

COMPLIANCE REVIEW REPORT

CALIFORNIA TRANSPORTATION COMMISSION

Compliance Review Unit State Personnel Board October 11, 2024

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INTRODUCTION

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

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

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

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

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

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

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

EXECUTIVE SUMMARY

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

Area	Severity	Finding
Examinations	In Compliance	Examinations Complied with Civil Service Laws and Board Rules
Appointments	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	Serious	Unions Were Not Notified of Personal Services Contracts ¹
Mandated Training	Very Serious	Supervisory Training Was Not Provided for All Supervisors, Managers, and CEAs
Mandated Training	Very Serious	Sexual Harassment Prevention Training Was Not Provided for All Supervisors ²
Compensation and Pay	In Compliance	Salary Determinations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	In Compliance	Pay Differential Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	Very Serious	Incorrect Authorization of Out-of-Class Pay ³

¹ Repeat finding. The CTC's November 19, 2020, compliance review report identified that the CTC did not provide seven Union notifications for the seven PSC's that were reviewed.

² Repeat finding. The CTC's November 19, 2020, compliance review report identified that the CTC did not provide sexual harassment prevention training, every 2 years, to 7 of 13 existing supervisors.

³ Repeat Finding. The CTC's November 19, 2020, compliance review report identified that the CTC issued Out-of-Class Pay to one out of one employee reviewed resulting in the overcompensation of the employee due to incorrect calculation.

Area	Severity	Finding
Leave	In Compliance	Positive Paid Employees' Tracked Hours Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	Serious	Department Did Not Certify That All Leave Records Were Reviewed
Policy	In Compliance	Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	In Compliance	Workers' Compensation Process Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Serious	Performance Appraisals Were Not Provided to All Employees ⁴

BACKGROUND

The CTC is an independent public agency dedicated to ensuring a safe, financially sustainable, world-class multimodal transportation system that reduces congestion, improves the environment, and facilitates economic development through the efficient movement of people and goods.

The agency is responsible for programming and allocating funds for the construction of highways, passenger rail, transit and active transportation improvements throughout California. The CTC also advises and assists the Secretary of the California State Transportation Agency and the Legislature in formulating and evaluating state policies and plans for California's transportation programs. The CTC is an active participant in the initiation and development of State and Federal legislation that seeks to secure financial stability for the State's transportation needs.

The CTC consists of eleven voting members and two non-voting ex-officio members. Of the eleven voting members, nine are appointed by the Governor, one is appointed by the Senate Rules Committee, and one is appointed by the Speaker of the Assembly. The two

⁴ Repeat Finding. The CTC's November 19, 2020, compliance review report identified that the CTC did not provide performance appraisals to two out of six employees reviewed after the completion of the employee's probationary period. Additionally, the CTC's June 12, 2018, compliance review report identified that the CTC did not provide performance appraisals to two out of two employees after completion of the employee's probationary period.

ex-officio non-voting members are appointed from the State Senate and Assembly, usually the respective chairs of the transportation policy committee in each house.

During fiscal year 2023-24, the CTC had 44 authorized positions. The California Department of Transportation (Caltrans) performs human resources operations for the CTC.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the CTC's examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes⁵. The primary objective of the review was to determine if the CTC'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 CTC's examinations was selected for review to ensure that samples of various examination types, classifications, and levels were reviewed. The CRU examined the documentation that the CTC provided, which included examination plans, examination bulletins, job analyses, and scoring results. The CTC did not conduct any permanent withhold actions during the compliance review period.

A cross-section of the CTC's appointments was selected for review to ensure that samples of various appointment types, classifications, and levels were reviewed. The CRU examined the documentation that the CTC 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 CTC did not conduct any unlawful appointment investigations during the compliance review period. Additionally, the CTC did not make any additional appointments during the compliance review period.

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

⁵ Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

employment and pay history and any other relevant documentation such as certifications, degrees, and/or the appointee's application. Additionally, the CRU reviewed specific documentation for the following personnel functions related to compensation and pay monthly pay differentials and out-of-class assignments.

During the compliance review period, the CTC did not issue or authorize hiring above minimum requests, alternate range movement, red circle rate requests, arduous pay, or bilingual pay.

