



# **COMPLIANCE REVIEW REPORT**

## **DEPARTMENT OF PARKS AND RECREATION**

Compliance Review Unit  
State Personnel Board  
November 23, 2022

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## INTRODUCTION

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

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

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

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

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

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

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

### **EXECUTIVE SUMMARY**

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

Area	Severity	Finding
Examinations	In Compliance	Examinations Complied with Civil Service Laws and Board Rules
Examinations	In Compliance	Permanent Withhold Actions Complied with Civil Service Laws and Board Rules
Appointments	Technical	Appointment Documentation Was Not Kept for the Appropriate Amount of Time <sup>1</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>2</sup>
Mandated Training	Very Serious	Ethics Training Was Not Provided for All Filers <sup>3</sup>
Mandated Training	Very Serious	Sexual Harassment Prevention Training Was Not Provided for All Supervisors <sup>4</sup>

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<sup>1</sup> Repeat Finding. The September 30, 2019, Parks' Compliance Review Report identified of the 135 appointments reviewed, Parks did not retain 38 NOPAs, 4 job announcement bulletins, 21 interview notes for all applicants interviewed, and 1 proposed organization chart. Additionally, in 6 of the 135 appointments reviewed, the entire appointment file was missing.

<sup>2</sup> Repeat Finding. The September 30, 2019, Parks' Compliance Review Report identified Parks did not notify unions prior to entering into 48 of the 52 PSC's.

<sup>3</sup> Repeat Finding. The September 30, 2019, Parks' Compliance Review Report identified 386 of 554 existing filers did not receive ethics training. In addition, Parks did not provide ethics training to 251 of 413 new filers within six months of their appointment.

<sup>4</sup> Repeat Finding. The September 30, 2019, Parks' Compliance Review Report identified 42 of 151 new supervisors did not receive sexual harassment prevention training within 6 months of their appointment. Additionally, Parks did not provide sexual harassment prevention training to 105 of 407 existing supervisors every 2 years.

Area	Severity	Finding
Compensation and Pay	In Compliance	Salary Determinations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
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	In Compliance	Bilingual Pay Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	Very Serious	Incorrect Authorization of Pay Differentials
Compensation and Pay	Very Serious	Incorrect Authorization of Out-of-Class Pay
Leave	In Compliance	Leave Auditing and Timekeeping Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	Serious	Administrative Time Off Was Not Properly Documented <sup>5</sup>
Leave	Serious	Positive Paid Temporary Employees' Work Exceeded Time Limitations
Leave	In Compliance	Service and Leave Transactions Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	In Compliance	Neptism 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>6</sup>

<sup>5</sup> Repeat Finding. The September 30, 2019, Parks' Compliance Review Report identified 11 of 38 ATO authorizations were found to be out of compliance for failing to document justification for ATO.

<sup>6</sup> Repeat Finding. The September 30, 2019, Parks' Compliance Review Report identified that performance appraisals were not provided to 34 of 40 employees reviewed at least once in each twelve calendar months after the completion of the employee's probationary period.

## **BACKGROUND**

California's state parks and recreational programs are essential to the well-being of environments, economies, and all people. They are supported by Parks and its divisions of Boating and Waterways, Off-Highway Motor Vehicle Recreation, and Office of Historic Preservation.

With 280 state park units, over 340 miles of coastline, 970 miles of lake and river frontage, 15,000 campsites, and 4,500 miles of trails, Parks contains the largest and most diverse recreational, natural, and cultural heritage holdings of any state agency in the nation.

More than 67 million people annually visit California's state park system. State park system lands protect and preserve an unparalleled collection of culturally and environmentally sensitive structures and habitats, threatened plant and animal species, ancient Native American sites, and historic structures and artifacts - the best of California's natural and cultural history.

## **SCOPE AND METHODOLOGY**

The scope of the compliance review was limited to reviewing the Parks' examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes<sup>7</sup>. The primary objective of the review was to determine if the Parks' personnel practices, policies, and procedures complied with state civil service laws and Board regulations, Bargaining Unit Agreements, CalHR policies and guidelines, CalHR Delegation Agreements, and to recommend corrective action where deficiencies were identified.

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

A cross-section of the Parks' appointments were selected for review to ensure that samples of various appointment types, classifications, and levels were reviewed. The CRU examined the documentation that the Parks provided, which included Notice of

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<sup>7</sup> Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

Personnel Action (NOPA) forms, Request for Personnel Actions, vacancy postings, certification lists, transfer movement worksheets, employment history records, correspondence, and probation reports. The Parks did not conduct any unlawful appointment investigations during the compliance review period. Additionally, the Parks did not make any additional appointments during the compliance review period.

The Parks' appointments were also selected for review to ensure the Parks applied salary regulations accurately and correctly processed employees' compensation and pay. The CRU examined the documentation that the Parks 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 Parks did not issue or authorize red circle rate requests or arduous pay.

The review of the Parks' 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 Parks' PSC's were also reviewed.<sup>8</sup> It was beyond the scope of the compliance review to make conclusions as to whether the Parks' justifications for the contracts were legally sufficient. The review was limited to whether the Parks' practices, policies, and procedures relative to PSC's complied with procedural requirements.

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

The CRU reviewed the Parks' 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

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<sup>8</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.

selected a small cross-section of the Parks' units to ensure they maintained accurate and timely leave accounting records. Part of this review also examined a cross-section of the Parks' 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 Parks employees who used Administrative Time Off (ATO) to ensure that ATO was appropriately administered. Further, the CRU reviewed a selection of Parks' positive paid employees whose hours are tracked during the compliance review period to ensure that they adhered to procedural requirements.

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

On October 12, 2022, an exit conference was held with the Parks to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the Parks' written response on November 8, 2022, which is attached to this final compliance review report.

## **FINDINGS AND RECOMMENDATIONS**

### **Examinations**

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



Each competitor shall be notified in writing of the results of the examination when the employment list resulting from the examination is established. (Gov. Code, § 18938.5.)

During the period under review, March 1, 2021, through August 31, 2021, the Parks conducted eight examinations. The CRU reviewed all of those examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Career Executive Assignment (CEA) B, Assistant Deputy Director	CEA	Statement of Qualifications <sup>9</sup>	8/3/20	13
Communication Operator	Open	Written <sup>10</sup>	6/4/21	8
Communication Supervisor	Open	Education and Experience <sup>11</sup>	7/2/21	5
Museum Curator III	Open	Training and Experience (T&E) <sup>12</sup>	3/15/21	38
Museum Director	Open	T&E	3/18/21	35
Park Maintenance Assistant	Open	Written	5/3/21	393
Park Maintenance Chief II	Promotional	T&E	3/26/21	38
Water and Sewage Plant Supervisor	Open	T&E	4/1/21	4

<sup>9</sup> In a Statement of Qualifications examination, applicants submit a written summary of their qualifications and experience related to a published list of desired qualifications. Raters, typically subject matter experts, evaluate the responses according to a predetermined rating scale designed to assess their ability to perform in a job classification, assign scores and rank the competitors in a list.

<sup>10</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>11</sup> In an Education and Experience examination, one or more raters reviews the applicants' Standard 678 application forms, and scores and ranks them according to a predetermined rating scale that may include years of relevant higher education, professional licenses or certifications, and/or years of relevant work experience.

<sup>12</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.

IN COMPLIANCE	FINDING NO. 1 EXAMINATIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES
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The CRU reviewed one departmental promotional and seven open examinations which the Parks administered to create eligible lists from which to make appointments. The Parks published and distributed examination bulletins containing the required information for all examinations. Applications received by the Parks 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 Parks conducted during the compliance review period.

