

# **COMPLIANCE REVIEW REPORT**

## **CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

Compliance Review Unit  
State Personnel Board  
January 8, 2024

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## **INTRODUCTION**

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

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

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

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

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

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

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

## **EXECUTIVE SUMMARY**

The CRU conducted a routine compliance review of the California Department of Forestry and Fire Protection (CAL FIRE) personnel practices in the areas of examinations, appointments, EEO, PSC's, mandated training, compensation and pay, leave, and policy and processes. The following table summarizes the compliance review findings.

Area	Severity	Finding
Examinations	In Compliance	Examinations Complied with Civil Service Laws and Board Rules
Appointments	Serious	Probationary Evaluations Were Not Provided for All Appointments Reviewed and Some That Were Provided Were Untimely <sup>1</sup>
Appointments	Technical	Department Did Not Provide Benefit Information in Accordance with Civil Service Law
Appointments	Technical	Appointment Documentation Was Not Kept for the Appropriate Amount of Time <sup>2</sup>
Equal Employment Opportunity	In Compliance	Equal Employment Opportunity Program Complied with All Civil Service Laws and Board Rules
Personal Services Contracts	Serious	Unions Were Not Notified of Personal Services Contracts <sup>3</sup>
Mandated Training	Very Serious	Ethics Training Was Not Provided for All Filers

<sup>1</sup> Repeat finding. The CAL FIRE's October 12, 2020, compliance review report identified that the CAL FIRE did not provide 23 probationary reports for 13 of the 104 appointments reviewed. Additionally, the CAL FIRE's March 17, 2016, compliance review report identified that the CAL FIRE did not provide 16 probationary reports for 13 of the 92 appointments reviewed.

<sup>2</sup> Repeat finding. The CAL FIRE's October 12, 2020, compliance review report identified that the CAL FIRE did not retain 19 NOPA's and 1 signed duty statement of 104 appointments reviewed. Additionally, the CAL FIRE's March 17, 2016, compliance review report identified that the CAL FIRE did not retain 26 NOPA's of the 92 appointments reviewed.

<sup>3</sup> Repeat finding. The CAL FIRE's October 12, 2020, compliance review report identified that the unions were not notified of 5 PSC's.

Area	Severity	Finding
Mandated Training	Very Serious	Supervisory Training Was Not Provided for All Supervisors, Managers, and CEAs <sup>4</sup>
Mandated Training	Very Serious	Sexual Harassment Prevention Training Was Not Provided for All Employees <sup>5</sup>
Compensation and Pay	Very Serious	Incorrect Application of Salary Determination Laws, Rules, and CalHR Policies and Guidelines for Appointment
Compensation and Pay	Very Serious	Alternate Range Movements Did Not Comply 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	Very Serious	Incorrect Authorization of Bilingual Pay <sup>6</sup>
Compensation and Pay	In Compliance	Pay Differential Authorizations Complied with Civil Service Laws, Board Rules, and 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 Employees' Tracked Hours Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	In Compliance	Administrative Time Off Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	Serious	Department Did Not Certify That All Leave Records Were Reviewed <sup>7</sup>

<sup>4</sup> Repeat finding. The CAL FIRE's October 12, 2020, compliance review report identified that the CAL FIRE did not provide Supervisory training to 8 of 53 new supervisors within 12 months of appointment.

<sup>5</sup> Repeat finding. The CAL FIRE's October 12, 2020, compliance review report identified that the CAL FIRE did not provide Sexual Harassment Prevention training to 50 of 116 new supervisors within 6 months of appointment.

<sup>6</sup> Repeat finding. The CAL FIRE's October 12, 2020, compliance review report identified that the CAL FIRE issued Bilingual Pay to 14 employees failing to supply supporting documentation demonstrating the need for bilingual services GC 7296 and PD 14.

<sup>7</sup> Repeat finding. The CAL FIRE's October 12, 2020, compliance review report identified that the CAL FIRE failed to provide completed Leave Activity and Correction Certification forms for two out of three units reviewed during the April 2018 pay period.

Area	Severity	Finding
Leave	In Compliance	Service and Leave Transactions Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	In Compliance	Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	In Compliance	Workers' Compensation Process Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Serious	Performance Appraisals Were Not Provided to All Employees <sup>8</sup>

### **BACKGROUND**

The CAL FIRE protects the people, property, and natural resources of California. The department's diverse programs work together to plan protection strategies for over 31 million acres of wildlands, and to provide emergency services of all kinds throughout California.

The mission of the department is to serve and safeguard the people and protect the property and resources of California. The CAL FIRE's vision is to be the leader in providing fire prevention and protection, emergency response, and enhancement of natural resource systems. The organization is comprised of nearly 8,000 permanent and seasonal employees.

### **SCOPE AND METHODOLOGY**

The scope of the compliance review was limited to reviewing the CAL FIRE's examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes<sup>9</sup>. The primary objective of the review was to determine if the CAL FIRE'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.

<sup>8</sup> Repeat finding. The CAL FIRE's October 12, 2020, compliance review report identified that the CAL FIRE did not provide performance appraisals to 28 of 30 employees reviewed at least once in each twelve calendar months after the completion of the employee's probationary period.

<sup>9</sup> Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

A cross-section of the CAL FIRE's examinations was selected for review to ensure that samples of various examination types, classifications, and levels were reviewed. The CRU examined the documentation that the CAL FIRE provided, which included examination plans, examination bulletins, job analyses, and scoring results.

The CAL FIRE did not conduct any permanent withhold actions during the compliance review period.

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

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

The CAL FIRE's appointments were also selected for review to ensure the CAL FIRE applied salary regulations accurately and correctly processed employees' compensation and pay. The CRU examined the documentation that the CAL FIRE provided, which included employees' employment and pay history and any other relevant documentation such as certifications, degrees, and/or the appointee's application. Additionally, the CRU reviewed specific documentation for the following personnel functions related to compensation and pay: hire above minimum (HAM) requests, bilingual pay, monthly pay differentials, alternate range movements, and out-of-class assignments.

During the compliance review period, the CAL FIRE did not issue or authorize red circle rate requests, or arduous pay.

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

The CAL FIRE's PSC's were also reviewed.<sup>10</sup> It was beyond the scope of the compliance review to make conclusions as to whether the CAL FIRE's justifications for the contracts were legally sufficient. The review was limited to whether the CAL FIRE's practices, policies, and procedures relative to PSC's complied with procedural requirements.

The CAL FIRE'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 those serving in Career Executive Assignments (CEA) were provided leadership and development training, and that all employees were provided sexual harassment prevention training within statutory timelines.

The CRU reviewed the CAL FIRE'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 CAL FIRE's units in order to ensure they maintained accurate and timely leave accounting records. Part of this review also examined a cross-section of the CAL FIRE's employees' employment and pay history, state service records, and leave accrual histories to ensure employees with non-qualifying pay periods did not receive vacation/sick leave and/or annual leave accruals or state service credit. Additionally, the CRU reviewed a selection of the CAL FIRE employees who used Administrative Time Off (ATO) in order to ensure that ATO was appropriately administered. Further, the CRU reviewed a selection of CAL FIRE positive paid employees whose hours are tracked during the compliance review period in order to ensure that they adhered to procedural requirements.

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

On November 29, 2023, an exit conference was held with the CAL FIRE to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the CAL FIRE's written response on December 18, 2023, which is attached to this final compliance review report.

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<sup>10</sup>If an employee organization requests the SPB to review any personal services contract during the SPB compliance review period or prior to the completion of the final compliance review report, the SPB will not audit the contract. Instead, the SPB will review the contract pursuant to its statutory and regulatory process. In this instance, none of the reviewed PSC's were challenged.



## **FINDINGS AND RECOMMENDATIONS**

### **Examinations**

Examinations to establish an eligible list must be competitive and of such character as fairly to test and determine the qualifications, fitness, and ability of competitors to perform the duties of the class of position for which he or she seeks appointment. (Gov. Code, § 18930.) Examinations may be assembled or unassembled, written or oral, or in the form of a demonstration of skills, or any combination of those tests. (*Ibid.*) The Board establishes minimum qualifications for determining the fitness and qualifications of employees for each class of position and for applicants for examinations. (Gov. Code, § 18931, subd. (a).) Within a reasonable time before the scheduled date for the examination, the designated appointing power shall announce or advertise the examination for the establishment of eligible lists. (Gov. Code, § 18933, subd. (a).) The advertisement shall contain such information as the date and place of the examination and the nature of the minimum qualifications. (*Ibid.*) Every applicant for examination shall file an application with the department or a designated appointing power as directed by the examination announcement. (Gov. Code, § 18934, subd. (a)(1).) The final earned rating of each person competing in any examination is to be determined by the weighted average of the earned ratings on all phases of the examination. (Gov. Code, § 18936.) Each competitor shall be notified in writing of the results of the examination when the employment list resulting from the examination is established. (Gov. Code, § 18938.5.)

During the period under review, May 1, 2022, through October 31, 2022, the CAL FIRE conducted 28 examinations. The CRU reviewed 10 of those examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
CEA A, Deputy Director of Community Wildfire Preparedness & Mitigation, and Fire Engineering & Investigations	CEA	Statement of Qualifications (SOQ) <sup>11</sup>	7/6/22	3

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<sup>11</sup> In a Statement of Qualifications examination, applicants submit a written summary of their qualifications and experience related to a published list of desired qualifications. Raters, typically subject matter experts, evaluate the responses according to a predetermined rating scale designed to assess their ability to perform in a job classification, assign scores and rank the competitors in a list.

