



# **COMPLIANCE REVIEW REPORT**

## **BOARD OF STATE AND COMMUNITY CORRECTIONS**

Compliance Review Unit  
State Personnel Board  
May 23, 2016

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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 authority's 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. 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.

## **EXECUTIVE SUMMARY**

The CRU conducted a routine compliance review of Board of State and Community Corrections (BSCC) personnel practices in the areas of examinations, appointments, EEO, and PSC's January 1, 2015, through October 1, 2015 and mandated training from October 1, 2013, through October 30, 2015. The following table summarizes the compliance review findings.

Area	Finding	Severity
Examinations	Examinations Complied with Civil Service Laws and Board Rules	In Compliance
Appointments	Equal Employment Opportunity Questionnaires Were Not Separated from Applications	Very Serious
Appointments	Probationary Evaluations Were Not Provided for All Appointments Reviewed	Serious

Area	Finding	Severity
Appointments	Applications Accepted After the Final File Date	Non-serious or Technical
Equal Employment Opportunity	Equal Employment Opportunity Program Complied with Civil Service Laws and Board Rules	In Compliance
Personal Services Contracts	Personal Services Contracts Complied with Procedural Requirements	In Compliance
Mandated Training	Basic Supervisory Training Was Not Provided for All Supervisors	Very Serious
Mandated Training	Ethics Training Was Not Provided for All Filers	Very Serious
Mandated Training	Sexual Harassment Prevention Training Was Not Provided for All Supervisors	Very Serious

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

- Red = Very Serious
- Orange = Serious
- Yellow = Non-serious or Technical
- Green = In Compliance

## **BACKGROUND**

Established in 2012, the BSCC provides statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California’s adult criminal and juvenile justice systems. The BSCC’s responsibilities include all of the duties and functions of its predecessor agencies (Board of Corrections and Corrections Standards Authority), several grant programs transferred from the California Emergency Management Agency, and new responsibilities related to evidence-based programs and practices, data collection, and data sharing.

## **SCOPE AND METHODOLOGY**

The scope of the compliance review was limited to reviewing BSCC examinations, appointments, EEO program, and PSC’s from January 1, 2015, through October 1, 2015 and mandated training from October 1, 2013, through October 30, 2015. The primary objective of the review was to determine if BSCC’s personnel practices, policies, and procedures complied with state civil service laws and board regulations, and to recommend corrective action for those deficiencies identified.

A cross-section of the BSCC's examinations and appointments were selected to ensure that various samples of examinations and appointment types, classifications, and levels were reviewed. The CRU examined the documentation that the BSCC provided, which included examination plans, examination bulletins, job analyses, 511b's, scoring results, notice of personnel action (NOPA) forms, vacancy postings, application screening criteria, hiring interview rating criteria, certification lists, transfer movement worksheets, employment history records, correspondence, and probation reports.

The review of the BSCC EEO program included examining written EEO policies and procedures; the EEO officer's role, duties, and reporting relationship; the internal discrimination complaint process; the upward mobility program; the reasonable accommodation program; the discrimination complaint process; and the Disability Advisory Committee (DAC). The CRU also interviewed appropriate BSCC staff.

The BSCC's PSC's were also reviewed.<sup>1</sup> It was beyond the scope of the compliance review to make conclusions as to whether BSCC justifications for the contracts were legally sufficient. The review was limited to whether BSCC practices, policies, and procedures relative to PSC's complied with applicable statutory law and board regulations.

In addition, the BSCC's mandated training was reviewed to ensure all employees required to file statements of economic interest were provided ethics training and that all supervisors were provided basic supervisory and sexual harassment prevention training within statutory timelines.

On April 27, 2016, an exit conference was held with the BSCC to explain and discuss the CRU's initial findings and recommendations. The BSCC was given until May 9, 2016, to submit a written response to the CRU's draft report. On May 9, 2016, the CRU received and carefully reviewed the response, which is attached to this final compliance report.

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<sup>1</sup> If an employee organization requests the SPB to review any personal services contract during the SPB compliance review period or prior to the completion of the final compliance review report, the SPB will not audit the contract. Instead, the SPB will review the contract pursuant to its statutory and regulatory process. In this instance, none of the reviewed PSC's were challenged.

