



COMPLIANCE REVIEW REPORT

CALIFORNIA CORRECTIONAL HEALTH CARE SERVICES

Compliance Review Unit
State Personnel Board
October 11, 2024

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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." The SPB and the 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 the 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, the 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 the SPB’s 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, 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	Serious	Probationary Evaluations Were Not Provided for All Appointments Reviewed ¹
Appointments	Substantial Compliance	Appointment Documentation Was Not Kept for the Appropriate Amount of Time ²
Appointments	In Compliance	Unlawful Appointment Investigations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Equal Employment Opportunity	Very Serious	Complainants Were Not Notified of the Reasons for Delays in Decisions Within the Prescribed Time Period ³
Mandated Training	Very Serious	Ethics Training Was Not Provided for All Filers ⁴

¹ Repeat finding. The CCHCS’ February 7, 2022, compliance review report identified that 16 probationary evaluations were not provided for 11 of the 68 appointments reviewed. Additionally, the CCHCS did not provide two probationary evaluations in a timely manner. The CCHCS’ April 19, 2018, compliance review report identified that 11 probationary evaluations were not provided for 8 of the 157 appointments reviewed

² Repeat finding. The CCHCS’ February 7, 2022, compliance review report identified that 14 NOPAs from the 68 appointments reviewed were not retained. The CCHCS’ April 19, 2018, compliance review report identified that 10 NOPAs and 1 certification list from 157 appointments reviewed were not retained.

³ Repeat finding. The CCHCS’ February 7, 2022, compliance review report identified that two of the four discrimination complainants were not notified in writing the reasons why a decision could not be reached timely.

⁴ Repeat Finding. The CCHCS’ February 7, 2022, compliance review report identified that ethics training was not provided to 1,771 of 3,160 existing filers timely. Additionally, 11 of 249 new filers were not provided ethics training within 6 months of their appointment. The CCHCS’ April 19, 2018, compliance review report identified that 890 of 1,349 existing filers were not provided ethics training. Additionally, 592 of 822 new filers were not provided ethics training within 6 months of their appointment.

Area	Severity	Finding
Mandated Training	Very Serious	Supervisory Training Was Not Provided for All Supervisors, Managers, and CEAs ⁵
Mandated Training	Very Serious	Sexual Harassment Prevention Training Was Not Provided for All Employees ⁶
Compensation and Pay	In Compliance	Salary Determinations Complied with Civil Service Laws, Board 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/or CalHR Policies and Guidelines
Compensation and Pay	In Compliance	Bilingual Pay Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	Very Serious	Incorrect Authorization of Pay Differentials ⁷
Compensation and Pay	Very Serious	Incorrect Authorization of Out-of-Class Pay ⁸
Leave	In Compliance	Positive Paid Employees' Tracked Hours Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	In Compliance	Administrative Time Off Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

⁵ Repeat Finding. The CCHCS' April 19, 2018, compliance review report identified that 210 of 370 new supervisors were not provided basic supervisory training within 12 months of appointment. This area was not reviewed in 2022 because of the lack of available training due to the coronavirus pandemic.

⁶ Repeat Finding. The CCHCS' February 7, 2022, compliance review report identified that sexual harassment prevention training was not provided to 38 of 177 new supervisors within 6 months of their appointment. Additionally, the CCHCS did not provide sexual harassment prevention training to 235 of 1,339 existing supervisors every 2 years. The CCHCS' April 19, 2018, compliance review report identified that sexual harassment prevention training was not provided to 136 of 686 new supervisors within 6 months of their appointment. Additionally, the CCHCS did not provide sexual harassment prevention training to 34 of 833 existing supervisors every 2 years.

⁷ Repeat Finding. The CCHCS' February 7, 2022, compliance review report identified that three errors were made in the eight pay differential transactions reviewed.

⁸ Repeat Finding. The CCHCS' February 7, 2022, compliance review report identified 1 error in the 11 OOC pay transactions reviewed.

Area	Severity	Finding
Leave	Substantial Compliance	Incorrectly Posted Leave Usage and/or Leave Credit ⁹
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 ¹⁰

BACKGROUND

The CCHCS provides medical and dental care and mental health services to California's incarcerated population at all 33 California Department of Corrections and Rehabilitation institutions statewide. We enhance public safety and promote successful community reintegration through education, treatment and active participation in rehabilitative and restorative justice programs.

The CCHCS also facilitates the successful reintegration of the individuals in our care back to their communities equipped with the tools to be drug-free, healthy, and employable members of society by providing education, treatment, rehabilitative, and restorative justice programs, all in a safe and humane environment.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the CCHCS' examinations, appointments, EEO program, mandated training, compensation and pay, leave, and policy and processes¹¹. The primary objective of the review was to determine if the

⁹ Repeat Finding. The CCHCS' February 7, 2022, compliance review report identified that 2 of 66 timesheets were not correctly entered into the Leave Accounting System (LAS) during the March 2020 pay period.

¹⁰ Repeat Finding. The CCHCS' February 7, 2022, compliance review report identified that 30 of 47 employees reviewed were not provided annual performance appraisals after the completion of the employee's probationary period.

¹¹ Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

CCHCS' personnel practices, policies, and procedures complied with state civil service laws and Board regulations, Bargaining Unit Agreements, the CalHR's policies and guidelines, CalHR Delegation Agreements, and to recommend corrective action where deficiencies were identified.

A cross-section of the CCHCS' examinations was 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' permanent withhold actions documentation, including Withhold Determination Worksheets, State applications (STD 678), class specifications, and withhold letters.

A cross-section of the CCHCS' appointments was 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' policies and procedures concerning unlawful appointments to ensure departmental practices conform to state civil service laws and Board regulations.

Additionally, the CCHCS did not make any additional appointments during the compliance review period.

The CCHCS' 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 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' 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 did not have any PSC's during the compliance review period.

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

The CRU reviewed the CCHCS' 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' units to ensure they maintained accurate and timely leave accounting records. Part of this review also examined a cross-section of the CCHCS' 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) 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 to ensure that they adhered to procedural requirements.

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

The CCHCS declined an exit conference to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the CCHCS' written response on October 8, 2024, 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, February 1, 2023, through August 1, 2023, the CCHCS conducted 71 examinations. The CRU reviewed 20 of those examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
CEA A, Chief of Mental Health	CEA	Statement of Qualifications (SOQ) ¹²	1/31/23	4
CEA A, Regional Personnel Administrator	CEA	SOQ	2/3/23	3
CEA P ¹³ , Statewide Dental Director	CEA	SOQ	3/17/23	13
Correctional Supervising Cook	Open	Training and Experience (T&E) ¹⁴	Continuous	141
Food Administrator II	Open	Education and Experience ¹⁵	Continuous	3

¹² 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.

¹³ Classification code 9503, Statewide Dental Director, CEA, only has Ranges A and P.

¹⁴ 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.

¹⁵ 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.

