



# **COMPLIANCE REVIEW REPORT**

## **CALIFORNIA CORRECTIONAL HEALTH CARE SERVICES**

Compliance Review Unit  
State Personnel Board  
February 7, 2022

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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 Unit (CRU) 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 CRU 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 CRU conducted a routine compliance review of the California Correctional Health Care Services (CCHCS) 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	Severity	Finding
Examinations	In Compliance	Examinations Complied with Civil Service Laws and Board Rules
Examinations	In Compliance	Permanent Withhold Actions Complied with Civil Service Laws and Board Rules
Appointments	Very Serious	Equal Employment Opportunity Questionnaires Were Not Separated from Applications <sup>1</sup>
Appointments	Serious	Probationary Evaluations Were Not Provided for All Appointments Reviewed and Those That Were Provided Were Untimely <sup>2</sup>
Appointments	Technical	Appointment Documentation Was Not Kept for the Appropriate Amount of Time <sup>3</sup>
Appointments	In Compliance	Additional Appointments Complied with Civil Service Laws and Board Rules
Appointments	In Compliance	Unlawful Appointment Investigations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines

<sup>1</sup> Repeat finding. The CCHCS’ April 19, 2018, compliance review report identified 7 out of 157 appointments reviewed included applications where the EEO questionnaires were not separated.

<sup>2</sup> Repeat finding. The CCHCS’ April 19, 2018, compliance review report identified 11 probationary reports which were not prepared, completed, or retained.

<sup>3</sup> Repeat finding. The CCHCS’ April 19, 2018, compliance review report identified 10 NOPAs and 1 certification list were not retained in the 157 appointments reviewed.

Area	Severity	Finding
Equal Employment Opportunity	Very Serious	Complainants Were Not Notified of the Reasons for Delays in Decisions Within the Prescribed Time Period
Personal Services Contracts	In Compliance	Personal Services Contracts Complied with Procedural Requirements
Mandated Training	Very Serious	Ethics Training Was Not Provided for All Filers <sup>4</sup>
Mandated Training	Very Serious	Sexual Harassment Prevention Training Was Not Provided for All Supervisors <sup>5</sup>
Compensation and Pay	In Compliance	Salary Determinations Complied with Civil Service Laws, Rules, and CalHR Policies and Guidelines
Compensation and Pay	In Compliance	Alternate Range Movements Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	In Compliance	Hire Above Minimum Requests Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	Very Serious	Incorrect Authorization of Bilingual Pay
Compensation and Pay	Very Serious	Incorrect Authorization of Pay Differentials
Compensation and Pay	Very Serious	Incorrect Authorization of Out-of-Class Pay
Leave	Serious	Positive Paid Temporary Employees' Work Exceeded Time Limitations
Leave	Serious	Administrative Time Off Was Not Properly Documented

<sup>4</sup> Repeat finding. The CCHCS' April 19, 2018, compliance review report identified ethics training was not provided to 890 of 1,349 existing filers. Additionally, ethics training was not provided to 592 of 822 new filers within six months of their appointment.

<sup>5</sup> Repeat finding. The CCHCS' April 19, 2018, compliance review report identified sexual harassment prevention training was not provided to 210 of 370 new supervisors within twelve months of appointment.

Area	Severity	Finding
Leave	Very Serious	Incorrectly Posted Leave Usage and/or Leave Credit
Leave	Serious	Department Did Not Retain Employee Time and Attendance Records
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	In Compliance	Workers' Compensation Process Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Serious	Performance Appraisals Were Not Provided to All Employees

**BACKGROUND**

In 2001, a federal class-action lawsuit alleged that the dire state of medical care within the California Department of Corrections and Rehabilitation (CDCR) adult institutions violated the 8th amendment of the U.S. Constitution, which prohibits cruel and unusual punishment. On February 14, 2006, the Federal Court appointed a Receiver to take control over the delivery of medical services to California’s adult patients confined by CDCR. That order vested the Receiver with the duty to control, oversee, supervise, and direct all administrative, personnel, financial, accounting, contractual, legal, and other operational functions of the medical delivery component for CDCR.

Thus, the Office of the Receiver and California Correctional Health Care Services (CCHCS) was established with the mission to reduce unnecessary morbidity and mortality, and protect public health, by providing patient-inmates timely access to safe, effective and efficient medical care, and integrate the delivery of medical care with mental health, dental, and disability programs. Once CCHCS has successfully brought the level of health care in CDCR adult institutions into sustainable compliance with constitutional standards, the Federal Court will return control of correctional health care to the State, and the Receivership will end.

CCHCS provides care that includes medical, dental, and mental health services to California's prison inmate population at all 35 CDCR institutions statewide. As of June 2021, CCHCS provides medical care to approximately 98,304 inmates, and employs 15,510 health care positions, including physicians, dentists, psychiatrists, psychologists, nurses, social workers, pharmacists, and administrative staff.

## **SCOPE AND METHODOLOGY**

The scope of the compliance review was limited to reviewing the CCHCS's examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes<sup>6</sup>. The primary objective of the review was to determine if the CCHCS'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 action where deficiencies were identified.

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

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

The CCHCS's appointments were also selected for review to ensure the CCHCS applied salary regulations accurately and correctly processed employees' compensation and pay. The CRU examined the documentation that the CCHCS provided, which included employees' employment and pay history and any other relevant documentation such as

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<sup>6</sup> Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

certifications, degrees, and/or the appointee's application. Additionally, the CRU reviewed specific documentation for the following personnel functions related to compensation and pay: hire above minimum (HAM) requests, bilingual pay, monthly pay differentials, alternate range movements, and out-of-class assignments. During the compliance review period, the CCHCS did not issue or authorize red circle rate requests or arduous pay.

The review of the CCHCS'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.

The CCHCS's PSC's were also reviewed.<sup>7</sup> It was beyond the scope of the compliance review to make conclusions as to whether the CCHCS's justifications for the contracts were legally sufficient. The review was limited to whether the CCHCS's practices, policies, and procedures relative to PSC's complied with procedural requirements.

The CCHCS's mandated training program was reviewed to ensure all employees required to file statements of economic interest were provided ethics training, and that all supervisors, managers, and those in Career Executive Assignments (CEA) were provided sexual harassment prevention training within statutory timelines.

The CRU reviewed the CCHCS'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 CRU selected a small cross-section of the CCHCS'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 CCHCS'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 CRU reviewed a selection of the CCHCS employees who used Administrative Time Off (ATO) in order to ensure that ATO was appropriately administered. Further, the CRU reviewed a selection of CCHCS positive paid employees whose hours are tracked during the compliance review period in order to ensure that they adhered to procedural requirements.

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<sup>7</sup>If 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.



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

On November 5, 2021, an exit conference was held with the CCHCS to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the CCHCS's written response on November 17, 2021, which is attached to this final compliance review report.

## **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, August, 30, 2019, through August 31, 2020, the CCHCS conducted 96 examinations. The CRU reviewed 17 of those examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
CEA A, Regional Personnel Administrator - Northern	CEA	Statement of Qualifications (SOQ) <sup>8</sup>	1/17/2020	13
CEA B, Associate Director, Administrative Operations	CEA	SOQ	Until Filled	14
CEA B, Deputy Director, Communications	CEA	SOQ	2/4/2020	12
CEA B, Deputy Director, Information Technology (Operations)	CEA	SOQ	12/17/2019	7
CEA C, Director, Corrections Services	CEA	SOQ	7/25/2019	6
CEA C, Director, Health Care Policy and Administration	CEA	SOQ	Until Filled	8
Food Administrator I	Open	Education and Experience (E&E) <sup>9</sup>	Continuous	15
Industrial Supervisor, Prison Industries (Dental Lab)	Open	Training and Experience (T&E) <sup>10</sup>	Continuous	37
Occupational Therapist	Open	E&E	Continuous	7
Pharmacy Services Manager	Open	E&E	Continuous	15
Prison Industries Superintendent II (Dental Lab)	Open	T&E	Continuous	28

<sup>8</sup> In a Statement of Qualifications examination, applicants submit a written summary of their qualifications and experience related to a published list of desired qualifications. Raters, typically subject matter experts, evaluate the responses according to a predetermined rating scale designed to assess their ability to perform in a job classification, assign scores and rank the competitors in a list.

<sup>9</sup> 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.

<sup>10</sup> 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
Public Health Nurse I	Open	T&E	8/11/2020	23
Respiratory Care Practitioner	Open	E&E	Continuous	14
Senior Clinical Laboratory Technologist	Open	E&E	Continuous	11
Senior Medical Transcriber	Open	T&E	Continuous	12
Staff Psychiatrist, Correctional & Rehab Services (Safety)	Open	T&E	Continuous	35
Staff Services Analyst - Transfer Exam	Promotional	Written <sup>11</sup>	3/20/2020	169

<b>IN COMPLIANCE</b>	<b>FINDING NO. 1 EXAMINATIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES</b>
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The CRU reviewed 6 CEA, 1 departmental promotional and 10 open examinations which the CCHCS administered in order to create eligible lists from which to make appointments. The CCHCS published and distributed examination bulletins containing the required information for all examinations. Applications received by the CCHCS were accepted prior to the final filing date. Applicants were notified about the next phase of the examination process. After all phases of the examination process were completed, the score of each competitor was computed, and a list of eligible candidates was established. The examination results listed the names of all successful competitors arranged in order of the score received by rank. The CRU found no deficiencies in the examinations that the CCHCS conducted during the compliance review period.

### 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

<sup>11</sup> A written examination is a testing procedure in which candidates' job-related knowledge and skills are assessed through the use of a variety of item formats. Written examinations are either objectively scored or subjectively scored.

