



COMPLIANCE REVIEW REPORT

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

Compliance Review Unit
State Personnel Board
November 16, 2023

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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.

Typically, the SPB conducts these reviews on a three-year cycle.

In this instance, a mid-cycle review was conducted wherein the CRU reviewed selected areas of the California Department of Social Services' (CDSS) personnel and policy

practices due to the significant findings uncovered during CDSS' last review¹. That review found 19 areas in which CDSS was found to be out of compliance, with 14 of those areas consisting of repeat findings. The number and severity of these findings were concerning to the CRU as significant progress to achieve compliance had not been made since its prior review.²

The CDSS was informed at the conclusion of their previous compliance review that a mid-cycle review of the repeat finding areas would be conducted.

The findings in this report reveal that the CDSS continues to struggle to meet statutory, regulatory, and policy requirements. Of the 14 areas reviewed, the CDSS has achieved compliance in only 3 of the areas since its last review and corrective action response.

This report has been discussed with CDSS; in addition, the CalHR has been a participant in these discussions as many of CDSS' deficiencies are under CalHR's purview. The next steps will include SPB and CalHR working with the CDSS to achieve compliance, including the intervention of CalHR's Personnel Advisory and Consultation Team (PACT).

EXECUTIVE SUMMARY

The CRU conducted a mid-cycle compliance review of the CDSS's personnel practices in the areas of appointments, PSC's, 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 and Some That Were Provided Were Untimely ³

¹ Please reference compliance review report dated November 26, 2021.

² Please reference compliance review report dated August 12, 2019. This report identified 24 areas in which the CDSS was found to be out of compliance with personnel and policy practices.

³ Repeat finding. The November 16, 2021, CDSS compliance review report identified 4 missing probationary reports in 4 of the 61 appointment files reviewed, and 12 probationary reports were not provided in a timely manner. The August 12, 2019, CDSS compliance review report identified 42 missing probationary reports in 36 of the 97 appointment files reviewed. The September 23, 2015, CDSS compliance review report identified 29 missing probationary reports in 20 of the 104 appointment files reviewed.

Area	Severity	Finding
Appointments	Technical	Appointment Documentation Was Not Kept for the Appropriate Amount of Time ⁴
Personal Services Contracts	In Compliance	Personal Services Contracts Complied with Procedural Requirements
Mandated Training	Very Serious	Ethics Training Was Not Provided for All Filers ⁵
Mandated Training	Very Serious	Sexual Harassment Prevention Training Was Not Provided for All Supervisors ⁶
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 Movements Did Not Comply with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines ⁷
Compensation and Pay	Very Serious	Incorrect Authorization of Bilingual Pay ⁸
Compensation and Pay	Very Serious	Incorrect Authorization of Pay Differentials ⁹

⁴ Repeat finding. The November 16, 2021, CDSS compliance review report identified the CDSS did not retain six Notices of Personnel Action (NOPA). The August 12, 2019, CDSS compliance review report identified the following missing documents: 15 NOPA's; 2 sets of interview questions and responses, and 1 hired candidate's complete application.

⁵ Repeat finding. The November 16, 2021, CDSS compliance review report identified 39 of 200 existing filers did not receive ethics training, and 31 of 200 new filers did not receive ethics training within 6 months of appointment. The August 12, 2019, CDSS compliance review report identified 84 of 832 existing filers did not receive ethics training, and 3 of 100 new filers did not receive ethics training within 6 months of appointment.

⁶ Repeat finding. The November 16, 2021, CDSS compliance review report identified 3 of 773 existing supervisors did not receive sexual harassment prevention training every 2 years, and 83 of 153 new supervisors did not receive the training within 6 months of appointment. The August 12, 2019, CDSS compliance review report identified 137 of 401 existing supervisors did not receive sexual harassment prevention training every 2 years, and 93 of 224 new supervisors did not receive the training within 6 months of appointment.

⁷ Repeat finding. The November 16, 2021, CDSS compliance review report identified 4 alternate range change errors in the 22 reviewed. The August 12, 2019, CDSS compliance review report identified 4 alternate range change errors of the 15 reviewed.

⁸ Repeat finding. The November 16, 2021, CDSS compliance review report identified 3 of 30 instances where bilingual pay was not documented appropriately. The August 12, 2019, CDSS compliance review report identified 5 of 40 instances where bilingual pay was not documented appropriately.

⁹ Repeat finding. The November 16, 2021, CDSS compliance review report identified 6 of 30 instances where certification for pay differential was not provided. The August 12, 2019, CDSS compliance review report identified 2 of 45 instances where certification for pay differential was not provided.

Area	Severity	Finding
Compensation and Pay	Very Serious	Incorrect Authorization of Out-of-Class Pay ¹⁰
Leave	In Compliance	Positive Paid Employees' Tracked Hours Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	Serious	Administrative Time Off Was Not Properly Documented ¹¹
Leave	Very Serious	Incorrectly Posted Leave Usage and/or Leave Credit ¹²
Policy	Serious	Performance Appraisals Were Not Provided to All Employees ¹³

BACKGROUND

The CDSS serves, aids, and protects vulnerable children and adults in ways that strengthen and preserve families, encourages personal responsibility, and fosters independence. The CDSS supports programs which serve more than eight million people across the state. This work accomplished every day, provides stability, opportunity and promotes wellness in communities throughout California.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the CDSS's appointments, PSC's, mandated training, compensation and pay, leave, and policy and processes¹⁴. The primary objective of the review was to determine if the CDSS's personnel practices, policies, and procedures complied with state civil service laws and Board regulations,

¹⁰ Repeat finding. The November 16, 2021, CDSS compliance review report identified 22 errors in the CDSS's authorization of out-of-class pay. The August 12, 2019, CDSS compliance review report identified 9 errors in the CDSS's authorization of out-of-class pay.

¹¹ Repeat finding. The November 16, 2021, CDSS compliance review report identified 3 of 40 employees' ATO hours were keyed incorrectly into the Leave Accounting System. The August 12, 2019, CDSS compliance review report identified 4 of 21 employees' ATO hours were keyed incorrectly into the Leave Accounting System.

¹² Repeat finding. The November 16, 2021, CDSS compliance review report identified 6 discrepancies in the Leave Accounting System of 250 timesheets reviewed. The August 12, 2019, CDSS compliance review report identified 8 discrepancies in the Leave Accounting System of 777 timesheets reviewed.

¹³ Repeat finding. The November 16, 2021, CDSS compliance review report identified 82 of 84 employees reviewed as not receiving performance appraisals. The August 12, 2019, CDSS compliance review report identified 68 of 75 employees reviewed as not receiving performance appraisals.

