

# **COMPLIANCE REVIEW REPORT**

## **EMERGENCY MEDICAL SERVICES AUTHORITY**

Compliance Review Unit  
State Personnel Board  
March 13, 2023

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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 Emergency Medical Services Authority (EMSA) personnel practices in the areas of examinations, appointments, EEO, PSC's, mandated training, compensation and pay, leave, and policy and processes. The following table summarizes the compliance review findings.

Area	Severity	Finding
Appointments	Serious	Emergency Appointments Exceeded Time Limitation
Appointments	Serious	Probationary Evaluations Were Not Provided for All Appointments Reviewed <sup>1</sup>
Equal Employment Opportunity	Very Serious	A Disability Advisory Committee Has Not Been Established
Mandated Training	Very Serious	Supervisory Training Was Not Provided For All Supervisors, Managers, and CEAs
Mandated Training	Very Serious	Sexual Harassment Prevention Training Was Not Provided for All Supervisors <sup>2</sup>
Compensation and Pay	Very Serious	Incorrect Application of Salary Determination Laws, Rules, and CalHR Policies and Guidelines for Appointment
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	Out of Class Pay Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Leave	In Compliance	Positive Paid Temporary Employees' Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines

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<sup>1</sup> Repeat finding. The November 19, 2019, EMSA Compliance Review Report identified 3 probationary evaluations were not provided in 24 out of 205 appointments reviewed. Furthermore, the December 23, 2015, Compliance Review Report identified 20 probationary evaluations were not provided in 5 out of 21 appointments reviewed.

<sup>2</sup> Repeat finding. The November 19, 2019, EMSA Compliance Review Report identified 1 out of 13 existing supervisors did not receive Sexual Harassment Prevention Training every two years.

Area	Severity	Finding
Leave	Serious	Department Did Not Certify That All Leave Records Were Reviewed
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 <sup>3</sup>

### **BACKGROUND**

The mission of EMSA is to prevent injuries, reduce suffering, and save lives by developing standards for, and administering an effective statewide coordinated system of quality emergency medical care and disaster medical response that integrates public health, public safety, and healthcare. The EMSA is charged with providing leadership in developing and implementing emergency medical services systems throughout California and setting standards for the training and scope of practice of various levels of emergency medical services personnel.

The EMSA also has responsibility for promoting disaster medical preparedness throughout the state, and when required, coordinating and supporting the state's medical response to major disasters. Emergency and disaster medical services in California are rooted in the skills and commitment of the first responders, Emergency Medical Technicians, nurses, physicians, and administrators who deliver care to the public. The EMSA has approximately 100 employees. In addition, there are emergency hires that range in the number of employees throughout the year based on the need of medical response to disasters within California.

The Department of General Services (DGS) performed human resources operations for the EMSA during the compliance review period.

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<sup>3</sup> Repeat finding. The November 19, 2019, EMSA Compliance Review Report identified that 16 out of 16 employees reviewed did not receive annual performance appraisals.

## **SCOPE AND METHODOLOGY**

The scope of the compliance review was limited to reviewing the EMSA's examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes<sup>4</sup>. The primary objective of the review was to determine if the EMSA'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 EMSA did not conduct any examinations or permanent withhold actions during the compliance review period.

A cross-section of the EMSA's appointments were selected for review to ensure that samples of various appointment types, classifications, and levels were reviewed. The CRU examined the documentation that the EMSA provided, which included Notice of Personnel Action forms, Request for Personnel Actions, vacancy postings, certification lists, transfer movement worksheets, employment history records, correspondence, and probation reports.

The EMSA did not conduct any unlawful appointment investigations during the compliance review period. Additionally, the EMSA did not make any additional appointments during the compliance review period.

The EMSA's appointments were also selected for review to ensure the EMSA applied salary regulations accurately and correctly processed employees' compensation and pay. The CRU examined the documentation that the EMSA 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, alternate range movements, and out-of-class assignments.

During the compliance review period the EMSA did not issue red circle rate requests, arduous pay, or bilingual pay.