Permanent Withhold Actions

Departments are granted statutory authority to permit withhold of eligible from lists based on specified criteria. (Gov. Code, § 18935.) Permanent appointments and promotions within the state civil service system shall be merit-based, ascertained by a competitive examination process. (Cal. Const., art. VII, § 1, subd. (b).) If a candidate for appointment is found not to satisfy the minimum qualifications, the appointing power shall provide written notice to the candidate, specifying which qualification(s) are not satisfied and the reason(s) why. The candidate shall have an opportunity to establish that s/he meets the qualifications. (Cal. Code Regs., tit. 2, § 249.4, subd. (b).) If the candidate fails to respond or fails to establish that s/he meets the minimum qualification(s), the candidate’s name shall be removed from the eligibility list. (Cal. Code Regs., tit. 2, § 249.4, subd. (b)(1), (2)), (HR Manual, section 1105.) The appointing authority shall promptly notify the candidate in writing, and shall notify the candidate of his or her appeal rights. (*Ibid.*) A permanent withhold does not necessarily permanently restrict a candidate from retaking the examination for the same classification in the future; however, the appointing authority may place a withhold on the candidate’s subsequent eligibility record if the candidate still does not meet the minimum qualifications or continues to be unsuitable. (HR Manual, Section 1105). State agency human resources offices are required to maintain specific withhold documentation for a period of five years. (*Ibid.*)

During the period under review, March 1, 2021, through August 31, 2021, the Parks conducted eight permanent withhold actions. The CRU reviewed all of these permanent withhold actions, which are listed below:

Exam Title	Exam ID	Date List Eligibility Began	Date List Eligibility Ended	Reason Candidate Placed on Withhold
Museum Curator I	9PR16	9/25/19	4/7/21	Failed to Meet Minimum Qualifications (MQs)
Museum Curator I	9PR16	9/25/19	4/8/21	Failed to Meet MQs
Park Maintenance Supervisor	9PR04	5/13/19	5/12/21	Failed to Meet MQs
Park Maintenance Worker I	7PB08	2/27/21	6/10/21	Failed to Meet MQs
Park Maintenance Worker I	7PB08	2/27/21	5/27/21	Failed to Meet MQs
Park Maintenance Worker I	7PB08	2/27/21	5/27/21	Failed to Meet MQs
Park Maintenance Worker I	7PB08	2/27/21	5/27/21	Failed to Meet MQs
Park Maintenance Worker I	7PB08	2/27/21	5/27/21	Failed to Meet MQs

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

### **Appointments**

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

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, March 1, 2021, through August 31, 2021, the Parks made 1,293 appointments. The CRU reviewed 88 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
CEA B, Assistant Deputy Director, Park Operations	CEA	Temporary	Full Time	1
Accounting Administrator III	Certification List	Permanent	Full Time	1
Administrative Officer I, Resources Agency	Certification List	Permanent	Full Time	1
Aquatic Pest Control Specialist, Department of Boating and Waterways	Certification List	Permanent	Full Time	1
Associate Park and Recreation Specialist	Certification List	Permanent	Full Time	1
Associate State Archeologist	Certification List	Permanent	Full Time	1
Automobile Mechanic	Certification List	Permanent	Full Time	1
Communications Operator	Certification List	Permanent	Full Time	2
Construction Supervisor I	Certification List	Limited Term	Full Time	1
Dispatcher-Clerk	Certification List	Permanent	Full Time	1
Environmental Scientist	Certification List	Limited Term	Full Time	1
Guide I Historical Monument	Certification List	Permanent	Intermittent	2
Heavy Equipment Mechanic	Certification List	Permanent	Full Time	1
Information Officer I (Specialist)	Certification List	Permanent	Full Time	1
Information Technology Specialist I	Certification List	Permanent	Full Time	2
Instrument Technician, Air Quality	Certification List	Permanent	Full Time	1
Maintenance Mechanic	Certification List	Permanent	Full Time	2
Museum Curator I	Certification List	Permanent	Full Time	2
Museum Technician	Certification List	Permanent	Full Time	1
Office Technician (Typing)	Certification List	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Park Landscape Maintenance Technician	Certification List	Permanent	Full Time	1
Park Maintenance Assistant	Certification List	Permanent	Full Time	1
Park Maintenance Chief I	Certification List	Permanent	Full Time	3
Park Maintenance Chief III	Certification List	Permanent	Full Time	1
Park Maintenance Supervisor	Certification List	Permanent	Full Time	2
Park Maintenance Worker I	Certification List	Permanent	Full Time	1
Park Maintenance Worker II	Certification List	Permanent	Full Time	1
Personnel Technician I	Certification List	Limited Term	Full Time	1
Senior Environmental Scientist (Specialist)	Certification List	Permanent	Full Time	1
Senior Personnel Specialist	Certification List	Permanent	Full Time	1
Skilled Laborer	Certification List	Permanent	Full Time	2
Staff Services Analyst (General)	Certification List	Permanent	Full Time	2
Staff Services Manager I	Certification List	Permanent	Full Time	1
State Historian I	Certification List	Permanent	Full Time	1
State Historian I	Certification List	Permanent	Intermittent	1
State Park Equipment Operator	Certification List	Permanent	Full Time	1
State Park Interpreter I	Certification List	Permanent	Full Time	2
State Park Interpreter II	Certification List	Limited Term	Full Time	1
State Park Interpreter II	Certification List	Permanent	Full Time	1
State Park Peace Officer (Lifeguard)	Certification List	Permanent	Full Time	2
State Park Peace Officer (Ranger)	Certification List	Permanent	Full Time	6
State Park Peace Officer Supervisor I (Lifeguard)	Certification List	Limited Term	Full Time	2
Stationary Engineer	Certification List	Permanent	Full Time	1
Supervising Groundskeeper II	Certification List	Permanent	Full Time	1
Water And Sewage Plant Supervisor	Certification List	Permanent	Full Time	1
Office Technician (Typing)	LEAP	Temporary	Full Time	2
Forestry Aide	Temporary	Temporary	Intermittent	1
Guide Trainee Historical Monument	Temporary	Temporary	Intermittent	1
Lifeguard II (Seasonal)	Temporary	Temporary	Intermittent	2
Senior Maintenance Aide (Seasonal)	Temporary	Temporary	Intermittent	2

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Youth Aid	Temporary	Temporary	Intermittent	1
Associate Accounting Analyst	Transfer	Permanent	Full Time	1
Associate Governmental Program Analyst	Training and Development	Temporary	Full Time	1
Associate Park and Recreation Specialist	Transfer	Permanent	Full Time	2
Associate Personnel Analyst	Transfer	Permanent	Full Time	1
Associate Personnel Analyst	Transfer	Limited Term	Full Time	1
Communications Operator	Transfer	Permanent	Full Time	1
Communications Supervisor	Transfer	Permanent	Full Time	1
Information Technology Specialist I	Transfer	Permanent	Full Time	1
Park Maintenance Worker I	Transfer	Permanent	Full Time	1
Pool Lifeguard	Transfer	Permanent	Full Time	1
Staff Park and Recreation Specialist	Transfer	Permanent	Full Time	1
Staff Services Analyst (General)	Transfer	Permanent	Full Time	1
Staff Services Manager I	Transfer	Permanent	Full Time	1
State Park Interpreter I	Transfer	Permanent	Full Time	1
State Park Interpreter I	Transfer	Permanent	Intermittent	1
State Park Peace Officer Supervisor (Ranger)	Transfer	Permanent	Full Time	1

<b>SEVERITY: TECHNICAL</b>	<b>FINDING NO. 3 APPOINTMENT DOCUMENTATION WAS NOT KEPT FOR THE APPROPRIATE AMOUNT OF TIME</b>
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**Summary:** The Parks failed to retain Parks personnel records. Of the 88 appointments reviewed, the Parks did not retain 61 NOPAs. Additionally, an entire appointment file was missing. This is the second consecutive time this has been a finding for the Parks.

**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 Parks states there was an oversight in ensuring all appointment documentation was filed appropriately and timely in employee personnel records due to high turnover and the shift to a telework environment during the pandemic.

**Corrective Action:** Within 90 days of the date of this report, the Parks 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).)

