



COMPLIANCE REVIEW REPORT

DEPARTMENT OF PARKS AND RECREATION

Compliance Review Unit
State Personnel Board
December 23, 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 SPB obtains information suggesting a potential merit-related violation.

EXECUTIVE SUMMARY

The CRU conducted a routine compliance review of California Department of Parks and Recreation (DPR's) personnel practices in the areas of appointments, EEO, and PSC's from October 1, 2012, through September 30, 2013, and examinations from October 1, 2012, through June 30, 2014. The following table summarizes the compliance review findings.

| Area | Finding | Severity |
|--------------|--|--------------------------|
| Examinations | Equal Employment Opportunity Questionnaires Were Not Separated from Applications | Very Serious |
| Examinations | Applications Were Accepted After the Final Filling Date | Non-serious or Technical |
| Appointments | Appointment Documentation Was Not Kept for the Appropriate Amount of Time | Serious |

| Area | Finding | Severity |
|------------------------------|---|---------------|
| Appointments | Hiring Individual Below Rank Three Was Not Documented | Serious |
| Equal Employment Opportunity | Equal Employment Opportunity Program Complied With Service Laws and Board Rules | 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 DPR provides for the health, inspiration, and education of the people of California by helping to preserve the state’s extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation. The DPR manages 280 park units, which contain the finest and most diverse collection of natural, cultural, and recreational resources within California. Responsible for almost one-third of California’s scenic coastline, the California State Park system includes parks, beaches, trails, wildlife areas, open spaces, off-highway vehicle areas, and historic sites. The DPR employs 2,500 to 5,000 employees (including seasonal employees) in over 300 classifications.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing DPR appointments, EEO, and PSC’s from October 1, 2012, through September 30, 2013, and examinations from October 1, 2012, through June 30, 2014. The primary objective of the review was to determine if DPR 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 DPR 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 DPR provided, which included examination plans, examination bulletins, job analyses, 511b's, scoring results, notice of personnel action forms (NOPA's), 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 DPR 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).

DPR PSC's were also reviewed. The DPR executed PSC's for refuse and recycling services, conservation and restoration services, and various personal services.¹ It was beyond the scope of the compliance review to make conclusions as to whether DPR justifications for the contracts were legally sufficient. The review was limited to whether DPR practices, policies, and procedures relative to PSC's complied with procedural requirements.

On October 27, 2015, an exit conference was held with DPR to explain and discuss the CRU's initial findings and recommendations. The CRU received and carefully reviewed the DPR's written response on December 8, 2015, 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

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.

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 an examination shall file an application with the department or a designated appointing authority 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 DPR conducted 44 examinations. The CRU reviewed 31 of these examinations, which are listed below:

| Classification | Exam Type | Exam Component | Final File Date | No. of Applications |
|---|-------------|---|-----------------|---------------------|
| Accounting Administrator I (Specialist) | Promotional | Qualifications Appraisal Panel ² (QAP) | 5/31/2012 | 8 |
| Accounting Administrator I (Supervisor) | Promotional | QAP | 5/31/2012 | 6 |
| Accounting Officer Specialist | Promotional | QAP | 4/29/2013 | 8 |
| Administrative Assistant II | Promotional | Education & Experience ³ (E&E) | 3/26/2013 | 8 |
| Administrative Officer, Resource Agency II | Promotional | QAP | 2/08/2013 | 15 |
| Administrative Officer, Resource Agency III | Promotional | QAP | 2/08/2013 | 15 |

² 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.

³ 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 Component | Final File Date | No. of Applications |
|---|-------------|--|-----------------|---------------------|
| Associate Administrative Analyst | Promotional | QAP | 2/13/2014 | 13 |
| Associate Parks and Recreation Specialist | Open | QAP | 12/10/2012 | 41 |
| Career Executive Assignment (CEA) 3, Deputy Director, Administrative Services | CEA | Statement of Qualifications ⁴ (SOQ) | 12/17/2012 | 12 |
| CEA 4, Deputy Director, Parks Operations | CEA | SOQ | 1/25/2013 | 6 |
| Communications Operator | Open | Written ⁵ | 9/10/2012 | 55 |
| State Historian II | Open | Training & Education ⁶ (T&E) | 5/06/2014 | 84 |
| Historical Monument Guide I | Open | QAP | 12/05/2012 | 30 |
| Park Maintenance Assistant | Open | Written | 12/30/2013 | 646 |
| Park Maintenance Chief I | Promotional | QAP | 2/15/2013 | 64 |
| Park Maintenance Supervisor | Promotional | QAP | 3/04/2013 | 59 |
| Senior Land Surveyor | Open | E&E | 1/23/2013 | 6 |
| Senior Landscape Architect | Promotional | QAP | 5/13/2013 | 9 |
| Senior Park & Recreation Specialist | Promotional | QAP | 11/28/2012 | 40 |
| State Park Equipment Operator | Open | Performance | 5/03/2013 | 15 |
| State Park Interpreter I | Open | QAP | 9/14/2012 | 105 |
| State Park Interpreter III | Promotional | QAP | 8/17/2012 | 26 |
| State Park Peace Officer Cadet (Lifeguard) | Open | QAP & Written | 8/19/2013 | 231 |