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
CEA B, Deputy Director, Cooperative Fire Protection	CEA	SOQ	11/1/22	3
Communications Operator	Open	Performance <sup>12</sup>	3/28/22	74
Fire Captain (Paramedic)	Promotional	Written <sup>13</sup>	4/6/22	36
Fire Fighter II (Paramedic)	Open	Written	9/20/22	64
Forestry Assistant II	Open	Training and Experience (T&E) <sup>14</sup>	6/17/22	52
Forestry Technician	Open	T&E	6/17/22	181
Heavy Fire Equipment Operator	Open	Written & Performance	3/29/22	113
Senior Forestry Equipment Manager	Open	Qualification Appraisal Panel (QAP) <sup>15</sup>	9/20/22	5
Unit Chief	Promotional	QAP	4/8/22	23

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

<sup>12</sup> A Performance examination requires applicants to replicate/simulate job related tasks or duties.

<sup>13</sup> A written examination is a testing procedure in which candidates' job-related knowledge and skills are assessed through the use of a variety of item formats. Written examinations are either objectively scored or subjectively scored.

<sup>14</sup> The Training and Experience examination is administered either online or in writing, and asks the applicant to answer multiple-choice questions about his or her level of training and/or experience performing certain tasks typically performed by those in this classification. Responses yield point values.

<sup>15</sup> The Qualification Appraisal Panel interview is the oral component of an examination whereby competitors appear before a panel of two or more evaluators. Candidates are rated and ranked against one another based on an assessment of their ability to perform in a job classification.

## **Appointments**

In all cases not excepted or exempted by Article VII of the California Constitution, the appointing power must fill positions by appointment, including cases of transfers, reinstatements, promotions, and demotions in strict accordance with the Civil Service Act and Board rules. (Gov. Code, § 19050.) The hiring process for eligible candidates chosen for job interviews shall be competitive and be designed and administered to hire candidates who will be successful. (Cal. Code Regs., tit. 2, § 250, subd. (b).) Interviews shall be conducted using job-related criteria. (*Ibid.*) Persons selected for appointment shall satisfy the minimum qualifications of the classification to which he or she is appointed or have previously passed probation and achieved permanent status in that same classification. (Cal. Code Regs., tit. 2, § 250, subd. (d).) While persons selected for appointment may meet some or most of the preferred or desirable qualifications, they are not required to meet all the preferred or desirable qualifications. (*Ibid.*) This section does not apply to intra-agency job reassignments. (Cal. Code Regs., tit. 2, § 250, subd. (e).)

For the purposes of temporary appointments, an employment list is considered not to exist where there is an open eligible list that has three or fewer names of persons willing to accept appointment and no other employment list for the classification is available. (Cal. Code Regs., tit. 2, § 265.) In such a situation, an appointing power may make a temporary appointment in accordance with section 265.1 (*Ibid.*) A Temporary Authorization Utilization (TAU) appointment shall not exceed nine months in a 12-month period. (Cal. Const., art. VII.) In addition, when a temporary appointment is made to a permanent position, an appropriate employment list shall be established for each class to which a temporary appointment is made before the expiration of the appointment. (Gov. Code, § 19058.)

During the period under review, October 1, 2021, through March 31, 2022, the CAL FIRE made 1,035 appointments. The CRU reviewed 120 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
CEA A, Assistant Deputy Director, Fire Protection Aviation & Mobile	CEA	CEA	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
CEA A, Assistant Deputy Director, Fire Protection Operations	CEA	CEA	Full Time	1
CEA A, Assistant Deputy Director, Fire Protection Operations, Training & Safety	CEA	CEA	Full Time	1
CEA A, Assistant Deputy Director, Resource Protection and Improvement	CEA	CEA	Full Time	1
CEA A, Assistant Region Chief, Northern Region	CEA	CEA	Full Time	1
CEA A, Assistant Region Chief, Planning & Special Operations	CEA	CEA	Full Time	1
CEA B, Deputy Director, Cooperative Fire Programs	CEA	CEA	Full Time	1
CEA B, Region Chief, Northern Region	CEA	CEA	Full Time	1
Accounting Officer (Specialist)	Certification List	Permanent	Full Time	2
Arson and Bomb Investigator	Certification List	Permanent	Full Time	1
Assistant Chief	Certification List	Permanent	Full Time	1
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	5
Aviation Officer II (Maintenance)	Certification List	Permanent	Full Time	1
Battalion Chief	Certification List	Permanent	Full Time	2
Communications Operator	Certification List	Permanent	Full Time	1
Cook Specialist I	Certification List	Permanent	Full Time	1
Fire Apparatus Engineer	Certification List	Limited Term	Full Time	1
Fire Apparatus Engineer	Certification List	Permanent	Full Time	5
Fire Apparatus Engineer (Paramedic)	Certification List	Permanent	Full Time	1
Fire Captain	Certification List	Permanent	Full Time	1
Fire Fighter II	Certification List	Limited Term	Full Time	2
Fire Fighter II	Certification List	Permanent	Full Time	1
Forestry Fire Pilot	Certification List	Permanent	Full Time	1
Forestry Technician	Certification List	Permanent	Full Time	1
Information Technology Specialist II	Certification List	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Office Technician (Typing)	Certification List	Permanent	Intermittent	1
Office Technician (Typing)	Certification List	Permanent	Full Time	1
Personnel Specialist	Certification List	Limited Term	Full Time	1
Research Data Specialist II	Certification List	Permanent	Full Time	1
Senior Accounting Officer (Specialist)	Certifications List	Permanent	Full Time	1
Senior Civil Engineer, Resources Agency	Certification List	Permanent	Full Time	1
Senior Environmental Scientist (Specialist)	Certification List	Permanent	Full Time	1
Staff Services Analyst (General)	Certification List	Permanent	Full Time	5
Associate Civil Engineer	Reinstatement	Permanent	Intermittent	1
Battalion Chief	Reinstatement	Permanent	Full Time	1
Battalion Chief	Reinstatement	Permanent	Intermittent	1
CalTrans Equipment Operator II	Reinstatement	Permanent	Full Time	1
Deputy State Fire Marshal III (Specialist)	Reinstatement	Permanent	Intermittent	1
Heavy Fire Equipment Operator	Reinstatement	Permanent	Full Time	2
Fire Apparatus Engineer	Reinstatement	Permanent	Full Time	6
Fire Captain	Reinstatement	Permanent	Full Time	1
Forestry Technician	Reinstatement	Permanent	Full Time	2
Personnel Specialist	Reinstatement	Permanent	Full Time	2
Staff Services Analyst (General)	Reinstatement	Permanent	Full Time	3
Staff Services Analyst (General)	Reinstatement	Limited Term	Full Time	2
Fire Fighter I	Temporary Authorization Utilization	Temporary	Full Time	19
Forestry Aide	Temporary Authorization Utilization	Temporary	Full Time	3
Assistant Chief	Transfer	Permanent	Full Time	2
Assistant Chief	Transfer	Permanent	Intermittent	3
Associate Governmental Program Analyst	Transfer	Permanent	Full Time	4
Battalion Chief	Transfer	Permanent	Full Time	4
Environmental Scientist	Transfer	Permanent	Full Time	1
Fire Captain	Transfer	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Fire Captain	Transfer	Permanent	Intermittent	1
Forester II (Supervisory)	Transfer	Permanent	Full Time	1
Forester III	Transfer	Permanent	Full Time	1
Forestry Assistant II	Transfer	Permanent	Full Time	1
Forestry Technician	Transfer	Permanent	Full Time	1
Office Technician (Typing)	Transfer	Permanent	Full Time	1
Staff Services Analyst (General)	Transfer	Permanent	Full Time	4
Staff Services Manager I	Transfer	Permanent	Full Time	2

<b>SEVERITY: SERIOUS</b>	<b>FINDING NO. 2 PROBATIONARY EVALUATIONS WERE NOT PROVIDED FOR ALL APPOINTMENTS REVIEWED AND SOME THAT WERE PROVIDED WERE UNTIMELY</b>
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**Summary:** The CAL FIRE did not provide 50 probationary reports of performance for 18 of the 120 appointments reviewed by the CRU. This is the third consecutive time this has been a finding for the CAL FIRE. In addition, the CAL FIRE did not provide 5 probationary reports of performance in a timely manner, as reflected in the table below.