IN COMPLIANCE	<b>FINDING NO. 4 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 Parks’ 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 Director of the Parks. The Parks 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, March 1, 2021, through August 31, 2021, the Parks had 314 PSC’s that were in effect. The CRU reviewed 69 of those, which are listed below:



Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
2River Labs, Inc.	Pesticide Samples	5/21-5/24	\$121,125	Yes	No
Advantage Total Protection, Inc.	Alarm Monitoring Services	5/21-5/24	\$28,278	Yes	No
Alternative Protective Services, Inc.	Security Guard Patrol	5/21-5/23	\$145,635	Yes	No
Aramark Uniform & Career Apparel Group, Inc	Uniform Rental	4/21-10/21	\$39,704	Yes	No
Beacon Hill Staffing Group, LLC	Consulting Services	6/21-3/23	\$499,929	Yes	No
Bella Wildfire & Forestry, Inc.	Fuel Reduction and Habitat Improvement	6/21-3/22	\$138,000	Yes	No
Ben Toilet Rentals, Inc	Chemical Toilet Rentals	4/21-4/23	\$95,010	Yes	No
BNCS, Inc	Cisco LAN/WAN Support Staff	3/21-3/23	\$499,872	Yes	No
BNCS, Inc	Enterprise Network Security Analysis	4/21-3/23	\$499,275	Yes	No
City of Los Angeles Harbor Department	Marine Law Enforcement Training	3/18-9/22	\$388,238	Yes	No
County of San Benito	Emergency Medical Services	3/21-8/22	\$149,625	Yes	No
Crusade	Website Hosting Maintenance	4/18-3/22	\$88,200	Yes	No
Diamond Environmental Services, Inc	Portable Restroom Rentals	6/21-6/24	\$209,359	Yes	No
Douglas Disposal Inc	Refuse Hauling and Disposal	4/21-12/23	\$53,552	Yes	No
EKC Enterprises, Inc.	AV Design and Implementation	6/20-6/22	\$149,960	Yes	No

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
Elavon, Inc	Electronic Payment Processing	3/17-5/22	\$48,000	Yes	No
Elavon, Inc	Electronic Payment Processing	6/19-5/22	\$150,000	Yes	No
Elavon, Inc	Electronic Payment Processing	6/17-5/22	\$200,000	Yes	No
Elavon, Inc.	Electronic Payment Processing	5/19-5/22	\$75,000	Yes	No
Ellison Environmental Inc., dba Fluid Resource Management	Lift Station Service and Maintenance	6/21-6/24	\$243,132	Yes	No
Engineering/ Remediation Resource Group, Inc.	Goat Canyon Basin Cleanout	10/20-6/22	\$3,623,712	Yes	No
Explorer Pest Management, Inc.	Pest Control	4/21-4/21	\$76,014	Yes	No
Field Technology, Inc.	Sewage Lift Station Pump Maintenance	4/20-3/22	\$219,168	Yes	No
First Data Merchant Services	Electronic Payment Processing	5/16-5/23	\$3,800,000	Yes	No
Foothill Communication, Inc.	Public Radio Station	6/21-6/24	\$55,908	Yes	No
Gary Hulbert	Hearst Castle Conservation	6/21-5/24	\$149,040	Yes	No
Government Training Agency	P.O.S.T. System Training	6/21-4/22	\$36,470	Yes	No
Greeninfo Network	Report Writing and Graphic Design	10/18-6/22	\$450,000	Yes	No
GTS Forestry, Inc.	Ice Plant and Beach Grass Removal	5/21 - 4/22	\$65,000	Yes	No

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
Harris Blade Rental	Dust Remediation Measures	4/21-9/21	\$189,349	Yes	No
Holley's Four Seasons Pest Solutions	Squirrel Mitigation	4/21-3/24	\$54,035	Yes	No
Jennifer Franco Smith dba Harvey's Honey Huts	Septic Tank and Pit Toilet Services	6/21-6/24	\$157,700	Yes	No
L3Harris Technologies, Inc.	Imagery Data Services	4/21-4/24	\$200,000	Yes	No
MarBorg Industries	Refuse Disposal	6/21-3/24	\$372,014	Yes	No
Marconi Conference Center Operating Corporation	Operations Management and Conference Rooms	1/20-6/22	\$249,999	Yes	No
Matt Greene Forestry & Biological Consulting	Bishop Pine Consulting/Planning	4/18-12/21	\$585,000	Yes	No
Miller Farms Nursery	Brush Cutter Repairs	3/21	\$83	Yes	No
Monterey Bay Unified Air Pollution Control District dba Monterey Bay Air Resources District	Air Quality Monitoring	3/21-12/26	\$336,730	Yes	No
National Aeronautics and Space Administration	Invasive Aquatic Plant Management	3/21-2/24	\$1,765,344	Yes	No
Nossaman, LLP	Legal Services	6/21-5/24	\$300,000	Yes	No
Point Reyes Bird Observatory	Biologist To Band Western Snowy Plover	3/21-3/24	\$449,990	Yes	No
Puppet Art Theater Co	Children's Water Safety Program	6/21-12/22	\$186,800	Yes	No

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
RECON Environmental, Inc	Invasive Plant Control	6/21-6/24	\$200,000	Yes	No
Robert's Waste & Recycling	Refuse Disposal	8/21-8/23	\$489,716	Yes	No
Robinson Anderson & Associates, Inc., dba Robinson Anderson Print & Fulfillment	Warehouse Storage and Distribution of Boating Educational Materials	7/19-6/22	\$199,782	Yes	No
Rocket Restrooms & Fencing, Inc.	Chemical Toilets	4/21-11/22	\$52,952	Yes	No
RRM-CLM Services LLC	SNO-PARK Maintenance	3/21-5/22	\$71,900	Yes	No
Safe Food Alliance	Air Sampling	8/21-8/24	\$90,000	Yes	No
San Diego Unified Port District Harbor Police	Marine Law Enforcement Training Courses	10/21-9/23	\$56,052	Yes	No
Sierra Nevada Forestry Services, Inc.	Natural Resources Maintenance	3/21-2/24	\$63,920	Yes	No
Sierra Nevada Forestry Service, LLC	Vegetation Management	1/21-6/23	\$100,000	Yes	No
SKIDATA, Inc	Parking And Payment Services	5/21-4/23	\$93,022	Yes	No
Solid Wastes of Willits, Inc	Pick-Up, Transport, Recycle and Disposal	2/21-1/24	\$390,955	Yes	No
South County Sanitary Service, Inc	Provide Rolloff Dumpsters and Recycled Waste Containers for Refuse	5/21-5/23	\$251,417	Yes	No
Summit Forests, Inc.	Gene Pool Services	4/21-5/22	\$654,950	Yes	No

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
Superior Tank Solutions	Repair, Clean, and Inspect Water Storage Tanks	5/21	\$3,950	Yes	No
Tahoe Truckee Disposal Co, Inc.	Refuse Disposal	5/21-12/22	\$333,699	Yes	No
Tahoe Truckee Disposal Company	Refuse Disposal	6/21-12/21	\$182,434	Yes	No
Timelooper Inc	Development Maintenance Application Project	5/21-6/22	\$100,000	Yes	No
Tope's Tree Service, Inc.	Wood Debris Chipping Disposal	6/21-5/23	\$150,000	Yes	No
United Site Services of California	Chemical Toilet Rental and Services	4/21-3/23	\$335,025	Yes	No
United Site Services, Inc	ADA Compliant Chemical Toilet Rental	4/21-3/24	\$21,084	Yes	No
United States Geological Survey	Retrospective Analysis Monitoring Program	6/21-8/22	\$27,768	Yes	No
USA Waste of California, Inc	Refuse Recycling and Green Waste Disposal	4/21-6/22	\$31,509	Yes	No
USDA	Snowy Bird Protection	5/21-5/23	\$75,858	Yes	No
Waste Connections of California, Inc. dba El Dorado Disposal Service	Refuse Collection	3/21-3/24	\$160,837	Yes	No
Waste Management Collection and Recycling, Inc. dba Empire Waste Management	Refuse Collection	3/21-2/24	\$410,121	Yes	No

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
Wildlife Innovations, Inc	Management of WSP and CLT at Oceano Dunes	3/21-3/24	\$443,797	Yes	No
Yurok Tribe	Update National Register of Historic Places	3/21-6/23	\$48,500	Yes	No

<b>SEVERITY: SERIOUS</b>	<b>FINDING NO. 5 UNIONS WERE NOT NOTIFIED OF PERSONAL SERVICES CONTRACTS</b>
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**Summary:** The Parks did not notify unions prior to entering into any of the 69 PSC’s reviewed. This is the second consecutive time this has been a finding for the Parks.

**Criteria:** The contract shall not be executed until the state agency proposing to execute the contract has notified all organizations that represent state employees who perform the type of work to be contracted. (Gov. Code, § 19132, subd. (b)(1).)

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

**Cause:** The Parks state that its Labor Relations Unit was not aware of the new clarifying language that was added to Cal. Code Regs., tit. 2, § 547.60.2 on April 1, 2022. As a result, Labor Relations staff did not notify all bargaining units when the contracted duties were outside of those performed by state employees.

**SPB Reply:** While language was added to regulation to clarify the responsibilities of contracting agencies relative to union notifications, Government Code section 19132, subdivision (b)(1) has been in effect since January 1, 2015. Furthermore, the Parks’ September 30, 2019, Compliance Review Report identified that the Parks did not appropriately notify unions in 48 out of 52 contracts executed. Technical assistance was provided at that time as to how to meet this statutory requirement.

