



# **COMPLIANCE REVIEW REPORT**

## **CALIFORNIA COMMUNITY COLLEGES CHANCELLOR'S OFFICE**

Compliance Review Unit  
State Personnel Board  
July 1, 2020

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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 Community Colleges Chancellor's Office (CCCCO) 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	Finding
Examinations	Equal Employment Opportunity Questionnaires Were Not Separated From Applications
Appointments	Probationary Evaluations Were Not Provided for All Appointments Reviewed
Equal Employment Opportunity	A Disability Advisory Committee Has Not been Established <sup>1</sup>
Personal Services Contracts	Personal Services Contracts Complied with Procedural Requirements
Mandated Training	Ethics Training Was Not Provided for All Filers
Mandated Training	Supervisory Training Was Not Provided for All Supervisors <sup>2</sup>
Mandated Training	Sexual Harassment Prevention Training Was Not Provided for All Supervisors <sup>3</sup>
Compensation and Pay	Salary Determinations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	Alternate Range Movements Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	Pay Differential Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines

<sup>1</sup> Repeat finding. The July 15, 2016, and March 20, 2014, Compliance Review Reports identified the CCCCCO did not have an established Disability Advisory Committee.

<sup>2</sup> Repeat finding. The July 15, 2016, report identified 17 of 27 new supervisors did not receive supervisory training within 12 months of appointment.

<sup>3</sup> Repeat finding. The July 15, 2016, report identified the CCCCCO did not provide sexual harassment prevention training to 3 of 3 new supervisors within 6 months of appointment, and to 27 of 27 existing supervisors as required every two years.

Area	Finding
Compensation and Pay	Out of Class Pay Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Leave	Positive Paid Employees Tracked Hours Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	Administrative Time Off Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	Leave Activity and Correction Certification Forms Were Not Completed For All Leave Records
Leave	Leave Reduction Plans Were Not Developed For Employee's Whose Leave Balances Exceeded Established Limits
Leave	Departmental Leave Reduction Policy Was Not Developed
Policy	Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Workers' Compensation Process Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Performance Appraisals Were Not Provided to All Employees

A color-coded system is used to identify the severity of the violations as follows:

- Red = Very Serious
- Orange = Serious
- Yellow = Technical
- Green = In Compliance

### **BACKGROUND**

The California Community Colleges is the largest system of higher education in the nation, with 2.1 million students attending 115 colleges. The colleges provide students with the knowledge and background necessary to compete in today's economy. With a wide range of educational offerings, the colleges provide workforce training, basic courses in English and math, certificate and degree programs and preparation for transfer to four-year institutions. The CCCCO's mission is to empower the community colleges through leadership, advocacy and support. In doing so, the Chancellor brings policy recommendations to the Board of Governors, and possesses the authority to implement

the policies of the Board through his leadership of the CCCCCO. The agency's core functions are reflected through the work of its eight divisions: Educational Services and Support, Communication and Marketing, Governmental Relations, Institutional Effectiveness, Workforce and Economic Development, Digital Innovation and Infrastructure, Internal Operation, and the Office of the General Counsel.

### **SCOPE AND METHODOLOGY**

The scope of the compliance review was limited to reviewing the CCCCCO's examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes. The primary objective of the review was to determine if the CCCCCO'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 CCCCCO's examinations were selected for review to ensure that samples of various examination types, classifications, and levels were reviewed. The CRU examined the documentation that the CCCCCO provided, which included examination plans, examination bulletins, job analyses, and scoring results.

The CCCCCO did not conduct any permanent withhold actions during the compliance review period.

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

The CCCCCO's appointments were also selected for review to ensure the CCCCCO applied salary regulations accurately and correctly processed employees' compensation and pay. The CRU examined the documentation that the CCCCCO 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: monthly pay differentials and out-of-class assignments. During the compliance review period, the CCCCCO did not issue or authorize hiring above minimum (HAM) requests, red circle rate requests, arduous pay, or bilingual pay.

The review of the CCCCCO'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 CCCCCO's PSC's were also reviewed.<sup>4</sup> It was beyond the scope of the compliance review to make conclusions as to whether the CCCCCO's justifications for the contracts were legally sufficient. The review was limited to whether the CCCCCO's practices, policies, and procedures relative to PSC's complied with procedural requirements.

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

The CRU also identified the CCCCCO's employees whose current annual leave, or vacation leave credits, exceeded established limits. The CRU reviewed a cross-section of these identified employees to ensure that employees who have significant "over-the-cap" leave balances have a leave reduction plan in place. Additionally, the CRU asked the CCCCCO to provide a copy of their leave reduction policy.

The CRU reviewed the CCCCCO's Leave Activity and Correction Certification forms to verify that the CCCCCO created a monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely. The CRU selected a small cross-section of the CCCCCO's units in order to ensure they maintained accurate and timely leave accounting records. Part of this review also examined a cross-section of the CCCCCO's employees' employment and pay history, state service records, and leave accrual histories to ensure employees with non-qualifying pay periods did not receive vacation/sick leave and/or annual leave accruals or state service credit. During the compliance review period, the CCCCCO did not have any employees with non-qualifying

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<sup>4</sup>If an employee organization requests the SPB to review any personal services contract during the SPB compliance review period or prior to the completion of the final compliance review report, the SPB will not audit the contract. Instead, the SPB will review the contract pursuant to its statutory and regulatory process. In this instance, none of the reviewed PSC's were challenged.

pay period transactions. The CRU reviewed a selection of the CCCCCO employees who used Administrative Time Off (ATO) in order to ensure that ATO was appropriately administered. Additionally, the CRU reviewed a selection of CCCCCO positive paid employees whose hours are tracked during the compliance review period in order to ensure that they adhered to procedural requirements.

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

The CCCCCO declined an exit conference to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the CCCCCO's written response on June 2, 2020, which is attached to this final compliance review report.