## FINDINGS AND RECOMMENDATIONS

### Examinations

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

During the period under review, the BSCC conducted three examinations. The CRU reviewed all three of the examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Applications
Field Representative, Department of Corrections	Open	Qualification Appraisal Panel (QAP) <sup>2</sup>	2/20/2015	29

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<sup>2</sup> The qualification appraisal panel (QAP) interview is the oral component of an examination whereby competitors appear before a panel of two or more evaluators. Candidates are rated and ranked against one another based on an assessment of their ability to perform in a job classification.

Classification	Exam Type	Exam Components	Final File Date	No. of Applications
CEA B, Deputy Director	Career Executive Assignment (CEA)	Statement of Qualifications (SOQ) <sup>3</sup>	1/5/2015	5
CEA B, Deputy Director	CEA	SOQ	5/28/2015	4

**FINDING NO. 1 – Examinations Complied with Civil Service Laws and Board Rules**

The BSCC administered one open examination and two CEA examinations, to create eligible lists from which to make appointments, respectively. For the one open examination, the BSCC published and distributed an examination bulletin containing the required information. Applications received by the BSCC were accepted prior to the final filing date and were thereafter properly assessed to determine whether applicants met the minimum qualifications (MQ’s) for admittance to the examination. The BSCC notified applicants as to whether they qualified to take the examination, and those applicants who met the MQ’s were also notified about the next phase of the examination process. After all phases of the examination process were completed, the score of each competitor was computed, and a list of eligible candidates was established. The examination results listed the names of all successful competitors arranged in order of the score received by rank. Competitors were then notified of their final scores.

For the two CEA examinations, the BSCC published and distributed examination bulletins containing the required information. Applications and SOQ’s were received by the BSCC and were thereafter properly assessed to determine applicant ranks from one to six. The BSCC then hired candidates in the top three ranks.

The CRU found no deficiencies in the examinations that the BSCC conducted during the compliance review period. Accordingly, the BSCC fulfilled its responsibilities to administer those examinations in compliance with civil service laws and board rules.

<sup>3</sup> In a statement of qualifications (SOQ’s) examination, applicants submit a written summary of their qualifications and experience related to a published list of desired qualifications. Raters, typically subject matter experts, evaluate the responses according to a predetermined rating scale designed to assess their ability to perform in a job classification, assign scores and rank the competitors in a list.

## 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.) Except as provided by law, appointments to vacant positions shall be made from employment lists. (*Ibid.*) Appointments made from eligible lists, by way of transfer, or by way of reinstatement, must be made on the basis of merit and fitness, which requires consideration of each individual's job-related qualifications for a position, including his or her knowledge, skills, abilities, experience, and physical and mental fitness. (Cal. Code Regs., tit. 2, § 250, subd. (a).)

During the compliance review period, the BSCC made 28 appointments. The CRU reviewed 15 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appointments
Associate Governmental Program Analyst	List Appointment	Permanent	Fulltime	2
CEA B, Deputy Director	List Appointment	Permanent	Fulltime	2
Field Representative	List Appointment	Permanent	Fulltime	5
Staff Services Manager III	List Appointment	Permanent	Fulltime	1
Associate Governmental Program Analyst	Mandatory Reinstatement	Permanent	Fulltime	1
Field Representative	Permissive Reinstatement	Permanent	Fulltime	1
Project Director II	Permissive Reinstatement	Permanent	Fulltime	1
Field Representative	Transfer	Temporary	Intermittent	2



**FINDING NO. 2 – Equal Employment Opportunity Questionnaires Were Not Separated from Applications**

**Summary:** Out of 15 appointments reviewed, eight appointment files included applications where EEO questionnaires were not separated from the STD 678 employment application. Specifically, 97 of the 218 applications reviewed included EEO questionnaires that were not separated from the STD 678 employment application.

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

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

**Cause:** The BSCC states that they did not have an adequate procedure in place to separate the EEO questionnaire from the application.

**Action:** It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the BSCC submit to the CRU a written corrective action plan that the department will implement to ensure conformity with in the future that EEO questionnaires are separated from all applications. Copies of any relevant documentation should be included with the plan.