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<sup>4</sup> Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

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

The EMSA's mandated training program was reviewed to ensure all employees required to file statements of economic interest were provided ethics training, that all supervisors, managers, and CEAs were provided leadership and development training, and that all employees were provided sexual harassment prevention training within statutory timelines.

The CRU reviewed the EMSA's monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely and ensure the department certified that all leave records have been reviewed and corrected if necessary. The CRU selected a small cross-section of the EMSA's units in order to ensure they maintained accurate and timely leave accounting records.

During the compliance review period, the EMSA did not have any employees with non-qualifying pay period transactions. The EMSA also did not authorize any Administrative Time Off.

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

The EMSA declined to have an exit conference. The CRU received and carefully reviewed the EMSA's written response on February 14, 2023, which is attached to this final compliance review report.

## **FINDINGS AND RECOMMENDATIONS**

### **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. l.)

During the period under review, May 1, 2021, through January 31, 2022, the EMSA made 152 appointments. The CRU reviewed 39 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Associate Governmental Program Analyst (AGPA)	Certification List	Permanent	Full-Time	1
Office Technician (Typing)	Certification List	Permanent	Full-Time	1
Senior Emergency Services Coordinator, Office of Emergency Services (OES)	Certification List	Permanent	Full-Time	1
Special Investigator	Certification List	Permanent	Full-Time	3
Staff Services Analyst (General)	Certification List	Permanent	Full-Time	1
Staff Services Manager	Certification List	Permanent	Full-Time	1
Assistant Telecommunications Engineer	Emergency	Temporary	Intermittent	2
Associate Governmental Program Analyst	Emergency	Temporary	Intermittent	5
Emergency Medical Technician	Emergency	Temporary	Intermittent	1
Health and Safety Officer	Emergency	Temporary	Intermittent	1
Licensed Vocational Nurse	Emergency	Temporary	Intermittent	2
Pharmacist I	Emergency	Temporary	Intermittent	2
Physician and Surgeon	Emergency	Temporary	Intermittent	2
Registered Nurse	Emergency	Temporary	Intermittent	10
Warehouse Worker	Emergency	Temporary	Intermittent	5
Office Technician (Typing)	Transfer	Permanent	Full-Time	1

<b>SEVERITY: SERIOUS</b>	<b>FINDING NO. 1    EMERGENCY APPOINTMENTS EXCEEDED TIME LIMITATION</b>
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**Summary:** The EMSA allowed 6 of the 30 emergency appointments reviewed to exceed the maximum constitutional limit of 9 months worked in a 12-consecutive month period<sup>5</sup>.

Specifically, the following employees in emergency appointments exceeded the constitutional time limitation:

Classification	Tenure	Dates Worked	Amount Worked Over Limit
AGPA	Temporary	7/22/21-4/30/22	1 month
AGPA	Temporary	1/14/22-10/30/22	1 month
AGPA	Temporary	11/1/21-9/30/22	2 months
Pharmacist I	Temporary	11/1/21-10/30/22	3 months
Warehouse Worker	Temporary	9/9/21-6/30/22	1 month
Warehouse Worker	Temporary	10/3/21-7/30/22	1 month

**Criteria:** Emergency appointments are appointments that are short in duration, i.e., no more than 60 days within a consecutive 12-month period (Gov. Code, § 19888.1; Cal. Code Regs., § 303); do not require appointments to be from an employment list (Gov. Code, § 19888.1); and do not require the incumbent to meet the minimum qualifications.

No person may serve in one or more positions under temporary appointment longer than 9 months in 12 consecutive months. (California Constitution, Article VII, section 5).

**Severity:** Serious. The department did not restrict the number of months emergency employees worked to the maximum constitutional limit of

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<sup>5</sup> As a result of the COVID-19 pandemic, Governor Newsom signed Executive Order N-25-20, which suspended emergency appointment time limitations past the 60-day work limitation outlined in Government Code section 19888.1, and California Code of Regulations, title 2, sections 300-303. However, the Executive Order did not suspend the 9-month out of 12 consecutive month work limitation for temporary appointments (including emergency appointments) outlined in the California Constitution, article VII, section 5. The California Constitutional limit is the upper threshold for all temporary appointments. **The SPB officially notified EMSA of this limitation, by letter, on September 15, 2021, and directed EMSA to comply with this requirement.**

9 months worked in a 12-consecutive month period for all temporary employees.

