



# **COMPLIANCE REVIEW REPORT**

## **COMMISSION ON PEACE OFFICER**

### **STANDARDS AND TRAINING**

Compliance Review Unit  
State Personnel Board  
March 26, 2021

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## **INTRODUCTION**

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

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

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

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

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

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

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

### **EXECUTIVE SUMMARY**

The CRU conducted a routine compliance review of the Commission on Peace Officer Standards and Training (POST) 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	Serious	Probationary Evaluations Were Not Timely <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	Written Justification Was Not Provided for all Personal Services Contracts <sup>2</sup>
Mandated Training	In Compliance	Mandated Training Complied with Statutory Requirements
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

<sup>1</sup> Repeat finding. August 17, 2018, the POST's compliance review report identified four missing probationary evaluations.

<sup>2</sup> Repeat finding. August 17, 2018, the POST's compliance review report identified two missing written justifications for the two PSC's executed.

Area	Severity	Finding
Compensation and Pay	In Compliance	Out of Class Pay Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Leave	Serious	Department Did Not Properly Monitor Time Worked for All Positive Paid Employees
Leave	In Compliance	Administrative Time Off Authorization Complied with Civil Service Laws, Board Rules, and CalHR Policies and/or Guidelines
Leave	Serious	Department Has Not Implemented a Monthly Internal Audit Process to Verify All Leave Input is Keyed Accurately and Timely
Leave	Serious	Department Did Not Retain Employee Time and Attendance Records
Policy	In Compliance	Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	In Compliance	Workers' Compensation Process Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Serious	Performance Appraisals Were Not Provided Timely to All Employees <sup>3</sup>

### **BACKGROUND**

The POST was established by the Legislature in 1959, to set minimum selection and training standards for California law enforcement. The POST organization has more than 135 staff members and functions under the direction of an Executive Director appointed by the Commission.

The POST program is funded primarily by persons who violate the laws that peace officers are trained to enforce, and no tax dollars are used. The POST program is voluntary and

<sup>3</sup> Repeat finding. August 17, 2018, the POST's compliance review report identified did not provide performance appraisals to 33 of 40 employees reviewed

incentive-based. Participating agencies agree to abide by the standards established by the POST, and more than 600 agencies participate in the POST program and are eligible to receive the Commission's services. The POST also awards professional certificates to recognize peace officer achievement and proficiency.

### **SCOPE AND METHODOLOGY**

The scope of the compliance review was limited to reviewing the POST's examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes<sup>4</sup>. The primary objective of the review was to determine if the POST's personnel practices, policies, and procedures complied with state civil service laws and Board regulations, Bargaining Unit Agreements, CalHR policies and guidelines, CalHR Delegation Agreements, and to recommend corrective action where deficiencies were identified.

A cross-section of the POST's 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 POST provided, which included examination plans, examination bulletins, job analyses, and scoring results. The CRU also reviewed the POST's permanent withhold actions documentation, including Withhold Determination Worksheets, State applications (STD 678), class specifications, and withhold letters.

A cross-section of the POST's appointments were selected for review to ensure that samples of various appointment types, classifications, and levels were reviewed. The CRU examined the documentation that the POST provided, which included Notice of Personnel Action (NOPA) forms, Request for Personnel Actions (RPA's), vacancy postings, certification lists, transfer movement worksheets, employment history records, correspondence, and probation reports. The POST did not conduct any unlawful appointment investigations during the compliance review period. Additionally, the POST did not make any additional appointments during the compliance review period.

The POST's appointments were also selected for review to ensure the POST applied salary regulations accurately and correctly processed employees' compensation and pay. The CRU examined the documentation that the POST 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

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

specific documentation for the following personnel functions related to compensation and pay: out-of-class assignments and alternate range movements. During the compliance review period, the POST did not issue or authorize hiring above minimum requests, red circle rate requests, arduous pay, bilingual pay, monthly pay differentials.

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

The POST's PSC's were also reviewed.<sup>5</sup> It was beyond the scope of the compliance review to make conclusions as to whether the POST's justifications for the contracts were legally sufficient. The review was limited to whether the POST's practices, policies, and procedures relative to PSC's complied with procedural requirements.