## **FINDINGS AND RECOMMENDATIONS**

### **Examinations**

Examinations to establish an eligible list must be competitive and of such character as fairly to test and determine the qualifications, fitness, and ability of competitors to perform the duties of the class of position for which he or she seeks appointment. (Gov. Code, § 18930.) Examinations may be assembled or unassembled, written or oral, or in the form of a demonstration of skills, or any combination of those tests. (*Ibid.*) The Board establishes minimum qualifications for determining the fitness and qualifications of employees for each class of position and for applicants for examinations. (Gov. Code, § 18931, subd. (a).) Within a reasonable time before the scheduled date for the examination, the designated appointing power shall announce or advertise the examination for the establishment of eligible lists. (Gov. Code, § 18933, subd. (a).) The advertisement shall contain such information as the date and place of the examination and the nature of the minimum qualifications. (*Ibid.*) Every applicant for examination shall file an application with the department or a designated appointing power as directed by the examination announcement. (Gov. Code, § 18934, subd. (a)(1).) The final earned rating of each person competing in any examination is to be determined by the weighted average of the earned ratings on all phases of the examination. (Gov. Code, § 18936.) Each competitor shall be notified in writing of the results of the examination when the employment list resulting from the examination is established. (Gov. Code, § 18938.5.)

During the period under review, November 1, 2017, through July 31, 2018, the CCCCCO conducted 13 examinations. The CRU reviewed 10 of those examinations, which are listed below:



Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Career Executive Assignment (CEA) A, Assistant Vice Chancellor, State and Federal Relations	CEA	Statement of Qualifications <sup>5</sup>	1/29/18	15
CEA A, Internal Operations	CEA	SOQ	5/30/18	22
Community College Program Assistant II	Open	Training and Experience (T&E) <sup>6</sup>	5/20/17	3
Community College Program Assistant II	Open	T&E	5/20/18	11
Specialist, Academic Affairs Planning & Development	Open	T&E	3/20/18	7
Specialist, Facilities Planning & Utilization	Open	T&E	3/20/18	3
Specialist, Facilities Planning & Administration	Open	T&E	3/20/18	3
Specialist, General Vocational Education	Open	T&E	3/20/18	3
Specialist, Information Systems & Analysis	Open	T&E	3/20/18	3
Specialist, Student Services Planning & Developing	Open	T&E	3/20/18	11

In reviewing the CCCC's examinations that were conducted during the compliance review period, the CRU determined the following:

<sup>5</sup> In a Statement of Qualifications (SOQ's) examination, applicants submit a written summary of their qualifications and experience related to a published list of desired qualifications. Raters, typically subject matter experts, evaluate the responses according to a predetermined rating scale designed to assess their ability to perform in a job classification, assign scores and rank the competitors in a list.

<sup>6</sup> The Training and Experience (T&E) examination is administered either online or in writing, and asks the applicant to answer multiple-choice questions about his or her level of training and/or experience performing certain tasks typically performed by those in this classification. Responses yield point values.

**FINDING NO. 1 – Equal Employment Opportunity Questionnaires Were Not Separated From Applications**

**Summary:** Out of 10 examinations reviewed, 2 examinations included applications where EEO questionnaires were not separated from the STD. 678 employment application. Specifically, 3 of the 81 applications reviewed included EEO questionnaires that were not separated from the STD. 678 employment application.

**Criteria:** Government Code section 19704 makes it unlawful for a hiring department to require or permit any notation or entry to be made on any application indicating or in any way suggesting or pertaining to any protected category listed in Government Code section 12940, subdivision (a) (e.g., a person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status). Applicants for employment in state civil service are asked to voluntarily provide ethnic data about themselves where such data is determined by the CalHR to be necessary to an assessment of the ethnic and sex fairness of the selection process and to the planning and monitoring of affirmative action efforts. (Gov. Code, § 19705.) The EEO questionnaire of the state application form (STD. 678) states, "This questionnaire will be separated from the application prior to the examination and will not be used in any employment decisions."

**Severity:** Very Serious. The applicants' protected classes were visible, subjecting the agency to potential liability.

**Cause:** The CCCCCO acknowledges that the EEO questionnaires should be separated from job applications and examination applications. Due to an oversight, the questionnaires were left on the applications. The CCCCCO states that moving forward, applications will be monitored more closely to make sure this error does not recur.

**Corrective Action:** Within 90 days of the date of this report, the CCCCCO must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that future EEO questionnaires are separated from all applications. Copies of

relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

### **Appointments**

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

During the period under review, November 1, 2017, through July 31, 2018, the CCCCO made 26 appointments. The CRU reviewed 9 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	1
Community College Program Assistant II	Certification List	Permanent	Full Time	1
Education Administrator I	Certification List	Permanent	Full Time	1
Office Technician (General)	Certification List	Permanent	Full Time	1
Staff Services Analyst (General)	Certification List	Permanent	Full Time	1
Systems Software Specialist III (Supervisory)	Certification List	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Associate Governmental Program Analyst	Transfer	Permanent	Full Time	1
Associate Personnel Analyst	Transfer	Permanent	Full Time	1
Research Program Specialist II	Transfer	Permanent	Full Time	1

**FINDING NO. 2 – Probationary Evaluations Were Not Provided for All Appointments Reviewed**

**Summary:** The CCCCO did not provide four probationary reports of performance for two of the nine appointments reviewed by the CRU, as reflected in the table below:

Classification	Appointment Type	Number of Appointments	Total Number of Missing Probation Reports
Associate Governmental Program Analyst	Certification List	1	2
Associate Personnel Analyst	Transfer	1	2
<b>Total</b>		<b>2</b>	<b>4</b>

**Criteria:** The service of a probationary period is required when an employee enters or is promoted in the state civil service by permanent appointment from an employment list; upon reinstatement after a break in continuity of service resulting from a permanent separation; or after any other type of appointment situation not specifically excepted from the probationary period. (Gov. Code, § 19171.) During the probationary period, the appointing power shall evaluate the work and efficiency of a probationer in the manner and at such periods as the department rules may require. (Gov. Code, § 19172.) A report of the probationer’s performance shall be made to the employee at sufficiently frequent intervals to keep the employee adequately informed of progress on the job. (Cal. Code Regs., tit. 2, § 599.795.) A written appraisal of performance shall be made to the Department within 10 days after the end of each one-third portion of the

probationary period. (*Ibid.*) The Board's record retention rules require that appointing powers retain all probationary reports for five years from the date the record is created. (Cal. Code Regs., tit. 2, § 26, subd. (a)(3).)

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

**Cause:** The CCCCOC states that its Human Resources Office sends multiple requests and reminders to hiring managers indicating that the probation reports are due or overdue. The cause for this finding is that some hiring managers are not responsive to requests to turn in the reports.

