



COMPLIANCE REVIEW REPORT

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Compliance Review Unit
State Personnel Board
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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 authorities' 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 comply with merit related laws, rules, and policies and to identify and share best practices identified during the reviews.

Effective July 1, 2012, the Governor's Reorganization Plan Number One (GRP1) of 2011 consolidated all of the functions of the Department of Personnel Administration and the merit-related operational functions of the State Personnel Board (SPB) into the California Department of Human Resources (CalHR).

Pursuant to Government Code section 18502(c), CalHR and SPB may "delegate, share, or transfer between them responsibilities for programs within their respective jurisdictions pursuant to an agreement." CalHR and SPB, by mutual agreement, expanded the scope of program areas to be audited to include more operational practices delegated to departments, and for which CalHR provides policy direction. Many of these delegated practices are cost drivers to the state and not monitored on a consistent, statewide basis.

As such, SPB also conducts compliance reviews of appointing authorities' personnel practices to ensure that state departments are appropriately managing the following non-merit-related personnel functions: compensation and pay, leave, and policy and processes. These reviews will help to avoid and prevent potential costly litigation related to improper personnel practices and deter waste, fraud, and abuse.

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 the Commission on Peace Officer Standards and Training (POST) personnel practices in the areas of examinations, appointments, EEO, PSC's, mandated training, compensation and pay, leave, and policy and processes¹. The following table summarizes the compliance review findings.

Area	Finding
Examinations	Equal Employment Opportunity Questionnaires Were Not Separated From Applications
Appointments	Certification List Was Not Produced for SROA Clearance Before External Transfer Appointment
Appointments	Probationary Evaluations Were Not Provided for All Appointments Reviewed
Equal Employment Opportunity	Equal Employment Opportunity Officer Does Not Report Directly to the Head of the Agency
Equal Employment Opportunity	Disability Advisory Committee Is Not Active
Personal Services Contracts	Justification Was Not Provided for Personal Services Contracts
Personal Services Contracts	Unions Were Not Notified of Personal Services Contracts
Mandated Training	Supervisory Training Was Not Provided for All Supervisors
Compensation and Pay	Incorrect Application of Salary Determination Laws, Board Rules, and/or CalHR Policies and Guidelines
Compensation and Pay	Out of Class Assignments Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	Administrative Time Off Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Leave	Leave Auditing and Timekeeping Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

¹ Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

Area	Finding
Leave	Leave Reduction Plans Were Not Provided to All Employees Whose Leave Balances Exceeded Established Limits
Leave	715 Transactions Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Neptotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Workers' Compensation Process Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines
Policy	Performance Appraisals Were Not Provided to All Employees

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 POST was established by the Legislature in 1959 to set minimum selection and training standards for California law enforcement. The POST organization has more than 118 staff members and functions under the direction of an Executive Director appointed by the Commission. The POST program is funded primarily by persons who violate the laws that peace officers are trained to enforce; no tax dollars are used.

More than 600 agencies that participate in the POST program agree to abide by the standards established by the POST and are eligible to receive the Commission's services. The POST also awards professional certificates to recognize peace officer achievement and proficiency.

SCOPE AND METHODOLOGY

The scope of the compliance review was limited to reviewing the POST examinations, appointments, EEO program, PSC's, mandated training, compensation and pay, leave, and policy and processes² when applicable. The primary objective of the review was to determine if POST personnel practices, policies, and procedures complied with state civil service laws and board regulations, bargaining unit agreements, CalHR policies

² Timeframes of the compliance review varied depending on the area of review. Please refer to each section for specific compliance review timeframes.

and guidelines, CalHR delegation agreements, and to recommend corrective action where deficiencies were identified.

A cross-section of the POST's examinations were selected for review to ensure that samples of various examination types, classifications, and levels were reviewed. The CRU examined the documentation that the POST provided, which included examination plans, examination bulletins, job analyses, and scoring results. The POST did not conduct any permanent withhold actions during the compliance review period.

A cross-section of the POST's appointments were selected to ensure that samples of various appointment types, classifications, and levels were reviewed. The CRU examined the documentation that the POST provided, which included notice of personnel action (NOPA) forms, request for personnel actions (RPA's), vacancy postings, application screening criteria, hiring interview rating criteria, certification lists, transfer movement worksheets, employment history records, correspondence, and probation reports. The POST did not conduct any unlawful appointment investigations during the compliance review period. Additionally, the POST did not make any additional appointments during the compliance review period.

The POST's appointments were also selected for review to ensure the POST applied salary regulations accurately and correctly processed employee's compensation and pay. The CRU examined the documentation that the POST provided, which included employee's employment and pay history and any other relevant documentation such as certifications, degrees, and/or the appointee's application. Additionally, the CRU reviewed specific documentation for the following personnel function related to compensation and pay: out of class pay. During the compliance review period, the POST did not issue or authorize hiring above minimum (HAM) requests, bilingual pay, arduous pay, red circle rates, or any other monthly pay differential.

The review of the POST's 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 POST's PSC's were also reviewed.³ It was beyond the scope of the compliance review to make conclusions as to whether the POST justifications for the contracts were legally sufficient. The review was limited to whether the POST's practices, policies, and procedures relative to PSC's complied with procedural requirements.

The POST's mandated training program was reviewed to ensure all employees required to file statements of economic interest were provided ethics training, and that all supervisors and managers were provided supervisory and sexual harassment prevention training within statutory timelines.

The CRU also identified the POST employees whose current annual leave, or vacation leave credits, exceeded established limits. The CRU reviewed a cross-section of these identified employees to ensure that employees who have significant "over-the-cap" leave balances have a leave reduction plan in place. Additionally, the CRU asked the POST to provide a copy of their leave reduction policy.

The CRU reviewed the POST's Leave Activity and Correction certification forms to verify that the POST created a monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely. The CRU selected a small cross-section of the POST's units in order to ensure they maintained accurate and timely leave accounting records. Part of this review also examined a cross-section of the POST's employee's employment and pay history, state service records, and leave accrual histories to ensure employees with non-qualifying pay periods did not receive vacation/sick leave and/or annual leave accruals or state service credit. Additionally, the CRU reviewed a selection of POST employees who used Administrative Time Off (ATO) in order to ensure that ATO was appropriately administered. The POST did not track any temporary intermittent employees by actual time worked during the compliance review period.