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

The CRU reviewed the POST's Leave Activity and Correction Certification forms to verify that the POST created a monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely. The CRU selected a small cross-section of the POST's units in order to ensure they maintained accurate and timely leave accounting records. Part of this review also examined a cross-section of the POST's employees' employment and pay history, state service records, and leave accrual histories to ensure employees with non-qualifying pay periods did not receive vacation/sick leave and/or annual leave accruals or state service credit. Additionally, the CRU reviewed a selection of the POST employees who used Administrative Time Off (ATO) in order to ensure that ATO was appropriately administered. Further, the CRU reviewed a selection of POST positive paid employees whose hours are tracked during the compliance review period in order to ensure that they adhered to procedural requirements. During the compliance review period, the POST did not have any employees with non-qualifying pay period transactions.

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<sup>5</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.

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

The POST declined to have an exit conference. The CRU received and carefully reviewed the POST's written response on February 12, 2021, 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, November 1, 2019, through July 31, 2020, the POST conducted three examinations. The CRU reviewed all of those examinations, which are listed below:



Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Law Enforcement Consultant I	Open	Education and Experience <sup>6</sup>	Continuous	10
Law Enforcement Consultant II	Open	Education and Experience	Continuous	9
Senior Law Enforcement Consultant	Open	Training and Experience <sup>7</sup>	Continuous	1

<b>IN COMPLIANCE</b>	<b>FINDING NO. 1</b>	<b>EXAMINATIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES</b>
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The CRU reviewed three open examinations which the POST administered in order to create eligible lists from which to make appointments. The POST published and distributed examination bulletins containing the required information for all examinations. Applications received by the POST 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 POST 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

<sup>6</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>7</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.

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, November 1, 2019, through July 31, 2020, the POST conducted three 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
Associate Governmental Program Analyst	9PB04	5/20/19	5/20/20	Failed to Meet Minimum Qualifications
Associate Governmental Program Analyst	9PB04	12/29/19	12/29/20	Failed to Meet Minimum Qualifications
Associate Governmental Program Analyst	9PB04	6/3/20	6/3/21	Failed to Meet Minimum Qualifications

<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).)

During the period under review, November 1, 2019, through July 31, 2020, the POST made 20 appointments. The CRU reviewed eight of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Accountant Trainee	Certification List	Permanent	Full Time	1
Information Technology Specialist I	Certification List	Permanent	Full Time	1
Law Enforcement Consultant II	Certification List	Permanent	Full Time	1
Senior Law Enforcement Consultant	Certification List	Permanent	Full Time	1
Staff Services Analyst (General)	Certification List	Permanent	Full Time	1
Staff Services Manger I (Supervisor)	Certification List	Permanent	Full Time	1
Law Enforcement Consultant II	Reinstatement	Permanent	Full Time	1
Associated Governmental Program Analyst	Transfer	Permanent	Full Time	1

<b>SEVERITY: SERIOUS</b>	<b>FINDING NO. 3      PROBATIONARY EVALUATIONS WERE NOT TIMELY</b>
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**Summary:**                    The POST did not provide, in a timely manner, three probationary reports of performance for two of the eight appointments reviewed

by the CRU, as reflected in the table below. This is the second consecutive time this has been a finding for the POST.

Classification	Appointment Type	Number of Appointments	Total Number of Late Probation Reports
Senior Law Enforcement Consultant	List	1	1
Staff Services Analyst (General)	List	1	2

**Criteria:** The service of a probationary period is required when an employee enters or is promoted in the state civil service by permanent appointment from an employment list. (Gov. Code, § 19171.) During the probationary period, the appointing power shall evaluate the work and efficiency of a probationer in the manner and at such periods as the department rules may require. (Gov. Code, § 19172.) A report of the probationer’s performance shall be made to the employee at sufficiently frequent intervals to keep the employee adequately informed of progress on the job. (Cal. Code Regs., tit. 2, § 599.795.) A written appraisal of performance shall be made to the Department within 10 days after the end of each one-third portion of the probationary period. (*Ibid.*) The Board’s record retention rules require that appointing powers retain all probationary reports for five years from the date the record is created. (Cal. Code Regs., tit. 2, § 26, subd. (a)(3).)

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

**Cause:** The POST states that although it makes a good faith effort to inform supervisors and managers regarding the requirements of completing probationary evaluations, supervisors and/or managers failed to issue three probationary evaluations in a timely manner.

