



COMPLIANCE REVIEW REPORT

CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES

Compliance Review Unit
State Personnel Board
October 19, 2015

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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 four areas: examinations, appointments, equal employment opportunity (EEO), and personal services contracts (PSC's) 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 California Governor's Office of Emergency Services (Cal OES) personnel practices in the areas of examinations, appointments, EEO, and PSC's from March 1, 2014, through December 31, 2014.

The following table summarizes the compliance review findings.

Area	Finding	Severity
Examinations	Equal Employment Opportunity Questionnaires Were Not Separated from Applications	Very Serious
Examinations	Job Analyses Were Not Developed or Used for the Examination Process	Very Serious
Appointments	Probationary Evaluations Were Not Provided for All Appointments Reviewed	Serious
Equal Employment Opportunity	Equal Employment Opportunity Officer Does Not Report Directly to the Head of the Agency	Very Serious

Area	Finding	Severity
Personal Services Contracts	Personal Services Contracts Complied with Procedural Requirements	In Compliance

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

The Cal OES is responsible for the coordinating overall state agency response to natural, technological, or human-caused disasters and emergencies; assuring the state's readiness to respond to and recover from all hazards; and assisting our partners with emergency preparedness, protection, response, recovery, and mitigation activities.

The Cal OES' vision is to be the leader in emergency management and homeland security through dedicated service to all. Their mission is to protect lives, build capabilities, and support our communities for a resilient California. The Cal OES weaves its values of integrity, service, respect, and resiliency throughout its goals to strengthen California's ability to plan, prepare for, protect against, mitigate, respond to, and recover from all hazards and threats; enhance the delivery of state and federal funding; develop a unified and innovative workforce; and strengthen public safety communication services and technological enhancements.

As of July 1, 2015, the department employs approximately 1,000 employees and has five directorates: Response and Recovery Operations; Planning, Preparedness and Prevention; Logistics Management; Finance and Administration; and Executive Offices.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing Cal OES' examinations, appointments, EEO program, and PSC's from March 1, 2014, through December 31, 2014. The primary objective of the review was to determine if Cal OES personnel practices, policies, and procedures complied with state civil service laws and board regulations, and to recommend corrective action where deficiencies were identified.

A cross-section of Cal OES examinations and appointments were selected for review to ensure that samples of various examinations and appointment types, classifications, and levels were reviewed. The CRU examined the documentation that the Cal OES provided, which included examination plans, examination bulletins, job analyses, 511b's, scoring results, notice of personnel action 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 Cal OES 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 Cal OES staff.

The Cal OES PSC's were also randomly selected to ensure that various types of contracted services and contract amounts were reviewed. The Cal OES contracted for statewide mobile radio installation and removal, consulting, and various personal services.¹ It was beyond the scope of the compliance review to make conclusions as to whether Cal OES justifications for the contracts were legally sufficient. The review was limited to whether Cal OES practices, policies, and procedures relative to PSC's complied with applicable statutory law and board regulations.

On August 25, 2015, an exit conference was held with the Cal OES to explain and discuss the CRU's draft report findings and recommendations. The CRU received and carefully reviewed the Cal OES written response on September 24, 2015, which is attached to this final compliance review report.

FINDINGS AND RECOMMENDATIONS

Examinations

Examinations to establish an eligible list must be competitive and of such character as fairly to test and determine the qualifications, fitness, and ability of competitors to perform the duties of the class of position for which he or she seeks appointment. (Gov. Code, § 18930.) Examinations may be assembled or unassembled, written or oral, or in the form of a demonstration of skills, or any combination of those tests. (*Ibid.*) The

¹ 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.

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 with the department or a designated appointing power as directed in 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 Cal OES conducted 11 examinations. The CRU reviewed all 11 examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Applications
Career Executive Assignment (CEA) B, 911	CEA	Supplemental ²	7/10/2014	3
Coordinator (Communications)	Open	Qualification Appraisal Panel (QAP) ³	4/16/2014	26
Coordinator (Fire & Rescue) Cycle #1	Open	Supplemental	4/15/2014	18
Coordinator (Fire & Rescue) Cycle #2	Open	Supplemental	6/21/2014	2
Coordinator (Fire & Rescue) Cycle #3	Open	Supplemental	9/21/2014	6
Coordinator (Fire & Rescue) Cycle #4	Open	Supplemental	12/21/2014	4

² In a supplemental application (SA) examination, applicants are not required to present themselves in person at a predetermined time and place. Supplemental applications are in addition to the regular application and must be completed in order to remain in the examination. Supplemental applications are also known as "rated" applications.

