

**BOARD RESOLUTION ADOPTING THE COMPLIANCE REVIEW REPORT AND
FINDINGS BY THE SPB COMPLIANCE REVIEW DIVISION OF
THE DEPARTMENT OF MOTOR VEHICLES**

WHEREAS, the State Personnel Board (SPB or Board) at its duly noticed meeting of November 21, 2013, carefully reviewed and considered the attached Compliance Review Report of the Department of Motor Vehicles submitted by SPB's Compliance Review Division.

WHEREAS, the Report was prepared following a baseline review of the Department of Motor Vehicles' personnel practices. It details the background, scope, and methodology of the review, and the findings and recommendations.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the Report, including all findings and recommendations contained therein. A true copy of the Report shall be attached to this Board Resolution and the adoption of the Board Resolution shall be reflected in the record of the meeting and the Board's minutes.



SUZANNE M. AMBROSE
Executive Officer



COMPLIANCE REVIEW REPORT DEPARTMENT OF MOTOR VEHICLES FINDINGS AND RECOMMENDATIONS NOVEMBER XX, 2013

Appointments

During the compliance review period of June 2011 through November 2012, the Department of Motor Vehicles (DMV) made 3,179 appointments. The SPB reviewed 198 of those appointments, which are listed below:

Classification	Appointment Type	No. Of Eligibles
Manager I Department of Motor Vehicles	Limited-Term	1
Accounting Administrator I (Supervisor)	Certification List	2
Associate Space Planner	Certification List	1
Attorney III	Certification List	1
Control Cashier II (Vehicle Registration), Department of Motor Vehicles	Certification List	4
Data Processing Manager II	Certification List	2
Departmental Construction and Maintenance Supervisor	Certification List	1
Driver Safety Manager III	Certification List	2
Executive Secretary I	Certification List	1
Labor Relations Specialist	Certification List	1
Mailing Machines Supervisor I	Certification List	2
Management Services Technician	Certification List	2
Manager IV Department of Motor Vehicles	Certification List	9
Motor Vehicle Assistant	Certification List	6
Office Services Manager I	Certification List	1
Personnel Specialist	Certification List	11
Senior Information Systems Analyst (Supervisor)	Certification List	1
Senior Management Auditor	Certification List	1
Senior Motor Vehicle Technician	Certification List	31
Senior Programmer Analyst (Supervisor)	Certification List	1
Systems Software Specialist II (Supervisory)	Certification List	1
Associate Programmer Analyst (Specialist)	Mandatory	1

Classification	Appointment Type	No. Of Eligibles
	Reinstatement	
Control Cashier II (Vehicle Registration), Department of Motor Vehicles	Mandatory Reinstatement	1
Inspector, Department of Motor Vehicles	Mandatory Reinstatement	1
Motor Vehicle Field Representative	Mandatory Reinstatement	1
Service Assistant (DMV Operations)	Mandatory Reinstatement	2
Staff Information Systems Analyst (Specialist)	Mandatory Reinstatement	1
Assistant Division Chief/Program Manager Department of Motor Vehicles	Permissive Reinstatement	1
C.E.A. II, Chief of Strategic Planning and Organizational Development	Permissive Reinstatement	1
Key Data Operator	Permissive Reinstatement	1
Management Services Technician	Permissive Reinstatement	1
Motor Vehicle Field Representative	Permissive Reinstatement	16
Special Investigator Assistant	Permissive Reinstatement	1
Staff Services Analyst (General)	Permissive Reinstatement	2
Limited Examination and Appointment Program Candidate (Identified Class)	Temporary Authorization Utilization (TAU)	1
Youth Aid	TAU	9
Assistant Administrative Analyst -Accounting Systems-	Transfer	1
Associate Construction Analyst	Transfer	1
Associate Governmental Program Analyst	Transfer	2
Associate Programmer Analyst (Specialist)	Transfer	3
Executive Assistant	Transfer	6
Health and Safety Officer	Transfer	1
Inspector, Department of Motor Vehicles	Transfer	3
Key Data Operator	Transfer	1
Key Data Supervisor I	Transfer	1
Manager II Department of Motor Vehicles	Transfer	2
Manager III Department of Motor Vehicles	Transfer	5
Motor Vehicle Field Representative	Transfer	29
Personnel Specialist	Transfer	6