⁴ In a statement of qualifications (SOQ's) examination, applicants submit a written summary of their qualifications and experience related to a published list of desired qualifications. Raters, typically subject matter experts, evaluate the responses according to a predetermined rating scale designed to assess their ability to perform in a job classification, assign scores and rank the competitors in a list.

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.

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 Component | Final File Date | No. of Applications |
|--|-------------|----------------|-----------------|---------------------|
| State Park Peace Officer Cadet (Ranger) | Open | QAP & Written | 8/19/2013 | 893 |
| State Park Peace Officer Supervisor I (Lifeguard) | Promotional | QAP | 4/21/2012 | 33 |
| State Park Peace Officer Supervisor II (Lifeguard) | Promotional | QAP | 4/17/2012 | 17 |
| State Park Peace Officer Supervisor (Ranger) | Promotional | QAP | 5/31/2012 | 131 |
| State Park Superintendent II | Promotional | QAP | 9/20/2013 | 90 |
| State Park Superintendent III | Promotional | QAP | 9/20/2013 | 60 |
| State Park Superintendent IV | Promotional | QAP | 6/21/2013 | 23 |
| State Park Superintendent V | Promotional | QAP | 6/21/2013 | 12 |

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

Summary: Out of 31 exams reviewed, 6 exams included applications where the EEO questionnaires were not separated from the STD 678 employment application. Specifically, 18 out of 2,761 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, 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."

Severity: Very Serious. The applicants' protected classes were visible, subjecting the agency to potential liability.

Cause: The DPR states that although procedures were in place to ensure that EEO questionnaires were removed from applications, the 18 out of 2,761 applications that had the EEO questionnaires still attached, was due to an oversight.

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

FINDING NO. 2 – Applications Were Accepted After the Final Filing Date

Summary: The DPR conducted 7 examinations in which 314 applications were date stamped after the final filing date. Specifically, the DPR accepted 198 late applications for State Park Peace Cadet (Ranger), 30 late applications for the State Park Peace Cadet (Lifeguard), 8 late applications for the Park Maintenance Chief I, 1 late application for the State Park Interpreter III, 20 late applications for the State Park Superintendent III, 49 late applications for the Park Maintenance Assistant, and 8 late applications for the State Historian.

Criteria: California Code of Regulations, title 2, section 174 (Rule 174) requires timely filing of applications: All applications must be filed at the place, within the time, in the manner, and on the form specified in the examination announcement.

Filing an application 'within the time' shall mean postmarked by the postal service or date stamped at one of the Department's offices (or the appropriate office of the agency administering the examination) by the date specified.

An application that is not postmarked or date stamped by the specified date shall be accepted, if one of the following conditions

as detailed in Rule 174 apply: (1) the application was delayed due to a verified error; (2) the application was submitted in error to the wrong state agency and is either postmarked or date stamped on or before the specified date; (3) the employing agency verifies examination announcement distribution problems that prevented timely notification to an employee of a promotional examination; or (4) the employing agency verifies that the applicant failed to receive timely notice of a promotional examination. (Cal. Code Reg., tit. 2, § 174, subs. (a), (b), (c) & (d).)

Severity: Non-serious or Technical. Final filing dates are established to ensure all applicants are given the same amount of time in which to apply for an examination and to set a deadline for the recruitment phase of the examination. Therefore, although the acceptance of applications after the final filing date may give some applicants more time to prepare their application than other applicants who meet the final filing date, the acceptance of late applications will not impact the results of the examination.

Cause: The DPR states that the Examination Unit did not have proper procedures in place to reject applications which were received shortly after the final filing date. Additionally, applications which were sent via inter-office mail without an actual post-marked date to reference, were given the benefit of the doubt.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the DPR submit to the CRU a written corrective action plan that the department will implement to ensure conformity with Rule 174. Copies of any relevant documentation should be included with the plan.