The review of the CTC'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 CTC's PSC's were also reviewed.⁶ It was beyond the scope of the compliance review to make conclusions as to whether the CTC's justifications for the contracts were legally sufficient. The review was limited to whether the CTC's practices, policies, and procedures relative to PSC's complied with procedural requirements.

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

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

Further, the CRU reviewed a selection of CTC's positive paid employees whose hours are tracked during the compliance review period in order to ensure that they adhered to procedural requirements.

⁶If 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.

During the compliance review period, the CTC did not have any employees with nonqualifying pay period transactions. The CTC also did not authorize Administrative Time Off.

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

The CTC declined to have an exit conference to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the CTC's written response on September 13, 2024, 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, January 1, 2023, through December 31, 2023, the CTC conducted two examinations. The CRU reviewed two of those examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Career Executive Assignment (CEA) B, Deputy Director, Legislation and Finance	CEA	Statement of Qualifications (SOQ) ⁷	10/26/2023	5
CEA C, Chief Deputy Director	CEA	SOQ	7/26/2023	14

IN COMPLIANCE	FINDING NO. 1	EXAMINATIONS COMPLIED WITH CIVIL SERVICE LAWS
		AND BOARD RULES

The CRU reviewed two CEA examinations which the CTC administered in order to create eligible lists from which to make appointments. The CTC published and distributed examination bulletins containing the required information for all examinations. Applications received by the CTC 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 CTC conducted 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.)*

⁷ In a Statement of Qualifications examination, applicants submit a written summary of their qualifications and experience related to a published list of desired qualifications. Raters, typically subject matter experts, evaluate the responses according to a predetermined rating scale designed to assess their ability to perform in a job classification, assign scores and rank the competitors in a list.

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 December 21, 2023 the CTC made 12 appointments. The CRU reviewed four of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Associate Governmental Program Analyst	Certification List	Limited Term	Full Time	1
Supervising Transportation Planner	Certification List	Limited Term	Full Time	1
Senior Transportation Engineer, Caltrans	Transfer	Permanent	Full Time	1
Senior Transportation Planner	Transfer	Limited Term	Full Time	1

IN COMPLIANCE	FINDING NO. 2	APPOINTMENTS COMPLIED WITH CIVIL SERVICE LAWS
		AND BOARD RULES

The CTC 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 two list appointments reviewed, the CTC 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 CRU reviewed two CTC appointments 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 CTC verified the eligibility of each candidate to their appointed class.

The CRU found no deficiencies in the appointments that the CTC initiated during the compliance review period. Accordingly, the CRU found that the CTC'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).)

Pursuant to Government Code section 19795, subdivision (a), in a state agency with less than 500 employees, like CTC, the EEO Officer may be the Personnel Officer.

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

IN COMPLIANCE	FINDING NO. 3	EQUAL EMPLOYMENT OPPORTUNITY PROGRAM
		COMPLIED WITH ALL CIVIL SERVICE LAWS AND BOARD
		Rules

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 CTC'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 CTC. The CTC also provided evidence of its efforts to promote EEO in its hiring and employment practices and to increase its hiring of persons with a disability.

Personal Services Contracts

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

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

During the period under review, January 1, 2023, through December 31, 2023, the CTC had four PSC's that were in effect. The CRU reviewed all four PSC's, which are listed below:

Vendor	Services	Contract Amount	Justification Identified?	Union Notification?
Milestone Solutions, LLP	Transportation Development and Design	\$200,000	Yes	No
Nichols Consulting Engineers, Chtd.	Engineering Consultant Services	\$299,848	Yes	No
Tamika L. Butler Consulting, LLC	Transportation Planning Consultant Services	\$5,000	Yes	Yes
University of California, Davis	Road Charge Rate Research	\$152,926	Yes	No