**Cause:** The EMSA states that between July 2021 and October 2022, they were using emergency appointments for their CAL-MAT team and to support the statewide COVID-19 response effort, and did not have alternative personnel to replace emergency appointments acting in critical roles for ongoing emergency response.

**SPB Reply:** In addition to the September 15, 2021, letter outlining that EMSA must adhere to constitutional limits on emergency appointments, CRU staff, CalHR staff, and EMSA staff discussed this issue numerous times between August 2021 and January 2022. At all times, EMSA was directed to stay within the constitutional limit and to consult with CalHR if they had questions or needed assistance in this area.

**Corrective Action:** The SPB recommends that the CalHR remove EMSA's delegated authority to make emergency appointments. The CRU will make a referral to the CalHR to effectuate this action.

<b>SEVERITY: SERIOUS</b>	<b>FINDING NO. 2 PROBATIONARY EVALUATIONS WERE NOT PROVIDED FOR ALL APPOINTMENTS REVIEWED</b>
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**Summary:** The EMSA did not provide 3 probationary reports of performance for 2 of the 8 certification list appointments reviewed by the CRU, as reflected in the table below. This is the third consecutive time this has been a finding for EMSA.

Classification	Appointment Type	Number of Appointments	Total Number of Missing Probation Reports
Office Technician (Typing)	Certification List	1	2
Senior Emergency Services Coordinator, OES	Certification List	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 EMSA states that they did not have adequate personnel to support human resources requirements as they were redirected to support statewide COVID-19 response efforts.

**Corrective Action:** The EMSA asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the EMSA must submit to the SPB documentation which demonstrates the meaningful and systemic actions it has taken to ensure conformity with Government Code section 19172.

### **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 EMSA, 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).)

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING NO. 3    A DISABILITY ADVISORY COMMITTEE HAS NOT BEEN ESTABLISHED</b>
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**Summary:**                    The EMSA 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:** The EMSA states that they did not have adequate staff for members to attend DAC meetings, as they were redirected to support statewide COVID-19 response efforts.

**Corrective Action:** The EMSA asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the EMSA must submit to the SPB documentation which demonstrates the meaningful and systemic actions it has taken to ensure the establishment of a DAC, comprised of members who have disabilities or who have an interest in disability issues.

### **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 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.*) Thereafter, for both categories of appointment, the employee must be provided a minimum of 20 hours of leadership training on a biennial basis. (*Ibid.*)

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

The 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 EMSA's mandated training program that was in effect during the compliance review period, March 1, 2020, through February 28, 2022. The EMSA's ethics training was found to be in compliance, while the EMSA's supervisory training and sexual harassment prevention training was found to be out of compliance.

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING NO. 4    SUPERVISORY TRAINING WAS NOT PROVIDED FOR ALL SUPERVISORS, MANAGERS, AND CEAS</b>
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**Summary:** The EMSA did not provide biennial leadership training to 7 of 17 existing supervisors, managers, and/or CEAs.

**Criteria:** Each department must provide its new supervisors a minimum of 80 hours of supervisory training within the probationary period. Upon completion of the initial training, supervisory employees shall receive a minimum 20 hours of leadership training biennially. (Gov. Code, § 19995.4, subds. (b) and (c).)

Upon initial appointment of an employee to a managerial position, each employee must receive 40 hours of leadership training within 12 months of appointment. Thereafter, the employee shall receive a minimum of 20 hours of leadership training biennially. (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. Thereafter, the employee shall receive a minimum of 20 hours of leadership training biennially. (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 EMSA states that their supervisors, managers, and CEAs served to support the statewide COVID-19 response effort, which changed their roles in the organization and limited their availability to take mandated training.

**Corrective Action:** The EMSA asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the EMSA must submit to the SPB documentation which demonstrates the meaningful and systemic actions it has taken to ensure that new supervisors are provided supervisory training within twelve months of appointment as required by Government Code section 19995.4.