**FINDING NO. 3 – Probationary Evaluations Were Not Provided for all Appointments Reviewed**

**Summary:** The BSCC did not prepare, complete, and/or retain two required probationary reports of performance.

Classification	Appointment Type	No. of Appointments	No. of Uncompleted Prob. Reports
Field Representative	Certification List	1	1
Field Representative	Permissive Reinstatement	1	1
<b>Total</b>		<b>2</b>	<b>2</b>

**Criteria:** A new probationary period is not required when an employee is appointed by reinstatement with a right of return. (Cal. Code Regs., tit. 2, § 322, subd. (d)(2).) However, the service of a probationary period is required when an employee enters state civil service by permanent appointment from an employment list. (Cal. Code Regs., tit. 2, § 322, subd. (a).) In addition, unless waived by the appointing power, a new probationary period is required when an employee is appointed to a position under the following circumstances: (1) without a break in service in the same class in which the employee has completed the probationary period, but under a different appointing power; and (2) without a break in service to a class with substantially the same or lower level of duties and responsibilities and salary range as a class in which the employee has completed the probationary period. (Cal. Code Regs., tit. 2, § 322, subd. (c)(1) & (2).)

During the probationary period, the appointing power is required to evaluate the work and efficiency of a probationer at sufficiently frequent intervals to keep the employee adequately informed of progress on the job. (Gov. Code, § 19172; Cal. Code Regs., tit. 2, § 599.795.) The appointing power must prepare a written appraisal of performance each one-third of the probationary period. (Cal. Code Regs., tit. 2, § 599.795.)

**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 BSCC states that they did not have an adequate procedure in place to notify supervisors, managers, and Deputy Directors of probationary evaluation due dates.

**Action:** It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the BSCC submit to the CRU a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the probationary requirements of Government Code section 19172.

**FINDING NO. 4 – Applications Were Accepted After the Final File Date**

**Summary:** The BSCC accepted and processed 51 applications out of 218 applications that were date stamped after the final filing date.

**Criteria:** California Code Regulations, title 2, section 174 (Rule 174) requires timely filing of applications: All applications must be filed at the place, within the time, in the manner, and on the form specified in the examination announcement.

Filing an application 'within the time' shall mean postmarked by the postal service or date stamped at one of the department's offices (or appropriate office of the agency administering the examination) by the date specified.

An application that is not postmarked or date stamped by the specified date shall be accepted, if one of the following conditions as detailed in Rule 174 apply: (1) the application was delayed due to verified error; (2) the application was submitted in error to the wrong state agency and is either postmarked or date stamped on or before the specified date; (3) the employing agency verifies examination announcement distribution problems that prevented timely notification to an employee of a promotional examination; or (4) the employing agency verifies that the applicant failed to receive timely notice of promotional examination. (Cal. Code Reg., tit. 2, §

174, subs. (a), (b), (c), & (d).) The same final filing date procedures are applied to the selection process used to fill a job vacancy.

**Severity:** Non-Serious or Technical. Final filing dates are established to ensure all applicants are given the same amount of time in which to apply for a job vacancy and to set a deadline for the recruitment. Therefore, although the acceptance of applications after the final filing date may give some applicants more time to prepare their application than other applicants who meet the final filing date, the acceptance of late applications will not impact the results of the job vacancy selection.

**Cause:** The BSCC states that they did not have an adequate procedure in place to ensure applications were date stamped properly.

**Action:** It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the BSCC submit to the CRU a written corrective action plan that the department will implement to ensure conformity with Rule 174. Copies of any relevant documentation should be included with the plan.

### 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 equal employment opportunity; issue procedures for filing, processing, and resolving discrimination complaints; issue procedures for providing equal upward mobility and promotional opportunities; and cooperate with the CalHR by providing access to all required files, documents and data. (*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 BSCC to develop, implement, coordinate, and monitor the BSCC's EEO program. (Gov. Code, § 19795.)

Because the EEO Officer investigates and ensures proper handling of discrimination, sexual harassment and other employee complaints, the position requires separation from the regular chain of command, as well as regular and unencumbered access to the head of the organization.

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

The CRU reviewed the BSCC's EEO program that was in effect during the compliance review period.

