



COMPLIANCE REVIEW REPORT

CALIFORNIA DEPARTMENT OF PESTICIDE REGULATION

Compliance Review Unit
State Personnel Board
February 19, 2025

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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 Division (CRD) 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." The SPB and the 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 the 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, the 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 CRD 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 CRD conducted a routine compliance review of the California Department of Pesticide Regulation (CDPR) 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	Permanent Withhold Actions Complied with Civil Service Laws and Board Rules
Appointments	In Compliance	Appointments Complied with Civil Service Laws and Board Rules
Equal Employment Opportunity	In Compliance	Equal Employment Opportunity Program Complied with All Civil Service Laws and Board Rules
Personal Services Contracts	In Compliance	Personal Services Contracts Complied with Procedural Requirements
Mandated Training	Substantial Compliance	Ethics Training Was Not Provided for All Filers
Compensation and Pay	Very Serious	Incorrect Application of Salary Determination Laws, Rules, and CalHR Policies and Guidelines for Appointment
Compensation and Pay	Very Serious	Alternate Range Movements Did Not Comply with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	Substantial Compliance	Incorrect Authorization of Bilingual Pay
Compensation and Pay	In Compliance	Pay Differential Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines

Area	Severity	Finding
Compensation and Pay	Very Serious	Incorrect Authorization of Out-of-Class Pay ¹
Leave	In Compliance	Positive Paid Employees' Tracked Hours Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Leave	In Compliance	Administrative Time Off Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Leave	In Compliance	Leave Auditing and Timekeeping Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Policy	In Compliance	Nepotism Policy Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Policy	In Compliance	Workers' Compensation Process Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Policy	In Compliance	Performance Appraisal Policy and Processes Complied with Civil Service Laws and Regulations and CalHR Policies and Guidelines

BACKGROUND

Pest management plays an integral role in the stability of California's healthy food supply and protects the health of urban and rural communities and the environment.

To fulfill its mission to protect people and the environment, the CDPR evaluates all pesticides for risks and impacts to people or the environment before they can be registered for sales or use in California, continuously evaluates pesticides following registration to identify and mitigate risks, enforces pesticide use laws and regulations in partnership with County Agriculture Commissioners, and fosters safer, more sustainable pest management.

Through its work, the CDPR has advanced environmental justice, increased transparency and furthered its commitment to sustainable pest management for all Californians and the environment.

¹ Repeat finding. The CDPR's November 17, 2021, compliance review report identified one error out of seven out-of-class transactions reviewed.

The CDPR is funded by regulatory fees and has about 450 employees, including a large number of scientists from many different disciplines.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the CDPR's examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes². The primary objective of the review was to determine if the CDPR's personnel practices, policies, and procedures complied with state civil service laws and Board regulations, Bargaining Unit Agreements, CalHR policies and guidelines, CalHR Delegation Agreements, and to recommend corrective action where deficiencies were identified.

The CRD reviewed the CDPR's permanent withhold actions documentation, including Withhold Determination Worksheets, State applications (STD 678), class specifications, and withhold letters. The CDPR did not administer any examinations during the compliance review period.

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

The CDPR's appointments were also selected for review to ensure the CDPR applied salary regulations accurately and correctly processed employees' compensation and pay. The CRD examined the documentation that the CDPR 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 CRD reviewed specific documentation for the following personnel functions related to compensation and pay: bilingual pay, monthly pay differentials, alternate range movements, and out-of-class assignments. During the compliance review period, the CDPR did not issue or authorize red circle rate requests and arduous pay.

² Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

The review of the CDPR'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 CDPR's PSC's were also reviewed.³ It was beyond the scope of the compliance review to make conclusions as to whether the CDPR's justifications for the contracts were legally sufficient. The review was limited to whether the CDPR's practices, policies, and procedures relative to PSC's complied with procedural requirements.