Classification	Appointment Type	No. of Appointments	Total No. of Missing Probation Reports
Accounting Officer (Specialist)	Certification List	1	3
Associate Governmental Program Analyst	Certification List	2	6
Battalion Chief	Certification List	1	2
Cook Specialist I	Certification List	1	2
Fire Apparatus Engineer	Certification List	1	3
Fire Apparatus Engineer	Transfer	2	4
Forestry Assistant II	Transfer	1	3
Forester III	Transfer	1	1
Information Technology Specialist II	Certification List	1	3
Office Technician (Typing)	Certification List	1	2
Personnel Specialist	Transfer	1	2
Senior Account Officer (Specialist)	Certification List	1	3
Staff Services Analyst (General)	Certification List	2	6
Staff Services Analyst (General)	Transfer	1	2
Supervising Civil Engineer	Certification List	1	3

Classification	Appointment Type	No. of Appointments	Total No. of Late Probation Reports
Accounting Officer (Specialist)	Certification List	1	3
Communications Operator	Certification List	1	2

**Criteria:** The service of a probationary period is required when an employee enters or is promoted in the state civil service by permanent appointment from an employment list; upon reinstatement after a break in continuity of service resulting from a permanent separation; or after any other type of appointment situation not specifically excepted from the probationary period. (Gov. Code, § 19171.) During the probationary period, the appointing power shall evaluate the work and efficiency of a probationer in the manner and at such periods as the department rules may require. (Gov. Code, § 19172.) A report of the probationer's performance shall be made to the employee at sufficiently frequent intervals to keep the employee adequately informed of progress on the job. (Cal. Code Regs., tit. 2, § 599.795.) A written appraisal of performance shall be made to the Department within 10 days after the end of each one-third portion of the probationary period. (*Ibid.*) The Board's record retention rules require that appointing powers retain all probationary reports for five years from the date the record is created. (Cal. Code Regs., tit. 2, § 26, subd. (a)(3).)

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

**Cause:** The CAL FIRE recognizes the need for more consistency in the department's notification, follow-up, and escalation process to ensure probationary reports are issued to employees. In some instances, reminders were provided to managers/supervisors as to when reports are due to be completed and issued to the employee;

but the manager/supervisor may not have initiated the report at all, or could have initiated the process but did not complete all steps to issue a timely report.

**Corrective Action:** Within 90 days of the date of this report, the CAL FIRE 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 19172. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

<b>SEVERITY: TECHNICAL</b>	<b>FINDING NO. 3    DEPARTMENT DID NOT PROVIDE BENEFIT INFORMATION IN ACCORDANCE WITH CIVIL SERVICE LAW</b>
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**Summary:** The CAL FIRE did not provide an explanation of benefits prior to acceptance of appointment in 14 out of the 120 appointments reviewed by the CRU. In addition, the CAL FIRE did not memorialize that the applicant received an explanation of benefits, prior to appointment, in a formal offer of employment 25 times out of the 120 appointments reviewed by the CRU.

**Criteria:** An appointing power, before offering employment to an applicant, shall provide the applicant, in writing, with an explanation of benefits that accompany state service. These documents shall include a summary of the applicable civil service position with salary ranges and steps within them, as well as information on benefits afforded by membership in the Public Employees' Retirement System and benefits and protections provided to public employees by the State Civil Service Act. (Gov. Code, § 19057.2.)

**Severity:** Technical. An applicant is entitled to have all the information regarding benefits relating to their potential employment prior to deciding whether to accept or decline the appointment.

**Cause:** The CAL FIRE states that it did not have a standard final employment offer template and recognizes the importance of providing applicants with information as it relates to State benefits and pay prior to job acceptance.



**Corrective Action:** Within 90 days of the date of this report, the CAL FIRE must submit to the SPB a written corrective action response which addresses the corrections the department has implemented to demonstrate conformity with the explanation of benefits requirements of Government Code section 19057.2. Copies of relevant documentation (including a template letter) demonstrating that the corrective action has been implemented must be included with the corrective action response.

<b>SEVERITY: TECHNICAL</b>	<b>FINDING NO. 4 APPOINTMENT DOCUMENTATION WAS NOT KEPT FOR THE APPROPRIATE AMOUNT OF TIME</b>
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**Summary:** Of the 120 appointments reviewed, the CAL FIRE did not retain 16 NOPAs. This is the third consecutive time this has been a finding for the CAL FIRE.

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

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

**Cause:** The CAL FIRE understands the importance of retaining the Notice of Personnel Actions (and other employment appointment documentation) and is looking into a solution to correct this deficiency (i.e., an electronic tracking system and electronic signatures), as well as improving and enforcing the tickler file process and follow-up with employees to ensure documents are returned and maintained accordingly.

**Corrective Action:** Within 90 days of the date of this report, the CAL FIRE must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with the record retention requirements of California Code of Regulations, title 2, section 26. Copies of relevant documentation demonstrating

that the corrective action has been implemented must be included with the corrective action response.

### **Equal Employment Opportunity**

Each state agency is responsible for an effective EEO program. (Gov. Code, § 19790.) The appointing power for each state agency has the major responsibility for monitoring the effectiveness of its EEO program. (Gov. Code, § 19794.) To that end, the appointing power must issue a policy statement committed to EEO; issue procedures for filing, processing, and resolving discrimination complaints; and cooperate with the CalHR, in accordance with Civil Code section 1798.24, subdivisions (o) and (p), by providing access to all required files, documents and data necessary to carry out these mandates. (*Ibid.*) In addition, the appointing power must appoint, at the managerial level, an EEO Officer, who shall report directly to, and be under the supervision of, the director of the department to develop, implement, coordinate, and monitor the department's EEO program. (Gov. Code, § 19795, subd. (a).)

Each state agency must establish a separate committee of employees who are individuals with a disability, or who have an interest in disability issues, to advise the head of the agency on issues of concern to employees with disabilities. (Gov. Code, § 19795, subd. (b)(1).) The department must invite all employees to serve on the committee and take appropriate steps to ensure that the final committee is comprised of members who have disabilities or who have an interest in disability issues. (Gov. Code, § 19795, subd. (b)(2).)

<b>IN COMPLIANCE</b>	<b>FINDING NO. 5</b>	<b>EQUAL EMPLOYMENT OPPORTUNITY PROGRAM COMPLIED WITH ALL CIVIL SERVICE LAWS AND BOARD RULES</b>
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After reviewing the policies, procedures, and programs necessary for compliance with the EEO program's role and responsibilities according to statutory and regulatory guidelines, the CRU determined that the CAL FIRE's EEO program provided employees with information and guidance on the EEO process including instructions on how to file discrimination claims. Furthermore, the EEO program outlines the roles and responsibilities of the EEO Officer, as well as supervisors and managers. The EEO Officer, who is at a managerial level, reports directly to the Executive Director of the CAL FIRE. The CAL FIRE also provided evidence of its efforts to promote EEO in its hiring and employment practices and to increase its hiring of persons with a disability.

### **Personal Services Contracts**

A PSC includes any contract, requisition, or purchase order under which labor or personal services is a significant, separately identifiable element, and the business or person performing the services is an independent contractor that does not have status as an employee of the state. (Cal. Code Regs., tit. 2, § 547.59.) The California Constitution has an implied civil service mandate limiting the state's authority to contract with private entities to perform services the state has historically or customarily performed. Government Code section 19130, subdivision (a), however, codifies exceptions to the civil service mandate where PSC's achieve cost savings for the state. PSC's that are of a type enumerated in subdivision (b) of Government Code section 19130 are also permissible. Subdivision (b) contracts include, but are not limited to, private contracts for a new state function, services that are not available within state service, services that are incidental to a contract for the purchase or lease of real or personal property, and services that are of an urgent, temporary, or occasional nature.

For cost-savings PSC's, a state agency is required to notify SPB of its intent to execute such a contract. (Gov. Code, § 19131.) For subdivision (b) contracts, the SPB reviews the adequacy of the proposed or executed contract at the request of an employee organization representing state employees. (Gov. Code, § 19132.)

During the period under review, May 1, 2022, through October 31, 2022, the CAL FIRE had 100 PSC's that were in effect. The CRU reviewed 40 of those, which are listed below:

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Accenture, LLP	2021 fire season recovery support for e-fund finance	\$2,925,960	Yes	No
Alta Archaeological Consulting, LLC	Archaeology surveys	\$69,000	Yes	Yes
American Forests	Reforestation strategy	\$42,000	Yes	Yes
American Pest Control	Pest control services	\$5,805	Yes	No
Aramark	Laundry services - Morgan Hill	\$8,947	Yes	Yes
Asbury Environmental Services	Waste oil contract TGU Headquarters mobile equipment	\$19,502	Yes	Yes
Asbury Environmental	Waste oil removal & disposal - San Diego	\$27,135	Yes	No

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Services, DBA World Oil Environmental Services	Unit 4 locations			
Auten Resource Consulting	SDSF fuel treatment planning	\$52,603	Yes	Yes
Bayside Oil II, Inc.	Reoccurring quarterly pick-up of waste oil from auto shop	\$2,325	Yes	Yes
Clinical Lab of San Bernardino	State required water testing - Bautista Camp	\$4,395	Yes	No
Dudley's Excavating, Inc.	Valley View CC septic tank pumping	\$187,000	Yes	Yes
EFR Environmental Services, Inc.	Sand and oil separator service -Ramona AAB	\$9,000	Yes	No
Elevator Technology, Inc.	Elevator service	\$11,690	Yes	Yes
Foothill Transcription Company, Inc.	Transcription services	\$4,999	Yes	Yes
Grizzly Mechanical Services, Inc.	Refrigeration unit maintenance	\$17,534	Yes	Yes
Howard Wright Employment Agency	Temporary emergency staffing services	\$250,000	Yes	No
J&G Lawn and Garden	Bi-monthly landscaping & maintenance of grounds at Humboldt-Del Norte HQ	\$26,640	Yes	Yes
New Image Landscape Company	Landscaping services	\$76,020	Yes	Yes
North Coast Laboratories, LTD.	Waste & water testing	\$87,150	Yes	Yes
Peter H. Cafferata	Registered professional Forester examination grading	\$34,125	Yes	Yes
Red Helmet Training	Required training uniform employees	\$49,920	Yes	No
SCU Health	Technical fitness for	\$19,500	Yes	Yes

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Systems	Fire Fighters			
U.S. Tank & Mechanical Service, Inc.	Weed Resource Management Office - fire water tank	\$190,000	Yes	Yes
World Oil Environmental Services	Waste oil filters & anti-freeze removal	\$34,281	Yes	No
World Oil Environmental Services	Mobile equipment/waste oil removal	\$8,709	Yes	No
Xing Kong Aviation Services, LLC DBA Sierra Academy of Aeronautics	Augmentation catering Fire Fighter hand crews	\$128,000	Yes	No

<b>SEVERITY: SERIOUS</b>	<b>FINDING NO. 6 UNIONS WERE NOT NOTIFIED OF PERSONAL SERVICES CONTRACTS</b>
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**Summary:** The CAL FIRE did not notify unions prior to entering into 10 of the 26 PSC's reviewed. This is the second consecutive time this has been a finding for the CAL FIRE.