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, August 30, 2019, through August 31, 2020, the CCHCS conducted 177 permanent withhold actions. The CRU reviewed 25 of these permanent withhold actions due to the candidate's failure to meet minimum qualifications, which are listed below:

Exam Title	Exam ID	Date List Eligibility Began	Date List Eligibility Ended
Administrative Assistant II	4PB08	12/17/2018	11/6/2019
Associate Governmental Program Analyst	9PB04	5/14/2020	7/7/2020
Associate Governmental Program Analyst	9PB04	5/26/2020	8/13/2020
Associate Governmental Program Analyst	9PB04	8/2/2019	3/24/2020
Associate Governmental Program Analyst	9PB04	1/28/2020	4/10/2020
Clinical Social Worker	2RC44	4/20/2020	6/22/2020
Health Program Manager III	2RC42	4/15/2019	6/10/2020
Health Record Technician I	9RC11	12/6/2019	1/2/2020
Health Record Technician II (Specialist)	9RC12	10/15/2019	11/6/2019
Health Record Technician II (Supervisor)	9RC13	2/4/2020	4/10/2020
Information Technology Associate	7PB33	11/4/2019	12/17/2019
Information Technology Specialist I	7PB35	10/22/2019	3/17/2020
Materials and Stores Supervisor I	8RC03	4/30/2020	6/12/2020
Materials and Stores Supervisor II	8RC04	12/19/2019	3/11/2020

Exam Title	Exam ID	Date List Eligibility Began	Date List Eligibility Ended
Nurse Instructor	2RC23	7/12/2019	10/21/2019
Office Technician (Typing)	4PB2402	1/15/2020	4/15/2020
Office Technician (Typing)	4PB2402	2/4/2020	2/24/2020
Office Technician (Typing)	4PB2402	7/10/2019	5/12/2020
Personnel Supervisor I	0PBAE	10/11/2019	12/2/2019
Personnel Supervisor II	0PBAF	10/11/2019	12/2/2019
Property Controller II	7RC17	10/24/2019	12/12/2019
Research Data Analyst I	8PB37	3/10/2020	5/20/2020
Research Data Manager	8PB45	9/10/2019	12/12/2019
Research Data Specialist I	8PB39	10/16/2019	12/13/2019
Research Data Specialist II	8PB40	3/16/2020	9/24/2020

<b>IN COMPLIANCE</b>	<b>FINDING NO. 2 PERMANENT WITHHOLD ACTIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES</b>
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The CRU found no deficiencies in the permanent withhold actions undertaken by the department during the compliance review period.

### **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).)

During the period under review, August 30, 2019, through August 31, 2020, the CCHCS made 1,970 appointments. The CRU reviewed 68 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
CEA A, Regional Personnel Administrator – Northern	CEA	CEA	Full Time	1
CEA B, Associate Director, Administrative Operations	CEA	CEA	Full Time	1
CEA B, Deputy Director, Communications	CEA	CEA	Full Time	1
CEA B, Deputy Director, Information Technology	CEA	CEA	Full Time	1
CEA C, Director, Health Care Policy and Administration	CEA	CEA	Full Time	1
CEA C, Director, Corrections Services	CEA	CEA	Full Time	1
Associate Governmental Program Analyst	Certification List	Limited Term	Full Time	1
Chief Physician and Surgeon	Certification List	Permanent	Full Time	1
Clinical Social Worker (Health Facility)	Certification List	Permanent	Full Time	1
Digital Print Operator I	Certification List	Permanent	Full Time	1
Health Program Manager I	Certification List	Limited Term	Full Time	1
Health Program Specialist I	Certification List	Permanent	Full Time	1
Health Program Specialist I	Certification List	Limited Term	Full Time	1
Health Program Specialist II	Certification List	Limited Term	Full Time	1
Health Record Technician I	Certification List	Permanent	Full Time	1
Health Record Technician I	Certification List	Limited Term	Full Time	1
Information Technology Associate	Certification List	Permanent	Full Time	1
Licensed Vocational Nurse	Certification List	Limited Term	Full Time	1
Medical Assistant	Certification List	Limited Term	Full Time	1
Nursing Consultant, Program Review	Certification List	Permanent	Full Time	1
Office Technician (Typing)	Certification List	Limited Term	Full Time	1
Pharmacist I	Certification List	Permanent	Full Time	1
Pharmacy Technician	Certification List	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Apts.
Physician and Surgeon, Correctional Facility (Internal Medicine/Family Practice)	Certification List	Permanent	Full Time	1
Senior Psychiatrist (Supervisor), Correctional and Rehabilitative Services (Safety)	Certification List	Permanent	Full Time	1
Senior Psychologist, Correctional Facility	Certification List	Permanent	Full Time	1
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	Certification List	Permanent	Full Time	2
Staff Services Analyst (General)	Certification List	Permanent	Full Time	1
Staff Services Manager I	Certification List	Limited Term	Full Time	1
Unit Supervisor (Safety)	Certification List	Permanent	Full Time	1
Physician and Surgeon, Correctional Facility (Internal Medicine/Family Practice)	Emergency	Emergency	Intermittent	1
Registered Nurse, Correctional Facility	Emergency	Emergency	Intermittent	1
Registered Nurse, Correctional Facility	Emergency	Emergency	Intermittent	1
Associate Governmental Program Analyst	Permissive Reinstatement	Permanent	Full Time	1
Certified Nursing Assistant	Permissive Reinstatement	Permanent	Full Time	1
Information Technology Associate	Permissive Reinstatement	Permanent	Full Time	1
Office Technician (Typing)	Permissive Reinstatement	Limited Term	Full Time	1
Physician and Surgeon, Correctional Facility (Internal Medicine/Family Practice)	Permissive Reinstatement	Limited Term	Intermittent	1
Physician and Surgeon, Correctional Facility (Internal Medicine/Family Practice)	Permissive Reinstatement	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Property Controller II	Permissive Reinstatement	Permanent	Full Time	1
Psychiatric Technician (Safety)	Permissive Reinstatement	Permanent	Full Time	1
Registered Nurse, Correctional Facility	Permissive Reinstatement	Permanent	Full Time	1
Senior Psychologist, Correctional Facility (Specialist)	Permissive Reinstatement	Permanent	Full Time	1
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	Permissive Reinstatement	Permanent	Full Time	1
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	Permissive Reinstatement	Permanent	Full Time	1
Information Technology Associate	Training and Development	Permanent	Full Time	1
Information Technology Associate	Training and Development	Permanent	Full Time	1
Information Technology Associate	Training and Development	Permanent	Full Time	1
Staff Services Analyst (General)	Training and Development	Permanent	Full Time	1
Training Officer I	Training and Development	Permanent	Full Time	1
Administrative Assistant I	Transfer	Limited Term	Full Time	1
Associate Governmental Program Analyst	Transfer	Limited Term	Full Time	2
Captain (Adult Institution)	Transfer	Permanent	Full Time	1
Clinical Social Worker (Health Facility)	Transfer	Permanent	Full Time	1
Correctional Counselor III	Transfer	Permanent	Full Time	1
Health Program Specialist II	Transfer	Permanent	Part Time	1
Information Technology Manager I	Transfer	Limited Term	Full Time	1
Information Technology Specialist I	Transfer	Permanent	Full Time	1
Personnel Specialist	Transfer	Limited Term	Full Time	1
Personnel Technician I	Transfer	Limited Term	Full Time	1



Classification	Appointment Type	Tenure	Time Base	No. of Apts.
Psychiatric Technician (Safety)	Transfer	Permanent	Full Time	1
Receiver's Medical Executive (Safety)	Transfer	Limited Term	Full Time	1
Staff Services Analyst (General)	Transfer	Limited Term	Full Time	1
Staff Services Analyst (General)	Transfer	Permanent	Full Time	2
Staff Services Manager I	Transfer	Permanent	Full Time	1

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING NO. 3 EQUAL EMPLOYMENT OPPORTUNITY QUESTIONNAIRES WERE NOT SEPARATED FROM APPLICATIONS</b>
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**Summary:** Out of 68 appointments reviewed, 1 appointment file included an application where the EEO questionnaire was not separated from the STD 678 employment application. This is the second consecutive time this has been a finding for the CCHCS.

**Criteria:** Government Code section 19704 makes it unlawful for a hiring department to require or permit any notation or entry to be made on any application indicating or in any way suggesting or pertaining to any protected category listed in Government Code section 12940, subdivision (a) (e.g., a person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status). Applicants for employment in state civil service are asked to voluntarily provide ethnic data about themselves where such data is determined by the CalHR to be necessary to an assessment of the ethnic and sex fairness of the selection process and to the planning and monitoring of affirmative action efforts. (Gov. Code, § 19705.) The EEO questionnaire of the state application form (STD. 678) states, "This questionnaire will be separated from the application prior to the examination and will not be used in any employment decisions."

**Severity:** Very Serious. The applicants' protected classes were visible, subjecting the agency to potential liability.

**Cause:** The CCHCS acknowledges the importance of separating information about any protected category listed in Government Code section 12940(a) from any application. All hiring analysts are instructed to separate and confidentially shred all EEO questionnaires. However, the hiring analyst who processed the recruitment did not conduct a quality check of all applications, including all hard copies received. Therefore, the cause of this finding is due to human error.

**Corrective Action:** Within 90 days of the date of this report, the CCHCS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that future EEO questionnaires are separated from all applications. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

<b>SEVERITY: SERIOUS</b>	<b>FINDING NO. 4 PROBATIONARY EVALUATIONS WERE NOT PROVIDED FOR ALL APPOINTMENTS REVIEWED AND THOSE THAT WERE PROVIDED WERE UNTIMELY</b>
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**Summary:** The CCHCS did not provide 16 probationary reports of performance for 11 of the 68 appointments reviewed by the CRU. In addition, the CCHCS did not provide two probationary reports of performance in a timely manner, as reflected in the second table below. This is the second consecutive time this has been a finding for the CCHCS.

Classification	Appointment Type	Number of Appointments	Total Number of Missing Probation Reports
Clinical Social Worker (Health Facility)	Certification List	1	2
Digital Print Operator I	Certification List	1	2
Health Program Specialist I	Certification List	1	1
Information Technology Associate	Certification List	1	1
Nursing Consultant, Program Review	Certification List	1	1
Senior Psychiatrist (Supervisor), Correctional and Rehabilitative Services (Safety)	Certification List	1	1

Classification	Appointment Type	Number of Appointments	Total Number of Missing Probation Reports
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	Certification List	1	1
Staff Services Analyst (General)	Certification List	1	2
Senior Psychologist, Correctional Facility (Specialist)	Permissive Reinstatement	1	3
Correctional Counselor III	Transfer	1	1
Psychiatric Technician (Safety)	Transfer	1	1

Classification	Appointment Type	Number of Appointments	Total Number of Late Probation Reports
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	Certification List	1	2

**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 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).)

**Severity:** Serious. The probationary period is the final step in the selection process to ensure that the individual selected can successfully perform the full scope of their job duties. Failing to use the probationary period to assist an employee in improving his or her performance or terminating the appointment upon determination that the appointment is not a good job/person match is unfair to the employee and serves to erode the quality of state government.

