



COMPLIANCE REVIEW REPORT

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Compliance Review Unit
State Personnel Board
March 20, 2023

TABLE OF CONTENTS

INTRODUCTION	1
EXECUTIVE SUMMARY	2
BACKGROUND	3
SCOPE AND METHODOLOGY	3
FINDINGS AND RECOMMENDATIONS	6
APPOINTMENTS.....	6
EQUAL EMPLOYMENT OPPORTUNITY	8
PERSONAL SERVICES CONTRACTS	10
MANDATED TRAINING	12
COMPENSATION AND PAY	15
LEAVE.....	19
POLICY AND PROCESSES	24
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 (PSCs), 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 Environmental Protection Agency (CalEPA)'s personnel practices in the areas of examinations, appointments, EEO, PSCs, mandated training, compensation and pay, leave, and policy and processes. The following table summarizes the compliance review findings.

Area	Severity	Finding
Appointments	Serious	Probationary Evaluations Were Not Provided for All Appointments Reviewed ¹
Appointments	Technical	Appointment Documentation Was Not Kept for the Appropriate Amount of Time
Equal Employment Opportunity	Very Serious	Equal Employment Opportunity Officer Does Not Report Directly to the Head of the Agency
Personal Services Contracts	Serious	Unions Were Not Notified of Personal Services Contracts
Mandated Training	Very Serious	Ethics Training Was Not Provided for All Filers ²
Mandated Training	Very Serious	Sexual Harassment Prevention Training Was Not Provided for All Employees ³
Compensation and Pay	In Compliance	Salary Determinations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines
Compensation and Pay	Very Serious	Alternate Range Movement Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

¹ Repeat finding. September 30, 2019, the CalEPA's compliance review report identified that CalEPA did not provide 22 probationary reports of performance for 9 of the 16 appointments reviewed. In addition, July 20, 2016, the CalEPA's compliance review report identified 8 incomplete probation reports of the 16 appointment files reviewed.

² Repeat finding. September 30, 2019, the CalEPA's compliance review report identified that CalEPA did not provide ethics training to 13 of 13 existing filers and 5 of 16 new filers. In addition, July 20, 2016, the CalEPA's compliance review report identified ethics training was not provided to 2 of the 7 new filers within six months of their appointment. Further, the CalEPA did not provide ethics training to 10 of 34 existing filers.

³ Repeat finding. September 30, 2019, the CalEPA's compliance review report identified that CalEPA did not provide sexual harassment prevention training to 10 of 10 existing supervisors and 7 of 12 new supervisors. In addition, July 20, 2016, the CalEPA's compliance review report identified that sexual harassment prevention training was not provided to 2 of 5 new supervisors and 1 of 15 existing supervisors.

Area	Severity	Finding
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
Leave	Serious	Department Did Not Retain Employee Time and Attendance Records
Policy	In Compliance	Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	In Compliance	Workers' Compensation Process Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Serious	Performance Appraisals Were Not Provided to All Employees ⁴

BACKGROUND

The CalEPA's mission is to restore, protect and enhance the environment; and, to ensure public health, environmental quality and economic vitality. The CalEPA fulfills its mission by developing, implementing and enforcing environmental laws that regulate air, water and soil quality, pesticide use, and waste recycling and reduction. The CalEPA's departments are at the forefront of environmental science, using the most recent research to shape the state's environmental laws. The Office of the Secretary heads the CalEPA overseeing and coordinating the activities of one office, two boards, and three departments dedicated to improving California's environment. The CalEPA employs approximately 75 employees.

The California Air Resources Board (CARB) performs human resources operations for the CalEPA.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the CalEPA's examinations, appointments, EEO program, PSCs, mandated training, compensation and pay, leave,

⁴ Repeat finding. September 30, 2019, the CalEPA's compliance review report identified that CalEPA did not provide performance appraisals to 18 of 18 non-probationary employees.

and policy and processes⁵. The primary objective of the review was to determine if the CalEPA's personnel practices, policies, and procedures complied with state civil service laws and Board regulations, Bargaining Unit Agreements, CalHR policies and guidelines, CalHR Delegation Agreements, and to recommend corrective action where deficiencies were identified.