**Corrective Action:** As this is the second consecutive time this has been a finding for POST, it is the expectation that it develops a meaningful and measurable plan to achieve compliance in this area. Within 90 days of the date of this report, the POST 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 599.795. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

**Equal Employment Opportunity**

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

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

<b>IN COMPLIANCE</b>	<b>FINDING NO. 4</b> <b>EQUAL EMPLOYMENT OPPORTUNITY PROGRAM</b> <b>COMPLIED WITH ALL CIVIL SERVICE LAWS AND</b> <b>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 POST’s EEO program provided employees with information and guidance on the EEO process including instructions on how to file discrimination

claims. Furthermore, the EEO program outlines the roles and responsibilities of the EEO Officer, as well as supervisors and managers. The EEO Officer, who is at a managerial level, reports directly to the Executive Director of the POST. The POST 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.)<sup>8</sup>

During the period under review, November 1, 2019, through July 31, 2020, the POST had seven PSC’s that were in effect. The CRU reviewed all of those PSC’s, which are listed below:

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
Cathy Hobson	Use of Force Scriber	1/7/20-4/1/20	\$7,769.36	No	Yes
David Corey, PhD	POST Psych Screen Manual - Prof. Services	4/1/20 - 6/30/20	\$9,999	No	Yes

<sup>8</sup> Pursuant to Gov. Code, § 19132(b)(5) the POST is exempt from PSC union notification requirements.

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
Dr. Sargent	Peace Officer Wellness Presentation	2/25/20 - 3/30/20	\$2,000	No	Yes
Kathryn Swank	Commission Court Reporting	7/1/19 - 6/30/20	\$13,220	No	Yes
Russ Norris	Facilitator/Developer Use of Force Workshop	1/6/20 - 5/15/20	\$7,730.92	No	Yes
TeamworX	Leadership Training - 2 Day	4/1/20 - 4/20/20	\$5,990	No	Yes
Valerie Tanguay	Investigative Services	1/20/20 - 6/30/20	\$9,999	No	Yes

<b>SEVERITY: SERIOUS</b>	<b>FINDING No. 5</b>	<b>WRITTEN JUSTIFICATION WAS NOT PROVIDED FOR ALL PERSONAL SERVICES CONTRACTS</b>
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**Summary:** The POST did not prepare or retain written justification why seven contracts satisfied Government Code section 19130, subdivision (b). This is the second consecutive time this has been a finding for the POST.

**Criteria:** Whenever an agency executes a personal services contract under Government Code section 19130, subdivision (b), the agency shall document, with specificity and detailed factual information, the reasons why the contract satisfies one or more of the conditions specified in Government Code section 19130, subdivision (b). (Cal. Code Reg., tit. 2, § 547.60, subd. (a).) The agency shall maintain the written justification for the duration of the contract and any extensions of the contract or in accordance with the record retention requirements of section 26, whichever is longer. (Cal. Code Reg., tit. 2, § 547.60, subd. (b).)

**Severity:** Serious. Without specific written justification detailing why a PSC satisfies one or more conditions specified in Government Code section 19130, the CRU could not determine whether the department's PSC's complied with current procedural requirements.

**Cause:** The POST states that their Business Services Unit Manager had been recently appointed and was not informed of the proper justification process for PSC's.

**Corrective Action:** As this is the second consecutive time this has been a finding for POST, it is the expectation that it develops a meaningful and measurable plan to achieve compliance in this area, including, but not limited to, establishing a policy and/or procedure that ensures that all contracting staff are aware of statutory and regulatory PSC requirements. Within 90 days of the date of this report, the POST 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 19130, subdivision (b), and California Code of Regulations, title 2, section 547.60, subdivision (a). Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

### **Mandated Training**

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

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

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



state civil service. (*Ibid.*) Accordingly, the CRU reviews documents and records related to training that appointing powers are required by the afore-cited laws to provide its employees.

The CRU reviewed the POST’s mandated training program that was in effect during the compliance review period, August 1, 2018, through January 31, 2020.

<b>IN COMPLIANCE</b>	<b>FINDING No. 6</b>	<b>MANDATED TRAINING COMPLIED WITH STATUTORY REQUIREMENTS</b>
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The POST provided ethics training to its 16 new filers within 6 months of appointment, and to 40 existing filers, “at least once during each consecutive period of two calendar years, commencing on the first odd-numbered year thereafter.” In addition, the POST provided sexual harassment prevention training to its 11 new supervisors within 6 months of appointment, and sexual harassment prevention training to its 21 existing supervisors every 2 years. Thus, the POST complied with mandated training requirements within statutory timelines.