³ 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
Emergency Notification Controller	Open	QAP	3/14/2014	37
Senior Coordinator (Fire & Rescue) #1	Open	Supplemental	4/15/2014	10
Senior Coordinator (Fire & Rescue) #2	Open	Supplemental	6/21/2014	3
Senior Coordinator (Fire & Rescue) #3	Open	Supplemental	9/21/2014	2
Senior Coordinator (Fire & Rescue) #4	Open	Supplemental	12/21/2014	2

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

Summary: The Cal OES did not separate 6 out of 37 EEO questionnaires from the STD 678 employment application for the for the Emergency Notification Controller examination.

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 Cal OES states the cause was a lack of training and/or awareness of the laws and rules governing the examination process.

Action: The Cal OES has submitted a corrective action plan for ensuring EEO questionnaires are separated from the STD 678 employment applications as part of its department response; therefore, no further action is required at this time.

FINDING NO. 2 – Job Analyses Were Not Developed or Used For the Examination Process

Summary: A complete job analysis is required for each of the civil service examinations. The Cal OES was unable to provide sufficient job analyses for all of the examinations reviewed. Partial job analyses were provided; however, they did not include the required elements of a job analyses as listed in the Merit Selection Manual (MSM).

The Cal OES was unable to provide complete job analyses for the following classifications:

Classification	List Active Date	List Expiration Date	No. of Eligibles
Coordinator (Communications), OES	6/19/2014	6/19/2018	13
Coordinator (Fire & Rescue) Cycles 1-4	6/21/2012	4/8/2016	20
Senior Coordinator (Fire & Rescue) Cycles 1-4	6/21/2012	6/30/2016	15

Criteria: The MSM, which is incorporated in California Code of Regulations (CCR), title 2, section 50, mandates the development and use of a job analysis for the examination process. A "job analysis shall serve as the primary basis for demonstrating and documenting the job-relatedness of examination processes conducted for the establishment of eligible lists within the State's civil service." (MSM (Oct. 2003), § 2200, p. 2.) The MSM requires that job analyses adhere to the legal and professional standards outlined in the job analysis section of the MSM and that certain elements must be included in the job analysis studies. (Ibid.) Those requirements include the following: (1) that the job analysis be performed for the

job for which the subsequent selection procedure is developed and used; (2) the methodology utilized be described and documented; (3) the job analytic data be collected from a variety of current sources; (4) job tasks be specified in terms of importance or criticality, and their frequency of performance; (5) and job tasks be sufficiently detailed to derive the requisite knowledge, skills, abilities (KSAs), and personal characteristics that are required to perform the essential tasks and functions of the job classification. (MSM, § 2200, pp. 2-3.)

Severity: Very Serious. The examinations may not have been job-related or legally defensible.

Cause: The Cal OES states the cause was a lack of training and/or awareness of the laws and rules governing the examination process.

Action: To correct this deficiency the Cal OES must abolish all examinations which have not expired, within 60 days of the Executive Officer's approval of this compliance review report. Prior to administering any future examinations the Cal OES must create and develop each examination based upon a job analysis that meets the requirements of the MSM. The Cal OES has submitted a corrective action plan for ensuring job analyses are completed as part of its department response. Furthermore, the CRU finds that any appointments made from the examinations that were administered without full job analyses were made in good faith, and do not merit being voided.

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.) 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 Cal OES made 126 appointments. The CRU reviewed 63 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appointments
Accountant I (Specialist)	Certification List	Permanent	Full Time	2
Accounting Officer (Specialist)	Certification List	Permanent	Full Time	2
Assistant Chief Counsel	Certification List	Permanent	Part Time	1
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	5
Associate Management Auditor	Certification List	Permanent	Full Time	1
Audio-Visual Specialist (Technical)	Certification List	Permanent	Full Time	1
Coordinator (Fire and Rescue Services)	Certification List	Permanent	Full Time	1
Data Processing Manager III	Certification List	Permanent	Full Time	1
Emergency Management Coordinator/Instructor II, OES	Certification List	Permanent	Full Time	2
Emergency Notification Controller OES	Certification List	Permanent	Full Time	1
Emergency Services Coordinator	Certification List	Permanent	Full Time	1
Environmental Scientist	Certification List	Permanent	Full Time	1
Office Technician (Typing)	Certification List	Permanent	Full Time	4
Senior Accounting Officer (Specialist)	Certification List	Permanent	Full Time	1
Senior Coordinator – Law Enforcement OES	Certification List	Permanent	Full Time	1
Senior Emergency Service Coordinator	Certification List	Permanent	Full Time	1
Senior Information Systems Analyst	Certification List	Permanent	Full Time	1
Senior Program Analyst (Specialist)	Certification List	Permanent	Full Time	2

