



COMPLIANCE REVIEW REPORT

CALIFORNIA STATE COASTAL CONSERVANCY

Compliance Review Unit
State Personnel Board
June 13, 2023

TABLE OF CONTENTS

INTRODUCTION	1
EXECUTIVE SUMMARY	2
BACKGROUND	3
SCOPE AND METHODOLOGY	3
FINDINGS AND RECOMMENDATIONS	5
EXAMINATIONS.....	5
APPOINTMENTS.....	7
EQUAL EMPLOYMENT OPPORTUNITY	9
MANDATED TRAINING	11
COMPENSATION AND PAY	14
LEAVE.....	18
POLICY AND PROCESSES.....	22
DEPARTMENTAL RESPONSE.....	26
SPB REPLY	26

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 State Coastal Conservancy (SCC) personnel practices in the areas of examinations, appointments, EEO, PSC's, mandated training, compensation and pay, leave, and policy and processes. The following table summarizes the compliance review findings.

Area	Severity	Finding
Examinations	In Compliance	Examinations Complied with Civil Service Laws and Board Rules
Examinations	In Compliance	Permanent Withhold Actions Complied with Civil Service Laws and Board Rules
Appointments	Technical	Department Did Not Provide Benefit Information in Accordance with Civil Service Law
Equal Employment Opportunity	Very Serious	A Disability Advisory Committee Has Not Been Established
Mandated Training	Very Serious	Ethics Training Was Not Provided for All Filers ¹
Mandated Training	Very Serious	Sexual Harassment Prevention Training Was Not Provided for All Employees
Compensation and Pay	In Compliance	Salary Determinations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	In Compliance	Hire Above Minimum Requests Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	In Compliance	Pay Differential Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Leave	In Compliance	Positive Paid Employee's Tracked Hours Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	Serious	Administrative Time Off Was Not Properly Documented

¹ Repeat finding. The March 26, 2021, Compliance Review Report identified 5 of 7 new filers did not receive ethics training as proscribed. Additionally, the September 7, 2017, Compliance Review Report identified 2 of 48 existing filers did not receive ethics training as proscribed.

Area	Severity	Finding
Leave	In Compliance	Leave Auditing and Timekeeping Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Very Serious	Department's Nepotism Policy Does Not Contain All Required Components
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

BACKGROUND

The SCC was established in 1976. The SCC protects and improves natural lands and waterways, helps people enjoy the outdoors, and sustains local economies along the length of California's coast and around San Francisco Bay.

The SCC works along the entire length of California's coast, within the watersheds of rivers and streams that extend inland from the coast, and throughout the nine-county San Francisco Bay Area. The SCC develops and supports projects that protect the natural and scenic beauty of the coast, improve water quality and wildlife habitats, help people navigate and enjoy beaches and parklands, keep farmland and timberlands in production, revitalize working waterfronts, and help communities prepare for climate change.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the SCC's examinations, appointments, EEO program, mandated training, compensation and pay, leave, and policy and processes². The primary objective of the review was to determine if the SCC'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.

An SCC examination was selected for review. The CRU examined the documentation that the SCC provided, which included the examination plan, examination bulletin, and scoring results. The CRU also reviewed the SCC's permanent withhold actions

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

documentation, including Withhold Determination Worksheets, State applications (STD 678), class specifications, and withhold letters.

A cross-section of the SCC'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 SCC provided, which included Notice of Personnel Action (NOPA) forms, Request for Personnel Actions (RPA's), vacancy postings, certification lists, transfer movement worksheets, employment history records, correspondence, and probation reports. The SCC did not conduct any unlawful appointment investigations during the compliance review period. Additionally, the SCC did not make any additional appointments during the compliance review period.

The SCC's appointments were also selected for review to ensure the SCC applied salary regulations accurately and correctly processed employees' compensation and pay. The CRU examined the documentation that the SCC provided, which included employees' employment and pay history and any other relevant documentation such as certifications, degrees, and/or the appointee's application. Additionally, the CRU reviewed specific documentation for the following personnel functions related to compensation and pay: hire above minimum (HAM) requests and monthly pay differentials. During the compliance review period, the SCC did not issue or authorize red circle rate requests, arduous pay, bilingual pay, alternate range movements or out-of-class assignments.