¹⁴ Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

Bargaining Unit Agreements, CalHR policies and guidelines, CalHR Delegation Agreements, and to recommend corrective action where deficiencies were identified.

A cross-section of the CDSS'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 CDSS 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 CDSS's appointments were also selected for review to ensure the CDSS applied salary regulations accurately and correctly processed employees' compensation and pay. The CRU examined the documentation that the CDSS 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; bilingual pay, monthly pay differentials, alternate range movements, and out-of-class assignments.

The CDSS's PSC's were also reviewed.¹⁵ It was beyond the scope of the compliance review to make conclusions as to whether the CDSS's justifications for the contracts were legally sufficient. The review was limited to whether the CDSS's practices, policies, and procedures relative to PSC's complied with procedural requirements.

The CDSS'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 CDSS'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 CDSS's units to ensure they maintained accurate and timely leave accounting records. Additionally, the CRU reviewed a selection of CDSS employees who used Administrative Time Off (ATO) to ensure that ATO was

¹⁵If 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.

appropriately administered. Further, the CRU reviewed a selection of CDSS positive paid employees whose hours are tracked during the compliance review period to ensure that they adhered to procedural requirements.

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

On September 7, 2023, an exit conference was held with the CDSS to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the CDSS's written response on October 2, 2023, which is attached to this final compliance review report.

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

During the period under review, January 1, 2022, through June 30, 2022, the CDSS made 776 appointments. The CRU reviewed 40 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Accountant Trainee	Certification List	Permanent	Full Time	1
Accounting Administrator II	Certification List	Permanent	Full Time	1
Accounting Officer (Specialist)	Certification List	Permanent	Full Time	1
Adoptions Specialist	Certification List	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Associate Governmental Program Analyst (AGPA)	Certification List	Permanent	Full Time	1
AGPA	Certification List	Limited Term	Full Time	1
Attorney III	Certification List	Permanent	Full Time	1
Attorney IV	Certification List	Permanent	Full Time	1
Child Nutrition Supervisor I	Certification List	Permanent	Full Time	1
Disability Evaluation Analyst	Certification List	Permanent	Full Time	1
Disability Evaluation Services Administrator I	Certification List	Permanent	Full Time	1
Disability Evaluation Services Administrator III	Certification List	Permanent	Full Time	1
Executive Secretary I	Certification List	Permanent	Full Time	1
Information Technology Specialist I	Certification List	Permanent	Full Time	1
Legal Secretary	Certification List	Permanent	Full Time	1
Licensing Program Analyst	Certification List	Permanent	Full Time	3
Licensing Program Manager I	Certification List	Permanent	Full Time	1
Office Assistant (OA) (Typing)	Certification List	Permanent	Full Time	1
Office Services Supervisor II (General)	Certification List	Permanent	Full Time	1
Office Technician (OT) (Typing)	Certification List	Limited Term	Full Time	1
Personnel Technician II (Specialist)	Certification List	Permanent	Full Time	1
Program Technician (PT) II	Certification List	Permanent	Full Time	1
Senior Legal Analyst	Certification List	Permanent	Full Time	1
Senior Personnel Specialist	Certification List	Limited Term	Full Time	1
Staff Services Analyst (SSA) (General)	Certification List	Permanent	Full Time	1
Staff Services Manager (SSM) I	Certification List	Permanent	Full Time	1
SSM II (Supervisory)	Certification List	Permanent	Full Time	1
SSM III	Certification List	Permanent	Full Time	1
AGPA	Demotion	Permanent	Full Time	1
Legal Secretary	Permissive Reinstatement	Permanent	Full Time	1
AGPA	Transfer	Permanent	Full Time	1
Disability Evaluation Analyst III	Transfer	Permanent	Full Time	1
Disability Evaluation Services Administrator I	Transfer	Permanent	Full Time	1
Licensing Program Analyst	Transfer	Permanent	Full Time	1
OT (Typing)	Transfer	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts.
Research Data Analyst I	Transfer	Permanent	Full Time	1
SSM I	Transfer	Limited Term	Full Time	1
SSM II (Specialist)	Transfer	Permanent	Full Time	1

SEVERITY: SERIOUS	FINDING NO. 1 PROBATIONARY EVALUATIONS WERE NOT PROVIDED FOR ALL APPOINTMENTS REVIEWED AND SOME THAT WERE PROVIDED WERE UNTIMELY
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Summary: The CDSS did not provide 72 probationary reports of performance for 27 of the 40 appointments reviewed by the CRU. In addition, the CDSS did not provide 10 probationary reports of performance in a timely manner, as reflected in the table below. This is the fourth consecutive time this has been a finding for the CDSS.

Classification	Appointment Type	No. of Appointments	Total No. of Missing Probation Reports
Accountant Trainee	Certification List	1	3
Accounting Administrator II	Certification List	1	3
Accounting Officer (Specialist)	Certification List	1	3
AGPA	Certification List	1	2
Attorney III	Certification List	1	3
Attorney IV	Certification List	1	3
Disability Evaluation Services Administrator I	Certification List	1	3
Disability Evaluation Services Administrator III	Certification List	1	3
Information Technology Specialist I	Certification List	1	3
Legal Secretary	Certification List	1	3
Licensing Program Analyst	Certification List	2	6
Licensing Program Manager I	Certification List	1	3
OA (Typing)	Certification List	1	3
PT II	Certification List	1	1
Senior Legal Analyst	Certification List	1	3
SSA (General)	Certification List	1	1
SSM I	Certification List	1	2
SSM III	Certification List	1	3
AGPA	Transfer	2	5
Disability Evaluation Analyst III	Transfer	1	3

Classification	Appointment Type	No. of Appointments	Total No. of Missing Probation Reports
Disability Evaluation Services Administrator I	Transfer	1	3
Licensing Program Analyst	Transfer	1	3
OT (Typing)	Transfer	1	3
Research Data Analyst I	Transfer	1	1
SSM II (Specialist)	Transfer	1	3

Classification	Appointment Type	No. of Appointments	Total No. of Late Probation Reports
Adoptions Specialist	Certification List	1	1
AGPA	Certification List	1	1
Licensing Program Analyst	Certification List	1	2
SSA (General)	Certification List	1	2
SSM I	Certification List	1	1
SSM II (Supervisory)	Certification List	1	1
Research Data Analyst I	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 CDSS states that program attendance coordinators (AC) are sent a list monthly of which employees are due probation reports. The AC's then send an email reminder to the managers to complete them. There is no follow-up to ensure completion and no accountability for supervisors/managers for not completing.

