidate, specifying which qualification(s) are not satisfied and the reason(s) why. The candidate shall have an opportunity to establish that s/he meets the qualifications. (Cal. Code Regs., tit. 2, § 249.4, subd. (b).) If the candidate fails to respond or fails to establish that s/he meets the minimum qualification(s), the candidate's name shall be removed from the eligibility list. (Cal. Code Regs., tit. 2, § 249.4, subd. (b)(1), (2)), (HR Manual, section 1105.) The appointing authority shall promptly notify the candidate in writing and shall notify the candidate of his or her appeal rights. (*Ibid.*) A permanent withhold does not necessarily permanently restrict a candidate from retaking the examination for the same classification in the future; however, the appointing authority may place a withhold on the candidate's subsequent eligibility record if the candidate still

does not meet the minimum qualifications or continues to be unsuitable. (HR Manual, Section 1105). State agency human resources offices are required to maintain specific withhold documentation for a period of five years. (*Ibid.*)

During the period under review, October 1, 2025, through March 31, 2026, the CDFW conducted five permanent withhold actions. The CRD reviewed four of these permanent withhold actions, which are listed below:

Exam Title	Reason Candidate Placed on Withhold	No. of Withholds
Fish and Game Warden Cadet	For Cause	2
Senior Environmental Scientist (Specialist)	Failed to Meet Minimum Qualifications	2

FINDING NO. 4	DEPARTMENT DID NOT COMPLY WITH DOCUMENTATION REQUIREMENTS FOR PERMANENT WITHHOLDS
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Summary: For two of the four permanent withhold actions reviewed, the CDFW did not use the required Withhold Determination Worksheet.

Criteria: HR Manual Section 1105 mandates that Human Resources offices processing withhold actions must use the appropriate Withhold Determination Worksheet to document the withhold decision. The worksheets are (1) CalHR Form 272 – Minimum Qualifications Withhold Determination Worksheet or (2) CalHR Form 267 – Withhold for Cause Determination Worksheet. Further, Human Resources offices are required to maintain the withhold documentation for a period of five years.

Appointments

In all cases not excepted or exempted by Article VII of the California Constitution, the appointing power must fill positions by appointment, including cases of transfers, reinstatements, promotions, and demotions in strict accordance with the Civil Service Act and Board rules. (Gov. Code, § 19050.) The hiring process for eligible candidates chosen for job interviews shall be competitive and be designed and administered to hire candidates who will be successful. (Cal. Code Regs., tit. 2, § 250, subd. (b).) Interviews shall be conducted using job-related criteria. (*Ibid.*) Persons selected for appointment shall satisfy the minimum qualifications of the classification to which he or she is

appointed or have previously passed probation and achieved permanent status in that same classification. (Cal. Code Regs., tit. 2, § 250, subd. (d).) While persons selected for appointment may meet some or most of the preferred or desirable qualifications, they are not required to meet all the preferred or desirable qualifications. (*Ibid.*) This section does not apply to intra-agency job reassignments. (Cal. Code Regs., tit. 2, § 250, subd. (e).)

For the purposes of temporary appointments, an employment list is considered not to exist where there is an open eligible list that has three or fewer names of persons willing to accept appointment and no other employment list for the classification is available. (Cal. Code Regs., tit. 2, § 265.) In such a situation, an appointing power may make a temporary appointment in accordance with section 265.1 (*Ibid.*) A Temporary Authorization Utilization (TAU) appointment shall not exceed nine months in a 12-month period. (Cal. Const., art. VII.) In addition, when a temporary appointment is made to a permanent position, an appropriate employment list shall be established for each class to which a temporary appointment is made before the expiration of the appointment. (Gov. Code, § 19058.)

During the period under review, March 1, 2025, through August 31, 2025, the CDFW made 362 appointments. The CRD reviewed 55 of these appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Accounting Administrator I (Supervisor)	Certification List	Permanent	Full Time	1
Accounting Officer (Specialist)	Certification List	Permanent	Full Time	1
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	1
Attorney III	Certification List	Permanent	Full Time	1
Attorney V	Certification List	Permanent	Full Time	1
Environmental Program Manager I (Managerial)	Certification List	Limited Term	Full Time	1
Environmental Program Manager I (Supervisory)	Certification List	Permanent	Full Time	2
Environmental Scientist	Certification List	Permanent	Full Time	7
Environmental Scientist	Certification List	Limited Term	Full Time	2
Fish and Game Assistant Chief	Certification List	Permanent	Full Time	1
Fish and Game Captain	Certification List	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Fish and Game Lieutenant (Specialist)	Certification List	Permanent	Full Time	1
Fish and Game Lieutenant (Supervisor)	Certification List	Permanent	Full Time	1
Fish and Game Warden	Certification List	Permanent	Full Time	1
Fish and Wildlife Interpreter III	Certification List	Permanent	Full Time	1
Fish and Wildlife Technician	Certification List	Permanent	Full Time	1
Fish Hatchery Manager I	Certification List	Limited Term	Full Time	1
Information Technology Specialist I	Certification List	Permanent	Full Time	1
Mate, Fish and Game Vessel	Certification List	Permanent	Full Time	1
Office Technician (General)	Certification List	Limited Term	Full Time	1
Senior Environmental Scientist (Supervisory)	Certification List	Permanent	Full Time	6
Senior Environmental Scientist (Specialist)	Certification List	Permanent	Full Time	9
Senior Laboratory Assistant	Certification List	Limited Term	Full Time	1
Staff Services Manager I	Certification List	Permanent	Full Time	2
Staff Services Manager II (Supervisory)	Certification List	Permanent	Full Time	1
Senior Environmental Scientist (Specialist)	Permissive Reinstatement	Permanent	Full Time	1
Senior Environmental Scientist (Supervisory)	Permissive Reinstatement	Permanent	Full Time	1
Supervising Laboratory Assistant I	Permissive Reinstatement	Limited Term	Full Time	1
Fish and Wildlife Seasonal Aid	Temporary Appointment	Temporary	Intermittent	1
Environmental Scientist	Transfer	Permanent	Full Time	1
Fish and Game Captain	Transfer	Permanent	Full Time	1
Fish and Game Lieutenant (Supervisor)	Transfer	Permanent	Full Time	1
Fish and Game Warden	Transfer	Permanent	Full Time	1

FINDING NO. 5 UNLAWFUL APPOINTMENT

Summary: The CRD found one unlawful appointment during the course of its regular review. The CDFW made one appointment utilizing the certification list for the Senior Environmental Scientist (Specialist)

classification. The hired candidate did not meet minimum qualifications for the classification. The appointment will stand as more than one year has elapsed and there is no evidence of other than good faith by the employee and the department.

Criteria: Pursuant to Government Code section 18931, subdivision (a), the Board shall establish minimum qualifications for determining the fitness and qualifications of employees for each class of position. In accordance with California Code of Regulations, title 2, section 249.4, appointing powers shall verify that the candidate satisfies the minimum qualifications of the classification before the candidate is appointed.

FINDING NO. 6	PROBATIONARY EVALUATIONS WERE NOT PROVIDED FOR ALL APPOINTMENTS REVIEWED AND SOME THAT WERE PROVIDED WERE UNTIMELY⁶
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Summary: The CDFW did not provide 6 of the 106 probationary reports of performance requested for review by the CRD. In addition, the CDFW did not provide 12 probationary reports of performance in a timely manner. As a total of 18 probationary reports of performance were identified as non-compliant, the required threshold for substantial compliance was not met.

Criteria: The service of a probationary period is required when an employee enters or is promoted in the state civil service by permanent appointment from an employment list; upon reinstatement after a break in continuity of service resulting from a permanent separation; or after any other type of appointment situation not specifically excepted from the probationary period. (Gov. Code, § 19171.) During the probationary period, the appointing power shall evaluate the work and efficiency of a probationer in the manner and at such periods as the department rules may require. (Gov. Code, § 19172.) A report of the probationer's performance shall be made to the employee at sufficiently frequent intervals to keep the employee adequately informed of progress on the job. (Cal. Code Regs., tit. 2, § 599.795.) A written appraisal of performance shall be made to the Department within 10 days after the end of each one-third portion of the

⁶ Repeat finding; see reports dated October 4, 2023, January 21, 2021, and July 21, 2016.

probationary period. (*Ibid.*) The Board's record retention rules require that appointing powers retain all probationary reports for five years from the date the record is created. (Cal. Code Regs., tit. 2, § 26, subd. (a)(3).)

