

MEMORANDUM

DATE: February 22, 2017

TO: ALL STATE DEPARTMENTS

FROM: /s/ SUZANNE M. AMBROSE
Suzanne M. Ambrose
Executive Officer

SUBJECT: SUMMARY OF 2015/2016 COMPLIANCE REVIEW FINDINGS

Pursuant to Government Code section 18661, the State Personnel Board's Compliance Review Unit (CRU) conducts audits of departments' personnel practices. This memorandum provides state agencies with the annual summary of the prior fiscal year's compliance review findings and strategies to avoid noncompliance.

Examinations/Appointments:

Very Serious Issues:

- Unlawful appointments were made providing the employee with an unfair and unearned appointment advantage over other candidates.
 - Departments should limit staff errors by providing adequate training on the laws and rules governing the appointment process.
- Job analyses were not always developed or used for the examination process. Therefore, the examinations may not have been job-related or legally defensible.
 - Departments should make certain job analyses are developed prior to administering any examinations, and continue to provide adequate training to their examination analysts.
- Equal Employment Opportunity (EEO) Questionnaires were not separated from all applications resulting in applicants' protected classes being visible and subjecting the agency to potential liability.
 - Departments should review existing policies and procedures and confirm staff are trained regarding the proper processing of applications.

- Job opportunities were not properly advertised. By failing to properly advertise, departments cannot be certain that they have hired the most qualified workforce.
 - Departments should implement policies and procedures requiring the posting of all vacancies on CalHR's designated website.

Serious Issues:

- Probationary evaluations were not provided for all appointments reviewed. Failing to use the probationary period to either assist an employee in improving his or her performance or terminating the appointment is unfair to the employee and serves to erode the quality of state government.
 - Departments should have an effective tracking process and train staff to follow existing policies and procedures to ensure probationary evaluations are given to all new staff.
- Documentation was not kept for the appropriate amount of time. Without proper documentation, the legality of appointments is not verifiable.
 - Departments should put into effect policies, procedures, and training to retain all applicable documentation for the appropriate amount of time.
- Hiring individuals below rank three was not documented. Without documentation establishing the basis for hiring below the top three ranks, appointments may not have been properly conducted.
 - Departments should execute policies, procedures, and training to staff to confirm the hiring of individuals below rank three is properly documented and retained.
- Documentation establishing the basis for not hiring the highest ranked individual on the departmental reemployment list was not provided.
 - Departments should ensure that staff are properly trained regarding the rules of Government Code section 19056 mandating departmental reemployment lists.
- The integrity of an examination was compromised. The equitable administration of the civil service merit system was jeopardized by providing one candidate with an unfair advantage over other candidates.

- Departments should ensure that staff are properly trained regarding all phases of examination administration.

Non-Serious or Technical Issues:

- Exam bulletins did not include all requirements. Without all information included on the examination bulletin, the candidate is unaware of evaluation standards and methods of the examination.
 - Departments should ensure that staff are properly trained in order to verify all requirements are included in the examination bulletin before posting.
- Applications were not date stamped and/or accepted after the final file date. The acceptance of applications after the final filing date may give some applicants more time to prepare their application than other applicants who meet the final filing date.
 - Departments should put into effect policies, procedures, and training to ensure the acceptance of timely applications.

Equal Employment Opportunity:

Very Serious Issues:

- A Disability Advisory Committee (DAC) has not been established. The lack of a DAC may limit a department's ability to recruit and retain a qualified workforce, impact productivity, and subject the department to liability.
 - Departments should increase recruitment and ensure the establishment of an active DAC.
- The EEO Officer does not monitor the composition of oral panels in departmental examinations. Requiring the EEO Officer to monitor oral panels is intended to provide protection against discrimination in the hiring process.
 - Departments should create processes and procedures for the EEO Officer to monitor the composition of oral panels in departmental examinations.
- The EEO Officer does not report directly to the head of the Agency. When the EEO Officer does not have direct access to the head of the organization, the significance of the EEO program is diminished.
 - Departments must ensure that the EEO Officer reports directly to the head of the agency.

- A written Upward Mobility Plan has not been established. A department must have a plan for an effective upward mobility program to develop and advance employees in low-paying occupations.
 - Departments must implement an effective upward mobility plan.
- Complainants were not notified of the reasons for delays in decisions within the prescribed time period. Employees may feel their concerns are not being taken seriously, which can leave the department open to liability and low employee morale.
 - Departments should develop an effective tracking process to ensure the 90-day window is met.
- The EEO Officer also serves as the Personnel Officer at a state agency with more than 500 employees. For each department employing more than 500 employees, appointing an EEO Officer who is also the Personnel Officer diminishes the effectiveness of both the EEO program and the department's personnel office.
 - Departments with over 500 employees should allocate a position other than the Personnel Officer to serve as the EEO Officer in order to ensure the effectiveness of the department's EEO program.

Mandated Training:

Very Serious Issues:

- Mandated training was not provided. Without required training, employees are not able to effectively perform the duties of their positions or roles.
 - Departments should create an effective tracking system to ensure new and existing staff receive mandated training. Departments should apply records retention policies and procedures to assure training records are properly maintained.

If you have any questions regarding this memorandum please contact Alton Ford, Compliance Review Manager, Policy and Compliance Review Division at (916) 653-0549 or alton.ford@spb.ca.gov or Benjamin Platt, Compliance Review Manager, Policy and Compliance Review Division at (916) 651-0449 or benjamin.platt@spb.ca.gov.