**Corrective Action:** It is the contracting department’s responsibility to identify and notify any unions whose members could potentially 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 Parks 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 Government Code section 19132. 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.*) Thereafter, for both categories of appointment, the employee must be provided a minimum of 20 hours of leadership training on a biennial basis. (*Ibid.*)

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

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

The CRU reviewed the Parks' mandated training program that was in effect during the compliance review period, September 1, 2019, through August 31, 2021.

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING NO. 6 ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS</b>
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**Summary:** The Parks did not provide ethics training to 398 of 1,167 existing filers. In addition, the Parks did not provide ethics training to 57 of 102 new filers within 6 months of their appointment. This is the second consecutive time this has been a finding for the Parks.

**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 Parks states that two separate units were charged with the responsibility of identifying required filers, notifying impacted employees of the training requirement, and monitoring compliance. The bifurcation of the process caused a gap in the ability to successfully monitor the process to ensure compliance.

**Corrective Action:** Within 90 days of this report, the Parks must submit to the SPB a written correction action response which addresses the corrections the department will implement to demonstrate conformity with Government Code section 11146.3. 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. 7 SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL SUPERVISORS</b>
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**Summary:** The Parks did not provide sexual harassment prevention training to 6 of 81 new supervisors within 6 months of their appointment. In addition, the Parks did not provide sexual harassment prevention training to 5 of 617 existing supervisors every 2 years. This is the second consecutive time this has been a finding for the Parks.

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

**Severity:** Very Serious. The department does not ensure that all new and existing supervisors are properly trained to respond to sexual harassment or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. This limits the department's ability to retain a quality workforce, impacts employee morale and productivity, and subjects the department to litigation.

**Cause:** While the Parks states that despite ongoing and continued efforts to consistently market the required training, there are still issues with full compliance.

**Corrective Action:** Within 90 days of the date of this report, the Parks must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that new supervisors are provided supervisory training within twelve months of appointment 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.

**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>13</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, March 1, 2021, through August 31, 2021, the Parks made 1,293 appointments. The CRU reviewed 40 of those appointments to determine if the Parks applied salary regulations accurately and correctly processed employees’ compensation, which are listed below:

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Accounting Administrator III	Certification List	Permanent	Full Time	\$9,169
Administrative Officer I, Resources Agency	Certification List	Permanent	Full Time	\$4,956
Associate Park and Recreation Specialist	Certification List	Permanent	Full Time	\$6,259

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<sup>13</sup> “Rate” is any one of the salary rates in the resolution by CalHR which establishes the salary ranges and steps of the Pay Plan (Cal. Code Regs., tit. 2, section 599.666).

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Associate State Archeologist	Certification List	Permanent	Full Time	\$5,519
Automobile Mechanic	Certification List	Permanent	Full Time	\$3,945
Communications Operator	Certification List	Permanent	Full Time	\$3,807
Construction Supervisor I	Certification List	Limited Term	Full Time	\$7,821
Dispatcher- Clerk	Certification List	Permanent	Full Time	\$3,406
Environmental Scientist	Certification List	Limited Term	Full Time	\$5,923
Guide I Historical Monument	Certification List	Permanent	Intermittent	\$3,599
Information Officer I (Specialist)	Certification List	Permanent	Full Time	\$5,383
Information Technology Specialist I	Certification List	Permanent	Full Time	\$6,715
Instrument Technician, Air Quality	Certification List	Permanent	Full Time	\$4,349
Maintenance Mechanic	Certification List	Permanent	Full Time	\$4,532
Museum Curator I	Certification List	Permanent	Full Time	\$4,217
Museum Technician	Certification List	Permanent	Full Time	\$2,903
Park Landscape Maintenance Technician	Certification List	Permanent	Full Time	\$3,830
Park Maintenance Assistant	Certification List	Permanent	Full Time	\$3,337
Park Maintenance Chief I	Certification List	Permanent	Full Time	\$5,589
Park Maintenance Chief III	Certification List	Permanent	Full Time	\$6,425
Park Maintenance Supervisor	Certification List	Permanent	Full Time	\$4,785
Park Maintenance Worker I	Certification List	Permanent	Full Time	\$3,462
Personnel Technician I	Certification List	Limited Term	Full Time	\$3,806
Senior Environmental Scientist (Specialist)	Certification List	Permanent	Full Time	\$7,732
Senior Personnel Specialist	Certification List	Permanent	Full Time	\$5,541
Skilled Laborer	Certification List	Permanent	Full Time	\$3,607
Staff Services Analyst (General)	Certification List	Permanent	Full Time	\$4,469
Staff Services Manager I	Certification List	Permanent	Full Time	\$7,002
State Historian I	Certification List	Permanent	Full Time	\$4,295
State Historian I	Certification List	Permanent	Intermittent	\$4,630
Associate Park and Recreation Specialist	Transfer	Permanent	Full Time	\$7,080

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Associate Personnel Analyst	Transfer	Permanent	Full Time	\$5,676
Associate Personnel Analyst	Transfer	Limited Term	Full Time	\$6,446
Communications Operator	Transfer	Permanent	Full Time	\$5,933
Communications Supervisor	Transfer	Permanent	Full Time	\$5,626
Information Technology Specialist I	Transfer	Permanent	Full Time	\$7,454
Park Maintenance Worker I	Transfer	Permanent	Full Time	\$4,447
Pool Lifeguard	Transfer	Permanent	Full Time	\$3,466
Staff Park and Recreation Specialist	Transfer	Permanent	Full Time	\$8,319
Staff Services Analyst (General)	Transfer	Permanent	Full Time	\$4,324

<b>IN COMPLIANCE</b>	<b>FINDING NO. 8 SALARY DETERMINATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES</b>
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The CRU found no deficiencies in the salary determinations that were reviewed. The Parks appropriately calculated and keyed the salaries for each appointment and correctly determined employees' anniversary dates ensuring that subsequent merit salary adjustments will satisfy civil service laws, Board rules and CalHR policies and guidelines.

Alternate Range Movement Salary Determination (within same classification)

If an employee qualifies under established criteria and moves from one alternate range to another alternate range of a class, the employee shall receive an increase or a decrease equivalent to the total of the range differential between the maximum salary rates of the alternate ranges. (Cal. Code Regs., tit. 2, § 599.681.) However, in many instances, the CalHR provides salary rules departments must use when employees move between alternate ranges. These rules are described in the alternate range criteria. (CalHR Pay Scales). When no salary rule or method is cited in the alternate range criteria, departments must default to Rule 599.681.

During the period under review, March 1, 2021, through August 1, 2021, the Parks employees made 17 alternate range movements within a classification. The CRU

reviewed 14 of those alternate range movements to determine if the Parks 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)
Attorney	B	C	Full Time	\$7,323
Communications Operator	A	B	Full Time	\$4,407
Environmental Scientist	B	C	Full Time	\$5,923
Environmental Scientist	A	B	Full Time	\$4,680
Environmental Scientist	B	C	Full Time	\$6,375
Information Technology Associate	C	D	Full Time	\$7,126
Information Technology Specialist I	A	B	Full Time	\$8,183
Management Services Technician	A	B	Full Time	\$3,298
Museum Technician	A	B	Full Time	\$3,282
Personnel Specialist	B	C	Full Time	\$4,094
Personnel Specialist	B	C	Full Time	\$4,726
Personnel Specialist	A	B	Full Time	\$3,768
Staff Services Analyst (General)	B	C	Full Time	\$4,281
State Park Peace Officer (Ranger)	A	B	Full Time	\$6,135

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING NO. 9 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 the following error in the Parks' determination of employee compensation:

Classification	Description of Finding	Criteria
Staff Services Analyst (General)	Incorrect anniversary date, which resulted in the employee being overcompensated.	Cal. Code Regs., tit. 2, § 599.674

**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 one circumstance, the Parks 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 Parks states that their Transactions Unit has faced significant staffing shortages resulting in insufficient salary determination training and oversight to Personnel Specialists which resulted in the improper application of alternate range placement.

**Corrective Action:** Within 90 days of the date of this report, the Parks 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 Parks 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.