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

The CRD reviewed the CDPR's monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely and ensure the department certified that all leave records have been reviewed and corrected if necessary. The CRD selected a small cross-section of the CDPR's units to ensure they maintained accurate and timely leave accounting records. Additionally, the CRD reviewed a selection of the CDPR employees who used Administrative Time Off (ATO) to ensure that ATO was appropriately administered. Further, the CRD reviewed a selection of CDPR positive paid employees whose hours are tracked during the compliance review period to ensure that they adhered to procedural requirements. During the compliance review period, the CDPR did not have any employees with non-qualifying pay period transactions.

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

On December 19, 2024, an exit conference was held with the CDPR to explain and discuss the CRD's initial findings and recommendations. The CRD received and carefully reviewed the CDPR's written response on January 6, 2025, which is attached to this final compliance review report.

³If an employee organization requests the SPB to review any personal services contract during the SPB compliance review period or prior to the completion of the final compliance review report, the SPB will not audit the contract. Instead, the SPB will review the contract pursuant to its statutory and regulatory process. In this instance, none of the reviewed PSC's were challenged.

FINDINGS AND RECOMMENDATIONS

Examinations

Permanent Withhold Actions

Departments are granted statutory authority to permit withhold of eligibles 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, February 1, 2023, through October 31, 2023, the CDPR conducted two permanent withhold actions. The CRD reviewed these two permanent withhold actions, which are listed below:

Exam Title	Exam ID	Date List Eligibility Began	Date List Eligibility Ended	Reason Candidate Placed on Withhold
Administrative Assistant I	0PBEM	12/29/22	4/20/23	Failed to Meet Minimum Qualifications
Environmental Scientist	9PB01	6/6/23	8/10/23	Failed to Meet Minimum Qualifications

IN COMPLIANCE	FINDING No. 1 PERMANENT WITHHOLD ACTIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES
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The CRD 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, January 1, 2023, through September 30, 2023, the CDPDR made 93 appointments. The CRD reviewed 21 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Accounting Officer (Specialist)	Certification List	Permanent	Full Time	1
Administrative Assistant I	Certification List	Permanent	Full Time	1
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	1
Associate Toxicologist	Certification List	Permanent	Full Time	2
Attorney	Certification List	Permanent	Full Time	1
Attorney III	Certification List	Permanent	Full Time	1
Attorney IV	Certification List	Permanent	Full Time	1
CEA	Certification List	Permanent	Full Time	1
Environmental Program Manager I (Supervisory)	Certification List	Permanent	Full Time	1
Environmental Scientist	Certification List	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Graduate Legal Assistant	Certification List	Permanent	Full Time	1
Information Technology Manager II	Certification List	Permanent	Full Time	1
Office Assistant (General)	Certification List	Limited Term	Full Time	1
Personnel Specialist	Certification List	Permanent	Full Time	1
Research Data Specialist II	Certification List	Permanent	Full Time	1
Senior Environmental Scientist (Supervisory)	Certification List	Permanent	Full Time	1
Staff Services Analyst	Certification List	Permanent	Full Time	1
Staff Services Manager I	Certification List	Permanent	Full Time	1
Staff Toxicologist (Specialist)	Certification List	Permanent	Full Time	1
Associate Governmental Program Analyst	Transfer	Permanent	Full Time	1

IN COMPLIANCE	FINDING No. 2 APPOINTMENTS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES
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The CDPR measured each applicant's ability to perform the duties of the job by conducting hiring interviews and selecting the best-suited candidates. For each of the 20 list appointments reviewed, the CDPR ordered a certification list of candidates ranked competitively. After properly clearing the certification lists including SROA, the selected candidates were appointed based on eligibility attained by being reachable within the first three ranks of the certification lists.

The CRD reviewed one CDPR appointment made via transfer. A transfer of an employee from a position under one appointing power to a position under another appointing power may be made if the transfer is to a position in the same class or in another class with substantially the same salary range and designated as appropriate by the executive officer. (Cal. Code Regs., tit. 2, § 425.) The CDPR verified the eligibility of each candidate to their appointed class.

The CRD found no deficiencies in the appointments that the CDPR initiated during the compliance review period. Accordingly, the CRD found that the CDPR's appointments processes and procedures utilized during the compliance review period satisfied civil service laws and Board rules.