Unlawful Appointment Investigations

Departments that entered into an Unlawful Appointment Investigation Delegation Agreement between their executive management and the CalHR have the authority to manage their own unlawful appointment investigations. The Delegation Agreement defines the reporting requirements, responsibilities, obligations, and expectations of the department in this process. The delegation agreement mandates that departments maintain up-to-date records on each unlawful appointment investigation including, at a minimum: the specific facts surrounding the appointment in question, a description of the circumstances which may have resulted in the unlawful appointment, copies of relevant appointment documents, and any documentation which may demonstrate that the agency and employee acted in good faith when the appointment was offered and accepted. Departments must also maintain a tracking system to monitor its unlawful appointments.

During the period under review, October 1, 2025, through March 31, 2026, the CDFW conducted one unlawful appointment investigation. The CRD reviewed the unlawful appointment investigation, which is listed below:

Classification	Date Investigation Initiated	Date Investigation Concluded
Environmental Scientist	3/9/26	5/4/26

FINDING NO. 7	UNLAWFUL APPOINTMENT INVESTIGATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CDFW's unlawful appointment investigation was found to comply with the rules set forth in the signed Delegation Agreement with the CalHR.

Equal Employment Opportunity

Each state agency is responsible for an effective EEO program. (Gov. Code, § 19790.) The appointing power for each state agency has the major responsibility for monitoring the effectiveness of its EEO program. (Gov. Code, § 19794.) To that end, the appointing

power must issue a policy statement committed to EEO; issue procedures for filing, processing, and resolving discrimination complaints; and cooperate with the CalHR, in accordance with Civil Code section 1798.24, subdivisions (o) and (p), by providing access to all required files, documents and data necessary to carry out these mandates. (*Ibid.*) In addition, the appointing power must appoint, at the managerial level, an EEO Officer, who shall report directly to, and be under the supervision of, the director of the department to develop, implement, coordinate, and monitor the department's EEO program. (Gov. Code, § 19795, subd. (a).)

Each state agency must establish a separate committee of employees who are individuals with a disability, or who have an interest in disability issues, to advise the head of the agency on issues of concern to employees with disabilities. (Gov. Code, § 19795, subd. (b)(1).) The department must invite all employees to serve on the committee and take appropriate steps to ensure that the final committee is comprised of members who have disabilities or who have an interest in disability issues. (Gov. Code, § 19795, subd. (b)(2).)

FINDING NO. 8	EQUAL EMPLOYMENT OPPORTUNITY PROGRAM COMPLIED WITH ALL CIVIL SERVICE LAWS AND BOARD RULES
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After reviewing the policies, procedures, and programs necessary for compliance with the EEO program's role and responsibilities according to statutory and regulatory guidelines, the CRD determined that the CDFW's EEO program provided employees with information and guidance on the EEO process including instructions on how to file discrimination claims. Furthermore, the EEO program outlines the roles and responsibilities of the EEO Officer, as well as supervisors and managers. The EEO Officer, who is at a managerial level, reports directly to the Director of the CDFW. The CDFW also provided evidence of its efforts to promote EEO in its hiring and employment practices and to increase its hiring of persons with a disability.

Personal Services Contracts

A PSC includes any contract, requisition, or purchase order under which labor or personal services is a significant, separately identifiable element, and the business or person performing the services is an independent contractor that does not have status as an employee of the state. (Cal. Code Regs., tit. 2, § 547.59.) The California Constitution has an implied civil service mandate limiting the state's authority to contract with private entities to perform services the state has historically or customarily performed. Government Code section 19130, subdivision (a), however, codifies exceptions to the civil service mandate where PSC's achieve cost savings for the state. PSC's that are of

a type enumerated in subdivision (b) of Government Code section 19130 are also permissible. Subdivision (b) contracts include, but are not limited to, private contracts for a new state function, services that are not available within state service, services that are incidental to a contract for the purchase or lease of real or personal property, and services that are of an urgent, temporary, or occasional nature.

For cost-savings PSC's, a state agency is required to notify SPB of its intent to execute such a contract. (Gov. Code, § 19131.) For subdivision (b) contracts, the SPB reviews the adequacy of the proposed or executed contract at the request of an employee organization representing state employees. (Gov. Code, § 19132.)

During the period under review, October 1, 2025, through March 31, 2026, the CDFW had 155 PSC's that were in effect. The CRD reviewed 30 of these, which are listed below:

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Action Cleanup Environmental Services, Inc.	Hazardous Waste Removal	\$10,000	Yes	Yes
Alkemist Pharmaceuticals Inc. A California Corp dba Alkemist Labs	Cannabis Testing	\$10,000	Yes	Yes
Blue to Gold, LLC	Law Enforcement Liability Training	\$5,000	Yes	Yes
California Arbor Care Inc.	Arborist Evaluation	\$1,995	Yes	No
California Wildlife Foundation	Develop Interpretive Materials and Provide Training	\$10,000	Yes	Yes
County of Monterey	Water Lab Analysis	\$5,850	Yes	Yes
Dependable Septic Systems of Napa Inc	Septic Tank Pumping	\$9,975	Yes	Yes
Dewey Services Incorporated dba Dewey Pest Control	Pest Control Services	\$6,075	Yes	Yes

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Dewey Services Incorporated dba Dewey Pest Control	Pest Control Services	\$6,465	Yes	No
EagleShield Pest Control Inc.	Pest Control Services	\$9,972	Yes	Yes
Emergency Management Services International dba EMSI	Internal Training Exercise	\$33,632	Yes	Yes
Emergency Management Services International dba EMSI	Incident Command System Training	\$9,995	Yes	Yes
Far Fetch Retrievers	Far Fetch K9 Training	\$5,752	Yes	Yes
Foothill Transcription Company	Transcription Services	\$9,999	Yes	Yes
Franklin Ranch Pet Hospital, Inc.	Franklin Ranch Boarding	\$10,000	Yes	Yes
Global Interpreting Network, Inc.	Language Interpretation Services	\$10,000	Yes	Yes
Green Diamond Resource Company	SHARE Program	\$589	Yes	Yes
Industrial Waste Utilization, Inc.	Hazardous Waste Disposal	\$26,988	Yes	Yes
Northwest Environmental Training Center	Educational Training on Environmental Topics	\$50,000	Yes	Yes
P.S. Industries, Inc.	Disposal of Expired Drugs for Veterinary Purposes	\$2,400	Yes	Yes
Pacific States Marine Fisheries Commission	White Sturgeon Monitoring	\$869,284	Yes	Yes

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Perry Johnson Laboratory Accreditation, Inc.	Lab Accreditation Audits	\$6,300	Yes	Yes
Pet Emergency Treatment Svs Inc dba PETS Hospital	Hospital Veterinary Services	\$10,000	Yes	Yes
Relentless LLC dba Desert Snow	Desert Snow Interdiction Tactics Training	\$7,490	Yes	Yes
SHARE-Lake Earl Grange	Public Access for Wildlife	\$55,410	Yes	No
South Bay Regional Public Safety Training Consortium	South Bay Firearms Instructor Course	\$8,635	Yes	Yes
VLS Environmental Solutions LLC dba Industrial Waste Utilization	Hazardous Waste Removal	\$9,000	Yes	No
Watt's Cleaning Services	Fortuna Janitorial	\$32,832	Yes	Yes
Western Precision Diving LLC	Jet Dock Cleaning	\$8,825	Yes	Yes
Whitewater Rescue Institute	Inland Oil Spill Response Training	\$27,125	Yes	Yes

FINDING NO. 9	UNIONS WERE NOT NOTIFIED OF PERSONAL SERVICES CONTRACTS
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Summary: The CDFW did not notify unions prior to entering into 4 of the 30 PSC's reviewed.

Criteria: Before a state agency executes a contract or amendment to a contract for personal services conditions specified within Government Code section 19130, subdivision (b), the agency shall notify all organizations that represent state employees who perform or could perform the type of work that is called for within the contract,

unless exempted under Government Code section 19132, subdivision (b)(1). (Cal. Code Regs., tit. 2, § 547.60.2.)

Mandated Training

Each member, officer, or designated employee of a state agency who is required to file a statement of economic interest (referred to as “filers”) because of the position he or she holds with the agency is required to take an orientation course on the relevant ethics statutes and regulations that govern the official conduct of state officials. (Gov. Code, §§ 11146 & 11146.1.) State agencies are required to offer filers the orientation course on a semi-annual basis. (Gov. Code, § 11146.1.) New filers must be trained within six months of appointment and at least once during each consecutive period of two calendar years, commencing on the first odd-numbered year thereafter. (Gov. Code, § 11146.3.)

Upon the initial appointment of any employee designated in a supervisory position, the employee shall be provided a minimum of 80 hours of training, as prescribed by the CalHR. (Gov. Code, § 19995.4, subd. (b).) The training addresses such topics as the role of the supervisor, techniques of supervision, performance standards, and sexual harassment and abusive conduct prevention. (Gov. Code, §§ 12950.1, subds. (a) and (b), & 19995.4, subd. (b).) Additionally, the training must be successfully completed within the term of the employee’s probationary period or within six months of the initial appointment, unless it is demonstrated that to do so creates additional costs or that the training cannot be completed during this time period due to limited availability of supervisory training courses. (Gov. Code, § 19995.4, subd. (c).)