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

A cross-section of the CalEPA'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 CalEPA provided, which included Notice of Personnel Action (NOPA) forms, Request for Personnel Actions, vacancy postings, certification lists, transfer movement worksheets, employment history records, correspondence, and probation reports.

The CalEPA did not conduct any unlawful appointment investigations during the compliance review period.

Additionally, the CalEPA did not make any additional appointments during the compliance review period.

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

During the compliance review period, the CalEPA did not issue nor authorize hiring above minimum requests, red circle rate requests, arduous pay, bilingual pay, or out-of-class assignments.

The review of the CalEPA's EEO program included examining written EEO policies and procedures; the EEO Officer's role, duties, and reporting relationship; the internal

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

discrimination complaint process; the reasonable accommodation program; the discrimination complaint process; and the Disability Advisory Committee.

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

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

The CRU reviewed the CalEPA's monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely and ensure the department certified that all leave records have been reviewed and corrected if necessary. The CRU selected a small cross-section of the CalEPA's units to ensure they maintained accurate and timely leave accounting records. Additionally, the CRU reviewed a selection of the CalEPA employees who used Administrative Time Off (ATO) to ensure that ATO was appropriately administered. Further, the CRU reviewed a selection of CalEPA positive paid employees whose hours are tracked during the compliance review period to ensure that they adhered to procedural requirements.

During the compliance review period, the CalEPA did not have any employees with non-qualifying pay period transactions.

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

On February 23, 2023, an exit conference was held with the CalEPA to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the CalEPA's written response on March 1, 2023, which is attached to this final compliance review report.

⁶If an employee organization requests the SPB to review any personal services contract during the SPB compliance review period or prior to the completion of the final compliance review report, the SPB will not audit the contract. Instead, the SPB will review the contract pursuant to its statutory and regulatory process. In this instance, none of the reviewed PSCs were challenged.

FINDINGS AND RECOMMENDATIONS

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, 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, October 1, 2020, through September 30, 2021, the CalEPA made five appointments. The CRU reviewed five of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Air Pollution Specialist	Certification List	Permanent	Full-Time	1
Air Resources Supervisor I	Certification List	Permanent	Full-Time	1
Attorney III	Certification List	Permanent	Full-Time	1
Senior Environmental Scientist (Specialist)	Certification List	Permanent	Full-Time	1
Environmental Scientist	Transfer	Permanent	Full-Time	1

SEVERITY: SERIOUS	FINDING NO. 1 PROBATIONARY EVALUATIONS WERE NOT PROVIDED FOR ALL APPOINTMENTS REVIEWED
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Summary: The CalEPA did not provide six probationary reports of performance for four of the five appointments reviewed by the CRU, as reflected in the table below. This is the third consecutive time the CalEPA has had this finding.

Classification	Appointment Type	Number of Appointments	Total Number of Missing Probation Reports
Air Pollution Specialist	Certification List	1	2
Air Resources Supervisor I	Certification List	1	1
Attorney III	Certification List	1	1
Environmental Scientist	Transfer	1	2

Criteria: The service of a probationary period is required when an employee enters or is promoted in the state civil service by permanent appointment from an employment list; 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 CalEPA states that it attempted to remind managers and supervisors of their employees who were serving a probation period. Despite multiple reminders, not all managers and supervisors completed the required probationary reports.

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

SEVERITY: TECHNICAL	FINDING NO. 2 APPOINTMENT DOCUMENTATION WAS NOT KEPT FOR THE APPROPRIATE AMOUNT OF TIME
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Summary: The CalEPA failed to retain personnel records such as NOPA's, duty statements, job announcements/bulletins, and applications. Of the five appointments reviewed, the CalEPA did not retain three NOPAs.

Criteria: As specified in section 26 of the Board's Regulations, appointing powers are required to retain records related to affirmative action, equal employment opportunity, examinations, merit, selection, and appointments for a minimum period of five years from the date the record is created. These records are required to be readily accessible and retained in an orderly and systematic manner. (Cal. Code Regs., tit. 2, § 26.)