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING NO. 5 SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL SUPERVISORS</b>
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**Summary:** The EMSA did not provide sexual harassment prevention training to one of two new supervisors within six months of their appointment. In addition, the EMSA did not provide sexual harassment prevention training to one of nine existing supervisors every two years. This is the second consecutive time this has been a finding for the EMSA.

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

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

This limits the department's ability to retain a quality workforce, impacts employee morale and productivity, and subjects the department to litigation.

**Cause:** The EMSA states that they did not have adequate personnel to support human resources requirements outside of those needed to support the statewide COVID-19 response effort.

**SPB Reply:** As EMSA correctly points out in its departmental response, this free two-hour training is available on-demand, and at no cost from California's Department of Civil Rights. Minimal human resources participation is needed for supervisors to meet this requirement.

**Corrective Action:** The EMSA asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the EMSA must submit to the SPB documentation which demonstrates the meaningful and systemic actions it has taken to ensure that 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 CalHR. (Cal. Code Regs., tit. 2, § 599.666.) Several salary rules dictate how departments calculate and determine an employee's salary rate<sup>6</sup> upon appointment depending on the appointment type, the employee's state employment and pay history, and tenure.

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

During the period under review, May 1, 2021, through January 31, 2022, the EMSA made 152 appointments. The CRU reviewed 19 of those appointments to determine if the EMSA

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<sup>6</sup> "Rate" is any one of the salary rates in the resolution by CalHR which establishes the salary ranges and steps of the Pay Plan (Cal. Code Regs., tit. 2, section 599.666).

applied salary regulations accurately and correctly processed employees' compensation, which are listed below:

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
AGPA	List Appointment	Permanent	Full-Time	\$5,383
Office Technician (Typing)	List Appointment	Permanent	Full-Time	\$3,287
Special Investigator	List Appointment	Permanent	Full-Time	\$5,045
Special Investigator	List Appointment	Permanent	Full-Time	\$6,263
Special Investigator	List Appointment	Permanent	Full-Time	\$7,076
Staff Services Analyst (General)	List Appointment	Permanent	Full-Time	\$4,475
Staff Services Manager I	List Appointment	Permanent	Full-Time	\$6,403
AGPA	Emergency	Temporary	Intermittent	\$5,149
AGPA	Emergency	Temporary	Intermittent	\$5,383
AGPA	Emergency	Temporary	Intermittent	\$5,383
AGPA	Emergency	Temporary	Intermittent	\$5,383
AGPA	Emergency	Temporary	Intermittent	\$5,383
AGPA	Emergency	Temporary	Intermittent	\$5,383
Assistant Telecommunications Engineer	Emergency	Temporary	Intermittent	\$7,091
Assistant Telecommunications Engineer	Emergency	Temporary	Intermittent	\$7,091
Health and Safety Officer	Emergency	Temporary	Intermittent	\$6,412
Registered Nurse	Emergency	Temporary	Intermittent	\$8,491
Registered Nurse	Emergency	Temporary	Intermittent	\$8,491
Office Technician (Typing)	Transfer	Permanent	Full-Time	\$4,114

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING NO. 6</b>	<b>INCORRECT APPLICATION OF SALARY DETERMINATION LAWS, RULES, AND CALHR POLICIES AND GUIDELINES FOR APPOINTMENT</b>
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**Summary:** The CRU found the following error in the EMSA's determination of employee compensation:

Classification	Description of Finding	Criteria
Health and Safety Officer	Incorrect salary determination resulting in the employee being over compensated.	Cal. Code Regs., § 599.673

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

**Severity:** Very Serious. In one circumstance, the EMSA failed to comply with the requirements outlined in the state civil service pay plan. Incorrectly applying compensation laws and rules in accordance with CalHR's policies and guidelines results in civil service employees receiving incorrect and/or inappropriate pay amounts.

**Cause:** The EMSA states that the DGS completed all salary determinations for EMSA hires prior to July 1, 2022, and DGS was responsible for identifying any needed changes to the proposed salary to comply with salary rules.

**Corrective Action:** The EMSA asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the EMSA must submit to the SPB documentation which demonstrates the meaningful and systemic actions it has taken to ensure that employees are compensated correctly. The EMSA must establish an audit system to correct current compensation transactions as well as future transactions.

