



COMPLIANCE REVIEW REPORT

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

Compliance Review Unit
State Personnel Board
April 14, 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 Department of Public Health (CDPH) personnel practices in the areas of examinations, appointments, EEO, and PSC's from May 1, 2011, through October 31, 2013. The following table summarizes the compliance review findings.

| Area | Finding | Severity |
|--------------|--|--------------|
| Examinations | Equal Employment Opportunity Questionnaires Were Not Separated from Applications | Very Serious |
| Examinations | Examination Documentation Was Not Kept for the Appropriate Amount of Time | Serious |
| Appointments | Equal Employment Opportunity Questionnaires Were Not Separated from Applications | Very Serious |
| Appointments | Appointment Documentation Was Not for the Appropriate Amount of Time | Serious |

| Area | Finding | Severity |
|------------------------------|---|--------------------------|
| Appointments | Probationary Evaluations Were Not Provided for All Appointments | Serious |
| Appointments | Notice of Personnel Action Forms Were Not All Signed | Non-serious or Technical |
| Equal Employment Opportunity | Equal Employment Opportunity Program Complied with All Civil Service Laws and Board Regulations | In Compliance |
| 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 CDPH is dedicated to optimizing the health and well-being of the people in California. From 29 locations throughout the state, including the State Public Health Laboratory, the department’s 3,800 employees protect Californians against chronic and infectious diseases, promote family and environmental health, and ensure the safety of Californians in health care facilities.

The CDPH achieves its mission by promoting healthy lifestyles for individuals and families; preventing disease, disability, and premature death and reducing or eliminating health disparities; protecting the public from unhealthy and unsafe environments; providing or ensuring access to quality, population-based health services; preparing for and responding to public health emergencies; and producing and disseminating data to inform and evaluate public health status, strategies, and programs.

This includes over 600 employees in Health Facilities Evaluator classifications conducting on-site inspections of nursing homes throughout the state, responding to complaints against facilities and events reported by facilities. The department also has over 230 employees in a wide range of Research Scientist classifications that support research for various issues including environmental and occupational hazards, community development, and personal factors such as genetic susceptibility, nutrition, and lifestyle.

The Department's employees share a dedication to public health and public service, which is displayed through our core values: collaboration, competence, equity, integrity, respect, responsibility, trust, and vision.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing CDPH examinations, appointments, EEO program, and PSC's from May 1, 2011, through October 31, 2013. The CDPH's review began as a baseline review. The review was later expanded to allow for a full compliance review. The primary objective of the review was to determine if CDPH 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 CDPH 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 CDPH 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 CDPH 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 CDPH staff.

CDPH PSC's were also randomly selected to ensure that various types of contracted services and contract amounts were reviewed. The CDPH contracted for information technology consultation, written and verbal translation services, and modular furniture moving services, among others.¹ It was beyond the scope of the compliance review to make conclusions as to whether CDPH justifications for the contracts were legally sufficient. The review was limited to whether CDPH practices, policies, and procedures relative to PSC's complied with procedural requirements.

¹If 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.

On February 26, 2015, an exit conference was held with the CDPH to explain and discuss the CRU’s initial findings and recommendations, and to provide the CDPH with a copy of the CRU’s draft report. The CDPH was given until April 8, 2015, to submit a written response to the CRU’s draft report. On April 8, 2015, the CRU received and carefully reviewed the response, which is attached to this final compliance report.

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 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 CDPH conducted 261 examinations. The CRU reviewed 101 of these examinations, which are listed below:

| Classification | Exam Type | Exam Components | Final File Date | No. of Applications |
|----------------------|-----------|---|-----------------|---------------------|
| Animal Technician II | Open | Education & Experience (E&E) ² | 10/01/2013 | 5 |

² In an education and experience (E&E) examination, one or more raters reviews the applicants’ Standard 678 application forms, and scores and ranks them according to a predetermined rating scale that may

| Classification | Exam Type | Exam Components | Final File Date | No. of Applications |
|---------------------------------------|-------------|--|-----------------|---------------------|
| Animal Technician III | Open | E&E | 10/01/2013 | 4 |
| Assistant Health Physicist | Open | E&E | 02/10/2013 | 2 |
| Associate Health Program Adviser | Open | Supplemental Application (SA) ³ | Continuous | 20 |
| Associate Health Program Adviser | Open | SA | Continuous | 14 |
| Associate Health Program Adviser | Open | SA | Continuous | 18 |
| Associate Health Program Adviser | Open | SA | Continuous | 18 |
| Associate Health Program Adviser | Open | SA | Continuous | 22 |
| Associate Health Program Adviser | Open | SA | Continuous | 30 |
| Associate Health Program Adviser | Open | SA | Continuous | 3 |
| Associate Health Program Adviser | Open | SA | Continuous | 10 |
| Associate Health Program Adviser | Open | SA | Continuous | 27 |
| Associate Health Program Adviser | Open | SA | Continuous | 17 |
| Associate Sanitary Engineer | Promotional | | 10/15/2013 | 1 |
| Chief, Food & Drug Branch | Open | Qualification Appraisal Panel (QAP) ⁴ | 08/30/2013 | 15 |
| Examiner I, Laboratory Field Sciences | Open | Written ⁵ | 06/17/2013 | 23 |

include years of relevant higher education, professional licenses or certifications, and/or years of relevant work experience.

³ 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.

⁴ 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.