**Corrective Action:** Within 90 days of the date of this report, the CCCCOC must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Government Code section 19172. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

### **Equal Employment Opportunity**

Each state agency is responsible for an effective EEO program. (Gov. Code, § 19790.) The appointing power for each state agency has the major responsibility for monitoring the effectiveness of its EEO program. (Gov. Code, § 19794.) To that end, the appointing power must issue a policy statement committed to EEO; issue procedures for filing, processing, and resolving discrimination complaints; issue procedures for providing equal upward mobility and promotional opportunities; 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 CCCCCO, 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).)

The CRU reviewed the CCCCCO EEO program that was in effect during the compliance review period.

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 CCCCCO 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 CCCCCO. The CCCCCO 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.

### **FINDING NO. 3 – A Disability Advisory Committee Has Not been Established**

**Summary:** The CCCCCO does not have an active DAC<sup>7</sup>. This is the third consecutive time this has been a finding for the CCCCCO.

**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

<sup>7</sup> At the time of review, November 2018, the CCCCCO did not have an active DAC. However, on December 10, 2019, the CCCCCO notified CRU that it had an established DAC, with the first meeting held in March 2019.

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 CCCCCO states that over the past few years, several attempts were made to start a DAC at the CCCCCO. In June 2017, the newly established DAC drafted by-laws. Due to staff turn-over, the small size of the CCCCCO staff, and existing workload, the DAC disbanded. The CCCCCO states that it hired a new Vice Chancellor over Internal Operations in 2018, and in March 2019, established an active DAC, revised the by-laws, and started meeting regularly every other month.

**Corrective Action:** Within 90 days of the date of this report, the CCCCCO must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure the establishment of a DAC, comprised of members who have disabilities or who have an interest in disability issues. Copies of relevant documentation demonstrating that the corrective action has been implemented, including the new DAC roster, agenda, and meeting minutes, must be included with the corrective action response.

### **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 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, November 1, 2017, through July 31, 2018, the CCCCCO had 16 PSC's that were in effect. The CRU reviewed six of those, which are listed below:

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notified?
Chaffey CCD	Interjurisdictional Exchange Services for Executive Vice Chancellor	8/1/17-7/31/18	\$232,392.60	Yes	Yes
Estick & Associates	Report	2/21/18-6/30/18	\$8,000.00	Yes	Yes
Hellon Photography	Photography Services	1/1/18-12/31/19	\$18,900.00	Yes	Yes
Holt Print Services	Printing Services	1/1/18-12/31/19	\$50,000.00	Yes	Yes
Long Beach CCD	Interjurisdictional Exchange Services for Visiting Dean	10/1/17-6/30/18	\$122,575.68	Yes	Yes
Santa Barbara CCD	Interjurisdictional Exchange Services for Executive Vice Chancellor	11/15/17-6/30/19	\$331,100.00	Yes	Yes



## **FINDING NO. 4 – Personal Services Contracts Complied with Procedural Requirements**

The total dollar amount of all the PSC's reviewed was \$762,968.28. It was beyond the scope of the review to make conclusions as to whether CCCCCO justifications for the contract were legally sufficient. For all PSC's reviewed, the CCCCCO provided specific and detailed factual information in the written justifications as to how each of the eight contracts met at least one condition set forth in Government Code section 19130, subdivision (b). Additionally, CCCCCO complied with proper notification to all organizations that represent state employees who perform the type or work contracted. Accordingly, the CCCCCO PSC's complied with civil service laws and board rules.

### **Mandated Training**

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

Upon the initial appointment of any employee designated in a supervisory position, the employee shall be provided a minimum of 80 hours of training, as prescribed by the CalHR. (Gov. Code, § 19995.4, subd. (b).) The training addresses such topics as the role of the supervisor, techniques of supervision, performance standards, and sexual harassment and abusive conduct prevention. (Gov. Code, §§ 12950.1, subds. (a), (b), (c), & 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).) As to the sexual harassment and abusive-conduct prevention component, the training must thereafter be provided to supervisors once every two years. (Gov. Code, § 12950.1.)

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.*) Thereafter, for both categories of

appointment, the employee must be provided a minimum of 20 hours of leadership training on a biannual basis. (*Ibid.*)

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 CCCCCO's mandated training program that was in effect during the compliance review period. The CCCCCO's ethics training, supervisory training and sexual harassment prevention training were found to be out of compliance.

#### **FINDING NO. 5 – Ethics Training Was Not Provided for All Filers**

**Summary:** The CCCCCO provided ethics training to 55 existing filers reviewed. However, the CCCCCO did not provide ethics training to 3 of 27 new filers within 6 months of their appointment.

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

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

**Cause:** The CCCCCO states that its Human Resources Office sends notification to employees regarding the mandatory ethics training requirements along with a link to the training. Reminders are sent to employees who have not taken the training and/or have not forwarded the certificate of completion. The requirements are not met due to failure on the part of some employees to take the course or failure to forward the certificate to the Human Resources Office.

**Corrective Action:** Within 90 days of this report, the CCCCCO must submit to the SPB a written correction action response which addresses the corrections the department will implement to demonstrate conformity with Government Code section 11146.3. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

**FINDING NO. 6 – Supervisory Training Was Not Provided for All Supervisors**

**Summary:** The CCCCCO did not provide basic supervisory training to 1 of 9 new supervisors within 12 months of appointment. This is the second consecutive time this has been a finding for the CCCCCO.

**Criteria:** Each department must provide its new supervisors a minimum of 80 hours of supervisory training within the probationary period. Upon completion of the initial training, supervisory employees shall receive a minimum 20 hours of leadership training biennially. (Gov. Code, § 19995.4, subds. (b) and (c).)

Upon initial appointment of an employee to a managerial position, each employee must receive 40 hours of leadership training within 12 months of appointment. Thereafter, the employee shall receive a minimum of 20 hours of leadership training biennially. (Gov. Code, § 19995.4, subd. (d).)

**Severity:** Very Serious. The department does not ensure its leaders are properly trained. Without proper training, leaders may not properly carry out their leadership roles, including managing employees.

**Cause:** The CCCCCO states that its Human Resources Office enrolls new supervisors into the mandatory training at every opportunity. The causes for this finding are failure on the part of the employee to take the course, failure to forward the certificate to Human Resources, or training courses were not available.