## **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>9</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, November 1, 2019, through July 31, 2020, the POST made 20 appointments. The CRU reviewed eight of those appointments to determine if the POST applied salary regulations accurately and correctly processed employees’ compensation, which are listed below:

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<sup>9</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)
Accountant Trainee	Certification List	Permanent	Full Time	\$3,793
Information Technology Specialist I	Certification List	Permanent	Full Time	\$5,562
Law Enforcement Consultant II	Certification List	Permanent	Full Time	\$10,150
Senior Law Enforcement Consultant	Certification List	Permanent	Full Time	\$11,952
Staff Services Analyst (General)	Certification List	Permanent	Full Time	\$4281
Staff Services Manger I (Supervisor)	Certification List	Permanent	Full Time	\$6,768
Law Enforcement Consultant II	Reinstatement	Permanent	Full Time	\$11,951
Associated Governmental Program Analyst	Transfer	Permanent	Full Time	\$5,677

<b>IN COMPLIANCE</b>	<b>FINDING NO. 7</b>	<b>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 POST 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, August 1, 2019, through April 30, 2020, the POST employees made four alternate range movements within a classification. The CRU reviewed all of those alternate range movements to determine if the POST applied salary regulations accurately and correctly processed each employee's compensation, which are listed below:

Classification	Prior Range	Current Range	Time Base	Salary (Monthly Rate)
Information Technology Specialist I	B	C	Full Time	\$8,197
Information Technology Specialist I	B	C	Full Time	\$7,257
Staff Services Analyst (General)	A	B	Full Time	\$4,192
Staff Services Analyst (General)	B	C	Full Time	\$4,692

<b>SEVERITY: VERY SERIOUS</b>	<b>FINDING No. 8</b>	<b>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 POST's determination of employee compensation:

Classification	Description of Findings	Criteria
Information Technology Specialist I	Incorrect anniversary date keyed resulting in the employee being overcompensated.	Cal. Code Regs., tit. 2, § 599.674, subd. (b)

**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 POST 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 POST states that a Transaction Analyst failed to key the correct anniversary date, and the Personnel Action Request was not reviewed and approved by the human resources management prior to processing, in spite of a process in place to prevent these types of errors.

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

### Out-of-Class Assignments and Pay

For excluded<sup>10</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

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<sup>10</sup> "Excluded employee" means an employee as defined in section 3527, subd. (b) of the Government Code (Ralph C. Dills Act) except those excluded employees who are designated managerial pursuant to section 18801.1 of the Government Code.

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 120-day time period expires. (Classification and Pay Guide Section 375.)

During the period under review, August 1, 2019, through April 30, 2020, the POST issued OOC pay to two employees. The CRU reviewed all 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
Associate Governmental Program Analyst	R01	Staff Services Manager I (Supervisor)	3/2/20 – 5/30/20
Law Enforcement Consultant II	E59	Senior Law Enforcement Consultant	10/7/19 – 1/30/20

<b>IN COMPLIANCE</b>	<b>FINDING No. 9</b>	<b>OUT OF CLASS PAY AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES</b>
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The CRU found no deficiencies in the OOC pay assignments that the POST authorized during the compliance review period. OOC pay was issued appropriately to employees performing, more than 50 percent of the time, the full range of duties and responsibilities allocated to an existing class and not allocated to the class in which the person has a current, legal appointment.

## **Leave**

### **Positive Paid Employees**

Actual Time Worked (ATW) is a method that can be used to keep track of a Temporary Authorization Utilization (TAU) employee's time to ensure that the Constitutional limit of 9 months in any 12 consecutive months is not exceeded. The ATW method of counting time is used 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>11</sup> worked and paid absences,<sup>12</sup> is counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day is not limited by this rule. (*Ibid.*) The 12-consecutive month timeframe begins by counting the first pay period worked as the first month of the 12-consecutive month timeframe. (*Ibid.*) The employee shall serve no longer than 189 days in a 12 consecutive month period. (*Ibid.*) A new 189-days working limit in a 12-consecutive month timeframe may begin in the month immediately following the month that marks the end of the previous 12-consecutive month timeframe. (*Ibid.*)

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

For student assistants, graduate student assistants, youth aides, and seasonal classifications a maximum work-time limit of 1,500 hours within 12 consecutive months may be used rather than the 189-day calculation. (Cal. Code Regs., tit. 2, § 265.1, subd. (d).)

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

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

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

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<sup>11</sup> For example, two hours or ten hours counts as one day.

<sup>12</sup> For example, vacation, sick leave, compensating time off, etc.