Severity: Technical. Without documentation, the CRU could not verify if the appointments were properly conducted.

Cause: The CalEPA asserts that due to a high vacancy rate, employee turnover, and the transition to a telework environment during the pandemic, there was a failure to ensure that all appointment documentation was filed correctly and promptly in personnel records of employees.

Corrective Action: Within 90 days of the date of this report, the CalEPA must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with the record retention requirements of California Code of Regulations, title 2, section 26. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Equal Employment Opportunity

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

Pursuant to Government Code section 19795, subdivision (a), in a state agency with less than 500 employees, like CalEPA, 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. 3	EQUAL EMPLOYMENT OPPORTUNITY OFFICER DOES NOT REPORT DIRECTLY TO THE HEAD OF THE AGENCY
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Summary: The CalEPA EEO Officer does not report directly to the head of the agency. No separate, direct reporting relationship with the Secretary for the CalEPA has been established for EEO responsibilities.

Criteria: 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).)

Severity: Very Serious. The EEO Officer does not have direct access to the head of the organization, diminishing the significance of the EEO program. In the non-compliant department, not only is the EEO Officer not directly supervised by the Executive Officer, but there was no meaningful reporting relationship on EEO matters. To have an

effective EEO program, the head of the organization must be actively involved.

Cause: The CalEPA states that due to CARB's oversight of administrative duties, which include EEO, the CARB's EEO Officer is also CalEPA's EEO Officer.

SPB Reply: The CalEPA provides that the CARB's EEO Officer serves as its EEO Officer. CRU requested documentation that 1) the CARB's EEO Officer has a direct reporting relationship with the head of the CalEPA and 2) the CARB's EEO Officer's duty statement reflects that they are also the CalEPA's EEO Officer. This documentation was requested twice, once during the course of the review and once during the CalEPA's exit conference. To date, no such documentation has been provided.

Corrective Action: Within 90 days of the date of this report, the CalEPA must submit to the SPB a written corrective action response which includes verification of a formal structure that ensures that the EEO Officer directly reports to the Secretary for Environmental Protection on EEO matters to ensure conformity with the requirements of Government Code section 19795. Copies of relevant documentation demonstrating that the corrective action has been implemented 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 PSCs achieve cost savings for the state. PSCs that are of a type enumerated in subdivision (b) of Government Code section 19130 are also permissible. Subdivision (b) contracts include, but are not limited to, private contracts for a new state function, services that are not available within state service, services that are incidental to a contract for the purchase or lease of real or personal property, and services that are of an urgent, temporary, or occasional nature.

For cost-savings PSCs, 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, September 1, 2020, through August 31, 2021, the CalEPA had 10 PSCs that were in effect. The CRU reviewed all of those, which are listed below:

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
California CUPA Forum	Training Conference Registration fees	02/1/21 - 08/30/21	\$18,000	Yes	No
Grant Thornton Public Sector, LLC	Performance Management System Training and Development	12/9/20 - 12/8/21	\$25,000	Yes	No
Grant Thornton Public Sector, LLC	Performance Management System Training and Development	12/9/20 - 12/8/21	\$24,999	Yes	No
Ross Strategic	The Pacific Coast Collaborative Membership	1/1/21 - 12/31/21	\$100,000	Yes	No
Simply Support for ECE, LLC	Train the Trainer (Advancing Racial Equity)	6/9/21 - 12/5/21	\$10,000	Yes	Yes
The Climate Group, Inc.	The Climate Group membership	3/1/21 - 12/31/21	\$20,000	Yes	No
The Climate Group, Inc.	The Climate Group membership	9/1/20 - 12/31/20	\$20,000	Yes	No
The Climate Registry	The Climate Registry membership	3/1/21 - 2/28/22	\$180,000	Yes	No
Environmental Council of the States	Environmental Council of the States membership	1/1/21 - 12/31/21	\$13,000	Yes	No
West, A Thomson Reuters Business	Electronic Library Services	7/1/20 - 6/30/21	\$23,610	Yes	No

SEVERITY: SERIOUS	FINDING NO. 4 UNIONS WERE NOT NOTIFIED OF PERSONAL SERVICES CONTRACTS
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Summary: The CalEPA did not notify unions prior to entering into 9 of the 10 PSCs reviewed.