#### 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, May 1, 2021, through January 31, 2022, the EMSA employees made two alternate range movements within a classification. The CRU reviewed both of those alternate range movements to determine if the EMSA 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)
Information Technology Specialist I	A	B	Full-Time	\$6,732
Registered Nurse	A	T	Intermittent	\$8,491

<b>IN COMPLIANCE</b>	<b>FINDING NO. 7 ALTERNATIVE RANGE MOVEMENTS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES</b>
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The CRU determined that the alternate range movements the EMSA made during the compliance review period satisfied civil service laws, Board rules and CalHR policies and guidelines.

#### Hiring Above Minimum Requests

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

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

to the extent that a specific extraordinary skill should be difficult to recruit, even though some applicants are qualified in the general skills of the class. (*Ibid.*)

If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Government Code section 3517.5, the memorandum of understanding shall be controlling without further legislative action.<sup>7</sup> (Gov. Code, § 19836, subd. (b).)

Appointing authorities may request and approve HAMs for former legislative employees who are appointed to a civil service class and received eligibility for appointment pursuant 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, May 1, 2021, through January 31, 2022, the EMSA authorized three HAM requests. The CRU reviewed all three authorized HAM requests to determine if the EMSA 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)
Pharmacist I	New to the State	Emergency	\$6,725 - \$9,534	\$7,222

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<sup>7</sup> Except that if the provisions of the memorandum of understanding requires the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

Classification	Appointment Type	Status	Salary Range	Salary (Monthly Rate)
Physician Assistant, Correctional Facility	New to the State	Temporary	\$8,422 - \$10,348	\$8,716
Senior Emergency Services Coordinator, OES	New to the State	Permanent	\$6,412 - \$7,972	\$7,972

<b>IN COMPLIANCE</b>	<b>FINDING NO. 8 HIRE ABOVE MINIMUM REQUESTS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES</b>
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The CRU found that the HAM requests the EMSA made during the compliance review period satisfied civil service laws, Board rules, and CalHR policies and guidelines.

#### Out-of-Class Assignments and Pay

For excluded<sup>8</sup> and most rank and file employees, out-of-class (OOC) work is defined as performing, more than 50 percent of the time, the full range of duties and responsibilities allocated to an existing class and not allocated to the class in which the person has a current, legal appointment. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(2).) A higher classification is one with a salary range maximum that is any amount higher than the salary range maximum of the classification to which the employee is appointed. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(3).)

According to the Classification and Pay Guide, OOC assignments should only be used as a last resort to accommodate temporary staffing needs. All civil service alternatives should be explored first before using OOC assignments. However, certain MOU provisions and the California Code of Regulations, title 2, section 599.810 allow for short-term OOC assignments to meet temporary staffing needs. Should OOC work become necessary, the assignment would be made pursuant to the applicable MOU provisions or salary regulations. Before assigning the OOC work, the department should have a plan to correct the situation before the time period outlined in applicable law, policy or MOU expires. (Classification and Pay Guide Section 375.)

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<sup>8</sup> "Excluded employee" means an employee as defined in Government Code section 3527, subdivision (b) (Ralph C. Dills Act) except those excluded employees who are designated managerial pursuant to Government Code section 18801.1.

During the period under review, May 1, 2021, through January 31, 2022, the EMSA issued OOC pay to one employee. The CRU reviewed the OOC assignment to ensure compliance with applicable MOU provisions, salary regulations, and CalHR policies and guidelines, which is listed below:

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
Emergency Services Coordinator, OES	R07	Senior Emergency Services Coordinator, OES	8/27/20 – 8/27/21

<b>IN COMPLIANCE</b>	<b>FINDING NO. 9</b>	<b>OUT OF CLASS PAY AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES</b>
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The CRU found no deficiencies in the OOC pay assignment that the EMSA authorized during the compliance review period. OOC pay was issued appropriately to the employee 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 had a current, legal appointment.