Moreover, the CRU reviewed the POST's policies and processes concerning nepotism, workers' compensation, and performance appraisals. The review was limited to whether the POST's policies and processes adhered to procedural requirements.

The POST received and acknowledged the CRU's initial findings and recommendations on July 13, 2018. The CRU received and carefully reviewed the POST's written response on August 2, 2018, which is attached to this final compliance review report.

³If 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.

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, April 1, 2017, through December 31, 2017, the POST conducted five examinations. The CRU reviewed all examinations, which are listed below:

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Career Executive Assignment (CEA) B, Asst. Executive Director, Field Services Division	CEA	State of Qualifications (SOQ) ⁴	2/27/2017	10
CEA B, Asst. Executive Director, Standards and Development	CEA	SOQ	2/27/2017	20

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.

Classification	Exam Type	Exam Components	Final File Date	No. of Apps
Law Enforcement Consultant I	Open	Education and Experience (E&E) ⁵	Continuous	12
Law Enforcement Consultant II	Open	E&E	Continuous	11
Senior Law Enforcement Consultant	Open	Training and Experience (T&E) ⁶	Continuous	2

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

Summary: Out of five examinations reviewed, two examinations included applications where EEO questionnaires were not separated from the STD 678 employment application. Specifically, 10 of the 55 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, 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 voluntarily provide ethnic data about themselves where such data is determined by the CalHR to be necessary to an

⁵ In an education and experience 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.

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.

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 POST states that the EEO questionnaires were not separated from applications for examinations due to lack of procedures and training related to the proper processing of the EEO information.

Action: It is recommended that within 60 days of the Executive Officer’s approval of these findings and recommendations, the POST submit to the CRU a written corrective action plan that the department will implement to ensure the EEO questionnaires are separated from all applications. 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 period under review, April 1, 2017, through December 31, 2017, the POST made 23 appointments. The CRU reviewed all appointments, which are listed below:

Classification	Appointment Type	Tenure	Time Base	No. of Appts
Assistant Information Systems Analyst	Certification List	Permanent	Full Time	1

Classification	Appointment Type	Tenure	Time Base	No. of Appts
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	2
Law Enforcement Consultant I	Certification List	Permanent	Full Time	1
Law Enforcement Consultant II	Certification List	Permanent	Full Time	2
Senior Law Enforcement Consultant	Certification List	Permanent	Full Time	2
Staff Services Analyst (General)	Certification List	Permanent	Full Time	2
Staff Services Manager I	Certification List	Permanent	Full Time	1
Associate Governmental Program Analyst	Mandatory Reinstatement	Permanent	Full Time	1
Law Enforcement Consultant II	Mandatory Reinstatement	Permanent	Full Time	1
Accountant I (Specialist)	Retired Annuitant	Limited Term	Intermittent	1
Accounting Administrator I (Specialist)	Retired Annuitant	Limited Term	Intermittent	1
Law Enforcement Consultant I	Retired Annuitant	Limited Term	Intermittent	1
Law Enforcement Consultant II	Retired Annuitant	Limited Term	Intermittent	1
Program Technician III	Retired Annuitant	Limited Term	Intermittent	1
Research Analyst II – General	Retired Annuitant	Limited Term	Intermittent	1
Staff Services Manager I (Specialist)	Retired Annuitant	Limited Term	Intermittent	1
Senior Law Enforcement Consultant	Transfer	Permanent	Full Time	1
Staff Services Manager I	Transfer	Permanent	Full Time	1
Staff Services Manager III	Transfer	Permanent	Full Time	1

FINDING NO. 2 – Certification List Was Not Produced for SROA Clearance Before External Transfer Appointment

Summary: The POST did not produce a certification list to clear State Restriction of Appointment (SROA) candidates prior to making one external transfer appointment.

Criteria: SROA list clearance is required prior to making an appointment via external transfer, voluntary demotion, or training and development assignment to a different department. (SROA Manual, Attachment D).

Severity: Serious. A certification list must be ordered prior to transfer from a different department in order to ensure any potential SROA candidates are given priority to the job vacancy.

Cause: The POST states that they did not have processes and procedures in place for recording SROA clearance verification.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the POST submit to the CRU a written corrective action plan that the department will implement to ensure SROA candidates are given priority to a job vacancy prior to transfer from a different department. 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 POST did not prepare, complete, and/or retain four required probationary reports of performance.

Classification	Appointment Type	No. of Appointments	No. of Uncompleted Prob. Reports
Associate Governmental Program Analyst	Certification List	1	1
Law Enforcement Consultant II	Certification List	1	1
Staff Services Manager I	Transfer	1	1
Staff Services Manager III	Transfer	1	1
Total		4	4

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 POST states that they did not have effective tracking processes to follow up and enforce the completion of probationary evaluations.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the POST 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. 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 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.

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).)

FINDING NO. 4 – Equal Employment Opportunity Officer Does Not Report Directly to the Head of the Agency

Summary: The POST EEO Officer does not report directly to the head of the agency. Specifically, according to the organizational chart, the EEO Officer reports to the Assistant Executive Director. No separate, direct reporting relationship with the Executive Director of the POST has been established for EEO responsibilities.

- Criteria:** 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.)
- Severity:** Very Serious. The EEO Officer does not have direct access to the head of the organization, diminishing the significance of the EEO program.
- Cause:** The POST states that the EEO Officer's reporting relationship was not properly reflected on the organizational chart provided during the compliance review period.
- Action:** It is recommended that within 30 days of the Executive Officer's approval of these findings and recommendations, the POST must provide an updated organizational chart showing that the EEO Officer reports directly to the head of the organization.