**FINDING NO. 5 – Equal Employment Opportunity Program Complied with Civil Service Laws and Board Rules**

After reviewing the policies, procedures, and programs necessary for compliance with the EEO program's role and responsibilities according to statutory and regulatory guidelines, the CRU determined that the BSCC EEO program provided employees with information and guidance on the EEO process including instructions on how to file discrimination claims. Furthermore, the EEO program outlines the roles and responsibilities of the EEO Officer, as well as supervisors and managers. The EEO Officer, who is at a managerial level, reports directly to the director of the BSCC. In addition, the BSCC has an established Disability Advisory Committee (DAC) that reports to the director on issues affecting persons with a disability. The BSCC also provided evidence of its efforts to promote EEO in its hiring and employment practices, to increase its hiring of persons with a disability, and to offer upward mobility opportunities for its entry-level staff.

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 Reg., tit. 2, § 547.59.) The California Constitution has an implied civil service mandate limiting the state's authority to contract with private entities to perform services the state has historically or customarily performed. Government Code section 19130, subdivision (a), however, codifies exceptions to the civil service mandate where PSC's achieve cost savings for the state. PSC's that are of a type enumerated in subdivision (b) of Government Code section 19130 are also permissible. Subdivision (b) contracts include private contracts for a new state function, services that are not available within state service, services that are

incidental to a contract for the purchase or lease of real or personal property, and services that are of an urgent, temporary, or occasional nature.

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

During the compliance review period, the BSCC had one PSC that was in effect and subject to General Services (DGS) approval. The CRU reviewed this contract listed below:

Vendor	Services	Contract Dates	Contract Amount	Justification Identified
Best, Best and Krieger, LLP.	Legal Consultant	7/01/15-6/30/16	\$104,170.00	Yes

**FINDING NO. 6 – Personal Services Contracts Complied with Procedural Requirements**

When a state agency requests approval from the DGS for a subdivision (b) contract, the agency must include with its contract transmittal a written justification that includes specific and detailed factual information that demonstrates how the contract meets one or more conditions specified in Government Code section 19131, subdivision (b). (Cal. Code Reg., tit. 2, § 547.60.)

The total dollar amount of all the PSC's reviewed was \$104,170.00. It was beyond the scope of the review to make conclusions as to whether the BSCC's justifications for the contract were legally sufficient. For all PSC's reviewed, the BSCC provided specific and detailed fact-based information in the written justifications as to how each of the contract met at least one condition set forth in Government Code section 19131, subdivision (b). Accordingly, the BSCC PSC's complied with civil service laws and board rules.

Mandated Training

Each state agency shall offer at least semiannually to each of its filers an orientation course on the relevant ethics statutes and regulations that govern the official conduct of state officials. (Gov. Code, § 11146.1) New filers must be trained within six months of appointment. (Gov. Code, § 11146.3)

Each department must provide its new supervisors basic supervisory training within twelve months of appointment. (Gov. Code, § 19995.4, subds. (b) and (c).) The training must be a minimum of 80 hours, 40 of which must be structured and given by a qualified instructor. The other 40 hours may be done on the job by a higher-level supervisor or manager. (Gov. Code, § 19995.4, subd. (b).)

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

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

**FINDING NO. 7 – Basic Supervisory Training Was Not Provided for All Supervisors**

**Summary:** The BSCC did not provide basic supervisory training to two of two new supervisors within twelve months of appointment.

**Criteria:** Each department must provide its new supervisors supervisory training within twelve months of appointment. (Gov. Code, § 19995.4 subd. (b) and (c).) The training must be a minimum of 80 hours, 40 of which must be structured and given by a qualified instructor. The other 40 hours may be done on the job by a higher-level supervisor or manager. (Gov. Code, § 19995.4 subd. (b).)

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

**Cause:** The BSCC states that they did not have an adequate procedure or tracking mechanism in place to ensure all supervisors, managers, and Deputy Directors attended the mandatory basic supervisor training course within twelve months of appointment to a supervisory position.

**Action:** The BSCC must take appropriate steps to ensure that new supervisors are provided supervisory training within the twelve months.

It is therefore recommended that no later than 60 days after the SPB's Executive Officer's approval of these findings and recommendations, the BSCC must establish a plan to ensure compliance with supervisory training mandates and submit to the SPB a written report of compliance.