Within 12 months of the initial appointment of an employee to a management or CEA position, the employee shall be provided leadership training and development, as prescribed by CalHR. (Gov. Code, § 19995.4, subds. (d) & (e).) For management employees the training must be a minimum of 40 hours and for CEAs the training must be a minimum of 20 hours. (*Ibid.*)

New employees must be provided sexual harassment prevention training within six months of appointment. Thereafter, each department must provide its supervisors two hours of sexual harassment prevention training and non-supervisors one hour of sexual harassment prevention training every two years. (Gov. Code, § 12950.1, subds. (a) and (b); Gov. Code, § 19995.4.)

The Legislature encourages the state and its agencies to consult on a government-to-government basis with federally recognized tribes and with nonfederally recognized tribes

and tribal organizations in order to allow tribal officials the opportunity to provide meaningful and timely input in the development of policies, programs, and projects that have tribal implications. (Gov. Code, § 11019.81, sub. (c).) Each official specified in Government Code section 11019.81 subdivision (f)⁷ shall complete tribal consultations training by January 1, 2025, or, for officials appointed after that date, within six months of their appointment or confirmation of appointment, whichever is later. (Gov. Code, § 11019.81, sub. (h).) Each official shall retake the training annually. (*Ibid.*)

The Board may conduct reviews of any appointing power's personnel practices to ensure compliance with civil service laws and Board regulations. (Gov. Code, § 18661, subd. (a).) In particular, the Board may audit personnel practices related to such matters as selection and examination procedures, appointments, promotions, the management of probationary periods, and any other area related to the operation of the merit principle in state civil service. (*Ibid.*) Accordingly, the CRD reviews documents and records related to training that appointing powers are required by the afore-cited laws to provide its employees.

The CRD reviewed the CDFW's mandated training program that was in effect during the compliance review period, April 1, 2024, through March 31, 2026. The CDFW's ethics training was found to be in substantial compliance, while the CDFW's supervisory training, sexual harassment prevention training, and tribal consultations training were found to be out of compliance.

FINDING NO. 10	ETHICS TRAINING WAS PROVIDED FOR ALL FILERS WITH ONE EXCEPTION
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Summary: The CDFW provided ethics training to all 59 new filers within 6 months of their appointment. However, the CDFW did not provide ethics training to 1 of 250 existing filers.

Criteria: New filers must be provided ethics training within six months of appointment. Existing filers must be trained at least once during each consecutive period of two calendar years commencing on the first odd-numbered year thereafter. (Gov. Code, § 11146.3, subd. (b).)

⁷ Within the executive branch, the following officials have authority to represent the state in a tribal government-to-government consultation: the governor, the attorney general, each constitutional officer and statewide elected official, the director of each state agency and department, the chair and executive officer of each state commission and task force, and the chief counsel of any state agency. (Gov. Code, § 11019.81, sub. (f) (1).) Each authorized official may formally designate another agency official to conduct preliminary tribal consultations, and each designated official may have the authority to act on behalf of the state during a government-to-government consultation. (Gov. Code, § 11019.81, sub. (f) (2).)

FINDING NO. 11	SUPERVISORY TRAINING WAS NOT PROVIDED FOR ALL SUPERVISORS, MANAGERS, AND CEAS⁸
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Summary: The CDFW provided basic supervisory training to all 33 new supervisors within 12 months of appointment. However, the CDFW did not provide manager training to 1 of 4 new managers within 12 months of appointment and did not provide CEA training to 2 of 3 new CEAs within 12 months of appointment.

Criteria: Each department must provide its new supervisors a minimum of 80 hours of supervisory training within the probationary period.(Gov. Code, § 19995.4, subd. (b).)

Upon initial appointment of an employee to a managerial position, each employee must receive 40 hours of leadership training within 12 months of appointment. (Gov. Code, § 19995.4, subd. (d).)

Upon initial appointment of an employee to a Career Executive Assignment position, each employee must receive 20 hours of leadership training within 12 months of appointment. (Gov. Code, § 19995.4, subd. (e).)

FINDING NO. 12	SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL EMPLOYEES⁹
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Summary: The CDFW did not provide sexual harassment prevention training to 2 of 36 new supervisors within 6 months of their appointment. In addition, the CDFW did not provide sexual harassment prevention training to 94 of 534 existing supervisors every 2 years.

The CDFW did not provide sexual harassment prevention training to 1 of 107 existing non-supervisors every 2 years.

Criteria: Each department must provide its supervisors two hours of sexual harassment prevention training every two years and non-supervisory employees one hour of sexual harassment prevention training every

⁸ Repeat finding; see report dated October 4, 2023.

⁹ Repeat finding; see reports dated October 4, 2023, and January 21, 2021.

two years. New employees must be provided sexual harassment prevention training within six months of appointment. (Gov. Code, § 12950.1, subds. (a) and (b); Gov. Code § 19995.4.)

FINDING NO. 13	TRIBAL CONSULTATIONS TRAINING WAS NOT PROVIDED FOR ALL OFFICIALS
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Summary: The CDFW did not provide tribal consultations training to 4 of 12 existing officials annually.

The CDFW did not report any newly appointed officials within the review period.

Criteria: Each department must provide annual tribal consultations training to its officials with authority to represent the state in a tribal government-to-government consultation. New officials must be provided tribal consultations training within six months of their appointment or confirmation, whichever is later. (Gov. Code, § 11019.81, sub. (h).)

Compensation and Pay

Salary Determination

The pay plan for state civil service consists of salary ranges and steps established by CalHR. (Cal. Code Regs., tit. 2, § 599.666.) Several salary rules dictate how departments calculate and determine an employee's salary rate¹⁰ upon appointment depending on the appointment type, the employee's state employment and pay history, and tenure.

Typically, agencies appoint employees to the minimum rate of the salary range for the class. Special provisions for appointments above the minimum exist to meet special recruitment needs and to accommodate employees who transfer into a class from another civil service class and are already receiving salaries above the minimum.

During the period under review, March 1, 2025, through August 31, 2025, the CDFW made 362 appointments. The CRD reviewed 26 of these appointments to determine if the CDFW applied salary regulations accurately and correctly processed employees' compensation.

¹⁰ "Rate" is any one of the salary rates in the resolution by CalHR which establishes the salary ranges and steps of the Pay Plan (Cal. Code Regs., tit. 2, section 599.666).

FINDING NO. 14	SALARY DETERMINATIONS COMPLIED WITH CIVIL SERVICE LAWS, RULES, AND CALHR POLICIES AND GUIDELINES WITH TWO EXCEPTIONS
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Summary: The CRD found 2 errors in the 26 salary determinations reviewed:

Classification	Description of Findings	Criteria
Staff Services Manager II (Supervisory)	Incorrect salary determination resulting in the employee being overcompensated.	Cal. Code Regs., tit. 2, section 599.674, subd. (b)
Environmental Scientist	Incorrect alternate range placement resulting in the employee being undercompensated.	Alternate Range Criteria 430

Criteria: Departments are required to calculate and apply salary rules for each appointed employee accurately based on the pay plan for the state civil service. All civil service classes have salary ranges with minimum and maximum rates. (Cal. Code Regs., tit. 2, § 599.666.)

All alternate ranges have class-specific criteria describing the requirements which must be met for appointment to an alternate range. (Classification and Pay Guide Section 220.)

Exceptions to Salary

California Code of Regulations sections 599.674 and 599.676 allow employees to receive a salary rate up to one step (5%) above the salary rate they last received. In those instances when these rules do not provide employees with the equivalent rate last received (1) upon transfer to a deep class or (2) in their former class, then under the authority of Government Code section 19836, an exception to these salary rules can be made. Exceptions to these rules should be applied uniformly for all employees. (Classification and Pay Guide Section 285.)

For those affected employees incurring salary loss upon transfer to a deep class, CalHR recommends placing the employee on a T&D Assignment for a period of time sufficient to meet the higher alternate range criteria. Upon successful completion of the T&D assignment, the employee may be transferred to the transferable range, and then moved to the next higher alternate range effective the same day. If this does not provide the employee their current salary, departments may process an exception so the employee does not incur a salary loss. (*Ibid.*)

Delegation agreements with CalHR give departments the delegated authority to approve an exception to the salary rules under the following circumstances: when there is a salary loss upon transfer to a deep class; when there is a reappointment or reinstatement without a break in service.

