



COMPLIANCE REVIEW REPORT

OFFICE OF THE STATE PUBLIC DEFENDER

Compliance Review Unit
State Personnel Board
January 4, 2017

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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 five areas: examinations, appointments, equal employment opportunity (EEO), personal services contracts (PSC's), and mandated training 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 Office of the State Public Defender (OSPD) personnel practices in the areas of examinations, appointments, and EEO from September 1, 2015, through May 31, 2016, and mandated training from May 1, 2014, through April 30, 2016. There were no PSC's executed during the compliance review period. The following table summarizes the compliance review findings.

Area	Finding	Severity
Examinations	Examinations Complied with Civil Service Laws and Board Rules	In Compliance
Appointments	Equal Employment Opportunity Questionnaires Were Not Separated from Applications	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

Area	Finding	Severity
Equal Employment Opportunity	A Disability Advisory Committee Has Not Been Established	Very Serious
Equal Employment Opportunity	A Written Upward Mobility Plan Has Not Been Established	Very Serious
Mandated Training	Sexual Harassment Prevention 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 California Legislature created the OSPD in 1976 to represent indigent criminal defendants on appeal. The office was formed in response to the need for consistent, high-quality representation of defendants in the state appellate courts. In 1998, the Legislature changed the mission of the department to focus its resources on post-conviction appellate representation in death penalty cases. The agency currently represents more than 130 men and women on death row in California and has offices in Sacramento and Oakland.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing OSPD examinations, appointments, and EEO from September 1, 2015, through May 31, 2016, and mandated training from May 1, 2014, through April 30, 2016. The primary objective of the review was to determine if OSPD 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 OSPD 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 OSPD 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 OSPD 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 OSPD did not execute any PSC's subject to the Department of General Services approval and thus our procedural review during the compliance review period.

In addition, the OSPD mandated training program 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 prevention training within statutory timelines.

On December 8, 2016, an exit conference was held with the OSPD to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the OSPD written response on December 22, 2016, which is attached to this final compliance review report.

FINDINGS AND RECOMMENDATIONS

Examinations

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

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Senior Deputy State Public Defender	Departmental Open	Qualification Appraisal Panel ¹	11/25/15	3
Senior Deputy State Public Defender	Departmental Open	Qualification Appraisal Panel	11/25/15	3

FINDING NO. 1 – Examinations Complied with Civil Service Laws and Board Rules

The CRU reviewed two departmental open examinations which the OSPD administered in order to create eligible lists from which to make appointments. The OSPD published and distributed examination bulletins containing the required information for all examinations. Applications received by the OSPD were accepted prior to the final filing date and were thereafter properly assessed to determine whether applicants met the minimum qualifications for admittance to the examinations. The OSPD notified applicants as to whether they qualified to take the examination, and those applicants who met the minimum qualifications were also notified about the next phase of the examination process. After all phases of the examination process were completed, the score of each competitor was computed, and a list of eligible candidates was established. The examination results listed the names of all successful competitors arranged in order of the score received by rank. Competitors were then notified of their final scores.

The CRU found no deficiencies in the examinations that the OSPD conducted during the compliance review period. Accordingly, the OSPD fulfilled its responsibilities to administer those examinations in compliance with civil service laws and board rules.

¹ 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.

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 OSPD made 18 appointments. The CRU reviewed 13 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appointments
Assistant Information Systems Analyst	Certification List	Permanent	Full Time	1
Associate Information Systems Analyst (Specialist)	Certification List	Permanent	Full Time	1
Deputy State Public Defender	Certification List	Permanent	Full Time	2
Legal Analyst	Certification List	Permanent	Full Time	1
Senior Deputy State Public Defender	Certification List	Permanent	Full Time	3
Senior Information Systems Analyst (Specialist)	Certification List	Permanent	Full Time	1
Staff Services Analyst (General)	Transfer	Permanent	Full Time	1
Supervising Deputy State Public Defender	Transfer	Permanent	Full Time	3

For each of the nine certification list appointments, the OSPD properly advertised the job vacancies, sent out contact letters, screened applications, interviewed candidates, cleared the certification lists for SROA and reemployment, and conducted background and reference checks as appropriate.

The CRU reviewed four OSPD appointments made via transfer. A transfer of an employee from a position under one appointing power to a position under another appointing power may be made if the transfer is to a position in the same class or in another class with substantially the same salary range and designated as appropriate by the executive officer. (Cal. Code Reg., tit. 2, § 425.) The OSPD verified the eligibility of each candidate to their appointed class.

However, the OSPD failed to remove the EEO questionnaires from applications on six occasions as described in finding two. Additionally, the OSPD did not provide probation evaluations for all appointments reviewed as described in finding three, and failed to keep appointment documentation for the appropriate amount of time as described in finding four.

FINDING NO. 2 – Equal Employment Opportunity Questionnaires Were Not Separated from Applications

Summary: The OSPD did not separate six EEO questionnaires from their respective applications.

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 the 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 OSPD states that some questionnaires were not removed as the result of an oversight.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the OSPD submit to the CRU a written corrective action plan that the department will implement to ensure that EEO questionnaires are separated from all applications. Copies of any relevant documentation should be included with the plan.