Severity: Serious	FINDING NO. 4 UNIONS WERE NOT NOTIFIED OF PERSONAL SERVICES CONTRACTS
Summary:	The CTC did not notify unions prior to entering into three of the four PSC's reviewed. This is the second consecutive time this has been a finding for the CTC.
Criteria:	Before a state agency executes a contract or amendment to a contract for personal services conditions specified within Government Code section 19130, subdivision (b), the agency shall notify all organizations that represent state employees who perform or could perform the type of work that is called for within the contract, unless exempted under Government Code section 19132, subdivision (b)(1). (Cal. Code Regs., tit. 2, § 547.60.2.)
Severity:	<u>Serious</u> . Unions must be notified of impending personal services contracts in order to ensure they are aware contracts are being proposed for the type of work that their members could perform.
Cause:	The CTC acknowledges that unions were not notified due to a lack of adequate staffing. The CTC states that new management and a dedicated contracts analyst have been hired. The CTC further states that the new contracts analyst has been trained and utilizes the CTC's contract checklist.
Corrective Actior	n: Departments are responsible for notifying all organizations that represent state employees who perform or could perform the type of work to be contracted prior to executing a PSC. The PSC's reviewed

represent state employees who perform or could perform the type of work to be contracted prior to executing a PSC. The PSC's reviewed during this compliance review involved several services and functions which various rank-and-file civil service classifications perform. The CTC asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the CTC must submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure conformity with the requirements of California Code of Regulations section 547.60.2.

Mandated Training

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

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

Within 12 months of the initial appointment of an employee to a management or Career Executive Assignment (CEA) position, the employee shall be provided leadership training and development, as prescribed by CalHR. (Gov. Code, § 19995.4, subds. (d) & (e).) For management employees the training must be a minimum of 40 hours and for CEAs the training must be a minimum of 20 hours. (*Ibid*.)

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

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

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

The CRU reviewed the CTC's mandated training program that was in effect during the compliance review period, January 1, 2022, through December 31, 2023. The CTC's ethics training was found to be in compliance, while the CTC's supervisory training and sexual harassment prevention training were found to be out of compliance.

SEVERITY: I VERY SERIOUS		SUPERVISORY TRAINING WAS NOT PROVIDED FOR ALL SUPERVISORS, MANAGERS, AND CEAS		
Summary:		ot provide managerial training to 1 of 2 new managers hs of appointment.		
Criteria:	each employe	Upon initial appointment of an employee to a managerial position, each employee must receive 40 hours of leadership training within 12 months of appointment. (Gov. Code, § 19995.4, subd. (d).)		
Severity:	properly traine	The department does not ensure its leaders are ed. Without proper training, leaders may not properly leadership roles, including managing employees.		
Cause:	training progra with a former appointment to was required to the first year.	es that the employee in question completed a 40-hour am upon initial appointment to a supervisory position employer. The CTC misunderstood that upon initial to a managerial position with the CTC, the employee to take an additional 40-hour leadership training within The CTC further states they are committed to ensuring isors, managers, and leaders receive the necessary I their roles effectively.		
Corrective Action	SPB a writter corrections th supervisors, n development required by Go documentation	s of the date of this report, the CTC must submit to the n corrective action response which addresses the e department will implement to ensure that new nanagers, and CEAs are provided leadership and training within twelve months of appointment as overnment Code section 19995.4. Copies of relevant n demonstrating that the corrective action has been nust be included with the corrective action response.		

SEVERITY:	FINDING NO. 6	SEXUAL HARASSMENT PREVENTION TRAINING WAS
VERY SERIOUS		NOT PROVIDED FOR ALL EMPLOYEES

- **Summary:** While the CTC provided sexual harassment prevention training to its 22 existing non-supervisors as required every 2 years, it did not provide sexual harassment prevention training to 3 of 24 existing supervisors every 2 years and 2 of 2 new supervisors within 6 months of appointment. This is the second consecutive time this has been a finding for the CTC.
- **Criteria:** Each department must provide its supervisors two hours of sexual harassment prevention training every two years and non-supervisory employees one hour of sexual harassment prevention training every two years. New employees must be provided sexual harassment prevention training within six months of appointment. (Gov. Code, § 12950.1, subds. (a) and (b); Gov. Code § 19995.4.)
- Severity: <u>Very Serious.</u> The department does not ensure that all new and existing supervisors are properly trained to respond to sexual harassment or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. This limits the department's ability to retain a quality workforce, impacts employee morale and productivity, and subjects the department to litigation.
- Cause: The CTC states that it utilizes Caltrans' Learning Management System to track training. However, it was misunderstood that staff in supervisory positions who are not supervising must take sexual harassment prevention training for supervisors. This has since been corrected and incorporated into the onboarding process. A new CTC Training Coordinator has been designated.
- **Corrective Action:** The CTC asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the CTC must submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure that all employees are provided sexual harassment prevention training in accordance with Government Code section 12950.1.