During the period under review, March 1, 2025, through August 31, 2025, the CDFW authorized one salary exception request. The CRD reviewed the authorized salary exception requests, listed below, to determine if the CDFW correctly verified, approved and documented the salary exception authorization process:

Classification	Prior Classification	T&D Assignment? (Y/N)	Approved Salary
Supervising Laboratory Assistant I	Supervising Laboratory Assistant I	No	\$5,360

FINDING NO. 15	EXCEPTION TO SALARY RULES COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRD found that the exception to salary determination the CDFW made during the compliance review period, satisfied civil service laws, Board rules and CalHR policies and guidelines.

Alternate Range Movement Salary Determination (within same classification)

If an employee qualifies under established criteria and moves from one alternate range to another alternate range of a class, the employee shall receive an increase or a decrease equivalent to the total of the range differential between the maximum salary rates of the alternate ranges. (Cal. Code Regs., tit. 2, § 599.681.) However, in many instances, the CalHR provides salary rules departments must use when employees move between alternate ranges. These rules are described in the alternate range criteria. (CalHR Pay Scales). When no salary rule or method is cited in the alternate range criteria, departments must default to Rule 599.681.

During the period under review, March 1, 2025, through August 31, 2025, the CDFW made 97 alternate range movements within a classification. The CRD reviewed 30 of these alternate range movements to determine if the CDFW applied salary regulations

accurately and correctly processed each employee's compensation, which are listed below:

Classification	Prior Range	Current Range	Salary (Monthly Rate)
Environmental Scientist	A	B	\$5,188
Environmental Scientist	A	B	\$5,188
Environmental Scientist	A	B	\$5,188
Environmental Scientist	A	B	\$5,188
Environmental Scientist	B	C	\$6,566
Environmental Scientist	B	C	\$6,566
Environmental Scientist	B	C	\$6,566
Environmental Scientist	B	C	\$6,566
Environmental Scientist	B	C	\$6,566
Environmental Scientist	B	C	\$6,566
Environmental Scientist	B	C	\$6,566
Environmental Scientist	B	C	\$6,566
Fish And Game Warden	A	B	\$6,339
Fish And Game Warden	A	B	\$6,339
Fish And Game Warden	A	B	\$6,339
Fish And Game Warden	A	B	\$6,339
Fish and Wildlife Interpreter I	A	B	\$4,823
Fish and Wildlife Technician	A	B	\$4,199
Fish and Wildlife Technician	A	B	\$4,409
Fish and Wildlife Technician	A	B	\$4,496
Fish and Wildlife Technician	A	B	\$4,496
Fish and Wildlife Technician	A	B	\$4,629
Information Technology Associate	B	C	\$5,757
Information Technology Associate	B	C	\$6,114
Information Technology Specialist I	A	B	\$9,165
Information Technology Specialist I	B	C	\$7,865
Personnel Specialist	A	B	\$4,497
Staff Services Analyst	B	C	\$5,014
Staff Services Analyst	B	C	\$5,495

Classification	Prior Range	Current Range	Salary (Monthly Rate)
Wildlife Forensic Specialist	A	B	\$4,823

FINDING NO. 16	ALTERNATE RANGE MOVEMENTS COMPLIED WITH CIVIL SERVICE LAWS, RULES, AND CALHR POLICIES AND GUIDELINES WITH THREE EXCEPTIONS
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Summary: The CRD found 3 errors in the 30 alternate range movements reviewed:

Classification	Description of Findings	Criteria
Environmental Scientist	Incorrect anniversary date determined resulting in the employee being overcompensated.	Cal. Code Regs., tit. 2, § 599.676
Environmental Scientist	Incorrect anniversary date determined resulting in the employee being overcompensated.	Cal. Code Regs., tit. 2, § 599.676
Environmental Scientist	Incorrect effective date determined for movement into the alternate range resulting in the employee being undercompensated.	Alternate Range Criteria 430

Criteria: Alternate ranges are designed to recognize increased competence in the performance of class duties based upon experience obtained while in the class. The employee gains status in the alternate range as though each range were a separate classification. (Classification and Pay Guide Section 220.)

Departments are required to calculate and apply salary rules for each appointed employee accurately based on the pay plan for the state civil service. All civil service classes have salary ranges with minimum and maximum rates. (Cal. Code Regs., tit. 2, § 599.666.)

Bilingual Pay

A certified bilingual position is a position where the incumbent uses bilingual skills on a continuous basis and averages 10 percent or more of the total time worked. According to

the Pay Differential 14, the 10 percent time standard is calculated based on the time spent conversing, interpreting, or transcribing in a second language and time spent on closely related activities performed directly in conjunction with the specific bilingual transactions.

Typically, the department must review the position duty statement to confirm the percentage of time performing bilingual skills and verify the monthly pay differential is granted to a certified bilingual employee in a designated bilingual position. The position, not the employee, receives the bilingual designation and the department must verify that the incumbent successfully participated in an Oral Fluency Examination prior to issuing the additional pay.

During the period under review, March 1, 2025, through August 31, 2025, the CDFW issued bilingual pay to nine employees. The CRD reviewed eight of these bilingual pay authorizations to ensure compliance with applicable CalHR policies and guidelines, which are listed below:

Classification	No. of Appts.
Fish and Game Lieutenant (Supervisor)	2
Fish and Game Warden	4
Fish Habitat Assistant	1
Office Technician (Typing)	1

FINDING NO. 17	INCORRECT AUTHORIZATION OF BILINGUAL PAY
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Summary: The CRD found one error in the eight bilingual pay authorizations reviewed:

Classification	Description of Finding	Criteria
Fish & Game Warden	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14

Criteria: An individual must be in a position that has been certified by the department as a position which requires the use of bilingual skills on a continuing basis averaging 10 percent of the time spent either conversing, interpreting or transcribing in a second language and time spent on closely related activities performed directly in conjunction with specific bilingual transactions. (Pay Differential 14.)

Pay Differentials

A pay differential is special additional pay recognizing unusual competencies, circumstances, or working conditions applying to some or all incumbents in select classes. A pay differential may be appropriate in those instances when a subgroup of positions within the overall job class might have unusual circumstances, competencies, or working conditions that distinguish these positions from other positions in the same class. Typically, pay differentials are based on qualifying pay criteria such as: work locations or shift assignments; professional or educational certification; temporary responsibilities; special licenses, skills or training; performance-based pay; incentive-based pay; or, recruitment and retention. (Classification and Pay Manual Section 230.)

California State Civil Service Pay Scales Section 14 describes the qualifying pay criteria for the majority of pay differentials. However, some of the alternate range criteria in the pay scales function as pay differentials. Generally, departments issuing pay differentials should, in order to justify the additional pay, document the following: the effective date of the pay differential, the collective bargaining unit identifier, the classification applicable to the salary rate and conditions along with the specific criteria, and any relevant documentation to verify the employee meets the criteria.

During the period under review, March 1, 2025, through August 31, 2025, the CDFW authorized 1,127 pay differentials¹¹. The CRD reviewed 23 of these pay differentials to ensure compliance with applicable CalHR policies and guidelines, which are listed below:

Classification	Pay Differential	Monthly Amount
Fish and Game Lieutenant (Specialist)	244	2.50%
Fish and Game Lieutenant (Supervisor)	142	\$350
Fish and Game Lieutenant (Supervisor)	244	5%
Fish and Game Warden (2 Positions)	21	\$357
Fish and Game Warden	142	\$300
Fish and Game Warden	244	5%
Fish and Wildlife Scientific Aid (7 Positions)	441	\$250
Mate, Fish and Game Vessel	409	5%

¹¹ For the purposes of CRD's review, only monthly pay differentials were selected for review at this time.

Classification	Pay Differential	Monthly Amount
Motor Vessel Engineer	409	5%
Senior Electrical Engineer	261	\$300
Senior Environmental Scientist (Specialist)	499	2%
Senior Environmental Scientist (Supervisory)	498	\$250
Senior Environmental Scientist (Supervisory)	499	3%
Senior Environmental Scientist (Supervisory)	499	4%
Veterinarian (General)	434	3%
Veterinarian Specialist (General)	434	3%

FINDING NO. 18	PAY DIFFERENTIAL AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRD found no deficiencies in the pay differentials that the CDFW authorized during the compliance review period. Pay differentials were issued correctly in recognition of unusual competencies, circumstances, or working conditions in accordance with applicable rules and guidelines.

Out-of-Class Assignments and Pay

For excluded¹² and most rank-and-file employees, out-of-class (OOC) work is defined as performing, more than 50 percent of the time, the full range of duties and responsibilities allocated to an existing class and not allocated to the class in which the person has a current, legal appointment. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(2).) A higher classification is one with a salary range maximum that is any amount higher than the salary range maximum of the classification to which the employee is appointed. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(3).)