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

of appointment as required by Government Code section 19995.4. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

**FINDING NO. 7 – Sexual Harassment Prevention Training Was Not Provided for All Supervisors**

**Summary:** The CCCCCO provided sexual harassment prevention training to 14 existing supervisors every 2 years. However, the CCCCCO did not provide sexual harassment prevention training to 2 of 11 new supervisors within 6 months of appointment. This is the second consecutive time this has been a finding for the CCCCCO.

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

**Severity:** Very Serious. The department does not ensure its new 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 CCCCCO states that it provided in-house sexual harassment prevention training for all staff including supervisors. The causes for this finding are either failure on the part of the employees to take the course, failure to forward the certificates to Human Resources, or training courses were not available.

**Corrective Action:** Within 90 days of the date of this report, the CCCCCO must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that supervisors are provided sexual harassment prevention training in accordance with Government Code section 12950.1. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

## Compensation and Pay

### Salary Determination

The pay plan for state civil service consists of salary ranges and steps established by CalHR. (Cal. Code Regs., tit. 2, § 599.666). Several salary rules dictate how departments calculate and determine an employee's salary rate<sup>8</sup> upon appointment depending on the appointment type, the employee's state employment and pay history, and tenure.

Typically, agencies appoint employees to the minimum rate of the salary range for the class. Special provisions for appointments above the minimum exist to meet special recruitment needs and to accommodate employees who transfer into a class from another civil service class and are already receiving salaries above the minimum.

During the period under review, November 1, 2017, through July 31, 2018, the CCCCO made 26 appointments. The CRU reviewed six of those appointments to determine if the CCCCO 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	Transfer	Permanent	Full Time	\$5,023
Associate Governmental Program Analyst	Transfer	Permanent	Full Time	\$4,784
Associate Personnel Analyst	Transfer	Permanent	Full Time	\$4,784
Research Data Specialist II	Transfer	Permanent	Full Time	\$7,225
Education Administrator I	Certification List	Permanent	Full Time	\$7,279
Staff Services Analyst (General)	Certification List	Permanent	Full Time	\$3,977

### **FINDING NO. 8 – Salary Determinations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines**

<sup>8</sup> "Rate" is any one of the salary rates in the resolution by CalHR which establishes the salary ranges and steps of the Pay Plan (CA CCR Section 599.666).

The CRU found no deficiencies in the salary determinations that were reviewed. The CCCCCO appropriately calculated and keyed the salaries for each appointment and correctly determined employees' anniversary dates ensuring that subsequent merit salary adjustments will satisfy civil service laws, Board rules and CalHR policies and guidelines.

Alternate Range Movement Salary Determination (within same classification)

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

During the period under review, November 1, 2017, through July 31, 2018, the CCCCCO made one alternate range movement within a classification. The CRU reviewed the alternate range movement to determine if the CCCCCO applied salary regulations accurately and correctly processed employee's compensation, which is listed below:

Classification	Prior Range	Current Range	Time Base	Salary (Monthly Rate)
Information Technology Specialist I	A	C	Full Time	\$7,616

**FINDING NO. 9 – Alternate Range Movements Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines**

The CRU found that the one alternate range movement the CCCCCO 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, November 1, 2017, through July 31, 2108, the CCCCCO issued one pay differential<sup>9</sup>. The CRU reviewed this pay differential to ensure compliance with applicable CalHR policies and guidelines. The pay differential is listed below:

Classification	Pay Differential	Monthly Amount
Patient Advocate, Health and Human Services Agency	352	\$1,424 per Month

**FINDING NO. 10 – 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 CCCCCO authorized during the compliance review period. The pay differential was issued correctly in recognition of unusual competencies, circumstances, or working conditions in accordance with applicable rules and guidelines.

Out-of-Class Assignments (OOC) and Pay

For excluded<sup>10</sup> and most rank and file employees, out-of-class (OOC) work is defined as performing, more than 50 percent of the time, the full range of duties and responsibilities

<sup>9</sup> For the purposes of CRU’s review, only monthly pay differentials were selected for review at this time.  
<sup>10</sup> “Excluded employee” means an employee as defined in section 3527(b) of the Government Code (Ralph C. Dills Act) except those excluded employees who are designated managerial pursuant to section 18801.1 of the Government Code.

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 (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 (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 California Code of Regulations, title 2, section 599.810 allow for short-term OOC assignments to meet temporary staffing needs. Should OOC work become necessary, the assignment would be made pursuant to the applicable MOU provision or salary regulations. Before assigning the OOC work, the department should have a plan to correct the situation before the 120-day time period expires. (Classification and Pay Guide Section 375.)

During the period under review, November 1, 2017, through July 31, 2018, the CCCCCO issued OOC pay to 6 employees. The CRU reviewed the 6 OOC assignments to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
Administrator for Student Services Planning and Development, California	S21	Career Executive Assignment, B	7/1/17-1/31/18
Associate Governmental Program Analyst	R01	Community College Program Assistant II	6/17/17-7/6/18
Community College Program Assistant II	R21	Academic Planning and Development Specialist	6/1/18-11/30/18
Community College Program Assistant II	R21	Fiscal Planning and Administrative (Specialist)	1/1/18-4/30/18
Staff Services Manager I	S01	Staff Services Manager II	11/17-12/17
Labor Relations Analyst	E97	Staff Services Manager II	6/29/18-8/30/18

**FINDING NO. 11 – Out of Class Pay Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines**



The CRU found no deficiencies in the 6 OOC pay assignments that the CCCCCO authorized during the compliance review period. OOC pay was issued appropriately to employees performing, more than 50 percent of the time, the full range of duties and responsibilities allocated to an existing class and not allocated to the class in which the person has a current, legal appointment.

## **Leave**

### **Positive Paid Employees**

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

An employee is appointed TAU-ATW when he/she is not expected to work all of the working days of a month. When counting 189 days, every day worked, including partial days<sup>11</sup> worked and paid absences,<sup>12</sup> is counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day is not limited by this rule. (*Ibid.*) The 12-consecutive month timeframe begins by counting the first pay period worked as the first month of the 12-consecutive month timeframe. (*Ibid.*) The employee shall serve no longer than 189 days in a 12 consecutive month period. (*Ibid.*)

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.<sup>13</sup> (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).)