Compensation and Pay

Salary Determination

The pay plan for state civil service consists of salary ranges and steps established by CalHR. (Cal. Code Regs., tit. 2, § 599.666.) Several salary rules dictate how departments calculate and determine an employee's salary rate⁸ 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 December 21, 2023, the CTC made 12 appointments. The CRU reviewed 3 of those appointments to determine if the CTC applied salary regulations accurately and correctly processed employees' compensation, which are listed below:

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Associate Governmental Program Analyst	Certification List	Limited Term	Full Time	\$5518
Supervising Transportation Planner	Certification List	Limited Term	Full Time	\$9868
Senior Transportation Planner	Transfer	Limited Term	Full Time	\$8817

IN COMPLIANCE	FINDING NO. 7	SALARY DETERMINATIONS COMPLIED WITH CIVIL
		SERVICE LAWS, BOARD RULES, AND CALHR POLICIES
		AND GUIDELINES

The CRU found no deficiencies in the salary determinations that were reviewed. The CTC 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.

⁸ "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).

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 December 21, 2023, the CTC authorized one pay differential. ⁹ The CRU reviewed this pay differential to ensure compliance with applicable CalHR policies and guidelines, which is listed below:

Classification	Pay Differential	Monthly Amount
Principal Transportation Engineer, CalTrans	433-Longevity Pay	5.5% of base salary

IN COMPLIANCE	FINDING NO. 8	PAY DIFFERENTIAL AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR
		POLICIES AND GUIDELINES

The CRU found no deficiencies in the one pay differential that the CTC 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.

⁹ For the purposes of CRU's review, only monthly pay differentials were selected for review at this time.

Out-of-Class Assignments and Pay

For excluded¹⁰ 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 shortterm OOC assignments to meet temporary staffing needs. Should OOC work become necessary, the assignment would be made pursuant to the applicable MOU provisions or salary regulations. Before assigning the OOC work, the department should have a plan to correct the situation before the time period outlined in applicable law, policy or MOU expires. (Classification and Pay Guide Section 375.)

During the period under review, January 1, 2023, through December 21, 2023, the CTC issued OOC pay to three employees. The CRU reviewed all three OOC assignments to ensure compliance with applicable MOU provisions, salary regulations, and CalHR policies and guidelines. These are listed below:

Classification	Collective Bargaining Identifier	Out-of-Class Classification	Time Frame
Associate Transportation Planner	R01	Senior Transportation Planner	11/07/22-3/6/23
CEA B	M01	CEA C	4/17/23-9/30/23
Staff Services Manager II	S01	CEA A	4/25/23-9/30/23

¹⁰ "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.

SEVERITY:	FINDING NO. 9	INCORRECT AUTHORIZATION OF OUT-OF-CLASS PAY
VERY SERIOUS		

Summary: The CRU found one error in the three OOC pay assignments reviewed:

Classification	Out-of-Class Classification	Description of Findings	Criteria
CEA B	CEA C	Employee was overcompensated for 90 days out of 120 days of out-of-class pay while performing the duties at the higher-level classification.	Pay Differential 101

- Criteria: Excluded: managerial and supervisory assignments must be made in advance and in writing. Assignments may exceed 120 calendar days with a proper certification of need statement on file for review. The authority to pay managerial OOC compensation is delegated to any appointing power and shall commence on the 91st day of the OOC assignment. The OOC assignment shall not exceed one year.
- Severity: <u>Very Serious.</u> The CTC failed to comply with the state civil service pay plan by incorrectly applying compensation laws and rules in accordance with CalHR's policies and guidelines. This results in civil service employees receiving incorrect and/or inappropriate compensation.
- Cause: The CTC states that they understand the importance of ensuring appropriate authorization of OOC pay, and that the identified error will be reviewed. The CTC contracts with Caltrans for Human Resource Services covered by this audit, including OOC compensation. The unit at Caltrans responsible for handling OOC processing has experienced staff turnover recently.
- **Corrective Action:** The CTC asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the CTC must submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure conformity with California Code of Regulations, title 2, section 599.810 and Pay Differential 101.