FINDING NO. 5 – Disability Advisory Committee Is Not Active

- Summary:** The POST does not have an active DAC. In POST's previous compliance review report posted August 25, 2015, the SPB found that POST did not have an established DAC. Although the POST then established a DAC in October of 2015, a DAC meeting has not taken place since January of 2016.
- 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 POST states that the prior DAC became inactive due to high staff turnover.
- Action:** The POST must make immediate steps to ensure the reestablishment of the DAC, comprised of members who have disabilities or who have an interest in disability issues. The POST must submit to the CRU a written report of compliance, including the DAC roster, agenda, and meeting minutes, no later than 30 days from the date of the SPB Executive Officer's approval of these findings and recommendations.

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 period under review, April 1, 2017, through December 31, 2017, the POST had two PSC's that were in effect. The CRU reviewed both contracts, which are listed below:

Vendor	Services	Contract Dates	Contract Amount	Justification Identified?
Eaton Interpreting Services, Inc	American Sign Language for a Hearing Impaired Applicant	4/24/17 – 6/30/17	\$400	No
Mission Consulting, LLC.	Reorganization Study	5/1/17 – 4/30/18	\$97,500	No

FINDING NO. 6 – Justification Was Not Provided for Personal Services Contracts

Summary: The POST did not provide any written justifications for either of the PSC's executed during the compliance review period.

Criteria: Government Code section 19130 establishes standards for the use of PSC's including conditions that must be met in order for the PSC to be permissible. Whenever an agency executes a PSC under Government Code section 19130, subdivision (b), the department must document 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.

Severity: Serious. Specific and detailed written justifications must be submitted with each PSC in order to ensure that the conditions established in Government Code section 19130 are met, including services not being available within civil service.

Cause: The POST states that they lack training related to the proper processing of a PSC.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the POST 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 19131. Copies of any relevant documentation should be included with the plan.

FINDING NO. 7 – Unions Were Not Notified of Personal Services Contracts

Summary: The POST did not notify state employee unions prior to entering into PSC's.

Criteria: Per AB 906, effective January 1, 2014, all departments must notify unions of the contracted services before entering into a PSC. Additionally, Government Code section 19132 mandates that “the contract shall not be executed until the state agency proposing to execute the contract has notified all organizations that represent state employees who perform the type of work to be contracted.”

Severity: Serious. Unions must be notified of impending PSC's in order to ensure that current state employees who perform the type of work to be contracted are given priority.

Cause: The POST states that they lack training related to the proper processing of a PSC.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the POST 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 19132 and AB 906. Copies of any relevant documentation should be included with the plan.

Mandated Training

Each member, officer, or designated employee of a state agency who is required to file a statement of economic interest (referred to as “filers”) because of the position he or she holds with the agency is required to take an orientation course on the relevant ethics statutes and regulations that govern the official conduct of state officials. (Gov. Code, § 11146 & 11146.1.) State agencies are required to offer filers the orientation course on a semi-annual basis. (Gov. Code, § 11146.1.) New filers must be trained

within six months of appointment and at least once during each consecutive period of two calendar years, commencing on the first odd-numbered year thereafter. (Gov. Code, § 11146.3.)

Upon the initial appointment of any employee designated in a supervisory position, the employee shall be provided a minimum of 80 hours of training, as prescribed by the CalHR. (Gov. Code, § 19995.4, subd. (b).) The training addresses such topics as the role of the supervisor, techniques of supervision, performance standards, and sexual harassment and abusive conduct prevention. (Gov. Code, § 12950.1, subsd. (a), (b), & (c), & 19995.4, subd. (b).)

Additionally, the training must be successfully completed within the term of the employee's probationary period or within six months of the initial appointment, unless it is demonstrated that to do so creates additional costs or that the training cannot be completed during this time period due to limited availability of supervisory training courses. (Gov. Code, § 19995.4, subd. (c).) As to the sexual harassment and abusive-conduct prevention component, the training must thereafter be provided to supervisors once every two years. (Gov. Code, § 12950.1.)

Within 12 months of the initial appointment of an employee to a management or CEA position, the employee shall be provided leadership training and development, as prescribed by CalHR. (Gov. Code, §§ 19995.4, subsd. (d) & (e).) For management employees the training must be a minimum of 40 hours and for CEAs the training must be a minimum of 20 hours. (*Ibid.*) Thereafter, for both categories of appointment, the employee must be provided a minimum of 20 hours of leadership training on a biannual basis. (*Ibid.*)

The Board may conduct reviews of any appointing power's personnel practices to ensure compliance with civil service laws and Board regulations. (Gov. Code, § 18661, subd. (a).) In particular, the Board may audit personnel practices related to such matters as selection and examination procedures, appointments, promotions, the management of probationary periods, and any other area related to the operation of the merit principle in state civil service. (*Ibid.*) Accordingly, the CRU reviews documents and records related to training that appointing powers are required by the afore-cited laws to provide its employees.

The CRU reviewed the POST's mandated training program that was in effect during the compliance review period. The POST's ethics training and sexual harassment

prevention training were found to be in compliance. However, the POST's basic supervisory training was found to be out of compliance.

FINDING NO. 8 – Supervisory Training Was Not Provided for All Supervisors

Summary: The POST did not provide basic supervisory training to two of 10 new supervisors within twelve months of appointment. Although the two supervisors completed Part 1, they did not complete Part 2 of the supervisory training.

Criteria: Each department must provide its new supervisors a minimum of 80 hours of supervisory training within the probationary period. Upon completion of the initial training, supervisory employees shall receive a minimum 20 hours of leadership training biannually. (Gov. Code, § 19995.4, subd. (b) and (c).)

Upon initial appointment of an employee to a managerial position, each employee must receive 40 hours of leadership training within 12 months of appointment. Thereafter, the employee shall receive a minimum of 20 hours of leadership training biannually. (Gov. Code, § 19995.4, subd. (d).)

Upon initial appointment of an employee to a CEA position, each employee must receive 20 hours of leadership training within 12 months of appointment. Thereafter, the employee shall receive a minimum of 20 hours of leadership training biannually. (Gov. Code, § 19995.4, subd. (e).)