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

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

<sup>13</sup> "California Code of Regulation section 265.1 became effective July 1, 2017, and did not apply at the time of all of these appointments. The current regulation sets forth the method for counting time for temporary appointments. The cap under the current regulation is 189 days.

Generally, permanent intermittent employees may work up to 1500 hours in any calendar year. (Applicable Bargaining Unit Agreements.) However, Bargaining Unit 6 employees may work up to 2000 hours in any calendar year.

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

At the time of the review, the CCCCCO had 20 employees who hours were tracked. The CRU reviewed 15 of those positive paid appointments to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Classification	Time Base	Time Frame	Time Worked
Associate Governmental Program Analyst	Intermittent	1/2/18 – 9/30/18	13 Days
Board Members, California Community Colleges	Intermittent	9/30/17 – 9/30/18	13 Days
Board Members, California Community Colleges	Intermittent	9/30/17 – 9/30/18	10 Days
Board Members, California Community Colleges	Intermittent	9/30/17 – 9/30/18	10 Days
Board Members, California Community Colleges	Intermittent	9/30/17 – 9/30/18	24 Days
Board Members, California Community Colleges	Intermittent	9/30/17 – 9/30/18	23 Days
Board Members, California Community Colleges	Intermittent	9/30/17 – 9/30/18	56 Days
Board Members, California Community Colleges	Intermittent	9/30/17 – 9/30/18	6 Days
Board Members, California Community Colleges	Intermittent	9/30/17 – 9/30/18	31 Days
Board Members, California Community Colleges	Intermittent	9/30/17 – 9/30/18	14 Days
Board Members, California Community Colleges	Intermittent	9/30/17 – 9/30/18	25 Days
Board Members, California Community Colleges	Intermittent	9/30/17 – 9/30/18	47 Days
Community College Program Assistant II	Intermittent	9/30/17 – 9/30/18	121 Days
Specialist in Academic Planning and Development, California Community Colleges	Intermittent	9/30/17 – 9/30/18	175 Days

Classification	Time Base	Time Frame	Time Worked
Specialist in Student Services Planning and Development, California Community Colleges	Intermittent	9/30/17 – 9/30/18	116 Days

**FINDING NO. 12 – 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 15 employees whose hours were tracked during the compliance review period. The CCCCO provided the proper documentation and adhered to applicable laws, regulations and CalHR policy and guidelines for positive paid employees.

Administrative Time Off

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

During the period under review, May 1, 2017, through April 30, 2018, the CCCCO placed two employees on ATO. The CRU reviewed these ATO appointments to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Classification	Time Frame	No. of Days on ATO
Administrator for Student Services	2/22/18 – 4/4/18	42
Staff Services Manager I	7/30/18 – 8/3/18	5

**FINDING NO. 13 – Administrative Time Off Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines**

The CRU found no deficiencies in the ATO transactions reviewed during the compliance review period. The CCCCO provided the proper documentation justifying the use of ATO and adhered to applicable laws, regulations and CalHR policy and guidelines.

Leave Auditing and Timekeeping

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

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

During the period under review, February 1, 2018, through April 30, 2018, the CCCCO reported 20 units comprised of 159 active employees during the February 2018 pay period, 20 units comprised of 159 active employees during the March 2018 pay period, and 20 units comprised of 162 active employees during the April 2018 pay period. The pay periods and timesheets reviewed by the CRU are summarized as follows:

Timesheet Leave Period	Unit Reviewed	Number of Employees	Number of Timesheets Reviewed	Number of Missing Timesheets
February 2018	110	10	10	0
February 2018	238	14	14	0
February 2018	326	7	7	0
February 2018	360	2	2	0
March 2018	218	24	24	0
March 2018	233	25	25	0
March 2018	270	5	5	0

Timesheet Leave Period	Unit Reviewed	Number of Employees	Number of Timesheets Reviewed	Number of Missing Timesheets
April 2018	218	22	22	0
April 2018	250	9	9	0
April 2018	320	7	7	0
April 2018	340	5	5	0
April 2018	350	5	5	0

**FINDING NO. 14 – Leave Activity and Correction Certification Forms Were Not Completed For All Leave Records Reviewed**

**Summary:** The CCCC0 failed to provide completed Leave Activity and Correction Certification forms for all 12 units reviewed during the February, March and April 2018 pay periods. While the CCCC0 provided Leave Activity and Correction Certification forms for the entire department, each unit was not certified.

**Criteria:** Departments are responsible for maintaining accurate and timely leave accounting records for their employees. (Cal. Code Regs., tit. 2, § 599.665.) Departments shall identify and record all errors found using a Leave Activity and Correction form. (Human Resources Manual Section 2101.) Furthermore, departments shall certify that all leave records for the unit/pay period identified on the certification form have been reviewed and all leave errors identified have been corrected. (*Ibid.*)

**Severity:** Technical. Departments must document that they reviewed all leave inputted into their leave accounting system to ensure accuracy and timeliness. For post audit purposes, the completion of Leave Activity and Correction Certification forms demonstrates compliance with CalHR policies and guidelines.

**Cause:** The CCCC0 acknowledges that it was not using the Leave Activity and Correction Certification Forms to audit leave records due to staff being unaware of the requirements. Since learning of the requirements, the CCCC0 states that it has begun utilizing the correct forms and have a process in place for auditing all leave accounting records.

**Corrective Action:** Within 90 days of the date of this report, the CCCCCO must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that their monthly internal audit process is documented and that all leave input is keyed accurately and timely. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

### Leave Reduction Efforts

Departments must create a leave reduction policy for their organization and monitor employees' leave to ensure compliance with the departmental leave policy; and ensure employees who have significant "over-the-cap" leave balances have a leave reduction plan in place. (Human Resources Manual Section 2124.)

Applicable Memorandums of Understanding and the California Code of Regulations prescribe the maximum amount of vacation or annual leave permitted. "If a represented employee is not permitted to use all of the vacation to which he or she is entitled in a calendar year, the employee may accumulate the unused portion."<sup>14</sup> (Cal. Code Regs., tit. 2, § 599.737.) If it appears an excluded employee will have a vacation or annual leave balance that will be above the maximum amount<sup>15</sup> as of January 1 of each year, the appointing power shall require the supervisor to notify and meet with each employee so affected by the preceding July 1, to allow the employee to plan time off, consistent with operational needs, sufficient to reduce their balance to the amount permitted by the applicable regulation, prior to January 1. (Cal. Code Regs., tit. 2, § 599.742.1.)