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Laboratory Assistant	Open	T&E	Continuous	894
Licensed Vocational Nurse, CDCR	Open	T&E	Continuous	795
Materials and Stores Supervisor II	Open	T&E	Continuous	168
Medical Assistant	Open	T&E	Continuous	824
Nurse Consultant II	Open	E&E	Continuous	11
Nurse Instructor	Open	E&E	Continuous	27
Nurse Practitioner	Open	T&E	Continuous	124
Pharmacist I	Open	E&E	Continuous	94
Receiver's Nurse Executive (Safety)	Open	T&E	Continuous	29
Respiratory Care Practitioner	Open	E&E	Continuous	4
Senior Clinical Laboratory Technologist	Open	E&E	Continuous	1
Senior Radiologic Technologist, (Specialist)	Open	E&E	Continuous	12
Stock Clerk	Open	T&E	Continuous	107
Supervising Dental Assistant	Open	T&E	Continuous	61
Unit Supervisor (Safety)	Open	T&E	Continuous	72

IN COMPLIANCE	FINDING NO. 1 EXAMINATIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES
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The CRU reviewed 3 CEA examinations and 17 open examinations which the CCHCS administered 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 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, February 1, 2023, through August 1, 2023, the CCHCS conducted 223 permanent withhold actions. The CRU reviewed 35 of these permanent withhold actions, which are listed below:

Exam Title	Exam ID	Date List Eligibility Began	Date List Eligibility Ended	Reason Candidate Placed on Withhold
Associate Governmental Program Analyst	9PB04	1/19/23	3/21/23	Failed to Meet Minimum Qualifications
Associate Governmental Program Analyst	9PB04	2/6/23	7/19/23	Failed to Meet Minimum Qualifications
Associate Governmental Program Analyst	9PB04	4/26/23	7/26/23	Failed to Meet Minimum Qualifications
Associate Governmental Program Analyst	9PB04	2/6/23	6/23/23	Failed to Meet Minimum Qualifications
Chief Executive Officer, Health Care (Safety)	1RC22	6/26/23	10/10/23	Failed to Meet Minimum Qualifications
Chief Executive Officer, Health Care (Safety)	1RC22	3/15/22	10/10/23	Failed to Meet Minimum Qualifications
Correctional Health Services Administrator I	1RC17	8/15/22	3/17/23	Failed to Meet Minimum Qualifications
Correctional Health Services Administrator II	1RC16	3/15/23	5/25/23	Failed to Meet Minimum Qualifications
Health Program Manager III	18267	3/21/23	5/5/23	Failed to Meet Minimum Qualifications

Exam Title	Exam ID	Date List Eligibility Began	Date List Eligibility Ended	Reason Candidate Placed on Withhold
Health Program Specialist I	1192	11/17/22	2/8/23	Failed to Meet Minimum Qualifications
Health Program Specialist II	1191	2/25/23	4/12/23	Failed to Meet Minimum Qualifications
Health Program Specialist II	1191	8/4/21	4/12/23	Failed to Meet Minimum Qualifications
Information Technology Associate	7PB33	2/20/23	3/24/23	Failed to Meet Minimum Qualifications
Information Technology Manager II	2PBBY	10/14/22	4/4/23	Failed to Meet Minimum Qualifications
Information Technology Specialist I	2PBBR	3/15/23	6/22/23	Failed to Meet Minimum Qualifications
Information Technology Specialist I	2PBBR	3/14/23	4/11/23	Failed to Meet Minimum Qualifications
Information Technology Specialist II	2PBBS	11/27/22	3/1/23	Failed to Meet Minimum Qualifications
Labor Relations Analyst	9PB26	6/30/23	8/7/23	Failed to Meet Minimum Qualifications
Labor Relations Analyst	9PB26	7/4/23	8/7/23	Failed to Meet Minimum Qualifications
Medical Assistant	2RC04	6/19/23	7/28/23	Failed to Meet Minimum Qualifications
Nurse Consultant II	3RC03	2/28/23	5/22/23	Failed to Meet Minimum Qualifications
Nursing Consultant, Program Review	0PBHK	2/14/23	4/7/23	Failed to Meet Minimum Qualifications
Nursing Consultant, Program Review	0PBHK	5/12/23	7/6/23	Failed to Meet Minimum Qualifications
Office Technician (Typing)	4PB2402	9/9/22	4/10/23	Failed to Meet Minimum Qualifications
Office Technician (Typing)	4PB2402	12/27/22	6/1/23	Failed to Meet Minimum Qualifications
Office Technician (Typing)	4PB2402	1/12/23	4/19/23	Failed to Meet Minimum Qualifications
Pharmacy Technician	2RC06	5/30/23	7/14/23	Failed to Meet Minimum Qualifications
Pharmacy Technician	2RC06	4/30/23	7/14/23	Failed to Meet Minimum Qualifications
Receiver's Nurse Executive (Safety)	1RC24	2/12/23	2/21/23	Failed to Meet Minimum Qualifications

Exam Title	Exam ID	Date List Eligibility Began	Date List Eligibility Ended	Reason Candidate Placed on Withhold
Research Data Analyst II	8PB38	4/6/23	6/22/23	Failed to Meet Minimum Qualifications
Research Data Specialist II	8PB40	7/6/22	3/23/23	Failed to Meet Minimum Qualifications
Staff Services Analyst	7PB34	11/2/22	2/13/23	Failed to Meet Minimum Qualifications
Staff Services Analyst	7PB34	1/17/23	3/2/23	Failed to Meet Minimum Qualifications
Staff Services Manager I	2PBCY	1/17/23	3/30/23	Failed to Meet Minimum Qualifications
Supervising Registered Nurse II	1RC01	5/23/23	6/13/23	Failed to Meet Minimum Qualifications

IN COMPLIANCE	FINDING NO. 2 PERMANENT WITHHOLD ACTIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES
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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 2, 2022, through January 31, 2023, the CCHCS made 382 appointments. The CRU reviewed 58 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	2
Health Program Specialist I	Certification List	Permanent	Full Time	2
Information Technology Manager I	Certification List	Permanent	Full Time	2
Information Technology Specialist I	Certification List	Permanent	Full Time	3
Information Technology Specialist II	Certification List	Permanent	Full Time	1
Information Technology Supervisor II	Certification List	Permanent	Full Time	1
Labor Relations Specialist	Certification List	Permanent	Full Time	1
Nursing Consultant Program Review	Certification List	Limited Term	Full Time	1
Office Assistant (Typing)	Certification List	Limited Term	Full Time	1
Office Assistant (Typing)	Certification List	Permanent	Full Time	1
Office Technician (Typing)	Certification List	Permanent	Full Time	3
Office Technician (Typing)	Certification List	Limited Term	Full Time	1
Pharmacy Technician	Certification List	Permanent	Full Time	1
Physician and Surgeon, (Internal Medicine/Family Practice)	Certification List	Permanent	Full Time	2
Psychologist – Clinical	Certification List	Permanent	Full Time	1
Receiver’s Nurse Executive (Safety)	Certification List	Permanent	Full Time	2
Research Data Analyst II	Certification List	Permanent	Full Time	1
Research Data Specialist I	Certification List	Permanent	Full Time	1
Research Data Specialist III	Certification List	Permanent	Full Time	1
Senior Psychologist, Specialist	Certification List	Permanent	Full Time	1
Staff Services Analyst	Certification List	Permanent	Full Time	2
Staff Services Manager I	Certification List	Permanent	Full Time	6