**Cause:** These errors can be attributed to supervisors and managers not following the established procedures and guidance provide by Human Resources.

**Corrective Action:** The CCHCS provides it has taken steps to achieve compliance in this area. Within 90 days of the date of this report, the CCHCS must submit to the SPB written documentation which demonstrates the meaningful corrections the department has implemented to ensure conformity with the probationary requirements of Government Code section 19172 and California Code of Regulations, title 2, section 599.795.

<b>SEVERITY: TECHNICAL</b>	<b>FINDING No. 5 APPOINTMENT DOCUMENTATION WAS NOT KEPT FOR THE APPROPRIATE AMOUNT OF TIME</b>
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**Summary:** The CCHCS did not retain 14 NOPAs from the 68 appointments reviewed. This is the second consecutive time this has been a finding for the CCHCS.

**Criteria:** As specified in section 26 of the Board’s Regulations, appointing powers are required to retain records related to affirmative action, equal employment opportunity, examinations, merit, selection, and appointments for a minimum period of five years from the date the record is created. These records are required to be readily accessible and retained in an orderly and systematic manner. (Cal. Code Regs., tit. 2, § 26.)

**Severity:** Technical. Without documentation, the CRU could not verify if the appointments were properly conducted.

**Cause:** These errors can be attributed to human error and staff not conducting quality checks and/or following established procedures.

**Corrective Action:** The CCHCS provides it has taken steps to achieve compliance in this area. Within 90 days of the date of this report, the CCHCS must submit to the SPB written documentation which demonstrates the meaningful corrections the department has implemented to ensure conformity with the record retention requirements of California Code of Regulations, title 2, section 26.

Additional Appointments

Additional appointments occur when a state civil service employee is appointed to more than one position in state service.

On January 30, 2013, CalHR issued PML 2013-007, which stated that, effective immediately, departments are no longer authorized to make any new additional appointments without CalHR’s authorization. Additionally, on April 25, 2013, CalHR issued PML 2013-015, stating, effective immediately, departments are no longer authorized to make any additional appointments for managers and supervisors. However, PML 2014-002 specifically provides an exception to Bargaining Units 16<sup>12</sup> and 19<sup>13</sup>, and allows departments to appoint eligible permanent full-time employees to additional appointments to fill advertised vacancies or when management determines there are additional workload needs.

The CRU reviewed CCHCS’ three additional appointments, which are listed below:

Current Classification	Additional Appointment	Time Base of Additional Appointment	Monthly Salary (per hour) of Additional Appointment
Physician and Surgeon, Correctional Facility (Internal Medicine/Family Practice)	Same as current classification	Intermittent	\$142.47
Physician and Surgeon, Correctional Facility (Internal Medicine/Family Practice)	Same as current classification	Intermittent	\$135.68

<sup>12</sup> Physicians, Dentists and Podiatrists

<sup>13</sup> Health and Social Services/Professional

Current Classification	Additional Appointment	Time Base of Additional Appointment	Monthly Salary (per hour) of Additional Appointment
Physician and Surgeon, Correctional Facility (Internal Medicine/Family Practice)	Same as current classification	Intermittent	\$142.55

<b>IN COMPLIANCE</b>	<b>FINDING NO. 6</b>	<b>ADDITIONAL APPOINTMENTS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES</b>
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The CCHCS's additional appointments were found to comply with the rules and laws governing additional appointments.

### 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, August 30, 2019, through August 31, 2020, the CCHCS conducted four unlawful appointment investigations. The CRU reviewed those four unlawful appointment investigations, which are listed below:

Classification	Date Investigation Initiated	Date Investigation Concluded
Staff Services Analyst	2/13/2020	7/9/2020
Staff Services Analyst	12/12/2019	6/3/2020
Staff Services Manager I	9/24/2019	7/1/2020
Staff Services Manager I	9/24/2019	7/1/2020

IN COMPLIANCE	<b>FINDING NO. 7 UNLAWFUL APPOINTMENT INVESTIGATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES</b>
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The CCHCS’s unlawful appointment investigations were 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).)

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING NO. 8 COMPLAINANTS WERE NOT NOTIFIED OF THE REASONS FOR DELAYS IN DECISIONS WITHIN THE PRESCRIBED TIME PERIOD</b>
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**Summary:** Four discrimination complaints were filed during the compliance review period from December 1, 2019, through December 1, 2020. Two of them exceeded the 90-day time limit to investigate and issue a written decision. Furthermore, the CCHCS did not inform the complainants in writing as to the reason(s) why it was unable to issue its decision timely. Additionally, the CCHCS was unable to provide documentation for any complaints that were filed between April 18, 2020, through December 1, 2019.

**Criteria:** The appointing power must issue a written decision to the complainant within 90 days of the complaint being filed. (Cal. Code Regs., tit. 2, § 64.4, subd. (a).) If the appointing power is unable to issue its decision within the prescribed time period, the appointing power must inform the complainant in writing of the reasons for the delay. (*Ibid.*)

**Severity:** Very Serious. Employees were not informed of the reasons for delays in decisions for discrimination complaints. Employees may feel their concerns are not being taken seriously, which can leave the agency open to liability and low employee morale.

**Cause:** These errors can be attributed to human error, staff turnover, not providing timely responses, and not following established policy and procedures.

**Corrective Action:** Within 90 days of the date of this report, the CCHCS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with the requirements of California Code of Regulations, title 2, section 64.4, subdivision (a). Copies of relevant documentation demonstrating that the corrective action has been memorialized and implemented must be included with the corrective action response.

### **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, August 30, 2019, through August 31, 2020, the CCHCS had five PSC's that were in effect. The CRU reviewed those five, which are listed below:

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
Infinite Solutions	Personnel Data and Position Management System Maintenance	9/23/2019 – 9/22/2021	\$134,130	Yes	Yes
Kanter & Romo Immigration Law Office	Legal Services - Immigration and Visa	7/1/2019 – 06/30/2022	\$285,000	Yes	Yes
Los Angeles Unified School District	Bilingual Exam Services	4/1/2019 – 3/31/2022	\$30,720	Yes	Yes
Merritt Hawkins & Associates, LLC	Physician Recruitment Services	9/1/2019 – 8/31/2023	\$5,280,000	Yes	Yes
Wallrich Associates Integrated Marketing Communications, Inc.	Department Rebranding and Recruitment Marketing Services	9/1/2019 – 8/31/2021	\$273,000	Yes	Yes

<b>IN COMPLIANCE</b>	<b>FINDING NO. 9 PERSONAL SERVICES CONTRACTS COMPLIED WITH PROCEDURAL REQUIREMENTS</b>
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The total dollar amount of all the PSC's reviewed was \$6,002,850.00. It was beyond the scope of the review to make conclusions as to whether CCHCS's justifications for the contract were legally sufficient. For all PSC's reviewed, the CCHCS provided specific and

detailed factual information in the written justifications as to how each of the contracts met at least one condition set forth in Government Code section 19130, subdivision (b). Additionally, CCHCS complied with proper notification to all organizations that represent state employees who perform the type or work contracted. Accordingly, the CCHCS PSC's complied with civil service laws and board rules.

**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.)

Additionally, new supervisors 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 every two years. (Gov. Code, § 12950.1, subds. (a) and (b); Gov. Code, § 19995.4.)

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 CRU reviews documents and records related to training that appointing powers are required by the afore-cited laws to provide its employees.

The CRU reviewed the CCHCS's mandated training program that was in effect during the compliance review period, August 30, 2019, through August 31, 2020.

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING NO. 10</b>	<b>ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS</b>
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**Summary:** The CCHCS did not provide ethics training to 11 of 249 new filers within six months of their appointment. In addition, the CCHCS did

not provide ethics training to 1,771 of 3,160 existing filers. This is the second consecutive time this has been a finding for the CCHCS.

**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).)

**Severity:** Very Serious. The department does not ensure that its filers are aware of prohibitions related to their official position and influence.

**Cause:** The error can be attributed to a manual tracking process and the need for employees to complete the training on an external website and manually submit the training certificate of completion.

**Corrective Action:** The CCHCS provides it has taken steps to achieve compliance in this area. Within 90 days of the date of this report, the CCHCS must submit to the SPB written documentation which demonstrates the corrections the department has implemented to ensure conformity with Government Code section 11146.3.

<b>SEVERITY:</b> <b>VERY SERIOUS</b>	<b>FINDING NO.</b> <b>11</b>	<b>SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL SUPERVISORS</b>
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**Summary:** The CCHCS did not provide sexual harassment prevention training to 38 of 177 new supervisors within 6 months of their appointment. In addition, the CCHCS did not provide sexual harassment prevention training to 235 of 1,339 existing supervisors every 2 years. This is the second consecutive time this has been a finding for the CCHCS.

**Criteria:** Each department must provide its supervisors two hours of sexual harassment prevention training every two years. New supervisors must be provided sexual harassment prevention training within six months of appointment. (Gov. Code, § 12950.1, subds. (a) and (b); Gov. Code, § 19995.4.)

**Severity:** Very Serious. The department does not ensure that all new and existing supervisors are properly trained to respond to sexual harassment or unwelcome sexual advances, requests for sexual

favors, and other verbal or physical harassment of a sexual nature. This limits the department's ability to retain a quality workforce, impacts employee morale and productivity, and subjects the department to litigation.

**Cause:** The error can be attributed to staff, supervisors, and managers not following the established due date to complete the training. Prior to 2018, monthly compliance reports were not being sent to the Hiring Authorities with the names of and due dates of employees who needed to complete the Sexual Harassment Prevention training.

**Corrective Action:** The CCHCS provides it has taken steps to achieve compliance in this area. Within 90 days of the date of this report, the CCHCS must submit to the SPB written documentation which demonstrates the corrections the department has implemented to ensure conformity with Government Code section 12950.1.

## **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 rate<sup>14</sup> 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, August 30, 2019, through August 31, 2020, the CCHCS made 1,970 appointments. The CRU reviewed 43 of those appointments to determine if the CCHCS applied salary regulations accurately and correctly processed employees' compensation, which are listed below:

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<sup>14</sup> "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).