Classification	Appointment Type	No. Of Eligibles
Senior Accounting Officer (Specialist)	Transfer	1
Senior Information Systems Analyst (Supervisor)	Transfer	2
Senior Management Auditor	Transfer	1
Staff Services Analyst (General)	Transfer	7
Staff Services Management Auditor	Transfer	2
Staff Services Manager I	Transfer	1
Stationary Engineer	Transfer	1

FINDING NO. 1 – DMV Did Not Retain Applications for All the Appointments that were Reviewed

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.)

DMV failed to maintain applications for 31 of the 198 appointments for the minimum two year period of time. Therefore, it is recommended that within 60 days of the Board's Resolution adopting these findings and recommendations DMV submit to the Board a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the record retention requirements of Government Code section 12946. Copies of any relevant documents should be included with the plan.

FINDING NO. 2 – DMV Did Not Separate Equal Employment Opportunity (EEO) Forms from Applications

Government Code section 19704 makes it unlawful for a hiring department to require or permit any notation or entry to be made on any application indicating or in any way suggesting or pertaining to any protected category listed in Government Code section 12940, subdivision (a) (e.g., a person's race, religious creed, color, national origin, age, or sexual orientation). Applicants for employment in state civil service are asked to provide voluntarily ethnic data about themselves where such data is determined by the California Department of Human Resources (CalHR) to be necessary to an assessment of the ethnic and sex fairness of the selection process and to the planning and monitoring of affirmative action efforts. (Gov. Code, § 19705.) The EEO questionnaire of the state application form (STD 678) states, "This questionnaire will be separated

from the application prior to the examination and will not be used in any employment decisions.”

In 84 instances, EEO questionnaires were not separated from the STD 678 employment application. Therefore, it is recommended that within 60 days of the Board’s Resolution adopting these findings and recommendations DMV submit to the Board a written corrective action plan that addresses the changes the department will implement to ensure the EEO questionnaire is properly separated from the state applications. Copies of any relevant documents should be included with the report.

Equal Employment Opportunity

The SPB reviewed DMV’s EEO policies, procedures, and programs that were in effect during the compliance review period. In addition, the SPB interviewed appropriate DMV staff.

FINDING NO. 3 – DMV’s EEO Program Complies with Civil Service Laws and Board Rules

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 committing to equal employment opportunity; issue procedures for filing, processing, and resolving discrimination complaints; issue procedures for providing equal upward mobility and promotional opportunities; and cooperate with CalHR by providing access to all required files, documents and data. (Ibid.) In addition, the appointing power must appoint, at the managerial level, an EEO officer, who shall report directly to, and be under the supervision of, the director of the department to develop, implement, coordinate, and monitor the department’s EEO program. (Gov. Code, § 19795.)

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

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 SPB determined that the EEO program provided employees with information and guidance on the EEO process including instructions on how to file discrimination claims. In addition, the EEO program outlines the roles and responsibilities of the EEO Officer, as well as supervisors and managers. The EEO officer reports to the director on EEO issues. DMV provided evidence of its efforts to promote equal employment opportunity in its hiring and employment practices, to increase its hiring of persons with disabilities, and to offer upward mobility opportunities for its entry-level staff. DMV also has an active disability advisory committee that advises the director on issues of concern to employees with disabilities. DMV's DAC has been identified as a model DAC for all departments to follow.

DEPARTMENTAL RESPONSE

"The DMV thanks the State Personnel Board for conducting its review. The DMV has reviewed the findings and is preparing a corrective action plan for submission to the SPB after the report is finalized."

SPB REPLY

The SPB thanks DMV for their cooperation and assistance during the compliance review period. The SPB held an exit conference with DMV on November 7, 2013, wherein DMV agreed to correct the stated deficiencies and prepare a corrective action plan. After carefully reviewing DMV's response, it is still recommended that they comply with the corrective action plan recommended to the Board herein.