It is the intent of the state to allow employees to utilize credited vacation or annual leave each year for relaxation and recreation, ensuring employees maintain the capacity to optimally perform their jobs. (Cal. Code Regs., tit. 2, § 599.742.1.) For excluded employees, the employee shall also be notified by July 1 that, if the employee fails to take off the required number of hours by January 1, the appointing power shall require the employee to take off the excess hours over the maximum permitted by the applicable regulation at the convenience of the agency during the following calendar year. (*Ibid.*) To both comply with existing civil service rules and adhere to contemporary human resources principles, state managers and supervisors must cultivate healthy work- life balance by

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<sup>14</sup> For represented employees, the established limit for annual or vacation leave accruals is 640 hours, however for Bargaining Unit 06 there is no established limit and for Bargaining Unit 05 the established limit is 816 hours.

<sup>15</sup> Excluded employees shall not accumulate more than 80 days.

granting reasonable employee vacation and annual leave requests when operationally feasible. (Human Resources Manual Section 2124.)

As of December 2017, 18 CCCCO employees exceeded the established limits of vacation or annual leave. The CRU reviewed 15 of those employees' leave reduction plans to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Classification	Collective Bargaining Identifier	Total Hours Over Established Limit	Leave Reduction Plan Provided
Accounting Administrator I (Specialist)	R01	443.25	No
Administrative Assistant I	R01	547	No
Administrator for Academic Planning and Development, California Community Colleges	S21	393.5	No
Information Technology Associate	R01	373	No
Information Technology Manager I	M01	198	No
Information Technology Manager I	M01	521	No
Information Technology Specialist II	R01	204	No
Information Technology Specialist II	R01	536	No
Specialist in Fiscal Planning and Administration, California Community Colleges	R21	356.8	No
Specialist in Fiscal Planning and Administration, California Community Colleges	R21	293	No
Specialist in General Vocational Education, California Community Colleges	R21	132	No
Specialist in General Vocational Education, California Community Colleges	R21	232	No
Specialist in General Vocational Education, California Community Colleges	R21	446.15	No
Specialist in General Vocational Education, California Community Colleges	R21	184	No
Staff Services Analyst (General)	R01	266.5	No
<b>Total</b>		<b>5126.2</b>	

**FINDING NO. 15 – Leave Reduction Plans Were Not Developed for Employees Whose Leave Balances Exceeded Established Limits**

**Summary:** The CCCCCO did not provide leave reduction plans for 15 employees reviewed whose leave balances significantly exceeded established limits. Additionally, the CCCCCO did not provide a general departmental policy addressing leave reduction.

**Criteria:** It is the policy of the state to foster and maintain a workforce that has the capacity to effectively produce quality services expected by both internal customers and the citizens of California. (Human Resources Online Manual Section 2124.) Therefore, appointing authorities and state managers and supervisors must create a leave reduction policy for the organization and monitor employees' leave to ensure compliance with the departmental leave policy; and; ensure employees who have significant "over-the-cap" leave balances have a leave reduction plan in place and are actively reducing hours. (*Ibid.*)

**Severity:** Technical. California state employees have accumulated significant leave hours creating an unfunded liability for departmental budgets. The value of this liability increases with each passing promotion and salary increase. Accordingly, leave balances exceeding established limits need to be addressed immediately.

**Cause:** The CCCCCO acknowledges that although its employees were notified that a plan was needed, the CCCCCO did not have an official leave balance reduction policy or process in place that included monitoring and accountability. The CCCCCO has since created a leave balance reduction form and process to hold employees accountable for reduction of leave balances to ensure compliance.

**Corrective Action:** Within 90 days of the date of this report, the CCCCCO must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure employees who have significant "over-the-cap" leave balances have a leave reduction plan in place. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.



## FINDING NO. 16 – Departmental Leave Reduction Policy Was Not Developed

**Summary:** The CCCCCO did not develop and communicate general departmental leave reduction policy, procedures, and practices.

**Criteria:** It is the policy of the state to foster and maintain a workforce that has the capacity to effectively produce quality services expected by both internal customers and the citizens of California. (Human Resources Online Manual Section 2124.) Therefore, appointing authorities and state managers and supervisors must create a leave reduction policy for the organization and monitor employees' leave to ensure compliance with the departmental leave policy; and; ensure employees who have significant 'over-the-cap' leave balances have a leave reduction plan in place and are actively reducing hours. (*Ibid.*)

**Severity:** Technical. California state employees have accumulated significant leave hours creating an unfunded liability for departmental budgets. The value of this liability increases with each passing promotion and salary increase. Accordingly, leave balances exceeding established limits need to be addressed immediately.

**Cause:** The CCCCCO acknowledges that it did not have a Leave Reduction Policy developed at the time of the audit; however, it was in draft form. The policy has since been finalized and distributed to all CCCCCO staff.

**Corrective Action:** Within 90 days of the date of this report, the CCCCCO must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with California Code of Regulations, title 2, section 599.742 and Human Resources Manual Section 2124. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

## **Policy and Processes**

### **Nepotism**

It is the policy of the State of California to recruit, hire and assign all employees on the basis of merit and fitness in accordance with civil service statutes, rules and regulations. (Human Resources Manual Section 1204.) Nepotism is expressly prohibited in the state workplace because it is antithetical to California's merit based civil service. (*Ibid.*) Nepotism is defined as the practice of an employee using his or her influence or power to aid or hinder another in the employment setting because of a personal relationship. (*Ibid.*) Personal relationships for this purpose include but are not limited to, association by blood, adoption, marriage and/or cohabitation. (*Ibid.*) In addition, there may be personal relationships beyond this general definition that could be subject to these policies. (*Ibid.*) All department nepotism policies should emphasize that nepotism is antithetical to a merit-based personnel system and that the department is committed to the state policy of recruiting, hiring and assigning employees on the basis of merit. (*Ibid.*)

### **FINDING NO. 17 – 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 CCCC's commitment to the state policy of recruiting, hiring and assigning employees on the basis of merit. Additionally, the CCCC's nepotism policy was comprised of specific and sufficient components intended to prevent favoritism, or bias, based on a personal relationship from unduly influencing employment decisions.