**Criteria:** Before a state agency executes a contract or amendment to a contract for personal services conditions specified within Government Code section 19130, subdivision (b), the agency shall notify all organizations that represent state employees who perform or could perform the type of work that is called for within the contract, unless exempted under Government Code section 19132, subdivision (b)(1). (Cal. Code Regs., tit. 2, § 547.60.2.)

**Severity:** Serious. Unions must be notified of impending personal services contracts in order to ensure they are aware contracts are being proposed for the type of work that their members could perform.

**Cause:** The CAL FIRE states that in collaboration with CAL FIRE's Labor Relations Office, the department's Business Services Office developed and implemented internal procedures to document and

notify the unions of personal services contracts; however, these internal processes were not consistently followed.

**Corrective Action:** Departments are responsible for notifying all organizations that represent state employees who perform or could perform the type of work to be contracted prior to executing a PSC. The PSC's reviewed during this compliance review involved several services and functions which various rank-and-file civil service classifications perform. Within 90 days of the date of this report, the CAL FIRE must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with the requirements of California Code of Regulations section 547.60.2. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

### **Mandated Training**

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

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

Within 12 months of the initial appointment of an employee to a management or 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.*)

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 CAL FIRE's mandated training program that was in effect during the compliance review period, November 1, 2020, through October 31, 2022.

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING NO. 7    ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS</b>
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**Summary:** The CAL FIRE did not provide ethics training to 13 of 200 existing filers. In addition, the CAL FIRE did not provide ethics training to 3 of 40 new filers within 6 months of their appointment.

**Criteria:** New filers must be provided ethics training within six months of appointment. Existing filers must be trained at least once during each consecutive period of two calendar years commencing on the first odd-numbered year thereafter. (Gov. Code, § 11146.3, subd. (b).)

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

**Cause:** The CAL FIRE states filers are notified and reminded of the mandated ethics training via a learning management software. However, not all filers completed their ethics training or did not complete the mandated training in a timely manner.

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

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING NO. 8 SUPERVISORY TRAINING WAS NOT PROVIDED FOR ALL SUPERVISORS, MANAGERS, AND CEAs</b>
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**Summary:** The CAL FIRE did not provide basic supervisory training to 29 of 34 new supervisors within 12 months of appointment; did not provide manager training to 18 of 32 new managers within 12 months of appointment; and did not provide CEA training to 12 of 12 new CEAs within 12 months of appointment. This is the second consecutive time this has been a finding for the CAL FIRE.

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

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

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

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

**Cause:** The CAL FIRE states that the CAL FIRE managers and supervisors who were hired during the compliance review period and found not to be in compliance had these primary issues that interfered with their ability to obtain the training: 1) the COVID-19 pandemic; 2)



emergency wildland fire, flooding, and other emergency incidents across the State; and 3) not all CEA, manager and supervisory training could be completed in a timely manner.

**SPB Reply:** For those periods of time where CalHR's Leadership training was suspended due to COVID-19, the CRU did not audit for compliance in this area.

**Corrective Action:** Within 90 days of the date of this report, the CAL FIRE must submit to the SPB a written corrective action response which addresses the corrections the department has implemented to ensure that new supervisors, managers, and CEAs are provided leadership and development training within twelve months of appointment, and that thereafter, they receive a minimum of 20 hours of leadership training biennially, as required by Government Code section 19995.4. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING NO. 9    SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL EMPLOYEES</b>
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**Summary:** The CAL FIRE did not provide sexual harassment prevention training to 9 of 25 new supervisors within 6 months of their appointment. In addition, the CAL FIRE did not provide sexual harassment prevention training to 61 of 693 existing supervisors every 2 years. Further, the CAL FIRE did not provide sexual harassment prevention training to 75 of 200 existing non-supervisors every 2 years. This is the second consecutive time this has been a finding for the CAL FIRE.

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

**Severity:** Very Serious. The department does not ensure that all new and existing employees are properly trained to respond to sexual

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

**Cause:** The CAL FIRE states that it provides sexual harassment prevention training to all managers/supervisors through a vendor that notifies and reminds employees of the mandated training. It is the responsibility of the manager or supervisor and their manager or supervisor to ensure this mandated training is completed.

**Corrective Action:** The CAL FIRE asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the CAL FIRE must submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure that all employees are provided sexual harassment prevention training in accordance with Government Code section 12950.1.

## **Compensation and Pay**

### **Salary Determination**

The pay plan for state civil service consists of salary ranges and steps established by CalHR. (Cal. Code Regs., tit. 2, § 599.666.) Several salary rules dictate how departments calculate and determine an employee's salary rate<sup>16</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, October 1, 2021, through March 31, 2022, the CAL FIRE made 1,035 appointments. The CRU reviewed 30 of those appointments to determine if the CAL FIRE applied salary regulations accurately and correctly processed employees' compensation, which are listed below:

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<sup>16</sup> "Rate" is any one of the salary rates in the resolution by CalHR which establishes the salary ranges and steps of the Pay Plan (Cal. Code Regs., tit. 2, section 599.666).

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Accounting Officer (Specialist)	Certification List	Permanent	Full Time	\$4,701
Arson & Bomb Investigator	Certification List	Permanent	Full Time	\$8,431
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	\$5,383
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	\$5,884
Aviation Officer II (Maintenance)	Certification List	Permanent	Full Time	\$7,116
Fire Apparatus Engineer	Certification List	Permanent	Full Time	\$4,341
Fire Fighter II	Certification List	Limited Term	Full Time	\$4,452
Forestry Fire Pilot	Certification List	Permanent	Full Time	\$6,216
Forestry Technician	Certification List	Permanent	Full Time	\$3,590
Office Technician (Typing)	Certification List	Permanent	Full Time	\$3,287
Senior Accounting Officer (Specialist)	Certification List	Permanent	Full Time	\$5,383
Staff Services Analyst (General)	Certification List	Permanent	Full Time	\$4,476
Staff Services Analyst (General)	Certification List	Permanent	Full Time	\$4,476
Battalion Chief	Permissive Reinstatement	Permanent	Full Time	\$6,883
Associate Governmental Program Analyst	Transfer	Permanent	Full Time	\$5,383
CT Equipment Operator II	Transfer	Permanent	Full Time	\$5,379
Environmental Scientist	Transfer	Permanent	Full Time	\$6,694
Fire Apparatus Engineer	Transfer	Permanent	Full Time	\$4,351
Fire Apparatus Engineer	Transfer	Permanent	Full Time	\$4,684
Fire Apparatus Engineer	Transfer	Permanent	Full Time	\$5,164
Fire Captain	Transfer	Permanent	Full Time	\$5,863
Forestry Technician	Transfer	Permanent	Full Time	\$3,498
Forestry Technician	Transfer	Permanent	Full Time	\$4,420
Heavy Fire Equipment Operator	Transfer	Permanent	Full Time	\$4,872
Office Technician (Typing)	Transfer	Permanent	Full Time	\$3,287
Personnel Specialist	Transfer	Permanent	Full Time	\$5,517
Staff Services Analyst (General)	Transfer	Permanent	Full Time	\$5,604
Staff Services Analyst (General)	Transfer	Permanent	Full Time	\$4,672

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Staff Services Analyst (General)	Transfer	Permanent	Full Time	\$5,441
Staff Services Analyst (General)	Transfer	Permanent	Full Time	\$3,451

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING NO. 10</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 3 errors in the 30 salary determinations reviewed:

Classification	Description of Findings	Criteria
Fire Apparatus Engineer	Incorrect salary determination resulting in the employee being undercompensated.	Cal. Code Regs., tit. 2, section 599.675
Fire Apparatus Engineer	Incorrect salary determination resulting in the employee being undercompensated.	Cal. Code Regs., tit., 2, section 599.675
Heavy Fire Equipment Operator	Incorrect salary determination resulting in the employee being undercompensated.	Cal. Code Regs., tit., 2, section 599.675

**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 three circumstances, the CAL FIRE 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 CAL FIRE states that the three errors found were determined to be keying errors and have since been corrected.