### Hiring Above Minimum Requests

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

Extraordinary qualifications may provide expertise in a particular area of a department's program. (*Ibid.*) This expertise should be well beyond the minimum qualifications of the class. (*Ibid.*) Unique talent, ability or skill as demonstrated by previous job experience may also constitute extraordinary qualifications. (*Ibid.*) The scope and depth of such experience should be more significant than its length. (*Ibid.*) The degree to which a candidate exceeds minimum qualifications should be a guiding factor, rather than a

determining one. (*Ibid.*) The qualifications and hiring rates of state employees already in the same class should be carefully considered, since questions of salary equity may arise if new higher entry rates differ from previous ones. (*Ibid.*) Recruitment difficulty is a factor to the extent that a specific extraordinary skill should be difficult to recruit, even though some applicants are qualified in the general skills of the class. (*Ibid.*)

If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Government Code section 3517.5, the memorandum of understanding shall be controlling without further legislative action.<sup>14</sup> (Gov. Code, § 19836, subd. (b).)

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

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

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

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<sup>14</sup> Except that if the provisions of the memorandum of understanding requires the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

Classification	Appointment Type	Status	Salary Range	Salary (Monthly Rate)
Supervising Groundskeeper II	Certification List	Permanent	\$4,343 - \$5,354	\$4,777

<b>IN COMPLIANCE</b>	<b>FINDING NO. 10</b>	<b>HIRE ABOVE MINIMUM REQUEST 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 Parks 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, March 1, 2021, through August 1, 2021, the Parks issued bilingual pay to nine employees. The CRU reviewed all bilingual pay authorizations to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Bargaining Unit	Time Base	No. of Appts.
Associate Governmental Program Analyst	R01	Full Time	1
Associate Management Auditor	R01	Full Time	1
Communications Operator	R07	Full Time	1
Management Services Technician	R01	Full Time	1
Office Technician (Typing)	R04	Full Time	1
Park Maintenance Chief III	S12	Full Time	1
Staff Services Analyst (General)	R01	Full Time	1



Classification	Bargaining Unit	Time Base	No. of Appts.
State Park Interpreter I	R01	Full Time	1
State Park Peace Officer Supervisor I (Lifeguard)	S07	Full Time	1

<b>IN COMPLIANCE</b>	<b>FINDING NO. 11 BILINGUAL PAY AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES</b>
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The CRU found that the bilingual pay authorized to employees during the compliance review period, satisfied civil service laws, Board rules and CalHR policies and guidelines.

### Pay Differentials

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

California State Civil Service Pay Scales Section 14 describes the qualifying pay criteria for the majority of pay differentials. However, some of the alternate range criteria in the pay scales function as pay differentials. Generally, departments issuing pay differentials should, 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, March 1, 2021, through August 1, 2021, the Parks authorized 2,077 pay differentials.<sup>15</sup> The CRU reviewed 60 of these pay differentials to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

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<sup>15</sup> For the purposes of CRU's review, only monthly pay differentials were selected for review at this time.

Classification	Pay Differential	Monthly Amount	# of Appts.
Associate Architect	433	3%	1
Associate Electrical Engineer	261	\$300	1
Associate Landscape Architect (Specialist)	433	4% and 5.5%	1
Associate Landscape Architect (Specialist)	433	4% and 5%	1
CEA B, Assistant Deputy Director, Park Operations	441	\$250	1
District Superintendent II, Department of Parks and Recreation	441	\$250	1
Forestry Aide	59	1 step	2
Guide I Historical Monument	441	\$250	2
Lifeguard I (Seasonal)	243	\$175	5
Lifeguard II (Seasonal)	243	\$175	6
Park Maintenance Chief III	409	5%	1
Park Maintenance Worker II	409	5%	2
Senior Architect	433	3%	1
Senior Park and Recreation Specialist	441	\$250	3
Staff Services Manager II (Managerial)	441	\$250	1
State Park Peace Officer (Lifeguard)	142	\$220	2
State Park Peace Officer (Lifeguard)	142	\$300	3
State Park Peace Officer (Ranger)	21	\$357	4
State Park Peace Officer (Ranger)	245	2%	1
State Park Peace Officer Supervisor (Ranger)	244	\$50	1
State Park Peace Officer Supervisor (Ranger)	142	\$350	1
State Park Peace Officer Supervisor (Ranger)	245	2%	1
State Park Peace Officer Supervisor I (Lifeguard)	142	\$350	1
State Park Peace Officer Supervisor I (Lifeguard)	142	\$300/350	1
State Park Superintendent II	245	2%	1
State Park Superintendent III	245	6%	1
State Park Superintendent III	245	7%	1
State Park Superintendent III	245	5%	1
State Park Superintendent III	245	2%	1
State Park Superintendent V	245	9%	2
State Park Superintendent V	245	6%	1
State Park Superintendent V	142	\$350	2
State Park Superintendent V	245	5%	1
Supervising Landscape Architect	433	4%	1
Water And Sewage Plant Supervisor	436	5%	1
Water And Sewage Plant Supervisor	436	9%	2
Water And Sewage Plant Supervisor	409	5%	1

<b>SEVERITY:</b> <b>VERY SERIOUS</b>	<b>FINDING NO. 12 INCORRECT AUTHORIZATION OF PAY DIFFERENTIALS</b>
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**Summary:** The CRU found two errors in the 60 pay differentials reviewed:

Classification	Area	Description of Findings	Criteria
Forestry Aide (2 employees)	Fire Mission Pay	This pay differential is only eligible for employees of the Department of Forestry and Fire Protection. Employees were overcompensated.	Pay Differential 59

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

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

**Cause:** The Parks states that Parks their Human Resources Division has faced significant staffing shortages resulting in difficulty reviewing and confirming appropriate pay differentials during the hiring/appointment process.

**Corrective Action:** Within 90 days of the date of this report, the Parks must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Pay Differential 59 and ensure that employees are compensated correctly and that transactions are keyed accurately. Copies of relevant documentation demonstrating that the corrective action has

been implemented must be included with the corrective action response.

Out-of-Class Assignments and Pay

For excluded<sup>16</sup> and most rank-and-file employees, out-of-class (OOC) work is defined as performing, more than 50 percent of the time, the full range of duties and responsibilities allocated to an existing class and not allocated to the class in which the person has a current, legal appointment. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(2).) A higher classification is one with a salary range maximum that is any amount higher than the salary range maximum of the classification to which the employee is appointed. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(3).)

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

During the period under review, March 1, 2021, through August 1, 2021, the Parks issued OOC pay to 39 employees. The CRU reviewed 27 of these OOC assignments to ensure compliance with applicable MOU provisions, salary regulations, and CalHR policies and guidelines. These are listed below:

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
Accounting Administrator II	S01	Accounting Administrator III	4/21-7/21
Administrative Officer I, Resources Agency	S01	Administrative Officer	3/21-7/21
Aquatic Pest Control Technician, Department of Boating and Waterways	R11	Aquatic Pest Control Specialist	6/21-7/21

<sup>16</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.

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
Associate Governmental Program Analyst	R01	Staff Services Manager I	5/21-7/21
Associate Personnel Analyst	R01	Staff Services Manager I	6/21-7/21
Associate State Archeologist	R10	Supervisor, Cultural Resources Program	3/21-7/21
Carpenter I	R12	Park Maintenance Chief I	3/21-5/21
Guide I Historical Monument	R01	State Park Interpreter	3/21-5/21
Guide II, Historical Monument (Supervisor)	S01	State Park Interpreter III	3/21-5/21
Museum Curator III	S01	State Historian III	4/21-7/21
Park and Recreation Specialist	R01	Staff Park And Recreation Specialist	3/21-5/21
Park Maintenance Chief I	S12	Park Maintenance Chief III	3/21
Park Maintenance Chief III	S12	Senior Park And Recreation Specialist	3/21-7/21
Park Maintenance Supervisor	S12	Park Maintenance Chief II	3/21-7/21
Park Maintenance Worker I	R12	Maintenance Mechanic	6/21-7/21
Personnel Specialist	R01	Senior Personnel Specialist	4/21-6/21
Personnel Supervisor II	S01	Staff Services Manager I	3/21-7/21
Senior Park and Recreation Specialist	M01	District Superintendent II	3/21-7/21
Skilled Laborer	R12	Park Maintenance Supervisor	4/21-8/21
Staff Services Manager I	S01	Staff Services Manager II	7/21
Staff Services Manager I	S01	Staff Services Manager II	6/21-7/21
State Park Interpreter I	R01	State Park Interpreter II	3/21-5/21
State Park Interpreter II	R01	Park Maintenance Chief I	7/21-8/21
State Park Interpreter III	S01	Senior Park And Recreation Specialist	3/21-5/21
State Park Peace Officer (Ranger)	R07	State Park Peace Officer Supervisor (Ranger)	3/21-7/21
State Park Superintendent II	S07	State Park Superintendent IV	3/21-5/21
State Park Superintendent II	S07	State Park Superintendent III	3/21-5/21