Severity: Very Serious. The department does not ensure its leaders are properly trained. Without proper training, leaders may not properly carry out their leadership roles, including managing employees.

Cause: The POST states that they did not have effective tracking processes to follow up and enforce the completion of supervisory training.

Action: The POST must take appropriate steps to ensure that new supervisors are provided supervisory training within the twelve months. It is therefore recommended that no later than 60 days

after the SPB’s Executive Officer’s approval of these findings and recommendations, the POST must establish a plan to ensure compliance with supervisory training mandates and submit to the SPB a written report of compliance.

Compensation and Pay

Salary Determination

The pay plan for state civil service consists of salary ranges and steps established by CalHR (Cal. Code Reg., tit. 2, § 599.666). Several salary rules dictate how departments calculate and determine an employee’s salary rate⁷ upon appointment depending on the appointment type, and the employee’s state employment pay history and tenure.

During the period under review, April 1, 2017, through December 31, 2017, the POST made 23 appointments. The CRU reviewed 16 of those appointments to determine if the POST applied salary regulations accurately and correctly processed employees’ compensation transactions. These appointments are listed below:

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Assistant Information Systems Analyst	Certification List	Permanent	Full Time	\$3,350
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	\$4,600
Associate Governmental Program Analyst	Certification List	Permanent	Full Time	\$4,784
Law Enforcement Consultant I	Certification List	Permanent	Full Time	\$5,954
Law Enforcement Consultant II	Certification List	Permanent	Full Time	\$8,528
Law Enforcement Consultant II	Certification List	Permanent	Full Time	\$7,848
Senior Law Enforcement Consultant	Certification List	Permanent	Full Time	\$9,640

⁷ “Rate” is any one of the salary rates in the resolution by CalHR which establishes the salary ranges and steps of the Pay Plan (CA CCR Section 599.666).

Classification	Appointment Type	Tenure	Time Base	Salary (Monthly Rate)
Senior Law Enforcement Consultant	Certification List	Permanent	Full Time	\$9,640
Staff Services Analyst (General)	Certification List	Permanent	Full Time	\$3,067
Staff Services Analyst (General)	Certification List	Permanent	Full Time	\$4,304
Staff Services Manager I	Certification List	Permanent	Full Time	\$6,287
Associate Governmental Program Analyst	Mandatory Reinstatement	Permanent	Full Time	\$5,758
Law Enforcement Consultant II	Mandatory Reinstatement	Permanent	Full Time	\$9,181
Senior Law Enforcement Consultant	Transfer	Permanent	Full Time	\$9,640
Staff Services Manager I	Transfer	Permanent	Full Time	\$6,031
Staff Services Manager III	Transfer	Permanent	Full Time	\$8,289

The CRU found no deficiencies in 15 out of 16 salary determinations that the POST made during the compliance review period. The POST appropriately calculated and processed the salaries for each appointment and correctly determined employees' anniversary dates ensuring that subsequent merit salary adjustments will satisfy civil service laws, board rules and CalHR policies and guidelines.

However, the POST incorrectly applied compensation laws, rules and/or CalHR policies and guidelines for one salary determination reviewed.

FINDING NO. 9 – Incorrect Application of Salary Determination Laws, Board Rules, and/or CalHR Policies and Guidelines

Summary: The CRU found the following error in the POST's salary determination of employee compensation:

Classification	Description of Finding(s)	Criteria
Law Enforcement Consultant II	On December 1, 2017, the employee was appointed via certification list to a Law Enforcement Consultant (LEC) II. The employee had previously been a LEC I, and at a range differential of 24.1% under rule 599.676 was entitled to a one-step salary increase. Due to the new calculated salary not being within the salary range of the LEC II classification, the employee was entitled to the minimum salary range via rule 599.673. The employee received a salary at the rate of \$8,528 by the department. The employee should have received a salary at the rate of \$8,083 which is the minimum salary range of the LEC II classification.	599.676 and 599.673

Severity: Very Serious. The POST's calculation of the employee's salary failed to comply with the state civil service pay plan by incorrectly applying compensation laws and rules in accordance with CalHR's policies and guidelines and resulted in the civil service employee receiving overpayment.

Cause: The POST states that the incorrect calculation of compensation was an inadvertent oversight.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the POST submit to the CRU a written corrective action plan that address the corrections the department will implement to ensure conformity with California Code of Regulations, title 2, section 599.676 and 599.673. The POST has already corrected the transaction.

Out-of-Class Assignments and Pay

For excluded⁸ and most rank and file employees, out of class work is defined as performing, more than 50 percent of the time, the full range of duties and responsibilities allocated to an existing class and not allocated to the class in which the person has a current, legal appointment (CA Code of Regulations § 599.810).

⁸ "Excluded employee" means an employee as defined in section 3572(b) of the Government Code (Ralph C. Dills Act) except those excluded employees who are designated managerial pursuant to section 18801.1 of the Government Code.

According to CalHR’s Classification and Pay Guide, out-of-class (OOC) assignments should only be used as a last resort to accommodate temporary staffing needs. All civil service alternatives should be explored first before using OOC assignments. However, certain MOU provisions and DPA Rule 599.810 allow for short-term OOC assignments to meet temporary staffing needs. Should OOC work become necessary, the assignment would be made pursuant to the applicable MOU provision or DPA regulation. Before assigning the OOC work, the department should have a plan to correct the situation before the 120-day time period expires (Section 375).

During the period under review, January 1, 2017, through September 30, 2017, the POST issued out-of-class pay⁹ to six employees. The CRU reviewed all OOC assignments to ensure compliance with applicable CalHR policies and guidelines, which are listed below:

Classification	Bargaining Unit	Out-of-Class Classification	Time Frame
Law Enforcement Consultant II	M07	Senior Law Enforcement Consultant	6/12/17 – 8/14/17
Law Enforcement Consultant II	M07	Senior Law Enforcement Consultant	6/12/17 – 7/2/17
Research Specialist III – Various Studies	U10/S01	Senior Law Enforcement Consultant	2/1/17 – 5/31/17
Senior Information Systems Analyst (Supervisor)	S01	Senior Law Enforcement Consultant	2/1/17 – 5/31/17
Staff Services Manager I	S01	Staff Services Manager II (Supervisory)	2/1/17 – 6/30/17
Systems Software Specialist II (Supervisory)	S01	Data Processing Manager III	3/2/17 – 6/29/17

⁹ Excluding bilingual and arduous pay.

