



COMPLIANCE REVIEW REPORT

PUBLIC EMPLOYMENT RELATIONS BOARD

Compliance Review Unit
State Personnel Board
December 22, 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 the SPB obtains information suggesting a potential merit-related violation.

EXECUTIVE SUMMARY

The CRU conducted a routine compliance review of Public Employment Relations Board (PERB) personnel practices in the areas of examinations, appointments, and EEO from January 1, 2014, through December 31, 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 Not Date Stamped	Non-serious or Technical
Appointments	Equal Employment Opportunity Questionnaires Were Not Separated from Applications	Very Serious
Appointments	Probationary Evaluations Were Not Provided for All Appointments Reviewed	Serious

Area	Finding	Severity
Appointments	Applications Were Not Date Stamped	Non-serious or Technical
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

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 PERB is a quasi-judicial administrative agency charged with administering the eight collective bargaining statutes covering employees of California's public schools, colleges, and universities, employees of the State of California, employees of California local public agencies (cities, counties and special districts), trial court employees, trial court interpreters, employees covered by the In-Home Supportive Services Employer-Employee Relations Act, and supervisory employees of the Los Angeles County Metropolitan Transportation Authority.

The Board is composed of five appointed members drawn from California's public and private sectors. The Board itself acts as an appellate body to hear challenges to proposed decisions that are issued by PERB staff. Decisions of the Board itself may be appealed under certain circumstances, and then only to the state appellate courts. The Board also:

- conducts secret ballot elections to determine whether or not employees wish to have an employee organization exclusively represent them in their labor relations with their employer;
- prevents and remedies unfair labor practices and interpret and protect the rights and responsibilities of employers, employees, and employee organizations under the Acts;
- brings action in a court of competent jurisdiction to enforce PERB's decisions and rulings;

- mediates labor disputes between employers and employee organizations and conduct consent elections.

The PERB currently employs fifty-seven staff and maintains offices in Sacramento, Oakland, and Glendale.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing PERB examinations, appointments, and EEO program from January 1, 2014, through December 31, 2014. The primary objective of the review was to determine if PERB 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 PERB 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 PERB provided, which included examination plans, examination bulletins, job analyses, 511b's, scoring results, notice of personnel action 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 PERB 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 PERB staff.

The PERB did not execute any PSC's during this review period. Therefore, the CRU did not review any contracts and there is no finding for PSC's.

On October 13, 2015, an exit conference was held with the PERB to explain and discuss the CRU's initial findings and recommendations. The PERB was given until October 22, 2015, to submit a written response to the CRU's draft report. On October 22, 2015, the CRU received and carefully reviewed the response, which is attached to this final compliance 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 Department of General Services (DGS) under an interagency agreement conducted one examination on behalf of the PERB. The CRU reviewed this examination, which is listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Applications
Conciliator, Department of Industrial Relations	Open	Qualification Appraisal Panel (QAP) ¹	9/17/2014	25

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.

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

Summary: The DGS on behalf of PERB did not separate 1 out of 25 EEO questionnaires from the STD 678 employment application for the Conciliator, Department of Industrial Relations examination.

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 DGS states that a lack of staff resources and inadvertent oversight led to the EEO questionnaire not being removed

Action: The DGS no longer provides services to the PERB and thus no further action is required.

FINDING NO. 2 – Applications Were Not Date Stamped

Summary: The DGS on behalf of PERB accepted and processed 5 out of 25 applications that were not date stamped.

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 SPB 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 may not impact the results of the examination.

Cause: The DGS on behalf of PERB acknowledges 5 out of 25 applications were not date stamped. The DGS acknowledges the importance of ensuring the applications received and process are date stamped in order to ensure the final filing date is upheld.

Action: The DGS no longer provides services to the PERB and thus no further action is required.

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 PERB made 18 appointments. The CRU reviewed 11 of those appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appointments
Accounting Administrator I (Specialist)	Certification List	Permanent	Full Time	1
Administrative Law Judge I, PERB	Certification List	Permanent	Full Time	1
Associate Governmental Program Analyst	Certification List	Limited Term	Full Time	1
Conciliator, Department of Industrial Relations	Certification List	Permanent	Full Time	2
Legal Secretary	Certification List	Permanent	Full Time	1
Senior Legal Analyst	Certification List	Permanent	Full Time	1
Staff Services Analyst (General)	Certification List	Permanent	Full Time	2
Staff Services Manager I	Certification List	Permanent	Full Time	1
Career Executive Assignment (CEA) A, Chief Administrative Services	Information List	CEA	Full Time	1

FINDING NO. 3 – Equal Employment Opportunity Questionnaires Were Not Separated from Applications

Summary: Out of 11 appointment files reviewed, 3 files included applications where EEO questionnaires were not separated from the STD 678

employment application. Specifically, 3 of the 263 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 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 PERB states that the inconsistency in the removal of the EEO questionnaires is due to the lack of resources in place during the time of the review as only the Chief Administrative Officer was handling applications.