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING NO. 13 INCORRECT AUTHORIZATION OF OUT-OF-CLASS PAY</b>
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**Summary:** The CRU found two errors in the Parks authorization of OOC pay:

Classification	Out-of-Class Classification	Description of Finding(s)	Criteria
State Park Superintendent II	State Park Superintendent IV	OOO was not properly calculated for June 2021, resulting in the employee being undercompensated.	Pay Differential 236
State Park Superintendent II	State Park Superintendent III	OOO was not properly calculated for March 2021, resulting in the employee being undercompensated.	Pay Differential 236

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

For excluded employees, there shall be no compensation for assignments that last for 15 consecutive working days or less. (Cal. Code Regs., tit. 2, § 599.810, subd. (c).) An excluded employee performing in a higher class for more than 15 consecutive working days shall receive the rate of pay the excluded employee would receive if appointed to the higher class for the entire duration of the assignment, not to exceed one year. (Cal. Code Regs., tit. 2, § 599.810, subd. (d).) An excluded employee may be assigned out-of-class work for more than 120 calendar days during any 12-month period only if the appointing power files a written statement with the CalHR certifying that the additional out-of-class work is required to meet a need that cannot be met through other administrative or civil service alternatives. (Cal. Code Regs., tit. 2, § 599.810, subd. (e).)

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

**Cause:** The Parks states that the OOC pay authorizations were incorrectly determined due to a miscalculation of the 2020 Personal Leave Program (PLP) reduction. This can be contributed to a lack of training, human error, and increased complexity of the calculation due to the PLP program reductions.

**Corrective Action:** Within 90 days of the date of this report, the Parks must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with California Code of Regulations, title 2, section 599.810 and Pay Differential 236. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

## Leave

### Positive Paid Employees

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

An employee is appointed TAU-ATW when he/she is not expected to work all of the working days of a month. When counting 189 days, every day worked, including partial days<sup>17</sup> worked and paid absences<sup>18</sup>, are counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day is not limited by this rule. (*Ibid.*) The 12-consecutive month timeframe begins by counting the first pay period worked as the first month of the

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<sup>17</sup> For example, two hours or ten hours count as one day.

<sup>18</sup> For example, vacation, sick leave, compensating time off, etc.

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

Generally, permanent intermittent employees may work up to 1,500 hours in any calendar year. (Applicable Bargaining Unit Agreements.) However, Bargaining Unit 6 employees may work up to 2,000 hours in any calendar year.

Additionally, according to Government Code section 21224, retired annuitant appointments shall not exceed a maximum of 960 hours in any fiscal year (July-June), regardless of the number of state employers, without reinstatement, loss or interruption of benefits.<sup>19</sup>

At the time of the review, the Parks had 1,015 positive paid employees whose hours were tracked. The CRU reviewed 49 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 (Hours)
Associate Park and Recreation Specialist	Retired Annuitant	7/1/20-6/30/21	1190

<sup>19</sup> Executive Order N-25-20, signed by Governor Newsom on March 12, 2020, suspended work hour limitations on retired annuitants' hours due to the Covid-19 emergency. This expired on March 31, 2022. Appointing authorities whose employees exceeded the established work hour limitations were required to notify CalHR of such. If a positive paid employee's hours exceeded limitations, and there was no notification to CalHR, then that would result in a finding. In the matter at hand, the Parks did not provide any supporting documentation to show that positive paid employees worked on Covid-19 related activities; thus, normal limitations apply.



Classification	Tenure	Time Frame	Time Worked (Hours)
Associate Park and Recreation Specialist	Retired Annuitant	7/1/20-6/30/21	960
Associate Personnel Analyst	Retired Annuitant	7/1/20-6/30/21	1317
Dispatcher Clerk	Retired Annuitant	7/1/20-6/30/21	1107
Environmental Scientist	Permanent	1/1/20-12/31/20	1004.5
Environmental Scientist	Permanent	1/1/20-12/31/20	2019.5
Environmental Scientist	Permanent	1/1/20-12/31/20	1174
Environmental Scientist	Permanent	1/1/20-12/31/20	2039
Environmental Scientist	Permanent	1/1/20-12/31/20	595
Forestry Aid	Temporary	8/31/20-7/31/21	1905
Forestry Aid	Temporary	8/31/20-7/31/21	1936.5
Forestry Aid	Temporary	8/31/20-7/31/21	1966
Forestry Aid	Temporary	8/31/20-7/31/21	2046
Forestry Aid	Temporary	8/31/20-7/31/21	1859.75
Forestry Aid	Temporary	8/31/20-7/31/21	1971.5
Forestry Aid	Temporary	8/31/20-7/31/21	2007
Forestry Aid	Temporary	8/31/20-7/31/21	1855
Forestry Aid	Temporary	8/31/20-7/31/21	1888
Forestry Aid	Temporary	8/31/20-7/31/21	2081.5
Forestry Aid	Temporary	8/31/20-7/31/21	2063
Forestry Aid	Temporary	8/31/20-7/31/21	2066.5
Forestry Aid	Temporary	8/31/20-7/31/21	2057.25
Forestry Aid	Temporary	8/31/20-7/31/21	1979
Lifeguard II	Temporary	8/31/20-7/31/21	2087.5
Lifeguard II	Temporary	8/31/20-7/31/21	2051.5
Lifeguard II	Temporary	8/31/20-7/31/21	1959
Lifeguard II	Temporary	8/31/20-7/31/21	2010.5
Park Aid	Temporary	8/31/20-7/31/21	2588
Park Interpretive Specialist	Retired Annuitant	7/1/20-6/30/21	954.75
Park Maintenance Assistant	Permanent	1/1/20-12/31/20	1073
Park Maintenance Assistant	Permanent	1/1/20-12/31/20	2082.25
Park Maintenance Assistant	Permanent	1/1/20-12/31/20	1144
Park Maintenance Assistant	Permanent	1/1/20-12/31/20	2142
Research Data Specialist II	Retired Annuitant	7/1/20-6/30/21	960
Senior Land Agent (Specialist)	Retired Annuitant	7/1/20-6/30/21	960

Classification	Tenure	Time Frame	Time Worked (Hours)
Senior Land Agent (Specialist)	Retired Annuitant	7/1/20-6/30/21	959.5
Senior Maintenance Assistant	Temporary	8/31/20-7/31/21	1497
Senior Maintenance Assistant	Temporary	8/31/20-7/31/21	2058
Senior Park Aid	Temporary	1/1/20-12/31/24	1595.5
Senior Park Aid	Temporary	8/31/20-7/31/21	2374.5
Senior Park Aid	Temporary	8/31/20-7/31/21	1886
Special Investigator	Retired Annuitant	7/1/20-6/30/21	1497
Staff Services Manager II	Retired Annuitant	7/1/20-6/30/21	2008
Staff Services Manager II	Retired Annuitant	7/1/20-6/30/21	955
State Park Equipment Operator	Permanent	1/1/20-12/31/20	2157
State Park Equipment Operator	Permanent	1/1/20-12/31/20	1258
State Park Equipment Operator	Permanent	1/1/20-12/31/20	2025
State Park Interpreter I	Permanent	1/1/20-12/31/20	605
State Park Interpreter I	Permanent	1/1/20-12/31/20	2032

<b>SEVERITY: SERIOUS</b>	<b>FINDING NO. 14 POSITIVE PAID TEMPORARY EMPLOYEES' WORK EXCEEDED TIME LIMITATIONS</b>
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**Summary:**

The Parks did not consistently monitor the actual number of days and/or hours worked to ensure that 23 positive paid employees did not exceed the 189-day or 1,500-hour limitation in any 12-consecutive month period.