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Staff Services Manager II (Supervisory)	Certification List	Permanent	Full Time	1
Receiver's Medical Executive (Safety)	Reinstatement	Permanent	Full Time	1
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	Reinstatement	Permanent	Full Time	1
Associate Governmental Program Analyst	Training and Development	Permanent	Full Time	1
Personnel Supervisor I	Training and Development	Permanent	Full Time	1
Associate Governmental Program Analyst	Transfer	Permanent	Full Time	1
Clinical Social Worker (Health Facility)	Transfer	Permanent	Full Time	2
Information Technology Specialist I	Transfer	Permanent	Full Time	2
Information Technology Supervisor II	Transfer	Permanent	Full Time	1
Labor Relations Specialist	Transfer	Limited Term	Full Time	1
Nursing Consultant Program Review	Transfer	Permanent	Full Time	1
Pharmacy Technician	Transfer	Permanent	Full Time	1
Physician And Surgeon, (Internal Medicine/Family Practice)	Transfer	Permanent	Full Time	1
Psychologist-Clinical	Transfer	Permanent	Full Time	1
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	Transfer	Permanent	Full Time	1
Staff Services Analyst	Transfer	Permanent	Full Time	1
Staff Services Manager I	Transfer	Permanent	Full Time	2
Supervising Psychiatric Social Worker I	Transfer	Permanent	Full Time	1

SEVERITY: SERIOUS	FINDING NO. 3 PROBATIONARY EVALUATIONS WERE NOT PROVIDED FOR ALL APPOINTMENTS REVIEWED
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Summary: The CCHCS did not provide 7 probationary reports of performance for 6 of the 58 appointments reviewed by the CRU, as reflected in the table below. This is the third consecutive time this has been a finding.

Classification	Appointment Type	No. of Appointments	Total No. of Missing Probation Reports
Information Technology Specialist I	Certification List	1	1
Office Technician (Typing)	Certification List	1	1
Physician and Surgeon	Certification List	1	2
Psychologist – Clinical	Certification List	1	1
Information Technology Specialist I	Transfer	1	1
Psychologist – Clinical	Transfer	1	1

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: The CCHCS states the errors can be attributed to supervisors and managers not following the established procedures and guidance provided by HR.

Corrective Action: The CCHCS asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the CCHCS must submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure conformity with Government Code section 19172.

SEVERITY: TECHNICAL	FINDING NO. 4 APPOINTMENT DOCUMENTATION WAS NOT KEPT FOR THE APPROPRIATE AMOUNT OF TIME
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Summary: Of the 58 appointments reviewed, the CCHCS did not retain 1 NOPA. This is the third consecutive time this has been a finding.

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

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, February 1, 2023, through August 1, 2023, the CCHCS conducted 12 unlawful appointment investigations. The CRU reviewed eight of those unlawful appointment investigations, which are listed below:

Classification	Date Investigation Initiated	Date Investigation Concluded
Nursing Consultant, Program Review	02/06/23	3/28/23
Nursing Consultant, Program Review	02/06/23	3/28/23
Nursing Consultant, Program Review	02/06/23	4/19/23
Nursing Consultant, Program Review	11/16/22	5/1/23
Nursing Consultant, Program Review	03/29/23	3/29/23
Nursing Consultant, Program Review	03/29/23	3/29/23
Pharmacist I	03/10/23	3/12/23
Staff Services Analyst	05/10/23	6/12/23

IN COMPLIANCE	FINDING NO. 5 UNLAWFUL APPOINTMENT INVESTIGATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CCHCS' 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).)

SEVERITY: VERY SERIOUS	FINDING NO. 6 COMPLAINANTS WERE NOT NOTIFIED OF THE REASONS FOR DELAYS IN DECISIONS WITHIN THE PRESCRIBED TIME PERIOD
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Summary: The CCHCS provided evidence that 13 discrimination complaints related to a disability, medical condition, or denial of reasonable accommodation were filed during the compliance review period of January 1, 2023, through December 31, 2023. However, 11 of the 13 complaint investigations exceeded 90 days and the CCHCS failed to provide written communication to the complainant regarding the status of the complaint. This is the second consecutive time this has been a finding.

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: The CCHCS states this deficiency can be attributed to a combination of factors, including a lack of training for new staff, inadequate staffing levels, and an increase in caseload.

Corrective Action: The CCHCS asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the CCHCS must submit to the SPB documentation which demonstrates the corrections the department has implemented 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 implemented must be included with the corrective action response.

Mandated Training

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

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

Within 12 months of the initial appointment of an employee to a management or Career Executive Assignment (CEA) position, the employee shall be provided leadership training and development, as prescribed by the CalHR. (Gov. Code, § 19995.4, subds. (d) & (e).)

For management employees the training must be a minimum of 40 hours and for CEAs the training must be a minimum of 20 hours. (*Ibid.*)

New employees must be provided sexual harassment prevention training within six months of appointment. Thereafter, each department must provide its supervisors two hours of sexual harassment prevention training and non-supervisors one hour of sexual harassment prevention training every two years. (Gov. Code, § 12950.1, subs. (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’ mandated training program that was in effect during the compliance review period, August 1, 2021, through July 31, 2023.

SEVERITY: VERY SERIOUS	FINDING NO. 7 ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS
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Summary: The CCHCS did not provide ethics training to 23 of 98 existing filers. In addition, the CCHCS did not provide ethics training to 31 of 100 new filers within 6 months of their appointment. This is the third consecutive time this has been a finding.

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 CCHCS states the cause can be attributed to staff, supervisors, and managers not meeting the established due date to complete the training.

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

SEVERITY: VERY SERIOUS	FINDING NO. 8 SUPERVISORY TRAINING WAS NOT PROVIDED FOR ALL SUPERVISORS, MANAGERS, AND CEAS
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Summary: The CCHCS did not provide basic supervisory training to 102 of 188 new supervisors within 12 months of appointment; did not provide manager training to 40 of 60 new managers within 12 months of appointment; and did not provide CEA training to 2 of 11 new CEAs within 12 months of appointment. This is the second consecutive time this has been a finding.

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

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

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

Severity: Very Serious. The department does not ensure its leaders are properly trained. Without proper training, leaders may not properly carry out their leadership roles, including managing employees.

Cause: The CCHCS states that the errors can be attributed to staff, supervisors, and managers not meeting established due dates to complete their mandated training.

Corrective Action: The CCHCS asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the CCHCS must

submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure that new supervisors are provided supervisory training within 12 months of appointment as required by Government Code section 19995.4.

SEVERITY: VERY SERIOUS	FINDING NO. 9 SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL EMPLOYEES
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Summary: The CCHCS did not provide sexual harassment prevention training to 33 of 75 new supervisors within 6 months of their appointment. In addition, the CCHCS did not provide sexual harassment prevention training to 23 of 125 existing supervisors every 2 years. This is the third consecutive time this has been a finding.

The CCHCS did not provide sexual harassment prevention training to 5 of 150 existing non-supervisors every 2 years.

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

Severity: Very Serious. The department does not ensure that all new and existing employees 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 CCHCS states that the errors can be attributed to staff, supervisors, and managers not meeting established due dates to complete their mandated training.