⁵ A written examination is a testing procedure in which candidates' job-related knowledge and skills are assessed through the use of a variety of item formats. Written examinations are either objectively scored or subjectively scored.

| Classification | Exam Type | Exam Components | Final File Date | No. of Applications |
|--|------------------|--|-----------------|---------------------|
| Examiner II, Laboratory Field Sciences | Open | Written | 06/17/2013 | 24 |
| Health Facilities Evaluator II (Supervisor) | Promotional | QAP | Continuous | 10 |
| Health Facilities Evaluator II (Supervisor) | Promotional | SA | Continuous | 20 |
| Health Facilities Evaluator II (Supervisor) | Promotional | SA | Continuous | 11 |
| Health Facilities Evaluator II (Supervisor) | Promotional | SA | Continuous | 15 |
| Health Facilities Evaluator II Supervisor | Promotional | SA | Continuous | 11 |
| Health Facilities Evaluator Manager I | Promotional | SA | 9/30/2013 | 13 |
| Health Facilities Evaluator Manager II | Promotional | SA | 9/30/2013 | 5 |
| Health Program Manager I | Open | SA | 7/26/2013 | 47 |
| Health Program Manager II | Open | SA | 7/26/2013 | 59 |
| Health Program Manager III | Open | SA | 7/26/2013 | 42 |
| Health Program Specialist I | Open | Training & Experience (T&E) ⁶ | 10/05/2013 | 23 |
| Health Program Specialist I | Open | T&E | 10/5/2013 | 23 |
| Public Health Laboratory Technician I (Microbiology) | Open | QAP | 6/14/2011 | 79 |
| Public Health Nutrition Consultant I | Open | T&E | 10/15/2013 | 2 |
| Public Health Nutrition Consultant II | Open | T&E | 10/15/2013 | 3 |
| Public Health Nutrition Consultant III (Supervisor) | Open | T&E | 10/15/2013 | 1 |
| Public Health Nutrition III | Open | T&E | 10/15/2013 | 3 |
| Research Scientist I (Chemical) | Multi-Dept. Open | SA | Continuous | 32 |

⁶ The training and experience (T&E) examination is administered either online or in writing, and asks the applicant to answer multiple-choice questions about his or her level of training and/or experience performing certain tasks typically performed by those in this classification. Responses yield point values, which are totaled by the online system or a department exam analyst, and then assigned a percentage score.

| Classification | Exam Type | Exam Components | Final File Date | No. of Applications |
|---|---------------------|-----------------|-----------------|---------------------|
| Research Scientist I (Physical/Engineering Sciences) | Multi-Dept. Open | SA | Continuous | 6 |
| Research Scientist I (Physical/Engineering Sciences) | Multi-Dept. Open | SA | Continuous | 8 |
| Research Scientist I (Physical/Engineering Sciences) | Multi-Dept. Open | SA | Continuous | 24 |
| Research Scientist I (Physical/Engineering Sciences) | Multi-Dept. Open | SA | Continuous | 14 |
| Research Scientist I (Physical/Engineering Sciences) | Multi-Dept. Open | SA | Continuous | 5 |
| Research Scientist I (Physical/Engineering Sciences) | Multi-Dept. Open | SA | Continuous | 9 |
| Research Scientist I (Physical/Engineering Sciences) | Multi-Dept. Open | SA | Continuous | 5 |
| Research Scientist I (Physical/Engineering Sciences) | Multi-Dept. Open | SA | Continuous | 2 |
| Research Scientist I (Physical/Engineering Sciences) | Multi-Dept. Open | SA | Continuous | 2 |
| Research Scientist I (Physical/Engineering Sciences) | Multi-Dept. Open | SA | Continuous | 6 |
| Research Scientist I (Physical/Engineering Sciences) | Multi-Dept. Open | SA | Continuous | 9 |
| Research Scientist I (Physical/Engineering Sciences) | Multi-Dept. Open | SA | Continuous | 24 |
| Research Scientist II (Chemical Sciences) | Open | T&E | Continuous | 7 |
| Research Scientist II (Epidemiology/ Biostatistics) | Open | T&E | Continuous | 12 |
| Research Scientist II (Food & Drug Sciences) | Open | T&E | Continuous | 7 |

| Classification | Exam Type | Exam Components | Final File Date | No. of Applications |
|--|-----------|-----------------|-----------------|---------------------|
| Research Scientist II (Microbiological Sciences) | Open | T&E | Continuous | 9 |
| Research Scientist II (Social/Behavioral Sciences) | Open | T&E | Continuous | 10 |
| Research Scientist II (Social/Behavioral Sciences) | Open | SA | Continuous | 12 |
| Research Scientist II (Social/Behavioral Sciences) | Open | SA | Continuous | 1 |
| Research Scientist II (Social/Behavioral Sciences) | Open | SA | Continuous | 5 |
| Research Scientist II (Social/Behavioral Sciences) | Open | SA | Continuous | 1 |
| Research Scientist II (Social/Behavioral Sciences) | Open | SA | Continuous | 5 |
| Research Scientist II (Social/Behavioral Sciences) | Open | SA | Continuous | 5 |
| Research Scientist II (Social/Behavioral Sciences) | Open | SA | Continuous | 4 |
| Research Scientist II (Social/Behavioral Sciences) | Open | SA | Continuous | 7 |
| Research Scientist II (Social/Behavioral Sciences) | Open | SA | Continuous | 7 |
| Research Scientist II (Social/Behavioral Sciences) | Open | SA | Continuous | 11 |
| Research Scientist III (Microbiological Sciences) | Open | SA | Continuous | 3 |
| Research Scientist III (Microbiological Sciences) | Open | SA | Continuous | 4 |
| Research Scientist III (Microbiological Sciences) | Open | SA | Continuous | 1 |
| Research Scientist III (Microbiological Sciences) | Open | SA | Continuous | 2 |

