



COMPLIANCE REVIEW REPORT

CALIFORNIA HORSE RACING BOARD

Compliance Review Unit
State Personnel Board
February 11, 2016

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INTRODUCTION

Established by the California Constitution, the State Personnel Board (the SPB or Board) is charged with enforcing and administering the civil service statutes, prescribing probationary periods and classifications, adopting regulations, and reviewing disciplinary actions and merit-related appeals. The SPB oversees the merit-based recruitment and selection process for the hiring of over 200,000 state employees. These employees provide critical services to the people of California, including but not limited to, protecting life and property, managing emergency operations, providing education, promoting the public health, and preserving the environment. The SPB provides direction to departments through the Board's decisions, rules, policies, and consultation.

Pursuant to Government Code section 18661, the SPB's Compliance Review Unit (CRU) conducts compliance reviews of appointing authority's personnel practices in 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 Horse Racing Board (CHRB) personnel practices in the areas of examinations, appointments, EEO, PSC's, and mandated training from June 1, 2014, through May 31, 2015. The following table summarizes the compliance review findings.

Area	Finding	Severity
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
Appointments	Appointment Documentation Was Not Kept for the Appropriate Amount of Time	Serious
Equal Employment Opportunity	A Disability Advisory Committee Has Not Been Established	Very Serious

Area	Finding	Severity
Personal Services Contracts	Personal Services Contracts Complied with Procedural Requirements	In Compliance
Mandated Training	Supervisory Training Was Not Provided for All Supervisors	Very Serious
Mandated Training	Ethics Training Was Not Provided for All Filers	Very Serious
Mandated Training	Sexual Harassment Training Was Not Provided for All Supervisors	Very Serious

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

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

BACKGROUND

The CHRB ensures the integrity, viability, and safety of the California horse racing industry by regulating pari-mutuel wagering for the protection of the public, promoting horse racing, breeding, wagering opportunities, and fostering safe racing through the development and enforcement of track safety standards and regulations for the health and welfare of all participants.

The CHRB, under the direction of a 7 Member Board, employs 52 employees to carry out this mission. This includes 14 enforcement staff and 10 licensing staff located in various locations throughout California. The remaining 28 Executive and Administrative staff are located in the Sacramento headquarters office.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing CHRB examinations, appointments, EEO program, PSC's, and mandated training from June 1, 2014, through May 31, 2015. The primary objective of the review was to determine if CHRB 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 the CHRB's 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 CHRB provided, which included examination plans, examination bulletins, job analyses, 511b's, scoring results, notice of personnel action (NOPA) forms, vacancy postings, application screening criteria, hiring interview rating criteria, certification lists, transfer movement worksheets, employment history records, correspondence, and probation reports.

The review of the CHRB 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 CHRB staff.

The CHRB's PSC's were also reviewed.¹ It was beyond the scope of the compliance review to make conclusions as to whether CHRB justifications for the contracts were legally sufficient. The review was limited to whether CHRB practices, policies, and procedures relative to PSC's complied with procedural requirements.

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

The CHRB declined to have an exit conference. On January 22, 2015, the CRU received and carefully reviewed the response, which is attached to this final compliance report.

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

FINDINGS AND RECOMMENDATIONS

Examinations

Examinations to establish an eligible list must be competitive and of such character as fairly to test and determine the qualifications, fitness, and ability of competitors to perform the duties of the class of position for which he or she seeks appointment. (Gov. Code, § 18930.) Examinations may be assembled or unassembled, written or oral, or in the form of a demonstration of skills, or any combination of those tests. (*Ibid.*) The Board establishes minimum qualifications for determining the fitness and qualifications of employees for each class of position and for applicants for examinations. (Gov. Code, § 18931.) Within a reasonable time before the scheduled date for the examination, the designated appointing power shall announce or advertise the examination for the establishment of eligible lists. (Gov. Code, § 18933, subd. (a).) the advertisement shall contain such information as the date and place of the examination and the nature of the minimum qualifications. (*Ibid.*) Every applicant for examination shall file an application in the office of the department or a designated appointing power as directed 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 CHRB conducted five examinations. The CRU reviewed all five of these examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Applications
Business Service Officer I (Specialist)	Departmental Promotional	Education and Experience (E&E) ²	3/27/2014	2
Racing License Technician I	Departmental Open	Qualification Appraisal Panel (QAP) ³	1/26/2015	24