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	FINDING NO. 3 EQUAL EMPLOYMENT OPPORTUNITY PROGRAM COMPLIED WITH ALL CIVIL SERVICE LAWS AND BOARD RULES
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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 CRD determined that the CDPR'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 Director of the CDPR. The CDPR 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 the 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, February 1, 2023, through October 31, 2023, the CDPR had seven PSC’s that were in effect. The CRD reviewed four of those, which are listed below:

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Ajwa Analytical Laboratories, LLC	Tarpaulin testing	\$201,600	Yes	Yes
California Agricultural Commissioners and Sealers Association	Maintenance and technical support for information technology systems	\$1,875,000	Yes	Yes
Michael A. O'Malley, M.D., M.P.H.	Medical consultation to protect from pesticide exposure	\$189,000	Yes	Yes
Trans-Lang	Interpretation services	\$249,999	Yes	Yes

IN COMPLIANCE	FINDING No. 4 PERSONAL SERVICES CONTRACTS COMPLIED WITH PROCEDURAL REQUIREMENTS
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The total dollar amount of all the PSC’s reviewed was \$2,515,599. It was beyond the scope of the review to make conclusions as to whether the CDPR justifications for the contract were legally sufficient. For all PSC’s reviewed, the CDPR provided specific and detailed factual information in the written justifications as to how each of the contracts met at least one condition set forth in Government Code section 19130, subdivision (b). Additionally, the CDPR complied with proper notification to all organizations that represent state employees who perform or could perform the type or work contracted as required by California Code of Regulations section 547.60.2. Accordingly, the CDPR PSC’s complied with civil service laws and board rules.

Mandated Training

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

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

Within 12 months of the initial appointment of an employee to a management or Career Executive Assignment (CEA) position, the employee shall be provided leadership training and development, as prescribed by the CalHR. (Gov. Code, § 19995.4, subds. (d) & (e).)

For management employees the training must be a minimum of 40 hours and for CEAs the training must be a minimum of 20 hours. (*Ibid.*)

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

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

The CRD reviewed the CDPR's mandated training program that was in effect during the compliance review period, November 1, 2021, through October 31, 2023. The CDPR's sexual harassment prevention training and supervisory training were found to be in compliance, while the CDPR's ethics training was found to be out of compliance.

SUBSTANTIAL COMPLIANCE	FINDING No. 5 ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS
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Summary: Although the CDPR provided ethics training to all 70 existing filers reviewed by the CRD, the CDPR did not provide ethics training to 1 of 46 new filers within 6 months of their appointment.

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

Severity: Substantial Compliance. The department has achieved 90% or more compliance in this area and has provided a response sufficient to address full compliance in the future; therefore, no corrective action is required.

Compensation and Pay

Salary Determination

The pay plan for state civil service consists of salary ranges and steps established by the CalHR. (Cal. Code Regs., tit. 2, § 599.666.) Several salary rules dictate how departments calculate and determine an employee's salary rate⁴ 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, January 1, 2023, through September 30, 2023, the CDPR made 93 appointments. The CRD reviewed 10 of those appointments to determine if the CDPR applied salary regulations accurately and correctly processed employees' compensation, which are listed below:

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Administrative Assistant I	Certification List	Permanent	Full Time	\$4,588
Associate Toxicologist	Certification List	Permanent	Full Time	\$7,152
Attorney	Certification List	Permanent	Full Time	\$7,162
Attorney III	Certification List	Permanent	Full Time	\$10,229
Attorney IV	Certification List	Permanent	Full Time	\$11,296
Environmental Program Manager I (Supervisory)	Certification List	Permanent	Full Time	\$11,611
Office Assistant (General)	Certification List	Limited Term	Full Time	\$3,063
Personnel Specialist	Certification List	Permanent	Full Time	\$4,092
Research Data Specialist II	Certification List	Permanent	Full Time	\$7,966
Staff Toxicologist (Specialist)	Certification List	Permanent	Full Time	\$8,630

⁴ "Rate" is any one of the salary rates in the resolution by the CalHR which establishes the salary ranges and steps of the Pay Plan (Cal. Code Regs., tit. 2, section 599.666).