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

Summary: The OSPD did not prepare, complete, and/or retain three required probationary reports of performance for two of the 13 appointments reviewed by the CRU, as reflected in the table below.

Classification	Appointment Type	No. of Appointments Missing Probation Reports	No. of Uncompleted Probation Reports
Assistant Information Systems Analyst	Certification List	1	2
Senior Information Systems Analyst (Specialist)	Certification List	1	1
Total		2	3

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 OSPD states that the missing probationary evaluations are the result of a lack of internal controls and understanding of the mandatory requirement.

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

Summary: The OSPD failed to retain personnel records such as NOPA's, job bulletins, and applications. Specifically, of the 13 appointments reviewed, the OSPD did not retain 10 job bulletins and three NOPA's. Additionally, seven of the 13 appointments reviewed were missing the hired applicant's application as well as the applications

of the candidates who were not hired. For four other appointments, only the hired applicant's application was retained.

Criteria: As specified in Section 26 of the Board's regulations, appointing powers are required to retain records related to affirmative action, equal employment opportunity, examinations, merit, selection, and appointments for a minimum period of five years from the date the record is created. These records are required to be readily accessible and retained in an orderly and systematic manner. (Cal. Code Reg., tit. 2, § 26.) Section 174 of the Board's regulations specifically applies to examination applications and requires a two-year retention period.

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

Cause: The OSPD states that it had not developed a formal procedure for retaining appointment documents.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the OSPD submit to the CRU a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the record retention requirements of California Code of Regulations title 2, section 26. Copies of any relevant documentation should be included with the plan.

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 EEO; 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 OSPD EEO program that was in effect during the compliance review period.

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 OSPD's 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 Executive Director of the OSPD. The OSPD also provided evidence of its efforts to promote EEO 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.

However, the OSPD does not have an established DAC or a written upward mobility plan as described in findings five and six.

FINDING NO. 5 – A Disability Advisory Committee Has Not Been Established

Summary: The OSPD does not currently have an established DAC.

Although the department provided a draft of DAC bylaws and stated that they are planning to implement the DAC, there was no active DAC in place at the time of the compliance review.

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 OSPD states that although the OSPD DAC was created in 2014, the committee ceased convening as a result of staff turnover, including the departure of the Administration Chief who led the DAC.

Action: The OSPD must continue to take immediate steps to ensure the reestablishment of the DAC, comprised of members who have disabilities or who have an interest in disability issues. The OSPD 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.

FINDING NO. 6 – A Written Upward Mobility Plan Has Not Been Established

Summary: The OSPD did not have a written upward mobility plan at the time of the compliance review.

Criteria: Each appointing authority shall develop and maintain a written upward mobility plan as specified in the SPB "Guidelines for Administering Departmental Upward Mobility Employment Programs," revised July 25, 2000.

The plan shall include: (a) A policy statement regarding the appointing authority's commitment to providing equal upward mobility opportunity for its employees in low-paying occupations. (b) A description of the components of its program consistent with Government Code section 19401, how employees may access the program, and where information about the program may be obtained. (c) The roles and responsibilities of the employee, the employee's supervisor, the coordinator, the personnel office, the training office, and the equal employment opportunity office regarding the mobility program. (d) Criteria for selecting employees in low-paying occupations to participate in the upward mobility efforts described in Government Code section 19401. (e) The number of employees in classifications in low-paying occupations used by the appointing authority; career ladders, bridging classes, and entry technical, professional, and administrative classes targeted for upward mobility; and planned upward mobility examinations. (Cal. Code Regs., tit. 2, § 599.983.)

Severity: Serious. The department did not have a plan to ensure it has an effective upward mobility program to develop and advance employees in low-paying occupations.

Cause: The OSPD states that the lack of a written Upward Mobility Plan appears to be an oversight of the previous department administration.

Action: Although a formal plan was not in place at the time of the compliance review, OSPD completed a written upward mobility plan effective August 12, 2016. Therefore, no further action is required at this time.

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) New filers must be trained within six months of appointment. (Gov. Code, § 11146.3)

Each department must provide its new supervisors supervisory training within twelve months of appointment. (Gov. Code, § 19995.4, subd. (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 prevention training every two years. New supervisors must be provided sexual harassment prevention training within six months of appointment. (Gov. Code, § 12950.1, subd. (a).)

The CRU reviewed the OSPD mandated training program that was in effect during the compliance review period. While the OSPD ethics training and supervisory training were found to be in compliance, the sexual harassment prevention training was found to be out of compliance.

FINDING NO. 7 – Sexual Harassment Prevention Training Was Not Provided for All Supervisors

Summary: The OSPD did not provide sexual harassment prevention training to all 15 of its existing supervisors at the required two year period.

Criteria: Each department must provide its supervisors two hours of sexual harassment prevention training every two years. New supervisors must be provided sexual harassment prevention 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 OSPD states that the inconsistency in ensuring that this training was provided and updated semi-annually was largely the result of not having a formal process for tracking.