### **Workers' Compensation**

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

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

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

**FINDING NO. 17 – Workers' Compensation Process Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines**

The CRU verified that the CCCCCO provides notice to their employees to inform them of their rights and responsibilities under CA Workers' Compensation Law. Furthermore, the CRU verified that when the CCCCCO received worker's 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 37 permanent CCCCCO employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations and CalHR policy and guidelines. These are listed below:

Classification	Date Performance Appraisals Due
Accounting Administrator II	8/10/2018
Administrator for Academic Planning and Development, California Community Colleges	12/1/2017
Administrator for Vocational Education, California Community Colleges	2/13/2018
Administrator for Vocational Education, California Community Colleges	4/30/2018

Classification	Date Performance Appraisals Due
Administrator for Vocational Education, California Community Colleges	1/21/2018
Associate Governmental Program Analyst	8/8/2018
Associate Governmental Program Analyst	12/1/2017
Associate Governmental Program Analyst	4/18/2018
Associate Governmental Program Analyst	8/4/2018
Attorney	10/14/2018
Community College Program Assistant II	10/13/2018
Information Officer I (Specialist)	4/25/2018
Information Technology Associate	5/31/2018
Information Technology Manager I	6/8/2018
Information Technology Specialist I	5/31/2018
Information Technology Specialist I	10/31/2018
Information Technology Specialist II	11/30/2017
Information Technology Specialist II	1/30/2018
Information Technology Specialist II	9/2/2018
Information Technology Specialist II	9/7/2018
Information Technology Specialist II	7/30/2018
Specialist in Academic Planning and Development, California Community Colleges	6/30/2018
Specialist in Academic Planning and Development, California Community Colleges	7/17/2018
Specialist in Academic Planning and Development, California Community Colleges	11/30/2017
Specialist in Facilities Planning and Utilization, California Community Colleges	10/2/2018
Specialist in Fiscal Planning and Administration, California Community Colleges	6/30/2018
Specialist in General Vocational Education, California Community Colleges	5/4/2018
Specialist in General Vocational Education, California Community Colleges	7/30/2018
Specialist in General Vocational Education, California Community Colleges	7/3/2016
Specialist in Student Services and Planning and Development, California Community Colleges	10/3/2018
Specialist in Student Services and Planning and Development, California Community Colleges	9/18/2018

Classification	Date Performance Appraisals Due
Specialist in Student Services and Planning and Development, California Community Colleges	12/30/2017
Specialist in Student Services and Planning and Development, California Community Colleges	1/31/2018
Staff Services Analyst (General)	1/5/2018
Staff Services Analyst (General)	9/30/2018
Staff Services Analyst (General)	9/30/2018
Staff Services Analyst (General)	5/31/2018

In reviewing the CCCC performance appraisals policies and processes, the CRU determined the following:

**FINDING NO. 18 – Performance Appraisals Were Not Provided to All Employees**

**Summary:** The CCCC did not provide performance appraisals to any of the 37 non-probationary employees.

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

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

**Cause:** The CCCC acknowledges that it has no current process or policy for completing performance appraisals for all staff and that they were not provided to all employees at the time of the audit. The CCCC states that it is in the process of developing a policy to ensure compliance.

**Corrective Action:** Within 90 days of the date of this report, the CCCCCO must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Government Code section 19992.2 and California Code of Regulations, title 2, section 599.798. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response

### **DEPARTMENTAL RESPONSE**

The CCCCCO's response is attached as Attachment 1.

### **SPB REPLY**

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

## CCCCO Response to SPB Audit:

**FINDING NO. 1**- Equal Employment Opportunity Questionnaires Were Not Separated From Applications

**Cause:** The Human Resources Office acknowledges that the EEO pages are to be separated from applications for job applications and exam applications. If the pages were left in, it was an oversight and going forward will be monitored more closely to make sure this does not happen again.

**FINDING NO. 2** – Probationary Evaluations Were Not Provided for All Appointments Reviewed

**Cause:** Probation Reports are drafted for new rank and file employees and the template is included in the hiring folders. Outlook calendar invites are sent with due dates at the time of all hires or promotions. The calendar is set as recurring and also include a week lead time prior to the due dates. The calendar notice to the hiring manager includes the probation form pre-filled with the employee's information at the top so it can be filled out easily. Human Resources sends multiple requests and reminders that the probation reports are due (or overdue). Unfortunately, some hiring managers are not responsive and the reports are not turned in.

**FINDING NO. 3** – A Disability Advisory Committee Has Not been Established

**Cause:** Over the past few years several attempts were made to start a DAC at the CCCC. In June 2017 the newly established DAC drafted by-laws. Due to staff turn-over, the small size of the CCCC staff, and workload, the DAC disbanded. CCCC hired a new Vice Chancellor over Internal Operations in 2018 and has since established an active DAC which revised the by-laws and started meeting regularly, every other month.

**FINDING NO. 5** – Ethics Training Was Not Provided for All Filers

**Cause:** CCCC Human Resources Office (HRO) sends an email explaining the mandatory ethics training along with a link to the training to all new employees and every two years to mandatory filers. The employees are told to take the training and return a certificate of completion to the HRO within the mandatory 6 months. The HRO sends reminder emails to employees who have not taken the training, if the employee still does not turn in the certificate, another email is sent with a copy to their supervisor. There is sometimes failure on the part of the employee to take the course or failure to forward the certificate to the HRO.

**FINDING NO. 6** – Supervisory Training Was Not Provided for All Supervisors

**Cause:** HRO enrolls new supervisors into the mandatory training at every opportunity. The causes for this finding are failure on the part of the employee to take the course, failure to forward the certificate to HRO, or training courses were not available.

**FINDING NO. 7** – Sexual Harassment Prevention Training Was Not Provided for All Supervisors

**Cause:** CCCCCO provided in-house SHP training for all staff, including supervisors, the cause for this finding is either failure on the part of the employee to take the course, failure to forward the certificate to HRO, or training courses were not available.