SEVERITY: VERY SERIOUS	FINDING No. 6 INCORRECT APPLICATIONS OF SALARY DETERMINATION LAWS, RULES, AND CALHR POLICIES AND GUIDELINES FOR APPOINTMENT
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Summary: The CRD found 2 errors in the 10 salary determinations reviewed.

Classification	Description of Findings	Criteria
Attorney IV	Incorrect anniversary date. The employee was undercompensated.	Cal. Code Regs., tit. 2, section 599.676
Personnel Specialist	Incorrect range determination. The employee was undercompensated.	Cal. Code Regs., tit. 2, sections 599.673 and 599.681

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

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

Cause: The CDPR acknowledges this finding. The CDPR states that the first error was due to the anniversary date accidentally not being updated when the employee promoted to a new classification. The CDPR states that the second error was due to insufficient guidance from CalHR and SCO since there is no current written law, rule, policy, or guidance, nor training, that explains how to do salary determinations involving same-day range changes for list appointments for internal state employees to deep classes.

Corrective Action: Within 90 days of the date of this report, the CDPR 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 CDPR must establish an audit system to correct current compensation transactions as well as future transactions. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Alternate Range Movement Salary Determination (within same classification)

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

During the period under review, January 1, 2023, through September 30, 2023, the CDPR employees made 13 alternate range movements within a classification. The CRD reviewed nine of those alternate range movements to determine if the CDPR 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)
Environmental Scientist	B	C	Full Time	\$6,375
Environmental Scientist	B	C	Full Time	\$6,375
Staff Services Analyst	B	C	Full Time	\$4,588
Environmental Scientist	A	B	Full Time	\$5,037
Environmental Scientist	B	C	Full Time	\$6,375
Personnel Specialist	A	B	Full Time	\$4,300
Environmental Scientist	A	B	Full Time	\$5,037
Staff Services Analyst	A	B	Full Time	\$3,826
Staff Services Analyst	A	B	Full Time	\$3,900

SEVERITY: VERY SERIOUS	FINDING No. 7 ALTERNATE RANGE MOVEMENTS DID NOT COMPLY WITH CIVIL SERVICE LAWS, RULES, AND CALHR POLICIES AND GUIDELINES
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Summary: The CRD found two errors in the nine alternate range movements reviewed:

Classification	Description of Findings	Criteria
Staff Services Analyst	Incorrect anniversary date. Anniversary should have been 03/24 rather than 09/25.	Cal. Code Regs., tit. 2, section 599.674, subd. (b)
Staff Services Analyst	Incorrect anniversary date. Anniversary should have been 05/24 rather than 04/24.	Cal. Code Regs., tit. 2, section 599.673

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

Cause: The CDPR acknowledges this finding. The CDPR states the first error was due to the anniversary date not being updated when the employee had a range change. The CDPR states the second anniversary date error was due to incorrectly counting a non-qualifying pay period.

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

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, January 1, 2023, through September 30, 2023, the CDPR issued bilingual pay to 15 employees. The CRD reviewed 12 of these bilingual pay authorizations to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Bargaining Unit	Time Base	No. of Appts.
Environmental Scientist	R10	Full Time	8
Information Officer I (Specialist)	R01	Full Time	1
Senior Environmental Scientist (Specialist)	R10	Full Time	2
Special Investigator	R07	Full Time	1

SUBSTANTIAL COMPLIANCE	FINDING No. 8 INCORRECT AUTHORIZATION OF BILINGUAL PAY
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Summary: The CRD found 1 error in the 12 bilingual pay authorizations reviewed:

Classification	Description of Findings	Criteria
Environmental Scientist	Employee qualified for bilingual pay which didn't carry over when another transaction was keyed; result was undercompensation.	Gov. Code, § 7296, subd. (a)(3)

Criteria: For any state agency, a “qualified” bilingual employee, person, or interpreter is someone who the CalHR has tested and certified, someone who was tested and certified by a state agency or other

approved testing authority, and/or someone who has met the testing or certification standards for outside or contract interpreters as proficient in both the English language and the non-English language to be used. (Gov. Code, § 7296, subd. (a)(3).)