Criteria: The contract shall not be executed until the state agency proposing to execute the contract has notified all organizations that represent state employees who perform the type of work to be contracted. (Gov. Code, § 19132, subd. (b)(1).)

Severity: Serious. Unions must be notified of impending personal services contracts in order to ensure they are aware contracts are being proposed for the type of work that their members could perform.

Cause: The CalEPA acknowledges that it did not notice unions prior to entering PSCs consistently.

Corrective Action: Departments are responsible for notifying all organizations that represent state employees who perform or could perform the type of work to be contracted prior to executing a PSC. The PSCs reviewed during this compliance review involved several services and functions which various rank-and-file civil service classifications perform. Within 90 days of the date of this report, the CalEPA must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with the requirements of California Code of Regulations section 547.60.2. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Mandated Training

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

Additionally, new 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 CalEPA’s mandated training program that was in effect during the compliance review period, September 1, 2019, through August 31, 2021.

SEVERITY: VERY SERIOUS	FINDING NO. 5 ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS
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Summary: The CalEPA did not provide ethics training to 2 of 12 existing filers. In addition, the CalEPA did not provide ethics training to 3 of 9 new filers within 6 months of their appointment. This is the third consecutive time the CalEPA has had this finding.

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 CalEPA asserts that due to a high vacancy rate, employee turnover, and the transition to a telework environment during the pandemic, the CalEPA did not provide ethics training to 3 or 9 new filers within 6 months of their appointment.

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

SEVERITY: VERY SERIOUS	FINDING NO. 6 SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL EMPLOYEES
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Summary: The CalEPA did not provide sexual harassment prevention training to 1 of 2 new supervisors within 6 months of their appointment. In addition, the CalEPA did not provide sexual harassment prevention training to any of its 18 existing supervisors every 2 years. This is the third consecutive time the CalEPA has had this finding.

The CalEPA did not provide sexual harassment prevention training to 6 of 11 new non-supervisors within 6 months of their appointment. In addition, the CalEPA did not provide sexual harassment prevention training to 11 of 42 existing 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 CalEPA states that EEO Office had one staff member responsible for manually tracking the sexual harassment prevention training for CalEPA in addition to having multiple competing priorities that prevented reminders from being sent out and tracked.

Corrective Action: Within 90 days of the date of this report, the CalEPA must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that all employees 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 rate⁷ 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, October 1, 2020, through September 30, 2021, the CalEPA made five appointments. The CRU reviewed two of those appointments to determine if the CalEPA applied salary regulations accurately and correctly processed employees’ compensation, which are listed below:

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Air Pollution Specialist	Certification List	Permanent	Full-Time	\$10,270
Environmental Scientist	Transfer	Permanent	Full-Time	\$3,851

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

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

Alternate Range Movement Salary Determination (within same classification)

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

During the period under review, October 1, 2020, through September 30, 2021, the CalEPA employees made two alternate range movements within a classification. The CRU reviewed two of those alternate range movements to determine if the CalEPA applied salary regulations accurately and correctly processed each employee's compensation, which are listed below:

Classification	Prior Range	Current Range	Time Base	Salary (Monthly Rate)
Information Technology Specialist I	Range A	Range B	Full-Time	\$6975
Staff Services Analyst (General)	Range A	Range B	Full-Time	\$4339

SEVERITY: VERY SERIOUS	FINDING NO. 8 ALTERNATE RANGE MOVEMENT DID NOT COMPLY WITH CIVIL SERVICE LAWS, RULES, AND CALHR POLICIES AND GUIDELINES
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Summary: The CRU found the following error in the CalEPA's determination of employee compensation:

Classification	Description of Finding	Criteria
Staff Services Analyst (General)	Employee was moved into Range B of the Staff Services Analyst (General) classification before they met the criteria for Range B. The employee was overcompensated.	Alternate Range Criteria #069

Criteria: Alternate ranges are designed to recognize increased competence in the performance of class duties based upon experience obtained while in the class. The employee gains status in the alternate range as though each range were a separate classification. (Classification and Pay Guide Section 220.)