Classification	Tenure	Time Frame	Time Worked
Associate Governmental Program Analyst	Retired Annuitant	7/1/18 – 6/30/19	350.5 hours
Associate Governmental Program Analyst	Retired Annuitant	7/1/18 – 6/30/19	916.5 hours
Law Enforcement Consultant I	Retired Annuitant	7/1/18 – 6/30/19	732.5 hours
Law Enforcement Consultant I	Retired Annuitant	7/1/18 – 6/30/19	961 hours
Law Enforcement Consultant II	Retired Annuitant	7/1/18 – 6/30/19	960 hours
Program Technician III	Retired Annuitant	7/1/18 – 6/30/19	216 hours
Student Assistant	Temporary	11/18/19 – 7/30/19	1054.5 hours

<b>SEVERITY: SERIOUS</b>	<b>FINDING No. 10</b>	<b>DEPARTMENT DID NOT PROPERLY MONITOR TIME WORKED FOR ALL POSITIVE PAID EMPLOYEES</b>
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**Summary:** The POST did not consistently track and monitor one retired annuitant's total hours worked, allowing the employee to work over the 960-hour limitation in a fiscal year. Because the employee was a Retired Annuitant, the employee's retirement benefits could be negatively impacted by the overage.

Specifically, the following employee exceeded the established limitation:

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Classification	Tenure	Time Frame	Time Worked	Time Worked Over Limit
Law Enforcement Consultant I	Retired Annuitant	7/1/18 – 6/30/19	961 hours	1 hour

**Criteria:** 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.

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**Severity:** Serious. 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 POST states that the Transaction Analyst did not consistently notify positive paid employees of their hours remaining prior to the end of the fiscal year.

**Corrective Action:** POST has indicated that it will ensure there will be closer monitoring of positive paid employees' hours; however, it is the expectation that it develops a meaningful and measurable plan to achieve compliance in this area, including, but not limited to, establishing a policy and/or procedure that ensures positive paid employees' hours are tracked. Within 90 days of the date of this report, the POST 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 21224, and California Code of Regulations, title 2, section 599.665. 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, May 1, 2019, through April 30, 2020, the POST placed one employee on ATO. The CRU reviewed the ATO appointment to ensure compliance with applicable laws, regulations, and CalHR policy and guidelines, which is listed below:



Classification	Time Frame	Amount of Time on ATO
Staff Services Manager I (Supervisory)	7/2/19 – 11/22/19	144 days

<b>IN COMPLIANCE</b>	<b>FINDING No. 11 ADMINISTRATIVE TIME OFF AUTHORIZATION COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES</b>
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The CRU found no deficiencies in the ATO transaction reviewed during the compliance review period. The POST provided the proper documentation justifying the use of ATO and adhered to applicable laws, regulations and CalHR policy and guidelines.

#### Leave Auditing and Timekeeping

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

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

During the period under review, February 1, 2020, through April 30, 2020, the POST reported 11 units comprised of 128 active employees. The pay periods and timesheets reviewed by the CRU are summarized below:

Timesheet Leave Period	Unit Reviewed	Number of Employees	Number of Timesheets Reviewed	Number of Missing Timesheets
February 2020	010	15	15	0

Timesheet Leave Period	Unit Reviewed	Number of Employees	Number of Timesheets Reviewed	Number of Missing Timesheets
February 2020	032	14	14	0
February 2020	034	17	17	0
March 2020	010	14	14	0
March 2020	016	14	10	4
March 2020	025	9	8	1
March 2020	032	15	15	0
March 2020	034	17	17	0
April 2020	034	17	17	0

<b>SEVERITY: SERIOUS</b>	<b>FINDING NO. 12 DEPARTMENT HAS NOT IMPLEMENTED A MONTHLY INTERNAL AUDIT PROCESS TO VERIFY ALL LEAVE INPUT IS KEYED ACCURATELY AND TIMELY</b>
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**Summary:** The POST failed to provide documentation demonstrating it implemented a monthly internal audit process to verify all timesheets were keyed accurately and timely.

Additionally, the POST failed to provide Leave Activity and Certification forms for nine units reviewed during the February 2020 through April 2020 pay periods.

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

**Severity:** Serious. In order for Department leave accounting reports to reflect accurate data, the review of the leave accounting records and corrections, if necessary, are to be completed by the pay period following the pay period in which the leave was keyed into the leave

accounting system. This means corrections are to be made prior to the next monthly leave activity report being produced.

**Cause:** The POST states the cause of this finding to be a lack of staff training and knowledge of the requirement to have a monthly internal audit process for verifying all leave was keyed accurately and timely into the leave accounting system.

**Corrective Action:** While POST has indicated it has made some systemic changes to ensure compliance in this area, within 90 days of the date of this report, the POST must submit to the SPB a written corrective action response which addresses the changes the department has implemented to ensure that its monthly internal audit process is documented and that all leave input is keyed accurately and timely. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

<b>SEVERITY: SERIOUS</b>	<b>FINDING No. 13</b>	<b>DEPARTMENT DID NOT RETAIN EMPLOYEE TIME AND ATTENDANCE RECORDS</b>
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**Summary:** The POST did not retain 5 of 68 timesheets from the March 2020 pay period.