The review of the SCC'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 (DAC).

The SCC did not execute any PSC's during the compliance review period.

The SCC'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 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 SCC'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 one SCC unit to ensure they maintained accurate and timely leave accounting records. Additionally, the CRU reviewed a selection of the SCC employees who used

Administrative Time Off (ATO) in order to ensure that ATO was appropriately administered. Further, the CRU reviewed an SCC positive paid employee whose hours are tracked during the compliance review period in order to ensure that they adhered to procedural requirements. During the compliance review period, the SCC did not have any employees with non-qualifying pay period transactions.

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

On May 8, 2023, an exit conference was held with the SCC to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the SCC's written response on May 4, 2023, 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, February 1, 2022, through January 31, 2023, the SCC conducted one examination. The CRU reviewed the examination, which is listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
CEA A, Administrative Deputy Executive Officer	CEA	Statement of Qualifications ³	7/15/22	8

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

The CRU reviewed one CEA examination, which the SCC administered in order to create an eligible list from which to make an appointment. The SCC published and distributed an examination bulletin containing the required information for all examinations. Applications received by the SCC 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 examination that the SCC conducted during the compliance review period.

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

³ 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.

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, 2022, through January 31, 2023, the SCC conducted eight permanent withhold actions. The CRU reviewed six of these permanent withhold actions, which are listed below:

Exam Title	Exam ID	Date List Eligibility Began	Date List Eligibility Ended	Reason Candidate Placed on Withhold
Associate Governmental Program Analyst (AGPA)	9PB04	5/1/2022	5/1/2023	Failed to Meet Minimum Qualifications (MQs)
AGPA	9PB04	12/27/2022	12/27/2023	Failed to Meet MQs
Office Technician (General)	4PB2401	1/6/2022	1/6/2024	Failed to Meet MQs
Staff Service Analyst (General)	7PB15	2/23/2024	2/23/2024	Failed to Meet MQs
Staff Service Analyst (General)	7PB34	12/7/2021	12/7/2022	Failed to Meet MQs
Staff Service Analyst (General)	7PB34	1/4/2022	1/4/2023	Failed to Meet MQs

IN COMPLIANCE	FINDING NO. 2 PERMANENT WITHHOLD ACTIONS COMPLIED WITH CIVIL SERVICE LAWS AND BOARD RULES
----------------------	--

The CRU found no deficiencies in the permanent withhold actions undertaken by the department during the compliance review period.

Appointments

In all cases not excepted or exempted by Article VII of the California Constitution, the appointing power must fill positions by appointment, including cases of transfers, reinstatements, promotions, and demotions in strict accordance with the Civil Service Act and Board rules. (Gov. Code, § 19050.) The hiring process for eligible candidates chosen for job interviews shall be competitive and be designed and administered to hire candidates who will be successful. (Cal. Code Regs., tit. 2, § 250, subd. (b).) Interviews

shall be conducted using job-related criteria. (*ibid.*) Persons selected for appointment shall satisfy the minimum qualifications of the classification to which he or she is appointed or have previously passed probation and achieved permanent status in that same classification. (Cal. Code Regs., tit. 2, § 250, subd. (d).) While persons selected for appointment may meet some or most of the preferred or desirable qualifications, they are not required to meet all the preferred or desirable qualifications. (*ibid.*) This section does not apply to intra-agency job reassignments. (Cal. Code Regs., tit. 2, § 250, subd. (e).)