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

FINDING NO. 4 – Probationary Evaluations Were Not Provided for all Appointments Reviewed

Summary: The PERB did not prepare, complete, and/or retain required probationary reports of performance for 1 of the 11 appointments reviewed by the CRU.

Classification	Appointment Type	No. of Appointments	No. of Uncompleted Prob. Reports
Administrative Law Judge I, PERB	Certification List	1	1
Total		1	1

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 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 PERB states that one performance review was not completed from eleven appointments reviewed. The one review was for an internal promotional appointment and was the second of three reviews. Although the first and third evaluations were completed with exemplary performance, the manager was unable to complete the second evaluation due to pressing hearing schedules.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the PERB 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. 5 – Applications Were Not Date Stamped

Summary: The DGS on behalf of PERB accepted and processed 25 out of 284 applications that were not date stamped.

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 SPB 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, suds. (a), (b), (c) & (d).) The same final filing date procedures are applied to the selection process used to fill a job vacancy.

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 a job vacancy and to set a deadline for the recruitment. 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 job vacancy selection.

Cause: The DGS on behalf of PERB acknowledges 25 out of 284 applications were not date stamped. The DGS acknowledges the importance of ensuring the applications received and processed are date stamped in order to ensure the final filing date is upheld. The DGS has relayed the importance to the program liaison that received and sorted these applications.

Action: The DGS no longer provides services to the PERB and thus no further action is required.

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

FINDING NO. 6 – A Disability Advisory Committee Has Not Been Established

Summary: The PERB does not have an active DAC.

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 PERB states that it has been unable to create a DAC due to the minimal staff in each regional office and a lack of resources.

Action: The PERB 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 PERB 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's Executive Officer's approval of these findings and recommendations.

FINDING NO. 7 – A Written Upward Mobility Plan Has Not Been Established

Summary: The PERB does not have a written upward mobility plan.

Criteria: Each appointing authority shall develop and maintain a written upward mobility plan as specified in the State Personnel Board's *Guidelines for Administering Departmental Upward Mobility Employment Programs* (Guidelines), 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 upward mobility program coordinator, the personnel office, the training office, and the equal employment opportunity office regarding the upward mobility program. (d) Criteria for selecting employees in low-paying occupations to 19401. (e) The number of employees in classifications in low-paying occupations technical, professional, and administrative classes targeted for upward mobility; and planned upward mobility examinations. (Cal. Code Regs., tit. 2, § 599.983.)

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

Cause: The PERB states that although development plans are in place for all impacted employees, a formal upward mobility plan was not established.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the PERB submit to the CRU a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the requirements of Government Code section 19401. Copies of any relevant documentation should be included with the plan.

Personal Services Contracts

During the compliance review period, the PERB did not execute any PSC's. Therefore, the CRU did not review any PSC's.

DEPARTMENTAL RESPONSE

The PERB's response is attached as Attachment 1. The DGS's response is attached as Attachment 2.

SPB REPLY

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

It is further recommended that the PERB 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.

PUBLIC EMPLOYMENT RELATIONS BOARD

Administration Office
1031 18th Street
Sacramento, CA 95811-4124
Telephone: 916-322-3112



October 22, 2015

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

Dear Ms. Ambrose:

This letter is in response to the recent compliance audit report of the Public Employment Relations Board (PERB), completed by the State Personnel Board (SPB). The SPB report presented seven findings. All seven findings require PERB to provide a corrective action response.

Listed below are the findings from the SPB report and the corresponding cause and corrective actions:

Finding No. 1: Equal Employment Opportunity Questionnaires Were Not Separated Applications – Examinations

Cause: The Department of General Services (DGS) under an interagency agreement processed 25 applications for the Conciliator, Department of Industrial Relations examination, but did not separate one of the EEO questionnaires from the STD 678 employment application.

Response: In response to this finding, PERB was not provided the source documents, however acknowledges the likelihood that an employment application would have the EEO questionnaire still attached. The service was provided on contract through DGS and the contract was terminated July 30, 2015. PERB has instructed staff on proper procedures for receiving and processing applications. When PERB carries out examinations, it will create an Examination File Checklist that will be attached to the front of each file. This checklist will include the requirement to separate the EEO Questionnaire from the Examination Application and its placement into a sealed envelope within the examination file.

Finding No. 2 – Applications Were Not Date Stamped – Examinations

Cause: DGS, under an interagency agreement, processed 25 applications for the Conciliator, Department of Industrial Relations examination, but did not date stamp five applications.

Response: In response to this finding, PERB was not provided the source documents, however acknowledges the likelihood that examinations were accepted but not postmarked and/or date stamped. This service was provided on contract through DGS. The contract with DGS was terminated July 30, 2015 and PERB has implemented a business practice to remedy this finding.

Finding No. 3 – Equal Employment Opportunity Questionnaires Were Not Separated from Applications – Appointments

Cause: PERB failed to remove 3 of the 263 EEO questionnaires from the applications. The inconsistency in the removal of the EEO questionnaires is due the lack of resources in place during the time of the review as only the Chief Administrative Officer was handling applications.