FINDING NO. 10 – Out of Class Pay Authorizations Complied with Civil Service Laws, Board Rules, and CalHR Policies and Guidelines

The CRU found no deficiencies in the six OOC pay assignments that the POST authorized during the compliance review period. The OOC pay was issued appropriately to employees performing, more than 50 percent of the time, the full range of duties and responsibilities allocated to an existing class and not allocated to the class in which the person has a current, legal appointment.

Leave

Administrative Time Off

Administrative Time Off (ATO) is a form of paid administrative leave status initiated by appointing authorities for a variety of reasons. ATO is used when an employee cannot come to work because of a pending investigation, fitness for duty evaluation, or when work facilities are unavailable. Additionally, ATO may be granted when employees need time off for any of the following: donating blood, extreme weather that makes getting to work impossible, and/or, when employees need time off to attend special events. Any ATO requests lasting over 30 days must be submitted and approved by CalHR. Approval will generally be given in 30 calendar day increments and any extension must be approved prior to the expiration of the 30 calendar days. Departments must properly document and track ATO for any length of time (PML, "Administrative Time Off – Policy, Procedure and Documentation Requirements", 2012-008).

Employees may also be granted a paid leave of absence of up to five days by their appointing power when the employee works or resides in a county where a state of emergency has been proclaimed by the Governor (§ 599.785.5. ATO - During State of Emergency).

During the period under review, October 1, 2016, through September 30, 2017, the POST placed seven employees on ATO. The CRU reviewed all employees placed on ATO to ensure the department complied with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

Classification	Time Frame	No. of Days/Hours on ATO
Associate Governmental Program Analyst	2/13/17 – 2/17/17	40 Hours

Classification	Time Frame	No. of Days/Hours on ATO
Associate Governmental Program Analyst	11/7/16 – 11/10/16	40 Hours
CEA	8/28/17 – 8/31/17	32 Hours
CEA	9/1/17 – 9/15/17	80 Hours
Office Technician (Typing)	12/12/16	4 Hours
Senior Accounting Officer (Specialist)	2/4/17 – 2/15/17	12 Hours
Senior Programmer Analyst (Specialist)	2/13/17 – 2/14/17	16 Hours

FINDING NO. 11 – Administrative Time Off Authorizations Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CRU found no deficiencies in the seven employees placed on ATO during the compliance review period. The POST provided the proper documentation justifying the use of ATO and adhered to applicable laws, regulations and CalHR policy and guidelines.

Leave Auditing and Timekeeping

Departments must keep complete and accurate time and attendance records for each employee and officer employed within the agency over which it has jurisdiction (Cal. Code Reg., tit. 2, § 599.665).

Additionally, in accordance with CalHR Online Manual Section 2101, departments must create a monthly internal audit process to verify all leave input into any leave accounting system is keyed accurately and timely. If an employee’s attendance record is determined to have errors or it is determined that the employee has insufficient balances for a leave type used, the attendance record must be amended. Attendance records shall be corrected by the pay period following the pay period in which the error occurred. Accurate and timely attendance reporting is required of all departments and is subject to audit.

During the period under review, July 31, 2017, through September 30, 2017, the POST reported nine units comprised of 112 active employees during the July 2017 pay period,

the POST reported nine units comprised of 111 active employees during the August 2017 pay period, and nine units comprised of 111 active employees during the September 2017 pay period. The pay periods and timesheets reviewed by the CRU are summarized as follows:

Timesheet Leave Period	Unit Reviewed	Number of Employees	Number of Timesheets Reviewed	Number of Missing Timesheets
July 2017	001	9	9	0
July 2017	007	11	11	0
July 2017	010	23	23	0
July 2017	016	7	7	0
July 2017	022	16	16	0
July 2017	025	9	9	0
July 2017	028	11	11	0
July 2017	032	8	8	0
July 2017	034	18	18	0
August 2017	001	9	9	0
August 2017	007	11	11	0
August 2017	010	22	22	0
August 2017	016	7	7	0
August 2017	022	16	16	0
August 2017	025	8	8	0
August 2017	028	12	12	0
August 2017	032	8	8	0
August 2017	034	18	18	0
September 2017	001	9	9	0
September 2017	007	11	11	0
September 2017	010	23	23	0
September 2017	016	6	6	0
September 2017	022	16	16	0
September 2017	025	8	8	0
September 2017	028	12	12	0
September 2017	032	8	8	0
September 2017	034	18	18	0

FINDING NO. 12 – Leave Auditing and Timekeeping Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CRU reviewed employee leave records from three different leave periods to ensure compliance with applicable laws, regulations and CalHR policy and guidelines. Based on our review, the CRU found no deficiencies. The POST kept complete and accurate time and attendance records for each employee and officer employed within the department and utilized a monthly internal audit process to verify all leave input into any leave accounting system was keyed accurately and timely.

Leave Reduction Efforts

Departments must comply with the regulations and CalHR policies that require a leave plan for every employee with vacation or annual leave hours over the maximum amount permitted (Cal. Code Regs., tit. 2, § 599.742.1 and applicable Bargaining Unit Agreements). Bargaining Unit Agreements and California Code of Regulations prescribe the maximum amount of vacation or annual leave permitted. For instance, according to California Code of Regulations, title 2, section 599.737, if a represented employee does not use all of the vacation to which he or she is entitled in a calendar year, “the employee may accumulate the unused portion, provided that on January 1st of a calendar year, the employee shall not have more than” the established limit as stipulated by the applicable bargaining unit agreement¹⁰. Likewise, if an excluded employee does not use all of the vacation to which he or she is entitled in a calendar year, the “employee may accumulate the unused portion of vacation credit, provided that on January 1st of a calendar year, the excluded employee shall not have more than 80 vacation days” (Cal. Code Regs., tit. 2, § 599.738).