Corrective Action: Within 90 days of the date of this report, the CDSS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to demonstrate conformity with the probationary requirements of Government Code section 19172 and California Code of Regulations, title 2, section 599.795. 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: Of the 40 appointments reviewed, the CDSS did not retain 15 NOPAs. This is the third consecutive time this has been a finding for the CDSS.

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 CDSS states that staff failed to comply with filing NOPAs in the respective Official Personnel Files (OPF).

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

Personal Services Contracts

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

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

During the period under review, September 1, 2022, through February 28, 2023, the CDSS had 39 PSC's that were in effect. The CRU reviewed 15 of those, which are listed below:

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
American Public Human Services Association	Improve Public Health and Human Services	1/1/23 – 12/31/23	\$160,000	Yes	Yes
Chief Probation Officers of California Foundation	Care Reform Training for Probation Officers	7/1/22 – 6/30/25	\$4,543,773	Yes	Yes
Cyramcom International, Inc.	Interpreting Services	4/1/20 – 2/28/23	\$406,000	Yes	Yes
Eaton Interpreting Services, Inc.	Sign Language Interpretation Services	10/1/22 – 6/30/24	\$250,000	Yes	Yes
Excel Interpreting, LLC	Written Translation Services	9/1/22 – 6/30/24	\$1,000,000	Yes	Yes
Hanna Interpreting Services LLC	Multilingual Spoken Interpretation Services	7/1/22 – 6/30/24	\$100,000	Yes	Yes
Head Start California	Conduct Collaboration Activities	7/1/22 – 6/30/24	\$120,000	Yes	Yes
Mother Lode Van & Storage, Inc.	Moving Services	4/27/20 – 12/31/23	\$780,000	Yes	Yes
Partners In Communication LLC	Sign Language Interpretation Services	9/30/22 – 6/30/24	\$200,000	Yes	Yes
Platinum Security Inc.	Security Office Services	8/1/19 – 3/1/25	\$1,284,470	Yes	Yes
Race Forward	Compare Racial Equity Survey Results	1/1/23 – 12/31/23	\$8,949	Yes	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?	Union Notification?
Simple Learning Systems	Oversee Maintenance of Online Training Website	3/8/21 – 3/7/24	\$450,000	Yes	Yes
Regents of the University of California, Davis	Northern Regional Training Academy	7/1/21 – 6/30/24	\$12,143,991	Yes	Yes
Think of Us	Develop and Implement a Statewide Kinship Navigator Service Program	1/1/21 – 9/30/23	\$6,164,701	Yes	Yes
Wind Dancer Moving Company	Moving Services	4/27/20 – 12/31/23	\$340,000	Yes	Yes

IN COMPLIANCE	FINDING NO. 3 PERSONAL SERVICES CONTRACTS COMPLIED WITH PROCEDURAL REQUIREMENTS
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The total dollar amount of all the PSC’s reviewed was \$27,951,883.20. It was beyond the scope of the review to make conclusions as to whether the CDSS justifications for the contract were legally sufficient. For all PSC’s reviewed, the CDSS provided specific and detailed factual information in the written justifications as to how each of the contracts met at least one condition set forth in Government Code section 19130, subdivision (b). Additionally, CDSS complied with proper notification to all organizations that represent state employees who perform or could perform the type or work contracted as required by California Code of Regulations section 547.60.2. Accordingly, the CDSS 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.)

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, subs. (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 CDSS's mandated training program that was in effect during the compliance review period, April 1, 2021, through February 28, 2023.

SEVERITY: VERY SERIOUS	FINDING NO. 4 ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS
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Summary: The CDSS did not provide ethics training to 5 of 120 existing filers. In addition, the CDSS did not provide ethics training to 7 of 79 new filers within 6 months of their appointment. This is the third consecutive time this has been a finding for the CDSS.

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: Although the CDSS states that they have an automated filing system, eDisclosure, they do not have processes in place to ensure that all filers complete ethics training.

Corrective Action: Within 90 days of this report, the CDSS 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. 5 SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL SUPERVISORS
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Summary: The CDSS did not provide sexual harassment prevention training to 4 of 241 new supervisors within 6 months of their appointment. In addition, the CDSS did not provide sexual harassment prevention training to 66 of 1,077 existing supervisors every 2 years. This is the third consecutive time this has been a finding for the CDSS.

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

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

Cause: The CDSS states that supervisors, both new and existing, who did not complete their mandatory SHPT in a timely manner are ignoring the out of compliance emails and their direct supervisors are not reinforcing the need to complete the training to be compliant.

Corrective Action: Within 90 days of the date of this report, the CDSS 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 rate¹⁶ upon appointment depending on the appointment type, the employee’s state employment and pay history, and tenure.

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

During the period under review, January 1, 2022, through June 30, 2022, the CDSS made 776 appointments. The CRU reviewed 20 of those appointments to determine if the CDSS applied salary regulations accurately and correctly processed employees’ compensation, which are listed below:

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Accountant Trainee	Certification List	Permanent	Full Time	\$3,966
Accounting Administrator II	Certification List	Permanent	Full Time	\$7,059
Attorney III	Certification List	Permanent	Full Time	\$9,976
AGPA	Certification List	Permanent	Full Time	\$5,383
AGPA	Certification List	Limited Term	Full Time	\$5,383

¹⁶ “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).

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Child Nutrition Supervisor I	Certification List	Permanent	Full Time	\$7,284
Disability Evaluation Services Administrator III	Certification List	Permanent	Full Time	\$9,169
Licensing Program Analyst	Certification List	Permanent	Full Time	\$4,430
Licensing Program Analyst	Certification List	Permanent	Full Time	\$4,430
Licensing Program Manager I	Certification List	Permanent	Full Time	\$6,544
OA (Typing)	Certification List	Permanent	Full Time	\$2,810
Senior Legal Analyst	Certification List	Permanent	Full Time	\$5,935
Senior Personnel Specialist	Certification List	Limited Term	Full Time	\$5,464
SSA (General)	Certification List	Permanent	Full Time	\$4,476
SSM III	Certification List	Permanent	Full Time	\$9,169
AGPA	Transfer	Permanent	Full Time	\$6,544
Disability Evaluation Services Administrator I	Transfer	Permanent	Full Time	\$7,429
Licensing Program Analyst	Transfer	Permanent	Full Time	\$4,330
OT (Typing)	Transfer	Permanent	Full Time	\$4,114
Research Data Analyst I	Transfer	Permanent	Full Time	\$5,383