During the period under review, January 1, 2022, through December 31, 2022, the SCC made 42 appointments. The CRU reviewed 16 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Accountant Trainee	Certification List	Permanent	Full Time	2
AGPA	Certification List	Permanent	Full Time	1
Attorney	Certification List	Permanent	Full Time	1
Attorney III	Certification List	Permanent	Full Time	1
Conservancy Program Development Specialist	Certification List	Permanent	Full Time	1
Conservancy Project Development Analyst I	Certification List	Permanent	Full Time	1
Conservancy Project Development Analyst II	Certification List	Permanent	Full Time	1
Conservancy Project Development Manager	Certification List	Permanent	Full Time	2
Information Technology Specialist I	Certification List	Permanent	Full Time	1
Office Technician (General) LEAP	Certification List	Limited Term	Full Time	1
Staff Services Analyst (General)	Certification List	Permanent	Full Time	1
Staff Services Manager II (Managerial)	Certification List	Permanent	Full Time	1
AGPA	Permissive Reinstatement	Permanent	Full Time	1
Staff Services Manager I	Permissive Reinstatement	Permanent	Full Time	1

SEVERITY: TECHNICAL	FINDING NO. 3 DEPARTMENT DID NOT PROVIDE BENEFIT INFORMATION IN ACCORDANCE WITH CIVIL SERVICE LAW
--------------------------------	--

Summary: The SCC did not provide an explanation of benefits prior to acceptance of appointment in 3 out of the 16 appointments reviewed by the CRU.

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

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

Cause: The SCC states they were unaware that an explanation of benefits was required for current employees receiving a promotion-in-place.

Corrective Action: The SCC asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the SCC must submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure conformity with the explanation of benefits requirements of Government Code section 19057.2.

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 the SCC, 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).)

SEVERITY: VERY SERIOUS	FINDING NO. 4 A DISABILITY ADVISORY COMMITTEE HAS NOT BEEN ESTABLISHED
-----------------------------------	---

Summary: The SCC does not have an active DAC. While the SCC previously had a DAC, no DAC meetings have been held in at least 12 months.

Criteria: 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).)

Severity: Very Serious. The agency head does not have direct information on issues of concern to employees or other persons with disabilities and input to correct any underrepresentation. The lack of a DAC may limit an agency's ability to recruit and retain a qualified workforce, impact productivity, and subject the agency to liability.

Cause: The SCC states that their department was working remote full-time until September 2022, and they failed to keep an active DAC during this timeframe.

Corrective Action: The SCC asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the SCC must submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure it maintains a DAC, comprised of members who have disabilities or who have an interest in disability issues.

Mandated Training

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

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

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

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

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

The CRU reviewed the SCC’s mandated training program that was in effect during the compliance review period, February 1, 2021, through January 31, 2023. The SCC’s supervisory training was found to be in compliance, while the SCC’s ethics training and sexual harassment prevention training were found to be out of compliance.

SEVERITY: VERY SERIOUS	FINDING NO. 5 ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS
-----------------------------------	--

Summary: The SCC did not provide ethics training to 25 of 42 existing filers. In addition, the SCC did not provide ethics training to 3 of 15 new filers within 6 months of their appointment. This is the third consecutive time this has been a finding for the SCC.

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

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

Cause: The SCC states that the training was not completed timely due to increased workload from the COVID-19 pandemic, human error, and failing to monitor and remind staff to complete the training.

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

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

Summary: The SCC provided sexual harassment prevention training to five new supervisors reviewed within six months of their appointment. However, the SCC did not provide sexual harassment prevention training to 6 of 11 existing supervisors every 2 years.

In addition, the SCC did not provide sexual harassment prevention training to 10 of 42 non-supervisors every 2 years.

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, subs. (a) and (b); Gov. Code § 19995.4.)

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

Cause: The SCC states that the training was not completed timely due to increased workload from the COVID-19 pandemic, human error, and failing to monitor and remind staff to complete the training.

Corrective Action: The SCC asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the SCC 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 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, 2022, through December 31, 2022, the SCC made 42 appointments. The CRU reviewed seven of those appointments to determine if the SCC applied salary regulations accurately and correctly processed employees' compensation, which are listed below:

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Accountant Trainee	Certification List	Permanent	Full Time	\$3,966
AGPA	Certification List	Permanent	Full Time	\$6,031
Attorney III	Certification List	Permanent	Full Time	\$9,976
Conservancy Project Development Analyst I	Certification List	Permanent	Full Time	\$4,935
Conservancy Project Development Specialist	Certification List	Permanent	Full Time	\$6,825
AGPA	Permissive Reinstatement	Permanent	Full Time	\$5,793
Staff Services Manager I	Permissive Reinstatement	Permanent	Full Time	\$7,615

⁴ "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).