Corrective Action: The CCHCS asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the CCHCS must submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure that all

employees are provided sexual harassment prevention training in accordance 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 the CalHR. (Cal. Code Regs., tit. 2, § 599.666.) Several salary rules dictate how departments calculate and determine an employee’s salary rate¹⁶ 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 2, 2022, through January 31, 2023, the CCHCS made 382 appointments. The CRU reviewed 28 of those appointments to determine if the CCHCS applied salary regulations accurately and correctly processed employees’ compensation, which are listed below:

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	\$5,518
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	\$5,518
Health Program Specialist I	Certification List	Permanent	Full Time	\$7,253
Information Technology Manager I	Certification List	Permanent	Full Time	\$11,105
Information Technology Specialist I	Certification List	Permanent	Full Time	\$5,982
Information Technology Specialist II	Certification List	Permanent	Full Time	\$10,125
Labor Relations Specialist	Certification List	Permanent	Full Time	\$7,207
Office Assistant (Typing)	Certification List	Limited Term	Full Time	\$3,123
Office Assistant (Typing)	Certification List	Permanent	Full Time	\$3,176

¹⁶ “Rate” is any one of the salary rates in the resolution by the 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)
Pharmacy Technician	Certification List	Permanent	Full Time	\$3,308
Physician and Surgeon	Certification List	Permanent	Full Time	\$11,998
Psychologist – Clinical	Certification List	Permanent	Full Time	\$8,657
Receiver's Nurse Executive (Safety)	Certification List	Permanent	Full Time	\$20,695
Receiver's Nurse Executive (Safety)	Certification List	Permanent	Full Time	\$21,015
Research Data Analyst II	Certification List	Permanent	Full Time	\$5,793
Research Data Specialist I	Certification List	Permanent	Full Time	\$7,252
Research Data Specialist III	Certification List	Permanent	Full Time	\$7,342
Staff Services Analyst	Certification List	Permanent	Full Time	\$4,588
Staff Services Analyst	Certification List	Permanent	Full Time	\$4,588
Staff Services Manager I	Certification List	Permanent	Full Time	\$6,891
Staff Services Manager I	Certification List	Permanent	Full Time	\$7,252
Staff Services Manager I	Certification List	Permanent	Full Time	\$7,252
Staff Services Manager I	Certification List	Permanent	Full Time	\$7,252
Information Technology Specialist I	Transfer	Permanent	Full Time	\$9,643
Pharmacy Technician	Transfer	Permanent	Full Time	\$4,145
Psychologist – Clinical	Transfer	Permanent	Full Time	\$11,651
Staff Services Analyst	Transfer	Permanent	Full Time	\$4,301
Staff Services Manager I	Transfer	Permanent	Full Time	\$7,997

IN COMPLIANCE	FINDING NO. 10 SALARY DETERMINATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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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 the CalHR's 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 2, 2022, through January 31, 2023, the CCHCS employees made 49 alternate range movements within a classification. The CRU reviewed 28 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)
Health Record Technician I	A	P	Full Time	\$4,755
Information Technology Associate	C	D	Full Time	\$6,033
Information Technology Specialist I	A	B	Full Time	\$6,901
Information Technology Specialist I	A	B	Full Time	\$7,272
Information Technology Specialist I	A	B	Full Time	\$6,926
Information Technology Specialist I	B	C	Full Time	\$8,152
Nurse Practitioner	A	J	Full Time	\$11,368
Nurse Practitioner	A	J	Full Time	\$12,851
Nursing Consultant, Program Review	A	P	Full Time	\$14,592
Office Assistant (Typing)	A	B	Full Time	\$3,176
Office Assistant (Typing)	A	B	Full Time	\$3,576
Personnel Specialist	C	D	Full Time	\$4,674
Physician and Surgeon	A	R	Full Time	\$25,202
Physician and Surgeon	A	R	Full Time	\$26,463
Physician and Surgeon	A	R	Full Time	\$25,202
Senior Psychiatrist (Supervisor), Correctional and Rehabilitative Services (Safety)	B	Q	Full Time	\$30,377
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	B	Q	Full Time	\$28,633
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	B	Q	Full Time	\$26,271
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	P	Q	Full Time	\$27,269
Staff Services Analyst	B	C	Full Time	\$4,588
Staff Services Analyst	A	B	Full Time	\$4,649
Staff Services Analyst	A	B	Full Time	\$4,095
Staff Services Analyst	A	B	Full Time	\$4,649

Classification	Prior Range	Current Range	Time Base	Salary (Monthly Rate)
Staff Services Analyst	A	B	Full Time	\$4,649
Staff Services Analyst	A	B	Full Time	\$4,649
Staff Services Analyst	A	C	Full Time	\$4,588
Staff Services Analyst	B	C	Full Time	\$5,028
Supervising Psychiatric Social Worker	A	P	Full Time	\$10,049

IN COMPLIANCE	FINDING NO. 11	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 the CalHR's 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 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.¹⁷ (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 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 2, 2022, through January 31, 2023, the CCHCS authorized five HAM requests. The CRU reviewed all 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:

Classification	Appointment Type	Status	Salary Range	Salary (Monthly Rate)
Health Program Specialist II	Certification List	New to State	\$6,658 – \$8,334	\$8,334
Information Technology Specialist I	Certification List	New to State	\$7,197 – \$9,643	\$8,700

¹⁷ 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.

Classification	Appointment Type	Status	Salary Range	Salary (Monthly Rate)
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	Certification List	New to State	\$13,197 – \$18,107	\$15,745
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	Certification List	New to State	\$12,825 – \$17,597	\$16,008
Staff Psychiatrist, Correctional and Rehabilitative Services (Safety)	Certification List	New to State	\$12,825 – \$17,597	\$16,271

IN COMPLIANCE	FINDING NO.12 HIRE ABOVE MINIMUM REQUESTS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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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 the CalHR’s 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 2, 2022, through January 31, 2023, the CCHCS issued bilingual pay to three employees. The CRU reviewed those three bilingual pay authorizations to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Bargaining Unit	Time Base	No. of Appts.
Clinical Social Worker (Health Facility)	R19	Full-Time	2
Staff Services Manager I	E48	Full-Time	1

IN COMPLIANCE	FINDING NO. 13 BILINGUAL PAY AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRU found that the bilingual pay authorized to employees during the compliance review period, satisfied civil service laws, Board rules and the CalHR’s policies and guidelines.

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, 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 2, 2022, through January 31, 2023, the CCHCS authorized 22 pay differentials.¹⁸ The CRU reviewed 13 of these pay differentials to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

¹⁸ For the purposes of CRU’s review, only monthly pay differentials were selected for review at this time.

Classification	Pay Differential	Monthly Amount
Associate Governmental Program Analyst	441	\$250
Captain (Adult Institution)	420	6%
Captain (Adult Institution)	420	4%
Clinical Social Worker (Health/Correctional Facility) – Safety	322	3%
Correctional Administrator, Department of Corrections	420	6%
Correctional Lieutenant	165	5%
Nursing Consultant, Program Review	317	\$400
Nursing Consultant, Program Review	317	\$400
Physician And Surgeon	413	15%
Research Specialist IV – Various Studies	434	3%
Research Specialist IV – Various Studies	434	2%
Senior Psychologist, (Specialist)	322	3%
Staff Services Analyst	441	\$250

SEVERITY: VERY SERIOUS	FINDING NO. 14 INCORRECT AUTHORIZATION OF PAY DIFFERENTIALS
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Summary: The CRU found 2 errors in the 13 pay differentials reviewed. This is the second consecutive time this has been a finding.