IN COMPLIANCE	FINDING NO. 6 SALARY DETERMINATIONS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND CALHR POLICIES AND GUIDELINES
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The CRU found no deficiencies in the salary determinations that were reviewed. The CDSS 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, January 1, 2022, through June 30, 2022, the CDSS made 135 alternate range movements within a classification. The CRU reviewed 14 of those alternate range movements to determine if the CDSS 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)
Attorney	C	D	Full Time	\$8,794
Disability Evaluation Analyst	B	C	Full Time	\$4,763
Information Technology Specialist I	A	B	Full Time	\$7,077
Legal Secretary	A	B	Full Time	\$3,920
Licensing Program Analyst	C	D	Full Time	\$4,885
Licensing Program Analyst	C	D	Full Time	\$4,885
Licensing Program Analyst	C	D	Full Time	\$5,413
Licensing Program Analyst	C	D	Full Time	\$6,091
Personnel Specialist (PS)	A	B	Full Time	\$3,939
PS	B	C	Full Time	\$4,281
PS	B	C	Full Time	\$4,680
Personnel Technician I	A	B	Full Time	\$3,448
SSA (General)	A	B	Full Time	\$4,536
SSA (General)	B	C	Full Time	\$4,906

SEVERITY: VERY SERIOUS	FINDING NO. 7 ALTERNATE RANGE MOVEMENTS DID NOT COMPLY WITH CIVIL SERVICE LAWS, RULES, AND CALHR POLICIES AND GUIDELINES
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Summary: The CRU found 4 errors in the CDSS’s 14 determinations of employee compensation. This is the third consecutive time this has been a finding for the CDSS.

Classification	Description of Finding(s)	Criteria
Attorney	Incorrect range change date keyed resulting in the employee being overcompensated.	Alternate Range Criteria 217
Licensing Program Analyst	Incorrect range change date keyed resulting in the employee being overcompensated.	Alternate Range Criteria 196
PS	Incorrect salary rate determined resulting in the employee being overcompensated.	Cal. Code Regs., tit. 2, section 599.674, subd. (a)
PS	Incorrect salary rate determined resulting in the employee being overcompensated.	Cal. Code Regs., tit. 2, section 599.674, subd. (a)

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 four circumstances, the CDSS 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 CDSS states that the errors resulted from lack of oversight during data entry and calculation. Furthermore, incorrect information was used to determine the alternate range.

Corrective Action: Within 90 days of the date of this report, the CDSS 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 CDSS must establish an audit system to correct current compensation transactions as well as future transactions. Copies of relevant documentation demonstrating

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

Bilingual Pay

A certified bilingual position is a position where the incumbent uses bilingual skills on a continuous basis and averages 10 percent or more of the total time worked. According to the Pay Differential 14, the 10 percent time standard is calculated based on the time spent conversing, interpreting, or transcribing in a second language and time spent on closely related activities performed directly in conjunction with the specific bilingual transactions.

Typically, the department must review the position duty statement to confirm the percentage of time performing bilingual skills and verify the monthly pay differential is granted to a certified bilingual employee in a designated bilingual position. The position, not the employee, receives the bilingual designation and the department must verify that the incumbent successfully participated in an Oral Fluency Examination prior to issuing the additional pay.

During the period under review, January 1, 2022, through June 30, 2022, the CDSS issued bilingual pay to 140 employees. The CRU reviewed 20 of these bilingual pay authorizations to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Bargaining Unit	Time Base	No. of Appts.
AGPA	R01	Full Time	3
Disability Evaluation Analyst III	R01	Full Time	2
Investigator	R07	Full Time	1
Licensing Program Analyst	R19	Full Time	9
OT (Typing)	R04	Full Time	1
PT II	R04	Full Time	1
SSM I	S01	Full Time	1
SSM II (Supervisory)	S01	Full Time	1
Supervising Special Investigator I	S07	Full Time	1

SEVERITY: VERY SERIOUS	FINDING NO. 8 INCORRECT AUTHORIZATION OF BILINGUAL PAY
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Summary: The CRU found 3 errors in the CDSS's 20 authorizations of bilingual pay. This is the third consecutive time this has been a finding for the CDSS.

Classification	Description of Findings	Criteria
AGPA	Department failed to provide supporting documentation that the employee has been tested and certified bilingual. Further, department failed to supply supporting documentation demonstrating the need for bilingual services and to provide certification that the employee's duties required use of bilingual skills for at least 10% of their time.	Pay Differential 14 and Government Code section 7296
AGPA	Department failed to provide supporting documentation that the employee has been tested and certified bilingual. Further, department failed to supply supporting documentation demonstrating the need for bilingual services.	Pay Differential 14 and Government Code section 7296
Licensing Program Analyst	Department failed to provide supporting documentation that the employee has been tested and certified bilingual.	Government Code section 7296

Criteria: For any state agency, a “qualified” bilingual employee, person, or interpreter is someone who CalHR has tested and certified, someone who was tested and certified by a state agency or other approved testing authority, and/or someone who has met the testing or certification standards for outside or contract interpreters as proficient in both the English language and the non-English language to be used. (Gov. Code, § 7296, subd. (a)(3).)

An individual must be in a position that has been certified by the department as a position which requires the use of bilingual skills on a continuing basis averaging 10 percent of the time spent either conversing, interpreting or transcribing in a second language and time spent on closely related activities performed directly in conjunction with specific bilingual transactions. (Pay Differential 14.)

Severity: Very Serious. Failure to comply with the state civil service pay plan by incorrectly applying compensation rules in accordance with CalHR’s policies and guidelines results in civil service employees receiving incorrect and/or inappropriate pay.

Cause: The CDSS states that the first employee’s bilingual pay was approved on January 25, 2011; however, the CDSS could not locate her approval as RPAs were not downloaded at that time. The second

employee's bilingual pay was approved when she was at California Department of Education (CDE). Her position was part of a group of positions and employees who were transferred to the CDSS, and her duties did not change. The third employee's bilingual pay was approved while she was employed with the CDSS. Unfortunately, the bilingual pay documentation on her duty statement was left out as a result of human error.

Corrective Action: Within 90 days of the date of this report, the CDSS 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 7296, and/or Pay Differential 14. 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, to justify the additional pay, document the following: the effective date of the pay differential, the collective bargaining unit identifier, the classification applicable to the salary rate and conditions along with the specific criteria, and any relevant documentation to verify the employee meets the criteria.