Severity: Substantial Compliance. The department has achieved 90% or more compliance in this area and has provided a response sufficient to address full compliance in the future; therefore, no corrective action is required.

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, January 1, 2023, through September 30, 2023, the CDPR authorized 17 pay differentials.⁵ The CRD reviewed 14 of these pay differentials to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Number of Positions	Pay Differential	Monthly Amount
Associate Toxicologist	1	434	2%
Associate Toxicologist	1	434	3%

⁵ For the purposes of CRD’s review, only monthly pay differentials were selected for review at this time.

Classification	Number of Positions	Pay Differential	Monthly Amount
Research Scientist III (Epidemiology/Biostatistics)	1	434	2%
Senior Toxicologist	1	434	3%
Staff Services Analyst	1	441	\$250
Staff Toxicologist (Specialist)	9	434	3%

IN COMPLIANCE	FINDING NO. 9	PAY DIFFERENTIAL AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRD found no deficiencies in the pay differentials that the CDPR authorized during the compliance review period. Pay differentials were issued correctly in recognition of unusual competencies, circumstances, or working conditions in accordance with applicable rules and guidelines.

Out-of-Class Assignments and Pay

For excluded⁶ 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.)

⁶ “Excluded employee” means an employee as defined in Government Code section 3527, subdivision (b) (Ralph C. Dills Act) except those excluded employees who are designated managerial pursuant to Government Code section 18801.1.

During the period under review, January 1, 2023, through September 30, 2023, the CDPHR issued OOC pay to four employees. The CRD reviewed these four OOC assignments to ensure compliance with applicable MOU provisions, salary regulations, and the CalHR's policies and guidelines. These are listed below:

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
Research Scientist III (Chemical Sciences)	R10	Senior Environmental Scientist (Supervisory)	10/7/22 – 1/31/23
Research Scientist III (Physical/Engineering Sciences)	R10	Senior Environmental Scientist (Supervisory)	2/6/23 – 4/6/23
Senior Environmental Scientist (Supervisory)	S10	Environmental Program Manager I (Supervisory)	8/1/22 – 3/2/23
Senior Environmental Scientist (Supervisory)	S10	Environmental Program Manager I (Supervisory)	11/3/22 – 3/24/23

SEVERITY: VERY SERIOUS	FINDING No. 10 INCORRECT AUTHORIZATION OF OUT-OF-CLASS PAY
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Summary: The CRD found two errors in the four OOC pay assignments reviewed. This is the second consecutive time this has been a finding.

Classification	Out-of-Class Classification	Description of Findings	Criteria
Senior Environmental Scientist (Supervisory)	Environmental Program Manager I (Supervisory)	OOO pay was incorrectly calculated without MSA; result was undercompensation.	Cal. Code Regs., tit. 2, § 599.810, subd. (d)
Senior Environmental Scientist (Supervisory)	Environmental Program Manager I (Supervisory)	OOO pay was incorrectly calculated without GEN and MSA; result was undercompensation.	Cal. Code Regs., tit. 2, § 599.810, subd. (d)

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

Cause: The CDPR acknowledges this finding. The CDPR states that the two incorrect OOC pay errors were due to not recalculating the OOC pay when salary increases (i.e. MSA, GEN) occurred during the OOC assignments.

Corrective Action: Within 90 days of the date of this report, the CDPR must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with the California Code of Regulations, title 2, section 599.810. 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 to continue the employment status for an employee until the completion of an examination, for seasonal type work, while attending school, or for consulting services.