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

Severity: Very Serious. In one circumstance, the CalEPA failed to comply with the requirements outlined in the state civil service pay plan. Incorrectly applying compensation laws and rules not in accordance with CalHR’s policies and guidelines results in civil service employees receiving incorrect and/or inappropriate pay amounts.

Cause: The CalEPA asserts that due to a high vacancy rate, employee turnover, and the transition to a telework environment during the pandemic, CalEPA failed to properly train staff.

Corrective Action: Within 90 days of the date of this report, the CalEPA must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure that employees are compensated correctly. The CalEPA must establish an audit system to correct current compensation transactions as well as future transactions. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

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, October 1, 2020, through September 30, 2021, the CalEPA authorized six pay differentials.⁸ The CRU reviewed six of these pay differentials to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Pay Differential	Monthly Amount
Air Pollution Specialist	Longevity Pay Differential	4%
Air Resources Supervisor I	Longevity Pay Differential	4%
Executive Assistant	Executive Assistant Differential Pay	1.5 Salary Steps
Executive Assistant	Executive Assistant Differential Pay	1.5 Salary Steps
Executive Assistant	Executive Assistant Differential Pay	1.5 Salary Steps
Office Assistant (General)	\$15 Minimum Wage Equity Adjustment Differential	9.23%

IN COMPLIANCE	FINDING NO. 9	PAY DIFFERENTIAL AUTHORIZATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRU found no deficiencies in the pay differentials that the CalEPA authorized during the compliance review period. Pay differentials were issued correctly in recognition of

⁸ For the purposes of CRU's review, only monthly pay differentials were selected for review at this time.

unusual 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 days⁹ worked and paid absences¹⁰, 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 1500 hours within 12 consecutive months may be used rather than the 189-day calculation. (Cal. Code Regs., tit. 2, § 265.1, subd. (d).)

⁹ For example, two hours or ten hours count as one day.

¹⁰ For example, vacation, sick leave, compensating time off, etc.

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

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

Classification	Tenure	Time Frame	Time Worked
Environmental Program Manager I (Supervisory)	Retired Annuitant	07/2020 -06/2021	737 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
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The CRU found no deficiencies in the positive paid employee reviewed during the compliance review period. The CalEPA 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, June 1, 2020, through May 31, 2021, the CalEPA authorized 18 ATO transactions. The CRU reviewed 13 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
Air Pollution Specialist	05/03/21 – 05/07/21	5 Days
Associate Governmental Program Analyst	05/21/21 – 05/21/20	1 Day
Associate Governmental Program Analyst	08/13/20 – 12/31/20	14 Days
Digital Composition Specialist III	06/01/20 – 07/29/20	20 Days
Digital Composition Specialist III	06/01/20 – 07/30/20	23 Days
Executive Assistant	4/16/20 – 4/16/20	1 Day
Mailing Machines Operator I	02/09/21 – 2/09/21	1 Day
Program Technician	06/01/20 – 06/02/20	2 Days
Program Technician	06/01/20 – 06/30/20	22 Days
Staff Services Analyst (General)	06/01/20 – 06/30/20	19 Days
Staff Services Analyst (General)	06/01/20 – 02/19/21	132 Days
Staff Services Manager I	08/07/20 – 09/18/20	5 Days
Warehouse Worker	06/01/20 – 06/02/20	2 Days

SEVERITY: SERIOUS	FINDING NO. 11 ADMINISTRATIVE TIME OFF WAS NOT PROPERLY DOCUMENTED
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Summary: Specifically, the CalEPA did not obtain approval from CalHR prior to authorizing ATO in excess of 30 days for 1 employee.