During the period under review, January 1, 2022, through June 30, 2022, the CDSS authorized 202 pay differentials.¹⁷ The CRU reviewed 20 of these pay differentials to ensure compliance with applicable CalHR policies and guidelines. These are listed below:

Classification	Pay Differential	Monthly Amount
AGPA	441	\$250
AGPA	412	5%
Investigator	244	\$100
Investigator	244	\$125
Investigator	244	\$125
Investigator	244	\$125
Legal Support Supervisor I	141	5%
Medical Consultant I (Psychiatrist), CDSS	450	10%
Medical Consultant I (Psychiatrist), CDSS	450	10%
Medical Consultant I, CDSS	450	10%
Medical Consultant I, CDSS	450	10%
Medical Consultant I, CDSS	450	10%
Medical Consultant I, CDSS	450	10%
Seasonal Clerk	441	\$250
SSA (General)	412	5%
SSM I	412	5%
SSM II (Supervisory)	412	5%
Supervising Special Investigator I	244	\$125
Supervising Special Investigator I	244	\$125
Supervising Special Investigator II	244	\$125

SEVERITY: VERY SERIOUS	FINDING No. 9 INCORRECT AUTHORIZATION OF PAY DIFFERENTIALS
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Summary: The CRU found 1 error in the 20 pay differentials reviewed. This is the third consecutive time this has been a finding for the CDSS.

Classification	Area	Description of Findings	Criteria
Supervising Special Investigator II	Education Differential	The employee's classification is not eligible to receive the pay differential. Employee was overcompensated.	Pay Differential 244

¹⁷ For the purposes of CRU's review, only monthly pay differentials were selected for review at this time.

Criteria: A pay differential may be appropriate 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. 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. (CalHR Classification and Pay Manual Section 230.)

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

Cause: The CDSS states that the error resulted from the pay differential not being removed from the Personnel Action Request (PAR) when the employee was promoted to an ineligible supervisory classification.

Corrective Action: Within 90 days of the date of this report, the CDSS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Pay Differential 244 and ensure that employees are compensated correctly and that transactions are keyed accurately. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Out-of-Class Assignments and Pay

For excluded¹⁸ and most rank-and-file employees, out-of-class (OOC) work is defined as performing, more than 50 percent of the time, the full range of duties and responsibilities allocated to an existing class and not allocated to the class in which the person has a current, legal appointment. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(2).) A higher classification is one with a salary range maximum that is any amount higher than the

¹⁸ "Excluded employee" means an employee as defined in Government Code section 3527, subdivision (b) (Ralph C. Dills Act) except those excluded employees who are designated managerial pursuant to Government Code section 18801.1.

salary range maximum of the classification to which the employee is appointed. (Cal. Code Regs., tit. 2, § 599.810, subd. (a)(3).)

According to the Classification and Pay Guide, OOC assignments should only be used as a last resort to accommodate temporary staffing needs. All civil service alternatives should be explored first before using OOC assignments. However, certain MOU provisions and the California Code of Regulations, title 2, section 599.810 allow for short-term OOC assignments to meet temporary staffing needs. Should OOC work become necessary, the assignment would be made pursuant to the applicable MOU provisions or salary regulations. Before assigning the OOC work, the department should have a plan to correct the situation before the time period outlined in applicable law, policy or MOU expires. (Classification and Pay Guide Section 375.)

During the period under review, January 1, 2022, through June 30, 2022, the CDSS issued OOC pay to 40 employees. The CRU reviewed 13 of these OOC assignments to ensure compliance with applicable MOU provisions, salary regulations, and CalHR policies and guidelines. These are listed below:

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
AGPA	R01	Staff Services Manager I	1/5/22 – 3/1/22
AGPA	R01	Staff Services Manager I	2/2/22 – 3/1/22
AGPA	R01	Staff Services Manager I	2/2/22 – 3/2/22
AGPA	R01	Staff Services Manager I	4/25/22 – 6/30/22
Associate Personnel Analyst	R01	Staff Services Manager I	1/1/22 – 3/1/22
Disability Evaluation Analyst III	R01	Disability Evaluation Services Administrator I	5/1/22 – 5/31/22
Licensing Program Manager I	S19	Licensing Program Manager II	4/27/22 – 6/30/22
OT (Typing)	R04	Executive Assistant	4/11/22 – 6/30/22
Research Data Analyst II	R01	Staff Services Manager I	1/3/22 – 3/31/22
SSM I	S01	Staff Services Manager II	1/1/22 – 3/15/22
SSM I	S01	Staff Services Manager II	5/2/2022 – 6/30/22
SSM I	S01	Staff Services Manager II	1/17/22 – 3/3/22
SSM II	S01	Staff Services Manager III	2/1/22 – 3/31/22

SEVERITY: VERY SERIOUS	FINDING NO. 10 INCORRECT AUTHORIZATION OF OUT-OF-CLASS PAY
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Summary: The CRU found 5 errors in the CDSS' 13 authorizations of OOC pay. This is the third consecutive time this has been a finding for the CDSS.

Classification	Out-of-Class Classification	Description of Findings	Criteria
AGPA	Staff Services Manager I	Employee was overcompensated for the February 2022 pay period.	Pay Differential 91
AGPA	Staff Services Manager I	Employee was undercompensated for the February 2022 pay period and overcompensated for the March 2022 pay period.	Pay Differential 91
Licensing Program Manager I	Licensing Program Manager II	Employee was undercompensated for the February, March, and April 2022 pay periods.	Pay Differential 101
OT (Typing)	Executive Assistant	Employee was undercompensated for the April 2022 pay period.	Pay Differential 91
SSM I	Staff Services Manager II	Employee was undercompensated for the March 2022 pay period.	Pay Differential 101

Criteria: An employee may be temporarily required to perform out-of-class work by his/her department for up to one hundred twenty (120) calendar days in any twelve (12) consecutive calendar months when it determines that such an assignment is of unusual urgency, nature, volume, location, duration, or other special characteristics; and, cannot feasibly be met through use of other civil service or administrative alternatives. Departments may not use out-of-class assignments to avoid giving civil service examinations or to avoid using existing eligibility lists created as the result of a civil service examination.

Employees may be compensated for performing duties of a higher classification provided that: the assignment is made in advance in writing and the employee is given a copy of the assignment; and the

duties performed by the employee are not described in a training and development assignment or by the specification for the class to which the excluded employee is appointed and, are fully consistent with the types of jobs described in the specification for the higher classification; and the employee does not perform such duties for more than 120 days in a fiscal year. (Cal. Code Regs., tit. 2, § 599.810, subd. (b)(1)(3)(4).)