An employee is appointed TAU-ATW when he/she is not expected to work all the working days of a month. When counting 189 days, every day worked, including partial days⁷ worked and paid absences⁸, are counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day are not limited by this rule. (*Ibid.*) The 12-consecutive month timeframe begins by counting the first pay period worked as the first month of the 12-consecutive month timeframe. (*Ibid.*) The employee shall serve no longer than 189 days in a 12 consecutive month period. (*Ibid.*) A new 189-days working limit in a 12-consecutive month timeframe may begin in the month immediately following the month that marks the end of the previous 12-consecutive month timeframe. (*Ibid.*)

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

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

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

⁷ For example, two hours or ten hours count as one day.

⁸ For example, vacation, sick leave, compensating time off, etc.

At the time of the review, the CDPR had 19 positive paid employees whose hours were tracked. The CRD reviewed 15 of these positive paid appointments to ensure compliance with applicable laws, regulations, policies and guidelines, which are listed below:

Classification	Tenure	Time Frame	Time Worked
Environmental Program Manager I (Supervisory)	Retired Annuitant	7/1/22 – 6/30/23	753 hours
Environmental Program Manager I (Supervisory)	Retired Annuitant	7/1/22 – 6/30/23	861 hours
Research Scientist III (Epidemiology/Biostatistics)	Retired Annuitant	7/1/22 – 6/30/23	932 hours
Research Scientist IV (Physical/Engineering Sciences)	Retired Annuitant	7/1/22 – 6/30/23	481 hours
Senior Environmental Scientist (Specialist)	Retired Annuitant	7/1/22 – 6/30/23	46.5 hours
Senior Environmental Scientist (Specialist)	Retired Annuitant	7/1/22 – 6/30/23	98.5 hours
Scientific Aid	Temporary	10/1/22 - 9/30/23	186 days
Scientific Aid	Temporary	12/2/21 – 11/30/22	115 days
Scientific Aid	Temporary	10/1/22 – 9/30/23	188 days
Scientific Aid	Temporary	7/1/22 – 6/30/23	113 days
Scientific Aid	Temporary	4/1/22 – 3/31/23	189 days
Scientific Aid	Temporary	2/1/22 – 1/31/23	188 days
Scientific Aid	Temporary	9/1/22 – 8/31/23	189 days
Scientific Aid	Temporary	9/1/22 – 8/31/23	177 days
Scientific Aid	Temporary	7/1/22 – 6/30/23	185 days

IN COMPLIANCE	FINDING NO. 11 POSITIVE PAID EMPLOYEES' TRACKED HOURS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRD found no deficiencies in the positive paid employees reviewed during the compliance review period. The CDPR provided sufficient justification and adhered to applicable laws, regulations and the CalHR's policy and guidelines for positive paid employees.

Administrative Time Off

ATO is a form of paid administrative leave status initiated by appointing authorities for a variety of reasons. (Human Resources Manual Section 2121.) Most often, ATO is used

when an employee cannot come to work because of a pending investigation, fitness for duty evaluation, or when work facilities are unavailable. (*Ibid.*) ATO can also be granted when employees need time off for reasons such as blood or organ donation, extreme weather preventing safe travel to work, states of emergency, voting, and when employees need time off to attend special events. (*Ibid.*)

During the period under review, August 2, 2022, through August 1, 2023, the CDPH authorized 101 ATO transactions. The CRD reviewed 25 of these ATO transactions to ensure compliance with applicable laws, regulations, and the CalHR's policy and guidelines, which are listed below:

Classification	Time Frame	Hours of ATO
Senior Environmental Scientist (Specialist)	8/18/22 – 8/23/22	32
Associate Governmental Program Analyst	8/2/22 – 8/4/22	27
Associate Governmental Program Analyst	11/18/22 – 11/23/22	40
Associate Governmental Program Analyst	9/2/22 – 9/9/22	39
Environmental Program Manager I (Supervisory)	11/28/22 – 11/29/22	16
Environmental Program Manager I (Supervisory)	8/5/22 – 8/12/22	48
Environmental Program Manager I (Supervisory)	7/24/23 – 8/1/23	56
Environmental Program Manager I (Supervisory)	8/2/22 – 8/4/23	24
Environmental Scientist	11/7/22	2
Environmental Scientist	9/19/22 – 9/20/22	9.5
Environmental Scientist	10/13/22 – 10/17/22	16
Environmental Scientist	8/15/22 – 8/19/22	40
Environmental Scientist	11/29/22	2
Environmental Scientist	10/25/22	2.5
Environmental Scientist	8/16/22 – 8/23/22	2.25
Environmental Scientist	9/12/22 – 9/16/22	40
Information Technology Specialist I	12/27/22 – 12/30/22	32
Information Technology Specialist I	1/3/2023	8
Information Technology Specialist I	12/1/22 – 12/2/22	16
Information Technology Specialist I	11/28/22 – 11/30/22	24
Information Technology Supervisor II	8/12/22 – 8/19/22	80
Research Scientist III (Chemical Sciences)	12/16/22	8
Research Scientist III (Epidemiology/Biostatistics)	8/25/22 – 8/29/22	24
Staff Toxicologist (Specialist)	9/22/22 – 9/23/22	16
Staff Services Analyst (General)	9/7/22	8

IN COMPLIANCE	FINDING No. 12 ADMINISTRATIVE TIME OFF AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRD found no deficiencies in the ATO transactions reviewed during the compliance review period. The ATO provided the proper documentation justifying the use of ATO and adhered to applicable laws, regulations and the CalHR’s policy and guidelines.

Leave Accounting

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

During the period under review, May 2, 2023, through August 1, 2023, the CDPR reported 23 units. The CRD reviewed seven units within three pay periods to ensure compliance with applicable laws, regulations and the CalHR’s policy and guidelines.

IN COMPLIANCE	FINDING No. 13 LEAVE ACCOUNTING COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRD reviewed leave records from three different leave periods to ensure compliance with applicable laws, regulations and the CalHR’s policy and guidelines. Based on our review, the CRD found no deficiencies. The CDPR utilized a monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely.

Policy and Processes

Nepotism

It is the policy of the State of California to hire, transfer, and promote all employees on the basis of merit and fitness in accordance with civil service statutes, rules and regulations. Nepotism is expressly prohibited in the state workplace because it is antithetical to California's merit based civil service. (Cal. Code Regs., tit. 2, § 87.) (*Ibid.*) All appointing powers shall adopt an anti-nepotism policy that includes the following components: (1) a statement that the appointing power is committed to merit-based hiring and that nepotism is antithetical to a merit-based civil service system; (2) a definition of "nepotism" as an employee's use of influence or power to hire, transfer, or promote an applicant or employee because of a personal relationship; (3) a definition of "personal relationship" as persons related by blood, adoption, current or former marriage, domestic partnership or cohabitation; (4) a statement that prohibits participation in the selection of an applicant for employment by anyone who has a personal relationship with the applicant, as defined in section 83.6; (5) a statement that prohibits the direct or first-line supervision of an employee with whom the supervisor has a personal relationship, as defined in section 83.6; (6) a process for addressing issues of direct supervision when personal relationships between employees exist. (*Ibid.*)

IN COMPLIANCE	FINDING NO. 14 NEPOTISM POLICY COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRD verified that the policy was disseminated to all staff and emphasized the C DPR's commitment to the state policy of hiring, transferring, and promoting employees on the basis of merit. Additionally, the C DPR's nepotism policy was comprised of specific and sufficient components intended to prevent favoritism, or bias, based on a personal relationship from unduly influencing employment decisions.

Workers' Compensation

Employers shall provide to every new employee, either at the time of hire or by the end of the first pay period, written notice concerning the rights, benefits, and obligations under workers' compensation law. (Cal. Code Regs., tit. 8, § 9880, subd. (a).) This notice shall include the right to predesignate their personal physician or medical group; a form that the employee may use as an optional method for notifying the employer of the name of employee's "personal physician," as defined by Labor Code section 4600. (Cal. Code

Regs., tit. 8, § 9880, subd. (c)(7) & (8).) Additionally, within one working day of receiving notice or knowledge that the employee has suffered a work-related injury or illness, employers shall provide a claim form and notice of potential eligibility for benefits to the injured employee. (Labor Code, § 5401, subd. (a).)