Classification	Appointment Type	Tenure	Time Base	No. of Appointments
Senior Telecommunications Technician	Certification List	Permanent	Full Time	3
Staff Programmer Analyst	Certification List	Permanent	Full Time	1
Staff Services Analyst (General)	Certification List	Permanent	Full Time	1
Staff Services Manager II	Certification List	Permanent	Full Time	1
Staff Services Manager III	Certification List	Permanent	Full Time	1
Systems Software Specialist III (Technical)	Certification List	Permanent	Full Time	1
Telecommunications Maintenance Supervisor I	Certification List	Permanent	Full Time	1
Telecommunications Systems Analyst II	Certification List	Permanent	Full Time	1
Telecommunications Technician	Certification List	Permanent	Full Time	4
Telecommunications Technician Trainee	Certification List	Permanent	Full Time	1
Warehouse Worker	Certification List	Permanent	Full Time	1
Emergency Management Coordinator/Instructor II, OES	Permissive Reinstatement	Permanent	Full Time	1
Office Technician	Permissive Reinstatement	Permanent	Full Time	2
Staff Services Analyst (General)	Permissive Reinstatement	Permanent	Full Time	1
Emergency Management Coordinator	Temporary Authorization Utilization (TAU)	Temporary	Full Time	1
Telecommunication Technician Trainee	TAU	Temporary	Full Time	1
Associate Information systems Analyst	Training and Development	Permanent	Full Time	1
Associate Accounting Analyst	Transfer	Permanent	Full Time	1
Associate Governmental Program Analyst	Transfer	Permanent	Full Time	2

Classification	Appointment Type	Tenure	Time Base	No. of Appointments
Emergency Management Coordinator/Instructor II, OES	Transfer	Permanent	Full Time	1
Emergency Services Coordinator, OES	Transfer	Permanent	Full Time	1
Heavy Truck Driver	Transfer	Permanent	Full Time	1
Office Technician (General)	Transfer	Permanent	Full Time	1
Program Manager I, OES	Transfer	Permanent	Full Time	1
Staff Services Analyst (General)	Transfer	Permanent	Full Time	3

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

Summary: The Cal OES did not prepare, complete, and/or retain required probationary reports of performance for 24 of the 63 appointments reviewed by CRU.

Classification	Appointment Type	No. of Appointments	No. of Uncompleted Prob. Reports
Accountant I Specialists	Certification List	1	3
Assistant Chief Counsel	Certification List	1	3
Associate Governmental Program Analyst	Certification List	4	10
Emergency Services Coordinator	Certification List	1	3
Environmental Scientist	Certification List	1	3
Office Technician (Typing)	Certification List	1	3
Senior Coordinator – Law Enforcement, OES	Certification List	1	2
Senior Information Systems Analyst (Specialist)	Certification List	1	2
Senior Telecommunications Technician	Certification List	1	2
Staff Programmer Analyst	Certification List	1	1
Staff Services Manager II	Certification List	1	2

Classification	Appointment Type	No. of Appointments	No. of Uncompleted Prob. Reports
Systems Software Specialist III (Technical)	Certification List	1	1
Telecommunications Systems Analyst II	Certification List	1	1
Telecommunication Technician	Certification List	2	5
Telecommunications Technician Trainee	Certification List	1	3
Associate Accounting Analyst	Transfer	1	3
Associate Governmental Program Analyst	Transfer	1	3
Emergency Service Coordinator, OES	Transfer	1	3
Heavy Truck Driver	Transfer	1	3
Program Manager I, OES	Transfer	1	2
Total		24	58

Criteria: 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 Cal OES states the cause was a lack of procedures to follow-up with supervisors to ensure the completion of probationary reports.