| Classification | Exam Type | Exam Components | Final File Date | No. of Applications |
|--|-----------|-----------------|-----------------|---------------------|
| Research Scientist III (Microbiological Sciences) | Open | SA | Continuous | 6 |
| Research Scientist III (Microbiological Sciences) | Open | SA | Continuous | 2 |
| Research Scientist IV (Chemical Sciences) | Open | SA | Continuous | 3 |
| Research Scientist IV (Epidemiology/Biostatistics) | Open | SA | Continuous | 6 |
| Research Scientist IV (Food and Drug Sciences) | Open | SA | Continuous | 1 |
| Research Scientist IV (Food and Drug Sciences) | Open | SA | Continuous | 1 |
| Research Scientist IV (Food and Drug Sciences) | Open | SA | Continuous | 2 |
| Research Scientist IV (Food and Drug Sciences) | Open | SA | Continuous | 1 |
| Research Scientist IV (Food/Drug) | Open | SA | Continuous | 1 |
| Research Scientist IV (Food/Drug) | Open | SA | Continuous | 1 |
| Research Scientist IV (Food/Drug) | Open | SA | Continuous | 3 |
| Research Scientist IV (Food/Drug) | Open | SA | Continuous | 1 |
| Research Scientist IV (Food/Drug) | Open | SA | Continuous | 1 |
| Research Scientist IV (Microbiological Sciences) | Open | SA | Continuous | 7 |
| Research Scientist IV (Physical/Engineering Sciences) | Open | SA | Continuous | 3 |
| Research Scientist IV (Social/Behavioral Sciences) | Open | SA | Continuous | 3 |
| Research Scientist Manager (Chemical Sciences) | Open | SA | Continuous | 8 |
| Research Scientist Supervisor I (Epidemiology/Biostatistics) | Open | SA | Continuous | 5 |
| Research Scientist Supervisor I (Epidemiology/Biostatistics) | Open | SA | Continuous | 4 |

| Classification | Exam Type | Exam Components | Final File Date | No. of Applications |
|--|-------------|-----------------|-----------------|---------------------|
| Research Scientist Supervisor I (Epidemiology/Biostatistics) | Open | SA | Continuous | 1 |
| Research Scientist Supervisor I (Epidemiology/Biostatistics) | Open | SA | Continuous | 4 |
| Research Scientist Supervisor I (Epidemiology/Biostatistics) | Open | SA | Continuous | 2 |
| Research Scientist Supervisor I (Epidemiology/Biostatistics) | Open | SA | Continuous | 2 |
| Research Scientist Supervisor I (Microbiological Sciences) | Open | SA | Continuous | 6 |
| Research Scientist Supervisor I (Social/Behavioral) | Open | SA | Continuous | 4 |
| Research Scientist Supervisor II (Chemical Sciences) | Open | SA | Continuous | 4 |
| Research Scientist Supervisor II (Epidemiology) | Open | SA | Continuous | 6 |
| Research Scientist Supervisor II (Microbiological Sciences) | Open | SA | Continuous | 3 |
| Research Scientist V (Chemical Sciences) | Open | SA | Continuous | 4 |
| Sanitary Engineer | Open | Written | 09/15/2013 | 28 |
| Senior Health Physicist | Promotional | SA | 9/25/2013 | 34 |
| Senior Sanitary Engineer | Open | SA | 4/15/2013 | 37 |
| Supervising Chemist | Promotional | SA | 6/17/2013 | 17 |
| Supervising Health Physicist | Open | SA | 9/25/2013 | 12 |
| Supervising Sanitary Engineer | Open | SA | 4/2/2013 | 21 |

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

Summary: Out of 101 exams reviewed, 22 exams included applications where EEO questionnaires were not separated from the STD 678 employment application.

Criteria: Government Code section 19704 makes it unlawful for a hiring department to require or permit any notation or entry to be made on any application indicating or in any way suggesting or pertaining to any protected category listed in Government Code section 12940, subdivision (a) (e.g., a person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status). Applicants for employment in state civil service are asked to provide voluntarily ethnic data about themselves where such data is determined by 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: While it is not the practice or policy of the CDPH to share exam applications with any hiring supervisor, it was an oversight to not remove the EEO Questionnaires before storing in a locked file room.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the CDPH 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. 2 – Examination Documentation Was Not Kept for the Appropriate Amount of Time

Summary: The CDPH failed to maintain 5 exam security documents and 21 scoring sheets. Specifically, for the Research Scientist I (Physical/Engineering Sciences) continuous exams, 3 exam security documents were not kept for the appropriate amount of time. For the Research Scientist III (Microbiological Sciences) continuous exam, 2 exam security documents were not kept for the appropriate amount of time.

For the following continuous exams, scoring sheets were not kept for the appropriate amount of time: one scoring sheet for the Research Scientist II (Social/Behavioral Sciences) exam, 1 scoring sheet for the Research Scientist I (Physical/Engineering Sciences) exam, 9 scoring sheets for the Associate Health Program Adviser exams, 2 scoring sheets for the Research Scientist Supervisor I (Epidemiology/Biostatistics) exams, 5 scoring sheets for the Research Scientist III (Microbiological Sciences) exams, and 3 scoring sheets for the Research Scientist II (Social/Behavioral Sciences) exams.