According to the Classification and Pay Guide, OOC assignments should only be used as a last resort to accommodate temporary staffing needs. All civil service alternatives should be explored first before using OOC assignments. However, certain MOU provisions and the California Code of Regulations, title 2, section 599.810 allow for short-

¹² “Excluded employee” means an employee as defined in Government Code section 3527, subdivision (b) (Ralph C. Dills Act) except those excluded employees who are designated managerial pursuant to Government Code section 18801.1.

term OOC assignments to meet temporary staffing needs. Should OOC work become necessary, the assignment would be made pursuant to the applicable MOU provisions or salary regulations. Before assigning the OOC work, the department should have a plan to correct the situation before the time period outlined in applicable law, policy or MOU expires. (Classification and Pay Guide Section 375.)

During the period under review, March 1, 2025, through August 31, 2025, the CDFW issued OOC pay to three employees. The CRD reviewed the three OOC assignments to ensure compliance with applicable MOU provisions, salary regulations, and CalHR policies and guidelines, which are listed below:

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
Environmental Program Manager I (Supervisory)	S10	CEA, A	5/3/25 – 6/30/25
Environmental Program Manager I (Supervisory)	S10	CEA, A	7/1/25 – 8/31/25
Senior Environmental Scientist (Supervisory)	S10	Environmental Program Manager I (Supervisory)	6/24/25 – 10/22/25

FINDING NO. 19	INCORRECT AUTHORIZATION OF OUT-OF-CLASS PAY¹³
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Summary: The CRD found two errors in the three OOC pay assignments reviewed:

Classification	Out-of-Class Classification	Description of Findings	Criteria
Senior Environmental Scientist (Supervisory)	Environmental Program Manager I (Supervisory)	Incorrect OOC rate calculated resulting in the employee being overcompensated.	Pay Differential 101
Environmental Program Manager I (Supervisory)	CEA, A	Incorrect OOC rate calculated resulting in the employee being overcompensated.	Pay Differential 101

Criteria: Employees may be compensated for performing duties of a higher classification provided that: the assignment is made in advance in writing and the employee is given a copy of the assignment; and the

¹³ Repeat finding; see reports dated October 4, 2023, and January 21, 2021.

duties performed by the employee are not described in a training and development assignment or by the specification for the class to which the excluded employee is appointed and, are fully consistent with the types of jobs described in the specification for the higher classification; and the employee does not perform such duties for more than 120 days in a fiscal year. (Cal. Code Regs., tit. 2, § 599.810, subd. (b)(1)(3)(4).)

For excluded employees, there shall be no compensation for assignments that last for 15 consecutive working days or less. (Cal. Code Regs., tit. 2, § 599.810, subd. (c).) An excluded employee performing in a higher class for more than 15 consecutive working days shall receive the rate of pay the excluded employee would receive if appointed to the higher class for the entire duration of the assignment, not to exceed one year. (Cal. Code Regs., tit. 2, § 599.810, subd. (d).) An excluded employee may be assigned out-of-class work for more than 120 calendar days during any 12-month period only if the appointing power files a written statement with the Department certifying that the additional out-of-class work is required to meet a need that cannot be met through other administrative or civil service alternatives. (Cal. Code Regs., tit. 2, § 599.810, subd. (e).)

Leave

Positive Paid Employees

Actual Time Worked (ATW) is a method that can be used to keep track of a Temporary Authorization Utilization (TAU) employee's time to ensure that the Constitutional limit of 9 months in any 12 consecutive months is not exceeded. The ATW method of counting time is used to continue the employment status for an employee until the completion of an examination, for seasonal type work, while attending school, or for consulting services.

An employee is appointed TAU-ATW when he/she is not expected to work all the working days of a month. When counting 189 days, every day worked, including partial days¹⁴ worked and paid absences¹⁵, are counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day are not limited by this rule. (*Ibid.*) The 12-consecutive month

¹⁴ For example, two hours or ten hours count as one day.

¹⁵ For example, vacation, sick leave, compensating time off, etc.

timeframe begins by counting the first pay period worked as the first month of the 12-consecutive month timeframe. (*Ibid.*) The employee shall serve no longer than 189 days in a 12 consecutive month period. (*Ibid.*) A new 189-days working limit in a 12-consecutive month timeframe may begin in the month immediately following the month that marks the end of the previous 12-consecutive month timeframe. (*Ibid.*)

It is an ATW appointment because the employee does not work each workday of the month, and it might become desirable or necessary for the employee to work beyond nine calendar months. The appointing power shall monitor and control the days worked to ensure the limitations set forth are not exceeded. (Cal. Code Regs., tit. 2, § 265.1, subd. (f).)

For student assistants, graduate student assistants, youth aides, and seasonal classifications a maximum work-time limit of 1500 hours within 12 consecutive months may be used rather than the 189-day calculation. (Cal. Code Regs., tit. 2, § 265.1, subd. (d).)

Additionally, according to Government Code section 21224, retired annuitant appointments shall not exceed a maximum of 960 hours in any fiscal year (July-June), regardless of the number of state employers, without reinstatement, loss or interruption of benefits.

At the time of the review, the CDFW had 500 positive paid employees whose hours were tracked. The CRD reviewed 23 of these positive paid appointments to ensure compliance with applicable laws, regulations, policies and guidelines, which are listed below:

Classification	Tenure	Time Frame	Time Worked
Accounting Administrator I (Specialist)	Retired Annuitant	7/1/24-6/30/25	821 Hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/24-6/30/25	702 Hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/24-6/30/25	876.5 Hours
Associate Management Auditor	Retired Annuitant	7/1/24-6/30/25	782 Hours
Attorney IV	Retired Annuitant	7/1/24-6/30/25	814 Hours
Senior Environmental Scientist (Specialist)	Retired Annuitant	7/1/24-6/30/25	502 Hours
Senior Land Agent (Specialist)	Retired Annuitant	7/1/24-6/30/25	663 Hours

Classification	Tenure	Time Frame	Time Worked
Senior Land Surveyor	Retired Annuitant	7/1/24-6/30/25	921 Hours
Fish and Wildlife Scientific Aid	Temporary	10/1/24-09/30/25	189 Days
Fish and Wildlife Scientific Aid	Temporary	1/1/25-12/31/25	189 Days
Fish and Wildlife Scientific Aid	Temporary	4/1/25-3/31/26	127 days
Fish and Wildlife Scientific Aid	Temporary	6/1/25-5/31/26	179 Days
Fish and Wildlife Scientific Aid	Temporary	5/1/25-4/30/26	160 Days
Fish and Wildlife Scientific Aid	Temporary	6/1/25-5/31/26	189 Days
Fish and Wildlife Scientific Aid	Temporary	1/1/25-12/31/25	180 Days
Fish and Wildlife Scientific Aid	Temporary	5/1/25-4/30/26	127 Days
Fish and Wildlife Scientific Aid	Temporary	10/1/24-09/30/25	160 Days
Fish and Wildlife Scientific Aid	Temporary	5/1/25-4/30/26	189 Days
Fish and Wildlife Seasonal Aid	Temporary	10/1/24-09/30/25	62 Days
Fish and Wildlife Seasonal Aid	Temporary	8/1/25-7/30/26	153 Days
Fish and Wildlife Seasonal Aid	Temporary	4/1/25-3/31/26	64 Days
Seasonal Clerk	Temporary	4/1/25-3/31/26	1,500 Hours
Seasonal Clerk	Temporary	5/1/25-4/30/26	1,500 Hours

FINDING NO. 20	POSITIVE PAID EMPLOYEES' TRACKED HOURS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRD found no deficiencies in the positive paid employees reviewed during the compliance review period. The CDFW provided sufficient justification and adhered to applicable laws, regulations and CalHR policy and guidelines for positive paid employees.

Administrative Time Off

ATO is a form of paid administrative leave status initiated by appointing authorities for a variety of reasons. (Human Resources Manual Section 2121.) Most often, ATO is used when an employee cannot come to work because of a pending investigation, fitness for duty evaluation, or when work facilities are unavailable. (*Ibid.*) ATO can also be granted when employees need time off for reasons such as blood or organ donation, extreme weather preventing safe travel to work, states of emergency, voting, and when employees need time off to attend special events. (*Ibid.*)

During the period under review, January 1, 2025, through December 31, 2025, the CDFW authorized 55 ATO transactions. The CRD reviewed 25 of these ATO transactions to ensure compliance with applicable laws, regulations, and CalHR policy and guidelines.

FINDING NO. 21	ADMINISTRATIVE TIME OFF WAS NOT PROPERLY DOCUMENTED
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Summary: The CDFW did not grant ATO in conformity with the established policies and procedures. Of the 25 ATO authorizations reviewed by the CRD, 3 were found to be out of compliance for failing to document justification for ATO. In addition, the CDFW did not submit timely ATO extension requests to CalHR for three employees.