For excluded employees, there shall be no compensation for assignments that last for 15 consecutive working days or less. (Cal. Code Regs., tit. 2, § 599.810, subd. (c).) An excluded employee performing in a higher class for more than 15 consecutive working days shall receive the rate of pay the excluded employee would receive if appointed to the higher class for the entire duration of the assignment, not to exceed one year. (Cal. Code Regs., tit. 2, § 599.810, subd. (d).) An excluded employee may be assigned out-of-class work for more than 120 calendar days during any 12-month period only if the appointing power files a written statement with the CalHR certifying that the additional out-of-class work is required to meet a need that cannot be met through other administrative or civil service alternatives. (Cal. Code Regs., tit. 2, § 599.810, subd. (e).)

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

Cause: The CDSS states that the errors are a combination of data entry mistakes and technical issues using an automated calculator that incorrectly rounded the salary. The issues relate to the over/under compensation during the OOC assignment and not the time served in the assignment.

Corrective Action: Within 90 days of the date of this report, the CDSS 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 599.810 and Pay Differentials 91 and 101. Copies of relevant documentation

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

Leave

Positive Paid Employees

Actual Time Worked (ATW) is a method that can be used to keep track of a Temporary Authorization Utilization (TAU) employee's time to ensure that the Constitutional limit of 9 months in any 12 consecutive months is not exceeded. The ATW method of counting time is used to continue the employment status for an employee until the completion of an examination, for seasonal type work, while attending school, or for consulting services.

An employee is appointed TAU-ATW when he/she is not expected to work all the working days of a month. When counting 189 days, every day worked, including partial days¹⁹ worked and paid absences²⁰, are counted. (Cal. Code Regs., tit. 2, § 265.1, subd. (b).) The hours worked in one day are not limited by this rule. (*Ibid.*) The 12-consecutive month timeframe begins by counting the first pay period worked as the first month of the 12-consecutive month timeframe. (*Ibid.*) The employee shall serve no longer than 189 days in a 12 consecutive month period. (*Ibid.*) A new 189-days working limit in a 12-consecutive month timeframe may begin in the month immediately following the month that marks the end of the previous 12-consecutive month timeframe. (*Ibid.*)

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

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

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

¹⁹ For example, two hours or ten hours count as one day.

²⁰ For example, vacation, sick leave, compensating time off, etc.

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

At the time of the review, the CDSS had 143 positive paid employees whose hours were tracked. The CRU reviewed 19 of those positive paid appointments to ensure compliance with applicable laws, regulations, policies and guidelines, which are listed below:

Classification	Tenure	Time Frame	Time Worked (Hours)
Adoptions Specialist	Retired Annuitant (RA)	7/1/21 – 6/30/22	833.25
Disability Evaluation Analyst III	RA	7/1/21 – 6/30/22	949
Graduate Student Assistant	Temporary	10/1/22 – 3/31/23	419
Graduate Student Assistant	Temporary	10/1/22 – 3/31/23	669.75
Information Technology Specialist II	RA	7/1/21 – 6/30/22	728
Investigator	RA	7/1/21 – 6/30/22	777.45
Licensing Program Analyst	RA	7/1/21 – 6/30/22	608.50
Licensing Program Analyst	RA	7/1/21 – 6/30/22	959.50
Medical Consultant I, CDSS	RA	7/1/21 – 6/30/22	944.50
Seasonal Clerk	Temporary	4/1/22 – 3/31/23	1500
Seasonal Clerk	Temporary	8/2/22 – 3/31/23	775.25
Seasonal Clerk	Temporary	7/1/21 – 6/30/22	1,481.5
Staff Services Manager I	RA	7/1/21 – 6/30/22	1,716 ²¹
Student Assistant	Temporary	3/2/22 – 3/1/23	914.85
Student Assistant	Temporary	9/1/21 – 8/31/22	869
Student Assistant	Temporary	5/1/22 – 3/31/23	888.5
Student Assistant	Temporary	9/1/21 – 8/31/22	781.5
Student Assistant	Temporary	11/2/21 – 10/31/22	315.75
Supervising Special Investigator II	RA	7/1/21 – 6/30/22	946

²¹ Executive Order N-13-21, issued by Governor Newsom on August 20, 2021, suspended work hour limitations on retired annuitants' hours due to the wildfire state of emergency in select counties.

IN COMPLIANCE	FINDING NO. 11 POSITIVE PAID EMPLOYEES' TRACKED HOURS COMPLIED WITH CIVIL SERVICE LAWS, BOARD RULES, AND/OR CALHR POLICIES AND GUIDELINES
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The CRU found no deficiencies in the positive paid employees reviewed during the compliance review period. The CDSS 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, January 1, 2022, through November 30, 2022, the CDSS authorized 2,785 ATO transactions. The CRU reviewed 25 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 (Hours)
Accounting Officer (Specialist)	5/6/22 – 5/12/22	40
AGPA	8/9/22 – 8/17/22	1.5
AGPA	11/8/22	1
AGPA	10/18/22 – 10/26/22	2
Attorney III	7/21/22 – 7/25/22	52
Business Service Assistant (Specialist)	11/7/22	24
Disability Evaluation Analyst	7/21/22 – 7/25/22	2.25
Disability Evaluation Analyst III	11/1/22 – 11/7/22	40
Disability Evaluation Services Administrator I	2/4/22	1.5
Legal Analyst	2/10/22	1
Licensing Program Analyst	2/17/22	1
Licensing Program Analyst	5/16/22 – 5/17/22	16
Licensing Program Analyst	9/30/22	2
Licensing Program Analyst	7/20/22 – 7/22/22	24
Licensing Program Analyst	11/2/22 – 11/3/22	18
Licensing Program Analyst	6/20/22 – 6/30/22	72

Classification	Time Frame	Amount of Time on ATO (Hours)
Licensing Program Analyst	3/30/22	2
Licensing Program Manager I	11/8/22	8
Licensing Program Manager I	11/7/22 – 11/8/22	16
OT (Typing)	11/8/22	2
OT (Typing)	9/21/22 – 9/23/22	24
OT (Typing)	4/6/22	1
OT (Typing)	1/3/22 – 1/14/22	80
PT II	1/24/22	0.5
	1/31/22	0.5
PT II	2/1/22	1
PT II	9/1/22	8
PT II	1/27/22	2
	1/31/22	8
Staff Services Manager I	7/25/22 – 7/29/22	40

SEVERITY: SERIOUS	FINDING NO. 12 ADMINISTRATIVE TIME OFF WAS NOT PROPERLY DOCUMENTED
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Summary: The CDSS did not grant ATO in conformity with the established policies and procedures. Of the 25 ATO authorizations reviewed by the CRU, 7 were found to be out of compliance for failing to document justification for ATO. In addition, four were not properly documented in the Leave Accounting System. This is the third consecutive time this has been a finding for the CDSS.