Criteria: In relevant part, civil service laws require that the employment procedures of each state agency shall conform to the federal and state laws governing employment practices. (Gov. Code, § 18720.) State agencies are required to maintain and preserve any and all applications, personnel, membership, or employment referral records and files for a minimum period of two years after the records and files are initially created or received. (Gov. Code, § 12946.) State agencies are also required to retain personnel files of applicants or terminated employees for a minimum period of two years after the date the employment action is taken. (*Ibid.*) In addition, all applications for a state civil service position must be maintained and preserved on file for at least two years. (Cal. Code Reg., tit. 2, §174.)

Severity: Serious. Without documentation, the CRU could not verify if examinations were properly conducted.

Cause: The CDPH acknowledges that some of the examination documentation was missing and not maintained for the appropriate amount of time. HR staff have been counseled and additional training has been provided.

Action: It is recommended that within 60 days of the Executive Officer’s approval of these findings and recommendations, the CDPH submit to the CRU a written corrective action plan that the department will implement to ensure conformity with maintaining personnel records of incumbents for a minimum of two year.

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 CDPH made 1,583 appointments. The CRU reviewed 324 of those appointments, which are listed below:

| Classification | Appointment Type | Tenure | Time Base | No. of Appointments |
|--|--------------------|-----------|-----------|---------------------|
| Accountant Trainee | Certification List | Permanent | Full Time | 2 |
| Associate Governmental Program Analyst | Certification List | Permanent | Full Time | 15 |
| Associate Accounting Analyst | Certification List | Permanent | Full Time | 2 |
| Associate Budget Analyst | Certification List | Permanent | Full Time | 2 |
| Associate Health Physicist | Certification List | Permanent | Full Time | 3 |
| Associate Sanitary Engineer | Certification List | Permanent | Full Time | 5 |
| Attorney IV | Certification List | Permanent | Full Time | 2 |
| Custodian | Certification List | Permanent | Full Time | 1 |

| Classification | Appointment Type | Tenure | Time Base | No. of Appointments |
|--|--------------------|--------------|--------------|---------------------|
| Environmental Scientist | Certification List | Permanent | Full Time | 7 |
| Examiner I, Laboratory Field Services | Certification List | Permanent | Full Time | 3 |
| Health Facilities Evaluator II (Supervisor) | Certification List | Permanent | Full Time | 26 |
| Health Program Manager III | Certification List | Permanent | Full Time | 3 |
| Health Program Specialist I | Certification List | Permanent | Full Time | 3 |
| Health Program Specialist II | Certification List | Limited-Term | Full Time | 1 |
| Health Program Specialist II | Certification List | Permanent | Full Time | 8 |
| Information Officer II | Certification List | Permanent | Full Time | 1 |
| Junior Health Physicist | Certification List | Permanent | Full Time | 7 |
| Office Assistant (General) | Certification List | Permanent | Full Time | 4 |
| Office Assistant (General) | Certification List | Permanent | Intermittent | 6 |
| Office Technician (General) | Certification List | Permanent | Full Time | 2 |
| Office Technician (Typing) | Certification List | Permanent | Full Time | 8 |
| Office Technician (Typing) | Certification List | Permanent | Intermittent | 3 |
| Personnel Specialist | Certification List | Permanent | Full Time | 8 |
| Program Technician | Certification List | Permanent | Intermittent | 4 |
| Program Technician | Certification List | Permanent | Full Time | 5 |
| Program Technician II | Certification List | Permanent | Full Time | 3 |
| Public Health Laboratory Technician I (Microbiology) | Certification List | Permanent | Full Time | 1 |
| Public Health Medical Officer II | Certification List | Permanent | Full Time | 2 |
| Public Health Microbiologist Specialist | Certification List | Permanent | Full Time | 1 |
| Research Analyst II - General | Certification List | Permanent | Full Time | 1 |
| Research Scientist I (Epidemiology) | Certification List | Permanent | Full Time | 1 |

| Classification | Appointment Type | Tenure | Time Base | No. of Appointments |
|--|--------------------|--------------|-----------|---------------------|
| Research Scientist I (Social/ Behavioral Sciences) | Certification List | Permanent | Full Time | 4 |
| Research Scientist II (Microbiological Sciences) | Certification List | Permanent | Full Time | 2 |
| Research Scientist Supervisor II (Chemical Sciences) | Certification List | Permanent | Full Time | 1 |
| Sanitary Engineer | Certification List | Permanent | Full Time | 4 |
| Sanitary Engineer | Certification List | Limited-Term | Full Time | 1 |
| Senior Accounting Officer (Specialist) | Certification List | Permanent | Full Time | 3 |
| Senior Information Systems Analyst (Specialist) | Certification List | Permanent | Full Time | 3 |
| Senior Sanitary Engineer | Certification List | Permanent | Full Time | 3 |
| Senior Information Systems Analyst (Specialist) | Certification List | Permanent | Full Time | 2 |
| Staff Information Systems Analyst (Specialist) | Certification List | Permanent | Full Time | 3 |
| Staff Programmer Analyst (Specialist) | Certification List | Permanent | Full Time | 3 |
| Staff Services Analyst (General) | Certification List | Permanent | Full Time | 10 |
| Staff Services Analyst (General) | Certification List | Permanent | Part Time | 1 |
| Staff Services Manager I | Certification List | Permanent | Full Time | 33 |
| Staff Services Manager II | Certification List | Permanent | Full Time | 3 |
| Staff Services Manager III | Certification List | Permanent | Full Time | 6 |
| Stationary Engineer | Certification List | Permanent | Full Time | 4 |
| Supervising Program Technician I | Certification List | Permanent | Full Time | 2 |
| Supervising Program Technician II | Certification List | Permanent | Full Time | 1 |
| Systems Software Specialist I (Technical) | Certification List | Permanent | Full Time | 2 |