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 DPR made 338 appointments. The CRU reviewed 39 of those appointments, which are listed below:

| Classification | Appointment Type | Tenure | Time Base | No. of Appointments |
|---|--------------------------|--------------|--------------|---------------------|
| Accountant I (Specialist) | Certification List | Permanent | Full Time | 1 |
| Accountant Trainee | Certification List | Permanent | Full Time | 1 |
| Administrative Officer III | Certification List | Permanent | Full Time | 1 |
| Associate Budget Analyst | Certification List | Permanent | Full Time | 1 |
| Associate Park Recreation Specialist | Certification List | Permanent | Full Time | 1 |
| Associate State Archeologist | Certification List | Permanent | Full Time | 1 |
| Laborer | Certification List | Permanent | Intermittent | 1 |
| Labor Relations Specialist | Certification List | Permanent | Full Time | 1 |
| Office Technician (Typing) | Certification List | Permanent | Full Time | 1 |
| Staff Information Systems Analyst (Specialist) | Certification List | Permanent | Full Time | 1 |
| State Park Peace Officer Cadet (Lifeguard) | Certification List | Permanent | Full Time | 1 |
| State Park Peace Officer Cadet (Ranger) | Certification List | Permanent | Full Time | 1 |
| State Park Peace Officer Supervisor (Ranger) | Certification List | Permanent | Full Time | 1 |
| State Park Superintendent II | Certification List | Permanent | Full Time | 1 |
| State Park Superintendent IV | Certification List | Permanent | Full Time | 1 |
| Staff Services Analyst | Certification List | Permanent | Full Time | 1 |
| Staff Services Manager III | Certification List | Permanent | Full Time | 1 |
| Assistant Information System Analyst (Specialist) | Certification List | Permanent | Intermittent | 1 |
| Environmental Scientist | Certification List | Permanent | Intermittent | 1 |
| Guide I, Historical Monument | Certification List | Permanent | Intermittent | 1 |
| Laborer | Certification List | Permanent | Intermittent | 1 |
| Skilled Laborer | Certification List | Permanent | Intermittent | 1 |
| State Park Interpreter I | Certification List | Permanent | Intermittent | 1 |
| Senior Environmental Scientist (Specialist) | Certification List | Limited Term | Full Time | 1 |
| State Park Peace Officer Supervisor (Lifeguard) | Certification List | Limited Term | Full Time | 1 |
| Associate State Archeologist | Permissive Reinstatement | Limited Term | Full Time | 1 |
| Environmental Scientist | Permissive Reinstatement | Permanent | Intermittent | 1 |

| Classification | Appointment Type | Tenure | Time Base | No. of Appointments |
|--|--------------------------|--------------|--------------|---------------------|
| System Software Specialist III | Permissive Reinstatement | Permanent | Full Time | 1 |
| Automobile Mechanic | Transfer | Permanent | Intermittent | 1 |
| Administrative Officer III | Transfer | Permanent | Full Time | 1 |
| Associate Accounting Analyst | Transfer | Permanent | Full Time | 1 |
| Associate Budget Analyst | Transfer | Permanent | Full Time | 1 |
| Associate Governmental Program Analyst | Transfer | Permanent | Full Time | 1 |
| Associate Park & Recreational Specialist | Transfer | Permanent | Full Time | 1 |
| Attorney/Staff Counsel | Transfer | Limited Term | Full Time | 1 |
| Management Services Technician | Transfer | Permanent | Full Time | 1 |
| Senior Land Agent (Specialist) | Transfer | Permanent | Full Time | 2 |
| Accounting Administrator I | Voluntary Demotion | Permanent | Full Time | 1 |

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

Summary: The DPR failed to retain personnel records including job opportunity bulletins, applications, and NOPA’s for appointments (Merit Selection Manual § 1200, pp. 1200.7-1200.8; Cal. Code Reg., tit. 2, § 50). Specifically, of the 39 appointments reviewed, the DPR did not retain 21 job opportunity bulletins, 26 applications for hired candidates, and 34 NOPA records.

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 conducted properly.

Cause: The DPR states that it did not have proper procedures in place to ensure all appointment documentation was kept for the appropriate amount of time.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the DPR submit to the CRU a written corrective action plan that the department will implement to ensure conformity with the record retention requirements of Government Code section 12946. Copies of any relevant documentation should be included with the plan.