Action: The OSPD must take appropriate steps to ensure that its supervisors are provided sexual harassment prevention 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 OSPD must establish a plan to ensure compliance with sexual harassment prevention training mandates, and submit to the SPB a written report of compliance.

DEPARTMENTAL RESPONSE

The OSPD's written response is attached as Attachment 1.

SPB REPLY

Based upon the OSPD's written response, the OSPD will comply with the CRU recommendations and findings, and provide the CRU with correction action plans for findings two, three, four, five, and seven. The OSPD submitted a copy of the new upward mobility plan indicated in finding six, therefore no further action is required for that finding.

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

OFFICE OF THE STATE PUBLIC DEFENDER

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December 21, 2016

Suzanne Ambrose, Executive Officer
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814

Dear Ms. Ambrose:

The Compliance Review Unit (CRU) recently completed a routine review of the Office of the State Public Defender (OSPD) personnel practices in the areas of appointments, examinations, and equal employment opportunity (EEO) from September 1, 2015 through May 31, 2016, and mandated training from May 1, 2014 through April 30, 2016. The primary objective of the review was to determine if OSPD personnel practices, policies and procedures complied with state civil service laws and board regulations and to recommend corrective action where deficiencies were identified. The CRU identified six areas of deficiency.

FINDING NO. 1 – Examinations Complied with Civil Service Laws and Board Rules

No response needed.

FINDING NO. 2 – Equal Employment Opportunity (EEO) Questionnaires Were Not Separated from Applications

Cause: Some questionnaires were not removed as result of an oversight. OSPD acknowledges the finding and understands the importance of protecting EEO information to ensure fairness in the selection process and compliance with all civil service selection and hiring activities.

Response: Additional training of our human resources staff will be completed to ensure applications are not forwarded to hiring managers and supervisors with the questionnaires attached. Periodic reviews will be completed by the Personnel Officer to ensure compliance.

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

Cause: Completion of the probationary evaluation forms is the responsibility of OSPD managers and supervisors. The missing probationary evaluations are the result of a lack of internal controls and understanding of the mandatory requirement.

Response: The OSPD will send probationary reports to the supervisors and managers with a reminder of the mandatory requirement for completion. Additionally, OSPD will implement a tracking process to ensure all probationary reports are completed in a

timely manner and returned to the human resources office for retention in each employee's official personnel file.

FINDING NO. 4 – Appointment Documentation Was Not Kept for the Appropriate Amount of Time

Cause: OSPD understands the importance of preserving appointment materials in accordance with state laws and employment practices. OSPD has not developed a formal procedure for retaining appointment documents.

Response: OSPD will implement a policy and procedure for the retention and organization of appointment files. It will also provide additional instruction and training to its human resources staff to reinforce the importance of preserving all appointment documentation in a manner consistent with civil service laws.

FINDING NO. 5 – A Disability Advisory Committee (DAC) Has Not Been Established

Cause: The creation of a DAC began in 2014. A committee was recruited and two meetings were held. In the interim there was staff turnover including the departure of the Administration Chief who led the DAC. Although the OSPD DAC meetings were discontinued, staff continued to participate in the Statewide DAC meetings and shared information with the department.

Response: The OSPD understands the importance of reviving its DAC. Recruitment of participants was initiated on December 21, 2016, and a meeting is planned for January 2017.

FINDING NO. 6 – A Written Upward Mobility Plan Has Not Been Established

Cause: OSPD acknowledges this finding and understands the importance of having a written Upward Mobility Plan. The lack of a written Upward Mobility Plan appears to have been an oversight of the previous department administration. Notification in July 2016 by CalHR alerted OSPD to the missing plan and work immediately commenced on the plan that was completed one month later. Although a formal plan was not in place at the time of the compliance review, OSPD has a long standing history of providing on the job and formal training for staff in the identified low paying classifications to prepare them for promotional opportunities.

Response: A written Upward Mobility Plan was established effective August 12, 2016. OSPD has adopted a procedure to inform current staff and new hires in the identified low paying classifications of the plan and its provisions.

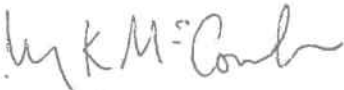
FINDING NO. 7 – Sexual Harassment Prevention Training Was Not Provided for All Supervisors

Cause: OSPD acknowledges this finding. The inconsistency in ensuring this training was provided and updated semi-annually was largely the result of not having a formal process for tracking.

Response: OSPD supervisors (except one) have now received the required Sexual Harassment Prevention Training. The remaining supervisor will enroll in this training as soon as CalHR publishes its 2017 training schedule for this class. A tracking log is being maintained to ensure newly hired supervisors receive the training within their first 6 months of appointment and all supervisors are retrained every 2 years.

The OSPD appreciates the work of the CRU as well as their professionalism and technical assistance during the review. Additionally, OSPD takes the reported deficiencies very seriously and has implemented corrective action to strengthen oversight and compliance in the sited areas as indicated in our responses above. If you have any questions or concerns, please contact Charlene Bennett, Chief of Administration at (916) 322-2130 or Bennett@OSPD.ca.gov

Sincerely,



Mary K. McComb
State Public Defender