| Classification | Appointment Type | Tenure | Time Base | No. of Appointments |
|---|---------------------------|-----------|--------------|---------------------|
| Associate Accounting Analyst | Permissive Reinstatement. | Permanent | Full Time | 1 |
| Associate Governmental Program Analyst | Permissive Reinstatement | Permanent | Full Time | 1 |
| Custodian | Permissive Reinstatement | Permanent | Full Time | 2 |
| Health Facilities Evaluator Nurse | Permissive Reinstatement | Permanent | Fulltime | 7 |
| Health Program Specialist I | Permissive Reinstatement | Permanent | Full Time | 1 |
| Office Assistant (General) | Permissive Reinstatement | Temporary | Intermittent | 1 |
| Office Assistant (General) | Permissive Reinstatement | Permanent | Intermittent | 1 |
| Pharmaceutical Consultant II | Permissive Reinstatement | Permanent | Full Time | 1 |
| Program Technician | Permissive Reinstatement | Permanent | Full Time | 2 |
| Program Technician | Permissive Reinstatement | Temporary | Intermittent | 2 |
| Public Health Medical Officer II | Permissive Reinstatement | Permanent | Full Time | 1 |
| Research Analyst II - General | Permissive Reinstatement. | Permanent | Full Time | 1 |
| Staff Services Analyst | Permissive Reinstatement | Permanent | Full Time | 2 |
| Accountant Trainee | Transfer | Permanent | Full Time | 1 |
| Associate Accounting Analyst | Transfer | Permanent | Full Time | 1 |
| Associate Administrative Analyst -Accounting Systems- | Transfer | Permanent | Full Time | 1 |
| Associate Governmental Program Analyst | Transfer | Permanent | Full Time | 1 |
| Examiner II, Laboratory Field Services | Transfer | Permanent | Full Time | 1 |
| Health Facilities Evaluator Nurse | Transfer | Permanent | Full Time | 1 |
| Health Program Manager I | Transfer | Permanent | Full Time | 1 |
| Health Program Specialist I | Transfer | Permanent | Full Time | 3 |

| Classification | Appointment Type | Tenure | Time Base | No. of Appointments |
|---|---|-----------|--------------|---------------------|
| Health Program Specialist II | Transfer | Permanent | Full Time | 1 |
| Management Services Technician | Transfer | Permanent | Full Time | 5 |
| Office Assistant (General) | Transfer | Temporary | Intermittent | 1 |
| Office Technician (Typing) | Transfer | Permanent | Full Time | 1 |
| Program Technician | Transfer | Permanent | Full Time | 4 |
| Program Technician II | Transfer | Permanent | Full Time | 2 |
| Research Analyst II – (General) | Transfer | Permanent | Full Time | 1 |
| Senior Health Physicist | Transfer | Permanent | Full Time | 1 |
| Senior Information Systems Analyst (Supervisor) | Transfer | Permanent | Full Time | 1 |
| Staff Environmental Scientist | Transfer | Permanent | Full Time | 1 |
| Staff Management Auditor | Transfer | Permanent | Full Time | 1 |
| Staff Services Analyst | Transfer | Permanent | Full Time | 8 |
| Staff Services Analyst | Transfer | Permanent | Intermittent | 1 |
| Staff Services Manager II (Supervisory) | Transfer | Permanent | Full Time | 1 |
| Career Executive Assignment (CEA) | Emergency Appointment | Temporary | Full Time | 6 |
| Associate Governmental Program Analyst | Mandatory Reinstatement | Permanent | Full Time | 2 |
| Health Facilities Evaluator Nurse | Retired Annuitant (RA) | Temporary | Intermittent | 2 |
| Associate Health Physicist | RA | Temporary | Intermittent | 1 |
| Special Consultant | Special Consultant | Temporary | Full Time | 1 |
| Student Engineering Aid | Temporary Authorization Utilization (TAU) | Temporary | Intermittent | 1 |
| Seasonal Clerk | TAU | Temporary | Intermittent | 18 |

FINDING NO. 3 – Equal Employment Opportunity Questionnaires Were Not Separated from Applications

Summary: Out of 324 appointments reviewed, 104 appointment files included applications where EEO questionnaires were not separated from the STD 678 employment application. Specifically, 1,375 of the 5,650 applications reviewed included EEO questionnaires that were not separated from the STD 678 employment application.

Criteria: Government Code section 19704 makes it unlawful for a hiring department to require or permit any notation or entry to be made on any application indicating or in any way suggesting or pertaining to any protected category listed in Government Code section 12940, subdivision (a) (e.g., a person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status). Applicants for employment in state civil service are asked to provide voluntarily ethnic data about themselves where such data is determined by 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 CDPH understands the importance of protecting EEO information to ensure fairness in the selection process and compliance with all civil service selection and hiring activities. The CDPH acknowledges the finding and will provide additional instructions, in writing, to its hiring supervisors and managers to ensure understanding of the requirement to remove the EEO Questionnaire from state application (Std. 678) forms.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the CDPH 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. 4 – Appointment Documentation Was Not Kept for the Appropriate Amount of Time

Summary: Specifically, of the 324 appointments reviewed, the CDPH did not retain 12 job bulletins, 67 screening criteria, 27 rating criteria, and NOPA forms for 88 appointments.