**Criteria:** Each appointing power shall keep complete and accurate time and attendance records for each employee and officer employed within the agency over which it has jurisdiction. (Cal. Code Regs., tit. 2, § 599.665.) Such records shall be kept in the form and manner prescribed by the Department of Finance in connection with its powers to devise, install and supervise a modern and complete accounting system for state agencies. (*Ibid.*)

**Severity:** Serious. The POST failed to retain employee time and attendance records for each employee. Therefore, the department was unable to reconcile timesheets against their leave accounting system at the conclusion of the pay period, which could have affected employee leave accruals and compensation.

**Cause:** The POST states that they lacked a tracking process to verify an Absence and Additional Time Worked Report, STD. 634 was received monthly for every employee.

**Corrective Action:** While POST has indicated it has made some systemic changes to ensure compliance in this area, within 90 days of the date of this report, the POST must submit to the SPB a written corrective action response which addresses the corrections the department has implemented to ensure all timesheets are accounted for and processed in conformity with California Code of Regulations, title 2, section 599.665. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

### **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.*)

<b>IN COMPLIANCE</b>	<b>FINDING No. 14 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 POST's commitment to the state policy of recruiting, hiring and assigning employees on the basis of merit. Additionally, the POST's nepotism policy was comprised of specific and sufficient components intended to prevent favoritism, or bias, based on a personal relationship from unduly influencing employment decisions.

Workers' Compensation

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

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

<b>IN COMPLIANCE</b>	<b>FINDING No. 15</b> <b>WORKERS' COMPENSATION PROCESS</b> <b>COMPLIED WITH CIVIL SERVICE LAWS, BOARD</b> <b>RULES, AND/OR CALHR POLICIES AND</b> <b>GUIDELINES</b>
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The CRU verified that the POST 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 POST 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 26 permanent POST employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations, policies and guidelines. These are listed below:

Classification	Date Performance Appraisals Due
Assistant Executive Director, CEA B	5/2/19
Assistant Executive Director, CEA B	5/2/19
Associate Governmental Program Analyst	10/16/19
Associate Governmental Program Analyst	12/1/19
Associate Governmental Program Analyst	10/16/19
Business Services Officer II	2/2/19
Information Technology Associate	6/27/19
Information Technology Specialist I	3/11/19
Information Technology Specialist I	1/13/19
Information Technology Supervisor II	9/1/19
Information Technology Supervisor II	8/6/19
Law Enforcement Consultant II	5/2/19
Law Enforcement Consultant II	9/2/19
Law Enforcement Consultant II	7/31/19
Law Enforcement Consultant II	4/7/19
Law Enforcement Consultant II	12/1/19
Law Enforcement Consultant II	4/3/19
Office Technician (Typing)	1/1/19
Personnel Selection Consultant II	8/2/19
Personnel Selection Consultant II	9/1/19
Program Technician III	9/15/19
Program Technician III	6/6/19
Research Specialist III	8/31/19
Senior Law Enforcement Consultant	12/1/19
Senior Law Enforcement Consultant	7/3/19
Staff Services Analyst	10/3/19

<b>SEVERITY: SERIOUS</b>	<b>FINDING No. 16      PERFORMANCE APPRAISALS WERE NOT PROVIDED TIMELY TO ALL EMPLOYEES</b>
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**Summary:** The POST did not provide annual performance appraisals in a timely manner to 7 of 26 employees reviewed after the completion of the employee’s probationary period. This is the second consecutive time this has been a finding for the POST.

**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 POST states that although supervisors and managers are provided the forms and due dates of performance appraisals of their employees, some failed to issue the annual performance appraisals in a timely manner.

**Corrective Action:** As this is the second consecutive time this has been a finding for POST, it is the expectation that it develops a meaningful and measurable plan to achieve compliance in this area, including, but not limited to, establishing a policy and/or procedure that ensures that employees receive their annual performance appraisals as required by law and/or memorandum of understanding. Within 90 days of the date of this report, the POST 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 POST's response is attached as Attachment 1.

## **SPB REPLY**

Based upon the POST's written response, the POST 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.