FINDING NO. 4 – Hiring Individual Below Rank Three Was Not Documented

Summary: The DPR did not provide sufficient documentation to show how they cleared ranks one through seventeen (including reemployment and State Restriction of Appointments) of the certification list prior to making an Office Technician (Typing) list appointment in rank 20.

Criteria: California Code of Regulations, title 2, section 254, mandates that each vacancy for a class in which the certification of eligibles is under Government Code section 19057, the department shall fill a vacancy by eligible in the three highest names certified. Government Code section 19057 refers to promotional employment lists. Rule 254 additionally mandates that each vacancy for a class in which the certification of eligibles is under Government Code sections 19057.1, 19057.2 and 19057.3, the department shall fill a vacancy by eligible in the three highest ranks certified. Government Code sections 19057.1, 19057.2 and 19057.3 refer to professional, scientific, administrative and management classifications.

Severity: Serious. Without documentation establishing the basis for hiring below the top three ranks, CRU could not verify that the Office Technician (Typing) appointment was properly conducted.

Cause: The DPR states that they believe their process in place for appointing candidates in ranks four and below was properly

followed, but acknowledge the lack of documentation related to this appointment.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the DPR submit to the CRU a written corrective action plan that the department will implement to ensure certification list hiring practices are properly followed and documented. 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 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).)

The CRU reviewed the DPR EEO program that was in effect during the compliance review period. In addition, the CRU interviewed appropriate DPR staff.

FINDING NO. 5 – Equal Employment Opportunity Program Complied with Civil Service Laws and Board Rules

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 DPR’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 Director of the DPR. In addition, the DPR has an established DAC, which reports to the Director on issues affecting persons with disabilities. The DPR completed a workforce analysis which was submitted to the CRU. The DPR also provided evidence of its efforts to promote EEO 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.

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 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 DPR had 384 PSC’s that were in effect. The CRU reviewed 20 of those contracts, which were subject to the Department of General Services (DGS) approval and thus our procedural review, and are listed below:

| Vendor | Services | Contract Dates | Contract Amount | Justification Identified |
|---|--|-----------------------|-----------------|--------------------------|
| Architectural Conservation, Inc. | Conservation & Restoration of Historic Stone Work | 2/10/2014 – 5/15/2015 | \$155,795 | Yes |
| B. R. Howard and Associates, Inc. | Conservation & Restoration of Wooden Cemetery Features | 2/18/2014 – 4/30/2016 | \$293,227 | Yes |
| CR&R Incorporated | Refuse and Recycling Services | 1/1/2014 – 12/31/2015 | \$528,388.02 | Yes |
| Downstream Services, Inc. | Sewer system Maintenance Services | 1/1/2014 – 1/1/2017 | \$164,000 | Yes |
| Elavon Incorporated | Bank Card Services Processing | 3/12/2014 – 5/31/2015 | \$250,000 | Yes |
| Marborg Industries | Refuse and Recycling Services | 1/1/2014 – 12/31/2015 | \$254,951.85 | Yes |
| McNabb Construction Inc. | Emergency Removal of Water Hyacinth | 12/1/2013 – 6/1/2014 | \$500,000 | Yes |
| Morro Bay Garbage, Inc. | Refuse and Recycling Services | 7/1/2013 – 6/30/2015 | \$233,970.50 | Yes |
| Point Blue Conservation Science | Monitoring of Endangered Avian Species | 2/1/2014 – 12/31/2015 | \$228,787 | Yes |
| Radio Disney AM 1470 | Children & Family Boating Safety Messages | 7/1/2011 – 6/30/2013 | \$494,600 | Yes |
| Reliable Environmental Services, Inc. | State Owned Chemical Toilets and Septic Pumping Services | 2/1/2014 – 1/31/2016 | \$151,868 | Yes |
| Runyon, Saltzman & Einhorn, Inc. | Statewide Boating Safety Awareness Multimedia Campaign | 3/1/2013 – 1/31/2015 | \$4,600,000 | Yes |
| Sedgwick LLP | Legal Representation | 6/28/2013 – 6/30/2015 | \$154,000 | Yes |
| Solid Wastes of Willits, Inc. | Refuse and Recycling Services | 3/7/2014 – 12/31/2015 | \$154,096.80 | Yes |
| Tahoe Truckee Disposal Company, Inc. | Refuse and Recycling Services | 7/1/2013 – 6/30/2015 | \$261,733.70 | Yes |
| The Alchemy of Design, LLC | Revitalize Visitor Center/Theatre Complex | 8/16/2013 – 6/30/2015 | \$271,500 | Yes |
| Thompson's PortaSeptic Service | Refuse and Recycling Services | 6/11/2013 – 4/30/2015 | \$170.014 | Yes |
| USA Waste of California Inc. dba Waste Management of El Cajon-San Diego | Refuse and Recycling Services | 9/1/2013 – 8/31/2015 | \$565,981.98 | Yes |