Response: PERB now has a procedure in place as part of its hiring process that requires removal of any EEO questionnaires prior to forwarding applications to the hiring manager. Human Resources staff (HR) have been hired and instructed to effectively remove the EEO questionnaires from all applications received.

Finding No. 4 – Probationary Evaluations Were Not Provided for all Appointments Reviewed

Cause: PERB states that one performance review was not completed from eleven appointments reviewed. The one review was for an internal promotional appointment and was the second of three reviews. Although the first and third evaluations were completed with exemplary performance, the manager was unable to complete the second evaluation due to pressing hearing schedules.

Response: PERB management is proactive in the completion of timely probationary reports and performance evaluations for all of its employees. HR maintains a tracking system to monitor whether reports have been completed and in response to this finding will set up routine reporting to management of upcoming due dates.

Finding No. 5 – Applications Were Not Date Stamped – Appointments

Cause: DGS, under an interagency agreement, received applications in response to certification list mailings. Of 284 applications reviewed, 25 were not date stamped.

Response: In response to this finding, PERB was not provided the source documents, however acknowledges the likelihood that applications were accepted but not

postmarked and/or date stamped. This service was provided on contract through DGS. The contract with DGS was terminated July 30, 2015 and PERB has implemented a business practice to remedy this finding.

Finding No. 6 – Disability Advisory Committee Was Not Established

Cause: PERB has been unable to creating a Disability Advisory Committee (DAC) committee due to the minimal staff in each regional office and a lack of resources.

Response: In response to this finding, PERB acknowledges that establishing a DAC is required and will meet with its Governance team to build a plan that will achieve compliance. Although PERB has not had a DAC, it is important to note that disability access, hiring, and other issues are addressed regularly. This is reflected in the annual Workforce Analysis Report. PERB is above parity for disabled employment with a disability parity rate of 15.9%.

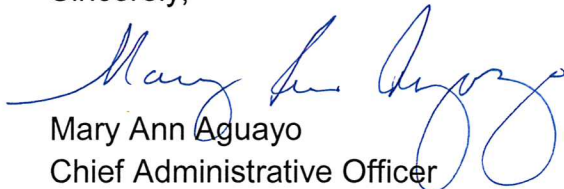
Finding No. 7 – A Written Upward Mobility Plan Was Not Established

Cause: PERB acknowledges that although development plans are in place for all impacted employees, a formal upward mobility plan was not established.

Response: In response to this finding PERB acknowledges that, while there is no formal written upward mobility plan in place, management is aware and committed to upward mobility. Although there is a lack of upward mobility opportunity due to the size and makeup of the Board, PERB establishes individual development plans tailored to each of the three employees impacted. PERB is committed to improving their qualifications and to aid employees in developing their skills and abilities. PERB further understands the strict guidelines to creating a formal written upward mobility policy and plan, and is in the process of creating the formal policy.

We appreciate the opportunity to respond to the compliance report. If you have any further questions, please contact me at 916-322-3112 or maguayo@perb.ca.gov.

Sincerely,


Mary Ann Aguayo
Chief Administrative Officer

December 16, 2015

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

Dear Ms. Ambrose:

This letter is in response to the recent compliance review of the Public Employment Relations Board (PERB). Listed below are the findings of the report as well as the corresponding causes and corrective actions.

Finding #1: Examinations - Equal Opportunity Questionnaires (EEO) Were Not Separated from Applications.

Cause: The Department of General Services (DGS), on behalf of PERB acknowledges not separating 1 out of 25 EEO Questionnaires from the STD 678 employment application for the Conciliator, Department of Industrial Relations examination. The applications were retained in a locked filing cabinet in a secured room with limited access. These applications were not utilized, seen, or provided to any manager making a hiring decision. Although the forms are typically keyed into CalHR's system and then destroyed per DGS policy as shown on the Examination Checklist (attached), lack of staff resources and inadvertent oversight led to the Questionnaire not being removed.

Corrective Action: DGS no longer provides services to PERB.

Finding #2: Examinations - Applications Were Not Date Stamped.

Cause: DGS, on behalf of PERB acknowledges 5 out of 25 applications were not date stamped. DGS acknowledges the importance of ensuring the applications received and processed are date stamped in order to ensure the final filing date is upheld.

Corrective Action: DGS no longer provides services to PERB.

Finding #5: Applications Were Not Date Stamped.

Cause: DGS, on behalf of PERB acknowledges 25 out of 284 applications were not date stamped. DGS acknowledges the importance of ensuring the applications

received and processed are date stamped in order to ensure the final filing date is upheld. DGS has relayed the importance to the program liaison that received and sorted these applications.

Corrective Action: DGS no longer provides services to PERB.

We appreciate the opportunity to respond to the compliance review. If you have any further questions, please contact Liz Gamez, Exam's Manager of Office of Human Resources (OHR), at (916) 376-5439.

Sincerely,



Angie Boldrini
Personnel Officer
Department of General Services