## **Leave**

### **Positive Paid Employees**

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

An employee is appointed TAU-ATW when he/she is not expected to work all of the working days of a month. When counting 189 days, every day worked, including partial days<sup>9</sup> worked and paid absences<sup>10</sup>, are counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day is not limited by this rule. (*Ibid.*) The 12-consecutive month timeframe begins by counting the first pay period worked as the first month of the 12-consecutive month timeframe. (*Ibid.*) The employee shall serve no longer than 189

<sup>9</sup> For example, two hours or ten hours count as one day.

<sup>10</sup> For example, vacation, sick leave, compensating time off, etc.

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 1,500 hours within 12 consecutive months may be used rather than the 189-day calculation. (Cal. Code Regs., tit. 2, § 265.1, subd. (d).)

Generally, permanent intermittent employees may work up to 1,500 hours in any calendar year. (Applicable Bargaining Unit Agreements.) However, Bargaining Unit 6 employees may work up to 2,000 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 EMSA had 10 positive paid employees whose hours were tracked. The CRU reviewed four of those positive paid appointments to ensure compliance with applicable laws, regulations, policies, and guidelines, which are listed below:

Classification	Tenure	Time Frame	Time Worked <sup>11</sup>
AGPA	Retired Annuitant	Intermittent	1472.5 Hours
Attorney III	Retired Annuitant	Intermittent	744.5 Hours
Attorney III	Retired Annuitant	Intermittent	751 Hours

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<sup>11</sup> Executive 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 CalHR of such. If a positive paid employee's hours exceeded limitations, and there was no notification to CalHR, then that would result in a finding. In the matter at hand, the EMSA provided supporting documentation to show that the positive paid employees worked on Covid-19 related activities, and notification was sent to CalHR.

Classification	Tenure	Time Frame	Time Worked <sup>11</sup>
Staff Services Manager II	Retired Annuitant	Intermittent	1590 Hours

<b>IN COMPLIANCE</b>	<b>FINDING NO. 10</b>	<b>POSITIVE PAID EMPLOYEES' TRACKED HOURS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRU found no deficiencies in the positive paid employees reviewed during the compliance review period. The EMSA provided sufficient justification and adhered to applicable laws, regulations and CalHR policy and guidelines for positive paid employees.

#### 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, September 1, 2021, through November 30, 2021, the EMSA reported nine total units comprised of 79 total 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
September 2021	900	10	10	0
October 2021	900	10	10	0
November 2021	900	10	10	0

<b>SEVERITY: SERIOUS</b>	<b>FINDING NO. 11 DEPARTMENT DID NOT CERTIFY THAT ALL LEAVE RECORDS WERE REVIEWED</b>
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**Summary:** The EMSA failed to certify that all leave records have been reviewed and corrected if necessary for all three of the units/pay periods reviewed. The EMSA uses a Leave Activity and Correction Certification form only if errors have been identified for a unit/pay period; therefore, it was difficult to determine if all units and pay periods were reviewed by the EMSA.

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

**Severity:** Serious. Departments must document that they reviewed all leave inputted into their leave accounting system to ensure accuracy and timeliness. Failure to audit leave could put the department at risk of incurring additional costs from the initiation of collection efforts from overpayments, and the risk of liability related to recovering inappropriately credited leave hours and funds.

**Cause:** The EMSA states that they did not have adequate personnel to support human resources requirements as they were redirected to support statewide COVID-19 response efforts.

**Corrective Action:** The EMSA asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the EMSA must submit to the SPB documentation which demonstrates the meaningful and systemic actions it has taken to ensure conformity with Human Resources Manual Section 2101.

## **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.*)

<b>IN COMPLIANCE</b>	<b>FINDING NO.12</b>	<b>NEPOTISM POLICY COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRU verified that the policy was disseminated to all staff and emphasized the EMSA's commitment to the state policy of hiring, transferring, and promoting employees on the basis of merit. Additionally, the EMSA'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 EMSA did not employ volunteers during the compliance review period.

<b>IN COMPLIANCE</b>	<b>FINDING NO.13 WORKERS' COMPENSATION PROCESS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRU verified that the EMSA 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 EMSA 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 18 permanent EMSA employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations, policies and guidelines.