Criteria: In relevant part, civil service laws require that the employment procedures of each state agency shall conform to the federal and state laws governing employment practices. (Gov. Code, § 18720.) State agencies are required to maintain and preserve any and all applications, personnel, membership, or employment referral records and files for a minimum period of two years after the records and files are initially created or received. (Gov. Code, § 12946.) State agencies are also required to retain personnel files of applicants or terminated employees for a minimum period of two years after the date the employment action is taken. (Ibid.)

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

Cause: The CDPH agrees to the findings and understands the importance of preserving appointment materials in accordance with state laws and employment practices as evidenced by written CDPH policies. The missing documents are an oversight and the CDPH will provide additional instructions and training to its hiring supervisors and managers to reinforce the importance of preserving all appointment documentation in a manner consistent with civil service laws and CDPH policies.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the CDPH submit to the CRU a written corrective action plan that the department will implement to ensure conformity with maintaining personnel records of incumbents for a minimum of two year.

FINDING NO. 5 – Probationary Evaluations Were Not Provided for All Appointments

Summary: The CDPH did not prepare, complete, and/or retain required probationary appraisals of performance for 143 of the 342 appointments reviewed by the CRU.

| Classification | Appointment Type | No. of Appointments | No. of Uncompleted Prob. Reports |
|--|--------------------|---------------------|----------------------------------|
| Associate Accounting Analyst | Certification List | 1 | 1 |
| Associate Governmental Program Analyst | Certification List | 8 | 15 |
| Associate Health Physicist | Certification List | 3 | 7 |
| Associate Sanitary Engineer | Certification List | 4 | 12 |
| Attorney IV | Certification List | 2 | 5 |
| Custodian | Certification List | 1 | 1 |
| Environmental Scientist | Certification List | 2 | 5 |
| Examiner I, Laboratory Field Services | Certification List | 3 | 5 |
| Health Facilities Evaluator II (Supervisor) | Certification List | 1 | 1 |
| Health Facilities Evaluator Nurse | Certification List | 1 | 2 |
| Health Program Manager III | Certification List | 1 | 3 |
| Health Program Specialist I | Certification List | 1 | 2 |
| Health Program Specialist II | Certification List | 5 | 13 |
| Junior Health Physicist | Certification List | 5 | 7 |
| Office Assistant (General) | Certification List | 2 | 6 |
| Office Technician (General) | Certification List | 2 | 4 |
| Office Technician (Typing) | Certification List | 3 | 8 |
| Personnel Specialist | Certification List | 3 | 7 |
| Program Technician I | Certification List | 7 | 21 |
| Program Technician II | Certification List | 1 | 3 |
| Public Health Laboratory Technician I (Microbiology) | Certification List | 1 | 2 |
| Public Health Medical Officer II | Certification List | 1 | 3 |
| Public Health Microbiologist Specialist | Certification List | 1 | 3 |
| Research Analyst II - General | Certification List | 1 | 3 |
| Research Scientist I (Social/Behavioral Sciences) | Certification List | 2 | 3 |

| Classification | Appointment Type | No. of Appointments | No. of Uncompleted Prob. Reports |
|---|--------------------------|---------------------|----------------------------------|
| Research Scientist Manager (Microbiological Sciences) | Certification List | 1 | 3 |
| Research Scientist Supervisor II (Chemical Sciences) | Certification List | 1 | 1 |
| Sanitary Engineer | Certification List | 3 | 9 |
| Senior Accounting Officer (Specialist) | Certification List | 1 | 1 |
| Senior Information Systems Analyst (Specialist) | Certification List | 4 | 9 |
| Senior Sanitary Engineer | Certification List | 3 | 9 |
| Staff Information Systems Analyst (Specialist) | Certification List | 2 | 4 |
| Staff Programmer Analyst (Specialist) | Certification List | 2 | 6 |
| Staff Services Analyst (General) | Certification List | 6 | 13 |
| Staff Services Manager I | Certification List | 25 | 61 |
| Staff Services Manager II | Certification List | 2 | 4 |
| Staff Services Manager III | Certification List | 5 | 11 |
| Stationary Engineer | Certification List | 4 | 12 |
| Supervising Program Technician I | Certification List | 2 | 3 |
| Systems Software Specialist I (Technical) | Certification List | 1 | 3 |
| Associate Accounting Analyst | Permissive Reinstatement | 1 | 3 |
| Health Facilities Evaluator Nurse | Permissive Reinstatement | 3 | 9 |
| Program Technician | Permissive Reinstatement | 2 | 5 |
| Public Health Medical Officer II | Permissive Reinstatement | 1 | 3 |
| Research Analyst II - General | Permissive Reinstatement | 1 | 3 |
| Staff Services Analyst (General) | Permissive Reinstatement | 2 | 3 |
| Health Program Specialist I | Transfer | 2 | 5 |
| Management Services Technician | Transfer | 1 | 3 |
| Office Technician (Typing) | Transfer | 1 | 3 |
| Program Technician | Transfer | 1 | 3 |

| Classification | Appointment Type | No. of Appointments | No. of Uncompleted Prob. Reports |
|----------------------------------|------------------|---------------------|----------------------------------|
| Senior Health Physicist | Transfer | 1 | 3 |
| Staff Services Analyst (General) | Transfer | 3 | 8 |
| Total | | 143 | 342 |

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 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 CDPH agrees to the findings and understands the importance of evaluating the work and efficiency of its probationary employees as evidenced by written CDPH policies and notices. Missing probationary evaluation forms are the result of lack of understanding the mandatory requirements and internal controls. The CDPH will continue to implement steps necessary to ensure supervisors and managers understand both the importance and the requirement to complete probationary evaluations timely.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the CDPH submit to the CRU a written corrective action plan that addresses how the CDPH will ensure full compliance from supervisory/managerial staff to meet with the probationary requirements of Government Code § 19172.