**Corrective Action:** Within 90 days of the date of this report, the CAL FIRE must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that employees

are compensated correctly. The CAL FIRE must establish an audit system to correct current compensation transactions as well as future transactions. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

#### 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, October 1, 2021, through March 31, 2022, the CAL FIRE employees made 80 alternate range movements within a classification. The CRU reviewed 30 of those alternate range movements to determine if the CAL FIRE 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)
Communications Operator	A	B	Full Time	\$4,629
Communications Operator	A	B	Full Time	\$4,630
Engineer, Civil	A	B	Full Time	\$6,698
Environmental Scientist	B	C	Full Time	\$6,485
Environmental Scientist	B	C	Full Time	\$6,375
Fire Captain	B	A	Full Time	\$5,912
Fire Captain	B	A	Full Time	\$5,721
Fire Captain	A	B	Full Time	\$6,634
Fire Captain	A	B	Full Time	\$6,634
Fire Captain	B	A	Full Time	\$6,017
Fire Captain	B	A	Full Time	\$6,017
Fire Captain	B	A	Full Time	\$6,017
Fire Captain	A	B	Full Time	\$6,634
Fire Captain	B	A	Full Time	\$5,863
Fire Captain	A	B	Full Time	\$6,464

Classification	Prior Range	Current Range	Time Base	Salary (Monthly Rate)
Fire Captain	A	B	Full Time	\$6,464
Fire Captain	A	B	Full Time	\$6,464
Fire Captain	A	B	Full Time	\$6,634
Fire Captain	A	B	Full Time	\$6,465
Heavy Fire Equipment Operator	A	B	Full Time	\$6,437
Heavy Fire Equipment Operator	A	B	Full Time	\$5,513
Heavy Fire Equipment Operator	B	A	Full Time	\$5,572
Personnel Specialist	C	D	Full Time	\$4,720
Personnel Specialist	A	B	Full Time	\$4,388
Personnel Specialist	A	B	Full Time	\$4,388
Personnel Specialist	C	D	Full Time	\$5,363
Personnel Specialist	B	C	Full Time	\$4,277
Personnel Specialist	C	D	Full Time	\$5,363
Staff Services Analyst (General)	B	C	Full Time	\$4,476
Staff Services Analyst (General)	B	C	Full Time	\$4,906

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING NO. 11      ALTERNATE RANGE MOVEMENTS DID NOT COMPLY WITH CIVIL SERVICE LAWS, RULES, AND CALHR POLICIES AND GUIDELINES</b>
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**Summary:**                      The CRU found 3 errors in the 30 alternate range movements reviewed:

Classification	Description of Findings	Criteria
Civil Engineer	Employee should have been placed into Range B of the Civil Engineer classification effective 3/1/2021 as they met the Range B criteria. The employee was placed in Range B effective 11/2021, and as a result was undercompensated.	ARC 289
Fire Captain	Employee was due a General Salary Increase of 2.5% on 7/1/2021, which would have resulted in receiving the maximum salary rate of Fire Captain, Range B prior to being placed back in Range A. Therefore, the employee was undercompensated.	ARC 198
Staff Services Analyst (General)	Employee should have been placed into Range C of the Staff Services Analyst (General) classification effective 11/2021, instead of 12/2021, as they met the Range B criteria. Therefore, the employee was undercompensated.	ARC 069

**Criteria:**                      Alternate ranges are designed to recognize increased competence

in the performance of class duties based upon experience obtained while in the class. The employee gains status in the alternate range as though each range were a separate classification. (Classification and Pay Guide Section 220.)

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 three circumstances, the CAL FIRE failed to comply with the requirements outlined in the state civil service pay plan. Incorrectly applying compensation laws and rules not in accordance with CalHR's policies and guidelines results in civil service employees receiving incorrect and/or inappropriate pay amounts.

**Cause:** The CAL FIRE states that of the three errors, two were determined to have resulted from keying errors as well as missing pertinent approved documentation, and the third error was due to the lack of attention to detail while reviewing employee history and processing the transaction. The third error identified was also missing pertinent approved documentation.

**Corrective Action:** Within 90 days of the date of this report, the CAL FIRE must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that employees are compensated correctly. The CAL FIRE must establish an audit system to correct current compensation transactions as well as future transactions. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

### Hire Above Minimum Requests

The CalHR may authorize payment at any step above the minimum limit to classes or positions to meet recruiting problems, or to obtain a person who has extraordinary qualifications. (Gov. Code, § 19836.) For all employees new to state service, departments are delegated to approve HAMs for extraordinary qualifications. (Human Resources Manual Section 1707.) Appointing authorities may request HAMs for current state

employees with extraordinary qualifications. (*Ibid.*) Delegated HAM authority does not apply to current state employees. (*Ibid.*)

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

If the provisions of this section conflict with the provisions of a memorandum of understanding reached pursuant to Government Code section 3517.5, the memorandum of understanding shall be controlling without further legislative action.<sup>17</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

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<sup>17</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.



comparable to the exempt appointment up to the maximum of the salary range for the civil service class. (*Ibid.*)

During the period under review, October 1, 2021, through March 31, 2022, the CAL FIRE authorized one HAM request. The CRU reviewed the authorized HAM request to determine if the CAL FIRE correctly applied Government Code section 19836 and appropriately verified, approved and documented the candidate's extraordinary qualifications, which is listed below:

Classification	Appointment Type	Status	Salary Range	Salary (Monthly Rate)
Arson & Bomb Investigator	List	Permanent	\$6,544-\$8,431	\$8,431

<b>IN COMPLIANCE</b>	<b>FINDING NO. 12</b>	<b>HIRE ABOVE MINIMUM REQUESTS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES</b>
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The CRU found that the HAM request the CAL FIRE made during the compliance review period, satisfied civil service laws, Board rules and CalHR policies and guidelines.

### Bilingual Pay

A certified bilingual position is a position where the incumbent uses bilingual skills on a continuous basis and averages 10 percent or more of the total time worked. According to the Pay Differential 14, the 10 percent time standard is calculated based on the time spent conversing, interpreting, or transcribing in a second language and time spent on closely related activities performed directly in conjunction with the specific bilingual transactions.

Typically, the department must review the position duty statement to confirm the percentage of time performing bilingual skills and verify the monthly pay differential is granted to a certified bilingual employee in a designated bilingual position. The position, not the employee, receives the bilingual designation and the department must verify that the incumbent successfully participated in an Oral Fluency Examination prior to issuing the additional pay.

During the period under review, October 1, 2021, through March 31, 2022, the CAL FIRE issued bilingual pay to 31 employees. The CRU reviewed 19 of these bilingual pay authorizations to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Collective Bargaining Identifier	Time Base	No. of Appts.
Fire Apparatus Engineer	R08	Full Time	4
Fire Captain	R08	Full Time	9
Fire Fighter II	R08	Full Time	2
Fire Fighter II (Paramedic)	R08	Full Time	2
Forester I (Non-Supervisory)	R08	Full Time	1
Office Assistant (Typing)	R04	Full Time	1

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING NO. 13    INCORRECT AUTHORIZATION OF BILINGUAL PAY</b>
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**Summary:**            The CRU found 17 errors in the 19 bilingual pay authorizations reviewed. This is the second consecutive time this has been a finding for the CAL FIRE.

Classification	Description of Findings	Criteria
Fire Apparatus Engineer	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14
Fire Apparatus Engineer	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14
Fire Apparatus Engineer	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14
Fire Apparatus Engineer	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14
Fire Captain	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14
Fire Captain	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14
Fire Captain	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14

Classification	Description of Findings	Criteria
Fire Captain	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14
Fire Captain	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14
Fire Captain	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14
Fire Captain	Department failed to provide supporting documentation that the employee has been tested and certified bilingual.	Government Code section 7296
Fire Fighter II	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14
Fire Fighter II	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14
Fire Fighter II (Paramedic)	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14
Fire Fighter II (Paramedic)	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14
Forester I (Nonsupervisory)	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14
Office Assistant (Typing)	Department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14

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

An individual must be in a position that has been certified by the department as a position which requires the use of bilingual skills on

a continuing basis averaging 10 percent of the time spent either conversing, interpreting or transcribing in a second language and time spent on closely related activities performed directly in conjunction with specific bilingual transactions. (Pay Differential 14.)

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

**Cause:** The CAL FIRE states it currently does not have an effective and efficient tracking system as it relates to bilingual pay. In addition, the department's bilingual pay policy and procedures are outdated and need to be include an effective process to ensure all documentation is updated and maintained on record.

**Corrective Action:** Within 90 days of the date of this report, the CAL FIRE must submit to the SPB a written corrective action response which addresses the corrections the department has implemented to ensure conformity with Government Code section 7296, and/or Pay Differential 14. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

### Pay Differentials

A pay differential is special additional pay recognizing unusual competencies, circumstances, or working conditions applying to some or all incumbents in select classes. A pay differential may be appropriate in those instances when a subgroup of positions within the overall job class might have unusual circumstances, competencies, or working conditions that distinguish these positions from other positions in the same class. Typically, pay differentials are based on qualifying pay criteria such as: work locations or shift assignments; professional or educational certification; temporary responsibilities; special licenses, skills or training; performance-based pay; incentive-based pay; or, recruitment and retention. (Classification and Pay Manual Section 230.)