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

IN COMPLIANCE	FINDING NO. 15 WORKERS' COMPENSATION PROCESS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRD verified that the CDPR provides notice to their employees to inform them of their rights and responsibilities under California's Workers' Compensation Law. Furthermore, the CRD verified that when the CDPR 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 CRD selected 62 permanent CDPR employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations, policies and guidelines.

IN COMPLIANCE	FINDING No. 16 PERFORMANCE APPRAISAL POLICY AND PROCESSES COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRD found no deficiencies in the performance appraisals selected for review. Accordingly, the CDPR’s performance appraisal policy and processes satisfy civil service laws, Board rules, policies and guidelines.

DEPARTMENTAL RESPONSE

The CDPR’s departmental response is attached as Attachment 1.

SPB REPLY

Based upon the CDPR’s written response, the CDPR 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 CRD.



January 6, 2025

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

Dear Ms. Ambrose,

This letter is in response to the draft State Personnel Board (SPB) Compliance Review Report for the California Department of Pesticide Regulation (CDPR). CDPR appreciates the interactive opportunity to review and respond to the draft report. The Department recognizes the importance of evaluations to ensure personnel practices are properly applied and adhered to in accordance with civil service laws, rules and regulations.

CDPR has reviewed SPB's findings and detailed below are the Department's causes and corrective actions that will be taken.

1. FINDING NO. 6 – Incorrect Applications of Salary Determination Laws, Rules, and CalHR Policies and Guidelines For Appointment

Cause: DPR acknowledges this finding. The first error involving an incorrect anniversary date was due to the anniversary date accidentally not being updated when the employee promoted to a new classification. The second error involving an incorrect range determination was due to insufficient guidance from CalHR and SCO since there is no current written law, rule, policy, or guidance, nor training, that explains how to do salary determinations involving same-day range changes for list appointments for internal state employees to deep classes. When DPR inquired with SPB and SCO regarding same-day range changes for list appointments for internal state employees, the only relevant reference that was provided by SCO was a revoked Pinkie from 1975 that is no longer available to view on SPB's website.

Response: Now that DPR has been made aware of SPB's expectation for calculating salary determinations for list appointments for internal state employees to deep classes, the Department will implement a process change to align with SPB's expectation.

2. FINDING NO. 7 – Alternate Range Movements Did Not Comply With Civil Service Laws, Rules and CalHR Policies and Guidelines

Cause: DPR acknowledges this finding. The first error involving an incorrect anniversary date was due to the anniversary date not being updated when the employee had a range change. The second error involving an incorrect anniversary date was due to incorrectly counting a non-qualifying pay period.

Response: DPR will continue to ensure that Transactions staff attend the necessary training with SCO (i.e. salary determinations, fundamentals of personnel) so that they are aware of how to correctly determine anniversary dates and qualifying pay periods. The Department will also review its process for range changes and create a job aid that details the steps of processing a range change.

3. FINDING NO. 10 – Incorrect Authorization of Out-Of-Class Pay

Cause: DPR acknowledges this finding. The two errors involving incorrect calculations of out-of-class pay were due to not re-calculating the out-of-class pay when salary increases (i.e. MSA, GEN) occurred during the out-of-class assignments.

Response: DPR will review its current process for processing out-of-class assignments and create a job aid for calculating out-of-class pay. The job aid will include a reminder to consider any salary increases that impact the out-of-class pay during the out-of-class assignment.

Thank you again for the opportunity to review and respond to the draft SPB Compliance Review Report. We anticipate that the proposed changes will positively impact our processes. If you have any questions, please contact Melissa Paden, Human Resources Chief at 916-322-4553 or by email at Melissa.Paden@cdpr.ca.gov.

Sincerely,

Christina Bugai

Christina Bugai, Deputy Director, Administrative Services Division
California Department of Pesticide Regulation