



COMPLIANCE REVIEW REPORT

EDUCATION AUDIT APPEALS PANEL

Compliance Review Unit
State Personnel Board
October 11, 2021

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INTRODUCTION

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

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

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

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

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

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

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

EXECUTIVE SUMMARY

The CRU conducted a routine compliance review of the Education Audit Appeals Panel (EAAP) personnel practices in the areas of EEO, mandated training, leave, and policy and processes. The following table summarizes the compliance review findings.

Area	Severity	Finding
Equal Employment Opportunity	Very Serious	Equal Employment Opportunity Officer Is Not at the Managerial Level
Equal Employment Opportunity	Very Serious	A Disability Advisory Committee Has Not Been Established
Mandated Training	Very Serious	Ethics Training Was Not Provided for All Filers
Leave	In Compliance	Positive Paid Employees’ Tracked Hours Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	In Compliance	Leave Auditing and Timekeeping Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	In Compliance	Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	In Compliance	Workers’ Compensation Process Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Serious	Performance Appraisals Were Not Provided to All Employees

BACKGROUND

The EAAP was established in 2002 by Education Code section 41344.1. The EAAP serves as the neutral arbiter in formal and informal administrative audit appeals by K-12 local educational agencies, correcting errors of fact or law, and applying (where appropriate) a statutorily defined test of substantial compliance for audits of K-12 local educational agencies. The EAAP's mission is to set clear standards for compliance with education funding requirements, and allow both the state and local educational agencies to avoid lengthy and expensive litigation over disputed funding. The EAAP has a staff of 3.5 total employees including the Executive Officer, one Attorney, one Analyst, and a Retired Annuitant.

The Employment Development Department (EDD) performs human resources operations for the EAAP.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the EAAP's EEO program, mandated training, leave, and policy and processes¹. The primary objective of the review was to determine if the EAAP's personnel practices, policies, and procedures complied with state civil service laws and Board regulations, Bargaining Unit Agreements, CalHR policies and guidelines, CalHR Delegation Agreements, and to recommend corrective action where deficiencies were identified.

The EDD, on behalf of the EAAP, did not conduct any examinations, permanent withhold actions, appointments, unlawful appointment investigations or additional appointments during the compliance review period.

During the compliance review period, the EDD, on behalf of the EAAP, did not issue or authorize hiring above minimum requests, red circle rate requests, arduous pay, bilingual pay, monthly pay differentials, alternate range movements or out-of-class assignments.

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

The EAAP did not execute any PSC's during the compliance review period.

¹ Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

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

The CRU reviewed the EDD's monthly internal audit process to verify that all EAAP 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. Additionally, the CRU reviewed the EAAP's one positive paid employee whose hours were tracked during the compliance review period in order to ensure that they adhered to procedural requirements.

During the compliance review period the EAAP did not have any employees with non-qualifying pay period transactions and the EDD, on behalf of the EAAP, did not authorize Administrative Time Off.

Moreover, the CRU reviewed the EAAP's policies and processes concerning nepotism, and performance appraisals. Further, policies and processes regarding workers' compensation, were also reviewed. The review was limited to whether the EAAP's and EDD's policies and processes adhered to procedural requirements.

An exit conference was held with the EAAP and EDD to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the EAAP's written response on September 29, 2021, which is attached to this final compliance review report.

FINDINGS AND RECOMMENDATIONS

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).)

Pursuant to Government Code section 19795, subdivision (a), in a state agency with less than 500 employees, like EAAP the EEO Officer may be the Personnel Officer.

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. 1 EQUAL EMPLOYMENT OPPORTUNITY OFFICER IS NOT AT THE MANAGERIAL LEVEL
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Summary: The EAAP's EEO Officer is an Associate Governmental Program Analyst. This is a rank and file classification not at the managerial level.

Criteria: California Government Code section 19795, subdivision (a) states "the appointing power of each state agency and the director of each state department shall appoint, at the managerial level, an equal employment opportunity officer, who shall report directly to, and be under the supervision of, the director of the department, to develop, implement, coordinate, and monitor the agency's equal employment opportunity program."

Severity: Very Serious. The EEO Officer is responsible for developing, implementing, coordinating, and monitoring an effective EEO program. Due to the substantial responsibilities held by each department's EEO Officer, it is essential that each department dedicate adequate resources to the oversight of the EEO program.

Cause: The EAAP states that, although Government Code section 19795, subdivision (a), holds that the EEO Officer be at the managerial level and also that they report to the director of the department, the Executive Officer determined that it would benefit the EAAP to have two people involved in the EEO process. As such, the EEO

Officer was not at the managerial level, but did report to the director of the EAAP, thereby complying with one component of the Government Code but not both.