<u>Leave</u>

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 days¹¹ worked and paid absences¹², 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.

¹¹ For example, two hours or ten hours count as one day.

¹² For example, vacation, sick leave, compensating time off, etc.

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

Classification	Tenure	Time Frame	Hours Worked
Student Assistant	Temporary	3/25/2023-3/25/2024	1009
Student Assistant	Temporary	3/25/2023-3/25/2024	725
Student Assistant	Temporary	3/25/2023-3/25/2024	936
Supervising Transportation Engineer	Retired Annuitant	7/1/2022-6/30/2023	119
Supervising Transportation Planner	Retired Annuitant	7/1/2022-6/30/2023	567

IN COMPLIANCE	FINDING NO. 10	POSITIVE PAID EMPLOYEES' TRACKED HOURS
		COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES,
		AND/OR CALHR POLICIES AND GUIDELINES

The CRU found no deficiencies in the positive paid employees reviewed during the compliance review period. The CTC provided sufficient justification and adhered to applicable laws, regulations and CalHR policy and guidelines for positive paid employees.

Leave Auditing and Timekeeping

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

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

During the period under review, July 1, 2023, through September 30, 2023, the CTC reported one unit comprised of 44 total active employees. The pay periods and timesheets reviewed by the CRU are summarized below:

Timesheet Leave Period	Unit Reviewed	No. of Employees	No. of Timesheets Reviewed	No. of Missing Timesheets
July 2023	004	18	18	0
August 2023	004	18	18	0
September 2023	004	18	18	0

SEVERITY:	FINDING NO. 11	DEPARTMENT DID NOT CERTIFY THAT ALL LEAVE
SERIOUS		RECORDS WERE REVIEWED

Summary: The CTC failed to certify that all leave records have been reviewed and corrected if necessary for three out of the three units and pay periods reviewed.

- **Criteria:** Each appointing power shall keep complete and accurate time and attendance records for each employee and officer employed within the agency over which it has jurisdiction. (Cal. Code Regs., tit. 2, § 599.665.) Departments are directed to create an audit process to verify all leave input is keyed accurately and timely. (Human Resources Manual Section 2101.) Departments shall identify and record all errors found and shall certify that all leave records for the unit/pay period identified have been reviewed and all leave errors identified have been corrected. (*Ibid.*) Attendance records shall be corrected by the pay period following the pay period in which the error occurred. (*Ibid.*)
- Severity: <u>Serious.</u> Departments must document that they reviewed all leave inputted into their leave accounting system to ensure accuracy and timeliness. Failure to audit leave could put the department at risk of incurring additional costs from the initiation of collection efforts from overpayments, and the risk of liability related to recovering inappropriately credited leave hours and funds.
- Cause:The CTC states that during the compliance review period, the
Caltrans Office of Transactions Services experienced a high
turnover rate at various levels, which has led to staffing instability
and difficulty with knowledge transfer and oversight. Caltrans

continues to train and educate staff on the processes they have in place to verify information related to this finding.

Corrective Action: The CTC asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the CTC must submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure that their monthly internal audit process is documented and that all leave input is keyed accurately and timely. The CTC must incorporate completion of Leave Activity and Correction Certification forms for all leave records even when errors are not identified or corrected.

Policy and Processes

<u>Nepotism</u>

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. 12	NEPOTISM POLICY COMPLIED WITH CIVIL SERVICE
		LAWS, BOARD RULES, AND/OR CALHR POLICIES AND
		Guidelines

The CRU verified that the policy was disseminated to all staff and emphasized the CTC's commitment to the state policy of hiring, transferring, and promoting employees on the basis of merit. Additionally, the CTC's 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. 13	WORKERS' COMPENSATION PROCESS COMPLIED WITH
		CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR
		POLICIES AND GUIDELINES

The CRU verified that the CTC 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 CTC received workers' compensation claims, they properly provided claim forms within one working day of notice or knowledge of injury.