Action: The Cal OES has submitted a corrective action plan for ensuring probationary reports are completed as part of its department response; therefore, no further action is required at this time.

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 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 department to develop, implement, coordinate, and monitor the department's EEO program. (Gov. Code, § 19795.)

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 Cal OES EEO program that was in effect during the compliance review period. In addition, the CRU interviewed appropriate Cal OES staff.

FINDING NO. 4 – Equal Employment Opportunity Officer Does Not Report Directly to the Head of the Agency

Summary: The Cal OES EEO Officer does not report directly to the head of the agency. Specifically, the EEO Officer reports to the Chief Deputy Director. No separate, direct reporting relationship with the Executive Director of the Cal OES has been established for EEO responsibilities.

- Criteria:** The appointing power must appoint, at the managerial level, an EEO Officer, who shall report directly to, and be under the supervision of, the director of the department to develop, implement, coordinate, and monitor the department's EEO program. (Gov. Code, § 19795.)
- Severity:** Very Serious. The EEO Officer does not have direct access to the head of the organization, diminishing the significance of the EEO program.
- Cause:** The Cal OES states the cause was a lack of awareness of Government Code section 19795.
- Action:** The Cal OES has submitted a corrective action plan for ensuring that the EEO Officer will report to the Director for all EEO related activities, including a revised duty statement and organization chart, as part of its departmental response. Therefore, no further action is required at this time.

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 the 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 Cal OES had 72 PSC's that were in effect. The CRU reviewed 24 of those contracts, which were subject to the Department of General Services (DGS) approval and thus our procedural review, and are listed below:

Vendor	Services	Contract Dates	Contract Amount	Justification Identified
Access Systems, Inc.	C*Cure 900 Annual Maintenance	7/1/2014-6/30/2016	\$120,000.00	Yes
Barkley Andross Corp.	Microwave Tower/Dishes Relocation/ Elevation	4/22/2014-6/30/2014	\$96,562.00	Yes
Barkley Andross Corp.	Microwave Dish Installation/ Removal	10/24/2014-6/30/2015	\$90,000.00	Yes
Caltech	CA Integrated Seismic Network	7/1/2014-6/30/2017	\$2,303,637.00	Yes
Coast Electronics	Statewide Mobile Radio Installation/ Removal	6/12/2014-6/11/2017	\$260,908.38	Yes
Communication Enterprises	Statewide Mobile Radio Installation/ Removal	6/12/2014-6/11/2017	\$260,908.38	Yes
Communication Services	Statewide Mobile Radio Installation/ Removal	6/12/2014-6/11/2017	\$573,996.43	Yes
ComTech Communications, Inc.	Statewide Mobile Radio Installation/ Removal	6/12/2014-6/11/2017	\$313,090.05	Yes
Comtronix Communications	Statewide Mobile Radio Installation/ Removal	6/12/2014-6/11/2017	\$391,362.56	Yes
Cop Shop Installations	Statewide Mobile Radio Installation/ Removal	6/12/2014-6/11/2017	\$313,090.05	Yes
Emergency Vehicle Specialist	Statewide Mobile Radio Installation/ Removal	6/12/2014-6/11/2017	\$260,908.38	Yes
Industrial Electronic Systems, Inc.	Installation/ Purchase of C*Cure 900	4/25/2014-4/25/2015	\$80,983.00	Yes
Kiefer Consulting, Inc.	Microsoft SharePoint Consultant	8/18/2014-8/17/2015	\$300,000.00	Yes

Vendor	Services	Contract Dates	Contract Amount	Justification Identified
KR Nida Corp	Statewide Mobile Radio Installation/ Removal	6/12/2014-6/11/2017	\$391,362.56	Yes
Ogilvy Public Relations Worldwide Inc.	CA 9-1-1 Education and Awareness	9/6/2012-9/5/2015	\$1,500,000.00	Yes
RIVComm Inc.	Statewide Mobile Radio Installation/ Removal	6/12/2014-6/11/2017	\$391,362.56	Yes
Sacramento Sheriff's Dept.	Large Venue Initiative	1/1/2015-6/30/2016	\$465,921.00	Yes
Spot On Response	UICDS Core Hosting	4/1/2014-3/31/2015	\$54,510.00	Yes
Sterling Service Corp.	Statewide Mobile Radio Installation/ Removal	6/12/2014-6/11/2017	\$260,908.38	Yes
Stommel Inc.	Statewide Mobile Radio Installation/ Removal	6/12/2014-6/11/2017	\$965,361.00	Yes
Sutter Buttes Communications	Statewide Mobile Radio Installation/ Removal	6/12/2014-6/11/2017	\$313,090.05	Yes
Teeple Enterprises, Inc.	UPS Maintenance and Repair	8/1/2014-8/30/2014	\$125,000.00	Yes
Triton Tower, Inc.	Antelope Peak Microwave Dish Installation/ Removal	9/29/2014-11/30/2014	\$65,000.00	Yes
Wicomm Inc.	Big Valley Microwave Dish Installation/ Removal	10/30/2014-6/30/2015	\$110,000.00	Yes