FINDING NO. 6 – Notice of Personnel Action Forms Were Not All Signed

Summary: The CDPH did not ensure that NOPA forms for 20 of 324 appointments were signed.

Criteria: Requiring signatures on NOPA forms is meant to ensure that the appointee to the best of his or her knowledge has certified that he or she has provided the department with complete and factual information necessary for a proper appointment; that he or she intends to serve in this class, ensure, location, and other elements of the appointment as reflected on the NOPA form; and that the employee will make a reasonable attempt to seek correction of any aspect of the appointment that they know to be illegal.

Severity: Non-Serious or Technical. Although the NOPA serves as a legal document for recording the employee's signature verifying appointment information, the failure to attain signatures on NOPAs does not compromise the results of the selection process.

Cause: The CDPH agrees with the CRU findings and understands the importance of ensuring the appointee has an opportunity to review relevant information regarding their appointment and for both the

employee and employer to make a reasonable attempt to seek correction of any aspect of the appointment not accurately portrayed in the Notice of Personnel Action (NOPA) form. The CDPH/HRB staff also have a specific role in ensuring NOPA documents are distributed to and returned by employees and have been counseled on the procedures. Additional steps will be provided in the corrective action plan.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the CDPH submit to the CRU a written corrective action plan that addresses how the CDPH will ensure that NOPAs are signed by every appointee.

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 California Department of Human Resources 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.)

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 CDPH's EEO program that was in effect during the compliance review period. In addition, the CRU interviewed appropriate CDPH staff.

FINDING NO. 7 – Equal Employment Opportunity Program Complied With All Civil Service Laws and Board Regulations

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 CDPH 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 CDPH. In addition, the CDPH has an established DAC, that reports to the director on issues affecting persons with a disability. The CDPH completed a workforce analysis, which was submitted to the CRU. The CDPH also provided evidence of its efforts to promote equal employment opportunity 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 personal services contract (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 CDPH had 209 PSC's that were in effect. The CRU randomly selected 75 of those contracts, 29 of which were subject to Department of General Services (DGS) approval and thus our procedural review, which are listed below:

| Vendor | Services | Contract Dates | Contract Amount | Justification Identified |
|---|---|-------------------------|-----------------|--------------------------|
| Baxter Healthcare Corporation | Laboratory Services | 07/01/2013 - 06/30/2016 | \$4,885,536 | Yes |
| Boys and Girls Club of Fresno County | Youth Recruitment for Retail Data Collection | 09/01/2013 - 08/31/2015 | \$825,945 | Yes |
| Boys and Girls Clubs of Fresno County | Youth Recruitment for FDA Tobacco Enforcement | 04/01/2013 - 09/03/2014 | \$525,952 | Yes |
| California Association of Health Facilities | Emergency Preparedness Clinical Consortia | 10/01/2012 - 06/30/2015 | \$840,000 | Yes |
| California Primary Care Association | Medical and Technical Assistance | 11/29/2012 - 06/30/2015 | \$849,900 | Yes |
| Cato Research, Ltd. | Clinical Study Associated with BabyBIG Lot 6 | 01/02/2013 - 06/30/2015 | \$807,749 | Yes |
| Cernx, Inc. | Warehouse Storage and Shipping Services | 11/24/2012 - 05/24/2014 | \$366,410 | Yes |
| Cooperative Personnel Services | Online Fee Collection Services | 07/01/2012 - 06/30/2014 | \$509,395.04 | Yes |
| County of San Diego | Medical Inspection Services | 07/01/2013 - 06/30/2016 | \$2,425,248 | Yes |
| Deloitte Consulting, LLP | Biobank Operation | 05/01/2013 - 10/31/2013 | \$678,947 | Yes |
| Dream Ride Engineering, Inc. | Elevator Maintenance | 05/01/2009 - 04/30/2014 | \$177,264,00 | Yes |
| Global Secure Systems Corporation | Emergency Services Communication Network | 04/01/2013 - 12/31/2015 | \$2,716,362 | Yes |

| Vendor | Services | Contract Dates | Contract Amount | Justification Identified |
|--|---|-------------------------|-----------------|--------------------------|
| Hubbert Systems Consulting, Inc. | Business Optimization Services | 07/01/2013 - 06/30/2013 | \$248,800 | Yes |
| Los Alamos National Security, LLC | Laboratory Services | 04/01/2013 - 03/31/2016 | \$1,116,564 | Yes |
| Media Solutions | Statewide Advertising Media Plan | 10/05/2010 - 06/30/2013 | \$5,339,344 | Yes |
| Public Health Foundation Enterprises, Inc. | BabyBIG(R) Technical Support & Infant Botulism Prevention | 04/01/2013 - 03/31/2018 | \$8,931,977 | Yes |
| Regents of the University of CA, San Francisco | Training and Technical Assistance to Health Providers | 07/01/2012 - 12/31/2012 | \$916,228 | Yes |
| Rubicon Programs, Inc. | Landscaping Services | 07/01/2013 - 06/30/2016 | \$297,627 | Yes |
| Stericycle | Recall Effectiveness Checks | 05/01/2012 - 04/30/2014 | \$199,956 | Yes |
| Steris Corporation | Laboratory Equipment Sterilization | 07/01/2013 - 06/30/2014 | \$209,096 | Yes |
| The Board of Trustees of the Leland Stanford Junior University | Coordination of Services Among 98 CDPH Funded Projects | 01/01/2013 - 12/31/2015 | \$350,000 | Yes |
| The Florida State University | Information Technology Services | 07/01/2012 - 06/30/2017 | \$2,125,000 | Yes |
| The Permanente Medical Group, Inc. | Newborn and Prenatal Screening Tests | 07/01/2013 - 12/31/2014 | \$1,666,055 | Yes |
| The Regents of the University of CA, Davis | Laboratory Analysis and Research | 07/01/2013 - 06/30/2015 | \$942,999 | Yes |
| The Regents of the University of California, Davis | Development and Implementation of Enhanced Disease Surveillance | 07/01/2012 - 06/30/2017 | \$1,209,527 | Yes |