Classification	Area	Description of Findings	Criteria
Research Specialist IV – Various Studies	Educational Pay	The department did not provide proof that the employee possessed a Doctoral Degree or a Degree of Doctor of Medicine from an accredited institution.	Pay Differential 434
Research Specialist IV – Various Studies	Educational Pay	The department did not provide proof that the employee possessed a master’s degree from an accredited institution.	Pay Differential 434

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 the CalHR's policies and guidelines. This results in civil service employees receiving incorrect and/or inappropriate compensation.

Cause: The CCHCS states that the errors can be attributed to human error, staff turnover, not conducting quality checks, and not following established procedures.

Corrective Action: The CCHCS asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the CCHCS must submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure conformity with Pay Differential 434 and ensure that employees are compensated correctly and that transactions are keyed accurately.

Out-of-Class Assignments and Pay

For excluded¹⁹ and most rank-and-file employees, out-of-class (OOC) work is defined as performing, more than 50 percent of the time, the full range of duties and responsibilities allocated to an existing class and not allocated to the class in which the person has a current, legal appointment. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(2).) A higher classification is one with a salary range maximum that is any amount higher than the salary range maximum of the classification to which the employee is appointed. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(3).)

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

¹⁹ "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.

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 2, 2022, through January 31, 2023, the CCHCS issued OOC pay to 136 employees. The CRU reviewed 11 of these OOC assignments to ensure compliance with applicable MOU provisions, salary regulations, and the CalHR's policies and guidelines. These are listed below:

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
Associate Governmental Program Analyst	R01	Staff Services Manager I	8/2/22 – 9/30/22
Captain (Adult Institution)	M06	Correctional Administrator, Dept. of Corrections	10/1/21 – 9/30/22
Chief Physician And Surgeon	M16	Receiver's Medical Executive (Safety)	4/18/22 – 4/17/23
Correctional Counselor II (Specialist)	R06	Correctional Counselor III	1/25/23 – 3/25/23
Management Services Technician	R01	Staff Services Analyst (General)	9/19/22 – 10/31/22
Office Technician (Typing)	R04	Staff Services Analyst (General)	8/23/22 – 9/30/22
Office Technician (Typing)	R04	Staff Services Analyst (General)	11/1/22 – 12/30/22
Staff Services Manager I	S01	Staff Services Manager II (Supervisor)	12/1/22 – 1/6/22
Staff Services Manager II (Supervisory)	S01	CEA	1/23/23 – 3/23/23
Staff Services Manager II (Supervisory)	S01	Staff Services Manager III	7/1/22 – 10/30/22
Supervising Registered Nurse II	S17	Nurse Consultant III (Supervising)	6/20/22 – 8/18/22

SEVERITY: VERY SERIOUS	FINDING NO. 15 INCORRECT AUTHORIZATION OF OUT-OF-CLASS PAY
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Summary: The CRU found 2 errors in the 11 OOC pay assignments reviewed. This is the second consecutive time this has been a finding for the CCHCS.

Classification	Out-of-Class Classification	Description of Findings	Criteria
Captain (Adult Institution)	Correctional Administrator, Department of Corrections	Employee's OOC salary was not calculated using the GEN effective 7/1/2022 resulting in under compensation.	Pay Differential 236
Staff Services Manager I	Staff Services Manager II (Supervisor)	Employee was not compensated for six days of out-of-class pay while performing the duties at the higher-level classification resulting in under compensation.	Pay Differential 236

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.

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

For excluded employees, there shall be no compensation for assignments that last for 15 consecutive working days or less. (Cal. Code Regs., tit. 2, § 599.810, subd. (c).) An excluded employee performing in a higher class for more than 15 consecutive working days shall receive the rate of pay the excluded employee would receive if appointed to the higher class for the entire duration of the assignment, not to exceed one year. (Cal. Code Regs., tit. 2, §

599.810, subd. (d).) An excluded employee may be assigned out-of-class work for more than 120 calendar days during any 12-month period only if the appointing power files a written statement with the CalHR certifying that the additional out-of-class work is required to meet a need that cannot be met through other administrative or civil service alternatives. (Cal. Code Regs., tit. 2, § 599.810, subd. (e).)

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 the CalHR’s policies and guidelines. This results in civil service employees receiving incorrect and/or inappropriate compensation.

Cause: The CCHCS states that the errors can be attributed to human error, staff turnover, not conducting quality checks, and not following established procedures.

Corrective Action: The CCHCS asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the CCHCS must submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure conformity with California Code of Regulations, title 2, section 599.810 and Pay Differential 236.

Leave

Positive Paid Employees

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

An employee is appointed TAU-ATW when he/she is not expected to work all the working days of a month. When counting 189 days, every day worked, including partial days²⁰

²⁰ For example, two hours or ten hours count as one day.

worked and paid absences²¹, are counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day are not limited by this rule. (*Ibid.*) The 12-consecutive month timeframe begins by counting the first pay period worked as the first month of the 12-consecutive month timeframe. (*Ibid.*) The employee shall serve no longer than 189 days in a 12 consecutive month period. (*Ibid.*) A new 189-days working limit in a 12-consecutive month timeframe may begin in the month immediately following the month that marks the end of the previous 12-consecutive month timeframe. (*Ibid.*)

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

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

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

At the time of the review, the CCHCS had 77 positive paid employees whose hours were tracked. The CRU reviewed 25 of those positive paid appointments to ensure compliance with applicable laws, regulations, policies and guidelines, which are listed below:

Classification	Tenure	Time Frame	Hours Worked ²²
Associate Governmental Program Analyst	Retired Annuitant	Fiscal Year	841.25
Associate Governmental Program Analyst	Retired Annuitant	Fiscal Year	960

²¹ For example, vacation, sick leave, compensating time off, etc.

²²Executive Order N-25-20, signed by Governor Newsom on March 12, 2020, suspended work hour limitations on retired annuitants' hours due to the Covid-19 emergency. This expired on March 31, 2022. Appointing authorities whose employees exceeded the established work hour limitations were required to notify the CalHR of such. If a positive paid employee's hours exceeded limitations, and there was no notification to the CalHR, then that would result in a finding.

Classification	Tenure	Time Frame	Hours Worked ²²
Associate Governmental Program Analyst	Retired Annuitant	Fiscal Year	852.25
Associate Governmental Program Analyst	Retired Annuitant	Fiscal Year	1,676
Associate Governmental Program Analyst	Retired Annuitant	Fiscal Year	513
Correctional Administrator, Department of Corrections	Retired Annuitant	Fiscal Year	950
Correctional Health Services Administrator II	Retired Annuitant	Fiscal Year	709.15
Health Program Manager III	Retired Annuitant	Fiscal Year	1,748.50
Health Program Specialist II	Retired Annuitant	Fiscal Year	2,005.25
Information Technology Specialist II	Retired Annuitant	Fiscal Year	1,267
Labor Relations Manager I	Retired Annuitant	Fiscal Year	726
Nursing Consultant, Program Review	Retired Annuitant	Fiscal Year	1,127
Personnel Technician II, Specialist	Retired Annuitant	Fiscal Year	842
Personnel Technician II, Specialist	Retired Annuitant	Fiscal Year	726
Pharmacist I	Retired Annuitant	Fiscal Year	955
Physician & Surgeon	Retired Annuitant	Fiscal Year	845.75
Physician & Surgeon	Retired Annuitant	Fiscal Year	952.5
Psychologist, Clinical	Retired Annuitant	Fiscal Year	2,002
Psychologist, Clinical	Retired Annuitant	Fiscal Year	1,772
Psychologist, Clinical	Retired Annuitant	Fiscal Year	1,678
Senior Personnel Specialist	Retired Annuitant	Fiscal Year	960
Staff Services Manager III	Retired Annuitant	Fiscal Year	910.5
Student Assistant	Temporary	12 Consecutive Months	812
Student Assistant	Temporary	12 Consecutive Months	740.50
Student Assistant	Temporary	12 Consecutive Months	1,066.5

IN COMPLIANCE	FINDING NO. 16 POSITIVE PAID EMPLOYEES' TRACKED HOURS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRU found no deficiencies in the positive paid employees reviewed during the compliance review period. The CCHCS provided sufficient justification and adhered to

applicable laws, regulations and the CalHR’s policy and guidelines for positive paid employees.