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 SCC 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.

Hiring Above Minimum Requests

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

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

If the provisions of this section conflict with the provisions of a memorandum of understanding reached pursuant to Government Code section 3517.5, the memorandum of understanding shall be controlling without further legislative action.⁵ (Gov. Code, § 19836, subd. (b).)

⁵ Except that if the provisions of the memorandum of understanding requires the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

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

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

During the period under review, January 1, 2022, through December 31, 2022, the SCC authorized two HAM requests. The CRU reviewed the two authorized HAM requests to determine if the SCC correctly applied Government Code section 19836 and appropriately verified, approved and documented candidates’ extraordinary qualifications, which are listed below:

Classification	Appointment Type	Status	Salary Range	Salary (Monthly Rate)
Conservancy Project Development Analyst II	Certification List	New to State	\$5,652 - \$7,079	\$7,500
Conservancy Project Development Specialist	Certification List	New to State	\$6,659 - \$8,333	\$6,500

IN COMPLIANCE	FINDING NO. 8 HIRE ABOVE MINIMUM REQUESTS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
----------------------	---

The CRU found that the HAM requests the SCC made during the compliance review period, satisfied civil service laws, Board rules and CalHR policies and guidelines.

Pay Differentials

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

California State Civil Service Pay Scales Section 14 describes the qualifying pay criteria for the majority of pay differentials. However, some of the alternate range criteria in the pay scales function as pay differentials. Generally, departments issuing pay differentials should, in order to justify the additional pay, document the following: the effective date of the pay differential, the collective bargaining unit identifier, the classification applicable to the salary rate and conditions along with the specific criteria, and any relevant documentation to verify the employee meets the criteria.

During the period under review, January 1, 2022, through December 31, 2022, the SCC authorized six pay differentials.⁶ The CRU reviewed five of these pay differentials to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Pay Differential	Monthly Amount
Conservancy Project Development Manager	441	\$250
Information Technology Specialist I	13	5%
Information Technology Specialist I	13	5%
Information Technology Specialist I	13	5%
Staff Services Analyst (General)	441	\$250

IN COMPLIANCE	FINDING NO. 9 PAY DIFFERENTIAL AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
----------------------	---

The CRU found no deficiencies in the pay differentials that the SCC authorized during the compliance review period. Pay differentials were issued correctly in recognition of unusual

⁶ For the purposes of CRU's review, only monthly pay differentials were selected for review at this time.

competencies, circumstances, or working conditions in accordance with applicable rules and guidelines.

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 is not limited by this rule. (*Ibid.*) The 12-consecutive month timeframe begins by counting the first pay period worked as the first month of the 12-consecutive month timeframe. (*Ibid.*) The employee shall serve no longer than 189 days in a 12 consecutive month period. (*Ibid.*) A new 189-days working limit in a 12-consecutive month timeframe may begin in the month immediately following the month that marks the end of the previous 12-consecutive month timeframe. (*Ibid.*)

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

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

Additionally, according to Government Code section 21224, retired annuitant appointments shall not exceed a maximum of 960 hours in any fiscal year (July-June),

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

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

regardless of the number of state employers, without reinstatement, loss or interruption of benefits.

At the time of the review, the SCC had one positive paid employee whose hours were tracked. The CRU reviewed the positive paid appointment to ensure compliance with applicable laws, regulations, policies and guidelines, which is listed below:

Classification	Tenure	Time Frame	Time Worked
Graduate Student Assistant	Temporary	5/1/22 – 1/31/23	55 Hours

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

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

Administrative Time Off

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

During the period under review, November 1, 2021, through October 31, 2022, the SCC authorized 56 ATO transactions. The CRU reviewed 28 of these ATO transactions to ensure compliance with applicable laws, regulations, and CalHR policy and guidelines, which are listed below:

Classification	Time Frame	Amount of Time on ATO
Accounting Officer (Specialist)	6/30/22 - 7/1/22	17 Hours
AGPA	12/10/21	2 Hours
AGPA	2/7/22	3 Hours
AGPA	2/14/22 - 2/15/22	18 Hours
AGPA	5/16/22	8 Hours
AGPA	8/22/22 - 9/2/22	80 Hours

Classification	Time Frame	Amount of Time on ATO
Attorney III	9/27/22	8 Hours
CEA	12/8/21	2 Hours
Conservancy Project Development Analyst I	1/20/22	8 Hours
Conservancy Project Development Analyst II	5/19/22 - 5/20/22	16 Hours
Conservancy Project Development Analyst II	6/23/22	4 Hours
Conservancy Project Development Analyst II	9/20/22	1 Hour
Conservancy Project Development Analyst II	9/22/22 - 9/23/22	12 Hours
Conservancy Project Development Analyst II	10/10/22	2 Hours
Conservancy Project Development Analyst II	10/26/22	1 Hour
Conservancy Project Development Manager	10/27/22 - 10/28/22	3 Hours
Conservancy Project Development Manager	12/23/21	2 Hours
Conservancy Project Development Specialist	5/20/22	4 Hours
Conservancy Project Development Specialist	5/16/22	5 Hours
Conservancy Project Development Specialist	6/21/2022	2 Hours
Conservancy Project Development Specialist	6/1/2022	2 Hours
Conservancy Project Development Specialist	10/19/22	2 Hours
Conservancy Project Development Specialist	10/03/22 - 10/25/22	30.5 Hours
Conservancy Project Development Specialist	10/24/22	4 Hours
Conservancy Project Development Specialist	11/22/21	4 Hours
Information Officer I (Specialist)	10/11/22	2 Hours
Staff Services Analyst	1/24/22	8 Hours
Staff Services Analyst	10/28/22	1 Hour
Staff Services Manager I (Specialist)	8/15/22	8 Hours

SEVERITY: SERIOUS	FINDING NO. 11 ADMINISTRATIVE TIME OFF WAS NOT PROPERLY DOCUMENTED
------------------------------	---

Summary: The SCC did not grant ATO in conformity with the established policies and procedures. Of the 56 ATO authorizations reviewed by the CRU, 8 were found to be out of compliance for failing to document ATO in the California Leave Accounting System.

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

ATO extension requests to CalHR at least 5 working days prior to the expiration date of the approved leave. (*Ibid.*)

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

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

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

Cause: The SCC states that this error is due to human error in not properly understanding the coding of leave associated with COVID-19 in the California Leave Accounting System.

Corrective Action: The SCC asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the SCC must submit to the SPB documentation which demonstrates the corrections the department has implemented to ensure conformity with Government Code section 19991.10 and Human Resources Manual Section 2121.

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, August 2, 2022, through October 31, 2022, the SCC reported two units comprised of 79 active employees. The pay periods and timesheets reviewed by the CRU are summarized below:

Timesheet Leave Period	Unit Reviewed	Number of Employees	Number of Timesheets Reviewed	Number of Missing Timesheets
September 2022	100	29	29	0

IN COMPLIANCE	FINDING NO. 12 LEAVE AUDITING AND TIMEKEEPING COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
----------------------	--

The CRU reviewed employee leave records from one leave period to ensure compliance with applicable laws, regulations and CalHR policy and guidelines. Based on our review, the CRU found no deficiencies. The SCC kept complete and accurate time and attendance records for each employee and officer employed within the department and utilized a monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely.

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.*)

SEVERITY: VERY SERIOUS	FINDING NO. 13 DEPARTMENT’S NEPOTISM POLICY DOES NOT CONTAIN ALL REQUIRED COMPONENTS
-----------------------------------	---

Summary: The SCC’s nepotism policy does not contain all required components. Specifically, the SCC’s nepotism policy does not include:

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.

Criteria: 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. (Human Resources Manual Section 1204). All department nepotism policies shall include six specific components which emphasize that nepotism is antithetical to merit-based civil service and include definitions and prohibitions integral to upholding the merit system. (Cal. Code Regs., tit. 2, § 87.)