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Associate Governmental Program Analyst	Certification List	Limited Term	Full Time	\$5,149
Chief Physician and Surgeon	Certification List	Permanent	Full Time	\$12,475
Digital Print Operator I	Certification List	Permanent	Full Time	\$3,050
Health Program Manager I	Certification List	Limited Term	Full Time	\$6,572
Health Program Specialist I	Certification List	Permanent	Full Time	\$7,080
Health Program Specialist I	Certification List	Permanent	Full Time	\$5,961
Health Program Specialist II	Certification List	Limited Term	Full Time	\$6,902
Health Record Technician I	Certification List	Permanent	Full Time	\$3,144
Health Record Technician I	Certification List	Limited Term	Full Time	\$3,577
Nursing Consultant, Program Review	Certification List	Permanent	Full Time	\$7,092
Office Technician (Typing)	Certification List	Limited Term	Full Time	\$3,144
Pharmacist I	Certification List	Permanent	Full Time	\$6,245
Pharmacy Technician	Certification List	Permanent	Full Time	\$3,087
Physician and Surgeon, Correctional Facility (Internal Medicine/Family Practice)	Certification List	Permanent	Full Time	\$11,196
Staff Services Analyst (General)	Certification List	Permanent	Full Time	\$3,467
Physician and Surgeon, Correctional Facility (Internal Medicine/Family Practice)	Emergency	Emergency	Intermittent	\$11,196
Registered Nurse, Correctional Facility	Emergency	Emergency	Intermittent	\$5,447
Registered Nurse, Correctional Facility	Emergency	Emergency	Intermittent	\$5,447
Associate Governmental Program Analyst	Permissive Reinstatement	Permanent	Full Time	\$5,406

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Certified Nursing Assistant	Permissive Reinstatement	Permanent	Full Time	\$2,895
Information Technology Associate	Permissive Reinstatement	Permanent	Full Time	\$5,676
Office Technician (Typing)	Permissive Reinstatement	Limited Term	Full Time	\$3,144
Physician and Surgeon, Correctional Facility (Internal Medicine/Family Practice)	Permissive Reinstatement	Limited Term	Intermittent	\$24,694
Physician and Surgeon, Correctional Facility (Internal Medicine/Family Practice)	Permissive Reinstatement	Permanent	Full Time	\$13,064
Property Controller II	Permissive Reinstatement	Permanent	Full Time	\$4,828
Registered Nurse, Correctional Facility	Permissive Reinstatement	Permanent	Full Time	\$11,206
Senior Psychologist, Correctional Facility (Specialist)	Permissive Reinstatement	Permanent	Full Time	\$10,195
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	Permissive Reinstatement	Permanent	Full Time	\$16,421
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	Permissive Reinstatement	Permanent	Full Time	\$26,720
Associate Governmental Program Analyst	Transfer	Limited Term	Full Time	\$6,124
Associate Governmental Program Analyst	Transfer	Limited Term	Full Time	\$6,446
Captain (Adult Institution)	Transfer	Permanent	Full Time	\$11,421
Clinical Social Worker (Health Facility)	Transfer	Permanent	Full Time	\$5,803
Correctional Counselor III	Transfer	Permanent	Full Time	\$10,874

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Health Program Specialist II	Transfer	Permanent	Part Time	\$7,777
Information Technology Manager I	Transfer	Limited Term	Full Time	\$9,731
Information Technology Specialist I	Transfer	Permanent	Full Time	\$6,715
Personnel Specialist	Transfer	Limited Term	Full Time	\$4,498
Personnel Technician I	Transfer	Limited Term	Full Time	\$4,012
Staff Services Analyst (General)	Transfer	Limited Term	Full Time	\$4,643
Staff Services Analyst (General)	Transfer	Permanent	Full Time	\$5,277
Staff Services Analyst (General)	Transfer	Permanent	Full Time	\$4,061
Staff Services Manager I	Transfer	Permanent	Full Time	\$7,608

<b>IN COMPLIANCE</b>	<b>FINDING NO. 12</b>	<b>SALARY DETERMINATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES</b>
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The CRU found no deficiencies in the salary determinations that were reviewed. The CCHCS appropriately calculated and keyed the salaries for each appointment and correctly determined employees' anniversary dates ensuring that subsequent merit salary adjustments will satisfy 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, August 30, 2019, through August 31, 2020, the CCHCS employees made 411 alternate range movements within a classification. The CRU reviewed 24 of those alternate range movements to determine if the CCHCS applied

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

Classification	Prior Range	Current Range	Time Base	Salary (Monthly Rate)
Certified Nursing Assistant	A	Q	Full Time	\$2,858
Chief Psychologist, Correctional Facility	A	P	Full Time	\$13,338
Clinical Social Worker (Health Facility)	A	V	Full Time	\$6,977
Clinical Social Worker (Health/Correctional Facility)-Safety	P	Q	Full Time	\$7,414
Clinical Social Worker (Health/Correctional Facility)-Safety	A	P	Full Time	\$6,405
Correctional Case Records Analyst	B	C	Full Time	\$4,810
Dentist, Correctional Facility	S	T	Full Time	\$22,037
Information Technology Associate	C	D	Full Time	\$6,657
Licensed Vocational Nurse, California Department of Corrections and Rehabilitation	A	D	Full Time	\$5,538
Nursing Consultant, Program Review	A	P	Full Time	\$13,616
Nursing Coordinator (Safety)	A	U	Full Time	\$9,457
Personnel Specialist	B	C	Full Time	\$4,651
Pharmacist I	A	P	Full Time	\$10,668
Physician and Surgeon, Correctional Facility (Internal Medicine/Family Practice)	A	R	Full Time	\$23,518
Physician and Surgeon, Correctional Facility (Internal Medicine/Family Practice)	A	R	Full Time	\$23,518
Psychiatric Technician (Safety)	P	Q	Full Time	\$5,703
Psychologist-Clinical, Correctional Facility	A	P	Full Time	\$8,211
Registered Nurse, Correctional Facility	A	K	Intermittent	\$9,582
Registered Nurse, Correctional Facility	A	J	Full Time	\$8,527
Registered Nurse, Correctional Facility	A	J	Full Time	\$8,527
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	A	P	Full Time	\$21,667
Staff Services Analyst (General)	A	B	Full Time	\$3,822
Staff Services Analyst (General)	A	B	Full Time	\$3,847
Staff Services Management Auditor	A	B	Full Time	\$3,817



IN COMPLIANCE	FINDING NO. 13	ALTERNATIVE RANGE MOVEMENTS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRU determined that the alternate range movements the CCHCS made during the compliance review period, satisfied civil service laws, Board rules and CalHR policies and guidelines.

Hiring Above Minimum Requests

The CalHR may authorize payment at any step above the minimum limit to classes or positions to meet recruiting problems, or to obtain a person who has extraordinary qualifications. (Gov. Code, § 19836.) For all employees new to state service, departments are delegated to approve HAMs for extraordinary qualifications. (Human Resources Manual Section 1707.) Appointing authorities may request HAMs for current state employees with extraordinary qualifications. (*Ibid.*) Delegated HAM authority does not apply to current state employees. (*Ibid.*)

Extraordinary qualifications may provide expertise in a particular area of a department’s program. (*Ibid.*) This expertise should be well beyond the minimum qualifications of the class. (*Ibid.*) Unique talent, ability or skill as demonstrated by previous job experience may also constitute extraordinary qualifications. (*Ibid.*) The scope and depth of such experience should be more significant than its length. (*Ibid.*) The degree to which a candidate exceeds minimum qualifications should be a guiding factor, rather than a determining one. (*Ibid.*) The qualifications and hiring rates of state employees already in the same class should be carefully considered, since questions of salary equity may arise if new higher entry rates differ from previous ones. (*Ibid.*) Recruitment difficulty is a factor to the extent that a specific extraordinary skill should be difficult to recruit, even though some applicants are qualified in the general skills of the class. (*Ibid.*)

If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Government Code section 3517.5, the memorandum of understanding shall be controlling without further legislative action.<sup>15</sup> (Gov. Code, § 19836, subd. (b).)

Appointing authorities may request and approve HAMs for former legislative employees who are appointed to a civil service class and received eligibility for appointment pursuant

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<sup>15</sup> Except that if the provisions of the memorandum of understanding requires the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

to Government Code section 18990. (Human Resources Manual Section 1707.) The salary received upon appointment to civil service shall be in accordance with the salary rules specified in the California Code of Regulations. (*Ibid.*) A salary determination is completed comparing the maximum salary rate of the former legislative class and the maximum salary rate of the civil service class to determine applicable salary and anniversary regulation. (*Ibid.*) Typically, the legislative employees are compensated at a higher rate of pay; therefore, they will be allowed to retain the rate they last received, not to exceed the maximum of the civil service class. (*Ibid.*)

Appointing authorities may request/approve HAMs for former exempt employees appointed to a civil service class. (Human Resources Manual Section 1707.) The salary received upon appointment to civil service shall be competitive with the employee’s salary in the exempt appointment. (*Ibid.*) For example, an employee appointed to a civil service class which is preceded by an exempt appointment may be appointed at a salary rate comparable to the exempt appointment up to the maximum of the salary range for the civil service class. (*Ibid.*)

During the period under review, August 30, 2019, through August 31, 2020, the CCHCS authorized 31 HAM requests. The CRU reviewed nine of those authorized HAM requests to determine if the CCHCS correctly applied Government Code section 19836 and appropriately verified, approved and documented candidates’ extraordinary qualifications, which are listed below<sup>16</sup>:

Classification	Appointment Type	Salary Range	Salary (Monthly Rate)
Chief Psychiatrist, CRS (Safety)	Certification List	\$24,895 – \$30,276	\$30,276
Information Technology Specialist I	Certification List	\$6,395 – \$8,570	\$7,885
Information Technology Specialist II	Certification List	\$7,014 – \$9,399	\$9,200
Nursing Consultant, Program Review	Certification List	\$10,873 – \$13,616	\$13,616
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	Certification List	\$11,968 – \$16,421	\$16,421
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	Certification List	\$22,237 – \$26,720	\$26,720
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	Certification List	\$21,667 – \$25,966	\$25,000

<sup>16</sup> All candidates were new to State service.

Classification	Appointment Type	Salary Range	Salary (Monthly Rate)
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	Certification List	\$21,667 – \$25,966	\$25,966
Staff Services Manager II (Supervisory)	Certification List	\$6,722 – \$8,352	\$8,000

<b>IN COMPLIANCE</b>	<b>FINDING NO. 14</b>	<b>HIRE ABOVE MINIMUM REQUESTS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES</b>
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The CRU found that the HAM requests the CCHCS made during the compliance review period, satisfied civil service laws, Board rules and CalHR policies and guidelines.