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 CDSS states that the oversight was a result of a missed submission into the Leave Accounting System. Previously there was an ATO code available to employees. This code allowed them to put ATO on the timesheet without documentation.

Corrective Action: The CDSS asserts it has taken steps to ensure compliance in this area. Within 90 days of the date of this report, the CDSS 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, September 1, 2022, through November 30, 2022, the CDSS reported 292 units comprised of 5,117 active employees for the September 2022 pay period; 293 units comprised of 5,161 active employees for the October 2022 pay period; and 295 units comprised of 5,177 active employees for the November 2022 pay period. The pay periods and timesheets reviewed by the CRU are summarized below:

Timesheet Leave Period	Unit Reviewed	No. of Employees	No. of Timesheets Reviewed	No. of Missing Timesheets
September 2022	050	16	16	0
September 2022	551	20	20	0
September 2022	994	7	7	0
October 2022	262	20	20	0
October 2022	354	18	18	0
November 2022	439	10	10	0
November 2022	697	9	9	0

SEVERITY: VERY SERIOUS	FINDING NO. 13 INCORRECTLY POSTED LEAVE USAGE AND/OR LEAVE CREDIT
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Summary: The CDSS did not correctly enter 2 of 100 timesheets into the Leave Accounting System during the September 2022 pay period. As a result, two employees retained their prior leave balance despite having used leave credits. This is the third consecutive time this has been a finding for the CDSS.

Criteria: Departments shall create a monthly internal audit process to verify that all leave input into any leave accounting system is keyed accurately and timely. (Human Resources Manual Section 2101.) 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.*)

Severity: Very serious. Errors in posting leave usage and/or leave credits

puts the department at risk of incurring additional costs from the initiation of collection efforts from overpayments, and the risk of liability related to recovering inappropriately credited leave hours and funds.

Cause: The CDSS states that the errors resulted from a data keying error and a glitch in the Service Now system which was not displaying excess hours used or earned on the Personnel Specialist view.

Corrective Action: Within 90 days of the date of this report, the CDSS must submit to the SPB a written corrective action response which addresses the corrections the department will implement to ensure conformity with Human Resources Manual Section 2101. Copies of relevant documentation demonstrating that the corrective action has been implemented must be included with the corrective action response.

Policy and Processes

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 64 permanent CDSS 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. 14 PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES
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Summary: The CDSS did not provide annual performance appraisals to 54 of 64 employees reviewed after the completion of the employee’s probationary period. This is the third consecutive time this has been a finding for the CDSS.

Criteria: Appointing powers shall prepare performance reports and keep them on file as prescribed by department rule. (Gov. Code, § 19992.2,

subd. (a).) Each supervisor, as designated by the appointing power, shall make an appraisal in writing and shall discuss with the employee overall work performance at least once in each twelve calendar months following the end of the employee's probationary period. (Cal. Code Regs., tit. 2, § 599.798.)

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

Cause: The CDSS states that the AC's are sent a list monthly of which employees are due performance appraisals. The AC's then send an email reminder to the managers to complete them. There is no follow-up to ensure completion and no accountability for supervisors/managers for not completing.

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

SPB REPLY

Based upon the CDSS' written response, the CDSS 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.



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814. www.CDSS.ca.gov



GAVIN NEWSOM
GOVERNOR

October 2, 2023

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

Dear Ms. Ambrose:

Pursuant to Government Code Section 18661, the State Personnel Board's (SPB) Compliance Review Unit (CRU) conducted a compliance review of the California Department of Social Services' (CDSS) personnel practices in the areas of examinations, appointments, Equal Employment Opportunity, Personal Services Contracts, mandated training, compensation and pay, leave, and policy and processes. The CDSS has reviewed the draft report and prepared responses to the findings.

Finding No 1 –
PROBATIONARY EVALUATIONS WERE NOT PROVIDED FOR ALL APPOINTMENTS REVIEWED AND SOME THAT WERE PROVIDED WERE UNTIMELY

Summary:

The CDSS did not provide 72 probationary reports of performance for 27 of the 40 appointments reviewed by the CRU. In addition, the CDSS did not provide 10 probationary reports of performance in a timely manner.

Cause:

Program attendance coordinators (AC) are sent a list monthly of which employees are due probation reports. The AC's then send an email reminder to the managers to complete them. There is no follow-up to ensure completion and no accountability for supervisors/managers for not completing.

Corrective Action: To be provided by the SPB Compliance Review Unit

Finding No 2 –
APPOINTMENT DOCUMENTATION WAS NOT KEPT FOR THE APPROPRIATE AMOUNT OF TIME

Summary:

The CDSS failed to retain personnel records such as NOPA's, duty statements, job announcements/bulletins, and applications. Of the 40 appointments reviewed, the CDSS did not retain the following: 15 NOPAs.

Cause:

Lack of staff compliance with filing the NOPAs in the respective Official Personnel Files (OPF).

Corrective Action: To be provided by the SPB Compliance Review Unit

Finding No 4 –
ETHICS TRAINING WAS NOT PROVIDED FOR ALL FILERS

Summary:

The CDSS did not provide ethics training to 5 of 120 existing filers. In addition, CDSS did not provide ethics training to 7 of 79 new filers within six months of their appointment.

Cause:

New employees are added to our automated filing system, eDisclosure, the week after their appointment has been keyed into SCO. After their account has been created, an automated email notification is sent out to the employee informing them of their filing obligation(s) and the deadline to file. All employees were enrolled and provided with notification of their obligation to file. It is the employee's responsibility to ensure they can log into eDisclosure, review all email notifications, register for the Ethics training course, complete the course, upload their certificate of completion by their given deadline, and communicate with their Division Conflict of Interest (COI) liaison or the COI Help Desk if they are having any issues with the eDisclosure system or the overall process.

All five of the employees who filed late appear to have ignored their email notifications and subsequent follow-up notifications. The five have since filed. Of the four remaining outstanding filers, two appear to be ignoring email notifications and subsequent follow-up notifications, while the other two are on leave of absences. The Human Resource Services Branch has followed up with the two filers multiple times and involved their Division COI liaisons.