In accordance with CalHR Online Manual Section 2124, departments must create a leave reduction policy for their organization and monitor employees’ leave to ensure compliance with the departmental leave policy; and ensure employees who have significant “over-the-cap” leave balances have a leave reduction plan in place.

As of December 2017, eight POST employees exceeded the established limits of vacation or annual leave. The CRU reviewed all of those employees’ leave reduction plans to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which are listed below:

¹⁰ For represented employees, the established limit for annual or vacation leave accruals is 640 hours, however for bargaining units 06 there is no established limit and bargaining unit 5 the established limit is 816 hours.

Classification	Collective Bargaining Identifier	Total Hours Over Established Limit	Leave Reduction Plan Provided
Research Specialist III	S10	296	No
Business Service Assistant (Specialist)	R01	99	No
Staff Services Manager III	M01	69	No
Law Enforcement Consultant II	E59	192	No
Law Enforcement Consultant II	E59	387	No
Law Enforcement Consultant II	E59	78.50	No
Senior Law Enforcement	M07	166	No
Data Processing Manager III	M01	164	No
Total Hours		1451.50	

FINDING NO. 13 – Leave Reduction Plans Were Not Provided to All Employees Whose Leave Balances Exceeded Established Limits

Summary: The POST did not provide leave reduction plans for the eight employees reviewed whose leave balances significantly exceeded established limits.

Criteria: It is the intent of the state to allow employees to utilize credited vacation or annual leave each year for relaxation and recreation. (Cal. Code Regs., tit. 2, § 599.742.1), ensuring employees maintain the capacity to optimally perform their jobs. The employee shall also be notified by July 1 that if the employee fails to take off the required number of hours by January 1, unless exempted, the appointing power shall require the employee to take off the excess hours over the maximum permitted by the applicable regulation at the convenience of the agency during the following calendar year. (Cal. Code Regs., tit. 2, § 599.742.)

According to CalHR Online Manual Section 2124, “It is the policy of the state to foster and maintain a workforce that has the capacity to effectively produce quality services expected by both internal customers and the citizens of California. Therefore, appointing authorities and state managers and supervisors must create a leave reduction policy for the organization and monitor employees’ leave to ensure compliance with the departmental leave policy;

and; ensure employees who have significant 'over-the-cap' leave balances have a leave reduction plan in place and are actively reducing hours".

Severity: Non-serious or Technical. California state employees have accumulated significant leave hours creating an unfunded liability for departmental budgets. The value of this liability increases with each passing promotion and salary increase. Accordingly, leave balances exceeding established limits need to be addressed immediately.

Cause: The POST states that the lack of effective tracking processes led to not providing leave reduction plans to employees whose leave balances significantly exceeded established limits.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the POST submit to the CRU a written corrective action plan that addresses the corrections the department will implement to ensure conformity with California Code of Regulations, title 2, section 599.742 and CalHR Online Manual Section 2124. Copies of any relevant documentation should be included with the plan.

State Service

An employee who has 11 or more working days of service in a monthly pay period shall be considered to have a complete month, a month of service, or continuous service¹¹ (Cal. Code Regs., tit. 2, § 599.608).

Hourly or daily rate employees working at a department in which the full-time workweek is 40 hours who earn the equivalent of 160 hours of service in a monthly pay period or accumulated pay periods shall be considered to have a complete month, a month of service, or continuous service (Cal. Code Regs., tit. 2, § 599.609).

For each additional qualifying monthly pay period as defined in section 599.608, the employee shall be allowed credit for vacation with pay on the first day of the following

¹¹ Except as provided in sections 599.609 and 599.776.1(b) of these regulations, in the application of Government Code sections 19143, 19849.9, 19856.1, 19858.1, 19859, 19861, 19863.1, 19997.4 and sections 599.682, 599.683, 599.685, 599.687, 599.737, 599.738, 599.739, 599.740, 599.746, 599.747, 599.787, 599.791, 599.840 and 599.843 of these regulations.

monthly pay period. When computing months of total state service to determine a change in the monthly credit for vacation with pay, only qualifying monthly pay periods of service before and after breaks in service shall be counted. Portions of non-qualifying monthly pay periods of service shall not be counted nor accumulated (Cal. Code Regs., tit. 2, § 599.739). On the first day following a qualifying monthly pay period, excluded employees¹² shall be allowed credit for annual leave with pay (Cal. Code Regs., tit. 2, § 599.752).

Permanent Intermittent employees earn vacation according to the preceding schedule for each increment of 160 hours worked. Hours worked in excess of 160 hours in a monthly pay period are not counted or accumulated.

During the period under review, January 1, 2017, through September 30, 2017, the POST processed one 715 transaction¹³. The CRU reviewed the 715 transaction to ensure compliance with applicable laws, regulations and CalHR policy and guidelines, which is listed below:

Type of 715 Transaction	Time base	Number Reviewed
Qualifying Pay Period	Full Time	1

FINDING NO. 14 – 715 Transactions Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

The CRU determined that the POST ensured the employees with non-qualifying pay periods did not receive vacation/sick leave, annual leave, and/or state service accruals. The CRU found no deficiencies in this area.

Policy and Processes

Nepotism

It is the policy of the State of California to recruit, hire and assign all employees on the basis of merit and fitness in accordance with civil service statutes, rules and regulations. Nepotism is expressly prohibited in the state workplace because it is antithetical to

¹² As identified in Government Code sections 19858.3(a), 19858.3(b), or 19858.3(c) as it applies to employees excluded from the definition of state employee under section Government Code 3513(c), and appointees of the Governor as designated by the Department and not subject to section 599.752.1.

¹³ 715 transaction code is used for: temporary leaves of 30 calendar days or less (per SPB Rule 361) resulting in a non-qualifying pay period; used for qualifying a pay period while on NDI; used for qualifying a pay period while employee is on dock and furlough.