California State Civil Service Pay Scales Section 14 describes the qualifying pay criteria for the majority of pay differentials. However, some of the alternate range criteria in the pay scales function as pay differentials. Generally, departments issuing pay differentials should, in order to justify the additional pay, document the following: the effective date of

the pay differential, the collective bargaining unit identifier, the classification applicable to the salary rate and conditions along with the specific criteria, and any relevant documentation to verify the employee meets the criteria.

During the period under review, October 1, 2021, through March 31, 2022, the CAL FIRE authorized 1,336 pay differentials.<sup>18</sup> The CRU reviewed 50 of these pay differentials to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Pay Differential	Monthly Amount
Assistant Chief	369	\$617
Assistant Chief	369	\$617
Assistant Chief	379	1.9% plus 15% base salary
Assistant Chief	379	1.9% plus 15% base salary
Assistant Chief	379	1.9% plus 15% base salary
Assistant Chief	73	2%
Aviation Officer II (Maintenance)	59	1 step
Battalion Chief	73	4%
Battalion Chief	45	\$150
Fire Apparatus Engineer	45	\$150
Fire Apparatus Engineer (Paramedic)	45	\$150
Fire Apparatus Engineer (Paramedic)	45	\$150
Fire Apparatus Engineer (Paramedic)	143	\$150
Fire Captain	45	\$150
Fire Captain	45	\$150
Fire Captain	45	\$150
Fire Captain	45	\$150
Fire Captain	73	1%
Fire Captain	143	\$150
Fire Captain	73	3%
Fire Captain	45	\$75
Fire Captain (Paramedic)	73	3%
Forester II (Supervisory)	54	15%
Forester II (Supervisory)	54	15%
Forester II (Supervisory)	54	15%
Forester II (Supervisory)	73	2%
Forester III	54	15%
Forester III	54	15%
Forestry Equipment Manager II	54	15%
Forestry and Fire Protection Administrator	54	15%
Forestry and Fire Protection Administrator	73	5%

<sup>18</sup> For the purposes of CRU's review, only monthly pay differentials were selected for review at this time.

Classification	Pay Differential	Monthly Amount
Forestry and Fire Protection Administrator	369	\$1,943
Forestry and Fire Protection Administrator	369	\$1,943
Forestry Aide	59	1 step
Forestry Aide	59	1 step
Forestry Aide	59	1 step
Forestry Aide	59	1 step
Forestry Assistant II	59	1 step
Forestry Assistant II	59	1 step
Forestry Assistant II	59	1 step
Forestry Assistant II	59	1 step
Forestry Logistics Officer I	59	1 step
Forestry Logistics Officer I	59	1 step
Forestry Logistics Officer I	59	1 step
Forestry Technician	59	1 step
Forestry Technician	45	\$150
Heavy Fire Equipment Operator	73	7%
Unit Chief	73	4%
Unit Chief	369	\$1,943
Unit Chief	369	\$1,943

<b>IN COMPLIANCE</b>	<b>FINDING NO. 14</b>	<b>PAY DIFFERENTIAL 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 pay differentials that the CAL FIRE authorized during the compliance review period. Pay differentials were issued correctly in recognition of unusual competencies, circumstances, or working conditions in accordance with applicable rules and guidelines.

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

For excluded<sup>19</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

<sup>19</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.

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.)

During the period under review, October 1, 2021, through March 31, 2022, the CAL FIRE issued OOC pay to four employees. The CRU reviewed all of the OOC assignments to ensure compliance with applicable MOU provisions, salary regulations, and CalHR policies and guidelines. These are listed below:

Classification	Collective Bargaining Identifier	Out-of-Class Classification	Time Frame
Associate Governmental Program Analyst	R01	Associate Construction Analyst	11/01/2021 – 03/01/2022
Executive Secretary I	C04	Labor Relations Analyst	07/01/2021 – 11/09/2021
Food Service Technician I	R15	Cook Specialist II	01/2022 – 03/2022
Personnel Specialist	R01	Senior Personnel Specialist	02/2022 – 03/2022

<b>IN COMPLIANCE</b>	<b>FINDING NO. 15</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 assignments that the CAL FIRE authorized during the compliance review period. OOC pay was issued appropriately to employees 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.

## Leave

### Positive Paid Employees

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

An employee is appointed TAU-ATW when he/she is not expected to work all the working days of a month. When counting 189 days, every day worked, including partial days<sup>20</sup> worked and paid absences<sup>21</sup>, are counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day are not limited by this rule. (*Ibid.*) The 12-consecutive month timeframe begins by counting the first pay period worked as the first month of the 12-consecutive month timeframe. (*Ibid.*) The employee shall serve no longer than 189 days in a 12 consecutive month period. (*Ibid.*) A new 189-days working limit in a 12-consecutive month timeframe may begin in the month immediately following the month that marks the end of the previous 12-consecutive month timeframe. (*Ibid.*)

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

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

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

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<sup>20</sup> For example, two hours or ten hours count as one day.

<sup>21</sup> For example, vacation, sick leave, compensating time off, etc.



At the time of the review, the CAL FIRE had 215 positive paid employees whose hours were tracked. The CRU reviewed 40 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>22</sup>
Accounting Administrator I	Retired Annuitant	7/1/2021-6/30/2022	447.5 hours
Assistant Chief	Retired Annuitant	7/1/2021-6/30/2022	758 hours
Assistant Chief	Retired Annuitant	7/1/2021-6/30/2022	217 hours
Assistant Chief	Retired Annuitant	7/1/2021-6/30/2022	1775 hours
Assistant Chief	Retired Annuitant	7/1/2021-6/30/2022	1504 hours
Associate Accounting Analyst	Retired Annuitant	7/1/2021-6/30/2022	938.5 hours
Associate Mechanical Engineer	Retired Annuitant	7/1/2021-6/30/2022	518 hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/2021-6/30/2022	252.5 hours
Automotive Technician II	Retired Annuitant	7/1/2021-6/30/2022	2365 hours
Aviation Officer III (Flight Operations)	Retired Annuitant	7/1/2021-6/30/2022	108 hours
Battalion Chief	Retired Annuitant	7/1/2021-6/30/2022	179.5 hours
Battalion Chief	Retired Annuitant	7/1/2021-6/30/2022	745 hours
Battalion Chief	Retired Annuitant	7/1/2021-6/30/2022	891.5 hours
Deputy State Fire Marshal III (Specialist)	Retired Annuitant	7/1/2021-6/30/2022	889.75 hours
Deputy State Fire Marshal III (Specialist)	Retired Annuitant	7/1/2021-6/30/2022	113.5 hours
Deputy State Fire Marshal III (Specialist)	Retired Annuitant	7/1/2021-6/30/2022	812 hours

<sup>22</sup> Executive Order N-25-20 suspended the 960-work hour limitation from March 12, 2020, through March 31, 2022, due to the Covid-19 pandemic. Therefore, CRU's review of this area was informational only.

Classification	Tenure	Time Frame	Time Worked <sup>22</sup>
Deputy State Fire Marshal III (Specialist)	Retired Annuitant	7/1/2021-6/30/2022	959 hours
Deputy State Fire Marshal III (Specialist)	Retired Annuitant	7/1/2021-6/30/2022	64 hours
Deputy State Fire Marshal III (Specialist)	Retired Annuitant	7/1/2021-6/30/2022	564.25 hours
Fire Captain	Retired Annuitant	7/1/2021-6/30/2022	734 hours
Fire Captain	Retired Annuitant	7/1/2021-6/30/2022	114 hours
Fire Captain	Retired Annuitant	7/1/2021-6/30/2022	585 hours
Fire Captain	Retired Annuitant	7/1/2021-6/30/2022	280 hours
Fire Captain	Retired Annuitant	7/1/2021-6/30/2022	1146 hours
Fire Captain	Retired Annuitant	7/1/2021-6/30/2022	1197 hours
Forestry I (Non-Supervisory)	Retired Annuitant	7/1/2021-6/30/2022	344.5 hours
Forestry II (Supervisory)	Retired Annuitant	7/1/2021-6/30/2022	102.5 hours
Forestry Equipment Manager II	Retired Annuitant	7/1/2021-6/30/2022	1342 hours
Heavy Fire Equipment Operator	Retired Annuitant	7/1/2021-6/30/2022	664 hours
Heavy Fire Equipment Operator	Retired Annuitant	7/1/2021-6/30/2022	2940 hours
Information Technology Specialist I	Retired Annuitant	7/1/2021-6/30/2022	2108 hours
Information Technology Specialist I	Retired Annuitant	7/1/2021-6/30/2022	908 hours
Management Services Technician	Retired Annuitant	7/1/2021-6/30/2022	194 hours
Staff Services Analyst (General)	Retired Annuitant	7/1/2021-6/30/2022	954.25 hours
Member State Board Forestry	Temporary	3/30/2021-3/30/2022	49 hours
Member State Board Forestry	Temporary	3/23/2021-3/23/2022	77 hours
Member State Board Forestry	Temporary	3/1/2022-current	23 hours

Classification	Tenure	Time Frame	Time Worked <sup>22</sup>
Research Data Analyst I	Temporary	11/01/2019-10/31/2020	934 hours
Skilled Trades Journeyperson (Casual Employment)	Temporary	2/1/2015-1/31/2016	980 hours
Student Assistant	Temporary	11/10/2022-Current	160 hours

<b>IN COMPLIANCE</b>	<b>FINDING NO. 16 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 CAL FIRE provided sufficient justification and adhered to applicable laws, regulations and CalHR policy and guidelines for positive paid employees.