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

Classification	Exam Type	Exam Components	Final File Date	No. of Applications
Racing License Technician I	Departmental Open	QAP	4/30/2015	37
Senior Personnel Specialist	Departmental Promotional	E&E	2/17/2015	2
Supervising Racing License Technician	Departmental Promotional	QAP	8/28/2014	2

FINDING NO. 1 – Job Analyses Were Not Developed or Used for the Examination Process

Summary: The CHRB was unable to provide job analyses for the two classifications listed below:

Classification	List Active Date	List Expiration Date	No. of Eligibles
Racing License Technician I	4/26/2001	7/17/2015	15
Supervising Racing License Technician	9/23/2014	9/23/2016	1

Criteria: The Merit Selection Manual (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

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.

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 CHRB states that job analysis training was not initiated for Human Resource staff.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the CHRB submit to the CRU a written corrective action plan that the department will implement to abolish the Supervising Racing License Technician eligible list and to ensure that each examination is created and developed based upon a job analysis that meets the requirements of the MSM.

Furthermore, the CRU finds the appointments that were made from the examinations that were administered without a job analysis were made in good faith, were not the fault of the appointed employees, and did 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 CHRB made 13 appointments. The CRU reviewed 12 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appointments
Attorney	Certification List	Permanent	Full Time	1
Business Service Officer I (Specialist)	Certification List	Permanent	Full Time	1
Racing License Technician I	Certification List	Permanent	Full Time	1
Senior Programmer Analyst	Certification List	Permanent	Full Time	1
Staff Services Analyst	Certification List	Permanent	Full Time	1
Staff Services Manager I	Certification List	Permanent	Full Time	1
Senior Programmer Analyst (Supervisor)	Permissive Reinstatement	Permanent	Full Time	1
Supervising Racing License Technician	Permissive Reinstatement	Permanent	Full Time	1
Associate Governmental Program Analyst	Retired Annuitant	Limited Term	Intermittent	1
Associate Governmental Program Analyst	Transfer	Permanent	Full Time	1
Personnel Specialist	Transfer	Permanent	Full Time	1
Staff Services Management Auditor	Transfer	Permanent	Full Time	1

FINDING NO. 2 – Probationary Evaluations Were Not Provided for All Appointments Reviewed

Summary: The CHRB did not prepare, complete, and/or retain 4 required probationary reports of performance.

Classification	Appointment Type	No. of Appointments	No. of Uncompleted Prob. Reports
Associate Governmental Program Analyst	Transfer	1	1
Supervising Racing License Technician	Permissive Reinstatement	1	3
Total		2	4

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

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

Severity: Serious. The probationary period is the final step in the selection process to ensure that the individual selected can successfully perform the full scope of their job duties. Failing to use the probationary period to assist an employee in improving his or her performance or terminating the appointment upon determination that the appointment is not a good job/person match is unfair to the employee and serves to erode the quality of state government.

Cause: The CHRB states that the tracking status of probationary evaluations and timely supervisor/manager actions was not consistent.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the CHRB submit to the CRU a written corrective action plan that addresses the

corrections the department will implement to ensure conformity with the probationary requirements of Government Code section 19172.

FINDING NO. 3 – Appointment Documentation Was Not Kept for the Appropriate Amount of Time

Summary: Specifically, of the 12 appointments reviewed, the CHRB did not retain 1 NOPA, and rating criteria for 7 appointments made from a designated three-rank eligible list.

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 CHRB states that on occasion department appointments are rushed due to long term vacancy durations. File documentation of rating methodology and decisions are not consistent due to the rushed nature of appointments.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the CHRB 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 five years.

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 (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.)

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. In a state agency with less than 500 employees, like the CHRB, the EEO officer may be the personnel officer. (*Ibid.*)

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

FINDING NO. 4 – A Disability Advisory Committee Has Not Been Established

Summary: The CHRB does not have an active Disability Advisory Committee.