In this case, the CTC did not employ volunteers during the compliance review period.

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 23 permanent CTC employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations, policies and guidelines.

SEVERITY:	FINDING NO. 14	PERFORMANCE APPRAISALS WERE NOT PROVIDED TO
SERIOUS		ALL EMPLOYEES

- Summary: The CTC did not provide annual performance appraisals to 4 of 23 employees reviewed after the completion of the employee's probationary period. This is the third consecutive time this has been a finding for the CTC.
 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
- **Severity:** <u>Serious.</u> The department does not ensure that all employees are apprised of work performance issues and/or goals in a systematic manner.

period. (Cal. Code Regs., tit. 2, § 599.798.)

- Cause: The CTC states that supervisors and managers did not complete the performance appraisals timely due to workload demands. To ensure compliance moving forward, the CTC states they will continue to utilize the established tracking worksheet and added calendar reminders for all supervisors and managers. Additionally, expectation memorandums have been updated to require employee performance appraisals to be performed annually in January.
- **Corrective Action:** The CTC asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the CTC must submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure conformity

with Government Code section 19992.2 and California Code of Regulations, title 2, section 599.798.

DEPARTMENTAL RESPONSE

The CTC's departmental response is attached as Attachment 1.

SPB REPLY

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



CALIFORNIA TRANSPORTATION COMMISSION

1120 N STREET, MS-52 | SACRAMENTO, CA 95814 (916) 654-4245 http://www.catc.ca.gov

STATE OF CALIFORNIA GAVIN NEWSOM, Governor



September 13, 2024

Ms. Suzanne M. Ambrose Executive Officer State Personnel Board 801 Capitol Mall, Suite 1200 Sacramento, CA 95814

Dear Ms. Ambrose:

The California Transportation Commission (CTC) submits this letter in response to the State Personnel Board (SPB) Compliance Review Unit's (CRU) recent compliance review. As requested, the CTC acknowledges the findings and provides the cause for each of the CRU's findings as follows.

FINDING NO. 4: UNIONS WERE NOT NOTIFIED OF PERSONAL SERVICES CONTRACTS

CRU Summary:

The CTC did not notify unions prior to entering into three of the four PSC's reviewed. This is the second consecutive time this has been a finding for the CTC.

CTC Cause/Response:

The CTC acknowledges the above finding. New management and a dedicated contracts analyst have been hired. The CTC takes this matter seriously and is committed to ensuring Union notifications are submitted for all Personal Services Contracts. The new contract analyst has been trained and utilizes the CTC's contract checklist which reflects this important step accordingly.

FINDING NO. 5: SUPERVISORY TRAINING WAS NOT PROVIDED FOR ALL SUPERVISORS, MANAGERS, AND CEAS

CRU Summary:

The CTC did not provide manager training to 1 of 2 new managers within 12 months of appointment.

CARL GUARDINO, Chair DARNELL GRISBY, Vice Chair JAY BRADSHAW JOSEPH CRUZ LEE ANN EAGER JASON ELLIOT CLARISSA FALCON ADONIA E. LUGO, PH.D. ZAHIRAH MANN BOB TIFFANY ASSEMBLY MEMBER LORI D. WILSON, EX OFFICIO SENATOR DAVE CORTESE, EX OFFICIO TANISHA TAYLOR, Executive Director

CTC Cause/Response:

The CTC acknowledges this finding. The manger in question completed the 40-hour manager training with Caltrans, which the CTC interpreted as fulfilling the management training requirement. It was misunderstood, that the appointment with the CTC required the additional 40-hour leadership training within the first year. The CTC is committed to ensuring that all supervisors, managers, and leaders receive the necessary training to fulfill their roles effectively.