California's merit based civil service. Nepotism is defined as the practice of an employee using his or her influence or power to aid or hinder another in the employment setting because of a personal relationship. Personal relationships for this purpose include but are not limited to, association by blood, adoption, marriage and/or cohabitation. In addition, there may be personal relationships beyond this general definition that could be subject to these policies. Overall, departmental nepotism policies should aim to prevent favoritism or bias based on a personal relationship when recruiting, hiring or assigning employees. Departments have the discretion, based on organizational structure and size, to develop nepotism policies as they see fit (CalHR Online Manual Section 1204).

FINDING NO. 15 – Nepotism Policy Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

After reviewing the POST's nepotism policy in effect during the compliance review period, the CRU verified that the policy was disseminated to all staff and emphasized the POST's commitment to the state policy of recruiting, hiring and assigning employees on the basis of merit. Additionally, the POST's nepotism policy was comprised of specific and sufficient components intended to prevent favoritism, or bias, based on a personal relationship from unduly influencing employment decisions as outlined in CalHR's Online Manual Section 1204.

Workers' Compensation

Pursuant to California Code of Regulations, title 8, section 9880, employers shall provide to every new employee at the time of hire or by the end of the first pay period, written notice concerning the rights, benefits, and obligations under workers' compensation law. This notice shall also contain a form that the employee can use to pre-designate their personal physician or medical group as defined by Labor Code section 4600. Additionally, employers shall also provide a claim form and notice of potential eligibility to their employee within one working day of notice or knowledge that the employee has suffered a work related injury or illness (Labor Code, § 5401).

According to Labor Code section 3363.5, public employers may choose to extend workers' compensation coverage to volunteers that perform services for the organization. Workers' compensation coverage is not mandatory for volunteers as it is for employees. This is specific to the legally uninsured state departments participating in the Master Agreement. Departments with an insurance policy for workers' compensation coverage should contact their State Compensation Insurance Fund (SCIF) office to discuss the status of volunteers (PML, "Workers' Compensation

Coverage for Volunteers,” 2015-009). Those departments that have volunteers should have notified or updated their existing notification to the SCIF by April 1, 2015, whether or not they have decided to extend workers’ compensation coverage to volunteers. In this case, the POST did not employ volunteers during the compliance review period.

FINDING NO. 16 – Workers’ Compensation Process Complied with Civil Service Laws, Board Rules, and/or CalHR Policies and Guidelines

After reviewing the POST’s workers’ compensation process that was in effect during the compliance review period, the CRU verified that the POST provides notice to their employees to inform them of their rights and responsibilities under CA workers’ compensation law. Furthermore, the CRU verified that when the POST received workers’ compensation claims, the POST properly provided claim forms within one working day of notice or knowledge of injury.

Performance Appraisals

According to Government Code section 19992.2, departments must “prepare performance reports.” Furthermore, California Code of Regulations, title 2, section 599.798, directs supervisors to conduct written performance appraisals and discuss overall work performance with permanent employees at least once in each twelve calendar months after the completion of the employee’s probationary period.

The CRU selected 40 permanent POST employees to ensure that the department was conducting performance appraisals on an annual basis in accordance with applicable laws, regulations and CalHR policy and guidelines.

FINDING NO. 17 – Performance Appraisals Were Not Provided to All Employees

Summary: The POST did not provide performance appraisals to 33 of 40 employees reviewed at least once in each twelve calendar months after the completion of the employee’s probationary period.

Classification	Date Performance Appraisal(s) Due
Accountant I (Specialist)	2017
Associate Governmental Program Analyst	2017
Associate Governmental Program Analyst	2017

Classification	Date Performance Appraisal(s) Due
Business Services Assistant (Specialist)	2017
Business Services Officer II	2017
Data Processing Manager III	2017
Director, Television Communications Center (Specialist)	2017
Information Systems Technician	2017
Law Enforcement Consultant II	2017
Law Enforcement Consultant II	2017
Law Enforcement Consultant II	2017
Law Enforcement Consultant II	2017
Law Enforcement Consultant II	2017
Office Technician (Typing)	2017
Office Technician (Typing)	2017
Personnel Selection Consultant I	2017
Personnel Selection Consultant II	2017
Program Technician III	2017
Program Technician III	2017
Program Technician III	2017
Program Technician III	2017
Senior Accounting Officer (Specialist)	2017
Senior Information Systems Analyst (Supervisory)	2017
Senior Information Systems Analyst (Supervisory)	2017
Senior Law Enforcement Consultant	2017
Senior Librarian	2017
Senior Programmer Analyst (Specialist)	2017
Staff Information Systems Analyst (Specialist)	2017
Staff Programmer Analyst (Specialist)	2017
Staff Programmer Analyst (Specialist)	2017
Staff Services Analyst (General)	2017
Staff Services Analyst (General)	2017
Systems Software Specialist II (Supervisory)	2017

Criteria: Departments are required to “prepare performance reports and keep them on file as prescribed by department rule” (Gov. Code §19992.2). Furthermore, California Code of Regulations, title 2, section 599.798, directs supervisors to conduct written performance

appraisals and discuss overall work performance with permanent employees at least once in each twelve calendar months after the completion of the employee's probationary period.

Severity: Serious. The department does not ensure that all employees are apprised of work performance issues and/or goals in a fair and systematic manner.

Cause: The POST states that the performance appraisals were not provided to all employees due to deficiency in process, tracking system, and workload issues.

Action: It is recommended that within 60 days of the Executive Officer's approval of these findings and recommendations, the POST submit to the CRU a written corrective action plan that addresses the corrections the department will implement to ensure conformity with Government Code section 19992.2 and California Code of Regulations, title 2, section 599.798. Copies of any relevant documentation should be included with the plan.

DEPARTMENTAL RESPONSE

The POST's departmental response is attached as Attachment 1.

SPB REPLY

Based upon the POST's written response, the POST will comply with the CRU recommendations and findings and provide the CRU with an action plan.

It is further recommended that the POST 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.