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

the final committee is comprised of members who have disabilities or who have an interest in disability issues. (Gov. Code, § 19795, subd. (b)(2).)

Severity: Very Serious. The agency head does not have direct information on issues of concern to employees or other persons with disabilities and input to correct any underrepresentation. The lack of a DAC may limit an agency's ability to recruit and retain a qualified workforce, impact productivity, and subject the agency to liability.

Cause: The CHRB states that they lacked participants and follow-up was not consistent.

Action: The CHRB must take immediate steps to ensure the establishment of a DAC, comprised of members who have disabilities or who have an interest in disability issues. The CHRB must submit to the CRU a written report of compliance, including the DAC roster, agenda, and meeting minutes, no later than 60 days from the date of the SPB Executive Officer's approval of these findings and recommendations.

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 CHRB had 22 PSC's that were in effect and subject to Department of General Services (DGS) approval, and thus our procedural review. The CRU reviewed 12 of these, which are listed below:

Vendor	Services	Contract Dates	Contract Amount	Justification Identified
Charles Chaney	Steward at Horse Racing Meets	7/01/2014-6/30/2015	\$134,000	Yes
David C. Nuesch	Steward at Horse Racing Meets	7/01/2014-6/30/2015	\$110,000	Yes
Dennis Nevin	Official Veterinary Services	7/01/2014-6/30/2015	\$132,000	Yes
Dr. Clifford A. Zucco, DVM	Official Veterinary Services	7/01/2014-6/30/2015	\$65,000	Yes
Dr. Forrest Franklin	Official Veterinary Services	7/01/2014-6/30/2015	\$90,000	Yes
Dr. Timothy J. Grande	Official Veterinary Services	7/01/2014-6/30/2015	\$100,000	Yes
Grant Baker	Steward at Horse Racing Meets	7/01/2014-6/30/2015	\$120,000	Yes
Luis Jauregui	Steward at Horse Racing Meets	7/01/2014-6/30/2015	\$148,000	Yes
Michael Oke	Official Veterinary Services	7/01/2014-6/30/2015	\$110,000	Yes
Patricia Sawyer	Steward at Horse Racing Meets	7/01/2014-6/30/2015	\$140,000	Yes
Pegasus Veterinary Corp, dba. Dr. Gary Beck	Official Veterinary Services	7/01/2014-6/30/2015	\$80,000	Yes
Thomas Ward	Steward at Horse Racing Meets	7/01/2014-6/30/2015	\$140,000	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 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 PSC's reviewed was \$1,369,000. It was beyond the scope of the review to make conclusions as to whether CHRB justifications for the contract were legally sufficient. For all PSC's subject to DGS approval, the CHRB provided specific and detailed factual information in the written justifications as to how each of the 12 contracts met at least one condition set forth in Government Code section 19131, subdivision (b). Accordingly, the CHRB PSC's complied with procedural requirements.

Mandated Training

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

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

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

The CRU reviewed the CHRB mandated training program that was in effect during the compliance review period.

FINDING NO. 6 – Supervisory Training Was Not Provided for All Supervisors

Summary: The CHRB did not provide supervisory training to 2 of 5 new supervisors within twelve months of appointment.

Criteria: Each department must provide its new supervisors supervisory training within twelve months of appointment. (Gov. Code, § 19995.4, subds. (b) and (c).) The training must be a minimum of 80 hours, 40 of which must be structured and given by a qualified

instructor. The other 40 hours may be done on the job by a higher-level supervisor or manager. (Gov. Code, § 19995.4, subd. (b).)

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

Cause: The CHRB states that due to workload restraints both supervisors have encountered training schedule conflicts. Due to extended vacancies in the bay area licensing office one of the two supervisors is the only employee managing the Golden Gate Field Office and workload demands prevented timely training.

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

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

FINDING NO. 7 – Ethics Training Was Not Provided for All Filers

Summary: The CHRB did not provide ethics training to 50 of 50 existing filers. In addition, the CHRB's 5 new filers were not provided ethics training within six months of appointment.