FINDING NO. 6: SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL EMPLOYEES

CRU Summary:

While the CTC provided sexual harassment prevention training to its 22 existing nonsupervisors as required every 2 years, it did not provide sexual harassment prevention training to 3 of 24 existing supervisors every 2 years and 2 of 2 new supervisors within 6 months of appointment. This is the second consecutive time this has been a finding for the CTC.

CTC Cause/Response:

The CTC acknowledges the above findings. The CTC has designated a staff person to be the Training Coordinator to track training completion. In addition, the CTC utilizes Caltrans' Learning Management System to track training. The CTC Training Coordinator has made significant progress in learning their role, however in the case of the two new supervisors, it was misunderstood that staff in supervisory positions that are not supervising (no direct reports) must take the Sexual Harassment training for supervisors. This has since been corrected and incorporated into the onboarding process.

The CTC continues to strive to ensure all supervisors are properly trained to respond to sexual harassment circumstances. The CTC has implemented sending the training tracker to all managers and supervisors monthly to mitigate any delinquent training moving forward.

FINDING NO. 9: INCORRECT AUTHORIZATION OF OUT-OF-CLASS PAY

CRU Summary:

The CRU found one error in the three OOC pay assignments reviewed.

CTC Cause/Response:

The CTC understands the importance of ensuring Out-of-Class (OOC) pay is authorized appropriately and will review the identified error. The CTC contracts with Caltrans for Human Resource services covered by this audit, including OOC compensation. The unit at Caltrans responsible for handling OOC processing has experienced turnover recently and they have used the opportunity to update and provide training and education as it relates to the application of OOC rules, laws, and regulations to the staff who process these items. Caltrans will utilize the resources provided by the California Department of Human Resources (CalHR) and the State Controller's Office (SCO) for calculating out of class payments as appropriate.

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Additionally, Caltrans has developed an OOC calculator to assist in ensuring that the applicable rules are applied based on important factors such as the Collective Bargaining Identifier (CBID) entitlements.

FINDING NO. 11: DEPARTMENT DID NOT CETRIFY THAT ALL LEAVE RECORDS WERE REVIEWED

CRU Summary:

The CTC failed to certify that all leave records have been reviewed and corrected if necessary for three out of the three units and pay periods reviewed.

CTC Cause/Response:

The CTC acknowledges the above finding. During the period covered by the Audit, the Caltrans Office of Transactions Services experienced a high turnover rate at various levels, which has led to staffing instability and difficulty with knowledge transfer and oversight. Caltrans continues to train and educate staff on the processes they have in place to verify information related to this finding. Currently they compare what has been recorded in the Leave Accounting System (LAS) as accrued/earned or used by each employee to their attendance record for the pay period by using the Leave Activity Balance (LAB) reports. They will continue to compare what has been recorded in the LAS as accrued/earned for each employee and compare it to their attendance record for the pay period, by notating what was used in the pay period to the LAB reports. They will correct any deficits in the LAS and notate any time used or time that was supplemented and make the corrections by using the certification form.

FINDING NO. 14: PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES

CRU Summary:

The CTC did not provide annual performance appraisals to 4 of 23 employees reviewed after the completion of the employee's probationary period. This is the third consecutive time this has been a finding for the CTC.

CTC Cause/Response:

The CTC acknowledges the above finding. Three of the four missing performance appraisals were received shortly after the due date 5/6/24 to provide missing documents to SPB. The last missing performance appraisal is for a CEA position. The CTC's policy is to provide real-time feedback to CEA positions with the understanding those positions are at-will. As with training, the CTC is committed to ensuring all staff in all classifications are apprised of work performance accomplishments, issues, and/or goals.

To ensure compliance moving forward we will continue to utilize the established tracking worksheet and added calendar reminders for all supervisors and managers. Lastly, the manager and supervisor expectation memorandums have been updated to require employee performance appraisals be performed annually in January.

September 13, 2024 Page 4

The CTC would like to thank the State Personnel Board for their work and recommendations to improve personnel practices moving forward. If you have any further questions or concerns, please do not hesitate to contact me via email at <u>KC.Handren@catc.ca.gov</u>.

Sincerely,

KC Handren

KC HANDREN Deputy Director Administration and Financial Management

Attachment: Training Certificate