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

August 8, 2018

Mr. Alton Ford
Compliance Review Manager
Policy and Compliance Review Division
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814

Dear Mr. Ford:

The Commission on Peace Officer Standards and Training (POST) is submitting our Corrective Action Plan for each of the findings from the State Personnel Board's Compliance Review Report dated July 13, 2018. The review period covered January 1, 2017 through December 31, 2017.

POST takes compliance issues seriously and is committed to adhering to the rules and regulations of the State of California. The following details the Corrective Action Plan for the eleven findings identified in the compliance review:

FINDING NO.1 – Equal Employment Opportunity (EEO) Questionnaires Were Not Separated From Applications

RESPONSE

POST understands the importance of ensuring confidentiality of employee's EEO information. Although the EEO questionnaires were not separated from the STD 678 employment application, the applicants' protected classes were not visible to any staff outside of Human Resources (HR). POST HR has implemented a process to ensure all EEO information is separated from the STD 678.

FINDING NO.2 – Certification List Was Not Produced for State Restrictions of Appointment (SROA) Clearance Before External Transfer Appointment

RESPONSE

POST HR did not order a certification list for the Staff Services Manager III (SSM III) recruitment; however, at the time of recruitment it was confirmed there were no SROA candidates on the SSM III list. Unfortunately, POST HR did not document this for the recruitment file. POST HR understands the importance of ensuring employees designated as SROA are given an opportunity to retain State employment. From this point forward, POST HR will order a certification list for each recruitment, to ensure there are no SROA candidates on the employment list and will retain this certification list with the recruitment file.

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

RESPONSE

POST HR makes a good faith effort to inform supervisors and managers regarding the requirements of completing probationary evaluations. Supervisors and managers are provided the forms and due dates of probationary evaluations of their employees.



EDMUND G. BROWN JR.
GOVERNOR

XAVIER BECERRA
ATTORNEY GENERAL

POST HR and executive management will continue to emphasize the importance of timely completion of probationary reports via email to the respective supervisor and/or manager.

FINDING NO.4 - Equal Employment Opportunity Officer Does Not Report Directly to the Head of the Agency

RESPONSE

The current POST current organizational chart reflects the EEO Officer reporting directly to the head of the agency. In addition, the EEO Officer's duty statement reflects this reporting structure.

FINDING NO.5 – Disability Advisory Committee (DAC) Is Not Active

RESPONSE

POST adheres to all EEO policies and procedures and acknowledges that the DAC was not active during the compliance review period. POST has drafted policy and recruited a team of six members to be part of the DAC, the first meeting is scheduled for August 27, 2018.

FINDING NO.6 – Justification Was Not Provided for Personal Services Contracts (PSC)

RESPONSE

POST understands the importance of ensuring there is a justification to support a PSC. The first PSC identified in the compliance review report was for a sign language interpreter. This was a reasonable accommodation requested by a candidate applying for a position at POST four days prior their interview. To accommodate the applicant's request, a PSC was completed in order to hire an interpreter.

The second PSC identified in the compliance report was for a Reorganization Study. POST contracted with Mission Consulting, LLC in June 2017 to conduct an Organizational Analysis aimed at identifying opportunities to improve its efficiency and effectiveness. The impetus for the project was the 2015 POST Strategic Plan, which recommended an evaluation of organizational systems, structures, and processes to ensure efficiency, effectiveness, and productivity in its efforts to deliver quality products, training, and to improve services to California law enforcement agencies. The project's Scope of Work was divided into two phases: the first focused on information gathering and the identification of POST's objectives, and the second focused on assessing how POST aligns its resources to best achieve those objectives.

POST understands the importance of ensuring there are adequate justifications for PSC. From this point forward, POST will ensure a properly documented justification is on file with the contract.

FINDING NO.7 – Unions Were Not Notified of Personal Services Contract

RESPONSE

POST understands the importance of ensuring state employee unions are notified prior to entering into a PSC. The prior contract manager was not aware of this requirement. The POST contract unit has implemented a process to ensure this requirement is met and on file with the contract.

FINDING NO.8 – Supervisory Training Was Not Provided for All Supervisors

RESPONSE

POST HR makes a good faith effort to inform supervisors and managers regarding the requirements of completing supervisory training. Supervisors and managers are provided the forms and due dates of

probationary evaluations of their employees. POST HR has implemented a process to ensure supervisors identify the date they will attend supervisory training during their onboarding.

FINDING NO.9 – Incorrect Application for Salary Determination Laws, Board Rules, and/or CalHR Policies and Guidelines

RESPONSE

POST HR calculated the appropriate based on salary rate for the employee's promotion to a Law Enforcement Consultant II position. Upon processing the A01 appointment into the State Controller's Office (SCO) system, POST HR inadvertently keyed the classification code (8528) as the salary instead of the minimum salary rate of \$8,083.00. POST HR has since corrected this issue and notified the employee of the overpayment. POST HR has implemented a process to ensure the appointment is reviewed prior to and after keying into the SCO system.

FINDING NO.13 – Leave Reduction Plans Were Not Provided to All Employees Whose Leave Balances Exceeded Established Limits.

RESPONSE

POST HR makes a good faith effort to inform POST management of the regulatory and contractual requirements regarding established leave balance limits. On several occasions, POST HR and executive management communicated the limitations and identified those staff that would need to establish a plan for reducing their leave. POST HR and executive management will continue to remind the management team to monitor their staff's leave balances and help them create a plan to reduce their leave.


FINDING NO.17 – Performance Appraisals Were Not Provided to All Employees

RESPONSE

POST HR makes a good faith effort to inform supervisors and managers regarding the requirements of completing annual performance appraisals. Supervisors and managers are provided the forms and due dates of performance appraisals of their employees. POST HR and executive management will continue to emphasize the importance of completing performance appraisals via email to the respective supervisor and/or manager.

Thank you for the opportunity to respond to your draft report. If you have any questions, please contact Sonya Baland, Staff Services Manager I, Human Resources, at (916) 227-3927, or by email at Sonya.Baland@post.ca.gov.

Sincerely,


MANUEL ALVAREZ, JR.
EXECUTIVE DIRECTOR