### 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, August 30, 2019, through August 31, 2020, the CCHCS issued bilingual pay to 160 employees. The CRU reviewed eight of these bilingual pay authorizations to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Bargaining Unit	Time Base	No. of Appts.
Administrative Assistant II	R01	Full Time	1
Associate Governmental Program Analyst	R01	Full Time	2
Clinical Social Worker (Health Facility)	R19	Full Time	1
Registered Nurse, Correctional Facility	R17	Full Time	1

Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	R16	Full Time	2
Staff Services Analyst (General)	R01	Full Time	1

<b>SEVERITY:</b> VERY SERIOUS	<b>FINDING NO.</b> 15	<b>INCORRECT AUTHORIZATION OF BILINGUAL PAY</b>
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**Summary:** The CRU found three errors in the CCHCS's authorization of bilingual pay:

Classification	Description of Finding(s)	Criteria
Associate Governmental Program Analyst	Department failed to provide supporting documentation demonstrating the need for bilingual services.	Government Code section 7296 and Pay Differential 14
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)		
Staff Services Analyst (General)		

**Criteria:** For any state agency, a “qualified” bilingual employee, person, or interpreter is someone who CalHR has tested and certified, someone who was tested and certified by a state agency or other approved testing authority, and/or someone who has met the testing or certification standards for outside or contract interpreters as proficient in both the English language and the non-English language to be used. (Gov. Code, § 7296, subd. (a)(3).) 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.)

**Severity:** Very Serious. Failure to comply with the state civil service pay plan by incorrectly applying compensation rules in accordance with CalHR’s policies and guidelines results in civil service employees receiving incorrect and/or inappropriate pay.

**Cause:** These errors can be attributed to human error, staff turnover, not conducting quality checks, and not following established policy and procedures.

**Corrective Action:** Within 90 days of the date of this report, the CCHCS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Government Code section 7296 and Pay Differential 14. Copies of relevant documentation demonstrating that the corrective action to prevent future errors in authorizing bilingual pay has been memorialized and implemented in policy and/or procedures must be included with the corrective action response.

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, August 30, 2019, through August 31, 2020, the CCHCS issued pay differentials<sup>17</sup> to 5,877 employees. The CRU reviewed 19 of these pay differentials to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Pay Differential	Monthly Amount
Captain (Adult Institution)	420	2%

<sup>17</sup> For the purposes of CRU’s review, only monthly pay differentials were selected for review at this time.

Classification	Pay Differential	Monthly Amount
Chief Psychiatrist, Correctional and Rehabilitative Services (Safety)	322	3%
Chief Psychologist, Correctional Facility	322	3%
Clinical Social Worker (Health/Correctional Facility) Safety	322	3%
Correctional Administrator, Department of Corrections	420	6%
Correctional Counselor III	165	2%
Correctional Counselor III	165	8%
Medical Technical Assistant (Psychiatric)	164	2%
Medical Technical Assistant (Psychiatric)	156	\$200
Medical Technical Assistant (Psychiatric)	155	15%
Nursing Consultant, Program Review	317	\$400
Physician and Surgeon, Correctional Facility (Internal Medicine/Family Practice)	413	15%
Research Scientist III (Epidemiology/Biostatistics)	434	2%
Research Scientist III (Social/Behavioral Sciences)	434	3%
Research Specialist IV - Various Studies	434	2%
Senior Medical Technical Assistant (Psychiatric)	165	8%
Senior Psychiatrist (Specialist), Correctional and Rehabilitative Services (Safety)	322	3%
Senior Psychiatrist (Specialist), Correctional and Rehabilitative Services (Safety)	322	3%
Senior Psychologist, Correctional Facility (Specialist)	322	3%

<b>SEVERITY:</b> <b>VERY SERIOUS</b>	<b>FINDING NO.</b> <b>16</b>	<b>INCORRECT AUTHORIZATION OF PAY DIFFERENTIALS</b>
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**Summary:** The CRU found one error in the pay differentials reviewed:

Classification	Area	Description of Finding(s)	Criteria
Captain (Adult Institution)	Retention Incentive Differential	The employee met the criteria for the pay differential in March 2019 and did not receive it until the July 2019 pay period. Employee was underpaid.	Pay Differential 420

**Criteria:** A pay differential may be appropriate 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. 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. (CalHR Classification and Pay Manual Section 230.)

**Severity:** Very Serious. The CCHCS failed to comply with the state civil service pay plan by incorrectly applying compensation laws and rules in accordance with CalHR’s policies and guidelines. This results in civil service employees receiving incorrect and/or inappropriate compensation.

**Cause:** This error can be attributed to human error, staff turnover, not conducting quality checks, and not following established policies and procedures.

**Corrective Action:** Within 90 days of the date of this report, the CCHCS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Pay Differential 420 and ensure that employees are compensated correctly and that transactions are keyed accurately. Copies of relevant documentation demonstrating the corrective action has been implemented must be included with the corrective action response.

### Out-of-Class Assignments and Pay

For excluded<sup>18</sup> 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).)

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<sup>18</sup> “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.

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-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, August 30, 2019, through August 31, 2020, the CCHCS issued OOC pay to 314 employees. The CRU reviewed 11 of these OOC assignments to ensure compliance with applicable MOU provisions, salary regulations, and CalHR policies and guidelines. These are listed below:

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
Associate Personnel Analyst	R01	Staff Services Manager I	8/1/2019 – 9/29/2019
Health Program Specialist II	R01	Health Program Manager III	5/22/2019 – 9/18/2019
Information Technology Associate	R01	Information Technology Specialist I	2/10/2020 – 6/29/2020
Laborer	R12	Property Controller I	1/6/2020 – 5/4/2020
Nursing Consultant, Program Review	R17	Receiver's Nurse Executive (Safety)	3/30/2020 – 6/22/2020
Office Assistant (Typing)	R04	Health Record Technician I	11/6/2019 – 3/4/2020
Psychiatric Technician (Safety)	R18	Senior Psychiatric Technician (Safety)	7/1/2020 – 9/28/2020
Registered Nurse, Correctional Facility	R17	Supervising Registered Nurse (Safety)	4/20/2020 – 8/17/2020
Research Data Specialist II	R01	Research Data Specialist III	10/14/2019 – 12/12/2019
Research Scientist III (Epidemiology/Biostatistics)	R10	Research Specialist IV	12/9/2019 – 4/6/2020
Unit Supervisor	S18	Nursing Coordinator	6/15/2020 – 12/1/2020



<b>SEVERITY:</b> <b>VERY SERIOUS</b>	<b>FINDING NO.</b> <b>17</b>	<b>INCORRECT AUTHORIZATION OF OUT-OF-CLASS PAY</b>
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**Summary:** The CRU found one error in the CCHCS’s authorization of OOC pay:

Classification	Out-of-Class Classification	Description of Finding	Criteria
Research Data Specialist II	Research Data Specialist III	Employee was not compensated for one month of out-of-class pay while performing the duties at the higher-level classification. Employee was underpaid.	Pay Differential 91

**Criteria:** An employee may be temporarily required to perform out-of-class work by his/her department for up to one hundred twenty (120) calendar days in any twelve (12) consecutive calendar months when it determines that such an assignment is of unusual urgency, nature, volume, location, duration, or other special characteristics; and, cannot feasibly be met through use of other civil service or administrative alternatives. Departments may not use out-of-class assignments to avoid giving civil service examinations or to avoid using existing eligibility lists created as the result of a civil service examination.

**Severity:** Very Serious. The CCHCS failed to comply with the state civil service pay plan by incorrectly applying compensation laws and rules in accordance with CalHR’s policies and guidelines. This results in civil service employees receiving incorrect and/or inappropriate compensation.

**Cause:** This error can be attributed to the State Controller’s Office’s (SCO’s) system error and backlog. The request for OOC pay was keyed timely on January 2, 2020. However, when the OOC pay did not issue, HR reached out to the SCO who advised a Payroll Adjustment Notice needed to be completed and submitted to the SCO before the pay could be processed. Due to the backlog at the SCO, payment did not issue until July 2, 2021.

**SPB Reply:** There is no evidence that the CCHCS keyed the OOC pay in a timely manner on January 2, 2020. When the CRU, as part of its review, noted that the employee had not been appropriately compensated for the OOC assignment, the CCHCS subsequently submitted a Payroll Adjustment Notice to SCO on June 23, 2021, to rectify the oversight.

**Corrective Action:** Within 90 days of the date of this report, the CCHCS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with California Code of Regulations, title 2, section 599.810 and Pay Differential 91. Although, the OOC pay has been issued; copies of relevant documentation demonstrating that corrective action(s) to prevent future errors in authorizing OOC pay must be included with the corrective action response.

## 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 in order 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 of the working days of a month. When counting 189 days, every day worked, including partial days<sup>19</sup> worked and paid absences<sup>20</sup>, are counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day is not limited by this rule. (*Ibid.*) The 12-consecutive month 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.*)

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<sup>19</sup> For example, two hours or ten hours count as one day.

<sup>20</sup> For example, vacation, sick leave, compensating time off, etc.

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).)

Generally, permanent intermittent employees may work up to 1500 hours in any calendar year. (Applicable Bargaining Unit Agreements.) However, Bargaining Unit 6 employees may work up to 2000 hours in any calendar year.