#### Administrative Time Off

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

During the period under review, August 1, 2021, through July 31, 2022, the CAL FIRE authorized 1,811 ATO transactions. The CRU reviewed 40 of these ATO transactions to ensure compliance with applicable laws, regulations, and CalHR policy and guidelines, which are listed below:

Classification	Time Frame	Amount of Time on ATO
Accountant Trainee	12/2021	1 day/2 hours
Accounting Officer (Specialist)	07/2022	5 days/36 hours
Assistant Chief (Supervisory)	02/2022	1 days/8 hours
Battalion Chief	01/2022	1 day/20 hours
Battalion Chief	02/2022	2 days/48 hours
Battalion Chief	05/2022	4 days/72 hours
Carpenter II	09/2021	5 days/50 hours
Communications Operator	01/2022	2 days/20 hours

Classification	Time Frame	Amount of Time on ATO
Fire Apparatus Engineer	01/2022	3 days/72 hours
Fire Apparatus Engineer	01/2022	4 days/96 hours
Fire Apparatus Engineer	06/2022	1 day/15 hours
Fire Apparatus Engineer (Paramedic)	09/2021	5 days/115 hours
Fire Fighter II (Paramedic)	01/2022	1 day/24 hours
Fire Captain (B)	12/2021	1 day/10 hours
Fire Captain (A)	01/2022	1 day/22 hours
Fire Captain (A)	01/2022	1 day/23 hours
Fire Captain (A)	01/2022	1 day/22 hours
Fire Captain (A)	06/2022	1 day/24 hours
Fire Captain (A)	07/2022	2 days/48 hours
Fire Fighter I	09/2021	6 days/144 hours
Fire Fighter I	10/28/2021 - 11/07/2021	4 days/72 hours
Fire Fighter I	12/2021	1 day/17 hours
Fire Fighter I	06/2022	1 day/24 hours
Fire Fighter I	07/2022	1 day/24 hours
Fire Fighter I	08/2021	1 day/13 hours
Heavy Equipment Mechanic	01/2022	5 days/50 hours
Heavy Equipment Mechanic (Correctional Facility)	01/2022	1 day/4 hours
Materials and Stores Specialist	01/2022	1 day/8 hours
Materials and Stores Specialist	01/2022	4 days/32 hours
Office Technician (Typing)	01/2022	1 day/4 hours
Office Technician (Typing)	01/2022	3 days/24 hours
Office Technician (Typing)	05/2022	5 days/40 hours
Office Technician (Typing)	06/2022	1 day/9 hours
Office Technician (Typing)	07/2022	4 days/31 hours
Staff Services Manager I	12/2021	1 day/2 hours
Staff Services Manager I	01/2022	2 days/16 hours
Staff Services Manager I	05/2022	1 day/9 hours
Water and Sewage Plant Operator (CDF)	12/2021	2 days/18 hours
Water and Sewage Plant Operator (CDF)	12/2021	1 day/10 hours

IN COMPLIANCE	<b>FINDING NO. 17 ADMINISTRATIVE TIME OFF AUTHORIZATIONS 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 ATO transactions reviewed during the compliance review period. The CAL FIRE provided the proper documentation justifying the use of ATO and adhered to applicable laws, regulations and CalHR policy and guidelines.

#### Leave Auditing and Timekeeping

Departments must keep complete and accurate time and attendance records for each employee and officer employed within the agency over which it has jurisdiction. (Cal. Code Regs., tit. 2, § 599.665.)

Departments are directed to create a monthly internal audit process to verify all leave input into any leave accounting system is keyed accurately and timely. (Human Resources Manual Section 2101.) Departments shall create an audit process to review and correct leave input errors on a monthly basis. The review of leave accounting records shall be completed by the pay period following the pay period in which the leave was keyed into the leave accounting system. (*Ibid.*) If an employee's attendance record is determined to have errors or it is determined that the employee has insufficient balances for a leave type used, the attendance record must be amended. (*Ibid.*) Attendance records shall be corrected by the pay period following the pay period in which the error occurred. (*Ibid.*) Accurate and timely attendance reporting is required of all departments and is subject to audit. (*Ibid.*)

During the period under review, May 1, 2022, through July 31, 2022, the CAL FIRE reported 348 units comprised of 10,434 active employees. The pay periods and timesheets reviewed by the CRU are summarized below:

Timesheet Leave Period	Unit Reviewed	No. of Employees	No. of Timesheets Reviewed	No. of Missing Timesheets
May 2022	522	14	16	0
May 2022	720	56	44	0
May 2022	780	20	19	0
June 2022	025	53	53	0
June 2022	008	11	11	0
June 2022	020	2	2	0
July 2022	522	14	16	0
July 2022	710	2	2	0

Timesheet Leave Period	Unit Reviewed	No. of Employees	No. of Timesheets Reviewed	No. of Missing Timesheets
July 2022	720	54	42	0

<b>SEVERITY: SERIOUS</b>	<b>FINDING NO. 18 DEPARTMENT DID NOT CERTIFY THAT ALL LEAVE RECORDS WERE REVIEWED</b>
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**Summary:** The CAL FIRE failed to certify that all leave records have been reviewed and corrected if necessary for 9 out of the 9 units/pay periods reviewed. This is the second consecutive time this has been a finding for the CAL FIRE.

**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 CAL FIRE states that they have inefficient timesheet procedures and no follow-up with programs for missing and/or incomplete timesheets.

**Corrective Action:** Within 90 days of the date of this report, CAL FIRE must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that their monthly internal audit process is documented and that all leave input is keyed accurately and timely. (If applicable, the CAL FIRE must

incorporate completion of Leave Activity and Correction Certification forms for all leave records even when errors are not identified or corrected.) Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

## State Service

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

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

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

For each qualifying monthly pay period, the employee shall be allowed credit for vacation with pay on the first day of the following monthly pay period. (Cal. Code Regs., tit. 2, § 599.608.) When computing months of total state service to determine a change in the monthly credit for vacation with pay, only qualifying monthly pay periods of service before and after breaks in service shall be counted. (Cal. Code Regs., tit. 2, § 599.739.) Portions of non-qualifying monthly pay periods of service shall not be counted nor accumulated. (*Ibid.*) On the first day following a qualifying monthly pay period, excluded employees<sup>24</sup> shall be allowed credit for annual leave with pay. (Cal. Code Regs., tit. 2, § 599.752.)

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<sup>23</sup> Government Code sections 19143, 19849.9, 19856.1, 19858.1, 19859, 19861, 19863.1, and 19997.4 and California Code of Regulations, title 2, sections 599.609, 599.682, 599.683, 599.685, 599.687, 599.737, 599.738, 599.739, 599.740, 599.746, 599.747, 599.776.1, 599.787, 599.791, 599.840 and 599.843 provide further clarification for calculating state time.

<sup>24</sup> As identified in Government Code sections 19858.3, subdivisions (a), (b), or (c), or as it applies to employees excluded from the definition of state employee under Government Code section 3513, subdivision (c), or California Code of Regulations, title 2, section 599.752, subdivision (a), and appointees of the Governor as designated by the Department and not subject to section 599.752.1.

Permanent intermittent employees also earn leave credits on the pay period following the accumulated accrual of 160 hours worked. Hours worked in excess of 160 hours in a monthly pay period, are not counted or accumulated towards leave credits.

During the period under review, April 1, 2022, through September 19, 2022, the CAL FIRE had 20 employees with qualifying and non-qualifying pay period transactions. The CRU reviewed 16 transactions to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Type of Transaction	Time base	No. Reviewed
Qualifying Pay Period	Full Time	8
Non-Qualifying Pay Period	Full Time	8

<b>IN COMPLIANCE</b>	<b>FINDING NO. 19</b>	<b>SERVICE AND LEAVE TRANSACTIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRU determined that the CAL FIRE ensured employees with non-qualifying pay periods did not receive vacation/sick leave, annual leave, and/or state service accruals. The CRU found no deficiencies in this area.

## **Policy and Processes**

### **Nepotism**

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



defined in section 83.6; (6) a process for addressing issues of direct supervision when personal relationships between employees exist. (*Ibid.*)

<b>IN COMPLIANCE</b>	<b>FINDING NO. 20</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 CAL FIRE's commitment to the state policy of hiring, transferring, and promoting employees on the basis of merit. Additionally, the CAL FIRE's nepotism policy was comprised of specific and sufficient components intended to prevent favoritism, or bias, based on a personal relationship from unduly influencing employment decisions.

#### Workers' Compensation

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

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

<b>IN COMPLIANCE</b>	<b>FINDING NO. 21</b>	<b>WORKERS' COMPENSATION PROCESS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRU verified that the CAL FIRE 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 CAL FIRE 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 160 permanent CAL FIRE 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. 22    PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES</b>
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**Summary:** The CAL FIRE did not provide annual performance appraisals to 131 of 140 employees reviewed after the completion of the employee's probationary period. This is the second consecutive time this has been a finding for the CAL FIRE.