Criteria: Appointing authorities are authorized to approve ATO for up to five (5) working days. (Gov. Code, § 19991.10.) Furthermore, they “have delegated authority to approve up to 30 calendar days.” (Human Resources Manual Section 2121.) Any ATO in excess of 30 calendar days must be approved in advance by the CalHR. (*Ibid.*) In most cases, if approved, the extension will be for an additional 30 calendar days. (*Ibid.*) The appointing authority is responsible for submitting ATO extension requests to CalHR at least 5 working days prior to the expiration date of the approved leave. (*Ibid.*)

When requesting an ATO extension, the appointing authority must provide a justification establishing good cause for maintaining the employee on ATO for the additional period of time. (*Ibid.*) ATO may not be used and will not be granted for an indefinite period. (*Ibid.*) If CalHR denies a request to extend ATO, or the appointing authority fails to request approval from CalHR to extend the ATO, the employee must be returned to work in some capacity. (*Ibid.*)

Regardless of the length of ATO, appointing authorities must maintain thorough documentation demonstrating the justification for the ATO, the length of the ATO, and the approval of the ATO. (*Ibid.*)

Leave Accounting

Departments are directed to create a monthly internal audit process to verify all leave input into any leave accounting system is keyed accurately and timely. (Human Resources Manual Section 2101.) Departments shall create an audit process to review and correct leave input errors on a monthly basis. The review of leave accounting records shall be completed by the pay period following the pay period in which the leave was keyed into the leave accounting system. (*Ibid.*) If an employee's attendance record is determined to have errors or it is determined that the employee has insufficient balances for a leave type used, the attendance record must be amended. (*Ibid.*) Attendance records shall be corrected by the pay period following the pay period in which the error occurred. (*Ibid.*) Accurate and timely attendance reporting is required of all departments and is subject to audit. (*Ibid.*)

During the period under review, October 1, 2025, through December 31, 2025, the CDFW reported 88 units. The CRD reviewed 22 units within 3 pay periods to ensure compliance with applicable laws, regulations and CalHR policy and guidelines.

FINDING NO. 22	DEPARTMENT DID NOT CERTIFY THAT ALL LEAVE RECORDS WERE REVIEWED
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Summary: The CDFW failed to certify, in a timely manner, that all leave records have been reviewed and corrected if necessary for all 22 units reviewed.

Criteria: Each appointing power shall keep complete and accurate time and attendance records for each employee and officer employed within the agency over which it has jurisdiction. (Cal. Code Regs., tit. 2, § 599.665.) Departments are directed to create an audit process to verify all leave input is keyed accurately and timely. (Human Resources Manual Section 2101.) Departments shall identify and record all errors found and shall certify that all leave records for the unit/pay period identified have been reviewed and all leave errors identified have been corrected. (*Ibid.*) Attendance records shall be corrected by the pay period following the pay period in which the error occurred. (*Ibid.*)

State Service

The state recognizes two different types of absences while an employee is on pay status, paid or unpaid. The unpaid absences can affect whether a pay period is a qualifying or non-qualifying pay period for state service and leave accruals.

Generally, an employee who has 11 or more working days of service in a monthly pay period shall be considered to have a complete month, a month of service, or continuous service.¹⁶ (Cal. Code Regs., tit. 2, § 599.608.) Full time and fractional employees who work less than 11 working days in a pay period will have a non-qualifying month and will not receive state service or leave accruals for that month.

Hourly or daily rate employees working at a department in which the full-time workweek is 40 hours who earn the equivalent of 160 hours of service in a monthly pay period or accumulated pay periods shall be considered to have a complete month, a month of service, or continuous service. (Cal. Code Regs., tit. 2, § 599.609.)

For each qualifying monthly pay period, the employee shall be allowed credit for vacation with pay on the first day of the following monthly pay period. (Cal. Code Regs., tit. 2, § 599.608.) When computing months of total state service to determine a change in the monthly credit for vacation with pay, only qualifying monthly pay periods of service before and after breaks in service shall be counted. (Cal. Code Regs., tit. 2, § 599.739.) Portions of non-qualifying monthly pay periods of service shall not be counted nor accumulated. (*Ibid.*) On the first day following a qualifying monthly pay period, excluded employees¹⁷ shall be allowed credit for annual leave with pay. (Cal. Code Regs., tit. 2, § 599.752.)

Permanent intermittent employees also earn leave credits on the pay period following the accumulated accrual of 160 hours worked. Hours worked in excess of 160 hours in a monthly pay period are not counted or accumulated towards leave credits.

¹⁶ Government Code sections 19143, 19849.9, 19856.1, 19858.1, 19859, 19861, 19863.1, and 19997.4 and California Code of Regulations, title 2, sections 599.609, 599.682, 599.683, 599.685, 599.687, 599.737, 599.738, 599.739, 599.740, 599.746, 599.747, 599.776.1, 599.787, 599.791, 599.840 and 599.843 provide further clarification for calculating state time.

¹⁷ As identified in Government Code sections 19858.3, subdivisions (a), (b), or (c), or as it applies to employees excluded from the definition of state employee under Government Code section 3513, subdivision (c), or California Code of Regulations, title 2, section 599.752, subdivision (a), and appointees of the Governor as designated by the Department and not subject to section 599.752.1.

During the period under review, September 1, 2025, through February 28, 2026, the CDFW had nine employees with qualifying and non-qualifying pay period transactions. The CRD reviewed 10 transactions to ensure compliance with applicable laws, regulations and CalHR policy and guidelines.

FINDING NO. 23	SERVICE AND LEAVE TRANSACTIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRD determined that the CDFW ensured employees with non-qualifying pay periods did not receive vacation/sick leave, annual leave, and/or state service accruals. The CRD found no deficiencies in this area.

Policy and Processes

Nepotism

It is the policy of the State of California to hire, transfer, and promote all employees on the basis of merit and fitness in accordance with civil service statutes, rules and regulations. Nepotism is expressly prohibited in the state workplace because it is antithetical to California's merit based civil service. (Cal. Code Regs., tit. 2, § 87.) (*Ibid.*) All appointing powers shall adopt an anti-nepotism policy that includes the following components: (1) a statement that the appointing power is committed to merit-based hiring and that nepotism is antithetical to a merit-based civil service system; (2) a definition of "nepotism" as an employee's use of influence or power to hire, transfer, or promote an applicant or employee because of a personal relationship; (3) a definition of "personal relationship" as persons related by blood, adoption, current or former marriage, domestic partnership or cohabitation; (4) a statement that prohibits participation in the selection of an applicant for employment by anyone who has a personal relationship with the applicant, as defined in section 83.6; (5) a statement that prohibits the direct or first-line supervision of an employee with whom the supervisor has a personal relationship, as defined in section 83.6; (6) a process for addressing issues of direct supervision when personal relationships between employees exist. (*Ibid.*)

FINDING NO. 24	NEPOTISM POLICY COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRD verified that the policy was disseminated to all staff and emphasized the CDFW's commitment to the state policy of hiring, transferring, and promoting employees on the basis of merit. Additionally, the CDFW's nepotism policy was comprised of specific

and sufficient components intended to prevent favoritism, or bias, based on a personal relationship from unduly influencing employment decisions.

Workers' Compensation

Employers shall provide to every new employee, either at the time of hire or by the end of the first pay period, written notice concerning the rights, benefits, and obligations under workers' compensation law. (Cal. Code Regs., tit. 8, § 9880, subd. (a).) This notice shall include the right to predesignate their personal physician or medical group; a form that the employee may use as an optional method for notifying the employer of the name of employee's "personal physician," as defined by Labor Code section 4600. (Cal. Code Regs., tit. 8, § 9880, subd. (c)(7) & (8).) Additionally, within one working day of receiving notice or knowledge that the employee has suffered a work-related injury or illness, employers shall provide a claim form and notice of potential eligibility for benefits to the injured employee. (Labor Code, § 5401, subd. (a).)

Public employers may choose to extend workers' compensation coverage to volunteers that perform services for the organization. (Human Resources Manual Section 1415.) Workers' compensation coverage is not mandatory for volunteers as it is for employees. (*Ibid.*) This is specific to the legally uninsured state departments participating in the Master Agreement. (*Ibid.*) Departments with an insurance policy for workers' compensation coverage should contact their State Compensation Insurance Fund (State Fund) office to discuss the status of volunteers. (*Ibid.*)

FINDING NO. 25	INJURED EMPLOYEE DID NOT RECEIVE CLAIM FORM WITHIN ONE WORKING DAY OF NOTICE OR KNOWLEDGE OF INJURY
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Summary: Out of the five workers' compensation claim forms reviewed by the CRD, one was not provided to the employee within one working day of the employer's notice or knowledge of the injury.