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 CCHCS had 114 positive paid employees whose hours were tracked. The CRU reviewed 29 of those positive paid appointments to ensure compliance with applicable laws, regulations, policies and guidelines, which are listed below:

Classification	Tenure	Time Frame	Time Worked
Associate Governmental Program Analyst	Retired Annuitant	Intermittent	960.72 hours
CEA	Retired Annuitant	Intermittent	976.5 hours
Clinical Social Worker (Health/Correctional Facility) Safety	Permanent	Intermittent	348 hours
Correctional Administrator, Department of Corrections	Retired Annuitant	Intermittent	72.5 hours
Health Program Specialist I	Retired Annuitant	Intermittent	959.84 hours
Information Technology Specialist II	Retired Annuitant	Intermittent	1,267 hours
Labor Relations Manager I	Retired Annuitant	Intermittent	1,355.58 hours
Mechanical and Technical Occupational Trainee	Temporary	Intermittent	1,191.25 hours

Classification	Tenure	Time Frame	Time Worked
Mechanical and Technical Occupational Trainee	Temporary	Intermittent	1,290.75 hours
Nursing Consultant, Program Review	Retired Annuitant	Intermittent	1,166 hours
Psychiatric Technician (Safety)	Permanent	Intermittent	298.5 hours
Psychiatric Technician (Safety)	Permanent	Intermittent	1,133.5 hours
Psychologist, Clinical, Correctional Facility	Limited Term	Intermittent	230.75 hours
Psychologist, Clinical, Correctional Facility	Retired Annuitant	Intermittent	134.9 hours
Psychologist, Clinical, Correctional Facility	Retired Annuitant	Intermittent	1376 hours
Psychologist, Clinical, Correctional Facility	Limited Term	Intermittent	9.5 hours
Registered Nurse, Correctional Facility	Permanent	Intermittent	787.5 hours
Registered Nurse, Correctional Facility	Permanent	Intermittent	626 hours
Seasonal Clerk	Temporary	Intermittent	1,500 hours
Seasonal Clerk	Temporary	Intermittent	1,956 hours
Seasonal Clerk	Temporary	Intermittent	1,642.5 hours
Seasonal Clerk	Temporary	Intermittent	1,134 hours
Seasonal Clerk	Temporary	Intermittent	1,671 hours
Staff Services Manager I	Retired Annuitant	Intermittent	899.75 hours
Staff Services Manager III	Retired Annuitant	Intermittent	1,061.5 hours
Student Assistant	Temporary	Intermittent	640 hours
Student Assistant	Temporary	Intermittent	758.75 hours
Supervising Registered Nurse (Safety)	Retired Annuitant	Intermittent	743 hours
Supervising Registered Nurse (Safety)	Retired Annuitant	Intermittent	958 hours

<b>SEVERITY: SERIOUS</b>	<b>FINDING NO. 18</b>	<b>POSITIVE PAID TEMPORARY EMPLOYEES' WORK EXCEEDED TIME LIMITATIONS</b>
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**Summary:** The CCHCS did not consistently monitor the actual number of days and/or hours worked in order to ensure that positive paid employees did not exceed the 189-day or 1,500-hour limitation in any 12-consecutive month period.

Additionally, the CCHCS did not consistently track and monitor two retired annuitant total hours worked, allowing employees to work over the 960-hour limitation in any fiscal year.

Specifically, the following employees exceeded the 1,500-hour, 960-hour, or 189-day, limitation:

Classification	Tenure	Time Frame	Time Worked	Time Worked Over Limit
Associate Governmental Program Analyst	Retired Annuitant	7/1/2019 – 6/30/2020	960.72 hours	0.72 hours
Psychologist, Clinical, Correctional Facility	Retired Annuitant	7/1/2019 – 6/30/2020	1,349 hours	389 hours
Seasonal Clerk	Temporary	8/1/2019 – 8/31/2020	1,642.5 hours	142.5 hours
Seasonal Clerk	Temporary	1/31/2019 – 1/30/2020	1,671 hours	171 hours

**Criteria:** If any employee is appointed to an intermittent time base position on a TAU basis, there are two controlling time limitations that must be considered. The first controlling factor is the constitutional limit of nine months in any 12 consecutive months for temporary appointments that cannot be extended for any reason. (Cal Const., art. VII, § 5.) Time worked shall be counted on a daily basis with every 21 days worked counting as one month or 189 days equaling nine months. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) Another controlling factor limits the maximum work time for student, youth, and seasonal classifications to 1,500 hours. (Cal. Code Regs., tit. 2, § 265.1, subd. (d).)

According to Government Code Section 21224, retired annuitant appointments shall not exceed a maximum of 960 hours in any fiscal year (July-June) for all state employers without reinstatement or loss or interruption of benefits.

**Severity:** Serious. The number of days or hours an individual may work in a temporary appointment is limited in the state civil service. TAU appointments are distinguished from other appointments as they can be made in the absence of an appropriate employment list.

Existing law allows a person retired from state service to be rehired by the State as a retired annuitant. However, retired annuitants shall not work more than 960 hours each fiscal year without reinstatement, loss or interruption of benefits for all state employers.

**Cause:** These errors can be attributed to employees, supervisors, and managers not following the established policy, procedure, and communications issued from HR.

**Corrective Action:** Within 90 days of the date of this report, the CCHCS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with California Code of Regulations, title 2, section 265.1. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

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, May 31, 2019, through May 31, 2020, the CCHCS placed 353 employees on ATO. The CRU reviewed 28 of these ATO appointments to ensure compliance with applicable laws, regulations, and CalHR policy and guidelines, which are listed below:

Classification	Time Frame	Amount of Time on ATO
Associate Governmental Program Analyst	4/3/2020 – 4/21/2020	2 days
Associate Governmental Program Analyst	7/16/2019 – 7/17/2019	2.5 hours
Associate Governmental Program Analyst	3/3/2020 – 3/4/2020	1 day
Associate Governmental Program Analyst	7/29/2019 – 7/30/2019	1.5 hours
Associate Governmental Program Analyst	3/23/2020 – 3/24/2020	8 hours
Associate Governmental Program Analyst	5/22/2020 – 6/5/2020	10 days

Classification	Time Frame	Amount of Time on ATO
Associate Governmental Program Analyst	5/22/2020 – 5/23/2020	8 hours
Associate Governmental Program Analyst	3/20/2020 – 3/23/2020	11 hours
Associate Personnel Analyst	3/23/2020 – 3/25/2020	2 days
Certified Nursing Assistant	4/18/2020 – 5/29/2020	42 days
Dental Assistant	3/3/2020 – 3/4/2020	1 day
Executive Assistant	4/1/2020 – 4/2/2020	1 day
Health Program Specialist I	3/20/2020 – 3/28/2020	7 days
Health Program Specialist I	3/19/2020 – 3/26/2020	8 days
Information Technology Associate	10/9/2019 – 10/30/2019	5 days
Information Technology Associate	3/3/2020 – 3/4/2020	9 hours
Information Technology Associate	10/30/2019 – 10/31/2019	5 hours
Information Technology Specialist I	10/28/2019 – 10/30/2019	3 days
Medical Technical Assistant	3/3/2020 – 3/4/2020	0.75 hours
Personnel Technician I	5/4/2020 – 6/3/2020	7 days
Psychiatric Technician (Safety)	3/24/2020 – 4/16/2020	9 days
Registered Nurse	3/23/2020 – 4/1/2020	72 hours
Rehabilitation Therapist, State Facilities (Music-Safety)	3/3/2020 – 3/4/2020	10 hours
Secretary	12/26/2019 – 12/27/2019	2 days
Staff Services Analyst (General)	4/13/2020 – 4/25/2020	10 days
Staff Services Manager I	3/23/2020 – 3/24/2020	1 day
Staff Services Manager I	3/3/2020 – 3/4/2020	8 hours
Staff Services Manager II (Supervisory)	4/16/2020 – 4/29/2020	10 days

<b>SEVERITY: SERIOUS</b>	<b>FINDING NO. 19</b>	<b>ADMINISTRATIVE TIME OFF WAS NOT PROPERLY DOCUMENTED</b>
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**Summary:** The CCHCS did not grant ATO in conformity with the established policies and procedures. Of the 28 ATO authorizations reviewed by the CRU, 2 were found to be out of compliance for failing to document justification for ATO.

**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.*)

**Severity:** Serious. Because an employee on ATO is being paid while not working, a failure to closely monitor ATO usage could result in costly abuse. The use of ATO is subject to audit and review by CalHR and other control agencies to ensure policy compliance. Findings of non-compliance may result in the revocation of delegated privileges.

**Cause:** These errors can be attributed to human error and staff not conducting quality checks, and/or not following established procedures.

**Corrective Action:** Within 90 days of the date of this report, the CCHCS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Government Code section 19991.10 and Human Resources Manual Section 2121. Copies of relevant documentation demonstrating that corrective action has been implemented must be included with the corrective action response.

### Leave Auditing and Timekeeping

Departments must 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 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, March 1, 2020, through May 31, 2020, the CCHCS reported 92 units comprised of 15,919 active employees. The pay periods and timesheets reviewed by the CRU are summarized below:

Timesheet Leave Period	Unit Reviewed	Number of Employees	Number of Timesheets Reviewed	Number of Missing Timesheets
March 2020	035	24	22	2
March 2020	397	27	27	0
March 2020	780	8	8	0
March 2020	821	12	12	0
April 2020	036	32	32	0
April 2020	123	8	8	0
April 2020	320	17	17	0
April 2020	397	81	81	0

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING NO. 20</b>	<b>INCORRECTLY POSTED LEAVE USAGE AND/OR LEAVE CREDIT</b>
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**Summary:** The CCHCS did not correctly enter 2 of 66 timesheets into the Leave Accounting System (LAS) during the March 2020 pay period. As a result, four employees retained their prior leave balance despite having used leave credits.

**Criteria:** Departments shall create a monthly internal audit process to verify that all leave input into any leave accounting system is keyed accurately and timely. (Human Resources Manual Section 2101.) 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.*)

**Severity:** Very serious. Errors in posting leave usage and/or leave credits puts the department at risk of incurring additional costs from the initiation of collection efforts from overpayments, and the risk of liability related to recovering inappropriately credited leave hours and funds.

**Cause:** These errors can be attributed to human error and staff not conducting quality checks, and/or not following established procedures.

**Corrective Action:** Within 90 days of the date of this report, the CCHCS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Human Resources Manual Section 2101. Copies of relevant documentation demonstrating that corrective action has been implemented must be included with the corrective action response.

<b>SEVERITY: SERIOUS</b>	<b>FINDING NO. 21</b>	<b>DEPARTMENT DID NOT RETAIN EMPLOYEE TIME AND ATTENDANCE RECORDS</b>
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**Summary:** The CCHCS did not retain 2 of 66 timesheets from the March 2020 pay period.

**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.) Such records shall be kept in the form and manner prescribed by the Department of Finance in connection with its powers to devise, install and supervise a modern and complete accounting system for state agencies. (*Ibid.*)

**Severity:** Serious. The CCHCS failed to retain employee time and attendance records for each employee. Therefore, the department was unable to reconcile timesheets against their leave accounting system at the conclusion of the pay period, which could have affected employee leave accruals and compensation.

**Cause:** This error can be attributed to human error and staff not conducting quality checks, and/or not following established procedures. Additionally, one of the employees was on Non-Industrial Disability Insurance (NDI) leave from August 1, 2019 through July 29, 2020. The CCHCS asserts when an employee is on full NDI leave, they are not required to submit a timesheet.