Administrative Time Off

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

During the period under review, May 1, 2022, through May 1, 2023, the CCHCS authorized 656 ATO transactions. The CRU reviewed 23 of these ATO transactions to ensure compliance with applicable laws, regulations, and the CalHR’s policy and guidelines, which are listed below:

Classification	Time Frame	# of Hours on ATO
Associate Budget Analyst	6/6/22 – 6/15/22	71
Associate Governmental Program Analyst	8/26/22 – 9/2/2022	46.5
Associate Governmental Program Analyst	11/28/22 – 12/2/22	40
Associate Governmental Program Analyst	1/24/23	2
Associate Governmental Program Analyst	12/20/22 – 12/30/22	48
Associate Management Auditor	1/13/23	5
CEA	7/11/22 – 7/22/22	72
Certified Nursing Assistant	8/5/22 – 10/31/22	388
Correctional Administrator, Department of Corrections	6/24/22 – 6/30/22	48
Dentist, Correctional Facility	12/20/22 – 12/30/22	64
Digital Print Operator I	7/5/22 – 7/15/22	72
Information Technology Associate	11/8/22	2
Information Technology Specialist I	9/6/22 – 9/16/22	68
Office Assistant (Typing)	5/11/22 – 5/24/22	80
Office Technician (Typing)	5/12/2022	8
Office Technician (Typing)	1/9/23	8
Office Technician (Typing)	10/21/22	8
Personnel Technician I	8/24/22 – 8/31/22	44
Staff Psychologist	9/15/22 – 9/24/22	80
Staff Services Analyst	11/8/22	2
Staff Services Analyst	2/6/22 – 1/31/23	48

Classification	Time Frame	# of Hours on ATO
Staff Services Analyst	1/9/23	6
Staff Services Analyst	7/5/22 – 7/11/22	40

IN COMPLIANCE	FINDING NO. 17 ADMINISTRATIVE TIME OFF AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRU found no deficiencies in the ATO transactions reviewed during the compliance review period. The CCHCS provided the proper documentation justifying the use of ATO and adhered to applicable laws, regulations and the CalHR’s policy and guidelines.

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, February 1, 2023, through May 1, 2023, the CCHCS reported 97 units comprised of 17,993 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
February 2023	005	2	2	0
February 2023	007	4	4	0
February 2023	322	14	14	0

Timesheet Leave Period	Unit Reviewed	Number of Employees	Number of Timesheets Reviewed	Number of Missing Timesheets
February 2023	927	1	1	0
February 2023	398	9	9	0
February 2023	091	22	22	0
March 2023	100	3	3	0
March 2023	570	2	2	0
March 2023	934	4	4	0
March 2023	397	15	15	0
March 2023	396	10	10	0
April 2023	128	10	10	0
April 2023	801	1	1	0
April 2023	933	3	3	0

SEVERITY: VERY SERIOUS	FINDING NO. 18 INCORRECTLY POSTED LEAVE USAGE AND LEAVE CREDIT
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Summary: The CCHCS did not correctly enter 1 of 100 timesheets into the LAS during the March 2023 pay period. As a result, one employee retained their prior leave balance despite having used leave credits. This is the second consecutive time this has been a finding for the CCHCS.

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

State Service

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

Generally, an employee who has 11 or more working days of service in a monthly pay period shall be considered to have a complete month, a month of service, or continuous service.²³ (Cal. Code Regs., tit. 2, § 599.608.) Full time and fractional employees who work less than 11 working days in a pay period will have a non-qualifying month and will not receive state service or leave accruals for that month.

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

For each qualifying monthly pay period, the employee shall be allowed credit for vacation with pay on the first day of the following monthly pay period. (Cal. Code Regs., tit. 2, § 599.608.) When computing months of total state service to determine a change in the monthly credit for vacation with pay, only qualifying monthly pay periods of service before and after breaks in service shall be counted. (Cal. Code Regs., tit. 2, § 599.739.) Portions of non-qualifying monthly pay periods of service shall not be counted nor accumulated. (*Ibid.*) On the first day following a qualifying monthly pay period, excluded employees²⁴ 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, February 1, 2023, through August 1, 2023, the CCHCS had nine employees with qualifying and non-qualifying pay period transactions. The CRU

²³ 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.

²⁴ 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.

reviewed 11 transactions to ensure compliance with applicable laws, regulations and the CalHR’s policy and guidelines, which are listed below:

Type of Transaction	Time base	Number Reviewed
Qualifying	Full Time	3
Non-Qualifying	Full Time	8

IN COMPLIANCE	FINDING NO. 19 SERVICE AND LEAVE TRANSACTIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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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.

Policy and Processes

Nepotism

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

IN COMPLIANCE	FINDING NO. 20 NEPOTISM POLICY COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRU verified that the policy was disseminated to all staff and emphasized the CCHCS’ commitment to the state policy of hiring, transferring, and promoting employees on the basis of merit. Additionally, the CCHCS’ 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.*)

In this case, the CCHCS did not employ volunteers during the compliance review period.

IN COMPLIANCE	FINDING NO. 21 WORKERS’ COMPENSATION PROCESS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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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 87 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.

SEVERITY: SERIOUS	FINDING NO. 22 PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES
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Summary: The CCHCS did not provide annual performance appraisals to 53 of 87 employees reviewed after the completion of the employee’s probationary period. This is the second consecutive time this has been a finding for the CCHCS.

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 employees are apprised of work performance issues and/or goals in a systematic manner.

Cause: The CCHCS states that the error can be attributed to managers and supervisors not following established policy, procedures and guidance provided by 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 Government Code section 19992.2 and California Code of Regulations, title 2, section 599.798. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

DEPARTMENTAL RESPONSE

The CCHCS' departmental 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.

October 8, 2024

Suzanne Ambrose
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814

Dear Ms. Ambrose:

The 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 its processes and procedures as necessary to ensure compliance.

The CCHCS is responsible for recruitment, hiring, and some training for health care staff. California Department of Corrections and Rehabilitation (CDCR) Human Resources (HR) is responsible for the keying and processing of appointments and payroll transactions (except for California Health Care Facility, Stockton). Additionally, the Staff Development Unit (SDU) within the CCHCS does not report to HR and is responsible for making mandatory training accessible to health care staff. The Equal Employment Opportunity (EEO) Program responsibility resides within CDCR's Office of Civil Rights (OCR).