<b>SEVERITY: SERIOUS</b>	<b>FINDING NO.14 PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES</b>
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- Summary:** The EMSA did not provide annual performance appraisals to all nine of the employees reviewed after the completion of the employee's probationary period. This is the second consecutive time this has been a finding for the EMSA.
- 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 EMSA states that they did not have adequate personnel to support human resources requirements as they were redirected to support statewide COVID-19 response efforts.
- Corrective Action:** The EMSA asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the EMSA must submit to the SPB documentation which demonstrates the meaningful and systemic actions it has taken to ensure conformity with Government Code section 19992.2 and California Code of Regulations, title 2, section 599.798.

### **DEPARTMENTAL RESPONSE**

The EMSA's response is attached as Attachment 1.

### **SPB REPLY**

Based upon the EMSA written response, the EMSA 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.

**EMERGENCY MEDICAL SERVICES AUTHORITY**

10901 GOLD CENTER DR., SUITE 400  
RANCHO CORDOVA, CA 95670  
(916) 322-4336 FAX (916) 324-2875



February 15, 2023

Ms. Suzanne Ambrose  
Executive Officer  
State Personnel Board  
801 Capitol Mall  
Sacramento, CA 95819

**SUBJECT: State Personnel Board Audit Response**

The Emergency Medical Services Authority (EMSA), along with the California Department of Public Health (CDPH), reviewed the draft Compliance Review Report prepared by the State Personnel Board's (SPB) Compliance Review Unit (CRU). Both EMSA and CDPH regard the audit process with a high degree of respect and view this report as beneficial to ensure compliance.

**Finding #1: Emergency Appointments Exceeding Time Limit**

**Summary:** EMSA allowed 6 of the 30 emergency appointments reviewed to exceed the maximum constitutional limit of 9 months working in a 12-month consecutive month period.

**Cause:** Between July 2021 - October 2022, EMSA was using emergency appointments for the CAL-MAT team and to support the state-wide COVID-19 Response Effort. EMSA did not have alternate personnel to replace emergency appointments acting in critical roles for ongoing emergency response.

**Corrective Action Plan:** The EMSA has implemented a tracking system to track days worked for all Emergency Appointments to ensure they do not exceed the 60-days in a 12-month period. CDPH is also validating the days worked for all Emergency Appointments prior to authorizing emergency activation or deployment and CDPH provides EMSA the number of days the Emergency Appointee can work. Emergency Appointments are deployed only after approval of CDPH HR is received. Emergency Appointments will be separated, as appropriate, prior to reaching the limitation threshold.

EMSA is also aware of the process for Emergency Appointment extension requests that must be submitted, in advance, to CDPH HR to engage with the California Department of Human Resources (CalHR) for approval. Emergency Appointments will only work past 60 days with advanced CDPH HR and CalHR approval.

## **Finding #2: Probationary Evaluations Were Not Provided for All Appointments Reviewed**

**Summary:** EMSA did not provide 3 probationary reports of performance for 2 of the 8 certification list appointments reviewed by the CRU, and this is the third consecutive time this has been a finding for EMSA.

**Cause:** EMSA did not have adequate personnel to support HR requirements as they were redirected to support state-wide COVID-19 Response Efforts.

**Corrective Action Plan:** CDPH HR provides EMSA HR with monthly reports listing staff who are on probation and the dates the first, second, and third probationary evaluation is due. EMSA HR notifies the applicable supervisors, one month prior to the probationary evaluation due date, that a probationary evaluation must be completed. EMSA HR sends additional reminders to the applicable supervisor, as needed. If, after the second notification, the supervisor does not provide the probationary evaluation, or confirm a date of completion, their supervisor is notified. EMSA HR started this process in December 2022.

## **Finding #3: Disability Advisory Committee Not Established**

**Cause:** EMSA did not have adequate staff for members to attend Disability Advisory Committee (DAC) meetings as they were redirected to support state-wide COVID-19 Response Efforts.

**Corrective Action Plan:** EMSA HR staff & the EEO Officer will work with CalHR's Office of Civil Right for guidance on restarting the DAC as well as ideas for agenda items to address during the meetings. EMSA will work with the DAC board to review and revise bylaws and set goals for Fiscal Year 2023-2024 meetings.