Severity: Very Serious. Nepotism is expressly prohibited in the state workplace because it is antithetical to California’s merit based civil service. Departments must take proactive steps to ensure that the hiring, transferring, and promoting of all employees is done on the basis of merit and fitness in accordance with civil service statutes. Maintaining a current written nepotism policy that addresses all

requirements outlined in civil service statute, rules and regulations, and its dissemination to all staff, is the cornerstone for achieving these outcomes.

Cause: The SCC states they were unaware of the updated components of the nepotism policy.

Corrective Action: Within 90 days of the date of this report, the SCC must submit to the SPB a written corrective action response which includes an updated nepotism policy which contains requirements outlined in Human Resources Manual section 1204, and documentation demonstrating that it has been distributed to all staff.

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

IN COMPLIANCE	FINDING NO. 14 WORKERS' COMPENSATION PROCESS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
---------------	---

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

Performance Appraisals

According to Government Code section 19992.2, subdivision (a), appointing powers must "prepare performance reports." Furthermore, California Code of Regulations, title 2, section 599.798, directs supervisors to conduct written performance appraisals and discuss overall work performance with permanent employees at least once in each twelve calendar months after the completion of the employee's probationary period.

The CRU selected 19 permanent SCC employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations, policies and guidelines.

SEVERITY: SERIOUS	FINDING NO. 15 PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES
------------------------------	---

Summary: The SCC did not provide annual performance appraisals to 2 of 19 employees reviewed after the completion of the employee's probationary period.

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

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

Cause: The SCC states the performance appraisals were not completed due to the supervisors' increased workload and the SCC's Human Resources section failing to monitor and remind all supervisors to complete the performance appraisals within the prescribed timeframe.

Corrective Action: To be provided by the CRU.

DEPARTMENTAL RESPONSE

The SCC's response is attached as Attachment 1.

SPB REPLY

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



May 4, 2023

Suzanne M. Ambrose
Executive Officer
State Personnel Board
801 Capitol Mall
Sacramento, CA 95818

Subject: Response to the State Personnel Board Draft Report “COMPLIANCE REVIEW REPORT”

Dear Ms. Ambrose,

The State Coastal Conservancy (SCC) would like to thank the State Personnel Board’s Compliance Review Unit (CRU) for undertaking the 2023 SCC Compliance Review. The SCC regards the audit process with a high degree of respect and views these reports as a productive, collaborative learning experience with SPB to adjust as necessary to ensure compliance. SCC leadership and our Human Resources (HR) office strive to be in full compliance with established requirements, training, tracking systems, best practices, and reminders.

The SCC has reviewed the April 2023 draft audit report and provides the following response and causes to the findings:

FINDING NO. 3 Department Did Not Provide Benefits Information in Accordance with Civil Service Law: The report noted the SCC did not provide an explanation of benefits prior to acceptance of appointment in 3 out of the 16 appointments reviewed by the CRU.

Response: The SCC acknowledges the promotion-in-place (PIP) SCC employees were not provided benefit information. Moving forward, all PIP employees will receive a formal memo regarding their acceptance of the PIP and will include an acknowledgement statement for the PIP employee to sign in regard to their benefits.

Cause: SCC did not realize an assigned acknowledgment statement was needed for current employees receiving a PIP appointment.

FINDING NO. 4 – A Disability Advisory Committee Has Not Been Established: The report noted the SCC does not have an active DAC, but previously had a DAC. No DAC meetings have been held in at least 12 months.

1515 Clay Street, 10th Floor
Oakland, California 94612-1401
Scs.ca.gov
510-286-1015 Fax: 510-286-0470

Response: SCC recognizes the importance of an active DAC committee. An invitation to join the DAC was sent to all SCC employees via email and highlighted at an all-staff meeting. The committee has been formed and their first quarterly DAC meeting will be on Monday, May 8th at 11:00am. It will be held in person at our Oakland Headquarters.

Cause: SCC had been 100% remote until September 2022 and failed to keep the DAC committee active during this timeframe. The DAC committee is now active at SCC.

FINDING NO. 5 – Ethics Training Was Not Provided For All Filers: The report noted SPB found 25 of 42 existing filers were not provided the training and 3 of 15 new filers were not provided the training within 6 months of their appointment.