**FINDING NO. 8 – Ethics Training Was Not Provided for All Filers**

**Summary:** The BSCC did not provide ethics training to 15 of 15 filers. In addition, nine out of 11 new filers were not provided training within six months of appointment.

**Criteria:** New filers must be provided ethics training within six months of appointment. Existing filers must be trained at least once during each consecutive period of two calendar years commencing on the first odd-numbered year thereafter. (Gov. Code, § 11146.3, subd. (b).) Course content must be approved by the Fair Political Practices Commission and the Attorney General. (Gov. Code, § 11146.1, subd. (c).)

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

**Cause:** The BSCC states that they did not have an adequate procedure or tracking mechanism in place to ensure all "filers" complete the mandatory ethics training within statutory timeframes.

**Action:** The BSCC must take appropriate steps to ensure that filers are provided ethics training within the time periods prescribed.

It is therefore recommended that no later than 60 days after the SPB's Executive Officer's approval of these findings and recommendations, the BSCC must establish a plan to ensure compliance with ethics training mandates and submit to the SPB a written report of compliance.



**FINDING NO. 9 – Sexual Harassment Prevention Training Was Not Provided for All Supervisors**

**Summary:** The BSCC did not provide sexual harassment prevention training to 16 of 16 new supervisors within six months of their appointment. In addition, the BSCC did not provide sexual harassment prevention training to 11 of 11 existing supervisors every two years.

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

**Severity:** Very Serious. The department does not ensure its new managers are properly trained. Without proper training, supervisors are not prepared to properly respond to issues involving sexual harassment, which limits the department's ability to retain a quality workforce, impacts employee morale and productivity, and subjects the department to liability.

**Cause:** The BSCC states that they did not have an adequate procedure or tracking mechanism in place for ensuring that all supervisor and managers were provided with the mandatory sexual harassment prevention training within six months of appointment, for new supervisors and managers, and every two years for existing supervisors and managers.

**Action:** The BSCC must take appropriate steps to ensure that its supervisors are provided sexual harassment training within the time periods prescribed.

It is therefore recommended that no later than 60 days after the SPB's Executive Officer's approval of these findings and recommendations, the BSCC must establish a plan to ensure compliance with sexual harassment training mandates and submit to the SPB a written report of compliance.

## **DEPARTMENTAL RESPONSE**

The BSCC's response is attached as Attachment 1.

## **SPB REPLY**

Based upon the BSCC's written response, the BSCC will comply with the CRU recommendations and findings and provide the CRU a corrective action plan.

It is further recommended that the BSCC comply with the afore-stated recommendations within 60 days of the Executive Officer's approval and submit to the CRU a written report of compliance.



LINDA M. PENNER  
*Chair*

KATHLEEN T. HOWARD  
*Executive Director*

STATE OF CALIFORNIA

**BOARD OF STATE AND COMMUNITY CORRECTIONS**

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EDMUND G. BROWN, JR.  
*Governor*

May 9, 2016

Suzanne Ambrose  
Executive Director  
State Personnel Board  
801 Capitol Mall  
Sacramento, CA 95818

Dear Ms. Ambrose,

The Board of State and Community Corrections (BSCC) would like to thank the State Personnel Board (SPB) for the opportunity to provide feedback to the 2015 Compliance Review recently conducted by Mr. Benjamin Platt and his Compliance Review Unit.

The responses that we have prepared serve to document steps being taken by the BSCC to meet our commitment to excellence and to address 2015 review findings.

**Finding #2 – EEO Questionnaires Were Not Separated from Applications**

**Cause:** The BSCC did not have an adequate procedure in place to separate the EEO page from the application.

**Action:** BSCC is currently reviewing a proposed change in the application receiving process that will require all applications be submitted to the State Controllers Office – Human Resources Office (SCO-HR) rather than being submitted directly to the BSCC. With this new process, the need for the BSCC to remove this page will no longer be necessary. Until this change in current process is implemented, the BSCC will implement a procedure instructing the BSCC Personnel Analyst to remove the EEO questionnaire prior to providing applications to hiring managers for review.

**Finding #3 – Probationary Evaluations Were Not Provided for All Appointments Reviewed**

**Cause:** The BSCC did not have an adequate procedure in place to notify supervisors/managers/Deputy Directors of probationary evaluation due dates.