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

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

Classification	Tenure	Time Frame	Time Worked (Hours)	Time Worked Over Limit
Associate Parks and Recreation Specialist	Retired Annuitant	7/1/20-6/30/21	1190	230
Associate Personnel Analyst	Retired Annuitant	7/1/20-6/30/21	1317	357
Dispatcher Clerk	Retired Annuitant	7/1/20-6/30/21	1107	147
Forestry Aid	Temporary	8/31/20-7/31/21	1905	405
Forestry Aid	Temporary	8/31/20-7/31/21	1936.5	436.5
Forestry Aid	Temporary	8/31/20-7/31/21	1966	466
Forestry Aid	Temporary	8/31/20-7/31/21	2046	546
Forestry Aid	Temporary	8/31/20-7/31/21	1859.75	359.75
Forestry Aid	Temporary	8/31/20-7/31/21	1971.5	471.5
Forestry Aid	Temporary	8/31/20-7/31/21	2007	507
Forestry Aid	Temporary	8/31/20-7/31/21	1855	355
Forestry Aid	Temporary	8/31/20-7/31/21	1888	388
Forestry Aid	Temporary	8/31/20-7/31/21	2081.5	581.5
Forestry Aid	Temporary	8/31/20-7/31/21	2063	563
Forestry Aid	Temporary	8/31/20-7/31/21	2066.5	566.5
Forestry Aid	Temporary	8/31/20-7/31/21	2057.25	557.25
Forestry Aid	Temporary	8/31/20-7/31/21	1979	479
Lifeguard II	Temporary	8/31/20-7/31/21	2087.5	587.5
Lifeguard II	Temporary	8/31/20-7/31/21	2051.5	551.5
Lifeguard II	Temporary	8/31/20-7/31/21	1959	459
Lifeguard II	Temporary	8/31/20-7/31/21	2010.5	510.5
Park Aid	Temporary	8/31/20-7/31/21	2588	1088
Senior Maintenance Assistant	Temporary	8/31/20-7/31/21	2058	558
Senior Park Aid	Temporary	1/1/20-12/31/24	1595.5	95.5
Senior Park Aid	Temporary	8/31/20-7/31/21	2374.5	874.5
Senior Park Aid	Temporary	8/31/20-7/31/21	1886	386
Special Investigator	Retired Annuitant	7/1/20-6/30/21	1497	537
Staff Services Manager II	Retired Annuitant	7/1/20-6/30/21	2008	1048

**Criteria:**

If any employee is appointed to an intermittent time base position on a TAU basis, there are two controlling time limitations that must be considered. The first controlling factor is the constitutional limit of nine months in any 12 consecutive months for temporary appointments that cannot be extended for any reason. (Cal Const.,

art. VII, § 5.) Time worked shall be counted on a daily basis with every 21 days worked counting as one month or 189 days equaling nine months. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) Another controlling factor limits the maximum work time for student, youth, and seasonal classifications to 1,500 hours. (Cal. Code Regs., tit. 2, § 265.1, subd. (d).)

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

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

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

**Cause:** The Parks states that there were delays in the receipt and processing of the manual timesheets which are submitted through Districts to the Transactions staff at Headquarters.

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

### Administrative Time Off

ATO is a form of paid administrative leave status initiated by appointing authorities for a variety of reasons. (Human Resources Manual Section 2121.) Most often, ATO is used when an employee cannot come to work because of a pending investigation, fitness for duty evaluation, or when work facilities are unavailable. (*Ibid.*) ATO can also be granted

when employees need time off for reasons such as blood or organ donation, extreme weather preventing safe travel to work, states of emergency, voting, and when employees need time off to attend special events. (*Ibid.*)

During the period under review, June 1, 2020, through May 31, 2021, the Parks authorized 1,973 ATO transactions. The CRU reviewed 50 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
Administrative Officer I	June 2020	23 hours
Administrative Officer III	June 2020	16 hours
Administrative Officer III	July 2020	160 hours
Associate Civil Engineer	April 2021	6 hours
Environmental Scientist	June 2020	168 hours
Laboratory Technician	September 2020	176 hours
Laboratory Technician	October 2020	176 hours
Laboratory Technician	November 2020	136 hours
Laboratory Technician	December 2020	140 hours
Laboratory Technician	January 2021	152 hours
Laboratory Technician	February 2021	120 hours
Maintenance Aide	August 2020	24 hours
Maintenance Aide	August 2020	24 hours
Maintenance Aide	August 2020	161 hours
Maintenance Aide	May 2021	100 hours
Maintenance Mechanic	May 2021	22 hours
Management Services Technician	December 2020	26.75 hours
Office Assistant	May 2021	170 hours
Office Technician	June 2020	136 hours
Park Maintenance Worker I	November 2020	56 hours
Personnel Specialist	June 2020	36 hours
Personnel Specialist	June 2020	150 hours
Personnel Specialist	January 2021	151 hours
Restoration Work Specialist	April 2021	10 hours
Skilled Laborer	June 2020	180 hours
Skilled Laborer	July 2020	172 hours
Skilled Laborer	August 2020	176 hours
Senior Environmental Scientist (Supervisory)	September 2020	80 hours
Senior Environmental Scientist Specialist	June 2020	120 hours
Senior Maintenance Aide	September 2020	28 hours
Senior Maintenance Aide	October 2020	24 hours
Senior Park Aide Seasonal	March 2021	1 hour

Classification	Time Frame	Amount of Time on ATO
Staff Services Analyst (General)	December 2020	26 hours
Staff Services Manager I	April 2021	24 hours
State Park Equipment Operator	May 2021	126 hours
State Park Peace Officer Cadet (Ranger)	June 2020	176 hours
State Park Peace Officer (Lifeguard)	December 2020	30 hours
State Park Peace Officer (Ranger)	December 2020	30 hours
State Park Peace Officer (Ranger)	October 2020	110 hours
State Park Peace Officer Cadet (Ranger)	March 2021	156 hours
State Park Peace Officer Cadet (Ranger)	March 2021	132 hours
State Park Peace Officer Cadet (Ranger)	March 2021	40 hours
State Park Peace Officer Cadet (Ranger)	April 2021	72 hours
State Park Peace Officer Supervisor (Ranger)	November 2020	152 hours
State Park Peace Officer Supervisor (Ranger)	December 2020	168 hours
State Park Peace Officer Supervisor (Ranger)	January 2021	152 hours
State Park Peace Officer Supervisor (Ranger)	February 2021	160 hours
State Park Peace Officer Supervisor (Ranger)	March 2021	168 hours
State Park Peace Officer Supervisor (Ranger)	April 2021	176 hours
State Park Peace Officer Supervisor (Ranger)	May 2021	160 hours

<b>SEVERITY: SERIOUS</b>	<b>FINDING NO. 15 ADMINISTRATIVE TIME OFF WAS NOT PROPERLY DOCUMENTED</b>
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**Summary:** The Parks did not grant ATO in conformity with the established policies and procedures. Of the 50 ATO authorizations reviewed by the CRU, 3 were found to be out of compliance. The Parks did not key three employees' ATO hours correctly into the Leave Accounting System.

**Criteria:** Appointing authorities are authorized to approve ATO for up to five (5) working days. (Gov. Code, § 19991.10.) Furthermore, they “have delegated authority to approve up to 30 calendar days.” (Human Resources Manual Section 2121.) Any ATO in excess of 30 calendar days must be approved in advance by the CalHR. (*Ibid.*) In most cases, if approved, the extension will be for an additional 30 calendar days. (*Ibid.*) The appointing authority is responsible for submitting ATO extension requests to CalHR at least 5 working days prior to the expiration date of the approved leave. (*Ibid.*)

When requesting an ATO extension, the appointing authority must provide a justification establishing good cause for maintaining the

employee on ATO for the additional period of time. (*Ibid.*) ATO may not be used and will not be granted for an indefinite period. (*Ibid.*) If CalHR denies a request to extend ATO, or the appointing authority fails to request approval from CalHR to extend the ATO, the employee must be returned to work in some capacity. (*Ibid.*)

Regardless of the length of ATO, appointing authorities must maintain thorough documentation demonstrating the justification for the ATO, the length of the ATO, and the approval of the ATO. (*Ibid.*)

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

**Cause:** The Parks states that due to the COVID-19 pandemic, there was a large volume of ATO requests submitted to the Transactions Unit. With the volume of requests and staffing shortages the Transactions Unit was unable to provide training and clear direction to effectively review, document, and process all ATO.