| Vendor | Services | Contract Dates | Contract Amount | Justification Identified |
|--|--|-------------------------|-----------------|--------------------------|
| The Regents of the University of California, Davis | Breastfeeding Community Assessment | 07/01/2013 - 09/30/2014 | \$191,752.13 | Yes |
| The Regents of the University of California, San Francisco | Develop and Conduct Assessment of Birth Outcomes in California | 07/01/2013-06/30/2015 | \$6,443,566 | Yes |
| University Enterprises, Inc. | Provide Student Assistants | 07/01/2013 - 06/30/2016 | \$396,750 | Yes |
| University of CA, San Diego | Data Collection and Research | 04/01/2013 - 03/31/2016 | \$4,796,071 | Yes |

FINDING NO. 8 – 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 amount of all the PSCs reviewed was \$50,812,756. It was beyond the scope of the review to make conclusions as to whether CDPH justifications for the contract were legally sufficient. For all PSC’s subject to DGS approval, the CDPH provided specific and detailed factual information in the written justifications as to how each of the 29 contracts met at least one condition set forth in Government Code section 19131, subdivision (b). Accordingly, CDPH’s PSC’s complied with procedural requirements.

DEPARTMENTAL RESPONSE

The CDPH's response is attached as Attachment 1.

SPB REPLY

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

It is further recommended that the CDPH 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.



California Department of Public Health
MEMORANDUM

DATE: April 8, 2015

TO: State Personnel Board
Compliance Review Unit

FROM: *Sandra Cornwell*
Sandra Cornwell, Chief
Human Resources Branch
324-0219

SUBJECT: Response to State Personnel Board's Compliance Review Report

In response to the findings identified in the State Personnel Board (SPB) Compliance Review Report, the California Department of Public Health (CDPH) has taken into account the findings by the SPB Compliance Review. Our responses have been incorporated directly in the Compliance Review Report and below.

The CDPH has provided additional training to HRB staff and we are revising some procedures, where applicable, and in some cases, reinforcing departmental policies, in response to the findings.

Any additional steps, policies or changes will be identified in a Corrective Action Plan (within 60 days from the date the findings are published.)

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

While it is not the practice or policy of CDPH to share exam applications with any hiring supervisor, it was an oversight to not remove the EEO Questionnaires before storing in a locked file room.

Finding No. 2 – Examination Documentation Was Not Kept for the Appropriate Amount of Time

CDPH acknowledges that some of the examination documentation was missing and not maintained for the appropriate amount of time, despite internal procedures and policies. HR staff has been counseled and additional training has been provided.

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Finding No. 3 – Equal Employment Opportunity (EEO) Questionnaires Were Not Separated from Applications

CDPH understands the importance of protecting EEO information to ensure fairness in the selection process and compliance with all civil service selection and hiring activities. CDPH acknowledges the finding and will provide additional instructions, in writing, to its hiring supervisors and managers to ensure understanding of the requirement to remove the EEO Questionnaires from state application (Std. 678) forms.

Finding No. 4 – Appointment Documentation Was Not Kept for the Appropriate Amount of Time

CDPH agrees to the findings and understands the importance of preserving appointment materials in accordance with state laws and employment practices as evidenced by written CDPH policies. The missing documents are an oversight and CDPH will provide additional instructions and training to its hiring supervisors and managers to reinforce the importance of preserving all appointment documentation in a manner consistent with civil service laws and CDPH policies.

Finding No. 5 – Probationary Evaluations Were Not Provided for All Appointments

CDPH agrees to the findings and understands the importance of evaluating the work and efficiency of its probationary employees as evidenced by written CDPH policies and notices. Missing probationary evaluation forms are the result of lack of understanding the mandatory requirements and internal controls. CDPH will continue to implement steps necessary to ensure supervisors and managers understand both the importance and the requirement to complete probationary evaluations timely.

Finding No. 6 – Notice of Personnel Action Forms Were Not All Signed

CDPH agrees with the CRU findings and understands the importance of ensuring the appointee has an opportunity to review relevant information regarding their appointment and for both the employee and employer to make a reasonable attempt to seek correction of any aspect of the appointment not accurately portrayed on the Notice of Personnel Action (NOPA) form. CDPH/HRB staff has a specific role in ensuring NOPA documents are distributed to and returned by employees and have been counseled on the procedures. Additional steps will be provided in the corrective action plan.

Finding No. 7 – EEO Program Complied With All Civil Service Laws and Board Regulations (No corrective action is required by CDPH.)

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Finding No. 8 – Personal Services Contracts Complied with Procedural Requirements (No corrective action is required by CDPH.)

cc: Alan Lum, Deputy Director
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