**Action:** The BSCC has developed a tracking mechanism to ensure that all probationary evaluations are completed. Specifically, the BSCC Personnel Analyst will use the Outlook calendar to schedule each employee's probationary evaluation due date with each supervisor/manager/Deputy Director. Additionally, the BSCC Personnel Analyst will notify supervisors/managers/Deputy Directors via email reminders of upcoming due dates for probationary evaluations. The BSCC

is developing a procedure documenting this process that will be distributed to all BSCC supervisors/managers/Deputy Directors.

#### **Finding #4 – Applications Were Accepted After the Final Filing Date**

**Cause:** Although all applications were date-stamped the BSCC did not have an adequate procedure in place to ensure applications were date-stamped on the front page of the package and mailing envelopes, displaying postmark dates, were retained when packages were received after the final filing date.

**Action:** The BSCC is developing a procedure, which will be distributed to BSCC Support staff who handle all mail processing, to provide instruction on how to process incoming applications. Per the attached procedure, all applications must be date-stamped on the front of the first page. Applications received after the final filing date must have a copy of the mailing envelope showing it was postmarked on or before the final filing date. These copies shall be retained and attached to the application package. Any applications that are not postmarked on or before the final filing date will be marked as “late”.

#### **Finding #7 – Basic Supervisory Training Was Not Provided for All Supervisors**

**Cause:** The BSCC did not have an adequate procedure or tracking mechanism in place to ensure all supervisors/managers/Deputy Directors attended the mandatory Basic Supervisor Training Course within twelve months of appointment to a supervisory position.

**Action:** The BSCC has developed a procedure and tracking mechanism to ensure that all new supervisor/managers attend the Basic Supervisor Training Course within the first twelve months of being appointed to a supervisory position. The BSCC has also identified its Personnel Analyst as the agency training coordinator who will track, schedule and monitor all mandatory training for current and new BSCC employees. The BSCC is also in the process of implementing a Learning Management System (LMS) that will automate the tracking, recording and management of all employee training. The BSCC is also developing a contract with a training organization to allow for expeditious scheduling of the Basic Supervisors Training Course.

#### **Finding #8 – Ethics Training Was Not Provided for All Filers**

**Cause:** The BSCC did not have an adequate procedure or tracking mechanism in place to ensure all “filers” complete the mandatory Ethics Training within six months of being appointed.

**Action:** The BSCC has developed a procedure and tracking mechanism to ensure that all “filers” complete the mandatory Ethics Training. New filers will be provided training within six months of appointment and existing filers will be provided training once every two years, commencing on the first odd-numbered year thereafter. The BSCC has also identified its Personnel Analyst as the agency

training coordinator who will track, schedule and monitor all mandatory training for current and new BSCC employees. The BSCC is also in the process of implementing a Learning Management System (LMS) that will automate the tracking, recording and management of all employee training.

**Finding #9 – Sexual Harassment Prevention Training Was Not Provided for All Supervisors**

**Cause:** The BSCC did not have an adequate procedure or tracking mechanism in place for ensuring that all supervisor and managers were provided with the mandatory Sexual Harassment Prevention Training within six months of appointment, for new supervisors/managers, and every two years for existing supervisors/managers.

**Action:** The BSCC has developed a procedure and tracking mechanism to ensure that all new supervisor and managers are provided with the mandatory Sexual Harassment Prevention Training within six months of their appointment and all existing supervisors and managers are provided the mandatory training every two years. The BSCC has also identified its Personnel Analyst as the agency training coordinator who will track, schedule and monitor all mandatory training for current and new BSCC employees. The BSCC is also in the process of implementing a Learning Management System (LMS) that will automate the tracking, recording and management of all employee training. The BSCC is also developing a contract with a training organization to allow for expeditious scheduling of the mandatory Sexual Harassment Prevention Training.

Thank you for allowing the BSCC the opportunity to provide further details and an outline for the department's action plan to ensure compliance regarding the findings, above. Please feel free to contact me, at [Thomas.Carter@bscc.ca.gov](mailto:Thomas.Carter@bscc.ca.gov) or via telephone at (916) 327-4210, if you have any additional questions or concerns regarding our responses.

Sincerely,



THOMAS D. CARTER  
Chief of Administration  
Board of State and Community Corrections