Corrective Action: To be provided by the SPB Compliance Review Unit

Finding No 5 –
SEXUAL HARASSMENT PREVENTION TRAINING WAS NOT PROVIDED FOR ALL SUPERVISORS

Summary:

The CDSS did not provide sexual harassment prevention training to 4 of 241 new supervisors within 6 months of their appointment. In addition, the CDSS did not provide sexual harassment prevention 15 training to 66 of 1,077 existing supervisors every 2 years.

Cause:

The supervisors, both new and existing, who did not complete their mandatory SHPT in a timely manner are ignoring the out of compliance emails and their direct supervisors are not reinforcing the need to complete the training to be compliant.

Corrective Action: To be provided by the SPB Compliance Review Unit

Finding No 7 –
ALTERNATE RANGE MOVEMENTS DID NOT COMPLY WITH CIVIL SERVICE LAWS, RULES, AND CALHR POLICIES AND GUIDELINES

Summary:

The CRU found the following errors in the CDSS's determination of employee compensation (alternate ranges and CCR 599.674).

Cause:

Errors resulted from human oversight during data entry and calculation and incorrect information to determine the salary.

For the two PS: outdated pay scale information was used. PS series was historically (1991) 3.5% range differential between B and C, changed to 3.4%. LPA: incorrect effective date entered in PIMS created one day of overpayment. Attorney: C&P provided Payroll an alternate range determination advising employee had 7 months towards the range progression. Possible misinterpretation of AR

Corrective Action: To be provided by the SPB Compliance Review Unit

Finding No 8 –
INCORRECT AUTHORIZATION OF BILINGUAL PAY

Summary:

The CRU found three errors (missing certificates and DS issues) in the CDSS's authorization of bilingual pay.

Cause:

An Employee's bilingual pay was approved on January 25, 2011. DSS could not locate her approval as C&P did not download RPAs at that time.

Another employee's bilingual pay was approved when she was at California Department of Education (CDE). Her position and the employee came to DSS without a change in duties. Her position was part of a group of positions and employees transferred to DSS.

The third employee's bilingual pay was approved while she was employed with DSS. Unfortunately, the bilingual pay documentation on her duty statement was left out as a result of human error.

Corrective Action: To be provided by the SPB Complince Review Unit

Finding No 9 –
INCORRECT AUTHORIZATION OF PAY DIFFERENTIALS

Summary:

The CRU found 1 error in the 20 pay differentials (Pay Diff 244 – Education) reviewed.

Cause:

The error resulted from the Pay Differential not being removed from the PAR when the employee was promoted to an ineligible supervisory classification.

Corrective Action: To be provided by the SPB Complince Review Unit

Finding No 10 –
INCORRECT AUTHORIZATION OF OUT-OF-CLASS PAY

Summary:

The CRU found 5 errors (overcompensation/under compensation – Pay Diff 91)) in the CDSS's authorization of OOC pay.

Cause:

The errors are a combination of data entry mistakes and technical issues using an automated calculator that incorrectly rounded the salary. The issues relate to the over/under compensation during the OOC assignment and not the time served in the assignment.

The Payroll and Benefits Section identified four errors (over-compensated/under-compensated – Pay Diff 91) in the CDSS's authorization of OOC pay.

One employee was paid \$437 correctly in January and February 2022. The Personnel Specialist rounded up (from \$436.60) as the payment covered a full pay period.

One employee was underpaid by \$15.00 in the February 2022 pay period. The Personnel Specialist incorrectly calculated the rate as 22 instead of 21 days.

One employee was underpaid by \$0.22 in the April 2022 pay period. The Personnel Specialist used a calculator with an incorrect formula.

One employee was overpaid in March 2022. The Out of Class ended March 15, 2022, but she was paid for the entire pay period due to employee oversight.

One employee was underpaid by \$0.45 from May through June 2022, as the Personnel Specialist paid the exact amount (\$390.55) instead of rounding up (\$391) for full pay periods. Mr. Jacob was overpaid \$121.20 for August 2022. His OOC ended 8/24/22, and he received pay for the entire pay period due to employee oversight.

Corrective Action: To be provided by the SPB Compliance Review Unit

Finding No 12 –
ADMINISTRATIVE TIME OFF WAS NOT PROPERLY DOCUMENTED

Summary:

The CDSS did not grant ATO in conformity with the established policies and procedures. Of the 25 ATO authorizations reviewed by the CRU, 7 were found to be out of compliance for failing to document justification for ATO. In addition, four were not properly documented in the California Leave Accounting System.

Cause:

The SPB audit found four timesheets undocumented with ATO in the Leave Accounting System (LAS). The oversight was a result of a missed submission into LAS. All other associated leave was processed timely and correctly.

Previously there was an ATO code available to employees. This code allowed them to put ATO on the timesheet without documentation. DSS has since converted to an electronic system that does not allow employees to place ATO on their timesheets. ATO is electronically submitted and auto populates the timesheet after approval of their supervisor, Deputy Director and the Personnel Officer.

Corrective Action: To be provided by the SPB Compliance Review Unit

Finding No 13 –
INCORRECTLY POSTED LEAVE USAGE AND/OR LEAVE CREDIT

Summary:

The CDSS did not correctly enter 2 of 100 timesheets into the Leave Accounting System (LAS) during the September 2022 pay period. As a result, two employees retained their prior leave balance despite having used leave credits.

Cause:

Data keying error and a glitch in the Service Now system not displaying excess hours used or earned on the Personnel Specialist view.

Two cases, one the Excess hours were not deducted. We learned ServiceNow does not display the EX-hours on the PS view, and it was missed. The second item was a keying error, deducted 2 hrs. of sick leave instead of 3.

Corrective Action: To be provided by the SPB Compliance Review Unit

Finding No 14 –
PERFORMANCE APPRAISALS WERE NOT PROVIDED TO ALL EMPLOYEES

Summary:

The CDSS did not provide annual performance appraisals to 54 of 64 employees reviewed after the completion of the employee's probationary period. This is the third consecutive time this has been a finding for the CDSS.

Cause:

Program attendance coordinators (AC) are sent a list monthly of which employees are due performance appraisals. The AC's then send an email reminder to the managers to complete them. There is no follow-up to ensure completion and no accountability for supervisors/managers for not completing.

Corrective Action: To be provided by the SPB Compliance Review Unit

The CDSS would like to thank the SPB Compliance Review team and appreciate the opportunity to respond to the findings. CDSS will continue to educate and train our staff to ensure compliance with the State's civil service system.

If you have any questions or additional information, please contact me at (916) 639-0507.

Sincerely,

Carolyn Rendón

Carolyn Rendón, Personnel Bureau Chief
Human Resource Services Branch
Administration Division