COMMISSION ON  
PEACE OFFICER STANDARDS AND TRAINING

February 12, 2021



GAVIN NEWSOM  
GOVERNOR

XAVIER BECERRA  
ATTORNEY GENERAL

Mr. Alton Ford  
Compliance Review Manager  
Policy and Compliance Review Division  
State Personnel Board  
801 Capitol Mall  
Sacramento, CA 95814

Dear Mr. Ford:

The Commission on Peace Officer Standards and Training (POST) is submitting our Corrective Action Plan for each of the findings from the State Personnel Board's Compliance Review Report dated February 4, 2021.

POST takes compliance issues seriously and is committed to adhering to the rules and regulations of the State of California. The following details POST's responses for the seven findings identified in the compliance review:

**FINDING NO.1 - Probationary Evaluations Were Not Timely**

**RESPONSE**

POST Human Resources (HR) makes a good faith effort to inform supervisors and managers regarding the requirements of completing probationary evaluations. Supervisors and managers are provided the forms and due dates of probationary evaluations of their employees. POST supervisors and/or managers failed to issue three probationary evaluations timely. POST HR and executive management will continue to emphasize the importance of timely completion of probationary reports via email to the respective supervisor and/or manager.

**FINDING NO.2 -Written Justification Was Not Provided for all Services Contracts**

**RESPONSE**

POST understands the importance of ensuring there are adequate justifications for Personal Services Contracts (PSC). The Business Services Unit Manager was recently appointed and was not informed of this process for the PSC's. From this point forward, POST will ensure a properly documented justification is on file with the contract.

**FINDING NO.3 -Alternate Range Movements Did Not Comply with Civil Services Laws, Board Rules, and/or CalHR Policies and Guidelines**

**RESPONSE**

POST HR's Transaction Analyst failed to key the correct anniversary date and the Personnel Action Request (PAR) was not reviewed and approved by the POST HR manager prior to processing. POST HR had a process in place to review and

approve PARs prior to keying during this audit cycle; however, the process was temporarily not followed. POST HR has since corrected this issue and notified the employee of the overpayment.

**FINDING NO.4** - Department Did Not Properly Monitor Time Worked for All Positive Paid Employees

**RESPONSE**

POST HR makes a good faith effort to track hours worked for Positive Paid Employees. Prior to the end of the fiscal year, the POST HR's Transaction Analyst sends an email to all Positive Paid Employees notifying them of their hours remaining. The POST HR's Transaction Analyst also maintains a spreadsheet of all Positive Paid Employees and the hours worked; however, this has not been done consistently. POST HR will ensure Positive Paid Employees hours are recorded every month. POST HR will also ensure employees and their supervisors/managers are notified in April of hours remaining for the fiscal year.

**FINDING NO.5** - Department Has Not Implemented a Monthly Internal Audit Process to Verify All Leave Input is Keyed Accurately and Timely

**RESPONSE**

POST HR makes a good faith effort to process all leave into the California Leave Accounting System (CLAS) timely and accurately. Due to a lack of staff training and knowledge of the requirement, POST did not have a monthly internal audit process for verifying all leave was keyed accurately and timely in CLAS. POST HR's Transaction Analyst has been provided internal training and has created a process for verifying all leave is keyed accurately and timely. Additionally, POST HR's Transaction Analyst will take remedial training through the State Controller's Office.

**FINDING NO.6** - Department Did Not Retain Employee Time and Attendance Records

**RESPONSE**

POST HR makes a good faith effort to ensure an Absence and Additional Time Worked Report, STD. 634 is received monthly for every employee; however, POST HR lacked a tracking process to ensure this was completed. POST HR has created a process for verifying an Absence and Additional Time Worked Report, STD. 634 is received monthly for every employee.

**FINDING NO.7** - Performance Appraisals Were Not Provided to All Employees

**RESPONSE**

POST HR makes a good faith effort to inform supervisors and managers regarding the requirements of completing annual performance appraisals. Supervisors and managers are provided the forms and due dates of performance appraisals of their employees. POST supervisors and/or managers failed to issue seven annual performance appraisals timely. POST HR and executive management will continue to emphasize the importance of completing performance appraisals via email to the respective supervisor and/or manager.

Mr. Alton Ford  
Compliance Review Manager  
Policy and Compliance Review Division  
State Personnel Board  
Page 3

Thank you for the opportunity to respond to the draft report. If you have any questions, please contact Sonya Baland, Staff Services Manager II, Human Resources, at (916) 227-3927, or by email at [Sonya.Baland@post.ca.gov](mailto:Sonya.Baland@post.ca.gov).

Sincerely,

EXECUTIVE DIRECTOR

CC: Sonya Baland, Human Resources Manager

The Corrective Action Response (CAR) is an opportunity for departments to demonstrate necessary steps have been implemented to correct the non-compliant Findings (deficiency) found as a result of the Compliance Review.

