

BOARD RESOLUTION ADOPTING THE COMPLIANCE REVIEW REPORT AND FINDINGS BY THE SPB COMPLIANCE REVIEW DIVISION OF THE CALIFORNIA GAMBLING CONTROL COMMISSION

WHEREAS, the State Personnel Board (SPB or Board) at its duly noticed meeting of September 26, 2013, carefully reviewed and considered the attached Compliance Review Report of the California Gambling Control Commission submitted by SPB's Compliance Review Division.

WHEREAS, the Report was prepared following a baseline review of the California Gambling Control Commission's 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



801 Capitol Mall Sacramento, CA 95814 | www.spb.ca.gov

Governor Edmund G. Brown Jr.

September 5, 2013

Ms. Karen Cotton, Deputy Director
Administrative Support Division
California Gambling Control Commission
2020 W. El Camino, Drive, Ste. 350
Sacramento, CA 95833

RE: Compliance Review Report

Dear Ms. Cotton,

The State Personnel Board (Board or SPB) conducted a baseline compliance review of the California Gambling Control Commission's (CGCC) examinations, appointments, and Equal Employment Opportunity (EEO) program during the period of May 1, 2011 through November 1, 2012. The primary objective of the review was to determine if the CGCC's personnel practices, policies, and procedures complied with state civil service laws and board regulations, and to recommend corrective action where deficiencies were identified.

The CGCC provided the documents that SPB requested. A cross-section of CGCC's examinations and appointments selected for review to ensure that samples of various examinations and appointment types, classifications, and levels were analyzed. The review of the EEO program included examining written policies and procedures, the EEO officer's role and duties, and the internal discrimination complaint process. The SPB also communicated with and asked questions of appropriate CGCC staff.

The Compliance Review Division (CRD) found no deficiencies in the reviews of the CGCC's examinations and appointments. The CRD found that the EEO program was in compliance with one exception – the EEO Officer/Staff Services Manager I does not report directly to the Commission's Executive Director on EEO related matters. The appointing power for each state agency has the major responsibility for monitoring the effectiveness of its EEO program. (Gov. Code, § 19794.) To that end, the appointing power must issue a policy statement committed to equal employment opportunity; issue procedures for filing, processing, and resolving discrimination complaints; issue

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

Accordingly, CGCC must reorganize its organizational structure and ensure that the EEO Officer reports directly to the Executive Director on EEO related matters.

It is therefore recommended that no later than 30 days after the Board's Resolution adopting these findings and recommendations, CGCC must reorganize its organizational structure, and no later than 60 days after the Board's Resolution adopting these findings and recommendations, CGCC must ensure that the EEO Officer reports directly to the Executive Director on EEO related matters, and submit to the SPB a written report of compliance.

On September 10, 2013, an exit conference was held with CGCC to explain and discuss the SPB's initial findings and recommendations. CGCC was given until October 10, 2013 to submit a written response to the findings and recommendations to the SPB. On September 16, 2013, the SPB received and carefully reviewed the response, which is attached to this final compliance report.

DEPARTMENTAL RESPONSE

Effective September 11, 2013, CGCC has reassigned the EEO Officer duties to the Information Officer II who is a manager. The EEO Officer now reports directly to the Commission's Executive Director on EEO related matters. A copy of CGCC's current organizational chart was provided.

SPB REPLY

SPB thanks CGCC for promptly correcting their EEO program deficiency.

These findings are being provided to the five member State Personnel Board at its next available meeting for their review. If the Board's agrees with the findings, it shall issue a resolution adopting the recommendations. If the Board does not agree with the findings, it will then issue orders with its own recommendations. In either event, you will be notified of the decision of the Board and any further recommendations it may have. Once the Board has adopted the findings in whole and without further recommendations, the findings will then be posted on our website.

Ms. Karen Cotton
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We greatly appreciated the cooperation and assistance provided by CGCC personnel.
If you have questions, please contact me at (916) 651-0924.

Sincerely,

A handwritten signature in black ink, appearing to read "James L. Murray". The signature is fluid and cursive, with a long horizontal stroke at the end.

James L. Murray, Chief
Compliance Review Division
State Personnel Board



STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

GAMBLING CONTROL COMMISSION

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September 11, 2013

**California State Personnel Board
Mr. James L. Murray, Chief
Compliance Review Board
801 Capitol Mall
Sacramento, CA 95814**

Re: Compliance Review Report – Written Response of Compliance

Dear Mr. Murray:

The California Gambling Control Commission (Commission) is in receipt of your report dated September 5, 2013, regarding the Commission's baseline compliance review of examinations, appointments, and Equal Employment Opportunity (EEO) program for the period of May 1, 2011 – November 1, 2012.

The report noted that the State Personnel Board's Compliance Review Division found no deficiencies in the review of the Commission's examinations and appointment. However, it was noted that the Commission's EEO program was in compliance with the exception that the EEO Officer did not report directly to the Commission's Executive Director on EEO related matters.

The assignment of the EEO Officer has been reassigned. The Commission's Information Officer II who reports directly to the Executive Director will now also serve as the Commission's EEO Officer. A copy of the updated organization chart is enclosed for your reference.

As discussed with Ms. Luisa Doi, the Commission is not requesting an Exit Conference for this Compliance Review Report. If you have any additional questions please contact Karen Cotton, Deputy Director, Administration Division at kcotton@cgcc.ca.gov or at 916-263-0904.

Sincerely,

**TINA M. LITTLETON
Executive Director**

Enclosure