Response: The SCC acknowledges 25 out of 42 existing filers did not complete ethics training within the prescribed timeframe. Monitoring of existing filers' due dates will be followed closer. For new filers, SCC provides the ethics training link within a week of a new filer's appointment date; the new employees failed to take the training timely. HR also failed to monitor and remind staff to take the training within the prescribed timeframe. HR has in place a tracking system to ensure compliance with all training requirements, new and existing. We initiate follow-ups with employees and their supervisors to ensure the required courses are completed. SCC's Executive Staff are committed to ensuring that all required training is taken on a timely basis.

Cause: This error can be attributed to extra workload due to COVID-19 pandemic, human error, and lack of check/balance procedures.

FINDING NO. 6 – Sexual Harassment Prevention Training Was Not Provided For All Employees: The report noted 6 of the 11 existing supervisors were not provided sexual harassment prevention within the prescribed timeframe. Additionally, 10 of 42 non-supervisors were not provided sexual harassment prevention training within the prescribed timeframe.

Response: The SCC acknowledges 6 out of 11 existing filers did not complete sexual harassment prevention training within the prescribed timeframe. SCC did provide all non-supervisors with the training during the prescribed timeframes, however, the employees failed to take the training. HR also failed to monitor and remind them to take the training within the prescribed timeframe. HR has in place a tracking system to ensure compliance with all training requirements. We initiate follow-ups with employees and their supervisors to ensure the required courses are completed. SCC's Executive Staff are committed to ensuring that all required training is taken on a timely basis.

Cause: This error can be attributed to extra workload due to COVID-19 pandemic, human error, and lack of check/balance procedures.

FINDING NO. 11 – Administrative Time Off Was Not Properly Documented: The report noted 8 of the 56 ATO authorizations were found to be out of compliance for failing to document ATO in the California Leave Accounting System.

Response: SCC acknowledges 8 of the 56 ATO's were not properly input into the California Leave Accounting System. Reinforcement of following the SCO prescribed process in the California Leave Accounting System will occur.

1515 Clay Street, 10th Floor
Oakland, California 94612-1401
Scs.ca.gov
510:286-1015 Fax: 510:286-0470

Cause: This error can be attributed to human error for not properly understanding the coding of the Supplemental Paid Sick Leave associated with COVID-19, which was coded using ATO in the California Leave Accounting System.

FINDING NO. 13 – Departments Nepotism Policy Does Not Contain All Required Components: The report noted SCC’s nepotism policy did not contain all required components. Specifically, the SCC’s nepotism policy does not include:

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.

Response: The SCC acknowledges the missing components in our Nepotism Policy. The policy will be updated to reflect all the required statements within the policy.

Cause: This error can be attributed to human error for not being aware of the updated requirements for components of a Nepotism Policy after the policy was developed and implemented at SCC.

FINDING NO. 15 – Performance Appraisals Were Not Provided To All Employees: The report noted SCC did not provide annual performance appraisals to 2 of 19 employees.

Response: The SCC acknowledges 2 employees did not receive their yearly performance appraisals during our prescribed performance appraisal timeframe. HR will continue to send out annual performance appraisal reminders to all supervisors/manager, so SCC can stay in compliance.

Cause: This error can be attributed to the supervisors’ error and lack of time due to workload for not completing the performance appraisals within the prescribed timeframe. HR also failed to monitor and remind all supervisors to complete the performance appraisals within the prescribed timeframe.

SCC would like to once again thank the SPB Compliance Review team. SCC will continue to educate and train staff on all requirements to ensure complete compliance. Should you have any questions or need additional information, please contact our HR Officer, Johanna Collins at (510) 286-4340 or johanna.collins@scc.ca.gov.

Sincerely,

Amy Hutzel

Amy Hutzel
Executive Officer

cc: Helen Kang, Administrative Deputy Executive Director
SPB Audit File

1515 Clay Street, 10th Floor
Oakland, California 94612-1401
Scc.ca.gov
510:286-1015 Fax: 510:286-0470