SPB Response: Government Code section 19795, subdivision (a), does not offer exceptions other than allowing for agencies under 500 employees to have a Personnel Officer who also acts as the EEO Officer. EEO Officers must be at the managerial level and report directly to the head of the agency.

Corrective Action: Within 90 days of the date of this report, the EAAP must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Government Code 19795, subdivision (a). Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

SEVERITY: VERY SERIOUS	FINDING NO. 2 A DISABILITY ADVISORY COMMITTEE HAS NOT BEEN ESTABLISHED
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Summary: The EAAP does not have an active DAC.

Criteria: 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. The agency head does not have direct information on issues of concern to employees or other persons with disabilities and input to correct any underrepresentation. The lack of a DAC may limit an agency's ability to recruit and retain a qualified workforce, impact productivity, and subject the agency to liability.

Cause: Based on its small size, the EAAP determined a DAC would not provide any direct information to the Executive Officer that was not already available.

SPB Response: There are no exceptions in law which allows an agency to forgo the establishment of, or participation in, a DAC.

Corrective Action: The EAAP has indicated that it has established a DAC. Within 90 days of the date of this report, the EAAP shall submit documentation which shows the corrections the department implemented to ensure the establishment of a DAC, comprised of members who have disabilities or who have an interest in disability issues. Copies of relevant documentation may include the new DAC roster, agenda, and meeting minutes, 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.)

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

The Board may conduct reviews of any appointing power’s personnel practices to ensure compliance with civil service laws and Board regulations. (Gov. Code, § 18661, subd. (a).) In particular, the Board may audit personnel practices related to such matters as selection and examination procedures, appointments, promotions, the management of probationary periods, and any other area related to the operation of the merit principle in state civil service. (*Ibid.*) Accordingly, the CRU reviews documents and records related to

training that appointing powers are required by the afore-cited laws to provide its employees.

During the compliance review period, May 1, 2019, through April 30, 2021, the EAAP's sexual harassment prevention training was found to be in compliance, while the EAAP's ethics training was found to be out of compliance.

SEVERITY: VERY SERIOUS	FINDING NO. 3 ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS
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Summary: Ethics training was not provided to one of three existing filers. The EAAP did not report any new filers.

Criteria: 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 process the EAAP established to ensure ethics training was completed was interrupted by the Governor's stay-at-home order.

Corrective Action: The EAAP indicates it has transitioned its ethics training tracking and monitoring process from a paper to an electronic process. Additionally, the one existing filer completed the ethics training on August 13, 2021. Within 90 days of this report, the EAAP must submit to the SPB written documentation which addresses the corrections the department has implemented to demonstrate conformity with Government Code section 11146.3.

Leave

Positive Paid Employees

Actual Time Worked (ATW) is a method that can be used to keep track of a Temporary Authorization Utilization (TAU) employee's time to ensure that the Constitutional limit of 9 months in any 12 consecutive months is not exceeded. The ATW method of counting time is used in order to continue the employment status for an employee until the

completion of an examination, for seasonal type work, while attending school, or for consulting services.

An employee is appointed TAU-ATW when he/she is not expected to work all of the working days of a month. When counting 189 days, every day worked, including partial days² worked and paid absences³, are counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day is not limited by this rule. (*Ibid.*) The 12-consecutive month timeframe begins by counting the first pay period worked as the first month of the 12-consecutive month timeframe. (*Ibid.*) The employee shall serve no longer than 189 days in a 12 consecutive month period. (*Ibid.*) A new 189-days working limit in a 12-consecutive month timeframe may begin in the month immediately following the month that marks the end of the previous 12-consecutive month timeframe. (*Ibid.*)

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).)

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

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

At the time of the review, the EAAP had one positive paid employee whose hours were tracked. The CRU reviewed the positive paid appointment to ensure compliance with applicable laws, regulations, policies and guidelines, which is listed below:

Classification	Tenure	Time Frame	Time Worked
Information Technology Specialist I	Retired Annuitant	7/1/19-6/30/20	960 Hours

² For example, two hours or ten hours count as one day.

³ For example, vacation, sick leave, compensating time off, etc.

IN COMPLIANCE	FINDING NO. 4 POSITIVE PAID EMPLOYEES' TRACKED HOURS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRU found no deficiencies in the positive paid employee reviewed during the compliance review period. The EDD, on behalf of the EAAP, provided sufficient justification and adhered to applicable laws, regulations and CalHR policy and guidelines for the positive paid employee.