The CCHCS HR, CCHCS SDU, and CDCR OCR have reviewed the June 2024 draft audit report and provide the following respective area responses and causes to the findings:

Finding No. 3 – The CCHCS did not provide 7 probationary reports of performance for 6 of the 58 appointments reviewed by the Compliance Review Unit (CRU). This is the third consecutive time this has been a finding for the CCHCS.

Response: The CCHCS agrees with this finding, however, all managers and supervisors are required to provide probationary evaluations for every staff member required to complete a probation. This is a significant decrease compared to the prior reported findings. The CCHCS will continue to stress and emphasize 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. The CCHCS will continue to emphasize the importance of timely completion of probationary reports through Basic Supervision Training and in other training modules for supervisory classes.

Additionally, probationary reports and tracking are a future enhancement to our current HR Automation Project. This enhancement will include automatic electronic



notifications to 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 No. 4 – Of the 58 appointments reviewed, the CCHCS did not retain 1 NOPA. This is the third consecutive time this has been a finding for the CCHCS.

Response: The CCHCS agrees with this finding. This is a significant decrease compared to the prior reported finding. After the previous compliance review, the CCHCS released a Personnel Information Bulletin on May 16, 2023, to all HR staff to ensure Notice of Personnel Actions (NOPA) are provided to the employee. Copies are retained in the Official Personnel File (OPF) and made available for compliance reviews. Furthermore, the PIB established a NOPA Coordinator with access to SCO mainframe and Mobius View. The NOPA coordinator will send notices to every employee and retain copies in the employee's Official Personnel File (OPF). The CCHCS will reissue the PIB and provide training to all HR staff to ensure continued compliance with the NOPA procedures. Additionally, the NOPA has been ordered from SCO to ensure compliance.

Finding No. 6 – The CCHCS provided evidence that 13 discrimination complaints related to a disability, medical condition, or denial of reasonable accommodation were filed during the compliance review period of January 1, 2023, through December 31, 2023. 11 of the 13 complaint investigations exceeded 90 days and the CCHCS failed to provide written communication to the complainant regarding the status of the complaint. This is the second consecutive time this has been a finding for the CCHCS.

Response: The CCHCS agrees with this finding. The OCR did not meet compliance this year due to a combination of factors, including a lack of training for new staff and inadequate staffing levels. Additionally, an increase in caseload further strained resources, leading to lapses in following the required processes. Despite these challenges, the OCR is confident that it has resolved this compliance issue moving forward. The OCR has implemented comprehensive training programs for all staff and addressed its staffing needs to ensure that the OCR and EEO Coordinators can effectively manage its caseload and adhere to all compliance requirements.

The OCR has responded to SPB's original request for corrective action in February 2024, as part of the CDCR compliance review. The CDCR and the CCHCS together identified discrimination complaints not provided with a written decision within the 90-day time-period. As indicated with OCR's past response, both the OCR and the CCHCS are now within compliance and are effectively addressing and preventing any lapse in the 90-day with the implementation of a robust safeguard, ensuring timely



dispatch of 90-day letters to all complaints, effectively addressing and preventing any future lapse in the notification process for EEO complaints.

Cause: The deficiency can be attributed to a combination of factors, including a lack of training for new staff, inadequate staffing levels, and an increase in caseload.

Finding No. 7 – The CCHCS did not provide ethics training to 23 of 98 existing filers. In addition, the CCHCS did not provide ethics training to 31 of 100 new filers within 6 months of their appointment. This is the third consecutive time this has been a finding for the CCHCS.

Response: The CCHCS agrees with this finding. The CCHCS provides ethics training to existing and new Conflict of Interest (COI) filers through an eLearning course in its Learning Management System (LMS). The CCHCS LMS automatically records training completions and creates an electronic training record for employees.

The CCHCS HR Office provides a monthly report to SDU with designated COI filers, which is utilized for enrollment purposes. SDU also receives an automated e-mail from the electronic filing system the 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.

New COI filer employees are enrolled in the LMS ethics training and sent an automated enrollment e-mail, which alerts them of the requirement to complete the training within six months of appointment. New filers are also given the exact due date the training must be completed in the e-mail alert they receive.

Existing COI filer employees who need to complete the ethics training once during each consecutive period of two calendar years are automatically re-enrolled in the LMS training 180 days prior to their two-year expiration date. Existing filers receive an automated re-enrollment e-mail alerting them of the requirement to complete the training once every two years to be compliant with the applicable Government Code sections. Existing filers are also given the exact due date the training must be completed in the e-mail alert they receive.

Until the training is completed, both new and existing COI filers receive automated e-mail messages from the LMS reminding them to complete the training. Employees receive these automated e-mail alerts every 20 days. The automated reminders reiterate to staff their exact due date and the Government Code sections which mandate the training.

Annually, the CCHCS and CDCR HR Offices distribute a memorandum via e-mail to all CCHCS and CDCR staff announcing the filing requirements for designated positions. This memorandum also includes notification that staff complete the ethics training in



LMS, and further informs staff that California law requires designated State officials complete the ethics training within six months of hire into a designated COI position, and every two years thereafter.

SDU has enhanced its compliance reports for mandated ethics training for distribution to the CCHCS Hiring Authorities. In addition to these reports, Training Coordinators assigned to each Hiring Authority have access to produce compliance reports from LMS at any time for all mandated training.

Cause: The cause can be attributed to staff, supervisors, and managers not meeting the established due date to complete the training.

Finding No. 8 – The CCHCS did not provide basic supervisory training to 102 of 188 new supervisors within 12 months of appointment; did not provide manager training to 40 of 60 new managers within 12 months of appointment; and did not provide CEA training to 2 of 11 new CEAs within 12 months of appointment. This is the second consecutive time this has been a finding for the CCHCS.



Response: The CCHCS agrees with this finding. The CCHCS provides the Supervisor Development Program (SDP) training to first-line supervisors, in collaboration with CDCR's Peace Officer Selection and Employee Development (POSED). The training is delivered jointly by the CCHCS and the CDCR instructors to CDCR and CCHCS staff, through a Memorandum of Understanding with the California Department of Human Resources (CalHR).

Hiring Authorities are regularly informed of the requirement that newly appointed supervisors attend SDP when the CDCR and the CCHCS training offices send out notices announcing upcoming classes. These notices outline the timeframe for new supervisors to complete the trainings, specifically citing Government Code section 19995.4, subsections (b) and (c). Hiring Authorities are advised to, and responsible for, disseminating the information to their supervisors and managers for awareness of the requirement and ensure their staff's compliance with the Government Code.

As of March 1, 2023, SDU began automatically enrolling newly appointed CCHCS supervisors in SDP to assist supervisors in meeting the requirements of Government Code section 19995.4. SDU utilizes bi-monthly reports provided by the CCHCS HR Office to identify new supervisory appointments for enrollment purposes. SDU enrolls newly appointed supervisors in SDP within six months of initial appointment, but no later than the end of their probationary period. When the automatic enrollment process was implemented, a memorandum was distributed to the CCHCS Hiring Authorities announcing it, as well as the Government Code requirements and timeframes for completion. This memorandum is on the CCHCS SDU intranet page and available for all staff to view. Additionally, first-line supervisors who are automatically

enrolled in SDP receive a notification e-mail from SDU staff informing them of their requirement to attend the training, as well as the timeframe by which they must attend SDP to be compliant.

The CCHCS also revised its training policy to specifically clarify the timeframe for new supervisors to complete SDP training is six months from their initial appointment, but no later than the term of their probationary period, citing specifically Government Code section 19995.