**SPB Reply:** The CCHCS did not provide evidence that (1) the employee was on full NDI leave during the time period in question; and, (2) employees on full NDI leave are not required to submit a timesheet. Furthermore, the CRU could not independently confirm in the SCO system that the employee was on full NDI leave during the time period in question.

**Corrective Action:** Within 90 days of the date of this report, the CCHCS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure all timesheets are accounted for and processed in conformity with California Code of Regulations, title 2, section 599.665. Copies of relevant documentation demonstrating that corrective action has been implemented must be included with the corrective action response.

### 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 considered to be 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.<sup>21</sup> (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.

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<sup>21</sup> 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.

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 employees<sup>22</sup> 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.

During the period under review, August 30, 2019, through August 31, 2020, the CCHCS had 21 employees with qualifying and non-qualifying pay period transactions. The CRU reviewed 24 transactions to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Type of Transaction	Time base	Number Reviewed
Non-Qualifying Pay Period	Full Time	12
Qualifying Pay Period	Full Time	12

<b>IN COMPLIANCE</b>	<b>FINDING NO. 22</b>	<b>SERVICE AND LEAVE TRANSACTIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRU determined that the CCHCS ensured employees with non-qualifying pay periods did not receive vacation/sick leave, annual leave, and/or state service accruals. The CRU found no deficiencies in this area.

<sup>22</sup> 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.

## Policy and Processes

### Nepotism

It is the policy of the State of California to recruit, hire and assign all employees on the basis of merit and fitness in accordance with civil service statutes, rules and regulations. (Human Resources Manual Section 1204.) Nepotism is expressly prohibited in the state workplace because it is antithetical to California's merit based civil service. (*Ibid.*) Nepotism is defined as the practice of an employee using his or her influence or power to aid or hinder another in the employment setting because of a personal relationship. (*Ibid.*) Personal relationships for this purpose include association by blood, adoption, marriage and/or cohabitation. (*Ibid.*) All department nepotism policies should emphasize that nepotism is antithetical to a merit-based personnel system and that the department is committed to the state policy of recruiting, hiring and assigning employees on the basis of merit. (*Ibid.*)

<b>IN COMPLIANCE</b>	<b>FINDING NO.</b> <b>23</b>	<b>NEPOTISM POLICY COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRU verified that the policy was disseminated to all staff and emphasized the CCHCS's commitment to the state policy of recruiting, hiring and assigning employees on the basis of merit. Additionally, the CCHCS'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.*)

<b>IN COMPLIANCE</b>	<b>FINDING NO. 24</b>	<b>WORKERS' COMPENSATION PROCESS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRU verified that the CCHCS provides notice to their employees to inform them of their rights and responsibilities under California's Workers' Compensation Law. Furthermore, the CRU verified that when the CCHCS received workers' compensation claims, they properly provided claim forms within one working day of notice or knowledge of injury.

### 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 CRU selected 47 permanent CCHCS employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations, policies and guidelines. These are listed below:

Classification	Date Performance Appraisals Due
Associate Governmental Program Analyst	5/6/2019
Building Maintenance Worker	5/30/2019
Clinical Social Worker (Health Facility)	1/3/2019
Clinical Social Worker (Health/Correctional Facility)-Safety	4/3/2019
Clinical Social Worker (Health/Correctional Facility)-Safety	11/15/2019
Dental Assistant, Correctional Facility	2/17/2019

Classification	Date Performance Appraisals Due
Health Program Specialist I	2/7/2019
Health Program Specialist I	1/18/2019
Information Technology Supervisor II	12/15/2019
Management Services Technician	6/7/2019
Nurse Practitioner, Correctional Facility	2/1/2019
Nurse Practitioner, Correctional Facility	12/30/2019
Office Technician (Typing)	2/27/2019
Office Technician (Typing)	8/1/2019
Office Technician (Typing)	5/13/2019
Physician and Surgeon, Correctional Facility (Internal Medicine/ Family Practice)	12/30/2019
Psychiatric Technician (Safety)	3/6/2019
Psychiatric Technician (Safety)	6/1/2019
Psychiatric Technician (Safety)	2/2/2019
Psychiatric Technician (Safety)	4/13/2019
Psychiatric Technician (Safety)	4/3/2019
Psychologist-Clinical, Correctional Facility	12/30/2019
Registered Nurse, Correctional Facility	6/30/2019
Registered Nurse, Correctional Facility	6/30/2019
Registered Nurse, Correctional Facility	6/30/2019
Registered Nurse, Correctional Facility	6/30/2019
Registered Nurse, Correctional Facility	6/30/2019
Registered Nurse, Correctional Facility	6/30/2019
Registered Nurse, Correctional Facility	6/30/2019
Registered Nurse, Correctional Facility	6/30/2019
Registered Nurse, Correctional Facility	6/30/2019
Rehabilitation Therapist, State Facilities (Music-Safety)	8/1/2019
Rehabilitation Therapist, State Facilities (Music-Safety)	4/2/2019
Rehabilitation Therapist, State Facilities (Recreation-Safety)	6/30/2019
Rehabilitation Therapist, State Facilities (Recreation-Safety)	5/30/2019
Senior Personnel Specialist	1/31/2019
Senior Psychiatric Technician (Safety)	6/30/2019
Senior Psychologist, Correctional Facility (Specialist)	6/25/2019
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	2/13/2019

Classification	Date Performance Appraisals Due
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	1/17/2019
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	1/13/2019
Staff Services Analyst (General)	8/24/2019
Staff Services Manager I	11/30/2019
Standards Compliance Coordinator	6/30/2019
Supervising Registered Nurse (Safety)	4/3/2019
Unit Supervisor (Safety)	3/25/2019
Unit Supervisor (Safety)	3/19/2019

<b>SEVERITY:</b> SERIOUS	<b>FINDING NO.</b> 25	<b>PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES</b>
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**Summary:** The CCHCS did not provide annual performance appraisals to 30 of 47 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.)

**Severity:** Serious. The department does not ensure that all of its employees are apprised of work performance issues and/or goals in a systematic manner.

**Cause:** These errors can be attributed to managers and supervisors not following established procedures and guidance provided by Human Resources.



**Corrective Action:** Within 90 days of the date of this report, the CCHCS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Government Code section 19992.2 and California Code of Regulations, title 2, section 599.798. Copies of relevant documentation demonstrating that corrective action has been implemented must be included with the corrective action response.

### **DEPARTMENTAL RESPONSE**

The CHCCS' response is attached as Attachment 1.

### **SPB REPLY**

Based upon the CCHCS' written response, the CCHCS will comply with the corrective actions specified in these report findings. Within 90 days of the date of this report, a written corrective action response including documentation demonstrating implementation of the corrective actions specified, must be submitted to the CRU.

November 17, 2021

Luisa Doi  
State Personnel Board  
80 Capitol Mall, Suite 1200  
Sacramento, CA 95814

Dear Ms. Doi:

California Correctional Health Care Services (CCHCS) regards the State Personnel Board's (SPB) Compliance Review process with a high degree of respect and views these reports as a productive, collaborative learning experience with SPB to modify our processes and procedures as necessary to ensure compliance.

CCHCS is unique in that we are separate from the California Department of Corrections and Rehabilitation (CDCR), and yet part of it as well. This duality is complicated by the bifurcated manner in which both sides operate. A perfect example is recruitment, hiring, training, and payroll for health care employees located in the Adult Institutions. CCHCS is responsible for recruitment, hiring, and some training for these health care staff. CDCR is responsible for the appointment process, payroll transactions, and other training for the same staff. Additionally, the Staff Development Unit and Training within CCHCS does not report to Human Resources and the Equal Employment Opportunity (EEO) Program resides within CDCR's Office of Civil Rights.

CCHCS has reviewed the October 2021 draft audit report and provides the following response and causes to the findings:

**Finding number 3 – Out of 68 appointments reviewed, one appointment file included an application where the EEO questionnaire was not separated from an STD 678 employment application.**

**Response:** CCHCS acknowledges the importance of separating information about any protected category listed in Government Code Section 12940(a) from any application. All hiring personnel analysts are instructed to separate and confidentially shred all EEO Questionnaires. However, the hiring analyst who processed the recruitment did not conduct a quality check of all applications, including hard copies received.

**Cause:** The error can be attributed to human error and staff not conducting quality checks and following established procedures.



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**Finding number 4 - CCHCS did not provide 16 probationary reports of performance for 11 of the 68 appointments reviewed by the Compliance Review Unit (CRU). In addition, the CCHCS did not provide two probationary reports of performance in a timely manner.**

**Response:** All managers and supervisors are required to provide probationary evaluations for every staff member required to complete a probation. CCHCS will continue to stress and highlight the critical need to complete probationary evaluations for all probationary employees. HR sends a monthly notice via e-mail to each program with the probation dates of each employee, listing all three probationary dates. In some instances, an incomplete probationary report was due to a turnover at the supervisory level. CCHCS will continue to emphasize the importance of timely completion of probationary reports through Basic Supervision Training and in our other training modules for supervisory classes. Additionally, we are adding probationary reports to our Human Resource (HR) Automation Project in order to have electronic notices automatically notify managers and supervisors of upcoming probation reports as well as a notification to HR to monitor and track compliance.

**Cause:** The error can be attributed to supervisors and managers not following the established procedures and guidance provided by HR.

**Finding number 5 - The CCHCS did not retain 14 NOPAs from the 68 appointments reviewed. This is the second consecutive time this has been a finding for the CCHCS.**

**Response:** CCHCS makes every attempt to retain records for the appropriate amount of time. In regards to the Notice of Personnel Action (NOPA), personnel staff are instructed to send notices to every employee and retain copies in the employee's Official Personnel File (OPF). Due to the high volume of employees who travel between institutions, HR instituted a process to track and calendar NOPAs that have not been signed by employees. HR staff are required to keep unsigned copies of all NOPAs noting the date the notice was mailed and the number of attempts made to gain compliance. The unsigned copy should also be retained in the OPF to show proof of attempted compliance. All of the identified missing NOPAs are for employees who receive HR services from CDCR Institution Personnel Offices. CCHCS will bring this matter to the attention of CDCR HR headquarters to provide direction and reinforcement of the importance of ensuring NOPAs are signed and filed in the OPF accordingly.

**Cause:** The error can be attributed to human error and staff not conducting quality checks and/or following established procedures.