The EMSA DAC (EDAC) Chair, Kim Lew, will contact existing board members to ensure they are still able to meet the requirements of their role. EDAC sent out an invitation to staff to join EDAC in September 2022 and another invite will be sent out in March 2023. EMSA Executive Leadership will encourage staff to participate during the next all-staff meeting. EDAC meetings will resume on May 1, 2023.

### **Current EDAC Members:**

Kim Lew, Chair  
Vacant, Vice Chairperson  
Nicole Mixon, Secretary  
Vacant, Member  
Farid Nasr, Member  
Kevin Rollins, Member  
Melinda Cargile, EMSA EEO Officer

#### **Finding #4: Supervisory Training was not Provided for all Supervisors, Managers, and CEAs**

**Summary:** EMSA did not provide biennial leadership training to 7 of 17 existing supervisors, managers, and CEAs.

**Cause:** EMSA Supervisors, Managers, and CEAs served to support the state-wide COVID-19 Response Effort, which changed their roles in the organization and limited their availability to take mandated training.

**Corrective Action Plan:** EMSA HR includes all mandated training in the New Hire Information Packets. EMSA HR also notifies supervisors of required initial and ongoing training requirements. EMSA HR is in the process of hiring a Training Coordinator and hope to have someone in this role by May 2023. This individual will provide additional support to staff to ensure the initial Supervisory Training is completed within the first year of employment and all Supervisors, Managers & CEA complete the mandatory 20 hours of biannual training.

#### **Finding #5 Sexual Harassment Prevention Training was not Provided for All Supervisors**

**Cause:** EMSA did not have adequate personnel to support HR requirements outside those needed as part of the state-wide COVID-19 Response Effort.

**Corrective Action Plan:** EMSA HR will send out the on-demand Sexual Harassment Prevention Training, through the CA Civil Rights Department, to all permanent EMSA staff on March 1, 2023, and will require that the training is completed by March 31, 2023, regardless of the last time the training was completed. This training will be included in the New Hire Information Packet for all employees hired after March 31, 2023, to complete within 30 days of employment. Training status will be tracked by EMSA HR. The EMSA HR Training Coordinator will ensure all supervisors complete the Sexual Harassment Prevention Training annually and non-supervising employees complete the Sexual Harassment Prevention Training bi-annually.

#### **Finding #6: Incorrect Application of Salary Determination**

**Cause:** The Department of General Services (DGS) completed all salary determinations for EMSA permanent and temporary hires prior to July 1, 2022. For Emergency Appointments, EMSA provided an hourly rate to DGS, and DGS was responsible for identifying any needed changes to the proposed salary to comply with salary rules.

**Corrective Action Plan:** CDPH HR makes all salary determinations for EMSA permanent and emergency hires and will not key any salaries that do not meet all salary rules.

**Finding #7: Department Did Not Certify That All Leave Records Were Reviewed**

**Cause:** EMSA did not have adequate personnel to support HR requirements as they were redirected to support state-wide COVID-19 Response Efforts.

**Corrective Action Plan:** On February 6, 2023, EMSA launched the TEMPO Timekeeping System. EMSA employees will input leave requests and usage directly into the TEMPO Timekeeping system and a file with leave usage will be sent to the State Controller's Office (SCO) through a secure portal for upload to the SCO system. Additionally, CDPH will audit and verify all leave balances and usage to identify and correct any errors.

**Finding #8: Performance Appraisals Were Not Provided to All Employees**

**Cause:** EMSA did not have adequate personnel to support HR requirements as they were redirected to support state-wide COVID-19 Response Efforts.

**Corrective Action Plan:** EMSA HR has created a database to reflect the month each employee was hired. EMSA HR will notify direct supervisors one month before a performance appraisal needs to be completed and will do additional follow-up, if needed. If, after the second notification, the supervisor does not provide the performance appraisal, or confirm when EMSA HR will receive it, their supervisor is notified. This process will begin in March 2023.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth Basnett', written over a horizontal line.

Elizabeth Basnett, Acting Director  
Emergency Medical Services Authority