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 CalEPA asserts that due to a high vacancy rate, employee turnover, and the transition to a telework environment during the pandemic, the CalEPA failed to adequately follow its internal processes to notify CalHR to request ATO approval or extensions.

Corrective Action: Within 90 days of the date of this report, the CalEPA 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 19991.10 and Human Resources Manual Section 2121. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

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, March 1, 2021, through May 31, 2021, the CalEPA reported 3 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
March 2021	010	79	78	1
April 2021	010	79	78	1
May 2021	010	78	77	1

SEVERITY: SERIOUS	FINDING NO. 12 DEPARTMENT DID NOT RETAIN EMPLOYEE TIME AND ATTENDANCE RECORDS
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Summary: The CalEPA did not retain 1 of 79 timesheets from the March 2021 and April 2021 pay periods, and 1 of 78 timesheets from the May 2021 pay period.

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

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

Cause: The CalEPA asserts that due to a high vacancy rate, employee turnover and the transition to a telework environment during the pandemic, the CalEPA failed to remind employees to submit their timesheets on a monthly basis.

Corrective Action: Within 90 days of the date of this report, the CalEPA must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure all timesheets are accounted for and processed in conformity with California Code

of Regulations, title 2, section 599.665. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Policy and Processes

Nepotism

It is the policy of the State of California to recruit, hire and assign all employees on the basis of merit and fitness in accordance with civil service statutes, rules and regulations. (Human Resources Manual Section 1204.) Nepotism is expressly prohibited in the state workplace because it is antithetical to California’s merit based civil service. (*Ibid.*) Nepotism is defined as the practice of an employee using his or her influence or power to aid or hinder another in the employment setting because of a personal relationship. (*Ibid.*) Personal relationships for this purpose include association by blood, adoption, marriage and/or cohabitation. (*Ibid.*) All department nepotism policies should emphasize that nepotism is antithetical to a merit-based personnel system and that the department is committed to the state policy of recruiting, hiring and assigning employees on the basis of merit. (*Ibid.*)

IN COMPLIANCE	FINDING NO. 13 NEPOTISM POLICY COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRU verified that the policy was disseminated to all staff and emphasized the CalEPA’s commitment to the state policy of recruiting, hiring and assigning employees on the basis of merit. Additionally, the CalEPA’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 CalEPA 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
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The CRU verified that the CalEPA 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 CalEPA 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 14 permanent CalEPA 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
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Summary: The CalEPA did not provide annual performance appraisals to 11 of 14 employees reviewed after the completion of the employee’s probationary period. This is the second consecutive time the CalEPA has had this finding.

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 apprised of work performance issues and/or goals in a systematic manner.

Cause: The CalEPA states that the Human Resources Branch notifies managers and supervisors of each employee whose annual performance appraisals are due. Despite multiple reminders, not all managers and supervisors completed the required appraisals.

Corrective Action: Within 90 days of the date of this report, the CalEPA 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 CalEPA’s departmental response is attached as Attachment 1.

SPB REPLY

Based upon the CalEPA’s written response, the CalEPA 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.



Gavin Newsom
Governor

Yana Garcia
Secretary for Environmental Protection

March 1, 2023

Suzanne M. Ambrose
Executive Officer
State Personnel Board
801 Capitol Mall
Sacramento, CA 95815

The California Environmental Protection Agency would like to thank the State Personnel Board (SPB) for their thorough review of CalEPA's compliance with Personnel policies.

FINDING NO. 1 Probationary Evaluations Were Not Provided for all Appointments Reviewed - Serious

The report noted the CalEPA did not provide six probationary reports of performance for four of the five appointments reviewed by the CRU.

Cause: CalEPA attempted to remind managers/supervisors of their employees that were serving a probation period. Despite multiple reminders, not all managers and supervisors completed the required probationary reports.

FINDING NO. 2 Appointment Documentation Was Not Kept for the Appropriate Amount of Time. – Technical

The report noted that CalEPA did not retain 3 NOPAs out of the 5 appointments reviewed.