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**Finding number 8 - Complainants were not notified of the reasons for delays in decisions within the prescribed time period.**

**Response:** A revised complaint process was implemented in mid-2018. The practice of notifying the employee after a certain case age was inadvertently missing from Office of Civil Rights' revised complaint process. It is now CDCR's practice to send written notice to complainants with the reason(s) for delay.

**Cause:** The error can be attributed to human error, staff turnover, not providing a timely response(s), and not following established policy and procedures.

**Finding number 10 – CCHCS did not provide ethics training to 11 of 249 new filers within six months of their appointment. In addition, the CCHCS did not provide ethics training to 1,771 of 3,160 existing filers.**

**Response:** Prior to January of 2021, CCHCS employees completed the ethics training on the California Department of Justice internet site and were required to submit their certificate of completion via e-mail to the CCHCS HR office for manual tracking. Due to this manual process, there may be staff who were listed as non-compliant and who may have completed the training, but did not submit their certificates to confirm training completion. As of January 8, 2021, CCHCS employees were notified that they are required to complete the ethics training in the CCHCS Learning Management System (LMS) where the training completion is automatically recorded and an electronic training record is created. New employees designated as Conflict of Interest (COI) Filers are enrolled in the LMS ethics course and are sent an enrollment e-mail with a due date of within six months of appointment for training completion. CCHCS HR provides a monthly report to the Staff Development Unit (SDU) with designated COI filers, which is used for enrollment purposes. SDU also receives an automated e-mail from the electronic filing system that CCHCS HR utilizes for completion of the COI Form 700, notifying SDU if there is a new COI filer that needs to complete the training. As of January 8, 2021, all existing employees who need to complete the ethics training once during each consecutive period of two calendar years are auto-enrolled in the training in the LMS 90 days prior to their two-year expiration date. SDU also sends out monthly reports to the Hiring Authorities with the names of employees who need to complete the ethics training with due dates.

**Cause:** The error can be attributed to a manual tracking process and the need for employees to complete the training on an external website and manually submit the training completion certificate.

**Finding number 11 – The CCHCS did not provide sexual harassment prevention training to 38 of 177 new supervisors within 6 months of their appointment. In addition, the CCHCS did not provide sexual harassment prevention training to 235 of 1,339 existing supervisors every 2 years.**



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**Response:** As of February 26, 2018, CCHCS managers and supervisors are required to complete a Sexual Harassment Prevention training for supervisors and managers via the LMS where the training completion is automatically recorded and an electronic training record is created. Sexual Harassment Prevention training for all staff has also been available via the LMS as of August 9, 2019. The LMS will allow us to better track and ensure compliance with the required training. All managers and supervisors are enrolled in the training in advance and receive reminders via the LMS. SDU also sends out monthly reports to the Hiring Authorities with the names of employees who need to complete the Sexual Harassment Prevention training with due dates. Also, Training Coordinators in each program area and at each institution now have the capability to produce non-compliance reports.

**Cause:** The error can be attributed to staff, supervisors, and managers not following the established due date to complete the training. Prior to 2018, monthly compliance reports were not being sent to the Hiring Authorities with the names of and due dates of employees who needed to complete the Sexual Harassment Prevention training.



**Finding number 15 - Incorrect authorization of bilingual pay. The CRU found three errors in the CCHCS's authorization of bilingual pay.**

**Response:** Two of the three employees identified were entitled to bilingual pay, and CCHCS acknowledges proper documentation was not retained for those employees. The CCHCS hiring analysts who processed the bilingual packages did not ensure the duty statement reflected the appropriate bilingual duties and percentage of time. The third employee's authorization to receive bilingual pay was an error, as the position does not entail bilingual duties and is not entitled to receive bilingual pay. CCHCS has corrected the error by removing the bilingual pay and notifying the employee they will no longer receive bilingual pay. HR will collect any overpayments that fall within the statute of limitations.

**Cause:** The error can be attributed to human error, staff turnover, not conducting quality checks, and not following established policy and procedures.

**Finding number 16 - Incorrect authorization of a pay differential. The CRU found one error in the pay differentials reviewed.**

**Response:** Employees in one of the eligible classifications identified on Pay Differential (PD) 420 as of July 1, 2017, shall receive 2 percent of base salary (non-PERSable) per pay period for the first 12 cumulative qualifying pay periods. Employees hired to an eligible classification after July 1, 2017, shall be eligible upon the first qualifying pay period.

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Due to staff turnover, and staff incorrectly interpreting the PD 420 criteria, corrections are being made to employment history to ensure the pay differential is applied effective the February 2019 pay period.

**Cause:** The error can be attributed to human error, staff turnover, not conducting quality checks, and not following established procedures.

**Finding number 17 - Incorrect authorization of out-of-class pay. The CRU found one error in the CCHCS's authorization of OOC pay.**

**Response:** The request for Out Of Class pay was keyed timely on January 2, 2020. However, when the Personnel Specialist checked for pay, it did not issue. HR reached out to the State Controller's Office (SCO) who advised a Payroll Adjustment Notice (STD 674) needed to be completed and submitted to SCO for processing the pay. Due to the backlog at SCO, payment did not issue until July 2, 2021.

**Cause:** The error can be attributed to SCO system error and backlog.



**Finding number 18 - Positive paid temporary employees' work exceeded time limitations. The CCHCS did not consistently monitor the actual number of days and/or hours worked in order to ensure that positive paid employees did not exceed the 189-day or 1,500-hour limitation in any 12-consecutive month period. Additionally, the CCHCS did not consistently track and monitor two retired annuitant total hours worked, allowing employees to work over the 960-hour limitation in any fiscal year.**

**Response:** CCHCS HR tracks Retired Annuitants' (RA) and intermittent employees' actual hours worked using a tracking sheet. When an RA approaches 200 or less hours remaining of their 960 hour limit, the employee and program managers are notified by HR of the remaining hours available for the current fiscal year. Intermittent employees and program managers are notified when the employee has worked 1,200 hours or more and we advise of hours remaining for the current 12-month work period.

Furthermore, each fiscal year RAs are required to sign a notification and acknowledgement memo which outlines RAs cannot exceed 960 hours in a fiscal year (July 1 through June 30) to ensure compliance with California Public Employees' Retirement System retirement laws and regulations.

**Cause:** The error can be attributed to employees, supervisors, and managers not following the established policy, procedure, and communications issued from HR.

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**Finding number 19 - Administrative time off was not properly documented. The CCHCS did not grant ATO in conformity with the established policies and procedures. Of the 28 ATO authorizations reviewed by the CRU, 2 were found to be out of compliance for failing to document justification for ATO.**

**Response:** When CCHCS HR received the timesheets reflecting ATO for the two employees, the timesheets did not include substantiation to support ATO usage. HR reached out to the employees and supervisors to obtain the ATO substantiation. Based on this outreach, it was determined the employees were not eligible for ATO. Therefore, HR requested amended timesheets and corrected LAS to reflect appropriate leave usages (i.e., vacation/Annual Leave).

**Cause:** The error can be attributed to human error and staff not conducting quality checks and/or following established procedures.

**Finding number 20 - Incorrectly posted leave usage and/or leave credit. The CCHCS did not correctly enter 2 of 66 timesheets into the Leave Accounting System (LAS) during the March 2020 pay period. As a result, four employees retained their prior leave balance despite having used leave credits.**

**Response:** Due to a Personnel Specialist not conducting a quality review to ensure leave was keyed appropriately into LAS, four employees retained their prior leave balance despite having used leave credits. CCHCS HR conducts monthly timesheet audits to ensure staff are in compliance with positing appropriate leave into LAS. HR will subsequently correct the LAS for the employees identified.

**Cause:** The error can be attributed to human error and staff not conducting quality checks and/or following established procedures.

**Finding number 21 - Department did not retain employee time and attendance records. The CCHCS did not retain 2 of 66 timesheets from the March 2020 pay period.**

**Response:** Of the two missing timesheets, one employee was out on Non-Industrial Disability Insurance (NDI) from August 1, 2019 through July 29, 2020. When an employee is out on full NDI, they are not required to submit a timesheet. Therefore, there would be no timesheet for August 1, 2019 through July 29, 2020. The second employee retired effective June 30, 2020 and HR reached out to the employee and supervisor multiple times to obtain the March 2020 timesheet but was unsuccessful. CCHCS will bring this matter to the attention of managers and supervisors, as well as provide direction and reinforcement of the importance of ensuring timesheets are submitted and retained by HR. Additionally, CCHCS will assess timesheet and records requirement for employees out on full NDI.



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**Cause:** The error can be attributed to human error and staff not conducting quality checks and/or following established procedures.

**Finding number 25 - Performance appraisals were not provided to all employees.**

**Response:** All managers and supervisors are required to provide performance appraisals to employees who are not on probation. CCHCS will continue to stress and highlight the critical need to provide performance appraisals to employees. HR sends a monthly notice via e-mail to each program which contains the dates for each annual performance appraisal. In some instances, employees were not provided a performance appraisal due to turnover at the supervisory level. CCHCS will continue to emphasize the importance of providing performance appraisals to employees through Basic Supervision Training and in our other training modules for supervisory classes. Additionally, we are adding performance appraisals to our HR Automation Project in order to have electronic notices automatically notify managers and supervisors of upcoming performance appraisals, as well as a notification to HR to monitor and track compliance.



**Cause:** The error can be attributed managers and supervisors not following established policy, procedures and guidance provided by HR.

CCHCS is dedicated to continuing efforts to address the SPB compliance review findings in order to achieve full compliance. Additionally, we will collaborate with the respective Programs areas to address any of the above issues in which they have oversight to ensure we continue our commitment to achieve full compliance. We would like to thank the SPB's CRU for undertaking the 2020 CCHCS Compliance Review and providing an opportunity to participate in the exit conference.

Sincerely,

DocuSigned by:  
*Jasinda Muhammad*  
7F1359B5854494

JASINDA MUHAMMAD

Deputy Director  
Human Resources  
California Correctional Health Care Services

cc: Lara Saich, Director, Health Care Policy and Administration  
Migdalia Siaca, Deputy Director, Labor Relations, Performance Management, and Staff Development Unit  
Andrea Carter, Assistant Deputy Director (ADD), Personnel Administration and Support Solutions, HR  
Cindy Ormachea, ADD, Employment Services, Disability Management, and Statewide Support, HR  
Laura Harvick, ADD, Field Operations and Activation Support, HR