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

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

**Cause:** The CAL FIRE states it does not currently have in place a tracking system for ensuring performance appraisals are completed following an employee's completion of the probationary period.

**Corrective Action:** Within 90 days of the date of this report, the CAL FIRE 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 CAL FIRE departmental response is attached as Attachment 1.

### **SPB REPLY**

Based upon the CAL FIRE's written response, the CAL FIRE 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.

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

P.O. Box 944246  
SACRAMENTO, CA 94244-2460  
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December 18, 2023

Ms. Suzanne M. Ambrose  
Executive Director  
State Personnel Board  
801 Capitol Mall  
Sacramento, CA 95814

Dear Ms. Ambrose:

This letter is in response to the State Personnel Board (SPB) Compliance Review Unit's (CRU) Compliance Review Report issued to the California Department of Forestry and Fire Protection (CAL FIRE) regarding its personnel practices in the areas of examinations, appointments, Equal Employment Opportunity, Personnel Services Contracts, mandated training, compensation and pay, leave, and policy and processes.

Thank you for holding an exit conference with the Department on November 29, 2023, to discuss the CRU's initial findings and recommendations. The Department appreciates the efforts of your team and understands that the CRU will be providing CAL FIRE with corrective action items.

The following are CAL FIRE's responses:

**Finding No. 1: Examinations Complied with Civil Service Laws and Board Rules**

**Cause(s)/Response:** Not applicable.

**Finding No. 2: Probationary Evaluations Were Not Provided for All Appointments Reviewed and Some That Were Provided Were Untimely**

**Cause/Response:** It is recognized that there needs to be more consistency in the Department's notification, follow-up, and escalation process for ensuring probationary reports are completed and issued to employees. In some, but not every instance, reminders are provided to managers/supervisors as to when reports are due to be completed and issued to the employee, but the manager/supervisor may not have either initiated the report or could have initiated the process but did not complete all steps to complete and issue a report at all or timely.

**Finding No. 3: Department Did Not Provide Appointment Information in Accordance with Civil Service Law**

**Cause(s)/Response:** CAL FIRE did not have a standard final employment offer template and recognizes the importance of providing applicants information as it relates to State

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benefits and pay information prior to job acceptance. More recently, CAL FIRE's Human Resources developed a formal template letter.

**Finding No. 4: Appointment Documentation Was Not Kept for the Appropriate Amount of Time**

**Cause(s)/Response:** As noted in the report, without the documentation, it is difficult to determine the exact cause for each individual case, which can vary. However, CAL FIRE understands the importance of retaining the Notice of Personnel Actions (and other employment appointment documentation) and is looking into a solution to correct this deficiency (i.e., an electronic tracking system and electronic signatures), as well as improving and enforcing the tickler file process and follow-up with employees to ensure documents are returned and maintained accordingly.

**Finding No. 5: Equal Employment Opportunity Program Complied with all Civil Service Laws and Board Rules**

**Cause(s)/Response:** Not applicable.

**Finding No. 6: Unions Were Not Notified of Personal Services Contracts**

**Cause(s)/Response:** In collaboration with CAL FIRE's Labor Relations Office, the Department's Business Services Office developed and implemented internal procedures to document and notify the unions of personal services contracts; however, these internal processes were not consistently followed.

**Finding No. 7: Ethics Training Was Not Provided for All Filers**

**Cause(s)/Response:** Filers are notified and reminded of the mandated ethics training via Vector Solutions, a learning management software. However, not all filers completed their ethics training or did not complete the mandated training in a timely manner. In addition, on April 17, 2023, a directive was issued by the CAL FIRE Director regarding mandated trainings which included, but was not limited to, directing that the mandated Ethics Training be completed. Further, there are current discussions and collaboration regarding the Department's tracking system and notifications to enforce compliance of all mandated trainings.

**Finding No. 8: Supervisory Training Was Not Provided for All Supervisors, Managers, and Career Executive Assignments (CEAs)**

**Cause(s)/Response:** CAL FIRE managers and supervisors who were hired during the compliance review period and found not to be in compliance had the primary issues that interfered with their ability to obtain the training:

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1. A large portion of the compliance review period occurred during the COVID-19 pandemic, a period of time in which the California Department of Human Resources (CalHR) was not offering the necessary Executive and Manager Development courses.
2. During the compliance review period in which CalHR was offering Executive and Manager Development courses, many CAL FIRE managers and supervisors were not able to complete the required training within 12 months of appointment, due to performing their primary duties related to emergency wildland fire, flooding, and other emergency incidents across the State.
3. CEA, manager and supervisory training under CalHR are required course completions in the internal position development guide for these positions. However, not all personnel in these classifications completed their required/ appropriate training or did not complete the mandated training in a timely manner.

There are internal discussions to address the supervisory and manager training as it relates to current available curriculum. CAL FIRE will enforce the CalHR CEA level training for the CEA positions and not create internal training for these. Further, current discussions and collaboration utilizing CAL FIRE's tracking system and notifications to enforce compliance of all mandated training are underway.

#### **Finding No. 9: Sexual Harassment Prevention Training Was Not Provided for All Employees**

**Cause(s)/Response:** CAL FIRE provides Sexual Harassment Prevention Training to all managers/supervisors through the enterprise Vector Solutions. Vector Solutions notifies and reminds employees of the mandated training, and it is the responsibility of the manager/supervisor and their manager/supervisor to ensure this mandated training is completed. In addition, on April 17, 2023, a directive was issued by the CAL FIRE Director regarding mandated trainings which included, but was not limited to, directing that the mandated Sexual Harassment Prevention Training be completed. Further, there are current discussions and collaboration regarding the Department's tracking system and notifications to enforce compliance of all mandated trainings.

#### **Finding No. 10: Incorrect Application of Salary Determination Laws, Rules, and CalHR Policies and Guidelines for Appointment**

**Cause(s)/Response:** The three errors found were determined to be keying errors and have since been corrected.

#### **Finding No. 11: Alternate Range Movement Did Not Comply with Civil Service Laws, Rules, and CalHR Policies and Guidelines**

**Cause(s)/Response:** Of the three errors, two were determined to have resulted from keying errors as well as missing pertinent approved documentation, and the third error

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December 18, 2023  
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was due to the lack of attention to detail while reviewing employee history and processing the transaction. The third error identified was also missing pertinent approved documentation.

**Finding No. 12: Hiring Above Minimum Requests Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines**

**Cause(s)/Response:** Not Applicable

**Finding No. 13: Incorrect Authorization of Bilingual Pay**

**Cause(s)/Response:** CAL FIRE currently does not have an effective and efficient tracking system as it relates to bilingual pay, in addition to the Department's bilingual pay policy and procedures needing to be updated to implement an effective process to ensure all documentation is updated and maintained on record. The policy and procedures are under current construction.

**Finding No. 14: Pay Differential Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines**

**Cause(s)/Response:** Not Applicable

**Finding No. 15: Out of Class Pay Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines**

**Cause(s)/Response:** Not Applicable

**Finding No. 16: Positive Paid Employees' Tracked Hours Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines**

**Cause(s)/Response:** Not Applicable

**Finding No. 17: Administrative Time Off Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines**

**Cause(s)/Response:** Not Applicable

**Finding No. 18: Department Did Not Certify That All Leave Records Were Reviewed**

**Cause(s)/Response:** Inefficient timesheet procedures. No follow-up with program(s) for missing and/or incomplete timesheets.

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December 18, 2023  
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**Finding No. 19: Service and Leave Transactions Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines**

**Cause(s)/Response:** Not Applicable

**Finding No. 20: Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines**

**Cause(s)/Response:** Not Applicable

**Finding No. 21: Workers' Compensation Processes Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines**

**Cause(s)/Response:** Not Applicable

**Finding No. 22: Performance Appraisals Were Not Provided to All Employees**

**Cause(s)/Response:** There is no current tracking system for ensuring performance appraisals are completed following an employee's completion of the probationary period.

CAL FIRE looks forward to receiving the corrective action items to be taken as provided by the SPB's CRU. If you have any questions regarding the information within this response, please contact me at (916) 208-3832 or via email at [Stephanie.Portela@fire.ca.gov](mailto:Stephanie.Portela@fire.ca.gov).

Sincerely,

DocuSigned by:

*Stephanie Portela*

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STEPHANIE PORTELA

Assistant Deputy Director  
Management Services

cc: Joe Tyler, CAL FIRE Director/Fire Chief  
Anale Burlew, CAL FIRE Chief Deputy Director  
George Morris, III, Northern Region Chief  
David Fulcher, Southern Region Chief  
Matthew Sully, CAL FIRE Deputy Director, Cooperative Fire Protection  
Kerry Garcia, CAL FIRE Deputy Director, Management Services  
Christy White, CAL FIRE Deputy Director, Fiscal Services  
Serena Ortega, CAL FIRE Deputy Director, Equal Employment Opportunity  
Monte Manson, CAL FIRE Deputy Director, Professional Standards Program  
Windy C. Bouldin, CAL FIRE Deputy Director, Office of Accountability