Criteria: An employer shall provide a claim form and notice of potential eligibility for workers' compensation benefits to its employee within one working day of notice or knowledge that the employee has suffered a work related injury or illness. (Cal. Lab. Code, § 5401, subd. (a).)

Performance Appraisals

According to Government Code section 19992.2, subdivision (a), appointing powers must “prepare performance reports.” Furthermore, California Code of Regulations, title 2, section 599.798, directs supervisors to conduct written performance appraisals and discuss overall work performance with permanent employees at least once in each twelve calendar months after the completion of the employee’s probationary period.

The CRD selected 92 permanent CDFW employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations, policies and guidelines.

FINDING NO. 26	PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES¹⁸
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Summary: The CDFW did not provide annual performance appraisals to 17 of 92 employees reviewed after the completion of the employee’s probationary period.

Criteria: Appointing powers shall prepare performance reports and keep them on file as prescribed by department rule. (Gov. Code, § 19992.2, subd. (a).) Each supervisor, as designated by the appointing power, shall make an appraisal in writing and shall discuss with the employee overall work performance at least once in each twelve calendar months following the end of the employee’s probationary period. (Cal. Code Regs., tit. 2, § 599.798.)

DEPARTMENTAL RESPONSE

The CDFW’s response is attached as Attachment 1.

CORRECTIVE ACTIONS

A written corrective action response addressing all areas identified as out of compliance, along with supporting documentation demonstrating the implementation of the specified corrective actions, must be submitted to the CRD within 90 days of the date of this report.

¹⁸ Repeat finding; see reports dated October 4, 2023, and January 21, 2021.



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

P.O. Box 944209
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September 24, 2026

Suzanne M. Ambrose
Executive Officer
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814

RE: Compliance Review Report – Department of Fish and Wildlife

Dear Executive Officer Ambrose:

The California State Personnel Board (SPB), Compliance Review Unit conducted a compliance review of the Department of Fish and Wildlife (CDFW) pursuant to Article VII, Section 3, of the California Constitution, Government Code (GC) Section 18661, and GC Section 18502.

CDFW reviewed the draft compliance review report provided by SPB on August 19, 2026. The following are the finding's and CDFW's response to each finding.

Finding No. 1	Out of Compliance	FINDING: Candidate Who Did Not Meet the Minimum Qualifications Was Admitted Into the Examination
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Cause/Response: CDFW acknowledges the finding of one candidate that did not meet the minimum qualifications was admitted to the examination. The admission of a candidate who did not meet the minimum qualifications resulted from a breakdown in the review and validation process. The failure to retain required documentation reflected a misapplication of hiring rules and insufficient oversight. These issues were further compounded by gaps in training and significant leadership turnover, which contributed to a loss of institutional continuity. CDFW Human Resources Office (HRO) is strengthening compliance checkpoints and enhancing staff training to ensure proper documentation retention and consistent verification of minimum qualifications moving forward.

Finding No. 2	Out of Compliance	FINDING: Cut Off Dates Were Not Established for Continuous Examinations
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Cause/Response: CDFW acknowledges that cutoff dates were not established for continuous examinations. The administration of continuous examinations without established cut-off dates identified is the result in the transition in leadership, which led to a lack of institutional continuity and a breakdown of the review and validation process. CDFW is reinforcing compliance checkpoints, improving staff training, and working closely with California Department of Human Resources (CalHR) to ensure compliance moving forward.

Finding No. 3	Out of Compliance	FINDING: Job Analysis Was Not Completed Prior to the Examination Process
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Cause/Response: CDFW acknowledges the finding that a job analysis was not completed prior to the examination process for one examination. The oversight in posting an Examination Bulletin without a completed job analysis was due to inconsistent procedures and limited quality control safeguards. These gaps were exacerbated by the onboarding of new staff during a period of significant transition in the division. Moving forward, the division has implemented revised review protocols and cross-validation procedures to ensure compliance.

Finding No. 4	Out of Compliance	FINDING: Department Did Not Comply With Documentation Requirements for Permanent Withhold Process
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Cause/Response: CDFW acknowledges the finding that the HRO did not comply with the documentation requirements for a permanent withhold. All permanent withholds were completed timely and accurately, with one exception: the CalHR-272 was not completed. This oversight occurred amid significant management turnover, during which new leaders were unaware of the requirement to complete the CalHR-272 Minimum Qualifications Withhold Determination Worksheet for all permanent withholds. The department has since reinforced training and clarified expectations to ensure consistent compliance moving forward.

Finding No. 5	Out of Compliance	FINDING: Unlawful Appointment
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Cause/Response: CDFW acknowledges the finding of one unlawful appointment during the compliance period. The unlawful appointment was the result of misapplication of hiring rules and insufficient oversight. The issues were compounded by gaps in training and high turnover in leadership roles, which led to a lack of institutional continuity. CDFW is reinforcing compliance checkpoints, improving staff training, and working closely with CalHR and SPB to ensure compliance.

Finding No. 6	Out of Compliance	FINDING: Probationary Evaluations Were Not Provided for All Appointments Reviewed and Some That Were Provided Were Untimely
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Cause/Response: CDFW acknowledges SPB's finding that probationary reports were not issued to all employees, and that some were not completed within required timeframes.

In August 2024, CDFW implemented an automated notification system designed to improve compliance with probationary reporting requirements. This system issues multiple reminders to each probationary employee's chain-of-command for all reports due and continues to generate reminders until a signed probationary report is submitted to the HRO for placement in the employee's Official Personnel File (OPF).

Since implementing the automated process, CDFW has experienced a substantial improvement in both the completion rate and timeliness of probationary evaluations. In the 2023 compliance review, SPB reported that CDFW was unable to provide 40 evaluations for 20 of the 70 appointments reviewed. In contrast, the 2026 findings reflect that only 6 of the 106 requested evaluations could not be provided, and that 12 evaluations were issued late. This demonstrates a marked and measurable improvement in compliance. CDFW believes that because more than 90 percent of the reports requested were provided and due to the significant improvement in the number of reports being completed since implementing an automated process, a Substantial Compliance rating is most appropriate for this item.

Finding No. 7	In Compliance	FINDING: Unlawful Appointment Investigations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
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Cause/Response: CDFW is compliant and no response is required.

Finding No. 8	In Compliance	FINDING: Equal Employment Opportunity Program Complied with All Civil Service Laws and Board Rules
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Cause/Response: CDFW is compliant and no response is required.

Finding No. 9	Out of Compliance	FINDING: Unions Were Not Notified of Personal Services Contracts
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Cause/Response: CDFW acknowledges this finding and has now resolved the issue. Previously, there were two separate contracts teams processing non-IT personnel services contracts, each operating under a different Staff Services Manager I and using separate

guidance and instructions. CDFW HRO are now operating with just one consolidated contracts team under a single Supervisor I and have implemented internal processes to ensure union notifications are done for all applicable non-IT personnel service agreements. We also conducted a training with our contracts staff to ensure processes are understood and followed.

Finding No. 10	Substantial Compliance	FINDING: Ethics Training Was Provided for All Filers With One Exception
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Cause/Response: CDFW is substantially compliant and no response is required.

Finding No. 11	Out of Compliance	FINDING: Supervisory Training Was Not Provided for All Supervisors, Managers, and CEAs
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Cause/Response: CDFW acknowledges the finding that Supervisory Training was not provided to all supervisors, managers, and Career Executive Assignments (CEAs). Mandatory leadership training for supervisors, managers and executives was made available; however, some employees did not complete the training within the required timeframes.

Mandatory leadership training for supervisors and managers is auto-assigned as an e-learning, which is accessed via LEARN (CDFW's Learning Management System [LMS]), and directs employees to complete the training in CalLearns (CalHR's LMS). Confirmation of course completion is required. Completed course certificates are then added to the individual's LEARN transcript.

Based upon the findings, supervisors had a 100% completion rate; therefore, we will not be adjusting our practices for supervisory staff.

Our primary focus will be on managerial and executive staff. The Office of Training and Development (OTD) will strengthen its follow-up process. Training notices will be provided earlier to allow employees sufficient time to complete the training before the due date. When training remains outstanding, OTD will follow up directly with the appropriate Deputy Director and use the Department's chain of command to address continued noncompliance.

These additional steps will provide earlier follow-up and greater management oversight of mandatory leadership training for both managerial and executive employees.

Finding No. 12	Out of Compliance	FINDING: Sexual Harassment Prevention Training Was Not Provided for All Employees
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Cause/Response: CDFW acknowledges the finding that Sexual Harassment Prevention (SHP) Training was not provided to all employees. SHP Training is automatically assigned to all supervisory and nonsupervisory employees through the Department's LEARN (CDFW's LMS) within three days of their LEARN account becoming active. The employees identified in the review were assigned the required training; however, they did not complete the training within the required timeframes.