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, November 1, 2020, through January 31, 2021, the EDD, on behalf of the EAAP, reported 1 unit comprised of 4 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
December 2020	100	4	4	0
January 2021	100	4	4	0

IN COMPLIANCE	FINDING NO. 5 LEAVE AUDITING AND TIMEKEEPING COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRU reviewed employee leave records from two different leave periods to ensure compliance with applicable laws, regulations and CalHR policy and guidelines. Based on our review, the CRU found no deficiencies. The EDD, on behalf of the EAAP, kept complete and accurate time and attendance records for each employee and officer employed within the department and utilized a monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely.

Policy and Processes

Nepotism

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

IN COMPLIANCE	FINDING NO. 6 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 EAAP’s commitment to the state policy of recruiting, hiring and assigning employees on the basis of merit. Additionally, the EAAP’s nepotism policy was comprised of specific and sufficient components intended to prevent favoritism, or bias, based on a personal relationship from unduly influencing employment decisions.

Workers’ Compensation

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

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

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

IN COMPLIANCE	FINDING NO. 7 WORKERS' COMPENSATION PROCESS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRU verified that EAAP employees are noticed to inform them of their rights and responsibilities under California's Workers' Compensation Law. The EDD, on behalf of the EAAP, did not receive any workers' compensation claims during the review period.

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

Classification	Date Performance Appraisals Due
Associate Governmental Program Analyst	4/1/2020
Attorney IV	3/4/2020

SEVERITY: SERIOUS	FINDING NO. 8 PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES
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Summary: The EAAP did not provide annual performance appraisals to any of the two employees reviewed after the completion of the employee’s probationary period.

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

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

Cause: The EAAP states that, during the Governor’s stay-at-home order, the preparation of formal annual performance appraisals was not completed. This was an oversight of the Executive Officer who supervises the two staff.

Corrective Action: Within 90 days of the date of this report, the EAAP 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 EAAP's response is attached as Attachment 1.

SPB REPLY

Based upon the EAAP written response, the EAAP 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.



Education Audit Appeals Panel

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September 30, 2021

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

Re: Response to Compliance Review Report

Dear Ms. Ambrose:

Thank you for providing me the opportunity to respond to the State Personnel Board's Compliance Review Report of the Education Audit Appeals Panel (EAAP). I appreciate the Compliance Review Unit's efforts to ensure that EAAP complies with civil service laws and Board regulations.

Finding No. 1 Equal Employment Opportunity Officer is Not at the Managerial Level

Initially, the Equal Employment Opportunity Officer (EEO) was the Executive Officer of EAAP, in accordance with California Government Code section 19795(a). However, the Executive Officer is the only one of EAAP's three employees at the managerial level. Because Code 19795(a) also requires that the EEO officer "report directly to, and be under the supervision of, the director of the department..." I designated an employee who reports directly to me and is under my supervision. I determined that it would benefit EAAP to have two people involved in the EEO process, rather than just myself. I will ask our staff attorney to review Code 19795(a) and advise me on whether the component of the law stating that the employee be a managerial level takes precedence over the component of the law requiring that the EEO officer report to the director of the department. If advised that it is more important that the EEO designation be at a managerial level, I will revert to the original designation of the Executive Officer as EAAP's EEO officer.

Finding No. 2 A Disability Advisory Committee Has Not Been Established

I invited EAAP's two employees to serve on a Disability Advisory Committee (DAC), with both staff agreeing. The two members of the newly established committee are currently reviewing

“How to Have an Effective DAC,” on CalHR’s website, and will initiate establishing formal committee procedures, including creating a DAC roster, agenda, and meeting minutes.

Finding No. 3 Ethics Training Was Not Provided for All Filers

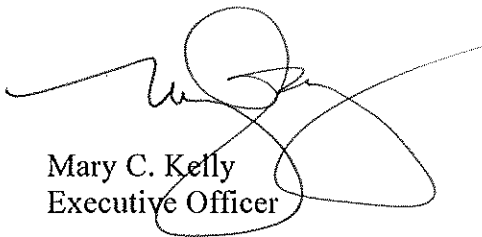
One employee did not take ethics training. He has subsequently taken it, with a completion date of August 13, 2021. The Staff Attorney oversees the completion of ethics training by EAAP’s three staff. He sends an email to remind staff, with a link to training. Once training is completed, staff print the certificate and submit it to the Staff Attorney, who then files the certificates. During the stay-at-home order, the Staff Attorney was not in the office, and did not collect certifications. Moving forward, the certificates will be electronically transmitted to the Staff Attorney.

Finding No. 8 Performance Appraisals Were Not Provided to All Employees

Although, I keep regular open lines of communication with my two employees, I did not prepare formal annual performance appraisals after the probationary period. I will complete formal appraisals for both employees within 30 days.

Again, thank you for the opportunity to respond to the Compliance Review.

Sincerely,



Mary C. Kelly
Executive Officer