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

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

Cause: The CHRB states that the department had been in the process of specifically defining each position required to file conflict of interest statements, which took approximately 9 months, and included an ongoing dialogue with Fair Political Practices Commission. The department was unsure exactly which positions were required to file.

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

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

FINDING NO. 8 – Sexual Harassment Training Was Not Provided for All Supervisors

Summary: The CHRB did not provide sexual harassment training to 5 new supervisors within 6 months of appointment and 4 existing supervisors every two years.

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

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

Cause: The CHRB states that excess time was expended during the search for training options, in person or on-line, as well as trainer availability and instructor approval from the California Department of Human Resources.

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

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

DEPARTMENTAL RESPONSE

FINDING 1 – Job Analyses Were Not Developed or Used for the Examination Process.

The Compliance Review Unit (CRU) identified examination classifications to which job analyses were not provided for the following two classifications:

Racing License Technician I
Supervising Racing License Technician

Both classifications adhere to established agency specific job standards, knowledge, skills, and abilities identified in the specifications of each of these classifications, which are used to assess applicants competing in the examinations.

Future agency examinations will adhere to required job analysis procedures.

FINDING 2 – Probationary Evaluations Were Not Provided for all Appointments Reviewed.

Probationary evaluations are not kept with recruitment/examination files but rather in employee official personnel files. Supervisors and/or managers are reminded of probation report due dates and provided instruction from the Human Resources Unit on probation report procedures.

Future notification to supervisors/managers will specify that probation reports are required to evaluate work and efficiencies of a probationer.

FINDING 3 – Appointment Documentation Was Not Kept for the Appropriate Amount of Time.

The CHRB Human Resources Unit retains recruitment information in files. When examinations are administered, candidate rating criteria are retained and available. In most department job opportunity recruitment instances, the supervisor/manager maintains recruitment information, including their method of rating candidates. The supervisor rating methodology and decisions may not be consistently shared with the Human Resources Unit staff.

The necessity for future recruitment documentation to be provided and stored in the recruitment file in the Human Resources Unit will be required. This change will include the interview questions, practical exercises or written exercises completed by applicants, rating criteria, notices sent to applicants, list of applicants interviewed, dates of interviews, panel members of the interviews, hiring supervisor notes regarding applicants.

FINDING 4 – A Disability Advisory Committee Has Not Been Established.

Currently the CHRB has one person designated as the Disability Advisory Committee Coordinator, Victoria Thornton. She has joined the existing DAC at the California Exposition and State Fair, which will enable her to acquire the necessary skills and knowledge to accommodate program needs at the CHRB.

The CHRB will distribute staff notices, encouraging additional CHRB employee participation.

FINDING 5 – Personal Service Contracts Complied with Procedural Requirements

No CHRB response is necessary.

FINDING 6 – Supervisory Training Was Not Provided for all Supervisors

The Senior Programmer Analyst was appointed in August 2014 and completed 80 hours of mandatory training in March 2015. The Supervising Licensing Technician has been

re-noticed regarding the mandatory training and has made scheduling arrangements to complete the training as soon as possible.

FINDING 7 – Ethics Training was Not Provided for All Filers

After the update of the CHRB Conflict of Interest Code 2000, which defined each filer, the CHRB informed the persons identified in the Code of their ethics training requirement.

Each required filer of the CHRB was notified of the required ethics training and provided the training deadline of December 31, 2015. A follow up reminder was sent to filers, and a small percentage is non-compliant as of December 31, 2015. Those required filers who have not complied will receive another notice with a revised deadline of January 31, 2016.

Finding 8 – Sexual Harassment Training Was Not Provided for All Supervisors

The CHRB arranged classroom style training for each staff person to attend the training in October 2015. Those who could not attend the October 2015 training were required to sign up for online training provided by the Department of Fair Employment and Housing. The Human Resources Unit staff will continue to track compliance.

As of January 21, 2016, all CHRB supervisors have attended the required sexual harassment training.

SPB REPLY

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

It is further recommended that the CHRB 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.