Managers and supervisors have been reminded of their responsibility to ensure required training is completed on time. Employees receive notices and reminder emails through LEARN, with managers and supervisors copied on reminder emails when training remains outstanding.

While employees are provided sufficient time to complete the required training, the Civil Rights Office (CRO) has strengthened its follow-up process to provide additional oversight and encourage completion well before the due date. CRO will begin follow-up earlier in the training period and, when training remains outstanding, will contact the appropriate Deputy Director directly to obtain management assistance with ensuring completion. Continued noncompliance will be elevated through the Department's chain of command as appropriate.

These additional measures provide another level of oversight and management accountability to support timely completion of required sexual harassment prevention training for both supervisory and nonsupervisory employees.

Finding No. 13	Out of Compliance	FINDING: Tribal Consultations Training Was Not Provided for All Officials
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Cause/Response: CDFW acknowledges the finding that the Tribal Consultations Training was not provided for all officials. Tribal Consultations Training was made available for those employees designated according to GC 11019.81. While the initial Tribal Consultations Training was completed by all employees assigned; some employees did not complete the Tribal Consultations Refresher training within the required timeframes.

The initial Tribal Consultations and Tribal Consultations Refresher Training is auto-assigned as an e-learning, which is accessed via LEARN (CDFW's LMS), and directs employees to complete the training in CalLearns (CalHR's LMS). Confirmation of course completion is required. Completed course certificates are then added to the individual's CDFW LEARN transcript.

OTD will strengthen its follow-up process for the Tribal Consultations Refresher Training. Training notices will be provided earlier to allow employees sufficient time to complete the training before the due date. When training remains outstanding, OTD will follow up with the appropriate Deputy Director directly and use the Department's chain of command to address continued noncompliance.

These additional steps will provide earlier follow-up and greater oversight of required Tribal Consultations and Tribal Consultations Refresher Training for employees designated according to GC 11019.81.

Finding No. 14	Substantial Compliance	FINDING: Salary Determinations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines with Two Exceptions
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Cause/Response: CDFW is substantially compliant and no response is required.

Finding No. 15	In Compliance	FINDING: Exception to Salary Rules Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
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Cause/Response: CDFW is compliant and no response is required.

Finding No. 16	Substantial Compliance	FINDING: Alternate Range Movements Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines With Three Exceptions
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Cause/Response: CDFW is substantially compliant and no response is required.

Finding No. 17	Out of Compliance	FINDING: Incorrect Authorization of Bilingual Pay
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Cause/Response: CDFW acknowledges SPB's finding as the result of inadequate retention practices and not in the application of the pay differential. CDFW acknowledges we are unable to locate the requested documentation needed to justify the application of the pay differential for one of the eight bilingual authorizations reviewed. CDFW is reinforcing record retention practices and improving staff training to ensure compliance moving forward.

Finding No. 18	In Compliance	FINDING: Pay Differential Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
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Cause/Response: CDFW is compliant and no response is required.

Finding No. 19	Out of Compliance	FINDING: Incorrect Authorization of Out-of-Class Pay
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Cause/Response: CDFW acknowledges SPB's finding regarding incorrect authorization of Out-of-Class (OOC) pay. Specifically, staff did not incorporate the three-percent Personal Leave Program 2025 (PLP 2025) pay reduction when calculating OOC pay for two employees. This omission resulted from the recent implementation of the PLP 2025 reduction and the need to ensure all payroll staff were fully informed of its impact on compensation calculations.

CDFW HRO has since provided additional training to the Payroll and Personnel staff to ensure that all future OOC pay calculations properly reflect PLP 2025 adjustments and any other applicable pay modifications. The department is committed to improving internal controls and preventing similar errors moving forward.

Finding No. 20	In Compliance	FINDING: Positive Paid Employees' Tracked Hours Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
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Cause/Response: CDFW is compliant and no response is required.

Finding No. 21	Out of Compliance	FINDING: Administrative Time Off Was Not Properly Documented
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Cause/Response: CDFW acknowledges SPB's finding that Administrative Time Off (ATO) was not properly documented. This finding reflects two distinct issues.

First, required ATO extension requests were not consistently submitted to CalHR within established timelines. CDFW recognizes the importance of adhering to CalHR's procedural requirements and has taken corrective measures to address this lapse. The department's Performance Management Team has since received guidance to reinforce compliance with timely ATO extension submissions.

Second, an incident occurred in which a supervisor granted two hours of ATO to three employees without HRO approval, contrary to departmental policy. The supervisor was counseled, and appropriate corrective action was taken to ensure understanding of and adherence to obtain pre-approval of all ATO. Because the employees acted in good faith and were not at fault, HRO approved two hours of retroactive ATO to ensure proper recordkeeping and avoid any adverse impact to the affected employees.

CDFW remains committed to strengthening internal controls, improving compliance with CalHR requirements, and reinforcing supervisory accountability related to ATO administration.

Finding No. 22	Out of Compliance	FINDING: Department Did Not Certify That All Leave Records Were Reviewed
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Cause/Response: CDFW acknowledges SPB's finding that leave records were not fully certified as being reviewed and audited each pay period. CDFW HRO has established written procedures requiring Payroll and Personnel Section (PPS) staff to conduct a complete leave audit for every pay period and to certify those records by the end of the subsequent month. However, consistent completion of this certification process has been impacted by ongoing turnover within PPS and the progressive absorption of responsibilities previously performed by control agencies.

In recent years, State human resources offices have been required to assume multiple duties without additional staffing resources, including but not limited to:

- Ensuring all appointments, separations, and leave of absences keyed in the State Controller's Office system successfully transfer to the California Public Employees' Retirement System (CalPERS), and manually entering information when such transfers fail.
- Completing CalPERS certification requests.
- Entering reciprocal certification information in the CalPERS system.
- Maintaining dependent eligibility information in the California Department of Human Resources' Family Connect Portal for dental and vision benefits.

Although the certification component of the leave audit process was not consistently completed in a timely manner, CDFW emphasizes that several critical audit steps were performed each pay period to ensure the accurate administration of leave. This includes reconciliation activities such as confirming that ATO reflected on timesheets was approved by HRO, verifying that employees did not accrue compensating time off (CTO) in excess of allowable limits, and ensuring that employees with approved job-protection benefits (e.g., FMLA, CFRA) had the appropriate leave posted to facilitate pay or dock status as required. CDFW remains committed to improving compliance in this area and will continue efforts to ensure timely certification of all leave audits moving forward.

Finding No. 23	In Compliance	FINDING: Service and Leave Transactions Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
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Cause/Response: CDFW is compliant and no response is required.

Finding No. 24	In Compliance	FINDING: Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
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Cause/Response: CDFW is compliant and no response is required.

Finding No. 25	Out of Compliance	FINDING: Injured Employee Did Not Receive Claim Form Within One Working Day of Notice or Knowledge of Injury
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Cause/Response: CDFW acknowledges SPB's finding that one injured employee did not receive the claim form within one working day from the date of injury. The delay in providing the injured employee with a claim form within one working day from the date of injury was a result of the program failing to notify HRO timely. HRO was not made aware of the injury until two days after. To remedy this situation CDFW is providing additional training to program leadership to ensure compliance with required timelines.

Finding No. 26	Out of Compliance	FINDING: Performance Appraisals Were Not Provided to All Employees
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Cause/Response: CDFW acknowledges SPB's finding that performance appraisals were not completed for 17 of the 92 employees included in the review. CDFW's operational structure, which consists of numerous worksites across the state and a workforce largely engaged in field-based duties, presents inherent challenges in achieving full compliance with annual performance appraisal requirements.

CDFW conducts annual performance appraisals each February. In CDFW's response to the 2023 Compliance Review, CDFW committed to developing an automated reminder process for performance appraisals, similar to the system that is now used for probationary reports. Due to competing priorities, implementation of this automated process has not yet been completed.

HRO continues to issue annual reminder notifications to all managers and supervisors; however, timely completion of appraisals has not been consistently realized. CDFW remains committed to improving compliance and will continue to reinforce managers' and

Compliance Review Report – CDFW

supervisors' responsibility to complete performance appraisals for their staff. CDFW still intends to move forward with the planned automation initiative to further strengthen compliance efforts.

CDFW appreciates the review completed by SPB. If you have additional questions or concerns, please contact me at Trisha.Addison@Wildlife.ca.gov or (916) 584-0402.

Sincerely,

DocuSigned by:

Trisha Addison

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Trisha Addison
Assistant Deputy Director, Human Resources

Cc: Dan Reagan, Deputy Director, Fiscal Services Division
Melinda McKenna, Assistant Deputy Director, Business Operations