Cause: The CalEPA asserts that due to a high vacancy rate, employee turnover and the transition to a telework environment during the pandemic, there was a failure to ensure that all appointment documentation was filed correctly and promptly in personnel records of employees.

FINDING NO. 3 Equal Employment Opportunity Officer Does Not Report Directly to the Head of Agency – Very Serious

The report noted that CalEPA EEO Officer does not report directly to the head of the agency. No separate, direct reporting relationship with the Executive Director of the CalEPA has been established for EEO responsibilities.

Cause: Due to CARB's oversight of the administrative duties, which include EEO, the CalEPA EEO Officer is also CARB's EEO Officer.

FINDING NO. 4 Unions Were Not Notified of Personal Services Contracts - Serious

The report noted that CalEPA did not notify unions prior to entering into 9 of the 10 PSC's reviewed.

Cause: The CalEPA acknowledges that they did not notice Unions prior to entering Personnel Services Contracts consistently.

FINDING NO. 5 Ethics Training Was Not Provided for all Filers - Very Serious

The report noted that CalEPA failed to provide ethics training to 2 of 12 existing. In addition, the CalEPA did not provide ethics training to 3 of 9 new filers within 6 months of their appointment.

Cause: CalEPA asserts that due to a high vacancy rate, employee turnover and the transition to a telework environment during the pandemic, CalEPA did not provide ethics training to 3 of 9 new filers within 6 months of their appointment.

FINDING NO. 6 Sexual Harassment Prevention Training Was Not Provided for all Supervisors - Very Serious

The report noted that CalEPA failed to provide sexual harassment prevention training to 1 of 2 new supervisors within six months of their appointment. In addition, the CalEPA did not provide sexual harassment prevention training to 18 of its existing supervisors every 2 years. The CalEPA did not provide sexual harassment prevention training to 6 of 11 new non-supervisors within 6 months of their appointment. In addition, the CalEPA did not provide sexual harassment prevention training to 11 of 42 existing non-supervisors every 2 years.

Cause: EEO had one staff member responsible for manually tracking the sexual harassment prevention training for CalEPA, in addition to having multiple competing priorities that prevented reminders from being sent out and tracked.

FINDING NO. 8 Alternate Range Movement Did Not Comply with Civil Service Laws, Rules, and CalHR Policies and Guidelines - Very Serious

The report noted that CalEPA moved an employee into Range B of the Staff Services Analyst (General) classification before they met the criteria for Range B. The employee was overcompensated.

Cause: The CalEPA asserts that due to a high vacancy rate, employee turnover and the transition to a telework environment during the pandemic, CalEPA failed to properly train staff in processing 715 transaction to ensure employees do not receive leave accruals when they a Non-Qualifying Pay Period.

FINDING NO. 11 Administrative Time Off was Not Properly Documented - Serious

The report states that CalEPA did not obtain approval from CalHR prior to authorizing ATO in excess of 30 days for 1 employee.

Cause: The CalEPA asserts that due to a high vacancy rate, employee turnover and the transition to a telework environment during the pandemic, CalEPA failed to adequately follow its internal processes on notify CalHR for ATO approval or extensions.

FINDING NO. 12 Department Did Not Retain Employee Time and Attendance – Serious

The report states that CalEPA did not retain 1 of 79 timesheets from the March 2021 and April 2021 pay periods and 1 of 78 timesheets from the May 2021 pay period.

Cause: The CalEPA asserts that due to a high vacancy rate, employee turnover and the transition to a telework environment during the pandemic, CalEPA failed to remind employees to submit their timesheets on a monthly basis.

FINDING NO. 15 Performance Appraisals Were Not Provided - Serious

The report states that CalEPA did not provide annual performance appraisals to 11 of 14 employees reviewed after the completion of the employee's Performance Appraisal Summary (PAS).

Cause: The Human Resources Branch (HRB) notifies managers and supervisors of each employee whose PAS evaluation are due. Despite multiple reminders, not all managers and supervisors completed the required appraisals.