FINDING NO. 5 – 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 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 amount of the 24 PSCs reviewed was \$10,007,961.78. It was beyond the scope of the review to make conclusions as to whether Cal OES justifications for the contract were legally sufficient. For all PSC's subject to DGS approval, the Cal OES provided specific and detailed factual information in the written justifications as to how each of the 24 contracts met at least one condition set forth in Government Code section 19131, subdivision (b). Accordingly, the Cal OES' PSC's complied with procedural requirements.

DEPARTMENTAL RESPONSE

The Cal OES' departmental response is attached as Attachment 1.

SPB REPLY

Based upon the Cal OES' written response, the Cal OES will comply with the CRU recommendations and findings. The Cal OES has already submitted corrective action plans for all departmental findings.

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



September 22, 2015

Alton Ford, Compliance Review Manager
State Personnel Board
Policy and Compliance Review Division
801 Capitol Mall
Sacramento, CA 95814

Subject: Response to State Personnel Board Compliance Review Report

Dear Mr. Ford:

The California Governor's Office of Emergency Services (Cal OES) submits this letter in response to the State Personnel Board's (SPB) compliance review of Cal OES's personnel practices related to examinations, appointments, equal employment opportunity and personal services contracts.

The SPB review presented four findings requiring the cause and corrective action for each. We appreciate the opportunity to provide our corrective actions and an opportunity to improve our personnel practices. The causes and corrective actions to the four findings are listed below.

Finding No. 1 – Equal Employment Opportunity (EEO) Questionnaires Were Not Separated from Applications

Cause: Lack of training and/or awareness of the laws and rules governing the examination process.

Response: We have included instructions for our exam analysts to remove the EEO questionnaire (app flaps) from all applications and place in the confidential destruct box after the information has been entered into the bottom-line hiring report. A copy of the exam flow chart is attached. (See Attachment A – Application Review AF).

Finding No. 2 – Job Analyses Were Not Developed or Used for the Examination Process

Cause: Lack of training and/or awareness of the laws and rules governing the examination process.

Response: Cal OES is in the process of developing full job analyses for our department-specific classifications. The analysis for the Emergency Notification Controller is currently in the management review process; the analysis for the Coordinator and Sr. Coordinator (Fire and Rescue) will begin in October 2015 and the analysis for the Coordinator (Communications) will begin in January 2016. We will ensure that job analyses are completed prior to any future examinations.

Finding No. 3 – Probationary Evaluations Were Not provided for All Appointments Reviewed

Cause: Lack of procedures to follow-up with supervisors to ensure completion of probationary reports.

Response: Cal OES will require all supervisors to complete probationary evaluations in a timely fashion for all of their probationary employees. This requirement is addressed in the Cal OES Supervisor Success Academy which all supervisors, managers, and excluded employees are required to attend. Human Resources staff will also follow-up with supervisors to ensure receipt of the probationary evaluations and will send out reminders each month for those that are due. Moving forward, Cal OES probation reports will be monitored and enforced at the executive level.

Finding No. 4 – Equal Employment Opportunity Officer Does Not Report Directly to the Head of the Agency

Cause: Lack of awareness of Government Code §19795.

Response: The Cal OES EEO Officer will report to the Cal OES Director for all EEO related activities and will report to the Chief Deputy Director for all other duties and responsibilities. The revised duty statement and organization chart are attached. (Attachments B and C)

On behalf of Cal OES, we appreciate the assistance and guidance offered during your review. If you have additional questions or concerns, please feel free to contact Audit Chief Anne Marie Nielsen, at (916) 845-8437.

Sincerely,



MARK S. GHILARDUCCI
Director

Attachments