| Vendor | Services | Contract Dates | Contract Amount | Justification Identified |
|--------------------------|--|-----------------------|-----------------|--------------------------|
| Ventana Wildlife Society | Avian Predator Management | 2/1/2014 – 12/31/2015 | \$184,313 | Yes |
| Ware Disposal Inc. | Collection and Disposal of Refuse/Recyclable Materials | 1/1/2014 – 12/31/2015 | \$883,835 | Yes |

FINDING NO. 6 – 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 \$10,331,217.86. It was beyond the scope of the review to make conclusions as to whether DPR’s justifications for the contracts were legally sufficient. For all PSC’s subject to DGS approval, DPR provided specific and detailed factual information in the written justifications as to how each of the 20 contracts met at least one condition set forth in Government Code section 19131, subdivision (b). Accordingly, DPR PSC’s complied with procedural requirements.

DEPARTMENTAL RESPONSE

The DPR response is attached as Attachment 1.

SPB REPLY

Based on the DPR’s written response, the DPR will comply with the CRU recommendations and findings and provide the CRU with a corrective action plan.

It is further recommended that the DPR 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.



Will Schaafsma, Assistant Deputy Director
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December 3, 2015

CONFIDENTIAL

Alton Ford, Compliance Review Manager
State Personnel Board
Policy and Compliance Review Division
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Dear Mr. Ford:

Subject: DPR Response to SPB Compliance Review

Thank you for the opportunity to provide comment to the Department's Compliance Review. The Department of Parks and Recreation (DPR) appreciates the State Personnel Board's (SPB) collaboration and professionalism throughout the compliance review process. DPR is committed to improving our efforts with regard to examination and hiring processes as we strive to be an employer of choice among prospective candidates/employees. Below are DPR's responses to each finding as presented by SPB Compliance Review.

FINDING NO 1 – Equal Employment Opportunity (EEO) Questionnaires Were Not Separated From Applications in 18 of the 2,761 Examination Applications Reviewed:

The department understands the importance of protecting EEO information and ensuring compliance with civil service laws and rules in all examination processes, including the practice of separating EEO questionnaire forms from the examination application. The department acknowledges that 18 of the 2,761 examination applications included the EEO questionnaire form. The department believes this finding is the result of human error and not a procedural issue; however, DPR Personnel management will ensure periodic reminders are made to staff to remove the EEO questionnaires from all applications received.

FINDING NO 2 – Applications Were Accepted After the Final Filing Date:

It is the department's practice to date stamp examination applications, retain envelopes to document the postmark if the application is received after the final filing date, and/or notate other information to validate acceptance after the final filing date. The department believes this finding is a result of issues discovered with our internal and inter-office mail process that resulted in applications received after the final filing date without an official postmark and couldn't be validated. In an attempt to give all affected candidates the benefit of the doubt, a departmental decision was made to accept the applications in a fair and consent way. DPR Personnel management has implemented a new process to help eliminate this in the future and will ensure adequate training of new staff.

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

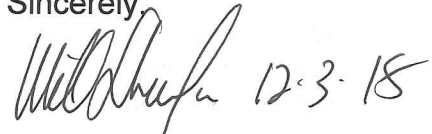
DPR acknowledges the finding and is aware of the necessary retention requirements for appointment documentation. DPR has offices and employees across the state, increasing the difficulty of obtaining signed NPOAs and did not have proper procedures in place to ensure all appointment documentation was kept for the appropriate amount of time.

FINDING NO 4 – Hiring Individuals Below Rank Three Was Not Documented:

DPR acknowledges the finding. The department is aware of the proper appointment procedures and believe the appropriate steps were taken to clear the certification lists according to regulations. However, we acknowledge the importance of maintaining complete documentation to outline the process taken.

Again, we appreciate the collaboration and professionalism throughout the compliance review process. Should you have any further questions regarding our responses, please feel free to contact me for further explanation at will.schaafsma@parks.ca.gov or at (916) 653-0528.

Sincerely,



Will Schaafsma
Assistant Deputy Director
Administrative Services Division