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

### Leave Auditing and Timekeeping

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

Departments are directed to create a monthly internal audit process to verify all leave input into any leave accounting system is keyed accurately and timely. (Human Resources Manual Section 2101.) Departments shall create an audit process to review and correct leave input errors on a monthly basis. The review of leave accounting records

shall be completed by the pay period following the pay period in which the leave was keyed into the leave accounting system. (*ibid.*) If an employee’s attendance record is determined to have errors or it is determined that the employee has insufficient balances for a leave type used, the attendance record must be amended. (*ibid.*) Attendance records shall be corrected by the pay period following the pay period in which the error occurred. (*ibid.*) Accurate and timely attendance reporting is required of all departments and is subject to audit. (*ibid.*)

During the period under review, March 1, 2021, through May 31, 2021, the Parks reported 276 units comprised of 6,305 active employees. The pay periods and timesheets reviewed by the CRU are summarized below:

Timesheet Leave Period	Unit Reviewed	Number of Employees	Number of Timesheets Reviewed	Number of Missing Timesheets
March 2021	66	75	75	0
March 2021	73	65	65	0
April 2021	655	58	58	0
April 2021	657	16	16	0
May 2021	741	79	79	0

<b>IN COMPLIANCE</b>	<b>FINDING NO. 16 LEAVE AUDITING AND TIMEKEEPING COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRU reviewed employee leave records from three different leave periods to ensure compliance with applicable laws, regulations and CalHR policy and guidelines. Based on our review, the CRU found no deficiencies. The Parks kept complete and accurate time and attendance records for each employee and officer employed within the department and utilized a monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely.

State Service

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

Generally, an employee who has 11 or more working days of service in a monthly pay period shall be considered to have a complete month, a month of service, or continuous



service.<sup>20</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>21</sup> shall be allowed credit for annual leave with pay. (Cal. Code Regs., tit. 2, § 599.752.)

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

During the period under review, March 1, 2021, through August 1, 2021, the Parks had 42 employees with qualifying and non-qualifying pay period transactions. The CRU reviewed 23 transactions to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Type of Transaction	Time Base	Number Reviewed
Non-Qualifying Pay Period	Full-Time	13
Qualifying Pay Period	Full-Time	10

<sup>20</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>21</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.

IN COMPLIANCE	<b>FINDING NO. 17 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 Parks 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 recruit, hire and assign all employees on the basis of merit and fitness in accordance with civil service statutes, rules and regulations. (Human Resources Manual Section 1204.) Nepotism is expressly prohibited in the state workplace because it is antithetical to California’s merit based civil service. *(Ibid.)* Nepotism is defined as the practice of an employee using his or her influence or power to aid or hinder another in the employment setting because of a personal relationship. *(Ibid.)* Personal relationships for this purpose include association by blood, adoption, marriage and/or cohabitation. *(Ibid.)* All department nepotism policies should emphasize that nepotism is antithetical to a merit-based personnel system and that the department is committed to the state policy of recruiting, hiring and assigning employees on the basis of merit. *(Ibid.)*

IN COMPLIANCE	<b>FINDING NO. 18 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 Parks’ commitment to the state policy of recruiting, hiring and assigning employees on the basis of merit. Additionally, the Parks’ 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. 19 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 Parks 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 Parks 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 Parks 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. 20 PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES</b>
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**Summary:** The Parks did not provide annual performance appraisals to 130 of 160 employees reviewed after the completion of the employee’s

probationary period. This is the second consecutive time this has been a finding for the Parks.

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

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

**Cause:** The Parks states that despite departmental policy requiring the annual completion of performance appraisals for all permanent full-time, part-time, and intermittent employees, supervisors and managers did not submit performance appraisals as required.

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

### **SPB REPLY**

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

November 8, 2022

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

RE: Department of Parks and Recreation's Response to State Personnel Board  
Compliance Review

Dear Ms. Ambrose:

Thank you for the opportunity to provide comment to the Department's Compliance Review conducted by the State Personnel Board (SPB/Board). The Department of Parks and Recreation (Parks) appreciates the SPB's collaboration and professionalism throughout the compliance review process. Parks is committed to improving our efforts regarding personnel practices in the areas of examinations, appointments, equal employment opportunity (EEO), personal services contracts, compensation and pay, leave, policy, and mandated training to ensure compliance with civil service laws and Board regulations. We strive to be an employer of choice among prospective candidates and employees. Below are Parks' responses to each finding as presented by SPB Compliance Review.

**Finding No. 3 – Appointment Documentation Was Not Kept for the Appropriate Amount of Time**

Cause: Parks acknowledges the importance of retaining appointment documentation for a minimum period of five years as specified by the Board. There was an oversight in ensuring all appointment documentation was filed appropriately and timely in employee personnel records due to high turnover and the shift to a telework environment during the pandemic.

**Finding No. 5 – Unions Were Not Notified of Personal Services Contracts**

Cause: Parks acknowledges that organizations representing state employees were not properly notified pursuant to Government Code (GC) § 19132, subdivision (b)(1). The CDPR Labor Relations Unit was not aware of the new clarifying language that was added to Cal. Code Regs., tit. 2, § 547.60.2 (eff. 4/1/22). As a result, Labor Relations staff only notified the employee organizations (representing bargaining units within state civil Parks service) and did not notify all bargaining units when the contracted duties were outside of those performed by state employees. Parks has immediately corrected this misunderstanding.

**Finding No. 6 – Ethics Training Was Not Provided for All Filers**

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Cause: Parks recognizes the importance of Ethics training for departmental employees required to file a Form 700. Currently, two units are charged with the responsibility of identifying required filers, notifying impacted employees of the training requirement, and monitoring compliance. The bifurcation of this process has caused a gap in our ability to successfully monitor the process to ensure compliance. Parks has immediately begun review of this process to close the gap and ensure all filers are notified of their training requirement. Additionally, the transition to a new Learning Management System, FOCUS, will improve compliance.

### **Finding No. 7 – Sexual Harassment Prevention Training Was Not Provided for All Supervisors**

Cause: Parks Human Rights Office has a robust Equal Employment Opportunity virtual training program which includes Sexual Harassment Prevention Training for supervisors, managers, and leads. Ongoing and continued efforts to consistently market the required training, including notifying leaders of non-compliant staff did not result in full compliance. Additionally, Parks transition to a new Learning Management System, FOCUS, allows assignment of required trainings to assist in tracking compliance.

### **Finding No. 9 – Alternate Range Movements Did Not Comply with Civil Service Laws, Rules, and CalHR Policies and Guidelines**

Cause: Parks Human Resources Division (HRD) – Transactions Unit has faced significant staffing shortages resulting in insufficient salary determination training and oversight to Personnel Specialists which resulted in the improper application of alternate range placement. Parks continues to face significant challenges in this area but has immediately addressed the oversight and review of work.

### **Finding No. 12 – Incorrect Authorization of Pay Differentials**

Cause: Parks HRD has faced significant staffing shortages resulting in difficulty reviewing and confirming appropriate Pay Differentials during the hiring/appointment process. Parks continues to face significant challenges in this area but has immediately addressed the oversight and review of work.

### **Finding No. 13 – Incorrect Authorization of Out-of-Class Pay**

Cause: Two (2) out-of-class pay authorizations were incorrectly determined due to a miscalculation of the 2020 Personal Leave Program (PLP) reduction. This can be contributed to lack of training, human error, and increased complexity of the calculation due to the PLP program reductions.

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**Finding No. 14 – Positive Paid Temporary Employees’ Work Exceeded Time Limitations**

Cause: Parks HRD Transactions Unit shares the responsibility of tracking positive paid temporary employees’ hours with the respective Districts employees work in. Additionally, Parks currently uses manual timesheets that are submitted through Districts to the Transactions staff at Headquarters. This manual procedure can often create delays in the receipt and processing of timesheets and does not allow for Personnel Specialists to quickly identify and communicate with District timekeepers regarding employee’s that are near or at the maximum allowable hours. Parks is implementing an electronic timekeeping system that will eliminate the manual process and delays in tracking maximum allowable hours.

**Finding No. 15 – Administrative Time Off (ATO) Was Not Properly Documented**


Cause: Due to the COVID-19 pandemic, there was a large volume of ATO requests submitted to the Transactions Unit. With the volume of requests and staffing shortages, the Transactions Unit was unable to provide training and clear direction to effectively review, document, and process ATO. Parks has provided clear direction and documentation requirements regarding ATO.

**Finding No. 20 – Performance Appraisals Were Not Provided to All Employees**

Cause: Despite Departmental Policy requiring the annual completion of performance appraisals for all permanent full-time, part-time, and intermittent employees, supervisors and managers did not submit performance appraisals as required. Parks continues to communicate the importance of Performance Appraisals for all staff.

Again, we appreciate the collaboration and professionalism throughout the compliance review process. Should you have any further questions regarding our responses, please feel free to contact me for further explanation at [Will.Schaafsma@Parks.ca.gov](mailto:Will.Schaafsma@Parks.ca.gov) or at (916) 653-0528.

Sincerely,

DocuSigned by:  
  
0365C810BBDA454...

Will Schaafsma  
Deputy Director  
Administrative Services Division