FINDING NO. 14 – Leave Activity and Correction Certification Forms Were Not Completed For All Leave Records Reviewed

**Cause:** CCCCCO acknowledges it was not using the Leave Activity and Correction Certification Forms to audit leave records as required. We have since been utilizing the correct forms and have a process in place for auditing all leave accounting records.

FINDING NO. 15 – Leave Reduction Plans Were Not Developed for Employees Whose Leave Balances Exceeded Established Limits

**Cause:** CCCCCO acknowledges that although employees were notified a plan was needed, CCCCCO did not have an official leave balance reduction policy or process in place that included monitoring and accountability. CCCCCO has since created a leave balance reduction form and process to hold employees accountable for reduction of leave balances to ensure compliance.

FINDING NO. 16 – Departmental Leave Reduction Policy Was Not Developed

**Cause:** CCCCCO acknowledges it did not have a Leave Reduction Policy developed at the time of the audit, however it was in draft form. It has since been finalized and distributed to all CCCCCO staff.

FINDING NO. 18 – Performance Appraisals Were Not Provided to All Employees

**Cause:** CCCCCO acknowledges that there is no current process or policy for completing performance appraisals for all staff and that they were not provided to all employees at the time of the audit. The CCCCCO is in the process of developing a policy to ensure compliance.



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

For each non-compliant Finding, refer to the Corrective Action section of that Finding in the review report. Copies of relevant documentation demonstrating that the Corrective Action has been or is in the process of being corrected must be included with the CAR. Examples include, but are not limited to, a training log for supervisory training, leave reduction policy and/or any new procedures that have been implemented.

**CORRECTIVE ACTION RESPONSE**

DEPARTMENT: Community Colleges Chancellor's Office	BRANCH/DIVISION/PROGRAM: Human Resources
CONTACT PERSON (NAME AND TITLE): Tiffany Argento	CORRECTIVE ACTION RESPONSE DATE: October 2020

FINDING (DEFICIENCY) BY NUMBER	ACTION ITEM(S) ALREADY OR TO BE COMPLETED	TIMEFRAME(S)
Finding as stated in the report, by number	Description of 1) completed or planned corrective action(s) and 2) of supporting documentation (if applicable)	Actual or Estimated Completion Date
<b>NO. 1 Equal Employment Opportunity Questionnaires Were Not Separated From Applications</b>	CCCCO has added "Remove all EEO pages from application submissions" to the checklist used during the selection process.	Completed 2020 – Attachment 1 RPA Checklist
<b>NO. 2 Probationary Evaluations Were Not Provided for All Appointments Reviewed</b>	CCCCO continues to send supervisors/managers Calendar notices with all three probation due dates, along with email reminders before each due date. CCCCCO will have a standing agenda item on the monthly managers meeting to remind them of the importance of completing Probationary Evaluations.	Completed 2020 – Attachment 2 Calendar Notice; Attachment 3 Standing Item on Agenda

FINDING (DEFICIENCY) BY NUMBER	ACTION ITEM(S) ALREADY OR TO BE COMPLETED	TIMEFRAME(S)
<b>NO. 3 A Disability Advisory Committee Has Not been Established</b>	A Disability Advisory Committee has been established and meets regularly every other month.	Completed March 2019 – Attachment 4 DAC Bylaws
<b>NO. 5 Ethics Training Was Not Provided for All Filers</b>	CCCCO continues to send email reminders and keep a spreadsheet. CCCCCO sends a notice to the employee's supervisor if the employee is not responsive to the reminder emails.	Completed June 2020 - Attachment 5 Spreadsheet; Attachment 6 Initial Email; Attachment 7 Reminder Email
<b>NO. 6 Supervisory Training Was Not Provided for All Supervisors</b>	CCCCO continues to search for available Supervisory trainings. Human Resources has a spreadsheet to track what is needed. Due to COVID, CalHR is not providing training, and hasn't since February 2020. When CalHR offers training, CCCCCO will enroll supervisors.	Anticipated completion – late 2020 – Attachment 8 Tracking Spreadsheet
<b>NO. 7 Sexual Harassment Prevention Training Was Not Provided for All Supervisors</b>	CCCCO has complied with the SHP training. In 2019, supervisors attended SHP for Supervisors training with a trainer from CPSHR Consulting. Staff attended SHP training as well with a trainer from CPSHR Consulting. Those unable to attend in-person, attended a CPSHR Consulting Webinar. Moving forward, CCCCCO will assign the DFEH SHP webinars. CCCCCO now uses the Vision Resource Center, an on-line training system. The training will be assigned and set to recur as necessary.	Completed October - December 2019 – Attachment 9 Rank and File Tracking Sheet; Attachment 10 Supervisory Tracking Sheet

FINDING (DEFICIENCY) BY NUMBER	ACTION ITEM(S) ALREADY OR TO BE COMPLETED	TIMEFRAME(S)
<b>NO. 14 Leave Activity and Correction Certification Forms Were Not Completed For All Leave Records Reviewed</b>	CCCCCO identified all Units on the Leave Activity and Correction Certification Forms. CCCCCO launched the Tempo Timekeeping system that interfaces with SCO directly. CCCCCO will continue to use the leave accounting forms on a monthly basis for all manual keying.	Completed September 2020
<b>NO. 15 Leave Reduction Plans Were Not Developed for Employees Whose Leave Balances Exceeded Established Limits</b>	CCCCCO adopted a Leave Reduction Policy and annually creates leave reduction plans for employees that have exceeded established limits.	Completed February 2019 – Attachment 11 Policy; Attachment 12 Email Template 1; Attachment 13 Email Template 2
<b>NO. 16 Departmental Leave Reduction Policy Was Not Developed</b>	CCCCCO adopted a Leave Reduction Policy and annually creates leave reduction plans for employees that have exceeded established limits.	Completed February 2019 – Attachment 11 Policy; Attachment 12 Email Template 1; Attachment 13 Email Template 2
<b>NO. 18 Performance Appraisals Were Not Provided to All Employees</b>	CCCCCO has drafted a Performance Appraisal Policy. CCCCCO will have mandatory Performance Appraisal period during the third Quarter. Human Resources will send emails to supervisors reminding them to do PAS and HR will track and follow-up as necessary.	Completed Policy – August 2020  Anticipated Completion of Pas – 3 <sup>rd</sup> Quarter 2021  Attachment 14 PAS Policy