For each non-compliant Finding, refer to the Corrective Action section of that Finding in the review report. Copies of relevant documentation demonstrating that the Corrective Action has been or is in the process of being corrected must be included with the CAR. Examples include, but are not limited to, updated internal policies or procedures (should be included for most findings), a training log for mandated training, and/or any new or updated forms, plans, or documents that have been implemented.

### CORRECTIVE ACTION RESPONSE

DEPARTMENT: Commission on Peace Officer Standards & Training (POST)	BRANCH/DIVISION/PROGRAM: Human Resources
CONTACT PERSON (NAME AND TITLE): Sonya Baland, Staff Services Manager II (Supervisory)	CORRECTIVE ACTION RESPONSE DATE: April, 2, 2021

FINDING (DEFICIENCY) BY NUMBER	ACTION ITEM(S) ALREADY OR TO BE COMPLETED	TIMEFRAME(S)	POLICY/PROCEDURE
Finding as stated in the report, by number	Description of 1) completed or planned corrective action(s) and 2) of supporting documentation	Actual or Estimated Completion Date	Is a copy of the updated Policy or Procedure Included?
Finding No, 1, Probationary Evaluations Were Not Timely	Human Resources (HR) informs supervisors and managers, via email, regarding the requirements of completing probationary evaluations timely. Supervisors and managers are provided the forms and due dates of probationary evaluations of their employees one month prior to the due date. HR provides a listing of any overdue probationary evaluations to the Executive Director monthly.	This action is completed monthly.	Yes, please see attached policy and emails.
Finding No, 2, Written Justification Was Not Provided for all Service Contracts	The Business Services Unit (BSU) manager was recently appointed and was not properly trained on the process for Personal Services Contracts (PSC). The BSU manager has been made aware of this requirement and will provide a written justification for all PSCs moving forward.	Ongoing	Yes, please see attached emails.

FINDING (DEFICIENCY) BY NUMBER	ACTION ITEM(S) ALREADY OR TO BE COMPLETED	TIMEFRAME(S)	POLICY/PROCEDURE
Finding No, 3, Alternate Range Movements Did Not Comply with Civil Service Laws, Rules, and CalHR Policies and Guidelines	HR has a process in place to review and approve Personnel Action Requests prior to keying; however, the process was temporarily not followed. HR has since corrected this issue and notified the employee of the overpayment.	The correction was made on November 13, 2020 and the employee was notified of the error on November 18, 2020.	Yes, please see attached emails, procedures, and letter to the employee.
Finding No, 4, Department Did Not Properly Monitor Time Worked for All Positive Paid Employees	HR maintains a spreadsheet of all Positive Paid Employees and the hours worked. HR will ensure Positive Paid Employee hours are recorded every month and will ensure employees' supervisors/managers are notified in April of hours remaining for the fiscal year.	This action is completed monthly.	Yes, please see attached emails and spreadsheet.
Finding No, 5, Department Has Not Implemented a Monthly Internal Audit Process to Verify All Leave Input is Keyed Accurately and Timely	The Transaction Analyst was not aware of the requirement to have a process to verify all leave was keyed accurately and timely and was never trained in this area. The Transaction Analyst has been provided internal training and will be attending remedial training through the State Controller's Office (SCO). Additionally, the Transaction Analyst has created a process to verify all leave is keyed accurately and timely by reconciling the Leave Balance Reports every month.	Internal training has been completed. The SCO training will be completed ASAP.  Moving forward, this action will be completed monthly.	Yes, please see attached emails.
Finding No, 6, Department Did Not Retain Employee Time and Attendance Records	HR retains every Absence and Additional Time Worked Report, STD. 634 that is received. However, HR lacked a process to ensure an Absence and Additional Time Worked Report, STD. 634 was received for every employee. HR has created an individual spreadsheet for each reporting unit with a listing of all employees in that unit. HR has implemented a process for ensuring the spreadsheet is completed and attached to the timesheets for that unit before they are received/accepted by HR.	Managers were notified of this process on March 2, 2021.  This action will be completed monthly.	Yes, please see attached policy and emails.
Finding No, 7, Performance Appraisals Were Not Provided to All Employees	HR informs supervisors and managers, via email, regarding the requirements of completing performance appraisals timely. Supervisors and managers are provided the forms and due dates of performance appraisals of their employees one month prior to the due date. HR provides a listing of any overdue performance appraisals to the Executive Director monthly.	This action is completed monthly.	Yes, please see attached policy and emails.