As this response relates to mandated training for new managers and CEAs, CalHR provides the initial appointment mandated training for these staff. Having only one agency approved to deliver the new-to-role manager and CEA mandated trainings creates difficulties with obtaining compliance. The costs associated with attending CalHR's trainings contribute to compliance ratings when budgetary issues exist, and Departments are asked to reduce costs. Allowing Departments the ability to offer the mandated training for managers and CEAs, following the curriculum developed by CalHR, provides greater flexibility for coordination, scheduling, and enrollment of staff in the mandated training, given the critical mission of the CCHCS organization in ensuring health care is adequately and timely provided to the patient population, consistent with court orders and litigation-driven regulations and policies, and various other overarching and competing priorities and commitments of the CCHCS, as well as its large workforce. This greater flexibility would assist with the collective goal of ensuring a well-trained quality workforce and in achieving compliance with Government Code requirements.



CDCR's POSED offers leadership and development training opportunities to CDCR and CCHCS supervisors, managers, and CEAs with no cost to participants. These leadership trainings were developed to promote and align with CalHR's leadership competencies, to continue and build upon the professional development of the CCHCS' organizational leaders. If there is an instance of a manager or CEA not being able to attend CalHR's MDP or EDP, other available options exist for the staff to receive training that benefits them in their roles as State and CCHCS leaders.

SDU has enhanced its compliance reports for mandated new-to-role training for supervisors, managers, and CEAs for distribution to the CCHCS Hiring Authorities. In addition to these reports, Training Coordinators assigned to each Hiring Authority have access to produce compliance reports from LMS at any time for all mandated training.

Cause: The cause can be attributed to staff, supervisors, and managers not meeting the established due date to complete the training.

Finding No. 9 – The CCHCS did not provide sexual harassment prevention training to 33 of 75 new supervisors within 6 months of their appointment. In addition, the CCHCS did not provide sexual harassment prevention training to 23 of 125 existing supervisors every 2 years. This is the third consecutive time this has been a finding for the CCHCS.

Response: CCHCS provides Sexual Harassment Prevention (SHP) training to all supervisors and staff through eLearning courses in LMS. The CCHCS LMS automatically records training completions and creates an electronic training record for employees.

All new supervisors are enrolled in the LMS SHP training upon their appointment and sent an automated enrollment email. The enrollment email alerts newly appointed supervisors that they must complete the course within six months.

Existing supervisors who are required to complete the SHP training every two years are automatically re-enrolled in the LMS training six months prior to their two-year expiration date. Employees receive a re-enrollment email alerting them of the requirement to complete the training once every two years.

Until the training is complete, both new and existing supervisors and managers receive automated email messages from LMS alerting them to complete the training. Employees receive these automated email messages every 20 days. The automated reminders reiterate the timeframes for completing the training based on whether they are new or existing supervisors or managers.

CCHCS also revised its training policy to further specify the timeframes that new and existing supervisors and managers must complete SHP training, specifically citing the source of the mandate, Government Code section 12950.1. The policy is located on the main page of the CCHCS intranet site, as well as on SDU's intranet page.

Non-supervisory employees are enrolled and must complete SHP training in LMS annually, per CDCR and CCHCS policy. Until the training is complete, employees receive automated email reminders from LMS alerting them to complete the training. These automated email messages are sent to employees every 30 days and reiterate the timeframe for completing the training.

As stated above, SHP training is required annually for CDCR and CCHCS employees. Annual training schedules are released at the beginning of the calendar year, which includes SHP training. The schedules are provided to Hiring Authorities, headquarters and institution training offices, and training staff, who are responsible for distributing and communicating the requirements with their employees. The training schedules are also posted on the main page of the CCHCS intranet site when they are first released and remain on SDU's intranet page for the duration of the training year.



SDU has enhanced its compliance reports for mandated SHP training for supervisory and non-supervisory staff for distribution to CCHCS Hiring Authorities. In addition to these reports, Training Coordinators assigned to each Hiring Authority have access to produce compliance reports from the LMS at any time for all mandated training.

Cause: The cause can be attributed to staff, supervisors, and managers not meeting the established due date to complete the training.

Finding No. 14 – The CRU found 2 errors in the 13 pay differentials reviewed. This is the second consecutive time this has been a finding for the CCHCS.

Response: CCHCS has an update to this finding, after a review of the two employee's applications and transcripts on file, it has been determined they have the applicable course work and degree to be eligible for Pay Differential (PD) 434. The transcripts will be appropriately filed for records retention.

The CCHCS will continue to train and educate employees on the application of PD rules, laws, and regulations. The CCHCS will be re-evaluating internal processes and procedures to verify PD eligibility criteria and documentation is retained in support

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

Finding No. 15 – The CRU found 2 errors in the 11 out-of-class (OOC) pay assignments reviewed. This is the second consecutive time this has been a finding for the CCHCS.

Response: The CCHCS agrees with this finding. Two employees were underpaid PD 236. The CCHCS has submitted documentation and is working with the State Controller's Office (SCO) to correct the underpayment of the two employees. The CCHCS will continue to train and educate on the application of OOC rules, laws, and regulations. The CCHCS will be re-evaluating internal processes and procedures. Additionally, the CCHCS will utilize the resources provided by the CalHR and the SCO for calculating out of class payments.

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

Finding No. 18 - The CCHCS did not correctly enter 1 of 100 timesheets into the Leave Accounting System (LAS) during the March 2020 pay period. As a result, one employee retained their prior leave balance despite having used leave credits. This is the second consecutive time this has been a finding for the CCHCS.



Response: The CCHCS agrees with this finding. The Personnel Specialist will conduct quality reviews to ensure leave is keyed appropriately into LAS. Additionally, the CCHCS HR will continue to conduct monthly timesheet audits to ensure staff are complying with posting appropriate leave into LAS. The CCHCS corrected the leave usage in LAS on January 29, 2024, for the employee identified.

Finding No. 22 – The CCHCS did not provide annual performance appraisals to 53 of 87 employees reviewed after the completion of the employee’s probationary period. This is the second consecutive time this has been a finding for the CCHCS.

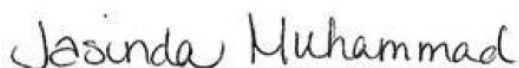
Response: The CCHCS agrees with this finding, however, all managers and supervisors are required to provide annual performance appraisals to employees who are not on probation. The CCHCS will continue to stress and emphasize the critical need to complete annual performance evaluations for all employees. HR sends a monthly notice via e-mail to each program which contains the dates for each annual performance appraisal. The CCHCS will continue to emphasize the importance of timely completion of annual performance appraisals through Basic Supervision Training and in other training modules for supervisory classes.

Additionally, annual performance appraisals and tracking are a future enhancement to our current HR Automation Project. This enhancement will include automatic electronic notifications to managers and supervisors of upcoming annual 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, CCHCS will collaborate with the respective Program areas to address any of the above issues in which they have oversight to ensure the commitment to achieve full compliance is continued. CCHCS appreciates and would like to thank the SPB’s CRU for undertaking the 2023 CCHCS Compliance Review and providing an opportunity to participate in the exit conference.

Sincerely,



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
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Andrea Carter, Assistant Deputy Director (ADD), Personnel Administration and
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